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PROCEEDINGS AND DEBATES OF THE 97th CONGRESS, SECOND SESSION

SENATE—*Monday, January 25, 1982*

The 25th day of January being the day prescribed by House Joint Resolution 377 for the meeting of the 2d session of the 97th Congress, the Senate assembled in its Chamber at the Capitol, at 12 o'clock meridian,

The PRESIDENT pro tempore. The Senate will please come to order. The Chaplain will offer the prayer.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Let us pray.

May we spend a few moments in silent prayer remembering the families of those who lost loved ones in the air crash just a week and a half ago.

(Moment of silence.)

Lord God, our Heavenly Father—*Worthy art Thou, to receive glory and honour and power for Thou hast created all things, and for Thy pleasure they are and were created.*—Revelation 4: 11.

Blessed be the name of God for ever and ever: for wisdom and might are His; and He changeth the times and seasons. He removeth kings and setteth up kings. He giveth wisdom unto the wise, and knowledge to them that know understanding.—Daniel 2: 20-21.

Gracious, forgiving God, adult pride forbids New Year's resolutions; they were for earlier, immature years. But as we enter a new year, we cannot escape the desire for change. Help us Lord to keep faith with our determination to be better and do better.

We thank Thee for Thy love, for Thy Son's sacrifice, and for amazing grace that forgives sin and failure, enabling us to face the future freed from guilt and unimpeded by past mistakes. Awaken, dear God, the best that is in each of us and make the influence of the Senate to the Nation and the world one of unity, integrity and justice.

We pray this in the name of Thy dear Son. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

ORDER FOR CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. BAKER. Mr. President, I ask unanimous consent that it now be in order for me to send to the desk three housekeeping resolutions, one relating to informing the President of the presence of a quorum, one relating to the informing of the House of Representatives of the presence of a quorum, and one relating to the establishment of a convening hour during the 2d session of the 97th Congress, and that none of these resolutions be subject to amendment.

The PRESIDENT pro tempore. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, there is no objection on this side.

The PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. BAKER. Mr. President, I send the resolutions to the desk, and prior to their submission, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 1 Leg.]

Baker	Leahy	Tower
Byrd, Robert C.	Mattingly	Wallop
Cochran	Moynihan	Warner
Goldwater	Randolph	
Helms	Thurmond	

The PRESIDING OFFICER (Mr. WARNER). A quorum is not present. The clerk will call the names of the absent Senators.

The legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names:

Abdnor	Bentsen	Bumpers
Baucus	Boschwitz	Burdick
Byrd, Harry F., Jr.	Inouye	Proxmire
Cohen	Jackson	Pryor
Danforth	Johnston	Quayle
Denton	Kasten	Riegle
Dole	Kennedy	Rudman
Domenici	Long	Sarbanes
Exon	Lugar	Schmitt
Ford	Matsunaga	Simpson
Glenn	McClure	Specter
Gorton	Melcher	Stafford
Hatch	Metzenbaum	Stennis
Hatfield	Nickles	Symms
Hayakawa	Nunn	Weicker
Heflin	Pell	
	Percy	

Mr. BAKER. I announce that the Senator from North Dakota (Mr. ANDREWS), the Senator from Colorado (Mr. ARMSTRONG), the Senator from Rhode Island (Mr. CHAFEE), the Senator from New York (Mr. D'AMATO), the Senator from Minnesota (Mr. DURENBERGER), the Senator from North Carolina (Mr. EAST), the Senator from Utah (Mr. GARN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Florida (Mrs. HAWKINS), the Senator from Pennsylvania (Mr. HEINZ), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Iowa (Mr. JEPSEN), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Nevada (Mr. LAXALT), the Senator from Maryland (Mr. MATHIAS), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Oregon (Mr. PACKWOOD), the Senator from South Dakota (Mr. PRESSLER), the Senator from Delaware (Mr. ROTH), and the Senator from Alaska (Mr. STEVENS), are necessarily absent.

Mr. ROBERT C. BYRD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. BRADLEY), the Senator from Nevada (Mr. CANNON), the Senator from Florida (Mr. CHILES), the Senator from California (Mr. CRANSTON), the Senator from Arizona (Mr. DECONCINI), the Senator from Illinois (Mr. DIXON), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Michigan (Mr. LEVIN), the Senator from Maine (Mr. MITCHELL), the Senator from

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Tennessee (Mr. SASSER), the Senator from Massachusetts (Mr. TSONGAS), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Nebraska (Mr. ZORINSKY) are necessarily absent.

I further announce that the Senator from Oklahoma (Mr. BOREN) is absent because of death in family.

The PRESIDING OFFICER. A quorum having been established, the Chair recognizes the majority leader.

NOTIFICATION TO THE PRESIDENT

Mr. BAKER. Mr. President, there are resolutions at the desk that I ask the Chair now to lay before the Senate.

The PRESIDING OFFICER. The clerk will read the first resolution.

The resolution (S. Res. 280) was read, considered by unanimous consent, and agreed to, as follows:

S. RES. 280

Resolved, That a committee consisting of two Senators be appointed by the Vice President to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

The PRESIDING OFFICER. Pursuant to the resolution just agreed to, the Chair appoints the majority leader and the minority leader to join such committee as may be appointed by the House of Representatives to inform the President of the United States that a quorum of the Senate is assembled.

NOTIFICATION TO THE HOUSE

The PRESIDING OFFICER. The Clerk will now read the second resolution.

The resolution (S. Res. 281) was read, considered by unanimous consent, and agreed to, as follows:

S. RES. 281

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

HOUR OF DAILY MEETING

The PRESIDING OFFICER. The clerk will now read the third resolution.

The resolution (S. Res. 282) was read, considered by unanimous consent, and agreed to, as follows:

S. RES. 282

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

REPORT OF COMMITTEE APPOINTED TO NOTIFY THE PRESIDENT

Mr. BAKER. Mr. President, in accordance with the order of the Senate, the distinguished minority leader and I have acted as a committee to inform the President of the United States that a quorum has assembled in the Senate, that we are ready to do business, and to hear any message which he wished to convey to the Senate.

He conveyed the message that he would be reporting to a joint session of Congress tomorrow evening on the state of the Union.

HOUR OF CONVENING ON TUESDAY, THURSDAY, AND MONDAY—JOINT SESSION TUESDAY—JOINT MEETING THURSDAY

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 8:15 p.m. on Tuesday, January 26, 1982; and that, at the hour of 8:40 p.m. on that day, the Senate proceed as a body to the Chamber of the House of Representatives for the purpose of hearing the state of the Union address by the President of the United States; and that upon conclusion of that address the Senate stand in recess until the hour of 10 a.m. on Thursday, January 28.

I further ask unanimous consent that at the hour of 10:40 a.m., on Thursday, the Senate proceed as a body to the Chamber of the House of Representatives for the purpose of attending a joint meeting in commemoration of the 100th anniversary of the birth of President Franklin Delano Roosevelt, and that at that time the Senate stand in recess over until the hour of 12 noon on Monday, February 1, 1982.

The PRESIDING OFFICER. Is there objection?

Mr. HEFLIN. Mr. President, let me inquire. Will there be any time for morning business after today? Some of us have sort of come back from home with a few things on our mind, having conferred with the people. We would like to have a little morning business involved somewhere in this, but we are not prepared today. As I see it, we are going to come together on Tuesday night and then not until Thursday. Is it possible to do a little arranging before long to have a period, a short period, for morning business?

Mr. BAKER. Mr. President, I would say to the distinguished Senator from Alabama that there will be a period for the transaction of routine morning business today. It is not my intention to ask unanimous consent that there be a period for the transaction of routine morning business on other days this week. It is the tradition of the Senate that no business is transacted by the Senate other than the introduction of bills, resolutions, memorials, petitions, and the making of statements prior to the President's state of the Union address. The morning business time provided for today will, of course, accommodate those purposes.

Mr. HEFLIN. If the Senator will yield, if we are prepared. Some of us have been without secretarial help and we would like to have a little preparation time prior to our statements. Sometimes our extemporaneous statements come back to haunt us. Therefore, it is wise, sometimes, to give a little careful thought to some of the remarks we might make.

Mr. BAKER. Mr. President, I must say the Senator from Alabama came back with a laudable but uncharacteristic modesty in that respect. [Laughter.]

I have never known him to feel regret or remorse at anything he has ever uttered, either in a prepared statement or in an extemporaneous one. If the Senator from Alabama wants to provide for a time for the transaction of routine morning business on Thursday, after the time of convening of the session for the commemoration of the Roosevelt birthday, I would be prepared to consult with him on it. At this time, Mr. President, I would not wish to change my request.

Mr. HEFLIN. What is the chance if I withdraw my opposition?

Mr. BAKER. I would hope that the Senator from Alabama would now withdraw his objection, if indeed he has made an objection.

Mr. HEFLIN. I just wondered whether or not it could be worked out, whether or not it is possible to have it on Wednesday.

Mr. BAKER. Mr. President, I would hope that the Senator would not object to this request. The general design of this schedule, as I am sure the Senator can see, is to have any routine business this week and to do nothing of a significant nature before we proceed to the business of next week. However, I am perfectly prepared to provide for time, generous time, for the transaction of routine morning business on Thursday.

Mr. HEFLIN. While I have questions about my own personal situation, I will yield and give into the wisdom of the majority leader, which prevails like Ivory soap, about 99.44 percent of the time. I yield to him and withdraw any objection I might make.

Mr. BAKER. I thank the Senator.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The majority leader is recognized.

Mr. BAKER. Mr. President, now that the request is granted, I must say to the Senator from Alabama that

after hearing the eloquence of his concern, I am tempted to make the first order of business in this session the quota system so that he may not return to his own State of Alabama more often than necessary. Otherwise, this sort of inspiration may be the rule rather than the exception.

RECORD OPEN UNTIL 3 P.M., TODAY

Mr. BAKER. Mr. President, I now ask unanimous consent for two things: First, that Members may have until 3 o'clock this afternoon to submit statements or introduce bills, petitions, memorials, or joint resolutions to be included in the RECORD or to be received for the RECORD.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER DESIGNATING PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON THURSDAY AND FOR RECORD TO REMAIN OPEN UNTIL 5 P.M.

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate convenes on Thursday at 10 a.m., there be a brief period for the transaction of routine morning business to extend not past the hour of 10:40 a.m. and in which Senators may speak for not more than 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Will the distinguished majority leader yield?

Mr. BAKER. I yield.

Mr. ROBERT C. BYRD. Will the distinguished majority leader also provide that Senators may have until 3, 4, or 5 o'clock on Thursday in which to insert statements into the RECORD?

Mr. BAKER. Yes; I ask unanimous consent that Senators may have until 5 p.m. on Thursday in which to introduce statements, bills, resolutions, or memorials.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAKER. I thank the Chair and I thank the Senator from Alabama.

SENATE AGENDA

Mr. BAKER. Mr. President, if I could have the attention of Senators, I would like to outline the schedule of the Senate as I see it in the next few days and next few weeks.

The PRESIDING OFFICER. The Senate will please be in order.

The majority leader is recognized.

Mr. BAKER. Mr. President, first of all, may I say that as a continuation of our policy of last session, it will be the intention of the leadership to target for a 6 o'clock recess or adjournment time, except on Thursdays, and if a late session of the Senate is necessary, Thursday will be chosen as the night when Members should be on notice of that possibility. Every effort will be made, absent extraordinary circumstances, to convene the Senate at a reasonable hour and to complete our business by 6 or 6:30 p.m. on days other than Thursdays. Thursdays may, indeed, be late days.

CONSIDERATION OF RESOLUTION RELATING TO SENATOR WILLIAMS

Mr. President, on Tuesday, February 2, at 2 p.m., it is the intention of the leadership to ask the Senate to turn to the consideration of Senate Resolution 204, the resolution of the Ethics Committee in respect to Senator HARRISON A. WILLIAMS, JR., of New Jersey.

Following that, assuming that the Senate agrees to proceed to the consideration of that item at that time, it would be the intention of the leadership to follow generally the Mansfield pattern, which was adopted during the consideration of another disciplinary case. Briefly put, that means that committees would not meet, other business would not be transacted, and the Senate would continue on this measure until it was completed. It would be the intention of the leadership to ask the Senate to convene at 10:30 a.m. on those days, or earlier—but 10:30 absent other circumstances which would dictate a different hour—which would give committees then, under the rule, until 12:30 p.m. in which to meet. Committees should be on notice that objection will be made by the leadership to requests to extend the time for the sitting of committees beyond the time allowed under the rule, which is to say 2 hours after the convening hour.

At 12:30, the Senate then would proceed to the consideration of the Williams resolution until the matter is disposed of. A live quorum would be the first order of business. Senators are urged to be present so that a quorum can be established as soon as possible. It would be the intention of the leadership to proceed with the Williams debate from such time after 12:30 as a quorum is established until about 6 p.m. on each day, with the exception of Thursday which, as I indicated earlier, would be perhaps a late day.

There are certain committees, Mr. President, which have the authority to meet notwithstanding the session of the Senate: The Appropriations Committee, the Budget Committee, and I believe the Intelligence Committee. I ask that the chairman and the ranking member of each of those committees consider favorably the request of the leadership that they not avail themselves of that option and opportunity during the time of debate on Senate Resolution 204.

(Later, the following occurred:)

Mr. BAKER. Mr. President, earlier, I misspoke myself when I said that the Appropriations Committee and the Budget Committee and the Intelligence Committee had standing authority to meet. I am told by the Parliamentarian that that is the Appropriations Committee, the Budget Committee, and the Ethics Committee. I correct my statement in that respect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I observe that the chairman of the Ethics Committee and the vice chairman of the Ethics Committee are present on the floor. I invite them to make such statements as they may wish at this time in respect of the management of that debate.

Mr. WALLOP. Mr. President, I thank the majority leader.

I find that the format which he has suggested is perfectly satisfactory, I think, to both the vice chairman and myself.

Mr. President, I genuinely urge Senators to be present on a matter so serious as that and to treat it with the dignity that is necessary. I do not think anybody is going to like it. I know nobody is going to like it. But it is the obligation of the Senate to look after itself and it can only be done by Senators who arrive with it in mind to fulfill that obligation.

I thank the majority leader. I assume that we shall take the details of who sits on the floor and other things during that moment.

Mr. BAKER. Mr. President, I thank the distinguished Senator. I observe the presence of the distinguished Senator from Hawaii. I yield to him now if he wishes to speak on this schedule of arrangements.

Mr. INOUYE. Mr. President, I thank the majority leader for the schedule. It meets all the necessary requirements.

Mr. BAKER. I thank the Senator.

Mr. President, I yield now to the vice chairman of the committee.

Mr. HEFLIN. Mr. President, I think the schedule is good and the statements of the chairman are good statements and the statement by the distinguished Senator from Hawaii is a good statement. I agree with them.

I understand that there will probably be an objection to a time limitation. This has been discussed generally, not from Senator WILLIAMS or from the Ethics Committee, but generally from statements. I think that we shall have to give some thought as to the handling of this. The Ethics Committee was unanimous in its report and, therefore, the normal partisan approach will not be present here. It could well be that if there is any management of time or management of this, it ought to be done on a fairness

basis with, perhaps, the distinguished Senator from Hawaii being in position. It could well be that some ground rules ought to be established in regard to this, since there could be some differences from the normal procedure. I suggest that the majority leader, the minority leader, the distinguished Senator from Hawaii, and the chairman of the Ethics Committee at least meet and anticipate, if possible, any procedural problems and try to come to some agreement in regard to those matters.

Mr. BAKER. Mr. President, I thank the Senator. I agree with his statement and I think his suggestion is well taken. I hope that the chairman and the vice chairman of the Ethics Committee might meet with Senator INOUYE and others and apprise the joint leadership, Senator ROBERT C. BYRD and me, of any recommendations he may make or may agree on with respect to physical arrangement of the Chamber and any other arrangements that may be dealt with prior to that debate.

OTHER ITEMS FOR EARLY CONSIDERATION

Mr. President, in addition to the Williams debate, it is the intention of the leadership early in the session, perhaps as soon as immediately after the Williams debate, although that is not certain at this point, to turn to the consideration of S. Res. 20, providing for television coverage of Senate proceedings. I understand that is a very controversial issue and some Senators wish to be notified of the exact time of that resolution. I shall make sure that the announcement is made well in advance so that no Senator may be taken by surprise. I shall make an effort to apprise those who wrote particular letters to me in this matter.

In addition to these two items, it is the intention of the leadership to ask the Senate to resume consideration of the State-Justice-Commerce appropriations bill at some point early in the session. That bill carries a prayer-in-public-schools amendment which has been offered by the distinguished Senator from North Carolina (Mr. HELMS), on which cloture occurred shortly before the session ended last year.

Mr. President, I expect that, in addition to that, an early item to be dealt with will be the proposal for the extension of the Voting Rights Act; the Department of Justice authorization bill, which will carry the Johnston amendment, on which there is an order for a vote, and other items that I hope we can turn to early in the session, but this list is not an exclusive list by any means; S. 1080, the regulatory reform bill; S. 391, the agent identities bill; a Clean Air Act extension or revision; and perhaps a debate on the abortion issue.

While the leadership asked the Senate to postpone the debate on those issues last year until the end of the year, which was done, by and large, I think the better interests of the Senate and of the Senators would be served by addressing those issues early in this session if, indeed, they are to be debated at length.

ORDER OF PROCEDURE ON TAX EXEMPTION STATUS FOR DISCRIMINATORY INSTITUTIONS

Mr. BAKER. Mr. President, I yield now to the distinguished Senator from Kansas (Mr. DOLE).

Mr. DOLE. Mr. President, will the majority leader yield for a question?

Mr. BAKER. Yes.

Mr. DOLE. I missed the first few minutes of the session. Will we be in session again on Wednesday of this week?

Mr. BAKER. We will not be in session on Wednesday.

Mr. DOLE. On Thursday?

Mr. BAKER. We will meet on Thursday.

Mr. DOLE. Mr. President, I may not be able to complete some work on a bill that has been sent up by the President in reference to tax exemption for that question on racial discrimination. I shall be having a meeting at 2 o'clock. I am not certain I shall be able to make a judgment before the 3 o'clock request of the Senator. I assume that I shall be introducing it by request, I think Thursday, with the accommodation of almost anyone who has an interest in that if it can be done today, adhering to the schedule for next Monday. I know there is interest—Senator THURMOND has indicated some interest. I think, frankly, it is a tax issue, but I also think it is potentially a can of worms, so we are anxious to get started on it.

Mr. BAKER. Mr. President, I thank the Senator from Kansas. I was about to say that another item on the agenda that should, in my opinion, be dealt with soon is the so-called tax exemption issue procedure just described by the Senator from Kansas. I understand that there is a desire by the distinguished chairman of the Committee on the Judiciary to request a joint referral of that bill. The message was referred to the Finance Committee, and I shall consult with both the distinguished chairman of the Committee on Finance and the distinguished chairman of the Committee on the Judiciary before the introduction of that bill on Thursday so we can try to arrange a satisfactory solution.

It is the intention of the leadership, however, to deal with this issue as soon as possible, Mr. President.

There are other items that will, no doubt, be available and properly come before the Senate. As an example, the distinguished chairman of the Committee on the Judiciary has just indicated to me that the criminal code revision and recodification will be reported to the Senate today and will be eligible for consideration at an early point. I hope we can deal with that reasonably soon.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have spoken far beyond the time allocated to the two leaders, and I appreciate the forebearance of the distinguished minority leader from bringing that to my attention or the attention of the Senate. At this point, I am prepared to yield the floor.

Before I do so, however, Mr. President, I inquire whether there is an order for morning business today.

The PRESIDING OFFICER. The minority leader will be recognized following the comments of the majority leader. Then, under the previous order, there will be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 5 minutes each.

Mr. BAKER. I thank the Chair. Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished majority leader for his comprehensive statement laying out the program for the next few days. It will be helpful to all of us.

I have nothing to say at this time, Mr. President. I yield such time as is under my control to the Senator from Montana. Then, in turn, he may yield any remaining time to the Senator from Arkansas (Mr. PRYOR), and then to the Senator from Wisconsin (Mr. PROXMIRE).

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana.

Mr. BAUCUS. I thank the minority leader.

Mr. President, I inquire how much time the minority leader has under the standing order.

The PRESIDING OFFICER. The minority leader has 10 minutes.

Mr. BAUCUS. I thank the Chair.

(The remarks of Mr. BAUCUS in connection with the introduction of legislation are printed under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF PROCEDURE

Mr. BAUCUS. Mr. President, I yield to the Senator from Arkansas.

Mr. PRYOR. Mr. President, I appreciate the distinguished Senator from Montana yielding to me.

Mr. President, how much time still remains under the time allocation to the minority leader?

The PRESIDING OFFICER. A total of 10 minutes is allocated. Only 2 minutes have been used.

Mr. BAKER. Mr. President, I inquire of the Senator from Arkansas if he has need for more time than that.

Mr. PRYOR. I would appreciate about 12 minutes, if I might be accorded that period of time.

Mr. BAKER. Mr. President, I wonder if the Senator from Arkansas would be agreeable to the unanimous-consent request that his time now remaining by allocation of the minority leader be added to the time he would have under the morning business order, and that would give him a total of 13 minutes.

Mr. PRYOR. That would be an adequate amount of time. I do want to say to my distinguished colleague that the Senator from Wisconsin, I understand, wishes to make some remarks shortly. That will be perfectly satisfactory to me.

Mr. BAKER. Will the Senator from Wisconsin have any difficulty with that time under the transaction of routine morning business?

Mr. PROXMIRE. If I have 12 minutes, that will be fine, if that would suit the majority leader.

Mr. BAKER. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended from 30 minutes to 1 hour; and I ask unanimous consent that the time in which Senators may speak be extended from 5 minutes to 15 minutes each.

I may say parenthetically to Senators that if that does not serve the purpose, we will extend it.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. Mr. President, I am perfectly happy to put us in morning business at this time, if the Senator from Arkansas wishes. That might be the simplest way to handle the matter, if that is agreeable to the minority leader.

Mr. ROBERT C. BYRD. Yes. Would the distinguished majority leader provide that there will be no interruption?

Mr. BAKER. Yes.

Mr. President, I ask unanimous consent that no interruption appear in the statement to be made by the distinguished Senator from Arkansas.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I sincerely appreciate the majority leader accommodating our request.

Mr. BAKER. Will the Senator permit us, then, to go into morning business?

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of routine morning business, during which Senators will be recognized for a period not to exceed 15 minutes each, and the total period not to exceed 1 hour.

The Senator from Arkansas.

AGRICULTURE

Mr. PRYOR. Mr. President, on numerous occasions in the past, a number of my colleagues and I have addressed the Senate on the conditions developing in rural America.

Today, I shall talk about the crisis of agriculture in the heartland of America.

The American farmer is facing disaster. This crisis is the worst since the Great Depression of the 1930's. Our farmers are literally "drying up on the vine." And we must heed these danger signals now. We must be willing to make necessary adjustments if the American farmer is destined to survive. These measures, Mr. President, must immediately bring some kind of predictability—and stability—back to this most basic backbone of our economy. These next 12 months could be the most critical in recent history for agriculture in general—and for the many thousands of farmers across the land, and the millions in America who depend upon the farmer for our very existence.

I am sure that during this past recess period other farm State Senators were made as vividly aware of the impending crisis as I am.

I had the opportunity to visit with many of the farmers of Arkansas—the large and small, the efficient, the inefficient, the young and old—and the situation everywhere was the same: "I cannot survive under the present conditions," each of them said in his own way, "and I see no hope of things getting better. I cannot receive in the marketplace enough to cover my costs of production."

I realize times are hard. They are hard in every segment of our economy. But agriculture is unique. It is that one basic enterprise that reaches into every sector of this country's economy. It affects every citizen. Its health or sickness is a mirror of our country's financial state. And while its condition is now one of pain, I firmly believe that once agriculture regains its balance and gets on its feet, it will lead this country back to more prosperous times.

For years this country's agriculture communities have sacrificed for the betterment of the entire country. They were some of the first to call for a balanced Federal budget, to make an appeal for fewer Government regulations, to be willing to participate in more Federal budget cuts. They were even among the first to allow their livelihood—in the form of agricultural commodities—to be used as a tool in national policy decisions.

Today our farmers are the most efficient and productive in the world. We now produce 3 times more during each work hour than in 1960 and 12 times more than in 1930.

And yet because of this prosperity they find themselves asking the basic question today, "Can I continue in my chosen livelihood?" Many are answering, "No." There is a rapidly growing number of farmers in Arkansas who live on the brink of economic collapse. Foreclosure has become a daily threat. And money that used to support families is now going to pay exorbitant interest rates. From 1973 to 1979, short-term interest expenses rose 300 percent nationwide—from $2.2 billion to $6.6 billion. And mortgage interest expenses rose about 250 percent—from $2.5 billion to $6.3 billion. In 1979, interest charges per acre were 400 percent higher than in 1967. The American Farm Bureau estimated last year that the current earnings from 4 acres of land are needed to pay the mortgages interest on 1 acre of newly purchased land. Interest expense now accounts for about 20 percent of all production expenses. And each percent of higher interest adds about $1.6 billion in interest costs to farmers.

The farm bill of 1981 was constructed last year in an atmosphere charged with tension and uncertainty. Congress was caught between the Reagan administration's mandate to cut Federal spending—and, on the other hand, the demands of the farmer for increased income protection. The Conference Committee finally reported a bill back to both Houses after weeks of strenuous debate. And yet, even then, the bill was not what most farmers wanted, needed, or deserved.

With reservation, I supported this year's farm bill, Mr. President. I think it was all that we could have achieved at the time it was drafted. I think the new farm bill does attempt to give the farmer a cushion against total economic collapse. At the same time, it also gives this administration—and the Secretary of Agriculture—the tools to help pave the way for a return to profitability in farming. Much of this is accomplished through the Secretary's broadened discretionary authority. I feel the Senate and the entire country, including our farmers, all have an obligation to continue to see that a sound fiscal and monetary philosophy is maintained. We must restore hope to the farmer. We must also guide our economy so that the farmer's costs of input—his fuel, fertilizer, chemicals, machinery, even his interest rates—are slowed down and his markets will provide him a profit.

We must encourage the President and his administration to return the United States to a position of strength as a primary supplier to the world. In this connection, we have suggested that President Reagan appoint a farmer or a small businessman to the Federal Reserve Board when the next vacancy occurs. It is crucial, I think, that we hear directly from these important yet often forgotten members of American society.

We must intensify our export programs for agricultural commodities to international markets, and not remain simply a residual supplier as we have been in the past several years. Our farmers continue to produce more than we can consume domestically. Our Government programs and philosophy have encouraged planting "fence-row-to-fence-row." But, the fact is, the farmer today is a victim of his own efficiency. Therefore, agricultural exports are critical to the well-being of American farmers. Our Government's past embargoes have sent clear signals to countries abroad that the United States is not a reliable supplier. These countries, in turn, have then geared their agricultural productions to take up the slack created from the stoppage of American grain. And meanwhile these markets have been lost to American producers. It will be very difficult to get them back.

We desperately need this administration to make strong statements in support of the American farmer.

Those individuals who produce food and fiber must be given the opportunity of being a primary and reliable supplier who will not be in the market one day and out the next. We must have free and unrestrained access to the markets of the world. The mere mention of grain embargoes to Poland and the Soviet Union sends shudders through the commodity market. This psychological impact is real. Ask any farmer who tries to sell in these depressed markets. We must continue to see that other countries do not unduly subsidize their agricultural products at the expense of our American products. The GATT agreements must be enforced to allow our markets to operate.

On many occasions the Members of both the Senate and House have been called upon to look for new and innovative ways to help our American farmers. And along with other Members of the Senate I have cosponsored legislation that should help our farmers. This includes the following:

First, an amendment to the Export-Import Bank Act that allows agricultural products to be sold with 10¾ percent interest * * * with earmarks on some of these funds for the exclusive use of agriculture.

Second, a bill to stop the European export community from subsidizing their agricultural commodities at an unfair disadvantage to American agricultural commodities.

Third, a curtailment to the power of the President to call an embargo on agricultural products alone; and with this, a call for a greater voice by Congress in such decisions.

These are positive steps taken to aid our farmers. But we need others to be taken by the administration. In the next few days, Secretary Block will have a chance to exercise a measure of his new discretionary authority granted by the new farm bill. I wish to propose how he might use this authority.

Mr. President, I propose to Secretary Block and this body the following:

10-POINT PROGRAM

1. Provisions for an acreage reduction program that will help put supply more in balance with demand. If my meetings with farmers had a common theme, it would have to have been for an acreage reduction program that has incentives for maximum producer participation. To achieve this maximum participation, I would hope that the Secretary would:

(a) Require all producers who want to be eligible for 1982's price support programs to participate.

(b) That they be required to reduce their 1982 crops acreage based upon last season's certified area or the average of the past 2 years, whichever is larger.

(c) Allow hayed, grazed acreage, or clean fallow land to count as part of the required reduction, without making conservation practices mandatory.

(d) Do not require offsetting compliance between crops and on separate farms owned by the same individual.

By setting minimum and maximum ranges, I propose that USDA would conduct a cost/benefit study to determine what percent of reduction might be required to achieve maximum benefits of producer participation.

I further hope all agricultural lenders would encourage their borrowers to participate. At the same time, I hope this administration would not structure a program that would encourage nonparticipation simply to drastically reduce potential budget exposure from deficiency payments.

For example, an effective acreage reduction program of 15 to 20 percent for the 1982 rice crop would be estimated to make a price difference of $11 per hundredweight (with a reduction program) and below $9 per hundredweight (with no reduction program). The potential savings to the fiscal year 1983 Government outlays for price deficiency payments could amount to $300 million.

2. Make all 1982 crop rice eligible for CCC loan. This requires new legislation that I will be prepared to introduce. Less than 45 percent of the rice producers are now eligible for the loan on 1981 rice. (only 27 percent in Arkansas.) This ineligibility is not the fault of our farmers. It is due to the outdated allotment system which will cease to exist with the 1982 crop under our new farm bill. This would give value to the rice now stored on our farms. And it would not be costly in terms of Government outlays. The loan could be made recourse rather than nonrecourse.

3. Ask the Secretary to seriously consider the establishment of a farmer-owned reserve for rice. I would recommend the reserve have:

(a) Entry loan of at least $8.50 per hundredweight;

(b) First year interest free;

(c) Seventy-five cents per hundredweight annual storage payment, and

(d) Release price of $11.21 per hundredweight (8.01 loan rate times 140 percent).

4. Commodity Credit Corporation—Korea has bought little U.S. rice from our 1981 crop. I would propose that we offer them a credit package of $300 million to Korea if it will buy up to 1 million tons from our 1981 crop with 25 percent being from the South.

5. Public Law 480 program—Very little of the fiscal year 1982 rice program allocation has been programed. I hope the President would put a stop to the interagency wrangling that we see occurring and let us get the program allocated. At the same time, I would further recommend that 20 percent of the allocation in Public Law 480 be used for poultry products. They are having a tremendous problem depleting their surplus supplies.

FARMERS HOME ADMINISTRATION

6. Economic Emergency Loan authority that expired September 30, 1981, which was authorized by title II of Public Law 95-334 should be extended to permit bonafide farmers to obtain sufficient financing through fiscal year 1982 or possibly over a longer period.

Due to high production costs and continued low prices for agricultural commodities some farmers will be unable to obtain 1982 financing from their regular credit sources. This will include several presently indebted FmHA borrowers that do not qualify for continued FmHA credit assistance under other FmHA loan authorities and FmHA regulations.

There are many bonafide farmers in Arkansas that cannot continue farming even with the extended Economic Emergency Loan authority unless interest rates are reduced substantially.

There should be authority under the Economic Emergency program to totally refinance both chattel and real estate indebtedness to present creditors if a sound loan can be developed and if there is reasonable prospect for success for the farmer.

Unless the interest rates on all FmHA loans are reduced substantially

and farmers are not assured of a reasonable margin of profit for their commodities bonafide farmers in Arkansas and throughout this country will be substantially reduced by the end of crop year 1983.

Further, in order for the FmHA to efficiently administer farm programs and maintain the level in other programs administered by FmHA the temporary emergency loan employees must be maintained. In Arkansas there are 92 emergency loan employees. These people do most of the leg work in processing farm loans. If these people are terminated, it will have a negative impact on farmers receiving FmHA assistance. Lengthy delays in processing farm loans will result due to FmHA shortage of personnel. Furthermore, if these temporary emergency loan personnel are terminated it will result in possible additional losses to the Government, since these people are also critical in supervising and servicing of farmer program loans. In Arkansas, there is approximately $700 to $800 million in farm loans outstanding through the FmHA.

7. Agricultural Research and Cooperative Extension Service:

Mr. President, research and the dissemination of its information is vital to production agriculture. Over the last several years, we have not appropriated the funds that can adequately provide our land-grant institutions the ability to conduct the applied research that is necessary to help provide our farmers with new and innovative information. I would hope that we can start to put more of USDA's budget in applied agricultural research and put less emphasis on the nonfarmer programs within USDA. Further, I would hope that this Congress would more closely monitor the current and future research projects to insure they are directed to cost-efficient projects that can be applied to today's and tomorrow's agriculture.

8. I would also propose the acceleration in the review process of doing away with the overburdening of Government rules and regulations that in many cases has sapped some of the efficiency from this industry. Government must become more efficient.

9. I would propose that this Congress appropriate the one-time funding for the Agricultural Export Credit Revolving Fund that will help stimulate expansion of farm exports. This program required only the one-time appropriation since principal and interest repayment to the fund will generate money for future loans.

Mr. President, the time is growing short for many of America's farmers. This Congress and this administration must realize what the impact to this country's total economy will be if we allow agriculture to remain in its present state.

10. Accordingly, President Reagan should now heed the advice of the farm bill conferees and call a White House conference to explore new solutions to the national farm crisis. I must direct the conference to be serious in its deliberations, and above all be honest to our farmers. They have had enough posturing and rhetoric. So, once again, I call for us to go forward and bring this basic industry back to a position of profitability and stability.

Let us remember President Reagan's own words when he signed the 1981 farm bill—

Working together, sensitive to the needs of each other in the marketplace, we can help our farmers and America survive.

The farming industry is the right place to start. And we must begin now, before it is too late.

MARY McGRORY ON SENATOR DENTON

Mr. PROXMIRE. Mr. President, no one can write a more devastating indictment of coldness and lack of compassion than Mary McGrory. Her deep and passionate commitment to a break for the losers of this world comes through in just about every line she writes. Sometimes she seems to have a burning contempt for the indifferent rich, and for the privileged who have little or no sense of social concern. Mary McGrory's column on Senator DENTON that appeared in the December 17 Washington Post disclosed a perception that few, if any of us, can achieve. Many of us fall into the trap of characterizing the people we encounter in life—especially public figures—as either good or bad, gleaming with righteousness or as black-hearted, self-serving and evil.

Anyone who has read Mary McGrory for a few years, and who has followed the career of Senator JEREMIAH DENTON would hardly expect the kind of smashing surprise of that column. It is something else. It gives us an insight as to this outstanding Senator from Alabama.

The column represents a credit to both of these remarkable human beings, Mary McGrory and Senator DENTON. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the column ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 7, 1981]

JEREMIAH DENTON'S OTHER SIDE: HE CARES ABOUT THE BORN, TOO

(By Mary McGrory)

He is so identified with the cause of the unborn that Sen. Jeremiah Denton (R-Ala.) seems to epitomize the gibe by Rep. Barney Frank (D-Mass.) that "conservatives' concern for children begins with conception and ends with birth."

Denton's stand against free choice and free sex have made him an ogre to the National Organization for Women and other feminist and liberal organizations. His sponsorship of what was known as "the teen-age chastity" bill occasioned many snickers, although the final product, a compromise named "Adolescent Family Life," won the endorsement of Sen. Edward M. Kennedy (D-Mass.).

Denton's unguarded remark during a hearing on a bill about spousal rape—"Dammit, when you get married, you kind of expect you're going to get a little sex"—produced more laughter inside the Senate and out and fresh outcries from the women's groups.

But there's another side to Denton, one that sets him apart from the cardboard Moral Majoritarians who abound in the new Senate. He spoke of John F. Kennedy on November 22, the anniversary of his assassination. In advance, Denton paid a call on Kennedy's brother to ask formal permission and to show him the text of the speech. John Kennedy is a hero to Denton, a retired admiral regarded as a hero himself, having spent seven years and seven months as a prisoner of the North Vietnamese.

Denton protests that he cares about the born, too, and that his efforts on their behalf have been lost in the hullabaloo over his nay-saying on abortion and sex. He doubled funds proposed by President Reagan for adoptions and battered children. He managed the bill for aging Americans.

Most recently, he championed a group for which your standard right-winger has no time—American children, those of Asian women and U.S. servicemen. These children are not wanted here and are regarded as undesirable in their native countries.

To Denton, trying to give the little outcasts a chance to come here is a logical extension of his publicized exertions on sexual morality.

"I am not a sex prude, I'm not a hard-nosed hawk," Denton says. "What I do, I do for children. They are the victims of permissiveness. Look at battered children. A promiscuous mother has many boyfriends. Inevitably one of them resents the child's father and beats up the child."

"Anyone who knows me knows I am a compassionate individual. I always have been. I was president of my class, all the way through school, and you can't be elected unless people sense you are compassionate.

"In Mobile, when I got out of the cooler [POW camp], they printed a whole lot of stories, which I had forgotten. One girl I went to high school with said she would never forget me. She was so fat, she couldn't lean over to tie her shoes. I tied them for her."

The man who tied the fat girl's shoes is, he insists, trying to make life easier for children who are the casualties of America's sexual revolution, which erupted while he was imprisoned. He was captured in 1965, when Playboy magazine was at the boundary of public acceptance; he was liberated in 1972, into a world of massage parlors, group sex and Playgirl magazine.

He says he isn't intolerant. He insists he is a survival-oriented person who worries equally about the imbalance in strategic forces and the imbalance in the way we treat our children—"throwing them into tot-lots and giving them television as a sitter."

Jody Darragh, a former Eastern Airlines stewardess who flew mercy missions to Indochina and was assigned as Denton's escort when he finally returned to the United States, brought the plight of the Amerasian

children to his attention, and he embraced it with his usual ardor.

To bring such children out of Vietnam, where there are thousands, some contact obviously would be necessary with the Vietnamese government, which we do not recognize.

The idea of recognition does not outrage Denton.

"If it was our policy, and we got something in return, I would not be opposed just because of my experiences there," he says.

"But I want you to hear this carefully: I did not will it as a prisoner [that] my government should end the war to get us out. I didn't value my own life as a blue chip in exchange for the 17 million people in south Vietnam, who would be subjugated to communist tyranny. So I wouldn't be a leader, for recognition just to get accountability on our MIAs or to get these children out. But I wouldn't object on the grounds of what I went through there. I am not a vindictive man."

That self-judgment is confirmed by many who deal with Denton. He is a man of draining intensity. When he talks about immorality and military unpreparedness and the horrors of communism, the two lines perpendicular to his eyebrows deepen to the point where they almost split his forehead. But when the matter is not cosmic, his manner has much warmth and sweetness.

He's for the MX, nerve gas production, AWACS, all the standard "right" things. But he's for compassion, too, and that's more than you can say for the rightwingers with whom he travels and votes in the Senate.

IS THE UNITED STATES DISARMING UNILATERALLY?

Mr. PROXMIRE. Mr. President, as we all know—things are not always what they seem.

Take for example, the defense program.

Now we all have seen how record amounts of money are going to be spent rearming this Nation, and we certainly have all seen the massive cuts that have been made in other budget areas to accommodate this goal.

But an article that appeared recently in the January 10 edition of the Washington Post makes me wonder.

That article claims that in spite of all that talk about strengthening the national defense, there actually has been a "significant reduction in strategic nuclear weapons on alert as well as in the development of new weapons for the future."

Here is the evidence cited by Walter Pincus, the article's author:

This country had only 31 ballistic missile submarines in operation beginning October 1, which is 8 less than in 1980—and 10 fewer than we were permitted under the SALT I arms limitation agreement with Russia.

There are no plans to speedup in production of the D5 Trident II missile, which is a key element in the Administration's strategic battle plan for the future.

A drastic cutback in the number of MX missiles—slicing former President Carter's 200 MX missile arsenal to 100. By 1988, only 40 will be in silos.

Only one American B-52 with air-launched cruise missiles was ready to fly as of last September, with the first squadron not to be ready until December. Yet, the squadron was supposed to be on alert last September.

One-third of our country's land-based nuclear explosive capability—"sitting on aging, Titan II missiles—has been earmarked for retirement beginning next year." According to Mr. Pincus, this is way ahead of the time when the MX replacement missiles will be ready—1986.

What does the administration have to say about all this?

In response published in the January 18 edition of the Washington Post, Defense Secretary Caspar W. Weinberger said:

The "significant reduction" to which he (Pincus) refers is the administration's plan to retire Titan missiles first deployed some 20 years ago and to continue the planned phase-out of the Polaris missiles now approaching the end of their useful life. Neither of these obsolete systems contributes enough to the security of our strategic deterrent to justify the increasing cost of maintaining them. And unlike the Carter Administration, we do not feel bound to retain in the inventory weapons that are militarily ineffective and costly to maintain merely to convey the hollow appearance of a strategic force more formidable than we actually possess.

But other defense experts think there is still plenty of usefulness left in some of the weapons that the administration is so eager to discard. And it is truly ironic that this "throw it all away—it's obsolete anyhow" attitude comes in the midst of the huge Defense Department budget increases we all have witnessed.

After all, is this not what we have heard for justifying the decision to reactivate several World War II battleships? The Navy argues that these old battlewagons have many years of useful life; that a change in mission can extend their usefulness; that they can be upgraded electronically to make them a viable weapon system.

While I disagree with this logic, based as it is on a lack of appreciation of Soviet cruise missile technology and the increasing vulnerability of large vessels, I cannot help but note the irony of an administration disregarding "old" strategic weapons while strongly supporting the resurrection of "old" conventional systems.

I urge the administration to reconsider some of these decisions. With the Russians superior to our country in the numerical size of their strategic weapons arsenal, we should make every attempt to find secondary, yet useful roles for existing equipment in order to provide more security for the United States.

Mr. President, I ask unanimous consent that a copy of the Walter Pincus article in the Washington Post on January 10, 1982, and the Caspar Weinberger rebuttal on January 17 be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 10, 1982]

BEHIND REAGAN'S TOUGH TALK, A UNILATERAL ARMS REDUCTION

(By Walter Pincus)

Of all the political axioms of Washington, one we often forget is to "watch what they do, not what they say." This is particularly worth remembering today in the area of national defense.

President Reagan, Defense Secretary Weinberger and others have, of course, been saying a great deal about defense, and the President no doubt will speak again in his State of the Union address about how determined he is to strengthen our military capability.

Those who watch instead of listen, however, will make an intriguing discovery: The Reagan administration in the past year actually presided over a significant reduction in strategic nuclear weapons on alert as well as in the development of new weapons for the future.

Item: Beginning Oct. 1, the United States had only 31 ballistic missile submarines in operation, eight less than the year before and 10 fewer than allowed under the SALT I arms limitation agreement with the Soviet Union.

Item: There was but one American B52 armed with air-launched Cruise missiles which was ready to fly as of last Sept. 1. The first squadron, originally planned to go on alert on that date, will not be ready until December of this year.

Item: One-third of America's land-based nuclear explosive capability—sitting on aging, Titan II missiles—has been earmarked for retirement beginning next year. That's four years ahead of the Carter administration schedule and well before 1986, when the first of their replacement missiles, the MX, are to be deployed.

Item: No significant acceleration is planned by the administration for the D5 Trident II missile, the next generation of submarine-launched missile, which looks now to be the weapon on which Weinberger is basing his future strategic program.

Item: This lack of acceleration on the D5 comes despite what is perhaps Reagan's largest arms reduction action: his decision to halve former President Carter's plan for 200 MX missiles to 100, and then to put just 40 in silos by 1988.

Item: The only new weapon in the Reagan plan, the B1 bomber, will now arrive in 1987, but it will make no significant difference even then in the basic U.S.-Soviet strategic balance of nuclear forces. The still undefined increase in Cruise missiles, to be put on bombers and aboard ships, also will have little effect on the basic nuclear balance.

In short, if a Democrat were in the White House today, conservative Republicans almost certainly would be accusing him of unilateral disarmament.

Much of the Reagan defense program, of course, is being driven by budget dilemmas. Despite big increases in Pentagon spending levels, the added dollars are unable to keep pace with more rapidly escalating costs.

The situation wasn't helped, moreover, by the Carter administration's underestimates of bills for major defense programs like the

MX. Carter projected costs of $35 billion for 200 missiles and 4,600 shelters, a figure the General Accounting Office termed far too optimistic. The reduced Reagan plan will cost $19.4 billion to buy 100 missiles and base only the 40.

The cut in American ballistic submarines results from a program initiated by the Navy under the Carter administration to retire the first 10 Polaris nuclear submarines. Two, whose nuclear reactors had run down, were withdrawn from the force more than a year ago and cut in half, to meet SALT I requirements. But the remaining eight were still operational. Nonetheless, the Reagan Pentagon team permitted them to be retired as ballistic missile subs Sept. 30, citing their high cost of operations and limited range, 1,500 miles, of their missiles. Ironically, sub-launched ship-launched cruise missiles, to which the Pentagon is now turning, travel a much shorter distance.

Is money driving Weinberger to these decisions, or is something more involved?

Some defense experts inside and outside the administration believe Secretary Weinberger is undertaking a surprising gamble for now, leaving himself the option of changing course next year. He appears to be hoping, they calculate, that at least the Soviets will overlook Washington's words and concentrate instead on what he is doing—or, more to the point, not doing. Then, these officials suggest, the hope is that the Soviets, too, will cut back on their expensive and threatening land-based missile program.

One administration official, for example, noted that the Soviets for more than a year have had at least one large, silo-based ICBM and another new, solid-fuel mobile ICBM ready for testing. Yet, to date, neither missile has been test fired.

Instead, for the past several months, this source said, the Soviets have been concentrating their tests on a large new missile for the Typhoon submarine, which is much like our Trident. Sub-launched missiles, this source emphasized, are unlikely to be first-strike weapons.

Another top Pentagon official remarked recently in private that he hoped when the Russians do test a new land-based ICBM, it will be the mobile one, which he said would also be less threatening to the United States.

Beneath their concerns is the fact that the Reagan cutback in the MX program did more than reduce the number of missiles planned for deployment. It undermined the strategy put forward to justify the new ICBMs in the first place.

Carter's 200 MXs, each with 10 warheads, were to be the basis for a new nuclear doctrine—the so-called PD-59 announced in August 1980. The missiles were to provide a force which not only could survive a Soviet first strike—because they were to be rotated among 4,600 shelters—but which also could retaliate in numbers capable of destroying the silo-based missiles the Russians had left.

This was all mystical to most people and nonsense to others, but to the true believers in nuclear strategy, PD-59 was a doctrine to be devoured and argued over endlessly.

But if Secretary Weinberger now puts only 40 MXs in silos, they will be just as vulnerable to a Soviet strike as the missiles we have today. And you can forget the talk about hardening the silos: It can't be done, and the administration may not even try.

Where does that leave PD-59 and all the other war-fighting strategies that the Reaganites have talked about for years?

"There has been considerable uncertainty about the substance of the Reagan administration's strategic policy," was the generous way that question was answered recently in an article by Donald M. Kerr, director of the Los Alamos National Laboratory, and Robert H. Kupperman, executive director of Georgetown University's Center for Strategic and International Studies.

These two authorities on nuclear strategy say that the presidential campaign and the Reagan transition gave the appearance that "a Reagan administration would react strongly, if not overreact, to the perceived Soviet threat and the so-called 'window of vulnerability.'" Instead, they write, the president's programs to date "have gratified neither hawk nor dove."

Unavoidably, this Reagan defense dichotomy has produced a similar mismatch between rhetoric and reality on the opposite side of the defense coin—arms control.

A basic criticism of the SALT II arms limitation treaty, voiced by candidate Reagan and many of those now high in his administration, was that the Carter treaty left the Soviets with a major advantage in the amount of nuclear power—"megatonnage" in defense parlance—they could deliver on the United States. Because the Soviets had bigger missiles with bigger and thus more powerful warheads, this argument went, the United States under SALT II would remain at a permanent disadvantage. The treaty, after all, limited the number of launchers and warheads each side could have without also limiting their size.

To correct this, Reagan often said during his campaign that he would negotiate with the Soviets next time only from a position of strength—meaning adding megatonnage to U.S. nuclear forces before new talks began. But his unilateral decision to halve the number of MX missiles he plans to build has instead cut the originally anticipated increase in U.S. megatonnage. At the same time, moreover, Reagan's decision to retire the Titan II missiles, which carry this country's biggest warheads, will sharply reduce existing U.S. megatonnage.

How can Reagan conceivably negotiate then from a position of strength? How can his negotiators reach some acceptable agreement with the Soviets on megatonnage if the president's actions will increase Moscow's lead in this area of land-based ICBMs to nearly five times that of the United States?

The answer seems to be that the administration will come up with a radical new form of measuring comparative nuclear strength, that it will not use the single standard which it termed the most important yardstick just a year ago. Surprising as it may seem, two conservative Reagan officials in the defense field within the last month have said privately that such notions—again altering rhetoric rather than reality—are currently being discussed.

One approach, sources said, is to use the concept of "survivable megatonnage," an idea built on calculations put together during the SALT II debate by Paul Nitze, who is now Reagan's negotiator with the Soviets on intermediate-range missiles. This concept measures the megatonnage on each side that could survive a first strike.

The United States does better using this approach, because so many more of our warheads are on survivable submarine missiles, while three-quarters of Soviet warheads are on land-based missiles that would be vulnerable to an American attack. But how this could be translated to an arms control approach remains to be seen.

What is clear is that all of this is frustrating to former Carter defense officials who were ruthlessly attacked as being weak and whose SALT II treaty was unable to pass the Senate. Former Defense Secretary Harold Brown has bitterly criticized the Reagan defense cutbacks, but his criticisms have had none of the impact that Reagan attacks on Carter policies generated just over a year ago.

The plain fact is that conservative Republicans have much greater leeway for action—or inaction—in the nuclear weapons field than do Democrats.

Remember that it was Henry Kissinger and Richard Nixon who in 1972 traded away a U.S. numerical advantage in sub-launched ballistic missiles to get a SALT I agreement. It was also Kissinger and Nixon, in the same treaty, who accepted a definition for a new Soviet ICBM that was broad enough to permit Moscow to almost double the size of its new weapon and thereby move far ahead of the United States.

Back then, the Nixon administration had few defense critics on their right, and the Democrats were fully ready to support whatever arms control agreement they could get. The same situation exists today for Reagan and Weinberger.

What is different today, however, is the verbal gap that the president and defense secretary have created. They are doing one thing, cutting strategic nuclear forces, and saying the opposite. Are they fooling themselves? Or is this a sophisticated plan, based on the hope that the Russians will cut back also?

Secretary Weinberger has positioned himself so that he can still change gear in July 1983, when he is to decide what to do with the 60 additional MX missiles scheduled to be built. By then, he will have had a look at the new Soviet missile tests and, hopefully, we will have had two years of new strategic arms reduction talks in Geneva.

If the Russians are tough on arms control and have tested a big new missile, the defense secretary could push the U.S. program into high gear, perhaps even reviving the mobile-based MX of Carter and throwing in an antiballistic missile system.

But if the Soviets remain restrained in their arms building and flexible on arms control, who knows what could happen under an administration that has pledged to be tough and acted in the opposite manner?

[From the Washington Post, Jan. 17, 1982]

NO, WE'RE NOT DISARMING

(By Caspar W. Weinberger)

Washington Post staff writer Walter Pincus argues in Outlook (Jan. 10), that the administration in the past year "actually presided over a significant reduction in strategic nuclear weapons on alert as well as the development of new weapons for the future." To phrase it in the most charitable way possible, it is extremely difficult to conceive how Pincus or anyone could consider that the president's $180 billion strategic modernization program amounts to "unilateral disarmament."

The "significant reduction" to which he refers is the administration's plan to retire Titan missiles first deployed some 20 years ago and to continue the planned phase-out of the Polaris missiles now approaching the end of their useful life. Neither of these obsolete systems contributes enough to the security of our strategic deterrent to justify the increasing cost of maintaining them. And unlike the Carter administration, we do not feel bound to retain in the inventory weapons that are militarily ineffective and

costly to maintain merely to convey the hollow appearance of a strategic force more formidable than we actually possess.

Pincus attributes to unidentified "defense experts" the novel theory that the president's MX program, which entails an interim silo deployment coupled with a vigorous search for a new, permanent and effective basing mode, is really a guileful temporizing aimed at eliciting from the Soviets a voluntary cutback in their ICBM program. To make this fantasy appear plausible, he cites an unidentified "administration official" who has interpreted a nonexistent "delay" in the Soviet ICBM test program, and alleged evidence of their tests of submarine-launched ballistic missiles, as an indication that the Soviets are exercising restraint in testing threatening ICBMs while going forward with SLBMs that are "unlikely to be first-strike weapons."

This is sheer nonsense. For one thing, the current Soviet ICBM force is, unhappily, more than adequate for a too-effective first strike against our Minuteman missiles. For another, we see no reason to believe that, even if there were delays in the Soviet ICBM test program, that would imply any slowing of the relentless Soviet strategic buildup, a buildup that has already reached dangerous proportions and shows no signs of diminishing. And finally, no one who has listened to the president or understood his determination to redress the strategic balance could interpret the administration's MX program as a gesture of unilateral restraint. It was the last administration that learned to its regret that unilateral restraint will not be reciprocated by the Soviets. The Reagan administration has never for a moment entertained this dangerous illusion.

The administration has embarked on a comprehensive program aimed at reversing the strategic decline of the last decade. It entails the modernization of all elements of our strategic triad: the deployment of the MX ICBM; the decision to proceed with the B1 bomber now and accelerated research and development on an advanced technology bomber for deployment later; the decision to develop a greatly improved Trident II missile; the new deployment of sea-launched and further deployment of air-launched cruise missiles; and the significant improvement in our systems of command, control and communications. No one of these programs will solve all the problems we face. Taken together, this multiplicity of partial solutions will give us the capability we need to respond adequately to the sustained growth of Soviet strategic forces. It is significant that, in his apparent desire to show that we are not adding to our strength, he fails even to mention the vast command and control investments and improvements we are making. Without those, even the inadequate Carter program could not be operated effectively.

Pincus is right in saying that the Reagan administration has been critical of the SALT II treaty that the Senate refused to ratify. But he is wrong in his characterization of our criticism. We share the view of the Senate Committee on Armed Services that the treaty failed to limit the threat to the security of our strategic deterrent. By permitting the continued growth of Soviet strategic forces, SALT II gave only the appearance, but not the reality, of moderation and restraint. The SALT II "limits," like the SALT I "limits" before them, failed to constrain the momentum of the Soviet strategic buildup. The forces permitted on the Soviet side were more than enough to leave our land-based missiles vulnerable to Soviet attack. The apparent constraint on their deployment of "new" missiles was little more than an elaborate loophole through which a new generation of Soviet missiles then under development could easily pass. That is what was wrong with the SALT II treaty—not, as Pincus suggests, the single fact that it left the Soviets with more megatonnage than the United States was permitted.

The president's program will enhance our ability to negotiate arms reduction proposals that are equitable, verifiable and—perhaps most important—that would really reduce arms and thereby reduce the threat to our security.

That is why the president's program is so vitally needed: it does add enormous strength both to our strategic forces and to our ability to secure, by negotiation, Soviet arms reductions.

CHILDREN OF WAR

Mr. PROXMIRE. Mr. President, among the most tragic victims of war's horrors are children.

National attention was focused recently on children as war victims in a lengthy, well-done feature article in the January 11, 1982 issue of Time magazine.

The article was based on the experiences and remembrances of children in Ireland, Lebanon, Cambodia, Vietnam, and Israel, their lives shattered by the loss of parents, siblings and friends to bullets and bayonets.

A tremendous price has been paid by these young victims: Psychological trauma. Emotional emptiness. And the gnawing loneliness that comes from the sudden loss of loved ones.

And yet, the article speaks of faith.

The faith that these young people have in their fellow man—and in God—endures despite the pain and hurt of their daily lives.

For example, there is Paul Rowe, a 13-year-old in Belfast, Ireland, whose father was killed during the "Troubles" as natives call the unending battle between Protestants and Catholics in that strife-torn city.

As a result of that killing, Paul must come to grips with his faith in his fellow man. His friend Joseph has one word of advice: revenge.

Revenge. That's what you want. Isn't it Paul? Paul says nothing. "I'd want revenge," says Joseph, looking again to Paul. Paul eventually nods; then says faintly: "Aye. Revenge."

But the article continues:

Alone, away from Joseph, Paul is more himself. "That business about revenge. Is that really what you want?" The boy looks helpless. "No. It doesn't matter who done it. Nothin's worth killing someone."

Most Belfast children are like Paul. They have not all suffered so directly from the Troubles, but their response to the Troubles is similar. They carry no hatred in their hearts, they show a will to survive, and they are exceptionally gentle with grownups and with one another.

Yet, in spite of such gentleness, the children in the article sometimes displayed an unparalleled viciousness toward each other—usually after such inhuman acts were encouraged by adults. It is manipulation of the human spirit of the worst sort.

For example, listen to 11-year-old Sokhar, a Cambodian child, as she explains a picture to a reporter:

She takes it in her hands and studies what she drew: three children gathering rice in a field. A Khmer Rouge soldier has a rifle trained on them, "to keep them working." Off to the left of the picture is the device. It looks like a wheel with a hollow hub and spokes leading out to the rim. . . .

"What is happening here, Sokhar?"

"This is a picture of the Pol Pot time." She hopes to change the subject.

"Who are these people?"

"They harvest the rice."

"And what is this (the circular device)?"

"This is something you put on the head."

"Who puts it on your head?"

"The Pol Pot soldiers."

"What is its purpose?"

"To kill."

"Do soldiers do the killing?"

No answer.

But eventually it is learned how the device was used:

The children harvesting rice include Sokhar; she is the largest of the three. Whenever a child refused to work, he was punished with the circular device. The soldiers would place it over the child's head. Three people would hold it steady by means of ropes (the three lines at the bottom). A fourth would grab hold of the ring at the end of the other rope (the line at the top). The device worked like a camera lens, the areas between the lines in the drawing being metal blades. When the rope with the ring was pulled, the lens would close, and the child would be decapitated. A portable guillotine. But it wasn't the soldiers who worked the device. It was the children.

Manipulation of these young people took still other forms in these nations—even to the point of perverting their tragic personal loss for political gain:

What the terrorists do to keep the children in line is to use them in their battles, and the children recognize this. Here as in Lebanon and elsewhere, children are often deliberately placed at the head of demonstrations, marches and funeral processions. Their mere presence gives moral authority to the cause.

A booklet under the prosaic title "Rubber & Plastic Bullets Kill & Maim" contains the pictures and stories of child victims; the more brutal, the better. Such devices work especially well in Belfast, where everyone gives the impression of knowing everyone else, where people like Paul and Bernadette achieve a dubious celebrity for having their lives shot out from under them.

Mr. President, this is a cruel irony: the very people for whom the war is often fought are the pawns used and abused in winning the battle.

But even in the using, new levels of horror are sometimes reached: Witness the story of Pham, a Vietnamese youth who survives a harrowing experience at sea:

"Why were you hit on the head?"

"The boatmaster wanted to eat me."

"How do you know this?"

"The boatmaster told a boy who was a neighbor of mine to take a hammer and hit me on the head, so that they might eat my flesh. The boy told me."

"Why did you believe him? Did you ever see such a thing before?"

"No. But earlier in the voyage the boatmaster wanted to kill someone else for the same purpose. The man was so scared he committed suicide; he struck the boatmaster on the head with a wooden bar and then leaped overboard."

"And how did they try to kill you?"

"They put a shirt over my head, and they hit me with something hard. I felt the men coming over to lift off the shirt. But I was still conscious. I heard the boatmaster order another man to cut my throat."

"At the moment they took the shirt off my head, they saw I was still conscious, and that tears were on my face. I did not know what they were thinking. Then someone said: 'Pham, do you want to live?' And I said: 'Yes, of course I want to live.' So they untied me and took me into the cabin."

Even if these young people survive the tortures, the abuse, and the personal loss, they suffer a more unseen tragedy: a loss of innocence, a sense of wonder that accompanies the tender years.

Joy, the natural birthright of every child, must then be learned. Listen to Mrs. Sameeha Khalil who runs a school, training center and haven for Palestinian children, as she listens to young people discuss the war-like atmosphere in which they live:

Made edgy by the conversation, Mrs. Khalil emphasizes that the aim of her society is to teach the children to love the beautiful things in the old country, and not to frighten them. "You don't want to start striking out right and left." She waves right and left with her arms; her English rolls in a heavy swell. "You want to make distinctions. A good Jew from a bad Jew. A good Arab from a bad. Also you want to show that life is not all hardship. There is joy here too."

Perhaps the ultimate victim in all this is civilized society itself. We suffer. We are the ones who must heal the psychological and emotional hurts that these young ones have experienced. And we are the ones who must become the next victims when the scarred children become embittered adults:

Alexander Lyons, a Belfast psychiatrist, points out that in a chaotic world, antisocial behavior is acceptable. That is why he finds so little of what might be termed "emotional disturbance," in the clinical sense, among the Belfast children, since, in a way, the whole place is emotionally disturbed. The kids play war games, but there is nothing unique in that. Indeed, their war games are made more normal by the fact that the grownups play them, too.

. . . Lyons is far more impressed by the resilience of the children than by their fears or rampages. A girl who had three limbs blown off by a bomb managed to hold on to her mind and eventually marry. But Lyons stresses that resilience is a short-term effect. "In the long run (his voice is calm and certain) we are raising a generation of bigots."

Mr. President, we have to ask ourselves one question after reading this chilling article: Why?

For the moment, these children are in the hands of others. They are the moved from place to place, the led and hidden, the dragged along and swung into the sky, the hugged, the tickled, the slapped, the taught, the scolded, teased, praised—and sometimes the shot at, and sometimes the decapitated and the killed for food. All that can be done to them is done, and they do what they are told. But not forever. One morning, the streets through which they skitter now will be theirs to command. They will not think what to do; they will already know. Whatever becomes of them and of their countries will have been decided in some absolutely innocuous moment during these innocuous years, a moment they will not be able to trace. Their thinking done, they will rule largely by reflex, just as their parents did before them.

Let us not fight wars for the sake of future generations. Let us stop wars—for the future generations' sake.

PREMIERE OF THE FILM "GENOCIDE"

Mr. PROXMIRE. Mr. President, on Sunday, January 17 of this year the film "Genocide" premiered at the Kennedy Center before an audience consisting of Members of Congress, diplomats, entertainers, prominent members of the Jewish community and concentration camp survivors. The movie left the spectators speechless. It certainly accomplished its goal.

"Genocide" was produced by the Simon Wiesenthal Foundation as a teaching aid, primarily for high schools and universities. The movie portrays the plight of European Jews and other subcultures who were victims of Nazi persecution. It makes use of memoirs, photographs, and newsreels from archives.

However, this is by no means the first attempt to produce an instructive film on the Holocaust. What makes "Genocide" different is that it is narrated by famous celebrities—Elizabeth Taylor, Orsen Welles, and Frank Sinatra. With this drawing card students are more likely to take a serious look at the subject.

I have been speaking on this subject for many years. I have given more than 2,500 speeches pleading with my colleagues to ratify the Genocide Convention. I am delighted that this film was presented here in Washington. I regret that Members of Congress were in recess at the time. But I am very hopeful that my colleagues will have an opportunity to see it and to recognize the justice in finally ratifying this convention.

The need for education on the Holocaust cannot be overestimated. I agree wholeheartedly with Representative PATRICIA SCHROEDER'S comment made at the film's opening—

I don't think there's enough that can be done to remember these people. We are not a nation of historical roots and [therefore] tend to forget what has just happened.

Nonetheless, education is only one measure that must be taken to safeguard against other commissions of genocide. The Senate must put the United States on record as pronouncing genocide an international crime, as well. The way to accomplish this task is to ratify the Genocide Convention.

The Genocide Convention was drafted under the auspices of the United Nations in 1948. Since that time more than 80 nations have become parties to it. More than half of the countries in the world have officially outlawed genocide, but the United States, I am disappointed to admit, has not taken such action.

The campaign to forever end the threat of genocide continues, and I applaud the efforts of the Weisenthal Center for its contribution. Teaching tools, though, comprise only part of the drive. They can protect racial, ethnic, religious, and national groups only in a limited and tenuous way. Ratification of this treaty would clearly label genocide to be the act that it truly is—one of the most abhorrent crimes known to man.

As we begin the second session of the 97th Congress, it is essential that we make a commitment to act, affirmatively and decisively, to let the world know that the United States opposes genocide whenever and wherever it may occur.

The lessons of history require no less.

Mr. President, I yield the floor and yield back the time.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

THE URGENT NEED TO RESUME STRATEGIC ARMS NEGOTIATIONS

Mr. PELL. Mr. President, tomorrow, Secretary Haig will meet in Geneva, Switzerland with Soviet Foreign Minister Gromyko. The expectation has been that the main topic of that meeting would be the setting of a time and place for the resumption of strategic arms negotiations in accordance with the "Program for Peace" outlined by President Reagan on November 18.

According to press accounts, however, the administration has decided, because of events in Poland, not to agree to any date for resuming the negotiations which this administration has retitled as START, for strategic arms reduction talks. In this morning's press, an administration source was reported to have stated that there will be no agreement to begin START negotiations because President Reagan wants the Soviets to know that "we're not

doing business as usual as long as repression is underway in Poland."

I fully share the administration's concern and outrage over the tragic repression that is taking place in Poland. I disagree, however, that discussing a time and place for resuming START negotiations should be considered as an element of "business as usual." Reducing nuclear arms as part of a strategy to lessen the danger of a nuclear holocaust is highly unusual business that must go forward as a top priority item on our country's foreign policy agenda.

It is the height of folly for the administration to link the START negotiations to Soviet misbehavior, whether in Poland or anywhere else. It is as if the administration believes we are conferring a great favor on the Soviet Union by sitting down with them to seek some means of starting to get the nuclear genie back in the bottle. This is an objective that is not just important to the United States or to the Soviet Union but is of vital importance to mankind. All of us passengers on Planet Earth have an equal interest in seeking to prevent a nuclear exchange.

That is why I believe that both START and the negotiations already underway to eliminate intermediate nuclear weapons in Europe should be kept on a separate track above and beyond every other diplomatic activity on which we are embarked. It is irresponsible leadership that does anything to delay or put off course these talks, thus putting mankind at greater risk than it already is, just to demonstrate disapproval of Soviet actions in Poland.

There are plenty of other ways that we can—and have—and should use to stress our disapproval of Soviet repression of the freedom-parched peoples of Eastern Europe and, particularly, Poland. But for the sake of all of us, and our children and our children's children, I strongly urge President Reagan and Secretary Haig not to delay any further the vital negotiations whose objective is to decrease the possibility of nuclear war. It is time to start START.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Senate Resolution 381 of the 96th Congress, appoints the following persons to the Study Group on the Commemoration of the U.S. Senate Bicentenary: The Senator from Kentucky (Mr. FORD), the Senator from Rhode Island (Mr. PELL), and the former Senator from Minnesota, Mr. Anderson.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESS AND THE "GENERAL WELFARE"

Mr. GORTON. Mr. President, in the October 1981 edition of the American Bar Association Journal, there appeared an article by a distinguished member of the Seattle bar, Alfred J. Schweppe, who is also a former dean of the Law School of the University of Washington. It is entitled, "Congress and the 'General Welfare.' "

It is an examination of the operations of the Congress pursuant to the general welfare clause of the Constitution of the United States.

For the edification of the Members of this body, and because of the importance of the article, I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONGRESS AND THE "GENERAL WELFARE"

(By Alfred J. Schweppe)

With all of the clamor and distress of the states and cities because of the reduction or cessation of federal grants and subsidies of one kind or another (for local sewers and streets and local budgets, for example), a recurrence to first principles is both necessary and timely. The blunt fact is that states and cities are not entitled to any monies from the federal government. The Founding Fathers in 1787 never so contemplated. Indeed, they would have been horrified at the very suggestion.

And so it was for a century and a half. But in 1935 the Supreme Court opened the floodgates. In *Helvering* v. *Davis,* 301 U.S. 619, upholding the Social Security Act six votes to two (Cardozo writing), the court rejected the views of Madison and Jefferson and adopted those of Hamilton, holding that Congress could tax and spend "for the general welfare," with Congress being the judge of the general welfare.

Madison and Jefferson entertained the view, one consistent with the concept of limited government, that the power of Congress to tax under Article 1, Section 8, was limited to promoting the general welfare under the powers specifically granted under the other clauses of the Constitution, but not to tax and spend for the "general welfare" itself. That section reads in part that Congress shall have power "to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States."

Madison, one of the most active members of the Constitutional Convention, whose proceedings he recorded in his invaluable Notes, explained that clause in the Federalist No. 41, which Chief Justice Marshall described "as of great authority." Madison denied that the clause "amounts to an unlimited commission to exercise every power which may be alleged to be necessary for the common defense or general welfare."

Jefferson, who was not at the Constitutional Convention because of his diplomatic duties in Paris but who followed the proceedings closely and took an active hand in the ratification, stated his view in a letter to Albert Gallatin that Congress had been given "not unlimited powers to provide for the general welfare, but were restrained to those specifically enumerated; and that, as it was never meant they should provide for that welfare but by the exercise of the enumerated powers." Indeed, in 1825 in the Virginia Protest, he reiterated: "This assembly does further disavow and declare to be most false and unfounded, the doctrine that the compact, in authorizing its federal branch to lay and collect taxes, duties, imposts and excises to pay the debts and provide for the commond defense and general welfare of the United States, have given them thereby a power to do whatever *they* may think, or pretend, would promote the general welfare, which construction would make that, of itself, a complete government, without limitation of powers; . . ." (Italics Jefferson's.)

But says the Supreme Court in *Helvering* v. *Davis:* "Congress may spend money in aid of the 'general welfare.' Constitution, Article 1, Section 8; *United States* v. *Butler,* 297 U.S. 1, 65; *Steward Machine Company* v. *Davis, supra.* There have been great statesmen in our history who have stood for other views. We will not resurrect the contest. It is now settled by decision. *United States* v. *Butler, supra.* The conception of the spending power advocated by Hamilton and strongly reinforced by Story has prevailed over that of Madison, which has not been lacking in adherents."

And in *United States* v. *Gerlach Live Stock Company,* 339 U.S. 725, 738 (1950), validating a federal reclamation project in California, the court said: "[I]n conferring power upon Congress to tax 'to pay the Debts and provide for the common defense and general welfare of the United States,' the Constitution delegates a power separate and distinct from those later enumerated, and one not restricted by them, and that Congress has a substantive power to tax and appropriate for the general welfare, limited only by the requirement that it shall be exercised for the common benefit as distinguished from some mere local purpose. If any doubt of this power remained, it was laid to rest the following year in *Helvering* v. *Davis.* . . . Thus the power of Congress to promote the general welfare through large-scale projects for reclamation, irrigation, or other internal improvements, is now as clear and simple as its power to accomplish the same results indirectly through resort to strained interpretation of the power over navigation."

While the Court in *Gerlach* said that the taxing power must be exercised for the common benefit, as distinguished from some mere local purpose, the federal reclamation project directly benefited California and only in a remote sense the nation. Indeed, it possibly hurt the nation as a whole by making more agricultural lands available to California in a time of national surplus of those lands and consequent depressed farm prices.

So today we have a federal government with not only unlimited taxing power under the income tax amendment but also with unlimited spending power for the general welfare, with Congress the judge of the general welfare. And while one might have supposed logically that Congress could tax and spend but not regulate under this concept of welfare spending, the court enlarged this power in *Wickard* v. *Filburn,* 317 U.S. 111,

131 (1942), by holding that "it is hardly lack of due process for the Congress to regulate that which it subsidizes."

The political result is the spending of lavish sums by Congress for purposes that would have made the Founding Fathers scrap the Constitution could they have envisioned that perversion of their image of a limited federal government.

Many examples come to mind. What do you suppose the Founding Fathers would have thought of federal funds to build local sewer, water, or lighting systems, to build local schools, or to finance so-called urban renewal projects? This is now all part of the "general welfare" for which Congress spends money, which it does in a big way. These are all projects representing strictly a local responsibility, which, if they are to be had, should be financed solely by local taxation. But now all the cities and states run to Washington for money to pay for all or much of these local projects, and they have been getting billions in so-called federal grants-in-aid that until a few years ago were unconstitutional. A large part of our perennially unbalanced federal budget goes for these local projects.

Unless held invalid by the Supreme Court at some future date, this pattern of grants-in-aid for local projects will not change much, because the politicians at all levels like it. First, it relieves the local politicians of their duty to require the projects, many of them unneeded or premature, to be financed by local taxation, which is always unpopular and greatly to be feared by them. But these monies are collected by the remote tax collector—the federal government—and the local politician comes off scot-free.

Second, the federal politicians like it because it enables them to announce periodically to their constituents the grant of federal monies for pet local projects that the people are unwilling or reluctant to pay for themselves. This is accompanied by the innuendo that the community is getting something for nothing through these valiant political efforts, whereas in fact it amounts to nothing more in most cases than a return of local community dollars, less the federal charge for collecting and returning them.

The Court in *Helvering* v. *Davis* suggested that there may be some limit on the discretion of Congress to spend for the general welfare, such as a mere local purpose: "The line must still be drawn between one welfare and another, between particular and general. . . . The discretion belongs to Congress, unless the choice is clearly wrong, a display of arbitrary power, not an exercise of judgment. This is now familiar law.

". . . When such a contention comes here, we naturally require a showing that by no reasonably possibility can the challenged legislation fall within the wide range of discretion permitted to Congress. . . . Nor is the concept of the general welfare static. Needs that were narrow and parochial a century ago may be interwoven in our day with the well being of the nation. What is critical and urgent changes with the times."

Recently in *Mathews* v. *DeCastro*, 421 U.S. 181 (1976), the Court said:

"The basic principle that must govern an assessment of any constitutional challenge to a law providing for governmental payments is well established. Governmental decision to spend money for the general public welfare in one way or another are not confided to the courts. The discretion belongs to Congress, unless the choice is clearly wrong, a display of arbitrary power, not an exercise of judgment."

There was clearly an aberration in the court's use of the taxing clause in *Buckley* v. *Valeo*, 424 U.S. 1, 90-91 (1976), a per curiam decision. That case involved limits on private contributions to political campaigns, not the expenditure of federal tax monies for the general welfare. But the court, after inappropriately citing *Helvering* v. *Davis*, said:

"In this case Congress was legislating for the 'general welfare'—to reduce the deleterious influence of large contributions on our political process, to facilitate communication by candidates with the electorate, and to free candidates from the rigors of fund raising. . . . Whether the chosen means appear bad, unwise, or unworkable to us is irrelevant; Congress has concluded that the means are 'necessary and proper' to promote the general welfare, and we thus decline to find this legislation without the grant of power in Article 1, Section 8."

This was clearly an aberration since no federal tax for the general welfare was involved. But the result can probably be sustained under the power of Congress to regulate presidential elections and primaries.

Candidates, among others, for legitimate retrenchment in federal welfare expenditures are agriculture and education.

In The Federalist No. 17 Hamilton, the advocate of using the taxing power for the general welfare, nevertheless wrote that "the supervision of agriculture and all other concerns of a similar nature, all those things, in short, which are proper to be provided for by local legislation, can never be desirable cares of the general jurisdiction."

Franklin D. Roosevelt, a lawyer, in his powerful "states rights" speech of March 2, 1930, with his eye on the presidency he won in 1932, stated that, among other things, power over agriculture, education, and social welfare had not been delegated to the federal government in the Constitution but reserved exclusively to the states. How unreal and antiquated those views sound today, 50 years later, but the fact is that F.D.R. destroyed the concept that he so clearly advocated in 1930.

Working with an obedient—one could almost say subservient—Congress, he proposed and caused to be enacted many national measures that exceeded the bounds of the Constitution as then understood. He asked the Congress to suppress any doubts as to constitutionality and described them as "new instruments of public power" that "in other hands would provide shackles for the liberties of the people."

Just as Hamilton had said that the purpose must be "general and not local," so the Court in *United States* v. *Butler*, 297 U.S. 1 (1936), said that "the power of taxation and appropriation extend only to matters of national as distinguished from local welfare." But the distinction has been ignored by Congress under the vast leeway allowed by the Court. Revenue sharing, the granting of money to local governments for local purposes, falls within the prohibition.

Pinpointing local education, we find that in *Lau* v. *United States*, 414 U.S. 453 (1973), the Court held that teaching English to Chinese pupils was required by the Civil Rights Act of 1964, which forbids discrimination in "any program or activity receiving Federal financial assistance." The San Francisco school district involved received "large amounts of federal assistance."

Fullilove v. *Klutznik*, 448 U.S. 448 (1980), involved the Public Works Employment Act of 1977, which provides: "No grant shall be made under this act for any local public works project unless the applicants gives satisfactory assurance to the Secretary that at least 10% of the amount of such grant shall be expended for minority enterprises."

With Chief Justice Burger writing the six-to-three decision (Justices Steward, Rehnquist, and Stevens dissenting), the Court held that the grant of federal monies "for any local public works project" in those circumstances was constitutional, declaring "great deference" to Congress. It almost seems that in designating federal funds "for any local public works project," Congress dared the Court to invoke its oft repeated, but never applied, judicial distinction. But it seems that the point was not made. Even the dissenters did not object on the ground that the welfare was "local" rather than "general." They disagreed only on the ground of unconstitutional discrimination.

That, for now, is the last word on the subject of federal grants for local public works. If the Court in the future on a direct challenge to federal grants for any local purpose adheres to its implicit *Fullilove* position, we would then have what Jefferson so vehemently decried: "a complete government, without limitation of powers."

The bald fact stands out that no case to date has either the Supreme Court or any lower court held any federal grant unconstitutional as being for local rather than for general welfare, doubtless because no one has had an interest in financing a challenge to a grant. Even though the prohibition of taxpayer suits in *Massachusetts* v. *Mellon*, 262 U.S. 447 (1923), has been removed by *Flast* v. *Cohen*, 392 U.S. 83 (1969), no taxpayer has raised a hand. But the rules that the Supreme Court has laid down and the distinction it has made clearly show that Congress has no duty to make any grants for the general welfare. It surely can desist, with presidential prodding, from grants for what in many cases would be grants for local welfare.

Better that Congress should cease all grants and revenue sharing, including local public works projects, and instead cut federal taxes. All other tax-cutting considerations aside, the reduction at least should equal the amounts now making up federal grants to local governments and the cost of collecting and distributing the grant money. To that extent, state power to tax for local needs would be enhanced. Congress should confine its taxing and spending strictly to federal purposes within the Constitution. Even with the judicial "general welfare" enlargement beyond the interpretations of Madison and Jefferson, that would give us at least a return in part to the federalism contemplated by the founders.

The taxing power ("the power to destroy," as Marshall said) is an ominous one, to be wisely exercised. Any retrenchment in federal taxation and federal grants merely fixes the basic responsibility for local welfare in states where, as Hamilton said, it has belonged since 1787. Indeed, designing local budgets for local programs in reliance on federal grants, in whole or in part, may be approaching the end. So be it.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DR. JOHN BRADEMAS—A CHAMPION OF INTERNATIONAL EDUCATION

Mr. MOYNIHAN. Mr. President, I should like to draw the attention of the Senate to the words of Dr. John Brademas, the truly distinguished former Member of Congress, now President of New York University, who recently delivered an address in Jersualem at a convocation celebrating the 25th anniversary of the Fulbright scholars program in Israel.

During his 22 years as a Representative from Indiana, there was no more eloquent or effective champion of international education programs than John Brademas. Happily, his speech of January 12 demonstrates that Dr. Brademas continues in his lifelong work for the successful development of international education. Indeed, he challenges us, all of us, in the Congress, at colleges and universities, in private enterprise, to sustain international education and exchange programs for they are essential to the "quest for a stable peace and a world of freedom and justice."

I am particularly pleased to note that on January 12, President Brademas announced that New York University will establish the Anwar El-Sadat Chair in Diplomacy, in fitting tribute to President Sadat and the quest for a durable peace to which he gave his life.

I ask unanimous consent that Dr. Brademas' address of January 12, 1982, be printed in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY DR. JOHN BRADEMAS

I am pleased and honored to speak at this festive convocation to celebrate 25 years of the Fulbright program in Israel.

First, I should like to thank Ambassador Samuel Lewis and Mr. Daniel Krauskopf for having invited me to be with you on this occasion. As Executive Secretary of the United States-Israel Educational Foundation, Mr. Krauskopf has done a splendid job in administering the Fulbright program in Israel for 23 of its 25 years, and the success of the program is a reflection of his dedicated service.

I have had the privilege of knowing Ambassador Lewis for a number of years, and I regard him as one of the ablest and most effective representatives of the United States in any country. Ambassador Lewis has eloquently and vigorously voiced the commitment of the American people to Israel and our determination to remain a steadfast friend and to play a constructive role in the search for peace in the Middle East, a peace that must be predicated on a strong and secure Israel.

I am also particularly pleased to have been introduced to you today by my friend Avraham Harmon, President of the Hebrew University.

A former Ambassador to the United States, he served his country with great distinction during his years in Washington and I speak from personal knowledge because those were years when I, too, was in that city.

Here in this audience today are distinguished statesmen, scholars and educators. As president of one of the largest universities in the United States, I share many concerns with those of you who, like President Harmon, lead the universities and other institutions of higher learning of Israel.

I also feel a special affinity for the many former Fulbright Fellows here this evening for I, too, was fortunate enough to have taken part in an international study program. From 1950 to 1953, I studied as a Rhodes Scholar at Oxford University, three of the happiest and most rewarding years of my life.

I have yet another connection to the Fulbright program: my younger brother, Jim, was a Fulbright teacher in Greece twenty-five years ago.

Let me say also how delighted I am to be back in Israel. I made my first visit to this remarkable country in 1970 when I led a delegation of members of the Committee on Education and Labor of the United States House of Representatives.

We came to see your moshavim, your kibbutzim, your day-care centers, your schools, your institutes and universities. What we observed here helped us greatly as we considered education legislation in the United States, and what we saw here, even on a brief trip, gave us some insight into the extraordinary energy and commitment of the people of Israel.

In 1979 I returned to Jerusalem to lecture at the Leonard Davis Institute of International Relations at the Hebrew University.

CONGRESSIONAL SUPPORT FOR ISRAEL

As a member of Congress for twenty-two years and as Majority Whip on the House for four, I did enjoy a unique opportunity to observe something of the significant relationship between Israel and the American Congress.

Let me say a few words about that relationship. For although President Truman played an historic role by recognizing the State of Israel at its creation, it was the strong support of Congress which gave flesh to that recognition.

Over the years, Congress, representing the will of the American people, demonstrated its commitment to Israel by voting economic and military support as well as by expressing America's moral support for the new democracy.

More recently, only moments after the signing of the Israeli-Egyptian peace treaty by Prime Minister Begin, President Sadat and President Carter on the White House lawn—an impressive ceremony I was privileged to have witnessed—President Carter invited several Congressional leaders into his office for a private meeting. There, our then President explained the Camp David Accord in detail and told us how he would need our support in order for the peace process to have a chance to succeed in the Middle East.

And, as you know, Congress responded enthusiastically with a major increase in aid for the two signatory nations.

So the relationship between the people of Israel and the Congress of the United States, representing in a direct sense, the American people, has always been special.

Indeed, my own initial political stirrings came as a schoolboy hearing on the radio the speeches of Adolf Hitler and reading reports of Nazi persecution of Jews. Nothing shook me more profoundly. And, therefore, like many other Christian Americans of my generation, I came to be a strong supporter of the creation of a homeland for the Jewish people in Israel. That support, for me and for most of my countrymen, has never wavered.

MEANING OF ISRAEL TO AMERICANS

Israel, after all, has a special meaning for Christians as well as Jews. No Christian can see this land, breathe this air, walk these streets and hills without experiencing the deepest emotional feelings.

When Christians worship on Sundays in my native state of Indiana, my new home in New York or anywhere throughout our country, we read from the Old Testament as well as from the New. We share the Judaic tradition. In fact, our country was established and nurtured in the Judaic-Christian tradition. Christians and Jews share certain conceptions of man's relationship to his world, his fellow human beings and his God.

Americans also feel particularly close to Israel because Israel is like America in so many ways. We are both vigorous democracies. We are accustomed to controversy. We share a deep commitment to individual freedom and popular self-government.

And both our countries have a distinctly international character. Both are nations of immigrants. Both have been havens for oppressed peoples.

IMPORTANCE OF INTERNATIONAL EDUCATION

As we mark the 25th anniversary of the Fulbright program in Israel, I should like to discuss with you this evening from the perspective of an American politican and educator what we may call "international education"—what such education is, why it matters and how we can strengthen it in our colleges and universities.

Let me add that this is no new interest of mine for twenty years ago, as a young Congressman and champion of President John F. Kennedy, a colleague and I visited South America to study the university system there.

Our visit persuaded me that the colleges and universities of that region were an indispensable key to the economic development and social reform needed for the nations of Latin America to create democratic societies and free political institutions that would endure. I also became convinced that it was imperative that North Americans learned more about our neighbors and provided them opportunities to learn about us.

Two decades later, I think it is all the more obvious that domestic and foreign concerns not only in the Western hemisphere but throughout the world, can no longer be separated.

In a time when information, trade and people move with unprecedented speed across national borders, we can all prosper—indeed, survive—only if we have a deeper and broader knowledge of the countries and cultures of this planet.

The globe on which we live is, in the universal scheme of things, small and interdependent. Martial law in Poland, a poor rice harvest in China, the invasion of Afghanistan, civil war in Central America—these are all events that reach far across national borders.

ARE AMERICANS PREPARED?

In such a world, how well are we preparing people—specifically, how well are we preparing Americans—to comprehend that

world? To understand other nations, other cultures, other peoples?

In my view, we are not doing very well.

There is simply no question in my view that the people of the United States, in whose hands, for better or for worse, lies much of the responsibility for building a peaceful and stable world, must do a far better job than we have been doing of learning about the rest of it.

Only two years ago, let me observe, a 25-member commission on Foreign Language and International Studies, chaired by James Perkins, former President of Cornell University, reported to President Carter on what the Commission described as America's "scandalous incompetence" in foreign languages.

The Commission members declared themselves profoundly alarmed by the results of their inquiry. Here are just a few of their findings:

1. Over 40 percent of twelfth graders were unable to place Egypt correctly on a map while over 20 percent were equally ignorant about the location of France or China.

2. Only 15 percent of American high school students studied a foreign language, down from 24 percent in 1965; and the decline continues.

3. The agencies of our government responsible for foreign relations were deeply concerned that decreasing foreign language enrollments in our schools and colleges were lowering the quality of new recruits for their services and increasing the costs of providing necessary language training.

The hostage crisis in Iran provided a dramatic illustration of a failure to understand another country and its culture. An analysis published in The New York Times asserted that "many developments resulted from misconceptions. But the Examination also," said the Times, "shed light on more subtle but substantive issues, such as the fact that for ten of the hostages' fourteen months in captivity, the United States negotiated with the wrong leaders in Iran, the secular, titular leaders rather than the religious leaders who held the real power. . ."

How have such situations come about?

DANGEROUS U.S. IGNORANCE

There is no single explanation for our costly and dangerous ignorance.

Surely one reason can be found in America's geography and our long-standing tradition of assimilation. As a nation of immigrants, America was populated by people who fled from intolerable conditions in their native lands. They wanted to forget the past and to embrace the new American culture and language, and it did not seem necessary or desirable to hold on to a knowledge of the languages and traditions of the old country.

INTERNATIONAL EDUCATION ACT

For a time, it did seem as though we as a country were extending our commitment to international education. Sixteen years ago, Congress passed the International Education Act of 1966. This law, of which I was principal author, called for grants to colleges and universities in the United States to support study and research, both at the undergraduate and graduate levels, about foreign peoples and cultures and important issues in international affairs.

President Lyndon Johnson signed the International Education Act into law, but, I regret to tell you, Congress never voted one penny to turn our sound intentions into effective action. Yet I believe that had this commitment to international education we sought a decade and a half ago been carried through, we might have been far better prepared to deal with problems we have suffered in Iran, Vietnam, Central America and elsewhere.

But America's schools and colleges are themselves not without blame. A study by the American Council on Education, one of our country's leading voices for colleges and universities, reported that, at most, only 5 percent of the country's prospective teachers ever take any course relating to international affairs or foreign people and cultures as part of their professional preparation. In this case, what they don't know will hurt them—and their students as well.

In the 1960s, many colleges and universities responded to student demands for greater flexibility and "relevance" in their studies by eliminating foreign language requirements. Not suprisingly, many secondary schools followed suit.

Today, many schools, colleges and universities, concerned about balancing their budgets, often react by cutting back on courses about other cultures or other languages, which they see as merely "frills."

Most distressing of all is that the present Administration in Wahington has embarked on a course of slashing funds for our schools, colleges and universities and other institutions of education and culture—a course that gravely threatens the continued existence of programs of international exchange like the Fulbrights.

But I do not want to sound wholly alarmist or negative. I see some signs of hope.

In the past few months, for example, we successfully overcame a threat to decimate federally sponsored educational and cultural exchanges, including the Fulbright program.

ESTABLISHMENT OF FULBRIGHT PROGRAM

The government of the United States, as you know, made its first serious commitment to international exchange in 1946 with the Fulbright program.

Senator William Fulbright, its founder, proposed using the war debts of foreign countries to finance international exchanges so that people "might develop a capacity for empathy, a distaste for killing other men, and an inclination for peace."

Since its founding, the Fulbright program has enabled approximately 45,000 Americans to teach and study abroad, and 80,000 scholars from over 100 countries to do the same in the United States.

The program reached its peak in 1965 when its budget was $76 million with 9,000 scholars participating. Cutbacks since then have reduced these figures by about 40 percent. In 1981, the program was budgeted at $48.1 million with 5,500 participants—about 3,000 coming to the United States and 2,500 Americans going abroad. Exchanges were conducted with 120 countries.

FULBRIGHTS IN ISRAEL

One of those, of course, has been Israel. Since the beginning of the Fulbright program here, some 280 Americans have come to this remarkable land, and we, in turn, have welcomed 520 Israeli men and women to our shores.

Today, there are ten American Fulbright Fellows teaching and studying in Israel, and 24 Israeli Fellows in the United States.

These exchanges, as many of you know from your own experience, have provided significant benefits to the Fulbright Fellows as well as to both our countries.

For example, American Fulbright scholars have helped develop the curricula of colleges and universities in Israel in areas such as teaching English as a foreign language, science education, and American studies, including American history, literature and social work.

Israelis, in turn, have made distinct contributions to American life. An Israeli Fulbright scholar in the Washington, D.C. area, to cite only one example, is helping develop a model program for holocaust studies in the United States.

Although it is not possible to tell you all the accomplishments of Israeli Fulbright scholars over the years, I would have you consider for a moment the excellence of the men and women who comprise this select group. Today, among their ranks are a Supreme Court Justice, two undersecretaries in cabinet ministries, the Chairman of the Advisory Council of the Bank of Israel, and dozens of university deans and department heads.

SUCCESS OF FULBRIGHTS

Indeed, I believe that the Fulbright program in general has been a resounding success, certainly for the United States. A survey of over 3,000 former Fellows conducted in 1979 by the Fulbright Alumni Association and the President's Commission on Foreign Language and International Studies found that 72 percent have kept up contact with their Fulbright country and had subsequent professional contact with other foreign countries; 76 percent have used materials from their time abroad in teaching; and 72 percent have changed their view of the world as a result of their Fulbright experience.

In addition, a study of American teachers who have benefited from Fulbright and other exchanges showed that the overwhelming majority subsequently became more concerned with global issues; 77 percent were devoting more teaching time to international affairs and 83 percent felt that they had improved their students' attitudes toward other countries.

As Donald Stokes, Dean of the Woodrow Wilson School of Public and International Studies at Princeton University, has said, "These programs have brought this country more influence and goodwill in the world than any comparable outlay in taxpayer dollars since World War II."

Certainly the Soviet Union considers international educational exchanges to be of great value. In recent years, the Soviets have substantially increased both admission of foreign students to their universities and their exchange programs. Currently, the Soviet Union spends about $3 billion a year for such purposes. I might point out that the Soviets annually provide 24,000 fellowships to Africans, 12 times the American total. And the Soviets offer Latin Americans nearly 5,000 fellowships, 10 times the number the United States makes available to Latin Americans.

THREATS TO FULBRIGHT PROGRAM

Despite these extraordinary comparisons, last fall the Fulbright program and several companion programs faced virtual extinction. The United States International Communications Agency, which administers these programs, was told to reduce its spending by 12 percent. The Agency in its wisdom decided that the bulk of these cuts should be absorbed by the exchange programs and proposed cutting the Fulbright program in half, slashing funds from $48.1 million to $22.5 million and reducing the number of participating countries from 120 to 59.

Similarly, the ICA moved to cut by 50 percent the International Visitor Program, which currently brings 1,500 people to the United States, many of them potential leaders of their countries. The ICA decided to eliminate the Hubert H. Humphrey Fellowships, which provide advanced training in the United States for mid-career professionals from Third World countries.

I am delighted to be able to report to you that Congress last month voted to reject these disastrous cuts. Moreover, legislation approved by Congress earmarked $100 million of the ICA budget for international exchange programs, an increase of $11 million over the amount these programs received last year.

In one sense this crisis has been reassuring. For it proved conclusively that there is a strong and vocal constituency in America in support of international education and exchange. Educators, foreign affairs specialists, former exchange scholars, and members of Congress of both parties joined forces in a vigorous and successful effort to fend off the proposed cutbacks.

I would like to salute, in particular, the efforts of Senator Claiborne Pell, Democrat of Rhode Island; Senator Lowell Weicker, Jr., Republican of Connecticut; and Representative Dante Fascell, Democrat of Florida.

There is, of course, no way to predict future funding levels for these programs. But as Wallace Edgerton, president of the Institute of International Education, which helps administer the Fulbrights in the United States, has said, "For the present, all those concerned about public diplomacy have scored a signal victory."

RETURN TO EDUCATIONAL RIGOR

Beyond this recent victory, I have been heartened by several other developments. I read recently that Latin, a so-called "dead language", is making a comeback in the United States, not only in colleges, where it is still pursued by a "courageous minority", but at every level of schooling.

There has, in fact, been a general reaction to the relaxation of academic standards that took place in the '60s and early '70s. Many universities, including my own alma mater, Harvard, the University of Pennsylvania, Emory College, Middlebury College, and the University Massachusetts, have abandoned the cafeteria-style principle of unlimited free electives and have begun, once again, to insist that students have such basics as mathematics and at least one foreign language as part of their education.

I am pleased to be able to say that New York University is in the vanguard of this return to rigor. Not only are all New York University undergraduate arts and science students required to achieve competency in a foreign language, but for the first time our students must take at least an introductory course in a non-Western culture.

TASK FORCE REPORT

Also on the bright side, I should tell you that last year there was established, on the recommendation of the Perkins Commission, a National Council on Foreign Language and International Studies, charged with the responsibility to continue and build on the work of the Commission.

Created with the support of private foundations, business corporations and government agencies, the Council, of which I am a member, is committed to the goal of making a coherent and persuasive case that foreign languages and international studies are crucial to the future of the United States.

You will, I am sure, be interested to know that very soon, the National Council on Foreign Language and International Studies will issue a report entitled, "National Manpower Targets for Advanced Research on Foreign Areas"—a report that analyzes in a careful and comprehensive way our need for more well-educated specialists concerned with foreign languages and areas.

The Task Force which prepared this document noted what it called "a silent but critical struggle to adjust to a changing world economy and a powerful set of new political and strategic realities." It said, "As measured by any reasonable standard of what we need to know about the rest of the world, we (the United States) are faltering badly."

The Task Force warned that "the vulnerability we invite by neglecting fundamental and applied knowledge and research about foreign areas threatens our security and our commercial, diplomatic and cultural interests. Though less visible, it is no less serious than the vulnerability we would face through neglect of our military preparedness."

NEED FOR MIDDLE EAST EXPERTS

With respect to the Middle East, the Task Force declared that there was no area of the world where it was more urgent that the United States be capable of understanding and dealing with events over the next few years. The Middle East, said the Task Force, was of such great economic and political importance that it was essential for the United States to have institutions and people expert on the region.

To date, these resources are lacking.

Currently, only 3,000 United States government employees are fluent in one of the seven Middle Eastern languages.

In American colleges and universities—the natural producers of specialists in foreign studies and the source of research and knowledge—the picture is much bleaker. According to the Task Force report, only 229 specialists currently teach or are engaged in research on Middle Eastern languages, literature and linguistics. Only 522 specialists are active in the vital subject of Middle East politics, geography, economics and sociology.

The Task Force on National Manpower Targets called for efforts to increase by more than 3,000 the number of academic specialists on the Middle East.

The Task Force also urged several steps to bring about an improved awareness of the Middle East to the American public.

These steps include: more emphasis in American high schools, colleges and universities on the history and problems of the Middle East; strengthened programs of foreign study and exchange at both the undergraduate and graduate levels; improved library collections related to Middle Eastern culture, history and languages.

POSITIVE INITIATIVES

Indeed, I have been impressed by initiatives already undertaken by a number of colleges and universities in the United States to advance international studies on their own campuses. The recent project on "Education and the World View," sponsored by the Council on Learning, has identified many of these innovative programs across the country.

Such creative initiatives will, in my view, continue to grow in importance. For the foreseeable future, Federal money for international education—or for other kinds of education, for that matter—is not likely to increase. Therefore, educational institutions will need to devise ways to share resources and ideas with one another.

I hope, too, that multi-national corporations and banks will increase their support of international studies and research.

Clearly, here is an area in which social and cultural responsibility coincide with enlightened self-interest.

There is one other facet of American life which gives me hope that, despite dwindling Federal dollars, we can move forward toward more effective international education. This is America's heterogeneous population. Our country is blessed with a remarkable resource of talent in our ethnic minorities, who, if brought into the mainstream of education and employment opportunities, can be expected to make new and valuable contributions to our national capacity to deal effectively with the world beyond our borders.

I see this phenomenon at work at New York University with its large multi-ethnic student population. Second and third generation Italian-Americans, Ukrainian-Americans, Greek-Americans are realizing that they do not want to lose their heritage. Many of them now enroll in language programs in order to reclaim the culture of their grandparents—an excellent base on which to build new and expanded programs.

NYU AND ISRAEL

Allow me, as I conclude, to tell you of the deep commitment of New York University to international education. We have, I believe, an impressive range of international studies. I shall recite only programs involving Israel, although, of course, our University has many programs with other nations around the world.

Our Hagop Kevorkian Center for Near Eastern Studies brings together historians, archaeologists, economists, art historians and other experts engaged in interdisciplinary work on the Middle East. Our department in Near Eastern Languages and Literatures offers a full range of courses in Biblical, medieval and modern Hebrew language and literature as well as history and social science courses about the Middle East, including Israel.

We have on our faculty one of the major interpreters of the Dead Sea Scrolls—Professor Lawrence Schiffman—and one of America's most eminent Biblical scholars—Professor Baruch Levine.

New York University, incidentally, was one of the first universities in America to include Hebrew language and literature and Judaic culture and civilization in its curriculum. Our School of Education offered its first courses in modern Hebrew fifteen years before the establishment of the State of Israel and offered a broad array of courses in Hebrew culture and education.

The Institute for Hebrew and Judaic Studies and the Hagop Kevorkian Center for Near Eastern Studies are jointly playing a major role in the archaeological excavations at the ancient city of Tel Dor, eighteen miles from Haifa.

Furthermore, the international program of our Graduate School of Business Administration, which is ranked first in the country by many, has for many years enjoyed a close relationship with the Recanate Graduate School of Business Administration of Tel Aviv University.

Our School of Law offers a variety of courses in international law and affairs, including special institutes for lawyers from abroad. This week, faculty from our Law School, under the leadership of Dean Norman Redlich, are visiting Israel for two separate projects. Our School of Law and

Tel Aviv University are co-sponsoring a conference there for deans and other legal educators from the United States, Israel and other countries. In addition, New York University law faculty are engaged in preliminary talks to arrange a conference on technology transfer between Israel and Egypt. For the past decade, our School of Law has annually invited a professor from the Hebrew University to join our faculty for the academic year.

The NYU-Israeli Educational Exchange Program at our Medical Center sponsors regular faculty and student exchanges with three medical institutions in Israel—the Sackler School of Medicine at Tel Aviv University, the Tel Hashomer Hospital and Barsheba Medical Center in Jersualem.

Finally, our Graduate School of Public Administration and the Civil Service Commission of Israel co-sponsor the Administrative Staff College of Israel, headquartered in Jerusalem. The College offers courses in managerial behavior and organizational theory to Israeli administrators, legislators and other public officials.

Last fall, when I delivered my inaugural address as thirteenth President of New York University, I said that one of my principal objectives for our University would be to strengthen international studies and research.

It is my intention to see our existing such programs grow while at the same time creating new initiatives. We have a remarkable base on which to build. Located as we are in New York City—the international capital of commerce, the arts, the sciences and communications—we are in an ideal situation to develop New York University as one of America's leading centers of international education.

SADAT CHAIR AT NYU

As evidence of the commitment of New York University to the pivotal role of international studies, I am pleased today to announce our plans to establish at the University a Mohamed Anwar-El Sadat Chair in Diplomacy.

The creation of the Anwar-El Sadat Professorship would, in our view, be an appropriate way to honor the historic initiative which President Sadat took four years ago in journeying to Jerusalem in the cause of peace.

The Professorship would be devoted to the study of how nations can resolve their differences by negotiations rather than war and provide deeper insights to us all into the major diplomatic issues of our time.

As my colleagues in New York and I envisage it, the Chair would be based at New York University but Anwar-El Sadat professors would give lectures and conduct symposia at universities in both Israel and Egypt as well as New York City.

It is our intention to invite as occupants of the Chair distinguished statesmen and scholars from both the United States and abroad. They would reflect, teach and write about their experiences. Appointments would be for one to two years.

I have already discussed the proposed Chair with educational leaders in Israel and have been most encouraged by their response. Next week I shall be in Cairo where I intend also to seek reactions from university officials there.

Certainly, I welcome any suggestions for the implementation of a Sadat Professorship that any of you may have.

Let me conclude my remarks today by saying simply that it must be evident that so perilous is our common life on this precious Earth that we must, all of us, commit every fiber or our minds and spirits to the quest for a stable peace and a world of freedom and justice.

To be able effectively to pursue this most important of objectives, however, we must know and understand one another, at least know more and understand more than we do today.

I believe that there is a special responsibility on the part of the colleges and universities of the United States to help educate the American people about the other peoples of the world who, after all, populate most of it.

The distinguished American statesman who gave his name to the program we are meeting today to celebrate put the case I am making in terse but eloquent words. Senator J. William Fulbright said: "Education is a slow-moving but powerful force. It may not be fast enough or strong enough to save us from catastrophe, but it is the strongest force available."

THE BBC'S ROBERT McKENZIE: A MOVING TRIBUTE

Mr. MOYNIHAN. Mr. President, with the untimely passing of Robert McKenzie, the world lost an incomparable broadcast journalist and I lost a dear friend of more than three decades.

His life—devoted as it was to the subject of politics and reporting—made him one of the best of the BBC, and for a generation, he took the intricacy of American politics to his viewers in Britain and helped them appreciate and understand what our world of policymaking is all about. Born and raised in Canada, Bob McKenzie had the advantage, perhaps, of proximity in unraveling the mysteries of American politics, but he also had the depth, the intellect, and the scholarly ability to help others learn more about America than what they could capture from headlines.

Mr. President, Bob McKenzie was a great friend of America and a great friend of democracy and his loss shall be mourned. I ask unanimous consent that a tribute to Bob McKenzie, delivered at Church of Christ the King, Crown Square, on December 7, 1981, by Sir Huw Wheldon, be entered at this point in the RECORD:

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

ROBERT MCKENZIE: MEMORIAL SERVICE

I am only sorry that the words that have been spoken and written both formally and informally, about Bob McKenzie since his untimely death were not spoken to him. He served two great institutions, LSE and the BBC; he served them virtually throughout his adult life; and he served them to the top of his bent.

Sooner or later one or the other or both would have done him honour, but somehow this never quite happened during his lifetime. Perhaps it was that he always seemed young. He retained his youthful qualities of intensity and curiosity and ebullience, apparently quite unimpaired by passing years. Until very recently even his appearance remained youthful.

Or perhaps it was as if he was himself too brisk, too busy, always so inward with his work, for anyone to consider making a proper finished appraisal of either work or a life which was still so energetically in midstream. But the fact is, that over the years, almost invisibly as it were, he had come to occupy a very special place indeed in the life of LSE, in the life of the BBC and in the political life of the country itself; not to mention the place he occupied in the hearts and minds of a host of friends and colleagues and well-wishers.

For all his discerning intelligence, and he was a very clever man, I think he would have been amazed at the respect and the affection in which he was held.

As we all know, Politics was the passion of his life. He could be said, I think to have fallen in love as a young man from Vancouver, with the constitutional and political institutions and practices of this country; and characteristically the young Captain McKenzie, immediately after the war, wasted no time in getting to grips with them. Not to waste anything was quite central to his character, I think.

He lived, as I saw things, a curiously spare and even monkish life. His manner, and indeed his disposition, was exuberance itself. His rooms in Brompton Square presented a genial and generous clutter of books and papers; just as, in his hands, his garden in Walton blossomed, His zest for the matter-at-hand, almost whatever it was, seemed unquenchable. But he wasted nothing. His teaching at LSE bore upon his programmes. His head-on meetings with political figures and political events in programmes bore upon his University work. His life was all of a piece. It was very highly focussed and it was extremely productive.

I worked closely with him in the mid-fifties. I was then approaching 40 years of age, and I was fairly new to the BBC and I had landed up as a Producer in the old Television Talks and Current Affairs Department in Lime Grove. I was a year older than Bob, but he, by comparison, was already a very experienced broadcaster. He had worked in radio in the General Overseas Service and in the North American Service. He had been produced by a variety of budding luminaries who have since gone their separate ways—Donald Baverstock and Roger Cary; Derek Holroyde and Tony Benn. He had been a CBC Stringer for many years. He was already one of an extremely notable and pioneering group of reporters—they included James Cameron, Chester Wilmot, Geoffrey Cox, William Clarke, Sydney Jacobsen and others who were working on a daily radio programme—a new departure in itself—called TOPIC FOR TONIGHT which had been started by Stephen Bonarjee and Charles Curran. All this was in the early fifties and by the mid-Fifties he was becoming a familiar figure in the Television Studios as well.

We worked on two big documentary series at that time. He and I wrote them together. They were called Portraits of Power, and I mention them only in order to testify as to his gifts as a working companion. I was in and out of his flat day in, day out, over a period of eighteen months and I have a hundred memories—of his glee when things took an unexpected and rewarding turn; of his despair, loud and cheerful, when things went wrong; of his tenacity where issues were concerned; his clarity of mind; and his quite encyclopaedic knowledge.

He was a marvelous man to work with and there are many people in his Church who would testify strongly to the same effect.

All through his long life in broadcasting he relished the working sessions which are inseparable from the preparation and the making of programmes. They were his heart's delight.

He would come bustling in, bubbling over at once with some new idea, or some new disclosure, or best of all, some new piece of gossip. He liked the swift modulations from the reflective to the executive; from theory to action. He adored lengthy and thorough analyses and anything that would eventually require explanation.

But once the purpose was achieved, the matter settled, he'd be off, brisk as ever, all instincts of sociability satisfied and, as a matter of fact, many a friendship bound yet more securely.

There is a famous BBC Cable quoted in seminars and Training Courses and the like. It was sent, in 1954, simultaneously to David Butler who was in Berkeley in California and to Robert McKenzie who was in New York.

The cable concerned the first-ever television coverage of a Conservative Party Conference, and it read as follows:

"Conservative Conference arrangements now firm STOP. You at Blackpool William Clarke London STOP. Rehearsals October 6 Transmission October 7 8 and 9 STOP. Introduction and Interviews from Blackpool but Controversy Disallowed STOP. Details and Contract on your return."

Connoisseurs of BBC hierarchical practice and the precise definition of authority—and they certainly included Bob McKenzie—might be interested to learn that the signature at the end of the Cable was Goldie oblique stroke Peacock.

"Controversy Disallowed" Bob's work in radio had already reflected his determination to make politics come alive by interviewing Ministers and their Shadows, despite the old Fourteen Day rule which forbad discussion on the air within 14 days of a Parliamentary debate; and he was to prove no less determined and successful in television. He had no sensationalism in mind, nor anything trivial. He was absolutely dedicated to the proposition that the country needed an informed public, and informed public discussion of political issues; and he was tireless in sharing that enthusiasm with anybody willing to listen, including colleagues, pupils and audiences, in congregations of anything from one or two to tens of millions.

And it was in the name of this all-consuming concern that he worked in a quite extraordinary range of programmes. He was delighted when he was invited, quite late in his life, to take part in Nationwide. He was a reporter and a populariser and a journalist and happy to be so described; yet in these callings he never traduced his academic standards nor betrayed his own values.

Nationwide has a huge audience. Bob carried out brief four or five minute items and interviews if called upon to do so, as readily and as capably as he conducted long, detailed and specialised explorations with political leaders in his last BBC2 Series, or in earlier years, in Gallery. Then there were the extraordinary Marathons of the General Elections with his famous and endearing Swingometer; and again, on a quite different level of experience for him, and for us, there were the hours, eight of nine hours, of political insight and recollection he drew out of Mr. Harold MacMillan. And so much more, including Radio.

It is not surprising that Mr. MacMillan was moved to make so full and touching a statement to the Times on the day after Bob's death. "He was an old friend", he said, and made reference to his common sense, and his grasp of political history over the last 100 years, his courtesy, his learning, so nicely concealed under a light touch. There have been many messages from public men and women all over the world. Many of them LSE people, of course, as well as personal friends, but all a reminder that Bob himself, out of the public eye as well as in it, cut ice.

As many, perhaps most people here will remember, his entry in Who's Who for some years set out his academic career, nearly all LSE, and his academic publications; and the only reference to radio and television was: "Recreation-Broadcasting".

And it did re-create him, of course. But the fact remains that he was a central and influential figure in a group of men and women who transformed political broadcasting in this country.

His foundation was his urge to communicate and share his abiding vision of a Society dedicated to constitutional government.

His talent was to be able to conduct himself in a whole variety of roles. He was technically very adept. He could write and comment and interview and explain and narrate; do so with careful preparation, and do so off the cuff; do so short, and do so long. He was extremely resourceful.

And his gift was to be able to carry this in the presence, and to the satisfaction of all sorts of audiences—informed and uninformed, old and young, big and small. All were addressed in the same voice, with the same relish to get the complex clear, reducing nothing.

He is much missed already. He was missed at Croydon and he was missed at Crosby. But even in professional terms there is a much greater dimension to the loss. It was his beloved Bagehot who said that in an advanced country public discussion had to be endured; and Bob McKenzie was a major voice and a major practitioner in seeing to it, during the last 25 years that broadcasting was brought out of its Reithian constraints to take its proper and responsible part in that great activity.

To be free from constraints is one thing, however. To use that freedom to good purpose is another. There are difficulties ahead. "The Country divided" said Oliver Wrinkley years ago in a great sentence "The Country divided puts the BBC on a rack". No broadcasting organization in any country could afford to lose so experienced a voice, such academic rigour, such technical capacity and such constant purpose at any time and particularly now. He will be very much missed, and the more so in confused and troubled days, because all brilliance and technicality apart, there was wisdom in him too.

I read in an essay by the Baroness Blixen of a Chinese Mandarin who had been charged with the education of a young Prince. When the Prince reached the age of 20 he was released from his studies. The Mandarin told him he had taught him all he knew. As a parting gift he gave the young Prince a ring to wear on his finger. There was, he said, an inscription inside; and he asked the young man to wear the ring always, and to look at the inscription only at moments of great Triumph, or great Disaster. The Prince wore the ring, and as his life passed he was visited, as we all are, by moments of joy and moments of sorrow and on those occasions he would read the inscription which said, "This too shall pass."

And above and beyond and alongside his energy and his full commitments, the commitment of his whole life, in fact, there was something of this quality in Bob. He was never fooled. In some ways it is quite odd to be remembering him in a Church. He was, in my judgement, implacably secular. Reason and rationality were his foundations.

And yet, I am also glad that we have been here and are here. The Readings, great texts, were much to the point.

"Therefore get wisdom
"And with all thy getting, get understanding
"Therefore be ye steadfast
"Unmovable, always abounding in the work of the Lord."

They go straight to the point; and the Church provides the context which these texts demand.

And finally, being here allows us straightforwardly to thank God for a life so full of activity and purpose; and allows us to be grateful to have played our parts in the days of a man undeniably solitary, and equally undeniably fruitful: for which God's name be praised.

PRIVATE AND PUBLIC SECTORS: PARTNERS FOR NEW YORK

Mr. MOYNIHAN. Mr. President, we have, as a nation, been devoting more attention of late to the proposition that government and the private sector can cooperate in addressing significant policy questions of importance to our cities.

To this end, New York City Partnership was established 3 years ago—an effort to draw together business, civic, and government leaders with a profound concern for our country's largest and, indeed, preeminent city. The Partnership has developed, in these last years, into an association of more than 100 business and private sector leaders who are convinced that solutions to New York City's problems can come in part from sources other than the Federal Government.

Under the chairmanship of David Rockefeller and the presidency of Arthur Taylor, New York City Partnership has launched several ambitious projects with splendid potential for boosting the economy of the city. The Partnership's efforts have had, and will continue to have, a most beneficial impact on those who live and work in New York and those who enjoy its unique charm.

On Thursday, January 14, 1982, President Ronald Reagan made a special trip to the city to remark upon the Partnership's meaning for New York and the Nation. On that occasion, Arthur Taylor delivered a spirited and thoughtful commentary on the role business can play in revitalizing New York City and, indeed, the entire Nation. His conclusion, expanding upon a remark of one of President

Reagan's predecessors, was that, "The business of business is America."

Mr. President, I thought my colleagues would benefit from seeing Mr. Taylor's remarks and from learning more about New York City Partnership, and I therefore ask unanimous consent that the text of Mr. Taylor's speech on January 14, 1982, and a description of the Partnership be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ARTHUR R. TAYLOR, NYC PARTNERSHIP SPEECH

Mr. President, David, fellow partners and friends of the partnership, shortly after the beginning of the year 1925 in a speech before the Society of American Newspaper Editors (in fact, almost 57 years ago to the day), President Coolidge made his famous statement, "The business of America is business." Of course, in the more than half century that has passed, we have learned that the business of America is much more than business. To expect over 200 million people to govern themselves in a dangerous world without great difficulty, to rely upon education to effect enlightened compromise of self-interest without great difficulty, is not realistic. If occasionally the difficulties overwhelm us, we should not be surprised.

We have also learned that the Nation has responsibilities to see that there is fairness and justice in the distribution of obligations and in the rewards of being an American. This is especially true of those who are at the bottom of the economic ladder.

We are now engaged in a momentous process in which our Government is reducing its responsibilities for such things. This in no way means that society's responsibility is reduced. If the people feel that their Government must pull back, then others must be prepared to fill the gap.

The New York City partnership was formed to fill the gap because David Rockefeller and others in this room decided that the business of business here is New York City. Without safe streets, adequate transportation, jobs for our children, effective courts and schools, the cost of carrying on business is such that it would be too high to absorb. The partnership is committed and involved in all of these areas, with the additional knowledge that the ability to lobby for our views, to promote our point of view, to assault through knowledge, is the key to its future.

We know that when the black community, the Hispanic and Chinese communities, the small business community, join with the big business community—when Staten Island makes common cause with Manhattan—that our call for action is stronger and more effective than it has ever been before.

We are learning in New York City that we desperately need each other. All except the most selfish of us find it necessary to change our views to find a course of accommodation with those around us. We feel this necessity for our needs are so great.

We are at the very beginning of the reality of a true public/private intersection of activities. We are obligated to see that it works. We need to have a working linkage between Federal and private sources so that a true partnership may exist.

President Coolidge had the words right when he said, "The business of America is business," the words are right but they are in the wrong order. For what I think we are out to demonstrate is, "the business of business is America."

NEW YORK CITY PARTNERSHIP

New York City Partnership is an association of more than 100 business and civic leaders who are convinced that the expertise and experience of the organized private sector can improve the economic and social climate in America's preeminent city.

The Partnership was founded in 1979, after New York had survived a period during which it teetered on the edge of bankruptcy, cut municipal jobs and services, and saw construction, office occupancy, and its credit rating plummet. Businesses large and small fled, while national politicians turned their backs on the city, pronouncing it a basket case.

That dire analysis overlooked New York's greatest asset, its people—the fiber from which the "basket" was woven. When things seemed most grim, New Yorkers pooled their abundant talents. Labor, government, voluntary associations, and the private sector, which often had warred against one another, devoted themselves to New York City's survival. Unions purchased city debt obligations and corporations loaned top executive talent to help run city agencies.

This collaboration helped restore much of New York's vitality. It also persuaded commercial and civic leaders that a permanent partnership could benefit the city even after the crisis had eased. Under the chairmanship of David Rockefeller and presidency of Arthur R. Taylor, they formed the New York City Partnership, an umbrella organization that drew together such established private-sector groups as the 200-year-old Chamber of Commerce and Industry and the widely respected Economic Development Council, a research and service agency.

The Partnership's members have come from all corners of the city, reflecting the diverse local talent, ethnicity, and politics that are the source of New York's dynamism. They have devoted themselves to aiding New York, gratis, with such projects as these:

REVITALIZING MASS TRANSPORTATION

Responding to a call from officials of New York's faltering transit system, the Partnership has begun providing the city with the managerial and technical expertise needed to get the subways and buses running reliably again. Currently, some 20 executives on loan to the Partnership from major corporations are working full time with the Transit Authority.

YOUTH EMPLOYMENT

A Partnership task force this past summer gained commitments for nearly 14,000 jobs in 1,800 private businesses for the city's economically disadvantaged youngsters. No private-sector job creation program on so massive a scale had been accomplished previously.

The Partnership has also set up a task force to aid New York's efforts to combat street crime and another to stimulate economic development.

The activities of the Partnership are establishing a model for urban America. Inquiries have already begun coming in from around the nation, from cities eager to emulate New York by setting up private-public partnerships to tackle local problems locally.

RESPECT FOR THE CIVIL SERVICE

Mr. MOYNIHAN. Mr. President, were it not for a trained and highly professional civil service, this Nation's government would accomplish little of significance. That is a statement perhaps not so remarkable but one we should note on occasion, as it seems that the Federal bureaucracy is often blamed for everything about Government which malfunctions.

Mr. Murray Comarow, professor in residence at the American University and the former Executive Director of the President's Council on Executive Organization, has contributed a thoughtful and highly informed article on precisely that subject in a recent issue of the Washington Post. He writes elegantly of the attacks upon the Federal civil service emanating from the present administration, and he notes that the bureaucracy would have much of import to contribute to the vital discussions of policy now underway, if only those in office had the respect to listen. Listen we should and for that reason, among others, I offer for my colleagues' consideration the fine article from the Post authored by Murray Comarow.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 31, 1981]

CIVIL SERVANTS: WAR AND PEACE

(By Murray Comarow)

"Baiting Bureaucrats: The White House steps up its gibes at civil servants. Reagan needles them in nearly every speech, all but calling them lazy,"—Wall Street Journal's Washington Wire, Sept. 18, 1981.

At 1 p.m. on Sept. 25, 1981, Edwin Meese III, considered second only to the president in authority, began a speech to a group of senior bureaucrats at a Marriott Hotel in Virginia. Meese said, "I can't think of any more important group in government except possibly the Cabinet. . . . I have a real appreciation, as does the president, of the value of this group."

At 9 that evening, in his fifth major television address, President Reagan gibed that some programs benefited "those who administer them rather than those who were the intended beneficiaries," and told a funny story, with bureaucrats the butt of the joke.

Reagan has fulminated against "the advocates of a different philosophy [who] are manning the barricades in those puzzle palaces on the Potomac." He has described "one of the most remote, protected areas of our country: the federal bureaucracy in Washington."

In light of the president's relentless public attack on career civil servants, what are we to make of Meese's words of praise and comfort?

The president and his sheer chutzpah aside, the explanation may be found in an ambivalence about bureaucrats within the minds of our recently elected leaders. Reagan's dominant image is that of bureaucrats who have their own agendas; who are allied with congressional staff and client groups to

sabotage political initiatives; who are not that bright or creative (or they'd be out making money, right?); and who are, above all, survival specialists.

The opposite picture of career executives as competent and indispensable is being slowly absorbed by some of the Reagan team as they learn their jobs, gain respect for their staffs and relay their discoveries up the line.

The dominant image—government people as disloyal and incompetent—is the product of ritual-level thinking (e.g., "politicians are crooks," or "Mexicans are lazy") buttressed by undeniable anecdotal evidence. Of course there are government executives who are less than competent. Of course some have conspired with committee staffs and special interests to resist budget cuts. When bureaucrats exceed the bounds of propriety, they should be disciplined or dismissed.

In truth, however, such excesses are infrequent. Bureaucrats want to be trusted; they want their experience to count; they want to be part of the action. When they are appreciated, they are overwhelmingly loyal and effective. Shutting them out, much less maligning them, produces the very mind-set that Reagan and Co. predicted coming in—a classic case of self-fulfilling prophecy.

But what kind of a voice should senior civil servants have? They were not, after all, elected by the 26 percent of the American voters who gave the president his mandate for change. The issue is distorted by Donald Devine, head of the Office of Personnel Management, who says things such as "the task of the civil service is to administer and manage, not to determine policy." He cites with reverence Max Weber, a German sociologist, who half a century ago tended to see employees as interchangeable parts. Public administration today has moved as far from Weber as psychiatry has moved from early Freud, a development that may have escaped Devine, whose own management experience is not readily apparent.

Still, Devine is right: civil servants should not, determine policy. Nor do they believe they should, with a scattering of dissidents at the margins. They do believe, however, that their experience should be placed at the disposal of elected and appointed policy makers, and seriously considered. That done, the vast majority will earnestly try to carry out whatever plan is decided upon.

Devine does not just talk. He acts out his limited and unfortunate view of the role of career people. First, he has surrounded himself with a cadre of personal loyalists, a sure sign of insecurity and distrust of career staff, leading to insulation from differing views. And meetings with senior staff tend to be for the purpose of giving him information, not opinions or alternatives. The staff is generally dismissed without being informed of Devine's reaction or decisions.

Many of Reagan's Cabinet officers have learned that their career staffers are first rate. Among those appreciating the value of senior careerists are the likes of Attorney General William French Smith, Secretary of the Treasury Donald Regan and Interior Secretary James Watt. (Watt? Yes, Watt.)

The combined effects of the Reagan-Devine treatment and the pay cap may be devastating. Many of the best people are leaving Treasury reported to Congress that it is at a "severe disadvantage in recruiting from business." Interior said it is hard to attract executives; fewer excellent people want in; early retirements are up. At NASA, turnover of senior people in 1979 was 6 percent; it now runs about 20 percent. Less experienced people are monitoring contracts running to billions of dollars and are supervising programs affecting millions of citizens. On the other side of the table are the sharpest minds in industry: Can we really expect inexperienced people to safeguard the public interest?

Or do you suppose that appointed people like Devine can do the job with the half-hearted support of the men and women who have been scorned, excoriated and—the ultimate put down—patronized by men like Meese who must believe that civil servants can neither read, hear nor remember.

THE PRESIDENT, CONGRESS, AND PUBLIC POLICIES

Mr. MELCHER. Mr. President, Walter Shapiro's article in the Washington Post "Outlook" section on Sunday, lampooning the President's recent awkward media responses by contriving for him an imaginary state of the Union address, is not nearly as ridiculous as the facts reported in the front page story by Joe Pichirallo and Margaret Shapiro, and in Hobart Rowen's "Economic Impact" business section column.

The front page news tells about a local financier who gleans 104 percent interest payments on loans to desperate businesses or developers by charging 2 percent interest per week. Law enforcement officers give a lot of attention to one of the practices of organized crime—loan sharking—where money loaned at similar interest rates is collected by force. What kind of legal system do we tolerate on high interest rates? Such a legal business practice of 104 percent interest assures either rampant inflation or businesses and developers who borrow money at such costs will likely go bankrupt.

Hobart Rowen's business section article describes Japan's clever protectionist tactics to eliminate imports. This specific case involves baseball bats, where the specifications required by the Japanese Government can be met by only six manufacturers, who are, happily for them, all Japanese. "No Louisville Sluggers, thank you; we Japanese will protect our own."

The ridiculous part is that, with our markets wide open to Japanese imports of everything from stereos to steel, and a continual $10 to $20 billion imbalance in trade in their favor, we complacently let our economy slide into recession with 9 to 10 percent unemployment bulging the 1982 Federal deficit from the $42 billion projected by the Office of Management and Budget in July to a January estimate of $109 billion.

The imaginary state of the Union address by Walter Shapiro was clever, biting wit that bruises but draws no blood. The two news items report on a clever business lender and a clever trade partner. It can only be concluded that we, the United States of America, are foolish for our high interest rate and unbalanced trade policies. The unemployed, our struggling businesses and sinking industries, including agriculture, are not just bruised by these failed policies—they are bleeding, and the result is a huge increase in the Federal deficit that is a massive national hemorrhage.

We need a tourniquet, some quick economic transfusions, and different prescriptions for interest rates and trade policies. Hopefully, President Reagan's state of the Union message recommends and Congress considers actions for prompt economic remedies.

TRIBUTE TO R. FRANK MUNDY, PRESIDENT AND PUBLISHER OF THE GREENWOOD INDEX-JOURNAL

Mr. THURMOND. Mr. President, I rise today to pay tribute to R. Frank Mundy, president and publisher of the Greenwood Index-Journal newspaper, who passed away on January 4, 1982. To his devoted wife, Eleanor, and daughter Judi Burns, I extend my deepest heartfelt sympathy.

The life of Frank Mundy was a shining testimony of how our great American free enterprise system allows anyone the opportunity to achieve his goals through persistence and hard work. He began his career in journalism as a courier with the Greenwood Index-Journal, and in time rose to the summit of this fine publication, serving as its sole owner. Frank took full advantage of the opportunity to not only advance in his profession but to excel with a quality product of fair journalism that illustrated the highest commitment to honesty and integrity.

His daughter, Judi, once said that he "firmly believed in every person doing his own work and carrying his own load as best he could." Frank Mundy always carried his own load, and often the burdens of others as best he could. He was a true gentleman who, throughout his life, displayed the unique ability of getting a job done quietly and effectively.

His life reflected his dedication to serving others. He served others through his involvement with numerous community and State organizations. He served his country well as an ensign in the U.S. Naval Reserve, where he earned four battle stars in World War II. He served the newspaper industry with great skill as publisher of the Index-Journal, and as the first and only president of the South Carolina Press Association Foundation, Inc. His contributions toward the improvement of journalism in South Carolina were so significant that the board of directors of the foundation renamed their organization the R. Frank Mundy Newspaper Foundation, Inc.

Much of his service to others, personally and professionally, may be di-

rectly attributed to his relationship with God, whom he served first and foremost. His involvement in various church, community, and civic activities was an extension of his service and duty to his God.

R. Frank Mundy set an exemplary life of selfless and untiring hard work, dedicated to making life better for everyone around him.

Mr. President, in order to share with my colleagues the contributions of this outstanding South Carolina citizen, whose friendship I cherished for many years, I ask unanimous consent that one article and four editorials by fellow journalists throughout the State be included in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Greenwood Index-Journal, Jan. 5, 1982]

MUNDY ACTIVE IN COMMUNITY

R. Frank Mundy, who died Monday night, had long been active in Greenwood civil and business affairs.

Recently, he was honored by the South Carolina Press Association Foundation for his contributions to his profession, his community and his fellowman. In citing those contributions and achievements, Dean Livingston of Orangeburg, vice president of the Foundation, presented a detailed picture of how involved Mr. Mundy was. Livingston's statement said:

R. Frank Mundy is one of those rare individuals who accomplish so much that it's hard to keep track of everything they do. And, like so many of those who contribute so much for their fellowman, Frank has been true to a pattern of doing it while keeping a low profile. He has been a mover and shaker in his city, his state and his profession. And, he has done it quietly, seeking no recognition or special favors in return.

Frank is, of course, a native of Greenwood where he began his career as a carrier for The Index-Journal. He attended local schools, the Junior College of Augusta, and was graduated from the University of South Carolina with a BA degree in economics.

He was commissioned an ensign in the U.S. Naval Reserve and received four battle stars in the South Pacific during World War II. He is a member of the inactive reserve with the rank of full lieutenant.

Frank had experience in the circulation department of The State newspaper of Columbia and after the war returned to Greenwood as circulation manager of The Index-Journal. He later became business manager of the newspaper which he now owns and operates as president and publisher.

Frank is married to the former Eleanor Metts. They have one daughter, Mrs. James C. Burns III of Greenwood, and three grandchildren.

In addition to all his other pursuits, Frank has found time to teach the Men's Bible Class of First Baptist Church, of which he is a member and has served the church in many ways.

Frank has been a walking promotion for Greenwood and South Carolina, singing their praises everywhere he has been. It's safe to say that no one loves his home town and home state more than Frank Mundy.

A look at some of the work he has done for his community and his state gives only a glimpse of the scope of his interests and his efforts to serve his neighbors. Among his activities, he has:

—Served as president of the Salvation Army Board.

—Served as president of the Community Chest.

—Served as president of the YMCA Board.

—Served as president of the Lions Club.

—Served as president of the Chamber of Commerce.

—Served as president of the Lander College Foundation Board and as a Lander College trustee, for which he was recently honored.

—Served as president of the Self Memorial Hospital Board of Trustees.

—Served as treasurer of Cambridge Academy.

In all of these undertakings, it would be impossible to describe how much Frank has meant. The hours of service would be astounding, and not only have they benefited Greenwood but, in many cases, the entire state.

There are other areas where Frank has made a mark. He has served as a director of the South Carolina Chamber of Commerce, on the State Board of Financial Institutions and as president of the South Carolina Press Association and the Mid-Atlantic Circulation Managers Association.

It's almost unbelievable that one man could accomplish so much. But in addition to all this—and more—there is another area in which Frank has been the driving force. That is the South Carolina Press Association Foundation, which he serves as president. In reality, had it not been for the leadership of Frank Mundy, the Press Foundation would not be what it is today.

It is, then, an honor and a privilege to announce that the other members of the Board of Directors of the South Carolina Press Association Foundation have unanimously determined that the organization will hereafter be named the "R. Frank Mundy Newspaper Foundation, Inc."

[From the Greenville News, Jan. 5, 1982]

R. FRANK MUNDY

R. Frank Mundy began a newspaper career in his youth as a carrier for his hometown paper, the Greenwood Index-Journal. He capped it as president and publisher of the paper. Along the way he made important contributions to his city and state, and to newspapering as a public service.

His work in Greenwood touched practically every facet of community life, especially health care and educational institutions. His advice was sought by state leaders on financial and other matters.

The quiet but forceful Frank Mundy became an institution in his own time. He served as president of the South Carolina Press Association and as a founding member and only president of the association's foundation. It's appropriate that recently the latter was named the R. Frank Mundy Newspaper Foundation.

Frank Mundy's attractive personality and unselfish community and professional activities, earned him many friends who are saddened by his death at age 66.

[From the Sumter Daily Item, Jan. 5, 1982]

PRESS LEADER PASSES ON

One of the state's finest newspaper publishers and a leader in improving South Carolina journalism died Monday.

R. Frank Mundy, president and publisher of the Greenwood Index-Journal, began his newspaper career in Greenwood as a carrier and worked his way to the top, becoming sole owner of the Index-Journal following the deaths of his partners, W. W. Wilson and Ed Chaffin. The Index-Journal is one of only three independently-owned newspapers in South Carolina, the other two being the Rock Hill Evening Herald and The Sumter Daily Item.

Mr. Mundy was a former president of the S.C. Press Association but left his most indelible mark on state journalism as the first and only president of the S.C. Press Association Foundation Inc., renamed the R. Frank Mundy Newpaper Foundation Inc. last year by his board of directors in honor of his contributions.

The foundation, under the leadership of Mr. Mundy, developed and sponsored workshops, seminars, scholarships and other special projects, all designed to improve newspaper journalism in South Carolina, which they have.

Frank Mundy did as much for his community as he did for journalism in South Carolina, holding leadership positions in numerous organizations in Greenwood, including president of the Lander College Foundation and a Lander College trustee, and president of the Self Memorial Hospital Board of Trustees.

A soft-spoken, congenial man with a first-rate mind and outstanding leadership qualities, Mr. Mundy's death at the age of 66 has left not only a void in statewide journalism but also in his community. Through hard work and sheer ability he rose to the top of his profession, and he will be sorely missed.

[From the Greenwood Index-Journal, Jan. 6, 1982]

R. FRANK MUNDY

One of those distinguishing qualities of men which sets them apart is a capacity for getting things done without a whole lot of fanfare . . . while all the time piling up accomplishment after accomplishment with such subtlety that, along the way, few realize just how much is achieved. Frank Mundy was one of those men.

Through the years, Frank gave so much time and effort to Greenwood that when it is viewed in perspective, it paints a revealing picture of a man who was in love with his hometown and all of its people. He cared and cared deeply. That's obvious. Looking over the many activities in which he was involved—the list is a reflection of progress in Greenwood—it is quickly apparent that Frank Mundy placed his community's interests only after those of his God and his family.

In addition to his numerous civic contributions, covering everything from Lander College to Self Memorial Hospital to the Chamber of Commerce—the record goes on and on—Frank Mundy was, perhaps, the number one cheerleader for Greenwood. Seldom did he speak with anyone that somewhere, somehow in the conversation he didn't manage to get in a good word about Greenwood. To him, there was no better place to be found and he let the world know it.

As much as he was committed to Greenwood, so too was he committed to people . . . and when he made a commitment, you could be sure it would be kept. Letting people down was foreign to his nature.

Frank died Monday after an extended battle with cancer. But his identity and his mark will be part of Greenwood and the Index-Journal as long as they exist. His giving and caring cannot be overstated.

His family will feel the loss most of all, for the love they shared was filled with the warmth and the closeness that only families can know. But his kind of caring will be missed by us all, for it too seldom comes our way.

Frank Mundy had a good life. He worked hard, achieved much and gave of himself more than could rightfully or reasonably be expected. By any yardstick, his life measures up to the best of the human soul; especially the eternal part. It is that eternal quality that, encouragingly, gives us the measure of a man who cared . . . and loved people.

[From the State, Jan. 7, 1982]

R. FRANK MUNDY

Shortly after World War II, three newspapermen, W. W. Wilson, J. Ed Chaffin, and R. Frank Mundy, teamed up to purchase the Greenwood Index-Journal. Theirs was an unusual partnership, and a successful one.

Mr. Wilson was experienced in newspaper advertising; Mr. Chaffin was a newsman, Mr. Mundy was experienced in circulation and in business. Their complementary talents and abilities were recognized at the outset of their ownership by the late Greenwood banker, Dewey H. Johnson, who offered to lend them money to buy the newspaper without any collateral.

Mr. Johnson's faith in the men was justified. They built a sturdy and respected community newspaper which cares about and serves its audience.

Frank Mundy died Monday, the last surviving partner of a spirited journalistic enterprise in which he took great pride. Mr. Mundy will be remembered for his many professional and community activities, but he should be remembered foremost for publishing a responsible newspaper in the finest tradition of the American press.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate a message from the President of the United States submitting a sundry nomination which was referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

SEVENTH SPECIAL MESSAGE FOR FISCAL YEAR 1982—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT

Pursuant to the order of the Senate of December 16, 1981, the Secretary of the Senate on January 22, 1982, received the following message from the President of the United States, together with accompanying papers, which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Foreign Relations, the Committee on Commerce, Science, and Transportation, the Committee on Environment and Public Works, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Armed Services, and the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report three new deferrals of budget authority totaling $1,758.3 million, six revisions to existing deferrals increasing the amount deferred by $191.3 million, and five revisions to existing deferrals which do not affect the amounts deferred.

The new deferrals involve International Security Assistance programs, Department of Transportation research and special programs, and the President's Commission for the Study of Ethical Problems in Medicine. The revisions to existing deferrals affect Appalachian Regional Development programs as well as programs in the Departments of Agriculture, Commerce, Defense, Health and Human Services, State, and Transportation. The details of the deferrals are contained in the attached reports.

RONALD REAGAN.

THE WHITE HOUSE, *January 22,1982.*

MESSAGE FROM THE HOUSE

At 1:36 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 244. A concurrent resolution providing for a joint session of Congress to receive a message from the President on the State of the Union.

The message also announced that the House has agreed to the following resolutions:

H. Res. 311. Resolution providing for a committee to notify the President that a quorum of each House is assembled; and

H. Res. 312. Resolution informing the Senate that a quorum of the House is assembled.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2377. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Act of July 2, 1962, to authorize intrastate quarantines under extraordinary emergency conditions; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2378. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Plant Quarantine Act of August 20, 1912, as amended, to eliminate certain unnecessary regulatory requirements; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2379. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the deferral of certain budget authority transmitted in the President's sixth special message for fiscal year 1982; pursuant to the order of Janaury 30, 1975, referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Energy and Natural Resources.

EC-2380. A communication from the Clerk of the United States Court of Claims, transmitting, pursuant to law, a copy of the Court's judgment in the case of The Sioux Tribe of Indians, etc. v. The United States; to the Committee on Appropriations.

EC-2381. A communications from the Deputy Assistant Secretary of the Air Force (Installations), transmitting, pursuant to law, a report on military construction contracts awarded without formal advertising during fiscal year 1981; to the Committee on Armed Services.

EC-2382. A communication from the Deputy Chief of Naval Material (Contracts and Business Management), transmitting, pursuant to law, the report of research and development procurement actions of $50,000 and over for fiscal year 1981; to the Committee on Armed Services.

EC-2383. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, a report on prime contract awards over $10,000 negotiated under section 2304(a) 11 and section 2304(a) 16 in the interest of national defense or industrial mobilization for the period April through September 1981; to the Committee on Armed Services.

EC-2384. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Army's proposed letter of offer to Korea for defense articles estimated to cost in excess of $25 million; to the Committee on Armed Services.

EC-2385. A communication from the Assistant Secretary of the Air Force (Research, Development, and Logistics), transmitting, pursuant to law, a report with respect to converting the publishing distribution office function at Wright Patterson Air Force Base, Ohio, and the decision that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC-2386. A communication from the Assistant Secretary of the Air Force (Research, Development, and Logistics), transmitting, pursuant to law, a report on a study with respect to converting the commissary shelf-stocking and custodial services function at Randolph Air Force Base, Texas, and the decision that performance under contract is the most cost effective method of accomplishment; to the Committee on Armed Services.

EC-2387. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Large-Scale Production of the M1 Tank should Be Delayed Until Its Power Train Is Made More Durable"; to the Committee on Armed Services.

EC-2388. A communication from the Assistant Secretary of the Army (Research,

Development, and Acquisition), transmitting, pursuant to law, a report on Department of the Army research and development contracts for $50,000 or more awarded during fiscal year 1981; to the Committee on Armed Services.

EC-2389. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Army's proposed letter of offer to Egypt for defense articles estimated to cost in excess of $25 million; to the Committee on Armed Services.

EC-2390. A communication from the Secretary of the Army, transmitting, pursuant to law, a report on voluntary agreements entered into by the Army under the Defense Production Act as of September 1981; to the Committee on Banking, Housing, and Urban Affairs.

EC-2391. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, rehabilitation guidelines under the Housing and Urban Development Act; to the Committee on Banking, Housing, and Urban Affairs.

EC-2392. A communication from the Chairman of the Securities and Exchange Commission, transmitting a draft of proposed legislation to amend the Securities Exchange Act of 1934; to the Committee on Banking, Housing, and Urban Affairs.

EC-2393. A communication from the Assistant Attorney General, transmitting, pursuant to law, a report on the enforcement of Title II of the Consumer Credit Protection Act for Fiscal Year 1981; to the Committee on Banking, Housing, and Urban Affairs.

EC-2394. A communication from the Vice President for Government Affairs for Amtrak, transmitting, pursuant to law, total itemized revenues and expenses for the month of August 1981; to the Committee on Commerce, Science, and Transportation.

EC-2395. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report of the Migratory Bird Conservation Commission for the Fiscal Year ended September 30, 1981; to the Committee on Commerce, Science, and Transportation.

EC-2396. A communication from the Vice President of Government Affairs of Amtrak, transmitting, pursuant to law, the report on number of passengers and on-time performance of each train for the month of August 1981; to the Committee on Commerce, Science, and Transportation.

EC-2397. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a notification of a proposed demonstration of the Space Shuttle; to the Committee on Commerce, Science, and Transportation.

EC-2398. A communication from the Administrator of the Energy Information Administration, transmitting, pursuant to law, the report on changes in market shares for petroleum products for September 1981; to the Committee on Energy and Natural Resources.

EC-2399. A communication from the Administrator of the Energy Information Administration, transmitting, pursuant to law, the report on performance profiles of major energy producers, 1980; to the Committee on Energy and Natural Resources.

EC-2400. A communication from the Secretary of Energy transmitting, pursuant to law, the Annual Report on Alcohol Fuels for Fiscal Year 1981; to the Committee on Energy and Natural Resources.

EC-2401. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on Federal Energy Conservation Programs; to the Committee on Energy and Natural Resources.

EC-2402. A communication from the Acting Secretary of the Interior, transmitting, pursuant to law, the Annual Report on Alaska Lands; to the Committee on Energy and Natural Resources.

EC-2403. A communication from the General Counsel of the Department of Energy, transmitting, pursuant to law, notice of a meeting relating to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-2404. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Annual Report of the Secretary on the State of the Finances; to the Committee on Finance.

EC-2405. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, the 64th Annual Report of the Commission; to the Committee on Finance.

EC-2406. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a draft bill to annul the requirement that the Secretary appoint an Advisory Council on Social Security during 1981; to the Committee on Finance.

EC-2407. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to December 18, 1981; to the Committee on Foreign Relations.

REPORT OF THE COMMITTEE ON LABOR AND HUMAN RESOURCES SUBMITTED DURING ADJOURNMENT

Pursuant to the order of the Senate of December 16, 1981, the following report of a committee was filed on January 19, 1982, during the sine die adjournment of the Senate:

By Mr. HATCH, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 234. A bill to amend the Public Health Service Act to encourage the estalishment of home health programs and to amend the Social Security Act to provide expanded coverage of home health services under the medicare and medicaid programs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1630. A bill to codify and revise and reform title 18 of the United States Code, and for other purposes (Rept. No. 97-307).

By Mr. HATCH, from the Committee on Labor and Human Resources, without amendment:

S. Res. 283. An original resolution increasing the limitation on expenditures by the Committee on Labor and Human Resources for the procurement of consultants; referred to the Committee on Rules and Administration.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SYMMS:

S. 2006. A bill relating to the effective date of the provision in the Economic Recovery Tax Act of 1981 which permits elections under section 2032A of the Internal Revenue Code of 1954 to be made on late estate tax returns; to the Committee on Finance.

By Mr. LUGAR:

S. 2007. A bill to amend the Internal Revenue Code of 1954 to eliminate the special leasing rules provided under the Economic Recovery Tax Act of 1981; to the Committee on Finance.

By Mr. QUAYLE:

S. 2008. A bill to amend the Congressional Budget Act of 1974 to provide for a two year budget process, to provide for timely oversight of authorizing legislation and appropriations, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee has thirty days of continuous session to report or be discharged.

By Mr. KASTEN:

S. 2009. A bill to amend the Internal Revenue Code to eliminate special rules for leases; to the Committee on Finance.

By Mr. PRYOR (for Mr. BOREN):

S. 2010. A bill to amend the Internal Revenue Code of 1954 to eliminate the special leasing provisions of the accelerated cost recovery system; to the Committee on Finance.

By Mr. BAUCUS:

S. 2011. A bill to amend the Internal Revenue Code of 1954 to eliminate the special leasing rules provided under the Economic Recovery Tax Act of 1981; to the Committee on Finance.

By Mr. PROXMIRE (for himself, Mr. DANFORTH, Mr. PRESSLER, Mr. MITCHELL, Mr. DECONCINI, Mr. COHEN, Mr. RANDOLPH, Mr. ZORINSKY, Mr. KASTEN, Mr. MOYNIHAN, Mr. RIEGLE, and Mr. ROBERT C. BYRD):

S. 2012. A bill to amend the Internal Revenue Code of 1954 to limit the deduction of living expenses by Members of Congress and to eliminate the provision which allows such deduction without substantiation of such expense; to the Committee on Finance.

By Mr. INOUYE (for himself, Mr. ABDNOR, Mr. DECONCINI, Mr. HATFIELD, Mr. HOLLINGS, Mr. LEAHY, Mr. LEVIN, Mr. MATSUNAGA, Mr. PELL, Mr. RANDOLPH, Mr. RIEGLE, Mr. STAFFORD, Mr. SYMMS, Mr. TSONGAS, Mr. WEICKER, and Mr. WILLIAMS):

S. 2013. A bill to amend the Controlled Substances Act to establish a temporary program under which heroin would be made available through qualified hospital pharmacies for the relief of pain of cancer patients; to the Committee on Labor and Human Resources.

By Mr. RIEGLE (for himself and Mr. LEVIN):

S. 2014. A bill to amend the Federal-State Unemployment Compensation Act of 1978 to maintain current provisions (scheduled to be repealed) relating to the State trigger and to restore a former provision relating to

the insured unemployment rate; to the Committee on Finance.

By Mr. DOMENICI:

S. 2015. A bill to amend the Internal Revenue Code of 1954 to limit the deduction of living expenses by Members of Congess and to require substantiation of such living expenses; to the Committee on Finance.

By Mr. ROBERT C. BYRD:

S.J. Res. 138. A joint resolution to authorize and request the President to designate the week of April 18, 1982, through April 24, 1982, as "National Coin Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAKER:

S. Res. 280. A resolution notifying the President of the United States that a quorum of the Senate is assembled; considered and agreed to.

By Mr. BAKER:

S. Res. 281. A resolution notifying the House of Representatives that a quorum of the Senate is assembled; considered and agreed to.

By Mr. BAKER:

S. Res. 282. A resolution setting the Hour of Daily Meeting of the Senate; considered and agreed to.

By Mr. HATCH:

S. Res. 283. An orginial resolution increasing the limitation on expenditures by the Committee on Labor and Human Resources for procurement of consultants; from the Committee on Labor and Human Resources; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. QUAYLE:

S. 2008. A bill to amend the Congressional Budget Act of 1974 to provide for a 2-year budget process, to provide for timely oversight of authorizing legislation and appropriations and for other purposes; pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

TWO-YEAR BUDGET PROCESS

● Mr. QUAYLE. Mr. President, I am today introducing legislation which will replace the current annual budget cycle with a 2-year budget process.

The 1974 Budget Act requires two budget resolutions each year, which allows too little time for consideration of authorization and appropriations bills, and too little time for program oversight.

Since passage of the Budget Act, the first and second budget resolution deadlines have been met only twice out of 10 reporting dates.

Our record on appropriations has been equally dismal. Since 1976, the first year in which the Budget Act actually went into operation, only once were all appropriations bills enacted by the beginning of the fiscal year. Even in that year a continuing resolution was needed to fund some programs. Over the past 5 years, 10 continuing resolutions have been enacted. Today, much of the Federal Government is still operating on the basis of a continuing resolution.

We clearly need more time for consideration of authorization and appropriation bills. Our authorization processes need to be strengthened so programs can effectively be reviewed and evaluated. The work of oversight committees needs to be integrated into the work of the appropriations committees as well as into the budget.

Only by providing all of our committees with sufficient time and our full, undivided attention can we regain fuller control of our legislative, budget, and appropriations process. Only then can the budget we pass be based on full economic review of legislative proposals as well as the economic considerations of the moment.

The ability of Congress to gain control over the budget is today in serious doubt. The weight of prior-year obligations and automatic expenditures built into the budget is causing us to drown in a sea of increasing deficits.

Unless we can correct this situation, we will have effectively lost our power to legislate in any meaningful sense. Government will continue to operate on a kind of "automatic pilot," without meaningful evaluation of current policy by the legislative branch and with the budget heavily dominated by "uncontrollable" spending.

It is our responsibility to see that legislation is carefully considered and spending policies are brought under control. For these reasons, I believe it is essential that we move to a 2-year budget cycle as soon as possible.

My legislation provides for a 4-year budget, consisting of two, 2-year budget cycles. Each 2-year cycle will provide a full year for authorization and oversight and a full year for appropriations. The 4-year budget period will provide ample time for long-range planning.

With a 2-year budget cycle, we would see the results of first year decisions by the second year of the cycle and make midcourse corrections as necessary. We would have the time to review the major Federal programs and consider new ones.

We will have twice the time we now have to make the necessary decisions on appropriations and budget.

Dr. Alice Rivlin, Director of the Congressional Budget Office, clearly supported the notion of biennial budgeting in a statement before the Senate Committee on Governmental Affairs, October 29, 1981.

In that statement, Dr. Rivlin said:

One alternative to the overcrowded calendar of the annual process would be to move to a biennial budget. I have long believed that authorizations for Federal activities should be for a minimum of two, and preferably for three or more years. In addition, appropriations for most Federal activities could also be placed on a cycle of at least two years' length. Furthermore, there are no technical obstacles to setting spending ceilings and revenue floors for a two-year budget resolution.

One can imagine a dramatically different Congressional calendar under these changes. In the first session of any term, the Congress could adopt a budget resolution, authorizations, and appropriations for two fiscal years. During the Second Session, Congressional committees would be free to conduct oversight of authorizations and supplementals, or revisions to authorizations or budget resolutions as necessary. The next Congress, considering reauthorizations and appropriations during its first session, would then be able to take advantage of the groundwork done by the previous Congress. It would be free, of course, to revise the budget handed to it by the previous Congress.

The budget process today is dangerously close to breakdown. Just 2 months ago, in early December 1981, close to 3 months after the Budget Act deadline, we passed a technical second budget resolution for fiscal year 1982. This was the first time neither House of Congress could agree on a genuine second budget resolution, largely because of delays resulting from consideration of the Reconciliation Act last summer.

If a 2-year budget resolution had been in place this year, we would now be in a position to exercise some oversight over the legislative changes enacted in the reconciliation bill.

Instead, we are now preparing to enact yet another first budget resolution for fiscal year 1983, probably to include further reconciliation instructions. Once again we will have to go through a mass of budget decisions without the benefits of thorough review and informed debate.

I believe we need to review the budget timetables now. We need to move to a 2-year budget process so we can reestablish our capacity to legislate.

I ask unanimous consent that the bill and the attached appendices be printed in the RECORD.

There being no objection the bill and appendices were ordered printed in the RECORD.

S. 2008

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Budget and Oversight Reform Act of 1981".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds and declares that the present annual Federal budget process—

(1) provides the Congress with insufficient time to effectively perform its legislative and oversight responsibilities;

(2) provides the relevant committees of the Senate and the House of Representatives with insufficient time to review and evaluate the costs and benefits of complex Federal programs;

(3) provides the relevant committees of each House with insufficient time to review the formulas and financing mechanisms utilized in current entitlement programs, and such insufficient time has contributed to unrestrained growth in Federal expenditures; and

(4) provides Federal agencies and State and local authorities insufficient time to plan for changes in Federal programs.

(b) It is the purpose of this Act to establish a more effective and comprehensive budget process by—

(1) establishing a two-year period for adoption and revision of the Federal budget;

(2) establishing a timetable to allow for oversight hearings by the relevant committees of the Senate and the House of Representatives to review the complex programs of the Federal Government;

(3) establishing a timetable for appropriations and final budget spending decisions, which would follow the findings of the review and oversight process; and

(4) strengthening congressional budget procedures by requiring separate and distinct consideration of authorizing legislation, appropriation bills, and the budget, thus allowing time for full evaluation of alternative approaches in the funding of the various programs and agencies of the Federal Government.

REVISION OF TIMETABLE

SEC. 3. Section 300 of the Congressional Budget Act of 1974 is amended to read as follows:

"TIMETABLE

"SEC. 300. The time table with respect to the congressional budget process for any Congress (beginning with the Ninety-eighth Congress) is as follows:

"First Session

"On or before:	Action to be completed:
November 10 (of the preceding year).	President submits current services budget for the biennial fiscal period beginning in the succeeding even-numbered year.
January 15	President submits his budget for the biennial fiscal period.
January 15	All committees begin oversight hearings with respect to major Federal programs.
March 1	Comptroller General of the United States reports evaluations of major Federal programs to the standing committees.
April 1	Committees complete oversight hearings and report to the Budget Committees of both Houses with respect to the biennial fiscal period.
April 30	Congressional Budget Office submit report to the Budget Committees with respect to the biennial fiscal period.
June 30	Budget Committees report first concurrent resolution on the budget for the biennial fiscal period to their Houses.
July 31	Congress completes action on first concurrent resolution on the budget for the biennial fiscal period.

"First Session—Continued

"On or before:	Action to be completed:
September 15	Committees report allocations of first concurrent resolution on the budget among programs within their respective jurisdictions.
December 15	Congress completes action on bills and resolutons authorizing new budget authority for the biennial fiscal period.

"Second Session

"On or before:	Action to be completed:
January 15	President submits revised budget for the biennial fiscal period.
March 15	Congressional Budget Office submits report to the Budget Committees on the President's revised budget.
April 15	House Appropriations Committee reports bills for the biennial fiscal period.
May 1	Senate Appropriations Committee reports bills for the biennial fiscal period.
July 31	Congress completes action, except enrollment, on bills and resolutions providing new spending authority for the biennial fiscal period.
August 15	Budget Committees report second concurrent resolution on the budget for the biennial fiscal period to their Houses.
September 15	Congress completes action on second concurrent resolution on the budget for the biennial fiscal period.
October 1	Congress completes action on reconciliation bill or resolution to implement second concurrent resolution on the budget for the biennial fiscal period.
October 1	Biennial fiscal period begins.".

TWO-YEAR CYCLE FOR CONGRESSIONAL BUDGET PROCESS

SEC. 4. (a) Section 2(2) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking out "each year" and inserting in lieu thereof "biennially".

(b) (1) Section 3(1) of such Act is amended—

(A) by striking out "fiscal year" and inserting in lieu thereof "biennial fiscal period"; and

(B) by striking out "such year" and inserting in lieu thereof "such period".

(2) Section 3(4) of such Act is amended by striking out "fiscal year" each place it appears and inserting in lieu thereof "biennial fiscal period".

(3) Section 3 of such Act is further amended by adding at the end thereof the following new paragraph:

"(6) The term 'biennial fiscal period' means the period of 2 years beginning on October 1 of any even-numbered year and ending on September 30 of the succeeding even-numbered year.".

(c) (1) Section 202(f)(1) of the Congressional Budget Act of 1974 is amended—

(A) by striking out "April 1 of each year" and inserting in lieu thereof "April 30 of each odd-numbered year";

(B) by striking out "fiscal year commencing on October 1 of that year" and inserting in lieu thereof "biennial fiscal period commencing on October 1 of the succeeding year"; and

(C) by striking out "such fiscal year" each place it appears and inserting in lieu thereof "such biennial fiscal period".

(2) Section 202(f) of such Act (as amended by paragraph (1) of this subsection) is further amended—

(A) by redesignating paragraph (2) as paragraph (3) and (in such paragraph) striking out "paragraph (1)" and inserting in lieu thereof "paragraphs (1) and (2)";

(B) by inserting after paragraph (1) the following new paragraph:

"(2) On March 15 of each even-numbered year, the Director shall transmit to the Committees on the Budget of the House of Representatives and the Senate such revisions of the report required by paragraph (1) as may be necessary due to changing economic conditions and due to any revisions in the Budget transmitted by the President to the Congress on January 15 of that year under the last sentence of section 201(a) of the Budget and Accounting Act, 1921.".

(d)(1) Section 301(a) of such Act is amended—

(A) by striking out "May 15" in the subsection heading and inserting in lieu thereof "July 31 of Each Odd-Numbered Year";

(B) by striking out "May 15 of each year" in the first sentence and inserting in lieu thereof "July 31 of each odd-numbered year"; and

(C) by striking out "the fiscal year beginning on October 1 of such year" and inserting in lieu thereof "the biennial fiscal period beginning on October 1 of the succeeding year".

(2) Section 301(b)(1) of such Act is amended by striking out "fiscal year" and inserting in lieu thereof "biennial fiscal period".

(3) Section 301(c) of such Act is amended—

(A) by striking out "Views and Estimates of" in the subsection heading and inserting in lieu thereof "Oversight and Reports by";

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(C) by redesignating the matter after the subsection heading as paragraph (2);

(D) by inserting after the subsection heading the following new paragraph:

"(1) On January 15 of each odd-numbered year, each standing committee of the House of Representatives and the Senate shall commence hearings and evaluations with respect to major Federal programs within the jurisdiction of such committee. In conducting such hearings, such committees shall receive testimony from Members of Congress and such appropriate representatives of Federal departments and agencies, the general public, and national organizations as the committee deems desirable.";

(E) by striking out "March 15 of each year" in paragraph (2) and inserting in lieu thereof "April 1 of each odd-numbered year";

(F) by inserting "a report containing" before the dash in paragraph (2);

(G) by striking out "and" after the semicolon in subparagraph (A) of paragraph (2)

(as redesignated by subparagraphs (B) and (C) of this paragraph);

(H) by striking out "the fiscal year beginning on October 1 of such year." in subparagraph (B) of paragraph (2) (as redesignated by subparagraphs (A) and (B) of this paragraph) and inserting in lieu thereof "the biennial fiscal period beginning on October 1 of the succeeding year;"; and

(I) by inserting after subparagraph (B) of paragraph (2) (as redesignated by subparagraphs (B) and (C) of this paragraph) the following new subparagraphs:

"(C) a description of the recommendations of the committee with respect to major Federal programs made as a result of the hearings and evaluations conducted pursuant to paragraph (1);

"(D) comments on the recommendations made by the Comptroller General of the United States in the report required under section 405 with respect to controlling costs and improving efficiency in major Federal programs; and

"(E) in the case of any committee having jurisdiction of any program for which spending authority, as defined in section 401(c)(2)(C), is provided, specific recommendations concerning any change in such program which would strengthen the ability of the Congress to exercise fiscal control over outlays under such program.".

(4) Section 301(d) of such Act is amended—

(A) by striking out "fiscal year" in the first sentence and inserting in lieu thereof "biennial fiscal period";

(B) by striking out "April 15 of each year" in the third sentence and inserting in lieu thereof "June 30 of each odd-numbered year";

(C) by striking out "fiscal year beginning on October 1 of such year" in the third sentence and inserting in lieu thereof "biennial fiscal period beginning on October 1 of the succeeding year";

(D) by striking out "five fiscal" in paragraph (6) and inserting in lieu thereof "four";

(E) by striking out "such fiscal year" in paragrapn (6) and inserting in lieu thereof "the first year of such biennial fiscal period,"; and

(F) by striking out "each fiscal year in such period" in paragraph (6) and inserting in lieu thereof "each year in such four-year period".

(5) Section 301(e) of such Act is amended—

(A) by striking out "set for" in paragraph (1) and inserting in lieu thereof "set forth"; and

(B) by striking out "fiscal year" in paragraph (2) and inserting in lieu thereof "biennial fiscal period"; and

(e) The last sentence of Section 302(b) of such Act is amended—

(1) by striking out "Each" and inserting in lieu thereof "By September 15 of each odd-numbered year, each"; and

(2) by striking out "promptly".

(f)(1) Section 303(a) of such Act is amended—

(A) by striking out "fiscal year" each place it appears and inserting in lieu thereof "biennial fiscal period"; and

(B) by striking out "such year" and inserting in lieu thereof "such period".

(2) Section 303(b) of such Act is amended by striking out "fiscal year" each place it appears and inserting in lieu thereof "biennial fiscal period".

(g)(1) Section 304 of such Act is amended by striking out "fiscal year" each place it appears and inserting in lieu thereof "biennial fiscal period".

(2) The section heading for section 304 of such Act is amended by striking out "OF" the second place it appears and inserting in lieu thereof "ON".

(h)(1)(A) Section 305(a)(3) of such Act is amended by striking out "fiscal year" and inserting in lieu thereof "biennial fiscal period".

(B) Paragraphs (6), (7), (8), and (9) of section 305(a) of such Act are redesignated as paragraphs (5), (6), (7), and (8), respectively.

(2)(A) Section 305(b)(3) of such Act is amended by striking out "fiscal year" and inserting in lieu thereof "biennial fiscal period".

(B) Paragraphs (6) and (7) of section 305(b) of such Act are redesignated as paragraphs (5) and (6) respectively.

(i)(1) Section 307 of such Act is amended—

(A) by striking out the section heading and inserting in lieu thereof "COMMITTEE ACTION ON APPROPRIATION AND OTHER SPENDING BILLS";

(B) by inserting "(a) COMMITTEE ACTION ON REGULAR APPROPRIATIONS BILLS.—" before, "PRIOR";

(C) by striking our "fiscal year" and inserting in lieu thereof "biennial fiscal period";

(D) by striking out "that year" each place it appears and inserting in lieu thereof "that period"; and

(E) by adding at the end thereof the following new subsection:

"(b) REPORTING OF CERTAIN MEASURES.—(1) All bills and resolutions providing budget authority or spending authority (as defined by section 401(c)(2)(C)) for any biennial fiscal period—

"(A) shall be reported to the House of Representatives no later than April 15 of the year in which such period begins; and

"(B) shall be reported to the Senate no later than May 1 of the year in which such period begins.

"(2) If a committee of the House of Representatives or the Senate determines that changes in circumstances with the passage of time require a waiver of paragaraph (1) with respect to any bill or resolution providing supplemental appropriations for any period, such committee may report, and the House or Senate may consider and adopt, a resolution waiving the application of such paragraph in the case of such bill or resolution.".

(2) The item relating to section 307 in the table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended to read as follows:

"Sec. 307. Committee action on appropriation and other spending bills.".

(j)(1) Section 308(a) of the Congressional Budget Act of 1974 is amended—

(A) by striking out "fiscal year" in the matter preceding paragraph (1) and inserting in lieu thereof "biennial fiscal period";

(B) by striking out "fiscal year" in paragraph (1)(A) and inserting in lieu thereof "biennial fiscal period";

(C) by inserting a comma after "projection" in paragraph (1)(B);

(D) by striking out "5 fiscal" in paragraph (1)(B) and inserting in lieu thereof "4";

(E) by striking out "such fiscal year" in paragraph (1)(B) and inserting in lieu thereof "the first year of such biennial fiscal period,";

(F) by striking out "such period" in paragraph (1)(B) and inserting in lieu thereof "such 4-year period";

(G) by striking out "fiscal year" in paragraph (2)(A) and inserting in lieu thereof "biennial fiscal period";

(H) by striking out "such year" in paragraph (2)(A) and inserting in lieu thereof "such period";

(I) by inserting a comma after "projection" in paragraph (2)(B);

(J) by striking out "5 fiscal" in paragraph (2)(B) and inserting in lieu thereof "4";

(K) by striking out "such fiscal year" in paragraph (2)(B) and inserting in lieu thereof "the first year of such biennial fiscal period,";

(L) by striking out "such period" in paragraph (2)(B) and inserting in lieu thereof "such 4-year period"; and

(M) by striking out "fiscal year" each place it appears in the last sentence of such subsection and inserting in lieu thereof "biennial fiscal period".

(2) Section 308(b) of such Act is amended—

(A) by striking out "fiscal year" in the first sentence and inserting in lieu thereof "biennial fiscal period";

(B) by striking out "fiscal year" each place it appears in paragraph (1) and inserting in lieu thereof "biennial fiscal period";

(C) by striking out "fiscal year" in paragraph (2) and inserting in lieu thereof "biennial fiscal period";

(D) by striking out "fiscal year" in paragraph (3) and inserting in lieu thereof "biennial fiscal period";

(E) by striking out "such year" each place it appears in paragraph (3) and inserting in lieu thereof "such period"; and

(F) by striking out "fiscal year" each place it appears in paragraph (4) and inserting in lieu thereof "biennial fiscal period".

(3) Section 308(c) of such Act is amended—

(A) by striking out "Five-Year" in the subsection heading and inserting in lieu thereof "Four-Year";

(B) by striking out "each fiscal year" each place it appears and inserting in lieu thereof "each biennial fiscal period";

(C) by striking out "5 fiscal years beginning with such fiscal year" and inserting in lieu thereof "4 years beginning with the first year in such biennial fiscal period"; and

(D) by striking out "such period" each place it appears and inserting in lieu thereof "such 4-year period".

(k)(1) Section 309 of such Act is amended—

(A) by inserting a semicolon and "LIMITATION ON ENROLLMENT OF CERTAIN BILLS AND RESOLUTIONS" at the end of the section heading;

(B) by inserting "(a) COMPLETION OF ACTION REQUIRED.—" before "EXCEPT";

(C) by striking out "the seventh day after Labor Day of each year" in the matter preceding paragraph (1) and inserting in lieu thereof "July 31 of each even-numbered year";

(D) by striking out "fiscal year" each place it appears in paragraphs (1) and (2) and inserting in lieur thereof "biennial fiscal period"; and

(E) by adding at the end thereof the following new subsection:

"(b) LIMITITATION ON ENROLLMENT.—Bills and resolutions providing new budget authority for any biennial fiscal period or new spending authority described in section 401(c)(2)(C) for any biennial fiscal period shall not be enrolled until the concurrent resolution required to be reported under section 310(a) for such biennial fiscal period has been agreed to, and if a reconciliation

bill or reconciliation resolution, or both are required to be reported under section 310(c) for such biennial fiscal period, until Congress has completed action on that bill or resolution, or both.".

(2) The item relating to section 309 in the table of contents in section 1 (b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting before the period at the end thereof a semicolon and "limitation on enrollment of certain bills and resolutions".

(l)(1) Section 310(a) of the Congressional Budget Act of 1974 is amended—

(A) by striking out "The" in the first sentence and inserting in lieu thereof "By August 15 of each even-numbered year, the";

(B) by striking out "fiscal year" in the first sentence and inserting in lieu thereof "biennial fiscal period";

(C) by striking out "fiscal year" each place it appears in subparagraphs (A) and (C) of paragraph (1) and inserting in lieu thereof "biennial fiscal period"; and

(D) by inserting "of prior biennial fiscal periods, as the case may be" after "prior fiscal years" in subparagraph (B) of paragraph (1).

(2) Section 310(b) of such Act is amended by striking out "each year" and inserting in lieu thereof "each even-numbered year".

(3) Section 310(d) of such Act is amended by striking out "September 25 of each year" and inserting in lieu thereof "October 1 of each even-numbered year".

(4) Section 310(f) of such Act is amended—

(A) by striking out "It" and inserting in lieu thereof "In any even-numbered year, it"; and

(B) by striking out "fiscal year" each place it appears and inserting in lieu thereof "biennial fiscal period".

(m) Section 311 of such Act is amended by striking out "fiscal year" each place it appears and inserting in lieu thereof "biennial fiscal period".

(n) (1) Section 401(a) of such Act is amended by striking out "fiscal year" and inserting in lieu thereof "biennial fiscal period".

(2) (A) Section 401(b)(1) of such Act is amended by striking out "the fiscal year which begins during the calendar year in" and inserting in lieu thereof "the first biennial fiscal period which begins after the date on".

(B) Section 401(b)(2) of such Act is amended by striking out "fiscal year" each place it appears and inserting in lieu thereof "biennial fiscal period".

(o)(1) Section 402 of such Act is amended—

(A) by striking out "REPORTING OF" in the section heading and inserting in lieu thereof "ACTION ON";

(B) by striking out the subsection heading for subsection (a) and inserting in lieu thereof "DATES FOR REPORTING AND FINAL ACTION.—(1)";

(C) by striking out "fiscal year" each place it appears in subsection (a) and inserting in lieu thereof "biennial fiscal period";

(D) by striking out "May 15" in subsection (a) and inserting in lieu thereof "July 31 of the odd-numbered year"; and

(E) by adding at the end of subsection (a) the following new paragraph:

"(2) The Congress shall complete action on all bills and resolutions directly or indirectly authorizing the enactment of new budget authority for a biennial fiscal period no later than December 15 of the odd-numbered year preceding the year in which such period begins.".

(2) The table of contents in secton 1(b) of the Congressional Budget and Improundment Control Act of 1974 is amended by striking out "Reporting of" in the item relating to section 402 and inserting in lieu thereof "Action on".

(p) Section 403 (1) of the Congressional Budget Act of 1974 is amended by striking out "fiscal year in which it is to become effective and in each of the 4 fiscal years following such fiscal year" and inserting in lieu thereof "biennial fiscal period in which it is to become effective and in the succeeding biennial fiscal period".

(q)(1) Title IV of the Congressional Budget Act of 1974, is amended by adding at the end thereof the following new section:

REPORT BY THE COMPTROLLER GENERAL OF THE UNITED STATES

"Sec. 405. By March 1 of each odd-numbered year, the Comptroller General of the United States shall prepare and transmit to each of the standing committees of the Senate and the House of Representatives a report containing an evaluation of each major Federal program. The evaluations required by the preceding sentence shall include—

"(1) an analysis of the recommendations made with respect to such programs by the President in the Budget submitted under section 201(a) of the Budget and Accounting Act, 1921, on January 15 of such odd-numbered year; and

"(2) where possible, a description of methods to improve efficiency and control costs in each such Federal program.".

(2) The table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 404 the following new item:

"Sec. 405. Report by the Comptroller General of the United States.".

(3) Section 304 of the Congressional Budget Act of 1974 is amended by inserting "(except section 405)" after "IV" each place it appears.

(r)(1) Section 605(a) of the Congressional Budget Act of 1974 is amended—

(A) by striking out "each year (beginning with 1975)" and inserting in lieu thereof "each even-numbered year (beginning with 1982)";

(B) by striking out "the ensuing fiscal year" and inserting in lieu thereof "the biennial fiscal period beginning in the succeeding even-numbered year"; and

(C) by striking out "such ensuing fiscal year" and inserting in lieu thereof "such period".

(2) Section 605 of such Act (as amended by paragraph (1) of this subsection) is further amended—

(A) by redesignating subsection (b) as subsection (c) and by (in such subsection) striking out "so submitted" and inserting in lieu thereof "submitted under subsections (a) and (b)"; and

(B) by inserting after subsection (a) the following new subsection:

"(b) On or before November 10 of each odd-numbered year (beginning with 1983), the President shall submit to the Senate and the House of Representatives such revisions in the estimated outlays and proposed budget authority for the biennial fiscal period beginning in the succeeding even-numbered year submitted pursuant to subsection (a) as he determines may be necessary.".

(s) Section 1012 (a) of the Impoundment Control Act of 1974 is amended by striking out "fiscal year" each place it appears and inserting in lieu thereof "biennial fiscal period".

(t) The last sentence of section 1013(a) of such Act is amended by striking out "fiscal year" and insert in lieu thereof "biennial fiscal period".

(u) Section 1014(e) of such Act is amended by striking out "fiscal year" each place it appears and inserting in lieu thereof "biennial fiscal period".

(v) Clause 1(b)(4) of Rule X of the Rules of the House of Representatives is amended by striking out "fiscal year" and inserting in lieu thereof "biennial fiscal period".

AMENDENTS TO BUDGET AND ACCOUNTING ACT, 1921

SEC. 5. (a)(1) So much of section 201(a) of the Budget and Accounting Act, 1921 (31 U.S.C. 11(a)), as precedes paragraph (1) thereof is amended to read as follows:

"(a) The President shall transmit to the Congress, by January 15 of the first session of each Congress beginning with the Ninety-eighth Congress, the Budget for the biennial fiscal period (as defined in section 3(6) of the Congressional Budget and Impoundment Control Act of 1974) beginning on October 1 of the succeeding calendar year. The Budget transmitted under this subsection shall include the President's Budget Message, summary data and text, and supporting detail. The Budget shall set forth in such form and detail as the President may determine—".

(2) Section 201(a)(5) of such Act is amended—

(A) by striking out "fiscal year and projections for the four fiscal years immediately the ensuing fiscal year" and inserting in lieu thereof "biennial fiscal period and projections for the biennial fiscal period immediately following such biennial fiscal period";

(B) by striking out "each year" and inserting in lieu thereof "the second session of each Congress".

(3) Section 201(a)(6) of such Act is amended by striking out "fiscal year and projections for the four fiscal years immediately following the ensuing fiscal year" and inserting in lieu thereof "biennial fiscal period and projections for the biennial fiscal period immediately following such biennial fiscal period".

(4) Section 201(a)(9) of such Act is amended—

(A) by inserting "or the last completed biennial fiscal period, as the case may be" after "the last completed fiscal year";

(B) by inserting "or at the end of the biennial fiscal period in progress, as the case may be" after "fiscal year in progress"; and

(C) by striking out "ensuing fiscal year" and inserting in lieu thereof "ensuing biennial fiscal period".

(5) Section 201(a)(12) of such Act is amended—

(A) by striking out "fiscal year" in subparagraph (A) and inserting in lieu thereof "biennial fiscal period"; and

(B) by striking out "each of the four fiscal years, immediately following that ensuing fiscal year," in subparagraph (B) and inserting in lieu thereof "the biennial fiscal period immediately following such biennial fiscal period".

(6) Section 201(a)(13) of such Act is amended by striking out "fiscal year" each place it appears and inserting in lieu thereof "biennial fiscal period".

(7) Section 201(a) of such Act is further amended by adding at the end thereof the following:

"By January 15 of the second session of each Congress the President shall transmit to the Congress any revisions he may desire to make in the Budget transmitted in the first session of that Congress.".

(b) Section 201(b) of such Act is amended by striking out "fiscal year" each place it appears and inserting in lieu thereof "biennial fiscal period".

(c) Section 201(c) of such Act is amended—

(1) by striking out "four fiscal years" in paragraph (1) and inserting in lieu thereof "biennial fiscal period";

(2) by striking out "ensuing fiscal year" in such paragraph and inserting in lieu thereof "ensuing biennial fiscal period";

(3) by striking our "fiscal years" in paragraph (2) and inserting in lieu thereof "the first biennial fiscal period"; and

(4) by striking out "ensuing fiscal year" each place it appears in such paragraph and inserting in lieu thereof "ensuing biennial fiscal period".

(d) Section 201(d) of such Act is amended by striking out "fiscal year" and inserting in lieu thereof "biennial fiscal period".

(e) Section 201(e) of such Act is amended—

(1) by striking out "each fiscal year" and inserting in lieu thereof "each biennial fiscal period"; and

(2) by striking out "such fiscal year" and inserting in lieu thereof "such period".

(f) Section 201(f) of such Act is amended—

(1) by striking out "fiscal year" in the matter preceding paragraph (1) and inserting in lieu thereof "biennial fiscal period";

(2) by inserting "or the last completed biennial fiscal period, as the case may be" after "last completed fiscal year" in paragraph (1);

(3) by inserting "or such biennial fiscal period, as the case may be" after "such fiscal year" in such paragraph;

(4) by inserting "or the last completed biennial fiscal period, as the case may be," after "last completed fiscal year" in paragraph (2);

(5) by striking out "such year" each place it appears in such paragraph and inserting in lieu thereof "such fiscal year or such biennial fiscal period, as the case may be";

(6) by inserting "or such biennial fiscal period, as the case may be," after "such fiscal year" the first place it appears in paragraph (3); and

(7) by inserting "or such biennial fiscal period, as the case may be" before the period in such paragraph.

(g) Section 201 (g) of such Act is amended by striking out "fiscal year" each place it appears and inserting in lieu thereof "biennial fiscal period".

(h) Section 201 (h) of such Act is amended by striking out "fiscal year" each place it appears and inserting in lieu thereof "biennial fiscal period".

(i) Section 201 (i) of such Act is amended—

(1) by striking out "each fiscal year" and inserting in lieu thereof "each biennial fiscal period"; and

(2) by striking out "fiscal year ending September 30, 1979" and inserting in lieu thereof "biennial fiscal period beginning October 1, 1984".

CONVERSION TO BIENNIAL FISCAL PERIOD

SEC. 6. (a)(1) Section 237 (a) of the Revised Statutes (31 U.S.C. 1020 (a)) is amended to read as follows:

"(a) In all matters of accounts, receipts, expenditures, estimates, and appropriations—

"(1) there shall be, through September 30, 1984, a fiscal year of the United States commencing on October 1 of each year and ending on September 30 of the following year; and

"(2) there shall be, beginning on October 1, 1984, a biennial fiscal period of the United States beginning on October 1 of each even-numbered year and ending on September 30 of the following even-numbered year.".

(2) Section 237(b) of the Revised Statutes (31 U.S.C. 1020(b)) is amended by inserting "or each biennial fiscal period, as the case may be," after "fiscal year".

(b) Section 504 of the Congressional Budget Act of 1974 (31 U.S.C. 1020a) is amended—

(1) by striking out "or any fiscal year thereafter" and inserting in lieu thereof "through the fiscal year 1984"; and

(2) by adding at the end thereof: "Any law providing for an authorization of appropriations for the fiscal year 1985 or any fiscal year thereafter shall be construed as referring to the one-year period within a biennial fiscal period beginning on October 1 of the calendar year having the same calendar year number as the preceding fiscal year number and ending on September 30 of the calendar year having the same calendar year number as the fiscal year number.".

(c) Section 118(b)(2) of the Second Supplemental Appropriations Act, 1976 (31 U.S.C. 1020-1) is amended to read as follows:

"(2) Effective on the first day of the Ninety-eighth Congress, any provision of law relating to the Senate which contains an October 1 or September 30 date which is related to the beginning or end of a fiscal year shall be treated as referring to the beginning or end, as the case may be, of a one-year period within a biennial fiscal period, as established by section 237(a) of the Revised Statutes.".

(d)(1) Subsection (b)(1) of the first section of the Act entitled "An Act to simplify accounting, facilitate the payment of obligations, and for other purposes", approved July 25, 1956, as amended (31 U.S.C. 701), is amended—

(A) by striking out "and" at the end of subparagraph (A);

(B) by inserting "and ending before October 1, 1984," after "October 1, 1976," in paragraph (2);

(C) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof a semicolon and "and"; and

(D) by adding at the end thereof the following new subparagraph:

"(C) for any biennial fiscal period commencing on or after October 1, 1984, on September 30 of the biennial fiscal period following that biennial fiscal period or the biennial fiscal period, as the case may be, for which the appropriation is available for obligation.".

(2) Subsection (b)(2) of such Act is amended—

(A) by striking out "and" at the end of subparagraph (A);

(B) by inserting "and ending before October 1, 1984," after "October 1, 1976," in subparagraph (B);

(C) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof a semicolon and "and"; and

(D) by adding at the end thereof the following:

"(C) for any biennial fiscal period commencing on or after October 1, 1984, not later than November 15 following the end of such biennial fiscal period, in which the period of availability for obligation expires.".

(e)(1) Section 105 of title 1, United States Code, is amended by striking out "year ending" and inserting in lieu thereof "biennial fiscal period ending".

(2) The provisions of paragraph (1) of this subsection shall be effective with respect to Acts making appropriations for the support of the Government for any biennial fiscal period commencing on or after October 1, 1984.

(f) As soon as practicable, the President shall prepare and transmit to the Congress proposed legislation he considers appropriate with respect to changes in law necessary to provide authorizations of appropriations for the biennial fiscal period beginning on October 1, 1984, and succeeding biennial fiscal periods.

(g) The Director of the Office of Management and Budget shall provide by regulation, order, or otherwise for the orderly transition by all departments, agencies, and instrumentalities of the United States Government and the government of the District of Columbia from the use of the fiscal year in effect on the date of enactment of this Act to the use of the new biennial fiscal period prescribed by section 237(a)(2) of the Revised Statutes. The Director shall prepare and submit to the Congress such additional proposed legislation as he considers necessary to accomplish this objective.

EFFECTIVE DATE

SEC. 7. The provisions of this Act and the amendments made by this Act shall take effect on the first day of the Ninety-eighth Congress, except that the amendments made by section 4(r) of this Act shall take effect on November 9, 1982.

FISCAL YEAR 1984

SEC. 8. (a) Notwithstanding the provisions of sections 3, 4, 5, and 6 of this Act and the amendments made by such sections, the President shall submit to the Congress a Budget for fiscal year 1984, and the estimates of outlays and proposed budget authority that would have been required under section 605 of the Congressional Budget Act of 1974 (as such section was in effect on November 8, 1982). The provisions of section 201(a) of the Budget and Accounting Act, 1921 (as such provisions were in effect on the day before the effective date of this Act) shall apply to the submission by the President of the Budget for fiscal year 1984. The provisions of section 605 of the Congressional Budget Act of 1974 (as such provisions were in effect on November 8, 1982) shall apply with respect to the submission of such estimates by the President.

(b) Notwithstanding the provisions of sections 3, 4, 5, and 6 of this Act and the amendments made by such sections, the Congress shall complete action on the concurrent resolutions on the budget that would have been required for fiscal year 1984 under the privisions of the Congressional Budget Act of 1974 as such provisions were in effect on the day before the effective date of this Act. The provisions of the Congressional Budget and Impoundment Control Act of 1974 (as such provisions were in effect on the day before the date of enactment of this Act) shall apply with respect to concurrent resolutions on the budget for fiscal year 1984, bills and resolutions providing new budget authority or new spending authority for fiscal year 1984, and bills and resolutions authorizing the enact-

ment of new budget authority for fiscal year 1984.

APPENDIX I

(NOTE.—Text in roman, new material in italic, and stricken matter in brackets.]

SHORT TITLES; TABLE OF CONTENTS

SECTION 1. (a) SHORT TITLES.—This Act may be cited as the "Congressional Budget and Impoundment Control Act of 1974". Titles I through IX may be cited as the "Congressional Budget Act of 1974", and title X may be cited as the "Impoundment Control Act of 1974".

(b) TABLE OF CONTENTS.—

Sec. 1. Short titles; table of contents.
Sec. 2. Declaration of purposes.
Sec. 3. Definitions.

TITLE I—ESTABLISHMENT OF HOUSE AND SENATE BUDGET COMMITTEES

Sec. 101. Budget Committee of the House of Representatives.
Sec. 102. Budget Committee of the Senate.

TITLE II—CONGRESSIONAL BUDGET OFFICE

Sec. 201. Establishment of Office.
Sec. 202. Duties and functions.
Sec. 203. Public access to budget data.

TITLE III—CONGRESSIONAL BUDGET PROCESS

Sec. 300. Timetable.
Sec. 301. Adoption of first concurrent resolution.
Sec. 302. Matters to be included in joint statement of managers; reports by committees.
Sec. 303. First concurrent resolution on the budget must be adopted before legislation providing new budget authority, new spending authority, or changes in revenues or public debt limit is considered.
Sec. 304. Permissible revisions of concurrent resolutions on the budget.
Sec. 305. Provisions relating to the consideration of concurrent resolutions on the budget.
Sec. 306. Legislation dealing with congressional budget must be handled by budget committees.
[Sec. 307. House committee action on all appropriation bills to be completed before first appropriation bill is reported.]
Sec. 307. Committee action on appropriation and other spending bills.
Sec. 308. Reports, summaries, and projections of congressional budget actions.
Sec. 309. Completion of action on bills providing new budget authority and certain new spending authority; *limitation on enrollment of certain bills and resolutions.*
Sec. 310. Second required concurrent resolution and reconciliation process.
Sec. 311. New budget authority, new spending authority, and revenue legislation must be within appropriate levels.

TITLE IV—ADDITIONAL PROVISIONS TO IMPROVE FISCAL PROCEDURES

Sec. 401. Bills providing new spending authority.
Sec. 402. [Reporting of] *Action on* authorizing legislation.
Sec. 403. Analyses by Congressional Budget Office.
Sec. 404. Jurisdiction of Appropriations Committees.
Sec. 405. Report by the Comptroller General of the United States.

TITLE V—CHANGE OF FISCAL YEAR

Sec. 501. Fiscal year to begin October 1.
Sec. 502. Transition to new fiscal year.
Sec. 503. Accounting procedures.
Sec. 504. Conversion of authorizations of appropriations.
Sec. 505. Repeals.
Sec. 506. Technical amendment.

TITLE VI—AMENDMENTS TO BUDGET AND ACCOUNTING ACT, 1921

Sec. 601. Matters to be included in President's budget.
Sec. 602. Midyear review.
Sec. 603. Five-year budget projections.
Sec. 604. Allowances for supplemental budget authority and uncontrollable outlays.
Sec. 605. Budget data based on continuation of existing level of services.
Sec. 606. Study of off-budget agencies.
Sec. 607. Year-ahead requests for authorization of new budget authority.

TITLE VII—PROGRAM REVIEW AND EVALUATION

Sec. 701. Review and evaluation by standing committees.
Sec. 702. Review and evaluation by the Comptroller General.
Sec. 703. Continuing study of additional budget reform proposals.

TITLE VIII—FISCAL AND BUDGETARY INFORMATION AND CONTROLS

Sec. 801. Amendment to Legislative Reorganization Act of 1970.
Sec. 802. Changes in functional categories.

TITLE IX—MISCELLANEOUS PROVISIONS; EFFECTIVE DATES

Sec. 901. Amendments to rules of the House.
Sec. 902. Conforming amendments to standing rules of the Senate.
Sec. 903. Amendments to Legislative Reorganization Act of 1946.
Sec. 904. Exercise of rulemaking powers.
Sec. 905. Effective dates.
Sec. 906. Application of congressional budget process to fiscal year 1976.

TITLE X—IMPOUNDMENT CONTROL

PART A—GENERAL PROVISIONS

Sec. 1001. Disclaimer.
Sec. 1002. Amendment to Antideficiency Act.
Sec. 1003. Repeal of existing impoundment reporting provision.

PART B—CONGRESSIONAL CONSIDERATION OF PROPOSED RESCISSIONS, RESERVATIONS, AND DEFERRALS OF BUDGET AUTHORITY

Sec. 1011. Definitions.
Sec. 1012. Rescission of budget authority.
Sec. 1013. Disapproval of proposed deferrals of budget authority.
Sec. 1014. Transmission of messages; publication.
Sec. 1015. Reports by Comptroller General.
Sec. 1016. Suits by Comptroller General.
Sec. 1017. Procedure in House and Senate.

DECLARATION OF PURPOSES

SEC. 2. The Congress declares that it is essential—

(1) to assure effective congressional control over the budgetary process;

(2) to provide for the congressional determination [each year] *biennially* of the appropriate level of Federal revenues and expenditures;

(3) to provide a system of impoundment control;

(4) to establish national budget priorities; and

(5) to provide for the furnishing of information by the executive branch in a manner that will assist the Congress in discharging its duties.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) The terms "budget outlays" and "outlays" mean, with respect to any [fiscal year] *biennial fiscal period,* expenditures and net lending of funds under budget authority during [such year] *such period.*

(2) The term "budget authority" means authority provided by law to enter into obligations which will result in immediate or future outlays involving Government funds, except that such term does not include authority to insure or guarantee the repayment of indebtedness incurred by another person or government.

(3) The term "tax expenditures" means those revenue losses attributable to provisions of the Federal tax laws which allow a special exclusion, exemption, or deduction from gross income or which provide a special credit, a preferential rate of tax, or a deferral of tax liability; and the term "tax expenditures budget" means an enumeration of such tax expenditures.

(4) The term "concurrent resolution on the budget" means—

(A) a concurrent resolution setting forth the congressional budget for the United States Government for a [fiscal year] *biennial fiscal period* as provided in section 301;

(B) a concurrent resolution reaffirming or revising the congressional budget for the United States Government for a [fiscal year] *biennial fiscal period* as provided in section 310; and

(C) any other concurrent resolution revising the congressional budget for the United States Government for a [fiscal year] *biennial fiscal period* as described in section 304.

(5) The term "Appropriation Act" means an Act referred to in section 105 of title I, United States Code.

(6) The term "biennial fiscal period" means the period of 2 years beginning on October 1 of any even-numbered year and ending on September 30 of the succeeding even-numbered year.

* * * * *

(f) REPORTS TO BUDGET COMMITTEES.—(SEC. 202)—

(1) On or before [April 1 of each year] *April 30 of each odd-numbered year,* the Director shall submit to the Committees on the Budget of the House of Representatives and the Senate a report, for the [fiscal year commencing on October 1 of that year] *biennial fiscal period commencing on October 1 of the succeeding year,* with respect to fiscal policy, including (A) alternative levels of total revenues, total new budget authority, and total outlays (including related surpluses and deficits), and (B) the levels of tax expenditures under existing law, taking into account projected economic factors and any changes in such levels based on proposals in the budget submitted by the President for [such fiscal year] *such biennial fiscal period.* Such report shall also include a discussion of national budget priorities, including alternative ways of allocating budget authority and budget outlays for [such fiscal year] *such biennial fiscal period* among major programs or functional categories, taking into account how such alternative allocations will meet major national needs and affect balanced growth and development of the United States.

(2) On March 15 of each even-numbered year, the Director shall transmit to the Committees on the Budget of the House of Representatives and the Senate such revisions of the report required by paragraph (1) as may be necessary due to changing economic conditions and due to any revisions in the budget transmitted by the President to the

Congress on January 15 of that year under the last sentence of section 201(a) of the Budget and Accounting Act, 1921.

[(2)] *(3)* The Director shall from time to time submit to the Committees on the Budget of the House of Representatives and the Senate such further reports (including reports revising the report required by [paragraph (1)] *paragraphs (1) and (2)* as may be necessary or appropriate to provide such committees with information, data, and analyses for the performance of their duties and functions.

* * * * *

TITLE III—CONGRESSIONAL BUDGET PROCESS

[TIMETABLE

[SEC. 300. The timetable with respect to the congressional budget process for any fiscal year is as follows:

[On or before:	[Action to be completed:
[November 10...	President submits current services budget.
[15th day after Congress meets.	President submits his budget.
[March 15.....	Committees and joint committees submit reports to Budget Committees.
[April 1.....	Congressional Budget Office submits report to Budget Committees.
[April 15.....	Budget Committees report first concurrent resolution on the budget to their Houses.
[May 15.....	Committees report bills and resolutions authorizing new budget authority.
[May 15.....	Congress completes action on first concurrent resolution on the budget.
[7th day after Labor Day.	Congress completes action on bills and resolutions providing new budget authority and new spending authority.
[September 15.	Congress completes action on second required concurrent resolution on the budget.
[September 25.	Congress completes action on reconciliation bill or resolution, or both, implementing second required concurrent resolution.
[October 1	Fiscal year begins.]

TIMETABLE

SEC. 300. The timetable with respect to the congressional budget process for any Congress (beginning with the Ninety-eighth Congress) is as follows:

First Session

On or before:	*Action to be completed:*
November 10 (of the preceding year).	*President submits current services budget for the biennial fiscal period beginning in the succeeding even-numbered year.*
January 15	*President submits his budget for the biennial fiscal period.*

First Session—Continued

On or before:	*Action to be completed:*
Janaury 15	*All committees begin oversight hearings with respect to major Federal programs.*
March 1	*Comptroller General of the United States reports evaluations of major Federal programs to the standing committees.*
April 1	*Committees complete oversight hearings and report to the Budget Committees of both Houses with respect to the biennial fiscal period.*
April 30	*Congressional Budget Office submit report to the Budget Committees with respect to the biennial fiscal period.*
June 30.....	*Budget Committees report first concurrent resolution on the budget for the biennial fiscal period to their Houses.*
July 31.....	*Congress completes action on first concurrent resolution on the budget for the biennial fiscal period.*
September 15....	*Committees report allocations of first concurrent resolution on the budget among programs within their respective jurisdictions.*
December 15	*Congress completes action on bills and resolutions authorizing new budget authority for the biennial fiscal period.*

Second Session

On or before:	*Action to be completed:*
January 15	*President submits revised budget for the biennial fiscal period.*
March 15	*Congressional Budget Office submit report to the Budget Committees on the President's revised budget.*
April 15	*House Appropriations Committee reports bills for the biennial fiscal period.*
May 1.....	*Senate Appropriations Committee reports bills for the biennial fiscal period.*
July 31.....	*Congress completes action, except enrollment, on bills and resolutions providing new spending authority for the biennial fiscal period.*
August 15	*Budget Committees report second concurrent resolution on the budget for the biennial fiscal period to their Houses.*
September 15....	*Congress completes action on second concurrent resolution on the budget for the biennial fiscal period.*

Second Session—Continued

On or before:	*Action to be completed:*
October 1	*Congress completes action on reconciliation bill or resolution to implement second concurrent resolution on the budget for the biennial fiscal period.*
October 1	*Biennial fiscal period begins.*

ADOPTION OF FIRST CONCURRENT RESOLUTION

SEC. 301. (a) ACTION TO BE COMPLETED BY [MAY 15] *JULY 31 OF EACH ODD-NUMBERED YEAR.*—On or before [May 15 of each year] *July 31 of each odd-numbered year,* the Congress shall complete action on the first concurrent resolution on the budget for [the fiscal year beginning on October 1 of such year] *the biennial fiscal period beginning on October 1 of the succeeding year.* The concurrent resolution shall set forth—

(1) the appropriate level of total budget outlays and of total new budget authority;

(2) an estimate of budget outlays and an appropriate level of new budget authority for each major functional category, for contingencies, and for undistributed intragovernmental transactions, based on allocations of the appropriate level of total budget outlays and of total new budget authority;

(3) the amount, if any, of the surplus or the deficit in the budget which is appropriate in light of economic conditions and all other relevant factors;

(4) the recommended level of Federal revenues and the amount, if any by which the aggregate level of Federal revenues should be increased or decreased by bills and resolutions to be reported by the appropriate committees;

(5) the appropriate level of the public debt, and the amount, if any, by which the statutory limit on the public debt should be increased or decreased by bills and resolutions to be reported by the appropriate committees;

(6) if required by subsection (e), the calendar year in which, in the opinion of the Congress, the goals for reducing unemployment set forth in section 4(b) of the Employment Act of 1946 should be achieved; and

(7) such other matters relating to the budget as may be appropriate to carry out the purposes of this Act.

(b) ADDITIONAL MATTERS IN CONCURRENT RESOLUTION.—The first concurrent resolution on the budget may also require—

(1) a procedure under which all or certain bills and resolutions providing new budget authority or providing new spending authority described in section 401(c)(2)(C) for such [fiscal year] *biennial fiscal period* shall not be enrolled until the concurrent resolution required to be reported under section 310(a) has been agreed to, and, if a reconciliation bill or reconciliation resolution, or both, are required to be reported under section 310(c), until Congress has completed action on that bill or resolution, or both; and

(2) any other procedure which is considered appropriate to carry out the purposes of this Act.

Not later than the close of the Ninety-fifth Congress, the Committee on the Budget of each House shall report to its House on the

implementation of procedures described in this subsection.

(c) [VIEWS AND ESTIMATES OF] *OVERSIGHT AND REPORTS BY* OTHER COMMITTEES.—

(1) On January 15 of each odd-numbered year, each standing committee of the House of Representatives and the Senate shall commence hearings and evaluations with respect to major Federal programs within the jurisdiction of such committee. In conducting such hearings, such committees shall receive testimony from Members of Congress and such appropriate representatives of Federal departments and agencies, the general public, and national organizations as the committee deems desirable.

[*(2)*] On or before [March 15 of each year] *April 1 of each odd-numbered year,* each standing committee of the House of Representatives shall submit to the Committee on the Budget of the House, each standing committee of the Senate shall submit to the Committee on the Budget of the Senate, and the Joint Economic Committee and Joint Committee on Internal Revenue Taxation shall submit to the Committees on the Budget of both Houses *a report containing*—

[(1)] *(A)* its views and estimates with respect to all matters set forth in subsection (a) which relate to matters within the respective jurisdiction or functions of such committee or joint committee; [and]

[(2)] *(B)* except in the case of such joint committees, the estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within the jurisdiction of such committee which such committee intends to be effective during [the fiscal year beginning on October 1 of such year.] *the biennial fiscal period beginning on October 1 of the succeeding year;*

(C) a description of the recommendations of the committee with respect to major Federal programs made as a result of the hearings and evaluations conducted pursuant to paragraph (1);

(D) comments on the recommendations made by the Comptroller General of the United States in the report required under section 405 with respect to controlling costs and improving efficiency in major Federal programs; and

(E) in the case of any committee having jurisdiction of any program for which spending authority, as defined in section 401(c)(2)(C), is provided, specific recommendations concerning any change in such program which would strengthen the ability of the Congress to exercise fiscal control over outlays under such program.

The Joint Economic Committee shall also submit to the Committees on the Budget of both Houses, its recommendations as to the fiscal policy appropriate to the goals of the Employment Act of 1946. Any other committee of the House or Senate may submit to the Committee on the Budget of its House, and any other joint committee of the Congress may submit to the Committees on the Budget of both Houses, its views and estimates with respect to all matters set forth in subsection (a) which relate to matters within its jurisdiction or functions.

(d) HEARINGS AND REPORT.—In developing the first concurrent resolution on the budget referred to in subsection (a) for each [fiscal year] *biennial fiscal period,* the Committee on the Budget of each House shall hold hearings and shall receive testimony from Members of Congress and such appropriate representatives of Federal departments and agencies, the general public, and national organizations as the committee deems desirable. Each of the recommendations as to short-term and medium-term goals set forth in the report submitted by the members of the Joint Economic Committee under subsection (c) may be considered by the Committee on the Budget of each House as part of its consideration of such concurrent resolution, and its report may reflect its views thereon, and on how the estimates of revenues and levels of budget authority and outlays set forth in such concurrent resolution are designed to achieve any goals it is recommending. On or before [April 15 of each year] *June 30 of each odd-numbered year,* the Committee on the Budget of each House shall report to its House the first concurrent resolution on the budget referred to in subsection (a) for the [fiscal year beginning on October 1 of such year] *biennial fiscal period beginning on October 1 of the succeeding year.* The report accompanying such concurrent resolution shall also include, but not be limited to—

(1) a comparison of revenues estimated by the committee with those estimated in the budget submitted by the President;

(2) a comparison of the appropriate levels of total budget outlays and total new budget authority, as set forth in such concurrent resolution, with total budget outlays estimated and total new budget authority requested in the budget submitted by the President;

(3) with respect to each major functional category, an estimate of budget outlays and an appropriate level of new budget authority for all proposed programs and for all existing programs (including renewals thereof), with the estimate and level for existing programs being divided between permanent authority and funds provided in appropriation Acts, and each such division being subdivided between controllable amounts and all other amounts;

(4) an allocation of the level of Federal revenues recommended in the concurrent resolution among the major sources of such revenues;

(5) the economic assumptions and objectives which underlie each of the matters set forth in such concurrent resolution and alternative economic assumptions and objectives which the committee considered;

(6) projections, not limited to the following, for the period of [five-fiscal] *four* years beginning with [such fiscal year] *the first year of such biennial fiscal period,* of the estimated levels of total budget outlays, total new budget outlays, total new budget authority, the estimated revenues to be received, and the estimated surplus or deficit, if any, for [each fiscal year in such period] *each year in such four-year period,* and the estimated levels of tax expenditures (the tax expenditures budget) by major functional categories;

(7) a statement of any significant changes in the proposed levels of Federal assistance to State and local governments; and

(8) information, data, and comparisons indicating the manner in which, and the basis on which, the committee determined each of the matters set forth in the concurrent resolution, and the relationship of such matters to other budget categories.

(e) ACHIEVEMENT OF GOALS FOR REDUCING UNEMPLOYMENT.—

(1) If, pursuant to section 4(c) of the Employment Act of 1946, as amended, the President recommends in the Economic Report that the goals for reducing unemployment [set for] *set forth* in section 4(b) of such Act be achieved in a year after the close of the five-year period prescribed by such subsection, the first concurrent resolution on the budget for the fiscal year beginning after the date on which such Economic Report is received by the Congress may set forth the year in which, in the opinion of the Congress, such goals can be achieved.

(2) After the Congress has expressed its opinion pursuant to paragraph (1) as to the year in which the goals for reducing unemployment set forth in section 4(b) of the Employment Act of 1946, as amended, can be achieved, if, pursuant to section 4(e) of such Act, the President recommends in the Economic Report that such goals be achieved in a year which is different from the year in which the Congress has expressed its opinion that such goals should be achieved, either in its action pursuant to paragraph (1) or its most recent action pursuant to this paragraph, the first concurrent resolution on the budget for the [fiscal year] *biennial fiscal period* beginning after the date on which such Economic Reprot is received by the Congress may set forth the year in which, in the opinion of the Congress, such goals can be achieved.

(3) It shall be in order to amend the provision of such resolution setting forth such year only if the amendment thereto also proposes to alter the estimates, amounts, and levels (as described in section 301(a)) set forth in such resolution in germane fashion in order to be consistent with the economic goals (as described in sections 3(a)(2) and 4(b) of the Employment Act of 1946) which such amendment proposes can be achieved by the year specified in such amendment.

MATTERS TO BE INCLUDED IN JOINT STATEMENT OF MANAGERS; REPORTS BY COMMITTEES

SEC. 302. (a) ALLOCATION OF TOTALS.—The joint explanatory statement accompanying a conference report on a concurrent resolution on the budget shall include an estimated allocation, based upon such concurrent resolution as recommended in such conference report, of the appropriate levels of total budget outlays and total new budget authority among each committee of the House of Representatives and the Senate which has jurisdiction over bills and resolutions providing such new budget authority.

(b) REPORTS BY COMMITTEES.—As soon as practicable after a concurrent resolution on the budget is agreed to—

(1) the Committee on Appropriations of each House shall, after consulting with the Committee on Appropriations of the other House, (A) subdivide among its subcommittees the allocation of budget outlays and new budget authority allocated to it in the joint explanatory statement accompanying the conference report on such concurrent resolution, and (B) further subdivide the amount with respect to each such subcommittee between controllable amounts and all other amounts; and

(2) every other committee of the House and Senate to which an allocation was made in such joint explanatory statement shall, after consulting with the committee or committees of the other House to which all or part of its allocation was made, (A) subdivide such allocation among its subcommittees or among programs over which it has jurisdiction, and (B) further subdivide the amount with respect to each subcommittee or program between controllable amounts and all other amounts.

[Each] *By September 15 of each odd-numbered year, each* such committee shall

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promptly report to its House the subdivisions made by it pursuant to this subsection.

(c) SUBSEQUENT CONCURRENT RESOLUTIONS.—In the case of a concurrent resolution on the budget referred to in section 304 or 310, the allocation under subsection (a) and the subdivisions under subsection (b) shall be required only to the extent necessary to take into account revisions made in the most recently agreed to concurrent resolution on the budget.

FIRST CONCURRENT RESOLUTION ON THE BUDGET MUST BE ADOPTED BEFORE LEGISLATION PROVIDING NEW BUDGET AUTHORITY, NEW SPENDING AUTHORITY, OR CHANGES IN REVENUES OR PUBLIC DEBT LIMIT IS CONSIDERED

SEC. 303. (a) IN GENERAL.—It shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution (or amendment thereto) which provides—

(1) new budget authority for a [fiscal year] *biennial fiscal period*;

(2) an increase or decrease in revenues to become effective during a [fiscal year] *biennial fiscal period*;

(3) an increase or decrease in the public debt limit to become effective during a [fiscal year] *biennial fiscal period*; or

(4) new spending authority described in section 401(c)(2)(C) to become effective during a [fiscal year] *biennial fiscal period*;

until the first concurrent resolution on the budget for [such year] *such period* has been agreed to pursuant to section 301.

(b) EXCEPTIONS.—Subsection (a) does not apply to any bill or resolution—

(1) providing new budget authority which first becomes available in a [fiscal year] *biennial fiscal period* following the [fiscal year] *biennial fiscal period* to which the concurrent resolution applies; or

(2) increasing or decreasing revenues which first become effective in a [fiscal year] *biennial fiscal period* following the [fiscal year] *biennial fiscal period* to which the concurrent resolution applies.

(c) WAIVER IN THE SENATE.—

(1) The committee of the Senate which reports any bill or resolution to which subsection (a) applies may at or after the time it reports such bill or resolution, report a resolution to the Senate (A) providing for the waiver of subsection (a) with respect to such bill or resolution, and (B) stating the reasons why the waiver is necessary. The resolution shall then be referred to the Committee on the Budget of the Senate. That committee shall report the resolution to the Senate within 10 days after the resolution is referred to it (not counting any day on which the Senate is not in session) beginning with the day following the day on which it is so referred, accompanied by that committee's recommendations and reasons for such recommendations with respect to the resolution. If the committee does not report the resolution within such 10-day period, it shall automatically be discharged from further consideration of the resoltuion and the resolution shall be placed on the calendar.

(2) During the consideration of any such resolution, debate shall be limited to one hour, to be equally divided between, and controlled by, the majority leader and minority leader or their designees, and the time on any debatable motion or appeal shall be limited to twenty minutes, to be equally divided between, and controlled by, the mover and the manager of the resolution. In the event the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of such resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal. No amendment to the resolution is in order.

(3) If, after the Committee on the Budget has reported (or been discharged from further consideration of) the resolution, the Senate agrees to the resolution, then subsection (a) of this section shall not apply with respect to the bill or resolution to which the resolution so agreed to applies.

PERMISSIBLE REVISIONS OF CONCURRENT RESOLUTIONS [OF] *ON* THE BUDGET

SEC. 304. At any time after the first concurrent resolution on the budget for a [fiscal year] *biennial fiscal period* has been agreed to pursuant to section 301, and before the end of such [fiscal year] *biennial fiscal period*, the two Houses may adopt a concurrent resolution on the budget which revises the concurrent resolution on the budget for such [fiscal year] *biennial fiscal period* most recently agreed to.

PROVISIONS RELATING TO THE CONSIDERATION OF CONCURRENT RESOLUTIONS ON THE BUDGET

SEC. 305. (a) PROCEDURE IN HOUSE OF REPRESENTATIVES AFTER REPORT OF COMMITTEE; DEBATE.—

(1) When the Committee on the Budget of the House has reported any concurrent resolution on the budget, it is in order at any time after the tenth day (excluding Saturdays, Sundays, and legal holidays) following the day on which the report upon such resolution has been available to Members of the House (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the concurrent resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) General debate on any concurrent resolution on the budget in the House of Representatives shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority parties, plus such additional hours of debate as are consumed pursuant to paragraph (3). A motion further to limit debate is not debatable. A motion to recommit the concurrent resolution is not in order, and it is not in order to move to reconsider the vote by which the concurrent resolution is agreed to or disagreed to.

(3) Following the presentation of opening statements on the first concurrent resolution on the budget for a [fiscal year] *biennial fiscal period* by the chairman and ranking minority member of the Committee on the Budget of the House, there shall be a period of up to four hours for debate on economic goals and policies.

(4) Only if a concurrent resolution on the budget reported by the Committee on the Budget of the House sets forth the economic goals (as described in sections 3(a)(2) and 4(b) of the Full Employment Act of 1946) which the estimates, amounts, and levels (as described in section 301(a)) set forth in such resolution are designed to achieve, shall it be in order to offer to such resolution an amendment relating to such goals, and such amendment shall be in order only if it also proposes to alter such estimates, amounts, and levels in germane fashion in order to be consistent with the goals proposed in such amendment.

[(6)] *(5)* Consideration of any concurrent resolution on the budget by the House of Representatives shall be in the Committee of the Whole, and the resolution shall be read for amendment under the five-minute rule in accordance with the applicable provisions of rule XXIII of the Rules of the House of Representatives. After the Committee rises and reports the resolution back to the House, the previous question shall be considered as ordered on the resolution and any amendments thereto to final passage without intervening motion; except that it shall be in order at any time prior to final passage (notwithstanding any other rule or provision of law) to adopt an amendment (or a series of amendments) changing any figure or figures in the resolution as so reported to the extent necessary to achieve mathematical consistency.

[7] *(6)* Debate in the House of Representatives on the Conference report or any concurrent resolution on the budget shall be limited to not more than 5 hours, which shall be divided equally between the majority and minority parties. A motion further to limit debate is not debatable. A motion to recommit the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

[8] *(7)* Motions to postpone, made with respect to the consideration of any concurrent resolution on the budget, and motions to proceed to the consideration of other business, shall be decided without debate.

[9] *(8)* Appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to any concurrent resolution on the budget shall be decided without debate.

(b) PROCEDURE IN SENATE AFTER REPORT OF COMMITTEE; DEBATE; AMENDMENTS.—

(1) Debate in the Senate on any concurrent resolution on the budget, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 50 hours, except that, with respect to the second required concurrent resolution referred to in section 310(a), all such debate shall be limited to not more than 15 hours. The time shall be divided equally between, and controlled by, the majority leader and the minority leader or their designees.

(2) Debate in the Senate on any amendment to a concurrent resolution on the budget shall be limited to 2 hours, to be equally divided between, and controlled by, the mover and the manager of the concurrent resolution, and debate on any amendment to an amendment, debatable motion, or appeal shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the concurrent resolution, except that in the event the manager of the concurrent resolution is in favor of any such amendment, motion, or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. No amendment that is not germane to the provisions of such concurrent resolution shall be received. Such leaders, or either of them, may, from the time under their control on the passage of the concurrent resolution, allot additional time to any Senator during the consideration of any amendment, debatable motion, or appeal.

(3) Following the presentation of opening statements on the first concurrent resolution on the budget for a [fiscal year] *biennial fiscal period* by the chairman and ranking minority member of the Committee on

the Budget of the Senate, there shall be a period of up to four hours for debate on economic goals and policies.

(4) Only if a concurrent resolution on the budget reported by the Committee on the Budget of the Senate sets forth the economic goals (as described in sections 3(a) (2) and 4(b) of the Employment Act of 1946), which the estimates, amounts, and levels (as described in section 301(a)) set forth in such resolution are designed to achieve, shall it be in order to offer to such resolution an amendment relating to such goals, and such amendment shall be in order only if it also proposes to alter such estimates, amounts, and levels in germane fashion in order to be consistent with the goals proposed in such amendment.

[(6)] (5) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days, not to exceed 3, not counting any day on which the Senate is not in session) is not in order. Debate on any such motion to recommit shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the concurrent resolution.

[(7)] (6) Notwithstanding any other rule, an amendment, or series of amendments, to a concurrent resolution on the budget proposed in the Senate shall always be in order if such amendment or series of amendments proposes to change any figure or figures then contained in such concurrent resolution so as to make such concurrent resolution mathematically consistent or so as to maintain such consistency.

(c) ACTION ON CONFERENCE REPORTS IN THE SENATE.—

(1) The conference report on any concurrent resolution on the budget shall be in order in the Senate at any time after the third day (excluding Saturdays, Sundays, and legal holidays) following the day on which such a conference report is reported and is available to Members of the Senate. A motion to proceed to the consideration of the conference report may be made even though a previous motion to the same effect has been disagreed to.

(2) During the consideration in the Senate of the conference report on any concurrent resolution on the budget, debate shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and minority leader or their designees. Debate on any debatable motion or appeal related to the conference report shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the conference report.

(3) Should the conference report be defeated, debate on any request for a new conference and the appointment of conferees shall be limited to 1 hour, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee, and should any motion be made to instruct the conferees before the conferees are named, debate on such motion shall be limited to one-half hour, to be equally divided between, and controlled by, the mover and the manager of the conference report. Debate on any amendment to any such instructions shall be limited to 20 minutes, to be equally divided between and controlled by the mover and the manager of the conference report. In all cases when the manager of the conference report is in favor of any motion, appeal, or amendment, the time in opposition shall be under the control of the minority leader or his designee.

(4) In any case in which there are amendments in disagreement, time on each amendment shall be limited to 30 minutes, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee. No amendment that is not germane to the provisions of such amendments shall be received.

(d) REQUIRED ACTION BY CONFERENCE COMMITTEE.—If, at the end of 7 days (excluding Saturdays, Sundays, and legal holidays) after the conferees of both Houses have been appointed to a committee of conference on a concurrent resolution on the budget, the conferees are unable to reach agreement with respect to all matters in disagreement between the two Houses, then the conferees shall submit to their respective Houses, on the first day thereafter on which their House is in session—

(1) a conference report recommending those matters on which they have agreed and reporting in disagreement those matters on which they have not agreed; or

(2) a conference report in disagreement, if the matter in disagreement is an amendment which strikes out the entire text of the concurrent resolution and inserts a substitute text.

(e) CONCURRENT RESOLUTION MUST BE CONSISTENT IN THE SENATE.—It shall not be in order in the Senate to vote on the question of agreeing to—

(1) a concurrent resolution on the budget unless the figures then contained in such resolution are mathematically consistent; or

(2) a conference report on a concurrent resolution on the budget unless the figures contained in such resolution, as recommended in such conference report, are mathematically consistent.

LEGISLATION DEALING WITH CONGRESSIONAL BUDGET MUST BE HANDLED BY BUDGET COMMITTEES

SEC. 306. No bill or resolution, and no amendment to any bill or resolution, dealing with any matter which is within the jurisdiction of the Committee on the Budget of either House shall be considered in that House unless it is a bill or resolution which has been reported by the Committee on the Budget of that House (or from the consideration of which such committee has been discharged) or unless it is an amendment to such a bill or resolution.

[HOUSE COMMITTEE ACTION ON ALL APPROPRIATION BILLS TO BE COMPLETED BEFORE FIRST APPROPRIATION BILL IS REPORTED] *COMMITTEE ACTION ON APPROPRIATION AND OTHER SPENDING BILLS*

SEC. 307. *(a) COMMITTEE ACTION ON REGULAR APPROPRIATION BILLS.*—Prior to reporting the first regular appropriation bill for each [fiscal year] *biennial fiscal period,* the Committee on Appropriations of the House of Representatives shall, to the extent practicable, complete subcommittee markup and full committee action on all regular appropriation bills for [that year] *that period* and submit to the House a summary report comparing the committee's recommendations with the appropriate levels of budget outlays and new budget authority as set forth in the most recently agreed to concurrent resolution on the budget for [that year] *that period.*

(b) REPORTING OF CERTAIN MEASURES.—All bills and resolutions providing budget authority or spending authority (as defined by section 401(c)(2)(C)) for any biennial fiscal period—

(A) shall be reported to the House of Representatives no later than April 15 of the year in which such period begins; and

(B) shall be reported to the Senate no later than May 1 of the year in which such period begins.

(2) If a committee of the House of Representatives or the Senate determines that changes in circumstances with the passage of time require a waiver of paragraph (1) with respect to any bill or resolution providing supplemental appropriations for any period, such committee may report, and the House or Senate may consider and adopt, a resolution waiving the application of such paragraph in the case of such bill or resolution.

REPORTS, SUMMARIES, AND PROJECTIONS OF CONGRESSIONAL BUDGET ACTIONS

SEC. 308. (a) REPORTS ON LEGISLATION PROVIDING NEW BUDGET AUTHORITY OR TAX EXPENDITURES.—Whenever a committee of either House reports a bill or resolution to its House providing new budget authority (other than continuing appropriations) or new or increased tax expenditures for a [fiscal year] *biennial fiscal period,* the report accompanying that bill or resolution shall contain a statement, prepared after consultation with the Director of the Congressional Budget Office, detailing—

(1) in the case of a bill or resolution providing new budget authority—

(A) how the new budget authority provided in that bill or resolution compares with the new budget authority set forth in the most recently agreed to concurrent resolution on the budget for such [fiscal year] *biennial fiscal period* and the reports submitted under section 302;

(B) a projection, for the period of [5 fiscal] *4* years beginning with [such fiscal year] *the first year of such biennial fiscal period,* of budget outlays, associated with the budget authority provided in that bill or resolution, in each fiscal year in [such period] *such 4-year period;* and

(C) the new budget authority, and budget outlays resulting therefrom, provided by that bill or resolution for financial assistance to State and local governments; and

(2) in the case of a bill or resolution providing new or increased tax expenditures—

(A) how the new or increased tax expenditures provided in that bill or resolution will affect the levels of tax expenditures under existing law as set forth in the report accompanying the first concurrent resolution on the budget for such [fiscal year] *biennial fiscal period,* or, if a report accompanying a subsequently agreed to concurrent resolution for [such year] *such period* sets forth such levels, then as set forth in that report; and

(B) a projection, for the period of [5 fiscal] *4* years beginning with [such fiscal year] *the first year of such biennial fiscal period,* of the tax expenditures which will result from that bill or resolution in each fiscal year in [such period] *such 4-year period.*

No projection shall be required for a [fiscal year] *biennnial fiscal period* under paragraph (1)(B) or (2)(B) if the committee determines that a projection for that [fiscal year] *biennial fiscal period* is impracticable and states in its report the reason for such impracticability.

(b) UP-TO-DATE TABULATION OF CONGRESSIONAL BUDGET ACTIONS.—The Director of the Congressional Budget Office shall issue periodic reports detailing and tabulating the progress of congressional action on bills and

resolutions providing new budget authority and changing revenues and the public debt limit for a [fiscal year] *biennial fiscal period.* Such reports shall include, but are not limited to—

(1) an up-to-date tabulation comparing the new budget authority for such [fiscal year] *biennial fiscal period* in bills and resolutions on which Congress has completed action and estimated outlays, associated with such new budget authority, during such [fiscal year] *biennial fiscal period* to the new budget authority and estimated outlays set forth in the most recently agreed to concurrent resolution on the budget for such [fiscal year] *biennial fiscal period* and the reports submitted under section 302;

(2) an up-to-date status report on all bills and resolutions providing new budget authority and changing revenues and the public debt limit for such [fiscal year] *biennial fiscal period* in both Houses;

(3) an up-to-date comparison of the appropriate level of revenues contained in the most recently agreed to concurrent resolution on the budget for such [fiscal year] *biennial fiscal period* with the latest estimate of revenues for [such year] *such period* (including new revenues anticipated during [such year] *such period* under bills and resolutions on which the Congress has completed action); and

(4) an up-to-date comparison of the appropriate level of the public debt contained in the most recently agreed to concurrent resolution on the budget for such [fiscal year] *biennial fiscal period* with the latest estimate of the public debt during such [fiscal year] *biennial fiscal period.*

(c) [FIVE-YEAR] *FOUR-YEAR* PROJECTION OF CONGRESSIONAL BUDGET ACTION.—As soon as practicable after the beginning of [each fiscal year] *each biennial fiscal period,* the Director of the Congressional Budget Office shall issue a report projecting for the period of [5 fiscal years beginning with such fiscal year] *4 years beginning with the first year in such biennial fiscal period*—

(1) total new budget authority and total budget outlays for [each fiscal year] *each biennial fiscal period* in [such period] *such 4-year period;*

(2) revenues to be received and the major sources thereof, and the surplus or deficit, if any, for [each fiscal year] *each biennial fiscal period* in [such period] *such 4-year period;* and

(3) tax expenditures for [each fiscal year] *each biennial fiscal period* in [such period] *such 4-year period.*

COMPLETION OF ACTION ON BILLS PROVIDING NEW BUDGET AUTHORITY AND CERTAIN NEW SPENDING AUTHORITY; *LIMITATION ON ENROLLMENT OF CERTAIN BILLS AND RESOLUTIONS*

SEC. 309. *(a)* COMPLETION OF ACTION REQUIRED.—Except as otherwise provided pursuant to this title, not later that [the seventh day after Labor Day of each year] *July 31 of each even-numbered year,* the Congress shall complete action on all bills and resolutions—

(1) providing new budget authority for the [fiscal year] *biennial fiscal period* beginning on October 1 of such year, other than supplemental, deficiency, and continuing appropriation bills and resolutions, and other than the reconciliation bill for such year, if required to be reported under section 310(c); and

(2) providing new spending authority described in section 401(c)(2)(C) which is to become effective during such [fiscal year] *biennial fiscal period.*

Paragraph (1) shall not apply to any bill or resolution if legislation authorizing the enactment of new budget authority to be provided in such bill or resolution has not been timely enacted.

(b) LIMITATION ON ENROLLMENT.—Bills and resolutions providing new budget authority for any biennial fiscal period or new spending authority described in section 401(c)(2)(C) for any biennial fiscal period shall not be enrolled until the concurrent resolution required to be reported under section 310(a) for such biennial fiscal period has been agreed to, and if a reconciliation bill or reconciliation resolution, or both are required to be reported under section 310(c) for such biennial fiscal period, until Congress has completed action on that bill or resolution, or both.

SECOND REQUIRED CONCURRENT RESOLUTION AND RECONCILIATION PROCESS

SEC. 310. (a) REPORTING OF CONCURRENT RESOLUTION.—[The] *By August 15 of each even-numbered year, the* Committee on the Budget of each House shall report to its House a concurrent resolution on the budget which reaffirms or revises the concurrent resolution on the budget most recently agreed to with respect to the [fiscal year] *biennial fiscal period* beginning on October 1 of such year. Any such concurrent resolution on the budget shall also, to the extent necessary—

(1) specify the total amount by which—

(A) new budget authority for such [fiscal-year] *biennial fiscal period*;

(B) budget authority initially provided for prior fiscal years *or prior biennial fiscal periods, as the case may be*; and

(C) new spending authority described in section 401(c)(2)(C) which is to become effective during such [fiscal year] *biennial fiscal period,*

contained in laws, bills, and resolutions within the jurisdiction of a committee, is to be changed and direct that committee to determine and recommend changes to accomplish a change of such total amount;

(2) specify the total amount by which revenues are to be changed and direct that the committees having jurisdiction to determine and recommend changes in the revenue laws, bills, and resolutions to accomplish a change of such total amount;

(3) specify the amount by which the statutory limit on the public debt is to be changed and direct the committees having jurisdiction to recommend such change; or

(4) specify and direct any combination of the matters described in paragraphs (1), (2), and (3).

Any such concurrent resolution may be reported, and the report accompanying it may be filed, in either House notwithstanding that that House is not in session on the day on which concurrent resolution is reported.

(b) COMPLETION OF ACTION ON CONCURRENT RESOLUTION.—Not later than September 15 of [each year] *each even-numbered year,* the Congress shall complete action on the concurrent resolution on the budget referred to in subsection (a).

(c) RECONCILIATION PROCESS.—If a concurrent resolution is agreed to in accordance with subsection (a) containing directions to one or more committees to determine and recommend changes in laws, bills, or resolutions, and—

(1) only one committee of the House or the Senate is directed to determine and recommend changes, that committee shall promptly make such determination and recommendations and report to its House a reconciliation bill or reconciliation resolution, or both, containing such recommendations; or

(2) more than one committee of the House or the Senate is directed to determine and recommend changes, each such committee so directed shall promptly make such determination and recommendations, whether such changes are to be contained in a reconciliation bill or reconciliation resolution, and submit such recommendations to the Committee on the Budget of its House, which upon receiving all such recommendations, shall report to its House a reconciliation bill or reconciliation resolution, or both, carrying out all such recommendations without any substantive revision.

For purposes of this subsection, a reconciliation resolution is a concurrent resolution directing the Clerk of the House of Representatives or the Secretary of the Senate, as the case may be, to make specified changes in bills and resolutions which have not been enrolled.

(d) COMPLETION OF RECONCILIATION PROCESS.—Congress shall complete action on any reconciliation bill or reconciliation resolution reported under subsection (c) not later than [September 25 of each year] *October 1 of each even-numbered year.*

(e) PROCEDURE IN THE SENATE.—

(1) Except as provided in paragraph (2), the provisions of section 305 for the consideration in the Senate of concurrent resolutions on the budget and conference reports thereon shall also apply to the consideration in the Senate of reconciliation bills and reconciliation resolutions reported under subsection (c) and conference reports thereon.

(2) Debate in the Senate on any reconciliation bill or resolution reported under subsection (c), and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 20 hours.

(f) CONGRESS MAY NOT ADJOURN UNTIL ACTION IS COMPLETED.—[It] *In any even-numbered year, it* shall not be in order in either the House of Representatives or the Senate to consider any resolution providing for the adjournment sine die of either House unless action has been completed on the concurrent resolution on the budget required to be reported under subsection (a) for the [fiscal year] *biennial fiscal period* beginning on October 1 of such year, and, if a reconciliation bill or resolution, or both, is required to be reported under subsection (c) for such [fiscal year] *biennial fiscal period,* unless the Congress has completed action on that bill or resolution, or both.

NEW BUDGET AUTHORITY, NEW SPENDING AUTHORITY, AND REVENUE LEGISLATION MUST BE WITHIN APPROPRIATE LEVELS

SEC. 311. (a) LEGISLATION SUBJECT TO POINT OF ORDER.—After the Congress has completed action on the concurrent resolution on the budget required to be reported under section 310(a) for a [fiscal year] *biennial fiscal period,* and, if a reconciliation bill or resolution, or both, for such [fiscal year] *biennial fiscal period* are required to be reported under section 310(c), after that bill has been enacted into law or that resolution has been agreed to, it shall not be in order in either the House of Representatives or the Senate to consider any bill, resolution, or amendment providing additional new budget authority for such [fiscal year] *biennial fiscal period,* providing new spending authority described in section 401(c)(2)(C) to become effective during such [fiscal year]

biennial fiscal period, or reducing revenues for such [fiscal year] *biennial fiscal period,* or any conference report on any such bill or resolution if—

(1) the enactment of such bill or resolution as reported;

(2) the adoption and enactment of such amendment; or

(3) the enactment of such bill or resolution in the form recommended in such conference report;

would cause the appropriate level of total new budget authority or total budget outlays set forth in the most recently agreed to concurrent resolution on the budget for such [fiscal year] *biennial fiscal period* to be exceeded, or would cause revenues to be less than the appropriate level of revenues set forth in such concurrent resolution.

(b) DETERMINATION OF OUTLAYS AND REVENUES.—For purposes of subsection (a), the budget outlays to be made during a [fiscal year] *biennial fiscal period* and revenues to be received during a [fiscal year] *biennial fiscal period* shall be determined on the basis of estimates made by the Committee on the Budget of the House of Representatives or the Senate, as the case may be.

TITLE IV—ADDITIONAL PROVISIONS TO IMPROVE FISCAL PROCEDURES BILLS PROVIDING NEW SPENDING AUTHORITY

SEC. 401. (a) LEGISLATION PROVIDING CONTRACT OR BORROWING AUTHORITY.—It shall not be in order in either the House of Representatives of the Senate to consider any bill or resolution which provides new spending authority described in subsection (c)(2)(A) or (B) (or any amendment which provides such new spending authority), unless that bill, resolution, or amendment also provides that such new spending authority is to be effective for any [fiscal year] *biennial fiscal period* only to such extent or in such amounts as are provided in appropriation Acts.

(b) LEGISLATION PROVIDING ENTITLEMENT AUTHORITY.—

(1) It shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution which provides new spending authority described in subsection (c)(2)(C) (or any amendment which provides such new spending authority) which is to become effective before the first day of [the fiscal year which begins during the calendar year in] *the first biennial fiscal period which begins after the date on* which such bill or resolution is reported.

(2) If any committee of the House of Representatives or the Senate reports any bill or resolution which provides new spending authority described in subsection (c)(2)(C) which is to become effective during a [fiscal year] *biennial fiscal period* and the amount of new budget authority which will be required for such [fiscal year] *biennial fiscal period* if such bill or resolution is enacted as so reported exceeds the appropriate allocation of new budget authority reported under section 302(b) in connection with the most recently agreed to concurrent resolution on the budget for such [fiscal year] *biennial fiscal period,* such bill or resolution shall then be referred to the Committee on Appropriations of that House with instructions to report it, with the committee's recommendations, within 15 calendar days (not counting any day on which that House is not in session) beginning with the day following the day on which it is so referred. If the Committee on Appropriations of either House fails to report a bill or resolution referred to it under this paragraph within such 15-day period, the committee shall automatically be discharged from further consideration of such bill or resolution and such bill or resolution shall be placed on the appropriate calendar.

(3) The Committee on Appropriations of each House shall have jurisdiction to report any bill or resolution referred to it under paragraph (2) with an amendment which limits the total amount of new spending authority provided in such bill or resolution.

(c) DEFINITIONS.—

(1) For purposes of this section, the term "new spending authority" means spending authority not provided by law on the effective date of this section, including any increase in or addition to spending authority provided by law on such date.

(2) For purposes of paragraph (1), the term "spending authority" means authority (whether temporary or permanent)—

(A) to enter into contracts under which the United States is obligated to make outlays, the budget authority for which is not provided in advance by appropriation Acts;

(B) to incur indebtedness (other than indebtedness incurred under the Second Liberty Bond Act) for the repayment of which the United States is liable, the budget authority for which is not provided in advance by appropriation Acts; and

(C) to make payments (including loans and grants), the budget authority for which is not provided for in advance by appropriation Acts. to any person or government if, under the provisions of the law containing such authority, the United States is obligated to make such payments to persons or governments who meet the requirements established by such law.

Such term does not include authority to insure or guarantee the repayment of indebtedness incurred by another person or government.

(d) EXCEPTIONS.—

(1) Subsections (a) and (b) shall not apply to new spending authority if the budget authority for outlays which will result from such new spending authority is derived—

(A) from a trust fund established by the Social Security Act (as in effect on the date of the enactment of this Act); or

(B) from any other trust fund, 90 percent or more of the receipts of which consist or will consist of amounts (transferred from the general fund of the Treasury) equivalent to amounts of taxes (related to the purposes for which such outlays are or will be made) received in the Treasury under specified provisions of the Internal Revenue Code of 1954.

(2) Subsections (a) and (b) shall not apply to new spending authority which is an amendment to or extension of the State and Local Fiscal Assistance Act of 1972, or a continuation of the program of fiscal assistance to State and local governments provided by that Act, to the extent so provided in the bill or resolution providing such authority.

(3) Subsections (a) and (b) shall not apply to new spending authority to the extent that—

(A) the outlays resulting therefrom are made by an organization which is (i) a mixed-ownership Government corporation (as defined in section 201 of the Government Corporation Control Act), or (ii) a wholly owned Government corporation (as defined in section 101 of such Act) which is specially exempted by law from compliance with any or all of the provisions of that Act; or

(B) the outlays resulting therefrom consist exclusively of the proceeds of gifts or bequests made to the United States for a specific purpose.

[REPORTING OF] *ACTION ON* AUTHORIZING LEGISLATION

SEC. 402. (a) [REQUIRED REPORTING DATE.] DATES FOR REPORTING AND FINAL ACTION.—*(1)* Except as otherwise provided in this secion, it shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution which, directly or indirectly, authorizes the enactment of new budget authority for a [fiscal year] *biennial fiscal period,* unless that bill or resolution is reported in the House or the Senate, as the case may be, on or before [May 15] *July 31 of the odd-numbered year* preceding the beginning of such [fiscal year] *biennial fiscal period.*

(2) The Congress shall complete action on all bills and resolutions directly or indirectly authorizing the enactment of new budget authority for a biennial fiscal period no later than December 15 of the odd-numbered year preceding the year in which such period begins.

(b) EMERGENCY WAIVER IN THE HOUSE.—If the Committee on Rules of the House of Representatives determines that emergency conditions require a waiver of subsection (a) with respect to any bill or resolution, such committee may report, and the House may consider and adopt, a resolution waiving the application of subsection (a) in the case of such bill or resolution.

(c) WAIVER IN THE SENATE.—

(1) The Committee of the Senate which reports any bill or resolution may, at or after the time it reports such bill or resolution, report a resolution to the Senate (A) providing for the waiver of subsection (a) with respect to such bill or resolution, and (B) stating the reasons why the waiver is necessary. The resolution shall then be referred to the Committee on the Budget of the Senate. That committee shall report the resolution to the Senate, within 10 days after the resolution is referred to it (not counting any day on which the Senate is not in session) beginning with the day following the day on which it is so referred accompanied by that committee's recommendations and reasons for such recommendations with respect to the resolution. If the committee does not report the resolution within such 10-day period, it shall automatically be discharged from further consideration of the resolution and the resolution shall be placed on the calendar.

(2) During the consideration of any such resolution, debate shall be limited to one hour, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees, and the time on any debatable motion or appeal shall be limited to 20 minutes, to be equally divided between, and controlled by, the mover and the manager of the resolution. In the event the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of such resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal. No amendment to the resolution is in order.

(3) If, after the Committee on the Budget has reported (or been discharged from further consideration of) the resolution, the Senate agrees to the resolution, then subsection (a) of this section shall not apply with respect to that bill or resolution referred to in the resolution.

(d) CERTAIN BILLS AND RESOLUTIONS RECEIVED FROM OTHER HOUSE.—Notwithstanding the provisions of subsection (a), if under that subsection it is in order in the House of Representatives to consider a bill or resolution of the House, then it shall be in order to consider a companion or similar bill or resolution of the Senate; and if under that subsection it is in order in the Senate to consider a bill or resolution of the Senate, then it shall be in order to consider a companion or similar bill of the House of Representatives.

(e) EXCEPTIONS.—

(1) Subsection (a) shall not apply with respect to new spending authority described in section 401(c)(2)(C).

(2) Subsection (a) shall not apply with respect to new budget authority authorized in a bill or resolution for any provision of the Social Security Act if such bill or resolution also provides new spending authority described in section 401(c)(2)(C) which, under section 401(d)(1)(A), is excluded from the application of section 401(b).

(f) STUDY OF EXISTING SPENDING AUTHORITY AND PERMANENT APPROPRIATIONS.—The Committees on Appropriations of the House of Representatives and the Senate shall study on a continuing basis those provisions of law, in effect on the effective date of this section, which provide spending authority or permanent budget authority. Each committee shall, from time to time, report to its House its recommendations for terminating or modifying such provisions.

ANALYSIS BY CONGRESSIONAL BUDGET OFFICE

SEC. 403. The Director of the Congressional Budget Office shall, to the extent practicable, prepare for each bill or resolution of a public character reported by any committee of the House of Representatives or the Senate (except the Committee of Appropriations of each House), and submit to such committee—

(1) an estimate of the costs which would be incurred in carrying out such bill or resolution in the [fiscal year in which it is to become effective and in each of the 4 fiscal years following such fiscal year] *biennial fiscal period in which it is to become effective and in the succeeding biennial fiscal period,* together with the basis for each such estimate; and

(2) a comparison of the estimate of costs described in paragraph (1) with any available estimate of costs made by such committee or by any Federal agency.

The estimate and comparison so submitted shall be included in the report accompanying such bill or resolution if timely submitted to such committee before such report is filed.

* * * * *

REPORT BY THE COMPTROLLER GENERAL OF THE UNITED STATES

SEC. 405. By March 1 of each odd-numbered year, the Comptroller General of the United States shall prepare and transmit to each of the standing committees of the Senate and the House of Representatives a report containing an evaluation of each major Federal program. The evaluations required by the preceding sentence shall include—

(1) an analysis of the recommendations made with respect to such programs by the President in the Budget submitted under section 201(a) of the Budget and Accounting Act, 1921, on January 15 of such odd-numbered year; and

(2) where possible, a description of methods to improve efficiency and control costs in each such Federal program.

* * * * *

BUDGET DATA BASED ON CONTINUATION OF EXISTING LEVEL OF SERVICES

SEC. 605. (a) On or before November 10 of [each year (beginning with 1975)] *each even-numbered year (beginning with 1982),* the President shall submit to the Senate and the House of Representatives the estimated outlays and proposed budget authority which would be included in the Budget to be submitted pursuant to section 201 of the Budget and Accounting Act, 1921, for [the ensuing fiscal year] *the biennial fiscal period beginning in the succeeding even-numbered year* if all programs and activities were carried on during [such ensuing fiscal year] *such period* at the same level as the fiscal year in progress and without policy changes in such programs and activities. The estimated outlays and proposed budget authority submitted pursuant to this section shall be shown by function and subfunctions (in accordance with the classifications in the budget summary table entitled "Budget Authority and Outlays by Function and Agency"), by major programs within each such function, and by agency. Accompanying these estimates shall be the economic and programmatic assumptions underlying the estimated outlays and proposed budget authority, such as the rate of inflation, the rate of real economic growth, the unemployment rate, program caseloads, and pay increases.

(b) On or before November 10 of each odd-numbered year (beginning with 1983), the President shall submit to the Senate and the House of Representatives such revisions in the estimated outlays and proposed budget authority for the biennial fiscal period beginning in the succeeding even-numbered year submitted pursuant to subsection (a) as he determines may be necessary.

[(b)] *(c)* The Joint Economic Committee shall review the estimated outlays and proposed budget authority [so submitted] *submitted under subsections (a) and (b),* and shall submit to the Committees on the Budget of both Houses an economic evaluation thereof on or before December 31 of each year.

APPENDIX 2

PRESIDENT TO TRANSMIT BUDGET TO CONGRESS

SEC. 201. [(a) The President shall transmit to Congress during the first fifteen days of each regular session, the Budget, which shall set forth his Budget message, summary data and text, and supporting detail. The Budget shall set forth in such form and detail as the President may determine]—

(a) The President shall transmit to the Congress, by January 15 of the first session of each Congress beginning with the Ninety-eighth Congress, the Budget for the biennial fiscal period (as defined in section 3(6) of the Congressional Budget and Impoundment Control Act of 1974) beginning on October 1 of the succeeding calendar year. The Budget transmitted under this subsection shall include the President's Budget Message, summary data and text, and supporting detail. The Budget shall set forth in such form and detail as he President may determine—

(1) functions and activities of the Government;

(2) at such times as may be practicable, information on program costs and accomplishments;

(3) any other desirable classifications of data;

(4) a reconciliation of the summary data on expenditures with proposed appropriations;

(5) estimated expenditures and proposed appropriations necessary in his judgment for the support of the Government for the ensuing [fiscal year and projections for the four fiscal years immediately following the ensuing fiscal year] *biennial fiscal period and projections for the biennial fiscal period immediately following such biennial fiscal period,* except that estimated expenditures and proposed appropriations for such years for the legislative branch of the Government and the Supreme Court of the United States shall be transmitted to the President on or before October 15 of [each year] *the second session of each Congress,* and shall be included by him in the Budget without revision;

(6) estimated receipts of the Government during the ensuing [fiscal year and projections for the four fiscal years immediately following the ensuing fiscal year] *biennial fiscal period and projections for the biennial fiscal period immediately following such biennnial fiscal period,* under (1) laws existing at the time the Budget is transmitted and also (2) under the revenue proposals, if any, contained in the Budget;

(7) actual appropriations, expenditures, and receipts of the Government during the last completed fiscal year;

(8) estimated expenditures and receipts, and actual or proposed appropriations of the Government during the fiscal year in progress;

(9) balanced statements of (1) the condition of the Treasury at the end of the last completed fiscal year *or the last completed biennial fiscal period, as the case may be,* (2) the estimated condition of the Treasury at the end of the fiscal year in progress *or at the end of the biennial fiscal period in progress, as the case may be,* and (3) the estimated condition of the Treasury at the end of the [ensuing fiscal year] *ensuing biennial fiscal period* if the financial proposals contained in the Budget are adopted;

(10) all essential facts regarding the bonded and other indebtedness of the Government;

(11) such other financial statements and data as in his opinion are necessary or desirable in order to make known in all practicable detail the financial condition of the Government;

(12) with respect to each proposal in the Budget for new or additional legislation which would create or expand any function, activity, or authority, in addition to those functions, activities, and authorities then existing or as then being administered and operated, a tabulation showing—

(A) the amount proposed in the Budget for appropriation and for expenditure in the ensuing [fiscal year] *biennial fiscal period* on account of such proposal; and

(B) the estimated appropriation required on account of such proposal in [each of the four fiscal years, immediately following that ensuing fiscal year,] *the biennial fiscal period immediately following such biennial fiscal period* during which such proposal is to be in effect; and

(13) an allowance for additional estimated expenditures and proposed appropriations for the ensuing [fiscal year] *biennial fiscal period,* and an allowance for unanticipated uncontrollable expenditures for the ensuing [fiscal year] *biennial fiscal period.*

By January 15 of the second session of each Congress the President shall transmit to the Congress any revisions he may desire to make in the Budget transmitted in the first session of that Congress.

(b) The President shall transmit to the Congress, on or before July 15 of each year, a supplemental summary of the Budget for the ensuing [fiscal year] *biennial fiscal period* transmitted to the Congress by the President under subsection (a) of this section. Such supplemental summary—

(1) shall reflect with respect to that ensuing [fiscal year] *biennial fiscal period*—

(A) all substantial alterations in or reappraisals of estimates of expenditures and receipts, and

(B) all substantial obligations imposed on that budget after its transmission to the Congress;

(2) shall contain current information with respect to those matters covered by subparagraph (8) and clauses (2) and (3) of subparagraph (9) of subsection (a) of this section; and

(3) shall contain such additional information, in summary form, as the President considers necessary or advisable to provide the Congress with a complete and current summary of information with respect to that Budget and the then currently estimated functions, obligations, requirements, and financial condition of the Government for that ensuing [fiscal year] *biennial fiscal period.*

(c) The President shall transmit to the Congress, on or before July 15 of each year, in such form and detail as he may determine—

(1) summaries of estimated expenditures, for the first [four fiscal years] *biennial fiscal period* following the [ensuing fiscal year] *ensuing biennial fiscal period* for which the Budget was transmitted to the Congress by the President under subsection (a) of this section, which will be required under continuing programs which have a legal commitment for future years or are considered mandatory under existing law; and

(2) summaries of estimated expenditures, in [fiscal year] *the first biennial fiscal period* following such [ensuing fiscal year] *ensuing biennial fiscal period,* of balances carried over from such [ensuing fiscal year] *ensuing biennial fiscal period.*

(d) The Budget transmitted pursuant to subsection (a) of this section for each [fiscal year] *biennial fiscal period* shall set forth separately the items enumerated in section 301(a)(1)–(5) of the Congressional Budget and Impoundment Control Act of 1974.

(e) The Budget transmitted pursuant to subsection (a) of this section for [each fiscal year] *each biennial fiscal period* shall set forth the levels of tax expenditures under existing law for [such fiscal year] *such period* (the tax expenditure budget), taking into account projected economic factors, and any changes in such existing levels based on proposals contained in such Budget. For purposes of this subsection, the terms "tax expenditures" and "tax expenditures budget" have the meanings given to them by section 3(3) of the Congressional Budget and Impoundment Control Act of 1974.

(f) The Budget transmitted pursuant to subsection (a) of this section shall for each [fiscal year] *biennial fiscal period* shall contain—

(1) a comparison, for the last completed fiscal year *or the last completed biennial fiscal period, as the case may be,* of the total amount of outlays estimated in the Budget transmitted pursuant to subsection (a) of this section for each major program involving uncontrollable or relatively uncontrollable outlays and the total amount of outlays made under each such major program during such fiscal year *or such biennial fiscal period, as the case may be;*

(2) a comparison, for the last completed fiscal year *or the last completed biennial fiscal period, as the case may be,* of the total amount of revenues estimated in the Budget transmitted pursuant to subsection (a) of this section and the total amount of revenues received during [such year] *such fiscal year or such biennial fiscal period, as the case may be,* and, with respect to each major revenue source, the amount of revenues estimated in the Budget transmitted pursuant to subsection (a) of this section and the amount of revenues received during [such year] *such fiscal year or such biennial fiscal period, as the case may be;* and

(3) an analysis and explanation of the difference between each amount set forth pursuant to paragraphs (1) and (2) as the amount of outlays or revenues estimated in the budget submitted under subsection (a) of this section for such fiscal year *or such biennial fiscal period, as the case may be,* and the corresponding amount set forth as the amount of outlays made or revenues received during such fiscal year *or such biennial fiscal period, as the case may be.*

(g) The President shall transmit to the Congress, on or before April 10 and July 15 of each year, a statement of all amendments to or revisions in the budget authority requested, the estimated outlays, and the estimated receipts for the ensuing [fiscal year] *biennial fiscal period* set forth in the Budget transmitted pursuant to subsection (a) of this section (including any previous amendments or revisions proposed on behalf of the executive branch) that he deems necessary and appropriate based on the most current information available. Such statement shall contain the effect of such amendments and revisions on the summary data submitted under subsection (a) of this section and shall include such supporting detail as is practicable. The statement transmitted on or before July 15 of any year may be included in the supplemental summary required to be transmitted under subsection (b) of this section during such year. The Budget transmitted to the Congress pursuant to subsection (a) of this section for any [fiscal year] *biennial fiscal period,* or the supporting detail transmitted in connection therewith, shall include a statement of all such amendments and revisions with respect to the [fiscal year] *biennial fiscal period* in progress made before the date of transmission of such Budget.

(h) The Budget transmitted pursuant to subsection (a) of this section for each [fiscal year] *biennial fiscal period* shall include information with respect to estimates of appropriations for the next succeeding [fiscal year] *biennial fiscal period* for grants, contracts, or other payments under any program for which there is an authorization of appropriations for such succeeding [fiscal year] *biennial fiscal period* and such appropriations are authorized to be included in an appropriation Act for the [fiscal year] *biennial fiscal period* preceding the [fiscal year] *biennial fiscal period* in which the appropriation is to be available for obligation.

(i) The Budget transmitted pursuant to subsection (a) of this section for [each fiscal year] *each biennial fiscal period,* beginning with the [fiscal year ending September 30, 1979] *biennial fiscal period beginning October 1, 1984,* shall contain a presentation of budget authority, proposed budget authority, outlays, proposed outlays, and descriptive information in terms of—

(1) a detailed structure of national needs which shall be used to reference all agency missions and programs;

(2) agency missions; and

(3) basic programs.

To the extent practicable, each agency shall furnish information in support of its budget requests in accordance with its assigned missions in terms of Federal functions and subfunctions, including mission responsibilities of component organizations, and shall relate its programs to agency missions.

(j) Whenever the Interstate Commerce Commission submits any budget estimate or request, other budget information (including manpower needs), legislative recommendations prepared testimony for congressional hearings, or comments on legislation, to the President or to the Office of Management and Budget, it shall concurrently transmit a copy of such estimate or request to the Congress. No officer or agency of the United States shall have any authority to prohibit, impose conditions on, or in any way impair the free communication by such Commission with the Congress, its committees, or any of the Members of the Congress with respect to any budget estimate or request of the Commission.●

By Mr. KASTEN:

S. 2009. A bill to amend the Internal Revenue Code to eliminate special rules for leasing; to the Committee on Finance.

ELIMINATION OF CERTAIN LEASING PROVISIONS

● Mr. KASTEN. Mr. President, today I am introducing legislation to repeal the leasing provisions of the Economic Recovery Tax Act of 1981.

As we start the second year of what is destined to be an historic Congress, this Nation is faced with ballooning Federal deficits which are holding interest rates high and impeding economic recovery. We are justifiably concerned about the size of these deficits and the seeming inability of this Congress to control them. Many among us have urged tax increases to help reduce these projected deficits. Some have suggested excise taxes. Others would roll back the individual income tax cuts now scheduled for July of 1982 and 1983. Still others have suggested that indexing of tax rates in 1985 be repealed, thereby opening the taxpayers once again to the ravages of the progressive income tax and inflation. Because of lack of commitment, this Congress could effectively undo what has taken so many years to accomplish.

Or we could look first to eliminating tax loopholes through which a few benefit at the expense of many, indeed at the expense of a stable economy in which fairness and equity are a reality. Many of us have already advocated removing tax loopholes, and certainly most of our constitutents support that goal.

The worst of these loopholes is the leasing provision which somehow made its way into the code last summer.

Congress needs to act responsibly to repeal this provision. It is allowing profitable companies to purchase tax losses at a fraction of their worth, charge off those losses to the Federal Treasury at the full value, and then use those same dollars not to invest in new plant or equipment, but more often to look for tax shelters by buying up other firms, firms which might be more productive under their own management.

I believe that taxes in this country are too high, and that this is the wrong time to increase them. I strongly supported President Reagan's tax package, and I voted for the entire bill. I do not believe unfair advantages should accrue to certain segments of the business community. The leasing provisions are an unfair advantage, and were not part of the President's original tax package. They were one of those last minute sweeteners. But they have turned sour, and they need to be eliminated or drastically modified.

The struggling businesses these provisions were to help are still struggling. And the profitable businesses who bought the tax losses are more profitable—more profitable at the expense of the Treasury and the taxpayers.

Let me cite just one example: In the November 11, 1981, issue of the Washington Post it was reported that Occidental Petroleum, one of the Fortune 500's most profitable growth companies, was selling $94.8 million in tax breaks to Marsh and McLennan for an estimated $20 to $30 million. Note that Congress never intended this type of firm to benefit, especially not at a time when high interest rates and growing unemployment levels are causing serious hardship to untold millions.

Occidental, in this example, gets $20 to $30 million, despite high profits, and Marsh and McLennan picks up a nice little tax benefit of from $60 to $70 million for doing nothing. Incidentally, Occidental paid no U.S. Federal taxes in 1978, 1979, or 1980.

It appears, Mr. President, that in the confusion of passing the tax bill, in the bidding war that occurred, and in the compromises which evolved, the leasing provisions did not receive the kind of close study they should have had. In short, the leasing provisions were a mistake. Congress can correct this mistake and at the same time help increase revenues and reduce the deficit.

The Treasury Department estimates the revenue loss through this loophole could amount to as much as $5.4 billion in 1984, and up to $29 billion by 1986.

Mr. President, before Congress even considers adding taxes on working Americans either by imposing new regressive excise taxes, by rolling back the income tax cuts, or by repealing the indexing provisions, it simply must attack the worst of the tax loopholes. And leasing is one of the worst. It does not promote investment, savings, or new technology in a free marketplace. In fact, it may have the opposite effect by subsidizing poor management and bad corporate decisions. Surely, if it is to be national policy to subsidize inefficiency, and I think it should not be, Congress can work out a better scheme than transferring huge payments from one corporation to another.

These leasing provisions have been referred to as food stamps for corporations. There is a lot of truth in that. Slick tax advisers are making fortunes by arranging tax transfers which benefit very few. A tax system based on such a policy can not long retain the faith and confidence of a majority.

Fortunately, in our country, Congress has the power to correct mistakes. Repeal is needed immediately. Repeal should be swift and certain. Repeal of this most onerous provision will demonstrate Congress resolve to legislate with firmness, fairness, and with equity. Repeal will signal to those who would use this loophole for their own narrow purposes that Congress expects sound, efficient business practices that will result in productive enterprises competing in a free market. Repeal will emphasize that the Federal Treasury is not up for grabs to a few promoters who would manipulate the Tax Code to the detriment of the Nation's economic well being.

I ask that a copy of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2009

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. (a) Strike section 168(f)(8) of the Internal Revenue Code which permits taxpayers to enter into sale and leaseback arrangements.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1981.●

By Mr. PRYOR (for Mr. BOREN):

S. 2010. A bill to amend the Internal Revenue Code of 1954 to eliminate the special leasing provisions of the accelerated cost recovery system; to the Committee on Finance.

ELIMINATION OF CERTAIN LEASING PROVISIONS

● Mr. BOREN. Mr. President, I have been back home in Oklahoma for the last 6 weeks talking to constituents. I have found worried people who are primarily concerned about the state of the economy and its impact on their future and the future of the Nation.

At the beginning of this administration, Oklahomans of both political parties sought to give this administration a chance to succeed. I personally shared the conviction of my constituents that the problems facing this country are too important to play partisan political games. It was hoped that any revenue loss resulting from the tax cuts proposed by the administration and enacted by Congress would be more than offset by further expenditure reductions and economic growth. But to date, largely because of high interest rates brought on by increasing deficits and the failure of the administration to halt the use of credit for nonproductive and unhealthy corporate mergers, this has not happened.

In the intervening year, while most Oklahomans still express great personal warmth toward the President, many people express uneasiness about policies pursued by this administration and frustration at the effects of those policies. I think most Oklahomans as well as most Americans, believe that deficits do not matter and that the Congress and the administration should take immediate steps to reduce the deficit and balance the budget in the near term.

The most obvious place to begin is with the repeal of the safe harbor leasing provisions enacted in the Economic Recovery Tax Act. The leasing provisions are perhaps the most glaring example of wasteful loss of Federal tax dollars. It has been estimated that the annual revenue loss resulting from the leasing provisions will reach as high as $80 billion by 1990.

The beneficiaries of this expensive loophole are not the individual taxpayers who may have just lost their jobs or who cannot afford to buy a house or farmers who can not borrow money for planting next year's crop. The beneficiaries are well-to-do corporate taxpayers, who in some cases pay no taxes at all. This result has not been lost on the public. Most citizens with whom I have visited display deeply felt resentment for such a law, passed by Congress and signed by the President, which allows large corporations to buy and sell tax credits. These voters are especially alarmed about the additional taxes which are being talked about in some circles to make up for the revenue which is being lost through this unjust tax loophole.

The example of Occidential Petroleum is one of the most shocking. Here is the case of a booming corporation which owed no taxes because it already received many tax breaks such as credits for overseas operations. The corporation then turned around and sold $200 million of unused tax credits to another profitable American company, thereby enabling the other company to also greatly reduce its taxes.

It is indefensible to talk about putting additional taxes like those which have been talked about on gasoline and telephone service to be paid by the average American worker while allowing this glaring tax shelter to continue. I would have to part company with this administration on the issue of new taxes if they attempt to introduce them without repeal of leasing.

I believe that the vast majority of our citizens are willing to make sacrifices to balance the budget if they are convinced that all citizens are sharing fairly in the effort. The existence of this unjustifiable tax loophole does not meet that test of fairness.

Last week I sent a letter to the President urging him to include repeal of leasing in the state of the Union tomorrow night. Although I have not received a response, I am still hopeful that he will support such repeal. I include a copy of my letter and ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., January 21, 1982.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Last summer, I was pleased to join with you in seeking enactment of the Economic Recovery Tax Act. In doing so it was my hope that the revenue loss resulting from these tax cuts would be more than offset by further expenditure reduction and economic growth. To date, such events have not occurred.

In light of our worsening economic situation, I think we should re-evaluate priorities. I am firmly committed to reducing the federal deficit immediately and balancing the budget in the near term. I believe such action is fundamental to controlling inflation and bringing interest rates back down. I am convinced that both the Congress and the Administration should take immediate steps to achieve those goals.

One such step would be to repeal the so-called safe harbor leasing provisions which were included in last year's tax legislation. The leasing provisions, sometimes called "rent-a-deduction," are perhaps the most glaring example of wasteful loss of federal tax dollars. It has been estimated that the annual revenue loss resulting from the leasing provisions will reach as high as $80 billion by 1990.

The beneficiaries of this expensive loophole are not the individual taxpayers who may have just lost their jobs or who cannot afford to buy a house or farmers who cannot borrow money for planting next year's crop. The beneficiaries are well-to-do corporate taxpayers, who in some cases pay no taxes at all.

The impact of the leasing provisions is not lost upon the American public. Most citizens with whom I have visited display deeply-felt resentment for a law, passed by the Congress and signed by the President, which allows large corporations to buy and sell tax credits. These voters are especially alarmed about the additional taxes which are being talked about in some circles to make up for the revenue which is being lost through this unjust tax loophole.

No new taxes should be imposed on the average American until we have closed this glaring tax loophole. I strongly urge you to ask for repeal of this provision before proposing any new tax increases, and respectfully request that you consider including the proposal in your State of the Union address.

How can we possibly even consider imposing additional taxes which many working Americans and senior citizens cannot afford to pay, like those suggested by some on gasoline and telephone service, while this extravagant subsidy for large corporations remains on the books? Such loopholes also make it harder to balance the budget. Most Americans, including myself, believe that we must move to balance the budget and act to bring down continuing high interest rates.

I believe that the vast majority of our citizens are willing to make sacrifices to balance the budget if they are convinced that all citizens are sharing fairly in the effort. The existence of unjustifiable tax loopholes does not meet that test of fairness.

Sincerely yours,

DAVID L. BOREN,
U.S. Senator.●

By Mr. BAUCUS:

S. 2011. A bill to amend the Internal Revenue Code of 1954 to eliminate the special leasing rules provided under the Economic Recovery Tax Act of 1981; to the Committee on Finance.

ELIMINATION OF CERTAIN LEASING PROVISIONS

Mr. BAUCUS. Mr. President, I am today introducing legislation to repeal the special leasing rules of the Economic Recovery Tax Act of 1981. Those rules effectively permit the sale of certain business tax breaks. They work by giving such sales the tax treatment given to real leases. My legislation would discontinue that special treatment for agreements reached after its enactment.

I intend to cosponsor similar bills that have been introduced and that may be introduced. It does not matter which bill is used as a vehicle to debate the leasing provisions. What does matter is that we do seriously consider the merits of leasing.

The leasing provision has received much more scrutiny after passage than it did before. Recognizing mounting skepticism, the administration recently made a strong effort to defend it. Part of their argument is that the fictitious leases are needed to deal with competitive distortions created by other exceedingly generous parts of the Tax Act.

I do not agree that the leasing provision is needed. But the administration is correct in linking it closely to the accelerated cost recovery system of the Tax Act and to investment tax credits. The issue is somewhat complicated—not just because the leasing provision is difficult to understand, but because some of the problems with leasing point up problems with the other provisions.

The special leasing rules "safe harbor" certain fictitious leasing agreements. That is, they protect them from previous IRS tests and related judicial decisions. This permits a firm with little or no tax liability to finance its purchase of property by calling the financing arrangement a lease.

The resulting sale transfers two tax breaks to the paper lessor: The first is an investment tax credit, which represents a direct subsidy from other taxpayers. The second is rapid tax depreciation, which creates an interest-free loan from the Treasury.

Although I have openly questioned the wisdom of the leasing provision. I wanted to give it fair treatment before proposing action. Among other things, I have written experts, asking them questions about safe harbor leasing and related incentives for business investment.

The responses note the effect of the incentives in raising interest rates and in otherwise hurting the housing industry. There is significant skepticism over the incentives as viable tools for U.S. reindustrialization. It was suggested that more support for research and development would be better.

Although there was no unanimity on many points, the responses have helped me reach two conclusions: First, the special leasing rules should be repealed; and second, we need to look longer and harder at the cost-effectiveness of ACRS, investment tax credits, and other current tax provisions which purport to build U.S. industry.

Mr. President, last year Congress enacted a tax program that is unprecedented in American history.

The revenue loss is enormous.

The resulting Federal deficit will be staggering.

The deep economic implications were not fully understood.

How will we make up the revenue loss? Will we cut social programs further—when more people are out of work? Will we cut defense spending? Or will we accept the largest deficits in American history? Will we abandon hope for a balanced budget?

Last year we also applied rigid budgetary analysis to domestic programs. To be fair—and to employ sound budget procedures—we must apply equally tough standards to other programs.

We must eliminate waste, and fraud, and abuse wherever we find it. This includes the Tax Code. It includes the defense budget.

Today I address tax leasing. While it may have looked like good politics, it represents questionable economics, at best.

Does it cost too much?

What are we getting for our money?

Is it fair? Is it sound? Is it justified?

I believe that the answers to these questions—applied to the leasing provision—are not reassuring.

Mr. President, tax leasing is expensive. It may cost the Treasury some $30 billion through 1986. Remember—we are facing gigantic projected deficits. We are facing strangling interest rates. We are ripping holes through the safety net. The lumber and housing industries in my part of the country—and nationwide—are being decimated.

Tax leasing is not cost effective. What are we buying for the money we spend? Can we really predict with any certainty that businesses will be motivated as planned? Will they buy depreciable equipment that would not otherwise be purchased?

Tax leasing is not well targeted. In fact, much of it is not targeted at all. There is no guarantee that the kind of equipment—and other depreciable property—acquired by the leases will effectively improve American competitiveness, and productivity.

For example, tax leasing provides benefits to profitable corporations which have no tax liability to begin with. It also provides benefits to profitable corporations which buy the tax benefit.

Did Congress really want Occidental Petroleum to profit by selling a tax break, or Standard Oil of Indiana to profit by buying one?

Tax leasing is not efficient. If we wanted to give money to a firm which has no tax liability, it would be less costly to simply write them a check.

Tax leasing discriminates against small business. Small businesses without tax liability cannot use leasing as well as their larger competitors. It is harder for them to sell tax breaks. Most small businesses are also prohibited from buying them.

Partnerships, other unincorporated businesses, and closely held corporations are excluded as buyers.

I question the argument that safe harbor leasing prevents takeovers based on tax considerations.

Takeover decisions are more likely based upon the price of stock relative to overall assets—and relative to estimates about the targets' future. In fact, considering the short-term perspective of American management, tax leasing may divert corporate attention from more risky, longer term ventures with greater productivity possibilities.

My bill would grandfather in leases already consummated. This is necessary to preserve the credibility of the Tax Code. We should not penalize firms which have already entered into leasing agreements, based on current law.

Mr. President, tax leasing is, in reality, a gimmick. It provides an artificial means of transferring the benefits of artificial depreciation—and artificial revenue.

It fails all truth in packaging tests. It uses the label of an accepted business transaction—leasing—for a product that is really a subsidy to business.

There is an argument for Government help for certain businesses.

However, let us do it in the open. Let us do it more efficiently.

Furthermore, we have to face serious long-term questions.

Our Nation faces a skilled labor shortage. We need scientists, engineers, technicians.

Our Nation needs investments in productivity-generating activities. We must increase process productivity—to make today's goods more efficiently. We must increase productivity in the new industries of the future—computers, electronics, communications. We need increased research and development as well as new plant equipment and machinery.

The evidence so far is that the 1981 act has failed to generate the predicted investments.

Mr. President, we face a changing world economy. We face economic decay at home, and challenge from abroad. We find old industries that must be revitalized—and new industries being born.

How should we best spend the taxpayers money? How can we get American business moving again? Is the 1981 act sufficient? Will it work? Is it fair?

Tax leasing is a symptom of a broader, deeper problem. An article in the current issue of Forbes Magazine, dated February 1, 1982, points up one of the equity problems with the leasing provision. In the coming months, I intend to address in more detail the issues I have sketched today. I ask unanimous consent that the bill and the article be printed in the RECORD.

There being no objection, the bill and article were ordered to be printed in the RECORD, as follows:

S. 2011

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIMINATION OF SPECIAL LEASING RULES

(a) IN GENERAL.—Subsection (f) of section 168 of the Internal Revenue Code of 1954 (relating to accelerated cost recovery system) is amended by striking out paragraph (8) and redesignating paragraphs (9) through (11) as paragraphs (8) through (10), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (5) of section 168 (f) of such Code (relating to short taxable years) is amended by striking out the fourth sentence thereof.

(2) Subsection (a) of section 1245 of such Code (relating to gain from disposition of certain depreciable property) is amended by striking out paragraph (6).

SECTION 2. EFFECTIVE DATE

The amendments made by this Act shall apply to agreements entered into after the date of enactment of this Act.

A MODEST PROPOSAL

(By Richard Greene)

Thanks to the leasing provisions of the Reagan tax proposals, corporations are now buying and selling tax credits from one another as if they were so many carloads of solvent. The practice effectively subverts many of the provisions so painstakingly drafted in the original tax code. So widespread has it become that Congress is dismayed.

If individuals were permitted to behave like corporations, you might encounter curiosities like the following. Here, with apologies to Jonathan Swift, we offer a modest proposal.

First, with all respect to the needs for perpetuation of the race, let us accept the fact that there are those individuals who have great numbers of children and little income with which to support them. Such parents must frequently accept public assistance to provide for these children, who may number six, eight or even a dozen. There is often little food in such homes, and the children are left to their own devices for playthings.

These families, if you will, are the Chryslers of the personal tax system. They have a plenitude of children, as Chrysler has capital investment tax credits, but they have no income to shelter with these deductions. This is an unfortunate waste of potentially valuable tax benefits: $1,000 a year from the federal government and more from the states; as much as $1,500 in Mississippi and Michigan.

Now, let us consider wealthy families in the 50 percent tax bracket with few children. These families have a great deal of income to shelter but lack the personal tax deductions to do the job.

Would it not therefore seem to follow that these individuals should be encouraged to adopt the poor children and take the tax deductions? Were the wealthy family to adopt a dozen children in the state of Michigan, say, it would receive a $30,000 tax deduction. In the 50 percent tax bracket, that represents $15,000 in real money.

But, you protest, what is to become of the children, living in unloving if well-off surroundings? Once again, let us follow the pattern of the corporations: The children never have to leave their original homes. After they are adopted, their original parents establish a "boarding school for children," which is in fact their own home populated by their own children. They receive, let us say, $7,500 for the task (which is, of course, deductible for the wealthy family). They are now better able to afford to care for their children, the children remain where they are, and the wealthy adopting parents have $7,500 in their pockets, not to mention the uplifting realization that they have done something fine and noble for mankind.

By Mr. PROXMIRE (for himself, Mr. MITCHELL, Mr. PRESSLER, Mr. DANFORTH, Mr. DECONCINI, Mr. COHEN, Mr. RANDOLPH, Mr. ZORINSKY, Mr. KASTEN, Mr. MOYNIHAN, Mr. RIEGLE, and Mr. ROBERT C. BYRD):

S. 2012. A bill to amend the Internal Revenue Code of 1954 to limit the deduction of living expenses by Members of Congress and to eliminate the provision which allows such deduction without substantiation of such expenses; to the Committee on Finance.

DEDUCTION OF LIVING EXPENSES BY MEMBERS OF CONGRESS

Mr. PROXMIRE. Mr. President, today, on behalf of myself, the Senator from Maine (Mr. MITCHELL), and the Senator from South Dakota (Mr. PRESSLER), I am introducing a bill which would repeal the special expense account provisions Congress voted itself last October and December.

I am doing this in part because it is so obviously unfair that at a time when ordinary citizens are paying heavy taxes while suffering recessions Members of the House and Senate will get a big tax break denied to almost all other taxpayers.

HISTORY OF THE NEW PROVISIONS

Late last year the Congress passed legislation which together with an interpretation by the Secretary of the Treasury gives Members a nice fat $18,000 deduction in computing our income taxes, for expenses—for what? For being away from home in Washington. What is wrong with that? Here is what is wrong: Members of Congress make their home in Washington. We have our wives, our children, with us here in Washington. When people elect us they do not expect us to go to some other city in our State. They expect us to go to Washington. We do. But now the Congress wants the IRS to pretend that we really reside back in our State and only leave that home back in the State to do business here in Washington. Is that true? No way. The Secretary of the Treasury at the request of the Congress has determined that last year there were 240 congressional days. That is two-thirds of the year and we will be entitled to a fat $75 deduction or $75-a-day for every one of those days last year, as if we were away from home. So, No. 1, if our wives and children live with us here, and we spend officially two-thirds of our time here—at least we get a $75 deduction for spending 240 days a year here. How can anyone say we do not live in Washington? Now for the icing on the cake. During those congressional days when we receive our $75-a-day deduction we can and will actually spend 2 or 3 or 4 days each week out in our State, physically out there. But we will get that $75-a-day deduction as if we were spending our time in Washington, though in fact we are not in Washington at all. And while we are in our State, the Government will pick up the tab on all, and I mean all our expenses in the State: It will pay for our meals. It will pay for our motels or hotels. It will pay travel within the State.

Now take a minute to consider this position. We actually will on a given day—say next Saturday—have the Federal Government pick up my tab for a motel in Milwaukee, Wis. It will pay for three meals in Kenosha, Wis., Racine, Wis., and Beloit, Wis. I will spend every minute of that 24 hours away from Washington—out in my State, but I will have $75 deducted from my income in computing my income tax for Washington expenses which I do not incur, because I am not here. You ask, but will not the IRS simply disallow those deductions on the ground that you did not incur them? Answer: "No." Why not? Because the Congress has passed a law—now in effect—that says its Members can deduct $75 a day for every congressional day. The Secretary of the Treasury has made a finding that last year there were 240 congressional days—although Congress was only in session for 165 days. And the IRS cannot, under the law the Congress passed, challenge or audit or require corroboration for any deduction up to the $75 a day that Members of Congress claim on their taxes.

We do all this at a time when we have provided a tax cut for all persons in the country of 25 percent—a tax cut that will especially benefit Members of Congress because we enjoy an income of $60,000, more than 3 times as high as the typical American family. We do this when the IRS has announced they will double the audits of other taxpayers in our tax brackets. But the $18,000 annual deduction from income for Members of Congress will not be subject to an audit. The law provides that the IRS in the case of Members of the Congress alone cannot go behind the deduction and demand substantiation.

This kind of legislation which Congress voted for itself is exactly what tends to bring us into disrepute. I might say it passed by a very narrow margin, by only two votes, and I think it was not—there was no vote at all in the House of Representatives. It was attached to the black lung bill, and most Members did not even know it was attached to it, and they protested vigorously in many cases about that deduction.

I believe it should be repealed, not only to right what I believe is an obvious wrong but to restore credibility to the Congress itself.

Mr. President, I send a bill to the desk and ask that it be appropriately referred and that it be printed in the RECORD, and I want to serve notice that I expect to call this up, if necessary, as an amendment to other legislation as I get an opportunity to do so.

Mr. DANFORTH. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield to the Senator from Missouri.

Mr. DANFORTH. Mr. President, I wonder if the Senator from Wisconsin would add me as a cosponsor?

Mr. PROXMIRE. I am delighted. Mr. President, I ask unanimous consent that the distinguished Senator from Missouri (Mr. DANFORTH) be added as a cosponsor to the repealer.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2012

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the last sentence of section 162(a) of the Internal Revenue Code of 1954 is amended by inserting ", but amounts expended by such Members within each taxable year for living expenses shall not be deductible for income tax purposes in excess of $3,000" after "home".

(b) Paragraph (4) of section 280A of such Code (relating to coordination with section 162(a)(2)) is amended to read as follows:

"(4) Coordination with section 162(a)(2).—Nothing in this section shall be construed to disallow any deduction allowable under section 162(a)(2) (or any deduction which meets the tests of section 162(a)(2) but is allowable under another provision of this title) by reason of the taxpayer's being away from home in the pursuit of a trade or business (other than the trade or business of renting dwelling units).".

(c) Subsection (a) of section 139 of the Act of October 1, 1981 (95 Stat. 967) is hereby repealed.

SEC. 2. (a) The amendment made by section 1(a) shall apply to taxable years beginning after December 31, 1980.

(b) The amendment made by section 1(b) shall apply to taxable years beginning after December 31, 1975, except that in the case of taxable years beginning after December 31, 1975, and before January 1, 1980, the amendment made by section 1(b) shall apply only to taxable years for which, on the date of the enactment of this Act, the making of a refund, or the assessment of a deficiency, was not barred by law or any rule of law.

By Mr. INOUYE (for himself, Mr. ABDNOR, Mr. DECONCINI, Mr. HATFIELD, Mr. HOLLINGS, Mr. LEAHY, Mr. LEVIN, Mr. MATSUNAGA, Mr. PELL, Mr. RANDOLPH, Mr. RIEGLE, Mr. STAFFORD, Mr. SYMMS, Mr. TSONGAS, Mr. WEICKER, and Mr. WILLIAMS):

S. 2013. A bill to amend the Controlled Substances Act to establish a temporary program under which heroin would be made available through qualified hospital pharmacies for the relief of pain of cancer patients; to the Committee on Labor and Human Resources.

TEMPORARY PROGRAM ON AVAILABILITY OF HEROIN FOR CANCER PATIENTS

● Mr. INOUYE. Mr. President, today I am introducing legislation, along with Senators ABDNOR, DECONCINI, HATFIELD, HOLLINGS, LEAHY, LEVIN, MATSUNAGA, PELL, RANDOLPH, RIEGLE, STAFFORD, SYMMS, TSONGAS, WEICKER, AND WILLIAMS, which is directed to relieving the suffering of a small but significant number of our citizens: patients who are terminally ill with cancer and whose pain has not been effectively

mitigated with currently available medications.

For many years, the thought of cancer and its accompanying pain have sent chills of fear through all of us; likewise, the thought of heroin and its addictive qualities produces similar fears. Now, however, in my judgment we are in a position where we can make a logical and thoughtful decision to legalize the therapeutic use of heroin for the terminally ill cancer patient suffering intractable pain while at the same time safeguarding against the diversion of the drug into illicit channels.

The legislation I introduce today is supported by thousands of Americans and is cosponsored by 15 of my colleagues. Furthermore, I am pleased to report that to a great extent, it reflects the current evolution and thinking of our Nation's health care system as evidenced by the editorial in the January 14, 1982, issue of the prestigious New England Journal of Medicine which urged more flexibility in the use of addictive drugs in the treatment of pain. This thinking is also present in an official statement made by the American Psychiatric Association which endorses the "principle that the effectiveness of relief of pain in terminal cancer patients should take priority over a concern about 'addiction' of the terminal cancer patient and should take priority over a concern about medication diversion to addicts."

The need for this legislation is dramatic. Although over the past two decades a great deal of progress has been made in treating cancer, this year an estimated 815,000 Americans will be diagnosed as having cancer, and over 400,000 will die from this disease. Most of these individuals will have received competent and compassionate medical care, and adequate relief of pain. Unfortunately, the reality is also that a certain number of cancer patients do not obtain relief of pain from the currently available analgesic medication—even the strongest narcotics. It has been estimated that about 20 percent of terminal cancer patients suffer significant pain. Of this 20 percent, it has been estimated that 10 percent do not obtain relief with presently prescribed medications. In human terms, these percentages mean that as many as 8,000 Americans may die in agony this year because of the intractable pain associated with terminal cancer. I have been assured by my medical colleagues that in many cases this pain can be alleviated with the therapeutic use of heroin, making the last months, weeks or days of these patients more bearable. These dying patients are not now given the option of dying with dignity because of our Nation's continued and overriding fear of the term "heroin." In my judgment, this fear alone has prevented us, the lawmakers of our Nation, from making clear and rational decisions regarding the limited use of this long-proven and already available substance.

Heroin has been proven effective with a number of patients in relieving pain. Research recently completed at Georgetown University's Vincent T. Lombardi Cancer Research Center has found heroin to be an effective analgesic for the control of cancer-related pain. In particular, it has been reported to be more potent than morphine in relieving cancer pain. Less than half of the dose of heroin produces the same pain relief as a dose of morphine. In the terminal phase of cancer, many patients cannot take medication by mouth, and may require injections. As the disease progresses, individuals may require higher doses at more frequent intervals, to provide relief. This is when it would be desirable to have the option of using heroin in treating pain, since heroin is more potent and more soluable than morphine salts, and an effective dose can be administered in considerably smaller volumes. Thus, doctors have informed me that it is less painful to have such an injection—an important consideration in the emaciated patient with little tissue mass remaining. Further, the onset of action of the heroin is also more rapid than morphine because of its soluability, giving relief of pain and a sense of well-being sooner. It is most unfortunate that the use of heroin for these patients has not been allowed up to this date. This legislation will enable physicians to treat the dying cancer patient who suffers from intractable pain with a proven, effective medication.

The time has now come to address the issue of why the heroin should not be readily available as a therapeutic medication for our Nation's physicians in very specific situations and under very careful supervision when we have dying cancer patients who are suffering extreme pain. William Buckley has described our irrational maintenance of the prohibition against such uses of heroin in very real terms. As he pointed out:

> The irony is that anybody in a major city can acquire the knowledge necessary to buy heroin from a dirty little drug pimp, but licensed doctors may not administer the identical drug to men and women—and children—literally dying from excruciating pain.

I am most pleased to report that our colleagues on the House Subcommittee on Health and the Environment held hearings on a similar bill on September 4, 1980. At that time, a number of practicing physicians and others asked that the Federal controls on heroin be eased to permit the prescription of heroin for patients for whom more conventional pain killers were inadequate. It was further pointed out that in Great Britain, heroin has been used for many years for these patients and that it has been shown to be particularly effective for those 10 percent of terminal cancer patients who require injected medication. British physicians consider heroin to be an indispensable potent narcotic analgesic in the treatment of advanced cancer. Use of heroin in specific situations is also permitted in Belgium, New Zealand, China and many other civilized nations.

The bill I am introducing today will give a very high priority to relief from intractable pain for terminal cancer patients. It authorizes the Secretary of the Department of Health and Human Services to establish demonstration programs which will permit the use of heroin by terminally ill cancer patients only, when suffering from pain which is not effectively treated with currently available analgesic medications.

My bill has more than adequate safeguards to prevent the drug from being introduced to the general public. For example, a diagnosis must first be made by the attending physician that his or her patient is ill with cancer and is suffering from pain which is not being effectively treated with other available analgesic medications. This diagnosis must be reviewed and approved by a medical review board of the hospital which will dispense the heroin. The heroin used in the program will be from that supply now confiscated under current laws. The Secretary of Health and Human Services is further authorized to establish additional regulations for the safe use and storage of the heroin, to prevent its diversion into illicit channels. This program will be in force for a 5-year period and periodic reporting is required of the Secretary on the activities under the bill.

I strongly believe that this proposal will provide substantial benefits to those who are in intractable pain from terminal cancer and I am hopeful that my colleagues on the Senate Labor and Human Resources Committee will give this measure their prompt and most serious consideration.

Mr. President, I ask unanimous consent that the text of my bill and the attached articles be printed in the RECORD.

There being no objection, the bill and articles were ordered to be printed in the RECORD, as follows:

S. 2013

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress finds and declares that—

(1) a significant number of terminally ill cancer patients suffer from pain which is not effectively treated by currently available analgesic medications;

(2) heroin has proven efficacy as a patient pain-killing drug; and

(3) it is appropriate to establish a temporary program to provide, through qualified

hospital pharmacies, heroin for relief of pain of cancer patients.

(b) The Controlled Substances Act is amended by adding at the end the following new part:

"PART H—TEMPORARY HEROIN PROGRAM

"SEC. 801. (a) Effective October 1, 1982, the Secretary of Health and Human Services (hereinafter in this section referred to as the 'Secretary') shall establish a program under which heroin confiscated in the enforcement of this title and title III shall be made available to the pharmacies of qualified hospitals for dispensing to individuals with cancer for the relief of pain.

"(b) Heroin may be made available under the program established under subsection (a) only upon application of a qualified hospital. The application shall—

"(1) be in such form and submitted in such manner as the Secretary may prescribe; and

"(2) contain assurances satisfactory to the Secretary that—

"(A) the applicant meets such special requirements as the Secretary may prescribe respecting the storage and dispensing of the heroin; and

"(B) heroin provided under the application—

"(i) will be dispensed through the pharmacy of the applicant upon the written order of a physician registered under section 302 to dispense controlled substances in schedule II; and

"(ii) will be dispensed only for the relief of pain to individuals with cancer who are diagnosed in accordance with subsection (c).

Requirements prescribed by the Secretary under paragraph (2)(A) shall be designed to protect against the diversion into illicit channels of heroin distributed under the program without placing undue restrictions on the abilities of hospitals to participate in the program.

"(c) A diagnosis that an individual is ill with cancer and is suffering from pain not effectively treated with currently available analgesic medications shall be made before heroin is dispensed for the individual and shall be made as follows:

"(1) The diagnosis shall be initially made by the attending physician of such individual.

"(2) The diagnosis of the attending physician must be reviewed and approved by the medical review board of the hospital which will dispense the heroin.

"(d) If the Secretary determines that the amount of heroin confiscated in the enforcement of this title and title III is not sufficient to meet the applications of qualified hospitals, the Secretary may, notwithstanding section 1002(a) of the Controlled Substances Import and Export Act, import opium for the purpose of manufacturing additional heroin to be distributed under the program.

"(e) This title, title III, and the Federal Food, Drug, and Cosmetic Act shall not apply with respect to—

"(1) the importing of opium,

"(2) the manufacture of heroin, and

"(3) the distribution and dispensing of heroin, in accordance with this section and the program established under this section.

"(f) Not later than three months after the date of the enactment of this section, and every three months thereafter until the program required by subsection (a) is established, the Secretary shall report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate on the activities undertaken to establish and implement such program. One year after such program is established and annually thereafter while such program is in effect, the Secretary shall report to such committees on the activities under such program during the period for which the report is submitted.

"(g) For purposes of the program established under subsection (a), a qualified hospital is a hospital which is registered under section 302 to dispense a controlled substance in schedule II.

"(h) The program established under subsection (a) shall terminate sixty months after the date on which the program is established.".

SEC. 2. (a) Paragraph (b) of schedule I in section 202(c) of the Controlled Substances Act (21 U.S.C. 812) is amended by striking out clause (10) and redesignating clauses (11) through (22) as clauses (10) through (21), respectively.

(b) Paragraph (b) of schedule II in such section is amended by adding at the end the following:

"(22) Heroin.".

SEC. 3. The Director of the National Cancer Institute shall take such action as may be necessary to secure an exemption from section 505 of the Federal Food, Drug, and Cosmetic Act for heroin to be used in an investigation sponsored by the Institute of the safety and effectiveness of heroin for the treatment of pain.

NATIONAL CANCER INSTITUTE STUDY REPORTED BY SCIENCE MAGAZINE—HEROIN "CONSIDERABLY MORE EFFECTIVE"

HEROIN AND CANCER PAIN

Heroin hasn't been used to relieve pain in U.S. cancer patients since 1924 because of fear that patients would become addicted to it. However, the favorable experience of the British in using heroin to relieve cancer pain prompted William T. Beaver and Philip S. Schein of Georgetown University's cancer research center to conduct a scientific trial to see exactly how heroin stacks up against morphine in easing cancer pain. (Because morphine is a less potent narcotic than heroin, it is available to U.S. cancer patients.)

Forty-eight cancer patients with moderate to severe pain received single injections of morphine and single injections of heroin. Neither the nurse-observer nor the patients knew which drug was being given at any particular time. The patients then rated each drug for pain relief. They rated heroin to be two and a half times more potent than morphine, Beaver and Schein reported in New Orleans at the recent annual meeting of the American Society for Clinical Pharmacology, and Therapeutics. What's more, none of the patients experienced euphoria after getting heroin or morphine. Thus, heroin appears to be no more addictive to cancer patients than is morphine and considerably more effective in relieving pain.

(Note: Results of this Georgetown study were also presented at the 17th Annual Meeting of the American Society of Clinical Oncologists in Washington, D.C., on May 1, 1981, and published in *Clinical Pharmacology and Therapeutics*, February 1981.)

[From the Washington Star, Tuesday, Apr. 22, 1980]

A CRUSADE AGAINST PAIN

(By William F. Buckley, Jr.)

Might we defer for just a moment consideration of the proposal that Congressman John Anderson be given his own navy with which to fight Iran—and bring up an unrelated subject? The purpose of these paragraphs is to celebrate the lonely work of Mrs. Judith Quatilebaum. She is engaged in the grisly work of contemplating the terrible pain that accompanies some deaths by cancer, and attempting to bring a little relief from that pain to the hopeless.

To that end she launched a few years ago the National Committee on the Treatment of Intractable Pain (address: Box 34571, Washington, 20034). The committee has one simple objective: to permit the use of heroin for patients dying of terminal cancer and facing pain so acute as to defy the administrations of morphine, which is the staple pain-killer.

Now for understandable reasons, the federal government is reluctant to authorize any use of heroin—on the grounds that some of it might get out on the streets. The irony is that anybody in a major city can acquire the knowledge necessary to buy heroin from a dirty little drug pimp, but licensed doctors may not administer the identical drug to men and women—and children—literally dying from excruciating pain.

So what does the government do about the call of Mrs. Quatilebaum's distinguished committee to sponsor a revision of the law? You guessed it. The question is turned over to a research team, to make recommendations. Anyone studying the rococo title of that brigade would guess that it would never get around to doing anything about it.

The question is in the hands of: Dr. Seymour Perry, Associate Director for Medical Applications of Research, Chairman of the Interagency Committee on New Therapies for Pain and Discomfort, National Institute of Health, Bethesda, Md. Oh yes, Zip Code 20014.

The Perry group is supposed to research the question whether we mightn't find a synthetic drug that has the same impact as heroin, but not its addictive danger. Bully. But if one applied the same rules governing the Perry group to the energy crisis, we would suspend the use of all existing automobiles until we developed one that would take us 100 miles per gallon. There are tens of thousands of human beings dying of insufferable pain every year while the Perry team moans about looking for substitutes.

Moreover, the Perry group appears to be uninterested in pursuing with Mrs. Quatilebaum's committee the question of the usefulness of heroin. Dr. Perry approvingly quoted an English researcher writing for the 1977 issue of *Pain* to the effect that oral doses of heroin didn't produce satisfactory results.

When Mrs. Q. replied that the very same report, in its conclusions, revalidated the usefulness of heroin, Dr. Perry declined to reply. Dr. Twycross, an English expert on the subject (in England, with one statement in 1955, Winston Churchill demolished the prohibitionists' attempt to ape American laws; 38 countries authorize heroin for the terminally sick) concluded, "when injections are necessary, diamorphine (heroin) is undoubtedly the best and safest of all the potent narcotic analgesics and is indispensable in the care of a proportion of patients with advanced cancer."

Why hasn't Congress done something about it? Mrs. Q. and her committee, on which there are distinguished representatives including doctors, theologians and psychoanalysts, saved Congress the trouble of drafting the necessary legislation. They re-

tained Kenneth Lazarus, a Washington lawyer and former counsel to President Ford, to write model legislation.

It is appalling to report that no congressman seems to have got around to introducing the necessary bill. One hates to put it that way, but people dying of agony in the hospital don't as a rule get out of bed to vote, and that may have something to do with that awful indifference to other people's pain that is a birthmark of most human beings.

But not of Judith Quatilebaum, whose name, though difficult to spell, will stay in the memory of those who in the future will be eased out of their misery by the drug she seeks so doggedly to make available, guided by the biblical injunction: For I was hungry, and ye gave me meat; I was thirsty, and ye gave me drink; I was a stranger, and ye took me in.

APA TRUSTEES ENDORSE ASSEMBLY STATEMENT SUPPORTING CANCER PAIN RELIEF

The American Psychiatric Association Board of Trustees, at its December 1980 meeting, has officially endorsed the following statement, unanimously approved by its APA Assembly on October 26, 1980, as follows:

Endorse the principle that the effectiveness of relief of pain in terminal cancer patients should take priority over a concern about "addiction" of the terminal cancer patient and should take priority over a concern about medication diversion to addicts.

The Assembly Action Paper, introducing the above, states:

1. Subject: Use of Addictive Medications in the Terminally Ill.

2. Problem: Recently Congress has been considering legislation that would allow the use of heroin with the terminally ill cancer patient (H.R. 7334, "Madigan" Bill). It is estimated that 40 to 50 percent of the terminal cancer patients experience severe, constant pain, and for a portion of those patients intravenous heroin is reported to be the most effective available analgesic, with no adverse medical effect especially when employed near term.

Psychiatry has a general interest in this issue because of our focus on the whole patient and because of the interrelations of anxiety and depression in the management of pain. Psychiatry is specifically drawn into this issue because opponents of the use of addictive medications in the terminal cancer patient have made arguments about addicting the terminal cancer patient and have made arguments about diversion of addictive medications from legitimate uses to uses by addicts. These arguments should be answered to the effect that medication tolerance—even if it should develop in the terminal cancer patient—does not adversely effect the patient's medical condition and does not constitute "addiction." Secondly, while we share concerns about illegal diversions, such concerns should be separately and effectively addressed and not take precedence over meaningful relief of the suffering from terminal cancer.

[From the Washington Post, Thursday, Jan. 14, 1982]

GREATER USE OF PAIN-KILLERS IS URGED BY MEDICAL JOURNAL

BOSTON.—Hospitalized patients endure too much day-to-day pain because doctors and nurses are needlessly stingy with narcotics, an editorial in the prestigious New England Journal of Medicine said today.

Hospital staffers should get rid of their unrealistic fear that patients will become addicted or suffer harmful side effects from pain-killers and increase doses if necessary, wrote Dr. Marcia Angell, deputy editor of the medical journal.

"Few things a doctor does are more important than relieving pain," she wrote. "Yet the treatment of severe pain in hospitalized patients is regularly and systematically inadequate.

"Pain is soul-destroying. No patient should have to endure intense pain unnecessarily. The quality of mercy is essential to the practice of medicine; here, of all places, it should not be strained."

Angell said one study showed that 73 percent of patients undergoing treatment for pain continued to experience moderate-to-severe discomfort despite medication.

"The desire to protect patients from becoming insidiously drawn into a state of addiction distorts both our sense of priorities and our scientific judgment," she said.

Angell wrote that addiction is "exceedingly unlikely," and happens in probably no more than 0.1 percent of the time.●

By Mr. RIEGLE (for himself and Mr. LEVIN):

S. 2014. A bill to amend the Federal-State Extended Unemployment Compensation Act of 1970 to maintain current provisions—scheduled to be repealed—relating to the State trigger and to restore a former provision relating to the insured unemployment rate; to the Committee on Finance.

UNEMPLOYMENT BENEFITS

Mr. RIEGLE. Mr. President, I am today introducing legislation to repeal changes proposed in the President's last budget and enacted into law by the Reconciliation Act, in the level of unemployment required to trigger the payment of extended unemployment benefits.

Under current law, up to 13 additional weeks of extended unemployment compensation, beyond the usual maximum of 26 weeks of regular State benefits, are payable to unemployed individuals who exhaust their State benefits during periods of high unemployment.

Prior to the enactment of the Reconciliation Act of 1981, extended benefits were payable in any State in which the insured unemployment rate (IUR) was at least 4 percent, and in addition was 20 percent higher than the average of the same period in 2 previous years. When this so-called 20-percent factor was not met, a State, at its option, could provide extended benefits—and receive Federal matching of 50 percent in the cost of those benefits—whenever the State's insured unemployment rate reached 5 percent, regardless of how that compared to the insured unemployment rate in previous years.

The Reconciliation Act changed this system in two important ways. First, effective October 1982, it increased by a full percentage point the level of insured unemployment required to trigger the payment of extended benefits to jobless workers who have exhausted their regular State benefits. Effective October 1982, the State's insured unemployment rate must reach at least 5 percent, plus the 20-percent factor, or a flat 6 percent, regardless of how this compares to the insured unemployment rate in the past, in order for extended benefits to be payable to jobless workers in that State.

Second, the Reconciliation Act redefined the way in which the insured unemployment rate itself is calculated, to exclude all unemployed workers receiving extended benefits. The insured unemployment rate is a central aspect of the extended benefits program, because it is the basis for deciding whether or not extended benefits will be payable to workers in a particular State. The insured unemployment rate measures the percentage of unemployed workers who are collecting benefits under the unemployment insurance system. Prior to the Reconciliation Act, all unemployed persons receiving any type of unemployment insurance benefit were counted. Effective August 1981, however, only individuals filing claims for regular State unemployment would be included in calculating the extended benefit trigger rate. While this may appear on the surface to be a minor technical change, in fact it has had a very substantial impact on the calculation of the insured unemployment rate—with the result that States trigger off the extended benefits program far more rapidly than was previously the case. By excluding extended beneficiaries from the insured unemployment rate calculation, the Reconciliation Act dramatically shortened the periods for which extended benefits are payable in a particular State.

In my own State of Michigan, for example, the extended benefits program triggered on in October 1979. It remained in effect until November 7, 1981, when the program triggered off as a direct result of the change in the calculation of the insured unemployment rate. This occurred despite the fact that Michigan's November unemployment rate was 12.5 percent. Today, Michigan has an unemployment rate of 15.1 percent, but unemployed persons in my State are no longer eligible for extended benefits because of this technical change in the law.

Mr. President, the extended benefits program has become a mockery if it is unavailable in a State with an unemployment rate of 15.1 percent, in a State whose unemployment rate has been measured in double digits for 24 consecutive months. The budget proposals enacted into law in the Reconciliation Act have devastated the extended benefits program, and have rendered it virtually useless to jobless workers in my State. The changes

made in the Reconciliation Act are a clear case of overkill, and they must be rectified without further delay.

When these proposals to change the extended benefits program triggers and the calculation of the insured unemployment rate first surfaced in the President's budget request, I warned that they would have a drastic impact on the extended benefits program. As a member of the Budget Committee, I offered an amendment to delete these changes from the budget. I regret that my amendment did not prevail at that time, but I hope that today the administration and the Congress will be prepared to admit that a serious mistake has been made and will take prompt action to correct it.

We are in the midst of a terrible recession, a recession which continues to deepen and which every day claims more and more victims. National unemployment now stands at 8.9 percent. In my own State of Michigan, unemployment has now reached 15.1 percent and 656,000 people are jobless.

In the past, the extended benefit program offered a vitally important protection to workers who lost their jobs during serious downturns in the economy. It helped to tide those workers through periods of especially high joblessness until they could find employment. It helped them to retain their homes and their hopes for the future. It provided, as well, an important cushion to the communities in which they lived, against the ripple effects of widespread joblessness among their citizens.

It is an important protection which has been disastrously diminished by an ill-conceived budget cut. It is a protection which we must restore without delay, if we are to meet our responsibilities to the growing pool of America's jobless workers. I urge my colleagues to join me in passing this legislation into law, to restore the extended benefits program to its former effectiveness.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2014

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 (as amended by section 2403 of the Omnibus Budget Reconciliation Act of 1981) is amended—

(A) in paragraph (1)(B), by striking out "5" and inserting in lieu thereof "4"; and

(B) in the matter following paragraph (2), by striking out "the figure '5' contained in subparagraph (B) thereof were '6' " and inserting in lieu thereof "the figure '4' contained in subparagraph (B) thereof were '5' ".

(2) The amendments made by paragraph (1) shall become effective on the date of the enactment of this Act, and shall apply to weeks beginning on or after such date.

(b)(1) Section 203(e)(1)(A) of the Federal-State Extended Unemployment Compensation Act of 1970 (as amended cy section 2402 of the Omnibus Budget Reconciliation Act of 1981) is amended by striking out "individuals filing claims for regular compensation" and inserting in lieu thereof "individuals filing claims for compensation (including regular, extended, and sharable regular compensation)".

(2) The amendment made by paragraph (1) shall apply for purposes of determining whether there are State "on" or "off" indicators for weeks beginning after August 13, 1981. For purposes of making such determinations for such weeks, such amendment shall be deemed to be in effect for all weeks, whether beginning before, on, or after August 13, 1981.

By Mr. DOMENICI:

S. 2015. A bill to amend the Internal Revenue Code of 1954 to limit the deduction of living expenses by Members of Congress and to require substantiation of such living expenses; to the Committee on Finance.

DEDUCTION OF LIVING EXPENSES BY MEMBERS OF CONGRESS

● Mr. DOMENICI. Mr. President, of the issues facing this Nation as we begin the 2d session of the 97th Congress one of the gravest is whether or not the Congress should raise taxes to offset the enormous deficit projected.

At the same time it has become evident that a tax measure passed by the Congress during the last session has gone far beyond our original intent. I refer to the changes made on the deductions applicable to congressional salaries.

Mr. President, while we talk of closing loopholes we have created an enormous one for ourselves. We have, in effect, exempted legislators from paying any taxes.

Originally the Congress voted to remove the $3,000 cap on deductions for having to take care of two residences. The limit of $3,000 was imposed in 1952 and its removal was reasonable since similar deductions are taken by other taxpayers.

Then in December an amendment attached to the black lung bill, allowing a blanket $75 per day deduction, passed. I voted against this amendment as did many of us in the Senate who foresaw the inequity it would cause. How can we in Congress reform the Tax Code and close unnecessary tax loopholes for special interests when we give ourselves one of the biggest exemption. It is up to Congress to show the example by making this the first tax loophole closed.

The legislation I introduce today would retroactively replace the cap on deductions at $6,000 and require substantiation for deductions. Thus those members who make use of this allowance are in the same circumstance as any other taxpayer. In an audit by IRS they will have to show their deductions.

Mr. President, a fair Tax Code is the reason voluntary compliance in payment of taxes works in our country. We must show the country that we are for tax equity, not tax loopholes.●

By Mr. ROBERT C. BYRD:

S.J. Res. 138. Joint resolution to authorize and request the President to designate the week of April 18, 1982, through April 24, 1982, as "National Coin Week"; to the Committee on the Judiciary.

NATIONAL COIN WEEK

Mr. ROBERT C. BYRD. Mr. President, coin collecting in the United States is a major hobby. Since the early 1800's, there has been a keen interest in numismatics in the United States. Coins are closely related to history, and coin collecting is an educational hobby. The triumphs of the Roman legions, the California gold rush, the 18th century victories of the British Navy—these and thousands of other historical events are recorded on coins.

At the beginning of the 20th century, coin collecting was a hobby only for the few people deeply interested in the subject. They formed a national "clique" interested in coin research, finding great new rarities and new varieties. Many a pleasant hour was spent going over coin collections, pointing out prized pieces to friends. Trading and exchanging coins with fellow numismatists became "the" thing to do.

The first coin struck in America to commemorate an event, the Columbian half-dollar during the world's fair in Chicago in 1892, however, opened the eyes of millions to the possibilities of coin collecting and showed how it could be interesting and even profitable. Books, magazines, and newspapers on numismatics have steadily increased the number of coin collectors and are still a major factor in encouraging new ones. Another boon to numismatics was the resumption in 1936 of the manufacture of proof sets by the U.S. Mint in Philadelphia. The ever-spreading interest in coin collecting as a hobby is indicated by the increase of sets coined in 1950, 51,386, to 3,950,762 in 1964.

In the latter part of the 19th century, the American Numismatic Association was founded and began publishing America's first monthly magazine devoted exclusively to numismatics. Today, there are very few cities of respectable size that do not have a coin club.

National Coin Week was first introduced in 1924. Now an annual event, the association designates a week to encourage and promote the interest of young and old in a subject that is entertaining and instructive, as well as valuable in encouraging thrift.

The theme, "Numismatics—A High Road to Adventure," has been adopted for this year's event to make noncollectors aware of the challenge and excitement inherent in coin collecting. In cooperation with this effort, I am today introducing a joint resolution to designate April 18 to 24, 1982, as "National Coin Week."

I hope for early consideration of the resolution.

ADDITIONAL COSPONSORS

S. 186

At the request of Mr. DOLE, the Senator from West Virginia (Mr. ROBERT C. BYRD) was added as a cosponsor of S. 186, a bill to provide financial assistance to the States to undertake comprehensive criminal justice construction programs to improve the criminal justice system of the States, to provide that the Secretary of the Treasury is authorized to make interest subsidy payments on criminal justice facility construction bonds, and for other purposes.

S. 1310

At the request of Mr. BOSCHWITZ, the Senator from Georgia (Mr. MATTINGLY) was added as a cosponsor of S. 1310, a bill to amend the Internal Revenue Code of 1954 to provide certain community development, employment, and tax incentives for individuals and businesses in depressed areas.

S. 1625

At the request of Mr. MOYNIHAN, the Senator from Maryland (Mr. MATHIAS), and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 1625, a bill to authorize the President of the United States to present on behalf of Congress a specially struck gold medal to the widow of Roy Wilkins.

S. 1630

At the request of Mr. THURMOND, the Senator from North Carolina (Mr. EAST), and the Senator from Alabama (Mr. DENTON) were withdrawn as cosponsors of S. 1630, a bill to codify, revise, and reform title 18 of the United States Code, and for other purposes.

S. 1701

At the request of Mrs. HAWKINS, the Senator from Washington (Mr. JACKSON), and the Senator from Maine (Mr. MITCHELL) were added as cosponsors of S. 1701, a bill to amend title 28, United States Code, to authorize the Attorney General to acquire and exchange information to assist Federal, State, and local officials in the identification of certain deceased individuals and in the location of missing children and other specified individuals.

S. 1771

At the request of Mr. HATFIELD, the Senator from Maine (Mr. COHEN) was added as a cosponsor of S. 1771, a bill to establish in the Federal Government a global foresight capability with respect to natural resources, the environment, and population; to establish a national population policy; to establish an Interagency Council on Global Resources, Environment, and Population, and for other purposes.

S. 1792

At the request of Mr. EAST, the Senator from Idaho (Mr. SYMMS), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 1792, a bill to amend subchapter II of chapter 5 of title 5, United States Code, to provide that a Federal agency may not require any person to maintain records for a period in excess of 3 years and may not commence an action for collection of civil fine for any violation of a rule after 3 years from the date of the act to which such violation relates, and for other purposes.

S. 1797

At the request of Mr. DOLE, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 1797, a bill to provide the private sector training and placement opportunities for residents of enterprise zones, emphasizing the use of community-based organizations and the involvement of small business concerns, and for other purposes.

S. 1825

At the request of Mr. ARMSTRONG, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 1825, A bill to prohibit price support for crops produced on certain lands in the western part of the United States which have not been used in the past 10 years for agricultural purposes, and for other purposes.

S. 1968

At the request of Mr. HATCH, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 1968, A bill to clarify the application of the Clayton Act and the Federal Trade Commission Act with respect to certain joint ventures which promote the international competitiveness of U.S. businesses.

SENATE JOINT RESOLUTION 127

At the request of Mr. COCHRAN, the Senator from Rhode Island (Mr. PELL), the Senator from Alaska (Mr. STEVENS), and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of Senate Joint Resolution 127, a joint resolution to grant official recognition to the International Ballet Competition.

SENATE JOINT RESOLUTION 130

At the request of Mr. WARNER, the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of Senate Joint Resolution 130, a joint resolution designating February 22, 1982, the 250th anniversary of the birth of George Washington, a "Day of National Celebration."

SENATE RESOLUTION 253

At the request of Mr. DOLE, the Senator from Arkansas (Mr. BUMPERS), the Senator from Alabama (Mr. DENTON), the Senator from Arizona (Mr. GOLDWATER), the Senator from Tennessee (Mr. SASSER), the Senator from Mississippi (Mr. STENNIS), the Senator from Vermont (Mr. STAFFORD), the Senator from Alaska (Mr. STEVENS), the Senator from Texas (Mr. TOWER), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Oklahoma (Mr. BOREN) were added as cosponsors of Senate Resolution 253, a resolution expressing the sense of the Senate on "National Circle K Week."

SENATE RESOLUTION 283—ORIGINAL RESOLUTION RELATING TO THE PROCUREMENT OF CONSULTANTS BY THE COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HATCH, from the Committee on Labor and Human Resources, reported the following original resolution; which was referred to the Committee on Rules and Administration:

SENATE RESOLUTION 283

Resolved, That section 2 of Senate Resolution 62, 97th Congress, agreed to March 3, 1981, is amended by striking out "$27,000" and inserting in lieu thereof "$45,000".

NOTICES OF HEARINGS

SUBCOMMITTEE ON EMPLOYMENT AND PRODUCTIVITY

Mr. QUAYLE. Mr. President, the Senate Subcommittee on Employment and Productivity and the House Subcommittee on Employment Opportunities will hold joint hearings on employment training policy in Washington, D.C., February 22, 23, 25, and 26. The purpose of these hearings is to hear testimony on all employment training bills referred to either subcommittee.

Persons interested in testifying at these hearings should submit a written request to Bob Guttman, 4230 Dirksen Senate Office Building, Washington, D.C. 20510, or to Susan Grayson, B-346A Rayburn House Office Building, Washington, D.C. 20515. It is expected that considerable interest will be expressed in these hearings and requests to testify will be numerous. All requests must be in written form, should be submitted as soon as possible and must be received no later than Friday, February 5, 1982.

Any questions regarding these hearings may be directed to Carole Schanzer, House Subcommittee on Employment Opportunities, phone 202-225-1927, or to Violet Thompson, Senate Subcommittee on Employment and Productivity, phone 202-224-6470 or 202-224-6306.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of public hearings before the Committee on Energy and Natural Resources.

On Thursday, February 4, the committee will hold a hearing on S. 1937, to extend the expiration date of section 252 of the Energy Policy and Conservation Act. The hearing will begin at 10 a.m. in room 3110 of the Dirksen Senate Office Building. For further information regarding this hearing you may wish to contact Mr. David Doane of the committee staff at 224-7144.

The committee will hold 3 days of hearings on the President's proposed budget for fiscal year 1983. Consideration of the Department of the Interior's budget will occur on Tuesday, February 9; of the Department of Energy's budget will occur on Wednesday, February 10; and of the Department of Agriculture and the U.S. Synthetic Fuels Corporation's budgets will occur on Thursday, February 11. All three hearings will begin at 10 a.m. in room 3310 of the Dirksen Senate Office Building. For further information regarding these hearings, you may wish to contact Mr. Richard Grundy of the committee staff at 224-2564.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, room 3104, Dirksen Senate Office Building, Washington, D.C. 20510.

Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public oversight hearing before the Committee on Energy and Natural Resources to consider methods of collecting, accounting, and distributing mineral royalties and to review the report of the Commission on Fiscal Accountability of the Nation's Energy Resources. The hearing will be held on Thursday, January 28, beginning at 10 a.m. in room 3110 of the Dirksen Senate Office Building.

Witnesses will include David F. Linowes, Chairman of the Commission, and other Commission members; James G. Watt, Secretary of the Interior; and other witnesses from industry, State government, and Indian tribes and associations.

Others wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, room 3104, Dirksen Senate Office Building, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Tony Bevinetto of the committee staff at 224-5161.

SUBCOMMITTEE ON WATER AND POWER

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of a public hearing before the Subcommittee on Water and Power to consider S. 698, to assist the Yuma County Water Users' Association, Arizona, to relocate the headquarters of such association; S. 933, to authorize the rehabilitation of the Belle Fourche irrigation project in South Dakota; S. 1409, to authorize the enlargement of the Buffalo Bill Dam and Reservoir in Wyoming; and S. 1628, to amend the Emergency Fund Act of 1948. The hearing will be held on Friday, February 12, beginning at 9 a.m. in room 3110 of the Dirksen Senate Office Building.

Those wishing to testify should write to the Committee on Energy and Natural Resources, Subcommittee on Water and Power, room 3104, Dirksen Senate Office Building, Washington, D.C. 20510.

For further information regarding this hearing, you may wish to contact Mr. Russ Brown of the subcommittee staff at 224-2366.

SUBCOMMITTEE ON ENERGY REGULATION AND SUBCOMMITTEE ON WATER AND POWER

Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of a public hearing which will be held jointly before the Subcommittee on Energy Regulation and the Subcommittee on Water and Power to consider hydroelectric development and licensing procedures. This oversight hearing will be held on Wednesday, February 24, beginning at 2 p.m. in room 3110 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, Subcommittees on Energy Regulation and Water and Power, room 3104, Dirksen Senate Office Building, Washington, D.C. 20510.

For further information regarding this hearing you my wish to contact Mr. Howard Useem of the Energy Regulation Subcommittee staff at 224-5205 or Mr. Russ Brown of the Water and Power Subcommittee staff at 224-2366.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, January 28, at 2 p.m., to conduct a meeting relating to the committee's budget and other committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

MISSISSIPPIANS PROUD OF LENNIE SKUTNIK

● Mr. COCHRAN. Mr. President, the recent tragedy involving an airliner crash upon takeoff from National Airport prompted many brave responses by many people in an effort to rescue the victims of this air disaster. One that aroused a great deal of interest nationwide, but especially in my home State of Mississippi, was the heroic act of Lennie Skutnik, who dove into the icy waters of the Potomac River and managed to pull a struggling woman close enough to shore for rescue workers to get her out of the water and save her life.

Lennie Skutnik was born in Biloxi, Miss., and his mother now lives in Columbia, so there was naturally considerable interest and attention focused on his act of heroism. There were many accounts of his action in the news media of our State, and people have commented to me about how proud they were that one of our native sons responded in this crisis in such a fine manner.

I take this opportunity to join those who have saluted Lennie Skutnik for his dramatic rescue action, and on behalf of the people of his home State, thank him and wish him well in the future.

Certainly, his action is an inspiration to all Americans, and I take this opportunity at the opening of the 2d session of the 97th Congress to bring his brave deed to the attention of the Members of the Senate.●

TAX-EXEMPT STATUS FOR PRIVATE SCHOOLS

● Mr. HART. Mr. President, the administration's confusing policy reversals of the last 2 weeks on the issue of tax-exempt status for private schools that practice racial discrimination have been unfortunate and unnecessary. The new statute which the administration has proposed only adds to the confusion.

Current Federal law is clear. The Internal Revenue Service is authorized and required to deny tax-exempt status to private schools which discriminate on the basis of race. When the Senate reconvenes on Thursday, January 28, I will submit a resolution expressing the sense of the Senate that current Federal law clearly authorizes and mandates the IRS to enforce this policy. This reflects the position taken by the U.S. Commission on Civil Rights and a number of major civil rights organizations. I urge my colleagues to cosponsor this resolution.●

REAGANOMICS AT WORK

● Mr. COHEN. Mr. President, before the term "Reaganomics" was coined, residents of Maine's Lincoln County were exemplifying some of its soundest principles. When faced with cancellation of the construction of a family recreation center 6 years ago because of a shortage of EDA money, these spirited Mainers decided that a shortage of Federal funding was not going to stop them from fulfilling their goals.

This article, by Bill Caldwell, a popular writer and columnist for the Maine Sunday Telegram, tells how residents in the town of Damariscotta and surrounding communities rallied together to volunteer their work, time, furniture, equipment, and a little pocket money to create a facility of which the midcoastal area is very proud today. I submit for the RECORD and commend to my colleagues this story of how Maine independence and ingenuity can overcome adversity.

The article follows:

[From the Maine Sun Telegram, Jan. 17, 1982]

"REAGANOMICS" AT WORK DOWN EAST

(By Bill Caldwell)

Inside the White House, they've never heard of the Central Lincoln County Family Recreation Center on the Waldoboro Road in Damariscotta. More's the pity, because what is happening here would bring smiles of satisfaction to the high priests of Reaganomics this smileless January.

I can see David Stockman and Ed Meese and even President Reagan smacking their lips over this example of how the new "Reagan federalism" is working almost perfectly on a tiny scale in a small Maine town.

But what you see depends on where you sit. And from where they sit in Maine, Wayne Plummer, Linda Hicks, Ray Perkins and Hilare LeBon see the CLC very differently. "Sure, federal funds helped build the building. And CETA funds met our little payroll to start with," says Plummer. "But now, a few years later, we don't get a penny of subsidy from anyone—state or town. We pay our own way. And we are flourishing, bigger and better than ever."

To them and the 1,000 members of the CLC Recreation Center, there are no politics and no Reagan economics involved. It is just the Maine way of doing things for yourself, without handouts.

Yet Plummer, who has been director from the start, says CLC is unique. "There is nothing like it anywhere else in Maine to my knowledge. Maybe nowhere else in the country," he says.

Before the January snows stop flying, about 8,000 people will walk through the center's doors. That's almost six times the population of Damariscotta. They arrive in pick-up trucks, on bikes, in rusted-out cars, in sleek Mercedes, on buses, and a few come stomping through the snow on foot. Babies arrive wrapped in snug blankets; some people in their eighties hobble in on a cane. This is a gathering place for all ages, all incomes, all residents of Central Lincoln County.

They come, from 6:30 in the morning until nine at night, to play tennis and racquetball, work out on weights, wrestle, join exercise and slimnastics classes, learn dancing or karate, shoot pool or play electronic games, play basketball and volleyball, for lessons in cross country skiing and ice skating, or to jog or play ping pong. Some bring dogs to obedience classes, some come for prenatal exercise class, to learn cardio-pulmonary resuscitation techniques, others to hear lectures on nutrition or get help in applying for fuel assistance this winter. Come summer, the programs change to swimming lessons at two lakeside beaches, baseball and softball, scuba diving, golf and day camps for kids.

Does it all sound more like an expensive country club or resort than a recreation center in a small Maine town? Or does it sound like a heavily subsidized "do-gooder" program paid for by taxpayers?

Well, it is neither. It is a no-frills, hugely popular, local operation which has added enormously to the good life in 12 small Maine communities and which is entirely paid for by the people who use it.

It is a success story which might be copied in lots of other places. Here is how it happened.

It all began six years ago, born from a hope that failed. The hope was to raise $250,000 to start a YMCA. But by 1977, after two years of effort, only $30,000 in cash and $30,000 in pledges had been raised, even though the late Edward Freeman had given eight acres on which to build. Then Priscilla House, who worked in the Lincoln County planning office at Wiscasset and had the inside track, told the "Y" committee that if the concept of a recreation center was turned over to the town, Damariscotta might try making application for Economic Development Agency funds, earmarked for municipal improvements which would create jobs. Nearby Waldoboro had gotten EDA money to build new town offices and Boothbay had gotten funds for repairing bridges, she said. Some money was still left for Lincoln County, she added, but time was running out and speed in making application would be essential.

So the "Y" committee quickly got together with the selectmen of Damariscotta and together they agreed to turn over the cash raised by the "Y" plus the eight acres of land donated by Freeman to the town, which would then apply for an EDA grant to build a recreation center.

Within a few weeks Damariscotta got a $250,000 grant for the recreation center.

Then came the bad news. The lowest bid, in 1977, was $400,000. Plans were trimmed, deleting two handball courts, an upstairs auditorium, money for furnishings and sports equipment, site preparation work, a parking lot, and the cost of a heating oil tank and a septic tank.

When all these cuts had been made, the bid was reduced to $300,000, a lot more still than the $250,000 grant.

But citizens of Damariscotta were fired up by the idea of helping. So everyone who had given to the "Y" fund agreed to using the money to build the recreation center. Local businesses gave in kind. Neil Sprague, who ran a heating oil company, donated the oil tank. Chester Rice, a local contractor, said he would donate the septic system. Other citizens in the construction business—Oliver Wendell Holmes, the Johnston Brothers, the Hunt Brothers and Chester Rice—said they would volunteer to do the site preparation work. Others gave furniture and equipment. Plummer, though not on the payroll, agreed to coordinate the work and to go out speaking to Rotary, Lions, Elks and other civic groups to raise money. Quickly the money came in, mostly in small donations, and from surrounding towns as well as Damariscotta.

Memberships poured in, even though the center was still being built. Linda Hicks, a physical education teacher, joined as program director and began a summer day camp. Soon she had 150 kids enrolled. By September 1978, only one year after the EDA application had been hurriedly filed, the center was open for business with 400 members.

There were birth pangs. When the unpaved parking lot turned into a quagmire of mud during the winter thaws, a "mud drive" was launched, and the people who'd just finished a tennis game or volleyball would toss in a dollar or two toward getting the parking area hot-topped. Now it is.

Money was raised through dances and suppers and rummage sales for a racquetball court, now in constant use. Money was raised to furnish and equip a senior citizens room. The wrestling team has become Maine and New England champion. A baseball diamond has been built, half paid for by a $10,000 grant from the Interior Department.

Thanks to the CLC, life hereabouts has a new dimension. Visit here on almost any day, and you'll see storekeepers, retired executives, fishermen and school teachers playing together in tennis matches. You'll see handicapped adults enjoying an uproarious game of basketball. You'll see pregnant mothers taking prenatal exercise, while young husbands practice karate. You'll see middle-aged women losing weight and tightening muscles in exercise classes. You'll see school kids playing basketball at night.

This year, 1,100 members of all ages and sizes will come 60,000 times to join in sports and social activities which this part of Lincoln County seldom enjoyed before.

The facility is mortgage-free, with an estimated value of $500,000. Not a penny of tax money is used for its operation. Last year expenses totaled $70,000, including the salaries of four staffers who were once paid by CETA but are now paid by the income from membership dues ($25 a year for senior citizens up to $110 for an entire family). Income from dues and fees for special programs raised $77,000.

Cost and dues are low, because everyone helps do the work. On Sundays, for example, the board of directors take turns manning the desk and phones. Should money run a bit low, the board of directors won't ask the government for a subsidy. Instead, they'll get the kids to put a rock band together and throw a sock hop.

That's the small town Maine way to make ends meet and have a good time doing it. But in Washington, they like to call it Reaganomics.●

TRAGEDY CALLED FORTH HEROISM

● Mr. HARRY F. BYRD, JR. Mr. President, the tragic air crash in Washington January 13 demonstrated anew that catastrophic events often call forth the finest human qualities. I refer to the heroic actions of two men whose courage and presence of mind resulted in the rescue of six persons from the icy waters of the Potomac River.

One was an as-yet-unidentified passenger who repeatedly passed a heli-

copter rescue line to others rather than allow himself to be hoisted to safety. Five people owe their lives to this man, who forfeited his own.

The other hero was Martin Leonard Skutnik, a 28-year-old Government employee from Lorton, Va. Acting on a simple, selfless instinct, he dove into the freezing waters to rescue a drowning woman. This was an example of courage and selflessness that helped make America great. I am proud of my fellow Virginian.

On a day of disaster, the bravery and sacrifice of these men penetrated the gloom and brought each of us some solace.

Their heroism is more fully detailed in an account by Joseph Kingsbury-Smith, national editor of the Hearst Newspapers. I ask that his story be printed in the RECORD, as well as a fine column by Mary McGrory in the Washington Post.

The material follows:

[From the Hearst Newspapers, Jan. 17, 1982]

HEROISM

(By Joseph Kingsbury Smith)

WASHINGTON.—What history may record as among the great examples of individual courage and compassion marked the tragedy which sent an Air Florida jetliner plunging into the freezing waters of the Potomac River Jan. 13th with the loss of 78 lives.

Two of the heroes who saved the lives of drowning victims of the air crash displayed the quality of mind and spirit that enables a human being to face danger with fearlessness.

One of the men who gave his own life to save the lives of three women and two men remains an unknown hero. He disappeared beneath the ice floes after passing a helicopter rescue line, one by one, to each of the other victims as they all struggled to keep their heads above water.

The other man, although married with two young children, risked his life to dive into the icy water to rescue a young woman who had lost her hold on the helicopter rescue line.

The selfless heroism of these two men exemplified the highest ideals of humanity that makes man at times a noble animal. It was the same type of bravery that led more than one G.I. in the Vietnam war to fling himself on an about to explode hand grenade and give his life to save the lives of his buddies.

It belied cynics who have contended that the American people have become soft and lack the guts of their forefathers.

"These two men set an example of the courage and selflessness that helped make America the great nation it is," Senator Harry F. Byrd, Jr., (Ind-Va.) said. "I am proud of my fellow Virginian," he added, referring to Martin (Lenny) Skutnik, the young man who dove into the freezing river to rescue Priscilla Tirado, whose husband and infant son perished.

The amazing courage and sacrifice of the so far unidentified man who gave to five other people the helicopter lifeline that could have saved his life was related by the 2-man team of a Federal Park Police helicopter that rescued them. These two men, Donald W. Usher and M. E. Windsor, were also heroes since they conducted the rescue operations under conditions of extreme danger to the helicopter.

Officer Usher, the pilot, who flew combat rescue missions in Vietnam, said they could only see the head of the man in the water. He was baldish, with a heavy mustache and grey sideburns. He appeared to be in his mid-50s.

He was among six people they sighted clinging to the tail section of the plane which had broken away when the aircraft hit the 14th Steet Bridge within minutes after taking off from National Airport in a snowstorm.

Usher brought the helicopter down almost to the water, and even dipped its landing skids beneath the surface, while Wind Sor, his paramedic, threw down a rescue line.

The baldish man, who appeared more alert than the others in the icy water with him, grabbed the line. He could have then been hoisted to safety. Instead, he passed the line to the nearest woman and helped put it around her. When she had been hoisted aboard, the line was dropped again four separate times. Each time, the unknown hero took the line and passed it to the other two women and two men.

When the five had been hoisted aboard, Usher had to take off because there was no more room and ice was forming on the helicopter.

As soon as the survivors had been landed on the shore, Usher and Windsor returned to the scene to rescue the man. He had disappeared beneath the ice floes. Usher said he had never seen such courage, not even in Vietnam.

The action of Skutnik was equally heroic. Although he saved only one life, he risked his own to do so and he was not in the water when he went to the rescue of the young woman.

His car had been stopped in the traffic jam and he was standing on the shore watching the helicopter rescue efforts. A dozen or more other people, including police and firemen, were also standing there. Skutnik, age 28, saw a woman lose her grip on the lifeline, apparently too weak to hold on.

Without a moment's hesitation, and although he never had any life-saving courses, he took off his coat and boots, dove into the freezing water, swam through the ice floes to the woman, grabbed her and brought her back to shore.

While sitting shivering in an ambulance that was about to take him and several survivors to a hospital, Skutnik noticed that a man with two broken legs was also shivering. He took off his coat and gave it to the man.

At the hospital, he was treated for hypothermia, given a hot bath and released to go to his home in Lorton, Va., about 20 miles south of Washington.

An ordinary fellow without any training for death-risking heroism, he later told reporters, "I did it because nobody else was doing anything to save the woman. Somebody had to go in the water. I didn't think about any risk. I knew I could swim and I had to try to do something to save the woman."

A $14,000 a year employee of the Congressional Budget Office, who runs errands and performs odd jobs, Skutnik has worked as a hamburger cook, strip-and-wax man at Ralph's supermarket in Simi Valley, Calif., a meatpacker, and house painter.

He told the Washington Post that a big night out is taking his pretty wife, Linda, and two boys, to a pizza joint, adding: "Every once in a while we'll close our eyes and blow a couple of bucks."

When Frank Rohr, Creative Director, of Rolex, was informed by the Hearst Newspapers that Skutnik had lost his watch in the water, he said a stainless steel submariner watch would be sent immediately to him as a gift.

President Reagan, who hailed Skutnik's courage, may give him a presidential commendation.

[From the Washington Post]

LENNY SKUTNIK GAVE US ALL A LIFELINE

(By Mary McGrory)

DECENCY

On the raw, gray morning after two ghastly accidents had all but wiped out the city, people were hanging on to one man, somebody they never heard about before Jan. 13.

He is Martin Skutnik, called "Lenny." He is 28 years old, a messenger at the Congressional Budget Office. His heroism at the 14th Street Bridge was one bright patch on a black day.

People who watched, over and over, scenes from the two refrigerated horrors—death in the frozen Potomac, death in a dark tunnel—stopped flinching and shivering only during the sequence in which Lenny Skutnik appeared.

A group of rescue workers are standing on the river bank. A few yards offshore, a woman is floundering amid the ice floes. The helicopter lets down a life preserver. The woman grabs it, but it slides out of her hands. The helicopter tries again. She does not have the strength, maybe not even the will, to grab it.

Suddenly, a young man is breaking away from the group. He plunges into the river. He swims strongly towards the woman, who has laid her head back on the water. He reaches her, seizes her, and heads for the shore. A man in a yellow slicker rushes forward to meet them with a rope. The woman, whose eyes are back in her head, is laid down on the snowy slope.

Salvation.

Skutnik was taken to the hospital, treated for exposure, and inevitably came before the cameras. He is a perfectly ordinary-looking young man in a sheepskin coat. He has a mustache, a husky build. His manner is modest to the point of humility.

On "Nightline," he is importuned by the perfectly coiffed host to say "what was going through your mind" before he dived into the frigid water.

Skutnik was having none of it. He had made his statement by his plunge. It was simply that he had seen the frustration of the rescue team. None of the ropes were long enough to reach the victim. As to "what you were thinking" when he got to the shore, he remarked matter-of-factly, "I was relieved I got her out."

The Congressional Budget Office people were pretty puffed up about Skutnik's feat. So were all the other government workers in Washington. One of them had shown what stuff there is in the despised bureaucracy, most of which was branded "nonessential" when Ronald Reagan showily closed down the government on Nov. 23.

The director of the CBO, Alice Rivlin, called up to congratulate him. So did his immediate boss, Stanley Gregg, head of the Intergovernmental Relations Section, where Skutnik has worked since the spring of 1980. Previously he did construction work, and for a while he had a clerical job in the Arlington office of the Social Security Administration.

Gregg reports that Skutnik is exemplary on the job, "gets in early, is always thoughtful and pleasant, never grumbles."

Rivlin and Gregg gave him an extra day of annual leave—he was taking a few days anyway. They felt even the president would approve.

Skutnik told Gregg that he was inundated by calls and invitations to appear on television shows. He doesn't want to travel the celebrity route. His wife said he's the kind of man everybody in the neighborhood goes to when they have trouble.

He happened to be there to save a woman's life because he was on his way home to Lorton. Like the rest of the government, he had been let out early because of the blizzard. When he saw the fearful commotion at the bridge—ambulances, helicopters, passengers bobbing in the water—he stopped his car, got out and joined the frustrated workers on the bank.

He watched for a while, then shucked off his coat and his boots and dived in. Lucky for all of us, he was not one of those bystanders who hears cries for help and pass on. He got involved.

He plainly doesn't think there is anything special about what he did. His attitude, and we must hope it is contagious, seems to be, "Wouldn't anybody?"

On a killer day, in a brutal winter, he threw us all a lifeline by reminding us that decency is not dead. He may get the glory treatment whether he wants it or not. Television crews may stake out his house. Public officials will wish to be seen with him. We are painfully short of heroes, of examples of valor and mercy.

Little else about Jan. 13 bears thinking about. An ambulance official said somberly about the subway victims that they may have been trampled to death. A passenger, who survived the crash, and is himself a pilot, said from his hospital bed that he thinks the pilot of Flight 90 thought of aborting the takeoff seconds too late. The divers didn't have heated suits.

The day brought another hero, an unknown man who directed the helicopters to passengers he thought in greater need. He sank before he could be rescued. We know about Lenny Skutnik. We thank him for his presence on Doomsday.●

LANDON SHARES REAGAN'S VIEW ON ROOSEVELT

● Mr. DOLE. Mr. President, from time to time, former Kansas Gov. Alf M. Landon has shared his wisdom and experience by giving his views on world affairs.

The Senator from Kansas submits for the RECORD the Governor's most recent interview.

The material follows:

[From the Kansas City Times, Dec. 25, 1981]

LANDON SHARES REAGAN'S VIEW ON ROOSEVELT—HE RECALLS ACCUSING F.D.R. OF ADVOCATING FASCISM DURING WAR

TOPEKA.—Alf M. Landon, the Republican who challenged Democrat Franklin D. Roosevelt's bid for a second term in 1936 and lost, said Thursday that he agreed with President Reagan's view that FDR's New Deal administration espoused a fascist philosophy.

It is not a new position for Mr. Landon, now 94.

In the spring of 1940 he rebuffed overtures from Mr. Roosevelt to join his Cabinet and accused the president of trying to undermine the two-party political system in the United States.

In an interview Thursday, Mr. Landon recalled the speculation that Mr. Roosevelt planned to ask him to become secretary of war. Mr. Landon rejected the idea before a formal invitation was made, but Mr. Roosevelt did appoint Mr. Landon's 1936 vice presidential running mate, Frank Knox of Chicago, as secretary of the Navy.

"That is a concrete example of President Roosevelt trying to make it a one-party election (in 1940). That sustains everything President Reagan says about President Roosevelt," Mr. Landon said.

Mr. Reagan said in an interview with the Public Broadcasting Service, widely publicized this week, that many of those in the Roosevelt administration, which ran from 1933 to 1945, espoused fascism. He cited as evidence what he said was their commitment to a permanently managed economy.

Mr. Landon agreed with Mr. Reagan's assessment. He said he came to that conclusion more than 38 years ago, referring to a speech he made in 1943 in which he said the Roosevelt administration was following "the facist theory of a planned economy."

"Roosevelt said in 1935 he was going to manage the economy of the country." Mr. Landon said, "I said that meant a huge federal bureaucracy, and look what we have now."

Mr. Landon, the governor of Kansas from 1933 to 1937, also cited as evidence that FDR sought one-party rule. Mr. Roosevelt's perceived attempt to form a coalition government of Republicans and Democrats in early 1940, and the suggestion by some that the United States need not hold a presidential election that year because of the war spreading across Europe.

"Isn't fascism the attempt to eliminate the opposition party?" Mr. Landon asked, "Isn't calling off an election a fascist move?"

In an interview at the Topeka Daily Capital on May 20, 1940, Mr. Landon opposed suggestions by political columnists that a coalition government be formed to avoid a potentially divisive campaign, with world war imminent.

"I regard as dangerous any attempt to decrease the vitality of the two-party system as it operates in this country," Mr. Landon said then.

That same day The New York Times reported that there was a strong chance that Mr. Roosevelt, "faced with widespread national concern over the developments of the European war," was "seriously considering the appointment of several prominent Republicans to secretaryships in a coalition Cabinet."

The Times said FDR was considering naming Mr. Knox as secretary of the Navy and Mr. Landon as secretary of war.

Mr. Landon was invited by Mr. Roosevelt to a White House luncheon on May 22, and stopped off in Chicago on his way to the nation's capital by train.

The Chicago Tribune quoted Mr. Landon as saying he had received a White House message "rescinding the invitation" to meet with FDR.

Mr. Landon said Thursday that he never learned directly, but always had a suspicion that Edwin M. Watson, Mr. Roosevelt's aide-de-camp, called off the meeting because of Mr. Landon's statements in the interview with the Topeka newspaper opposing a coalition government. Mr. Landon also had given a speech in Warrensburg, Mo., criticizing FDR's foreign policy.

Mr. Landon, the father of U.S. Sen. Nancy Landon Kassebaum, decided to return to Topeka, telling the Tribune, "I started for Washington, as I always do, at the invitation of my president. I am going home at his invitation. I am ready to go to Washington at any time at the invitation of my president."

Nobody ever knew quite what happened at the White House, Mr. Landon said, but Mr. Roosevelt personally called him in Chicago, told him there had been a mix-up and the invitation to lunch still stood. So Mr. Landon went on to Washington after all.

He had a nearly two-hour private meeting with the president. The matter of a coalition government and Mr. Landon's participation as secretary of war never came up, he said.

After leaving the meeting with Mr. Roosevelt, Mr. Landon issued a statement at a Washington news conference, which said in part:

"If President Roosevelt is interested in unselfish service, he should publicly and forthwith eliminate himself as a third-term candidate. The president would become the leader of a nation instead of the head of a party.

"If he does eliminate himself . . . Republicans can and will participate. To suggest that President Roosevelt is the only man in the nation to carry on, or that the national election should be canceled or allowed to go by default, is to use the same argument the Nazis use in behalf of Hitler."

ANNIVERSARY OF KIM DAE-JUNG SENTENCE

● Mr. KENNEDY. Mr. President, last January 23 marked the first anniversary of the South Korean Supreme Court's upholding of the death sentence of democratic opposition leader Kim Dae-Jung. Since then, this sentence was commuted to life imprisonment, which Kim Dae-Jung continues to serve under extremely harsh conditions in South Korea.

On this same date, 123 political, cultural, and religious leaders in five countries issued simultaneous appeals for the release of Kim Dae-Jung from prison. I hope that the South Korean Government will heed these earnest appeals and take early action to permit Mr. Kim to return to his family. The positive internal and international reaction to the decision to commute Mr. Kim's death sentence, as well as to release last Christmas nine less well-known prisoners related with both the Kim Dae-Jung and the Kwangju trials, should make clear to the authorities in Seoul that the early release of Kim Dae-Jung would be in the best interests of both reconciliation and the international standing of the Republic of Korea.

Mr. President, I ask that a statement by the North American Coalition for Human Rights in Korea, the text of the international appeal for the release of Kim Dae-Jung, and the list of the endorsers of the appeal be printed at this point in the RECORD.

The material follows:

KIM DAE-JUNG SENTENCE

One hundred twenty-three political cultural and religious leaders in Washington, Toronto, Tokyo, Melbourne, and Berlin today issued simultaneous appeals for the release from prison of South Korean democratic leader Kim Dae Jung. A joint international statement marking the anniversary of the January 23, 1981, action by the Korean Supreme Court upholding the death sentence for Mr. Kim stated that "continued confinement of Mr. Kim cannot be justified or condoned when viewed from the standpoint of justice and humanity" and urged his immediate release by the government of South Korea.

The appeal was initiated by religious groups in Japan and the United States and included among its endorsers many prominent political and academic leaders from Japan, the United States, Canada, Germany, Australia, and New Zealand, countries which are South Korea's closest economic and political allies. Signers of the appeal include Senator Edward M. Kennedy, Minneapolis Mayor Donald Fraser, and former Assistant Secretary of State Patrica Derian in the United States, former Japanese Foreign Minister Katsuo Shionoya and Richard von Weizsaeker, mayor of Berlin. Fifteen members of the Japanese National Diet, primarily from the ruling Liberal Democratic Party, signed the statement as did 15 members of the U.S. Congress. The heads of councils of churches in Canada, the United States, Japan, and Australia are among its endorsers, along with the heads of a number of national Catholic and protestant organizations and orders. Major academic and literary figures, including Prof. John Fairbank of Harvard, Japanese novelist Oe Kensaburo and former chief editor of Japan's Asahi newspaper Kyozo Mori, joined in calling for Mr. Kim's release.

Kim Dae-jung, the leader of the movement in South Korea to restore democratic government, was arrested in a sweep of opposition leaders that accompanied the coup d'etat of Maj. Gen. Chun Doo-hwan on May 17, 1980. He was subsequently sentenced to death by a military tribunal. An international outcry prevented the death sentence from being carried out. On the same day that the Korean Supreme Court, packed by the new military strongman, upheld his sentence, it was commuted to life. For this act, Chun Doo-hwan, just prior to being elected (without opposition) as president, was rewarded by the new Reagan administration by being invited as the "first foreign head of state" to visit Washington in 1981.

The commutation of Kim Dae-jung's death sentence has often been pointed to by Reagan administration officials as the best indication of the efficacy of their new "quiet diplomacy" approach to human rights. But Mr. Kim has remained in solitary confinement for nineteen months. He is kept now under extremely harsh circumstances in Chungju prison, without adequate heat or food and is denied medical treatment for his swollen legs and infected ears. He is not allowed any visitors except his wife, who may see him under observation for some ten to twenty minutes, once a month. Thirteen other well-known democratic leaders who were tried with Mr. Kim are kept in even more severe conditions in other prisons throughout Korea, along with hundreds of lesser known persons.

In Washington, D.C., a rally calling for Mr. Kim's release will be held Saturday evening, January 23rd, at the Sixth Presbyterian Church (16th St. & Kennedy, N.W.) beginning at 7 p.m. the main speakers are exiled Korean theologian Dr. Tong-hwan Moon, brother of one of Kim Dae-jung's fellow prisoners, and Dr. George Ogle, United Methodist official who was expelled from Korea in 1974 for protesting the death penalty of other political prisoners. Sponsors of the rally include the North American Coalition for Human Rights in Korea and the Korean Congress for Democracy and Unification.

In other cities throughout the United States, the day will be marked by protest demonstrations in front of Korean consulates and by the presentation of petitions to consular officials.

The full text of the International Appeal and a list of its endorsers follows:

AN EARNEST, INTERNATIONAL APPEAL, REQUESTING THAT MR. KIM DAE-JUNG BE RELEASED FROM PRISON

It was a year ago that voices around the world were raised in unison, in protest of the authorities' clear intention to take the life of a democratic politician.

Although "Vox Coeli" and "Vox Populi"—the voice from heaven and the voice of the people—compelled the authorities to spare Mr. Kim Dae-jung's life, they merely shifted his sentence to a legally unjustifiable term of life imprisonment, and he has spent the last year in a Chungju Prison solitary confinement cell. Since his arrest on May 17, 1980, fully one year and seven months have now passed. With the onset of severe winter weather, moreover, his neuralgic ailment is being aggravated, with increased pain in his waist and legs.

Continued confinement of Mr. Kim cannot be justified or condoned when viewed from the standpoint of justice and humanity. On the one hand, the government of the Republic of Korea publicly speaks of "Liberation from Political Oppression" and "Creation of a Democratic Welfare Society." We are at pains to understand these pronouncements for, on the other hand, the same government continues to hold Mr. Kim under detention. On this, the first anniversary of the Supreme Court's ruling against him, we would request of the government of the Republic of Korea that Mr. Kim Dae-jung be released, and that he be allowed to seek medical attention for his ongoing ailment.

At this very moment, as we listen painfully to the news about the suffering being endured by the people of Poland, we renew our conviction that the people's voice demanding Democracy, Freedom, and Independence is the universal voice of all humanity surpassing all boundaries of social systems and nationality. We are convinced that no power on earth can suppress that voice. We have cherished in our heart a deep respect for the people of the Republic of Korea, who continue to keep lit that burning will for Democracy.

Standing firmly on this conviction, we earnestly request of the government of the Republic of Korea that Mr. Kim Dae-jung be released.

January 22, 1982.

SIGNED

UNITED STATES

Mia Adjali, Director, United Methodist Office for the United Nations.

Delbert Anderson, East Asia Office, Lutheran Church of America.

Bishop A. James Armstrong, President, National Council of Churches of Christ of the U.S.A.

Peggy Billings, Assistant General Secretary, United Methodist Board of Global Ministries.

Don Bonker, Member, U.S. House of Representatives (D-WA).

John L. Burton, Member, U.S. House of Representatives (D-CA).

William J. Butler, President, American Association for the International Commission of Jurists.

Sung Il Choi, Director, Council for Democracy in Korea.

Marilyn Clement, Director, Center for Constitutional Rights.

John Collins, Co-Director, Clergy and Laity Concerned.

Thomas D. Daschle, Member, U.S. House of Representatives (D-SD).

Robert Davidson, Moderator, General Assembly, United Presbyterian Church in the U.S.A.

Ronald B. Dellums, Member, U.S. House of Representatives (D-CA).

Patricial Derian, former Assistant Secretary of State for Human Rights and Humanitarian Affairs.

Adrian W. Dewind, Attorney at Law, New York.

Robert Drinan, President, Americans for Democratic Action.

Wonmo Dong, Chairman, Korean Congress for Democracy and Unification (US).

Robert W. Edgar, Member, U.S. House of Representatives (D-PA).

Don Edwards, Member, U.S. House of Representatives (D-CA).

John K. Fairbank, Professor, Harvard University.

Donald M. Fraser, Mayor of Minneapolis.

Tony P. Hall, Member, U.S. House of Representatives (D-OH).

Hurst Hannum, Executive Director, Procedural Aspects of International Law Institute.

Thomas A. Harkin, Member, U.S. House of Representatives (D-IA).

Pharis J. Harvey, Executive Director, North American Coalition for Human Rights in Korea.

J. Brian Hehir, S.J., Office of Justice and Peace, U.S. Catholic Conference. Haviland C. Houston, General Secretary, United Methodist Board of Church and Society.

Edward M. Kennedy, U.S. Senator (D-MA).

Kyung Jae Kim, General Secretary, United Movement for Democracy and Unification in Korea.

Sand Don Kim, former Mayor of Seoul, Representative, Southern California Committee to restore Democracy in Korea.

Homer Jack, Secretary General, World Council on Religion and Peace.

Paul Lauby, Executive Director, United Board for Christian Higher Education in Asia.

Jai Hyon Lee, Professor, Western Illinois University.

Roberta Levinbach, American Friends Service Committee.

Dan Little, Executive Director, General Assembly Mission Council, United Presbyterian Church U.S.A.

Don Luce, South East Asia Resource Center.

Sister Barbara Lupo, Co-Director, Clergy and Laity Concerned.

Thomas Marti, M.M., Director of Justice and Peace, Maryknoll Fathers and Brother.

Edward C. May, Office of World Community, Lutheran World Ministries.

Sister Regina McEvoy, Vice President, Maryknoll Sisters.

Norman Y. Mineta, Member, U.S. House of Representatives (D-CA).
Tong-hwan Moon, Co-Chairperson, Campaign to Free Kim Dae-jung and Other Democratic Leaders.
James Oberstar, Member, U.S. House of Representatives (D-MN).
George Ogle, Director of Economic and Social Justice, United Methodist Board of Church and Society.
Richard L. Ottinger, Member, U.S. House of Representatives (D-NY).
Richard P. Poethig, Director, Institute on the Church in Urban-Industrial Society.
Jovelino Ramos, Director, Commission on Justice Liberation and Human Fulfillment, National Council of Churches of Christ in the U.S.A.
Donald Ranard, Director, Center for International Policy.
Claire Randall, General Secretary, National Council of Churches of Christ, U.S.A.
Marcus Raskin, Institute for Policy Studies.
Shi Hung Rhew, M.D., Chairman, United Movement for Democracy and Unification in Korea.
Charles Runyon III, former Legal Advisor, U.S. State Department.
Donald Shriver, President, Union Theological Seminary, N.Y.
H. Ellis Finger, President, Council of Bishops, United Methodist Church
Stephen P. Solarz, Member, U.S. House of Representatives (D-NY).
Kenneth Teegarden, General Minister and President of the Christian Church (Disciples of Christ) in the U.S. and Canada.
William P. Thompson, Stated Clerk, United Presbyterian Church U.S.A.
Mark Thomsen, Director, Division for World Mission and Interchurch Cooperation, American Lutheran Church.
Rev. Margaret Towner, Vice Moderator, General Assembly, United Presbyterian Church in the U.S.A.
Rev. Paul A. Wee, General Secretary, Lutheran World Ministries.
Edward A. White, Executive, National Capital Union Presbytery, United Presbyterian and Presbyterian Church (U.S.).
Fred Wilson, Associate General Director, Program Agency, United Presbyterian Church, in the U.S.A.
Howard Wolpe, Member, U.S. House of Representatives (D-MI).
Amy Young-Anawaty, Executive Director, International Human Rights Law Group.

CANADA

Rev. Donald Anderson, General Secretary, Canadian Council of Churches.
Heather Johnston, President, Canadian Council of Churches.
Rev. Dr. Donald McDonald, Secretary of Administrative Council, Presbyterian Church of Canada.
Rev. Michel Rousseau, Assistant Executive Director, Canadian Catholic Organization for Development and Peace.
Most Rev. Edward Scott, Primate, Anglican Church of Canada.
Rt. Rev. Lois Wilson, Moderator, United Church of Canada.

JAPAN

Members of National Diet

Akagi Munenori, Liberal Democratic Party (LDP).
Ishii Hajime, LDP.
Ishida Hirohide, LDP.
Ide Ichitaro, LDP.
Oishi Senpachi, LDP.
Shionoya Katsuo, LDP, former Foreign Minister.
Chigaki Yusaburo, LDP.
Hashiguchi Takashi, LDP.
Asukata Ichio, Socialist Party (JSP) Chairman.
Doi Takako, JSP.
Aoshima Yukio, Independent.
Utsunomiya Tokuma, Independent.
Tanak Isaji, Independent (former Minister of Justice).
Nakayama Chinatsu, Indpendent.
Den Hideo, United Social Democratic Party.

Academic and Cultural

Aochi Shin, Critic.
Dohno Tatsuo, Attorney at Law.
Fujita Shozo, Professor, Hosei University.
Iinuma Jiro, Professor Emeritus, Kyoto University.
Itoh Narihiko. Professor, Chuo University.
Kida Kennichi, Professor, Rikkyo University.
Kuratsuka Taira, Professor, Meiji University.
Kuwabara, Takeo, Professor Emeritus, Kyoto University.
Miura Ayako, novelist.
Mori Kyozo, former Chief Editor, Asahi Shimbun.
Morikawa Kinju, Attorney at Law.
Morita Soichi, Attorney at Law.
Nakadaira Genkichi, Attorney, Chairperson, Japan Section, Amnesty International.
Nakano Yoshio, critic.
Oe Kensaburo, novelist.
Okabe Itsuko, essayist.
Sasaki Hidenori, Attorney at Law.
Shimizu Tomohisa, Professor, Japan Women's University.
Sumiya Mikio, President, Tokyo Women's University.
Takano Yuichi, Professor, Sophia University.
Tsurumi Shunsuke, critic and philospher.
Wada Haruki, Professor, Tokyo University.
Yazaki Yasuhisa, journalist.

Representatives of Christian Organizations

Shirayanagi Seiichi, Catholic Archbishop of Tokyo.
Soma Nobuo, Bishop of Nagoya, Moderator, Japan Catholic Council for Justice and Peace.
Fukamizu Masakatsu, Catholic Priest.
Oshio Seinosuke, Protestant Minister.
Kishimoto Yoichi, Moderater, National Christian Council of Japan.
Shoji Tsutomu, General Secretary, National Christian Council of Japan.
Nakajima Masaaki, General Secretary, United Church of Christ in Japan.

GERMANY

Dr. Richard von Weizsaeker, Mayor of Berlin.
Dr. Martin Kruse, Bishop of Berlin, Evangelical Church.
N. Cornelius von Heyl, President of Assembly, Evangelical Church.

AUSTRALIA

Dr. Jean Kruse, General Secretary, Australian Council of Churches.
Herbert Feith, Professor, Monash University, Melbourne.
Richard F. Wootton, Secretary for Justice and Human Rights, Uniting Church in Australia.

NEW ZEALAND

George Armstrong, Senior Lecturer, St. Johns Theological College, Auckland.

A HEAVY LOAD

● Mr. DANFORTH. Mr. President, when the Senate debates the regulatory reform bill later this year, an attempt will be made to amend the bill so as to give Congress the power to veto agency rules. I hope that the Senate defeats such an amendment. Members of this body who are inclined to support the legislative veto would be well advised to read Michael Wines' editorial in the National Journal for January 2, 1982. Mr. Wines points out that the legislative veto could triple the workload of the Congress, subjecting Members of this body to "intense lobbying" on "issues ranging from the proper pulp content of lemon juice to the operation of off-road vehicles in wildlife preserves."

Such efforts might be worthwhile if the legislative veto promised to be an effective course to check the regulatory bureaucracy, but the fact of the matter is that the veto is cumbersome, clumsy, and ferociously inefficient. As a member of the Commerce Committee, I can testify to the problems we have encountered in attempting to provide a fair and comprehensive review of one rule—and a simple rule at that—the FTC's used car rule. What can we expect when hundreds of rules are presented to us for review? If we want to curb the bureaucracy, let us go back to the statute books and rewrite the laws that gave the bureaucrats power in the first place. If agencies are arbitrary or idiotic in their actions, there are ways to trim their wings without turning the Senate into some regulatory review board for final determinations on lemon pulp.

Mr. President, I ask that Mr. Wines' article be printed at this point in the RECORD.

The article follows:

A HEAVY LOAD

(By Michael Wines)

Congress has many virtues, but in the public's eye, at least, a penchant for hard work is not among them. During 1980, for instance, its Members introduced 4,423 legislative measures, of which 1,643 were passed, after careful deliberation and any number of four-day fact-finding weekends. That is about three bills or resolutions per Member, and Congress's total output is not a lot more than some state legislatures knock off in 90 days.

So it may come as a surprise to learn that the House and Senate are seriously considering an idea that could triple their workload, subject them to even more intense lobbying from interest groups and immerse them in issues ranging from the proper pulp content of lemon juice to the operation of off-road vehicles in wildlife preserves.

The idea is to give Congress, and perhaps the President, the power to veto some or all of the thousands of rules promulgated each year by federal regulatory bodies. It is an idea that has been called the ultimate check on the untrammeled power of the bureaucracy, and it also has been called "the dumbest idea ever peddled on Capitol Hill," in the words of a congressional staffer.

About the only thing most people agree on is that it is an idea whose time has

come—or will come, probably early this year.

Three major forms of the veto proposals are now being considered by Congress, and they vary widely in both scope and substance. Many observers predict that one of the three will be adopted as law, perhaps as early as spring.

A House bill on regulatory reform (HR 746) would require agencies to submit every so-called major regulation—usually, with an economic impact of more than $100 million a year—to Congress. Congressional committees would have 30 days to issue a resolution of disapproval; otherwise, the regulation would be considered in force. If a resolution did emerge from committee, Congress would have another 60 days to adopt a joint resolution vetoing the rule. The resolution would then go to the President for his signature or veto.

That is the simplest of the veto proposals. A second House measure (HR 1776) would funnel each new regulation through Congress, where either chamber could stop it by issuing a veto resolution. The veto would effectively reject the rule unless the other chamber chose to override it. The President would have no say in the matter.

Meanwhile, the Senate is expected to consider an amendment to its own regulatory reform bill (S. 1080) that would require both the Senate and the House—but not the President—to approve a veto resolution in order to reject a proposed rule. All rules would be subject to review, although the procedures would vary for major and minor regulations.

Backers of the proposals offer persuasive arguments for their adoption: that the veto power would act as a check on rampant overregulation; that it would trim the broad, vague grants of power given many agencies in their enabling legislation; that it would transfer power from insulated bureaucrats back to where it belongs—with the elected representatives.

Good arguments, all. But if the record books and the history books offer any guidance, Congress may have problems giving regulations adequate review.

Nobody really knows how many rules the federal government churns out each year, but Congress' best estimates range from 7,500 to 9,000, figures that probably have been diluted by President Reagan's war on the bureaucracy.

Some of those rules pass into the books virtually unnoticed and unopposed. Most—especially the major ones—are supported and opposed by active, vocal constituencies.

Congress' major experiment with the legislative veto is being carried out now, and the first results are not encouraging. After giving itself a veto over Federal Trade Commission rules in 1980, the House and Senate have become mired in a political battle over the very first FTC measure sent to them—a heavily watered-down proposal to regulate used-car sales.

Used-car sales seem an ideal target for FTC policing: studies by two state auto clubs, for instance, turned up a total of 1,312 defects in a sample of used cars, only 87 of which had been disclosed by dealers. A third study indicated that 17.1 per cent of used-car dealers sampled in Wisconsin gave buyers inaccurate information about the condition of cars offered for sale.

Moreover, the FTC's proposed rule is relatively innocuous. It would require dealers to place a sticker on auto windshields disclosing any mechanical defects that they know about and stating the terms of any warranties offered. The cost would be about 18 cents per sticker.

Nevertheless, only a parliamentary delay by Sen. Bob Packwood, R-Ore., has prevented a veto from sweeping through Congress. The FTC has been accused of burdening dealers with paperwork and overstepping its authority, but the real reason for the opposition seems apparent: the National Automobile Dealers Association, with 20,000 members and more than $400,000 in contributions to congressional candidates, doesn't like the rule. Many of the rule's leading congressional opponents received auto dealer contributions.

If the used-car story is not an exercise in civics-book democracy, neither is it an argument in itself for leaving the rule-making powers with the bureaucrats.

But multiplied by 9,000 times—or even by 200 or 300 times—the argument gains some force. And it gains more steam when one considers that a legislative veto would apply to deregulatory efforts as well as more traditional regulations.

In 1980, for instance, Congress resisted stiff industry lobbying to pass a law easing regulation of the interstate trucking industry. It is easy to question whether lawmakers could have resisted similar pressures to thwart the subsequent implementing regulations that opened up trucking routes and rate schedules to more competition.

One of the joys of federal lawmaking seems to be that Members of Congress can take the responsibility for sweeping new laws and little of the blame for the necessary bureaucratic rules that implement them. With a legislative veto, Congress appears ready to assume both burdens—and even a hardworking lawmaker may find that a heavy load to bear.●

DEATH OF FORMER CHILEAN PRESIDENT, EDUARDO FREI MONTALVA

● Mr. KENNEDY. Mr. President, it is with great sadness that I learned of the death of former Chilean President Eduardo Frei Montalva, on January 22. Throughout his brilliant career, President Frei understood the critical need of his people, and remained committed to democratic reform in Latin America. Because of sweeping social changes, Presidents Kennedy and Johnson looked to President Frei as an initiator of rapid development without repression or violence. Motivated by ideals of democracy and social justice, President Frei initiated agrarian reform, restructuring of copper mines, and social programs in health and housing. In his vision of a "reformist revolution," he showed himself to be not only a man devoted to his people, but a realist when he prophetically said,

I offer neither immediate solutions nor immediate prosperity, but sacrifice in the present for prosperity in the future.

In September 1973, Chile's hopes for democracy were jolted by a violent military coup. Former President Frei's determination to see social justice was not thwarted by this tragic setback. Even with the coup and the military decision to outlaw Frei's Christian Democratic Party, he continued to speak out, deploring the undemocratic and repressive procedures practiced by the military. In a courageous move hailed by Chileans and supporters of democracy around the world, President Frei denounced the plebiscite vote in September 1980, when a new constitution was voted in, a constitution tailored to the needs and whims of the military and ignorant of the needs of the people.

At a time when all too many countries in this hemisphere are ruled by dictators and military cliques, the people of Chile looked to former President Frei, an eloquent leader who steadfastly called for a return to democratic processes and the restoration of human rights.

All of us who share President Frei's vision of economic and social justice, have lost a valued friend. May that vision live on to inspire generations to come in the never-ending struggle to preserve and protect basic freedoms and human dignity.●

STATEMENT OF SENATOR JEREMIAH DENTON RECOMMENDING SENATE CONSIDERATION OF "CONGRESS VERSUS THE PRESIDENT," BY SENATOR JOHN TOWER

Mr. DENTON. Mr. President, as we begin the second session of the 97th Congress, the unstable state of world affairs causes grave concern. We face, among many examples, the cruel extinction of the faint rays of hope for the Polish people, the continued Soviet occupation of Afghanistan, the Communist-sponsored and supported insurrection in El Salvador, the escalation of violence in Guatemala and Honduras, and the general turmoil that persists in the Middle East.

We see cowardly assaults upon our diplomatic and military personnel abroad. Our Nation, its leaders, and its policies are criticized and calumnized not only by those dedicated to our destruction but also by some of our allies and many of those other nations who should be our friends and supporters. The paucity of productive international discourse and discussion, the acceptance and promotion of calculated aggression instead of responsible and responsive diplomacy, the use of violence as a substitute for the orderly process of government, represent a direct challenge to the United States, to our allies, and to all who cherish the ideals of self-determination, human rights, and individual liberty.

As the leader and exemplar of the Free World, the United States must play a central role in preserving peace and restoring global stability. But, as a constant requisite, understand how our own system works and put our own house in order.

Our system works best when it is allowed to function the way it was designed: With checks and balances, a separation of powers. The President and his foreign policy team must take the lead in formulating and implementing our policy. The Congress has the responsibility to provide the President with the means to insure our national security and to conduct an effective diplomacy.

We in the Congress must understand our constitutionally mandated role in the Nation's foreign and defense policies. I believe this is a precondition for the restoration of the ability of the United States to preserve our vital interest, to act as a reliable security partner promoting the vital interests of our allies, and to serve as a reliable force for peace throughout the world.

The Constitution explicity assigns to the executive branch the responsibility for making and implementing policy. It is the mandate of Congress to provide the essential tools and support, including funds, advice, counsel, and timely oversight. This does not preclude a congressional role in the formulation of policy, but that role must be exercised in conjunction and cooperation with, and only rarely in competition with or opposition to, the initiatives and objectives of the executive branch.

The pressing need for the Congress to recognize and fulfill its proper role has been compellingly presented by the distinguished chairman of the Senate Armed Services Committee, the senior Senator from Texas. In his article, "Congress Versus the President: The Formulation and Implementation of American Foreign Policy," published in the winter issue of Foreign Affairs, Senator TOWER described the critical problems caused by the tendency of Congress to upset the separation of powers and to assume the prerogatives of the Executive in determining policy.

I believe that Senator TOWER is correct in his assertion that congressional arrogation of the constitutional prerogatives of the Executive has impaired the responsible and effective conduct of policy, and therefore the state of our national security.

Mr. President, I strongly commend to my colleagues the article by Senator TOWER. The need for us to understand what is at issue, to act wisely and responsibly, is painfully evident. As Senator TOWER lucidly says,

> These are not just debating points for historians and constitutional lawyers, but critical issues which need to be addressed if we are to see the successful exercise of American diplomacy in the 1980's.

Mr. President, I ask that the text of Senator TOWER's article be printed in the RECORD.

CONGRESS VERSUS THE PRESIDENT: THE FORMULATION AND IMPLEMENTATION OF AMERICAN FOREIGN POLICY

(By John G. Tower)

(The President is the sole organ of the nation in its external relations, and its sole representative with foreign nations.—John Marshall, March 7, 1800, 6th Congress)

One of the oldest conflicts in the American system of government is that between Congress and the President over the right to formulate and implement foreign policy. Is the President solely responsible for the conduct of external relations? Is the Congress an equal partner? Or does Congress have the right to shape U.S. policy by enacting legislation which proscribes a President's flexibility? These are not just debating points for historians and constitutional lawyers, but critical issues which need to be addressed if we are to see the successful exercise of American diplomacy in the 1980s. Our effectiveness in dealing with the problems ahead, especially U.S.-Soviet competition in the Third World, will depend to a significant degree on our ability to resolve the adversary relationship between the President and Congress.

The struggle for control of foreign policy came to the fore in the twentieth century, with America's reluctant entry into world affairs, two World Wars, and a smaller, but more complex, postwar bipolar world characterized by the increasing interdependence of nations. The first significant Congressional challenge to the Executive's foreign policy prerogative occurred during the interwar years. After the Senate rejected President Wilson's Versailles Treaty in 1920, Congress continued to assert itself in the formulation of foreign policy. By the 1930s, a strong Congress was able to prevent presidential initiative in the critical prewar years. The almost universal consensus today is that this Congressional intrusion had been a disaster and had inhibited the United States from playing a useful role in Europe that might have prevented World War II.

Following the Japanese attack on Pearl Harbor and our entry into the Second World War, Congress and the President stood in agreement over the direction of American foreign and military policy. Congressional intervention all but ceased.

The post-World War II period was marked by a reasonable balance between Congress and the President in the foreign policy decision-making process. In fact, Presidential foreign policy intiatives were generally accepted and reinforced by bipartisan support on Capitol Hill. American foreign policy was fairly coherent and consistent through changing complexions of the body politic. The United States was perceived as a reliable ally and its leadership generally accepted with a high degree of confidence by the non-communist world. But the relative stability between Congress and the President began to erode in the early 1970s with Congressional disenchantment over the Vietnam War. By mid-decade the two branches were locked in a struggle for control of American foreign policy. To a certain extent Congress won, and the balance between Congress and the President has swung dangerously to the legislative side with unfavorable consequences for American foreign policy.

If the balance is not soon restored, American foreign policy will be unable to meet the critical challenges of the 1980s. We are entering an era of fast change and increasing volatility in world affairs. Political instability and regional conflict are on the rise, especially in the Third World. Developing nations in many parts of the world are being torn apart by civil wars between pro-West and Soviet-supported factions, subverted by externally supported insurrection, or subjected to radical or reactionary anti-Western pressures. The industrialized economies of the West are ever more dependent on a lifeline of resources from an increasingly vulnerable part of the world. The Soviet Union has pursued an aggressive interventionist policy on its periphery and abroad, supported by its emerging global force projection capability and its successful use of less direct means of projecting power.

We may well be in a situation today which is analogous to that of the late 1930s, when America's inability to play a more active role in world affairs helped permit the Axis to realize its objectives without serious challenge. During this period Congress tied the President's hands, with disastrous consequences. Now we are back in the same situation, and risk making the same mistakes. If the United States is prevented from playing an active role in countering Soviet and Soviet proxy involvement in the Third World, the 1990s could well find a world in which the resource-rich and strategically important developing nations are aligned with the Soviet Union.

II

What is the proper balance between Congress and the President in the formulation and implementation of foreign policy? Although the bulk of opinion argues for strong Executive authority in the conduct of external relations, the Constitution itself offers no clear definition as to where legislative authority ends and Presidential prerogative begins. The Constitution would appear to have vested war powers in both the Executive and Legislative branches. Although it conferred the power to declare war and raise and support the armed forces on Congress (Article I, Section 8), the Constitution also made the President Commander-in-Chief of the armed forces (Article II, Section 2). Nowhere in the Constitution is there unambiguous guidance as to which branch of government has the final authority to conduct external relations. Nonetheless, there is the strong implication that the formulation and implementation of foreign policy is a function of the Executive Branch, both as a practical necessity and as an essential concomitant of nationality.

John Jay argues this point in the *Federalist Papers* (Number 64, March 5, 1788):

"The loss of a battle, the death of a Prince, the removal of a minister, or other circumstances intervening to change the present posture and aspect of affairs, may turn the most favorable tide into a course opposite to our wishes. As in the field, so in the cabinet, there are moments to be seized as they pass, and they who preside in either, should be left in capacity to improve them. So often and so essentially have we heretofore suffered from the want of secrecy and dispatch, that the Constitution would have been inexcusably defective if no attention had been paid to those objects. Those matters which in negotiations usually require the most secrecy and the most dispatch, are those preparatory and auxiliary measures which are not otherwise important in a national view, than as they tend to facilitate the attainment of the objects of the negotiation. For these the president will find no difficulty to provide, and should any circumstance occur which requires the advice and

consent of the senate, he may at any time convene them."

The Supreme Court has forcefully upheld Executive authority in foreign relations. In 1935 Justice Sutherland, in the case of *U.S. v. Curtis-Wright Export Corporation et al.* (299 U.S. 304), cited a series of previous Court decisions in arguing that the powers of "internal sovereignty" lay with the individual states, but those of "external sovereignty" were with the national government.

"[There are fundamental differences] between the powers of the federal government in respect to foreign or external affairs and those in respect to domestic or internal affairs . . . . Not only . . . is the federal power over external affairs in original and essential character different from that over internal affairs, but participation in the exercise of the power is significantly limited. In this vast external realm, with its important, complicated, delicate and manifold problems, the President alone has the power to speak or listen as a representative of the nation. He *makes* treaties with the advice and consent of the Senate; but he alone negotiates. Into the field of negotiation the Senate cannot intrude; and Congress itself is powerless to invade it.

It is quite apparent that if, in the maintenance of our international relations, embarrassment—perhaps serious embarrassment—is to be avoided and success for our aims achieved, congressional legislation which is to be made effective through negotiation and inquiry within the international field must often accord to the President a degree of discretion and freedom from statutory restriction which would not be admissible were domestic affairs alone involved."

In addition to the constitutional, judicial and historical arguments against Congressional intervention in foreign policy, there is an even more clear-cut issue of the efficacy of Congressional involvement in foreign policy. To the extent that Congress often represents competing regional and parochial interests, it is almost impossible for it to forge a unified national foreign policy strategy and to speak with one voice in negotiating with foreign powers. Because of the nature of the legislative process a law may be passed in response to a certain set of events, yet remain in effect long after the circumstances have changed. The great danger of Congressional intervention in foreign affairs is that enacted legislation becomes an institutional rigid "solution" to a temporary problem.

The President, along with the Vice President, is the only officer of government who is elected by and responsible to the nation as a whole. As such, only he possesses a national mandate. As head of the Executive Branch, the President can formulate a unified foreign policy, taking into consideration how each aspect of it will fit into an overall strategy. He and his advisers can formulate their strategy with the necessary confidentiality not only among themselves, but between the United States and foreign powers. The President has the information, professional personnel, operational experience, and national mandate to conduct a consistent long-range policy.

The legislative body, on the other hand, is elected to represent separate constituencies. Congress must of necessity take a tactical approach when enacting legislation, since the passage of laws is achieved by constantly shifting coalitions. This serves us well in the formulation of domestic policy, where we proceed by voting on one discrete piece of legislation at a time. Although many of us may have our own long-term strategies in mind as we vote on specific legislative matters, the overall effect is a body of legislation passed piece by piece by a changing majority of legislators. We build domestic policy one step at a time to the end that the final product of domestic legislation is reflected in a consensus of various coalitions. If we later find out we have made an error in a specific piece of domestic legisiation, we can change it. For example, if we determine that we have underfunded housing subsidies we can increase them the next year. But the process by which generally accepted domestic policy is arrived at does not lend itself to the formulation of a long-term, coherent, foreign policy. Once we alienate a friendly government, perhaps through shortsighted legislation, it may take years for us to rebuild that relationship and recoup the loss.

A foreign policy should be an aggregate strategy, made up of separate bilateral and multilateral relationships that fit into a grander scheme designed to promote the long-term national interests. With a comprehensive design in mind, those who execute foreign policy can respond to changes in the international environmental, substituting one tactic for another as it becomes necessary, but retaining the overall strategy.

In 1816, the Senate Foreign Relations Committee put the argument this way:

"The President is the constitutional representative of the United States with regard to foreign nations. He manages our concerns with foreign nations and must necessarily be most competent to determine when, how, and upon what subjects negotiation may be urged with the greatest prospect of success. . . . The Committee . . . think the interference of the Senate in the direction of foreign negotiations are calculated to diminish that responsibility and thereby to impair the best security for the national safety. The nature of transactions with foreign nations, moreover, requires caution and unity of design, and their success frequently depends on secrecy and dispatch."

Five hundred and thirty-five Congressmen with different philosophies, regional interest and objectives in mind cannot forge a unified foreign policy that reflects the interests of the United States as a whole. Nor can they negotiate with foreign powers, or meet the requirement for diplomatic confidentiality. They are also ill equipped to respond quickly and decisively to changes in the international scene. The shifting coalitions of Congress, which serve us so well in the formulation and implementation of domestic policy, are not well suited to the day-to-day conduct of external relations. An observer has compared the conduct of foreign relations to a geopolitical chess game. Chess is not a team sport.

III

The 1970s were marked by a rash of Congressionally initiated foreign policy legislation that limited the President's range of options on a number of foreign policy issues. The thrust of the legislation was to restrict the President's ability to dispatch troops abroad in a crisis, and to proscribe his authority in arms sales, trade, human rights, foreign assistance and intelligence operations. During this period, over 150 separate prohibitions and restrictions were enacted on Executive Branch authority to formulate and implement foreign policy. Not only was much of this legislation ill conceived, if not actually unconstitutional, it has served in a number of instances to be detrimental to the national security and foreign policy interests of the United States.

The President's freedom of action in building bilateral relationships was severely proscribed by the series of *Nelson-Bingham Amendments*, beginning with the 1974 Foreign Assistance Act (P.L. 93-559). This legislation required the President to give advance notice to Congress of any offer to sell to foreign countries defense articles and services valued at $25 million or more and empowered the Congress to disapprove such sales within 20 calendar days by concurrent resolution. In 1976, the Nelson-Bingham Amendment to the Arms Export Control Act (P.L. 94-329) tightened these restrictions to include advance notification of any sale of "major" defense equipment totaling over $7 million. Congress is now given 30 days in which to exercise its legislative veto.

The consequence of these laws is that for the past seven years every major arms sale agreement has been played out amidst an acrimonious national debate, blown out of all proportion to the intrinsic importance of the transaction in question. Often the merits of the sale and its long-term foreign policy consequences are ignored, since legislators are put into the position of posturing for domestic political considerations. The debate diverts the President, the Congress and the nation from focusing on vital internal matters. Finally, because arms sales debates command such much media attention, legislators are inclined to give the impulsive reaction statements before they have an opportunity for informed deliberation. They thereby often commit themselves to positions that, on cool reflection, they find untenable but difficult to recant.

The recent debate over the sale of AWACS (Airborne Warning and Control System) surveillance aircraft to Saudi Arabia is a classic case in point. Under such circumstances, it becomes extremely difficult for elected legislators to ignore constituent pressures and decide an issue on its merits. For example, Congressman Dan Rostenkowski (D-Ill.) said following the House vote to reject the AWACS sale that he voted against selling AWACS to Saudi Arabia for political reasons, despite his view that the sale should go through on its merits.

Such a situation raises the possibility that should the Congressional decision do ultimate violence to our national interest, the nation whose perceived interests have been sustained by successful lobbying will pay a price later. My colleague, Senator William Cohen (R-Maine), who opposed the sale on its merits, felt compelled to vote for it because he feared its defeat would precipitate an American backlash against Israel:

"If the sale is rejected, [Israel] . . . will be blamed for the dissolution of the peace process . . . when the crisis comes . . . when everyone is pointing an accusatory finger looking for a scapegoat, I do not want to hear any voices in the United States say—if only they had not been so intransigent, if only they had agreed not to interfere, if only they had not brought this mess—this death—upon themselves."

In some cases Congress allows a sale to go through, but only after a series of trivial and humiliating restrictions are placed on the purchasing nation. This tends to negate whatever goodwill the sale was designed to achieve. For example, in 1975 the President agreed to sell HAWK surface-to-air mobile missiles to Jordan. After a national brouhaha filled with many insults to King Hussein and questions about the stability of his regime, the sale finally went through, but

only in "compromise" form—we took the wheels off. Presumably, HAWK missiles without wheels would allow the Jordanians to use them in fixed positions to protect the capital and key military locations, but prevent them from moving the missiles to the front line to be used against Israel. King Hussein later asked then Secretary of State Henry Kissinger why Congress had insisted on such a trivial point. It was never a question of whether the HAWKS would be mobile or not—we knew the Jordanians would be able to buy the wheels on the international market if they decided to violate the terms of the sale. The end result was that rather than cement our friendly relations with Jordan, we succeeded in humiliating a longtime friend.

Such actions are not soon forgotten. In his recent visit to Washington, King Hussein indicated that Jordan is considering turning to the Soviet Union for its new air defense missiles. This attitude clearly stems in part from his unhappiness over Congressional restrictions on U.S. arms sales to Jordan. According to a State Department spokesman, the 1975 HAWK missile sale "still rankles" in Jordan.

The *Turkish Arms Embargo* was a case where Congress tied the President's hands in negotiations. After the Turkish invasion of Cyprus on July 19-20, 1974, the Administration became involved in negotiations aimed at reconciling our two NATO allies, Greece and Turkey. After two days, a cease-fire was achieved, with Turkey controlling 25 percent of Cyprus.

Yet Congress was moving on a path of its own. On August 2, the House introduced two measures demanding the immediate and total removal of Turkish troops from Cyprus. After the second Turkish assault on August 14, the Senate Foreign Relations Committee prompted a State Department inquiry into possible Turkish violations of U.S. arms restrictions.

At one point, Prime Minister Ecevit of Turkey privately communicated his willingness to settle on terms representing a significant improvement over the status quo. The Administration was concerned that Congressional action would make it harder for Turkey to follow a conciliatory policy and thus destroy any hopes of a negotiated settlement. In an attempt to discourage a Turkish embargo, the White House invited several of my colleagues to attend briefings on the possibility of negotiations. Even after being shown evidence that a negotiation likely to improve Greece's position was in the making, these Congressmen continued to call for an arms embargo; soon, all hopes for a negotiated settlement vanished. On September 16, Ecevit's moderate government collapsed, and on October 17, the Congress imposed a Turkish arms embargo on a "very, very reluctant" President Ford. The embargo began on February 5, 1975; by that time, Turkey controlled 40 percent of the island. On June 17, 1975, Turkey responded to the embargo by placing all U.S. bases and listening posts on provisional status. On July 24, 1975, the House rejected a motion to partially lift the embargo; two days later, Turkey announced it was shutting down all U.S. bases and posts on its territory.

Thus, instead of reaching an agreement with a moderate Turkish government that controlled one-quarter of Cyprus, the United States had severely strained relations with an angry Turkish government that controlled two-fifths of the island. Furthermore, the aid cutoff weakened Turkey militarily, jeopardizing the southern flank of NATO and putting at risk our strategic listening posts in that country.

In a society such as ours, with its heterogeneous mix of various national and ethnic groups, strong lobbies are inevitable. But to submit American foreign policy to inordinate influence by these groups—often emotionally charged—is to impair a President's ability to carry out a strategy which reflects the interests of our nation as a whole. The Nelson-Bingham Amendments and the Turkisk Arms Embargo were two pieces of legislation conducive to such a situation.

A second major area where Congressional intervention contributed to foreign policy disasters was the series of anti-war amendments. Throughout the early 1970s Congress proposed a series of acts aimed at forcing the United States into early withdrawal from Southeast Asia and cutting off American aid to Vietnam, Laos and Cambodia. The Cooper-Church Amendment, which became law in early 1971, cut off funds for U.S. troops, advisers and air support in and over Cambodia. The Eagleton Amendment (1973) called for American withdrawal from Laos and Cambodia. The McGovern-Hatfield Amendment (1970-71) set deadlines for American withdrawal from Indochina. Even though these two latter anti-Vietnam amendments did not become law, the pattern was clear by the early 1970s. My Senate colleagues would introduce one amendment after another, making it clear to the North Vietnamese that we would eventually legislate ourselves out of Vietnam. The Administration lost both credibility and flexibility in the peace negotiations. By making it clear to the North Vietnamese that Congress would prevent the President from further pursuing the war, or from enforcing the eventual peace, Congress sent a clear signal to our enemies that they could win in the end. The North Vietnamese were encouraged to stall in the Paris Peace Talks, waiting for American domestic dissent to provide them with the victory their military forces had been unable to achieve. After the Paris Agreements, aid to South Vietnam was throttled.

Finally, on July 1, 1973, we destroyed any hope of enforcing the Paris Peace Accords. The Fulbright Amendment to the Second Supplemental Appropriations Act for fiscal year 1973 prohibited the use of funds "to support directly or indirectly combat activities in . . . or over Cambodia, Laos, North Vietnam and South Vietnam." As I said in Congressional debate over the Eagleton Amendment, the forerunner to the Fulbright Amendment:

"It has tremendous significance because it marks the placing on the President of an . . . inhibition in the conduct of foreign relations, in the negotiating of agreement and treaties, and in the implementation and enforcement of those agreements once arrived at. . . . What we have in effect done in the Eagleton Amendment is said to [the North Vietnamese]: 'You may do whatever you please. Having concluded this agreement, we intend to walk away from it, and we don't care whether you violate those provisions or not.'"

I believed then and still believe that our failure to enforce the Paris Accords was a principal contributor to Communist victory in Indochina and the resulting horrors we have seen since in Laos, Cambodia and Vietnam. Reasonable men may argue whether or not we were right in being in Vietnam in the first place. I remain convinced that we made many mistakes that led us there, and that our direct involvement was ill conceived. But to deny a President the military means to enforce a negotiated agreement guaranteed that all the sacrifices that came before it would be in vain. Just because a peace agreement is signed or a cease-fire agreed to is no guarantee that both sides will live up to it. After World War II we enforced the peace with Germany and Japan by occupation forces. We guaranteed the Korean cease-fire by the continued presence of U.N. troops at the Demilitarized Zone. The Fulbright Amendment prohibited our enforcing the Paris Accords. We bought a settlement in Vietnam with 50,000 American lives that gave South Vietnam, Cambodia and Laos a chance to survive—a chance that was thrown away when we refused to be guarantors to that settlement.

The War Powers Act (P.L. 93-148) is probably the most potentially damaging of the 1970s legislation, although we have yet to experience a crisis where its effects are felt. The War Powers Act (1973) grew out of Congress' frustration with the war in Vietnam and its desire to prevent such a situation from ever happening again. Although President Nixon vetoed the Act on October 24, 1973, terming it "unconstitutional," his veto was overriden two weeks later by the House and Senate.

The act provides that before American troops are introduced "into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances" the President is to consult with Congress "in every possible instance." The President must notify Congress and submit a report within 48 hours after armed forces are sent abroad, "setting forth the circumstances necessitating the introduction of U.S. forces" and the "estimated scope and duration of the hostilities or involvement." After this initial two-day period, the President has 60 days to withdraw those forces or receive Congressional authorization for an extension, or a declaration of war.

This act jeopardizes the President's ability to respond quickly, forcefully and if necessary in secret, to protect American interests abroad. This may even invite crises. Although the act does not specify whether the report to Congress must be unclassified, there remains the possibility that a confidential report would become public knowledge. In many cases the more urgent the requirement that a decision remain confidential, the greater the pressures for disclosure. Thus, by notifying Congress of the size, disposition and objectives of U.S. forces dispatched in a crisis, we run the risk that the report may get into the public domain. If this information becomes available to the enemy, he then knows exactly what he can expect from American forces and thus what risks he runs in countering American actions. This removes any element of surprise the U.S. forces might have enjoyed and eliminates any uncertainties the adversary might have as to American plans.

It is interesting to speculate on just how damaging the legislation could prove to be at some future point. For that matter, what if the Iranian rescue attempt had gone somewhat differently? On April 26, 1980, President Carter reported to Congress the use of armed forces in the unsuccessful attempt to rescue American hostages in Iran on April 24, in full compliance with the 48-hour notification requirement of the War Powers Act. In this case, the rescue operation was over by the time the report was submitted, so there was no longer a need for secrecy nor a need for Congress to consider whether forces should be authorized or

withdrawn. But what if the rescue attempt had bogged down or been planned as a longer effort? No doubt the details would have gotten out almost immediately, leaving little doubt in the minds of the Iranians just what the Americans were up to. While the framers of the War Powers Act intended it to prevent another Vietnam, their legislation has the effect of severely limiting the President's ability to respond quickly, forcefully and in secret to a foreign crisis.

In addition to the questionable wisdom of the reporting and consulting requirements of the War Powers Act, there are also doubts as to whether the legislative veto contained in the act is constitutional. Section 5 of the Act allows Congress the right to terminate any use of force, at any time, that has not been specifically authorized by either a declaration of war or similar legislation, by a concurrent resolution passed by a simple majority of both Houses. The legislative veto contained in the War Powers Act would appear to be in violation of Article 1, Section 7 of the Constitution. This so-called presentation clause clearly stipulates that an act can become law only if it is passed by a majority of both Houses of Congress followed by the President's assent, or by a two-thirds vote in each Chamber to override the President's veto.

After the Indochina debacle, there was a raft of Vietnam-syndrome legislation that sought to prevent the President from getting us involved in "future Vietnams." The Tunney Amendment to the Defense Appropriations Act of 1976 (P.L. 94-212), which passed the Senate on December 19, 1975, prohibited the use of "funds appropriated in this Act for any activities involving Angola other than intelligence gathering."[1] My colleagues feared that President Ford's attempts to offer minimal assistance to the pro-West UNITA (National Union for the Total Independence of Angola) and FNLA (National Front for the Liberation of Angola) factions would somehow embroil us in "another Vietnam." The domestic debate over whether we should become involved in Angola sent a clear signal to the Soviets and their Cuban proxies. They knew that the risk of U.S. intervention was low, and the possibility of continued U.S. assistance to the pro-Western factions slim.

Although the Soviet-Cuban airlift halted temporarily in December with President Ford's stern warning to the Soviet Ambassador, the airlift resumed with a vengeance following passage of the Tunney Amendment on December 19, 1975. The number of Cubans in Angola doubled as they began flying in fresher troops for what was to become an all-out offensive against pro-Western forces. By January the Soviet Union had increased its military assistance to the MPLA (Popular Movement for the Liberation of Angola) and stationed Soviet warships in the vicinity of Angola. They began extensive ferrying operations for Cuban troops. It was clear that the United States had lost whatever leverage it might have had to persuade Soviet leaders to reduce Soviet and Cuban involvement in Angola.

With Angola the Soviet Union entered a new phase; never before had it or its surrogate Cuban army attempted such large-scale operations in Africa or anywhere else in the Third World. Their successful intervention in Angola bestowed on the Soviet Union and Cuba the image of dependable allies and supporters of radical movements in southern Africa. The United States by contrast was portrayed as having lost its taste for foreign involvement after Vietnam, and as being domestically divided over a foreign policy strategy. The moderate black African states lost confidence in America's willingness to stem the tide of Soviet involvement in the region.

After being reduced to sporadic guerrilla engagements for over a year, in July 1977 the pro-West UNITA faction declared its intention to renew the fight. Following this announcement, the Soviets and Cubans increased their efforts. As of late 1979, there were some 19,000 Cuban troops, 6,000 Cuban civilian technicians and 400 to 500 Soviet advisors in Angola. Although the guerrilla war continues, the Clark Amendment prohibits the United States from offering any aid to the pro-Western faction. The Clark Amendment prevents us from responding to Soviet and Cuban involvement in Angola, and leaves open to them the mineral-rich, strategically important region of southern Africa.

Finally, two of the most damaging Congressional intrusions into national security policy were the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities (the so-called Church Committee) and the Hughes-Ryan Amendment to the Foreign Assistance Act (P.L. 93-189). As vice-chairman of the Church Committee (1975-76) I sought to limit the damage to our intelligence community, although to little avail. By conducting a public inquiry into the CIA we exposed not only its supposed blunders and malfeasance but also important information as to how the CIA is organized, how it gathers intelligence and what kinds of sources and methods it uses.

The Hughes-Ryan Amendment, which became law on December 30, 1974, prohibited any CIA activities abroad that are not directly related to intelligence gathering, "unless and until the President finds that each such operation is important to the national security of the United States and reports, in a timely fashion, a description and scope of such operations to the appropriate committees of Congress." By 1977 information about covert intelligence activities was available to eight Congressional committees, for a total of 200 members or roughly 40 percent of Congress.[2]

This, plus the Church Committee hearings, confirmed to our adversaries that clandestine operations would be severely curtailed in the future. It sent a signal to our adversaries that they could proceed with impunity in the "back alleys of the world." These actions also shook the confidence of those friendly states which had cooperated with us in intelligence gathering, and caused many of them to reassess their relationship with the U.S. intelligence community. They feared Congressional investigations of the CIA would expose their own intelligence sources and methods. In private conversations with officials of freindly intelligence agencies, I have been told that the Church Committee raised doubts about the wisdom of their cooperating with the United States in the future. This has also adversely affected our cooperation with countries that for political reasons take a publicly hostile attitude toward the United States, but who privately cooperate with us on some matters of mutual interest. They fear the publicity generated by a Congressional investigation would expose what is essentially a private relationship, and lead to unfavorable domestic political consequences for them. Finally, either through leaks or publicly released date, the Church Committee titillated the press with daily helpings of some of our nation's most treasured secrets.

IV

If we are to meet the foreign policy challenges facing us in the 1980s, we must restore the traditional balance between Congress and the President in the formulation and implementation of foreign policy. To do so, much of the legislation of the past decade should be repealed or amended.

Many in congress are coming to this conclusion and are working toward a reversal of the imbalance. The 1980 modification of the Hughes-Ryan Amendment to require notification of covert actions to only the two Intelligence Committees is one such step, as in the Senate's October 22, 1981, vote to repeal the Clark Amendment. Further efforts in this direction are essential if we are to have the maximum flexibility required to respond to a fast-changing world.

In addition to reversing much of this legislation, we should also look at new legislation which may be appropriate. There are strong arguments in favor of creating an unspecified contingency fund for economic and military assistance. One of the consequences of the 1970s, legislation was that such funds which had previously existed were either abolished or severely curtailed. Reestablishment of such funds would grant the President the flexibility he needs to be able to respond quickly to help new friends that emerge unexpectedly, or old friends who are suddenly endangered. While disbursement of these funds should be made with appropirate notification to Congress, the inevitable delays involved in waiting for new Congressional authorization should be avoided.

For example, when Zimbabwe became independent on April 18, 1980, the new government was strongly anti-Soviet, pro-West and in need of economic assistance. On the day he took office, President Mugabe invited the United States to be the first nation to establish diplomatic relations with and open an embassy in Zimbabwe. We responded with a pledge of economic assistance, but due to the lack of funds for such contingencies, were able to grant only $2 million. We had to wait almost ten months, until the next appropriations cycle could be completed, to grant Zimbabwe the amount of economic assistance it needed.

We face a similar situation in northern Africa today. In the confusion cast over the area in the wake of the Sadat assassination, Libyan President Qadhafi has heightened threats against the anti-Soviet government of Sudan. The Libyan army appears to be on an alerted posture. Were Libya to attack Sudan tomorrow, there is very little the United States could do right away to assist President Nimeiry.

As legislation now stands the President has certain limited flexibility to grant military assistance to respond quickly to un-

[1] The Clark Amendment to the Arms Export Control Act of 1976 (Sec. 404, P.L. 94-329), which became law on June 30, 1976, further tightened the restriction by prohibiting "assistance of any kind . . . for the purpose, or which would have the effect, of promoting or augmenting, directly or indirectly, the capacity of any nation, group, organization, movement, or individual to conduct military or paramilitary operations in Angola."

[2] In one of the few reversals of the 1970s legislation, in October 1980 the President signed into law an amendment to the National Security Act (P.L. 96-450), which stipulates that he must report covert operations to only two Congressional Committees, the House and Senate Select Committees on Intelligence.

planned situations. The Foreign Assistance Act of 1961, as amended, permits the President, in the interests of national security, to draw on U.S. military stocks, defense services, or military education and training, up to $50 million in any fiscal year for foreign use. In 1981 the Reagan Administration requested that new contingency funds totalling $350 million be established for emergency economic and military assistance. As of mid-November 1981 Congressional action on this request is still pending, although it appears that both Houses are moving to reduce significantly the size of these contingency funds.

In supporting such discretionary authority and appropriations, and urging the repeal of the excessively restrictive legislation of the 1970s, I am in effect proposing a return to the situation that prevailed in the 1950s and 1960s.

At that time the Congress did provide discretionary authority and substantial contingency funds for the use of Presidents Truman, Eisenhower, Kennedy and Johnson. Each of these Presidents employed his authority to act quickly and decisively in ways which, on balance, served the national interest—especially in new and unforeseen situations emerging in what we now call the Third World. The basic authority of the Congress to appropriate funds for the armed forces and foreign activities remained constant. Indeed, the Congress from time to time expressed its views forcefully as to the desirablility of support for nations that acted in ways prejudical to American interests. (An early example of such legislation was the Hickenlooper Amendment, which for many years expressed Congress' general opposition to continue aid to countries that nationalized private American companies without adequate compensation.) The crucial difference is that such expressions of Congressional sentiment almost invariably contained a saving clause that permitted the President to go ahead if he certified to the Congress that the action was necessary for overriding national security reasons. This is a perfectly sound and reasonable practice, and one that avoids the immense complications and possible unconstitutionality of the legislative vetoes introduced by the various amendments of the 1970's.

In short, what I propose above is vastly more effective than the present situation, sounder from every constitutional standpoint, and fully in keeping with past precedents.

V

Finally, in reconsidering the legislation of the 1970's, it is useful to reexamine it and its causes in a more dispassionate light than that of the period. At the time, much of this legislation was considered a necessary response to counter the excesses of the presidency. Since the Vietnam War had never been formally declared by Congress, it was seen as the President's war. Watergate along with the war, was considered to be the result of a Presidency grown to authoritarian. If the war were even to end, and if future Vietnams were to be prevented, the President's foreign policy authority would have to be proscribed. As Arthur Schlesinger put it, the theory "that a foreign policy must be trusted to the executive went down in flames in Vietnam. . . .Vietnam discredited executive control of foreign relations as profoundly as Versailles and mandatory neutrality had discredited congressional control."[3]

If this legislation was motivated by an "Imperial Presidency," whose ultimate manifestation was an undeclared war, then the motivation is flawed. Blame for Vietnam can be laid at many doors: a series of American Presidents, and those in the civilian leadership who advocated gradual escalation and limited rules of engagement. But Congress was not blameless. The war in Vietnam, while undeclared by Congress in a formal sense, had de facto Congressional support. Beginning in the mid-1960s the Administration sent defense authorization and appropriations bills to Congress—legislation which clearly designated certain men and monies for the war effort. Year after year Congress acquiesced in the Vietnam War, by authorizing and appropriating resources for it. As former Senator J. William Fulbright remarked, "It was not a lack of power which prevented the Congress from ending the war in Indochina but a lack of will." With waning public support for a war which seemed to drag on forever, many in Congress and the media looked to a single explanation—for a scapegoat who could be held accountable for an unpopular war. Blame for the war in Vietnam was attributed to the usurpation of power by the President.

In the early 1970s Congress reversed itself and belatedly attempted to use its appropriation authority to end the war. While this was certainly within its prerogative, the timing was of questionable wisdom. Our efforts to disengage from Vietnam and to negotiate with the North Vietnamese were made more difficult by Congressional intervention. Congressional action made a settlement all the more difficult to achieve and, ultimately, impossible to enforce. The view that the Vietnam War discredited forever Executive control of foreign policy was an emotional reaction, driven by the passion of the moment. Because of it, Congress embarked on a course to limit not only President Nixon's flexibility, but also that of future Presidents. Congress prescribed a cure for a nonexistent disease. The lasting effect was that Congress institutionalized its foreign policy differences with the President by legislating permanent solutions for a temporary situation.

As Cyrus Vance said at the 1980 Harvard commencement, "Neither we nor the world can afford an American foreign policy which is hostage to the emotions of the moment." The authority to conduct external relations should not vacillate between Congress and the President as a result of failed or unpopular initiatives. The whole point of a written constitution and body of judicial opinion is to establish a consistent mechanism for apportioning authority. Whereas the Constitution confers on the Senate the duty of advice and consent in the making of treaties, on the Congress the power to appropriate monies for armed forces and to declare war, and special authority in the field of trade, it confers on Congress no other special rights in the field of external affairs.

The cumulative effect of this legislation is that, as the United States enters a period when the greatest flexibility is required of an American President to deal with fast-changing situations in the world, Congress has inhibited the President's freedom of action and denied him the tools necessary for the formulation and implementation of American foreign policy. We know that the Soviet Union maintains clandestine operations which are well organized, well disciplined, well financed, well trained and often well armed, in virtually every Third World country. They are in a position to exploit many restive political situations which they may or may not originate. To inhibit the United States in its ability to conduct covert operations, to provide military assistance to pro-West governments or groups, and to respond quickly to military crises is to concede an enormous advantage to the Soviet Union and its proxies.

It is my sincere hope that Congress will reexamine its role in the conduct of foreign policy and repeal or amend, as necessary, the legislation of the 1970's. The end toward which we should work is to do whatever is necessary to strengthen America's ability to formulate and implement a unified coherent and cohesive foreign policy to face the challenges of the 1980's.●

[3] Arthur M. Schlesinger, Jr., *The Imperial Presidency*, Boston: Houghton Mifflin, 1973, pp. 282-83.

AGENCY PAPERWORK

● Mr. DANFORTH. Mr. President, back on October 6, I entered into the RECORD a list of agency officials charged with the responsibility of overseeing agency paperwork. If anyone has a complaint about the paperwork churned out by an agency, these are the people who should get the complaint. That list has now been updated. Surprisingly, it shows little attrition from October, which proves that bureaucrats may be made of tougher stuff than we sometimes give them credit for. In the interest of saving paper, I will not ask that the entire list be reprinted, but the additions and corrections follow:

Mr. William Montgomery, Acting Administrative Director, Arms Control and Disarmament Agency, 320 21st Street, N.W., Washington, D.C. 20451 (new listing).

Mr. Edwin F. Tinsworth, Acting Director for Office of Budget, Program Planning and Evaluation, Consumer Product Safety Commission, 1111 18th Street, N.W., Washington, D.C. 20207, 634-7726 (change).

Mr. Kevin D. Rooney, Assistant Attorney General for Administration, Department of Justice, Washington, D.C. 20530, 633-3101 (change).

Mr. Joseph P. Cannon, Acting Associate Administrator for Policy and Resource Management, Environmental Protection Agency, Washington, D.C. 20460, 755-2900 (change).

Mr. Edward J. Minkel, Managing Director of the Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20544, 632-6390 (change).

Dr. Charles Girard, Associate Director for Resources Management and Administration, Federal Emergency Management Agency, 500 C Street, Washington, D.C. 20472, 287-0410 (change).

Mr. Dominick Onorato, Acting Associate Director for Program Support, Peace Corps, 806 Connecticut Avenue, N.W., Washington, D.C. 20525, 254-7394 (change).

Mrs. Elizabeth Burkhart, Special Assistant to the Administrator, Veterans Administration, Washington, D.C. 20420, 389-3116 (new listing).

Anyone wanting a copy of the complete list should get in touch with the

Subcommittee on Federal Expenditures, Research, and Rules at 224-0211.●

THE PLIGHT OF SOVIET JEWRY

● Mr. WEICKER. Mr. President, in 1948, the United Nations declared that all human beings are born free and equal in dignity and rights; that everyone has the right to life, liberty, and security of person; that no one shall be subjected to arbitrary arrest, detention, or exile; that everyone has the right to leave any country, including his own, and to return to his country; and that everyone has the right of freedom of thought, conscience, and religion.

As an enlightened document, the U.N.'s human rights declaration has few equals. But for Jews living in the Soviet Union who have made known their desire to emigrate, that declaration has no basis in reality. They know neither freedom nor dignity, to the extent that those conditions are bestowed by society. They are subject to arbitrary arrest, detention, and internal exile. They know no freedom of movement. They are prisoners of conscience in a country that harasses them for practicing their faith. Yet, they are denied the right to emigrate to a country like Israel where members of their family live and worship in freedom. Soviet Jews are not only a people without human rights; they are a people without a country.

Eleven years after the Soviet Union opened the door to emigration ever so slightly, that door appears ready to slam shut. Emigration is at its lowest point since 1970. According to the most recent estimates, 1981 emigration fell below 10,000, a dramatic drop from the 1979 figure of 51,300.

For this reason, I recently wrote to Secretary of State Haig to express my concern over this matter.

The letter follows:

U.S. SENATE,
Washington, D.C., January 19, 1982.

Secretary ALEXANDER M. HAIG,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: In anticipation of your scheduled meeting with Soviet Foreign Minister Gromyko in Geneva on January 25 and 26, I want to urge you to raise the issue of Jewish emigration from the Soviet Union as part of those high level discussions.

As I know you are well aware, emigration permitted by the Soviets has dropped off precipitously over the last several years. From its high of 51,300 persons in 1979, emigration fell to 21,700 in 1980 and below 10,000 in 1981. These figures indicate a clear and deliberate policy of restricting departures from the Soviet Union. Since the Soviets have subscribed to the principle of freedom of movement of its citizens in both the Helsinki Accords and the Universal Declaration on Human Rights, this documented violation must not be ignored.

The traditions of the United States in defense of individual liberties require our special intervention on behalf of oppressed people everywhere. In the specific case of the Soviet Jews, we must avail ourselves of the opportunities which Soviet-U.S. relations provide. The Soviets have a significant stake in relations with the United States and the West, which provides a context for pursuing our demands for their freedom.

I would therefore respectfully request that you forcefully confront the Soviets regarding this matter and convey the deep and abiding concern of the American people for the welfare of Soviet Jewry.

With kind regards,

Sincerely,

LOWELL P. WEICKER, Jr.,
U.S. Senator.

Applications are being denied right and left while preconditions for applying are stiffening. Now included among those preconditions for emigration are parental permissions and affidavits from employers. The Soviet regime's so-called reasons for denying applications border on the ridiculous; 68-year-old Asya Belfer who lives in Kharkov was told she had insufficient kinship to her family members in Israel to be able to join them. Asya's son Efim and his family were allowed to emigrate to Israel in 1977 after it was discovered that he had leukemia. Asya applied to accompany them but permission was denied. Her son died in Israel and now Asya wants to go there and be with her daughter-in-law and grandchildren. Soviet authorities seem determined to keep Asya where she is.

What, I ask you, does this prove? Why should a nuclear superpower want to bully a perfectly harmless 68-year-old woman who only wants to leave? Does it feel threatened by her? Well, perhaps it should. Asya Belfer's faith and fortitude will never be crushed. It is a faith not just of one person but of an entire people.

And what about young Nandor Berger. Berger was denied permission to emigrate supposedly because he served in the military from 1972 to 1974. This excuse is frequently employed by the Soviet authorities on the theory that anyone who served in the army would have been exposed to and could compromise state secrets. Of course, this is simply not true of most Red army veterans. Nandor Berger spent his stint in the service as a guard in a food storehouse. In addition, most of the other veterans wishing to emigrate have been out of uniform for so many years that what little knowledge they might have gleaned on duty would be obsolete by now.

The repression is worse for those who wish to emigrate. The very act of applying is tantamount to giving up all prestige and privileges hitherto earned and enjoyed. Most would-be emigres lose their jobs and are denied admission to universities. To an even greater extent than other Soviet citizens, their actions and their associations are spied on, reported on and disrupted. After Vladimir Feltsman applied in 1979 to emigrate to Israel, this critically acclaimed young pianist had his concerts canceled and his tapes and records removed from Soviet stores and erased. Because of this official policy of persecution, the country as a whole suffers the loss of some of its best doctors, engineers, and artists.

As if all of this were not bad enough, the Soviet Union's crackdown on emigration has been coupled with a rise in official anti-Semitism and a spate of new arrests. The official press condemns Zionism as the worst enemy of mankind and the poisoned weapon of imperialism. Red army officers and draftees are being shown films that were, until recently, banned because authorities feared they might lead to pogroms.

Hebrew remains the only national language forbidden to be taught in the Soviet Union. Hebrew teachers in Moscow have been told in no uncertain terms that they must stop holding unofficial classes or face arrest.

Soviet police are already raiding seminars on Jewish culture—even those primarily related, as were Victor Brailovsky's to scientific endeavor—and rounding up participants. Phony trials frequently follow with the defendants effectively denied the services of an attorney.

And so we see a prominent cyberneticist like Brailvosky sentenced to 3 years and 3 months of internal exile. We see Vladimir Kislik sentenced to 3 years in a labor camp for leading a protest demonstration, something the Soviets call malicious hooliganism. And, just a few days ago, Alexander Paritsky, once a professor of ocean electronics at Kharkov Jewish University, was tried for slandering the Soviet State.

The fact is, ladies and gentlemen, that you know and I know that the people who are really slandering the Soviet State are the people in power, the people preventing free emigration, the people making arbitrary arrests. The repressive actions of the Soviet Government are the most damaging propaganda imaginable.

It is up to those of us in the free world to condemn those repressive actions. Any East-West dialog and certainly any détente must coexist with a tireless pursuit of human rights for Jews and other repressed peoples. Human rights always have been the heart of our foreign policy, when we were on course. The commitments our Founding Fathers made to the value and dignity of all human life have been affirmed and defended from Yorktown to Normandy to Selma, Ala.

When we ignore or bargain away those ideals for some specific diplomatic or economic advantage, we compromise our fundamental strength. We are quite rightfully concerned about the threat of nuclear war and arms control must, therefore, be a top

priority. But neither can we afford to ignore the fact that the Soviet Union is, even as we speak, waging war on its own citizens.

Those of us who, in the words of the psalmist, would be watchmen for the morning, awaiting the dawn of human rights in the Soviet Union, must keep the home fires burning. Every citizen, every Member of Congress who stands up for human rights is a candle, lighting the way for those who live in darkness. That great Swede and now, I am proud to say, an honorary American, Raoul Wallenberg, was just such a candle. His light lives on even though his body may languish in a Soviet prison. Ida Nudel, guardian angel of Soviet prisoners of conscience, is such a candle, even though she has been condemned to life in Siberia.

From men and women such as these, we must take our cue, our inspiration. They refused to tolerate totalitarianism. So must we.●

DR. JACQUELINE D. MILLER ELECTED PRESIDENT OF AMERICAN ASSOCIATION OF BLOOD BANKS

● Mr. PACKWOOD. Mr. President, I would like to call to the attention of my colleagues a most distinguished constituent of mine who was recently elected president of the American Association of Blood Banks. Dr. Jacqueline D. Miller of Eugene, Oreg., assumed the presidency of this national 9,000-member association at its 34th annual meeting in Chicago, Ill., on November 2, 1981.

Dr. Miller is medical director of the Lane Memorial Blood Bank in Eugene. She is also general pathologist at Sacred Heart Hospital in Eugene, where she is director of the hematology and transfusion services and medical director of the school of medical technology.

The American Association of Blood Banks is the largest organization in the world devoted exclusively to blood banking. More than 2,100 community or hospital blood banks and transfusion services are members of the AABB, and more than 6,900 individual professionals, including physicians, researchers, medical technologists, administrators, and donor recruiters, also belong.

Dr. Miller has been active for many years in the AABB. She served as the association's vice president, and she has previously been both an inspector and vice chairman of its inspection and accreditation program which is responsible for inspecting member blood banks and transfusion services throughout the United States.

A graduate of the University of Southern California, Dr. Miller received her Medical Doctor degree from the university in 1948, interning at the Los Angeles County General Hospital. She was a fellow in pathology at the Mayo Clinic from 1951 to 1955 and received an Master of Science in pathology from the University of Minnesota.

I am pleased that Dr. Miller's dedication to blood banking, her service to her community and her many professional accomplishments have been recognized and honored by the American Association of Blood Banks.●

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TOWER). Without objection, it is so ordered.

JOINT SESSION OF THE TWO HOUSES TO RECEIVE A MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

Mr. BAKER. Mr. President, I have conferred with the distinguished minority leader, who advises me that there is no requirement for him to be on the floor at the time the action I am about to describe is transacted.

Therefore, I ask that the Chair lay before the Senate the House concurrent resolution which is at the desk.

The Presiding Officer laid before the Senate House Concurrent Resolution 244, providing for a joint session of Congress to receive a message from the President on the state of the Union, which reads as follows:

H. CON. RES. 244

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on January 26, 1982, at 9 o'clock post meridiem, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 244) was agreed to.

QUORUM CALL

Mr. BAKER. Mr. President, shortly, I expect to ask the Senate to stand in recess under the provisions of the previous order. In order to check last minute details, however, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 8:15 P.M. TOMORROW

Mr. BAKER. Mr. President, I know of no further business to be transacted. I now move in accordance with the order previously entered that the Senate stand in recess until 8:15 p.m. on tomorrow.

The motion was agreed to, and at 2:12 p.m., the Senate recessed until tomorrow, Tuesday, January 26, 1982, at 8:15 p.m.

NOMINATIONS

Executive nominations received by the Senate January 25, 1982:

THE JUDICIARY

Eugene F. Lynch, of California, to be U.S. district judge for the northern district of California vice Charles B. Renfrew, resigned.

HOUSE OF REPRESENTATIVES—*Monday, January 25, 1982*

The House met at 12 o'clock noon.

The SPEAKER. This being the day fixed by Public Law 97-133, 97th Congress, enacted pursuant to the 20th amendment of the Constitution for the meeting of the 2d session of the 97th Congress, the House will be in order.

The prayer will be offered by the Chaplain.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious Lord, as You make available to Your people the grace and knowledge to meet the needs of the day, we pray that Your spirit will be upon this assembly, giving to those who labor here the richness of Your wisdom. May the power of Your truth and our faith in Your providence give us the confidence that we must have to do the good work required for service to our Nation. Bless those who gather here and may Your abiding love be with them and their families. Give to all the strength of purpose and clarity of mind to do those things that bring justice and mercy to people and maintain freedom and liberty for our land. Amen.

CALL OF THE HOUSE

The SPEAKER. The Clerk will utilize the electronic system to ascertain the presence of a quorum.

Members will record their presence by electronic device.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 1]

Addabbo	Bonior	Coughlin
Albosta	Bonker	Coyne, James
Andrews	Breaux	Craig
Annunzio	Brinkley	Daniel, Dan
Anthony	Brodhead	Daniel, R. W.
Applegate	Brooks	Danielson
Aspin	Brown (CA)	Dannemeyer
AuCoin	Brown (CO)	Daschle
Badham	Burgener	Daub
Bailey (MO)	Butler	Deckard
Bailey (PA)	Byron	Derrick
Barnard	Campbell	Derwinski
Barnes	Carman	Dickinson
Bedell	Carney	Dicks
Beilenson	Chappie	Dingell
Benedict	Cheney	Dixon
Benjamin	Chisholm	Dorgan
Bennett	Clausen	Dowdy
Bereuter	Coats	Downey
Bethune	Coelho	Dreier
Bevill	Coleman	Duncan
Boggs	Collins (IL)	Dunn
Boland	Conable	Dwyer
Bolling	Conte	Dyson
Boner	Corcoran	Early
Edwards (CA)	Kramer	Regula
Emerson	Lagomarsino	Reuss
Emery	Lantos	Rhodes
English	Latta	Ritter
Erdahl	Leach	Roberts (KS)
Erlenborn	Leath	Roberts (SD)
Ertel	Lee	Robinson
Evans (GA)	Lehman	Roe
Evans (IA)	Lent	Roemer
Evans (IN)	Levitas	Rose
Fascell	Lewis	Roukema
Fenwick	Livingston	Roybal
Fiedler	Loeffler	Rudd
Fields	Long (LA)	Sabo
Fish	Long (MD)	Sawyer
Florio	Lott	Scheuer
Foley	Lujan	Schneider
Ford (MI)	Lundine	Schroeder
Ford (TN)	Lungren	Schulze
Fountain	Markey	Seiberling
Frank	Martin (IL)	Sensenbrenner
Frenzel	Martin (NY)	Shamansky
Fuqua	Matsui	Shannon
Garcia	Mavroules	Sharp
Gaydos	Mazzoli	Shaw
Gejdenson	McCollum	Shelby
Gephardt	McCurdy	Shumway
Gibbons	McGrath	Siljander
Gingrich	McHugh	Skelton
Glickman	Mica	Smith (AL)
Goldwater	Michel	Smith (NJ)
Gonzalez	Mikulski	Snyder
Gore	Miller (CA)	Stark
Gradison	Mineta	Staton
Gray	Minish	Stenholm
Guarini	Mitchell (MD)	Stokes
Gunderson	Mitchell (NY)	Stratton
Hagedorn	Moakley	Stump
Hall (OH)	Moffett	Swift
Hall, Sam	Molinari	Synar
Hamilton	Mollohan	Tauke
Hammerschmidt	Montgomery	Thomas
Hansen (ID)	Moore	Udall
Hansen (UT)	Morrison	Vander Jagt
Hartnett	Murphy	Vento
Hatcher	Myers	Volkmer
Hawkins	Napier	Walker
Hefner	Natcher	Watkins
Hiler	Neal	Waxman
Hollenbeck	Nelligan	Weaver
Holt	Nelson	Weber (OH)
Hopkins	Nichols	White
Horton	Oakar	Whitehurst
Howard	Oberstar	Whitley
Hoyer	Obey	Whittaker
Hubbard	Ottinger	Whitten
Huckaby	Oxley	Williams (MT)
Hughes	Parris	Wilson
Hunter	Pashayan	Winn
Hutto	Patman	Wirth
Hyde	Patterson	Wolf
Ireland	Paul	Wortley
Jacobs	Pease	Wright
Jeffries	Perkins	Wyden
Jenkins	Petri	Wylie
Jones (NC)	Peyser	Yatron
Jones (OK)	Porter	Young (FL)
Jones (TN)	Price	Young (MO)
Kazen	Quillen	Zablocki
Kildee	Rangel	
Kindness	Ratchford	

□ 1215

The SPEAKER. On this rollcall, 286 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., *January 25, 1982.*

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I have the honor to transmit herewith a copy of the Certificate of Election for the Honorable BARBARA B. KENNELLY, who was duly elected Representative in Congress from the 1st Congressional District of the State of Connecticut in a Special Election held on January 12, 1982.

With kind regards, I am,

Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

□ 1230

SWEARING IN OF THE HONORABLE BARBARA B. KENNELLY OF CONNECTICUT AS A MEMBER OF THE HOUSE

The SPEAKER. Will Mr. MOFFETT of Connecticut, the acting dean of his delegation, bring the Connecticut delegation and its newly elected Member to the rostrum?

Mrs. KENNELLY appeared at the bar of the House and took the oath of office.

COMMITTEE TO NOTIFY THE PRESIDENT

Mr. WRIGHT. Mr. Speaker, I offer a privileged resolution (H. Res. 311) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 311

Resolved, That a committee of three Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBERS OF COMMITTEE TO NOTIFY THE PRESIDENT

The SPEAKER. The Chair appoints as members of the committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a

quorum of each House has been assembled, and that Congress is ready to receive any communication that he may be pleased to make, the gentleman from Texas, Mr. WRIGHT; the gentleman from Washington, Mr. FOLEY; and the gentleman from Illinois, Mr. MICHEL.

NOTIFICATION TO THE SENATE

Mr. WRIGHT. Mr. Speaker, I offer a privileged resolution (H. Res. 312) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 312

Resolved, That the Clerk of the House inform the Senate that a quorum of the House is present and that the House is ready to proceed with business.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HOUR OF DAILY MEETING

Mr. BOLLING. Mr. Speaker, I offer a privileged resolution (H. Res. 313) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 313

Resolved, That until otherwise ordered, the hour of meeting of the House shall be 12 o'clock meridian on Mondays and Tuesdays; 3 o'clock post meridiem on Wednesdays; 11 o'clock ante meridiem on all other days of the week up to and including May 14, 1982; and that from May 15, 1982, until the end of the second session, the hour of daily meeting of the House shall be 12 o'clock meridian on Mondays and Tuesdays and 10 o'clock ante meridiem on all other days of the week.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desired to announce that pursuant to the authority granted him in House Concurrent Resolution 220 he designates Thursday, January 28, 1982, as the day for the joint meeting to commerate the 100th anniversary of the birth of Franklin Delano Roosevelt.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO THE U.S. AIR FORCE ACADEMY

The SPEAKER. Pursuant to the provisions of 10 U.S.C. 9355(a), the Chair appoints as members of the Board of Visitors to the U.S. Air Force Academy the following Members of the House:

Mr. FOLEY of Washington;
Mr. DICKS of Washington;
Mr. ROBINSON of Virginia; and
Mr. KRAMER of Colorado.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO THE U.S. COAST GUARD ACADEMY

The SPEAKER. Pursuant to the provisions of section 194(a), title 14 of the United States Code, the Chair appoints as members of the Board of Visitors to the U.S. Coast Guard Academy the following Members on the part of the House:

Mr. GEJDENSON of Connecticut; and
Mr. MCKINNEY of Connecticut.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO THE U.S. MERCHANT MARINE ACADEMY

The SPEAKER. Pursuant to the provisions of 46 U.S.C. 1295b(h) the Chair appoints as members of the Board of Visitors to the U.S. Merchant Marine Academy the following Members on the part of the House:

Ms. FERRARO of New York; and
Mr. CARNEY of New York.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO THE U.S. MILITARY ACADEMY

The SPEAKER. Pursuant to the provisions of 10 U.S.C. 4355(a), the Chair appoints as members of the Board of Visitors to the U.S. Military Academy the following Members on the part of the House:

Mr. GINN of Georgia;
Mr. DIXON of California;
Mr. GILMAN of New York; and
Mr. ROTH of Wisconsin.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO THE U.S. NAVAL ACADEMY

The SPEAKER. Pursuant to the provisions of 10 U.S.C. 6968(a), the Chair appoints as members of the Board of Visitors to the U.S. Naval Academy the following Members on the part of the House:

Mr. LONG of Maryland;
Mr. MURTHA of Pennsylvania;
Mrs. HOLT of Maryland; and
Mr. SPENCE of South Carolina.

APPOINTMENT AS MEMBERS OF U.S. DELEGATION OF MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. Pursuant to the provisions of section 1, Public Law 86-420, as amended, the Chair appoints as members of the U.S. delegation of the Mexico-United States Interparliamentary Group the following Members on the part of the House:

Mr. DE LA GARZA of Texas, chairman;
Mr. YATRON of Pennsylvania, vice chairman;
Mr. KAZEN of Texas;
Mr. MILLER of California;
Mr. SKELTON of Missouri;
Mr. KOGOVSEK of Colorado;
Mr. MICA of Florida;
Mr. ROUSSELOT of California;
Mr. LAGOMARSINO of California;
Mr. RUDD of Arizona;
Mr. GOODLING of Pennsylvania; and
Mr. DREIER of California.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., *January 25, 1982.*
Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in the Rules of the House of Representatives, I have the honor to transmit a sealed envelope from The White House, received in the Clerk's Office at 10:15 a.m. on Friday, January 22, 1982 and said to contain a message from the President wherein he transmits the seventh special message for Fiscal Year 1982 under the Impoundment Control Act of 1974. This special message was transmitted by the President pursuant to 31 USC 1404 (a).

With kind regards, I am,
Sincerely,
EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

THREE NEW DEFERRALS OF BUDGET AUTHORITY AND SEVERAL REVISIONS TO EXISTING DEFERRALS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 97-126)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report three new deferrals of budget authority totaling $1,758.3 million, six revisions to existing deferrals increasing the amount deferred by $191.3 million, and five revisions to existing deferrals which do not affect the amounts deferred.

The new deferrals involve international security assistance programs, Department of Transportation research and special programs, and the President's Commission for the Study of Ethical Problems in Medicine. The revisions to existing deferrals affect Appalachian regional development programs as well as programs in the Departments of Agriculture, Commerce, Defense, Health and Human Services, State, and Transportation.

The details of the deferrals are contained in the attached reports.

RONALD REAGAN.

THE WHITE HOUSE, *January 22, 1982.*

COMMUNICATION FROM THE HONORABLE BO GINN OF GEORGIA

The SPEAKER laid before the House the following communication from the Honorable Bo GINN of Georgia:

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 8, 1981.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule 50 of the Rules of the House that Pamela Allen, of my Savannah Office, was recently served with a subpoena to testify in a case pending in the Superior Court of Chatham County, Georgia. I have consulted the General Counsel to the Clerk of the House and it is my determination that compliance with this subpoena will not violate the privileges and immunities of the House of Representatives.

Sincerely,

BO GINN.

COMMUNICATION FROM CHAIRMAN OF SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS OF COMMITTEE ON ENERGY AND COMMERCE

The SPEAKER laid before the House the following communication from the chairman of the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce:

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS OF THE COMMITTEE ON ENERGY AND COMMERCE,
Washington, D.C., January 21, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: This is to inform you, pursuant to the provisions of House Rule L (50) Sec. 2, that I have been served with a subpoena *ad testificandum* in *William P. Tavoulareas, et al.* v. *The Washington Post Company, et al.*, a case pending in the United States District Court for the District of Columbia calling for me to appear and testify on January 29, 1982 at the Washington, D.C. offices of Plaintiffs' counsel.

While I will undertake to make the necessary determinations required by Sec. 3 of House Rule L (50), in consultation with counsel, I believe it is incumbent upon me to advise you that the subpoena appears to raise serious questions concerning the rights and privileges of the House, particularly since three members of my staff have been subpoenaed and have testified extensively in this case.

I will make the requisite determinations as expeditiously as possible and inform you of them under the provisions of Rule L (50).

Sincerely,

JOHN D. DINGELL,
Chairman, Subcommittee on Oversight and Investigations.

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

Mr. WRIGHT. Mr. Speaker, your committee on the part of the House to join a like committee on the part of the Senate, to notify the President of the United States that a quorum of each House has been assembled and is ready to receive any communication that he may be pleased to make, has performed that duty.

The President asked us to report that he will be pleased to deliver his message at 9 p.m., Tuesday, January 26, 1982, to a joint session of the two Houses.

The President seemed somewhat surprised that we had a quorum, but overcame that.

Mr. Speaker, we took the liberty of inviting him to say a few words when he is up here tomorrow night, if that was all right with you, sir.

The SPEAKER. Of course.

Mr. MICHEL. Mr. Speaker, I might join with the majority leader.

The SPEAKER. Did the President have anything to say about his program on taxes or anything like that?

Mr. MICHEL. Not at this juncture, Mr. Speaker. The President did say he is having a little trouble cutting it down to size. The majority leader said, "Please do not cut the heart out of it; we want to hear it all." And I think we will tomorrow night, Mr. Speaker.

JOINT SESSION OF CONGRESS—STATE OF THE UNION ADDRESS

Mr. WRIGHT. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 244) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 244

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on January 26, 1982, at 9 o'clock post meridiem, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that tomorrow when the Houses meet in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor and the cooperation of all the Members is requested.

AUTHORIZING THE SPEAKER TO DECLARE RECESSES AT ANY TIME ON TUESDAY, JANUARY 26, 1982, SUBJECT TO THE CALL OF THE CHAIR

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that on Tuesday, January 26, 1982, it may be in order for the Speaker to declare recesses at any time subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON THURSDAY, JANUARY 28, 1982, TO COMMEMORATE 100TH ANNIVERSARY OF THE BIRTH OF FRANKLIN DELANO ROOSEVELT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare a recess on Thursday, January 28, 1982, for the purpose of a joint meeting to commemorate the 100th anniversary of the birth of Franklin Delano Roosevelt.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS AT ANY TIME ON WEDNESDAY, APRIL 21, 1982, TO RECEIVE IN JOINT MEETING THE QUEEN OF THE NETHERLANDS

Mr. WRIGHT, Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, April 21, 1982, for the Speaker to declare a recess for the purpose of receiving in joint meeting the Queen of the Netherlands.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the business

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in order on Calendar Wednesday of this week be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE HONORABLE BARBARA B. KENNELLY

(Mr. MOFFETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOFFETT. Mr. Speaker and colleagues, it is my pleasure today to introduce you to our newest Member, BARBARA KENNELLY of Hartford. She studied at Trinity College here in Washington, received a degree from Harvard Radcliffe in business administration, was a member of the city council back in Hartford, and served as our secretary of state.

Mrs. KENNELLY combines the best of our older political traditions with the best of our newer political traditions, and her election victory really reflected this fact.

□ 1245

Her father was the late John Bailey, not only the chairman of our party in Connecticut, but also the national chairman of the Democratic Party for the entire United States of America. We are, as a delegation on both sides of the aisle, I think I can say, looking forward to working with her, and we know that the Members will enjoy working with her as well.

THE HONORABLE BARBARA B. KENNELLY

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RATCHFORD. Mr. Speaker, I join the Connecticut delegation, the New England delegation, and indeed the people from throughout the Northeast in welcoming our newest Member.

For those Members who knew Bill Cotter, I can say without hesitation that she is a most worthy successor to our dear friend, Bill Cotter. She is progressive; she is thoughtful; she is people-oriented, and her whole life has been a life of public service.

Congressman MOFFETT mentioned the background; indeed, a distinguished one, service in the Court of Common Counsel in Hartford, where she was the top vote getter and a very people-oriented member of that body; reform-oriented in her service as secretary of state, continuing in the tradition of the beloved Ella Grasso, who served in that capacity before her; carrying on a great family tradition—not only a Bailey family tradition, but a Kennelly family tradition.

Indeed, to those who follow State politics, her husband, who is with us today, Jim Kennelly, served with me and followed me as a speaker of the Connecticut General Assembly.

We bring to the Members today someone who is right for the times; tough but compassionate; concerned with budgets but equally concerned with people; and above all, attuned to the problems of the 1980's. She comes from the First Congressional District of Connecticut. She is the first Member of Congress elected in 1982, and those of us who will serve with her from Connecticut are proud to welcome two great families who come together today to bring us the newest Member of the House of Representatives, BARBARA BAILEY KENNELLY of Connecticut. We welcome you.

THE HONORABLE BARBARA B. KENNELLY

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, as my two colleagues have pointed out, BARBARA B. KENNELLY comes from a political tradition in Connecticut. On her father's side, our State party chairman for many years, and our national party chairman; her husband, Jim Kennelly, was my speaker in my two terms in the State house of representatives.

She has another tradition. She is the first woman to follow Ella Grasso, our beloved and deceased Governor, who set such a standard for women, and indeed all of us, in politics in Connecticut. Following Billy Cotter and Ella Grasso in this House is a very heavy responsibility, but we all know that she can do the job well, having served her constituency as a city councilor, as has been mentioned, and as secretary of state.

Her combination of personal skills and dedication to work hard will make her one of the outstanding Members of this Congress.

ADMINISTRATION PROGRAMS ARE NOT WORKING

(Mr. GORE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GORE. Mr. Speaker, it has been a long break, but unfortunately some things have not changed. The administration's economic game plan still is not working. Interest rates are still at ridiculously high levels and are going up again with devastating consequences. Unemployment is still going up and will soon approach the highest levels since the Great Depression. The stock market is still going down, reflecting the lack of confidence in the administration's grasp of economic reality.

Tens of thousands of small businesses and farming operations are going bankrupt. Auto dealers are going under, although Rolls-Royce sales are up 62 percent. The administration still believes in what its own budget director admits is trickle-down economics and still maintains a "steady as you go" policy.

But, Mr. Speaker, the economic circumstances facing our country are worse than this administration seems to realize. Its program is not working, and we must have changes.

The SPEAKER pro tempore (Mr. BROWN of California). The time of the gentleman from Tennessee has expired.

WILL THE CONGRESS HAVE THE GUTS TO SAY NO TO THE PRESIDENT?

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, based on the reports we have received today, the Congress and the country is going to be treated to more of the same tomorrow night when we are addressed by President Reagan. We will be told that to solve the problems of the country we must cut more money from education, from the elderly, from housing, and from the poor.

Nowhere in his talk is the President going to make any reference to the repeal of the unbelievable tax breaks we gave to the oil producers last year. Any increase in taxes that is going to be projected will affect only the middle-income and the lowmiddle-income families.

Mr. Speaker, are we going to have the courage to say no to the President this year? Are we going to have the guts in an election year to take back some of the tax cuts that have put us in this recession? Are we going to recognize what most of the country already knows, that our problems will not be solved by cutting the programs that help people, but by bringing down these high-interest rates and by cutting back on excessive defense spending? I hope we are going to have that courage, Mr. Speaker.

HEARINGS TO BE SET ON COAL MINER DEATHS

(Mr. GAYDOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GAYDOS. Mr. Speaker, today as we open the second session of the 97th Congress, a relentless series of tragedies in the Nation's coal mines—at least 40 deaths in less than 2 months—

are giving us an idea of the possible consequences of unthinking budget reductions.

One coal miner has died for every working day of this new year.

The toll over the 16 working days of 1982 is 16 miners dead in explosions, rock falls, and powered haulage in Kentucky, West Virginia and Utah.

Five days is the longest the Nation has gone this year without a coal miner death.

This is a time for setting second session priorities.

While the supply siders have further budget cuts for the Mine Safety and Health Administration and other agencies as their first priority, this heavy and tragic toll makes an inquiry into these deaths the first priority of the Subcommittee on Health and Safety.

The Mine Safety and Health Administration had reduced miner deaths by nearly a 10-year low in 1980, and I do not believe conditions within the mines have grown more dangerous between then and now.

Conditions in the mines always are dangerous, unchangingly dangerous.

What has changed? The budget for MSHA and the number of inspectors it can field for one thing.

Therefore one point of the subcommittee inquiry will be to determine what link exists between the deaths—at least 24 in December and 16 in January—and the budget reductions of last year.

I implore the House to look in all decency at what an agency does as well as what it spends when the appropriations bills come rolling through.

MSHA is an agency that should have had an increase last year, and not a reduction, in my opinion.

Dates, times, and places for the hearings will be announced as soon as arrangements are completed.

LEGISLATION INTRODUCED TO AUTHORIZE AUXILIARY CHAMBER FOR LOCKS AND DAM NO. 26

(Mr. YOUNG of Missouri asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOUNG of Missouri. Mr. Speaker, I am today introducing legislation which will fulfill the finding of need by the Upper Mississippi River Basin Commission's recently completed study of the future multiple use of the Mississippi River and authorize a second or auxiliary chamber at the replacement project for locks and dam No. 26.

The present locks and dam 26 was completed in 1938 and consists of the dam and two lock chambers, both 110 feet in width. The main lock is 600 feet in length and its auxiliary is 360 feet long.

For many years locks and dam 26, because of its strategic location as the first lock below the confluence of the upper Mississippi and Illinois Rivers, has been the major bottleneck along our inland waterway system. In 1978 Congress enacted Public Law 95-502 which, among other provisions, authorized a replacement dam with a single 1,200-foot lock.

Locks and dam 26 has been the subject of extensive legal action both before and after Congress acted in 1978. A combination of environmental groups and railroads tied up the project for several years. I am pleased to report that funds have been appropriated and construction commenced in April 1980, and work continues on this much-needed facility.

The new facility will not open until, at best, late 1988 and during the construction period, traffic demands at the existing facility will more rapidly exceed the capability of the overburdened and deteriorating facility.

According to a 1979 Peat, Marwick & Mitchell Co. report, shipment of farm products through locks and dam 26 increased from 1966 to 1978 by 19.9 million tons, or 150 percent. Shipment of chemicals through locks and dam 26 increased by 2.46 million tons, or 158 percent.

To illustrate the critical role locks and dam 26 in the export of grain, let me point out that 115 grain terminals are located above this point on the Upper Mississippi and Illinois Rivers. All grain shipped from these terminals to New Orleans and other Gulf of Mexico export locations must past through locks and dam 26, the critical congestion point for the grain export trade.

According to the Peat, Marwick & Mitchell's review, total tonnage at this point increased from 27.6 million tons in 1966 to 62.5 million tons in 1978. Grain products constituted about 54.6 percent of 1978 total tonnage.

Corps of Engineers data indicate that total tonnage at lock 26 reached 70.3 million tons in 1981 and could reach 88.9 million tons by 1990.

Peat, Marwick & Mitchell documented the 1976-78 average waiting time for the entire 9-month shipping season:

[In hours]

Year	Main chamber	Auxiliary chamber
1976	11.3	9.1
1977	10.2	6.9
1978	18.7	13.8

During the 1978 shipping season, the average tow waited nearly 19 hours to use the main chamber at locks No. 26 and nearly 14 hours to use the auxiliary chamber. Between 1977 and 1978, the average tow delay in the main and auxiliary chambers increased by 83 and 100 percent, respectively. On September 8, 1980, the average delay was 48 hours at the main chamber, slightly less at the auxiliary chamber, with 19 towboats northbound, 15 southbound, waiting to be locked through.

An auxiliary chamber is essential for proper maintenance and in times of emergencies in the main chamber. An April 1976 failure in the wall of the present main chamber tied up over 100 barge tows for 19 days. The smaller auxiliary chamber allowed some tows to pass through, but millions of dollars were nevertheless wasted.

Without a second lock at the new facility, maintenance problems could potentially paralyze the upper Midwest because navigation would be cut off at St. Louis. The Peat, Marwick & Mitchell report indicates that a sufficient number of rail cars are not available to handle the tonnage which would be stalled at Alton, Ill., by such problems.

Section 101 of Public Law 95-502 directed the upper Mississippi River Basin Commission (UMRBC) to prepare a comprehensive master plan for the management of the upper Mississippi River and its tributaries. Section 101 further directed the UMRBC to immediately initiate a specific evaluation of the economic need for a second lock at Alton, Ill. This report, submitted to Congress on January 1, 1982, stated that sufficient need exists for construction of a second chamber at replacement lock and dam 26.

It is my hope that, due to the need to incorporate designing and engineering plans into the Corps of Engineers construction schedule for the new facility, Congress will approve this legislation as swiftly as possible.

It is also my hope that this legislation will be enacted strictly on its merits, without being held hostage to waterway user tax/cost recovery proposals which are favored by the administration.

I am not alone in my concern that reversal of the policy of nearly 200 years of Federal responsibility for our Nation's ports and waterways will seriously harm the flow of commerce both on the domestic and international fronts.

Public Law 95-502 also imposed an escalating waterway fuel tax on shallowdraft commercial waterway operators. Congress, unsure of the effects such taxes would have on the Nation's water transportation system, mandated a comprehensive study of their impact. The results of this study were scheduled to be submitted and I strongly advise Congress and the administration to thoroughly analyze this study before taking further action on user charges.

We cannot, however, afford the luxury of time in authorizing a second chamber at lock and dam 26.

Let me emphasize that many of our Nation's ports and inland waterway facilities are strained to capacity, require modernization, and are subject to frequent breakdowns. We cannot overlook the national benefit and need for a modern waterway system, which in coordination with other modes of transportation will enhance the U.S. export trade while insuring the safe and efficient uninterrupted flow of commerce.

Mr. Speaker, my bill proposes that the second or auxiliary chamber be 110 feet in width like the present and new main chamber and 600 feet in length, exactly one-half the capacity of the new chamber. This would make the dual lock capacity exactly identical to the present lock and dam No. 27 at Granite City, Ill. Lock and dam 27 is the next locking facility below lock and dam 26 and the last such facility on the Mississippi River.

In addition, Mr. Speaker, a strong viable economy is one of the most valuable elements of national defense. Specifically, the economy serves as a vehicle for generating income to support our national defense and as a means of supporting our commitments to our allies outside the continental United States. First, the movement of grain in a critical element in our balance of trade and a favorable balance of trade can strengthen our economy. Second, a first-class navigation system is an essential requirement for moving materials for a military mobilization effort. We must take steps to prevent delays in moving vital goods. A second look at lock and dam 26 will prevent delays and thereby strengthen our national defense.

Mr. Speaker, I urge my colleague to join me in cosponsoring this legislation of vital interest to the Midwest and Nation as a whole. Let us act now and take the economies of building the auxiliary lock while construction is underway on the new facility.

ADMINISTRATION LACKS CONCERN FOR AMERICA'S BLACK AND MINORITY CITIZENS

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, I am sure that members of both parties share my outrage at the President's extraordinary decision to grant millions of dollars in tax benefits to schools which blatantly practice racial discrimination. Providing a windfall for discriminatory private schools at a time when this administration is cutting off billions of dollars in Federal aid to public education is particularly shocking.

Denying Federal assistance to racist schools was never a social policy set by the faceless bureaucrats in the Internal Revenue Service, as the President pretends. It has long been a matter of Federal law, established by a Republican administration, reiterated time and again by successive administrations, and confirmed in numerous Federal courts, including the Supreme Court.

Humiliated by public and press reactions to this terrible decision, the President has scrambled to recover. He has now proposed that Congress consider legislation to reestablish existing law. But the legislation Mr. Reagan would have us debate will open the door to consideration of amendments which go far beyond the IRS issue—amendments which undermine fundamental civil rights laws and basic legal protections for minorities, women, and the handicapped.

The only solution needed is for Mr. Reagan to direct the IRS to continue to enforce the policy which the Congress and the courts have established. Neither the Congress nor the courts, however, can provide a solution to the embarrassment caused by the administration's blatant admission of its lack of concern for America's black and minority citizens.

THE LATE HONORABLE JAMES C. DAVIS OF GEORGIA

(Mr. LEVITAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVITAS. Mr. Speaker, I have the unhappy duty this morning to announce the death of a former Member of this House, Hon. James C. Davis of Georgia, who died on December 28, 1981.

James C. Davis represented the Fifth Congressional District of Georgia, consisting of Fulton, De Kalb, and Rockdale counties, for seven terms during the 80th through 87th Congresses.

I will at the appropriate time, Mr. Speaker, ask for a special order so that Members of the House who so desire may make remarks appropriate to Hon. James C. Davis.

THE VIEW FROM $204 A WEEK

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, I would like to bring to the attention of the House the recent editorial in Newsweek entitled "The View From $204 a Week." The editorial is written by Mrs. Vicki Williams a working mother from Huntington, Ind.

Mr. Speaker, I think this editorial shows the real concerns and needs of low- and middle-income America. Too many people are facing a grim 1982. Unemployment is increasing, the economy is on a downswing, recession, or depression depending on who you listened to is hurting everyone.

Mr. Speaker, Mrs. Williams states that she is tired of politicians and newspaper people "putting words in her mouth." I think it is time we stop telling people of this country how they feel about the Federal Government and instead, we must listen to our constituents.

Mr. Speaker, the people in my district, and I think nationwide, feel much like Mrs. Williams. Mrs. Williams states, "To me, Reaganomics is cruel and self-serving." I think more and more people feel the same way.

Mr. Speaker, as the second session of Congress begins, let us rethink our priorities for this year. Let us again listen to the people of this country and respond to their wishes. The American people want responsive Government officials and an economic program that reflects the needs of our society, not a program of helping the rich by burdening the poor.

STATEHOOD FOR PUERTO RICO

(Mr. CORRADA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CORRADA. Mr. Speaker, on January 12, President Ronald Reagan met at the Oval Office with Gov. Carlos Romero Barceló, former Gov. Luis A. Ferré, the mayor of San Juan Hernán Padilla and I, at which time he made an important statement concerning the political status of Puerto Rico. I am very pleased with President Reagan's words of encouragement and I trust that as we move ahead in this decade of the eighties the people of Puerto Rico will support statehood, thus allowing us to attain, as a community of American citizens, the only political status that can truly bring to us equality, full political maturity and dignity in our relationship with the United States.

The President's statement of January 12, 1982, on statehood for Puerto Rico reads as follows:

When I announced my candidacy for this office more than 2 years ago, I pledged to support statehood for the Commonwealth of Puerto Rico, should the people of that island choose it in a free and democratic election. Today I reaffirm that support, still confident in my belief that statehood would benefit both the people of Puerto Rico and their fellow American citizens in the 50 states.

While I believe the Congress and the people of this country would welcome Puerto Rican statehood, this Administration will accept whatever choice is made by a majority of the island's population.

No nation, no organization nor individual should mistake our intent in this. The status of Puerto Rico is an issue to be settled by the peoples of Puerto Rico and the

United States. There must be no interference in the democratic process.

Puerto Ricans have borne the responsibilities of U.S. citizenship with honor and courage for more than 64 years. They have fought beside us for decades and have worked beside us for generations. Puerto Rico is playing an important role in the development of the Caribbean Basin Initiative and its strong tradition of democracy provides leadership and stability in that region. In statehood, the language and culture of the island—rich in history and tradition—would be respected, for in the United States the cultures of the world live together with pride.

We recognize the right of the Puerto Rican people to self-determination. If they choose statehood, we will work together to devise a union of promise and opportunity in our Federal union of sovereign states.

THE COURAGE OF RONNIE SHELTON

(Mr. DAN DANIEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DAN DANIEL. Mr. Speaker, recently, there appeared in the Star-Tribune of Chatham, Va., a very interesting article involving Mr. Ronnie Shelton, a 23-year-old resident of my congressional district.

I was so impressed with the story of his recovery from a harrowing experience that I would like to call this to the attention of the Members of the House.

In my opinion, the level of courage which Ronnie displayed is not unlike that exercised by the founders and developers of our country and is in very short supply today. He has my admiration as one who is not only courageous but self-reliant in an era characterized by an attitude of something for nothing.

The article follows:

[From the Star-Tribune, Dec. 24, 1981]

RONNIE'S COURAGE SAVES HIS LIFE

(By Preston Moses)

Ronnie Shelton is lucky to be alive today. He says he is thankful to the Lord for sparing his life.

This is a true story of what must be described as a miracle . . . How Ronnie, through his courage and determination to keep his "cool" in the face of death—saved his life. He is now on the road to recovery after a harrowing experience.

Ronnie, just 23, had taken over the job as miller of the old Tomahawk Mill near Climax earlier this year.

Tomahawk Mill is one of the last remaining water powered mills in the southside Virginia and has a reputation for making a fine grade flour and corn meal.

Ronnie took pride in his work as a young miller and had built up a good business by being polite to the customers and giving better service.

The fateful day was Tuesday, November 17. Ronnie had been busy waiting on customers selling more than usual that day. He had the mill running overtime grinding flour for the expected brisk sales before Thanksgiving.

Late that afternoon after all customers had gone from the mill—Ronnie there alone, started cleaning up and oiling the machinery. It was about 4:30 p.m. he went up to the second floor where he heard a cog squeaking.

He climbed up a ladder with his oil can and reached to apply oil to the cog. The ladder tilted, throwing Ronnie off balance, against a turning shaft. The spokes caught his shirt and jerked him into the whirling machinery with its maze of wheels, cogs, belts, cogs and pulleys.

With his clothing becoming entangled in the spokes of a pulley, Ronnie was spun around and around the shaft, but managed to hold on and got severe friction blisters to his arms and chest from turning shaft. His left leg was caught in a belt and carried through a cog that cut it off six inches below the knee.

As Ronnie was batted about in the clash with the machinery, he substained broken ribs, a broken right leg, a crushed hip bone and severe bruises and lacerations.

It all happened in a flash. Somehow, Ronnie managed to become free from the clanking, rumbling machinery and dropped six feet to the floor in a daze.

Ronnie is back home this week from the hospital, and after making a remarkable recovery from the injuries, he recounted the ordeal for the Star-Tribune reporter.

After falling to the floor, he said he first tried to get up, but immediately discovered he couldn't with one leg cut off and the other broken.

Ronnie says he realized he would bleed to death with blood gushing from the severed leg. All of his clothing had been torn off, except a sock on his right foot and the knitted neck band of his t-shirt. He snatched this from his neck and made a tourniquet to stop the loss of blood from his leg.

"I said to myself—don't panic, don't panic," he recalled.

He cried for help, but realized that no one was at the mill and besides the clanking machinery was making so much noise it drowned out his voice.

Unable to walk, Ronnie managed to move by pushing himself backward using his hands and sliding on his butt.

Coming to the steps, Ronnie tumbled down the steep incline to the first floor—where he slid himself to the outside onto the mill loading platform. There he hollered for help—but none came.

Keeping up his courage, and not allowing himself to black out, Ronnie managed to slide himself back inside the mill, thinking he would use the telephone to call for help. But the phone is on the wall and out of his reach.

He again slid himself to the mill porch and again began yelling for help . . . growing weaker all the time.

At that moment J. P. Thornton, who lives in the house on the hill above the mill, went outside to feed his dogs—and heard Shelton's cries.

Thornton says he went quickly to the mill . . . where he couldn't believe his eyes. There he saw Ronnie with one foot cut off, bloody and bleeding badly from the wound . . . and he was sitting up on the platform without a stitch of clothing except for a sock on his right foot.

Ronnie wanted to be put in Thornton's pick-up truck and carried to Chatham. It was there he was put on an ambulance and the Chatham Rescue Squad rushed him to the hospital.

Thornton recalls that as they were passing Shelton's home, about a half mile from the mill, Shelton asked that his wife not be told of the accident.

Thornton says Shelton seemed more worried about his wife than about himself. His wife was expecting a baby about that time, and he didn't want to upset her.

(Mrs. Shelton gave birth to a baby daughter 10 days later, and she was in the hospital the same time as her husband.)

When Mrs. Shelton learned of the accident about an hour later, she rushed to the Danville hospital, where she was told her husband had been sent to Duke University hospital in Durham.

Shelton explained that his left leg had been cut off leaving his foot hanging on by the skin. The doctors packed it in ice and sent him to Duke hospital, hoping it could be sewed back on, but the doctors there said the bone was crushed and couldn't be fitted together.

Shelton recalls that he suffered no great pain at the time the accident happened.

"I just became numb, and my leg felt like it had gone to sleep." It wasn't until he arrived in the hospital did he experience great pain.

Shelton says he avoided shock by continually telling himself he must not panic, to keep cool. "I kept saying it over and over to myself," he exclaimed.

After being released from the hospital, Shelton is recovering at the home of his wife's mother, where he seems to be in good spirits.

His right leg has about healed from the break, he has screws in his hip socket to keep it together, he feels no pain from the broken ribs. . . the blister burns on his chest and arms are gone.

His left leg has only a nub below the knee which he has to dress twice daily.

"I'm going back to the hospital January 11 to be fitted for an artificial leg and foot," he said cheerfully, "and I'll be able to walk as good as ever."

No, Ronnie is not bitter about the accident. He says he's thankful that the Lord spared him.

"I'm not a Christian. I haven't been saved, but when I'm able to get out, I am going to join the church," he declared.

What is he going to do when he gets an artificial leg, and becomes well again?

"I'm going back to running the mill. Mr. Walter Crider (of Huddleston Mill, N.C., who owns it) is saving the job for me, and I will become the miller again," he said.

Shelton says he is amazed by the cards and gifts of money he has received from churches and people.

"Some people have sent money I didn't know," he stated, "and I deeply appreciate it."

But Ronnie says he's not asking for handouts. He seems to be too proud to make an appeal for financial help. "I want to make my own way," he exclaimed.

He and his wife, the former Debbie Adkins, have a 3-year-old daughter, besides their new 20 day old baby girl.

Some people may complain about not having shoes—but Ronnie Shelton is not complaining about not having a foot . . . he's thankful he is still alive.

□ 1300

ROLLCALL VOTES—TOTALS FOR 1981

(Mr. DANIELSON asked and was given permission to address the House

for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DANIELSON. Mr. Speaker, on Tuesday, December 15, 1981, at page 31617 of the CONGRESSIONAL RECORD, I set forth my analysis of all rollcall votes for the period from January 5, 1981, through December 11, 1981.

We had an additional 15 rollcalls through the balance of the 1st session of the 97th Congress, adjourning sine die on December 16, 1981.

The following tables are updated to include the entire 371 rollcalls for 1981, showing the number of votes carrying by 90 percent or more, a summary by type of vote, and the top 10 rollcall requesters from 1979 through 1981. The listing of the last 15 rollcalls is alphabetical, by Member requesting the rollcall. These tables reflect the rollcall votes of the entire 1st session of the 97th Congress.

The tables follow:

1981 VOTES CARRYING BY 90 PERCENT OR MORE

[Jan. 5, 1981, through Dec. 16, 1981]

Percent	Number of rollcall votes in 1981 with this percentage	Number of rollcall votes in 1981 with this percentage and over	Aggregate percent of 1981 rollcall votes this percent and over [1]
100	28	28	7.9
99	34	62	17.6
98	9	71	20.1
97	14	85	24.1
96	14	99	28.0
95	8	107	30.3
94	5	112	31.7
93	3	115	32.6
92	1	116	32.9
91	3	119	33.7
90	5	124	35.1

[1] Percent of 353 rollcall votes (excluding quorums).

SUMMARY OF ROLLCALLS BY TYPE OF VOTE

[Jan. 5, 1981, through Dec. 16, 1981]

Type of vote	1981	Percent
Adjourn to time certain	1	0.3
Agreeing to conference report	14	3.8
Agreeing to the amendment	109	29.4
Agreeing to the amendments	7	1.9
Agreeing to the resolution	36	9.7

SUMMARY OF ROLLCALLS BY TYPE OF VOTE—Continued

[Jan. 5, 1981, through Dec. 16, 1981]

Type of vote	1981	Percent
Approving the Journal	29	7.8
Call of the States	1	.3
Closing portions of conference	2	.5
Commit with instructions	4	1.1
Concur in Senate amendment	1	.3
Election of Speaker	1	.3
Motion to adjourn	3	.8
Motion to close conference	1	.3
Motion to consider	1	.3
Motion to discharge committee	1	.3
Motion to instruct conferees	1	.3
Motion to limit debate	2	.5
Motion to recommit	1	.3
Ordering the previous question	7	1.9
Passage	57	15.4
Postpone consideration	1	.3
Previous question on conference report	1	.3
Quorum	17	4.6
Recede and concur in Senate amendment	1	.3
Recede from disagreement Senate amendment	2	.5
Recommit conference report	2	.5
Recommit with instructions	4	1.1
Resolving into Committee	27	7.3
Suspend rules agree to conference report	2	.5
Suspend rules agree to Senate amendment	1	.3
Suspend rules and agree	6	1.6
Suspend rules and pass	25	6.7
Table motion to discharge committee	1	.3
Table motion to instruct	1	.3
Table motion to reconsider	1	.3
Total	371	100

"TOP TEN" ROLLCALL REQUESTERS—1979 THROUGH 1981

Name	1981 Rank	1981 Number	1981 Percent 1981	1980 Rank	1980 Number	1980 Percent 1980	1979 Rank	1979 Number	1979 Percent 1979
Walker	1	38	10.2	.....	4	0.6	6	15	2.0
Ashbrook	2	21	5.7	2	52	7.6	2	65	8.6
Rousselot	3	10	2.7	3	38	5.6	4	18	2.4
Sensenbrenner	3	10	2.7	.....	10	1.5	7	14	1.8
Broomfield	5	7	1.9	6	16	2.3	.....	2	.3
Lott	5	7	1.9	.....	.....	.....	.....	.....	.....
Corcoran	7	6	1.6	.....	.....	.....	.....	.....	.....
Dannemeyer	7	6	1.6	6	16	2.3	3	23	3.0
Frenzel	7	6	1.6	4	33	4.8	.....	7	.9
Solomon	7	6	1.6	.....	.....	.....	.....	.....	.....
Bauman [1]	.....	.....	.....	1	66	9.7	1	70	9.2
Collins (Texas)	4	1.1		5	18	2.6	.....	3	.4
Erlenborn	1	.3	.....	.....	3	.4	7	14	1.8
Kramer	2	.5	.....	.....	3	.4	9	13	1.7
Latta	4	1.1		9	12	1.8	10	12	1.6
Symms	.....	.....	.....	10	11	1.6	5	16	2.1
Wydler	.....	.....	.....	8	14	2.1	.....	8	1.1

[1] Not a member of the 97th Congress.

ROLLCALL VOTES (DEC. 12, 1981, THROUGH DEC. 16, 1981) LISTED ALPHABETICALLY—BY MEMBER REQUESTING THE ROLLCALL

Roll	Date	Type of vote	Requester	Bill	Yea	Nay	Present	Percent yea	Percent nay	Day
357	811214	Closing portions of conference	Automatic	H.R. 4995	358	1	.....	100.0	0	Monday.
358	811214	Passage	Ashbrook	H.R. 4910	375	6	.....	98.0	2.0	Monday.
359	811214	Agreeing to the amendment	Ashbrook	H.R. 2559	0	389	2	0	100.0	Monday.
366	811216	Agreeing to conference report	Ashbrook	H.R. 4559	217	201	.....	52.0	48.0	Wednesday.
362	811214	Passage	Corcoran	H.R. 4700	244	136	.....	64.0	36.0	Monday.
367	811216	Suspend rules, agree to Senate amendment	Erlenborn	H.R. 5159	363	47	4	89.0	11.0	Wednesday.
370	811216	Motion to adjourn	Livingston	.....	73	249	.....	23.0	77.0	Wednesday.
371	811216	Suspend rules and pass	Livingston	H.R. 5274	223	107	.....	68.0	32.0	Wednesday.
361	811214	Agreeing to the resolution	Rhodes	H. Res. 288	272	113	.....	71.0	29.0	Monday.
365	811216	Suspend rules, agree to conference report	Rostenkowski	H.R. 4331	412	10	.....	98.0	2.0	Wednesday.
360	811214	Passage	Studds	H.R. 2559	391	2	.....	99.0	1.0	Monday.
369	811216	Agreeing to conference report	Volkmer	S. 884	205	203	1	50.2	49.8	Wednesday.
364	811216	Approving the Journal	Walker	.....	200	171	.....	54.0	46.0	Wednesday.
368	811216	Agreeing to the resolution	Watkins	H. Res. 303	284	116	.....	71.0	29.0	Wednesday.
363	811215	Agreeing to conference report	Weiss	H.R. 4995	334	84	.....	80.0	20.0	Tuesday.

COMMEMORATING 100TH BIRTHDAY OF FRANKLIN DELANO ROOSEVELT

(Mr. WILLIAMS of Montana asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WILLIAMS of Montana. Mr. Speaker, this week we in this House and the Nation commemorate the 100th birthday of Franklin Delano Roosevelt.

Franklin Roosevelt was a remarkable man in both his private and public life. He was in the American public conscience for three and a half decades and was our President for more than a dozen years. We learned many things under Franklin Roosevelt, including the dangers of excessive financial manipulation by the private sector and, perhaps more important, that there could be a public response to that manipulation.

In the words of a recent Roosevelt biographer:

His genius was that he included the excluded, and he taught that America is to be measured not only by the glitter of our wealth but by the splendor of our ideals.

TAX-EXEMPT PRIVATE SCHOOLS

(Mr. DIXON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DIXON. Mr. Speaker, without warning, without justification, and apparently without forethought, the Reagan administration has dealt school desegreation efforts yet another telling blow. Its decision to eliminate—on its own—an 11-year-old policy prohibiting tax exemptions for segregated private schools gives aid and comfort, not to mention an indirect Government handout, to professional bigots who continue to flout almost 30 years of clear, consistent policy.

Now we are asked to believe that this is all a big mistake, that this administration still opposes discrimination "with every fiber of its being." Never mind that this administration has curtailed or eliminated programs that are the lifeblood of urban America, has sought to overturn existing voluntary school integration or affirmative action plans, and has sought crippling changes in the House-passed Voting Rights Act extension bill.

Mr. Speaker, black America is in danger of being moved to the back of the bus, and this administration apparently does not mind or does not care.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agreed to the following resolutions:

S. RES. 280

Resolved, That a committee consisting of two Senators be appointed by the Vice President to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

S. RES. 281

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

TAX-EXEMPT STATUS FOR PRIVATE SCHOOLS

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, I am introducing today, at the request of the President, the administration's bill to deal with the issue of tax-exempt status for private, nonprofit educational organizations with racially discriminatory policies. This is being done in order that the Congress may give its full attention to the matter and determine whether legislation is appropriate.

The controversy that has already attended the development of this bill demonstrates what a complex and difficult issue this is. Undoubtedly many refinements and changes in the legislation will be suggested by witnesses at the hearings scheduled by the Senate Finance Committee for February 1 and by the House Committee on Ways and Means for February 4 and during subsequent steps of the legislative process. These suggestions are welcomed and encouraged.

INTRODUCTION OF BILL TO RESCIND TAX BENEFIT PROVISIONS FOR MEMBERS OF CONGRESS

(Mr. WYLIE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WYLIE. Mr. Speaker, we have become inadvertently participants in a blunder which we need to correct immediately.

On December 16, the last day of the 1st session of the 97th Congress, we passed the black lung benefits bill. The black lung benefits bill had attached to it a provision which was nongermane, which was attached by the Senate, and which was the basis of an Internal Revenue Service rule which would allow a tax writeoff for living expenses for Members of Congress.

From the moment I realized what we had done, I was determined that we should correct this wrong. Accordingly, I have introduced a bill today to rescind the tax benefit provisions for Members of Congress included in the black lung bill and the IRS rule which was promulgated pursuant to it. Cosponsors are welcome.

OIL IMPORT FEES

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, today I am introducing for myself and some of my colleagues a resolution expressing the opposition of the House of Representatives to the imposition of an import fee on crude oil and refined petroleum products.

As I have declared publicly, there are other, less onerous, less inequitable revenue-raising options available to this Government. For instance, modest increases in the Federal excise taxes on luxury items such as yachts, furs, jewelry, and expensive automobiles could generate billions of dollars in new revenues every year. The repeal of the provision in the Tax Act of 1981 which provides a tax deduction for payment of a "windfall profit tax" on crude oil production could recoup some $11 billion in lost revenues per year. An increase in these taxes clearly represents a preferable course of action; to impose a regressive tax on such a basic necessity as home heating oil is unconscionable.

Since my arrival to the Congress in 1959, I have believed firmly that only under the most extreme conditions, such as a national emergency, should a levy of this type be considered. The reasons today are basically the same as they were in 1959. First, an import fee would have a direct inflationary impact since it would raise the price of every barrel of oil consumed in this country. Any imposition of a tax of this nature affects consumers of petroleum products from New England to the Sun Belt and from the Atlantic States to the Pacific States. The constituents of every Member in this body would be affected adversely. It has been estimated that for every dollar of tax imposed, approximately $6.8 billion in additional costs to the consumer would be generated.

For my region of the country, New England, a fee of $5 per barrel would cost the oil-dependent homeowners and businesses an additional $1.9 billion per year. Due to the fact that homeowners in this region have already pared back to the bone their heating costs, such a fee would not increase significantly consumers' conservation efforts. Rather, it would only be a further drain on the family pocketbooks which now pay more than $1,300 annually for heating of homes.

Second, because of the major role which oil plays in our economy, an import fee would raise the costs of not only petroleum-based products, but all consumer goods. As I stated before, all consumers will be affected by such an act.

Third, by draining purchasing power from the economy, the recently passed economic recovery program would be stalled. The fee would lead to higher unemployment and lower output. This would be severe particularly in the oil-consuming industrial States.

Finally, it should be noted that this resolution emphasizes the language in the Trade Expansion Act of 1962 which limits the authority to impose import fees to situations in which national security is threatened. The current excess supply of crude does not justify a revenue-raising act in the name of national security.

Mr. Speaker, I hope that the Members of the House will see the wisdom of such a resolution and join with me in cosponsoring this measure.

LENNY SKUTNIK—A CONGRESSIONAL HERO

(Mr. PARRIS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. PARRIS. Mr. Speaker, this past cold and icy January 13, a terrible tragedy occurred when an Air Florida 737 crashed into the 14th Street Bridge killing 78 people. I am sure all of my colleagues share my shock and sadness at this sudden catastrophe.

The day was grim and tragic and most thoughts were focused on the victims of the accident. However, if a shining light could glow through the terrible darkness of those hours, it would be because of the unselfish bravery of Lenny Skutnik, a congressional employee who was on his way home from work.

Like many other Federal employees, Lenny left his desk early because of the snowstorm, but when he saw the anxious commotion at the bridge—ambulances, helicopters, passengers bobbing in the water—he stopped his car, got out and joined the frustrated rescue workers on the river bank. When rescuers were unable to help a woman who could no longer cling to a life preserver, Lenny dove into the frigid Potomac River and saved her life.

Lenny Skutnik, whom I am proud to represent in Congress, without hesitation risked his own life to save that of another. There is no greater gift to give a fellow human than a chance to live.

Recognition of Lenny Skutnik's bravery should not go unnoticed. Too often the negatives of our society, thefts, killings, and kidnapings are brought to the forefront and not the positives.

This time I think we should honor this man for a positive and gallant deed. A deed for which we are all proud as fellow human beings. A deed which represents caring, bravery, and the dignity of mankind, a deed which is an example of all that is good in our society.

In honor of his bravery, I am proud to introduce today legislation that will allow Congress to honor, by the issuance of a special gold medal, one of our own, Lenny Skutnik, a man of unique courage.

CALIFORNIA SURVEY SHOWS CONTINUED SUPPORT FOR REAGAN PROGRAM

(Mr. HUNTER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, the newspapers this morning indicate that President Reagan is wary of proposals to place new taxes on the American people.

I hope that the President refuses to propose these new taxes, and it is my opinion that if he knew the feelings of the people on this critical issue, he would hang tough and refuse to undo any part of his recovery program.

And, I, Mr. Speaker, would like the President to know that in my district in San Diego, Calif., my recent December survey revealed that when our citizens were asked if the tax cuts should be repealed, 76.5 percent said "no." And further, when asked the question "Do you feel that the Reagan program should be given more time to work?" 82.1 percent said "yes," the program should be given more time to work.

So hang in there, Mr. President, and do not fall into the pattern of procrastination and policy reversals that marked the Carter administration's economic program.

HEALTH PLANNING

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, since entering Congress in 1977, I have been opposed to the national network of health system agencies originally established under the National Health Planning Act of 1974. In 1979, I unsuccessfully attempted to amend the act to bring about some practical reform in the composition of these agencies and their responsibilities. However, throughout this process I have remained philosophically opposed to the performance of these regulatory agencies, since Federal studies at the time proved the ineffectiveness of the health planning law and inability of the local health system agencies to control health care costs. My feelings have not changed, for additional studies of the health planning system continue to document the ineffectiveness of these regulatory bodies. More recently, I have been encouraged about the recommendations from this administration to phase out the health planning system. As a member of the Appropriations Subcommittee on Labor, Health, and Education, I have advocated the allocation of our scarce budgetary resources to programs of direct assistance to the needy, rather than to the self-aggrandizing health system agencies. The Appropriations Committee wisely reduced local health planning funding from $82.8 million in fiscal year 1981 to $38.4 million under the fiscal year 1982 continuing resolution. Now, as my colleague from Alabama, Mr. SHELBY, has said so well: "It is time Congress took the logical next step."

The Members of the House can take this next step and save our taxpayers additional millions of dollars by joining Mr. SHELBY and over 25 other Members as cosponsors of H.R. 4554, a bill to repeal the Federal Government's entire health planning system by September 30, 1982. I believe many Members will want to join Mr. SHELBY and their colleagues as cosponsors of H.R. 4554 after reviewing a "Summary of the Data on the Impact of Health Planning" as prepared by the 17,000-member American Society of Internal Medicine. This summary will appear in today's Extensions of Remarks and underscores the ineffectiveness of the health planning system since its inception.

EUROPEAN COMMUNITY WOULD REGULATE U.S. BUSINESS

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHULZE. Mr. Speaker, from time to time, I have addressed the House on the radical proposal currently being considered by the European communities, attempting to coerce U.S. companies into negotiations with trade unions in Europe before virtually any major corporate decision. But the European assault on transnational business goes beyond even this proposal.

Other initiatives of questionable political inspiration are also being actively pursued. One proposed directive would force companies to adopt two-tier boards of directors, giving trade unions a vote in corporate planning and management. Another would require companies—including American companies governed by American law—to publish annual reports and financial statements in Europe, subject to the approval of European authorities.

Finally, it has even been seriously proposed that U.S. parent companies be required to manage their European subsidiaries not in the interests of the company as a whole or of its shareholders, but in the interests of each subsidiary. A corporate decision deemed by EC institutions to be harmful to the EC subsidiary would—according to the proposed ninth directive—entail the personal, unlimited liability of directors in the United States.

Mr. Speaker, these proposals are radical. They are unnecessary. They would be counterproductive.

My bill, H.R. 4407, would amend the Trade Act of 1974 to make these proposals potential targets of a section 301 action and would send the EC a message: This Congress believes that the United States and the several states must not abandon their authority to establish and to regulate American business. That is our role. It is not the role of the European Communities.

THE FEDERAL BUDGET, DEFICITS, AND THE ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANNEMEYER) is recognized for 60 minutes.

Mr. DANNEMEYER. Mr. Speaker, budgetary considerations dominated the 1st session of the 97th Congress. As we return for the start of the second session, it strongly appears that fiscal policy will again occupy center stage. The Federal budget, this time for fiscal year 1983 and beyond, will be the top item on our agenda.

When we came back to the Nation's Capital at the end of the August recess, high interest rates were the primary consideration on our minds. Unfortunately, we failed to take remedial action. We left Washington for our home districts after simply reaffirming, in a pro forma fashion, the outdated first concurrent resolution on the budget for fiscal year 1982. While I was in California these past several weeks, I have seen the impact of our failure to act. The national unemployment rate has climbed to 8.9 percent amidst forecasts that it will climb over the 9-percent mark in the near future. In Anaheim, Calif., the local Delco Remy automotive battery manufacturing plant laid off 40 percent of its current work force on Monday, January 11, 1982. Just 2 weeks ago, the plant employed 550 people. After the layoffs, the plant work force is down to 225. The problems of the auto industry are varied and complex, but high interest rates have certainly aggravated the situation.

The start of this session is an appropriate time to examine the upcoming Federal budget deliberations with an eye toward distilling the relationships between deficits, Federal borrowing, and the economy. The debate about the nature and role of deficit spending has been joined. Some policymakers, even within the Reagan White House, are downplaying the importance of curbing deficit spending. Those who are less than deeply concerned by the latest deficit projections must not be allowed to hold sway while the rest of us remain silent. A rigorous analysis and defense of traditional fiscal conservative reasoning on deficits, inflation and interest rates are in order.

INTERESTS RATES

Interest rates reached record highs last fall, peaking in October. Treasury bills, as a proxy for other market interest rates generally, are a good example of the latest trends. The peak for 3-month Treasury bills was reached on November 2, 1981, when the interest rate hit 12.695 percent. The rate dipped to almost 10 percent in early December. However, on January 18, 1982, the rate went back up, this time to 12.505 percent. The rate the week before was 12.121 percent. Six-month Treasury bills followed a similar path. The average rate on 6-month securities topped off at 13.619 percent on October 26, 1981. On January 18, 1982, the 6-month average rate was 13.102 percent, up from the previous week's average of 12.806 percent. The same is true for other rates—commercial paper, New Aaa utilities, new Baa utilities, and bond buyer municipals index of 20 bonds.

Clearly, if the upward trend is not reversed, the interest rate sensitive sectors of the economy will be damaged further. The auto, housing, and consumer durable sectors, and their supplier industries, are still recovering from the high interest rates of 1980 and 1981. Economic recovery will be shallow, at best, under these conditions.

Many analysts have attributed the shakiness of financial markets, at least in part, to concern over Federal deficits and inflation. Considering the magnitude of some of the forecasts, concern is more than justified.

HOW LARGE WILL THE DEFICIT BE?

In December of last year, the economists at the Office of Management and Budget (OMB) reportedly informed the White House that they expected a fiscal year 1982 deficit of $109 billion unless corrective steps were taken. The OMB analysis included figures of $152 billion for fiscal year 1983 and $162 billion in fiscal year 1984.

Other sources independently arrived at similar conclusions. Just before Christmas, President Reagan met with Senate Republican committee chairmen. They presented him with the forecasts of the Senate Budget Committee. These numbers indicated that an $82 billion deficit could occur in fiscal year 1982, increasing to $165 billion in fiscal year 1983 and a staggering $215 billion in fiscal year 1984.

The Congressional Budget Office and private economists, while differing on the exact numbers, produced projections within the range of the above numbers. While the President will not formally submit his budget message to Congress until February 8, 1982, we are told through the news media that the deficit for fiscal year 1983 will be around $75 billion. Presidential advisers appear to be excited that they have managed to hold the deficit below $100 billion.

DO DEFICITS MATTER OR NOT?

The various "guesstimates" about the possible or probable size of the deficits have sparked yet another debate on the economics of deficit spending. The most controversial incident occurred before a seminar of the American Enterprise Institute in early December 1981 when William A. Niskanen, a member of the President's Council of Economic Advisers, suggested that deficits were not as important as once thought. He discounted the "crowding out" effect of deficits in the Nation's credit markets. Coming after the change in status of the priority of a balanced budget from a promise in 1984 to a goal, such talk produced justifiable outrage. The incident at the AEI seminar, however, was only one in series of instances in which the role of deficits has been dowplayed.

There are four basic myths most frequently retold by those who challenge the position that deficits do matter as the principal engine of inflation and interest rates.

The first myth is that deficits are not important because they are only a small percentage of GNP. A variation on this theme is that a deficit of $50, or $75 or $100 billion is trivial in an economy producing in the range of $3 trillion in gross national product. First let us look at the issue within the framework of the comparison. Even assuming that the relationship between deficits and GNP is the operative one, we must note that while the deficit as a percentage of GNP is currently 2 percent, it is expected to double to 4 percent by 1984, according to Martin Feldstein of Harvard, under current conditions and policies. So what, the GNP school will retort, 4 percent is still trivial in an economy of $3 trillion.

The important point is that comparing deficits to GNP is not very instructive. The gross national product includes designer blue jeans, record albums, refrigerators, toasters, accounting fees and baseball bats. The Government does not finance deficits with goods and services directly. Deficits are financed in the credit markets of the country, a point I will return to shortly.

The second myth is that deficits are not important because there is enough money to go around for everyone—private individuals, corporations, public agencies, and the Federal Government. Spokesmen for this point of view inform us that credit demands are low from the private sector, particularly in a recession. This may mean that the 1982 deficit will have less of a upward impact on interest rates than would otherwise be true, but such a condition does not help us very much in planning for 1983 or in understanding why deficits are important. Just because credit may be available in 1982 does not contradict the maxim that deficit spending, when not monetized in whole or in part, will put upward pressure on interest rates. The upward pressure on interest rates from Federal borrowing may be offset, in whole or in part, by downward pressure on interest rates from a slack in private demand. This is probably true today. I doubt, however, that it is in the economy's long-term interest to devise a budget policy based on an assumption of low private demand due to a recession. Our goal should be eco-

nomic growth, not private sector stagnation.

The third myth is closely linked to the second one. This concept is that the deficit is really not as large as it appears because most of it is caused by the recession. In a recession, goes the conventional description, Federal revenues decline with unemployment, while Federal spending for unemployment compensation and other benefit programs rises. Both the decrease in revenues and the increase in spending result in a larger budget deficit. No one can dispute that process and its result. However, those who promote this notion go on to say that when the economy recovers, the opposite will occur and the deficit will shrink. Such a "leap of logic" misses the point that the deficits in the first instance, whether recession induced or not, set other economic forces in motion that make it more difficult for the economy to recover. This analysis of the relationship between deficits and the economy is a prescription for doing nothing.

The fourth and final major myth is centered on the incomplete comparison that other countries, notably Japan and West Germany, run much larger deficits yet have lower rates of inflation and interest rates than we do. The implication is that the road to material happiness is paved by higher deficits. At a minimum, this view suggests a passive approach to deficit spending.

The comparison is incomplete because several critical factors are missing. The most important missing link is the comparative rate of saving. As noted earlier, deficits are financed by savings, not by gross national product. Japan and West Germany have comparatively larger deficits, but they also have comparatively much larger rates of saving. Japan's rate is four times as much as that of the United States. West Germany's rate is twice as much. Specifically, the United States rate is around 5.5 percent, compared to 20.2 percent in Japan and 12.5 percent in West Germany.

The key variable in the relationship between deficit spending and the economy is the interaction of the supply of savings and the borrowing demands of the Federal Government.

THE TIP OF THE ICEBERG

The shortfall between revenues and expenditures in the unified Federal budget that defines the size of the deficit is but the most visible and the most discussed component of national fiscal policy. The problem of the impact of the Federal Government on the Nation's credit markets is much broader than the figures on the deficit would indicate. The Federal Government borrows money, and heavily influences the borrowing of money, outside of the activities reflected in the unified budget. The budget deficit is literally but the tip of an iceberg. Appropriately enough, a November 1981 newsletter of the Manufacturers Hanover Trust Co., carried the title, "The Tip of the Iceberg," and outlined a thorough analysis of the varied demands on the credit markets generated by the Federal Government. The data compiled by author Irwin L. Kellner, senior vice president and economist, should be must reading as we commence the 1983 budget cycle. Mr. Kellner writes:

> In my view, Washington's inability to balance its books is even more important than it appears. This is because the reported deficit is but the tip of the Federal financing iceberg. And like the real thing, what you don't see can hurt you every bit as much as what you do see, if you hit it.

Mr. Kellner's analysis shows that the Federal presence in the Nation's credit markets is indeed quite staggering. Quite candidly it was almost beyond belief, until I read his complete description. In fiscal year 1981, the Treasury had to cover a budget deficit of about $58 billion. In addition, off budget spending was covered through the Federal Financing Bank at the level of $17 billion. Federally sponsored activities totaled an additional $28 billion. Finally, the Government assisted some private borrowers over others through loan guarantee arrangements, adding another $51.3 billion to the total. These four categories—the unified budget deficit, the off-budget spending, the sponsored activities, and the loan guarantees—place the magnitude of Federal borrowing at $154.5 billion in 1981.

While Federal borrowing is more widespread than reference to deficit numbers would indicate, the pool from which the total sum of borrowing must be financed is smaller than many analysts would have us believe.

As noted earlier when discussing several myths about deficits, Federal borrowing comes out of the supply of savings, not out of the gross national product or other measures of the aggregate economy. However, the definition of total savings is also important in gaging the real impact of Federal borrowing. Kellner defines total savings as gross private savings of households and corporations, plus State and local government surpluses and capital grants received by the United States less net foreign investment and capital consumption allowances. The latter concept—capital consumption allowances—is very important. The capital consumption allowance is the amount of savings necessary to maintain the current stock of housing and capital in the economy. In other words, it is the amount of credit needed just to stay even. Excluding such an amount for comparison purposes with Federal borrowing is quite reasonable, if one is looking to gage the degree to which the Government affects new activity and economic growth. Certainly if the economy is to follow a path of long-term recovery, and the United States is to become competitive in world markets, plant expansion and modernization will be critical. However, such expansion and modernization will require that new credit is both available and affordable.

On the basis of total Federal borrowing and the above definition of total savings, Kellner calculates the percentage of savings consumed by Government borrowing at 78.8 percent in 1981. As recently as 1979, this percentage was only 46.7 percent. No wonder interest rates hit record highs in 1980 and 1981.

Kellner concludes with this challenge:

> Going through this exercise makes it very difficult to come up with any kind of an optimistic conclusion over where this economy is headed. If this Administration cannot eliminate the visible budget deficit, who else will be able to do it?
>
> Additionally, since more and more Federal government credit demands take place in ways that are not measurable in the budget but certainly are felt in the financial markets, how will these activities be brought under control? That they have to be brought under control there is no doubt. For if they are not, more and more of national savings will be preempted by Washington. This will cause interest rates to remain high, the economy to remain depressed and our potential to compete in world markets to become seriously diminished.
>
> Are we going to accept this or are we ready to start scaling back the scope of government to not only do more for ourselves, but do it in a more efficient way, in a climate of less inflation and lower interest rates? Only time will tell.

This is the question that the second session of the 97th Congress will be called upon to answer as the 1983 budget works its way through the legislative process.

Mr. Kellner of Manufacturers Hanover is not alone in his assessment of the Federal Government and the credit markets. While Kellner looked back to the record of 1981, Henry Kaufman, chief economist for Salomon Bros, released projections for 1982 on January 4, 1982, for all credit areas, public and private. Under the heading "Summary and Conclusions," his report states:

> A confrontation between the credit needs of the U.S. Treasury and those of business corporations is shaping up for 1982. This conflict, which is not typical of the early stages of a recovery, promises to produce a record level of net new credit market financing, and a substantial rebound in interest rates.

Kaufman quantified the conflict by projecting a 1982 budget deficit of $80 billion, which he has since revised upward to $90 billion. He notes that:

> The ballooning Federal budget deficit and the borrowing needs of Federal credit agen-

cies will push the growth in privately held Federal debt up to a record $135 billion.

Kaufman projects that the financing needs of the Federal Government in 1982 will jump $22 billion over 1981, and absorb "nearly half the expected increase in new funds available for all forms of credit." It goes without saying that Kaufman also projects a rise in interest rates by the end of the year.

FEDERAL SPENDING MUST BE CUT

Economist Martin Feldstein of Harvard, president of the National Bureau of Economic Research, put his finger on the problem and the solution in a Wall Street Journal editorial of January 19, 1982. He wrote:

What then should be done to decrease the deficit? The key is reducing federal nondefense spending. The overgrowth of government spending that has occurred in the past two decades would deserve substantial pruning even if there were no deficit. Much of the increase in government spending during these years has been due to the introduction and expansion of programs that are wasteful and are the source of serious distortions in economic incentives.

In July of last year, I released an inventory of possible additional budget cuts that totaled $52.3 billion. In September and October I delineated each of the 272 specific items in a series of 12 special orders on the floor of the House. When the second budget resolution was considered in December 1981, I tried to persuade the Rules Committee to allow me to offer a substitute resolution embodying a revised list of 310 cuts and a total of $42.7 billion, or 6 percent of projected outlays in 1982. The Rules Committee reported out a closed rule and no amendments were in order. This followed a similar attempt in May of last year to give the House a chance to balance the budget through spending reductions which was also blocked by the Rules Committee. When the third resolution for 1982, or the first resolution for 1983, come to the floor, I will again seek to provide the House with an opportunity to meet Mr. Kellner's challenge.

The vote on the closed rule last month indicates that a large number of Members, on both sides of the aisle, are in favor of a more open process on budget resolutions. The vote on the rule was 248 in favor and fully 154 against it. Those opposed reflected a bipartisan division of 106 Republicans and 48 Democrats. This is a large number of negative votes on a procedural matter which is not normally the subject of controversy. Quite candidly, one begins to wonder sometimes why it is that the leadership of this institution is reluctant or unwilling to even allow the House to consider, much less adopt, the alternative of a balanced budget through spending reductions. I am hopeful that the growing deficit projections and their implications, together with the expressed sentiment of a large bipartisan group of Members on the rule, will result in action by the Rules Committee to permit the offering of my substitute at the appropriate time in the coming session.

THE ULTIMATE ANSWER IS A BALANCED BUDGET

The American people and their elected representatives at the State level are actually way out in front of Congress in perceiving the link between deficits and the economy and the need for a balanced budget.

A silent revolution has been under way at the State level for quite some time, and soon may be literally at our door steps. Last week, Alaska became the 31st State of the Union to have its legislature adopt a resolution calling for a constitutional convention limited to consideration of an amendment to require a balanced budget. Only 3 more States, for a total of 34, are needed before a convention would become a reality. Nine States have acted favorably in one house of the legislature. Three of the nine have called upon Congress to submit a balanced budget amendment for ratification. A fourth State, Illinois, has done the same.

Put in another perspective, States representing 72 percent of the U.S. population have either adopted a resolution by one or both houses of the State legislature. If Illinois is added, then 77 percent of the States on the basis of population have acted in some manner on this issue.

Congress must act to bring the Federal fiscal house in order before the States force us to act on a balanced budget. The American public is also in line with the States on this issue.

On January 12, 1982, the Los Angeles Times and the Cable News Network released a nationwide poll. Of those surveyed, 40 percent thought that a balanced budget is the most important step to cool inflation. Three-fourths of the respondents believe that a balanced budget would at least be helpful in the fight against inflation.

Congress should heed the answer to this question:

Which do you think is the best way for the government to get the economy moving again—should the government step up spending in order to reduce unemployment or should the government hold down spending in order to balance the budget?

	Percent
Step up spending	16
Hold down spending	62
Not sure	14

Confirmation of this public perception comes from Richard Wirthlin's conclusion after examining data compiled by his firm, Decision Making Information, last month:

Of paramount importance to most voters is the notion of balancing the budget. In order to do this, voters prefer to see additional cuts in government spending rather than resorting to tax increases.

CONCLUSION

Deficits do indeed matter. Wall Street knows it, as the Kellner and Kaufman reports make quite clear. Main Street knows it, too, as found by the L.A. Times/Cable News Network poll and the DMI survey. The States have spoken. Congress must move toward a balanced budget in two ways during the new session: First, by submitting an amendment on a balanced budget and tax limitation to the several States for ratification; and second, by making cuts in Federal spending for fiscal years 1982 and 1983. The long-term course must also include a reexamination of off-budget borrowing activities of the Federal Government. This will not be an easy task, but it is a necessary one if economic growth, reduced inflation, lower unemployment, and lower interest rates are to become a reality.

□ 1330

FURTHERING THE SECURITY OF ONE'S HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FISH) is recognized for 15 minutes.

● Mr. FISH. Mr. Speaker, as a victim of crime last year, I share the American public's deep concern about the rising crime rate. The FBI's figures for 1980 evidence an 11-percent increase in the number of violent crimes committed in the United States. Similarly, the most recent figures released by the Bureau of Justice statistics in the Justice Department indicate that in 1980, nearly 5 million American households were touched by rape, robbery, or assault. Property crimes are even more prevalent. Each year, 25 percent of our households experience larceny and an additional 7 percent are burglarized.

These figures dramatically illustrate what we all know only too well: Government has failed to fulfill its fundamental responsibility to protect innocent citizens against the violent and capricious attacks of those bent on criminal activity. In response, law-abiding Americans have been forced to resort to expensive security measures to protect their besieged homes. I believe that the Government should help bear the unfortunate burden of these expenditures.

Mr. Speaker, for this reason, I am today introducing legislation to provide a credit against Federal income tax for individuals who install security devices in their homes. My bill differs from others which have been previously introduced in two major respects.

First, it provides a higher maximum credit for the elderly who are heavily victimized by the fear of crime and suffer most acutely crime-related physical injury and financial loss.

These people, who are often on fixed incomes, are least able to shoulder the burden of security expenditures. Second, my bill takes into account changes in the crime rate. When the number of crimes in the United States increases, the Secretary of the Treasury is authorized to adjust the maximum credit allowable to reflect that increase. Where Government achieves some success in fulfilling its duty to fight crime, and the crime rate decreases, the Secretary of the Treasury must adjust the maximum credit downward. My approach thus contains a financial incentive for Government to improve its crime program.

Mr. Speaker, as a member of the Subcommittee on Crime, I have been involved in numerous legislative efforts aimed at reducing crime, including bail reform and victims' assistance, both of which have been strongly endorsed by the President and the Attorney General. Until such time as these efforts achieve fruition and produce their desired effects on the crime rate, the Government must step in and share some of the crushing financial expenses which crime generates. I believe that my bill is a modest acknowledgment of the fact that Government, rather than the law-abiding taxpayer, should bear the awesome duty of protection.

I urge my colleagues to cosponsor this bill and, for their benefit, I submit the following summary of the provisions of my tax credit legislation:

HIGHLIGHTS OF SECURITY DEVICE TAX CREDIT BILL INTRODUCED BY HON. HAMILTON FISH, JR.

The Security Device Tax Credit Bill would provide a tax credit for certain expenditures made by individual taxpayers to purchase and install security devices in their homes. This bill differs from other similar bills in that it (1) provides for a higher maximum credit for persons who have attained age 65, and (2) provides for the maximum credit to be adjusted for increases or decreases in the crime rate.

A. *Credit Allowed.* In general, a taxpayer is entitled to a credit in each tax year of an amount equal to 25 percent of the security expenditures he has made during that year, up to a maximum of $250. For persons who have attained age 65, the credit allowable is equal to 100% of such expenditures, up to a maximum of $500. The minimum credit allowable is $10. The Secretary of the Treasury is authorized to adjust the $250/$500 maximum to reflect any increase or decrease in the crime rate, as reported in the FBI's *Uniform Crime Reports.* Unlike analogous cost-of-living adjustments, the crime rate adjustments take into account decreases as well, since there is less justification for the credit when the government has been successful in fulfilling its responsibility to reduce crime.

B. *Limitations.* The credit is not allowable against certain penalty taxes, such as those imposed for premature distributions from certain retirement accounts. Unused credit allowances may be carried over to three succeeding tax years. No credit is permitted with respect to expenditures which are claimed as a business deduction.

C. *Qualifying Security Devices.* The credit is allowable with respect to expenditures made for the purchase and installation of locks, alarms, protective window and door bars with emergency release features, or other items designed to provide a warning of, or a deterrent to, unlawful entry or unlawful injury to person or property. The device must be installed in or on a dwelling place (including a boat, van or mobile home) which is located in the United States and which is the principal residence of the taxpayer. The taxpayer need not be the owner of the dwelling place. The device must: (1) meet any performance or quality standards promulgated by the Secretary of the Treasury, after consultation with the Secretary of Housing and Urban Development and the Attorney General, (2) be originally used by the taxpayer, and (3) reasonably be expected to remain in operation for at least three years. The credit is not allowable with respect to devices installed primarily for the purpose of securing a swimming pool or other hazard.

D. *Special Rules.* Special rules are included to permit joint occupants, tenant-stockholders in cooperative housing corporations, and members of condominium associations to take their proportionate shares of expenditures made for security devices. Any increase in the basis of the dwelling place resulting from the expenditure is reduced by the amount of the credit allowed.

E. *When Allowed.* The credit is available for expenditures made after December 31, 1981.●

THE UNITED NATIONS GLOBAL DRUG STRATEGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. GILMAN) is recognized for 30 minutes.

● Mr. GILMAN. Mr. Speaker, as a U.S. representative to the 36th session of the United Nations General Assembly, I had the opportunity to help draft the U.S. initiated resolution (A/C.3/36/L.77) on an international drug abuse control strategy that was adopted today by the U.N. General Assembly. The resolution, which was cosponsored by Australia, Bolivia, India, Malaysia, Mali, Morocco, Pakistan, Sweden, and Turkey: First, adopts the international drug control strategy and basic 5-year program of action of resolution 1 (XXIX) of the Commission on Narcotic Drugs; second, requests the Commission to establish a task force to review, monitor and coordinate the implementation of the international control strategy and program of action, and to submit an annual report to the Commission on the progress made in implementing the drug strategy program; third, requests the Commission to review the report of its task force and report ultimately to the General Assembly at its 38th session and annually thereafter; fourth, requests the Secretary General, within available resources, to take the necessary steps to implement the international strategy and program of action; fifth, urges that the strategy and program be given the highest priority by all governments, and be implemented and supported by all states, international organizations, and private institutions; and sixth, urges member states to initiate or increase contributions to the United Nations Fund for Drug Abuse Control.

In general, the strategy calls for greater attention to the issues of drug abuse both within the U.N. agencies and elsewhere. Specifically, it recommends an increase in programs aimed at drug abuse control in the specialized U.N. agencies including the World Health Organization (WHO), the International Labor Organization (ILO), the Food and Agriculture Organization (FAO), and the U.N. Educational, Scientific and Cultural Organization (UNESCO), as well as in the U.N. Development Program (UNDP) and the other development-oriented programs. The strategy further recommends that the increased attention to U.N. drug-related activities should be part of regular agency programs and budgets because of the large impact drug abuse has on many specific areas of social concern.

With respect to the United Nations Fund for Drug Abuse Control (UNFDAC), it is disheartening that only a handful of nations have contributed $100,000 or more to the U.N. Drug Fund. In 1980, 35 nations or only 22 percent of the members of the United Nations contributed nearly $5.5 million to the fund. In 1979, 45 nations contributed only $4.6 million to UNFDAC. As of October 31, 1981, 33 nations contributed slightly more than $2.5 million and at the U.N. Pledging Conference for Development Assistance on November 3-4, 1981, only 18 nations, some of whom have already contributed to UNFDAC for this year, pledged nearly $3.5 million.

Surely an international community of 157 nations can contribute more than a few million dollars to wage a global assault on drug production, trafficking, transshipping, and abuse. Some nations, including those who are most adversely affected by illicit drug production, trafficking, transshipping, and abuse, have failed to contribute a single penny to UNFDAC.

Mr. Speaker, in an effort to bring to the attention of my colleagues the U.N.'s efforts to prevent and control drug abuse throughout the world, I am inserting at this point in the RECORD, the complete text of U.N. General Assembly resolution L. 77, together with several lists of contributions and pledges that have been made to the U.N. Drug Fund.

U.N. RESOLUTION ON AN INTERNATIONAL DRUG ABUSE CONTROL STRATEGY (A/C.3/36/L.77)

(Sponsors: Australia, Bolivia, India, Malaysia, Mali, Morocco, Pakistan, Sweden, Turkey, United States of America)

THE GENERAL ASSEMBLY

Having received the report from the Economic and Social Council containing the proposed international drug abuse control strategy that was requested by the General Assembly in resolutions 32/124 of 16 December 1977, 33/168 of 20 December 1978, 34/177 of 17 December 1979, and 35/195 of 15 December 1980;

Considering that the scourge of drug abuse continues to spread and has reached epidemic proportions in many parts of the world, and that, as specified in document A/36/193, it is necessary to adopt scientific, technical, and political measures commensurate with the gravity of the problem;

Emphasizing the conclusion of resolution 1 (XXIX) of the 1981 Session of the Commission on Narcotic Drugs (Commission) that in order for any international action in the field of drug abuse to be successful, the full and active cooperation and dedication of all countries must be forthcoming;

Recognizing the urgent need for an effective, comprehensive coordinated global strategy to prevent and control drug trafficking, illicit demand and drug abuse, as well as for comprehensive, coordinated strategies at regional and national levels;

1. *Adopts* the international drug control strategy and basic five-year programme of action to resolution 1 (XXIX) of the Commission forwarded by Economic and Social Council decision 1981/113;

2. *Urges* that the drug control strategy and the programme of action be given priority by all Governments and be implemented as quickly as possible by the relevant bodies of the United Nations and other international organizations;

3. *Requests* the Commission, within available resources, to establish a task force, in consultation with the Directors General of the appropriate specialized agencies and other UN drug-related bodies, composed of representatives of these agencies and bodies and representatives of the Member States most interested in and affected by the production, trafficking, and consumption of and demand for illegal drugs, as well as those interested in and affected by the licit production of drugs, to review, monitor and coordinate the implementation of the international control strategy and the programme of action and to submit a report to each session or special session of the Commission on the progress made in implementing the drug strategy and programme, and to provide any recommendations it deems necessary regarding future revision of such strategy and programme of action;

4. *Requests* the Commission to review the report of its task force and to report thereon through the Economic and Social Council to the General Assembly at its 38th Session and annually thereafter;

5. *Urges* all Member States, Non-member States, parties to the international drug control treaties, specialized agencies and other international organizations and private institutions concerned with the drug abuse problem to participate in and support activities related to international drug control strategy and policies;

6. *Also urges,* in order to ensure success of the international drug control strategy and to give a firm impetus to the battle of the world community against international drug traffickers that Member States initiate or increase contributions to the United Nations Fund for Drug Abuse Control;

7. *Requests* the Secretary-General to transmit the text of the present resolution and related documents to all Member States, Non-member States, parties to the international drug control treaties and to all relevant international, intergovernmental and non-governmental organizations.

U.N. Fund for Drug Abuse Control—Cash Contributions and Written Pledges Received in 1981 (as at Oct. 31, in U.S. dollars)

	Cash contributions
Country:	
Argentina	8,818
Australia	411,795
Austria	59,047
Barbados	250
Brazil	5,000
Canada	205,931
Denmark	20,187
Finland	20,000
Germany, Federal Republic of	697,674
Greece	1,918
Holy See	525
Hong Kong	18,315
Iceland	3,200
Iran	4,773
Italy	240,259
Kenya	6,400
Korea, Republic of	2,000
Malaysia	2,000
Malta	251
Mauritius	487
Mexico	1,937
New Zealand	29,778
Norway	472,603
Pakistan	1,007
Portugal	6,000
Saudi Arabia	25,000
South Africa	6,384
Sweden	53,274
Switzerland	107,234
Togo	364
United Kingdom	92,750
Venezuela	2,000
Yugoslavia	18,000
Total	2,525,161
Private contributions:	
Japan Shipbuilding Industry Foundation	200,000
Norwegian Church Aid	460,000
Others	94,150
Subtotal	754,150
Total	3,279,311
Written pledges 1981:	
United States of America	2,150,000
Finland	22,472
India	14,000
Australia	143,678
Subtotal	2,330,150
Grand total	5,609,461

U.N. Fund for Drug Abuse Control—Pledges Announced at the U.N. Pledging Conference for Development Assistance, November 3 and 4, 1981

	U.S. dollars
Country:	
Morocco	3,000
Norway	1,008,403
Saudi Arabia	50,000
Sweden	619,469
Switzerland	54,348
Venezuela	2,000
Austria	64,516
Bolivia	2,000
Brazil	5,000
Chile	4,000
Denmark	44,828
Egypt	1,220
France	101,770
Germany, Federal Republic of	1,500,000
Iceland	3,200
Indonesia	2,000
Malawi	540
Cameroon	1,767
Total	3,468,061

THE LARGEST CUMULATIVE CONTRIBUTIONS TO UNFDAC FROM 1971 TO MAR. 31, 1981

[Amount in U.S. dollars]

	Paid	Unpaid
United States of America	29,120,000	4,120,000
Norway	6,041,145	
Germany, Federal Republic of	2,380,809	
Sweden	1,855,863	
Japan	1,801,787	
Australia	1,635,491	
Canada	1,480,722	
France	905,500	
Denmark	734,417	197,290
United Kingdom	602,897	
Italy	435,647	
Saudi Arabia	382,000	

U.S. FUND FOR DRUG ABUSE CONTROL—STATUS OF CASH CONTRIBUTIONS PLEDGED OR RECEIVED AS AT MAR. 31, 1981

[Amount in U.S. dollars]

	Paid	Date [1]	Unpaid
Algeria	1,998	07-02-74	
Do	2,997	23-06-76	
Do	3,000	08-03-78	
Argentina	3,000	30-01-73	
Do	3,000	23-08-74	
Do	3,000	19-06-75	
Do	3,000	19-11-76	
Do	11,000	28-02-77	
Do	8,000	29-09-78	
Do	10,000	17-07-79	
Do	1,000	14-11-79	
Do	10,000	30-07-80	
Australia	100,000	28-11-72	
Do	100,000	11-03-74	
Do	100,000	27-02-75	
Do	100,000	23-04-76	
Do	37,146	04-02-77	
Do	13,156	24-06-77	
Do	49,696	14-09-77	
Do	51,600	22-12-77	
Do	48,220	20-07-78	
Do	66,903	15-03-79	
Do	56,410	12-09-79	
Do	55,360	26-02-80	
Do	461,880	27-06-80	
Do	58,435	10-10-80	
Do	61,367	31-12-80	
Do	57,685	23-03-81	
Do	217,633	26-03-81	
Austria	10,000	13-12-73	
Do	10,000	08-08-75	
Do	11,870	11-05-77	
Do	16,257	14-12-77	
Do	13,275	07-03-78	
Do	35,597	31-10-78	
Do	37,462	16-08-79	
Do	19,257	15-11-79	
Do	63,839	25-03-80	
Do	59,259	26-01-81	59-259
Bahamas	500	15-09-75	
Do	500	17-09-76	
Do	500	17-01-78	
Do	1,000	05-09-79	
Do	500	17-10-80	
Barbados	500	24-09-73	
Do	250	10-10-77	
Do	250	09-03-81	
Belgium	25,000	05-10-73	
Do	25,000	23-02-77	
Do	25,000	18-06-79	
Bolivia	1,000		
Brazil	3,000	11-06-74	
Do	5,000	03-11-75	
Do	5,000	18-01-77	
Do	5,000	06-06-78	

U.S. FUND FOR DRUG ABUSE CONTROL—STATUS OF CASH CONTRIBUTIONS PLEDGED OR RECEIVED AS AT MAR. 31, 1981—Continued

[Amount in U.S. dollars]

	Paid	Date[1]	Unpaid
Do	5,000	25-07-79	
Canada	150,000	15-02-72	
Do	250,000	12-05-72	
Do	203,946	04-02-74	
Do	200,000	30-01-75	
Do	198,800	30-01-76	
Do	190,476	23-02-77	
Do	200,000	17-05-78	
Do	87,500	13-06-79	
Chile	1,000	24-03-76	
Do	1,000	23-02-77	
Do	2,000	14-02-78	
Do	2,000	15-01-79	2,000
Do	3,000	16-01-80	
Cyprus	2,590	20-01-72	
Do	2,498	27-02-73	
Do	300	04-12-75	
Do	297	08-04-76	
Do	300	09-02-78	
Do	297	09-02-78	
Do	300	16-11-79	
Denmark	50,000	16-11-72	
Do	50,000	16-08-73	
Do	25,000	10-09-74	
Do	25,000	23-04-75	
Do	50,000	05-01-76	
Do	31,488	28-04-77	
Do	30,303	15-11-77	
Do	397,290	24-11-77	197,290
Do	19,932	18-08-78	
Do	28,022	07-08-79	
Do	27,382	31-07-80	
Egypt	1,000	13-01-78	
Finland	23,751	30-08-76	
Do	26,211	22-01-79	
Do	26,641	11-01-80	
Do	26,315	09-12-80	26,315
Do	20,000	05-03-81	
France	100,000	27-10-71	
Do	100,000	01-05-73	
Do	100,794	21-05-74	
Do	104,706	20-03-75	
Do	100,000	20-01-76	
Do	100,000	23-02-77	
Do	100,000	07-03-78	
Do	100,000	26-03-79	
Do	100,000	11-04-80	
Germany, Federal Republic of	310,481	30-12-71	
Do	188,775	23-09-74	
Do	215,376	23-02-77	
Do	247,824	12-04-78	
Do	268,928	20-04-79	
Do	1,149,425	18-02-80	
Greece	2,000	10-03-72	
Do	2,000	10-10-73	
Do	2,000	18-06-74	
Do	1,884	01-10-76	
Do	4,000	19-10-77	
Do	2,000	05-05-78	
Do	2,000	07-05-79	
Do	2,000	01-05-80	
Guyana	487	26-01-76	
Holy See	1,000	30-04-71	
Hong Kong	19,443	27-08-75	
Do	20,182	19-08-76	
Do	21,331	23-02-77	
Do	21,607	24-07-78	
Do	19,996	20-06-79	
Do	20,080	13-05-80	
Iceland	1,500	09-02-73	
Do	1,500	13-05-75	
Do	1,000	06-02-76	
Do	1,500	23-05-77	
Do	2,500	13-09-78	
Do	3,000	23-05-79	
Do	3,000	08-06-80	
India	7,000	12-09-79	
Do	7,000	02-02-81	7,000
Indonesia	1,000	05-07-77	
Do	1,000	11-01-79	
Iran	5,000	18-10-71	
Do	5,000	31-12-73	
Do	5,000	31-05-74	
Do	10,000	18-11-75	
Do	10,000	18-11-75	4,996
Do	9,942	22-06-79	
Iraq	5,066	18-02-76	
Do	5,185	25-04-79	
Do	4,758	28-04-80	
Ireland	5,000	08-08-77	
Do	5,000	12-09-78	
Do	5,000	12-09-79	
Israel	1,000	11-01-74	
Do	500	05-08-75	
Do	500	28-08-75	
Do	500	20-02-76	
Do	1,500	27-09-76	
Do	500	23-02-77	
Italy	103,200	03-03-72	
Do	100,000	19-02-75	
Do	124,339	03-02-80	

U.S. FUND FOR DRUG ABUSE CONTROL—STATUS OF CASH CONTRIBUTIONS PLEDGED OR RECEIVED AS AT MAR. 31, 1981—Continued

[Amount in U.S. dollars]

	Paid	Date[1]	Unpaid
Do	108,108	05-03-81	
Ivory Coast	2,000	22-12-76	2,000
Jamaica	1,096	21-01-75	
Do	1,095	02-02-75	
Do	1,094	29-11-76	
Do	1,095	11-01-77	
Do	1,100	05-01-78	
Do	600	08-11-78	
Japan	200,000	20-06-73	
Do	200,000	03-09-74	
Do	200,000	19-02-75	
Do	200,000	11-10-76	
Do	200,000	23-02-77	
Do	200,000	30-05-78	
Do	301,787	15-11-79	
Do	300,000	30-10-80	300,000
Jordan	2,000	15-12-75	2,000
Kenya	3,000	14-01-76	
Do	6,400	09-08-79	
Do	6,400	22-01-81	
Kuwait	2,000	01-02-74	
Do	14,000	14-09-76	
Do	5,000	14-02-77	
Do	5,000	04-08-78	
Libyan Arab Jamahiriya	6,460	11-05-73	
Do	10,000	15-03-79	
Liechtenstein	1,000	22-03-73	
Do	1,000	23-12-75	
Do	1,000	16-02-76	
Do	1,000	09-06-78	
Do	1,000	12-07-79	
Luxembourg	1,000	28-11-73	
Madagascar	2,034	11-05-79	
Do	2,365	19-06-80	
Malaysia	2,000	28-04-77	
Do	2,000	20-02-79	
Do	2,000	24-07-80	
Malta	251	30-01-73	
Do	233	25-05-76	
Do	268	30-03-78	
Do	248	25-05-78	
Do	277	23-08-79	
Do	286	30-01-80	
Do	251	13-03-81	
Mauritius	500	13-02-76	
Do	500	19-01-77	
Do	500	13-04-78	
Do	500	07-06-79	
Do	500	05-02-80	
Mexico	10,000	10-01-80	6,000
Morocco	2,068	10-01-72	
Do	2,207	14-02-73	
Do	2,000	04-08-75	
Do	2,000	17-12-75	
Do	2,000	18-02-76	
Do	3,000	29-04-77	
Do	3,000	09-04-79	
Do	3,000	29-09-80	
Do	3,000	17-12-80	
New Zealand	22,277	01-09-73	
Do	24,073	01-12-74	
Do	26,345	29-07-75	
Do	20,000	27-07-76	
Do	25,016	26-08-77	
Do	32,130	27-07-78	
Do	36,776	23-05-79	
Do	35,280	04-06-80	
Nigeria	6,000	19-02-75	
Do	8,778	26-04-78	
Norway	76,365	10-03-72	
Do	17,855	17-09-73	
Do	18,357	15-08-74	
Do	48,715	12-02-75	
Do	46,152	29-11-76	
Do	55,688	25-07-77	
Do	5,602,995	13-07-77	
Do	55,484	30-06-78	
Do	57,678	01-08-79	
Do	61,856	10-09-80	
Oman	997	21-05-79	
Pakistan	1,010	07-10-76	
Do	500	07-03-78	
Do	503	12-04-78	
Philippines	3,000	21-05-73	
Do	5,000	14-05-75	
Do	5,102	21-03-79	5,102
Portugal	1,000	09-02-73	
Do	1,000	22-03-74	
Do	1,000	18-03-75	
Do	1,000	15-01-76	
Do	1,000	04-01-77	
Do	1,000	17-02-78	
Do	1,000	20-03-79	
Do	1,000	08-01-80	
Qatar	2,000	05-09-73	
Do	10,000	28-06-76	
Do	10,000	10-10-77	
Do	10,000	18-01-79	
Do	10,000	22-05-80	
Republic of Korea	1,000	08-10-76	
Do	1,000	18-08-77	

U.S. FUND FOR DRUG ABUSE CONTROL—STATUS OF CASH CONTRIBUTIONS PLEDGED OR RECEIVED AS AT MAR. 31, 1981—Continued

[Amount in U.S. dollars]

	Paid	Date[1]	Unpaid
Do	1,500	13-09-78	
Do	2,000	27-06-79	
Do	2,000	19-08-80	
Rwanda	1,066	06-12-77	
San Marino	500	27-10-75	
Do	1,000	16-05-78	
Saudi Arabia	2,000	29-07-71	
Do	5,000	30-01-74	
Do	25,000	22-07-75	25,000
Do	50,000	27-12-76	
Do	50,000	12-06-78	
Do	200,000	03-07-78	
Do	50,000	26-02-81	
Senegal	3,049	23-02-77	
Do	3,155	20-04-78	
Singapore	1,000	06-11-75	
Do	1,000	26-10-78	
South Africa	1,580	09-01-74	
Do	1,474	09-07-74	
Do	5,728	16-11-76	
Do	5,875	23-02-77	
Do	5,561	07-02-79	
Do	6,160	20-07-79	
Do	6,159	04-06-80	
Spain	10,000	12-01-73	
Do	10,000	23-06-75	
Sri Lanka	500	05-12-78	
Sudan	1,000	03-08-76	
Surinam	1,000	14-09-76	
Do	1,000	18-04-77	
Sweden	63,073	07-03-72	
Do	47,393	10-10-73	
Do	44,395	17-09-74	
Do	45,766	12-11-75	
Do	47,007	12-10-76	
Do	41,322	23-02-77	
Do	454,752	26-05-77	
Do	485,437	20-09-78	
Do	49,633	04-12-78	
Do	52,225	18-09-79	
Do	471,586	05-03-80	
Do	53,274	24-03-81	
Switzerland	62,500	11-01-80	
Do	56,818	09-01-81	
Thailand	4,000	15-06-76	
Do	5,000	19-05-78	
Togo	200	20-01-77	
Trinidad and Tobago	1,000	28-05-75	
Tunisia	2,564	19-02-75	
Do	2,289	07-02-77	
Do	2,338	20-02-78	
Do	2,459	09-02-79	
Do	2,492	02-10-79	
Do	733	01-12-80	
Turkey	5,000	14-06-71	
Do	4,781	13-02-76	
United Arab Emirates	5,000	29-03-75	
Do	2,000	30-04-76	
Do	2,000	10-06-77	
Do	3,000	03-03-79	
United Kingdom	120,556	24-04-72	
Do	119,059	03-09-73	
Do	115,839	26-09-74	
Do	17,468	19-02-76	
Do	113,575	15-08-79	
Do	116,400	01-07-80	
United Republic of Cameroon	422	08-04-76	
United States of America	2,000,000	01-04-71	
Do	1,000,000	06-10-72	
Do	1,000,000	20-02-73	
Do	4,000,000	13-07-73	
Do	2,000,000	28-02-74	
Do	4,000,000	17-02-75	
Do	1,000,000	28-07-75	
Do	3,000,000	30-06-76	
Do	4,000,000	11-02-77	
Do	3,000,000	04-10-78	
Do	3,000,000	14-11-79	3,000,000
Do	1,000,000	26-08-80	1,000,000
Do	120,000	30-10-80	120,000
Uruguay	1,000	04-03-76	
Venezuela	2,000	22-03-76	
Do	2,000	07-06-77	
Do	2,000	29-06-78	
Do	2,000	20-06-79	
Do	2,000	10-07-80	
Vietnam	1,000	09-09-71	
Yugoslavia	6,000	22-02-74	
Do	5,367	21-01-75	
Do	5,921	23-12-75	
Do	7,000	01-12-77	
Do	7,000	01-12-77	
Total	48,911,356	4,756,952	
Interest income (Dec. 31, 1978)	1,307,656		
Private contributions	1,001,469		
Total	51,220,481		

[1] Dates listed are those of written pledges or, in their absence, of the U.N. official receipt of the payment.

LET POLAND BE POLAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DERWINSKI) is recognized for 5 minutes.

● Mr. DERWINSKI. Mr. Speaker, Chairman ZABLOCKI and I have today introduced legislation and will bring it to the floor tomorrow to permit the showing on U.S. television stations of a U.S. International Communication Agency film, "Let Poland Be Poland: A Day of Solidarity With the People of Poland." This must be passed by the House and Senate this week.

This legislation is absolutely necessary because only by specific authorization of Congress can ICA films, which are produced as part of the U.S. Government's foreign information program, be shown within the United States.

The film represents an effort by ICA to dramatize to the world the Russian-ordered oppression of the Polish people.

It is slated for showing on January 31 on public broadcasting facilities and subsequently on radio and other outlets across the country.

Among the participants will be President Ronald Reagan, Speaker TIP O'NEILL, British Prime Minister Margaret Thatcher, West German Chancellor Helmut Schmidt, Romuald Spasowski, former Polish Ambassador to the United States; Nobel Laureate Czeslaw Milosz, and Government leaders of Portugal, Turkey, Belgium, Italy, and Luxembourg. The presentation also will include a film of Pope John Paul II's trip to Poland.

I am honored to take the lead in introducing this legislation on behalf of the administration. The world and the American people should have the opportunity to know the full scope of the Communist oppression in Poland.

The situation in Poland is worsening, not improving. The world, especially Western Europe, is showing shocking indifference. This dramatic presentation, hopefully, will shock the world into realizing the seriousness of the situation in Poland.●

SIXTY-FOURTH ANNIVERSARY OF UKRAINIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, on January 22, 1918, the fondest hopes of the Ukrainians were realized when the parliament proclaimed the independent Ukrainian National Republic. The reality of freedom was shortlived, however, because by 1922, the Bolsheviks forced their way into power and resumed persecutions, relocations of whole villages, exiles of Ukrainian leaders, brutal starvations, and wholesale executions. Millions of brave Ukrainians perished during the terrible years of Stalin's rule, and through it all, the Ukrainians remained steadfast in their resolve to regain their freedom and national sovereignty.

The Ukrainian Congress Committee of America, Illinois Division, sponsored a banquet in observance of Ukrainian independence on Sunday, January 24, at the St. Nicholas Ukrainian Catholic School Auditorium, in Chicago. Dr. Myroslaw Charkewycz is the organization's outstanding president.

The Russian Communist oppression of the Ukrainian people and their cultural and religious heritage continues, and an article from the Ukrainian Quarterly follows on the campaign against religious institutions:

Campaign Against The Ukrainian Catholic Church Continues.—In its two issues of March 24 and March 26, 1981, Radyanska Ukraina, the official organ of the Council of Ministers and the Central Committeee of the Communist Party of Ukranine, carried a scathing attack on the Ukrainian Catholic Church. The author of these two diatribes is Klym Dmytruk, the pseudonym of a KGB agent.

The cause of these latest attacks is the approval by Pope John Paul II of the Ukrainian Catholic Synod under the leadership of Patriarch Josyf Cardinal Slipyj in Rome.

The Ukrainian Catholic bishops who met in the fall of 1980 not only approved the Synod, but also denounced the so-called Moscow-engineered "sobor" of of the Ukrainian Catholic Church which voted for the abrogation of the Union of Brest (1596) and "incorporated" some 6 million Ukrainian Catholics into the Kremlin-supported Russian Orthodox Church against their will.

KGB operator Dmytruk, in assailing the Ukrainian Catholic Synod, calls it a "rude interference into the internal affairs" of the USSR, and a violation of the Helsinki Accords. As is known, the Ukrainian Catholic bishops appealed to the Soviet government to restore the Ukrainian Catholic Church in Ukraine, a step wholly approved by Pope John Paul II.

The Communist scribe also assailed the Ukrainian radio broadcast of the Vatican Radio and members of its editorial staff which he said broadcast "Ukrainian bourgeois nationalism, masked under religious coloring."

He also denounced Patriarch Josyf Slipyj and such prelates as Rev. Dr. Ivan Hrynioch, Rev. Peter Steciuk, Rev. Sofron Mudry and others.

Mr. Speaker, it was for these reasons that I cosponsored House Concurrent Resolution 123 on the resurrection of the national churches in Ukraine, and also joined with many of my colleagues in sending a letter to the Soviet Ambassador in Washington urging the release of imprisoned members of the Ukrainian Public Group to Promote the Implementation of the Helsinki Accords. Copies of the resolution and the letter follow as well as a list of these courageous Ukrainian patriots:

H. CON. RES. 123

Concurrent resolution to seek the resurrection of the national churches in the Ukraine

Whereas the Charter of the United Nations, as well as its Universal Declaration of Human Rights, sets forth the objective of international cooperation "in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion . . . "; and

Whereas in the so-called Brezhnev Constitution of the Union of Soviet Socialist Republics article 52 unequivocally provides that "Freedom of conscience, that is, the right to profess any religion and perform religious rites or not profess any religion, and to conduct atheistic propaganda, shall be recognized for all citizens of the United Soviet Socialist Republics. Incitement of hostility and hatred on religious grounds shall be prohibited"; and

Whereas not just religious or civil repression but the genocide—the absolute physical extermination—of both the Ukrainian Orthodox and Catholic Churches in a nation of over fifty million brutally violates the basic civilized rights enunciated above: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the President of the United States of America shall take in the name of human rights immediate and determined steps to—

(1) call upon the Government of the Union of Soviet Socialist Republics to permit the concrete resurrection of both the Ukrainian Orthodox and Catholic Churches in the largest non-Russian nation both within the Union of Soviet Socialist Republics and in Eastern Europe; and

(2) utilize formal and informal contacts with Union of Soviet Socialist Republics officials in an effort to secure the freedom of religious worship in places of both churches that their own constitution provides for; and

(3) bring to the attention of all national and international religious councils the nature of this outstanding Stalinist crime and perpetuated violation of basic human rights, with an appropriate address to mobilization of their resources toward the realization of this resolution's objective.

HOUSE OF REPRESENTATIVES,
Washington, D.C., November 5, 1981.

His Excellency ANATOLY F. DOBRYNIN,
Ambassador of the Union of Soviet Socialist Republics, Washington, D.C.

DEAR MR. AMBASSADOR: We are writing to express our concern about the members of the Ukrainian Public Group to Promote the Implementation of the Helsinki Accords.

This Group was formed five years ago this week. Since that time, virtually all of its members have reportedly been imprisoned, sent to labor camps, or forced into exile.

The Group was created to monitor your government's compliance with the provisions of the Final Act of the Conference on Security and Cooperation in Europe. We strongly support the provisions of this Act, and we pledge that our government will continue to abide by them. We are distressed, however, by your government's apparent unwillingness to honor the terms of the act, as demonstrated by the imprisonment and exile of many of the members of this Group.

We have attached a list of the members of the Ukrainian Public Group to Promote Implementation of the Helsinki Accords for your consideration. We urgently request the release of these Soviet citizens, and ask that you convey to Chairman Brezhnev our deep concern about their welfare.

With all good wishes,

Yours sincerely,

FRANK ANNUNZIO,
Member of Congress.

UKRAINIAN PUBLIC GROUP TO PROMOTE THE IMPLEMENTATION OF THE HELSINKI ACCORDS

Date and place established: November 9, 1976 in Kiev, Ukraine.

Group leader: Mykola Rudenko.

FOUNDING FATHERS (10)

Berdnyk, Oles, labor camp; Grigorenko, Petro, now in U.S.A.; Kandyba, Ivan, prison; Lukyanenko, Levko, labor camp; Meshko, Oksana, exile; Matusevych, Mykola, labor camp; Marynovych, Myroslav, labor camp; Rudenko, Mykola, labor camp; Strokata, Nina, now in U.S.A.; and Tykhy, Oleksiv, labor camp.

NEW MEMBERS (27)

Chornovil, Vyacheslav, labor camp; Heyko, Olha, prison; Horbal, Mykola, prison; and Kalynychenko, Vitaliy, prison.

Joined while in labor camp: Karavansky, Svyatoslav, now in U.S.A.; Krasivsky, Zinoviy, labor camp; Lesiv, Yaroslav, labor camp; Lytvyn, Yuriy, labor camp; Malynkovych, Volodymyr, in Germany; Melnyk, Mykhaylo, suicide; Ovsiyenko, Vasyl, labor camp; Popovich, Oksana, labor camp; Rebryk, Bohdan, labor camp; Romanyuk, Vasyl, Rev., released; and Rozumny, Petro, released.

Joined while in exile: Senyk, Iryna, exile; and Shabatura, Stefaniya, released.

Joined while in labor camp: Shukhevych, Yuriy, labor camp; Shumuk, Danylo, labor camp; Sichko, Petro, labor camp; Sichko, Vasyl, labor camp; Sokulsky, Ivan, labor camp; Strilsiv, Vasyl, labor camp; Stus, Vasyl, labor camp; Svitlychna, Nadiya, now in U.S.A.; Vins, Petro, now in U.S.A.; and Zisels, Yosyf, labor camp.

Mr. Speaker, it is with pride that I join Ukrainian Americans in tribute to millions of Ukrainians who are continuing their struggle for the blessings of liberty in their own homeland. I am honored to join with Americans of Ukrainian descent in my own 11th District and all over this Nation who continue to cherish the hope of eventual independence and a free Ukraine. The spirit of the people of Ukraine is testimony to the fact that tyranny, in whatever brutal form it manifests itself, cannot conquer the soul of a Nation and its people.●

LET CONGRESS DO THE LAWMAKING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEVITAS) is recognized for 5 minutes.

● Mr. LEVITAS. Mr. Speaker, in all the confusion over President Reagan's position on the issue of tax exemptions for private schools, the President did make himself very clear on one point. He clearly reiterated a view he has made known before, that the laws of this country should be made by the Congress—the elected representatives of the people—and not by unelected bureaucrats.

During his campaign for the Presidency, Mr. Reagan pledged his support for the legislative veto, which would give Congress the right to veto rules and regulations promulgated by the bureaucratic agencies. Mr. Reagan realized that the legislative veto would provide a mechanism whereby Congress could have some control over rulemaking by unelected bureaucrats.

And now, it is good to hear President Reagan repeat his opposition to Government "by administrative fiat." The President's statement on January 12, 1982, explaining the Treasury Department's ruling on the tax-exempt status of private schools, underscores his commitment to fight against Government by bureaucrats. President Reagan said:

I am also opposed to administrative agencies exercising powers that the Constitution assigns to the Congress. Such agencies, no matter how well intentioned, cannot be allowed to govern by administrative fiat . . .

President Reagan called this one of the "fundamental" views of his administration.

In a campaign speech in Youngstown, Ohio, on October 8, 1980, Mr. Reagan discussed ways to control the Government bureaucracy. He said:

To better control the growth of Federal regulations, we should . . . grant both Congress and the President greater authority to veto regulations approved by executive agencies.

I agree with Mr. Reagan, and believe that as President he will live up to his campaign promise.

Even though I have heard that some members of the President's staff oppose this idea, given his recent statements, I am sure that President Reagan will keep his word and continue to support the legislative veto, which will return power to those who are elected and accountable to the people of this country. Let us hope he does not let the staff make the decision on this one.●

OMINOUS STEPS TOWARD GOVERNMENT CONTROL OF INFORMATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BROWN) is recognized for 5 minutes.

● Mr. BROWN of California. Mr. Speaker, in recent weeks we have seen a concerted effort on the part of the administration to impose controls on the free flow of information from the Government to the public, as well as between scientists in the United States and those overseas. This is a most ominous development, with far-reaching implications that I do not believe the administration has fully grasped.

Several actions on the part of the Executive add up to a most worrisome picture. It has been well publicized that new policies are being implemented which will restrict contacts between Government officials and the press. In addition, a new Executive order is being drafted, which will give Government officials greater authority to invoke "national security" to keep information from the public, through the classification procedure. The administration is also moving to rewrite the provisions of the Freedom of Information Act, which has served the Nation so well since its enactment in 1966, in such a way as to restrict both the material that can be made public and those who may demand the information.

Finally, and equally troublesome, are the efforts at restricting the flow of scientific information, by use of the classification procedure, by censorship prior to publication, and by means of regulations based on the authority of the Arms Export and Control Act—administered by the Department of Commerce—and the international traffic in arms regulations—administered by the State Department.

Admiral Inman, Deputy Director of the Central Intelligence Agency, produced at the recent annual meeting of the American Association for the Advancement of Science a list of subjects for classification or restriction that includes "crop forecasting, computer software, and computer hardware." It is not difficult to see the sweeping range of those proposals. In response to criticisms that the National Security Agency had not made its case for classifying certain cryptographic material, Admiral Inman responded:

This reasoning is circular and unreasonable. The specific details of why information must be protected are often even more damaging than the information itself.

This justification in itself is a brilliant exercise in circular reasoning; it requires that the public place absolute faith and power to control information in the hands of these gentlemen. Admiral Inman then proceeded to characterize scientists' arguments for free flow of information as being motivated by self-interest, entirely disregarding the society's stake in this freedom.

Every new administration inevitably goes through a phase of believing it is more important to stem leaks of sensitive or embarrassing material, rather than dealing with the substance of the issue. While this is understandable, we must remain on guard because this administration, more than any other, stands a good chance of codifying this institutional paranoia into the laws of the land. Once again, we witness the banner of "national security" being raised to justify all manner of restrictions on the free and necessary flow of information. The Nation has grown

weary of this demagoguery, especially when the sweepingly broad concept of "national interest" is freely used in place of "national security."

This Nation was founded by individuals who had a healthy distrust for government, based not on ideology but on personal experience of its excesses. In consequence, every effort was made to define rights, responsibilities, and individual restrictions by means of statutes enacted by Congress, so as not to fall victim to the capricious interpretations by faceless bureaucrats or officials with narrow perspectives of the democratic process. I believe this is not in contradiction with the present administration's philosophy.

National security is too important to be left to security specialists alone. Congress and the executive should be especially careful with language in this area, spelling out clearly what is meant by "national security." They must recognize explicitly that information which is merely embarrassing to Government officials does not qualify for being suppressed under the rubric of "national security" or even "national interest."

Quite the contrary, such information is properly a part of the public domain, for without it, the constitutionally mandated system of checks and balances becomes inoperative. The oversight function of Congress was instituted precisely to deal with competing interests, conflicts of policy, inefficiency, waste, and mismanagement. Restrictions on the public dissemination of governmental information inevitably translates into congressional ignorance on key matters, for it is well known that Congress functions by reacting to public concerns, not by initiating public debate. For Congress to acquiesce to the executive's efforts in restricting information is to abdicate its constitutional role.

Beyond the petty issues of embarassing revelations lies the larger question of striking an appropriate balance between the public's right—and need—to know, and genuine concern for national security matters. This is a valid and difficult question. Precisely because of this, it is imperative that the public, through its elected representatives, participate in the process of deciding what it chooses not to know for the sake of the good of the Nation as a whole.

Unfortunately, this administration has failed to recognize the fact that the public's need to know is fundamental to the workings of a democratic nation, and that the press is the vehicle by which this right is exercised. The executive appears to view the press as yet another self-serving special interest group, and the public's need to know as merely a manifestation of an inappropriate curiosity.

Through its actions regarding revisions of the Freedom of Information Act, the new Executive order on classification of sensitive material, its restrictions on contacts with the press, and regulations that restrict communication within the scientific community, the administration is effectively shifting the burden of proof of need to know to the end user, on a case-by-case basis, while at the same time eliminating some of the vehicles by which the user might establish such need. This in itself is prima facie evidence that the administration does not accept the public's need to know as a right. This contradictory situation is further aggravated by the fact that if the public is not aware of the existence of certain important information, it will not know to ask for it through the remaining channels.

Fortunately, the administration's moves toward information control have met with unprecedented resistance. The Washington Post of January 22, 1982, reports vocal protests to the National Security Adviser by reporters who cover the State Department, indicating that the change in policy "is having chilling effects * * * with officials now reluctant to discuss or even explain basic points of policy." Universities find themselves in open confrontation with the Government, refusing to abide by its restrictive regulations regarding meetings with foreign scientists—Los Angeles Times, January 20, 1982. The otherwise staid National Academy of Sciences has refused to act as an intermediary between the universities and the State Department, because it would reflect acceptance of its restrictive policies—Washington Post, January 21, 1982. The Governing Council of the American Association for the Advancement of Science, the Nation's most prestigious scientific society, passed a resolution on January 7, 1982, disapproving of the Government's policies:

Whereas freedom and national security are best preserved by adherence to the principles of openness, that are a fundamental tenet of both the American society and of the scientific process,

Be it resolved that the American Association for the Advancement of Science opposes governmental restrictions on the dissemination, exchange, or availability of unclassified knowledge.

Professional and academic journals are filled with editorials strongly opposing attempts to restrict the flow of scientific information. I wish to call to the attention of my colleagues three such statements, one by Prof. Edward Gerjeoy, from the University of Pittsburgh, who chairs the Panel on Public Affairs of the American Physical Society, another by Prof. Stephen Unger, from Columbia University, and an excellent editorial by Daniel S. Greenberg, the editor and publisher of the Washington based Science & Government Report [editorials appended].

There is another aspect of this question that must not be forgotten: The U.S. leadership in the field of communications and data processing. The United States has held long standing, bipartisan policies aimed at facilitating and preventing restrictions on transnational data flows, which are very important to international trade and to the functioning of many U.S. firms that operate overseas. We have argued strenuously for the benefits of unrestricted data flow, and against the imposition of restrictions on communications, such as through the New World Information Order. The administration's actions regarding the flow of information leaving the United States are in direct contradiction to these longstanding policies, and invite retaliation from other nations which could severely cripple U.S. leadership, trade position, as well as intelligence gathering ability.

For these reasons, it is imperative that Congress not deal with each of the administration's actions in a piecemeal fashion, but be aware of the overall picture they represent. If we were on a war footing, perhaps the measures proposed by the administration might be justifiable for a short interval. But we are not, and the damage and costs that will have to be borne if we accede to the kinds of restrictions envisioned will be far reaching. It is ironic that, in the single-minded pursuit of the anti-Soviet posture that characterizes this administration's policies, we should end up using precisely the same methods of information control for which we so fault them.

APPENDIXES

"Unwise export controls can hurt," Edward Gurjeoy, Physics Today, October 1981, p. 144.

"The threat of expanding secrecy in technology," Stephen Unger, the Christian Science Monitor, January 6, 1982.

"A formula for smothering U.S. scientific progress," Daniel S. Greenberg, Los Angeles Times, January 18, 1982.

UNWISE EXPORT CONTROLS CAN HURT

For the past year and a half the federal government has been increasing its efforts to control the interchange of unclassified scientific and technical information with foreign nationals. These attempts began at the February 1980 International Conference on bubble memory, when the American Vacuum Society was instructed it would have to obtain an export license before admitting Communist-bloc scientists to the meeting; such actions have since become widespread on a variety of scientific fronts. A recent news story in Physics Today (June, page 55) has reviewed these developments. Some idea of their scope—and of the tenor of the government's thinking—can be gleaned from the fact that university physics departments that have admitted mainland Chinese graduate students have been receiving letters from the State Department requesting—under the alleged authority of export regulations—completion of a questionnaire that asks what professional trips the student might be taking, what major subject areas—including specific research

problems and experiments—will be involved in the student's program, and what contact the student will have with the host institution's industrial or government contracts.

Preventing the spread of high technology that could make a significant contribution to the military potential of unfriendly nations appears to be the U.S. government's main objective in strengthening export controls. Traditionally the government has accomplished this objective by classifying military "secrets" and by controlling the export of military hardware—aircraft, for example. The new approach extends export controls from military hardware to information about certain high technologies, thereby creating a vast new category of unclassified yet restricted information, open to all American citizens but closed to foreigners without federal authorization. Forbidden are both oral and written communications to foreign nationals.

Without quarreling with the aforementioned objective, American scientists legitimately can question whether the government's new approach can achieve its goal without highly counterproductive and deleterious effects on the current structure of our research institutions, both industrial and academic. Effective enforcement of controls on the newly characterized exports seems impossible without expensive and stultifying expansions of paperwork, bureaucracies and measures that will greatly impede the free exchange of information between our own nationals; these measures will be a source of possible harassment to seminar speakers and university lecturers, and they may endanger the established publication policies of our major scientific journals.

Such measures carry the risk—surely unintended by the government—that our universities and laboratories will decide that much basic research on the frontier of high technology has become too inconvenient and divisive to pursue. It is also likely that American scientific societies will find it awkward to invite distinguished foreign scientists to our conferences and that such scientists, if invited, will refuse to come, all to the detriment of our continued scientific growth. One wonders if the government really understands that the US has no monopoly on high technology, and that during our communications with foreign scholars knowledge is gained by us as well as imparted.

The threats to American science inherent in the new controls may stem from the circumstance that they are being adopted without adequate consultation with the scientific and university communities. The specific queries in the State Department questionnaire suggest only a limited understanding of the facts that American university science departments now have large enrollments of foreign graduate students, that the bulk of these students must be supported on industrial and government contracts, and that after receiving their PhDs many of these foreign students remain in this country and contribute importantly to our nation's scientific and technological growth. It is unlikely that the propounders of the new export control policies—policies which would subject to export licenses any meeting that is not open to the general public and that does not publish its proceedings—are aware of the scientific community's respect for Gordon Conferences or realize that these new policies would make Gordon Conference organizers subject to fine and imprisonment unless they obtained export licenses before admitting foreign nationals.

If increased export controls on scientific and technological information are demonstrably necessary for welfare and security of this nation, the needed regulations should be formulated in active cooperation with working scientists, university administrators and the officers of scientific societies. The government agencies responsible for promulgating and enforcing export controls should attempt to bring the necessary parties together. We hope that the President's new science adviser will lend his support to this suggestion; final promulgation of poorly conceived export control regulations could impede the continued progress of American science and ultimately weaken the United States.

EDWARD GERJEOY,
Chairman, Panel on Public Affairs,
American Physical Society.

THE THREAT OF EXPANDING SECRECY IN TECHNOLOGY

(Laws restricting export of technical information are being applied to US university professors and scientists in ways that threaten both academic and scientific research freedom. The following assessment is taken from a background paper prepared for the committee on Scientific Freedom and Responsibility of the American Association for the Advancement of Science.)

(By Stephen Unger)

Historically there have been two types of restrictions placed on scientific and technical information. The government has classified information relevant to military purposes, and the private sector has restricted access to information concerning commercially important processes and devices. The government has also controlled sensitive technical products through weapons and export control regulations.

Over the past few years, however, several governmental actions have been directed at broadening control to include not only the technical hardware but also the technical knowledge generated by private investigators outside the government. Growing government concern is also seen through its efforts to make United States technology in areas such as microelectronics and computer search less accessible to foreign nationals and to impose prior restraint on selected publications.

The growing field of cryptology [secret codes] is a case in point. Cryptology was, until recently, primarily used by the military, intelligence service, and diplomatic corps. However, large-scale digital communications, electronic fund transfers, the storage of huge amounts of data on individuals and businesses in computer banks, and the increased concern about privacy in general, has made cryptology a subject of much broader concern.

On several occasions federal officials have asked that technical papers involving encryption devices not be presented at scientific meetings. Patent applications for these devices have been delayed.

The government's arguments for concealing cryptology work are the open publication would endanger national security.

This has been challenged on the grounds that, because the US is so heavily dependent on electronic communications, a strong civilian capability in encryption and verification systems is necessary to prevent "data sabotage." It is also noted that this technology is much more important to the US than to the Soviet Union, which is far behind in the use of digital data systems.

In early 1980 the organizers of a scientific meeting on computer technology (the American Vacuum Society) and of a meeting on laser fusion (the Optical Society of America and the Institute of Electrical and Electronics Engineers) were asked by the US government to restrict participation of certain invited foreign nationals. Both meetings were held with some government controls imposed.

The US Senate has suggested that foreign students should be prevented from working with certain research programs involving high-speed integrated circuits. The large (probably more than one-third) proportion of engineering, physics, and computer science graduate students at American universities who are foreign nationals would make this restriction difficult, at best.

The constitutional conflicts over the government's right to classify nongovernmental information were well documented in the case of The Progressive, in which a journalist, working from unclassified documents, assembled information on the construction of the H-bomb. In this case, the government sought to classify the result of an independent researcher's work, not the documents used to support that work.

The overriding reason given to support secrecy in these and other areas of science and technology is national security. The military strength of the country has depended in large measure on the pre-eminent status of US technology. Yet, in recent years, fears have been expressed that we cannot continue to disseminate "know how" abroad without further eroding our leadership. Furthermore, America's technological predominance in the commercial sector has been called into question by nations such as Japan and West Germany. Why, proponents of secrecy ask, should sensitive industrial knowledge be exported?

But does secrecy actually promote security? The futility of trying to suppress scientific knowledge is illustrated by what happened in the early 1940s. Prior to the initiation of the Manhattan Project, American scientists agreed not to publish papers dealing with nuclear fission. Intrigued by this absence of publications, G. N. Flyorov, a Soviet physicist, assumed that the US government had begun a secret nuclear project and urged the USSR to do the same.

An argument can be made that secrecy, in the pursuit of high-quality science and technology, does more harm than good.

Virtually all methods for effectively constraining the flow of information out of the country entail the imposition of restrictions on domestic circulation and publication as well. This would make duplication of efforts necessary, thereby slowing the process. Eventually, such a course of action could undermine the national security by weakening the nation technologically.

The exclusion of foreign nationals from university based research would reduce the general pool of talented individuals at American universities. It would also have the more indirect effect of creating a feeling of distrust and ill will between this country and others.

Beyond these considerations is that of the traditional protections for freedom and openness that have always been part of American society and law.

Erecting significant new barriers to scientific communication and establishing precedents with respect to prior constraints on publication and speech would degrade valuable American tradition and detract from the example of openness that this country

has set for the rest of the world. It would also harm one of the few existing strands of international cooperation: that which links scientists and engineers across national boundaries.

The threat of expanding secrecy in technology merits the serious attention of scientists and engineers, both as professionals and as citizens.

A FORMULA FOR SMOTHERING U.S. SCIENTIFIC PROGRESS

(By Daniel S. Greenberg)

Are the Soviets really dipping into this country's vast output of scientific and technical knowledge?

No question about it—indeed they are. But there is a serious question concerning what we should do about it. A resolution of that question is becoming more urgent as senior defense and intelligence chiefs intensify demands for important segments of American science to curtain themselves off from prying eyes. If science doesn't voluntarily censor itself, Adm. Bobby R. Inman, deputy director of the Central Intelligence Agency, warned last week, its traditional resistance to "regulation of any kind" will be "wiped away by a tidal wave" of public and congressional concern.

When it comes to pressuring science into trimming its ancient practice of unrestricted communication, the admiral already has a historic scalp in his belt. For it was under his prodding, while he headed the super-secret National Security Agency, that university-based computer scientists agreed to a voluntary system of government pre-publication review of research papers of possible value for making and breaking codes. That reluctantly taken step, even with its voluntary feature, represented an unprecedented surrender in the peacetime history of our scientific community.

Now Inman and his national-security colleagues, backed by the White House, want to extend the principle of voluntary collaboration to most, if not all, of American science and technology. Is that a good idea?

To the tunnel-visioned bureaucrats of national security, it's obviously a splendid idea. But their embrace of it reflects a medieval grasp of the workings of 10th-Century science and technology—so much so that it is reminiscent of perpetual-motion engineering, leech medical therapy and alchemy.

The reason we're ahead of the Soviets in science and technology has nothing to do with expenditures, talent or ambition. In all three departments, the United States and the Soviet Union are lookalikes.

What sets the two countries apart—and makes the United States dynamic and creative and the Soviet Union clumsy and needful of scientific larceny—is that our research is mostly open and theirs is mostly secret. That's the unanimous report from emigres, defectors and foreigners who have visited Soviet research centers. (Incidentally, the only way we got into those carefully guarded centers was through tit-for-tat exchange programs that we've foolishly cut off in retaliation for Soviet foreign transgressions.)

Inman's latest proposal rates special attention both because of his government position and his track record on clamping down on science. What he's asking for sounds innocent enough, amounting to the seemingly friendly suggestion that researchers police themselves before an outraged public does it for them, and with more onerous restrictions than might be really necessary and desirable. "A potential balance between national security and science may lie," he told the annual meeting of the American Association for the Advancement of Science, "in an agreement to include in the peer-review process, prior to the start of research and prior to the publication, the question of potential harm to the nation."

The difficulty with that smooth-sounding formula is that it would be a first step to the intellectual coagulation of American science through the introduction of spook criteria into the support and publication of research.

Though the admiral says he's mainly concerned about industrially applied research rather than academic basic science, the fact is that the peer-review process that he's focusing on is almost wholly confined to science in the universities. The peers are knowledgeable fellow scientists who advise on handing out federal research money and on worthiness for publishing the results. In that realm of research, his recommendations would indeed end the problem of Soviet prying by so retarding our scientific output that the Russians would find little worth lifting from journals and conferences.

But are there advanced technologies, in the form of equipment or information, that we want to keep out of the hands of adversaries? Of course. And security techniques exist for accomplishing that without stopping up the mainsprings of our scientific creativity. The classification of militarily relevant technology is old hat, and we've learned to live with it—though it's worth noting that many enlightened military men think it's overdone to our detriment.

Knowledge thrives on light and air. That's the one secret of American science that the Soviets are unable to grasp.●

LEGISLATION TO INCREASE THE CIGARETTE EXCISE TAX AND EARMARK THE REVENUE TO MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. STARK) is recognized for 5 minutes.

● Mr. STARK. Mr. Speaker, today on behalf of myself and the gentleman from Minnesota, Mr. OBERSTAR, I am introducing a bill to increase the excise tax on cigarettes by 10 cents, and to transfer the revenues from this tax to medicare. On the Senate side, Senator DANFORTH has introduced identical legislation, S. 1610.

A major objective of this bill is to help make those who choose to smoke responsible for the tremendous health care costs now borne for them by the Federal Government and the nonsmoking taxpayers. Experts estimate that in 1980 alone, a staggering $3.8 billion or about 6 percent of medicare and medicaid expenditures, went to treat persons suffering from smoking-related diseases. Presently, the Federal excise tax of 8 cents per package, first imposed in 1951 and left unchanged in the intervening 30 years, goes into the General Treasury. Thus, the current 8-cent tax revenue is only very indirectly being applied to the costs attributable directly to cigarette smoking. If the additional 10-cent tax is earmarked to medicare, however, this would raise over $3 billion per year for medicare.

A 10-cent excise tax increase would also help decrease cigarette consumption. Reducing consumption would benefit not only the health of Americans, but also our troubled economy. Considering that the value of production lost through sickness due to smoking in 1980 was $25.8 billion, an increase in the excise tax on cigarettes would help productivity.

While proposing tax increases is not popular, I believe that in this case it is altogether warranted and timely. My bill makes smokers pay a larger share of the clearly identified costs they impose on society, and it also brings needed financial help to a very troubled social security system. This bill is not a way for President Reagan to avoid responsibility for projected deficits, exceeding $100 billion in the coming years. The President must recognize that future deficits were largely created by the excessive $749 billion tax cut he pushed through Congress last year. My bill is, however, a way of dealing with a national health disaster created by cigarette smoking.

I hope that my colleagues on the Ways and Means Committee will thoughtfully consider this legislation in the near future.●

THE CREATION OF A NATIONAL "BULLET TRAIN" SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 10 minutes.

● Mr. REUSS. Mr. Speaker, with the beginning of this 2d session of the 97th Congress, I report on the progress realized last session toward achieving a high-speed passenger rail system in the United States equal to or better than those in the other industrialized nations.

Because the creation of a national "bullet train" system would have a beneficial effect on the U.S. economy, it has been a top priority of the Joint Economic Committee. In its November 3, 1981, report, "Case Studies in Private/Public Cooperation To Revitalize America: Passenger Rail," the committee concluded:

One part of America's infrastructure should be a high-speed rail passenger system. The Europeans and Japanese have demonstrated that high-speed rail passenger operations can be successful. This success can be duplicated in the United States. As personal travel becomes more difficult and inconvenient, passenger rail systems emerge as a viable and intelligent alternative to present personal transportation systems.

The development of a high-speed passenger rail system in the United States would have benefits that extend far beyond saving energy and improving personal transportation. Revitalizing the Nation's passenger railroads would provide an excellent start in reindustrializing America because it would

require the creation of a major industry. For the next generation, Americans could be busy making rail locomotives and rolling stock, new track, electrification systems, and other things needed to redevelop our entire rail system. Just as the automobile helped make the 1920's prosperous, the decade of the 1980's could see an American revival based on the railroad.

Given the benefits which would accrue from the development of a passenger rail system, the United States should establish a goal of creating a high-speed rail passenger system equal to or better than those of the other industrialized nations. The development of a passenger rail system in the United States should not be a revivalist or preservationist movement. The American system should be a railroad of the future based on modern technology and new ideas.

The committee's eight specific recommendations included:

First. Develop high-speed intercity rail systems in highly populated corridors;

Second. Separate passenger and freight operations;

Third. Utilize advanced railroad technology;

Fourth. Electrify the rail lines;

Fifth. Eliminate grade crossings;

Sixth. Business, labor, and Government should cooperate in project planning, finance, and operations;

Seventh. Appoint a Rail Corridor Development Expediter in the Executive Office of the President; and

Eighth. Promote domestic jobs and production.

Editorial response to the Joint Economic Committee report was favorable:

Editorials follow:

[From the Tucson (Ariz.) Arizona Daily Star, Nov. 6, 1981]

ALL ABOARD AGAIN

At last! The congressional Joint Economic Committee has lighted a green semaphore on the development of high-speed passenger trains for Americans. The attention is a little late, but a free market is like that sometimes.

While the governments of other nations have devoted increasing attention to rail transportation since World War II, the United States has let its once superior service slide into near-oblivion. Affluent Americans were more enamored of the personal-automobile and faster, larger jet planes.

But inflation has put those modes out of reach to many. Airlines are in financial trouble and government supervision of air traffic is a mess. The price of a new automobile is nearly out of sight and the fuel that runs it is no bargain, either; the auto industry is in deep recession. Meanwhile, tax-strapped Americans have put the squeeze on government spending at all levels. The pell-mell construction of interstate highways and inner-city freeways has all but stopped, and many of those built in better times are falling into disrepair. Economists don't foresee any change in the near future.

So the public eye is turning back toward the rails. Amtrak, the government-supported rail passenger system, has kept the option alive. It has worked against tremendous odds—a lack of cooperation from most private railroads, legislators who refuse to see the need for it, and an apathetic public.

In its early years, Amtrak was appealing to few but passenger train loyalists. The equipment was old and in poor condition, schedules were abysmal, the trains unreasonably slow and reservations difficult to get. Today the Amtrak fleet consists of more luxurious new coaches than old ones. Its on-time record beats that of the airlines. This month, Amtrak switched to a totally computerized reservations system that will make bookings a snap.

Still, the trains are slow. Amtrak runs over private lines, many of which are not maintained to carry high-speed traffic. Partly because of that and partly because of railroad hostility toward Amtrak, passenger trains are held to average speeds of 40 mph. Meanwhile, "bullet trains" in Japan, England's "High Speed Train" and French "Tres Grande Vitesse" trains whisk passengers between cities at speeds of 100 mph and more.

Amtrak has had notable success with higher-than-average speed service between Boston, New York and Washington and between San Diego and Los Angeles. Amtrak President Alan Boyd believes that high-speed service between major cities from 100 to 300 miles apart would be very successful. Phoenix and Tucson come to mind almost immediately. The technology and the equipment are available—mostly from Japan. It will take American industry longer to go into production. And it will take billions of dollars.

The Joint Economic Committee did not recommend that government foot the bill, but rather that private capital be raised through government-guaranteed loans—such as those offered the Chrysler Corp. That's a sensible way to go. Railroad companies could be the first to queue up for a piece of the action, guaranteeing also that they will be more helpful in making Amtrak work.

The idea is not to replace the jet plane or the personal automobile but to balance the nation's transportation system with an efficient third mode and thus assure that the United States remains mobile.

[From the Houston (Tex.) Chronicle, Nov. 9, 1981]

TEXAS TRIANGLE PERFECT FOR HIGH SPEED TRAINS

Unfastening the golden buckle of the Sun Belt to get in and out of Houston is getting tougher each day. Crowded skies and freeways make travel between major cities in Texas expensive in irritation and time. Talk of high speed trains in the Texas Triangle corridor of Houston-San Antonio-Dallas to ease these intercity traffic jams has been going on for several years.

Last week a Joint Economic Committee of Congress released a study calling for construction and operation of a high speed passenger rail system nationwide. The committee believes such a system could play a vital role in revising America's economic decline.

The phenomenal industrial and population growth in the Texas Triangle makes it a perfect candidate for such a system. If a high speed rail system can succeed anywhere, it is in the Houston-San Antonio-Dallas booming economy. Previous attempts at profitable passenger train operations out of Houston have failed because they have not linked these three major population areas with convenient, reliable speedy and direct service.

Alan Boyd, president of Amtrak, noted that its passenger train from Houston to Dallas—now canceled—traveled 345 miles to make a 245 mile trip. It took 8 hours and 50 minutes to do it, an average speed of 38 miles per hour. A business person would not consider taking time for such a trip. Even a pleasure traveler would find eight hours on a train to Dallas a bit taxing.

Finding a solution to such a convoluted system requires looking to those countries that have good rail systems. Fortunately, we are making progress in that direction. A newly formed Japan-United States Rail Congress, comprised of 15 members of the Japanese Diet and 15 members of the U.S. Congress, is working to bring high-speed trains to this country. Government incentives in the form of loan guarantees and tax credits could encourage private investment.

Restoring train travel as a major form of transportation is not only economically sound but psychologically rewarding. Americans have long been fascinated by train travel. It's in their folklore and music. Maybe with highspeed trains, romanticism and reality can be reconciled.

[From the Cocoa (Fla.) Today, Nov. 8, 1981]

BULLET-TRAIN ADVOCATES ARE ON THE RIGHT TRACK

The passenger train is a good idea whose time has come and gone and come back again. What lies ahead is the challenge of rebuilding America's rail system, a task more formidable than its original construction early in the last century.

It has been more than a decade since Brevard County residents have been able to board a train in Titusville, Cocoa or Melbourne. The story is the same across the nation: cheap fuel for automobiles, good roads and relatively inexpensive air travel pushed railroads out of the passenger hauling business.

The passenger lines that remain are operated by Amtrak, the federal rail corporation that is so awash in red ink it could repaint all its locomotives with the stuff and still have enough left over to touch up a caboose.

Now that fuel costs have risen sharply, trains are beginning to appear very attractive again. But before they can stage a comeback they must overcome their major drawback—their lack of speed. In the mid-1950s the average passenger train traveled at 75 mph. Now the average is 40 mph. That won't do. We Americans want everything now, and that includes getting to where we're going.

In some other countries the speed problem has been licked. Specially designed trains hurdle between cities at well above 100 mph. Japan pioneered the concept of "bullet-trains," but France has the fastest train of all—the *Tres Grande Vitesse*, which cruises at 160 mph and will go much faster when its special tracks are completed. West Germany, Sweden, Switzerland, Italy and Canada either now operate high-speed rail systems or are in the process of building them.

Obviously, the United States is sadly behind in this area, and it's time we caught up. Recently the Joint Economic Committee of the U.S. Congress issued a report to that effect. "The construction and operation of a high-speed passenger rail system could play a vital role in reversing America's economic decline," the study concluded.

The report comes even as Japanese and American experts are cooperating in studying the feasibility of setting up bullet-train service in several areas in the United States. One of the routes under consideration is

that between Miami and Jacksonville, which obviously would have tremendous economic implications for the Space Coast.

It is not too early for state and local officials to get behind the bullet-train concept. Their support will be needed if such an ambitious project is to become a reality.

[From the Dallas (Tex.) Times-Herald, Nov. 8, 1981]

SLOW PROGRESS FOR FAST TRAIN

A report by the Joint Economic Committee of Congress paints a beautiful picture of bullet trains racing between major American cities, but the dream is clouded by the economic realities that have forced sharp cutbacks in existing passenger service provided by the federal Amtrak system.

The time will come when high energy costs and congested skies and airports will make it more feasible to consider a network of high-speed trains, but that day may be decades away.

Included in the list of cities suggested for bullet-train service are four in Texas—Dallas, Fort Worth, San Antonio and Houston.

The rail enthusiasts on the congressional committee said the United States needs a balanced transportation system to remain economically healthy. The construction and operation of a high-speed passenger rail system could play a vital role in reversing America's economic decline, the group reported.

Bullet trains that average at least 100 miles per hour now are in service in Britain, France and Japan, but they are part of government-owned-and-subsidized systems. President Reagan is going the opposite direction in transportation policy, calling for less, not more, spending on railroads, aviation, barge operations and highway construction.

Amtrak supporters argue that the passenger system would come closer to paying its way if it had better track facilities and higher speeds. The report on the bullet-train concept noted that the average speed of U.S. passenger trains declined from 75 miles per hour in the mid-1950s to 40 miles per hour at present.

We certainly agree with the congressional committee that bullet-train service ought to be explored. For although financing the project without massive government subsidies would be a major obstacle, the train network would, as the committee noted, not only create a major new industry and foster new employment and business opportunities, but also would help revitalize the areas served by the high-speed trains.

Meanwhile, legislators from the U.S. Senate and House of Representatives and the Japanese Diet successfully formed the Japan-United States Rail Congress, which will work to introduce high-speed passenger rail systems in heavily populated U.S.-transportation corridors. The Rail Congress held its first meeting in Washington on November 4, 1981, and passed the following resolution:

RESOLUTION CREATING THE JAPAN-UNITED STATES RAIL CONGRESS

Whereas the United States and Japan have historically been among the world leaders in the development of rail transportation systems; and

Whereas rising energy prices and uncertain energy supply, the limits of the carrying capacity of other modes of transportation, and the natural competitive advantages and efficiencies of rail transportation make railroads an increasingly important part of the transportation systems of both the United States and Japan; and

Whereas much is to be gained by the discussion of and resolution of problems related to railroad transportation in the two countries; and

Whereas the position of Japan as world leader in developing and operating efficient, safe, and reliable high-speed intercity passenger trains and commuter rail trains can be of assistance in developing and enhancing such services in the United States; and

Whereas the position of the United States as the leader in innovation and operation of freight rail systems, computer systems, aircraft technology, and other fields related to transportation can be of assistance as Japan seeks to meet its growing needs; and therefore before it

Resolved, That a permanent forum composed of members of the Japanese Diet and the United States Congress should be and hereby is created to promote the discussion of and resolution of matters of common interest in the area of rail transportation. This new group shall be known as the Japan-United States Rail Congress. The Japan-United States Rail Congress, as one of its important tasks, will work diligently so that the benefits to be gained by solving problems through international discussions between both countries can be shared evenly and broadly by the leaders of both countries. For that purpose, in the event that a conference with comparable interests is organized by private sector leaders of both countries, this rail congress will study the matter of convening a joint meeting as necessity dictates. The Japan-United States Rail Congress supports the study now underway by Japanese specialists investigating the economic and engineering feasibility of high-speed rail systems in the United States.

Japan-United States Rail Congress takes further cognizance of the contributions being made to the improvement of rail transportation in the United States through the implementation of the government-to-government agreement in order to assist any implementation of the Northeast Corridor Improvement Project. It is the strong hope that the useful work under this government-to-government program will continue.

It shall be the goal of the Japan-United States Rail Congress to meet at least once each year, with the United States and Japan serving as host and secretariat in alternating years. Accordingly, the Japan-United States Rail Congress agrees to reconvene in Japan in the Summer of 1982, with the meeting coinciding with the opening ceremonies of the new Tohoku Shinkansen.

It is the hope and expectation of the members of the Japan-United States Rail Congress that the formation of this new group will contribute to the further enhancement of the friendship and close cooperation of our two countries.

Negotiations are presently underway toward creating a similar Rail Congress between the United States and France. The French high-speed TGV passenger train serving Paris-Lyons began operation last September.

Finally, the conference report on the Department of Transportation appropriations for 1982 (Public Law 97-102), signed into law by President Reagan on December 23, 1981, included the following language in the statement of managers:

The conferees support the formation of the Japan-United States Rail Congress by legislators from the U.S. Senate and House of Representatives and the Japanese Diet. This bilateral Congress proposes to introduce a system of high-speed passenger trains in this nation's heavily populated transportation corridors and with it to create jobs for the construction and operation of the system and the manufacture of equipment. The conferees believe that high-speed passenger train service in Japan, France and elsewhere demonstrates that it can be financially self-supporting and that adequate private capital can be made available. The conferees congratulate the Joint Economic Committee and Science and Technology Committee for their support of new technology and improved rail transportation.

The conferees direct the Executive Branch, including the Department of Transportation and its Federal Railroad Administration, to prepare in conjunction with Amtrak a report to Congress planning the creation of an American high-speed passenger rail system. The FRA and Amtrak are specifically directed to determine the feasibility of high-speed corridor operation between Los Angeles and San Diego, Orlando and Miami, Chicago and Detroit, Chicago and Milwaukee, and Chicago and Cincinnati via Indianapolis (along Interstate right-of-way).

Thus a U.S. high-speed passenger rail system received strong impetus in 1981. With increasing public and legislative interest, and the growing realization that a balanced transportation system is vital to our Nation's future, I hope that this momentum will continue in 1982.●

WASHINGTON REPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. LEACH) is recognized for 15 minutes.

Mr. LEACH of Iowa. Mr. Speaker, the No. 1 issue facing the Nation in 1982 is jobs.

The Reagan administration's cutback in Federal spending on social programs and public sector employment can only be justified if the private sector picks up the slack and provides more jobs for more people.

Yet in recent months unemployment has steadily risen. Without increased demand for goods and services, the President's tax and spending programs are in jeopardy.

In retrospect, it would appear that too great an emphasis on either supply-side or demand economics leads to imbalances in the economy and that the Tax Act of 1981 was slanted a bit too much toward supply-side incentives. Accordingly, new demand-oriented consumer incentives are needed to give the economy a short-term shot in the arm to allow the longer term supply-side program a chance to work. It simply does not make sense to pro-

vide companies incentives to expand if there is no demand for their products.

Moreover, a careful review of several provisions of the 1981 Tax Act raises questions about tax equity as well as economic priorities. For example, the social case for providing new tax incentives for the petroleum industry, which is capital- rather than labor-intensive, demands review.

As chairman of the newly created House Republican task force on job creation, I am introducing legislation today to give the economy's job-intensive industries a powerful boost. Specifically aimed at spurring the stricken automobile, housing, and farm implement industries, the measure calls for the creation of three new tax incentives:

First, a $750 tax credit—which is equivalent to a $1,500 tax deduction for a family at the 50-percent tax bracket or a $3,000 tax deduction for a family at the 25-percent tax bracket—for individuals purchasing a new car in 1982;

Second, a tax credit of up to $5,000 for families purchasing a newly constructed home in 1982; and

Third, an extra 10-percent tax credit up to $5,000 for the purchase of new farm equipment this year.

Adoption of these proposals will entail a cost to the Treasury, but this cost can be more than offset by plugging several of the corporate welfare loopholes Congress created in the 1981 Tax Act. The provision, for example, which allows companies which lose money to sell through intricate leasing arrangements their tax losses to profitmaking enterprises should be eliminated, as should the reduction Congress authorized in the windfall profit tax on oil companies.

The leasing provisions of the 1981 Tax Act represent a particularly outrageous assault on the tax codes. To reward the inefficient by allowing companies which lose money to sell their tax losses is to stultify the economy and shift an unfair amount of the burden of funding Government from Wall Street to Main Street. Big business is the sole beneficiary of the leasing provisions, to the competitive disadvantage of small business and at the expense of the individual taxpayer.

The recently enacted reduction in the windfall profit tax on the oil industry—particularly in light of the recent merger mania in the industry—can only be termed unconscionable. There is simply no industry which deserves a tax break less today than big oil.

Hopefully the tradeoffs involved in the jobs creation package introduced this week will provide persuasive arguments for Members to adopt a corrective rather than radical approach to tax revision. The alternative, I fear, to corrective legislation is either intransigence on an imperfect tax policy or return to the big tax policies of the 1970's.

The institution of incentives to employment in distressed industries implies a change of emphasis from corporate welfare to consumer concern. It also implies a shift in emphasis from the nonlabor-intensive oil industry to the job-intensive sector of economic production in the Midwest and Northeast. Such a shift is clearly called for when over 400,000 people are out or work in the auto industry and the even more labor-intensive construction industry is at its lowest level since 1946.

In addition we have a profound national interest in stimulating purchases of new automobiles. The current generation of cars marks a quantum improvement in gasoline mileage standards and thus a significant step toward energy independence. Moreover, given the fact that the Government has guaranteed massive loans to one auto maker, a return to profitability in the industries could result in sizable savings of public funds.

It is time for Congress to look at the job losses piling up in basic American industries and turn its attention to helping the UAW assembly line worker instead of the oil company executive.

It is also time for the Justice Department to reembrace the Teddy Roosevelt tradition of forceful antitrust enforcement. The Reagan economic program will be jeopardized if big business is allowed to use its newly given tax breaks to rearrange corporate ownership instead of creating new jobs and increasing productivity. Antitrust policy should take into consideration the effect of mergers on jobs creation as well as industrial concentration.

If American business is to preserve the tax incentives Congress has provided, an economic and social commitment must be made to building rather than buying, expanding industries rather than concentrating stock ownership, jobs creation rather than elimination.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SMITH of Oregon (at the request of Mr. MICHEL), for today and the balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. LEACH of Iowa, for 15 minutes today.

Mr. STRATTON, special order for 60 minutes, for Tuesday, January 26, 1982.

(The following Members (at the request of Mr. MCCOLLUM) to revise and extend their remarks and include extraneous material:)

Mr. EDWARDS of Oklahoma, for 30 minutes, February 4.

Mr. DANNEMEYER, for 60 minutes, today.

Mr. FISH, for 15 minutes, today.

Mr. GILMAN, for 30 minutes, today.

Mr. DERWINSKI, for 5 minutes, today.

(The following Members (at the request of Mr. DYSON) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COELHO, for 5 minutes, today.

Mr. LEVITAS, for 5 minutes, today.

Mr. BROWN of California, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. WYDEN, for 5 minutes, today.

Mr. REUSS, for 10 minutes, today.

Mr. BAILEY of Pennsylvania, for 10 minutes, on January 26.

Mr. SKELTON, for 60 minutes, on January 28.

Mr. ADDABBO, for 60 minutes, on February 3.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCCOLLUM) and to include extraneous matter:)

Mr. LEBOUTILLIER in two instances.

Mrs. HOLT in two instances.

Mr. RUDD in two instances.

Mr. CONABLE.

Mr. DORNAN of California in three instances.

Mr. DERWINSKI.

Mr. GUNDERSON in four instances.

Mr. FISH.

Mr. SHUMWAY.

Mrs. ROUKEMA.

Mr. LIVINGSTON.

(The following Members (at the request of Mr. DYSON) and to include extraneous matter:)

Mr. OBERSTAR in two instances.

Mr. BAILEY of Pennsylvania.

Mr. STARK in four instances.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. ROSENTHAL in 10 instances.

Mrs. BOUQUARD in five instances.

Mr. HAMILTON in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. LEVITAS.

Mr. MINISH.

Mr. IRELAND.

Mr. RODINO in three instances.

Mr. LANTOS in two instances.
Mrs. COLLINS of Illinois in two instances.
Mr. BROOKS.
Mr. BRINKLEY.
Mr. SCHUMER.
Mr. LEHMAN.
Mr. GEJDENSON.
Mr. YOUNG of Missouri.
Mr. HAWKINS.
Mr. SEIBERLING in 10 instances.
Mr. GAYDOS.
Mr. AUCOIN.

ADJOURNMENT

Mr. PATMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Tuesday, January 26, 1982, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2714. A communication from the President of the United States, transmitting his certification that the acquisition of 100 B-1B aircraft is feasible within the $20.5 billion budget estimate by 1986, pursuant to title IV (Aircraft Procurement, Air Force) of the Defense Appropriations Act, 1982 (H. Doc. No. 97-127); to the Committee on Appropriations and ordered to be printed.

2715. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a cumulative report on rescissions and deferrals of budget authority as of January 1, 1982, pursuant to section 1014(e) of Public Law 93-344 (H. Doc. No. 97-128); to the Committee on Appropriations and ordered to be printed.

2716. A letter from the Executive Associate Director for Budget, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Labor for "Advances to the Unemployment Trust Fund and other Funds" and "Grants to States for Unemployment Insurance and Employment Services" for the period ending March 31, 1982, has been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to section 3679(e)(2) of the Revised Statutes, as amended; to the Committee on Appropriations.

2717. A letter from the Secretary of the Interior, transmitting a report on a violation of the Antideficiency Act by the Heritage Conservation and Recreation Service, pursuant to section 3679(i)(2) of the Revised Statutes, as amended; to the Committee on Appropriations.

2718. A letter from the Secretary of Transportation, transmitting a report on a violation of the Antideficiency Act by the Urban Mass Transportation Administration, pursuant to section 3679(i)(2) of the Revised Statutes, as amended; to the Committee on Appropriations.

2719. A letter from the Comptroller General of the United States, transmitting his review of the deferrals of budget authority contained in the message from the President dated October 29, 1981 (House Doc. No. 97-105), pursuant to section 1014(b) of Public Law 93-344 (H. Doc. No. 97-129); to the Committee on Appropriations and ordered to be printed.

2720. A letter from the Assistant Secretary of the Interior, transmitting certification that an adequate soil survey and land classification have been completed on certain lands of the Animas-LaPlata project, Colorado and New Mexico, and that the lands to be irrigated are susceptible to the production of agricultural crops by means of irrigation, pursuant to section 1 of the Department of the Interior Appropriation Act, 1954; to the Committee on Appropriations.

2721. A letter from the General Counsel, Department of the Air Force, transmitting a draft of proposed legislation to amend section 1037 of title 10, United States Code, to authorize the Secretary concerned to employ counsel and pay costs and fees incident to representation before foreign judicial tribunals and administrative agencies of civilians employed by or accompanying the Armed Forces outside the United States, its territories, possessions, the Northern Mariana Islands, and Puerto Rico; to the Committee on Armed Services.

2722. A letter from the Deputy Assistant Secretary of Defense (Facilities, Environment, and Economic Adjustment), transmitting notice of the location, nature, and estimated cost of various construction projects proposed to be undertaken by the Air Force Reserve, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

2723. A letter from the Deputy Assistant Secretary of Defense (Facilities, Environment, and Economic Adjustment), transmitting notice of the location, nature, and estimated cost of various construction projects proposed to be undertaken by the Air National Guard, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

2724. A letter from the Deputy Assistant Secretary of Defense (Facilities, Environment, and Economic Adjustment), transmitting notice of the location, nature, and estimated cost of various construction projects proposed to be undertaken by the Air National Guard, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

2725. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting a report on negotiated contracts for experimental, developmental, test, or research work, or for industrial mobilization in the interest of the national defense, covering the period April through September 1981, pursuant to 10 U.S.C. 2304(e); to the Committee on Armed Services.

2726. A letter from the Deputy Chief of Naval Material (Contracts and Business Management), transmitting the Navy's annual report of research and development contracting actions of $50,000 and over, covering fiscal year 1981, pursuant to 10 U.S.C. 2357; to the Committee on Armed Services.

2727. A letter from the Deputy Assistant Secretary of Defense (Military Personnel and Force Management), transmitting the report covering fiscal year 1981 on aviation career incentive pay, pursuant to 37 U.S.C. 301a(e); to the Committee on Armed Services.

2728. A letter from the Deputy Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), transmitting the annual report covering fiscal year 1981 on submarine duty incentive pay, pursuant to 37 U.S.C. 301c(e); to the Committee on Armed Services.

2729. A letter from the Acting Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the proposed conversion to contractor performance of the family housing maintenance function at Edwards Air Force Base, Calif., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

2730. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Air Force's proposed sale of certain defense equipment and services to Venezuela (Transmittal No. 82-12), pursuant to section 813 of Public Law 94-106; to the Committee on Armed Services.

2731. A letter from the Secretary of Housing and Urban Development, transmitting the annual report for fiscal year 1981 on Indian and Alaska Native housing and community development programs, pursuant to section 4(d) of the Department of Housing and Urban Development Act, as amended; to the Committee on Banking, Finance and Urban Affairs.

2732. A letter from the Secretary of Housing and Urban Development, transmitting a report on adoption of model rehabilitation guidelines by State and local governments, pursuant to section 511(b) of Public Law 91-609, as amended; to the Committee on Banking, Finance and Urban Affairs.

2733. A letter from the Acting Assistant Attorney General (Antitrust Division), transmitting the annual report for calendar year 1980 on administration of the Truth in Lending Act, pursuant to section 114 of the Consumer Credit Protection Act; to the Committee on Banking, Finance and Urban Affairs.

2734. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting the annual report on administration of and recommendations as to changes in the Truth in Lending Act, pursuant to section 114 of the Consumer Credit Protection Act; to the Committee on Banking, Finance and Urban Affairs.

2735. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-121, "D.C. Emergency Medical Technician (EMT) Recertification Regulations Amendment Act of 1981," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

2736. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-123, "Street and Alley Closing Amendment Act of 1981," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

2737. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-124, "Closing of a Portion of a Public Alley in Square 569 Act of 1981," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

2738. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-125, "District of Columbia Legal Holiday Clarification Act of 1981," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

2739. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-126, "University of the District of Columbia and Board of Education Salary and Pay Schedules Adjustment Act of 1981," pursuant to section 602(c) of Public

Law 93-198; to the Committee on the District of Columbia.

2740. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-133, "To conform District of Columbia laws and regulations to certain Federal laws and regulations governing the Aid to Families with Dependent Children program," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

2741. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-134, "Motor Vehicle Registration Act of 1981," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

2742. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-135, "Newspaper Publication Act of 1981," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

2743. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-136, "To provide for an increase in fees for the annual inspection of motor vehicles in the District of Columbia," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

2744. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-137, "To order the closing of a portion of two (2) public alleys abutting lots 801, 84, 42, and 800 in Square 777, bounded by 4th Street N.E., G Street N.E., 3rd Street N.E., and H Street N.E., and to accept the dedication of land in Square 777 for alley purposes (S.O. 80-266) (Ward 2)", pursuant to section 602(c) of Public Law 93-189; to the Committee on the District of Columbia.

2745. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-138, "To prohibit new construction, substantial rehabilitation, subdivision formation, or street and alley closings in the Capitol Gateway Project area, "pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

2746. A letter from the Acting Assistant Secretary of the Interior for Indian Affairs, transmitting a report providing a comprehensive Indian bilingual education needs assessment, pursuant to section 722(c) of Public Law 95-561; to the Committee on Education and Labor.

2747. A letter from the Secretary of Health and Human Services, transmitting the 1980 annual report on the status and accomplishments of the centers funded under the Runaway Youth Act, pursuant to section 315 of Public Law 93-415, as amended; to the Committee on Education and Labor.

2748. A letter from the Secretary of Education, transmitting proposed final regulations establishing the 1982-83 Pell Grant family contribution schedule, pursuant to section 124 of Public Law 97-92, section 482(a)(2) of the Higher Education Act of 1965, as amended, and section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

2749. A letter from the Sectetary of Education, transmitting proposed final regulations governing Institutional Aid Programs, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

2750. A letter from the Secretary of Education, transmitting proposed final regulations on the Educational Opportunity Centers Program, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

2751. A letter from the Secretary of Education, transmitting proposed final regulations for school assistance in cases of certain disasters, pursuant to section 431(d) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

2752. A letter from the Director of ACTION, transmitting notice of final guidelines for VISTA projects, pursuant to section 420(d) of the Domestic Volunteer Act of 1973, as amended; to the Committee on Education and Labor.

2753. A letter from the Director of ACTION, transmitting notice of final guidelines for VISTA volunteers in demonstrations, pursuant to section 420(d) of the Domestic Volunteer Act of 1973, as amended; to the Committee on Education and Labor.

2754. A letter from the Chairman, National Labor Relations Board, transmitting the Board's annual report, covering fiscal year 1980, pursuant to section 3(c) of the National Labor Relations Act, as amended; to the Committee on Education and Labor.

2755. A letter from the Assistant Secretary for Tourism, Department of Commerce, transmitting the annual report of the U.S. Travel Service for fiscal year 1981, pursuant to section 5 of the International Travel Act of 1961, as amended; to the Committee on Energy and Commerce.

2756. A letter from the Secretary of Health and Human Services, transmitting a report on the Department's administration of the Fair Packaging and Labeling Act during fiscal year 1981, pursuant to section 8 of Public Law 89-755; to the Committee on Energy and Commerce.

2757. A letter from the Secretary of Health and Human Services, transmitting the annual report on the health of the Nation's people, pursuant to section 308(a)(2) of the Public Health Service Act, as amended; to the Committee on Energy and Commerce.

2758. A letter from the Secretary of Health and Human Services, transmitting the ninth annual report of the National Heart, Lung, and Blood Advisory Council, pursuant to section 418(b)(2) of the Public Health Service Act; to the Committee on Energy and Commerce.

2759. A letter from the Secretary of Health and Human Services, transmitting the second biennial report on public health personnel in the United States, 1980, pursuant to section 793(c) of the Public Health Service Act; to the Committee on Energy and Commerce.

2760. A letter from the Secretary of Health and Human Services, transmitting a study of State laws, death investigation systems, practices, and their impact on those affected by sudden infant death syndrome, pursuant to section 1121(c)(2) of the Public Health Service Act; to the Committee on Energy and Commerce.

2761. A letter from the Secretary of Health and Human Services, transmitting the first annual report on insider transactions involving health maintenance organizations, pursuant to section 1318 of the Public Health Service Act, as amended; to the Committee on Energy and Commerce.

2762. A letter from the Secretary of Health and Human Services, transmitting the quarterly report on State compliance with medicaid utilization control requirements, pursuant to section 1903(g)(6) of the Social Security Act, as amended; to the Committee on Energy and Commerce.

2762. A letter from the Secretary of Health and Human Services, transmitting the report on the link between employee training and safety in the railroad industry, pursuant to section 16(a) of Public Law, 96-423; to the Committee on Energy and Commerce.

2764. A letter from the Secretary of Energy, transmitting the annual report on Federal energy conservation programs, pursuant to section 381(c) of the Energy Policy and Conservation Act; to the Committee on Energy and Commerce.

2765. A letter from the General Counsel, Department of Energy, transmitting the annual report covering fiscal year 1980 on energy conservation and solar energy programs in Federal buildings, pursuant to section 550 of Public Law 95-619; to the Committee on Energy and Commerce.

2766. A letter from the General Counsel, Department of Energy, transmitting notice of a meeting relating to the International Energy Program to be held on January 19, 1982, in Vienna, Austria; to the Committee on Energy and Commerce.

2767. A letter from the General Counsel, Department of Energy, transmitting notice of a meeting relating to the International Energy Program to be held on January 26, 1982, in Paris, France; to the Committee on Energy and Commerce.

2768. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting reports covering the month of September 1981 on petroleum market shares of refined petroleum products and retail gasoline, pursuant to section 4(c)(2)(A) of the Emergency Petroleum Allocation Act of 1973; to the Committee on Energy and Commerce.

2769. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting the fourth annual report based on the administration's financial reporting system for major energy producers, pursuant to section 205(h) of Public Law 95-91; to the Committee on Energy and Commerce.

2770. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the study of power pooling opportunities in the electric utility industry, pursuant to section 205(b) of Public Law 95-617; to the Committee on Energy and Commerce.

2771. A letter from the Chairman, Securities and Exchange Commission, transmitting a draft of proposed legislation to amend section 4 of the Securities Exchange Act of 1934; to the Committee on Energy and Commerce.

2772. A letter from the Chairman, President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research, transmitting the biennial report of the Commission, pursuant to section 1802(c) of the Public Health Service Act, as amended; to the Committee on Energy and Commerce.

2773. A letter from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting the financial report of the Corporation for the month of August 1981, pursuant to section 308(a)(1) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Energy and Commerce.

2774. A letter from the Secretary of State, transmitting a report on efforts to comply with the provisions of law regarding the use of herbicides in the Mexican marihuana eradication program, pursuant to section 481(d) of the Foreign Assistance Act of 1961,

as amended; to the Committee on Foreign Affairs.

2775. A letter from the Under Secretary of State for Security Assistance, Science and Technology, transmitting a list of arms sales proposals considered eligible for approval during fiscal year 1982, pursuant to section 25(d)(1) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2776. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice that the State Department intends to consent to a request by the Government of Korea for permission to transfer certain U.S.-origin defense equipment to Oman, pursuant to section 3(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2777. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the State Department's intention to consent to a request by the Government of Australia for permission to transfer certain U.S.-origin defense articles to the Government of Venezuela, pursuant to section 3(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2778. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the State Department's intention to consent to a request by the Government of Republic of Korea for permission to transfer certain U.S.-origin military equipment to Thailand, pursuant to section 3(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2779. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on the executive branch's estimates of the international volume of arms traffic, including estimates on an annual basis of the sale and delivery of weapons and weapons-related defense equipment by all major arms suppliers to all major recipient countries since 1978, pursuant to section 25(e) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2780. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the proposed issuance of an export license for major defense equipment sold commercially to Indonesia (transmittal No. MC-22-81), pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2781. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the proposed issuance of a license for the export of certain communications satellite components sold commercially to France for the ARABSAT organization (Transmittal No. MC-27-81), pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2782. A letter from the Assistant Secretary of State for Congressional Affairs, transmitting notice of a proposed commercial manufacturing license and technical assistance agreement for the production of certain military equipment for the Government of Japan (transmittal No. MC-4-82), pursuant to section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2783. A letter from the Comptroller, Department of State, transmitting the department's semiannual report on international narcotics control program activities for the period ended September 30, 1981, pursuant to section 481(b)(2) of the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

2784. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2785. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2786. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2787. A letter from the Assistant Secretary of the Treasury for Legislative Affairs, transmitting project performance audit reports prepared by the International Bank for Reconstruction and Development, special studies prepared by the External Review and Evaluation Office of the Inter-American Development Bank, and project completion reports prepared by the Asian Development Bank, pursuant to section 301(e)(3) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

2788. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report covering the quarter ended December 31, 1981, listing the price and availability estimates provided to countries and the requests for issuance of letters of offer received, pursuant to section 28 of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

2789. A letter from the Director, Defense Security Assistance Agency, transmitting the quarterly report on foreign military sales as of September 30, 1981, pursuant to section 36(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2790. A letter from the Director, Defense Security Assistance Agency, transmitting a table covering the second quarter of fiscal year 1981, showing the estimate of the number of officers and employees of the U.S. Government and U.S. civilian contract personnel in foreign countries for assignments in implementation of military sales and commercial exports, pursuant to section 36(a)(7) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2791. A letter from the Director, Defense Security Assistance Agency, transmitting a table covering the third quarter of fiscal year 1981, showing the estimate of the number of officers and employees of the U.S. Government and U.S. civilian contract personnel in foreign countries for assignments in implementation of military sales and commercial exports, pursuant to section 36(a)(7) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2792. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Air Force's intention to offer to sell certain defense equipment and services to Venezuela (Transmittal No. 82-12), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2793. A letter from the Acting Deputy Director, Defense Security Assistance Agency, transmitting notice of the proposed lease of certain defense equipment to Korea (Transmittal No. 1-82), pursuant to section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2794. A letter from the Acting Deputy Director, Defense Security Assistance Agency, transmitting notice of the proposed lease of certain defense equipment to Turkey (Transmittal No. 2-82), pursuant to section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2795. A letter from the Secretary of Commerce, transmitting notice of the extension and expansion of export controls maintained for foreign policy purposes, pursuant to section 6(e) of the Export Administration Act of 1979, and Executive Order 12214; to the Committee on Foreign Affairs.

2796. A letter from the Secretary of Commerce, transmitting the annual report on export administration, covering fiscal year 1981, pursuant to section 14 of Public Law 96-72; to the Committee on Foreign Affairs.

2797. A letter from the Secretary of the Treasury, transmitting the combined statement of receipts, expenditures and balances of the U.S. Government for fiscal year 1981, pursuant to section 15 of the Act of July 31, 1894 and section 114 of the Act of September 12, 1950; to the Committee on Government Operations.

2798. A letter from the Secretary of Health and Human Services, transmitting a report on donation of personal property and disposal of real property to educational or public health institutions, pursuant to section 203(o) of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

2799. A letter from the Deputy Administrator of General Services, transmitting the annual report for fiscal year 1981 on the disposal of surplus Federal real property for historic monument purposes, pursuant to section 203(o) of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

2800. A letter from the Director, Office of Legislative Affairs, Agency for International Development, transmitting a report on the Agency's disposal of foreign excess property for fiscal year 1981, pursuant to section 404(d) of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

2801. A letter from the Director, Office of Budget and Financial Management, United States General Accounting Office, transmitting the annual report for the retirement plan for the employees of the Federal Reserve System, pursuant to section 121(a)(2) of the Budget and Accounting Procedures Act of 1950, as amended; to the Committee on Government Operations.

2802. A letter from the Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during November 1981, pursuant to section 234 of the Legislative Reorganization Act of 1970; to the Committee on Government Operations.

2803. A letter from the Comptroller General of the United States, transmitting a report on the Government Printing Office's financial statements for the fiscal year ended September 30, 1981, pursuant to 44 U.S.C. 309(c); to the Committee on Government Operations.

2804. A letter from the Deputy Administrator of General Services, transmitting a followup report on the recommendations contained in the ninth, tenth, eleventh, twelfth and final reports of the National Advisory Council on Economic Opportunity,

pursuant to section 6(b) of the Federal Advisory Committee Act; to the Committee on Government Operations.

2805. A letter from the Inspector General, Department of Labor, transmitting a report of a proposed computer match of Federal Employees' Compensation Act Beneficiaries against the Coal Mine Worker's Compensation Beneficiaries; to the Committee on Government Operations.

2806. A letter from the Inspector General, Department of Health and Human Services, transmitting the quarterly report on the activities of his office, covering the period ended September 30, 1981, pursuant to section 204(b) of Public Law 94-505; to the Committee on Government Operations.

2807. A letter from the Chairman of the Board, United States Synthetic Fuels Corporation, transmitting the annual report of the Corporation's Inspector General, pursuant to section 122(d) of Public Law 96-294; to the Committee on Government Operations.

2808. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notice of a proposed new records system for the Department of the Air Force, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2809. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notice of a proposed new records system for the Department of the Air Force, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2810. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notice of a proposed new records system for the Air Force, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2811. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting notice of a proposed new records system pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2812. A letter from the Assistant Secretary for Personnel Administration, Department of Health and Human Services, transmitting notice of a proposed new records system pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2813. A letter from the Assistant Secretary for Health, Department of Health and Human Services, transmitting notice of a proposed new records system pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2814. A letter from the Assistant Secretary for Health, Department of Health and Human Services, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2815. A letter from the Administrator, Health Care Financing Administration, Department of Health and Human Services, transmitting notice of a proposed changes to an existing records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2816. A letter from the Assistant Secretary for Administration, Department of Housing and Urban Development, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2817. A letter from the Secretary, United States Consumer Product Safety Commission, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2818. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting changes to an existing notice of proposed records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2819. A letter from the Director, Office of Personnel Management, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2820. A letter from the Administrator of Veterans' Affairs, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2821. A letter from the Director, Office of Congressional and Public Affairs, Federal Energy Regulatory Commission, transmitting a report on the Commission's activities under the Government in the Sunshine Act during calendar year 1980, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2822. A letter from the Chairman, Board of Governors, U.S. Postal Service, transmitting a report on the Board's activities under the Government in the Sunshine Act during the calendar year 1981, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2823. A letter from the Clerk, U.S. House of Representatives, transmitting a list of reports which it is the duty of any officer or department to make to Congress, pursuant to rule III, clause 2, of the Rules of the House of Representatives (H. Doc. No. 97-130); to the Committee on House Administration and ordered to be printed.

2824. A letter from the Sergeant at Arms, U.S. House of Representatives, transmitting his annual report of funds drawn by him, the application and disbursement of the sums, and balances remaining in his hands, as of January 4, 1982, pursuant to section 7 of the act of October 1, 1980 (26 Stat. 646); to the Committee on House Administration.

2825. A letter from the Secretary of Defense, transmitting the twelfth report on the Federal voting assistance program conducted by the Department of Defense, covering the period 1978 through 1980, pursuant to section 201 of the Federal Voting Assistance Act of 1955; to the Committee on House Administration.

2826. A letter from the Chairman, Federal Election Commission, transmitting a report on expenses of the 1980 presidential campaigns and nominating conventions, pursuant to sections 3009(a) and 3039(a) of the Internal Revenue Code of 1954; to the Committee on House Administration.

2827. A letter from the Secretary of the Interior, transmitting financial statements of the Colorado River Basin project for fiscal year 1981, pursuant to section 404 of the Colorado River Basin Project Act of 1968; to the Committee on Interior and Insular Affairs.

2828. A letter from the Secretary of the Interior, transmitting notice of a decision to change the holding of offshore oil and gas lease sale 67 in the Gulf of Mexico by 1 month to February 1982; to the Committee on Interior and Insular Affairs.

2829. A letter from the Under Secretary of Interior, transmitting notice of the leasing systems to be used in oil and gas lease sale No. 67, Gulf of Mexico, to be held on February 9, 1982, pursuant to section 8(a)(8) of the Outer Continental Shelf Lands Act, as amended; to the Committee on Interior and Insular Affairs.

2830. A letter from the Under Secretary of Interior, transmitting notice of the proposed refund of $7,507.64 in excess royalty payments to Gulf Oil Corporation, pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

2831. A letter from the Assistant Secretary of the Interior for Indian Affairs, transmitting a draft of proposed legislation to provide for the use and distribution of funds awarded to the Wyandot Tribe of Indians in docket 139 before the Indian Claims Commission and docket 141 before the United States Court of Claims, and for other purposes; to the Committee on Interior and Insular Affairs.

2832. A letter from the Assistant Secretary of the Interior for Indian Affairs, transmitting a draft of proposed legislation to provide for the use and distribution of the funds awarded to the Shawnee Tribe of Indians in dockets 64, 335 and 338 by the Indian Claims Commission and docket 64-A by the U.S. Court of Claims, and for other purposes; to the Committee on Interior and Insular Affairs.

2833. A letter from the Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use and distribution of the Coeur d'Alene Tribe of Indians of Idaho judgment funds in dockets 523-71 before the U.S. Court of Claims, pursuant to section 2(a) and 4 of Public Law 93-134; to the Committee on Interior and Insular Affairs.

2834. A letter from the Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use and distribution of the Wichita and Affiliated Tribes' (Keechi, Waco, and Tawakonie) judgment funds in docket 375 before the United States Court of Claims, pursuant to sections 2(a) and 4 of Public Law 93-134; to the Committee on Interior and Insular Affairs.

2835. A letter from the Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use and distribution of the Caddo Tribe of Indians judgment funds in docket 226 before the U.S. Court of Claims, pursuant to sections 2(a) and 4 of Public Law 93-134; to the Committee on Interior and Insular Affairs.

2836. A letter from the Acting Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use and distribution of judgment funds awarded to the Spokane Indian Tribe of the Spokane Reservation, Wash., awarded in dockets No. 523-71 and 524-71 before the U.S. Court of Claims, pursuant to sections 2(a) and 4 of Public Law 93-134; to the Committee on Interior and Insular Affairs.

2837. A letter from the Acting Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use and distribution of the Colorado River Indian Tribes of the Colorado River Indian Reservation judgment funds in docket 343-70 before the United States Court of Claims, pursuant to sections 2(a) and 4 of Public Law 93-134; to the Committee on Interior and Insular Affairs.

2838. A letter from the Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use and distribution of the Kalispel Indian Community of Washington judgment funds in dockets 523-71 and 524-71 before the U.S. Court of Claims, pursuant to sections 2(a) and 4 of Public Law 93-134; to the Committee on Interior and Insular Affairs.

2839. A letter from the Deputy Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use

and distribution of the Warm Springs Tribes judgment funds in docket 523-71 before the U.S. Court of Claims, pursuant to section 2(a) and 4 of Public Law 93-134; to the Committee on Interior and Insular Affairs.

2840. A letter from the Secretary of Energy, transmitting the annual report on research and development activities in coal mining technologies, pursuant to section 908 of Public Law 95-87; to the Committee on Interior and Insular Affairs.

2841. A letter from the Clerk, U.S. Court of Claims, transmitting a copy of the Court's judgment order in docket No. 189-C, *Red Lake Band, et al.* v. *The United States of America*; to the Committee on Interior and Insular Affairs.

2842. A letter from the Director, Office of Technology Assessment, transmitting a report on the development and production potential of Federal coal leases, pursuant to section 10 of Public Law 94-377; to the Committee on Interior and Insular Affairs.

2843. A letter from the Assistant Secretary of Commerce for Tourism Marketing, transmitting a report on the status of visa waiver legislation, and announcement of the filling of two positions under the National Tourism Policy Act; to the Committee on the Judiciary.

2844. A letter from the Chairman, U.S. Commission on Civil Rights, transmitting reports on battered women and domestic violence, pursuant to section 104(c) of Public Law 85-315, as amended; to the Committee on the Judiciary.

2845. A letter from the Chairman, Copyright Royalty Tribunal, transmitting the annual report of the Tribunal for fiscal year 1981, pursuant to section 808(a) of Public Law 94-553; to the Committee on the Judiciary.

2846. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a report of the Judicial Conference of the United States on the Federal Magistrates System, pursuant to section 9 of Public Law 96-82; to the Committee on the Judiciary.

2847. A letter from the clerk, U.S. Court of Claims, transmitting a report on all judgments rendered by the court during fiscal year 1981, pursuant to 28 U.S.C. 791(c); to the Committee on the Judiciary.

2848. A letter from the accountants for American Veterans' of World War II, transmitting the audit report of the organization for the fiscal year ended August 31, 1981, pursuant to section 3 of Public Law 88-504; to the Committee on the Judiciary.

2849. A letter from the Secretary of the Interior, transmitting the annual report of the Migratory Bird Conservation Commission for fiscal year 1981, pursuant to section 3 of the Act of February 18, 1929 (16 U.S.C. 714(b)); to the Committee on Merchant Marine and Fisheries.

2850. A letter from the Secretary of Commerce, transmitting the annual report of the National Marine Fisheries Service for calendar year 1979, pursuant to section 9(a) of the Fish and Wildlife Act of 1956, as amended; to the Committee on Merchant Marine and Fisheries.

2851. A letter from the Secretary of Transportation, transmitting a report on the effect on the shipyard mobilization base of a proposal by American President Lines Ltd. to reconstruct three containerships in a foreign shipyard, pursuant to section 615(b) of the Merchant Marine Act of 1936, as amended (95 Stat. 753); to the Committee on Merchant Marine and Fisheries.

2852. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting the ninth annual report on the administration of the ocean dumping permit program, pursuant to section 112 of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended; to the Committee on Merchant Marine and Fisheries.

2853. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting an analysis of the Clean Water Act; to the Committee on Public Works and Transportation.

2854. A letter from the Chairman, Interstate Commerce Commission, transmitting a draft of proposed legislation to amend subtitle IV of title 49, United States Code, to change the notice requirements in certain proceedings conducted by the Interstate Commerce Commission; to the Committee on Public Works and Transportation.

2855. A letter from the Chairman, Upper Mississippi River Basin Commission, transmitting the main report and review comments of the comprehensive master plan for the management of the Upper Mississippi River System, pursuant to section 101(a) of Public Law 95-502; to the Committee on Public Works and Transportation.

2856. A letter from the Secretary of Commerce, transmitting the seventh annual report on ocean dumping monitoring and research, pursuant to section 201 of Public Law 92-532; to the Committee on Science and Technology.

2857. A letter from the Secretary of Energy, transmitting the preliminary report on the prospects for foreign applications of wind energy systems, pursuant to section 11(5) of Public Law 96-345; to the Committee on Science and Technology.

2858. A letter from the Under Secretary of Energy, transmitting the first annual report on activities under the Methane Transportation Research, Development, and Demonstration Act of 1980, pursuant to section 9 of Public Law 96-512; to the Committee on Science and Technology.

2859. A letter from the Acting Executive Secretary, Office of the Secretary of Defense, transmitting a report on Defense Department procurement from small and other business firms for fiscal year 1981, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Small Business.

2860. A letter from the Administrator of Veterans Affairs, transmitting the report on the sharing of medical resources program of the Veterans' Administration for fiscal year 1981, pursuant to 38 U.S.C. 5057; to the Committee on Veterans' Affairs.

2861. A letter from the director, National Legislative Commission, the American Legion, transmitting proceedings of their 63d annual national convention, a report of activities for the year preceeding the convention, and a financial statement and independent audit of the organization, pursuant to section 9 of the act of September 19, 1919, and section 3 of Public Law 88-504 (H. Doc. No. 97-131); to the Committee on Veterans' Affairs and ordered to be printed.

2862. A letter from the President of the United States; transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 to prohibit the granting of tax-exempt status to organizations maintaining schools with racially discriminatory policies (H. Doc. No. 97-132); to the Committee on Ways and Means and ordered to be printed.

2863. A letter from the Secretary of the Treasury, transmitting the final monthly Treasury statement of receipts and outlays of the U.S. Government for fiscal year 1981, pursuant to section 257(First) of the Revised Statutes; to the Committee on Ways and Means.

2864. A letter from the U.S. Trade Representative, transmitting a copy of the advisory committee report regarding the agreement with Japan to accelerate the staged reduction of tariffs on semiconductors, pursuant to section 135(e)(1) of Public Law 93-618; to the Committee on Ways and Means.

2865. A letter from the Fiscal Assistant Secretary of the Treasury, transmitting the statement of liabilities and other financial commitments of the U.S. Government as of September 30, 1981, pursuant to section 402 of Public Law 89-809; to the Committee on Ways and Means.

2866. A letter from the Chairman, U.S. International Trade Commission, transmitting the 28th quarterly report on trade between the United States and the nonmarket economy countries, pursuant to section 410 of Public Law 93-618; to the Committee on Ways and Means.

2867. A letter from the Secretary of Energy, transmitting the annual report on alcohol fuels for fiscal year 1981, pursuant to section 218(c)(1)(A) of Public Law 96-294; jointly, to the Committees on Agriculture and Energy and Commerce.

2868. A letter from the Acting Under Secretary of Agriculture for International Affairs and Commodity Programs, transmitting the quarterly commodity and country allocation table showing the planned programing of food assistance under titles I and III of the Agricultural Trade Development and Assistance Act, pursuant to section 408(b) of the act, as amended; jointly, to the Committees on Agriculture and Foreign Affairs.

2869. A letter from the Secretary of Agriculture and the Secretary of Energy, transmitting a notice of a delay in submitting the biomass energy production and use plan for the 1983-90 period, pursuant to section 211(b)(1) of Public Law 96-294; jointly, to the Committees on Energy and Commerce and Agriculture.

2870. A letter from the Secretary of the Treasury and the Secretary of Transportation, transmitting a report entitled "Tax-Exempt Financing of Railroad Feeder Line Rehabilitation," pursuant to section 705 of the Staggers Rail Act of 1980; jointly, to the Committees on Energy and Commerce and Ways and Means.

2871. A letter from the Comptroller General of the United States, transmitting a report on administrative and legislative changes needed to improve agencies' ability to verify income asset information for welfare recipient programs (HRD-82-9, Jan. 14, 1982); jointly, to the Committees on Government Operations, Agriculture, Banking, Finance and Urban Affairs, Energy and Commerce, and Ways and Means.

2872. A letter from the Comptroller General of the United States, transmitting a report on the environmental, economic, and political issues impeding cleanup efforts on the Potomac River (GGD-82-7 Jan. 6, 1982); jointly, to the Committees on Government Operations, the District of Columbia, and Public Works and Transportation.

2873. A letter from the Comptroller General of the United States, transmitting a report on the Department of Energy's efforts to fill the strategic petroleum reserve (EMD-82-19, Dec. 31, 1981); jointly, to the Committees on Government Operations and Energy and Commerce.

2874. A letter from the Comptroller General of the United States, transmitting a report on the extent to which the average cost of nursing care for aged medicare recipients exceeds the average cost for providing such care to other patients (HRD-82-32, January 20, 1982), pursuant to section 2141(b) of Public Law 97-35; jointly, to the Committees on Government Operations and Ways and Means.

2875. A letter from the President, Legal Services Corporation, transmitting the Corporation's budget request for fiscal year 1983, pursuant to section 1105(a)(2) of the Economic Opportunity Act, as amended (88 Stat. 3801); jointly, to the Committees on the Judiciary and Appropriations.

2876. A letter from the Chairman, U.S. Commission on Civil Rights, transmitting a statement and fact sheet of the Commission regarding the administration's decision to permit the Internal Revenue Service to grant tax-exempt status to schools that discriminate on the basis of race; jointly, to the Committees on the Judiciary and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RODINO: Committee on the Judiciary. H.R. 4935. A bill to amend title 11, United States Code, to correct technical errors, and to clarify and make substantive changes, with respect to securities and commodities (Rept. No. 97-420). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MATSUI (for himself, Mr. MCCLORY, Mr. ADDABBO, Mr. BENJAMIN, Mr. BONER of Tennessee, Mr. DASCHLE, Mr. MOFFETT, Mr. PASHAYAN, Mr. PRICE, and Mr. ROTH):

H.R. 5308. A bill to amend title 18, United States Code, to require the United States Parole Commission to make available to State and local law enforcement agencies certain information regarding parolees; to the Committee on the Judiciary.

By Mr. ADDABBO:

H.R. 5309. A bill to authorize, on an emergency basis, the Government National Mortgage Association to provide assistance with respect to certain mortgages secured by newly constructed, unsold homes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. YOUNG of Missouri:

H.R. 5310. A bill to modify the project for the replacement of locks and dam 26, Mississippi River, Alton, Illinois, and Missouri; to the Committee on Public Works and Transportation.

By Mr. BENNETT:

H.R. 5311. A bill to insure equal consideration of nonstructural water resources projects and plans, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. BENNETT (for himself, Mr. BAFALIS, Mr. CHAPPELL, Mr. FASCELL, Mr. FUQUA, Mr. GIBBONS, Mr. HUTTO, Mr. IRELAND, Mr. LEHMAN, Mr. MCCOLLUM, Mr. MICA, Mr. NELSON, Mr. PEPPER, Mr. SHAW, and Mr. YOUNG of Florida):

H.R. 5312. A bill to amend title 13, United States Code, to require that the most currently produced population data obtained by the Census Bureau be used in determining benefits received by State and local governments under Federal programs; to the Committee on Post Office and Civil Service.

By Mr. CONABLE (by request):

H.R. 5313. A bill to amend the Internal Revenue Code of 1954 to prohibit the granting of tax-exempt status to organizations maintaining schools with racially discriminatory policies; to the Committee on Ways and Means.

By Mr. EMERY:

H.R. 5314. A bill to allow the Coast Guard to use certain funds appropriated to the Coast Guard for acquisition, construction, and improvement by the Department of Defense Appropriation Act, 1982, either for acquisition, construction, and improvement or for any operating expenses of the Coast Guard; to the Committee on Appropriations.

By Mr. FISH:

H.R. 5315. A bill to authorize the Attorney General to make grants to States and to units of local government to provide general salary payments for the purpose of providing more effective law enforcement by police officers; to the Committee on Judiciary.

H.R. 5316. A bill to amend the Internal Revenue Code of 1954 to provide a credit for the purchase and installation of security devices; to the Committee on Ways and Means.

By Mr. FORD of Tennessee:

H.R. 5317. A bill to amend section 103(e)(4) of title 23, United States Code, to provide that amounts available as a result of a withdrawal of approval of a portion of the Interstate Highway System may be used to provide operating assistance for mass transportation systems; to the Committee on Public Works and Transportation.

By Mr. GUNDERSON:

H.R. 5318. A bill to direct the President to impose certain limitations on the importation of casein and other milk protein products into the United States; to the Committee on Ways and Means.

By Mr. HALL of Ohio:

H.R. 5319. A bill to amend section 402 of title 23, United States Code, relating to the establishment by each State of a program to require the mandatory suspension of persons convicted of driving while under the influence of alcohol as a part of its highway safety program; to the Committee on Public Works and Transportation.

By Mr. HAWKINS:

H.R. 5320. A bill to establish a community public-private training and employment assistance system and to provide employment and training services, and for other purposes; to the Committee on Education and Labor.

By Mr. LANTOS:

H.R. 5321. A bill to repeal the special tax benefits provided during 1981 to Members of Congress and to provide for fair and equal taxation of Members of Congress; to the Committee on Ways and Means.

By Mr. LEACH of Iowa:

H.R. 5322. A bill to amend the Internal Revenue Code of 1954 to provide individuals an income tax credit of up to $750 of the cost of purchasing a new passenger automobile, an income tax credit of up to $5,000 for purchasing a new house, and an additional 10 percent investment tax credit for farm equipment; to the Committee on Ways and Means.

By Mr. LEACH of Iowa (for himself, Mr. BEDELL, and Mr. TAUKE):

H.R. 5323. A bill to rescind the special tax benefits enacted during 1981 with respect to the living expenses of Members of Congress; to the Committee on Ways and Means.

By Mr. MILLER of Ohio:

H.R. 5324. A bill to rescind the tax benefits provided during 1981 to Members of Congress for living expenses; to the Committee on Ways and Means.

By Mr. NEAL:

H.R. 5325. A bill to amend title II of the Social Security Act to provide that disability benefits shall not be terminated prior to an exhaustion of administrative remedies unless current medical evidence substantiates such termination; to the Committee on Ways and Means.

By Mr. PRICE (for himself and Mr. DICKINSON) (by request):

H.R. 5326. A bill to amend title 10, United States Code, to revise the provisions of such title permitting persons from foreign countries to receive instruction at the U.S. Military Academy, the U.S. Naval Academy, and the U.S. Air Force Academy; to the Committee on Armed Services.

By Mr. PRICE (for himself and Mr. DICKINSON) (by request):

H.R. 5327. A bill to amend chapter 131 of title 10, United States Code, to authorize the Secretary of Defense to enter into cooperative military airlift agreements with the governments of allied countries; to the Committee on Armed Services.

By Mr. RITTER:

H.R. 5328. A bill to amend the Internal Revenue Code of 1954 to provide that in the case of individuals who have attained age 65 a declaration of estimated tax shall not be required, and no penalty shall be imposed, where the amount involved is under $500; to the Committee on Ways and Means.

By Mrs. ROUKEMA:

H.R. 5329. A bill to repeal the provision which allows Members of Congress an income tax deduction for certain living expenses without any requirement that the expenses be substantiated; to the Committee on Ways and Means.

By Mr. SHUMWAY:

H.R. 5330. A bill to rescind the tax benefits provided during 1981 to Members of Congress for living expenses; to the Committee on Ways and Means.

By Mr. SMITH of Alabama (for himself, Mr. GORE, Mr. BEVILL, and Mr. CLINGER):

H.R. 5331. A bill to amend the Internal Revenue Code of 1954 to terminate the provision added by the Economic Recovery Tax Act of 1981 which permits the transfer of tax benefits through leases; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 5332. A bill to amend the Internal Revenue Code of 1954 to make the credit for increasing research activities permanent, and for other purposes; to the Committee on Ways and Means.

By Mr. STARK (for himself and Mr. OBERSTAR):

H.R. 5333. A bill to increase the excise tax on cigarettes and to transfer the revenues from such tax to the Federal Hospital In-

surance Trust Fund; to the Committee on Ways and Means.

By Mr. WYLIE:

H.R. 5334. A bill to rescind the tax benefits provided during 1981 to Members of Congress for living expenses; to the Committee on Ways and Means.

By Mr. ZABLOCKI (for himself, Mr. DERWINSKI, Mr. WRIGHT, Mr. MICHEL, Mr. LOTT, Mr. FOUNTAIN, Mr. FASCELL, Mr. ROSENTHAL, Mr. HAMILTON, Mr. BINGHAM, Mr. YATRON, Mr. SOLARZ, Mr. BONKER, Mr. STUDDS, Mr. IRELAND, Mr. MICA, Mr. BARNES, Mr. WOLPE, Mr. CROCKETT, Mr. SHAMANSKY, Mr. GEJDENSON, Mr. DYMALLY, Mr. ECKART, Mr. LANTOS, Mr. BOWEN, Mr. BROOMFIELD, Mr. FINDLEY, Mr. WINN, Mr. GILMAN, Mr. LAGOMARSINO, Mr. GOODLING, Mr. PRITCHARD, Mrs. FENWICK, Mr. DORNAN of California, Mr. LEACH of Iowa, Mr. ERDAHL, Mr. ROTH, Mrs. SNOWE, Mr. LEBOUTILLIER, Mr. HYDE, Ms. MIKULSKI, Mr. DINGELL, Mr. NOWAK, Mr. ALBOSTA, Mr. BONIOR of Michigan, Mr. ANNUNZIO, Mr. DAUB, and Mr. FARY):

H.J. Res. 382. Joint resolution to permit the broadcasting in the United States of the International Communication Agency film "Let Poland Be Poland: A Day of Solidarity With the People of Poland"; to the Committee on Foreign Affairs.

By Mr. DOWNEY (for himself and Mr. MOFFETT):

H. Con. Res. 245. a Concurrent resolution making it clear that the law provides no Federal tax benefits to educational organizations which are racially discriminatory; to the Committee on Ways and Means.

By Mr. CONTE (for himself and Mr. BOLAND, Mr. HORTON, Mr. ADDABBO Mr. ST GERMAIN, Mrs. HECKLER, Mr. MOAKLEY, Mr. MOFFETT, Mr. MARKEY, Mr. D'AMOURS, Mr. EMERY, Mr. SHANNON, Mrs. SNOWE, Mr. JEFFORDS, Mr. RATCHFORD, Mr. MCGRATH, Mr. MAVROULES, Mrs. SCHNEIDER, Mr. GREGG, Mr. GEJDENSON, Mr. FRANK, and Mrs. KENNELLY):

H. Res. 314. Resolution expressing the House of Representatives' opposition to an imposition of an import fee on crude oil and refined products; to the Committee on Ways and Means.

By Mr. PERKINS (for himself and Mr. ASHBROOK):

H. Res. 315. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Education and Labor in the 2d session of the 97th Congress; to the Committee on House Administration.

By Mr. PERKINS (for himself, Mr. PHILLIP BURTON, Mr. ASHBROOK, and Mr. ERLENBORN):

H. Res. 316. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Subcommittee on Labor Management Relations of the Committee on Education and Labor in the 2d session of the 97th Congress; to the Committee on House Administration.

By Mr. OTTINGER (for himself and Mr. BROYHILL):

H. Res. 317. Resolution authorizing printing of the transcript of proceedings of the Committee on Energy and Commerce incident to presentation of a portrait of the Honorable John D. Dingell; to the Committee on House Administration.

By Mr. RANGEL:

H. Res. 318. Resolution expressing the sense of the House that the Internal Revenue Code of 1954, as well as national public policy, be interpreted by the courts to provide the IRS with sufficient authority to deny tax exemptions to those schools which racially discriminate; to the Committee on Ways and Means.

By Mrs. ROUKEMA:

H. Res. 319. Resolution amending the Rules of the House of Representatives to decrease the amount of outside earned income which a Member may accept, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

236. By the SPEAKER: Memorial of the Legislature of the State of Ohio, relative to the impact on the economy of Ohio of pending legislation and international agreements concerning air pollution; to the Committee on Energy and Commerce.

237. Also, memorial of the Senate of the State of Colorado, relative to Poland; to the Committee on Foreign Affairs.

238. Also, memorial of the Senate of the Commonwealth of Massachusetts, relative to the air traffic controllers; to the Committee on Post Office and Civil Service.

239. Also, memorial of the Legislature of the Commonwealth of Pennsylvania, relative to the Domestic Mail Manual of the United States Postal Service; to the Committee on Post Office and Civil Service.

240. Also, memorial of the Senate of the State of Michigan, relative to Dr. Martin Luther King, Jr., Day; to the Committee on Post Office and Civil Service.

241. Also, memorial of the Senate of the State of Indiana, relative to Vietnam war veterans; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HAMMERSCHMIDT:

H.R. 5335. A bill for the relief of Bobby R. Prince; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 18: Mr. BENNETT, Mr. DICKS, Mr. CLINGER, Mr. PETRI, Mr. WEBER of Ohio, Mr. CROCKETT, Mr. HUGHES, Mr. DERWINSKI, Mr. EDGAR, Mr. ANNUNZIO, Mrs. SCHROEDER, Mrs. CHISHOLM, Mr. RHODES, Mr. STENHOLM, Mrs. SNOWE, Mr. FINDLEY, Mr. BEDELL, Mr. BENEDICT, Mr. KINDNESS, Mr. NELLIGAN, Mr. BETHUNE, Mr. BARNES, and Mr. DIXON.

H.R. 375: Mr. WON PAT.

H.R. 768: Mrs. HECKLER and Mr. DIXON.

H.R. 1160: Mr. BENNETT.

H.R. 2102: Mr. MILLER of Ohio and Mr. KEMP.

H.R. 2488: Mr. WON PAT, Ms. OAKAR, Mr. WEAVER, Mr. FOGLIETTA, Mr. SUNIA, Mr. D'AMOURS, Mr. PEYSER, Mr. MURPHY, Mr. WIRTH, Mr. LEBOUTILLIER, Mrs. COLLINS of Illinois, Mr. CLINGER, Mr. MARKEY, Mr. ROSENTHAL, Mr. MINETA, Mr. PEPPER, and Mr. FORD of Tennessee.

H.R. 2640: Mr. TAUKE.

H.R. 3269: Mr. NOWAK, Mr. KINDNESS, Mr. MCEWEN, Mr. ROSE, Mr. CARNEY, Mr. CLINGER, Mr. BAILEY of Pennsylvania, Mr. TRAXLER, Mr. PARRIS, Mr. WEBER of Minnesota, Mr. GOODLING, Mr. HILLIS, Mr. OBERSTAR, and Mr. STANGELAND.

H.R. 3526: Mr. PATTERSON.

H.R. 3575: Mr. ASPIN, Mr. BENJAMIN, Mr. BONER of Tennessee, Mr. BONIOR of Michigan, Mr. BRODHEAD, Mr. BUTLER, Mr. DASCHLE, Mr. DAUB, Mr. ENGLISH, Mr. ERLENBORN, Mr. EVANS of Delaware, Mr. FOUNTAIN, Mr. GILMAN, Mr. GRAY, Mr. HAMILTON, Mr. HOLLENBECK, Mr. HUBBARD, Mr. JACOBS, Mr. JONES of Tennessee, Mr. LUNDINE, Mr. MCCURDY, Mr. MITCHELL of New York, Mr. MOLLOHAN, Mr. PATMAN, Mr. PURSELL, Mr. QUILLEN, Mr. ROBERTS of South Dakota, Mr. SABO, Mr. SANTINI, Mr. STANGELAND, and Mr. WILLIAMS of Montana.

H.R. 3984: Mr. RAILSBACK.

H.R. 4070: Mr. BARNES, Mr. HAMILTON, and Mr. PEASE.

H.R. 4400: Mr. WEBER of Ohio and Mr. PHILIP M. CRANE.

H.R. 4673: Mr. EVANS of Georgia.

H.R. 4815: Mr. CLINGER, Mr. HUBBARD, Mr. YATRON, and Mr. BENEDICT.

H.R. 4862: Mr. HUTTO.

H.R. 4867: Mr. MITCHELL of Maryland.

H.R. 4902: Ms. MIKULSKI.

H.R. 5076: Mr. SMITH of Oregon, Mr. RITTER, Mr. COLEMAN, Mr. DAUB, Mr. LEE, Mr. PASHAYAN, Mr. HENDON, and Mrs. ROUKEMA.

H.R. 5107: Mr. EDWARDS of California.

H.R. 5133: Mr. FRANK, Mr. WON PAT, Mr. HUBBARD, Mr. LUKEN, Mr. VENTO, Mr. ALBOSTA, Mr. FOGLIETTA, Mr. FLIPPO, Mr. BAILEY of Pennsylvania, Mr. MURPHY, Mr. CROCKETT, Mr. SMITH of Pennsylvania, Mr. FORD of Michigan, Mr. STUDDS, Mr. FLORIO, Mr. EVANS of Indiana, Mr. HOYER, Ms. OAKAR, and Mr. PURSELL.

H.R. 5150: Mr. CAMPBELL, Mr. SUNIA, Mr. HARTNETT, Mr. DAUB, Mr. MAZZOLI, Mr. BENEDICT, Mr. BEDELL, Mr. DYSON, Mr. ANDREWS, Mr. SIMON, and Mr. EVANS of Delaware.

H.R. 5260: Mr. BROWN of Colorado, Mr. COELHO, Mr. HANSEN of Utah, Mr. PASHAYAN, Mr. BURGENER, Mr. ERDAHL, Mr. DASCHLE, Mr. WEAVER, Mr. FOLEY, Mr. SIMON, Mrs. SCHROEDER, Mr. CLINGER, and Mr. ALEXANDER.

H.J. Res. 151: Mr. WOLPE, Mr. DYSON, Mr. HYDE, Mr. KOGOVSEK, Mr. BROWN of Colorado, and Mr. BENNETT.

H.J. Res. 353: Mr. LEHMAN, Mr. AKAKA, Mr. OTTINGER, Mr. SNYDER, Mr. FRENZEL, Mr. SMITH of Pennsylvania, Mr. PEPPER, Mr. GONZALEZ, Mr. FORSYTHE, Mr. BARNARD, Mr. HORTON, Mr. BEILENSON, Mr. MOLINARI, Mr. HUTTO, Mr. MARRIOTT, Mr. HUGHES, Mr. FISH, Mr. FAZIO, Mr. OBERSTAR, Mr. GUNDERSON, Mr. CRAIG, Mr. ROE, Mr. WOLF, Mr. COELHO, Mr. BEARD, Mr. YATRON, Mr. APPLEGATE, Mr. WYDEN, Mr. FORD of Michigan, Mr. LIVINGSTON, Mr. SAM B. HALL, JR., Mr. EDGAR, Mr. TAUZIN, Mr. BARNES, Mr. APPLEGATE, Mr. LUNGREN, and Mr. DANNEMEYER.

H.J. Res. 374: Mrs. BYRON and Mr. HOYER.

H. Con. Res. 123: Mr. CONTE, Mr. LUNDINE, Mr. MCGRATH, and Mr. UDALL.

H. Con. Res. 214: Mr. SENSENBRENNER, Mr. HAMMERSCHMIDT, Mr. ROSE, Mr. SMITH of Oregon, Mr. CONYERS, Mr. EVANS of Delaware, Mr. COATS, Mr. COELHO, Mr. EVANS of Georgia, Mr. BONER of Tennessee, Mr. LEBOUTILLIER, Mr. MOTTL, Mr. MARRIOTT,

Mr. KAZEN, Mr. HUTTO, Mr. WILLIAMS of Ohio, Mr. PEPPER, Mrs. BOGGS, Mr. PATTERSON, Mr. MICA, Mr. DUNN, Mr. FLIPPO, Mr. MARKS, Mr. BEVILL, Mr. BLANCHARD, Mr. HOPKINS, and Mrs. MARTIN of Illinois.

H. Con. Res. 218: Mr. ADDABBO, Mr. COURTER, Mr. DOUGHERTY, Mr. DWYER, Mrs. FENWICK, Mrs. HOLT, Mr. HOWARD, Mr. HOYER, Mr. MAVROULES, Mr. MITCHELL of New York, and Mr. RINALDO.

H. Con. Res. 222: Mr. WYDEN, Mr. WALGREN, Mr. BEVILL, Mr. BIAGGI, Mr. WON PAT, Mr. HORTON, Mr. APPLEGATE, Mr. CHAPPELL, and Mr. SHELBY.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

307. By the SPEAKER: Petition of the Board of Supervisors, County of Sacramento, Sacramento, Calif., relative to military retirement pay; to the Committee on Armed Services.

308. Also, petition of the Fifth Biennial California State Convention of the Retired Officers Association, Monterey, Calif., relative to ROTC pay and allowances; to the Committee on Armed Services.

309. Also, petition of City Council, New York, N.Y., relative to the plight of homeless people; to the Committee on Education and Labor.

310. Also, petition of the Council, Village of Bettsville, Ohio, relative to deregulation and natural gas prices; to the Committee on Energy and Commerce.

311. Also, petition of the Maryland State Employees Council No. 92 of the American Federation of State, County, and Municipal Employees, Baltimore, Md., relative to deregulation of natural gas prices; to the Committee on Energy and Commerce.

312. Also, petition of the City Council, Philadelphia, Pa., relative to natural gas price deregulation; to the Committee on Energy and Commerce.

313. Also, petition of the Rensselaer County Legislature, Troy, N.Y., relative to Poland; to the Committee on Foreign Affairs.

314. Also, petition of the Fifth Biennial California State Convention of the Retired Officers Association, Monterey, Calif., relative to MIA's; to the Committee on Foreign Affairs.

315. Also, petition of the City Council, Cambridge, Mass., relative to El Salvador; to the Committee on Foreign Affairs.

316. Also, petition of the City Council, Parma, Ohio, relative to support of the citizens of Poland; to the Committee on Foreign Affairs.

317. Also, petition of Golda Yelin and others, Tel-Aviv, Israel, relative to human rights; to the Committee on Foreign Affairs.

318. Also, petition of the House of Representatives, Republic of Cyprus, relative to human rights; to the Committee on Foreign Affairs.

319. Also, petition of the State and Local Coalition, Washington, D.C., relative to a statement of principles and guidelines for effective intergovernmental cooperation; to the Committee on Government Operations.

320. Also, petition of the Florida Cabinet, Tallahassee, Fla., relative to missing children; to the Committee on the Judiciary.

321. Also, petition of the Board of County Commissioners, Broward County, Fort Lauderdale, Fla., relative to missing children; to the Committee on the Judiciary.

322. Also, petition of the Greater West Palm Beach Chamber of Commerce, West Palm Beach, Fla., relative to a policy statement on immigration; to the Committee on the Judiciary.

323. Also, petition of the Fifth Biennial California State Convention of the Retired Officers Association, Monterey, Calif., relative to Gold Star Mothers Day; to the Committee on Post Office and Civil Service.

324. Also, petition of Bertha Howard Sherman, Phoenix, Ariz., relative to Dr. Martin Luther King, Jr. Day; to the Committee on Post Office and Civil Service.

325. Also, petition of the Director, Senior Programs, Monterey County, Salinas, Calif., relative to minority elderly; jointly, to the Committees on Education and Labor and Ways and Means.

326. Also, petition of the City Council, Youngstown, Ohio, relative to Alaska gas pipeline costs; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

EXTENSIONS OF REMARKS

STATE OF THE JUDICIARY

HON. ROBERT A. YOUNG
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. YOUNG of Missouri. Mr. Speaker, I would like to take this opportunity to share with my colleagues the state of the judiciary address recently delivered by Chief Justice Robert T. Donnelly of the Missouri Supreme Court before the 81st Missouri General Assembly gathered in joint session on January 7, 1982. Mr. Speaker, I am particularly pleased to recognize Chief Justice Donnelly because of his long and distinguished career of public service. Robert True Donnelly is a native of Lebanon, Mo. He served in the infantry in World War II. After the war he attended the University of Missouri where he received his law degree. He was admitted to the Missouri bar on December 10, 1949. He was appointed to the Supreme Court of Missouri in 1965, and has served in that capacity ever since. He has also served as a member of the board of governors of the Missouri bar and as deputy chairman at the Conference of Chief Justices.

In his address, Mr. Chief Justice Donnelly makes a strong case for judicial restraint. This is a position he has articulated time and time again in his work on the Missouri Supreme Court. In the present atmosphere of judicial expansionism, he offers a note of clarity and principle. He gives an eloquent vision of the role of the judicial branch of Government and the future of our country and I insert his address to be printed in the CONGRESSIONAL RECORD and be made a part of the RECORD thereof:

THE STATE OF THE JUDICIARY IN MISSOURI—1982

Your Excellency, Mr. President, Mr. Speaker, Members of the 81st General Assembly, Ladies and Gentlemen: I perceive the coming period of our nation's history as one which will sorely test the strength and integrity of our system of government, and I am impelled to speak of my concern. As was eloquently said in different context, my effort "may be a quixotic tilt at windmills which belittles great principles of liberty. Only time can tell." However, I must say to you what I believe. Of course, it must also be said that the views I express are not necessarily shared by the other judges of the Supreme Court of Missouri.

My area of concern, of course, is the state judiciary in Missouri. I regret that I cannot speak honestly of the condition of the state judiciary without openly discussing the turf now occupied by the judiciary of our national government and without addressing the constitutional legitimacy of its claim.

I will use the word subjectivism many times today. As I use the word, the doctrine of subjectivism would legitimate the use by a judge of his individual feeling as the standard by which he would decide constitutional questions. I hope my distate for subjectivism will be evident by the time I finish.

Today, as perhaps never before, there is great public concern about the impact of "government" on our lives. We are in the midst of a period when even the President of the United States speaks out at every opportunity against too much government in Washington. I do not intend to influence you one way or another on that question. The point I would hope to make is that the essence of the relationship between our people and their government is that the people, not the government, are sovereign. Officials of government can rightfully exercise only such powers as the people freely give them. Their assertions of power are of no legal or conceptual validity if made without the consent of the people.

How does this impact on the state judiciary of Missouri?

In 1965, when I first became a judge of the Supreme Court of Missouri, I swore that I would support the Constitution of the United States. In so doing, did I also bind myself to follow the latest pronouncement made by a majority of the justices of the United States Supreme Court on a given question as if such pronouncement equates with the express language of the United States Constitution?

Article VI of the United States Constitution provides in part:

"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of the State to the Contrary notwithstanding."

Of course, if a case ruled upon by the Supreme Court of Missouri is reviewed and ruled upon by the United States Supreme Court, the latter ruling is "the law of the case" and must be followed.

However, if a case ruled upon by the Supreme Court of Illinois is reviewed by the United States Supreme Court and an opinion is handed down by the United States Supreme Court, is that opinion "the supreme Law of the Land" and, therefore, binding on me in Missouri when I am confronted with a similar situation? Are decisions of the United States Supreme Court "the supreme Law of the Land" prescribed in Article VI of the United States Constitution?

For many years members of the federal judiciary have injected federal control into almost every facet of the lives of our citizens. Although bound, by oath or affirmation, to support all of the Constitution of the United States, they have excised the tenth original amendment. Their arrogations are a matter of record. They boast of routinely engaging in "bureaucratic and administrative functions, such as overseeing [state] schools, [state] mental hospitals, and [state] prisons." They refuse to recognize the ultimate questions: Shall judges be restricted to the exercise of those powers which derive "from the consent of the governed"?

In 1905, the United States Supreme Court, in *Lochner* v. *New York*, struck down a state statute which provided that no employees should be required or permitted to work in bakeries more than sixty hours in a week, or ten hours a day, holding that such statute was an unreasonable, unnecessary and arbitrary interference with the right of an individual to contract. Mr. Justice Holmes had the following to say in dissent:

It is settled by various decisions of this court that state constitutions and state laws may regulate life in many ways which we as legislators might think as injudicious or if you like as tyrannical as this, and which equally with this interfere with the liberty to contract, * * *. Some of these laws embody convictions or prejudices which judges are likely to share. Some may not. But a constitution is not intended to embody a particular economic theory, whether of paternalism and the organic relation of the citizen to the State of laissez faire. It is made for people of fundamentally differing views, and the accident of our finding certain opinions natural and familiar or novel and even shocking ought not to conclude our judgment upon the question whether statutes embodying them conflict with the Constitution of the United States."

In a period of several years before and after the decision in *Lochner*, the United States Supreme Court, under the mantle of "substantive due process," rather routinely struck down state legislative enactments. This period has come to be known as the *Lochner Era*, and was referred to in the case of *Ferguson* v. *Skrupa*, as follows:

"The doctrine that prevailed in *Lochner*, * * * and like cases—that due process authorizes courts to hold laws unconstitutional when they believe the legislature has acted unwisely—has long since been discarded. We have returned to the original constitutional proposition that courts do not substitute their social and economic beliefs for the judgment of legislative bodies, who are elected to pass laws."

Of course, the *Ferguson*, prognosis were erroneous. The books are bulging with *Lochnerian* "substitutions." Mention of a few will suffice.

In April 1969, in *Shapiro* v. *Thompson*, the Court struck down state statutes requiring one year's residence prior to receiving welfare benefits, holding that because this requirement impinged on the "constitutionally guaranteed right of interstate travel," it was to be judged by the standard of whether it promoted a compelling state interest.

In January 1973, in *Roe* v. *Wade*, the Court struck down a Texas abortion statute, holding that the statute infringed on a pregnant woman's right of privacy, in the opinion of the Court could not be justified by a compelling state interest, and, therefore, violated the due process clause. The Court then proceeded to declare, by trimesters of pregnancy, the interests of a state which the Court considers "compelling."

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

The problem posed is that the compelling state interest standard requires a judicial evaluation which is subjective in nature and which requires that a judge decide whether "the legislature has acted unwisely." As noted by Mr. Justice Rehnquist, "the compelling state interest standard will inevitably require [courts] to examine * * * legislative policies and pass on the wisdom of these policies in the very process of deciding whether a particular state interest put forward may or may not be 'compelling.'"

In *Duncan* v. *Louisiana*, the Court held that the sixth amendment right to trial by jury applies to state criminal prosecutions, and cited with approval a study which had concluded "that juries do understand the evidence and come to sound conclusions in most of the cases presented to them and that when juries differ with the result at which the judge would have arrived, it is usually because they are serving some of the very purposes for which they were created and for which they are now employed."

In *Jackson* v. *Virginia*, the Supreme Court rejected the presumption that trial juries will act rationally and held "that in a challenge to a state criminal conviction brought under 28 U.S.C. § 2254 * * * the applicant is entitled to habeas corpus relief if it is found that upon the record evidence adduced at the trial no rational trier of fact could have found proof of guilt beyond a reasonable doubt." Despite the Court's disclaimers, history teaches us in Missouri that the Court's use of the word "rational" gives a federal court carte blanche to substitute its view of guilt or innocence for that of the trial jury.

In 1969, in *State* v. *Brizendine*, I was joined by four of my brothers in stating: "This opinion is filed in the records of this Court because the people of Missouri are entitled to know that the effect of this [Federal] statute, as evidenced by the action of the Federal judiciary in this case, is to make this Court subservient to the trial courts of the Federal judicial system in cases involving violations of the criminal laws of this State." It is enough to say that the *Brizendine* prediction has proved alarmingly accurate.

Why does the Court persist in injecting the federal judiciary into the administration of justice in the states?

It has been suggested that the Court's "assault upon the legal order by moral imperatives" may have contributed to the excesses of the Nixon Presidency and Watergate. The suggestion may be accurate. It is a fact that at some point in time after World War II the Supreme Court of the United States ceased to function only as a court. It molded itself into an organ for control of social policy and made that policy effectual by utilization of the fourteenth amendment to amend the Constitution according to the predilections of its majority. I have no right to question the good faith of its majority or its desire "to do good things." I do question the wisdom of its derogating "the rule of law" as a viable concept and its creating a climate in which the leaders of another department of government could come to believe that there are no legal limits to the exercise of arbitrary power and no ultimate responsibility to the governed.

In any event, the United States Supreme Court "dropped the other shoe" in 1979. The Court made it clear, in *North Carolina* v. *Butler*, that state courts are not permitted to entertain interpretations of the United States Constitution which vary from rulings of the United States Supreme Court. How could this have happened in America? If you are curious, you can find the answer in Eric Hoffer's "The True Believer."

In my view, the Constitution of the United States sets the outer limits of the powers delegated by the people to their agents in the legislative department, the executive department, and the judicial department of the federal government. I find support for this view in the Preamble to the Constitution of the United States and in the Declaration of Independence which declares, as I read it, that even members of the judicial department may exercise only those powers which derive "from the consent of the governed."

History tells us that the Framers, in establishing a federal government, were influenced by the teachings of Locke, Rousseau, and others, and by the social concept they espoused. This concept would recognize a continuing right in the people to call their agents, even the United States Supreme Court, to account. It would assure that the people, and not an agency of government, will determine the direction of their lives. If, in fact, the United States Supreme Court is exercising powers without the consent of the governed—the people—then the rights it purports to secure in their name are counterfeit—its benevolence a fraud.

Where, then, do we find a delegation of power by the people to the United States Supreme Court to declare "the supreme Law of the Land" under Article VI of the United States Constitution? Where do we find "the consent of the governed"?

There is nothing in the Constitution itself which could be construed as conferring power, express or implied, in the Court to declare "the supreme Law of the Land."

In *Cooper* v. *Aaron*, the Court asserted:

"Article VI of the Constitution makes the Constitution the 'supreme Law of the Land.' In 1803, Chief Justice Marshall, speaking for a unanimous Court, referring to the Constitution as 'the fundamental and paramount law of the nation,' declared in the notable case of *Marbury* v. *Madison*, 1 Cranch 137, 177, that 'It is emphatically the province and duty of the judicial department to say what the law is.' This decision declared the basic principle that the federal judiciary is supreme in the exposition of the law of the Constitution, and that principle has ever since been respected by this Court and the Country as a permanent and indispensable feature of our constitutional system. It follows that the interpretation of the Fourteenth Amendment enunciated by this Court in the *Brown* case is the supreme law of the land, and Art. VI of the Constitution makes it of binding effect on the States 'any Thing in the Constitution or Laws of any state to the Contrary notwithstanding.'"

I think it must be said that Mr. Justice Brennan, in drafting the opinion in *Cooper*, may have painted with the broadest brush ever used in analytical jurisprudence. If it was his purpose to premise consent of the people upon their failure to anticipate the unltimate misuse of Marshall's dictum in *Marbury*, he excised the most turbulent and traumatic period in the history of our nation. In *Scott* v. *Sandford*, the Supreme Court held that Dred Scott, "a negro, whose ancestors were imported into this country, and sold as slaves, [could not] become a member of the political community formed and brought into existence by the Constitution of the United States, and as such become entitled to all the rights, and privileges, and immunities, guaranteed by that instrument to the citizen."

In the debates with Senator Douglas in 1858, Abraham Lincoln repeatedly stated his distaste for the *Dred Scott* decision and his refusal to follow it. And, in his first Inaugural Address, March 4, 1861, he articulated his preception of the role of the United States Supreme Court:

"I do not forget the position assumed by some, that constitutional questions are to be decided by the Supreme Court; nor do I deny that such decisions must be binding, in any case, upon the parties to a suit, as to the object of that suit, while they are also entitled to very high respect and consideration in all paralled cases by all other departments of the government. And while it is obviously possible that such decision may be erroneous in any given case, still the evil effect following it, being limited to that particular case, with the chance that it may be overruled and never become a precedent for other cases, can better be borne than would the evils of a different practice. At the same time, the candid citizen must confess that if the policy of the government, upon vital questions affecting the whole people, is to be irrevocably fixed by decisions of the Supreme Court, the instant they are made, in ordinary litigation between parties in personal actions, the people will have ceased to be their own rulers, having to that extent practically resigned the government into the hands of that eminent tribunal."

I believe the Lincoln statement is as appropriate today as it was in 1861. The *Cooper* assertion is an arrogation.

I take no personal pleasure in noting publicly the propensities of the department of government which Hamilton predicted "will always be the least dangerous to the political rights of the Constituton * * *." However, in my view, the academicians, the media and other molders of public opinion in America prostitute their talents when, for whatever reason, they persist in tolerating "arrogations" by calling them "interpretations." I profoundly respect the United States Supreme Court as an institution. However, even the United States Supreme Court should not be permitted to wield power it was never given. Mr. Justice Black said it best:

"I realize that many good and able men have eloquently spoken and written, sometimes in rhapsodical strains, about the duty of this Court to keep the Constitution in tune with the times. The idea is that the Constitution must be changed from time to time and that this Court is charged with a duty to make those changes. For myself, I must with all deference reject that philosophy. The Constitution makers knew the need for change and provided for it. Amendments suggested by the people's elected representatives can be submitted to the people or their selected agents for ratification. That method of change was good for our Fathers, and being somewhat old-fashioned I must add it is good enough for me."

No doubt, the veteran legislators among you have found my remarks this morning different from those contained in the State of the Judiciary addresses I delivered when you honored me many years ago as the first Chief Justice of Missouri to address the General Assembly of Missouri. A multitude of practical problems within the judicial department deserve your attention. But years of experience have taught us that the Missouri General Assembly will respond reasonably to our needs.

Today, I have felt compelled to set aside a discussion of those needs for the moment and to attempt to persuade you that an in-

sidious disease exists in our nation. The greed for power has surfaced from time to time in all civilizations. The uniqueness of our present concern is that the disease has cropped out among judges, where one would least expect it.

My cousin, David, his father, and I have served this state, in its public offices, for nearly a century. You know I am no demagogue. I have no taste for courthouse-door confrontations. But those who would arrogate power for themselves by reliance upon self-serving substanceless declarations (whether made by Marshall or Brennan) need to be reminded that a deliberate course of action, which would effectually transfer determinations of public polity from the people, or their elected representatives in the Congress and in the legislatures of the states, to judicial elites is not "good behavior."

In the hill country where I come from, I suspect what I have said to you today would be characterized as attempting to get your attention by hitting you between the eyes with an ax handle. Missourians are a proud people. We, and our sons, have fought in four wars alongside brothers from other states because we love America. We wish to preserve its promise.

Thank you very much.●

GUNDERSON LEGISLATION TO LIMIT CASEIN IMPORTS

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. GUNDERSON. Mr. Speaker, on November 9, 1981, the International Trade Commission held hearings on the question of whether to limit casein imports under section 22 of the Agricultural Adjustment Act. This section of the law permits the President to establish quantitative limitations on imports if those imports interfere with or threaten to interfere with the effective operation of a domestic price support program.

The purpose of section 22, as noted by the ITC General Counsel, is "to insure, among other things, that the price support programs are not undercut or made more expensive by imported goods."

Last Tuesday, January 19, 1982, the ITC voted 4-1 against recommending a section 22 limitation on casein imports. This conclusion ignores the statistical evidence presented to them at the November hearing concerning the adverse impact of casein imports on our dairy price support program.

The June 1981 USDA publication, "U.S. Casein and Lactalbumin Imports: An Economic and Policy Perspective" reported that 102.1 million pounds (67 percent) of all of the casein imported into the United States in 1980 was used in food and animal feeds. The USDA report further noted that a minimum of 52.8 percent of the casein used in food and animal feeds in the United States could be replaced by nonfat dry milk. As such, it is possible to conclude that a minimum of 53.8 million pounds of casein directly displaced nonfat dry milk in 1980.

That translates into better than 175 million pounds of nonfat dry milk—28 percent of all of the milk purchased by the CCC in 1980. In short, had casein not been imported into the United States in 1980 for use in food and animal feeds where nonfat dry milk was a viable substitute, the CCC would have saved a minimum of $158 million in outlays.

Clearly, the domestic dairy price support program has been made more expensive by casein imports. As such, it is absolutely incomprehensible why the ITC refuses to recommend a section 22 limitation on casein imports.

In October, I introduced an amendment to the farm bill that stated the sense of Congress that section 22 limitations should be placed on casein imports so that no more than the average annual imports over the past 5 years is imported into the United States in future years. This amendment was ultimately included in the farm bill and submitted to the ITC as a recommendation from the Congress.

Since the ITC has chosen to ignore our recommendation, I am today introducing legislation that would prohibit annual casein imports from exceeding the average annual casein imports over the past 5 years.

Mr. Speaker, the time has come to finally acknowledge that casein imports interfere with the efficient operation of the dairy price support program. I urge my colleagues to join me in seeking a limitation on casein imports.●

RESULTS OF STUDY REVEAL VAST DISPARITY IN VALUES

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. DORNAN. Mr. Speaker, last May (1981), I submitted for the RECORD the results of a study by the Connecticut Mutual Life Insurance Co. which, among other things, showed the vast disparity in values between the media and the general public with regard to a host of social issues. At this time, I would like to submit another article which corroborates the Connecticut Life study and which appeared in the January 3, 1982, edition of the Washington Post. Entitled "The Media Elite: White, Male, Secular and Liberal," the article is a summary of an in-depth study in Public Opinion magazine by Prof. Robert Lichter, assistant professor of political science at George Washington University, and Prof. Stanley Rothman, professor of government at Smith College.

THE MEDIA ELITE: WHITE, MALE, SECULAR AND LIBERAL

(By S. Robert Lichter and Stanley Rothman)

Newsmen have long cherished the vantage point of the outsiders who keep the insiders straight. But now leading journalists are courted by politicians, studied by scholars and known to millions through their bylines and televised images. In short, the needs of a society increasingly hungry for information have contributed to the rise of a national news network—the new media elite.

As part of a larger study on elites, we surveyed members of the national media elite during 1979 and 1980. The findings, it should be understood, tell us only about the backgrounds and attitudes of journalists as individuals. They do not tell us about the content of the news they present nor, indeed, whether the content is affected by their personal views at all. Nonetheless, they do provide more detail than previously available about who makes up the media elite.

In some respects, the journalists we interviewed appear typical of leadership groups throughout society. The media elite is composed mainly of white males in their thirties and forties. Only one in 20 is nonwhite; one in five is female. Ninety-three percent have college degrees, and a majority (55 percent) attended graduate school as well.

These figures reveal them as one of the best educated groups in America. They are also one of the better paid groups, despite journalism's reputation as a low-paying profession. In 1978, 78 percent earned at least $30,000, and one in three had salaries that exceeded $50,000. Moreover, nearly half (46 percent) reported family incomes above $50,000.

Geographically, they are drawn primarily from Northern industrial states, especially from the Northeast corridor. Two-fifths come from three states: New York, New Jersey and Pennsylvania. Another 10 percent hail from New England, and almost one in five was raised in the big industrial states just to the west—Illinois, Indiana, Michigan and Ohio. Thus, over two-thirds of the media elite come from thee three clusters of states. By contrast, only 3 percent are drawn from the entire Pacific Coast, including California, the nation's most populous state.

Journalism is a profession associated with rapid upward mobility, yet we found few Horatio Alger stories in the newsroom. On the contrary, many among the media elite enjoyed socially privileged upbringings. Most were raised in upper-middle-class homes. Almost half their fathers were college graduates, and one in four held a graduate degree. Two in five are the children of professionals—doctors, lawyers, teachers and so on. In fact, one in 12 is following in his father's footsteps as a second-generation journalist. Another 40 percent describe their fathers as businessmen.

That leaves only one in five whose father was employed in a low-status blue- or white-collar job. Given these upper-status positions, it is not surprising that their families were relatively well off. Forty-five pecent rate their family's income while they were growing up as above average, compared to 26 percent who view their early economic status as below average.

All these characteristics might be expected to predispose people toward the social

liberalism of the cosmopolitan outsider. And indeed, much of the media elite upholds the cosmopolitan or anti-bourgeois social perspective.

A predominant characteristic of the media elite is its secular outlook. Exactly 50 percent eschew any religious affiliation. Another 14 percent are Jewish, and almost one in four (23 pecent) was raised in a Jewish household. Only one in five identifies himself as Protestant, and one in eight as Catholic. Very few are regular churchgoers. Only 8 percent go to church or synagogue weekly, and 86 percent seldom or never attend religious services.

Ideologically, a majority of leading journalists describe themselves as liberals. Fifty-four percent place themselves to the left of center, compared to only 19 percent who choose the right side of the spectrum.

These subjective ratings are borne out by their voting records in presidential elections since 1964. In 1972, when 62 percent of the electorate chose Nixon, 81 percent of the media elite voted for McGovern. This does not appear to reflect any particular personal aversion to Nixon, despite the well-publicized tensions between the press and his administration. Four years later, leading journalists preferred Carter over Ford by exactly the same margin. In fact, in the Democratic landslide of 1964, media leaders picked Johnson over Goldwater by the staggering margin of 16-to-1, or 94 to 6 percent.

These presidential choices are consistent with the media elite's liberal views on a wide range of social and political issues. They show a strong preference for welfare capitalism, pressing for assistance to the poor in the form of income redistribution and guaranteed employment. Few are outright socialists. For example, they overwhelmingly reject the proposition that major corporations should be state owned. Only one in eight would agree to state ownership of corporations, and two-thirds declare themselves strongly opposed.

Most also believe that the free enterprise gives workers a fair shake, and that deregulation of business would be good for the country. Seventy percent agree that private enterprise is fair to working people, and almost as many, 63 percent, say that less regulation of business would serve the national interest.

But they are equally committed to the welfare state. Sixty-eight percent, about the same proportion that praise the fairness of private enterprise, also agree that the government should substantially reduce the income gap between the rich and the poor. They are almost evenly divided over the issue of guaranteed employment. Forty-eight percent believe the government should guarantee a job to anyone who wants one, while a slight majority of 52 percent oppose this principle of entitlement.

It is today's divisive "social issues" that bring their liberalism to the fore. Leading journalists emerge from our survey as strong supporters of environmental protection, affirmative action, women's rights, homosexual rights and sexual freedom in general.

Fewer than one in five assents to the statement, "our environmental problems are not as serious as people have been led to believe." Only 1 percent strongly agree that environmental problems are overrated, while a majority of 54 percent strongly disagree. They are nearly as vehement in their support for affirmative action. Despite both the heated controversy over this issue and their own predominantly white racial composition, four out of five media leaders endorse the use of strong affirmative action measures to ensure black representation in the workplace.

In their attitudes toward sex and sex roles, members of the media elite are virtually unanimous in opposing the constraints of both government and tradition. Large majorities oppose government regulation of sexual activities, uphold a pro-choice position on abortion, and reject the notion that homosexuality is wrong. In fact, a majority would not characterize even adultery as wrong.

When asked whether the government should regulate sexual practices, only 4 percent agree, and 84 percent strongly oppose state control over sexual activities. Ninety percent agree that a woman has the right to decide for herself whether to have an abortion; 79 percent agree strongly with this pro-choice position. Three quarters disagree that homosexuality is wrong, and an even larger proportion, 85 percent, uphold the right of homosexuals to teach in public schools. (A mere 9 percent feel strongly that homosexuality is wrong.)

Finally, 54 percent do not regard adultery as wrong, and only 15 percent strongly agree that extramarital affairs are immoral. Thus, members of the media elite emerge as strong supporters of sexual freedom or permissiveness, and as natural opponents of groups like the Moral Majority, who seek to enlist the state in restricting sexual freedom.

In addition, we inquired about international affairs, focusing on Third World critics' arguments concerning such issues as U.S. arms sales, CIA activity and alleged American exploitation of developing countries.

In most instances, majorities of the media elite voice the same criticisms raised in the Third World. Fifty-six percent agree that American economic exploitation has contributed to Third World poverty. About the same proportion, 57 percent, finds America's heavy use of natural resources to be "immoral." By a 3-to-1 margin, leading journalists reject the counterargument that Third World nations would be even worse off without the assistance they've received from Western nations. Indeed, precisely half agree with the claim that the main goal of our foreign policy has been to protect American business interests.

A majority of 55 percent would prohibit the CIA from ever undermining hostile governments to protect U.S. interests. The question of arms shipments produces an even split of opinion. Forty-eight percent would ban foreign arms sales altogether or restrict them to democratic countries. Forty-seven percent would supply arms to any "friendly" country, regardless of the regime. Only 4 percent would be willing to sell arms to all comers.

These results do not address some of the most basic underlying issue of political life: What groups exert the most influence over social goals and political processes? How much influence should be wielded by such forces?

Specifically, we asked the journalists to rate seven leadership groups in terms of the influence each wields over American life. Then we asked them to rate the same groups according to the influence they *should* have. The seven groups rated include black leaders, feminists, consumer groups, intellectuals, labor unions, business leaders and the news media.

The journalists see four of the groups as relatively disadvantaged in the competition for social power. Femisists are least powerful, followed closely by black leaders, intellectuals and consumer groups. The unions ranked third, leaving the media close on the heels of business leaders, who are perceived as the most powerful social group in America. Thus, the media elite recognizes its own position of power, viewing itself as more influential then any other leadership group except the business community.

When asked their preferences, this picture changes drastically. They would strip both business and labor of their current perceived power, while raising the status of all the other groups. In the media elite's preferred social hierarchy, business leaders fall from first to fifth position, and unions drop to the very bottom of the ladder. Feminists move up only slightly, but blacks, intellectuals and consumer groups would all have more influence than either business or labor. Emerging at the top of the heap, as the group most favored to direct American society, are the media.●

HARRY KING OF WINTER HAVEN, FLA.

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. IRELAND. Mr. Speaker, on December 23, my district lost one of its most distinguished and beloved citizens, Harry King of Winter Haven.

Harry King was a respected attorney, a former State senator, and a pillar of his community and his church. He was highly regarded by his colleagues, his clients, and his fellow citizens, who saw in him both a competent and compassionate public servant.

Mr. King began his law practice in Winter Haven in 1925, and still had an active practice when he died in December at 79. He served as Winter Haven city judge in the late 1930's. He was elected to the State senate in 1940 where he served with great distinction until 1956.

Harry King was a powerful and effective State senator during his years at the State's capital. He skillfully represented his district, and Florida's important citrus and phosphate industries. But he was also a man who cared very deeply about the law, and about representing ordinary individuals before the courts. His colleagues paid him the honor of calling him both a lawyer's lawyer, and a people's lawyer.

Mr. King's passing is a terrible loss not only to his wife, Billie, and to his family, to whom he was devoted, but to Winter Haven and all of Florida. He was an outstanding man and we will miss him. I commend his memory to this House.●

WASHINGTON NATIONAL AIRPORT

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. RUDD. Mr. Speaker, Washington National Airport has a proven record of safety—a record that had not been blemished with a single commercial airline fatality for over 32 years. We are still aware of the tragic accident which occurred here a few weeks ago. This was a devastating event for the families and friends of those lost, and all our sympathy and prayers go out to these people.

In the wake of this alarming crash, it is human nature to place the blame before trial and condemn Washington National as being unsafe and outmoded. Many have already called for its immediate closure—making judgments without the complete story, and indeed, without firm conclusions on the tragedy a few weeks back.

I think we should put this event in reasonable perspective. Such a perspective was eloquently voiced in the lead editorial of the Arizona Republic on January 16, which I have included—

[From the Arizona Republic, Jan. 16, 1982]

AN AMAZING RECORD

Logic suggests that Washington National Airport should not be one of the world's safest major airports.

It was designed and built for an era of smaller, slower, lighter airliners of the 1940s, on a site that defies lengthening of the main 6,900-foot runway that accommodates a new generation of larger, faster and heavier jetliners.

Yet, statistically, the airport indeed is one of the world's safest.

Since President Franklin Delano Roosevelt ordered it built in 1940, there had been only one fatal commercial airline accident at the airport in four decades of operations until this week.

And that occurred 32 years ago in 1949, when a U.S.-made World War II fighter plane collided with an airliner on approach for landing, killing 55 persons.

Since then, tens of millions of passengers and hundreds of thousands of flights have come and gone without mishap.

Critics have been trying for years to close down National, contending that the field is unsafe—despite statistics that show otherwise.

Now, critics who could not accomplish what they hoped in the past will use this week's Air Florida accident as a new argument.

Which is meaningless.

For, the accident this week was a freak that probably can never be duplicated.

Indications are that a series of tragic and rare weather circumstances and pilot decisions came together in a micro-moment to create an irreversible fate for one aircraft and those aboard.

Worse accidents have occurred near airports larger than Washington National, also because of irreversible human or technical failures that are aberrations in flying's steadily improved safety record.

An engine broke away form a DC-10 after takeoff at Chicago in 1979. The widebody jet crashed, killing 275.

Another 113 died in 1975 when a Boeing 727 on approach to Kennedy International Airport fell from the sky after encountering a meteorological phenomenon that affected no other aircraft.

Improperly interpreted radio communications caused the collision of two Boeing 747 jumbo jetliners in the Canary Islands on a runway, taking 581 lives.

In those cases, and dozens of others near airports, neither the size of the airfields nor their locations had any bearing on the loss of life or the cause of the accidents.

Lessons will be learned from the Washington tragedy, and they ultimately could lead to new operating precautions.

To close Washington National because of this accident would be akin to closing down an interstate freeway because of loss of life.●

RESEARCH, THE ECONOMY, AND NATIONAL DEFENSE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. BROWN of California. Mr. Speaker, one of the weaknesses in the way policy is made and implemented in the United States is the unnecessary and unwise fragmentation and separation of issues. This has been true of the Congress, as well as the Executive, and true of Democratic, as well as Republican leadership.

It is regularly said that we cannot have a strong national defense if we have a weak economy, just as the reverse is said. Less often heard is the correlation between both a strong national defense and national economy and the state of U.S. science and technology. The Defense Department, which is dependent upon sophisticated technologies and a highly skilled technical work force, knows that there is a relationship. And our major corporations know that they are dependent upon Government-sponsored research and development, as well as Government subsidized schools, for many of the ideas and people they need. It seems that only the highest officials of the Reagan administration are unaware of this interrelationship.

Our chief economic competitors, of course, understand what it takes to beat U.S. industries in the marketplace. The Soviet Union also knows what it will take to match or surpass our military technologies. All of these nations are supporting increased Government research and development, increased scientific and technical education at all levels, and a strong governmental role. Only the United States is moving in the opposite direction.

Mr. Speaker, I think every Member who is concerned about the U.S. role in the world, whether militarily or commercially, should consider the role of the U.S. Government in supporting research, development, and education. The budgets which we will examine in the weeks to come nearly all have some components of each of these functions. Before we get carried away with rhetoric on the New Federalism, we need to remember the realities of the international situation in which we live.

The following two editorials from the Christian Science Monitor describe the reality of the world today far better than I can. I commend them to my colleagues:

[From the Christian Science Monitor, Tues., Jan. 5, 1982]

THE RESEARCH GAP

Of all the money spent by private industry or the US government, perhaps none is more vital to the long-range prosperity of the United States than "R&D" dollars—investments in basic research and development. After years of neglect, American industry is now plowing more money into invention and product development than ever, an upswing that began in the late 1970s. At the same time, government funds for research in a broad range of scientific areas other than defense are being reduced. Perhaps most disturbing, there is as yet no firm strategy regarding basic research in the US.

Clearly, whether the US maintains its world economic leadership will in great measure be determined by the extent to which it stays abreast of the profound technological changes now transforming the industrial world. But to do this will require that business firms, major universities, national foundations, scientific laboratories, and the federal government itself set aside sufficient funds for new research. And this in turn is dependent on the degree to which the US develops an engineering and scientific community equal to the momentous challenges that will be faced in exploring the space-age technology of the future.

Unfortunately, it is not yet certain that the US will meet the R&D challenge as well as it should, though there are some promising indications of addressing it. Over the course of the decade, spending on research and development is expected to total something on the order of $700 billion to $1 trillion, no paltry sum. Industry now accounts for close to half the total annual R&D budget, compared to one third back in the 1960s when government was the major contributor.

But a significant share of the industry budget will flow into defense-related research. Surely there must be no scrimping on appropriate research for defense. But military spending must not be allowed to become such an enormous drag on the civilian sector of the economy as to divert professional workers and scarce resources away from promising scientific inquiry in nondefense fields.

Many of the federal cutbacks are dismaying. That is especially the case for "basic research" as well as projects related to small businesses, which tend to generate most new jobs within the American workforce. Thus funds for nonnuclear energy programs, including solar power, space re-

search, and conservation research, are being slashed. At the same time federally supported research in the social area is being even more pointedly reduced.

It is also cause for concern that the government is cutting back on its support for engineering and scientific education research projects. There is now, for example, a scarcity of engineers receiving doctoral degrees, and many college-level teaching positions are unfilled. By contrast, Japan, America's major competitor in the electronics, high-technology area, is devoting special attention to boosting its professional workforce of engineers. Moreover, the US has not kept up with the modernization of equipment and facilities in its engineering and research laboratories.

Most serious of all, however, is the fact that there is currently no effort underway in the US for coordinated planning involving R&D expenditures. That is not to say that all such funds should fit neatly into some sort of federal "master plan." Such a centralized approach would garner little public support during a period of federal deregulation.

But at a time when budgets are lean, a modicum of government, industry, and university planning in the research area—if only by reaching a broad consensus that certain forms of research need more focused support than others—seems logical. Such an approach is taken to an extent by the Japanese. One need only think back to the 1950s and 1960s when America established its highly successful space program to realize that, when all parties to a scientific inquiry put their skills to a task, remarkable results can occur.

[From the Christian Science Monitor, Dec. 18, 1981]

JAPAN: COMPUTERS NEXT?

There is no longer any doubt. The race is now on to see which nation—the United States or Japan—controls the space-age technology of the future, the computer and information processing fields. The stakes are enormous, since many experts believe that the total electronics-based society now coming into play will be the "second industrial revolution," adding up to sweeping changes in national defense, manufacturing, and living styles.

At present the US is far out front in computers, given its commanding leadership in software, the electronic instruction that tells computers what to do. But it is clear that Japan—through a maze of formal and unofficial working arrangements among its government leadership, industry, and banking—is determined to accomplish in the area of computers and information processing what it has already done in consumer electronics and automobiles. That is, to wrest outright world market dominance in the 1980s.

Japan will have enormous technical and social hurdles to overcome to win this competition—"battle" may be a more precise term in light of the almost singular concentration on strategy and targeting involved. With an aging work force and rising consumer and union demands. Japanese officials will be hard pressed to hold down costs while expanding output. But the ability of Japan to galvanize its literate and hard-working population to meet such a challenge should not be taken lightly by US firms or the American public. To do so would be to ignore what happened throughout the 1960s and 1970s, when Japanese consumer electronics industries one by one challenged and shot ahead of their US counterparts. That also finally occurred in autos in 1980 when Japan became the world's leading manufacturer, toppling the Detroit-based US industry that had been king of the carmaker hill for more than 70 years.

Although MITI, the Japanese Ministry of International Trade and Industry, has lost some of the vast power it had in the 1950s and 1960s (largely because it lost its right to license companies to deal in foreign exchange), it still has tremendous influence in the economic life of the nation. MITI is currently propelling the drive to shift Japan from dependence on costly resource-based manufacturing industries such as steel, shipbuilding, chemicals, and aluminum to dominance in the high-technology area. It is doing this through a combination of generous no-interest loan programs to industry, research on a fifth-generation computer that can "think" and follow oral commands, and computer software development. Ample amounts of research and investment funds are also available within the private sector thanks to Japan's high savings rate.

The reasons for this profound change in national strategy are clear. As noted by Business Week in a recent special report on Japan, Japanese political and economic leaders have concluded that the resource-poor island nation must shift away from industries where oil and production costs are high into the one area that can capitalize on the nation's skilled work force. That is high technology.

The key to Japan's potential success is precisely its sizable lead in semiconducters and consumer electronics, including personal computers. From such a base, assuming that Japan can achieve at least equality with the U.S. in computer software, it may well be able to underbid U.S. computer firms like IBM in the world market. Not possible? Remember, it did just that with General Motors.

There is, of course, nothing intrinsically undesirable about strong Japanese leadership in computers, nor in good-natured competition between Japan and the U.S. Such competition should keep both national industries on their toes, and spur new technology. Moreover, the two nations are close trading partners and firm allies. Americans have amply demonstrated their high regard for the quality and price of Japanese products through their eager purchases at the sales counter.

On the other hand, there is another aspect to the computer competition that must not be overlooked by the American political and industrial leadership. If Japan (or any other nation, for that matter) were eventually to win the computer contest, this would present enormous implications for the U.S. defense field. Computers play a vital role in advanced weaponry, and the U.S. cannot afford to fall behind in so strategically crucial an area.

Will the U.S. lose the computer war, as it lost the consumer electronics and car wars? Not necessarily. The U.S. is still far out front in basic technology and innovativeness. But the outcome of the contest will also depend on the degree to which the U.S. political, business, and union leadership are willing to work more closely together to achieve common ends. More financial resources will have to be made available for research and development. U.S. firms will have to be more willing to slash prices abroad to hold markets. Perhaps most important, management and stockholders will have to take a longer view than just that of short-term profits. Japanese computer-related firms are now planning in time frames of a decade or more—just as Japanese car firms did with their products.

Will American companies heed the lesson?●

THE COURAGE OF POLAND

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. DERWINSKI. Mr. Speaker, the Chicago Catholic, the official newspaper of the Catholic Archdiocese of Chicago, Ill., editorialized on the situation in Poland and the stamina of the Polish people in its January 1 edition. I believe that the editor of the Chicago Catholic, Mr. A. E. P. Wall, deserves special commendation for his commentary on the strength of the Polish people and their determination to preserve their church and religious freedoms.

The editorial follows for the Members' attention:

THE COURAGE OF POLAND

The early Marxists knew what they were doing when they tried to eliminate religious beliefs and practice. The United States offered them an example of a nation founded upon firm religious convictions, accompanied by a belief in the sanctity of the individual person. No Marxist state can admit such concepts.

That helps to explain the Soviet Union's efforts to strengthen its grip on Poland.

It also helps to explain the almost incredible courage of the Polish people.

They had every apparent reason to give up, but they did not give up. They were, and are, faced by the most powerful military machine ever known on the European continent.

That military machine, unlike the military apparatus of the United States and other authentic democracies, is an actual part of the government. It does not respond to civil authority, but constitutes an essential part of all authority in the Soviet Union and helps to form all government decisions.

The strength of the Polish people, which produces admiration throughout the world, is drawn from a commitment to God. This baffles the Soviet leadership, which would never trade a tank for a plowshare.

It is possible to use religion as a cloak for oppression and greed. History writhes in embarrassment with stories of wars, assassinations and lesser manipulations in the name of faith.

In part that is because religion is central to life, even when men and women live it in painful contrast to the way Jesus lived it.

Governments wage war in the name of "freedom," as in the invasion of Poland of 1939 or Afghanistan in 1980. It does not follow that the concept of government itself must be discarded or that freedom is always a sham. Neither does it follow that because some have exercised power unjustly in the name of religion, as in Iran or Northern Ireland, religious idealism is tarnished.

Selfish, greedy, angry, vicious individuals may express their character as educators, politicians, generals, preachers, journalists or muggers. God addresses us all. The opportunity for holiness is open to all, even though it is grasped by fewer than all.

It is the possibility of holiness, it is God's outreach to a timid humanity that is often too cautious about reliance upon God, that helps to explain the determination of the Polish people today.●

A TRIBUTE TO JOSEPH YENCHA

HON. DON BAILEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. BAILEY of Pennsylvania. Mr. Speaker, seldom is adequate praise given to elected officials in this country, especially those who work at the local level. For that reason, I am especially proud and privileged to pay tribute to Joseph Yencha, who, for 25 years, has been a supervisor in Unity Township, Westmoreland County, Pa. In fact, Joe is the first supervisor in that township who has ever retired of his own volition. In a sense, Mr. Speaker, Joe's personal history is similar to and reads like the history of his community. As a young man he was no stranger to the unpaved roads, flood damage, et cetera, that often occurred in the area. But in his years as supervisor, he played a dominant role in organizing and managing one of the most widespread and efficiently maintained road systems in the county. And believe me, Mr. Speaker, this was no simple achievement—especially in light of the extremely difficult and variable weather conditions in western Pennsylvania.

Joe Yencha has served Unity Township with diligence, perseverance, hard work, and, above all, with honor. He is respected by all and known to many as Uncle Joe. Although now retired, his contribution and, indeed, his legacy will not be forgotten. He represents the cheerful commitment to hard work that is increasingly rare in today's world. I salute Joe Yencha—I am proud to be considered a friend, and I will try to follow the path that he has set in our county.●

PRESIDENT REAGAN'S APPOINTMENT OF NEW COMMISSION TO STUDY SOCIAL SECURITY QUESTIONED

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. LEVITAS. Mr. Speaker, I would like to call the attention of my colleagues to an editorial which appeared in the Sheboygan Press of Sheboygan, Wis., on January 6, 1982. The editorial questions President Reagan's appointment of still another commission to study the question of social security reform. The article expresses some of my own concerns.

On March 12, 1981, the President was delivered the final report of the National Commission on Social Security. The National Commission was an independent, bipartisan, prestigious Commission established by a statute passed by Congress in 1977. Approximately $2.5 million was appropriated for extensive research, field hearings, public opinion surveys, investigations, and preparation of the report, after a 2-year study.

While I do not agree with all of the recommendations of the National Commission report, it seems to me that its research and field hearings work and its factual findings provide an excellent basis for considering the future of social security. I am advised that the comprehensive report of the National Commission was totally ignored after its delivery to the White House. Now we are about to go through this whole process again at considerable additional costs to the taxpayers.

Mr. Speaker, we all know how those who favor inaction can try to study an issue into oblivion, hoping to avoid decisions until the problem goes away. The problems of the social security system are not going to go away. This editorial expresses one view that the time for action is now.

I will support any meaningful reforms in social security, regardless of the source, and I wish the new Commission every success in grappling with the difficult problem it faces. But I have questions about what this new panel will do that has not been done before:

[From the Sheboygan Press, Jan. 6, 1982]

WHY, MR. PRESIDENT?

It was less than 10 months ago that the National Commission of Social Security issued a provocative 414-page report—the result of an intensive two-year study—calling for specific measures to rescue the ailing Social Security system.

At that time, we urged President Reagan and the Congress to give the report the consideration it deserved to maintain one of the nation's best programs of social insurance and, at the same time, to shore up eroding public confidence in the system.

Today, it appears that the report—a monumental effort by an independent, bi-partisan, prestigious commission established by a statute passed by Congress—has been totally ignored, and that the study group's two years of labor has been a complete waste of not only time and effort but $2.5 million of the taxpayers money.

The Reagan administration is now proposing creation of a brand new Social Security Reform Panel with the same old assignment: another study to improve and reform the Social Security system.

The public is entitled to know what Mr. Reagan thinks a new study group will do that has not been done before. It is entitled to know why the recent report of the National Commission has been ignored. It is entitled to know why he proposes to go through the whole process again at considerable additional cost to the taxpayer.

Frankly, we would look upon any new study by a group appointed by President Reagan with genuine alarm and suspicion.

Just a few years ago, it was Mr. Reagan who teamed up with Barry Goldwater in a scheme to make Social Security "voluntary"—a scheme that all experts agreed would have undermined the actuarial and financial stability of the system. During the 1980 presidential campaign it was Mr. Reagan who assured us that the integrity of the Social Security system would be preserved, but once safely in office he cynically broke his promise and took steps to weaken the system under the guise of budget cutting. He retreated only when the polls showed that the American people were outraged over what they viewed as an attempt to cripple—if not to dismantle—the whole Social Security program.

The nine-member National Commission on Social Security—the group on which James J. Dillman, a Sheboygan attorney, served as vice chairman—offered specific recommendations last March to solve Social Security's short-range financial problems.

While not everyone will agree with all of the Commission's recommendations, its research and field hearings work and its factual findings should provide an excellent basis for charting the future of Social Security. There can be absolutely no justification for Mr. Reagan's suggestion to go back to square one with another study of the very same sort.

Over the years, eight presidents and 22 Congresses have made solemn promises to the American people that their government, acting as trustees for those who have built up rights under Social Security, will meet its obligations as they fall due.

Now is not the time for President Reagan to be proposing yet another Social Security study—an insensitive maneuver which will only further delay urgently needed reforms in the system. It is time for the president to offer the reassurance that his administration intends to fully carry out its compact with Social Security's contributing workers and beneficiaries.●

HEROIC CONDUCT

HON. MAJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mrs. HOLT. Mr. Speaker, this severe winter has caused much grief and suffering across our land, but it has also included outstanding examples of heroic conduct by brave men helping others.

We were inspired by several such examples when the Air Florida plane crashed into the Potomac River January 13, and just 2 days ago there was a courageous rescue of two boys who had fallen through the ice of the Severn River not far from my home.

Troy Ripley, 17, of Arden on the Severn, pushed a flat-bottomed aluminum rowboat across the ice to reach

the younger boys who were in the water.

Ripley also broke through the ice as he pushed the boat, but managed to climb onto the craft and threw a rope to one boy and then the other. He pulled both of them into the boat.

Anne Arundel County rescue personnel could not reach them because of the treacherous ice, but they radioed for a State Police helicopter, which lifted the three youths from the boat.

Mr. Speaker, we can all be thankful that our great country has young men such as Troy Ripley, who acted with courage and imagination to save the lives of two boys.●

INTRODUCTION OF THE COMMUNITY PARTNERSHIP FOR EMPLOYMENT AND TRAINING ACT

HON. AUGUSTUS F. HAWKINS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. HAWKINS. Mr. Speaker, I am today introducing the Community Partnership for Employment and Training Act. This measure, which will replace the expiring Comprehensive Employment and Training Act, will provide job training, job-finding assistance, and other services to economically disadvantaged persons as well as displaced, experienced workers.

Let me say at the outset that this bill in not intended as a panacea for the tragic and needless waste of 10 million unemployed Americans. Job-finding assistance alone cannot help the unemployed workers obtain jobs which do not exist; skill training alone cannot produce jobs for the highly skilled workers who are now unemployed. Without economic policies in place to generate economic growth, manpower programs are just band-aid solutions.

Nor do I suggest by introducing a bill which authorizes $5 billion in funding for employment and training that this amount is adequate. It is less than half the amount expended in 1979 when unemployment was 5.8 percent.

Training and employment assistance is, however, an essential component of the employment policies of almost every industrialized nation. It represents an investment in our human capital which is as critical for economic security as investment in plant and equipment. It is an investment which directly pays off in increased productivity.

The essential purpose of the bill I am introducing today is to improve the match between the skills of the labor force and the needs of the economy. The National Commission for Employment Policy in its October 1981 report identified the critical Federal interest in supporting employment and training: First, to promote the economic growth by increasing the productive capacity and flexibility of the work force; second, to facilitate adjustment to labor market shocks such as changes in location of military bases, changes in immigration policy, or external forces such as an oil embargo; and, third, to secure equal opportunity for all individuals to compete for good jobs.

Even in the best of times there are hundreds of thousands of youths and adults who lack the skills to compete in the labor market. For these individuals, programs to improve work habits and develop basic educational competencies as well as job-related skills may be the only way to find permanent employment to support themselves and their families. Changes in the economy have all but eliminated unskilled jobs. More and more sophisticated skills are required even for entry-level employment. Without minimal skills, a substantial portion of our economically disadvantaged youth and adults face a lifetime of only intermittent, low-paying jobs and dependence on public assistance.

With rapidly changing technology and the effects of international economic competition, skilled workers are increasingly finding their skills no longer in demand, their occupations and even their industries in decline. At the same time, critical skill shortages exist in new and developing industries and occupations. In health care, the shortage of skilled workers represents a massive and pervasive problem. Some 60,000 licensed practical nurses will be needed each year through 1990 according to reports of the U.S. Department of Labor. As many as 50 new electronic companies are formed each month, according to the American Electronics Association, with an estimated need of 113,098 professionals and 140,000 professionals nationwide by 1984. The shortage of skilled workers in the machine tool industry is well documented, with the Department of Labor estimating that 22,000 new machinists and nearly 9,000 tool and die makers will be needed in the United States through 1985. Yet the number of new journeymen for both trades combined totals only 5,000 per year. The shortage of skilled workers threatens to impede the buildup in the Nation's defense.

The measure I am introducing builds on the experience and expertise developed over the past decade, but incorporates several new policy directions to strengthen the stability of the system and improve its effectiveness.

First, the proposal retains local governments of 100,000 or more population as the principal system for delivering employment or training services. Local elected officials are ultimately accountable to the voters for the use of these Federal funds. No other private or quasi-public institution would have this accountability to the citizens who are recipients of services. Over the past decade, local manpower institutions have developed into a highly professional system. To scrap this system now in favor of an untried, new institutional mechanism would result in certain delay, waste, and possibly failure.

Second, the proposal brings in the private sector as a full partner in deciding how Federal job training funds are to be spent. Private employers are best equipped to determine what skills are needed and whether the training provided adequately meets the skill requirements of employers. Moreover, the private employer has the best entree to other employers to assure placement of participants in unsubsidized private employment. Therefore, the proposal designates a business-dominated private industry council as an equal partner with the local government in approving the use of Federal job training funds.

Third, Federal funds under the proposal are tied to measurable performance standards to verify that Federal funds are used effectively and to assure quality training. The Department of Labor would be required to determine minimum performance standards for placement, job retention, and other factors. In order to continue to receive Federal assistance, local communities would have to achieve local performance goals based on the national standards.

Fourth, local communities would be given maximum flexibility to determine the type of training to be provided and the groups to be targeted for service in the eligible population. Consolidation of training funds into a single grant for the economically disadvantaged will reduce paperwork and minimize administrative costs while allowing flexibility to meet local economic needs. Youth aged 16 to 21 would receive half the funds available for local programs for the economically disadvantaged, but the nature of service would be up to the prime sponsor and the PIC. The rich experience of the last 5 years of demonstrations in youth employment programs has yielded a multitude of successful models from which to choose.

Fifth, the proposal authorizes a new program targeted to serve skilled workers displaced from their occupations by plant closures and relocations, by reduced demand due to technological change, by the impact of foreign imports, and other factors beyond the workers' control. The program authorizes a range of employment services including job search assistance and retraining. To rely solely on income support for such workers wastes the con-

siderable skills and abilities which are abundant among these displaced workers. Retraining such workers or providing assistance in relocating or finding new employment opportunities in occupations where their skills can be transferred not only improves productivity but reduces the enormous costs which society must bear, both economic and social, of such involuntary idleness.

Finally, the proposal establishes a new national program targeted on communities experiencing rates of unemployment in excess of the national average. These communities may use assistance to provide employment and training assistance including subsidized employment when unsubsidized opportunities are not available in the area. This program is to be nationally administered by the Department of Labor to provide a rapid response to communities in distress and to assure the establishment of national priorities for activities funded.

Last week President Reagan spoke to the Nation in his television press conference about the urgent need to qualify unemployed workers for the jobs which are available. I sincerely hope that the President will follow through on his commitment by supporting this legislation. I believe it is a national priority, and I intend to do everything I can to see that it receives prompt and favorable consideration in this session of Congress. To do less is to turn our backs on millions of unemployed workers who, through no fault of their own, face a bleak and wasted present and an uncertain future.

A summary of the major provisions of the Community Partnership for Employment and Training Act follows:

COMMUNITY PARTNERSHIP FOR EMPLOYMENT AND TRAINING ACT

SUMMARY OF MAJOR PROVISIONS

Purpose

To increase employment and productivity by improving the match between the skills of the labor force and the needs of the economy, to assist the individuals entering the workforce or displaced from their current employment to find and retain permanent unsubsidized employment, to reduce the dependence on public assistance by improving the employability of economically disadvantaged persons, and to assist communities experiencing high rates of unemployment by providing employment and training services to those communities. It is further the purpose of this Act to establish a community-based employment and training system built on a partnership between State and local governments and the private sector.

Authorization

Provides for a permanent authorization of appropriations with $5 billion authorized for fiscal year 1983 and such sums as may be necessary for each succeeding fiscal year.

$3.0 billion for Title II, Employment and Training services for the economically disadvantaged;

$500 million for displaced workers under Title III; and

$1.5 billion for national programs, including Job Corps and the National Economic Adjustment Program under Title IV of the Act.

TITLE I—COMMUNITY PUBLIC-PRIVATE TRAINING AND EMPLOYMENT ASSISTANCE SYSTEM

Service delivery area

Retains current definitions of a prime sponsor with a population of 100,000 or more.

Requires consortia of local governmental units which do not meet population of 100,000 or more to serve a labor market area.

Provides incentives for forming a consortia which serves a labor market area by setting aside 2 percent of authorized appropriation under Title II; allows 2-year planning and a 50 percent carry-in of unexpended funds for use in the succeeding fiscal year.

Planning

Each prime sponsor must establish or provide for the continuance of a Private Industry Council (PIC) which shall be jointly responsible with the prime sponsor for the planning of activities under the Act. The prime sponsor cannot spend funds available under this Act for any activity which does not have the approval of the PIC.

The initial members of the PIC shall be appointed by the prime sponsor and vacancies are to be filled by the prime sponsor with the consent of ⅔ of the remaining Council members. A majority of the members of the PIC must be representatives of business and industry in the area served by the prime sponsor and the remaining members shall be representatives of labor, education, community-based organizations and economic development agencies.

If the prime sponsor and its PIC cannot concur on the submission of a plan for any period or if the plan submitted is not approved by the Secretary, the Secretary may designate the State or other alternative prime sponsor in the State to develop a plan.

Incentives for joint planning with Employment Service, Vocational Education, Welfare and Economic Development Agencies include two-year planning cycle, 20 percent cap on administrative costs and 50 percent carry-in of funds.

Provides for the establishment of a State Employment and Training Coordinating Council.

Performance standards

Authorizes the Secretary of Labor to establish minimum national performance standards based on placement in unsubsidized jobs, retention, earnings gains and reductions in welfare payments for adults and separate standards for youth which include educational competencies, school completion, referrals to other training programs or enlistment in the military.

Permits Secretary to waive any of the standards for a prime sponsor which demonstrates exceptional local economic hardships and approve plan with less stringent goals.

In case of failing to attain performance goals for 2 consecutive years, prime sponsor may lose eligibility and the Secretary may designate alternate prime sponsor.

Allowances

All persons participating in training under the Act shall receive allowances which, when added to unemployment or welfare payments, will be no less than the minimum wage.

TITLE II—EMPLOYMENT AND TRAINING SERVICES FOR THE ECONOMICALLY DISADVANTAGED

Formula

Funds are allocated according to a national formula based on unemployment and low income factors.

Allowable activities

Allowable activities include those authorized under Title II-B, IV-A and C and Title VII of CETA, as well as temporary subsidized public and private non-profit employment.

Prime sponsors would receive a single federal grant for employment and training services for disadvantaged youth and adults with PIC and prime sponsor determining types of training and services to be provided. At least 50 percent must be expended to serve youth aged 16 to 21. However, if ratio of economically disadvantaged youth to economically disadvantaged adults is less than the ratio of such individuals nationally, the prime sponsor may reduce proportionally the amount required to be expended on services to youth.

Allows wage subsidies with private-for-profit employers for economically disadvantaged in-school youth aged 16 to 19 part-time employment during the school year and full time summer employment up to 8 weeks' duration.

Eligibility

Economically disadvantaged individuals aged 16 and older whose family income does not exceed 70 percent of the BLS lower living standard or who are eligible for public assistance may be eligible for services under Title II.

Ten percent of the participants may be exempt from the income eligibility criteria if they have encountered barriers to employment such as handicapped individuals, persons of limited English-speaking ability, displaced homemakers, ex-offenders, alcoholics or addicts.

TITLE III—EMPLOYMENT AND TRAINING ASSISTANCE FOR DISPLACED WORKERS

Funds allocated to States on the basis of size of the labor force and unemployment.

Federal funds must be matched one-for-one with non-federal public and private cash contributions.

Eligible participants include workers whose employment has been terminated or workers who have received notice of termination or suspension as a result of plant closures or permanent reductions in force. Eligible participants also include unemployed workers with limited opportunities for employment or reemployment in the same or similar occupation.

Non-federal match can be met by States providing unemployment insurance benefits to persons in training courses in skill shortage occupations. The match may also include the direct cost of employment or training services provided by State or local programs.

Authorized activities

Authorizes wide range of employment services, including job search assistance, and retraining and relocation assistance.

TITLE IV—NATIONAL EMPLOYMENT AND TRAINING PROGRAMS

Mandates Secretary to reserve 2.7 percent of funds available for Title II for services to Indians and 2.8 percent of the funds for services to Migrants and farmworkers.

Retains Job Corps as a separate national program for economically disadvantaged young men and women aged 16 to 25.

Title IV also authorizes research and demonstration programs, training and technical assistance, labor market information, NOICC and job bank program.

Establishes National Economic Adjustment Program to assist communities experiencing high unemployment by offering a wide range of employment and training services and establishes national priorities which will lead to job growth. The same income eligibility applies for this program as for Title II except that 20 percent of the participants in the program may be individuals who are not economically disadvantaged. Participants must have been unemployed for at least 10 out of the last 12 weeks.

Reconstitutes the National Commission for Employment Policy as an independent non-governmental Commission to advise the President and the Congress on national employment and training issues.

TITLE V—AMENDMENTS TO OTHER STATUTES

Amends Wagner-Peyser Act (which established the U.S. Employment Service) to provide for 2 percent incentive bonus for joint ES planning with prime sponsors. Eliminates non-labor exchange duties from the Employment Service's functions. Also provides for a needs-based formula for distribution of the remaining 98 percent of the funds.

Amends Title IV-C of the Social Security Act (WIN) to (1) provide job search assistance for WIN registrants; (2) require joint planning with the prime sponsors under the Community Partnership for Employment and Training Act; and (3) utilize the Private Industry Council (PIC) instead of the Labor Market Advisory Council, now authorized under WIN.●

LIMITED HARD NEWS AND HEIGHTENED FRUSTRATION ARE PART OF POLISH VIGIL

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. DERWINSKI. Mr. Speaker, with the fast-breaking developments in Poland, and with the limited amount of hard news coming from that country, our concern is heightened by the frustration of not knowing what is really taking place. Mike Royko, the noted columnist of the Chicago Sun-Times, addresses the Polish crisis in his column of December 22. SWCF I believe that the Members will find it of special interest, I am pleased to insert it at this point in the RECORD.

[From the Chicago Sun-Times, Dec. 22, 1981]

THE JACKBOOTS RETURN

(By Mike Royko)

When I was very young, I briefly wondered if communism was really as bad as my elders made it out to be.

It seemed to have some good points: the goals of eliminating poverty, wiping out extreme class differences, taking the power out of the hands of a rich few and spreading it around, assuring everyone of basic necessities such as work, medical care, a decent place to live.

So it wasn't surprising that so many Americans during the 1930s, '40s, '50s and even up through the '60s saw it as a form of government that could work—if not here, at least in countries that had been exploited by colonialism or a succession of homegrown dictatorships.

But it didn't take me long to change my thinking despite a loathing for red baiters like Sen. Joseph McCarthy, a drunken, depraved political opportunist.

One factor in my changed attitude was being sent to Korea. I wasn't sure if we belonged in Korea, but I knew that the Chinese communists on the other side, who were blazing away at us, didn't belong there either. And I've never been able to generate any comradely feelings for somebody who was trying to kill me.

And since then, communism's basic flaw has become obvious. Time after time we've seen this flaw. It doesn't matter in which country they try it—Russia, China, Czechoslovakia, Albania, Cuba, Hungary, and all the others.

We're seeing it again in Poland.

Eventually it comes down to the same thing: Guns, tanks, secret police, mass arrests, mass internments, mass killings, and a reign of fear and oppression.

That's how they rule. Not with any persuasive economic theory. It's the old law-and order game: I'm the law and you follow my order. Or I'll kill you.

The biggest problem with communism is that it creates a giant bureaucracy. And in any bureaucracy, the most successful participants are those who live by the bureaucracy's rules. The rules can be rigid, stupid, unfair, pointless outdated and mentally numbing.

That doesn't matter to the successful bureaucrat. If it's a rule, he follows it and imposes it on others.

So in communist countries, the most unquestioning, devoted bureaucrats rise to the top and the governments wind up being dominated by those with the narrowest minds and the least imagination.

And if there is anything that somebody with a narrow mind and little imagination hates and fears, it's someone with broad vision and a creative mind.

That's why it's so important for communist bureaucracies to control a society's artists. The bureaucrat can't have novelists and poets and musicians sharing their vision of Man. The bureaucrats want rulebooks and governmental forms and memos and files, which they understand.

That's why the first thing any communist government does is to seize the press. They can't tolerate an informed citizenry. When people get information, they start forming opinions of their own. Ignorance is essential for the ruling bureaucrat—his own and that of those he controls.

That's why travel is so restricted in communist countries. They're afraid that if enough of their people go out and have a taste of freedom, they might develop a healthy appetite for it.

That's why secret police and spies are an essential part of any communist government. The bureaucrat is always worried about what the people might be thinking out there. Someone who has ideas that aren't government-provided and government-approved can be dangerous.

And that's why the Polish bureaucracy's military branch had to finally resort to brute force. People like Lech Walesa had gone too far.

Actually, in the minds of the communist bureaucrats, Walesa had already gone too far the day he made his first demand, the day he was willing to step out of the ranks of workers and say that the government was ruining the country.

But they had done such a disastrous job of running the country that they couldn't very well say he was wrong.

The alarm bells went off for the Polish bureaucrats, though, when Solidarity said it wanted a hand in running the government and asked for open elections.

When talk of open elections begins, the bureaucrats have only one response: Guns, tanks and secret police.

Now, the tried-and-true labels are being applied.

Those who have rebelled against the rule of the bureaucratic minority are "enemies of the state."

The Poles who believe that the Polish people should determine their own destinies are the "hoodlums and criminals."

The Poles who believe that the wielders of guns and clubs and tanks against other Poles are right are the "patriots."

It doesn't matter that the vast majority of Poles want a revolutionary change in their form of government and would make the changes if they had a chance. They are labeled as "counter-revolutionaries," and the minority that puts its boots on their chests calls itself the true revolutionaries.

To the ruling bureaucrat, the people are the enemy of the state, and the state is the bureaucracy. After all, they control the filing cabinets and the government buildings and the tanks and guns and the rulebooks.

When Orwell created "doublespeak" many years ago, he really knew the bureaucratic mind.

It's a strange thing. There has been little, if nothing, said by those prominent, radical-chic Americans who feel so deeply about the injustices of South American dictators, Iranian shahs and other despots.

Aren't they offended by Polish despots killing Polish workmen?

Speak up, Ms. Fonda.●

MEMBERS OF CONGRESS SHOULD NOT GET SPECIAL TAX BREAKS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. LANTOS. Mr. Speaker, as we begin the second session of the 97th Congress, the American people are looking to us for serious and thoughtful leadership in coping with enormous domestic and international problems. There is no way this Congress will be able to enjoy the confidence and trust of the American people unless our citizens are convinced of the integrity of Congress and its determination not to claim special privileges for itself.

It is in this spirit that today I am introducing the "Fair and Equal Taxation of Members of Congress Act of 1982." This legislation will repeal the special tax benefits Congress hastily

voted itself in the closing hours of the last session.

Only when Congress acts in an exemplary fashion does it deserve to have the trust and confidence of the American people in coping with the difficult challenges we face. Prompt passage of the Fair and Equal Taxation of Members of Congress Act of 1982 is critical if we are to earn that trust.●

ENDING INDIFFERENCE ON NUCLEAR WAR

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. BROWN of California. Mr. Speaker, as this Congress sets about its business in 1982, it is important for us to look at the hopes and fears of all the peoples of the world. One universal fear is that of war. One universal hope is that of peace. Nuclear war is the greatest fear.

There are those in this country, and I am sad to say, in high places in our Government, who believe a nuclear war can be contained. Some even assert a nuclear war can be "won," whatever that means to the few who survive. This type of loose rhetoric, or foolish thought, is what has triggered mass protests in Europe. In this country, the response has been less dramatic, probably because the American people cannot believe such statements are serious.

Those who are strongly reacting to policies and policymakers who think the unthinkable is acceptable are helping the cause of peace. The growing concern about the nuclear arms race in this country is to be applauded. It is also a movement overdue.

Mr. Speaker, I obviously do not know if this nuclear madness can be stopped. But I agree with Elie Wiesel, the noted author, who recently wrote:

Evil is contained in indifference. We might even say that indifference permits evil to take root, spread and bloom. If nuclear war breaks out one day, it will be because of human apathy.

I commend the following commentary by Elie Wiesel to my colleagues:

[From the Los Angeles Times, Jan. 4, 1982]

ARMS FOES SPEAK FOR HUMANITY'S HOPE

(By Elie Wiesel)

We are now witnessing in Western Europe, and even in the United States, an awakening of increasing numbers of men and women who, confronted by the reality if not the imminence of nuclear peril, are becoming aware of their impotence. From Oslo to Frankfurt, from Paris to Amsterdam, angry young people are taking to the streets in an effort to influence public opinion and to force their respective governments to reconsider their strategic options dominated by atomic terror. The magnitude of the protests recalls the 1950s, when the "movement for peace," inspired and guided by Moscow, was a movement against the Bomb—or, more precisely, against the American Bomb.

Today it's not the same. Young people are no longer taking sides. They oppose the nuclear menace regardless of its origin and nationality. The communists most certainly exploit this situation to the advantage of the Soviet Union, but the young protesters in general haven't intended their protest to be interpreted in this way. They want only one thing: to lead an existence without fear, far from the abyss and the apocalypse whose shadow already covers the horizon.

One understands them. Their anxiety is familiar to us; it touches us. They are aware that humanity is running to its ruin, and yet they know that they are incapable of stopping it, which heightens their anger. One expects them to study, to arm themselves with diplomas, to look for work, to establish lobbies. One demands that they believe in a humane future marked by promise rather than by malediction. One tells them to work for future generations, to keep alive their dreams and their hopes, and yet they are not blind. They cannot not see the signs, they cannot not sense the meaning of history: By producing more and more deadly nuclear arms, nations will end up using them. And finally, then, the human adventure will meet its end in the smoke and ashes. And, since they know this, they proclaim it. They shout, they scream. It's only natural; we wouldn't really want them to remain indifferent, after all.

The previous generations were indifferent, and we are suffering the consequences. We know that today with certainty. If the free world had reacted more quickly, with more resolution, Nazi Germany would have collapsed at the first sign of resistance. And history would have spared itself the flames of Auschwitz.

We know that now. Evil is contained in indifference. We might even say that indifference permits evil to take root, spread and bloom. If nuclear war breaks out one day, it will be because of human apathy.

Such apathy once existed, and it is still with us today. We can't bring ourselves to face the idea of such a terrible, irrevocable war. And so we prefer to think about other things, to avert our gaze and look elsewhere. The nuclear arsenal doubles from year to year, and yet we behave as if we were safe.

Paradoxically, in literature, the subject is treated with a quasi-prophetic realism. We publish novels that "describe" World War III. We recount it as if it had already taken place, as if we had already entered the era that follows, as if the nuclear holocaust were already behind us.

This also seems quite ominous: What we imagine today will end up coming true. By evoking the war, it will end up breaking out. Here is the dilemma: The threat is drawing closer, and it can be stopped by neither speeches nor silence.

I confess that this terrifies me. A friend just returned from a conference of Eastern social philosophers, and reports that all his colleagues are convinced that time is running out, and that the West is living its last months, its final years. There are, therefore, thinkers—"wise men"—who already await the catastrophe.

Will we know how to stop it? Just as Albert Camus "imagined Sisyphus happy," it is up to our generation to banish the ghost of war. We need only evoke Auschwitz to protest nuclear proliferation, for the next holocaust will inevitably be nuclear, and hence planetary. That is why we have to fight it.

This is not easy, I admit. Unilateral disarmament reinforces the presence of dictatorships. That leaves only universal disarmament. A beautiful dream? Why not? Would that communist youth follow our example; would that people on both sides proclaim their faith in the future and their love of life; would that they denounce together, and for the same reasons, the nuclear peril; then their hope will become a promise. May the year 1982 lead us to that promise in the name of that hope.●

THE AIR FORCE THUNDERBIRDS

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. RUDD. Mr. Speaker, I rise today in memory of four fine young men who have given their lives in the service of their country. They are Maj. Norman Lowry III, Capt. Willie Mays, Capt. Joseph Peterson, and Capt. Mark E. Melancon, of the U.S. Air Force.

These heroic officers were members of the Air Force's fine flying team, the Thunderbirds. They died last Monday, the 18th of January while rehearsing the flying show that they bring to many cities across this country and across the world.

This team, the Thunderbirds, is a demonstration team of the U.S. Air Force and is composed of some of the best pilots in the Air Force. The team was first organized in 1953 and since that time has performed before more than 140 million people in the 50 States, 45 foreign countries, and 4 free world protectorates.

The mission of the Thunderbird team is to plan and present precision aerial maneuvers that demonstrate the capabilities of Air Force jet aircraft and the exacting professional skills that the Service develops in its people to fly and maintain these airplanes.

All the members of the Thunderbird team are volunteers, drawn from normal Air Force resources in a competitive selection process.

Many of us in Congress have seen them perform and I have always been impressed with their skill, dedication, and patriotism.

The families of these men, the Air Force, and our great Nation have indeed suffered a great loss.

It is my fervent hope that the team will survive this sorrow and continue to represent this country and our Air Force in the grand tradition that it has maintained since 1953.●

THE VIEW FROM $204 A WEEK

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. RODINO. Mr. Speaker, Vicki Williams is a factory worker in Huntington, Ind. She is also a woman who likes to speak her mind, rather than have politicians and editorialists do it for her, and she did just that very eloquently in the January 18 Newsweek feature, "My Turn." She pays annual Federal income taxes of $1,570.92, and she describes herself as one who lives a "hairbreadth from economic disaster." Yet she gives us a lesson in generosity and caring that I believe is truly typical of this Nation. She scorns the Reagan tax cut. She is not fed up with paying taxes to help those less fortunate than she, persons with whom she can identify.

I think there are a lot of Vicki Williamses out there, and we should assess their attitudes and their sentiments as we prepare for yet another battle over budget cuts and the rest of what Mrs. Williams describes as "cruel and self-serving" Reaganomics.

The article follows:

[From Newsweek, Jan. 18, 1982]

THE VIEW FROM $204 A WEEK

(By Vicki Williams)

I consider myself the classic "poor overburdened taxpayer" that you hear so much about these days. I work for an electronics company and make $6.58 an hour which translates into $204 per week after deductions, $30.21 of which are Federal withholding taxes. I have a husband, laid off, whose unemployment compensation has run out, and a 13-year-old son who thinks he should have a leather coat, a P.K. Ripper motocross bike, a Pioneer stereo and an Asteroids game. It bothers me a lot that I can't afford to buy him any of these things. It also bothers me that I'm not sure how we're going to fill up the fuel tank often enough to stay warm this winter.

There is something else that bothers me, though not to the same extent as my son's unfulfilled desires or the ever-hungry fuel tank, and that is that every single politician and editorialist is positive he knows exactly what I think. Everyone seems to be wildly anxious to be my spokesman. Yet these people don't know a damn thing about how the "poor overburdened taxpayer" thinks or lives. I imagine it's been quite some time since most politicians or well-known journalists lived on $204 per week, though I've read plenty of complaints from congressmen about their meager salaries. One even said he had to sleep in his office because he couldn't afford to buy a house. Do you know how much pity I can spare for a senator who can't live on $60,000 a year?

Tired: I know I'm not as articulate as the people who write the editorials for newspapers and the speeches for politicians, but just once I'd like to have on the record the thoughts of an average taxpayer. I'm tired of these people putting their words in my mouth and their thoughts in my head.

One of the statements I read and hear most often is how fed up I'm supposed to be with the amount of my taxes that goes toward welfare, food stamps, programs for the elderly, subsidized school lunches and other supportive social services. Wrong! What the people "up there" don't understand is that I identify with the beneficiaries of these programs much more than I do with the politicians and the media people. "There, but for the grace of God, go I." So far, I have never had to rely on welfare, free lunches or Medicaid, but I very well might someday. When I was divorced, I could have qualified for welfare. Fortunately, I had parents who were in a position to help, but if I hadn't, you can believe I would have swallowed my pride rather than watch my son go hungry. People like me, who live only a hairbreadth from economic disaster, are glad those programs are out there, though we pray we'll never have to use them. We feel sympathy for the ones who do.

In 1977 my sister-in-law was abandoned by her husband. Her health did not permit her to work full time, so she drew $194 per month from the welfare department to support herself and her child. I doubt that anyone can think she lived extravagantly on $194 per month.

I think it's possible that at least one of the very same politicians who are now complaining about welfare recipients might have taken a political junket during one of the months that my sister-in-law and her son lived on $194. Believe me, I resent that junket at my expense much, much more than I resent helping an ADC mother, or buying eyeglasses for an elderly person or free lunches for a ghetto child.

To me, Reaganomics is cruel and self-serving. Reagan seems to be telling us that the United States is a sinking ship and that if we harden our hearts and throw a few people overboard, we can lighten the load. Then possibly, the Ship of State can sail back to shore. I don't see my country quite that way. The philosophy behind the original structure of the United States is that we are a people who sink or swim together. We don't make human sacrifices.

If there is even one child in this country who is hungry or one old person who needs medical care, then I want my $1,570.92 in taxes to go toward helping that child or that old person. I think this country is based on the philosophy that when that $1,570.92 is gone, we will find more to take its place, as long as the need is there.

I know about the cheaters. There are always cheaters. They are a part of life as surely as death and taxes. Certainly, if they are caught, they should be punished and denied aid, but I know we'll always support some cheaters along with the "truly needy." If we have to give a free lunch to one child whose parents could afford to pay in order to give free lunches to nine children who genuinely deserve them, so be it.

Benefits: The much-touted tax cut doesn't make sense to me. Perhaps there's a complicated economic formula that explains the logic of a tax cut at the same time we're slashing Federal programs because of lack of funds, but if so, I missed it. I pay $30.21 per week to the Federal government. As I understand it, when all the tax cuts are in effect, I will only pay $22.66, giving me $7.55 extra to save or spend. Well, I could do a few things with $7.55 a week but, had I been consulted, I would have just as soon paid it and kept the food-stamp program or veterans' benefits intact. I suspect that the government will give it to me with one hand and take it away with the other.

You see, I really believe that most politicians and media people think that those of us out here in America who work in the factories and offices are ignorant. I believe that they think we will never catch on to their sleights of hand. I believe that they think they can tell us the grass is black one day and white the next and we'll never trust ourselves enough to look down and say, "Why, that grass isn't black or white—it's green!" Well, we know the grass is green. We just don't know what to do about it.

We don't really believe that 56 oil companies recorded 98 percent of the increase in all corporate profits from 1978 through 1980 for our benefit. We don't believe the tobacco subsidy is for our benefit. We don't believe that congressmen who were violently anti-AWACS magically changed their minds for our benefit. We know it's always us who pay the bills that result from the politicians' machinations.

I wish a politician would come along who'd tell me that the grass is green.●

DR. CYNTHIA E. PREISS, GENUINE HEROINE

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. DORNAN. Mr. Speaker, my good friend, Mrs. Diane Jacobs of Beverly Hills, Calif., has recently brought to my attention the true story of a genuine heroine. This story is so remarkable and inspiring that I would like to share it with my colleagues.

The protagonist of this story is Cynthia E. Preiss, a doctor of chiropractic. A little more than 10 years ago, Dr. Preiss received her degree and began to practice. Her outstanding ability quickly catapulted her to the forefront of her profession. Within 3 years of receiving her degree, she was appointed by then-Gov. Ronald Reagan to the California State Board of Chiropractic Examiners.

Dr. Preiss' thorough command of the legislative and political questions facing her profession was soon recognized by the board, and she became the board's secretary, and ultimately, its first woman president. In that capacity, Dr. Preiss was a tireless advocate of the right of chiropracters to practice as qualified physicians. Those who were familiar with her work on the board have been effusive in their praise of her accomplishments.

Over little more than a 5-year period, Dr. Preiss became active in dozens of political and civic organizations, as well as virtually every professional organization concerned with her specialty. Mr. Speaker, her achievements are amazing for anyone to accomplish in a lifetime, let alone 5 or 6 years.

As 1977 began, it seemed clear that Dr. Preiss was destined for a stellar career. As a young woman who had already become an influential voice in

her profession, there seemed to be no limit to how far she could go.

But in March of that year, Dr. Preiss was struck from behind by a hit-and-run driver. The force of the impact caused severe and permanent injuries, resulting in paralysis of the spine.

The extent of Dr. Preiss' injuries is such that she is paralyzed from above the waist. She must lie flat most of the time.

One might expect that an individual so seriously and permanently injured would be forced to withdraw from public activities. Those of us who have never suffered such disabilities must wonder how we would cope with so dramatic a change in our lives. How easy it would be to resort to self-pity and despair in the light of such a senseless tragedy.

But, Dr. Preiss is a remarkable person. She has faced the challenges of her disability with a determination to continue her work on behalf of her profession and the ideals in which she believes. Her long list of accomplishments does not end in March 1977.

Since her accident, Dr. Preiss has served as secretary and treasurer of FEDOI Chiropratic Licensing Boards. She has also served as dean of the graduate school and continuing education division of the Los Angeles College of Chiropractic.

Politically, Dr. Preiss has increased her activism. She currently serves as the executive secretary of the Beverly Hills Republican Assembly, and in 1980, she served as national chairman of Doctors of Chiropractic for Reagan-Bush.

Mr. Speaker, this remarkable woman will be honored by her peers in the chiropractic profession this month for her outstanding ability and dedication. Dr. Preiss is an inspirational example to all of us of someone with a positive mental attitude who has successfully learned to deal with the unexpected challenges and misfortunes that assault us in life.

Dr. Preiss' story is a heroic one, indeed. It is altogether appropriate for us in Government to take note of her triumph in this, the National Year of Disabled Persons. Dr. Preiss is an example of a disabled person who is definitely not handicapped. Her story can enrich the lives of us all.●

SOVIET-AMERICAN RELATIONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to insert my foreign affairs newsletter for January 1982, into the CONGRESSIONAL RECORD.

SOVIET-AMERICAN RELATIONS

Americans have debated how to conduct relations with the Soviet Union since that nation's founding more than 60 years ago. Although they understand that the relationship is the dominant preoccupation of American foreign policy, Americans are nevertheless confused and frustrated by the competition, confrontation, and cooperation which exist simultaneously in the relationship. They long for a balanced and comprehensive assessment of the danger and opportunity facing Americans in the years ahead; but so far, at least, American leaders have seldom been successful in constructing and articulating a balanced strategy capable of attracting sustained bi-partisan support at home and the cooperation of key allies abroad.

Americans often find it difficult to understand the Soviet perspective on the world. The Soviet Union resembles an enigma hidden by veils of secrecy and propaganda. Soviet leaders see a hostile world around them. They seek security through an excessive expansion of military power, the domination of neighbors, and tight control of the life of their people. The Soviet Union is a military superpower determined to be coequal to the United States, but it has an economy which lags far behind ours in the living standards it is able to produce. In spite of some impressive Soviet achievements, the Soviet leaders regard American economic power with a feeling of inferiority. They preside over an economic system which is too centralized and rigid to meet the ordinary needs of its citizens. Soviet leaders stress the value of solving political and economic problems by military power, and in the process they often lose rather than gain influence (as in Afghanistan). Their world view is rooted in the theory of the class struggle and the clash of different social systems—so they see conflict between East and West as inevitable.

Americans have always had great difficulty agreeing how to deal with the Soviet Union. We strongly oppose its attempts to intervene militarily, whether directly, as in Afghanistan, or indirectly, as with the use of surrogate Cuban troops in Angola. We find extremely distasteful the authoritarian nature of the Soviet system. We are uncomfortable with the unfortunate reality that our differences with the Soviet Union cannot be easily resolved through negotiation. Most Americans are persuaded that we must deal with the Soviet Union from a position of military, political, and economic strength. This view is prominent today; there is a sharp sense among many Americans that our power and influence have been declining. We tend to forget the substantial advantages we have over the Soviet Union: the cohesion of our allies, our favored geographical location, our friendly neighbors, and our strong military, economic, and political capabilities. We also tend to forget that the Soviet Union is subject to considerable stress and strain. Its leadership is very old, and the lack of an arrangement for succession is bound to lead to a period of instability at the top. The economy has performed poorly, especially in agriculture, which remains its Achilles' heel. Many Soviets expect their standard of living to decline in the coming years. The differences in birth rates among ethnic groups will pose difficult problems, and the disarray of world Communism will likely become more serious. No Soviet leader can say that troubles like those in Poland will not erupt in other parts of the Soviet empire.

The issues between our two nations are momentous: How do we avoid a clash of nuclear or conventional forces? Can we slow by negotiation the endless cycle of military competition? How do we get the Kremlin to move in the direction of greater restraint in foreign policy? To what extent should trade be used to influence Soviet behavior? Given the differences between the United States and its allies in the willingness to link economic policies to Soviet conduct, can we develop a broadly supported allied economic policy toward the Soviet Union? How should we express our concerns about human rights in the Soviet Union?

The basic question in Soviet-American relations is not whether our interests conflict, but whether the competition and the differences can be managed peaceably and equitably. On the surface, at least, the United States and the Soviet Union have some common interests. The prevention of nuclear war is the major one; others are economic development, East-West trade, the sharing of some forms of technology, cooperation in areas such as the environment, outer space, and medicine, and broader scientific and cultural exchange. Yet the definitions of these interests and the means used to pursue them differ profoundly. It is the central challenge for both governments to manage the differences without going to war. It simply is not realistic to anticipate an all-encompassing relaxation of tensions between the two nations. For the foreseeable future, Americans will have to realize that the search for a way of living together will yield only modest results. We should not expect to become partners and we cannot afford to become active enemies.

The Soviet Union will remain the primary concern of American foreign policy, but we must not become obsessed with the relationship to the detriment of other American interests. We should not view every world problem exclusively in the context of an East-West struggle. The risk of such an approach is that it distracts us from critical regional economic and political problems which, if solved, could blunt Soviet advances.

The United States must, of course, remain strong in every measure of national strength, military as well as economic and political. The Soviet Union is a global power with which we have no choice but to deal. I expect difficult years ahead in the Soviet-American relationship. However, those years will be made easier if there is broad public understanding of the complex nature of that relationship and if there is cohesion among our allies.●

EXAMPLE OF HEROISM

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mrs. HOLT. Mr. Speaker, when the Air Florida airliner crashed into the Potomac River January 13, there were several outstanding examples of heroism.

I want to make special note of the great skill and bravery of Donald Wilfred Usher, of Gambrills, Md., who piloted a helicopter in difficult and dangerous maneuvers near the 14th

Street Bridge to pull survivors from the tail section of the wrecked airliner, where they were desperately clinging in freezing water.

At one point, he hovered the helicopter with one skid in the water to pick up a survivor.

Mr. Usher, a pilot for the U.S. Park Police, has described for us the heroism of one man who passed the life ring from the helicopter to five other survivors, delaying his own rescue until the others had been saved.

When the others had been pulled to shore, this man disappeared beneath the icy water before the helicopter could reach him.

Mr. Usher served our country in the past as a helicopter pilot in the Vietnam war, and as a police officer he continues to show outstanding courage and devotion to duty.●

INTRODUCTION OF LEGISLATION TO SECURE THE RELEASE OF ESSENTIAL INFORMATION FROM THE U.S. PAROLE COMMISSION

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. MATSUI. Mr. Speaker, I am introducing legislation today which seeks to cure a potentially serious public safety problem confronting not only the constituents of my district but the entire Nation. Local law enforcement officials of the Sacramento region have brought to my attention the fact that the U.S. Parole Commission currently refuses to disclose on a regular basis the names of Federal parolees released in local law enforcement jurisdictions. These officials have expressed their concern that this Federal policy may have a detrimental effect on their local law enforcement capabilities.

The Privacy Act is cited by the Commission as the statutory basis for this nondisclosure standard. Numerous legal experts have researched this matter and disagree with the Parole Commission's interpretation of the Privacy Act. In fact, it was their assessment that should the Parole Commission conclude that the release of such information was for a lawful purpose, the Privacy Act would permit such a release. The decision not to release these names appears thereby to be a discretionary act of the Parole Commission and not mandated by Federal law.

The Commission's overly restrictive policy has serious ramifications for all Americans. As of June 30, 1981, there were 13,561 Federal parolees released in local communities under Federal supervision. Many of these individuals are persons who have been convicted of violent crimes and whose presence in a community should be known to local law enforcement officials.

Given that this policy of the Commission is adversely affecting the local law enforcement efforts, I have prepared legislation which directs the U.S. Parole Commission to make available, upon request by the director or chief officer of a State or local law enforcement agency, the names and addresses of Federal parolees currently under Federal supervision within their jurisdiction. To preserve the confidential nature of this information, the legislation prohibits local law enforcement agencies from releasing this data to nonlaw enforcement officials.

I believe that this mutual sharing of law enforcement information between Federal and local agencies should result in more effective supervision of Federal parolees while assuring local law enforcement agents with the necessary access to data essential for their police enforcement activities. It is my hope that this measure will provide an effective vehicle for helping to secure the safety of the American people.

In closing, I would like to applaud the efforts of Sheriff Duane Lowe, Police Chief John Kearns and City Councilman Lloyd Connelly for alerting my community to this disturbing practice by the Parole Commission. This action demonstrates their commitment to maintain the health and safety of citizens who reside in Sacramento County.●

IN MEMORY OF PHILIP HANDLER

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. BROWN of California. Mr. Speaker, last month a well-known American and world citizen, Dr. Philip Handler, died. He was known to most of us as the president, for 12 years, of the National Academy of Sciences. He was known to others for his words and deeds.

The following editorial from Chemical and Engineering News captures some of the work of Philip Handler, and indicates why we should be grateful for his years of service to the Nation and to all humanity.

The editorial follows:

PHILIP HANDLER 1971-1981

Philip Handler was an institution in his own right on the Washington—indeed the world—science scene for many years. After long service on the National Science Board, the policy-making group for the National Science Foundation, he was president of the National Academy of Sciences (NAS) and chairman of its operating arm, the National Research Council (NRC), for 12 years before retiring last July. Less than six months later, he has died at 64, a victim of cancer.

There is no doubt that Handler relished his 12 years at the NAS helm. At an academy council dinner in his honor he said, "I have had an absolutely glorious time. Opportunities for service which are at the same time warm loving, rich experiences are very rare. I have been very fortunate and deeply, highly privileged by all of you."

Such a personal expression of feeling seemed to reflect on his overall views on science. In an interview with C&EN, the last he gave to the press as NAS president (C&EN, July 20, 1981, page 38), he said, "Science is a human endeavor. It is about people in the end. It can't be held out there as some strange objective thing that doesn't relate to the world in which people function. It must not. It would be a terrible mistake."

Handler's career at NAS and NRC reflected his conviction that the stature of science, both as an intellectual exercise and as an institution with influence for the public good, depends ultimately on its integrity.

For instance, he came to NRC with a plan in hand to enhance its performance as a science adviser to the government by eliminating bias in council committees and tightening the peer review process for its reports. And although he was not a hip shooter, he was always ready, even eager, to go to bat when he perceived science as being under improper pressures.

In his last annual report to NAS he spoke out strongly. In commenting on Administration-proposed cuts in the NSF budget he wrote, "I must confess a sense of outrage with the notion that [the Office of Management & Budget], rather than appropriate scientists, may dictate which fields of scholarly endeavor are acceptable or important to NSF. Moreover we natural scientists would be ill-advised to stand aside and allow the social scientists to carry the battle. The entirety of science is a seamless web. If the government's science budget can be fashioned by such ideological behavior, which science will be the next to suffer political attack?"

He went on, "If social science can be ordained by OMB to be outside the federal ken, then the way is paved. Creationists and Right to Lifers and the Moral Majority will seek to have education concerning evolution and human reproduction expunged from the secondary schools while exercising pressure to secure removal from appropriations to NSF and NIH of any funds that might be used for research on evolution or reproductive biology"—topics very near to his heart as a most distinguished biologist. For almost 20 years before joining NAS he was chairman of the biochemistry department at Duke University.

He saw science as a seamless web in the international sense also. He perceived restraints on scientists in any nation to pursue their craft and freely communicate their results as an attack on all of science. This put him in the vanguard of efforts to try to mitigate the harrassment and persecution by Soviet authorities of Andrei Sakharov and other dissident Soviet scientists.

There was no stronger foe of the anti-intellectual and antiscience attitudes that seem rife in the land these days than Handler—no stronger advocate of the contributions of science to betterment of the human condition both today and in the future. But he was sensitive to some of the difficulties that science and its applications have helped to bring.

For instance, his concern over the nuclear arms race was intense. He saw U.S. policies on nuclear weapons as the central fact of our national life and was convinced that the scientific community must involve itself in an extensive examination of such policies. His principal regret on leaving the academy was that it removed him from a central role in such an examination. However, his legacy lives on. This month in Washington, D.C., the committee he established to look into arms control and international security will meet for the second time with a counterpart group of Soviet scientists.

MICHAEL HEYLIN,
Editor.●

NORTH SHORE ELDERLY OUTREACH PROGRAM

HON. JOHN LeBOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. LeBOUTILLIER. Mr. Speaker, the practice of health care is not confined solely to the hospital, outpatient facility, or medicine cabinet. Rather, it is a comprehensive way of life and embraces many types of activities.

Likewise, a hospital is not merely a warehouse for the treatment of the ill. A good hospital maintains a liaison with its former, and potential, as well as current, patients. An excellent way to reduce preventable illnesses, hospital stays, and other health-related misfortunes is through educational outreach programs that are coordinated by the hospital itself.

These programs are especially helpful to the rapidly growing senior segment of our Nation's population. Fortunately, a number of Long Island's fine hospitals have educational liaison programs geared specifically for our senior citizens.

One such example is North Shore Hospital's health education learning program (HELP), which offers comprehensive programs to the elderly in communities such as Manhassett, Port Washington, Great Neck, Herricks, and Roslyn. Since 1980, under the coordination of Louise Mandel, M.A., HELP has been imparting valuable knowledge from the health care field with the help of liaison instructors like Linda Haberman, M.A., North Shore Hospital is encouraged by the program's success.

While preventive health care will not solve all of the problems of adequate health care servicing, it is an important part of this process. North Shore's HELP is an excellent example of such an effort.

I would like to offer the following description of HELP, which appeared in North Shore Hospital's recent newsletter:

SERVICE TO THE ELDERLY AN IMPORTANT OUTREACH ADJUNCT

Community service is as important to hospital staff and administration as the institution's commitment to patient care, medical education and research. The hospital's logo itself graphically demonstrates this co-equal commitment.

Senior citizens in Nassau County are a rapidly growing part of our community. They are a dynamic population with special concerns and needs. "Health, quality of life and the delivery of health care services, become increasingly important to the elderly as they live to older ages," said Louise Mandel, M.A. She is Coordinator of the Office of Health Education which sponsors many of the hospital's outreach programs to senior citizens in Manhasset, Great Neck, Port Washington, Herricks and Roslyn.

"North Shore has a responsibility for educating consumers toward health maintenance and disease prevention," stated Linda Haberman, M.A., health educator who conducts the office's projects for senior citizens. Acting as a liaison between the hospital and the community, "our goal is to assist the medical staff in improving the health of the community through education."

Since 1980 the various outreach activities have been coordinated under the acronym H.E.L.P., for Health Education Learning Program. At the senior citizen sites in towns on the North Shore, programs are presented by Mrs. Haberman, usually in conjunction with an appropriate staff professional from the hospital, complemented by printed handouts and resource lists. More than 2,500 seniors have seen or participated in these education programs.

"The emphasis really is on education rather than direct provision of health services. We try to provide solid, practical information they can use," commented Mrs. Haberman. This can range from how to use the hospital clinics and medical services, to information on doctor-patient communications, diet, nutrition and lifestyle.

What the seniors have been requesting lately, Mrs. Haberman observed, are hospital tours, so that, if they become inpatients or outpatients, their anxieties may be somewhat relieved by their familiarity with hospital procedures and routines.

Response to H.E.L.P. programs has been very favorable so far, with additional centers, in other Long Island communities now requesting this service. Expansion during 1982 is planned.

"As a teaching hospital committed to the senior community on Long Island, North Shore is dedicated to providing health information programs that are accurate, current and relevant to their needs," Mrs. Mandel concluded.●

JOHANNA TRACY

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. STARK. Mr. Speaker, the friends of Johanna Tracy came together on December 19, 1981, to pay tribute to her as she retired from her position as lead clerk for the Alameda County Registrar of Voters.

Since Ms. Tracy began with the department on March 26, 1956, she was a highly esteemed, thoughtful, and hardworking employee. Ms. Tracy has trained thousands to work at the polls on election day. She has directed, produced, and acted in county training films; and she has served as a valuable liaison between the registrar of voters and other government agencies.

I join the family and friends of Johanna Tracy in thanking her for her services to the people of Alameda County and in wishing her a happy and prosperous retirement.●

WHAT WILL IT TAKE? MANDATED QUOTAS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. GAYDOS. Mr. Speaker, over the past decade I have repeatedly taken the floor of this House to express my belief that only mandated quotas, set by Congress, can effectively defend our Nation's basic steel industry—and others—from the depredations of foreign competitors who engaged in unfair trade practices.

These practices are well known: The illegal dumping of steel—selling it below the cost it actually takes to produce it—and the subsidation of an industry by a foreign government whereby it picks up part of the production costs, allow the industry to ship its unemployment to the United States as well as its products.

Calls for quotas to resolve this situation have been brushed aside in the past. International political realities, it has been said, dictated a softer approach to our trade problems. So we had voluntary arrangements, voluntary agreements and negotiated pacts. None worked. None had any teeth. The trigger price mechanism might have but it was never properly administered or enforced. It was no surprise, therefore, when it was suspended for a second time early in January.

However, Mr. Speaker, there are signs the winds of change now are blowing. The idea of quotas no longer is as repugnant to some as it was a few years ago. For example, Donald B. Thompson, Pittsburgh regional editor for Industry Week magazine, addressed the subject of quotas in an article published November 30. He noted that "beyond foreign governments asserting their 'rights to a traditional share' of U.S. markets, negotiations over unfair trade practices have accomplished precious little."

The strategies which stifled the calls for quotas Mr. Thompson described as "dance and stall tactics," adopted in the hope the problems would be short lived. But, he writes, it now is essential to recognize world steel problems as a long-term reality that demands a long-term approach. Given that perspective, he says the quota approach must be reexamined.

Perhaps in a political sense, minuses, (in the quota approach) did once outnumber pluses. Is that really true today?

Mr. Thompson goes on:

The persistent steel problems abroad and the financial inability to expand capacity in this country virtually assure growing U.S. imports. Isn't the real question now, whether they are going to grow on an orderly or a disorderly basis?

That is the question, Mr. Speaker, and quotas are the answer.

The theme for quotas dominated testimony heard by the House Subcommittee on Economic Development, which visited the 20th Congressional District of Pennsylvania in early December. Chaired by our colleague, the Honorable JAMES L. OBERSTAR, the subcommittee was there to learn what impact the problems of domestic steel were having on communities in the area dependent upon it.

Statements to this effect were furnished by prominent representatives of industry, labor, business, and Government. The need for quotas to establish stability in the steel industry was sounded again and again by men such as the Reverend William T. Hogan, professor of economics and director of the Industrial Economic Research Institute at Fordham University; Mr. Thomas Graham, president of Jones & Laughlin Steel Corp.; Lloyd McBride, president of the United Steelworkers of America; Richard P. Simmons, president of Allegheny Ludlum Steel Corp., and Tomas J. Foerster, chairman of the Allegheny County Board of Commissioners.

And, finally, Mr. Speaker, in the January 11 issue of Industry Week magazine Mr. Robert G. Welch, of Welch Research International, former president of the Steel Service Center Institute, discussed the quota question. I will insert Mr. Welch's article, "Scrap TPM: It's Time for Steel Import Quotas," into the RECORD at the close of my remarks but I call your attention to this one paragraph near the close of the item:

Domestic producers will need, at best, a few years to mend the damage done. Imports will be necessary to close the GAP with demand but this should be limited before additional damage is done. They should not exceed 10 percent to 12 percent of the steel consumed in the United States on an all-product basis, and quotas should be established using a 20-year, or possibly, a 30-year time frame.

Mr. Speaker, recent estimates indicate steel imports will have captured 18 to 20 percent of the American steel market in 1981. I ask my colleagues, what other steel producing nation in the world could survive under such a situation, and, for how long?

What will it take to breathe new life, new energy, new stability into the domestic steel industry? The same measures needed years ago, although perhaps the need is more critical than ever, mandated quotas.

[From the Industry Week, Jan. 11, 1982]

SCRAP TPM; IT'S TIME FOR STEEL IMPORT QUOTAS

(By Robert G. Welch)

It's high time to admit that the trigger price mechanism (TPM), which was designed to limit the dumping of foreign steel in this country, never has worked and never will work.

Anyone familiar with modern marketing techniques knows that under a marketing system such as ours, where there is any degree of competition and product diversity, price controls do not work.

The basic fallacy of the TPM is that it is based on price. The TPM was created by well-intentioned bureaucrats who had virtually no insight into the mechanism involved in the marketing of steel products.

Soon, long overdue decisions will have to be made about steel imports. They will be extremely difficult to make because of the ramifications of trade laws; the unwillingness or inability of certain U.S. government officials to enforce them; and the conflicts between international economic, political, and social pressures.

The Administration, Congress, domestic steel producers, metal service centers (that market substantial percentages of foreign and domestic steel), and major users and importers must all contribute their best thinking toward workable solutions to this complicated problem. Solutions should be built around quantitative quotas based on tonnage by country of origin, product, and U.S. geographical area. A method of refinement and revision must be worked out to allow for changing economic conditions.

Negotiations should be conducted by government agencies with skilled participants, using techniques similar to those used in GATT.

Voluntary quotas will not work. Quotas should be mandatory. But, above all, whatever method is developed, it will not work unless tons are the controlling determinant.

How did we get into today's dilemma—where foreign steel producers are eating the domestic steel mills for lunch? In the early 1960s, many foreign steel companies expanded capacity beyond the need of their domestic consumers, with the intention of exporting. Much of this capacity was built to penetrate the huge U.S. market.

The chance for the importers to make a beachhead came during the 116-day strike in 1959 and subsequent strike threats in the 1960s. Foreign steel companies used predatory pricing techniques that were highly successful. Typical prices were $25 to $40 a ton below those in the U.S. There is nothing wrong with this technique. It is a tried-and-true method of entering new markets and is used by domestic steel producers on occasion.

However, the rules were changed when foreign producers' predatory pricing techniques were continued with government support by loan guarantees and subsidization in a variety of ways.

As a result, both the basic and specialty steel producers have been deprived of the opportunity to participate in the long-term growth in steel consumption in this country. Without that opportunity, U.S. steel management could not justify necessary research and development, build new plants, modernize existing plants to the extent needed, phase out aging operations and pay for environmental expenditures.

These facts were recognized in the late 1960s. Voluntary quotas were worked out with Japanese and European producers. However, these quotas did not work because foreign producers shifted to higher-valued items, and the agreements regarding geographic distribution were not heeded.

In the early 1970s, when worldwide steel demand exploded, foreign producers cut back on their exports and marked up their U.S. selling prices substantially while U.S. companies were under government price controls. In the mid-seventies, the U.S. again became the export target, and the ill-conceived TPM was installed at the end of 1977.

If the domestic steel producers were permitted to heal the wounds they didn't deserve, they could get shipments in relation to capacity back to levels that permit high employment, attain proper earnings, modernize, and grow with the market. Then they would not be under such intense pressure to diversify, and their major thrust would be the expansion of modern steel production facilities.

Is is any wonder that U.S. Steel is courting Marathon Oil? If U.S. Steel had been permitted to participate in the steel market growth in this country, chances are that thousands of workers would now be constructing the most modern steel plant in the world in Conneaut, Ohio.

The wounds are not confined to the basic steel producers. The whole system is involved. Many service center owners have been forced to sell all or part of their companies to overseas organizations. Foreign producers have established service centers that price their U.S. services below cost. Overseas buying companies have been established to circumvent the TPM.

Domestic producers will need, at best, a few years to mend the damage done. Imports will be necessary to close the gap with demand, but they should be limited before additional damage is done. They should not exceed 10 percent to 12 percent of the steel consumed in the U.S. on an all-product basis, and quotas should be established using a 20- or possibly a 30-year time frame.

All of the old cliches about protectionism, retaliation, and the shifting of imports to products made of steel will be trotted out, but—so long as most of the world's steel mills are government-owned or controlled and subsidized—some sort of quotas will have to exist. They also will probably have to be backed by countervailing duties.●

STEPS TOWARD ECONOMIC GROWTH

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, January 13, 1982, into the CONGRESSIONAL RECORD:

STEPS TOWARD ECONOMIC GROWTH

Time and again in the meetings I held in Indiana last week, I was asked about the steps Congress should take to begin a sound economic recovery. There can be no doubt that Hoosiers are being hit hard by the faltering economy. My response to their questions was along these lines:

We have deceived ourselves by thinking that we could have economic gain without pain. Those who said that we could balance

the budget, have enormous increases in military spending, enact huge multi-year tax cuts, bring inflation down rapidly, and prompt strong growth in the economy simply by cutting waste and fraud were mistaken. Economic forecasts which are far too optimistic have been the basic problem. Such forecasts have lulled us into thinking that the transition from rising to falling inflation would be easy.

The economy does not work that way. We cannot have it all. We learned that lesson again in 1981. Action to lower the rate of inflation has slowed our economic growth and put thousands of people out of work. Other errors have magnified the effect of bad forecasts: we have opted for too sharp a reduction in the growth of the money supply and a "mechanical" monetary policy which makes the reduction in spite of what happens in the rest of the economy; we have pursued spending and tax programs which may yield the largest deficits in history; the mix of tight monetary policy and enormous deficits has pushed interest rates to record levels.

What we need now are economic programs which give us a better balance between fiscal and monetary policies. Most of us believe that there is great strength in the economy and that, with the right mix of fiscal and monetary policies, the future is good. Without major adjustments in policy, however, the economy may soon get worse. Tight monetary policy and huge deficits doom the economy to stagnation, but economic growth would be enhanced by a tough fiscal policy (which moved the budget decisively toward balance and eventually into surplus) in conjunction with a relatively accommodating monetary policy. We would have lower interest rates and better access to capital markets for homebuyers, small businessmen, and farmers. A lower rate of inflation could not be far behind.

What must we do? The economic steps which I suggest are not easy.

1. *Balancing the budget.*—We must put the budget on a narrow path toward balance. I am not among those who believe that the budget must be balanced every year of absolute necessity, but the practice of the recent past and the deficits anticipated for the next several years are simply unacceptable. Unless we correct the deficits, we will be in trouble. The deficits mean that interest rates will remain high (they are falling now only because of the recession); investment will be minimal and the housing and automobile markets will remain depressed. Also, the deficits spur inflation both psychologically and by congesting markets for credit. I disagree with those who have argued in recent days that "deficits don't matter."

2. *Trimming back spending for defense and entitlements.*—Defense and entitlements should not be exempt from budget discipline. I wish that we could exempt them, but we cannot. Defense, entitlements, and interest on the national debt swallow 75 percent of the budget. Only 25 percent is left over for discretionary programs, which have already been cut sharply. Real growth in defense must be reduced to at least 5 percent from the 7 percent the President has demanded. Budget Director David Stockman has said that there is $30 billion in waste in the Pentagon's budget. We should take him at his word and go after it. The growth of budgets for entitlements must also be reduced, but not by cuts in the benefits of today's recipients or those soon to be recipients. Instead, we should consider gradually raising the retirement age over a period of decades and trimming back cost-of-living increases which overstate inflation and outstrip worker's gains in wages. One other word about spending cuts is in order. To maintain the impetus behind them, they must be perceived by the people as fair and evenly distributed. We have not achieved this objective so far. Spending cuts should not be assaults on weak constituencies. Rather, they should be part of a coherent strategy to streamline government.

3. *Holding firm of discretionary spending.*—Discretionary spending, most of it in federal grants to state and local governments, probably cannot be reduced further because the fiscally hard-pressed states and cities have already borne a disproportionate share of the budget cuts. Such spending, however, should be frozen at present levels.

4. *Lowering interest rates.*—The Federal Reserve must act to end inflation at the lowest possible cost. The risk is that the Fed is holding the growth of the money supply too low and is deepening the recession. The Fed should aim for a low-inflation recovery, which probably means that it should maintain the same ranges for growth in the money supply but aim for the middle or the top of the ranges. It should not tighten money as it plans to in 1982. A less restrictive monetary policy coupled with a tighter fiscal policy should cause interest rates to fall without a new spirit of inflation. We are not near full employment, and the nation's industry has much excess capacity.

5. *Curbing tax expenditures.*—The loss of revenue through "loopholes" in the tax code—tax expenditures—now totals $250 billion per year. Tax expenditures cannot be exempt from scrutiny, and many of them must be ended. I would try to recoup at least $50 billion from these sources.

6. *Increasing other taxes.*—Besides closing tax "loopholes", we have the question of other tax increases. Like most people, I would like to avoid such increases. If the other steps I have suggested are taken, I would hope that they would not be necessary. However, if the deficits cannot be closed in any other way, my choice would be one or more of several options, including a deferral of tax cuts scheduled to take effect on 1983, a tax on deregulated natural gas, or a hike in excise taxes or user fees.●

FENWICK MARRIAGE PENALTY LEGISLATION

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. CONABLE. Mr. Speaker, it has come to my attention that beginning with the first paychecks being received this month, many two-worker married couples are reducing their Federal income tax withholding. They ought to thank the gentlewoman from New Jersey, Mrs. FENWICK, for it was largely through her indefatigable efforts that the tax law was at long last changed to reduce the income tax marriage penalty.

Mrs. FENWICK took up the cause of the many taxpayers who had to pay this extra levy practically from the first day she came to this body. Through her persistent efforts, with the press, with her colleagues, and with the Ways and Means Committee, the issue came to national prominence, was cosponsored by over half the House, and last year the special exemption system was made law.

As the ranking minority member of the Ways and Means Committee, I can attest that Mrs. FENWICK, through her hard work and initiative, showed her understanding for the large number of taxpayers affected by the penalty and demonstrated her keen sense of fair play and equity. With more and more married men and women entering the work force, we should express our gratitude to Mrs. FENWICK, for her efforts to reduce the penalty and make our tax laws fairer.●

GOODBY ST. LOUIS, HELLO PARIS

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mrs. COLLINS of Illinois. Mr. Speaker, I rise to call the attention of the House to an article which was printed in the November/December issue of Think magazine, a publication distributed to the employees of the International Business Machines Corp. (IBM).

The article features Earl Wilson, who is the father of my legislative assistant, Denise Wilson, and the cousin of our colleague, the Honorable WILLIAM CLAY of the First Congressional District of Missouri.

I am inserting this article so that it may be available to young men and women across this country and serve as guidance and inspiration as they seek to achieve their life's goals.

The Reagan administration is attempting to dismantle and dilute affirmative action and contract compliance provisions in favor of moral quotas. I am sure Earl Wilson would agree that if it had not been for the marches and the protests in the 1960's and the subsequent implementation of affirmative action programs, the Earl Wilsons of our society may not have even been looked at for entry into the corporate arena.

I sincerely hope that we will not be witness to the destruction of contract compliance and affirmative action programs on any level, corporate or otherwise, because, in the words of the United Negro College Fund: "A mind is a terrible thing to waste."

The article follows:

GOODBY ST. LOUIS, HELLO PARIS

(By Harrison Kinney)

The prospect had never seen anything like it. One minute the IBM salesman was sitting across from his desk pointing out how

IBM typewriters might help his business. The next minute the salesman had leaped out of his chair, dashed out to his car and was in hot pursuit of a car filled with teenagers.

This was St. Louis, 1964, and Earl Wilson, IBM's first black sales representative in Missouri, had seen his car robbed of a suitcase and other articles. At the second traffic light, he was able to block the other car with his own, confront its occupants and recover the stolen articles. He also recognized two of them as younger brothers of former friends from his old neighborhood—"downtown" St. Louis.

Wilson stayed in touch with the two long after the incident, persuading them to go back to school. Both finished college. Today, one is an attorney, the other a businessman. Both are quick to credit Earl Wilson with providing the help needed at a critical time in their lives.

"There were those who helped me when I used to get in just that kind of trouble," Wilson says. "I feel the obligation to do the same."

Earl Wilson has come a long way from St. Louis. He manages IBM Europe's market support of independent dealers in Arab and African countries who sell IBM office products. He also oversees OP operations in Pakistan.

Wilson lives in the fashionable 16th *Arrondissement*, on Rue Antoine Boucher, with his wife, Marjorie, a Lincoln University classmate from Jefferson City, Mo., his daughters Kim, a sophomore in high school at The American School of Paris, and Stacey, a sophomore in The American College. (The oldest daughter, Denise, is in Washington, D.C., assistant to Congresswoman Cardiss Collins of Illinois.)

SHOES AND GLOVES

However cosmopolitan Wilson may have become, he still enjoys visiting his old neighborhood in St. Louis and talking to the young people there.

He makes it clear to them that he understands their frequent bitterness at the lack of opportunity. "But you can't change the system when you're outside it," he says. "You have to work within it, even though there are times when it seems it will never work for you."

Nobody in his young audiences doubts that Earl Wilson knows what he's talking about. One of five children raised by this mother, Wilson went to work shining shoes when he was 10 years old to help her. His neighborhood was one in which he had to learn to fight to survive. He took up boxing at age 13, eventually winning the regional Golden Gloves championship and 63 of 66 fights.

Acting on his high school teachers' advice, he attended Stowe Teachers College in West St. Louis. He worked odd jobs for the black middle-class doctors, lawyers and schoolteachers in that area and was impressed by their homes. "My first real incentive to do something with my life," he says, "was seeing those houses—indoor plumbing, instant hot and cold water, front lawns. Mundane things, but they defined my sense of the possible."

MAKING THINGS HAPPEN

After a year at Stowe, Wilson set off for Lincoln University in Jefferson City, Mo., in the fall of 1952 with $50 and his possessions in a small cardboard box with a rope around it. If he now enjoys a reputation at Lincoln as an alumnus who has worked hard over the years to improve curricula, faculty compensation and facilities, it results from his sense of gratitude to the school. There he earned a degree in history and industrial art; there he met and married a classmate; and there, through Lincoln's R.O.T.C., he won a second lieutenant's commission in the U.S. Army Corps of Engineers.

He spent six years in the Army, attaining the rank of captain and commanding a heavy equipment company in Germany. In 1963, IBM, in its effort to increase minority hiring, obtained Wilson's name from Lincoln University. He accepted a job offer as sales trainee with the Electric Typewriter Division's St. Louis branch and was given a territory that was part of his old neighborhood.

Wilson followed the advice he gives to young people: "The only thing you can hope to be given is an opportunity. It's up to you to use it to make things happen, and that's never easy."

He made things happen, meeting his sales quotas for eight straight years. He was married and had three daughters by then, but he spent as much time as he could working with the young people of his old neighborhood.

His "role model," he says, was his cousin, Irving Clay, now director of welfare for St. Louis. "Irving was a playground supervisor and coach of our softball team," Wilson remembers. "I was the catcher, and we were three days away from the St. Louis championship game. Irving was a strict disciplinarian. Once, instead of turning up for practice, I went swimming. The day of the championship game, Irving used a substitute instead of me as my punishment. We lost the game while I sat on the sidelines. It was a lesson I never forgot. When you make a commitment, you keep it."

ON THE MARKETING MARK

Wilson accepted the job of managing the Office Products Division's Equal Opportunity Program in 1968, half suspecting it might be a "cosmetic" job. Two people in particular convinced him otherwise and continue to hold Wilson's highest respect: Gordon Moodie, former head of OPD, and B. J. Johnson, then the division's director of personnel and now IBM director of employee relations.

That EOP experience led to a job offer from a larger company that had just lost a government contract through non-compliance with EOP requirements. "My job would have been fixing the problem," he says, "but I didn't want to become either a trouble-shooter or an EOP professional. I wanted to get back into marketing, for two reasons: First, I like selling. Second, marketing is an area denied to blacks for years, and one way to encourage them to sell was to go on showing that a black could do it."

He got his wish in 1970, returning to St. Louis as an assistant branch manager. Under IBM's Executive Loan Program, he served for a year at Lincoln University, helping to raise hundreds of thousands of dollars improving faculty salaries and retirement programs. He went on to become branch manager in Washington, D.C., led his branch to a regional award for best performance and in 1974 was named Regional Branch Manager of the Year.

After three years with the General Business Group/International Division, he went to IBM Europe, where he oversaw OP operations in some of the non-GBG countries.

Last May, Earl Wilson, who nearly 30 years ago left home for Jefferson City and Lincoln University with his belongings in a cardboard box, returned to the University to accept an honorary Doctor of Letters degree. "It all began here, really," he told the audience that day, "with professors who invested more time and patience in helping me than could reasonably have been expected of them. I hope to repay them by helping others."●

BRAVERY RECALLED: NEW HYDE PARK PAYS TRIBUTE

HON. JOHN LeBOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. LeBOUTILLIER. Mr. Speaker, in the early hours of New Year's Day 1942, a recently provisioned B-25 bomber aircraft took off from Long Island's Mitchell Field. The aircraft's mission was a simple training one, but training efforts were reaching nationwide intensity due to the fact that the United States had gone to war 3 weeks before.

Almost from the moment that the aircraft's wheels left the tarmac, trouble started to brew. Aware of the smoking port engine and the inevitable debilitation that any engine damage would cause when flying this two-engined craft, pilot Charles W. Van Ecuwen tried to bring the plane back for an emergency landing. While making the turn, the engine failure became unmanageable and the plane could not gain sufficient altitude for a return to Mitchell Field.

This emergency was occurring over the relatively heavily populated area of Garden City Park, N.Y., where rows of suburban homes dotted the land below. In the final stages of the flight, Van Ecuwen realized that a sand pit that had been used for excavation was looming ahead. He determined that this pit offered his only chance of preventing a disastrous crash. The pilot aimed for the pits to avoid killing any civilians. The aircraft struck the pits and the five men on board were killed—early heroes of World War II.

This little known act of uncommon bravery is commemorated by a plaque. A simple but evocative stone has been placed and is maintained by the residents and veterans groups in the area.

George J. Schrader, of the Hillside Park Civic Association, was a leader in the erection of the memorial plaque. Each year, the American Legion and the Veterans of Foreign Wars hold services at the monument to commemorate the selfless decision of pilot Van Ecuwen and his crew.

This year marks the 40th anniversary of this heroic act and, shortly before the first of the year, Mr. Schrader, veterans organizations and the town of North Hempstead presented a special tribute. Mr. Schrader and Frank Pistone, commissioner of community services for the town of North

Hempstead, led other leaders and residents in a special commemoration of this uncommon act of heroism.

Rev. Rolf Hansen, of the Community Congregational Church of New Hyde Park, N.Y., led the invocation. Father John T. Uris, of New Hyde Park's Notre Dame Roman Catholic Church, led a prayer for the deceased. North Hempstead Supervisor Michael Tully, Jr., placed a memorial wreath and Rabbi David Powers, of Temple Emanuel in New Hyde Park, said the benediction.

Others who helped prepare this moving and special tribute were the Historical Society of North Hempstead; Mrs. Helen Vajada of the Hillside Oaks Garden Club; Mrs. Maura Rossi of the Hillside Oaks Civic Association; Mrs. Florence George of Garden City Park, N.Y.; Garden City Park Fire Commissioner Robert Banks; Inspector Otto Geiger of the Nassau County Police Department; Mr. Michael Wallace of the National Bank of North America; Barbara Jansen, Gertrude Schoppman, George Richmond, Barbara Yevoli, Angela Powers, Francis Wilson, and Edwin "Buddy" Koss of the North Hempstead Glee Club, under the direction of Robert Valli, North Hempstead Receiver of Taxes; and Joseph Dowling, Jr., of the town's finance department.

Last, but most important, this RECORD must reflect the names of the brave airmen who perished on January 1, 1942: Lt. Charles W. Van Ecuwen, Allandale, Mich.; Lt. James Orr, Oak Park, Ill.; Cadet Earl Ray, Kings Mill, Ohio; Pfc. Edwin Onufrowicz, Newburyport, Mass.; and Pfc. Joseph Gallok, Pittsburgh, Pa.

These men died so that other might live.●

TRIBUTE TO NAVAJO CODE TALKERS

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. CHAPPELL. Mr. Speaker, I rise today to pay tribute to a group of loyal Americans who unselfishly served their country in World War II. The group, which has become known as the "Navajo Code Talkers" was comprised of approximately 420 American Indians who used their native tongues to confound enemy eavesdropping attempts and thus secure allied communications. In many instances this duty called for these courageous individuals to locate themselves in front-line headquarters and indeed on the front lines, with little regard for personal safety.

Accordingly, I hope my colleagues will join me in recognizing the unique and vital contribution made by these Americans to the victorious U.S. effort in World War II.●

REPRESSION OF POLES FAR WORSE THAN INDICATED

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. DERWINSKI. Mr. Speaker, Mr. Cord Meyer, a syndicated columnist, has applied his special insights to the situation in Poland. In a column, appearing in the Baltimore Evening Sun on December 24, 1981, Mr. Meyer reported facts not widely known about events in Poland. He reminds us that Romuald Spasowski, former Polish Ambassador to Washington who defected in the wake of the imposition of martial law in Poland, gave us this message: "Whatever the future will be, don't be silent, Americans * * * Show your solidarity * * *."

Read what Mr. Meyer had to say.

[From the Baltimore Evening Sun, Dec. 24, 1981]

REPRESSION OF POLES FAR WORSE THAN INDICATED

(By Cord Meyer)

WASHINGTON.—The iron curtain of censorship and communication control that has clashed shut around Poland has not only made resistance more difficult by isolating the Polish people one from another. It has also largely hidden from public view the full dimensions of this human tragedy and muted the protest of the outside world.

But reliable witnesses are beginning to make good their escape to the West, including returning Polish-Americans. Their reporting taken together with the testimony of the Polish ambassador to the U.S. who has just defected adds up to a picture far different from the one Gen. Jaruzelski's junta would have us believe.

Contrary to regime assurances that only the top leadership of Solidarity is being detained, mass arrests are reported to have thrown more than 40,000 political prisoners into detention camps that were built for this use weeks ago. These prisoners, including the cream of Poland's cultural elite as well as Solidarity organizers, are being held under such conditions of hunger and cold that some may not survive.

Beyond the regime's admission of seven deaths among the striking miners in Silesia, eyewitness reports state that many more have been killed, and a woman hospital patient has testified that she saw wounded miners dragged from their hospital beds and beaten by communist goon squads.

Poland's conscript army has been deliberately spared direct participation in this "normalization" for fear that it might refuse to carry out such orders. When army patrols have cordoned off a striking factory, the specially-trained internal security forces armed with tanks storm the factory gates. The final brutal assault on the strikers is conducted by the dreaded ZOMO. These initials stand for motorized units of citizens militia, which are in fact gangs of criminal thugs hired by the regime.

Recently-arrived travelers from Poland completely agree with the former Polish ambassador when he stated. "This carefully-orchestrated and directed crackdown is not an internal Polish issue." According to reports that both Reagan officials and American intelligence take seriously the joint planning for this operation between the Soviet and Polish high commands began as early as Gen. Jaruzelski's appointment as prime minister last February.

The Polish Communist Party seems to have been excluded from this operational planning. With Gen. Jaruzelski acting as a disciplined subordinate, the Warsaw Pact commander, Soviet Marshall Viktor Kulikov, is reported to have established a special Russian staff in Warsaw last summer to oversee every scrupulous detail of the advance planning.

Under these circumstances, the question of whether this was a Polish or Russian operation becomes a distinction without a difference. In order to avoid the heavy costs of overt use of Russian troops. Gen. Jaruzelski obeyed the orders of his Warsaw Pact commander and did the Russians' work for them. NATO strategy that had been directed at deterring an open Soviet invasion was left without its main target and the Reagan administration has been grappling with the ambiguity of an intervention by proxy.

This time, the communist rulers did not repeat the mistakes that allowed the Solidarity movement to grow last year from a few isolated strikes into an organization of 10 million members. By seizing total control of all means of communication, the regime broke the link between Solidarity leaders and foreign correspondents this previously had allowed accurate information to flow abroad, from whence it was broadcast back into Poland by Radio Free Europe (RFE).

By an unprecedented concentration of skywave jammers in Russia against RFE broadcasts into Poland, the Soviets are now trying to break this last link. Responding to refugee pleas for increased transmitter strength, RFE is shifting additional transmitters to the Polish target.

As the enormity of what is happening in Poland begins to dawn on the Western world, the Reagan administration is being compelled to go beyond verbal condemnation to consider more effective methods. To withhold economic sanctions against Russia in order to deter an invasion that may never occur makes no sense if the Soviets are able to destroy Polish freedoms through their control of proxy forces.

But even though the brutality of Jaruzelski's junta becomes increasingly apparent, hesitant NATO allies will not follow unless they are decisively led. Selective sanctions against both Russia and Poland that allow food relief through church channels to the Poles are only possible if President Reagan rises to the occasion.

In the meanwhile, the ex-Polish ambassador, Romuald Spasowski, had a Christmas message for us all in his final statement, "Whatever the future will be, don't be silent, Americans. To defend freedom is in your tradition. Show your solidarity, show your support and humanitarian assistance to those who are in such need at this hour."●

PLANNING IS NOT ENOUGH

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. AuCOIN. Mr. Speaker, I commend to my colleagues an editorial concerning the Export-Import Bank which appeared in today's issue of Business Week. I concur completely with the arguments and conclusions presented by the author of this piece. The only thing we will do by cutting Eximbank lending authority is shoot ourselves in the foot at a time when we should be doing all we can to encourage jobs.

At this time of near-record postwar unemployment, I strongly encourage my colleagues to consider the importance of and the need for a strong Eximbank.

The editorial follows:

THE NEED TO EXPORT

The Reagan Administration's deep new cut in the Export-Import Bank's lending authority for fiscal 1983 is seriously shortsighted. One result will be that many thousands of jobs will be lost in this country, perhaps for good. Beyond that, this budget cut risks hobbling key high-technology industries whose health and growth are vital to the growth and prosperity, and even the security, of the U.S. in an increasingly competitive world.

To survive, many important high-technology industries must export. But in trying to sell their products abroad, they face vigorous competition from foreign rivals that enjoy substantial subsidies from their own governments. Lacking similar subsidies, U.S. companies are severely handicapped, and, more important, the U.S. economy suffers. The nuclear power industry offers the most dramatic example of what is happening: It continues to be restricted in this country by political and ecological restraints. Its counterpart industry in France faces no such restrictions at home and has moved ahead to increase capacity and improve technology. To compete against French industry in such potential markets as Spain, Mexico, Taiwan, and South Korea, U.S. nuclear power manufacturers would have to be able to utilize hundreds of millions of dollars of export credits at terms down to 5%. When they lose initial contracts, they also lose follow-up business.

Administration officials offer various excuses for cutting back on Ex-Im, but when pushed some of them concede that the U.S. may eventually, have to match the subsidized export credit other industrialized nations provide their high-technology industries. But they plead for more time to negotiate international agreements to curb export credit subsidies.

The next round of negotiations with France and other industrialized nations is scheduled for February. Before the U.S. sits down at the table, the Administration should signal clearly that unless it gets a fair agreement it is prepared to match the export credits of other countries dollar for dollar, interest point for interest point. Without such drastic action, the U.S. will see more and more business and jobs going to foreign competitors.●

WHAT IS THE U.S. ROLE IN SPACE?

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. BROWN of California. Mr. Speaker, I take this time to discuss a matter of great importance, but of which there is little public awareness, the upcoming United Nations Conference on the Exploration and Peaceful Use of Outer Space.

A few weeks ago, the Reagan administration recommitted the United States as a participant in the second United Nations Conference on the Exploration and Peaceful Uses of Outer Space—Unispace 1982—to be held this August in Vienna, Austria. Even though work on this conference had been going on for 7 years, the presumption that the United States would participate was changed by the Reagan administration, and for most of the past year, no U.S. preparations have occurred. Thus, the United States is going to be entering a major international conference in a field where we are presumed to be the world leader with probably less preparation than for any other United Nations Conference since its creation. This startling fact is reason enough for those interested in the U.S. role in space to pay special attention to this subject.

The U.S. role in recent international and United Nations conferences has not been exemplary. Our Nation's conference goals seem to increasingly be the simple saving of grace, rather than the articulation of goals, policies, and programs befitting a world power whose political philosophy is based on universal principles. Our leadership in space has opened great opportunities for all the peoples of the world. The United States can be proud of what it has done in sharing the benefits of space advances with others, whether in meteorology, communications, or basic sciences. We can and should do more, which is what Unispace 1982 should be about.

Unfortunately, there is another direction developments in space can go. Some in the military, in this country, and in the Soviet Union see the militarization, or more accurately, the weaponization of space as inevitable and desirable. It is also inevitable that the question of an arms race in space will be a major topic at Unispace 1982.

The U.N. Conference on the Peaceful Uses of Space is not the only U.N. conference in 1982. The Law of the Sea Treaty sessions continue, with the question of the U.S. role again being paramount. The Special Session on Disarmament will also meet again, where a report on the French proposal to establish an international peacekeeping satellite surveillance system will probably be further considered. Finally, there is no way to avoid the issues which are being discussed in the World Administrative Radio Conference (WARC), since many of the key unresolved issues from WARC relate to satellite communications in one way or another.

Like all recent U.N. conferences and international meetings, the North-South dialog will continue. With the exception of the incredible lack of preparation within the United States for this conference, the United States approaches Unispace '82 as it approached the United Nations Conference on Science and Technology for Development (UNCSTD), which was held in Vienna in 1979. As one who was closely involved with that conference, I understood the reluctance of U.S. policymakers to come forth with constructive proposals. While I did not agree with that reluctance—and eventually the United States was far more forthcoming that it was prepared to be even a few days before the conference—I can attest to the fact that even those small concessions took tremendous work to obtain.

Mr. Speaker, at this time, I will not go into detail about what posture the United States should have at Unispace '82. We obviously need to reaffirm our support for the Outer Space Treaty of 1967 and the ABM Treaty, both of which relate to the weaponization of space. We need to continue our policy of sharing Landsat data, and other basic information. We need to broaden our commitment to improving communications and navigation satellites and sharing those precious resources with others. We also need to further the transfer of knowledge and technology to others, to help developing nations help themselves.

I personally believe we should do much more. I believe it is time to demystify intelligence satellites and share the information from those superb technologies with all the peoples of the world. Obviously this proposal, involving our most sensitive secrets, would need considerable deliberation. Perhaps we could start by endorsing the French proposal at the Special Session on Disarmament and encouraging a separate—and maybe even equal—international satellite surveillance system.

Regardless of what one thinks the U.S. role in space should be, he or she should be concerned about the fact that the United States has no space policy, and is not prepared for the U.N. Space Conference to be held this August. I intend to devote considerable effort to try to remedy this problem.●

H.R. 5159

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. SHUMWAY. Mr. Speaker, the one issue which has most concerned and upset my constituents over the past few weeks is the series of tax exemptions for Members of Congress approved shortly before adjournment.

Although I voted against H.R. 5159, which expanded upon the tax breaks previously approved as part of the first and second continuing resolutions, the bill nevertheless passed by an overwhelming margin of 363 to 47. In my view, and in the view of my constituents, the granting of tax deductions so large as to potentially exempt many Members from the payment of Federal income taxes altogether is entirely the wrong signal at a time when we are asking the American people to make sacrifices so that broad economic recovery can be achieved.

Moreover, I found the procedure involved in the passage of these benefits to be inappropriate, manipulative and wrong. The bill in question originally sought to address the needs of black lung victims, not to act as a vehicle of self service for those casting the votes. Under other procedural circumstances, and to a less drastic degree, I might well have considered supporting the expansion of work-related tax exemptions for Members of Congress. However, this particular effort was so badly contrived as to demand rejection, in my opinion.

While I am keenly aware of the burdens imposed on many Members, particularly as a result of the need to maintain two homes, our constituents face unique and difficult financial problems of their own. And, quite frankly, they for the most part have not been offered tax breaks nearly as attractive as those we voted for ourselves. Therefore, Mr. Speaker, I am today introducing legislation to repeal all of the recently enacted deductions, and to reinstate the traditional $3,000 limit on work-related expenses which can be claimed by Members of Congress.●

SENATOR HART ON ARMS CONTROL: VITAL TO OUR NATIONAL SECURITY

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. UDALL. Mr. Speaker, I would like to call to my colleagues' attention an excellent speech on nuclear proliferation delivered by my very able colleague, Senator GARY HART of Colorado. Senator HART spoke at Cornell University on November 1, 1981, before a convocation on the "Threat of Nuclear War". His address appears below.

Mr. Speaker, limitations on nuclear weapons unquestionably represent an important part of our national defense for two reasons. First, these limitations allow us to control the arms race while also placing a restraint on our Soviet rivals. Second, an arms limitation treaty helps reduce the costs of an arms race that burdens both nation's economies. We must remember that a strong economy is crucial to our national security, too.

America should put her energy and investment into those elements of the current nuclear and conventional forces which are deficient. By assuring that what we have works and that it is appropriate to the kinds of conflicts we may encounter, we can do the most to further peace, promote security, and stablize the superpower rivalry.

The only effective way to deal with nuclear proliferation is through direct negotiations with our rivals. I have written the President recently and urged the resumption of the SALT/START talks, and these appear to be going forward. These are an important complement to the current negotiations limiting the short-range nuclear weapons based in Europe.

Mr. Speaker, Senator HART's speech is an excellent statement of the challenges and opportunities ahead of the United States, and I commend it in its entirety:

ADDRESS BY SENATOR GARY HART, CONVOCATION ON THE THREAT OF NUCLEAR WAR

I am honored to be part of this nationwide convocation on the prevention of nuclear war. There is no more important issue before our society.

For nearly forty years, nuclear weapons have posed the gravest threat to our security; today, they are becoming an immediate threat to our survival.

For nearly forty years, nuclear weapons have had the power to render war unthinkable; today, there are those who think about a limited nuclear war—and think it can be won.

For nearly forty years, our nation has sought to lead the world away from the abyss of nuclear war; today we have managed—incredibly—to cast aside that sense of purpose.

Today there are almost no constraints on the nuclear arms race between the superpowers. The spread of nuclear weapons worldwide is unchecked. And major governments lack the will to pull us back from the edge of the nuclear abyss.

These developments are incompatible with the security of America; they are incompatible with the dream of America; and they are incompatible with the survival of America.

I would like to ask two questions. First, how many of you here today were alive when we dropped the Hiroshima bomb? Would you raise your hands? Now, the second question: How many of you remember air raid drills in your schools—huddling in basements or under your desks?

Very few of you remember. But American leaders who knew war—who led men in battle and saw men die—saw nuclear weapons tested and used and were awed. They thought nuclear arms would make war itself impossible. In General Douglas MacArthur's words:

"This very triumph of scientific annihilation—this very success of invention—has destroyed the possibility of war's being a medium for the practical settlement of international differences. . . . Global war has become a Frankenstein to destroy both sides. No longer is it a weapon of adventure—the shortcut to international power. If you lose, you are annihilated. If you win, you stand only to lose . . . [war] contains now only the germs of double suicide."

Remember those words. And remember they were spoken at a time when the U.S. and Soviet Union, combined, measured their strategic weapons in the hundreds. Today, our two nations together have about 20,000 each more powerful than the Hiroshima bomb. Then, most were carried on slow-moving bombers that could be recalled. Now, most are on missiles—weapons on a hair-trigger. Now, 30 minutes or less lie between launch and irrevocable destruction.

Who can comprehend the meaning of tens of millions dead?

Who can comprehend millions more severly burned, unable to reach hospitals that, at best, might care for one thousand nationwide?

Who can comprehend still millions more blinded, wandering sightless in a post-attack world, simply because they looked up when the first flash came?

And who can comprehend rebuilding such a society—not just repairing physical injury, but restoring a sense of order in a world ruled by mobs, struggling over scraps of food, with no reason for human restraint?

Faced with this dark vision, no one should think lightly of nuclear war. Just as important, none of us can refuse to think about it at all.

If we refuse to think about it, we entrust our survival to think-tank theoretician with pocket-size bomb damage calculators.

If we refuse to think about it, we entrust our survival to those who believe nuclear war can be neat and clean—who believe nuclear war would merely throw our economy back to the 1920s—who believe nuclear weapons permit such a thing as a surgical strike.

If we refuse to think about it, we entrust our survival to leaders who believe that limited nuclear war can be fought and won—and who might act on that belief.

The idea of limited nuclear war is an attempt to rationalize insanity.

Yet fantasies of limited nuclear war are embraced at the highest councils of our government. They are now driving our weapons decisions—like the decision to build the neutron bomb which could lower the threshold of nuclear war. They are fragmenting our NATO alliance while the Soviet threat in Poland and Afghanistan demands more than ever that we stand as one. They are allowing the Soviet Union to pose as a leader for peace, and to portray us as an obstacle to peace.

And, while a few leaders indulge in these fantasies, other nations dream other nightmares. No longer are there two nations that possess the power of ultimate destruction; now there are six. In a decade, there may be ten or twenty or more. And can anyone say

with confidence that Iraq or Libya or Pakistan will show restraint in the use of a nuclear weapon?

And what of the terrorist groups now active in many of the world's nations? Nuclear terrorism is the new nightmare that haunts us—not nation making war on nation, but an isolated terrorist group imposing its will on the world.

Not armies of scientists working with ultrasecret technologies, but a few individuals building a nuclear bomb with some basic physics and a few pounds of plutonium.

Not weapons hurled thousands of miles on complex rockets—but one container in an abandoned warehouse in an American or European or Israeli city.

This is the ultimate nuclear nightmare—and, too soon, we may drift into it, never to awake.

So it is time to wake those who believe nuclear war simply can never happen. It is time to wake those who ignore the lessons of past civilizations—civilizations which, like us, dreamed they would last forever.

Such belief today is more than harmless dreaming—it is sheer arrogance.

It is sheer arrogance to believe the United States and Soviet Union can increase their nuclear forces beyond any rational level, and still expect other nations to forego these weapons themselves.

It is sheer arrogance to talk of exploding a nuclear bomb as a demonstration of strength, and expect our allies and adversaries not to be concerned.

It is sheer arrogance to believe that arms can be piled on arms without consequence—*this* on a globe where once distant countries are today's neighbors, where the weapons we have today will be the weapons others have tomorrow.

It is sheer arrogance to believe we can promote the spread of nuclear materials around the globe and not one day see the Fifth Horseman of nuclear terrorism ride upon some American or European or Israeli city.

All this is sheer arrogance and it is dangerous arrogance. So it is time to reawaken all our leaders to their most solemn responsibility—the prevention of nuclear war.

It will take a supreme effort of national and international will to carry us safely to the twenty-first century. If we are to make this effort, we must first banish three pervasive errors.

The first error is that controlling nuclear weapons amounts to being soft on national security. Arms limitations enhance our national security. They are checks on our adversaries, not rewards to our friends. And to the precise extent arms control agreements limit the size of the Soviet force, they are essential to our national security.

The second error is that unilateral disarmament holds our best hope for averting nuclear war. In my view, such a course would lead to the war we seek to prevent. It would encourage dangerous miscalculations by adversaries we seek to deter. The profound paradox of our time still stands—the very terror and certainty of these weapons is necessasry to prevent their use.

The third error is that the spread of nuclear weapons throughout the world is an issue separate and distinct from the superpower arms race. In fact, the two are intimately related. We cannot demand restraint from other nations while we act without restraint ourselves. Each time a new country joins the nuclear club, efforts at worldwide arms control are seriously complicated and the threat of nuclear terrorism is increased.

I would like to stand before you and offer a magic formula to end the nuclear arms race and prevent the outbreak of nuclear war. The simple truth is that there is no simple plan. We are dealing with decades of mutual suspicion. We are dealing with a powerful technological momentum that drives both sides. And we are dealing with the gruesome desire of many countries to assert their national pride with deadly weapons.

So far, the struggle to overcome these obstacles has been an unequal fight, for we, as a nation, have not confronted the problem of nuclear war. Fewer than one thousand Americans in government and universities are working actively to reduce nuclear arms. One thousand times their number are working to build them.

It is time to apply the full strength of our nation to the byzantine nuclear threat. There are common-sense steps to be taken—steps that will once more put us on course toward peace.

The first step is to direct our nation's military policies to the prevention of nuclear war.

This means judging our weapons by a new standard—will they increase or decrease the risk of nuclear war.

It means improved nuclear command and control so we never use nuclear weapons in ignorance of error.

It means building verifiability into our weapons so we can negotiate arms control agreements based on mutual knowledge, not mutual trust.

It means better intelligence collection so our national defense decisions rest on information, not speculation.

And it means strong conventional armed forces, so nuclear weapons are the last line of defense, not the first.

The second step is to resume serious negotiations with the Soviet Union. And we must reorient the purpose of those negotiations—away from the numbers game that has become an end in itself and back to the original goal, the prevention of nuclear war.

Reducing the numbers of arms is not an unimportant goal, but it is insufficient. It must be butteressed by measures that pull the two sides apart, in space and in time, to reduce the incentive to use these weapons in some future crisis. Europe provides a good example. If the coming negotiations on nuclear on hair trigger alert, then they will have failed.

For, whatever the numbers, those missiles are on a hairtrigger. Their short flight time provides a powerful incentive for shooting first and asking questions later. To remove that hair-trigger, we must negotiate to move Soviet missiles out of range of Western Europe. In return for this, we could consider not placing our own missiles on Europe soil. To use these weapons, each side would have to move them within range of Europe. This would provide a cooling-off period—a firebreak, if you will—and lessen the chances of nuclear war.

These measures will never be achieved until we decide we must talk—and talk seriously.

That word "seriously" is fundamental. For officials in both governments may devise proposals that sound like progress, but are really constructed to prevent any progress at all. And our discussions are doomed to remain discussions—unless both sets of leaders are committed to reducing the chance of war.

Unfortunately, we haven't even negotiated on strategic arms with the Soviets since the SALT II Treaty was signed in 1979. And the current Administration does not plan to resume talks on strategic limitations until next spring. This is too long to wait. It's time—now—to resume arms negotiations. Whatever the difficulties of reaching agreement, the dangers of not trying are worse.

The third step on a course toward peace is a tough, determined policy to prevent the further spread of nuclear weapons. Our ability to develop such a policy rests on our willingness to stop our international trade in nuclear technology.

For three decades, we have tried to maintain a distinction between peaceful and military uses of nuclear energy. The fact is, no such distinction exists. There is only a thin line of technology. And we and other world nuclear suppliers are edging closer and closer to that line.

For example, today's nuclear reactors have produced about 140 tons of plutonium—enough to make 28,000 Nagasaki-sized bombs. So far, most of that plutonium is locked in spent nuclear reactor fuel. But the technology to unlock it exists, and several nations, including Libya, are trying to buy it.

What assurances do we have that the separated plutonium would be used in conventional nuclear plants—and not in weapons? None.

And what assurances do we have that plutonium will not find its way to terrorists bent on nuclear blackmail? None.

Yet most plans for nuclear energy envision spent fuel reprocessing and breeder reactors—which produce more plutonium than they use as fuel—as standard elements of the nuclear fuel cycle.

Our policy of nuclear exports make us and the other exporting nations—the "reliable suppliers" of our own potential destruction. By continuing that policy, we are squandering the brief moments left to prevent the further spread of nuclear arms.

At a minimum, we and the other nuclear suppliers must recognize that the world's interest in peace, security, and survival far outweighs the economic benefits of nuclear trade. Our first step is clear: we must agree to stop exporting technologies and materials that can be used to make nuclear bombs. We should set an example for the rest of the world.

The fourth, final, and absolutely essential step is to marshal our economic and political strength to the cause of peace and human progress around the world. Blustering rhetoric and saber-rattling are no substitute for a foreign policy aimed at diminishing the risks of a dangerous world. It will take active, courageous diplomacy—in the Middle East, in Central America, in southern Africa, and elsewhere, to help defuse the regional conflicts that can explode into broader confrontations. And it will take an affirmative American effort, together with the efforts of like-minded nations, to address the world's human needs—its need for food, its need for health, its need for hope. Left unattended, these unmet human needs are the seeds of war.

Twenty-four years ago, to this week, General Omar Bradley told another school convocation:

"If I am sometimes discouraged, it is not by the magnitude of the problem, but by our colossal indifference to it. I am unable to understand why—if we are willing to trust in reason as a restraint on the use of a readymade ready-to-fire bomb—we do not make greater, more diligent, and more imaginative use of reason and human intelli-

gence in seeking an accord and compromise which will make it possible for mankind to control the atom and banish it as an instrument of war."

If today's convocations here at Cornell and elsewhere can begin to alter this "colossal indifference," then we will have moved toward a safer world. For if you are forced to think about nuclear war—to contemplate its likelihood and its consequences—then you, your family, your university, your community, your nation, will be compelled to act.

Today, a day to honor those who have given their lives for this country, it is appropriate to think about our personal visions of this nation. We each have these visions, our own ideal of what we want this country to stand for and accomplish. But I believe these personal visions share at least one element in common—that the purpose of America is peace, a secure peace.

With that purpose, we are here today. Without it, we will fail. And in such purpose, there is hope.●

DISMAL OUTLOOK FOR FUSION ENERGY

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. STARK. Mr. Speaker, in November of last year Dr. Edwin Kintner resigned as the head of the magnetic fusion program at the Department of Energy. Dr. Kintner resigned in protest over budget cuts and unauthorized program alterations that he said was threatening the future of magnetic fusion energy research and development in this country.

In the next few weeks, we will see the President's proposed budget for fiscal year 1983 and I am sure we will find Dr. Kintner's worst fears and predictions realized. As a Member of this body who voted, less than 2 years ago, in favor of the Magnetic Fusion Engineering Act, I find the administration's proposals appalling. With no approval from this body, the administration is destroying legislation we saw as important and necessary. With no consultation, they are rejecting policies we felt were, and still are, vital to the energy future of this country.

I know this is not the last we will hear of this issue, nor should it be. Every Member of this body, whether they helped pass the historic Magnetic Fusion Engineering Act or not, should stand up and demand that the administration follow the laws we, and the people of this country, see fit to instate.

I would like to include an article, which I'm sure will be one of many to come, on this very critical issue.

U.S. BUDGET BATTLE CLOUDS OUTLOOK FOR FUSION ENERGY—FORMER HEAD OF FEDERAL PROGRAM CLAIMS 2 TO 4 YEARS ALREADY WASTED

(By Robert C. Cowen)

The U.S. program to develop hydrogen fusion power, which some hope will fuel America's future, appears to be in trouble.

That is the verdict of Edwin E. Kintner, who, until last month, was head of the magnetic fusion program of the Department of Energy (DOE). He resigned, he says, because of budget cutting and efforts by some federal officials to alter the program—a program mandated by a 1980 law.

Now, a year after Congress nearly unanimously passed the Magnetic Fusion Energy Act to accelerate that program, Dr. Kintner is taking every opportunity to tell the U.S. public that the strategy under which the program had been proceeding is in a shambles.

Speaking at a session of the recent annual meeting of the American Association for the Advancement of Science (AAAS), he said he concluded that the fusion program cannot be carried out in an intelligent, structured, and coordinated way in the present political and economic climate. Mike McCormack, former Democratic Congressman from Washington, chief architect of the Magnetic Fusion Energy Act, put it even more starkly. The Office of Management and Budget (OMB), he said, is refusing to comply with the law. He called this a "major tragedy" for the United States and the world.

An OMB official said he could not comment until the fiscal 1983 budget had been presented by the President. "We will defend ourselves at that time," he added.

The concern that has driven these two men to make such strong statements and, in Dr. Kintner's case, take the strong action of resigning after 42 years of Federal employment, is rooted in the longtime controversy within science circles on the feasibility of hydrogen fusion power.

Hydrogen fuel for the fusion reaction, which is the power source of the sun and stars, is virtually unlimited. Theoretically, then, fusion power could meet humanity's energy needs indefinitely. By 1980, and after several decades of research, fusion investigators around the world had concluded that it would probably be possible to get a fusion reaction running under control in the laboratory in this decade.

But to make a commercially practical power plant requires solving many tough engineering problems. It is not at all clear that this can be done, but investigators both in the U.S. and overseas have concluded that it is time to tackle the engineering problems likely to arise.

The DOE's fusion program has two principal directions. One is exploring laser fusion in which tiny capsules of hydrogen fuel are compressed by laser beams until they explode like miniature bombs. The other approach, which receives the major emphasis, the bulk of the funding, is magnetic fusion. In this, the hydrogen fuel—at temperatures of 50 to 100 million degrees—is confined by magnetic forces. This approach is the subject of the 1980 law.

Such a conclusion was not easily arrived at in the U.S. Some experts, especially within DOE and its predecessor agencies, long argued that fusion researchers should concentrate on thoroughly understanding fusion physics before working on power reactor engineering. Others argued that enough had been learned for the engineering research to proceed in parallel.

Gradually, through the '70s and after several major reviews of blue-ribbon study panels, a national consensus emerged on the need for the parallel approach. Mr. McCormack, and others envisioned a working demonstration fusion power plant by 2000. Others were more cautious. However, as Dr. Kintner explained at the AAAS session, there was wide agreement on the need to find out whether or not such a power plant were at all practical. If it wasn't, he said, this should be determined soon so that long-term energy planning would not include false hopes for fusion.

This consensus was embodied in the 1980 law and the resulting DOE fusion research strategy. Thus a program based on a broad, but hard-won, consensus and backed by congressmen and senators of both parties was put in place. It is the integrity of this strategy and the careful balance of its ingredients that Dr. Kintner says he believes in jeopardized.

The main line of research on the basic physics of fusion involves a device called a tokamak. The Tokamak Fusion Test Reactor (TFTR), being built at Princeton Plasma Physics Laboratory, is to be the main U.S. facility. Principal facilities for studying engineering problems were to include a Fusion Engineering Device (FED), a center for such research, and a facility to test various materials under radiation conditions typical of a fusion reactor. The latter facility is already being built at Hanford, Washington.

Such facilities and the balanced research strategy they represent were mandated by the 1980 law. The law required that the FED be in place by 1990 and that the magnetic fusion research budget be doubled in real terms over the next seven years. Experts such as Dr. Kintner, believed this to be a workable schedule. They expected to have the knowledge they need to decide on the feasibility of fusion by the 1990s.

Now Dr. Kintner says that schedule can no longer be met. He charges that the OMB, which once had suggested giving more money to the program, now wants to reorder priorities by giving more emphasis to the Princeton TFTR. It would cancel the Hanford facility, which Mr. McCormack called essential and the only one of its kind for the U.S. and its research partners in Europe and Japan.

DOE had rejected OMB's earlier offer of increased funding because this would have come out of other DOE projects. Also, DOE does not want to argue with OMB over the fusion budget and its priorities, since the energy department remains opposed to cutting other programs. This lack of support within DOE finally precipitated his resignation, Dr. Kintner says.

He explained at the AAAS session that, once a long-term strategy with such broad support is established, it must be sustained. He says two to four years have been lost already, and perhaps more in the long run.

Also, he noted that the U.S. has only about a third of the world fusion effort, although it has been a leader. No country will develop fusion alone, he said. Europe and Japan have realigned their efforts following the inauguration of the new U.S. strategy. But if the U.S. lets its leadership slip, Dr. Kintner warned, these research partners will be left somewhat at sea. This is what Mr. McCormack also had in mind when he called the threat to U.S. leadership "a tragedy" for the world as well as for the United States.●

REV. BOOKER T. CARTWRIGHT

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. RODINO. Mr. Speaker, I want to share with my colleagues the deep sense of sadness I feel at the loss of a friend and leader in the cause of human rights. The Reverend Booker T. Cartwright, pastor of Newark's Bethel AME Church for the past 9 years, passed away recently, and left a tremendous void in the inspirational leadership of thousands of our city's residents.

Reverend Cartwright was truly a leader by example, and ever since he was ordained 45 years ago, he has devoted himself to helping improve the lives of his fellow men. This has meant countless hours of work in the community outside as well as inside the church. An active member of the NAACP and the Southern Christian Leadership Conference, Reverend Cartwright also served as pastor of Mt. Zion AME Church in Plainfield, N.J., St. Luke AME Church in Newark, Macedonia AME Church in Camden, Mt. Zion AME Church in Trenton, Union Chapel AME Church in Newark, and Calvary AME Church in Glen Cove, N.Y.

I had the privilege of working with Reverend Cartwright for many years in projects to revitalize neighborhoods in our city of Newark. He was a man totally dedicated to advancing civil rights for all Americans. He was a man of justice and of peace.

I will miss him dearly and my condolences go out to his wife Gloria and his entire family.●

IN DEFENSE OF THE RIGHT TO LIFE

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. DORNAN of California. Mr. Speaker, as we begin this second session of the 97th Congress it is my fondest hope that we, as lawmakers, will heed the many fine words spoken at the recent March for Life—the 9th since those two tragic Supreme Court decisions of January 22, 1973.

I was impressed by the dedicated tens of thousands of Americans who braved the cold to come to the Nation's Capitol to vote with their feet and hearts on behalf of the little unborn children who daily lose their lives.

I am enclosing a copy of the remarks given by the Most Reverend Thomas J. Welsh, Bishop of Arlington, which were given in commemoration of this most recent March for Life. The Bishop's statement appeared in the Arlington Catholic Herald of January 14, 1982.

DIOCESE OF ARLINGTON,
CHANCERY OFFICE,
Arlington, Va., January 14, 1982.

MY DEAR CATHOLIC PEOPLE: Once again we approach the anniversary of that sad day in 1973 when the decision of the Supreme Court opened the floodgates of abortion in the United States.

Whenever the attempt is made to restore legal protection to the unborn, there is much talk about the victims of rape and incest, but the stark reality is that almost all of the millions of babies butchered in our country since 1973 have been the victims of selfishness and convenience. And, against the mounting medical documentation, and all common sense, fewer and fewer are the claims that these babies are not human.

We have made some progress this year in the attempt to secure full protection of the law for the unborn, but the process is slow and each day babies are being destroyed. We have a duty to support those men and women who are working at passing such laws and this is a principal reason for the March for Life. When we are tempted to be discouraged, and ask why we should brave the cold again this year, let us think of giving moral support to Senator Hatch, Congressman Hyde, Congressman Dornan and all the others.

The difficulties can be great blessings if they turn us more to prayer, penance and to God. He is the one who can turn the human heart from stone to compassion. He is the one who encourages us to seek to bring errant brothers and sisters back to Himself.

Please then, let us work and pray together.

Sincerely yours in our Lord,
Most Reverend THOMAS J. WELSH,
Bishop of Arlington.●

A DYNAMIC DUO

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. VANDER JAGT. Mr. Speaker, for a good number of years it has been my pleasure and really my privilege to call the Rengo brothers—Bob and Ray—good friends. I have benefited from that friendship in untold ways. They are truly great men—contributing greatly to their home town of Kaleva, a unique and fine community in Manistee County, to the State of Michigan and to our Nation. They have a historic involvement in the Michigan Petroleum Association and it was only fitting that the association's magazine, Michigan Petroleum Marketer, recently featured the Rengo brothers in their fall, 1981, edition.

It is with great pride that I enclose that article entitled "It's the Home of Rengo Brothers, Inc., Village of Kaleva a Source of Leadership for MPA." Yes, Kaleva is a source of leadership but not just for MPA, but for Manistee County, the State of Michigan and our country. The article follows:

IT'S THE HOME OF RENGO BROTHERS, INC.—VILLAGE OF KALEVA A SOURCE OF LEADERSHIP FOR MPA

The village of Kaleva, a community of about 450 citizens, is located at the center of Michigan's Manistee County, about equidistant from the Lake Michigan shoreline and the swift-flowing Manistee River along the state's western reaches.

In truth, there is little that distinguishes Kaleva—apart from the fact that it was founded at the turn of the century by sturdy Finnish settlers whose hard work and proud heritage turned a harsh corner of the land into a pleasant rural community largely undistrubed by the hubbub of the world outside.

Kaleva also is the home of Rengo Brothers Inc., a jobbership that has been a source of valued leadership for the Michigan Petroleum Association practically from the moment the MPA was formed in 1934. Robert and Ray Rengo, principals of the firm today, are brothers who each served as presidents of the MPA, Bob having that assignment in 1961 and Ray in 1976. Their late father, Emil Rengo, was among the MPA's earliest members and directors, and served on the association's board until his death in 1949.

And while Bob's and Ray's terms as president are long since over, the two continue to be very active in MPA affairs. Bob is the long-time chairman of the association's insurance committee and has been an insurance trustee since the committee was established in 1953. Bob served as an alternate NOJC director and Ray presently is the alternate NOJC director for the MPA and will step up to NOJC director next year. As past presidents of the association, the Rengos are life-long board members and conscientiously attend every board meeting.

Like so many jobberships in the outstate area, the Rengo firm has gone through several transitions. It came into being in 1916 when Emil, who was then 23, opened a hardware store in Kaleva with a gasoline pump just outside the door. Selling gasoline seems to have been something of an after-thought for the young hardwareman . . . perhaps as an added convenience to his fellow residents.

Eight years later, Emil built the first drive in service station in rural Manistee County. Situated in Kaleva, that station was the forerunner of nearly three dozen that the Rengo firm would eventually own or serve. In 1932, Emil signed a franchise with White Star Refining and the Rengo Service Stations soon included 11 stations scattered strategically throughout Manistee County.

Although both sons "grew up" in their father's business (Ray recalls delivering fuel oil from a 400-gallon tank on the rear of a company pick-up when he was just 12 years old), Emil's tragic death in an automobile accident in 1949 hastened the brothers' involvement—especially Bob's.

A 1942 graduate of MSU, Bob Rengo, after being on the flight instruction staff at Purdue University, was a civilian airline captain for China National Aviation Corp. during World War II. He flew 161 missions over the "hump" from India to China and then throughout China from Shanghai after the war. (The comic strip "Terry and the Pirates" was based on the operations of China National Aviation which pioneered

the famous "hump" route over some of the highest mountains in the world. It was the supply arm for the American Volunteer Group, better known as the Flying Tigers.) In 1946 he joined the family business in Kaleva and three years later, following his father's death, took over the helm of the firm. Ray graduated from MSU in 1950, served in U.S. Army during the Korean War and joined his brother in 1956.

By this time, Bob had disposed of other business ventures including an insurance agency and a plumbing, heating and appliance business—thus permitting "Rengo Brothers Inc." to concentrate fully on the gasoline and fuel oil business. They also switched to the Phillips 66 brand then.

During the next two years, the brothers built 12 stations, all dealer-operated and owned by Rengo Brothers. Eventually, the jobbership was supplying 32 service stations and had acquired about 2,000 fuel oil accounts. In 1978, they sold the gasoline and fuel oil business to Blarney Castle Oil Co. of nearby Bear Lake, but retain ownership of their station properties. Today, the company is a supplier of aviation fuel throughout Michigan.

Although they have disposed of a substantial portion of their business, the Rengos remain plenty busy. They are involved in land development and related real estate activities including ownership of various business sites in the 9-county area that the company served as a gasoline wholesaler.

With the discovery of oil near Kaleva, the Rengos have expanded their oil exploration activities and now have producing wells in a number of areas.

While the success of the Rengo firm must first be traced back to the industry of Emil and the natural growth of gasoline business, both Rengo brothers are quick to attribute a portion of their prosperity to the influence of the Michigan Petroleum Association.

Says Bob:

"Any success that we have had can be attributed in large part to our participation in the MPA. Our philosophy has always been that if we expect to grow within the industry, we have a responsibility to participate in association activities, and that's what we have attempted to do. And I know that it has been through those activities that we have gained the direction to develop and expand our own gasoline business."

Since 15 years separate their MPA presidencies (1961 for Bob vs. 1976 for Ray), vast changes had occurred. The extent of that change is illustrated by the events the two cite as high points in their respective presidential terms. It was during Bob's term that the late Joe Hadley, who had been on retainer from the MPA, became the association's full time executive director.

Fifteen years later, under Ray Rengo, the MPA adopted a computerized financial accounting system and began to place new emphasis on membership recruiting.

Ray proclaims that the MPA, henceforth, must develop even greater participation among its members, especially in the political process.

"With decontrol," Ray continues, "the major emphasis is coming back to the state level. For the survival of the MPA jobber, we have to get still more active in the state political process . . . selecting candidates who share similar philosophies with the MPA, particularly in the outstate area . . . supporting their candidacies . . . getting them elected . . . and remaining in touch with them after they are in office."

Involvement, within the MPA as well as in the political process, has been a watchword with Bob and Ray Rengo for many years. Ray served as county Republican chairman and Bob, as county finance co-chairman, has had a continuing hand in Republican party fund-raising efforts. An annual summer barbecue that the two host has become something of a social "event" locally and adds substantially to the party's coffers. The two Rengos are on a first-name basis with numerous county, state and federal political office-holders, having supported them from the first days of their respective candidacies.

As for the extent of their involvement individually, there isn't room to list everything, but here are some of the more significant activities that the two could recall immediately to mind:

Bo Rengo has been the mayor of Kaleva since 1949. He is finance co-chairman for the county Republicans. He is past president, treasurer and currently a member of the Manistee County Airport Authority. He is vice chairman of the county road commission. He serves as a director of Kaleva Medical Facility and Development Corp. He is treasurer of the China-National Aviation Corp. association, comprised of former members of that World War II transport air-ferrying group. (Although he no longer flies due to vision difficulties, Bob has logged about 8,000 hours flying time.) He is a former NOJC alternate and member of the NOJC fuels committee.

Ray Rengo is a charter member of the Kaleva Lions Club. He served eight years as president of the local school board, during which time he presided over the successful consolidation of two school districts to bring about one, financially healthy system.

He is currently treasurer and in his 13th year on the Manistee County Intermediate School Board. He was a charter member and has only recently retired after 14 years on the board of West Shore Hospital. During that time, he helped spearhead a $3 million, 100-bed new county hospital. Earlier, he was a board member of Memorial Hospital in nearby Onekama. He is past president of the 4-county Shrine club. He is a former president of the county Republican party.

The fact that both men were born and raised in Kaleva only partly explains their committment to their community. Bob and Ray Rengo recognize an obligation to their fellowman—in Kaleva and Manistee County as well as the Michigan Petroleum Association.

While Bob continues to reside in Kaleva, Ray lives now in Traverse City and makes the 45-minute commute back and forth between his home and the Rengo Brothers Inc. 3,000-sq.-ft. headquarters building in Kaleva.

The corporation is an equal partnership with Bob president and Ray treasurer. But the two serve interchangeably within that corporate structure. "Our philosophy," says Ray, "has always been that if we both didn't agree on something, we didn't do it. But, basically, we've both had the same goals . . . get the job done!"●

EIGHTH DISTRICT VIEW ON EL SALVADOR

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. OBERSTAR. Mr. Speaker, the belief that public discussion of Government policy may correct errors of those who govern is fundamental to our concept of democracy. Experience has shown the wisdom of this belief in the conduct of foreign policy.

Those of us in the Congress who are deeply concerned about U.S. involvement in El Salvador have drawn tremendous support from the rank and file of our constituents who oppose that involvement. In the past year, the depth and thoughtfulness of citizen reaction to U.S. involvement in El Salvador has impressed me profoundly.

A recent editorial in the Circulating Pines, Circle Pines, Minn., exemplifies the quality of public debate occurring throughout my district on U.S. policy towards El Salvador. I would ask that this editorial be included in the RECORD.

THE U.S. AND OPPRESSION IN EL SALVADOR

We are hearing a lot these days about Russia's oppression of the Polish people but very little about United States policy in El Salvador which supports the junta which oppresses the people of El Salvador.

El Salvador is a small country with a population of five million. Its wealth, based on coffee plantations, could hardly be more unequally distributed. Less than two percent of the population owns more than half the land, receives more than half the national income, and owns the entire banking system. Meanwhile half the population remains unemployed, and half the children die before the age of five from malnutrition.

An unbroken chain of military governments has perpetuated these oppressive conditions since 1932. Through the sixties and seventies the people formed labor unions, peasant federations and progressive political parties. These organizations after feeling they had exhausted all peaceful means of bringing about change teamed up in the creation of unified revolutionary political front, the FDR. Although Mexico, France and a number of other governments recognize the FDR as a representative political force which must have a role in any future government in El Salvador the U.S. government persists in blocking discussions which could lead to a peaceful settlement.

THE REAGAN SCENARIO

The El Salvador scenario the Reagan administration is selling the public presents the junta as fending off reactionary right and a Cuban-aided extremist left. The truth is the people of El Salvador are fighting the oppressive ruling oligarchy that exploits them and the military junta that supports the oligarchy. It is not a Communist plot orchestrated from within another country. Even the CIA cannot come up with any evidence that Cuba is supplying arms to the opposition in El Salvador.

There are ominous signs that the U.S. is considering military action. Lt. General

Walter Nutting, the U.S. Commander in Latin America, has insisted that U.S. military action is a necessary response to the growing strength of the forces in El Salvador who oppose the U.S. backed junta. Secretary of State Haig has openly discussed the possibility of blockading Cuba and Nicaragua, and the Pentagon has created a special military command for the Caribbean presumably in preparation for a blockade or other more drastic measures.

CENTRAL AMERICA AN ECONOMIC APPENDAGE

The fact is the U.S. treats El Salvador and other countries in Central America as economic appendages, just as Russia treats Poland as a country it can exploit economically for its own benefit. It seems U.S. weapons in the hands of repressive governments are necessary to maintain a climate friendly to international corporations.

Do we want El Salvador to become another Vietnam? Do we want our young people to spill their blood defending a military junta in El Salvador that is responsible for the assassination of more than 26,000 Salvadorans in less than two years?

It would be wise to extend our sympathy for the oppressed people of Poland to the people of El Salvador. Repression is repression whether it is practiced by Russia or the U.S., and as U.S. citizens we can do more about the behavior of our government than we can the government of Russia.●

CASTRO'S SPIES ARE NO LONGER TEENAGERS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. DERWINSKI. Mr. Speaker, "nowhere does the KGB get better operational mileage from the DGI than in this country." This is the view of Mr. David Atlee Phillips, in assessing the Cuban foreign intelligence service, the DGI or General Dictorate of Intelligence. The DGI is, as he explains, little more than an extension of the Soviet KGB. In an article entitled "Castro's Spies Are No Longer Teenagers," Mr. Phillips explains how the Cuban intelligence service was taken over by the Soviets, how it is used by them and why it is so valuable to the KGB in its operations against the United States.

The author was chief of the Latin America Division of the CIA until his retirement in 1975. He served in Cuba twice during his intelligence career. He is the founder of, and former president of, the Association of Former Intelligence Officers, an association of former professional intelligence personnel.

Soviet intelligence activities against the interests of the United States are of vital concern to our Government. The American people and their lawmakers should be aware of these Soviet activities and the role the Cuban DGI plays. I recommend Mr. Phillips' article, which appeared in the Retired Officer, January 1982:

CASTRO'S SPIES ARE NO LONGER TEENAGERS

(By David Atlee Phillips)

Fidel Castro, soon after becoming Cuba's newest dictator in the early hours of the first day of 1959, dispatched fledgling spies abroad to provide intelligence support for the export of his revolution. Some of his agents were teenagers who had fought with Castro during his two years in the Sierra Maestre mountains. The raw intelligence operatives were ridiculed from Mexico City to Tokyo when they pretended to be diplomats. Castro's spies could be spotted easily at embassy receptions, with their long hair, unkempt beards, ill-fitting black suits and, invariably, hip bulges which scarcely concealed a Colt .45-caliber automatic pistol, favored weapon of the General Directorate of Intelligence (DGI).

The DGI was Cuban in its early period, but was nursed through growing pains by the Committee of State Security, the Soviet secret service known as the KGB. From the beginning the Russians molded the DGI into its own image. KGB instructors taught Cubans the tradecraft of clandestine operations before they were posted overseas. Soon the appearance of DGI agents changed—their hair was trimmed, cut of clothing improved and ostentatious handguns were replaced with more discreet sidearms.

RESISTS SOVIET CONTROL

While Castro welcomed Soviet tutelage for the DGI, he resisted KGB schemes to control his intelligence service. His trusted DGI chief, Manuel Pineiro, had studied at Columbia University in New York, was married to an American and suspected Russian motives. Pineiro kept an eye on the KGB colonel who worked in an adjacent office. Other Soviet officers occupied advisory positions in the DGI and Pineiro watched them, too, reporting to his "maximum chief," Fidel Castro.

The tricks of the espionage trade taught by KGB officers to DGI agents were tested in the field when Castro attempted to export his revolution, often violently, to most of the countries of Latin America and the Caribbean. The Kremlin did not approve; the Politburo considered the adventures foolhardy and, worse, they didn't conform to the party line. The Soviets discouraged Castro's revolutionary antics, suggesting that he subvert his enemies quietly, Russian-style.

When Fidel Castro spurned Soviet political guidance the DGI became a chip in a game of power poker between the KGB on one side and, on the other, Castro and Pineiro.

By late 1961 Soviet bids to win control of the DGI became increasingly blatant. Some Cuban agents sent to Moscow for training were recruited by the KGB; others refused Russian blandishments, and reported the pitch to Pineiro. Fidel Castro tolerated the intrigue for over a year before he called the Soviet bluff. In a March 1962, television harangue—three hours on camera, shorter than most of his speeches—Castro castigated the Soviets for maneuvering to steal his revolution and suborn his secret service.

The contest for power in Cuba continued for six years. Then, in early 1968, Castro again challenged the Russians by jailing 34 pro Moscow Cuban officials.

Then the Russians played the oil card.

Petroleum shipments from the Black Sea to Cuban ports dwindled to a trickle and, in some cases, dried up completely. "The oil refineries are shut down for repairs," was the official Russian explanation. The Cuban economy sagged disastrously. Castro wanted desperately to call the Soviet hand. Once he ordered a census of Cuban oxen in the vain hope that the sugar harvest could be reaped without Russian fuel. The economy neared collapse.

FIDEL ACQUIESCES

Castro threw in his hand in the aftermath of the Prague Spring of 1968, when the Czech uprising was crushed by Soviet tanks. Except in Chile, leaders of every Communist Party in Latin America abandoned the party line to denounce the Soviets. Cubans expected Castro to join the chorus of condemnation in a television speech. The Russian ambassador met Castro privately. Perhaps the subject of discussion was oil. Whatever was said, Fidel Castro's speech, brief and blunt, stunned Cubans—he praised the Russian invasion of Czechoslovakia!

The Soviets had won the winner-take-all game. Cuba became a Russian stooge in international affairs, after Castro agreed not to criticize Soviet policy and to accept 5,000 Soviet specialists to run the Cuban economy. In the intelligence arena, the DGI became a KGB surrogate. Manuel Pineiro was demoted; the new DGI chief reported directly to the KGB; and Cuban spies around the world received new orders from headquarters. In Paris, the DGI chief summoned his staff and announced, "We are closer to the Soviets now." Asked to explain, he read aloud from the message from Havana: "We are working for our associates, and will be taking on some of their jobs."

One job the Cubans undertook for the KGB in 1971 in England was a rescue mission. The British government, exasperated by proliferating Soviet espionage activity, expelled 107 Russian diplomats. Without case officers to steer them, KGB networks foundered. But, a DGI defector in London later revealed, Cuban agents stepped in to handhold Soviet spies and keep espionage operations afloat until the KGB was able to replenish its staff with fresh diplomats.

The Soviets, through the DGI and, to a lesser extent, their military intelligence service, the Chief Directorate of the Soviet General Staff (GRU), used Cuban agents to their advantage during the 1970s. Castro's spies were especially useful in Africa and the Middle East. With the DGI pursuing Soviet ends, KGB advisors no longer discouraged violence in Cuban adventurism. KGB personnel and financing helped transform the island of Cuba into a vast academy for guerrillas and terrorists from more than 50 countries.

A lesson in Soviet endorsement of violence and Cuban promotion of it, is found in the principal textbook provided to students in secret schools in Cuba, a book published after the Russians were in charge. "Terrorism," instructs the Mini Manual of the Urban Guerrilla, "is an action that the urban guerrilla must execute with the greatest coldbloodedness, calmness and decision." Students learn that assassination requires only a single guerrilla. "In many cases," the manual reads, "the execution can be carried out by one sniper . . . operating in absolute secrecy and in cold blood."

One Cuban training camp graduate became a celebrated assassin and notorious terrorist. Ilich Ramirez Sanchez, a Venezuelan usually known as "Carlos" and sometimes called "the Jackal," headed the squad which kidnapped 12 OPEC oil ministers in Vienna in 1975. Three persons were killed, with Carlos himself pumping five bullets

into one victim. In Paris, the same year, Carlos perpetrated several bloodbaths, including one when—"with the greatest cold-bloodedness"—he dropped an M-26 grenade from a nightclub balcony into the crowd below, wounding 30 people, two of them mortally. An informant led three French detectives to an apartment where Carlos was hiding. Although the police had the advantage of surprise, Carlos escaped after shooting and killing the informant and two of the policemen, and wounding the third.

The shootout prompted the French Interior Ministry to issue a statement "confirming the close link between terrorist networks and the espionage services of certain states." The ambiguity was deference to one state, the Soviet Union, which the French did not want to antagonize. But the French did not hesitate to name Cuba, and they expelled three DGI agents for conspiring to arrange Carlos' escape.

The Cuban connection with Soviet intelligence programs is not confined to DGI covert political gambits or GRU military field operations. As the DGI has matured, its agents have become adept in the basic espionage task of gathering information. Cubans make good spies. They are usually clever, often personable, The Spanish-speaking operatives communicate effectively in Latin America, black Cubans blend into African situations and blond DGI agents are not conspicuous in Europe.

But nowhere does the KGB get better operational mileage from the DGI than in this country.

SPYING ON THE UNITED STATES

The U.S. is described in KGB training lectures as "the main enemy." There are about 1,000 Soviet intelligence people in the U.S., 400 of them undercover at the United Nations Mission in New York. This army of spies makes the principal charge against American institutions, but skirmishes are launched from the flanks. In Mexico City, for instance, the large complement of KGB personel in the Soviet Embassy is not there to pilfer Mexican secrets (there aren't many), but to use Mexico as a base of operations against American targets. Similarly, DGI headquarters in Havana is a KGB command post for sorties into the U.S.

Official cover for the DGI in the U.S. is limited, due to the absence of diplomatic relations between the two countries. But 20 Cuban agents work out of the Cuban Interest Section in the Czech Embassy in Washington, and 80 in the United Nations Mission in New York.

When diplomatic billets are scarce secret services rely on "illegals," or deep-cover agents. The KGB has spent large sums and years of preparation in order to insinuate a single deep-cover spy into U.S. society, usually after a stopover in an English-speaking country to polish language. The time and money is considered well spent, as spies need a cover, or legend, to explain their presence in the U.S.

The DGI has no such problem—it dispatches agents into the U.S. quickly and cheaply.

"The only thing the KGB has to do," explains Alfonso Tarabochio, a former senate counter-intelligence investigator, "is just throw the Cuban agents among the Cuban communnity to pretend they escaped by boat or they jumped the fence in Guantanamo." Once DGI spies mingle with Cuban exiles in a U.S. city, they have only to spout a few anti-Castro slogans to be accepted. "So they don't have to build legends like a Soviet or East German would have to do, or come to the U.S. either from Australia or South Africa, like some of the Soviets have. They can come directly here, by boat."

Once in the U.S., the KGB-DGI spies operate without much difficulty. The FBI is charged with thwarting Cuban espionage, but one Bureau agent admits, "We might as well give the Cubans a license to spy. We have our hands full watching Russians; there's simply not enough manpower or money to monitor Cuban activities adequately."

Yet, the FBI has foiled DGI operations which prove that cuban intelligence poses a serious security threat. Some Cuban operations have been ominous. For example, a DGI officer was expelled after he attempted to purloin the floor plans of then-President Nixon's Florida residence. Other DGI capers have been in the James Bond tradition, as when the Cubans dangled a beautiful South African blonde, "Jennifer," as sexual bait for big fish in Washington, hooking at least one senior Department of State officer.

VENCEREMOS BRIGADES

Psychological warfare experts consider the DGI-sponsored Venceremos (We Will Win) Brigades one of the most successful covert political operations in modern history. Some 2,500 Americans, in 10 contingents, visited Cuba between 1969 and 1977. The ostensible purpose was to cut Cuban sugar cane. In fact, the Americans were encouraged to destroy their own society, U.S. Weathermen—members of the underground radical group which boasted of bombing the U.S. Capitol—met Vietnamese and Viet Cong delegations in Havana. Within weeks of their return they fanned the flames of the Chicago riots.

A more recent DGI propaganda coup was the successful campaign to create doubt about the authenticity of a Department of State White Paper on El Salvador—a media event orchestrated from his European exile by renegade CIA agent Philip Agee. Agee has played the role of a Cuban agent of influence for almost a decade. He pounded pro-Cuban drums before elections in Jamaica, has been the star attraction at a Communist Youth Festival in Havana and today continues his identification of American intelligence agents aboard.

In addition to DGI support, the Soviet Union can now expect military field assistance from GRU-trained Cuban intelligence officers among the thousands of troops in Africa and the Middle East. Closer to home, Cuban officers are working with the Nicaraguan government to accomplish its goal of a 50,000-man army in 1982.

"Our priorities have had to change," comments a long-time Defense Intelligence Agency officer.

A half-dozen CIA and FBI veterans were recently asked to respond in one word to the question, "How good is the DGI now?"

"Good."

"Better."

"Professional."

"Improved."

"Aggressive."

And, disregarding the one-word-answer injunction, "Damned good."

Castro's secret service has come of age, and his spies are no longer teenagers. If licenses are to be issued, they should be to the FBI at home and the CIA aboard—in the form of authority and funds to confront the Soviet Union on yet another front.●

TAX-EXEMPTIONS FOR SEGREGATED PRIVATE SCHOOLS

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. MOFFETT. Mr. Speaker, the administration was busy over the congressional recess. While we were out of town, President Reagan decided that the Internal Revenue Service ruling which prohibits segregated private schools from taking a tax exemption was no longer to be the law of the land. After a flurry of furious condemnation of this announcement, the President retreated from his stand in favor of segregated school tax exemptions by forwarding legislation to the Congress to codify the original IRS ruling. The Secretary of the Treasury, we are told, will not act on any applications for tax exemptions filed in response to the new IRS policy (or lack thereof) until we have acted on the President's proposed legislation. Now we are in a state of limbo as to exactly what policy the administration is espousing.

Many legal scholars have concluded that the IRS has indeed the authority to continue prohibiting tax exemptions for segregated private schools. New legislation is, therefore, moot. I concur wholeheartedly that legislation should not be necessary. However, in the event that the President cannot be dissuaded from his pursuit of codification legislation, I am joining with my colleague from New York, Hon. TOM DOWNEY, in introducing a simple sense of the Congress resolution expressing our conviction that the original IRS ruling is valid, reflects and has always reflected the will of Congress and the courts, and that the President's action to countermand that authority is null and void.

We do not need to codify or otherwise legislate a policy which has been historically the law of the land. I will be exerting every effort to deflect the President's proposal and to persuade him to embrace the historical policy against tax exemptions for segregated private schools. In the interim, I feel it very important for Congress to go on record in opposition to the President's actions and send a clear message to the Nation that we do not, will not, and have never allowed tax exemptions for segregated schools. I hope you will join with Mr. DOWNEY and me in this endeavor.●

THE NEED TO MAKE TAX CHANGES FOR RESEARCH AND DEVELOPMENT PERMANENT

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. STARK. Mr. Speaker, increased R. & D. is the key to America's future—it is the best way that we can increase our productivity, compete with foreign products, and create new, better-paid jobs. The 1981 Tax Act made some changes designed to encourage more U.S.-based research and experimentation. But these provisions are temporary, and thus discourage industry, small businessmen, and universities from undertaking long-range programs of basic research. We need to get rid of the uncertainty caused by the temporariness of the present law.

In the 1981 Economic Recovery Tax Act, the Congress provided: First, for a 25-percent tax credit for certain research and experimental expenditures, but only to the extent that current-year expenditures exceed the average amount of such expenditures during a base period. This provision expires December 31, 1985.

Second, that for 2 taxable years after the date of enactment, taxpayers must allocate or apportion all research and experimental expenditures paid or incurred in activities conducted in the United States to U.S. source income; this provision is designed to encourage R. & D. in the United States, rather than abroad.

To eliminate the uncertainty caused by the termination dates in these two provisions, I am today introducing legislation to delete the termination provisions in the area of research and development.

For California and for the Nation, there can be no more important task than restoring our commitment to increased levels of R. & D. Our levels of civilian research and development expenditures have fallen way behind those of Japan and West Germany, and as a result we are losing world market share and jobs to foreign competition.

The Tax Act of 1981 was a disaster in many ways. One of its major shortfalls is that it did so little to concentrate the Nation's resources on the industries of the future. Even those R. & D. tax changes which were made were temporary. Correction of these oversights should be a priority in any new tax bills considered by the Congress.●

CONGRESS 1981 SESSION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, December 31, 1981, into the CONGRESSIONAL RECORD:

CONGRESS 1981 SESSION

The first session of the 97th Congress, which ended on December 16, 1981, marked a fundamental change in the direction of public policy in the United States. A half-century of rapid growth in social programs was brought to a halt. Acting on the belief that it was responding to the mandate of the 1980 election, Congress took bold steps toward reducing the scope and power of the federal government in the domestic affairs of the nation.

Domestic programs were cut back in size, and many were consolidated into block grants for the states. The growth of spending for them was slowed, but not stopped. The President's new program of federalism—consisting of budget cuts, block grants, and a turnback of tax sources to the states—was partly enacted. Mr. Reagan's program of economic recovery dominated the session and, in the end, he succeeded in getting virtually all that he wanted:

$35 billion in savings in some 250 programs;

Repeal of public service jobs and of assistance for college education under social security;

Cutbacks in assistance for workers who lose jobs because of imports, in programs to feed school children, and in "impact" aid for schools attended by children of federal employees;

A slowing of the rapid rate of expansion in food stamps, medicaid, and medicare; and

Tax cuts, totaling $750 billion over five years, for individuals and businesses based on "supply-side" economics, which holds that lower tax rates create incentives for investment which, in turn, increase economic growth and tax receipts and, in the long run, provide the opportunity to bring the budget into balance.

Congress also approved the largest peacetime increase in defense spending in history (including money for the MX missile and the B-1 bomber), a four-year farm bill, the first trillion-dollar debt in the nation's history, and the nomination of the first woman, Mrs. O'Connor, to serve as a Justice of the United States Supreme Court.

The first session of the 97th Congress was the President's from beginning to end. He controlled it almost completely, winning one major victory after another. The major loss for Mr. Reagan was Congress' refusal even to consider his proposal to overhaul the social security system. In the process of compiling his impressive legislative track record, the President compelled Congress to bend and twist its institutional rules and procedures. To expedite hundreds of cuts in spending and changes in programs, most legislation was folded into a few omnibus bills, thus bypassing the normal process of authorization and appropriation. Delays in appropriations, necessitated by the complexity of the issues presented by the budget, had the entire government operating on an emergency, catch-all "continuing resolution" for several months. Mr. Reagan was expected to do well in the Republican Senate, but he also took command of the nominally Democratic House of Representatives by re-fashioning the old coalition of Republicans and conservative Democrats. Although the Democrats were able to prevail narrowly on certain measures, they could not muster the two-thirds majority to override a veto.

Because of its preoccupation with the budget, Congress put off action on social issues such as abortion, school prayer, and busing. It also deferred action on social security reform, revision of the Clean Air Act, and voting rights for minorities. Although Congress passed the first foreign aid appropriation in years (with an increase in funding) and gave the President its approval of his proposal to sell sophisticated radar aircraft (AWACS) to Saudi Arabia, issues of foreign policy were overshadowed by issues of domestic policy the entire session in spite of increasing tension and turmoil in many parts of the world.

Although I approve of the change in the direction of public policy toward curtailment of rapid growth in government on the domestic side, I am nonetheless concerned about a number of Congress' specific actions. From my point of view, the increase in defense spending is too large and the tax cut too great. As a result, Mr. Reagan's budget is far too expansionary and deficit-ridden. I believe that the reductions in programs of health and education are also too big, and I disapprove of the President's increase in funding for foreign aid. Moreover, the handling of all major budget and tax proposals in omnibus packages represents an abuse of the congressional budget process. Serious mistakes can be made when legislative safeguards are swept aside for the sake of quick consideration. Finally, I do not support the general "tilt" of the budget and tax reductions because they favor the rich at the expense of the middle class and the poor.

There is now a high degree of concern among legislators in Congress about the economic, social, and political consequences of the trends which have been set in motion this year. As the first session of the 97th Congress drew to a close, the returns on the President's program were not all in, but the results which were known were mixed at best. My own view is that the concern will increase as the events of the next year are played out.●

THE ANNIVERSARY OF UKRAINIAN INDEPENDENCE

HON. HAROLD C. HOLLENBECK

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. HOLLENBECK. Mr. Speaker, 64 years ago the proud and fiercely independent Ukrainian people tried to win freedom when a group of patriots proclaimed the sovereignty of their native land from Russia. I would like to take this opportunity to join with my colleagues in commemorating this important event, which should remind us that Ukrainians now, as in the past, are determined to guide their own destiny in an independent state.

The Ukrainian people's unique cultural, historical, and intellectual traditions represent a source of real and enduring national pride that can never be subdued by the forced imposition of a foreign state's ideology. We must never be allowed to forget the relentless efforts of the Ukrainian people in their drive for a renewed independence.

As we express our continuing concern for the people of Ukraine, it is also important to pay tribute to Americans of Ukrainian birth and heritage who have made significant political, economic, and cultural contributions to the well-being of this country. They have distinguished themselves by constructive citizenship, by their dedication to America, and by their unyielding devotion to the cause of liberty.

In remembering this anniversary of Ukrainian independence, we in the United States are expressing our support for the aspirations of the Ukrainian people and our fervent hope that the Ukraine will again recover its freedom. I only wish for that day in the near future when, instead of marking the anniversary of an independence since lost, we will celebrate a renewed independence of modern times.●

HEALTH PLANNING

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. LIVINGSTON. Mr. Speaker, the National Health Planning and Resource Development Act of 1974 and its subsequent amendments have been responsible for the creation of a nationwide system of health system or planning agencies (HSA's). These regulatory bodies number over 200 and are scattered throughout the 50 States. As many Members know, the present administration has recommended the phaseout of the entire health planning network. In addition, Representative SHELBY from Alabama has introduced legislation, H.R. 4554, to repeal the Federal Government's health planning functions by September 30, 1982. Over the years many medical associations and societies have expressed their disfavor about the National Health Planning System.

However, until recently the 17,000 members of the American Society of Internal Medicine have never called for repeal or cessation of funding for the health planning program.

In light of their past views, I think it is significant that the society has now come out in favor of repeal of the national health planning law—Public Law 93-641. For this reason, I have submitted for the Members' attention, a recently completed report by the society on the ineffectiveness of the health planning system.

The report follows:

A SUMMARY OF THE DATA ON THE IMPACT OF HEALTH PLANNING ON THE COST OF AND ACCESS TO HEALTH CARE

INTRODUCTION

The Health Planning and Resource Development Act of 1974 (Public Law 93-641) and its subsequent amendments, as well as the state Certificate-of-Need (CON) programs mandated by the act, resulted from a desire to bring order, economy and efficiency to the allocation of health care resources in the United States. The specific problems which the legislation attempts to address are the rise in the cost of medical care, the wasteful presence of excess capacity within the system, and the related problems of access and efficient resource allocation.

Health planning and CON have been the subject of many studies, several of which present persuasive evidence that mandatory health planning not only falls far short of its goals, but is in many cases actually counter-productive to its own stated objectives.

COST

1. Cost containment

The primary issue which must be addressed when evaluating Federal health planning is the question of the effects of health planning, and CON in particular, on controlling costs in health care.

One of the more comprehensive studies of CON was published by David S. Salkever of Johns Hopkins University and Thomas N. Bice of Washington University, St. Louis, under contract with DHHS in 1976. Their report, "Impact of State Certificate-of-Need Laws on Health Care Costs and Utilization," concluded:

"The results of this analysis indicate that Certificate of Need (CON) controls reduced expansion in beds, but increased expansion in plant assets per bed, and had no discernible negative effect on total investment (change in total plant assets). In other words, CON controls altered the composition of investment but not its magnitude, discouraging new beds, but encouraging investment in new equipment and services.

"In summary, our analysis points to the (perhaps) surprising conclusion that CON controls have contributed to cost inflation; thus, they have tended to produce the very result which they were designed to prevent. This conclusion must, of course, be treated cautiously due to the limitations of the analyses on which it was based . . . At a minimum, our findings signal the need for a much more thorough and detailed study of the effectiveness of CON regulation as a cost control device. The presumption of its effectiveness is clearly not warranted by the available evidence."[1]

More recently, a study conducted by Policy Analysis, Inc. (PAI) under contract to the Health Resources Administration, also raised questions about CON's cost-effectiveness.

The summary below is quoted from the Bureau of Health Planning's "Program Information Letter" which accompanied the study.

"PAI attempted to test a number of general hypotheses regarding interstate CON program variation and the programs' effects on capital accumulation, the rate of cost inflation, geographic distribution and the structure of the hospital industry.

"The study found some differences among States with regard to holding applicants to stated or intended criteria. These were associated with program strength. However, it found no evidence that CON programs have significantly reduced the rate of growth of hospital capital stock, nor did 'strong' programs succeed in holding hospital cost increases below those of states with no or 'weak' CON programs. Distribution-oriented programs—mostly located outside the Northeast—do seem to give preference to underserved areas, as measured by mean county income. Based upon these findings. PAI recommends that the Federal Government should limit its reliance on CON as a cost containment mechanism because of its lack of impact."[2]

In November 1978, the Department of Health and Human Services, as part of its Health Planning Bibliography series, published a study entitled "Certificate of Need Programs: A Review, Analysis, and Annotated Bibliography of the Research Literature."

In summarizing its findings, the study concluded that:

"The pessimism of this discussion is a reflection of the pessimism in the literature on regualtion in general and CON in particular. The most enthusiastic program advocates in the literature argue that CON is effective on theoretical grounds (stemming from the public interest theory of regulation). The reality of the evidence, however, only suggests that in some settings and under some circumstances, the program may yield results consistent with its goals. While the final verdict is not yet in, the preliminary hearing has not been encouraging."[3]

The same study pointed out that:

"Prices may rise under CON both because higher prices will be needed to finance the subsidies and ineffeciencies created by regulation and because supply restrictions may cause a disequilibrium between supply and demand."[4]

2. Compliance costs

The cost and effort of complying with government regulations has long been a burden on the health care industry. Below is a review of studies which examine the costs to hospitals in various States of compliance with Government regulations in general, a sizable portion of which is specifically attributable to health planning and CON laws.

A. Hospital Association of New York State Cost Study—1978: 25 percent of hospital costs attributable to meeting Goverment regulation; annual cost of regulation exceeds $1.1 billion per year; time required for reporting, 115 million person-hours, is equivalent to 56,000 full-time hospital employees; 56,000 employees could staff 75 hospitals, each with an average of 250 beds; regulatory matters occupy 24 percent of all person-hours; completion of forms and reports costs New York hospitals $128 million annually; and estimated cost $40.00 per hospital/per day.

B. California Hospital Medical center review—1976: Direct compliance costs estimated to be $70 per admission ($10.75 per patient day). Estimates did not take into account engineering, maintenance, and remodeling costs required by regulatory action.

C. Health Controls Out of Control—Warnings to the Nation from Massachusetts—Regulatory Actions—1977, David Kinzer: Direct Compliance costs estimated to be 3½ to 4 percent of operating expenses. No estimates of indirect costs.

See footnotes at end of article.

D. Michigan Hospital Association—Hospital Costs Attributable to Government Regulation, December 1977: Direct costs estimated to represent 1.5 percent of the annual operating budgets of the surveyed hospitals, which equals $3 per hospital/per day.

E. South Carolina Hospital Association—Hospital Costs and Changes in the Financial Position Attributable to Selected Government Regulations, Arthur Young & Co., March, 1978: Six hospitals of varying sizes, bed capacities, occupancy rates, and other representative characteristics were surveyed. The following costs for fiscal year 1976 were attributable to four areas of Government regulation:

	Utilization review and PSRO	Personnel management	Capital planning/ certificate of need	Reimbursement mechanisms	Total
Hospital A	$16,571 or 0.83/patient-day	$21,542 or 1.06/patient-day	$163	$13,536; 2,364 person-hours expended	$51,812
Hospital B	$17,547 or 0.47/patient-day	$21,204 or 0.57/patient-day		$3,738; 643 person-hours expended	42,489
Hospital C	NA	$53,462 or 1.38/patient-day	13,326	$11,134; 2,645 person-hours expended	77,922
Hospital D	$45,795 or 0.59/patient-day	$60,539 or 0.78/patient-day	22,610	$43,885; 8,067/person-hours expended	172,829
Hospital E	$12,741 or 0.17/patient-day	$109,216 or 1.42/patient-day	2,377	$14,412; 3,842 person-hours expended	138,746
Hospital F	$47,617 or 0.30/patient-day	$117,543 or 0.73/patient-day	17,265	$42,669; 7,523 person-hours expended	224,594

3. Indirect costs

Thus far, it has been suggested that health planning and CON laws, which hold cost containment in health care as a primary objective, have the following effects:

They cost the Federal and State governments hundreds of million of dollars to administer.

Hospitals and health care providers spend "at least as much as the agencies"[5] in complying with the regulations.

Their actual effectiveness in holding down health care costs is, at best, highly questionable.

In addition, many studies have pointed out that health planning also produced "indirect costs." These include:

A. Travel costs: The New England Journal of Medicine has pointed out that efforts to reduce duplication of facilities through Government regulation can lead to high travel costs and costly delays in treatment:

"If fewer facilities are to serve the same patient population, some patients will inevitably have to seek treatment further from home. Additional travel costs will be incurred, and the quality of care that some patients receive will be reduced.

"In the case of the CAT scanner, some outpatients would have to travel further than they did before, and some inpatients would require transportation to and from the facility. For patients with trauma and patients with severe illness, increased travel time reduces the quality of care. A similar case can be made for radiation-therapy units: Because patients with cancer must return many times for treatment, travel time is of economic importance. Reducing the number of general-hospital beds not only increases travel distance but can also lead to longer delays in treatment, which impose real costs."[6]

B. Legal costs: Law suits brought by communities and providers dissatisfied with the actions of their local HSAs have imposed a considerable cost on all parties involved.[7]

C. Costs of delay: While it is clear that careful study is necessary before constructing or adding to a hospital or other health care facility, the CON bureaucracy causes unnecessary delays of months and often years, and then usually ends up granting approval, sometimes with minor modifications.[8] When this occurs, the final cost of construction (or cost of purchase, in the case of equipment) is often considerably higher than it would have been without CON-imposed delays—as much as 30 to 40 percent higher.[9]

All in all, there is a great deal of evidence to support the conclusion that health planning costs a great deal, directly and indirectly, and yet relying on state certificate-of-need programs and federally mandated planning programs to control hospital costs has yielded, and will continue to yield, disappointing results.[10]

ACCESS

1. Effects of health planning on access

The second major aim of Public Law 93-641 is "equal to quality health care." Whether this is actually being realized under health planning is in as much doubt as the cost-effectiveness of health planning.

An article in The New England Journal of Medicine pointed out several of the problems health planning causes with regard to access:

"Of special concern is the distinct possibility that large urban medical centers are more likely to fare well under any regulation scheme than are smaller, less sophisticated hospitals located in rural, suburban, and ghetto areas.

"To the extent that areas of low population density bear the brunt of the regulations, offsetting costs will be higher. In addition, if patients are forced from low-cost hospitals into relatively expensive urban medical centers, the net result may be to increase costs. Our calculations assumed that consolidations would be encouraged only if the unit cost of care could be reduced; unfortunately, there is no guarantee that the processes will work this way.

Finally, if minority groups in low-income areas find that their hospitals cannot survive the regulatory contests, as appears to have been the case in New York, we may end up harming precisely those groups that many advocates of hospital regulation hope to help."[11]

2. Access as a priority in health planning

Aside from the access problems inherent in health planning efforts is the simple fact that health planning and CON have evolved into cost-containment mechanisms (of extremely dubious worth, as demonstrated earlier) with little regard to access. The American Journal of Public Health clearly outlines this shift in priority:

"During the 1960's and early 1970's, the primary goal of national health policy was to improve access to health care, especially for the poor. The Medicare and Medicaid programs, the Office fo Economic Opportunity (OEO, and later HEW) neighborhood health centers, the Federal support for health professions education and many other specific Federal programs had that as their primary aim. Even the 1974 Health Planning Act (Public Law 93-641)—often considered to be primarily a cost-containment program—listed primary care services for underserved populations as the first of a number of national priorities.

"The thrust of national health policy has changed, as any casual observer of the health care scene knows. The emphasis is now on cost containment, almost to the exclusion of other considerations."[12]

SUMMARY

In summary, it appears that health planning and CON are of dubious worth on several counts. They are cost-containment tools which cost a great deal, directly and indirectly, and ultimately save little. As a mechanism to improve access they have done little and may have actually had a negative impact in many cases.

In view of the apparent shortcomings of Federal health planning, the American Society of Internal Medicine believes that repeal of Public Law 93-641, or at the very least elimination of funding, would be a desirable goal.

Health planning is most effective when allowed to respond to local conditions and specific needs. The combination of local political forces and the market forces in the economy are the most effective agents of health care planning. There are several studies which substantiate this view, three of which are summarized below:

1. John W. Carr seeks to determine whether central planning and control or market methods of allocation result in a more efficient distribution of hospital resources. He concludes that the planning method has the potential of being more efficient in a technical sense. However, for many reasons, the planning method may not in actual practice be more efficient, and the market mechanism might be more practical. The market mechanism also has the advantage of automatic operation.[13]

2. In his paper, H. E. Frech discusses the choice between regulation and allowing the market to operate. Frech's recommendations include abolishing or modifying State CON programs. The paper concludes that the current form of regulation of the U.S. medical care system is partly responsible for its poor performance. Regulation of this industry is inherently difficult because of the complexity of its output and because the influence of providers over regulation is quite strong. Frech believes that regulatory reform to improve incentives, make the system more responsive to consumer preferences, and reduce the anti-competitive effects of existing regulation could be very beneficial.[14]

3. Finally, Clark Havighurst argues that private sector efforts to contain health care costs are likely to be more effective than Government-sponsored controls. Therefore, Government efforts should be confined, at least initially, to untying and strengthening the private sector's hands.[15]

FOOTNOTES

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[2] Bureau of Health Planning. "Program Information Letter" (March 1981), p. 1.

[3] Health Planning Bibliography Series. "Certificate of Need Programs: A Review, Analysis, and Annotated Bibliography of the Research Literature." Washington, DC: DHEW. Bureau of Health Planning, HRA 79-14006, November 1978, p. 83.

[4] Ibid, p. 16.

[5] Schwartz, William B. and Joskow, Paul L. "Duplicated Hospital Facilities, How Much Can We Save by Consolidating Them?" New England Journal of Medicine 303 (December 18, 1980): P. 1454.

[6] Ibid.

[7] Ibid.

[8] Ibid.

[9] Dolan, Thomas, Project Director. "Evaluating the Effects of Missouri's Cancellation of the 1122 Program." U.S. Department of Health, Education, and Welfare, Bureau of Health Planning and Resources Development, Contract 297-77-0001. Columbia, Missouri University of Missouri, October, 1977.

[10] Schwartz, William B. and Joskow, Paul L. "Duplicated Hospital Facilities, How Much Can We Save by Consolidating Them?" New England Journal of Mecicine 303 (December 18, 1980): p. 1454.

[11] Ibid.

[12] Banta, David. "Computed Tomography: Cost Containment Misdirected." American Journal of Public Health 70 (March, 1980): pp. 215-216.

[13] Carr, W. John. "Economic Efficiency in the Allocation of Hospital Resources; Central Planning vs. Evolutionary Development." Edited by Herbert Klarman. "Empirical Studies in Health Economics." Baltimore: Johns Hopkins University Press, 1970.

[14] Frech, H. E. "Regulatory Reform: The Case of the Medical Care Industry" Paper presented for the Conference on Regulatory Reform, sponsored by the American Enterprise Institute and the Hoover Institution, Washington, DC, September, 1975.

[15] Havighurst, Clark. "Controlling Health Care Costs." Journal of Health Politics, Policy and Law 1 No. 4 (1977): pp. 471-498.●

CONGRESSIONAL LIVING EXPENSE TAX DEDUCTIONS

HON. MARILYN LLOYD BOUQUARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mrs. BOUQUARD. Mr. Speaker, I am introducing along with Ms. FIEDLER, Mr. DUNCAN, Mr. VOLKMER, Mr. HANSEN of Utah, Mr. EVANS of Iowa, Mr. RATCHFORD, Mr. DYSON, Mr. BOWEN, Mr. GREGG, Mr. ROBERTS of South Dakota and Mrs. SCHROEDER, legislation that would overturn the recently enacted congressional living expense tax deductions.

I firmly believe that Members of Congress should not receive any tax benefits, or treatment that varies with what other taxpayers must accept. With this in mind, I supported the elimination of the automatic $3,000 living expense deduction that was available only to Members of Congress. I expected, as did the vast majority of our colleagues that the elimination of this privileged deduction would result in Members receiving the very same treatment as other taxpayers on the matter of living expenses. That is, we would be able to claim those expenses which we could document and which the Internal Revenue Service would accept as legitimate costs incurred as a result of our employment.

Unfortunately, the other body, in its wisdom, felt it necessary to call upon the Secretary of the Treasury to issue regulations defining what level of deductions would be appropriate. While this clearly runs counter to the intent of those of us who sought only to end the favorable treatment Members of Congress had enjoyed, we accepted the argument that the Secretary of the Treasury, because he has responsibility for the Government's revenue, might be expected to be parsimonious in his treatment of Members' tax benefits. We were, needless to say, disappointed in this hope.

Under the regulations issued by Secretary of the Treasury Regan, Members of this body will be able to claim $19,650 in tax deductions for last year instead of the $3,000 that was formerly permitted. While the actual impact of this deduction will vary from Member to Member, according to the publication Congressional Quarterly, this would translate into a salary increase of approximately $7,000 for a married Member with two children who lives primarily on the congressional salary.

This Congress has repeatedly turned down efforts to increase congressional pay, most recently in connection with the conference report on the second continuing resolution, H.J. 357. With this record, we can hardly wonder why the public has reacted so vigorously to a transparent effort to raise income without increasing salary.

Above all, we should not resort to devious parliamentary tactics to fatten our salaries. At this point, the most reasonable step would be to return to the $3,000 ceiling on living expense deductions for 1981, and to make any changes that are appropriate for 1982 and beyond that during the coming year. This would offer our constituents the opportunity to judge the votes of their Members without the confusion which necessarily results from adding riders of this sort onto crucial legislation.

I have no objection to providing in law that a Member of Congress receive the same benefits and treatment from the IRS as do all other taxpayers. But, we cannot condone either the extraordinary generosity of the Treasury in this matter, or the dubious tactics that prevented the issue from being clearly defined and debated.

I hope that we will enact this legislation.●

LAW ENFORCEMENT OFFICERS' SALARY ASSISTANCE ACT OF 1982

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. FISH. Mr. Speaker, as a member of the Subcommittee on Crime, I have participated in its recent investigations into the causes behind the galloping rise in the crime rate. Although, obviously, no one factor can be singled out as the origin of that increase, some components of the problem are more responsible than others. One of these is the frightening decrease in the number of law enforcement officers patrolling our streets to keep them safe.

Those of us in New York are more acutely aware of this problem than most. In recent years, the number of law enforcement officers serving us has fallen far short of the increase in population. As we have watched the numbers of law enforcement officers dwindle, the number of offenses has risen drastically. Common sense suggests that their absence has enabled determined criminals to carry on their activities with impunity. One witness who testified before the subcommittee last year strongly recommended increasing the presence of law enforcement in this country as a solution to the crime problem. He noted that one of the reasons why Japan has the only reducing crime rate in an industrial country is because they have more police and better trained police. He further testified that Tokyo has four times as many police officers than the District of Columbia has. He concluded that "effective law enforcement, and more of it, would help prevent crime."

Mr. Speaker, because I strongly concur with the views of this witness, I am today introducing the Law Enforcement Officers' Salary Assistance Act of 1982. This would authorize the Attorney General to make grants to the States and localities for the purposes of hiring additional police officers and paying overtime. In addition, my bill would authorize special emergency grants for the same purpose. Under the act, most of the authorized funding would go to the localities, which bear the primary responsibility for law enforcement. My bill authorizes modest sums to be appropriated for this purpose during fiscal years 1982, 1983, and 1984.

Mr. Speaker, I hope that my colleagues will join me in addressing the law enforcement crisis which currently faces this country by co-sponsoring the Law Enforcement Officers' Salary

Assistance Act of 1982. I am appending to my remarks a summary of that act.

HIGHLIGHTS OF LAW ENFORCEMENT OFFICERS' SALARY ASSISTANCE ACT, INTRODUCED BY HON. HAMILTON FISH, JR.

The Law Enforcement Officers' Salary Assistance Act would authorize the Attorney General to make grants to the states and localities for the purposes of hiring additional police officers and paying overtime. In addition, the Act would authorize the Attorney General to make special emergency grants for the same purposes.

A. *Allocation of Funds.*—Under Section 3 of the Act, of the funds appropriated in any fiscal year, 3 percent is allocated for formula grants in Puerto Rico, the Virgin Islands and other territories of the United States. 85 percent of the remainder is allocated for formula grants to the States and localities, and 15 percent is allocated for emergency grants.

B. *Formula Grants.*—Under Section 4 of the Act, of the funds allocated to the States and localities for formula grants, one-sixth is allocated among the States, based on population. The remaining five-sixths is to be divided among local governments (including the District of Columbia) based on population and the number of FBI Crime Index offenses reported during the preceding year.

C. *Emergency Grants.*—Under Section 5 of the Act, the Attorney General may make an emergency discretionary grant to any state or locality which experiences an unanticipated and significant increase in the number of violent crimes committed within its jurisdiction. No individual state or locality may receive more than 10 percent of the total funds appropriated for emergency grant purposes in any fiscal year. An application for emergency assistance must identify the emergency, the amount requested, and the attempts made by the applicant to deal with the emergency. In awarding emergency grants, the Attorney General must consider the incidence of crime in the jurisdiction as compared with the number of law enforcement officers, the availability of other funds to deal with the emergency, extraordinary circumstances involved, and any federal action which may have created or aggravated the emergency.

D. *Conditions of Grants.*—Under Section 6 of the Act, each applicant must agree to expend grant funds received only to compensate police officers hired or returned to active duty after the effective date of the Act or to pay overtime to any police officer. The percent of grants used to make contributions to employee benefit plans may not exceed the percent of salary payments made by the jurisdiction from other sources which are devoted to such contributions. No funds may be used to pay administrative costs or to supplant payments that would otherwise be made by the jurisdiction. Section 7 of the Act authorizes the Attorney General to withhold payment to any jurisdiction if he determines that there has been noncompliance with grant conditions.

E. *Reports.*—Under Section 10 of the Act, the Attorney General is required to report each year to the President and the House and Senate Judiciary Committees with respect to the grants made under the Act, the types of situations for which emergency grants were made and the effects of such grants, and the procedures used by the Attorney General to insure compliance with grant conditions.

F. *Authorized Appropriations.*—Section 12 of the Act authorizes the appropriation of $250,000,000 during each of Fiscal Years 1982, 1983 and 1984.

ST. ANDREWS EPISCOPAL SCHOOL CELEBRATES ITS 25TH ANNIVERSARY

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. LENT. Mr. Speaker, I rise to call to the attention of my colleagues a most significant historical milestone for an outstanding school in the Fourth Congressional District I have the honor to represent. In June of this year, St. Andrews Episcopal School of Oceanside, N.Y., will celebrate its 25th anniversary. The account of the first 25 years in the life of St. Andrews is one of continued growth and success. In no small measure, this outstanding record is a tribute to the vision, dedication, and exceptional leadership of its founder, the Reverend George T. Cook, rector of St. Andrews Church for the past 35 years.

Father Cook has served as headmaster of St. Andrews School since its inception in 1957. With the dedicated support of countless friends, who gave unstintingly of their time and their financial aid, Father Cook has guided the development and growth of St. Andrews School. From a nursery and kindergarten with just 13 students in the fall of 1957 to its current status as a complete elementary and high school with approximately 220 students is truly an amazing record of steady growth and improvement.

Throughout the 25-year existence of St. Andrews School, Father Cook's guiding principle has been to create a sound academic curriculum within the framework of a Christian ethic that says: "Train up a child in the way he should go, and when he is old, he will not depart from it." Father Cook has held to that principle through difficult years of heavy emotional and financial responsibilities.

As a result of his sound guidance, the philosophy of St. Andrews School has been able to resist the erosion of educational values and goals which has become so evident in many sectors of the American educational system.

Mr. Speaker, as one who has worked and fought for the concept of quality education throughout my years in public service, I commend to my colleagues the history of St. Andrews Episcopal School as a superlative example of how to encourage and develop quality education. The existence of outstanding private schools, such as St. Andrews, can do much to encourage the development of improved educational opportunity for all. And that, I submit to my colleagues, is a noteworthy contribution toward developing the knowledgeable citizenry which is the very basis for our great form of government.

I know my colleagues join me in saluting St. Andrews Episcopal School of Oceanside for the achievements of the past 25 years, and in wishing Father Cook, the St. Andrews faculty, and the many supporters of St. Andrews continued growth and success in the years to come.●

PROGRESS IN MEDICAL RESEARCH

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, January 20, 1982, into the CONGRESSIONAL RECORD:

PROGRESS IN MEDICAL RESEARCH

As I travel from county to county in southern Indiana, I notice widespread, continuing interest in health care among Hoosiers. They are naturally concerned about the cost, quality, and availability of health care for themselves and their families, but I sense that they are also paying close attention to the progress the nation is making as it seeks new ways to prevent, treat, and cure cancer, heart disease, stroke, arthritis, diabetes, and other serious afflictions. Although Hoosiers are insisting on economy in government, they show a strong inclination to support government spending which is intended to conquer disease and diminish the suffering associated with it.

Medical research today is a partnership between government and the private sector. In 1980, for example, about $7.9 billion (3.3 percent of all spending for health care) went to research and development. The federal government was the primary source of this funding; its contribution made up 60 percent of the national budget for research and development in health care. Private sources in industry and the non-profit sector accounted for 34 percent of the money, and state and local governments added the remaining 6 percent. Data on the actual performance of medical research reveal another side of the partnership. In 1980, higher education did 39 percent of the work; private industry and non-profit organizations accounted for 38 percent of it. The remaining 23 percent was done mostly by the federal government itself, with small portions accounted for by state and local governments and foreign institutions.

The National Institutes of Health (NIH), part of the Public Health Service, constitute the principal medical research arm of the federal government. Most of the budget of the NIH is disbursed through grants and contracts designed to obtain new knowledge in the fight against the major killing and disabling diseases prevalent in America. A two-tier process of review allows the NIH to make awards which will yield the greatest dividends per dollar invested. The first review is conducted by scientists who assess the technical quality of the work proposed. The second review is undertaken by advisory councils whose public and professional members judge the work proposed in terms

of its relation to other priorities and its potential contribution to the prevention and cure of disease. Hoosiers compete with others across the nation to win these awards. In 1980, Indiana-based scientists received more than $30.6 million from the NIH.

Recent advances resulting from research supported or conducted by the NIH indicate some of the problems being addressed:

A study of mild hypertension has established the benefit of a vigorous program of treatment for the 25 million Americans who have the condition; their death rates may be cut 20 percent.

Investigators have developed a new x-ray machine which allows doctors to view internal organs in three-dimensional motion; with the machine, cancers can be more easily detected and victims of heart attack more easily treated.

A study has shown that Hodgkin's disease can be cured even in its advanced stages by a multi-drug therapy; some 7,000 people contract this form of cancer every year, and until now it has almost always been fatal.

Scientists have demonstrated the safety and effectiveness of a new vaccine against hepatitis B; programs of mass immunization may reduce the incidence of this disease, which now strikes 100,000 Americans every year.

Researchers have discovered correlations between senility and the levels of enzymes and chemicals in the brain; these findings bring us closer to understanding the causes of senility.

Investigators have succeeded in growing a virus which causes diarrhea in infants; if a vaccine can eventually be developed, millions of children around the world will be saved.

Scientists have succeeded in reversing diabetes in mice through the transplantation of healthy cells which produce insulin; this accomplishment may pave the way for a major advance in the treatment of human diabetes.

Research has indicated that fathers are often the source of the additional chromosome in children who are born with Down's Syndrome, a form of mental retardation; the finding should have important implications for genetic counseling and new avenues of research.

Investigators have found that a vitamin arrests the effects of a bone disease which may cause hip fractures in elderly women; 195,000 such fractures occur every year.

Scientists, using techniques to recombine genetic material, have succeeded in cloning tumor viruses; this achievement will help us understand the basic mechanisms behind cancer.

A study has produced evidence that the immune cells of elderly people lose the ability to fight cancer and infection; this finding will help us understand two serious conditions of old age.

Researchers have reported that certain cancer cells induce high levels of interferon, a natural anti-viral substance, when they come into contact with white blood cells; this finding supports the theory that interferon is one of the body's own defenses against cancer.

Studies have led to the development of a vaccine against pneumococcal pneumonia, a form of the disease which accounts for most of the 250,000 deaths from pneumonia in the United States every year.

Investigators have shown that a drug taken with ordinary meals can inhibit the secretion of stomach acid in certain people who have ulcers.

One clear sign of the NIH's support of excellence in medical research is the number of Nobel Laureates with whom the NIH have been associated. Since the NIH were founded in 1938, four NIH scientists have received the Nobel Prize. In addition, the NIH have supported the work of another 73 scientists who have been so honored.

Like most Hoosiers, I want the federal government to continue its efforts to assist research and development in health care. With careful administration and accounting to ensure that funds are well-spent, medical research may be one of the nation's best public investments.●

A MESS OF HIS MAKING

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. BROOKS. Mr. Speaker, the Beaumont Enterprise last Friday, January 22, 1982, carried an editorial that I believe makes a perceptive and forceful statement about the economic conditions in which we find ourselves. It points out that the recession we are now in is the result of President Reagan's policies and that there is no one else he can blame it on. I will insert the editorial in the RECORD for the Members to read.

A MESS OF HIS MAKING

President Reagan after a year in office faces the ironic prospect of being done in by his own success.

The president's overwhelming mastery of Congress throughout 1981 resulted in a new direction for federal economic policy. Although Reagan's proposals went through the inevitable process of deals and amendments without which Congress cannot operate, he obtained substantially what he asked for.

And he asked for a lot. "Ours is a high-risk presidency," one of his advisers has conceded anonymously in the Chicago Tribune. Three years of tax cuts and income-tax indexation thereafter; dismantling of much of the government's regulatory apparatus; the drastic cutting of social services; in short, a complete turnabout in the way Washington does business.

The bulk of Reagan's changes were based on the belief that they were necessary to restore economic growth and moreover, that they inevitably would lead to economic growth. But this has not happened.

A recession deeper and more lengthy than foreseen by any of the president's economic advisers has cast a bitter grip on the country. Industries previously afflicted remain moribund. Some of those prospering are using their wealth to acquire existing companies. The new investment upon which the success of Reaganomics hinges has yet to take place.

While Reagan can still after one year in office blame his predecessor's policies for the mess the country is in, to do so he must drop one of the most important arguments in favor of the supply-side theory which forms the basis of Reaganomics: the theory of expectations.

Supply-siders have argued that an oppressive, anti-business climate in Washington combined with confiscatory levels of taxation have been the major causes of declining productivity and industrial stagnation. Changing the climate by removing restrictive regulations and excessive taxes will alter business expectations and result in new investment in plants, equipment and jobs.

Instead, business, following human nature and its short-term benefit, has been influenced by a single factor, high interest rates, and decided to take the money and run.

By insisting so steadfastly on getting his own way, Reagan has left himself as the only person who can be blamed. Jimmy Carter had little to do with Reagan's deepening troubles.●

REDUCING AID FOR STUDENTS SHORTCHANGES NATION'S FUTURE

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. GEJDENSON. Mr. Speaker, in this time of spiraling tuition costs and rising educational expenses, many aspiring college students and their parents rely on student aid programs to help them make their college plans a reality. The recent cuts in funding for Federal student aid programs have hit students hard, and the repercussions of these cuts will be felt for years to come. Recently, an article written by Stephen Joel Trachtenberg, the president of the University of Hartford, appeared in the New York Times on this subject. As a university administrator, he is in a unique position to analyze these cuts and their potential impact. I recommend this thoughtful piece to my colleagues.

[From the New York Times, Dec. 6, 1981]

REDUCING AID FOR STUDENTS SHORTCHANGES NATION'S FUTURE

(By Stephen Trachtenberg)

Building an annual budget at the University of Hartford has never been easy, but this year it's a pip. The university is a modestly endowed, labor intensive, independent institution founded in 1877 but chartered as a university only 25 years ago, and a lot of fancy footwork and hard work is needed to keep its books in balance. But we've done so regularly for a long, long time. It's a tradition that we intend to maintain.

In the last four years our operating costs have gone from about $17 million to approximately $40 million. Each year a greater percentage of our students, who come from all sorts of economic, ethnic and racial backgrounds, have received a larger number of scholarship dollars from our limited resources and from those generated by Federal programs, state scholarships, private foundations, corporate philanthropy, alumni and other friends of the university.

In the current academic year, 82 percent of University of Hartford students are receiving some form of financial aid from one source or another for a total estimated at $11.2 million. The University of Hartford's contribution is $2,049,739. This compares with $793,032 spent in 1977.

As we prepare for the 1982-83 academic year, the university is facing a unique challenge. Student financial support programs, carefully developed out of the G.I. Bill of Rights at the end of World War II, appear to be imperiled. Since the Reagan Administration took office in January, Federal student-aid programs have undergone three rounds of cuts. The recisions from the fiscal year 1981 budget were followed by reductions in program ceilings imposed by the Omnibus Reconciliation Act and then by Administration-proposed appropriations below the reconciliation levels. At first, excess was reduced and properly so. But the knife has now moved from fat to lean.

Cuts in the need-based student aid programs for the Government's fiscal year 1981 totaled $600 million. This affected college students and their families from coast to coast. Reduced spending ceilings for higher education programs for fiscal years 1982, 1983 and 1984 as well as appropriation limits on the Pell Grant Program and parallel efforts, such as ceilings imposed on financial aid, result in a loss of $1 billion from "current policy" funding levels, which would have permitted continued support for currently eligible students and modest growth to reflect inflation.

Eligibility for guaranteed student loans was restricted to students with family incomes of $30,000 a year or less, or unmet demonstrated need of $30,000, and a 5 percent origination fee was established for each new guaranteed loan. Moreover, the interest on loans to parents was increased from 9 percent to 14 percent. Thus, the cost of borrowing has been increased 5 percentage points for all participants in the program and the new eligibility requirements will force an undetermined number of borrowers out of the program by next year. Experts estimate that the number affected could be one million students and possibly more.

Educational benefits in the Social Security program are to be phased out entirely by fiscal year 1985, with no new recipients as of June 1982 and current beneficiaries will experience an annual reduction of 25 percent. This step alone will eliminate one of the largest sources of student support.

Some 750,000 students now receive Social Security benefits totaling $2 billion annually, or one-fifth of the total Federal student aid. Since most Social Security beneficiaries are from families with extremely low incomes, the loss of these benefits will place severe strains on the other student-aid programs, which have also been reduced.

It should now be understood that the Reagan Administration proposes cuts on top of earlier cuts. The Administration's recommendations will have the following impact.

The neediest Pell Grant recipients would receive a maximum of only $1,670 and awards for others would have to be severely reduced or even eliminated. Since it costs over $1.6 billion annually to finance students with family incomes of less than $10,000 (over 1.5 million students), passage of the Administration's request of only $2.2 billion would leave an inadequate amount to aid those above the poverty level.

The number of Supplemental Educational Opportunity Grant recipients, a campus-based grant program, would be reduced by 75,000 students.

College Work Study recipients would be reduced by 110,000.

Fifty thousand fewer students would receive National Direct Student Loan awards.

Some 30,000 state scholarships would be ended by the elimination of the $9 million in State Student Incentive Grants.

Another Administration recommendation would remove the school interest subsidy from the Guaranteed Student Loan Program. This would endanger future lending if banks are forced to bill students while in school.

The Administration's recommendations represent a 30 percent cut in the "current services" level, a 16 percent cut in the Reconciliation Act levels, a 6 percent cut in the fiscal year 1981 levels and an 11 percent cut in the fiscal 1980 levels (despite a 20 percent increase in the Consumer Price Index). It's impossible at this time to determine the exact dollar effect, for the University of Hartford, for other universities or for the individual students and their families, since Congress has not yet taken final action on the President's proposal.

At the University of Hartford we will give scrupulous attention to each request for financial assistance. Plans are under way to insure that each student receives the maximum outside assistance for which he or she is eligible. Additionally, we will see to it that an equitable part of the university's resources go to our students. Finding additional money for scholarships from within our own operating budget is of top priority. With luck and industry we hope to be able to enhance student aid in a way unprecedented in the history of the University of Hartford.

We expect to encourage and assist students and their parents in exploring their eligibility for scholarship resources through employers, fraternal organizations, unions and similar groups. Further, we plan to underscore our "family-grant" program by which a full-time undergraduate day student who is the brother, sister, parent or spouse of another full-time undergraduate day student at the university may be eligible for a 50 percent reduction in tuition. Thus, two students can come for the price of one and a half. Triplets may attend for the tuition of twins. Also, student employment opportunities will be enhanced, both during the academic year and during vacation periods.

Institutions of higher education with modest means, such as ours, have limited capacities to respond to drastic reductions in Government aid. Ingenuity and prudence will be required to squeeze every penny on behalf of our students while continuing to deliver high quality educational programs.

Education is mistakingly being perceived of by the Reagan Administration as a national expense. Nothing could be further from the truth. Properly seen, Federal and state programs in support of student aid are investments in America's young people and in ourselves. The economic and cultural future of our nation depends on there being a trained, literate, competent, skilled population. The miracle drugs of tomorrow, the rockets to the moon, the agricultural and other breakthroughs that have won this country its primary position in the 20th century have not been by accident. They are the result of material resources combined with ingenuity and hard work. Cuts in student aid programs are a false economy that we will learn to regret in the years to come.●

IMPACT OF CURRENT POLICIES

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. STARK. Mr. Speaker, over the past several months I have been trying to put into words my thoughts on the mood of the country, and the impact of current policies upon our people. The following letter from a constituent of mine expressed the ideas I was grappling with, with such eloquence and with such insight, that I decided that my words were unnecessary. I would like to share the letter from this gentleman with my colleagues.

DEAR CONGRESSMAN STARK: I've corresponded (I hope communicated) with you on previous occasions.

I'm just as busy as every other working person. Most of my time is taken up with the mere struggle for survival; the never-ending battle, from the cradle to the grave.

Mr. Stark, I grew up during the depression of the thirties, in a family of eight children, back in Nebraska. I could fill an entire book writing about poverty. I shook hands with abject poverty.

I was just perusing the November 29, 1981 issue of "Parade." Read the short article about Franklin D. Roosevelt. "Too soon we get old. Too late we get smart." Seems to be a truism.

By golly, I really didn't know that John Edward Reagan, father of the incumbent President, was helped to survive by the Works Progress Administration, which was instituted by Franklin D. Roosevelt! These are the types of programs (for the young, the unemployed, the aged, the handicapped and unfortunate) which President Reagan wants to dismantle! It's sad.

Mr. Stark, I pose some questions: How the hell can we tear the guts out of our people, and still remain strong? If our people are not employed, contributing and happy, then how in heavens name can we be respected and strong any place on this earth? Please explain it to me, for I fail to comprehend.

I'll quote some words about Franklin D. Roosevelt: "Because he was born wealthy and believed firmly in the government's duty to help people who could not help themselves, he was denounced as a "traitor to his class," and a "socialist." He was neither. He was a President who promised the people a "New Deal." And he kept that promise."

I read recently where President Reagan wants more foreign aid and less domestic spending. I fail to comprehend, Mr. Stark. Please explain that to me. Also, please explain just how the money is going to "trickle down" to the unemployed.

One more question Mr. Stark: If all of the knowledge, expertise, knowhow, and the astronomical billions of dollars which finds its way to Washington, is not for the purpose of keeping people of America toward a better life, then just what is the purpose of it all? How in heaven's name can anyone tell an unemployed person to wait a couple of years to see if something will "trickle down."

I could express many more thoughts. But time doesn't permit. Just keeping in touch.

Most Sincerely,

THEODORE M. ZONA.

P.S.—Please explain the process of determining who is "truly needy" and who is not." I'm completely bewildered!●

COAST GUARD RE-APPROPRIATION BILL FOR FISCAL YEAR 1982

HON. DAVID F. EMERY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. EMERY. Mr. Speaker, I am today introducing legislation which I hope will have the effect of fine-tuning the fiscal year 1982 Coast Guard appropriations budget. As you will recall, the fiscal year 1982 Defense appropriations bill contained $300 million for Coast Guard vessels and aircraft, under the "Shipbuilding and Conversion, Navy" account. It is no secret that some members of the House Appropriations Committee opposed this add-on for various reasons, but the fact remains that the President signed this bill into law on December 29, 1981, and the $300 million is awaiting transfer from the Navy Comptroller's Office to the Coast Guard.

My bill would simply permit the Commandant of the Coast Guard, at his discretion, to use part of this $300 million add-on for operating expenses in addition to acquisition, construction, and improvements (ACI). My reasons are also simple. The Coast Guard had recently announced $46 million in operating expenses budget cuts for fiscal year 1982. These cuts will affect essential services in all areas of the countries, both coastal and inland. I have provided for the RECORD a copy of the Coast Guard press release from January 22, which indicates how the $46 million in savings are to be achieved. I think my colleagues will agree that these cuts will hurt virtually every State in the Union, and it is my hope that my bill will enable the Coast Guard to at least delay some of these reductions.

It is clear that my legislation will be controversial, but I would hope that all Members who care about the maintenance of essential Coast Guard services will have the courage to support me in my endeavor. It is a great shame that our first Navy, which defended the United States in her infancy, should now be funded at a woefully inadequate level, and I merely propose that the available funds be spent in a way that will maximize the many services that we have come to expect from the U.S. Coast Guard.

COAST GUARD-WIDE FISCAL YEAR 1982 CONSOLIDATIONS/STREAMLININGS

REDUCE COAST GUARD ACADEMY

New London, Conn.

REDUCE/RELOCATE COAST GUARD BAND

New London, Conn. (relocate to Washington, D.C.).

REDUCE COMMERCIAL VESSEL SAFETY/PORT AND ENVIRONMENTAL SAFETY FACILITIES

Close Marine Safety Office, Sturgeon Bay, Wisc. (establish Marine Inspection Office, Sturgeon Bay, Wisc.); move Marine Safety Detachment, Ludington, Mich., to Marine Safety Detachment, Muskegon, Mich.; Decommission CGC Bitt, Valdez, Alaska; close Marine Safety Office, Albany, N.Y. (establish Port Security Detachment, Albany, N.Y.); close Marine Inspection Office, Rotterdam, Netherlands; close Marine Inspection Office, Kobe, Japan; close Marine Inspection Office, Singapore; close Marine Safety Office, Guam.

a. Close commercial vessel safety documentation offices at:

Gloucester, Mass.; Belfast, Maine; Fall River, Mass.; Bar Harbor, Maine; Providence, R.I.; Louisville, Ky.; Pittsburg, Pa.; Hartford, Conn.; Wilmington, Del.; Baltimore, Md.; Washington, N.C.; Key West, Fla.; Jacksonville, Fla.; Baton Rouge, La.; Morgan City, La.; Biloxi, Miss.; Houston, Tex.; Lake Charles, La.; Port Huron, Mich.; Oswego, N.Y.; Chicago, Ill.; Toledo, Ohio; Port Townsend, Wash.; Tacoma, Wash.; and Guam.

Bath, Maine; Rockland, Maine; Bangor, Maine; Jonesport, Maine; Evansville, Ind.; Nashville, Tenn.; Bridgeport, Conn.; Philadelphia, Pa.; Cape Charles, Va.; Cambridge, Md.; Pensacola, Fla.; Ketchikan, Alaska; Charleston, S.C.; Savannah, Ga.; Houma, La.; Brownsville, Tex.; Apalachicola, Fla.; Cape Vincent, N.Y.; Erie, Pa.; Rochester, N.Y.; Muskegon, Mich.; San Diego, Calif.; Aberdeen, Wash.; Portland, Oreg.; and Charlotte Amalie, St. Thomas, V.I.

Portsmouth, N.H.; Salem, Mass.; Eastport, Maine; Newport, R.I.; Memphis, Tenn.; Minneapolis, Minn.; New London, Conn.; New Haven, Conn.; Reedville, Va.; Elizabeth City, N.C.; Wilmington, N.C.; San Juan, P.R.; Tampa, Fla.; Anchorage, Alaska; Port Angeles, Wash.; Galveston, Tex.; Port Arthur, Tex.; Detroit, Mich.; Duluth, Minn.; Saulte St. Marie, Mich.; Sandusky, Ohio; Eureka, Calif.; Astoria, Oreg.; and Beaufort-Morehead City, N.C.

Plymouth, Mass.; Calais, Maine; New Bedford, Mass.; Portland, Maine; Cincinnati, Ohio; Greenville, Miss.; Albany, N.Y.; Perth Amboy, N.J.; Washington, D.C.; Crisfield, Md.; Coos Bay, Oreg.; Brunswick, Ga.; West Palm Beach, Fla.; Mobile, Ala.; Corpus Christi, Tex.; Bellingham, Wash.; Milwaukee, Wisc.; Buffalo, N.Y.; and Ogdensburg, N.Y.

b. Close Merchant Marine licensing/certification function at the following offices:

Portland, Maine; Providence, R.I.; Wilmington, N.C.; Albany, N.Y.; Philadelphia, Pa.; Norfolk, Va.; Savannah, Ga.; Jacksonville, Fla.; Miami, Fla.; San Juan, P.R.; Mobile, Ala.; Port Arthur, Tex.; Corpus Christi, Tex.; Galveston, Tex.; Cleveland, Ohio; Buffalo, N.Y.; Detroit, Mich.; Duluth, Minn.; Chicago, Ill.; Paducah, Ky.; St. Ignace, Mich.; Minneapolis, Minn.; Cincinnati, Ohio.; Louisville, Ky.; Nashville, Tenn.; Pittsburgh, Pa.; Huntington, W. Va.; San Diego, Calif.; Portland, Oreg.; Valdez, Alaska; Milwaukee, Wisc.; Guam; Sturgeon Bay, Wisc.; and Juneau, Alaska.

REDUCE BOATING SAFETY PROGRAM

Close following boating safety detachments:

Boston, Mass.; Cape Cod Canal, Mass.; Lexington, Ky.; St. Louis, Mo.; Huntsville, Ala.; Hastings, Minn.; New London, Conn.; Fort Totten, N.Y.; Little Creek, Va.; Fort Macon, N.C.; Charleston, S.C.; Jacksonville, Fla.; Tampa, Fla.; Miami, Fla.; Mobile, Ala.; New Orleans, La.; Galveston, Tex.; Corpus Christi, Tex.; Niagara Falls, N.Y.; Ludington, Mich.; Two Rivers, Wisc., Huron, Ohio; Long Beach, Calif.; Stockton, Calif.; Seattle, Wash. (2); Sand Island, Hawaii; and Anchorage, Alaska.

CLOSE OCEANOGRAPHIC UNIT

Washington, D.C.

CLOSE/REDUCE COAST GUARD STATIONS

Close the following Coast Guard stations:

Station Eastport, Eastport, Maine; Station Dahlgren, Dahlgren, Va.; Station Ashtabula, Ashtabula, Ohio; Station Klamath River, Klamath, Calif.; Station Manistee, Manistee, Mich.; Station Harbor Beach, Harbor Beach, Mich.; Station Plum Island, Washington Island, Wis.; Station St. Clair Flats, Harsens Island, Mich.; Station North Superior, Grand Marais, Minn.; Station Kauai, Nawiliwili, Kauai, Hawaii; Station Parramore Beach, Wachapreague, Va.; Station Swansboro, Swansboro, N.C.; Station Two Rivers, Two Rivers, Wis.; Station Calumet Harbor, Chicago, Ill.; and Station Bellingham, Bellingham, Wash.

Reduce the following Coast Guard stations:

Station Burlington, Burlington, Vt.; Station Toledo, Toledo, Ohio; Station Holland, Holland, Mich.; Station Portage, Hancock, Mich.; Station Lake Tahoe, Tahoe City, Calif.; Station Grays Harbor, Tokeland, Wash.; Base Sault St. Marie, Sault St. Marie, Mich.; COSARFAC Support Team, San Pedro, Calif.; COSARFAC Newport Beach, GGC Point Divide (WPB-82337), Corona Del Mar, Calif.; COSARFAC Marina Del Ray, GGC Point Bridge (WPB-82338), Marina Del Ray, Calif.; Station Marblehead, Marblehead, Ohio; Station Belle Isle, Detroit, Mich.; Station Marquette, Marquette, Mich.; Station Bayfield, Bayfield, Wis.; Station Siuslaw River, Florience, Oreg.; and Station Quillayute River, La Push, Wash.

VESSEL DECOMMISSIONINGS

GGC *Evergreen*, New London, Conn.; GGC *Campbell*, Port Angeles, Wash.; GGC *Fir*, Seattle, Wash.; GGC *Walnut*, San Pedro, Calif.; GGC *Hollyhock*, Miami, Fla.; GGC *Bibb*, New Bedford, Mass.; GGC *Ingham*, Norfolk, Va.; GGC *Clover*, Eureka, Calif.; GGC *Citrus*, Coos Bay, Oreg.; and GGC *Mackinaw*, Sheboygan, Mich.

CLOSE VESSEL TRAFFIC SYSTEMS (VTS)

New York, N.Y.; New Orleans, La.; Berwick Bay, La.; and San Francisco, Calif.

DISESTABLISH AIDS TO NAVIGATION TEAMS

Disestablish Aid to Navigation Teams at:

Atlantic City, N.J.; Saugerties, N.Y.; Crisfield, Md.; Curtis Bay, Md.; Fort Macon, N.C.; Portsmouth, Va.; Charleston, S.C.; Fort Pierce, Fla.; New London, Conn. (subunit of New Haven, Conn.); Sheboygan, Mich. (merged with St. Ignace, Mich.); Dulac, La.; St. Simons, Ga.; Apalachicola, Fla.; Bay City, Mich.; Cape Vincent, N.Y.; Duluth, Minn.; Grand Haven, Mich.; Rio Vista, Calif.; and Mayport, Fla.

CLOSE ANCILLIARY RECRUITING OFFICES (SMALL)

Close	*Responsibility shifted to*
Danvers, Mass.	Boston, Mass.
Bangor, Maine	Portland, Maine
Rutland, Vt.	Springfield, Mass.
Brockton, Mass.	Boston, Mass.
Lowell, Mass.	Manchester, N.H.
Portsmouth, N.H.	Manchester, N.H.
Hyannis, Mass.	New Bedford, Mass.
Indianapolis, Ind.	Cincinnati, Ohio
Springfield, Ill.	Kansas City, Mo.
Knoxville, Tenn.	Lousiville, Ky.
Des Moines, Iowa	Omaha, Nebr.
Charleston, W. Va.	Pittsburgh, Pa.
Pekin, Ill.	St. Louis, Mo.
Little Rock, Ark.	Memphis, Tenn.
Nashville, Tenn.	Memphis, Tenn.
Johnstown, Pa.	Harrisburg, Pa.
Bayshore, N.Y.	Freeport, N.Y.
Poughkeepsie, N.Y.	Albany, N.Y.
Red Bank, N.J.	Newark, N.J.
Williamsport, Pa.	Harrisburg, Pa.
Trenton, N.J.	Philadelphia, Pa.
Atlantic City, N.J.	Philadelphia, Pa.
Hazelton, Pa.	Wilkes-Barre, Pa.
Allentown, Pa.	Wilkes-Barre, Pa.
Bridgeport, Conn.	Hartford, Conn.
New London, Conn.	Hartford, Conn.
Charlotte, N.C.	Greensboro, N.C.
Asheville, N.C.	Greensboro, N.C.
Wilmington, N.C.	Morehead City, N.C.
Elizabeth City, N.C.	Norfolk, Va.
Columbia, S.C.	Atlanta, Ga.
Savannah, Ga.	Jacksonville, Fla.
San Juan, P.R.	Miami, Fla.
Winter Park, Fla.	Tampa, Fla.
Ft. Worth, Tex.	Dallas, Tex.
Shreveport, La.	Dallas, Tex.
Beaumont, Tex.	Houston, Tex.
Austin, Tex.	San Antonio, Tex.
Corpus Christi, Tex.	San Antonio, Tex.
El Paso, Tex.	Albuquerque, N. Mex.
Chicago, Ill.	Niles, Ill.
Hammond, Ind.	Niles, Ill.
Akron, Ohio	Cleveland, Ohio
Saginaw, Mich.	Detroit, Mich.
Rochester, N.Y.	Buffalo, N.Y.
Syracuse, N.Y.	Buffalo, N.Y.
Grand Rapids, Mich.	Detroit, Mich.
Binghamton, N.Y.	Buffalo, N.Y.
Duluth, Minn.	Milwaukee, Wisc.
Riverside, Calif.	Long Beach, Calif.
Garden Grove, Calif.	Long Beach, Calif.
Inglewood, Calif.	Encino, Calif.
Stockton, Calif.	Sacramento, Calif.
Fresno, Calif.	Sacramento, Calif.
Santa Rosa, Calif.	San Francisco, Calif.
Eureka, Calif.	San Francisco, Calif.
Oakland, Calif.	San Jose, Calif.
Salinas, Calif.	San Jose, Calif.
Eugene, Oreg.	Portland, Oreg.
Tacoma, Wash.	Seattle, Wash.

CLOSE BASE SAN JUAN

San Juan, P.R.

CLOSE TRAINING CENTER ALAMEDA

Alameda, Calif.

RETIRE COAST GUARD AIRCRAFT VC4A

Washington, D.C.

REDUCE GROUPS

Specific units have not been determined. Expect that reductions will be spread throughout Coast Guard.

CLOSE TWO DISTRICT OFFICES

Second and Eleventh Coast Guard Districts.

CLOSE ACTIVITIES EUROPE, FAR EAST SECTION, MARIANAS SECTION AND GREATER ANTILLES SECTION

London, England; Yokota, Japan; Guam; and San Juan, Puerto Rico.

CLOSE/REDUCE AIR STATIONS (A/S)

Close	*Reduce*
A/S Savannah, Ga.	A/S Kodiak, Alaska
A/S Borinquen, P.R.	A/S Barbers Point, Hawaii
A/S Los Angeles, Calif.	A/S Elizabeth City, N.C.
	A/S Sacramento, Calif.
	A/S Astoria, Oreg.[1]
	A/S St. Petersburg, Fla.
	A/S Corpus Christi, Tex.
	A/S Cape Cod, Mass.

[1] HH-52A helicopters will be substituted for the H-3 helicopter allowance.

REDUCE SUPPORT PERSONNEL

Reductions of personnel spread throughout Coast Guard District and Headquarters Offices.●

CONGRESSMAN TONY HALL INTRODUCES BILL TO REVOKE DRUNK DRIVERS' LICENSES

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. HALL of Ohio. Mr. Speaker, today I am introducing a bill to encourage the States to revoke driving licenses for drunk driving convictions.

In order to be eligible to receive Federal highway safety funds, States would be required to provide for the mandatory suspension of driving privileges for drunk drivers. For fiscal 1982, this funding totals $107.3 million.

My bill would require that a driver convicted of driving while under the influence of alcohol would have his or her driver's license suspended for at least 1 year. A person convicted twice within a 5-year period would have the license permanently revoked.

I should emphasize that these revocation penalties would be minimum standards to be followed by the States. However, this is a tough crime which merits a tough penalty.

There are those who might be concerned about the impact of this legislation with respect to State's rights or the liberty of the individual. I think the best response to these objections was presented by Pastor Bruce W. Morgan of Dayton, Ohio, in the first Baptist Church Courier:

But the problem transcends the issues of State's Rights and Individual Freedom. The moral issue of protecting and safeguarding our citizenry carries a mandate worthy of federal consideration. Inevitably, the individual must bear the responsibility for his/her decisions and behavior in climbing behind the wheel of a car. But society's norms must proscribe limits to individual freedom so that the good of the whole is equally protected.

As State motor vehicle divisions across the Nation continually emphasize, driving is a privilege, not a right. Those who abuse this privilege must be prepared to suffer the consequences of losing it.

It is well known that 26,000 Americans die every year as a result of drunk driving. Just during this past 3-day New Year's Day weekend, 338 traffic fatalities were recorded. More than half of those killed were involved in alcohol-related accidents.

It is particularly alarming that so many of these accidents involve repeat drunk driving offenders. Mr. F. Jay Newberry, the prosecuting attorney in Kettering, Ohio, recently brought the following example of this to my attention:

As the Kettering Prosecutor I handle a great number of DWI prosecutions. I recently prosecuted a man for his ninth DWI offense; he had been granted driving privileges in 1980 following his eighth conviction for DWI!

We cannot permit this kind of conduct to continue. We simply have to get the drunk driver off the road.

My colleague from Maryland, Mr. Barnes, has introduced H.R. 2488, a comprehensive bill to encourage States to deter drunk driving and to punish and rehabilitate those convicted of driving while under the influence of alcohol. I support this bill and I commend its emphasis on intergovernmental cooperation to address this problem.

The bill I am introducing is intended to be compatible with H.R. 2488. My bill addresses only the mandatory license suspension issue. I think the penalties in this regard should be tougher than those in H.R. 2488. Since driving truly is a privilege, I believe that licenses should be swiftly revoked for drunk driving violations.

My legislation does not deal with the issues of mandatory prison sentences, requirements for community service, intoxication standards, State record systems, or participation in alcoholism treatment or traffic safety programs. I realize that these requirements are an important ingredient of a comprehensive and coordinated response to the challenge of drunk driving; nevertheless, my focus is the driving privilege itself. There is no reason for the States to continue to bestow the driving privilege on those who demonstrate that they are a threat both to themselves and to others when they get behind the wheel of a motor vehicle.

On an average weekend night, 1 out of every 10 drivers on the road is drunk. Admittedly, it is difficult to prevent many of these individuals from driving.

A first step, however, is to take away their licenses when they are convicted. Once these persons are off the road, we can provide the appropriate punishment, treatment, or rehabilitation each requires. Our immediate concern, though, must be to prevent them from having the opportunity to become a moving danger on our roads.

I hope that my colleagues will support this legislation. I think it could be an important part of a national effort to combat the drunk driving challenge.

For the benefit of my colleagues, the text of the bill follows:

H.R. —

A bill to amend section 402 of title 23, United States Code, relating to the establishment by each State of a program to require the mandatory suspension of persons convicted of driving while under the influence of alcohol as a part of its highway safety program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 402(b)(1) of title 23, United States Code, is amended by adding at the end thereof the following new subparagraph:

"(H) provide that (i) any person convicted of driving while under the influence of alcohol shall have his license or privilege to drive a motor vehicle suspended for not less than one year and that (ii) any person convicted of driving while under the influence of alcohol twice in any five year period shall have his license or privilege permanently revoked.".

SEC. 2. The amendment made by the first section of this Act shall become effective the day after the last day of the two-year period beginning on the date of enactment of this Act.●

THOUGHTS OF FEDERALISM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, December 23, 1981, into the CONGRESSIONAL RECORD:

THOUGHTS ON FEDERALISM

The relationship between Washington and the states and cities—"federalism", in a word—looms large on the nation's agenda.

Today's federalism has frequently been criticized. Experts charge that the federal government's role is too costly, unmanageable, ineffective, intrusive, and pervasive. President Reagan thinks that sound principles of federalism have all but disappeared as a guiding force in national government. Even those who support the current federal system have begun to air their misgivings about its complexity and lack of balance. The criticisms and misgivings are well-taken. Two decades ago, 132 intergovernmental fiscal programs amounted to something more than $7 billion. Today, nearly 500 such programs cost $88 billion. In 1960, intergovernmental aid went almost wholly to the states. Now, about 65,000 units of government receive it. Federal grants to state and local governments have doubled as a portion of federal outlays and state and local budgets in 20 years. More than 1,200 federal rules and regulations had been imposed on states and localities by the end of 1980, but there were almost none in 1960.

The President has a three-part program to bring about a "quiet federalist revolution". First, he favors budget cuts, not just for fiscal restraint, but also to strengthen the role of states and cities by diminishing federal power. Second, he wants to use block grants to reduce federal regulation and return control of programs to state and local governments. The ten block grants just approved by Congress are "bridges" to transfer programs from the federal to the state level. Third, he believes that the federal government has "pre-empted the states' tax base". Thus, he has spoken of turning back to the states the revenues now being "usurped" by Washington.

While the President's basic views on federalism have gained some support, progress toward his ultimate goal may not be smooth. Budget cuts curtail federal power, but they also hit state and local governments when the loss of aid cannot be easily afforded. Resistance to state and local tax hikes means that much of the loss will not be made up. Moreover, the recent tax cut is eroding revenues in many states whose taxes are linked to federal receipts, and the deficits produced by it will raise interest rates and the cost of borrowing for cities. Many state and local officials wonder how they will pay for necessary services and long-overdue repairs in infrastructure. Block grants, too, receive mixed reviews. Some governors complain that there are still too many regulatory "strings" attached to the aid. More have voiced concern that the 25 percent cut in federal funding passed along with the block grants is too great to absorb without disruption. Among the states, there is a definite feeling that the block grants mean more responsibility, little new authority, and less money. The tax turnback is the least clear part of the President's program. Although his aides are said to be studying various options, recommendations have yet to surface.

There is a clear need to "sort out" federal, state, and local roles in government by defining which governmental functions are national, state, or local, by examining how the functions are allocated among the levels, and by realigning the functions so as to restore balance to the federal system. The states prefer that Washington have welfare, housing assistance, medical benefits, and nutrition as well as national defense and economic affairs. More authority would be returned to state and local governments for education, transportation, law enforcement, and other functions which until the last two decades had been almost all theirs. Others, including the President, prefer that Washington remove itself from most domestic functions, including welfare, and return them to states, localities, and the private sector.

Several thoughts occur to me as I consider this emerging discussion of federalism:

The role of government.—The reductions in federal spending force us to think carefully about the role of government in our country. We should not accept the proposition that government is worthless. Most of us know that government has functions to perform even if we worry that it is sometimes excessive. "Sorting out" aims not to destroy government, but to make it efficient and effective.

The need for equity.—Most of us agree that cuts must be made, but if they are made then there must be equity for the middle class and the poor. Equity is not an ornament in the federal system; it is an essential aspect of it.

Pragmatism in decision-making.—We should not approach "sorting out" with preconceived notions. Our aim should be to improve the way government performs. The question is not which theory of federalism to apply, but which level of government can handle the function with the most efficiency. We should be less ideological in "sorting out", and we should be willing to try non-government options.

The importance of politics.—Our view of federalism has not evolved from a guiding doctrine of government. Rather, it has grown out of many political decisions made over the years. The result of "sorting out" will not be a neat division of functions. The nature of our federal system takes its shape, not from theory, but from the decisions which emerge from the give-and-take of the political process.

Taking care with states and cities.—In this period of fiscal restraint, heavy burdens are being placed on states and cities. They must raise enormous sums of money to rebuild infrastructure and maintain services. "Sorting out" must not be an excuse the federal government uses to ignore their needs.●

HANDGUN BODY COUNT, NOVEMBER 1981

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. LEHMAN. Mr. Speaker, the handgun body count has climbed still higher. For the month of November 1981 there are 704 reported handgun deaths. From January 1, 1981, through November 7,595 persons were victims of handguns.

It appears that 1982 will continue this tragic trend. The United States began the new year with what has become sadly typical news—handgun murders. Across the country, more than a dozen people were killed during their New Year's celebrations.

I hope this news will help persuade Congress to set a strong explicit gun control agenda, and halt the carnage.

The list follows:

HANDGUN BODY COUNT, NOVEMBER 1981

ALABAMA (14)

Philip Ardizone, Mary Austin, Mario Bush, Kenneth Cartwright, Rev. J. Chandler, Isla Ferlisi, Bernice Harville, Calvin Johnson, C. W. Lawson, Willie Playne, Frank Quarles, Steve Watkins, Ann Williams, Evans Williams.

ARIZONA (10)

Ricardo Casillas, Joseph Fedie, Carol Pierre, Richard Radcliff, Raynaldo Ruiz, Florence Stanley, Blanton Sharrette, Daniel Ullery, Henry Walker, Danny Zufelt.

ARKANSAS (3)

Burl Carr, T. W. Collingsworth, Betty Thornton.

CALIFORNIA (80)

Phillip Adkins, Felipe Alcantar-Ramirez, Deborah Archer, Michael Avila, Tomasa Baez, King Baker, Robert Borton II, Bobby Brownlee, Henry Buchman, Eunice Burton, Elsie Castillo, John Clark, Frank Cologgi, John Crahan, Linda Cruz, Stephen Delpero, David Del Rosario, Marie Dollar, Robert Dolmorro.

Charles Durr, Juan Escobedo, Richard Gaderson, Jaime Garcia, William Goble, Alonzo Graham, Mike Graves, Oscar Guerrero, John Hernandez, Michelle Harrell, Ivy Harris, Kurt Hochwarth, Brian Howard, John Howard, Thomas Hunter, Michael Jones, Michael Kelley, Kwang Kim, Felix Ku, Dr. Lee McCollough, William Mulhall, Antonio Munoz, Nerio Nava.

Marcia Nevill, Kishisaku Nohara, James O'Callahan, Arturo Ochoa, Marco Orozco, Guadelupe Ortega, Donnie Perry, Albert Quinones, Vinnie Roberts, Teddy Rogers, Alfredo Romero, Rigoberto Romero, John Scott, Donald Sharp, Klaus Smith, Andrew Sotelo, Gregory Stearns, Barbo Tetzloff, Yousef Tisawaq.

Richard Trotter, Jr., Rick Villaneuva, Guillermo Walker, Oler Walker, Audrey Whittington, Jacqueline Wilkerson, Raymond Wilson, Harriette Wolffers, Nestor Wolffers, Yeng Yang, Robert Zuzak, unid. female, 7 unid. males.

COLORADO (13)

Jerald Ames, Joseph Barela, Cleveland Green, Essel Levin, Thomas Lewis, Sr., Alfred London, Yvonne Rabb, Wayne Sills, Jully Simmons, Wendy Watt, Lucille Wood, David Wright, unid. female.

CONNECTICUT (3)

Anthony Corsino, Melvin Kelley, Eric Weathered.

DELAWARE (5)

Ralph Baynes, Robert Bright, Julianne Westerman, Caroline Wise, Wilbert Wise.

DISTRICT OF COLUMBIA (11)

Patrick Godfrey, Lord Hinton, Gary McKenzie, Doris McNeil, Neil McNeil, Roselle Newman, William Reed, Norma Remington, Joanne Taylor, David Wright, unid. female.

FLORIDA (63)

George Bangert, Lily Bangert, Santiago Blanco, Dale Bolger, Nicola Bruno, Omar Cadavid, Carlton Carey, Joseph Cholico, Edward Crutchfield, Eugene Desmet, Luis Feliciano, Carmen Fernandez, Marian Glosser, Stanley Glosser, John Green, Lucian Green, Angeline Hall, Victor Herrada, William Johnson, Walter Kemp, Francis Krupansky, Alan Levine, Marcia Levine, Judy Lyle, Johnnie Loud, Mirelio Marzo, Wayne McBride.

Eddy McMullen, John Owens, Carlos Pena, Edilfonso Perez, Kenneth Richards, Jane Rico, Thomas Rizzotto, Yvonne Roberts, Elbert Rollins, Ramiro Ruiz, Lorenza Simon, Alice Smith, Charles Smith, Donny Smith, Beatriz Ugaloe, Evelio Valdez, Randy Vickers, Robert Watson, John Will, Donald Williams, James Wrisley, unid. female, unid. female, unid. female, unid. female, 10 unid. males.

GEORGIA (8)

James Anderson, Gerald Ball, Reginald Byrd, Harper Ennis, Eddie Keene, Luior Mayo, Joe Tweedy, Joseph Williams.

HAWAII (2)

John McKay, Venerando Rivera.

IDAHO (1)

Valerie Walters.

ILLINOIS (90)

Joyce Adams, Fred Alexander, Grace Barnes, Calvin Benton, Elsie Boyd, John Bukala, Guadalupe Carrazco, Ronald Carter, Garry Cate, Dale Cedric, Vincenzo Chivetta, Sharon Croarkin, Izear Davis, D. C. Dunn, Frederick Edwards, Willie Felps, Pauline Fiqueroa, Claudio Flores, Jon Fukumori, Claudia Furez, Edwin Gaenzle, Patricia Garrett, Steven Geska.

Joanquin Gonzalez, Juanita Grayhouse, Palmer Harris, Alden Hartstein, Robert Hendricks, George Johnson, Jimmi Johnson, Edward Kamradt, Anthony Kenny, Dorothy Kleefish, Nicole Lee, Lonnie Lewis, William Linn, Jose Lopez, Raphael Lopez, Leona Loveling, Michael Lovemore, Jimmy Maldonado, Graylin Mardis, Nancy McBroom, William McMurtry, Francisco Merica, Kenneth Middleton.

Peter Mueller, Tom Naughton, Mark Kelson, Linda Kiksouk, Robert Parker, Donald Pender, James Quimet, David Radnis, Ronnie Ratliff, Felina Reed, Debra Richey, Javier Rico, Toney Rivera, Alonzo Robertson, Betty Ross, Joan Roulette, Alfred Russ, William Ryan, Arnulfo Sanchez, Helio Sanchez, Ramon Sanchez, Willie Sanders.

Edward Siewertsen, William Spruille, Carlotta Sweet, Lee Thompson, Ted Tolwinski, Galindo Valente, John Varellas, George Vasquez, Daniel Wall, Larry Watson, Frederick Williams, Donald Wilson, Joseph Wilson, Joseph Winter, Helen Zsetenyi, unid. male, unid. male, unid. male, unid. male, unid. male, unid. male.

INDIANA (13)

Louis Brown, Thomas Dawson, Phillip Dillard, Larry Edwards, Mary Farrell, Marie Ferrell, Brenda Ferrell, Victoria Fuqua, Eric Long, Robert Koontz, Charles Narwood, Floyd Scott, Michael Simpson.

IOWA (3)

Charles Kennicker, George Leonard, Eugene Tappa.

KANSAS (8)

Claudine Berry, Gary Brady, Otis Colbert, Edgar Heidel, Anthony Lampkins, Gabriel Robles, Maria Robles, Aimee Uffner.

KENTUCKY (1)

Douglas England.

LOUISIANA (13)

Rita Babbin, Carl Cage, Dannielle Frazier, Robert Gabriel, Andrew Hunter, Roy Johnson, Marillo Lozano, Clyde Maddox, Brian Meiners, Alfred Pleasant, Frank Rocissano, Kella Varnado, Albert Welton.

MAINE (4)

Gail Curtis, Beverly Hall, Curtis Samson, Joseph Samson.

MARYLAND (19)

Randolph Carr, Essy Davis, Alfred Dranier, Herbert Durham, David Gibson, Michael Harris, Ronald Heatwole, Percy Henry, Jr., Joseph Hudson, Jr., Walter King, Frederick Musser, David Tyson, Allan Wilson, unid. male, unid. male, unid. male, unid. male, unid. male, unid. male.

MASSACHUSETTS (7)

James Black, Brian Cropper, Lionel Fredette, Robert Kemp, Penny Matherson, Michael McCray, Horace McNab.

MICHIGAN (44)

Terry Andrews, Denise Bailey, Nathan Barrow, Wayne Bogich, Ernest Brosch, Vivian Brown, Albert Cash, Terence Cordle, Chester Davis, Talal Dazko, Stephen Escalante, Charles Fulp, William Garvey, Linda Glazer, Ronald Griffin, Michael Hawkins, Curtis Huey, Latonya Hughes, Donald James, Alonzo Johnson, Wilma Kennedy, Robin Lord.

Mildred Loving, James Martin, Desmond McClusty, Rodger Meador, Louis Morales, Lige Mull, Marcus Pearson, Carl Pebbles, Clarence Perry, Joanne Phillips, James Pratt, James Price, Johnathon Rhodes, Harry Smith, Ramona Stoudemire, John Strickland, Gary Stringfield, McCarroll Tyus, W. C. Williams, Glover Wilks, unid. male, unid. male.

MINNESOTA (7)

Francis Drager, Rodney Eskridge, Gerald Howard, Deputy Sheriff Lawson, Arden Lyback, Venessa Pena, Anthony Webb.

MISSOURI (17)

Bruce Davis, Raymond Frye, Jr., Michael Gathing, Harriette German, William Gess, Vencent Harvey, Dennis Johnson, Linda Keaton, Ann Keller, Robert Keller, Walter Lockett, Jr. Billy Rabun, Michael Tolbert, Stanley Tucker, Michael Vesci, Lee Weathers, unid. male.

MONTANA (2)

Raymond Flack, Katherine Ross.

NEBRASKA (1)

William Swierczek.

NEW HAMPSHIRE (1)

Norman Owens.

NEW JERSEY (8)

Albert Avella, Michael Bowe, Gregory Cook, Bonnie Griner, Carol McGreagor, John Morris, Pedro Quinones, Allan Shapiro

NEW MEXICO (5)

Flaud Finley, Sam Finley, Lupita Garcia, William Monnereau, unid. male.

NEW YORK (38)

Andrew Behan, Johnnie Bell, Craig Bender, Dino Boneta, Anna Chester, Shye Chester, James Collums, Ronald Copobianco, David Davidson, Arcadio Feliciano, Ronnie Goldsmith, John Gomes, Eric Grant, Richard Groshut, Evelyn Kirkman, Burant Lee, Barbara Luddy, Jay Moore.

Juan Pena, Moses Pinnock, Israel Prieto, Carmen Santos, Saul Santos, Julio Soto, George Spencer, Merle Spicer, Julius Thomas, Steven White, Dr. John Wood, Jr. unid. female, unid. male, unid. male, unid. male, unid. male, unid. male, unid. male, unid. male.

NORTH CAROLINA (14)

Patrolman Edmond Cannn, Edward Cook, Elline Cook, Dennie Enevold, Doris Ertzberger, Ruth Grzegorzewski, Aubrey Hodges, Maylon Johnson, Andrew Klein, Marinus Reynders, Manuel Segarra, James Walton, Jimmy Williams, unid. male.

OHIO (12)

Meisha Blabock, Felix Chavez, Thomas Coulter, Elizabeth Dado, John Dado, Donnie Downard, Betty Hayes, Pete McKinnon, Herbert McElrath, Cathy Moore, Kenneth Searcy, unid. male.

OKLAHOMA (4)

Keith Brown, Brian Casey, Carl Jackson, Monita Kern.

OREGON (5)

Ted Damm, Peter Miller, Leslie Moorehead, William Roper, Lyle Valentine.

PENNSYLVANIA (26)

James Bates, Celia Becker, Francis Becker, Marie Becker, Thomas Brisbane, Matthew Cianciulli, Valerie Dorsey, Virginia Edwards, Angela Emerich, Robert Graves,

Brique Hairston, Daniel Hood, Earl Johnson, Robert Kragle, Thomas Morton, George Phipps, Ronald Presbery, Charles Price, Martha Quinones, Margaret Regas, Carroll Ritchie, Christopher Rocki, John Smith, Dylan Thomas, Mary Wanner, Carol Warren.

SOUTH CAROLINA (3)

Paul Brown, Jr., Monty Edwards, Rodney Stubbs.

SOUTH DAKOTA (1)

Ralph Gilquist.

TENNESSEE (13)

Dr. James Beaty, Stella Beaty, Lawrence Bieghler, Eleanor Cross, Alfred Evans, Jr., Dennis Fugatt, Johnny Harrell, Jr., George Rayford, Richard Rodriquez, Paul Slankard, Randy Vanatta, Peggy Vaughn, John Young.

TEXAS (99)

Kevin Alexander, Alfred Anzaldua, Howard Ardoin, Sr., Margarito Ayala, Richard Bailey, Alexander Bean, Jr., Vicy Berry, James Bolden, Tony Boyd, Sherman Brown, Rodney Brown, Samford Brown, Larry Burroughs, Armando Carreon, Amado Casillas, Jr., Tracey Chung, James Collums, Armando Cruz, Amado Casillas, Jr., Jesus Cruz.

Melvin Dibrell, Ramon Duenes, Margaret Ensign, Albert Farrand, Phyllis Fassauer, Michael Ferron, Royce Gammons, Mary Garcia, Jack Garrett, Betty Gay, Abilino Gonzalez, Jackson Gray, Ronald Greene, Janie Gryder, Alan Hammonds, Douglas Hawkins, Alfonso Hernazndez, Andres Hernandez, Eugene Howard, Johnny Howerton.

Damion Horn, L. C. Hubbard, Ahiga Hudson III, Carlton Hudson, Mike Huggins, Dorothy Hunter, Johnny Jackson, Fred Johnson, Junius Jones, Ben Kirby, Mary Kirby, Donald Latham, Joe Ledesma, John Leonard, Thornton Lewis, Jr., George Martinez, Sr., Raul Martinez, James McGahee, Jr., Elroy Meyers, Jimmie Morris.

Delmiro Ortiz, Kevin Phillips, Robert Phillips, Carlos Pineda, Juan Ponce, Michael Potts, J. Malcom Roberts, Robert Routliffe, Phillip Ruelas, Roberto Santos, Tabino Sacarillas, Thomas Sandoval, Raymond Shutter, Bobbie Smith, Clifford Stanley, Joseph Starrett, Sandra Stiles, Carl Thompson, Larry Tiller, Rachel Tonche.

Armando Trevino, Jerry Tubbs, K. Kevin Tucker, Miguel Villalobos, Lorenzo Villanueva, Janetta Williams, Walter Williams, Jimmy Wilson, Woodrow Wilson, unid. female, unid. male, unid. male, unid. male, unid. male, unid. male, unid. male, unid. male, unid. male, unid. male.

UTAH (1)

Aida Martinez.

VIRGINIA (19)

Mary Archie, Donald Benson, Paula Boyd, Heren Cabacar, Dorothy Elliott, Thomas Hicks, Robin Holland, Barry Horner, Deborah Jones, Raymond Payne, Fredrick Preston, John Shaffer, Maria Shaffer, Vernon Shifflett, Carlton Sivells, Richard Smith, Richard Sunday, Jimmy Powers, Bruce Tiemens.

WASHINGTON (6)

Janet Benn, Kevin Hall, Dennis Halvorson, Greg Motten, Augustine Saucedo, Billy Sondergaard.

WEST VIRGINIA (5)

Raymond Blackburn, Jr., Ronald Cook, William Lankford, Cynthia Miller, Ronald Summers.

WISCONSIN (4)

Arden Dietsche, Lenora Dietsche, Wilbur Dietsche, Loren Stolt.●

IAN PAISLEY'S VISA

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. MINISH. Mr. Speaker, I rise today to commend the State Department for their wise decision of December 21, 1981, to invalidate the visa of Mr. Ian Paisley. This decision is just. It is also consistent with the general State Department policy to deny visas to people who are known to be responsible for terrorism in a foreign country.

As the leader of Ulster's militant Protestant Democratic Unionist Party, Mr. Paisley's activities serve the forces of terrorism and violence now raging in Northern Ireland. Terrorism cannot be justified, no matter in what cause it is perpetrated.

Moreover, Mr. Paisley's actions only contribute to the hardened intolerance and secular division in Northern Ireland today and consequently in inimical to our commitment to a peaceful resolution of the dispute.

Mr. Speaker, I believe that the State Department exercised its legitimate right to deny visas to those whose presence they feel will not be in the interest of the United States or of world harmony. I applaud them for their judgment in the case of Mr. Paisley.●

WHY AMERICA NEEDS FARMERS

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. BRINKLEY. Mr. Speaker, each year, the Georgia Farm Bureau Federation sponsors a statewide essay contest for all seventh graders on the topic of the importance of agriculture in American life. This year's prize-winning essay was written by an outstanding 12-year-old student from Thomaston, Ga.'s, R. E. Lee Junior High School—Miss Mandy Hughes. Mandy's award-winning essay, entitled "Why America Needs Farmers," triumphed over 80 other entries. The daughter of Dr. and Mrs. Alton Hughes, Mandy was named Upson County's 1980 Outstanding Cloverleaf 4-H'er and is a talented musician and public speaker.

Mandy's thoughtful commentary on the vital role of farmers to the community, State, and Nation provides insight and understanding far beyond her years. I commend a careful reading of the enlightening text which follows to my distinguished colleagues:

WHY AMERICA NEEDS FARMERS

One reason America is a great nation is because she is a well-fed nation. For this, we can thank our farmers. America would not long remain great without her farmers.

One only need look at the communist block countries, such as the Soviet Union, to see that their biggest problem is feeding their people. These are countries with natural resources equal to ours. They have bought agricultural equipment and technology from us, and still they can not produce as well as we.

With equal resources and equipment why is it that American agriculture is superior? Not only are our farmers collectively outproducing those of the other nations, they do it with less people. This frees a high percentage of our population to work at other jobs, which contributes to making our nation great.

Farmers are the root of many jobs. Through their efforts, others process, promote and market agriculture products, thus increasing American farm trade.

America needs her farmers for more than just the obvious reasons. Sure, they supply us with food and fiber; but more important than this, they represent the main spoke in America's wheel of progress.●

EL SALVADOR

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Foreign Affairs Newsletter for December 1981 into the CONGRESSIONAL RECORD:

EL SALVADOR

The United States backs the moderate junta in El Salvador. It contends that the centrist government of Jose Napoleon Duarte is the only alternative to control by the extreme rightist military or the extreme leftist guerrillas. The main issue for the United States is whether to stay with the junta as it moves toward elections or to push for a negotiated settlement.

The roots of the conflict in El Salvador are found in the heavy concentration of wealth and power in the hands of a few Salvadorans. In 1973, for example, the top 10 percent of the population owned 80 percent of the land, while the bottom 10 percent owned only 0.4 percent. Over half the country's people had annual incomes below $250 that year.

During the 1960's and 1970's the traditional structures of authority in El Salvador, already eroded by growing social and economic tensions, began to disintegrate. Violence spread, and in an attempt to stabilize the country and stimulate evolutionary change a cadre of military men overthrew the government of Carlos Humberto Romero in the fall of 1979. Since then, three civilian-military juntas have ruled El Salvador, the last led by Mr. Duarte. Each junta has struggled to stop the violence, initiate reforms, and hold elections. Many Salvadorans were pleased with the long overdue reforms, but extremists of both the left and right reacted by intensifying the violence. About 12,000

Salvadorans died in 1980 in circumstances of rising chaos. The civilian death toll nearly exceeded 11,000 in the first nine months of 1981.

The politics of violence in El Salvador date back decades, and the forces of violence still hold sway there today. On the far right are many groups, including ORDEN, an organization with a rural base and close ties to local security forces. These groups have employed tactics of indiscriminate assassination over the last several years. The control of rightist violence has been hampered by the disruption of the courts and by the ongoing war. It is alleged that rightist groups are tied to elements in the armed forces.

Althought the right-wing groups pose a serious threat, an equally great danger comes from armed groups of the far left and the so-called "popular organizations". In a series of secret strategy sessions, the Cuban government apparently unified these groups with other disaffected Salvadorans to form the DRU and the FDR. The first is a paramilitary organization; the second is a political one. Both receive substantial assistance from Cuba. The armed ranks of the guerrillas may number some 3,000 to 4,000, and they have much freedom of movement in rural regions. However, their ability to undermine the Duarte government has not been shown. Their "final offensive" of January, 1981, failed without generating much popular support.

Although the extremist groups of both the left and right continue to try to impose their will on El Salvador, most Salvadorans seem to desire no more than an end to the violence. The Duarte government has made some progress. In March of this year, a special commission was appointed to prepare for elections to a constituent assembly in 1982, and in July a law was passed making all parties which accept democratic procedures eligible to participate in the elections. Whether the elections can be successful in a climate of violence remains to be seen. The Duarte government hopes gradually to establish civilian authority, induce the military to abstain from involvement in politics, and bring the far right under control. It has banned paramilitary forces and has improved the nation's security somewhat, but grave problems remain. The armed forces themselves continue to commit abuses, thereby playing into the guerrillas' hands. They have some 20,000 in their ranks and they are better trained, but they have not been able to win on the battlefield.

Progress on land and banking reforms has been slow, but the Duarte junta has shown that change, albeit modest, can come by institutional means. The church, trade unions, agrarian organizations, professional bodies, and businesses are becoming more engaged in the search for peace. The emerging consensus against violence could be important in the coming months. There is no consensus, however, on the best way to end the violence. The Duarte government rejects negotiations with the guerrillas and seeks to establish itself through elections even if the guerrillas do not participate. The guerrillas want to talk, but perhaps only to gain time.

The policy of the United States is to support self-determination for the people of El Salvador, to help create a process leading to free elections, to back the Duarte government with economic and military aid as it tries to reform, and to help put an end to all terrorism. At the root of its policy is the belief that the only alternatives to the far-from-perfect Duarte junta are unacceptable extremists on the right or left. The United States also seeks to stop the flow of arms into guerrilla hands, and it is against negotiations at this time. Opposition to talks has put the United States at odds with some of its major European allies and Mexico, which favor a negotiated settlement as the least expensive and quickest solution. In addition to diplomatic support, the United States has given economic and military aid to El Salvador, the former three times as ample as the latter. Nearly $200 million in economic aid has been sent to El Salvador in 1980 and 1981. A small contingent of American military advisers forms part of the program of military aid.

The savage events of recent years have created enmities in El Salvador which will not be forgotten soon. Salvadoran society is deeply divided today—and very well armed. The process of healing, once begun, will take time. Most Salvadorans want that process to start. The future holds the battlefield, the ballot box, or negotiation. There is deadlock on the battlefield; fair elections or fruitful negotiations will be very difficult to conduct. The United States must persist in its efforts to find a settlement which reflects the will of the Salvadoran people.●

SUBSIDIZING RACISM

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. SCHUMER. Mr. Speaker, the Reagan administration's recent decision to overturn the 11-year-old Federal policy of prohibiting tax exemptions to segregated schools demonstrates its profound insensitivity to the effects of descrimination. None of the administration's further actions on the issue have altered one meaning of the original decision—that segregated institutions may be supported by the Nation's taxpayers. The following New York Times editorial and op-ed piece of January 12 and 19, aptly describe the racial insensitivity of the administration's decision:

SUBSIDIZING RACISM

(By Tom Wicker)

With its decision to grant a Federal tax exemption to segregated private schools, the Reagan Administration has moved from a lack of interest in fighting racial discimination to active promotion of it.

Never mind the sophistical explanation being offered. An 11-year-old Federal policy—first in effect under President Nixon—has been reversed. The reversal restores tax exemption to more than 100 private schools and other organizations that had lost it because they practiced segregation.

Many more segregated schools that have never been tax-exempt will now gain that status. And new segregated schools will be organized to take advantage of the policy reversal. Those who contribute to any of these schools can take a Federal tax deduction for doing so; and all the schools will be excused from paying unemployment, Social Security and Federal income taxes.

If that isn't actively promoting racial discrimination, what is? And it's out of the taxpayers' pockets at that.

No wonder, therefore, that Representative Shirley Chisholm of Brooklyn declared in Richmond, Va., in services memorializing Martin Luther King, Jr.:

"The dreams of the 60's and 70's have turned into the shrinking reality of the 80's. . . . We [blacks] must realize that the gains made during the past 15 years are being taken away one by one."

Here's only a partial record:

The Reagan Administration has said it will no longer seek or enforce busing orders for school desegregation.

The Justice Department will seek reversal of a Supreme Court decision approving a voluntary affirmative action program—despite President Reagan's apparent approval of it at a news conference.

Mr. Reagan wants to water down a 10-year extension of the Voting Rights Act already passed by the House.

Neither he nor the Justice Department has lifted a finger to oppose a pending Senate bill that would strip the Supreme Court of jurisdiction in school segregation cases.

There's plenty more. Mr. Reagan's budget cuts have hit hardest at minorities and the poor. His economic policies have produced 8.9 percent unemployment—a figure expected to hang above 9 percent in coming months—and that translates into 16.1 percent unemployment for blacks, a rate near the record.

But at least the Administration can argue plausibly that busing hasn't worked, although there's ample evidence to the contrary. It claims to be opposed only to "goals and quotas," not to affirmative action itself. And Mr. Reagan belatedly says he supports extension of the Voting Rights Act—but only with the changes he wants.

Similarly, the Administration now argues that its tax-exemption ruling is not an endorsement of school segregation. The nondiscrimination policy of the last 11 years, it says, gives the Internal Revenue Service too much power; only Congress should have the authority to decide who gets tax exemption and who doesn't.

That does not just happen to be what discriminatory schools like Bob Jones University in Greenville, S.C., have been saying in Federal court. It does not just happen to be the reverse of what the Justice Department was telling the courts as recently as September. It does not just happen to fly in the face of a three-judge Federal court's order in 1971, later affirmed by the Supreme Court, holding that the Government could not legally grant tax exemption to racially discriminatory private schools.

All of that is quite deliberate, as is the Administration's ignoring of the fact that Congress has had ample opportunity in 11 years to legislate policy if it felt the need, or to change existing policy—which was, in fact, at least partially based on legislative history as unanimously interpreted by the Nixon, Ford and Carter administrations.

Not even the most ardent Reaganites will be able to claim a "mandate" from the people for Mr. Reagan's reversal of this longstanding and widely accepted Federal effort to penalize existing discrimination and prevent more. But it's not hard to see why the Administration acted as it did.

Its decision to reward segregated schools pleases many hard-right conservatives—not just Southerners—and is a sop to Chairman J. Strom Thurmond of the Senate Judiciary

Committee. It lines up the Administration with the Mormon Church and with numerous fundamentalist religious groups that, like Bob Jones University, profess to find bibilical authority for racial segregation. Mr. Reagan's previous emphasis on the economy, rather than on "social issues," has not pleased these elements.

Nor does the President think he has much to fear from blacks, few of whom ever supported him. But he may learn better, as have others before him, if they heed Shirley Chisholm's advice: "Get your marching boots ready!"

IT'S STILL TAX-EXEMPT HATE

White House post-mortems notwithstanding, the decision to give tax breaks to segregated private schools cannot be blamed on bad staffing or inept politics. The excuses fail for a simple reason: the President clings to the new racist policy. Even after being fully informed, he wants to start granting those exemptions and keep on going until Congress passes a new law forbidding them.

Bad staffing there surely was. Someone should have known that present law, as construed by the Federal courts, already forbids tax exemptions for schools that discriminate by race. A court order to that effect already binds the Internal Revenue Service. The I.R.S. even risks contempt if it tries to exempt any segregated school in one state, Mississippi. But if the staff blundered, that doesn't explain adhering to the blunder.

Bad politics? Apparently only in the execution, says Edwin Meese, Mr. Reagan's counselor. He says he should have had a bill drafted and ready for release with the new policy. But the President's decision was good politics, according to the political game now being played with Senator Strom Thurmond and other fans of the white academies.

What lesson does the White House draw from the experience? That it needs better decision-making machinery. One official predicts the creation of a Cabinet "council on legal policy" to keep tabs on the government's litigation. There's a law about that on the books already. It creates a "Department of Justice," headed by an "Attorney General." Can't he be relied on to tell the President the legal truth? If he's not smart enough or tough enough to do so, why look to some council coordinator?

Contrary to tax law, against the grain of every civil rights achievement in a generation, at odds with three prior Administrations, Ronald Reagan voluntarily permits tax benefits to flow to segregated institutions, even to those that don't even deny their racial bias.

However obfuscated, however perfumed, that's still tax-exempt hate.●

MARTIN LUTHER KING, JR. DAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. RODINO. Mr. Speaker, the thousands of people who marched to the Capitol on January 15 served as an extension of the numerous demonstrations held in towns and cities all across our country celebrating the birthdate of Dr. Martin Luther King, Jr. Churches, civic associations, and public offices throughout New Jersey's 10th Congressional District participated that day in paying tribute to one of America's greatest human rights advocates, and truly one of our national heroes. The time is long overdue for Congress to recognize Dr. King's special place in our Nation's history by designating January 15 a national legal holiday.

It takes a rare person or an extraordinary event to justify a new national holiday. Martin Luther King, Jr. was much more than a rare person. He was unique in American history—as a man, as a leader, and as an advocate for freedom and justice. Dr. King did more than any other American to arouse the conscience of this Nation to live up to its great ideals and goals. Making his birthday a legal holiday, celebrated by all Americans in all 50 States, will provide an annual opportunity for our Nation to reflect on our goals for advancing civil rights. There is still much work to be done to assure equal opportunity for education, employment, and housing for all Americans, and I believe that January 15 would be a most appropriate day for us as a nation to focus on these issues.

I fervently hope that this will be the year when we finally enact legislation I have joined in sponsoring to designate January 15 a national holiday. The Nation has already had to wait too long for this simple act of commitment to civil rights and of tribute to a man of peace.●

ELIAS KARMON, BRONX LEADER

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. BINGHAM. Mr. Speaker, new entries are being made in the history books of the Bronx this month as one of our great civic leaders, Mr. Elias Karmon, steps down as president of the Bronx Chamber of Commerce. Mr. Karmon has been working in and for the Bronx for some 40 years, and I will bet retiring as president of the chamber does not signal the end of this dedicated career. Elias Karmon will continue to be one of the most deeply involved residents of our borough. The Congress is full of busy men, but most of us would find the activities of this man staggering. Not only has he been continually successful as a businessman, but he has taken time to work with dozens of groups and organizations to keep the Bronx a good place to work and live. His example of staying to fight against urban blight rather than giving up and moving somewhere else has been inspiring Bronxites for years, and the Bronx is a better place because of it. As he put it himself in his report to the Bronx Chamber last year:

The intended demise of the Bronx was not accepted by the many who lived and worked here and who had established their roots here. Its tenacious people showed its great strength, an alloy forged in the pride of its past history, its purposeful present, its potential future. With all of its ethnic groups working together in a wholesome relationship, the people labored amidst the rubble to recreate their neighborhoods.

Mr. Speaker, spirit and effort like this can rebuild our cities * * * my colleagues, Representatives MARIO BIAGGI, ROBERT GARCIA, and PETER PEYSER join me in saluting Mr. Karmon on his leadership, and I include at this point in my remarks a brief summary of his impressive career from Cornucopia, the newsletter of the Bronx Venture Corp.

ELIAS KARMON, DISTINGUISHED BUSINESSMAN PHILANTHROPIST, HEADS BVC ADVISORY GROUP

Currently completing his fourth consecutive term as President of the Bronx Chamber of Commerce, Mr. Elias Karmon has accepted the position of Chairman of the Business Advisory Committee of Bronx Venture Corporation. A civic leader in the Bronx for 40 years he has been active with many business, civic, health, service and fund-raising organizations. He also served as President of the Bronx Rotary Club, Chairman of the Bronx Council of the Albert Einstein College of Medicine, Vice President of the American Jewish Congress, Bronx District and Chairman of the Executive Committee of the Bronx Boys Club.

One of the founders of the Ponce de Leon Federal Savings and Loan Association, he still serves on its Board and on its Loan Committee. In addition he currently serves on the Boards of the Y.M.C.A., Bronx House, The Bronx Girls Club, Bronx Frontier Development Corporation, Fordham Road Area Development Corporation, Regional Aid for Interim Needs, The Pelham Parkway Mall Local Development Corporation, Lincoln Community Mental Health Center, the South Bronx Community Housing Corporation and the Pelham Parkway Jewish Center.

Mr. Karmon was a member of the Lay Advisory Board of the old Lincoln Hospital and during his nine years as its chairman, the Lay Board obtained the commitment for the building of the new Lincoln Hospital.

He is also a Past Chairman of the Bronx Urban League Advisory Committee of which he was a founding member when the Urban League opened its first Bronx office in 1950. Mr. Karmon is also a life member of the N.A.A.C.P.

His dedication to community services has earned him recognition from the Bronx Council of Churches; Bronx Urban League; National Conference of Christians and Jews; Bronx Boys Club; Y.M.C.A.; American Red Cross; the Albert Einstein College of Medicine; Bronx County American Legion; Morris High School; East Bronx Community Council; Council of Spanish American Organizations of Greater New York; Borinquen Post, American Legion; South Bronx Kids on the March; Institute of Applied Human Dynamics; Mount Carmel Baptist Church; United Jewish Appeal and the State of Israel.

In 1979 he received the coveted Jefferson Award for Public Service on the Bill Boggs Mid-Day Live Show on Channel 5.

A graduate of New York University, he worked as an accountant; a manufacturer of clothing; builder of parking lots; developer of buildings for use by public and private agencies and in the retail clothing business on Prospect Avenue. Hollywood Clothes was an institution in the Bronx for more than 30 years.

Beginning in 1958 he took over the R.K.O. Franklin Theater and used it for annual Christmas parties for 3,200 children from local schools, Boy and Girl Scout troops, settlement houses, P.A.L. and church groups.

Mr. Karmon is President of EMK Enterprises, Inc., a real estate firm with offices on Prospect Avenue where he has conducted his business enterprises since 1940.

Mr. Karmon attributes his success to hard work and persistence. He plans to write a book about his experiences as a businessman and philanthropist. Mr. Karmon resides in the Bronx with his wife Sylvia. They have two children, both married.●

THE OUTLOOK FOR 1982

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, January 6, 1982, into the CONGRESSIONAL RECORD:

THE OUTLOOK FOR 1982

Polls tell us that Americans are in a gloomy mood as they enter 1982. They are anxious about the state of their country and worried about inflation. They feel the pinch of recession and see a real chance that nuclear war will break out somewhere in the world within the next five years.

From my vantage point in the Congress, I understand why Americans are so concerned. I think that we face a difficult year in 1982. The economy is in recession as the year begins, and not until many months into the year will we see an upturn. The international situation remains highly dangerous. The United States is stymied by the suppression of freedom in Poland; the turmoil in the Caribbean and Central America is not likely to subside; prospects for progress in arms control talks with the Soviet Union and peace negotiations in the Middle East are not encouraging. There are some bright spots, to be sure. Inflation is slowing, interest rates may be sliding downward until mid-year at least, and supplies of energy appear to be sufficient. By the end of 1982, the United States will become the first country in the world to turn out more than $3 trillion worth of goods and services annually.

On the economy, the consensus among the forecasters shows a continued decline well into early 1982 and a pick-up about mid-year. The unemployment picture is grim, with a peak of 9 percent projected during the first few months of the year. With a little luck, inflation could be reduced to its lowest annual rate in five years. The crucial question is where the economy will go in the second half of the year—that is, how strong the recovery will be. Interest rates may hold the key. The level of interest rates will depend in part on the size of the federal deficit, and the outlook is for record-breaking deficits during the next few years.

Control of the budget now looms as the most difficult challenge facing the Congress and the President. To achieve control, the choices are a delay in the income tax cut recently enacted by the Congress, an increase in other taxes, or a precipitous cut in the level of federal spending.

As the past year's budget battles clearly indicate, 1982 will almost certainly be a volatile year in the Congress. Members are not in the mood for another round of deep budget cuts. There simply is not all that much to be trimmed unless we look at previously untouchable programs. If we exempt defense, interest on the national debt, and entitlement programs such as social security, then according to the Congressional Budget Office every other program administered by the federal government would have to be cut 75 percent in order to get a balanced budget by 1984.

It is a safe prediction that the fight over spending will intensify in 1982. Although the specifics are not yet clear, some moves will certainly be made in the Congress to raise taxes in 1982. There are several options: increase excise taxes, tax windfall profits on deregulated natural gas, or increase user fees. Strong efforts will be made to slow the increase in defense spending sought by the President. The Congress will try to avoid action on social security in an election year, but whether it succeeds in avoiding such action will depend on the revenues generated for social security by the economic recovery. If not in 1982, the Congress will soon thereafter have to deal with the exploding cost of medicare and medicaid, which has reached about $65 billion a year. The President is also expected to recommend additional reductions in the food stamp program.

Several social issues long kept off the congressional agenda—such as abortion, busing, and school prayer—are likely to come back in force this year. The chance that the Voting Rights Act will be extended is improving. Other issues likely to engage the Congress will be a curb on immigration, the safe disposal of nuclear waste, the extension of the Clean Air Act, the reorganization of the Department of Energy and Education, and the revision of the Federal Criminal Code.

Listing the world's 1982 hot spots is relatively easy, but predicting where trouble will probably break out next is virtually impossible. New strains are clearly visible in the Western alliance as differences in policy continue to arise between the United States and its friends in Europe. These differences will occupy much of our time in 1982. Soviet-American cooperation will be minimal, and progress on arms control slight. The United States will have to push harder for peace in the Middle East, or else the situation there will deteriorate further. As things stand today, the region could become a battleground at almost any moment.

Other issues of international relations will crowd in upon the Congress this year. The United States must move to regain the initiative in the Caribbean and Central America, with cooperative programs of economic aid, trade, and security assistance. We will face trouble in our fast-developing relationship with China if we furnish sophisticated aircraft to Taiwan. The United States must reduce its massive trade imbalance with Japan. If it does not, protectionist sentiments will grow and eventually prevail in the Congress. The United States must also continue to press Japan to bolster its defense forces. The key to improved American relations with black Africa is success in helping Namibia achieve independence, which depends in turn on South Africa's approval and support of an American plan.

We should begin 1982 with a clear sense of the number, variety, and difficulty of the challenges which await us.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, January 26, 1982, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 27

9:00 a.m.
Foreign Relations
To hold hearings on the nominations of John R. Bolton, of Virginia, to be Assistant Administrator for Program and Policy Coordination, and Otto J. Reich, of Virginia, to be Assistant Administrator for Latin America, both of the Agency for International Development (AID).
4221 Dirksen Building

9:30 a.m.
Finance
Business meeting, to consider committee budget for 1982.
2221 Dirksen Building

Governmental Affairs
Business meeting, to consider the committee budget for 1982.
3302 Dirksen Building

Judiciary
Constitution Subcommittee
To hold hearings on S. 53, S. 1761, S. 1975, and S. 1992, bills extending the effects of certain provisions of the Voting Rights Act of 1965.
2228 Dirksen Building

10:00 a.m.
Budget
Business meeting, to consider the committee budget for 1982.
6202 Dirksen Building

Energy and Natural Resources
Business meeting, to consider the committee budget for 1982.
3110 Dirksen Building

Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

Foreign Relations
To hold hearings on the prospective nomination of Walter J. Stoessel, Jr., of California, to be Deputy Secretary of State.
4221 Dirksen Building

Labor and Human Resources
Investigations and General Oversight Subcommittee
To hold hearings on problems of drug abuse in the American school system.
4232 Dirksen Building

Joint Economic
To hold hearings in preparation of its forthcoming annual report.
318 Russell Building

2:00 p.m.
Foreign Relations
European Affairs Subcommittee
To hold hearings on the current credit situation in Poland.
4221 Dirksen Building

Judiciary
To hold hearings on the nominations of Michael S. Kanne and James T. Moody, each to be a U.S. district judge for the northern district of Indiana; Robert H. Bork, to be U.S. circuit judge for the District of Columbia; and Alan C. Nelson, of California, to be Commissioner of Immigration and Naturalization.
2228 Dirksen Building

2:30 p.m.
Armed Services
Closed business meeting, to consider committee budget for 1982 and other organizational matters.
212 Russell Building

JANUARY 28

9:00 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on S. 1887, imposing a tax on the sale of certain automobiles sold without automatic safety airbags, and allowing a tax credit to manufacturers of automobiles equipped with such airbags.
2221 Dirksen Building

Judiciary
Juvenile Justice Subcommittee
To resume hearings on S. 1688, making it a Federal offense when a convicted criminal commits a series of crimes involving firearms; and to hold oversight hearings on the use of drugs by children.
5110 Dirksen Building

9:30 a.m.
Foreign Relations
Closed briefing to discuss U.S. relations with China and Taiwan.
S-116, Capitol

Judiciary
Constitution Subcommittee
To continue hearings on S. 53, S. 1761, S. 1975, and S. 1992, bills extending the effects of certain provisions of the Voting Rights Act of 1965.
2228 Dirksen Building

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 1875, increasing the penalties for violations of the Taft-Hartley Act, requiring immediate removal of certain individuals convicted of crimes relating to his official position, broadening the definition of the types of positions an individual is barred from upon conviction, increasing the time of disbarment from 5 to 10 years, escrowing a convicted official's salary for the duration of his appeal, and clarifying the jurisdiction of the Department of Labor relating to detecting and investigating criminal violations relating to ERISA.
4232 Dirksen Building

10:00 a.m.
Energy and Natural Resources
To hold oversight hearings on methods of collecting, accounting and distributing mineral royalties, and to review the report of the Commission on Fiscal Accountability of the Nation's Energy Resources.
3110 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

2:00 p.m.
Foreign Relations
Western Hemisphere Affairs Subcommittee
Closed briefing to discuss the military situation in Guatemala and El Salvador.
S-116, Capitol

Judiciary
Business meeting, to consider pending calendar business.
2228 Dirksen Building

2:30 p.m.
Veterans Affairs
Business meeting, to consider the committee budget for 1982, and announce committee agenda.
412 Russell Building

JANUARY 29

8:30 a.m.
Special on Aging
Business meeting, to consider the committee budget for 1982, and other committee business.
1224 Dirksen Building

9:30 a.m.
Finance
International Trade Subcommittee
To hold hearings on S. 958, imposing an additional duty upon imported articles which are the products of a nonmarket economy country.
2221 Dirksen Building

FEBRUARY 1

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings on S. 53, S. 1761, S. 1975 and S. 1992, bills extending the effects of certain provisions of the Voting Rights Act of 1965.
2228 Dirksen Building

10:00 a.m.
Armed Services
Closed briefing on worldwide intelligence matters.
S-407, Capitol

Foreign Relations
To hold hearings on East/West relations.
4221 Dirksen Building

10:30 a.m.
Finance
To hold hearngs on proposed legislation denying tax exemption to racially discriminatory private schools.
2221 Dirksen Building

1:30 p.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on visa provisons of the Immigration and Nationality Act.
2228 Dirksen Building

FEBRUARY 2

9:30 a.m.
Small Business
To hold hearings to discuss whether to increase the limitation set forth by the Davis-Bacon Act on certain small business construction contracts with the Federal Government.
424 Russell Building

10:00 a.m.
Armed Services
To hold hearings on U.S. military posture.
1202 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

Foreign Relations
Western Hemisphere Affairs Subcommittee
To hold hearings on possibilities of democracy in Central America.
4221 Dirksen Building

Governmental Affairs
Federal expenditures, Research and Rules Subcommittee
To hold hearings on professionalism of the Federal procurement work force.
3302 Dirksen Building

1:30 p.m.
Judiciary
Constitution Subcommittee
To resume hearings on S. 53, S. 1761, S. 1975, and S. 1992, bills extending the effects of certain provisions of the Voting Rights Act of 1965.
2228 Dirksen Building

FEBRUARY 3

9:30 a.m.
Agriculture, Nutrition, and Forestry
Foreign Agricultural Policy Subcommittee
To hold hearings to evaluate the economic impact of previous agricultural embargoes.
324 Russell Building

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To resume hearings on S. 1018, prohibiting the Federal Government from funding commercial and residential growth on undeveloped barrier beaches and islands.
4200 Dirksen Building

FEBRUARY 4

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To hold hearings on proposed legislation authorizing bank holding companies to establish securities affiliates which could underwrite municipal revenue

bonds and operate, advise, and sell shares in mutual funds.
5302 Dirksen Building

Judiciary
Constitution Subcommittee
To resume hearings on S. 53, S. 1761, S. 1975, and S. 1992, bills extending the effects of certain provisions of the Voting Rights Act of 1965.
2228 Dirksen Building

10:00 a.m.
Energy and Natural Resources
To hold hearings on S. 1937, extending until June 30, 1985, the expiration date of section 252, which provides a limited antitrust defense for U.S. oil companies participating in the international energy program, of the Energy Policy and Conservation Act.
3110 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

Foreign Relations
To resume hearings on East/West relations.
4221 Dirksen Building

FEBRUARY 5

9:00 a.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To hold joint hearings with the Subcommittee on Taxation and Debt Management of the Committee on Finance on S. 1828, providing for special tax treatment of partnerships between thrift institutions and others.
2221 Dirksen Building

Finance
Taxation and Debt Management Subcommittee
To hold joint hearings with the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs on S. 1828, providing for special tax treatment of partnerships between thrift institutions and others.
2221 Dirksen Building

9:30 a.m.
Labor and Human Resources
Business meeting, to resume markup of S. 1182, proposed Longshoremen's and Harbor Workers Compensation Act Amendments of 1981, and S. 1785, proposed Labor Management Racketeering Act of 1981.
4232 Dirksen Building

10:00 a.m.
Foreign Relations
To hold hearings on the proposed Venezuela arms sale.
4221 Dirksen Building

1:30 p.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on emergency immigration powers.
2228 Dirksen Building

FEBRUARY 9

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To resume hearings on proposed legislation authorizing bank holding companies to establish securities affiliates which could underwrite municipal revenue bonds and operate, advise and sell shares in mutual funds.
5302 Dirksen Building

Labor and Human Resources
Business meeting, to resume markup of S. 1182, proposed Longshoremen's and Harbor Workers Compensation Act Amendments of 1981, and S. 1785, proposed Labor Management Racketeering Act of 1981.
4232 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on H.R. 3782, permitting the steamship vessel, *Oceanic Constitution*, to enter the Hawaiian Island cruise trade.
235 Russell Building

Energy and Natural Resources
To hold hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, focusing on the Department of the Interior.
3110 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

11:00 a.m.
Foreign Relations
Business meeting, to consider pending nominations and other committee business.
4221 Dirksen Building

2:00 p.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on proposed refugee assistance regulation changes.
2228 Dirksen Building

FEBRUARY 10

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To continue hearings on proposed legislation authorizing bank holding companies to establish securities affiliates which could underwrite municipal revenue bonds and operate, advise and sell shares in mutual funds.
5302 Dirksen Building

10:00 a.m.
Energy and Natural Resources
To hold hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, focusing on the Department of Energy.
3110 Dirksen Building

Foreign Relations
Arms Control, Oceans, and International Operations, and Environment Subcommittee
To hold hearings on acid rain.
4221 Dirksen Building

FEBRUARY 11

9:30 a.m.
Finance
International Trade Subcommittee
To hold hearings on S. 1511, clarifying the determination of the definition of a country under the general agreement on tariffs and trade, and to review the effectiveness of section 301 of the Trade Act of 1974 in enforcing the trade agreement rights of the United States and responding to foreign practices that are inconsistent with trade agreement provisions or burden or restrict U.S. commerce.
2221 Dirksen Building

Judiciary
Constitution Subcommittee
To resume hearings on S. 53, S. 1761, S. 1975, and S. 1992, bills extending the effects of certain provisions of the Voting Rights Act of 1965.
2228 Dirksen Building

10:00 a.m.
Energy and Natural Resources
To hold hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, focusing on the Department of Agriculture and the U.S. Synthetic Fuels Corporation.
3110 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
1202 Dirksen Building

FEBRUARY 12

9:00 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 698, assisting the Yuma County Water Users' Association, Arizona, to relocate the headquarters of such association, S. 933, authorizing the rehabilitation of the Belle Fourche Irrigation project in South Dakota, S. 1409, authorizing the enlargement of the Buffalo Bill Dam and Reservoir in Wyoming, and S. 1628, providing that the Emergency Fund Act of 1948 be available for all projects governed by Federal reclamation Acts.
3110 Dirksen Building

9:30 a.m.
Judiciary
Constitution Subcommittee
To continue hearings on S. 53, S. 1761, S. 1975, and S. 1992, bills extending the effects of certain provisions of the Voting Rights Act of 1965.
2228 Dirksen Building

FEBRUARY 22

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To hold joint hearings with House Committee on Education and Labor's Subcommittee on Employment Opportunities, on proposed legislation establishing employment training policies.
Room to be announced

FEBRUARY 23

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To continue joint hearings with House Committee on Education and Labor's Subcommittee on Employment Opportunities, on proposed legislation establishing employment training policies.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

FEBRUARY 24

9:30 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings to examine certain financial institution practices restricting individuals from withdrawing funds represented by checks deposited to their accounts.
5302 Dirksen Building
Commerce, Science, and Transportation
Business, Trade, and Tourism Subcommittee
To hold hearings on the economic impact of tourism.
235 Russell Building
Judiciary
Constitution Subcommittee
To resume hearings on S. 53, S. 1761, S. 1975, and S. 1992, bills extending the effects of certain provisions of the Voting Rights Act of 1965.
2228 Dirksen Building

10:00 a.m.
Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold oversight hearings on activities of the National Institute on Alcohol Abuse and Alcoholism and the National Institute on Drug Abuse, Department of Health and Human Services.
4232 Dirksen Building

2:00 p.m.
Energy and Natural Resources
Energy Regulation Subcommittee
Joint oversight hearings with the Subcommittee on Water and Power on hydroelectric development and licensing procedures.
3110 Dirksen Building
Energy and Natural Resources
Water and Power Subcommittee
Joint oversight hearings with the Subcommittee on Energy Regulation on hydroelectric development and licensing procedures.
3110 Dirksen Building

FEBRUARY 25

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings on S. 53, S. 1761, S. 1975, and S. 1992, bills extending the effects of certain provisions of the Voting Rights Act of 1965.
2228 Dirksen Building
Labor and Human Resources
Employment and Productivity Subcommittee
To resume joint hearings with House Committee on Education and Labor's Subcommittee on Employment Opportunities, on proposed legislation establishing employment training policies.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
318 Russell Building

FEBRUARY 26

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To continue joint hearings with House Committee on Education and Labor's Subcommittee on Employment Opportunities, on proposed legislation establishing employment training policies.
Room to be announced

MARCH 2

9:30 a.m.
Labor and Human Resources
Aging, Family, and Human Services Subcommittee
To hold hearings on expanding employment opportunities for older workers.
4232 Dirksen Building

MARCH 3

9:30 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings on the role of the Federal Government in the operation of American payment systems.
5302 Dirksen Building

MARCH 4

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the American Battle Monuments Commission, Army cemeterial expenses, the Office of Consumer Affairs, and Consumer Information Center.
1224 Dirksen Building

MARCH 11

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 1748, exempting certain employers from withdrawal and plan termination insurance provisions of title IV of the Employee Retirement Income Security Act (ERISA).
4232 Dirksen Building

MARCH 16

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on the extended family.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Consumer Product Safety Commission and the Office of Revenue Sharing (New York City loan program).
1224 Dirksen Building

MARCH 17

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume hearings on S. 1748, exempting certain employers from withdrawal and plan termination insurance provisions of title IV of the Employee Retirement Income Security Act (ERISA).
4232 Dirksen Building

MARCH 19

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on productivity in the American economy.
4232 Dirksen Building

MARCH 23

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Veterans' Administration.
1224 Dirksen Building

MARCH 26

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on productivity in the American economy.
4232 Dirksen Building

MARCH 30

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold oversight hearings on the implementation of sex education programs.
4232 Dirksen Building

APRIL 1

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Federal Emergency Management Agency and the Selective Service System.
1224 Dirksen Building

APRIL 2

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on productivity in the American economy.
4232 Dirksen Building

APRIL 15

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Science and Technology Policy and the Council on Environmental Quality.
1224 Dirksen Building

APRIL 16

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on productivity in the American economy.
4232 Dirksen Building

APRIL 20

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Environmental Protection Agency.
1224 Dirksen Building

APRIL 27

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Science Foundation.
1224 Dirksen Building.

MAY 4

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Aeronautics and Space Administration.
1224 Dirksen Building.

MAY 11

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Institute of Building Sciences, Federal Home Loan Bank Board, and National Credit Union Administration.
1224 Dirksen Building.

MAY 18

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development.
1224 Dirksen Building.

MAY 19

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development, and the Neighborhood Reinvestment Corporation.
1224 Dirksen Building.

MAY 24

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development and certain independent agencies.
1224 Dirksen Building.

MAY 25

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development and certain independent agencies.
1224 Dirksen Building

HOUSE OF REPRESENTATIVES—*Tuesday, January 26, 1982*

The House met at 12 o'clock noon.

The Reverend John I. Kulish, of St. Michael's Ukrainian Orthodox Church, Hudson, N.Y., offered the following prayer:

Let us all pray. Eternal God, Lord of Heaven and Earth, Father and Creator of everything visible and invisible, having lifted our hearts to Heaven, we stand before Thy Majesty and give thanks for mercy and bounty which Thou hast bestowed upon us here in our great United States of America.

We humbly beseech thee to protect our President, our Government, the Armed Forces of the United States, its people, and all who defend freedom and democracy.

Bestow upon them wisdom and knowledge so that they may never abandon the way of truth and let them champion freedom and liberty of Ukraine and all captive nations in the world.

Take us under Thy protection and grant all countries a bright and glorious future. We put our trust in Thee, we glorify Thee now and ever and unto ages of ages. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a resolution of the House of the following title:

H. Con. Res. 244. Concurrent resolution providing for a joint session of Congress to receive a message from the President on the state of the Union.

ANNOUNCEMENT BY THE SPEAKER CONCERNING DISTURBANCE IN THE GALLERY

The SPEAKER. The visitors in the gallery will please maintain order. That is one of the rules of the House.

REV. JOHN I. KULISH

(Mr. STRATTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRATTON. Mr. Speaker, on behalf of the House of Representatives I am delighted to express our thanks and appreciation to Father John Kulish of St. Michael's Ukrainian Orthodox Church of Hudson, N.Y., for having offered the prayer this morning.

Father Kulish is accompanied by his wife and by his daughter, Andrea, and, as a matter of fact, during the moments before the convening of the House, Andrea had her picture painted by the majority leader of the House. It is one of the fantastic, but not often well-known, talents of the gentleman from Texas (Mr. WRIGHT).

The occasion for having Father Kulish here was today we are celebrating the anniversary of the independence of the Ukraine and the gentleman from Illinois (Mr. DERWINSKI) and I have taken a special order and we hope that other Members will join in expressing their sentiments with regard to the continuing captivity of the people of the Ukraine.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from New York, in whose district Father Kulish actually lives.

Mr. SOLOMON. I thank the gentleman for yielding.

Mr. Speaker, it is a real pleasure to have not only a great religious leader in America present with us today, but a great American as well. It was my pleasure to be one of the principal speakers at the World Anti-Communist League of Captive Nations Week Conference in Taipei, Taiwan, last August and I would like to commend Father Kulish and his family for their continuing efforts on behalf of the Ukrainian people and all of the captive nations people who are being held captive in this world today.

It is a real pleasure to have him here. We hope he and his family enjoy their stay.

GUARANTEED STUDENT LOANS

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, it has become the announced intention of the administration to remove the students who are in graduate and professional schools from eligibility under guaranteed student loans. This move, Mr. Speaker, will create havoc among graduate students who are presently in school and those who are planning to go.

It is the only program that is available to graduate students. The administration is saying these students instead will be eligible for the parent loan, which in effect would mean, Mr. Speaker, that students attending school while attending graduate school, would have to be paying over their graduate career nearly $11,000 in interest.

I can tell the Members that graduate students do not have that kind of money and in effect, Mr. Speaker, we will be eliminating thousands and thousands of our most talented people from programs that we desperately need.

TAX BREAKS TO PRIVATE SCHOOLS THAT PRACTICE RACIAL SEGREGATION

(Mr. JACOBS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACOBS. Mr. Speaker, a few moments ago I introduced a resolution which states simply that the law with regard to denial of income tax breaks to segregated private schools is adequate to prevent those breaks at present.

Because of the puzzling actions by the administration within the past several days, a lot of people have been led to believe that new law is necessary to deny Government aid in the form of tax breaks to private schools that practice racial segregation.

But as the resolution states, that is not true. Pursuant to regulation reasonably designed to fairly determine such segregation the IRS should forthwith resume the law-abiding policy of denying such tax breaks to schools that practice racial segregation.

Mr. Speaker, the IRS is supposed to stand for Internal Revenue Service, not Institute of Racial Segregation.

As for the administration's proposed new law on the subject and the arduous process required to pass such law, it seems useful to recall one of the cardinal principles in which the President is said to believe, "If it ain't broke, don't fix it." Except for whatever damage the administration may have done to it by unfortunate announcements lately, the law against government aid to racially segregated schools "ain't broke" and should be obeyed and enforced by the administration.

NATIONAL AIRPORT—AN ACCIDENT WAITING TO HAPPEN

(Mr. PARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PARRIS. Mr. Speaker, we in Congress can no longer ignore the problems at the Washington Metropolitan National Airport. Something must be done to remedy the potentially hazardous conditions that exist there. In the past a number of my colleagues have cited National's safety record as reasons for not correcting the airport's inadequacies. That safety record ended tragically January 13 when an Air Florida 737 crashed into the 14th Street Bridge killing 78 persons.

In the recent past, some of my colleagues and I have tried to suggest on a number of occasions that National is an accident looking for a place to happen. With the physical conditions that exist today, this tragedy was inevitable. For example, if the fatal flight 90 had taken off from Dulles Airport, the pilot would have had a runway double the length of the runway at National to help him make a decision as to whether or not to abort the flight. At National Airport there is 6,800 feet of runway length and at Dulles the runway is 11,500 feet.

From a broader perspective, Washington Metropolitan National Airport has the shortest runway in the Nation compared to other major airports. In fact, National Airport has the shortest runway compared to the next level of airports, except for Burbank, Calif. And believe it or not, 80 percent of the third-level airports have runways longer than National's, including cities like Champaign, Ill., and Lafayette, La.

Not only is the runway short at National but the pressure caused by the burdens of heavy traffic there is unrelenting—and needless, when you consider the fact that we have a modern jet facility available at Dulles. To show you the terrible flight operations imbalance that we have today, there are 66 operations a day between the Washington metropolitan area and Chicago. One flight uses Dulles.

I call upon my colleagues to support a shifting of flights from National Airport to Dulles and Balitmore Washington International Airports. I do not want to close National, but for safety's sake, we must respond to this tragedy by insuring that never again will a pilot be faced with a combination of bad weather, short runways, and the pressure of bumper to bumper air traffic.

PRODUCTS LIABILITY ACT OF 1982

(Mr. SHUMWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SHUMWAY. Mr. Speaker, on December 14 I introduced H.R. 5214, the Products Liability Act of 1982. Simply stated, my bill establishes a uniform system of products liability law for products manufactured and introduced into interstate commerce. Today, a product marketed in all 50 States is subject to 50 different codes of products liability law. A consumer injured by a product in one State may be entitled to compensation from the manufacturer, while existing law in another State may deny an identical consumer any compensation whatsoever for the same or similar injury caused by the same product. Although I have consistently supported efforts to allow the States to retain existing and to achieve greater authority and control over their own affairs, in this instance it is clear that uniformity is highly desirable and urgently needed.

In addition to consumers, the problems caused by lack of products liability uniformity are serious for business in general, and small business in particular. The confusion created by the existence of the many differing State laws forces insurance premiums to be calculated on the basis of the law in that State where a product's liability is the greatest. Unfortunately, some States place no limits on a given manufacturer's liability. Producers of products sold decades ago, which might have been altered or have changed hands several times, may be sued when these products cause injury. Cases are becoming more extreme, and awards more excessive, with each passing year. As a consequence, insurance premiums and the deductibles for these premiums have skyrocketed, resulting in increasingly burdensome costs for consumers and manufacturers alike.

We attempted to partially correct the problem of escalating costs with passage in the last session of the Risk Retention Act (Public Law 97-45). This law makes it possible for small businesses to self-insure and to purchase insurance on a group basis at more favorable rates. The Risk Retention Act is important. It does not, however, address the actual problems of products liability law that precipitated its passage; namely, that no precise parameters exist that define conditions under which manufacturers are to be held liable for those products which they produce. My legislation is intended to fully and equitably address these problems.

H.R. 5214 is a comprehensive bill; one that deals with all major issues germane to products liability actions. Its provisions are based on the hearings record and work of previous Congresses, and on the input of leading academicians and practicing products liability lawyers.

H.R. 5214 is a balanced bill; one that protects both consumers and manufacturers. If enacted, the stability that such law would bring to the costly and confusing area of products liability can be expected to benefit the economy by protecting jobs, reducing legal and insurance costs, and enhancing the incentive for the production and improvement of manufactured goods. For consumers, H.R. 5214 provides protection against faulty or defective products, and from those which have been poorly designed.

The bill meets these objectives by: Clearly defining the basic standards of responsibility for manufacturers and product sellers other than manufacturers; establishing reasonable periods of time during which a products liability action must be brought; protecting manufacturers from liability where unreasonable product misuse or alteration was the cause of an injury; protecting the public from products dangerously designed, or designed in a manner inconsistent with the industry or accepted standard, or inconsistent with mandatory State, local, and Federal government standards; providing an equitable system for the determination and award of punitive damages.

H.R. 5214 provides the needed guidelines for State courts to fairly adjudicate products liability actions. My bill establishes no bureaucracy; it requires no Federal funding. I introduce it because it is a fair and effective response to the inequities and disparities which have characterized products liability law in the past. Its enactment will benefit consumers and manufacturers alike and the economy in general. I therefore commend the bill, as well as the section-by-section analysis which follows, to the attention of my colleagues:

SECTION-BY-SECTION SUMMARY OF H.R. 5214

SECTION 1

The title of the Act is the "Products Liability Act of 1982."

SECTION 2

This section provides findings and purposes underlying the need for this legislation.

Findings include the complexity, inconsistency, and uncertainty of state products liability laws; the effects of uncertainty and confusion of such products liability laws on our nation; and the little that any one state can do to ameliorate these difficulties because products liability insurance rates are determined on a national basis.

Purposes include the fair, prompt, and efficient resolution of products liablity claims.

SECTION 3

This section defines certain terms used throughout the Act.

Subsection (1) defines "commerce" to comply with the Commerce Clause of the Constitution.

Subsection (2) defines "State" to include all possessions, territories of the United States.

Subsection (3) defines "person" very broadly (e.g., individuals, corporations, partnerships) and includes any Federal, State or local governmental entity.

Subsection (4) defines "product" to mean any "object capable of delivery" including components. This definition expressly excludes human tissue, organs, or blood and its components.

Subsection (5) defines a "products liability action" to mean any claim or action brought by a claimant against a product seller for harm caused by a product. This expression is defined to include actions previously based on strict liability in tort, negligence, breach of warranty, misrepresentation, concealment, or nondisclosure (whether intentional, negligent or innocent), manufacturer's liability, products liability, or otherwise.

Subsection (6) defines "claimant" to include persons harmed and their legal representatives.

Subsection (7) defines "harm" to include damage to property (other than product itself), personal physical injuries (including death), and pain or mental harm resulting from personal physical injuries. It expressly does not include commercial loss.

Subsection (8) defines "manufacturer" to include any wholesaler, distributor or retailer who "plays a significant role" in designing, producing, making, assembling, fabricating, constructing, altering, modifying, or remanufacturing the aspect of the product which injures claimant. The definition of "manufacturer" excludes one who merely distributes a product, or who assembles, services, or otherwise prepares the product as authorized by the manufacturer.

Subsection (9) defines "product seller" in broad terms. However, it excludes sellers of realty (except if the person is engaged in the mass production and sale of standardized dwellings), providers of professional services, and persons acting only in a financial capacity who are not manufacturers, wholesalers, distributors or retailers.

Subsection (10) defines "representation" to mean explicit statements, affirmations, promises or descriptions.

Subsection (11) defines "feasible" as practicable within available technical and scientific knowledge which has been adequately demonstrated and economically feasible, at the time of manufacture.

Subsection (12) defines "preponderance of the evidence" to require proof establishing that it is more probable than not that a fact occurred.

Subsection (13) defines "clear and convincing evidence" to require proof to produce a firm conviction as to the allegations sought to be established. This provision provides that the requisite proof is greater than that required by preponderance of the evidence, but is less than that required for proof beyond a reasonable doubt.

SECTION 4

This section provides for the Act's preemption of state law and clarifies that Federal jurisdiction is not created.

Subsection (a) provides that the Act supersedes Federal and State law to the extent such law is inconsistent with the Act.

Subsection (b) provides that the Act does not create a new Federal cause of action nor vest subject matter jurisdiction in any Federal district court where it does not already exist.

SECTION 5

This section provides for standards of responsibility for manufacturers.

Subsection (a) provides that for liability to obtain against a manufacturer, the claimant must prove by a preponderance of the evidence one of the following: (1) the product was unreasonably dangerous in construction; (2) the product was unreasonably dangerous in design; (3) the product was unreasonably dangerous because of a failure to provide adequate warnings, or instructions; or (4) the product was unreasonably dangerous because it did not conform to manufacturer's representation.

The subsequent subsections provide the principles to be used to determine whether a product was unreasonably dangerous. Additionally, claimant must prove that the unreasonably dangerous aspect of the product was the proximate cause of harm; and that the defendant manufactured the product. This subsection also provides that generally, any matter that must be established cannot be proved by showing the outcome of a previous lawsuit.

Subsection (b) provides that for a product to be unreasonably dangerous in construction, it must be shown to deviate from the manufacturer's design or performance standards or from otherwise identical units.

Subsection (c) provides that for a product to be unreasonably dangerous in design, it must be shown that an alternative design was available, which on balance would have been "better" than the chosen design (defined to mean safer, both as to the alleged hazard and as to overall safety; neither more expensive nor less useful or desirable unless warranted by the added safety benefits; and not in violation of statutes, regulations, or mandatory safety standards), and which would have been capable of preventing claimant's harm.

Subsection (d) provides that for a product to be unreasonably dangerous because of a failure to provide adequate warnings or instructions, it must be shown that danger or safety information was available to the manufacturer; was "reasonably necessary" (which is defined to refer to information concerning significant dangers which would be useful to persons likely to use the product other than information with respect to obvious or known dangers; trivial dangers; uses other than those that would be reasonably expected of an ordinary person; or uses associated with alterations or modifications that would not be expected of an ordinary person); or was not effectively provided to an "appropriate person" (defined to mean the product user, if feasible; a person reasonably expected to pass them on to the product user; in the case of certain products, an expert licensed to use them; in the case of products used in a work place, the employer or person having custody of the product; in the case of components, raw materials or bulk products, the manufacturer's immediate vendee); and if provided, the warnings would have prevented the claimant's harm.

Subsection (e) provides that for a product to be unreasonably dangerous because it did not conform to the manufactuer's representation, it must be shown that claimant relied on an untrue representation. Negligence or fraud need not be shown.

SECTION 6

This section provides for standards of responsibility for product sellers other than manufacturers.

Subsection (a) provides that a product seller may be liable only if preponderance of evidence shows that the product was the proximate cause of the claimant's harm, and that the product seller failed to use reasonable care with respect to the product. However, for liability to obtain, the product seller must have known of the danger that harmed claimant or have had reason and an opportunity to inspect the product, which inspection would have revealed the danger.

Subsection (b) provides that a product seller may be liable for its own representations if it is shown that claimant relied on an untrue representation.

Subsection (c) provides that a product seller will be strictly liable for defects arising in the product while under its control or under the control of a prior product seller other than a manufacturer.

Subsection (d) provides that a product seller may be liable if the manufacturer cannot be located or is probably not subject to process, or if the court determines that a judgment against the manufacturer will probably be unenforceable.

Subsection (e) provides that generally, any matter that must be established cannot be proved by showing the outcome of a previous lawsuit.

SECTION 7

This section provides the effect of government standards and contract specifications on liability.

Paragraph (1) of subsection (a) provides that if a product seller did not comply with mandatory state or federal government standards, the product will be considered unreasonably dangerous unless it is proved by clear and convincing evidence that such failure was reasonably prudent conduct under the circumstances.

Paragraph (2) of subsection (a) provides that if a product seller proves compliance with mandatory state or federal government standards, the product will not be considered unreasonably dangerous unless the claimant proves by clear and convincing evidence that such standards were unsound.

Subsection (b) provides that if a product seller proves compliance with mandatory government contract specifications, the product shall not be deemed unreasonably dangerous; and if claimant proves lack of compliance with such standards, the product shall be deemed unreasonably dangerous.

Subsection (c) provides that the principles set out in subparagraphs (a) and (b) are applicable to failures to warn or instruct.

If under this section a product is determined to be unreasonably dangerous, liability of the product seller will not ensue unless claimant establishes that the product was the proximate cause of the harm, and, in the case of a manufacturer, that it manufactured the product.

SECTION 8

This section provides that evidence of actions taken after the date of manufacture are not admissible as evidence, except to impeach a witness who denies the feasibility of precautionary measures.

SECTION 9

This section provides principles of comparative responsibility in the apportionment of damages. The trier of fact determines the total amount of damages claimant has sustained, and apportions this amount among all persons responsible (including claimant and non-parties). A de minimis rule excepts persons with trivial responsibility from apportionment.

This section also provides a special rule where workers' compensation is involved: In such case, the total damages to be apportioned are reduced by the greater of (1) the

employer's or co-employer's responsibility; or (2) the amount of workers' compensation benefits.

Judgment is to be entered severally against all parties liable; upon subsequent motion of claimant, uncollected obligations may be reallocated among joint tortfeasors.

SECTION 10

This section provides the effect of workers' compensation benefits on liability. Damages otherwise recoverable in a products liability action are to be reduced by workers' compensation benefits. No subrogation, indemnity, contribution or lien may be had by an employer or its insurer against a product seller absent an agreement to the contrary. This section also contains a provision for adjusting damages where a products liability action is decided prior to adjudication of a workers' compensation claim.

Finally, no third-party action over against employer is permitted. However, the employer's (or co-employer's) responsibility will reduce the overall damage award in accordance with section 9.

SECTION 11

This section provides rules concerning punitive damages. After a determination of the product seller's liability for actual damages and the amount thereof, on motion, the court may determine whether punitive damages should be awarded, and the amount thereof. Punitive damages shall be awarded only if a product seller acted with a flagrant indifference to consumer safety and if its actions were an extreme departure from accepted practice. In determining punitive damages, the court shall consider the likelihood that serious harm would arise; the extent of the product seller's awareness of such likelihood; the profitability of the misconduct; the duration of the misconduct and any concealment thereof; the attitude and conduct of the product seller's officers upon discovery of the misconduct; the financial condition of the product seller; the total effect of other punishment imposed on the product seller; and whether claimant acted in reckless disregard of his own safety.

Punitive damages for any one claimant shall not exceed twice the amount of actual damages and in no event shall exceed $1 million. With respect to all claimants, punitive damages and prior fines shall not exceed 5 percent of net worth. Notwithstanding this agregate limitation, a claimant shall always be able to recover the lesser of twice compensatory damages or his litigation expenses including reasonable attorneys fees.

SECTION 12

This section provides time limits concerning the time in which an action must be brought.

Subsection (a) provides that a claim must be brought within three years of the time it was discovered or should have been discovered.

Subsections (b) to (d) provide a further limitation on the rule in subsection (a). All actions must be commenced within 10 years from the date the product was first sold. However, in the event that the manifestation of the harm is delayed, or in the event of intentional misrepresentation by a product seller, the action may be commenced within 15 years from the date of first sale. These time limitations may be extended by a product seller in writing.

SECTION 13

This section provides that if any provision of the Act is determined to be invalid, the remaining provisions of the Act shall be unaffected.

SECTION 14

This section provides that the Act shall be effective for actions commenced on or after January 1, 1983.

CHAIRMAN VOLCKER SHOULD RESIGN

(Mr. MOTTL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOTTL. Mr. Speaker, today I am introducing a joint resolution calling for Federal Reserve Board Chairman Volcker to resign. I urge my colleagues to cosponsor this resolution.

This Nation has traveled the tight-money, high-interest road with Chairman Volcker to the bitter end. The end of the dream of homeownership for millions of American families. The end of auto industry employment for thousands of workers. The end of economic growth in this country.

I could quote figures, but we all know the figures. To cite just one statistic, the gross national product declined 5.2 percent in the last quarter, as our economy choked on high interest rates.

A victory over inflation will be hollow indeed if the price is the deliberate destruction of our industrial base. As one man put it in a letter to a Cleveland newspaper—and I quote:

Paul Volcker would be the kind of health commissioner who would shoot every flu victim in town and then declare the epidemic under control.

The Fed's experiment with extreme monetarism has failed. Mr. Volcker was the architect of that experiment. His resignation is imperative so that we might try to repair the damage and move realistically toward lower interest rates.

CONGRESSIONAL TAX BREAKS

(Mr. FINDLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FINDLEY. Mr. Speaker, the last session of Congress, for all it did to try to set the Nation's economic house in order, took one action that upset its own economic house and weakened public confidence in the integrity of Congressmen. In a little noticed and obscure last minute legislative maneuver, the Senate tacked on an amendment concerning congressional tax breaks to a bill to fund black lung benefits, and sent the bill to the House where it was placed on the suspension calendar. When a bill is handled under suspension of the rules, it usually means that it is not controversial.

The black lung bill and two other matters unrelated to black lung benefits were not controversial. But the amendment tacked on to it by the Senate relating to tax benefits for Congressmen was extremely controversial.

The Senate amendment raised very substantially the limit on the automatic deduction that can be taken by a Member of Congress from $3,000 per year, which was established in 1954. Depending upon how many days Congress is in session during any year, that could mean a tax deduction of $15,000 to $20,000 for Senators and Congressmen.

In fact, the formula subsequently devised by IRS to calculate the number of days eligible for a $75 per day deduction permits the inclusion of all Mondays or Fridays the Congress is not in session so long as it is in session the other 3 days of the week. In other words, Congressmen could take a deduction even for days they were not working in Washington. In 1981, the House of Representatives was in session for 163 days, including strictly pro forma sessions. But under this IRS formula, Congressmen will be eligible to take a $75-a-day deduction for 262 days, giving them an additional tax break of $7,500 for days the House was not in session.

I think that is excessive and the way it was handled leaves the strong impression that it was designed to slip it through without most Congressmen or the American people knowing about it.

Today I am introducing legislation to repeal the tax break enacted for Congressmen last year and return to the standard established in 1954. Congressman BILL EMERSON is cosponsoring this bill with me.

Whether the bill passes or not, I will not claim the new tax deduction when I file my 1981 Federal income tax return, and, as in years past, I will make available to the news media my 1981 Federal income tax return.

A CONGRESSIONAL WHITE PAPER—HILTON HEAD BOARD OF REALTORS

(Mr. HARTNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HARTNETT. Mr. Speaker, I would like to share with my colleagues a Congressional White Paper submitted by the Hilton Head Island, S.C. Board of Realtors. The paper addresses several issues which are important to the economic success of this area in South Carolina.

The Hilton Head Island Board of Realtors should be commended for their efforts and support for reducing the Federal budget deficit.

The white paper follows:

A CONGRESSIONAL WHITE PAPER HILTON HEAD ISLAND BOARD OF REALTORS

The Hilton Head Island Board of Realtors submits this Congressional White Paper to underline its support for certain issues which it feels are important to continued economic success in our area of the Lowcountry of South Carolina.

Interest rates in the United States are falling from their record highs of 1981. The Board supports the present fight to lower interest rates by the Federal Reserve Board, Congress, and the Administration. It is our hope that this battle continues to be won and that federal deficit borrowing can be kept to a minimum in 1982, thereby reducing the impact of government on the interest rate structure.

The Board also favors the continued support for Federal Flood Insurance for seashore oriented development as long as environmental considerations are given due weight. It is the Board's resolve that Federal Flood Insurance be given support by the Congress for future development in a tasteful and environmentally conscious manner and the federal funding for sea wall development and maintenance be continued at a high standard.

The development of the Lowcountry requires funding for water and sewer projects so the beautiful environment can be maintained. No county, city or town wishes to pollute a river, marsh or estuary, so continued federal funding for water and sewer projects is an integral part of economic health in this area.

The economic development of the Lowcountry is of concern because it provides a solid tax base, jobs and a healthy environment for people to live and work. A coordinated effort between federal, state and local government, business, industry and labor needs to be created to coordinate a hearty developmental future for the region. This will provide expert information and guidance from all sectors.

The economy of the United States is an important factor in the development of the area; therefore, a favorable tax structure geared to investment will help business develop in a manner from which all can prosper. Support for the Administration's stance on fighting inflation is an important factor to spur future economic development as well as active pursuit of the Economic Recovery Act of 1981. All of the above factors are important to get America working again.

The increased productivity of the American Work Force is a matter we feel requires active study and implementation at all levels of work in America. If we are to better our balance of trade and increase the health of the American Economy, Industrial Productivity will have to be increased. In addressing this matter a center for business, government and labor studies should be created to act as a consultant on issues that impact on these sectors individually and as a group. It is our feeling that such a center could be profit oriented after several years of existence and more than pay for itself. In conjunction with the above center and in-depth study of the American Economy supported by the Private and Public sector should be carried out, to among other considerations measure the effects of supply side economics on the economy and chart a path for future economic growth and stability.

The Board of Realtors wishes to work closely with the elected representatives of South Carolina and advocates a liaison between those officials and the Board.

This report is respectively submitted by the RPAC Representatives and the Hilton Head Island Board of Realtors.

JOHN RHODES SAYS FAREWELL

(Mr. RUDD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RUDD. Mr. Speaker, by now the news that JOHN RHODES has decided to make this his last term in the House of Representatives has circulated throughout the Congress. For many of us, who have known JOHN and worked closely with him, this fact will take some getting used to. The special grace and dignity which he brought to these Halls will be sorely missed. Later on I will ask for a special order to pay tribute to JOHN RHODES for his monumental contribution to his country, his State, and his party.

John Kolbe, of the Phoenix Gazette has written a piece in which he sums up by saying, "John Rhodes has class." It is very simple, but in this case profoundly true. I wish to share this writer's insight with my colleagues:

[From the Phoenix Gazette, Jan. 25, 1982]

RHODES SAYS FAREWELL TO POLITICS WITH CHARACTERISTIC GRACE, SIMPLICITY

(By John Kolbe)

Now that John Rhodes has formally rung down the curtain on his remarkable political career, you might be excused for thinking he died.

The post-mortems will gush forth like so many obituaries.

Yet, it's precisely because they are not obituaries that makes his passing from the scene he has quietly dominated for three decades so unusual, and such an occasion for reflective joy.

He has set an example too seldom emulated by the Capitol Hill colleagues he is about to leave behind—he has recognized when his time was up, neatly severed the emotional bonds to the House he so loves, and embarked without tears on a new life while still at the peak of his mental powers and his capacity for making a contribution.

Whatever John Rhodes lacked in dash or charisma, he more than compensated with an intuitive sense of the limits of politics and personal ambition.

It might be argued he waited too long, that he should have stepped out when he shed his minority leadership mantle in 1980. That's quibbling over trifles. He may be excused for succumbing to the chance for one more stab at the speakership which forever eluded him.

Rhodes had been on the Hill long enough to see the Joe Martins and Charlie Hallecks and others wither away with the sunset of power until defeat or death overtook them, and he knew it was not for him.

By itself, that is a legacy sufficient to justify any career.

Which is not to suggest John Rhodes will leave behind nothing more enduring than the example of a graceful exit.

He will be remembered for many things, as should any man whose career of leadership has spanned a state's shedding of frontier innocence and coming of political and economic age.

Chief among them, which he himself proudly cites as his premier triumph, will be that big ditch coursing across the desert north of Phoenix—the long-dreamed Central Arizona Project, this state's lifeline to the future.

Nationally, he has cut a swath wider than any Arizonan in recent memory save Barry Goldwater and Mo Udall, chairing two Republican National Conventions (including 1976's tempestuous affair) with firmness and dignity, and assuming the GOP mantle of leadership in one of his party's darkest hours and helping restore its pride and define its governmental mission.

But, in candor, the Rhodes legislative achievements will never show up in the congressional record books, partly because he labored for 28 of his 30 years without the majority power essential to building such monuments.

John Rhodes' abiding legacy is less tangible than a stack of laws, but in the longer view of the nation's political rhythms, perhaps far more important.

He brought a steadiness, a quiet but unflagging confidence, to the conduct of the politician's craft. Every bill he wrote, argument he ameliorated, issue he debated or task he undertook, he touched with a consummate sense of decency.

And in that sense, he had become something of an anachronism, although he probably would never concede as much. Political style has undergone a sea-change since he arrived in Washington in 1952 as an Eisenhower-landslide freshman in the only Republican Congress he would ever serve, and that change—however inevitable with the shifting social tides—has not been an unqualified blessing.

Party discipline has been diluted. Freshman congressmen sound off before learning the way to the restroom. Government by press release is in vogue. Rhetorical combat has replaced pragmatic compromise. Tending constituent complaints supercedes guarding constitutional liberties.

It is no judgment on this new style to say, simply, that it's different, that it's not John Rhodes' style.

He seldom tugged at base emotions; a cerebral man, he appealed to more thoughtful instincts. His Arizona colleagues of three decades garnered far more headlines with their power, flamboyance or contentious ways. Where his compatriots were wild rapids and crashing cascades, Rhodes was old man river.

For us reporters, he was a bust, devoid of colorful lines, intimate revelations or angry tirades. John Rhodes never talked out of school. He was, in a word, boring, but ever so credible.

Because he valued the small step forward of accommodation more than the angry headline of failure, the young Turks in GOP ranks became restive. So he stepped down two years ago rather than face a divisive leadership battle.

It is a pattern he maintained unto the end.

He told his press conference he would do some writing, but "not an autobiography. That would be telling people how I want to be remembered, and they ought to decide that for themselves."

True to form, his decision was a well-kept secret to the end, and was accompanied by the usual gracious accolades to his wife, staff and newsmen.

It was also accompanied by prayers, he said, for "the wisdom to do my job well, and to leave the stage while the audience is asking for more. The time has come for me to do the latter."

For the friends and comrades of an adult lifetime, his decision came as no great shock. But even less surprising was the easy grace and straightforward simplicity with which he stepped aside.

John Rhodes, to use a word sadly cheapened by overuse, has class.

THERE'S NO LIBERTY WITHOUT LIFE

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, in July of 1979, a 3-pound infant was born in El Paso, Tex. The heart was beating, the baby breathed, and the newborn child made efforts to cry. Dr. Raymond Showery's abortion attempt was unsuccessful. The perverse use of his medical skills to destroy this life failed and the infant was born—alive. The doctor felt compelled to make up for his "malpractice" of delivering a live baby. A written report of the event said that Showery covered the baby's face, submerged it in liquid, and put it in a plastic bag. And the baby died.

A moment before it was legal to destroy this life; legally speaking, it was now a different matter, but hardly morally.

This life after birth, although its size and potential remained the same, no longer could be hidden inside the uterus and away from the eyes of the slayer, the assistants, and the law.

The courts were forced to consider this act of violence for now it was assumed, at least by some, that a child born deserves the protection of the law. An indictment was handed down on Friday, December 18, 1981, for murder.

What is it that made this life deserving of our concern at one moment yet not at another? What occured in that fleeting moment of birth that changed the value of this life?

And if nothing did change and even this new life deserves no protection, which newborn infants are protected from an early, violent death and which are not?

If on the same day that the doctor snuffed out that new life, the unborn child had suffered an injury in an auto accident, why is it he or she could have sued the guilty and the guilty would have been forced to compensate the injured?

Why is it, if on the same day if the father had died the unborn child would not have lost its rightful inheritance?

Why is it, if the unborn baby had suffered from medical malpractice on that day, if the child was injured by the doctor's ineptness, then the doctor could have been sued successfully and made to compensate the injured infant?

Why does any unborn of similar size and age have no right to life if someone chooses to sentence it to death, and yet have the right to legal protection if someone chooses that it shall live? Can our Nation survive with such a glaringly inconsistent legal code? Who are we, as protectors of life, liberty, and property, to have assumed this arbitrary power over human life? Do we qualify as executioners and grantors of kingly pardons? As our current law stands, that is how it seems.

What compels us to legally permit, encourage, and even pay for the destruction of human life? Mere size and the location of the life cannot be the only justifications. Could it not be that our respect for, and understanding of, life and liberty have been diminished? Have convenience and sensual pleasure now become superior to the moral law? And are certain lives expendable?

Is it only a concidence that the protection of personal and economic liberty suffered greatly even before we, as a Nation, rejected the legal protection of the unborn?

Respect for life and respect for liberty are one one in the same. To lose one is to lose the other, and if we continue to disregard both, our free society will be destroyed. We cannot remain callous toward human life, regardless of size.

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MEMBERS OF CONGRESS SHOULD NOT RECEIVE TAX BENEFITS

(Mrs. BOUQUARD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOUQUARD. Mr. Speaker, I firmly believe that Members of Congress should not receive any tax benefits or treatment that varies with what other taxpayers must accept. We should be able to claim those expenses which we can document and which the Internal Revenue Service would accept as legitimate costs incurred as a result of our employment. We expected that the Secretary of the Treasury, because he has responsibility for the Government's revenue, might be parsimonious in his treatment of Members' tax benefits. We were, needless to say, disappointed in this hope.

I have no objection to providing in law that a Member of Congress receive the same benefits and treatment from the IRS as do all other taxpayers, and I am today introducing legislation to repeal this deduction.

We cannot condone either this extraordinary generosity of the Treasury in this matter, nor the dubious tactics that prevented the issue from being clearly defined and debated.

INTEREST RATES—CAN WE AFFORD THEM?

(Mr. ANTHONY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANTHONY. Mr. Speaker, interest rates—can we afford them?

On October 6, 1979, the Federal Reserve adopted a monetarist viewpoint. Ever since interest rates have gyrated up and down, but basically up. As a result, we know that the automobile industry has been slapped with its worst performance in two decades and the housing industry has literally been in a depression for several months.

The economy cannot recover and produce sustained growth with the current level of interest rates, continued high interest rates or worse yet, a rebound in interest rates would surely transfer the recessionary economy into a depression. Interest rates will fall in the depression along with everybody and everything.

The danger is clear and present. The risk we run is that the Fed's monetarist policy will slide us into a depression. With its zeal for tight money, the Fed actually operated at the low end of its target for 1981.

The consequence of a depression is structural damage to the economy. The housing and auto industries and other business bankruptcies would slow any future growth because so many people would be out of business.

The time to act is now, Mr. Speaker. The answer is clear. We cannot afford high interest rates.

EL SALVADOR

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, the Reagan administration quietly has dragged the United States further into El Salvador's civil conflict, making the prospects for peace there increasingly dim. Without fanfare the administration brought the first of 1,600 Salvadoran soldiers to Fort Bragg, N.C., earlier this month for training. This will cost American taxpayers $18 million above the $26 million already authorized for military aid to El Salvador.

This large-scale training program signals a warning from the administration that the Salvadoran conflict will not be ended soon. The ongoing conflict already had overwhelmed the hope that elections planned for March in El Salvador would be open and fair, and no real effort has yet been made by the junta or by the Reagan administration to open negotiations with rebel forces.

At the same time, fighting in El Salvador shows signs of spilling over into neighboring countries. Cooperation be-

tween Honduran and Guatemalan forces and the El Salvadoran military in fighting opposition forces is prompting this regionalization of the war. Meanwhile, Government repression in Guatemala may well spark widespread rebellion there similar to the fighting in El Salvador.

The very plain fact of the matter is that no amount of military involvement by the United States will help bring a halt to this tragic conflict. The roots of the unrest are founded in 50 years of injustice and repression. Military aid to El Salvador should be stopped now.

CONGRESSMAN SAVAGE INTRODUCES BILL TO ASSIST TEMPORARY MORTGAGE ASSISTANCE PROGRAM

(Mr. SAVAGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAVAGE. Mr. Speaker, today I am introducing legislation which I believe will provide relief for persons who are out of work and cannot make mortgage payments on loans insured by the Department of Housing and Urban Development. The bill would prohibit foreclosure for up to 36 months.

Although Congress passed legislation in 1980 when it enacted the Housing and Community Development Act to set up a temporary mortgage assistance program, otherwise known as TMAP, funds have not been appropriated to implement this program.

With so many people out of work, like many of the laid-off Wisconsin steelworkers and residents of the Roseland community in my district, for example, many families may lose their homes, because finding new jobs or retraining takes time and that does not stop the bills from coming in.

In my opinion, this is just another example of the insensitivity of the Reagan administration toward the working poor and middle-class citizens of this country.

My bill would help to get this program off dead center. So I urge my colleagues to lend their support.

COMMUNICATION FROM THE SPEAKER TO THE COMMITTEE ON ENERGY AND COMMERCE

The SPEAKER pro tempore (Mr. MOAKLEY) laid before the House the following communication from the Speaker of the House of Representatives to the Committee on Energy and Commerce.

WASHINGTON, D.C.,
January 22, 1982.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I have received your letter of January 21, 1982 notifying me, pursuant to Rule L (50) of the Rules of the House, of your recent receipt of a subpoena ad testificandum in *William P. Tavoulareas, et al.* v. *Philip Piro* and *William P. Tavoulareas, et al.* v. *The Washington Post Co., et al.*, Civil Action Action Nos. 80-2387 and 80-3032. I agree with you that this subpoena appears to raise serious questions concerning the rights and privileges of the House of Representatives.

It has been my policy, under House Rule L (50) and its predecessor, House Resolution 722, to consult with the bi-partisan leadership of the House of Representatives. The serious questions raised by a subpoena of this nature lead me to instruct you, pursuant to the power vested in me by paragraph six (6) of Rule L (50), to refrain from either effecting compliance or seeking judicial guidance until the leadership of the House has had a reasonable opportunity to receive and review the determinations to be made pursuant to paragraph three (3) of Rule L (50).

Sincerely,

THOMAS P. O'NEILL, Jr.,
Speaker.

GENERAL LEAVE

Mr. STRATTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

SIXTY-FOURTH ANNIVERSARY OF UKRAINIAN INDEPENDENCE, JANUARY 22, 1982

The SPEAKER pro tempore (Mr. BARNARD). Under a previous order of the House, the gentleman from New York (Mr. STRATTON) is recognized for 60 minutes.

Mr. STRATTON. Mr. Speaker, January 22 of this year marked the 64th anniversary of the independence of the Ukraine. As we have done regularly for many years, Members of the House have participated in special orders to salute this important anniversary date, to express the hope for a speedy return of the independence of the Ukraine, and to salute, encourage, and commend those Americans of Ukrainian descent.

Of course, as we are aware, the House was not in session on January 22, because of the recess marking the end of the 1st session of the 97th Congress, and so the gentleman from Illinois (Mr. DERWINSKI) and I selected today instead to render our comments and observations on this important anniversary.

The Ukraine is one of the most important of the Captive Nations whose plight Congress annually commemorates in July pursuant to a resolution adopted more than 20 years ago. It is unfortunate that because the independence of the Ukraine lasted but a short time, between the fall of the Czar and the military takeover of the Ukraine by the Bolshevik government under Lenin, some people tend to forget that the Ukraine was indeed at one time free. For 5 years the Ukraine had a separate political identity of its own, even though since 1918 it has been incorporated into territory of the U.S.S.R.

The Baltic States of Estonia, Latvia, and Lithuania are also incorporated within the territory of the Soviet Union. But their independence, which was established as part of the treaty which took Russia out of World War I, continued until the Soviet counterattack against the Nazi forces in World War II, some 22 years later.

The Ukraine has had a long and distinguished history, with geographic and ethnic identities of its own. Of special importance has been the Ukraine's excellent agricultural production. For centuries it has, therefore, been the target for the aggression on the part of whatever European power might believe itself at the moment to be in the ascendance—by Poland, by Sweden, by Prussia, by Germany, and of course by the Bolsheviks. Yet throughout all of these invasions and occupations, including the current one, the people of the Ukraine have maintained their fierce love of freedom, their bold sense of independence, and their individual integrity.

When our House Armed Services Committee was in the Ukraine in 1978 during a trip to the U.S.S.R., it was perfectly obvious to all of us on the trip that, although politically a part of the Soviet Union, the Ukrainian people were a very special breed—more open, more friendly, and much more insistent on their own special identity. Not even the harsh controls employed by the Soviet KGB could impose the kind of cautious hesitation upon Ukrainians that one encountered on the part of citizens in other parts of the U.S.S.R. We are now seeing similar courage, tenacity, and integrity among the Polish people and Solidarity during these last 2 difficult years in Poland.

Fortunately, Mr. Speaker, the oppression which the Soviet masters have imposed on the people of the Ukraine has had a strong, positive impact on these United States. We have been most fortunate in inheriting the drive, the skills, and the rugged independence of those Ukrainians who could no longer put up with life without the freedom. As a result, hundreds

of thousands of Americans of Ukrainian descent have made extremely valuable contributions to the growth and development of the United States; and their children and their children's children have continued those great contributions.

We salute these brave Ukrainian American people in this anniversary year, and we honor them for their achievements.

At the same time, Mr. Speaker, we must not forget the plight of the people still living in the Ukraine. Their leaders and their patriots have already been jailed or exiled—as is being done today in Poland—for no other crime than sincerely seeking the freedom and independence to live their own lives, a right that should be the heritage of every human being: Nykola Rudenko, for example, whose fate we sought unsuccessfully to ameliorate when our committee visited the Ukraine in 1978.

Although the hope and optimism we held out for Poland has been dimmed by the recent imposition of martial law by the Communist Polish Government, under fire from Moscow, the story there is not yet over. We surely hope that the impressive achievements of Solidarity, and their apparent ability to negotiate some measure of freedom with the Soviets, can eventually come true in the Ukraine and in other parts of the Captive Nations' gulag in the years ahead.

This is not just a rhetorical statement, Mr. Speaker. Who could have thought just a few years ago that what has been happening in Poland could have ever happened behind the Iron Curtain? If it can happen in Poland, it can certainly happen in the Ukraine, and elsewhere.

So on this 64th anniversary of the brief but brilliant freedom of the Ukraine, let us simply make this prayer—"God speed the day when this sunshine of freedom shall indeed come again to the Ukraine."

[From the News World, Jan. 13, 1982]

CAPTIVE UKRAINE TEACHES US THE DEPTH OF SOVIET BRUTALITY

(By Bui Anh Tuan)

On Jan. 22, Ukrainians all over the Free World will celebrate the 64th anniversary of their country's proclamation of independence. The struggle of Solidarity adds more purport to that commemoration: Like Poland, Ukraine once enjoyed full sovereignty, and like Poland, Ukraine is being held captive behind the Iron Curtain.

From Ukraine to Poland, the Soviets have not changed their modus operandi. In the latter, they silenced the cries for freedom by means of local communist puppets who call themselves martial law authorities, while in the former they used a tiny group of Ukrainian traitors to cover up their military aggression of 1920, designed to destroy the Ukrainian National Republic and to create an illegal government known as the Ukrainian Soviet Socialist Republic, U.S.S.R.

And what makes these facts more memorable is that Western democrats—in Europe as well as in America—who gave no quarter to the two notorious World War II puppets of Nazi Germany (Norway's Vidkun Quisling and France's Pierre Laval) have put up with—even aided—the cruel puppets of the Soviet Union in Ukraine, Poland and in other parts of the world.

MILLIONS ANNIHILATED

The 64th commemoration of Ukrainian independence is a new opportunity for Americans to remember that the Soviet Union is the only remaining colonial empire, and that its leaders are many times more brutal than those of czarist Russia, which they overthrew in the name of human liberty and antiimperialism. During six decades of communist rule, millions of Ukrainians have been annihilated through deportations, executions and man-made famines.

In addition, both the Ukrainian Orthodox Church and Ukrainian Catholic Church have been obliterated, along with their clergy, prompting conservative members of Congress to introduce Resolution 123, exposing that form of Soviet "genocide" and seeking resurrection of these national churches to 50 million Ukrainians.

The Ukraine is proof of the intrinsic deviousness of communism. Ukrainian independence was recognized by a large number of nations, including Soviet Russia. But their solemn pledge has not prevented the Russian Bolsheviks from invading Ukraine and turning it into a colony.

More painful is the fact that Western nations, particularly France and England which were among the early recognizers of Ukrainian independence, comfortably sat tight as a numerically and technically superior Russian army made mincemeat of Ukrainian resistance. Without Western assistance, Ukraine valiantly fought the communist invaders for 3½ years. History would have taken a different turn if Western liberalism had been more sympathetic to the aspirations of free Ukraine.

WON'T STOP FIGHTING

Despite Soviet oppression and Western liberal abandonment, Ukrainians continue the fight. Ukraine represents 20 percent of the population in the Soviet Union, but some 45 percent of political prisoners in all Soviet gulags come from Ukraine. On Nov. 9, 1976, the Ukrainian Helsinki Group was formed. Three months later, its leader was arrested. Now, not a single active member of the monitoring group is around—23 behind bars, six exiled overseas, one driven to suicide and two under KGB surveillance after completing their jail terms for their quest for freedom.

The ruthlessness of Soviet leaders has no limits. Chornovil, a journalist-Helsinki activist, was framed for "attempted rape." A woman was sentenced to 10 years of imprisonment for receiving uncensored letters from her husband. Age also, breeds no immunity—five years of internal exile plus six months in a psychiatric hospital for a 76-year-old frail woman; and 10 years in jail for Shukhevych, then a 14-year-old boy. If Shukhevych is released in 1987 at the end of his present jail term, he will have spent 35 years in prison.

IGNORED BY MEDIA

Just a very few in this country know about the fate of Mykola Rudenko, the Ukrainian Helsinki leader, and his courageous wife Raisa. Both are now in jail. The Rudenkos oppose Soviet imperialism, but our major media is not interested in them. By contrast, the South Korean Kim Dae Jung, who does not oppose Soviet imperialism, has almost become a household name in America.

Of 32 members of the Ukrainian Helsinki group, 10 are journalists, writers and poets. Our major media simply ignore their struggle and ordeal. But no fewer than 1,000 members of our news organizations, including those from The New York Times and The Washington Post, have signed an "open letter on violence against journalists in El Salvador," heaping blame on the moderate pro-U.S. government of President Napolean Duarte!

UKRAINIAN CONGRESS COMMITTEE OF AMERICA, INC.,
New York, N.Y., January 18, 1982.

DEAR REPRESENTATIVE: The Polish crisis has once again demanded a re-thinking by all free men about the Soviet Russians, the USSR, and all the captive non-Russian nations from the Danube to the Urals. Both in the short and long run it would be the height of naivete to believe this crisis is exclusively a Polish one. To commence such a reassessment in this new year, a no more appropriate occasion presents itself than the observance of the 64th Anniversary of the Independence of Ukraine. It's a good time for some integrative thought.

Like Poland, Ukraine (the largest non-Russian nation of 50 million both in the USSR and Eastern Europe) fell under Soviet Russian domination two decades earlier. The independent Ukrainian National Republic, established on January 22, 1918 following the collapse of the Tsarist Russian Empire, was one of the first victims of Soviet Russian imperialism, which in a long series of conquests stalks today in Afghanistan. Like Poland's, the history of Ukraine's resistance to a more immediate Soviet Russian rule has been a long and heroic one. A vital point overlooked in current discussion is Moscow's deep fear of Solidarity's overspill into the Baltic states and Ukraine. For strikes and workers' demands for free unionism have also emerged in Estonia, Ukraine, and federated Russia. As scholars in the field maintain, had Ukraine remained free, Poland and others would not be unfree.

Your address on this fundamental subject in the Congress during the week of January 25 will not go unheard. I urge you to stimulate this re-thinking process so that new and more realistic approaches toward an irrepressible enemy could be developed. VOA, RL and FRE, as well as other media, will transmit your message to these critical areas of Eastern Europe. I also urge your support of (1) the resolutions now pending before the House Foreign Affairs Committee (the Senate has already passed the Goldwater measure) seeking the resurrection of the Stalin-genocided Ukrainian Orthodox and Catholic churches in Ukraine and (2) full, informative hearings on the non-Russian nations in the USSR. The President's excellent address on the Polish crisis provides the tone for such action.

In the House, under formal order, the Honorable Samuel S. Stratton and Edward J. Derwinski will lead the discussive observance. In the Senate, we hope for a productive colloquy, and a reception will be sponsored by the Honorable Alfonse M. D'Amato and Christopher J. Dodd. The respective offices will have dates, place and time when Congress reconvenes.

With much gratitude for your participation and best wishes in the New Year.

Sincerely,

LEV. E. DOBRIANSKY,
UCCA President,
Georgetown University.

□ 1230

Mr. BIAGGI. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I am very happy to yield to the gentleman from New York.

Mr. BIAGGI. I want to thank the gentleman for yielding and take this opportunity to commend him for his leadership, together with the gentleman from Illinois (Mr. DERWINSKI) whose efforts in this area have been unflagging. It is this type of manifestation of continued concern that gives hope to those who are enslaved in the Ukraine and other nations in the captive nations bloc.

On the note that the gentleman is stressing, when he so graciously yielded to me, when he equated the Ukraine and the recent conduct in Poland, it clearly demonstrates that the spirit of freedom that is in the bosom of all mankind can never be finally and irrepressibly suppressed. It must one day burst forth, and I am sure it will. Hopefully, one day the yoke of tyranny will be shed, and those in the Ukraine and all of those who are now subjugated by the Soviet Union, and to their oppressive methods, will be free. It is only because of that spirit and because of the continued interest of people like the gentleman in the well, Mr. DERWINSKI, and our colleagues in both Houses, and the community at large, that functions on a day-to-day basis. Even though small in their numbers, their abundance of spirit crosses the ocean to continue to fire the light of hope in the breast of all of those that we are so concerned about.

Mr. STRATTON. I thank the gentleman from New York (Mr. BIAGGI), for his always eloquent and very pertinent remarks.

Mr. PEYSER. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to my colleague, the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. I thank the gentleman for yielding.

I, too, want to join in congratulating the gentleman for not only taking this time but for the remarks that he has made concerning the Ukrainians' independence.

I would like to mention briefly at this time that over the recess I have become very personally involved in a situation dealing with a 14-year-old Ukrainian boy who has in our country here struck out for freedom. The young man's name is Walter Polovchak. It is a very familiar name in this country today because of the great controversy that has been raging over this young man between the Soviet Union and the United States.

I had the opportunity of going to Chicago and visiting with this young boy for some time before I decided that it was in our best interests here in the United States and in the boy's best interests to obtain an order through the Justice Department that would guarantee his right to stay in this country until such time as all legal processes had been explored, and so he would not be forced to return. I thought on this day and on this anniversary it would be of particular interest to hear a letter that I received this morning from this young man, written to me. I have excerpted the letter because there were some statements of a highly personal nature that I did not feel related to the situation, but I felt that I would like to read very briefly what Walter had to say. I would like to say before that, that this is a decent, nice young man who for the first time in his life has tasted freedom here, and does not want to be returned to the repression that he lived in for 12 years before coming here. This is what Walter had to say:

EXCERPTS FROM LETTER RECEIVED ON JANUARY 26, 1982

Dear Congressman Peyser: I decided to write you a letter. I would like to tell you why I want to stay in this country. I like the freedom. I like the people and country. I can practice my religion here. I don't want to go back because if I go they will put me in jail or to a mental house. I don't like the way the teachers were hitting children. We had to go to school on Christmas and wash the desks and clean the walls. In summer, not school time, we had to go and work in the fields.

I don't like to belong to the Communist organization called pioneers. The people are not free. They can't say what they want to say. I couldn't practice my religion. I couldn't go to church because if I go the teachers were standing in front of the church and next day you go to school and you get in trouble. I couldn't go to another city or state. The police had to know where you were going to live in the city. You had to sign out. You couldn't buy food in a store. You had to know someone that works in the store to buy some food.

I was raised by my grandmother until I was 12 years old. When we were in Italy on the way to America, my father told me that I could go and live in California with my aunt. Then, about 6 months later, my father told me that he is going back to the Soviet Union. I said that I don't want to go back, and he said he will pay $100 to the police to put me on the plane and send me back. I got scared and I ran away from home.

On this, I am ending my letter. Please write me if you want to know more.

WALTER POLOVCHAK.

Mr. PEYSER. Now, you can picture the strain that this 14-year-old is under and has been under in making the decision he has made. But I think he has exemplified the best tradition of freedom that exists among Ukrainian people, and given the opportunity to express that freedom as he has, I think they would express it the same way.

I think it is very much up to us in the United States, and if need be in the Congress itself, to guarantee that this young boy is going to have a chance to grow up in the United States and enjoy this freedom.

I thank the gentleman from New York (Mr. STRATTON) for yielding to me.

Mr. STRATTON. Let me commend the gentleman from New York for reading that letter into the RECORD. I think that is a very eloquent and unusual letter.

As I understand the gentleman this is one that has not been made public. It certainly indicates that this boy of 14, whom some in the press are trying to portray as just a kid, has a perception of the ideas of freedom far beyond his years, and I would think that that would be a very eloquent piece of evidence in behalf of his plea to be allowed to remain here.

Mr. PEYSER. The gentleman is correct. This has not been released until just now.

Mr. STRATTON. I want to also commend the gentleman for his interest in this matter. As he said, he went to Chicago to visit the young man. One of our leading newspapers in New York State, I noticed, undertook to chastise the gentleman from New York for going out there and interesting himself in this particular case. That is strange, because I thought the New York Times stood for freedom, the way the rest of us do. But I think what the gentleman has come up with is a very valuable piece of evidence, and I would share his view that if the executive branch should weaken—although I do not believe it will—in allowing him to remain here, we in the Congress ought to certainly provide the last refuge and allow him to continue here. It certainly demonstrates that the Ukrainian people, as I was just saying, have a special premature, perhaps, sense of freedom which is demonstrated by this young man, and by his older sister, I understand, who also decided to choose freedom. She was 3 or 4 years older, but nobody seems to be terribly upset by the fact that she stayed here.

Mr. PEYSER. If the gentleman would yield on that point, the gentleman is very correct. The sister, whose name is Natalie, recently spent a weekend in my home in New York, and she is a delightful young woman who has really, I say, grabbed with both hands the essence of American freedom. And the reason no issue is being made over her is that she was old enough to enter the country on her own passport and, therefore, she was free of any other obligations, and she has chosen to remain and is going on, I am sure,

to an outstanding career in this country.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I am pleased to have the gentleman participate in this special order, and I yield to the gentleman from Illinois for that purpose.

Mr. DERWINSKI. Mr. Speaker, I am pleased to join with my colleague, Congressman SAM STRATTON, in cosponsoring this special order in honor of the 64th anniversary of the independence of the Republic of Ukraine.

As we commemorate this anniversary, it is necessary to remember that the Soviet Union continues to suppress the nationalistic spirit of the non-Russian Republics within the U.S.S.R. As we look at the plight of the people of the Ukraine, the largest non-Russian country in Eastern Europe being held captive by the Soviets, it is important to note that the date of January 22 remains a symbol of a period when human dignity, national freedom, and self-determination were gained.

Sixty-four years ago, the Ukraine was able to break away from the czarist regime of Russia and declare its freedom and self-determination. On that day in 1918, the proclamation of independence of the Ukrainian National Republic was issued in the city of Kiev, which became the capital city of the Ukraine.

However, after 2 years of this nation's existence, Russian control was once again restored by the forced incorporation of the Ukraine into the Soviet Socialist Republics, and it remains today under the black hand of Soviet oppression.

This domination has not dampened the spirits of the Ukrainian people as they continue their ongoing struggle to preserve their cultural and traditional beliefs that have been so vital to their existence. The Ukrainian people have strong traditions, a distinct language and literature, and deep religious convictions of their own.

Since the time of the Russian Communist takeover, the Ukrainian people have not given up hope of once more regaining the freedom which they knew so briefly. Their constant efforts are proof of the inability of the Kremlin rulers to break the noble Ukrainian nationalistic spirit.

The tenacity of their dissident nationalistic movement has never died. Despite the extreme pressure tactics employed by the Soviet Union on the Ukrainian people, dissenters continue to speak out against the cruel Soviet tyranny.

The determination of its people to retain their cultural and intellectual freedom still grows.

One of the most dramatic and encouraging factors in the ongoing struggle between freedom and tyranny is the continuing growth of this nationalistic spirit among the non-Russian peoples within the U.S.S.R. This is especially significant when we keep in mind that the Communist dictatorship in the Kremlin has failed in their efforts to eradicate the nationalism of the Ukrainian people.

Not only is the Ukraine the largest nation territorially in Eastern Europe and the U.S.S.R., it has the largest nationality group within the Soviet bloc. It is also the richest in resources of the captive nations, possessing tremendous agricultural lands, which once earned for it the title of the "Breadbasket of Europe," as well as possessing an abundance of industrial assets.

Today, as we commemorate the 64th anniversary of the strong and determined peoples of the Ukraine, we must not forget the struggle of the oppressed nations held captive by Soviet rule, and continue to offer hope and our full and uncompromising support in their aspirations for freedom and self-determination. We must help to make their shattered dreams and those of all captive peoples reality once again.

Mr. STRATTON. Mr. Speaker, I thank the gentleman for his remarks. I have only tried modestly to follow in the footsteps of the great leadership that the gentleman from Illinois has provided.

● Mr. MOAKLEY. Mr. Speaker, I rise today to commemorate the 64th anniversary of the Proclamation of Independence of the Ukrainian National Republic.

On this date in 1918, the brave and determined people of this country celebrated what they believed to be the end of many years of repression by the more powerful countries which surrounded them. Unfortunately, in the early stages of World War II, the Soviet Union abruptly put an end to the short-lived freedom Ukrainians had enjoyed by a forceable Soviet occupation and takeover of that region. Thousands of Ukrainians lost their lives and homes as a result of this cruel and unjust action by the Soviets. The most significant loss, however, was the denial of freedom which the Ukrainian people had fought so hard to obtain.

Mr. Speaker, I consider myself most fortunate to live in a country that entitles me to freedom and independence. I cherish these privileges more than anything. I volunteered for the service in World War II because I believed so strongly that these essential rights should and must be protected. My heart goes out to the people of the Ukraine. I realize the agony that these freedom-loving people must be experiencing. Therefore, I believe it to be the obligation of this Congress to not only condemn the oppression that still plagues the people of the Ukraine, but to also support and encourage their struggle to regain their freedom. I am proud to stand with my colleagues in honoring this important date and also in our commitment to the people of the Ukraine.●

● Mr. BROOMFIELD. Mr. Speaker, January 26 marks the 64th anniversary of the Proclamation of Independence of the Ukraine National Republic. On this occasion we join with Ukrainians throughout the world in commemorating this event. As much as any people today, Ukrainians understand and cherish the value of freedom, if only because for much of their history, freedom has been denied to them. They have paid a price for wanting independence. They have suffered under both Communist and Nazi oppression. They continue to strive for liberty today even as the Soviet Red Army seeks to crush any vestige of dissent, much less independence.

Because we are all one people on this planet, and because our own freedom is jeopardized by the persecution of freedom-loving people anywhere, our hearts and prayers go out to the Ukrainian people as they continue to struggle against totalitarianism.

May their quest for freedom be successful, and may history record that even during their darkest hours, their cause was not forgotten by the world.●

● Mr. DOUGHERTY. Mr. Speaker, it was 64 years ago last week that a nation was born. More correctly, a nation was reborn that year, for the people of Ukraine had enjoyed independence throughout their history. On January 22, 1918, the Ukrainian Central Rada, the legal government, proclaimed the Ukraine to be an independent state. The next year found more territories eager to join the new Ukraine. The hopes and visions of the Ukrainian people were never stronger than at that promising period of 1918 to 1920.

As we all know, the Soviet Russians have never been accused of respecting the hopes and visions of any independent state. In 1920, they moved into Ukraine and took control.

Because we have seen the Russians invade nations in the 1980's, we tend to downplay such occurrences in the 1920's. Mr. Speaker, that kind of attitude is totally wrong. The fact that these Ukrainians have been denied their rightful independence for 64 years in fact increases the magnitude of this terrible injustice. We must become more vocal in our outrage at this foul deed. We must not be silent or tolerant. We must be as forceful now as we would if the Soviets had just moved into Ukraine yesterday.

As the Soviet Government has no doubt learned, the passage of time has only strengthened the resolve of those committed to seeing an independent Ukraine once again. The U.S. Congress will take this opportunity every year to remind the Soviet Government of

their responsibility to respect human rights. Let me assure you, Mr. Speaker, as cochairman of the Ad Hoc Congressional Committee on the Baltic States and Ukraine, that the struggle for Ukrainian human rights will continue throughout 1982. The Soviets can best respect human rights in this case by acknowledging, 64 years too late, the legitimate independence of Ukraine.●

● Mr. HYDE. Mr. Speaker, I want to thank Congressman DERWINSKI and Congressman STRATTON for arranging this special order in commemoration of the 64th anniversary of the Proclamation of Independence of the Ukraine National Republic.

I was greatly honored last year at this time to be named "Man of the Year" by the Illinois division of the Ukrainian Congress Committee of America—a distinction of which I am very proud.

When we speak of the Captive Nations struggling under communist slavery, there is no exaggeration in stating that the Ukraine has suffered the longest.

The record of Russia's inhuman treatment and persecution in Ukraine is probably matchless in the history of mankind. Since 1920, Ukraine has endured persecution, mass murders amounting to genocide, religious and national persecution and economic exploitation. To this day, Moscow continues its relentless policy of the Russification of Ukraine.

And yet, the tradition of Ukrainian independence—a tradition that goes back centuries—cannot be destroyed. A spirit of freedom lives on in the hearts of those who must endure Soviet threats, persecution, cultural and political manipulation, propaganda, discrimination and suppression. Despite this, the Ukraine people continue to fight daily for their human rights and national independence.

As we reflect on their ordeal today, we must also recognize and pay tribute to the Ukrainian Congress Committee of America which, since 1940, has been a powerful advocate of independence for Ukraine. I know my colleagues join me in congratulating the committee for its zeal and dedication in continuing the struggle for freedom in the Ukraine, and for serving as the voice of so many in this captive nation who cannot speak for themselves.●

● Mr. ANDERSON. Mr. Speaker, January 22 marked the 64th anniversary of Ukrainian independence. In 1918 a Ukrainian Republic was established on that day, as the Czarist Empire was disintegrating in the wake of its defeat in World War I. The new republic marked the end of centuries of cruel exploitation of the Ukraine by Russia.

The new state was recognized almost immediately by many other nations of the world. On February 9, 1918, the Ukraine signed a peace treaty with Germany, Austria-Hungary, Turkey, and Bulgaria. Shortly afterward, France and Great Britain accorded the young republic de facto recognition.

Tragically, the new Soviet regime to the Ukraine's north did not share in the spirit of self-determination characteristic of the era and launched an invasion after the establishment of the state. A brutal struggle ensued, in which the Ukraine fought alongside the newly independent Polish Republic against their common Bolshevik foe. During the war, Kiev, the Ukrainian capital, changed hands several times and eventually the Soviets emerged victorious. The Treaty of Riga, signed by Russia and Poland in March 1921, marked the end of Ukrainian independence and a return of foreign domination over the proud and courageous Ukrainian people.

Soviet rule proved even harsher than Czarist oppression. Ukrainian language and culture have been relegated to a secondary status as the Soviet regime has attempted to absorb the Ukrainian people into the Russian nation. In 1932, collectivization stripped Ukrainian farmers of their land—so fertile the area is known as "the breadbasket of Europe"—and produced a famine that led to 7 million deaths. That same decade also witnessed the brutal liquidation of the Ukrainian Orthodox and Catholic Churches. Imposition of Russian culture on the Ukrainian people continues at the present time.

In light of these tragic events, Ukrainian Independence Day remains a bittersweet celebration for the 50 million Ukrainians in their homeland and the 2 million Ukrainian-Americans who enjoy true freedom in our country today. I know my colleagues join me in fervently wishing that the 50 million Ukrainians now within the boundaries of the U.S.S.R. could enjoy a similar degree of freedom as their compatriots in this country do.●

● Mr. ADDABBO. Mr. Speaker, it is more important than ever that we commemorate and stand strong behind the Ukrainians as they commemorate January 22 as the 64th anniversary of their Declaration of Independence and Self-Determination.

This day gives us time to reflect and appreciate the freedom that exists in America today. Currently, since the Soviet Union places more pressure on the free wills of the people living behind the Iron Curtain, we must show our support for the continuous struggle that the people of the Ukraine have endured since the granting of their independence in 1918.

The Ukrainians are people who should be applauded for their ongoing resistance to the Soviet subjugation. The Ukrainians continue striving to preserve the cultural and traditional beliefs of their own distinct history. They continue to fight for freedom and national identity, no matter what the cost.

It is hard not to think of the struggle and stress that the Polish people are now experiencing. Situations like the Polish question which is now at the forefront of public attention have existed in the Ukraine for the last 64 years. No one can possibly imagine what it is like to live under a situation like the one that exists in the Ukraine and Poland today. Moscow continues its imperialistic Russification policies, while breaking promises to its satellites as well as to other Western nations.

I cannot more strongly state that we have an obligation to display to the people of the Ukraine that they have an ally. They need to know that we as Americans continue to remember and support their struggle for basic human liberties and rights. Let us remember our basic liberties, such as freedom of the press, speech, travel, and to vote. And, let us never forget that this day is only one reminder that the people of the Ukraine struggle every day of the year to gain just some of the basic inalienable rights that exist in the free world.●

● Mr. LENT. Mr. Speaker, January 26, 1982, marks the 64th anniversary of independence for the people of the sovereign state of the Ukrainian Republic. I'm pleased to be part of this memorable occasion which commemorates a most significant event. As a nation of people who enjoy personal liberty, we should not be complacent about the greatness of our country or the many freedoms it offers us. The people of the Ukraine are continuing their struggle to secure the rights and freedoms that we as a nation fought for and won over 200 years ago. We should join together in saluting the Ukrainians to demonstrate that they are not forgotten by those of us who cherish the freedoms of a free society. Always standing proudly, the people of the Ukrainian Republic have courageously battled continuous Soviet domination. The Ukraine, which is the largest non-Russian nation within the U.S.S.R. and all of Eastern Europe, has a very strong and commendable record of opposition to the aggressive imperialism of the Soviet Union. The Ukrainian Congress Committee of America, Inc., serves an admirable function by drawing attention to the plight of those who live through this terrible ordeal.

The Ukrainian spirit remains undaunted and strong despite the adverse conditions these people valiantly struggle against. The Ukrainian people continue to nurture a flickering flame of freedom that cannot be snuffed out by acts of Soviet imperialism. On the 64th anniversary of their independence, they truly deserve our unending

support for their courage and constancy.●

● Mrs. HOLT. Mr. Speaker, Russian imperialism is nothing new to the people of the Ukraine, who have been struggling for independence for centuries. The evidence of the marvelous spirit of the Ukrainian people is that they have managed to retain their ethnic and cultural identity and continue to pursue their quest for freedom and independence.

We should not forget that the Soviet Union consists of many captive nations oppressed by Russian imperialism, but the Ukraine is the largest and potentially the most troublesome for the Kremlin.

Today we commemorate the Ukrainian declaration of independence 64 years ago, but this liberation lasted only 3 years until Russian domination returned.

The hope for freedom survives today in the Ukraine, and we should join our hopes and prayers with their aspirations, even as we support the movement for freedom in Poland and applaud the courageous resistance of the Afghan people against the Soviet invasion.●

● Mr. ROE. Mr. Speaker, our observance his week of the 64th anniversary of the Ukrainian Independence Day takes on special meaning in the light of the current plight being suffered by the people of Poland.

The Ukrainian people, once members of a free and proud nation themselves, clearly understand the true meaning and likely consequences of the military rule in Poland. Ukrainians, and all other freedom loving people around the world, are well aware the oppression taking place in Poland has been carefully orchestrated by the Soviet Union.

Like Poland, the Ukraine was also a free nation. January 22, 1918, was a day of glory for Ukrainians when their free and democratic Parliament, the Rada, declared the nation's independence. But freedom for the Ukrainian National Republic was seen as a serious threat by the Communist forces that had taken control of Russia during the revolution of 1917. Finally, in 1922, the Communists forcibly took over the Ukraine and began a brutal repressive campaign against the Ukrainian people that continues today.

Mr. Speaker, literally millions of Ukrainians have been systematically slaughtered by a succession of Russian Communist regimes. Ukrainians have been forced over the past 64 years to leave their homeland and serve their Russian slavemasters in factories and on farms throughout the Soviet Union.

Despite all this turmoil and tragedy, the Ukrainians living in the Soviet Union have somehow managed against great odds to maintain both their dignity and their ethnic identity. There is no question that while Russian control over the Ukraine is brutal and complete, the spirit of the Ukrainian people has never been diminished.

Mr. Speaker, I am proud to have sponsored a House resolution declaring that it be the sense of Congress that the President of the United States shall take steps to secure freedom of worship in the Ukraine and bring to the attention of national and international religious councils Soviet violations of basic human rights. It is my utmost hope this effort will lead to the resurrection of the Ukrainian Orthodox and Catholic Churches that were destroyed during the Stalin era.

The brave people of the Ukraine have served as an inspiration for Poland during this troubled time. Like Poland's Solidarity labor movement, strikes and worker's demands for free unionism have also emerged in the Ukraine. Estonia, and federated Russia.

Mr. Speaker, on behalf of the people of the Eighth Congressional District of New Jersey and the people of New Jersey, I join in saluting the heroic Ukrainian people on the anniversary of this important day in their lives. May it serve as a hope for all Ukrainians to maintain in their hearts, that with God's help, their self-destiny as a nation may once again become a reality.●

● Mr. FARY. Mr. Speaker, today the Ukraine is a captive nation. We often use the phrase "Captive Nation," just as we speak of the "Iron Curtain," without thinking about what it really means. The images brought to mind by these phrases can give us an idea what it must be like to be a Ukrainian today.

If, by the word "nation," we mean a homogenous group of people who speak the same language, have similar values and share a rich culture, and if we imagine all those people deprived of their human rights and imprisoned so to speak, just for being themselves, we begin to appreciate the implication of the phrase "Captive Nation."

The Ukrainians in this country know how that feels and they work to make us remember that their homeland has been held captive by the Soviet Union for many years now. I am sure that this has often been a frustrating and thankless endeavor. However, without forgetting their moral obligation to fight for freedom for the Ukraine, Ukrainians in this country have always been good friends and neighbors. They and immigrants from other captive nations have added to the richness and variety that is American by sharing their unique cultures and traditions with us.

I would like to think that we Americans have always been receptive to Ukrainian requests for help and support but I am sure that support is easier to come by since the apparent death of détente. The imposition of martial law, and suppression of freedoms in Poland is the most recent example of the Soviet Union's policy of violating the human rights of their neighbors as well as those of the captive nationalities living within their borders.

Mr. Speaker, on behalf of the people of the Fifth Congressional District of Illinois and the people of Illinois I join in saluting the heroic Ukrainian people on the anniversary of this important day in their lives. May it serve as a hope for all Ukrainians to maintain in their hearts, that with God's help, their self-destiny as a nation may once again become a reality.●

● Mr. FISH. Mr. Speaker, January 22, 1982, marks the 64th anniversary of the declaration of independence from Russia by the Ukrainian nation which resulted from the Russian monarchy collapse of 1917.

Following the Bolshevik victory in 1920, a separate Ukrainian Republic was established with other national republics, all with theoretical rights of sovereignty, including a constitutional right to secede from the Soviet Union. These changes were nominal, as they only represented a move to appease the Ukrainians by the Soviet Government.

"Ethnic cultural autonomy" was supposedly granted to all ethnic minorities as a result of an "independent" Ukraine, which included Byelorussians, Jews, Poles, and Russians. this entitled them to a right and power to socio-cultural self-government, direct representation both in local and national government, and to strong financial support by the state for the preservation of their own languages and cultures.

It is only natural that a denial of these fundamental rights would inevitably lead the Ukrainians on a collision course with Moscow's centralizing instincts.

Poland's labor movement has served as incentive for the 50 million Ukrainians, as Kiev experienced a series of strikes in protest of higher work quotas and poor living conditions. Other cities seethed with worker discontent, under the watchful Kremlin eye.

Comprising 20 percent of the Soviet population, the Ukrainians are the most numerous of the non-Russian Soviet peoples. It is essential that we recognize the efforts of the fiercely independent people of the Ukraine, who have, and will continue to protest the bondage inflicted upon them by the Russian Government. It is with great hopes for freedom, justice, and self-determination that I join today in asserting Ukrainian consciousness.●

● Mr. HOLLENBECK. Mr. Speaker, I rise to recognize the 64th anniversary

of the Proclamation of Independence of the Ukraine National Republic and direct my colleagues' attention to my remarks as they appeared in yesterday's RECORD. I want to thank the gentlemen from New York and Illinois for their thoughtfulness in arranging today's special order, and had I been aware that they were taking this action would have enthusiastically participated. Unfortunately, I received notification of this special order after my remarks in yesterday's RECORD had already been published.●

● Mr. DWYER. Mr. Speaker, as we rise today to commemorate the 64th anniversary of the establishment of an independent Ukraine, it is right that we look at the present situation in that republic and note that for the Ukrainian people, the independence born that fateful January day in 1918 has never ended.

Interrupted, yes, by the yoke of repressive Soviet rule, but just as defiantly, the drive for an independent Ukraine continues against all odds, forever steadfast.

There is perhaps no greater evidence of Ukrainian tenacity and vitality than in the hearts and minds of those members of the Ukrainian Helsinki Monitoring Group, all of whom have suffered imprisonment or exile for their bravery and conviction that promises made should be kept.

I have had the privilege of sponsoring a resolution paying tribute to the formation and endurance of this courageous group, and calling on the Soviet Union to end its harassment of the Ukrainian Helsinki monitors.

It is a well-known fact that the Soviet Union has not lived up to its Helsinki promises and, on the 64th anniversary of the Ukraine's all-too-brief period of independence, we must seize this opportunity and every other, to remind the oppressors of their duplicity.

The seemingly endless struggle for justice is sometimes frustrating, yet always worthwhile. We need only to look to the Ukrainian story and that of the Helsinki monitors for inspiration to never relent, until the liberty the Ukrainian people know and love becomes an enduring reality.●

● Mr. RINALDO. Mr. Speaker, the latest events in the Polish crisis have once again reminded us of the long, tragic history of czarist and Soviet Russian oppression of the people who have the misfortune to live along the periphery of Russia. The names of the captive people of first the Russian and now the Soviet Empire encompass people in Europe, like the Poles and Lithuanians and Turkic people across the Asian steppes like the Kazakhs and Tatars.

This week we commemorate the nation perhaps most experienced with the hand of Russian oppression: the Ukraine. Sixty-four years ago, amid the conflagration of the First World War and the collapse of the old czarist empire, the beacon of Ukrainian independence shone forth. Sadly, it had a brief life, as the Ukraine became one of the earliest victims of a new kind of Russian imperialism, Bolshevism.

Since then, the Ukraine has known as well as any nation the arbitrary, violent, and all too efficient hand of Russian communism. It suffered most grievously the force collectivization of 50 years ago, when Stalin's enslavement of the peasantry killed millions and sent countless others into the shivering hell of the still young Gulag Archipelago. Not content with his destruction of Ukrainian agriculture, which, hard as it may be to believe today, was once the breadbasket of Europe, Stalin intensified his war against the Ukraine. He abolished the independent Ukrainian Orthodox Church and tried to bury it in the Russian Orthodox faith. In 1946, he abolished the Uniate Church of Ukrainian Catholicism, and crudely forced its worshipers to adopt the Orthodox faith. Today, Ukrainian Catholics must practice their faith underground, in secret, just as did the early Christians in ancient Rome almost 2,000 years ago.

Not satisfied with denying Ukrainians their religion, the Soviet Russians have carried on and perfected czarist cultural oppression. While the Ukrainian language has not been formally banned, there is constant, unyielding pressure to reduce it to a second-class, backward tongue. Ukrainian indigenous history has been ignored, and the benefits of russification glorified.

On this solemn occasion, we must bear witness to the Ukrainian Insurgent Army, an estimated 180,000 men who arose spontaneously in World War II to fight the Nazi invaders and then heroically continued their fight for freedom against their Soviet Russian invaders after 1945. It took the Russians more than 5 years to stamp out this movement for self determination.

On this occasion, we must also take note of the courageous members of the Ukrainian Helsinki Watch Group, who banded together in November 1976 to remind the Kremlin and the world outside of the Soviet "Union's" signature on the Helsinki accords. Of the 37 members, 36 have been arrested and imprisoned under unimaginable conditions of brutality, or exiled from the country.

Last year, there were reports of strikes in factories in the western Ukraine and in the Kiev region. If accurate, these protests would show there remains a flickering light of human dignity and conscience in the Ukraine. May it grow and spread, and end the long night of the Ukrainian people.●

● Ms. FERRARO. Mr. Speaker, January 22, 1918, commemorates an important and emotional day in Ukrainian history. It was on this day that the people of the Ukraine achieved their freedom and independence from their powerful neighbors. This freedom and independence, however, was short lived. By 1920 the Ukrainian independent state was crushed by a more powerful Soviet Government.

As Americans, we direct our attention to the plight of the Ukrainian people for several reasons. First, the Ukraine is the largest non-Russian nation both within the Soviet Union and all of Eastern Europe. Second, as Americans, most of us have not been subjected to harassment, arrest or persecution because of our personal beliefs. The United States has the right to question Soviet denial of fundamental freedoms to Ukrainian citizens under the 1975 Helsinki agreement. Third, after decades of occupation, the people of the Ukraine have maintained their strong love and desire for freedom and independence.

The Ukrainian people may only be strengthened by the continued attention of the free world leaders and press. Only when Soviet policies are revealed and repudiated by the rest of the civilized world, will these authorities make some concessions to humanitarian principles.

The recent events in Poland, as well as the intimidation of the members of the Ukrainian Helsinki Monitoring Group, have shown time and again Soviet brutalities in the treatment of the peoples whose homelands they have invaded. I, therefore, urge my colleagues to join with other freedom loving peoples throughout the world in support of the successful efforts of the Ukrainian people to resist russification policies. American support for Ukrainian independence is traditionally important and right.●

● Mr. FORD of Michigan. Mr. Speaker, I am proud to help mark the 64th anniversary of Ukrainian Independence Day, which we are celebrating at this time.

What the Afghans experienced on December 7, 1979, the Ukrainian nation suffered shortly after January 22, 1918. Alone and without aid from Western nations, the Ukrainian people waged a gallant struggle to defend the sovereignty of their country, but were ultimately overpowered by numerically stronger and better equipped armed forces. If Afghanistan, like the Ukraine, becomes yet another captive nation, its people can expect reprisals for any resistance to Soviet rule and the subversion and destruction of their heritage as a free country.

I take this opportunity to mention one of the great Ukrainians of our day. I speak of Mykola Danylovych Rudenko who was the founder of the

Ukrainian Public Group to Promote Observance of the Helsinki accords. Mr. Rudenko formed this monitoring group in November 1976, and a year later, after police searches and harassment, he was arrested. Rudenko was sentenced at a closed trial on July 1, 1977, to 7 years in strict regimen labor camps followed by 5 years of internal exile under article 62 of the Ukrainian Criminal Code, anti-Soviet agitation and propaganda. He is in extremely poor health. Although the Soviets signed the Final Act at Helsinki, the human rights provisions of the Final Act have never—not even for 1 day—been observed in the Ukraine.

At this time when the right to national self-determination is being threatened in other areas of the world, we will not forget the Ukrainian struggle of 64 years ago, or overlook the ongoing question of the Ukrainian people. I pay tribute to them and to their never ending goals of freedom, human rights, and independence.●

● Mr. MINISH. Mr. Speaker, I would like to take time to join my colleagues on the floor of the House to commemorate the 64th anniversary of the Proclamation of Independence of the Ukraine National Republic.

We know that the cherished freedoms brought about by the Ukrainian Independence were unfortunately short lived. Soviet troops soon annexed this land as part of the U.S.S.R. Since that time, the courageous Ukrainian people have been forced to live under Soviet domination. This is the largest non-Russian nation in Eastern Europe which is held captive. Ukrainians look to the United States where we can be very proud of the freedoms that we enjoy and we know that others in the world consider us both an example and an inspiration.

At this very moment we are all too painfully aware of the Soviet presence in Poland and the manner in which this powerful country is attempting, but not wholly achieving, the subordination of the Poles. With this current reminder of Soviet aggression, let us be ever more vigilent in our monitoring of basic freedoms.

Mr. Speaker, I commend the Ukrainian people for their struggle against the domination of the Soviet Union and fervently hope that one day this will not be the case.●

● Mr. FORSYTHE. Mr. Speaker, in the six decades since 1917, the free world has repeatedly witnessed the Soviet Union exert its bear hug over the rights and national aspirations of its neighbors. In few instances have these grabs for domination been successfully resisted. And, in no instance has Soviet oppression been so brutally evident as in the 1921 Ukrainian takeover.

This past Friday, January 22, was the 64th anniversary of the declaration of independence in the Ukraine. Though short-lived following that declaration, Ukrainian independence has survived as an ideal in the hearts of people the world over. Despite an unremitting propaganda campaign, the Stalinist purges, and an atmosphere of terror, these nationalistic ambitions are nowhere stronger than in the Ukraine itself.

Ukrainians have added enormously to the cultural richness and variety of the western world. In considering these vast contributions, however, we cannot help but gage the unrealized contributions of Ukrainians who did not survive Russia's barbarism. In this light, it is all of us, not only the Ukrainians, who have been deprived. And, it is all of us who should look to a day when all people, as citizens of independent nations, can make their contributions to mankind.

As we mark this anniversary in Ukrainian history, and recognize the hopes that live today, we should neither overlook the lessons of the past, nor forget the aspirations of the future. While the Soviets have been able to dominate the Ukraine, they will never be able to rule its people's hopes for freedom.●

INVESTMENTS IN INDUSTRIAL ENERGY PRODUCTIVITY: EXTENSION OF THE BUSINESS ENERGY TAX CREDIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WYDEN) is recognized for 15 minutes.

● Mr. WYDEN. Mr. Speaker, we are witness to an era when energy costs are quickly becoming more than simple additional "pass along" costs of production. They are the fastest-rising part of many firms' cost structures, crowding profit margins and eating away at their competitive positions within industry.

Cost-effective investments in increased energy productivity are difficult for industry to make when, today, many American industries have trouble accumulating sufficient capital to satisfy their primary objective: Maintaining adequate and productive capacity available to serve their market.

When industry must pass over investments in equipment, such as that for cogeneration, which utilizes energy that is otherwise wasted, our economy suffers and our reliance on imported oil remains.

For these reasons, today I am introducing a bill to preserve the existing 10 percent tax credit for business investments in conservation and alternative energy systems. This tax credit's goal is to further our shift away from dependence on foreign oil by encouraging business firms to purchase cogeneration equipment, boilers and burners that use fuels other than oil and natural gas, and conservation equipment.

The tax credit, under provisions of the Windfall Profit Tax Act, is scheduled to expire December 31, 1982. To let this credit expire, Mr. Speaker, would be to turn our backs on a most cost-effective means of producing energy at costs far below those of conventional new sources of energy from oil and gas.

The extension of this tax credit will take advantage of the potentially important and beneficial role of cogeneration, biomass and coal in our Nation's energy future, by further facilitating the transition from an energy economy based on cheap, abundant supplies of oil—over 40 percent of which is imported—and natural gas to one in which the use of scarce and imported fuels is restrained and increasing use is made of coal and other domestic energy sources, as well as energy conservation.

This business investment incentive also makes a modest but effective contribution to the attainment of our Nation's most important goal: To put our economy on sound footing through investments in new plant and equipment, creating new jobs and enhancing our Nation's competitiveness in the international marketplace.

I can think of no better path to follow to this end than one that will stimulate capital investments in energy-efficient production while reducing future energy-related operating costs, positioning our industry in better financial condition with respect to retained earnings for new investments in modernization and expansion.

As Government can do no more harm to business investments than to create uncertainty, I hope my colleagues will support passage of an extension of this investment tax credit in order that it is consistent with today's investment planning horizons.

Perhaps no other industry better illustrates the case for extending the business energy investment credit than the forest products industry. Though admittedly an industry close to my heart, I believe it aptly illustrates both the need for investments in expansion and modernization to compete in the international marketplace and the potential energy efficiency gains to be made.

In 1981, the increase in U.S. paper companies spending for new plant and equipment was essentially flat, at $7 billion. There are three principal reasons: High interest rates, reduced cash flows, and uncertainty over the President's tax program. Canadian companies, on the other hand, boosted investment outlays by 42 percent to $2 billion in 1981.

Extending the tax credit will not solve our high interest rates, but it

will eliminate any uncertainties surrounding the availability of the tax credit for plant expansion, replacement or modernization investments—investments that typically occur on a 4- to 5-year planning basis.

On the energy efficiency side, from an international perspective, the true potential for efficiency gains are compelling. The average U.S. mill, for example, consumes 30 to 50 percent more process heat than its Scandinavian counterpart. The average integrated paper mill in Scandinavia is about 80 percent energy self-sufficient, while a U.S. mill is normally not more than 50 percent self-sufficient. Thus, the average U.S. mill buys 2.5 times more energy than Scandinavian experience has shown to be necessary.

The necessity of reducing energy usage and costs will dominate many capital spending decisions in the years ahead, and it is not confined to the forest products industry. Industry is eager to back out oil and gas consumption and to increase plant efficiencies. All too often the missing ingredient is the incremental capital to invest toward those goals.

The business energy investment credit provides this ingredient. One need only consider the increasing use of the credit as evidence of this. In 1979 over $1 billion in energy investments qualified for the alternate energy tax credit, costing the Treasury $100 million. Based on Treasury Department projections, the magnitude of qualifying energy investments in future years will vastly exceed the 1979 figures.

This loss of tax revenues is a small price to pay when one considers the over $3 billion in lost tax revenues from the oil and gas depletion allowances and intangible drilling cost deductions or the $1 billion per year we spend on nuclear energy research, uranium enrichment services, and nuclear industry regulation.

By acting responsibly and swiftly in eliminating the 1982 deadline on this credit, Congress will demonstrate its commitment to energy independence and new plant investment.●

THE COLD FACT ABOUT AUTOMATIC TELLER MACHINES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, those of us who follow banking trends have noted the explosion of automated banking procedures over the last few years. There has been a virtual revolution in the way people can conduct their most standard banking transactions. It is now possible to deposit your paycheck, pay your bills, transfer funds from checking to savings and contribute to your retirement fund without ever having to put pen to paper or seeing the inside of a bank.

Perhaps the kingpin of this electronic banking age is the automatic teller machine or ATM. The amazing ATM can take your money, make payments on your loans, disburse cash to you in various denominations, and still hope that you have a nice day.

It has been predicted that the growth in ATM's will skyrocket as people become accustomed to their convenience, speed, and accessible business hours. But before anyone rushes out and purchases stock in companies which manufacture these wonders, I would like to call attention to a recent Merit Report survey. It seems that a whopping 89 percent of those people surveyed still prefer the personal touch of a real live bank teller to a machine when given the choice.

So while it may seem that you can conduct your banking business faster, and do it at most any time of the day with the aid of an ATM, the hard truth is that people still find comfort in those two little words, "next please."●

IS NATO DEAD?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise because during the interim period that we were in the district, events shaped that have, of course, agitated the headlines of the newspapers with respect to Poland, but also corollary issues that I believe have reached the point of crisis. I have stated back home reflecting the action that I took in addressing myself by way of two letters, one to the chairman of the Foreign Affairs Committee of the House of Representatives, the Honorable CLEMENT ZABLOCKI, and the other to the chairman of the Armed Services Committee of the House of Representatives, Mr. MELVIN PRICE.

The reason is that I am extremely concerned at the failure of our country to address itself to the absolute need now of the shaping and molding of consistent and coherent policy, both on a short-term basis as well as a long-term basis, with respect to Europe. There is no question in my mind that the developments in Poland and all anchor down a fear that I have entertained now for some time that NATO, such as was devised at the same time that such other programs as Bretton Woods in the international finance sector was devised, is dead.

In my opinion, NATO to all intents and practical purposes is dead. We have got to shape policy that addresses itself to the utmost concern that I have entertained now for some time, and that is the safety and the well-being, for example, of 300,000 Americans that are in Germany alone, in Europe, where I feel that the continuing situation unaddressed is a constant threat to their well-being, safety, and stability, and also to reexamine our role.

Obviously, the manifestations in Europe should be troubling to us for they indicate that there is more concern about our presence and that our troops are looked upon not as defense troops but troops of occupation, without a comparable fear to the reason why our troops are there to begin with, which is to insure European protection. But there seems to be more concern about American presence than Russian threat. Yet one-half of our defense budget or better, $100 billion-plus, is being dedicated by the American taxpayers for the purposes of the defense of Europe.

So for that reason I have written these two letters to these two chairmen, asking them to revise fundamentally the question of policy, since there is no question in my mind that up to now the administration is in disorder in this respect. We are ending up ironically in starving the Poles and feeding the Russians, and this with all of the best intentions of an administration that seems to want to persist in the indulgence of the illusion that we still can continue with things as usual, as customary, since 1945.

Mr. Speaker, I ask unanimous consent I may be permitted to insert in the RECORD copies of both of those letters, as well as remarks that I addressed to the local chapter in San Antonio, Tex., of the Reserve Officers Association.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

(The material follows:)

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 7, 1982.

Hon. CLEMENT J. ZABLOCKI,
Chairman, Committee on Foreign Affairs, Rayburn House Office Building, Washington, D.C.

DEAR CLEM: I know that you have watched the tragic events in Poland with the same dismay that I have. The developments there have clearly unmasked fundamental weaknesses and contradictions in our whole European policy. It is, I believe, essential that the Congress, through your Committee, review the whole situation in Europe and work to construct a new and effective policy.

The actions to crush Solidarity should not have come as a surprise to our government, after earlier experiences in Poland and elsewhere. Only the agents of repression are different this time: Polish troops rather than Russian. As for the United States, our government month after month did nothing effective to support the Polish economy nor provide any other kind of practical assistance that might have strengthened the process of freedom that was beginning to develop. In fact, throughout the last year,

our government made practically no mention of Poland, let alone provide any leadership to encourage what was the most hopeful struggle against repression in all of the world. What is more, after the ax fell, the Administration seemed wholly unprepared to respond. Nor were our European allies prepared to join in any response. The whole experience bespeaks an inability to grasp opportunity, to exercise forethought or leadership, or to do anything more than engage in a kind of futile and sporadic cheerleading.

With respect to Europe itself, it is ironic that no government there is willing to join in any kind of effective action to impose sanctions against Poland or the Soviet Union. This reveals NATO, itself, as a hollow shell, rendered without credibility both by its relative weakness and by the tired cynicism of European powers themselves. Chancellor Schmidt plainly displayed this in his comments published in the January 3, New York Times. He did not see the situation in Poland as a crisis: "not a crisis at all." He thought that economic sanctions would not be of much practical effect, "but, of course, psychologically, politically, they will have great effect in Moscow." And then: "But we would find it very difficult ourselves to apply sanctions against Poland."

Chancellor Schmidt, in discussing the presence of American forces, called upon us to understand why his countrymen demonstrate against U.S. forces, and then with tired cynicism commented that the United States would not reduce its forces in Europe: "Such discussions (of a troop withdrawal) come and go and come and go. You would abdicate from your leadership role in the Western world and I think the political elites in the U.S. will always be sober enough not really to consider such a fatal move."

In short, on both sides of the Atlantic there is a fatalistic, unthinking mentality, the same kind of mentality that led to the great and tragic wars of this century. Europe wants only to be left alone; somehow it will either not be invaded or will find an accommodation; and somehow the United States will prevent any ultimate tragedy from taking place. As for the United States, we are unable to create a design that will either draw Europe out of its inward-directed preoccupations or cause its powers even to live up to their NATO force level commitments. Our own forces are resented, but the great powers of Europe will not provide adequate forces of their own: the United States spends more than all our allies combined on defense, and we spend more of our gross national product on defense. No matter how you measure the level of effort, our commitment is not matched. In not one of the last three years have our allies on the whole met their commitments to improve NATO forces. In fact, Germany will this year actually lessen its efforts.

These are times of profound importance. The leadership of the Soviet Union is aging and uncertain. The grand design of European defense is faltering. Our allies are querulous and timid. Our own leadership is preoccupied with domestic affairs and internal personality conflicts. I urge that your Committee undertake a review of the whole strategic and political situation in Europe, and how the United States should respond to it. More is at stake than our relations with Europe itself—as is suggested by the confusion that marks our relations with the Soviet Union itself: our arms buildup against Russian power, combined with our vastly expanding trade with the Soviet Union, reveals a fundamental contradiction in the assessment of Russian intentions, and what our role should be toward that power. Our country cannot afford its continued drifting, its continued lack of initiative, nor its abandonment of genuine leadership. Your Committee can do much to overcome this dangerous drift, and it is the only body of the Congress that is properly equipped to do what must be done. I know that you will respond to this challenge, and assure you of my support.

With best wishes, I am,

Sincerely yours,

HENRY B. GONZALEZ,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 7, 1982.

Hon. MELVIN PRICE,
Chairman, Committee on Armed Services, 2120 Rayburn House Office Building, Washington, D.C.

DEAR MEL: I am intensely concerned about the living and working conditions of United States troops in Europe. Moreover, I am distressed that our allies, whose security is assured by those troops, do so little to provide support for them.

I know that you are personally aware of the abysmal facilities that our European forces live and work in. I know that you are aware that Germany, for example, feels that it owes little to the support of American troops, except for providing the land that they use. It may be natural that German expenditures go first to the benefit of the German Army, but it is more than a little ironic that our own forces must live in and use facilities captured and left unimproved since the days of the Wehrmacht.

Your Committee has made numerous efforts to encourage European powers to provide decent support to our troops, and you have likewise undertaken to authorize use of American funds to provide necessary facilities. For various reasons, those commendable efforts sometimes have been frustrated. I urge that you continue to work with all possible effort to insure that our troops are provided decent and affordable living conditions, and that their working facilities be adequate for the equipment they must maintain, and the climatic conditions within which they must work. It is simply intolerable that a multimillion dollar tank must be washed with a garden hose and maintained in a mudhole, or troops live in cold and leaky barracks.

I believe that your Committee should review the adequacy of the commitment our allies have made to NATO. Our allies do not expend anything like the proportion of national wealth that we do on defense, even though half of our total effort is dedicated to the security of Europe, alone. Our allies are not meeting their commitments to enhance the capability of their own forces, and have not done so for any one of the past three years. That lack of commitment is reflected, not just in the lack of effort our allies put into their own defense, but in their unwillingness to follow American leadership or provide any credible alternative of their own. I do not believe that we should rest with the comfortable assumption that recent, large scale antinuclear demonstrations in various European countries was simply an expression of concern about nuclear war: fundamentally they were demonstrations against American power, American policy, and the presence of American forces.

Unless our allies repair the fabric of NATO, we should reassess our own position. I do not for a moment believe that the kidnapping of our top commander in Italy reflects any significant opinion there—but I am deeply concerned that our allies have made no expression of outrage about the incident. I am even more concerned that NATO seems more preoccupied with penalizing its own member, Turkey, for its military coup than confronting Poland with similar rage. I fear that the gradual, and now clear, loss of coherent and unified will, might one day result in the embarrassing ejection of our forces from Europe.

Questions of foreign policy are of course beyond the scope of your Committee jurisdiction. But American forces both affect and are affected by our foreign policy. I believe that you can review the adequacy of the commitment our allies have toward NATO, and that you can move to insure that our troops live and work in the conditions that we want and expect, and that they are not committed to a meaningless role, that they are not exposed to a hopeless mission, and that they will enjoy a real level of support from our allies. They are not, after all, forces of occupation, but troops committed to mutual security. The question in my mind is how mutual that commitment is.

You have provided real leadership, and it has made a lasting impact. Our concerns are mutual, and I urge that you, through your Committee, continue to assess the proper role of our forces committed to NATO, and to evaluate ways and means to either obtain the support they ought to have, or modify their mission.

With best wishes, I am,

Sincerely,

HENRY B. GONZALEZ,
Member of Congress.

REMARKS OF HENRY B. GONZALEZ, RESERVE OFFICERS ASSOCIATION, SAN ANTONIO, TEX., JANUARY 20, 1982

Seems to be for some time now the universal feeling that the world exists on the thin edge of Armageddon. Everyone knows that not only do the superpowers possess the ultimate means of destruction—but that smaller powers, less stable powers—are also coming to possess the ability to build and use nuclear weapons. The variables in the equation of violence keep growing, and threaten to further destabilize a spinning top that is already wobbling on its axis. That is part of the danger we face: the power we and our principal antagonists have in our hands, and the growing power in the hands of lesser known antagonists—who nevertheless, like that forgotten Balkan land of so long ago, can bring the whole world down into a storm of violence.

Everyone knows, too, that Poland has taught us once more of the limits of our own power. No matter how much we have invested in placing our troops in Europe, no matter that half our defense budget goes for the defense of Europe, we would have been hopelessly overmatched in any effort to intervene in Poland. Not only that: far more ominously, we know that our allies will not even support us in any kind of meaningful trade sanctions. We have granted a sphere of influence in Poland, and no matter how we might like to call it otherwise, neither we nor our allies are prepared to change the status quo there.

Finally, everyone knows that we are engaged in a buildup of military forces that will cost a trillion and a half dollars long before this decade ever ends. There are no

words that will describe the vastness of this buildup, nor are there powers of the imagination that can picture the forces that will be placed in the hands of our soldiers, airmen and sailors through this buildup.

We are living in a world in which the ultimate power—nuclear war—is not survivable. The paradox and dilemma is that we are not certain what our conventional forces can do—or even what they should be called on to do. We are in the midst of a time when serious, basic, fundamental questions have to be asked—lest we find ourselves attempting the impossible or fooled into risking the unnecessary.

This is axiomatic: military forces are not an end unto themselves. Military forces cannot be built for the sake of having forces. Military power is not an end in itself—but rather an instrument of national policy.

If national policy is one thing and military forces are tailored for another, then both policy and forces are wrong and dangerous. If our policy makes one commitment, but our forces cannot insure that commitment, then we have no ability to carry out that policy or defend it against antagonists. By the same token, if we have power but no policy at all, then we have no way of even guessing whether the power is adequate or appropriate to whatever policy we evolve.

If we have interests that we aim to protect, and policies that we aim to support, military power is a necessity. There can never be any question of that. But in devising our military forces, we have to be certain that the forces fit the policies—for if they don't, neither the policy nor the military forces will be realistic, neither will be able to accomplish its hoped-for end—which is the preservation of our nation and the protection of our fundamental interests.

The question we face today is not just one of building unprecedented military power. The question is how that power fits into policy. Ultimately, it is the question of just what our national interests really are. Are our forces in Europe fulfilling our policy, protecting our basic national interests? Are they in fact hostage to other powers, other interests? Are they really essential, or are the impediments to our own goals? We have not examined fundamental policy in Europe for many decades—but the world has changed immensely in that time. Do our policies—and hence our forces—really reflect what is needed today, really protect what must be protected, really promote the peace that must be preserved, if the planet is to survive at all?

Our friends in Europe presume that our forces are going to be there, no matter what. They feel that they can afford to go their own way—to disassociate from the United States politically, even economically, because our military power is still going to be there, present to protect them—and the status quo. They presume that we have no choice but to remain with three hundred thousand troops, a good part of our air force, and most all our national commitment—all to preserve the status quo, the more or less balanced interests that finally settled out of the postwar period. But we have to ask: is that really so? If our allies feel free to disassociate from us, doesn't that mean there is a divergence in basic interests? Doesn't that mean the status quo is something for them—but not necessarily ourselves—to protect?

No matter how we look at history, the fact emerges that the United States and the Soviet Union have not been at war with one another. We have contested through surrogates; we have struggled against mutual ambitions—but we have not gone to war. Whatever the reason may be, the Russians have not invaded Alaska, any more than we have invaded Cuba.

We have not sought to match the Russians, man for man and tank for tank in Europe, and why? Because even though we might hope to preserve the status quo, it is not fundamentally our aim to invade their country, any more than it is in their interest to invade our own.

I do not say that we should trust the Russians. I do not say that we need not fear them. But the fact is that our policy is confused, and our military therefore is given missions that are not clearly defined—and therefore missions that they can neither know nor well prepare for.

If we have a great military threat facing us, it makes no sense that the United States would sell 28 million tons of grain to Russia a year—as we are now. It makes no sense that we would encourage the growth of ever-more sophisticated trade. Those are actions—economic actions—that strengthen the Russian nation, even as we are arming ourselves to match their power. Our economic policy we are following reflects a judgment that our basic interest is one thing—while the military policy shows a judgment that is completely opposite.

If it is true that our basic interest lies in negotiation rather than confrontation, then we ought to have a policy that is coherent—a policy that says, let us negotiate, and let us be realistic about it. If you cooperate, you will find us responsive. If you do not match your promises with performances, you will find that we will not negotiate. It makes sense to link one policy with another. If we aim to follow a policy of confrontation, then it makes no sense to carry on trade and negotiation, as if none of those three things is related to the rest. Likewise, if we aim to carry on negotiations, it makes no sense to fail to link our other policies with that basic decision.

If we examine our most fundamental, our most basic national interests, we might well find that our military commitments do not match those interests. It is *our* power behind which Europe builds its economic base—for we protect their status quo. It is possible—and we have to think this way—that Europe could do more on its own and for itself. We might well find that we could use that same money and those same resources to protect something that is more basic to ourselves—say our access to oil and vital raw materials. And we have to ask ourselves even such heretical questions as whether or not we could reduce tension in Europe by removing at least some of our forces there—possibly even convincing the Russians to reduce their own forces.

We have to ask ourselves just where our most basic interests are—just how to protect them and just how to project those interests. No one else will do that for us. No one else will carry that burden for us.

We have to ask ourselves whether or not our policy is coherent. Does what we do make sense in terms of what we say? Does our policy reflect the real world, or are we prisoner to some dream, even some past that is only a shadow? Are we wasting efforts—fooling ourselves?

World leaders are of necessity frightened people—and should be, because the price of misunderstanding and miscalculation is absolute doom. Now that almost four decades have elapsed since the evolution of the superpowers, now that missiles and computers command the destiny of the planet, and now that old rivalries have risen again, in the ashes of alliances, maybe it is time to reassess where we are and what we are doing. We cannot be too careful—but we dare not let our determination to survive stand in the way of our clear thinking about the best way to survive. We cannot let our guard down—but neither can we afford to build and maintain a guard against threats that are not real. We cannot prevent day from dawning nor sun from setting—but we cannot fail to see that different times demand different responses. And I wonder if the time has not come for us to see if time has not robbed some of our policies of their real integrity. If not, why then do we see our forces' calls for assistance, for cooperation, rejected almost out of hand? And why do we see European leaders—on our own soil—blandly saying that of course there is no choice but for the Americans to maintain their force in Europe? Maybe in fact we do have a choice. Maybe in fact our interests have changed. Maybe in fact our forces could better be used to protect more fundamental interests . . . but we will never know unless we challenge our own assumptions.

It is axiomatic that military power is not an end in itself. Military power has to reflect clear national policy. As things stand today, we must recognize that our national policy is not clear, anywhere in the world—which is why our forces have been entangled in hopeless causes, why our soldiers even today are faced with confusion and revulsion in Europe, and why we ourselves are not certain what we need to deal with the world—for we do not know what it is we are to deal with. Our vision has to be clear—our motives plain—and our forces adequate. The first thing we have to do is look carefully and see clearly, lest we be on guard in the wrong place against the wrong threat and at the wrong time. And no one will see for us—nor can we ever rest with comfortable assumptions—because it is in the wrong assumptions that history's mistakes are made. In this world, we have to be right the first time.

□ 1245

PILOT DON USHER AND PARAMEDIC GENE WINDSOR COMMENDED FOR THEIR COURAGE

(Mr. YATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. YATES. Mr. Speaker, on the afternoon of Wednesday, January 13, I watched television coverage of the tragic Air Florida crash. When I saw the clips of the National Park Service helicopter *Eagle I* it was obvious that the pilot was operating his craft at a considerable threat to his own life. When I saw the paramedic step out onto the skid and reach down to pull an exhausted survivor into the helicopter, I felt like cheering.

Mr. Speaker, the pilot was Don Usher and the paramedic was Gene Windsor. They have received much acclaim. Their response is to say they were just doing their jobs. I would like

to take this opportunity to again commend them for their courage and for their devotion to others. There actions were in the finest tradition of the Park Service.

Mr. Speaker, I would like to insert the letters I sent to Messrs. Usher and Windsor at this point for the RECORD:

COMMITTEE ON APPROPRIATIONS,
Washington, D.C., January 20, 1982.

Mr. GENE WINDSOR,
Washington, D.C.

DEAR MR. WINDSOR: I was watching television coverage Wednesday afternoon of the Air Florida rescue efforts. When I saw pictures of you stepping down to the skid in order to reach down and pull up a survivor I felt like applauding. Your disregard for your own personal safety in order to save the life of another was inspiring. I want to commend you for your personal courage and for the concern you showed for the life of others.

Your actions were a credit to you as an individual and as an employee of the National Park Service. I have often said that the people who actually staff the parks and who do the work are of exceptional quality and ability. Your actions Wednesday increased my admiration for those traits immeasurably. I will cite the actions of yourself and Mr. Usher as examples of the valuable service provided by Federal employees. I am proud to be associated with individuals such as yourself who form the strong backbone of the National Park Service.

Again, I want to commend you for your courage and devotion to others.

With warm personal regards.

Sincerely,

SIDNEY R. YATES,
Chairman, Subcommittee on Interior and Related Agencies.

COMMITTEE ON APPROPRIATIONS,
Washington, D.C., January 20, 1982.

Mr. DON USHER,
Washington, D.C.

DEAR MR. USHER: While watching television coverage Wednesday afternoon of efforts being made to rescue survivors of the plane crash I was thrilled by your skillful handling of the Park Police helicopter. It was obvious that continued efforts to rescue people was at considerable risk to your own life. I want to commend you for showing such concern. Your actions were a credit to you as an individual and as an employee of the National Park Service. I have long said that the people in the Service who actually staff the parks and do the work are of exceptional quality and ability. Your actions Wednesday increased my admiration immeasurably. I will cite your actions and those of Mr. Windsor as examples of the valuable service provided by Federal employees. I am proud to be associated with individuals such as yourself who form the strong backbone of the National Park Service.

Again, I wish to commend you for your courage and devotion to others.

With warm personal regards.

Sincerely,

SIDNEY R. YATES,
Chairman, Subcommittee on Interior and Related Agencies.

AMERICAN LEGION DISTINGUISHED ACHIEVEMENT AWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 5 minutes.

● Mr. PEPPER. Mr. Speaker, distinguished colleagues, and all who read this RECORD, it is my pleasure to commend to your attention an outstanding young lady who I am proud to have as a resident of the 14th Congressional District of Florida, which I represent in Congress, Miss Maria Koch.

Miss Koch, daughter of Fred and Sarah Koch of Coral Gables, Fla., recently received fitting and well-deserved recognition for her outstanding achievements and contributions to her community. She was awarded the American Legion Distinguished Achievement Award by the American Legion Post 98. This award was presented in recognition of Miss Koch's having earlier received the American Legion School Award and particularly for possessing those qualities of courage, honor, leadership, patriotism, scholarship, and service which are necessary to the preservation and protection of the fundamental institutions of our Government and the advancement of society.

Miss Koch, who is currently enrolled in Our Lady of Lourdes Academy, represents all that is finest in our Nation's youth and serves as an example to all of us of the personal characteristics that make people and a nation great.●

U.S. INTERESTS JEOPARDIZED BY LAW OF THE SEA TREATY

(Mr. HARTNETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HARTNETT. Mr. Speaker, my good friend and colleague JACK FIELDS has committed himself to stimulating discussion on the past and current negotiations surrounding the so-called Law of the Sea Treaty. I am pleased to place in the RECORD excerpts of a recent article upon that important subject.

U.S. INTERESTS JEOPARDIZED BY LAW OF THE SEA TREATY

(By Peter Keisler)

Most of the American people don't care very much about mineral resource regulation, about seabed mining, or about manganese nodules on the ocean floor. It is therefore unsurprising that the proposed Law of the Sea Treaty has attracted such scant public interest.

On the other hand, there are a great many people who care about the resource war between the United States and the Soviet Union, about the growth of American industry, about the principles of free enterprise, and about the increasingly shrill Third World demands for massive transfers of wealth from the developed nations to the underdeveloped ones. All such people ought to care a great deal about the proposed Law of the Sea Treaty.

It's a technical subject, and the debate has therefore taken place mostly within the government. But no expertise is required to understand that acceptance of this treaty would mean our losing the resources of two-thirds of the earth's submerged lands without firing a shot.

At the crux of the dispute are the mineral resources at the bottom of the ocean, nodules rich in manganese, cobalt, nickel and copper. These resources are vital; we cannot produce a single jet engine without cobalt, nor a single ton of steel without manganese. Yet we are 95 percent dependent on external sources for manganese, 98 percent dependent for cobalt, and we are dependent on land-based sources that for varied reasons are unreliable. Current land producers may exhaust all known land-based supplies of these minerals within 50 years. We have an obvious interest in reducing our dependency on foreign producers. The importance of these ocean nodules and our desire for unrestricted access become clear.

Equally clear is the nature of the opposition to our attaining mineral resource independence through seabed mining. The Soviet Union is itself rich in those strategic minerals found in the oceans; restricting access to the ocean floor has a much more profound effect on our vulnerability than on theirs. Third World nations, in addition to desiring control of more resources, are interested in protecting Third World land-based minerals suppliers from American competition.

Participants in the debate universally agree that the resources of the ocean are "the common heritage of mankind." They disagree on the implications that follow. The United States has always interpreted this to mean that all have free access to development of ocean minerals, and that no one country or group of countries can claim prior ownership or control. This has been the governing doctrine, and anyone capable of mining has been able to do so.

To the Third World, however, "common heritage" means not "no ownership," but "shared ownership," each country having part control. From this interpretation flows the terms of a treaty designed to assert the prerogatives shared ownership implies.

The treaty goes way beyond the traditional sea issues, such as navigation and territorial definition. It creates a world bureaucracy to bring central economic planning to a new level. The voluntary contributions which have characterized U.S. aid to undeveloped nations would be replaced by compulsory wealth transfer to those who assert that such transfers are not gifts, but theirs by right.

Anyone who has ever been concerned at the direction the United Nations has taken should be infinitely more concerned about this treaty. The U.N. can do little more than pass impotent resolutions; the International Seabed Authority would be a U.N. with power.

Unlike at the United Nations, the United States would have no veto. There would be a Supreme Assembly—containing as many members as there are states party to the treaty—run on the one-nation, one-vote principle the President rejected at Cancun. The Assembly would be responsible for setting general policy.

The real power would lie in the Executive Council, composed of delegates from 36 states. The Council would deal with specific

policy, including action on applications for seabed mining. Of these 36 key votes, the Soviet Union is guaranteed three—one for itself and two from other Soviet bloc states. The United States is not guaranteed a seat at all.

Any company wishing to begin seabed mining would first need the approval of the Council.

American companies would be required to transfer the sophisticated mining technology they have invented and developed to the Seabed Authority for common use. Without making such a transfer, no company would be awarded a single contract.

The Authority would be funded by heavy taxes on mines to which it awards contracts, ranging from $527 million to $1.3 billion, depending on the site's profitability.

An anti-monopoly provision would limit the number of mine sites that any one country could use—a provision whose effect would only be felt by the United States.

The treaty provides for the participation of "liberation groups." SWAPO and the PLO would have voting delegates, perhaps seats not guaranteed to us on the all-important Council.

A supernational mining company, ironically named The Enterprise, would be formed and given advantages over private miners.

The Authority would be able to amend its provisions in any way it sees fit after two decades, and our signature on the treaty guarantees our compliance with whatever changes are made.

Those who are anxious about the lack of American influence in the structure that would emerge will be comforted to hear of the one area in which there will be weighted representation. Each country's financial contribution to the Authority will be proportionate to its contribution to the upkeep of the United Nations. The United States, therefore, will be contributing the most—$125 million a year.

It is quite a treaty.

Some who are urging the President to sign have been doing so on the grounds that the sections on navigation are favorable enough to outweigh the remainder of the treaty. No less an authority than John Lehman, secretary of the Navy, said recently, "Our evaluation does not support this conclusion. In fact, from the point of view of our security interests, we must not only evaluate the navigation provisions . . . but the rules proposed for seabed mining as well."

Lobbying hardest for the treaty is Elliot Richardson, who negotiated it. Rep. Jack Fields, the Texas GOP freshman who has been outspoken in his opposition to the Draft Convention, tells of meeting Richardson and the other delegates at a reception in Geneva.

When Fields explained his concerns to the delegate from Peru, the delegate responded, "I don't care what you think. I don't care whether the Senate advises and consents to the treaty. I don't care whether the House passes implementing legislation. I just want your President to sign it."

At the same reception, Richardson told Fields that the congressman didn't understand the "big picture" and made the remarkable assertion that American industry supported the treaty. Richardson promised the congressman that he would have "mining companies camp at your doorstep" to demonstrate their support. So far, Rep. Field's doorstep has been bare.

These delegates are deadly serious. A very recent telegram from our embassy in Jamaica reported to the State Department that work will soon begin on an enormous conference center in Kingston (at a cost of $8 million) to house the International Seabed Authority.

President Reagan ordered an interagency review of the Draft Convention, a review which has just been completed. The final report has not been made public, but this much is known: while it presents several possible options, it does not include as one such option signing the treaty as is.

Nevertheless, if the President orders a renegotiation which makes cosmetic changes while maintaining the basic assumptions of the Draft Convention, no victory will have been won. The treaty is based on dangerous assumptions, and any new treaty incorporating the same assumptions would be equally unacceptable.

This treaty would destroy the American seabed mining industry. It would seriously jeopardize our national security by cutting off our access to strategically vital minerals. It would provide a strong impetus for other such treaties, such as one recently put forward by the United Nations to deal with space exploration. The treaty is radically opposed to every principle of free enterprise, decentralization and self-development that this Administration has ever enunciated. It deserves to be torpedoed.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PEYSER) to revise and extend their remarks and include extraneous material:)

Mr. BAILEY of Pennsylvania, for 15 minutes, January 27, 1982.

(The following Members (at the request of Mr. COURTER) to revise and extend their remarks and include extraneous material:)

Mr. DERWINSKI, for 30 minutes, today.

Mr. RUDD, for 60 minutes, on February 3.

(The following Members (at the request of Mr. PEYSER) to revise and extend their remarks and include extraneous material:)

Mr. WYDEN, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. COELHO, for 5 minutes, today.

Mr. PEPPER, for 5 minutes, today.

Mr. CONYERS, for 60 minutes, on January 27.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. COURTER) and to include extraneous matter:)

Mr. CORCORAN in two instances.

Mr. GINGRICH.

Mr. FRENZEL.

Mrs. ROUKEMA.

Mr. BROOMFIELD.

Mr. DORNAN of California.

Mr. RUDD in two instances.

Mr. SHUMWAY.

Mr. RITTER.

Mr. DERWINSKI in three instances.

(The following Members (at the request of Mr. PEYSER) and to include extraneous matter:)

Mr. DE LA GARZA in five instances.

Mr. PEYSER.

Mr. LAFALCE.

Mr. FRANK.

Mr. HAMILTON in 10 instances.

Mr. CROCKETT.

Mr. FOGLIETTA in two instances.

Mr. GORE.

Mr. JONES of North Carolina.

Mr. WEISS.

Mr. EDWARDS of California in five instances.

Mr. SCHUMER.

Mrs. SCHROEDER.

Mr. SMITH of Iowa in six instances.

Mr. FASCELL in two instances.

Mr. BARNARD.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Monday, January 25, 1982, the Chair declares the House in recess until approximately 8:40 p.m.

Accordingly (at 12 o'clock and 47 minutes p.m.), the House stood in recess until approximately 8:40 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 43 minutes p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 244 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The SPEAKER of the House presided.

The Doorkeeper, the Honorable James T. Malloy, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as Members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Texas (Mr. WRIGHT); the gentleman from Washington (Mr. FOLEY); the gentleman from Louisiana (Mr. LONG); the gentleman from Arkansas (Mr. ALEXANDER); the gentleman from California (Mr. EDWARDS); the gentleman from Illinois (Mr. MICHEL); the gentleman from

Mississippi (Mr. LOTT); the gentleman from New York (Mr. KEMP); the gentleman from Arizona (Mr. RHODES); and the gentleman from California (Mr. CLAUSEN).

The VICE PRESIDENT. The President of the Senate appoints the following Senators as the committee on the part of the Senate to join a like committee on the part of the House of Representatives to escort the President of the United States into the House Chamber:

The Senator from Tennessee (Mr. BAKER); the Senator from South Carolina (Mr. THURMOND); the Senator from Idaho (Mr. MCCLURE); the Senator from Texas (Mr. TOWER); the Senator from Utah (Mr. GARN); the Senator from Oregon (Mr. PACKWOOD); the Senator from California (Mr. HAYAKAWA); the Senator from West Viriginia (Mr. ROBERT C. BYRD); the Senator from California (Mr. CRANSTON); the Senator from Hawaii (Mr. INOUYE); the Senator from Texas (Mr. BENTSEN); the Senator from Tennessee (Mr. SASSER); and the Senator from Maryland (Mr. SARBANES).

The Doorkeeper announced the ambassadors, ministers, and chargés d'affaires of foreign governments.

The ambassadors, ministers, and chargés d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Chief Justice of the United States and the Associate Justices of the Supreme Court entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 3 minutes p.m., the Doorkeeper announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

[Applause, the Members rising.]

THE STATE OF THE UNION—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 97-133)

The PRESIDENT. Mr. Speaker, Mr. President, distinguished Members of the Congress, honored guests, and fellow citizens.

Today marks my first State of the Union address to you, a constitutional duty as old as our Republic itself.

President Washington began this tradition in 1790 after reminding the Nation that the destiny of self-government and the preservation of the sacred fire of liberty is "finally staked on the experiment entrusted to the hands of the American people." For our friends in the press, who place a high premium on accuracy, let me say: I did not actually hear George Washington say that, but it is a matter of historic record.

But from this podium, Winston Churchill asked the free world to stand together against the onslaught of aggression. Franklin Delano Roosevelt spoke of a day of infamy and summoned a nation to arms. Douglas MacArthur made an unforgettable farewell to a country he had loved and served so well. Dwight Eisenhower reminded us that peace was purchased only at the price of strength and John F. Kennedy spoke of the burden and glory that is freedom.

When I visited this Chamber last year as a newcomer to Washington, critical of past policies which I believe had failed, I proposed a new spirit of partnership between this Congress and this administration and between Washington and our State and local governments.

In forging this new partnership for America we could achieve the oldest hopes of our Republic—prosperity for our Nation, peace for the world, and the blessings of individual liberty for our children and, someday, for all of humanity.

It is my duty to report to you tonight on the progress that we have made in our relations with other nations, on the foundation we have carefully laid for our economic recovery and, finally, on a bold and spirited initiative that I believe can change the face of American Government and make it again the servant of the people.

Seldom have the stakes been higher for America. What we do and say here will make all the difference to autoworkers in Detroit, lumberjacks in the Northwest, steelworkers in Steubenville who are in the unemployment lines, the black teenagers in Newark and Chicago, to hard-pressed farmers and small businessmen, and to millions of everyday Americans who harbor the simple wish of a safe and financially secure future for their children.

To understand the state of the Union, we must look not only at where we are and where we are going but where we have been. The situation at this time last year was truly ominous.

The last decade has seen a series of recessions. There was a recession in 1970, another in 1974, and again in the spring of 1980. Each time, unemployment increased and inflation soon turned up again. We coined the word "stagflation" to describe this.

Government's response to these recessions was to pump up the money supply and increase spending.

In the last 6 months of 1980, as an example, the money supply increased at the fastest rate in postwar history—13 percent. Inflation remained in double digits and government spending increased at an annual rate of 17 percent. Interest rates reached a staggering 21½ percent. There were 8 million unemployed.

Late in 1981, we sank into the present recession, largely because continued high interest rates hurt the auto industry and construction. There was a drop in productivity and the already high unemployment increased.

This time, however, things are different. We have an economic program in place completely different from the artificial quick-fixes of the past. It calls for a reduction of the rate of increase in government spending, and already that rate has been cut nearly in half. But reduced spending alone is not enough. We have just implemented the first and smallest phase of a 3-year tax rate reduction plan designed to stimulate the economy and create jobs.

Already interest rates are down to 15¾ percent, but they must still go lower. Inflation is down from 12.4 to 8.9 percent, and for the month of December it was running at an annualized rate of 5.2 percent.

If we had not acted as we did, things would be far worse for all Americans than they are today. [Applause.]

Inflation, taxes and interest rates would all be higher.

A year ago, Americans' faith in their governmental process was steadily declining. Six out of ten Americans were saying they were pessimistic about their future.

A new kind of defeatism was heard. Some said our domestic problems were uncontrollable, that we had to learn to live with the seemingly endless cycle of high inflation and high unemployment.

There were also pessimistic predictions about the relationship between our Administration and this Congress. It was said we could never work together. Well, those predictions were wrong.

The record is clear, and I believe history will remember this as an era of American renewal; remember this administration as an administration of

change, and remember this Congress as a Congress of destiny.

Together, we not only cut the increase in Government spending nearly in half, we brought about the largest tax reductions and the most sweeping changes in our tax structure since the beginning of this century. And because we indexed future taxes to the rate of inflation, we took away Government's built-in profit on inflation and its hidden incentive to grow larger at the expense of American workers.

Together, after 50 years of taking power away from the hands of the people in their States and local communities, we have started returning power and resources to them.

Together, we have cut the growth of new Federal regulations nearly in half. In 1981, there were 23,000 fewer pages in the Federal Register, which lists new regulations, than there were in 1980. [Applause.] By deregulating oil, we have come closer to achieving energy independence and helped bring down the costs of gasoline and heating fuel.

Together, we have created an effective Federal strike force to combat waste and fraud in Government. In just 6 months it has saved the taxpayers more than $2 billion—and it is only getting started.

Together, we have begun to mobilize the private sector—not to duplicate wasteful and discredited Government programs, but to bring thousands of Americans into a volunteer effort to help solve many of America's social problems.

Together, we have begun to restore that margin of military safety that insures peace. Our country's uniform is being worn once again with pride. [Applause.]

Together, we have made a New Beginning, but we have only begun.

No one pretends that the way ahead will be easy. In my Inaugural Address last year, I warned that the "ills we suffer have come upon us over several decades. They will not go away in days, weeks or months, but they will go away * * * because we as Americans have the capacity now, as we've had in the past, to do whatever needs to be done to preserve this last and greatest bastion of freedom." [Applause.]

The economy will face difficult moments in the months ahead. But, the program for economic recovery that is in place will pull the economy out of its slump and put us on the road to prosperity and stable growth by the latter half of this year.

That is why I can report to you tonight that in the near future the state of the Union and the economy will be better—much better—if we summon the strength to continue on the course we have charted.

And so the question: If the fundamentals are in place, what now?

Two things. First, we must understand what is happening at the moment to the economy. Our current problems are not the product of the recovery program that is only just now getting underway, as some would have you believe; they are the inheritance of decades of tax and tax, spend and spend.

Second, because our economic problems are deeply rooted and will not respond to quick political fixes we must stick to our carefully integrated plan for recovery. And that plan is based on four commonsense fundamentals: continued reduction of the growth in Federal spending; preserving the individual and business tax reductions that will stimulate saving and investment; removing unnecessary Federal regulations to spur productivity; and maintaining a healthy dollar and a stable monetary policy—the latter a responsibility of the Federal Reserve System.

The only alternative being offered to this economic program is a return to the policies that gave us a trillion dollar debt, runaway inflation, runaway interest rates and unemployment.

The doubters would have us turn back the clock with tax increases that would offset the personal tax rate reductions already passed by this Congress.

Raise present taxes to cut future deficits, they tell us. Well, I don't believe we should buy that argument. There are too many imponderables for anyone to predict deficits or surpluses several years ahead with any degree of accuracy. The budget in place when I took office had been projected as balanced. It turned out to have one of the biggest deficits in history. Another example of the imponderables that can make deficit projections highly questionable: A change of only one percentage point in unemployment can alter a deficit up or down by some $25 billion.

As it now stands, our forecasts, which we are required by law to make will show major deficits, starting at less than $100 billion and declining, but still too high.

More important, we are making progress with the three keys to reducing deficits: economic growth, lower interest rates, and spending control. The policies we have in place will reduce the deficit steadily, surely and, in time, completely.

Higher taxes would not mean lower deficits. If they did, how would we explain that tax revenues more than doubled just since 1976, yet in that same 6-year period we ran the largest series of deficits in our history? In 1980, tax revenues increased by $54 billion, and in 1980 we had one of our all-time biggest deficits.

Raising taxes won't balance the budget. It will encourage more Government spending and less private investment. Raising taxes will slow economic growth, reduce production, and destroy future jobs, making it more difficult for those without jobs to find them and more likely that those who now have jobs could lose them.

So I will not ask you to try to balance the budget on the backs of the American taxpayers. [Applause.]

I will not seek no tax increases this year and I have no intention of retreating from our basic program of tax relief. [Applause.]

I promised the American people to bring their tax rates down and to keep them down, to provide them incentives to rebuild our economy, to save, to invest in America's future. I will stand by my word. Tonight I am urging the American people: Seize these new opportunities to produce, to save, to invest, and together we will make this economy a mighty engine of freedom, hope and prosperity again. [Applause.]

Now, the budget deficit this year will exceed our earlier expectations. The recession did that. It lowered revenues and increased costs. To some extent, we are also victims of our own success. We have brought inflation down faster than we thought we could. [Applause.]

And in doing this, we have deprived Government of those hidden revenues that occur when inflation pushes people into higher income tax brackets. And the continued high interest rates last year cost the Government about $5 billion more than anticipated.

We must cut out more nonessential Government spending and root out more waste, and we will continue our efforts to reduce the number of employees in the Federal work force by 75,000.

The budget plan I submit to you on February 8 will realize major savings by dismantling the Departments of Energy and Education, and by eliminating ineffective subsidies for business. We will continue to redirect our resources to our two highest budget priorities—a strong national defense to keep America free and at peace, and a reliable safety net of social programs for those who have contributed and those who are in need.

Contrary to some of the wild charges you may have heard, this Administration has not and will not turn its back on America's elderly or America's poor. [Applause.]

Under the new budget, funding for social insurance programs will be more than double the amount spent only 6 years ago.

But it would be foolish to pretend that these or any programs cannot be made more efficient and economical.

The entitlement programs that make up our safety net for the truly needy have worthy goals and many deserving recipients. We will protect them. But there is only one way to see

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to it that these programs really help those whom they were designed to help, and that is to bring their spiraling costs under control.

Today we face the absurd situation of a Federal budget with three-quarters of its expenditures routinely referred to as "uncontrollable"—and a large part of this goes to entitlement programs.

Committee after committee of this Congress has heard witness after witness describe many of these programs as poorly administered and rife with waste and fraud. Virtually every American who shops in a local supermarket is aware of the daily abuses that take place in the food stamp program—which has grown by 16,000 percent in the last 15 years. Another example is medicare and medicaid—programs with worthy goals but whose costs have increased from $11.2 billion to almost $60 billion, more than five times as much, in just 10 years.

Waste and fraud are serious problems. Back in 1980, Federal investigators testified before one of your committees that "corruption has permeated virtually every area of the medicare and medicaid health care industry." One official said many of the people who are cheating the system were "very confident that nothing was going to happen to them."

Well, something is going to happen. Not only the taxpayers are defrauded—the people with real dependency on these programs are deprived of what they need because available resources are going not to the needy but to the greedy.

The time has come to control the uncontrollable.

In August we made a start. I signed a bill to reduce the growth of these programs by $44 billion over the next 3 years, while at the same time preserving essential services for the truly needy. Shortly you will receive from me a message on further reforms we intend to install—some new, but others long recommended by your own congressional committees. I ask you to help make these savings for the American taxpayer.

The savings we propose in entitlement programs will total some $63 billion over 4 years and will, without affecting social security, go a long way toward bringing Federal spending under control.

But don't be fooled by those who proclaim that spending cuts will deprive the elderly, the needy and the helpless. The Federal Government will still subsidize 95 million meals every day. That is one out of seven of all the meals served in America. Head Start, senior nutrition programs, and child welfare programs will not be cut from the levels we proposed last year. More than one-half billion dollars has been proposed for minority business assistance. And research at the National Institutes of Health will be increased by over $100 million. While meeting all these needs, we intend to plug unwarranted tax loopholes and strengthen the law which requires all large corporations to pay a minimum tax. [Applause.]

I am confident the economic program we have put into operation will protect the needy while it triggers a recovery that will benefit all Americans. It will stimulate the economy, result in increased savings and provide capital for expansion, mortgages for homebuilding, and jobs for the unemployed.

Now that the essentials of that program are in place, our next major undertaking must be a program, just as bold, just as innovative, to make government again accountable to the people, to make our system of federalism work again.

Our citizens feel they have lost control of even the most basic decisions made about the essential services of government, such as schools, welfare, roads, and even garbage collection. They are right.

A maze of interlocking jurisdictions and levels of government confronts average citizens in trying to solve even the simplest of problems. They do not know where to turn for answers, who to hold accountable, who to praise, who to blame, who to vote for or against.

The main reason for this is the overpowering growth of Federal grants-in-aid programs during the past few decades.

In 1960, the Federal Government had 132 categorical grant programs, costing $7 billion. When I took office, there were approximately 500, costing nearly $100 billion—13 programs for energy conservation, 36 for pollution control, 66 for social services, 90 for education. And here, in the Congress, it takes at least 166 committees just to try to keep track of them.

You know and I know that neither the President nor the Congress can properly oversee this jungle of grants-in-aid; indeed, the growth of these grants has led to a distortion in the vital functions of government. As one Democratic Governor put it recently: The national government should be worrying about "arms controls, not potholes." [Applause.]

The growth in these Federal programs has, in the words of one intergovernmental commission, made the Federal Government "more pervasive, more intrusive, more unmanageable, more ineffective, more costly, and above all more unaccountable."

Let us solve this problem with a single bold stroke—the return of some $47 billion in Federal programs to State and local government, together with the means to finance them and a transition period of nearly 10 years to avoid unnecessary disruption.

I will shortly send the Congress a message describing this program. I want to emphasize, however, that its full details will have been worked out only after close consultation with congressional, State, and local officials.

Starting in fiscal 1984, the Federal Government will assume full responsibility for the cost of the rapidly growing medicaid program to go along with its existing responsibility for medicare. As part of a financially equal swap, the States will simultaneously take full responsibility for aid to families with dependent children and food stamps. [Applause.]

This will make welfare less costly and more responsive to genuine need because it will be designed and administered closer to the grassroots and the people it serves.

In 1984, the Federal Government will apply the full proceeds from certain excise taxes to a grassroots trust fund that will belong, in fair shares, to the 50 States. The total amount flowing into this fund will be $28 billion a year.

Over the next four years, the States can use this money in either of two ways. If they want to continue receiving Federal grants in such areas as transportation, education and social services, they can use their trust fund money to pay for the grants or, to the extent they choose to forgo the Federal grant programs, they can use their trust fund money on their own, for those or other purposes. There will be a mandatory passthrough of part of these funds to local governments.

By 1988, the States will be in complete control of over 40 Federal grant programs. The trust fund will start to phase out, eventually to disappear, and the excise taxes will be turned over to the States. They can then preserve, lower or raise taxes on their own and fund and manage these programs as they see fit.

In a single stroke, we will be accomplishing a realignment that will end cumbersome administration and spiraling costs at the Federal level while we insure these programs will be more responsive to both the people they are meant to help and the people who pay for them.

Hand in hand with this program to strengthen the discretion and flexibility of State and local governments, we are proposing legislation for an experimental effort to improve and develop our depressed urban areas in the 1980's and 1990's. This legislation will permit States and localities to apply to the Federal Government for designation as urban enterprise zones. A broad range of special economic incentives in the zones will help attract new business, new jobs, new opportunity to America's inner cities and rural towns. Some will say our mission is to save free enterprise. I say we must free en-

terprise so that, together, we can save America. [Applause.]

Some will also say our States and local communities are not up to the challenge of a new and creative partnership. That might have been true 20 years ago before reforms like reapportionment and the Voting Rights Act, the 10-year extension of which I strongly support. It is no longer true today. This Administration has faith in State and local governments and the constitutional balance envisioned by the Founding Fathers. We also believe in the integrity, decency and sound good sense of grassroots Americans.

Our faith in the American people is reflected in another major endeavor. Our private sector initiatives task force is seeking out successful community models of school, church, business, union, foundation and civic programs that help community needs. Such groups are almost invariably far more efficient than government in running social programs.

We are not asking them to replace discarded and often discredited Government programs dollar for dollar, service for service. We just want to help them perform the good works they choose, and help others to profit by their example. Three hundred eighty-five thousand corporations and private organizations are already working on social programs ranging from drug rehabilitation to job training, and thousands more Americans have written us asking how they can help. The volunteer spirit is still alive and well in America. [Applause.]

Our Nation's long journey toward civil rights for all our citizens—once a source of discord, now a source of pride—must continue with no backsliding or slowing down. We must and shall see that those basic laws that guarantee equal rights are preserved and, when necessary, strengthened. Our concern for equal rights for women is firm and unshakable. We launched a new Task Force on Legal Equity for Women, and a Fifty-States Project that will examine State laws for discriminatory language. And for the first time in our history a woman sits on the highest court in the land. [Applause.]

So, too, the problem of crime—one as real and deadly serious as any in America today—demands that we seek transformation of our legal system, which overly protects the rights of criminals while it leaves society and the innocent victims of crime without justice.

We look forward to the enactment of a responsible Clean Air Act to increase jobs while continuing to improve the quality of our air. We are encouraged by the bipartisan initiative of the House and are hopeful of further progress as the Senate continues its deliberations.

So far I have concentrated largely on domestic matters. To view the state of the Union in perspective, we must not ignore the rest of the world. There is not time tonight for a lengthy treatment of foreign policy—a subject I intend to address in detail in the near future. A few words, however, are in order on the progress we have made over the past year reestablishing respect for our Nation around the globe and some of the challenges and goals we will approach in the year ahead.

At Ottawa and Cancun, I met with leaders of the major industrial powers and developing nations. Some of those I met were a little surprised that I did not apologize for America's wealth. Instead I spoke of the strength of the free marketplace system and how that system could help them realize their aspirations for economic development and political freedom. I believe lasting friendships were made and the foundation was laid for future cooperation.

In the vital region of the Caribbean Basin, we are developing a program of aid, trade and investment incentives to promote self-sustaining growth and a better, more secure life for our neighbors to the south. Toward those who would export terrorism and subversion in the Caribbean and elsewhere, especially Cuba and Libya, we will act with firmness.

Our foreign policy is a policy of strength, fairness and balance. By restoring America's military credibility, by pursuing peace at the negotiating table wherever both sides are willing to sit down in good faith, and by regaining the respect of America's allies and adversaries alike, we have strengthened our country's position as a force for peace and progress in the world.

When action is called for, we are taking it. Our sanctions against the military dictatorship that has attempted to crush human rights in Poland—and against the Soviet regime behind that military dictatorship—clearly demonstrated to the world that America will not conduct "business as usual" with the forces of oppression. [Applause.]

If the events in Poland continue to deteriorate, further measures will follow.

Let me also note that private American groups have taken the lead in making January 30 a day of solidarity with the people of Poland—so, too, the European Parliament has called for March 21 to be an international day of support for Afghanistan. I urge all peace-loving peoples to join together on those days, to raise their voices, to speak and pray for freedom.

Meantime, we are working for reduction of arms and military activities. As I announced in my address to the Nation last November 18, we have proposed to the Soviet Union a far-reaching agenda for mutual reduction of military forces and have already initiated negotiations with them in Geneva on intermediate range nuclear forces.

In these talks, it is essential that we negotiate from a position of strength. There must be a real incentive for the Soviets to take these talks seriously. This requires that we rebuild our defenses.

In the last decade, while we sought the moderation of Soviet power through a process of restraint and accommodation, the Soviets engaged in an unrelenting build-up of their military forces.

The protection of our national security has required that we undertake a substantial program to enhance our military forces.

We have not neglected to strengthen our traditional alliances in Europe and Asia, or to develop key relationships without partners in the Middle East and other countries.

Building a more peaceful world requires a sound strategy and the national resolve to back it up. When radical forces threaten our friends, when economic misfortune creates conditions of instability, when strategically vital parts of the world fall under the shadow of Soviet power, our response can make the difference between peaceful change or disorder and violence. That is why we have laid such stress not only on our own defense, but on our vital foreign assistance program. Your recent passage of the foreign assistance act sent a signal to the world that America will not shrink from making the investments necessary for both peace and security. Our foreign policy must be rooted in realism, not naivete or self-delusion.

A recognition of what the Soviet empire is about is the starting point. Winston Churchill, in negotiating with the Soviets, observed that they respect only strength and resolve in their dealings with other nations.

That is why we have moved to reconstruct our national defenses. We intend to keep the peace—we will also keep our freedom. [Applause.]

We have made pledges of a new frankness in our public statements and worldwide broadcasts. In the face of a climate of falsehood and misinformation, we have promised the world a season of truth—the truth of our great civilized ideas: individual liberty, representative government, the rule of law under God.

We have never needed walls or mine fields or barbwire to keep our people in. Nor do we declare martial law to keep our people from voting for the kind of government they want.

Yes, we have our problems. Yes, we are in a time of recession. And it is true, there is no quick fix, as I said, to instantly end the tragic pain of unemployment. But we will end it. The

process has already begun and we will see its effect as the year goes on.

We speak with pride and admiration of that little band of Americans who overcame insuperable odds to set this Nation on course 200 years ago. But our glory did not end with them—Americans ever since have emulated their deeds.

We don't have to turn to our history books for heroes. They are all around us. One who sits among you here tonight epitomized that heroism at the end of the longest imprisonment ever inflicted on men of our Armed Forces. Who will ever forget that night when we waited for television to bring us the scene of that first plane landing at Clark Field in the Philippines—bringing our POW's home? The plane door opened and Jeremiah Denton came slowly down the ramp. He caught sight of our flag, saluted, and said, "God bless America," and then thanked us for bringing him home. [Applause.]

Just 2 weeks ago, in the midst of a terrible tragedy on the Potomac, we saw again the spirit of American heroism at its finest, the heroism of dedicated rescue workers saving crash victims from icy waters. We saw the heroism of one of our young Government employees, Lenny Skutnik, who, when he saw a woman lose her grip on the helicopter line, dived into the water and dragged her to safety. [Applause.]

And then there are countless quiet, everyday heroes of American life—parents who sacrifice long and hard so their children will know a better life than they have known; church and civic volunteers who help to feed, clothe, nurse and teach the needy; millions who have made our Nation, and our Nation's destiny, so very special—unsung heroes who may not have realized their own dreams themselves but who then reinvest those dreams in their children.

Don't let anyone tell you that America's best days are behind her, that the American spirit has been vanquished. We have seen it triumph too often in our lives to stop believing in it now. [Applause.]

One hundred and twenty years ago, the greatest of all our Presidents delivered his second state of the Union message in this Chamber. "We cannot escape history," Abraham Lincoln warned. "We of this Congress and this administration will be remembered in spite of ourselves." The "trial through which we pass will light us down in honor or dishonor to the latest generation."

That President and the Congress did not fail the American people. Together, they weathered the storm and preserved the Union.

Let it be said of us that we, too, did not fail; that we, too, worked together to bring America through difficult times. Let us so conduct ourselves that two centuries from now, another Congress and another President, meeting in this Chamber as we are meeting, will speak of us with pride, saying that we met the test and preserved for them in their day the sacred flame of liberty—this last, best hope of man on Earth.

God bless you, and thank you.

[Applause, the Members rising.]

At 9 o'clock and 48 minutes p.m., the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Chief Justice of the United States and the Associate Justices of the Supreme Court.

The ambassadors, ministers, and charges d'affaires of foreign governments.

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two Houses now dissolved.

Accordingly, at 9 o'clock and 53 minutes p.m., the joint session of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mr. ROSTENKOWSKI. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered printed.

The motion was agreed to.

ADJOURNMENT

Mr. ROSTENKOWSKI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 54 minutes p.m.), the House adjourned until tomorrow, Wednesday, January 27, 1982, at 3 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2877. A letter from the President of the United States, transmitting additional proposed appropriation language for fiscal year 1982 for the Department of Agriculture (H. Doc. No. 97-134); to the Committee on Appropriations and ordered to be printed.

2878. A letter from the Executive Associate Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Justice for "Salaries and Expenses, U.S. Attorneys and Marshals," for fiscal year 1982, has been reapportioned for a supplemental estimate of appropriation, pursuant to section 3679(e)(2) of the Revised Statutes, as amended; to the Committee on Appropriations.

2879. A letter from the Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the proposed conversion to contractor performance of the publishing distribution office function at Kelly Air Force Base, Texas, pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

2880. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-139, "Uniform Commercial Code Amendments Act of 1981," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

2881. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-140 "Unemployment Trust Fund Revenue Temporary Act of 1981," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

2882. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-141, "Redistricting Procedure Act of 1981," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

2883. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-142, "Election, Campaign Finance Reform and Conflict of Interest Act, Latino Community Development, and Official Correspondence Regulations Amendments Act of 1981," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

2884. A letter from the District of Columbia Auditor, transmitting a report of an investigation of an unemployment compensation complaint, pursuant to section 455 of Public Law 93-198; to the Committee on the District of Columbia.

2885. A letter from the Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during December 1981, pursuant to section 234 of the Legislative Reorganization Act of 1970; to the Committee on Government Operations.

2886. A letter from the Secretary of Health and Human Services, transmitting the annual report on health maintenance organizations covering fiscal year 1980, pursuant to section 1315 of the Public Health Service Act; to the Committee on Energy and Commerce.

2887. A letter from the Chairman, Northern Mariana Islands Commission on Federal Laws, transmitting an interim report on the Commission's study of the applicability of U.S. laws to the Northern Mariana Islands, pursuant to section 504 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (90 Stat. 268); to the Committee on Interior and Insular Affairs.

2888. A letter from the Chairman, Little League Baseball, transmitting the annual report and audit of the organization for the year ended September 30, 1981, pursuant to section 14(b) of Public Law 88-378; to the Committee on the Judiciary.

2889. A letter from the Administrator of General Services, transmitting thirteen prospectuses proposing the acquisition of space by lease in various locations; to the Committee on Public Works and Transportation.

2890. A letter from the Chairman, U.S. Nuclear Regulatory Commission, transmitting the Commission's annual report for fiscal year 1981 on contract activity involving fiscal year 1978 funds, pursuant to section 11 of Public Law 95-601; jointly, to the Committees on Energy and Commerce, and Interior and Insular Affairs.

2891. A letter from the Secretary of Health and Human Services, transmitting the annual report for fiscal year 1980 on the Professional Standards Review Organization program, pursuant to section 1172 of the Social Security Act; jointly, to the Committees on Energy and Commerce, and Ways and Means.

2892. A letter from the Secretary of Health and Human Services, transmitting the 14th annual report on medicare, covering fiscal year 1980, pursuant to section 1875(b) of the Social Security Act; jointly, to the Committees on Energy and Commerce, and Ways and Means.

2893. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Army's proposed sale of certain defense equipment to Pakistan (Transmittal No. 32-28), pursuant to section 813 of Public Law 94-106; to the Committee on Armed Services.

2894. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense equipment to Pakistan (Transmittal No. 82-28) pursuant to section 36(b) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARNARD:

H.R. 5336. A bill to authorize the exchange of properties in Athens, Ga., between the United States and the Clarke County Board of Education; to the Committee on Armed Services.

H.R. 5337. A bill to increase incentives for savings in financial institutions; to the Committee on Ways and Means.

By Mrs. BOURQUARD (for herself, Mr. DUNCAN, Mr. VOLKMER, Mr. HANSEN of Utah, Mr. EVANS of Iowa, Mr. RATCHFORD, Mr. DYSON, Mr. BOWEN, Ms. FIEDLER, Mr. GREGG, Mr. ROBERTS of South Dakota, And Mrs. SCHROEDER;

H.R. 5338. A bill to rescind the tax benefits provided during 1981 to Members of Congress for living expenses; to the Committee on Ways and Means.

By Mr. CORRADA:

H.R. 5339. A bill to amend the Social Security Act to place Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands on the same basis as States for the purpose of payment under the medicaid program; to the Committee on Energy and Commerce.

By Mr. WYDEN:

H.R. 5340. A bill to amend the Internal Revenue Code of 1954 to make permanent the business energy credits which would otherwise terminate on December 31, 1982; to the Committee on Ways and Means.

By Mr. COURTER:

H.R. 5341. A bill to prevent from taking effect any law enacted during 1981 which provided special tax benefits with respect to the living expenses of Members of Congress; to the Committee on Ways and Means.

By Mr. FIELDS:

H.R. 5342. A bill relating to the effective date of the provision in the Economic Recovery Tax Act of 1981 which permits elections under section 2032A of the Internal Revenue Code of 1954 to be made on late estate tax returns; to the Committee on Ways and Means.

By Mr. FINDLEY (for himself and Mr. EMERSON):

H.R. 5343. A bill to repeal the special tax benefits enacted during 1981 with respect to the living expenses of Members of Congress; to the Committee on Ways and Means.

By Mr. GOLDWATER (for himself, Mr. MATSUI, and Mr. FAZIO

H.R. 5344. A bill to amend the Internal Revenue Code of 1954 to permit new businesses to be eligible for the research and development tax credit; to the Committee on Ways and Means.

By Mr. GOODLING:

H.R. 5345. A bill to rescind the tax benefits enacted during 1981 which provided special deductions with respect to the living expenses of Members of Congress; to the Committee on Ways and Means.

By Mr. GREGG (for himself, Mr. LEBOUTILLIER, Mr. BLILEY, Mr. ADDABBO, Mr. BEVILL, Mr. QUILLEN, Mr. NAPIER, Mr. HILER, Mr. WHITEHURST, and Mr. HORTON):

H.R. 5346. A bill to amend title 10 of the United States Code to allow the appointment of cadets at the Air Force Academy to succeed certain cadets discharged or graduated from the Air Force Academy and certain cadets not graduating from the Air Force Academy with the class of cadets admitted with such cadets; to the Committee on Armed Services.

By Mr. JACOBS:

H.R. 5347. A bill to amend the Internal Revenue Code of 1954 to increase by 8 cents per pack the Federal excise tax on cigarettes and to provide that revenues from the additional tax shall be deposited in the Federal Hospital Insurance Trust Fund under the Social Security Acts; to the Committee on Ways and Means.

By Mr. JONES of North Carolina (for himself, Mr. STUDDS, Mr. YOUNG of Alaska, Mr. BENJAMIN, Mr. CONTE, Mr. BIAGGI, Mr. ANDERSON, Mr. BOWEN, Mr. FORSYTHE, Mr. PRITCHARD, Mr. LENT, Mr. BONKER, Mr. D'AMOURS, Mr. OBERSTAR, Mr. EMERY, Mr. DAVIS, Mr. DOUGHERTY, Mr. HUGHES, Ms. MIKULSKI, Mr. HUTTO, Mrs. SCHNEIDER, Mr. SHAW, Mr. DONNELLY, Mr. TAUZIN, Mr. FOGLIETTA, Mr. SUNIA, Mr. DYSON, Mr. SMITH of Pennsylvania, Mr. YOUNG of Florida, Mr. BAFALIS, Mr. LOWRY of Washington, Mr. FARY, Mr. WHITEHURST, Mr. CLAUSEN, Mr. SWIFT, Mr. GEJDENSON, Mr. CORRADA, Mr. DICKS, Mr. BROOKS, Mrs. BOGGS, Mr. ZEFERETTI, Mr. GINN, Mr. PEPPER, Mr. TRAXLER, Mr. AUCOIN, Mr. LEHMAN, and Mr. DE LUGO):

H.R. 5348. A bill making a supplemental appropriation for fiscal year 1982 for operating expenses of the Coast Guard; to the Committee on Appropriations.

By Mr. MOTTL:

H.R. 5349. A bill to amend title 38 of the United States Code to change for which veterans the Administrator of Veterans' Affairs may pay a sum for funeral expenses and for which veterans the Administrator of Veterans' Affairs must pay a plot allowance; to the Committee on Veterans' Affairs.

By Mr. PRICE:

H.R. 5350. A bill to amend chapter 137 of title 10, United States Code, to impose certain requirements on the awarding of solesource contracts by the military departments; to the Committee on Armed Services.

By Mr. PURSELL:

H.R. 5351. A bill to grant a Federal charter to the National Society, Daughters of the American Colonists; to the Committee on the Judiciary.

By Mr. SAVAGE:

H.R. 5352. A bill to direct the Secretary of Housing and Urban Development to prevent the foreclosure of one- to four-family mortgages insured under title II of the National Housing Act; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SCHULZE:

H.R. 5353. A bill to amend the Federal Food, Drug, and Cosmetic Act to require foods containing imported mushrooms to bear labeling stating the country of origin of the mushrooms; to the Committee on Energy and Commerce.

H.R. 5354. Relating to the marking of containers of imported mushrooms; to the Committee on Ways and Means.

By Mr. SCHUMER:

H.R. 5355. A bill to amend title 38, United States Code, to restore veterans' burial benefits terminated by the Omnibus Budget Reconciliation Act of 1981; to the Committee on Veterans' Affairs.

By Mr. SHARP:

H.R. 5356. A bill to rescind the tax benefits provided during 1981 to Members of Congress for living expenses; to the Committee on Ways and Means.

By Mr. SOLOMON (for himself, Mr. HORTON, Mr. FRANK, Mr. FORSYTHE, Mr. SMITH of Pennsylvania, Mr. BARNES, Mr. SAM B. HALL, Jr., Mr. WHITEHURST, Mr. MOLINARI, Mr. SUNIA, Mrs. CHISHOLM, Mr. CORRADA, Mr. BEDELL, and Mr. LUNDINE):

H.R. 5357. A bill to extend by 2 months (until June 30, 1982) the period within which an individual must have been already enrolled in a postsecondary school, college, or university in order to continue (after July 1982) to receive child's insurance benefits, as a student, under the old-age, survivors, and disability insurance program; to the Committee on Ways and Means.

By Mr. TAUZIN:

H.R. 5358. A bill to provide for the settlement of the land claims of the Chitimacha Tribe of Louisiana, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. COURTER:

H.J. Res 383. Joint resolution to designate January 30, 1982, as "A National Day of Solidarity With the Polish People," and for other purposes; to the Committees on Foreign Affairs and Post Office and Civil Service.

By Mr. DAN DANIEL:

H.J. Res. 384. Joint resolution to provide for the erection of an appropriate statue or other memorial in the Arlington National Cemetery to honor individuals who were combat glider pilots during World War II; to the Committee on Veterans' Affairs.

By Mr. JACOBS (for himself, and Mr. GUNDERSON):

H. Con. Res. 246. Concurrent resolution expressing the sense of the Congress that the Internal Revenue Code of 1954 does not grant Federal tax benefits to educational institutions which discriminate on the basis of race or color; to the Committee on Ways and Means.

By Mr. MOTTL (for himself, and Mr. AUCOIN):

H. Con. Res. 247. Concurrent resolution expressing the sense of the Congress that Paul Volcker, Chairman of the Board of Governors of the Federal Reserve System, should resign; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SOLOMON:

H. Con. Res. 248. Concurrent resolution expressing the sense of the Congress with respect to the contributions of the U.S. Air Force Aerial Demonstration Squadron, commonly known as the Thunderbirds; to the Committee on Armed Services.

By Mr. PORTER:

H. Con. Res. 249. Concurrent resolution condemning religious persecution and bigotry as an official policy or practice of national governments; to the Committee on Foreign Affairs.

By Mr. HAWKINS:

H. Res. 320. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on House Administration in the 2d session of the 97th Congress; to the Committee on House Administration.

By Mr. COURTER:

H. Res. 321. Resolution amending the Rules of the House of Representatives to decrease the amounts of outside earned income which a Member may accept, and for other purposes; to the Committee on Rules.

By Mr. DELLUMS:

H. Res. 322. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on the District of Columbia in the 2d session of the 97th Congress; to the Committee on House Administration.

By Mr. FORD of Michigan:

H. Res. 323. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Post Office and Civil Service in the 2d session of the 97th Congress; to the Committee on House Administration.

By Mr. GOODLING:

H. Res. 324. Resolution to amend the Rules of the House of Representatives to require a recorded vote upon the passage of any legislation that economically affects Members as a separate class; to the Committee on Rules.

By Mr. STOKES:

H. Res. 325. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Standards of Official Conduct in the 2d session of the 97th Congress; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII.

242. The SPEAKER presented a memorial of the Legislature of the State of Michigan, relative to Marathon Oil Co., jointly, to the Committees on Energy and Commerce and the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEVILL:

H.R. 5359. A bill for the relief of Frank L. Hulsey; to the Committee on the Judiciary.

By Mr. FORD of Michigan:

H.R. 5360. A bill for the relief of Marsha D. Christopher; to the Committee on the Judiciary.

By Mr. PARRIS:

H.R. 5361. A bill to authorize the President of the United States to present, on behalf of the Congress, a gold medal to Lenny Skutnik; to the Committee on Banking, Finance and Urban Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 556: Mr. OXLEY.

H.R. 800: Mr. MOFFETT, Mrs. SCHNEIDER, Mr. SHAMANSKY, Mr. RATCHFORD, Mr. WILLIAM J. COYNE, Mr. BRODHEAD, and Mr. PEYSER.

H.R. 1169: Mr. EDGAR.

H.R. 1506: Mr. SHAMANSKY.

H.R. 1778: Mr. GRISHAM.

H.R. 1779: Mr. GRISHAM.

H.R. 1851: Mr. SAVAGE.

H.R. 2017: Mr. STUMP.

H.R. 2440: Mr. OXLEY, Mr. EDGAR, and Mr. RATCHFORD.

H.R. 3762: Mr. FOGLIETTA, Mr. GARCIA, Mr. PARRIS, and Mr. SOLOMON.

H.R. 3860: Ms. FERRARO.

H.R. 4147: Mr. FORD of Tennessee, Mr. HAGEDORN, and Mr. ATKINSON.

H.R. 4274: Mr. LENT.

H.R. 4354: Mr. LELAND.

H.R. 4362: Mr. EVANS of Georgia.

H.R. 4375: Mr. CLAY, Mr. MITCHELL of Maryland, and Mr. DELLUMS.

H.R. 4460: Mr. WALGREN and Mr. GEJDENSON.

H.R. 4562: Ms. OAKAR.

H.R. 4639: Mr. TAUKE.

H.R. 4684: Mr. BAILEY of Missouri.

H.R. 4712: Mr. SMITH, of Pennsylvania, Mr. OBERSTAR, Mr. CROCKETT, Mr. ROSENTHAL, and Mr. MITCHELL of Maryland.

H.R. 4780: Mr. BADHAM.

H.R. 4781: Mr. BADHAM.

H.R. 4808: Mr. MYERS, Mr. HUCKABY, Mr. LEWIS, Mr. WILSON, Mr. MARTIN of New York, Mr. LAFALCE, Mr. JACOBS, Mr. YATRON, Mr. WYDEN, Mr. BAFALIS, Mr. EDWARDS of Alabama, Mr. HUBBARD, Mr. DREIER, Mr. FRANK, Mrs. HOLT, and Mr. GARCIA.

H.R. 4898: Mr. HENDON and Mr. RINALDO.

H.R. 4957: Mr. MINISH, Mr. SMITH of New Jersey, Mr. D'AMOURS, Mr. ST GERMAIN, and Mrs. FENWICK.

H.R. 4980: Mr. GRADISON and Mr. OXLEY.

H.R. 5005: Mr. OTTINGER, Mr. GEJDENSON, Mr. BEDELL and Mr. FOGLIETTA.

H.R. 5066: Mr. JACOBS, Mr. MITCHELL of Maryland, and Mr. JEFFRIES.

H.R. 5323: Mr. EVANS of Iowa.

H.R. 5334: Mr. EVANS of Iowa, Mr. BROWN of Colorado, Mr. SHAMANSKY, Mr. ASHBROOK, Mr. COLLINS of Texas, Mr. GUNDERSON, Mr. JEFFRIES, Mr. ROBERTS of Kansas, Mr. SMITH of Alabama, Mr. WEBER of Ohio, and Mr. SMITH of New Jersey.

H.J. Res. 56: Mr. DUNN and Mr. LOEFFLER.

H.J. Res. 293: Mr. WEBER of Ohio and Mr. TAUKE.

H.J. Res. 294: Mr. GOLDWATER, Mr. SKELTON, Mr. DENARDIS, Mr. GRAMM, Mr. DECKARD, Mr. CLAUSEN, Mr. HILER, Mr. ERDAHL, Mr. EMERY, Mr. CONTE, Mrs. SNOWE, Mr. LOTT, Mr. SMITH of Oregon, Mr. STENHOLM, Mr. ROUSSELOT, Mr. PETRI, Mr. ENGLISH, Mr. ROSE, Mr. DANIEL B. CRANE, and Mr. ASHBROOK.

H.J. Res. 336: Mr. TAUKE.

H.J. Res. 353: Mr. GINGRICH, Mr. CORRADA, Mr. WEISS, Mr. MAZZOLI, Ms. OAKAR, Mr. COATS, Mr. JEFFORDS, Mr. HILER, Mr. DOUGHERTY, and Mr. PEYSER.

H.J. Res. 354: Mr. HILER, Mr. COATS, Mr. SOLARZ, Mr. WEISS, Mr. FRANK, Mr. VANDER JAGT, Mr. BARNES, Mr. CRAIG, Mr. PHILIP BURTON, Mr. DUNCAN, Mr. BENJAMIN, Mr. RAILSBACK, Mr. MURPHY, Mr. BUTLER, Mr. ST GERMAIN, Mr. JACOBS, Mr. OXLEY, Mr. FLORIO, Mr. MCEWEN, Mr. DAN DANIEL, Mr. YATRON, Mr. OTTINGER, Mr. GINGRICH, Mr. SANTINI, Mr. MOAKLEY, Mr. REGULA, Mr. BOLAND, Mr. EVANS of Delaware, Mr. HUGHES, Mr. MCCOLLUM, Mr. CHAPPELL, Mr. MARKS, Mr. PATTERSON, Mr. HEFNER, Mr. BLANCHARD, Mr. BROYHILL, Mr. THOMAS, Mr. HOLLENBECK, Mr. MILLER of California, Mr. BIAGGI, Mr. JAMES K. COYNE, Mr. MCCLORY, Mr. KILDEE, Mr. LANTOS, Mr. MOORE, Mr. PURSELL, Mr. ERDAHL, Mr. BONER of Tennessee, Mr. ROSE, Mr. FOLEY, Mr. ROSENTHAL, Mr. KASTENMEIER, Mr. LEACH of Iowa, Mr. ARCHER, Mr. CHAPPIE, Mr. MARRIOTT, Mr. SCHUMER, Mr. ALBOSTA, Mr. QUILLEN, Mr. DE LUGO, Mr. TAUZIN, Mr. WIRTH, Mr. MCGRATH, and Mr. EVANS of Georgia.

H.J. Res. 364: Mr. FARY, Mr. DAUB, Mr. MAZZOLI, Mr. DWYER, Mr. PAUL, Mr. WON PAT, Mr. LENT, Mr. SMITH of Alabama, Mr. FOGLIETTA, Mr. CLAUSEN, Mr. ROBERTS of Kansas, Mr. HANSEN of Idaho, Mr. SIMON, Ms. MIKULSKI, Mr. MINISH, Mr. MCCURDY, Mr. BADHAM, Mr. RAHALL, Mr. KINDNESS, and Mr. FORSYTHE.

H. Con. Res. 60: Mr. CARMAN, Mr. CONYERS, Mr. EDGAR, Mr. ERDAHL, Mr. FOGLIETTA, Mr. FRENZEL, Mr. LOWERY of California, Mr. NELLIGAN, Mr. SILJANDER, Mr. STATON of West Virginia, and Mr. YOUNG of Florida.

H. Con. Res. 79: Mr. HOLLENBECK.

H. Con. Res. 195: Mr. EVANS of Georgia.

H. Con. Res. 222: Mr. DENARDIS.

H. Con. Res. 223: Mr. SMITH of Alabama.

H. Con. Res. 227: Mr. FORD of Michigan, Mr. NAPIER, Mr. FORSYTHE, Mr. FAZIO, Mr. KINDNESS, Mr. RAHALL, Mr. HUGHES, Mr. COELHO, Mr. DOUGHERTY, Mr. MINETA, Mr. SIMON, Mr. PEPPER, Mr. HORTON, Mr. DAUB, Mr. MAZZOLI, Mr. DYSON, Mr. PRITCHARD, Mr. ADDABBO, Mr. REUSS, Mr. CORRADA, Mr. ROE, Mr. STUMP, Mr. SAM B. HALL, Jr., Mr. EMERSON, Mr. WON PAT, Mr. BEVILL, Mr. DE LA GARZA, Mr. WORTLEY, Mr. GOODLING, Mr. LAGOMARSINO, Mr. ANNUNZIO, Mr. FARY, Mr. ROEMER, and Mr. PEYSER.

H. Res. 230: Mr. DREIER, Mr. ADDABBO, and Mr. MCCLOSKEY.

H. Res. 252: Mr. DIXON, Mr. LUJAN, Mr. FORD of Tennessee, Mr. HOYER, Mr. BARNES, Mr. HOWARD, and Mr. GEJDENSON.

H. Res. 265: Mr. SAM B. HALL, Jr., Mr. RINALDO, Mr. COLLINS of Texas, Mr. HUGHES, Mr. DAUB, Mr. MAZZOLI, Mr. MURPHY, Mr. MINETA, Mr. MCKINNEY, Mr. DREIER, Mr. ERLENBORN, Mr. PARRIS, Mr. ERDAHL, Ms. FIEDLER, Mr. CRAIG, Mr. ANNUNZIO, Mr. IRELAND, and Mr. DORNAN of California.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

327. By the SPEAKER: Petition of the Council of the Lexington-Fayette Urban County Government, Lexington, Ky., relative to the Community Development Block Grant and the Urban Development Action Grant programs; to the Committee on Banking, Finance and Urban Affairs.

328. Also, petition of the Council, New York, N.Y., relative to consumer protection; to the Committee on Energy and Commerce.

329. Also, petition of the City Council, Bowling Green, Ohio, relative to deregulation of natural gas prices; to the Committee on Energy and Commerce.

SENATE—*Tuesday, January 26, 1982*

(Legislative day of Monday, January 25, 1982)

The Senate met at 8:15 p.m., and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Let us pray.

Almighty God, God of justice and truth, this session of Congress opens in an election year. As political campaigns grow in intensity, cynicism which corrodes the democratic processes will increase. Dear God, help those who run for office to refrain from doing that which feeds cynicism. And help those who are safe until the next election to do all in their power to avoid that which justifies cynicism. Grant, O God, that the actions and decisions of the Senate in the next 10 months will honor Thee, reflect justice and truth for the common good.

Bless, O Lord, the members of the press who take seriously their mandate that the people may be adequately informed so the democratic process will work. Strengthen them in their resolve; sensitize them to the fierce power of words to build up or destroy. Help them to refrain from sowing seeds of cynicism. Make them wise in the use of the awesome power they possess. Somehow, Lord God, help politicians, press and people to be united in commitment to that which is right for our Nation and the world.

We pray for the President as he addresses the joint session, that his message will inspire national unity and purpose; and for the Congress, that its response will implement the finest and best for all peoples.

And, our Father, we remember Senator WILLIAMS at this time and commend him to Your loving care.

In the name of the Father, and the Son, and the Holy Spirit. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Chair.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, January 25, 1982, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that following the recognition of the two leaders under the standing order there be a period for the transaction of routine morning business not to extend beyond the hour of 8:40 p.m., with Senators permitted to speak for not more than 5 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION FOR APPOINTMENT OF COMMITTEE TO ESCORT THE PRESIDENT

Mr. BAKER. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee of Senators on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of the United States into the House Chamber.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I have no further requirement for any time I have remaining under the standing order.

I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. There will now be a period for the transaction of routine morning business.

APPOINTMENTS

The PRESIDENT pro tempore. The Chair, on behalf of the Vice President, pursuant to Senate Resolution 381, 96th Congress, appoints the following persons to the Study Group on the Commemoration of the U.S. Senate Bicentenary: The Senator from Maryland (Mr. MATHIAS), the Senator from Virginia (Mr. WARNER), the Senator from Washington (Mr. GORTON), the former Senator from North Dakota (Mr. Young), and the former Senator from Pennsylvania (Mr. Scott).

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, a withdrawal, and a treaty which were referred to the appropriate committees.

(The nominations, withdrawal, and treaty received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 8:19 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that pursuant to the provisions of 46 United States Code 1295b(h), the Speaker appoints as members of the Board of Visitors to the U.S. Merchant Marine Academy the following Members on the part of the House: Ms. FERRARO and Mr. CARNEY.

The message also announced that pursuant to the provisions of 10 United States Code 9355(a), the Speaker appoints as members of the Board of Visitors to the U.S. Air Force Academy the following Members on the part of the House: Mr. FOLEY, Mr. DICKS, Mr. ROBINSON, and Mr. KRAMER.

The message further announced that pursuant to the provisions of section 194(a), title 14, United States Code, the Speaker appoints as members of the Board of Visitors to the U.S. Coast Guard Academy the following Members on the part of the House: Mr. GEJDENSON and Mr. MCKINNEY.

The message also announced that pursuant to the provisions of 10 United States Code 6968(a), the Speaker appoints as members of the Board of Visitors to the U.S. Naval Academy the following Members on the part of the House: Mr. LONG of Maryland, Mr. MURTHA, Mrs. HOLT, and Mr. SPENCE.

The message further announced that pursuant to the provisions of 10 U.S.C. 4355(a), the Speaker appoints as members of the Board of Visitors to the U.S. Military Academy the following Members on the part of the House: Mr. GINN, Mr. DIXON, Mr. GILMAN, and Mr. ROTH.

The message also announced that pursuant to the provisions of section 1, Public Law 86-420, as amended, the Speaker appoints as members of the U.S. delegation of the Mexico-United States Interparliamentary Group the following Members on the part of the

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

House: Mr. DE LA GARZA, Chairman, Mr. YATRON, Vice Chairman, Mr. KAZEN, Mr. MILLER of California, Mr. SKELTON, Mr. KOGOVSEK, Mr. MICA, Mr. ROUSSELOT, Mr. LAGOMARSINO, Mr. RUDD, Mr. GOODLING, and Mr. DREIER.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2408. A communication from the Acting Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period prior to December 10, 1981; to the Committee on Foreign Relations.

EC-2409. A communication from the Acting Administrator of the Panama Canal Commission, transmitting, pursuant to law, the report of the Commission on the disposal of foreign excess property for fiscal year 1981; to the Committee on Governmental Affairs.

EC-2410. A communication from the Special Assistant to the President for Administration, transmitting, pursuant to law, a report concerning the personnel employed in the White House, the Executive Residence at the White House, the Office of the Vice President, the Office of Policy Development (Domestic Policy Staff), and the Office of Administration; to the Committee on Governmental Affairs.

EC-2411. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Government Loses Revenue Because of Low Medical Care Charges To Liable Third Parties"; to the Committee on Governmental Affairs.

EC-2412. A communication from the Director of the Office of Financial Management, General Accounting Office, transmitting, pursuant to law, a report on the retirement plan for employees of the Federal Reserve System for fiscal year 1980; to the Committee on Governmental Affairs.

EC-2413. A communication from the Assistant Secretary of Health and Human Services for Health, transmitting, pursuant to law, a report on a new Privacy Act system of records for the Department of Health and Human Services; to the Committee on Governmental Affairs.

EC-2414. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report on a new Privacy Act system of records for the Federal Reserve System; to the Committee on Governmental Affairs.

EC-2415. A communication from the Assistant Secretary of Housing and Urban Development (Administration), transmitting, pursuant to law, a report on a new Privacy Act system of records for the Department of Housing and Urban Development; to the Committee on Governmental Affairs.

EC-2416. A communication from the Assistant Secretary of the Smithsonian Institution (Administration), transmitting, pursuant to law, a report on the pension plan for the Smithsonian Institution and the Woodrow Wilson International Center for Scholars for fiscal year 1980; to the Committee on Governmental Affairs.

EC-2417. A communication from the Assistant Secretary of the Interior for Indian Affairs, transmitting, pursuant to law, a report on a proposed plan for the use and distribution of Caddo judgment funds awarded before the Court of Claims; to the Select Committee on Indian Affairs.

EC-2418. A communication from the Acting Assistant Secretary of the Interior for Indian Affairs, transmitting, pursuant to law, a plan for the use and distribution of judgement funds awarded to the Confederated Tribes of the Umatilla Reservation of Oregon by the Court of Claims; to the Select Committee on Indian Affairs.

EC-2419. A communication from the Acting Assistant Secretary of the Interior for Indian Affairs, transmitting, pursuant to law, a proposed plan for the use and distribution of Warm Springs Tribes judgement funds awarded before the Court of Claims; to the Select Committee on Indian Affairs.

EC-2420. A communication from the Chairman of the Copyright Royalty Tribunal, transmitting, pursuant to law, the annual report of the Tribunal for fiscal year 1981; to the Committee on the Judiciary.

EC-2421. A communication from the Director of the ACTION Agency, transmitting, pursuant to law, a copy of the final notice entitled "VISTA Guidelines—Part IV"; to the Committee on Labor and Human Resources.

EC-2422. A communication from the President of the Legal Services Corporation, transmitting, pursuant to law, the budget request of the Corporation for fiscal year 1983; to the Committee on Labor and Human Resources.

EC-2423. A communication from the Chairman of the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research, transmitting, pursuant to law, the annual report of the Commission for fiscal year 1981; to the Committee on Labor and Human Resources.

EC-2424. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the status and accomplishments of the runaway youth program for fiscal year 1980; to the Committee on Labor and Human Resources.

EC-2425. A communication from the Acting Under Secretary of Agriculture for International Affairs and Commodity Programs transmitting, pursuant to law, the quarterly commodity and country allocation table for food assistance under Public Law 480 for the second quarter of fiscal year 1982; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2426. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on 51 deferrals totalling $1,260.6 million; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations, the Committee on the Budget, the Committee on Labor and Human Resources, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Commerce, Science, and Transportation, the Committee on Banking, Housing, and Urban Affairs, the Committee on Energy and Natural Resources, the Committee on the Judiciary, the Committee on Finance, the Committee on Governmental Affairs, the Select Committee on Indian Affairs, and the Committee on Environment and Public Works.

EC-2427. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on one rescission of $20.4 million and nine deferrals totalling $132 million; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations, the Committee on the Budget, the Committee on Commerce, Science, and Transportation, the Committee on Agriculture, Nutrition, and Forestry, the Select Committee on Indian Affairs, and the Committee on Labor and Human Resources.

EC-2428. A communication from the Clerk of the Court of Claims transmitting, pursuant to law, a copy of the judgment of the Court in the matter of Red Lake Band, et al. v. the United States, No. 189-C; to the Committee on Appropriations.

EC-2429. A communication from the Acting Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a proposed foreign military sale to Venezuela; to the Committee on Armed Services.

EC-2430. A communication from the President of the United States urging provision by the Congress of required funding for completion of the B-1 Bomber program on schedule; to the Committee on Armed Services.

EC-2431. A communication from the Deputy Assistant Secretary of Defense for Military Personnel and Force Management transmitting, pursuant to law, a report on numbers of personnel during preceding fiscal year having 12 but less than 18 years of submarine service, and those entitled to incentive pay; to the Committee on Armed Services.

EC-2432. A communication from the Acting Assistant Secretary of the Air Force for Research, Development and Logistics, transmitting pursuant to law, notice of conversion of the military family housing maintenance function at Edwards Air Force Base, Calif., to performance under contract; to the Committee on Armed Services.

EC-2433. A communication from the Naval Sea Systems Command transmitting, pursuant to law, notice of the award of a fixed-price incentive contract to the Sperry Corp. for fire control systems; to the Committee on Armed Services.

EC-2434. A communication from the Secretary of Commerce transmitting, pursuant to law, notice of the extension of certain export controls maintained for foreign policy purposes; to the Committee on Banking, Housing, and Urban Affairs.

EC-2435. A communication from the Chairman of the Federal Reserve Board transmitting, pursuant to law, the annual report of the Board on Truth in Lending; to the Committee on Banking, Housing, and Urban Affairs.

EC-2436. A communication from the Secretary of Commerce transmitting, pursuant to law, the fiscal year 1981 annual report of the Export Administration; to the Committee on Banking, Housing, and Urban Affairs.

EC-2437. A communication from the Secretary of Transportation transmitting, pursuant to law, notice of action by the Department on an application by American President Lines Ltd. to reconstruct three vessels in a foreign shipyard; to the Committee on Commerce, Science, and Transportaiton.

EC-2438. A communication from the Secretary of Transportation transmitting, pursuant to law, notice of action by the Department relative to application by Delta Steamship Lines, Inc., to reconstruct six vessels in a foreign shipyard; to the Committee on Commerce, Science, and Transportation.

EC-2439. A communication from the Secretary of Transportation transmitting, pur-

suant to law, a report on employee training and safety in the railroad industry; to the Committee on Commerce, Science, and Transportation.

EC-2440. A communication from the Administrator of the National Oceanic and Atmospheric Administration transmitting, pursuant to law, the Deep Seabed Mining Report; to the Committee on Commerce, Science, and Transportation.

EC-2441. A communication from the Transportation Systems Center transmitting, for the information of the Senate, the latest edition of the "National Transportation Statistics" report; to the Committee on Commerce, Science, and Transportation.

EC-2442. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on the administration of the Fair Packaging and Labeling Act for fiscal year 1981; to the Committee on Commerce, Science, and Transportation.

EC-2443. A communication from the Chairman of the Interstate Commerce Commission transmitting a draft of proposed legislation to provide that the Commission need not publish notice of new motor, water, freight and broker applications in the Federal Register; to the Committee on Commerce, Science, and Transportation.

EC-2444. A communication from the Administrator of the Energy Information Administration transmitting, pursuant to law, the quarterly report for the period July through September 1981 on imports of crude oil, residual fuel oil, refined petroleum products, natural gas, and coal; reserves and production of crude oil, natural gas, and coal; refinery activities; and inventories; to the Committee on Energy and Natural Resources.

EC-2445. A communication from the General Counsel of the Department of Energy transmitting, pursuant to law, notices of meetings related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-2446. A communication from the Under Secretary Energy transmitting, pursuant to law, the first annual report under the Methane Transportation Research, Development, and Demonstration Act of 1980; to the Committee on Energy and Natural Resources.

EC-2447. A communication from the Secretary of Energy transmitting, pursuant to law, the fourth annual report on research and development activities in coal mining technologies; to the Committee on Energy and Natural Resources.

EC-2448. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Greater Energy Efficiency Can Be Achieved Through Land Use Management"; to the Committee on Energy and Natural Resources.

EC-2449. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Electric Power: Contemporary Issues and the Federal Role in Oversight and Regulation"; to the Committee on Energy and Natural Resources.

EC-2450. A communication from the Secretary of Commerce transmitting, pursuant to law, the Seventh Annual Report on Ocean Dumping Monitoring and Research; to the Committee on Environment and Public Works.

EC-2451. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the Department's report on the Professional Standards Review Organization program; to the Committee on Finance.

EC-2452. A communication from the President of the United States transmitting a draft of proposed legislation to prohibit tax exemptions for schools that discriminate on the basis of race; to the Committee on Finance.

EC-2453. A communication from the Chairman of the U.S. International Trade Commission transmitting, pursuant to law, the 28th quarterly report on trade between the United States and nonmarket economy countries; to the Committee on Finance.

EC-2454. A communication from the U.S. Trade Representative transmitting, pursuant to law, the Advisory Committee report on the agreement with Japan to accelerate the staged reduction of tariffs on semiconductors; to the Committee on Finance.

EC-2455. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements other than treaties entered into by the United States within the previous 60 days; to the Committee on Foreign Relations.

EC-2456. A communication from the Assistant Secretary of the Treasury for Legislative Affairs transmitting, pursuant to law, project performance audit reports for the International Bank for Reconstruction and Development, the Inter-American Development Bank, and the Asian Development Bank; to the Committee on Foreign Relations.

EC-2457. A communication from the Deputy Assistant Secretary of Defense for Administration transmitting, pursuant to law, a report on four systems of records under the Privacy Act; to the Committee on Governmental Affairs.

EC-2458. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report listing reports of the GAO for the month of November 1981; to the Committee on Governmental Affairs.

EC-2459. A communication from the Administrator of the Health Care Financing Administration transmitting, pursuant to law, a report on a system of records under the Privacy Act; to the Committee on Governmental Affairs.

EC-2460. A communication from the Assistant Attorney General of the United States for Administration transmitting, pursuant to law, a report on a system of records under the Privacy Act; to the Committee on Governmental Affairs.

EC-2461. A communication from the Deputy Assistant Secretary of Defense for Administration transmitting, pursuant to law, a report on a system of records under the Privacy Act; to the Committee on Governmental Affairs.

EC-2462. A communication from the Chairman of the District of Columbia Council transmitting, pursuant to law, a copy of an act of the council, D.C. act 4-137; to the Committee on Governmental Affairs.

EC-2463. A communication from the Chairman of the District of Columbia Council transmitting, pursuant to law, a copy of an act of the council, D.C. act 4-136; to the Committee on Governmental Affairs.

EC-2464. A communication from the Chairman of the District of Columbia Council transmitting, pursuant to law, a copy of an act of the council, D.C. act 3-135; to the Committee on Governmental Affairs.

EC-2465. A communication from the Chairman of the District of Columbia Council transmitting, pursuant to law, a copy of an act of the council, D.C. act 4-134; to the Committee on Governmental Affairs.

EC-2466. A communication from the Chairman of the District of Columbia Council transmitting, pursuant to law, a copy of an act of the council, D.C. act 4-133; to the Committee on Governmental Affairs.

EC-2467. A communication from the Chairman of the District of Columbia Council transmitting, pursuant to law, a copy of an act of the council, D.C. act 4-126; to the Committee on Governmental Affairs.

EC-2468. A communication from the Chairman of the District of Columbia Council transmitting, pursuant to law, a copy of an act of the council, D.C. act 4-125; to the Committee on Governmental Affairs.

EC-2469. A communication from the Chairman of the District of Columbia Council transmitting, pursuant to law, a copy of an act of the council, D.C. act 4-124; to the Committee on Governmental Affairs.

EC-2470. A communication from the Chairman of the District of Columbia Council transmitting, pursuant to law, a copy of an act of the council, D.C. act 4-123; to the Committee on Governmental Affairs.

EC-2471. A communication from the Chairman of the District of Columbia Council transmitting, pursuant to law, a copy of an act of the council, D.C. act 4-121; to the Committee on Governmental Affairs.

EC-2472. A communication from the Assistant Secretary for Personnel Administration, Department of Health and Human Services transmitting, pursuant to law, a report on a system of records under the Privacy Act; to the Committee on Governmental Affairs.

EC-2473. A communication from the Assistant Secretary of Housing and Urban Development for Administration transmitting, pursuant to law, a report on a system of records under the Privacy Act; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LUGAR:

S. 2016. A bill to amend title II of the Social Security Act to provide generally that benefits thereunder may be paid to aliens only after they have been lawfully admitted to the United States for permanent residence, and to impose further restrictions on the right of any alien in a foreign country to receive such benefits; to the Committee on Finance.

By Mrs. HAWKINS:

S. 2017. A bill to authorize the Secretary of the Treasury to conduct a study of handgun bullets manufactured in or imported into the United States, to determine which bullets have the capacity to penetrate bulletproof vests commonly used by law enforcement officers; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRASSLEY:

S. Res. 284. Resolution expressing the sense of the Senate with respect to the consideration of an alternative minimum tax on corporations; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR:

S. 2016. A bill to amend title II of the Social Security Act to provide generally that benefits thereunder may be paid to aliens only after they have been lawfully admitted to the United States for permanent residence, and to impose further restrictions on the right of any alien in a foreign country to receive such benefits; to the Committee on Finance.

PAYMENT OF SOCIAL SECURITY BENEFITS TO ALIENS

● Mr. LUGAR. Mr. President, today, after consultation with my friend, the Congressman from Ohio, Mr. WEBER, with a deep concern for the future of the social security system and our senior citizens, and in the belief that this Congress must start to help social security along the road to solvency, I am introducing legislation to restrict the payment of social security benefits to nonresident aliens.

At the present time we are paying about $1 billion each year in social security to people living outside the United States. It is estimated that 70 percent of these recipients are aliens. These people have all previously worked in the United States and have paid into the social security system. But then they have left the country, in most cases to return to their homeland. Some of these recipients have paid very little into social security.

Consider just four of the most extreme examples of actual cases of payment/benefit ratios to some foreign recipients:

Case 1: Paid in $25; benefits paid to date $11,000.

Case 2: Paid in $161; benefits paid to date $31,000.

Case 3: Paid in $50; benefits paid to date $13,000.

Case 4: Paid in $397; benefits paid to date $42,000.

I cannot believe that we can any longer afford to drain the social security system of funds to support aliens living outside our country. The purpose of social security is to provide a retirement benefit to assure that the elderly who live in our country can live with dignity.

Many foreigners, because of the lower standard of living in their mother country, can live in comparative luxury by going home and collecting social security benefits.

I believe that it is a vital first step to the recovery of the social security system to remove from eligibility those noncitizens who live and work in the United States temporarily and then return to their homelands, no longer to support and produce in the United States, only to drain the social security system of benefits for our elderly.

The General Accounting Office has estimated that this measure could save as much as $700 million a year. The bill pays back to those people what they have paid into the system, but no more.

There are serious problems with social security that endanger the ability of the Government to live up to the commitment to our elderly and retired. In order to preserve their benefits, we must take the first step. The time for action is now. This bill represents that first, positive step toward this goal that we share.

A general summary of the key points of the bill are:

First, only those aliens admitted as lawful residents to the United States, of our trusts and territories, by the Attorney General of the United States, may receive social security benefits.

Second, nonresident aliens are further restricted from receiving social security benefits by striking the 40-quarter test exemption.

Third, nonresident aliens may only receive benefits up to the amount of social security taxes they have paid into the system.

Fourth, to curb abuse by paper adoptions and the common May-December marriages as are frequent overseas, derivative benefits will not be paid to surviving dependents unless the dependency relationship existed prior to the primary beneficiary's 50th birthday.

Fifth, nonresident aliens who are receiving their benefits as a payback of their contributions will receive their benefits according to the established rules of eligibility as determined by social security.

Sixth, all U.S. citizens and nationals, at home or abroad, and all resident aliens are not affected by the enactment of this bill.

Social security is intended to take care of persons living in America. At this time of a failing social security system, we cannot allow social security to continue as a worldwide pension system for noncitizens no longer living in this country.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 202(t)(1) of the Social Security Act is amended to read as follows:

"(1)(A) Notwithstanding any other provisions of this title (but subject to subparagraphs (B) through (F) of this paragraph), no monthly benefit shall be paid under this section or section 223 for any month to any individual who is not a citizen or national of the United States, if such individual—

"(i) has not been lawfully admitted to the United States for permanent residence, or

"(ii) is outside the United States; and no monthly benefits shall be paid to any person for any month under this section or section 223 on the basis of the wages and self-employment income of an individual who (without regard to subparagraph (E)) is himself prevented by the preceding provisions of this subparagraph from receiving a benefit for that month.

"(B) Subparagraph (A)(i) shall not apply with respect to any individual within the United States if the benefit involved is payable to such individual as the dependent or survivor of a citizen or national of the United States, or as the dependent or survivor of an alien lawfully admitted to the United States for permanent residence.

"(C) Subparagraph (A)(ii) shall not apply with respect to any individual if (i) the benefit involved is payable to such individual as the dependent or survivor of a citizen or national of the United States who resides outside the United States and has attained age 50 (or who died outside the United States after attaining that age), and (ii) at the time such citizen or national attained age 50 the spousal, filial, parental, or other relationship which is required for such individual's entitlement to the benefit involved already existed.

"(D) For purposes of this paragraph, an individual shall be considered to be outside the United States in any month only if such month occurs—

"(i) after the sixth consecutive calendar month during all of which (as determined by the Secretary on the basis of information furnished to him by the Attorney General or information which otherwise comes to his attention) such individual is outside the United States, and

"(ii) prior to the first month thereafter during all of which such individual has been in the United States;

but in applying the preceding provisions of this subparagraph an individual who has been outside the United States for any period of thirty consecutive days shall be treated as remaining outside the United States until he has been in the United States for a period of thirty consecutive days.

"(E) An individual who is otherwise prevented by subparagraph (A) from receiving benefits under this title may nevertheless be paid such benefits, as though such subparagraph were inapplicable, until the total amount of such benefits equals the total amount of the taxes paid under sections 3101 and 1401 of the Internal Revenue Code of 1954 (or the corresponding provisions of prior law) with respect to the wages and self-employment income on which such benefits are based (or, in any case where one or more other persons are also being paid benefits by reason of this subparagraph on the basis of such wages and self-employment income, until the total amount of the benefits paid to such individual equals the portion of such taxes which is attributable under regulations of the Secretary to such individual's entitlement). After such benefits have been paid, such individual shall have no further entitlement to benefits based in whole or in part on the same wages and self-employment income.

"(F) For purposes of this paragraph, the term 'United States' (when used in either a geographical or political sense) means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Is-

lands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.".

(b) Section 202(t)(4) of such Act is amended—

(1) by striking out subparagraphs (A) and (B);

(2) by redesigning subparagraphs (C), (D), and (E) as subparagraphs (A), (B), and (C); and

(3) by striking out the semicolon at the end of subparagraph (C) (as so redesignated) and all that follows and inserting in lieu thereof a period.

(c) The heading of section 202(t) of such Act is amended by adding at the end thereof the following: "; Prohibition Against Payment of Benefits to Aliens Not Permanent Residents".

SEC. 2. (a) Except as provided in subsection (b), the amendments made by the first section of this Act shall apply with respect to months after the month in which this Act is enacted.

(b) If any individual is (or upon application would be) entitled to a monthly benefit under section 202 or 223 of the Social Security Act for the month in which this Act is enacted on the basis of any person's wages and self-employment income, none of the amendments made by the first section of this Act shall apply with respect to such benefit or with respect to any other benefit which is or may become payable on the basis of such wages and self-employment income.●

By Mrs. HAWKINS:

S. 2017. A bill to authorize the Secretary of the Treasury to conduct a study of handgun bullets manufactured in or imported into the United States, to determine which bullets have the capacity to penetrate bulletproof vests commonly used by law enforcement officers; to the Committee on Finance.

LAW ENFORCEMENT OFFICERS' PROTECTION ACT OF 1982

● Mrs. HAWKINS. Mr. President, until "killer bullets" are banned from public sale, law enforcement officers and public officials will be vulnerable to assassins who acquire them since these bullets can penetrate otherwise bulletproof vests. For that reason, I am introducing today a bill which calls for a study to determine which handgun bullets can penetrate vests currently in use by law enforcement officers. A companion bill already has been introduced in the House of Representatives by Congressman MARIO BIAGGI. As a former New York City police officer, Representative BIAGGI knows firsthand the dangers involved.

To date, there is no exhaustive list of handgun bullets which have such devastating and penetrating power. The purpose of this bill is to change that by authorizing the Secretary of the Treasury to make three determinations: First, determine the capacity of such vests to protect against bullets in general; second, determine which bullets are now available to the American public which can penetrate protective vests; finally, determine the effectiveness of laws restricting the availability of handgun bullets which can penetrate protective vests.

It is imperative that "cop killer" bullets be identified as soon as possible. Right now "killer bullets" pose a serious threat to all law enforcement officers and public officials. Furthermore, funds nationwide have been invested to provide enforcement officers with bulletproof vests. In fact, these vests are credited with saving at least 400 lives of law enforcement officers annually. If "killer bullets" remain available to the public, our hard-won progress to protect those who defend us from crime will be lost. The public will lose in other ways also. Dangerous criminals will escape more frequently since our failure to act will force law enforcement officials to take less aggressive action out of self-defense. In addition, controversial public officials will present their views in public less frequently. These are costs that society need not absorb.

Finally, Mr. President, this issue should be judged independently from efforts to impose further gun control. I, for one, believe we have gone too far already in restricting the rights of citizens to protect themselves with firearms. As Representative BIAGGI pointed out, this is a case of "gun abuse" rather than gun control. However, it is my sincere hope we can begin this study, identify bullets which penetrate protective vests, and ban those that do.

Mr. President, I ask unanimous consent to include at the end of my remarks an article which appeared in the Washington Post entitled "New Bullets for Handguns Pierce Armor, and Police Want a Ban," along with a copy of my proposed bill.

There being no objection, the bill and article were ordered to be printed in the RECORD, as follows:

S. 2017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Law Enforcement Officers' Protection Act of 1981".

FINDINGS AND POLICY

SEC. 2. (a) The Congress finds that—

(1) the protection of our Nation's law enforcement officers is essential if we are to continue to have a highly qualified crime prevention force,

(2) three hundred and seventy-nine law enforcement officers were killed with handguns between 1974 and 1978, which represents 68 per centum of all the law enforcement officers killed in that period,

(3) the law enforcement community is increasingly dependent on bulletproof vests for protection against handgun bullets,

(4) law enforcement officers are seriously threatened by the use of certain handgun bullets which are available to the public and capable of penetrating bulletproof vests,

(5) available information regarding both the capacity of various handgun bullets to penetrate bulletproof vests and the risk that the availability and use of such bullets pose to law enforcement officers is not adequate to assist law enforcement officers, States, and the Federal Government to take appropriate action to reduce such risk,

(6) the law enforcement community has expressed deep concern about such risk, and

(7) a study to determine the capacity of handgun bullets to penetrate bulletproof vests will provide information which may lead to saving the lives of law enforcement officers.

(b) It is the policy of the United States to determine the risk posed to law enforcement officers by the availability and use of handgun bullets which have the capacity to penetrate bulletproof vests, so that the Congress can take appropriate action to reduce such risk.

STUDY OF HANDGUN BULLETS

SEC. 3. The Secretary or his designee shall conduct a study to determine the capacity of handgun bullets to penetrate bulletproof vests and the risk posed to law enforcement officers by the availability and use of handgun bullets. Such study shall include a determination of—

(1) which handgun bullets currently available to the public through importation, manufacture, sale, or other transfer are capable of penetrating bulletproof vests commonly used by law enforcement officers,

(2) the capacity of such bulletproof vests to withstand handgun bullets, and

(3) the effectiveness of any provision of law which restricts the availability to the public of handgun bullets which have the capacity to penetrate bulletproof vests commonly used by law enforcement officers.

REPORT OF STUDY

SEC. 4. The Secretary shall submit a report to the President and to each House of the Congress, not later than one year after the date on which funds are first made available to carry out this Act, containing a detailed statement of the findings and conclusions of the study required in section 3, and the recommendations of the Secretary regarding appropriate Federal and State legislation based on such findings and conclusions.

DEFINITIONS

SEC. 5. For purposes of this Act—

(1) the term "bullet" means a round or elongated missile designed to be fired from a firearm,

(2) the term "bulletproof vest" means any commercially available, soft, lightweight body armor,

(3) the term "handgun" means any firearm which has a short stock and which is designed to be fired by the use of a single hand, and

(4) the term "Secretary" means the Secretary of the Treasury.

AUTHORIZATION OF APPROPRIATIONS

SEC. 6. There is authorized to be appropriated $500,000 to carry out the provisions of this Act.

NEW BULLETS FOR HANDGUNS PIERCE ARMOR, AND POLICE WANT A BAN

(By Terrance W. McGarry)

LOS ANGELES.—Police organizations and their allies in Congress and at least two state legislatures are trying to outlaw the apple green bullets they call "cop-killers."

The bullets, available in all pistol calibers, easily punch through "bullet-proof" vests worn mainly by officers and politicians.

The Kevlar fabric vests, lightweight but strong enough to halt almost all pistol bullets, have proved a boon to police officers and are becoming increasingly common.

But "these frightening bullets eliminate all protection for police officers and public officials who must fear assassination," said California Assemblyman Tom Banes, who plans to introduce a bill when the state legislature reconvenes this month, outlawing the manufacture, possession or sale of the bullets in California. In New York, state Sen. John Calandra has introduced a similar bill that he expects will be approved.

"The problem is, there is no other use for these bullets" other than shooting police officers and assassinating politicians, said Rep. Mario Biaggi (D-N.Y.), who has been trying to outlaw the bullets on the federal level.

Between 1975 and 1978, the latest year for which statistics are available but before the vests became as common as they are now, the vests saved the lives of 250 of the 255 police officers wearing them who were shot in gun battles, Biaggi said. The other five were hit in the head or other unprotected areas.

He has a bill pending before a House committee to commission a study "to identify all such bullets so that ultimately we can enact laws to ban their manufacture and sale," said his spokesman, Bob Blancato.

"If I were an officer on the street, I'd be very fearful of these things," said the International Union of Police Association's West Coast representative, San Francisco officer Gerald Crowley, who witnessed tests of the bullets.

In those tests, he said, "A vest was folded so that it presented four times the normal thickness of Kevlar. A .357-magnum from a distance of 20 feet went through all four layers of the vest and five big city telephone directories behind it."

To date, no police officer or other Kevlar-protected person has been shot with the special bullets, and authorities hope to get the ammunition off the market before there is such a shooting.

Biaggi said he first heard about the armor-piercing bullets "about two years ago from the New York City Patrolmen's Benevolent Association."

Investigators say there are several bullets with similar characteristics, but the best known is the KTW.

It was developed by a doctor and two peace officers in Lorain, Ohio, a shipbuilding town on the shore of Lake Erie.

The bronze bullet, semi-pointed in shape, is coated with Teflon. Its hardness and shape give it better penetration and the Teflon "slides" it through otherwise impenetrable surfaces.

KTW is named for Dr. J. P. Kopsch, Dan Turcus and Don Ward. Kopsch, the former coroner, now runs the company. Turcus recalled the origin of the bullet:

"We had a shootout in Lorain and the police bullets were just bouncing off the guy's car while he was shooting back at us.

"Dr. Kopsch said he had seen too many shooting cases as a coroner in which the police were at a disadvantage. We got to talking about it and decided policemen should have a bullet that gave them an edge, something they could fire from the pistols they already had and that would shoot right through a car.

"We experimented for years and came up with a material that was twice as dense as lead. The Teflon coating added about 20 percent more penetration—they just slide right through.

"We didn't want to manufacture it, really. We tried to sell it to the U.S. military but they weren't interested.

"Most of our production, when I was with the company, was sold to foreign governments for their police forces, I seem to recall. I heard the East Germans were trying to copy it."

The bullet's developers said they never sold the bullets to civilians, but critics disagree. At least one civilian, who asked not to be identified, told UPI he was able to obtain a large number of the bullets by mail from a California dealer, with no identification required. The dealer denied it, but the source has a collection of KTW bullets.

"You're supposed to be a law enforcement officer to buy these things, the KTW people say, but there simply is no effective enforcement of that restriction," said Craig Floyd, an aide to Biaggi.

"We've contacted law enforcement departments all over the country and they say they have no use for them because they're so dangerous. They go right through darn near anything—people, cars, walls—and hit other things, like a bystander some distance away. Police won't use them because you can't tell where they'll wind up."

A difficulty in drawing up federal legislation, Floyd said, "is that we have heard there are other bullets, besides the KTW, which could also penetrate a Kevlar vest. That restricts our ability to ban the KTW alone, which is why we want a federal study to identify all such bullets."●

ADDITIONAL COSPONSORS

S. 1698

At the request of Mr. DENTON, the Senator from Minnesota (Mr. DURENBERGER), the Senator from Maryland (Mr. MATHIAS), and the Senator from Connecticut (Mr. WEICKER) were added as cosponsors of S. 1698, a bill to amend the Immigration and Nationality Act to provide preferential treatment in the admission of certain children of United States Armed Forces Personnel.

S. 1797

At the request of Mr. DOLE, the Senator from Louisiana (Mr. LONG) was added as a cosponsor of S. 1797, a bill to provide the private sector training and placement opportunities for residents of enterprise zones, emphasizing the use of community-based organizations and the involvement of small business concerns and for other purposes.

S. 1881

At the request of Mr. SASSER, the Senator from New York (Mr. MOYNIHAN), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Arkansas (Mr. BUMPERS), the Senator from Pennsylvania (Mr. HEINZ), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 1881, a bill to provide for the issuance of a commemorative stamp to honor the dedication of the Vietnam Veterans Memorial.

SENATE RESOLUTION 253

At the request of Mr. DOLE, the Senator from Georgia (Mr. NUNN) was added as a cosponsor of Senate Resolution 253, a resolution expressing the sense of the Senate on "National Circle K Week."

SENATE RESOLUTION 284—RESOLUTION RELATING TO MINIMUM TAX ON CORPORATIONS

Mr. GRASSLEY submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 284

Resolved, That it is the sense of the Senate that the Secretary of the Treasury explore the possibility of imposing on corporations a minimum alternative tax on tax preferences.

MINIMUM TAX ON CORPORATIONS

● Mr. GRASSLEY. Mr. President, I would like to submit a sense of the Senate resolution asking the Department of Treasury to study the feasibility of instituting an alternative minimum tax on preference items for corporations.

The alternative minimum tax on preferences for individuals applies generally to those taxpayers with large amounts of itemized deductions. This tax is imposed in addition to regular income tax. This tax applies to adjusted itemized deductions and capital gains of taxpayers if it results in a higher tax than the taxpayer would be liable for using the standard methods for computing tax liability.

Items of tax preference are generally those items which are either not subject to taxation because of temporary exclusion from gross income or because of accelerated depreciation or not subject to full taxation because of certain deductions or a special tax rate.

In my view an alternative minimum tax on preference items for corporations deserves study. Congress has come under great criticism for enacting the controversial leasing provisions which permit a corporation to sell tax benefits it cannot use to a corporation which may use them. This provision was inserted in the law to permit corporations in a loss position to take advantage of the benefits of accelerated depreciation. It was also added to prevent the swallow-up of unprofitable companies by other more profitable concerns hungry for tax benefits. While many people feel the company selling or more accurately leasing the tax benefits should be permitted to gain the advantages of the accelerated cost recovery system, few of us are sympathetic to the company acquiring the leasing benefits to net out their tax liability. For that reason, an alternative minimum corporate tax putting a floor on the amount of tax all corporations pay deserves our earnest consideration. Congress enacted the accelerated cost recovery system to encourage business to retool and embark

upon productive enterprise, we did not enact this system with the intent of permitting corporations to absolve themselves of their tax liability.

For that reason, I am asking the Department of Treasury to seriously consider a proposal of this nature and I am asking my colleagues to support this legislative endeavor by joining me as co-sponsors of this measure. ●

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public that the oversight hearing regarding mineral royalties previously scheduled before the Committee on Energy and Natural Resources, on Thursday, January 28 at 10 a.m., will begin at 9 a.m. in room 3110 of the Dirksen Senate Office Building.

For further information regarding this hearing you may wish to contact Mr. Tony Bevinetto of the committee staff at 224-5161.

SUBCOMMITTEE ON FEDERAL EXPENDITURES, RESEARCH, AND RULES

Mr. DANFORTH. Mr. President, on Tuesday, February 2, 1982, the Subcommittee on Federal Expenditures, Research, and Rules will hold a hearing on the Federal procurement work force. The hearing is scheduled to begin at 9 a.m. and is to be held in room 3302 of the Dirksen Senate Office Building.

The subcommittee has invited witnesses to provide testimony on the following issues: First, demography and role of the work force in the existing procurement system; second, ongoing executive branch efforts to enhance the training and professionalism of the work force; third, the contributions being made by universities, professional associations, and other private sector resources; and fourth, the impact of the work force on the relations between the Government and its contractors. In the months ahead, this subcommittee, and the Congress, will be considering the administration's proposal for a uniform Federal procurement system. We will be working toward a simplified, deregulated system which encourages more participation by businesses large and small within a statutory framework that fosters more competition for the Government's business.

The subcommittee encourages the submission of written testimony by any interested person. Written submissions should be addressed to the Subcommittee on Federal Expenditures, Research, and Rules, 128 C. Street NE., room 44, Washington, D.C. 20510. For additional information, interested persons should contact Pat Otto, chief clerk of the subcommittee, or its procurement counsel, William B. Montalto, at (202) 224-0211.

SUBCOMMITTEE ON FOREIGN AGRICULTURAL POLICY

Mr. BOSCHWITZ. Mr. President, I wish to announce that the Senate Agriculture Subcommittee on Foreign Agricultural Policy has scheduled a hearing to evaluate the economic impact of previous agricultural embargos on both the United States and the embargoed countries. I have invited representatives of the U.S. Department of Agriculture, producer groups, the agribusiness industry, and the academic field to testify.

The hearing will be held on Wednesday, February 3, beginning at 9:30 a.m. in room 324, Russell Building.

Anyone wishing further information should contact Denise Alexander or John Cozart at 224-2035.

COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, the Senate Committee on the Budget will hold a meeting on the budget of the committee on January 27, 1982, in room 6202 of the Dirksen Senate Office Building at 10 a.m.

For further information, contact Nancy Moore of the Budget Committee staff at 224-4129.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MATHIAS. Mr. President, I wish to announce that the Committee on Rules and Administration will hold a meeting on Friday, February 5, 1982, at 10 a.m, in room 301 Russell Senate Office Building. The purpose of the meeting is to receive testimony from Members of Congress and others on the Technology Assessment Act of 1972 and the operation of the Office of Technology Assessment. This hearing will be the first in a series of oversight hearings dealing with the congressional support agencies that provide services directly to the Senate.

Individuals wishing to testify or to submit a statement for the record should contact Mr. Anthony L. Harvey of the Rules Committee staff on extension 4-0291.

Mr. MATHIAS. Mr. President, I wish to announce that the Committee on Rules and Administration will hold a meeting on Tuesday, February 2, 1982, at 10 a.m. in room 301 Russell Senate Office Building. The purpose of the meeting is to receive testimony from Senators and others on implementation of the postal patron provisions of Public Law 97-69 (S. 1224), relating to the use of the frank.

As this matter relates directly to each Senator's ability to communicate with his or her constituents, I encourage all Senators to express their opinion on the postal patron program to the Rules Committee. Any Senator wishing to testify or to submit a statement for the record should contact Carole Blessington of the Rules Committee staff on extension 4-0278.

At this point I ask unanimous consent that my letter and accompanying materials concerning postal patron mailings that were sent on December 18, 1981, to all Senators be inserted in the RECORD.

There being no objection the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON RULES AND ADMINISTRATION,
Washington, D.C., December 18, 1981.

DEAR SENATOR: On October 26, 1981, President Reagan signed into law S. 1224 (P.L. 97-69), relating to changes in use of the frank.

One of the provisions of Public Law 97-69 extends to Senators the use of simplified forms of address, or postal patron mailings. Senate report 97-155, which accompanied S. 1224, cites four areas for potential cost-savings to the Senate:

(1) Postal patron mail rates are lower.

(2) With the use of postal patron addresses, there is no returned mail. Newsletters returned with address corrections by postmaster, cost 25 cents per piece.

(3) Senate Computer Center costs would be reduced if fewer labels were printed.

(4) Staff used to update mailing lists could be freed for other tasks. A fact sheet giving more information on postal patron mailings is attached.

Public Law 97-69 authorizes Senators to use postal patron mailings 120 days after enactment and following the development of appropriate rules and regulations by the Rules Committee.

To assist the Rules Committee in determining what might be an appropriate number of postal patron mailings to authorize per year and to determine the impact on Senate costs, services, space and personnel, we need your assistance in our planning process.

Would you please take the time to answer the attached questionnaire and return it to the Rules Committee as soon as possible.

Thank you.

Sincerely,

CHARLES McC. MATHIAS, Jr.,
Chairman.

FACT SHEET

(1) The use of the postal patron program does not require staff resources to maintain mail files. Postal patron mailings can reach every mailbox in the state or can be targeted by zip code or even by carrier route.

(2) The current level of newsletter production in the Senate is approximately equal to one statewide postal patron mailing to every mailbox in the state per Senator per year.

(3) Elimination of the current system of individualized addresses for newsletters in favor of one statewide postal patron mailing per Senator could result in a net postage savings to the Senate of over $5,000,000 per year (based on maximum participation in the postal patron program vis-a-vis Third Class Bulk Sort).

(4) More than one postal patron mailing per year or even one postal patron mailing plus the current use of individualized addresses for newsletters will require an additional appropriation of funds.

(5) Comparison of postal rates per piece:

[In cents]

	1st class	3d class bulk sort [1]	Postal patron
Base rate	20	9.3	7.9
(Returns) address correction requested	25	25	0
(Returns) undeliverable mail returned (for deletion)	0	10.9	0
Express mail sack surcharge average	1.3	1.3	1.3

[1] Third class bulk sort program began Aug. 10, 1981, prior to which all Senate mail went at the first class rate. Currently, over 60 percent of Senate mail qualifies for the 9.3 cents rate.

QUESTIONNAIRE

POSTAL PATRON NEWSLETTERS

I. A. How many times per year do you issue newsletters? ——

B. What is the quantity mailed each issue? ——

II. Do you plan to use postal patron mailings. Yes — No —

If yes:

A. How many times per year would you like to be able to make a statewide postal patron mailing? ——

B. Would you anticipate using postal patron mailings:

Exclusively? ——

In combination with individually addressed newsletters? ——

III. If you had to make a choice:

Would you use individually addressed newsletters only? ——

Or Would you use postal patron mailings only? ——

ADDITIONAL STATEMENTS

100TH ANNIVERSARY OF SAM RAYBURN'S BIRTH

● Mr. BENTSEN. Mr. President, earlier this month, on January 6, I traveled to Bonham, Tex., and took part in ceremonies marking the 100th anniversary of Sam Rayburn's birth.

Bonham is Sam Rayburn's hometown and the site of the very impressive Sam Rayburn Library. The Speaker is still remembered with great fondness by the people of Bonham whom he served in the House for over half a century.

I have always felt that Sam Rayburn represented much of what is finest and most noble about our American experience. He symbolized the spirit of commitment, deep personal integrity, and sense of service that is so essential to our democratic, representative form of government.

Sam Rayburn was one of the most effective and respected legislative leaders in the history of America. He was also a close personal friend who taught me a great deal about the House of Representatives when I arrived there as a freshman Congressman from the Rio Grande Valley back in 1948.

I found that one of the most impressive aspects of the ceremonies in Bonham was the degree to which The Speaker touched the lives of those who knew and worked with him. Everyone who was a friend of Sam Rayburn has a special story or antedote that illustrates his warmth as an individual and his single-minded dedication to public service.

One of the most moving and eloquent remembrances I heard at Bonham was spoken by Lady Bird Johnson who knew and admired Sam Rayburn throughout much of his career. Mrs. Johnson has managed to catch some of the magic of Sam Rayburn, and I ask to have her remarks printed in the RECORD.

REMARKS OF MRS. LYNDON B. JOHNSON AT SAM RAYBURN BIRTHDAY CENTENNIAL

One hundred years! Can it really be that long for a man who is so fresh in the minds of all of us—a man who was the essence of faith in this country and its destiny—optimistic about our future—a man who lived his patriotism.

How comforting it is to me to know that we produced leaders like that. The legacy he left me—left all of us—I think is reassurance about our country and our form of Government. Can it be 21 years since he died?

For the thousands of us who remember him so vividly, he is ever present in the U.S. Capitol. I can still see him walking through the corridors, a brown felt hat on his head, set deep into his broad shoulders, taking an envelope out of his pocket and making a note on it if someone stopped him. He walked through the Capitol and his district like a man driving a wagon, pulling up the rein to talk.

He had the simple power and honesty of someone who believed in the simple goodness of people, from the day he set foot in the Capitol in 1913 he never flinched from the word "Government." In his maiden speech to the House of Representatives, he made that clear:

"It is now my sole purpose here to enact such wise and just laws that our common country will be a happy and more prosperous country."

And for 48 years he labored for that purpose, breaking the stranglehold of the greedy, with the Holding Company Act, and whole staccato of new deal legislation that lifted the Nation out of the depression and got it moving.

When I came as a young bride to Washington, Lyndon already knew Mr. Sam. He had told me of the first time he had met him.

Lyndon was secretary to Congressman Kleberg and was very sick in a Washington hospital. Suddenly, there in the doorway was Mr. Rayburn saying: "Son, I am an old friend of your father's and I just wanted to drop by and see how you are." His dealings with people were always just that kind and direct.

Years later, after Pearl Harbor, when Nellie Connally and I were saying goodbye to our husbands as they left for the Pacific, the Speaker was there with us at the depot. As the train pulled out (and we were feeling so forlorn) the Speaker turned to us and said, "Now girls, we're going out and get the best dinner in town."

Years later, Lyndon and Mr. Sam and I were riding through the fall foliage of Virginia on a Sunday afternoon. Suddenly we came out on a slope to a breathtaking view of that great white glistening U.S. Capitol. He said with pride: "Lady Bird, how do you like my Capitol?" He felt intensely possessive about that Capitol and all that happened there. He believed that building must belong to every American in a very personal way.

I came to Boham when he proudly dedicated the Sam Rayburn Library. There are a thousand stories in that Library, a thousand lessons in Government for students of History, for writers, and just plain Americans. The library is filled with rich resources to be mined—stories of our Nation's heartaches and triumphs covering 48 years—about a fourth of the Nation's lifetime—covering eight Presidents—from Woodrow Wilson to John F. Kennedy

I remember how impressed Lyndon was with the Speaker's collection of the Congressional Record, dating back to the First Congress in 1798. Other than the Library of Congress, this library in Bonham has the only complete set in the Nation.

I came back to Bonham the day he died in 1961 with Lyndon and met the people of Texas' Old Fourth—the beloved district of that beloved man—as they came to pay their respects at that white wooden farm house that sits here on the black, waxy farm land of north Texas.

I remember how rough and worn were the hands—the hard working hands—hands of character—and how tender their voices when they spoke of "Sammy" or "the Speaker". Many had known him as a boy and had sent him to Austin and then to Washington. He made Government come alive and serve them.

This morning, I stood on the steps of his "Athens on the hill"—his library looking west to the Cotton Gin and the Willow Wild Cemetery. There Sam Rayburn is buried—in the family plot with eight of his brothers and sisters. Each grave has a small grey granit marker—all the same. His own marker reads simply "Mr. Sam (1882-1961)." A small gavel is etched in the stone.

I used to think it needed to say a lot more, at least a line that gave the essence of him—"He voted for the folks"—but Sam Rayburn was a man who needs no embellishment.●

AMENDMENT OF TAX LEASING PROVISIONS OF 1981 TAX CUT

● Mr. LUGAR. Mr. President on January 25, I introduced legislation to sunset the tax leasing provisions of the 1981 Tax Act on September 30, 1982.

Mr. President, these new rules, which permit corporations to sell tax breaks to each other, have drawn a lot of deserved criticism over the past few months. A number of newspaper editors, public officials, and Members of Congress have seized the opportunity to denounce this provision as a half-baked idea which allows large profitable companies to take investment credits and accelerated deductions, leaving the small umprofitable companies to nibble at the leftovers.

The authors of this provision, pointed out the likelihood that a large number of companies would be unable to take advantage of new investment incentives. They further argued that, without this provision, a taxable company might be encouraged to acquire a company with no taxable income solely for the purpose of employing its unused tax credits.

While there may have been reasonable basis for proposing these new

rules, in practice they simply have not worked.

Recent experience reveals that for the most part only the largest corporations have taken advantage of this provision. Since one of the primary justifications of new law was that it would help smaller companies otherwise unable to invest in new equipment, the predominant use of this system by large corporations is disturbing.

In addition, considerable doubt remains as to how much benefit from the leasing arrangement is actually reaching the intended beneficiary—the nonprofitable company. Some have claimed that as much as 80 percent of the benefits are siphoned off by the taxable corporation and intermediaries, leaving only 20 percent of the benefits to the unprofitable company. A more reasonable estimate, based or recently completed leasing arrangements as a basis for judgment would be that about two-thirds of the benefits are finally realized by the unprofitable company. Even this division of benefits would represent an inefficient means of helping nonprofitable companies.

The most compelling reason for putting aside this new provision is its prohibitive expense. Even conservative estimates place its cost to the Federal Treasury for fiscal year 1981-86 at $29.1 billion. Many analysts believe the actual figure will come to twice that amount. In view of the deficits now anticipated for those years, an imperfect arrangement like this one is an unaffordable luxury.

Finally, although these new rules were part of a tax package which was considered by the Senate Finance Committee late last year, they were passed in great haste. Certainly a program of tax advantages worth at least $29.1 billion requires full debate in the Congress, debate that is more thoughtful than last year's.

It may surprise some to learn that tax leasing is not a new addition to the tax code. In fact, the practice of tax leasing has been in use since the birth of the investment tax credit. These old rules, devised in 1962, had the effect of limiting the frequency of the leasing arrangements.

Last year's legislation requires that all parties to a leasing arrangement file pertinent information with the U.S. Treasury. Congress will shortly have before it more detailed data with which to evaluate the merits of this provision.

My bill would open the debate on the entire scope of this issue, forcing Congress to determine whether leasing ought to be restricted in the manner prescribed by the old rules or whether it ought to be terminated altogether.

My bill sets the date for the expiration of this provision as September 30, 1982. Without penalizing those companies who have already made long-term capital commitments on the basis of new law, it would leave no doubt as to the future of these new rules.

Most importantly, it will give the Senate Finance Committee ample opportunity to review the entire area of tax leasing, with the most accurate information available.

Mr. President, I believe that every tax provision should bear the burden of proving its merit under an established time frame. Since we have not yet chosen to apply the "sunset" principle to the tax code generally, perhaps we can try it on this one section. Unless leasing can be justified by a year's experience and passed again in the light of day, it should be terminated.●

A TRIBUTE TO DANIEL WEBSTER

● Mr. HUMPHREY. Mr. President, January 18, 1982, marked the 200th anniversary of the birth of Daniel Webster of New Hampshire, an American who made his imprint on this country's history through his great skills as an orator, lawyer, and statesman. Too often, we forget the contributions of Americans of earlier generations, and I feel that it is important to take this opportunity to remember and honor this great American.

Daniel Webster was born in Salisbury, N.H., the son of an early revolutionary leader. Fortified by his father's steady encouragement, he attended Phillips Exeter Academy and Dartmouth College in New Hampshire. Subsequently, he studied law and, after a brief period of teaching to support his brother's education, began to practice law in Portsmouth, N.H. It was during his 9 years in Portsmouth that Webster became more and more drawn into politics. He spoke often of his devotion to the bonds of our Federal Union and was especially articulate on economics and public finance, arguing diligently for the protection of New England's shipping industries. Using his superior forensic abilities, he sought to arouse those inclined to sit still and sigh at the depravity of the times. He represented Massachusetts in Congress beginning in 1812, and began his long career in the U.S. Senate in 1827.

Although Webster frequently found himself in opposition to the administration he worked with, he was a patriot, not a partisan, deciding each measure on its merits and not its point of origin. He was admired as a practical statesman, recognizing concession as a method to resolving warring views. When criticizing measures, he argued constructively, offering alternative ideas and plans. It was during his term as Senator that he came to be known as defender of the Constitution. Serving as Secretary of State under Presidents Harrison and Tyler, he demonstrated his outstanding characteristics of tact and dignity in resolving many delicate diplomatic tangles.

While conducting his political career, Webster continued to practice law, earning broad recognition as a gifted and committed lawyer. He was often retained by the Supreme Court, arguing brilliantly in cases that involved grave constitutional issues, including McCulloch against Maryland, Gibbons against Ogden, and Osborn against Bank of the United States.

Daniel Webster was a man of foresight, dedication, and action. His zeal and perseverance not only left a lasting impression on early 19th century America but have also inspired Americans ever since. I am proud to have the use of this distinguished American's desk here on the Senate floor.●

THE IMPACT OF REGULATORY REFORM ACT ON THE INDEPENDENCE OF THE FEDERAL RESERVE BOARD

● Mr. GLENN. Mr. President, last week I sent a letter to President Reagan expressing my concern over the potential impact of the pending Regulatory Reform Act (S. 1080) on the independence of the Federal Reserve Board and other independent agencies. Inasmuch as President Reagan had stressed the autonomy of the Federal Reserve Board in his press conference and stated that the policy of his administration toward the Agency is one of neutrality, I called on the President to support an amendment that I intend to offer to S. 1080 to maintain the independence of the Fed and other similar agencies such as the Securities and Exchange Commission, the Nuclear Regulatory Commission, and the Federal Election Commission. I would request that a copy of that letter be included in the RECORD following my remarks. I submit for the RECORD a copy of a letter from Federal Reserve Board Chairman Volcker expressing concern regarding the executive oversight provisions of S. 1080.

My amendment, which I hope to introduce this week, will be similar in thrust to that which was unanimously adopted by the Governmental Affairs Committee when it reported S. 1080.

The letters follow:

COMMITTEE ON GOVERNMENTAL AFFAIRS, SUBCOMMITTEE ON ENERGY, NUCLEAR PROLIFERATION, AND GOVERNMENT PROCESSES,
Washington, D.C., January 21, 1982.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Your remarks at your press conference on Tuesday and subsequent statements by White House spokesmen to the press indicated that in your view the Federal Reserve Board is entirely "autonomous" and that the policy of your Ad-

ministration towards the Fed is one of "neutrality".

At the Senate Governmental Affairs Committee mark-up of the Regulatory Reform Act of 1981 (S. 1080) and other negotiations on this legislation, White House spokesmen have expressly indicated, however, that Reagan Administration policy is to obtain and exercise greatly increased authority over the Federal Reserve Board and other independent regulatory agencies' rulemaking activities. In essence the authority sought, contained in the Executive Oversight provisions of the bill (section 624), would require the Federal Reserve Board and these other agencies to submit all their major rules to the Office of Management and Budget for screening, prior to issuance in proposed or final form. This practice has already been implemented with respect to Executive Branch agencies pursuant to your Executive Order on Regulatory Relief (E. O. 12291) and I understand that under this authority OMB has already rejected numerous pending regulations.

Chairman Volcker, and the heads of many other independent agencies, have strongly objected to this proposed change in their rulemaking practices as a significant intrusion on their independence of action. In Chairman Volcker's words to the Senate Governmental Affairs Committee Chairman Roth, commenting on S. 1080:

"There is an additional reason to be concerned about the provisions for executive oversight in the rulemaking process, particularly with respect to the operations of the Federal Reserve system. As I know you are aware, Congress created the Federal Reserve System in 1913 as an independent entity in order to emphasize the insulation of the credit regulation process from the function of financing the government. Long experience demonstrates that the separation of these two functions can make a vital contribution to a more stable and effective domestic monetary system. Therefore, I would be particularly concerned about executive oversight as applied to the functions of the Federal Reserve System."

Let me add, that my preliminary inquiries to the Fed indicate that by controlling the agency's rulemaking functions, OMB might be able to have s substantial effect on monetary policy, the center of the Fed's independent sphere of activity.

At the Committee's mark-up I offered an amendment to S. 1080 that would significantly reduce the impact of the bill's Executive Oversight provisions on these independent agencies. The amendment was accepted unanimously. However, for parliamentary reasons it will be necessary for me to re-introduce such an amendment on the Senate floor when the Senate takes up the Regulatory Reform Act next month.

There have been strong indications in the press from OMB officials that the Administration will oppose my amendment. In light of your remarks on Tuesday, and those of White House spokesmen I mentioned earlier, I hope I am correct that these prior OMB statements are erroneous and that the Administration stands behind the continued independence of the Federal Reserve System and that of the other agencies to which Congress has granted independent status.

If such is the case, I would look forward to your support for my amendment to the Regulatory Reform Act when it is addressed by the Senate next month.

Best regards.

Sincerely,

JOHN GLENN.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
Washington, D.C., September 10, 1981.

Hon. WILLIAM V. ROTH, Jr.,
Chairman, Committee on Governmental Affairs, Washington, D.C.

DEAR CHAIRMAN ROTH: I am pleased to submit views regarding the executive oversight provisions in S. 1080, the "Regulatory Reform Act," as you requested in your letter dated July 30, 1981.

The executive oversight provisions of S. 1080 (new section 624 of Title 5 of the United States Code) would authorize the President, or an officer to whom he delegated this authority, to monitor, review, and ensure agency implementation of the "major rule" procedural requirements of S. 1080 (new sections 621 and 622 of Title 5) and to report annually to Congress on agencies' compliance with these requirements. The President's exercise or nonexercise of this oversight authority would not be judicially reviewable.

"Major rule" is defined in S. 1080 as a rule that causes or is likely to cause "an annual effect on the economy of $100 million or more in direct or indirect enforcement and compliance costs"; or likely to result in a substantial increase in costs or prices or cause "significant adverse effects on competition, employment, investment, productivity, innovation, the environment, public health or safety, or the ability of enterprises where principal places of business are in the United States to compete in domestic or export markets," or "other effects that warrant subjecting the rule to a regulatory analysis. . . ."

The "regulatory analysis" that would be required for all major rules must contain a complex, detailed description and comparison of the benefits and costs of the rule, and of reasonable alternatives to the rule, based upon a detailed record. In addition, except where a statute directs otherwise, the analysis must also explain why the benefits of the rule justify its costs, and why the rule is more cost-effective than the alternatives in achieving the objectives of the rule.

Since the executive oversight provisions would apply to implementation of the "major rule" concept, I believe it would be appropriate to review the necessity for adopting this proposal. As I understand it, when the major rule concept applied, it would require the addition to the regulatory process of a series of detailed and complex cost benefit analyses. I am concerned that these new requirements will result in a substantial increase in paperwork, additional costly informational burdens on both the agency involved and the public, judicial challenges, and, most important, lengthy delays in administrative action. It is my judgment that the objectives of regulatory simplification and avoidance of unnecessary regulation would not be accomplished by an additional layer of administrative requirements.

Executive oversight as applied to this "major rule" concept would add still another unnecessary complexity. However, there is an additional reason to be concerned about the provisions for executive oversight in the rulemaking process, particularly with respect to the operations of the Federal Reserve System. As I know you are aware, the Congress created the Federal Reserve System in 1913 as an independent entity in order to emphasize the insulation of the credit regulation process from the function of financing the government. Long experience demonstrates that the separation of these two functions can make a vital contribution to a more stable and effective domestic monetary system. Therefore, I would be particularly concerned about executive oversight as applied to the functions of the Federal Reserve System.

This is not only true because of the broad policy considerations I have just outlined, but also because of the fact that this would run directly counter to one of the major objectives that Congress sought to achieve in creating specialized agencies. The significant mandate that the President would receive under the executive oversight concept to interfere in the regulatory process could significantly defeat the purpose of assuring regulation based on expert judgment on the merits of both general policy and particular cases.

This is not to say, of course, that the regulatory process should not be subject to Congressional scrutiny and to the requirement of the adoption of every step feasible to lighten and simplify the existing regulatory burden as well as the avoidance of unnecessary regulation in the future. These objectives, I wish to reemphasize, can be achieved most efficiently by analysis of individual agency functions rather than through the adoption of new, across-the-board requirements that rigidify and expand regulatory burdens as well as impair basic Congressional policies calling for regulatory independence and expertise through the multiplication of decision-making layers.

I appreciate having had this opportunity to offer these comments on S. 1080.

Sincerely,

PAUL A. VOLCKER.●

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

QUORUM CALL

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COCHRAN). Without objection, it is so ordered.

JOINT SESSION OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE UNITED STATES—(H. DOC. NO. 97-133)

The PRESIDING OFFICER. Under the previous order, the hour of 8:40 p.m. having arrived, the Senate will now proceed in a body to the Hall of the House of Representatives to hear an address by the President of the United States and following the joint session, will stand in recess until 10 a.m. on Thursday.

At 8:40 p.m., the Senate, preceded by the Sergeant at Arms, Howard Lieben-

good; the Secretary of the Senate, William F. Hildenbrand; the Vice President, and the President pro tempore, proceeded to the Hall of the House of Representatives to hear the address by the President of the United States, Ronald W. Reagan.

(The address delivered by the President of the United States to the joint session of the two Houses of Congress is printed in the proceedings of the House of Representatives in today's RECORD.)

RECESS UNTIL 10 A.M. THURSDAY, JANUARY 28, 1982

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered, at 9:54 p.m., the Senate recessed until Thursday, January 28, 1982, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate January 26, 1982:

THE JUDICIARY

Leroy J. Contie, Jr., of Ohio, to be U.S. circuit judge for the sixth circuit, vice Anthony J. Celebrezze, retired.

Elizabeth A. Kovachevich, of Florida, to be U.S. district judge for the middle district of Florida, vice George C. Young, retired.

DEPARTMENT OF JUSTICE

Julio Gonzales, of California, to be U.S. Marshal for the central district of California for the term of 4 years, vice Louis G. Villaescusa, retired.

Richard L. Cox, of Florida, to be U.S. Marshal for the middle district of Florida for the term of 4 years, vice George R. Grosse, resigned.

Carlos C. Cruz, of Florida, to be U.S. Marshal for the southern district of Florida for the term of 4 years, vice Donald D. Forsht, term expired.

M. Clifton Nettles III, of Georgia, to be U.S. Marshal for the southern district of Georgia for the term of 4 years, vice James C. Murphy, Jr., term expired.

Eugene G. Liss, of New Jersey, to be U.S. Marshal for the district of New Jersey for the term of 4 years, vice Carl E. Hirshman, resigned.

Rudolph G. Miller, of New Mexico, to be U.S. Marshal for the district of New Mexico for the term of 4 years, vice Bennie A. Martinez, resigned.

Gene G. Abdallah, of South Dakota, to be U.S. Marshal for the district of South Dakota for the term of 4 years, vice Edward P. Gribbin, term expired.

DEPARTMENT OF STATE

Walter J. Stoessel, Jr., of the District of Columbia, a Career Member of the Senior Foreign Service with the personal rank of Career Ambassador, to be Deputy Secretary of State, vice William P. Clark, resigning.

Lawrence S. Eagleburger, of Florida, a Career Member of the Senior Foreign Service, class of Career Minister, to be Under Secretary of State for Political Affairs, vice Walter J. Stoessel, Jr., resigned.

Powell Allen Moore, of Georgia, to be an Assistant Secretary of State, vice Richard Fairbanks, resigned.

Michael Hayden Armacost, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Philippines.

Keith Lapham Brown, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Lesotho.

Anthony Cecil Eden Quainton, of Washington, a Career Member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Nicaragua.

Howard Eugene Douglas, of Virginia, to be U.S. Coordinator for Refugee Affairs and Ambassador at Large while serving in this position.

Maynard W. Glitman, of Vermont, for the rank of Ambassador while serving as Department of State Representative and Deputy Head of the U.S. Delegation to the Intermediate Range Nuclear Force Negotiations.

INTER-AMERICAN DEVELOPMENT BANK

Hugh W. Foster, of California, to be Alternate Executive Director of the Inter-American Development Bank, vice Eugene Jay Finkel, resigned.

ENVIRONMENTAL PROTECTION AGENCY

Frederic Arnold Eidsness, Jr., of Colorado, to be an Assistant Administrator of the Environmental Protection Agency, vice Eckardt C. Beck, resigned.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Cathie A. Shattuck, of Colorado, to be a Member of the Equal Employment Opportunity Commission for the term expiring July 1, 1985, vice Ethel Bent Walsh, term expired, to which office she was appointed during the last recess of the Senate.

FEDERAL ELECTION COMMISSION

Joan D. Aikens, of Pennsylvania, to be a Member of the Federal Election Commission for the remainder of the term expiring April 30, 1983, vice Vernon M. Thomson, to which office she was appointed during the last recess of the Senate.

Lee Ann Elliott, of Illinois, to be a Member of the Federal Election Commission for a term expiring April 30, 1987, vice Joan D. Aikens, term expired, to which office she was appointed during the last recess of the Senate.

Danny Lee McDonald, of Oklahoma, to be a Member of the Federal Election Commission for a term expiring April 30, 1987, vice Robert O. Tiernan, term expired, to which office he was appointed during the last recess of the Senate.

INTERSTATE COMMERCE COMMISSION

J. J. Simmons III, of New Jersey, to be a Member of the Interstate Commerce Commission for the remainder of the term expiring December 31, 1985, vice Thomas A. Trantum, resigned.

MERIT SYSTEMS PROTECTION BOARD

Herbert E. Ellingwood, of California, to be a Member of the Merit Systems Protection Board for the remainder of the term expiring March 1, 1986, vice Ruth T. Prokop, resigned, to which office he was appointed during the last recess of the Senate.

Herbert E. Ellingwood, of California, to be chairman of the Merit Systems Protection Board, vice Ruth T. Prokop, resigned, to which office he was appointed during the last recess of the Senate.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

William J. Bennett, of North Carolina, to be chairman of the National Endowment for the Humanities for a term of 4 years, vice Joseph D. Duffey, term expired, to which office he was appointed during the last recess of the Senate.

POSTAL RATE COMMISSION

John W. Crutcher, of Virginia, to be a Commissioner of the Postal Rate Commission for the term expiring October 16, 1986, vice Clyde S. DuPont, resigned.

WITHDRAWAL

Executive nomination withdrawn from the Senate, January 26, 1982:

Robert N. Smith, of Ohio, to be an Assistant Secretary of Defense, vice John Howard Moxley III, resigned, which was sent to the Senate on September 4, 1981.

EXTENSIONS OF REMARKS

ARMS CONTROL NEGOTIATIONS

HON. LEE H. HAMILTON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to draw the attention of my colleagues to an editorial written by Stanley R. Sloan which appeared in the Baltimore Sun on December 18, 1982.

Mr. Sloan's thoughtful piece focuses on possible negotiating strategies and approaches to the Geneva talks with the Soviet Union on reducing intermediate range nuclear arms in Europe. Progress and success in these negotiations can be critically important to our security and the security of our allies in Europe. I hope that our negotiators in Geneva and our policy planners here in Washington are carefully scrutinizing a variety of negotiating strategies and approaches, such as those articulated by Mr. Sloan, which might help provide the necessary framework and environment to achieve a U.S.-Soviet agreement on reduction and limitations on intermediate-range nuclear arms.

The article follows:

[From the Sun, Dec. 18, 1981]

DEADLOCK IS NOT INEVITABLE

(By Stanley R. Sloan)

REDUCING NUCLEAR ARMS IN EUROPE

American and Soviet officials have settled in behind closed doors in Geneva to begin what promises to be a difficult and potentially fruitless attempt to limit nuclear weapons in Europe. According to their respective spokesmen, the two sides opened talks in a "business-like" and "constructive" fashion. But they also began with widely divergent perspectives on the current balance in medium-range nuclear systems and, therefore, on the outcome that would be acceptable to each.

President Reagan announced on November 18 that the United States would seek elimination of all intermediate-range Soviet nuclear missiles in return for cancellation of NATO's decision to deploy 572 new cruise and Pershing II ballistic missiles in Europe. This was the so-called "zero-option." In so doing, the president claimed that the Soviet Union has a 6-to-1 advantage over the United States in intermediate-range nuclear weapons systems in the European theater (as in "European theater of war").

Leonid Brezhnev, the Soviet leader, rejected President Reagan's proposal. Mr. Brezhnev said that the Soviet Union was prepared to reduce drastically—but not eliminate—its intermediate-range missiles if NATO would forego plans for its new systems. Mr. Brezhnev also rejected President Reagan's assessment of the balance. By Moscow's count, there is an approximate balance of the weapons in question.

Of course, both sides have been careful to tailor their descriptions of the balance to fit their negotiating positions. For example, the Soviet Union has counted French and British nuclear systems in the balance, while the United States has not. And Moscow's balance includes America's Pershing I missiles in Europe—which lack the range to strike Soviet territory—but excludes Soviet aircraft and some missiles which can strike many West European targets. The Soviet union also includes U.S. carrier-based aircraft in its calculations while the United States does not.

From these divergent concepts of the balance, both sides claim to seek eventual parity in intermediate-range nuclear weapons systems. If they persist in this objective without changing the way they calculate the balance, generations of negotiators could travel to Geneva without ever reaching agreement.

Attempting to define a theater nuclear balance for Eurpoe is, after all, somewhat of an artificial exercise. The United States can, and in fact intends to, use a portion of its stragetic forces for "European" missions if war should come. The Soviet Union can target part of its strategic forces on European targets. The United States already has announced that it intends to deploy hundreds of sea-launched nuclear cruise missiles on ships and submarines. One presumes that the Soviet Union eventually will follow suit. In such a case, the deployment patterns of these ships could tip the balance in different directions on any given day.

Are the negotiations therefore destined to fail? Not necessarily. Agreement could be reached if the two sides would seek accord based on realistic definitions of their security requirements, rather than on the basis of their initial concepts of the elusive theater balance.

Richard Perle, assistant secretary of Defense for policy, recently told a congressional committee that the United States has carried no "fallback" position into the negotiations. This is not an unreasonable early posture for an official responsible for obtaining the best possible agreement for the United States. But given the vital national interests that could be served by successful negotiations, both Soviet and American policymakers might well benefit from unofficial consideration of alternatives ot the "balance of forces" negotiating approach.

One alternative would be to start from certain postulated security interests of the two sides, and then to derive possible negotiating outcomes from those postulates.

U.S. security interests might, for example, be defined as requiring the following basic objectives:

1. Arms control objectives

To reduce Soviet capabilities sufficiently to deny the Soviet Union confidence in its ability to launch a nuclear attack on the West or to launch a conventional attack under the cover of theater nuclear supremacy.

2. Armament objective

To strengthen linkage between Western Europe and the U.S. strategic guarantee, in effect warning the Soviet Union that no limited victories could be obtained in Europe without risking nuclear disaster.

Soviet interests, on the other hand, might be defined as including the following objectives:

1. Arms control objectives

To prevent the West from deploying systems which could, with little warning, destroy the Kremlin and other Soviet decision-making centers—a capability which the Soviet Union apparently fears the West would obtain by locating Pershing II missiles in West Germany.

2. Armament objective

To maintain sufficient intermediate range theater forces to deny the West the ability to control the "ladder of escalation" in any conflict and to balance a nuclear threat from China.

If the two sides were to accept such a definition of their negotiating objectives, then it might be possible to conceive of a negotiating outcome which satisfied the goals of both sides.

The elements of such an outcome would necessarily include large reductions of Soviet intermediate missiles. (For example, elimination of all obsolescent SS-4 and SS-5 missiles; reduction of SS-20 missiles to about 100, with only a portion of those permitted to be deployed West of the Urals. By Western count, the Soviets now have deployed more than 250 SS-20 missiles, 175 of them against NATO.) In return, the United States would cancel deployment of the (108) Pershing II missiles while reducing the planned deployment of cruise missiles (to about 200, for example, instead of the 464 now planned).

Such an initial agreement would appear consistent with both U.S. and Soviet security interests while at the same time constituting the first step in a progressive series of reductions of nuclear weapons in Europe.

Of course, steps would have to be taken to prevent circumvention of the agreement. If American intelligence officials judge that they cannot verify compliance of such an accord with "national techncial means"—which usually means satellites in orbit—then more intrusive forms of inspection will be required. The Soviet Union may have to discard some traditional phobias as the ultimate proof of its interest in nuclear arms control.

Furthermore, other systems cannot be allowed to fill the gap created by the initial limitations. The agreement would have to freeze levels of all other U.S. and Soviet land-based nuclear-capable aircraft and shorter-range missiles.

And, it remains all too clear that no agreement on theater systems will be viable unless it is accompanied by progress toward limitations on strategic nuclear arms. In particular, limitations on land-based missiles would be of very little benefit to anyone if they are accompanied by a new U.S.-Soviet race to deploy more nuclear weapons at sea.●

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

THE RIGHT TO VOTE TO BE DEBATED AGAIN

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. GARCIA. Mr. Speaker, on Wednesday, January 27, 1982, the Senate Subcommittee on Constitution will hold hearings on the extension of the Voting Rights Act. Toward the end of the 96th Congress, this House voted against numerous crippling amendments to the extension of the Voting Rights Act. In addition, this House, by a surprising, but welcome vote of 389 yeas and 24 nays, accepted the House Judiciary's version on one of the most important pieces of civil rights legislation ever passed in our country. By this overwhelming vote, we sent a signal to the Nation and the administration that the present law governing voting rights must be extended and it must be extended effectively, efficiently, and equally. The administration, in its insensitive and confusing manner, has requested a delay in the hearings on the House version of the Voting Rights Act. With this action the administration has played a shell game with the civil rights of Americans.

The bill that this House overwhelmingly passed has been introduced in the Senate with 61 cosponsors. This is a clear indication that the House bill will pass the Senate if given a chance to do so. However, we have an administration that sends out confusing and inconsistent statements: I offer the issue of tax-exempt status for private schools as a clear example. To further cloud and befuddle the public, the administration has stated that it will offer its own version of the Voting Rights Act, ignoring the complete support H.R. 3112 has received from an overwhelming segment of our society and the clear bipartisan support our bill has in both Houses of Congress. I call upon the President to be more forthright and sincere with the public. Furthermore, I urge the public and my fellow colleagues to express their concern to the President and to exhort him to support H.R. 3112, Senate version S. 1992, as clearly accepted by the representatives of the people.●

THE VOTING RIGHTS ACT EXTENSION

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. EDWARDS of California. Mr. Speaker, Prof. Howard Ball, head of the political science department at Mississippi State University makes a convincing case for Senate approval of the Voting Rights Act Extension in the following article from the January 26 edition of the Washington Post.

I commend its perusal to my colleagues.

The article follows:

MISSISSIPPI'S VOTING WRONGS

(By Howard Ball)

STARKVILLE, Miss.—Friends of mine in Mississippi argue that the 1965 Voting Rights Act is no longer needed here. "Look how many blacks are voting," they say to me, pointing to an increase from 30,000 to 300,000 in the number of blacks registered to vote in Mississippi since 1965. But I know, and so do they, that the important question is not numbers but the consequences of this quantitative change.

For a black living in Tunica County, Miss., what good does it do to vote? The 1980 census showed a 73 percent black majority in that county, yet all five county supervisors—the chief policy-making agents—were white. And Tunica County is not an isolated situation; of the 22 majority black counties in Mississippi, eight have no black representation on the boards of supervisors and only two have black majorities on the boards: Clairbone County (75 percent black) and Jefferson County (82 percent black).

There are a number of "voting wrongs" still used by the white power structure in Mississippi that account for this situation:

At-large elections. Multi-member legislative districts with at-large elections are created in areas of black population concentrations. Given the fact that there are twice as many whites registered as blacks (690,272 to 304,146), the at-large election almost always leads to white candidates' winning the election.

At the county level, 35 of the 82 counties in Mississippi have made efforts to switch to at-large elections for county boards of commissioners or county school boards because of the increase in black voter registration.

Forty-six towns have attempted to go to at-large municipal elections to prevent the election of a black city council member.

Gerrymandering. Fourteen counties have attempted to gerrymander county supervisors' districts in order to dilute black voting strength. As a consequence, in a state with about 35 percent black population, there are 27 black county supervisors (7 percent) out of a total of 410.

Blocking black independent candidates from running in statewide elections. There have been a number of attempts to achieve this end including an open primary bill that has been introduced in the Mississippi legislature in 1966, 1970, 1976, 1979.

Making elective offices appointive ones when blacks start to win them.

Annexing white subdivisions to municipalities in order to dilute the black vote, e.g., the city of Jackson's annexations in 1960 (90 percent white), 1971 (85 percent white), and 1976 (74 percent white).

Switching polling places literally the night before an election. This is the voting reality in Mississippi.

Pointing to the numerical increase in black voting, therefore, while overlooking these strategies (and others, including economic coercion in rural delta communities where the white cotton manager is still the boss) for diluting the black vote, does not capture the state of voting affairs in Mississippi.

Sixteen years after the passage of the 1965 Voting Rights Act, efforts continue to discriminate against blacks and other minorities. Were it not for the presence of the Voting Rights Act, many of the strategies described above would have a devastating impact on black voting in Mississippi.

In particular, were it not for Section 5, the "preclearance" section of the Voting Rights Act, there would have been a total destruction of the black voter's impact on elections in Mississippi. Section 5 was placed into the act to prevent communities from changing voting procedures in such a way that there would be a dilution of the black vote.

The purpose and effect of every voting change proposed by any community in Mississippi must be examined by the Department of Justice in Washington. If the reviewer (and there are only about 20 persons handling the thousands of preclearances received by the department annually) determines that the proposed voting change would have the purpose or effect of diluting the votes of blacks or other minorities, then the department will object to that change. (There have been 77 such Mississippi election laws objected to by the Justice Department—40, more than half the total, since 1975! I point this fact out to my friends in Mississippi who claim that things have gotten better in recent years.)

Many of the voting wrongs described above have been objected to by the Justice Department. In some instances, the local power-holders accepted the judgment and did not implement the change; in other instances, local municipalities simply ignored the objection and annexed, redistricted or changed to at-large elections. This has led to litigation in federal court, where the Justice Department, as plaintiff, must bring suit to enjoin the community from implementing an electoral change already objected to by the department!

The Voting Rights Act has been somewhat successful in enabling blacks to register and vote, but it has not yet convinced many people that the right to vote is a constitutional right and not a matter of white privilege. Until there is an acceptance on the part of white folk in Mississippi that we all have the constitutional right to vote, the Voting Rights Act is desperately needed, especially the preclearance provision of the act.●

HOW THE DEMOCRATS CAN GET BACK INTO THE GAME

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. PEYSER. Mr. Speaker, on Sunday, January 24 the New York Daily News printed an Op/Ed piece I authored. I would like to share the full text of this article with my colleagues, and ask that it be inserted in the RECORD at this point.

[From the New York Daily News, Jan. 24, 1982]

HOW THE DEMOCRATS CAN GET BACK INTO THE GAME

(By Representative PETER PEYSER)

Democrats in the Congress have just finished a year of being on the defense. In

football terms, we have been pushed all over the field and have been sacked every time we've had the ball.

But if the Jets and the Giants can make the kind of comeback they have, certainly we can do the same in the year ahead.

Let's take a look at what is going to happen in 1982 on the domestic scene as a result of what the Reagan Administration has done in 1981. These are the unhappy facts: there will be a cutback in benefits for our senior citizens, not only in medical programs such as medicare, but in operation of senior centers and nutrition programs; there will be a dramatic cutback on aid to the handicapped; there will be an increase in the flow of drugs into the country due to cuts in the budgets of the Drug Enforcement Administration and the Coast Guard; for those attending college there will be less available for grants, and for many middle and lower income students no eligibility for student loans; there will be reductions and increased restrictions on legal services for the poor.

In addition, federally supported housing starts will be sharply reduced, adding to the problems in the construction industry. Cities and states such as New York will have to get by with less operating monies for mass transit. There will be an increase in illegal aliens due to cuts in funds for the agency charged with halting illegal entries. Government aided research into new energy forms to end our continued dependence on Arab oil will all but cease. Our national parks and offshore areas will be threatened by development under the policies of Interior Secretary Watt. The arts and humanities will suffer under the cuts made under the unrealistic notion that private industry can take up the slack. And local taxes will rise due to the cutback of federal funds and services to local governments.

On top of all this, even Administration economists concede that unemployment will continue to rise, along with the deficit which will now exceed $100 billion in 1982—the largest in our nation's history.

These then are the highlights of what's in store for 1982. I believe the Democratic party has the opportunity to regain the offensive. We can do so if we:

1. Demand that the new tax advantages given the major oil producers in the President's tax bill be rescinded. By this action we can increase revenues by ten to twenty billion dollars.

2. Defer part of the 1983 and 1984 tax cuts until such time as the deficit gets more under control. The truth is that the campaign promises which resulted in these tax cuts are having a devastating effect on the economy.

3. Review the booming defense budget with an eye to cutting billions of acknowledged waste before we put billions more into questionable weapons systems.

4. Acknowledge the needs of the growing number of unemployed and not pretend that somehow they and their families will get along. This may mean new jobs programs—profiting from mistakes that have been made in the past.

5. Rectify the harm and unnecessary hardship that we have placed on our senior citizens by offering reasonable solutions to their problems, including adequate medical care for the elderly poor.

6. Reinstitute a meaningful program that will double present housing starts. Our country has always moved ahead when housing construction has been strong.

7. Revive the idea that mass transit is essential if we are going to overcome the energy and environmental problems in our metropolitan areas.

8. Continue to strive to develop alternate sources of energy so that we can reduce our dependence on foreign sources of energy.

9. Recognize the fact that our future lies with our youth and to deny them educational opportunity is to deny ourselves the future we all hope for. In exchange, we must demand performance on their part and on the part of our colleges and universities.

10. As a party and as Members of Congress must be willing to resist the demands of special interest groups who would have us sacrifice the rights of the people.

With this program we can move our country forward and put our party back into the game. We can and should take these actions knowing that the majority of Americans want to be honest, fair, and above all, caring for the good of our country and her people.●

NEW CONGRESSIONAL PAY PERKS SHOULD BE REVERSED

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mrs. ROUKEMA. Mr. Speaker, I have introduced two measures—H.R. 5329 and House Resolution 319—which would rescind recent changes in the law concerning tax deductions for Members of Congress and the rules on outside earnings limitations, respectively. Many Members, I am certain, share my sense of indignation at the tactics used to enact changes last December, without the conscious knowledge of most Members of Congress.

Last October, in a parliamentary maneuver designed to avoid a recorded vote, the House agreed to remove the $3,000 limit on tax deductions for living expenses while they are in Washington. This put the Congress under the same restrictions as other taxpayers, instead of limiting them to an artificially devised maximum of $3,000. But, in December, the Congress was presented with what amounts to a standard deduction for business expenses each day the Congress is in session. This is a distinction that we do not permit for other citizens and it could add up to substantial tax benefits for Members without requiring any substantiation of legitimate expenses.

The questionable nature of this benefit was illustrated in the manner in which it was adopted. A rider was added to the Black Lung Benefits Relief Act of 1981 by the other body at the very last minute. It was never printed for the House, and most Members only learned of the rider long after the vote was finished. Clearly, this is not a respectable way to legislate.

In another parliamentary maneuver, by a unanimous consent request before a nearly empty Chamber, the House raised the limit on outside earnings from 15 percent of annual salary to 30 percent. This occurred despite the fact that the House rejected the same proposal in a recorded vote last October. There are, in my opinion, real ethical problems in doing so. Congress has shown itself to be disingenuous on this issue. If we feel we need a pay raise, we should have a public, recorded vote on the issue. Instead, this action permits a Member's salary to be supplemented by honoraria, by more than $18,000 in income from outside sources—a substantial increase. This amounts to a significant subsidy by special interests to congressional salaries. In my opinion, both actions were wrong in principle and improperly enacted.

My proposed legislation would rollback the outside earnings limitation from 30 to 15 percent—the level at which it has existed for 2 years. The second measure would eliminate the $75 per day automatic, unsubstantiated deduction for Members of Congress and put them on equal footing—and under the same rules—as other taxpayers. If we have legitimate deductions, we can take them, but we should have to itemize them just like everyone else. My bill would not restore the $3,000 expenses limitation which now appears to be inordinately low.

Let me add one other important point. Regardless of anyone's position on the merits of this issue—the pros and cons of limitation on congressional salaries, outside earnings, and living expense deductions—we cannot condone the methods by which these changes were adopted. The issue should be considered fully by the Ways and Means and Rules Committees and debated publicly by the House. If any proposed changes come before us, they absolutely deserve a recorded vote. Members of Congress should not rely upon unanimous consent decrees or voice votes to obscure their true positions on this issue.

I urge my colleagues to join me in support of this effort to rescind these changes. If we are to make changes in the future, let us do it in an open manner, and not further undermine the credibility of the institution.●

EQUAL RIGHTS AMENDMENT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mrs. SCHROEDER. Mr. Speaker, yesterday the Supreme Court stayed U.S. District Judge Marion Callister's ruling that Congress did not have the authority to extend the deadline for ratifying the equal rights amendment.

It is a great victory. As the following Denver Post editorial mentions, the Callister decision imposed a legal cloud over the ERA. The Supreme Court's actions yesterday lifted that cloud from the ERA and dropped it on Judge Callister.

I am confident that as the ERA proceeds through its proper forum, the State legislatures, American women will find that the Denver Post's words ring true—the ERA isn't dead:

[From the Denver Post, Jan. 8, 1982]

ERA ISN'T DEAD

When U.S. District Judge Marion Callister ruled recently that Congress exceeded its authority in extending the deadline for ratifying the Equal Rights Amendment, it appeared the death knell for ERA had been sounded.

Phyllis Schlafly, who has led the drive to defeat the amendment, all but danced in the street, and the media began reporting its death.

Both actions were premature.

The National Organization for Women and other ERA backers have appealed Callister's decision to the U.S. Supreme Court. Pending court action, states have until June 30 to ratify ERA.

Thirty-five states, including Colorado, have ratified the amendment; three more are needed before it can become part of the Constitution. ERA proponents are focusing their efforts in Oklahoma, Florida, Illinois, Missouri, North Carolina and Virginia.

However, ERA backers don't have a fair shot at persuading legislatures to approve the amendment when the question of congressional authority to extend the deadline hangs in the balance. To remove the legal cloud Callister's decision has imposed, the Supreme Court should agree to NOW's request for a speedy ruling.

In the meantime, ERA supporters should continue to push for ratification in states they have targeted.

Leadership in the Oklahoma Legislature supports the amendment. An aggressive campaign for passage is being waged by Oklahoma Homemakers for ERA, and NOW expects a vote soon. An early vote also is expected by the Florida Legislature.

In Illinois, a special election for lieutenant governor is turning into a referendum on ERA. The outcome could turn the tide in the Illinois Legislature, which has been opposed to ERA.

None of these will be easy battles. But unless the Supreme Court decides otherwise, ERA supporters have nearly six months to push their campaign to success. They shouldn't give up now.●

CLAUDE PEPPER A RALLYING POINT FOR OLDER AMERICANS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. FRANK. Mr. Speaker, our colleague, CLAUDE PEPPER, continues to bring honor on the Congress by his extraordinary efforts on behalf of older people. Most recently, when partisan maneuvering threatened the integrity of the White House Conference on the Aging, CLAUDE PEPPER demonstrated again why he is the single most important member of the Federal Government to the older people of our country.

As this article, by Wendell Coltin, the very distinguished expert on elderly affairs of the Boston Herald American documents, CLAUDE PEPPER intervened in the White Office Conference in a manner typical of him. With a display of courage, with his masterful knowledge of the facts as they affect elderly people, and with his extraordinary sense of how best to affect public policy in a responsible manner, CLAUDE PEPPER prevented the White House Conference from becoming a disaster for those concerned with protecting the economic and social well being of older citizens.

I am delighted that Wendell Coltin took the trouble to recognize the important role which Congressman PEPPER played in this matter and I think that this ought to be shared with the membership so that people will understand how essential it is that the work of our colleague, Mr. PEPPER, does in his capacity as the Chair of the Select Committee on Aging, be supported:

[From the Boston Herald American, Dec. 13, 1981]

A DASH OF PEPPER HELPS ELDERLY

(By Wendell Coltin)

By their deeds, you shall know them.

Gutsy 81-year-old Rep. Claude Pepper didn't have to go before the White House Conference on Aging to tell delegates he was their friend; they already knew that he is, indeed, their foremost champion on the Washington scene.

The admiration for the longtime congressman from Florida, who heads the House Select Committee on Aging, was reflected by the applause greeting his every appearance.

"Pepper really saved the day," Frank J. Manning, president of the Massachusetts Ass'n of Older Americans, remarked upon his return. He referred to Pepper "making it possible" to get positive resolutions on Social Security, by going to a meeting of the Committee on Economic Well-Being and "turning around a decision of that committee, through negotiation."

Manning said, "There was no question in my mind the administration wanted to control strategic committees."

The Wall Street Journal reported the dissatisfaction of hundreds of delegates with the conference was evident when they jammed a corridor outside a conference room to support an attempt by Pepper, an honorary co-chairman to address the committee. Their presence, it was pointed out, reflected feelings of many persons that conference leaders had controlled the membership and direction of several committees, including the one on Social Security, to prevent strong criticism of Reagan administration policies.

After the more than 2,200 delegates had returned to their homes throughout the country, I talked with a friend long connected with a national organization for older persons. He told me, "It was one of Pepper's shining hours politically. He was the man of the hour without demonstrating. Without him, it would have ended in chaos.

"After all the charges of rigging by the administration the older people came out looking pretty good," he added. "Even if it was stacked, the administration did a bad job of stacking. A lot of the recommendations were diametrically opposed to the administration's position. They botched it."

Pepper's committee conducted hearings on the controversial survey and Human Services Secretary Richard S. Schweiker testified.

Tomorrow, when the MAOA holds its 13th annual meeting in the Dorothy Quincy Suite of the old John Hancock Building, the WHCOA will be discussed. There also will be panels on Social Security and home care.

Sens. Edward M. Kennedy and Paul Tsongas and Fourth District Rep. Barney Frank, a member of the House Committee on Aging, will address the meeting.

From a Haverhill AARP chapter member: Wasn't there a law passed a few years ago that gave a Social Security benefit to all persons 65 and over who didn't work under Social Security?

You are thinking of the Special Age 72 Benefit enacted in October 1966. It was paid to person who were not getting a SS benefit, or any other governmental benefit or pension, or had not worked under SS long enough for regular benefits to be paid. It is still being received by more than 110,000 persons who are 86 and over, but for several years no additions have been made to the Special Age 72 Benefit rolls.

Note: Originally, it was a $35 per month benefit for an individual; $52.50 for an eligible couple. It has risen over the years to $117 for an individual, $175.50 for an eligible couple.●

WHITTIER POLICE CHIEF JIM BALE: A MAN OF MANY ACCOMPLISHMENTS

HON. WAYNE GRISHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. GRISHAM. Mr. Speaker, Thursday, January 21, I had the distinct honor of participating in a testimonial dinner for one of California's finest citizens, Whittier Police Chief James F. Bale. I have had the privilege of maintaining a friendship with Police Chief Bale and would like to make my colleagues aware of his many contributions to the Whittier area.

Chief Bale began his law enforcement career in 1950 as a police officer in Pontiac, Mich. In 1960 he assumed the position of chief of police in Sheridan, Wyo., a post he held until 1963. He then was named the chief of police of Sierra Madre, and since 1967 has distinguished himself as chief of police of the fine city of Whittier, Calif.

Chief Bale's professional accomplishments are numerous. He has distinguished himself by providing professional expertise as a member of the Los Angeles Regional Criminal Justice Planning Board, member of the Police Advisory Board of Rio Hondo College,

membership of the Advisory Board of the Police Science program at Pasadena City College, and is the author of several publications and technical writings.

Jim Bale's contributions extend beyond those of the normal working day. He has been active in civic organizations such as the International Association of Chiefs of Police, the California Police Chiefs' Association, the Whittier Lions Club, the board of directors of Whittier Salvation Army, the board of directors of the Boys and Girls Club of Whittier, and is currently serving a term as chairman of the Advisory Board of the Salvation Army.

In a society where law and order is so important, the city of Whittier is lucky to have a person with the qualities of Jim Bale. Chief Bale is never too busy to undertake any project that will make Whittier a better place in which to live. I am proud to join in this tribute to my good friend and congratulate him on this fine honor. No person is more deserving. Police Chief Jim Bale has made Whittier, Calif., a model city.●

PRIVATE AGENCY IN SCOTTSDALE DONATES FOOD TO POLISH PEOPLE

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. RUDD. Mr. Speaker, since the President wisely cut off American aid to the Soviet-controlled Government of Poland, there have been many private, nonpolitical organizations throughout our country which have greatly eased the repression and suffering of the Polish people as a result of martial law the past several weeks.

One international relief agency based in Scottsdale, Ariz., Food for the Hungry, has officially donated 1,426,607 pounds of food and other needed goods to the people of Poland. The agency estimated the total value of the donation is $857,644. The group distributes the goods through the United Evangelical Churches in Poland, an interchurch group of 152 local congregations comprising 5 major church movements.

The crisis in Poland, spearheaded by the realization in Moscow that the freedom-starved people of Poland are opposed to the totalitarian doctrines espoused by Communist regimes, will always be critical as long as Soviet soldiers and a puppet leadership continue to abate all Polish liberties. But in the meantime, I applaud the efforts of groups, like Food for the Hungry, which work with other private organizations and churches in Poland to feed the hungers of a proud citizenry that sees little hope for the future as long as Soviet control exists.●

BILL "TIGER" REESE—SAN PEDRO'S CITIZEN OF THE YEAR

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. ANDERSON. Mr. Speaker, on January 28, 1982, Los Angeles Harbor area residents will gather at the Princess Louise Restaurant to honor and recognize Bill "Tiger" Reese as Citizen of the Year for the community of San Pedro.

Tiger Reese needs little introduction to any area resident who has ever had even the most passing interest in following sporting events in and around San Pedro. I say this because Tiger has donated literally thousands of hours of his own time to the often thankless job of announcing area sporting events. In fact, through his unselfish and tireless efforts, Tiger has come to be known around town as the voice of San Pedro sports.

One of 10 brothers and sisters, Tiger attended Point Fermin Elementary School and Dana Junior High School before graduating from San Pedro High School in 1935. As many of us can too well remember, 1935 saw us in the midst of a worldwide depression, and because of this economic crisis many able high school graduates were not afforded the opportunity to further their education in a college classroom—Tiger Reese was part of this group.

Upon his high school graduation Tiger joined the Civilian Conservation Corps, and he altruistically sent $25 of his monthly $30 pay check back to his family. Tiger returned to San Pedro shortly thereafter and upon his arrival began working on the docks. However, this often grueling work was abruptly interrupted in 1941 with the Japanese attack on Pearl Harbor. The following year, Tiger entered the Army and served in North Africa and Italy.

Upon his discharge from the service, Tiger again returned to San Pedro and commenced working for the Los Angeles Department of Water and Power as a meter reader and field service dispatcher. This work enabled Tiger to become even better acquainted with San Pedro's residents, and also gave him time to attend many sporting events in the harbor area.

In 1946, Tiger first donated his services as a sports announcer when, midway through the season, he began to announce San Pedro Athletic Club football games at Daniels Field. During this postwar era, the San Pedro Athletic Club was one of this country's most feared and respected semipro teams. The following year Tiger began calling games for the San Pedro High School. I might add that this association with his alma mater is as strong today as it was in 1947. The year 1949 witnessed the beginning of Los Angeles Harbor College's football program and, yes, Tiger began announcing Seahawk home games. Subsequently, Tiger announced games for the Mary Star of the Sea High School and, as if this was not enough, he made the time to call municipal fast pitch softball games 6 nights a week; San Pedro Boys Club football games; and the club's Biddy basketball State tournament games.

Mr. Speaker, the night of January 28 will most definitely be a memorable occasion as Tiger Reese's many friends gather to pay tribute to him for all he has done for the men, women, and children of San Pedro. It is a fitting occasion to a man who has contributed so much of his time and talents for the benefit of others.

My wife, Lee, joins me in offering our own words of congratulation to Tiger. We send our best wishes for future success and happiness to him and his wife Mary, their two children, Laura Donna and Martha, and their many grandchildren.●

INCREASING NUMBER OF AMERICANS SUFFER FROM HUNGER AND MALNUTRITION

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. SCHUMER. Mr. Speaker, a distressing result of the current economic picture and the Reagan administration's budget cutting is the increasing number of Americans who are suffering from hunger and malnutrition. The haunting memory of depression soup lines had instigated an intense and increasingly successful Federal war on malnutrition; however, the Reagan administration has begun a cruel retreat from progressive efforts to eliminate hunger in this country. The following editorial from the January 8, 1982, edition of the New York Times describes the administration's attack on even the most cost effective of food programs, and the sad numbers of ashamed, unemployed persons who are forced to ask for a food handout:

[From the New York Times, Jan. 8, 1982]

MOUTHS TO FEED

PREGNANT WOMEN, CHILDREN

The United States, like all the world, has its portion of crime, poverty and unemployment. But until recently one could boast that no American need ever fear hunger. A dozen years of intense Federal effort have eliminated most of the gross malnutrition in this country.

One of those efforts, begun in 1967, is a program that provides baby formula and diet supplements for poor pregnant and nursing women, infants and children under 5 and thus called WIC. The recipients' food packages are, in a sense, prescriptions, as vital a medical aid to pregnant women and little children as immunization.

The WIC program is known to lower the mortality rate due to low birth weight; one major study found that for every $1 spent, $3 was saved in Medicaid expenses for hospitalization. (Just one day in a neo-natal unit can cost $550.) And that $3 does not include the saving in lifetime costs of social services or welfare benefits for a child born handicapped because its mother was ill-nourished.

At the moment, however, the program is faced with two big problems. One is old—it has been able to reach only 2.2 million of the 8.3 million people who are eligible and in need. The other is new—Administration officials say that President Reagan will propose reducing the program's budget from $940 million to $630 million in the coming year.

That such a curtailment is cruel may not cut much ice with those who think poor women shouldn't be having all those children anyway. But they may understand that it is shortsighted: money spent now—$423 per recipient per year—saves a lot of money later. Surely so efficient and practical a program should appeal to Mr. Reagan's head, even if it does not touch his heart.

AND ABLE-BODIED WORKERS

"They eat very quickly, and then they quickly disappear." That's how Brother Steve Gliko, a Milwaukee priest, describes the growing number of jobless young people who slink away, ashamed, after patronizing his church's free meals program.

Sadly, business is booming as idle workers feel the draft of a frigid economy. The deepening recession has devastated the automotive and housing industries and dampened sales in other sectors. Government jobs have been reduced at every level. CETA public jobs have been eliminated. And the Depression memory of soup kitchens shames Washington and the nation.

Yet the Reagan Administration has curtailed many programs that soften the impact of unemployment. At its urging, Congress has tightened eligibility for welfare and food stamps and curbed extended unemployment compensation. Governors and mayors, scrambling to compensate for other cuts, often cannot assume added public assistance burdens. Nor have church-sponsored emergency meals programs escaped reductions in Federal aid. And the Administration isn't through.

Nevertheless, the needy are flocking to free-meal centers. The Salvation Army reports that demand is up 10 to 30 percent nationwide; in one Ohio region the number of takers for free Thanksgiving and Christmas dinners doubled over last year. And the clientele is changing. Five years ago, Brother Gliko says, almost all were drug addicts and alcoholics. Now most are jobless young people whose savings, and benefits, are exhausted.

Successive Administrations of both parties have taken it as a duty of government to see that people are fed. Not this one. It calls for private charity. But charity can no more fill the gap now than it could when President Hoover expressed confidence that "the hungry and unemployed will be cared for by our sense of voluntary organization and community service." Soup kitchens are a sad signal of retreat.●

REVISION TO OUR ESTATE TAX LAWS

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. FIELDS. Mr. Speaker, I am today introducing a bill which would alleviate an inequity in our Tax Code as it relates to the valuation of property for estate tax purposes.

Section 2032a of the Internal Revenue Code allows qualified real property used in a farm or other closely held businesses to be included in a decedent's gross estate at a value less than its fair market value. If the act's requirements are satisfied, the executor may elect to value such property on the basis of the property's actual use rather than on the traditional basis of highest or best use. Prior to the enactment of the Economic Recovery Tax Act, this provision could only be elected on a timely filed return.

With the passage of the President's bipartisan tax proposal, however, a new section 421(j)(3) amended the code to allow the special use valuation provisions of section 2032a to be elected on a late-filed return, provided the return is the first filed by the estate. The legislative history of this amendment clearly indicates it was motivated by the belief that it is inequitable to deprive qualified heirs of the benefits of special use valuation solely because the decedent's estate tax return was filed after the date on which it was due. In fact, the Treasury Department agrees that section 2032a was not designed to be a late filing penalty.

Mr. Speaker, although several of the Economic Recovery Tax Act amendments to section 2032a apply retroactively to the estates of decedents dying after December 31, 1976, section 421(j)(3) does not. Section 421(j)(3) currently applies only to the estates of decedents dying after December 31, 1981.

Mr. Speaker, in my judgment, it seems unfair and inequitable that these individuals, whose inability to file a timely return inspired the amendment in the first place are now unable to benefit from it.

With this in mind, I am today offering this technical amendment to the Economic Recovery Tax Act of 1981 and am very hopeful that the House Ways and Means Committee will in its wisdom include this equity provision within its upcoming technical corrections bill.

Finally, let me say to my colleagues that if section 421(j)(3) were given retroactive treatment, the revenue loss and administrative burden to the Treasury Department would be absolutely insignificant for the impact of this amendment is limited to situations where the executor made an election on the estate's first return, but the election was not honored because the return was filed late.

Most importantly, however, the taxpayers assisted by such an amendment are the very persons that section 421(j)(3) was designed to aid, namely, farmers whose executors, attorneys, and legal representatives were not able to timely file an estate tax return due to the complexity of the Estate Tax Code.

Mr. Speaker, I urge the adoption of this much needed legislation.●

ICA'S EXCHANGE PROGRAMS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. BROOMFIELD. Mr. Speaker, I received the following correspondence from Mr. Ros Kelly, an Australian Member of Parliament, concerning the exchange programs of the International Communications Agency. Mr. Kelly personally participated in one of these programs, and found that the experience gave him a better understanding and appreciation of our country. I believe Mr. Kelly's views support what some of us have been saying for some time, namely, that an effective foreign policy requires not only the traditional elements of diplomacy and military policy, but strong interpersonal programs that further understanding between influential leaders in both the government and business sectors. Mr. Kelly's letter follows:

PARLIAMENT OF AUSTRALIA,
HOUSE OF REPRESENTATIVES,
Canberra, A.C.T., December 15, 1981.

Hon. WILLIAM S. BROOMFIELD,
House Committee on Foreign Affairs,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. BROOMFIELD: I am writing as a concerned friend to you and several of your Congressional colleagues about an American Government program from which I have just returned. It was a most rewarding experience; yet I now hear that the program is in jeopardy of budgetary extinction.

This past October and November I spent four weeks travelling about the United States as a member of a group tour sponsored and organized by the United States International Communication Agency. There were 12 of us from 12 countries around the world.

From my point of view—and, if I may say so, from yours as well—the visit was a complete success. I compared notes with all the right Americans, and benefited from observations that I am already putting into practice in my legislative and political work here. I learned about countries I would

probably never have a chance to visit, and told others about my own homeland.

But the deepest impression I carried back is of the friendliness of the American people, and the similarities between us.

The days I spent as a guest in people's homes, sharing their meals and daily lives, talking about their hopes and problems, taught me more about America than I could ever learn from the press or television. It has provided me with warm memories and a much clearer understanding than I could ever have achieved without being a participant in the program.

Now, I discover the program may be terminated, or at least severely reduced because of lack of resources.

I can obviously only speak from my own experience, but that impels me to urge you in the strongest terms to increase, rather than diminish, the funds available to the United States International Communication Agency for carrying on programs that contribute to international understanding, so that more of us can learn for ourselves what you are all about, and so that we all have a chance to keep the door open after we return home.

Sincerely,

ROS KELLY,
Member for Canberra.●

VOTING RIGHTS: BE STRONG

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. EDWARDS of California. Mr. Speaker, the following Washington Post editorial of January 26, 1982, wisely suggests that President Reagan should listen to his friends on Capitol Hill and support the voting rights extension as passed by the House by a massive vote of 380 to 24.

VOTING RIGHTS: BE STRONG

Later today the president will be making final revisions of his State of the Union message. Among other subjects, he is expected to announce the administration's position on extension of the Voting Rights Act. The attorney general's scheduled appearance before the Senate Judiciary Committee was postponed last week because that position had not yet been firmly established. Until the policy is set in type there is still time to urge the president to support the House-passed version of this bill.

The House bill reaffirms the nation's commitment to protect the most important right guaranteed by the Constitution to all our citizens—the right to vote. When minorities are denied full participation in the electoral process, representative government is flawed. The Voting Rights Act, passed originally in 1965, has been enormously successful. Voter registration of minorities in the covered states has gone from 29 percent to over 50 percent in the last 17 years. The number of black elected officials in these same states has increased from 158 to 1,813 in the last 12 years. But as Professor Howard Ball's article on the opposite page demonstrates, efforts are still being made to subvert the law and dilute the voting power of minorities. The Voting Rights Act is the most powerful weapon available to defeat these efforts.

Controversy has centered around Section 2 of the bill, as passed by the House. This provision would allow courts to consider a number of factors, including discriminatory effects of a law, in deciding whether that law denies or abridges the right to vote. Opponents of the measure say this would require courts to strike down any voting system that didn't result in proportional representation. Not true. It would simply reinstate the standard used by the courts before the Supreme Court decision in *Mobile* v. *Bolden*, a 1980 case requiring proof that the drafters of the law in question intended to discriminate—a standard that is virtually impossible to meet since the legislators in question have all been dead for years.

In earlier cases the Supreme Court had considered the totality of circumstances—including election results, responsiveness of elected officials to the needs of minorities, nominating procedures and history of discrimination—to determine whether the challenged system really shut out racial minorities. In a 1971 case, *Whitecomb* v. *Chavis*, the court upheld at-large elections in Indianapolis even though black voter strength was diluted, because there was not sufficient additional evidence of discrimination. Two years later, in *White* v. *Regester*, the court struck down a similar system in Texas because other evidence of discrimination was present. That is the standard to which the House-passed bill would return.

The president has received some very bad advice on civil rights matters from his associates in recent weeks. The same people who told him that it would be wise to restore tax-exempt status to segregated schools are urging him to oppose Section 2 as passed by the House. This bill was passed by a vote of 389 to 24. It has been cosponsored by 61 senators—enough even to stop a filibuster. The president should listen to his friends on the Hill and not just those in his own offices in deciding what message on civil rights he sends to the country tonight.●

NO HELP FOR JARUZELSKI

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. DERWINSKI. Mr. Speaker, on January 1, 1982, in the Washington Post, my good friend, Mr. Jan Nowak, national director of the Polish American Congress, analyzed some of the events of the Polish crisis. His remarkable insight stems from a keen intelligence sharpened by more than 30 years as head of the Polish language section of Radio Free Europe.

Mr. Nowak makes some excellent points in his piece and certain valuable conclusions. They are worthy of the consideration of the Members.

NO HELP FOR JARUZELSKI

(By Jan Nowak)

As a Pole, it is infinitely painful for me to watch as the free nations of Western Europe and even some Americans display such apparent readiness to believe the Kremlin's carefully orchestrated version of recent events in Poland.

According to this version:

Gen. Wojciech Jaruzelski's "last minute" decision to declare war against the Polish people was triggered by the excessive demands of Solidarity, which were threatening the country with chaos.

Reports from Poland of deaths, beatings of arrested Solidarity members and inhuman conditions in the prison camps are largely lies.

If the West does not support Jaruzelski's military regime, it could lead to a takeover by Poland's more ruthless hard-line Communists, or even Soviet invasion.

In contrast to the litany outlined above, there is now strong and growing evidence that the truth is this:

Meticulous preparations for the military crackdown on Solidarity and imposition of martial law throughout the country began nine months ago, soon after Jaruzelski's appointment as prime minister, which gave him total command of the civilian and military apparatus of the state.

Far from being a Polish patriot, Jaruzelski has a record of total loyalty to Moscow. In 1947 he was decorated and promoted for the thoroughness with which he liquidated the remains of Poland's non-communist partisans. After training at the Soviet Military Academy, he was appointed chief political commissar of the Polish army, a key position of trust in Moscow's eyes. His elevation to his present position of unprecedented power as head of the government, the Polish Communist party and the military would have been unthinkable without the Kremlin's full endorsement.

The reports of mistreatment of Solidarity leaders and other Poles arrested in Jaruzelski's crackdown have not been exaggerated.

We hear that Solidarity "went too far." Aside from the questionable taste of prosperous Western democracies accusing Polish workers of going too far in seeking the bare rudiments of democracy, the facts show that Solidarity remained remarkably restrained in the face of repeated acts of duplicity by the Communist leaders it was dealing with.

There is now considerable evidence that the food shortages and other economic setbacks, blamed by the government and media on the activities of Solidarity, were both encouraged and manipulated by the government itself. As Zdzislaw Rurarz, the former Polish ambassador to Japan, testified after defecting to this country, the government's strategy in the period before the crackdown was "the worse, the better".

When Japan offered rice, Rurarz had difficulty persuading the Warsaw government to accept it. West Germany had a similar experience when it offered powdered milk for infants. Butter shipped by the United States was at first "disqualified" by Polish customs on the grounds that the percentage of fat was insufficient for Polish regulations. As the lines for food grew longer, even the most available food supplies were held back—to reappear in relative abundance as soon as martial law was declared.

It can be argued that Poland's increasing problems developed because not Solidarity but the government itself chose to go on strike. By refusing to negotiate seriously, by raising difficulties over food shipments, by refusing to take the most obvious steps to improve food distribution and stem the deterioration in the economy, the Polish government deliberately abdicated its responsibilities and encouraged the malaise.

But Jaruzelski's victory is an uneasy one. He can force workers back to the factories, but he cannot force them to work more effi-

ciently. He is finding, as the Nazi occupiers of Poland found during World War II, that Polish workers can be surprisingly stubborn.

The West can either continue to prop up Jaruzelski with aid, or it can help the Polish workers in their passive resistance by refusing to assist Jaruzelski and by bringing increasing economic pressure on his regime.

Since 1956 the Soviet Union has reluctantly tolerated Polish unorthodoxy out of fear of a major confrontation with the Polish people. This fear is now being tested. Should it prove to have been groundless, the Soviet Union may well decide to turn back the clock not just to 1980, but to the rigid suppression of the early 1950s. It would be encouraged to adopt far tougher measures with its other East European client states.

This would upset the present military balance in Europe and raise defense questions for the West far greater than anything yet discussed in connection with the Polish crisis.●

ST. PAUL HIGH SCHOOL WINS THE 1981 BIG FIVE CONFERENCE

HON. WAYNE GRISHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. GRISHAM. Mr. Speaker, I am pleased today to bring to the attention of my colleagues the outstanding accomplishment of the St. Paul High School football team. St. Paul's, under the capable leadership of the principal, Rev. Aidan M. Carroll, and head football coach Marijon Ancich, won the 1981 CIF Big Five Conference football championship.

The St. Paul Swordsmen play their games at the Monsignor Cranham Memorial Stadium in Santa Fe Springs, Calif. Coach Ancich was assisted in his winning efforts by varsity associate coaches John Larson, Jim Walker, Bob Hill, Miguel Olmedo, Paul Lopez, and Mike Stith. The team physician is Dr. John J. Brennan and the trainer is Al Hanson.

For the interest of my colleagues I have listed below the members of St. Paul High School's championship football team:

Dan Pogue, Mike Jiminez, Alex Espinoza, Larry Guereque, Dave Ferneau, Mike Aguirre, Brian Bukosky, Steve Chavez, Rich Arguijo, Andy Henderson, Mario Melendrez, Mike Shepherd, and Tony Sarmiento.

Robert Garcia, John Donlevy, Xavier Espino, Larry Martinez, Paul Dispalatro, Lou Cabral, Seb Apodaca, Deron Ertle, Ted Lawrence, Manual Juarez, Leroy Orozco, Frank Quattrocchi, and Mark Mosqueda.

Tony Stagno, Jose Pina, Ruben Segura, Fred Salas, Ray Fontes, John Matuz, Paul Magana, Paul Martin, Steve Montez, John Gasparian, Tim Younger, Joe Ross, and Ron Gray.

Parris DeVine, Steve Martinson, Cliff Heidrich, Andy DeGrasse, Jeff Pogue, Mike Cruz, Alan Floyd, Casey Morales, Rich Canales, Bill Blackett, Jim Magdaleno, Norm Enfield, and Pat Haro.

Ed Espinoza, Sal Apodaca, Mario Irizarry, Nick Dispalatro, Hank Mondaca, Fred Huizar, Rich Alcantara, Mark Walker, Frank Morones, Robert Oviedo, Ed Primero, Matt Cole, and Jose Olmedo.

George Pla, Lance Wingert, John Covarrubias, Mark Espinosa, Mike Sandoval, Todd White, Andy Stankiewicz, Hector Palacios, Greg Macias, Philip Salvatori, Bob Willig, and Brian Clements.

St. Paul High School, which was founded in 1956, has an enrollment of 1,420 students who come from Catholic grade schools and local public junior high schools. It has an academic program that is oriented toward sound moral and religious training in Catholic principles and worship; a well-rounded liberal arts program of studies; a warm family environment for personality development and growth; and an active and social and athletic program.

Over the past 25 years, approximately 6,000 young men and women have graduated from St. Paul High School. They have assumed responsible positions of leadership and service within the church and civic community. They are found in fields of medicine, engineering, law, education, military service, professional sports, and the arts. Their achievements are a living testimony to the work of the dedicated, competent faculty and staff that have served St. Paul High School throughout the past 25 years.

As you can see, Mr. Speaker, St. Paul High School, besides boasting an outstanding athletic program, also possesses a well-respected academic program of which the constituents of my 33d Congressional District, are most proud. This is a balance that is difficult to attain by a learning institution, and I am pleased to represent them in Congress.●

FORMER ILLINOIS CONGRESSMAN HAROLD VELDE'S VIEWS ON WHITE HOUSE AGING CONFERENCE

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. RUDD. Mr. Speaker, a most distinguished resident of Sun City, Ariz., former Illinois Congressman Harold H. Velde, represented the Fourth District of Arizona at the 1981 White House Conference on Aging here in Washington.

I hold deep respect for the views of Congressman Velde, with equal admiration for his many years of work in this body a few decades ago. For the attention of my colleagues, I am attaching the personal statement of Harold H. Velde on the White House Conference on Aging. I urge all Members of Congress to pay particular notice to the recommendations he offers to provide financial stability to the endangered social security retirement system.

PERSONAL STATEMENT ON WHITE HOUSE CONFERENCE ON AGING BY HAROLD H. VELDE

While the White House Conference on Aging was marked by confusion and duplication of Agendas by the 14 Committees, as well as duplication and redundancy in its Recommendations, one thing is certain—the Conference presented the present Administration and the U.S. Congress every conceivable problem and ailment known to affect the elderly.

Unfortunately a great majority of the Resolutions advocated the expenditure of new and additional Federal funds to solve the problems of the elderly and Social Security Retirees but mostly neglected the problem of the aging younger generation and the Federal taxpayers. Some Resolutions were passed which stated that problems of the elderly, as well as the problems of the coming generations could best be solved by reestablishment of a sound American economy and by giving more responsibilities for funding and management of social problems to the states and local governments, in cooperation with church and charitable organizations, non-profit organizations, and volunteers. I strongly support these Resolutions.

One of the important and worthwhile recommendations of the Conference came from Committee No. 2, which stated that the fiscal integrity of the Social Security Retirement System must be re-established and maintained without the support of General Treasury Funds.

While several recommendations were made to provide financial stability of this Fund without the use of General Treasury Funds, it is my opinion that a combination of the following actions by the Congress will be necessary to achieve this end:

1. Reduce early retirement (age 62) benefits to 55 percent of the amount of full term (age 65) benefits received instead of the 80 percent now in use.

2. Reduce Minimum Benefits now arbitrarily set at $122.00 per month to a more realistic and fair figure, based on length of time and amount contributed by the employee.

3. Eliminate gradually the earnings test as an incentive to a longer working period for Social Security Retirees.

4. Tax and other benefits be given to persons who voluntarily continue employment beyond the age of 65.

5. Revise the cost-of-living formula, now based on the Consumer Price Index, to a lower and more realistic percentage of the inflation rate. This should apply to Civil Service and the Congressional retirees too.

6. Overall I feel that implementation of the many recommendations made which would provide for retirees a happier, healthier, and more useful life must necessarily be postponed until the economy improves, i.e., balanced budget, decreased unemployment, an increased G.N.P., and decreased tax burdens for those of the coming generations.●

THE CHURLS OF THE PRESS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. LaFALCE. Mr. Speaker, columnist Tom Braden has written a painfully personal remembrance that merits the consideration of my colleagues.

The recent resignation of National Security Adviser Richard Allen prompted Braden to recount the night that Robert Kennedy was shot. In a brief but moving column, Braden describes the visceral behavior of the media at a time of terrible tragedy for the Kennedy children.

Braden's message is not lost.

As he so eloquently notes:

Some owner of a network or a chain of newspapers is going to wake up one morning and say, "This has gone far enough. I'm going to propose a code of ethics for my profession and a watchdog to enforce it and we're not going to do this sort of thing any more." Or am I mistaken? Isn't there anybody out there in an ownership position who is possessed of guts?

The article, from the January 9 edition of the Washington Post, follows:

THE CHURLS OF THE PRESS

(By Tom Braden)

Richard Allen was telling me the other day about his treatment at the hands of the press, and as I was listening I found my mind going back to that night in June of 1968 when Robert Kennedy was shot.

I've forgotten how my wife and I happened to take temporary custody of two Kennedy children that evening. Emotion blurred the memory of events as fast as events took place.

At any rate, there we were in a cottage on the hotel grounds, and we were very careful to engage our charges in conversation and not to let them turn the television on.

After a while the telephone rang and somebody who was with Mrs. Kennedy asked us to bring the children to her. I remember well what happened when we opened that cottage door.

Flashbulbs popped. Men clambered out of bushes, shouting at the children: "How do you feel about your daddy being shot?" "Which one are you?" "Have you prayed for your daddy?"

That was the way those children heard the news.

I remember being so angry as we hastened down a sidewalk to a car that, stupidly, I tried to take a swing at a cameraman, though I was carrying a child in my arms. But I also remember being ashamed. These men were reporters. Yet here they were reducing themselves to the level of purse snatchers, second-story men, child abusers.

And though I don't mean to compare the ordeal of Richard Allen with that of the Kennedy family, it seems to me that in both incidents the question to be asked is "why?"

Why did reporters do what they did to those two children? Why did they stand outside Richard Allen's house, climb trees to look into his windows, dump their half-eaten sandwiches and paper cups all over his lawn and follow him to a restaurant, listen to his conversation and inquire of the proprietor as to whether he had paid his bill?

I have asked this question of my colleagues in print, television and radio, and they answer as one: "If we didn't stake Allen out, somebody else would. If one Los Angeles newspaper had not staked out those Kennedy kids, some other paper or TV station would have, and if one got a story or a picture and the other didn't there'd be hell to pay."

In short, so I am told, competition is what turns gentlemen into churls.

I do not think this a sufficient answer. I know many a newspaper publisher, many owners of television and radio stations. I know the heads of the three major networks. Not one of them would be caught dead peering through somebody's window, abusing a child or dumping garbage on a lawn.

Then why do they permit these deeds to be done in their name?

Some owner of a network or a chain of newspapers is going to wake up one morning and say, "This has gone far enough. I'm going to propose a code of ethics for my profession and a watchdog to enforce it and we're not going to do this sort of thing any more."

Or am I mistaken?

Isn't there anybody out there in an ownership position who is possessed of guts?●

COSPONSORSHIP OF H.R. 5165—REPEAL OF THE TAX CREDIT LEASING PROVISION OF THE TAX RECOVERY ACT

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. CONTE. Mr. Speaker, I am today announcing my full support and cosponsorship of my good friend JOHN DUNCAN's bill, H.R. 5165, to repeal the tax credit leasing provision of the Economic Recovery Tax Act that both bodies passed this summer. I want to ask my colleagues a question: Should we be giving the equivalent of food stamps to large corporations in this Nation?

The former Commissioner of the Internal Revenue Service has dubbed this provision the "rent-a-deduction" of the Tax Act. It will permit corporations to buy and sell Federal tax credits as though they were stocks, bonds, or bushels of wheat. It helps corporations all right: Two kinds of corporations. It helps wealthy, prosperous companies who do not need help in the first place, and it helps inefficient, noncompetitive firms who do not deserve any help. It benefits only those corporations who wish to shelter their profits, and firms that have done so poorly in the marketplace that they have no profits from which to deduct their credits.

This provision was added with the best of intentions: Like many Government programs, it had come from a good heart. But it did not come from a clear head. The administration estimated that this little provision would have cost $27 billion between now and 1986. That estimate has since doubled since wealthy companies have taken advantage of this provision.

Let us look at what could have been done with this $54 billion. That amount is more than four times the projected deficit in the social security OASI trust fund in the next 5 years. That same $54 billion would fully fund for the next 20 years a program of basic educational opportunity grants to needy college students at the current budget level.

There is, however, one group of people who are benefiting by this gift. Those are the corporate attorneys who arrange these giveaways. The typical fee for arranging one of these deals is one-quarter of 1 percent of the tax credits involved. At that rate, corporations will pick up $67 million in fees over the next 5 years.

Sixty-seven million dollars. We are slashing legal aid for the poor, and on the other hand we are giving money to huge corporate firms. Mr. Speaker, there is more than a little bit of unfairness there.

This tax loss has a direct and heavy impact on the Federal budget deficit. Unless this loophole is closed, every tax dollar lost through it must be made up either by further cuts in Federal programs or increasing taxes. Or, there is another choice. We can add it to the Federal deficit. I do not think any of us want to be that irresponsible.

You know, Santa Claus came about 5 months early to large corporations in this country. I think it is about time that we let them know that Santa Claus does not exist.●

GAO FLUNKS COLLEGES ON STUDENT AID

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. FRENZEL. Mr. Speaker, the Washington Post article of December 20, 1981, which follows, discusses a new General Accounting Office report on student aid made at the request of Senator HATCH.

It shows widespread abuse of student aid programs. About 20 percent of Pell grant recipients studied had less than the 2.0 grade point required for graduation; 10 percent had less than 1.5.

These startling figures will not help higher education authorities who are now speaking out strongly against further cuts in college assistance program.

The article follows:

GAO REPORT FLUNKS COLLEGE ON STUDENT AID STANDARDS

(By Charles R. Babcock)

One student at Boise State University in Idaho who received more than $4,200 in federal aid while in school got a degree in social science after taking 13 physical education courses including "Coed Bowling," "Coed Billiards," "Advanced Weight Training" and "Coed Jogging."

His best grades were in independent study courses on "Sexuality and the Male Athlete" and "Behavior of the Christian vs. Non-Christian Child." He got 4 Fs, 11 Ds, and withdrew from eight courses; the school waived its usual standards to let him graduate.

A student at Morris Brown College in Atlanta collected nearly $16,000 in government aid in five years, but earned only 65 credit hours and had a 1.35 grade point average. During his last two years, he passed only one course and should have been ineligible for his last $9,000 in federal assistance.

A student at State Community College in East St. Louis, Ill., received $8,400 in seven years while completing only 35 of 215 credit hours. She took the same speech course eight times and the same sociology course five times without passing either.

Another student at Morris Brown received nearly $12,000 in aid in three years, but because of withdrawals earned only 14 credit hours with a .62 grade point.

A new General Accounting Office report cites such examples to support its conclusion that some schools have set inadequate "academic progress standards" for students receiving federal financial aid and have failed to enforce the standards set. As a result, it said, many students are abusing programs that totaled nearly $8 billion in fiscal 1980.

Too often, it said, students whose grants it reviewed had low grade points, or withdrew or failed so many courses that they were far behind any generally accepted pace toward graduation. About 20 percent of the Pell grant recipients studied had less than the 2.0 grade point required for graduation, and about 10 percent had less than a 1.5, a D+.

Although the report made no attempt to project its results nationwide, it estimated that millions of dollars are being spent unnecessarily on students who probably won't graduate. The problem, it said, "threatens to undermine the integrity of the financial aid programs."

The study was begun by GAO and completed for Sen. Orrin G. Hatch (R-Utah), chairman of the Senate Labor and Human Resources Committee. It contained examples without the names of the schools or students because it was trying to illustrate a potential national problem. The students' names are protected by the Privacy Act. The schools' names were supplied by other sources.

During their survey GAO investigators examined a random sample of nearly 6,000 student transcripts at 20 colleges scattered across the country. They ranged from the University of Florida and Southern Illinois University to Miami-Dade Community College and Xavier University in Cincinnati.

Presidents of the affected schools expressed disbelief or chagrin at the news in the report. Rosetta Wheadon, head of State Community College, said she couldn't believe a student could go to her school for 7 years and earn only 35 hours.

Robert Threatt, president of Morris Brown, acknowledged that "to some extent, maybe we didn't monitor satisfactory progress as closely as we could have." But he said the school had tightened its standards.

Richard Rapp, financial aid officer at Boise State, said he didn't recognize the student from his school but said "there's bound to be some cases" on a campus where one-third of the 12,000 students receive financial aid.

Of the grants that were reviewed, $3.9 billion worth were administered by the Department of Education; $2.3 billion by the Veterans' Administration, and $1.6 billion by the Social Security Administration. Several million college students receive such grants each year.

The GAO concluded that the VA had the best standards, but said a uniform federal policy on "academic progress" is needed. Supporters of the programs responded that stricter voluntary guidelines had been approved for many universities and colleges earlier this year.

The report comes at a time when budget director David A. Stockman has proposed cutting the basic Education Department program for low- and middle-income students, the Pell grant, from its current $2.6 billion a year to $1 billion in fiscal 1983.

Jack Peltason, president of the American Council of Education, an umbrella group for higher education, said that such cutbacks would be a "revolutionary" change in the relationship between the federal government and the higher education community. "The states and the private sector couldn't possibly pick up the slack," he said.

He fears that as a result only children from wealthy families will be able to attend top private colleges, he said.

Charles Saunders, ACE director of government relations, said the proposed cuts would slash the Pell recipient rolls by 70 percent, or 1.9 million students, and lower the income eligibility to $6,000, below the poverty level.

Peltason said that the nation's universities "do not countenance any kind of cheating and we have moved vigorously to stop it. But if you have millions of students getting grants there are going to be some abuses."

James Moore, a Department of Education student aid official, said voluntary standards developed by ACE to monitor academic progress would be included in regulations the department expects to issue early next month. "Then we'll have to burn a few institutions to make them know we're serious," he said.

Moore said that if department auditors found students receiving aid in violation of the academic progress standards, their schools would be forced to pay back the grant money. "There will be a few public hangings," he said.

Because of the proposed cuts in student aid, he noted, "schools will darn well have to put their money on the front runners" and not on those who aren't serious students.●

THE 16TH ANNIVERSARY OF THE SIGNING OF THE CUBAN EXILES' DECLARATION OF FREEDOM

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. FASCELL. Mr. Speaker, January 23, 1982, marked the 16th anniversary of the signing of the Declaration of Freedom by Cuban exiles in Key West, Fla. The location is not incidental, for the signing took place in the same historic San Carlos Club where, back in 1892, Cuban patriot Jose Marti declared the independence of Cuba from Spain.

The action by Cuban exiles lies squarely within the ideals which founded our country, for starting with the Pilgrims, men and women from around the world have fled oppression in their homelands and come to America both to find freedom and to cherish it.

The Cuban exiles have honored that tradition, both in the ideals which mark their own declaration—democracy, human rights, fundamental freedoms for all—and in the remarkable success they have had in becoming part of, and contributing so greatly to, the ongoing reality of the American dream.

Unfortunately, the sad, sorry, tragic situation of betrayed promises and broad oppression continue in Cuba to this day, as exile, imprisonment, or worse remain the lot of those Cubans who dare to oppose the Castro dictatorship or merely to seek freedoms we in this country take for granted.

This anniversary therefore marks an appropriate occasion for us all to remind ourselves both of the lamentable situation of Cuba and of the principles and purposes we proudly share with the Cubans in their exile. I urge the attention of our colleagues to their Declaration of Freedom.

The declaration follows:

DECLARATION OF FREEDOM

In the City of Key West, Monroe County, State of Florida, United States of America, we the Cuban exiles in the United States, in the name of God Almighty, and speaking both for ourselves and the oppressed people in Cuba, the Martyr Island, do say:

That on January 1st, 1959, the slavery yoke that came from Europe and was extinguished in Cuba at the end of the 19th century was resumed.

That those responsible for this high treason to our Fatherland and to our People are just a score of traitors who, usurpating the Government of the Country have been acting as mercenary agents for the Sino/Soviet imperialism, and have surrendered to that imperialism our Freedom and our Dignity, also betraying the American Hemisphere.

That as a consequence of this high treason, those who are usurpating the Power in Cuba (as they were never elected by the People), are imposing a regime of bloodshed, terror and hate without any respect or consideration to the dignity of the humam being or the most elementary human rights.

That in their hunger for power, these traitors, following the pattern of totalitarian regimes, are trying, within Cuba, to separate the Family, which is the cornerstone of actual society, and at the same time, are poisoning the minds of the Cuban children and youth, in their hopes of extending the length of time for this abominable system.

That the rule of the Law has been wiped out in Cuba, and it has been replaced by the evil will of this score of traitors, who are acting under orders from their master, the Sino-Soviet imperialists.

In view of the aforegoing, we declare.

First: That the actual Cuban regime is guilty of high treason to our Fatherland and to the ideas of the Freedom Revolution which was started on October 10th, 1868.

Second: That this score of traitors who have committed treason against our Fatherland, in case they survive the downfall of their regime, will have to respond, even with their lives before the Ordinary Courts of Justice of Cuba.

Third: That as the Noble Cuban People will not ever surrender, because that Nation was not born to be slaves, we, the Cuban People, hereby make the present declaration of freedom.

We hereby swear before God Almighty to fight constantly, until death comes to us to free Cuba from Communism.

The fundamentals of this Revolution for Freedom are.

First: God Almighty, above all things, in Whom we believe as the essence of Life.

Second: The Fatherland, will all of its laws, traditions, customs and history as a spiritual value, only surpassed by the concept of God.

Third: The Family, as the cornerstone of the Human Society.

Fourth: Human Rights, for each and every citizen, regardless of race or creed.

Fifth: The Law, as the foundation for the proper development of the Human Society.

Sixth: Democratic Government, with its three independent branches: Legislative, Executive and Judicial.

Seventh: Representative Democracy, through the exercise of Universal Suffrage, Periodically, Free and Secretive, as the expression of Popular Sovereignty.

Eighth: Freedom of Worship, Freedom of Teaching, Freedom of the Press and Free Enterprise.

Ninth: Private Property and Ownership, as the basic expression of Liberty.

Tenth: The improvement of living conditions for both rural and city working masses, with the just and necessary measures, keeping in mind the legitimate interests of both Labor and Capital.

Eleventh: The derogation and eradication of anything which is opposed to the political and religious fundamentals aforementioned and specifically, the abolition of Communism and any other form of totalitarian manifestation.

Signed and sealeld in Key West, Florida, on the 23d day of January, 1966.●

THE VIEW FROM $204 A WEEK

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. HAMILTON. Mr. Speaker, the January 18 edition of Newsweek carried a perceptive, well-written essay by Mrs. Vicki Williams of Andrews, Ind. Mrs. Williams, who works in an electronics factory in Huntington, Ind., has eloquently presented one citizen's view of the social programs her tax dollars support. I insert Mrs. Williams' essay into the CONGRESSIONAL RECORD and commend it to my colleagues in the hope that they will read it carefully and give full consideration to its message:

THE VIEW FROM $204 A WEEK

(By Vicki Williams)

I consider myself the classic "poor overburdened taxpayer" that you hear so much about these days. I work for an electronics company and make $6.58 an hour which translates into $204 per week after deductions, $30.21 of which are Federal withholding taxes. I have a husband, laid off, whose unemployment compensation has run out, and a 13-year-old son who thinks he should have a leather coat, a P.K. Ripper motocross bike, a Pioneer stereo and an Asteroids game. It bothers me a lot that I can't afford to buy him any of these things. It also bothers me that I'm not sure how we're going to fill up the fuel tank often enough to stay warm this winter.

There is something else that bothers me, though not to the same extent as my son's unfulfilled desires or the ever-hungry fuel tank, and that is that every single politician and editorialist is positive he knows exactly what I think. Everyone seems to be wildly anxious to be my spokesman. Yet these people don't know a damn thing about how the "poor overburdened taxpayer" thinks or lives. I imagine it's been quite some time since most politicians or well-known journalists lived on $204 per week, though I've read plenty of complaints from congressmen about their meager salaries. One even said he had to sleep in his office because he couldn't afford to buy a house. Do you know how much pity I can spare for a senator who can't live on $60,000 a year?

TIRED

I know I'm not as articulate as the people who write the editorials for newspapers and the speeches for politicians, but just once I'd like to have on the record the thoughts of an average taxpayer. I'm tired of these people putting their words in my mouth and their thoughts in my head.

One of the statements I read and hear most often is how fed up I'm supposed to be with the amount of my taxes that goes toward welfare, food stamps, programs for the elderly, subsidized school lunches and other supportive social services. Wrong! What the people "up there" don't understand is that I identify with the beneficiaries of these programs much more than I do with the politicians and the media people. "There, but for the grace of God, go I." So far, I have never had to rely on welfare, free lunches or Medicaid, but I very well might someday. When I was divorced, I could have qualified for welfare. Fortunately, I had parents who were in a position to help, but if I hadn't, you can believe I would have swallowed my pride rather than watch my son go hungry. People like me, who live only a hairbreadth from economic disaster, are glad those programs are out there, though we pray we'll never have to use them. We feel sympathy for the ones who do.

In 1977 my sister-in-law was abandoned by her husband. Her health did not permit her to work full time, so she drew $194 per month from the welfare department to support herself and her child. I doubt that anyone can think she lived extravagantly on $194 per month.

I think it's possible that at least one of the very same politicians who are now complaining about welfare recipients might have taken a political junket during one of the months that my sister-in-law and her son lived on $194. Believe me, I resent that junket at my expense much, much more than I resent helping an ADC mother, or buying eyeglasses for an elderly person or free lunches for a ghetto child.

To me, Reaganomics is cruel and self-serving. Reagan seems to be telling us that the United States is a sinking ship and that if we harden our hearts and throw a few people overboard, we can lighten the load. Then, possibly, the Ship of State can sail back to shore. I don't see my country quite that way. The philosophy behind the original structure of the United States is that we are a people who sink or swim together. We don't make human sacrifices.

If there is even one child in this country who is hungry or one old person who needs medical care, then I want my $1,570.92 in taxes to go toward helping that child or that old person. I think this country is based on the philosophy that when that $1,570.92 is gone, we will find more to take its place, as long as the need is there.

I know about the cheaters. There are always cheaters. They are a part of life as surely as death and taxes. Certainly, if they are caught, they should be punished and denied aid, but I know we'll always support some cheaters along with the "truly needy."

If we have to give a free lunch to one child whose parents could afford to pay in order to give free lunches to nine children who genuinely deserve them, so be it.

BENEFITS

The much-touted tax cut doesn't make sense to me. Perhaps there's a complicated economic formula that explains the logic of a tax cut at the same time we're slashing Federal programs because of lack of funds, but if so, I missed it. I pay $30.21 per week to the Federal government. As I understand it, when all the tax cuts are in effect, I will only pay $22.66, giving me $7.55 extra to save or spend. Well I could do a few things with $7.55 a week but, had I been consulted, I would have just as soon paid it and kept the food-stamp program or veterans' benefits intact. I suspect that the government will give it to me with one hand and take it away with the other.

You see, I really believe that most politicians and media people think that those of us out here in America who work in the factories and offices are ignorant. I believe that they think we will never catch on to their sleights of hand. I believe that they think they can tell us the grass is black one day and white the next and we'll never trust ourselves enough to look down and say, "Why, that grass isn't black or white—it's

green!" Well, we know the grass is green. We just don't know what to do about it.

We don't really believe that 56 oil companies recorded 98 percent of the increase in all corporate profits from 1978 through 1980 for our benefit. We don't believe the tobacco subsidy is for our benefit. We don't believe that congressmen who were violently anti-AWACS magically changed their minds for our benefit. We know it's always us who pay the bills that result from the politicians' machinations.

I wish a politician would come along who'd tell me that the grass is green.●

A SENSIBLE, BUT HARD-LINE APPROACH TO FOREIGN AID

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. GINGRICH. Mr. Speaker, the United States is currently looking for a proper approach to foreign aid. One of the most compelling approaches I have noticed was stated in a recent Newsweek article by Dr. Garrett Hardin. I am inserting this article into the CONGRESSIONAL RECORD with his permission, so that my colleagues will have a chance to examine Dr. Hardin's theories on foreign aid.

The article follows:

THE TOUGHLOVE SOLUTION

(By Garrett Hardin)

Why should the United States be concerned with the suffering of poor countries? Two sorts of reasons are given, one moral and the other prudential.

The prudential reasons are plausible, but basically unsound. We are told that if we don't take care of a poor nation it might attack us. Nonsense. Modern warfare is so expensive that even rich nations cannot afford it. If a poor country can't afford bread, it certainly can't afford guns. International terrorism comes cheaper, of course. So long as there is envy in the world—which is forever—terrorism will be a tempting option. The answer to terrorism is police action: this is not a perfect answer, but it is the best there is.

What about this: "If we don't take care of poor people in their own countries, won't they migrate into ours?" Unfortunately, there are 2.5 billion poor people in the world, and they are increasing by 40 million per year. We cannot possibly keep up with this need. Our responsibility is to keep our country from being overwhelmed by immigrants. The responsibility of each poor country is to keep the excess population from being produced.

LESSON

What remains are the moral reasons for helping other countries, and these are weighty. But we must remember what we have learned from domestic experiences: we can't solve social problems by blindly throwing money at them. We've had a salutary lesson in the development of India and China during the past three decades. Since 1950 India has received massive foreign aid from many countries, but China from only one country (the Soviet Union) and that only until 1957. At the outset the two countries were equally miserable and had equally poor prospects. Today? Without question the people of China are far better off. Foreign aid did not rescue India from poverty; lack of aid did not handicap China. In fact, it may be that China did so well precisely because she was not "helped" by "aid."

Back in 1945 Mao Tse-tung committed China to a policy of "regeneration through our own efforts." Fertilizers and factories are splendid things, but far more important than technology is what is inside the heads of men and women. Foreign aid can supply technology: the people must be willing to make the social changes that will make technology work.

It is essential that we distinguish between crisis and crunch. When an earthquake killed 23,000 peple in Guatemala in 1976, that was a crisis. The world responded generously, and it should have. But when thousands—or millions—of people die of starvation in an overpopulated country like Bangladesh, what we are confronted with is not a crisis but a crunch. Ninety-four million Bangladeshi live in an area the size of Iowa—which has only 3 million people. Bangladesh, with its fertile soil and a climate that permits three crops a year, is a rich country, but not rich enough to add three-quarters of an Iowa every year to a population already 30 times as large. Direct food aid to such a country merely subsidizes further destructive population growth.

Sensing that gifts are bad, we generate euphemisms to hide our tracks. "Concessionary rates of interest" is a euphemism; anyone who can borrow money at 3 percent when the going rate is 8 percent is getting a gift. Poor countries ask for, and get, loan after loan. As their debt mounts, the burden of "servicing the debt"—paying the interest—becomes unbearable. Finally, since foreclosure is out of the question, the lender has no choice but to forgive the debt.

DRUGS

Way back in 1953 John Foster Dulles saw the direction foreign aid was taking. "You know," he said to a friend, "aid is like opium. There are withdrawal pains when you remove it." I think we have now reached the stage when foreign-aid addicts should be subjected to the "cold turkey" treatment. Most of the world's wretchedness is caused by the crunch of overpopulation, which will only be made worse by the drug called "aid." That this drug is addictive is shown in a statement made by the President of Kenya in 1980: "No country can maintain its economic independence without assistance from the outside." What a long way from Mao, and what a curious definition it implies of "independence"!

Now that rich countries are catching on to the corruption of the word "loan," poor countries are taking a different tack: they are demanding concessions in foreign trade. They want to be paid more than market prices for their exports and to buy at less than the market—gifts under another name.

Times are changing. Notice what is happening to parenting. We are relearning what has been known for thousands of years: love must be combined with discipline. Recently, a group of American parents, driven to distraction by their children's drug taking and rampant hedonism, joined forces to lay down the law to their children—with love. These parents meet to exchange ideas, and they meet with their children to say, "Shape up or ship out." significantly, the parents called their organization Toughlove.

COURAGE

Toughlove parenting is perilous, but it has at least the possibility of solving problems permissiveness has created. Toughlove takes courage. some of the children clear out. This is hard on parents, but they accept the risk because the alternative of continuing to support irresponsible behavior is worse.

Relations among nations must be guided by Toughlove, too. Spokesmen for poor nations now threaten us with the loss of their love if we do not give them everything they demand. We must be prepared to lose their love out of genuine concern for the long-term interests of their people. Most of the poor countries are, in fact, rich—rich in natural resources. It is their governments, usually, that are poor.

To realize a country's inherent richness, a government must see to it that population matches the carrying capacity of the land. China has shown how to use incentives and discentives to work toward this goal. China's methods may not be acceptable everywhere, but the goal should be universal. Each country must choose the means that meshes with its culture. Outsiders can furnish the technology of birth control, but population control must grow out of the will of the people, expressed through their political decisions.

There is no survival without self-reliance, which cannot be donated from the outside. Self-reliance must be generated inside each nation, by the people themselves. There is no other way.●

PAYING TRIBUTE TO DONALD SCHRADER, STOCKTONIAN OF THE YEAR

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. SHUMWAY. Mr. Speaker, it is with both pride and pleasure that I ask my colleagues in the House of Representatives to join with me in paying tribute to Mr. Donald Schrader of Stockton, Calif., who has been selected to receive the Stocktonian of the Year Award for his outstanding contributions to our California community.

Don's donations of time, ability, and philanthropic concern have certainly earned him this distinction, which is but one of many well-deserved honors he has received through the years. For the past decade, Don has served as a vital and effective coordinator of the Special Olympics, accompanying retarded youngsters to Los Angeles for participation in that heartening event. Don is also a director of the San Joaquin County Association for the Retarded. Don's exceptional work with retarded individuals was honored in 1975, when he was honored by the Council for Exceptional Children for his work with these youngsters. Don's many contributions and efforts to improve the lifestyle of retarded individuals and their families are not only helpful, but based on personal experi-

ence: Don's oldest child, now 22 years old, is so handicapped.

Don Schrader's civic involvements are not limited to aiding the retarded, however. He has participated in virtually every aspect of community life geared to guiding America's youth, from the St. Mary's High School Parents Council to the Pacific Athletic Association, and including such groups as the Boy Scouts, Girl Scouts, Blue Birds, Cub Scouts, Y Indian Guides, Campfire Girls, and Little League teams. He has also continuously supported hockey and high school sports in general, and San Joaquin Delta College. Don's service to public education has been honored by the local chapter of the California Teachers' Association, which presented him with the John P. Williams Award in 1972. This was particularly fitting, as Don began his working career in the teaching field before moving to California in 1965.

Today, Don is associated with McDonald's, operating 12 such outlets in San Joaquin County and in Sacramento. His story is one indicative of personal success and selfless sharing of that success and of his experience with others. He is a fine choice for the Stocktonian of the Year Award, and I am most pleased to have this opportunity to share his accomplishments with my colleagues.●

RYAN KIM

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. DORNAN of California. Mr. Speaker, trustworthiness and loyalty are just two of the qualities required to attain the rank of Eagle Scout. I would like to bring to your attention one individual who displays these qualities plus many more. Ryan Kim will be honored at his Eagle Scout ceremony January 29, 1982.

Ryan Kim is 16 years old. He was born in Korea and immigrated to the United States at the age of 5, becoming a U.S. citizen when he was 12. Ryan has maintained an "A" average throughout school. He currently attends South High School in Torrance, Calif., where he is a junior. He is enrolled in honor math, chemistry, English, and American history classes. In addition to this impressive curriculum, Ryan is an aide in the chemistry lab, the public relations manager on the staff of the high school newspaper, and won his letter in track last year as a sophomore.

Outside of school, Ryan has been very active in the community, his church, and of course, Boy Scouts. In addition to being a member of Boy Scout Troop 586, Ryan Kim is also active in the Medical Explorer Scout Post 333 and volunteered at Little Company of Mary Hospital in Torrance.

Mr. Speaker, our country needs more active, dedicated citizens such as Ryan Kim. I commend him on his accomplishments and am proud to represent such a fine individual.●

KEEPING THE PROMISE OF YALTA

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. LaFALCE. Mr. Speaker, the suppression of the Polish people's attempt to wrest reform from their rulers has revived discussion of the Yalta agreements that divided Europe toward the close of World War II. Roosevelt and Churchill acquiesced in Soviet hegemony over Eastern Europe in return for what they thought were valuable concessions by Stalin: Russia's entry into the war against Japan; an agreement to go forward with the United Nations; and a guarantee to hold free elections in Poland, Hungary, Romania, and Bulgaria.

The open letter to President Reagan and Members of Congress by John F. Kopczynski, chairman of the board, St. Mary Manufacturing Corp., North Tonawanda, N.Y., published in the Buffalo News, Buffalo Courier Express, and the Tonawanda News, goes to the very heart of the matter—the promise made by the Soviets at Yalta in 1945 to give self determination to the Polish people. That promise has never been kept, but it must be. It underlies all the dificulties Poland is now experiencing.

The Polish people are a brave, courageous, religious, and indomitable people. Their yearning for freedom has not been squelched and will not be squelched by the Soviets. Self-determination is still their goal.

I direct my colleagues attention to Mr. Kopczynski's letter which follows and call for a recommitment by all nations to the agreements made by all nations 36 years ago at Yalta.

Mr. John F. Kopczynski's letter follows:

AN OPEN LETTER TO PRESIDENT REAGAN AND MEMBERS OF CONGRESS

Mr. President, Senators, Representatives, in February 1945, Winston Churchill, sitting across from Franklin D. Roosevelt and Josef Stalin at Yalta, told them: "Poland must be mistress in her own house and captain of her own soul."

Stalin responded: "Poland must be free, independent and powerful."

And Roosevelt declared: "The elections (in Poland) must be above criticism, like Caesar's wife."

Then, in a final communique, these leaders of the world powers said in one voice:

"The Polish Provisional Government of National Unity shall be pledged to the holding of free and unfettered elections as soon as possible on the basis of universal sufferage and secret ballot."

Roosevelt, Churchill and Stalin represented not only the thinking in their own countries, but also that of their allies—most of the nations of the world which together were defeating the Axis powers.

Today, hungry, cold and tormented by a bureaucratic regime not of their own choosing, the 35 million people of Poland are desperately calling for fulfillment of the promises made to them 36 years ago.

After almost four decades of unrelenting discomfort resulting from inept government, they yearn for a voice in their own destinies.

Millions have turned to Solidarity because it represents a force which might make their voices effective in shaping their government. But Solidarity simply happens to be an available vehicle for determined expression—bound to come sooner or later—of their desire for what was promised them in such clear terms at the end of the World War II.

The pledge of free elections came not just from the United States, although our country now seems alone in speaking out for the Polish people. It came from Russia, it came from Great Britain, and—in reality—it came from all the allies they led to victory.

Let those nations in that great alliance for human freedom now reaffirm the commitments to Poland.

We helped the defeated nations rebuild after World War II, with our Marshall Plan, because we knew stable, prospering countries benefit the entire world economy. Doesn't this same reasoning apply now to aiding Poland, and any other unstable, economically deprived country?

We must now assist a neglected ally, whose pilots helped win the Battle of Britain ("Never in the field of human conflict was so much owed by so many to so few"—Churchill) and whose infantry spearheaded the bloody conquest of Monte Cassino, breaking the German grip on Italy, at a cost of 4,000 lives. (The 46,000 men of the Polish Corps "fought with utter bravery and disregard for casualties"—U.S. Gen. Mark Clark).

Despite these and other important contributions to the Allied victory, the people of Poland have not received the precious right promised 36 years ago—the right of self-determination.

Mr. President, Members of Congress, we are bound by the promises of Yalta, so are the nations which directly and indirectly joined us in those promises. Please call on them now to carry out their obligation to the people of Poland—so that we can jointly help in the establishment of free elections.●

A TRIBUTE TO UKRANIAN FREEDOM AND INDEPENDENCE

HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. MOTTL. Mr. Speaker, January 22 is the anniversary of one of the most important dates in the modern history of Ukraine: That of the re-

birth of the independent Ukrainian state.

With the fall of the Russian and Austro-Hungarian empires, both of which controlled Ukrainian territory at the time, the Ukrainians, who for centuries had been resisting foreign domination of their country, took a decisive step toward insuring their national freedom. On January 22, 1918, the Ukrainians declared their full and unqualified independence from all foreign powers.

The Ukrainian Revolution took on, at once, an essentially national character. A Central Council—Central Rada—was established in Kiev and became the center of the Ukrainian liberation movement. It organized the Ukrainian National Army, established Ukrainian schools, introduced Ukrainian administrative and judicial systems, and prepared a Ukrainian Constituent Assembly. By these actions it established a full-fledged independent state: The Ukrainian National Republic.

After a heroic struggle lasting 3 years, the Ukrainian National Republic, as we all know, succumbed to the numerically superior military forces of Communist Russia.

The alien Communist power destroyed the Ukrainian national state and replaced it with a puppet and subservient government with the name of the "Ukrainian Soviet Socialist Republic." Even though it became a charter member of the United Nations in 1945, it is not a true government of the Ukrainian people, but an instrument of the Russian Soviet colonial empire, which enslaves and brutally persecutes the Ukrainian people.

Ukraine, with a population of 50 million, embraces 289,000 square miles, making it the largest country in Europe; in population it ranks fifth, and its natural resources make Ukraine one of the richest European countries. Its capital, Kiev, was the center of eastern European trade and culture long before Moscow was built. Despite its size and wealth, Ukraine is practically unknown; for most people it is "just a part of Russia." This gross misconception stems from the common practice of using the terms "Russia" and "Soviet Union" synonymously. This is incorrect because Russia is only one of the republics which make up the Union of Soviet Socialist Republics.

Ever since the conquest of Ukraine by Communist Russia in 1920, the Ukrainian people have suffered political and cultural repression, economic exploitation, and all-encompassing Russification. Both the Ukrainian Orthodox and Catholic Churches were destroyed brutally. In an enforced collectivization of Ukraine's agriculture in 1932-33, some 7 to 10 million Ukrainians were starved to death by the government-sponsored famine. During and after World War II, hundreds of thousands of Ukrainians were deported, exiled or annihilated for their support of the Ukrainian Insurgent Army (UPA) and the Organization of Ukrainian Nationalists (OUN), both of which fought against the Nazis and then the Soviet Russian occupation of Ukraine.

On the 64th anniversary of the proclamation of Ukraine's independence on January 22, 1918, and the 62d anniversary of the Act of Union on January 22, 1919, whereby all Ukrainian lands were united into one sovereign and independent state of the Ukrainian people, the true ideal of Ukrainian independence lives on in the hearts and minds of the Ukrainian people, as attested to by writings, memorandums, appeals and trials of Ukrainian patriots-dissidents in Ukraine. In mid-1979, 18 prominent Ukrainian political prisoners and members of the Ukrainian Helsinki Group, appealed to the U.N. to take appropriate steps for Ukraine's secession from the U.S.S.R., which they called an "occupation government" installed by Communist Russia. In early 1980 an appeal from the "Ukrainian Patriotic Front" supporting the statement of other Ukrainian dissidents called for the secession of Ukraine from the Soviet Union.

At this time, when the free world is stunned by the Soviet seizure of Afghanistan and Moscow's readiness to move into Poland, the anniversary of Ukraine's Independence is a reminder of the fact that Moscow's aggression and conquest of independent nations is not a novel development.

In past years many U.S. Senators and Congressmen, Governors and mayors paid tribute to the Ukrainian people on the anniversary of Ukrainian Independence in official proclamations and statements, thus giving encouragement and hope to Ukrainians in their struggle for the rebirth of Ukraine's freedom and independence to which they are rightfully entitled under the law of God.

We hope that American officials will again voice their support of Ukrainian aspirations in this crucial year during which the world at-large is threatened by the forces of darkness more than ever before.●

CONGRESSMAN PEPPER'S ZEST FOR LIFE

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. FASCELL. Mr. Speaker, I would like to call attention, at this point, to an article that appeared in the Washington Post, which portrays wonderfully the personal qualities of our esteemed colleague, CLAUDE PEPPER. In the article, Colman McCarthy describes CLAUDE'S cheerful disposition, his firm commitment to his State and national constituencies, and his characteristic awareness of the national political mood.

The elderly, and, indeed, all of us, are fortunate to have a man with CLAUDE'S unswerving principles and zeal as an advocate.

PEPPER'S AGELESS ZEST FOR LIFE

(By Colman McCarthy)

Whatever your taste in politics or poetry, this was a charming moment. Rep. Claude Pepper, the 81-year-old congressman from Florida, was speaking over the phone with 89-year-old friend Archibald MacLeish. "I hope you're enjoying life," said Pepper, who placed the call from his House office to MacLeish in the poet's home in Massachusetts. "Other than your little hearing impairment, I hope your physical condition is good. You've got eight years on me! I'm only 81. You give me something to shoot at!"

Pepper laughed jovially. He chatted for 10 minutes with MacLeish. The congressman had phoned America's greatest living poet for his advice about a joint session of Congress late in January to observe the centennial of the birth of Franklin D. Roosevelt. MacLeish suggested some appropriate FDR readings, which was why Pepper had phoned.

A few days earlier, Pepper was in the national eye at the White House Conference on Aging. In the weeks before, his office had received 130 requests for interviews. For a little while, that may have made the Miami Democrat the most sought after member of Congress. But on a higher level it was a coalescence of interest in one of American politics' unique figures.

As chairman of the House Select Committee on Aging, Pepper has maintained a mountain-high vision of what government should be doing to better serve its elderly. With more than 4,000 citizens turning 65 every day, and 25 million already there, Pepper represents this national constituency as a pugnacious but reasonable advocate.

This was the committee that the House never even wanted to let in the front door. It began in the early 1970s when Sen. David Pryor (D-Ark.), then a representative, rented a trailer and held unofficial hearings. Pryor had worked incognito in a nursing home where he witnessed the shabby treatment given to the elderly.

When Pepper took over the committee, he was familiar too—in personal ways—with the abuses visited upon the old. Nearly every issue involving the elderly to come before Congress—from restrictive mandatory retirement laws to malnutrition among the old—has engaged Pepper. Behind his legislative zeal is a philosophical attachment to Shaw's notion about the old: "Some are younger at 70 than most at 17."

The hour and a half I had with Pepper the other morning was to enjoy an uplifting mixture of history lessons, political nuances and ideals of public service. Pepper gives personality to a style of hearty liberalism now out of fashion, at least temporarily.

The abandonment of liberalism by some of the younger politicians in Congress springs from two causes, he believes. First, they came to Washington not "deeply rooted in liberal convictions." And second, once here "they don't want to be identified as liberals because they think public opinion has turned away from the humanitarian influence in public affairs . . . They are fear-

ful of their political lives, and they think that (liberalism) has come to have an unfavorable association."

Of the nine presidents Pepper has served under, he gives a low ranking to Ronald Reagan. With animation, he says that Reagan "comes the nearest to having the charm of President Roosevelt. But I would think that one would be unhappy to have it said that I'd hardly done anything that was meaningful in any affirmative way for the people of my country. Now he wants to cut more and more and more."

Pepper felt honored that Reagan mentioned him in his speech at the conference on aging. But, wistfully, he says he has never met the president. The night before our conversation, Pepper had been to the White House for "an official hosting" of the Congress. But Reagan went upstairs early and missed the chance to talk with Pepper, leaving the Senator to say: "I had rather looked forward to meeting the president."

Should Ronald Reagan's spirit ever sag in the year about to dawn, one sure pick-me-up would be a long visit with Claude Pepper.●

DEREGULATION OF FEDERAL CREDIT UNIONS

HON. DOUG BARNARD, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. BARNARD. Mr. Speaker, deregulation has been the hallmark of Congress for the last several sessions, and congressional actions regarding financial institutions have been no exceptions. One group of institutions, Federal credit unions, has been eager to accept deregulation and operate free from Government protections and restraints.

This week, the National Association of Federal Credit Unions is hosting its annual congressional caucus. I take this opportunity to commend FCU's for meeting deregulation head on and NAFCU, under the leadership of President John Hutchinson, for its role in helping FCU's adjust to changes in the financial marketplace.

I also bring to my colleagues' attention a notice of proposed rulemaking issued recently by the National Credit Union Administration (NCUA) which regulates federally chartered credit unions. NCUA is contemplating a virtual elimination of its restrictions on advertising, maturity, minimum balance, early withdrawal penalties, and other limits on share, share draft, and share certificate accounts at Federal credit unions. NCUA wants to give FCU board members the flexibility to set up savings account programs which best serve their members' needs.

I commend NCUA for taking this bold step and carrying on the congressional mandate of the Depository Institutions Deregulation and Monetary Control Act one giant step further. The Federal Government should not be deciding what savings accounts look like. Rather, institutions should be free to decide for themselves how to respond to the competition for savings.

I for one am tired of institutions which hide behind the protective skirts of Government regulation. This year, Congress will consider granting different kinds of institutions additional powers to help them compete among themselves that such legislation will be passed by this Chamber. But until institutions are eager, as are the FCU's, to embrace deregulation, they will become anachronisms and soon be replaced by new entities willing to keep up with the demands of the market.●

TO HONOR AMERICAN ADVERTISING SERVICES, INC. ON THEIR 25TH ANNIVERSARY

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. FOGLIETTA. Mr. Speaker, I address the 97th Congress today to pay tribute to a man who is a true American success story, Joseph H. Ball. Mr. Ball started it all 25 years ago with a rented desk and a $35 typewriter. Today his American Advertising Services, Inc. is a miniconglomerate with such diversified holdings as an art and design school, a promotion firm called "Whims for Rent," two business newspapers, a worldwide information network—all in addition to its full services advertising agency ranking in the upper 10 percent in its geographical area.

Joseph Ball is still the major force behind the success of his firm. He is involved in all aspects of the business, and is continually looking to expand his ventures into new and exciting areas.

The Delaware Valley has been lucky to have the benefit of his experience in the advertising field. The "Solar Utilization News" (SUN), is widely read in the Solar field; the "Advertising/Communications Times" is the leading area business newspaper for executives in marketing and related fields and is recognized as the Nation's "best regional advertising journal." The newspaper also sponsors the ACT Accolade Celebrity Luncheon which each year honors outstanding communicators. Proceeds from this event provide a scholarship to someone entering the fields of advertising or communications.

I salute Mr. Ball and American Advertising, Inc., as an inspiration to all Americans.●

WEISS URGES INDIAN POINT SHUTDOWN

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. WEISS. Mr. Speaker, safety risks associated with the Indian Point nuclear generating facility at Buchanon, N.Y., were the subject of 3 days of hearings held last week by a special Nuclear Regulatory Commission panel near the plant. Indian Point, sited just 30 miles north of New York City and within 50 miles of 21 million people, unnecessarily endangers the health and well-being of local residents. The plant has a history of safety errors and poor management, and inadequate emergency preparedness planning around the plant makes the potential for disaster great.

The effect Indian Point has had, and could have in the future, on public health and safety especially concerns me as a New York City Representative. I believe Indian Point units 2 and 3 pose very real dangers to the New York metropolitan region. Simple mathematics confirms that the potential for personal injury and property damage is dramatically increased by the heavy population density surrounding the plant and the plant's history of safety errors. These were highlighted in hearings following the accident here in October 1980.

This now-famous accident record has heightened concern of residents not only in Buchanon and in other local communities, but to many people in my district in New York City as well. Their concern has become even more justified by recent evidence of the poor management which was found to have contributed to the damage as well as to the risk of health hazards at the plant when a water leak at unit 2 dumped radioactive water into the environment on October 17, 1980. A representative of the office of the attorney general for the State of New York later concluded that the operating utility, Consolidated Edison, had ignored a recurring problem which led to the leak.

That accident briefly threatened widespread radioactive contamination. In addition, the costs of providing replacement power forced consumers to pay an average of 10 percent more on monthly bills. The State public utilities commission later ruled correctly that Con Ed had to refund part of the outage cost fees collected because management was partly responsible for the accident.

In March 1979 the near-disaster at the Three Mile Island Nuclear Plant jarred the American public into the realization that nuclear powerplants

pose real health dangers. At the Indian Point site, the 1980 accident at unit 2 reinforced this conclusion. With evidence of mismanagement, rising electricity costs, unreliable emergency plans, and just cause to believe that the utilities were operating in disregard of public health and well-being, is it any wonder that people in this region were indignant?

For local community residents and people in New York City the growing fear and concern might have been mitigated by proper emergency preparedness planning. Unfortunately, inadequate emergency preparedness plans for the Indian Point plant have created a disaster in waiting and this fact, together with the plant's safety problems, has actually increased concern.

It is astounding that the current emergency preparedness plan all but ignores the 7 million residents of New York City. While providing only for radioactive monitoring of air, water, and food in and around the city, the plan makes no provisions for sheltering or otherwise protecting city residents from the possible health effects of radiation. If this is logistically impossible, as the industry has suggested, then this tells us that there simply is no justification for continued operation of this facility.

Even the known usefulness of potassium iodide as a radiation-blocking agent to lessen the health effects of radiation has been ignored in this plan, even though the director of the New York City Bureau of Radiation Control in the Department of Health advocates distribution of potassium iodide for protection in case of a radioactive emergency.

The monitoring system to be used in the city is, at best, vague, and the emergency plan details nothing more definite than ad hoc planning for futher or more serious emergencies. For the people of New York City this is foolishly inadequate and creates risks which need not exist.

Neither has any effort been made to undertake a public information campaign to alert those who might be affected by a radioactive release to the procedures to be followed in the event of such an emergency. Not even residents within 10 miles of the plant, most directly and dangerously threatened, have received explicit notification of procedures. Such poor emergency, preparedness planning shows utility disregard for public health and safety.

The refusal of the utilities to consider the psychological impact of Indian Point further weakens public confidence and heightens public fear. This issue of the psychological effect of nuclear plants on public health and safety really has advanced into an issue in its own right and should be addressed.

Earlier this month a U.S. court of appeals ruled that the psychological impact on local residents of operating the undamaged unit at Three Mile Island must be considered as part of the health and safety requirements of the National Environmental Policy Act. In its ruling, the court stated that an environmental study must be done by the NRC of the impact restarting unit 1 would have on "the psychological health of neighboring residents and on the well-being of surrounding communities." I strongly urge the board to give due consideration to this criteria in its safety evaluation for Indian Point.

Consolidated Edison, operator of unit 2 here at Indian Point, and the power authority of the State of New York, operator of unit 3, have recently campaigned to undermine this criteria, calling those who support it, scaremongers. The utilities' use of risk assessment data to try to minimize psychological factors in evaluating a nuclear powerplant's safety addresses only a part of the question. There is sufficient concern in the metropolitan region that Indian Point units 2 and 3 create an unnecessary and avoidable risk to merit looking beyond facts and figures and questioning whether the risks of Indian Point can be justified at all.

The justified anxiety felt in local communities and in New York City is not readily dispelled by an arrangement of facts and figures nor by name calling. The dangers of Indian Point are well beyond standard statistical measurement, and will grow as the population within 50 miles grows to a projected 24 million over the next 20 years. There is little to be gained from the Indian Point Nuclear Plant, and everything to be lost.●

TAX EXEMPTION FOR PRIVATE SCHOOLS

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. WIRTH. Mr. Speaker, for more than a century, Americans have fought to end racial discrimination in the United States. The struggle has already been painstakingly long and difficult, and some Americans gave their lives. However, progress was made. That struggle has suffered a setback. Efforts to return our Nation to separate and unequal societies are gathering strength and becoming more threatening.

In this climate in which the voices of segregation are being heard once again, it is particularly distressing that some of them have now heard what they perceive as supportive statements from the highest levels of the U.S. Government.

Civil rights is of central importance to most people in the United States, and most have been deeply concerned about several actions of this administration. The announcement earlier this month that the administration was reversing 12 years of national policy and bestowing tax exempt status on two discriminatory schools hit America like a bombshell. The statements and actions which have followed in the wake of the public outcry have hardly been reassuring.

The fact of the matter is that no new legislation is needed to insure that segregated academies are denied the signficant benefits of tax exemption. Laws already on ıe books are quite clear. Title 6 of the Civil Rights Act of 1964 prohibits racial discrimination in institutions receiving Federal assistance such as tax benefits. Courts have been clear in ruling that educational institutions are eligible for tax benefits if they perform services which benefit the public. Discrimination on the basis of race is clearly not such a service.

The IRS has had the guidance it has needed to determine that more than 100 schools to date were practicing discrimination and therefore ineligible for tax-exempt status. What we do need is a reaffirmation of the IRS authority to deny tax benefits to discriminating schools and an order for the IRS to use its existing authority to vigorously enforce this policy.

Failure to enforce existing law banning Federal assistance to those who discriminate sends a dangerous message to the tiny minority who would wipe out the great progress which has been made in ending discrimination. As it stands now, even blatantly racist institutions could receive taxpayer subsidy. That would be a profound assault on the rights of all Americans, and must not be allowed to happen.●

REDUCTION-IN-FORCE PROCESS

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. PARRIS. Mr. Speaker, this morning I participated in a hearing before a subcommittee of the House Government Operations Committee in which we discussed the various problems associated with the reduction-in-force process. I focused my remarks on the need for the Office of Personnel Management and the various agencies to aggressively implement more appropriate outplacement programs. I would like to submit my statement into the RECORD at this time.

STATEMENT OF STANFORD E. PARRIS

Madam Chairman, thank you for allowing me the opportunity to express my views on a serious matter that affects all Federal employees. The reduction-in-force process is having a devastating impact on Federal workers and their families. The problems encountered are not limited to those employees who have actually had their employment terminated. Thousands of Federal employees throughout the country are experiencing much anxiety and low morale due to the uncertainties which face them on a daily basis. I believe that the hardship and frustration could be alleviated somewhat if the Office of Personnel Management and the individual Federal agencies would aggressively implement out-placement programs.

During the past year, my office has worked closely with many federal employees, agencies, and officials from OPM in an effort to identify and solve the problems the RIF process has produced. After reviewing complaints and cirticisms for several months, it appears that federal employees need better counseling regarding employment opportunities in the private sector.

Last spring, we were all very optimistic about the pre-RIF placement effort which resulted in OPM's establishment of the voluntary inter-agency placement program (VIPP). But the VIPP Program is not as effective as we had anticipated. One major flaw in implementing the VIPP program may be attributable to agency structure itself. I strongly support the idea that closer cooperation and interaction between budget office staff and personnel office staff is necessary if we are going to have effective agency RIF planning.

It is essential that action be taken immediately before agencies take any further steps to reduce their workforce. Agency personnel offices must put forth a greater effort to assist their employees in finding positions outside of government. I would hope that the Office of Personnel Management would take the necessary steps to insure that agency personnel offices are putting forth their best possible effort.

In many instances, a RIFed federal employee is placed at a disadvantage because of the negative attitudes, reservations and misconceptions that many private sector employers possess.

Agency personnel offices recognize this situation but are not always able to counsel their employees properly, because they lack the necessary funds. I feel that agency personnel offices should make counseling the top priority, especially in the large agencies where there is more flexibility.

The majority of agency staff time seems to be devoted to developing retention registers and responding to employee requests for RIF information. Personnel officers are spending the bulk of their time implementing the RIF. The First priority should be assisting the RIFed employee in outplacement and this is not what is taking place.

There are several areas where agencies need to make changes. In many cases, outplacement staff lack proper training and numbers for effective out-placement. As a result, out-placement staff are not able to match skills and experience of federal employees to jobs in the public or private sectors. In some instances, federal agencies often require unreasonable prerequisites to qualify for vacant positions.

A few private sector out-placement specialists have assessed agency out-placement programs and have informed the Federal Government Service Task Force of their findings. These specialists maintain that agency personnel officers are preoccupied with implementing the RIF and that they delegate unprepared co-workers to handle out-placement. Private sector out-placement specialists also believe that an out-placement officer must have pre-established ties with the private and public sectors in order to uncover job opportunities and provide critical counseling to job seekers about aggressive personal marketing techniques.

Federal employees must continue their own efforts in locating employment but agencies should be devoting more and better resources to the out-placement effort. Perhaps priority should be given to placing those RIFed employees whose current jobs identify them as the most difficult to place. It has also been suggested that seminars could be held to educate private sector employers in the federal job classification system. This might help to eliminate the misconception that federal employees are not qualified for certain jobs in the private sector.

I would like to stress that the recently displaced federal employee requires individual counseling. The VIPP program was established to assist federal employees along these lines but the program has had difficulty in matching job skills with job qualifications listed by applicants. It may be that the VIPP structure is the best available vehicle for placing RIFed employees but I think it can be improved upon.

The Office of Personnel Management could help to improve the entire RIF process in a number of ways. Agencies should be required to focus more on out-placement. One way to help accomplish this would be for agencies to coordinate activities between their budget and personnel staffs so that the RIF planning processes can begin at an earlier date. OPM could also draft regulations which mandate RIF Boards upon which employees would sit. This might help stimulate agency development of better contingency plans.

It should be a management priority of all agencies to re-hire RIFed employees before considering individuals from outside of government. I would also like to see OPM and the various agencies consider job retraining in an effort to reduce the number of separations. The Civil Service Reform Act permits job retraining and I believe we could achieve significant results with a minimum investment.

I would prefer that agencies absorb their budget reductions through attrition rather than RIFs and furloughs. Priority rehiring for RIFed employees and job retraining could also ease the affect of budget reductions. If OPM and the various agencies took these steps in addition to better counseling and aggressive out-placement programs, the hardship and frustration associated with RIFs could be reduced significantly.●

VOICE OF AMERICA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. DERWINSKI. Mr. Speaker, I would like to direct the attention of the Members to the "Letters to the Editor" column of the Catholic Standard, published in Washington, D.C. Mr. Constantine R. Jurgela, a former employee of Voice of America, speaks out on the objectives involved in the programing of Voice of America broadcasts. I insert his very informative and interesting commentary on this subject.

VOICE OF AMERICA "TELLING THE NAKED TRUTH" DOES NOT MAKE "FANCIFUL PROMISES"

(By Constantive R. Jurgela)

The criticism of Voice of America programming (Letters, Standard 12/17) should not overlook its chartered mission, rather than imaginary, and differentiate practically the broadcasts into various geographic areas with different cultural, strategic, linguistic and political interests.

Of necessity, political objectives differ not only in various language broadcasts but in the English-language broadcasts going to different areas. It is understandable that there should be several geographic divisions with a number of different languages in each, with different objectives and different emphases.

In my 23 years of service I noted that the European division at one time embraced several branches—Western, Northern, Central and Eastern Europe. A Russian Service has grown from a branch, ultimately into a division embracing Armenian, Georgian, Ukrainian Uzeb and other services and finally practically into a separate Voice of America with its own news service, commentaries, special events and production branches.

The Arabic service at one time became nearly a 24-hour unit, like the Vietnamese service had been for awhile. The Latin American unit had its one-hour direct broadcasting, recorded programs for hundreds of radio stations in different countries. But after Fidel Castro, this unit has grown into a division with several branches broadcasting in both Spanish and Portuguese. Broadcasts in Finnish, Hebrew, Kalmuk and several other languages were discontinued.

As in every organization, there are dedicated expert public servants in the Voice of America and their are "world travelers." Directors come, they are handed facts, figures, et cetera, for testimony before Congressional committees, for public speeches. They are sent on inspection trips—while the operational aspects are handled by persons who were there since the days of FDR and Harry S. Truman. The work and morale suffer somewhat from the so-called domestic foreign service.

In my own experience, a new superior arrives, tells me he knows nothing about radio or the Baltic area, and asks for materials. A week later he tells me what to include—or drop—in programming and I refuse, since I am responsible for all broadcasting to Lithuania, and for a while to Latvia.

Believe it or not, one of the most effective writers, whose commentaries were most appreciated by the editors of services to the "captive European nations," was the late Bertram Wolfe, a former Communist and organizer for the Communist Party of Mexico.

For European audiences, the late John Albert wrote political scene commentaries, always faithfully following official policy yet written with European audiences in mind. There were a number of capable writers.

In so far as U.S. government policy in concerned, the Voice of America cannot and does not spread fanciful bluster, not substantiated by the words of the President or the Secretary of State.

It was a great pleasure for me to hear the escapes—the sailor Simas Kudirka, the oceanographer Dr. Eringis and others—commend me and the Lithuanian service of the Voice of America for telling the naked truth rather than make fanciful promises.●

INNER-CITY ENTREPRENEURS

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. GARCIA. Mr. Speaker, it is with a sense of pride that I speak of men such as John Mariotta and Fred Neuberger as well as many other inner-city entrepreneurs who have dedicated their energies, financial resources and their talents to reviving the distressed regions of the Nation's cities. Indeed, it is just this spirit that I would like to see unleashed and supported in enterprise zones located in urban areas such as the South Bronx.

Doing business in the South Bronx is a difficult task as it is surely in many other distressed cities. The problems of poor infrastructure, crime and economic decay have all been well documented. But this task is made even harder when many corporate and government officials take a dim view toward our most economically disadvantaged places. The intensity and determination expressed by entrepreneurs such as those who are making it today in our inner-cities should be encouraged and praised. Theirs, is a story similar to many others which built our country and an indication that businesses can make it in the all but abandoned inner-city.

Today I am recommending to my colleagues an article of just such an effort entitled "It's the People That Count" which was recently included in INC. magazine. It is a most encouraging story.

IT'S PEOPLE THAT COUNT

(By Cheryl Morrison)

John Mariotta, a Puerto Rican high school dropout with three bankruptcies behind him, is still getting used to his role as president of a company that did over $12 million worth of business this year.

The president's background isn't the only unlikely thing about Welbilt Electronic Die Corp. Even less auspicious is its location. You've heard of Fort Apache, the Bronx? In 1965, as other companies were beginning to head for the suburbs with the urgency of wagon trains under attack, Mariotta and a partner founded Welbilt in a garage not far from Yankee Stadium. Each time the company has outgrown its quarters, Mariotta has reaffirmed his decision to stay by purchasing still more space amidst the rubble of an area that has become synonymous with urban blight.

Mariotta's loyalty to the Bronx extends even to his living arrangements. Though he drives an expensive company car, he and his wife still live in the same four-room apartment they moved into 16 years ago—in the same week he started Welbilt. "The only difference," he remarks, "is that 16 years ago it was $150 a month and now it's $450, and it's older and in worse condition."

How has Mariotta finally hit the jackpot? Hustle and hard work haven't hurt. As Welbilt has grown, Mariotta has put in more hours rather than fewer. "You can't relax," he says. "In business, there's no such thing as security."

According to his employees' accounts as well as his own, Mariotta is on the job night and day, keeping close watch on Welbilt's operation and staying in close touch with its 250 workers. One of the worst tasks he ever faced, he says, was giving layoff notices to some of Welbilt's workers during a tight spell a few years ago: "I had no choice. It was either that or the whole company. But I hated it. I know these people, and I know some of their families."

Mariotta was born in Spanish Harlem. His father, a Puerto Rican immigrant, was a tool-and-die maker. After serving in the Army during the Korean War, Mariotta set up a machine shop with his father and brother. The business failed. He moved to Long Island and started a company there. He went broke. He set up another metalworking business; once more he went bankrupt. "I lost my shirt on Long Island," admits Mariotta. "I came back to the Bronx licking my wounds."

Along with his shirt, however, he shed a naiveté that had contributed to his business failures. It was in the suburbs, he says, that he worked his way through "the school of hard knocks."

Some of his lessons had to do with his own limitations. Mariotta had started his Long Island firms on his own. When he founded Welbilt in 1965, he teamed up with a partner who had some business savvy.

"I'm just a tool-and-die maker," Mariotta says. "Some things I don't know about. I'm stupid, so now I get help from other people."

He sought to avoid another pitfall by dealing only with customers who have the capital to back up their orders. More than once in earlier ventures, Mariotta says, he fell prey to undercapitalized manufacturers who ordered parts, then failed to sell their products, leaving them unable to pay for the parts. "If they can't sell their products," notes Mariotta, "you've invested all your time and money for nothing. If they go down, so do you. I learned not to be hustled, not to be conned."

Nowadays, his customers have deep pockets. About 80 percent of Welbilt's work is for the government. The company makes stabilizer fins for the Navy's Sidewinder missiles and cooling kits for Army tanks. It is the sole manufacturer of a device called a Bell crank, which regulates the air intake of engines in the Air Force's F-104 and F-4 aircraft.

Mariotta produced precision metal parts for the military with his old companies, too, but he worked as a subcontractor. "Some of it was sub-sub-sub-subcontracting," he says, "and if there was a break somewhere in the chain, I'd be left whistling for my money."

As Mariotta tells it, there are two kinds of government contracts—small ones that truly are put to open bid and more substantial ones that usually go to conglomerates despite ostensibly open bidding. The small contracts, he says, "are cut down to the bone. There's no money in it." For five years, Welbilt hobbled along with small government contracts and occasional commercial jobs.

The turning point came in 1970 when Mariotta signed on a new partner, Fred Neuberger, because his original partner wanted to retire. It was through Neuberger's efforts that Welbilt got its first big government contract.

"We went to the procurement office and looked over the blueprints, and Fred picked out one that was illegible," Mariotta recalls. "Fred said, 'If we can't read this blueprint, nobody else can, either.' We put people to work on that blueprint with magnifying glasses, to figure out how to bid the job. Fred was right. Nobody else could read the blueprint, and consequently no one else bid for the job, so we got it."

Having successfully executed its first substantial government contract, Welbilt was in a better position to negotiate for other high-ticket jobs. The company also benefits from laws that set aside a portion of all government contract work for minority-run firms. The set-aside requirements apply to corporations that subcontract work for the government as well as to the government itself.

The company's most important commercial customers are General Electric's Aircraft Engine Business Group and Western Electric. Neuberger and Mariotta are ardently wooing other corporations in the aerospace industry. They would like to see the company do proportionally more work for industry and less for the government. The corporations, they're convinced, are more likely than the military to follow congressional guidelines on contracts for minority companies.

After Welbilt has done a job for a military installation, it can be pretty sure of getting repeat business—but only from that installation. "Every time we have contact with a new agency," he explains, "we have to go through the same song and dance of proving ourselves—in ways that a nonminority company wouldn't have to.

"The private corporations are skeptical, too, but they're more likely to go along with the set-asides," perhaps in part because they're afraid of losing their contracts by ignoring the rules, comments Mariotta. "Some of our commercial customers first came to us because of the set-asides," he adds, "but when they saw that we did excellent work ahead of schedule, they stayed with us because of that."

The toughest part of doing business in Fort Apache, he notes, is suffering the slings and arrows of government and corporation officials who take a dim view of the place. "The first thing they say is 'Oh my God! It's all bombed out! What kind of a company can this be?' they assume that we're all machete-swingers and spear-throwers," says Mariotta. "You say minority, and they look at you like you had two left hands. They think we're too left-handed to produce, but here we are, producing."

According to Mariotta, the people of the South Bronx are an asset rather than a handicap to Welbilt, partly because they're eager to acquire skills that will help them advance. Welbilt's employees include a score of blacks, 15 East Indians and Pakistanis, 32 Jewish émigrés from the Soviet Union (most of whom are engineers) and 10 native-born white Americans. Almost all the rest are Hispanic. About 90% of the work force comes from the South Bronx.

"The executive corps, I have to shanghai them and bring them in. But the other people are local," says Mariotta. Most, he adds, would be collecting welfare if they weren't working for Welbilt.

Mariotta tells one story after another of employees who started working for Welbilt at minimum wage and are now making $20,000 or $30,000 a year. A man he hired as a driver is now in charge of the company's shipping department. Another, who was living in a cellar and collecting welfare, now heads the purchasing department.

Not even a booster like Mariotta would claim that the South Bronx is teeming with skilled labor. In this age of high technology, tool-and-die makers are hard to find anywhere, let alone in Fort Apache. Welbilt's solution is to train its own workers, a task made easier by the company's investment in computerized machinery.

With the computerized equipment, Mariotta believes a worker "can acquire five years of expertise in six months." The sophisticated machines perform automatically many tasks that tool-and-die makers once had to perform by hand.

"Most employers that left or were driven out of the Bronx, besides complaining about the atmosphere, said that the people here cannot be trained to do skilled jobs," says Fred Neuberger. "We have proven that to be wrong."

Welbilt's employees seems to be as loyal to the company as Mariotta is to the South Bronx. "Nobody ever quits," says David Epstein, director of special projects for Welbilt. "The last guy to quit here left about two years ago."

The employees' loyalty has been carefully cultivated by Mariotta through frequent salary raises and promotions, an open invitation to see him personally about problems on the job, and a paternalism that includes lending money for car repairs, medical bills, and unanticipated expenses. Mariotta, this personal concern makes good business sense. "If people are worried, their work is going to suffer," he says. He also believes in tangible rewards for productivity, and once gave each of his 10 foremen a $1,000 bonus for each month they met their production schedule.

Since a large proportion of Welbilt's employees are members of fundamentalist churches, Mariotta set aside space and equipped a chapel for them in the plant. He says it was his own faith in God that made him try to start a company again after each of his failures.

As a test of his faith, Mariotta gives money to beggars he encounters on the street—an impulse most New Yorkers have learned to suppress. Mariotta considers these personal handouts to be different from the welfare system he deplores.

Nor does he see any contradiction between his disapproval of welfare and his enthusiastic pursuit of government aid for Welbilt. The way he views it, his company has saved the government far more in welfare payments, as well as in the cost of metal parts, than it has received in assistance.

This year set-asides account for about 40% of Welbilt's business, a percentage, says Mariotta, that is falling. In addition to the set-asides, Welbilt has benefited from a Small Business Administration program that guarantees loans for minority-owned businesses. Welbilt could become ineligible for SBA assistance and minority-business aid as early as next year, according to the partners. The company's assets grew from $589,540 in 1976 to $6,735,430 in 1980.

As Welbilt continues to grow, so does its need for space. The company's original headquarters was a 20,000-square-foot former garage. When Welbilt expanded a few blocks away to a three-story, one-acre plant formerly owned by a shoe company, it retained the old building to house one of its manufacturing operations. Now the company is taking over a third building, a former factory that, like the other two, sits virtually in the shadow of Yankee Stadium.

With this expansion in the South Bronx, Mariotta is again reaffirming his commitment to an area other executives have found inhospitable. Not once, he asserts, has he been seriously tempted to move Welbilt to the suburbs.

"These are my people," Mariotta says. "I understand them. If I run away from my people, I am running away from myself."●

S.O.S. BY THE COAST GUARD

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. JONES of North Carolina. Mr. Speaker, as chairman of the House Merchant Marine and Fisheries Committee, I am deeply concerned about insufficient funding for the U.S. Coast Guard.

The Coast Guard has just announced operating cutbacks which are intended to cope with a shortfall in operating funds of $45 million. These cuts will result in the decommissioning of ships, the closing or diminution of airbases, reductions in stations, the shutting of documentation and safety offices, and the elimination of 3,500 uniformed positions. There will be adverse effects in 48 States and several territories and possessions. As a result, safety of life and property at sea will be diminished and law enforcement against drug smuggling, illegal immigration and foreign fishing violations will be reduced.

The Coast Guard missions focus on defense, safety, and law enforcement. It has been clear that for sometime the Coast Guard has been seriously underfunded for the missions we in Congress had given it. Now with the just-announced cuts, its ability to respond will be curtailed even more.

Consequently, I am sponsoring, with broad bipartisan support, a supplemental appropriations bill to provide $136 million of money for the Coast Guard in the current fiscal year.

Among the cosponsors are Congressman GERRY STUDDS of Massachusetts, chairman of the Subcommittee on Coast Guard and Navigation, Congressman DON YOUNG of Alaska, ranking minority member of the Subcommittee on Coast Guard and Navigation, Congressman ADAM BENJAMIN, chairman of the Subcommittee on Transportation of the House Appropriations Committee, and Congressman SILVIO CONTE, ranking minority member of the Committee on Appropriations.

This funding will not expand the Coast Guard's presence, it will merely maintain the current levels of service. In the next few days, I will be approaching my colleagues for their support for this effort. This is one area in which our citizens will not accept budget cuts which represent false economics.

I believe the editorial which appeared in the Raleigh, N.C., News and Observer on January 11, 1982, addressed this issue very well:

"S.O.S. BY THE COAST GUARD"

The nation can sleep better at night knowing the Reagan administration is guarding the coastlines. Right? Not to hear the Coast Guard tell it. The Coast Guard has announced that it will have to discharge 1,000 of its 32,500 enlisted personnel and cancel its May officer candidate school because of budget cuts.

It's a puzzle as to who in the administration could be happy about these developments given the Reagan emphasis on national defense. The nation puts a lot of dependence on the Coast Guard for patrolling the coasts and major waterways, catching drug smugglers and rescuing vessels in distress. But the service comes off in this administration as the poor relation among outfits that provide national security.

While President Reagan was boosting defense appropriations to record amounts for peacetime, the Coast Guard budget for fiscal 1982 was slashed by $46 million. Its members are paid according the military scale, but the Coast Guard received no money to cover raises enacted by Congress last year. As another economy measure, the service is considering mustering out captains who were commissioned in the 1954-56 period.

Maybe the White House knows something the rest of the country doesn't. Perhaps it has arranged for fishing fleets, shrimpers and yacht clubs to plug the gaps in the Coast Guard with volunteer services.●

CONGRESSIONAL REWARDS

HON. GARY A. LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. LEE. Mr. Speaker, colleagues, I am today offering for the RECORD the letter which arrived in my morning mail from an elderly upstate New York couple who read in one of my constituent newspapers about the way Congress rewards itself.

If you were one of the majority of this House who rolled over and played dead during the shameful tax and earnings benefit packages approval in this House before Christmas, I commend for your reading both the letter and the editorial comment which was attached to it, from the Corning, New York Leader.

At the same time, I urge you to investigate House Joint Resolution 344

and H.R. 4807, both of which I introduced to finally bring a measure of integrity to this House's self-reward system. I suggest you will be surprised at how simple it is to solve. You may call my office to cosponsor these. In the meantime, take a moment to compare these sentiments with those in your morning mail:

PAINTED POST, N.Y.,
January 21, 1982.

Dear Representative LEE: When we read the enclosed article about your present raises how do you think people of your district feel? Especially when the elderly—(80 year bracket) have their taxes raised and find it hard to meet and you in Congress keep lowering our benefits. Think about us.

EDITH M. NEILSON.
ARTHUR W. NEILSON.

[From the Corning, (N.Y.) Leader, Jan. 21, 1982]

BLATANT RIPOFF IS PERPETRATED

Members of the U.S. House of Representatives and Senate can now legally rip off the taxpayers even more flagrantly than they have been doing for years.

The Internal Revenue Service has come out with new regulations, retroactive to Dec. 31, 1980, that allows members of Congress to claim all expenses they can substantiate, or if that's too much work, to merely declare their expenses at $75 per day without itemizing anything.

A legislator need not be in Washington to claim the $75. The only requirement is that the period of deductible expense be within four days of when Congress was last in session.

For a typical congressman, the $75 a day will amount to about $18,000 in additional deductions.

In addition, members of Congress, most of whom travel widely, can deduct expenses for any trips outside Washington, plus interest and taxes on a Washington residence, as well as the standard deductions available to everybody else.

Members of Congress have repeatedly tooted their own horns because their $60,662 base pay level has not changed since October 1979 while inflation has upped the costs of everything else.

The reason they can hang on is because of tax breaks like this wholesale robbery of the public treasury.

And it comes after Congress removed its $3,000 ceiling for living expense deductions and at the same time, voted to throw out regulations that put a ceiling on the amount congressmen can earn from outside sources.

Oh, the poor hard working lawmakers will still have to pay taxes on income from speeches, investments and other sources, but with a tax shelter like the $75 per day rule provides, they shouldn't have any problem coughing up the cash.

You can stop wondering why lawmakers as a group always show up so badly in polls of the public's perception of various classes of society. It's because of blatant ripoffs like this.●

OPPOSITION TO PRESIDENT'S PROPOSED VOUCHER PLAN

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. FOGLIETTA. Mr. Speaker, I address the 97th Congress today to submit a letter from a constituent of mine who is concerned with the President's proposed voucher plan for housing assistance. Ms. Rosalie Cooper Lowenstein's letter provides a clear and convincing presentation of the problems with the President's plan based on personal knowledge.

To Representative THOMAS FOGLIETTA:

President Reagan's proposed Voucher Plan—if passed—will have a devastating effect on the lives of all elderly and handicapped tenants now enjoying needed benefits under the Section 8 Low Income/Low Rental Housing Program. The Voucher Plan will adversely affect those on the "Existing Housing" Program. These tenants are largely unaware that they face virtual total loss of these benefits.

Presently, local housing authorities inspect and approve existing (not new) housing, and set a ceiling rental, assuring the tenant of decent quarters for which tenant pays only 25 percent of income toward rent, the balance paid by the local housing agency (funded federally).

Under the Voucher Plan, inspection, approval and rent-ceiling would be eliminated, allowing facilities to deteriorate without monitoring, and freeing landlords of S8 tenants to raise rents unilaterally. For example, presently I pay $96.00 toward rental of a large efficiency apartment ceilinged at $255.00 My landlord could be counted on to raise my rent (and that of all his S8 tenants) to $300.00 or more. My "housing voucher" (part of the "budget cutting on behalf of the poor") could hardly be expected to exceed $50.00 or $75.00. Thus, "helped" by the Voucher Method, I would be paying $225.00 to $250.00 for rent in contrast with $96.00 I now pay.

With a social security income (my total income) of $347.00, the $96.00 per month rent has enabled me to live in a state of dignity, even enjoying many comforts in my last years. Under the Voucher Plan, I would, once again be reduced to the status of a pauper.

The aged and the handicapped are known to be terrified of another bout with the strenuous labor and excessive anxieties involved in being forced to find a inexpensive yet decent and suitable new location, packing, moving, rearranging, and adjusting (at our age) to another new environment.

Landlords are aware of the urgent (desperate) need of the Old to stay put in the comfortable environment with which (at great cost in fatigue and stress) they have only recently become familiar with.

Thus S8 landlords know they have captive tenants who will go hungry before they will move, and who will be forced to pay rents 100 percent to 200 percent greater than presently they pay under that blessed S8 Plan.

I beg of you, spread this information to all the humane Congressmen.●

ACID RAIN—MAYBE THE MIDWEST IS NOT THE ONLY CULPRIT

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. CORCORAN. Mr. Speaker, in an October 1, 1981, CONGRESSIONAL RECORD statement, I expressed my concern about the increasing number of statements being made about the issue of acid rain and its supposed health and environmental effects. I am particularly concerned that Eastern States seem to be pointing to Midwestern States as the sole source of acid rain.

In this connection, I have recently been made aware of a November 23, 1981, preliminary report of a study being conducted by the University of Rhode Island on the long-range transfer of sulfates in the atmosphere. This effort is being conducted by Mr. Kenneth A. Rahn of the Center for Atmospheric Chemistry Studies of the University of Rhode Island's Graduate School of Oceanography.

The preliminary results of this study indicate that acid deposition in the Northeastern States may be derived from sulfur dioxide emissions of local origin rather than from the Midwest as is commonly perceived. Preliminary data from receptor points in Massachusetts and Rhode Island suggest that sulfates in the atmosphere contain little trace of the signature of sources in the Midwest. Some traces of emissions from Canada are found, but the remainder seems to be of local origin. Particularly in view of this kind of information, I continue to urge my colleagues to carefully consider the ramifications of any proposed Federal legislative action on the issue of acid rain.

Mr. Speaker, for the benefit of our colleagues, I insert the text of Mr. Rahn's statement of new evidence on the acid rain issue.

ELEMENTAL TRACERS AND SOURCES OF ATMOSPHERIC ACIDITY FOR THE NORTHEAST—A STATEMENT OF NEW EVIDENCE

(By Kenneth A. Rahn)

During the last several years, a picture of acid precipitation in the Northeast (here defined as the six New England States plus New York and New Jersey) has been built up which attributes the major sources to the Midwest, some 1,000 km distant. Evidence in support of this view is now massive, and includes the strength of SO_2 sources in the Midwest (more than five times as much as in the Northeast), association of highest concentrations of sulfate aerosol with airmass trajectories from the Ohio River Valley, and "blobs" of sulfate haze which can be followed from the Midwest to the Northeast. During the last two years, an impressive number of articles has appeared in scientific and popular publications attesting

to this picture. As a result, two bills have recently been introduced in the Senate (Mitchell et al., and Moynihan), each of which would place the burden of curbing SO_2 emissions on the Midwest.

Although widely accepted, this picture may be weaker at its core than is generally realized. The evidence for midwestern sources of acidity is quite indirect and circumstantial: (1) Just because the Midwest emits five times as much SO_2 as the Northeast, it does not automatically follow that northeastern acidity should be dominantly midwestern in origin—the 1,000-km distance from the Midwest must negate much of this difference, especially in summer, when weaker circulation favors local pollution; (2) The argument from air-mass trajectories implies little about whether a pollutant at the end of the trajectory has actually travelled the entire distance; (3) Tracking a blob of haze is not hard proof either, for there is no way from photographs or visibility alone to determine how often the blob has renewed itself during transport. A blob may represent movement of certain meteorological conditions as much as it represents transport of mass.

During the last decade, our understanding of the true role of long-range transport in air pollution has increased dramatically. Much of this knowledge has come, however, from studies of areas such as Scandinavia or the Arctic, whose sources of pollution are relatively easy to assign, because there is a single strong source far upwind and clean areas between it and the remote receptor region. But in the eastern United States there are no such clean areas; air travelling long distances is inevitably exposed to emissions all along its path. This makes it much more difficult to assign sources properly.

Everybody agrees that acid precipitation has to be reduced, the sooner the better, and that this will involve curtailing emissions in the areas most responsible for it. But with such a huge price tag ($2-4 billion per year for the new bills), it would seem of the highest priority to learn with certainty which sources are most important before attempting massive remedial action. Until recently, we at the University of Rhode Island, who are staunch advocates of the importance of long-range transport of air pollution because of our research in the Arctic, would have gone along with the new bills without a second thought. But we have quite accidentally produced some new data which cast doubt on part of the current picture, and, we believe, call for a more careful look at the entire system of sources and transport of acidity in the Northeast before major control action strongly oriented toward a particular region is taken. It is the purpose of this document to alert the scientific and legislative communities to the existence and preliminary interpretation of these results.

The new evidence comes from a system of elemental tracers of source areas of pollution which we have developed for our studies of the Arctic atmosphere, to which large amounts of pollution aerosol are routinely transported long distances during winter. During the last 18 months, we have learned how to choose combinations of elements to form unique signatures of several source areas of pollution aerosol, which can be used to discriminate their aerosols from one another even after transport of thousands of km. The first such tracer we developed, the ratio of excess or noncrustal Mn to excess V (called the Mn/V ratio for short), has allowed us to resolve aerosol from the eastern United States, Europe, and the Central Soviet Union, all after transport to the Arctic. This was the first application of elemental tracers to large-scale source areas; its success has convinced us that this new approach will rapidly become a powerful tool in atmospheric science. In the future, many more elemental tracers will be developed and applied to a wide variety of problems that might otherwise be intractable.

While working with the Mn/V ratio in the Arctic, we realized that it could also be applied to regional-scale transport within the eastern United States, for the Mn/V ratios of the Midwest and the East Coast are quite different, and can be told apart easily. This approach should enable us to document the sources of atmospheric acidity with a greater resolution than was possible previously. By measuring Mn and V in the Northeast during episodes of sulfate and acidity and during nonepisodic periods, we felt that we could confirm the midwestern origin of episodes: Mn/V ratios of episodic aerosol should be midwestern, but Mn/V ratios between episodes should be more northeastern.

Only recently have we had proper data with which to do this. There are now three data sets available. The first, from High Point, New Jersey, during the summers of 1976 and 1977, showed an eightfold difference in Mn/V ratio between air masses coming from the Midwest and those coming from the East Coast. As expected, air masses from the Midwest carried higher sulfate. The other two data sets, from Watertown, Mass. and Narragansett, R.I., gave an entirely different picture, however, and had essentially no midwestern Mn/V ratios. The data from Rhode Island, which is comprised of over 60 samples spanning both summer and winter, showed no correlation at all between sulfate and excess Mn, excess V, or Mn/V ratio. Strong episodes of sulfate were seen, but they were usually accompanied by an eastern Mn/V ratio. Overall, the aerosol appeared to be strikingly eastern—at least 90 percent of the Mn/V ratios were purely eastern in summer; in winter, the aerosol was somewhat more varied but still markedly eastern. (Other elements in these samples appeared to indicate the detectability of the plume from the Sudbury, Ontario INCO smelter which emits 10 percent of the North American SO_2. Elements characteristic of this plume appeared nearly every time a strong cold front passed through Rhode Island, when the winds came briskly from the NW for a day or so. Interestingly, levels of sulfate during these periods were very low. Because of the importance of this source to Canadian-American exchange of acidity, and because it is such a striking example of the power of elemental tracers, we intend to pursue this topic.)

The Rhode Island data did contain four cases of "midwestern" Mn/V ratios, however. But only one of these could be traced to the Midwest, and that came during a period of extremely strong westerly flow during winter, and brought low sulfate. The other three cases could be traced by meteorological maps to the Southeast, via a new and unexpected type of atmospheric transport. Apparently, air from the Southeast first travelled eastward over the ocean, then northward to New England under the influence of a strong upper-level trough. This pathway allowed it to miss the entire East Coast, and hence to preserve its southeastern signature.

What does all this new evidence mean? We do not propose that it challenges the basic picture of long-range transport in the Northeast—such an allegation would be premature. But we think it is significant that the first attempt to confirm the accepted picture through direct evidence has given such unexpected results. Instead of a monolithic Midwestern source, the Northeast is now seen to have a rich variety of sources and transport, a complexity that was totally unanticipated: the Sudbury plume can be detected after transport across the entire Northeast; the Southeast pollutes New England; the East Coast pollutes itself considerably. Ironically, the (midwestern) source that we had expected to find the most easily has proven the hardest to detect.

Perhaps some of our results depend on the nature of the technique (Mn and V supply information on the primary submicron aerosol, whereas sulfate and acidity are secondary, hence may have different origins); perhaps not. But whatever the eventual outcome, it would seem prudent to exploit the new resource of elemental tracers by undertaking a systematic study of the multi-elemental composition of aerosol and precipitation throughout the Northeast and in the various possible source areas. Such an investigation should go far toward revealing the sources and transport of acidity in the Northeast.●

ROBERT F. DEANE—SAN DIEGO'S ORIGINAL MR. "NICE GUY"

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. LOWERY of California. Mr. Speaker, I wish to bring to the attention of this body—and make it a part of the RECORD—the recognition being accorded to a notable gentleman of San Diego, Mr. Robert F. Deane.

Mr. Deane is, foremost, a constituent living in my 41st Congressional District and, therefore, worthy of whatever accolades may befall him. There are other civic activities in which he has distinguished himself in our home city, some of which were duly noted in a column by the well-known writer, Frank Rhoades, in the San Diego Union of Sunday, January 17, 1982.

For his civic endeavors Mr. Deane is being toasted by a gathering of friends and enemies on the evening of Friday, January 29, 1982, on the occasion of his ending a 2-year reign as president of a group called the Nice Guys. Mr. Deane was a founder of this organization, whose membership is symbolized by its title, with the possible exception of a couple of hardheads who gained entry by subterfuge, disguise, or outright lies.

The Nice Guys sponsor fundraising events for worthy causes, and a sellout was assured for this fundraiser because of the hundreds of people who would pay to get Mr. Deane out of the president's office. Most of them could not find anything better to do that evening, anyway.

An added cause for celebration is the fact, which Mr. Deane advertised widely, that January 28 marks his 50th birthday. However, he did not specify January 28 of which year, which has caused some speculation among those in the senior citizen set in San Diego. I do not wish to open a debate on the floor of Congress about a man's correct age, therefore, I will do no more than raise a skeptical eyebrow on this subject.

In addition to the Nice Guys, Mr. Deane has been active in the Boys Clubs of San Diego, the Leukemia Society, and other worthy projects. He currently serves as administrator of the senior citizens medical clinics of the city. Some of the doctors, nurses, and administrative personnel of those clinics volunteered, even pleaded, for the opportunity to enter their remarks about Mr. Deane in this space. I had to refuse them the privilege, of course, for fear the results might cause overtime pay among the congressional censors. I must admit, however, that their remarks might have made very interesting reading and perhaps would have presented a more truthful and accurate portrait of our honoree.

In all seriousness, I deem it a pleasure to recognize Mr. Robert F. Deane, and commend the attention of my colleagues in the House of Representatives to his civic good deeds and to the fine contribution he has made to San Diego.●

OPINIONS OF THE NATIONAL PTA IN BUDGET CUTS

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. GARCIA. Mr. Speaker, I would like to share with my colleagues a letter which I received today from the National PTA which expresses many of the opinions that I and several of my colleagues hold regarding budget cuts in the field of education. The letter is from the president of the organization, Ms. Mary Ann Leveridge, who has firsthand knowledge of the cuts which have crippled our Nation's vital commitment to education.

More than $6 billion has already been cut from the budgets of elementary and secondary education programs. The Office of Management and Budget has suggested cutting an additional $400 million from these programs.

Such massive reductions in funding can only have the most severe effects on education in this country. Cuts of this magnitude threaten to endanger our ability to cultivate our most valuable resource—our young.

I enter this correspondence into the RECORD.

The correspondence follows:

[Opinions]

THE NATIONAL PTA,
Washington, D.C., January 21, 1982.

Hon. ROBERT GARCIA,
Cannon H.O.B.,
Washington, D.C.

DEAR MR. GARCIA: This letter reflects the National PTA's deep concern about the future of education and our Nation's children as the White House and the Office of Management and Budget prepare to recommend further federal budget cuts in education and social programs for fiscal year 1983.

We are 6 million parents and child advocates who must respond to these decisions that affect local schools, communities, and, most of all, our Nation's children. We believe that the education of our children is the most important long-term investment that this country can make in regard to our economic and democratic future.

We also believe that the Reagan administration was correct last year in highlighting crucial problems when it directed the Nation's attention to our declining productivity, the need to reinvest in our own industrial capacity, our unyielding high inflation and interest rates, unemployment figures that exceed 9 percent nationally (and more than 50 percent for minority youth), and the need to redirect efforts toward educational excellence and a more rigorous academic program for elementary and secondary school students.

Now, though, the Administration and OMB are in the process of crippling education and social programs which may lead to the demise of institutions instrumental in restoring the United States to a more prominent world economic position.

During the past twelve months, elementary and secondary education has had more than 12 percent of its fiscal year 1981 and 4 percent of its fiscal year 1982 Federal funding rescinded. In addition, the Reconciliation Act cut the school lunch program by more than 30 percent and lowered the authorization levels of every major education program by at least 50 percent through fiscal year 1984 without any hearings for public testimony. Although this already represents a $6.5 billion cut from ED's fiscal 1981 budget, OMB has recommended slashing that figure by another $400 million.

Why do we find these cuts so frightening? Primarily because these drastic cuts translate into unmet needs for children and our society. Federal spending on elementary and secondary education programs comprises little more than 1 percent of the Federal budget. Yet that small percentage translates into more than 10 percent of the average school district's budget in 1980.

Reductions contained in the recent round of budget cuts are going to shut down many school lunch programs; raise school lunch prices beyond the means of many families; deny special education to the handicapped and disadvantaged; decrease vocational education opportunities at a time when job shortages in skilled trades, engineering, and semi-skilled trades prevail; and eliminate categorical programs as a result of a 40 percent cut in monies going to local programs.

In social programs, caseloads will increase, day-care centers will be closed, juvenile status offenders will be incarcerated with hardened criminals, successful Head Start programs will be discontinued, and health care services for our most vulnerable and disadvantaged will be threatened.

These disproportionate cuts in education and social programs are targeted for the generation that represents the future of our country—children and youth, who are least able to be heard through the political process. Simply speaking, further cuts in budget or programming cannot be permitted by Congress.

As the second session of the 97th Congress convenes, you will have the opportunity to demonstrate your confidence in public education by:

1. Opposing all further spending cuts in education and social programs;
2. Supporting the Department of Education with Cabinet-level status;
3. Maintaining focused attention on the unique needs of the disadvantaged, the handicapped, and other special populations.
4. Opposing tuition tax credits.

It is taking time for our membership to recognize the implications of the unrealistic economic assumptions that will lead, eventually, to more drastic steps than those that have already been taken. We appreciate all the efforts that you have made over the holiday recess to inform your communities of what has already been done. We urge you to continue to use the Congress as a forum to inform the public. We will do all we can to help.

A strong economic system and a potent national defense depend ultimately on a strong system of public education at the federal level—as well as at the State and local levels. The educational tree required trimming, but let's not tear it out by its roots. Your support and help in making reasoned and careful decisions during these very critical weeks will be much appreciated. We will help.

Sincerely,

MRS. A. T. LEVERIDGE,
President,
MANYA S. UNGAR,
Vice-President.●

CIVICS/CLOSEUP MAGNET SCHOOL PROPOSAL

HON. LINDY (MRS. HALL) BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mrs. BOGGS. Mr. Speaker, as one deeply committed to the development of civic mindedness among our young people, I have been particularly impressed with the closeup program, administered by the Close Up Foundation.

This program provides students and teachers with an unparalleled opportunity to examine, understand, and participate in the political process. While it focuses on the Federal Government, the closeup program is designed to stimulate increased involvement by students and teachers at the State, local, and school level. It is the largest Government studies program for high school students and teachers in the country.

In an effort to increase participation in its closeup program, the New Orleans Public Schools System developed the "magnet school concept." This in-

novative plan provides for one high school in each district to be designated as the classroom site, with each high school in the district sending five students to the magnet school. In this way, resources are consolidated and experiences are shared among many.

Last Wednesday, I had the opportunity to meet with a group of young New Orleanians who have participated in the civics/closeup program offered by the Orleans Parish School System. They were an impressive group, and I think their involvement in the civics/closeup program made their visit to Washington more enjoyable and productive. Students from the following public schools in New Orleans participated in last week's Washington closeup session: Joseph Clark High School, Walter Cohen High School, Warren Easton High School, Alcee Fortier High School, Benjamin Franklin High School, McDonogh High School, McMain Magnet School, L. E. Rabouin Vocational High School, Spectrum High School, and Booker T. Washington High School.

It is with great pleasure that I refer to my colleagues the civics/closeup magnet school proposal developed by the New Orleans Public Schools System:

CIVICS/CLOSE-UP MAGNET SCHOOL PROPOSAL
(Amended Oct. 9, 1981)

For more than a year now the Civics/Close-Up Advisory Council, composed of educators and representatives of various elements of the community, has been engaged in developing a program which would both increase Close-Up participation of public school students and maximize the learning potential of the Washington experience. After considering several working proposals, the council is pleased to present a magnet school concept to accomplish this goal.

Under this design, each of the four districts of the New Orleans Public Schools will have one of its high schools designated as the Civics/Close-Up Magnet School site. (Preliminary planning has identified McMain, Carver Senior, McDonogh #35, and Landry as the four magnet centers.) At each magnet school site one Civics/Close-Up class will be conducted by a participating teacher for five students from each of the senior high schools assigned to that magnet site. These classes may be scheduled to meet fifty minutes before the beginning of the school day (7:40 a.m. to 8:30.); students would return to their district schools during the first period for their other classes. Another option would permit students to travel during the last period of the school day; the class would meet from 3:45 to 4:15 p.m. Both students and parents would agree to this travel/study period and commit themselves to raising one-half (½) of the funds required for the Washington, D.C. trip. The project will provide each student with a one-half tuition scholarship and cover the cost of travel to the magnet class and two trips to Baton Rouge. (As the program progresses, it should be possible to raise some of the scholarship funds from the local business community thus expanding the program or reducing the New Orleans Public Schools' financial burden.)

The magnet-site teachers will be responsible for planning the magnet classes, preparing local curriculum materials, securing community speakers, and coordinating the combined local and state activities. Each magnet site teacher will verify that students in that class are eligible for scholarship assistance and are engaged in raising their share of the travel expenses. In addition these teachers will handle all coordination with the National Close-Up staff.

Each participating high school will have a teacher assigned to the project. This teacher will be responsible for administrative details concerning that school's participating students, i.e. scheduling and student performance in other courses. These teachers will have direct responsibility for assisting students in raising their one-half of the travel funds. Participating teachers will accompany their students on the Washington trip.

In developing this magnet concept, the Advisory Council has consulted with various school administrators and students who would be most directly impacted by this program. Their interest and support are encouraging. Mr. Clifford Francis, Principal, McDonogh #35 Senior High School, sees the program as "a plus" for his school. He prefers the morning schedule option and "is willing to give maximum support" to the Civics/Close-Up concept. Mrs. Velma Pryce, Principal, Landry Senior High School, is excited that Landry will be a magnet school, and welcomes it as another community involved program of the school. She has pledged her full support for a before school class.

Mr. Alan Guma, Principal, McMain Magnet School, is also pleased to be involved and is willing to accommodate either a morning or an afternoon class. Mr. Henry Johnson, Principal, Carver Senior High School, believes this is an excellent idea and is "excited that Carver was chosen." He prefers the afternoon scheduling option.

Where teachers for the magnet classes have already been tentatively identified, they are pleased and excited about the Civics/Close-Up concept and eager to get underway. At Clark Senior High where the Supervisor of Social Studies discussed the program, students were enthusiastic about the magnet concept and so excited about the class that they would participate at either time option. These strong expressions of support coupled with unanimous excitement reflect and reinforce the general feelings of the Advisory Council towards this proposal.

An analysis of recent New Orleans area Close-Up participation lends urgency to this proposal to upgrade the participation level of this school system. For the 1980-81 greater New Orleans area Close-Up Program, a total of 73 schools sent 686 students to Washington. The New Orleans Public Schools' contingent consisted of 49 students representing 20 schools. The remaining 53 schools sent 637 students. This means then that high schools of the New Orleans Public Schools averaged less than 2.5 students per school while the rest of the area schools sent slightly more than 12 students per school.

These rather dismal figures are reflected in the statistics for the entire ten years of New Orleans area involvement in the Close-Up experience: New Orleans Public Schools, 3.46 students per school; all other participating schools, 10.34. The New Orleans Public Schools have averaged 65 student participants each year of the program.

This proposal's goal of a minimum of 100 students per year, therefore, represents a 50% increase over the previous ten year average. Clearly the Civics/Close-Up Program is vital if the students of the New Orleans Public Schools are to begin to reach the participation levels of the rest of the metropolitan area.

This is indeed an ambitious undertaking the Advisory Council has developed; more New Orleans Public Schools students will participate in the Close-Up experience on a higher achievement level than was possible before. Principals, teachers, students, and community members are excited about this program. I hope that the New Orleans Public Schools will act favorably on this request so that Civics/Close-Up will become a reality; this is indeed an unique opportunity for the New Orleans Public Schools and our students to form a firm partnership with the business community to improve our instructional program.●

TRIBUTE TO JOSEPH D. DUFFEY, FORMER CHAIRMAN, NATIONAL ENDOWMENT FOR THE HUMANITIES

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. SIMON. Mr. Speaker, in December 1981, Joseph D. Duffey stepped down from the Chairmanship of the National Endowment for the Humanities. Dr. Duffey served as Chairman from 1977, during a period when the direction of Federal involvement in the humanities was subject to question and debate, in an economic climate of retrenchment and the reordering of Federal priorities. He proved a voice of reason and stability and steered the course of the Endowment along lines of academic integrity as well as public participation.

During his Chairmanship, the Humanities Endowment did what it was chartered to do: promote quality research and public involvement in the varied fields which make up the humanities.

Dr. Duffey continued the best traditions of the Endowment, developed by its initial legislation in 1965 and continued through 15 years of changing politics in the White House and Congress. In the December 1980 issue of Humanities, Dr. Duffey describes his philosophy of the Federal role in the humanities:

The implicit limitation on Federal support concerns basic freedom of expression. Scholarship in the humanities is a form of intellectual expression peculiarly needful of the protection of the First Amendment. It would be dangerous and unwise for the Federal Government to dominate the agenda which determines the areas of inquiry into philosophy and politics, into history and literature, into religion and language—not to mention ethics or the theory of the arts.

Accordingly, the NEH very early on adopted a competitive system of peer review of applications for funding. The most important effect of this system is to protect free-

dom of expression, to interpose a barrier between inquiry in the vast domain of the humanities and its direction by government.

Dr. Duffey continues to explain the importance of the peer panel review, a system which takes the bureaucrat and politics out of the business of choosing which projects to support:

I believe this system has worked quite well. To be sure, it has lacked the dramatic excitement of bold policy pronouncements, task force reports, and crash programs. But the combination of NEH's broad guidelines and its peer review process, while fulfilling its function of protecting free expression, has also allowed for constant evolution and change.

Dr. Duffey articulates the expansiveness and diversity of the history, philosophies, religions, and cultural heritages of this Nation and the value of all to the study and appreciation of the humanities in this Nation. His Chairmanship and the accomplishments of the Humanities Endowment well reflect his views:

America is complex. Its cultural life is not "organized" nationally or regionally, and should not be. Its hierarchies of wealth and taste are always subject to attack by newly emergent expressions of quality. Every current of the world's traditional wisdom, like every current of the world's blood, flows through our people. Let us beware, then, of oversimplification and of an historical sense of ourselves. Nothing is so valuable an antidote to those errors as witnessing the complexity and diversity of the cultural creativity which, originating in the thousands of applications addressed to the Endowment, flows through its review processes.

As chairman of the subcommittee with jurisdiction over the Endowment, I believe Dr. Duffey represents the kind of public servant of which the Congress and our constituents can justifiably be proud. We look forward to his future contributions as an interpreter and critic of culture, as an adviser on human affairs, and as a clear voice in support of the value of the humanities both behind the ivy walls of academe and in our everyday lives.●

CRITICAL ISSUES FACING AMERICA

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. GORE. Mr. Speaker, on October 21, 1981, the Congressional Clearinghouse on the Future sponsored the first in an authors series featuring new books which address critical issues facing America.

Our first author was Dr. Daniel Yankelovich, founder of the Public Agenda Foundation and one of the premier social researchers in the Nation. Dr. Yankelovich directed his remarks to a discussion of his most recent book, "New Rules: Searching For Self-Fulfillment In A World Turned Upside Down."

Mr. Walter Hahn of the Congressional Research Service and Mr. Rene Zentner served as respondents to the presentation.

Mr. Speaker, I commend to all of my colleagues in both Houses of Congress the full text of the presentation.

CRITICAL ISSUES FACING AMERICA

Thank you very much. I am pleased and honored to be here. Driving over this morning, Ms. Ellision explained some of the work of the Congressional Institute For The Future and the need for Congress to think about and plan for the future. I was reflecting on the early days of the futurist method and how much it relied on a "black box" (i.e., on mysterious methods that could not be made clear to the layperson) and on predictions that could be confidently presented only because they concerned the 21st century when few of us would be around to check them.

Gradually, however, we are abandoning the black box and flat predictions for the sake of an approach that is more commonsensical and, I believe, more reliable. It is, first to identify one's assumptions about the kinds of changes that are projected for the future, and second, to correct these assumptions as the changed occur. It isn't as mysterious or as glamorous, but it is a disciplined way of thinking about the future.

Within this framework, let me make explicit some assumptions about four changes that we believe will make the American public psychology in the 1980's different from what it was in the 1960's and 1970's. My book, "New Rules," is written about one of these changes, but all four together provide a framework for thinking about the 1980's.

GROWING OLDER

The first change is the aging of the population. We are growing older: a fact that everyone knows but not everyone has thought about. In the 1930's for example, the dependency ratio—the number of people in the workforce who support those over 65 who are not working—was 9 to 1. Now it is 3 to 1. By 1990 it will be 2 to 1. This one fact is so overwhelming in terms of the burden it places on our society and on the relation between the generations (the young who work and the old who do not) that it is difficult to exaggerate.

Demography is always important, and this aspect of demography (the aging of our population) seems to me one of those decisive factors that has to be taken into account in making any assumptions about the future.

GROWING VULNERABILITY

A second set of factors, also obvious, are the changes in the economic environment and their effect on people—leaving Americans with a tremendous sense of vulnerability. Those of you in the Congress have a better feeling for this vulnerability than we do.

As our country's incredible thirty-year economic boom, stretching from the mid-1940's to the mid-1970's, begins to recede, it appears in retrospect as perhaps a unique period in world history. Certainly, it was the greatest economic boom the world has ever known, the greatest period of growth. And of course, we in the United States were the world's pace-setters.

By the end of the 1970's Americans began to experience an actual decline in their standard of living. This economic vulnerability was reinforced by a sense of vulnerability in foreign affairs. The public was stunned by what was happening on the foreign front, especially the taking of the hostages in Iran and our seeming inability to do anything about it. When we did try to do something active, our helicopters broke down and we encountered disaster in the desert. The Soviet incursion into Afghanistan was interpreted by President Carter as the most serious threat to peace since World War II. The press and many knowledgeable people in the foreign policy field derided Mr. Carter's statement, but the public accepted it at face value. It was one of those decisive interpretations of events that greatly influence public opinion. Afterwards, our surveys detected a pick-up in interest in strengthening our defenses and antagonism toward the Soviet Union that had been partly suppressed in the interest of detente. It was after Afghanistan and Mr. Carter's statement that the latent antagonism came to the surface. Such events, including the presence of Cuban troops in Africa and other things happening to us in the foreign field, were experienced by Americans as humiliations. It was felt that we were being pushed around, thwarted, frustrated.

When we examine the reaction of the public to these experiences we find strong evidence of pessimism and concern. For example, 72 percent of the public now believe that "this land of plenty is becoming a land of want." Surely this is an over-reaction, but it is an understandable reaction to events. In the surveys my firm, Yankelovich, Skelly and White, conducts, we often ask the public to imagine what their life will be like ten years from now. However troubled people may be at the moment, when they think about the ten-year future they usually are more sanguine and optimistic. That continues to be true, but now a majority of Americans state that ten years from now they don't think they will be able to buy a new home or to own a home of their own. This change is an important one.

NO INTERPRETATIVE FRAMEWORK

These considerations lead to a third factor. When people experience a setback that is the opposite of their expectations they have an almost desperate need to understand why it is happening, especially why it is happening to them. This need for some kind of an explanatory framework is something all of you in Congress understand very well. But one facet of it that is not well understood is that no one warned the American public that this change was coming. It is very difficult for people in positions of leadership to understand the full shock of the surprise. Most of you have attended countless conferences and seminars and committee meetings in recent years where you learned about the energy crisis, the increasing competitiveness of other nations, the changing rules of the economic front, etc. You made your own adjustments and calculations, so that this recent spate of negative news has been interpreted by you within a framework based on some understanding and some knowledge. But for the average American the bad news came like a bolt out of the blue. Americans were totally unprepared for any reversal in our national fortunes.

The psychology of the American majority up to just a few years ago was a feeling that it was time to relax and enjoy, to enjoy the fruits of affluence. When the setback came, not only didn't people understand what was happening and why, they were utterly un-

prepared psychologically for the change and they weren't given any credible explanation of what it all meant. The result is that today people are reacting badly: they've been thrown of balance, and are disoriented.

We are living through a change that many observers have characterized as a shift to the right. I see it less as an ideological shift than an emotional one. Let me explain what I mean. There is some evidence from surveys of a growth in conservatiive attitudes, but there is much confusion and contradiction in the evidence. I interpret the surveys as showing that the public is suffering from temporary disequilibrium by virtue of being thrown off balance. In seeking to regain their sense of control, some new attitudes are conservative; others are not. This is quite a different matter than an enduring swing to the right. Americans are confronted with a novel situation that no one has explained and they are filling in that void with whatever explanation lies at hand. Now, the most popular explanatory framework that people have embraced is "get government off our backs." Swollen government bureaucracies and budgets explain some of our problems and contain some element of truth. But any single explanation is limited. What happens when you blame government and things don't improve? I believe that in the 1980's we will see much wild experimentation with explanatory frameworks, of which blame-the-government is only the first. It's going to be a very confusing period; politically, it will be wide open to political leaders who meet people's need for a credible explanation of what is happening, why it is happening and what we should do about it.

SOCIAL MORALITY

A fourth factor, the theme of my book, "New Rules," is the search for a viable social morality. In the 1950's and 1960's most Americans belonged in one of two categories of people—people who put their family first and people who put their work first. Those were familiar types, hardly worth mentioning. The only time the categorization became noticeable was when suddenly in the late 1960's there began to emerge a third type of person—people who put their own self-fulfillment ahead of family or work. The new values of self-fulfillment were rooted in affluence, in the feeling that there was enough material well-being to permit us to enjoy and consume the products of our rich economy. We became a consuming society in that period.

For years most Americans simply assumed that the problems of supply were solved. Therefore, all one had to worry about was how to distribute the goodies. In the latest edition of his classic book, "The Lonely Crowd," David Riesman criticized himself and people like Kenneth Galbraith for having emphasized post-industrial attitudes prematurely. We were lulled into believing that we could afford to neglect the problems of keeping the economy vital. Many Americans assumed that we had enough affluence so that the problem, say, of making a living was "a piece of cake"—you lost your job, so what, get another one. This attitude became prevalent in the 1960's and 1970's, rooted in the conviction that there was no need to make the kinds of sacrifice one's parents had to make. It wasn't so much that people were unwilling to make the sacrifices as a feeling that there's no need for sacrifice. Why not live a little? Let us shake ourselves free of attitudes rooted in the past. We can have more of everything, and in fact we're entitled to more of everything.

There is an important point to be made about this set of values. Not only is it based on affluence, but it also reflects a deeply felt rebellion against an older ethic. And since that rebellion was led in the 1960's by college youth, that is by adolescents, from the outset the rebellion has had an adolescent character. It is in the nature of an adolescent rebellion that it must be negativistic and extreme. So, throughout the 1970's we were experimenting with new values defined essentially in opposition to our traditional morality.

These new values were not confined to young people or to a small counter-culture. They may have started that way in the 1960's but in our annual studies of changing cultural values throughout the 1970's we found that 80 percent of the American population were experimenting with these new values.

In the process of experimentation, millions of Americans discovered that many aspects of the new social morality did not work for them. For one thing, many failed with respect to their economic premises. To the extent that the new values presuppose that everybody's standard of living will increase annually in a steady upward trend, to the extent, that is that the problem of the economy is presumed to be solved, to that extent the new values are clearly inappropriate to the new economic climate in which we live today. People also found that some of the new values do not work for them in their personal lives. Through the inner journey they were seeking a life that would be broader and more spiritually enriching than their present life. In pursuing the new values people expected to find greater intimacy in their personal lives, but all too often found instead loneliness and isolation. They sought greater elbow room for their lives, but instead found themselves living narrower lives. They were searching for freedom from commitments, but they found rootlessness, depression and emptiness.

The bright side of this story is that in taking these risks with their lives people learned valuable lessons from their experience. This willingness to take chances distinguishes us from many Europeans who are afraid of risk. Experimenting, taking risks, learning, making adjustments—this is a healthy, and very American process. We are going through a period that is in many respects fertile and creative as people learn from their mistakes, and learn how to find a balance between old values and new ones.

We have challenged the values of traditional duty, sacrifice for others and self-denial, experimenting instead with a new ethic based on duty-to-self. That new ethic simply isn't working. So small wonder that those Americans today who are sure of their moral certainties have seized the initiative, but the vast majority of Americans, particularly the younger, well-educated majority, find themselves in a state of confusion and funk about their own moral certainties as they sort out which parts of the old morality and which parts of the new one makes sense.

In which direction are we now moving? I believe the present disequilibrium is momentary. We find ourselves plunged into a period of confusion because the objective changes in the world are enormous and the changes in our social values and morality are also enormous. But with time people do adjust and adapt, and that is happening now. With good leadership—and this, of course, is essential—we will recover our equilibrium and sense of control. The present disequilibrium is fertile ground for demagogues. I am heartened at the absence of scapegoating and demagogery in this climate. One might easily expect more; it is a measure of America's maturity that there is so little. Political leaders have an excellent opportunity to give people a credible explanation of the changes and the reasons for them in order to accelerate this process of constructive adaptation.

Secondly, I don't believe we are going to go back to yesterday. The changes are too great, they're too deep-rooted.

Americans no longer feel, as 80 percent did a generation ago, that it is wrong for a wife to work if her husband can support her. Today a majority of Americans (about 57 percent) want to have the option of continued work involvement rather than total retirement. Much of our legislation is based on the values of the last century, but there are new values in the land and they are going to effect changes in our legislation and social morality.

Finally, I would like to speculate briefly on what the new social morality might be like. If in the 1980's we're going through a process of rediscovering some old values and blending them with new ones, what will the new synthesis be?

Let me mention first some of the values we are reclaiming. We are rediscovering the future. Our preoccupation with living in the present is beginning to recede, and people are starting once again to express concern with the future. The Clearinghouse is a measure of that rediscovery.

We are rediscovering quality and excellence and skills. Partly this rediscovery reflects taking a longer range point of view; if you're worried about tomorrow you become interested in quality. Partly the rediscovery of skills comes from the tightening competitive situation in the world economy. We need skills to survive.

We are also rediscovering a faith in technology; the passion for nature and the natural is receding somewhat, with a growing conviction that new technology, whether in micro-processing or genetic engineering, will help us out of our present slump.

We are rediscovering a firm dedication to moral and religious values. Americans suspect that crime and violence, our economic troubles and even our military weakness have their roots in a flabby social morality. This is a very traditional American perspective that Americans are coming back to.

What, then, is new? If these are some of the older values that are now re-emerging, what are the new values that will combine with them? One is an intense desire to retain freedom of choice in one's lifestyle. Seventy-three percent of Americans say that greater choice is what differentiates their own lives from their parents' lives. Women, for example, want to be free to choose to be a housewife, to choose the traditional role without stigma. But they also want the freedom to choose work and career as an alternative.

Throughout the country various communities and cities are becoming more aware of themselves as communities, more determined to solve their own problems. There is a real hunger in people to reach beyond the self—to become part of the larger community. I see in people's outlook a readiness to take a more cooperative stance, for example, changing attitudes in unions and among management, shifting away from the familiar adversarial posture to a new cooperativeness.

These changes in social morality are more fundamental than the political categories of left and right. It would be wise for us to put aside these categories because they do not lead to useful predictions about the future. If you were to make inferences about the future based on the so-called swing to the right, the chances are that many of them would be wrong. Consider, for example, the public's desire to increase the military budget. This sentiment has been growing spectacularly in the country for a decade, rising from 11 percent to more than 70 percent. This is one of the steepest rises ever, reflecting the change from the post-Vietnam outlook to the post-Afghanistan outlook. From the point of view of a swing to the right one would assume that this desire is strong and firm. But just in the last few weeks the polls show a rise in the public's desire to cut that budget rather than social programs. One would not anticipate such softness if one were thinking in terms of a swing to the right, because those who hold a firm conservative view feel strongly that the military budget should have top priority, come what may. I could point to many similar instances where inferences based on the swing to the right theory would lead to false predictions. A sounder basis for inference is to assume that the present mood reflects the struggle of Americans to regain their equilibrium and to find a new social morality.●

AID FOR DISABLED IS DEFENDED

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. MURPHY. Mr. Speaker, with the passage of Public Law 94-142, the Education for All Handicapped Children Act, in 1975 the Congress issued a strong bipartisan message to the Nation's citizens—that each handicapped child has a right to a free appropriate public education and that the Federal Government would assist States in providing such an education. However, only 1 month after the International Year of Disabled Persons, 1981, which proclaimed worldwide recognition for the needs of the disabled this opportunity is being seriously challenged by the Department of Education's proposal to repeal the act through the imposition of block grants and to reduce the funding for this program substantially below current levels.

It is widely recognized that in your State as well as mine, any major alteration of Public Law 94-142 will mean that many handicapped children may be denied their right to appropriate education programs. We must keep in mind that this statute, even with its short history, is working successfully to bring Federal and State education officials together with teachers and school administrators across the country to provide a free appropriate public education to nearly 4 million handicapped youth.

In this regard, I would like to enter into the RECORD an article that appeared in the January 10, 1982, issue of the New York Times. It was written by Edwin W. Martin, who served in the Federal Government's program for the handicapped from 1969 to 1981 and was the Department of Education's first Assistant Secretary for Special Education and Rehabilitative Services. I hope that my colleagues will give this issue the serious attention I believe it merits.

[From the New York Times, Jan. 10, 1982]

WINTER SURVEY OF EDUCATION AID FOR DISABLED IS DEFENDED

(By Edwin W. Martin)

A wise old farmer in Alabama listened to my plans many years ago and summed up his views with the folk saying, "If it ain't broke, don't fix it."

The Education of the Handicapped Act, which finally assures handicapped children a free and appropriate public education, is working. As we pass the third anniversary of the full implementation of this law, 4.2 million children—blind, deaf, mentally, physically or emotionally disabled, speech- or language-impaired or with specific learning disabilities—are enrolled in special-education programs. Despite remarkable progress in the educating of the handicapped children of our nation, the Reagan Administration want to "fix" this problem by returning national public policy to what it was before 1965. Congress, recalling all too well the pain and anger of parents of disabled children who are denied schooling, has refused to go along with the Administration, but the Administration threatens to keep trying.

We have been a long time in wiping out discrimination and rejection of the handicapped. In 1965, when Congress passed the Johnson Administration's major educational programs—authorizing billions of dollars for disadvantaged elementary and secondary school children, there was no provision for handicapped children. In public-policy terms, this group of educationally disadvantaged was out of sight and out of mind. The next year, at the urging of concerned parents, a small program was approved, authorizing grants to the states to initiate, improve and expand local and state efforts. Only $2.5 million was appropriated in 1967 and its growth was relatively minimal, to $14.25 million, in 1968.

I remember well the pleas of parents before the House subcommittee on the handicapped. They told tales of being totally ignored, of being left out by the public schools in their communities. They spoke of having to move their families to distant cities and states to get help. They told of being offered $1,000 or $1,500 by school districts in lieu of accepting the children and of discovering that private schools demanded three or four times as much. Even where there were programs, these children were frequently given second-class treatment.

It was not that there were no role-models, indeed there were fine programs. Many communities had operated special-education programs for decades. The painful fact was that there was no guarantee of a program. The decision was left entirely to the local and state authorities, and the record demonstrated (without disagreement from state officials), that no state fully served its disabled children.

The need for a national law was inescapably demonstrated by our history. When each state went its own way, virtually every one passed a law encouraging school districts to educate the disabled. Most of these laws provided additional funds to assist local districts. Unfortunately, these laws did not succeed and parents spoke up, asking for stronger laws. As a result, many states passed a second generation of legislation, the so-called mandatory laws, which required local districts to educate children and also provided additional funds.

These laws were not fully enforced, had various "exclusions" and, in sum, failed to succeed in educating all handicapped children in even one state.

In desperation, parents turned to Congress and the courts. Congress passed laws in the 1960's and early 70's to spur local interest, but not to require programs. Federal and state judges, however, decided in a variety of cases that states, having agreed to educate their children, could not discriminate against any subgroup of them.

In 1975, after a decade of experimenting with various approaches and almost four years of considering the specific legislation in question, Congress passed the Education of All Handicapped Children Act (P.L. 94-142). It did not require the states to participate (New Mexico has never even submitted a plan), but it did say that states wishing to receive Federal funds to help comply with their own responsibilities, had to assure education for the handicapped.

As a result of court orders and Congressional action, millions of children received new opportunities in the 1970's. Federal studies disclosed many problems in achieving desired results. One study by the Inspector General's office of the Department of Health, Education and Welfare reported that a majority of teachers and officials felt there were still unserved children, unidentified in the classrooms, several years later. At the same time, a variety of studies reported progress in every district studied—new teachers, new programs, new children!

This progress continues today. The most recent Department of Education statistics report a gain of more than 100,000 in children helped last year.

Discrimination against the disabled is insidious. One does not find "handicapped bigots," but the bias has persisted across centuries and cultures. In providing education, employment and access to buildings, the United States has come a long way. But we have not yet arrived. If one assumes that this history of discrimination is not an accident, that there are forces within us, perhaps unconscious fears of death and disability, that keep us from fully including disabled people in our society, there is no reason to weaken our national resolve, nor to ignore the lessons we so recently have learned.

We now play a leadership role in the world. I recently returned from Britain where, at the request of several members of the House of Lords, I reported on the successes and failures of our new law. That Government is planning legislation to assure educational opportunity for all "special needs" children, a group estimated to include 1 child in 5, rather than the 10 to 12 percent that we expect to serve.

With our Government planning to spend a sum labeled in "trillions" for defense over the next decade, it is hard to understand arguments against spending a 1,000th as much annually to help the handicapped, particularly since it has been repeatedly proved that such expenditures reduce dependency and increase employment. As we still face

great variations among communities and states in the number of handicapped children they are helping—some reaching almost twice as many as others in percentage terms—it is hard to understand a philosophy of "let the states do it."

One afternoon in 1977 I sat with Peter Libassi, then Health, Education and Welfare's general counsel, listening to witnesses while we were considering pending regulations for Section 504 of the Rehabilitation Act, the section prohibiting discrimination against qualified disabled people. Among the witnesses was the mother of a disabled child from a nearby state.

She told of her retarded daughter standing in the living room looking out the window as the school bus drove up their road, stopping to pick up other children. As the mother told us of her daughter asking each day why she could not go to school, the mother began to cry. So did the general council, so did I and, I believe, so did everyone else in that room. I have no wish to play that scene again, nor do the parents of handicapped American children.●

BISHOP LESLIE DeLAPP

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. SKELTON. Mr. Speaker, recently, my district lost one of its leading citizens with the death of Bishop Leslie DeLapp. For many years Jackson County, Mo., benefited from the presence of this man and his endeavors in behalf of his church and his community.

An editorial in the Kansas City Times speaks to the efforts of Bishop DeLapp and the effect he had on the community. It reads as follows:

In the postwar years, few civic leaders in Metropolitan Kansas City attained the stature and high level of achievement of Bishop G. Leslie DeLapp, now dead at 86. The bishop was never just a well-known name on a letterhead. If he accepted an assignment, and many of them came his way over the decades, he was prepared to make a full commitment. And that included spadework on subcommittees and the handling of everyday details as well as the presidency and chairmanship of major boards and agencies. His presence at meetings, no matter how trivial they were, could be taken for granted. Those who knew him well were always puzzled how he found the time.

His long service to the Reorganized Church of Jesus Christ of Latter Day Saints, as presiding bishop from 1940 to 1966 and in many other capacities, would have kept most individuals fully occupied. But the good man found time for many other activities and it was through his community work that he became widely known.

His contributions spanned the fields of health and welfare, regional cooperation, good government and the volunteer agencies. In the middle 1950s when the very words "regional planning" sent shivers through many circles, Bishop DeLapp not only recognized the wisdom of working together, but he willingly represented Jackson County as the vice-president at the inception of the Metropolitan Area Planning Council. His interest in joint action to solve common problems was also reflected in his service to the Kansas City Area Hospital Association of which he was a founding member and first president.

Bishop DeLapp was a strong and effective member of the board of the old General Hospital and Medical Center Inc. in the troubled and uncertain transition years that led to the Truman Medical Center on Hospital Hill. The Jackson County Charter Commission and the Jackson County Sports Authority, which he chaired in the middle 1970s, are other examples that reflect the broad scope of his activities.

To all of those assignments, and many more, Bishop DeLapp brought a sense of dignity and integrity that inspired public trust. He was a calm, reasoned, constructive person. He studied problems carefully, weighing them against his judgment and long experience as an administrator. Because he approached problems with common sense and compassion, he was often the originator of workable compromises that would bring opposing parties together.

Many who served with him grew to regard him as one of the finest individuals they had known. In the case of Bishop G. Leslie DeLapp that respect was given freely to an extraordinary man who served his church and his community with distinction for more than a generation.●

STATE ENERGY SEVERANCE TAXES COULD LEAD TO A DOMESTIC ENERGY CARTEL

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. CORCORAN. Mr. Speaker, I am concerned that severance taxes by energy-rich States on energy resources within those States may be leading to the establishment of a domestic energy cartel. As a legislative expression of my concern, I introduced H.R. 4841, the Coal Severance Tax Limitation Act of 1981 on October 27, 1981. That legislation would amend the Powerplant and Industrial Fuel Use Act of 1978 by placing a ceiling on severance taxes a State can impose on coal produced from Federal and Indian lands. The bill was referred to the Energy and Commerce Committee's Subcommittee on Fossil and Synthetic Fuels, of which I am a member. A full day hearing on this issue was held by that subcommittee on October 28, 1981.

At the time I introduced H.R. 4841, I stated that severance taxes by "have" States at the expense of "have not" States seem to create an inequity that I believe Congress must address. The same concerns were expressed by Vanderbilt University professor James F. Blumstein in a January 7, 1982, Wall Street Journal article entitled, "Opening the Way to a Domestic Energy Cartel."

Mr. Speaker, for the benefit of our colleagues, I insert the text of Professor Blumstein's article on the important issue of State energy severance taxation.

OPENING THE WAY TO A DOMESTIC ENERGY CARTEL

(By James F. Blumstein)

There is evidence of growing protectionism among the states. For example, several states bar the export of water. Texas limits the export of natural gas from state-owned lands if the needs of Texas consumers are unfilled. And New Hampshire prohibits the export of hydroelectric power.

A very few Western states control a large percentage of environmentally desirable low-sulphur coal. Montana and Wyoming together have an estimated 68 percent of all U.S. low-sulphur reserves.

A certain "tax leadership" apparently is occurring among such states so that legislatures, freed of competitive pressures, feel secure in raising severance tax rates on coal's extraction. The obvious next step might be an informal cartel among low-sulphur-coal-producing states. Over time a broader domestic energy cartel could emerge. Under recent Supreme Court precedents, our constitutional system might permit such a development.

Congress is authorized under the Constitution to regulate commerce among the states. For well over a century, the Supreme Court has ruled that, even in the absence of affirmative congressional action, state laws that unduly burden or discriminate against interstate commerce violate the "dormant" commerce clause.

The court has preserved the national marketplace against balkanization. However, its "dormant" commerce clause decisions are subject to reversal by Congress, which can, in effect, overturn such rulings by authorizing the states' conduct. Thus, when interstate commerce is excessively burdened or discriminated against, the court upsets state legislation only temporarily if the state whose law is invalidated can make its case persuasively before the Congress.

The court's strictest review has been reserved for state taxation or regulation that does not treat in-state and out-of-state commercial interests evenhandedly. These measures have been held virtually per se illegal.

As early as 1911, the court ruled invalid a state's legislative preference for in-state consumers of privately produced natural gas. When New Jersey banned the importation of solid waste to privately owned landfills, the court in 1978 held the legislation unconstitutional. Similarly, Louisiana's "first-use" tax on natural gas, whose incidence fell on out-of-state but not in-state users, was declared invalid last year. The court's tough stand against discrimination thrusts on states the onus of justifying protectionist legislation to Congress.

One might comfortably conclude that a state-enacted embargo would run afoul of this nondiscrimination principle. Last year's South Dakota cement case, however, suggests an important exception. Where the state enters the market as a seller of state-produced goods, these commerce clause precedents were found inapplicable. They govern only when a tax or a regulation is involved.

Thus, because South Dakota was selling cement produced from a state-owned plant, it was free to refuse to sell to nonresidents. Had the state, through regulation, imposed an embargo on private sellers, however, that

would have violated the nondiscrimination principle.

The South Dakota case is important because states own so many natural resources and presumably can develop them through governmental entities, circumventing the commerce clause's nondiscrimination principle. Although the court suggested that natural resource exploitation might present a different situation, the opinion provided no analytically satisfying basis for distinguishing the cases.

A state's ability to prefer its own citizens in the exploitation of state-owned resources provides a vehicle for attracting new industry and for assisting state industries that compete with industries elsewhere. Unlike private companies, which have no incentive to make economic decisions on the basis of any particular state's economic welfare, a state-owned enterprise would certainly consider the external benefits (such as taxes that flow from expanded economic opportunity within a state.

As a result, state enterprises will operate in a political as well as an economic market, and the political constituency to which the state is responsive is necessarily its own residents. Negative consequences of protectionist policies on other states can, therefore, safely be given less weight.

Ironically, the South Dakota cement decision provides a prescription for protectionism that encourages the development of state enterprises, a statist strategy quite at odds with the general capitalist reawakening occuring elsewhere in our society.

While the South Dakota cement case provides a basis for states to prefer their own citizens in the exploitation of state-owned resources, a recent case upholding Montana's 30% severance tax on coal suggests a means of imposing much of the burden for generating revenue on nonresident utility ratepayers. Out-of-state utilities purchase most of Montana's coal by long-term contracts, which typically provide that the cost of state taxation shall be passed on to the utilities. Fuel adjustment clauses allow these utilities to pass along the taxes to out-of-state consumers.

In the Montana decision, the court refused to examine the state's rate of taxation, nor would it consider the potential impact on interstate commerce. Moreover, since state action is largely immune from the antitrust laws, any conspiracy-in-restraint-of-trade theory would likely be inapplicable to collusive state activity aimed at maintaining high severance taxes.

Congress could limit severance tax rates, and such bills have been introduced. It could also bar discrimination in the sale of state-owned resources. But the burden of initiating such legislation rests with resource-consuming states, who must directly confront the fundamental economic interests of the resource-rich states, a divisive and likely futile prospect.

Commerce clause restrictions on discriminatory or unduly burdensome state legislation are designed to impose the burden of enacting national legislation on proponents of protectionism, on the theory that free trade is the presumptive constitutional norm. By declining even to examine the burden on interstate commerce of Montana's coal severance tax and by immunizing South Dakota's cement embargo entirely from the otherwise applicable principle of nondiscrimination against interstate commerce, the Montana and South Dakota cases sanction two methods of parochial resource exploitation.

In the absence of congressional legislation, the way toward a domestic energy cartel seems open. The balkanization of the American economy and the emergence of intersectional economic retaliation are potential consequences.●

WHY WE WON'T RUN OUT OF RESOURCES

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. McDONALD. Mr. Speaker, for decades excitable and misinformed "Cock Robins" have been telling us that the "sky is falling in" and that we are running out of this or that resource. Geography books in the 1930's routinely stated that we only had a 10-year supply of oil left. Mr. M. Stanton Evans recently explained in Human Events of November 21, 1981, how the "gloom and doom" prophets have been setting up these disaster straw men over the years and how they have nearly always been wrong. The item follows:

WHY WE WON'T RUN OUT OF RESOURCES

(By M. Stanton Evans)

[Graphs not printed in the RECORD]

Back in the 1970s, it will be recalled, the American people got scared out of their wits by the horrific specter of environmental doomsday.

According to the rhetoric of the era, we faced a knot of terrible problems created by massive population growth and careless use of our resources. We were running out of energy, arable land, and needed minerals, creating ghastly pollution dangers and raising the prospect of global fame. Only drastic measures could avert disaster.

So steadily was this outlook pounded home by environmentalists, population planners, government spokesmen and media sages that it became the accepted wisdom of the day, and the basis for numerous official policies. All of which is most unfortunate, since the hysteria about such matters was—and is—without foundation in economic science.

That the "no growth" movement was little more than quackery is the burden of a luminous new study by Prof. Julian Simon of the University of Illinois, who began as a population pessimist but was redeemed by contact with the evidence. In *The Ultimate Resource* (Princeton; $14.50), Simon shows beyond all peradventure that the furor over population, environment and resource depletion is totally—and in some case, willfully—mistaken.

The central fallacy of the no-growthers, Simon demonstrates, is that they envision the usable resources of the earth—minerals, farm land, energy supplies—as a fixed and given quantity, over against a rapidly growing population. This way of viewing the matter inevitably leads to the conclusion that we will run out of everything in fairly short order.

The way it happens in the real world, however, is different. The amount of usable resources is not and never has been a given quantity known beforehand; it is a function of human ingenuity and effort. Coal, petroleum, copper, etc., are useful now because somebody figured out a way to use them. The same will be true of countless other resources in the future, if we permit the creative powers of the human mind—the ultimate resource of the title—to do their work.

Equally to the point, as Simon shows, the available quantity of resources already known is also a function of human effort. Despite a century of repeated statements that we are about to run out of coal, arable land, or some other resources, known supplies of all these things have constantly expanded—in keeping with increased demand and the improved return to be had by finding and developing them.

As a result, Simon observes, the global "per capita food situation has been improving for the three decades since World War II. . . . The amount of agricultural land has been, and still is, increasing substantially. . . . If the past is any guide, natural resources will progressively become less scarce, and less costly. . . . The long-run impact of additional people is likely to speed the development of a cheap energy supply that is almost inexhaustible."

To support his point, Simon reproduces numerous charts and tables from the United Nations and other official sources revealing a constantly rising standard of living, improvements in farm yields, dramatic increases in mineral supplies, declining levels of pollution, constantly falling energy prices. He also shows that "population bomb" anxieties are baseless, that high population densities don't mean poverty, and that population figures won't extrapolate themselves into infinity.

Exceptions to the process of resource growth do occur, of course—when government policies keep it from working. In the case of oil and natural gas, for example, federal price controls and other types of government interference encourage consumption while discouraging production—an infallible formula for shortage. When such restrictions are absent, the process goes on in noble fashion.

Policies that hinder expansion are of course encouraged, if not demanded outright, by the "no growth" campaign—promoting a lifeboat-conservation ethic, ignoring production, and heaping burdensome regulations on the economy Prof. Simon supplies a valuable antidote to that destructive dose of self-fulfilling prophecy.●

JEWISH HUMANITARIAN NEEDS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. DYMALLY. Mr. Speaker, I would like to draw the attention of the House of Representatives to the ambitious campaign about to be embarked upon by Jewish Federation Council of Greater Los Angeles in support of a full spectrum of Jewish humanitarian needs. Drastic cutbacks in Federal subsidies for JFC social welfare agencies have severely threatened the continuity of programs and services offered for young and old, Jewish and non-Jewish alike by these unique organizations. These spending deficits will have to be

met by the Jewish community in addition to its own share of the burden of responsibility inflated by current economic conditions.

I would like to commend Bernardo Kracer, 1982 general chairman of the United Jewish Welfare Fund, and Los Angeles' Jewish leadership for creating a strong vehicle which will offer maximum community involvement in pursuit of its own goals. I speak in particular of the UJWF Super Sunday kickoff phoneathon campaign on February 7, 1982. On that day well over 1,000 volunteers—including for the first time deaf and developmentally disabled Jewish community members will join together to raise $1.5 million.

This event—involving the largest number of Jewish community volunteers to be assembled under one roof—will set the pace for the year long UJWF 1982 campaign focused on a $44 million goal. Let us wish this fine community much success in its important work.●

PEPPER'S AGELESS ZEST FOR LIFE

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. COELHO. Mr. Speaker, in the face of the administration's assault on programs that help our elderly live decent lives, our distinguished colleague from Florida has won deserved acclaim for his passionate and principled defense of senior citizens' rights. His remarkable achievements and even more remarkable spirit continue to serve as an inspiration to all, and I commend to my colleagues this fine article on Congressman CLAUDE PEPPER by Colman McCarthy of the Washington Post.

[From the Washington Post, Jan. 3, 1982]

PEPPER'S AGELESS ZEST FOR LIFE

(By Colman McCarthy)

Whatever your taste in politics or poetry, this was a charming moment. Rep. Claude Pepper, the 81-year-old congressman from Florida, was speaking over the phone with 89-year-old friend Archibald MacLeish. "I hope you're enjoying life," said Pepper, who placed the call from his House office to MacLeish in the poet's home in Massachusetts. "Other than your little hearing impairment, I hope your physical condition is good. You've got eight years on me! I'm only 81. You give me something to shoot at!"

Pepper laughed jovially. He chatted for 10 minutes with MacLeish. The congressman had phoned America's greatest living poet for his advice about a joint session of Congress late in January to observe the centennial of the birth of Franklin D. Roosevelt. MacLeish suggested some appropriate FDR readings, which was why Pepper had phoned.

A few days earlier, Pepper was in the national eye at the White House Conference on Aging. In the weeks before, his office had received 130 requests for interviews. For a little while, that may have made the Miami Democrat the most sought after member of Congress. But on a higher level it was a coalescence of interest in one of American politics' unique figures.

As chairman of the House Select Committee on Aging, Pepper has maintained a mountain-high vision of what government should be doing to better serve its elderly. With more than 4,000 citizens turning 65 every day, and 25 million already there, Pepper represents this national constituency as a pugnacious but reasonable advocate.

This was the committee that the House never even wanted to let in the front door. It began in the early 1970s when Sen. David Pryor (D-Ark.), then a representative, rented a trailer and held unofficial hearings. Pryor had worked incognito in a nursing home where he witnessed the shabby treatment given to the elderly.

When Pepper took over the committee, he was familiar too—in personal ways—with the abuses visited upon the old. Nearly every issue involving the elderly to come before Congress—from restrictive mandatory retirement laws to malnutrition among the old—has engaged Pepper. Behind his legislative zeal is a philospohical attachment to Shaw's notion about the old: "Some are younger at 70 than most at 17."

The hour and a half I had with Pepper the other morning was to enjoy an uplifting mixture of history lessons, political nuances and ideals of public service. Pepper gives personality to a style of hearty liberalism now out of fashion, at least temporarily.

The abandonment of liberalism by some of the younger politicians in Congress springs from two causes, he believes. First, they came to Washington not "deeply rooted in liberal convictions." And second, once here "they don't want to be identified as liberals because they think public opinion has turned away from the humanitarian influence in public affairs . . . They are fearful of their political lives, and they think that (liberalism) has come to have an unfavorable association."

Of the nine presidents Pepper has served under, he gives a low ranking to Ronald Reagan. With animation, he says that Reagan "comes the nearest to having the charm of President Roosevelt. But I would think that one would be unhappy to have it said that I'd hardly done anything that was meaningful in any affirmative way for the people of my country. Now he wants to cut more and more and more."

Pepper felt honored that Reagan mentioned him in his speech at the conference on aging. But, wistfully, he says he has never met the president. The night before our conversation, Pepper had been to the White House for "an official hosting" of the Congress. But Reagan went upstairs early and missed the chance to talk with Pepper, leaving the Senator to say: "I had rather looked forward to meeting the president."

Should Ronald Reagan's spirit ever sag in the year about to dawn, one sure pick-me-up would be a long visit with Claude Pepper.●

PROJECT PRIDE RECOGNIZES STUDENTS' ACHIEVEMENTS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. SMITH of New Jersey. Mr. Speaker, one of our Nation's greatest assets is the pride of our people. Each year, millions of civic-minded citizens make valuable contributions to their communities. Unfortunately, these people do not always receive the kind of recognition they deserve.

In Lawrence Township, N.J., the Lawrence Township Board of Education has initiated a people-to-people program that emphasizes the significant contributions that have been made by members of the Lawrence Township public schools. This program has been named appropriately as "Project Pride." I am very pleased that the people of Lawrence Township have decided to honor individuals and organizations which bring a sense of pride, achievement, and unity to the school system and the entire community.

On January 30, 1982, the people of Lawrence Township will participate in "Project Pride II" ceremonies. The board of education has selected Scott Brunner, quarterback of the New York Giants, and a graduate of Lawrence High School, and the members of the championship Cardinal football teams of the graduating classes of 1974 and 1975 to be the recipients of special recognition this year.

Scott Brunner and the members of the 1974 and 1975 championship teams justly deserve this honor in recognition of their dedication, determination and desire to excel. The records that these championship teams compiled in 1974 (8-0-1) and 1975 (7-2) are testimony to their outstanding achievements.

These fine athletes are also well aware that athletic competition can have a very beneficial impact on an individual's scholastic performance and overall community involvement. Athletic activity strengthens the body and sharpens the will. By participating on school and community sports teams, individuals can also learn the value of teamwork and cooperation. These experiences should prove to be very valuable in whatever career path these students choose to pursue.

Mr. Speaker, the people of Lawrence Township are justifiably proud that Scott Brunner played such an instrumental role in leading the New York Giants to the National Football League playoffs during this past season. Scott's desire for excellence, which was nurtured in the Lawrence Township school system, has proven

to be invaluable to him in his professional career.

It is indeed an honor for me to acknowledge the outstanding contributions that Scott Brunner and the members of the 1974 and 1975 championship Cardinal football teams have made to their community. I commend the Lawrence Township Board of Education for initiating "Project Pride." I hope that this program will inspire other students to seek to excel in their chosen field so that they, too, can contribute to a spirit of cooperation and unity in their community.●

COAL EXPORTS

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. RAHALL. Mr. Speaker, on numerous occasions I have stood before this body to extoll the merits of increased coal exports, which creates more jobs in this country, contributes toward a favorable balance of trade and provides our allies with a measure of energy security.

Recent figures show that in 1981, the United States exported approximately 106 million tons of coal the value of which is estimated to be around $15 billion. In 1981, this level of coal export contributed about $4 billion toward reducing our balance-of-trade deficit and if this trend continues, by the year 2000 coal should add $14 billion toward a favorable balance of trade.

These exports not only created jobs in the mining and rail industries, but helped allied nations reduce their dependency on other energy sources. This is especially important in light of France's announcement last week that it would receive up to one-third of its natural gas supply from the Soviet Union, which already intends to supply natural gas to Western Germany.

Yet, we must still get our house in order. Increased exports have been hindered by the inability of many ports to handle large quantities of coal on an expedited basis due to antiquated loading facilities and permitting processes. Future exports will be jeopardized because domestic ports are unable to accommodate large "supercolliers" of over 100,000 deadweight tons which require deeper port channels. If the United States is to remain competitive on the world market, it must dredge these channels to at least 55 feet.

The immediate problem of port congestion has, to a great extent, been solved by the private sector as the following article explains. New coal port facilities are being constructed by the coal industry while the railroads have revised their method of scheduling ships waiting to be loaded. Now it is up to the Federal Government, working with the local port authorities, to expedite needed port improvements. With this in mind, it is my hope we can enact port improvement legislation this year.

[From the Wall Street Journal, Jan. 19, 1982]

RAILROADS CUT COAL BOTTLENECK BY IMPROVING SHIP SCHEDULING

(By Eugene Carlson)

One observer, standing on the beach near Norfolk, Va., and gazing north across Chesapeake Bay, said it looked like "a flotilla of sea monsters." Some 150 huge coal-carrying vessels lay at anchor in and around the harbor of Hampton Roads, waiting for a turn at one of the port's two coal-loading piers. One ship had swung idly at its moorings for more than five months before its name was called.

That was the scene last February. Now, eleven months later, the bottleneck at Hampton Roads, the nation's biggest coal-exporting port, has been broken. Colliers arrive, load coal, and steam away with little delay. Much of the credit for eliminating the vessel logjam goes, oddly enough, to two regional railroads: the Norfolk & Western and the Chessie System.

The railroads operate the port's coal docks. By figuring out ways to schedule ships more efficiently—much as popular restaurants require diners to make reservations—the railroads have helped smooth out the coal supply line that stretches from the mines of southern Appalachia to seaports to overseas consumers in Europe, Japan and elsewhere. Equally important, the new system has saved millions of dollars in demurrage—the penalty that ship owners collect when their vessels are prevented from picking up cargo at an appointed time.

"We fight with the railroads all the time, but they ought to be lauded for this," says Connie Holmes, vice president for international affairs of the National Coal Association.

The U.S. is the world's largest coal exporter. Shipments have been largely metallurgical coal for steel-plant furnaces. But with European utilities looking for alternatives to high-priced OPEC oil, demand for "steam coal" has risen sharply. Strikes in Poland's mines have enhanced the status of U.S. coal.

Shippers, however, require port facilities, and so the promotion of coal-loading terminals in port cities is a growth industry. Albany, N.Y.; Baltimore; Philadelphia; Moorhead City, N.C.; Charleston, S.C.; Savannah, Ga.; New Orleans; Long Beach, Calif., and Seward, Alaska, are among the ports with new, expanded or proposed coal piers.

Hampton Roads, which in 1980 handled 67 percent of all U.S. coal exports, has six new coal export sites planned. Hampton Roads includes the ports of Norfolk, Newport News and Portsmouth.

Since U.S. coal export capacity has roughly doubled in the past two years, to about 120 million tons annually from about 65 million tons at the beginning of 1980, the rush to build new piers sounds like overkill. "Frankly, a lot of these announcements aren't going to come about," says the National Coal Association's Mrs. Holmes. "You're not going to build a white elephant at 18 percent interest."

Significantly, the Chessie and the Norfolk & Western, the nation's two biggest coal-exporting railroads, are trying to move more coal by better ship scheduling rather than by expanding their Hampton Roads piers. The scheduling schemes became possible under the 1980 railroad deregulation act, which allows common carriers to make contracts with customers.

The two rail lines have different approaches. The Chessie's "away with permission" concept requires a vessel to call at Hampton Roads and reserve a future place in the queue for itself or a sister ship. Any vessel can sign up and the ship can sail elsewhere in the meantime.

The N&W guarantees "priority berthing" for big shippers—those who agree to take a minimum of 800,000 tons annually for two years. Allen B. Childress, the N&W's director of international coal and ore traffic, recalls earlier days when "we had 100-some vessels in Hampton Roads and we didn't load a pound of coal because of coordination difficulties." The new system "has definitely improved the efficiency of our piers," he says.●

CRISIS OF STUDENT AID IN COLLEGES AND UNIVERSITIES

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. SIMON. Mr. Speaker, the December 6, 1981, New York Times featured an article by Dr. Stephen Trachenberg on the plight of colleges and universities facing reductions in the number of their students receiving student grants and loans. Dr. Trachenberg is president of the University of Hartford and represents higher education administrators who are trying to cope with reductions in Federal student aid and who face even further restrictions and reductions in Federal programs under the proposed 1983 White House budget.

Dr. Trachenberg does not speak from the statistical and budget figures we in Washington produce, analyze, and point to in our discussions of postsecondary education programs. His concerns are for his university budget and the students who attend the Univeristy of Hartford. They are real people and they suffer real hardships with constricted Federal aid to students.

I commend my colleagues to read Dr. Trachenberg's article for its immediacy to one school, and its implications for all schools. I would like to emphasize my own agreement with Dr. Trachenberg when he says:

Education is mistakingly being perceived of by the Reagan Administration as a national expense. Nothing could be further from the truth. Properly seen, Federal and state programs in support of student aid are investments in America's young people and in ourselves.

I hope this will be the attitude of Congress during the upcoming budget process where we will have an oppor-

tunity to hold the line on aid, both grants and loans, to those students who represent our Nation's future.

REDUCING AID FOR STUDENTS SHORTCHANGES NATION'S FUTURE

(By Stephen Trachenberg)

Building an annual budget at the University of Hartford has never been easy, but this year it's a pip. The university is a modestly endowed, labor intensive, independent institution founded in 1877 but chartered as a university only 25 years ago, and a lot of fancy footwork and hard work is needed to keep its books in balance. But we've done so regularly for a long, long time. It's a tradition that we intend to maintain.

In the last four years our operating costs have gone from about $17 million to approximately $40 million. Each year a greater percentage of our students, who come from all sorts of economic, ethnic and racial backgrounds, have received a larger number of scholarship dollars from our limited resources and from those generated by Federal programs, state scholarships, private foundations, corporate philanthropy, alumni and other friends of the university.

In the current academic year, 82 percent of University of Hartford students are receiving some form of financial aid from one source or another for a total estimated at $11.2 million. The University of Hartford's contribution is $2,049,739. This compares with $793,032 spent in 1977.

As we prepare for the 1982-83, academic year, the university if facing a unique challenge. Student financial support programs, carefully developed out of G.I. Bill of Rights at the end of World War II, appear to be imperiled. Since the Reagan Administration took office in January, Federal student-aid programs have undergone three rounds of cuts. The recisions from the fiscal year 1981 budget were followed by reductions in program ceilings imposed by the Omnibus Reconciliation Act and then by Administration-proposed appropriations below the reconciliation levels. At first, excess was reduced and properly so. But the knife has now moved from fat to lean.

Cuts in the need-based student aid programs for the Government's fiscal year 1981 totaled $600 million. This affected college students and their families from coast to coast. Reduced spending ceilings for higher education programs for fiscal years 1982, 1983 and 1984 as well as appropriation limits on the Pell Grant Program and parallel efforts, such as ceilings imposed on financial aid, result in a loss of $1 billion from "current policy" funding levels, which would have permitted continued support for currently eligible students and modest growth to reflect inflation.

Eligibility for guaranteed student loans was restricted to students with family incomes of $30,000 a year or less, or unmet demonstrated need of $30,000, and a 5 percent origination fee was established for each new guaranteed loan. Moreover, the interest on loans to parents was increased from 9 percent to 14 percent.

The new eligiblity requirements will force an undetermined number of borrowers out of the program by next year. Experts estimate that the number affected could be one million students and possibly more.

Educational benefits in the Social Security program are to be phased out entirely by fiscal year 1985, with no new recipients as of June 1982 and current beneficiaries will experience an annual reduction of 25 percent. This step alone will eliminate one of the largest sources of student support.

Some 750,000 students now receive Social Security benefits totaling $2 billion annually, or one-fifth of the total Federal student aid. Since most Social Security beneficiaries are from families with extremely low incomes, the loss of these benefits will place severe strains on the other student-aid programs, which have also been reduced.

It should now be understood that the Reagan Administration proposes cuts on top of earlier cuts. The Administration's recommendations will have the following impact:

The neediest Pell Grant recipients would receive a maximum of only $1,670 and awards for others would have to be severly reduced or even eliminated. Since it costs over $1.6 billion annually to finance students with family incomes of less than $10,000 (over 1.5 million students), passage of the Administration's request of only $2.2 billion would leave an inadequate amount to aid those above the poverty level.

The number of Supplemental Educational Opportunity Grant recipients, a campus-based grant program, would be reduced by 75,000 students.

College Work Study recipients would be reduced by 110,000.

Fifty thousand fewer students would receive National Direct Student Loan awards.

Some 30,000 state scholarships would be ended by the elimination of the $9 million in State Student Incentive Grants.

Another Administration recommendation would remove the school interest subsidy from the Guaranteed Student Loan Program. This would endanger future lending if banks are forced to bill students while in school.

The Administration's recommendations represent a 30 percent cut in the "current services" level, a 16 percent cut in the Reconciliation Act levels, a 6 percent cut in the fiscal year 1981 levels and an 11 percent cut in the fiscal 1980 levels (despite a 20 percent increase in the Consumer Price Index). It's impossible at this time to determine the exact dollar effect, for the University of Hartford, for other universities or for the individual students and their families, since Congress has not yet taken final action on the President's proposals.

At the University of Hartford we will give scrupulous attention to each request for financial assistance. Plans are under way to insure that each student receives the maximum outside assistance for which he or she is eligible. Additionally, we will see to it that an equitable part of the university's resources go to our students. Finding additional money for scholarships from within our own operating budget is of top priority. With luck and industry we hope to be able to enhance student aid in a way unprecedented in the history of the University of Hartford.

We expect to encourage and assist students and their parents in exploring their eligibility for scholarship resources through employers, fraternal organizations, unions and similar groups. Further, we plan to underscore our "family-grant" program by which a full-time undergraduate day student who is the brother, sister, parent or spouse of another full-time undergraduate day student at the university may be eligible for a 50 percent reduction in tuition. Thus, two students can come for the price of one and a half. Triplets may attend for the tuition of twins. Also, student employment opportunities will be enhanced, both during the academic year and during vacation periods.

Institutions of higher education with modest means, such as ours, have limited capacities to respond to drastic reductions in Government aid. Ingenuity and prudence will be required to squeeze every penny on behalf of our students while continuing to deliver high quality educational programs.

Education is mistakingly being perceived of by the Reagan Administration as a national expense. Nothing could be further from the truth. Properly seen, Federal and state programs in support of student aid are investments in America's young people and in ourselves. The economic and cultural future of our nation depends on there being a trained, literate, competent, skilled population. The miracle drugs of tomorrow, the rockets to the moon, the agricultural and other breakthroughs that have won this country its primary position in the 20th century have not been by accident. They are the result of material resources combined with ingenuity and hard work. Cuts in student aid programs are a false economy that we will learn to regret in the years to come.●

NEVER UNDERESTIMATE THE POWER OF A DEFICIT

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. McDONALD. Mr. Speaker, the Reagan administration has recently indicated it can live with budget deficits. At least, that is what his Council of Economic Advisers said. After a fine start toward getting our budget in balance, I personally find this very discouraging. In that respect, I was struck by two letters that appeared in the "Letter To The Editor" column of the New York Times of December 17, 1981. The first was from Irving Leveson of the Hudson Institute and was predictably critical. The second letter was from Prof. John Kenneth Galbraith and was most startling. Somewhat sadly, I found that I agreed with both letters. No budget deficit is good. I commend both letters to the attention of my colleagues.

NEVER UNDERESTIMATE THE POWER OF A DEFICIT

TO THE EDITOR

The comments on the Federal budget deficit by three members of the President's Council of Economic Advisers ("Reagan Aides Defend Deficits," news story Dec. 9) were unsettling. Coming on the same day as the report that the deficit could reach $109 billion, they sounded like "Dr. Strangebuck, or How I Decided to Stop Worrying and Love That Deficit."

Messrs. Weidenbaum, Niskanen and Jordan are telling the American people that deficits aren't inflationary, or at least need not be. While that is in one sense technically correct, it is so misleading as to encourage inaction or to support policies opposite to those required.

A budget deficit of any size can be prevented from adding to inflation, but only if we are willing to accept sufficiently high interest rates. High rates only shift the social costs of a deficit from inflation to slower

economic growth. Either way, they contribute to stagflation.

Some observers, like former council member William Nordhaus, minimize the importance of the deficit by emphasizing that what counts is the size of the deficit that would prevail if the economy were operating at full employment. But consider how the full-employment budget balance has changed.

For many years the policy appropriately had been to run a surplus in times of full employment. This would cool inflationary pressures just as a planned deficit would help to cushion declines. In the 1970's, the relationship shifted, so that there were larger deficits in a recession of a given severity and the budget would reach a balance rather than a surplus at full employment. Today, we cannot even expect to reach that balance.

The deficit now operates more strongly than ever to create a bias toward inflation and/or slower growth. While reversing the budget deterioration will be difficult, it must be done. Denying the problem will only make matters worse.

IRVING LEVESON,
Director of Economic Studies,
Hudson Institute.

TO THE EDITOR

Your Dec. 9 article tells of a large convocation of presumptively conservative economists under the auspices of the avowedly conservative American Enterprise Institute in Washington. The subject was inflation.

All so assembled, with the exception of Herbert Stein, a member and chairman of the Council of Economic Advisers in earlier Republican times, are reported as approving or, at a minimum, acquiescing in the impressive budget deficits now in prospect under the fiscal designs of President Reagan.

There was a time when conservative economists were thought to be principled, even dogmatic, in their commitment to fiscal austerity. And a liberal can join in hoping that this might still be the case when, as now, a recurrence of inflation remains a serious threat, an incomes and prices policy is eschewed and an absence of fiscal restraint thus means an even greater reliance on murderous interest rates and tight money. Or more inflation.

It is not my instinct, God forbid, to instruct my conservative friends on matters of public virtue. But one can hardly avoid the thought that partisan loyalty has here replaced professional conviction—that an Administration that calls itself conservative can do no wrong.

In proof, one has only to contemplate what would have been the response at that distinguished symposium were a similar budget deficit being similarly defended by a liberal President and Administration.

JOHN KENNETH GALBRAITH,
Cambridge, Mass.●

BRAILOVSKY CASE RAISED AT MADRID TALKS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. FRANK. Mr. Speaker, it is no coincidence that Viktor Brailovsky was arrested in his Moscow apartment shortly after the opening of the Madrid review meeting of the Conference on Security and Cooperation in Europe (CSCE) in November 1980. Brailovsky was silenced by the Soviet authorities as a symbol of their intransigence toward the family reunification provisions included in the Helsinki accords.

Following his arrest, Brailovsky was charged with defaming the Soviet state and, in what is generally considered to have been the most significant show trial since Anatoly Shcharansky was convicted of treason in July 1978, Brailovsky was sent into exile for 39 months.

Viktor Brailovsky is best known for his work in publishing "Jews in the U.S.S.R." and for the scientific seminars he held in his apartment with others who had lost their jobs because they had applied to emigrate.

As a scientist and a leading member of the "refusenik" community in Moscow, Viktor Brailovsky played an important role in focusing attention on the Soviet Union's obligations to adhere to the provisions of the Helsinki accords.

These facts have not been lost on the U.S. delegation to the Madrid Conference. Chief U.S. negotiator to the talks, Ambassador Max Kampelman, has taken the lead in raising this case as well as other examples of violations of the human rights accords.

In this way, Viktor Brailovsky's exile continues to be a matter of great concern for the West.

Together with repeated reminders from the Congress and from other Government officials we can impress upon the Soviet Union the importance of Soviet compliance with the Helsinki accords, and in particular the right to emigrate.

Ambassador Kampelman's exemplary performance in defense of human rights at the Madrid Conference is evident in a recent letter I received in which he details the West's response to the Brailovsky case at the talks. I commend the letter to my colleagues and urge our delegation to the Madrid Conference to continue its good work.

The letter follows:

CONFERENCE ON SECURITY AND
COOPERATION IN EUROPE,
December 18, 1981.

HON. BARNEY FRANK,
U.S. House of Representatives, Longworth House Office Building, Washington, D.C.

DEAR CONGRESSMAN FRANK: Knowing of your interest in Viktor Brailovsky, given your dual capacity as Mr. Brailovsky's attorney and as a concerned Member of Congress, I would like to assure you of the continued concern that has been expressed in the case by Western delegations at the Madrid meeting.

As of the close on the latest phase of the meeting on December 18, 1981, Mr. Brailovsky's name has been mentioned in formal session on:

November 17, 1980—In plenary speech by U.S. Ambassador Kampelman.

December 3, 1980—In plenary speech by Philip Handler, President, U.S. Academy of Sciences and senior advisor to the U.S. delegation.

Phase I (fall, 1980)—Twice by U.K. Ambassador Wilberforce in plenary speeches.

Phase I (fall, 1980)—In Subsidiary Working Body on the Helsinki Final Act Principles by U.K. representative.

Phase I (fall, 1980)—In Subsidiary Working Body on the Helsinki Final Act's Human Contacts (Third Basket) provisions by Sweden.

June 19, 1981—In plenary, U.K. Ambassador Wilberforce protested sentencing of Brailovsky and is supported by U.S. Ambassador Kampelman in a right of reply.

July 28, 1981—In plenary by U.S. Ambassador Kampelman.

November 27, 1981—In plenary by U.K. Ambassador Wilberforce.

When the Madrid meeting reconvenes next year, my delegation will continue to insist that the Soviet Government respect the humanitarian provisions of the Helsinki Final Act and we, together with other Western delegations, will do all that we can—both publicly and privately—to secure the release of Mr. Brailovsky and other prisoners of conscience in the Soviet Union.

With you, I hope that the efforts we take in Madrid, together with those undertaken by the Congress and concerned organizations and individuals throughout the world, will speed the day when the Brailovsky family shall live together in freedom.

Sincerely yours,

MAX M. KAMPELMAN,
Chairman.●

ATMOSPHERIC ACIDITY

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. RAHALL. Mr. Speaker, last session, we were showered with acid rain proposals the preponderance of which placed the blame for acid deposition on the Midwestern coal-consuming States rather than on New England where some of the effects of this phenomenon are felt, predominantly with respect to increasing fish kills in rivers and lakes.

I have viewed these measures with suspicion because there seems to be general consensus within the scientific community that not enough is known on the causes and effects of acid deposition to warrant immediate and new controls on emission of sulfur dioxide from coal-burning powerplants and from only coal-fired powerplants in the Midwest.

For this reason, I introduced H.R. 5055, the Acid Precipitation Accelerated Review and Reporting Act which accelerates the present 10-year Federal interagency acid precipitation task force study to 5 years with the hopes that before Congress acts on this matter it will be equipped with sound

scientific data on the causes and effects of acid deposition.

Recently, my doubts concerning the validity of the arguments placing the blame for acid deposition solely on the Midwest were reinforced by the preliminary results of a study being conducted by the University of Rhode Island. So far, this study indicates that acid deposition in the Northeastern States may be derived from sulfur dioxide emissions of local origin rather than from the Midwest. Following is a report by the university on these preliminary results.

ELEMENTAL TRACERS AND SOURCES OF ATMOSPHERIC ACIDITY FOR THE NORTHEAST—A STATEMENT OF NEW EVIDENCE

(By Kenneth A. Rahn)

During the last several years, a picture of acid precipitation in the Northeast (here defined as the six New England states plus New York and New Jersey) has been built up which attributes the major sources to the Midwest, some 1000 km distant. Evidence in support of this view is now massive, and includes the strength of SO_2 sources in the Midwest (more than five times as much as in the Northeast), association of highest concentrations of sulfate aerosol with air-mass trajectories from the Ohio River Valley, and "blobs" of sulfate haze which can be followed from the Midwest to the Northeast. During the last two years, an impressive number of articles has appeared in scientific and popular publications attesting to this picture. As a result, two bills have recently been introduced in the Senate (Mitchell et al., and Moynihan), each of which would place the burden of curbing SO_2 emissions on the Midwest.

Although widely accepted, this picture may be weaker at its core than is generally realized. The evidence for midwestern sources of acidity is quite indirect and circumstantial: (1) Just because the Midwest emits five times as much SO_2 as the Northeast, it does not automatically follow that northeastern acidity should be dominantly midwestern in origin—the 1000-km distance from the Midwest must negate much of this difference, especially in summer, when weaker circulation favors local pollution; (2) The argument from air-mass trajectories implies little about whether a pollutant at the end of the trajectory has actually travelled the entire distance; (3) Tracking a blob of haze is not hard proof either, for there is no way from photographs or visibility alone to determine how often the blob has renewed itself during transport. A blob may represent movement of certain meteorological conditions as much as it represents transport of mass.

During the last decade, our understanding of the true role of long-range transport in air pollution has increased dramatically. Much of this knowledge has come, however, from studies of areas such as Scandinavia or the Arctic, whose sources of pollution are relatively easy to assign, because there is a single strong source far upwind and clean areas between it and the remote receptor region. But in the eastern United States there are no such clean areas; air travelling long distances is inevitably exposed to emissions all along its path. This makes it much more difficult to assign sources properly.

Everybody agrees that acid precipitation has to be reduced, the sooner the better, and that this will involve curtailing emissions in the areas most responsible for it. But with such a huge price tag ($2-4 billion per year for the new bills), it would seem of the highest priority to learn with certainty which sources are most important before attempting massive remedial action. Until recently, we at the University of Rhode Island, who are staunch advocates of the importance of long-range transport of air pollution because of our research in the Arctic, would have gone along with the new bills without a second thought. But we have quite accidentally produced some new data which cast doubt on part of the current picture, and, we believe, call for a more careful look at the entire system of sources and transport of acidity in the Northeast before major control action strongly oriented toward a particular region is taken. It is the purpose of this document to alert the scientific and legislative communities to the existence and preliminary interpretation of these results.

The new evidence comes from a system of elemental tracers of source areas of pollution which we have developed for our studies of the Arctic atmosphere, to which large amounts of pollution aerosol are routinely transported long distances during winter. During the last 18 months, we have learned how to choose combinations of elements to form unique signatures of several source areas of pollution aerosol, which can be used to discriminate their aerosols from one another even after transport of thousands of km. The first such tracer we developed, the ratio of excess or noncrustal Mn to excess V (called the Mn/V ratio for short), has allowed us to resolve aerosol from the eastern United States, Europe, and the central Soviet Union, all after transport to the Arctic. This was the first application of elemental tracers to large-scale source areas; its success has convinced us that this new approach will rapidly become a powerful tool in atmospheric science. In the future, many more elemental tracers will be developed and applied to a wide variety of problems that might otherwise be intractable.

While working with the Mn/V ratio in the Arctic, we realized that it could also be applied to regional-scale transport within the eastern United States, for the Mn/V ratios of the Midwest and the East Coast are quite different, and can be told apart easily. This approach should enable us to document the sources of atmospheric acidity with a greater resolution than was possible previously. By measuring Mn and V in the Northeast during episodes of sulfate and acidity and during nonepisodic periods, we felt that we could confirm the midwestern origin of episodes: Mn/V ratios of episodic aerosol should be midwestern, but Mn/V ratios between episodes should be more northeastern.

Only recently have we had proper data with which to do this. There are now three data sets available. The first, from High Point, New Jersey, during the summers of 1976 and 1977, showed an eightfold difference in Mn/V ratio between air masses coming from the Midwest and those coming from the East Coast. As expected, air masses from the Midwest carried higher sulfate. The other two data sets, from Watertown, Mass. and Narragansett, R.I., gave an entirely different picture, however, and had essentially no midwestern Mn/V ratios. The data from Rhode Island, which is comprised of over 60 samples spanning both summer and winter, showed no correlation at all between sulfate and excess Mn, excess V, or Mn/V ratio. Strong episodes of sulfate were seen, but they were usually accompanied by an eastern Mn/V ratio. Overall, the aerosol appeared to be strikingly eastern—at least 90% of the Mn/V ratios were purely eastern in summer; in winter, the aerosol was somewhat more varied but still markedly eastern. (Other elements in these same samples appeared to indicate the detectability of the plume from the Sudbury, Ontario INCO smelter which emits 10 percent of the North American SO_2. Elements characteristic of this plume appeared nearly every time a strong cold front passed through Rhode Island, when the winds came briskly from the NW for a day or so. Interestingly, levels of sulfate during these periods were very low. Because of the importance of this source to Canadian-American exchange of acidity, and because it is such a striking example of the power of elemental tracers, we intend to pursue this topic.)

The Rhode Island data did contain four cases of "midwestern" Mn/V ratios, however. But only one of these could be traced to the Midwest, and that came during a period of extremely strong westerly flow during winter, and brought low sulfate. The other three cases could be traced by meteorological maps to the Southeast, via a new and unexpected type of atmospheric transport. Apparently, air from the Southeast first travelled eastward over the ocean, then northward to New England under the influence of a strong upper-level trough. This pathway allowed it to miss the entire East Coast, and hence to preserve its southeastern signature.

What does all this new evidence mean? We do not propose that it challenges the basic picture of long-range transport in the Northeast—such an allegation would be premature. But we think it is significant that the first attempt to confirm the accepted picture through direct evidence has given such unexpected results. Instead of a monolithic Midwestern source, the Northeast is now seen to have a rich variety of sources and transport, a complexity that was totally unanticipated: the Sudbury plume can be detected after transport across the entire Northeast; the Southeast pollutes New England; the East Coast pollutes itself considerably. Ironically, the (midwestern) source that we had expected to find the most easily has proven the hardest to detect.

Perhaps some of our results depend on the nature of the technique (Mn and V supply information on the primary submicron aerosol, whereas sulfate and acidity are secondary, hence may have different origins); perhaps not. But whatever the eventual outcome, it would seem prudent to exploit the new resource of elemental tracers by undertaking a systematic study of the multi-elemental composition of aerosol and precipitation throughout the Northeast and in the various possible source areas. Such an investigation should go far toward revealing the sources and transport of acidity in the Northeast.●

NICARAGUA: THEY DID IT AGAIN

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. McDONALD. Mr. Speaker, the evidence continues to mount that we were sold the same bill of goods in

Nicaragua that we were sold in Cuba, when the skids were put under Batista. The only way to rid Nicaragua of Somoza was to back the Sandanistas and their coalition, the Department of State assured everyone. However, it was plain for all to see that the Sandanistas had the guns and were Marxists. There was no doubt as to who would prevail and what the ideology would be if they won. Therefore, I was pleased to see the article by M. Stanton Evans in Human Events of December 26, 1981, which discussed this subject. One wonders how many times we have to make this same mistake? The item follows:

NICARAGUA: THEY DID IT AGAIN

(By M. Stanton Evans)

History is repeating itself in the Caribbean, and so are the alibis.

Back in the 1950s, American liberals fervently backed the cause of Fidel Castro in his alleged "liberation" of Cuba. They denied he was a Communist or a totalitarian. Once in power, of course, he lost little time in proving them mistaken: aligning himself with Moscow, liquidating and jailing non-Communist opponents, busily exporting Marxist revolution elsewhere.

The alibi for all this was that no one could have predicted Castro would turn out a Communist—that, indeed, he had been pushed into the arms of Moscow by our hostility. Ignored in such discussions was his declaration that he had been a Communist since he was in college, but had covered up that fact to ease his way to victory.

Now, an emerging body of evidence makes plain, it is happening again in Nicaragua.

With Castro's help, the Sandinista guerrillas in that country waged a bloody and ultimately successful war against the government of Anastasio Somoza. Vital to their effort were the backing of U.S. liberals, favorable coverage in our media, and the covert support of the Carter government, which cut off aid to Somoza and pressured others to do likewise.

As noted in a recent research paper from the Council for Inter-American Security, the Nicaraguan pattern since the Sandinista takeover has repeated the Cuban experience in almost every detail. Over the past two years, the Sandinistas have moved rapidly to construct a Marxist police state—and, except when making noises for our benefit, take little pains to conceal that fact. They are, in addition, helping export Marxism to other nations, also in the Cuban pattern. A few particulars:

In August of this year, Sandinista Defense Minister Humberto Ortega declared "we are anti-Yankee, we are against the bourgeoisie" and that "Marxism-Leninism is the scientific doctrine that guides our revolution." He added that "without Sandinism we cannot be Marxist-Leninist, and without Marxism-Leninism we cannot be revolutionary."

In October another Sandinista leader journeyed to the United Nations where he announced his country's "solidarity" with Cuba, Libya, North Korea, the PLO, and other Marxist elements—but not with any democratic ones. This was congruent with an earlier statement of solidarity with the Soviets, including support for the invasion of Afghanistan.

To help enforce "Marxism-Leninism" in Nicaragua, the Sandinistas have relied heavily on their Cuban mentors. An estimated 3,000 Cubans are in the country. The new regime conducts indoctrination courses in the schools and has set up "neighborhood committees" to spy out deviationists, in imitation of the Cuban model.

Repression is the order of the day. Property has been confiscated, elections postponed, political opponents assassinated and jailed, businessmen locked up, the electronic media taken over, and the daily paper La Prensa subjected to constant harassment, including five closedowns this year.

As has been well-documented by our State Department, Nicaragua is a staging point for the Marxist attack on El Salvador—with Soviet and other supplies being transshipped from Cuba for use against the Salvadoran government. This replicates the lavish assistance that Castro gave the Sandinistas' own revolution.

Small wonder that Jose Esteban Gonzales, head of the Nicaraguan Human Rights Commission, says the regime is "totalitarian" in nature and is "based on the objectives, programs and methods of the failed Cuban revolution."

The Sandinistas, Gonzalez charges, have used the power of the state and organized tactics of intimidation "to attack the members and destroy the officies of the political, labor, religious and humantarian organizations and the news media of democratic orientation."

These grim assessments are confirmed by other sources—including Jose Francisco Cardenal, a former official in the Sandinista government, and the Organization of American States, whose human rights investigators, in guarded verbiage, cite numerous cases of flagrant violation.

Again, confronted with such evidence, the liberals in this country who helped engineer the Sandinista takeover plead total ignorance and suggest that we have "driven" the Sandinistas into the totalitarian orbit by our hostility. Since the Sandinista leaders were trained and guided by Castro to begin with, and since they were nuzzling up to Moscow even as we were voting them $75 million in foreign aid, this seems a bit implausible.

The true character of the Sandinistas is self-evident—as is the sincerity of their U.S. apologists.●

INCREASING OUTSIDE EARNINGS LIMITATION

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. MAZZOLI. Mr. Speaker, as one who helped draft the sweeping and necessary ethical reforms of 1978, I am very concerned over recent action which has led to an increase in the limit on outside income of Members of Congress is permitted to earn.

The limitation on outside earnings adopted in 1978 is one of the most important of the several reforms adopted that year, all of which were designed to restore public confidence in the Congress as an institution and in the actions and objectivity of each Member.

The increase in the outside earnings limitation from $9,009 to $18,198 was adopted on December 15 by a nonrecorded voice vote. This reversed earlier House action on October 28, when a proposed change in the limitation was defeated in a recorded vote of 271 to 147. I voted not to increase the earnings limitation.

Whether one supports or opposes increasing permissible outside earnings, however, the House should not have resolved the issue without a recorded vote.●

SMALL BUSINESS IN AMERICA

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. BRINKLEY. Mr. Speaker, it is a pleasure to share with Members of this body the statement of Mr. Morton A. Harris, president of the Small Business Council of America. This presentation was made today before the Subcommittee on Labor of the Committee on Labor and Human Resources of the U.S. Senate.

Not only is Mr. Harris a scholar, but he is a practical man who personally uses the tools of his trade. Theory alone does not clothe a man with the distinguishing characteristics which enable him to be a national voice. Rather, it is that rare combination of theory and experience which go to the full measure of a man and to the recommendations which he is making.

Morton has earned the respect of his peers, and he has provided outstanding leadership as chief elected officer of this fine business council. It is with confidence that I commend his statement to your attention.

STATEMENT OF MORTON A. HARRIS, ESQUIRE, PRESIDENT, SMALL BUSINESS COUNCIL OF AMERICA, INC.

Good Morning Mr. Chairman and Members of the Committee: I am Morton A. Harris of the law firm of Page, Scrantom, Harris, McGlamry and Chapman of Columbus, Georgia. I am officially here today in my capacity as President of the Small Business Council of America, Inc. (SBCA). However, I am also appearing as an individual who has been involved in the private pension industry for over twenty years and who is vitally concerned with the continued viability and growth of a sound private pension system.

SBCA is a national organization of over 1,400 small business men and women located in 46 states. A major thrust of SBCA's efforts, since its founding in 1979, has been to identify problems in the small employer plan area and to seek solutions through the regulatory agencies or the Congress. SBCA's constant theme has been to urge the creation of incentives—and the elimination of disincentives—for the establishment and maintenance of private employee benefit plans by small business employers.

As an initial matter, I would like to re-emphasize the basic point I made when I testified before this Subcommittee last Novem-

ber. SBCA strongly supports the thrust of S. 1541 and its companion in the House, H.R. 4330, introduced by Congressman John Erlenborn of Illinois. The stated purposes of this legislation—to encourage the establishment and growth of employee benefit plans and to encourage savings to meet the needs of employees and their families in the event of death, disability or retirement—are consistent with everything for which SBCA stands.

Mr. Chairman, in my view, the ERISA problems of small plans and small employers resulted, in no small measure, from the fact that ERISA was drafted with little consideration given to precisely how the reporting, disclosure, and administrative burdens—including the prohibited transaction provisions—would fall on small plans. I really cannot fault this Committee or others involved in drafting ERISA for this deficiency. Small businesses and small plans were relatively silent when ERISA went through the legislative process. The focus of the small business legislative effort was at the eleventh hour and was devoted to insuring that small plans could retain a sufficient tax advantage to encourage their continued growth and to insuring that there was no tax discrimination against small plans. In focusing on these problems, small business interests paid little attention to many of the administrative provisions of ERISA. I am delighted to note that since ERISA was enacted, small plans and small businesses, and indeed the entire private pension industry, will be outspoken when further employee benefits legislation is considered.

Over the coming months, SBCA will be communicating with this Committee, and with the House Education and Labor Committee, with respect to details of the pending bills. For today, I will confine my remarks to comments on some specific sections of Subtitle E of Title III of S. 1541—"Amendments to Fiduciary Responsibility Provisions".

SECTION 3504

Section 3504 provides amendments relating to ERISA's cofiduciary responsibility provisions. It makes clear that if fiduciary duties have been properly allocated, then a named fiduciary to whom a specific duty has not been allocated will not be held liable for an act or omission with respect to that duty by the named fiduciary to whom that duty has been allocated. We believe the changes incorporated in Section 3504 adopt what the Congress originally attempted to do when it dealt with the subject of cofiduciary responsibility in ERISA. We believe named fiduciaries should be able to allocate duties and to reply on such allocation for protection, absent knowing participation in another's action. The ability to allocate duties and to rely on such allocation is particularly important to small employers who often do not have the "in-house" resources to administer plans and manage plan assets. Such employers rely heavily on outside fiduciaries to handle such matters, and should be able to limit their potential liability by proper allocation of duties to other responsible fiduciaries.

SECTIONS 3505–3510

Sections 3505 through 3510 provide amendments relating to the prohibited transaction provisions of ERISA.

Section 3505 essentially provides for a return to the "adequate consideration" or "arms length" standard for permissible "party-in-interest" transactions. We strongly support this change. We believe that the current ERISA approach—which adopts a blanket, statutory presumption that "party-in-interest transactions are "bad", subject to their being proven "good" in a lengthy administrative procedure—is simply too stringent and costly for the resulting benefits to participants. Although some transactions which would not have been in the interest of participants or beneficiaries undoubtedly have been prevented under this approach, we believe that many more transactions, which would have benefited all concerned, have simply not been attempted. We recognize that much progress has been made since 1974 in granting needed exemptions and in refining the exemption process. However, the inherent costs and delays still preclude many small employers from entering into perfectly legitimate transactions which would be in the best interests of all concerned. Given that the "prudent man" and "exclusive benefit" rules will remain applicable to all investment decisions involving a plan, we would contend that so long as any transaction is "arms length" and for adequate consideration, it should be permitted. In taking this position, we are very mindful that under S. 1541, participants and beneficiaries will continue to have significant rights to comprehensive disclosure of plan activities and to causes of action for violation of the "prudence" and prohibited transaction rules. We are also mindful that the appropriate regulatory agency will retain its auditing and enforcement functions.

Section 3508 would amend ERISA Section 408 to provide specific statutory exemptions from the prohibited transaction provisions for certain common transactions involving "substantial employers". We support these exemptions. For example, the lease of property by a trust to an employer, under lease terms which are commercially competitive and where holding the property itself is "prudent", could be very beneficial to a plan and its participants as well as to the employer. Similarly, loans by a trust to an employer at "arms-length" interest and subject to adequate security could be beneficial to all parties concerned. Given the built-in safeguards of Section 3508, to require prior administrative approval of such transactions would involve a cost in terms of time and money which is simply not justified by the extra "benefit" to participants and beneficiaries.

Although we support Section 3508, we would suggest some additions. First, we would recommend a clear direction to the appropriate regulatory agency, preferably in the statute itself, that the exemptions contained in ERISA Section 408 are applicable to transactions described in ERISA Section 406(b) as well as Section 406(a). If the stated conditions for a statutory exemption are met, the exemption should be available regardless of whether the party-in-interest is also a fiduciary. Further, we would recommend a statutory direction in ERISA Section 408 confirming that a voluntary, nondeductible contribution of property other than money by a participant to a plan does not constitute a "sale or exchange" and, therefore, does not constitute a prohibited transaction. Individuals should be encouraged, not discouraged, to save for retirement, and often a voluntary contribution of property is more feasible than a cash contribution.

Section 3510 would extend the administrative exemption procedure to persons who are "owner-employees". We see no valid reason for the current provision in ERISA Section 408(d) which precludes "owner-employees" from availing themselves of the exemption procedure, and would submit that the preclusion was inadvertent when adopted. We strongly recommend the correction contained in Section 3510.

Mr. Chairman, that concludes my prepared remarks. I will be delighted to respond to any questions that you or the other members of the Committee may have.●

CONGRESSIONAL SALUTE TO THE HONORABLE ROMEO T. DEVITA OF PATERSON, N.J., OUTSTANDING HOUSING DIRECTOR, COMMUNITY LEADER AND GREAT AMERICAN

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. ROE. Mr. Speaker, on Friday, January 29, the residents of my congressional district, State of New Jersey will gather in testimony to the outstanding public service rendered to our people by one of our most distinguished citizens, community leader, and good friend, the Honorable Romeo T. DeVita, who is retiring from this esteemed office of executive director of the housing authority of the city of Paterson where he has served with distinction for over three decades. I know that you and our colleagues here in the Congress will want to join with me in extending our deepest appreciation for all of his good works and share great pride in the success of his achievements with his good wife Olga and their children.

Mr. Speaker, as Romeo DeVita retires as Paterson's housing director, we applaud his lifetime of dynamic and dedicated service to people in the crusade for individual rights, quality of life, and the dignity of man, particularly in the sphere of people's essential needs in housing. His attainment of the U.S. Department of Housing and Urban Development's Certificate of Appreciation Award in recognition of his personal involvement and leadership for 25 years in developing decent housing is a manifestation of his sincerity of purpose and accomplishment in this area of national concern.

Romeo was born in southwestern Pennsylvania and we are proud to boast that he settled in the city of Paterson with his family when he was 2 years old—an almost native of this great city of industry. He attended local schools and has a master of arts degree in administration from Montclair State College, his alma mater also for his undergraduate degree.

He served our country with courage and valor as a member of the U.S. Air Force during World War II, 1942–46, and has many decorations and awards

for his exemplary military service. Among his treasured service awards is the national citation he received for distinguished service in behalf of our disabled American veterans.

There are many who will relate his great prowess also in his athletic endeavors and others who will point to the illustrious career he could have had in professional football. When World War II was declared he declined an offer from the Detroit Lions to enter our Nation's Armed Forces. He was elected to Montclair's Athletic Hall of Fame October 7, 1978.

Mr. Speaker, there is so much that can be said about Romeo DeVita. He was the champion and the leading spokesman and organizer for public housing and social service programs for the tenants. His compassion, goodwill, and untiring efforts in seeking to resolve the problems and accommodate the needs of over 8,000 residents of public housing in the city of Paterson has been a hallmark of his career.

In addition to his overcrowded daily pursuits on behalf of public housing in the city of Paterson, he expended his evening hours organizing and running "small fry clubs," adult education programs, carpentry classes, tenant councils, and even a 4-H Garden Club. He liked people and liked getting involved.

Since his appointment as executive director of the housing authority of the city of Paterson on February 5, 1951, the quality of his leadership and expertise has surely enhanced the growth of the city and this is particularly evidenced in the unprecedented record development that has taken place in Paterson, particularly the building boom during the antipoverty days of the mid-sixties.

Throughout his lifetime Romeo has forged ahead with three very important and significant foundations to success: first, ability; second, personal desire to do the work and achieve; and, third, a feeling for people. We applaud his knowledge, training, hard work, and personal commitment that has enabled him to achieve the fullest confidence and strongest support of the people of our community.

May I also add that he is a fine educator of great note. Following World War II he returned home and joined the staff of Paterson Commercial College. He also found time to coach the Central High School basketball team in the evenings while attending college classes. As a recognized authority in the field of public housing, he has taught courses in housing management and has served as a coach and consultant to the U.S. Department of Housing and Urban Development in educating new executive directors of housing authorities.

Romeo DeVita has been a staunch supporter and active participant in many civic and community improvement programs and we applaud the quality of his leadership endeavors in the vanguard of public housing programs.

Mr. Speaker, it is indeed appropriate that we reflect on the deeds and achievements of our people who have contributed to the quality of our way of life here in America and I am pleased to call your attention to Romeo DeVita's lifetime of outstanding public service. As he retires his official leadership position as executive director of the housing authority of the city of Paterson, I respectfully seek this national recognition of his contribution to our country. We do indeed salute an outstanding housing director, distinguished citizen, community leader, and great American who has truly enriched our community, State, and Nation—the Honorable Romeo T. DeVita, of Paterson, N.J.●

THE HEIGHT OF LEGAL IGNORANCE

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. OTTINGER. Mr. Speaker, I rise to bring to the attention of my colleagues a vitally important "Dear Colleague" letter which was circulated by the distinguished gentleman from Illinois, HAROLD WASHINGTON. The letter concerns the Reagan administration's outrageous decision to allow tax exemptions for racially segregated schools and the serious ramifications which might arise from legislation proposed by President Reagan to remedy this decision.

As HAROLD WASHINGTON notes, the legislation President Reagan intends to submit to Congress to remedy his original decision may have the opposite effect. He points out that:

> Such legislation could create a retroactive loophole by suggesting that the IRS was without prior authority to withhold exemptions. This would allow institutions which had been denied or, in reliance on IRS, had failed to apply for exemptions in years past, to sue the Government for recovery of taxes.

The fact is that this new legislation is simply unnecessary, because existing law provides for the IRS's authority to withhold tax-exempt status from private schools which discriminate against minorities. The U.S. Civil Rights Commission has concluded that the IRS continues to have such authority, the Supreme Court has upheld this authority, and three Presidents have enforced that authority. The President's argument that the IRS lacks the authority to deny tax exemptions to racist schools is sheer sophistry.

Indeed, the President's decision can only be seen as a callous attempt to appease the most rightwing elements in our Nation. No belated attempt to submit correcting legislation can change that. The President should simply admit his mistake on this point of law, and vigorously enforce the denial of tax exemptions to racist schools. I am including in today's RECORD Congressman WASHINGTON's letter and the U.S. Civil Rights Commission analysis of the administration's decision:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington D.C., January 20, 1982.

DEAR COLLEAGUE: I urge you to pay close attention to the attached Civil Rights Commission analysis of IRS's authority to withhold tax exempt status from private schools which discriminate against minorities.

While many Members are anxious to introduce new legislation, the Civil Rights Commission has concluded that IRS continues to have such authority as a matter of law.

Legal scholars concur, and a consensus is developing that additional legislation would be harmful. It would create a retroactive loophole by suggesting that IRS was without prior authority to withhold exemptions. This would allow institutions which had been denied or, in reliance on IRS, had failed to apply for exemptions in years past, to sue the government for recovery of taxes. The government would of course defend itself by arguing that IRS had the authority to withhold such exemptions prior to new legislation, a position that the courts have already sustained.

The Administration has already reversed itself on a matter of policy. It should now admit that it was mistaken on a point of law. The Congress will be asked to consider many important issues during the coming session. We do not have time to spin our wheels.

Thank you for considering this matter.

Sincerely,

HAROLD WASHINGTON,
Member of Congress.

STATEMENT OF THE U.S. COMMISSION ON CIVIL RIGHTS ON THE ADMINISTRATION'S DECISION TO REVOKE ITS REVENUE RULES AND TO GRANT TAX-EXEMPT STATUS TO SCHOOLS THAT DISCRIMINATE ON THE BASIS OF RACE

The Congress provided the legislative basis for denying tax exemptions to schools that discriminate because of race when it passed the Civil Rights Act of 1964. Title VI of that Act prohibits racial discrimination in federally assisted programs. Since tax benefits are a form of Federal assistance, tax exemptions are covered.

In 1971, the U.S. District Court for the District of Columbia stated in *Green* v. *Connally*, 330 F. Supp. 1150 (1971), *aff'd sub nom. Coit* v. *Green* 404 U.S. 997 (1971) that "[t]he national policy against support for segregated education emerged in provisions adopted by the Congress in the Civil Rights Act of 1964 [Title VI]" and that the applying of Title VI to tax exemptions and deductions "is an expression of Federal policy against Federal support for private schools that practice racial discrimination." At a later point, the court continued:

"The Internal Revenue Code provisions on charitable exemptions and deductions must be construed to avoid frustrations of Federal policy. Under the conditions of today they can no longer be construed so as to provide to private schools operated on a racially discriminatory premise the support of the exemptions and deductions which Federal tax law affords to charitable organizations and their sponsors."

The decision in *Green* has been affirmed by the Supreme Court of the United States.

The last three Administrations have supported a policy that has precluded the granting of tax exemptions to racially discriminatory schools. In accord with Title VI of the Civil Rights Act of 1964, the Internal Revenue Code, and the Constitution, the Commission believes that the President should direct the Internal Revenue Service to exercise its ample authority to deny tax exemptions to private schools that discriminate on the basis of race and the Internal Revenue Service should enforce the law.●

HOUSE OF REPRESENTATIVES—*Wednesday, January 27, 1982*

The House met at 3 p.m.

The Reverend Dr. W. Jean Richardson, moderator of the general assembly, Cumberland Presbyterian Church, Knoxville, Tenn., offered the following prayer:

Almighty and Eternal God, the Supreme Architect and Creator, the Loving Father, the Sovereign Lord of all the universe, how excellent is Thy name in all the Earth.

We acknowledge Your dominion over us. You are God of gods, King of kings, and Ruler over all rulers and nations. Your ways are above our ways. Yet, You are personal Redeemer and Friend.

We confess our human limitations as we confront the great issues of life. We plead for divine help.

Bless all Your servants in government everywhere; especially, those assembled here in this House. May they receive wisdom and strength beyond their normal abilities that by and from their actions truth will be honored, justice will be done, and peace established among us.

For Thine is the kingdom and the power and the glory, forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

REV. W. JEAN RICHARDSON

(Mr. JONES of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES of Tennessee. Mr. Speaker, it is with great pleasure that I rise today to introduce to my colleagues the Reverend W. Jean Richardson, moderator of the general assembly of the Cumberland Presbyterian Church, who gave today's opening prayer. As the only Cumberland Presbyterian in this House, it is a great honor for me to have him as my guest today.

Dr. Richardson graduated from Bethel College located in my congressional district in 1951. He also attended and graduated from the Cumberland Presbyterian Theological Seminary in 1955. He has devoted his life to the Cumberland Presbyterian Church, having served as pastor in a number of churches. In addition to his duties as moderator of the general assembly, he also serves as pastor of the Beaver Creek Church in Knoxville, Tenn. He is in Washington to attend a conference of participating Presbyterian denominations this week.

It is a great honor for me and for this Chamber to have the leader of the Cumberland Presbyterian Church with us today. Dr. Richardson has provided great leadership not only to this church but his community as well and is an outstanding example of how one makes his Christian commitment the central theme of his everyday life. Dr. Richardson, I am grateful for your being with us today.

DISCHARGE PETITION FOR HOUSE JOINT RESOLUTION 149, BALANCED BUDGET

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, last evening, President Reagan gave his first state of the Union address. It was a well delivered address, but I think he has missed the point.

Mr. Speaker, the Nation's economy is in desperate straits. Unemployment is nearing 10 percent and interest rates remain at restrictively high levels.

Mr. Speaker, I do agree with the President that it is time to get this country going again. However, I strongly disagree with his methods. He is obviously not going to give up the ghost of supply-side economics, so recovery will be long and painful.

Mr. Speaker, the economy will not improve until we lower interest rates and that will not occur until we reduce the huge budget deficits and balance the Federal budget. For these reasons, today I am filing a discharge petition on House Joint Resolution 149, the constitutional amendment requiring a balanced Federal budget.

Mr. Speaker, I strongly urge my colleagues to join me in this effort to bring this all-important legislation to the floor for consideration.

WE NEED ACTION NOW

(Mr. HARKIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARKIN. Mr. Speaker, last night, as Ronald Reagan was giving the Warner Brothers version of "There is a light at the end of the tunnel," out in the grassroots of Iowa, the voters were rewriting the script.

Yesterday there was a special election held for a legislative seat for the Iowa House, District 84, in Burlington, Iowa. That seat had been held by a Republican who vacated it to move to California to find work. Burlington has an estimated unemployment rate of over 12 percent.

Yesterday the Democratic candidate, Elaine Baxter, swept that seat with 61 percent of the vote. That was the fourth straight Democratic victory in Iowa since November—three of which seats were previously held by Republicans.

The voters of Burlington said something yesterday which is going to be repeated throughout the Midwest this fall—that a movie script version of real life is fine for the theater, but is disastrous for our farmers and workers of this country.

Farm prices, in real terms, are at their worst level since the depression. Layoffs and plant closings are occurring all over Iowa. Our economy is in real trouble. We need action now, not theatrics.

PLANNING TO COVER YOUR OWN BURIAL COSTS SHOULD NOT BLOCK SSI OR MEDICAID ELIGIBILITY

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, sometimes I just cannot believe the way Government programs operate. A whole range of States have programs designed to cover burial costs of individuals who have been on public assistance, but under the Federal medicaid and SSI programs, owning a burial plot or burial insurance program counts against you. In short, that means those programs encourage people to dispose of assets they have put into covering the costs of their own burial. In this way, we are discouraging people from taking care of themselves.

That does not make good sense, and it adds to the impression that the Federal Government is insensitive and uncaring. I hope we will straighten this out. To do so, I have introduced legislation today that would add to the list of assets to be excluded from the resources test for medicaid and SSI eligibility, burial plots, and burial insurance programs. I would welcome the cosponsorship of each and every Member of the House.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

WE STILL HAVE THINGS TO LEARN FROM ROOSEVELT

(Mr. WILLIAMS of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS of Montana. Mr. Speaker, as this week we commemorate the 100th birthday of Franklin Delano Roosevelt and the anniversary of the beginning of the New Deal for the American people, we will find in our observations that we can still learn things from Roosevelt and from the New Deal.

We can learn of both his accomplishments and his faults and I am sure we are going to hear a great deal about his faults.

Perhaps Roosevelt was best when talking about his own faults. I particularly like it when he said:

> Better the occasional sins of a government living in the spirit of charity than the consistent omissions of a government frozen in the ice of its own indifference.

WE MUST BALANCE THE BUDGET

(Mr. LEVITAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVITAS. Mr. Speaker, last night, listening to the state of the Union speech I search my memory trying to remember back to the days when a balanced budget was important. I remember when we were told, and many of us believed, that high deficits would bring this Nation to economic ruin, would bring about greater inflation, would add more to the interest rate increases, but I did not hear any remedies proposed last night. In fact, I realized there was an ominous silence about the importance of a balanced budget, when we could expect one, and how it would be achieved.

What I did hear is that we are going to continue to have a $100 billion deficit this year. Those income tax reductions, Mr. Speaker, which were voted by Congress last year, to provide savings and investment to create more productivity will not be going into the private sector where they could accomplish that purpose, but they will have to be used to finance the $100 billion Federal deficit. I suggest that drain will not only destroy the economic recovery program, but will bring the American people, small businessmen and homebuilders, even higher interest rates and assured ruin.

We better get on with the problem of balancing the budget and bringing down these high deficits. That should be among our highest priorities and not forgotten, as the state of Union speech seemed to do last night.

DEFICITS MUST BE REDUCED

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, the President should have listened to Abraham Lincoln's advice when Lincoln said, "You can fool some of the people some of the time, but you can't fool all of the people all of the time."

The President never last night addressed the issues that really has the people of this country worried—the issues of unemployment, high interest rates, and the ballooning deficit.

Instead he talked about 1984, and giving the food stamp program back to the States, giving welfare back to the States. Can you imagine 50 food stamp plans, 50 welfare plans? It will not be the United States, it will be the disunited States.

I hope this Congress, as I said the other day, will have the guts to turn these programs down and get us on the track of reducing deficits and protecting the people.

UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICES

(Mr. YATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YATES. Mr. Speaker, I am filing today a bill for an urgent supplemental appropriation in the amount of $210,490,000 for grants to States for unemployment insurance and employment services. Mr. NATCHER has authorized me to say that he joins with me on this bill. The purpose of the bill is to provide the funds that were stricken out by the Conte substitute continuing resolution which was passed in the waning days of the last session. As a result of that cut added to previous Reagan cuts, the employment services in almost every State of the union are a shambles—this at a time when almost 9 million people are unemployed. Such cuts at this time are ridiculous.

Let me tell you what is happening in my own State of Illinois.

First, Statewide layoffs and closings will begin on February 15 with the least senior employees being terminated.

Second, 22 Job Service offices and 11 WIN offices will be closed. After these closings, the State will have only 38 Job Service offices and 7 WIN offices.

Third, a total of 800 employees will lose their jobs. Of that amount, 500 will be employees who now work in Job Service offices and in the central and regional offices of that organization. The remaining 300 employees who will lose their jobs now work in the WIN office.

After the reductions, 475 employees will be left with the Job Service, a 49-percent reduction and 120 employees will be left with WIN, a 72-percent reduction. This is the office which attempts to secure full- and part-time jobs for AFDC welfare recipients.

When the bill was on the floor last December 10, the gentleman from Massachusetts, Mr. CONTE, said:

> Let me assure you we have carefully constructed this legislation to assure that first of all no state unemployment office may be closed as a result of this legislation. Second, no employees of these offices may be laid off as a result of this legislation. If his calculations are wrong, the administration will submit a supplemental budget refund to assure processing the higher workload.

Well, I say the administration's guesses are wrong and that we need action now to stop the massive layoffs in Employment Service offices. It is sheer stupidity to cut off and to stifle one of the few instruments we have to put people back to work.

This bill makes available an additional $210,490,000 from the unemployment trust fund to restore the Employment Service staffing level to the level of the March 1981 budget.

This will provide for a staff level of 24,800 nationwide. The present continuing resolution provides only 17,500 staff positions with an appropriation of $1,932,656,000. The funds appropriated here will provide a total of $2,143,146,000 in fiscal year 1982 for this account.

Mr. Speaker, I urge prompt action on my bill.

□ 1515

THE NEW FEDERALISM

(Mr. COLLINS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS of Texas. Mr. Speaker, last night the President of the United States made a stirring and inspiring address on where we should go in 1982. There were two features of it that particularly impressed me. The first was this federalism approach, which means that in the future we can delegate better to the local areas so many of these functions the Federal Government now controls.

What it will means is that we will be able to cut waste. We will be able to cut fraud. We will be able to cut duplication.

The other strong point was he said there will be no tax increases. Now, we have got to absolutely stop taxing. We need more savings, and he said we will have more incentive to save.

Remember that in this country today we are only able to save 5 percent. In Japan they are saving 18 percent.

In order to create jobs, we need more savings in America.

TWO OUTLOOKS ON AMERICA

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, last night we heard two different kinds of outlooks on America. We heard President Reagan inspire us with a message of progress and hope. And we heard the Democratic reply of doom and despair, that offered criticism, but nothing in the way of programs or alternatives.

But the Democrats' message told us a lot about their party and its concern about taxpayers. The centerpiece of their flashy production was a report on a series of trips around the country by the Ways and Means Committee. You may remember that there were complaints about those road shows here on the House floor some weeks ago and we were assured that they were serving a serious legislative purpose and they were not politically motivated.

Now we find out differently. The Democrats admitted to spending $65,000 for their partisan message last evening. What they did not say is that tens of thousands of taxpayer dollars were used to help produce that show. Tens of thousands of dollars were used that might better be directed toward reducing the Federal deficits that the Democrats profess to be so concerned about.

The fact is the Democrats today are no different from the Democrats who failed the country yesterday. They still believe in tax and tax, spend and spend, and elect, they hope, elect. They showed us so last night.

I KNOW THE QUESTION BUT WHAT IS THE ANSWER?

(Mr. ROUSSELOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROUSSELOT. Mr. Speaker, the Washington Post today carried a story about the Democratic Party's filmed documentary on the state of the Union.

Now, after reporting the substance of that doom-and-gloom, snake-oil show biz, the Post stated—now, this is the Washington Post I say to my friends—this:

> While the film offered no specific alternatives, the Senate Democratic minority explored some "new ideas" with a familiar ring, some straight out of the New Deal—

That is according to the Washington Post.

Now, those ideas are 50 years old. There we have it, Mr. Speaker. The Democratic Party wants to go way back. It has no alternatives to the President's program, and its newest ideas are very old—50, 60, 75 years old. I do not know whether it has any of the former President's taped messages, but we will look forward to see if it does.

For years the Democrats have relied on political machines. These days they seem to rely on a time machine for journeys way back.

A DEMOCRATIC CAMPAIGN AD

(Mr. MORRISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORRISON. Mr. Speaker, I think that last night's television response by the Democrats to the President's state of the Union address was unfortunate.

It obviously was prepared by a slick advertising agency from Madison Avenue. That part is OK; but they put it together without even giving the President the courtesy of listening to his speech and then reacting to his proposals.

The most pathetic part of the response prepared in advance was that there was not one positive alternative mentioned. It was strictly a campaign ad, at a time when America wants ideas and leadership.

It is obvious that we got ideas and leadership from the podium last night, not from the assortment of one liners that came in the name of a response.

THE TAXPAYER PAID DEMOCRATIC RESPONSE

(Mr. HILER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILER. Mr. Speaker, following the state of the Union address in this Chamber last night, at least two of the major television networks aired a Democrat response to the President's message. It obviously was produced in advance of the President's speech at quite an expense, with a great deal of planning.

While the air time for this politically motivated response was provided without charge by the networks, its production, according to each network commentator, was paid for and provided by the Democratic Party.

I had the opportunity to watch this elaborate presentation on TV last night, and noted the extensive use of field hearings by the Ways and Means Committee on the supposed effects of Reaganomics. These hearings, which are supposed to be official functions of the committee and of this body, have been taxpayer funded. This includes air travel, lodging and meal expenses, and all expenses associated with the conduct of those hearings.

I wonder if the taxpayers who saw this show appreciated the use of these publicly funded hearings in a politically funded, politically produced, and politically motivated campaign presentation?

THE SENIOR AIDES PROGRAM SHOULD BE CONTINUED

(Mrs. HECKLER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. HECKLER. Mr. Speaker, a few weeks ago the President signed the Older Americans Act, which includes in its provisions the program for the senior aides. There is some talk about the survival of the program and I just would simply like to bring to my colleagues' attention the fact that the senior aides program which allows 127 communities in this Nation to benefit from the lifetime experiences of more than 10,000 of our senior citizens should be continued. These aides work in a variety of functions. They generally spend about 20 hours a week providing support for the local council on aging, for social service and Outreach programs, to the American Red Cross. They give of their knowledge and their experience while providing a very dependable source of manpower for the local communities.

These are individuals who have given a great deal to their country and have the ability to continue to serve. It is serving the American interests, helping local communities use local personal resources to solve local problems.

I support the senior aide program very strongly, as I do all programs for the elderly, and hope it can be continued.

THE GREAT SAN FRANCISCO 49ERS

(Mr. JOHN L. BURTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHN L. BURTON. Mr. Speaker, I just would like to take this minute to pay tribute to the No. 1 team in the country, the San Francisco 49ers, coach Bill Walsh, Joe Montana, Eddie DeBartolo, Jr., the owner, and the people of San Francisco who have waited a long, long, long time and we are No. 1. We will continue to be No. 1 for about 10 years.

THE NEW FEDERALISM HIGHWAY

(Mr. HOWARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOWARD. Mr. Speaker, last evening the President spoke about the new federalism and I just would like to touch for a moment on one small aspect of that.

Apparently the President indicates that we should take 2 of the 4 cents that presently goes into the Federal highway trust fund, turn that 2 cents back to the States, along with the total responsibility by the States for everything in highways other than the interstate program.

Well, the facts are from the Department of Transportation itself, Mr. Speaker, we cannot complete our responsibility to the interstate program through 1986 even with the total 4 cents that we have now, so we certainly cannot meet that responsibility with only 2 cents; so if we indicate that we are attempting to give it to the States, we could give them the responsibility for the 100,000 or more unsafe bridges that are not on the Interstate System, the primary system, the secondary system, the highway safety program, and as I understand it, the total mass transit program; if we gave them that total responsibility and did not give them any money back from the Federal Highway System, we still would not be able to complete our much-needed Interstate System if we keep the 4 cents; so that is basic arithmetic and that has to be considered during this session before we openly embrace some kind of a plan that is going to give us an awful lot in transportation for nothing, or for half price; so I think we have got to look into that. Those are the mathematical facts.

HOUR OF MEETING ON TOMORROW, THURSDAY, JANUARY 28, 1982

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON MERCHANT MARINE AND FISHERIES

The SPEAKER laid before the House the following communication from the chairman of the Committee on Merchant Marine and Fisheries:

COMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, D.C., January 25, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House, House of Representatives, The Capitol, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to Public Law 301 of the 78th Congress, I have appointed the following Members of the Committee on Merchant Marine and Fisheries to serve as members of the Board of Visitors to the United States Coast Guard Academy for the year 1982: the Honorable Gerry E. Studds of Massachusetts, the Honorable William J. Hughes of New Jersey, and the Honorable Don Young of Alaska.

As Chairman of the Committee on Merchant Marine and Fisheries, I am authorized to serve as an ex offico member of the Board.

Sincerely,

WALTER B. JONES,
Chairman.

□ 1530

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON MERCHANT MARINE AND FISHERIES

The SPEAKER laid before the House the following communication from the chairman of the Committee on Merchant Marine and Fisheries:

COMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, D.C., January 26, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House, House of Representatives, The Capitol, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to Public Law 453 of the 96th Congress, as amended, I have appointed the following Members of the Committee on Merchant Marine and Fisheries to serve as members of the Board of Visitors to the United States Merchant Marine Academy for the year 1982: the Honorable Mario Biaggi of New York, the Honorable Brian J. Donnelly of Massachusetts, and the Honorable Paul N. McCloskey of California.

As Chairman of the Committee on Merchant Marine and Fisheries, I am authorized to serve as an ex officio member of the Board.

With warmest personal regards, I am,

Sincerely,

WALTER B. JONES,
Chairman.

LET POLAND BE POLAND: A DAY OF SOLIDARITY WITH THE PEOPLE OF POLAND

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the joint resolution (H.J. Res. 382) to permit the broadcasting in the United States of the International Communication Agency film "Let Poland Be Poland: A Day of Solidarity With the People of Poland, " and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. BROOMFIELD. Mr. Speaker, reserving the right to object, and I shall not object, I yield to the chairman of the committee for an explanation of the bill.

Mr. ZABLOCKI. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of House Joint Resolution 382, providing for the release within the United States of the International Communication Agency production "Let Poland Be Poland: A Day of Solidarity With the People of Poland."

At the outset, Mr. Speaker, let me note that there are many people responsible for this resolution but chief among them is my good friend and distinguished colleague from Illinois, the Honorable ED DERWINSKI. It has been my privilege to have served with Mr. DERWINSKI on the House Foreign Affairs Committee since he came to Congress almost 20 years ago. During those two decades and in a variety of ways, ED DERWINSKI has shown a devoted and determined concern for the people of Poland. His contribution to this resolution and many other legislative initiatives over the years affirms and confirms his contribution and interest in promoting peace and stability in the world.

Mr. Speaker, I also commend the ranking minority member of the Foreign Affairs Committee, our colleague, the gentleman from Michigan, Mr. WILLIAM BROOMFIELD, as well as the chairman of the Subcommittee on International Operations, the gentleman from Florida, Mr. FASCELL, for their efforts and cooperation on this resolution.

Since the imposition of martial law in Poland some 7 weeks ago, concerned and freedom-loving people throughout the world have sought various means to express their support for the Polish people and the democratic renewal movement spearheaded by Solidarity. Both symbolic and material support has been evident through candles in the window, public demonstrations, and food and medical shipments. As a means of extending that support and of helping to keep alive the process of democratic renewal in Poland, President Reagan has proclaimed January 30 to be "Solidarity Day."

In keeping with that same spirit, the International Communication Agency (ICA) will broadcast worldwide on January 31, a television program which will seek to provide important moral support to the people of Poland. It is my understanding our beloved Speaker is going to participate in this program. It will include messages by several heads of Western governments, and by well-known personalities in the entertainment field. ICA intends to beam this production via satellite to over 300 million people throughout the world.

The purpose of House Joint Resolution 382 is to waive limitations contained in section 501 of the U.S. Information and Educational Exchange Act of 1948 on the dissemination of ICA materials in the United States. If Congress approves this legislation, the program will be broadcast in the United States on or around January 31, or within 30 days thereafter.

Mr. Speaker, the people of Poland need to know through every possible means that the American public and all freedom-loving people of the world

are deeply concerned about their fate and strongly support the efforts of the Polish people to solve problems in their own way. By increasing awareness in the United States of this important objective, House Joint Resolution 382 deserves the unequivocal support of the Congress. I urge adoption of the resolution.

Mr. BROOMFIELD. Mr. Speaker, further reserving the right to object, I am pleased to join with the House leadership in sponsoring this resolution which would allow the International Communication Agency to make available in the United States the film entitled, "Let Poland Be Poland: A Day of Solidarity with the People of Poland." The film would be aired on or about January 31 in commemoration of Solidarity Day.

It is appropriate and politically symbolic that we permit this film to be shown within the United States. The courageous actions of the Polish people and of the independent trade union, Solidarity, are historic in nature. At this moment, Poles are risking their safety and well-being in order to secure an additional measure of freedom. So that this momentous event may be fully appreciated in all its complexity, the American people should have the benefit of this excellent documentary—"Let Poland Be Poland."

I encourage all of my colleagues to support this resolution. By allowing this film to be shown in the United States, we are demonstrating our commitment to freedom worldwide.

We are also reinforcing our previous warning to the Soviet Union and their quislings in Warsaw that the United States cares what happens to the Polish people, and will not tolerate an erosion of the gains already won by Solidarity.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DERWINSKI).

The SPEAKER. The gentleman does not have the time, but he may yield to the gentleman.

Mr. DERWINSKI. Mr. Speaker, does the gentleman from Michigan yield to me?

PARLIAMENTARY INQUIRY

Mr. ZABLOCKI. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ZABLOCKI. Mr. Speaker, does the gentleman from Michigan (Mr. BROOMFIELD) intend to object? He has a reservation of objection. Does the gentleman intend to object?

Mr. BROOMFIELD. Mr. Speaker, I do not intend to, obviously not, as a cosponsor.

Mr. Speaker, I yield to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Speaker, I am very pleased to join my dear friend, the gentleman from Wisconsin, in this legislative effort.

The eyes of the world will be watching this program Sunday night. It should dramatically intensify the world's interest in the Communist oppression of Poland. Frankly, cooperation of free world nations with the United States in responding to the martial law imposed in Poland has been disappointing, and this dramatic film should serve to underscore the oppressiveness of the situation directed from the U.S.S.R.

The people of the United States have been inspired by the resistance of the Polish people to communism. We have seen their pride in Pope John Paul II, their support of the amazing development of the Solidarity movement, which has gained the support of the AFL-CIO for its tremendous effort to honestly represent the workers of Poland. Solidarity also is a legitimate nationalistic movement.

The martial law imposed by the Communist regime in Poland is only the latest episode in the tragedy afflicting the Polish people and all the peoples of Eastern Europe as a result of the Yalta agreement under which the Soviets have suppressed the freedoms for which they yearn.

I am especially pleased that our Speaker is among the distinguished persons who will be appearing in this film. I urge all Members to support this resolution waiving the prohibition against showing this film in the United States. The film is in the public interest and in the interest of freedom.

Mr. Speaker, I am sure there would not be any opposition to this resolution, but when the Members realize that our beloved Speaker is one of the participants in the film, that would certainly answer any questions anyone might have as to the validity of the resolution.

I am very pleased to support the argument made by the gentleman from Wisconsin (Mr. ZABLOCKI). I would like to point out that what we are dealing with is a battle worldwide for the attention and, therefore, the minds of men. Even given this media world we live in these days, after 7 weeks now of martial law, the story in Poland is starting to fade away from the headlines, but the oppression by the Polish Army continues.

It is important that this dramatic program, which will have a worldwide impact, have the full support of the Congress. The other body is going to give it its full support. It is totally bipartisan. It is going to be one of the finest American efforts to dramatize the evils of communism that we have seen in many years. I think it serves a tremendous purpose in that it will dramatize the fight the Polish people are waging for freedom, and just as important, it will also dramatize the fact that communism is inherently weak, evil, and doomed to failure. That is a lesson that has to be learned again and again in many parts of the world where people sometimes even get tolerant of the Communist foreign policies and Communist machinations. I think this is a very practical program. This resolution deserves everyone's full support. I urge its adoption.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I want to commend the gentleman from Wisconsin, our distinguished chairman, and the gentleman from Michigan, our ranking member, and the gentleman from Illinois, for bringing this measure to the floor at this appropriate time.

I urge my colleagues to fully support this endeavor of allowing our International Communications Agency to show the film "Let Poland Be Poland: A Day of Solidarity With the People of Poland," at a time when our entire Nation is going to commemorate January 30 as a day of solidarity with the people of Poland.

The people of Poland cherish the right of freedom. It is extremely important that we demonstrate our support of those people who are fighting for this priceless right, a right that we enjoy every day, and one that they are being denied.

I urge my colleagues to support this measure, and I thank the gentleman for yielding.

Mr. O'BRIEN. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Illinois.

Mr. O'BRIEN. I thank the gentleman for yielding.

The people of Poland are the victims of repression, not the cause of it. Why, then, are they being punished for it?

While I consider this resolution a salutary one, the tragic fact is that the Poles are not merely hungry; they are starving. Our Government's cancellation of food aid to Poland has contributed to the suffering of the Polish people. Private organizations are doing their best to provide enough food to see them through the winter, but it is scarcely enough to provide the barest essential for the very young and the very old. Meanwhile, the poultry industry in Poland, its most important source of animal protein, is in danger of collapse because of the lack of grain feed.

I totally agree with the administration's efforts to encourage the Polish Government to lift martial law, to free those in arbitrary detention, and to restore the internationally recognized rights of the Polish people to free

speech and association, but we are only adding to the suffering of the Polish people by penalizing their government through cutoff of aid. I urge the administration to find more appropriate means to let the Polish Government know that we will not tolerate repression, and to restore food shipments to its helpless citizens.

Like the prisoners of Fascist and Communist States to whom the political persuasion of the jailer does not make much difference, so also to those who are starving the refusal to offer lifesaving nourishment is a mortal wound, irrespective of the high principles behind the refusal.

Mr. BROOMFIELD. Mr. Speaker, I yield to the minority leader, the gentleman from Illinois (Mr. MICHEL).

Mr. ZABLOCKI. Mr. Speaker, I am constrained to ask for regular order.

Mr. Speaker, is the gentleman further reserving the right to object? He does not have control of the time.

Mr. BROOMFIELD. Further reserving the right to object, Mr. Speaker, I yield to the minority leader, the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. I thank the gentleman for yielding.

Mr. Speaker, I certainly want to go on record as supporting this joint resolution.

Mr. Speaker, when the U.S. Information Agency—now called the International Communication Agency—was founded, Congress mandated that its media products, such as films, should not be distributed in the United States.

There was a good reason for this prohibition. No one wants to see a tax-supported information agency engaging in programs in this country.

There is a danger these programs could turn into partisan political propaganda. Even if such programs were merely perceived as propaganda by large numbers of Americans, it would not be right.

So the Congress, in its wisdom, put in this prohibition. I think it makes good sense. This is not to say, however, that the prohibition was meant to be absolute, as numerous subsequent actions by the Congress have indicated.

There have been instances in which the Congress granted the information agency a "waiver" so its films could be seen by the people who pay for it, the American taxpayers.

I suppose the most memorable of these exceptions to the rule was the film on the death of President John F. Kennedy, titled, "Years of Lightning, Day of Drums." This moving tribute to the slain President was shown on television, as well as in American theaters.

I am informed over 70 International Communication Agency films have been allowed to be shown in the United States by Congress.

So, there is ample precedent to show ICA material to the American people.

I believe the current ICA presentation entitled "Let Poland Be Poland: A Day of Solidarity With the People of Poland" is obviously one of those films the American people should get the chance to see. That is why I have joined our colleagues in cosponsoring a resolution that will allow it to be shown in the United States on or about January 31, 1982, and for 30 days thereafter.

It promises to be a moving tribute to the spirit of freedom so typical of our country, as well as of the people of Poland. It is nonpartisan and in the great tradition of American concern for human rights.

I would personally like to see more ICA material made available to the taxpayers, while still keeping the spirit of the prohibition against wholesale dissemination of their products.

Mr. BROOMFIELD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. (Mr. ECKART). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 382

Whereas the Polish Action Committee has called on free peoples everywhere to commemorate January 30, 1982, as a Day of Solidarity with the People of Poland;

Whereas the American Federation of Labor and Congress of Industrial Organizations, the International Confederation of Free Trade Unions (ICFTU), and other labor organizations throughout the world are commemorating this day with rallies and other observances;

Whereas the President has issued a proclamation declaring January 30, 1982, to be Solidarity Day in the United States;

Whereas the heads of state of many free world nations will join in observing Solidarity Day;

Whereas these observances will be broadcast worldwide, over television and radio, to an expected audience of over 300 million people; and

Whereas it is desirable that the people of the United States be aware of, and participants in, this worldwide effort: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461), the Director of the International Communication Agency may make the film entitled "Let Poland Be Poland: A Day of Solidarity With the People of Poland" available for broadcasting in the United States on January 31, 1982, or within thirty days thereafter.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. ZABLOCKI) is recognized for 1 hour.

Mr. ZABLOCKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. I thank the chairman of the full committee for yielding this time to me.

Mr. Speaker, I rise in full support of this resolution.

Many times in the past, the Congress has asked that a film produced by the International Communication Agency for overseas viewing be released for distribution within the United States. We have asked for such exceptions in the law because we have felt the films to be of exceptional value in helping Americans to learn more about our own past and present, about the position of the United States in the world community, and about the policies and cultures of other nations.

House Joint Resolution 382 is not an unusual resolution. In fact it is in keeping with ICA's mandate which recognizes America's need to understand the aspirations of the people of other nations as well as the need to represent to overseas audiences the policies and varied cultures present in the United States.

This ICA film reflects U.S. concern for the plight of the Polish people. Its release would allow Americans to view a documentary which points out the trying events in Poland from a wide perspective. The film includes statements from many world leaders in addition to a statement from our own President. It presents the history of Solidarity and covers demonstrations of support from around the world for the Polish labor union. But most importantly, the release of this film would allow Americans, in a small way, to join with many other nations in celebrating the message of Solidarity and in mourning the suppression of that message in Poland.

Mr. SWIFT. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Washington.

Mr. SWIFT. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this resolution. As a member of the Commerce Subcommittee on Telecommunications, and after consultations with my chairman, Representative TIM WIRTH, I wish to engage the chairman of the Foreign Affairs Subcommittee on International Operations (Mr. FASCELL) in a colloquy on the dissemination of this program to the American people by the Public Broadcasting Service.

The program to be shown, "Let Poland Be Poland," may be transmitted on the facilities of the Public Broadcasting Service for use by its member stations. I wish to stress that PBS would not be broadcasting this event as a PBS program. It is a production of the International Communication Agency. It would be distributed under a provision of the Public

Broadcasting Act (section 396 (h)(2)) which permits excess satellite distribution capacity to be made available to other entities on a nondiscriminatory basis. This provision of law was not designed or intended to provide a means to transmit Government messages, but as a way to provide access to public broadcasting stations by independent producers. The circumstances of this particular broadcast via PBS, in other words, are unusual and exceptional.

An important issue is at stake here and should be understood by all concerned. Neither PBS, National Public Radio, nor any public broadcasting licensee should be viewed as having responsibilities or obligations that are different from commerical broadcasters in choosing to carry any programs—whether or not they are produced by the Government.

Under the Communications Act of 1934, television and radio stations reserve the right to exercise their independent broadcast judgment as to whether to carry news specials or other events. The choice is theirs—and not the Government's. This is a fundamental principle which the Government must respect at all times.

And it is of critical importance to public broadcasters, especially since they receive some Federal funding. But such funding is not and has never been provided in order to establish a Government-controlled medium carrying Government-produced messages. Indeed, the financing of public broadcasting has been structured precisely to insulate the system from political interference. Federal support for public broadcasting is intended to strengthen the very independence of editorial judgment that is so crucial to all broadcasters.

Nothing in the waiver we are considering today should be construed to compromise this basic tenet of communication law and practice.

Mr. FASCELL. Mr. Speaker, I concur fully with the concerns expressed by the gentleman from Washington. This resolution is in no way intended to compromise the independence of public broadcasting. I agree that public broadcasters, no less than commerical broadcasters, must retain final judgment as to whether to broadcast any event, without interference by the Government. The sole intention in passing this resolution is to make this film available to interested Americans, as we have done with other ICA productions in the past.

Mr. SWIFT. Mr. Speaker, I thank the gentleman.

Mr. ZABLOCKI. Mr. Speaker, I yield such time as he requires to the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Speaker, I wish to commend the chairman of the full committee, the gentleman from Wisconsin (Mr. ZABLOCKI) for his work on this legislation, and I thank him for his efforts.

Mr. Speaker, I strongly support House Joint Resolution 382 and urge its overwhelming approval by my colleagues.

For more than 6 weeks the brave people of Poland have suffered oppression at the hands of their government. The spark of freedom which had been enkindled by the shipyard workers in Gdansk and which had spread throughout the country, had become too great a threat to Poland's Communist rulers. Martial law, internment and violence have replaced the traces of liberty which Solidarity had so painstakingly won.

It is important that individuals and nations that are offended by the military crackdown in Poland make those feelings known to the people of the world. One of the best ways of doing so is by insuring that the truth about the situation in Poland is widely broadcast. Congress has an opportunity to facilitate this effort by exempting the International Communication Agency's (ICA) film "Let Poland Be Poland" from the prohibition against domestic showing of the agency's films. Lifting the prohibition for this film will allow it to be shown in the United States during the upcoming worldwide day of solidarity with the people of Poland. It is a film which Americans should see and I hope that this Congress will take the steps necessary to insure that it will be shown.

● Mr. ANNUNZIO. Mr. Speaker, I rise to join my good friend and colleague, the Honorable CLEMENT J. ZABLOCKI, chairman of the House Committee on Foreign Affairs, in support of House Joint Resolution 382, the bill I cosponsored with him to permit the broadcasting in the United States of the film produced by the International Communication Agency entitled, "Let Poland Be Poland: A Day of Solidarity With the People of Poland."

The Polish Action Committee has called on free peoples everywhere to join in the commemoration of January 30, 1982, as a Day of Solidarity with the people of Poland in their struggle against Communist repression, and the President has issued a proclamation declaring January 30 as Solidarity Day in the United States.

Many Poles have lost their lives, thousands have been prisoned, and basic freedoms of communication and movement have been severely curtailed or are nonexistent. We as Americans, along with free peoples all over the world, must join our hearts and our minds with the courageous Polish people, who have never lost their fervent desire for freedom. The shipyard workers, the coal miners, the farmers, and all the people of Poland must know that Americans will never be silent about this brutal war on their liberty.

The Communists in Moscow have worked to defeat the progress toward reform, even though both Communist Poland and the Kremlin have signed the United Nations Declaration of Human Rights and the Helsinki agreement with the United States and its allies, advoacting the freer movement of peoples, access to information, and humanitarian cooperation among peoples. Both nations are members of the United Nations and claim to believe in fundamental human rights, and in the dignity and worth of the individual.

On December 15, 1981, the Congress approved a resolution in support of the Solidarity Movement in Poland and its attempt to bring human dignity to Poland. The bill, which was adopted unanimously, places the responsibility for the present reign of terror in Poland on the Soviet Union.

The Congress also unanimously passed a resolution urging the President to halt the deportation of Poles in this country because of the grim situation in their homeland, and the administration has approved this recommendation.

The former Polish Ambassador to the United States has urged Americans not to be silent about the brutal war against freedom in Poland, and to give solidarity, support and humanitarian aid to the people of Poland.

On Solidarity Day, January 30, we join in our hearts and our minds with the brave people of Poland in their prayers for a just and peaceful end to their beloved country's difficulties.●

● Mrs. HOLT. Mr. Speaker, I rise in strong support of House Joint Resolution 382 to permit the broadcasting in the United States of the International Communication Agency film, "Let Poland Be Poland: A Day of Solidarity with the People of Poland." The suppression of freedom in Poland by the Communist rulers and the courage displayed by the Polish people serve to remind the Americans of the need to cherish our own freedoms and human rights. The film, normally intended for the millions who are unfortunately trapped in the captive nations of Eastern Europe, will be a vivid reminder to the American audience that the Polish people need our sympathy and prayers.

Mr. Speaker, House Joint Resolution 382 should also send a signal to the Communist rulers of Poland and Russia that we do not condone or tolerate their dictatorial actions.●

Mr. ZABLOCKI. Mr. Speaker, at this point I will ask the ranking minority member of the Foreign Affairs Committee if he has any requests for time under the regular order for the consideration and debating of this joint resolution.

Mr. BROOMFIELD. Mr. Speaker, I do not.

Mr. ZABLOCKI. Mr. Speaker, I have no further requests for time. I move the previous question on the joint resolution.

The previous question was ordered.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution just passed.

The SPEAKER pro tempore (Mr. ECKART). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

THE UNEMPLOYED

(Mr. ECKART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ECKART. Mr. Speaker, I listened intently last night, as we all did, to President Reagan as he outlined the state of the Union. But nowhere in his remarks did I find any reference to the condition of 10 million and more unemployed people in our country. The silence, I will tell you, was deafening.

Let me offer to you another view, a Republican view, of the Reagan program. I am entering into the RECORD the recent statements of Howard Collier, director of the Office of Management and Budget for the State of Ohio—who said, in part, that Ohio is suffering "cardiac failure" and that the Reagan program was a "disaster" for Ohio.

With record unemployment in Ohio; with a record State deficit in Ohio, with a record tax increase in Ohio, our Republican Governor, James Rhodes, has seen fit to call a spade a spade in his administration's candid assessment of the Reagan recession on Ohio.

I urge my colleagues from States who face economic difficulties to heed the warnings recently sounded in Ohio.

If left unabated—result in the destruction of much of State government and our system of public education at all levels.

The President is going for broke. And that is where we all will end up, if he does not succeed.

At this point I insert the following:

REMARKS OF HOWARD L. COLLIER, DIRECTOR OF OFFICE OF MANAGEMENT AND BUDGET, STATE OF OHIO, JANUARY 19, 1982

TO THE STATE CONTROLLING BOARD

Thank you for allowing the OBM staff to make an extraordinary series of presentations here today. They are essential for clarity but, at best, will only give a view of the economic and social depression that has a firm grip on Ohio.

I will provide an introduction and some remarks I feel pertinent for today and the coming weeks.

I appear before you today with moral and professional resolve to uphold the Constitution. There is no choice. My oath and yours is exact.

But I also appear before you with a deepening personal sadness, grief, and despair. At best, the required acts I will take to uphold my constitutional responsibility and yours will—if left unabated—result in the destruction of much of State government and our system of public education at all levels.

Collectively, the members of this board and I have spent more than 100 man years—nearly always working cooperatively—in designing, drafting and implementing the spectrum of programs and safety nets that are now in unprecedented jeopardy.

The newest game to sweep the State—including the State house and media—is what kind of something is to blame for our current state of affairs. The popularity of Rubik's cube pales by comparison.

As a preface, I can say the speaker of the house, the President of the senate, the Governor, and members of both parties in both houses are virtually blameless.

The something is real.

Federal policies are destroying the industrial/agricultural heartland. Ohio is the heart of the heartland and is suffering cardiac failure.

A. Our steel industry has been given away by Federal policy, not by greedy management or corrupt unions. Dumping is transshipped, condoned or ignored or rationalized.

B. Grain embargoes—real and threatened—have made us an unreliable supplier for foreign markets.

C. Foreign auto imports are a glut while American manufacturers face restrictive tariffs in their attempts at the export market.

D. Federal interest policies have created a shambles of the construction and housing industries.

E. Federal tax/spending policies have created a trillion-dollar debt—growing daily—that must be constantly refinanced at higher cost, holding interest rates high.

F. The Federal Government has failed to adopt any concept of creative capitalism to provide the risk capital for the reindustrialization of the heartland.

G. The Federal Government's policies caused the Ohio depression and collapse of basic industry, but the Federal Government expects remaining Ohio business to be taxed to repay our massive unemployment compensation Federal loan. This course of action will only make Ohio products more costly, close more businesses and make the problem more severe.

H. Federal policy is closing B.E.S. offices at a time when hope in Ohio is in short supply.

I. Social benefits (food stamps, medicaid) are being cut at the time of our greatest need.

J. Ohio—even while in a deepening depression—receives the fourth lowest rate of return on its tax dollars sent to Washington (Texas, Connecticut, Indiana).

K. Because of this litany, the general assembly is forced to raise taxes on a base that is either flat or constricting.

These are a lot of "somethings" that placed us where we are today. The combined impact is only now becoming apparent.

Without a swift and massive shift in Federal policy toward Ohio, we can expect a worsening depression and a lengthy recession broken by episodic periods of growth. Those periods will provide hope but no long-term substance.

I could spend an hour explaining why the "sun belt" is not the reason for our current state of affairs. Our assets and location have improved since Ohio was first industrialized. It is important to understand but not critical to the presentation today.

Suffice it to say that the glass industry, the rubber industry, the steel industry, and the auto industry, will never again—in our lifetimes—provide jobs for Ohioans to the degree they did ten years ago, or five years ago.

Each of you has a feel for each one of these "somethings" that caused this meeting today. Your list might be longer than mine but would start with mine.

A specific indication for your concern was a little publicized appropriation you made to OMB in fiscal year 1983 to create an econometric model correlated to Ohio and the Ohio economy. Your intention was to quantify the difference between national models and the deflator effect of Ohio reality.

I am asking you for early funding so work can begin. It can be perfected for use by the next Governor and the next general assembly.

Done properly, it will save me from having to serve a fourth term under circumstances similar to today.

The technical presentation will be handled by Matt Filipic, assistant director, and our staff.

We are opposed to cutting welfare benefits. A cut at this time could precipitate the final collapse of the social safety net and clearly endanger life, health and safety.

Federal policies are already making holes in the net that Ohioans cannot afford to mend. Neither can we afford the risk of collapsing the net.

I don't expect any of you to applaud this decision, but I ask your support that the check of last resort is not diminished due to insufficient funds.

This question will be on a future special board agenda.

There are probably members in the four caucuses who will not agree with the exemption of welfare benefits from cuts, but it is a responsible and humane act.

We have attempted to expose all known problems at this single meeting. That is only to free us all to address solutions in an orderly manner.

I will be working through George Lord seeking your advice on such matters as definition of emergencies, procedures to accelerate the capital program—including the prison bill, to create jobs, and lastly, keeping you informed on an orderly basis of what OMB is doing through this crisis.

We have spent all of my first 19 days in office defining the potential problem, that chase is still incomplete.

Hopefully, we can start next week on solutions.

Thank you for your time, courtesy and patience.

A TRIBUTE TO 1ST LT. MICHAEL A. MATTSON

(Mr. DYSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DYSON. Mr. Speaker, the United States has a history rich in the tradition of heroes. Today, I rise to honor and commemorate a young man who demonstrated his valor in a quiet manner. Air Force 1st Lt. Michael A. Mattson, flying a night intercept training mission, was lost at sea on December 18, 1981.

It is wrong to think that bravery can only be exhibited under combat conditions, one must also include those individuals who go out day after day in the defense of their country where the risk of fatal injury is always present. Every military pilot knows that each flight, whether in peace or war, possesses an element of danger. Yet, they remain aware that a strong and highly trained Air Force is a vital ingredient to this country's survival. First Lieutenant Mattson knew and appreciated the freedoms which we enjoy in the United States. His service and dedication to our Air Force was evidence that he was willing to protect these rights.

Michael Mattson was born on January 8, 1957, in Joppa, Md. Since his childhood he dreamed of becoming a pilot. He spent 4 hard years studying at the U.S. Air Force Academy, and then went on for 1 year of pilot training at Lubbock, Tex. This was followed by 3 months of fighter lead-in training at Hollman Air Force Base in New Mexico and then he was introduced to the Phantom jet during 6 months of intensive training at Luke Air Force Base, Ariz. Finally, on June 24, 1981, he was assigned as an aircraft commander to the 336th Tactical Fighter Squadron, 4th Tactical Fighter Wing, at Goldsboro, N.C.

First Lieutenant Mattson combined a love for flying with his love for his country. Perhaps his dream of becoming a pilot can best be expressed through his favorite poem.

HIGH FLIGHT

Oh, I have slipped the surly bonds of earth
And danced the skies on laughter-silvered wings;
Sunward I've climbed, and joined the tumbling mirth
Of sun split clouds-and done a hundred things
You have not dreamed of-wheeled and soared and swung
High in the sunlit silence. Hovering there,
I've chased the shouting wind along, and flung
My eager craft through footless hills of air
Up, up the long delirious, burning blue
I've topped the windswept heights with easy grace
Where never lark, or even eagle flew.
And, while with silent, lifting mind I've trod
The high untrespassed sanctity of space,
Put out my hand, and touched the face of God.

—JOHN GILLESPIE MAGEE, JR.

Michael was on his way to compiling an outstanding career record. I had the highest respect for his character and motivation. He was of the material of which heroes are made, and as is the case with such men, his stay among us was far too brief. I, along with his comrades and the Nation share the tremendous sorrow and extend our heartfelt sympathy to his family: We are all the poorer for his loss. Although he may no longer be with us, a little of his spirit and courage will remain in everyone his life touched. His untiring devotion to duty did much to increase the strength of the United States and promote the cause of justice and order throughout the world. His zestful energy and undaunted determination to serve his Nation will be an enduring example to all brave men and women who will follow in his profession.

CBS REPORT ON SOUTHEAST ASIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BAILEY) is recognized for 15 minutes.

Mr. BAILEY of Pennsylvania. Mr. Speaker, something is dreadfully or terribly wrong at CBS. I had occasion last weekend to view the so-called CBS report on Southeast Asia. I guess it was in effect an attempt to try to dismiss out of hand the contention that General Westmoreland and others have made that the reason for that terrible policy failure had to do with something that happened here at home. It was an apparent thinly veiled attack or criticism of Westmoreland's remarks to that effect.

When I returned from overseas I had attended law school at Duquesne University in Pittsburgh at night, and as part of my studies I chose a seminar in political and civil rights. I wrote my thesis on press responsibility. The vast majority of the journalists in our country, I think, do try to adhere to some standard of responsibility and some degree of objectivity in the work that they do. As part of my studies, I had occasion to analyze a CBS white paper, "The Selling of the Pentagon." It was a very poor job, a very dishonest editing job that was done.

The reasons for the criticism were good. The questions that were raised were good. They were questions that should have been asked. The editing that was done, the way the material was treated, detracted from the credibility of that work. They also mocked the intent and the purpose of the first amendment and what it is for.

I have seen other CBS documentaries, "The Guns of Autumn." Walter Cronkite's response to "The Guns of Autumn" when CBS was threatened with a lawsuit over its content was that, "Mirrors don't lie." That is rather naive. It is also a little self-righteous, and I do not think it is a fair way to use the 6:30 news.

I do not know what happened with the so-called juggling of figures in Southeast Asia. I honestly do not know. I would be dishonest if I said to you that I would be very quick to accept the CBS interpretation of events or their so-called investigative work done on that project. I do not have that kind of confidence in CBS's ability to be objective. But, I really have to wonder whether or not the outcome, what the policy affected, would have been any different. Let us suppose that those figures were juggled. I do not think it would make that much difference. I do not think that in terms of the political or military alternatives available to this country at the time, we would have done anything differently.

Second, I think the show does a greater disservice. It does something to truth and thus history, and I guess this is what turns in my stomach when I watch the great power of a large network, and I have no ax to grind with them, for what seems like almost personal reasons, distort the facts through imbalanced presentation.

I have no particular complaint against the media but I do when I, as a consumer of news, am fed information by CBS that is so distorted or so biased that it offends the sense of truth that I think all of us respect and admire.

We are left with a number of innuendos when the show is over. All right, you have aspersions cast on the character of American military leaders. Well, questions like that should be raised, and those kinds of things should be investigated, but the major innuendo was that somehow Tet was a great military defeat. Well, it was, but it was not much of a military defeat for us, and even the most casual observers of the war, even the most amateur historians, will admit that from a military point of view—and we have interpretations, we have cables that were intercepted from North Vietnam that indicate that they themselves have viewed it as a disastrous military defeat for them.

But, it was a tremendous propaganda victory, and it really leaves open the question that the CBS documentary would leave with all of you in your minds because they do not have the courage to address it. They do not have the courage to say that this was a policy failure that was due to a lack of America's proper military prosecution of the war. Because they cannot support that hypothesis. However as Americans we have all got to admit, because this is the truth, we decided to

make a decision that we did not want to spend the money or the blood to prosecute the war. So be it.

Let us abide by the opinions that force and form our policy here, that is, majority opinion. I do. I do not want to blame it on someone who is not responsible. The failure of this country to successfully prosecute the war in Southeast Asia was a horrendous policy mistake once we were involved and committed. We did not see it through. Let us have the guts as a country to admit that we collectively did not see it through.

It is absurd to assume that this Nation's military and personal and political and economic and cultural resources, properly applied, could not have militarily succeeded in producing a different outcome in Southeast Asia. We were outlasted, folks. That was the truth. Do not blame it on a bunch of soldiers. Do not accept the CBS position that wants to walk away from the responsibility and role they played in reporting a war, and perhaps getting a little big for their britches, and forgetting what words "perspective" and "balance" mean, consequently wish to distort reflections upon it.

I have no personal ax to grind with the news media. I have been treated very well at home. I have been treated fairly. But I have watched the series "60 Minutes," and this documentary, and other documentaries and I am waiting for the day that ABC or NBC will run a full-page ad in the New York Times or the Washington Post—and please, if they could just do it objectively—and in that ad say, "Folks, we are going to take a look at the writing of a CBS White Paper."

Maybe that is also, I would very gently suggest to my countrymen, a small part of the story, and that it is not going to be forgotten and its effects will not be washed away. They will not be expunged by trying to hang a badge on someone else and saying "see, if you had said something different, this would have turned out a different way."

Tet was a horrible military defeat for the other side. It was not perceived that way here. That is a shame.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. BAILEY of Pennsylvania. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I want to thank the gentleman for bringing this very important point to the Members of the House. I also had the opportunity to watch the CBS series, and I was disappointed in the way that it was presented to the American public. In fact, the series turned me off when it said right off that America's defeat in Vietnam was not a military defeat.

I was over there eight different times during the war, and our flag was never dipped over there. When we left, we left and turned the war over to the South Vietnamese. I thought they could do the job. I thought they had had enough training.

Mr. BAILEY of Pennsylvania. Would the gentleman confirm a number of things? I would very much appreciate his help by asking a few questions. The gentleman is the chairman of our Veterans' Affairs Committee, and of course also serves on the Armed Services Committee, where he is obviously very experienced. The United States of America made a decision to leave Southeast Asia. At the time we left, as I understand it, the territorial integrity of South Vietnam was intact. Am I wrong?

Mr. MONTGOMERY. The gentleman is correct.

Mr. BAILEY of Pennsylvania. If the gentleman will bear with me, is it not also true that when we left it was a matter of about 2 years, I think, before that country fell? There were a number of pitched battles, such as at An Loc. Even so, the news media reported that with little sympathy to the South. The gentleman knows that. Are those not facts? I am just curious. We were not driven from the country.

Mr. MONTGOMERY. We were out of Vietnam with all of our fighting forces 2 years before South Vietnam fell. There is no question about it, it was a political war. If we wanted to unleash our forces, in my humble opinion, within 2 or 3 weeks we could have overrun North Vietnam; we could have totally destroyed all the cities of North Vietnam.

But, my other point is, I do not think the series treated General Westmoreland fairly at all. I think he was, overall, one of our great commanders that we had. It was a difficult war to fight, and certainly one can go back and pick up things that did not go exactly right in any type of conflict we have been involved in. Nothing goes right in a war, as the gentleman knows. There are always some problems. You just cannot hit the target on the first shot.

Mr. BAILEY of Pennsylvania. I would add to that—and I fought there—I would have to add that while I think those enemy forces were nice, tough people, I had a lot more respect for those soldiers, I still bear no malice for those soldiers on the other side, of whom I had many opportunities to see die, a lot more respect for them than I do for our armchair philosophers.

□ 1300

I have got to be honest with you about that. But in a country like ours it is important that we be honest with ourselves as to what constitutes a policy failure so we can learn from it and improve in the future. Perhaps we never should have been involved. There is a debate whether the war was fought properly, but it should not be painted as something that it is not.

Anyone who thinks that any nation can carry on a war without the kind of political support to keep it going and to follow through with its objectives is being naive. Wars are not divided into military and political fronts. Wars are efforts. They are an ultimate form of human conflict. They are terribly bloody, they are horribly painful, they are terribly scarring, one war is all the terrible things that all wars are. But they are ultimate human endeavors that are not simply blamable on some mistake by a small group, of involved persons by a group of people who happen to enjoy a privileged access to the American people, and I think CBS is very much afraid of the hypocrisy that they have weaved in failing to address their own role that Westmoreland criticized.

I have talked to reporters who had their leads rewritten in Tokyo. I met a reporter in New York 2 weeks ago who spent 2½ years with one of the major networks who was very upset with the way his stories were handled.

I do not want to blame it on the news media. That is not fair also. The failure stemmed from a multititude of things, but I think that media distortion was part of it. As to William Westmoreland and the figures on Tet and the infiltration, it is just patently asinine to say that that's the reason for failure. To do so is to grossly exaggerate.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield further?

Mr. BAILEY of Pennsylvania. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I think one of the problems that brought our commanders into this picture and why CBS did this, it seemed to me that there was some type of argument or hard feelings between the CIA and the DIA during the war. That is what came out to me in watching the CBS show.

Mr. BAILEY of Pennsylvania. Mr. Speaker, if the gentleman will allow me to point this out, my interpretation, plainly and simply, with the way it was left and the way Mike Wallace left it, was that Westmoreland had made references to the war being lost here at home. Given the military job that was done and given the military objectives, I would have to say that I agree with that contention.

I think by and large, militarily, where we went, where we had to go and with the military goals we needed to achieve, we did achieve our objectives. I do not think there is any doubt about that. Tet would have happened 6 months later and Tet would have happened again if we had done the same things. But they did not and they could not, because they got their behinds whipped.

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So let us not blame that on the soldiers and the commanders who went to do a job that they believed was right.

Essentially, the reason why I think CBS did that—and this innuendo was left at the end of the show—was because Westmoreland had had the incredible gall—can we imagine it—to suggest that perhaps there was a number of different factors involved, many of them political, here in the United States, including this Congress, that led to that political reversal, which it clearly was.

I mean we started out with an objective and we left in the middle of it. That is what we did. We did not get booted out. We walked away. Maybe we Americans do not like to admit that we walked away, but that is what we did. That is the truth. We cannot blame it on anybody. We cannot blame it on General Westmoreland, and I do not want to blame this on CBS. But CBS has a responsibility to be balanced, and I do not think they are.

I think General Westmoreland touched a nerve, I say to the gentleman from Mississippi (Mr. MONTGOMERY). I think he touched a nerve, and I think it hurts. I think it pinches a little bit.

When you bring out a "sacred cow" like Walter Cronkite, who can predict what happens, but whom no one can and when you maintain that question one has to wonder about the reason for the show. I think they are getting too big for their britches. Naturally, it is not my role to interfere with them, but I hope the media in this country appreciates this because the Nation depends on objectivity and the freedom of the press. To abuse that freedom is to abuse us all and Government is not the only abuser.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield?

Mr. BAILEY of Pennsylvania. I yield to the gentleman from California.

Mr. LUNGREN. Mr. Speaker, I just want to thank the gentleman for bringing this matter to the attention of this body, not to argue about the way we prosecuted the war but in an effort to try to get away from what I see to be a continuing effort to somehow condemn those people who served as simple soldiers in that war as failures.

We have constantly seen them painted, in story after story on television, and in the print media, and so forth, in terms that they came back as terrible failures. They are painted as social failures, and now by the rewriting of history they want to make sure that everybody understands they were failures as soldiers.

As everybody knows, we lost the Tet offensive, but the gentleman stated correctly in fact that it was not a military defeat for the United States. We were successful. Unfortunately, that was not the interpretation back here, and to the extent we can make sure the Vietnam war veteran does not suffer from these misstatements and misconceptions of the role he played, I think we have an obligation to do that.

Mr. Speaker, I thank the gentleman for adding to that effort a restoration of the facts and the reality of what occurred from what we have seen over the past few years.

Mr. BAILEY of Pennsylvania. Mr. Speaker, I thank the gentleman from California (Mr. LUNGREN).

LEGISLATION TO AID IN RESOLVING WHOLESALE ELECTRIC RATE CASES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 5 minutes.

● Mr. CORCORAN. Mr. Speaker, as was the case a year ago, there is a substantial backlog of wholesale electric rate increase applications pending at the Federal Energy Regulatory Commission, and today, as I did on December 3, 1980, I am introducing legislation that I believe would help the Commission more promptly resolve wholesale electric rate cases.

Delays in taking final action on these applications often permits rates which may be unjustifiable to take effect. In some instances, a contested rate becomes effective while one or more other challenged rate increases have already been allowed to take effect; this "pancaking" can compound the degree to which rates electric consumers pay are different from what the Commission finally determines to be fair.

Commonwealth Edison has proposed an electric rate increase for cities which purchase power at wholesale in its service area in Illinois—Batavia, Geneva, St. Charles, Naperville, Rock Falls, and Rochelle. This could take effect before two previous applications for increases by ComEd and affecting these cities, now pending at the Commission, are resolved. Another increase is encompassed in a lawsuit now before the Court of Appeals—D.C. Circuit. Obviously, should delays in taking final action be reduced, electric consumers served by municipal wholesale purchasers of power would not find themselves in this unfortunate situation.

The proposed "Wholesale Electric Rate Fairness Act," which I am again introducing, comprises two statutory changes suggested by former Commission Chairman Charles B. Curtis in his January 1980 report, "Decisional Delay in Wholesale Electric Rate Increase Cases: Causes, Consequences and Possible Remedies," submitted to Congress pursuant to the Public Utility Regulatory Policy Act of 1978. One change would allow a decision on whether to postpone the rate increase for up to 5 months to be made by one commissioner or a senior FERC official rather than by the full Commission. Under a second provision of the bill, those challenging rate increases could more quickly appeal decisions in the court system, bypassing a time-consuming rehearing of the case by the Commission. These changes would likely relieve the Commission of scores of agenda items each year, giving it more time to work on decisions of greater significance, including rulings on rate fairness. Further discussion of the provisions of this legislation, along with its text, can be found in the CONGRESSIONAL RECORD of December 3, 1980, at page 32079.

Mr. Speaker, the wholesale electric rate case backlog has been growing. At the end of fiscal year 1979, there were 248 cases under part II of the Federal Power Act pending, most of which involve wholesale electric rates. There were 281 pending at the end of fiscal year 1980 and 312 when the 1981 fiscal year concluded. It is my hope that Congress will examine this circumstance and take action to reduce delays in resolving contested rate increase applications. The legislation I am introducing today is one means by which we can afford consumers a greater degree of fairness in the process of determining wholesale electric rates.●

COMMITTEE STAFF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. COLLINS) is recognized for 30 minutes.

Mr. COLLINS of Texas. Mr. Speaker, under the courageous leadership of President Reagan, we are seeing a renewed spirit and hope in the country. Cuts were made in our oversized Federal budget. I believe, it is now time for sacrifice at home. How can we justify cuts in the bureaucracy while Congress is padding its own halls with overloaded committee staff at the expense of all American taxpayers?

Let me say that congressional statutory staff should remain the same as it is right now. Let us keep these 30 people which most House Committees are allowed, but let us reduce the additional investigative staff. These investigative staff are simply political appointees hired by the Chairman and not the committee's full membership. They are not employed under civil service, very few are allotted to the minority, and have no required or uniform qualifications. Let us look at the enormous growth of these staff during the last decade. This growth is a startling example of an inflated bureaucracy.

In 1973, congressional investigative staff numbered 570. In only 7 years,

this number zoomed up to 1,161. At this rate, by the year 2000, we would have approximately 9,000 people compared to the 570 just a few years ago. Imagine the cost to the taxpayer.

These staff salaries cost money. Their salaries are provided by annual funding resolutions passed by the House. These salary levels have grown tremendously. In 1971, the total committee budget which includes the investigative staff, was $6,800,000. By 1980, this budget skyrocketed to $43,602,118. Some of the committees with the most blatant growth are Energy and Commerce, with investigative funding of $1,474,000 in the 92d Congress which rose to $7,458,000 by the 96th; Merchant Marine which zoomed from $519,000 in the 92d to $3,176,245 in the 96th; and during the same period of time, the Agriculture Committee mushroomed from $250,000 to $2,272,000. The Rules Committee which only needed $5,000 in the 92d Congress exploded to the astronomical figure of $1,134,000 in the 96th.

This stafflation received the attention of many Members last year, including 52 new freshman Republicans. But, as support for reducing the committee funding resolutions was mounting, the leadership got scared of possible defeat. The Rules Committee passed what was later called the "gag rule". What this did was to combine all committee funding requests into one resolution in order to protect the committees, because most of their budgets could not stand up to close scrutiny. A careful review and debate of each committee's resolution individually by the House would have allowed many budgets to go down to defeat.

The House mandated this unfair approach of combining all budgets into one resolution. The resolution provided a 10 percent reduction in the 1981 authorizations level over 1980 authorizations. This sounds fine, but in reality, it was an increase in authorizations of 6 percent over the 1980 expenditures. It boils down to an illusionary savings—we are not spending less of the taxpayers' money as it would appear—we are spending more. Authorization is not the bottom line. The appropriation is not cut, and the spending goes on.

Last year we had tremendous support from the Committee on House Administration which voluntarily cut its 1981 budget by 20 percent from 1980 expenditures. This was a constructive step toward reducing the burden of the Federal Government on all citizens. As committee staffs grow, the amount of work increases without necessarily increasing the effectiveness or efficiency in order to justify new staff jobs. I hope that many other committees follow the example set by House Administration last year.

Soon the process begins again. The Nation is watching to see how we, the Congress, set the example for fiscal restraint and responsibility. We cannot better serve the President and his program than by cutting back our own oversized and expensive investigative committees.

We are all appreciative of the hard working and efficient House Administration Committee. The gentleman from California (Mr. HAWKINS) chairs the committee. Mr. FRENZEL of Minnesota is the ranking member. The subcommittee handling the funding budgets is chaired by Mr. ANNUNZIO of Illinois with ranking member Mr. BADHAM of California. Remember, they cut their committee staff budget last year. Lets all join in more cuts.

□ 1615

OVERSIGHT HEARING SET ON COAL DEATHS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GAYDOS) is recognized for 5 minutes.

● Mr. GAYDOS. Mr. Speaker, the Subcommittee on Health and Safety, which I chair, will conduct oversight hearings into the series of tragedies that have killed at least 40 coal miners since the budget cuts went into effect for the Mine Safety and Health Administration.

The first hearing will be held on Tuesday, February 23, 1982, in room 2261 of the Rayburn Building.●

KING CRIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise again at the outset of the 2d session of the 97th Congress, as I have since the last Congress in the very beginning, with respect to the matter of what I call King Crime's continued reign unchallenged in our country, the murder or death of Federal Judge John W. Wood, and the prior attempts on the life of the assistant district attorney for the Federal western district. This is the then assistant whose life was almost taken in an outright attack on him prior to the death of Judge Wood.

In May it will be 3 years since Judge Wood was assassinated. Since then I have risen time after time in this forum after it was apparent that no progress was being made in the successful resolution of that case leading to the apprehension, arrest, and conviction of those culpable of these very dastardly crimes. I was impelled to do so because it was obvious I should since this happened in the environs—not within my district but in the environs of my district, what used to be the district at one time, the 20th Congressional District which I happen to have the privilege of representing at this time and which included the entirety of Bexar County. Today it is the inner portion of the City of San Antonio. And these crimes were committed in one of the most sophisticated, affluent suburbs not only in Texas but anywhere in the country.

There was no question that both crimes, the attempt on the assistant Federal district attorney first, and then the successful attempt on Judge Wood were one and the same part of a planned operation. I do not think there is any question and nobody debates that it was a very sophisticated form of organized crime that was actually responsible.

But the main thing that impelled me and continues to impel me to bring this before the House of Representatives as a national issue is that it is the first overt, direct attempt on the third branch of our Government, the judiciary, in what is obvious to me to be an attempt to intimidate and coerce that branch of Government. The sad part is that no more progress has been made in resolving that crime today, almost 3 years later, than there was when I first rose to speak here at the opening of the last Congress after the attack on the assistant district attorney, James W. Kerr.

This is so insidious, and it is such a challenge, particularly to the policymaking body of this country. After all, under the Constitution, if there is one of the three co-equal branches of the Government that is perhaps more dependent on another branch such as this, the first branch, it is the judiciary because, after all, the Constitution provides for the Congress to set up and give the framework of reference, the meat and veins and life to the skeleton known as the judiciary system.

What I am saying is that this is the first direct attack of this nature. It is the first crime of this type in the history of the American judiciary.

What I am further saying is that it further shows the absolute imperviousness of organized crime to any kind of minimal control by our law enforcement agencies, either on the national, State, or local level, and particularly the national level where I have been speaking out since 1970, and have been speaking out because the very, very able and sophisticated forms of this crime have been so successful that they have penetrated the highest levels of our Government. There would not be the pattern of crime such as is besetting us today if we did not have some kind of an intimate connection between crime and business and the political branch all the way from the national down to the lowest level. If we did not have this intricate relationship, we would not have the horrendous control that

King Crime has undaunted over our society at this time.

I have said repeatedly that I have foresworn to continue this until there is some revelation of direct concern on the part of this body. I have introduced a resolution which has received little or no support. I still believe it is as needed today as the day I introduced it. That resolution merely expressed the sense of the House of Representatives that it is our wish and sense that the President allocate out of the resources appropriated by the Congress to the Justice Department an amount not to exceed $3 million for a reward for information leading to the arrest and conviction of those responsible for the attacks on James Kerr and the murder of Judge Wood.

I have been laughed at, ridiculed, except by the knowledgeable people in law enforcement and some of those with whom I have had a great, happy association through the years since I myself was involved in law enforcement many, many years ago. At first glance it does look as if perhaps there would be no cause and effect, but the truth of the matter is that even the meager attempts to resolve the case, at least superficially, which have led to spasmodic, big headlines involving first the formation of a special grand jury, which was not formed until after I had raised my voice and gotten a little bit of reaction here, obtained an audience with the President's domestic adviser and representatives from the Drug Enforcement Agency and from the Justice Department, but we never did get the national, concerted level action that these crimes deserve and demand as a matter of priority.

I have said that I would not stand idly by and see this crime fade into the dust of history to be forgotten, very much like the disappearance of Jimmy Hoffa. I do not think anybody in or out of officialdom says that Jimmy Hoffa's disappearance was anything but a crime and that he was murdered, though the body has not even been found. There is nobody who contradicts the out-and-out allegation that organized crime was responsible for that one.

In the case of Judge Wood and in the case of the attempt on James Kerr, even the most cynical of law enforcement agents will agree that it was a very well prepared and highly planned act in both cases. In fact, so well prepared that only a few cases have been made, and, as I say and repeat, in each instance it was with great alarums, in fact too much publicity, and perhaps it is understandable because the law enforcement agents and the prosecutoral agents are on the defensive, and they have been desperate. In fact, I think that they exceeded themselves in getting the type of publicity on a couple of occasions, that they have. I think they have endangered any possibility of real successful prosecution. But what has been unobtainable and, again, with great ado, has been convictions. First it was assumed, and it was publicized that it was some of these known as the gangs on the motorcycles, the bandidos. Then that faded and in the last year we had great publicity about prosecutions of a man and then his wife, and even in jurisdictions outside of it on a change of venue of the scene of the crime. But even at best they have been accused not as accomplices in the crime or perpetrators of the crime, but with some subsidiary charges such as having bought illegal weapons. Even the weapons have not been susceptible of being proved as associated with the commission of the crimes.

So what we mean is that we are ending up at square one as of 2½ years ago, to the great detriment of the national interests, in my opinion. Today I am merely reaffirming my intention to keep on as best as one man can to keep attention on this crime with everything within my individual power to see that it leads eventually to a resolution. I think that the destiny of this country is symbolized in the matter of the successful resolution of this type of crime.

As I say, it has unprecedented features, and for that reason I am convinced that it has more than local or sectional but, rather, national importance, and should have national priority. That is the main impelling motivation behind my taking the time of my colleagues in this body.

I will add that it is disturbing that rather than acting either on the budget or any other of the collateral actions of this last year, rather than helping to shore up the agencies—without whose shoring up these crimes will not be resolved but, rather, the other way around—we have, in effect, wittingly or unwittingly, added to the disintegration, at least in the funding, of the viable agencies that must be at work. In fact, my impulse has been to try to add, not detract, as a matter of priority, so that at last our legally constituted authorities will at least have a chance when they confront this giant known as King Crime.

I can see why it is impossible until we break the stranglehold and this tremendous interlocking of the interests between the political, the business, and organized crime. There is no question that organized crime has penetrated every level of business endeavor in this country from motels to franchise dealers, you name it. In fact, I also correlated one of the initial causes leading to the death of Judge Wood as the tremendous burgeoning trade, the illicit trade, in the international stolen car market that mushroomed in a matter of less than 1 year from a few-hundred-million-dollar thing to over a $3 billion business today, mostly into Mexico in exchange for drugs that have not been at all either curbed or reduced in their introduction into our country.

So, Mr. Speaker, I am hopeful that somehow, in some way, I can get the attention of my colleagues and pass the resolution. After all, we are not appropriating money; we are expressing that it is the sense of this House that this demands this kind of priority. Then it is up to the executive branch to use its judgment as to whether it wants to give these crimes the priority they merit.

I yield back the balance of my time.

THE 1982 ELECTION YEAR MAILING RESTRICTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. UDALL) is recognized for 5 minutes.

● Mr. UDALL. Mr. Speaker, with the 1982 election year rapidly approaching, the House Commission on Congressional Mailing Standards wishes to remind Members of the House of the franking statutes, rules, and regulations governing mass mailings by candidates prior to elections.

Generally, Members of the House seeking reelection are prohibited from sending franked mass mailings during the 60-day period immediately before the date of any public election—whether primary, general, special, or runoff—in which such Member's name appears on the ballot.

Further, any Member who is a candidate for other public office may not frank mass mailings outside of the congressional district from which the Member was elected, beginning at the time the Member is certified for candidacy.

Members should insure that staff persons responsible for mass mailings are knowledgeable of State election laws as they affect mailing privileges during the period prior to primary and general election periods. Members' staff seeking advisory opinions from the Commission must certify that, to the best of their knowledge, the frankability of the proposed mailing is not adversely affected by applicable State election law.

Mr. Speaker, I cannot emphasize strongly enough the importance of compliance with these regulations. I urge my colleagues to assure that their staffs are familiar with the statutes, Rules of the House, and pertinent regulations and guidelines governing the proper use of the franking privilege.

The Commission staff is ready to assist in every possible way.

A detailed explanation of the mass mailing provisions, along with a listing of cutoff dates for the congressional

primaries in the various States, follows:

LIMITATIONS ON THE USE OF THE FRANK BY CANDIDATES FOR PUBLIC OFFICE

39 U.S.C. 3210 (a)(6)(A) provides that, "It is the intent of Congress that a Member of, or Member-elect to, Congress may not mail any mass mailing as franked mail—

(i) if the mass mailing is mailed fewer than 60 days immediately before the date of any primary election or general election (whether regular, special or runoff) in which the Member is a candidate for re-election; or

(ii) in the case of a Member of, or Member-elect to, the House who is a candidate for any other public office, if the mass mailing—

(I) is prepared for delivery within any portion of the jurisdiction of or the area covered by the public office which is outside the area constituting the congressional district from which the Member or Member-elect was elected; or

(II) is mailed fewer than 60 days immediately before the date of any primary election or general election (whether regular, special or runoff) in which the Member-elect is a candidate for any other public office.

Mailings made through the facilities of the House Distribution Service (Folding Room) shall be deemed in compliance with this statute if such mailings are delivered to the House Folding Room not less than 62 days before the date of such election, with instructions for immediate dispatch.

DEFINITIONS

Mass mailings

Mass mailings are defined by law [39 U.S.C. 3210(a)(5)(D)] as newsletters and other similar mailings of more than 500 pieces in which the content of the matter mailed is substantially identical. Mail matter is deemed to be a mass mailing when the total number of pieces exceeds 500, whether in a single mailing or in cumulative mailings during the 60-day period.

Candidate for election or reelection to the House of Representatives

For purposes of the subject statutes and regulations, a Member of or a Member-elect to the House of Representatives is deemed to be a candidate for public office at any election if his or her name appears anywhere on any official ballot to be used in a public election.

Candidate for "any other public office"

For the purpose of 39 U.S.C. 3210(a)(6)(A)(ii), "any other public office" means any State or Federal office, other than a U.S. Representative at Large for which the candidate would be elected by a majority of votes cast. (Examples: President, Governor, U.S. Senator, State Supreme Court Justice, State Senator at Large, Assemblyman at Large, Mayor, etc.) "Candidate" means a Member who has qualified under State law, for the official ballot in a primary, runoff, special, or general election, or who has been certified for candidacy by an appropriate State election official.

EXCEPTIONS

The subject statutes, rules, and regulations provide three exceptions to the mass mail prohibition prior to elections, as follows:

(i) (mailings) which are in direct response to inquiries or requests from the persons to whom the matter is mailed;

(ii) (mailings) to colleagues in Congress or to government officials (whether Federal, State, or local); and

(iii) (mailings) of news releases to the communications media.

The Commission believes the last two exceptions are self-explanatory.

In application of the first exception, the Commission stresses the phrase "direct response to inquiries or requests". Therefore, response to a signed petition with a form or identical letter individually addressed to each of the signers of the petition is frankable. However, a follow-up letter to the same list of petitioners is not frankable under this section in that it would not be in direct response to an inquiry.

Similarly, follow-up letters to persons who had previously written and had been answered on a particular subject, if such letters by their form and volume constitute a mass mailing, are not frankable during the 60-day period prior to elections. Also, requests for questionnaire results or other material, when solicited by Members on questionnaire forms or newsletters, are not deemed to be in direct response to any inquiry or request.

The above restrictions on mass mailings by candidates do not apply to mass mailings by the chairman of any standing, select, joint or other official committee of the Congress, or subcommittee thereof, and which relate to the normal business of the committee. [39 U.S.C. 3210(a)(6)(B)]

TIME OF MAILING

Processing by a postal facility

Mass mailings as defined under 39 U.S.C. 3210(a)(5)(D), may not be mailed as franked mail by a Member of or a Member-elect to the House of Representatives when the same is mailed at or delivered to any postal facility other than the Publications Distribution Service of the House of Representatives, hereinafter referred to as the House folding room, less than 60 days immediately before the date of any primary or general election (whether regular, special, or runoff) in which such Member or Member-elect is a candidate for any public office.

Processing by the House folding room

Such mass mailings, if processed through the House folding room, shall be deemed to be in compliance with the subject rule and these regulations, if delivered to the House folding room, with instructions for immediate dispatch, not less than 62 days immediately before the date of any such election. In the case of mass mailings delivered to the House folding room prior to the 62-day cutoff period, the requirement of instructions for "immediate dispatch" may be modified to the extent that instructions are given for delivery of the mailing to the addressee not later than the 60th day immediately before the date of such election.

The House folding room shall issue a receipt, which shall specify the date and time of delivery and a brief description of the matter to be processed, to the Member at the time he or she delivers such mass mailings to the House folding room.

ALPHABETICAL LIST BY STATE

State	Date	60-day cutoff (postal facility)	62-day cutoff (folding room)
1982 congressional primary dates:			
Alabama	Sept. 7	July 9	July 7.
Alaska	Aug. 24	June 25	June 23.
Arizona	Sept. 7	July 9	July 7.
Arkansas	May 25	Mar. 26	Mar. 24.
California	June 8	Apr. 9	Apr. 7.
Colorado	Sept. 14	July 16	July 14.
Connecticut	Sept. 7	July 9	July 7.
Delaware	Sept. 11	July 13	July 11.
Florida	Sept. 7	July 9	July 7.
Georgia	Aug. 10	June 11	June 9.
Hawaii	Sept. 18	July 20	July 18.
Idaho	May 25	Mar. 26	Mar. 24.
Illinois	Mar. 16	Jan. 15	Jan. 13.
Indiana	May 4	Mar. 5	Mar. 3.
Iowa	June 8	Apr. 9	Apr. 7.
Kansas	Aug. 3	June 4	June 2.
Kentucky	May 25	Mar. 26	Mar 24.
Louisiana	Sept. 11	July 13	July 11.
Maine	June 8	Apr. 9	Apr. 7.
Maryland	Sept. 14	July 16	July 14.
Massachusetts	do	do	Do.
Michigan	Aug. 3	June 4	June 2.
Minnesota	Sept. 14	July 16	July 14.
Mississippi	June 1	Apr. 2	Mar. 31.
Missouri	Aug. 3	June 4	June 2.
Montana	June 8	Apr. 9	Apr. 7.
Nebraska	May 11	Mar. 12	Mar. 10.
Nevada	Sept. 14	July 16	July 14.
New Hampshire	do	do	Do.
New Jersey	June 8	Apr. 9	Apr. 7.
New Mexico	June 1	Apr. 2	Mar. 31.
New York	Sept. 14	July 16	July 14.
North Carolina	May 4	Mar. 5	Mar. 3.
North Dakota	June 8	Apr. 9	Apr. 7.
Ohio	do	do	Do.
Oklahoma	Aug. 24	June 25	June 23.
Oregon	May 18	Mar. 19	Mar. 17.
Pennsylvania	do	do	Do.
Rhode Island	Sept. 14	July 16	July 14.
South Carolina	June 8	Apr. 9	Apr. 7.
South Dakota	June 1	Apr. 2	Mar. 31.
Tennessee	Aug. 5	June 6	June 4.
Texas	May 1	Mar. 2	Feb. 28.
Utah	Sept. 14	July 16	July 14.
Vermont	do	do	Do.
Virginia	June 8	Apr. 9	Apr. 7.
Washington	Sept. 14	July 16	July 14.
West Virginia	June 1	Apr. 2	Mar. 31.
Wisconsin	Sept. 14	July 16	July 14.
American Samoa	do	do	Do.
District of Columbia.	do	do	Do.
Guam	Sept. 4	July 6	July 4.
Puerto Rico	do	do	Do.
Virgin Islands	Sept. 14	July 16	July 14.
1982 general election.	Nov. 2	Sept. 3	Sept. 1.

Note: The 60-day and 62-day cutoff regulations also apply to runoff elections in which the Member is a candidate.

CHRONOLOGICAL LIST BY ELECTION DATES

State	Date	60-day cutoff (postal facility)	62-day cutoff (folding room)
1982 congressional primary dates:			
Illinois	Mar. 16	Jan. 15	Jan. 13.
Texas	May 1	Mar. 2	Feb. 28.
Indiana	May 4	Mar. 5	Mar. 3.
North Carolina	do	do	Do.
Nebraska	May 11	Mar. 12	Mar. 10.
Oregon	May 18	Mar. 19	Mar. 17.
Pennsylvania	do	do	Do.
Arkansas	May 25	Mar. 26	Mar. 24.
Idaho	do	do	Do.
Kentucky	do	do	Do.
Mississippi	June 1	Apr. 2	Mar. 31.
New Mexico	do	do	Do.
South Dakota	do	do	Do.
West Virginia	do	do	Do.
California	June 8	Apr. 9	Apr. 7.
Iowa	do	do	Do.
Maine	do	do	Do.
Montana	do	do	Do.
New Jersey	do	do	Do.
North Dakota	do	do	Do.
Ohio	do	do	Do.
South Carolina	do	do	Do.
Virginia	do	do	Do.
Kansas	Aug. 3	June 4	June 2.
Michigan	do	do	Do.
Missouri	do	do	Do.
Tennessee	Aug. 5	June 6	June 4.
Georgia	Aug. 10	June 11	June 9.
Alaska	Aug. 24	June 25	June 23.
Oklahoma	do	do	Do.
Guam	Sept. 4	July 6	July 4.
Alabama	Sept. 7	July 9	July 7.
Arizona	do	do	Do.
Connecticut	do	do	Do.
Florida	do	do	Do.
Delaware	Sept. 11	July 13	July 11.
Louisiana	do	do	Do.

CHRONOLOGICAL LIST BY ELECTION DATES—Continued

State	Date	60-day cutoff (postal facility)	62-day cutoff (folding room)
District of Columbia.	Sept. 14	July 16	July 14.
Colorado	do	do	Do.
Maryland	do	do	Do.
Massachusetts	do	do	Do.
Minnesota	do	do	Do.
Nevada	do	do	Do.
New Hampshire	do	do	Do.
New York	do	do	Do.
Rhode Island	do	do	Do.
Vermont	do	do	Do.
Washington	do	do	Do.
Wisconsin	do	do	Do.
Wyoming	do	do	Do.
Utah	do	do	Do.
Virgin Islands	do	do	Do.
American Samoa	do	do	Do.
Hawaii	Sept. 18	July 20	July 18.
1982 general election.	Nov. 2	Sept. 3	Sept. 1.

Note: The 60-day and 62-day cutoff regulations also apply to runoff elections in which the Member is a candidate.●

FEDERALISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEVITAS) is recognized for 15 minutes.

Mr. LEVITAS. Mr. Speaker, today I am going to continue a discussion that I began last fall on a subject which was the centerpiece of President Reagan's state of the Union address last night. I began to discuss the matter of federalism as an important issue that faces this Nation in very specific terms during the last months of 1981.

I did so, Mr. Speaker, because for many years, I have been a very strong believer in the concept of federalism and the need for its renewal and its reinvigoration in this Nation. Indeed, the single most important contribution to political institutions which the United States has given birth to is the sense of federalism, is the concept and the constitutional doctrine of federalism.

The concept of federalism was given new life a number of years ago by those decisions of the courts calling for the reapportionment of State legislative bodies to make them more representative and more responsive to the needs of the people.

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As a result of the emergence of strong and representative State governments, we were once again able to reestablish the importance and the viability of State and local government.

I think most Americans believe that there is no more wisdom, no more integrity, no more efficiency in Washington, to say the very least, than there is in those State capitals or city halls and county commission courthouses around the Nation. Indeed, there is a very strong feeling that government closest to the problem, as well as closest to the people, is best equipped to make the proper response to the needs that people have in those areas and with respect to those issues and problems which are not, by their inherent nature, national in scope.

President Reagan said last night—and I think quite well—that it is a very sad situation to find that most people today, most citizens today, are concerned that they have to go to Washington rather than to their State or local governments to get decisions about essential services of government, such as schools, welfare, and even garbage collection.

I think the President, in that sense, was absolutely right. And over the last several years—not just beginning this last year, but over the last several years—there has been a redirection of more responsibility, more decisionmaking to the State governments.

But what began to concern me last year, as I listened to spokesmen for the administration outline their concept of federalism, what they called "new federalism," it occurred to me that there was something perhaps missing and something lurking that could even be harmful and dangerous, and that was not simply a return of appropriate responsibilities to local and State government, but simply a shifting of tax burdens back to citizens and back to their State and local governments. If federalism is no more than shifting taxes back to other layers of government, we have not achieved a great deal. We certainly have not reduced the tax burden on the backs of the American people. We have just made that burden payable to a different tax collector.

My concerns were, unfortunately, confirmed during hearings which our Subcommittee on Intergovernmental Relations had last year on the subject of federalism. We requested that the administration send over a spokesman to present this administration's concept and understanding of new federalism. And that spokesman was the Secretary of the Interior, James Watt, designated by the administration to explain their sense of new federalism. During the course of questioning of Secretary Watt, I asked him the question, after listening to his explanation, and he said, in response to my question—and it is a matter of record—that, yes, federalism means raising local property taxes. That is what it means. Later, just a few weeks later, the Under Secretary of the Treasury, Mr. Norman Ture, speaking on behalf of the administration, went even further, and he said that there were going to be no new resources provided for State and local governments to meet these new responsibilities, except, he said, the tax reduction which Congress voted for the American taxpayers last year.

Now, I supported that tax reduction, Mr. Speaker, because I believe that Americans are just as able or better able, to make decisions about how to spend or save their money than Federal bureaucrats. I believe that the purpose of that tax cut, Mr. Speaker, was for the purpose of either relieving the tax burden on the backs of the American people or to provide the investments and the savings necessary to spur productivity in the American economy. And yet if those tax reduction funds are not going to be available for the purpose of providing tax relief or providing savings and investment in the private sector, because they are going to get sucked up by increased local taxes, as spokesmen for the Reagan administration have advocated, then it makes a mockery out of the tax cut and assures the failure of its purpose.

Last night, as I heard the explanation for the first time of this new federalism program, I again began to wonder: Is it really new federalism? Or is it, rather, what I describe as "neo-new federalism," which simply means raising taxes on the backs of State and local taxpayers who, by the way, are the same people who pay Federal taxes. And as I analyzed the speech last night, my concerns grew.

The President in his speech last night said, and I quote:

> Let us solve this problem with a single bold stroke—the return of some $47 billion in Federal programs to State and local government, together with the means to finance them and a transition period of nearly 10 years to avoid unnecessary disruption.

So there we heard about the return of $47 billion in costs to your State and to your local governments.

And then I waited to hear where the return of resources was coming from. About two pages later, in the speech, the President said, and I quote again:

> In 1984, the Federal Government will apply the full proceeds from certain excise taxes to a grassroots trust fund that will belong, in fair shares, to the 50 States. The total amount flowing into this fund will be $28 billion a year.

Now, simple arithmetic tells me that between $47 billion of additional costs and $28 billion of additional resources, there is a $19 billion gap that is going to come out of the hides and the pockets of Americans through payments of State and local taxes.

Neo-new federalism will not mean a reduction of taxes. It will simply mean shifting the envelope that you send your tax check in, instead of to the Internal Revenue Collector at the Federal level, to your State and local tax collectors.

But even more, as I began to analyze some of the areas of return responsibility without resources, I began to find out that there are some areas in which people back home, people in our communities, are going to feel the full brunt of the neo-new federalism.

The Subcommittee on Investigations and Oversight, which I chair, has responsibilities for, among other things,

the water pollution control program. Last year we analyzed the impact of the return of these responsibilities to State and local governments under the proposed legislation which the administration introduced. And we went out to different places around the country and asked questions. In one particular hearing that we had in Austin, Tex., where we heard officials from a number of communities throughout that State, where we heard testimony from members of chambers of commerce and other groups, we found out that neo-new federalism, in returning responsibilities without returning resources, would result in great increases on water bills in the State of Texas. In those communities which testified, the range of increase was from 60 to 300 percent.

Now, it is very difficult to explain to a person how they have saved any money in a tax reduction if they are going to have to pay it out in higher sales taxes, higher property taxes, higher State income taxes, and higher water and sewer bills around the country.

The President, in his program, has even discussed reducing drastically Federal revenue sharing. Federal revenue-sharing was a means by which local property taxes could be kept down. The reduction or elimination of this program will have only one consequence, and that is raising local taxes. That is neo-new federalism. It is not just a matter of placing responsibility where it ought to be, in my opinion, but it must also be accompanied by the resources which will provide the ability of State and local governments to meet these needs and discharge these responsibilities without raising the regressive taxes that we face at the State and local levels.

Mr. Speaker, the explanations we have thus far heard of this program are not the final word, and I am prepared to give the administration a chance to present its program in full. There are a lot of unanswered questions. There are some things which the President indicated in the state of the Union message on federalism that have great merit. I am pleased to note that they have adopted in their program a concept which I advocated; in fact, I sponsored an amendment which was enacted into law several years ago in the general revenue-sharing legislation, which said that States, in order to receive their revenue-sharing portion, could opt to pay back or forgo categorical programs and thereby receive revenue sharing. They could spend the general revenue-sharing moneys at their discretion—where their priorities were, where the needs which they identified were. And, these expenditures could be administered better at the local and State levels than they could be at the Federal level. This concept, I see with a great deal of satisfaction, is included in the administration's program. But, Mr. Speaker, I think we have got to be extremely careful as we look at the concept of federalism or new federalism to make certain that it becomes something more than neo-new federalism, which is a back-door way, indeed, perhaps, almost a dishonest way, of raising taxes on the American people on the one hand, when they had been promised tax relief and tax reduction on the other hand. I think we are going to have to take a very hard, long, constructive, and cooperative look at the new federalism program to assure that it becomes something more than neo-new federalism—and thus far, those signals in that program have not been sent.

I am hoping, as the administration develops this program, that it becomes something more than a sham of an offer of returning responsibilities back to State and local officials, and that it becomes a real meaningful program so that these types of problems which are best dealt with in the city hall, in the county commission, and in the State legislature can be dealt with there.

I hope this becomes a meaningful program and not simply a sham to raise taxes collected by other levels of government or to dismantle programs that have served the people of this Nation well.

And so, Mr. Speaker, as we look forward to the days ahead during the second session of the 97th Congress, I once again raise this cautionary word about federalism: We need federalism; we need to place more responsibility in our State governments and in our local governments. But we better do it honestly and we better do it rationally and not simply tell the people one thing and do something else.

When people get their tax bills this year and next year from their State governments and their local governments and begin to get their water and sewer bills from their local authorities, they are going to ask the question: Where did this come from? And I think the question better be one that Members of this House can answer honestly when they go back.

Mr. Speaker, as one Member of this House, I intend to work cooperatively with the administration in developing a real program of new federalism and work just as hard to defeat efforts to bring about a neo-new federalism, which is nothing more than a sham.

COMPREHENSIVE REFORM OF FORFEITURE LAWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HUGHES) is recognized for 15 minutes.

● Mr. HUGHES. Mr. Speaker, today I am introducing a comprehensive reform of the forfeiture laws. The bill I have developed is the result of a thorough examination of the problems confronted by prosecutors in their attempts to take the profits out of drug dealing.

One of the single most important crime problems confronting this country is phenomenal increase in drug trafficking in recent years. We are now faced with a situation where drug dealers have been able to amass huge fortunes as as result of their illegal activities. The sad truth is that the financial penalties for drug dealing are frequently only seen by dealers as a cost of doing business. Under current law the maximum fine for many serious drug offenses is only $25,000. Moreover, the Government's ability to obtain civil or criminal forfeiture of the profits or proceeds of drug dealing has been hampered by statutory deficiencies. This bill attempts to address these problems in a manner that will encourage the immediate and effective utilization of these new tools by law enforcement.

At the outset I must acknowledge the material assistance I have received in this undertaking from my Congressional colleagues on both sides of the aisle. Senators JOSEPH BIDEN and SAM NUNN both have diligently pursued investigations of the problems with drug prosecutions. As a result of work done in the Senate Judiciary Committee and the Permanent Subcommittee on Investigations of the Senate Committee on Government Affairs, the area of forfeiture has emerged as a primary concern on the Federal law enforcement community.

At the suggestion of Senator BIDEN, the General Accounting Office did a ground breaking study of the problems in disgorging the profits of drug dealers. See, "Asset Forfeiture—A Seldom Used Tool in Combatting Drug Trafficking," GGD-81-5 (April 10, 1981). The Subcommittee on Crime, which I chair, followed up on the GAO report with a hearing on forfeiture during the first session of this Congress. At our first hearing we were able to review the bills of my colleagues HAL SAWYER, LEO ZEFERETTI, and BEN GILMAN (H.R. 2646, H.R. 4110, and H.R. 2910, respectively). Each of these gentlemen presented the subcommittee with innovative options on the reform of our forfeiture laws. The bill I am introducing today is the direct descendant of the bills they introduced earlier in this Congress.

An overview of the problems with the current forfeiture statutes by Government officials produces a clear consensus about the need for change. What is less clear is the path to achieve that reform. Most observers agree that prosecutors face three major problems: Ambiguous statutes,

problems in tracing the proceeds of drug trafficking, and difficulties in proof. The solutions to these dilemmas are numerous and pursuit of them can often create a divergence of views. For example, while it may be desirable to ease Government seizure of property involving drug trafficking, one must also be careful to protect the rights of innocent third parties. Frequently, it is these conflicting values that produce different opinions about the wisdom of particular legislative reforms.

In the legislation I am introducing today I have attempted to balance the strong societal interest in eradicating trafficking in illegal drugs with the constitutional rights of our citizens. I am satisfied that a proper balance has been struck, I look forward to hearing the assessments of interested parties on this bill. Anyone with views on this legislation should communicate directly with me or through the Subcommittee on Crime, Committee on the Judiciary, 207 Cannon House Office Building, Washington, D.C. 20515 or telephone (202) 225-1695. The Subcommittee on Crime will hold hearings on this bill early in the second session. Anyone wishing to testify should contact the subcommittee.

BRIEF DESCRIPTION OF THE COMPREHENSIVE DRUG PENALTY ACT OF 1981

This bill makes numerous changes in the substantive law of forfeiture. In addition, the bill makes numerous procedural changes in the methods of handling forfeiture cases. Finally, the bill increases the maximum fine penalties for drug offenses. The increased use of forfeiture and criminal fines will be an important first step in the diminution of drug trafficking in the United States. A sectional analysis of the bill follows:

SECTION BY SECTION DESCRIPTION

Section 1: Contains the short title of the bill; "Comprehensive Drug Penalty Act of 1981."

Section 2: Amends section 1963 of title 18 in two major ways. This section in current law contains the authorization for criminal forfeiture in cases under the Organized Crime Control Act of 1970 (so-called RICO cases). Under current law the courts have consistently held that the Congress did not intend to authorize the criminal forefeiture of the profits or proceeds of an enterprise acquired or maintained through racketeering activity. See *United States* v. *Marubeni American Corporation*, 611 F.2d 763 (9th Cir. 1980); *United States v. Mannino*, 480 F. Supp. 1182 (S.D.N.Y. 1980), aff'd on other grounds, 635 F.2d 110, 118 (2nd Cir. 1980); *United States* v. *Thevis*, 474 F. Supp. 134 (N.D. Ga. 1979). This section authorizes the government to seek criminal forfeiture of profits or proceeds in two new instances.

First, 18 U.S.C. 1963 is amended to reach the profits or proceeds of persons involved in racketeering activities consisting of certain narcotics or dangerous drug offenses. The net result of this amendment will be to make it parallel with 21 U.S.C. 881 (which authorizes civil forfeiture of such property). The second part of this section of the bill allows the government to seek criminal forfeiture of the profits or proceeds of an enterprise engaged in illegal activities insofar as they are derived from an interest, security, claim or right in such enterprise when that interest, security, claim or right was previously acquired or maintained through racketeering activity. The net result of this amendment would be to accommodate the result sought in proposed section 1963(c) of H.R. 4110, without overturning the result in Marubeni American Corp. with respect to legitimate businesses.

Section 3: Amends section 1963(c) by establishing a procedure for the seizure and disposition of property subject to criminal forfeiture. The provisions are modelled after sections 8101-03 of H.R. 6915, approved by the Committee last Congress. See H. Rept. 96-1396, pages 575-579.

This section authorizes the court to take into account the rights of alleged innocent third parties. Under current law such persons are without effective opportunity for judicial review of forfeiture decisions. For example, in *United States* v. *L'Hoste*, 609 F.2d 796 (5th Cir.) cert. denied, 419 U.S. 1165 (1980) the Fifth Circuit held that once property has been determined to have been involved in the racketeering activity, innocent third parties must petition the Attorney General for equitable relief. The inadequacy of current law is further highlighted by the last episode from the Marvin Mandel case. In that case it took nearly five years after the criminal trial before an innocent third party obtained limited judicial review. *United States* v. *Mandel*, 505 F.2d 189 (D.Md. 1981).

Thus, this section provides a mechanism for judicial review of forfeiture actions insofar as they affect allegedly innocent third parties. Inclusion of this procedure is in response to the suggestions of the General Accounting Office and the Department of Justice. *See* General Accounting Office, "Asset Forfeiture," GGD-81-51, April 10, 1981, at 36-38, and 79.

The section envisions three ways that the government could obtain property subject to forfeiture. First, the government could obtain a court order if they established probable cause to believe that the property to be seized is subject to forfeiture. See *O'Reilly* v. *United States*, 486 F2d 208 (8th Cir. 1973) (a warrant is required for a seizure under 21 U.S.C. 881(b).) Second, it could seize property incident to an arrest so long as the seizure meets other constitutional standards. See generally "Note: The Forfeiture Exception to the Warrant Requirement," 67 Virg. L. Rev. 1035 (1981); See also *United States* v. *Pappas*, 613 F. 2d 324 (1st Cir. 1980) (a seizure warrant is required for property found in a public place.) Third, the government could obtain custody of the property through some other means such as abandonment or tax seizures and the like. Once the property is in custody of the government the trier of fact may order the property forfeited if the government meets its burden by establishing by a preponderance of the evidence that such property is forfeitable. Under current law the courts have read the existing criminal forfeiture procedures as requiring that the government establish its forfeiture claims beyond a reasonable doubt.

This reading by the courts does not appear to be required as a matter of constitutional law. Rather, the courts have merely misconstrued the initial Congressional intent in the 1970 Act.

Section 3 of the bill also changes current law by permitting the seizure of property at the time the indictment or information is filed. Under current law the government is required to state in the indictment or information that forfeiture is sought, Federal Rules of Criminal Procedure 7(e). However, seizure of such property is only authorized upon conviction. 18 U.S.C. 1963(c).

Section 4: Amends section 1963 of title 18 by setting forth a presumption that property obtained by large-scale drug traffickers was obtained illegally and thus is subject to forfeiture. The impetus for this provision is found in H.R. 2646 (by Mr. Sawyer). This section draws upon the practice in criminal tax evasion cases of using the defendant's net worth to establish the government's case.

This amendment would create a presumption of forfeitability once the government has established, by a preponderance of the evidence, that three circumstances exist. The circumstances are that: (1) the defendant acquired the property after the alleged racketeering activity began; (2) the racketeering involved a Class I or II violation;[1] and (3) there is no likely source for the property other than the racketeering activity.

The circumstances set forth above appear to be necessary amendments to the provisions set forth in H.R. 2646 in light of various Supreme Court cases. Assistant Attorney General Lowell Jensen has indicated to the Subcommittee there must be both a rational connection between the facts proven and the conclusions inferred from that proof. In addition, there must be a legislative basis for the presumption. Insofar as the legislative record on forfeiture has only addressed the issue of large-scale drug traffickers, the presumption seems appropriately limited to those cases.

The limitations on the application of the presumption would appear to meet the objections to H.R. 2646 raised by various of the witnesses. For example, the Department of Justice witness, Edward Dennis, suggested that the presumption be limited to circumstances where the government has established that the property involved was acquired after the alleged racketeering activity began.

The provision of the proposed amendment relating to proof with respect to other possible sources for the property is derived directly from the "net worth" tax cases. Before the government may obtain a conviction of a person for tax evasion it must establish that there was no other likely explanation for the income. *Davis* v. *United States*, 226 F.2d 331 (6th Cir. 1955). This approach has proven workable in the tax area. There is also some indication that the Supreme Court would look with disfavor on a less rigorous test. *Holland* v. *United States*, 348 U.S. 121, 125-9 (1954).

The consequences of this presumption are straightforward. Once the government has met its burden of proof with respect to the three circumstances the trier of fact is permitted to find that property is subject to forfeiture. Any attempt to mandate forfeiture upon proof of the facts set forth in proposed section 1963(d) would raise very serious constitutional problems. Both Assistant Attorney General Jensen and Professor Rothstein (in testimony before the Subcommittee) point out that any such mandatory presumption would probably run afoul of

[1] Class I and II violations are terms of art used by the Drug Enforcement Administration to classify major drug traffickers.

the Supreme Court's decision in *Ulster County Court, New York* v. *Allen*, 442 U.S. 140 (1979).

Section 4 of the bill also contains three significant procedural changes from current law. Subsection (f) provides that if any transfer of property was made with knowledge, or reason to know, that the transfer was being made to avoid forfeiture, then such transfer is void. Under current law the government must rely on various State statutes against fraudulent transfers to avoid transactions of this type. *United States* v. *One 1967 Chris-Craft 27 Foot Fiber Glass Boat*, 423 F.2d 1293 (5th Cir. 1970); *U.S.* v. *Currency Totalling $48,318.08*, 609 F.2d 210, 213.4 (5th Cir. 1980). Enactment of this uniform Federal rule would help prevent sham transfers made solely for the purpose of evading criminal forfeiture. In addition, this section protects the rights of bona fide purchasers for value.

Subsection (g) of section 4 provides that a person who is convicted of a RICO violation cannot buy back the property he or she forfeited. The original purpose of the criminal forfeiture provisions, and indeed of the whole Act, was to prevent the infiltration of legitimate businesses by organized crime. Assuming the continued validity of that purpose it seems to make no sense to allow the continued involvement in a legitimate business of a convicted racketeer by allowing him or her to buy back the forfeited property. The effect of this subsection would be to preclude the result of the *Huber* case where a convicted white collar criminal repurchased, after conviction of a mail fraud related RICO violation, his interest in some hospital. *United States* v. *Huber*, 603 F.2d 387, 397 (2nd Cir. 1979); See also *United States* v. *Barone*, Cr. No. 78-185-CR-WHH (S.D. Fla. Oct. 17,

Finally, subsection (h) of section 4 of the bill provides that any criminal forfeiture action under this section may be the basis of a motion to seek a staff of any pending civil forfeiture action with respect to the same property. This appears to be the result that courts normally reach under current law. U.S. Department of Justice Drug Enforcement Administration, "Drug Agent's Guide to Forfeiture of Assets," at 233 (1981). This provision was recommended by the Department of Justice, which feared that defendants would use the discovery authorized in the civil forfeiture case to require production of non-Jencks material relative to the criminal case.

Section 5: Amends section 1964 by authorizing the courts to enter restraining orders preventing the transfer of property that is, or may be, the subject of a forfeiture proceeding. Current law, 18 U.S.C. 1963(b), authorizes the issuance of a restraining order after indictment. The courts have divided on the question of the government's burden of proof.[2] Because this relief is drastic and occurs before arrest or indictment, and can affect the rights of innocent third parties, the government is required by this section of the bill to make the same kind of showing that is required in cases involving a civil preliminary injunction.

The Department of Justice suggested that a restraint on transfer provisions be added to the bill. Their recommendation included a suggestion that such relief could be without notice to the affected parties. The bill does not, however, allow for *ex parte* applications for this type of relief for several reasons. First, the bill authorizes the seizure of the property at the time of the filing of an indictment or information. Thus, the only cases where this section would come into play would be before an indictment or information had been filed. Second, any transfers made to avoid forfeiture are voidable by the court. Third, there is a line of Supreme Court cases that can be read to require, as a matter of due process, prior notice and opportunity to be heard before such substantial interference with property rights is allowed.[3] *Memphis Light, Gas & Water Division* v. *Craft*, 98 S. Ct. 1554 (1978); *Fuentes* v. *Shevin*, 92 S. Ct. 1983 (1972); and *Tarlow*, at 300-4.

Section 6: Amends section 848 of title 21 to allow the government to seek the criminal forfeiture of the profits or proceeds of a person convicted of operating a continuing criminal enterprise. This amendment parallels the one made in section 2 of the bill with respect to 18 U.S.C. 1963.

Section 7: Amends section 848 to require that civil forfeiture actions are stayed by the initiation of a criminal forfeiture action under section 848 with respect to the same property. This amendment parallels one made earlier in the bill with respect to 18 U.S.C. 1963.

Section 8: Amends section 881 of title 21 to permit the civil forfeiture of land and buildings used, or intended to be used, for holding or storage of dangerous drugs. Current law is unclear as to whether warehouses or other buildings can be forfeited. Current law only reaches "containers". The Justice Department is worried that a defendant may claim that a warehouse is not a container. This amendment resolves that concern.

Section 9: Amends section 881 to create a Drug Enforcement Fund. This amendment does not actually create such a fund, because an appropriation act is required after this bill is enacted.

The idea of a revolving fund was taken from the suggestions of Congressman Gilman (H.R. 2910) and Congressman Sawyer (H.R. 2646). Similar funds are found in the recent reform of the Patent Office, Public Law 96-517, and with respect to certain fisheries funds. The proposed fund has a ten million dollar ceiling.

The source of the money for the fund would be the proceeds returned to the government as the result of forfeiture actions. The ostensible reason for the creation of this fund is to encourage the Drug Enforcement Administration to more aggressively pursue forfeiture actions. In theory the fund would be an addition to the agency's regular appropriation and would, therefore, serve as a reward for increased forfeiture activities.

The fund authorized by this section allows the Attorney General to spend the money set aside for any drug law enforcement purpose. Some of the previous legislative proposals have limited the use of the fund to the purchase of evidence or information (H.R. 2910) or to use by State and local law enforcement officials (H.R. 2646). This bill does not include these limits, because it seemed more appropriate to permit the Attorney General to resolve these issues.

Section 10: Amends twelve sections of title 21 drug offenses by increasing the maximum criminal fines. The new maximum fine levels were derived in large part from the scale used in the version of the proposed criminal code approved by the Committee last Congress. See section 3502 of H.R. 6915 and H. Rept. 96-1396 at 465-9. In some instances the maximum fines exceed one million dollars in order to maintain the penalty structure of the existing statute (i.e. to allow for a penalty twice as large for a second offense).

The rationale for the amendments relating to fine levels is straightforward. To many drug traffickers the costs associated with the criminal justice system are merely a cost of doing business. These amendments attempt to raise the ante. While changes in the law with respect to forfeiture are desirable, they may not permit the government to deter criminal conduct sufficiently. As numerous witnesses before various Congressional committees have clearly established, the use of forfeiture procedures is very cumbersome and time consuming. Money is difficult to trace in forfeiture cases. In procedural questions with respect to the rights of innocent third parties. Resolution of these procedural problems may make forfeiture actions even more complex. Thus, the availability of higher fines will offer yet another weapon to the government in its efforts to take the profit out of crime.

This section of the bill also adds two new sections that authorize the court to impose an alternative fine equal to twice the gross pecuniary gain derived from the offense. One of the new sections sets forth procedures for the imposition of such fines, including considerations to be used by the court in determining the amount of the fine, time schedule for payment and method of payment. The procedures set forth in the proposed new section 414 are derived from the House version of the proposed criminal code. See House Report 96-1396 at 467-8.

Section 11: Amends three sections of title 21 to increase the maximum amount that may be imposed as a criminal fine. This section also authorizes the court to use an alternative means of setting the fine to be imposed.

Section 12: Establishes the effective date for the legislation as October 1, 1982. This date was chosen to avoid problems with the Budget Act.●

[2] In *United States* v. *Mandel*, 408 F. Supp. 679 (D. Md. 1976), rev'd on other grounds, 602 F.2d 653 (4th Cir. 1979) (*en banc*) the court required the government to meet requirements similar to those set forth in the proposed amendment. The court in *United States* v. *Bello*, 470 F. Supp. 723 (S.D. Calif. 1979), reached a contrary result. The *Bello* court granted the requested restraining order despite the fact that it interfered with a defendant's right to freely choose counsel. *United States* v. *Scalzitti*, 408 F. Supp. 1014 (W.D. Pa. 1975), appeal dismissed, 556 F.2d 569 (3rd Cir. 1977).

[3] The Supreme Court in *Calero-Toledo* v. *Pearson Yacht Leasing Co.*, 416 U.S. 663 (1974), held that a Puerto Rico statute authorizing *in rem* forfeitures did not require a prior hearing. The novelty of criminal forfeitures, which are *in personam* in nature, makes the applicability of *Calero* to such statutes unclear. Compare *United States* v. *Scharf* 551 F.2d 1124, 1126 (8th Cir.), *cert. denied*, 434 U.S. 824 (1979) (*dicta*, court authorizes *ex parte* restraining orders) with *United States* v. *Mandel*, *supra*.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MILLER of Ohio (at the request of Mr. MICHEL), for the week of January 25, 1982, on account of a death in the family.

Mr. WEISS (at the request of Mr. WRIGHT), for Monday, January 25, 1982, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LOWERY of California) to revise and extend their remarks and include extraneous material:)

Mr. CORCORAN, for 5 minutes, today.

Mr. COLLINS of Texas, for 30 minutes, today.

Mr. PAUL, for 30 minutes, January 28.

(The following Members (at the request of Mr. SWIFT) to revise and extend their remarks and include extraneous material:)

Mr. GAYDOS, for 5 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COELHO, for 5 minutes, today.

Mr. UDALL, for 5 minutes, today.

Mr. LEVITAS, for 15 minutes, today.

(The following Member (at the request of Mr. LEVITAS) to revise and extend his remarks and include extraneous material:)

Mr. HUGHES, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ZABLOCKI.

(The following Members (at the request of Mr. LOWERY of California) and to include extraneous matter:)

Mr. CLINGER.

Mr. GINGRICH.

Mr. DANNEMEYER.

Mr. DORNAN of California in two instances.

Mr. BEREUTER in two instances.

Mr. ROUSSELOT in two instances.

Mr. SMITH of New Jersey.

Mr. COLLINS of Texas in three instances.

Mr. DAUB.

Mr. DERWINSKI in two instances.

Mr. PARRIS in two instances.

Mr. HYDE.

Mr. EVANS of Delaware.

Mr. DREIER in two instances.

Mr. PHILIP M. CRANE.

Mr. YOUNG of Florida in two instances.

Mr. CAMPBELL.

(The following Members (at the request of Mr. SWIFT) and to include extraneous matter:)

Mr. CONYERS.

Mr. MINISH.

Mr. NOWAK.

Mr. DINGELL.

Mr. HAMILTON.

Mr. SCHUMER.

Mr. OTTINGER.

Mr. MURTHA.

Mr. CROCKETT.

Mr. HOYER in two instances.

Mr. MCDONALD in five instances.

Ms. FERRARO.

Mr. STUDDS.

Mr. FITHIAN.

Mr. SOLARZ.

Mr. MAZZOLI.

Mr. SWIFT.

Mr. HAWKINS.

Mr. LEHMAN.

Mr. LAFALCE in three instances.

Mr. GAYDOS.

Mr. COELHO.

Mr. HUGHES.

Mr. GARCIA.

Mr. DOWNEY.

ADJOURNMENT

Mr. LEVITAS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 46 minutes), under its previous order, the House adjourned until tomorrow, Thursday, January 28, 1982, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Report of House committee concerning the foreign currencies and U.S. dollars utilized by them during the third quarter of calendar year 1981 in connection with foreign travel pursuant to Public Law 95-384 is as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NARCOTICS ABUSE AND CONTROL, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1981

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Glenn English	6/27	6/30	Italy	290.815	245.00		([3])			290.815	245.00
	6/30	7/7	Germany	1,350.90	570.00		([3])			1,350.90	570.00
Benjamin A. Gilman	6/27	6/30	Italy	290.815	245.00		([3])			290.815	245.00
	6/30	7/3	Germany	1,350.90	570.00		757.98			1,350.90	1,117.98
Patrick L. Carpentier	6/27	6/30	Italy	290.815	245.00		([3])			290.815	245.00
	6/30	7/7	Germany	1,350.90	570.00		([3])			1,350.90	570.00
Roscoe B. Starek III	6/27	6/30	Italy	290.815	245.00		([3])			290.815	245.00
	6/30	7/7	Germany	1,350.90	570.00		([3])			1,350.90	570.00
Elliott A. Brown	6/27	6/30	Italy	290.815	245.00		([3])			290.815	245.00
	6/30	7/7	Germany	1,350.90	570.00		([3])			1,350.90	570.00
Irving H. Soloway	6/27	6/30	Italy	290.815	245.00		([3])			290.815	245.00
	6/30	7/7	Germany	1,350.90	570.00		([3])			1,350.90	570.00
Leo C. Zeferetti	8/23	8/30	Peru	270.600	600.00		([4])			270.600	600.00
Patrick L. Carpentier	8/23	8/30	Peru	270.600	600.00		([4])			270.600	600.00
Elliott A. Brown	8/23	8/30	Peru	270.600	600.00		([4])			270.600	600.00
Committee total					6,690.00		757.98				7,237.98

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military transportation costs were $29,977.92.
[4] Military transportation costs were $8,153.31.

LEO C. ZEFERETTI, Chairman. Oct. 30, 1981.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2895. A letter from the Secretary of Defense, transmitting a report on the initial allocation of the total civilian authorization among military departments and the defense agencies, together with notice of an increase over the authorized strength, pursuant to sections 601(b)(1) and (d) of Public Law 97-86; to the Committee on Armed Services.

2896. A letter from the Secretary of Defense, transmitting a report on measures to combat waste, fraud, abuse, and mismanagement in the defense program, pursuant to section 918 of Public Law 97-86; to the Committee on Armed Services.

2897. A letter from the Secretary of Defense, transmitting notice of the waiver of the minimum funding and staffing requirements for technology transfer from Defense Department laboratories, pursuant to section 11(b) of Public Law 96-480; to the Committee on Science and Technology.

2898. A letter from the Under Secretary of the Department of Energy, transmitting the final report on applications study for wind energy systems at Federal facilities, pursuant to section 11(1)(c) of Public Law 96-345; to the Committee on Science and Technology.

2899. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to facilitate the management of the public debt by authorizing a flexible investment yield on U.S. savings bonds; to the Committee on Ways and Means.

2900. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to facilitate the management of the public debt by eliminating the limitation on the amount of the Treasury bonds issued paying interest in excess of 4¼ per centum; to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 5362. A bill to amend the Truth in Lending Act to prohibit the imposition of a surcharge on any service station operator who honors a credit card issued by a gasoline company; to the Committee on Banking, Finance and Urban Affairs.

By Mr. CORCORAN:

H.R. 5363. A bill to amend the Federal Power Act to modify certain administrative procedures in order to expedite proceedings of the Federal Energy Regulatory Commission, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DREIER:

H.R. 5364. A bill to rescind the tax benefits enacted during 1981 which provided special deductions with respect to the living expenses of Members of Congress and to decrease the amount of outside earned income a Member may accept; jointly, to the Committees on Ways and Means and Rules.

By Mr. DUNCAN:

H.R. 5365. A bill to amend title 5 of the United States Code to allow Federal employees to take paid leave for duty in the Civil Air Patrol; to the Committee on Post Office and Civil Service.

By Ms. FERRARO (for herself, Mr. DANIELSON, Mr. SOLARZ, Mr. HOYER, Ms. OAKAR, Mr. WOLF, Mr. CLAY, Mr. LELAND, Mrs. SCHROEDER, Mr. SCHUMER, and Mr. GARCIA):

H.R. 5366. A bill to amend title 5, United States Code, to provide permanent authorization for Federal agencies to use flexible and compressed employee work schedules; to the Committee on Post Office and Civil Service.

By Ms. FIEDLER:

H.R. 5367. A bill to rename the Sepulveda Veterans' Administration Medical Center located in Sepulveda, Calif., as the "Bob Hope Veterans' Administration Medical Center;" to the Committee on Veterans' Affairs.

By Mr. GLICKMAN:

H.R. 5368. A bill to amend title XVI of the Social Security Act to exclude burial plots and burial insurance policies from the determination of an SSI applicant's resources; to the Committee on Ways and Means.

By Mr. HAWKINS:

H.R. 5369. A bill to amend title 38 of the United States Code to allow the Administrator of Veterans' Affairs to pay a sum for funeral expenses when certain veterans die and to authorize the appropriation of funds for the fiscal year ending on September 30, 1982, for burial benefits for veterans; to the Committee on Veterans' Affairs.

By Mrs. HOLT:

H.R. 5370. A bill to amend the Internal Revenue Code of 1954 to provide for the establishment of and the deduction of contributions to education savings accounts; to the Committee on Ways and Means.

By Mr. HUGHES:

H.R. 5371. A bill to amend title 18, United States Code, the Controlled Substances Act, and the Controlled Substances Import and Export Act, to improve forfeiture provisions and strengthen penalties for controlled substances offenses, and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. OTTINGER:

H.R. 5372. A bill to suspend until the close of June 30, 1984, the column 1 rate of duty on unmounted gold leaf; to the Committee on Ways and Means.

By Mr. PRICE (for himself and Mr. DICKINSON) (by request):

H.R. 5373. A bill to amend section 709 of title 32, United States Code, to eliminate the requirement that 30 days notice of termination of employment be given to civilian National Guard technicians who serve under temporary appointments or who voluntarily cease to be members of the National Guard; to the Committee on Armed Services.

By Mr. PRICE (for himself and Mr. DICKINSON) (by request):

H.R. 5374. A bill to amend section 709 of title 32, United States Code, to permit the Secretary of Defense to approve certain regulations governing excepted service technicians of the National Guard, and for other purposes; to the Committee on Armed Services.

By Mr. PRICE (for himself and Mr. DICKINSON) (by request):

H.R. 5375. A bill to amend title 32, United States Code, to extend the period of time during which all elements of a National Guard unit must complete a training assembly: to the Committee on Armed Services.

By Mr. PRICE (for himself and Mr. DICKINSON) (by request):

H.R. 5376. A bill to amend section 511(d) of title 10, United States Code, to eliminate the requirement that all persons originally enlisting in a reserve component of the Armed Forces perform an initial period of active duty for training of not less than 12 weeks and to extend from 180 days to 270 days the period within which persons enlisted under such section are required to begin their initial period of active duty for training; to the Committee on Armed Services.

By Mr. RAILSBACK:

H.R. 5377. A bill to rescind the special tax benefits enacted during 1981 with respect to the living expenses of Members of Congress; to the Committee on Ways and Means.

By Mr. RANGEL (for himself, Mr. DIXON, Mr. DYMALLY, Mr. FORD of Tennessee, Mr. BRODHEAD, and Mr. BAILEY of Pennsylvania):

H.R. 5378. A bill to clarify that the Internal Revenue Code of 1954 does not provide tax benefits to organizations which discriminate on the basis of race or color; to the Committee on Ways and Means.

By Mr. RODINO (for himself and Mr. MCCLORY):

H.R. 5379. A bill to amend Public Law 97-76 to extend the period during which authorities provided under the Department of Justice Appropriation Authorization Act, fiscal year 1980, are continued in effect; to the Committee on the Judiciary.

By Mr. MOORHEAD:

H.R. 5380. A bill to recognize the organization known as American Ex-Prisoners of War; to the Committee on the Judiciary.

By Mr. DORNAN of California (for himself, Mr. AKAKA, Mr. ANNUNZIO, Mr. ANTHONY, Mr. ARCHER, Mr. BAFALIS, Mr. BAILEY of Missouri Mr. BONIOR of Michigan, Mr. BOWEN, Mr. BREAUX, Mr. BROWN of Colorado, Mr. CARMAN, Mr. CORRADA, Mr. DAUB, Mr. DONNELLY, Mr. DREIER, Mr. EARLY, Mr. EDWARDS of Oklahoma, Mr. ENGLISH, Mr. ERDAHL, Mr. EVANS of Georgia, Mr. FAZIO, Ms. FIEDLER, Mr. FIELDS, Mr. FINDLEY, Mr. FISH, Mr. FITHIAN, Mr. FLORIO, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FORSYTHE, Mr. FOWLER, Mr. FRENZEL, Mr. GARCIA, Mr. GINGRICH, Mr. GOLDWATER, Mr. GONZALEZ, Mr. GREGG, Mr. HAGEDORN, Mr. SAM B. HALL, Jr., Mr. HANSEN of Idaho, Mr. HANSEN of Utah, Mr. HENDON, Mr. HILER, Mr. HOLLENBECK, Mrs. HOLT, Mr. HOWARD, Mr. HOYER, Mr. HUGHES, Mr. HUTTO, Mr. HYDE, Mr. IRELAND, Mr. JEFFORDS, Mr. JOHNSTON, Mr. JONES of North Carolina, Mr. KEMP, Mr. KINDNESS, Mr. LAGOMARSINO, Mr. LEACH of Iowa, Mr. LEBOUTILLIER, Mr. LEE, Mr. LENT, Mr. LEWIS, Mr. LIVINGSTON, Mr. LOEFFLER, Mr. LOWERY of California, Mr. LOWRY of Washington, Mr. LUJAN, Mr. MCDONALD, Mr. MCGRATH, Mr. MADIGAN, Mr. MARKEY, Mr. MATSUI, Mr. MONTGOMERY, Mr. MURPHY, Mr. NEAL, Mr. NOWAK, Mr. OBERSTAR, Mr. O'BRIEN, Mr. OTTINGER, Mr. OXLEY, Mr. PANETTA, Mr. PATTERSON, Mr. PAUL, Mr. PEPPER, Mr. PORTER, Mr. PURSELL, Mr. RICHMOND, Mr. ROTH, Mr. ROUSSELOT, Mr. ST GERMAIN, Mr. SANTINI, Mr. SAWYER, Mrs. SCHNEIDER, Mr. SUNIA, Mr. TAUZIN, Mr. WAMPLER, Mr. WEBER of Minnesota, Mr. WHITEHURST, Mr. WON PAT, Mr. YOUNG of Alaska, Mr. ZEFERETTI, Mr. SCHEUER, Mr. ALBOSTA, Mr. SOLARZ, Mr. DOUGHERTY, Mr. NELLIGAN, Mr. DE LA GARZA, Mr. NAPIER, Mr. HAMILTON, Mr. TAUKE, Mr. RINALDO, Mr. BROYHILL, Mr. ATKINSON, Mr. YOUNG of Florida, Mr. JONES of Tennessee, and Mr. VENTO):

H.J. Res. 385. Joint resolution designating July 9, 1982 as "National P.O.W.-M.I.A. Recognition Day"; to the Committee on Post Office and Civil Service.

By Mr. HYDE:

H.J. Res. 386. Joint resolution designating Baltic Freedom Day; jointly, to the Committee on Foreign Affairs and Post Office and Civil Service.

By Mr. YATES (for himself, Mr. NATCHER, Mr. BOLAND, and Mr. MURTHA):

H.J. Res. 387. Joint resolution making an urgent supplemental appropriation for the Department of Labor for the fiscal year ending September 30, 1982; to the Committee on Appropriations.

By Mr. PURSELL:

H. Con. Res. 250. Concurrent resolution urging prompt implementation of proposed class exemptions for transactions involving use of construction industry pension funds for investments in residential mortgages; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. SMITH of New Jersey:

H. Con. Res. 251. Concurrent resolution expressing the sense of the Congress with

respect to the situation of two Soviet families, known as the Siberian Seven, who have sought refuge in the U.S. Embassy in Moscow because of the discrimination of their Pentecostal faith by the Union of Soviet Socialist Republics; to the Committee on Foreign Affairs.

By Mr. MONTGOMERY (for himself and Mr. HAMMERSCHMIDT):

H. Res. 326. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Veterans' Affairs in the second session of the Ninety-seventh Congress; to the Committee on House Administration.

By Mr. ROSTENKOWSKI (for himself and Mr. CONABLE):

H. Res. 327. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Ways and Means in the second session of the Ninety-seventh Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. EDWARDS of California:

H.R. 5381. A bill for the relief of Jin Hee Park; to the Committee on the Judiciary.

By Mr. McCLOSKEY:

H.R. 5382. A bill for the relief of Jacqueline Ann Kaufman; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 70: Mr. LONG of Maryland.

H.R. 1647: Mr. LUNGREN.

H.R. 1850: Mrs. HECKLER.

H.R. 1918: Mr. LEWIS, Mr. DE LA GARZA, Mr. MORRISON, and Mr. QUILLEN.

H.R. 2102: Mr. EVANS of Georgia.

H.R. 2389: Mr. ASHBROOK.

H.R. 3274: Mr. SMITH of Alabama.

H.R. 3300: Mr. BURGENER, Mr. DECKARD, Mr. DOWDY, Mr. GREGG, Mr. RALPH M. HALL, Mr. HOPKINS, Mr. KEMP, Mr. MOORHEAD, and Mr. SILJANDER.

H.R. 3575: Mr. ADDABBO, Mr. BARNARD, Mr. GREEN, Mr. IRELAND, Mr. LAFALCE, Mr. MOLINARI, Mr. MORRISON, Mr. PRITCHARD, and Mr. RICHMOND.

H.R. 3600: Mr. WEBER of Ohio.

H.R. 4467: Mr. MCCURDY, Mr. NELSON, Mr. LONG of Maryland, and Mr. FORD of Tennessee.

H.R. 4510: Mr. CHAPPIE, Mr. DERRICK, Mr. COATS, Mr. WYLIE, and Mr. HILLIS.

H.R. 4708: Mr. SMITH of Oregon and Mr. SIMON.

H.R. 4931: Mr. ROUSSELOT, Mr. ATKINSON, Mr. PAUL, Mr. KINDNESS, Mr. COLLINS of Texas, Mrs. FENWICK, Mr. SMITH of Alabama, Mr. DANIEL B. CRANE, Mr. BIAGGI, Mr. MOORHEAD, Mr. WINN, Mr. YOUNG of Alaska, Mr. EVANS of Georgia, Mr. SHUMWAY, Mr. ROBERTS of Kansas, Mr. BADHAM, Mr. DAVIS, Mr. FIELDS, Mr. LUJAN, Mr. SMITH of New Jersey, Mr. ERDAHL, Mr. SILJANDER, Mr. EDWARDS of Oklahoma, Mr. IRELAND, Mr. DORNAN of California, Mr. MARRIOTT, Mr. DECKARD, Mr. FORSYTHE, Mr. HAMMERSCHMIDT, and Mr. DREIER.

H.R. 4999: Mr. MOTTL, and Mr. DREIER.

H.R. 5004: Mr. ANDREWS, Mr. BOWEN, Mr. LAGOMARSINO, Mr. ROBERT W. DANIEL, Jr., Mr. DYSON, Mr. CHENEY, and Mr. ROBERTS of South Dakota.

H.R. 5088: Mr. WILLIAMS of Montana, Mr. MINETA, Mr. SOLARZ, Mr. PHILLIP BURTON, Mr. EDWARDS of California, Mr. LUNDINE, Mr. WIRTH, Mr. FROST, Mr. SCHUMER, Mr. WEAVER, Mr. FRANK, Mr. PATTERSON, Mr. MATSUI, Mr. DICKS, Mr. PANETTA, Mrs. CHISHOLM, Mr. FISH, Mr. CORRADA, Mr. WILSON, Mr. SCHEUER, and Mr. MOFFETT.

H.R. 5117: Mr. JONES of North Carolina, Mr. KASTENMEIER, Mr. BAILEY of Pennsylvania, Mr. DREIER, Mr. DANNEMEYER, and Ms. FIEDLER.

H.R. 5160: Mr. GRAMM, Mr. QUILLEN, and Mr. WAMPLER.

H.R. 5176: Mr. STUDDS, Mr. HOLLENBECK, Mr. HORTON, Mr. ADDABBO, Mr. KASTENMEIER, Mr. BEARD, Mr. BIAGGI, Mr. HUGHES, Mr. HARTNETT, Mr. FORSYTHE, Mr. MOTTL, Mr. BROWN of California, Mr. STANGELAND, Mr. DENARDIS, Mr. PEPPER, Mr. LAFALCE, Mr. HOWARD, Mr. OTTINGER, Mr. DYMALLY, Mr. JONES of North Carolina, Mr. BINGHAM, Mr. DWYER, Mr. HERTEL, Mr. FRANK, Mr. NAPIER, and Mr. MARKEY.

H.R. 5223: Mr. ANDREWS and Mr. HAGEDORN.

H.R. 5242: Mr. VOLKMER, Mr. HUBBARD, Mr. BLILEY, and Mr. BROYHILL.

H.R. 5284: Mr. KILDEE, Mrs. CHISHOLM, and Mr. WALGREN.

H.R. 5323: Mr. RAILSBACK.

H.R. 5357: Mr. PANETTA, Mr. SCHEUER, Mr. LAFALCE, Mr. MCKINNEY, Mr. EMERY, Mr. LEWIS, and Mrs. BOUQUARD.

H.J. Res. 365: Mr. FRANK, Mr. DYSON, Mr. EDGAR, and Mr. FAZIO.

H. Con. Res. 100: Mr. YATRON, Mr. KRAMER, and Mr. SMITH of New Jersey.

H. Con. Res. 219: Mr. DENARDIS, Mr. DREIER, Mr. RUDD, Mr. GRISHAM, Mr. PATTERSON, Mr. DANNEMEYER, Mr. WIRTH, Mr. SHAW, Mr. BARNARD, Mrs. COLLINS of Illinois, Mrs. MARTIN of Illinois, Mr. RAILSBACK, Mr. SIMON, Mr. DECKARD, Mr. JACOBS, Mr. TAUKE, Mr. LONG of Maryland, Mr. BEDELL, Mr. MITCHELL of Maryland, Mr. FRANK, Mr. CONYERS, Mr. DAVIS, Mr. CARMAN, Mr. MOLINARI, Mr. HORTON, Mr. MCCURDY, Mr. AUCOIN, Mr. JAMES K. COYNE, Mr. MARKS, Mr. FIELDS, Mr. CORRADA, and Mr. MARRIOTT.

H. Con. Res. 222: Mr. SIMON and Mr. DWYER.

H. Con. Res. 239: Mr. BROWN of Ohio.

H. Con. Res. 248: Mr. DORNAN of California, Mr. BEARD, Mr. PASHAYAN, Mr. EMERSON, Mr. ROSTENKOWSKI, Mr. LOWERY of California, Mr. PEPPER, Mr. WASHINGTON, Mr. SMITH of Pennsylvania, Mr. HUTTO, Mr. LEBOUTILLIER, Mr. EMERY, Mr. DANNEMEYER, Mr. YATRON, Mr. JOHNSTON, Mr. DE LA GARZA, Mr. BARNARD, Mrs. BYRON, Mr. LAGOMARSINO, Mr. FORSYTHE, Mr. FIELDS, and Mr. MONTGOMERY.

H. Res. 252: Mr. GRAY and Mr. AKAKA.

H. Res. 269: Mr. LEBOUTILLIER, Mr. PRITCHARD, Mr. ROSENTHAL, Mr. WYDEN, Mr. FISH, Mr. FORSYTHE, Mr. SILJANDER, Mr. SMITH of Pennsylvania, Mr. WORTLEY, Mr. YATES, Mr. LOWERY of California, Mr. SCHUMER, Mr. BRODHEAD, Mr. KRAMER, Mr. LEHMAN, Mr. SMITH of Alabama, Mr. RANGEL, Mr. LENT, Mr. HORTON, Mr. GRAY, Mr. MAVROULES, Mr. FRENZEL, Mr. MOLINARI, Mr. WOLF, Ms. MIKULSKI, Mr. DAUB, Mr. DREIER, Mr. MINETA, Mr. SCHEUER, Mr. KOGOVSEK, Mr. DOUGHERTY, Mr. CORCORAN, Mr. BENJAMIN, Ms. FIEDLER, Mr. MOTTL, Mr. PORTER, and Mr. WAXMAN.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

330. By the SPEAKER: Petition of the City Council, Cambridge, Mass., relative to human rights; to the Committee on Foreign Affairs.

331. Also, petition of the National Assembly Association of the Republic of China, relative to the sale of advanced aircraft to Taiwan; to the Committee on Foreign Affairs.

332. Also, petition of the 1981 annual conference session of United Methodist Youth in the North Carolina Conference, Raleigh, relative to conservation of fossil fuels; to the Committee on Science and Technology.

EXTENSIONS OF REMARKS

SOVIETS REMEMBER FORRESTAL IN ASSESSING U.S. DEFENSE BUILDUP

HON. LARRY McDONALD
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. McDONALD. Mr. Speaker, James V. Forrestal was our first Secretary of Defense and perhaps our best, in my view. Then Secretary Forrestal (1947-49) correctly assessed the Soviet threat and wanted to orient our defenses to meet that challenge. In attempting to make his case, he ran into a stone wall of policymakers who were convinced that the Soviets would behave if we just did something additionally nice for them—some who were naive and some who were high in Government and working for the other side, as later events were to reveal. However, swimming against the tide, Forrestal was considered controversial and the strange circumstances of his death did not diminish the controversy. However, if a man is known by his enemies, the Soviets have neither forgotten nor forgiven Forrestal for opposing them.

Mr. Louis M. Hohlmeier, Washington editor of Financier, discusses Forrestal in the January 1982 issue of the Financier, pointing out that the Soviets recently compared him to Secretary Weinberger, and how they fear a buildup of our defenses. The article follows:

SOVIETS REMEMBER FORRESTAL IN ASSESSING U.S. DEFENSE BUILDUP

(By Louis M. Hohlmeier)

In the year that has passed since Ronald Reagan became President and promised more guns and no less butter, Mr. Reagan has been educated to the enormous difficulty of increasing Defense spending substantially while at the same time reducing taxes significantly and cutting domestic spending only modestly. Now, as he prepares to address Congress on the State of the Union, looming Budget deficits raise large questions concerning the future of tax policy and spending levels, but in the broad domestic area, and not in Defense.

At some unremarked moment within the past few years, the U.S. recovered sufficiently from the military and political trauma of Viet Nam to begin thinking that Defense spending was not necessarily bad, and patriotism was not passe. Defense spending began to rise when Jimmy Carter was President, and the Democrats controlled both Houses of Congress.

Its pace has quickened under Mr. Reagan, with Democrats and Republicans in full agreement in principle on its direction: Up.

Political and popular perceptions of the threat posed by the Soviet Union to the U.S. are changing—and they involve more than a departure from the anti-military, anti-war movements of the Viet Nam period, however.

To a remarkable extent, the Communist and non-Communist or anti-Communist worlds remain as divided as they were four decades ago by the events of World War II and the Cold War.

But new tensions are growing in those old divisions, and U.S. perceptions of the Soviet threat may well be subject to change more radical than any since the end of World War II.

A funny thing happened in Moscow several months ago when the Department of Defense in Washington released its new and widely publicized study titled Soviet Military Power.

It described the Soviet military buildup in some detail, with full-color pictures of Russian missiles, tanks, ships and planes. "For the past quarter century," Defense Secretary Caspar W. Weinberger said in a preface, "we have witnessed the continuing growth of Soviet military power at a pace that shows no signs of slackening in the future. . . The greatest defense forces in the world are those of free people in free nations well informed as to the challenge they face, firmly united in their resolve to provide fully for the common defense, thereby deterring aggression and safeguarding the security of the world's democracies."

Pravda called the study a "routine fabrication;" that reaction was hardly surprising. The obvious intent of the study was to promote popular and political support in the U.S. and abroad for the Reagan Administration's buildup of U.S. military power.

The next day, however, Pravda launched into a strong attack on Mr. Weinberger. It called his study an "outpouring of irresponsible claptrap," and accused him of "propagandistic hysteria." It compared him with James V. Forrestal, who, Pravda said, "is known to have come to a bad end" because of his "anti-Soviet hallucinations."

REVELATION OF FEAR

That was a remarkable comparison for the Russians to draw, not necessarily because it is inaccurate but because it is one that few Americans have drawn. Mr. Forrestal is all but forgotten in the U.S.—but obviously is well remembered in the Soviet Union, or at least in the Kremlin. The comparison drawn by Pravda unintentionally illustrates the grave Soviet fear of a U.S. military buildup.

If Americans have forgotten, Soviet military leaders well remember that Mr. Forrestal, previously an investment banker on Wall Street, became the most articulate spokesman within the Roosevelt and Truman Cabinets of the viewpoint that the Soviet Union was bent on world aggression that could not be stopped except with U.S. military power.

He was President Franklin Roosevelt's Secretary of the Navy, and became the nation's first Secretary of Defense under President Harry S. Truman, but his viewpoint was not popular, and it did not prevail.

He was an anti-Communist even when the U.S. was allied with the Soviet Union in the war against Germany—a time when the popular wish was to believe in the peaceful postwar intentions of the Russians.

When the war was over, public opinion in America demanded immediate demobilization, and Mr. Truman, inexperienced in the ways of war or peace, tried mightily to accommodate that demand. Military spending was reduced so quickly and drastically that he was able to balance the Federal Budget in 1947, 1948, and 1949.

After the 1948 election, Mr. Truman dismissed Mr. Forrestal for political rather than military reasons, and Mr. Forrestal shortly thereafter took his own life, apparently blaming himself for having failed to convince his President of the magnitude of the threat of Soviet military power.

Mr. Forrestal was one of the larger enigmas of U.S. history. He could not be explained by the Democratic Presidents who employed him and promoted him, so he was more or less forgotten. But he apparently is still remembered well in the Soviet Union.

Pravda's comparison of Mr. Forrestal to Mr. Weinberger is of course inaccurate and misleading. Mr. Forrestal was an intense and unquestionably brilliant man who lived at a time when the U.S. was embroiled in its own fierce and emotional debate over the intentions of the Soviet Union and the meanings of Communism.

IN VITAL RESPECTS, THE SAME

Mr. Weinberger, on the other hand, may be no less brilliant, but he also is no fatalist. His world is very different from that of Mr. Forrestal, yet time may prove the comparison drawn by Pravda to be not entirely inaccurate. The world has changed, but in vital respects it has remained remarkably the same.

But change may well be at hand, in part because Mr. Reagan is President and Mr. Weinberger is Secretary of Defense, and in part because it is developing new and fearsome tensions within and without the orbit of Soviet military power.

If history is prologue, the awful strains inside Communist Poland are portentous. Germany cannot forever remain divided between East and West. Those old tensions left behind in Eastern Europe and the Far East by World War II and the Cold War are made more ominous by new ones the Soviet Union has created by its aggressions in the Middle East, Africa, and Latin America.

With the benefit of 40 years of hindsight, one can conclude without great difficulty that U.S. foreign and military policy vis-a-vis the Soviet Union have been, in the Washington vernacular, a mess.

To make that charge is to imply that the Democrats and liberal Republicans who served as Presidents, until Mr. Reagan's election, were responsible for it. But that implication is without foundation.

CONSERVATIVES SHARE BLAME

The conservative Republicans, for example, during Mr. Truman's time, were demanding instant demobilization and a balanced Budget even as they were condemning Godless Russian Communism.

Such are the paradoxical inefficiencies of politics in a popular democracy, as compared with the political efficiency of totalitarianism.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Unfortunately, however, history is prologue. The postwar history of Soviet-U.S. relations normally is dated from that time in 1947 when Mr. Truman finally decided the Russians were not to be trusted, and enunciated the Truman Doctrine for containment of Communism in Greece and Turkey. But by then the Russians controlled all of Eastern Europe, including Poland.

The containment policy was meaningless to Eastern Europe, and the military posture of the U.S. was such that the Soviet Union could have crushed the American policy in Greece and Turkey also.

Mr. Truman, shortly after he was unexpectedly and unwillingly thrust into the Presidency upon the death of Mr. Roosevelt, declared that "Peace is hell." He tried to pursue his predecessor's policies without knowing precisely what those policies were—if indeed Mr. Roosevelt himself had known what his postwar policies might have been.

POWER LOW, BUDGET BALANCED

He watched helplessly while China fell to Communism. When finally, for the first time since World War II, he decided that Communism had to be contained with American military power, U.S. military strength was at its lowest ebb in several years—during which time, however, he had balanced the Budget.

But Mr. Truman went into Korea expecting the containment of Communism to require no more than a police action, unworthy of a declaration of war.

When the Korean and Chinese Communists proved otherwise, there followed an acrimonious debate between Mr. Truman and General Douglas MacArthur over American foreign and military policy; the result was a stalemate arranged by President Dwight Eisenhower after Mr. Truman's unpopularity cost the Democrats control of the White House and Congress.

If Korea was a stalemate, as an exercise in Communist containment, Viet Nam was a military and political disaster—an American tragedy appreciated by the Kremlin in many ways.

The anti-war, anti-military movement that shook the country were led by young radicals, but Viet Nam's legacy swept the whole nation and profoundly affected foreign and military policy. Defense spending fell sharply after President Lyndon Johnson was ridden from office, and Richard Nixon became President. By 1975, the Defense budget, measured in constant dollars, was no more than it had been in 1955.

NEVER QUITE DECIDED

In sum, the only consistency in U.S. policy for four decades has been inconsistency and improvisation. Ever since the Soviet Union emerged from World War II as the only world power rivaling the U.S. the U.S. has never quite decided what to make of it.

The improvisations of Mr. Truman and his successor Presidents obviously were not complete failures. Greece and Turkey did not fall to Communism, although that happy result seems to have flowed less from U.S. military conviction than from the fact that Stalin's Russia was not at that time prepared militarily to extend its Eastern European conquests so far South.

The Berlin airlift preserved a U.S. presence in Germany's ancient capital when the Russians blockaded the highway, rail, and water routes to Berlin. But again, the Berlin airlift was a defensive kind of improvisation that succeeded only because the Russians did not try to blockade its particular access to the city.

In larger sum, the U.S. in the decades since World War II has concentrated on butter except on those occasions when it reluctantly and momentarily concentrated on guns.

Twice since then the U.S. has gone to war against Communist forces, but carefully has avoided war with the Soviet Union itself; and obviously during the Korean and Viet Nam Wars the U.S. did rearm itself. But except for those episodes, the long-term trend line for U.S. military preparedness since World War II has been down.

From 1955 to 1965, outlays for Defense declined from about 10% to about 7% of GNP. After Viet Nam, they fell sharply, and remained in the vicinity of 5% of GNP through almost all the 1970s.

In that same quarter-century, the Soviet Union has increased spending on what it euphemistically also calls Defense—an average 12% to 14% of their GNP.

Defense spending as a percentage of GNP is not a precise measure of any nation's ability to fight and win a war, conventional or nuclear; but it is one measure worthy of attention unless or until Russian and U.S. combat capabilities are tested against each other.

UNITED STATES LOSING LEAD

The Defense Department does not concede military superiority to the Russians. But it asserts that the U.S.S.R. in the last quarter-century has "dramatically reduced the U.S. lead in virtually every important basic technology," and that the U.S. is actually losing its lead in key sectors.

The next question, of course, concerns what the Soviet Union intends to do with its military power, and indeed what the Russians have done in the past five years and still are doing.

In its own use of military force, the U.S.S.R. historically has been respectful of U.S. military power. The possibility of war with the U.S. surely was one consideration in the Soviet decision not to challenge militarily the Truman Doctrine in Greece and Turkey, and not to shoot down American aircraft in the Berlin airlift.

Clearly, though, the Soviet Union did use military force to subjugate Eastern European nations because it was quite convinced that the U.S. would not intervene militarily there.

Of course, those military decisions were made by the Kremlin at a time when the U.S. possessed and the Soviet Union did not possess the atomic bomb.

Subsequently the Russians exploded their atomic bomb, and they now have acquired a nuclear arsenal, but they still have not started what in the Kremlin might be called a preventive war. The Kremlin has been and surely is anxious to avoid the debilitating costs of nuclear war.

POLITICAL GAINS WITHOUT WAR

It adds to its arsenals of nuclear and conventional weapons in the belief that, as it gains military strength looking toward military superiority, its political objectives will be served without resort to war with the United States.

The Soviet military buildup has facilitated not only the strengthening of Warsaw Pact forces in Eastern Europe, but has also enabled the Russians to send arms and military advisers to Algeria, Libya, Angola, Ethiopia, Iraq, Syria, and South Yemen. Military aid has made surrogates of East Germany, North Korea, and most spectacularly Cuba.

Those are some of the manifestations of Soviet military power that 12% to 14% of Soviet GNP has bought in the past quarter-century, and those are some of the manifestations of Soviet power that prompted the Democrats, when they controlled the White House and Congress, to begin spending more on Defense very late in the '70s.

In the last year he was President, Mr. Carter proposed for fiscal 1981 an increase of almost 7% in Defense spending; only four years earlier in the U.S. and its NATO allies had agreed on a 3% growth target.

Those manifestations of Soviet power that spread from Cuba to Mozambique to North Korea may not represent the most serious threats to world peace, however.

For the Soviet Union and its Warsaw Pact allies in Europe have created profound difficulties for themselves and potentially for the U.S. by spending great sums on guns and relatively small sums on butter. They have sustained high levels of military expenditures at the cost of deteriorating economies over the past decade.

In so allocating their resources, the Communist nations have invited domestic troubles in the form of food shortages, low labor productivity, transportation snarls, and energy constraints.

NO LESS ON GUNS

But the totalitarian Governments of those countries quite apparently have no intention whatsoever of spending less on guns and more on butter. The workers of Poland and possibly other countries may rebel, and their rebellions will be put down with that same Communist military strength that was created to spread the blessings of Communism worldwide.

Russian-style Communism proved no blessing to China, and disaffection from Communism could spread from Poland to other countries of Eastern Europe. The Soviet's willingness to use its military power on a large scale to protect its political interests was demonstrated in a significant way in Afghanistan two years ago.

The conclusion that faces the Reagan Administration then is that Soviet military power may well represent a threat to world peace not merely in Afghanistan, Cuba, and other places that, in the world scheme, are relatively small and relatively insignificant, but also in the larger and more strategic places of Europe and the Far East.

After four decades, improvisation in U.S. foreign and military policy seems no longer adequate, if it ever was.

NO CHANCE COMPARISON

It may be by chance that Mr. Reagan is the first genuinely conservative Republican who has sat in the white House since Herbert Hoover, but it is not by chance that he has moved toward the substantially larger Defense budgets that were proposed by Mr. Carter. Nor is it by chance that the Kremlin sees a comparison between Defense Secretaries Weinberger and Forrestal.

The U.S. it appears, is entering upon a time when Communist containment will be redefined, and U.S. military power will bear some relationship to the new definition.

Military spending will continue to grow, barring a highly unlikely retreat by the Soviets from their own spending habits of the past quarter-century, and the U.S. will be required to devote more of its GNP to guns, and less to butter.

And the education of Mr. Reagan relative to domestic spending and taxes will continue.

But the future of U.S. relations with the Soviet Union might draw hope from the past. Winston Churchill in his Iron Curtain

speech at Fulton, Missouri, nearly four decades ago, said that there is nothing the Soviet Union respects more than military strength, and nothing it respects less than military weakness.●

PRESIDENT'S PROGRAM WORKING

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. DREIER. Mr. Speaker, as Congress reacts to President Reagan's state of the Union address, I would urge my colleagues to keep one primary consideration in mind: the President's program for economic recovery is working. It was never intended to provide an instantaneous cure for our fiscal ills. We have a great deal of work to do if that program is to succeed.

During the first session of this Congress, we took major steps toward restoring fiscal stability. We trimmed some of the excess expenditures from the Federal budget and passed the largest tax cut in the history of this country.

Today, however, we must face the issue of whether the 97th Congress will be remembered for its courage and commitment in completing the important work it began or whether it will be thought of as a Congress that had a promising beginning, but failed to finish the job.

We have only begun the fight to turn our economy around. This is not the time to quit.

The tax cuts, which were implemented in the Economic Recovery Tax Act of 1981, must continue to take effect as scheduled. As taxes are reduced, the economy will be considerably strengthened during the years ahead. The reduction in taxes has already resulted in increased savings by Americans. If we continue along this path, we can also expect to see a substantial decrease in unemployment as incentives for risk taking and job creation begin to take hold.

We must continue to slow the growth of Federal spending. There is still much fraud and abuse in our Government which has to be eliminated. It is imperative that we not retreat from the course of cutting Federal programs which have proven records of ineffectiveness and waste while simultaneously maintaining benefits for the truly needy.

To remove the fraud and abuse from our Government and make it better able to serve the people, the President has proposed a dramatic restructuring of the relationship between the Federal Government and the States. By 1991, State and local governments will administer more than 40 programs which are now administered by the Federal Government. The States will definitely be able to administer these programs with more compassion and cost-effectiveness than any Washington bureaucrat ever has done.

After all that we have accomplished, it would be tragic, indeed, if this Congress were to back away from completing this crucial task. Clearly, the programs of the past have not worked, but the programs of the future will work if we give them a chance.●

NATURAL GAS PRICES

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. BEREUTER. Mr. Speaker, as the Congress returns to resume consideration of the many weighty matters on its agenda for the second session, the Reagan administration has stated that it will soon submit to the Congress a proposal to accelerate the decontrol of natural gas prices. While there are many serious questions which must be resolved before any decision is reached on this matter, one of the most important is the effect which early decontrol will have upon those who produce the food for this Nation and for much of the rest of the world. A recent editorial published in the Fremont, Nebr., Tribune cites the cost of accelerated decontrol to America's farmers. Dependent as farmers are upon anhydrous ammonia fertilizer, the cost of which, in turn, is heavily dependent upon that of natural gas, early decontrol will have a devastating impact upon the farmer's ability to make a profit. In these times of economic distress on the farm, it is imperative that this issue be addressed before the Congress acts on these proposals, and I urge my colleagues to read the following article which further reflects on this issue:

[From the Fremont (Nebr.) Tribune, Dec. 15, 1981]

ACCELERATED GAS DECONTROL OPPOSED

Farmers, already beleaguered by record low grain prices and record high production costs, now face another congressional measure that would strain even further the delicate agriculture economy.

Congress now is considering an accelerated natural gas price decontrol plan that would increase farm production costs and take an enormous bite out of farm income. The proposal, if approved, eventually would affect consumers as well and should be vigorously opposed.

The accelerated decontrol plan is supported by wellhead producers of natural gas and is opposed by natural gas distributors and suppliers.

A study done by the Citizen-Labor Energy Coalition shows that accelerated decontrol would increase production costs for farmers by $8.2 billion in the next three years. Nebraska farmers alone would absorb $417 million in increased costs, the study says.

Most of the additional costs would come in the form of anhydrous ammonia fertilizers. Presently, nitrogen fertilizer costs about $250 a ton, but the study says accelerated decontrol would push it to $620 a ton by 1984, adding more than 26 cents to the cost of producing a bushel of corn. Additional price factors would be residential energy, production of electricity, irrigation and propane expenses.

If Congress and the Reagan administration are intent on satisfying wellhead producers by accelerating natural gas decontrol, a closer examination of its effect on farmers and subsequent food costs is called for. Decontrol might be the ticket to ensure an adequate supply of natural gas but it must not be at the expense of farmers.

Its effect goes far beyond the fields, silos and elevators of Nebraska. The proportion of income Americans spend on food still is one of the lowest in the world. But the more economic pressures put on farmers to increase production while returns decrease, the more expensive food will become.

Corn prices have the biggest effect on the price of meat, especially red meats like beef. And beef today is getting so expensive Americans are foresaking it for alternatives like fish, pork and fowl. Cattle and cattlemen are becoming an endangered species, and accelerated gas decontrol would be another nail in their coffin.

By protecting the economy of the farmers, Americans are protecting their own personal economy.

Maybe citizens won't yell loud enough until they are forced to pay $10 a pound for hamburger and $5 for a dozen eggs. But by then it may be too late.●

CLEMSON TIGERS ARE NO. 1

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. CAMPBELL. Mr. Speaker, this week representatives of the Clemson Tigers, the No. 1 college football team in the Nation, are visiting Washington. As a South Carolinian, I would like to take this opportunity to welcome these outstanding men and recognize their accomplishments.

Coming off a six and five season last year, the Tigers showed a determination and dedication this season that is truly noteworthy. They ended the 1981 season as the only undefeated team from a major school. During the season, they defeated three teams ranked in the top 10 and produced three All-Americans. Head Coach Danny Ford, at the age of 33, was the youngest coach-of-the-year ever chosen. And, on New Year's Day, the Clemson Tigers defeated a fine team from Nebraska to become the No. 1 team in the Nation.

We in South Carolina are justifiably proud of Clemson University and the fine young people it produces. In fact, this week has been proclaimed "Clemson is No. 1" week in our State by the

Governor. However, Clemson's recognition is not limited to South Carolina. The highlight of their representatives' visit this week will be a meeting with a former sportscaster from Des Moines, Iowa, who has done pretty well for himself also. It won't be the first time a football player has been to the White House, but I'm very sure they have never had such an influx of tiger paws before.●

UKRAINIAN INDEPENDENCE DAY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. ASHBROOK. Mr. Speaker, last Sunday thousands of patriotic Ukrainian Americans celebrated their independence day. I was privileged to speak to one of these moving ceremonies at Parma, Ohio and share with these fine patriots some of my views. Solidarity has a new meaning. The Polish workers reminded us that the free world, indeed their Eastern European brothers and sisters, were silent when the Baltic States were ruthlessly annexed over 40 years ago. The Hungarian freedom fighters fought alone in 1956, the Czechoslovakian patriots in 1968 and now we realize what many of us have said all along—the loss of freedom anywhere is the loss of freedom to all of us.

The Ukrainian people in particular have been victims of brutal Nazi and Communist repression. The Communists slaughtered some 11,000 Ukrainians at Vinnista at the same time their Polish brothers were being massacred at Katyn Forest in Poland.

Mr. Speaker, the anniversary celebrated by the Ukrainians in the free world each January has a meaningful significance not only for the Ukrainians but for the people of the United States and the whole free world as well. It is obvious that when freedom is obliterated in one country, it indirectly affects all the other free peoples. At a time when Moscow tries to impress the world as the champion of anticolonialism, there is an urgent need to remind our people of the fate of nations forced to live under the brutal oppression of Communist dictatorship.

Ukraine with a population of over 50 million was the first victim of Soviet Russian aggression. It is the largest non-Russian Nation within the Soviet Russian Empire. This entitles her to rank in Europe next to Russia, Germany, and France not only in terms of population, but also in terms of strategic geographic position and rich resources. Because of her resources, it had always been regarded as a coveted prize of aggressors—first the Mongols, then Moscovite Tsars and finally the Russian Communists.

When, in 1917, the Russian autocratic government disintegrated, the Ukrainian people availed themselves of the opportunity to regain their own independence. A national government was formed which then issued decrees and promulgated laws, securing liberty and equality for all citizens of Ukraine. At the same time, the Russian Communist Party issued its declaration in favor of the right to self-determination. It soon became apparent, however, that this Soviet declaration was only a clever Bolshevik maneuver to preserve the unity of the former Russian Empire. Simultaneously with the ostentatious proclamation of the right to self-rule, the Soviet Russian Government dispatched to the Ukrainian National Government a 48-hour ultimatum dated December 17, 1917, signed by Lenin and Stalin, demanding unconditional surrender and the acceptance of Soviet Russian domination over Ukraine. The reply by the Ukrainian Government of December 19, 1917, is regarded today as a historical and a classic document which clearly exhibits a unique comprehension of the potential Communist threat not only to the young Ukrainian Republic, but to the free peoples throughout the world. Ukrainians realized already in 1917 that between the czarist and the Bolshevik imperialism, there was little or no difference. Rejecting the Soviet ultimatum, Ukraine proclaimed her independence on January 22, 1918. The proclamation of the reunification of all Ukrainian territories in one single democratic state followed a year later on January 22, 1919. With these two significant acts, the Ukrainians demonstrated to the world that Moscow and Kiev represented two different nations, and two different mentalities. Kiev personified the democratic concept of government based on respect for human rights and the dignity of man, while Moscow represented not only totalitarianism but also a godless force of destruction.

The ensuing Russian-Ukrainian war of almost 4 years' duration (1917-21) is rather obscured, because at that time communism was not recognized as a danger to the free world. The Russian Communists were aided in their war against Ukrainians by a majority of the Russians who sacrificed democracy in order to preserve the unity of the Russian Empire.

Since the Bolshevik Russian occupation of Ukraine, more than 10 million Ukrainians died in the defense of their independence. Ukraine would have remained free had the Western nations paid heed to her warnings of the potential Communist menace and answered her desperate call for moral and military assistance. Without Ukraine's strategic position and her immeasurable mineral resources the Soviet Russian Government would have difficulties in initiating aggressive pressures toward the West. We, Americans, should find comfort in knowing that the Union of Soviet Socialist Republics is not all Russia, but a group of captive nations yearning for an opportunity to break this chain of bondage and become masters of their destinies within their respective Republics. During and after World War II, the Ukrainian Insurgent Army (UPA), reaffirming the will of Ukrainian people to sovereignty, was actively engaged in fighting nazism and communism alike. Paradoxically, the Western Powers again were not interested in the emergence of this freedom force in Eastern Europe, and unwittingly helped the Kremlin pave its way to the heart of Europe and Asia. On the basis of our experience with the Communists, we should know by now that the only policy capable of shaking the foundations of the Soviet Russian slave empire is a policy motivated by the idea of individual and national liberty for all. It is this ideological weapon the Communists fear most. For this reason, the Ukrainians would wholeheartedly support the U.S. ideological reorientation which would include an open support for Ukraine's as well as for other nations' rights to liberty and independence. Such a policy would force the Kremlin into a defensive position and may prove to be the best deterrent to a global war.●

UKRAINIAN INDEPENDENCE DAY

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. GREEN. Mr. Speaker, I would like to bring to the House's attention the 64th anniversary of Ukrainian Independence Day. It is indeed fitting that the Congress should pay tribute to the aspirations and hope for freedom of the Ukrainian people.

On January 22, 1918, the Ukrainian National Republic proclaimed its independence from foreign power, and its existence as a free and democratic state. While the Ukraine was soon thereafter crushed by the Soviet Red Army, the proclamation was then, as it is now, a symbol of the Ukrainian nation's courage and commitment to freedom.

As a free country, the United States must continue to show it is not indifferent to the cause of freedom in other countries. We must not forget those in nations held captive by the U.S.S.R., whose cultural, religious, and political rights are systematically denied. Recently, our attention has been centered on another captive

nation, Poland. Like Poland, the Ukraine has continually struggled under the yoke of her Russian neighbor. Martial law in Poland makes us all the more aware of the cruel repression practiced by the Soviets in the captive Eastern European countries, and makes Ukrainian Independence Day all the more significant, not just to Americans of Ukrainian origins, but to all Americans who treasure their freedom and who respect the desire for freedom of others.

As the new year commences, we must all renew our pledge to support the cause of freedom in the Ukraine and throughout the world.●

HIGH INTEREST IS NO INFLATION SOLUTION

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. SWIFT. Mr. Speaker, last night the President expressed concern for the plight of lumberjacks in the Northwest and then reaffirmed his strong support for continuing a policy of high-interest rates. That is the very policy that has caused the lumberjack's problems.

But it is not just the loggers who are hurting. From loggers to sawmills to lumberyards to homebuilders to real estate, the high-interest-rate policy is a killer. The unemployment rates tell a tragic tale for States like Washington and Oregon which have a major wood products base to their economies.

But the effects of this policy do not even stop there. Auto dealers, farmers, thrift institutions—virtually all small businesses are facing serious problems which end all too often with bankruptcy.

It is a devastating policy.

And that view was reinforced recently in an interview by U.S. News & World Report. It was an unlikely source of criticism of the administration. The President, it was said, "should pressure the Federal Reserve to bring interest rates down. High rates will not solve our inflation problem."

The source of that advice was the administration's economic guru, Dr. Arthur Laffer, exponent of supply-side economics and a member of the Economic Policy Advisory Board for the President.

Still, the policy goes on.

The determination to continue the awful policy was announced a few days ago by the Fed Chairman Volker. The President reaffirmed his enthusiastic support of that policy last night. The meaning can only be that small business is considered expendable in the fight against inflation.

That is so shortsighted.

We do not have to resort to a profligate policy of wildly printing money to correct things. We do not need to swing from the present extreme to that extreme which the defenders of high interest rates always haul out as the strawman in this debate.

Small business needs some wiggle room—some relaxation of interest rates—in order to survive this period of economic difficulty. It continues to be one of the great mysteries of our time why that prudent relief cannot be given to those millions of businesses that are fighting a losing battle of survival under the present rigid and inflexible policy.●

GET US OUT

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. McDONALD. Mr. Speaker, it is seldom that an editorial contains so much information of substance on one subject. However, several dozen copies of one editorial have been sent to me from the Rolla Daily News of Rolla, Mo. The subject is the United Nations, and the editorial writer is Edward W. Sowers. Mr. Sowers demonstrates clearly the growing disillusionment, as well as outright condemnation, by the American public of the United Nations.

Mr. Sowers cites an excellent secondary source for information; namely, Robert W. Lee's "The United Nations Conspiracy." I recommend this book highly to my colleagues. Mr. Sowers calls attention to the fact of only two Senators voting against acceptance of the original United Nations Charter. Sad as it is to observe, this absolute minority was right. Maybe my colleagues will now pay heed and realize that, as Mr. Sowers suggests, and I wholeheartedly concur, it is high time to: "Get US Out!" Mr. Sowers editorial of December 31, 1981, follows:

[From the Rolla (Mo.) Daily News, Dec. 13, 1981]

UNITED NATIONS CONSPIRACY

(By Edward W. Sowers)

The United Nations, for three and one-half decades, has been indulging in a gigantic and unfettered conspiracy—mostly at U.S. taxpayers' expense—to enslave our free republic in a world government dominated by the Communistic Soviet Union, and its pip-squeak surrogates generally referred to as the Third World.

Having had enough of this free-wheeling conspiracy, more and more responsible officials and thinking citizens are ready for us to pull out.

A few years ago this opinion, which I share with the others, would have been regarded as unthinkable, something like condemning apple pie and motherhood. Not so today. In 1959, the Gallup Poll reported that 87 percent of the American people thought that the U.N. was doing a good job. But, on Nov. 19, 1980, a Gallup Poll reported that only 31 percent thought the United Nations was doing the job it set out to do at its inception in 1945.

What has happened to force this change. Well, time after time, the United Nations has taken pro-Soviet Communistic actions, helping only Russia and its surrogates to the detriment of the U.S. and its allies. These actions and their results are emerging from behind the cloaks of U.N. propoganda, getting into books (notably Robert W. Lee's "The United Nations Conspiracy") and is now up for offical consideration in a bill before Congress.

Yes, Congressman Larry McDonald (D-Georgia) has introduced a bill, (H.R. 3861), which would "terminate all participation by the United States in the United Nations, and to remove all privileges, exemptions and immunities of the United Nations."

U.S. Senator Robert Packwood (R-Oregon) thinks "The United Nations does not take itself seriously as a body designed to try to keep world peace, let alone world morality, and I think the time has come: Does this nation any longer belong in that body."

Meanwhile, Sen. William L. Langer (R-North Dakota) told his colleagues as early as July 28, 1945, before he was one of two senators voting against accepting the United Nations charter (treaty) that he believed the charter is fraught with danger to the American people.

Then why did the other senators overwhelmingly adopt the charter. Well, for one thing senators made up their minds before reading the charter put together by Alger Hiss, Communist, in San Francisco. World War II was just over, the senators reasoned, and the world has to bind itself united for peace. But the senators, it has turned out, made a collossal mistake, as Sen. Barry Goldwater (R-Arizona) now admits:

". . . The time has come to recognize the United Nations for the anti-American, anti-freedom organization that it has become. The time has come for us to cut off all financial help, withdraw as a member, and ask the United Nations to find a headquarters that is more in keeping with the philosophy of the majority of voting members, someplace like Moscow or Peking."

Why has a man of Goldwater's knowledge and experience reached that conclusion. Well, he has observed it from his vantage point in the Senate, as the U.N. record unfolded. He saw, as even I did in Rhodesia, how the U.N. voted an embargo against that strong ally and friend of the U.S. in South Africa. How Great Britian followed suit, with the result of the solid white government led by Ian Smith fell, helped along by U.S. Secretary of State Henry Kissinger and U.N. Representative Andrew Young, and is now in the hands of Soviet Communists, who have renamed it Zinbabwe. At the head is a guerrilla named Mugabe, chief of his fellow guerrillas who shot and killed with Soviet-designed AK-47 assault rifles.

This and literally dozens of other pro-Communist accomplishments of the U.N. I've read and underlined in Author Lee's book "The United Nations Conspiracy." The case with Rhodesia I experienced first-hand with a trip there in 1974, but Lee's book documents other U.N. "achievements" happening since. And they are still happening since the book went to press. In this week's Wall Street Journal, a reporter from the Journal writing from Southwest Africa states the

U.N. is about to force the Southwest African government out from under the protective wing of South Africa and into the hands of Marxist guerrillas.

When one looks back at the leaders of the U.N. why shouldn't it take pro-communist action, Alger Hiss, chief architect of the charter, notorious Communist, Trygve Lie, second Secretary General, a Norweigian Socialist whose country was subject to Soviet reprisals and thus influenced by Soviet extortion; Dag Hammarskjold, a Swedish oneworlder, backed by the Soviet, who once said, "I have a strong feeling that I am a new Jesus." The next one, U Thant, a Burmese Marxist, strongly supported by the Soviet again and again for re-election. U Thant, after concluding the U.N.'s bloody war against black-ruled, anti-Communist Katanga, he turned his attention to the white-rule, anti-Communist regimes in South Africa and Rhodesia. The U.N. gave $10,000,000 of UNICEF Halloween funds to fight its unholy war on the Congo. Under Thant's leadership, Rhodesia became (on Dec. 16, 1966) the target of the first economic sanctions ever voted by the United Nations. He later resisted the economic boycott of Communist Cuba. Later, he called for the cessation of bombing in North Vietnam and led the U.S. commanders to give up the "no win" war, leading General Clark to observe this is the first time in the history of the U.S. to sign an armistice without victory.—But it was another victory for the U.N. The next one, Kurt Waldheim, once goosestepped with Hitler's legions. With a swastika on his collar, he accommodated Austria's neighbor, Czechoslovakia, as it was taken over by the Soviet Communists. In more recent years, he followed U Thant's approval of the slaughter by Chairman Mao of millions in old China, then helped expel Taiwan (New China), and take in Communist China.

Thus far, as I have pointed out, the United Nations has been headed by a Soviet spy, two self-proclaimed Socialists, a Burmese Marxist and a former Nazi foot soldier—each Secretary-General to date has been an aggressive enemy of limited government and free enterprise economics. What else could come from the U.N. than pro-Communist actions and moves toward One-World Government. That I don't want. Do you? They take up the solgan, "Get US Out!"●

DON ALGIE—OUTSTANDING CITIZEN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. ANDERSON. Mr. Speaker, I would like to take this opportunity to pay tribute to George Donald Algie who was honored as the outstanding citizen by the North Torrance (Calif.) Lions Club last Sunday. I heartily concur in the Lions Club's selection, for Don Algie is one of those persons who, without seeking recognition or notoriety, are the strong basis for a good community.

Born in Moline, Ill., in 1917, Donald and his family moved to Eaglerock, Calif., in 1920. After graduating from Eaglerock High School, he attended Glendale College. In 1947, Don became owner and publisher of the Gardena Valley News, a community newspaper with a history of more than 77 years of quality journalism. Largely under Don's leadership, the News has grown to be one of the finest community newspapers in the country. Don has held his position as owner-publisher ever since.

Mr. Speaker, it seems that dissatisfaction is all too common these days—dissatisfaction with one's job, one's family, one's life. People are changing jobs, and sometimes even occupations, much more often than people used to; people are moving from city to city; the divorce statistics, of course, are very high. I am always pleased, therefore, to see a man such as Don, who has held the same position for 35 years, has a beautiful family, and a happy, content place in his community.

Don's other interests include participation in the Gardena Kiwanis Club, the Gardena Elks Lodge, the Masonic Order, and the YMCA. At the latter, he has served as a judo instructor.

My wife, Lee, joins me in wishing only the best in the coming years to Don, his wife Sheila, and their two sons, Steve and Dennis.●

TRIBUTE TO ROOSEVELT

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. SMITH of New Jersey. Mr. Speaker, perhaps no other town in our Nation epitomizes more the era of Franklin Roosevelt than the quaint but distinguished borough of Roosevelt, N.J. This town was initiated in the thirties by a group of garment workers who dreamed of a rural community to be created around a garment factory. Lending a sympathetic ear to the workers' proposals, the entire community was duly built by the Resettlement Administration using WPA labor. As a cooperative, the project later failed; but as a viable living community, the town of Roosevelt has been eminently successful.

The town of Roosevelt was the first, and perhaps the only such borough to be named for the late President Roosevelt. In the small borough park lies the only public monument to the President in the United States—a bronze head standing 6 feet in height mounted on a square marble column. It was executed by the sculptor Johnathan Shahn and cast by the Nicci brothers, the oldest bronze foundry in the world.

The painter Ben Shahn, being employed in the Resettlement Administration, was commissioned to execute a 50-foot-long fresco mural painting in the community building of the town. In this work he traced the history of the garment workers from their grim lives in the old countries through hardships as early immigrants, and on through their gradual rise toward security and well-being as an American labor force. This painting, which has been reproduced in art publications around the world, ends with the resettlement of the garment workers in the new community.

In early years, Roosevelt was much written about as one of the early examples of contemporary architecture integrated into an entire town plan. Because this small borough has been attractive to artists of various kinds, it is now the home of a dozen or so professional artists, several illustrators and composers, a notable opera singer, a playwright, several poets, a few college professors, and other professional people. The most unique and cherished part of this town, however, is its still substantial population of average working people, still dedicated to the American tradition of hard work and fair labor practices.

I want to urge all my colleagues in the House of Representatives to join with the proud people of Roosevelt and all of New Jersey in commemorating the 100th anniversary of the birth of Franklin D. Roosevelt on January 30, 1982. As we work to remedy the problems of unemployment and inflation which now limit the growth of our Nation, let us remember the dedication of President Roosevelt just before he died in 1945. In preparing a speech he was to have made, the President wrote: "The only limit to our realization of tomorrow is our doubts of today."

As we strive for a freer, stronger America in the years ahead, we should also remember those who are even now struggling for their most basic freedoms—freedoms which Americans fought and died for so many years ago. In particular, we should keep in mind the proud people of Poland, and what their courageous actions have meant for people all around the world. Let us pledge to work together—in solidarity—to protect the freedom we cherish in our homes, our workplaces, and in the world. I thank my colleagues for their consideration.●

FIGHTING CRIME: A NATIONAL PRIORITY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington

report for Wednesday, January 27, 1982, into the CONGRESSIONAL RECORD:

FIGHTING CRIME: A NATIONAL PRIORITY

Whether I am reading over the day's correspondence or answering questions at a public meeting, I am certain to see or hear expressions of concern about crime. In repeated questionnaires I have distributed in southern Indiana, fighting crime has been cited consistently as a top priority among Hoosiers.

Reports issued by the Federal Bureau of Investigation (FBI) showed that crime increased 9 percent between 1979 and 1980; violent crime increased 13 percent during the same period. This was the most significant increase in the crime index since 1975, yet these figures are based on official statistics which measure only crimes reported to the police, not unreported crimes. There is some indication that crime has increased much more dramatically than the figures indicate. A nationwide survey found that 54 percent of Americans reported that there was more crime in their neighborhoods in 1980 than during the previous year. Furthermore, the members of one in four American households experienced a physical assault or theft of property in 1980. It is hardly surprising that Hoosiers so often talk to me about crime.

Shortly after taking office last year, the Reagan Administration announced its strong commitment to ensure the domestic security of our citizens and its intention to launch a war on crime. The Attorney General selected a Task Force on Violent Crime to review the problem and make recommendations on ways the federal government could help control the crimes of murder, forcible rape, robbery, and aggravated assault while it maintained its efforts against organized and white-collar crime. However, I am concerned that no new intitiatives against crime appear to be forthcoming.

Following the issuance of the final report of the Task Force, President Reagan delivered a major speech on crime in which he endorsed many of its recommendations. He called for legal reforms to ensure the certainty of punishment, but he made no additional effort to assist state and local authorities in apprehending and jailing violent offenders. Instead, the President requested significant reductions in 1982 for the major law enforcement agencies of the federal government—the FBI, the Drug Enforcement Agency (DEA), the Bureau of Prisons, and the Coast Guard. These cuts would be in addition to those made in his budget request of March 1981.

FEDERAL BUREAU OF INVESTIGATION

The President proposed to cut the FBI by 6 percent, a cut which would result in the loss of as many as 1,000 positions. Such a reduction would prevent the FBI from undertaking any new operations against organized and white-collar crime. For example, nothing more could be done to halt the spread of the violent motorcycle gangs in the West which finance their activities chiefly through illegal traffic in drugs. Important FBI services to state and local lawmen—such as training, laboratory examination, and fingerprint identification—would be reduced.

DRUG ENFORCEMENT ADMINISTRATION

In his speech on crime, the President stated his belief that "one of the single most important steps that can lead to a significant reduction in crime is an effective attack on drug traffic." However, he requested that the DEA be cut by 12 percent in 1982. This reduction would result in the dismissal of 434 employees, half of whom would be agents, and it would lower from 208 to 94 the number of special agents assigned to the state and local task forces which investigate major drug dealers. In addition, the DEA might be compelled to curtail training programs for state and local office and eliminate programs to prevent drug abuse.

BUREAU OF PRISONS

President Reagan proposed an additional 6 percent cut in the federal prison system at a time when the population of inmates is growing, not declining. Federal prisons are 10 percent over capacity at present. Mr. Reagan ignored the recommendation of the Task Force—$2 billion in federal funds to assist construction in state prison systems, which are approximately 30 percent over capacity. It is not possible to take dangerous offenders off the street and keep them locked up when prisons are already strained to the breaking point.

COAST GUARD

The President requested that the Coast Guard be cut by an additional 4.6 percent despite the fact that the service has a major role in intercepting drugs and enforcing laws along the nation's coasts. A full 12 percent cut similar to that made in other federal agencies would have halted the Coast Guard's efforts against drug smugglers altogether. Yet Mr. Reagan increased the Coast Guard's duties by requiring it to stop ships on the high seas if the ships appear to be transporting illegal Haitian immigrants into this country. It is hard to see how the service can be asked to do more with less.

Under our systems, the principal burden of controlling crime properly falls on state and local government. The traditional role of the federal government has been to confront the national problems—organized crime, white-collar crime, public corruption, and drug abuse—and to provide both leadership and assistance to state and local law enforcement officials. There are also areas in which federal and state authorities share the jurisdiction. I am concerned that these reductions will burden state and local police with a disproportionate share of joint responsibilities. They mean less federal help for hard-pressed state and local law enforcement officials at a time when crime and the fear of it are increasing. With my support, Congress is acting to restore some of the funds which have been cut.●

UKRAINIAN INDEPENDENCE

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. McGRATH. Mr. Speaker, once again we commemorate the anniversary of the Proclamation of Independence of the Ukrainian National Republic. This year, our observance is held at a time when citizens of the Ukrainian National Republic and all nations under Communist domination have witnessed the tragic events in neighboring Poland. The menacing presence of Soviet military might in all nations surrounding Poland is a grim reminder of the cost of dissension in a nation where freedom remains a distant hope.

In Ukraine, the Soviet campaign against native culture, language, religion, and other traditions continues. In spite of the consequences, thousands of courageous Ukrainians maintain their resistance to the policy of Russification and other official actions by the Soviet Government to crush individual dignity and human rights. The group formed to monitor compliance with the Helsinki Final Act has faced constant persecution, imprisonment and degradation.

To those who have kept the flame of independence burning in the Ukrainian National Republic since the brutal Communist takover in 1922, we must extend our hopes and prayers that they might join with us some day to celebrate this occasion in true freedom. I urge the Members of his body and the administration to renew their commitment to respect for human right and freedom throughout the world as we begin this session of the 97th Congress.●

A UNIQUE NEIGHBORHOOD IS PRESERVED—DITMAS PARK DESIGNATED A HISTORIC DISTRICT

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. SOLARZ. Mr. Speaker, those of us who are privileged to represent urban districts know that the secret of a sucessful city is a collection of good neighborhoods with different types of housing, shops, parks and community facilities. But above all such a neighborhood must have a strong sense of community identity and neighborhood pride that serves to unify its residents.

One of the jewels of a neighborhood in New York City is Ditmas Park in the 13th Congressional District which I represent. Once a part of a 17th century Dutch holding called Van Ditwarsen Farm, Ditmas Park was developed at the beginning of the 20th century as a suburban middle-class residential community by Lewis Pounds. By 1908 a Ditmas Park Association was founded to protect and enhance the area with its substantial homes of varied architectural styles and its tree-lined pleasantly laid-out streets. By 1915 Ditmas Park in Flatbush had 187 homes on nine city blocks bounded by Dorchester Road on the north; Ocean Avenue on the east with one block extending across Ocean Avenue; Newkirk Avenue on the south; and the BMT subway tracks to the west just past 16th Street.

Recently the New York City Landmarks Preservation Commission responded to the active interest, years of research, and lobbying carried on by

the Ditmas Park Association, the Flatbush Historical Society, and a score of elected community officials and community activists and designated Ditmas Park as a New York City Historic District. The Commission finally recognized what Brooklynites had known for 70 years—Ditmas Park is an architectural gem and a wonderful residential area worth protecting and preserving.

This official designation is in large part a tribute to the long and hard work of many Ditmas Park volunteers, ably led by Robert J. Miller, the president of the Ditmas Park Association and his able executive committee of Dale Berson, Benadette Di Falco, Kenneth Elstein, Bea Melnick, William Richardson, and Norman Williams. Irving Chobam of the Flatbush Historical Society played a key role in documenting the planning and architectual features that make this area such a unique feat of urban planning and design. Dozens of other community residents generously donated thousands of hours in this grand effort to preserve and protect the distinctive features of their neighborhood.

I am proud to have worked along with Borough President Howard Golden, State Senator Marty Markowitz, Assemblyman Melvin Miller, and State Committee Members Jacob Gold and Joni Yoswein to see that this area received its reightful recognition for its role in New York's development and history.

Mr. Speaker, I hope that someday I might have the opportunity to show you and other Members of the House this lovely neighborhood with its colonial revival homes, its pleasant streets and magnificent shade trees, which now will be preserved in all their glory. I am proud today to pay tribute to this community and its talented and dedicted leaders with whom I have had the privilege to work with in an effort to preserve and maintain our residential neighborhoods in New York as attractive, vital, and safe places in which to live and raise a family. Neighborhoods like Ditmas Park remain a key both to our Nation's past and future greatness, and every level of our government must continue to recognize, appreciate, and support their preservation.●

A TRIBUTE TO ANTONIO MENDEZ, A GREAT LEADER

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. GARCIA. Mr. Speaker, it is with sadness that I and Congressman CHARLES RANGEL address this legislative body today. A longtime friend and mentor, Antonia Mendez died earlier this month. He left behind him, a legacy of public commitment to the Puerto Rican community of New York City.

Tony Mendez was a pioneer for all of us who followed in his footsteps and now hold public office. He was known to give 100-plus percent to this community which had great confidence and trust in his decisions and leadership.

As the Democratic district leader for East Harlem for more than 20 years which covered the two major decades in which the city experienced a large growth in Puerto Rican residents, Tony's accomplishments gave voice to the Puerto Rican community while opening the eyes of the city's leadership.

Perhaps his greatest accomplishment was encouraging Puerto Ricans and other minorities to exercise their right to vote, a difficult assignment since the State still required an English literacy test in the fifties. Tony's persistence paid off in increased participation by New York's hispanic and black population.

Tony will be sorely missed. We are certain however that his work will continue through the efforts of two of the strongest women the Puerto Rican community of New York has ever seen—Tony's survivors, his wife Isabel Negroni de Mendez and State senator Olga Mendez who replaced me in Albany.

Our hearts and sorrow go out to them, but also our pride in having known Antonio Mendez.●

CENTRAL AMERICA REDUX

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. STUDDS. Mr. Speaker, there is a strong tendency in American Government to consider every issue solely in terms of the political circumstances of the moment, and to forget that the pattern of events over time can be very instructive in determining an appropriate response to seemingly new and urgent crises. Virtually everything which is now being said about the situation in Central America has been said, with variations, many time previously in the history of U.S. relations with Latin America. Both the Reagan administration and its critics, of which I count myself one, seem at times more to be acting out the debates of decades past than to be formulating new or original initiatives likely to shape a future different from the grim memories of the past.

The following article illustrates this premise well, with particular reference to Nicaragua. This essay, authored by Hewson A. Ryan, former U.S. Ambassador to Honduras and now director of inter-American studies at the Fletcher School of Law and Diplomacy, appeared in the Christian Science Monitor on December 11, 1981. I think it is well worth the attention of my colleagues in the House.

[From The Christian Science Monitor, Dec. 11, 1981]

THE U.S. IN CENTRAL AMERICA: A REPEAT PERFORMANCE?

(By Hewson A. Ryan)

It was Santayana who said that those who do not know history are condemned to repeat it. . . .

Just over half a century ago a United States president, in a gesture which the New York Times termed "of a pyrotechnic suddenness of Rooseveltian intensity," accused a Latin American government of supplying arms to a rebellious faction in a Central American nation at the behest of the Soviet Union. On Jan. 10, 1927, Calvin Coolidge submitted this message to the Congress. Two days later his vigorous and aggressive secretary of state, Frank Kellogg, appeared before the Senate Foreign Relations Committee with a lengthy document purportedly tracing Mexican involvement in supplying arms and military personnel to the forces of Juan Sacasa, who was seeking to overthrow the US-backed Diaz regime in Nicaragua.

The document alleged that Sacasa was dedicated to the establishment of a Bolshevist state, hostile to the US and threatening to the Panama Canal. The lengthy text detailed the objectives of the All-American Anti-Imperialist League, a Moscow-supported organization formed to marshall Latin America against the US. Kellogg also presented photos and other evidence of the use of Mexican ships to move arms to the rebels. However, there was no conclusive evidence that Mexico had entered into any agreement with Moscow to overthrow US influence in Nicaragua. The parallels with the present administration's allegations of Soviet involvement in Nicaragua are latent.

At the same time an American admiral aboard the cruiser Rochester was directing the landing of US Marines at several points on the Caribbean coast of Nicaragua. For the purpose of "protecting US nationals" (a precedent used by President Johnson to justify Marine Corps landings in Santo Domingo in 1965) and "barring the entry of arms and munitions intended for the Sacasa forces" (this parallels current Washington talk of "blockades"), Marine detachments from the Navy transport Argonne established "neutral zones" initially as far as 40 miles inland and were soon defending the Nicaraguan capital Managua from an advancing rebel army.

Our European allies looked on askance. The British press spoke of the "indefensible Nicaraguan adventure" and of Washington's "definitely aggressive policy toward Latin America." In Paris semi-official commentators wrote of this as proof of the existence of American imperialism and of the transformation of the Monroe Doctrine from a "principle of defense" to a "postulate of a US protectorate" over Latin America. In Brazil leading newspapers accused the US of imperialism and spoke of the "scandalous and distorted use of the Monroe Doctrine."

The media these days bring us almost daily reports of European and Latin American doubts about the US posture in Central America and of hostile demonstrations

against the US in European and other world capitals.

The Congress at first listened respectfully to Secretary Kellogg's testimony and was circumspect about challenging his views. The government of Mexico, beset with horrendous internal religious and political strife, was fearful of possible US intervention over this and over questions of the expropriation of US-owned mineral and agricultural properties. The Mexican foreign minister hastened to issue a conciliatory statement terming his nation's interest in Nicaragua purely "spiritual." And even the rebel leader Sacasa was apparently cowed. He sent a statement to the Associated Press on the Coolidge message denying any agreements with Mexico, listing his claims to legitimacy, and concluding that, in view of President Coolidge's views, he would probably abandon his struggle rather than risk "an absurd and unequal war with the United States."

And so a minicrisis passed from the headlines. But the root causes continued to grow and fester in the area.

Sacasa temporarily disappeared from the scene, although he did reappear as duly elected president a few years later. But another obscure Nicaraguan revolutionary, Cesar Augusto Sandino, took up the struggle against foreign intervention in his homeland. With his martyr's death in 1933, he gave the continuing struggle a symbol and a name.

The US Marines were ashore in Nicaragua to stay for another five years of frustrating guerrilla warfare and attempts at social engineering. Young Marine lieutenants like "Chesty" Puller would have their first experience in jungle warfare in Nicaragua, experience which stood them in good stead as they led battalions, regiments, and divisions in similar combat in World War II. The frustrations of supervising elections and interpreting local laws made the State Department loath to extend these experiments into other Latin American nations for several decades.

The Congress, acquiescent at the onset of this particular incident, gradually became more concerned. Their interest sparked by a few reporters and columnists like Carlton Beals, concerned legislators began to question the reasons for US Marine expenditures in money and men in the jungles of Central America. By 1933 the executive had no choice but to plan the full withdrawal of US troops as the Congress enacted budget legislation prohibiting the expenditure of appropriated funds to send the Marines to Nicaragua.

Before the final departure from Nicaragua in 1933 the Marines left another legacy. This was the Nicaraguan National Guard, a constabulary designed to assure the integrity of the US-installed democratic electoral process. As commander of this elite body the Marines chose their most apt pupil, an aggressive English-speaking young officer—Anastasio Somoza. His and his progeny's tragic impact on Central America needs no telling here.

In the meantime the grinding poverty of the bulk of the population of Central America continued, and continues to this day. Economic statistics reflect favorable balances. In relative and real terms the commerce and industry of the area have shown steady positive movement. But it has been growth without economic or political justice. The rigid social and economic structures of centuries continue to prevail. The rich have become richer and the poor multiply only in numbers.

The more things change. . . .

LIEUTENANT COLONEL RAY—A VICTIM OF SENSELESS VIOLENCE

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. PARRIS. Mr. Speaker, on Monday, January 18, Lieutenant Colonel Charles Ray was gunned down in front of his Paris apartment while on his way to work at the U.S. Embassy. Lieutenant Colonel Ray was one of my constituents who will be remembered as a good citizen of the Springfield community and a top-ranking official in the U.S. Army. He had received numerous medals for his dedicated service to his country. Some of these were the Bronze Star, the Meritorious Service Medal with clusters, and the Army Commendation Medal with clusters. He will be truly missed by his friends and family and by the country he served.

This is yet another example of terrorism directed against the United States. U.S. citizens, American property and diplomatic installations abroad have become primary targets for terrorists in the recent months. This kind of willful attack must be brought to a halt. We must not let this problem get out of control so that terrorists think they can attack wherever, whoever, and whenever they want.

We will mourn Lieutenant Colonel Ray's death in the months to come and remember him for his contributions to his community and to his country. However, we must strive to eliminate such savage terrorist acts which not only claim innocent lives, such as Lieutenant Colonel Ray's, but also weaken the stability of our society.●

BOWING TO PEKING

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. DERWINSKI. Mr. Speaker, concern has grown over the long delay in announcing the sale of defensive fighter aircraft to the Republic of China on Taiwan. The Taiwan Relations Act of 1979 guarantees that modern aircraft be provided to the Republic of China. In view of the fact that the Republic of China is a major trading partner and a strategically located bastion, its survival as a prosperous, viable nation is an obvious asset to the United States. Moreover, the readiness of the United States to keep its commitments to the ROC is viewed as a special test case throughout Asia.

The Joliet, Ill., Herald-News, of January 15 gives this subject timely attention. As I believe that this editorial represents prevailing American opinion and is a hard-hitting, pertinent commentary on this issue, I include it at this point in my remarks.

The editorial follows:

[From the Joliet, Ill. Herald-News, Jan. 15, 1982]

BOWING TO PEKING

The contest of wills between Washington and Peking over the perspective sale of advanced U.S. fighter aircraft to Taiwan ended ignominiously recently when the Reagan administration threw in the towel.

In so doing, a president who prides himself on standing by America's traditional friends appeared to grant Peking a veto over what, if any, U.S. arms will be sold to the Nationalist government on Taiwan.

The Nationalist Chinese, whose air force relies mainly on aging F-5A, F-104, and F-100 fighters, had requested permission to buy F-16s. But the Nationalists would have accepted the new F-5G, the latest model in the Northrop export line.

Instead, they got nothing more than a vague promise to replace older fighters with "comparable" aircraft plus and extension of the agreement under which Taiwan co-produces the F-5E.

This hardly conforms to the spirit at least of the Taiwan Relations Act, which includes a congressionally mandated provision to provide adequate defensive weaponry to the Nationalist Chinese. Although the question of which fighters should be sold to Taiwan was always fraught with considerations as much political as military, a Nationalist air force boasting only 386 combat aircraft certainly needs to retain a technological edge over an opponent with roughly 5,300 planes.

The arms-supply provision of the Taiwan Relations Act also served as a tangible promise that the United States would not abandon an old friend simply because an alliance was no longer as convenient as it had once been.

The Reagan administration should be the last to forget that when America is seen to have cast aside a smaller friend, other friends in exposed locations begin to wonder whether it is time to reassess their own ties to Washington.

Put another way, the bad news for Taiwan won't be received well in such places as South Korea, Thailand, Pakistan, Israel, Turkey, and Jordan either.

The rationale for permitting Peking to have its way on the matter of a new fighter aircraft for Taiwan was that this would strengthen a Sino-American rapproachement intended principally to contain the Soviet Union.

Ironically, it may have just the reverse effect. The hard-headed realists in Peking may well be asking themselves now to what extent THEY can count on the United States in a pinch. If, as we suspect, the mainland Chinese are far more worried about the 46 Soviet army divisions on their northern borders than about regaining Taiwan, the concession from Washington may translate in Peking as an ominous failure of nerve.●

REPEALING LIVING EXPENSE DEDUCTIONS

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. DREIER. Mr. Speaker, today, I have introduced legislation to repeal those measures enacted at the close of the first session which resulted in the elimination of the $3,000 limitation on living expense deductions for Members of Congress. My bill will also reduce by one-half, the maximum amount of outside income Members can earn each year.

Mr. Speaker, in the last 15 years, the growth of congressional salaries has been quite significant. Since 1965, Members' salaries have almost doubled. Congress can ill afford to promote the perception that it is lining its own pockets at the expense of constituents back home. Members currently receive salaries well in excess of that of the average American wage earner; the last thing we should do is adopt a windfall tax break for ourselves.

I call upon all my colleagues to join me in an effort to restore public confidence in Congress by passing this legislation. Congress cannot ask the American people to make temporary sacrifices to revive an ailing economy if Congress itself is unwilling to make these same sacrifices.

I might also add that I am somewhat disturbed by the manner in which this limitation was eliminated. Attaching the eliminating provision as a rider to black lung benefits legislation is not only a misleading perversion of the democratic process, but also perpetrates a cruel hoax on all who supported the black lung benefits legislation on its merits.

Any procedure dealing with compensation and benefits for Members of Congress should be dealt with openly. We owe that much to ourselves and, more importantly, to our constituents.●

RESOLUTION ADOPTED BY MILWAUKEE COMMITTEE SUPPORTING POLAND'S SOLIDARITY

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. ZABLOCKI. Mr. Speaker, in many communities throughout the United States and all the free world, spontaneous expressions of condemnation of the action of the military government of Poland have been raised, uniting freedom-loving people everywhere with the suffering people of Poland. In my district in Milwaukee and its suburbs, several public demonstrations have been held bringing together individuals of various ethnic backgrounds and religions who are determined to have their voices heard and thereby lend strength and support to the Solidarity movement and all that it represents.

Mr. Speaker, at one such recent public gathering, hundreds of people attending, unanimously adopted a resolution expressing their deepest concern for the tragic events in Poland and their hope for a return to the path of reform. Because, Mr. Speaker, of the sincerity of this expression of support and because it exemplifies the true feelings of millions of people everywhere, I am pleased to share this resolution with my colleagues:

RESOLUTION

We, the Americans of Polish descent, and a host of citizens of other than Polish lineage, gathered here in Milwaukee on Saturday, January 2, 1982, raise our voices in solemn protest against barbarity and inhuman treatment of Poland's Solidarity movement, Lech Walesa, and Polish workers.

The military terror in Poland has already taken a heavy toll. Thousands of Solidarity leaders, activists, intellectuals, journalists, artists and writers have been thrown into prison and in military detention camps. Unarmed workers, resisting to be slaves, have been killed and some priests beaten.

The main goal of the establishment of martial law and assumption of rule by the military junta is the destruction of the free trade union Solidarity and the taking away of the democratic changes which have occurred since August 1980 and which are not in the interest of the Soviet imperialism.

We have no doubt that Moscow is heavily involved in the crackdown and military junta is under order of Soviet Russia.

On behalf of the Polish nation, unable to speak for itself, we Americans cannot be silent when a cruel black night and silence spreads over Poland.

We request that and immediate meeting of the United Nations General Assembly is called to condemn the criminal action of the Polish military junta.

We urge the Security Council of the United Nations:

1. To warn the Soviet Russia against any military intervention
2. To take steps to demand the end of martial law
3. The immediate release of all political prisoners
4. Resumption by the regime of peaceful dialogue with Lech Walesa and representatives of the Polish people.

We call attention to all that Jaruzelski's junta violated the Helsinki Accords and the United Nations' Covenant on Human Rights, to which both Poland and the Soviet Union are signatories.

We appeal to all the countries of the free world for a joint economic action and other sanctions against Soviet Russia which must inevitably follow if Jaruzelski's junta does not bring an end to repression.

We welcome and appreciate President Reagan's forceful declarations concerning the present situation in Poland where Polish people exercise their sovereign right of self determination.

We call on our Government to examine the possibility of the International Red Cross to be requested to investigate without delay the appalling conditions in which political prisoners are being held.

We appeal to our Government; to all American people; to all Ethnic groups and organizations and to American Labor Unions to step up food and medical assistance to Poland through volunteer agencies such as CARE, Catholic charities and the Catholic Hierarchy in Poland.

We support the Solidarity movement in its attempt to regain human and civil rights in Poland. We cannot permit that newly won freedom by the courageous people of Poland to be taken away by Soviet Russia and her puppet Warsaw regime.

This resolution is to be sent to the Secretary General of the United Nations, to the President of the United States of America, to the Secretary of State, the Senate and the House of Representatives.

Resolution Committee:

EDMUND G. BANASIKOWSKI.
LEONNE D. WOZINSKI.
JANUSZ OKSZA-CZECHOWSKI.

Unanimously adopted by all freedom loving people present at the rally of Milwaukee Polonia held on this 2nd day of January in the year 1982 in Milwaukee, Wisconsin.●

ROBERT J. MAHON RETIRES AS WILMINGTON CHAMBER OF COMMERCE PRESIDENT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to one of my constituents and a personal friend, Bob Mahon, who has just recently completed 2 years as president of the Wilmington Chamber of Commerce.

Born and raised in Pittsburgh, Bob attended Duquesne University before marrying the former Judith Ann Dishea in 1960. Three years later they moved to California where Bob had a position with Firestone Tire and Rubber Co., waiting. After working in Anaheim and San Diego, he was promoted to sales manager in Los Angeles. In 1972 Bob opened a new Firestone dealership in Los Angeles, and purchased Mercury Tire in Wilmington the following year. In 1980 he opened his third dealership in Inglewood.

Mr. Speaker, Bob has obviously led a very successful business life, but he has not done so by sacrificing his interest in, and his contribution to his community. He has served as the treasurer of Pop Warner Football, as president of the Wilmington Boys Club, and as member of the Wilmington Rotary Club. Robert served as assistant sargeant at arms at the International Rotary Convention in New York in 1960.

Mr. Speaker, my wife, Lee, joins me in congratulating Bob for the many contributions he has made to his community, and we wish he and Judith, along with their 10 children, Sean, Daniel, Patrick, Terrence, Timothy, Kelly Ann, Robert, Brendan, Bryan, and Elizabeth Ann all the best in the years ahead.●

CHARITY, UNITY AND FRATERNITY

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. SMITH of New Jersey. Mr. Speaker, the Knights of Columbus, a fraternal order of Catholic men, is this year, celebrating their 100th anniversary. I would like to take a moment to recognize what I believe to be one of our Nation's finest service organizations.

The Knights of Columbus has as its fundamental tenant, charity. When thinking of the selfless contributions of this fine fraternal order, I recall the words of Walt Whitman. "Behold, I do not give lectures or a little charity, when I give I give myself." The Knights of Columbus do give of themselves whether it be assisting Italian earthquake victims, providing programs for our physically handicapped, or by promoting family and civic virtues.

The Knights of Columbus was founded a century ago by Father Michael J. McGivney in New Haven, Conn. Today their Supreme Knight, Virgil C. Deckert, presides over more than 7,100 local councils worldwide. These councils, the foundation upon which the order is built, are in the United States, Canada, Mexico, Guam, Puerto Rico, the Philippines, the Virgin Islands, and Panama. In February of this year, the Knights of Columbus will add yet another nation to this list with the establishment of a council in the Dominican Republic.

The 1,350,000 members of the Knights of Columbus have as their guiding principles "charity, unity and fraternity."

The Knights of Columbus allows each of its 7,100 councils to establish and maintain programs suited to their communities. The value of this approach is reflected in the diversity and uniqueness of council programs.

I would like to cite one example from a council located in my congressional district, the Trenton Knights of Columbus Council No. 355, which is presently under the stewardship of Grand Knight Nicholas J. Solimando.

The Trenton Knights have established the Holy See Center of Learning which assists in the spiritual development of the area's physically and mentally handicapped. This center is a monument to the dedication and contribution of the Knights of Columbus.

The Knights have provided 100 years of outstanding service in communities throughout the world. During times when man's humanity toward man has been severely tested, the Knights of Columbus have stood firm. If one were to try to put the spirit of the Knights of Columbus into words, I think the Latin phrase "Homo sum, humani nil a me alienum puto" or "I am a man, and nothing human can be of indifference to me," would come close.

I would like to congratulate the Knights of Columbus for a century of service. I know the next 100 years will find a growing strength for this fine organization.●

UKRAINIAN INDEPENDENCE DAY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. DINGELL. Mr. Speaker, I am very proud to join with my colleagues in the House in this honorable commemoration of Ukrainian Independence Day.

For over half a century, the Ukrainian people have kept ablaze, against insurmountable odds, a courageous commitment to personal freedom and national independence. Although the Soviet Union has superimposed a political and social structure upon the Ukraine, it has not weakened the resolve of the Ukrainian people in their quest for national self-determination.

The struggle in the Ukraine is the same ongoing struggle witnessed today in all of the captive nations, where violations of human rights are perpetuated. As the oppressed people of these captive nations continue to resist Soviet repression and domination, we give voice to their aspirations for freedom and pray that they will persevere with honor and courage.●

THE SUPER BOWL

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. CONYERS. Mr. Speaker, I come to the well of the House today to say how exhilerating this weekend's Super Bowl was for me and for so many Americans who were attuned to the excitement in the Silverdome. The people of Detroit have been greatly honored by the success of this historic athletic contest. They should feel rightfully proud, along with fellow Michigan residents, to have hosted the very first Super Bowl held outside the Sun Belt region.

It was a great game and it generated high spirits and comradery among the 81,000 fans lucky enough to be at the Silverdome. The game was telecast to another 100 million Americans and to countless viewers abroad. In fact, the level of interest was just phenomenal. I do not think anyone walked away disappointed from that splendid contest, least of all, the citizens of Detroit. After the last out-of-town guest caught his or her plane home, the Detroit economy was ahead by $60 million. It's terrific to see my district get a long-deserved break.

I feel the phenomenal success of Super Bowl XVI makes it an appropriate subject to bring to the attention of my distinguished colleagues. The game was certainly well attended by Members of Congress, including Congressman KEMP, who probably couldn't help but be reminded of his own days of glory on the football grid. Our Vice President, GEORGE BUSH, seemed right at home at the Silverdome. He told a Detroit sportswriter he was betting against the President's home State team. I guess it is not easy to assert your individuality in this town and still come out a winner.

But, perhaps the most pressing question is: Did the best team win? Well, that is a tough one to answer. I have made a career out of rooting for the underdog, but with both teams being less celebrated than they deserve to be, both can be considered underdogs. So, true to form, I pulled for the underdog and my team won. But seriously, who could be anything but thrilled to watch a 25-year-old novice quarterback with a last name like Montana end up with the game's most valuable player award. You could not avoid being caught up in the excitement watching the San Francisco 49'ers tenaciously defending their lead against the Bengals' attempted third quarter comeback.

I would like to congratulate both teams on the fine game they played this weekend. But I want to save some accolades for the people of Detroit. Their hospitality was a beautiful thing to see. Everyone from the owners of the splendid hotels that housed our guests to the policemen who were out on the streets keeping the traffic flow orderly, deserve to be commended for putting Detroit's best foot forward. It just proves you do not have to head down to the Sun Belt to encounter warm, gracious people.●

FRESNO STATE BULLDOGS

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. COELHO. Mr. Speaker, over the years, many of my colleagues have had opportunities to boast of outstanding athletic achievements that have occurred in their districts. Today, I am most pleased to announce that for the first time in history the Fresno State Bulldogs have been ranked among the top 20 basketball teams in the Nation by both the Associated Press and United Press International.

I wish to commend Coach Boyd Grant, the players, and the community of Fresno for the hard work and tremendous support that made this possible.●

BALTIC FREEDOM DAY RESOLUTION

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. HYDE. Mr. Speaker, today, as perhaps no other time in our recent history, we see firsthand the historic determination of the Soviet Union to dominate and subjugate their neighbors. Afghanistan is still fresh in our minds. Thank God the brave people of that nation still are resisting their oppressors. Now Poland is in turmoil. Every vestige of freedom is being stamped out, and in the words of our President:

> The Soviet Union bears a heavy and direct responsibility for the repression in Poland.

None of us as students of history should be surprised. The totalitarian government of the U.S.S.R. despises freedom and democracy and religion, and its actions today hark back to prior oppression and bloodshed in Hungary, Czechoslovakia; and, earlier, the Baltic Republics of Lithuania, Latvia, and Estonia.

To some of this generation, the names "Lithuania," "Latvia," and "Estonia" strike no responsive chord. The U.S.S.R. is delighted. It has spent 40 years trying to erase from the memory of people the fact that these Baltic Republics ever existed, and if it could, it would rip every reference to them from every history book and map in the world.

Why?

Because in 1940, during the chaos which preceded World War II, the Soviet Union seized these three republics and forcefully incorporated them into the U.S.S.R. Freedoms were abolished, and Soviet oppression, as we continue to see it today, was inflicted upon these proud and courageous peoples. Then on June 14, 1941, the U.S.S.R. began mass deportations of hundreds of thousands of Lithuanians, Latvians, and Estonians to Siberia in an attempt to further break their national will.

These three republics, free and proud, members of the League of Nations, and recognized by the world as sovereign governments, were swallowed overnight by the Soviet Union which continues to occupy them and deny their peoples basic rights, religious freedoms, and self-determination.

It can be said to the credit of the United States that our Government steadfastly has refused to recognize their inclusion in the U.S.S.R. and continues to recognize the Baltic Republics as sovereign states entitled to stand independently among the other nations of the world. And the people of the Baltic Republics, likewise, have refused to let the light of hope go out as they have struggled and suffered for 40 years under Soviet domination and oppression.

Those of us who cherish freedom can show our solidarity with the captive Baltic peoples by supporting the joint resolution, which I am introducing today, establishing an annual observance of Baltic Freedom Day on June 14, the anniversary of the mass deportation to Siberia. On that day all Americans, and especially those of Baltic heritage, will draw attention to the continuing oppression of the Baltic Republics and with one voice call for freedom.

The Soviet Union must know that time will not blot out their shame and that their crimes of today will only recall more vividly their crimes of yesterday.

The people of the Baltic Republics must know and draw strength from the fact that Americans share their desire for freedom and national independence and have resolved to keep their plight before all the people of the world, including their capturers.●

GARTH REEVES, JR.

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. LEHMAN. Mr. Speaker, the people of Miami were greatly saddened by the death of Garth Reeves, Jr. Garth was only 30 years old when he died earlier this month, but he was already a respected journalist and community leader. He was the managing editor of the Miami Times, a newspaper that was founded by his family and had served the black community in Miami for over 50 years.

I would like to include in the RECORD a letter I sent to the Miami Times expressing the great sense of loss I and all of Miami feel at the death of this outstanding young man.

HOUSE OF REPRESENTATIVES,
Washington, D.C.

LETTER TO THE EDITOR,
Miami Times Newspaper:

Earlier this month, the people of Florida's 13th Congressional District lost a most valuable leader.

The death from cancer of Garth Reeves, Jr. on January 7th took away from our South Florida community not only an active dedicated young man, but a person who was going to provide future important and needed leadership for our city.

Garth was the only son of Garth C. Reeves, Sr., publisher of the newspaper that was founded a half-century ago by the Reeves family and has grown into a principal voice in the black community.

Perhaps his father said it best, "He always thought he was going to change things. He always believed this city was going to be a great black metropolis someday. He wanted to be a part of that. I think the community has lost a true leader. He was just coming into his own."

As the Miami Herald reported, Garth, Jr. ". . . has received six national awards from the National Newspaper Publishers Association, a black newspaper group. Last week, he was honored by the Black Archives for his efforts to restore order to Miami after the riots in the spring of 1980.

In following in the footsteps of his father and grandfather, who founded the paper, the younger Reeves vowed a vow to his hometown. 'I live here because I choose to live here,' he told an interviewer last year. 'I'm not a person who's going to leave Miami. It's in bad shape, but it's going to turn around.'"

Garth, Jr. has left us in Miami both a legacy and an obligation to make our community the kind of place that he could have always continued to give his best to.

Respectfully submitted.

WILLIAM LEHMAN,
Member of Congress.●

FACTS ABOUT FEDERAL CREDIT UNIONS

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. DUAB. Mr. Speaker, as a former president of a credit union, I am keenly aware of the strong contribution that credit unions make to our economy and our society. Credit unions have never backed away from deregulation and have never been afraid to compete in order to provide their members with the best possible services.

Today I want to bring to the attention of my House colleagues an informative brochure developed by the National Association of Federal Credit Unions entitled, "Facts About Federal Credit Unions." Federal credit unions are chartered and regulated by the

Federal Government. According to NAFCU, the national trade organization which represents Federal credit unions, there are over 12,000 FCU's nationwide with total assets of over $40 billion. More than 26 million individuals belong to Federal credit unions.

Federal credit unions are organized as cooperatives and are nonprofit-making. Control and management of these institutions rests with credit union members. Further, volunteers play an important part in the operations of many Federal credit unions. In my opinion, no financial institution embodies American democratic principles as closely as credit unions. I am pleased to submit the NAFCU brochure for the RECORD and I urge all my colleagues to read it carefully.

FEDERAL CREDIT UNIONS

Expanded legislation, deregulation and a dynamic economy have propelled credit unions into the mainstream of today's highly competitive financial marketplace.

Credit unions are more prepared than ever to handle the challenges and opportunities which they will encounter in the 1980s. As these challenges are met, credit unions are assuming a greater role in assisting consumers with their savings and borrowing needs.

Federal credit unions (FCUs) have been in existence since 1934. An accelerated growth pattern within the Federal credit union community began in the 50s and today, there are over 12,000 FCUs nationwide with total assets of over $40 billion and more than 26 million members.

HISTORY OF FCUS

Credit unions began in Germany during the middle of the 19th century. The principal objective of the founding fathers of the credit union movement was to combat usurious rates and to provide consumers with an opportunity to borrow at reasonable rates. Formed as cooperatives, credit unions provided a framework for people to borrow and save together.

The first credit union in the United States was organized in New Hampshire in 1908. Credit unions were chartered only under state law until the Federal Credit Union Act was passed in 1934. The Farm Credit Administration was the first agency to administer the Act. This responsibility was transferred to the Federal Deposit Insurance Corporation, then to the Federal Security Agency, then to the Bureau of Federal Credit Unions, and finally the National Credit Union Administration (NCUA)—an independent regulatory agency for credit unions—was formed in 1970.

While NCUA has primary authority for regulating the activities and assuring the safety and soundness of Federal credit unions, other federal agencies also have an impact on FCU operations. For instance, Federal credit unions are subject to the Federal Reserve's Regulation D reserve requirements. Also, credit unions are represented on the Depository Institutions Deregulation Committee. (DIDC). Along with the heads of the other federal financial regulatory agencies, NCUA's Board Chairman is a voting member of this committee. The DIDC's decisions, however, do not affect FCUs directly. The NCUA Board is free to follow or deviate from DIDC actions. In most cases, NCUA's decisions have put Federal credit unions in the forefront of deregulation.

A Federal credit union is a cooperative, not-for-profit financial institution organized to promote thrift among its members. It is member owned and controlled. FCU members are provided with a safe, convenient place to save and to obtain loans at reasonable rates. Deposits are insured up to $100,000 per account by the National Credit Union Share Insurance Fund (NCUSIF).

The asset size of FCUs ranges from a few hundred dollars to almost a billion dollars. As of the middle of 1981, there are over 1,600 Federal credit unions with assets under $100,000; some 2,900 with assets under $250,000; close to 3,500 with assets under $1,000,000; and over 4,000 with assets over $1,000,000.

A FCU encourages its members to use share accounts to accumulate savings as a means of building economic security. FCUs offer a wide variety of consumer loans such as auto, mobile home, home improvement and debt consolidation. They were granted long-term mortgage lending powers late in 1978; however, few have entered the market because of economic conditions. Most provide financial counseling for members.

Many FCUs offer credit cards, direct deposit, a wide range of savings instruments (such as All-Savers Certificates and Individual Retirement Accounts), share drafts (which are checking account instruments on which members receive interest), free insurance programs such as life saving and credit life, travelers checks, money order and check cashing services.

FCU operations are based on savings by members in the form of share purchases. Many FCU members accumulate savings through payroll deductions from their paychecks. The development of systematic savings plans is a basic purpose of credit unions. Loans are made out of funds accumulated from these savings. A FCU's board of directors has the authority to set loan limits and loan policies. Applications for loans are approved by a credit committee elected by the FCU members or by loan officers appointed by the credit committee. Loan approvals depend on the applicants meeting a CU's credit-worthiness standards.

FCU membership is limited to persons having a common bond of occupation, association and to groups within a well-defined neighborhood, community or rural district. For example, a credit union's membership can be made up of factory or store employees; members of a church, fraternal society, labor union, farm organization or other well-defined association; or the residents of a natural trade area, rural community or rural district. To become a credit union member, one must be part of the common bond group. Many credit unions have a once-a-member-always-a-member policy, which means that even if a member leaves the common bond environment, he or she may continue to use the CU's services. Most also permit members of the immediate family to join the credit union.

FCU control and management is in the hands of the credit union members. A board of directors and a credit committee are elected by the members. The board elects the officers from its own membership and appoints a supervisory committee. The supervisory committee has the responsibility to review and evaluate the performance of elected officials and employees. No director, except the treasurer, may receive compensation. In some cases, especially during the CU's first year or two, the treasurer often serves without pay or for a nominal salary. Volunteerism is a unique and vital aspect of a CU's makeup.

A FCU's success hinges on its ability to meet its members' needs, to keep up with its competitors and to make prudent borrowing and investment decisions. Today, competition means offering convenience, financial education, an array of savings programs and a variety of services. Credit unions have been active in developing savings plans.●

SERVICEMEN STILL UNACCOUNTED FOR

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. SMITH of New Jersey. Mr. Speaker, today marks the ninth anniversary of the cease-fire which supposedly provided for the return of all prisoners and accounting of all our missing in the same timeframe as the withdrawal of our troops from Vietnam. It never happened.

Mr. Speaker, I want to urge my colleagues in the House of Representatives to remember the 57,692 war dead and the 2,500 still listed as missing from the war in Southeast Asia. I cannot stress enough that, in light of the evidence we have received in the past 9 years, we must act now to secure information on the American servicemen still unaccounted for. I have asked the President and the Defense Department not to let up on pressuring the Government of Vietnam for information on these men. The families of these brave men are counting on us.

Next month, I have received word, a U.S. delegation will travel to Southeast Asia for the purpose of securing information on Americans still missing. I applaud this action, but I also stress that any relations or foreign aid to the Government of Vietnam hinges on the return of all POW/MIA's, according to the 1973 Paris Peace Accord. Vietnam's past record on that score could not be more dishonorable.●

HOMES CAN NOW BE THE CENTER OF FAMILY ACTIVITY, EARNING, AND LEARNING

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. GINGRICH. Mr. Speaker, the advances in the computer industry in recent years have enabled the average American to have more control over his life.

Because the home computer allows a person to work and learn without leav-

ing home, every person has greater freedom to learn and work wherever he wants. Wherever there is a telephone and an electrical outlet, a home office can be set up.

I am excited about this new concept, and I want to share an article explaining it with you and my fellow colleagues. This article appeared in the Atlanta Constitution business section on January 13, to give the story of several people in Georgia who are already taking advantage of this new freedom.

The good experiences these folks have had with their home computers serve as examples of the way our society will function in the very near future.

The article follows:

[From The Atlanta Constitution, Jan. 3, 1982]

SHE'S A COMMUTE BY HOME COMPUTER

(By Debbie Weil)

Industry is moving back to the cottage, say the experts, as advances in personal computer systems and communications technology make possible "telecommuting."

"There definitely will be a trend toward more working at home as the electronics industry develops," predicts Esmond Lyons Jr., a management consultant specializing in the computer industry for California-based SRI International.

"In 10 years, probably 10 to 20 percent of clerical or creative type work could be done at home with very little attendance at the office," Lyons said, noting that he often writes reports at home on his Apple II computer and then transmits them to the office over the telephone line.

"It boggles the mind," Lyons added. "The potential is incredible."

In his book "The Third Wave," futurist Alvin Toffler predicts a significant portion of the work force will migrate back to the home during the 1980s, given such factors as the "economic trade-off between transportation and telecommunication."

Some may object to "telecommuting," he wrote, citing the loss of face-to-face contact and the potential conflict for women who have been "struggling to get out of the home." For others, the "electronic cottage," as Toffler calls it, may be a dream come true.

Donna Davenport, who lives in rural Woodstock, may * * * room to begin her workday.

While Jessica plays nearby with the family dog, Mrs. Davenport sits before her word processor, which is connected by telephone line with the central word processing telephone.

Lanier's marketing literature notes that telestaffing can reduce a company's space requirements, cut labor costs by taking advantage of part-time work and bring productive people back into the work force. For employees, the benefits cited include elimination of commuting costs, flexible scheduling and an opportunity to remain in the work force.

"Some of the most productive people in your office could be working at home," the company notes in its marketing pitch.

Vaughn said the Telestaff unit, which includes a mode for connecting with a central word processing system, leases for $150 to $175 per month. A complete home system, including a Lanier word processor, will lease for less than $500 per month, he said.

In addition to clerical work, futurist Toffler identifies such tasks as research and analysis as particularly suited to the electronic cottage.

He also lists salespeople, architects, designers, psychologists, art dealers, investment counselors, insurance agents, and lawyers as examples of professionals who could work at home.

Ed Pope, a commodity broker in Atlanta with E. F. Hutton & Co., concurs. "I think eventually everybody in this industry will be at home, working with a quote machine and a personal computer. I think that's where I'll be in five years."

Pope already owns a personal computer, which he uses for analysis of commodity prices and other research. But he keeps it at the office so he can use the firm's Wide Area Telephone Service lines to cut down on the expense of making daily long-distance calls for the latest market information.

Jeff Prodgers, a stockbroker with Johnson Lane Space Smith & Co. in Atlanta, has two personal computers—one at home and one at his office. Prodgers' home computer goes to work about 4:30 every afternoon after the stock market closes. First the computer gets an updated data base of stock prices over the telephone from a central computer in New York. Then, using a program Prodgers devised, it spends "two or three hours making charts and graphs and some decisions. I tear off (the printout) and take it to work the next morning," Prodgers said.

He estimates he does about four hours of "homework" each night in addition to putting in a full day at the office. By doing his research and analysis at home, Prodgers said, "my selling time is free." His computer's analysis of prices has had "a substantial impact on my income," he added.

Neither Pope nor Prodgers can place buy or sell orders from home through their personal computers, a practice not yet accepted by the securities industry. "That's sometime off," said Lewis Holland, manager of Robinson-Humphrey Company Inc.'s downtown office. He foresees "rule changes by the stock exchange to enable brokers to place orders from home."

However, it is possible to set up shop at home as an independent licensed broker, if you can afford to purchase a stock exchange seat.

No one has done that yet in Atlanta—perhaps because start-up costs for such a cottage operation are in the several-hundred-thousand-dollar range.

Even a personal computer system for the at-home researcher can be expensive. For example, the average price for the popular Apple II personal computer system, including memory, video display and printer, is now about $3,500, according to Steven Seale, sales manager of CompuShop of Georgia Inc.

But that cost should go down dramatically in the next several years, according to SRI's Lyons. He predicts that a personal computer system complete with software will sell in the $750 range by 1985.

"The bottom line will be lifestyle," said E. F. Hutton's Pope. "(Personal computers) will allow you to live in a location other than close to where you work. If I had my druthers, I would like to live on a small farm.

"The disadvantage to me is you would not get out of your house. Think about that for a while."●

NOTICE OF HEARINGS ON JOBS BILLS

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. HAWKINS. Mr. Speaker, the House Subcommittee on Employment Opportunities and the Senate Subcommittee on Employment and Productivity will hold joint hearings on employment and training policy in Washington, D.C., on February 22, 23, 25, and 26. The purpose of these hearings is to hear testimony on all employment training bills referred to either subcommittee, including H.R. 5320, the Community Partnership for Employment and Training Act, which I introduced January 25.

Persons interested in testifying at these hearings should submit a written request to Susan Grayson, staff director, B346-A, Rayburn House Office Building, Washington, D.C. 20515 or to Bob Guttman, counsel, Subcommittee on Employment and Productivity, 4230 Dirksen Senate Office Building, Washington, D.C. 20510. It is expected that considerable interest will be expressed in these hearings and requests to testify will be numerous. All requests must be in written form and must be received no later than Friday, February 5, 1982.

Any questions regarding these hearings may be directed to Carole Schanzer, House Subcommittee on Employment Opportunities, phone (202) 225-1927 or to Violet Thompson, Senate Subcommittee on Employment and Productivity, phone (202) 224-6470 or (202) 224-6306.●

INDUSTRIAL PRODUCTIVITY CHANGES FOR 1980

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. LaFALCE. Mr. Speaker, on the last day of 1981, the Department of Labor's Bureau of Labor Statistics reported some sorry statistics relating to our Nation's productivity for the year 1980. The sad news is that productivity, as measured by output per employee hour, fell in most U.S. industries.

Among the biggest declines in productivity were two of our most vital industries—motor vehicle manufacturing and steel production. They dropped in productivity by 4.4 percent and 3.7 percent respectively.

The attached official report of the Bureau of Labor Statistics makes for very sobering reading. It should serve as an impetus for all of us to work

toward a comprehensive effort to boost our Nation's productivity. When we look at productivity statistics and realize that, overall, our country's productivity declined by 0.3 percent in 1980 while productivity rates grew by nearly 10 percent in Japan for the same period, we come to realize that improving productivity will not be easy—just necessary.

The full report follows:

BLS REPORTS ON INDUSTRY PRODUCTIVITY CHANGES FOR 1980

Productivity, as measured by output per employee hour, fell in 1980 in a majority of the industries measured, according to the Bureau of Labor Statistics of the U.S. Department of Labor. Although a number of important industries, such as coal mining, petroleum refining, and major household appliances registered significant gains, the slowdown in most industries was consistent with the situation in the nonfarm business sector as a whole, which had a productivity decline of 0.3 percent in 1980.

In manufacturing, productivity fell 4.4 percent in 1980 in the motor vehicle industry, the second consecutive decline. Output plummeted 28.2 percent as demand dropped for passenger cars, trucks, truck trailers, and buses; employee hours in this industry were reduced by 24.9 percent. The steel industry also had its second consecutive decline in productivity, falling 3.7 percent in 1980. Output in this industry was down significantly due to a decrease in demand from such key markets as motor vehicles, construction, and appliances. A major productivity decline of 13.2 percent occurred in the construction machinery industry as output fell 19.7 percent, due to poor conditions in the construction industry. Productivity in the gray iron foundry industry declined 6.0 percent as output dropped a steep 21.7 percent. Other large manufacturing industries with productivity declines that can be associated with large output drops were motors and generators (−4.1 percent), household furniture (−2.2 percent), and sawmills (−1.9 percent). Output fell more than 10 percent in 1980 in these three industries.

However, a number of manufacturing industries experienced productivity gains in 1980. For many of these industries, the productivity increases reflected declines in output associated with even larger reductions in hours. In the fluid milk industry, for example, productivity grew 5.7 percent as output fell 0.1 percent and hours dropped 5.5 percent. Productivity grew 4.9 percent in the household appliance industry as output declined 6.8 percent and hours fell 11.1 percent. The petroleum refining industry had a productivity gain of 4.4 percent as output was down 6.4 percent and hours dropped 10.3 percent.

Among the mining industries, coal mining, after falling almost every year in the past decade, increased 12.6 percent in 1980. Coal output grew 6.4 percent due to increased demand as a petroleum substitute, growing exports, and stockpiling in anticipation of a strike in 1981, while hours fell 5.5 percent. However, productivity declines occurred in the other mining industries covered, with copper mining (recoverable metal) dropping 7.4 percent, nonmetallic minerals down 6.0 percent, and iron mining (usable ore) declining 0.2 percent.

Among transportation and utility industries, productivity changes were mixed. Productivity dropped 6.1 percent in air transportation, the first productivity decline since the measure was begun in 1947, as output fell. Productivity in intercity trucking fell 4.5 percent, the fourth consecutive decline, as output dropped 9.7 percent due to decreased shipments of consumer products, construction materials, and petroleum. Electric and gas utilities had a productivity decline of 2.2 percent, based on a small increase in output and a larger gain in hours. Telephone communications, on the other hand, had a productivity gain of 6.6 percent, because of a large gain in output.

In trade and services, productivity declined in hotels and motels (−7.7 percent), laundries and dry cleaning (−6.8 percent), gasoline stations (−3.5 percent), and eating and drinking places (−2.0 percent). Output fell in all of these industries. Conversely, productivity in drug stores rose 6.9 percent, as output was up. New car dealers had a productivity gain of 4.4 percent, based on a sharp drop in output and an even steeper drop in hours. Retail food stores had a small productivity gain of 0.2 percent, as output was up 2.6 percent.

The attached table presents indexes of output per employee hour for the selected industries for the last 7 years. Although the output per employee hour measures relate output to the hours of all employees engaged in each industry, they do not measure only the specific contributions of labor, capital, or any other single factor of production. Rather, they reflect the joint effects of many influences, including new technology, capital investment, the level of output, capacity utilization, energy use, and managerial skills, as well as the skills and efforts of the work force.

Additional data for these measures, such as average rates of change for all the components of the measures back to 1947, are available from the BLS upon request. Many of the measures have been revised back to 1972, due to the introduction of more current data. Measures for the few remaining industries will be released when they become available in the near future. The forthcoming bulletin, "Productivity Measures for Selected Industries, 1954-1980," will include data back to 1954 for many industries. Data on output per hour of all persons and related cost measures for the private business sector as well as nonfarm business, manufacturing, and nonfinancial corporations are reported in the quarterly BLS press release, "Productivity and Costs."●

ONE CONSTITUENT'S VIEW OF THE ECONOMY RECOVERY PROGRAM

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. LEHMAN. Mr. Speaker, last month one of my constituents, Mr. Max Levine, attended the Star Lakes Condominium Sunday Breakfast and offered his view of the President's economic program. I was so impressed with his remarks, I asked him to put them in writing.

I believe Mr. Levine has given us a very straightforward and honest evaluation of the inequities involved in the President's program, and I hope my colleagues will take note of his comments.

MIAMI, FLA., *December 28, 1981.*

DEAR CONGRESSMAN LEHMAN: This letter is at your request that I put into writing my remarks made at the Star Lakes Sunday Breakfast at an open forum. There may be some deletions and some additions as I never speak with prepared notes. But in essence the thoughts and expressions remain. Truthfully, I am much more effective when speaking with an audience in attendance. But a promise is a promise.

When the subject of funds to aid the elderly and the needy comes to the fore, our administration is sympathetic but speaks of hard times and the need for all of us to make sacrifices in these trying times. The usual excuse for cutbacks in services, that it would put a further tax burden on the working and middle income taxpayer, who is already staggering under the blow of an ever increasing inflation. Quite true on the face of it, but what about the thousands of millionaires who pay little or no tax at all. What about the depletion credits given to oil companies, the giveaways to the tobacco industry, the dairy giants, all literally bathing in profits. An oil company buying a billion dollar retail outlet, Montgomery Ward, in the face of exorbitant oil profits and further enriched by depletion credits.

And let us not be fooled by the T.V. commercials showing the oil companies putting all their excess money into exploration in our country. Congressman Jim Wright once brought the truth to the surface when he stated that most of the exploration activity is being done today by little groups of wildcatters using their limited supply of funds in hopes to strike oil. Very few succeed, but they take the gamble.

One of the most destructive forces to our country is the growth of the conglomerates who are allowed to penetrate every facet of our industrial and farming enterprise, then using their financial muscle to squelch small competition and create an unfair price structure that we the public have to absorb.

Mr. Congressman, if this country is ever to pull out of this financial crisis, we must completely revise our tax system and close the preferential treatment loopholes existing for the privileged few at the expense of the underprivileged many. Then and then only will the expression with "Liberty and Justice for all" be meaningful.

MAX LEVINE.

THE SPACE PROGRAM

HON. FLOYD J. FITHIAN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. FITHIAN. Mr. Speaker, I am today inserting, for the benefit of my colleagues in the House, a recent op-ed article from the Washington Post written by Dr. Michael Lipschutz concerning the serious consequences of funding cuts for basic research. While Dr. Lipschutz is particularly concerned with the NASA planetary materials program, I know that he speaks for many scientists at Purdue University and other institutions in pointing out the crucial role basic scientific re-

search programs play in training new generations of scientists. I know that you will find his comments informative and revealing.

[From the Washington Post, Jan. 23, 1982]

THE SAVAGING OF THE SPACE PROGRAM

(By Michael E. Lipschutz)

WEST LAFAYETTE, IND.—Last month I sat down with my research staff—eight talented young scientists—and told them what the latest round of proposed cuts in space-science funding will do to their careers. It was a somber meeting.

On Dec. 2, President Reagan's science adviser, George Keyworth, indicated the administration plans to cut back NASA funding so severely that early in 1983 the United States will no longer have a Solar System Exploration Program. The public is most familiar with this program through such missions as Voyager I and II that passed the planets Jupiter and Saturn and are now en route to Uranus.

Under Presidents Ford and Carter, space-science funding was curtailed, and this, coupled with inflation, removed all but the barest bones from the Solar System Exploration Program. The program cost $175 million for basic research in fiscal 1981—about 88 cents per person in the United States. NASA directed $9 million of that sum to the Planetary Materials Program, which supports all studies on meteorites, lunar samples, cosmic dust and even some terrestial samples. What the present administration proposes would destroy even these bare bones.

Please understand that research money is not parceled out arbitrarily. Only the best science can be and is funded. Scientists in U.S. universities and research centers submit proposals describing their research and its significance to NASA. NASA in turn sends these proposals to experts for evaluation.

My research program passed all of these hurdles, and for the past few years my research group conducted research on meteorites and lunar samples for about $73,000 annually. What were these funds used for? They were used to pay salaries to those students I talked to; that is, for graduate students doing research for their PhD degrees, for co-workers who already have PhDs but want to learn new techniques and approaches, and for a small portion of my salary. These funds bought chemicals and equipment. In other words, the money was spent on Earth, in the United States.

What did these funds produce? They produced a lot of knowledge on the genesis and evolution of solid objects during formation of the solar system, on the behavior of matter at high temperatures and pressures, on the nature of the solid state and on the Antarctic; they could produce a lot more knowledge. I won't dwell on this because the absolute worth of knowledge is incalculable. I will point out, however, that these funds led to the discovery of two processes; a method for producing industrial diamonds artificially, which is being used in this country and abroad, and a technique for extracting elements from the earth or in space that ultimately may prove very useful.

Knowledge gained was taken to the classroom, where undergraduates learned that science can be understood and applied. Finally, the funds led to the production of about 10 students with PhD degrees. Today, most are working for such companies as IBM, Shell and Procter and Gamble, not in space research. These former students are using the knowledge and techniques they learned at Purdue to produce better solid-state devices, develop improved catalysts for chemical reactions and explore energy sources.

In anticipation of the administration's termination of Solar System Exploration, most research grants for fiscal 1982—my own included—have been cut severely. Some were terminated. All of these grants survived intense scrutiny and all were deemed to be very important scientifically. Officials in NASA and the National Science Foundation are trying desperately to keep as many productive groups as possible functioning at a "starvation level" this year in hope that public pressure will cause the administration to reconsider its decision to terminate Solar System Exploration.

If nothing is done now, solar-system exploration is dead in this country, at least for the next few decades. It will cost much more to resurrect this program later than to continue it now. Worse still, the United States will have handed over world leadership in space to others.●

SIBERIAN SEVEN

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. SMITH of New Jersey. Mr. Speaker, during the recess I had the privilege of meeting with the Siberian Seven in the U.S. Embassy in Moscow, where they have been living in virtual captivity for the past 3½ years, as they actively pursue emigration to the United States in order to pursue their religious beliefs.

The Siberian Seven are Peter and Augustina Vashchenko; three of their daughters: Lida, 30, Lyubam, 29, and Lila, 24; and Maria Chmykhalov and her son, Timothy, 19. They are from Chernogorsk, a small mining town located 2,000 miles east of Moscow. Both families are members of the Russian Pentecostal faith, a fundamentalist group that Soviet authorities have tried unsuccessfully to exterminate since the Stalin era.

Members of the Vashchenko and Chmykhalov families have suffered job discrimination, firings, beatings, forced abduction of their children for reeducation in state orphanages, terms in labor camps and psychiatric hospitals, and mysterious deaths in their never-ending efforts to practice their religious beliefs—a right granted to them under the Soviet constitution.

The Vaschenko family have tried to emigrate since 1963, but have not succeeded. In 1978, they received an invitation to emigrate from a Presbyterian Church in Selma, Ala., but again the Vashchenko family were refused exist visas.

Later, Peter Vashchenko returned to the U.S. Embassy with a letter of invitation issued by the State Department. When the Soviet guards who were posted outside the gates of the Embassy refused to allow the family admittance, they rushed through the gates and into the American compound. The Vashchenko's 17-year-old son, John, was wrestled to the ground by the Soviets and taken away. Nine days later, it was learned that John had been beaten close to death and returned to Chernogorsk.

Mr. Speaker, since July 27, 1978, the Siberian Seven have remained in a small room within the U.S. Embassy. Peter and Augustina Vashchenko have not seen their son John since they witnessed him being taken away by the Soviets. Nor have they seen their nine other children and countless relatives who remain in Chernogorsk today under constant pressure and harassment.

Since Christmas, Augustina and Lida Vashchenko have been on a hunger strike, and reports from Moscow this weekend have said that they have stopped taking liquids that are necessary to keep them alive.

Augustina and Lida Vashchenko, Mr. Speaker, may not live through the week. Immediate action must be taken to secure the basic human rights that the Siberian Seven so righteously deserve. I urge my colleagues in the House to telephone Secretary Haig's office and Washington and voice your concern, and urge him to make the Siberian Seven, as well as those of all faiths who are persecuted because of their religion, a major focal point in his dealings this week with Minister Gromyko in Geneva.●

SUPER BOWL XVI

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. RINALDO. Mr. Speaker, I was among the tens of thousands of sports fans who traveled to the Detroit suburb of Pontiac, Mich., last weekend for Super Bowl XVI. I came away from that event with some very favorable impressions, not only about the ability of the San Francisco 49ers to play football, but also about the host city of Detroit.

I have attended super bowls in several other cities and, in my judgment, Detroit did as fine a job in hosting this major sporting event as any of the others. Mayor Coleman Young and his administration deserve considerable credit for the masterful job in planning for the more than 80,000 spectators who turned out for the game.

The crush of visitors put the city to the test, and I think the unanimous opinion of super bowl attendees would be that it passed with flying colors. Detroit is a supercity. Additionally, Mr. Speaker, I want to salute Michi-

gan Governor William G. Milliken for the role his administration played in making the super bowl a success and for the warm welcome he extended to visitors to the State.●

TRIBUTE TO WALTER KNOTT

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. ROUSSELOT. Mr. Speaker, I would like to bring to my colleagues attention the recent passing of a truly great American, the late Walter Knott. I would like to pay a brief but sincere tribute to this man. I feel a special sense of loss at his passing—he was a personal friend and fellow Republican.

Walter Knott was a self-made man who exemplified the American ideal of success. He worked his way up from farmhand, to building contractor, berry farmer, businessman, and public servant. The trial was not easy; the Depression and Dust Bowl farming conditions provided fierce opposition, yet in the face of adversity, he continued to strive for success, and in time, attained his goal.

Mr. Knott began his public career relatively late in life, after the foundation of his multimillion-dollar tourist attraction, Knotts Berry Farm, had been secured. The early 1960's marked his entry into politics. He often spoke at the Americanism Educational League, an organization he strongly supported. Cohorts of Walter Knott began to introduce him as "Mr. Republican" throughout Orange County. And as a matter of fact, due to his reputation for honesty and reliability, Knott became a delegate to three Republican National Conventions. He served as National Finance Committee Chairman in 1964.

No one can deny that Walter Knott lived every minute of his life to the fullest. Aside from his political activism he was significantly involved in a wide variety of religious and philanthropic organizations. Nevertheless, he maintained a daily interest in the farm, writing letters, offering advice, even waiting in line with tourists for lunch each day, until both he and his wife began to suffer from ill health.

For all his success as an individual, a businessman, and politician—Walter Knott remained a modest man. He was a man fashioned from the humblest clay; yet a man with high spiritual values. He started a tradition, a business, and a tourist attraction—a selfless endeavor that clearly reflected his life of productivity and service to others.

To his family, we in the House extend our deepest sympathy and share their fondest memories of a great American—Walter Knott.●

AMERICA'S MILITARY REVOLUTION

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. GINGRICH. Mr. Speaker, there is a quiet revolution going on in the Army and the Pentagon. One of its results will be a more secure America.

The revolution, reported by John Fialka in the Wall Street Journal article which follows, is intellectual. It is directed at changing the fighting concepts that guide doctrine, strategy, operations, and tactics, as well as equipment characteristics. Its objective is to make these diverse and complicated elements come together to form a coherent whole, an Army able to dominate the battlefield.

This is no small achievement. Historically, military institutions do not readily change their stripes. Indeed, they prefer to remain wedded to old, failed concepts until a battlefield catastrophe alerts them to the need for change.

Our Army is different. It has chosen to rethink and critically examine itself before disaster struck.

In a real sense it is a daring undertaking, and its success is owed to Generals Meyer, Starry, Otis, and Morelli. And its support in the Pentagon by Secretary of Defense Weinberger, Deputy Secretary of Defense Carlucci, and others is a tribute to an enlightened administration.

But what about the Congress? Have we missed the revolution? We face difficult decisions on military questions this spring. Are we up to speed on the developments that have gone on?

I would ask my colleagues to read the article by John Fialka and then find out more about this quiet yet remarkable revolution.

ARMY SHIFTS STRATEGY TO GIVE SMALL UNITS ROOM TO MANEUVER—IT BACKS FAST, FLEXIBLE ACTION OVER HEAVY FIREPOWER; LIKE SOCCER, NOT FOOTBALL

(By John J. Fialka)

WASHINGTON.—The U.S. Army is changing its basic combat doctrine, switching to a more intense, freewheeling style of warfare in which victory may hinge less on the firepower of mass formations and more on the abilities of small units to outmaneuver and confuse the enemy.

The Army is announcing the new doctrine to U.S. commanders in Europe and to NATO allies this month, and has already outlined it in secret briefings on Capitol Hill. Army officials describe the doctrine as a major "evolutionary" change from past reliance on achieving the superiority in weapons and equipment needed to halt large attacking enemy units.

The idea is that, if faced with a foe that is superior in conventional arms and likely to use nuclear and chemical weapons, the Army would find battle lines becoming indistinct. Movement would have to be almost constant, and there would be little or no time for a commander to huddle with his subordinates.

"No longer will the outcome of battle be decided by attrition between lines drawn up as in a football game," says a blueprint called "Airland Battle 2000." Rather, it suggests, "Picture a soccer game as opposed to football. Each element maneuvering in what appears to be an independent, uncoordinated effort. In reality, it is a highly coordinated plan of action."

OUTSIDERS AMAZED

Critics in Congress and elsewhere, who have long attacked the Army for failing to teach doctrines based on maneuver, have been stunned by the change. "What you have here," one remarks, "is the first painful effort of a large organization that is trying to turn itself around." Edward Luttwak, a senior fellow of Georgetown University's Center for Strategic and International Studies, who for years has written articles criticizing the Army for hidebound ways, says he is startled to see "whole paragraphs" of his work showing up in the new doctrine.

The document called Airland Battle 2000 gives the basic ideas behind Army weapons, strategies and tactics for the next two decades. It has already had a major effect on the Army's 38 research laboratories. So far, 160 research programs have been steered toward longer-range goals, including the development of a family of fast, lightweight land vehicles and new electronic weapons systems.

As outlined by a senior official of the Army's Training and Doctrine Command, which prepared the plan, this is the Army's first coherent attempt to create a strategy that determines the development of future military hardware. "The concept of how you want to fight should drive technology and not vice versa," he says.

The basis of the Army doctrine, contained in a newly revised field-operations manual, is that "maneuver is the dynamic element of combat, the means . . . which enable small forces to defeat larger ones."

Or, as Airland Battle 2000 puts it, the Army is adopting "a style of waging war in which agility, deception, maneuver, and all other tools of combat are used to face the enemy with a succession of dangerous and unexpected situations more rapidly than he can react to them."

OPERATION CONFUSION

Previous Army doctrine tied victory directly to widespread destruction and big body counts. The new one says it is more attributable to enemy disorganization and confusion, to the loss of the adversary's "resolve to continue the fight."

The senior official at the Training and Doctrine Command, who declines to let his name be used, acknowledges that the new doctrine is borrowed in part from methods used for years by the West Germans and Israelis. He adds, however, that much of it is based on what the Army considers major U.S. advantages over the Soviet Union, including an edge in technology such as computers and miniaturized electronics and an inherently stronger "individualism" in the American soldier.

Some examples of what the Army plans or hopes to accomplish:

The basic unit of combat is to shift from the division (roughly 18,000 soldiers) to a

brigade (roughly 6,000) that controls artillery, communications and logistic units normally assigned to a division.

Field commanders will practice what the West German army calls "auftragstaktik," a style of command that encourages company and platoon leaders to innovate. Just how each unit would accomplish a given mission would be left to the captain or lieutenant on the scene.

A communications and intelligence-gathering system hardened against the hazards of nuclear, chemical and electronic warfare would give battle commanders an almost instantaneous view of the changing battlefield situation.

Research into electronic weapons systems and vehicle engines that don't rely on fossil fuels is to be accelerated, in an effort to increase firepower and reduce logistical burdens on combat units.

Closer tactical cooperation with the Air Force would focus air and missile strikes on enemy reinforcing units still two or three days away from the front.

High technology and automation, including robots, are to be used to offset manpower shortages caused by the lack of a draft and the long-term decline in the population of young men.

The Army has disappointed some military-reform enthusiasts by its continuing emphasis on expensive and often-fragile high technology. But the official of the Training and Doctrine Command maintains that some fancy hardware, such as expensive night-vision equipment, will be essential for quick-reacting, highly mobile units facing superior forces.

SEEING FARTHER

"Your stuff has to work when his doesn't," he says, adding that the new doctrine emphasizes the need for night attacks that give advantages to the attacker. The Airland Battle 2000 blueprint notes that "we must be able to see, analyze, decide and act faster than the enemy."

One impetus for the change in strategy was the frustration of the Army's chief of staff, Gen. Edward C. Meyer, and other officials over the seemingly interminable periods needed to develop and field new weapons. Both the new M1 tank and the M2 infantry fighting vehicle took almost two decades to develop because of industrial delays and frequent design changes.

Often Army planners have been unable to resist changes in weapons systems because there was no overall notion of how to fight in the future. And sometimes, in the process of frequent change, the original idea was simply lost.

"We wanted to work out a process so that we don't change our mind," and official explains, "to develop a disciplining consensus by finding out clearly how it is we want to fight. Once it's in the book, it's a little more difficult to change."

LASERS AND ROBOTS

Army planners who sat down last year to develop the new doctrine called in their laboratory scientists to consult on a wide spectrum of new technologies. The resulting goals, as described in Airland Battle 2000:

Lightweight, highly mobile vehicles that use the same power source for propulsion and for firing weapons. Among the possibilities are electrically powered vehicles and aircraft that use "directed energy" weapons such as lasers.

Sophisticated electronic systems that can disrupt enemy communications and that can mask U.S. operations by giving coherent but false information to enemy radar and other sensors.

Computer-driven radio transmitters that can overcome enemy jamming by firing information in sudden, powerful bursts.

Robots that can repair vehicles, create pathways through enemy minefields and place mines behind enemy lines.

The Army's new doctrine has caused an unusual stir at the Pentagon. Deputy Defense Secretary Frank Carlucci, who has been trying to change the way the Pentagon plans and buys things, has praised Airland Battle 2000 and offered briefings on it for all of the assistant defense secretaries.

THE TWO ARMIES

The document also impresses a group in Congress that has urged a change in the Army's combat doctrine. "I like a lot of the words that are in there," says Republican Rep. Newt Gingrich of Georgia, a leader of this group. "I think we are in the middle of real change."

William S. Lind, a military historian who has worked closely with the congressional group, believes the Army's new plans have "some extremely positive elements" and reflect what he says is a great deal of enthusiasm among younger field officers for maneuver warfare.

But the continuing emphasis on expensive high technology, Mr. Lind warns, shows that the Army is "schizophrenic." He says: "There is the Army in the field, but then there is also the Washington Army, the hardware types. They care less about whether things work on the battlefield than whether they work bureaucratically."

Mr. Luttwak of Georgetown, for his part, finds fault with the Army's use of manpower. "If you want to be like the Israeli Seventh Brigade, which smashed 2½ divisions in the Golan Heights, then you need very high quality troops," he says. He notes that the Israeli army, relying on draftees, selects the best for fighting units. In the volunteer U.S. Army, he argues, the brightest soldiers often wind up in the rear, fixing high-technology equipment.

Overall, though, Mr. Luttwak is impressed with the change in doctrine. "What this means," he says, "is that today the real military reform movement is battling inside the Army and not just on the outside."●

CHUNG DINH PHAM, NATIONAL WINNER IN THE MARCH FOR LIFE COMPETITION

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. MURTHA. Mr. Speaker, I want to share with my colleagues an essay written by a young man from Johnstown, Pa., who was the national overall winner among junior high school students in the 1982 March for Life essay, poetry, and poster competition.

Chung was present last week for the rally on the Ellipse during the ninth annual March for Life, and I had an opportunity to meet him and hear him read his essay to a delegation from the 12th Congressional District.

I certainly congratulate Chung on his essay and his interest in national events. I enjoyed meeting him, and am glad to insert his essay into the CONGRESSIONAL RECORD.

STICK TO THE LIFE PRINCIPLES

(By Chung Pham)

I think abortion is something we should pray about. God gives each and everyone of us the gift of life. If we have life, then why can't the children that are killed have the chance to live, too? We, the living ones, should pray and ask God our Father to shine his light on this situation. To me, abortion is a very, very sad thing in America. I guess the reason is we have so much freedom, that we don't care what we do. There is right and wrong, and abortion is no doubt a wrong thing to do. Each year there are millions and millions of babies being killed. People are not taking this situation seriously. I think if abortion doesn't stop right now in America, then God will take the freedom away from us. Abortion translates to the word killing, and killing to Catholics is a serious sin.

You know, I wonder a lot about the parents and doctors that are truly killing these innocent children. I also wonder what God will say to these people on judgment day. We, the people of America, with our loving feelings, could help stop abortion through our prayers, and letters urging the Supreme Court to say that abortion is illegal. Who knows? Some day abortion will be illegal in America, and wouldn't it be great to see our nation as really the land of the free and the home of the brave?

To me the land of the free means we have freedom, and this freedom we have to use wisely. And the home of the brave means that we really want to do what is right and not be afraid to do it because God has blessed us. To me this situation could be handled by only one person, and that person is God, who is the giver of life.

And so, let us pray and ask God to help make our nation a great one, not just for a while then quit, but every day. I know, and the good people know, that God will grant us what we want if we really need it, and abortion will stop if we really love these children and want them to have life. God will someday grant us what we want, and that is the stopping of abortion. Life is for everyone, and life should be given to these children.●

LT. COL. CHARLES RAY RECENT VICTIM OF INTERNATIONAL TERRORISM

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. DORNAN of California. Mr. Speaker, on January 25, I was pleased to insert the eloquent remarks by His Excellency, the Most Reverend Thomas J. Welsh of Arlington, Va., concerning the crime against the unborn—abortion. Today, I am moved by the bishop's remarks of the crime against innocent men, women, and children—international terrorism. My sincere sympathy to the Ray family for the terrible loss of such a great lover of life, family, country, and God

as Lt. Col. Charles Ray. Members of this great House, let us in the name of our God and Lieutenant Colonel Ray, work with fervent resolve to eliminate international terrorists.

The statement follows:

STATEMENT BY THE MOST REVEREND THOMAS J. WELSH, BISHOP OF ARLINGTON, ON THE MURDER OF LT. COL. CHARLES RAY

It was with a great sense of loss that I heard of the assassination of Lt. Col. Charles Ray. The military family is stung by this wickedness that slayed a man who worked for peace. The family of Christ is horrified that such a senseless act killed a man who served his Church with love and brotherhood.

His dedication to his country was demonstrated by this service abroad. His love for his Church was seen in his many activities at St. Bernadette's in Springfield, and his concern was reinforced when he returned from Paris for the dedication of the new St. Bernadette's this past October. We looked forward to his return after his tour of duty so that he could continue his diaconate studies.

Yet is is through such heartbreak that God's grace touches us who are left to continue. Let us pray that we continue to work for justice and peace and especially remember to pray for those in the military and government foreign service who, though nameless to us, are working for the goals of freedom under the danger of international terrorists.●

SENIOR CITIZENS PROGRAM

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. DOWNEY. Mr. Speaker, today I received a very interesting letter from a constituent of mine who also happens to run the senior citizen programs for the town of Babylon. She offers some excellent suggestions, with which I fully and strongly agree, and I would like to share them with my colleagues.

TOWN OF BABYLON,
January 18, 1982.

Congressman THOMAS J. DOWNEY,
West Islip, N.Y.

DEAR CONGRESSMAN DOWNEY: During this time of economic crises facing our Nation, I realize that many difficult decisions must be faced. It is my sincere hope that you share my concern in regard to our Senior Citizens, the frail elderly and the shut-ins, particularly of the low or no income group.

I have received many calls from Babylon Town Senior Citizens, whose food stamps have been decreased from $45 to $15 per month. Other Seniors inform me that their income is too high to receive Social Services and yet they are forced to draw from their dwindling savings to survive.

Rents in Suffolk County are not controlled resulting in increased rents yearly and, in some instance, more frequently. Another serious complaint states that even if the Senior Citizens can afford a doctor, they cannot afford the medication.

On the basis of these face to face contacts with our elderly population, I urge you to follow the White House 1981 Conference's advice to create major new programs, such as, National Health Insurance and tax incentives for families who provide a home for their elderly relatives.

I cannot overemphasize the following recommendations:

The right to economic well-being.

Social Security benefits should be adjusted to reflect increases in the cost of living twice a year instead of once.

Social Security Benefits paid to current recipients should not be reduced.

Older homeowners, if they wish, should be allowed to convert the equity in their houses into income while remaining in their houses.

The money cut from Federal spending for human services this year should be restored and strict standards of accountability should be applied to any increases in defense spending.

Both Medicare and Medicaid should be extended to cover home health care and services.

Federal, State and local governments should plan, finance, and facilitate the implementation of a continuum of services to meet the needs of the elderly including both those who live in the community and those who are institutionalized.

The Federal law that permits mandatory retirement (at age 70 or older) on the basis of age alone should be repealed.

Professional licensing authorities should require training in gerontology for doctors, nurses, therapists and pharmacists.

At least 200,000 housing units for the elderly should be provided through public and private programs.

Legislation should be enacted to convene a national conference in 1986 to review the status of the recommendations adopted at the 1981 White House Conference on Aging.

Let us strive to preserve the right to economic well-being for our Senior Population.

I share my thoughts with you in the sincere hope that you will respond favorably to the Conference's recommendations.

Very truly yours,

MARGE BOYLAN,
Deputy Commissioner, Department of Human Resources, Senior Citizen Department.●

JASON: A SON AND PRINCE GEORGES

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. HOYER. Mr. Speaker, one of the numerous good aspects of living in Prince Georges County, Md., was brought to my attention recently in an article written by Mrs. Mary Edgerly. Her comments in praise of the special education program within the Prince Georges County school system was most apt; we are fortunate in having a nationally recognized program for the handicapped, and, in particular, for early identification of potential problems.

I commend Mrs. Edgerly for her moving article, which appeared in the Prince Georges Journal, and I include it here to share with my colleagues. I am sure, Mr. Speaker, you will agree with me that the kind of caring concern Mrs. Edgerly holds, not only for her family, but for her community is the vital link in forging a better society.

JASON: A SON AND PRINCE GEORGES

(By Mary Edgerly)

Recently, as I drove my son, Jason, to his weekly Toddler Group at the Glendale Center for Special Children, I tuned to DC 101 and Howard Stern. I had not previously heard his slurs on Prince George's County, nor had I read *The Journal's* response, but as this was the focal point of Mr. Stern's show that morning, I caught on pretty fast. Though I often find Stern's show funny, I didn't laugh at this. Prince George's County may have its problems, but I'm tired of people putting it down.

I wonder how many of the people knocking Prince George's have handicapped or learning-disabled children. I'd be willing to bet none of them do.

About 18 months ago, when I found out that my seven-month-old son was hemiplegic (partially paralyzed on one side), I was at a total loss at what to do. His doctors at Children's Hospital were kind and sympathetic, but they didn't have much time for my questions. Jason was enrolled in the hospital's physical therapy a week, the expenses began to add up, especially when my husband lost his job and the insurance policy it provided.

Up to this point, I had heard nothing of the Early Identification Program. I had lived in Prince George's all my life and attended public schools, and I didn't have any complaints. But when Jason's therapist described Early I.D. to me, I began to really appreciate my home county. Early Identification is so named because the earlier a problem is identified the earlier it can be treated and helped. The program is a part of the county school system and it is designed to help children with special needs in any way it can. It is staffed with physical, occupational, and speech therapists as well as special educational teachers. Until Children's Hospital brought us together, I didn't even know such a program existed. I wish now that everyone knew about it.

There was a short waiting period before Jason was picked up by Early I.D. (They, like Children's Hospital, have a too-large caseload.) Until I was visited by an Early I.D. representatives, I didn't realize the scope of the program. Jason was evaluated, and it was decided that he would continue with therapy for an hour each week (with me following through at home). As a bonus, he would be seen by a special education teacher once a week. These people would come to our home. There would be no more bundling up, buckling Jason in the car seat, and parking fees each week. And all this would be at no cost to me.

I was a little apprehensive about taking Jason out of the hospital program and putting him into Early I.D. After all, I knew Children's to be an excellent hospital. I liked Jason's therapist. Would the Early I.D. personnel be as well-trained?

As it turned out, I needn't have worried. Jason's first special education teacher went to high school with my sister and had grown up in my neighborhood. Right away, she seemed like a friend. I could tell immediately, that she enjoyed children, and Jason warmed up to her quickly. Best of all, after a few visits, she was able to assure me that

mentally Jason was in the normal range. The doctors at Children's had said we would have to wait and see. They didn't have time (and I certainly didn't have the money) to sit down and test and evaluate my son. Jason's teacher eased my mind, and that was worth a lot.

Jason has had several physical therapists since entering the program, and all have been well-qualified and patient. They have all shown a true liking for children. Jason doesn't enjoy his therapy, but he has come to trust his various therapists. That, too, is worth a lot.

Since October of this year, Jason has been enrolled in the toddler group at Glendale Center. There he is met by several little friends with special needs and two cheerful competent teachers. He enjoys the group setting, but also has individual time with his assigned teacher periodically. I hope this experience will help Jason in the future to be self-confident in spite of his handicap.

Next year, when he is 3, Jason will be picked up on a bus daily and driven to school for a half-day. There he will get physical therapy, as well as speech or occupational therapy should he need it. In addition, of course, there will be a regular school curriculum for pre-schoolers. After age 5, as soon as he is able, he will be mainstreamed into public school.

Though they have enough to do caring for the children enrolled in their program, Early I.D. hasn't forgotten about me. They send out a bi-monthly newsletter and have parent meetings at different times through the month. Every other week while Jason is in his toddler group, I go to one of these support groups. Just talking with parents of other special-needs children makes my life a little easier. The conductor of the group has a talent for bringing us out of our shells, and she makes sure we have access to any literature which might help us. Jason's doctors don't have time for this type of attention, and no one can blame them. I'm just glad I live in a county where someone does have time.

Not long ago, my husband and I thought of moving to be closer to his new job. We called several counties in the area and could find only one in Virginia that could compare to Prince George's County in the area of special education. Needless to say, we're staying here. Jason's welfare is worth that 45-minute trip to work.

I don't know about Howard Stern, but I think I can speak for many other parents and special children when I say:

I'm glad I live in Prince George's.●

FOR 2,500 FAMILIES, THE ORDEAL CONTINUES

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. YOUNG of Florida. Mr. Speaker, today we pause to remember the day 9 years ago when the leaders of our Nation signed the Paris Peace accords which brought to a formal end the military conflict in Vietnam and provided the 2,500 families of missing Americans in Southeast Asia with the hope that their loved ones would finally be returned. In fact, article 8 of the peace accords specifically dealt with the procedures for returning the Americans who were killed in action or were being held as prisoners of war.

Unfortunately, while we have lived up to our responsibilities outlined in the peace accords, the leaders of Vietnam have chosen to ignore their part of the peace agreement. They have also failed to demonstrate any desire to act in a moral and humane fashion in this matter.

For this reason, the United States has not resumed diplomatic relations with Vietnam, and we have publicly stated that we will not normalize relations until we receive a full accounting of all Americans.

Despite Vietnam's lack of cooperation, we have continued to do all that we can to account for our countrymen. The Department of Defense has placed a priority on the investigation of any sighting reports we receive. In addition, efforts to account for the POW's and MIA's have received the full support of President Reagan and this body.

As a response to Vietnam's lack of cooperation in the accounting procedure, many of you supported my amendment to the foreign aid bill 6 years ago to stop all direct and indirect United States aid from going to Vietnam. We have also established a task force on American prisoners and missing in Southeast Asia to monitor developments in Vietnam and we have designated specific days to call attention to the continuing ordeal of the families of the missing Americans. My colleague from California, Mr. DORNAN, today introduced legislation, which I am cosponsoring, to designate July 9, 1982, as National POW-MIA Recognition Day.

Even though we set aside special days to pay tribute to the continuing courage of these families, we must keep the missing Americans in our prayers each day. It is my hope that someday soon our prayers will be answered so that these families can at last learn the fate of their loved ones.●

HOPE IN FARM EXPORTS

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. BEREUTER. Mr. Speaker, although the news from farm country is dismal, at best, I did recently come across an article which highlights the one potential bright spot on the agricultural scene, and that is farm exports. Our agricultural exports contribute almost $50 billion annually to lessening the U.S. balance-of-trade deficit, and that figure is projected to continue to increase in future years. It is vitally important, though, that this Nation make a firm and unequivocal determination regarding the policy which we are going to pursue in the area of food exports. For too long now we have tried to have it both ways; we say we are following a free market approach to agricultural exports, and yet we threaten our trading partners with embargoes and suspensions of trade. Mr. Speaker, the farmers of this Nation are no less patriotic than any other sector, but they cannot continue to live with this equivocal policy and its attendant depressing effect on grain markets. We can live with either approach, but we cannot live with both. Let us make a determination, enunciate it clearly to friend and foe alike, and then stick to that policy.

I commend the following article to my colleagues:

[From the Beatrice (Nebr.) Daily Sun, Nov. 24, 1981]

HOPE IN FARM EXPORTS

(By Kent Thomas)

Not all of the farm news is bad this Thanksgiving week, at least for farmers who can afford to be patient.

Granted, the compromise farm bill before Congress is a disappointment to most farmers; and prices paid farmers for their produce are unrealistically low—even disastrous for some.

But the long-term picture provides some light at the end of the tunnel, according to Secretary of Agriculture John Block.

In a hearing before a House of Representatives trade subcommittee, Block gave a hopeful picture about the growth of farm exports. He said the long-term, sustained growth in farm exports is the Administration's No. 1 priority for U.S. agriculture.

"Our price-support proposals are mindful of the need to protect farmers against economic disaster," he said, "but they also recognize agriculture's need to be competitive in an expanding and increasingly competitive world market."

Block said for fiscal 1981, exports are expected to be $48 billion, a 10 percent increase over fiscal 1980. Exports in fiscal 1982 are projected by the Department of Agriculture to be from $44 billion to $48 billion.

Block illustrated how exports play a larger role than they did 10 years ago:

In 1971, exports accounted for less than 40 percent of U.S. wheat production. In 1981, almost 70 percent of the U.S. wheat output will be exported.

The world market now provides an outlet for one-third of the U.S. corn harvest, three times the export share in 1971-72.

Half of U.S. soybean production is exported.

"We are at the point where farmers use almost 40 percent of their cropland to produce for export, and they have come to depend on export for one-fourth of their marketing income," Block said.

Block expects an increased demand for U.S. farm exports in the 1980s.

"Foreign food demand is likely to continue to expand at a near record of 2.5 percent to 2.7 percent in volume a year in the 1980s," he said. "At the same time, sharply rising production costs and increased use of marginal land are expected to slow increases in foreign food output from 2.1 percent to 2.4 percent per year.

"Given this supply and demand situation, purchases of food, feed and fiber by other countries will continue to increase."

This emphasis on farm exports, provided it continues, is not only important but necessary for agriculture and the nation's total economic well-being. After all, if it weren't for our favorable trade balance in agriculture ($27 billion in fiscal 1981) our country would really be in a mess. It appears the non-ag trade deficit will approximate $50 billion or more this year. Locally, we already know about the heavy impact of agriculture; the dramatic contrast in trade balance figures should tell the nation at large how important agriculture is, too.●

TIME TO CRACK DOWN ON DRUNK DRIVERS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. MAZZOLI. Mr. Speaker, I would like to commend to the attention of my colleagues the following piece that was printed in the Washington Post recently. It cites the experience in California where new, stiff drunk driving laws cut down on traffic fatalities over the Christmas holidays.

My distinguished colleague from Maryland, Michael Barnes, has introduced a bill, which I have cosponsored, providing for a comprehensive alcohol-traffic safety program. H.R 2488 would require States to adopt mandatory drunk-driving enforcement programs—or forego Federal transportation aid. I hope more Members of Congress will join us in this nationwide campaign.

It is unfortunate and unacceptable that the same society that condemned the bloodshed in Southeast Asia seemingly turns its back on the bloodshed here in America and does nothing to penalize those who mercilessly take the lives of 26,000 innocent citizens a year and who injure a million more.

We, who value life and respect it, must take immediate steps to stop this needless slaughter. Thankfully, more and more people across America are shaking off their lethargy and are pushing efforts to get the drunk driver off the road at the local level and in Congress.

In Kentucky, Gov. John Y. Brown has announced he will be submitting proposals to the 1982 general assembly to stiffen the penalties against drunk drivers. Four Kentucky legislators have already introduced antidrunk driver proposals of their own.

But, crackdowns in just a few States won't do the trick. Drunk driving is a nationwide epidemic—and needs a nationwide cure.

The problem of the drunk driver is a problem for us all. Not only do the families and friends of the innocent suffer, but all society is the worse for the thoughtless loss of life and property. The fabric of our society is shredded each time this senseless killing occurs.

I, for one, believe it's time to say, "no more."

DEATHS DROP AFTER CALIFORNIA STIFFENS DRUNKEN DRIVING LAWS

(By Jay Mathews)

LOS ANGELES.—California officials reported today one of the first significant results of a national citizen's campaign against intoxicated drivers—a 43 percent drop in New Year's holiday traffic deaths in the state as stringent new drunken driving laws went into effect.

Federal and state officials said the new package of California laws, which took effect at midnight Thursday, appears to have brought about a new caution in many drivers. They said the development may help accelerate a stiffening throughout the country of laws against drunken driving, which was involved in an estimated half of the 51,000 U.S. traffic deaths in 1980.

California Highway Patrol spokesman Ernest J. Garcia said the drop in traffic deaths from 47 a year ago to 27 in the three-day holiday period—the lowest New Year's death toll in 20 years—appears to be the direct result of the changes in state law and widespread publicity about them. There was so much preliminary news coverage warning of the new laws, which include mandatory jail terms and license suspensions, that Christmas holiday traffic deaths also dropped sharply, from 64 to 31, Garcia said.

"I've talked to many people, both as an officer and a citizen," Garcia said. "Most people say, 'The law has teeth now; it looks like you can't get off with a fine or going to school. This might mean a jail term and I don't want to go to jail.'"

Al Lauersdorf, a spokesman for the National Safety Council in Chicago, said bad weather and the poor economy also may have helped cut the highway death rate in recent months, but the citizen campaign against drunken driving was crucial and produced more concern about the issue than he had seen in 15 years in traffic safety work.

Month-by-month figures provided by the National Highway Traffic Safety Administration show traffic deaths across the nation from 1 to 11 percent below 1980 levels from May through November.

The impact of the new California laws is particularly significant because the state has been the base of one of the most active citizen groups, Mothers Against Drunk Driving (MADD). The group's leader, Candy Lightner, began a concerted lobbying effort in Sacramento, now expanded to about a dozen other states, including Maryland and Virginia, after her 13-year-old daughter was struck and fatally injured by a car whose driver had been drinking.

Efforts to toughen drunken driving penalties have been resisted in the past by judges who feel mandatory sentences are too inflexible, by prosecutors who feel juries would be unwilling to impose them and by defense attorneys who argue that such laws would just make jails more crowded and hurt rehabilitation efforts. Citizen lobbying last year, however, resulted in California's unusually tough laws and in less far-reaching changes in other states, including Maryland, where the blood alcohol level requirements have been stiffened.

Law enforcement efforts also have been increased, as in Maryland, where roadblocks were set up to check drivers during the New Year's holiday.

John Moulden, a research psychologist for the National Highway Traffic Safety Administration, said the role of citizen groups like MADD and Remove Intoxicated Drivers (RID) "has been absolutely critical." Moulden said the initial California results show drivers responding to the threat of penalties, but he advised a close look at how rigorously judges and prosecutors apply the laws when cases begin to come to court in two weeks.

Reducing drunken driving, Moulden said, "appears to be a political and not a technical problem." Most states have harsh penalties on their books that are rarely invoked, he said.

Many of the changes in California law involve subtle distinctions and technicalities such as a new statute making a .10 percent blood alcohol level absolute evidence, and not just a presumption, that the driver is under the influence of alcohol. Maryland last year also stiffened its blood alcohol level requirements, resulting in a sharp increase in arrests for drunken driving. But Maryland, Virginia and the District have not yet instituted the kind of penalties for drunken drivers now in effect in California.

But MADD chapters are working on it. Susan Midgett of Norfolk, the Virginia state representative for MADD, said her group is pushing for law changes that will be "a whole lot" like those California has, "except there are a lot of loopholes here we also want to plug." Maryland's MADD chapter is headed by Tom and Dorothy Sexton of Bowie.

Under the new California law, every conviction for driving under the influence of alcohol requires a jail sentence of at least 48 hours, with one exception. If the case is a misdemeanor first offense, the judge may substitute a fine, require attendance at drinking drivers' school and a 90-day license suspension including permission to drive only to and from work.

A mandatory minimum fine of $375 for every driving-under-the-influence conviction has been instituted, and $20 of each fine will be directed to a victims' indemnity fund to help pay accident damages.

On a second drunken driving conviction, a judge may require the driver to attend an alcoholic treatment program for one year and add further jail time if he or she fails to attend. If a judge dismisses a drunken driving charge or reduces one to a lesser offense, he must read into the record his reasons for doing so, and this summary must remain on his personal record, the California law provides.●

MISSING IN ACTION

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. DORNAN of California. Mr. Speaker, as we begin our 10th year since the signing of the Paris peace accords, I have more hope that an honorable resolution will be reached regarding the 2,500 heroic men who have not been accounted for in Indochina. It is my hope that live heroes will be returned to their beloved country to which they devoted their lives.

I would like to draw my colleague's attention to a letter I received from Patricia O'Grady Aloot, whose father, Maj. John Francis O'Grady, is 1 of the 2,500 men who has not returned to this great Nation to which he devoted his life. The letter follows:

The sky was rimmed with a violet hue. Dawn broke quietly over the Nevada desert as my father entered my room for the last time. He was tall and impressive in his navy uniform, but his gray eyes were misty with tears. "Don't worry," he said. "I'll be back when summer's in the meadow." I smiled at the familiar words from his favorite song. Then, he gently kissed my sister and I goodbye. Striding out of our bedroom, he told us to stay in bed. But the moment his last suitcase was stowed in the family car and the front door squeaked closed, seven sleepy children raced to the window to wave their goodbyes. We never saw our father again.

Not only did he never come back to us, but more tragically, he never came back to his country. And, living with that knowledge rekindles my grief. My father was a good and kind man who served his country well even though it must have been difficult for such a gentle, intelligent person. Yet, despite his commitment to his country, his fate and the fate of thousands of others has been ignored by our leaders and erased from our national conscience.

Time and tears have helped heal my personal sorrow and the throbbing hurt of my loss. Yet, the neglect of my father's memory remains a piercing pain and denies me my heritage. As the oldest child and on behalf of my siblings, I need to know if my father lives or how he died on that long ago day in April. I need to welcome him with open arms or carry flowers to his grave. I need to know that he lies sleeping in a comfortable bed or in a peaceful, hallowed ground. The answers to these questions have haunted me for more that half the days of my life.

The key is out there somewhere to open the door to this agonizing problem. It requires an intensive focus on this issue by the executive branch, the elected representatives of the people and by the people themselves. Obviously, a major role will have to be played by the American press, in alerting the public to this humanitarian problem which has been unresolved for too long. It is my hope that 1982 will mark the resolution of this page in a tragic chapter of American history with the full and complete accounting of these brave people and the end of the suffering for them, their families, and all other concerned citizens.●

NICARAGUA RECEIVES LOAN FROM PLO

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. McDONALD. Mr. Speaker, if the old saying is true that "we are known by the friends we keep," then it is indeed interesting to learn that the Palestine Liberation Organization loaned the Sandinista Government of Nicaragua about 6 million pounds or something just short of $12 million recently. Actually, the PLO is more like a big corporation in its financing rather than a struggling guerrilla group. Therefore, I commend this very interesting item to the attention of my colleagues that appeared in the Daily Telegraph (London) of December 2, 1981.

NICARAGUANS GET £6M LOAN FROM AFFLUENT PLO

(By John Bulloch)

The Palestine Liberation Organisation has lent £6,000,000 to the Sandinista Government in Nicaragua to give new weight to the PLO's boast that it is the "richest liberation organisation in the world."

According to financiers in Beirut the PLO now has a "legal" income of at least £125 million a year. Most of this comes from direct grants from Arab states and from taxes paid by Palestinians working in the Gulf.

These Palestinians have between three and five percent of their wages deducted at source.

But an increasingly important part of the PLO finance comes from investments, and because some of these investments are in countries and companies which would be considered "enemies of the Palestine Revolution" all details are kept strictly secret.

In Beirut, with its 80 different banking houses and hundreds of fringe finance organisations, money matters are hard to conceal, however, and it is known that the PLO's "official" income is at least matched by the money it receives from other sources—investment income and "under-the-counter" grants.

POLITICAL INVESTMENTS

It is the Arab Bank, based in Amman, which handles the bulk of PLO income, with experts from the Kuwait Investment Corporation advising where surplus funds should be placed.

They are said to give their advice on purely financial criteria. But the Palestine National Fund, under the chairmanship of Mr. Salah Dabbagh, and after consultations with the 15-member Executive Council of the PLO under Yasser Arafat, often decides on "political" investments.

Thus a Belgian air-charter firm is largely owned by the PLO so that its planes can transport arms.

Two hotels in Beirut have been bought to provide secure accommodation for important guests.

A medical supply company in France is largely PLO-owned, and so are a discotheque in Rome and a chicken farm in Syria.

In addition the "Samed" organisation, set up to provide work for disabled, old or destitute former members of the organisation, is now making a profit.

Samed ("steadfast" in Arabic) runs small workshops making clothes, furniture, or handicrafts, and employs more than 3,000 people.

ARMS PROVIDED FREE

Not all the revenue is used to fuel the PLO's war machine. The amount spent on arms is relatively small, as most weaponry is provided free by countries such as Lybia, Syria, or Iraq.

The relatively generous and effective system of pensions for dependants of PLO men killed in action or disabled is a major drain on funds.

So, too, is the Palestine Red Crescent, which runs 800-bed hospitals in Lebanon and more than 20 clinics, and employs some 300 doctors, not all of them Palestinian.

The 100 PLO offices around the world, the "embassies" of the movement, have to be staffed, and the accommodation has to be paid for.

And (a major item) the regular Palestinian "fighters" have to be paid, as well as the leaders of the movement and the considerable bureaucracy.

So complicated has it all become that Yaser Arafat called in a business consultant, Dr. Banil Shaath, a professor at the American University of Beirut, to advise on streamlining the system.

The professor reported there was "very little" corruption in the administration of the huge funds, though at one time some officials were found to have been gambling with embezzled funds.●

OUR FRIENDS IN TAIWAN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. DERWINSKI. Mr. Speaker, the Taiwan Relations Act of 1979 gives the full force of law to the American commitment to supply adequate defensive weapons to the Republic of China. As a major trading partner of the United States, Taiwan is a strategically located island. Its survival as a prosperous, viable nation is of obvious importance to the United States.

The subject of providing modern defensive fighter aircraft to the Republic of China on Taiwan was addressed in a very timely and effective editorial which appeared in the Aurora, Ill. Beacon-News of January 11. As this is an issue to which I completely subscribe, I wish to insert it into the RECORD for the Members' review:

[From the Beacon-News, Jan. 11, 1982]

U.S. CAN'T FORGET FRIENDS IN TAIWAN

The Chinese Nationalist government on Taiwan has been pressing Washington for permission to purchase advanced fighter aircraft since 1979. Predictably, the prospective sale has long since assumed a significance that is more political than military.

Taiwan desires a new arms deal with the United States partly as a tangible symbol of Washington's continued solicitude for the freedom and security of 18 million Chinese who have no desire to be swallowed by the Communist mainland. Peking officials, of course, oppose anything that would strengthen Taiwan's resistance to eventual assimilation, whether by persuasion, intimidation, or the outright use of force.

The Carter administration and its successor under President Reagan, caught between conflicting pressures to preserve Taiwan's security and to improve relations with The People's Republic of China, repeatedly postponed a decision. The only signal sent to either Taiwan or Peking was one of vacillation, hardly a posture that could instill respect for American foreign policy.

The time has come, we think, for Washington to reach a decision, political consider-

ations aside, Taiwan has a demonstrable need for new fighters to replace the aging F-5As and F-100s that now are the mainstays of the island's air defenses.

From Washington's standpoint, the ideal replacements would be the new F-5Es and F-5Gs that would significantly strengthen Taiwan's air defense without posing even a symbolic threat to mainland China. Although Taiwan wants the more advanced F-16, the modernized F-5 models designed specifically for export to U.S. allies with limited defense budgets would be both acceptable and appropriate.

The sale of F-5Es and even an agreement permitting Taiwan to manufacture F-5Gs under license would be fully consistent with the security ties spelled out in the U.S.-Taiwan Relations Act, approved by Congress following the establishment of full diplomatic relations with Peking in 1979.

China will continue to oppose any sale of U.S. arms to Taiwan and may even threaten to cool its rapprochement with Washington. But China's leaders know what American policymakers ought to recognize as well: That the Sino-American courtship is based almost exclusively on mutual distrust of the Soviet Union.

Selling strictly defensive aircraft to Taiwan won't alter the superpower equation that has pushed China toward cooperation with the United States. What an appropriate U.S.-Taiwan arms agreement would do is demonstrate to anxious American allies in Asia and elsewhere that Washington doesn't forget its friends. That is the kind of signal that even Peking may someday come to appreciate.●

THE JOB OF REDUCING THE DEFICIT

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. DANNEMEYER. Mr. Speaker, Congress will soon begin the process of shaping the Federal budget for fiscal year 1983. This morning's Washington Post carries a story in which administration sources are reported as saying that the budget deficit for fiscal year 1982 will be a record one, slightly under $100 billion. While the President's formal budget message will not be transmitted to us until February 8, 1982, the same news story suggests that the fiscal year 1983 deficit will be more than $90 billion.

These levels of deficit spending are simply unacceptable, if we are to chart a course of economic recovery. The task of reducing these deficits falls to the Congress in general, and the House of Representatives in particular as the House of Congress charged with originating money legislation by the Constitution.

On Monday, January 25, 1982, in a special order commencing at page H10 of the CONGRESSIONAL RECORD, I addressed myself, in detail, to the economics of deficit spending. I quoted from a January 19, 1982, op-ed piece in the Wall Street Journal by Martin Feldstein, professor of economics at Harvard and president of the National Bureau of Economic Research. Mr. Feldstein's article carries the headline, "The Job of Reducing the Deficit." It is an excellent statement, and while I would dissent from the conclusion that the 1983 installment of the individual tax-rate reduction should be postponed, on balance the article is worthy of our careful consideration.

The full text of the article is as follows:

THE JOB OF REDUCING THE FEDERAL DEFICIT

(By Martin Feldstein)

Speculating about the President's reaction to the budget advice of his economic counselors is such an absorbing activity that it's easy to forget that the administration's proposals are only the first step in the budget process. Congress will ultimately determine the shape of the budget for 1983 and beyond. Because both taxes and spending are in transition, it is particularly important that Congress make its budget decision as part of a long-term strategy.

The immediate focus in Congress will be on controlling the federal deficit. Only a few months ago, the administration shocked many people by acknowledging that tax rules and spending patterns imply a 1984 deficit of $160 billion. Such a deficit would be about 4 percent of 1984's $4 trillion gross national product, or about twice the rate of fiscal 1981. How did the prospective deficit get so large? And what will be done to reduce it?

It would be wrong to say that the 1984 deficit figure is due to a massive cut in personal tax rates. The 25 percent reduction that Congress enacted will be just about enough to prevent bracket creep from raising the share of income that is taken in taxes. It would also be wrong to say that the prospective deficit is due to a major rise in defense spending since the 7 percent a year real increase that the President has called for would raise defense spending only from 5.5 percent of GNP in 1980 to 6.5 percent in 1984.

ROOTS OF THE DEFICIT

The main reason that the prospective 1984 deficit is 4 percent of GNP is that the administration inherited a deficit that had grown over the past decade to 2 percent of GNP. The increase in defense spending over four years will add an additional 1 percent of GNP to the 1984 deficit. The business tax reductions (primarily the accelerated cost recovery system) and the personal tax cuts (including the bracket reductions, the saving incentives and the end of the marriage penalty) each increase the 1984 deficit by about 0.75 percent of GNP. Offsetting these increases are the spending cuts enacted in 1981 that, by 1984, will reduce outlays by about 0.5 percent of GNP. Combining the inherited deficit with these changes in taxes and spending implies a 1984 deficit of 4 percent of GNP, or $160 billion.

Some analysts have overreacted to this figure, saying that such deficits would cause financial chaos. Some administration spokesmen and their outside friends have overreacted in the opposite direction and said such deficits don't matter. Neither extreme position is correct. Large deficits in 1983 and beyond wouldn't cause financial chaos but they would be a very serious economic problem.

Continued deficits put pressure on product markets that makes prices increase faster than they otherwise would. Though the Fed may be able to prevent a significant rise in inflation by allowing high real interest rates to crowd out private spending, large deficits surely put the Fed's monetarist determination to a severe test. Moreover, such a policy could strain Congress' tolerance of high interest rates to the point where it forces the Fed back to the inflationary accommodation policies of the past decade.

But even if their inflationary effect is small, sustained deficits would be pernicious by crowding out private investment. In recent years, net private investment has been only 6 percent of gross national product. A rise of the deficit by another 2 percent of GNP could reduce net private investment by one-third of its current value to just 4 percent of GNP.

Of course the tax incentives enacted this year may raise total saving and increase the flow of saving into business investment by enough to permit the government deficit to rise substantially without reducing the current ratio of business investment to GNP. But even if that occurs, it wouldn't change the fact that the deficit would have prevented the increased capital formation that would otherwise have occurred.

It would surely be unfortunate if the important new tax incentives for saving and investment serve only to prevent our rate of investment from becoming lower than it has been in recent years.

What then should be done to decrease the deficit? The key is reducing federal nondefense spending. The overgrowth of government spending that has occurred in the past two decades would deserve substantial pruning even if there were no deficit. Much of the increase in government spending during these years has been due to the introduction and expansion of programs that are wasteful and are the source of serious distortions in economic incentives.

The issue is whether Congress and the administration will have the political fortitude to make the necessary legislative changes, especially in Social Security and the other "entitlement" or cash-transfer programs. Every proposed spending cut brings howls from those who would lose benefits and from the industries and professional groups that serve them. Moreover, the status quo acquires such an appearance of legitimacy that many others also rush to defend every existing program. But this plethora of programs cannot be legitimized by reference to their history.

Anyone contemplating the possibility of major reductions in government spending should recognize just how recently many of the spending programs were created or expanded. In 1960, federal civilian spending accounted for 9 percent of gross national product. That increased to 13 percent by 1970 and to 17 percent by 1980. Returning such spending to 1970's share of GNP—hardly back to the Dark Ages in terms of economic and social spending would reduce outlays by 4 percent of GNP or $160 billion at the 1984 level, enough to eliminate the entire deficit.

Though such a reduction of the federal government's share in GNP will not occur by 1984, it could be achieved over a somewhat longer period. If the growth of federal civilian spending where slowed to 2 percent less than the inflation rate, the share of such spending would be reduced to 1970's 13 percent in less than six years. Slowing the growth of spending in this way would obviously be politically difficult. But the exist-

ing legislative commitment to future tax cuts and the justifiable dislike of budget deficits may together provide the political pressure that Congress needs to enact this spending slowdown.

Canceling the personal tax cuts or increasing other taxes at the present time would reduce this pressure on Congress and thereby make it more difficult to achieve desirable cuts in government spending. Nevertheless, the failure to raise taxes implies larger deficits in the next few years and therefore more undesirable crowding out of private investment. How should this dilemma be resolved?

It is clear that if Congress is never going to get the spending share down to match the tax revenue that current tax rules imply, the tax rules must be changed to provide more revenue. Repealing the 1983 tax cut of 10 percent would add 1984 revenue of about $40 billion or 1 percent of GNP as a permanent tax increase. Similarly, the changes in excise taxes and other tax rules that the administration has discussed could permanently add some $30 billion to future tax revenue.

It would be wrong, however, to assume that the administration and Congress will lack the courage to control the growth of spending. Making such an assumption and therefore voting a permanent tax increase now would, by reducing the political pressure that a prospective deficit provides, make it more difficult for Congress to continue to slow the growth of spending.

My preference would therefore be to avoid a permanent tax increase but to obtain a temporary increase in tax revenue by stretching out the personal tax cut. For example, the 10 percent rate cut scheduled for July 1983 could be postponed until July 1984 or even divided between 1984 and 1985. Such a stretch-out would reduce the crowding out of investment during the next few years while the spending reductions bring total outlays into line with the tax structure.

BRACKET INDEXING VITAL

It is crucial for Congress to remain committed to both the series of personal tax rate cuts and the bracket indexing that together will keep the tax share from being increased by inflationary bracket creep. Because bracket indexing is scheduled to begin only in 1985 and is still not widely understood, it is vulnerable to the political pursuit of additional tax revenue. The abandonment of bracket indexing would virtually guarantee a return to spiraling increases in taxes and government spending.

Any extra tax receipts that result from raising excise tax rates or from other changes in tax rules should be only a temporary revenue increase designed to limit crowding out during transition to a lower government-spending level. It would be appropriate therefore for Congress to vote in 1982 to return any such revenue in future years by gradually increasing the $2,000 IRA deduction limit or by making other tax changes designed to encourage saving.

In short, the legitimate fear of a permament deficit cannot justify a reversal of the 1981 tax cuts or a permanent increase in taxes from other sources. Even more important, a desire to eliminate the deficit should not be used as a rationale for undoing the structural tax changes that were enacted to stimulate saving and business investment. If that were to happen, the favorable long-term consequences of the 1981 tax changes would be destroyed.●

THE 64TH ANNIVERSARY OF UKRAINIAN DECLARATION OF INDEPENDENCE

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. CLINGER. Mr. Speaker, the recent struggles in Poland have sharply reminded Americans how dear and fragile our basic human freedoms are. Today, we have set aside a few moments to remember the Ukraine, another Eastern European nation that has been subject to Soviet hegemony.

Sixty-four years ago, the Ukrainian National Republic was established in the wake of the collapse of Czarist Russia. The Bolsheviks who later seized power in Russia proved to be as imperialistic as their predecessors and soon imposed their will on the Ukrainian people. Soviet domination over this, the largest of all non-Russian nations in Eastern Europe, endures to this day.

It is a great tribute to the Ukrainian people that their rich culture and heritage has not died. For 60 years, they have faced the challenge of maintaining their national identity and pride even as their conquerors have sought to destory all non-Russian nationalism. They have met the challenge admirably.

For many months now, the world has watched uneasily to see if the Soviets would intervene militarily to end the struggle for freedom in Poland. America prays that they will not; however that option remains open to Moscow. But the lesson of the Ukraine tells us that no amount of military might will ever crush the spirit of a people. Today, we salute the Ukrainian people and hope that their brave example will serve to inspire all people worldwide who strive for freedom of self-determination.●

THE STATE OF THE UNION

HON. THOMAS B. EVANS, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. EVANS of Delaware. Mr. Speaker, I think the President did a splendid job in delivering his state of the Union address, but most importantly there was a great deal of substance and a great deal of hope for the American people.

His call for a "New Federalism" is a bold new concept that fundamentally realines the responsibilities of government at the State and Federal level, and one that balances those responsibilities. Of special importance to State and local governments is the fact that President Reagan has coupled their new responsibilities with the funding necessary for them to accomplish the job. I believe this realistic approach will result in improved services for people across America.

I was pleased to see that a number of ideas some of my colleagues and I have been suggesting to the President over the past weeks were included in the state of the Union address, including continuation of Federal responsibility and adequate funding for such vital programs for people as Head Start and education for the handicapped.

The President also addressed the present, the here-and-now problems of the economy and the need to continue with the broad, overall thrust of his comprehensive economic program.

It is essential not to retreat. To retreat now would send precisely the wrong signal in our country and throughout the world. We must continue our fight against inflation and redouble our efforts to reduce unemployment, bring down interest rates, and narrow the Federal deficit.

It is encouraging to note that the President believes, as I do, that this program must be equitable. Only if all of us perceive that we are bearing our fair share of the responsibility of fighting unemployment, high interest rates, and inflation will the plan continue to have the support of the American people. The minimum tax for large corporations the President mentioned in his speech is a significant step in closing tax loopholes and insuring tax equity.

Along these same lines, tax laws that unfairly benefit any one group over another must be eliminated. Accordingly, I strongly disapprove of recent Internal Revenue Service rulings that will permit Members of Congress to deduct what many taxpayers would consider unreasonable and unwarranted amounts from their taxable income without any sort of verification. I have written the IRS to express opposition to these recently issued regulations, and personally intend to continue to deduct only those expenses I actually incur. I include the letter at this point in the RECORD.

JANUARY 22, 1982.

Hon. ROSCOE L. EGGER,
Commissioner,
Internal Revenue Service,
Washington, D.C.

DEAR MR. COMMISSIONER: All agencies and departments of the federal government, including the I.R.S., must join in our efforts to narrow the federal budget deficit.

Congress especially must set an example and show leadership in our vital plans to achieve economic recovery. Like everybody else, reasonable tax deductions for expenses incurred on the job should be permitted for Members of Congress. However, the tax deduction regulations the I.R.S. issued last week create the potential for abuse and run counter to our efforts to be fair and equita-

ble in achieving economic recovery. The possibility that, under this new plan, a member of Congress could deduct up to $75.00 a day would demonstrate extremely poor leadership. I firmly oppose these regulations.

I, for one, intend to deduct only those expenses actually incurred, and will reject the loopholes created by the recent I.R.S. regulations.

With kindest regards,
Sincerely,

THOMAS B. EVANS, Jr.,
Member of Congress.

Members of Congress should not be discriminated against by our tax policies, but neither should they unfairly benefit from them.

We have made remarkable achievements in less than a year, but as the President told the Nation last evening, much remains to be done. There are no magic formulas or overnight solutions for the problems that have been developing over decades. We must continue to change the direction of government, but we must work toward this goal with constant recognition of the real and present needs of Americans all across the country.●

GONE BUT NOT FORGOTTEN

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. YOUNG of Florida. Mr. Speaker, 2 weeks ago today, Washington experienced a day of tragedies. While many felt shock and sadness for the events of that day, my grief was of a more personal nature. A long-time friend and staff member, Barbara Miller, lost her husband, Richard, in the airplane crash that claimed 78 lives.

Although Rich was only 37 years old, one could never accuse him of sitting back while life moved by. From his childhood as one of four children, to his University of Maryland college career, to his marriage to Barbara, to his heroic return from Vietnam, to his life as father and husband, Rich remained a gentle man of humor, wisdom, and compassion.

While we will never forget the circumstances that brought his life to a tragic halt, we will remember Rich for what he gave us. To Barbara—the love and courage to carry on in his absence. To Jennifer, his 5-year-old daughter—the love and hope for a bright and successful future. To Brian, his 3-year-old son—the love and zest for life his father always displayed. To family and friends—the love and strength he so freely shared. We will miss Rich and the joy he brought to our lives but we will not forget him.●

UKRAINIAN INDEPENDENCE

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. NOWAK. Mr. Speaker, I welcome this opportunity to join my colleagues in marking the observance of the 64th anniversary of the Independence of Ukraine.

This year's remembrance of Ukraine's short-lived experience as a sovereign nation is especially poignant in the wake of the imposition of Soviet-induced martial law in Poland and the continuing Soviet aggression in Afghanistan.

Events in Afghanistan and Poland during the 1980's provide the free world with grim reminders that the Russian bear which swallowed up Ukraine more than six decades ago has not changed its aggressive or acquisitive nature.

The bear still has claws and still will use them when it suits its purposes.

The Russian invasion of Afghanistan reminded us that the fledgling Communist rulers of the 1920's and the aging Soviet leaders of the 1980's share the same continuing interest in expanding their imperial borders.

The Russian inspired and supported crackdown on the liberalization movement in Poland also reminds us that Moscow remains intent on maintaining that empire.

I hope that these grim reminders of Russia's tendencies will make our Nation more skeptical and more critical in our dealings with that nation, whether it is on matters of trade or in the life-or-death discussions of arms reduction and nuclear proliferation.

Yet, the recent tragic event in Poland in particular offer some hopeful signs for the free world and for the citizens of captive nations in Ukraine, Hungary, Czechoslovakia and elsewhere.

For one, the Polish experience gives us real evidence of deep discontent within the Russian empire.

It shows there are cracks in the Iron Curtain.

It shows that the Communist economic and political system is an unnatural way of life that cannot—even under the most sustained repression—extinguish the natural desire of human beings to have the freedom to choose how they live their lives. As President Reagan said last June:

It is impossible—and history reveals this—for any form of government to completely deny freedom to people and have that go on interminably. There eventually comes an end to it. And I think the things we're seeing, not only in Poland but the reports that are beginning to come out of Russia itself about the younger generation and its resistance to long-time government controls, is an indication that communism is an aberration. It's not a normal way of living for human beings, and I think we are seeing the first, beginning cracks, the beginning of the end.

The imposition of martial law in Poland to squelch the Solidarity-led effort to obtain broader economic and political freedom testifies to Russia's concern that the Polish problem would spread to other captive nations. The Russian leaders know freedom is contagious.

Despite the imposition of martial law, that desire—in Poland and elsewhere—for freedom has not been squelched.

It is also hopeful that reports indicate the Polish military regime, the Catholic Church leadership and solidarity leader Lech Walesa are involved in discussions that seek to maintain some of the economic gains made during the previous 18 months.

I hope this evidence of continued discontent behind the Iron Curtain buttresses our Nation's resolve not only to offer moral support but to use whatever policitcal, social and economic tools are available to nourish those seeds of discontent. For one, we must insure adequate funding for agencies like the Voice of America, which beams the truth to help sustain Eastern Europe's flames of freedom.

As we commemorate this 64th anniversary of the independence of Ukraine, therefore, we can take heart that the flame of freedom burning in Poland is not a solitary one. There are many such flames burning behind the Iron Curtain. Eventually, many will ignite and consume the Communist dictatorships.

President Reagan sounded that note of optimism in his address last May at the University of Notre Dame, when he said:

The years ahead are great ones for this country, for the cause of freedom and the spread of civilization. The West won't contain communism, it will transcend communism. It won't bother to dismiss or denounce it, it will dismiss it as some bizarre chapter in history whose last pages are even now being written.

I hope and pray that these Presidential remarks are prophetic and that we in our lifetime will join in observing the Independence Day of an independent Ukraine and no longer need to observe Captive Nations Week.●

THE FEDERAL EMPLOYEES' FLEXIBLE AND COMPRESSED WORK SCHEDULES ACT OF 1982

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Ms. FERRARO. Mr. Speaker, today I am introducing the Federal Employ-

ees' Flexible and Compressed Work Schedules Act of 1982. This legislation will provide permanent authorization to allow Federal agencies to use flexible and compressed employee work schedules.

Since the early 1970's, more and more private businesses in America have adopted a variety of flexible work schedules for employees. Today, it is estimated that nearly 10 million full-time workers enjoy flexible work schedules and compressed workweeks, and an additional 12 million workers hold permanent part-time jobs. These variations from the standard, fixed-schedule 8-hour workday evolved as a means of coping with social change, particularly the dramatic increase of women in the work force, and the desire of all employees for a better accommodation between their working and personal lives. Employers found that they benefited from higher usage of buildings and equipment, decreased traffic congestion, and improved attendance, punctuality and morale. Because employees feel they have more control over their working lives, flexible schedules encourage workers to devote more responsibility to organizing their own work. Flexible schedules have also helped reduce the conflicts between work and personal needs, particularly for working women and others with household responsibilities.

Taking a cue from the private sector, during the past 3 years more than 320,000 Federal employees in 1,500 organizations took part in a highly successful experimental program temporarily authorized by Congress. The Federal Employees Flexible and Compressed Work Schedules Act of 1978 allowed experimentation with a number of alternatives to the traditional fixed-schedule 8-hour workday. As this authorization will expire on March 29, 1982, I am introducing legislation providing permanent authorization of the same program.

The 1978 act required the Office of Personnel Management (OPM) to submit a report on the results of the experiment and legislative recommendations no later than September 30, 1981, so that Congress would have sufficient time to consider permanent legislation in an orderly fashion. As chairwoman of the Subcommittee on Human Resources, I had planned to hold hearings last October. Unfortunately, we did not receive the report from OPM until November 9 and, as a result, our hearings had to be postponed. In addition, although OPM recommends that the program be continued, it has yet to propose permanent authorizing legislation. Therefore, I feel compelled to introduce this legislation in order to avert the mass confusion that would result if the authorization lapsed due to the administration's irresponsibility. I have scheduled hearings on this bill for February 3 and 9.

OPM's recalcitrance is perplexing in view of their favorable findings on the 3-year experiment. The original legislation required OPM to study the impact of alternative work schedules on Government efficiency, transportation, energy consumption, service to the public, increased employment opportunities, and quality of life for employees and their families. In brief, OPM found that all of the alternative work schedules used in the experiment were successful in most situations from the perspectives of experimenting organizations, service to the public, and employees, and recommended that Congress enact permanent legislation. However, with only 2 months left in the current authorization, the administration has not submitted proposals to continue this program it purportedly advocates.

I intend to move quickly on the legislation I am introducing today, and I hope to be back shortly before this House with a bill approved by the Post Office and Civil Service Committee. I am hopeful that at that time this body will vote to permanently authorize this highly successful and worthwhile program.

FEDERAL EMPLOYEES' FLEXIBLE AND COMPRESSED WORK SCHEDULES ACT OF 1982

This legislation, introduced by Congresswoman FERRARO, permanently authorizes the use of alternative work schedules in the Federal Government. This authorization is identical to the authorization for the successful experiment conducted during the past 3 years. The program permits, but does not require, Government agencies to utilize flexible and compressed work schedules.

SUMMARY OF MAJOR PROVISIONS

Permanently authorizes the use of flexible and compressed work schedules in Federal agencies;

Provides that OPM shall prescribe necessary regulations, provide assistance to agencies, and conduct periodic evaluations;

Allows broad management discretion in establishing limits on the use of flexible schedules to prevent disruption of agency operations or additional agency costs;

Requires negotiation prior to implementation of flexible and compressed work schedule programs in units where an organization of Government employees has been accorded exclusive recognition;

Subject to collective bargaining agreements, allows OPM or the agency to terminate any program if it determines it is not in the best interest of the public, the Government, or the employees;

Allows individuals to elect arrival and departure times within established parameters consistent with agency requirements;

Waives the provisions of 5 U.S.C. and the FLSA relating to premium pay for overtime work upon election by employees or negotiation by a recognized union of employees to participate in a flexible or compressed schedule program;

Allows employees to request a personal hardship exemption from participating in compressed schedule programs;

Prohibits coercion concerning employees rights to participate in flexible and compressed workweek programs;

Allows the carryover of a limited number of credit hours from one pay period to the next;

Upon a request by the employee, allows the agency to grant compensatory time off in lieu of overtime pay; and

Waives provisions related to night differential pay based on an election by the employee to work certain hours.●

THE WELFARE MONSTROSITY

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. DORNAN. Mr. Speaker, as we prepare to hear the state of the Union message from the President, I am sure that some members of the press are ready to continue their attack that Government policies are aimed at mainly aiding the affluent and hurting the poor. The enclosed article by Marvin Stone clearly refutes the crescendo of hysteria directed at President Reagan's reductions in welfare services. Please President Reagan "hang tough," Mr. Stone is correct—you are on the right track.

[FROM THE U.S. NEWS & WORLD REPORT, FEB. 1, 1982]

THE WELFARE MONSTROSITY

(By Marvin Stone)

President Reagan, in forthcoming messages to Congress, is prepared to call for more cuts in government social services—thus stimulating a further round of aggressive protest.

Liberals especially will tell us again how the Reagan administration is hurting the poor by cutting back on welfare programs. And again they will find a sympathetic response among this country's basically open-hearted population.

But Americans should consider the facts before they get carried away by their emotions. They should look not only at the ballooning costs of welfare programs in this country but also at the effects of those programs.

First, the costs. In this fiscal year, nearly 70 million people will collect more than 350 billion dollars from the federal government in payment of what have become known as "entitlements"—and that is almost half of all federal spending.

"Entitlements" include many things besides welfare—and most cause no quarrel, such as Social Security benefits, medicare, medicaid, veterans' benefits and so forth.

As for welfare payments alone, they account for 91 billion dollars this year. Notice how these costs have grown: In 1964, just before President Johnson launched his Great Society program of his government spending, the cost of federal welfare programs was 8.8 billion dollars, about 7 percent of all federal outlays. The cost is now more than 10 times as much and accounts for almost 13 percent of all federal spending.

Some examples: In 1964, 4.1 million people got 900 million dollars in Aid to Families With Dependent Children (AFDC). Today, 10.9 million draw 6.8 billion dollars under AFDC.

Food stamps went to 360,000 people in 1964 at a cost of 30 million dollars. Now, 22 million people get food stamps at a cost of 9.6 billion dollars.

Has this kind of spending accomplished its purpose of eliminating poverty?

There were 36.1 million Americans officially classified as poor in 1964. Today, 29.3 million are so classified. But there are more people getting welfare aid now than there were when President Johnson began his War on Poverty. The more people we help, it seems, the more people there are who seek help.

This is one reason this administration is taking a harder look at our welfare programs and trying to get them under some kind of control. The President feels there must be some better way than the methods of the past.

Thomas Sowell, a senior fellow at Stanford University's Hoover Institution, who is black, had something to say about this in a recent syndicated column. He wrote:

"A few years ago, someone calculated how much it would cost to lift every man, woman and child in America out of poverty by simply giving them money. It was one third of what was being spent on poverty programs."

Much of the tax money voted to help the poor never reaches them. Instead, Sowell points out, it trickles down to hordes of people paid to devise and run the welfare programs—"administrators, statisticians, consultants, economists, sociologists, think tanks, universities, social agencies and miscellaneous boondoggles."

A charge often heard is that Reagan is trying to balance the budget at the expense of the poor, that he is following a "trickle down" economic policy—justifying tax breaks for the better-off on the theory that their gains will trickle down to help the poor. When you consider the mammoth yearly expenditures we have cited, it's not hard to agree with Sowell that "the welfare state is the ultimate in 'trickle down' policies."

No one is suggesting that we turn our backs on the truly needy. We are by and large a compassionate people. But we have a right to insist that fraud and waste and malfeasance in these programs must go. We have a right to insist that the time has come to tame the federal welfare monstrosity that has been created. The President says that less money, spent more wisely, will benefit us all. The President is on the right track.●

SUPPLY SIDE ECONOMICS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. PHILIP M. CRANE. Mr. Speaker, much criticism has been raised in the recent press about the President's economic program, projected deficits, and tax cuts. In the main, it is hollow rhetoric. The following are two articles from U.S. News and World Report and the Wall Street Journal which thoughtfully address these concerns. There is no question severe problems exist. Equally clear, however, are the solutions. I commend these articles to the attention of my colleagues:

[From the U.S. News & World Report, Jan. 18, 1982]

WHAT WENT WRONG WITH "SUPPLY SIDE" ECONOMICS

(Interview With Arthur B. Laffer, Economist)

Q. Professor Laffer, the economic picture now is far worse than President Reagan predicted when he came into office a year ago. What went wrong?

A. The administration and Congress postponed the tax cuts. I put much of the blame on David Stockman, director of the Office of Management and Budget. This is the Stockman recession and the Stockman deficit. He was too concerned about budget deficits and watered down the tax cuts, which has slowed the economy. Stockman, with his talk of huge deficits, tax increases and more budget cuts, is fighting to bring back the days of Herbert Hoover. He's trying to scare people.

Deficits aren't the cause of bad economics; deficits are the consequence of bad economics. You never balance the budget when you have slow growth, high unemployment, high inflation and high interest rates, as we do now.

Q. But Reagan's business-tax cut was not postponed, and the personal-tax cut was postponed for only a short period of time. Is the mechanism of "supply side" economics so delicate that even small changes upset it?

A. I'll answer with an illustration. Suppose you have to go back to school and won't earn any income for a year. You have to decide whether to go this year when income-tax rates are high or next year when they are low. So which year do you go to school? This year, of course.

Now, apply that to the tax structure. We have had a cut in personal income taxes so far of 1.25 percent in 1981. In 1982, we'll have a 10 percent cumulative cut. In 1983, it will be a 20 percent cumulative cut. The whole economy works on incentives like these. What's happening is that people are putting off investments and income-producing work now to wait for a more favorable tax situation.

As it is, the savings rate already has gone up substantially in response to new incentives. Businesses are certainly using the new tax-leasing arrangements in which firms with unused tax credits sell them, in effect, to other profitable firms that can use them and, in the process, lease back certain property. These leases may not have been the smartest step the government could have made, but people are moving very quickly to use the incentives that are there. Just think of the great shape we'd be in if the tax incentives scheduled to take effect in future years were in effect now.

Q. Business is saying that high interest rates are what's keeping them from going ahead with new investment. Doesn't that situation preclude greater investment even if the tax cuts had taken effect earlier?

A. Sure. Clearly, low interest rates, whatever the tax structure, would be better than high ones. Vice versa, with a given interest-rate structure, low taxes are better than high ones for investment purposes.

Q. With the economic policies now in place, when is the recession going to end?

A. Nineteen eighty-two will probably be sluggish, but not as bad as 1981. Then 1983 will be great, and 1984 will be phenomenal. Once the incentives to postpone taxes are gone, people will make production decisions immediately instead of waiting.

Q. If 1983 and 1984 turn out as well as you are predicting, will the federal-budget deficit be shrinking, rather than ballooning as some estimates suggest?

A. Yes. The deficit in and of itself is not a problem. It's a barometer of what's going on. Right now, it's an indicator that our economy is sicker than a dog. But the way you solve a deficit is to create economic growth and low inflation. These huge estimates are sabotaging Reagan's Presidency. It's strictly scare tactics. If you look back at estimates OMB has made in the past, they are never anywhere close to the later reality. Whoever is putting out these wild numbers is trying to unelect Reagan, the same way that Hoover was unelected.

Q. Who's behind the numbers?

A. The people who want to raise taxes. When you talk about a 182-billion-dollar deficit, it scares people. It also leads you to grasp for solutions. And the solutions they're grasping for are what they call revenue enhancers. I call them tax increases. These are the same people who fought the President's tax-rate reductions all the way. What they don't see is that the tax reductions are what it takes to get the economic growth we need to eliminate the deficits.

Q. But Republicans in Congress are saying the same things—

A. Then Republicans have serious problems in their own party. They have never been friendly to supply-side economics—it's just Ronald Reagan who is.

Q. What should be President Reagan's strategy in the 1983 budget that will be unveiled later this month?

A. The President should do all he can to spur economic growth. No. 1, he should make all the tax cuts effective retroactive to Jan. 1, 1982. No. 2, he should go back to convertibility—that is, a version of the gold standard—as fast as possible. He should restore some of the funds that have been cut for social programs. Finally, he should pressure the Federal Reserve to bring interest rates down. High rates won't solve our inflation problem.

Q. If the President were to do all that, when would we begin to see results?

A. You would see the benefits right away. It may take a long time to offset the total damage to the economy, but you wouldn't have hard times.

Q. Why will 1982 be better than 1981? Won't people wait to invest until 1983 when there is a bigger tax cut?

A. There will be some of that, but the tax situation nevertheless is better in 1982 than in 1981. That's why I was so strongly against postponing the tax cuts. If it's good,

it's good doing it now. If the President were to advance all the tax cuts to 1982, it would be a phenomenal year. And we would balance the budget by 1983 or 1984. The situation now is very close to what we faced in 1961-62. If you remember, in 1961 President Kennedy's popularity was falling, the stock market was falling. Then, in 1962, he came through with the first of a series of cuts that eventually included shorter depreciation, investment credits, a series of across-the-board individual-tax cuts, corporate-tax cuts, as well as his version of taking us back to the gold standard. The stock market hit its trough in the spring of the year, and then we started on the long, roaring '60s.

Q. Inflation today is much higher than it was in Kennedy's day. Won't big tax cuts worsen the problem?

A. In my view, inflation pushes people into higher tax brackets. Inflation is a tax increaser. So any tax-rate reduction that you would make when there is no inflation needs to be bigger if you have inflation. It takes a bigger tax cut now to get the same effect we had in the 1960s.

Q. Do you see a need for deeper tax cuts than have already been enacted? And in what form?

A. We surely never want a tax on corporate profits. It makes no sense at all. If a firm wastes resources and does poorly, the government bails it out; if a firm uses resources efficiently and makes a good profit, we tax the heck out of it. I'd favor a value-added tax at the corporate level to substitute for an income tax. We also should do away with progression in the tax code for individuals. It makes no sense to tax incomes at very high rates, because it destroys incentive to earn and invest.

Q. Would you end deductions and exemptions?

A. Sure. I'd like to have a flat value-added tax under which taxes are included in the price of goods and everyone who buys something winds up paying the same tax rate.

Q. Why did you say Reagan should restore some of the budget cuts in social programs?

A. I'd never risk the security of Americans in order to balance the budget. If there is waste and fraud, cut it out. But you don't solve the deficit problem by cutting off food stamps to people who are out of a job. You just don't do that, on moral or political grounds. It's offensive.

I surely would like to change some of the social programs, but you do it when you don't need them—in a growth economy. A boom is the necessary condition for any social-spending changes. Furthermore, you don't keep the safety net in place and then cut the welfare benefits of everyone outside the net. It creates disincentives. It's not worth it to go to work if you're a ghetto dweller. It's more advantageous to stay home and collect all the safety-net benefits that you can.

Q. What about the defense budget? Is it too big?

A. It depends on what you think we need to spend for the security of the nation. I do know that if you don't have locks on your doors, you're in trouble. And if you have 17 locks on ycur doors, you're wasting your money.

Q. Even if the tax cuts had come in exactly as you wanted, the government's reliance on monetary policy to contain inflation would mean continuing high interest rates. How do you expect business investment to pick up in the face of those rates?

A. You don't. The purpose of monetary policy is to make money attractive to hold. The government has an obligation to the citizenry to guarantee the purchasing power of the monetary unit. If we made a contract for a 20-year loan, you should know what you're going to be paying me, and I should know what I would be receiving in real, inflation-adjusted terms.

In almost all situations where you find stable prices and good monetary policy, you find the government guaranteeing the value of the currency by making it convertible—backing it up with gold. that's the monetary-policy side of supply-side economics, not the high interest rates we see today.

Q. Why would a gold standard work?

A. When you have an unhinged paper currency, as we do now, it depreciates in value. People don't hold paper because they like paper; they want to hold guaranteed purchasing power. Take a look at what's happened since August, 1971, when President Nixon took us away from a fixed exchange rate. The purchasing power now of an ounce of gold is five times what it was in 1971. At $800 an ounce, it was 10 times higher. When you see the price of gold going from $35 an ounce to $800 an ounce, it tells you something is wrong with money. Gold is the first refuge of the cautious.

What you're really doing with a gold standard is conferring on a dollar bill all the qualities of gold. If you have a good money, the price of gold tumbles. What we have done by making an inferior money is to subsidize the chief producers of gold—South Africa and Russia—with billions of dollars in gold purchases. The price of gold has shot up as the value of our money has declined. If you want the price of gold to tumble, make the dollar as good as gold.

Q. How do we do that? Don't we first have to cut inflation?

A. No, just the reverse. If you look at what's been done in Europe to stop hyperinflation, you go to gold to restore the value of money. What ensues is rapid economic growth, and budgets are balanced quickly. In the U.S., the last time we stopped a major inflation problem was in 1946. What did Harry Truman do? He went to a modified form of gold convertibility and cut taxes on personal and corporate income. What we had in the years just after World War II was an unemployment rate that never went as high as 6 percent. The budget was balanced four out of five years. Enormous economic growth took place in the private sector.

The way you stop inflation is by growing out of it, not by contracting the economy. I don't know of any major inflation that has been stopped by a recession, by tight money and by high interest rates. It takes economic growth to solve the problem, and you can't get growth and investment with those policies.

Q. If we went back to gold, wouldn't the Federal Reserve lose some of its power to control the money supply?

A. The Fed doesn't have complete power over the money supply now. But the answer is that you'd put that power in the hands of the private sector. Gold has nothing to do with the quanity of money; it is just a barometer of attitudes about money.

It would work this way: When the Fed sees people selling gold to get dollars, it would know it didn't have enough dollars in circulation, so it would go into its open-market operations and buy government bonds in order to get more dollars in circulation. Then people would stop buying dollars with their gold.

Likewise, when people are turning in their dollars for gold, you know there are too many dollars outstanding, so you sell bonds on the open market until they stop. You use gold as the indicator of policy.

Obviously, you never go to the point where you let gold run your world. Suppose, for instance, someone discovers a new way to produce gold at $5 an ounce in unlimited quantities. In that case, you go off gold for a while and reset the price. I don't want a pure gold standard. But let's go back to a blended system where we use it when it serves us and we don't use it when it doesn't.

Q. Then what's the point of switching? Aren't you still saying the Fed has to step in and use its judgment? That's no different from the situation today—

A. The difference is that today we are not using any of the beneficial aspects of a gold standard. My proposal would specify in advance the conditions under which gold convertibility would be suspended and later reestablished. Adjustments will be likely, and they should be done without destroying the system. The essential point remains that we need a money whose value is guaranteed, so that when I make a 30-year contract with you I will know what that currency will be worth at the end of the contract. It's nonsense to think that the current policy of slowing growth in the quantity of money will slow inflation. The reason is that the demand for money is just as important as the supply of it.

To show you what I mean, substitute apples for dollar bills. If I grow a bumper crop, the quantity of apples increases and the price of each falls. If there's a shortage, the price or value of each goes up. With money, the faster it grows, the higher inflation; the slower money grows, the lower inflation.

Now look at the other side of the equation. Say scientists discover that apples have strong aphrodisiac qualities. There's a huge increase in demand, the price goes up, apple growers pick their trees cleaner and grow more varieties. There's an increase in the quantity of apples as the value of each unit goes up.

Take a second situation. The surgeon general announces that apples cause a dangerous illness. Demand disappears, the price tumbles and the quantity tumbles.

I'm saying there is a demand curve and supply curve in every market, including money. Every classical economist knows that when you make a good money, you have more of it. If we made the dollar as good as gold, the quantity of money would increase enormously because we would have finally made money desirable. I want to see the quantity of money double, not because the Federal Reserve has more printed but because money is in demand.

Q. How good a job is the Federal Reserve doing today?

A. The Fed has no control over the quantity of money at all. I'd like to see the board reduce its taxes on the domestic banking system—that is, lower the interest rate on borrowed reserves, reduce the discount rate and reduce reserve requirements on banks. The point is to make money more attractive to banks, to increase demand for it.

Q. Just what is supply-side economics, in your view?

A. It's basically looking at incentives. People base their actions on incentives. When you change those incentives, they change their behavior. For instance, people don't work to pay taxes. They work to get what they can after taxes. The after-tax return determines whether a person works,

or sits on the beach of Malibu, or changes jobs. People don't save to go bankrupt. They save to augment their wealth, not reduce it. Therefore, it's the after-tax rate of return on savings that determines the volume of savings, not the level of income.

In today's environment, supply-side economics means changing the tax structure so that productive investment gets the same or a better rate of return than nonproductive ones, such as investing in a law firm or in gold hidden in a basement or a Bermuda offshore corporation. The real problem is that today you make more money with those kinds of investments than in building steel mills, cement plants and asphalt factories.

Q. Aren't you promising a free lunch for the economy—that we can achieve high growth and low inflation without any pain?

A. Well, that is the whole purpose of economics—to create added value. Every time you make someone better off, it doesn't mean that someone else is worse off. If you develop a new widget that does its job twice as well, you're better off and every widget purchaser in the world is better off. You have created free lunches.

Q. Do you feel your supplyside theories have been abandoned by the Reagan administration? Do we now have a jerry-built economic strategy in place? And will it work?

A. Our policies haven't been abandoned. Reagan didn't back down on tax cuts. Sure, they're not as fast as I'd like to have had them. But they are on the books. Now we just have to sit and wait. Postponing them won't improve the situation. But 1983 will come and 1984 will come, and the economy will be in great shape.

Q. What is your view on why Wall Street doesn't seem to believe the program will work?

A. Wall Street probably has a good chance of being right. The chance of Stockman's winning this battle and dismantling the supply-side tax cuts is reasonably high. Stockman was the guy who put the plank in the Republican platform on gold; now he talks it down. He's the guy who advocated all the tax cuts; now he wants tax increases. He whispers one thing to the Atlantic monthly magazine and says other things publicly—both of which are quite different from what he tells people privately.

There is one supply-side "mole" in the White House. It's the President. He's the only guy who wants it.

[From the Wall Street Journal, Jan. 14, 1982]

VOODOO POLITICS

President Reagan spent 55 minutes Monday listening to the House Republican leadership plead for higher taxes. While they differed sharply on which taxes to raise, all except Rep. Jack Kemp wanted some tax increase. At the end, the President made two remarks: That he could never see the difference between "crowding out" by government borrowing and "crowding out" through higher taxes. And that he and other Republicans weren't elected to raise taxes and government spending.

The session will be repeated Friday with Senate Republican leaders, who are even worse than their House colleagues. After writing a lavish farm bill, Senator Dole wants a tighter minimum tax, which we are going to call "the wheat-growers tax," a companion to the "Tombigbee-Clinch River tax" we dedicated a few weeks ago to Senator Baker. Except in the grossest pork-barrel sense, we cannot fathom the appeal of tax increases to Republicans who have to face the electorate in 1982 or 1984.

The elections next November are going to be dominated by the success or failure of the Reagan economic policies. But whether or not the economy is in recovery by then, we do not see how Republican chances would be improved by proposing now to increase taxes a year hence. If the economy has not recovered, the proposal to increase taxes in the face of recession will look ludicrous. If the economy has recovered, the tax increase proposal will look like a retreat in the face of victory. Yet this is the ground much of the GOP wants to stake out.

There is of course idle talk flitting about that seems to suggest that a 1983 tax boost is just the tonic to spark a 1982 recovery. Any skepticism about this novel theory is brushed off as "voodoo economics." The notion seems to be that a good stiff tax increase would spark a recovery by igniting a rally in the bond markets. On this the GOP is urged to stake its future.

Now, the bond markets remain profoundly discouraging, with long-term interest rates back at or near their historic highs. The sustained boom we all would like to see is hard to conceive unless these rates come down to more normal levels. Almost certainly the high rates reflect a lack of confidence that monetary restraint can be sustained over the long term. The fear is that the Fed lacks both the intellectual understanding to hew to a non-inflationary monetary policy, and also the political will to conduct such a policy under pressures that arise from fiscal policy.

The fiscal pressures, though, are only secondarily those of deficits. Deficits do of course matter, though not in the simplistic way the old-time religion teaches. As President Reagan's remark about "crowding out" suggests, the primary fiscal pressure is from government spending; whether this is covered by taxes or borrowing is a secondary matter. Long-term bond markets have long since ceased to exist in those European nations that have boosted taxes to 50 percent of national income. Here at home, does anyone seriously believe that 30-year bonds will rally if taxes were increased but nothing were done to correct the imbalances in the Social Security system?

In truth, the intra-GOP battle over the deficit is a battle less over economic theory than over political symbols. Some agree that lower spending is the true goal, but argue that the deficit is the club for achieving this. Our contributor Herbert Stein writes movingly on this theme, unchastened by his experience in the Nixon administration. In fact, experience seems to suggest that the deficit is a club to get Republicans to levy taxes to cover Democratic spending programs. If the "Reagan revolution" is not about ending this no-win game for both his party and the nation, it is about nothing at all.

President Reagan himself seems to understand this well, at least to judge by his concluding remarks to the House leaders. What he needs to do now is send up a budget without major tax increases, and attach a note saying that if Congress is disturbed by the deficit numbers he will work up some further ideas on expenditure reductions. Then at the very least he is in a position to bargain with Congress. We see nothing he can gain, either economically or politically, by heeding the chorus of voices urging him to start compromising with himself before the real horse-trading begins.

THE ANXIOUS AGED

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. SCHUMER. Mr. Speaker, the following Wall Street Journal article of January 6, 1982, describes the fear of the Nation's elderly for the actions of the present administration that is led by one of their own generation. The Reagan administration's lack of concern for the plight of many of the Nation's elderly has been displayed by vicious budget cutting that threatens to leave many elderly hungry, homeless, and destitute. It is a cruel thing when the attitudes and actions of a governing administration are increasingly, pitifully feared by the Nation's most vulnerable.

THE ANXIOUS AGED—MANY ELDERLY FEAR REAGAN BUDGET CUTS, AND SOME FIGHT BACK

(By Hal Lancaster)

CHICAGO.—Residents of the Division La Salle Senior Apartments here face all the traditional enemies of the aged: fears of infirmity and death, of night and the hostile streets, of loneliness, of poverty.

And now they also fear Reaganomics.

However Ronald Reagan's economic program may eventually turn out for the country as a whole, it has already stirred deep emotions in the aged. It has angered the middle-class elderly, who are fighting back with the political muscle generated by growing numbers, and it has frightened the elderly poor, who have neither the means nor the inclination to fight back.

UNSETTLING FEARS

Thus far, the cutbacks haven't justified the fears. Mr. Reagan's proposed fiscal 1982 budget won't plunge masses of the elderly into starvation, although the cuts certainly will hurt. But with mounting budget-deficit projections and consequent concern about reigniting inflation putting pressure on the President, fiscal 1983 and beyond could bring harsher cuts to programs that help the elderly. And for people such as the 300 residents of the Division La Salle public-housing project, who lean heavily on federal largess, the fear of cuts can be nearly as damaging as cuts themselves.

"They're confused. They don't understand the explanations" offered by government-agency people, says Dianne Brauer, a social worker who visits this dormitory-like brick building at least once a week. "Even if their checks aren't being cut, there's a fear they're going to be and, therefore, a lessening of security." Indeed, one panicky resident, fearful of losing federal medical aid, recently purchased private health insurance that "was totally unnecessary," Mrs. Brauer says. "She was completely covered."

Of course, even budget planners find fiscal 1982 budget proposals mystifying. The effects on social services are "impossible to trace," concedes a spokesman for the Office of Management and Budget. What can be stated unequivocally is that most cash benefits haven't been touched, he adds.

PROBABLE CHANGES

Senior-citizens groups contend that other, seemingly benign, changes mount up to con-

siderable damage. Behind the blizzard of titles and sections that make up the complex budget, some conclusions can be drawn. When the fiscal 1982 budget is finally approved, it is likely to contain these provisions, a variety of experts say:

Reduced food-stamp benefits. The value of food stamps will be cut by a delay in cost-of-living adjustments. Until next September, food-stamp values will be computed on the basis of September 1980 food prices. Also, an $11.3 billion cap on food-stamp expenditures could force across-the-board cuts if unemployment continues to increase and the cap isn't raised.

Increased Medicare-Medicaid costs. Most senior citizens will face a $69 increase in Medicare deductibles, although some of that is inflation-related. They also will pay a greater portion of costs for hospital stays beyond 60 days. Trimming of the more comprehensive, state-administered Medicaid program, which serves the poor, could hurt even more. About 41% of Medicaid funds pay nursing-home bills, and senior-citizen groups envision numerous evictions from these facilities if a proposed $1 billion cut in federal support is enacted. If states can't fill the financing void, other senior citizens could lose part or all of their Medicaid benefits and be left with the less complete Medicare coverage.

Reduced rent subsidies. Over a five-year period, senior citizens' share of rents at public-housing projects will increase to 30% of their gross income from 25%.

Reduced public-housing construction. Construction money was cut 4%, reducing planned units by 5,000. About one-third of public-housing residents are elderly. "If we are required to cut back from our current level, it would cause a severe problem for us in our operating budget," says Andrew J. Mooney, the executive director of the Chicago Housing Authority. Already, projects have been shelved, including an ambitious complex that would have included on-the-spot medical and in-home care. Maintenance also has been impaired, Mr. Mooney says.

Elimination of the minimum Social Security benefit for new retirees. This has been a hot potato. The administration wanted to eliminate an estimated three million recipients of the $122-a-month minimum payment for those with limited work records. Congress objected. The compromise recently reached: Current recipients will be restored, but new retirees won't be added to the minimum-benefit rolls after Jan. 1.

A social-services puzzle. The "new federalism" shifts much responsibility for social services to the states through block grants that contain 25% across-the-board cuts. More efficient state programs and a loosening of federal strings will make up the difference, Reaganites insist. Many financially squeezed states aren't so sure.

So far, Washington has loosened strings in some areas but tightened them in others, says Peg R. Blaser, the director of the Illinois Department on Aging. Under the block grant, for example, "very stringent" requirements for social-services reimbursements to the states were dropped, she says. But restrictions on the use of surplus food sold to the states have been increased and the complex pricing formula changes; as a result, paper work has increased.

Still, she insists, the state "can meet legal mandates" at proposed financing levels. And there will be efficiency savings. Recently, for example, she discovered that her department and a nearby university, unbeknownst to each other, were conducting almost-identical research projects financed with federal money. Many research projects are being dropped, she says.

Some social-service programs will be spared because the Older Americans Act, which finances a wide variety of programs, wasn't lumped into block grant or cut significantly. But it wasn't increased, either, and so inflation is forcing cutbacks anyway. "We're taking our lumps in personnel and hanging on to service dollars," Mrs. Blaser says.

Moreover, crucial programs for the elderly still could be lost in the fierce jostling for remaining block grants and state funds. Of particular concern: in-home medical and housekeeping aid. Without it, many elderly could be forced into nursing homes.

FISCAL 1983 BUDGET

Also of great concern are the current discussions about the budget for fiscal 1983, which begins next Oct. 1. Because of the large projected deficit, Mr. Reagan is expected to propose this month deep cuts in social programs. "This will be the most important budget battle of the Reagan term," says Robert Greenstein, a private Washington researcher who analyzes the effects of budget proposals on the poor.

Among proposals being discussed in the administration are two that would seriously reduce food-stamp benefits to the elderly. One would raise to 35 percent from 30 percent the portion of income subtracted from projected food costs to determine the benefit level. That seemingly modest change gets magnified in the calculations, and the people who would suffer the largest proportional cuts would be the elderly, Mr. Greenstein explains. He says monthly food stamps for an elderly couple with monthly income of $425 would drop to $10 from $26.

In addition, the administration also will apparently seek to reduce food-stamp benefits by $3.50 to $5 for each $10 of low-income energy assistance received. About 40 percent of these recipients are elderly and would lose a significant part of their food stamps during winter months.

The 1983 budget probably will include drastic reductions in new public-housing construction, and it could change radically the Medicare and housing-payment systems in ways that senior-citizen groups contend (and Reaganites deny) could make them more costly to the elderly. One possibility: Instead of reimbursing actual costs, the government could make one payment annually, based on average costs. That would effectively cap government expenditures. Political opposition could force modifications, but severe cuts of some kind are considered definite in both areas.

There is also discussion of adding the value of food stamps received to income calculations. That change would mean increased rent payments for residents of subsidized housing, who pay a percentage of their income.

REAGAN'S DEFENDERS

Of course, believers in the Reagan program contend that his tax cuts, tax indexing beginning in 1984 and, especially, the hoped-for reduction in inflation will offset budget cuts. "The elderly are most hurt by inflation," says Curt Clinkscales, the national director of the conservative National Alliance of Senior Citizens. "With lessened inflation, their dollars will go further."

Besides, he contends, the needy will be protected while the greedy will be exposed. "So many people who are not poor are getting benefits," he says. "I see these old people partaking in these federally funded meal programs and, my God, they're driving down there in Cadillacs."

Among the elderly, such believers are probably a minority, however. Most see their checks reduced and their out-of-pocket costs increased—and they worry. "The cuts aren't a lot, mostly under $20 a month so far," says Mrs. Brauer, the social worker. "But when you're living on $250 a month, that's quite a bit."

The cuts could have been worse but for political pressure from the elderly. In a rapidly aging society, the political voice of the aged has grown ever louder. There are 25 million of them, and a higher percentage of them vote than in other age groups. In fact, this country could be a gerontocracy by the next century, contends Fernando Torres-Gil, an assistant professor of gerontology and public administration at the University of Southern California. "It's no accident that Reagan's program was sailing along until he got to Social Security; then the elderly showed their muscle."

But the senior citizens who jeered administration officials at the recent White House conference on aging and haunt the halls of Congress are light-years away from the residents of Division La Salle. Here, Mr. Reagan has brought despair and helplessness, Mrs. Brauer says, and little political militancy. "I wish I'd see that, but I don't," she says. "They seem more beaten than ever."

Each weekday, 75 or so of the elderly gather here about 11 a.m., register, pay 75 cents, take a number and wait for their federally subsidized meals. The cafeteria is one of a handful of "nutrition centers" serving meals to the elderly around the city. Some of the diners, therefore, don't live in the building; they are all old and poor, though.

The meal is franks and beans, and Wanda Jablonski, 86 years old, picks at her food while a neighbor takes some of her milk. So far, she says, her food stamps have been cut from $44 a month to $10. Why? "I don't remember," she says. Also, she complains, visits to a doctor for her glaucoma cost her $25. "Now the government doesn't want to give nothing for that," she says.

Still, her greatest fear concerns her $235-a-month Social Security benefit. "They should never cut my Social Security. Can you see that my benefits aren't cut?" She asks a visitor who has nothing to do with government programs.

LITTLE CHANGE SO FAR

Sammie Stewart, 69, hasn't felt much change yet. "It's just anxiety right now, from what you read," he says. "Besides, there's nothing he (Mr. Reagan) can do that can affect me; my budget is very low."

Mr. Stewart won't give numbers, but says he lives off Social Security and food stamps. "I only get a small amount of food stamps, but it helps out," he says. "With my small Social Security, I barely make ends meet." Neither has been cut, he says, but he fears the future. Transportation for the elderly is being reduced and, in a year, he predicts that the subsidized lunches such as those served here will be cut down or cut out. "It doesn't make sense to spend millions of dollars on arms they're never going to use when there are people here who need food," he says.

Budget cutbacks at the federal, state and local levels seem to snowball by the time they reach the people here—at a time when rents, utility bills and food prices are climbing. William Siegel, community and tenant-relations aide for the building, provides a

laundry list of troubles: Food stamps are being cut back. So are maintenance services. "About 300 craftsmen were cut by the Chicago Housing Authority," he says. "If the toilets are backed up or a room needs repainting, it will take longer." Free entertainment that used to be provided for parties in the building and the buses that used to be supplied for outings have been eliminated. Because of the Reagan budget cuts? he is asked. "That's what I was told," he says.

MILITANT EXCEPTION

Sidney De Koben, 70, is an exception here; he is a true militant. Mr. De Koben belongs to a group called Metro Seniors in Action, and he has taken to the stumps and the streets to protest Reaganomics. "These are vicious cuts," he says. "It's like a vicious Robin Hood taking from the poor and giving to the rich."

What is of most concern to him, like the majority of residents here, is Social Security. "It provides them with a bit of pride," Mrs. Brauer explains. "It isn't public-dole money; they feel they earned it, that they put it in there."

Mr. De Koben, once a manual laborer, receives $335 a month from Social Security. He spends $40.50 a month on rent (excluding his electricity bill). He doesn't get food stamps. "I think I'm above that (income) level," he says, conceding that he isn't sure and will check with social-services people. "I don't eat so much anyway," he adds.

"There's going to be some cuts" in Social Security, he says. "Reagan says he won't hurt the present people, but in the future, he'll have to cut them, too.

NEWBORN LION

"I hate to be vicious," he adds, "but we should drive the snakes out of Washington like St. Patrick drove the snakes out of Ireland." He leans back, smiling, "I used to be quiet as a lamb," he says. "Now, I roar like a lion."

The next day, government representatives appear at the building for a briefing on how the budget proposals will affect the elderly. Speakers discuss Social Security, Medicaid and food stamps, with a mind-boggling maze of eligibility and cross-eligibility requirements and exceptions. The questions are similar: nuts-and-bolts queries about cuts in government checks. The answers are frequently followed by residents complaining, "I just don't understand it." And there is skepticism about the Social Security spokesman's contention that the system is running out of money. Finally, state Rep. Jesse White concludes the seemingly fruitless meeting.

"Mr. De Koben asked if we had any good news," he says. "Frankly, no. I know you've been tightening your belts, but you may have to tighten them some more."●

WOLFE PUBLICATIONS: 25 YEARS OF QUALITY SERVICE

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1982

● Mr. LaFALCE. Mr. Speaker, in an age of nationwide newspaper chains and syndicates, I find it exciting to follow the progress of the small independent newspapers and locally owned chains that service my home region of western New York. One of New York's—if not the Nation's—finest newspaper publishers, Andrew D. Wolfe, is currently celebrating his 25th anniversary as the owner of seven western New York weekly newspapers. His success is an indication that hope for the future of independent, local newspapers is not entirely misplaced.

Twenty-five years ago, Andrew D. Wolfe entered into the newspaper business in a quite and tiny way. As publisher of three small weeklies, the Brighton-Pittsford Post, the East Rochester Herald, and the Penfield Republican, Wolfe turned out about 1,250 issues each week. As his silver anniversary report on the first 25 years notes, "in many ways these printing methods were closer to the methods used by Benjamin Franklin in the 1700's." But growth was just around the corner.

From a paid circulation of 1,250 with 8 pages to an issue, the 3 publications leaped to a circulation of over 3,000 with 12 to 16 pages per issue within a year.

During the course of the next quarter century, Andrew D. Wolfe's entrepreneurial skills led to growth in both the size and quality of his publications. Today, his chain of seven western New York weekly newspapers includes: the Brighton-Pittsford Post, the East Rochester Post-Herald, the Penfield Post-Republican, the Henrietta Post, the Greece Post, the Irondequoit Press, and the Brockport Post. With a modern plant and superb equipment, Wolfe's outstanding staff of editors, writers, artists, sales and clerical staff have at their disposal the tools with which to turn out quality newspapers. And, judging by the continued gains in circulation over the past 25 years, the public recognizes and appreciates this quality.

Andrew Wolfe's dream of creating a quality product and a successful business enterprise has been realized seven times over. Today, his newspaper business employs over 75 full-time and 40 part-time people; gross business volume in 1982 is expected to exceed $2 million.

The tributes that come with 25 successful years in business are always well earned. But, when they come in the very tough business of publishing local weekly newspapers, they are even more deserved. Andrew Wolfe has done a service to his community for 25 years and stands out as an example of why individual initiative and public concern still have a place in the newspaper industry.

A copy of an article reviewing the first 25 years of Wolfe Publications, Inc., follows:

A Brief History of Wolfe Publications—25 Years—Week by Week Time Flies Swiftly

A little over 25 years ago, Wolfe Publications produced three newspapers each week. They consisted of eight small pages each, four pages of which were common or identical pages.

The press on which they were printed had been built in 1897 and then was 60 years old. The type of ads and news text was produced by temperamental linotype machines, one of which dated to 1910 and the other to 1917. A third linotype did not work, but was used as a source of spare parts for the other two.

The papers were printed on individual sheets, fed into the press by a pressman standing on a small platform about 40 inches above the floor. Four pages were printed on one side of the sheets, which subsequently were turned over so that the remaining four pages could be printed on the reverse side.

Paid circulation was about 1,250. The principal paper was The Brighton-Pittsford Post, an outgrowth of The Pittsford Post, which had been established in 1932 in Pittsford. The other papers were The East Rochester Herald, established in 1909 as East Rochester Realties. The third paper, The Penfield Republican, had been started in 1951 by LeRoy and Esther Percy, owners from 1942 until the purchase by Andrew D. Wolfe 25 years ago.

In many ways, these printing methods were closer to the methods used by Benjamin Franklin in the 1700's than to the photo-lithographic methods used by Wolfe Publications today.

Today, there are seven newspapers, plus the New York-Pennsylvania Collector, which provides news and background on art and antique. Nearly 50,000 newspapers are printed weekly, and the Brighton-Pittsford Post, the largest newspaper, averages between 40 and 60 pages a week, with 80 pages as the record large edition.

Wolfe recalls that the first three years of his ownership were grim financially.

The company in the first year of his ownership had a gross volume of just more than $80,000, of which nearly 25 percent came from job printing, mostly small jobs for local businessmen, and for towns, schools, and local politicans.

By the end of that year, circulation had climbed to about 3,000 and papers were running from about 12 to an occasional 16 pages.

A key development in the following year, 1958, was the appearance of Jane Mollendorf, now Mrs. Robert Carter, who had grown up in Brighton and had worked at the legendary Elmer's Garage at 12 Corners before moving to Chicago.

Returning here, she determined to enter the newspaper business, which had long fascinated her.

Originally, she was employed as Wolfe's secretary, but a strong business background, plus knowledge of the community and a knack of working with advertisers soon dictated a switch to advertising. With a change of personnel, she became advertising manager, a post which she was to hold for nearly 20 years. Her skill was one of the factors that made possible the development of the newspapers.

The year 1959 was pivotal.

Increasing confidence in the future of the company led Wolfe to employ a circulation development firm, a type of company then common in the news business, but which now largely has disappeared.

These firms had a pattern in which prizes were offered to local residents for selling newspapers, with the grand prize usually an automobile.

The contest, carried out in the Fall, was paralleled by the success of a colorful and exciting undefeated football team at Brighton High School. Much community interest in Brighton centered on the team, and parents and others were delighted to find complete descriptions of the games in the Brighton-Pittsford Post.

That helped make easier the word of the subscription sellers, and the circulation drive was an important success.

At its end, the Brighton-Pittsford newspaper's circulation had topped 4,500, and the overall circulation was above 6,000.

The problem, says Wolfe, was that most people in Monroe County, including advertisers, didn't readily accept the idea that a useful role could be played by well-edited community newspapers providing detailed, well-written local coverage.

"Such newspapers had been common for a decade or so in areas around New York, Chicago, and Los Angeles, but had not developed here.

"Another problem was that our equipment was old, and many printing people didn't want to work in a small shop in what even then still was considered country. And the volume of business simply didn't permit employment of experienced people in news and advertising."

The result, Wolfe's directors recall, was that he wrote a good deal of the paper himself, sold most of the advertising, covered school athletic contests, took photos with an old Polaroid camera, and allocated Saturday mornings to selling subscriptions with telephone calls. Sundays went to writing editions, a personal column, and making phone calls to school coaches so that Saturday games could be written up.

The first year of his ownership, Wolfe says, was attempting to get the newspapers reorganized so that steps could be taken toward creating the kind of newspapers he envisioned.

A major step came in the Summer of 1957 when he purchased an ancient, but still-serviceable roll-fed press, which could print up to 16 pages at one time.

This press, he says, like the linotype machines, was notional, but it opened the way for growth because of its greater capacity and a speed of almost 3,000 papers per hour.

Its glaring fault was the paper rolls frequently would break, each such break making necessary a 20-minute delay to remove torn paper from printing rollers and to rethread the paper through the roller.

"For the first time," Wolfe recalls, "I allowed myself to feel that possibly I had not been butting my head against a stone wall."

A machine was purchased to enable large headlines to be cast in metal. It was a major improvement over the old handset-type headlines, which often employed ancient wooden type.

Another important improvement was the purchase of a machine that could provide plastic plates for printing photos. The old method for such plates had been to send photos to a specialized plant in Florida every Sunday from the main Rochester post office before 5 p.m. The completed magnesium plates were returned via air mail by Tuesday morning—a rather remarkable procedure and performance.

More important, perhaps, was the move of the office and plant from the Monroe-Clover location to an old garage building on State St., Pittsford.

Primitive as the new quarters were in some ways, they were attractive and serviceable. The savings in rent were vital in making possible new progress.

In 1961 another circulation campaign was carried out and it brought circulation to more than 15,000.

A significant result of the campaign was that the second-prize winner, Helen Jones of Henrietta, remained with the company as circulation manager.

Her meticulous and detailed program has been a major factor in the expansion of the newspaper.

Another important step was the establishment of The Henrietta Post in 1961. This newspaper, serving Rush as well as Henrietta, filled a need in those communities for local coverage.

The following two years saw such substantial growth that it became apparent that the press bought in 1957 no longer could produce the numbers of papers needed.

There followed long study, which resulted in a decision to abandon the old "hot-lead" (metal-type) method of printing and to substitute for it phototypesetting for composition, and use of a lithographic process in printing.

Longtime friends, the Measer family, who operate the Amherst Bee in Williamsville and other Buffalo-area newspapers, were most helpful in planning this move.

And it was decided to close down printing in our own plant and have our actual printing or presswork done at Western New York Offset Press in Clarence. This plant, partially owned by the Measers, was extremely helpful as we made the complicated shift in 1964 from the old to the new printing methods.

Much finer reproduction of photos was an important result of the move.

And Western's large presses made it possible for production to keep up with expansion of the circulation rolls.

The busy year of 1964 say circulation top 17,000. It also saw an important step in the purchase, two days before Christmas, of the old Pittsford Inn building in Pittsford as company headquarters.

Built in 1818, the old structure had been damaged in a fire and appeared to be in ramshackle condition.

But careful examination proved it to be sound. When the building had been repaired and the company moved into it in the summer of 1965, the building provided exceptionally useful space for the expanding company.

The next few years saw progress in many areas.

New typesetting equipment was bought, news coverage expanded, and the newspapers were growing in size.

The old method of keeping circulation records by hand was proving a difficult task as subscription lists grew, and a computerized system was established. This has proved a godsend.

The year 1967 saw the establishment of The Greece Post. Effort first was made to buy the old Greece Press. When this proved impossible, the company started its own newspaper. Fortunately, it quickly gained circulation and has been growing ever since.

Meanwhile, gross volume of business had been making progress.

Although the first three years of business saw growth only from about $80,000 to $107,000, the volume had advanced to $225,000 by 1965.

By 1970 circulation exceeded 30,000, and gross volume of business was in excess of $500,000.

The task of sending full-page negatives to the press in Clarence, necessitating numerous trips on Tuesdays and Wednesdays, now was becoming onerous. And the longer press runs, plus the increased time needed for addressing, suggested that the future use of Western would become a problem if newspapers were to be delivered at the post offices on time.

Thus, in 1970, it was reluctantly decided to end the fine relationship with Western New York Offset. Again the Measers were extremely helpful in aiding to build and equip a press plant on Phillips Rd., Fishers, a half-mile from thruway Exit 45 and the eastern terminus of Route 490.

The location, near 490, would make it possible to reach all circulation areas rapidly.

The press plant was opened in 1972 and met all expectations. It was enlarged in 1975, and now houses Wolfe finance and circulation offices, as well as the press plant.

Next major steps were the establishment of The Brockport Post in 1973 and purchase of The Irondequoit Press, originally established in 1932, in 1974.

Important in the history was the addition of Michael Holvey to the management staff in 1971. A certified public accountant who had worked for a major national accounting firm, Holvey initially supervised financial aspects of the business, then becoming responsible also for production.

Later, he was assigned other aspects of general management and, in 1981, was to become president of the company (Wolfe moving to the chairmanship of the board, while remaining as editor, publisher, and chief executive officer).

A unique contribution made by Holvey was to plan installation of the company's own Wang computer systems.

Touching all aspects of the business, these systems are believed more extensive than in any newspaper company of Wolfe Publications' size. They give management exceptionally complete insight into all aspects of the business.

Meanwhile, the company had increased its job printing activities, which now specialized in newspaper printing and other periodicals.

Wolfe Publications, also, in 1976, seeking diversification, established The New York-Pennsylvania Collector to provide news of antiques and art.

Under the skilled editorship of Nancy Bolger, it has become recognized as the best-edited journal of its kind, and more than 7,500 copies are distributed each month.

Advertising grew steadily over the years. Now under the direction of Mrs. Carter's successor, Valerie DiCostanza, the department has been instituting many innovative approaches and has recorded record sales in each successive year.

Circulation of the Monroe County regional newspapers topped 42,000 in 1975, and now is approaching 50,000.

Whereas the total staff in 1957 numbered only six, there are now more than 75 full time employees, with more than 40 working on a part-time basis. Gross volume of business is expected to top $2 million in 1982.

What does Wolfe think of all this?

"When I look at the path traveled," he says, "I think I feel tired."

But he adds: "Many wonderful people have helped develop the company, and the help from so many people in the metropolitan community has not only been heartwarming, but has been a great experience for us all."

The future?

Wolfe says: "In spite of all the developments in electronics media, and all other

manner of publication, I think the future of the true community newspaper, if it remains true to its ideals, is very secure.

"Large metropolitan newspapers have been running into many different types of problems, which fortunately do not have a major effect on competent community newspapers.

"I think the future is very promising.

"And I think we will continue to draw in people of outstanding ability because, of all the kinds of journalism, commmunity newspapers, so close to the reader, are the most rewarding."●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, January 28, 1982, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 29

8:30 a.m.
Special on Aging
Business meeting, to consider the committee budget for 1982, and other committee business.
1224 Dirksen Building

9:30 a.m.
Finance
International Trade Subcommittee
To hold hearings on S. 958, imposing an additional duty upon imported articles which are the products of a nonmarket economy country.
2221 Dirksen Building

FEBRUARY 1

9:00 a.m.
*Judiciary
Constitution Subcommittee
To resume hearings on S. 53, S. 1761, S. 1975 and S. 1992, bills extending the effects of certain provisions of the Voting Rights Act of 1965.
2228 Dirksen Building

10:00 a.m.
Armed Services
Closed briefing on worldwide intelligence matters.
S-407, Capitol

Foreign Relations
To hold hearings on East/West relations.
4221 Dirksen Building

10:30 a.m.
Finance
To hold hearings on proposed legislation denying tax exemption to racially discriminatory private schools.
2221 Dirksen Building

1:30 p.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on visa provisions of the Immigration and Nationality Act (Public Law 94-571).
2228 Dirksen Building

FEBRUARY 2

9:00 a.m.
Governmental Affairs
Federal Expenditures, Research and Rules Subcommittee
To hold hearings on the role of the work force in the Federal procurement system.
3302 Dirksen Building

9:30 a.m.
Labor and Human Resources
To hold hearings on the nominations of Reynaldo P. Maduro, of Maryland, to be an Assistant Director of the ACTION Agency, Cathie A. Shattuck, of Colorado, to be a Member of the Equal Employment Opportunity Commission, and William J. Bennett, of North Carolina, to be Chairman of the National Endowment for the Humanities.
4232 Dirksen Building

Small Business
To hold hearings to discuss whether to increase the limitation set forth by the Davis-Bacon Act on certain small business construction loan contracts with the Federal Government.
424 Russell Building

10:00 a.m.
Armed Services
To hold closed hearings on U.S. military posture, and to review the proposed budget request of the Department of Defense.
212 Russell Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

Foreign Relations
Western Hemisphere Affairs Subcommittee
To hold hearings on possibilities of democracy in Central America.
4221 Dirksen Building

Rules and Administration
To hold oversight hearings on the implementation of the postal patron provisions of Public Law 97-69, strengthening and clarifying the congressional franking law.
301 Russell Building

11:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
2228 Dirksen Building

1:30 p.m.
Judiciary
Constitution Subcommittee
To resume hearings on S. 53, S. 1761, S. 1975, and S. 1992, bills extending the effects of certain provisions of the Voting Rights Act of 1965.
2228 Dirksen Building

FEBRUARY 3

9:30 a.m.
Agriculture, Nutrition, and Forestry
Foreign Agricultural Policy Subcommittee
To hold hearings to evaluate the economic impact of previous agricultural embargoes.
324 Russell Building

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To resume hearings on S. 1018, prohibiting the Federal Government from funding commercial and residential growth on undeveloped barrier beaches and islands.
4200 Dirksen Building

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 1785, increasing the penalties for violations of the Taft-Hartley Act, requiring immediate removal of certain individuals convicted of crimes relating to his official position, broadening the definition of the types of positions an individual is barred from upon conviction, increasing the time of disbarment from 5 to 10 years, escrowing a convicted official's salary for the duration of his appeal, and clarifying the jurisdiction of the Department of Labor relating to detecting and investigating criminal violations relating to ERISA.
4232 Dirksen Building

1:30 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold oversight hearings on newly authorized programs for the Adolescent Family Life Program, Tuberculosis Control Program, Preventive Medicine Residencies, Special Health Professions Initiatives, and emergency funding for the Office of the Assistant Secretary for Health, Department of Health and Human Services.
1114 Dirksen Building

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building

Joint Economic
To resume hearings in preparation of its forthcoming annual report, focusing on the economic status of women.
2154 Rayburn Building

FEBRUARY 4

9:00 a.m.
Armed Services
Tactical Warfare Subcommittee
To hold hearings on cost-growth in the Army A-H 64 attack helicopter program.
212 Russell Building

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To hold hearings on proposed legislation authorizing bank holding companies to establish securities affiliates which could underwrite municipal revenue bonds and operate, advise and sell shares in mutual funds.
5302 Dirksen Building

Commerce, Science, and Transportation
To resume hearings on the proposed divestiture of American Telephone & Telegraph.
235 Russell Building

Judiciary
Constitution Subcommittee
To resume hearings on S. 53, S. 1761, S. 1975 and S. 1992, bills extending the effects of certain provisions of the Voting Rights Act of 1965.
2228 Dirksen Building

10:00 a.m.
Energy and Natural Resources
To hold hearings on S. 1937, extending until June 30, 1985 the expiration date of section 252, which provides a limited antitrust defense for U.S. oil companies participating in the international energy program, of the Energy Policy and Conservation Act.
3110 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

Foreign Relations
To resume hearings on East/West relations.
4221 Dirksen Building

Judiciary
Security and Terrorism Subcommittee
To hold oversight hearings on activities of the Federal Bureau of Investigation, Department of Justice.
357 Russell Building

FEBRUARY 5

9:00 a.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To hold joint hearings with the Subcommittee on Taxation and Debt Management of the Committee on Finance on S. 1828, providing for special tax treatment of partnerships between thrift institutions and others.
2221 Dirksen Building

Finance
Taxation and Debt Management Subcommittee
To hold joint hearings with the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing and Urban Affairs on S. 1828, providing for special tax treatment of partnerships between thrift institutions and others.
2221 Dirksen Building

9:30 a.m.
Labor and Human Resources
Business meeting, to resume markup of S. 1182, proposed Longshoremens and Harbor Workers Compensation Act Amendments of 1981, and S. 1785, proposed Labor Management Racketeering Act of 1981.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To hold hearings to receive testimony from John W. Hernandez, Jr., Deputy Administrator of the Environmental Protection Agency on the implementation of the Clean Water Act.
4200 Dirksen Building

Foreign Relations
To hold hearings on the Venezuela proposed arms sale.
4221 Dirksen Building

Rules and Administration
To begin oversight hearings on activities of Congressional support agencies, focusing on the Office of Technology Assessment.
301 Russell Building

1:30 p.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on emergency immigration powers.
2228 Dirksen Building

FEBRUARY 9

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To resume hearings on proposed legislation authorizing bank holding companies to establish securities affiliates which could underwrite municipal revenue bonds and operate, advise and sell shares in mutual funds.
5302 Dirksen Building

Labor and Human Resources
Business meeting, to resume markup of S. 1182, proposed Longshoremens and Harbor Workers Compensation Act Amendments of 1981, and S. 1785, proposed Labor Management Racketeering Act of 1981.
4232 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on H.R. 3782, permitting the steamship vessel, Oceanic Constitution, to enter the Hawaiian Island cruise trade.
235 Russell Building

Energy and Natural Resources
To hold hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, focusing on the Department of the Interior.
3110 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

11:00 a.m.
Foreign Relations
Business meeting, to consider pending nominations and other committee business.
4221 Dirksen Building

2:00 p.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on proposed refugee assistance regulation changes.
2228 Dirksen Building

FEBRUARY 10

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To continue hearings on proposed legislation authorizing bank holding companies to establish securities affiliates which could underwrite municipal revenue bonds and operate, advise and sell shares in mutual funds.
5302 Dirksen Building

10:00 a.m.
Energy and Natural Resources
To hold hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, focusing on the Department of Energy.
3110 Dirksen Building

Environment and Public Works
Water Resources Subcommittee
To hold hearings to evaluate the Waterway User Charge Study, authorized by section 205 of the Inland Waterways Revenue Act of 1978 (Public Law 95-502).
4200 Dirksen Building

Foreign Relations
Arms Control, Oceans and International Operations, and Environment Subcommittee
To hold hearings on acid rain.
4221 Dirksen Building

2:00 p.m.
Environment and Public Works
Transportation Subcommittee
To hold oversight hearings on the implementation of the Highway Bridge Replacement and Rehabilitation Program.
4200 Dirksen Building

FEBRUARY 11

9:30 a.m.
Finance
International Trade Subcommittee
To hold hearings on S. 1511, clarifying the determination of the definition of a country under the General Agreement on Tariffs and Trade, and to review the effectiveness of section 301 of the Trade Act of 1974 in enforcing the trade agreement rights of the United States and responding to foreign practices that are inconsistent with trade agreement provisions or burden or restrict U.S. commerce.
2221 Dirksen Building

Judiciary
Constitution Subcommittee
To hold hearings on S. 53, S. 1761, S. 1975, and S. 1992, bills extending the effects of certain provisions of the Voting Rights Act of 1965.
2228 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Railroad Retirement Board, domestic programs of the ACTION Agency, and the Soldiers' and Airmen's Home.
1114 Dirksen Building

Energy and Natural Resources
To hold hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, focusing on the Department of Agriculture and the U.S. Synthetic Fuels Corporation.
3110 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
1202 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Corporation for Public Broadcasting, National Commission on Libraries and

Information Science, and the President's Commission on Ethical Problems in Medicine.
1114 Dirksen Building

FEBRUARY 12

9:00 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 698, assisting the Yuma County Water Users' Association, Arizona, to relocate the headquarters of such association; S. 933, authorizing the rehabilitation of the Belle Fourche irrigation project in South Dakota; S. 1409, authorizing the enlargement of the Buffalo Bill Dam and Reservoir in Wyoming; and S. 1628, providing that the Emergency Fund Act of 1948 be available for all projects governed by Federal reclamation acts.
3110 Dirksen Building

9:30 a.m.
Judiciary
Constitution Subcommittee
To continue hearings on S. 53, S. 1761, S. 1975, and S. 1992, bills extending the effects of certain provisions of the Voting Rights Act of 1965.
2228 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Federal Mediation and Conciliation Service, National Labor Relations Board, National Mediation Board, OSHA Review Commission, and the Mine Safety and Health Review Commission.
1114 Dirksen Building

FEBRUARY 22

9:30 a.m.
*Labor and Human Resources
Employment and Productivity Subcommittee
To hold joint hearings with House Subcommittee on Employment Opportunities of the Committee on Education and Labor on proposed legislation establishing employment training policies.
2175 Rayburn Building

1:30 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Institutes of Health, Department of Health and Human Services.
1114 Dirksen Building

FEBRUARY 23

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the National Institutes of Health, Department of Health and Human Services.
1318 Dirksen Building

Labor and Human Resources
Employment and Productivity Subcommittee
To continue joint hearings with House Committee on Education and Labor's Subcommittee on Employment Opportunities, on proposed legislation establishing employment training policies.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

2:00
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the National Institutes of Health, and to review activities of the Office of the Director, Department of Health and Human Services.
1318 Dirksen Building

FEBRUARY 24

9:00 a.m.
Labor and Human Resources
To hold oversight hearings on the Southern Nevada culinary workers' pension fund.
4232 Dirksen Building

9:30 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings to examine certain financial institution practices restricting individuals from withdrawing funds represented by checks deposited to their accounts.
5302 Dirksen Building

Commerce, Science, and Transportation
Business, Trade, and Tourism Subcommittee
To hold hearings on the economic impact of tourism.
235 Russell Building

Judiciary
Constitution Subcommittee
To resume hearings on S. 53, S. 1761, S. 1975 and S. 1992, bills extending the effects of certain provisions of the Voting Rights Act of 1965.
2228 Dirksen Building

10:30 a.m.
*Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold oversight hearings on activities of the National Institute on Alcohol Abuse and Alcoholism and the National Institute on Drug Abuse, Department of Health and Human Services.
4232 Dirksen Building

2:00 p.m.
Energy and Natural Resources
Energy Regulation Subcommittee
Joint oversight hearings with the Subcommittee on Water and Power on hydroelectric development and licensing procedures.
3110 Dirksen Building

Energy and Natural Resources
Water and Power Subcommittee
Joint oversight hearings with the Subcommittee on Energy Regulation on hydroelectric development and licensing procedures.
3110 Dirksen Building

FEBRUARY 25

9:30 a.m.
Commerce, Science, and Transportation
Business, Trade, and Tourism Subcommittee
To continue hearings on the economic impact of tourism.
235 Russell Building

Judiciary
Constitution Subcommittee
To resume hearings on S. 53, S. 1761, S. 1975, and S. 1992, bills extending the effects of certain provisions of the Voting Rights Act of 1965.
2228 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
318 Russell Building

10:30 a.m.
*Labor and Human Resources
Employment and Productivity Subcommittee
To resume joint hearings with House Subcommittee on Employment Opportunities of the Committee on Education and Labor on proposed legislation establishing employment training policies.
4232 Dirksen Building

FEBRUARY 26

9:30 a.m.
*Labor and Human Resources
Employment and Productivity Subcommittee
To continue joint hearings with House Subcommittee on Employment Opportunities of the Committee on Education and Labor on proposed legislation establishing employment training policies.
2175 Rayburn Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Assistant Secretary for Health, scientific activities overseas, and retirement pay for commissioned officers, Department of Health and Human Services.
1114 Dirksen Building

MARCH 2

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for Centers for Disease Control, Department of Health and Human Services.
1114 Dirksen Building

Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings to examine the impact of stress on the family caused by the workplace.
4232 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Health Services Administration, Department of Health and Human Services.
1114 Dirksen Building

MARCH 3

9:30 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings on the role of the Federal Government in the operation of American payment systems.
5302 Dirksen Building

Labor and Human Resources
Business meeting, to consider those matters and programs in the President's budget for fiscal year 1983 which fall within the Committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Alcohol, Drug Abuse and Mental Health Administration, Department of Health and Human Services.
1114 Dirksen Building

Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Health Resources Administration, Department of Health and Human Services.
1114 Dirksen Building

MARCH 4

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the American Battle Monuments Commission, Army Cemeterial Expenses, the Office of Consumer Affairs, and Consumer Information Center.
1224 Dirksen Building

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Health Care Financing Administration, Department of Health and Human Services.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Social Security Administration and refugee programs, Department of Health and Human Services.
1114 Dirksen Building

MARCH 5

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for human development services of the Department of Health and Human Services.
1114 Dirksen Building

MARCH 9

10:00 a.m.
Environment and Public Works
Business meeting, to consider those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4200 Dirksen Building

MARCH 10

9:30 a.m.
Labor and Human Resources
Business meeting, to resume consideration of those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to continue consideration of those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4200 Dirksen Building

MARCH 11

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 1748, exempting certain employers from withdrawal and plan termination insurance provisions of title IV of the Employee Retirement Income Security Act (ERISA).
4232 Dirksen Building

10:30 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

MARCH 12

9:30 a.m.
*Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on expanding employment opportunities for older workers.
4232 Dirksen Building

MARCH 15

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for elementary and secondary education and education block grant programs, Department of Education.
1114 Dirksen Building

MARCH 16

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on the extended family.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Consumer Product Safety Commission and the Office of Revenue Sharing (New York City loan program).
1318 Dirksen Building

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for impact aid, vocational and adult education, libraries and learning resources programs, Department of Education.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for education for the handicapped, rehabilitation services and handicapped research programs, Department of Education.
1114 Dirksen Building

MARCH 17

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume hearings on S. 1748, exempting certain employers from withdrawal and plan termination insurance provisions of title IV of the Employee Retirement Income Security Act (ERISA).
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for student financial assistance, student loan insurance, higher and continuing education, higher education facilities loan and insurance, college housing loans, educational research and training activities overseas, Department of Education.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Institute of Education, Fund for the Improvement of Post-secondary Education (FIPSE), and education statistics, Department of Education.
1114 Dirksen Building

MARCH 18

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for special

institutions, Howard University, departmental management (salaries and expenses), and the Office for Civil Rights, Department of Education.
1114 Dirksen Building

MARCH 19

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on productivity in the American economy.
4232 Dirksen Building

MARCH 23

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Veterans' Administration.
1224 Dirksen Building

MARCH 26

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on productivity in the American economy.
4232 Dirksen Building

MARCH 30

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold oversight hearings on the implementation of sex education programs.
4232 Dirksen Building

APRIL 1

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on promoting voluntarism in America.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Federal Emergency Management Agency and the Selective Service System.
1224 Dirksen Building

APRIL 2

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on productivity in the American economy.
4232 Dirksen Building

APRIL 14

10:00 a.m.
Appropriations
Labor, Health, and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Health and Human Services.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health, and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Health and Human Services.
1114 Dirksen Building

APRIL 15

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Science and Technology Policy and the Council on Environmental Quality.
1224 Dirksen Building

Appropriations
Labor, Health, and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Education.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health, and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Education.
1114 Dirksen Building

APRIL 16

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on productivity in the American economy.
4232 Dirksen Building

APRIL 20

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Environmental Protection Agency.
1224 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Labor.
1114 Dirksen Building

APRIL 21

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Employment and Training Administration, Department of Labor
1114 Dirksen Building

APRIL 22

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold oversight hearings on the implementation of title X of the Public Health Service Act relating to the health aspects of teenage sexual activity.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Labor-Management Services Administration, Pension Benefit Guaranty Corporation, and the Employment Standards Administration, Department of Labor.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Occupational Safety and Health Administration (OSHA), and the Mine Safety and Health Administration, Department of Labor.
1114 Dirksen Building

APRIL 23

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for Bureau of Labor Statistics, departmental management services, and the President's Committee on Employment of the Handicapped, Department of Labor.
1114 Dirksen Building

APRIL 27

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Science Foundation.
1224 Dirksen Building

APRIL 29

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on community social support systems.
4232 Dirksen Building

MAY 4

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Aeronautics and Space Administration.
1224 Dirksen Building

MAY 11

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Institute of Building Sciences, Federal Home Loan Bank Board, and National Credit Union Administration.
1224 Dirksen Building

MAY 18

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development.
1224 Dirksen Building

MAY 19

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development, and the Neighborhood Reinvestment Corporation.
1224 Dirksen Building

MAY 24

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development and certain independent agencies.
1224 Dirksen Building

MAY 25

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development and certain independent agencies.
1224 Dirksen Building

HOUSE OF REPRESENTATIVES—*Thursday, January 28, 1982*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious Lord, we ask Your blessing upon the people of our world. With all the forces that separate us and the hatred which keeps us from appreciating our common humanity, we pray that our spirits will be enlightened by Your presence as we are given hope by Your promises. Give us the willingness to use our talents in ways that cause understanding between nations and give peace to troubled hearts. This we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

RECESS

The SPEAKER. Pursuant to the order of the House of January 25, 1982, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 2 minutes a.m.), the House stood in recess subject to the call of the Chair.

JOINT MEETING OF THE 97TH CONGRESS IN COMMEMORATION OF THE 100TH ANNIVERSARY OF THE BIRTH OF FRANKLIN DELANO ROOSEVELT

During the recess the following proceedings took place in honor of the 100th anniversary of the birth of Franklin Delano Roosevelt, the Speaker of the House of Representatives presiding.

The U.S. Army Band (Pershing's Own), under the direction of Col. Eugene W. Allen, leader and commander, entered the door to the left of the Speaker, took the positions assigned to them, and presented a prelude concert.

The honored guests, the Honorable James Roosevelt, Mr. Elliott Roosevelt, Mrs. John Roosevelt, and grandchildren and great-grandchildren of the late President Franklin Delano Roosevelt entered the door to the right of the Speaker and took the positions assigned to them.

The Doorkeeper, Hon. James P. Molloy, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The Doorkeeper announced the ambassadors, ministers, and charges d'affaires of foreign governments.

The ambassadors, ministers, and charges d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The SPEAKER. In accordance with House Concurrent Resolution 220, the joint meeting to commemorate the 100th anniversary of the birth of Franklin Delano Roosevelt will come to order.

The Doorkeeper announced the flag of the United States.

The flag was carried into the Chamber by the Joint Armed Forces Color Guard.

The National Anthem was presented by the U.S. Naval Academy Midshipmen Glee Club, John Talley, director.

The Color Guard saluted the Speaker, faced about, and saluted the House.

The Members were seated.

The SPEAKER. The invocation will be given by the Rev. James David Ford, Chaplain of the House of Representatives.

The Chaplain, Rev. James David Ford, D.D., offered the following invocation:

We ask Your blessing, O God, as we come together to celebrate the life of Franklin Delano Roosevelt, to recall his deeds done for this Nation, and to dedicate ourselves to the tasks of our day. As we look to the past, O God, we are grateful for leaders who inspired and gave courage, who transcended the common level of life and who gave hope in difficult times. May the contributions of him whom we remember this day encourage each of us to face the concerns of our time that we may be worthy of the heritage that we have received as a free people. May Your providence continue to strengthen our hearts and bless our Nation that in all things we may truly do justice, love mercy and ever walk humbly with You. This we pray. Amen.

The SPEAKER. The Color Guard will now post the colors.

The flag was posted, and the Members were seated.

The SPEAKER. We are honored today to have with us some of the members of the Roosevelt family, our former colleague, the Honorable James Roosevelt, Mr. Elliott Roosevelt, and Mrs. John Roosevelt, and the many grandchildren and great-grandchildren of the late President.

Will they all kindly rise, please? [Applause.]

We are also pleased to have some of the associates of the late President: Ms. Grace Tully, Mr. Benjamin Cohen, and Mr. James Rowe. [Applause.]

And from the President's home State of New York, the Honorable Hugh Carey, a former Member, and the Governor of New York. [Applause.]

We will now have a medley of songs by the U.S. Naval Academy Midshipmen Glee Club.

An interlude of songs was presented by the U.S. Naval Academy Midshipmen Glee Club.

□ 1110

The SPEAKER. The Chair recognizes the noted author and historian of the Roosevelt age, Dr. Arthur Schlesinger, Jr. [Applause.]

Dr. SCHLESINGER. Mr. Speaker, Mr. President, Members of Congress, friends, it is a high honor for me to share with three such doughty warriors for liberty and justice as Averell Harriman, CLAUDE PEPPER, and JENNINGS RANDOLPH the opportunity to address this most eminent legislative body in the world.

It is, indeed, a most special occasion that brings us together. We have heard all our lives about the first hundred days of Franklin Delano Roosevelt. We gather today to celebrate his first hundred years.

This is not a partisan occasion. Franklin Roosevelt, as he liked to say, was an old campaigner who loved a good fight; but he was not a strict party man. He cast his first Presidential vote for a progressive Republican—after his own party had nominated a conservative Democrat. As President himself in 1933, he appointed two Republicans to his Cabinet. Seven years later, under the shadow of war, he appointed two more.

"People tell me," he observed at a Democratic party dinner in 1940, "that I hold to party ties less tenaciously

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

than most of my predecessors in the Presidency, that I have too many people in my administration who are not active party Democrats. I admit the soft impeachment."

A few months before his death he was exploring the possibility of a political alliance with the very man whom the Republicans had run against him just 4 years earlier. And, while we are contemplating the latitudinarianism with which Presidents sometimes regard political parties, it may not be amiss to recall that a Republican President, not too far from here today, cast his first four Presidential ballots for Franklin Roosevelt.

Jefferson put it classically in his first inaugural: "We have called by different names brethren of the same principle."

Today, to bring Jefferson up to date, we are all Democrats, we are all Republicans, as we join to honor a man who belongs not just to a party but to the essential history of this great Republic and to the intimate personal lives of most of us in this illustrious Chamber.

For Franklin Roosevelt led our Nation—led every one of us over the age of 50—through what have been, save for the Civil War, the two most grievous crises in our national life as a free state: the worst depression in American history and the greatest war in American history.

It is hard today to remember that America, now so rich and bountiful, was once, not too many years ago, a land of grim poverty and aching want, where millions who sought jobs could not find them, where factories stood empty and silent and crops rotted in the fields and men huddled in line to get a cup of soup and a piece of bread and children fought for food in garbage dumps.

Fifty years ago a blanket of despair was settling across the land. In the 1932 election, more than a million votes were cast for parties dedicated to the abolition of the capitalist system.

It is hard to remember today that America, now a great military superpower, was once, not too many years ago, a beset and embattled nation, its great warships sunk at Pearl Harbor, its new and inexperienced Army fighting for its life in North Africa and Italy, in France, and Guadalcanal, its gallant men dying on the Atlantic and the Pacific, in China, and in the skies over Japan. These terrible ordeals are now distant recollections. They recede in memory because we overcame them; and we overcame them in great part because of the exceptional qualities of leadership that Franklin Roosevelt brought to his high office—qualities that nerved his countrymen to fulfill their best and bravest selves.

An idealist in purpose, a realist in tactics, F. D. R. combined boldness and caution, openness and deviousness, compassion and ruthlessness, a genius for manipulation and a genius for inspiration. He not only enjoyed being President and communicated that enjoyment to the country, but he knew how to be President. He surrounded himself with singularly able and outspoken men and women and drove them successfully in the same harness. He fought depression and war with a White House staff far smaller than recent Presidents have required for less arduous challenges.

Roosevelt was a wonderfully effective President, because he had both the craft and the will to work steadily toward his objectives, and he was a great President because he loved this country, its meadows and plains, and forests, its spirited cities, its tranquil valleys, and its rushing streams; and because he imparted to the land he loved a noble vision of the future—the vision of a nation that could be humane and free and abundant, the vision of a world that could be ordered and peaceful and just.

He embodied this vision in a glittering personality—intrepid, exhilarating, and serene. In many ways a conventional man, he had a zest for unconventional ideas. Nurtured in the securities of a patrician past, he faced with equanimity the terrors of a shadowed future. The world, he understood, was in the throes of incessant and inexorable change. Like Lincoln before him, he regarded the dogmas of the quiet past as inadequate to the stormy present.

"We must disenthrall ourselves," as Lincoln said, "and then we shall save our country."

Franklin Roosevelt saw politics as an educational process, a process of intellectual liberation, and he saw experiment as the method of democracy. He doubted that democracy could endure when one-third of the Nation was ill-housed, ill-clad, ill-nourished. The urgent need, he liked to say, was to establish "a fair and just concert of interests"—to restore the balance of life and opportunity between business, labor, and agriculture, city and countryside, north and south and west, and he saw the National Government as the people's indispensable instrument in the abiding battle for balance, decency and justice.

We have a philosophical argument today between those who suppose that if we leave the economy to its own devices, our problems will solve themselves, and those who believe that Government has a vital role to play in promoting the general welfare.

□ 1120

No one can doubt where F. D. R. stood.

A laissez faire attitude in face of human suffering, he said, demanded "not only greater stoicism but greater faith in immutable economic law and less faith in the ability of man to control what he has created than I, for one, have."

Such views may not be popular at this moment. But the debate between private power and public purpose has gone on since the founding of the Republic. No one should think it to have been finally resolved in this particular year of grace.

F. D. R.'s response to economic crisis remolded the framework of American life, civilized our economic system, and restored popular faith in democratic institutions. Had the despair of the Depression deepened, the anti-Communist votes of 1932 would have become many millions in 1936 and 1940, but in fact by 1940, that vote had dwindled to a pathetic 150,000.

Business leaders did not altogether appreciate Roosevelt's efforts on their behalf, and called him a traitor to his class. The achievement of the New Deal, it may be said, was to save capitalism from the capitalists. [Applause.]

Roosevelt's revitalization of democracy had impact far beyond our own borders. This was a time when across the world fanatic ideologies sacrificed human beings on the altar of dogma. Against the intoxication of creeds and the tyranny of absolutes, Roosevelt fought the fight of decent men and women struggling day by day to make a better life for their children. He steered between the extremes of orthodoxy and revolution, moving always, as he said, "slightly to the left of center."

"His impulse," said Winston Churchill, long before the glory of their wartime partnership, "is one which makes toward the fuller life of the masses of people in every land, and which, as it glows the brighter, may well eclipse both the lurid flames of German-Nordic self-assertion and the baleful, unnatural lights which are diffused from Soviet Russia."

Roosevelt understood that America could not be safe as a democratic island in the totalitarian world. He awoke us from our isolationist slumbers and led us superbly through the agony of war itself.

The generation, that triumphed over the most devastating economic troubles and the most deadly military foes in our history showed the world what Americans are truly capable of.

We have our own great problems again, but it does no good to exaggerate their difficulty or our impotence in dealing with them. Crises ahead always look worse than crises surmounted. This does not prove that they are. Self-pity is not one of human kind's ennobling traits. The crises that confronted Franklin Roosevelt and Abraham Lincoln and George Washington were fairly considerable, too.

As we meet the problems of our own age—and meet them we must—we can surely take heart from the memory of F. D. R. from his boundless courage, his inextinguishable gaiety, his hard understanding of power, his instinct for innovation, his confidence in the ability of man to control what he has created, and, above all, from his indestructible faith in democratic institutions, his imperturbable trust in the strength of a free people, and his overflowing love of America.

[Applause.]

The SPEAKER. The Chair will now present Miss Leontyne Price. [Applause.]

Miss Leontyne Price sang "America the Beautiful" and the "Battle Hymn of the Republic."

The SPEAKER. In the Congress of the United States there is but one man presently serving who was in the Chamber of the Congress as a Member during those eventful and memorable first 100 days of Franklin Roosevelt. The Chair recognizes at this time the Honorable JENNINGS RANDOLPH, Senator from West Virginia.

□ 1130

Senator RANDOLPH. Mr. Speaker, Mr. Vice President, I want to thank our colleagues of the Senate and House who by legislation, without partisanship, have brought this event into being. And ladies and gentlemen, and all those who may be listening and perhaps watching throughout America, today we commemorate the birth of Franklin Delano Roosevelt. He, as we know now in memory, and we knew then, was a national leader who sustained and enlarged the legion of a free society. As a youth he knew the world of wealth and privilege. As our President he gave hope to the homeless, he created jobs for the jobless and fostered the meaning of social and economic justice in American democracy.

Franklin Delano Roosevelt, more perhaps than any President, saved this Nation from being torn asunder by class conflict.

On March 4, 1933, President Roosevelt spoke to an anguished and anxious and a divided people. Two days later, to save the financial institutions of our Republic, he proclaimed a national bank holiday, closing all of the banks of our country. On the following Thursday, March 9, the first day of the new Congress, which he called into an emergency session—Mr. Speaker, I say this to you and to all those who perhaps want to have something recorded which is a fact—the House passed, without a rollcall, that legislation. The Senate, by a vote of 73 to 7, passed that legislation. The President signed it. It was the Emergency Banking Act, and it was all done in that one day.

Thus began the New Deal, an experiment in using an unorthodox means to modify, but also to preserve the orthodox institutions of a free economy.

In that second week of March 1933 we were faced with the most extreme test of national purpose and will since the Civil War. Lincoln saved a Union divided against itself. Roosevelt saved a Nation in disarray by calling forth a shared vision. In both crises the American people had the good sense to elect a leader who drew from the fundamental moral wellsprings of our Nation.

Today we also commemorate the good fortune and the continuing wisdom of our American democracy.

The Roosevelt vision became the New Deal, and the New Deal worked. The New Deal created jobs, not leafraking jobs as was said by some then and mistakenly even repeated today, but jobs reclaiming and planting thousands of acres of forests, building more than 11,000 schools and thousands of libraries and other public facilities.

In 1933 millions of Americans were working for bare subsistence wages. Almost a third of our labor force was not working at all. Only 1 in 10 farm families was served by electricity. Annual per capita cash income for farm families had dropped to $48.

Now the New Deal brought hope where there was despair. It brought work where there was unwanted idleness. It brought unity of purpose where there was national chaos and much confusion.

The legislative reforms of the New Deal—I stress this—in banking and finance, in agriculture and conservation practices, in eliminating sweatshops and child labor and enabling working men and women to organize for collective bargaining, in creating some measure of security for the elderly, and in harnessing our rivers and generating electricity, that electricity going to farm and city homes alike, these reforms have changed the face of America and have been woven into the fabric of American life, and they will not be torn out.

Between 1921 and 1933 more than 10,000 banks closed their doors in this country, destroying faith in our most basic financial institutions.

On October 1, 1936, with the President running for reelection and campaigning in West Virginia, I was with him at the time he received a telegram from Washington. It informed him that for the first time in 55 years we had completed a full year without a single national bank failure. This was the President, I say advisedly, who was reviled as an enemy of capitalism.

In his first inaugural address the President declared his constitutional duty to recommend the measures that a stricken Nation in the midst of a stricken world may require. Roosevelt did just that.

The actions of that first administration were not always guided by consistent economic theory. They were experimental. Yes; they were pragmatic. They were guided, however, by consistent moral purpose.

In his second inaugural address the President made that purpose explicit. He stated, "The test of our progress is not whether we add more to the abundance of those who have much, it is whether we add more to those who have too little.

"In our personal ambitions"—he continued—"we are individuals, but in our seeking for economic and political progress as a nation we all go up or else we all go down as one people."

Those words ring with truth, and they should, and I do believe they serve as a beacon for the generations of all Americans.

Thank you. [Applause.]

□ 1140

The SPEAKER. We have as a Member of the House of Representatives a gentleman from the State of Florida, who represented that State in the 1930's in the U.S. Senate, during the time of Franklin Delano Roosevelt. I am happy to present to you the Representative from the State of Florida, the Honorable CLAUDE PEPPER. [Applause.]

Mr. PEPPER. Mr. Speaker, Mr. Vice President, my colleagues in the Congress, distinguished guests, and my fellow countrymen.

If beneficent providence—and we are happy to observe that providence has always seemed to be kindly disposed toward America—brought forth George Washington to gain our independence, Thomas Jefferson to teach us democracy, and Abraham Lincoln to save our Union, surely that same beneficent providence on March 4, 1933, lifted up Franklin Delano Roosevelt and his great wife Eleanor to rehabilitate and restore America and to lead the free world to a great victory over a terrible despotism and tyranny. [Applause.]

The Nation upon which President Roosevelt looked that day was prostrate, almost, in body, and nearly broken in spirit. Not only were there millions unemployed, hundreds of thousands who had lost their homes and their farms to foreclosure; huts built in public parks were the only dwelling place for many more, with no food except what the soup kitchen would provide; and, perhaps even worse, groups of boys and girls out of school, hoboing from city to city like a pack of hungry wolves, seeking food, shelter, and a job.

But when that remarkable man began to speak to that audience standing in the snow around the inaugural platform and the millions listening over the radio in the land heard that

marvelous voice, when they received the contagion of his dynamic spirit, when they sensed his own courage and confidence, in their hearts was born a new faith and a new hope, and upon that new faith and hope a new America was born.

I personally believe that when the man Franklin D. Roosevelt realized the awesome responsibility he assumed as he took the oath of office that day, his natural strength of character, refined in the crucible of long suffering, made a new Franklin D. Roosevelt—a man of even new courage and faith and confidence.

As long as free men shall write history, a brilliant chapter in the story of man will be about Franklin and Eleanor Roosevelt, about their years in the White House, their leadership of America, their leadership of the free world, and the kind of a nation and the kind of a world they left as legacies to their fellow citizens now and of succeeding generations. [Applause.]

It was my privilege from 1936 until he passed away to have enjoyed the privilege, like many of my colleagues, of working with President Roosevelt. I came from the South that needed help, and here was a helping hand. I proudly embraced it. And what he did for our South we shall never forget; what he did for America will live forever.

But those of us who had the privilege of personal contact with the President know that it was an immeasurable experience; always, to come into his presence was a thrilling exercise. You never knew exactly what sort of an experience you would have because he was full of ingenuity, full of innovation, full of doing things in his own peculiar way.

I remember one instance when I went to see him about a project that a lot of my people down in Florida were pressing me about. The President evidently knew what I was coming to talk about. He satisfied his mind that he had already done all he could to help me in that matter. So when I went in and sat down at the President's desk, he said, "Hello, Claude, how are you?"

I said, "Fine, Mr. President."

I got my breath and started to talk about my project. He said, "Claude, have you ever read very much about Robert Livingston?" He said, "Robert Livingston was one of my wife's ancestors. He was one of our greatest Americans."

Well, I was nodding my head and listening respectfully as the President went ahead, telling me about Robert Livingston. But he went on and on, and I was still nodding my head and had not said a word about my project. Finally, after a little while—and all of the Members of Congress know what that means—Marvin McIntyre, the President's appointment secretary, came in and took his place, standing there beside me. Well, of course, I knew that meant my time was up, and I had not said a word about my project. Well, I started to say, "Mr. President—" And by that time the cameramen were coming in, setting up their cameras, the press was pouring in and filling up the Oval Office, and in a little bit the President said, in his most ingratiating manner. "Claude, I am so glad that you came, I have enjoyed seeing you, come to see me again sometime." But I started to say, "But, Mr. President—" He said, "You know, I have got a press conference here now, Claude, and I cannot keep these people waiting. Thank you very much. I will see you soon."

Well, when I got back to my office I said, "Well, I did not make much progress on my project, but I am the best informed man on Robert Livingston there is on Capitol Hill." [Applause.]

There are three main legacies I venture to suggest which President Roosevelt left to our country and to the free world.

The first is: He showed by his own example and leadership that the Government of the United States belongs to the people of this land and that whenever their troubles and their disasters and their needs impel its use, it is available. It is the mightiest institution on the face of the Earth, and it can be a hand that will lift up the people if they call upon it.

There will be differences in the needs the people have for that Government, there will be differences in the attitude of those in charge of that Government toward the administration of such needs from time to time, but whenever the needs shall occur and be of sufficient gravity to make the demand proper and reasonable, you may be sure that the people of the United States will never let any President or any Congress forget that Franklin D. Roosevelt and the Congresses that worked with him came to the aid of a suffering people when they needed and they called upon it for help. [Applause.]

And a second great legacy President Roosevelt left to us, and that is that compassion, genuine concern for one's fellow man should be in the heart of every man or woman who assumes the awesome responsiblities of public office.

I rather believe that President Roosevelt would not have objected to every person, after taking the oath of public office, being required to reread Jesus' parable of the Good Samaritan, to be reminded that he was simply not to operate a cold machine, he was to help as far as would be proper and possible, people to live richer, healthier, and happier lives.

I remember a lady from Warm Springs saying when she was a girl in Warm Springs she always loved to see the President whenever she could, and he often came to her home, and she said that as a girl she always looked upon the President as sort of a kind uncle.

Everywhere he touched, Roosevelt left the warmth of his generous spirit.

The third legacy is the place where he left America in center stage of world affairs. No more would another President have to pull a reluctant country to an acquaintance with its responsibilities against terrible despotism in the world. America, as Roosevelt left it, will be in center stage among the nations of the Earth, standing up for what is right, opposing what is wrong, and trying to build the institutions that will preserve the peace and the happiness of mankind.

So today we proudly commemorate the 100th anniversary of the birth of what they then called that fine baby boy to Sara Delano Roosevelt at Hyde Park. We proudly today attest our own respect, our admiration, and our affection for that great and good man, Franklin Delano Roosevelt, for his devotion to his God and his fellow man and his deep dedication to the service of both, and we leave him now again to sleep forever in honored glory with the lines spoken at Hyde Park by his old minister when he was laid to rest, the refrain of an old hymn:

Father, in Thy gracious keeping,
Leave we now Thy servant sleeping.

[Applause.]

The SPEAKER. I now have the distinct honor of recognizing a man who has been called on by his country on so many occasions, when America has had emergencies and needs, because of his many talents, the former Governor of the State of New York, and our great senior statesman, whom we all love, the Honorable Averell Harriman.

The Chair understands that Governor Harriman has laryngitis. His remarks will be read by the lovely and beautiful Mrs. Pamela Harriman.

Mrs. HARRIMAN. Mr. Speaker, Mr. President, I ask your indulgence.

Although Franklin Roosevelt was 9 years older, I knew him well as a young man. Eleanor Roosevelt's brother was a classmate of mine in school. I liked Roosevelt enormously. He was genial and friendly, but it never occurred to me that he would be one of our most famous national leaders. I believe his victorious fight over polio gave him the strength of character to lead the Nation at the time of great need.

I knew he wanted to be Governor of New York. In fact, Alfred Smith, in 1928, in retiring from the governorship and running for the Presidency, called Roosevelt and asked him if he would run. Roosevelt felt he had not learned sufficiently to walk after his attack of polio. But Eleanor Roosevelt

took the telephone and told Smith, "Franklin will run."

When Roosevelt was elected President 4 years later, the country was in the most desperate economic situation of its history. He took hold of a nation deeply depressed, and in the famous "First 100 Days" gave hope. He took bold and untried action which gave a new spirit and confidence.

I came to Washington as a member of the Business Advisory Council which Roosevelt appointed. I was then asked to join the NRA. Uncontrolled competition had driven wages as low as 10 cents an hour and prices to bankruptcy levels. Industry was encouraged to join codes to fix prices and wages, with administration approval. Enthusiasm took the place of depression.

I remember 100,000 people marched up Fifth Avenue to celebrate.

The Supreme Court declared the NRA unconstitutional, as well as other acts, but later legislation legalized the best provisions, such as minimum wages and the right of workers to organize.

Years later, with the country strongly isolationist, Roosevelt feared the rise of Hitler's power in Europe and knew the United States had to play a role in world affairs.

In February 1941, Roosevelt sent me to England, then standing alone against the fury of Hitler's aggression. I was to report what Britain needed from the United States, short of America's entry into the war.

Thus Roosevelt authorized the first transpose program for Britain.

At the end of June, Hitler had attacked the Soviet Union and overrun the Soviet Army. Roosevelt met with Churchill at Newfoundland to discuss our mutual security and to proclaim the Atlantic Charter, out of which grew the United Nations. They sent Beaverbrook and myself to the Soviet Union to find out what help the Russians needed.

Roosevelt and Churchill supported the assistance the Soviets requested. The Soviet Union held out against Hitler's onslaught. Our food reached Leningrad before the end of the siege.

Stalin later acknowledged that the Soviet Union could not have survived without that help that Roosevelt sent.

Roosevelt met Stalin at Teheran in November 1943. At that meeting Roosevelt and Churchill agreed to invade the continent in the spring of 1944. Stalin agreed to launch an attack against the Nazi forces on the eastern front. There were 195 Nazi divisions in the east.

Stalin kept this agreement which led Roosevelt to believe that he could collaborate for keeping peace in the postwar world.

At the Yalta Conference in February 1945, the three leaders reached agreement on many subjects. Of particular significance was Poland, where it was agreed that a government of national unity would be established with a pledge to hold "free and unfettered elections." Unfortunately, this agreement and others made at Yalta, Stalin failed to carry out.

Roosevelt was deeply disturbed and sent a sharp message to Stalin. Unhappily, President Roosevelt died a few days later on April 12.

It was Stalin's actions which brought on the cold war. Roosevelt has been criticized for being taken in by Stalin and for unwisely trusting him. Nothing is more unfair. If he had failed to try, Roosevelt would have been held responsible for the breach between us.

Stalin's carrying out of his military commitments had given Roosevelt reason to try to obtain political commitments.

Had Roosevelt lived, things might have been different, but Stalin was determined to expand the domination of the Soviet Union wherever possible.

In any event, I am sure that Roosevelt died with hopes still in his heart that he could lead the world into cooperation for peace.

The hope President Roosevelt offered abroad was as great as the vision he inspired at home. [Applause.]

The U.S. Marine Drum and Bugle Corps (the Commandants' own) presented a musical interlude.

□ 1200

The SPEAKER. We will now hear excerpts of addresses by F. D. R. narrated by his son, Jimmy, who served for so many years in this august body. Mr. James Roosevelt.

Mr. JAMES ROOSEVELT. Mr. Speaker, Mr. Vice President, ladies and gentlemen: You will forgive me if I am a little moved by this whole very historic occasion. This joint meeting of Congress here in the Capitol of the United States in a place my father often spoke from is a fitting and wonderful tribute to him.

My brothers, Elliott, Franklin, Jr., and John's lovely wife, Irene, and all of the Roosevelt family join me in thanking you, Mr. Speaker, and you, Mr. Vice President, and especially Senator JENNINGS RANDOLPH and Representative CLAUDE PEPPER who were so important to President Roosevelt's time.

We are grateful, too, for the presence of Governor Harriman, Governor Carey, and to all of you who have joined here today, and if I may be permitted a personal greeting to my former colleagues in the House on both sides of the aisle and to my continuing friends in the Senate, I would like, on behalf of all my family, to tell you how greatly we all are moved and appreciate it.

My father's era was an era of radio. Television had not yet invaded our political life. Though he occupied the White House longer than any other American President, it was not his face or his figure that fixed his personality and character in the mind of the American people, it was his voice. On March 4, 1933, he was sworn in as the 32d President of the United States. Standing on the inaugural platform of the east steps of this building, his wasted legs held erect by steel braces, he addressed a nation facing economic despair, its banks closed and one-third of its work force without jobs.

F. D. R. recording: This is a day of national consecration and I am certain that on this day my fellow Americans expect that on my induction into the Presidency I will address them with a candor and a decision which the present situation of our people impels. This is preeminently the time to speak the truth, the whole truth, frankly and boldly. Nor need we shrink from honestly facing conditions in our country today. This great nation will endure as it has endured, will revive and will prosper. So, first of all, let me assert my firm belief that the only thing we have to fear is fear itself—nameless, unreasoning, unjustified terror which paralyzes needed efforts to convert retreat into advance. In every dark hour of our national life a leadership of frankness and vigor has met with that understanding and support of the people themselves which is essential to victory.

It was the beginning of a new concept in Government. He called it a "New Deal" for the American people—the first time that the national leadership of this country assumed the duty to help provide the conditions in which those who were deprived and those who suffered might find a chance for a decent life.

F. D. R. recording: I see one-third of a nation ill-housed, ill-fed, ill-nourished. But it is not in despair that I paint that picture for you. I paint it for you in hope—because the Nation, seeing and understanding the justice of it, proposes to paint it out. We are determined to make every American citizen the subject of his country's interest and concern; and we will never regard any faithful, law-abiding group within our borders as superfluous. The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little.

He was never a man who harbored tired ideas: Large problems demanded creative solutions. Government should not be an alien force, but an intimate part in the lives of people. Some of his new programs would experience failure, but to him that was not as important as the trying.

F. D. R. recording: Governments can err, Presidents do make mistakes, but the immortal Dante tells us that divine justice weighs the sins of the cold-blooded and the sins of the warm-hearted in different scales. Better the occasional faults of a Government that lives in a spirit of charity than the consistent omissions of a Government frozen in the ice of its own indifference. There is a mysterious cycle in human events. To some generations much is given. Of other generations much is expected. This generation of Americans has a rendezvous with destiny.

Mixed with his compassion was a fierce pragmatic mind. As friend and foe will attest, he thrived on political combat.

F. D. R. recording: These Republican leaders have not been content with attacks on me, or on my wife or on my sons. No, not content with that, they now include my little dog, Fala. Well, of course, I don't resent attacks, and my family doesn't resent attacks, but Fala does resent them. You know Fala is Scotch, and being a Scottie, as soon as he learned that the Republican fiction writers in Congress and out had concocted a story that I had left him behind on an Aleutian Island and had sent a destroyer back to find him—at a cost to the taxpayers of two or three, or eight or twenty million dollars—his Scotch soul was furious. He has not been the same dog since. I am accustomed to hearing malicious falsehoods about myself—such as that old, worm-eaten chestnut that I have represented myself as indispensable. But I think I have a right to resent, to object to libelous statements about my dog.

Ladies and gentlemen, I knew Fala well. He was almost a human dog, and he once told me in private that while he was Scottish, he above all was an American.

It was not easy to have a sense of humor in the 1940's. An ominous shadow had fallen over Europe. Hitler had annexed the Sudeten land, Austria, parts of Czechoslovakia. The German armies had invaded Poland. He, long before the American people, saw the danger and understood the consequences.

F. D. R. recording: We must be the great arsenal of democracy. For us this is an emergency as serious as war itself. We must apply ourselves to our task with the same resolution, the same sense of urgency, the same spirit of patriotism and sacrifice as we would show were we at war.

On January 6, 1941, America was at peace. The Battle of Britain had been won, but mainland Europe lay under the heel of the German Army. In the Old World, the flame of freedom had all but been extinguished. From the New World came a voice of hope.

F. D. R. recording: In these future days, which we seek to make secure, we look forward to a world founded upon four essential human freedoms. The first is freedom of speech and expression—everywhere in the world. The second is freedon of every person to worship God in his own way—everywhere in the world. The third is freedom from want—which, translated into world terms, means economic understandings which will secure to every nation a healthy peacetime life for its inhabitants—everywhere in the world. The fourth is freedom from fear—which, translated into world terms, means a world-wide reduction of armaments to such a point and in such a thorough fashion that no nation will be in a position to commit an act of physical aggression against any neighbor—anywhere in the world.

□ 1220

Just over 41 years ago my father stood where I stand now and addressed a special joint session of Congress. The Nation listened, still stunned by an unprovoked attack on American territory the day before. Three thousand American sailors and soldiers had been killed at Pearl Harbor and a country waited in silence to hear the words of its Commander in Chief.

F. D. R. recording: Yesterday, December 7, 1941, a date which will live in infamy, the United States of America was suddenly and deliberately attacked by naval and air forces of the Empire of Japan. No matter how long it may take us to overcome this premeditated invasion, the American people in their righteous might will win through to absolute victory. I believe that I interpret the will of the Congress and of the people when I assert that we will not only defend ourselves to the uttermost but will make it very certain that this form of treachery shall never again endanger us.

Hostilities exist. There is no blinking at the fact that our people, our territory, and our interests are in grave danger. With confidence in our armed forces, with the unbounding determination of our people, we will gain the inevitable triumph, so help us God.

My father died on April 12, 1945. He was at Warm Springs, Ga., a place he loved, and where he frequently sought sanctuary from the terrible burdens of the American Presidency. The next day he was to deliver a speech on the occasion of the annual Jefferson Day Dinner. The words were written, but they would not be delivered by him. I would like to speak them now to you:

Today, as we move against the terrible scourge of war—as we go forward toward the greatest contribution that any generation of human beings can make in this world—the contribution of lasting peace, I ask you to keep up your faith. I measure the sound, solid achievement that can be made at this time by the straight edge of your own confidence and your resolve. And to you, and to all Americans who dedicate themselves with us to the making of an abiding peace, I say: The only limit to our realization of tomorrow will be our doubts of today. Let us move forward with strong and active faith.

Thank you very much. [Applause.]

The U.S. Naval Academy Midshipmen Glee Club rendered "The Navy Hymn."

The SPEAKER. The benediction will be given by Rev. Richard C. Halverson, Chaplain of the Senate.

The Chaplain of the Senate, the Reverend Richard C. Halverson, L.L.D., D.D., offered the following benediction:

The Lord bless you and keep you, the Lord make His face to shine upon you and be gracious unto you. The Lord lift up the light of His countenance upon you and give you His peace, now and in the life everlasting. Amen.

The SPEAKER. In closing, please remain standing and join the Midshipmen Glee Club in singing "God Bless America."

The U.S. Naval Academy Midshipmen Glee Club, accompanied by the Members and guests, rendered "God Bless America."

The SPEAKER. The Chair declares the joint meeting dissolved.

The honored guests, the members of the President's Cabinet, and the ambassadors, ministers, and charges d'affaires of foreign governments retired from the Chamber.

At 12 o'clock and 28 minutes p.m., the proceedings in commemoration of the 100th anniversary of the birth of Franklin Delano Roosevelt were concluded.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to announce that the House will continue in recess until the hour of 1:30 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ALEXANDER) at 1:30 p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 382. Joint resolution to permit the broadcasting in the United States of the International Communication Agency film "Let Poland Be Poland: A Day of Solidarity With the People of Poland."

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

GENERAL LEAVE CONCERNING COMMEMORATION OF 100TH ANNIVERSARY OF BIRTH OF FRANKLIN DELANO ROOSEVELT

Mr. SWIFT. Mr. Speaker, I ask unanimous consent that all members be permitted 5 legislative days in which to entend their remarks and to include therein extraneous material on the centennial of the birth of President Franklin Delano Roosevelt.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

● Mr. BOLAND. Mr. Speaker, it is fitting that today's joint session of Congress be a focal point of the celebration of the centennial of the birth of Franklin Delano Roosevelt. It was in this House, in addresses to joint sessions of other Congresses, that Presi-

dent Roosevelt announced some of the most important actions in the history of our country.

The word "crisis" is an example of a word the real meaning of which has become blurred through overuse. Today, occurrences which are the least bit out of the ordinary are labeled as crises. If you want a better understanding of what a crisis really is, consider the situation which confronted Franklin Roosevelt when he took office in 1933, and the events with which he had to deal in the years that followed. I believe that it is safe to say that no President has had to address problems of a magnitude greater than those addressed by Franklin Roosevelt.

When F. D. R. became President, this country was faced with an economic morass that threatened to destroy our social fabric. Millions of people were without work and millions more lacked food and shelter. Worst of all, the Great Depression had robbed many Americans of the belief that conditions could or would improve. Franklin Roosevelt not only sought to deal with those byproducts of the Depression which were most obvious, he also sought to transfuse the American spirit with a measure of the optimism which so characterized his personality. In both efforts he succeeded.

The challenge of a truly depressed economy would have been more than enough of a challenge for most administrations. Roosevelt, however, had to deal with not only an unprecedented economic situation at home, but an equally unprecedented global conflict. The demands associated with instituting a recovery from the Depression and marshaling the effort necessary to win World War II were intense. The United States is fortunate that it had a President with the ability and the will to see the job through.

The Roosevelt years unmistakably changed the character of the Federal Government in our country. Roosevelt saw that national problems demand a national solution and that the implementation of that solution has to be a task of the Federal Government. He believed that government, especially the Federal Government, has a responsibility to all its citizens—rich and poor, young and old. The extent of that responsibility, and the manner in which it should be discharged, still colors our political debate. In a very real sense the shadow of Franklin Roosevelt is with us today.

Perhaps it could be best said of F. D. R. that he was leader at a time when leadership was a scarce commodity. A man of courage, he was unafraid to take on those with a vested interest in maintaining the status quo. He was a man who, though personally restricted by a paralyzing illness, believed fervently in the necessity of action. The 12 years of his Presidency were characterized by action on a scale few would have imagined and still fewer would have dared.

That the great experiment which our Nation began more than 200 years ago still endures is due as much to Franklin Roosevelt as to any other President in our history. The American people continue to be in his debt.●

● Mr. ROSTENKOWSKI. Mr. Speaker, I am honored to join my colleagues in paying tribute to Franklin Delano Roosevelt on the 100th anniversary of his birth.

In 1932 when Franklin Roosevelt was elected to the Presidency, the Nation was both economically and emotionally bankrupt—"Hoovervilles" of tar paper were sprouting on urban garbage dumps, jobless white-collar workers were peddling apples, and bread lines were becoming commonplace.

In his inaugural speech F. D. R. promised an aggressive approach to the crisis. And in his first 100 days a benchmark ever since for evaluating early Presidential performance—he shepherded 15 bills through Congress.

He was a man of intense sympathy for the human suffering that was pervasive in the America of the 1930's. In meeting this challenge of immediate crisis he also was mindful of the need for preventing the recurrence of such an economic collapse. Accordingly, the early New Deal legislation: the Agricultural Adjustment Act (AAA), National Recovery Act (NRA), and Work Progress Act (WPA) all addressed the need for immediate recovery. While the later New Deal legislation: protection of the securities industry, fair labor standards legislation, and of course, social security, provided safeguards for our Nation's long-term health.

Despite his patrician background with education at Groton and Harvard, F. D. R. had a perceptive feel for the needs of less fortunate Americans. In fact, his ability to sense the needs of the common man whom he often called the forgotten man was quite keen. Yet while many of the Rooseveltian reforms were radical on their surface, they nonetheless blended well with such fundamental beliefs of American life as private sector strength and individual initiative.

F. D. R. was an innovative leader, one who broadened the scope of government from solely a servant of the rich to an advocate for individuals of all economic classes. The legacy of Franklin Delano Roosevelt is a system of government responsive to the overall needs of America.●

● Mr. MARKS. Mr. Speaker, as a member of the Special Joint Committee on Congressional Observances today, I am particularly pleased to join my colleagues in paying tribute to President Franklin Delano Roosevelt on this, his centennial.

He was our President, communicator, domestic rallying point and wartime leader and Commander in Chief. No man in this century has had such a profound and lasting impact on America as we know it. He gave us persisting hope when we had none—nor any real reason to have any, other than his own burning belief in America's future.

Many of today's institutions which foster social and political stability and economic growth are direct results of the Roosevelt era and F. D. R.'s shaping of those years.

This is true not only in the United States but in much of the free world. The groping, pre-Keynesian political-economic theories which produced the beginnings of U.S. economic recovery in the midthirties are at work today in many places around the globe. The doctrines of national sovereignty and human rights contained in Roosevelt's foreign policy and found in the Charter of the United Nations, have served to influence, for the better, the course of developed and developing nation alike.

F. D. R. was one of the world's leaders at a point in time which was critical to the survival of civilization as we know it today. Threats to, and massive violations of, human rights were rampant. Standard bearers of this warring wave of repression and annihilation threatened the foundations of free societies like nothing ever witnessed on the planet.

F. D. R. was the true leader of Allied forces which preserved our world. Had he failed to gradually prepare the American people for what he knew was an inevitable conflict with Axis powers, the map of the world would be drastically different from what it is now—and with no guarantee the United States would have survived in a world dominated by flanking powers on both the Atlantic and Pacific.

In his first term, F. D. R. did have some trouble in preserving certain recovery programs like the NRA, which the Supreme Court rejected. He persisted, though, and the legacy of labor law protection, social security, minimum wages, securities regulation, and insured deposits are now integral parts of how Government helps regulate the economy and moderate cyclical swings.

That legacy is also the basis of the social contract which underpins the meaning of Government today—a contract between the American people and their Federal Government which helps assure social and economic justice for all. This President of the people was a man who fought to see included in the policy deliberations of his day those who previously were excluded. Entrenched forces of position and wealth fought against him but he prevailed and helped lay the groundwork for the betterment of those parts

of American society we had ignored for so many years.

Not for nothing were those pictures of Americans from all walks of life disolving in tears as F. D. R.'s body moved up Pennsylvania Avenue back in April of 1945. They recognized in him that same gentle decency we honor today. A soldier said to a member of Roosevelt's Cabinet,

I felt as if I knew him. . . . I felt as if he knew me—and I felt as if he liked me.

Mr. Speaker, F. D. R. was and remains an inspiration to America and the world. My first, and most vivid political experience took place back when I was 10 years old. My father drove the family the 15 miles from Sharon, Pa., across the border into Youngstown, Ohio. F. D. R. was to appear and my uncle was providing the automobile in which F. D. R. was to tour the area. What a thrill for a youngster to meet and actually talk with the President of the United States—and what a President. The impression he made on me persists to this day. It stimulated my interest in politics and had some influence on my decision to run for Congress.

Today, the economy of the Nation is in trouble. We find ourselves with high inflation rates, high unemployment, and high interest rates. We have moved to cut Federal spending and the tax burdens of many taxpayers. I trust this economic experiment will prove successful. However, I also hope that should this experiment falter badly or fail and that we will have the wisdom, compassion, and economic commonsense to make sure that those individuals and families devastated by this experiment will find in the Federal Government of today that same measure of timely assistance provided during the four terms of Franklin Delano Roosevelt.

Mr. Speaker, I spoke earlier in my remarks about the hope that F. D. R. gave a dispirited and hungry nation. Conditions now are clearly not nearly as bad as they were in the depths of the Great Depression. Yet, on an individual basis, many families are experiencing the loss of everything they spend years to build. It is my hope that we in the Congress and the administration will remember during this time of trial not only F. D. R.'s exorcism of pervasive national fear but his commitment to the working man—the common man—every man.

In his second inaugural address, F. D. R. said,

We have always known that heedless self-interest was bad morals; we know now that it is bad economics.

I hope every American can take those words to heart. I should like to see a renewal of a spirit of comity abroad and the disappearance of a spirit of self-centered meanness which seems to be on the increase.

Mr. Speaker, I trust I have not been too guilty of discussing issues during proceedings I helped design to honor a great American. However, I do believe that perhaps nothing so honors the memory of Franklin Delano Roosevelt as invoking his words and spirit as inspiration and guide to the Nation during this year of his centenary and the year of our discontent.●

● Mr. FORD of Michigan. Mr. Speaker, as we pause to day to honor the 100th birthday of Franklin D. Roosevelt, it is only fitting that we reflect on the course this Nation has charted in the half century since his Presidency and look to where we are heading today.

Despite our present economic dilemma, we are still a wealthy nation and remain the industrial envy of the world. By combining abundant natural resources with progressive social policies, we have created a middle-class citizenry unequaled in history—undreamed of 50 years ago. Even though deep pockets of poverty and social injustice persist, we have molded a system with more affluence for more people than in any other time or place in the history of the world.

In my mind there is no doubt that the farsightedness of F. D. R. made this possible. With skill, wit, and boundless compassion for the common people of this Nation he set us on a social course that lifted us from the deadly grip of the Great Depression and guided us to unprecedented prosperity.

Today we are at a crossroads—a place in history where we must decide to turn back or continue moving ahead. We must decide in these Chambers whether to abandon F. D. R. heritage that has been so kind to us. That is the choice we are being asked to make—in the name of returning to the "good old days."

To some of my colleagues on the other side of the aisle, the good old days were those before F. D. R. Before workers had the right to organize, before there were human wage and hour laws, before there was social security, before there were Federal job and relief programs, before there was unemployment compensation and, yes, even before the Federal Government protected savings deposits in banks.

When I hear some of my brothers pine nostalgically for these romantic days of the past, I wonder how many of them pause to reflect on the number of business successes we would have today were it not for the programs that Franklin Roosevelt first set in motion. Those daring entrepreneurs who regale us with stories about how they lifted themselves with their own bootstraps might do well to consider that they succeeded only because the Nation prospered as it never had before.

In their initial skirmishes with the Great Depression, F. D. R.'s braintrusters saw production problems as the villain; the Nation was turning out too many goods. F. D. R. quickly spotted the error and concluded that the problem instead was at the consumer end. The need was to create more purchasing power.

One of the most remarkable qualities about F. D. R. was his flexibility. While he was deeply rooted in the old economics and bred into social traditions born of wealth, he was anything but doctrinaire. He fashioned social programs so that new economic theories would grow from them. Frequently his braintrusters would inveigh against trying something new and untested. He would reply:

There is nothing to do but meet every day's problems as they come.

And always as he met those problems it was with the needs and welfare of all the people in mind.

From his pragmatism evolved the insight that by helping the poor and needy, the business community would also benefit.

This might be called the trickle-up theory of economics. It worked so well that it dragged millions of self-proclaimed, self-made successes to the top. We are now being asked to try again the trickle-down theory of economics, which has never helped anyone save the privileged class.

An early act of the New Deal was to protect the small homeowner from foreclosure. This it did. But it also provided relief for the mortgageholders and the bankers.

In the beginning, F. D. R. was deeply rooted to the notion that relief was a proper concern of States and communities. But he soon saw that the problems were not regional or local. He pushed through Federal grants, not loans, to the States and established the Federal Emergency Relief Administration to feed the hungry unemployed, recognizing that the States could not effectively deal with a problem so national in scope.

Neither did he rely on the States to provide jobs. Unemployment was a national problem. He realized that what happened in Mississippi or Maine would have ripple effects in New York and California. Then, as now, unemployment among the youth of the Nation was of specific concern. F. D. R. established the Civilian Conservation Corps.

I read in the newspapers that the States are laying off job counselors at employment offices because Federal funds have been slashed. As a result, job placements are down. There are not enough people to match skills with the few jobs that are still out there. I am certain that F. D. R. would not have been this shortsighted. He understood that the way to economic recov-

ery was through putting people to work—not giving a tax break to the rich.

We are being asked now to turn back the clock and create a "new federalism." This ignores what F. D. R. saw so clearly, that we must attack our social problems nationally with countrywide standards.

In our highly industrial, complex society the unfortunate are the victims of national circumstances. Their welfare, therefore, is a national responsibility. In many, if not most cases, the disadvantaged owe their plights to decisions made at the Federal level. We make decisions here in Washington on matters ranging from imports to crop plantings. When someone in Alabama or Kansas is adversely affected by these decisions, then we have an obligation.

Obviously the legislatures in Kansas or Alabama cannot set import or national agriculture policies. Neither should they be expected to shoulder the burden for the pain that some may suffer to promote the good of all.

For 50 years we have been proceeding on the premise that the Federal Government had awakened to a new sense of responsibility and community. Now we are being asked to take the road back.

I, for one, am not ready to take that trip. I remember only too well what is at the end of that road. It was a time of hurt and despair.

I thought we had chosen a better way, where we came to understand that Government's role is to help those who need help—not to enhance the fortunes of the rich. F. D. R. put it this way in 1933:

> The test of our progress is not whether we add more to the abundance of those who have enough. It is whether we provide enough for those who have too little.

Franklin Roosevelt gave us hope—hope that all of us who wanted jobs would be able to have them, that those unable to work would be assisted compassionately and fairly and that we would have a measure of dignity in our old age.

I do not want to see that hope die, fade away, and be replaced with despair in the hearts of millions of poor and unemployed Americans.

In addressing the fears of the Great Depression, Roosevelt said that we needed plans "that build from the bottom up and not from the top down."

He said it well:

> We have always known that heedless self-interest was bad morals; we know now that it is bad economics.

I think it is time to rededicate ourselves to the wisdom of Franklin D. Roosevelt and his concern for the little people of America.

If he were alive today I like to think he would have something like this to say: "What is good for the forgotten man at the bottom of the economic pyramid is good for General Motors."●

● Mr. ANDERSON. Mr. Speaker, it does not seem possible that 100 years have passed since one of our greatest American leaders was born. But, it is true. We are gathered here to give recognition to the fact that Franklin Delano Roosevelt entered this world 100 years ago this week. Some might say well, so what? But I think those of us who have served in Government for many years, and have seen the results of his leadership exercised during the unprecedented three plus terms he served in office, could not let this day go past unnoticed.

America has produced many leaders. Some have been great, some have been mediocre, and some have, regrettably, not been leaders at all, but simply persons occupying a leadership position. However, in the case of Franklin Roosevelt, he was a true leader in every sense of the word.

Many of us remember well the days during the terrible depression of the thirties when we had men with college degrees standing shivering in winter on street corners selling pencils and apples for a nickel apiece, and long lines of men happy to accept a cup of watered-down soup and stale bread and call that their daily meal. The cause of the Great Depression is, of course, the subject of many, many pages of documentary and many learned treaties. I shall not say more here, as suffice it to say that it was real, and it was grim.

Franklin Roosevelt assumed the Office of the Presidency at the height of the depression. He had no guideposts left from previous administrations pointing the way to recovery. This was a depression without precedent in our history. He started our recovery by inspiring the American people to work together, to have confidence, and above all, warned them that the greatest thing they had to fear was fear itself. Many innovative programs followed in quick succession. By prohibiting the private ownership of gold, by closing banks until audits could be performed, and by placing stringent controls upon banking activities, he reestablished confidence in our currency. Once that was done, he proceeded with a long line of actions which I shall not take time to recount in detail here. Jobs were needed and created to put America back to work. Such things as the Civilian Conservation Corps (CCC) put men to work enhancing what we now call our environment and our natural resources. We had the Public Works Administration (PWA), which put men to work on building public works projects, some still in use today. The FDIC and FSLIC were formed to protect the deposits of investors in banks and savings institutions. And then, just when recovery was on the upswing, men were going to work, and the economy was moving forward, something much more ominous than even a terrible depression loomed on the horizon.

Many of us remember his fireside chats, when talking on the radio—and I must remind my younger listeners that there were no televisions at that time—Franklin Roosevelt established a bond between himself and the people. His wife Eleanor was constantly at his side and constantly in the public view, and even his little white dog Falla played a part in forming the Roosevelt image. And this image was necessary as a unifying focal point for our Nation, for in Europe the clouds of war were quickly gathering.

Roosevelt recognized that this Nation could not sit idly by and allow the dictatorships of Hitler and Mussolini to solidify all of Europe under their control, including the British Isles. He saw that even though he did not wish to spend money on rearmament, he must do so. And he had the tremendous courage to take an extremely unpopular act—to call up National Guard units and, to institute the draft. These were unpopular measures, even at that time, for many did not perceive the threat as did Roosevelt. And, in fact, some famous Americans such as the hero Lindbergh, who first crossed the Atlantic by himself in an airplane, publicly spoke out in support of the German cause and stressed the might of German arms, counseling America not to become involved.

Another historic act was the bases-for-destroyers deal that Roosevelt made with Great Britain, giving a brave people across the sea 50 overage World War I four-stack destroyers in exchange for bases located on Caribbean Islands that formed a part of the British Empire. Some of these bases remain today for use both by our military and our space exploration efforts. And, when war did start for America, it came not from Europe as had been expected, but from the opposite direction with the Japanese attack upon Pearl Harbor. I do not believe that anyone who was living in those days can forget Roosevelt's speech to the Congress of the United States when he condemned the Japanese attack as a "day that will live in infamy."

Despite his crippling paralysis from youthful polio, Roosevelt was extremely active during the war years. He journeyed to meetings with leaders of other major wartime powers in Casablanca, Yalta, Tehran, and in the North Atlantic. Whether all of the decisions made at these meetings were the wisest ones is the subject of debate. But, and this is to his everlasting credit, he made decisions. He forged an alliance which saw the victory of Allied armies over those of the combined forces of Germany, Italy, Japan, and their lesser satellites. And,

above all, he preserved that which our country stands for, the freedom of our people to live in peace, to voice their opinions, and to elect their leaders.

President Roosevelt died shortly before World War II was terminated. He died before he could see all of his efforts come to fruition. But, I do not believe anyone here doubts that the work done by this great man has seen us in good stead in the years since his death. His domestic programs have been expanded, in some cases modified, and when they had outlived their usefulness some have been abandoned. And so, my colleagues, it is with that thought in mind that we are assembled here today, to honor a great man who did so much for his country and to renew our faith in the ideals for which he stood; and, to remember that, because of his leadership we are still enjoying the four freedoms which he so clearly identified in a speech on January 6, 1941—freedom from want, freedom of worship, freedom of speech, and freedom from fear. It is a fitting tribute to a man who gave so much for so many. Thank you, Mr. Speaker.●

● Mr. MICHEL. Mr. Speaker, in commemorating the 100th anniversary of the birth of Franklin Delano Roosevelt, we are not only asked to think about the life and times of F. D. R., but of the very meaning of democratic government in the United States.

It has been said that F. D. R. was more passionately loved and hated than any other American President. There can be no doubt as to his legitimate claim as one of the outstanding figures in the 20th century and, I think it fair to say, in American history.

So much happened during his four terms that it would be impossible for me to list the triumphs and the failures of this American leader.

What I would like to do, instead, is to quote a passage from a speech that is one of the most famous he ever made. It was made in Chicago, on July 2, 1932, on his acceptance of the nomination of his party to be its candidate for President.

Listen to what candidate F. D. R. said, before he became President:

I know something of taxes. For three long years I have been going up and down this country preaching that Government—Federal and State and local—costs too much. I shall not stop that preaching. As an immediate program of action we must abolish useless offices. We must eliminate unnecessary functions of Government—functions, in fact, that are not definitely essential to the continuance of Government. We must merge, we must consolidate subdivisions of Government, and, like the private citizen, give up luxuries which we can no longer afford * * *

By our example at Washington itself, we shall have the opportunity of pointing the way of economy to local government * * *

I propose to you, my friends, and through you, that Government of all kinds, big and little, be made solvent and that the example be set by the President of the United States and his Cabinet.

That passage could easily have been slipped into last Tuesday's state of the Union message by President Reagan. No one would have known where it came from, since it reflects the policies of our current President.

Why do I raise this point? Only to demonstrate that throughout our history, basic principles remain the same. Big government is big government whether it is in the 1930's and 1940's or in the 1960's and 1970's. High taxes are high taxes, no matter who is President or what party is in power.

The words of Franklin Roosevelt, in his inaugural speech, remind us that some things never change. In that same speech he offered a program of relief—we would say welfare today—that would pay for itself. He never did manage to come up with such a program nor has any other President. But his ideal cannot be faulted.

Let us work together to see that F. D. R.'s stated ideals are put into practice today. That is the best tribute we can make to the spirit of Franklin Delano Roosevelt.●

● Mr. FAZIO. Mr. Speaker, few would dispute that President Franklin Delano Roosevelt was one of our Nation's greatest President's.

He was an exceptional leader, of exceptional vision and exceptional abilities. He led our Nation through one of the most trying periods: Through its most severe economic decline, its greatest war, and into its greatest age of economic prosperity and social justice.

It is appropriate that we pay tribute to President Roosevelt today in commemoration of the 100th anniversary of his birth, not only because of his enormous contribution to the America we now know, but because of the many challenges that are being made to the New Deal today.

Mr. Speaker, I respectfully request that the following article by Lloyd Bruno, which appeared in the Sunday, January 24, Sacramento Bee, be inserted for the RECORD. As Mr. Bruno so aptly points out, there is still much we can learn from F. D. R. and the New Deal.

F. D. R.'s LIBERAL COMPASSION BECOMES SUPPLY-SIDERS' SCAPEGOAT

(By Lloyd Bruno)

Saturday will be the 100th birthday of FDR., a fact I am finding hard to accept, for to me FDR is still The President, much more alive than any of the nine worthies—more or less—who have come after him. Yet it is sober truth that Roosevelt now belongs to an age as remote from ours as Lincoln's was the year I was born.

For that reason it is hard to explain to those born since Roosevelt's death in 1945—and they are the majority of the population—what many of my own generation felt about him. Bright young persons who have studied about him in school take refuge in "charisma," a trendy word for a quality they have learned to distrust, except, perhaps in rock stars and football players.

"Hitler had it," they will tell you, "and so did Jim Jones. If he'd wanted to, Roosevelt could have been as big a dictator as either, and maybe done a lot more harm."

They may be right about the dictator bit. When FDR took office erstwhile "progressive" thinkers like Shaw and Steffens were crying up dictatorship as the sure route to social salvation, and the wife of the legendary Lindbergh assured us it was "the wave of the future."

That was when Hitler, crazed with heady brew of Aryanism, was erecting the menacing structure of the Third Reich on the ruins of the Weimar Republic. Mussolini, the sawdust Caesar, was busy reviving the grandeur of imperial Rome and making the trains run on time. And Joe Stalin was jailing his opponents and shipping the kulaks off to the Siberian tundra, in the holy name of the proletariat.

Yet FDR apparently felt no temptation to follow their example, though in March 1933, both Congress and the people were in the mood to grant him unlimited power had he asked for it. He believed, however, that traditional American democracy, with all its notorious shortcomings, was a safer refuge in times of crisis than any of the versions of despotism then being hawked under fancy ideological labels.

Perhaps I am naive, but I feel that FDR believed in democracy because he was not only a good man, but also a happy one. He thoroughly enjoyed life, and wanted his fellows to do likewise. In this respect he was poles removed from the dictators—sour, hate-ridden bundles of envy and resentment, every man jack of them. Neither had FDR anything in common with the communist or fascist intellectuals, whose fierce assault on democracy was fueled by festering grievances and a longing for revenge upon society.

FDR radiated delight in living. He was no ascetic and, I fear, no saint. The mad Hitler, who shaved with cold water, spurned sensual pleasures and looked with icy contempt on the ordinary man's love of creature comforts. Not so FDR; he reveled in the good things of life, right down to Old-Fashioned cocktails, which he mixed with surpassing expertise. Finding deep satisfaction in being alive, he wished the same boon for all. I think the basis of his belief in democracy was as simple as that—and as profound.

Much has been made of Roosevelt's patrician background, and it can be said that the Hudson River squirearchy to which his family belonged comes as near to aristocracy as this country can show. Yet Roosevelt was an aristocrat in the Jeffersonian mold: He sided wholeheartedly with the plain people, and in no spirit of condescension whatsoever. His sympathies were genuinely with "one-third of a nation ill-housed, ill-clad, ill-nourished."

For this stand, those he castigated as "economic royalists" labeled him "traitor to his class." This charge FDR always treated with contempt, for he considered himself far above the tycoons, fat cats and pious money-grubbers. True, he lived graciously off a modest fortune, but he dismissed the singlminded and insatiable pursuit of profits as a goal unworthy of a gentleman. He had, he once said, no objection to moneymaking, but he could not understand why those who devote their lives to it can never get enough.

I agree, FDR was fortune's favorite, born with a silver spoon in his mouth. He was

sent to Groton, taken on expensive tours of Europe and emerged painlessly from Harvard with a "gentleman's C." He was a playboy and, I greatly fear, something of a ladies' man. Had he been living in Russia in 1917, Lenin would have had him shot as the pampered pet of privilege.

Yet how much more compassionate and appreciative of the common man's hard lot than the dour Hoover, the self-congratulatory Nixon, the smugly moralistic Reagan, all of whom, like Dickens' Bounderby, "made it" by hard work, and can see no reason why anyone, by earnest endeavor and ceaseless prayer, cannot emulate their example. I cannot help thinking of a line of Edgar Lee Master, "Beware, O republic, of the man who rises to power on one suspender."

Officially, of course, FDR's stock is low right now. The current preacher from the bully pulpit attributes all our woes to fifty years of waste, mismanagement and extravagence, initiated by—you've guessed it. Had FDR practiced supply-side, trickle-down, as expounded by Andrew Mellon, today we'd be solvent, moral and greatly loved, with the wicked Commies abjectly cringing at the mere mention of our name.

That sort of blather makes me think of a chipmunk trying to claw down Mount Shasta. The latest poll of 50 or so distinguished historians rated Roosevelt just below Lincoln and Washington.

"The test of our progress," Roosevelt said, "is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little."

Let Ronald Reagan ponder that, and consider whether it is not time to quit using FDR as his scapegoat, and instead to make him his model.●

● Mr. BINGHAM. Mr. Speaker, today's joint session commemorating the F. D. R. centennial was a magnificent occasion. Franklin D. Roosevelt was indeed one of our very greatest Presidents and is well-deserving of celebration on this 100th anniversary of his birth.

As a member of the Franklin Delano Roosevelt centennial committee I want to express my appreciation to Peter Kovler of Chicago, chairman of the committee, for his work in arranging so many of the centennial activities. To borrow a phrase from today's Los Angeles Times, Peter Kovler was "the sparkplug" of the F. D. R. centennial and, in fact, its sine qua non.

I attach a piece on Kovler from today's Washington Post.

HOMAGE TO A HERO

PETER KOVLER AND THE FDR CENTENNIAL

(By Ann L. Trebbe)

His office is bare. There is no typewriter, no portrait of a smiling wife, no pictures on the walls, no books on any shelves. There isn't even a stack of paperwork waiting to be done. A desk and a phone sit alone in a room in the Smithsonian's Museum of Natural History.

But that's all he needs, says 29-year-old Peter Kovler, breaking into a laugh to assure you he likes it that way.

As Saturday, the 100th birthday of Franklin Delano Roosevelt, nears, Kovler, chairman of the National FDR Centennial Committee, executive director of the Congressional Committee for a Joint Congress and heir to the Jim Beam fortune, has seen his days become filled with a final frenzy.

A typical recent day went in part like this:

8:45 a.m. He's having breakfast at home with his wife, Judy. The phone rings. It's a committee member to discuss an FDR centennial problem.

He gets to his office. . . . A woman in San Mateo County, Calif., is on the line saying she saw a small item in a San Francisco newspaper about the FDR centennial. She wants to organize some Democrats to spend the evening together. How should she do it?

Off to Capital Hill for a meeting, lunch and press conference with Rep. Claude Pepper (D-Fla.) and Sen. Jennings Randolph (D-W.Va.).

Middle of the afternoon, working from the office of Rep. Sidney Yates (D-Ill.). He gets through a call to the secretary in his Chicago office and dictates a letter about celebrations in Miami, Denver, San Francisco and Chicago.

Kovler's friends, when they are able to slow him down, jokingly call him Franklin. A playwright friend recently gave him an FDR coloring book. His wife has started a scrapbook.

"FDR is full-time now," Kovler says earnestly, leaning over a ketchup-drenched hamburger he ordered at lunch. With the next bite, he tallies the count of FDR-related phone calls on an average day. "Dozens," he decides.

Last summer when Kovler, who was born seven years after FDR died, began to wonder what was being planned to recognize the anniversary of Roosevelt's 100th birthday, he found out that virtually nothing was being planned. The former Department of Commerce speechwriter was shocked and decided to start something himself. Soon he found himself head of the whole centenary project.

There's no doubt that Kovler's admiration of the former president got him the job. But there must be some reason a nice-guy-from-Chicago-too-young-to-have-been-there is in the midst of a Roosevelt hoopla like this. He says his parents didn't hang FDR's portraits above the mantle. Bread lines were never a part of his life, and although his father talked about FDR and his mother cried when he died, he was just one among many other heroes in the household. Patriotism is his defense.

"There's nothing wrong with patriotism," Kovler says, even though he describes growing up at a time when patriotism was apt to be mocked.

"I just assumed he was everyone's hero," Kovler says, his widening blue eyes a perfect match with his faded jeans. "Don't you think?"

Everyone's hero or not, Congress appropriated $225,000 to fund the commemorative festivities, including the Smithsonian's observance, which in size will be second only to its Bicentennial celebration. But in terms of presidential commemoratives, according to Kovler's research, it doesn't come close to Herbert Hoover's in 1974 when $7 million was spent.

"A considerable amount," says Kovler, his bushy brown mustache hovering over every word. "And a considerable amount for a figure I think everyone would say paled in comparison—to put it mildly—to Franklin D. Roosevelt."

But Kovler is more than pleased with the celebration plans, which include lectures, films, a three-hour television documentary and numerous exhibits, especially since he found out it usually takes three to five years to properly coordinate a tribute of this scale. He's convinced it will be a celebration fit for a president.

"It's common knowledge that Roosevelt saved the nation through two of the most major crises of the century," Kovler says, the hamburger long gone, but the FDR talk still flowing, "and that he was to America like Churchill to England, like Lincoln to the 19th century.

"I would like people to remember that there is nothing criminal about government," Kovler says. "Most people think that now, somehow, the government is the devil's tool, and I think you can show by teaching history, this history—the New Deal—that government is not the devil's tool".

Kovler walks out onto the snowcovered sidewalk. He stops and turns around, an envelope tucked under his arm.

"Do you know where the Federal Express office is?"

Peter Kovler's got some last-minute FDR mail-outs.●

● Mr. MOAKLEY. Mr. Speaker, January 30 marks the 100th birthday of one of the finest and most compassionate Presidents in American history—Franklin Delano Roosevelt. It is appropriate that we honor him at a time when this Nation is in such desperate need of a leader of his caliber and vision. I feel it necessary for Americans to recommit themselves to the ideals of F. D. R.—especially, seeing how we now have a President who is working overtime to destroy many of the great and essential programs that were created under the Roosevelt administration.

Franklin Roosevelt had an admiration for the common man, a rare and valuable trait amongst politicians. He once said:

We are poor indeed if this nation cannot afford to lift from every recess of American life the dread fear of the unemployed that they are not needed in this world.

Roosevelt realized that Americans are tough and determined individuals who want to work and want to play a part in making this Nation great. He also recognized that there are those—the elderly, the poverty stricken, the less fortunate—who are in dire need of Government assistance. We should all be thankful that F. D. R. did not look upon the needy as shifty and lazy—unlike some of the new rightists who have invaded this city. If he had, there may not be unemployment compensation or social security. Roosevelt taught us the importance of caring. Let me say, despite what we are hearing from the present administration, there is nothing wrong with caring about others.

In the foreign policy arena, F. D. R. was a master. He was free from the cold war mentality that has plagued every President since him. He believed in conducting American foreign policy in a positive manner in which we would remain loyal to our own values while remaining tolerant of different values.

Mr. Speaker, the editors of the New Republic magazine have written an excellent tribute to Franklin Delano Roosevelt entitled "The Roosevelt Century."

I submit the article at this point in the RECORD:

THE ROOSEVELT CENTURY

January 30 is the centenary of the birth of Franklin D. Roosevelt. The nearly 37 years since he died have not been a hospitable time for American icons, past or present. So it is remarkable that there has been no dimming of his luster. He continues to be large in a way that none of his successors (and only a few of his predecessors) can begin to match. He is still the smiling demigod in the photograph on the following page—jaunty and confident, an infinitely reassuring father, a warm sun radiating blissful hope. His biographers—Schlesinger, Burns, Freidel, Leuchtenberg—take his greatness as a given, and indisputable fact that needs no defending, only elucidating. Some revisionist historian may yet try to revise him down to size, but the popular verdict is not likely to change. That verdict puts him on a par with Washington, Jefferson, and Lincoln as a creator of American democracy. Franklin D. Roosevelt is the 20th century's addition to the roster of Founding Fathers.

At the beginning, enlightened opinion expected little from the squire of Hyde Park. The editors of this journal were among those he gradually, but decisively, won over. "No doubt many of Mr. Roosevelt's progressive supporters think his program really embodies a 'new deal,'" they wrote on the eve of the 1932 election. "But it embodies nothing that reaches to the heart of the existing system." A vote for Norman Thomas, the Socialist candidate, was urged instead. By 1936 the editors were recommending a vote for Roosevelt only if the contest with Landon looked close, and for Thomas (or the Communists' Earl Browder!) if FDR seemed to have it in the bag. But in 1940 and 1944 the magazine didn't bother to wait for the campaign. Both times it endorsed the President as soon as he was renominated. FDR had made himself the indispensable man—and to see how he did it, one need only look at the America he inherited and the America he left behind.

In 1932 the United States was bankrupt in every way. With millions out of work and unsheltered from the bitter winds of depression, the official ideology of the government in Washington was a mixture of self-deluded Babbitry and paralyzed despair. Abroad the country counted for little. Wilson's internationalist legacy had been wholly squandered. (Militarily, the U.S. was very far from being No. 1; shortly before FDR's inauguration, General Douglas MacArthur, then Army Chief of Staff, rated it at No. 17.) When FDR died, on April 12, 1945, the Allies were on the verge of victory over Hitler, and the United States was indisputably the most powerful nation in history. At the root of that victory was something deeper than military strength. The country had transformed itself, under President Roosevelt's leadership, into a working and workable democratic society, with the means and the will to provide its citizens with a decent life. Did the New Deal "reach to the heart of the existing system"? Perhaps not. But before 1932, that system didn't have a heart. FDR gave it one.

Many of the fights that stirred such passions in Roosevelt's day seem trivial today. The NRA's blue eagle, the court-packing plan, the supposed danger of a third term—these are now as quaint as an older ration book. And FDR's moral vision was sometimes cloudy: witness his internment of Japanese-Americans at the start of World War II and his failure to grasp the full horror of the Nazi atrocity against European Jewry.

Looking back, though, what most stand out today is the extraordinary creativity of his stewardship. Institution after institution that he helped bring into being—Social Security, unemployment insurance, the modern labor movement, the minimum wage—permanently changed American society for the better. Were some New Deal programs (such as the Federal Deposit Insurance Corporation, which FDR thought would protect bad banks along with good ones) passed with only the reluctant consent of the President? No matter. Roosevelt created the New Deal's exhilarating atmosphere of fearless experimentation, and Roosevelt deserves the credit for its accomplishments.

In foreign policy FDR, who had campaigned for the League of Nations as the Democratic vice-presidental candidate in 1920, came to office as a member of neither the internationalist nor the isolationist camp. But he gradually educated the public to the need for a strong, active American role in the world. In his willingness to act he was always ahead of public opinion. He saw, when others did not, that liberty and democracy could not survive in America if they were expunged abroad. He understood that moral purity was not sufficient for liberty's defense against aggressive totalitarianism. Against massive opposition at home, he urged military preparedness and furnished the Allies with weapons with which to defend themselves and our common interests. It was thanks to his foresight that what he called "the American people in their righteous might" were as ready as they were for war when war came; and it is part of his legacy that since the war ended the American people have not again been seriously tempted—until our time, that is—by the kind of isolationism that he had inherited. When Germany invaded Poland on September 1, 1939, FDR knew that "the peace of all countries is in danger." He proceeded to dismantle the structure of America's historic neutrality. He would have known what to do with reference to Poland today.

This wordly, happy man, so utterly without unctuous piety, was in fact a spiritual leader. "The only thing we have to fear is fear itself," he said—and the country nearly wept with relief. He never entertained the slightest doubt that he could make the United States a stronger, more decent place. Writing in the New Republic on July 22, 1940, Hamilton Basso, with startling prescience, caught the essence of Roosevelt's contribution as well as anyone ever has, before or since. He wrote:

"FDR's place in history is secure, but only if the opponents of republicanism do not write the future history books. And here, in this qualification, we come to what may well be the true greatness—perhaps the accidental greatness—of Franklin D. Roosevelt. He emerges, out of the fog of a stormy time, as one of the great spokesmen of democracy—giving new articulation to those old and simple ideas which, if democracy is to survive, must truly be weapons.

"He came to the Presidency in a black moment of a black, black time. Democracy, as a form of government, was being laughed at and derided. Many of the intellectuals now loving it so noisily were . . . writing of America as jungle, America as wasteland, America as washed-up. There was a red dawn over Moscow that had not yet turned out to be merely a reflection of the bombed towns and burning villages of Finland and, at home, the desperate and the hungry were listening to Huey Long.

"It was then, in 1933, that Franklin D. Roosevelt began to carry the country forward to the modern stage of democratic realization—to the point, that is, where the immediate and direct interest of the government in the welfare of all its citizens is also recognized as a democratic principle."

That principle, it need hardly be added, is precisely what is under attack on the hundredth anniversary of Roosevelt's birth. It only enriches the irony that the leader of that attack is the man who, by quoting this greatest of Democrats in his acceptance speech to the 1980 Republican convention, confirmed the place of Franklin D. Roosevelt in the pantheon of nonpartisan American heroes. We have no quarrel with that. Ronald Reagan's astute decision to drape himself in the Roosevelt mantle was a backhanded tribute to the breadth of FDR's appeal and the universality of FDR's legacy. But it was also an audacious piece of political larceny—one that made skillful use of the superficial resonances between the two men. Like FDR in 1932, Reagan in 1980 was elected more for who he wasn't than for who he was. Like FDR, Reagan faced an incumbent, an uninspiring engineer-President, in a time of economic distress. Like FDR, Reagan offered a politics of expansiveness, hope, and possibility against a politics of scarcity and resignation. And, like FDR, Reagan as President began his term with a dynamic flurry of proposals for economic recovery, demonstrating a masterful sway over Congress in the process, and promising deep and lasting change in the relation of the American government to the American people.

But the similarities only make the differences, which are far more meaningful, stand out in sharper relief. None of FDR's successors have been his peers, so perhaps it is unfair to hold any of them to his standard. But Mr. Reagan, the "Republican FDR," has invited the comparison himself; and he has lately provided a pertinent text in a remarkable public television interview with Ben Wattenberg. Because it was broadcast on Christmas night—at the beginning of the one week each year when the press and public are at their least attentive—it passed almost unnoticed. In the interview, Mr. Wattenberg asked Mr. Reagan to explain his journey from New Deal Democrat to conservative Republican.

"The PRESIDENT. Well, it's true that when I cast my first vote, at age 21, it was for Franklin Delano Roosevelt, his first election. And it's true, if I look back, that—because, remember, this was the depths of the Depression. I got out of school and sought my place in the world of work in 1932, when the government was putting ads on the air, on radio, urging people not to leave home looking for work because there was no work. Stay home and wait and the government would do something for you. I got a job. I didn't stay home. But I don't mean it wasn't real—the problem, 25 percent unemployment.

"Mr. WATTENBERG. This was the radio announcer job?

"The PRESIDENT. Yes. Now, I think in that whole era, it was a great traumatic experi-

ence for the nation, and so we had a kind of thought that we had a sick patient and medicine must be applied. But the Roosevelt that I voted for had promised to cut federal spending by 25 percent, had promised to return to the states and local communities authority and autonomy that had been unjustly seized by the federal government. . . .

"Mr. WATTENBERG. And you supported him during all those years, right?

"The PRESIDENT. Oh, yes, and there was no question about his being a great war leader for this nation. And I think all of our attention turned to that. But, in the meantime, my own analysis is that people attracted to government and to government positions in those years, in many instances, did not view the medicine as temporary. If you remember, I was assailed during the campaign for saying that many of the New Dealers actually espoused what today has become an epithet—fascism—in that they spoke admiringly of how Mussolini had made the trains run on time. In other words, they saw in what he was doing a planned economy—private ownership, but government management of that ownership and that economy. Ickes, Harold Ickes, in his book, said that what we were striving for was a kind of modified form of communism. Well, I don't believe that that was really in Roosevelt's mind, and I think that, had he lived, and with the war over, we would have seen him using government the other way. Roosevelt at one time made a statement that the federal government had to get out of the business of—we didn't call it welfare then, we called it relief. But, as he explained, that the federal government was not the proper agency for that, and that the manner in which it was being done was demoralizing to the people that you were trying to help.

"Mr. WATTENBERG. I'm a little bit turned around here."

Well, so are we—and so, dizzyingly, is the history of the New Deal. It scarcely seems possible that Mr. Reagan so profoundly misunderstands the era in which he came to maturity. One of the things that era teaches is that the essential difference between democracy and tyranny lies not in whether public or private entities manage the economy but in who owns, as it were, the government itself. Does a blend of private ownership and public planning really constitute fascism or communism? If so, then the only question is which of America's allies have gone fascist and which have gone communist—to say nothing of America itself.

Apart from the fractured political science, the interview illuminates two facets of President Reagan's mind and spirit that make a powerful contrast with President Roosevelt's. One has to do with empathy, the other with ideology.

Mr. Reagan understands perfectly that a business executive might need a government tax incentive to encourage him to invest. But he cannot see how a government loan to a college student from a lower-middle-class family or a nutrition allotment to a pregnant woman or a newborn child can be anything but demoralizing. He divides the country into producers and parasites, and the latter category includes not only those who for some reason cannot follow his example ("I got a job") but also the government itself. Roosevelt saw democratic government as the collective instrument by which the whole society could renew itself; for Reagan, that is the province only of the owners of wealth, and, grudgingly, of local authorities. Roosevelt, who began life with much, could empathize with those who had little. Reagan reverses the equation. Roosevelt, to use an old-fashioned phrase, had a social conscience. Reagan seems to have none.

Mr. Reagan is right that Governor Roosevelt, in his first campaign for the presidency, promised to reduce the federal budget. Indeed, FDR's initial program of massive cuts in government spending and massive relief for the jobless was an early instance of voodoo economics. But he was not wedded to any one approach. His blithe disdain for dogma, the despair of some of his advisers, was one of the keys to the success of his Administration. His was an ideology of values, not of mechanisms. During the first campaign, even as he was calling for balanced budget, he let his principled pragmatism shine through. "It is common sense to take a method and try it," he said. "If it fails, admit it frankly and try another. But above all, try something." And when the first New Deal, the New Deal of NRA and managed scarcity, failed to cure the Depression, out it went, and in came the second New Deal, the New Deal of social reform. Mr. Reagan, too, was elected partly out of a widespread sense that he would "above all, try something." But he seems to have only a single something to try. Last week after new figures showed the unemployment rate rapidly approaching 9 percent this was his lame defense of his economic program: "I don't known any other way to do it." He is a prisoner of an ideology—the wrong ideology at that.

The Democrats, willy-nilly, are FDR's true political legatees. They must build a house of their own in which to hang his portrait, and we have no doubt that in time they will. But for the moment they are like the listless heirs of some departed magnate, picking sadly over the threadbare furniture in a cobwebby mansion. They are shaken by the Republicans' success in building a coalition of the haves and the almost-haves—and they deserved to be shaken. As they grope for answers, their duty—the duty of all of us who share their values—is not only to defend Roosevelt's legacy but also to separate the wheat from the chaff in the Democratic programs that came after the New Deal. The successes of the New Frontier and the Great Society, from Medicare to the space program, were those that engaged the imaginations, and interests of the entire society. Where there were failures, political or substantive, they mostly came in programs that divided the country into its economic and ethnic components and then proceeded to "target" the benefits.

The great lesson that Franklin D. Roosevelt's career holds for his political descendants is to be found in the inclusiveness and universality of his social vision. The Democrats will err if they waste too much time genuflecting to the "private sector"—or any sector. Nor will they gain much for themselves or the country if they put too much stock in "compassion." Compassion is an excellent private virtue, but in public affairs it is too readily jettisoned, even by people of good will, if it is seen to clash with a broader common interest. The Democrats must learn to respect the real discontents of the American middle class—the fear of crime, the disgust with lousy schools, the creeping sense of social and economic disintegration. There are signs that the Democrats are beginning to do so. Finally, the Democrats must learn to unite the potential strength of the American underclass with that of the hard-pressed working people who are currently underwriting the Reagan Administration's experiment in economic royalism. These are the people who abstain in growing numbers with each succeeding election. They are the present equivalent of FDR's Forgotten Man. The Democratic Party can bring them back only with a political creed that stresses their potential as functioning members of a larger society, not as marginal objects of charity. But one-third of the American nation is no longer "ill-housed, ill-clad, ill-nourished." That was FDR's achievement. Roosevelt's heirs will conduct themselves as if this advance was never made at the peril of turning the Democratic Party into a permanent minority party and, at that, largely a party of the minorities.

The next great wave of political and social reform in this country, we hope, will understand the value of human capital, not just the kind that buys machines; it will explore the possibilities of democracy in the workplace, not just in the electoral arena; it will look for ways to limit bureaucracies, not just protect them; it will use equity as a spur to productivity, not just as a tool of distributive justice. Roosevelt's America was open and unfinished; so is ours. More important than any particular scheme, more important even than any particular goal, will be the largeness of democratic spirit that was Franklin D. Roosevelt's distinctive and effortless gift.●

● Mr. GREEN. Mr. Speaker, today we are celebrating the 100th anniversary of President Franklin Delano Roosevelt's birth. F. D. R. gave hope to a nation crushed by economic depression and world war and led it to renewed greatness. His New Deal for America has provided the basic structure of government for half a century. Indeed, many of us grew up knowing only F. D. R. as President; today, administrations come and go, but the long shadow cast by F. D. R. remains.

Todays joint session of Congress in President Roosevelt's honor is very appropriate, and I am pleased to have the privilege to attend. I hope that this centennial celebration will not only remind us of F. D. R.'s greatness, but will also spur the construction of the F. D. R. Memorial. There can be no better time than now to erect a fitting memorial to F. D. R.'s distinguished career as a public servant.

On Monday, January 25, the Senate Rules Committee reported Senate Joint Resolution 95, which authorizes the construction of the F. D. R. Memorial. This positive step brings us closer to the day when the F. D. R. Memorial Commission can bring its work to a successful end. As House Member of the F. D. R. Commission, I am well acquainted with the chronic delay that has afflicted efforts to build a memorial to F. D. R. The F. D. R. Memorial Commission was created by Congress in 1955, yet after 26 years and half a million dollars, we still do not have a memorial. Though many have faulted the F. D. R. Commission for this foot dragging, Congress bears a share of the blame. Numerous proposals have been put forward, and all have been refused,

except of course, the most recent proposal which has been approved by the National Capital Planning Commission, the National Park Service, and the Commission on Fine Arts. Only the Congress has thus far failed to move.

On the eve of the 100th anniversary of F. D. R.'s birth, we have before us a suitable memorial proposal. I hope this auspicious timing will prompt the Congress to authorize funding for the F. D. R. memorial as soon as possible.●

● Mr. ANNUNZIO. Mr. Speaker, I am honored to join my colleagues in commemoration of the 100th anniversary of the birth of President Franklin D. Roosevelt, who served as our Nation's Chief Executive during the years 1933-45, longer than any President before or since. I was privileged to work in his campaigns of 1936, 1940, and 1944.

Few men more profoundly affected the course of American public life than Franklin Roosevelt. He won a place unique in the hearts of our people and in the annals of the Nation. He earned that place by force of moral character, by boundless energy on behalf of the common good, and by holding before men and women the example of leadership untainted by selfish advantage.

The respect and esteem in which he was held reflected the sentiments of the Nation as a whole and, indeed, of people's good will throughout the world. To millions across the globe he embodied the ideals and aspirations of American democracy as very few men or women in this or any other century.

The record of F. D. R.'s service to State and Nation, service which continued in the midst of serious illness, is an impressive one. His political idealism found expression with his first surprising victory in a New York State election for State senator in 1910, at the age 29, from a district which had been dominated by Republicans for over 50 years. During World War I, he served as President Wilson's Assistant Secretary of the Navy, where he gained valuable foreign policy experience in Europe, and in 1920 he became a candidate for Vice President on the Democratic Party ticket headed by Gov. James M. Cox of Ohio. The candidates campaigned in favor of U.S. membership in the newly formed League of Nations and on other progressive innovations, but the country was not ready for such expressions of political idealism at that time.

Although tragically stricken with polio in 1921, Roosevelt's courage and fortitude continued to inspire progressive Democrats all over the Nation, and at the urging of Al Smith, the Democratic Party's Presidential candidate in 1928, despite the need he felt to continue his treatments for polio in Warm Springs, Ga., he ran for Governor of New York where he won the election despite the failure of Smith to carry the State in his own election campaign. As Governor, he established a program of unemployment compensation, the first for that State, and successfully fought for legislation which reformed the public utilities, the State prison system, and initiated an old-age pension program. He won reelection in 1930 by a record vote.

Elected to the Presidency in 1932, by a sad and desperate Nation in the depths of the Great Depression, Franklin Delano Roosevelt maintained his good cheer and optimistic image and remained inexhaustibly hopeful and confident, grounded in a deep love for America and a commitment to freedom and dignity for all her citizens. Shortly before he took office in 1933, a banking panic began which compounded the misery of millions of citizens who had already lost their jobs, their homes, or their farms because of the national economic collapse. He initiated programs on behalf of average Americans, the "forgotten man," as he called them, designed to improve the economic condition of the country.

The many fundamental reforms of our Nation's economic and social systems, called the New Deal by President Roosevelt, were seen by him as the "use of the authority of government as an organized form of self-help for all classes and groups and sections of our country." He vigorously led Congress in the enactment of laws to reform the banking system, establish the right of collective bargaining, and create jobs and housing. He led in the enactment of the Social Security Act, the Agricultural Adjustment Act, the Tennessee Valley Authority Act, as well as the laws establishing the Civilian Conservation Corps and many other agencies to assist in the financial recovery of all Americans.

The era of the New Deal was a remarkable and brilliant era in the history of democracy because the programs of the New Deal involved each and every American. Franklin Roosevelt never lost that zeal and that fire as a champion of all the people by espousing that it is good and it is right for people to share in the wealth of America, because he believed that a productive citizen is what makes a democratic country like ours strong. He firmly believed that each citizen who has produced for America and who contributed to the wealth of America must be remembered by America and not abandoned just because they fall ill or their working years are over.

Franklin Roosevelt's character and career alike were a vindication of democracy at a time marked by new forms of tyranny, political disillusion, and small-minded partisanship. No other politican proved to be so durable, so effective, and so productive in both war and peace. Few leaders in our history made so many contributions to the well-being of our beloved country, and President Roosevelt's high standards, his tender and compassionate interest in people, and his inspiring example of creative accomplishment shall live forever in the hearts and minds of all people.●

● Mr. BIAGGI. Mr. Speaker, it is a special privilege to be a Member of Congress on this occasion when we pay tribute to Franklin Delano Roosevelt—one of this Nation's most important Presidents and clearly one of the most enduring of all figures in American history.

It was 1882, when Franklin Delano Roosevelt was born in the beautiful community of Hyde Park, N.Y. He was a man who loved New York like few others. He served with great distinction as its Governor. Yet it was this position he was elected to after that—President of the United States where Roosevelt truly established himself as an American legend. He served in the office longer than any other President. He began his Presidency during the waning days of the depression and ended it with our triumphant victory in World War II.

Franklin Delano Roosevelt for many Americans is the only President they remember—for he had such an enormous influence over everyday life in America from 1932 until 1945. He took a nation out of despair and gave it hope. He transformed a nation and its sagging spirit to one with renewed confidence.

How do you pay an appropriate tribute to a man who served almost 4,000 days in the most difficult job in the world? How do you pay tribute to a man who guided us out of the depression and led us to victory in World War II when our very freedoms were challenged as never before? Today, we do our small share to honor a great American Franklin D. Roosevelt. I hope the day is not too far off when an appropriate memorial is placed in our Nation's Capital similar to those which honor this Nation's other great Presidents, Washington, Lincoln, and Jefferson. We should make this a goal of the 97th Congress.●

● Mr. HUGHES. Mr. Speaker, it is difficult for generations of today to understand the utter hopelessness into which the people of our Nation fell at the onset of the Great Depression. While we certainly have economic problems, the growing recession most prominent among them, we now address them with a reasonable certainty that the economy will recover. This was not the case when, in 1929, the stock market crashed, banks began to fail, and people lost their sources of livelihood in record numbers. It was a time when not only the economy was

deeply depressed, but the national spirit was one of despair.

The greatness of Franklin Delano Roosevelt, whose centennial we celebrate today, was to lift the national spirit so that the Nation could confront and solve its mighty problems and form the resolve to win a terrible war. Roosevelt approached national problems with the same high courage and resolve with which he had approached a seemingly insurmountable personal affliction—polio. In each case, he persisted where many others would have despaired, and he was not limited by the narrow confines of conventional wisdom.

Instead, he tried new ideas and approaches, a New Deal. Some programs succeeded, many did not. But through this process he forged a lasting structure of programs which helped to insure that never again would the banks fail, the poor and elderly be left without resort, and the economy so abruptly grind to a halt. He established a new role for Government, one of actively participating in and sustaining the economy in troubled times. While some have assailed this role, it is undeniable that the transformation wrought by Roosevelt helped to save our economic system by restoring faith in it.

Roosevelt also saved our Nation and our allies from a threat which many would have preferred to ignore. Nazi Germany came perilously close to winning its European war before the United States entered the Second World War. Yet Roosevelt, who may well have preserved democracy in this country, most certainly saved it in Western Europe. By sustaining Britain in its lonely struggle and, after Pearl Harbor, providing the leadership needed to enter the war, Roosevelt turned the tide of a fight to preserve the lives and liberties of millions.

So while the past is sometimes easy to forget, let us not forget Franklin Roosevelt, a man who confronted hopelessness and won.●

● Mr. VENTO. Mr. Speaker, the best measure of Franklin Delano Roosevelt's greatness is in the tributes from people of such diverse political ideologies and beliefs.

Columnist Carl Rowan sums up his feelings this way: "The Roosevelt revolution generated and nurtured hope."

Even staunch conservative George Will speaks of F. D. R. in glowing terms:

Radiating an infectious zest, he did the most important thing a President can do: he gave the nation a hopeful, and hence creative, stance toward the future.

F. D. R. was an outstanding individual and a great leader. He left us a truly splendid legacy. He transcended overwhelming physical limitations through the sheer force of his will and his raw courage. He gave us many of the most basic values we have come to take for granted—minimum wage protections, insured bank savings, the right to join labor unions, and the National Labor Relations Act. And he refused again and again to accept the possibility of anything except a triumph of the best principles, even in the worst circumstances.

But we should be wary of enshrining F. D. R. F. D. R. was a man of his time. He was a composite of strengths and weaknesses like we all are. In fact, it was these very human characteristics which made what he did even greater and endeared him to us all the more.

We all know that F. D. R. changed American life in such a fundamental way that whole political philosophies sprung up in reaction to his New Deal. He changed the very nature of the Presidency, making the Presidential office the head and heart of the Federal Government. His decisions affected the balance of world power and ultimately the course of American history. But most of all, he raised our country's morale and confidence at a time in this Nation's history when the outlook was the bleakest.

For this, we should all be grateful.

When I think of F. D. R., I think of the words of the Irish dramatist Brendan Behan:

My only politics is that kids should be able to play in the summertime, old people should be able to keep warm in the winter, and everybody ought to eat at least one good meal a day.

Nowhere is that better exemplified than in the social security system F. D. R. created. It represents the most basic social compact between the Federal Government and the American people and a bonding of the generations. It changed people's basic concept of what their work and their American citizenship meant. In F. D. R.'s own words:

It is the purpose of the government to see that not only the legitimate interests of the few are protected, but that the welfare and rights of the many are conserved.

Regrettably, our social security program is under heavy fire today. Slowly, despite our efforts in the House and the overwhelming public support, the American people are being deprived of their hard-earned social security benefits. This is something F. D. R. would not have tolerated, and neither should we.

F. D. R. left a mighty legacy, but not one to be enshrined or to remain static. Our challenge is to develop the dynamic spirit of caring that permeated all of his initiatives and policies. Even though today's circumstances are different, hopefully we do not have to relive history to discover that the purpose and necessity of the National Government is to respond to and be responsible to the American people.

Perhaps the ultimate tribute to the legacy of F. D. R. will come in our commitment to preserve the integrity of the social security system and the spirit of the many other programs his genius and foresight inspired.●

● Mr. MINISH. Mr. Speaker, on this 100th anniversary of his birth, every aspect of the life and administration of Franklin D. Roosevelt will be commented on; there is little to add to the mountains of commemorative tributes and critical discussions of a man who dominated American politics and society for over a decade. But I would ask what it was about F. D. R. which makes him seem so vital and important to us now, when many of his contemporaries who seemed at the time to be giants have been forgotten.

I think that F. D. R.'s central achievement was to make the fundamental commitment that government should protect the average citizen against the domination of enormous economic and social forces which interfered with normal daily life. Roosevelt did not want government dominating people or telling them what to do; he recognized, however, that government was responsible for some minimum standards of social decency in the face of threats too large for the individual to be able to control. It was not one program or another which made F. D. R. a giant, but his overall concern for the American people. Our Nation still owes him its gratitude.●

● Mr. GILMAN. Mr. Speaker, on Saturday, January 30, 1982, our Nation will be celebrating the 100th anniversary of the birth of a man who has become one of the few individuals in American history to rise above partisan politics in the minds of the people.

Franklin Delano Roosevelt, the 32d President of the United States, like Washington and Lincoln before him, has achieved a place in the hearts of Americans which places him above party, politics, or ideological debate. The lead article in the New Republic for January 27, 1982, cites President Reagan as "the man who, by quoting this greatest of Democrats in his acceptance speech to the 1980 Republican convention, confirmed the place of Franklin D. Roosevelt in the pantheon of nonpartisan American heroes."

The affection and awe in which Americans hold Franklin Delano Roosevelt does not alter the fact, however, that many of the programs which were instituted by his administration are still controversial. Nonetheless, none can deny that the Roosevelt administration had a profound influence on our way of life, and that 50 years after his first election, we still feel the ramifications of his administration.

Those of us from the mid-Hudson Valley of New York hold a special affection for our old neighbor, F. D. R., for he was born and raised on the

banks of the Hudson. It was to his home in Hyde Park that he sought solice during the years of public service, and it was there that he was finally laid to eternal rest in 1945.

One of the most memorable episodes of my young life occurred at the National Boy Scout Jamboree held in Arlington, Va., in the late 1930's. My troop was camped next to the troop from the neighboring community of Hyde Park, which had constructed a miniature replica of the Roosevelt Hyde Park home. The President made a point of coming over to view their handiwork and to personally greet all of us from the Hudson Valley. To this day, I am impressed with the charismatic personality of the man; one of the few persons in our history who can truly be called "bigger than life."

Part of the reason that our Nation remembers and honors Roosevelt was his unparalleled skill at the political game. Louis J. Lefkowitz, who was my boss when I served as an assistant attorney general of New York State back in the 1950's, was a young State assemblyman during Franklin Roosevelt's term as Governor, from 1929 until 1933. Mr. Lefkowitz was quoted in the New York Times earlier this week as describing Governor Roosevelt in this way: "He knew exactly what he wanted and was determined to get it."

That determination in Governor Roosevelt was soon made evident to all of us by President Roosevelt. At a time when millions of Americans were unemployed, when their life savings were extinguished in the hundreds of bank failures, when the entire financial structure of the Nation was threatened, he stated in his first inaugural address to the Nation:

> This is preeminently the time to speak the truth, the whole truth, frankly and boldly. Nor need we shrink from honestly facing conditions in our country to-day. This great Nation will endure as it has endured, will revive and will prosper. So, first of all, let me assert my firm belief that the only thing we have to fear is fear itself—nameless, unreasoning, unjustified terror which paralyzes needed efforts to convert retreat into advance. In every dark hour of our national life a leadership of frankness and vigor has met with that understanding and support of the people themselves which is essential to victory. I am convinced that you will again give that support to leadership in these critical days. * * *"

Franklin Delano Roosevelt was unique among the giants of our history in that he did not lead us through one supreme crisis, as did Lincoln, but through two of the greatest crises our Nation has ever faced. No sooner had the economic depression begun to fade into history, than we were faced with the menace of Fascist militarism run rampant throughout the Far East and Europe.

Roosevelt shared with Lincoln the gift to grasp the significance which the events of his time held. Just as Lincoln almost alone among his contemporaries understood that a Southern victory in the War Between the States would signal the end of democratic government on a grand scale anywhere in the world, Roosevelt almost alone understood in the late 1930's that Hitler's racist expansionism—as well as Japan's military conquests—would in the end draw the United States into this titanic conflict. Roosevelt understood that the United States was, in the phrase of the time, the "arsenal of democracy." Roosevelt understood that the task of conquering the dark forces of Hitlerism and militarism would ultimately rest on the shoulders of Americans.

Like Lincoln, and like all of the great leaders of history, Roosevelt had the ability to concisely summarize the issues at hand in such a way that all could understand them. By summarizing the goals of the war in the famous Atlantic Charter with Prime Minister Churchill, by articulating the aims of the war in his "day of infamy" message to Congress, and by the fireside chats which continued throughout the war, Roosevelt again displayed his greatest talent: The talent to make us Americans believe that we are invincible. Without his leadership, the mammoth tasks of World War II would have been so much harder a burden to bear.

Franklin Delano Roosevelt died just weeks before the ultimate victory in that conflict, and weeks before his dream of a United Nations came to fruition. Last session, I had the honor of serving as a U.S. delegate to the U.N. General Assembly. There may well be no monument to this man that we can construct greater than the United Nations—the living and perpetual monument to the leadership, and hope, that Franklin Delano Roosevelt presented to all of the peoples on Earth.

This coming Saturday, ceremonies at Hyde Park, just across the Hudson River from my own 26th Congressional District of New York, will mark the 100th anniversary of the birth of this man, who now lies buried just a few feet from the site of his birth. Although President Roosevelt may have passed away physically, he will live on forever in the minds and hearts of the people as long as freedom, faith, and hope survive in the human existence.

Mr. Speaker, Franklin Delano Roosevelt will not be remembered just as a dynamic political leader, or even as a great New Yorker. He has achieved the ultimate accolade of being remembered as a great American.●

● Mr. LONG of Louisiana. Mr. Speaker, few if any statesman can compare to Franklin Delano Roosevelt. It is only appropriate that we remember F. D. R. on this the occasion of his 100th birthday. Throughout his public career, Franklin Delano Roosevelt was a committed champion of the common man. While he was Governor of the State of New York, Roosevelt assembled a program that provided tax relief to farmers and less expensive public utilities for consumers. He also pioneered the development of state supported old age pensions and unemployment insurance.

When Franklin Delano Roosevelt ascended to the Presidency the economic situation of this country was desperate. Between 13 million and 15 million people were unemployed, most of the Nation's banks were closed, and industrial production was significantly depressed. In his inaugural address, Roosevelt immediately set about the task of restoring popular confidence. His own confidence was unmistakable:

> This great nation will endure, will revive and will prosper * * * the only thing we have to fear is fear itself—nameless, unreasoning, unjustified terror.

F. D. R. received bipartisan support, and he sought to maintain that consensus. His Cabinet was geographically as well as politically balanced and included for the first time, a woman—Secretary of Labor Frances Perkins.

Franklin Delano Roosevelt's New Deal encompassed a relief program which was far reaching. He first obtained from Congress funds to alleviate human suffering. Congress established the Federal Emergency Relief Administration which granted funds to State relief agencies for direct relief. Millions of homeowners and farmers were aided by mortgage relief.

Perhaps the key components of the New Deal program were acts which stimulated business enterprise and regenerated farm prosperity. The National Industrial Recovery Act had two facets. On the one hand, it provided a substantial appropriation for public works and on the other it encouraged management and labor to establish codes that would provide for fair trade practices, minimum wages, maximum hours, and collective bargaining for organized labor. The Agricultural Adjustment Administration focused on raising farm prices. Roosevelt's New deal program also saw the passage of the Works Progress Administration, the National Labor Relations Act, and most notably the Social Security Act which included both unemployment and old age insurance.

In 1932, F. D. R. said that the Presidency is preeminently a place of moral leadership. No President more completely espoused that concept. All Americans gained from the relief programs established by Franklin Delano Roosevelt. The New Deal gave hope to the poor, minorities, the unemployed, and did much to again engender faith in government. Today, as we remember Franklin Delano Roosevelt on his 100th birthday, let us all pledge to work toward his principle goal—the

improvement of the quality of life for all Americans.●

● Ms. FERRARO. Mr. Speaker, I am pleased to join my colleagues in paying tribute to Franklin Delano Roosevelt on the 100th anniversary of his birth.

A recent magazine article perhaps summed up F. D. R.'s contribution to our democracy, and his place in American history, best. They called him "the 20th century's addition to the roster of Founding Fathers." It is a very short roster, and F. D. R. surely belongs. Washington, Jefferson, Lincoln, and F. D. R. Each in his own way, these are the men who formed, and sustained, and reformed our Government.

For those of us who have never known any America but post-F. D. R. America, it is difficult to understand how much of what we take for granted we owe to F. D. R. It is not too much to say that he redefined government, and gave it a whole new identity.

To put it in the terms of recent political debate, the America F. D. R. left behind was indeed much better off than the America he inherited. He came to power at the blackest moment in a very black time; the nadir of the Great Depression. Americans had lost faith in business, in government, in themselves. In his first inaugural, F. D. R. told the country it had nothing to fear but fear itself, and people believed him.

The New Deal was marked by a really new approach to government, powered by the idea that the Government, the Federal Government, had a direct interest in and responsibility for the welfare of its citizens. So many New Deal programs, social security, unemployment insurance, and the labor law reforms, now seem so natural it is hard to imagine an America without them. Yet America before Roosevelt was without them, and was much worse off for it.

In foreign affairs, F. D. R. found America a second-rate power, of little account in the world, and left it the most powerful nation in history, triumphant in history's greatest war.

The strength that America brought to bear on the war, in terms of the aid we gave our allies through lend-lease and other programs before we entered the war as well as the spirit and bravery of our fighting men, was the result of F. D. R.'s foresight in recognizing the threat of fascism.

For 13 years F. D. R. led the Nation, through its most desperate time economically, and through its most perilous time militarily since the birth of the republic. He restored hope and faith and optimism to a people burdened with despair, and when he died, millions of Americans for whom he was the embodiment of hope and faith and optimism wept. Their good fortune, and ours, was that his legacy provided the basis for a strong, prosperous, and free America.

In these times of economic distress and political uncertainty, we should all consider the Roosevelt legacy as we chart our Nation's future course.●

● Mr. ADDABBO. Mr. Speaker, it is an honor to be able to commemorate January 28 as the 100th anniversary birthday of our great 32d President of the United States, Franklin Delano Roosevelt.

The achievements of this man are innumerable, serving as President for more than 12 years and being the only President elected for an unprecedented four times.

He was a man who displayed personal courage, giving the people of the United States the strength to fight against the economic deprivation that plagued this country during the 1930's, as well as the courage to fight during the Second World War.

Among his notable accomplishments and offices held, he served as New York State senator, Assistant Secretary of the Navy, and Governor of New York State before becoming President in 1932.

Although crippled by polio, President Roosevelt retained his youthfulness and vitality, setting an example for the American people during the hard years of the Depression. The American people regarded him as a friend and a protector and thus he was able to unify the American work force.

He established numerous Government agencies such as the CCC (Civilian Conservation Corps), the TVA (Tennessee Valley Authority), and the NRA (National Recovery Administration), along with numerous Federal emergency relief programs, all of which helped America out of the Great Depression. He instilled confidence during the banking crisis and through his tax relief programs he relieved some of the burdens carried by the American farmers. Overall, his New Deal program enlisted the powers of our Federal Government as a means of restoring the economic prosperity of the 1920's.

President Roosevelt was a reformer and an innovator. He laid the goundwork for much of what exists in our Government today. He was able to mobilize the American people during periods of crisis as well as successfully lead the American people through the worst war that we ever experienced.

This man will continue to serve as a model commanding respect from generations to come. No one will ever forget his fireside chats, his achievements, and the warm personal relationship that he established with the people of the United States and the world.●

● Mr. CORRADA. Mr. Speaker, I am honored to stand here today to join in paying tribute to a giant figure in our Nation's history, President Franklin Delano Roosevelt, on the occasion of the 100th anniversary of his birth date.

Franklin Delano Roosevelt stood for the one quality, above all, that characterizes our country: compassion. Compassion for the less fortunate in our society to whom we have a moral obligation to support. Compassion for those who are struggling to improve themselves to insure a more prosperous future for themselves and their children by giving them a hand. And, finally, compassion for our neighbors and those around us to whom we can offer help and from whom we can derive support and strength.

In many ways, it is this compassion that is the basis of our strength. For compassion is not a sign of weakness but of a commitment to improve ourselves and the lot of our fellow man. If ever there was a person in the right place at the right time, Franklin Delano Roosevelt was such a person. He combined enormous optimism, enthusiasm, and vigor, with a commitment to take command of the situation and charge full speed ahead with the work needed to get the job done.

He came into office at a time when the Nation was mired in despair and a paralysis of the spirit was evident. His electrifying first 100 days in office were the spark that put this country on the road to economic recovery and reform.

My first recollection that there is a person known as the President of the United States was when Franklin D. Roosevelt was President. I remember when I was 6 years old listening to the radio when he declared war on Japan; particularly I remember the strength and the conviction in his voice that, somehow, in the middle of all the despair and uncertainty around us, conveyed a belief that we would come out victorious. As Joseph Alsop so accurately states in a recent article in the Smithsonian magazine:

> Hope was in fact Franklin Roosevelt's greatest gift to his fellow American. Partly, he gave us hope by his deeds, when he came to office in a time that seemed utterly devoid of hope. But even more, he gave us hope because all could see that he himself felt not the slightest doubt about the future at any time in his years as President.

We are all aware of the extent of the impact of the laws enacted during the Roosevelt years. All Americans have been assured protection of their basic human needs under the philosophy which is the cornerstone of the new deal offered by Roosevelt.

As President Roosevelt stated during a message to Congress in 1941:

> We look forward to a world founded upon four essential human freedoms. The first is freedom of speech and expression—everywhere in the world. The second is freedom of every person to worship God in his own way—everywhere in the world. The third is freedom from want—everywhere in the

world. The fourth is freedom from fear—anywhere in the world.

President Roosevelt recognized that, in an ever interrelated world, the old system of reliance solely on individual action and responsibility was no longer feasible. The rugged individualism that built our country is a great heritage and was essential to our development. But with our growth—both economically and in numbers—and with the astounding developments in the communications and natural sciences areas, our dependence on one another grew. It thus became important for the Federal Government to take the lead in insuring that our interrelation with one another is not translated into a dependence that is detrimental to individual dignity and human development, or that can be abused by those that have power over our daily lives. This interrelation is not limited within our country but also with other nations on Earth. As President Roosevelt states during his fourth inaugural address:

We have learned that we cannot live alone, at peace; that our own well-being is dependent on the well-being of other nations, far away. * * * We have learned to be citizens of the world, members of the human community.

It was this vision of the world which fueled our efforts not only toward economic recovery and reform but also during World War II.

President Roosevelt is admired and foundly remembered in Puerto Rico also because of his appointment of Rexford G. Tugwell as Governor. Governor Tugwell was a trusted member of Roosevelt's "brain trust" as an adviser particularly concerned about the plight of the small farmer and later on as head of the resettlement administration in the Department of Agriculture. His tenure in Puerto Rico—the last mainland-born appointed Governor—was characterized by laying the foundation for the economic development of Puerto Rico that turned around the island from the poorhouse of the Caribbean into a vibrant, progressive society.

I remember hearing on the radio of President Rosevelt's death when I was 10 years old and feeling as though a member of my own family had died. But the values and hopes for which he fought and which he represented carry on as his legacy to us. It is important that we continue to fight for them and to defend them even as we adapt them to the needs of our ever-changing Nation. The debt of gratitude owed by our country to President Roosevelt is being recognized and I, for one, pledge my continued support to the principles for which Franklin D. Roosevelt stood.●

● Mr. MATTOX. Mr. Speaker, this month we mark the 100th anniversary of one of our greatest Presidents—Franklin Delano Roosevelt.

This man who overcame the crippling effects of polio went on to lead our Nation through its gravest domestic crisis and most severe international challenge in this century.

In each case, he weathered the test.

In meeting these challenges, he left as his legacy programs that define our present-day social and economic system and a style of leadership that is the test against which we measure the performance of our Presidents today.

As we face a time of economic trial today, it is helpful to look back to see how F. D. R. met the grave economic challenge of his time and to see what lessons we can draw for ourselves today.

The programs enacted during the Roosevelt administration are now so much a part of the fabric of our society that we tend to take the benefits of these programs for granted. We assume they have always been there.

One way to appreciate the Roosevelt legacy is to remember what it was like before F. D. R.'s New Deal.

Before F. D. R., no Federal program provided the elderly with any degree of security in their retirement years. After F. D. R., there was social security.

Before F. D. R., no one's savings deposits were secure. After F. D. R., the Federal Government insured savings accounts.

Before F. D. R., adequate regulation of the securities market did not exist. After F. D. R., the stock market was regulated to protect investors and the larger economy.

Before F. D. R., workers could be fired for union activity. After F. D. R., the worker's right to organize into free trade unions was secured.

As Joe Alsop reminds us in his recent book on F. D. R., the Roosevelt legacy may be summed up by saying he included the excluded.

Until Roosevelt, many of the economic and political benefits of this land were denied to those who were not rich, not white, and not of an Anglo-Saxon Protestant background. F. D. R. began the process, still incomplete, of including the previously excluded groups of Americans into our society, economy, and politics.

Roosevelt's greatness lies not only in the programs he left us, but also in the way he exercised leadership. For many of us today, the way that F. D. R. exercised leadership still provides the model against which we evaluate contemporary Presidents.

What were some of the keys to F. D. R.'s effective leadership?

One key to his leadership was that he was a master communicator. F. D. R. was effective in all settings—large audiences as well as small groups. He was particularly effective in the use of radio, which was the most important means of communication in his time.

F. D. R. also had a gift of explaining some very complex ideas and proposals in a way that was understandable to everyone.

Another important element in his leadership was his emphasis on experimentation. F. D. R. was not a prisoner of any ideology. He wanted results. In order to achieve results, he was open to ideas from just about any source. If something did not work, he would reject it and try something else.

F. D. R. was also very effective in conveying a sense of optimism about the future. But it is not enough just to convey optimism. Such optimism has to be credible.

Many Presidents who try to convey optimism are unconvincing. Roosevelt's optimism, however, was believable. People believed that things would actually get better. They felt this way because they saw he actually had a program that was workable and was fair to everyone.

What useful lessons for today can we draw from the Roosevelt years?

First, we must not stray from the inclusionary principle laid down by F. D. R. It is the right path. It is the fairest. It has brought unequaled benefits to the people of our Nation.

But in following the path of F. D. R., we must also remember his emphasis on experimentation and results. We should continue his work but do it as he would have done it—with an openness to new ideas and an emphasis on what works.

Just like Roosevelt, we should not be blindly attached to policies of the past that have become outmoded. Our test should be what works. Conditions change. Problems are solved. We should be willing to reassess policies in the light of changing conditions. And if we decide that a policy is no longer appropriate, it is not an admission that the policy was always wrong. It is only an admission that it is not appropriate or useful under today's conditions.

To continue the work begun by F. D. R. of including the previously excluded and to do so in the manner of F. D. R.—with an openness to new ideas and a willingness to discard policies that don't work—this is how we can best honor the memory of F. D. R.●

● Mr. SMITH of Pennsylvania. Mr. Speaker, I join with my colleagues in commemorating the 100th anniversary of Franklin Delano Roosevelt's birth. I can think of no better way to start the 2d session of this historical 97th Congress than to pay tribute to a man whose leadership and creativity helped restore a nation's confidence. President Roosevelt was a symbol of a time when Americans were able to triumph over great adversity. Americans were

faced with the Great Depression, which left many families economically devastated, but Roosevelt was able to give the American people a new faith, hope, and dignity. We honor this great American President because he had the creative courage to reshape the role of government in order to tackle the economic problems facing the nation. President Roosevelt simply believed that the Government was responsible for the poor and jobless in society. With this sound wisdom, he expanded the role of the Federal Government by creating the New Deal, which provided the American people with such measures as unemployment insurance, old-age provisions, slum clearance, and low-income housing projects. In a time of economic crisis, President Roosevelt did not turn his back on the American people, but instead, he created an economic program that embraced the needs of the American people. What he gave to our Nation was far more than a New Deal, he created a government that had a deep sense of duty and responsibility in looking after the poor and jobless in our society.

As we pay tribute to this great leader of social justice, I find it appropriate that we now begin to rethink the priorities of this historical 97th Congress. It is time to implement an economic program that reflects the needs of our society. It is time to listen to the frustrations of our society. It is time to listen to the frustrations of our unemployed, and the suffering of our poor in order to find the same courage that Franklin Delano Roosevelt found, and create an economic program that is not tailored for the privileged, but one that fits the needs of all Americans.●

● Mr. LEHMAN. Mr. Speaker, today we commemorate the 100th anniversary of the birth of President Franklin Delano Roosevelt. To honor him, one of my constituents, Barbara Ames, has written a poem called How Goes the Peace.

I would like to share this poem with my colleagues on this very special day.

HOW GOES THE PEACE

IN HONOR OF PRESIDENT FRANKLIN DELANO ROOSEVELT

(By Barbara Ames)

There was a time not too long in our past
When free men of the world, immobilized
Watched an heroic band in mortal fray
With madness bent on torturing mankind,
The ravening force sought total mastery of all the world
We watched the battle, weeks passed into months,
Defending forces dwindled dangerously
And still we watched and waited, hypnotized,
Our fate and mankind's future on the scale,
Or slavery, to destroy us one by one,
Or liberty, hard earned through centuries.
Who can forget that knew the tyrant's might?
The drone of flying squadrons filled the sky,
The screaming rockets with their silent strike;
But still the brave fought on for liberty,
And still we watched with calculated calm,
And those of us who cared were agonized,
When would we lend our force to Britain's few
Or would we watch them totally destroyed.
The tension grew volcanic, free men prayed,
When from the East a rising sun burst forth
With fury on our reveling innocents.
A judgment come to ruin recovery's hope.
We were attacked and forced to make a stand.
Aligned at last with allies, friends once more.
The world was shaken by a grim ferocity
As free men everywhere saw truth at last.
The battle nearly won a wary friend
Joined to destroy our Western foe.
Two atom bombs and Eastern peace was won.
Half dazed, in shock and ill, our leaders met,
To forge a lasting peace for all mankind.
What did we win, and do we recognize
Tyranny as an ever threatening force?
Is noble sacrifice so soon forgot, the battle won.
Our children grow untaught the history.
That war was won indeed, how goes the peace?●

● Mr. MAZZOLI. Mr. Speaker, on this January 30, as we commemorate the 100th anniversary of the birth of our Nation's 32d President, we pay tribute to an American whose courage and tenacity have been an inspiration to all. Obstacles and defeat were virtually unknown to Franklin Delano Roosevelt, the man who led our Nation during one of the most difficult periods in American history.

Despite a handicap which left F. D. R. physically impaired, he rose to greatness in the eyes of his fellow Americans. Tackling the obstacles which confronted him, Mr. Roosevelt approached the Presidency fearlessly, working toward the American dream. F. D. R.'s New Deal offered new hope and a means for revitalizing the economy. Through his programs, F. D. R. once again started the Nation on the road to economic recovery.

Americans will long remember the fireside chats and the politics, but at this anniversary commemoration, let us not forget the man. Let us pay tribute to a man who has inspired Americans by his conquering spirit, his courage and commitment, his ability to rise again in times of defeat, and his dreams for a great society.

Today we need to recall the invincible spirit of F. D. R. In tackling the problems of the 1930's and 1940's, he demonstrated to all that "the only thing we have to fear, is fear itself." Fifty years later this is still good advice.●

SOCIAL SECURITY STUDENT BENEFITS

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, there has been much concern expressed in the last few weeks over the impending phaseout of the social security student benefit. Many efforts are being made to squeeze into college as many high school seniors as possible before the May 1982 cutoff for new people entering the student benefit program.

The cutoff of student benefits was a budget reduction which passed this Congress last year with considerable support. The Ways and Means Committee proposed to postpone this action for 2 years so that high schoolers could have some notice, but that approach was rejected both by the Senate and by Gramm-Latta, and the May 1982 cutoff was set in law with the intention of excluding this year's high school seniors from the program.

I am concerned that these students are finding out about the change very late in the game, even though the Social Security Administration has made some effort to publicize it. I call on the SSA to do more to get the word out to students and their families so that they might know what to expect—and I would include in this not just the seniors but students already in college, who will suffer 25 percent annual cutbacks, and younger students who planned on this aid in the future. They need all possible advance notice.

To make matters more difficult, this benefit is being phased out at the same time alternative student aids are being cut severely. We must not endanger the education of our youth. We should hold up on further cutbacks until we see just what effect the current reductions will have.

WE SHOULD LEARN FROM HISTORY

(Mr. PERKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PERKINS. Mr. Speaker, they say everyone carries around with him his own yardstick for measuring greatness.

That must be true, for in the midst of the present atmosphere of economic disaster, I find myself wishing every day we had a man in the White House like Franklin D. Roosevelt.

I do not suggest that the crisis of 1982 has yet reached the seriousness of that which faced Roosevelt when he was inaugurated President in 1933. But we will be foolish indeed if we underestimate the potential of the present administration's economic policies to buy us a calamity rivaling that of the early 1930's.

It is fitting that the Congress and the country pause this week to mark the centennial of Franklin Roosevelt's

birth, and to remember with appropriate ceremonies throughout this year the greatness of the man and the legacy he left us.

President Roosevelt had already passed from the scene when I came to the House in 1949, nearly 4 years after his death. But I was old enough to have an awareness of his Presidency since I was serving as a county official during the early 1940's. And from the day of his inauguration I was aware of the impact of Roosevelt on people who suffered cruelly from the economic disaster which had befallen the Nation.

I was privileged to serve in this Chamber with two of his sons, James and Franklin, Jr. Congressman James Roosevelt was a member of the Committee on Education and Labor during my earlier years here. And both of them were good friends.

From the onset of the Great Depression in late 1929 until President Roosevelt's inaugural in March 1933, more than 4,000 banks in this country had failed, and the pace was accelerating.

In the month before the 1932 Presidential election, Nevada had been obliged to proclaim a bank holiday to preserve the financial institutions in that State. In February 1933, Louisiana suspended all banking activities, and 10 days later Michigan did the same. In March, many other States were in a similar situation. At last, on the morning of inauguration day, New York's Governor, Herbert H. Lehman, reluctantly followed suit, leaving the richest State in the Nation substantially without banking services.

In the final 2 weeks of President Hoover's term, depositors demonstrated their lack of confidence in their financial institutions by withdrawing more than $1 billion, and hoarding the cash.

President Roosevelt's first major act upon assuming office was to declare a 4-day bank holiday, commencing March 7, 1933—the Monday following his Saturday inaugural. Every bank in the United States was closed until the panic could be arrested and the sound ones sorted out from the weak.

Encouraged by the President's expressions of confidence in the future and by his energy in setting the wheels of Government whirling, the crisis in America's banking system was overcome.

It was clear that a major operation was necessary to save the banking system of the country and to restore the confidence of the people. That was the operation Franklin Roosevelt mounted and was able to pull the country back from financial collapse.

The late Walter Lippmann described those perilous days this way:

> At the end of February we were a congeries of disorderly, panic-stricken mobs and factions. In the 100 days from March to June, we became again an organized nation confident of our power to provide for our own security and to control our own destiny.

The character and the courage of Franklin D. Roosevelt were responsible for that victory over panic 49 years ago this winter. And there is a lesson in his Presidency that we should restudy in this winter of 1982.

Today, the jobless toll stands at 9.5 million, and climbing upward to 10 million—a ghastly goal we may reach when the next monthly accounting takes place.

Today, our housing industry is a basket case because of the tight money policies espoused by the President and the Federal Reserve Board of Governors.

Today, our automotive industry has become a cropper with sales plummeting and worker layoffs rising.

Today, business failures are reported on a steep upward climb as, one by one, businessmen fall before the financial juggernaut of high interest rates.

Today, farmers throughout the country are in trouble.

These are but a few of the warning flags that are flying from our economic battlements. They ought to tell us something.

They do. They tell us we need a man in the White House who will take command of the perilous situation and shake some economic sense into our monetary policies.

Franklin Roosevelt knew—and often said—that the banking industry stands in a special relationship to the people of a democratic society in that it is permitted only to operate for the service of the people. Banks were never intended to be our masters.

Banks lay prostrate and defeated 49 years ago, and President Roosevelt revived them on behalf of the people. They recovered their health and their arrogance. And within a few years began acting again like "economic royalists," as Roosevelt effectively described them.

It is now time for another President to remind them that they exist for us—and not the other way around. It is time for the President to take decisive action to bring interest rates down to sensible levels.

We should learn from history that if the rates are permitted to continue at current levels for much longer, they endanger the whole economic system.

Those of us who remember Franklin Roosevelt know what he would do when faced with a crisis in the economy such as plagues us now.

President Roosevelt's present day successor could profit by careful reading of 1933 history and so could this Congress.

DANIELSON REPORT

(Mr. DANIELSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DANIELSON. Mr. Speaker, responses to my most recent questionnaire sent to all of my constituents at yearend have now been tallied and I want to share those results with my colleagues.

You will note that President receives a considerably higher rating for a job well done from my constituents than the Congress receives. Opposition to wage and price controls is slightly higher than support. A similar small plurality of those opposed to 4-year terms for Members of the House outnumber supporters.

Sunday voting, however, met with approval by a 48- to 42-percent margin, and the 55-mile-per-hour speed limit gained an almost 3 to 1 edge of support. A law declaring that human life begins at conception was opposed by nearly 58 percent, with 35 percent favoring such a law.

It was interesting to note that the U.S. Postal Service, although receiving a favorable rating from less than half of the constituents who responded, ranked considerably higher in popularity than the other Federal agencies listed. I was proud to note, however, that my congressional office led all of the agencies, receiving a vote of support from nearly 63 percent of those responding, as opposed to less than 7 percent giving it an unfavorable rating.

The full text of the questionnaire, with results, is as follows:

DANIELSON REPORT—1982 QUESTIONNAIRE—YOUR VIEWS WILL HELP ME SERVE YOU BETTER

[In percent]

	Favor or approve	Oppose or disapprove	No opinion
1. Do you approve or disapprove of the way Reagan is handling his job as President?	56.8	36.6	6.6
2. Do you approve or disapprove of the way Congress is handling its job?	25.5	59.9	14.6
3. Would you favor or oppose having the government bring back wage and price controls?	44.4	47.5	8.1
4. How would you feel about changing the term of Members of the House Representatives from 2 years to 4 years? Would you favor or oppose this?	42.2	50.2	7.6
5. Do you favor or oppose keeping the present 55-mile-per-hour speed limit on the highways of the Nation?	72.8	24.1	3.1
6. It has been proposed that the United States supply China with military weapons if Russian troops move into Poland. Would you favor or oppose such action?	34.8	52.0	13.2

DANIELSON REPORT—1982 QUESTIONNAIRE—YOUR VIEWS WILL HELP ME SERVE YOU BETTER—Continued

[In percent]

	Favor or approve	Oppose or disapprove	No opinion
7. The U.S. Congress is considering a law which would declare human life begins at conception, and therefore abortion at any time could be considered a crime of murder. Would you favor or oppose such law?	35.1	57.8	7.1
8. Would you favor or oppose requiring all young men to give 1 year of service to the Nation—either in the military forces or in nonmilitary work here or abroad, such as work in hospitals or with elderly people?	78.6	17.5	3.9
9. Would you favor or oppose such a program for women?	60.4	33.5	6.1
10. In recent national elections, only about half those eligible to vote have actually gone to the polls. One proposal for increasing voter turnout is to make it more convenient to vote by holding national elections on Sunday, a nonworking day, instead of on Tuesday, as at present. Would you favor or oppose having election day on Sunday?	48.2	41.8	10.0
11. How likely do you think we are to get into a nuclear war within the next 10 years? Very likely 16.4 percent. Fairly likely 19.5 percent. Fairly unlikely 23.4 percent. Very unlikely 23.4 percent. Not sure 17.3 percent.			
12. Russia is said to be spending many times as much protecting its people from nuclear attack as the United States is spending. Do you think we should do more than we are now doing, do less, or do you think our present efforts are about right? Do more 51.6 percent. Do less 6.5 percent. Present efforts about right 26.6 percent. Not sure 15.3 percent.			
	Favorable	Unfavorable	Not sure
13. To help me in my continuing efforts to make the Federal Government more responsive and courteous to its citizens, please rate the following government agencies in accordance with your personal experience:			
U.S. Postal Service	43.9	50.8	5.3
Immigration and Naturalization Service	16.4	59.2	24.4
Veterans' Administration	29.9	37.0	33.1
Social Security Administration	36.7	47.0	16.3
Internal Revenue Service	37.8	46.4	15.8
My congressional office	62.7	6.7	30.6

THE 100TH ANNIVERSARY OF THE BIRTH OF FRANKLIN DELANO ROOSEVELT

(Mr. PARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PARRIS. Mr. Speaker, it was my privilege to be in attendance at the ceremony held earlier today in this Chamber honoring the commemoration of the 100th year of the birth of Franklin Delano Roosevelt.

That occasion was the creation of a bipartisan effort to recognize the enormous contributions of this extraordinary man in a time of this Nation's most trying economic test.

Although I have never been a strong ideological ally of that President, and occasionally take issue with his political beliefs and his party affiliation, I was thoroughly impressed with the proceedings this morning. My colleagues were eloquent, and the music was magnificent. I enjoyed the ceremony immensely and I found it a truly moving and inspiring occasion in the finest traditions of America in honoring the dignity of free men and women in the political process of a democratic society.

Occasionally, Mr. Speaker, our political system, which receives so much criticism and scorn, rises to the occasion, and this was truly one of those times. My heart is filled with pride to be a citizen of this Republic and a Member of this body.

INTERNATIONAL TERRORISM

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BROOMFIELD. Mr. Speaker, this morning I was extremely pleased to hear the news reports concerning the release of General Dozier. I am happy for the general and for his family. I believe that the United States also owes a debt of gratitude to the Italian authorities for their successful action in location and freeing General Dozier. Their continual and exhaustive activity in this regard is reflective of the high degree of professionalism in the Italian police and intelligence services.

In view of the release of General Dozier from Italian terrorists, I believe it is timely to commend to my colleagues the following editorial which appeared in the December 29, 1981, edition of the Wall Street Journal. The editorial, written by noted terrorism expert Claire Sterling, is entitled "General Dozier and the International Terror Network." I believe it helps dispel the notion that these terrorist operations are merely domestic expressions of extremism. Rather, using the terrorists' own words, the editorial shows that terrorist groups, acting in concert, are clearly engaged in an anti-United States, anti-NATO plan to undermine the West and benefit the Soviet Union.

While the editorial limits itself to just a few recent incidents, the broader picture must not be lost on the reader. The issue is not whether the Soviet Union approves in advance each and every terrorist incident in Western Europe. This is unnecessary. By providing training bases, both in the Soviet Union and the Third World, providing weapons, and providing money and documentation, the Soviet Union and their proxies are guilty of these heinous acts just as surely as if they had pulled the trigger themselves.

I am always saddened when I hear someone say that we must try to understand and accommodate the Soviet Union if we are to avoid a new cold war. I fear that such people are perceiving the Soviet Union through rose colored glasses. I must ask, when did the cold war end? Before or after the Soviet invasion of Czechoslovakia? Before or after the Soviet invasion of Afghanistan? Before or after the use of Soviet supplied chemical-biological weapons in Southeast Asia? How does the end of the cold war theory fit in with the current Soviet directed crackdown in Poland today?

No, I am afraid that as far as the Soviet Union is concerned, the cold war has never ended. It has merely been continued under one guise or another. Today, they find that international terrorism is a promising vehicle, especially against open societies predicated upon individual liberty. Not only can they disavow direct involvement with a particular terrorist incident, but they reap the long term benefits from destabilization in the West. A terrorist act not only causes danger for those who are targets of the attack, but it undermines our basic liberty and freedom as strong counteraction is demanded to bring a halt to these acts.

For those of us in the West, the long term key to the situation will be how we effectively respond to international terrorism, while at the same time safeguarding those values and principles that serve as the foundation of our free society. As for the Soviet Union, we must keep their feet to the fire on this issue. They cannot be permitted to maintain the fiction that they are not involved in the problem. As much as being a war of violence, this is a war of propaganda. The West must come to grips with the problem. A stable society is at stake. We cannot let the Soviets off the hook.

The editorial follows:

[From the Wall Street Journal, Dec. 29, 1981]

GENERAL DOZIER AND THE INTERNATIONAL TERROR NETWORK

(By Claire Sterling)

ROME.—Some days after kidnapping Brig. Gen. James Lee Dozier—the first American they have laid a finger on in all these years—Italy's Red Brigades issued a lengthy communique explaining why. Four lines were devoted to their captive, a "Yankee pig" of high NATO rank in "the American occupation army." The remaining 11 pages offered an unusually revealing glimpse of the Red Brigades' true nature and intentions.

We now have it from the horse's mouth that there really is such a thing as an international terror network; that the most elite of its bands in Western Europe are mobilizing to "disarticulate . . . the pulsing heart of imperialist counter-revolution NATO"; that the U.S. is their supreme target and Soviet Russia the privileged recipient of their favors.

The communique speaks of this network as an "organization of Communist combat," whose main battalions encircling "NATO's heartland in Western Europe" are mentioned by name: the Red Brigades in Italy, the Red Army Faction (Baader-Meinhof Gang) in West Germany, the Provisional IRA in Northern Ireland, the Basque ETA in Spain. The last two, once restricted by "the suffocating optic of nationalism," are at last moving on "to a larger sphere of war" against the West.

"The revolution will be internationalist or there will be no revolution!" the document declares.

Its authors make no effort to disguise their immediate strategic objectives. They state bluntly that the U.S. is trying to thrust cruise and Pershing missiles upon its subalterns in NATO, and build a neutron bomb, so as to bargain with the Soviet Union "from a position of strength." That effort must be blocked at all costs, everywhere in Western Europe and especially in West Germany, "whose geographical position makes it an ideal base for a land attack on Soviet Russia." There lies the giveaway phrase.

Directly after this comes a telltale reference to Italy, "key link in the NATO chain from Spain to Turkey," and thus next in importance as "an area of intensified conflict."

Between them, therefore, Italy and West Germany are singled out for special terrorist attention as "front-line states," and understandably so: They happen to be the only two NATO states on the Continent committed firmly to the installation of cruise and Pershing missiles.

"War on imperialist war! War on NATO! War on the strategic centers of the American military machine!" the communique concludes, lest anyone might still miss the point.

Not a word in this text refers to Soviet Russia's SS-20 missiles, pointing westward with their triple nuclear warheads. There is no reference to Soviet occupation armies either, whether in far-off Afghanistan or next-door Czechoslovakia, Hungary, East Germany and Poland—particularly Poland. Martial law was imposed in Poland and the brutal suppression of Polish workers began, just four days before Gen. Dozier was kidnapped in Verona. You would never know it from reading the Red Brigades' Communique Number One on People's Prisoner James Lee Dozier.

The ugly implications in such timing could scarcely escape notice here. Italy's popular cartoonist, Forattini, promptly drew a wily Leonid Brezhnev leering at his audience over the caption: "Keep your nose out of Poland, and I'll give you back Dozier." But that is surely too simple a view of the case.

What the timing does suggest is an elaborate, carefully studied, long planned campaign to divide, discredit, demoralize and ultimately disarm NATO, designed to coincide with the opening of superpower disarmament talks in Geneva—cited explicitly in the Red Brigades' communique—and a wave of pacifist, anti-nuclear and markedly anti-American sentiment in Europe.

This is certainly not to suggest that everybody who is against nuclear weapons in Europe is a terrorist. It is, rather, to suggest that the international terror network has set out deliberately to hook onto, and make full use of, everybody who is against nuclear weapons in Europe.

Its efforts to turn their eyes in one direction only are not so mysterious any more. The Red Brigades have told us more in that regard than we might reasonably have expected.

Their kidnapping of Gen. Dozier, deputy commander of NATO's land forces in southern Europe, was an early salvo in the network's new tactics for warfare, but not the first. Three months before he was kidnapped by terrorists in Italy, their counterparts in Germany had fired a Soviet-made RPG-7 rocket at the armored car of General Kreuzer, who commands all U.S. forces in Europe. Their missile missed him by inches. It was launched only a few weeks after 11 closely spaced bomb attacks on American military installations in Germany: The Baader-Meinhof Gang's first display of serious violence since 1977.

Everything points, then, to the likelihood of renewed, protracted and bitter terrorist, warfare in Europe, where a sanguine American public had assumed that the Red Brigades and Baader-Meinhof Gang (if not, perhaps, the IRA Provos and Basques in ETA) were as good as dead. Why would they die, when they can evidently count on bountiful, ongoing sustenance?

This does not augur well for Gen. Dozier. Anybody familiar with the Red Brigades' tactics would have seen through the cruel hoax of his announced execution just before Christmas. The Red Brigades would scarcely kill him off before milking the last drop of propaganda value out of his captivity, and that part of their program has just begun. Punctually, within days of his abduction, the slogan "Yenki Buoia" was added to Rome's rich collection of graffiti. That means "Yankee hangman," though the odd way Yankee is spelled suggests a non-Italian author. We have been there before, in the worst days of the "Yankee-Go-Home" Cold War. For reasons more sinister than mere historical accident, we may be getting there again.

FARMERS HIT BY ECONOMY

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, tomorrow at 10 a.m. the Agriculture Appropriations Subcommittee will meet in emergency session to consider the necessity for allowing the Commodity Credit Corporation to borrow an additional $5 billion to keep programs vital to American farmers and American agriculture from grinding to a halt.

This action has become necessary because:

Farmgate prices for agricultural crops are in a state of depression and more and more farmers are being forced to put their crops under the CCC loan program;

Farmgate price depression is so serious that it is necessary for our farmers to receive deficiency payments for their crops, including wheat, cotton, and rice;

The general recession in the American economy is reducing demand in this Nation and the spreading recession in our international markets along with the increasing value of the dollar overseas is reducing our foreign markets for U.S. farm products; and

High interest rates are eating up the funds available to the CCC for operating its programs.

Should the Congress not act swiftly to approve this additional borrowing authority for the CCC, the Corporation will have to suspend program operations by mid-February by stopping accepting crops for loans and will have to disrupt the issuance of deficiency payments including those for rice and cotton which are due in February.

The grim specter of a deteriorating American economy is raising its ugly head so that all Americans can see the stark reality of the consequences of the Reagan administration's economic policies.

While the administration did not produce the record worldwide harvests in 1981, the Reagan administration's high interest rate policies have managed to produce a stronger dollar overseas. The expensive American dollar in Western Europe, the Middle East, Latin America and the Orient cuts into the ability of foreign customers in those regions to buy American farm products.

The action we are taking tomorrow is noteworthy to the Nation because it is the first emergency economic action by the Congress in response to the Reagan administration's miscalculations and lack of planning to avoid the devastating effects its economic policies are having on all our people.

DIRECTING SECRETARY OF STATE TO PROVIDE HOUSE OF REPRESENTATIVES CERTAIN INFORMATION CONCERNING EXTRADITION PROCEEDINGS AGAINST ZIAD ABU EAIN

Mr. ZABLOCKI. Mr. Speaker, pursuant to the rules of the House, I move that the Committee on Foreign Affairs and the Committee on the Judiciary be discharged from further

consideration of the resolution (H. Res. 300) directing the Secretary of State to provide to the House of Representatives certain information concerning the pending extradition proceedings against Ziad Abu Eain.

The Clerk read the title of the resolution.

The SPEAKER. The question is on the material offered by the gentleman from Wisconsin (Mr. ZABLOCKI).

The motion was agreed to.

Mr. ZABLOCKI. Mr. Speaker, I call up for immediate consideration the resolution (H. Res. 300) directing the Secretary of State to provide to the House of Representatives certain information concerning the pending extradition proceedings against Ziad Abu Eain.

The Clerk read the resolution, as follows:

H. RES. 300

Resolved, That not later than seven days after the adoption of this resolution, the Secretary of State shall furnish to the House of Representatives full and complete information on the following:

(1) All documents in the possession of the Secretary relating to the Secretary's review of the proposed extradition of Ziad Abu Eain, including documents containing findings or recommendations with respect to the information and with respect to the issues that the Secretary should consider in determining whether to grant extradition or to exercise his discretion and deny extradition.

(2) All documents in the possession of the Secretary that were prepared by the Department of State and that relate to the extradition proceedings against Ziad Abu Eain conducted by the United States magistrate, and all records in the possession of the Secretary of direct and indirect involvement of the Department of State in those proceedings.

(3) All documents in the possession of the Secretary concerning or containing recommendations with respect to whether the magistrate of the United States District Court for the Northern District of Illinois should reopen the extradition proceedings against Ziad Abu Eain in order to permit counsel for both parties to offer further evidence.

(4) Any document in the possession of the Secretary that identifies and explains or interprets the specific language in the Convention on Extradition between the United States and Israel that applies to and requires the extradition from the United States to Israel of persons who are not citizens of Israel or the United States, but are citizens of a third country.

(5) All documents in the possession of the Secretary containing findings or information relating to (A) human rights violations against persons extradited to Israel, (B) the treatment in Israel of Palestinians charged with terrorist or political offenses, or (C) the rights and protections accorded in Israel and the occupied territories to Palestinians and to Israeli citizens who are charged with criminal offenses.

(6) All documents in the possession of the Secretary describing adverse foreign policy repercussions if Ziad Abu Eain is extradited. All documents in the possession of the Secretary describing adverse foreign policy repercussions if Ziad Abu Eain is not extradited.

Mr. ZABLOCKI (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. DANIELSON). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. ZABLOCKI) is recognized for 1 hour.

Mr. ZABLOCKI. Mr. Speaker, I yield 30 minutes to the gentleman from Michigan (Mr. BROOMFIELD), the ranking Republican member of the Committee on Foreign Affairs, pending which I yield myself such time as I may consume.

Mr. Speaker, I rise to explain the action taken by the House Foreign Affairs Committee with regard to House Resolution 300, a privileged resolution of inquiry directing the Department of State to furnish the House certain information relating to the extradition of Ziad Abu Eain.

This resolution of inquiry was introduced on December 10, 1981, by the Honorable GEORGE CROCKETT and the Honorable JOHN CONYERS, and referred jointly to the Committees on Foreign Affairs and on the Judiciary. On December 11, 1981, I wrote the Secretary of State requesting his comments on the resolution of inquiry.

On December 12, 1981, Ziad Abu Eain was surrendered to the authorities of the Government of Israel pursuant to a surrender warrant executed by Deputy Secretary of State Clark.

Subsequently, on January 18, 1982, the Department of State responded in the form of a letter from the Honorable Richard Fairbanks, Assistant Secretary of State for Congressional Relations, and an attached Memorandum of Decision on the extradition of Ziad Abu Eain. Also made available to the committee by the executive branch were other documents requested in the resolution. At the end of my statement I will insert in the RECORD the text of the letter and the Memorandum of Decision, as well as a summary of the other documents submitted to the committee.

On January 26, 1982, the Committee on Foreign Affairs met in open session to consider House Resolution 300. During the course of the meeting the committee heard testimony from the cosponsors of the resolution, Mr. CROCKETT and Mr. CONYERS and from Mr. Morris Draper, Deputy Assistant Secretary of State for the Near East and South Asia; Mr. Daniel W. McGovern, Deputy Legal Adviser, Department of State; and Mr. Roger Olson, Deputy Assistant Attorney General in the Criminal Division, Department of Justice.

Following the testimony and questioning of the witnesses, the committee agreed, with the concurrence of the cosponsors, that the Chair should seek to discharge the Foreign Affairs and Judiciary Committees from further consideration of the resolution and to table said resolution in the House. It was further understood that the tabling of House Resolution 300 would not prejudice any futher actions on the part of the cosponsors relating to the subject matter addressed in the resolution.

SUMMARY OF MATERIAL REQUESTED BY THE RESOLUTION

1. Paragraph 1 requests full and complete information regarding the issues considered by the Secretary in determining whether to grant or deny extradition in this case. The Department of State has provided the Committee with a memorandum of decision, which is responsive to the request in paragraph 1.

2. Paragraph 2 asks for information regarding the Department of State's role in the extradition hearing conducted by the federal magistrate. The Department of State is providing the Committee with a letter from State Department Assistant Legal Adviser K. E. Malmborg to Thomas Sullivan, an Assistant United States Attorney for the Northern District of Illinois that sets out the Department's position on the political offense issue. The Department is also providing the Committee with the testimony given by Assistant Legal Adviser Louis G. Fields at the extradition hearing. Both items are responsive to the request in paragraph 2.

3. Paragraph 3 asks for information regarding the question whether the magistrate should have reopened the extradition proceedings to permit counsel for both parties to offer further evidence. The Department of State has no information on this point.

4. Paragraph 4 asks for information regarding the question whether the Extradition Treaty Between the United States and Israel permits the United States to extradite to Israel a citizen of a third country. The Department of State has provided the Committee with a copy of the text of the extradition treaty between the United States and Israel. The Department is also providing the Committee with two letters between Ambassador Jeanne Kirkpatrick and Jordan's Permanent Representative to the United Nations, that are responsive to the requests in paragraph 4.

5. Paragraph 5 asks for information concerning the human rights situation in Israel, particularly with reference to prosecution of Palestinians. The Department of State has provided the Committee with a copy of the Department of State's 1980 Human Rights Report on Israel.

6. Paragraph 6 requests all documents that describe adverse foreign policy repercussions if Ziad Abu Eain is or is not extradited. Mr. Morris Draper of the Department of State explained the foreign policy repercussions during the course of the full Committee hearing on February 26, 1982. His testimony is included in the transcript of the Committee hearing.

DEPARTMENT OF STATE,
Washington, D.C., January 15, 1982.

Hon. CLEMENT ZABLOCKI,
Chairman, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: This is in response to your letter to Secretary Haig of December 11 requesting our comments on H. Res. 300 a resolution on inquiry concerning the extradition of Ziyad Abu Eain which was pending at the time of introduction of the resolution.

As you know, on December 12, 1981, Mr. Abu Eain was surrendered to authorities of the Government of Israel pursuant to a surrender warrant executed by Deputy Secretary Clark. The Deputy Secretary was not aware of H. Res. 300 when he made his decision.

Enclosed is a copy of the Memorandum of Decision signed by Deputy Secretary Clark on December 12 which explains in detail the reasons for his decision. If the Committee desires additional information, the Department of State will be happy to provide it either by briefing members and their staffs, or at a hearing.

I hope that this is responsive to your inquiry.

Sincerely,

RICHARD FAIRBANKS,
Assistant Secretary for Congressional Relations.

MEMORANDUM OF DECISION IN THE CASE OF THE REQUEST BY THE STATE OF ISRAEL FOR EXTRADITION OF ZIYAD ABU EAIN

SUMMARY AND DECISION

Ziyad Abu Eain is accused by the State of Israel of crimes which are claimed to subject him to extradition pursuant to the current 1963 Extradition Treaty between the United States and Israel. Acting in accordance with that treaty and implementing statutory law, Abu Eain was taken into custody by U.S. officials in response to Israel's request. A Magistrate for the United States District Court for the Northern District of Illinois, Eastern Division, determined after a hearing that Abu Eain should be extradited to stand trial in Israel. Abu Eain then sought a writ of habeas corpus from the District Court. After review of proceedings before the Magistrate, the petition for the writ was denied. The order of denial was affirmed on appeal by Abu Eain to the United States Court of Appeals for the Seventh Circuit. Thereafter the United States Supreme Court denied Abu Eain's petition for writ of certiorari.

Abu Eain, having exhausted all avenues of judicial relief, has petitioned the Department of State for relief on grounds hereinafter discussed. Having responsibility to make a final judgment on the question of extradition, I have carefully considered all matters asserted by Abu Eain, his legal counsel and diplomats who have requested opportunity to address the question of extradition. I have concluded that our treaty with Israel and compelling law require a conclusion that Abu Eain be extradited. I have today signed the warrant surrendering Abu Eain to the state seeking extradition.

In contesting extradition, Abu Eain has raised three contentions: the evidence is insufficient to sustain the Magistrate's finding that there is probable cause to believe Abu Eain committed the crimes for which extradition is requested; the crimes charged against him are political offenses and thus are not extraditable crimes; and if extradited, Abu Eain would not receive a fair trial. These all raise legal issues, and none other than legal contentions have been considered in arriving at today's decision. They will be addressed in the order stated.

PROBABLE CAUSE

The Magistrate's finding of probable cause is based in large part on a statement of Jamal Hasen Ahmad Yasin (Yasin). In that statement Yasin confesses his own responsibility for the crimes charged against Abu Eain and implicates Abu Eain as an accomplice. Abu Eain contends Yasin's statement should not be considered because: (1) Yasin's statement is that of an accomplice and is therefore inherently unreliable; (2) Yasin's statement is not sufficiently corroborated by other evidence; (3) Yasin later recanted the statement insofar as it inculpates Abu Eain; (4) Yasin's statement was transcribed in Hebrew, rather than Yasin's native Arabic, and Yasin is not familiar with Hebrew; (5) the statement was taken under inherently coercive conditions; and (6) the statement is inherently incredible.

To facilitate discussion of these contentions, Yasin's statement will be summarized, and corroborating evidence will then be related.

According to an affidavit signed by Yasin: On May 11, 1979 Yasin drove from his home on the West Bank to Tiberias with the intention of selecting a location in which later to place a bomb. He was accompanied by his friend Abu Eain, whom he that day had enlisted in Al Fatah and in the Tiberias operation. On May 14, Yasin prepared a bomb with a timing mechanism and, after explaining how to set the mechanism, delivered the bomb to Abu Eain with instructions to place it in a refuse bin in Tiberias. Abu Eain left Yasin's home for Tiberias at 9:00 a.m. with the bomb. He returned at 4:30 p.m., stating that he had placed the bomb in a refuse bin in the center of a public market in Tiberias. The next day, May 15, Yasin met with Abu Eain and told him of news reports of a bomb's explosion in a market place in Tiberias, stating that "the operation has succeeded, that two persons had been killed and 36 injured." Sometime thereafter, upon learning that a comrade had been arrested, Yasin told Abu Eain that they were in danger and that Abu Eain should do nothing until contacted by Yasin. Two days later, Yasin's cousin, Mufida Jaber (Jaber), delivered a letter to Abu Eain. Jaber, later still, informed Yasin that Abu Eain had gone to America via Amman, Jordan.

According to an affidavit signed by Jaber (also claimed to have been recanted insofar as it incriminates Abu Eain): An intermediary gave Jaber a note from Yasin to deliver to Abu Eain. The note stated that named persons had been captured, and that Abu Eain should take care. At the time the note was delivered, Abu Eain asked Jaber where Yasin was. When she replied she did not know, Abu Eain told her he wished to go to America via Amman. She later reported Abu Eain's statement to Yasin.

According to an affidavit of an Israeli police officer in charge of investigating the Tiberias bombing: A time bomb hidden in a refuse bin in the center of a market in Tiberias had exploded on the afternoon of May 14, 1979 killing 2 boys and injuring 36 other people sufficiently to require hospital treatment for each of them.

There is also evidence that on May 20, 1979, six days after the bombing, Abu Eain obtained a visa to enter the United States. On June 14, 1979, having travelled via Jordan, Abu Eain arrived in Chicago, Illinois, where he took up residence with his sister and her husband. On August 17, 1979, when FBI agents went to that residence with a warrant for his arrest, Abu Eain then denied his identity.

Abu Eain's six attacks on the finding of probable cause will next be considered and evaluated.

(1) In response to the assertion that the statement of an accomplice must be deemed unreliable, it is well established that an uncorroborated statement of an accomplice may nevertheless be sufficient to establish probable cause. Indeed, in federal courts even a conviction can be based on uncorroborated accomplice testimony. The credibility of Yasin's statement is enhanced by the fact that it is contrary to his own penal interest; while it incriminates Abu Eain, it also establishes, without in any way mitigating, Yasin's own guilt.

(2) Although sufficient in itself to support a finding of probable cause, Yasin's statement is also corroborated in a number of significant respects. The Israeli investigating officer's statement confirmed that a time bomb placed in a refuse bin in the center of a market in Tiberias had exploded on the afternoon of May 14, 1979 killing 2 and injuring 36. Jaber's statement confirmed that she had delivered a note from Yasin to Abu Eain which stated that named persons had been captured and that Abu Eain should exercise care. Finally, under these circumstances, Abu Eain's flight to America and denial of his identity when first approached by officers in Chicago, although susceptible to innocent explanations, can be viewed as evidence of a consciousness of guilt for purposes of probable cause.

(3) Proffered evidence that both Yasin and Jaber later recanted their original statements insofar as they incriminated Abu Eain, is no more cognizable now than it was in the courts. In upholding the Magistrate's refusal to admit evidence of the alleged recantations, the Court of Appeals stated the well established rule. "An accused in an extradition hearing has no right to contradict the demanding country's proof or to pose questions of credibility as in an ordinary trial, but only to offer evidence which explains or clarifies that proof." To do otherwise would convert an extradition hearing into a full-scale trial, which it is not intended to be. An extradition proceeding is not a trial of the guilt or innocence of an accused but instead has the character of a preliminary examination in a criminal proceeding. Applying this rule, the Court of Appeals held: "The later statements (of Yasin and Jaber) do not explain the government's evidence, rather they tend to contradict or challenge the credibility of the facts implicating petitioner in the bombing. Therefore, the Magistrate properly decided that such a contest should be resolved at trial in Israel. The alleged recantations are matters to be considered at the trial, not the extradition hearing." The considerations underlying the aforementioned rule are as compelling for the Department of State as they are for the courts.

(4) Admittedly, Yasin's first statement (as well as that of Jaber) was transcribed in Hebrew, rather than Yasin's native Arabic. The significance of this fact is nullified in large part by evidence received during the District Court hearing. Such evidence discloses that Judge Shabtay of the Magistrate's Court in Jerusalem questioned both Yasin and Jaber in Arabic, and determined they understood their statements and had made them freely.

(5) While Abu Eain asserts that Yasin's original statement was taken under "inherently coercive circumstances," he admits that Yasin's treatment while detained prior to the confession is "unknown." Indeed, the guarded manner in which this contention is stated—that Yasin's statement was made "apparently without a prior opportunity to consult counsel, family or friend and after an unknown but likely period of weeks of detention"—reveals its own weakness. Moreover, when Yasin allegedly recanted his earlier statement, he did not claim that he had incriminated Abu Eain because he had been coerced in any respect, but rather claimed that he had done so because he thought Abu Eain was safely out of the country.

(6) Finally, the contention that Yasin's original statement is on its face inherently incredible is patently without merit.

THE POLITICAL OFFENSE EXCEPTION

Abu Eain's contention that the crimes charged against him are political offenses—and thus are not crimes for which he can be extradited—was fully considered by the courts. After conducting an extensive hearing on the issue, the federal Magistrate held that the political offense exception was not applicable under the circumstances of this case. The District Court, in denying Abu Eain's petition for writ of habeas corpus, and the Court of Appeals, in affirming the order denying the petition for the writ, expressly agreed with the federal Magistrate's conclusion. The United States Supreme Court, in denying the petition for writ of certiorari, must be deemed to have rejected the claim of the political offense exception.

The standard relied upon by United States courts in determining applicability of the political offense exception is the "political incidence" test. Under that test, a common crime cannot be considered a political offense unless two conditions are first satisfied: the act must have been committed during a political uprising, involving a group of which the accused was a member, and the act must have been "incidental to" that uprising, that is, done in furtherance of or with the intention of assisting it. The placing of a time bomb in a market place with intent to kill civilians cannot be deemed to be "incidental to" a political uprising.

That is and must be the position of the United States. It is hoped that it would be the position of all nations. Anyone contemplating the murder of innocent civilians in a misguided effort to further a political cause must be on notice that he will not be permitted to take refuge under a political offense exception. I do not purport to determine that Abu Eain is in fact such a person. In addressing the issue of whether the political offense exception applies, I now conclude only that the crimes charged—whether or not in fact committed—are not political crimes. While the Department of State is the final arbiter of the question whether a charged crime is within the political offense exception in extradition proceedings, no reason appears in this case why the Department's determination should differ from the judicial determination.

I do not and need not for purposes of extradition make any decision on the question of Abu Eain's guilt or innocence. That determination can be made only by a trial court.

FAIR TRIAL

Concern has been expressed by Abu Eain that he would not receive a fair trial if extradited to Israel. This concern appears to be based in large part on an assumption that he would be tried in a military court for security offenses.

We are now satisfied that this assumption is without basis. We have been formally assured by the Government of Israel that the crimes charged against Abu Eain—murder, attempted murder and causing bodily harm with aggravating intent—are common criminal charges which will be tried in an ordinary civilian court; that the conditions of Abu Eain's confinement pending trial and the place of his detention will be the same as in the case of any other civilian detainee accused of similar crimes; that he will be entitled to a speedy, public trial and to counsel of his choice; that he will be entitled to confidential interviews with his attorney on any workday during regular hours; that he will be entitled to weekly visits with family members and other persons; that normal rules of criminal procedure and evidence will prevail; and that the burden will be on the prosecution to establish guilt beyond a reasonable doubt. If convicted, Abu Eain would have the right to appeal the decision to the Israeli Supreme Court. Finally, the charges against Abu Eain do not subject him to the possibility of the death penalty. Abu Eain has stated that if he "could be assured of a just trial in an open system, [he] would have nothing to fear." I believe he has those assurances.

CONCLUSION

In conclusion, I cannot agree with Abu Eain's contentions that there is a lack of probable cause when prevailing law requires that I give consideration to the Yasin statement. Nor can I agree for reasons stated that the crimes charged are within the political offense exception or that Abu Eain will not receive a just and fair trial within a judicial system not unlike our own systems. I thus conclude that compelling law, including our treaty with Israel, requires that I sign the surrender warrant, and I have done so this date.

Mr. Speaker, that concludes my explanation, and I yield such time as he may consume to the distinguished chairman of the Committee on the Judiciary, our dear friend and colleague, the gentleman from New Jersey (Mr. RODINO), for purposes of debate only.

□ 1345

Mr. RODINO. Mr. Speaker, I rise briefly to associate myself with the comments made by the distinguished gentleman from Wisconsin (Mr. ZABLOCKI) and to indicate my support for the motion to table which will be offered at the conclusion of this debate.

The resolution, that is the subject of this motion, was jointly referred to the Foreign Affairs and Judiciary Committees and I wish to commend the distinguished chairman of the Foreign Affairs Committee, Mr. ZABLOCKI, for the prompt and thorough attention given to it by his committee.

His committee held 1 day of hearings this week on the resolution and based on the testimony presented by the Departments of State and Justice, which I have reviewed, and the information and documents submitted by the Department of State, which have also been reviewed, I share the gentleman's view that the executive branch is in substantial compliance with the request made in the resolution of inquiry.

For this reason, I will support the gentleman's motion to table House Resolution 300 and I urge my colleagues to do likewise.

The resolution pertains strictly to documents in the possession of the Secretary of State, and I believe that the Committee on Foreign Affairs fully discharged its obligation to examine this matter.

I might point out that the Justice Department did inform us that they had not been the repository of any documents or any independent information in this matter.

Therefore, I decided that the Judiciary Committee would not be required to hold any hearings and I felt that the hearing that was conducted by the Foreign Affairs Committee was sufficient.

I would state that, in keeping with the kind of responsibility that falls on the committees to which resolutions of inquiry are referred, I fully share the view of the distinguished gentleman from Wisconsin and that of his committee that the executive branch has made a good faith effort to comply with the request made in the resolution of inquiry and, as a result, it should be tabled.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Speaker, Ziad Abu Eain was extradited to Israel after an extensive judicial proceeding in this country. A U.S. magistrate found him extraditable. His finding was reaffirmed by a U.S. district court judge and upheld by the U.S. Court of Appeals for the Seventh Circuit. The U.S. Supreme Court was also petitioned, but after considering full briefs on the issue denied the request for certiorari.

Deputy Secretary Clark, then in that capacity, a man of experience on the bench and of reputation for fairness, made the final decision on granting extradition to this man.

I hope and I expect that after these exhaustive judicial proceedings in this country the Government of Israel, which shares our democratic and judicial tradition, will assure this gentleman a fair trial. There have been deep concerns here about the way in which evidence has been gathered against him.

The confession, signed by another party implicating him, was written in Hebrew, a language that the Palestinian who signed it neither speaks nor understands; and it has since been recanted in writing by the person who made it.

However, Israel has assured the United States that Abu Eain will be tried in a civilian, not a military court, and that he will receive a fair trial.

This is very important. The crimes of which he has been accused are extremely serious—killing two youths in a marketplace. We want to know that he will receive a fair trial. The great interest in this case is obvious evidence that many in the United States will be watching to make sure that this does actually occur.

Mr. BROOMFIELD. Mr. Speaker, the minority has no further requests for time.

Mr. ZABLOCKI. Mr. Speaker, I yield such time as he may require to the gentleman from Georgia (Mr. LEVITAS).

Mr. LEVITAS. Mr. Speaker, I thank the distinguished chairman. I rise, really, for two reasons. I was not aware that this resolution would be presented until this morning at a Whip meeting. Therefore, I did not have time to do the type of research or checking on the background of what brings this resolution to the floor today. Nevertheless, I have great respect for the gentleman from Wisconsin and the ranking minority member, the gentleman from Michigan, and I would, therefore, hope in the next few minutes to ask a few questions concerning the resolution; but prior to doing so, I would simply like to comment on the observations made by the distinguished gentleman from Illinois.

The fact that an individual has been charged with extremely serious crimes involving terrorism and involving the killing of innocent civilians, and the fact that there is enough evidence involved that the judicial processes of the United States have resulted in the extradition of that individual would seem to me to be something that is quite important.

We cannot have a double standard when it comes to terrorism. Terrorism and the killing of a civilian innocent population is not an act that we can in any way condone.

Therefore, the actions which have been taken by our Government in this matter, I think, are altogether consistent with out policies, and I am glad they are.

The second point is that based on all of the information I have received, the likelihood of an individual, any individual, receiving a fair trial in the judicial system of the State of Israel is very, very likely. There are a number of countries in the world, including some of Israel's neighbors, where I would have great question whether an individual charged with a similar crime would, in fact, receive a fair trial; but the democratic institutions of the State of Israel, its respect for law, the evidence in the past where the Israeli judicial system has overruled decisions made by the Government on political issues, indicates to me that we have every assurance in the world that this individual will receive a fair trial.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield to me?

Mr. LEVITAS. I would be happy to yield.

Mr. FINDLEY. I have listened carefully to what the gentleman has said and I find nothing in his comments with which I disagree. In fact, I concur completely in them.

I think my remarks would tend to establish the same points he has made.

There is apprehension in this country, primarily from Arab-American sources, about this case; but I myself have confidence that the judicial process in Israel will measure up to our expectations and hopes and standards. That is why I take the same position the gentleman does.

Mr. LEVITAS. I thank my good friend, the gentleman from Illinois. I am sure he listened carefully to my comments and realizes I was not in any way questioning or disagreeing with him.

I simply wanted to emphasize the point, because of the nature of his resolution, and that brings me very briefly to the last aspect of my request for some time. It has to do, and I apologize for missing the opening remarks of the gentleman from Wisconsin, because I was on the way over to the floor at the time.

But I would imagine that a resolution of inquiry into an extradition matter is a somewhat unusual, possibly even a unique action by this body. I was wondering if the gentleman, at the risk of perhaps repeating himself, just briefly could explain what is the nature of this extradition that would cause this House to want to engage in this rather unusual procedure.

Mr. ZABLOCKI. Mr. Speaker, if the gentleman will yield, and I thank the gentleman for yielding, this resolution, indeed, does not deal with the subsequent action that has been taken as far as the extradition. The resolution requires of the Secretary of State certain documents in the possession of the Secretary of State, and as I have advised the House and my colleagues, that the Foreign Affairs Committee did, indeed, receive these documents and is satisfied that the resolution of inquiry was satisfied. Nevertheless, by prior arrangement and understanding, the cosponsors have agreed that the resolution of inquiry, House Joint Resolution 300, both committees to whom the resolution was referred would discharge the resolution and I would move to table the resolution.

Mr. LEVITAS. I thank my good friend, the gentleman from Wisconsin, for that explanation. I am most pleased to realize that my expectations, even without knowing in advance the facts, have been fully confirmed by the fairness and the impartiality and the good judgment of the gentleman from Wisconsin. I thank him for his explanation.

Mr. ZABLOCKI. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. CROCKETT).

Mr. CROCKETT. Mr. Speaker, I thank the chairman of our Foreign Affairs Committee for yielding that time.

As one of the sponsors of this resolution, Mr. Speaker, I want also to express my appreciation to the chairman and to my fellow members of the committee for the very frank, open, and extended hearing that the committee gave on this resolution.

The purpose of the resolution was to suggest to the Congress that there were certain developments in this particular extradition case that warranted a closer look by the Congress itself, either preliminarily to exercising some form of recommendation to the Secretary of State, who had the ultimate authority to decide on extradition, or certainly to determine what, if any, amendments needed to be made to our laws with respect to extradition.

I can say and I can concur with the chairman that the State Department perhaps in anticipation of what we were requesting came to the hearing and brought the documents. Those that they did not bring they have agreed with the chairman that they will submit.

Meanwhile, however, the extraditee has already been shipped back to Israel. I think it would strain imagination to think that this Government is going to ask Israel to return him here, or that if they did ask, that Israel would return him. In other words, I think we are confronted with a fait accompli.

I therefore see no reason whatever in continuing debate on this question and I concur in the chairman's motion to table.

● Mr. BINGHAM. Mr. Speaker, I support the motion to table this resolution. The State Department has complied with the request for information contained in this resolution of inquiry. Accordingly this resolution is moot.

Still I must say that I am perplexed by the concern of some of our colleagues over Abu Eain. They object to his extradition on the grounds that the act, of which he is charged, is a political, not a criminal, act.

They are wrong, dead wrong. Abu Eain is accused of an act of terrorism in Tiberias, Israel, in which two young boys were killed. There is little dispute about the facts of the case. The dispute is over the nature of the act. Is it criminal terrorism or is it a form of political expression?

Today, the day on which General Dozier was freed from the clutches of his terrorist captors in Italy, is a good day to redouble our determination to confront the menace of terrorism. It is a peculiarly inappropriate day to find

excuses for it. Terrorism is criminal. It is that simple.

I am glad that Secretary Haig has chosen to deal with the terrorist question and I applaud his decision to extradite Abu Eain.

I submit an article on the Abu Eain case from the New Republic of December 16.

[From the New Republic, Dec. 16, 1981]

TESTING HAIG'S RESOLVE AGAINST TERRORISTS—THE CASE OF ABU EAIN

Within the next few weeks Alexander Haig must make a decision that will have far-reaching implications for American policy on terrorism. He will pass final judgment on whether a 22-year-old former West Bank resident and PLO member, Ziad Abu Eain, should be extradited to Israel, as the U.S. courts have repeatedly affirmed. It is a decision he will have to make in the face of a huge pressure campaign, by the highest level Arab representatives in the U.S., to persuade the State Department not to banish Eain.

There is no dispute about the basic facts of the case. On May 14, 1979, a terrorist's bomb exploded in the crowded marketplace of Tiberias, where young Israelis were gathering to celebrate the 31st anniversary of the founding of the State of Israel. Two young boys were killed, and 30 or more people maimed and injured. Shortly thereafter, Abu Eain fled from Ramallah, his West Bank home, to Jordan, and from there to Chicago, where his sister lived. Acting on information from the Israelis, FBI agents visited Eain in Chicago. He lied about his identity, passing himself off with the name "Kamal Yusuf." Returning to arrest Eain, after they learned that the finger prints of "Yusuf" matched those of Eain, the agents discovered that he had fled. But Eain's brother-in-law soon revealed his whereabouts, and the FBI took Eain into custody. On their first visit, one of the agents had mistakenly believed it was Jordan which sought to extradite Eain; this time Eain told the agents, "It's the Israelis, not the Jordanians that want me."

The Israelis did want Eain. They charged he had set the bomb in the market. Their evidence was the testimony provided by another member of Al Fatah, Jamil Yasin, who had prepared the explosive charge and had accompanied Eain on a trip to Tiberias to find a place to leave it. The Israelis also had the sworn testimony of Yasin's cousin, Mufida Jaber, who acknowledged that she carried a letter from Yasin to Abu Eain, warning him that some of their collaborators had been arrested and that the Israeli authorities might be on his trail. Eain promptly left for the U.S.

With Eain in custody, U.S. Attorney Thomas P. Sullivan began preparing the case for extradition. In doing so, he took an unprecedented step whose ramifications were to be felt far beyond the Eain case. Mindful that "politically motivated" acts are not included in the list of extraditable offenses in the U.S., and mindful, in particular, that an IRA terrorist called McMullen, who is wanted by the United Kingdom for bombing a barrack and killing a charwoman, had recently avoided extradition by arguing that his offense was of a "political character," Sullivan called on the State Department.

The State Department sent Louis Fields, legal adviser for State's Office of Combating Terrorism, as its witness at Eain's extradition hearings. He testified that Eain's offense was a common crime of murder committed against civilians, not a political act. Numerous witnesses appeared on Eain's behalf, including Alexandra Johnson, the former vice consul at the U.S. Consulate in Jerusalem, whose reports about torture in Israel were promptly discredited; and Terry Fleeney, who had served time in Israel for abetting terrorists. Johnson and Fleeney were there to provide testimony that the Israelis routinely tortured Palestinian prisoners. Presiding Magistrate Olga Jurco ruled their observations irrelevant to the case at hand. To contribute a historical perspective, the defense called on Elmer Berger, a rabbi associated with the moribund American Council for Judasim and renowned for his enmity to the very idea of a Jewish state. Berger instructed the court on the history of Zionism—i.e., that it is anti-American, anti-Jewish, anti-universal. Magistrate Jurco ruled, historical perspectives notwithstanding, that Eain be extradited on the grounds that the government had proved probable cause to sustain the charges against him, and that his crime could not be considered a political act. This decision was upheld on March 28, 1980, by U.S. District Court Judge Frank McGarr.

The struggle to prevent the Israelis from bringing Eain to trial had become, and it continues to be a cause célèbre. From the beginning, Eain's legal battle attracted a number of luminaries whose names rank high in the radical left pantheon: Noam Chomsky, Daniel Berrigan, Sidney Lens, David Dellinger. Others who rose to Eain's defense were Frances Fitzgerald. William Sloane Coffin Jr., and I. F. Stone. Did they really know the facts of his case? What had rendered the Eain case worthy of their attentions—its central and significant fact—was that Eain was a Palestinian. He was thus, they argued, a victim rather than the perpetrator of a crime: a victim of Zionism and of Zionist pressures. So, if I. F. Stone speaks for the accused killer, who speaks for the two dead boys? Eain's allies contended that it was torture by the Israelis that had extracted the testimony of Eain's Al Fatah comrade, Yasin. It remained for Ramsey Clark, who made the same claims about Israeli torture in arguing Eain's legal appeal, to voice the political premises underlying all the concerns with civil rights and lack of due process raised by Eain's defenders: "One person's terrorist," Clark told the court, "is another person's freedom fighter."

Judges of the U.S. Court of Appeals for the Seventh Circuit heard Ramsey Clark argue that at the time of the bombing Eain was far away in Ramallah, attending the birth of a relative's child. Clark said that 12 of Eain's relatives were prepared to bear witness to this statement, that those accomplices who had testified against Eain had recanted, and that in any case such testimony could only have been obtained under torture by the Israelis. Clark's argument echoed, if somewhat more delicately, the claims of Abu Eain's defense committee that the U.S. courts had been influenced by "Zionist pressures." "We love the Jewish people," Clark told the court. "This bomb went off on the eve of the celebration of Israel's independence. . . . We can't let our biases sway us." The bombing itself, in which explosives had been set in a marketplace crowded with children preparing for a celebration, was, the former U.S. Attorney General explained, "a relatively political act." In arguing the case for the government, U.S. Attorney Thomas P. Sullivan reminded the court that the bombing being described thus had resulted in the murder of two young boys.

On February 20, 1981, Judges Wilbur F. Pell Jr., Harlington Wood Jr., and Byron G. Skelton rendered their decision, affirming the lower court's order that Eain be extradited. Harlington Wood Jr. wrote in the opinion that the strong evidence established by the government proved probable cause to believe the defendant had committed the crime for which the Israelis wished to try him. Not only had Eain's accomplice testified to Eain's role in the bombing, but he had incriminated himself as well. And there was Eain's behavior to corroborate the accomplice's testimony: he had fled to Chicago, lied about his identity, fled again when the FBI sought him, and knew that it was the Israelis who wanted him and not, as the FBI agents at first mistakenly thought, the Jordanians.

The most significant aspect of what is sure to be a landmark opinion lies in its assessment of the political offense argument raised by Eain's lawyers to prevent extradition. Judge Wood agreed that the PLO sought the destruction of a civilian populace and that its terrorist activities could be considered a violent political disturbance. The opinion continued:

"If, however, considering the nature of the crime charged, that were all that was necessary in order to prevent extradition under the political offense exception, nothing would prevent an influx of terrorists seeking a safe haven in America. Those terrorists who flee to this country would avoid having to answer to anyone, anywhere, for their crimes. The law is not so utterly absurd. Terrorists who have committed barbarous acts elsewhere would be able to flee to the United States . . . and walk our streets forever free from any accountability for their acts."

Eain's defense exhausted nearly all legal recourses (the Supreme Court refused to hear the case), and the campaign on behalf of Eain has been stepped up considerably. Representatives of virtually every Arab country have expressed their opinions on the matter in Washington. In the United Nations, Jordan and other Arab countries lashed out at U.S. courts, accusing them of committing a travesty of justice and of depriving Eain of due process of law. The Jordanian Ambassador announced that the attempt to extradite Eain to stand trial in Israel was "an offense of the magnitude of the Holocaust."

The State Department attorney said that in his 25 years of experience with the legal profession he had never seen more faithful application of due process than that which had been accorded Eain. "They viciously attack our judiciary and our system of justice; and I will sign an oath in blood that this man has been accorded every due process of law that there is to be accorded." Further, the attorney asserted, despite all the propaganda to the contrary, "there can be no doubt that the Israelis will give Eain a fair trial. Their system of justice is very much like our own." In fact, it is not unusual for Israeli courts to acquit Arabs accused of terrorist acts, precisely because Israel's judicial system—laws of evidence, attorney of defendant's own choosing, appeal to judges with habits of independence, etc.—is very much like ours.

In the Eain case the American judicial system for the first time has come to grips with the question of terrorism. It has explicitly recognized the danger of sanctioning

terrorist activities masquerading as "political action" and the folly of mistaking terrorists for freedom fighters. The opinion in the Eain case recognized that an act of violence directed at civilians amounted to a common crime of murder and thus acknowledged a distinction that the laws of war have made for some time. It is a great irony that so many influential members of the American left should now try further to erode that distinction so vital to civil society. Will the State Department bow to the pressure being applied on Eain's behalf, or will it support the court's decision and unflinchingly identify acts of terrorism for what they are?●

Mr. ZABLOCKI. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move to lay on the table House Resolution 300.

The SPEAKER pro tempore. The motion is not debatable. The question is on the motion offered by the gentleman from Wisconsin (Mr. ZABLOCKI) to lay on the table House Resolution 300.

The motion was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 300, the resolution just debated today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES THAT JANUARY 30, 1982, BE OBSERVED AS A NATIONAL DAY OF SOLIDARITY WITH THE PEOPLE OF POLAND

Mr. HERTEL. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the resolution (H. Res. 328) expressing the sense of the House of Representatives that January 30, 1982, should be observed as a national day of solidarity with the people of Poland.

The clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. BROOMFIELD. Mr. Speaker, reserving the right to object, I shall not object, and I do so for the purpose of allowing my colleague, the gentleman from Michigan, an opportunity to explain this resolution.

I yield to the gentleman.

Mr. HERTEL. Mr. Speaker, in this Chamber Tuesday night when President Reagan gave his state of the Union address, his first state of the Union address, he did one thing of great significance for the American people and for the people of Poland in asking the Nation that January 30 be a day of solidarity of the American people with the people of Poland.

□ 1400

This is important, not only for the people of Poland and for the millions of Polish Americans in our country, but for all Americans and all people worldwide who are concerned about freedom and good will. It is in keeping with the bipartisan foreign policy that our former colleague from Michigan, Mr. Vandenberg, began after the Second World War that I offer this resolution. It simply reiterates the President's statements that

> Our sanctions against the military dictatorship that has attempted to crush human rights in Poland—and against the Soviet regime behind that military dictatorship—clearly demonstrated to the world that America will not conduct "business as usual" with the forces of oppression.

And where further, President Reagan urged all peace-loving peoples to join together on that day to raise their voices and speak and pray for freedom.

Last month in the city of Warren, 6,000 people turned out on a freezing, snowy day, to declare their solidarity with the people of Poland. This Saturday, hundreds of thousands of people around this country, through the sponsorship of the American Polish Congress and the AFL-CIO and many other groups, are sponsoring such solidarity days.

One example will take place in the city of Hamtramck, Mich. A program will be sponsored by the city government and the American Polish Congress to demonstrate this solidarity. I commend my colleagues for supporting and cosponsoring this resolution, and I commend the President of the United States for his strong support of the Polish people and their right for freedom.

Mr. BROOMFIELD. Mr. Speaker, I, too, want to commend my colleague from Michigan for this timely resolution. The meeting will be held on January 30, 1982. It does have strong bipartisan support. I think it is a very worthwhile resolution. I ask for its approval at this time.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan (Mr. HERTEL)?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 328

> Whereas on December 13, 1981, the ruling military regime in Poland declared martial law in an effort to crush the civil liberties of the Polish people;
>
> Whereas countless members of the only free Polish trade union have been killed, beaten, or jailed;
>
> Whereas President Reagan, in his state of the Union address of January 26, 1982, stated, "Our sanctions against the military dictatorship that has attempted to crush human rights in Poland, and against the Soviet regime behind that military dictatorship, clearly demonstrated to the world that America will not conduct 'business as usual' with the forces of oppression.";
>
> Whereas numerous groups, including the American Polish Congress and the AFL-CIO, have designated January 30, 1982, a day of solidarity with the people of Poland; and
>
> Whereas President Reagan urged "all peace loving peoples to join together" on that day, "to raise their voices, to speak and pray for freedom": Now, therefore, be it
>
> *Resolved*, That it is the sense of the House of Representatives that January 30, 1982, should be observed by the people of the United States as a national day of solidarity with the people of Poland.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. HERTEL) is recognized for 1 hour in support of his resolution.

Mr. HERTEL. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HERTEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, I take this time for the purpose of asking the schedule for the balance of the week and for next week.

Mr. MURTHA. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be very glad to yield to the distinguished gentleman from Pennsylvania.

Mr. MURTHA. Mr. Speaker, for the balance of this week, the House meets at 11 a.m. on Friday, January 29. There will be no legislative business.

The program for the House of Representatives for the week of February 1, 1982, is:

Monday, the House is not in session.

Tuesday, February 2, the House meets at noon to consider the Private Calendar. There are no suspensions.

The House will consider H.R. 4481, Justice Assistance Act of 1981, with an open rule and 1 hour of debate.

The House meets at 3 p.m. on Wednesday and 11 a.m. the balance of the week.

Any further program will be announced later. The House will adjourn by 3 p.m. on Friday, and 5:30 p.m. on all other days except Wednesday. Conference reports may be brought up at any time. Any further program will be announced later.

Mr. WALKER. I thank the gentleman. I have just one question for the gentleman.

There is no further program announced for Wednesday and the balance of the week. Does the gentleman at the present time anticipate pro forma sessions throughout the balance of the week?

Mr. MURTHA. We will not know until next Wednesday.

Mr. WALKER. I thank the gentleman.

HOUR OF MEETING ON TUESDAY, FEBRUARY 2, 1982

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that when the House convenes on Tuesday next, it convene at noon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ADJOURNMENT OF THE HOUSE FROM FRIDAY, JANUARY 29, 1982, TO TUESDAY, FEBRUARY 2, 1982

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, January 29, 1982, it adjourn until Tuesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

A TRIBUTE TO A GREAT AMERICAN LEGISLATOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. GEPHARDT) is recognized for 60 minutes.

Mr. GEPHARDT. Mr. Speaker and Members, I think it is entirely fitting that on the day we honor a great American President, we also honor a great American legislator.

Some weeks ago, we were all disappointed to learn that RICHARD BOLLING, the chairman of our Rules Committee, is choosing a career change after 34 years of service in the House of Representatives. Trying to analyze the impact our colleague, DICK BOLLING, has had on this House is an awesome challenge, indeed. In fact, it may not be possible. His impact is not merely a reflection of the fact that he has been here longer than nearly all of us, although he has, nor does it grow out of his view which has recently gained a lot of popularity that Government must be the efficient servant of the people with an equal emphasis placed both on efficiency and on service.

My suspicion is that DICK BOLLING's influence is a natural outgrowth of the wide range of his interests and his skill at communicating them. Historically, many Members have concentrated on the major issues of the day. A smaller group has emphasized the internal and organizational problems that preclude efficient congressional operations. DICK BOLLING's genius lies in the fact that he has simultaneously become an effective leader of both groups.

Our current budget process is largely his invention. We have become increasingly aware of its flaws in the past few years, but I know of no one who would deny that it is a significant improvement over the chaos that was previously the norm.

But DICK BOLLING has been a thinker as well as a doer. He was one of the first to realize that so-called reform could lead to political paralysis and cripple traditional party activity. This was a provocative assertion coming from someone who began his career by successfully challenging a well oiled political machine, but it proved to have merit.

He has not won all of his battles. No one does. But he has prevailed in a good share of them, and he has often been subsequently proven right by events, despite a loss on a particular issue.

It may be that few Americans realize the impact that DICK BOLLING has had on all of our lives. But I am confident that all of my colleagues here are aware of it. Beyond that, I owe him a personal debt that I will never be able to fully repay.

When I first came to Washington, DICK BOLLING generously shared the advice that was distilled from decades of experience here. In a way, I felt like I was standing on his shoulders as I scanned the scene here. He was equally generous with the influence he had amassed.

One major reason my service in this House has been so fulfilling is the initial interest DICK BOLLING took in me, and I know that I am not unique in this regard.

So I begin this special order today with a sadness that this is DICK BOLLING's last year in the Congress, and a gladness that his role here is being recognized by all of us who will miss him here. Because of DICK BOLLING's service in Congress, our political institutions are more responsive, and our Nation is healthier. He has been quick to criticize, but he has been equally strong in arguing that politics is an honorable profession, and that we all share a common goal—serving the people. Or, as he put it in one of his books, and I quote:

> The political leader is vastly different from that of a philosopher, political theorist or anyone who tries to analyze social problems and develop proposed solutions. All of these can and should be purists, seeking the ideal solution. The political leader's role is to achieve an effective solution.

He has constantly prodded us to adopt such solutions and he has often succeeded. He has had a proud history in this House, and has helped all of us to do our jobs better. I think each one of us wishes him a happy and healthy future, and we feel assured that he will continue to contribute his wisdom, his energy and his experience to the United States of America.

Mr. BONIOR of Michigan. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I am happy to yield to my colleague from Michigan (Mr. BONIOR.)

Mr. BONIOR of Michigan. I thank my colleague for yielding.

Mr. Speaker, I took some comfort on my last birthday in reminding myself that Chairman BOLLING was already serving in the House when I was 3 years old. When I noticed that he was back in the office within 3 weeks of his open heart surgery, however, I was forced to rethink that comparison.

When I arrived in the Congress in 1977, DICK BOLLING was one of the first Members to earn my respect because of his hard work and intricate knowledge of the House. Having had the opportunity to work under his leadership on the Rules Committee, I have witnessed another dimension to his character: his abiding sense of fairness.

During the partisan debates of last year, even his most ardent adversaries must have respected that attribute. That is not to say that DICK BOLLING is not partisan—he is deeply committed to the Democratic Party and its principles. But his fairness is driven by an insuperable respect for the institution of the House and the form of government from whence its power derives. Even when others in this body were doing violence to the traditions and principles of the House, he remained committed to orderly, open, and dignified deliberations and at times it may have worked to his short-term disadvantage.

His many accomplishments testify to his value to his constituents and his country. However, it is the example of this deep respect for the House as an institution that he leaves as a special gift to those of us that labor in its Chambers.

Those who opt for the expediency of opportunism at the expense of principle, for short-term success over prudent deliberacy, for exploitation over fairness are either remembered in infamy or are remembered not at all. Those who strive for the strengthening of the democratic process regardless of the temporary vicissitudes of politics are remembered in the regretfully brief list of statesmen. I am confident that it is to this latter group that history will assign RICHARD BOLLING. We thank him for his leadership and wish him the best in "life after Congress."

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I am pleased to yield to my friend, the gentleman from Arkansas.

Mr. ALEXANDER. I thank the gentleman for yielding.

Mr. Speaker, today I was privileged, as were other Members who assembled here in the joint session with the other body to honor a late President, Franklin Delano Roosevelt, for the leadership that he provided this Nation.

□ 1415

Today we honor a man for the leadership he has provided the House of Representatives, RICHARD BOLLING of Missouri. He is my neighbor, as a resident of Missouri, and he is my friend and adviser.

As a new Member to this body, some 14 years ago, I quickly decided those persons on whom I could depend during difficult times in serving in this body. I turned to DICK BOLLING for his knowledge of the complex mechanism that permits an institution of 435 Members to function and to operate, which is in itself an achievement in democracy. He is known by all of us as an individual who respects his institution and who has a sense of purpose about the direction in which it should proceed.

RICHARD BOLLING, in my view, is one of the giants that have served in this Congress. There are others that I have known, such as Wilbur Mills of Arkansas, who is referred to in our own State as "the last of the Titans." I think that, as the institution has changed and the kinds of people who come here have changed, RICHARD BOLLING will be remembered as one who has provided leadership and direction during times of change to all of us who needed that leadership, that knowledge, that direction, and that sense of purpose.

I am saddened that he is leaving. I was surprised by his announcement that he would not seek reelection, but I am as confident as other Members of this body are that we will still be able to rely upon RICHARD BOLLING for the kind of leadership and advice that he has given all of us in the past, because I feel certain that he will write and that he will share his wisdom and his sense of purpose with all of us. I thank my colleague for yielding this time to me.

Mr. GEPHARDT. I thank the gentleman.

Mr. Speaker, I yield to the gentleman from California (Mr. BROWN).

Mr. BROWN of California. Mr. Speaker, I thank the gentleman for yielding.

I am moved to speak in part by the words that the gentleman in the well himself expressed. I am not deeply touched by Mr. BOLLING's departure. I think he has been here long enough, probably. I feel that way about myself, of course. But, the gentleman in the well referred to the fact that when he first arrived here, he felt that he was standing on Mr. BOLLING's shoulders, and the previous speaker, the gentleman from Arkansas, referred to him as a giant. There is an interesting history of this terminology. The great scientist, Sir Isaac Newton, was once being complimented on his great contribution—and he is truly one of the probably three or four great scientific leaders that the world has produced—and in all modesty he said that he was not entitled to the credit that was being bestowed upon him because he himself stood upon the shoulders of giants.

That is an appropriate term to use for RICHARD BOLLING. He is one of the giants on whose shoulders I have stood and you have stood and many others, and because he is a modest man, I am sure he would give credit to the other great leaders upon whose shoulders he has stood. But you do not stand on the shoulders of pygmies; you stand on the shoulders of giants, and the important thing is that there have to be giants who are sufficiently concerned with both the people and the future, whose concerns span a broad spectrum of the concerns of our society in order that they may learn from the past and transmit to the future the wisdom that is necessary to solve the problems of the day.

Though I have never been very close to Mr. BOLLING—he is rather obnoxious when you get to know him—I have benefited from that knowledge, from that contact, and as the gentleman has indicated, in more cases than not, I have found that he had a wisdom beneath that gruff exterior which overshadowed his faults. I am proud to pay tribute to this contribution.

I say that I have no particular sense of regret because I really expect his contributions in the future toward solving the problems that face us will be even greater than they have been in the past, and I look forward with anticipation to that. I hope to benefit from it, because I know that he will not be restrained in what he says. I know that he will distill the essence of what he has learned from these years here, and make it available to an even broader audience. I think the country as a whole can be happy and proud that this is the situation. I pay tribute to a great man.

Mr. GEPHARDT. I thank the gentleman.

Mr. Speaker, I am pleased to yield to the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Speaker, at the very outset, I want to commend the gentleman from Missouri for taking this time and making it possible for us to pay tribute to a great American. I consider it a real privilege to join my colleagues in paying tribute to the long and honorable public career of DICK BOLLING as we begin the last year in which he will be serving in this body—as always with great distinction.

DICK BOLLING and I were first elected to the House in the same year, 1948, and consequently, our association is one of long standing. Perhaps, however, I should note for the record that, like President Reagan, neither one of us were present during the administration of George Washington.

In any case, those of us who have worked with the gentleman from Missouri, DICK BOLLING, for as many years as I have, recognize his strong leadership, his great intelligence, and above all, his enduring commitment to the ideals which have guided him in his outstanding service to this body and to the Nation.

These are the qualities, moreover, that have distinguished his chairmanship of the Rules Committee in the 96th and 97th Congresses. They also characterize his service on the Joint Economic Committee, and during the 1950's, on the Banking Committee.

These characteristics also were in evidence in his, shall I say, private or political life. I recall earlier in our careers, when we were just young freshman, DICK BOLLING had agreed to come to our community of Milwaukee—and I say "ours," because at that time we had another colleague, Congressman Andrew Biemiller, who represented the fifth District of Wisconsin. It was upon his invitation that DICK BOLLING came to Milwaukee to attend a picnic. Just to attend a picnic of a political nature takes courage, especially in Milwaukee.

I am not sure whether DICK BOLLING remembers this. Somehow he got to Milwaukee although I am not sure

how. In those days, air travel was not as convenient as it is today and Milwaukee was not that accessible from Missouri. Nevertheless, along around 7:30 on Sunday morning, I got a call from DICK BOLLING advising me that he was in town. I went over to pick him up. He must have traveled all night to get there because he was really very tired.

So, I said to DICK, "Would you rather have breakfast or would you rather have a nap?"

I knew he needed a nap more. He agreed—"Well, I will stretch out a bit."

I decided to prepare breakfast since my wife was not home. I fried bacon—Cudahey bacon, made in Milwaukee, by the way—and eggs. I made a pot of fresh coffee, and I just got this coffee to where the aroma was best when into the kitchen walked DICK BOLLING. He said, "I am not as tired as I thought I was. I will have that breakfast now."

I must confess that that was the first time I tested out my culinary art on a colleague. Fortunately, he survived.

Seriously, though, let me say that, in my judgment, his most lasting contribution to the proceedings of this body was his role as chairman of the Select Committee on Committees in 1973, which produced the set of bipartisan recommendations on the organization and structure of our House committees, which was of major, and I believe, of historic significance.

The great State of Missouri has been called the "show me" State, and DICK BOLLING has shown all of us that national elective office can be a honorable and rewarding profession. His incisive wit, his idealism, and his widsom will be missed in the years to come.

Mr. Speaker, since time does not permit me to list all of Mr. BOLLING's major accomplishments, I merely want to take this opportunity to thank the gentleman for his contribution to the work of the House, and to offer him and his family a happy and richly deserved retirement. We will miss you, DICK.

Mr. GEPHARDT. I thank the gentleman.

Mr. Speaker, I am pleased to yield to the distinguished minority leader, the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Speaker, I thank the gentleman very much for yielding.

Mr. Speaker, I am happy to join with so many others in honoring our good friend and distinguished colleague, DICK BOLLING, who has announced his retirement at the end of this year.

Throughout the years, there have not been many major issues on which DICK and I have agreed. I am sure DICK has often wondered how BOB MICHEL could reach the political conclusions I have. And I can tell you the same thought has passed through my mind about him.

But the fact of the matter is that while DICK BOLLING and I have disagreed on politics, we have never disagreed as to the basic principles underlying debate and orderly procedure in this House.

DICK BOLLING is truly a "man of the House." He loves this institution. He not only abides by its rules but lives and acts by them in the way he conducts himself in committee, on the floor, in debate, and wherever he has been called upon to preside over this House.

As is well known, DICK has been in the forefront of those who seek to make this great institution work a little better.

He is, and has been, a champion of those who sought to streamline jurisdictional matters among our committees. I am glad to say I cosponsored his legislation for a "Little Hoover Commission" for more effective government.

In other words, Mr. Speaker, while DICK BOLLING and I have disagreed when it comes to issues, we are in perfect agreement when it comes to the need to make our system work better for the people.

As a Republican, I guess I ought to say I am glad to see the Democrats lose the services of such a tough and talented antagonist. But as an American, I have to say that this place is not going to be the same without DICK BOLLING's forthright, direct, no-nonsense style.

And on a much more personal note, I am proud to have had the privilege to serve with DICK BOLLING for so many years and to have my life enriched by that association.

My best wishes go out to him in whatever course he chooses to pursue in his retirement from this body.

□ 1430

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for his statement.

I yield to the gentleman from Florida (Mr. FUQUA).

Mr. FUQUA. Mr. Speaker, I wanted to take the opportunity today arranged by Congressman GEPHARDT, to honor an outstanding leader, DICK BOLLING, whose distinguished career in the House is unsurpassed. His vision, hard work, and intellect will be greatly missed, but the legislative handiwork which bears his stamp, and the basic fairness embodied in the House rules he helped to craft will serve us well for future years. Since men are often best remembered for the institutions they create, it is very correct to say that the House of Representatives and the Congress is the institution it now is, in large measure, because of his never ending pursuit of democratic principles and procedures to serve it. He has also indeed had an exceptional influence on the development of the Democratic Party, both as a team player on the Rules Committee and as a student of the Congress.

DICK BOLLING is a man who likes to take on the tough issues. The Civil Rights Act of 1964 serves as an early example of this principle. Many of us now in this Chamber were just getting started in politics in those days, and it is with great admiration that I recall how truly enormous was the effort it took to enact national legislation of such stature in those days.

Another tough issue was committee reform, and the opening of the process to every Member, sometimes at the expense of those who had already achieved an important position. Some early chapters on the "BOLLING Committee," as we call it, and its work to modernize the House and bring the work of its several committees into better balance have already been written. The Committee on Science and Technology which I am privileged to chair is one of the many beneficiaries of the painstaking efforts led by DICK BOLLING. As a result of his efforts the House did give responsibility for civilian research and development to one committee and thus equipped itself to deal with one of the key issues on our national agenda: The role of science and technology, and the contributions which can be made by that sector to increased innovation and productivity. In addition, as a key figure on the Rules Committee for many years and more recently as its chairman, he has been instrumental in seeing that the referral mechanisms put in place by House Resolution 988 were properly and fairly adhered to. The product of this stewardship has been better legislation, and it would not have been possible without DICK BOLLING.

Equally tough to grapple with has been the tying together in the Congress of the spending side with the requirement to levy taxes. The 1974 Budget and Improvement Control Act bears his stamp and is in large measure the product of his foresight. Since the implementation of the act is still a matter of relative newness the full impact of the goals and procedures it establishes is very much in the center of today's political arena. The linkage of spending authority and taxing authority had changed the whole nature of our political debate and given national attention to the very essential work we do here and its impact on our economy. DICK BOLLING is a liberal who believes in fiscal responsibility—to me that sums it up.

I also admire DICK BOLLING very much for his labors as an author, as a student of the Congress, and because of his seeming fascination with macroeconomics, nurtured by years of service on the Joint Economic Committee.

His most recent book, "America's Competitive Edge" deals with the very subject of such great concern to me and to the Science and Technology Committee, and illustrates yet again the breadth and depth of his intellect. The book offers a definite program to bring about the renewal of America's economic strength and displays an impressive grasp of the key role for science and technology.

DICK BOLLING has unselfishly served in the finest tradition, his constituents and his institution. We will miss him.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for his statement.

I now yield to the distinguished gentleman from Arizona (Mr. RHODES).

Mr. RHODES. I thank my good friend from Missouri (Mr. GEPHARDT) for yielding. I am pleased to take a moment and join my colleagues in paying tribute to a very good personal friend, DICK BOLLING, and to thank him for his many years of distinguished service in the House of Representatives.

DICK has been here about 33 years and he has lent his abundant talents to setting some of the Nation's most momentus issues. His tactical skill and thorough understanding of the workings of this House has made him one of the most formidable legislators and debators to have ever labored in this Chamber. Many are the battles in which I would like to have had DICK's knowledge and skill on my side. But, you know, in some of them we did fight side by side and we have shared many of the same ideas in the field of congressional reform.

As has been said before, he has had many fine hours. But I think his finest hour was as chairman of the Committee on Congressional Reform some years ago which brought forth, I thought, a really momentous report, and one which I tried, as did many others, to have adopted. I cannot help but believe that the work of the House would have certainly been enhanced insofar as not only quality but speed of enactment is concerned had we been able to triumph.

I believe DICK BOLLING has probably had as much influence on the House as any contemporary Member, and I know his absence will be felt acutely when he retires at the end of this session. But as one who has made a similar decision and will be leaving the Congress with him, I am just as certain that he will continue his notable contribution to the art of government as I hope to do through lecturing and writing.

I could go on and on with laudatory remarks about this remarkable man but if I say too much he might lose some of the esteem of his Democratic colleagues. I suspect that he did when I lauded him in a little book which I wrote a few years ago and did not treat some of his colleagues with equal kindness. I hope he has recovered from that and I assure him that what I said at that time I feel just as strongly as I did then.

One of the nicest things that has happened to me after I got out of the minority leadership was to be able to serve on the great Committee on Rules and to serve under the chairmanship of DICK BOLLING. He has an absolute fascination for the rules of this House. I might say he is also intrigued by some of the things that one can do to them every now and then and, in fact, he has taught a few of us some tricks which I am sure will live either in fame or infamy but, nevertheless, they will live.

One of the things which I would regret if I were staying is that DICK would not be here. But I cannot say that.

But I do want to thank him again and I guess thank the good Lord, too, for the service of people like DICK BOLLING in this great Republic of ours.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for his fine statement.

I now yield to the gentleman from California (Mr. PANETTA).

Mr. PANETTA. I thank the gentleman for yielding and am pleased to join in the tribute of my colleagues to this distinguished individual. He is truly a giant of this institution and it is appropriate that we honor him on the same day we pay tribute to another giant of our times.

The House is an interesting institution and the Members of the House have many different qualities that sometimes we admire and other qualities that we do not admire. The qualities of honesty, integrity, knowledge, are qualities we admire. The qualities of those who are perhaps coarse or direct or at times obnoxious we do not admire.

DICK BOLLING is someone who possesses all of those qualities. But that is not what DICK will be remembered for.

There are two key qualities that I think are extremely important to what DICK BOLLING is all about. One has already been mentioned here. It is the respect for the institution. There surely is no other Member who holds the kind of respect for this institution that DICK BOLLING has or who has contributed to keeping this institution a vital part of our democracy. That is really what he is about and that is what he will be remembered for, his dedication to the institution.

During the time we were having many meetings on reconciliation and the budget process generally, DICK BOLLING constantly asked the question: "What does this mean in terms of the process? What does this mean in terms of the institution?"

Because of those questions we were able to keep that process on track with the institution and with its goals.

DICK BOLLING is an anchor. He is an anchor for the institution and he is an anchor for our system of government.

There is another quality that has not been mentioned here that I think is just as important. DICK BOLLING is also a revolutionary in the best sense of the word. Yes, he has a respect for the institution, but he also understands that the institution is not static, that it must be vibrant, that it must look to new ideas, that it must look to changes in our system. If our society is changing, if our needs are changing, then the institution has to respond to those needs. He is not so stuck in the mud in terms of the institution that he is not willing to consider those ideas.

It is for that reason that I think younger Members like myself and DICK and others have really appreciated his presence because he is not only important in terms of the institution but he respects new ideas and he wants to listen.

So it is those two qualities, respect for the institution and the revolutionary quality to listen to new ideas and to be able to modify this institution to respect those new ideas that I think DICK BOLLING will be remembered.

He will always, whether he is here or whether he is outside of this body, he will always be an anchor for this institution and he will also be an anchor for those new Members who come into this body and want to share in those qualities that he will leave with us for a long time.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for his statement.

I yield to my friend from Missouri (Mr. COLEMAN).

Mr. COLEMAN. I thank my colleague for yielding and would like to rise and also pay tribute to the gentleman who shares with me the distinction of representing the city of Kansas City, Mo., in the U.S. Congress.

RICHARD BOLLING is not only our senior Member from Kansas City, he is the senior member of the Missouri delegation, the dean of our delegation. His continuity and his oversight and views of what has happened here in the last 33 years has certainly set well with those of us who are new Members of the Congress in the last 5 or 6 years as we understand what preceded us and hopefully what impact we might have on this body as we go forward.

I suppose I am the only person in the House who was a constituent of DICK BOLLING. For 21 years DICK BOLLING was my Congressman, since the age that I was 5 until I was 26 years of age. In that period of time, which are formative years, I was able to firsthand witness what a Congress-

man can do. Frankly, it gave me I think some incentive to run for the House one day, not against DICK BOLLING but in an adjacent district which I reside in now and have since 1969.

DICK BOLLING started constituent services, I think, before it was fashionable or even politically necessary to get reelected. I recall the little things that our Congressman used to do. If your name appeared in the paper, as occasionally it might, he would be sure and let you know that he saw it and he would hand-sign a little note to that effect. A lot of us do that now, but it was not done 20 years ago as it is today.

I recall the things that Kansas City is proud of that DICK BOLLING has done for them. I think it is very easy to be a national politician or a national figure and forget exactly where you come from. But DICK BOLLING has had the personal touch and he has fought hard for Kansas City.

I remember I believe the 1964 campaign in which DICK'S campaign poster was a picture of the Congressman and behind him was the skeleton start of what is not our Federal Regional Office Building in Kansas City. I am sure that Congressman BOLLING had a great deal to do with having that regional office there in Kansas City with the hundreds of people who work in that office building and who provide services for many other States and communities, but especially for Kansas City.

His personal touch was also there. I know friends of mine, Republican friends, who tell about DICK BOLLING showing up on election morning in a south Kansas City precinct and being able to name off and call by first name his constituents as they come in to vote. That is a very difficult thing to do in a highly urbanized area and one which I think pays tribute to the gentleman to remember the very people who elected him that he has gone back to.

As a college student I applied to my Congressman for a summer internship, as I recall. I did not get it. But I wrote him a letter and told him what a job I thought he was doing and, frankly, I forgot it. I was elected to Congress in 1967 and visited with DICK BOLLING. Either he has a great storehouse of knowledge or he has a great retrieval system, because he remembered the letter that the college student wrote him 15 years earlier and some of the remarks that I had made in it. For whatever reason, he remembered, I think it is a personal touch that a Congressman of his stature, who did not need to have that kind of personal touch, frankly, has continued to have.

I remember in 1964 also, as the Congressman does, that he was challenged by the factions of Kansas City, by the vestiges of the old Pendergast machine that ran Kansas City and made it notorious through the years. They went after DICK BOLLING in probably his only really tough reelection. This was not the general election but the primary in the Democratic Party. I was in New York at the time and I remember going down to Times Square to pick up a copy of the newspaper that night to see what happened in the primary in Kansas City. Yes, it was national news and it was in the New York Times because DICK BOLLING is a national figure.

He survived that election. He defeated them soundly and has gone on with virtually very little opposition since in either the general or primary elections.

DICK BOLLING has a broad view of government. He has a broad view of this House as an institution. I hope, and I know I speak for the citizens of Kansas City, that we hope that he will continue to share his views and his life with those of us in our community and that he will continue to play an important role in our community and come back again and tell us his views and his position and give us another history lesson so that we may learn from the past and from his experiences so that we can have a better country in the future.

I appreciate the gentleman yielding to me and thank him very much.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for his statement, and I now yield to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. I thank the gentleman for yielding and for taking this special order today.

I think DICK BOLLING leaving this institution means one thing very clearly. We are losing our best man.

I think it is fitting that JOHN RHODES was here earlier because I think JOHN and DICK share one quality in great abundance. They both are institutional men. I think that DICK BOLLING understands and has communicated more effectively and more thoroughly than anyone else in this institution the key role that structure plays in the legislative process and the key role that character plays in the legislative process.

I remember seeking him out after I was elected to this body on April 1, 1969. I remember sitting next to him many, many times when he was seated in the seat in which he is sitting right now, asking him about the institution, asking him about his own view of history, asking him about all of the things that one asks about if they are trying to understand how to function in this place.

□ 1445

I think there were two ways that he was most helpful to me: No. 1, in understanding or developing a better understanding and a better sense of history; and, second, he also placed great emphasis on the necessity to build coalitions, because without building coalitions you cannot get anything done either in this institution or in this country.

He reminds me very much, in an historical sense, of the person who I believe to be the finest public servant Wisconsin has ever produced. Most people, when they hear that, think that you are talking about Robert LaFollette, Sr. And I am not. I happen to have the view that the most distinguished public servant my State has ever produced was Robert LaFollette, Jr. I think he was one of the progressives who understood the necessity to involve this country internationally at a time when many people of his political stripe did not have that understanding. He also understood the need for change in the legislative bodies, to make them move with the times. I think that DICK reflects both of those understandings as clearly as anyone I know.

I know that some people from time-to-time have thought that DICK BOLLING was perhaps a touch too acerbic for his own good and for the good of the institution. I very much disagree with that. I think that this institution, like many others, needs a little acid to cut through the phoniness and to cut through the irrelevancies which we see here and in any other institution from time-to-time, just as it needs a little balm to heal over differences which occur when people hold strongly held views.

I think, without a doubt, he is the greatest Member of Congress I have ever served with. He is certainly, in historical terms, the greatest Member of this House in modern history who never became Speaker. I voted for him for majority leader, and the reason I voted for him was because I thought he belonged to a type that we badly need in this institution. There are really two kinds of people: somebody who wants the job because they want the title, and somebody who wants the title so that they can do the job. And DICK BOLLING falls in that latter category. I think that, more than any other reason, is why so many people have had such great respect for him through the years.

I think all of us, more than anything else, want at the end of our career to have it said of us that we made a difference. And more than any other individual I have ever known in this institution, DICK BOLLING has made a difference. He has made a difference on issues ranging from the organization of this place itself to the great moral issue of our time, the civil rights issue. He certainly has a sense of compassion which has moved this institution on a whole range of issues that made this country better for the people we represent. He has recog-

nized that the job of a Member of Congress is really threefold: You have to be a legislator, you have to be a service agent for your district, and you also have to be a public educator. I think many times that last quality is the most important. Again, I know of no Member of the House who has done a better job on that crucial task of educating not only the public but our own colleagues than has DICK BOLLING. He has been a friend to me. He has been a leader for me. He has been a stern taskmaster for all of us. I think all of us are the better for it. It is fitting, as the gentleman from California indicated, that we discuss his career here on the same day that we pay tribute to the man who, in my judgment, is the third greatest man that this country has ever had, Franklin Delano Roosevelt.

While I do not remember the quotation exactly, I think DICK's whole approach to public service recognizes that he did take to heart F. D. R.'s admonition, if I can characterize it rather than quote it, that says "Better the government which commits an occasional sin in the name of its concern for people than the sins of omission committed by a government frozen in the ice of its own indifference." I think DICK BOLLING's whole career indicates that, above all, he is not indifferent, not to the institution, not to the country and, most certainly, not to the individuals for whom the country was created.

We are losing our best man. I very much regret it, on both a professional and personal level. I do know that he still has much to contribute to the country, and I consider it the greatest privilege of my life to have served with him.

Mr. GEPHARDT. I thank the gentleman for his remarks.

Mr. Speaker, I am pleased to yield to the distinguished gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Speaker, I thank my friend, the gentleman from Missouri, for holding this special order, giving us the opportunity that we have today. I frequently shrink from such an opportunity, for fear of sounding trite. If there is anybody who is entitled to more than the usual trite expressions of respect that are frequent here at retirement, it is DICK BOLLING. This institution depends very strongly for its vitality on the frequent infusion of new ideas. But the House also depends on the cement that can keep that dynamic ideas from tearing us apart. And the cement that holds this institution together is usually respect. Over his service here DICK BOLLING has contributed a great deal to the new ideas which enliven this institution, and he has also been an important part of this cement of respect.

We are all aware of his understanding of the process, his love of it, his inquiring mind and his directness in trying to put his ideas into effect. So his contributions to the vitality of this institution, I think, are signal.

Also, however, the cement that he has provided has been an awfully important part of the intensity and cohesion of this institution. We are by nature transients. There are comparatively few of us who stay as long as DICK BOLLING has stayed. During his entire service here he has been a central figure, not because of the positions he has held—although he has held important positions—but because of his personality and his character and the strength of his intellect. As a central figure, he has been widely respected, even by those who have disagreed with him, and they have never had any doubt of their disagreement because DICK has never compromised his views in ways that would leave people uncertain as to where he stands.

In addition to the personal respect with which he is held, his respect for the institution has also been an important part of the cement. His love of the House, the extent to which he is the prototype of the best in House membership has been an example for many others. Without such an example, we can acquire institutional respect only through long service in this institution. Through the example of people like DICK BOLLING we get a quicker sense of the importance of institutional stability, institutional growth, and institutional understanding. His love of the House is infectious and transferable.

I have heard him described as an institutional man. I am sure that he knows as much about the House of Representatives as all the rest of us put together. He is a student of its process. His mind has reached into all of the aspects of our institutional history. In that sense, he is an institutional man. But while those who do not know him may easily think of him as an institution, those who do know him cannot think of him except in warmly human terms. He is not a man who inspires neutrality. The strength of his personality belies any effort to categorize him as just some sort of a fraction of an institution. In a human institution, he is a preeminent human being.

There is a lot to be said about DICK BOLLING. We all are going to be diminished by his departure. As a central figure, he has been for many of us a yardstick with which to measure our own smaller contributions. That is a unique role that few of us can make.

He knows that he is not indispensable because he has the sense of this body that it must go on. But he also knows that he has made a contribution, because he is aware of the attitude of his colleagues. It is not necessary to belabor that respect, that affection, that sense of his contribution, further here today.

There is a life after Congress. We all know that. I think that life will be a rich one for anybody with DICK's abilities and qualities and inquisitiveness. His citizenship, in whatever way it manifests itself, will continue to be a national asset, and I think he knows that he goes out from here leaving behind many people who are grateful for not just his service, not just his relationship to the institution, but the warm and the personal friendship that is possible for such a man to have in wide numbers in whatever institution with which he is associated.

□ 1500

Mr. GIBBONS. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Florida.

Mr. GIBBONS. Mr. Speaker, so many fine things have been said about DICK BOLLING that it would be impossible to top any of them. I guess I have one great regret, as DICK BOLLING leaves here, that I ought to express right now, and that is the regret that while he has been here I have not followed him as closely as I should.

If a poll were taken of this House as to who is the most admired and respected, I think there is no doubt in my mind that it would be DICK BOLLING. He has a dedication and a purpose about all of his actions. I think that dedication and purpose means that he is committed to the idea that free people can govern themselves in a democratic manner through a body such as the House of Representatives.

He has contributed so importantly to this body that only history will ever be able to fully understand what he has done. But it is important not only to this body, but to other legislative bodies through the 50 States and, in fact, throughout the world, because what happens here is often emulated in our States and emulated throughout the world.

So, DICK, as you sit there and contemplate what your accomplishments have been, as we try to enumerate them, I want you to know that this one Member respects you and has a great deal of affection for you and has a great deal of admiration for what you have accomplished in the time that you have been here.

DICK, we need more people like you, but I do not think there is a mold that has been preserved like you.

So, we wish you well. We know you will continue to contribute, and we hope that Missouri or some other part of the Nation will send us another DICK BOLLING real soon.

Mr. GEPHARDT. I thank the gentleman and I yield to my friend, the gentleman from Arizona (Mr. RUDD).

Mr. RUDD. I thank my colleague for yielding and also express my appreciation for his thoughtfulness in taking this very important and very special, special order for today for DICK BOLLING.

I consider DICK to be a very highly respected leader of the House of Representatives and also to be a formidable Congressman in action on the floor of the House of Representatives.

When he makes up his mind to take a course of action he will not be swerved, and if he feels he is right he is completely dedicated in pursuing that course of action.

Speaking for myself alone, as a Member of this body, he is one Member that gets my attention immediately and holds it, and I think that that in itself is a great compliment to the man himself.

I have enjoyed knowing him personally and I have especially been very pleased to observe him as an example of what a very successful, very effective Congressman should be in action, and he has been a lesson to me in that regard, and that in itself is appreciated very much.

I know that there have been a lot of nice things said about DICK today by people who have known him for a number of years, and I wish that I may have had a closer relationship with him so that I could observe more closely what he has done in action, and I wish him well in all of his future endeavors, and again I thank the gentleman for yielding and for taking this special order.

A TRIBUTE TO RICHARD BOLLING

The SPEAKER pro tempore (Mr. MURTHA). Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 60 minutes.

Mr. SKELTON. Mr. Speaker, it is my distinct pleasure to join in the second part of this special order with my colleague, the gentleman from Missouri (Mr. GEPHARDT), in paying tribute to Hon. RICHARD BOLLING, who has announced his retirement from this body.

I remember very well, Mr. Speaker, I was a 17-year-old high school senior coming to Washington, D.C., to see President Harry Truman inaugurated in January of 1949. On the train coming up here I remember very well people talking about their new Congressman from Kansas City, DICK BOLLING. I did not meet him then but I heard good things about him then, and it was my pleasure in later years to get to know him, to call him a friend, and to serve with him in the Congress of the United States.

Mr. Speaker, he is a gentleman of great stature. He is one who has always had the time to give advice to a friend, and I might say that one of his greatest attributes with all of his talents and all of his work and all of his skill is the loyalty that he has displayed to his friend, the encouragement, the word of "You can do it," the suggestion on how to do it better. These have been his hallmarks from a friend's point of view.

I remember on one occasion when seeking advice from him he said there are two ways to look at things. One way is negative and the other is positive. He said, "I prefer the positive."

That has been his rule through the years.

Mr. Speaker, DICK BOLLING is a man of great talents. If you have been so blessed with the talents as this gentleman from Missouri, and like the Good Book said, one is not to hide those talents, one is not to hide his light under a bushel and, Mr. Speaker, DICK BOLLING has not hidden his talents, but he has been a meteor to light the skies in our period of history.

I am proud to call him my friend and colleague.

Mr. Speaker, when our good friend and colleague RICHARD BOLLING leaves the House next year after 34 years in Congress, it will mark the end of one of the most distinguished and remarkable careers in the history of this legislative body. During these 17 terms in Congress, DICK BOLLING has rendered superlative service to the people of the Kansas City area, the State of Missouri, and the Nation. No Member of Congress in our lifetime has done more for Congress as an institution. His influence has been profound, positive, and lasting.

As a legislator, DICK BOLLING is a keen strategist, a peerless coalition builder, and a master of the House rules and procedures. Reforms that made the House more democratic and responsive, civil rights legislation, and the Budget Act are all evidence of his skill and energy. Yet, I believe his most lasting monument will be his efforts to preserve the integrity of the House as an institution. Throughout his career, he has recognized, as perhaps no other legislator in our time, that Congress must exercise its responsibilities as a coequal branch of Government in order for our system to flourish. At the same time, he has been in the forefront of efforts to make the House and its procedures more accountable, more open, and more responsive to the people we were elected to serve. His work in this area has won him the admiration and respect of his colleagues on both sides of the aisle, the press, and the public. It is safe to say that this House of Representatives is a far greater institution for DICK BOLLING'S having served here.

As a new Member of Congress in 1977, I appreciated DICK BOLLING'S willingness to share the benefits of his experience, and I appreciated his wise counsel on complicated issues and procedures. I am indeed proud to have had the opportunity to serve in Congress with DICK BOLLING, and to have him as a friend. His leaving creates a void in this institution, and in our State delegation, that will not be filled easily. I know I speak for all House Members when I say that I hope he will continue to let us have the benefit of his wisdom, his leadership, and his friendship for years to come.

Mr. Speaker, I yield to the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Speaker, I had the great privilege of coming to Congress at the same time DICK BOLLING came. When I came here with him I knew he was a real leader. In the years I have been here, I think that Speaker Rayburn and DICK BOLLING are probably the two most able legislators that I have served with. I feel he is the strongest man and most able man and most dedicated man to American ideals that we have in the House of Representatives today—a man of great intelligence, a man of great character, honesty and courage are qualities of his life.

Mr. Speaker, I used to practice law years ago and I always thought if I could be a lawyer's lawyer the people would look at me as somebody who really could be a leader among lawyers. I really would have made the top rung in my life. Now that I have come to Congress and been here these years, I look about me and think about the years and the types of people I have served with, and I think there has been one man who has been outstanding as a Congressman's Congressman, and that is DICK BOLLING.

I remember many problems that I tried to tackle here that I did not really tackle just right. DICK, I think, is probably younger than I am, but his counsel and guidance was so good in these things. Particularly I remember I was uptight about trying to accomplish an ethics group, a committee here, and if it had not been for DICK BOLLING we never would have put it together properly. I put together, but it was a hodgepodge compared to what we finally attained. This is one example among many.

I think almost all of the great legislation this Congress has passed since DICK has been here has had his hand on it and it has been already mentioned the fact despite all of these great qualities of character and leadership, at the heart of it is a very great man, a man of compassion, a man of thoughtfulness and kindness for his fellow man. The little man is his concern. The concern of this great country is his concern. It is a great pleasure

to serve with DICK. It must be wonderful to leave an institution when you are at the height of your ability and still have many good years ahead of you. That is a nice time. I think most people outrun their time.

In the case of DICK BOLLING, he goes out like a meteor, of course he is going on to other things which, I am sure, will be rewarding for the country. He is leaving here with not only the great respect of the Congress but the great respect of his country and the love and affection of all Members of Congress.

Mr. SKELTON. Mr. Speaker, I yield to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. I thank the gentleman for yielding and want to thank both of our colleagues from Missouri for taking this time to not only pay tribute to DICK BOLLING but also to say thank you for your service to this House of Representatives.

So many things have already been said that I wish to say and so I hope my colleagues will permit me to maybe be a little bit repetitious, but I think they bear repeating because of the fine way in which DICK BOLLING has served as a major leader in the Congress of the United States.

First of all, I very much respect DICK as a presiding officer of this body, as one who attempts to get attention here and there during the proceedings. He was always extremely fair and made sure that those who were seeking attention did receive it, but also made sure that the House remembered that there was an orderly process by which we should abide. He did not hesitate at any moment to call to our attention when we were violating those rules of the House or stepping aside in an appropriate manner.

□ 1510

I guess the second reason that many of us appreciated his fine service in the House and have appreciated it is because he was so involved in that process, as has already been stated, so totally understood the legislative process and participated in it to such an extent himself that he made it a really living, moving process, which we can all appreciate.

I think many of us are very grateful for the time and effort that DICK BOLLING spent in trying to reorganize this House in a more meaningful way. He spent endless hours trying to guide us to do the things we should do and reducing overlapping jurisdictions among our many committees and trying to get us to pay attention to the business at hand in a way that would be more meaningful and I think we really need to say thank you for the tremendous amount of time that he spent in trying to give us a reorganization plan that would be helpful to the whole process.

I had an opportunity to serve with DICK BOLLING on the Joint Economic Committee. He made sure when he was chairman of that committee or vice chairman, or whatever, that we forced ourselves to listen to all aspects of discussion on economic affairs, brought in every possible authority that he could find to make sure that we were doing our job and that even though the Joint Economic Committee has no legislative responsibility, the responsibilities that do reside to report to the Budget Committee, to report to the House, to give regular reports on what the economic facts of life are, he follows through on that in a very positive and constructive way. I know that he made sure that those of us who were on the committee did our part to also participate.

As has already been stated, the reason that he was so successful is that he has a deep love and respect for the House of Representatives and what it is supposed to mean as the people's body. He made sure that we remember that and when he was presiding over this body, when he had to call us to task for not giving it that due respect, he certainly did so in a very sometimes sharp, but I think, very positive way.

Though it has been stated that he has been a tough minded leader, and that is certainly true, as one who is on the opposite side of the fence on many of the issues with DICK BOLLING I can say he is tough-minded; but also he had a sense of compassion, as has already been stated so well, and he expressed it very well when he was taking the floor on those given issues or participating in the Rules Committee to make sure that adequate rules were given for the several points of view.

So we do have a respect, most of us, I think, if not all of us, for that tremendous capability that he brought to the House, with that love and sense of this House that is so needed and he made sure we, too, respected it.

I guess I have enjoyed knowing DICK BOLLING primarily because he has been a strong leader. I think strong leadership is needed desperately and he always was there to provide it. Whether you agreed with him or not, and I did not many times find myself in agreement politically, as has been stated by many on our side, you knew that he was there, that he would participate as a strong leader and that you better know your facts and case before you came to present it.

I thank the gentleman again for taking this time. I think it is very refreshing to say thank you to somebody before they have departed to another world, so I thank the gentleman for taking this time, both gentlemen.

Mr. SKELTON. I thank the gentleman from California.

I yield to our distinguished Speaker.

Mr. O'NEILL. I want to thank the gentleman for yielding.

There is no one in this House who appreciates and respects DICK BOLLING more than I do. In 1954 both of us were placed on the Rules Committee and we sat side by side for 18 years. You get to know a man well when you work at his side for 18 years. DICK BOLLING's knowledge and skill is extraordinary.

He is also among the most conscientious Members of this body. I have seen him kind and gentle and I have seen him mean and tough—mean and tough, with a Member of this Congress he thought had ability and who came before the Rules Committee unprepared. DICK BOLLING has always been prepared. His commitment to excellence is tireless; his dedication to his duties is total.

DICK's legislative contributions are almost overwhelming. For example, we were floundering when the Civil Rights Act was before us and here came a son of the South who was the strongest arm in the House in moving that historic legislation.

In my 30 years here, there has not been a reform in this Congress that DICK BOLLING did not conceive.

I remember the 1966 committee; I was on it myself. The ideas all germinated from DICK.

And I wonder where the Nation would have gone if we had not established the Budget Committee about 6 years ago, the brainchild of DICK BOLLING.

Nobody loves this House more than DICK does. He understands its rules. He understands its history, and the sensitivity by which it operates. He is a master in the operation of this Congress. He has the respect of the House every time he takes the floor and he always handles the tough ones. DICK has never stepped back from a tough issue. The tougher they are, the better he likes it.

Knowing DICK as I did through the days when we were writing Johnson's "Great Society" legislation—the sensitivity that he had for America, for education, for the poor and the elderly—he helped construct this legislation and played a significant role in its passage.

We hate to see DICK leave. But it is of his own choice. I do not know how or when or if his shoes will ever be filled here.

As Speaker of the House, DICK, I want to say publicly what a great friend you are, and what a debt of gratitude I owe to you for the strong arm you have been, for your loyalty, for your brilliance—a friend I could always count on. You will be missed, not only be me, DICK, but by anyone and everyone who has known you along life's line.

May God's blessing be with you, DICK. You are a great guy.

Mr. SKELTON. Mr. Speaker, I yield to the gentleman from South Carolina (Mr. DERRICK).

Mr. DERRICK. Mr. Speaker, I thank the gentleman for recognizing me and I thank the gentleman for taking these special orders this afternoon.

You know, I have been sitting here a little bit in a daze, I guess, because although I knew that DICK was going to retire, I really had not allowed myself to think about it too much, because it is hard for me to picture this House of Representatives without DICK BOLLING.

There is no queston about it, I am asked from time to time, who is the greatest mind in the House? It takes me about 2 seconds to say, "DICK BOLLING."

I remember one time having a discussion with my son. He was concerned about something that had happened at school that he had done, and he felt that his popularity had been threatened. I remember telling him, "Well, son, you probably have two routes to take. One, you will be respected, and the other, you will be popular; not necessarily do they run in a parallel pair."

□ 1520

Well, DICK BOLLING today stands as the most respected man in the House. You know, I have seen him when he did not care about his popularity and I doubt that he does right now. But in spite of it, he has ended up as probably the most popular man in the House as well.

I guess probably a lot of folks found out what I found out about him: that his bite is significant, but his bark is a little louder. He is a legislator's legislator.

I look in that corner. I do not know how may offices he has in this institution, but I know where his busiest office is. It is right over there against the wall, or in one of those seats to my left. I know times that I have had to get fifth and sixth in line and move down like musical chairs so I could have a conference with him.

One of the proudest things I ever had said to me was by a man who got mad with me and did not particularly like my chairman and referred to him as my mentor in this House, and I plead guilty to that. It has been a wonderful experience.

You know, there is no telling how many Members are still in this House today who would not be here because of DICK BOLLING. I know I am not alone, because I discussed it with other Members over the years. Those who are thinking about leaving Congress, those who are thinking about running for the lower body, those who are thinking about running for offices back home, and they look at DICK BOLLING and they say, "You know, if he stayed here for this many years, and he was able to shake this institution, maybe I can make a contribution as well," and have stayed on.

I would not be on the Rules Committee today if it were not for DICK. He encouraged me, he helped me, he trusted me, and he asked others to trust me who did not know me as well, and that is why I am proud to be on the Rules Committee—the first member to serve on the Rules Committee from the State of South Carolina since 1932. I do not know, but I hope the Rules Committee is as important as I tell my constituents it is, and I think it is. I hope it will retain its importance when DICK leaves.

As has been said before, and as I have talked with him over the last several years, there are very few things that can be mentioned, major accomplishments—and some of them not accomplishments—that DICK BOLLING did not have a part in, so I will not be repetitious. I will just say, you know, DICK, I am going to miss you; God, I am going to miss you. But as you leave, I want you to know that I have always thought of you as a man's man. You know, I have always thought of you as a character out of Hemingway, or maybe Hemingway himself—a man with a great mind, a man that loves the out of doors, loves his fellowman, but has respect for him. And certainly a man who does not suffer fools lightly.

Mr. SKELTON. I thank the gentleman from South Carolina.

Mr. WYDEN. Mr. Speaker, will the gentleman yield?

Mr. SKELTON. I yield to my friend from Oregon.

Mr. WYDEN. I thank the gentleman for yielding, and very much appreciate his taking this time to pay tribute to someone who has served this institution so very well.

I, in particular, had not yet been born when DICK BOLLING came to this institution. At this point I am still just midway through my freshman term in the Congress. But ever since I was a student of political science, DICK BOLLING was my model of what an effective Member of this body exemplified.

DICK BOLLING really cares about people, and he understands the processes that need to be used to follow through.

I think I would just have one request for DICK BOLLING, and really think I speak on behalf of a number of the younger Members, and that, DICK, is that we just hope you will remain as accessible to us as you have been this year. The chance to have your counsel and your advice in the years ahead is something that will be of great help to me, and I think many of the other younger Members. We are still looking forward to working with him in the years ahead.

Mr. SKELTON. I thank the gentleman.

Mr. DYSON. Mr. Speaker, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Maryland.

Mr. DYSON. I thank the gentleman from Missouri.

Mr. Speaker, I was born the year that DICK BOLLING came to the Congress, and about 27 years after that I had a dream. I had a dream of coming to the Congress, and in 1976 I ran for the U.S. Congress from the State of Maryland. I had a fund raiser in a little place called Great Mills, in St. Mary's County, Md., and I was so bold as to write a letter to a U.S. Congressman by the name of DICK BOLLING to ask him to come and to be the guest speaker at this fund raiser. A few weeks later I received a letter, indicating he would come. And he did come and he made a tremendous impression. I realized it was a difficult thing to go into an area where nobody knows you and make a speech everyone enjoys and everyone likes. But he did it. He came with his lovely wife James Grant Bolling, and they both made a tremendous impression.

When he left, he left me with a dream, a dream of some day being able to come to the Congress—I thought it would be 1976, but I had to wait—for the day to be able to sit in the U.S. Congress and call DICK BOLLING my colleague. I have realized that dream, and it has been an honor to be associated with him. I am sorry to see him go.

No tribute to Representative BOLLING would be complete however, without mention of his wife Jim Grant Bolling who passed away in 1979. Her own accomplishments were commendable by themselves. She created the Congressional Relations Office at the Department of Health, Education, and Welfare under the Kennedy administration and helped form the Congressional Club here on the Hill. But the strength of this extraordinary woman to her husband stemmed from the fact that she stood by his side in good times and bad, helped in his office and was his confidant and best friend.

Mr. Speaker, it has not only been a pleasure to know Congressman RICHARD BOLLING in the House of Representatives, but also to have worked with and learned from him. The people of Missouri's Fifth Congressional District are losing a fine and dedicated public servant and Congress is losing a distinguished colleague.

Mr. Speaker, I want DICK BOLLING to know that his colleagues not only tip their hats to his service to this Nation—but we tip our hearts to him as well for his friendship and his leadership.

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield?

Mr. SKELTON. I yield to my friend from Wisconsin.

Mr. KASTENMEIER. Mr. Speaker, I want to express my thanks to the gentleman from Missouri for taking this time to pay tribute to the gentleman from Missouri (Mr. BOLLING).

I remember DICK BOLLING when I was first elected to Congress over 23 years ago. I came to Washington for the first time in my life in December, prior to being sworn in, and I met DICK BOLLING, and our colleague, the gentleman from New Jersey, Mr. Thompson, and I remember how impressed I was then with his knowledge, his legislative wisdom, and his political good sense. Over all these years, my admiration for him has not changed.

Often we have occasion to salute a retiring Member, but I think this is a unique occasion, because I do not think to anyone in our time are we so indebted for having contributed so much to the institution of the House of Representatives, not only in the reform sense, in the sense of changing the institution to conform to the post-war days of World War II, to modern times, but for infusing a sense of responsibility, a sense of integrity in this institution, and it has been under attack. So quite apart from calling him a friend and enjoying his presence, sharing in his wisdom, we will miss one of the people who has had the greatest impact on the House of Representatives in modern times, and has steadfastly tried, I think wisely so, to cause this institution to be more responsive to people's needs.

So we will miss him as he goes, we will miss him as a friend, as someone who counsels us from time to time, both in terms of his party's policies and legislation and also in terms of what we ought to look like as an institution in 1982 and the years ahead.

□ 1530

So, I am pleased to join with the gentleman in saluting my friend, DICK BOLLING.

Mr. SKELTON. I do appreciate the gentleman's words.

Mr. Speaker, I yield to my friend from Massachusetts (Mr. MOAKLEY).

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman very much for yielding to me.

Mr. Speaker, I am honored today to be able to participate in this special order and commend the Missouri delegation with this opportunity to honor one of its most able and distinguished Members, DICK BOLLING.

During two terms as chairman of the Committee on Rules, the gentleman from Missouri has had an opportunity to play a key leadership role, one which he had actually performed without portfolio for a generation. He has served as the most effective advocate of the concept of party government in the House, demanding of his party that it always have a program and use every tool at its disposal to deliver that program. But this demand has never taken the form of obstruction and he has served four Republican Presidents as loyally as the four Democrats who have been President during his public life.

He has been an effective and loyal "right arm" to every Speaker since Sam Rayburn. But he has never subverted his own independence and conscience to that loyalty. During the service of John McCormack, the gentleman was the most formidable force in the House in calling its leadership to account. But, to the day Speaker McCormack died, neither of them ever lost the personal respect in which they held each other. Indeed, at the time of the late Speaker's death, the gentleman from Missouri made an extraordinarily fine tribute which I take the liberty of borrowing to apply to the gentleman, himself:

He is probably the best Democrat I ever saw. He was one of the greatest fighters of all time. I will never forget him as long as I live as one of the people who taught me not only to love this House, but to love working on behalf of the people that he worked for and that I hope all of us work for, and those are the people of this country who cannot have the strength themselves and need the compassion and the help of those that love them.

It is sad that DICK BOLLING is leaving the House at the time when this ideal to which he has called it, is so dangerously threatened by those who would rule this land by ledgers rather than vision. Battles are ahead in this Congress in which our party will need its greatest fighter. But battles will continue in future Congresses in which we will equally need his vision and his advice. I know, even in retirement, that he will continue his fight from other forums with the same energy, intellect, and compassion he brought to this Chamber for so many years.

I will always be grateful to fate that I have had the honor of serving on the Rules Committee during his chairmanship. The lessons I have learned will serve me well throughout my career. As chairman, he has been a strong conscience, a tireless leader, but most of all, a good friend.

Every Member tries to represent his constituents and to remain in close touch with their concerns, but we need to be reminded that our district has sent us to a national assembly which must address the needs of a great country. The fair balancing of local and national concerns is no easy matter but no one has served as a better model to us all than DICK BOLLING.

I can recall no issue or real importance during the brief time I have served in this House, in which the gentleman has not been at the forefront of the fight. Some of those fights have been won and some have not, but what all of us will remember is that each was fought well, each was fought fairly, and both the defeats and the victories have been accepted with honor, with dignity, and with grace.

I thank my friend from Missouri for taking this special order and giving me an opportunity to participate. It is difficult for me to say goodby to DICK BOLLING. It is even more difficult to say it well. But with all sincerity, I wish the gentleman well and assure him of my loyalty and my friendship in all the years ahead.

Mr. SKELTON. Mr. Speaker, I yield to my colleague from Missouri (Mr. VOLKMER).

Mr. VOLKMER. Mr. Speaker, I, too, wish to thank the gentleman in the well and my other colleague from Missouri, Congressman GEPHARDT, for taking this time to pay tribute to a person who has been described as perhaps having been very important in reform, and having had more effect on the structure of this body than any other person in modern history. I, too, agree with that.

I, too, wish to pay tribute to the gentleman, a colleague of mine from Missouri. Even though I feel that we have had others from Missouri, from my district especially, who have served in this House so well in the past, such as Champ Clark, such as Clarence Cannon, I put DICK BOLLING right along there with them. I am quite proud to be able to stand here today and feel that I have served with a gentleman of his stature even though at times we have disagreed on issues, and there are times that we have agreed on many others, but I think very firmly that he and I agree very strongly that in the institution it is the foremost issue, and that it is the institution which he has worked so well in fostering and providing the procedural changes that are needed and have been needed. He has had an effect on the structure of this institution that is necessary for the institution to prevail, and he has helped to bring this institution to where it is today.

I agree with those who have said that he has had more effect than any other person in modern history on this institution, and I want to congratulate him. I look forward to working 1 more year with him in this institution, and, I hope, working with him thereafter for many more years.

Thank you very much for being here, DICK.

Mr. SKELTON. I thank the gentleman from Missouri.

Mr. Speaker, I yield to the gentleman from Texas (Mr. SAM B. HALL, JR.).

Mr. SAM B. HALL, JR. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I just heard about this special order, and I came over from my office to say just one or two things. I have only been in this body for a relatively short period of time compared to the great service that has been the whole life of DICK BOLLING in the Congress of the United States. I have never missed an opportunity to listen to this great legislator when he stood where I am standing now or in the well of this House, because what he said was worth listening to.

I know on many occasions that my vote and his vote have not been the same, but my respect and admiration for DICK BOLLING is without parallel in this House. His wisdom and his perseverance at times will be missed, sorely missed. I hope that in the coming years that he continues to enjoy the best of health, that he will continue to visit with us from time to time. I realize that he has another year, but I would have been remiss had I not been here today to pay my deep respects to this outstanding legislator and gentleman. I know of nothing more than one can say when one refers to him as the gentleman that I know he is, and the high regard and respect that he is held in by every Member of this body.

Mr. SKELTON. I thank the gentleman.

Mr. Speaker, I yield to my distinguished colleague from Missouri (Mr. GEPHARDT).

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding, and I thank him for his participation in the special order today.

GENERAL LEAVE

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that all Members may be permitted 5 legislative days within which to extend their remarks on the subject of this special order.

The SPEAKER pro tempore (Mr. OBEY). Is there objection to the request of the gentleman from Missouri?

There was no objection.

● Ms. FERRARO. Mr. Speaker, I rise to join my many colleagues in honoring one of the great congressional leaders of this century, DICK BOLLING of Missouri.

When DICK BOLLING announced his retirement, he explained that he felt he would be "more useful to the causes he believes in out, than in." If that is in fact true, then despite our sense of loss over the departure of an esteemed colleague, we all must be heartened over the prospects of his work on the outside.

For the causes of DICK BOLLING are the best causes any of us can believe in. Since coming to Congress in 1948, he has been the premier champion of institutional reform in the Congress, leading the struggle to overturn the strict seniority system that strangled the institution for so long, and bringing democracy to the House. His work in trying to reform the House and its committee system in the 1970's and his two outstanding books on the workings of the House show his exceptional mastery of the legislative process.

In addition to the institutional reforms, he also played a major role in many of the great policy issues of our times. His understanding of legislative strategy and the House rules was key to the passage of the landmark Civil Rights Act of 1964, and led to adoption of the congressional budget process in 1974.

But it is more than his parliamentary wizardry, political acumen, intellectual brilliance, and his articulate and constructive criticism of the institution in which he has served the people of Missouri's Fifth District for 34 years that has distinguished his career.

What will be missed most when DICK BOLLING retires is his integrity. He did not preach integrity, he personified it. I am reminded of an address by Edmund Burke, a Member of Parliament speaking to his constituents at Bristol in 1774, a speech often quoted by DICK BOLLING to his own constituents.

Burke's words defines a legislator's responsibility as well as the courage, wisdom, and political judgment that he or she must exercise. In my mind, Burke's remarks typify DICK BOLLING's philosophy of the role of the legislator, and the kind of integrity which has been his trademark in Congress.

> Certainly, gentlemen, it ought to be the happiness and glory of a representative to live in strictest union, the closest correspondence and the most unreserved communication with his constituents * * * But his unbiased opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you, to any man, or to any set of men living * * * Your representative owes you not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion.

Fortunately, even after he retires, the example of DICK BOLLING will remain for us all.

You have probably guessed by now how highly I think of DICK BOLLING. I came quickly to learn just what an extraordinarily fine human being he is while serving with him on the Democratic Steering and Policy Committee. I have great admiration for him and value his counsel, his friendship, and his wisdom.

Most of what I have said so far about DICK BOLLING is, I expect, rather similar to what many of my colleagues will say today in honoring one of the most respected Members of this body. I have one other comment, however, that very few other Members are likely to make.

For all the deep respect and admiration many Members feel toward DICK BOLLING, he has earned a reputation for not going out of his way to win popularity contests. As he himself once put it, "I have never been too good at buttering up my colleagues."

That may be the case. But in one area, DICK BOLLING has far exceeded most other Members in his treatment of his colleagues, and has particularly earned this Member's respect and gratitude. "Sensitive" is not a word too many of our colleagues would use in describing DICK BOLLING. But he, in fact, possesses a degree of sensitivity toward human beings unlike that of any political figure I have known. I have never known him to say an unkind word about any individual. He treats Members, staff, constituents, and men and women in all walks of life with consideration and equality. Above all he is honest—the most intellectually honest person I have known.

DICK BOLLING possesses those rare qualities of integrity, honesty, grace, and class—qualities seldom found today in any walk of life.●

● Mr. ROE. Mr. Speaker, it is indeed a great honor to rise today to join my colleagues in saluting DICK BOLLING, who without question has been one of the most outstanding Members to ever serve in this august body.

During his nearly 32 years of service in the House, DICK BOLLING has compiled an enviable record as both a leader and a lawmaker.

Perhaps no other Member in recent times has had so great an influence on the actual day to day operations of the House of Representatives as has DICK BOLLING. He was the brilliant master planner whose reform proposals made the House a more effective body in dealing with the highly complex problems facing our Nation.

Of major importance was his redesigning of the Federal budget process which ended the old system in which spending bills were routinely passed one by one without concern for their effect on the overall economy.

DICK BOLLING's self-proclaimed long-term love affair with the House of Representatives will never be forgotten. A highly prolific writer, he has written several books dealing with the House that serve as standard reference materials for any student of politics.

As chairman of the House Rules Committee, Congressman BOLLING has added a new dimension of efficient leadership to that position resulting in assured quick and thorough consideration of the bills presented to that highly important panel.

DICK BOLLING will also be long remembered in this House and by the people of our Nation for his efforts in securing passage of legislation to better the lives of all segments of our society.

As a member of the Rules Committee, he played a key role in helping obtain passage of the 1964 civil rights bill and vital labor legislation that bet-

tered the lives of millions of American workers.

The people of Kansas City are losing a great Representative in DICK BOLLING. His decision to retire at the end of this session of Congress is also a loss to all Americans. A man with the abilities and insight of DICK BOLLING will sorely be missed as this House attempts to deal with the current economic and social turmoil in the Nation.

While he may be retiring from the House, one thing is certain; we have not heard the last from DICK BOLLING.

DICK, I am proud to have known and worked with you.●

● Mr. CLAY. Mr. Speaker, the retirement of Representative DICK BOLLING after an extraordinary record of service in the U.S. Congress expanding 30 years is both a time for profound sorrow and great exultation.

Sorrow—in that the Congress loses a courageous statesman extraordinaire.

Exultation—in view of the remarkable contribution of service not only to his beloved State of Missouri but to the entire Nation.

The U.S. House of Representatives will not be the same without our highly esteemed DICK BOLLING. It is significant that Mr. BOLLING in his collective service to Missouri and the Nation represented the essence of a caring, compassionate, scholarly, and politically effective statesman. His refreshing civility, ability to unravel parliamentary thickets, and his fierce commitment to improving the body politic made him a highly respected Member of this body.

We shall never forget his wit, strong commitment to civil and human rights, deep belief in human possibilities for all of our citizens, and a desire to extend and enrich the ideals of our Nation which made his presence here one that made a difference.

It is difficult for many from the perspective of the 1980's to understand the dichotomy that existed in our Nation in the 1950's and 1960's when black and nonwhite Americans were even more distant from the mainstream of American life. This dichotomy even had the blessing of our Nation as reflected in the law at the time and the support of many Members of the Congress who were unwilling to break with ancient traditions. DICK BOLLING as a member of the House Rules Committee often fought a lonely battle in working to move civil rights and civil liberties legislation forward at a time when such legislation and those who advocated it were unpopular. However, he never wavered in his commitment and in time was able to move vital civil rights and civil liberties legislation forward as well as become chairman of the House Rules Committee.

As a fellow Congressman from Missouri, I shall miss the profound commitment that this master of the rules of the House evidenced in the Congress. Not only was he admired for his knowledge of the institution, but also for his appreciation and respect for the highest traditions of the institution. His career can indeed be categorized as a profile in courage, profound sensitivity, and a rigorous application of prodigious intellect.

I shall miss his resolute belief in the power of the rule of law and his determination to develop a just and caring society. The retirement of RICHARD BOLLING, a master of parliamentary strategy signifies the end of an era but his legacy will become a part of the institution and traditions he so greatly respected and indeed personified, and will make an indelible impression for all Congressmen who follow in his footsteps.

I wish this exemplary statesman Godspeed, good health, and personal fulfillment as he undertakes other interests of his choosing.

A DICK BOLLING does not retire, he simply commences to start anew in other undertakings.●

● Mr. BIAGGI. Mr. Speaker, it is both an honor and a sad duty to participate in this special order to pay tribute to our esteemed and beloved friend and colleague DICK BOLLING. It is an honor simply because all of us who have served with and know DICK BOLLING do consider it an honor. It is a sad duty because we will be saying farewell to DICK after this session of Congress adjourns.

Since 1948, the people of the Fifth Congressional District of Missouri have been provided with the highest quality representation by DICK BOLLING. His attention to constituent needs is unparalleled and has served as a exemplary example for all who have followed him into the House.

History will treat DICK BOLLING with respect and reverence. He has served with particular distinction as chairman of the House Rules Committee—one of the most prestigious and important of all positions in Congress. He has presided over the committee during some of the most tumultuous days in the history of the House. DICK has always wielded his considerable power with equity—the Rules Committee has been accessible to each and every Member of this House.

In many ways DICK serves as one of the consciences of the House. His knowledge about the inner workings of this institution is without peer. His authority in turn is derived from both his knowledge and experience. He is a professor of House processes and many of us can call ourselves his students.

DICK's two books, "House Out of Order" and "Power in the House" are testaments to the genius of DICK BOLLING.

It seems hard to fully put into words the appreciation which we his colleagues feel for DICK BOLLING. I have a deep and abiding respect for DICK. While it is said that no one is indispensable, the departure of DICK BOLLING will leave the House a lesser place.

Perhaps our best tribute to him would be to try and emulate him in our daily activities as Members. I wish him a peaceful and prosperous alternative career and hope he will stay close to Washington for his counsel will always be in the highest demand.●

● Mr. HOYER. Mr. Speaker, it is a privilege to pay tribute to one of the great Members in the history of the House of Representatives, our colleague RICHARD BOLLING of Missouri.

RICHARD BOLLING has devoted 34 years to public service in the Congress. Few Members have a record which can equal his. His major achievements were in helping modernize the processes of the House, drafting the Budget Act of 1974 and pushing through the landmark civil rights legislation of the 1950's and 1960's from his key post on the Rules Committee. His presence in the Congress contributed to a better life for millions of Americans.

In addition to his activities as a Member of Congress, RICHARD BOLLING has a well-deserved reputation as a distinguished author and interpreter of this institution. His books, "House Out of Order" and "Power in the House," are must reading for any student of the Congress. No doubt, now that he has more free time, other important contributions to the literature on Congress will be forthcoming. Perhaps more than any other Member, RICHARD BOLLING has shaped perceptions of the internal workings of Congress in the media, in academia and among the public generally, and he will continue to do so.

RICHARD BOLLING has built a reputation as someone who knows how to use power wisely. He has been a member of the Rules Committee for most of his tenure in the House, and chairman for the last 4 years. Before assuming the chairmanship himself in 1979, he was the de facto leader of the committee's majority, the eyes and ears of the leadership, the man who could solve problems and provide guidance at crucial points in the legislative process.

Often overlooked because of Congressman BOLLING's vital role on the Rules Committee is his other committee assignment on the Joint Economic Committee. He also had the opportunity to serve briefly there as chairman before assuming leadership of Rules. RICHARD BOLLING has always been interested in the substance of economic policy as well as the congressional process for enacting it, and focused the joint committee on conducting significant studies of the economy during his chairmanship.

Another important part of DICK BOLLING's career here was his role as a presiding officer in the House and the Committee of the Whole on controversial matters. His thorough knowledge of the rules and ability to maintain order were important in the expeditious consideration of many pieces of major legislation.

When I took office last June and wanted to learn how the House of Representatives worked from the inside, I went to see DICK BOLLING and to observe the Rules Committee in action. I got a good education, and I shall always be grateful to the chairman for taking the time to explain the process and offer advice based on his rich experience here.

With the retirement of RICHARD BOLLING, the House has lost an original. There is really no one, on either side of the aisle, who can ever play quite the role he has.●

● Mr. RICHMOND. Mr. Speaker, our brilliant colleague and the very best friend a man could have, DICK BOLLING, has announced that he will retire from Congress after 34 years of distinguished service.

As deeply as we revere DICK BOLLING as a friend, we also respect him as a leader in this House. DICK has always given unselfishly of his time, counsel, and vast experience to his colleagues. He is a consummate strategist who possesses a complete mastery of parliamentary procedures.

With his remarkable intellect and encyclopedic knowledge of congressional operations DICK has led the way to countless reforms. I am sure that most of our colleagues have devoured DICK's excellent books on how Congress works and how it should work. These books epitomize DICK BOLLING's knack for incisive analysis and thoughtful recommendations.

DICK BOLLING cares about Congress and the millions of people we represent. Throughout his exceptional career in public service, his intellectual gifts and parliamentary skills have been focused on making the Government more responsive and effective. Among his many outstanding achievements is designing the Federal budget process and devising a plan for reorganization of the Federal Government.

We will sorely miss DICK when he retires at the end of the year, but his influence on this House and our Nation will long be felt. We will miss his wit, his understanding and his wise counsel.

Mr. Speaker, I consider myself fortunate to serve with DICK BOLLING and to know he is my friend.●

● Mr. PEYSER. Mr. Speaker, I regard DICK BOLLING as one of the outstanding Members of Congress whom I have had the pleasure of meeting and working with since 1971. He unquestionably knows more of the operation of the Congress than any Member we now have. One of his great characteristics has been his willingness to listen to and to help new Members as they launch their careers in the House. It is a great loss to all of us to have DICK leave. I will personally miss him as a friend and an advisor, who has helped me so many times over the years.●

● Mr. PEPPER. Mr. Speaker, it is a pleasure and a privilege for me to have the opportunity to honor our distinguished colleague, DICK BOLLING, who will be retiring at the end of this session of Congress. Thirty-four years of dedicated excellence is this brilliant public servant's record: Excellence in service to his State, to his country and, perhaps most of all, to this institution, the U.S. House of Representatives. No more profound thinker or more capable parliamentarian has ever occupied the chairmanship of the Committee on Rules, on which it has been my privilege to serve with him. Dick's retirement will be an inestimable loss to the committee and to this body, both of which he has served with the deepest dedication.

It is fitting that the day we pay tribute to RICHARD BOLLING is also the day that we paid tribute in a joint session of Congress to Franklin Delano Roosevelt. What one man began—blazing a new trail as to the proper role of Government and in so doing extending the warm and willing helping hand of Government to those in need of assistance—the other man has continued. The contributions made by DICK BOLLING, legislatively, procedurely, and as a humanitarian and author, will be an enduring testimonial to the eminence of the man and an example for all of us, and to those who will occupy our places in this body in the future, to emulate.●

● Mr. REUSS. Mr. Speaker, I am honored to join in this tribute to my friend DICK BOLLING. DICK's inspired leadership helped bring about changes in the seniority system in House voting procedures, in the congressional budget process—all aimed at making this body more responsible and accountable to the citizens.

Through his skills as a master parliamentarian, and his chairmanship of the Rules Committee, DICK has served as a major House strategist for progressive legislation. He has played an invaluable role in assembling the coalitions that have passed the major domestic programs of this generation, including our landmark civil rights legislation. As a member and former chairman of the Joint Economic Committee, he shares my concern with the need for America's economic renewal.

More than for his considerable legislative achievements, however, DICK will be remembered for his concern for the House as an institution. As father to the House reform movement, he has left his mark on younger colleagues, and on the structure and procedures of the House. In this way, DICK's contributions to this body will transcend his long and productive term in office.

He carries with him into retirement our gratitude for his statesmanship, our appreciation for his friendship, and our best wishes for a long and happy postcongressional career.●

● Mr. QUILLEN. Mr. Speaker, I join my colleagues in expressing my tremendous respect and admiration for a distinguished Member of this body, the Honorable RICHARD BOLLING of Missouri.

DICK BOLLING is leaving the House at the end of this session, but his service here will be long remembered. I have served with DICK on the Committee on Rules since 1965, and it has been a true pleasure.

DICK is a brilliant man, whose intellect and political skill will remain a benchmark for those who follow him to this body. His dedication has made him an outstanding Representative for his people, and his leadership has had a significant impact on this House. The fundamental operations of this Congress have been markedly changed due to reforms he authored and standards he has set.

DICK is a persuasive spokesman for his party's views on national issues. We may have been adversaries from time to time, as controversial issues moved through this institution, but we never have been enemies. DICK BOLLING is a formidable opponent, but one who always conducts himself with gentlemanly courtesy and fairness.

My admiration for DICK have increased with each year we have served together. I have no doubt that his voice will remain in our consciences long after the 97th Congress brings his career among us to an end.

DICK BOLLING's presence here will be missed, but his contributions to this Congress will remain with us for years to come.●

● Mr. FROST. Mr. Speaker, I rise today to honor my distinguished chairman, RICHARD BOLLING. When he leaves the Congress at the end of this session, this country will lose an able and effective Representative of the people, and this House will lose a man of honor, integrity, and intelligence. I will miss his steady hand, his level head, and his unparalleled devotion to this institution that is this House.

When I first entered Congress in 1979, I was given an awesome responsibility. I became only the second Democratic freshman Member in this century to be appointed to the Rules Committee, and it was RICHARD BOLLING who became my tutor in the legislative process and who selflessly imparted his wisdom gained through his long and devoted service to his constituents, his country, and to the House of Representatives. I am indeed fortu-

nate to have had this man as my chairman and my teacher.

However, DICK BOLLING has not left us yet. The coming months will be difficult ones for this body and I for one am gratified that he will be here to assist us as we grapple with the enormous problems facing our Nation. His compassion and devotion to democratic principles will serve this country well in 1982 and his legacy will serve as a guidepost for those of us who will serve in future Congresses.

Mr. Chairman, just saying "thank you" does not seem adequate. You are a great American and I am proud to have served with you and prouder still to call you my friend.●

● Mr. ZEFERETTI. Mr. Speaker, I am pleased to join my colleagues in this tribute to the distinguished congressional career of RICHARD BOLLING. For the last 3 years I have had the very special privilege of being a member of the Rules Committee and had the benefit of serving under its chairman, DICK BOLLING. This has been a rare and special privilege indeed, since I have met no one during my tenure in the House of Representatives more knowledgeable or more protective of the precedents and procedures of this great institution. DICK has demonstrated time and time again the importance of, and power wielded by a thorough understanding, appreciation, and utilization of the rules that govern this august body. He has not used this knowledge and subsequent power frivolously, or to further his own personal position but has displayed his prowess in the name of justness and equitability.

DICK's desire to better the inner workings of the House and to improve the efficiency of the legislative process has been well documented through his legislative career. His place in the history of the House of Representatives is secure. Years from now historians and political scholars alike would be remiss in their writings if they neglected to mention the contributions and insights provided by DICK BOLLING.

All the members of the Rules Committee who have served with him, as well as the Members who have testified before him, can verify that DICK BOLLING's desire for fairness, equity, and evenhandedness is without question and beyond reproach. All of us have committed the Golden Rule to memory, but not everyone makes such a commitment to his life and his work. DICK BOLLING has made this commitment.

The void left by his retirement will not be filled easily, if at all. During my years on the Rules Committee, DICK BOLLING has been both a knowledgeable teacher and valued friend. I feel certain of his continued success in future endeavors, but his friendship and leadership in the House of Representatives will be sorely missed.●

● Mr. FASCELL. Mr. Speaker, DICK BOLLING has been called the intellectual father of the reform movement and a master strategist. These two descriptions accurately reflect the outstanding qualities and contributions of the dean of the Missouri delegation. I am honored to join in the tribute to a close and well-deserving friend.

DICK BOLLING and I have served together in the House of Representatives for over 27 years. In that time, through four Speaker, of the House and seven Presidents, DICK stands out as a tower of integrity and a beacon of brilliance. No one I have served with has been better equipped intellectually to meet and master the complexities of congressional action and politics. His unique combination of integrity and knowledge makes him a formidable foe and a valued ally.

My first year in the House was DICK's first year on the House Rules Committee. He was, of course, eventually to become its chairman and to become a principal draftsman in the reforms to make the House a more responsive institution. A believer in a strong Speaker and an active majority caucus, DICK was an important mainstay on the Rules Committee who facilitated the passage of landmark civil rights legislation.

As a member of the Joint Economic Committee for 24 years, his interest in economics long predates this latest period when it has become fashionable to speak about deficits, inflation, and a balanced budget. In an effort to impose accountability on an old system where spending bills were passed without regard to their cumulative effect, DICK played a leading role in designing the new Federal budget process.

While it will not be unusual for history to show that RICHARD BOLLING came into office in 1948 as a reformer, it will indeed be unique to record that his fire for reform has not died over 33 years. I know that I, along with our colleagues, will miss his wisdom, his inspiring insight, and his personal warmth.●

● Mr. WHITTEN. Mr. Speaker, it is my great pleasure to join in paying tribute to my friend and colleague, the distinguished chairman of the Rules Committee, DICK BOLLING. We are all saddened to learn of DICK's plans of retirement for he will be missed.

It has been my good fortune to serve with DICK BOLLING for the duration of his congressional career. DICK's contributions to this body are innumerable and his knowledge of the rules and procedures of the House of Representatives is second to none. We in the Appropriations Committee have leaned heavily on DICK BOLLING's expertise in bringing our bills to the House when circumstances have made necessary.

One of DICK's outstanding achievements was his key role in the creation of the Congressional Budget Act of 1974 and, perhaps more importantly, as chairman of the Rules Committee he helped us live with the Budget Act after its key protective provisions were set aside. The Budget Act was designed to make Congress more able to determine sound fiscal policy and establish national spending priorities.

The work of DICK BOLLING has been exceptional. We will all miss DICK BOLLING and his work here, and wish him well in all future endeavors.●

● Mr. BRINKLEY. Mr. Speaker, it is a privilege to participate in this special order honoring the outstanding congressional career of a man who has dedicated more than three decades of his life to distinguished public service—RICHARD BOLLING, of Missouri.

When I first came to Congress in 1967, it was DICK BOLLING who taught me one of the simplest, yet most essential, of lessons: How to get votes in the absence of a quorum. There were two steps, he said. First, object to the vote on the basis that a quorum was not present. Second, make a point of order that a quorum was not present.

Even many veteran legislators still stumble over that modest procedure. In my own case, because of that 1 minute of this scholarly man's time, the rule has been fixed and simple for me.

DICK's mastery of the most minute detail of the legislative process is legendary, and his splendid service as chairman of the House Rules Committee will remain a legacy of exemplary leadership.

DICK BOLLING is not only a gifted teacher, but a lasting friend. I shall miss his wise counsel and welcomed presence in these Halls.●

● Mr. MITCHELL of Maryland. Mr. Speaker, I am proud to join my colleagues in this tribute to Congressman RICHARD BOLLING, who has announced that he will retire at the end of this year. Mr. BOLLING has served in the House for over 32 years, and he currently continues in the very formidable task as chair of the House Rules Committee.

Congressman BOLLING has stood in this very Chamber for many long hours to defend those principles and practices in which he and his constituents in the Fifth Congressional District of Missouri believe. Yet, his work was not limited only to his district. Chairman BOLLING did not hesitate to serve strongly as a House Democratic leader, to address many issues which dealt with the need for fairness and equity for all citizens throughout this Nation.

Chairman BOLLING is noted with respect for his arduous work in the area of congressional reform. His dedication and knowledge in this area were shared with many in his numerous articles and two books on the subject. Fi-

nally, Congressman BOLLING was chairman of the Select Committee on Committees (1973-74) which produced a blueprint for revising and modernizing House committee structure and procedures.

Chairman BOLLING is a respected member of the Joint Economic Committee. He has coauthored a book, "America's Competitive Edge," which addresses the renewal of America's economic strength. Such work once again demonstrates Mr. BOLLING's willingness to expand his work beyond the Halls of the Congress.

It must also be noted that DICK BOLLING played a leading role in the civil rights battles of the 1950's and 1960's. He is among those responsible for the enactment of critical legislation, during those years, which embodied many of the social changes of the Johnson and Kennedy administrations.

Mr. Speaker, I am glad to have served with Chairman BOLLING in this House. However, I do know that he will now have even more of a chance to share himself with many others, through his writing and other work. I wish him the very best.●

● Mr. COELHO. Mr. Speaker, it is a privilege for me to be able to honor DICK BOLLING, a close personal friend of mine, as he begins the last year of his remarkable congressional career.

As a Member of this body for the past 33 years and as chairman of the prestigious Rules Committee, DICK BOLLING has provided the House of Representatives, his constituents, and the United States with distinguished service. His hard work and relentless effort helped implement many meaningful programs that have improved the quality of life for all Americans. DICK can look back on his career with a strong sense of accomplishment and a deep feeling of satisfaction. It has been a job well done.

I have the deepest respect for my colleague from Missouri and I know from listening to others that my feeling is shared. I will miss having DICK BOLLING as a colleague.

He not only contributed to this Chamber as an active Member, but his constructive critiques and progressive ideas from books he authored have provided a framework for many of the positive changes in the way Congress conducts its business. He has shown that one man with good ideas and strong convictions can make a difference. I wish him a long and happy retirement. God bless you, DICK. We will miss you.●

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to the Honorable RICHARD BOLLING, chairman of the House Rules Committee, who is retiring at the close of the 97th Congress as the dean of the Missouri congressional delegation to Congress. It has been a truly regarding personal experience for me to have known him as a colleague and I am honored to have served with him during the 17 years I have been in the House of Representatives.

DICK was first elected to the 81st Congress in 1948, and was reelected to every succeeding Congress until the present 97th Congress. He proved himself a capable legislator and fully worthy of the trust and confidence of his constituents of the Fifth Missouri Congressional District. He is a dedicated and devoted American, and a Congressman of outstanding ability, deep compassion, and courage.

Congressman BOLLING's diligent efforts as chairman of the House Rules Committee have been both fruitful and beneficial to the citizens of this Nation, and these successful efforts have made America a more prosperous and productive country. He authored two books on the House of Representatives, entitled "House Out of Order" and "Power in the House," which underscore his depth of human understanding and understanding for the elements which give life and spirit to our system of government.

DICK BOLLING's inspiring example will be missed here in the House, because seldom does one find a man of his stature, a man so wholeheartedly dedicated and responsive to the needs of the people he served. I extend my warmest best wishes to DICK for a healthy and happy retirement.●

● Mr. EMERSON. Mr. Speaker, it is with pleasure, honor, and a sense of history that I pay tribute to a most influential Member of the House of Representatives, Congressman DICK BOLLING, who—after decades of service here—is going to change careers next January.

When I was appointed as a congressional page in 1953, Chairman BOLLING had already served here in the House for 4 years. Never would I have imagined then that I would have the opportunity to serve as his colleague almost 30 years later as a Member of the Missouri delegation.

Chairman BOLLING has probably had as much if not more influence in the House than any Member of his generation, assembling coalitions to pass major domestic programs and serving as intellectual father to the reform movement that has changed this institution considerably in recent years. Frankly, he and I are not of politically or ideologically kindred spirits, but that in no way diminishes my respect for his leadership or his political or legislative accomplishments, and he has had many. We are probably of kindred spirits on matters procedural, in his efforts to make this enduring body functional and responsive in and to our day and age. This work is not finished, Chairman BOLLING, as I am sure you are keenly aware. When you leave this body, I hope it will give you satisfaction to know that there are those of us on both sides of the aisle, even in the junior ranks, who intend to continue to work to reform the methods, the procedures, the rules of this body to insure fair treatment for all; to permit the majority will to be worked while preserving the rights of the minority; and, most importantly, to insure that this body in its relation to the people it represents functions as efficaciously as the term "greatest legislative and deliberative body in the world" suggests it should.

As chairman of the House Rules Committee, Chairman BOLLING has been fair and evenhanded. He has had to make some dificult decisions, but he has never used his power as chairman to block legislation he did not support.

Chairman BOLLING has paved the way for the less senior members to more actively participate in the legislative process. For this, we owe Chairman BOLLING a great debt of gratitude.

I am sure that Chairman BOLLING will be successful in all of his future endeavors, and I want to wish him happiness, good health, and good luck in what will be his new role as a private citizen come next January.

The impact Chairman BOLLING has made in and on this body will long be remembered.●

● Mr. BAILEY of Missouri. Mr. Speaker, I wish to join a number of my colleagues in paying tribute to RICHARD BOLLING as he begins this, his last year of a long and distinguished career in the U.S. House of Representatives.

Throughout his many years of dedicated service, this man has been a pillar of the House and has served as an excellent example of leadership and dedication to the people he was elected to serve. His two books are basic guides to anyone who wants to understand the House and how it works.

Mr. Speaker, I wish to join the thousands of people in congratulating Mr. BOLLING on such an illustrious career and in expressing gratitude for his endless sense of service, his selfless contributions, and his undying commitment to the people he has served for so long and so well.●

● Mr. YATES. Mr. Speaker, as one of those who came to the House with RICHARD BOLLING in 1949, I feel qualified and compelled to say a few words about this remarkable man and his contributions to this body.

Let me begin by saying that I subscribe fully to the idea that DICK BOLLING is a legislative genius. That genius was apparent even in his very early years here and to me, his remarkably wise and often seemingly intuitive perceptions of the legislative and political process were and are simply amazing. But there have been a fair number of very intelligent Members of this House and in my view, it is

the character and basic humanity of RICHARD BOLLING that make him one of the very few truly great Congressmen of the 20th century.

We are losing a man who loves the House, its rules, its mores, its character and I think perhaps even its weaknesses. I will miss him. We owe him much and all of us who have served with RICHARD BOLLING can say we know one really great man in Washington.●

● Mr. RANGEL. Mr. Speaker, I rise to participate in the tribute to our esteemed colleague and chairman of the Rules Committee RICHARD BOLLING. During his 33 years of service to the people of the Fifth District of Missouri and the Congress, RICHARD BOLLING has been an effective and dedicated public servant.

Over the years of his service, DICK BOLLING has been recognized for his tremendous intellectual capacity. He has been a master of the rules of the House as well as a keen observer of the functionings of Congress as an institution. Many of the great procedural reforms of the House have come as a direct result of his efforts.

As chairman of the Select Committee on Committees, he lead an indepth study of the committee system and rules of the House. As a direct result of his work, many of the reforms of the midseventies were adopted. It is because of his work and dedication that many of our committees now work with a subcommittee structure. We all have to thank him for his efforts to democratize this institution and insure that power is not concentrated, but rather shared.

His skill as a parliamentarian, both as chairman of the Rules Committee and on the floor of the House has been witnessed by all of us. But probably the greatest tribute to his grasp of the parliamentary system under which we work is the repeated faith the leadership has put in him by placing him in the chair during key legislative debates. Not only has he demonstrated his understanding of the procedures of the House while sitting in the chair, but his commanding presence has served to maintain order when chaos would surely have prevailed had he not been in the chair.

We will all certainly miss his intellect, skill, and knowledge of the workings of the House. But probably the greatest loss will be that of a treasured colleague and friend.●

● Mr. YOUNG of Missouri. Mr. Speaker, I have had the pleasure of knowing DICK BOLLING for over 25 years. During that time, I can vividly remember the impact that he had as a relatively new Member of Congress in his early years and how his influence has grown.

I feel the work that he did in his 34 years in Congress has been extremely important. When I was elected as a Member of the 97th Congress, the impact that DICK BOLLING had on the legislative process became even more apparent to me. It was the groundwork that Mr. BOLLING laid early in his career that allowed new Members such as myself to fully participate at the committee level and on the floor in the Halls of Congress. Mr. BOLLING's accomplishments have had a very important effect on the manner in which business is conducted in this august body.

His importance in the leadership of the Democratic Party was a great influence in allowing new members of the delegation to have an opportunity to serve on the committees that they felt were of importance to their districts.

I want to publicly thank Mr. BOLLING for the tremendous help he has been to me and to other Members. I am confident that his influence here will remain while he personally will be missed.●

● Mr. DERWINSKI. Mr. Speaker, it is a pleasure for me to join in paying tribute to the service of our retiring colleague, the Honorable DICK BOLLING, of Missouri.

DICK is known by his colleagues for his great integrity and sound judgment. His chairmanship of the Rules Committee has been respected and admired by all of us. His perceptive insights and broad experience in the committee's important responsibility will be hard to replace.

DICK BOLLING has served his district for over 30 years, as a voice of reason and sound public policy. DICK's experience and understanding of the law have added great strength to this Congress. And above all, he is a gentleman of unquestioned integrity and competence.

My wife joins me in wishing him every happiness in the years ahead. I assure him that he will be missed here in the House.●

● Mr. TAYLOR. Mr. Speaker, I take considerable pleasure in participating in this special order to honor my chairman, colleague, and good friend, the dean of our Missouri delegation, RICHARD BOLLING.

DICK BOLLING has served his State and Nation well, as a citizen, soldier, teacher, legislator, and even as an athletic coach. I am not certain what kind of record his teams compiled but I would submit that they not only would have known how to play the game but also would be thoroughly imbued with the rules as well. Subsequently, any team coached by DICK BOLLING would undoubtedly have more winners than losers.

As a minority member of the Committee on Rules I have found the chairman to be an eloquent advocate of his party's position while always giving all an opportunity to be heard. This comes from many years of service in the House of Representatives where comity is a way of life and the ability to count the votes is absolutely essential to strong leadership.

The publication "Politics in America" noted that during his more than 30 years in the House, RICHARD has exerted considerable influence over the legislative process of the House. It described him as the "intellectual father of the reform movement that changed the institution in the 1970's." Certainly he has made a mark on the Congress that will endure for many, many years after he has left these Chambers.

I am not certain as to the retirement plans of our colleague, but I assume that following a period of reflection of his work in this body, another book will be forthcoming to join the two he has already produced. And, I would imagine, that the fishing plugs I presented him a few weeks ago will eventually be put to good use. Undoubtedly, we will be seeing quite a bit of DICK BOLLING in the Seventh District where our fishing waters are among the best in the country.

We wish for RICHARD BOLLING the best. May his retirement be relaxed and enjoyable.●

● Mr. ADDABBO. Mr. Speaker, I join with the Missouri delegation and the rest of my colleagues to honor DICK BOLLING, as he begins his last year of congressional service. I learned of his decision not to seek reelection with sorrow, and I look back on his years in Congress with a great deal of respect.

DICK BOLLING is a man whose interests have ranged over a variety of areas—he has been honored for his contribution to the fields of law, art, athletics and political science. His widespread interests may be due to the fact that DICK BOLLING is, above all, a strategist. He is committed to political process and legislative technique as the essential means to an end, and he has never limited himself to a single area of interest.

BOLLING was instrumental in formulating the new budget system, and in softening the existing seniority system. He protected the 1957 civil rights legislation when it was in danger being buried in committee. And, he gave rise to the first vote to put the House on record as supporting restoration of minimum social security benefits—this technique may have been the most important impetus in getting actual legislative change.

DICK has always shown us a contempt for rhetoric over detail. His work to change the committee system and make voting procedures on the floor more accountable attest to his belief in the importance in the way a thing is done, and his expertise in the art of strategy.

The Rules Committee chairman is a strong party man and he taught many

of us the meaning of party loyalty. Yet he is individualistic in his approach to issues and always encourages personal decisions in others. DICK is a man of the highest integrity and dedication; he is a perfectionist whose opinions and strategies will always influence me.

I understand that DICK is retiring to write a "modern version of Machiavelli." I think he underestimates himself in the comparison. He is one person whose political advice I will always listen to with a great deal of trust.●

● Mr. HALL of Ohio. Mr. Speaker, I am pleased to join in the special order to pay tribute to RICHARD BOLLING, the chairman of the House Committee on Rules.

I have had the honor to serve on the Rules Committee for the past year under the chairmanship of DICK BOLLING. Although I am still a newcomer to the committee, I am keenly aware of the many contributions DICK BOLLING has made, both the the committee and to the entire House of Representatives. It is an honor and a privilege for me to have served on the committee during his chairmanship.

DICK BOLLING is one of those rare figures in legislative history who already is a legend in his own time. Even a new member of the committee like me knows that DICK BOLLING is an institution—a man who has made his mark in the House and helped to shape the course of the legislative process.

He has brought to his chairmanship a deep appreciation for history and an enduring respect for the integrity of the House and its procedures. He has always been aware that even the smallest procedural skirmish can have lasting implications for the manner in which future Congresses conduct themselves.

He has treated the rules of the House with great respect, and worked to insure procedural fair play and the protection of the rights of the minority on any given issue. He has loved this institution too much to tolerate the abuse of its processes.

I think it is accurate to say that DICK BOLLING simply cannot be replaced. No chairman in the future will be able to duplicate his special style, humor, and intellect. We may have other great chairmen, but we will never have another DICK BOLLING. He is one of a kind.

While DICK will be missed by the entire House, those of us on the committee are certainly going to miss him the most. I wish DICK well as he looks forward to retirement, and I sincerely hope that he will stay in close touch with us. His public service may take a new form, but I am confident that his contributions to the committee and to the House are far from over. I hope that he will find happiness and fulfillment in the years to come.●

● Mr. FORD of Michigan. Mr. Speaker, when Congressman RICHARD BOLLING leaves the Congress at the end of this session, the institution will lose one of its strongest admirers and supporters.

As the chairman of the House Rules Committee, and a true scholar of the legislative system and the House itself, he is without equal. And, he has retained this position of utmost respect while still being true to the ideals of the Democratic Party. The institution needs the Dick Bollings to keep it vital and true to itself and the American people it serves. DICK BOLLING's shoes will not be easily filled.

During his 17 terms in the House, DICK BOLLING has come to exemplify the highest standards of statemanship, leadership, and integrity. He has paved the way for reform and continually challenged House practices and procedures.

While I have not always agreed with him, I have never questioned his sincerity or motives. DICK BOLLING will be sorely missed, and I will be among those who will miss him most.●

● Mr. BINGHAM. Mr. Speaker, it is appropriate that the first of the many special orders of farewell that will take place this year should be for the purpose of expressing our feelings about RICHARD BOLLING of Missouri. For in this generation no Member has brought more respect to this House.

If it were the custom for a Member of this body to be given a most-valuable-player award, as is done in the world of sports, RICHARD BOLLING would have won the award many times.

Long before I was elected to the House myself, I knew of DICK BOLLING's outstanding role. I knew also that he had played a leading part in the fight within the American Veterans Committee to prevent that organization from being taken over by the extreme left wing.

In my first year in the House, I watched in something akin to awe as Mr. BOLLING presided, with skill, patience, firmness, and total command of the rules, over the Committee of the Whole during the consideration of the Voting Rights Act. This experience was repeated many times as Speakers selected the gentleman from Missouri to preside when a skilled Parliamentarian was especially needed.

In the early 1970's I had the privilege of working closely with DICK BOLLING on a task force set up by the Democratic Study Group to consider what should be done about the rigid system of selecting Democratic committee chairmen solely on the basis of seniority. From that task force came the idea of setting up a strong Democratic Steering and Policy Committee, which would serve among other things as the Democratic Committee on Committees and which was given the responsibility of recommending committee chairpersons to the Democratic Caucus, taking into account seniority but not bound by it.

DICK BOLLING has been not only by all odds the House's leading expert on our rules, but he also has a love and respect for the House as an institution that is, I think, unique. I say this knowing full well that he wrote distinguished books and articles criticizing the performance of the House as a legislative body. His criticisms were never solely negative, but were always accompanied by constructive suggestions for improvement.

It was highly appropriate that, toward the end of his House career, Mr. BOLLING should have succeeded to the chairmanship of the Committee on Rules, but it is a corresponding pity that his service in that capacity should be so short. Not surprisingly, during his chairmanship Mr. BOLLING has developed imaginative techniques for bringing some kind of discipline and control to the floor consideration of complicated and controversial bills.

I deeply regret that DICK BOLLING has found it necessary to retire from the House, but I am sure that his service to the Nation is far from over. I wish him well in whatever he undertakes.●

● Mr. BOLAND. Mr. Speaker, I appreciate this opportunity to join in paying tribute to DICK BOLLING. I want to especially commend the gentleman from Missouri, Mr. GEPHARDT, for his foresight in scheduling this special order in January. The record of these proceedings should provide an interesting reference for DICK as the session progresses, the pace becomes more frenzied, and passions rise.

It has been a privilege and a pleasure for me to serve in the House of Representatives with DICK BOLLING. Few Members in the history of this body could match his zeal, his dedication, or his legislative skill. He is a man of conviction who possesses an uncommon ability to translate conviction into useful action.

All of us would like to leave this House with the feeling that our service here has made a difference. Whether it is through a piece of legislation of which we are particularly proud, or an issue with which we are closely identified, I think that most of us hope that we will leave a record demonstrating that our work has been of special value. During his career, DICK BOLLING has had a hand in shaping some of the most important legislation of our time. His legislative acumen, as displayed in his chairmanship of the Rules Committee, has earned him the respect of his colleagues. His reputation as a legislator is secure. I believe, however, that the contributions for which DICK BOLLING will be most remembered when he

leaves the House will be those he has made to the institution itself.

One of the unfortunate byproducts of our frantic schedule is that it does not encourage Members of Congress to give much thought to the manner in which Congress operates. DICK BOLLING, however, has never been content to accept the notion that the institution of Congress is not susceptible to change. He has devoted years of his life to a study of the history of the House and the mechanisms by which it performs its tasks. When that study led him to conclude that changes in the structure of the House could improve its operation, he was not afraid to advocate those changes. The House that DICK BOLLING will leave at the end of this session is truly different from the one in which he served as a freshman. The most important differences are ones which he played a central role in creating, and it will be by them that he is most remembered.

Mr. Speaker, the coming session of Congress may be one of the most important in recent years. DICK BOLLING's wisdom and guidance will be valuable commodities in the days ahead. I look forward to working with him on the difficult problems with which we will be faced as he completes a distinguished career in service to the Nation.●

● Mr. LONG of Louisiana. Mr. Speaker, DICK BOLLING will be retiring from Congress this year. He has chosen not to run for office again, but will instead write a book on power that I am sure will outsell Machiavelli's.

We have called this special order several months in advance of DICK's leaving. The reason is that he is going to dislike the whole panoly of eulogy so much that it is better to get it over with now, rather than spoil his last days here with fulsome praise.

DICK BOLLING would not like that because he is a modest man. He is a dedicated fisherman, as I am, and who has ever heard a fisherman brag? Therefore, I know he is modest.

He is, in fact, so modest that the Rules Committee hearing room would not now—nor indeed ever—have a portrait of its latest chairman were it not for the fact that DICK entered into a conspiracy to sit for his portrait as a ploy to get his beloved wife Jim to sit for hers. This remarkable woman, who had no vanity, would not agree to have hers done unless he did. And that is why the hearing room is graced as it is with a likeness of the chairman—casual, jaunty, and exuding confidence.

DICK BOLLING is modest, and he is a man with a heart which, I might add, he had even before his recent cardiac surgery. Rumors to the contrary notwithstanding he did not have a heart implant. What beats within his chest has been described as a "solid, liberal heart" by Richard Cohen in the National Journal. I told him, "DICK, if it ain't broke, don't fix it," but he went ahead anyway and became a fellow member of the cardiac surgery club of Capitol Hill.

I wanted to reach for some levity here, Mr. Speaker, because, inevitable as this time must be—for sooner or later, of course, DICK would have retired—it is still almost impossible to contemplate a House of Representatives without RICHARD BOLLING. It is impossible, and painful as well, for DICK BOLLING is not only a brilliant legislator esteemed by all of us, he is a loved, close friend of mine.

We might find a clue to what has driven DICK to such extraordinary accomplishments if we look at an article he inserted in the CONGRESSIONAL RECORD a year ago, a lecture delivered by biologist Lewis Thomas, author of "The Lives of a Cell." The lecture is entitled "On the Uses of Biology," and DICK called it one of the most stimulating and thoughtful statements about our world and our condition that he had ever seen.

Dr. Thomas says:

I am willing to predict, uncertainly, provisionally, that there is one central, universal aspect of human behavior, genetically set by our very nature, biologically governed, driving each of us along. Depending on how one looks at it, it can be defined as the urge to be useful. This urge drives society along, sets our behaviour as individuals and in groups, invents all our myths, writes our poetry, composes our music.

I think it was truly this elemental and exalted drive to be useful that led DICK BOLLING to make an imprint on this House of Representatives that has been unlike any other imprint.

Since 1949, he has applied his 21-jewel mind, his cool, astringent judgment—in the words of Dennis Farney of the Wall Street Journal—to the institutional problems of Congress. His books, "Power in the House" and "House Out of Order," are well known, and an eager audience is assured for the book he will write upon retiring.

He leaves us the valuable legacy of his optimism about the capabilities of Congress, if the institution, as the primary instrument of democracy, can keep itself in tune with and responsive to the needs of the times. He has also warned how dangerous it could be if Congress becomes fossilized, rigid, overextravagant, or if it puts the interests of a few ahead of the national good.

Addressing the first Workshop on Congressional Oversight in 1978, he forcefully stated the need for Congress to get its house in order:

If it is impossible for us to perform our function in the House of Representatives, not with absolute efficiency—I do not expect that—but with reasonable efficiency and reasonable economy, then the people are going to get rid of us. And as soon as they get rid of the House or Representatives—in my opinion—we are going to end up with an all-powerful President and at that point we are going to end up with the beginnings of totalitarianism.

DICK has always been the champion of Congress. He has applied his formidable intellect to searching for ways to improve congressional health, vigor, and viability, particularly vis-a-vis the executive branch.

I am not going to attempt to list all his accomplishments; most of them are well known. Structurally, he was the major architect of the Budget Act of 1974. Legislatively, he was one of the driving forces behind the important civil rights legislation of the past quarter of a century.

He is a consummate politician, but he refuses to compromise his principles, one of which is a deep belief in equal rights and equal educational opportunities for all Americans. Perhaps his greatest legislative efforts have been directed to these ends.

During the Vietnam war, he opposed the college deferment for the draft, feeling that the burden of military service was being unfairly distributed. DICK favored a national lottery instead.

As one of the six members of the subcommittee appointed to develop an ethics code for the House, DICK upheld the view, which ultimately triumphed, that a code of behavior for Members should confine itself to standards of official conduct, rather than the all-encompassing standards of conduct. If he had not insisted on this point, the barn door would have swung open to all manner of witch hunts.

I have to return to the lecture by Lewis Thomas that DICK inserted in the RECORD. Our main worry as humans, Thomas says, is how to be single, sentient beings, "fully aware of being aware and, at the same time, the working parts of a social species."

Thomas says that as social creatures we are at our best listening, intently and all together, to music in a concert hall.

DICK BOLLING's genius, it seems to me, derives from his belief that we have the potential to be equally at our best, as the working parts of a social species, on the floor of the House of Representatives.

I think this is so. I also think that if we ever realize our finest capabilities as an organ of democracy, a great deal of credit should go to DICK BOLLING.●

● Mr. CORRADA. Mr. Speaker, the retirement of Congressman DICK BOLLING at the end of this year will mark the end of a distinguished congressional career and will leave a definite void in the Congress of the United States.

It is a pleasure to join my colleagues in this tribute to DICK BOLLING, chairman of our Rules Committee, a position to which he has brought the in-

sight of a scholar and the abilities of a craftsman politician as the culmination of his outstanding service in the House of Representatives since 1948. DICK BOLLING has moved, with grace and ease, at the highest levels of power in the House of Representatives during that period. Over the years, DICK BOLLING has lent his considerable skills in the development of legislation that has benefited the Nation, his State of Missouri, and his constituents in the Fifth Congressional District of that State.

As Resident Commissioner from Puerto Rico, and as a Hispanic Member of Congress, I know I speak for my constituents when we bid a fond adieu to DICK BOLLING. His record on behalf of minority groups and in the forefront of every issue confronting the less advantaged in our society is one that will shine many years beyond his departure from Congress.

Missouri is known to all of us as the "Show Me" State, a fact reflected on its license plates and a theory embodied in the adage that if you can convince a person from Missouri that something is true, he or she will be convinced for life.

DICK BOLLING has shown us that you can be a scholar and a legislator, a person with insight into the future and also an individual unerringly diligent in the day-to-day performance of legislative tasks and skills. We wish DICK BOLLING the best in his future endeavors.●

Mr. GEPHARDT. Mr. Speaker, there are a number of statements that have been sent by Members who, unfortunately, could not be here today, and all of them will be included under the unanimous consent request that I just made. There is one statement that one Member asked me to read because of his long and close relationship with RICHARD BOLLING, and he was very distressed that he could not be here today. Therefore, I want to read that statement into the RECORD. It is a statement by the Member from Colorado, (Mr. WIRTH).

His statement says this: As today we honor RICHARD BOLLING, a number of impressions flash across my mind:

My first meeting, when as a student, I heard DICK transmit that characteristic blunt, perceptive fascination with the Congress that I later came to know so well;

Evenings at the BOLLINGS, sharing the quick and learned conversation with Jim and DICK;

Reform battles in the Congress, with so many of us looking to DICK for a reading on the limits to what we could do;

Long afternoons in the Rules Committee Office, hearing of our history as an institution, and the decent and democratic commitments that are so much a part of it;

Our great sense of loss when Jim died, for she and DICK together had meant so much to Wren and me—and she alone had taught us both;

And now the feeling of responsibility that comes to us who stay here. We have been well coached, the tradition is there, the commitment to what is right in this country has been reflected in one man.

We have a big job ahead of us, and we thank you, DICK BOLLING, and we thank Jim, for your great help.

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I would add, Mr. Speaker, that I would echo all of the sentiments that were in what I think is a very touching and meaningful statement by TIM WIRTH.

Mr. SKELTON. I thank the gentleman from Missouri (Mr. GEPHARDT) for his words. I especially appreciate being able to be a small part of this special order for our retiring colleague DICK BOLLING, together with DICK GEPHARDT.

It has been said that there is no substitute for wisdom. We all know there is no substitute for friendship and we have learned from hearing the distinguished colleagues of ours today that there is no substitute for DICK BOLLING. DICK BOLLING is a great Congressman, he is a great friend, he is a great Missourian, and he is a great American. One of the thrills of my life is being able to serve with him as a Member of the Congress.

Mr. Speaker, I yield back the balance of my time.

PRESIDENT ROOSEVELT'S MONETARY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 30 minutes.

● Mr. PAUL. Mr. Speaker, this Saturday, January 30, is the 100th anniversary of President Franklin Roosevelt's birth. As the Nation's airwaves and news columns are flooded with remembrances of F. D. R., it is best to recall what President Roosevelt did in the field of monetary policy, for our inflation, unemployment, and related problems are a continual reminder of his monetary policy.

Inaugurated on March 4, 1933, President Roosevelt did not waste any time. On March 6, he issued a proclamation declaring a bank holiday and a national emergency. This proclamation also prohibited the banks from paying out gold or dealing in foreign exchange. This was the first major interference with the gold standard since World War I. Eventually it resulted in the ultimate abandonment of the gold standard entirely. President Roosevelt summoned Congress to an extraordinary session on March 9, in order to legitimize his declaration of March 6. The bill to legitimize his actions, however, was not ready on March 9, and the administration could not wait for a bill to be prepared. A folded newspaper was tossed into the hopper of the House of Representatives to serve as a bill until the bill could be written. The bill was then sent to the Congress by the President; Congress passed it instantly and gave the President full powers over foreign exchange and extraordinary powers over the banking system.

But the bank holiday was but the beginning of a list of monetary achievements of the Roosevelt administration which included: First, repudiation of the U.S. Treasury promises to pay gold; second, seizure of the gold owned by the American people; third, debasement of the currency; fourth, deliberate inflation; fifth, deficit spending; sixth, monetization of Government debt; and seventh, confiscation of privately owned gold previously seized by the Government. This was achieved despite the fact that the first three planks of the Democratic Party platform of 1932 read as follows:

> We advocate (1) an immediate and drastic reduction of Government expenditures by abolishing useless commissions and offices, consolidating departments and bureaus, and eliminating extravagance to accomplish a saving of not less than 25 percent of the cost of Federal Government * * * (2) Maintenance of the national credit by a Federal budget annually balanced * * * (3) A sound currency to be maintained at all hazards.

One day after the passage of the Emergency Banking Act, on March 10, 1933, President Roosevelt issued Executive Order No. 6073, permitting the Secretary of the Treasury to issue regulations or licenses with respect to gold exports. On March 13, 1933, the Secretary of the Treasury by regulation authorized the Federal Reserve Banks temporarily "to deliver gold in amounts deemed by such banks to be reasonably required for legitimate and customary uses in trade, profession, or art." A month later on April 19, 1933, the Secretary of the Treasury announced that no further licenses to export gold for foreign account would be granted until further notice. The same action was taken with respect to gold already earmarked for foreign account. The effect of this action was, for the first time, to withdraw the support of gold shipments from the foreign exchange value of the dollar with the result that thereafter the progressive decline of the dollar in terms of foreign currency took place.

On April 5, a month after he had issued the decree closing the banks, President Roosevelt issued a decree seizing the gold owned by the American people. Executive Order No. 6102 declared that:

> All persons are hereby required to deliver on or before May 1, 1933, to a Federal Reserve Bank or a branch or agency thereof or

to any member bank of the Federal Reserve System all gold coin, gold bullion, and gold certificates now owned by them or coming into their ownership on or before April 28, 1933.

President Roosevelt cited an emergency World War I measure, the Trading With The Enemy Act, as authority for his Executive order seizing all privately owned gold. Executive Order No. 6102 further provided that:

Whoever willfully violates any provision of this Executive order or of these regulations or of any rule, regulation, or license issued thereunder may be fined not more than $10,000, or if a natural person, may be imprisoned for not more than 10 years, or both.

On April 20, 1933, another Executive order was issued which redefined the export and license privilege. On May 12, 1933, the Emergency Farm Mortgage Act was signed into law by President Roosevelt. The act permitted the issuing of $3 billion worth of greenbacks in order to pay off the national debt, and authorized the President to—

Fix the weight of the gold dollar in grains 0.9 fine, and also to fix the weight of the silver dollar in grains 0.9 fine at a definite fixed ratio in relation to the gold dollar at such amounts as he finds necessary from his investigation to stabilize domestic prices, or in accordance with any international agreement arrived at by the President.

The only limit imposed on this debasement of the dollar was that its weight could not be reduced by more than 50 percent.

On June 5, 1933, House Joint Resolution 192 was enacted by the Congress and signed by the President. This joint resolution declared that any fiat currency issued by the Government would be "Legal tender for all debts, public and private, public charges, taxes, duties, and dues." The joint resolution also abrogated all public and private obligations in which payment was to be made in gold. The resolution provided that—

Every provision contained in or made with respect to any obligation which purports to give the obligee a right to require payment in gold or a particular kind of coin or currency, or in an amount in money of the United States measured thereby, is declared to be against public policy, and no such provision shall be contained in or made with respect to any obligation hereafter incurred. Every obligation heretofore or hereafter incurred, whether or not any such provision is contained therein or made with respect thereto, shall be discharged upon payment, dollar for dollar, in any coin or currency which at the time of payment is legal tender for public and private debts.

On August 28, 1933, President Franklin Roosevelt issued yet another Executive order—No. 6260—in which he prescribed regulations concerning the export and earmarking of gold coin, bullion, and currency, and transactions in foreign exchange. Again, he used a World War I measure as justification for his declaration.

The following January, January 15, 1934, President Roosevelt addressed Congress and asked that Congress enact a law placing all right and title to gold held by the Federal Reserve Banks in the Government. Having seized privately owned gold the previous year, now the Government was to assume title of it in a massive confiscation of private property. Congress responded 15 days later by enacting the Gold Reserve Act of 1934. The act provided that the Government assumed all title to gold coin and bullion in the United States; that no gold coins were to be issued; and that no currency of the United States could be redeemed in gold dollars. The act provided that—

No gold shall hereafter be coined, and no gold coins shall hereafter be paid out or delivered by the United States. * * * All gold coin in the United States shall be withdrawn from circulation and together with all other gold owned by the United States shall be formed into bars of such weights and degrees of fineness as the Secretary of the Treasury shall direct.

Further, the act provided that—

No currency of the United States shall be redeemed in gold.

The following day, January 31, 1934, President Roosevelt issued still another proclamation changing the gold content of the dollar, which was no longer circulating, from 25.8 grains to 15.521 grains, a devaluation of 41 percent.

In his speech of January 15, 1934, President Roosevelt stated that—

Free circulation of gold coins is unnecessary, leads to hoarding, and tends to a possible weakening of national financial structures in times of emergency. The practice of transferring gold from one individual to another, or from the Government to an individual within a nation, is not only unnecessary but is in every way undesirable. The transfer of gold and bullion is essential only for the payment of international trade balances; therefore, it is a prudent step to vest in the Government of a nation the title to and possession of all monetary gold within its boundaries, and to keep that gold in the form of bullion rather than coin.

Amazingly, the two principles upon which President Roosevelt based these actions were:

(1) Our national currency must be maintained as a sound currency which insofar as possible will have a fairly constant standard of purchasing power; and

(2) The inherent right of Government to issue currency and to be the sole custodian and owner of the base or reserve of precious metals underlying that currency.

Since President Roosevelt took this step to maintain a sound currency, the dollar has depreciated to a minor fraction of what it was worth in 1933. So much for his first principle. As for his second principle concerning the—

Inherent right of government to issue currency and to be sole custodian and owner of the base or reserve of precious metals underlying that currency,

There is no basis either in fact or law for that principle. It seems to have sprung full grown only from his own imagination.

Senator Carter Glass, a Democrat and former Secretary of the Treasury under Woodrow Wilson, appeared in the Senate in April 1933, although he had been ill in bed, to speak about the administration's money policy. He said:

I wrote with my own hand that provision of the national Democratic platform which declared for a sound currency to be maintained at all hazards. * * *

With nearly 40 percent of the entire gold supply of the world, why are we going off the gold standard? With all the earmarked gold, with all the securities of ours they hold, foreign governments could withdraw in total less than $700 million of our gold, which would leave us an ample fund of gold in the extreme case to maintain gold payments both at home and abroad. * * * To me, the suggestion that we may devalue the gold dollar 59 per cent means national repudiation. To me, it means dishonor. In my conception of it, it is immoral. * * * There never was any necessity for a gold embargo; there's no necessity for making statutory criminals of citizens of the United States who may please to take their property in the shape of gold or currency out of the banks and use it for their own purposes as they may please. We have gone beyond the cruel extremities of the French, and they made it a capital crime, punishable at the guillotine, for any trademan or individual citizen of the realm to discriminate in favor of gold and against their printing press currency. We have gone beyond that; we have said that no man may have his [own] gold, and the penalty is 10 years in the penitentiary or $10,000 fine.

Within the space of a few months, Franklin Roosevelt wrecked a monetary system that had protected the American people for over a century. It is ironic that many succeeding members of his own party have decried the imperial Presidency. Nothing could have been more imperial than the Presidency of Franklin Roosevelt, particularly with regard to the gold standard.

There was no need to leave the gold standard in 1933. The suspension of gold payments was presumably regarded as part of the banking emergency and, hence, expected to be temporary. The gold position of the Government in March 1933 was sufficiently strong so that there was little doubt the preceding gold parity could have been maintained if desired, just as Senator Glass argued in April. The ratio of the Government's gold stock to the total stock of money was higher than at any time since 1914.

There was, in short, no reason to confiscate privately owned gold or to leave the domestic gold standard. But the gold standard was regarded by President Roosevelt and his advisers as an obstacle to his plans to remake the American economy. Its removal was designed to put the American

people into a monetary straitjacket and to allow the Government to embark upon a 13-year binge of deficits and inflation.

The President thought that raising the price of gold would increase the price of all commodities, and it was price increases that he so avidly sought. Now, 50 years later, we are suffering from the price increases Franklin Roosevelt desired.

While there was no reason to leave the gold standard in 1933—except, of course, to loosen the chains placed upon the Government by the Constitution—the Government immediately received a windfall for doing so. Debasing the dollar by 41 percent meant that the Government now had about $3 billion more to spend. Most of this money was put into a stabilization fund that was established to mitigate the damage Roosevelt's prohibition of gold exports had caused, and the remainder was spent on interventionist programs in the domestic economy. In his diary, Henry Morgenthau gives us a glimpse of the President gradually debasing the dollar by choosing "lucky numbers" as the new "gold price."

However lucky this monetary policy was for President Roosevelt—after all he was President for life—it was singularly unfortunate for the American people.

The initial robbery of the gold seizure—which Senator Glass rightly called immoral—has now been compounded many times by the continual issuing of fiat paper currency. Inflation is theft, and inflation has been the deliberate policy of the Government since 1933.

Mr. Speaker, last summer this House appropriated $30,000 more to a Commission that has been trying for 25 years to find a suitable monument for Franklin Roosevelt. That monument already surrounds us: Inflation, unemployment, bankruptcies, and increasingly worthless paper bills in everyone's pockets.

Franklin Delano Roosevelt ushered in the age of Keynesian economics and put into practice the erroneous ideas of economic interventionism. Along with this we have suffered the ill effects of international intervention and Government abuse of our personal liberties. The fruits of all these ill-conceived notions are all around us, and New Dealism deserves reappraisal on this anniversary of Roosevelt's birth.●

WAYNE STATE UNIVERSITY HONORS SPANISH CIVIL WAR VETS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CROCKETT) is recognized for 5 minutes.

● Mr. CROCKETT. Mr. Speaker, I rise today to salute some unsung heroes in American history. On Saturday, February 13, 1982, Pete Seeger is presenting a benefit concert at Wayne State Univeristy in Michigan's 13th Congressional District to help establish a scholarship fund to honor the four Wayne students who fought to defend democracy in the Spanish Civil War.

On July 18, 1936, contingents of the Spanish Army and Air Force in Spanish Morocco revolted against the government in Madrid and launched a civil war that was to cost over 650,000 lives during a 34-month period. The rebels represented the Falange, a movement inspired, in part, by the Fascist regimes of Hitler and Mussolini. Dominated by socialists and social democrats, the democratic Republican government had ruled since 1931 after the monarchy was overthrown by a bloodless coup. In an attempt to contain the civil war, the European powers agreed to refrain from intervening in Spain. The then-isolationist United States approved of the nonintervention policy and, in 1937, extended its own neutrality laws to civil wars. This policy, which included an arms embargo, was unprecedented since legitimate governments had always been able to purchase arms during civil wars.

Italy, Germany, and Fascist Portugal first violated the nonintervention pledge. The Italians sent 60,000 "volunteers" into combat in Spain while the Nazis sent their Condor Legion which soon established Fascist mastery in the air. The Nazi fliers tried out tactics they later used successfully in Poland, Belgium, Holland, and France. In a relatively feeble counter move, the Soviet Union sent money, military supplies, and advisers to assist the Republic. Moscow also helped organize the International Brigades.

Over 30,000 volunteers from 53 different countries joined the International Brigades to aid the Spanish Republic. Among them were more than 3,000 Americans who fought in the Abraham Lincoln and the Canadian Mackenzie-Papineau battalions. Violating their country's neutrality laws, they traveled past suspicious American agents to France from where they were smuggled across the French border into Spain. Seamen, students, teachers, miners, longshoremen, and steelworkers were among the wide variety of Americans who fought for the Republic. In addition, as many as 100 black Americans helped to constitute the U.S. first integrated armed service.

Americans went to Spain for a variety of reasons. Among the complex mix of motivations that led them to join the brigades were: A deep commitment to the survival of democracy in Spain; concern about the containment of European fascism; support for the interests of the Soviet Union; a lust for adventure; and a feeling that their sacrifice might popularize the Republican cause and thus force the democracies to lift their arms embargo.

Four Wayne State University students—Marsden Moran, Roy McQuarry, Joe Rubenstein, and Robert Nagle—joined the hundreds of college students among the American volunteers. The untrained but enthusiastic brigadeers were often used as shock troops on the front lines in those tragically bloody campaigns of the civil war. Fewer than half of the American brigadeers survived, and of those, more than three quarters required medical treatment upon their return. For their efforts, many of the survivors were hounded for being members of a subversive group—the Veterans of the Abraham Lincoln Brigade—or for being Communists or fellow travelers, or for being permature anti-Fascists. This persecution took place despite the fact that the vast majority of the vets had served in the American military or merchant marine during World War II.

Although Madrid fell in March of 1939 and Spain was to suffer under a third of a century of Fascist rule, the courage and idealism of the Americans who fought to defend democracy has not been forgotten. I join in honoring Wayne State's contingent in the International Brigades in whose name a scholarship fund will be established, and thus celebrate these American heroes whose contributions to the perpetual struggle for liberty and justice serve as an inspiration to us all.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SWIFT) to revise and extend their remarks and include extraneous material:)

Mr. AUCOIN, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 15 minutes, today.
Mr. COELHO, for 5 minutes, today.
Mr. CROCKETT, for 5 minutes, today.
Mr. BINGHAM, for 5 minutes, today.
Mr. LEVITAS, for 60 minutes, on February 2.
Mr. WEISS, for 60 minutes, on February 2.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WALKER) and to include extraneous matter:)

Mr. JAMES K. COYNE.
Mrs. HOLT.
Mr. DANNEMEYER.
Mr. GOODLING.

Mr. FISH.
Mr. RITTER in two instances.
Mr. NELLIGAN.
Mr. BEREUTER in three instances.
Mr. SOLOMON.
Mr. HYDE.
Mr. WINN.
Mr. MCGRATH.
Mr. MCCLORY in three instances.
Mr. DERWINSKI.
Mr. DUNCAN in two instances.
Mr. LOTT.

(The following Members (at the request of Mr. SWIFT) and to include extraneous matter:)

Mr. BONKER.
Mr. FORD of Michigan.
Mr. NELSON.
Mr. GAYDOS.
Mr. EVANS of Georgia.
Mr. MINETA.
Mr. MATTOX.
Mr. OBERSTAR.
Mr. LEHMAN.
Mr. DWYER.
Mr. APPLEGATE.
Mr. RODINO.
Mr. MOFFETT.
Mr. BINGHAM in 10 instances.
Mr. PANETTA.
Mr. RICHMOND.
Mr. DOWNEY.
Mr. HALL of Ohio.
Mr. HUGHES in two instances.
Mr. PEPPER.

ADJOURNMENT

Mr. GEPHARDT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 42 minutes p.m.) the House adjourned until tomorrow, Friday, January 29, 1982, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2901. A letter from the President of the United States, transmitting a report on progress toward conclusion of a negotiated solution to the Cyprus problem, pursuant to section 620C(c) of the Foreign Assistance Act of 1961, as amended (H. Doc. No. 97-135); to the Committee on Foreign Affairs and ordered to be printed.

2902. A letter from the Secretary of the Treasury, transmitting notice of two violations of the Anti-Deficiency Act, pursuant to section 3679(i)(2) of the revised statutes, as amended; to the Committee on Appropriations.

2903. A letter from the Acting Assistant Secretary of Defense (Comptroller), transmitting a list of contract award dates for the period February 15 to March 15, 1982, pursuant to 10 U.S.C. 139; to the Committee on Armed Services.

2904. A letter from the Acting Assistant Secretary of the Army (manpower and Reserve Affairs), transmitting a draft of proposed legislation to amend title 10, United States Code, to revise and standardize the provisions of law relating to the authority of the Secretaries of the Military Departments to order certain retired and other similarly situated members of the armed forces to active duty; to the Committee on Armed Services.

2905. A letter from the Acting Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize ordering reserve commissioned officers of the Army on active duty (other than for training) to serve on active duty in a grade to which promoted; to the Committee on Armed Services.

2906. A letter from the Director, Federal Emergency Management Agency, transmitting a report on property acquisitions of emergency supplies and equipment, covering the quarter ended December 31, 1981, pursuant to section 201(h) of the Federal Civil Defense Act of 1950 and Executive Order 12148; to the Committee on Armed Services.

2907. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Board's sixth annual report on the Equal Credit Opportunity Act, pursuant to section 707 of Public Law 90-321, as amended; to the Committee on Banking, Finance and Urban Affairs.

2908. A letter from the Secretary of Health and Human Services, transmitting the third biennial report on the status of health professions personnel in the United States, pursuant to section 708(d) of the Public Health Services Act; to the Committee on Energy and Commerce.

2909. A letter from the Secretary, Federal Trade Commission, transmitting a proposed regulation governing the sale of used motor vehicles, pursuant to section 21(g)(2) of Public Law 96-252; to the Committee on Energy and Commerce.

2910. A letter from the Secretary, Interstate Commerce Commission, transmitting notice of the Commission's inability to render a final decision in docket No. 9256, *Joint-Line Route Cancellation on Soda Ash by the Union Pacific Railroad*, within the initially-specified 5-month period, pursuant to 49 USC 10707(b)(1); to the Committee on Energy and Commerce.

2911. A letter from the Secretary of Commerce, transmitting, the tenth annual report of the National Advisory Committee on Oceans and Atmosphere, together with his comments thereon, pursuant to section 4(b) of Public Law 95-63; to the Committee on Merchant Marine and Fisheries.

2912. A letter from the Federal Inspector, Alaska Natural Gas Transportation System, transmitting his tenth quarterly report on the status of the system, covering the period ended December 31, 1981, pursuant to section 7(a)(5)(E) of Public Law 94-586; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

2913. A letter from the Chairman, Administrative Conference of the United States, transmitting recommendations adopted by the Assembly of the Administrative Conference at its 23rd Plenary Session; jointly, to the Committees on Government Operations and the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GIBBONS:

H.R. 5383. A bill to give trade negotiating priority to service sector issues and to expand and clarify the coverage of existing trade laws to better deal with service trade problems, and for other purposes; jointly, to the Committees on Ways and Means, Energy and Commerce, Foreign Affairs, and the Judiciary.

By Mr. BIAGGI (for himself, Mr. ZEFERETTI, Mr. BOLAND, Mr. RINALDO, Mr. FARY, Mr. ADDABBO, Mr. CORRADA, and Mr. ROE):

H.R. 5384. A bill to assist in the admission into the United States of certain aliens who have fled from Poland; to the Committee on the Judiciary.

By Mr. BOWEN:

H.R. 5385. A bill to amend the Internal Revenue Code of 1954 to repeal the tax benefits enacted during 1981 which provided a special deduction for Members of Congress with respect to their living expenses; to the Committee on Ways and Means.

By Mr. DERWINSKI:

H.R. 5386. A bill to provide for the temporary duty-free treatment of imported hatters' fur, and for other purposes; to the Committee on Ways and Means.

By Mr. DOUGHERTY:

H.R. 5387. A bill to amend title 10, United States Code, to provide that certain reserve general and flag officers serving on active duty may not be counted against statutory and administrative ceilings imposed on the number of general and flag officers who may be serving on active duty; to the Committee on Armed Services.

By Mr. FINDLEY:

H.R. 5388. A bill to provide appropriations for an Agricultural Export Credit Revolving Fund; to the Committee on Appropriations.

By Mr. GOODLING (for himself, Mr. HAWKINS, and Mr. JEFFORDS):

H.R. 5389. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for youth employment during the summer of 1982, and for other purposes; to the Committee on Ways and Means.

By Mr. HAMMERSCHMIDT:

H.R. 5390. A bill to appropriate funds for grants to States for unemployment insurance and employment services; to the Committee on Appropriations.

By Mr. KAZEN:

H.R. 5391. A bill to rescind the tax benefits provided during 1981 to Members of Congress for living expenses; to the Committee on Ways and Means.

By Mr. MINISH:

H.R. 5392. A bill to authorize the Secretary of the Treasury to conduct a study of handgun bullets manufactured in or imported into the United States, to determine which bullets have the capacity to penetrate bulletproof vests commonly used by law enforcement officers; to the Committee on the Judiciary.

By Mr. PARRIS:

H.R. 5393. A bill to authorize the President of the United States to present, on behalf of the Congress, a Gold Medal to Lenny Skutnik, and to authorize the Secretary of the Treasury to strike duplicates of such medal for public sale; to the Committee on Banking, Finance and Urban Affairs.

By Mr. QUILLEN:

H.R. 5394. A bill to amend title 28, United States Code, to authorize the Attorney General to acquire and exchange information to assist Federal, State, and local officials in the identification of certain deceased individuals and in the location of missing children; to the Committee on the Judiciary.

By Mr. RINALDO:
H.R. 5395. A bill to reform the insanity defense; to the Committee on the Judiciary.
By Mr. SMITH of Pennsylvania:
H.R. 5396. A bill to provide for the striking of medals in honor of the 300th anniversary of William Penn's founding of Philadelphia; to the Committee on Banking, Finance and Urban Affairs.
H.R. 5397. A bill to designate the building known as the Old Federal Building in Philadelphia, Pa., as the "Robert N. C. Nix Federal Building"; to the Committee on Public Works and Transportation.
H.J. Res. 388. Joint resolution proclaiming William Penn and Hannah Callowhill Penn to be honorary citizens of the United States; to the Committee on the Judiciary.
By Mr. BIAGGI:
H. Con. Res. 252. Concurrent resolution reaffirming the support of Congress for the continued provision of full medical service for veterans over age 65; to the Committee on Veterans' Affairs.
By Mr. COELHO:
H. Con. Res. 253. Concurrent resolution expressing the sense of Congress with respect to certain withholding taxes; to the Committee on Ways and Means.
By Mr. COLLINS of Texas:
H. Con. Res. 254. Concurrent resolution disapproving the Federal Trade Commission trade regulation rule relating to the sale of used motor vehicles; to the Committee on Energy and Commerce.
By Mr. D'AMOURS:
H. Con. Res. 255. Concurrent resolution expressing the sense of the Congress that no new withholding tax should be imposed on interest and dividends; to the Committee on Ways and Means.
By Mr. LEE:
H. Con. Res. 256. Concurrent resolution disapproving the Federal Trade Commission trade regulation rule relating to the sale of used motor vehicles; to the Committee on Energy and Commerce.
By Mr. SILJANDER:
H. Con. Res. 257. Concurrent resolution disapproving the action of the Council of the District of Columbia approving the Natural Death Act of 1981; to the Committee on District of Columbia.
By Mr. HERTEL (for himself, Mr. ALBOSTA, Mr. BLANCHARD, Mr. BONIOR of Michigan, Mr. BRODHEAD, Mr. BROOMFIELD, Mr. CONYERS, Mr. CROCKETT, Mr. DINGELL, Mr. FORD of Michigan, Mr. KILDEE, Mr. PURSELL, Mr. SAWYER, Mr. SILJANDER, Mr. TRAXLER, and Mr. WOLPE):
H. Res. 328. Resolution expressing the sense of the House of Representatives that January 30, 1982, should be observed as a national day of solidarity with the people of Poland; considered and agreed to.
By Mr. BOWEN:
H. Res. 329. Resolution amending the Rules of the House of Representatives to decrease the amount of outside earned income which a Member may accept, and for other purposes; to the Committee on Rules.
By Mr. FUQUA:
H. Res. 330. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Science and Technology in the second session of the Ninety-seventh Congress; to the Committee on House Administration.
By Mr. PRICE (for himself and Mr. DICKINSON):
H. Res. 331. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Armed Services; to the Committee on House Administration.
By Mr. ROSENTHAL:
H. Res. 332. Resolution expressing the sense of the House of Representatives that priority attention be given to recommendations of the 1981 White House Conference on Aging; jointly, to the Committees on Banking, Finance and Urban Affairs, Education and Labor, Energy and Commerce, and Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

243. By Mr. BRINKLEY: Memorial of the General Assembly of the State of Georgia, relative to the 100th anniversary of the birth of President Franklin Delano Roosevelt; and designating the Roosevelt/Warm Springs Institute for Rehabilitation as a living memorial to President Franklin Delano Roosevelt; to the Committee on House Administration.
244. Also, memorial of the Senate of the Commonwealth of Massachusetts, relative to Federal taxes on gasoline and fuel oil; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,
Mr. BROWN of California introduced a bill (H.R. 5398) for the relief of Toshiko Imamure; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 444: Mr. ANDREWS.
H.R. 445: Mr. ANDREWS.
H.R. 464: Mr. FAZIO.
H.R. 808: Mr. GEJDENSON, Mr. MORRISON, and Mr. BINGHAM.
H.R. 846: Mr. FRENZEL.
H.R. 1522: Mr. WEBER of Ohio.
H.R. 1937: Mr. CONTE, Mr. RITTER, Mr. WHITLEY, and Mr. ANTHONY.
H.R. 2052: Mr. DAN DANIEL.
H.R. 2251: Mr. DELLUMS.
H.R. 2280: Mr. FOGLIETTA, Mr. PEPPER, Mr. MCKINNEY, Mr. MINISH, Mr. DYSON, Mr. OTTINGER, Mr. MOTTL, Mr. BENNETT, Mr. MARLENEE, Mr. MARKEY, Mr. WORTLEY, Mr. ADDABBO, Mr. RICHMOND, Mr. WEISS, Mr. FORSYTHE, Mr. MILLER of California, Mr. CORCORAN, Mr. SMITH of Pennsylvania, Mr. BEILENSON, Mrs. SCHROEDER, Mr. HALL of Ohio, Mr. KILDEE, Mr. FRANK, Mr. DOWNEY, Mr. FISH, Mr. MOLINARI, Mr. GARCIA, Mr. PATTERSON, Mr. MADIGAN, Mrs. SCHNEIDER, Mr. HOLLAND, Mr. DE LA GARZA, Mr. DWYER, Mr. SCHEUER, Mr. ROE, Mr. HERTEL, Mr. AKAKA, Mr. D'AMOURS, Mr. BARNES, and Mr. LIVINGSTON.
H.R. 2488: Mr. LEHMAN and Mr. MORRISON.
H.R. 4326: Mr. HALL of Ohio, Mr. DORNAN of California, Mr. LAGOMARSINO, Mr. DENARDIS, Mr. RATCHFORD, Mr. LEHMAN, Mr. HYDE, Mr. EMERY, Mr. JONES of Oklahoma, Mr. QUILLEN, and Mr. JEFFORDS.
H.R. 4389: Mr. KILDEE and Mr. GARCIA.
H.R. 4467: Mr. BIAGGI and Mr. PEYSER.
H.R. 4509: Mr. HUBBARD and Mr. MCKINNEY.
H.R. 4727: Mr. YOUNG of Alaska.
H.R. 4786: Mr. EVANS of Iowa, Mr. WAMPLER, Mr. COLLINS of Texas, Mr. GRISHAM, Mr. FITHIAN, Mr. MCCLOSKEY, Mr. WYDEN, Mr. BOWEN, Mr. DONNELLY, Mr. ROBINSON, Mr. ERDAHL, Mr. MOLLOHAN, Mr. TRIBLE, Mr. HANSEN of Utah, Mr. RATCHFORD, Mr. RICHMOND, Mr. FOUNTAIN, Mr. FAUNTROY, Mr. HALL of Ohio, Mr. LENT, Mr. FLORIO, Mrs. BYRON, Mr. IRELAND, Mr. EDGAR, and Mr. ATKINSON.
H.R. 4810: Mr. MCKINNEY.
H.R. 4833: Mr. RHODES, Mr. EVANS of Georgia, and Mr. HANSEN of Utah.
H.R. 4842: Mr. PRICE, Mr. MCKINNEY, Mr. TRIBLE, Mr. FIELDS, and Mr. LIVINGSTON.
H.R. 4953: Mr. STANGELAND, Mr. SENSENBRENNER, and Mr. PETRI.
H.R. 5001: Mr. PATTERSON and Mr. CRAIG.
H.R. 5102: Mr. EVANS of Georgia, Mr. PARRIS, Mr. PHILIP M. CRANE, Mr. SHAW, Mr. HENDON, and Mrs. BOUQUARD.
H.R. 5163: Mr. SMITH of Pennsylvania, Mr. CORRADA, Mr. EDGAR, Mr. ZEFERETTI, Mr. CLAY, Mr. LENT, Mr. WEISS, Mr. MITCHELL of Maryland, Mr. SCHUMER, Mr. WON PAT, Mr. WALGREN, Mr. FOGLIETTA, Mr. PEYSER, and Mr. FISH.
H.R. 5252: Mr. BROOMFIELD, Mr. FORD of Michigan, Mr. OXLEY, Mr. DAN DANIEL, Mr. BUTLER, Mr. VANDER JAGT, Mr. BENEDICT, Mr. DUNN, Mr. CHAPPELL, Mr. SILJANDER, Mr. RUDD, Mr. WORTLEY, Mr. STENHOLM, Mr. BEVILL, Mr. WHITEHURST, Mr. BLILEY, Mrs. HOLT, Mr. WILSON, Mr. MONTGOMERY, Mr. DAVIS, and Mr. MOLLOHAN.
H.R. 5255: Mr. FORSYTHE, Mr. SPENCE, Mr. OXLEY, Mr. WON PAT, Mr. BEDELL, Mr. BENEDICT, and Mr. DREIER.
H.R. 5256: Mr. FORSYTHE, Mr. SPENCE, Mr. OXLEY, Mr. WON PAT, Mr. BEDELL, Mr. BENEDICT, and Mr. DREIER.
H.R. 5348: Mrs. HOLT, Mr. WEAVER, Mr. MICA, Mr. WHITLEY, Mr. MOFFETT, Mr. FASCELL, Mr. STRATTON, Mr. FRANK, and Mr. BENNETT.
H.J. Res. 151: Mr. PEPPER, Mr. LOTT, Mr. DERRICK, Mr. WILSON, Mr. LEHMAN, Mr. CLAUSEN, Mr. RINALDO, Mr. FASCELL, Mr. ADDABBO, Mr. LEBOUTILLIER, Mr. BONIOR of Michigan, Mr. EDGAR, Mr. NAPIER, Mr. YATRON, and Mr. DERWINSKI.
H.J. Res. 197: Mr. CROCKETT, Mr. FITHIAN, Mr. JACOBS, Mr. MARTIN of North Carolina, Mr. PERKINS, and Mr. SNYDER.
H.J. Res. 363: Mr. GEJDENSON, Mr. LOEFFLER, Mr. WOLF, and Mrs. HOLT.
H.J. Res. 383: Mr. WORTLEY, Mr. BOWEN, Mr. MARRIOTT, Mr. O'BRIEN, Mr. OXLEY, Mr. BOLAND, Mr. ADDABBO, Mr. ERLENBORN, Mr. WHITEHURST, Mr. LEBOUTILLIER, Mr. MURTHA, Mr. DERWINSKI, Mr. SCHULZE, Mr. HARTNETT, Mr. AUCOIN, Mr. MOTTL, Mr. NOWAK, Mr. GINGRICH, Ms. MIKULSKI, Mr. SMITH of Pennsylvania, Mr. SMITH of New Jersey, Mr. DREIER, Mr. RODINO, Mr. MITCHELL of Maryland, Mr. CONTE, Mr. HOWARD, Mr. WINN, Mr. RITTER, Mr. HUCKABY, Mr. ROE, Mr. CORRADA, Mr. MAZZOLI, Mr. KOGOVSEK, Mrs. FENWICK, Mrs. HOLT, Mr. LAGOMARSINO, Mr. EMERY, and Mr. KINDNESS.
H.J. Res. 387: Mr. FITHIAN, Mr. AUCOIN, Mr. LOWRY of Washington, and Mr. BEVILL.
H. Res. 200: Mr. GINGRICH, Mr. STRATTON, Mr. PAUL, Mr. GILMAN, Mr. SHAW, and Mr. CARMAN.
H. Res. 252: Mr. SOLARZ, Mr. ROE, and Mr. DANIELSON.
H. Res. 297: Mr. DOWDY, Mr. HUGHES, Mr. HOWARD, Mr. AUCOIN, Mrs. COLLINS of Illinois, Mr. BINGHAM, Mr. PANETTA, Mr. LAFALCE, Mr. FORD of Michigan, Mr. LOWRY of Washington, Mr. WALGREN, Mr. STUMP, Mr. BIAGGI, Mr. BEDELL, Mr. HIGHTOWER, Mr.

RAILSBACK, Mr. PHILLIP BURTON, Mr. CONYERS, Mr. BAILEY of Pennsylvania, Mr. CHAPPELL, Mr. RALPH M. HALL, and Mr. WYDEN.

PETITIONS, ETC.

Under clause 1 of rule XXII.

333. The SPEAKER presented a petition of the Arkansas Legislative Council, Little Rock, relative to public employment services; which was referred to the Committee on Education and Labor.

SENATE—*Thursday, January 28, 1982*

(Legislative day of Monday, January 25, 1982)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable HOWARD H. BAKER, JR., a Senator from the State of Tennessee.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Father of us all, we thank Thee for the memory of those whose dedication in life and service has contributed immeasurably to our history. Especially today, we thank Thee for the memory of a great public servant and President on this 100th anniversary of his birth.

Gracious God, who giveth to all life and breath and all things, help us to realize the transiency of life. Help us to see that we are always only a breath away from eternity and whatever lies beyond the grave. Help us to hear and heed the wisdom of the Psalmist:

As for man, his days are as grass; as a flower of the field, so he flourisheth. For the wind passeth over it and it is gone; and the place thereof shall know it no more. But the mercy of the Lord is from everlasting to everlasting upon them that fear him.—Psalm 103: 15-17

Forgive our presumptuous sin, O Lord, in treating life as though we have a corner on it and it is ours to do with as we please. Forgive us for human pride which causes us to ignore Thou who art the Giver of life. Teach us respect and gratitude for this strong, fragile gift.

In the name of Him whose life is the light of the world. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., January 28, 1982.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HOWARD H. BAKER, JR., a Senator from the State of Tennessee, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. BAKER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. ABDNOR). Under the previous order, the majority leader is recognized.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR HOWARD H. BAKER, JR.

Mr. BAKER. Mr. President, I get tons of mail. At the office, at my house, even in my car. Most of it is from constituents and friends; the rest of it is usually junk mail. All the envelopes are addressed to "HOWARD H. BAKER, JR.": Magazine subscription offers for fabulous prizes, free money-saving coupons, and bills for credit cards I do not even have.

When a man who claims that he went to school with a person he describes as "my second cousin twice removed," writes to me for a White House appointment, he addresses the letter to HOWARD H. BAKER.

When my face appears on the TV, a little tag comes on the screen, Senator HOWARD H. BAKER.

Since I have arrived in this Chamber, the Senate has been in session for 2,597 days. I would guess that my name has appeared in the CONGRESSIONAL RECORD literally thousands of times.

Anyway, I have just received a copy of the yearend report of the Senate and the cover says that it was submitted by "the Honorable Howard N. Baker." Who is this Howard N. Baker, and why is he writing about the U.S. Senate? I firmly believe that we should have had a Member of the Senate write the report. However, this Baker has done a remarkable job with the report, and if I could find him I would personally shake his hand.

But seriously, in this age of cutbacks and savings to the Government, we may be at the stage where we should start cutting back as close to home as possible. I propose we do away with middle initials. I have not calculated the potential savings, but it could be significant. After all, who ever heard of Ronald W. Reagan, Bing L. Crosby, and Luke J. Skywalker? Let us look on the bright side: If we do not use a middle initial, they cannot get it wrong.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I have an announcement to make in connection with the schedule of the Senate and other matters. Before I do that, however, with the consent of the minority leader, I should like to yield to the distinguished Senator from Washington.

CENTENNIAL: REMEMBERING F. D. R.

Mr. JACKSON. Mr. President, Saturday is the 100th anniversary of Franklin Roosevelt's birth, and we in the Congress are gathering in joint session this week to remember F. D. R. and to commemorate his centennial.

In recalling the unprecedented years of his Presidency, I am struck by one major element of Franklin Roosevelt's legacy—his struggle to make Government the servant of all the people. F. D. R. was for free enterprise, but he found that the only hope of maintaining it lay in the amazing capacity of both the Government and the free enterprise system to change their old methods to meet the demands of new times.

When Franklin Roosevelt was inaugurated President in 1933, the breakdown of the free enterprise system became a matter of crucial emergency. With 17 million unemployed, the stock market prostrate, banks closed down, agriculture depressed, privation harrowing, and panic rampant, immediate and innovative steps had to be taken. Like almost everyone else, I had differences with regard to some of President Roosevelt's policies, approving some, disapproving others. But as to his fundamental aim and achievement, I believe they have stood the test of time. One remembers his indispensable central message:

> Democracy has disappeared in several other great nations—not because the people of those nations disliked democracy, but because they had grown tired of unemployment and insecurity, of seeing their children hungry, while they sat helpless in the face of government confusion and government weakness through lack of leadership in government. Finally, in desperation, they chose to sacrifice liberty in the hope of getting something to eat. We in America know that our own democratic institutions can be preserved and made to work. But in order to preserve them we need . . . to prove that the practical operation of democratic government is equal to the task of protecting the security of the people.

A government, Roosevelt said, "that cannot take care of its old, that cannot provide work for the strong and willing, that lets the black shadow of inse-

curity rest on every home, is not a government that can or should endure." On that issue, I am convinced, Roosevelt was right and will be upheld by history.

He pioneered laws concerning minimum wages and maximum hours, for old age and unemployment insurance, for the ending of child labor, for the insurance of bank deposits, for reducing farm tenancy, for the support of private homebuilding, for the breaking up of utility monopolies, for assistance to farm cooperatives, for the resettlement of farmers from marginal lands, for flood control, drought control, water conservation, the development of Grand Coulee and Bonneville Dams, and TVA. F. D. R. was an early conservationist, in the tradition of his cousin Theodore Roosevelt, and he was responsible for the protection of areas of great national value, including Olympic National Park.

It was one of Roosevelt's convictions that welfare should be a temporary measure, and that those recipients able to work should work.

As the years have passed, the down side and perils of Government programs designed to serve the people have become obvious—overblown bureaucracies, overconcentration of power in Washington, D.C., runaway expenditures, absurd subsidies, overdependence on Government handouts. But, the cure is not a return to old laissez-faire doctrines and "the Devil take the hindmost." The cure is to move carefully and surely under modern conditions in the tradition of F. D. R., building on its strengths and correcting its weaknesses. Government, properly managed, can be the servant of all the people, not their burden.

In this task, Roosevelt himself has much to teach us.

For one thing, he was pragmatic in policy and administration. It is a travesty to infer, as some now do, that President Roosevelt would still recommend the policies and programs of the 1930's for the issues of the 1980's. Franklin Roosevelt was essentially an innovator, and an experimenter. "Take a method and try it," he said. "If it fails, admit it frankly and try another."

Beyond this, he drew into Government new, bright, competent advisers, surrounding himself with outstanding talent. To the dismay of many bureaucrats, he reached out to special advisers and experts to stimulate the Government's policy councils and to spark new—and sometimes contradictory—approaches. In the handling of foreign policy and the conduct of World War II, President Roosevelt rallied one of the most impressive bipartisan supporting teams of all time—the Stimsons, Marshalls, Lovetts, Achesons, and McCloys.

Also, F. D. R. understood that the administration of Government was only part of the task. Just as important was his responsibility to sustain the confidence and hope of the Nation in peace and in war. He was a superb leader. He had the imagination and will to rally the country and the free nations, and to push successfully for unprecedented efforts. It is the quality of leadership this Nation needs today.

As all of us who talked with President Roosevelt from time to time can testify—he personally radiated confidence, assurance, and extraordinary courage. More than one ardent Republican leader who went in to see him at the White House emerged from the encounter swearing he would never do that again, for, if he did, he would surely become a Democrat.

Roosevelt invented the modern press conference, as a small and informal affair, using it for direct, back-and-forth exchanges with the White House reporters. He used the radio with consummate skill to reach and influence people.

As Vermont Royster put it recently in the Wall Street Journal:

> It's hard to explain to new generations what F. D. R. really did for his country what Churchill did for his at a later time: he held up the people's spirits in a time of trouble. . . . For holding up the nation's morale in those years, if for nothing else, Roosevelt deserves the appreciation of his countrymen.

SENATE AGENDA

POSTPONEMENT OF RESOLUTION RELATING TO SENATOR WILLIAMS UNTIL TUESDAY, FEBRUARY 23, 1982

Mr. BAKER. Mr. President, on Monday, when the Senate reconvened for the second session, I announced that I would ask the Senate to begin consideration of Senate Resolution 204, the recommendation of the Committee on Ethics in respect to Senator HARRISON WILLIAMS, at 2 p.m. on Tuesday, February 2.

As I am sure we all know, Senator WILLIAMS was the victim of an unfortunate accident and was hospitalized. Surgery was performed shortly after his admission.

It appears certain, Mr. President, that Senator WILLIAMS will be unable to participate in debate on that resolution on February 2, were we to continue with the original plan.

Accordingly, I wish to announce that I will not ask the Senate to turn to the consideration of Senate Resolution 204 at that time; rather, I wish to announce that after we return from the Lincoln Day recess during the day on Tuesday, February 23, I will ask the Senate once more to begin consideration of Senate Resolution 204.

May I say, Mr. President, that I gave that information to Senator INOUYE, to Senator ROBERT C. BYRD, and to Senator WALLOP, the chairman of the Ethics Committee. I have not yet successfully reached Senator HEFLIN, the vice chairman of that committee, but I wish him to know that as well.

Mr. President, since we are not taking up the Williams matter on Tuesday of next week, that sort of changes the arrangements that I had announced previously and that perhaps some of us had planned on. I wish to say that I have tried to reach Senator RUSSELL LONG this morning by telephone and I was not able to do so. I will continue that effort because I know of his particularly keen interest in the matter of Senate Resolution 20, the resolution reported by the Committee on Rules dealing with television in the Senate. Had I reached Senator LONG, I would have said that it is my present plan to turn to the consideration of Senate Resolution 20 on next Monday, February 1.

Mr. President, I do not know how long that debate will take, but it is virtually certain, I think, to take some length of time.

I will discuss with the minority leader, as I have mentioned to him in a casual way on one previous occasion, the possibility of arranging other business to be transacted by the Senate simultaneously with that debate. In other words, to double track during the time we are in debate on television coverage of the Senate.

There are a number of other items that could be disposed of. For instance, the agents identities bill, regulatory reform, a banking bill which has been reported and which is available, recodification of the criminal code, and other matters of major importance.

I will make no announcement in respect to that at this time. The purpose of this statement is to let Senators know that I am prepared to consider and to seek consent to double track during the debate on Senate Resolution 20, relating to television in the Senate.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished majority leader yield before he goes to another matter?

Mr. BAKER. Yes. There is one other brief matter, however, I would like to speak about, if I may.

In order to do what I have just suggested, Mr. President, there is one other matter which must be dealt with. There is an order to commence debate on the Helms-Johnston first-degree busing amendment to the Department of Justice authorization bill on this coming Monday.

Mr. President, for a variety of reasons which I believe are good reasons, and this has been cleared on both sides, I am prepared at this time, if the minority leader is agreeable to this, to ask unanimous consent that the order for the resumption of that debate may

be changed over until Thursday, February 4, 1982.

I inquire of the minority leader if that has been cleared on his side?

Mr. ROBERT C. BYRD. Mr. President, it is agreeable on this side, if the distinguished majority leader will include in his order, that there be no rollcall votes on Monday.

Mr. BAKER. Mr. President, I am prepared to do that.

ORDER TO RESUME CONSIDERATION OF S. 951, DEPARTMENT OF JUSTICE AUTHORIZATIONS, 1982, ON FEBRUARY 4, 1982

Mr. BAKER. Mr. President, I ask unanimous consent that on Monday next, when the Senate convenes, no rollcall votes occur, that any rollcall votes that are ordered during the day be deferred until a time to be determined on Tuesday, not earlier than 1 hour after the Senate convenes.

I further ask unanimous consent, Mr. President, that the order in respect to the resumption of the consideration of the Department of Justice authorization bill and the amendment pending, that is to say, the Helms/Johnston amendment, on February 1 be changed to February 4, 1982, under the same terms and conditions as previously ordered.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAKER. Now, Mr. President, I am prepared to yield on matters of concern to the distinguished minority leader.

Mr. President, before I yield, there are two other matters.

EXTENSION OF REPORTING DATE OF STUDY GROUP ON THE COMMEMORATION OF THE U.S. SENATE BICENTENARY

Mr. BAKER. Mr. President, there is a resolution which has been cleared, I believe, on the other side. I send a resolution to the desk.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 285) to extend the reporting date of the Study Group on the Commemoration of the U.S. Senate Bicentenary.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the resolution.

There being no objection, the Senate proceeded to consider the resolution (S. Res. 285), which was agreed to as follows:

S. RES. 285

Resolved, That section 5 of S. Res. 381 of the 96th Congress, as agreed to by the United States Senate on August 1, 1980, is amended by striking out "Not later than eighteen months after the date of agreement to this resolution" and inserting in lieu thereof "Not later than December 31, 1982".

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I am advised that the distinguished Senator from Washington and the distinguished Senator from Virginia have another matter which they wish to address in the Senate which has been cleared on both sides.

Mr. ROBERT C. BYRD. Mr. President, before the Senator from Washington proceeds, may I say to the distinguished majority leader that I personally appreciate, and I am sure other Senators on this side appreciate, the cooperation and understanding which has been shown by the distinguished majority leader in delaying the taking up of the Williams matter from the date that it was scheduled to have been taken up, February 2, until Tuesday, February 23, after we return from the Lincoln Day recess.

Second, I hope that the distinguished majority leader would be considering some business other than the resolution with respect to television in the Senate on Monday, because it is my understanding that Senator LONG will not be able to be here on Monday. I hope that any motion to proceed to that resolution could await Senator LONG's presence in the Senate.

Mr. BAKER. Mr. President, I would be pleased to adjust that as necessary to suit the convenience of Senator LONG.

In exchange for that, I wonder if the minority leader and perhaps Senator LONG would be agreeable to a unanimous-consent agreement that we begin on the resolution itself on Tuesday or Wednesday or whatever day would be mutually convenient.

Mr. ROBERT C. BYRD. I would be happy to talk with Senator LONG in that respect.

Mr. BAKER. Why do we not leave it like it is, then, and the minority leader can be assured that I will do my deadlevel best to accommodate Senator LONG. I understand his great concern for this issue and I have no desire whatever to take advantage of it.

Mr. ROBERT C. BYRD. I thank the majority leader.

AUTHORIZATION FOR PRESENTATION OF A SPECIALLY STRUCK GOLD MEDAL TO ADM. HYMAN GEORGE RICKOVER

Mr. WARNER. Mr. President, on behalf of myself, Mr. JACKSON, and Mr. THURMOND, I send to the desk a bill to award a specially struck gold medal, a second one, to Adm. Hyman Rickover. I further ask unanimous consent that the bill be held at the desk. As I understand it, there has been clearance of that procedure on both sides.

Mr. JACKSON. That is correct.

Mr. BAKER. Mr. President, if the Senator would yield to me, that matter was brought to my attention. I have discussed it with the minority leader and there is no objection from the leadership to holding the matter at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, is the request for immediate consideration of the bill or to have it held at the desk pending further consideration?

Mr. WARNER. It would be my hope that we could move to immediate consideration.

Mr. JACKSON. We could vote on it today.

Mr. BAKER. We could do it right now for immediate consideration. I ask unanimous consent that the Senate proceed to the consideration of the bill.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2018) to authorize the presentation on behalf of the Congress of a specially struck gold medal to Admiral Hyman George Rickover.

The PRESIDING OFFICER. Without objection, the bill will be considered as having been read the second time at length, and, without objection, the Senate will proceed to its immediate consideration.

Mr. WARNER. Mr. President, I yield to my senior colleague, the Senator from Washington.

Mr. JACKSON. Mr. President, I am very pleased to join with Senators WARNER and THURMOND in sponsoring this Senate bill to award a gold medal to Adm. Hyman G. Rickover as his service to the Nation as an active duty naval officer comes to a close. While this gold medal will be a token of the esteem which the Congress holds for this great man and his accomplishments, the gold medal is just a token because this Nation could never repay the contributions that Admiral Rickover has made to our country. In fact, he is such an unselfish person with such commitment to the national wellbeing that he has never sought or accepted any special considerations for himself.

I have had an active role in following the nuclear Navy program since 1949 when I was then a Member of the House of Representatives. Since that time, I have been in awe of the excellence and dedication which Admiral Rickover has brought to every task. His commitment to excellence in his work and in the work of his men has created a record of technological achievement that is without peer. I

think it is fair to say that we could very well not have a nuclear Navy today if a man of Admiral Rickover's tenacity, genius, and total dedication had not been in charge of the program. Certainly, without his efforts our nuclear Navy if it were to exist at all today would be considerably less credible as a deterrent force in our national defense. With the increasing vulnerability of our ICBM's and our strategic bomber forces, the credibility of our strategic deterrence for at least the next few years will lie principally with the ballistic missile force aboard our nuclear submarines. Because of his unparalleled managerial abilities, the Navy now has 161 nuclear-powered ships aboard which there has never been an accident associated with the nuclear reactors. This record is a monument in itself to this great man.

The contributions of Admiral Rickover have not been limited to merely technical management. His keen mind has absorbed a profound knowledge of all academic subjects, most importantly history and philosophy. He has spoken to hundreds of organizations, testified before a multitude of committees and subcommittees of the Congress and written learned articles and books on a wide range of social and political topics.

His commitment to excellence in education is exemplified by the rigorous classroom and operational training for both officers and enlisted men in the nuclear Navy to insure that they have a basic understanding of the nuclear technology with which they must work. It is a little known fact that Admiral Rickover has instituted many years ago a continuing education program for the seamen while they are at sea with their nuclear ships to insure that they are fully qualified for their jobs. In fact, his educational system is so successful that the private nuclear utilities which can pay higher salaries have hired a large part of the nuclear personnel from the ranks of the nuclear Navy as they finish their service.

While the active duty service of any military officer must come to an end at some point, I have been saddened by some of the aspects of the manner in which Admiral Rickover's active service has come to a close. However, nothing can detract from his unparalleled record of achievement. My personal belief is that he is truly one of the greatest military leaders in the history of our country and, in fact, is one of the great men of the 20th century. The Nation owes him a profound debt of gratitude, and this bill to award him a gold medal is one small way for the Congress to recognize that debt.

I yield back to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, it is my pleasure to introduce a bill, together with Senator THURMOND and Senator JACKSON to honor one of the Nation's truly outstanding patriots of this century—Adm. Hyman G. Rickover. We do so after consultation with the senior officers of the U.S. Navy now on active duty, and many retired naval officers who support this effort.

This legislation would be a tribute to Admiral Rickover. The bill would authorize the casting of a Congressional gold medal in tribute to the man who has demonstrated unique talents as both a scientist and a leader.

It was my privilege to serve with Admiral Rickover in the Department of Defense for over 5 years during the period I was Secretary and Under Secretary of the Navy. We formed a strong bond of mutual personal and professional respect, and I was able to observe firsthand the incalculable contributions this distinguished American made to the strengthening of America's defenses.

In attempting to find a suitable tribute for this exceptional man, we searched long and hard to determine what would be a proper award. On August 28, 1958, Admiral Rickover was recognized by the Congress in a similar fashion; therefore, this would be a second recognition.

Now over 23 years later, the nuclear Navy of 1958 pales in comparison with that of the nuclear Navy of 1982 which has 90 attack submarines, 32 ballistic missile submarines, 3 carriers and 9 cruisers. The accomplishment of expanding our nuclear Navy by so many ships is a most worthy record, and is even more exceptional when you consider that the safety record is unblemished and has never suffered one nuclear accident on board a Navy ship. This remarkable record is a credit to one man, and one man only—Adm. Hyman G. Rickover.

In my judgment, it is only fitting that he become the first individual in the history of our great country to receive a second Congressional Medal in recognition of a naval career that spans more than 63 years.

Mr. THURMOND. Mr. President, I am pleased to cosponsor with Senators WARNER and JACKSON a precedential bill that would award Admiral Rickover a second Congressional Gold Medal.

Admiral Rickover ushered our Navy into the nuclear age through his diligent efforts from March 1949 until January 17, 1955, when the *Nautilus* put to sea and signaled her historic message, "Underway on nuclear power."

Since that date he has labored tirelessly to make our nuclear ships the safest and most sophisticated in the world. He has personally interviewed all the officers who have served on nuclear submarines to insure that only superior men serve in that capacity.

Admiral Rickover has singlehandedly guaranteed superior quality in our nuclear ship building program that is so vital to our defense.

Therefore, it is befitting and proper that he be accorded the high honor as the first person to be awarded the Congressional Gold Medal for a second time.

In conclusion, yesterday, January 27, was Admiral Rickover's 82d birthday. I ask that the Senate join me in wishing him a happy birthday.

Mr. ROBERT C. BYRD. Mr. President, I have been increasingly concerned over reports that Adm. Hyman Rickover, who is the father of the American nuclear-powered Navy, and whose record in building the nuclear Navy qualifies him as one of America's genuine heroes, is not being given an opportunity to continue to serve the Nation in a useful capacity.

I am surprised and dismayed to learn of this situation, because I had been led to believe that such an offer by the Navy was being made to Admiral Rickover. President Reagan stated in his news conference last week that the admiral was not interested in a job as a White House adviser, but that the Navy would attempt to continue to use his services. President Reagan stated that:

> He's not interested in being just a White House adviser, and I do know that the Naval offer was one in which they truly believed that he had great service to still render, and that he would have an office in the Secretary of the Navy, and a staff, and that he would be there where he could make a great contribution. Now I don't know what his decision has been on that. I would hope that he would accept that, because he could be of service to this country.

But, Mr. President, the Navy has not made him any such offer. The only thing the Navy has offered to Admiral Rickover is an office for 3 to 6 months in order to wrap up his affairs. Admiral Rickover is not ready to wrap up his affairs. Although he is 81 years old, he still puts in 11- and 12-hour days, and 7-day weeks. He is deeply involved in exciting new research on advanced nuclear reactors to improve our Navy's readiness and endurance. For instance, he is currently hard at work in the design of a reactor which never needs to be refueled during the lifetime of the ship. Today the Navy's reactor cores must periodically be refueled, which involves substantial downtime for the ships.

The Admiral was given a clean bill of health by Navy medical authorities just last month. So far as I am aware, it has never been the case that he has not performed in the highest traditions of selfless and talented service to the Nation.

He has been, in fact, a thorn in the side of some Navy contractors when he

believed that their work was less than satisfactory, and when they were overcharging the Nation for their work. I regard this fiscal watchfulness as an asset to the Nation, at a time when the spiraling costs of all weapons systems eat up more and more of our defense budget. The contractors are not happy with Admiral Rickover. That is good. It would make me uneasy if they were. But their unhappiness is not a reason to take him off the job. It is an excellent reason to keep him in the program.

I am not suggesting that the admiral necessarily be kept in his current position. But I find it hard to believe that he can make a great contribution, as the President said, by removing him from useful responsibilities altogether.

The sad truth is, Mr. President, that we are treating one of America's greatest living heroes in a disgraceful, shabby, way. We have been led to believe that he was being offered a job whereby the Navy could continue to use his talents, talents which he desires to offer the country. Such an offer has not been made. Admiral Rickover does not quite understand it. I do not quite understand it.

I have written today to the Secretary of Defense for an explanation of the situation. But time is short. The Admiral's current appointment ends this Saturday. He will be left with virtually no opportunity to serve. Surely he deserves better than this. America deserves better than this.

The PRESIDING OFFICER. Is there further debate on the bill?

Mr. BAKER. Mr. President, I have been advised that it may be that one procedural matter has not yet been attended to in connection with consideration of this measure. I ask unanimous consent that third reading and final passage of this measure be deferred for the moment and that the matter be held in abeyance at the desk pending further disposition today.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSION OF THANKS TO SENATOR JENNINGS RANDOLPH

Mr. BAKER. Mr. President, I want to take this opportunity to thank the distinguished senior Senator from West Virginia, Senator RANDOLPH, for his efforts as chairman of the joint meeting to commemorate the 100th anniversary of the birth of President Franklin D. Roosevelt.

F. D. R.'s was a historic Presidency, and I am grateful to Senator RANDOLPH and Congressman PEPPER in the House for giving us the opportunity to honor F. D. R.

Mr. BAKER. Mr. President, if there is any time remaining under the time allocated to me under the standing order, I yield it to the control of the minority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Senator from West Virginia, the distinguished minority leader, is recognized.

THE COMMEMORATION OF F. D. R.'S 100TH BIRTHDAY

Mr. ROBERT C. BYRD. Mr. President, Saturday, January 30, marks the 100th birthday of our 32d President—Franklin Delano Roosevelt. It is particularly appropriate that, at a time of growing economic difficulties in this country, we step back and reflect honestly upon the legacy of F. D. R.

For this purpose, I would like to quote from a columnist who has impeccable conservative credentials, and from a moderate political publication.

Writing in the February 1, 1982, edition of Newsweek, columnist George Will had to say this about F. D. R.:

By a "New Deal" he meant, he said a new "concept" of government's duty. Hitherto government had acknowledged only a duty to produce "conditions" in which people could pursue happiness. Henceforth, "government has the final responsibility for the well-being of its citizenship." Government would be an agency for delivering a measure of happiness, defined as material well-being.

Social Security exemplifies how F. D. R. did what only great leaders do; he changed the citizen's sense of what citizenship entails. Social Security expresses the bonding of the generations and the nation's commitment to an ethic of common provision. . . .

Mr. Will concluded his incisive article by stating:

On balance F. D. R. still casts a splendid shadow forward across the years. Radiating an infectious zest, he did the most important thing a President can do: he gave the nation a hopeful, and hence creative, stance toward the future. To a crippling extent, American conservatism still is, strictly speaking, reactionary: it defined itself in reaction to the New Deal. It remains ambivalent about something the nation is emphatic about—F. D. R.'s irrevocable redefinition of the relationship of the citizen to the central government.

The editors of The New Republic magazine had this to say in their January 21, 1982, tribute to F. D. R.:

In 1932 the United States was bankrupt in every way. . . . When F. D. R. died, on April 12, 1945, the Allies were on the verge of victory over Hitler, and the United States was indisputably the most powerful nation in history. At the root of that victory was something deeper than military strength. The country had transformed itself, under President Roosevelt's leadership, into a working and workable democratic society, with the means and the will to provide its citizens with a decent life. Did the New Deal 'reach to the heart of the existing system'? Perhaps not. But before 1932, the systems didn't have a heart. F. D. R. gave it one.

In 1932, there was almost total despair in our Nation. From 1929, the year of the great stock market crash, through 1932, national income had plunged by more than half, from $87.4 billion to $41.7 billion. By 1932, unemployment had soared to 12 million, or one-quarter of our national work force. At that time Fortune magazine estimated that 27.5 million Americans had no regular income at all. There were many who questioned whether or not democracy could survive at all.

But F. D. R. gave us hope and action. Again, the editors of The New Republic reflecting upon the times:

Writing in The New Republic on July 22, 1940, Hamilton Basso, with startling prescience, caught the essence of Roosevelt's contribution as well as anyone ever has, before or since. F. D. R.'s place in history is secure, he wrote, ". . . He emerges out of the fog of a stormy time, as one of the great spokesmen of democracy—giving new articulation to those old and simple ideas which, if democracy is to survive, must truly be weapons.

"He came to the Presidency in a black moment of a black, black time. Democracy, as a form of government, was being laughed at and derided. Many of the intellectuals now loving it so noisily were . . . writing of America as a jungle, America as a wasteland, America as washed-up . . .

"It was then, in 1933 that Franklin D. Roosevelt began to carry the country forward to the modern stage of democratic realization—to the point, that is, where the immediate and direct interest of the government in the welfare of all its citizens is also recognized as a democratic principle."

And as the editors noted:

That principle, it need hardly be added, is precisely what is under attack on the hundredth anniversary of Roosevelt's birth.

Mr. President, the editors of the New Republic and George Will weave a common thread in their analysis of the Roosevelt legacy. First, is the role of government in its relationship to the citizens of this country—all our citizens. Second, is the reminder of how fragile is democracy. F. D. R. salvaged both the "forgotten man" and our system of government.

The debate in the Nation's capitol, today and in the ensuing months, should not be a debate over whether or not the Federal Government has a role in attempting to deliver, as George Will so eloquently stated, ". . . a measure of happiness, defined as material well-being" to all our citizens. That is, in paraphrasing our Founding Fathers, a self-evident truth. No, the debate which will be carried forward by the Democrats—the heirs of F. D. R.—will focus on the magnitude and nature of this role.

Perhaps, over the years we have erred in expecting government to be all things to all people. But we have erred on the side of the people—all the people of this Nation. Yes, it is a time for reevaluation. Yes, it is time for bold, new ideas and action. But, it is also a time to assess honestly the true nature of our society and our system of government.

F. D. R. led us into the modern age of democracy at a time when democracy was threatened by the dark forces

of depression and chaos. He realized, more than most political figures of his era, that if a substantial number of our citizens do not have a stake in the political and economic life of our Nation, that democracy itself was imperiled. And he was so committed to our Constitution, so committed to our democratic system of government, that he was not about to allow that to happen.

America is truly a remarkable experiment in government. We have found our greatest resource to be our people. And we have found our strength to be in the unity of our people. It took us decades to develop a sense of national identity, a sense of national purpose. We must never retreat from this national heritage. We must not succumb to the notion that class should be pitted against class in this country; that region should be pitted against region in this country; that State should be pitted against State in this Nation. Our greatest strength is in unity and indivisibility.

I would like to conclude my remarks by once again quoting from the editors of the New Republic:

> The next great wave of political and social reform in this country, we hope, will understand the value of human capital, not just the kind that buys machines; it will explore the possibilities of democracy in the workplace, not just in the electoral arena; it will look for ways to limit bureaucracies, not just protect them; it will use equity as a spur to productivity, not just as a tool of distributive justice. Roosevelt's America was open and unfinished; so is ours. More important than any particular scheme, more important even than any particular goal, will be the largeness of the democratic spirit that was Franklin D. Roosevelt's distinctive and effortless gift.

Mr. President, the challenge is before us. And I hope that men of good will on both sides of the aisle in the Senate will accept this charge and ask not if the Government has a role in meeting the aspirations of all our people, but how that role can be carried out most effectively.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I yield to the Senator from Arkansas (Mr. BUMPERS) my time under the standing order.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BUMPERS in connection with the introduction of a bill are printed under Statements on Introduced Bills and Joint Resolutions.)

Mr. BUMPERS. Mr. President, with the distinguished minority leader's permission, I yield 30 seconds to my distinguished colleagues from Missouri, Mr. DANFORTH and Mr. EAGLETON.

TRIBUTE TO CONGRESSMAN RICHARD BOLLING

Mr. EAGLETON. Mr. President, at the end of this year, Congressman DICK BOLLING of Missouri will retire from service in the House of Representatives after 34 years of remarkably productive service.

DICK BOLLING is a man of multiple and creative skills. He is a talented author of legislation, masterful parliamentarian, builder of coalitions, skilled legislative tactician, institutional reformer, and more. If Congress, like baseball, had a most valuable player award, DICK BOLLING would have won it more than once in his remarkable 34 years.

There is much to admire in this man—his courage, his skills, his character, his zeal, his dedication. For me, what I most admire in DICK BOLLING is his plain, old, garden-variety guts. He never ducks a legitimate cause because it might be unpopular. His dedication to causes like civil rights, civil liberties, concern for the poor, never falters as public opinion polls fluctuate on these matters. He tells it like it is. He is no practitioner of double talk.

Straightforward, blunt, direct—that is the style of DICK BOLLING. Indeed, it is more than style. It is the character of the man. It is his very essence.

Of altogether too few in Congress can the same be said.

RICHARD BOLLING RETIRING

Mr. DANFORTH. Mr. President, Representative RICHARD BOLLING of Missouri will retire from public office upon the adjournment of the 97th Congress.

Congressman BOLLING's retirement from the House of Representatives will deprive Missouri and the Nation of a consummate legislator, a great intellect, and a good and decent man. He will be missed.

For 33 years DICK BOLLING has been an effective public servant as both a national figure and as a vigorous Representative of Missouri's Fifth Congressional District. He is chairman of the Committee on Rules. He is the preeminent Parliamentarian of the House, the acknowledged master of its rules of procedure. He is a universally respected leader of the House. Excellence is his hallmark. He expects others to keep his pace, and it is a tall order.

There is not now, nor will there ever be, a definitive account of DICK BOLLING's service to Missouri and the Nation. There are three reasons that Congressman BOLLING's service is beyond the reach of any normal accounting.

First, DICK BOLLING does his work quietly—without the bluster and fanfare of the ordinary politician. He considers his greatest legislative victory to have come in 1957 when, as a member of the Rules Committee, he played a key role in guiding America's landmark civil rights legislation to the floor of the House. He worked with skill, concentration, dedication and diplomacy, and the tasks required the generous application of each talent.

Today, of course, DICK BOLLING is chairman of the Rules Committee—"the powerful chairman of the powerful committee." A committee chairmanship—and, surely, the most important chairmanship in the House—is a ticket to the headlines. Yet, DICK BOLLING never scrambles for public attention. He speaks only when a public statement can have a useful impact on the improvement of public policy and not otherwise. It is a mark of his leadership.

Second, DICK BOLLING's accomplishments are beyond the reach of a full accounting because he has been doing Missouri's work day in and day out, for more than three decades.

One cannot count the ships guided to harbor by a beacon that has stood for 33 years at the entry to a busy port. Craft large and small, vessels of every description, have crossed the beam. It is enough to know that the beam has shone steadily and with penetrating effectiveness year after year.

Finally, we have come to take for granted DICK BOLLING's unique place in the country and in the Congress. We have come to expect the best from him. We have come to expect excellence. And regrettably, what has become so familiar has seldom been the cause for extensive public comment and praise.

RICHARD BOLLING is a person of rare accomplishment. He has fashioned a career of which every Missourian—Republican and Democrat—can be immensely proud.

I respect Congressman BOLLING's decision to retire from public office, although I doubt that anyone appreciates fully the void that will be left by his departure.

It may be that Congressman BOLLING expects that his shoes will be filled soon enough, that events will roll on pretty much as before, that occasional note will be taken of his accomplishments, that he will be called upon now and then for advice—that the waters will close behind him.

The rest of us know better. DICK BOLLING's accomplishments are monumental. He is, in the fullest sense of the word, irreplaceable.

Congressman BOLLING says that he intends to expand his teaching and writing activities. He will remain a public man, of course. It could not be otherwise. Nor can a person who sets the most exacting standards for himself fail to find challenge in any activity.

His shoes will not be filled. Events will not unfold as they would have

otherwise; people influence history, and great people influence history greatly. If occasional note is taken of his accomplishments, it will be because his contributions stand without need of persistent commentary. The waters will not close behind him, because his position in Congress belongs only to him, and can be claimed by no other.

ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The minority leader has a minute and a half.

Mr. ROBERT C. BYRD. I yield to the distinguished Senator from Michigan.

Mr. RIEGLE. I thank the Senator.

SUPPORT POLISH SOLIDARITY

Mr. RIEGLE. Mr. President, on December 13 the entire world was shocked to learn of an event we had all feared for so long: Martial law was declared in Poland. The grim news of tanks and troops rolling through the streets of Warsaw and other Polish cities cast a dark cloud over the brave people of that country who had struggled and achieved important social reforms and new freedoms. Clearly, the Soviets were the instigators of this repression, and I condemn them for their ruthless suppression of the Polish people.

The union, Solidarity, led by union leader Lech Walesa, had been the driving force behind these important reforms; and it is now the worst victim of the government crackdown. Reports of the detention, beatings, and deaths of Solidarity members have filled the Polish-American community and other concerned Americans with anguish and outrage. Their worst fear, and mine, is that the present martial law may be but a first step in a campaign to reverse all of the successes of Solidarity and return Poland to a state of tightly restricted labor activities and limited civil liberties—that the military government will, by brute force, try to turn back the clock. Such an attempt would undoubtedly bring with it greater violence and the possibility of direct military intervention by the Soviet Union.

Today I wish to express, on behalf of my constituents, a close bond of unity, common purpose, and solidarity with the people of Poland. On December 29, I wrote President Reagan to urge that immediate and severe sanctions be imposed on the Soviet Union for their part in the current suppression. The list of sanctions included a complete prohibition on the transfer of high technology hardware, a further suspension of Soviet fishing in U.S. waters, a reinstatement of the embargo on super phosphoric acid—useful in the production of fertilizers—and an effort to minimize Soviet access to hard currency. Some of these measures have now been adopted by the President, but much remains to be done. In the meantime, we must continue to support a nationwide relief effort through our gifts of food and other needed goods to the Polish people to relieve their personal and family hardships.

With this desperate crisis in Poland, it is important to acknowledge Poland's special place in modern history. Few nations have had their courage so often and so severely tested. Poles have seen their country dismembered, partitioned, looted; their people deported and murdered; their cities destroyed. Yet through it all the Polish people have retained an unbroken spirit. We must demand the Polish and Soviet Government authorities stop the massive and violent action against Solidarity. I again urge our Government to render every assistance to the victims of the present disorders.

Mr. President, I am proud that on Solidarity Day, thousands of Michigan residents will join in demonstrating their support for the oppressed people of Poland. With our proud ethnic heritage, and our history of social justice for working men and women, we will always stand together with the Polish people and workers.

ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. Mr. President, I yield now any remainder of my time to Mr. METZENBAUM.

Mr. METZENBAUM. I thank the Senator.

LARRY RIVERS AND THE HIRSHHORNS

Mr. METZENBAUM. Mr. President, last year Washington and the Nation lost a great friend, and I lost a personal one, with the death of Joseph Hirshhorn. In one word, he was and still is, like the art he loved to collect—monumental, and the loss of this vibrant individual has been greatly felt. At Joe Hirshhorn's funeral, a beautiful eulogy was delivered by the noted artist, Larry Rivers. It was reprinted in the January 1982 edition of Art in America.

At the time of Joe Hirshhorn's death, Larry Rivers was in the process of painting a portrait of Joe and his devoted wife, Olga. The painting is now hanging in the Hirshhorn Museum. The article is a beautiful example of an artist's recollections of an unusual man—but it does not tell enough of the artist himself.

Larry Rivers has been one of the foremost American artists of this century. Emerging from the New York School, he became a second generation abstract expressionist with his style of merging figurative popular images and gestures with abstract painting. Larry Rivers sees himself as an "artist in a drama about the history of art." In that vein, he has also been an artist of historical figures and events. His art includes works on Napoleon, Jefferson, Lenin and magnificient pieces such as his History of the Russian Revolution and his well-known painting, The Last Civil War Veteran which hangs in the Corcoran Gallery of Art.

I call the Senate's attention to Larry Rivers not only to acknowledge this immensely important and popular American artist, but also to share with the Senate Mr. Rivers' thoughts on Joseph Hirshhorn, whose life-long commitment to modern art made dreams come true for many artists, including Larry Rivers. Joseph Hirshhorn was a dynamic person who loved art and by giving this country a museum filled with great art, enabled millions to love it, too. Larry Rivers recognized the great and dedicated believer that Joe Hirshhorn was and he brilliantly uses his talent as an artist to juxtapose reflections on his own life with those of Mr. Hirshhorn. I found it to be heartwarming, inspirational and a fine tribute to a great man and to our artistic heritage.

Mr. President, I also commend to the Senate's attention a January 7, 1982, article in the Washington Post by Judith Weintraub about Olga Hirshhorn. Joseph Hirshhorn had a resounding presence and so does the wonderful wife he leaves behind. The piece is a magnificent, sensitive article which brings home even more to us the tremendous loss we have suffered with the death of Joe Hirshhorn. And it shows that the spirit and dreams he held live on. I am left with great pleasure and happiness from knowing them.

I ask unanimous consent that both of these articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

JOSEPH H. HIRSHHORN, 1899–81

(By Larry Rivers)

(The following text is a slightly revised version of the talk delivered by Larry Rivers at a memorial service for Joseph H. Hirshhorn in Washington, D.C., this past September. When Hirshhorn died Aug. 31 at age 82, Larry Rivers was working on the portrait of Hirshhorn and his wife Olga which is reproduced here.)

Joe finally died on Monday night August 31st in Washington, after going to the theater to see Annie. I say finally because Joe and all of us have been doing a little of this every day. This happened for good, ten days after he left my home and studio in Southhampton. Joe and Olga his wife had just spent three days sitting still for some drawings I made and photos I took in preparation for a commission affectionately referred to as "The Definitive or Final Por-

trait." You see, I made one of Joe in the '60s, which for all sorts of reasons left me unsatisfied and nervous. He kept calling it Cockeyed-Joe and I kept thinking I've got to do another one, a better one, and soon! As I was writing this and thinking about Joe in Southampton I was also working on the portrait. On his suit, his striped shirt, his soft white shoes and lavender socks that show because his pants ride up when he sits down. And of course his special face. I was also trying very hard to satisfy both my idea of what makes a painting good, interesting, meaningful etc., and what he looks like, how he holds his body, sits tall or small in a chair and puts his arms around his wife.

But I'm here to make another kind of portrait, more like a quick sketch of Joe and Art, or Joe the Collector, at first, and then as his early fantasies became later realities, Joseph Hirshhorn of the Hirshhorn Museum and Sculpture Garden. Joe died in August, and I'm trying to reduce some 20 years of intermittent experiences into a few words with some tidbits that will be part of the public record. The public record of use and disuse of dreams of glory and of what makes the world go 'round. What does make this world go 'round is a talmudic question. No answers, just more questions. Is it money, or love, or both?

I certainly wasn't against Joe because he had money. But I worried about money my whole life—when I didn't have too much, and even now when I have some. Joe showing up in my studio determined to carry away some half dozen works might have flattened a few wrinkles that were forming and darkened back some graying hairs produced by my financial problems. True, he walked away with paintings for his money, but he was also buying dreams. His and mine. As I saw it, I was the artist in a drama about the history of art. I made the appropriate gestures, I played the role of connector from cave-man artist up to the present. And Joe, right up until he died on a balmy Monday night, was playing just as grandiose and historic a role. If I'm to be recognized in this drama as some kind of bohemian descendant of Michelangelo, Joe all these years was Lorenzo de Medici in a business suit who still liked a Jewish joke.

But death is strong. And Joe's death has produced a shift in emphasis. His recent stay at my house is fresh. In Joe's personal drama, in his fantastic effort to boot-strap himself into eternity, he was the star. A funny, peculiar, energetic and even a bumpy star, full of costume changes; in society, a vaudevillian; on the phone, a financial wizard; in discussions of love, a fatherly advisor; at the dinner table, a devourer of potato pancakes; and whatever else he was in addition to all this, he was the star, and I played the supporting role.

Joe had an instinctual desire to possess; it was this almost uncontrollable desire of his that became part of a process that made the artist's effort in his studio into art. Bringing the art out of the studio and into the world, Joe put the final touches to its existence without ever touching a brush. For everybody knows that what hangs in a collection is art, and what hangs in Joe's collection is even MORE art. Years ago, maybe in 1966 or '67, Joe wanted my large piece, History of the Russian Revolution, which he saw at the Jewish Museum in a 1965 retrospective. He also saw it reproduced across two pages of Time magazine and a few other publications. This is not to impress you about me; it's to show how art came across to Joe. I think Joe looked for art in more books and magazines than anybody I know.

From his point of view—and time has given his point of view the reality of rock—his collection as a repository of artists' dreams had by 1967 been made even more delectable by the strong possibility of the erection of a national museum to house it. In a taxi going across Manhattan, Joe told me that if he could have the History of the Russian Revolution . . . at the right price, he would see to it that there would be a Larry Rivers room in the museum. Your own room, Old Man Rivers! Well, Joe knew he was talking to a pushover. I don't know if I really thought it would happen, but this work that Joe wanted, composed of about 75 different pieces, required extensive worry and expensive care and I decided it had a better future, even if in the museum's cellar, than in my studio. So, into Joe's already choked dreamboat went the History of the Russian Revolution.

Picturing the opening of the museum, dedication ceremonies and all, in the intervening years before it came into being, the promise of a Larry Rivers room seemed more and more a way for Joe to get what he wanted when he wanted it. In my mind, I kept seeing an embarrassing TV news clip. I saw the President, or more likely the President's wife with Joe at her side, surrounded by the press. I saw her smashing a bottle of champagne against the wall of the concrete doughnut that is the Hirshhorn Museum. Now, no matter how much art the American people were getting, this was still a government building costing the taxpayers some 20 million dollars. And in this institution with a Jewish name in the nation's capital and on the Mall, the first art work they see inside is a 35-foot mixed-medium extravaganza celebrating the birth and birthplace of Communism. True, in 1974 Joe McCarthy was dead, but there were still some things sacred in America. So, my imaginary drama went, not only would there be no room bearing my name, they would close the museum the next day! Well, as it turned out, there was no Larry Rivers room when the museum opened, but there was and is Joe's monument, the Hirshhorn Museum. Whether he really intended to arrange for a room for me or not, within the structure of the museum, possibilities existed that lay outside a direct request from Joe. One of the possibilities surely includes Al Lerner, the director. One thing led to another, and now, as you know, there is a Larry Rivers room.

I saw Joe every day for many hours as I worked on the portrait of him and his wife in my studio. I wasn't a virgin when I met Joe, my work had begun to sell, but there's no denying that Joe wanting my work was something very special, and finally important in the art itself. His scope and style and his money and love I'll never forget. See you soon, Joe.

[From the Washington Post, Jan. 7, 1982]

LIFE AFTER HIRSHHORN—OLGA AND THE DEMANDING LESSONS OF SURVIVING BY HERSELF

(By Judith Weinraub)

"I must tell you that my husband died in my arms, and my life was shattered at that moment. It is a horrible thing to see someone you love die, especially if you were close, and we were very close.")

It has been more than four months now since the multimillion-dollar financier and art collector Joseph H. Hirshhorn collapsed of a heart attack outside his Kalorama home after he returned with his wife Olga from a performance of "Annie" at the Kennedy Center. Ambulances rushed the 82-year-old Hirshhorn and his wife, who had already attempted to revive her husband through cardiopulmonary resuscitation, to the George Washington University Hospital only minutes away. But at 11:59 p.m. he was pronounced dead. They had been out dancing only the night before.

When the details of his will were released, the public learned what Olga Hirshhorn, his fourth wife, had more or less known all along—that Hirshhorn, the immigrant boy who had become one of the canniest money managers of his time, had left his entire personal art collection, a $5 million bequest, as well as the rights to oil royalties from some of his Canadian holdings, to the Smithsonian for the exclusive use of the Hirshhorn Museum. His original gift to the nation in 1965 had created the museum. His final bequest would sustain it.

The bulk of the remainder of his property—his homes, his Rolls-Royce, his collections of American and English furniture, his collection of Oriental rugs—were to be sold as part of the disposition of his estate. Olga, his wife of 17 years, was to receive a trust fund of $750,000, as well as their home in Naples, Fla., according to court papers in Florida; and she had received many other bequests of art over the years.

"I knew from the beginning he had always made provisions in his will to give everything to the museum," his widow reflects now. "It was pretty clear-cut. Those were his wishes. There were no problems with it."

What was a problem was how to go on without Joe Hirshhorn, the dynamic man whose wishes had been her pleasures ever since they first met in 1961 in Greenwich, Conn. He had called her employment agency in order to find staff for a home he had just purchased there. "I'm not much of a women's libber in the true sense, even though I worked," she volunteers now. "I liked being taken care of and protected. I liked being loved, and I had all that with my husband . . . I did the things that he wanted to do first."

It was not that she wasn't prepared for his death: After all, he was 21 years older than she was and had already survived two heart attacks. But "my whole life revolved around Joe," she says.

These days her life is still revolving around Joe Hirshhorn. Keeping busy with the details of an estate of such magnitude—she is one of its three trustees—has become her daily occupation. "It keeps me from crying in every corner of the house," admits Olga Hirshhorn, a pretty woman who looks like a figure painted by Renoir. By 9 o'clock each morning, she is dressed and ready to start the day, seated in the study that was her husband's, behind the sculpture-laden walnut desk that was his. Her workload is so demanding that she has had to give over her own desk and study to a secretary.

Olga Hirshhorn has a busy and consuming routine—attending to the daily details and eventual sale of the couple's two Washington houses as well as their New York apartment; replying to the mountains of mail she receives; speaking regularly with the staff at Sotheby Parke Bernet in New York, the international auction house which, for a fee, is doing the inventory and appraisal of the art that will go to the museum as well as auctioning the furniture and rug collections; disposing of the contents of the houses; traveling to New York to confer with her husband's lawyers about general business matters.

Olga Zatorsky Cunningham Hirshhorn was, in fact, a businesswoman when she met

her future husband. The youngest of three in a Lithuanian blue-collar family living in Greenwich, Conn., she had married her high school English teacher at 18. Mother of three sons by the time she was 25, and worried about paying for their education, she had managed several businesses from their home despite her lack of advanced education. A learn-to-swim group for toddlers had led to a day camp, then a nursery school, a baby-sitting service and finally an employment agency called Services Unlimited.

She met Joe Hirshhorn initially on the telephone when he called her agency to inquire about a chauffeur. She found him abrupt. He found her charming. He also had learned that she was separated from her husband. "He said he was attracted to me by my voice, by my efficiency, by the fact that I ran my own business, that I'd created it," she recalls. "He was a creative man himself, a self-made man. I like to think of myself as a self-made woman."

The Hirshhorn house required a large staff, and there were many phone calls to Services Unlimited. By the second or third call, Joe Hirshhorn surprised its proprietor with a direct inquiry. "Say, Mrs. Cunningham, how old are you?" Then by the fourth or fifth conversation, the dapper, and diminutive, Hirshhorn became even more direct with, "Say, Mrs. Cunningham, how tall are you?"

He phoned for help frequently, "10 times a day," she remembers, and eventually she went to work for him herself, directing the placement of his sculpture collection on the estate and generally helping to separate the Greenwich business affairs from those of the New York office. Two and a half years later, and after her 1962 divorce, they married. "I thought he would never ask me," she recalls.

For 17 years the Hirshhorns enjoyed a close married life. He had retired somewhat from the press of business that had absorbed him earlier, and they spent much of their time together. She shared busy years with him, years when his collection was courted by the governor general of Canada, the queen of England, Mayor Teddy Kollek of Jerusalem and Gov. Nelson Rockefeller of New York; years when he worked to establish good relations with the children of his earlier marriages, and the tumultuous time—tinged with anti-Semitism—in which his collection was argued about and then finally accepted by the nation in a museum bearing his name on the Mall.

In recent years here in Washington, where they moved in 1969, they established something of a routine. After breakfast he would settle down in his study, and she would go off to play tennis. When she returned, it was to lunch with Joe, to work in her own study, and a familiar question: "Did you beat her?" he would ask.

"Our marriage had a kind of craziness," she says now. "We had such fun. Sometimes once or twice a month we would just lie in bed all day. Of course, it would always be on Sunday when the market was closed. We would giggle and think how silly this is. I miss that. Joe was a very simple man. He liked plain spaghetti. He didn't like steak. On his last birthday, one of my presents to him was to take him to McDonald's for lunch."

"And when he was here," she says, gesturing around the walls and table tops and corridors which overflow with his purchases of paintings and sculpture, "the whole house resounded with his presence."

Olga Hirshhorn has no timetable for her own life now. She is surrounded by friends and has not, in fact, spent one night without company or an invitation since her husband's death. But it is hard, she admits, to figure out a direction for herself. "For the first time in my life I don't have a man's arms around me. My children are all grown and I have nobody else to think about but myself. That's hard."

She does, however, have to accustom herself to thinking about business matters. "When I met my husband, I had to choose whether to learn about art or finance or mining, and I chose art," she explains. "As a result, when he died, I still didn't know the difference between a stock and a bond because it was just not important to me."

In fact, one of the first things that she did, almost automatically, after her husband's death was to cancel The Wall Street Journal. When the other executors told her she had to get involved in the business aspect of the estate, she groaned and said that she didn't even know how to find out the interest rates. She recalls their command with a smile. "It's all in The Wall Street Journal, so get it back."

Two days before Hirshhorn's death, his wife had had "the first and last and only lesson in finance that Joe gave me," she says. Her mother had died, and she was anticipating a small inheritance. She wanted to know what he thought she should do with the money. "First Joe said, 'Put it in a money market fund,'" she recalls, relishing the irony of the story. "Then he said, 'No, put it in tax-free bonds.' I said, 'I thought you didn't believe in bonds,' and he said, 'You know, there comes a time when you change your mind about things like that. I'll tell you what I'm buying . . .'"

At that point the phone rang. "Now," she says, "I've learned about treasury bills and notes, and bonds, and government funds. But not from Joe, who could have told me everything I needed to know. Now I'm learning to read the reports myself."

If Joe Hirshhorn didn't actually imbue her with his business principles, some of his attitudes seem to have rubbed off. On a recent morning, dressed in a white blouse, light blue trousers, a matching blue cashmere cardigan, and espadrilles, she fielded phone calls from all over the country and Canada. As she efficiently ticked off the day's responsibilities, some of her husband's no-nonsense approach was evident in her conversations. She explained to a senator that he could have her support for a project, but not her financial support. She succeeded in completing the sale of a valuable and cherished piano in order to "stop bickering." She graciously refused a luncheon invitation she could not fit into her schedule, and joked that a widow would rather be invited to dinner.

Her manner was as polite and winning as ever, but her words left no doubt that she is developing an instinct for her task:

"That's half of one percent off the top. Joe would never have let him get away with that. Why should we," she complained to a colleague about a fee.

"I'm the buyer. You're the seller. You should come to see me," she explained, with delight at that particular discovery, to a real estate agent who was trying to interest her in a house.

Has she picked up any of his style? "No, although I suppose being exposed to him, you develop a hard-line attitude. And we are trying not to get rid of things too cheaply. I bargain hard even though I get no personal gain. I am afraid people will take advantage of me because of my inexperience.

"And I'm learning a lot. It keeps me busy. It doesn't give me a chance to cry."

Quietly stoking the fire in her husband's study, the fire that he loved to watch, she says she wishes they had spoken about the future. The only discussion they had involved his wish to be buried in a plain pine box, in accordance with Jewish tradition. But when it came to choosing the coffin, his widow, who herself converted to Judaism in 1973, was dismayed. For Joe Hirshhorn, she laughs, "They were really plain."

And the closest they ever got to discussing her future without him was his joking that after he died, "Olga will find two 40s for one 80."

"He was fine," she says, thinking back a few months. "He thought he was going to live forever.

"So did I."

WAS STOCKMAN THE VICTIM?

Mr. METZENBAUM. Mr. President, much has been said and written about the now famous interview with Budget Director David Stockman in the Atlantic Monthly.

The comment has ranged from criticism of the Budget Director for talking to a reporter all the way to a remark from the President himself that intimated that the writer was guilty of a form of "assassination."

At the very least, the article has caused a great deal of embarrassment for Mr. Stockman and the administration.

Recently, Thomas Vail, publisher and editor of the Cleveland Plain Dealer, cast another light on the subject in a signed editorial page column.

Mr. Vail theorizes that Mr. Stockman, instead of being a culprit, was, in effect, a victim—a victim of the President's decision that there be no meddling with either the defense budget or with social security. Once that decision was made, Mr. Vail ventures the opinion that—

Stockman realized his budget balancing program not only was impossible to attain, but worse, that the United States is headed for the largest deficit in its history. So Stockman threw in the towel not on the Reagan economic program as he conceived it but on the realities of the situation as they developed.

Mr. President, as matters have turned out, it appears that this is an incisive view of what has really happened within the administration. I urge my colleagues to read the Vail column.

Mr. President, I ask unanimous consent that the column by Thomas Vail in the December 6, 1981, edition of the Cleveland Plain Dealer be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STOCKMAN MEANT HE WAS THE VICTIM

We have been treated in the media recently with the dramatic "revelation" that the

chief architect of the Reagan economic program says the whole thing is a lot of baloney. All this headline-making material came from a very interesting, comprehensive and lengthy story in the Atlantic Monthly, "The Education of David Stockman."

The newspaper version of this story indicated that Stockman, head of the Office of Management and Budget, at the young age of 36 had given up on the Reagan program and was saying the thing would not work.

However, this observer after reading the article itself in the Atlantic Monthly comes up with a different interpretation of what this rather sensational story is all about. What the Atlantic Monthly article says, in my opinion, is that Stockman of the OMB had his game plan to put the American economic house in order derailed by others.

This Stockman game plan consisted of substantial reductions in government spending, some reduction in personal and corporate taxes, some reforms and belt tightening for the Social Security system, and a containment of military spending. This way Stockman thought he could come up with a balanced budget in the next couple of years, a goal President Reagan campaigned on in 1980.

According to the story in the Atlantic Monthly, Stockman only gave up on balancing the federal budget because the president cut him off at the pass.

This is the "derailing" sequence as outlined by the author of the article, William Greider, who is an assistant managing editor of the Washington Post:

First, the reductions the Reagan administration achieved in government spending were not reductions in current government spending but were reductions from the inflated "wish list" or projections of what government spending "might be" next year. Therefore, the cuts in government spending that President Reagan brought about are reductions from figures that were inflated and partly fantasy in the first place.

The second derailment of Stockman started when the Democratic House majority members decided they would exceed the tax cutting of the Republicans. The Democratic party reasoned that if the Republicans were going to please the voters with tax cutting, then the Democrats would double the goodies and get more credit from the voters. In the process the Democratic majority in the House cut taxes too much and opened more loopholes even for the already taken care of oil business.

Then, according to the Atlantic Monthly article, the worst was yet to come for Stockman. Looking at the rather small real government spending reductions and the too large personal and corporate tax reductions, Stockman knew that he would have to cut back military spending and Social Security costs or the federal budget would be wildly out of balance.

According to the Atlantic Monthly article, when Stockman made his argument on the military budget and the cost of Social Security, President Reagan was adamant that there be no meddling with an increased military budget or with Social Security.

Adding up the situation on his computer, Stockman realized his budget balancing program not only was impossible to attain, but worse, that the United States is headed for the largest deficit in its history. So Stockman threw in the towel not on the Reagan economic program as he conceived it but on the realities of the situation as they developed.

I suspect that, seeing a budget disaster, Stockman himself authorized his reporter friend to use the story. Stockman's subsequent loss of credibility was primarily because the article reported he continued to try to sell an economic program to Congress after he had figured out the program—as it had developed—would not work.

The only postscript that can be written about all this is a comment on the present effect of the budget debacle. Wall Street financial people, seeing that the Stockman balanced budget economic plan has been decimated, are showing a lack of confidence in the financial plans of the Reagan administration. Huge government budget deficits are bad news for Wall Street.

The only economic "way out" now for President Reagan is to make a deal with the Soviet Union on arms reductions so the massive U.S. military budget can be reduced. The chance of making a deal with the Russians is good because of the economic collapse of Poland, military difficulties in Afghanistan and a disastrous year for Russian agriculture.

So the good news is that the Americans and the Russians are meeting, this time publicly in Geneva, and that for both sides an arms reduction deal may not only be desirable but also a necessity.

THE 64TH ANNIVERSARY OF UKRAINIAN INDEPENDENCE

Mr. METZENBAUM. Mr. President, this week, Ukrainian Americans will gather in cities and towns across the country to observe the 64th anniversary of the Ukraine's declaration of independence. In doing so, they will renew their commitment to preserving their rich culture here in America. And at the same time, they will rededicate themselves to strengthening the bonds that exist between the 2 million Americans of Ukrainian heritage and the 50 million people of the Ukraine.

This commemoration is an occasion for sadness—sadness because the independence that was proclaimed in the ancient city of Kiev on January 22, 1918, could not for long survive in the face of Soviet power.

It is an occasion to remind Americans of the great suffering that the Ukrainian people have endured under Soviet rule.

Millions of Ukrainian lives were lost in the early 1930's, when Stalin's collectivization of agriculture led to one of this century's most devastating famines. And even while those millions were dying in the Ukraine, Stalin was exporting the food he extracted from them in order to pay for his imports of heavy industrial equipment.

For more than half a century, the Soviet Government has spared no effort to russify the Ukrainians, to root out their distinctive culture, and to suppress their religious faith.

But, Mr. President, the Soviets have not succeeded. And in spite of decades of suffering and repression, the Ukraine has produced some of the real heroes and heroines of the human rights movement.

Consider for a moment what it means to be a human rights activist in the Soviet Union.

At the very least, it means loss of employment and educational opportunity for oneself and one's family.

It means tapped telephones, opened mail, and visits by the KGB.

For Valentyn Moroz, a distinguished Ukrainian historian now living in freedom here in America, it meant years in prison. And it also meant commitment to psychiatric hospitals and treatment with dangerous drugs and chemicals.

For Mykola Rudenko, a member of the group established in the Ukraine to monitor Soviet compliance with the Helsinki accords, it meant arrest, a ludicrous trial, and a 12-year sentence—7 years at hard labor, followed by another 5 years of exile in Siberia.

Rudenko, who is 62 years of age, is a poet, a philosopher, and a severely wounded combat veteran of the Second World War. What was his crime? He was convicted of "anti-Soviet agitation and propaganda" for asking the Soviet Government to honor its own solemn word, that it would observe the human rights provisions of the Helsinki accords. It is no crime in the Soviet Union for the government to promise such things. It is a crime only when a Soviet citizen asks the government to live up to its promises.

In April of 1981, the Rudenko family received another object lesson in the value of Soviet promises when Raisa Rudenko, the poet's wife, was arrested for smuggling her husband's poetry. She was sentenced in September of last year to a 3-year prison term.

Can one imagine, Mr. President, a country that puts people in jail for smuggling poetry?

Can one imagine a regime so insecure, so paranoid, and so terrified of its own people that it treats the words of a poet as a danger to public safety?

I think it is difficult for we who are accustomed to freedom to fully comprehend the courage of people like the Rudenkos, like the Jewish activists Shcharansky and Nudel, the Lithuanian Catholic leaders Petkus and Gajauskas, and Helsinki monitors in Moscow, Kiev, and elsewhere in the Soviet Union.

I believe, Mr. President, that we have a moral obligation to turn our attention once again to the cause of human rights in the Soviet Empire.

I know that the expression "human rights" is held today in low repute.

We have heard it said that the status of human rights in foreign nations is none of America's business. The Soviet Union, we are told, considers this an internal matter, and the Soviets are very sensitive about our criticism.

Well, I am sorry to hear that the Soviet leaders are sensitive.

But I want the Soviets to know that Americans are sensitive too.

Americans are sensitive and Americans get angry when we hear that people like Valentyn Moroz have been confined to mental hospitals and subjected to mind-altering drugs.

We are sensitive and angry when we hear that tens of thousands of Soviet Jews have been denied the right to emigrate to Israel.

We are sensitive and angry when we read that people like the Rudenkos have been jailed for slandering the Soviet state.

That is quite a trick, slandering the Soviet state.

How can you slander the state that sent its army into a harmless neighboring country like Afghanistan? That they did it at all is slander enough.

What kind of slander of the Soviet regime could match the facts of what has been done at Soviet instigation to the working men and women of Poland?

If it is a crime in the Soviet Union to make that country look absurd, then let them put the judges in these human rights cases on trial. Let them haul Mr. Brezhnev into the dock. Let them try the secret police, the informers, and the Communist Party officials who are so frightened, so insecure in their moral claim to power, that they earn for their country the contempt of the world.

The Soviet Government may suppress individuals. But even the KGB cannot kill the idea of liberty.

Make no mistake about it—the idea of liberty is loose in the Soviet Empire today.

I do not say that major changes are about to take place.

The people of Poland can testify about how the Soviets respond to the possibility of change.

However, I do think that the example of solidarity in Poland and the existence of dissidence in the Soviet Union give evidence of a deep unease in the Soviet Union and its satellite countries. This unease stems from a desire on the part of millions of people there for a better life, for more freedom, for the right to practice religion, and to honor a national heritage.

Because I believe these things, I reject the counsel of those who think that our country should back from its commitment to speak out on behalf of human rights.

I reject the idea that we should stop bothering the Soviet authorities with demands about the liberties guaranteed to their citizens by the Helsinki accords and the universal declaration of human rights.

I believe that we should bother them, that we should bother them as often and as forcefully as we can.

On an occasion like this anniversary, I believe that Americans of every ancestry should stand shoulder to shoulder with their friends and neighbors in the Ukrainian American community. Only by knowing what others have lost can we understand the true value of our American freedom.

F. D. R. AND THE SAFETY NET

Mr. BUMPERS. Mr. President, when Franklin Delano Roosevelt made his run for the Presidency in 1932, he was quite clear about what needed to be done to pull this country out of the Great Depression and save it from total collapse. In a radio address in April 1932, 3 months before he won the nomination, he said:

> These unhappy times call for the building of plans * * * that build from the bottom up and not from the top down, that put their faith once more in the forgotten man at the bottom of the economic pyramid.

This was not campaign rhetoric. It was a vision of what should be, and the beginnings of a plan for what would be. It was based on the view that common men and women, their families, and their intelligence, work ethic, and inherent goodness are the bedrocks on which this Nation rests. He saw in the Depression the results of an economic and political system operating on the principles of greed and the almost total absence of regulation, and the inability of Government to protect the people from its worst affects. As he later stated—in his second inaugural address, January 20, 1937:

> We have always known that heedless self-interest was bad morals; we know now that it is bad economics.

He ran on a progressive platform that called for the Government to meet its responsibilities to see that the basic needs of all Americans were met, that both rich and poor alike would be treated with fairness, and that economic safeguards would be established to prevent another Great Depression from occurring. In today's jargon, what F. D. R. promised to do was to use the positive power of government to create an economic safety net for the first time in U.S. history.

He carried his message to the people, visiting 38 States during his campaign. The response was overwhelming. F. D. R. defeated Herbert Hoover by a popular majority of 7 million votes, and an electoral vote of 472 to 59, as he carried all but six States.

When F. D. R. took office in March of 1933, some 15 million industrial laborers were out of work, the bottom had fallen out of the agricultural markets, people were losing their houses because they did not have any money to pay their mortgages, and the entire financial system was jeopardized by a major run on banks all over the country. It was in this context that he made his famous first inaugural address, in which he told the Nation that "All we have to fear is fear itself."

He was right, of course. With the full support of Congress in that remarkable hundred days extra session in the spring of 1933 the New Deal was launched, and the political and economic foundations for the next 50 years of American history were set. True to his word, F. D. R.'s New Deal benefited all Americans. In that initial batch of New Deal legislation, there was the Agricultural Adjustment Act to help farmers, the National Labor Relations Act for industrial workers, and the National Industrial Recovery Act to assist businessmen. Over time, F. D. R. and Congress systematically attacked the fundamental problems besetting America. It is a tribute to their sensitivity and wisdom that so much of the legislation they passed and so many of the institutions they created are as relevant today as they were five decades ago: Social security, the National Labor Relations Board, TVA, soil conservation programs, rural electrification, insurance on bank deposits, farm price supports, and the others that are now considered essential duties and functions of Government.

Today, there are those who would rip out vital cords from the safety net so painstakingly woven by Franklin Roosevelt and Congress, and which has supported successive generations of Americans. For the first time in 50 years, questions are being seriously raised about the obligation of government to insure the well-being of all Americans, and to see that all citizens are treated fairly in their political and economic dealings. Those of us who see a need for the continued defense of the rights of working people, and who fight against legislation and policies designed to increase the inequities in the American system, can strengthen our resolve by remembering the following passage from F. D. R.'s second inaugural address:

> The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little.

Mr. President, I hope that we in Congress will use the occasion of F. D. R.'s centenary to reflect on the American system as it really was before he took office, and to ask ourselves if the Nation's interests would be served if the current administration succeeds in dismantling the safety net he created. My own view is that in the vain hope of somehow returning to good old days that never were, the administration is threatening the economic, political, and social fibers that have provided so much strength and vibrance to this society over the last 50 years.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of routine morning business.

89-059 O-85-22 (Pt. 1)

THE DESIGNATION OF THE CLEMSON UNIVERSITY TIGER FOOTBALL TEAM AS 1981 NATIONAL COLLEGE FOOTBALL CHAMPIONS

Mr. THURMOND. Mr. President, on New Year's Day 1982, the "Tigers" of Clemson University, my alma mater in South Carolina, concluded a perfect football season with a magnificent victory over the powerful and highly regarded "Cornhuskers" of the University of Nebraska. This final victory of the season earned the Tigers the 1981 National College Football Championship.

This was a history-making event, and one in which all those associated with Clemson, as well as all South Carolinians, can take great pride. Considering the fact that Clemson University has a total student enrollment of less than 12,000, this accomplishment is especially noteworthy, for it places Clemson in the same category with Alabama, Nebraska, Notre Dame, Pittsburgh, Georgia, and others whose reputations for such athletic accomplishments are so well-established. Who would have thought, at the beginning of the 1981 football season back on September 5, that the Tigers of Clemson would capture the national title? After all, they faced some formidable opponents, including the defending national champion Georgia Bulldogs.

Some say that it all started when the Tigers moved into the top 20 after their victory over Georgia in their third game. Even then many found it too much to hope for that the Clemson Tigers could go the distance undefeated—but not the players or their coaches. As head coach Danny Ford later stated in an interview during October,

> There's not a whole lot of folks out there who have ever heard of Clemson. But these youngsters believe in themselves. They've won seven and they can win five more. Sometimes, I ask myself, "Can it really all come true?" Then I just nod my head and say, "It sure can."

Near the stroke of midnight on January 1, 1982, it did—for an undaunted Tiger football team, a committed coaching staff, and a band of loyal Clemson fans the likes of which probably have never before been seen in the Orange Bowl. The final score was Clemson 22, Nebraska 15, and the record of the Tigers was an unblemished 12 and 0 for the season.

To the pleasure of Clemson fans everywhere and the people of South Carolina, a headline on the sports page of the Washington Post on Sunday, January 3, 1982, proclaimed the Clemson Tigers the "unbeaten and undeniable National Champions."

It is not enough to pay tribute to Clemson in an abstract way for this accomplishment. A great deal of hard work, tedious training, dedicated support, and detailed planning went into this season, as well as seasons past, and I would be remiss if I did not place the credit more precisely where it is due.

First of all, it could not have happened without the sacrifices and the commitment of the players. No team ever played with more confidence in themselves or greater determination than this group of outstanding young men. Each one is to be congratulated for a maximum effort and for achieving the ultimate reward. In particular, I wish to commend Homer Jordan, Tiger quarterback, who was named "Outstanding Player in the Orange Bowl" and who led the Tigers on the field to their 12 wins. I also wish to commend Jeff Davis, who was selected the "Outstanding Defensive Player of the Orange Bowl Game" and, earlier, was named "Atlantic Coast Conference Player of the Year."

Of course, it takes a superior head coach and coaching staff to put together such a winning combination. Danny Ford has had a short career as head coach at Clemson. His first game as head coach was the 1978 Gator Bowl game against Ohio State. Clemson won that game by a score of 17 to 15. This certainly was a great way to begin a career as head coach—with a bowl victory against such a perennial power as the Ohio State "Buckeyes."

In 3 short years, Coach Ford has proven himself to be a winner. His record is now 27 and 9, including three bowl appearances. These are rare accomplishments for a young man 33 years of age. However, let me not fail to mention the sources of his inspiration—namely, his lovely wife, Deborah, and their three pretty daughters, Ashleigh, Jennifer, and Mary Elizabeth.

Danny Ford has been fortunate in another respect. He follows in the tradition of Frank Howard, a great head coach at Clemson for many years, a good friend of mine, and a Clemson institution in himself. Coach Ford also has been fortunate to work under athletic director Bill McLellan, who first joined the Clemson athletic staff in 1958 as an assistant football coach after receiving his degree there and lettering in football. Over the years, Bill has advanced through the ranks to become only the third athletic director in the history of Clemson. Under his very able leadership, the all-around sports program at the university has been ranked in the top 30 nationally each of the past 5 years, including 2 finishes in the top 5.

Finally, Coach Ford has had the benefit of outstanding talent and football savvy in the corps of assistant coaches he has assembled, and in the athletic department staff, which includes the trainers, who work under the expert supervision of Fred Hoover, the managers and student trainers, and the men and women who attend to the administrative details of the athletic program.

To make the entire program work effectively, however, everyone recognizes the need for the support of the university officials, and in this respect, I must single out the superior leadership given Clemson athletically, as well as academically, by the board of trustees, which is chaired by Tom McTeer, Jr., and by the president of Clemson University, Dr. Bill Atchley. Athletics at Clemson are well balanced with academics, and rightfully so. The credit for creating and maintaining an atmosphere where the young people who attend this fine institution can reach their potential in such a balanced fashion goes to the members of the board, Dr. Atchley, and the outstanding group of executive officers, deans, faculty, and staff that they have assembled at Clemson.

As an alumnus of Clemson, I take special pride in the enthusiasm of the students and their accomplishments on all fronts. Clemson University is known for the loyalty of her students, not only on Saturday afternoons in Death Valley, the name given to the football stadium, but to her tradition of excellence in academics and in other fields of endeavor. Clemson students have every reason to be proud of this particular recognition, as well as the reputation the university has earned in other fields too numerous to specify here. The students were in Miami, and they were there in force. They were there to cheer the Tigers on, and they will never forget that final victory of the season in the Orange Bowl on New Year's night.

In this respect, I wish to commend the outstanding contributions made to the spirit of Clemson fans through the season by the performances of the Tiger Band, under the very talented direction of Dr. Bruck Cook and his assistant, Rod Harkins. I also wish to commend the Tiger cheerleaders and their captain, Mark Barhyte. Special recognition is also due Ricky Capps, the "Tiger," whose playful antics throughout the season were a source of amusement and inspiration to so many thousands of spectators.

In addition to the continuing and unwavering support that the students and others on campus give to the athletic program at Clemson, there is a well-organized and dedicated group of supporters among the alumni of the university. IPTAY, the "I-Pay-Ten-A-Year" Club, was established in 1934 for the purpose of providing athletic scholarships for Clemson's student athletes. IPTAY recently was named the No. 1 athletic scholarship organization in the United States. IPTAY, of course, does much more than provide athletic scholarships; it assists the university financially in making capital

improvements in athletic facilities for both intercollegiate and intracollegiate sports events and programs and contributes to numerous other activities of the university. Currently, IPTAY boasts of 15,000 members. I commend them and their leaders for their worthwhile efforts on behalf of Clemson.

Finally, Mr. President, I wish to pay tribute to the mothers, fathers, and family members of all those young men and women who, in various ways, contributed to this unique moment in the history of Clemson University. If any of us associated with Clemson have a right to feel proud, then they certainly do. They have made it all possible.

I wish to extend my compliments to our distinguished colleagues from Nebraska, Senators EXON and ZORINSKY, and also to Senator ABDNOR, a graduate of the University of Nebraska. Clemson simply could not have played a team in the Orange Bowl with a finer reputation and richer football tradition than the "Big Red." Having been in the stands to witness this tremendous game, I now understand the great pride that they take in this magnificent institution of higher learning and its outstanding football team.

In conclusion, let me express my appreciation to Senators HAWKINS and CHILES, our distinguished colleagues from Florida, for the warm welcome accorded fans of Clemson and Nebraska by the people of Florida and the city of Miami, in particular. Special thanks are due the members of the Orange Bowl committee for the superior job of planning that they did for this year's event. The Orange Bowl, the Orange Parade, and the related events made the visit to Miami by Clemson fans and Nebraska fans alike a memorable one. I commend all those associated with this annual event and wish them well in the years ahead.

By proclamation of the Governor and General Assembly of South Carolina, Thursday, January 21, 1982, through Thursday, January 28, 1982, was designated "Clemson Tigers' No. 1 week" in South Carolina, and the football team and Clemson University were honored throughout the State for their winning of the 1981 National College Football Championship.

Mr. President, I ask unanimous consent that the names of those persons instrumental to this accomplishment be placed in the RECORD following my remarks, along with a newspaper article commemorating this event and reflecting the recognition given by the State of South Carolina to this exceptional group of Clemson Tigers.

There being no objection, the material listing the player's number, name, and position was ordered to be printed in the RECORD as follows:

MEMBERS OF THE 1981 NATIONAL CHAMPION CLEMSON UNIVERSITY TIGERS FOOTBALL TEAM

1.—Vandell Arrington, cornerback.
2.—Frank Magwood, wide receiver.
3.—Homer Jordan, quarterback.
5.—Dale Hatcher, punter.
6.—Bob Pauling, place kicker.
7.—Cliff Austin, tailback.
8.—Wilbur Bullard, tailback.
9.—Ken Brown, defensive back.
10.—Jeff Parker, quarterback.
11.—Mike Gasque, quarterback.
12.—Andy Headen, defensive back.
13.—Guy Varn, defensive back.
14.—Mike Eppley, quarterback
15.—Jeff Stockstill, wide receiver.
16.—Richard Hendley, punter.
17.—Anthony Parete, quarterback.
18.—Donald Igwebuike, placekicker.
19.—Richard Butler, wide receiver.
20.—Richard Donaldson, strong safety.
21.—Anthony Rose, cornerback.
22.—Perry Tuttle, wide receiver.
23.—Jeff Suttle, strong safety.
24.—Billy Davis, free safety.
25.—Randy Learn, free safety.
26.—Tim Childers, strong safety.
27.—Kevin Mack, fullback.
28.—Rod McSwain, cornerback.
29.—Hollis Hall, cornerback.
30.—Willie Ward, free safety.
31.—Carl Martin, strong safety.
32.—Jeff McCall, fullback.
33.—Kenny Danforth, defensive back.
34.—Braxton Williams, tailback.
35.—Chuck McSwain, tailback.
36.—Dean Day, linebacker.
37.—Fitzhugh Bethea, wide receiver.
38.—Brendon Crite, tailback.
39.—Jim Hohler, linebacker.
40.—Tim Basich, linebacker.
41.—Jerry Gaillard, wide receiver.
42.—Edgar Pickett, defensive end.
43.—Terry Kinard, free safety.
44.—Otis Lindsey, linebacker.
45.—Jeff Davis, linebacker.
46.—Duke Holloman, tailback.
47.—Roy Brown, linebacker.
48.—Craig Crawford, fullback.
49.—Ronald Watson, defensive back.
50.—Scott Williams, center.
51.—Jeff Lytton, center.
52.—Cary Massaro, center.
53.—Joe Glenn, defensive end.
54.—Jeff Cruce, offensive tackle.
55.—Randy Cheek, linebacker.
56.—Chuckie Richardson, linebacker.
57.—Nick Bowman, defensive end.
58.—Dale Swing, center.
59.—Andy Cheatham, offensive guard.
60.—James Farr, offensive guard.
61.—Brad Fisher, offensive tackle.
62.—Brian Butcher, offensive guard.
63.—Tony Berryhill, center.
64.—Joe Ellis, offensive guard.
65.—Scott Weeks, center.
66.—William Perry, nose guard.
67.—Jim Scott, defensive tackle.
68.—Gary Brown, offensive tackle
69.—Vernie Anthony, nose guard.
70.—Brian Clark, offensive guard.
71.—Dan Benish, defensive tackle.
72.—Ray Brown, defensive tackle.
73.—Don Brinegar, offensive tackle.
74.—Bob Mayberry, offensive guard.
75.—Dean Herman, defensive tackle.
76.—Steve Berlin, defensive tackle.
77.—Lee Nanney, offensive tackle.
78.—Alex Hudson, offensive tackle.
80.—Jim Wurst, tight end.
81.—K. D. Dunn, tight end.
82.—Danny Triplett, linebacker.
84.—Bill Smith, defensive end.
85.—Bubba Diggs, tight end.
86.—Frank Fredere, tight end.
87.—Eldridge Milton, defensive end.
89.—Kendall Alley, wide receiver.
90.—Johnny Rembert, linebacker.
91.—Mike Wade, defensive end.
92.—Mark Richardson, defensive end.
94.—William Devane, nose guard.
95.—Kevin Gemas, linebacker.
96.—Chuck Meeks, linebacker.
97.—David Noelte, defensive end.
98.—Cliff McLellan, linebacker.
99.—Jeff Bryant, defensive tackle.

CLEMSON UNIVERSITY FOOTBALL COACHING STAFF

Danny Ford, head coach.
Willie Anderson, defensive line.
Steve Hale, defensive ends.
Curley Hallman, defensive backs.
Tom Harper, assistant head coach and defensive line.
Les Herrin, linebackers.
Lawson Holland, receivers.
Buddy King, offensive line.
Rex Kipps, tight ends.
Chuck Reedy, running backs.
Nelson Stokley, quarterbacks.
Larry Van Der Heyden, offensive line.
Rich Whitt, defensive backs.

CLEMSON UNIVERSITY ATHLETIC DEPARTMENT STAFF

H. C. (Bill) McLellan, athletic director.
Bobby Robinson, assistant athletic director.
Earle Ambrose, assistant to the athletic director.
Tim Bourret, associate sports information director.
Bob Bradley, sports information director.
Rick Brewer, assistant ticket manager.
Allison Dalton, promotion director.
Don Denning, administrative assistant.
George Dostal, strength training director.
Bobby Douglas, assistant equipment manager.
Len Gough, equipment manager.
Bert Henderson, assistant trainer.
Van Hilderbrand, ticket manager.
Fred Hoover, head trainer.
Les Jones, director of facilities.
Kim Kelly, assistant sports information director.
June Roach, football secretary.
Larry Sutton, assistant trainer.
Elaine Swearingen, football secretary.
Joe Turner, executive secretary of IPTAY.
Joe White, academic adviser.

CLEMSON UNIVERSITY STUDENT ATHLETIC TRAINERS

Chip Winchester, Tony Blackwell, Robby Corley, Mark Abell, Bill Long, Danny Moss, Jay Bennett, Bob Easley, Joe Franks, Vann Yates, Greg Craig, Joel Bullard, and Mike Bowman.

CLEMSON UNIVERSITY FOOTBALL MANAGERS

Ben Massengill, Alan Weitz, Eric Rivers, Jim Weldon, Jeff Singletary, Jimmy Seay, Jeff Wright, Mark Garrison, Lawrence Mudge, head manager, and Ricky Steen, head manager.

CLEMSON UNIVERSITY CHEERLEADERS

Mark Barhyte, head cheerleader, Mary McNeil, Rick Conte, Pat Hook, David Pinion, Kathy Anderson, Scott Gallaway, Karen Lawing, George Helmrich, Jennifer Hemphill, Bill Brainger, Sheri Nix, Russell Ragen, Danny Pechthalt, and Ricky Capps, Tiger.

CLEMSON UNIVERSITY ATHLETIC COUNCIL, 1981-82

Kenneth N. Vickery, Chairman.
Dr. B. J. Skelton, Vice-Chairman.
Prof. H. W. Webb, Secretary.
Dr. J. F. Geldard.
Dr. Carolyn Briscoe.
Dr. B. J. Todd.
Dr. R. C. Harshman.
Dr. Stephen S. Melsheimer, President of the Faculty Senate.
Dr. C. Stassen Thompson, Immediate Past President of the Faculty Senate.
Dr. Horace W. Fleming, Past President of the Faculty Senate.
Dr. Corinne Sawyer, Chairman of the Scholarship and Awards Committee.
I. L. "Rusty" Donkle, Jr., President of Alumni Association.
Billy G. Rogers, Immediate Past President of Alumni Association.
Dr. John H. Timmerman, President of IPTAY.
Charlie W. Bussey, Immediate Past President of IPTAY.
Fred J. Matthews, Chairman of the Graduate School Association.
John W. Pettigrew, Jr., President of the Student Body.
Reid W. Tribble, President of the Student Senate.
David Mannella, President of the Block "C" Club.

CLEMSON UNIVERSITY BOARD OF TRUSTEES

Thomas B. McTeer, Jr., Chairman (Columbia).
Louis P. Batson, Jr. (Greenville).
Robert R. Coker (Hartsville).
T. Kenneth Cribb (Spartanburg).
Dr. Fletcher C. Derrick, Jr. (Charleston).
William Green DesChamps, Jr. (Bishopville).
William N. Geiger, Jr. (Columbia).
Lewis F. Holmes, Jr. (Trenton).
Paul W. McAlister (Laurens).
Buck Mickel (Greenville).
James C. Self (Greenwood).
D. Leslie Tindal (Pinewood).
James M. Waddell, Jr. (Beaufort).

CLEMSON UNIVERSITY EXECUTIVE OFFICERS

Dr. Bill L. Atchley, President.
Dr. W. David Maxwell, Provost and Vice President for Academic Affairs.
Melvin E. Barnette, Vice President for Business and Finance.
Walter T. Cox, Vice President for Student Affairs and Dean of Students.
Admiral Joseph B. McDevitt, Executive Officer; Secretary to the Board of Trustees.
W. Harry Durham, Executive Director of University Relations.
Edward F. Byars, Executive Assistant to the President.
Benjamin W. Anderson, Legal Counsel.

CLEMSON UNIVERSITY DEANS

Arnold E. Schwartz, Dean, Graduate Studies and University Research.
Luther P. Anderson, Dean, College of Agricultural Sciences.
Harlan E. McClure, Dean, College of Architecture.
Harold F. Landrith, Dean College of Education.
Benton H. Box, Dean, College of Forest and Recreation Resources.
Mary Lohr, Dean, College of Nursing.
Henry E. Vogel, Dean, College of Science.
Ryan C. Amacher, Dean, College of Industrial Management and Textile Science.
J. Charles Jennett, Dean, College of Engineering.
Robert A. Waller, Dean, College of Liberal Arts.

IPTAY OFFICERS

Dr. J. H. Timmerman, President & Director, District III.
Bill M. Reaves, Vice-President & Director, District IV.
Lawrence Starkey, Secretary-Treasurer & Director At-Large.
Jim Patterson, Director, District I.
C. Evans Putman, Director, District II.
J. Ryan White, Director, District V.
W. T. Fort, Jr., Director, District VI.
Eddie Dalton, Director, At-Large.
Garner Bagnal, Director, At-Large.
T. C. Atkinson, Jr., Director.
Charlie W. Bussey, Director.
W. G. DesChamps, Director.
Dr. R. C. Edwards, President Emeritus of Clemson University & Director.
Harper Gault, Director.
F. Reeves Gressette, Jr., Director.
Lewis F. Holmes, Director.
F. E. Hughes, Director.
Dr. G. J. Lawhon, Jr., Director.
Calhoun Lemon, Director.
George G. Poole, Jr., Director.
Chris Suber, Director.
W. H. Taylor, Director.
Marshall Walker, Director.

[From the Anderson Independent-Mail, Jan. 22, 1982]

LEGISLATORS AGREE: TIGERS ARE TOPS

COLUMBIA—Cheering, handclapping legislators and state officials gave a noisy salute Thursday to the national champion Clemson University football team.

A standing room only, overflow crowd created a pep rally atmosphere as Coach Danny Ford and the varsity squad entered the orange-decked House chamber.

"I am starting to get accustomed to this kind of thing," an obviously nervous Ford told the crowd.

"This football team overcame quite a bit of adversity, probaly more than you or anyone will ever know," he said. "I expect some of them to hold public office before they leave this earth."

Ford and Athletic Director Bill McLellan accepted Order of Palmetto citations from Gov. Dick Riley. The honor is the highest the governor can bestow.

Riley said he was issuing the citations "in appreciation and respect of your commitment to excellence."

The governor also declared Thursday through Jan. 28 "Clemson Tigers No. 1 Week" in South Carolina.

Ford, who introduced the players in a lengthy presentation he likened to a filibuster, joked that two team members got speeding tickets on their way to the State House for the ceremony.

"I hope you can help them out," he said. "If you can't get it marked off their record, maybe you can pay for it."

Ford said he is aware lawmakers have a lot of problems to deal with, including budget cutbacks.

"If you do like these guys (players) do, you will hitch up your belt and get down to serious work," he said. "That way, we can have the best football team and the best governing body."

Ford quipped that former South Carolina Coach Jim Carlen was standing where he was a year ago, as Heisman Trophy winner George Rogers was honored by the General Assembly.

"I don't mean anything by this, because Jim Carlen is a friend of mine. But I hope being here doesn't mean I won't be coaching at Clemson very long," he said to a laughing crowd.

Carlen was fired for undisclosed reasons in December.

Clemson is also holding "Fan Appreciation Day" on Saturday, with festivities beginning in Death Valley at 10 a.m. In the event of bad weather, the large gym in Fike Field House will serve as the meeting place.

The national championship trophy will be presented by United Press International, the Coach Of The Year Award will be given to Ford by the Washington Touchdown Club and the team will receive the Orange Bowl trophy, as well.

The entire Clemson team will be on hand, as will all of the coaching staff, for pictures and autographs. Fans are encouraged to come and meet some of their favorite players.

A short program has been planned at 11:30 a.m. with Ford kicking off the appreciation day ceremonies. The Clemson cheerleaders and members of the Central Spirit Committee will also have a part on the program.

Following ceremonies at the stadium, coach Annie Tribble's Lady Tiger basketball team will play Duke University's women at 12:30 p.m., and coach Bill Foster sends his Tigers against the Blue Devils at 3:30 p.m. in a regionally-televised game.

During halftime of the men's basketball game, three trophies will be presented to the football team members.

ANNUAL REPORT REQUIREMENT OF THE FEDERAL ELECTION CAMPAIGN ACT

The following notice is submitted for the RECORD by the Secretary of the Senate:

The Office of Public Records, Office of the Secretary of the Senate, Room 623, 119 D Street, N.E. will be open Saturday, January 30, 1982 from 9 a.m. until 12 noon and Sunday, January 31st, 1982 from 12 noon until 3 p.m. to receive the January 31 Annual Report as required by the Federal Election Campaign Act, as amended.

For further information or assistance contact the Office of Public Records (telephone number 224-0322).

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

STATE OF THE UNION ADDRESS—MESSAGE FROM THE PRESIDENT—PM 105

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying document, which was ordered to lie on the table.

To the Congress of the United States:

Today marks my first State of the Union address to you, a constitutional duty as old as our Republic itself.

President Washington began this tradition in 1790 after reminding the Nation that the destiny of self-government and the "preservation of the sacred fire of liberty" is "finally staked on the experiment entrusted to the hands of the American people." For our friends in the press, who place a high premium on accuracy, let me say: I did not actually hear George Washington say that, but it is a matter of historic record.

From this podium, Winston Churchill asked the free world to stand together against the onslaught of aggression. Franklin D. Roosevelt spoke of a day of infamy and summoned a nation to arms. Douglas MacArthur made an unforgettable farewell to a country he had loved and served so well. Dwight Eisenhower reminded us that peace was purchased only at the price of strength and John F. Kennedy spoke of the burden and glory that is freedom.

When I visited this Chamber last year as a newcomer to Washington, critical of past policies which I believe had failed, I proposed a new spirit of partnership between this Congress and this Administration and between Washington and our State and local governments.

In forging this new partnership for America we could achieve the oldest hopes of our Republic—prosperity for our Nation, peace for the world, and the blessings of individual liberty for our children and, someday, for all of humanity.

It is my duty to report to you tonight on the progress we have made in our relations with other nations, on the foundation we have carefully laid for our economic recovery and, finally, on a bold and spirited initiative that I believe can change the face of American government and make it again the servant of the people.

Seldom have the stakes been higher for America. What we do and say here will make all the difference to autoworkers in Detroit, lumberjacks in the Northwest, and steelworkers in Steubenville who are in the unemployment lines; to black teenagers in Newark and Chicago; to hard-pressed farmers and small businessmen; and to millions of everyday Americans who harbor the simple wish of a safe and financially secure future for their children.

To understand the state of the Union, we must look not only at where we are and where we are going but at where we have been. The situation at this time last year was truly ominous.

The last decade has seen a series of recessions. There was a recession in 1970, another in 1974, and again in the spring of 1980. Each time, unemployment increased and inflation soon turned up again. We coined the word "stagflation" to describe this.

Government's response to these recessions was to pump up the money supply and increase spending.

In the last 6 months of 1980, as an example, the money supply increased at the fastest rate in postwar history—13 percent. Inflation remained in double digits and Government spending increased at an annual rate of 17 percent. Interest rates reached a staggering 21½ percent. There were 8 million unemployed.

Late in 1981, we sank into the present recession—largely because continued high interest rates hurt the auto industry and construction. There was a drop in productivity and the already high unemployment rate increased.

This time, however, things are different. We have an economic program in place completely different from the artificial quick-fixes of the past. It calls for reduction of the rate of increase in Government spending, and already that rate has been cut nearly in half. But reduced spending alone isn't enough. We have just implemented the first and smallest phase of a 3-year tax-rate reduction plan designed to stimulate the economy and create jobs.

Already interest rates are down to 15¾ percent, but they must still go lower. Inflation is down from 12.4 percent to 8.9 percent, and for the month of December it was running at an annualized rate of 5.2 percent.

If we had not acted as we did, things would be far worse for all Americans than they are today. Inflation, taxes and interest rates would all be higher.

A year ago, Americans' faith in their governmental process was steadily declining. Six out of ten Americans were saying they were pessimistic about their future.

A new kind of defeatism was heard. Some said our domestic problems were uncontrollable—that we had to learn to live with the seemingly endless cycles of high inflation and high unemployment.

There were also pessimistic predictions about the relationship between our Administration and this Congress. It was said we could never work together. Well, those predictions were wrong.

The record is clear, and I believe history will remember this as an era of American renewal; remember this Administration as an administration of change; and remember this Congress as a Congress of destiny.

—Together, we not only cut the increase in Government spending nearly in half, we brought about the largest tax reductions and the most sweeping changes in our tax structure since the beginning of this century. And because we indexed future taxes to the rate of inflation, we took away Government's built-in profit on inflation and its hidden incentive to grow larger at the expense of the American workers.

—Together, after 50 years of taking power away from the hands of the people in their States and local communities, we have started returning power and resources to them.

—Together, we have cut the growth of new Federal regulations nearly in half. In 1981, there were 23,000 fewer pages in the Federal Register, which lists new regulations, than there were in 1980. By deregulating oil, we have come closer to achieving energy independence and helped bring down the costs of gasoline and heating fuel.

—Together, we have created an effective Federal strike force to combat waste and fraud in Government. In just 6 months it has saved the taxpayers more than $2 billion—and it's only getting started.

—Together, we have begun to mobilize the private sector—not to duplicate wasteful and discredited Government programs, but to bring thousands of Americans into a volunteer effort to help solve many of America's social problems.

—Together, we have begun to restore that margin of military safety that insures peace. Our country's uniform is being worn once again with pride.

Together, we have made a New Beginning, but we have only begun.

No one pretends that the way ahead will be easy. In my Inaugural Address last year, I warned that the "ills we suffer have come upon us over several decades. They will not go away in days, weeks or months, but they will go away . . . because we as Americans have the capacity now, as we've had in the past, to do whatever needs to be done to preserve this last and greatest bastion of freedom."

The economy will face difficult moments in the months ahead. But, the program for economic recovery that is in place will pull the economy out of its slump and put us on the road to prosperity and stable growth by the latter half of this year.

That is why I can report to you tonight that in the near future the state of the Union and the economy will be better—much better—if we summon

the strength to continue on the course we have charted.

And so the question: If the fundamentals are in place, what now?

Two things. First, we must understand what is happening at the moment to the economy. Our current problems are not the product of the recovery program that is only just now getting under way, as some would have you believe; they are the inheritance of decades of tax and tax, spend and spend.

Second, because our economic problems are deeply rooted and will not respond to quick political fixes, we must stick to our carefully integrated plan for recovery. That plan is based on four commonsense fundamentals: continued reduction of the growth in Federal spending; preserving the individual and business tax reductions that will stimulate saving and investment; removing unnecessary Federal regulations to spark productivity; and maintaining a healthy dollar and a stable monetary policy—the latter a responsibility of the Federal Reserve System.

The only alternative being offered to this economic program is a return to the policies that gave us a trillion dollar debt, runaway inflation, runaway interest rates and unemployment.

The doubters would have us turn back the clock with tax increases that would offset the personal tax-rate reductions already passed by this Congress.

Raise present taxes to cut future deficits, they tell us. Well, I don't believe we should buy their argument. There are too many imponderables for anyone to predict deficits or surpluses several years ahead with any degree of accuracy. The budget in place when I took office had been projected as balanced. It turned out to have one of the biggest deficits in history. Another example of the imponderables that can make deficit projections highly questionable: A change of only one percentage point in unemployment can alter a deficit up or down by some $25 billion.

As it now stands, our forecasts, which we are required by law to make, will show major deficits, starting at less than $100 billion and declining, but still too high.

More important, we are making progress with the three keys to reducing deficits: economic growth, lower interest rates, and spending control. The policies we have in place will reduce the deficit steadily, surely and, in time, completely.

Higher taxes would not mean lower deficits. If they did, how would we explain that tax revenues more than doubled just since 1976, yet in the same 6-year period we ran the largest series of deficits in our history. In 1980 tax revenues increased by $54 billion—and in 1980 we had one of our all-time biggest deficits.

Raising taxes won't balance the budget. It will encourage more Government spending and less private investment. Raising taxes will slow economic growth, reduce production and destroy future jobs, making it more difficult for those without jobs to find them and more likely that those who now have jobs could lose them.

So I will not ask you to try to balance the budget on the backs of the American taxpayers. I will seek no tax increases this year and I have no intention of retreating from our basic program of tax relief. I promised the American people to bring their tax rates down and keep them down—to provide them incentives to rebuild our economy, to save, to invest in America's future. I will stand by my word. Tonight I am urging the American people: Seize these new opportunities to produce, save and invest, and together we will make this economy a mighty engine of freedom, hope and prosperity again.

The budget deficit this year will exceed our earlier expectations. The recession did that. It lowered revenues and increased costs. To some extent, we are also victims of our own success. We have brought inflation down faster than we thought we could and have thus deprived Government of those hidden revenues that occur when inflation pushes people into higher income tax brackets. And the continued high interest rates last year cost the Government about $5 billion more than anticipated.

We must cut our more nonessential Government spending and root out more waste, and we will continue our efforts to reduce the number of employees in the Federal work force by 75,000.

The budget plan I submit to you on February 8 will realize major savings by dismantling the Departments of Energy and Education, and by eliminating ineffective subsidies for business. We will continue to redirect our resources to our two highest budget priorities—a strong national defense to keep America free and at peace, and a reliable safety net of social programs for those who have contributed and those who are in need.

Contrary to some of the wild charges you may have heard, this administration has not and will not turn its back on America's elderly or America's poor. Under the new budget, funding for social insurance programs will be more than double the amount spent only 6 years ago.

But it would be foolish to pretend that these or any programs cannot be made more efficient and economical.

The entitlement programs that make up our safety net for the truly needy have worthy goals and many deserving recipients. We will protect them. But there is only one way to see to it that these programs really help those whom they were designed to help, and that is to bring their spiraling costs under control.

Today we face the absurd situation of a Federal budget with three-quarters of its expenditures routinely referred to as "uncontrollable"—and a large part of this goes to entitlement programs.

Committee after committee of this Congress has heard witness after witness describe many of these programs as poorly administered and rife with waste and fraud. Virtually every American who shops in a local supermarket is aware of the daily abuses that take place in the food stamp program—which has grown by 16,000 percent in the last 15 years. Another example is medicare and medicaid—programs with worthy goals but whose costs have increased from $11.2 billion to almost $60 billion, more than five times as much, in just 10 years.

Waste and fraud are serious problems. Back in 1980, Federal investigators testified before one of your committees that "corruption has permeated virtually every area of the medicare and medicaid health care industry." One official said many of the people who are cheating the system were "very confident that nothing was going to happen to them."

Well, something is going to happen. Not only the taxpayers are defrauded—the people with real dependency on these programs are deprived of what they need because available resources are going not to the needy but to the greedy.

The time has come to control the uncontrollable.

In August we made a start. I signed a bill to reduce the growth of these programs by $44 billion over the next 3 years, while at the same time preserving essential services for the truly needy. Shortly you will receive from me a message on further reforms we intend to install—some new, but others long recommended by your own congressional committees. I ask you to help make these savings for the American taxpayer.

The savings we propose in entitlement programs will total some $63 billion over 4 years and will, without affecting social security, go a long way toward bringing Federal spending under control.

But don't be fooled by those who proclaim that spending cuts will deprive the elderly, the needy and the helpless. The Federal Government will still subsidize 95 million meals every day. That's one out of seven of all the meals served in America. Head Start, senior nutrition programs, and child welfare programs will not be cut from the levels we proposed last year. More than one-half billion dollars has been

proposed for minority business assistance. And research at the National Institutes of Health will be increased by over $100 million. While meeting all these needs, we intend to plug unwarranted tax loopholes and strengthen the law which requires all large corporations to pay a minimum tax.

I am confident the economic program we have put into operation will protect the needy while it triggers a recovery that will benefit all Americans. It will stimulate the economy, result in increased savings and thus provide capital for expansion, mortgages for homebuilding, and jobs for the unemployed.

Now that the essentials of that program are in place, our next major undertaking must be a program—just as bold, just as innovative—to make government again accountable to the people, to make our system of federalism work again.

Our citizens feel they have lost control of even the most basic decisions made about the essential services of government, such as schools, welfare, roads, and even garbage collection. They are right.

A maze of interlocking jurisdictions and levels of government confronts average citizens in trying to solve even the simplest of problems. They do not know where to turn for answers, who to hold accountable, who to praise, who to blame, who to vote for or against.

The main reason for this is the overpowering growth of the Federal grants-in-aid programs during the past few decades.

In 1960, the Federal Government had 132 categorical grant programs, costing $7 billion. When I took office, there were approximately 500, costing nearly $100 billion—13 programs for energy conservation, 36 for pollution control, 66 for social services, and 90 for education. The list goes on and on. Here in the Congress, it takes at least 166 committees just to try to keep track of them.

You know and I know that neither the President nor the Congress can properly oversee this jungle of grants-in-aid; indeed, the growth of these grants has lead to a distortion in the vital functions of government. As one Democratic governor put it recently: The National Government should be worrying about "arms control not potholes."

The growth in these Federal programs has—in the words of one intergovernmental commission—made the Federal Government "more pervasive, more intrusive, more unmanageable, more ineffective, more costly and above all more unaccountable."

Let us solve this problem with a single, bold stroke—the return of some $47 billion in Federal programs To State and local government, together with the means to finance them and a transition period of nearly 10 years to avoid unnecessary disruption.

I will shortly send the Congress a message describing this program. I want to emphasize, however, that its full details will have been worked out only after close consultation with congressional, State and local officials.

Starting in fiscal 1984, the Federal Government will assume full responsibility for the cost of the rapidly growing medicaid program to go along with its existing responsibility for medicare. As part of a financially equal swap, the States will simultaneously take full responsibility for aid to families with dependent children and food stamps. This will make welfare less costly and more responsive to genuine need because it will be designed and administered closer to the grassroots and the people it serves.

In 1984, the Federal Government will apply the full proceeds from certain excise taxes to a grassroots trust fund that will belong, in fair shares, to the 50 States. The total amount flowing into this fund will be $28 billion a year.

Over the next 4 years, the States can use this money in either of two ways. If they want to continue receiving Federal grants in such areas as transportation, education and social services, they can use their trust fund money to pay for the grants or—to the extent they choose to forego the Federal grant programs—they can use their trust fund money on their own, for those or other purposes. There will be a mandatory passthrough of part of these funds to local governments.

By 1988, the States will be in complete control of over 40 Federal grant programs. The trust fund will start to phase out, eventually to disappear, and the excise taxes will be turned over to the States. They can then preserve, lower or raise taxes on their own and fund and manage these programs as they see fit.

In a single stroke, we will be accomplishing a realignment that will end cumbersome administration and spiraling costs at the Federal level while we insure these programs will be more responsive to both the people they are meant to help and the people who pay for them.

Hand in hand with this program to strengthen the discretion and flexibility of State and local governments, we are proposing legislation for an experimental effort to improve and develop our depressed urban areas in the 1980's and 1990's. This legislation will permit States and localities to apply to the Federal Government for designation as urban enterprise zones. A broad range of special economic incentives in the zones will help attract new business, new jobs, and new opportunity to America's inner cities and rural towns. Some will say our mission is to save free enterprise. I say we must free enterprise so that, together, we can save America.

Some will also say our States and local communities are not up to the challenge of a new and creative partnership. That might have been true 20 years ago before reforms like reapportionment and the Voting Rights Act, the 10-year extension of which I strongly support. It is no longer true today. This administration has faith in State and local governments and the constitutional balance envisioned by the Founding Fathers. We also believe in the integrity, decency and sound good sense of grassroots Americans.

Our faith in the American people is reflected in another major endeavor. Our private sector initiatives task force is seeking out successful community models of school, church, business, union, foundation and civic programs that help community needs. Such groups are almost invariably far more efficient than government in running social programs.

We are not asking them to replace discarded and often discredited government programs dollar for dollar, service for service. We just want to help them perform the good works they choose, and help others to profit by their example. Three hundred eighty-five thousand corporations and private organizations are already working on social programs ranging from drug rehabilitation to job training, and thousands more Americans have written us asking how they can help. The volunteer spirit is still alive and well in America.

Our Nation's long journey toward civil rights for all our citizens—once a source of discord, now a source of pride—must continue with no backsliding or slowing down. We must and shall see that those basic laws that guarantee equal rights are preserved and, when necessary, strengthened. Our concern for equal rights for women is firm and unshakable. We launched a new Task Force on Legal Equity for Women, and a Fifty-States Project that will examine State laws for discriminatory language. And for the first time in our history a woman sits on the highest court in the land. So, too, the problem of crime—one as real and deadly serious as any in America today—demands that we seek transformation of our legal system, which overly protects the rights of criminals while it leaves society and the innocent victims of crime without justice.

We look forward to the enactment of a responsible Clean Air Act to increase jobs while continuing to improve the quality of our air. We are encouraged by the bipartisan initiative of the House and are hopeful of further progress as the Senate continues its deliberations.

So far I have concentrated largely on domestic matters. To view the state of the Union in perspective, we must not ignore the rest of the world. There isn't time tonight for a lengthy treatment of foreign policy—a subject I intend to address in detail in the near future. A few words, however, are in order on the progress we have made over the past year reestablishing respect for our Nation around the globe and some of the challenges and goals we will approach in the year ahead.

At Ottawa and Cancun, I met with leaders of the major industrial powers and developing nations. Some of those I met were a little surprised that I didn't apologize for America's wealth. Instead I spoke of the strength of the free marketplace system and how it could help them realize their aspirations for economic development and political freedom. I believe lasting friendships were made and the foundation was laid for future cooperation.

In the vital region of the Caribbean basin, we are developing a program of aid, trade and investment incentives to promote self-sustaining growth and a better, more secure life for our neighbors to the South. Toward those who would export terrorism and subversion in the Caribbean and elsewhere, especially Cuba and Libya, we will act with firmness.

Our foreign policy is a policy of strength, fairness and balance. By restoring America's military credibility, by pursuing peace at the negotiating table wherever both sides are willing to sit down in good faith, and by regaining the respect of America's allies and adversaries alike, we have strengthened our country's position as a force for peace and progress in the world.

When action is called for, we are taking it. Our sanctions against the military dictatorship that has attempted to crush human rights in Poland—and against the Soviet regime behind that military dictatorship—clearly demonstrated to the world that America will not conduct "business as usual" with the forces of oppression.

If the events in Poland continue to deteriorate, further measures will follow.

Let me also note that private American groups have taken the lead in making January 30 a day of solidarity with the people of Poland—so, too, the European Parliament has called for March 21 to be an international day of support for Afghanistan. I urge all peace-loving peoples to join together on those days, to raise their voices, to speak and pray for freedom.

Meanwhile, we are working for reduction of arms and military activities. As I announced in my address to the Nation last November 18, we have proposed to the Soviet Union a far-reaching agenda for mutual reduction of military forces and have already initiated negotiations with them in Geneva on intermediate-range nuclear forces.

In those talks it is essential that we negotiate from a position of strength. There must be a real incentive for the Soviets to take these talks seriously. This requires that we rebuild our defenses.

In the last decade, while we sought the moderation of Soviet power through a process of restraint and accommodation, the Soviets engaged in an unrelenting buildup of their military forces.

The protection of our national security has required that we undertake a substantial program to enhance our military forces.

We have not neglected to strengthen our traditional alliances in Europe and Asia, or to develop key relationships with our partners in the Middle East and other countries.

Building a more peaceful world requires a sound strategy and the national resolve to back it up. When radical forces threaten our friends, when economic misfortune creates conditions of instability, when strategically vital parts of the world fall under the shadow of Soviet power, our response can make the difference between peaceful change or disorder and violence. That is why we have laid such stress not only on our own defense, but on our vital foreign assistance program. Your recent passage of the Foreign Assistance Act sent a signal to the world that America would not shrink from making the investments necessary for both peace and security. Our foreign policy must be rooted in realism, not naivete or self-delusion.

A recognition of what the Soviet empire is about is the starting point. Winston Churchill, in negotiating with the Soviets, observed that they respect only strength and resolve in their dealings with other nations.

That is why we have moved to reconstruct our national defenses. We intend to keep the peace—we will also keep our freedom.

We have made pledges of a new frankness in our public statements and worldwide broadcasts. In the face of a climate of falsehood and misinformation, we have promised the world a season of truth—the truth of our great civilized ideas: individual liberty, representative government, the rule of law under God.

We have never needed walls, mine fields and barbwire to keep our people in. Nor do we declare martial law to prevent our people from voting for the kind of government they want.

Yes, we have our problems; yes, we are in a time of recession. And it's true, there is no quick fix to instantly end the tragic pain of unemployment. But we will end it—the process has already begun and we'll see its effect as this year goes on.

We speak with pride and admiration of that little band of Americans who overcame insuperable odds to set this Nation on course 200 years ago. But our glory didn't end with them—Americans ever since have emulated their deeds.

We don't have to turn to our history books for heroes. They are all around us. One who sits among you here tonight epitomized that heroism at the end of the longest imprisonment ever inflicted on men of our armed forces. Who can ever forget that night when we waited for television to bring us the scene of that first plane landing at Clark Field in the Philippines—bringing our POW's home. The plane door opened and Jeremiah Denton came slowly down the ramp. He caught sight of our flag, saluted, and said, "God bless America," then thanked us for bringing him home.

Just 2 weeks ago, in the midst of a terrible tragedy on the Potomac, we saw again the spirit of American heroism at its finest—the heroism of dedicated rescue workers saving crash victims from icy waters. We saw the heroism of one of our young Government employees, Lenny Skutnik, who, when he saw a woman lose her grip on the helicopter line, dived into the water and dragged her to safety.

And then there are countless quiet, everyday heroes of American life—parents who sacrifice long and hard so their children will know a better life than they have known; church and civic volunteers who help to feed, clothe, nurse and teach the needy; millions who have made our Nation, and our Nation's destiny, so very special—unsung heroes who may not have realized their dreams themselves but who then reinvest those dreams in their children.

Don't let anyone tell you that America's best days are behind her—that the American spirit has been vanquished. We've seen it triumph too often in our lives to stop believing in it now.

One hundred and twenty years ago, the greatest of all our Presidents delivered his second State of the Union Message in this Chamber. "We cannot escape history," Abraham Lincoln warned. "We of this Congress and this administration will be remembered in spite of ourselves." The "trial through which we pass will light us down in honor or dishonor to the latest generation."

That President and that Congress did not fail the American people. Together, they weathered the storm and preserved the Union.

Let it be said of us that we, too, did not fail; that we, too, worked together to bring America through difficult times. Let us so conduct ourselves that two centuries from now, another Congress and another President, meeting

in this Chamber as we are meeting, will speak of us with pride, saying that we met the test and preserved for them in their day the sacred flame of liberty—this last, best hope of man on Earth.

RONALD REAGAN.

THE WHITE HOUSE, *January 26, 1982.*

MESSAGE FROM THE HOUSE

At 10:35 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 382. Joint resolution to permit the broadcasting in the United States of the International Communication Agency film "Let Poland Be Poland: A Day of Solidarity With the People of Poland."

The message also announced that pursuant to Public Law 301 of the 78th Congress, the chairman of the Committee on Merchant Marine and Fisheries has appointed the following Members on the part of the House to serve as members of the Board of Visitors to the U.S. Coast Guard Academy for the year 1982: Mr. STUDDS, Mr. HUGHES, Mr. YOUNG of Alaska, and Mr. JONES of North Carolina, ex officio.

The message further announced that pursuant to Public Law 453 of the 96th Congress, as amended, the chairman of the Committee on Merchant Marine and Fisheries has appointed the following Members on the part of the House to serve as members of the Board of Visitors to the U.S. Merchant Marine Academy for the year 1982: Mr. BIAGGI, Mr. DONNELLY, Mr. MCCLOSKEY, and Mr. JONES of North Carolina, ex officio.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2474. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council on December 8, 1981; to the Committee on Governmental Affairs.

EC-2475. A communication from the Director of the Office of Legislative Affairs, Agency for International Development, transmitting, pursuant to law, the annual report of the Agency on the disposal of foreign excess property for fiscal year 1981; to the Committee on Governmental Affairs.

EC-2476. A communication from the Administrator of Veterans' Affairs, transmitting, pursuant to law, a report on a new Privacy Act system of records for the Veterans' Administration; to the Committee on Governmental Affairs.

EC-2477. A communication from the Secretary of the U.S. Consumer Product Safety Commission, transmitting, pursuant to law, a report on the revision of a Privacy Act system of records by the Commission; to the Committee on Governmental Affairs.

EC-2478. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, a report on a new Privacy Act system of records for the Department of Defense; to the Committee on Governmental Affairs.

EC-2479. A communication from the Assistant Secretary of Indian Affairs of the Department of the Interior, transmitting, pursuant to law, a report on the use of the judgment funds awarded to the Coeur d'Alene Tribe of Indians of Idaho; to the Select Committee on Indian Affairs.

EC-2480. A communication from the Acting Assistant Secretary of Indian Affairs of the Department of the Interior, transmitting, pursuant to law, a report on the use of the judgment funds awarded to the Colorado River Indian Tribes of the Colorado River Indian Reservation; to the Select Committee on Indian Affairs.

EC-2481. A communication from the Assistant Secretary of Indian Affairs of the Department of the Interior, transmitting, pursuant to law, a report on the use of judgment funds awarded to the Kalispel Indian Community of Washington; to the Select Committee on Indian Affairs.

EC-2482. A communication from the Acting Assistant Secretary of Indian Affairs of the Department of the Interior, transmitting, pursuant to law, a report on the use of the judgment funds awarded to the Spokane Indian Tribe of the Spokane Reservation; to the Select Committee on Indian Affairs.

EC-2483. A communication from the Chairman of the U.S. Commission on Civil Rights, transmitting, pursuant to law, a report on battered women and the administration of justice and a report on the Federal response to domestic violence; to the Committee on the Judiciary.

EC-2484. A communication from the Veterans of World War I, transmitting an accountant's audit of the organization for the fiscal year ending September 30, 1981; to the Committee on the Judiciary.

EC-2485. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the impact of CETA on employability development systems; to the Committee on Labor and Human Resources.

EC-2486. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on public health personnel in the United States; to the Committee on Labor and Human Resources.

EC-2487. A communication from the Director of ACTION, transmitting, pursuant to law, a notice on VISTA guidelines; to the Committee on Labor and Human Resources.

EC-2488. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on the Federal voting assistance program, December 1981; to the Committee on Rules and Administration.

EC-2489. A communication from the Administrator of Veterans' Affairs, transmitting, pursuant to law, a report on the sharing of medical resources program of the Veterans' Administration for fiscal year 1981; to the Committee on Veterans' Affairs.

EC-2490. A communication from the Executive Associate Director of the Office of Management and Budget, transmitting, pursuant to law, a report of reapportionment of appropriations for salaries and expenses of U.S. attorneys and marshals of the Department of Justice; to the Committee on Appropriations.

EC-2491. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on a violation of section 3679 of the Revised Statutes; to the Committee on Appropriations.

EC-2492. A communication from the Deputy Assistant Secretary of Defense, transmitting, pursuant to law, a notification of four construction projects to be undertaken by the Air National Guard; to the Committee on Armed Services.

EC-2493. A communication from the Secretary of Commerce, transmitting, pursuant to law, the National Marine Fisheries Service report for the calendar year 1979; to the Committee on Commerce, Science, and Transportation.

EC-2494. A communication from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, a request for additional time to investigate tariff schedules; to the Committee on Commerce, Science, and Transportation.

EC-2495. A communication from the Director of the Office of Technology Assessment, U.S. Congress, transmitting, pursuant to law, a report entitled "An Assessment of Development and Production Potential of Federal Coal Leases"; to the Committee on Energy and Natural Resources.

EC-2496. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Strategic Petroleum Reserve: Substantial Progress Made, but Capacity and Oil Quality Concerns Remain"; to the Committee on Energy and Natural Resources.

EC-2497. A communication from the Under Secretary of Interior transmitting, pursuant to law, notice of the oil and gas lease sale No. 67, Gulf of Mexico, to be held February 9, 1982; to the Committee on Energy and Natural Resources.

EC-2498. A communication from the Chairman of the Upper Mississippi River Basin Commission transmitting, pursuant to law, a report on the comprehensive master plan for management of the upper Mississippi River system; to the Committee on Environment and Public Works.

EC-2499. A communication from the Administrator of the Environmental Protection Agency transmitting, pursuant to law, the annual report for calendar year 1980 on the administration of the ocean dumping permit program; to the Committee on Environment and Public Works.

EC-2500. A communication from the Chairman of the Nuclear Regulatory Commission transmitting, pursuant to law, a report on contract activity involving fiscal year 1978 funds and changes in obligations thereof in fiscal year 1981; to the Committee on Environment and Public Works.

EC-2501. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Legislative and Administrative Changes To Improve Verification of Welfare Recipients' Income and Assets Could Save Hundreds of Millions"; to the Committee on Finance.

EC-2502. A communication from the Secretary of the Treasury and the Secretary of Transportation transmitting, pursuant to law, a report entitled "Tax-Exempt Financing of Railroad Feeder Line Rehabilitation"; to the Committee on Finance.

EC-2503. A communication from the Chairman of the Civil Rights Commission transmitting a statement of the Commission regarding the decision to permit the Internal Revenue Service to grant tax-exempt

status to schools that discriminate on the basis of race; to the Committee on Finance.

EC-2504. A communication from the Secretary of State, transmitting, pursuant to law, the report on his efforts to prevent the spraying of marihuana with herbicides that are likely to cause serious harm to human health; to the Committee on Foreign Relations.

EC-2505. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a report on a new personnel record system; to the Committee on Governmental Affairs.

EC-2506. A communication from the Director of the Office of Congressional and Public Affairs of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the Annual Report for 1980 on the Government in the Sunshine Act; to the Committee on Governmental Affairs.

EC-2507. A communication from the Assistant Secretary of Indian Affairs of the Department of the Interior, transmitting, pursuant to law, a plan for the use and distribution of funds awarded to the Shawnee Tribe of Indians; to the Select Committee on Indian Affairs.

EC-2508. A communication from the Director of the Administrative Office of U.S. Courts, transmitting, pursuant to law, a report of the Judicial Conference of the United States on the Federal magistrates system; to the Committee on the Judiciary.

EC-2509. A communication from the Secretary of the Department of Education, transmitting, pursuant to law, a report of the final regulations for the institutional aid program; to the Committee on Labor and Human Resources.

EC-2510. A communication from the Secretary of the Department of Education, transmitting, pursuant to law, a report on the 1982-83 Pell grant program family contribution schedule; to the Committee on Labor and Human Resources.

EC-2511. A communication from the Secretary of the Department of Education, transmitting, pursuant to law, a report on the final regulations of the educational opportunity centers program; to the Committee on Labor and Human Resources.

EC-2512. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a study of State laws, death investigation systems, practices, and their impact on those affected by sudden infant death syndrome; to the Committee on Labor and Human Resources.

EC-2513. A communication from the Chairman of the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research, transmitting, pursuant to law, a biennial report on "Protecting Human Subjects"; to the Committee on Labor and Human Resources.

EC-2514. A communication from the Acting Executive Secretary of Defense, transmitting, pursuant to law, a report of Department of Defense procurement from small and other business firms for fiscal year 1981; to the Committee on Small Business.

EC-2515. A communication from the Acting General Counsel of the U.S. General Accounting Office, transmitting, pursuant to law, a report on the status of budget authority proposed for rescission, but for which Congress failed to pass a rescission bill; to the Committee on Appropriations, the Committee on Budget, and the Committee on Armed Services.

EC-2516. A communication from the General Counsel of the Department of the Air Force, transmitting a draft of legislation concerning costs and fees incurred by civilians employed by the Armed Forces appearing before foreign judicial tribunals; to the Committee on Armed Services.

EC-2517. A communication from the Deputy Assistant Secretary of Defense, transmitting, pursuant to law, reports for each of the armed services concerning compliance with the Aviation Career Incentive Act during the period October 1, 1980, through September 30, 1981; to the Committee on Armed Services.

EC-2518. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on the allocation of civilians in the Department of Defense; to the Committee on Armed Services.

EC-2519. A communication from the Assistant Secretary of the Air Force for Research, Development and Logistics, transmitting, pursuant to law, a report on the conversion of performance of commercial and industrial type functions from DOD personnel to private contractors; to the Committee on Armed Services.

EC-2520. A communication from the Deputy Assistant Secretary of Defense for Facilities, Environment, and Economic Adjustment, transmitting, pursuant to law, a report on 11 construction projects to be undertaken by the Air Force Reserve; to the Committee on Armed Services.

EC-2521. A communication from the Deputy Assistant Secretary of Defense for Facilities, Environment, and Economic Adjustment, transmitting, pursuant to law, a report on 19 construction projects to be undertaken by the Air National Guard; to the Committee on Armed Services.

EC-2522. A communication from the Acting Assistant Attorney General of the Antitrust Division of the Department of Justice, transmitting, pursuant to law, a report on the enforcement of title I of the Consumer Credit Protection Act for the calendar year 1981; to the Committee on Banking, Housing, and Urban Affairs.

EC-2523. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the annual report on Indian and Alaska Native housing and community development programs; to the Committee on Banking, Housing, and Urban Affairs.

EC-2524. A communication from the Under Secretary of Energy, transmitting, pursuant to law, the annual report on the uranium mill tailings remedial action program; to the Committee on Energy and Natural Resources.

EC-2525. A communication from the Secretary of Argiculture and the Secretary of Energy, transmitting, pursuant to law, a notification of delay in preparation of the biomass energy production and use plan for the 1983-90 period; to the Committee on Energy and Natural Resources.

EC-2526. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report on power pooling in the electric utility industry; to the Committee on Energy and Natural Resources.

EC-2527. A communication from the Under Secretary of the Interior, transmitting, pursuant to law, a report on a refund of excess royalty payments to Gulf Oil Corp.; to the Committee on Energy and Natural Resources.

EC-2528. A communication from the Federal inspector of the Alaska natural gas transportation system, transmitting, pursuant to law, a report on project developments from October 1981 through December 1981; to the Committee on Energy and Natural Resources.

EC-2529. A communication from the Secretary of Energy, transmitting, pursuant to law, the Annual Report (Fiscal Year 1980) on Federal Government Energy Management; to the Committee on Energy and Natural Resources.

EC-2530. A communication from the Commissioner of the Northern Mariana Islands Commission on Federal Laws, transmitting, pursuant to law, a report on the application of U.S. law on the islands; to the Committee on Energy and Natural Resources.

EC-2531. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report on 13 lease prospectuses; to the Committee on Environment and Public Works.

EC-2532. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Do Aged Medicare Patients Receive More Costly Routine Nursing Services? Evidence Inconclusive"; to the Committee on Finance.

EC-2533. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the 14th Annual Report on Medicare for Fiscal Year 1980; to the Committee on Finance.

EC-2534. A communication from the Secretary of the Treasury transmitting, pursuant to law, the Treasury combined statement of receipts, expenditures and balances of the U.S. Government for the fiscal year ended September 30, 1981; to the Committee on Finance.

EC-2535. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Legislation Authorized Benefits Without Adequate Evidence of Black Lung or Disability"; to the Committee on Finance.

EC-2536. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, copies of international agreements other than treaties, entered into by the United States within the previous 60 days; to the Committee on Foreign Relations.

EC-2537. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a review of selected Presidential and Vice Presidential expenditures for fiscal 1980; to the Committee on Governmental Affairs.

EC-2538. A communication from the Inspector General of Health and Human Services, transmitting, pursuant to law, the quarterly report of the Office of Inspector General for the period July 1 to September 30, 1981; to the Committee on Governmental Affairs.

EC-2539. A communication from the Assistant Secretary for Health of the Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Drug Abuse Treatment Outcome Prospective Study (TOPS)"; to the Committee on Governmental Affairs.

EC-2540. A communication from the Deputy Administrator of the General Services Administration, transmitting, pursuant to law, a Report on the Donation of Federal Surplus Personal Property for Fiscal Year 1981; to the Committee on Governmental Affairs.

EC-2541. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report entitled "Redistricting Procedure Act

of 1981"; to the Committee on Governmental Affairs.

EC-2542. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report entitled "Unemployment Trust Fund Revenue Temporary Act of 1981"; to the Committee on Governmental Affairs.

EC-2543. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report entitled "Uniform Commercial Code Amendments Act of 1981"; to the Committee on Governmental Affairs.

EC-2544. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report entitled "Election, Campaign Finance Reform and Conflict of Interest Act, Latino Community Development, and Official Correspondence Regulations Amendments Act of 1981"; to the Committee on Governmental Affairs.

EC-2545. A communication from the Assistant Secretary for Indian Affairs of the Department of the Interior, transmitting, pursuant to law, a recommendation for the use and distribution of funds awarded to the Wyandot Indians; to the Committee on Governmental Affairs.

EC-2546. A communication from the Chairman of the Administrative Conference of the United States, transmitting, pursuant to law, a conference report on the Freedom of Information Act; to the Committee on the Judiciary.

EC-2547. A communication from the acting circuit executive of the U.S. Court of Appeals, Fifth Judicial Circuit, transmitting a summary and annual report for the year 1981; to the Committee on the Judiciary.

EC-2548. A communication from the Clerk of the U.S. Court of Claims, transmitting, pursuant to law, the annual report of the court for the year ended September 30, 1981; to the Committee on the Judiciary.

EC-2549. A communication from the Secretary of Education, transmitting, pursuant to law, a report on final regulations for school assistance in case of certain disasters; to the Committee on Labor and Human Resources.

EC-2550. A communication from the Deputy Administrator of the General Services Administration, transmitting, pursuant to law, a note on responses to National Advisory Council on Economic Opportunity reports; to the Committee on Labor and Human Resources.

EC-2551. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a financial disclosure report regarding Public Health Service; to the Committee on Labor and Human Resources.

EC-2552. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Fiscal Year 1980 Report on the Health Maintenance Organization Program; to the Committee on Labor and Human Resources.

EC-2553. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Fiscal Year 1981 Report of the National Heart, Lung, and Blood Advisory Council; to the Committee on Labor and Human Resources.

EC-2554. A communication from the Chairman for the Federal Election Commission, transmitting, pursuant to law, a report on public financing of candidates for the 1980 Presidential primary and general elections; to the Committee on Labor and Human Resources.

EC-2555. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the Fiscal Year 1981 Report on the Government Printing Office's Financial Statements; to the Committee on Rules and Administration.

EC-2556. A communication from the Secretary of the Federal Trade Commission transmitting, pursuant to law, a trade regulation and statement of basis and purpose governing the sale of used motor vehicles; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-656. A resolution adopted by the Texas Section, Society for Range Management, opposing proposed changes in the Draft 1981 Resources Conservation Act Program Report; to the Committee on Agriculture, Nutrition, and Forestry.

POM-657. A petition from a citizen of Fort Valley, Georgia, favoring the building of certain weapons systems necessary to America's security; to the Committee on Armed Services.

POM-658. A petition from a citizen of St. Augustine, Florida, favoring congressional cooperation with the efforts of the Reagan Administration to strengthen America's military power; to the Committee on Armed Services.

POM-659. A resolution adopted by the House of Representatives of the State of Michigan; to the Committee on Banking, Housing, and Urban Affairs.

"HOUSE RESOLUTION No. 296"

"Whereas, There is now pending before the Congress S. 1406, which would preempt the Michigan usury law; and

"Whereas, Michigan, along with most other states, has continually evaluated its interest rate ceilings, along with its other consumer protection laws, and has seen fit to raise those limits on various types of loans over the past years to meet the unique economic needs of the state; and

"Whereas, The states have historically regulated interest rates, other charges, and contract terms on loans to consumers to prevent gouging and other abuses; and

"Whereas, S. 1406 goes far beyond the removal of interest rate ceilings and will eliminate any law or constitutional provision which in any way limits what may be charged in consumer credit transactions; and

"Whereas, S. 1406 threatens to undermine language in Michigan law which requires that fees in addition to interest be 'reasonable and necessary' or be related to 'actual expenses', and would eliminate the prohibition now contained in Michigan law against variable interest rates, without providing adequate protection to consumers; and

"Whereas, The Michigan Legislature has, as recently as July of this year, enacted a law to curb abuses in the second mortgage industry. The attorney general has moved vigorously to enforce existing laws which prohibit excessive interest rates and high brokerage fees on second mortgages, and the passage of S. 1406 will eliminate vital provisions of those laws allowing the homes of Michigan citizens to be put at risk; and

"Whereas, The people of Michigan are already staggering under the burden of high prices for food, shelter, transportation, medical care, utilities, reduced real incomes, and underemployment or unemployment; and

"Whereas, The real incomes of American families were down 5.5 percent in 1980, the biggest plunge since the Census Bureau began keeping statistics in 1947, and 492,000 workers in Michigan were unemployed in August, fully 11 percent of the labor force; and

"Whereas, Michigan consumers and businesses are already overburdened with high interest rates to the point where the costs of financing have made the purchase of homes and cars undesirable if not impossible for Michigan citizens, and have contributed to the decline of Michigan businesses; and

"Whereas, The University of Michigan's prestigious Survey Research Center has reported that:

"'Favorable buying attitudes have remained near record low levels due to high interest rates—especially in the housing and car markets.'; and

"Whereas, Removing interest rate ceilings on mortgages and business loans through the federal Monetary Control Act of 1980 has not revitalized mortgage lending or small business; and

"Whereas, Two of the most successful stimulants to the Michigan economy in the last year were the lowering of interest to 13.8 percent on auto loans by GMAC and to 12⅞ percent on home loans through the investment of state pension funds; and

"Whereas, Elimination of interest rate ceilings in individual states without regard for the integral role they play in consumer protection schemes has led to higher interest rates and abuses; now, therefore, be it

"Resolved by The House of Representatives, That this body urges the United States Congress to reject S. 1406 and any other similar legislation that would preempt the duly considered laws regulating consumer credit which have been enacted by this Legislature or that of any other state; and be it further

"Resolved, That a copy of this resolution be forwarded to the President of the Senate and to the Speaker of the House of Representatives, to each member of the Michigan delegation in the United States Congress, to the Chairperson of the Committee on Banking in the United States Senate, and to the Chairperson of the Consumer Affairs Subcommittee of the House Committee on Banking Finance and Urban Affairs."

POM-660. A resolution adopted by the Nevada Cattlemen's Association and Nevada Woolgrowers Association Joint Convention, favoring the purchasing of Federal Reserve stock and setting up a new monetary system; to the Committee on Banking, Housing, and Urban Affairs.

POM-661. A resolution adopted by the Council of State Governments' Eastern Regional Conference, opposing Federal preemption of State usury laws; to the Committee on Banking, Housing, and Urban Affairs.

POM-662. A resolution adopted by the Board of Aldermen, St. Louis, Missouri, relative to transportation of radioactive materials; to the Committee on Commerce, Science, and Transportation.

POM-663. A resolution adopted by the Nevada Cattlemen's Association and Nevada Woolgrowers Association, relative to the MX Missile on rangeland; to the Committee on Energy and Natural Resources.

POM-664. A resolution adopted by the Baton Rouge Area Chamber of Commerce,

relative to access to natural gas; to the Committee on Energy and Natural Resources.

POM-665. A resolution adopted by Council 92, AFSCME, Maryland Employees, opposing the decontrol of natural gas; to the Committee on Energy and Natural Resources.

POM-666. A joint resolution adopted by the Legislature of the State of Ohio; to the Committee on Environment and Public Works.

"AMENDED HOUSE JOINT RESOLUTION NO. 33

"Be it Resolved by the General Assembly of the State of Ohio:

"Whereas, The Congress of the United States is currently conducting a legislative review of the Clear Air Act, and is considering amendments to that statute; and

"Whereas, As a part of this process, Congress will be determining whether legislative action imposing new, more restictive air pollution control requirements is necessary to remedy harms alleged to result from the long range transport of air pollutants, such as 'acid rain'; and

"Whereas, The President is currently evaluating the request of the Government of Canada for the negotiation of an international agreement on the subject of transboundary air pollution and 'acid rain,' which agreements may require the imposition of unduly restrictive air pollution control requirements; and

"Whereas, There is substantial disagreement among members of the scientific community concerning the mechanics of the long range transport of air pollutants, and the origins, effects, and control of 'acid rain'; and

"Whereas, The imposition of unduly restrictive air pollution control requirements, especially those relating to the control of emissions of sulfur dioxide, will have a severe detrimental impact on Ohio industry, its employees, utility ratepayers, and on all citizens of Ohio; now therefore be it

"Resolved, That the 114th General Assembly of the State of Ohio memorializes the President and the Congress of the United States to consider the impact on the economy and energy requirements of Ohio and other midwestern states which may result from proposed amendments to the Clean Air Act, or from the proposed transboundary air pollution agreement with Canada; to recognize that there is insufficient scientific agreement on the mechanics of the long range transport of air pollutants and the origins, impacts and control of 'acid rain;' and to accelerate scientific study of these problems before imposing regulatory requirements which may be unnecessary and severely harmful; and be it further

"Resolved, That copies of this resolution be transmitted to the President and the Vice President of the United States, the Secretary of State, the presiding officer of each House of Congress of the United States, and to each Senator and Representative from Ohio in the Congress of the United States."

POM—667. A resolution adopted by the Nevada Cattlemen's Association and the Nevada Woolgrowers Association Joint Convention, relative to abolishing the Federal estate and gift tax; to the Committee on Finance.

POM—668. A resolution adopted by the Nevada Cattlemen's Association and the Nevada Woolgrowers Association Joint Convention, relative to the exemption for the Federal estate and gift tax laws; to the Committee on Finance.

POM—669. A resolution adopted by the Nevada Cattlemen's Association and the Nevada Woolgrowers Association Joint Convention, relative to the Federal estate and gift tax laws; to the Committee on Finance.

POM—670. A resolution adopted by the Senate of the State of Colorado; to the Committee on Foreign Relations.

"SENATE MEMORIAL NO. 1 MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO CONDEMN TYRANNY AGAINST THE POLISH PEOPLE AND TO SUPPORT SOLIDARITY

"Whereas, For the past eighteen months, Polish workers, organized under the banner of the labor movement Solidarity have struggled to democratize the oppressive political and economic system imposed on their land; and

"Whereas, The courage of the Polish people in patiently struggling for basic economic and political freedoms in the face of threats of government oppression at home and military invasion from abroad has stirred the sympathies of workers and lovers of freedom throughout the world; and

"Whereas, On December 12, the Polish government declared martial law and the Polish army moved against the Polish people to smother the spark of freedom; and

"Whereas, Thousands of Polish labor leaders and intellectuals, leaders of the rebirth of freedom in Poland, have been imprisoned and held incommunicado since the declaration of martial law; and

"Whereas, The Polish government has repudiated its agreements with the Polish workers, nullified the hard-won bargains of the past two years, and imposed a reign of tyranny on its own people; now therefore,

"Be It Resolved by the Senate of the Fifty-third General Assembly of the State of Colorado: That the Congress of the United States is hereby memorialized to condemn the imposition by the Polish government of martial law and the crushing of human rights by the Polish army, and to lend all moral and other support to Solidarity and the Polish people.

"Be it further resolved, That the Congress urge the President to bring all necessary and appropriate pressure to bear on the governments of Poland and the Soviet Union for their direct and indirect suppression of liberty in Poland.

"Be it further resolved, That copies of this Memorial be transmitted to the President of the United States and the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of Congress from the State of Colorado."

POM-671. A petition from a citizen of Elkton, Maryland, opposing support to the South West Africa People's Organization; to the Committee on Foreign Relations.

POM-672. A petition from a citizen of Camden, South Carolina, opposing support to the South West Africa People's Organization; to the Committee on Foreign Relations.

POM-673. A resolution adopted by a Town Meeting of Needham, Massachusetts, favoring a mutual nuclear arms moratorium with the Soviet Union and the transfer of the funds to civilian use; to the Committee on Foreign Relations.

POM-674. A resolution adopted by the North Altantic Assembly, relative to helping Portugal over its economic problems; to the Committee on Foreign Relations.

POM-675. A concurrent resolution adopted by the Legislature of the State of Michigan; to the Committee on the Judiciary.

"HOUSE CONCURRENT RESOLUTION NO. 451

"Whereas, Mobil Corporation's proposed offer to purchase the stock of Marathon Oil Company has once again raised serious questions regarding such multi-billion dollar corporate mergers. Indeed, such a takeover by the Nation's second largest oil conglomerate would undoubtedly have a tremendous impact on the petroleum industry; and

"Whereas, Marathon Oil Company, which currently operates a highly productive refinery in Detroit and owns some 315 active oil and gas wells and an extensive pipeline network throughout the State, is one of Michigan's most important business interests. In addition to employing approximately 1,700 people in Michigan, Marathon operates well over 500 retail outlets statewide and sells various petroleum products to a host of independent marketers as well as agricultural, commercial, and residential accounts; and

"Whereas, the potential purchase of Marathon by Mobil Corporation would have a devastating effect on Michigan's petroleum marketplace. Not only would such a merger instantaneously establish Mobil as the State's largest gasoline retailer, it would also render uncertain the future of Marathon's many retail outlets. Moreover, Mobil's past activities in our State and its policy of not selling to private brand dealers offer little reassurance to the many independent retailers who presently depend on Marathon for their products. Indeed, the continuing operation of Marathon's Detroit refinery could also be endangered, resulting in the loss of many jobs; and

"Whereas, both the private and public sectors of Michigan's already recession-crippled economy may suffer immeasurable harm from a merger of Mobil Corporation and Marathon Oil Company; now, therefore, be it

"Resolved by the House of Representatives (the Senate concurring), That the Michigan Legislature hereby memorialize the United States Congress to enact H.R. 4930, establishing a moratorium on Mobil Corporation's proposed purchase of Marathon Oil Company; and be it further

"Resolved, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the House of Representatives, and the Michigan Congressional Delegation."

POM-676. A petition from a citizen of Cranford, New Jersey, relative to the "Gay Bill of Rights"; to the Committee on the Judiciary.

POM-677. A resolution adopted by the Executive Council of the Episcopal Church Center, relative to the treatment of Haitians on United States soil; to the Committee on the Judiciary.

POM-678. A resolution adopted by the Senate of the Commonwealth of Massachusetts; to the Committee on Labor and Public Welfare.

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO PASS LEGISLATION TO REHIRE THE AIR TRAFFIC CONTROLLERS

"Whereas, the President's firing of the eleven thousand five hundred air traffic controllers has caused undue hardship on the public and the families of the air traffic controllers; and

"Whereas, the professional air traffic controllers organization as well as all public employees have been taught the lessons that

President Ronald Reagan wanted to get across to them: that public employees have no right to strike and no right in the political process of deciding how public funds are to be spent; and

"Whereas, the offending union has been destroyed through decertification; and

"Whereas, the trainees hired to replace the fired controllers are not working out and it is now clear that the air traffic flight system will be disrupted for years; and

"Whereas, it is a colossal waste of money to spend one and three tenths billion dollars in training these replacements; Now therefore be it

"*Resolved*, that the Federal Congress develop a reliable fact-finding and mediation process which is the major cause for the PATCO strike; and be it further

"*Resolved*, that the Massachusetts Senate go on record respectfully requesting the President to rehire the former strikers as the fair and equitable thing to do; and be further

"*Resolved*, that copies of these resolutions be transmitted forthwith by the clerk of the Senate to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States and to those Members of the Congress from Massachusetts."

POM-679. A petition from a citizen of Oviedo, Florida, relative to union violence in America; to the Committee on Labor and Human Resources.

POM-680. A resolution adopted by the Manchester Township Committee, relative to resettlement of Cuban and Haitian refugees at Lakehurst Naval Station; to the Committee on Labor and Human Resources.

POM-681. A resolution adopted by the California Library Service Board, favoring continued funding for the Library Construction and Services Act; to the Committee on Labor and Human Resources.

POM-682. A concurrent resolution adopted by the Legislature of the State of Indiana; to the Committee on Veterans' Affairs.

"A CONCURRENT RESOLUTION URGING THE PRESIDENT, THE CONGRESS AND THE GOVERNOR TO GIVE THEIR FULL SUPPORT TO OUR VIETNAM WAR VETERANS

"Whereas, several million young Americans were conscripted to serve in the Vietnam War from 1964 to 1973; and

"Whereas, more than 50,000 Americans were killed and more than 150,000 other Americans were wounded during that war; and

"Whereas, on their return to the United States the Vietnam veterans were not accorded the welcome, the celebration, the thanks that was accorded the return of the American veterans of other wars or the American victims of other oppressions; and

"Whereas, the debt of America to these brave men and women, who sacrificed in response to our commands, has not been properly acknowledged and our gratitude to them has not been adequately expressed:

"Therefore, be it *resolved*, by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

"Section 1. That we urge the President and the Congress of the United States to appropriately convey the thanks of a grateful nation to every American veteran of the Vietnam War.

"Section 2. That we declare May 1, 1982, to be Vietnam Veterans Day and request the Governor to issue a proclamation to that effect.

"Section 3. That on behalf of the people of the State of Indiana, we proclaim our pride in the American veterans of the Vietnam War; we appreciate their gallant efforts and their great sacrifices. We thank them.

"Section 4. That we hereby pledge to do all in our power to make the opportunities of the Vietnam veteran equal to those of every other American and solicit the help of the Governor in this regard.

"Section 5. That the Secretary of the Senate is directed to transmit copies of this resolution to the President of the United States, the leadership of both houses of the Congress, the Indiana delegation to both houses of Congress and to the Governor of the State of Indiana."

POM-683. A petition from a citizen of Shingleton, Michigan, relative to the treatment of the unemployed, disabled, and elderly; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MATHIAS, from the Committee on Rules and Administration, without amendment:

S. Res. 289. An original resolution authorizing expenditures by the Committee on Rules and Administration (Rept. No. 97-308); placed on the calendar.

S. Res. 290. An original resolution authorizing the printing of a revised edition of the "Senate Election Law Guidebook" as a Senate document (Rept. No. 97-309); placed on the calendar.

By Mr. PERCY, from the Committee on Foreign Relations, without amendment:

S. Res. 295. An original resolution authorizing expenditures by the Committee on Foreign Relations (Rept. No. 97-310); referred to the Committee on rules and administration.

By Mr. DOMENICI, from the Committee on the budget, without amendment:

S. Res. 258. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 witht respect to the consideration of S. 1662; placed on the calendar.

S. Res. 259. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1906; placed on the calendar.

By Mr. McCLURE, from the Committee on Energy and Natural Resources, without amendment:

S. Res. 286. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources; referred to the Committee on Rules and Administration.

By Mr. STAFFORD, from the Committee on Environment and Public Works, without amendment:

S. Res. 287. An original resolution authorizing expenditures by the Committee on Environment and Public Works; referred to the Committee on Rules and Administration.

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment:

S. Res. 288. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation; referred to the Committee on Rules and Administration.

By Mr. DOLE, from the Committee on Finance, without amendment:

S. Res. 291. An original resolution authorizing expenditures by the Committee on Finance; referred to the Committee on Rules and Administration.

By Mr. HATFIELD, from the Committee on Appropriations, without amendment:

S. Res. 292. An original resolution authorizing expenditures by the Committee on Appropriations; referred to the Committee on Rules and Administration.

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 293. An original resolution authorizing expenditures by the Committee on the Budget; referred to the Committee on Rules and Administration.

By Mr. WEICKER, from the Committee on Small Business, without amendment:

S. Res. 294. An original resolution authorizing expenditures by the Committee on Small Business; referred to the Committee on Rules and Administration.

By Mr. ROTH, from the Committee on Governmental Affairs, without amendment:

S. Res. 296. An original resolution authorizing expenditures by the Committee on Governmental Affairs; referred to the Committee on Rules and Administration.

By Mr. PERCY, from the Committee on Foreign Relations, without amendment and with a preamble:

S.J. Res. 139. An original joint resolution to provide for the release within the United States of the U.S. International Communication Agency production: A Day of Solidarity; placed on the calendar.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. TOWER, from the Committee on Armed Services:

Mr. TOWER. Mr. President, from the Committee on Armed Services, I report favorably the following nominations: in the Air Force Reserve there are 140 promotions to the grade of colonel (list begins with Earl A. Aler, Jr.), in the Air Force Reserve and Air National Guard there are 12 promotions to the grade of lieutenant colonel (list begins with Charles M. Dooley), in the Regular Air Force and Air Force Reserve there are 140 appointments to the grade of colonel and below (list begins with James F. Boyle), in the Navy and Naval Reserve there are 24 permanent promotions to the grade of captain and below (list begins with Robert A. Sulit), in the Navy and Naval Reserve there are 136 permanent appointments to the grade of captain and below (list begins with Thomas H. Barge II), in the Navy there are 150 permanent promotions to the grade of lieutenant commander (list begins with John W. Ackerman), and in the Navy and Naval Reserve there are 22 permanent promotions to the grade of captain and below (list begins with William H. Hamilton, Jr.). Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk appear in the RECORD of December 15 and December 16, 1981, at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WARNER (for himself, Mr. THURMOND and Mr. JACKSON):

S. 2018. A bill to authorize the presentation on behalf of the Congress of a specially struck gold medal to Adm. Hyman George Rickover; read the first time.

By Mr. BUMPERS (for himself, Mr. INOUYE, Mr. ROBERT C. BYRD, Mr. BRADLEY, Mr. HEFLIN, Mr. SARBANES, Mr. LEVIN, Mr. SASSER, Mr. EXON, Mr. DIXON, Mr. LONG, Mr. RIEGLE, Mr. BURDICK, Mr. KENNEDY, Mr. WILLIAMS, Mr. PELL, Mr. METZENBAUM, Mr. PRYOR, Mr. DECONCINI, Mr. MOYNIHAN, Mr. CHILES, Mr. EAGLETON, Mr. JACKSON, and Mr. FORD):

S. 2019. A bill to amend title 38, United States Code, to authorize the Administrator of the Veterans' Affairs to pay certain burial and funeral expenses of certain veterans and to provide a cemetery plot allowance for certain veterans; to the Committee on Veterans' Affairs.

By Mr. KASTEN (for himself, Mr. HATCH, Mr. SYMMS, Mr. HELMS, Mr. HAYAKAWA, and Mrs. HAWKINS):

S. 2020. A bill to amend the Internal Revenue Code of 1954 to provide that the individual income tax rate reductions enacted by the Economic Recovery Tax Act of 1981 for 1982 and subsequent years shall take effect 6 months sooner than scheduled under the act; to the Committee on Finance.

By Mr. BAKER (for Mr. DOMENICI):

S. 2021. A bill to provide for the disposal of certain Federal lands in New Mexico and for the acquisition of certain other lands in Bernalillo County, N. Mex., to be purchased with the proceeds from the disposal of such Federal lands; to the Committee on Energy and Natural Resources.

By Mr. HOLLINGS (for himself, Mr. MITCHELL, Mr. PELL, Mr. WEICKER, Mr. CRANSTON, Mr. KENNEDY, Mr. PACKWOOD, Mr. GORTON, Mr. INOUYE, Mr. BIDEN, Mr. CHAFEE, Mr. COHEN, Mr. DODD, Mr. LONG, Mr. RIEGLE, and Mr. SARBANES):

S. 2022. A bill making supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes; to the Committee on Appropriations.

By Mr. MOYNIHAN:

S. 2023. A bill to assist in the admission into the United States of certain aliens who have fled from Poland; to the Committee on the Judiciary.

By Mr. DOLE (by request):

S. 2024. A bill to amend the Internal Revenue Code of 1954 to prohibit the granting of tax-exempt status to organizations maintaining schools with racially discriminatory policies; to the Committee on Finance.

By Mr. DURENBERGER (for himself and Mr. ANDREWS):

S. 2025. A bill to amend the Internal Revenue Code of 1954 to provide tax incentives for investment in district heating and cooling systems; to the Committee on Finance.

By Mr. DURENBERGER:

S. 2026. A bill for the relief of Van Nghiep Tran, Quang Nguyen Tran, and Van Tin Nguyen; to the Committee on the Judiciary.

By Mr. ROBERT C. BYRD:

S. 2027. A bill to provide for an accelerated study of the causes and effects of acid precipitation, to provide for an examination of certain acid precursor control technologies, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BRADLEY (for himself, Mr. BUMPERS, Mr. CRANSTON, Mr. KENNEDY, and Mr. MATSUNAGA):

S. 2028. A bill to amend title 5, United States Code, to restore eligibility for unemployment compensation for certain ex-servicemembers, and for other purposes; to the Committee on Finance.

By Mr. HELMS:

S. 2029. A bill to amend the Internal Revenue Code of 1954 to prohibit the granting of tax-exempt status to private schools with racially discriminatory policies and to require the Secretary of the Treasury to obtain a judical finding of racial discrimination before terminating or denying tax-exempt status to private schools on the grounds of racial discrimination; to the Committee on Finance.

By Mrs. KASSEBAUM:

S. 2030. A bill for the relief of Shiu Kow Ming, M.D., and Wai May Ming, husband and wife; to the Committee on the Judiciary.

By Mr. BAUCUS:

S. 2031. A bill to provide for a 3-year suspension of the duty on copper scale; to the Committee on Finance.

By Mr. SASSER (for himself and Mr. BAKER):

S. 2032. A bill to amend section 103(e)(4) of title 23, United States Code, to provide that amounts available as a result of a withdrawal of approval of a portion of the Interstate Highway System may be used to provide operating assistance for mass transportation systems; to the Committee on Environment and Public Works.

By Mr. PERCY:

S.J. Res. 139. An original joint resolution to provide for the release within the United States of the U.S. International Communication Agency production: "A Day of Solidarity"; from the Committee on Foreign Relations; placed on the calendar.

By. Mr. MATHIAS:

S.J. Res. 140. Joint resolution designating February 11, 1982, "National Inventors' Day"; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. BIDEN, Mr. BAUCUS, Mr. DECONCINI, Mr. DENTON, Mr. DOLE, Mr. HATCH, Mr. HAYAKAWA, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mr. KENNEDY, Mr. LEAHY, Mr. MATHIAS, and Mr. METZENBAUM):

S.J. Res. 141. Joint resolution designating February 7 through February 13, 1982, as "National Crime Prevention Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAKER:

S. Res. 285. Resolution to extend the reporting date of the study group on the commemoration of the U.S. Senate bicentenary; considered and agreed to.

By Mr. McCLURE:

S. Res. 286. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources; from the Committee on Energy and Natural Resources; to the Committee on Rules and Administration.

By Mr. STAFFORD:

S. Res. 287. An original resolution authorizing expenditures by the Committee on Environment and Public Works; from the Committee on Environment and Public Works; to the Committee on Rules and Administration.

By Mr. PACKWOOD:

S. Res. 288. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation; from the Committee on Commerce, Science, and Transportation; to the Committee on Rules and Administration.

By Mr. MATHIAS:

S. Res. 289. An original resolution authorizing expenditures by the Committee on Rules and Administration; from the Committee on Rules and Administration; placed on the calendar.

By Mr. MATHIAS:

S. Res. 290. An original resolution authorizing the printing of a revised edition of the "Senate Election Law Guidebook" as a Senate document; from the Committee on Rules and Administration; placed on the calendar.

By Mr. DOLE:

S. Res. 291. An original resolution authorizing expenditures by the Committee on Finance; from the Committee on Finance; to the Committee on Rules and Administration.

By Mr. HATFIELD:

S. Res. 292. An original resolution authorizing expenditures by the Committee on Appropriations; from the Committee on Appropriations; to the Committee on Rules and Administration.

By Mr. DOMENICI:

S. Res. 293. An original resolution authorizing expenditures by the Committee on the Budget; from the Committee on the Budget; to the Committee on Rules and Administration.

By Mr. WEICKER:

S. Res. 294. An original resolution authorizing expenditures by the Committee on Small Business; from the Committee on Small Business; to the Committee on Rules and Administration.

By Mr. PERCY:

S. Res. 295. An original resolution authorizing expenditures by the Committee on Foreign Relations; from the Committee on Foreign Relations; to the Committee on Rules and Administration.

By Mr. ROTH:

S. Res. 296. An original resolution authorizing expenditures by the Committee on Governmental Affairs; from the Committee on Governmental Affairs; to the Committee on Rules and Administration.

By Mr. BAUCUS:

S. Res. 297. Resolution relating to a usury ceiling; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HOLLINGS (for himself and Mr. DOMENICI):

S. Res. 298. Resolution to honor and commend Martin L. Skutnik for his courageous act of rescue in the aircraft disaster in Washington, District of Columbia, on January 13, 1982; to the Committee on the Judiciary.

By Mr. WEICKER (for himself and Mr. NUNN):

S. Res. 299. Resolution to designate May 4, 1982, as "International Franchise Day"; to the Committee on the Judiciary.

By Mr. HART (for himself, Mr. DURENBERGER, Mr. MOYNIHAN, Mr. WEICKER, Mr. BRADLEY, Mr. KENNEDY, Mr. SCHMITT, Mr. TSONGAS, Mr. D'AMATO, Mr. CRANSTON, Mr. BUMPERS, Mr. GLENN, Mr. SARBANES, Mr. WILLIAMS, Mr. PELL, Mr. PERCY, Mr. RIEGLE, Mr. DIXON, Mr. EXON, Mr. BURDICK, Mr. PROXMIRE, Mr. BAUCUS, Mr. JACKSON, Mr. LEAHY, Mr. LEVIN, Mr. GORTON, Mr. DECONCINI, Mr. EAGLETON, and Mr. BIDEN):

S. Con. Res. 59. Concurrent resolution concerning tax-exempt status of private schools; to the Committee on Finance.

By Mr. PRESSLER:

S. Con. Res. 60. Concurrent resolution disapproving the Federal Trade Commission trade regulation rule relating to the sale of used motor vehicles; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WARNER (for himself, Mr. THURMOND, and Mr. JACKSON):

S. 2018. A bill to authorize the presentation on behalf of the Congress of a specially struck gold medal to Adm. Hyman George Rickover; read twice and ordered held at the desk.

(The remarks of Mr. WARNER and Mr. JACKSON on this legislation appear earlier in today's RECORD.)

By Mr. BUMPERS (for himself, Mr. INOUYE, Mr. ROBERT C. BYRD, Mr. BRADLEY, Mr. HEFLIN, Mr. SARBANES, Mr. LEVIN, Mr. SASSER, Mr. EXON, Mr. DIXON, Mr. LONG, Mr. RIEGLE, Mr. BURDICK, Mr. KENNEDY, Mr. WILLIAMS, Mr. PELL, Mr. METZENBAUM, Mr. PRYOR, Mr. DECONCINI, Mr. MOYNIHAN, Mr. CHILES, Mr. EAGLETON, Mr. JACKSON, and Mr. FORD):

S. 2019. A bill to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to pay certain burial and funeral expenses of certain veterans and to provide a cemetery plot allowance for certain veterans; to the Committee on Veterans' Affairs.

BURIAL AND FUNERAL EXPENSES OF CERTAIN VETERANS

Mr. BUMPERS. Mr. President, today I am introducing the Veterans' Burial Benefits Amendments Act of 1982. This measure will restore the traditional $300 burial and funeral expenses benefit for all honorably discharged wartime (including Korea and Vietnam) veterans that was stripped away last October 1.

Mr. President, all this bill does is restore the law to the pre-reconciliation stage. By changing the eligibility criteria, the Omnibus Budget Reconciliation Act drastically reduced the number of veterans who can be assured of a dignified burial; benefits are now available only for those veterans who were entitled to receive VA compensation or pensions. In fiscal year 1981, before reconciliation, almost 361,500 veterans received the burial allowance, and the total cost of the program was about $113.6 million. Although the Veterans' Administration does not know exactly how many veterans will now be denied their allowance, the program has been slashed by $75.2 million in budget authority and outlays in fiscal year 1982. It will be cut by $79.8 million in fiscal year 1983, and $84.4 million in fiscal year 1984.

Unless we move quickly to restore this benefit, thousands of indigent veterans may be denied a decent burial. For example, officials estimate that in Los Angeles County alone, 1,000 destitute veterans will die this year. Under the revised law, they will no longer be automatically eligible for the burial allowance, even if they fought for this country in wartime and were honorably discharged. The unburied remains of a number of these men have already accumulated in Los Angeles just since the cutbacks took effect 3 months ago. Our veterans deserve better, and we cannot count on financially strapped State and local governments to meet these new and unexpected demands.

Also, without the allowance, the families of tens of thousands of veterans will now be forced to bear the entire burden of spiraling funeral expenses. The State veterans affairs department in Arkansas, my home State, estimates that five out of six veterans in Arkansas will lose this benefit. I suspect that the benefit loss is comparable in almost every other State. Today, there are more than 26 million American war veterans, some 3.5 million of which are 65 years of age or older. We have an obligation to those who were prepared to make the supreme sacrifice for the Nation. They have earned this small benefit, and the Government has promised to provide it. Now is hardly the time to renege on that promise.

In seeking the support of my colleagues for this bill, I ask them to reflect on the comments of Teddy Roosevelt in a speech he made in Springfield, Ill., on July 4, 1903:

A man who is good enough to shed his blood for his country is good enough to be given a square deal afterwards. More than that no man is entitled to, and less than that no man shall have.

Mr. President, simply stated, it was a mistake to limit eligibility for this benefit. Our veterans deserve more. All of us want to balance the budget, but this is the wrong place to do it. The budget impact of this bill pales in comparison to the misery it will relieve.

Mr. President, I ask unanimous consent to have printed in the RECORD the Veterans' Burial Benefits Amendments Act of 1982; an article describing the effects of the cutbacks in burial benefits in Los Angeles, taken from the January 13, 1982, edition of the Washington Post, along with a letter from the Los Angeles County Board of Supervisors; and an article from the January 22, 1982, edition of the Arkansas Gazette describing the likely effects on Arkansas veterans.

Mr. RIEGLE. Mr. President, will the Senator yield?

Mr. BUMPERS. I am happy to yield to the Senator from Michigan.

Mr. RIEGLE. Mr. President, I commend the Senator from Arkansas for his leadership on this issue, and I wish to join him as a cosponsor of this measure.

I think that what is being done to the veterans of this country by the Reagan administration and by the insensitivity and the lack of concern and response to their proper needs is a terrible thing. It is something we must deal with and something we must correct, and I want to work with the Senator from Arkansas to accomplish that.

Mr. BUMPERS. Mr. President, the Senator has been listed, and I have shown him as a cosponsor of the bill. I thank the Senator very much for his remarks.

Mr. President, I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 902(a) of title 38, United States Code, is amended by striking out "When a veteran dies who was in receipt of compensation (or but for the receipt of retirement pay would have been entitled to compensation) or in receipt of pension, the Administrator" and inserting in lieu thereof the following: "In the case of a veteran who dies and—

"(1) such veteran's death resulted from a service-connected disability, or

"(2) such veteran was (A) a veteran of any war, (B) discharged from the active military, naval, or air service for a disability incurred or aggravated in line of duty, or (3) in receipt of (or but for the receipt of retirement pay would have been entitled to) disability compensation,

the Administrator".

SEC. 2. Section 903(b) of title 38, United States Code, is amended by striking out "who was discharged from the active military, naval, or air service for a disability incurred or aggravated in line of duty, or who is a veteran of any war" after "such subsection".

SEC. 3. The amendments made by this Act shall take effect with respect to deaths occurring after September 30, 1981.

[From the Washington Post, Jan. 13, 1982]

CUTBACKS IN VA BURIAL FUNDS STIRS EMOTIONS

(By Al Senia)

LOS ANGELES, Jan. 12—The remains of 30 destitute men believed to be American veterans remain unburied in the Los Angeles

County coroner's office because of cutbacks three months ago in the Veterans Administration funeral allowance program.

The plight of the impoverished veterans—officials are unsure of the precise number because fingerprint checks have not been completed—has ignited an emotional debate over the proper role of the federal government and the impact of President Reagan's budget cuts on state and local governments.

Last summer's budget reconciliation bill cut the funeral allowance for the families of most veterans by $300; only wartime veterans receiving pensions or disability pay remained eligible for this benefit. That left the families of other veterans with a $150 allowance that must be applied to the cost of a burial plot, not to such other items as mortuary costs or transportation to a gravesite.

VA officials said other cities soon may find themselves with the same problem as Los Angeles: a collection of bodies and a shortage of funds to pay for their burial. Since October, the VA has continued to pay for the burials for those who died before the cutoff date, but by next month, it expects to have verified most of those who died before Oct. 1. Then, county and city governments will be forced to come up with the funds.

Marvin Page, a spokesman for the VA's Veterans Fund Service in California, said the VA has begun assessing the problem of "body held cases" throughout the United States. But no figures are available from other cities because a report is not expected until early February, Page said.

Robert Kingsbury, director of the Los Angeles County veterans affairs office, said of the situation: "I'm appalled. I think somebody [in Washington] forgot to do their homework." He predicted the number of indigent vets in the county who will die without receiving the larger burial allowance will reach 1,000 by the end of the year. Los Angeles County has more veterans than any other county in the nation.

The VA was unable to provide statistics on the number of veterans in the country who received burial allowances last year. Nationwide, there are 3.5 million veterans over 65.

Kingsbury said the remains of the indigent wartime veterans would have to be cremated or buried in paupers' graves if the funds were not restored. The latter action, though, would require a change in California law. Dan Wolf, press secretary for Los Angeles County Supervisor Kenneth Hahn, said today that at least one veteran's body was being transported to a local crematorium. But a temporary solution was found when Henry Rushing, a 38-year-old Santa Rosa, Calif., businessman and an Army veteran, provided the $9,000 to bury the man.

"At first I thought it was just the Veterans Administration and the county trying to get more money," he said. "Then I checked it out. I was just brought up to be very patriotic. I grew up in the oil fields. I feel we owe a great deal to the people who fight our wars for us."

Rushing, a self-described Reagan supporter, says he understands the cutback. "I'm not so sure it's a federal responsibility. I don't think it's the government's place anymore to be burying [individuals]. I agree wholeheartedly with Reaganomics." He said veterans groups, churches and private industry would be better suited to provide for the indigent veterans.

But William Bridges, who has made funeral arrangements in Los Angeles County for thousands of veterans in the past, disagrees. A division chief of the county's office of public administration, Bridges said, "The pattern being set down is that the federal government has pushed the problem down to the local governments. You can ask philosophically if it's the federal government's responsibility to pay the funeral benefits for private individuals. But to pass down the responsibility after carrying it for so many years . . . you can see the problem. We're talking about a significant financial impact."

COUNTY OF LOS ANGELES,
BOARD OF SUPERVISORS,
Los Angeles, Calif., January 20, 1982.

Hon. DALE BUMPERS,
Senate Appropriations Committee,
Washington, D.C.

DEAR SENATOR BUMPERS: I would like to update and clarify my letter of January 13, regarding the burial of indigent veterans.

I wrote that there were expected to be an estimated 1,000 indigent veterans who will die in Los Angeles County in 1982. I also indicated that there were currently 30 veterans in the county morgue for whom no burial funds would be forthcoming from the federal government. This latter figure is not totally accurate since it takes four to five months for the FBI and Veterans Administration to postively verify a veteran's identity and the new law concerning veteran burials only affects veterans who have died since October 1, 1981. However, once this lag time is passed, we anticipate that numerous veterans will be identified as not eligible for government-funded burials.

These veterans who will die in Los Angeles County without friends, family, or money and for whom there will be no funding available from the federal government deserve a decent, dignified burial as a final act of respect from the nation for which they were prepared to risk their lives.

Very truly yours,

KENNETH HAHN,
Supervisor, Second District,
County of Los Angeles.

[From the Arkansas Gazette, Jan. 21, 1982]

LOSS OF VETERANS BURIAL BENEFIT AFFECTS 231,800 IN ARKANSAS

About five in six Arkansas veterans will have lost burial benefits unless President Reagan or the Congress reverses the budget cut that ended those funds, according to a spokesman for the state Veterans Affairs Department.

William L. Skains, the Department's assistant director, said many veterans lost a benefit that entitled them to a $300 burial allowance and up to $150 toward a burial plot. Of the 275,000 to 277,000 wartime veterans now living in Arkansas, about 45,000 retain the burial benefit under the current criteria. Skains said that about 231,800 Arkansas veterans had lost the benefit.

The burial benefit, formerly extended to all honorably discharged wartime veterans, has been available since October 1, the start of federal fiscal 1983, only to disabled veterans, those who are receiving pensions, retirement pay or other compensation, and those who had claims for veterans compensation pending at the time of death.

Skains said that 19,000 to 20,000 Arkansas veterans now receive pensions, and that about 26,000 more receive compensation for service-related disabilities.

Senator Dale Bumpers (Dem., Ark.) said last week that his office was having legislation drafted to restore the burial benefit if the Reagan administration decides not to do that on its own initiative.

On a related topic, Skains said that most plots had been taken at Arkansas's national cemeteries, where many veterans seek to be buried. He said there had been some interest in having the state establish a veterans' cemetery.

RESTORING BENEFITS FOR AMERICAN VETERANS

Mr. ROBERT C. BYRD. Mr. President, I am pleased to cosponsor the legislation offered today by the distinguished Senator from Arkansas, Mr. BUMPERS, which would restore the $300 burial benefit for all our wartime veterans, including the men who served in Korea and Vietnam. I commend Senator BUMPERS on his worthwhile and appropriate initiative on behalf of American veterans, and I hope that the Senate will act on this measure expeditiously and pass it into law this session.

This initiative will correct a grievous slight which has been done to the men who have answered the call to risk the supreme sacrifice on behalf of the Nation. It is all the more appropriate that this traditional benefit be restored for those men who answered the call during the Vietnam conflict when many chose not to serve.

The problem that Senator BUMPERS has drawn to our attention results from misguided efforts to achieve small cost-savings during consideration of the Omnibus Budget Reconciliation Act passed during the last session. That act changed the eligibility criteria for those veterans who would be eligible for the $300 burial benefit, so that only those veterans who were entitled to receive VA compensation or pensions could receive the allowance. This reduces the eligible veteran population by perhaps two-thirds.

If we do not act quickly to reinstate the full benefit, thousands of families will be hard put to bear the burden of funeral expenses, expenses which have been just as hard hit by inflation as the rest of our economy. Can the States be expected to pick up this burden? Hardly. It is a national disgrace that the unburied remains of dozens of veterans have accumulated in Los Angeles, for example, since the cutback in these benefits took effect last October 1.

Surely, the criteria for the new reduced benefit has absolutely nothing to do with national service. All veterans who were honorably discharged were previously eligible. Honorable service was the criteria. It should continue to be the criteria. Upon what possible rationale can we justify that some honorably discharged veterans are eligible for burial benefits but that most are not? The revenue effect of the full benefit is little enough. Senator BUMPERS cites it as about $113 million, I believe, in fiscal year 1981. The cost-savings of the action taken in the Omnibus Reconciliation Act would be

some $75 million in fiscal year 1982. Is this extremely modest cost savings enough to justify stripping away a decent burial from those who served? It cannot possibly be justified. The effect of reducing the benefit is an insult to those men and their families who had been led to expect this modest but important benefit.

I believe the reduction in this benefit was totally misguided and should be rectified as soon as possible. I hope that the Veterans Committee will give it priority attention and report it back to the full Senate early in the present session, so that this misguided action can be reconciled.

WARTIME VETERANS' BURIAL AND FUNERAL BENEFITS

● Mr. KENNEDY. Mr. President, I am proud to cosponsor the bill offered by my colleague from Arkansas, Senator BUMPERS, to restore the traditional $300 burial and funeral benefit to all honorably discharged wartime veterans. Last summer, the Omnibus Budget Reconciliation Act denied this longstanding benefit to honorably discharged wartime veterans who were not qualified for a VA compensation or benefit.

The effect of this provision in the Reconciliation Act is obvious, dramatic, and devastating. Put simply, under that legislation tens of thousands of American military veterans will not receive this small, but meaningful, benefit. Their survivors will be forced to bear not only the burden of the loss of a loved one, but also the entire burden of the spiraling funeral expenses. In many cases it will be the financially hard-pressed State and local governments who will be forced to accept yet another burden that the National Government has chosen to abandon.

And this is more than simply a monetary burden. The veterans affected are brave Americans who served their Nation honorably in time of war. What a blow it will be to them and their families for the United States to ignore and forget their military service.

The administration is eager to spend billions of dollars on ever more exotic and destructive weapons—but it cannot find $300 to help bury an American wartime veteran.

It gives the giant oil companies $33 billion in new tax breaks and then takes from these brave men and women $300. It asks veterans to surrender their small burial benefits as an "economizing" measure, while it provides massive military aid to military dictatorships and major tax breaks to the wealthy.

This situation is unacceptable. I have cosponsored Senator BUMPER'S bill because the promises America made to its wartime veterans must be fulfilled. Support of the military does not mean just buying new hardware, building new bases, or recruiting new personnel. It means supporting the people who serve—not just when they serve, but after their service is ended.

That is the standard Abraham Lincoln set in the words of his second inaugural address, when he said:

With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the Nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

That is the standard we must meet today, and that is the standard we are seeking in this bill.●

By Mr. KASTEN (for himself, Mr. HATCH, Mr. SYMMS, Mr. HELMS, Mr. HAYAKAWA, and Mrs. HAWKINS):

S. 2020. A bill to amend the Internal Revenue Code of 1954 to provide that the individual income tax rate reductions enacted by the Economic Recovery Tax Act of 1981 for 1982 and subsequent years shall take effect 6 months sooner than scheduled under such act; to the Committee on Finance.

INCOME TAX RATE REDUCTION

Mr. KASTEN. Mr. President, when I was running for the Senate, and when Ronald Reagan was running for the Presidency, we both campaigned on the Kemp-Roth program—a 10-percent personal tax cut in January of 1981, 10 percent in January of 1982, and 10 percent in January of 1983. If Congress had passed that original package, personal tax rates would be down by 20 percent today. Instead, Congress cut tax rates by only 5 percent late in 1981, and that tax relief has been wiped out by bracket creep and already scheduled social security tax increases.

Today, I am introducing a bill which is identical to the one Representatives ROBERT WALKER and JACK KEMP introduced in the House 2 months ago. It would simply put the original Reagan tax cut back in place with a 10-percent cut effective January 1, 1982, and a 10-percent cut effective January 1, 1983.

All economists agree that we cannot tax our way out of a recession. Most agree that we must increase economic activity through some form of fiscal stimulus—the question is whether it should be Government spending or private sector spending. Well, we have tried to solve our problems with more and more Government spending, and it has not worked.

I believe we can battle the recession best with increased spending in the private sector. Instead of reopening the floodgates for Government programs, it is time to restore the incentives for work, saving, investment, and job creation. The Reagan personal tax rate reductions will work as soon as average Americans see a significant reduction in the marginal tax rate and the corresponding increase in their take-home pay.

That has not happened yet and it can only happen when Congress votes to speed up the Reagan tax cuts.

I believe that deficits do matter, that they are part of the reason for high interest rates today. I believe that Congress must take immediate action to get the Federal budget under control. We should subject defense spending to the same kind of scrutiny we gave social programs last year. We should adjust the cost-of-living schedule for entitlement programs. And if we have to raise revenues, we could repeal the inequitable leasing provisions included in last year's tax bill, institute user fees, and plug unwarranted loopholes in our Tax Code.

But it is even more important to attack Federal deficits at their source; namely, the recession.

The oversized deficits we face in 1982 and 1983 are a direct result of the declining economy. According to the Congressional Budget Office, every percentage point drop in gross national product increases the deficit by more than $60 billion; every percentage point increase in unemployment increases the deficit by $25 billion. The only way to get deficits under control is to limit Federal spending and, at the same time, promote strong economic growth and job creation.

In a recent interview President Reagan stated that the recession "might not have happened" if Congress had passed his original tax cut package. I agree, and I believe we can propel the economy out of this recession by going back to the original Kemp-Roth-Reagan tax cut schedule.

I ask unanimous consent, Mr. President, that there be printed in the RECORD at this point a table showing the budget effects of moving forward by 6 months its effective date of the tax cut.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

EFFECTS ON BASELINE BUDGET PROJECTIONS OF MOVING FORWARD THE EFFECTIVE DATE OF THE NEXT 2 PHASES OF THE TAX CUT BY 6 MO (ALT1)

[Billion of dollars]

	1982	1983
Outlays:		
Decrease due to higher growth[1]	−1.2	−1.0
Decrease due to lower unemployment[2]	−2.8	−3.3
Net Change in Outlays	−4.0	−4.3
Receipts:		
Loss due to speed-up	−16.7	−17.2
Gain due to higher growth[1]	+2.0	+2.4
Gain due to lower unemployment	+4.8	+5.1
Net Change in Receipts	−9.9	−9.7
Deficit:		
Increase due to speed-up	+16.7	+17.2
Decrease due to higher growth[1]	−3.2	−3.4
Decrease due to lower unemployment[2]	−7.6	−8.4

EFFECTS ON BASELINE BUDGET PROJECTIONS OF MOVING FORWARD THE EFFECTIVE DATE OF THE NEXT 2 PHASES OF THE TAX CUT BY 6 MO (ALT1)—Continued

[Billion of dollars]

	1982	1983
Net Change in Deficit	+5.9	+5.4

[1] Real growth is 0.4 percentage points higher in 1982 and 0.2 percentage points higher in 1983 in ALT1 than if the tax cut took effect as scheduled.
[2] The unemployment rate is 0.4 percentage points lower in 1982 and 0.3 percentage points lower in 1983 in ALT1 than if the tax cut took effect as scheduled.

Note.—The effect on the baseline projections of changes in economic assumptions is derived from the July 1981 CBO Report: "Baseline Budget Projection."

Source: U.S. Chamber of Commerce, Forecast Center.

By Mr. BAKER (for Mr. DOMENICI):

S. 2021. A bill to provide for the disposal of certain Federal lands in New Mexico and for the acquisition of certain other lands in Bernalillo County, N. Mex., to be purchased with the proceeds from the disposal of such Federal lands; to the Committee on Energy and Natural Resources.

WILDERNESS LANDS

Mr. DOMENICI. Mr. President, today I am introducing legislation which will assist in the acquisition of wilderness lands for our national forest system.

In 1978, the U.S. Congress authorized the acquisition of land known as the Elena Gallegos tract for inclusion into the Cibola National Forest in New Mexico. In 1980 the Congress authorized putting this tract into the Sandia Wilderness.

For many years the Forest Service has been attempting to acquire this land because they recognize that the land is characteristic of eveything an American thinks about when they think of a wilderness area.

This parcel will be an important addition to our wilderness system and I believe this Congress should do everything possible to see that the acquisition takes place.

Because we have waited so long to acquire this land the cost escalated and the acquisition was reauthorized by the Congress. In an effort to stabilize the cost of this parcel of land the city of Albuquerque entered into an option to purchase the property with the owners of the land. That action has stabilized the cost and this bill will allow this project to move forth.

This legislation provides a means for acquisition that differs from traditional methods. Simply stated this bill tells the U.S. Forest Service and Bureau of Land Management to identify excess land under their control in New Mexico and then to sell those lands. The proceeds of those sales would be used for the purchase of land in the Elena Gallegos tract.

Currently in New Mexico the Federal Government controls over 34 percent of the land. I feel very strongly that there is enough surplus land that could be disposed of by sale to provide the needed revenue to fund the acquisition of the tract. The city of Albuquerque has already committed over $5.4 million for this land acquisition and the State another million. I think in light of General Accounting Office reports calling for new techniques of acquiring land for the Federal Government that this legislation meets that criteria.

This Nation cannot afford to lose this valuable national asset. I think that innovative methods of acquisition are needed and innovations that take into consideration large tracts of Federal land in the Western States are needed.

This legislation addresses both problems which are interrelated. It offers the Forest Service a method to acquire land that is needed for maintaining our public lands.

During the 96th session of Congress a bill addressing similar problems in the Lake Tahoe Nevada-California area was passed. We are applying that concept to New Mexico.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2021

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior and the Secretary of Agriculture are authorized and directed to dispose of lands under the jurisdiction of the Bureau of Land Management and the Forest Service in the State of New Mexico in accordance with the provisions of this Act. Such disposal shall be in accordance with regulations developed jointly by the Secretary of Agriculture, the Secretary of the Interior, and the affected local governmental jurisdictions and shall be consistent with the provisions of the Federal Land Policy and Management Act and other applicable law, except to the extent necessary to expeditiously carry out the provisions of this Act.

(b) Notwithstanding, subsection (a), the Secretary of Agriculture, the Secretary of the Interior, and the affected local governmental jurisdictions shall jointly select lands to be offered for sale under this Act. In the event agreement cannot be reached on a joint selection, no land shall be offered for sale.

(c) (1) Except as otherwise provided in this subsection, the revenues from the sale of public lands under this section shall, notwithstanding any other provision of law, be deposited annually in the general fund of the Treasury of the United States.

(2) The revenues deposited in the general fund of the Treasury under paragraph (1) are deemed to be in the nature of repayment for those authorizations set forth in section 2 of this Act. The Secretary of the Interior and the Secretary of Agriculture shall submit an accounting report biannually of income and expenditure provided by this Act to the Committee on Energy and Natural Resources of the Senate and the Committee on the Interior and Insular Affairs of the House of Representatives.

SEC. 2. The Secretary of Agriculture, in cooperation with the Secretary of the Interior, is authorized to acquire by donation, purchased with donated or appropriated funds, or otherwise, up to 7461.34 acres of lands and interest in lands located in Bernalillo County, New Mexico to be included in the Sandia Mountain Wilderness as authorized in section 1 of Public Law 95-614. Lands acquired under this section shall be administered as a part of the National Wilderness Preservation System in accordance with Public Law 95-237.

By Mr. HOLLINGS (for himself, Mr. MITCHELL, Mr. PELL, Mr. WEICKER, Mr. CRANSTON, Mr. KENNEDY, Mr. PACKWOOD, Mr. GORTON, Mr. INOUYE, Mr. BIDEN, Mr. CHAFEE, Mr. COHEN, Mr. DODD, Mr. LONG, Mr. RIEGLE, and Mr. SARBANES):

S. 2022. A bill making supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes; to the Committee on Appropriations.

COAST GUARD SUPPLEMENTAL APPROPRIATIONS

Mr. HOLLINGS. Mr. President, I am introducing an emergency measure today to correct a serious budgetary shortfall for the U.S. Coast Guard. As a result of the blind application of across-the-board cuts in December's continuing resolution, operating expense appropriations fell $46 million shy of the level originally proposed for fiscal year 1982 by the administration. A few days ago we learned what this means in practical terms.

The seagoing fleet, already woefully inadequate in size, will lose 10 more cutters. Military personnel strength, certified by GAO and other authoritative studies to be thousands short, will be diminished by 3,500 more personnel. Stations for vessels and aircraft, boating safety detachments, district headquarters, and many other offices all over the country will be closed or reduced. Vessel traffic service systems will be closed in all but three ports. Coast Guard efforts in boating safety, aids to navigation, oceanographic research, equipment maintenance, and training will be curtailed substantially. These actions will be carried out by April 1 unless we take preventive steps.

I have worked with the Coast Guard closely over the years and I can assure you that waste, fraud, and abuse are foreign to its operations. For at least a decade underfunding has chopped every bit of fat away and is now biting into sinew and bone. Coast Guardsmen laboring faithfully away during 100-hour workweeks find their morale fading steadily in the face of frustrations over inadequate and overage equipment, insufficient maintenance, and decreasing manpower.

This bill calls for a supplemental appropriation of $46.3 million for operating expenses to head off the proposed actions by April 1. I note that substan-

tial additional supplemental appropriations for fiscal year 1982 will be needed to accommodate such things as military and civilian pay raises, fuel cost increases, and increases in military entitlements and other benefits. Those matters are normally taken up in the spring as part of the overall package of supplemental appropriations and rescissions. I am not suggesting that we depart from that traditional practice, and trust my colleagues on the Transportation Appropriations Subcommittee will inquire into those questions with customary care and wisdom.

This $46.3 million bill needs to be considered by the Appropriations Committee as soon as possible. The usual schedule for supplemental appropriations is too slow to turn around the planned reductions in services. Lives may be lost. Our fishermen in South Carolina, for example, begin their fishing activities in April and if these cutbacks occur and the Savannah air station is closed, there won't be a search and rescue helicopter within hundreds of miles. If our fishermen's vessels go down, only heaven will be able to help them.

Mariners all over the country will encounter similar life-and-death consequences from these cuts. Also marine law enforcement will suffer. This will have an adverse economic impact on domestic fishermen because we will have less ability to insure that foreign fishermen do not take more fish from our waters than they are lawfully permitted to. It will also have moral implications for our coastal communities now swamped in a flood of smuggled drugs, for the flood will surge as enforcement drops off.

As I mentioned earlier, this bill would raise Coast Guard operating expenses to the level proposed by the administration in March 1981. Further, it would bring operating expenses almost to the level decided upon by the conferees on the Transportation appropriations bill, which was $1,405 million. Mr. President, we think the conferees were correct in that decision. The shortcomings of across-the-board cuts are highlighted by these extensive base closings, vessel decommissionings, and personnel reductions. We should correct our error.

I want it clearly understood, however, that I intend to work with the chairman of the Appropriations Subcommittee on Transportation in this matter. While I respect Senator ANDREWS' position, I believe this legislation is necessary given the life-and-death situation which will be created along our coasts as a result of the action proposed by the Coast Guard. I am confident that we will be able to reach an agreement which will reverse the situation in the next few weeks.

● Mr. MITCHELL. Mr. President, I am pleased to join Senator HOLLINGS today in proposing that an emergency supplemental appropriation be enacted so that urgently required operating expense funds may be forthcoming for the Coast Guard.

These funds are necessary to prevent the immediate closure of Coast Guard search and rescue stations, marine documentation offices, and other important Coast Guard installations around our Nation. With the addition of the $46 million we are proposing, the Coast Guard operating expense account will be brought back up to the level of funding which the administration initially sought last March.

This emergency funding measure constitutes only the first step toward placing the Coast Guard on sound financial ground during this fiscal year. As the following briefing paper indicates, substantial unanticipated operating expense costs exist which were not factored into the administration's March request. I will be joining with other Members of this body in urging that the bulk of these items be funded in an omnibus supplemental package.

Sooner or later, the Congress is going to have to face up to the question of adequately funding the Coast Guard. The situation before us was excellently described last year by the Coast Guard Commandant in his annual state of the Coast Guard address. The Commandant states:

Our capital plant is unacceptable, especially our ships, boats and shore facilities, and some of our aircraft. It has been difficult to overcome the political reality that program priorities, on the road to Congress, are determined by high visibility, short-term payback, and relatively narrow but politically opportune emotional issues.

For this, and a variety of other reasons we find ourselves at somewhat of a strategic disadvantage with respect to resources, precisely at a time when our country needs our capability the most. We do not have the people or dollars to support our missions properly and we cannot expect our people to continue responding reasonably under unreasonable conditions.

The Commandant made that statement 1 year ago. Earlier this month the Coast Guard acknowledged that it will have to eliminate 3,500 personnel slots. And then last week, the nationwide list of facilities closures was announced.

In my own State, one search and rescue station at Eastport was designated for closure as were Maine's two marine documentation offices in Rockland and Portland, a recruiting center in Bangor, and an examination center in Portland.

Congress has an obligation to reverse this trend. Our domestic fishing industry is looking to us for prompt action. So too are the millions of recreational boaters who depend on the Coast Guard for assistance in times of distress. We must act expeditiously.

I urge that the Committee on Appropriations give our proposal its most prompt and serious consideration.

Mr. President, I ask unanimous consent that the information document listing those items which were not factored into the administration's March request be printed in the RECORD.

There being no objection the document was ordered to be printed in the RECORD as follows:

1. LEGISLATIVELY MANDATED BENEFITS, $15,000,000

Legislatively mandated benefits recently enacted by Congress have created a requirement for increased funding. The Military Pay and Allowance Benefits Act, Public Law 96-579, increased the monthly rate for career sea pay, extended certain entitlements, and provided a career sea pay premium for members who have served sea duty for more than 36 months consecutively. Funding required to provide this entitlement is $8,600,000. Effective 1 January 1981, Public Law 96-579 provided eligibility for BAQ to single members in pay grade E-7 and above stationed aboard ships. Funding of $700,000 is required to pay monthly BAQ for approximately 280 eligible members. The Defense Officer Personnel Management Act, Public Law 96-513, provides for substantial changes in basic allowance for subsistence (BAS) and per diem for enlisted personnel. While $9,700,000 is required to pay these entitlements, $4,000,000 will be absorbed. A recent change to the Joint Travel Regulations (JTR) authorizes 16 cents per mile in lieu to 7 cents per mile for members in a Permanent Change of Station status. The full $1,800,000 required to fund this increase will be absorbed.

2. ENERGY COST INCREASE, $11,000,000

The Coast Guard is currently buying approximately 49 percent of its fuel from local contractors under government contracts and the remainder from Defense Fuel Supply Center (DFSC) inventories. In addition, significant purchases of utilities, primarily electricity and natural gas, are made from local sources. Since the beginning of fiscal year 1981, some geographic areas have experienced a cost increase of as much as 29 percent for fuel bought from local contractors. Effective 1 October 1981, the Defense Fuel Supply Center increased their fiscal year 1982 bulk petroleum prices approximately 12 percent. Similarly utility prices have increased 29 percent overall. These price increases result in an increased funding requirement of $11,883,000 above COL allowances in spite of temporarily stable energy prices and continued efforts to conserve energy; $883,000 will be absorbed.

3. HU-25A FOLLOW-ON, $4,000,000

A number of HU-25A aircraft are scheduled to become operational during fiscal year 1982. Funding of $7,759,000 would be required to operate these aircraft at the planned utilization rate of 1,000 hours per aircraft year. This request will fund a current year utilization rate of 650 hours per aircraft per year. This increase is the net of the cost reduction achieved from retirement of the HU-16E and HC-131A aircraft.

4. MISCELLANEOUS COST INCREASES, $5,000,000

Funds are required to pay for: (1) two U.S. Postal Service rate increases effective 22 March 1981 ($522,000) and 1 November 1981 ($319,000); (2) a GSA Standard Level User Charge (SLUC) rate increase ($1,915,000);

(3) increased charges for services provided by the Transportation Computer Center (TCC), resulting from equipment replacement and increased system usage ($1,831,000); (4) conversion of Coast Guard computer programs to new equipment procured by TCC ($950,000); (5) recent rate increases for communications, including those for leased land lines, WATS, and FTS intercity dedicated data circuits, as well as elimination of the TELEPAK bulk discount rate ($5,649,000); and (6) medical cost increases, to include anticipated additional charges by DOD medical facilities beginning in fiscal year 1981 for outpatient treatment provided Coast Guard active duty personnel ($1,800,000), and medical cost increases greater than the standard allowance for cost of living ($1,300,000). Coast Guard will absorb $9,286,000 of the above cost increases.●

● Mr. CHAFEE. Mr. President, I am pleased to join Senator HOLLINGS as a cosponsor of legislation that would restore $46.3 million in badly needed funds to the operating budget of the U.S. Coast Guard.

Congress originally appropriated $1.3 billion for operating expenses for the Coast Guard in fiscal year 1982. While this is $20 million more than the amount appropriated for the previous fiscal year, inflation, higher costs, and unanticipated expenses have increased the Coast Guard's operating budget significantly.

In recent years, the Coast Guard has taken on new, more challenging, and increasingly expensive responsibilities. In addition to the important and traditional rescue missions, the Coast Guard patrols our 200-mile limit for fishing violations by foreign countries, patrols our coastline for drug smugglers, trains seamen, licenses and inspects boats, and assists with boating safety programs.

With these responsibilities, Coast Guard resources and manpower have been stretched to the limit and beyond. Without these funds, the Coast Guard will be forced to lay off 1,000 people by April 1, and an additional 2,400 positions will have to be eliminated by September 30 of this year.

My State of Rhode Island will be hard hit by this shortage of funds. A merchant marine license certification office in Providence will be closed, requiring seamen to travel to Boston for testing, certification, and renewals. Vessel documentation offices in Providence and Newport will be closed. Again, Rhode Islanders will have to travel to Boston for these services.

Rhode Island will also be affected by many of the cuts in the New England region as a whole. A plane stationed at Cape Cod that is used for search and rescue missions, as well as for spotting oilspills, will be decommissioned. Security and boating safety offices in nearby Massachusetts and Connecticut will be closed. Two cutters stationed in New England are being decommissioned—this in addition to the fact that another New England cutter is being used off the Florida coast in search of refugees.

The $46.3 million provided in this legislation will not overcome all of the funding problems hampering the Coast Guard. It will, however, help tide them over this difficult time and help keep many important services such as these from being curtailed.

I am pleased to join with Senator HOLLINGS and other Members of the Senate in support of this bill and am hopeful that we can complete action on this measure quickly.●

● Mr. PELL. Mr. President, I am pleased to join Senator HOLLINGS and others in sponsoring emergency legislation to help the Coast Guard. The amount contained in Senator HOLLINGS supplemental authorization bill, $46 million, has been identified by the Coast Guard as the immediate shortfall in operational budget authority that forced the drastic cutbacks in services announced last week.

Unless the Congress acts rapidly on this supplemental authorization bill, the Coast Guard will be forced to reduce its enlisted manpower by 8 percent by the end of the fiscal year this September 30; 11 cutters will be decommissioned, 14 search and rescue stations closed, and virtually all recruiting activities will grind to a halt. Additionally, many boating safety offices and other services important to commercial and recreational mariners will be terminated. The effect of these cuts will be widespread indeed, and the most immediate impact will be felt by those at sea whose lives may be imperiled by the loss of vital search and rescue services. Also hard hit will be our fishing industry, which depends on the Coast Guard to enforce restrictions on foreign competition within the 200-mile zone. Fishery surveillance patrols were already cut back by 60 percent on the east coast last May, and the additional loss of cutters and manpower will undoubtably increase violations within the zone and reduce the protection we gave to our fishermen when we established the 200-mile limit in 1977.

A third area where an immediate impact will be felt is the Coast Guard's increasingly important work of combating drug smugglers. By its own estimate, the Coast Guard is stopping less than 20 percent of this traffic, and in areas along the Florida and gulf coasts drug smuggling has become a multibillion-dollar-a-year industry, imposing an intolerable burden on local law enforcement officials. The drug smuggling industry is strongly linked to the national crime epidemic, and cutting the Coast Guard's resources in the war against drugs is truly a false economy.

For years, the Coast Guard has been underfunded and neglected, while the Congress and the administration have heaped many additional responsibilities and tasks, like the Haitian mission, that are a severe drain on already limited resources. The Coast Guard sought $1.4 billion as an operating budget in the fiscal year that began last October 1. It got $46 million less. The current budget is slightly larger than the previous year, to be sure, but adjustments for inflation make the true figure a considerable shortfall.

Without an adequate operating budget, the cuts announced last week will just be the beginning of further reductions in service, and a continuation of the Coast Guard's diminishing ability to save lives at sea, enforce fishing laws, and protect our marine environment. The Coast Guard today is at the crossroads, and the Congress should prevent a further erosion in performance by adopting this emergency supplemental authorization bill. Without it, we are rapidly approaching the day when a disaster will strike, either an oilspill in our waters, or a fishing vessel in trouble, or a boating accident with lives in jeopardy, and the Coast Guard will not be there to respond. The need has never been greater, and the time to act and prevent these cuts from going into effect is very short. Let us commit ourselves to getting the job done by approving this legislation as quickly as possible.●

By Mr. MOYNIHAN:

S. 2023. A bill to assist in the admission into the United States of certain aliens who have fled from Poland; to the Committee on the Judiciary.

POLISH REFUGEES

● Mr. MOYNIHAN. Mr. President, while military repression in Poland continues to thwart the aspirations of the Polish people, and indeed imperils the peace between East and West, refugees from that Soviet-sponsored tyranny continue to stream across the border into Western Europe. According to Sunday's New York Times, more than 50,000 Poles are currently housed in Austria, many in makeshift camps and army barracks.

While the Austrian Government has welcomed this most recent exodus of men and women from Eastern Europe with its now customary warmth and efficiency, Austria is simply unable to accept permanently all of the Polish refugees. And while some of these Poles would surely like to return to their native land, others desire to begin a new life for themselves and their children in the West.

I believe they should be permitted to do so. And I am concerned that the United States has not yet taken adequate steps to provide that opportunity.

I am, therefore, introducing legislation today that would allow thousands of additional Polish refugees to be admitted to the United States as refu-

gees. Congressman BIAGGI of New York is introducing identical legislation today in the House.

In the last 6 weeks alone, more than 1,000 of the Poles in Austria have sought asylum in the United States. Should General Jaruzelski fulfill his promise to relax Poland's passport laws, a veritable flood of refugees could well result. Under current law, however, only 9,000 refugees can be admitted to the United States from all of Eastern Europe—and just 5,000 are expected to be admitted from Poland. This is surely not enough.

The legislation I am introducing today, the Polish Refugee Act of 1982, would provide special authority for the Immigration and Naturalization Service to admit an unlimited number of these individuals fleeing Poland.

A crisis is at hand. Shall the United States be prepared to provide refuge to those gallant men and women who have strived so mightily for 17 months to democratize Poland—and who in consequence must now seek exile during Poland's dark days?

I believe we must. I hope we shall. The Congress can make a significant contribution to this effort by adopting this proposal. I urge my colleagues to study it and to support it.●

By Mr. DOLE (by request):

S. 2024. A bill to amend the Internal Revenue Code of 1954 to prohibit the granting of tax-exempt status to organizations maintaining schools with racially discriminatory policies; to the Committee on Finance.

DENIAL OF TAX EXEMPTION TO RACIALLY DISCRIMINATORY PRIVATE SCHOOLS

● Mr. DOLE. Mr. President, at the request of President Reagan, I am today introducing the administration's bill to amend the Internal Revenue Code to deny tax exempt status to racially discriminatory private schools.

RACIAL DISCRIMINATION IS ABHORRENT

Mr. President, racial discrimination in any form is abhorrent and contravenes the public policy repeatedly reaffirmed by Congress in numerous civil rights measures. In the area of education, invidious racial discrimination has been of particular concern to Congress and the courts. It is equally a matter of grave concern to the President. That is why the President submitted to the Congress this proposed legislation, and urged us to give, in his words, "the very highest priority" to consideration of his bill.

FINANCE COMMITTEE HEARING SCHEDULED

The Committee on Finance has already scheduled a hearing to consider the issue of tax exemptions for private schools that discriminate on the basis of race at 10:30 a.m. on February 1.

DESCRIPTION OF THE PRESIDENT'S BILL

The President's bill proposes to amend the Internal Revenue Code of 1954 to provide expressly that private schools maintaining racially discriminating policies will not qualify as tax-exempt organizations, and that contributions, gifts, and bequests made to such schools will not be tax deductible. Under present law, there is no explicit provision barring tax exemptions for discriminatory private schools. The only provision of the code dealing with tax exemptions for discriminatory organizations deals exclusively with tax-exempt social clubs.

The President's bill provides a standard for determining the existence of a racially discriminatory policy. The bill forbids racial discrimination in student admissions, scholarship and loan programs, athletic programs and any other educational policies or programs administered by the school. The bill requires a tax-exempt private school to administer all of its programs and policies in a manner that does not discriminate on the basis of race. Racial discrimination is defined broadly as encompassing discrimination on the basis of color or national origin.

RELIGIOUS SCHOOLS

The bill also includes several provisions that address the special concerns of private religious schools, and the concerns we all share with the protection of religious freedom.

First, the bill expressly states that it is wholly inapplicable to schools with exclusively religious curricula. This provision insures that religious seminaries, Sunday schools, and afternoon religious schools are not affected by this legislation. Second, the bill provides that school admissions policies, or programs of religious training or worship, are not deemed discriminatory if they have limitations, preferences, or priorities that are based on religious affiliation or belief. This provision insures, for example, that parochial schools limiting attendance to adherents of a particular religion will not lose their tax exemption. Finally, the bill provides that religious schools discriminating on the basis of race or upon a belief requiring discrimination on the basis of race will be denied their exemption. This provision is designed to insure that religious schools and secular schools are treated the same if they practice racial discrimination.

RETROACTIVITY

The bill provides that the amendments it proposes to the Internal Revenue Code shall apply after July 9, 1970. On July 10 and July 19, 1970, the Internal Revenue Service issued two press releases stating that it would no longer grant tax exemptions to racially discriminatory private schools. These press releases were issued after a three-judge Federal court had issued a preliminary injunction suggesting that it would be unconstitutional to construe the Internal Revenue Code to allow tax exemption for discriminatory private schools. That injunction was subsequently made permanent, as to certain schools in Mississippi, and affirmed by the Supreme Court. By making its provisions retroactive to July 10, 1970, the bill proposes a result that comports with the reasonable expectations concerning the Internal Revenue Code's requirements for tax exemption since July 10, 1970.

Mr. President, the Senate Finance Committee will carefully review the provisions of this proposed legislation, and other proposals that may be offered to deal with the problem of private school discrimination. We expect that legislation in this area will be controversial.

Mr. President, I ask unanimous consent that a copy of the bill and President Reagan's letter to me be printed in the RECORD.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 2024

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DENIAL OF TAX EXEMPTIONS TO ORGANIZATIONS MAINTAINING SCHOOLS WITH RACIALLY DISCRIMINATORY POLICIES.

Section 501 of the Internal Revenue Code of 1954 (relating to exemption from tax) is amended by redesignating subsection (j) as subsection (k) and inserting a new subsection (j) reading as follows:

"(j) ORGANIZATIONS MAINTAINING SCHOOL WITH RACIALLY DISCRIMINATORY POLICIES.—

"(1) IN GENERAL.—An organization that normally maintains a regular faculty and curriculum (other than an exclusively religious curriculum) and normally has a regularly enrolled body of students in attendance at the place where its educational activities are regularly carried on shall not be deemed to be described in subsection (c)(3), and shall not be exempt from tax under subsection (a), if such organization has a racially discriminatory policy.

"(2) DEFINITIONS.—For the purposes of this subsection—

"(i) An organization has a 'racially discriminatory policy' if it refuses to admit students of all races to the rights, privileges, programs, and activities generally accorded or made available to students by that organization, or if the organization refuses to administer its educational policies, admissions policies, scholarship and loan programs, athletic programs, or other programs administered by such organization in a manner that does not discriminate on the basis of race. The term 'racially discriminatory policy' does not include an admissions policy of a school, or a program of religious training or worship of a school, that is limited, or grants preferences or priorities, to members of a particular religious organization or belief: *Provided*, That no such policy, program, preference, or priority is based upon race or upon a belief that requires discrimination on the basis of race.

"(ii) The term 'race' shall include color or national origin."

SEC. 2. DENIAL OF DEDUCTIONS FOR CONTRIBUTIONS TO ORGANIZATIONS MAINTAINING SCHOOLS WITH RACIALLY DISCRIMINATORY POLICIES.

(a) Section 170 of the Internal Revenue Code of 1954 (relating to allowance of de-

ductions for certain charitable, etc., contributions and gifts) is amended by adding at the end of subsection (f) a new paragraph (7) reading as follows:

"(7) DENIAL OF DEDUCTIONS FOR CONTRIBUTIONS TO ORGANIZATIONS MAINTAINING SCHOOLS WITH RACIALLY DISCRIMINATORY POLICIES.—No deduction shall be allowed under this section for any contribution to or for the use of an organization described in section 501(j)(1) that has a racially discriminatory policy as defined in section 501(j)(2)."

(b) Section 642 of such Code (relating to special rules for credits and deductions) is amended by adding at the end to subsection (c) a new paragraph (7) reading as follows:

"(7) DENIAL OF DEDUCTIONS FOR CONTRIBUTIONS TO ORGANIZATIONS MAINTAINING SCHOOLS WITH RACIALLY DISCRIMINATORY POLICIES.—No deduction shall be allowed under this section for any contribution to or for the use of an organization described in section 501(j)(1) that has a racially discriminatory policy as defined in section 501(j)(2)."

(c) Section 2055 of such Code (relating to the allowance of estate tax deductions for transfers for public, charitable, and religious uses) is amended by adding at the end of subsection (e) a new paragraph (4) reading as follows:

"(4) No deduction shall be allowed under this section for any transfer to or for the use of an organization described in section 501(j)(1) that has a racially discriminatory policy as defined in section 501(j)(2)."

(d) Section 2522 of such Code (relating to charitable and similar gifts) is amended by adding at the end of subsection (c) a new paragraph (3) reading as follows:

"(3) No deduction shall be allowed under this section for any gift to or for the use of an organization described in section 501(j)(1) that has a racially discriminatory policy as defined in section 501(j)(2)."

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply after July 9, 1970.

THE WHITE HOUSE,
Washington, D.C., January 20, 1982.

Hon. ROBERT DOLE,
Chairman, Committee on Finance,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As you are aware, the Department of the Treasury announced on January 8 that the Internal Revenue Service would no longer deny tax-exempt status to private, non-profit educational organizations that engage in racially discriminatory practices but otherwise qualify for such status under the present Internal Revenue Code. That decision reflects my belief that agencies such as the IRS should not be permitted, even with the best of intentions and to further goals that I strongly endorse, to govern by administrative fiat by exercising powers that the Constitution assigns to the Congress.

I have submitted to the Congress legislation which will give the Secretary of the Treasury and the IRS express authority to deny tax-exempt status to private, nonprofit educational organizations with racially discriminatory policies. The legislation recognizes and is sensitive to the legitimate specific needs of private religious schools.

At the time I submitted this legislation, I also indicated my unalterable objection to racial discrimination in any form. Such practices are repugnant to all that our Nation and its citizens hold dear, and I believe this repugnance should be plainly reflected in our laws.

I am confident that you and the other members of the Finance Committee will give this issue the prompt attention it deserves, and I pledge my fullest cooperation in working with you to enact such legislation as rapidly as possible.

Sincerely,

RONALD REAGAN.●

By Mr. DURENBERGER:

S. 2026. A bill for the relief of Van Nghiep Tran, Quang Nguyen Tran, and Van Tin Tran; to the Committee on the Judiciary.

RELIEF OF CERTAIN INDIVIDUALS

● Mr. DURENBERGER. Mr. President, I am introducing today a private relief immigration bill for three Vietnamese children. The children, Tran Van Nghiep, age 10; Tran Quang Nguyen, age 9; and Nguyen Van Tin, age 12; have lived for 2 years at the Argyle Four Transit Center in Hong Kong. Their plight is an unusual one because the boys each have a set of parents in Vietnam.

The unfortunate story of these children began in late 1979, when they joined some of their villagers in escaping Vietnam by boat. They arrived in Hong Kong on September 27, 1979, and were then transferred to the Argyle Four Transit Center, where they have remained. The children soon settled into the routine of the camp, began learning English, and took occasional classes.

One of the Vietnamese men who escaped with them was eventually placed with a family in Duluth, Minn. Dan and Sharron Capece and their daughter, Irene, were stirred by the accounts they heard of the three children. Despite the financial cost of taking on three more children, the Capeces opened their hearts and their home to the boys. Following appropriate INS procedures, they filed the forms necessary to indicate their willingness and ability to support the boys.

What could have been a routine immigration case became incredibly complicated because the children's parents are alive in Vietnam. Therefore, the boys were not considered orphans. Orphan status would have made it possible for them to enter the United States and be sponsored by the Capeces. The goal of the U.S. Government has been to reunite Vietnamese families whenever possible, preferring that to separation, even when qualified foster parents exist. Tran Van Nghiep's father wrote him, saying that he and his wife were allowing their son to make his own decision about returning to Vietnam. Nguyen Van Tin stated in November 1981, that his parents had written to him and agreed that he could resettle in another country.

The U.S. Government has continued to insist that the children be reunited with their parents, despite the letter received from Nghiep's father and the boys' desire not to return to North Vietnam. Repeated requests to have a visa or a humanitarian parole granted in this rather unique case have been denied.

The British Government offered the boys refugee status, so that they could be moved out the camp where they have now spent more than 2 years of their young and impressionable lives. Cutoff from the emotional ties with their natural families, the boys had looked forward to growing up in a loving American family.

Last week, the deputy director of the refugee camp notified me that the boys were being sent to Britain on January 28. Although the British would grant the children refugee status, they did not yet have a home for them. They would be placed in a youth hostel, similar to a boys home.

I firmly believe that reunification of families is an appropriate policy. But in this case, the parents cannot leave Vietnam, the children do not want to return there, and Nhiep's parents have permitted him to make his own decision. Therefore, if reunification is impossible, sending the children to Duluth seems at once the most logical and most humanitarian thing to do.

I believe the merits of this case are overwhelming. It seems most unfortunate to separate young children from people who are willing and eager to help them, and instead place them in a boys home. The Capeces have corresponded regularly with the children, who are eagerly looking forward to a new life in Duluth. They yearn for stability and permanency. It seems unwise to deny them that opportunity.

Mr. President, I have decided therefore to break a long-standing policy I have of not introducing private relief bills. I urge my colleagues to examine the details of this case. I believe they will find that the boys would be far better off in Duluth, Minn., than in a boys home in the United Kingdom.●

By Mr. ROBERT C. BYRD:

S. 2027. A bill to provide for an accelerated study of the causes and effects of acid precipitation, to provide for an examination of certain acid precursor control technologies, and for other purposes; to the Committee on Environment and Public Works.

ACID PRECIPITATION ACCELERATED REVIEW AND REPORTING ACT

Mr. ROBERT C. BYRD. Mr. President, I am pleased to introduce today a bill to accelerate the concentrated Federal research effort into the causes and effects of acid deposition. I take this step in an earnest attempt to provide a prudent and reasonable alternative to the Senate on the issue of acid deposition.

There are several comprehensive control measures that have been introduced to deal with the effects of acid

deposition. While I deeply respect the efforts of those who advocate such measures, I would hope that the Senate would recognize the value of the approach that I am outlining today.

On November 8, 1979, the Senate adopted S. 932, the Energy Security Act. Title VII of this legislation is the Acid Precipitation Program and Carbon Dioxide Study. The acid precipitation program, as enacted, provides for a 10-year, comprehensive and fully coordinated study by an Acid Precipitation Task Force. The task force is an interagency body, jointly chaired by the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the Administrator of the National Oceanic and Atmospheric Administration. The task force membership is composed of representatives of virtually every important Federal agency with scientific or regulatory expertise in fields related to the study of acid deposition.

The purpose of the comprehensive study of the causes and effects of acid deposition, to be carried out by the task force, is to provide the Federal Government with a sound, scientific data base concerning acid deposition. Such a data base does not now exist in a form that the scientific community, much less Government officials who are not scientists, can agree represents a totally accurate picture of the phenomenon of acid deposition.

The program established in the Energy Security Act is intended to be the primary building block of the scientific data base that the Federal Government must have before it can presume to act in a rational manner with respect to acid deposition. It is not wise to attempt to apply comprehensive controls on emissions, at considerable cost in dollars and jobs in whatever region is singled out for such controls, until sound, scientifically verifiable information is available.

As the Senate proceeds with the reauthorization of the Clean Air Act, it is becoming clear that pressures to establish comprehensive controls in advance of the results of the Federal acid deposition study are increasing. Those pressures make it all the more necessary for the Senate to consider an alternative course of action. The search by some for an immediate remedy with respect to acid deposition only highlights the need for an acceleration of the Federal research effort.

My bill, which is substantially similar to legislation introduced in the House of Representatives by Congressman RAHALL, requires the task force to complete its efforts at the end of 5 years from the date of enactment of the Energy Security Act. That puts the completion date at June 30, 1985. My bill adds a requirement to the program, as set forth in the Energy Security Act, to provide to the Congress and the President a final report on the information and findings of the task force.

My bill also permits the Administrator of the Environmental Protection Agency to submit recommendations, at the Administrator's discretion, for changes in existing law, if any, to deal with acid deposition at the same time that the final report of the task force is submitted. Any recommendations that the EPA Administrator would submit must be supported by the scientific findings of the task force.

The increased level of effort by the task force is in part made possible by the increase in funding for the task force that was provided by Congress for fiscal year 1982. Funding of this critical undertaking should not be an impediment to its accelerated completion.

Before the heavy hand of massive new Government regulation falls on the coal-producing and coal-using parts of our country, or on some other section where auto emissions or metal smelters may be more important sources of emissions, we in the Congress and the entire Federal Government must know more.

It should be the goal of the Senate to act when equipped with the best available factual information. When such information is lacking, the Senate is likely to go astray. I urge all my colleagues to consider carefully the prudent course that we must take, and to support my effort to seek a responsible process to deal with the issue of acid deposition.

By Mr. BRADLEY (for himself, Mr. BUMPERS, Mr. CRANSTON, and Mr. MATSUNAGA):

S. 2028. A bill to amend title 5, United States Code, to restore eligibility for unemployment compensation for certain ex-servicemembers, and for other purposes; to the Committee on Finance.

UNEMPLOYMENT COMPENSATION FOR EX-SERVICE MEMBERS

● Mr. BRADLEY. Mr. President, today I am introducing a measure which will correct the inequitable treatment of members of the armed services who honorably leave the service but who are ineligible to collect unemployment insurance.

Under the law prior to the enactment of the Omnibus Reconciliation Act of 1981, a service member could voluntarily leave military service and still be eligible for federally financed unemployment benefits. In fiscal year 1980, 193,000 ex-service members used these benefits in their transition from military to civilian life. Unfortunately, at the request of the administration, the Reconciliation Act changed this law so that individuals leaving the service after July 1, 1981, are no longer eligible to collect these benefits.

As a result, under this current law, if an individual competently serves his country and is honorably discharged, that individual is totally disqualified from receiving any benefit payments. In contrast, the individual who incompetently served and is ineligible to reenlist is entitled to benefits. Thus, we are penalizing those people who serve their country well while we continue to provide benefits to those who are ineligible to reenlist.

The problem is exacerbated in times of high unemployment such as we see today. Men and women who have served their country well and wish to leave the uniquely demanding life of the military are confronted with a job market that is extremely fragile. Moreover, the pay in the armed services is generally not adequate to allow individuals to accumulate savings to tide them through any significant period of unemployment. In that context, last year's hasty change in the law is particularly onerous. Mr. President, I do not think this is how we want to treat our citizens who work to preserve the national defense.

The bill I am introducing today, along with Senators BUMPERS, KENNEDY, CRANSTON, and MATSUNAGA, will repeal the current law and restore the prior law retroactively. Under this legislation, individuals who honorably serve for at least 2 years in the Armed Forces who are unable to find work will be eligible for these benefits to help them in their transition to civilian life. Some individuals who leave the service before 2 years due to hardship discharges, a service-incurred injury, or who leave for the convenience of the service will also be eligible for benefits. I sincerely hope that Congress will adopt this legislation for it is both fair to those who serve in the Armed Forces and fair to those of us who are served by the Armed Forces.●

Mr. CRANSTON. Mr. President, I am pleased to join with Senators BRADLEY, BUMPERS, and MATSUNAGA in introducing today section 2028, a bill that would restore eligibility for unemployment compensation for certain ex-service members. The measure would repeal provisions enacted in the Omnibus Budget Reconciliation Act of 1981—Public Law 97-35—that disqualify ex-service members for unemployment compensation benefits if they are eligible for reenlistment and, in lieu of those provisions, generally require a 2-year minimum-service requirement.

Under the program of unemployment compensation for ex-service members—the so-called UCX program—federally funded unemployment benefits are provided to former military personnel upon their separation from military service if they meet the unemployment compensation eligibility requirements of the State in

which they are living. Prior to the enactment of the 1981 Reconciliation Act last August, the military service of an enlisted person qualified as wages or employment in the determination of eligibility if he or she had served 365 days or more of active duty, or was released sooner because of a service-incurred disability or injury, and was separated under other than dishonorable conditions.

Last year, however, in order to achieve savings, the Senate passed and the Congress enacted a Reagan administration proposal that took the approach that leaving the military—even at the end of a term of enlistment—was considered to be a voluntary quit if the individual was eligible for reenlistment. The effect of the provision is therefore, that this voluntary quit, as in the case of private sector employment, results in disqualification for unemployment compensation. The provision was effective with respect to service members leaving the service after June 30, 1981, but applies only to benefits payable after August 31, 1981, the date of enactment of the Reconciliation Act.

Mr. President, this new criterion is entirely too harsh and was applied retroactively in a most inequitable manner. It works a financial hardship on those individuals who have served this country well and honorably in the military, who have made a commitment to the Nation and who have fulfilled it, and who now are seeking to resume their civilian lives. It prevents ex-service members who cannot find employment immediately upon discharge from receiving unemployment benefits to sustain them during their job search.

In this regard, I would like to bring to Members' attention the testimony of the National Association for Uniformed Services before the Subcommittee on Public Assistance and Unemployment Compensation of the House Committee on Ways and Means on October 28, 1981. That testimony describes quite graphically the problems encountered by recently discharged service members, as follows:

> The armed services need a large number of young men and women to enter the service, spend three or four years and then return to civilian life. We should thank those who give thesc years in service to their country, not punish them. Upon release from active duty, few remain in the proximity of their last duty station. Most return to their place of first enlistment, which is generally where they were born and raised. Because these individuals do not remain near their last duty station it is often impossible for them to seek employment prior to discharge. It is extremely difficult to job hunt in Madison, Wisconsin while stationed at Fort Hood, Texas. The Hawaiian or Alaskan resident has an even greater problem if their last duty station is within these contiguous United States. Many young servicemen and women spend their last service days overseas, and are returned to this country only for outprocessing and discharge. Should these individuals be penalized when they were never afforded the opportunity to seek new employment?
>
> Private sector employees generally have the opportunity to seek a new employer before voluntarily leaving their current employer. Few employees leave an employer without having already secured other employment. Even fewer who do leave a job voluntarily, leave the immediate locale where last employed. This is certainly not true of our service personnel.
>
> Spouses of military personnel are denied unemployment compensation when they leave their job voluntarily to follow their military spouse because of transfer orders or upon discharge from the servive. In these cases, both members of the family are denied an interim source of income pending acceptance of new employment. Denial of benefits to the service member in this instance creates a double hardship.

Further, Mr. President, the new criterion raises a strange anomaly and creates a very serious inequity. It penalizes those individuals who satisfactorily fulfill their military obligations and are offered the opportunity to reenlist but who choose to leave the service and, on the other hand, it rewards those who are not. Those who are not eligible for reenlistment—but who have nonmedical honorable discharges or general discharges under honorable conditions—remain eligible for UCX; that is, for example, those with marginal disciplinary records and those who have failed to demonstrate job proficiency or otherwise prove to be unsuited for military service. In contrast, those who have served faithfully and well are ineligible for UCX. This new criterion, then, seems a cold and unfriendly demonstration of thanks from a country that should be grateful and a vivid example of the administration's misplaced priorities in making cost savings.

The proposal we are introducing today would resolve this problem by removing the reenlistment-eligible test and returning instead to the criteria that existed prior to July 1, 1981, with the addition of a 2-year minimum-service requirement, modeled after the minimum-service requirement incorporated last year by Public Law 97-66 in title 38, United States Code, as a minimum criterion for earning Veterans' Administration benefits. Thus, our measure would make exceptions from the 2-year rule in the case of individuals who had served at least 1 year—the minimum-service criterion applicable prior to July 1, 1981—but less than 2, but who were released—under 10 U.S.C. 1171—for reasons of hardship or under the authority—in 10 U.S.C. 1173—for a up-to-90-day early-out discharge for the convenience of the Government. This relief would be retroactive with respect to discharges on or after July 1, 1981, but only with respect to benefits payable after the date of enactment of our amendment. Thus, an ex-service member who had been discharged after July 1, 1981, and who was determined to be ineligible for UCX benefits, would be eligible for benefits for weeks of unemployment beginning after the date of enactment. However, no retroactive benefits would be paid to veterans for periods of unemployment prior to that date.

It should be noted, Mr. President, that the House of Representatives has already proposed and approved remedial legislation for the UCX program. In the closing days of the first session, the House passed H.R. 4961, the proposed Miscellaneous Revenue Act of 1981, which contains a provision that would repeal the requirements enacted in the Reconciliation Act and replace them with modified eligibility requirements generally based on prior law. Briefly, under the House proposal, and individual would have to have served a full 2 years of active duty to qualify for UCX benefits. In addition, an ex-service member could not begin receiving benefits until the fifth week following separation from the military and could not receive benefits for more than 13 weeks.

Although the House-passed measure is a significant improvement over the inequity being perpetrated by current law, the bill we are introducing is clearly preferable, we believe. Our bill would not require a 4-week waiting period or place an arbitrary 13-week limitation on the benefits, thus permitting an ex-service member to receive benefits for the same length of time that private-sector employees—and indeed, civilian Federal employees—may receive unemployment benefits. It also avoids the result which the House bill would produce of actually taking away a benefit from those categories of individuals who have excusable reasons for serving less than 2 years, but who would have qualified under the pre-July 1, 1981, statutory minimum-service requirement of 365 days.

Mr. President, with more than 9.4 million Americans now unemployed—616,000 of whom are veterans from the Vietnam era—it makes no sense to me to turn out into the cold, quite literally, individuals who have served our Nation well, leaving them without assistance in the form of unemployment benefits while they seek to resume their civilian lives and to find suitable employment. Unlike many of the civilian labor force unemployed, these returning service members do not have a labor force attachment that, in some cases, facilitates finding a job; the ex-service member may often be starting from scratch in the labor market. And, presently, that labor market is exceedingly tight for all but skilled workers.

To continue the unjust denial of employment benefits to these veterans breaches an important commitment we made to them when they entered

the service that, upon completion of their enlistments, these benefits would be available if they, as veterans, were to need them. As the ranking minority member of the Veterans' Affairs Committee, I am very much concerned that the Nation keep such commitments to those who serve. We cannot expect that the Nation's youth will continue to accept the burden of a strong defense if they see the country turn its back on those who served with honor before them.

I urge the Senate Finance Committee and the Senate to take speedy action on our proposal. I will be working closely with the cosponsors of this measure and others who support it to achieve an early enactment.

Mr. President, I ask unanimous consent that the full text of the measure we are introducing, along with a Cordon rule showing the changes it would make in existing law, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2028

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Clauses (A) and (B) of section 8521(1)(1) of title 5, United States Code, are amended to read as follows:

"(A) that service was—

"(i) continuous for 730 days or more or was terminated earlier because of an actual service-incurred injury or disability; or

"(ii) continuous for 365 days and was either terminated under section 1171 or 1173 of title 10; and

"(B) with respect to that service, the individual—

"(i) was discharged or released under conditions other than dishonorable; and

"(ii) was not given a bad conduct discharge, or, if an officer, did not resign for the good of the service;".

(b) The amendments made by this Act shall apply with respect to terminations of service on or after July 1, 1981, but only for the purposes of determining eligibility for benefits for weeks of unemployment beginning after the date of the enactment of this Act.

CHANGES IN EXISTING LAW PROPOSED TO BE MADE BY S. 2028

[Delete material in brackets; add material in *italics*]

TITLE 5—GOVERNMENT ORGANIZATION AND EMPLOYEES

* * * * *

Chapter 85—UNEMPLOYMENT COMPENSATION

* * * * *

Subchapter II—Ex-Servicemen

§ 8521. Definitions; Application.

(a) For the purposes of this subchapter—

(1) "Federal service" means active service, including active duty for training purposes, in the armed forces which either began after January 31, 1955, or terminated after October 27, 1958, if—

[(A) that service was continuous for 365 days or more, or was terminated earlier because of an actual service-incurred injury or disability; and]

(A) that service was—

(i) continuous for 730 days or more or was terminated earlier because of an actual service-incurred injury or disability; or

(ii) continuous for 365 days and was either terminated under section 1171 or 1173 of title 10; and

(B) with respect to that service, the individual—

[(i) was discharged or released under honorable conditions;

[(ii) did not resign or voluntarily leave the service; and

[(iii) was not released or discharged for cause as defined by the Secretary of Defense;]

(i) was discharged or released under conditions other than dishonorable; and

(ii) was not given a bad conduct discharge, or if an officer, did not resign for the good of the service;

By Mr. HELMS:

S. 2029. A bill to amend the Internal Revenue Code of 1954 to prohibit the granting of tax-exempt status to private schools with racially discriminatory policies and to require the Secretary of the Treasury to obtain a judicial finding of racial discrimination before terminating or denying tax-exempt status to private schools on the grounds of racial discrimination; to the Committee on Finance.

PRIVATE SCHOOL NONDISCRIMINATION AND DUE PROCESS ACT OF 1982

● Mr. HELMS. Mr. President, today I offer legislation to help clear up the confusion surrounding recent actions regarding the tax-exempt status of private religious schools.

Much has been said and written about his issue, and I perceive that some in the media—and some outside the media—are confused.

The President has sent a legislative proposal to Congress, and I understand that my distinguished colleague from Kansas introduced that legislation by request on behalf of the administration today. Furthermore, the Senate Finance Committee has scheduled hearings on this matter for next Monday, February 1.

Since today's session of the Senate is abbreviated due to the joint session to celebrate the 100th anniversary of the birth of President Franklin Roosevelt, I will not take the Senate's time to discuss this bill now. But I will be making further remarks on this bill at a later time.

Mr. President, I ask unanimous consent that my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2029

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Private School Non-Discrimination and Due Process Act of 1982".

FINDINGS: DECLARATION OF CONGRESSIONAL POLICY

SEC. 2. (a) Congress finds that—

(1) private schools with a racially discriminatory policy as to students should not be granted tax-exempt status under section 501 of the Internal Revenue Code of 1954 and contributions to such schools should not be deductible under section 170 of such Code;

(2) it is the policy of the United States that the granting of Federal tax exemptions and deductions not encourage racial discrimination among citizens, especially with regard to the operation of private schools;

(3) during the 1970's, the Internal Revenue Service exceeded its statutory authority by issuing and enforcing revenue rulings and procedures which denied tax-exempt status to private schools meeting certain criteria of racial discrimination and which denied deductions for charitable contributions to such schools;

(4) such actions were not authorized by section 501 or section 170 of the Internal Revenue Code of 1954, their legislative histories, or any other Act of Congress;

(5) the financial well-being of many private schools depends on the assurance that contributions to such schools are deductible under the Internal Revenue Code, and any action by the Internal Revenue Service affecting the tax-exempt status of such schools threatens their existence;

(6) the granting of exemptions from Federal taxation does not constitute a subsidy or financial assistance to the beneficiaries thereof, and Acts of Congress which place conditions on the receipt of Federal grants, such as title VI of the Civil Rights Act of 1964 and title IX of the Education Amendments of 1972, do not apply to organizations solely because they are tax-exempt;

(7) many private schools in the United States are operated by religious organizations or associations and as such are entitled to the free exercise of religion as guaranteed by the first amendment to the Constitution;

(8) the first amendment to the Constitution requires that Congress exercise utmost care when legislating in areas that may touch on the free exercise of religion, and it bars the Federal Government, in its taxing activities, from excessive entanglements with religious educational institutions;

(9) the liberty of individuals and institutions to observe and practice sincerely held religious beliefs is a civil right, and no educational institution which is religious in character and would not exist except for its religious mission should be denied tax-exempt status on the ground that any such observance or practice does not conform to governmental policy;

(10) the Secretary of the Treasury should be required to bring an action for declaratory judgment in the Federal courts to ascertain whether a private school has a racially discriminatory policy as to students prior to any action affecting the tax-exempt status of, or deductibility of contributions, to such school.

(b) Therefore, Congress determines that—

(1) private schools with a racially discriminatory policy as to students should not be granted tax-exempt status under section 501 of the Internal Revenue Code of 1954 and contributions to such schools should not be deductible under section 170 of such Code, and

(2) the Secretary of the Treasury should be required to bring an action for declaratory judgment in the Federal courts to ascer-

tain whether a private school has a racially discriminatory policy as to students prior to any action affecting the tax-exempt status of, or deductibility of contributions to, such school.

DENIAL OF EXEMPTION FROM TAX TO PRIVATE SCHOOLS WITH RACIALLY DISCRIMINATORY POLICIES

SEC. 3. Section 501 of the Internal Revenue Code of 1954 (relating to exemption from tax) is amended by redesignating subsection (j) as subsection (k) and inserting in lieu thereof the following new subsection:

"(j) PRIVATE SCHOOLS WITH RACIALLY DISCRIMINATORY POLICIES.—

"(1) IN GENERAL.—A private school that normally maintains a regular faculty and curriculum (other than an exclusively religious curriculum) and normally has a regularly enrolled body of students in attendance at the place where its educational activities are regularly carried on shall not be deemed to be described in paragraph (3) of subsection (c), and shall not be exempt from tax under subsection (a), if such school has a racially discriminatory policy as to students.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) RACIALLY DISCRIMINATORY POLICY AS TO STUDENTS.—A private school has a 'racially discriminatory policy as to students' if it has been found, pursuant to the procedure established by section 7408, intentionally to deny admission to, expel, or provide separate classifications for students on the basis of race, color, or national origin. The term 'racially discriminatory policy as to students' does not include an admissions policy of a school which limits its students to, or grants preferences or priorities to, members of a particular religious organization or belief and does not include any policy, program, or other activity of a school which is limited to members of a particular religious organization, or which is required by any sincerely held religious belief.

"(B) PRIVATE SCHOOL.—The term 'private school' means any privately operated school which meets the requirements of State law relating to compulsory school attendance other than a school offering care or instruction for students solely below the first grade, nursery schools, schools for the blind or deaf, or schools operated solely for the handicapped or emotionally disturbed.".

DENIAL OF DEDUCTION FOR CONTRIBUTION TO PRIVATE SCHOOL WITH RACIALLY DISCRIMINATORY POLICIES

SEC. 4. (a) Subsection (f) of section 170 of the Internal Revenue Code of 1954 (relating to allowance of deductions for certain charitable contributions and gifts) is amended by adding at the end thereof the following new paragraph:

"(7) DENIAL OF DEDUCTION FOR CONTRIBUTION TO PRIVATE SCHOOL WITH RACIALLY DISCRIMINATORY POLICIES.—No deduction shall be allowed under this section for any contribution to or for the use of a private school described in section 501(j).".

(b) Subsection (c) of section 642 of such Code (relating to special rules for credits and deductions with respect to estates and trusts) is amended by adding at the end thereof the following new paragraph:

"(7) DENIAL OF DEDUCTION FOR CONTRIBUTION TO PRIVATE SCHOOL WITH RACIALLY DISCRIMINATORY POLICIES.—No deduction shall be allowed under this section for any contribution to or for the use of private school described in section 501(j).".

(c) Subsection (e) of section 2055 of such Code (relating to the allowance of estate tax deductions for transfers for public, charitable, and religious uses) is amended by adding at the end thereof the following new paragraph:

"(5) No deduction shall be allowed under this section for any transfer to or for the use of a private school described in section 501(j).".

(d) Subsection (c) of section 2522 of such Code (relating to charitable and similar gifts) is amended by adding at the end thereof the following new paragraph:

"(3) No deduction shall be allowed under this section for any gift to or for the use of a private school described in section 501(j).".

DECLARATORY JUDGMENT PROCEDURE ESTABLISHED

SEC. 5. (a) Subchapter A of chapter 76 of the Internal Revenue Code of 1954 (relating to civil actions by the United States) is amended by redesignating section 7408 as section 7409, and by inserting after section 7407 the following new section:

"SEC. 7408. ACTION TO REVOKE OR DENY TAX-EXEMPT STATUS OF PRIVATE SCHOOL ON BASIS OF RACIAL DISCRIMINATION.

"(a) GENERAL RULE.—With respect to a private school (as defined in section 501(j)), the Secretary may not—

"(1) revoke or change the exempt status of a private school under section 501(a),

"(2) deny or withhold approval of an application for exempt status under such section by a private school,

"(3) condition acceptance or approval of an application by a private school for exempt status under such section,

"(4) revoke the advance assurance of exempt status issued to a private school, or

"(5) deny a deduction under section 170 as to contributions made to a private school,

on the grounds that such school discriminates on the basis of race as to students unless a court of the United States, in a civil action for a declaratory judgment brought by the Secretary in accordance with the provisions of this section, has found that such school has a racially discriminatory policy as to students.

"(b) PROCEDURE TO BE FOLLOWED BY THE SECRETARY.—Whenever the Secretary has reason to believe that a private school has a racially discriminatory policy as to students, the Secretary shall file a civil action for a declaratory judgment in the United States district court for the district in which the private school is located.

"(c) LIMITATIONS.—

"(1) EVIDENTIARY STANDARD.—In an action brought under subsection (b), the Secretary shall be required to prove, by clear and convincing evidence, that the private school has adopted a racially discriminatory policy as to students (as defined in section 501(j)(2)).

"(2) No adverse action until school has exhausted appeals.—

In the case of a private school with respect to which a court has found under subsection (a) that it has a racially discriminatory policy as to students, the Secretary shall not deny or revoke its exempt status under section 501 or deny deductions for contributions to such school under section 170 until such organization has exhausted all appeals from the final order of the district court in the declaratory judgment action brought under this section.

"(d) RETENTION OF JURISDICTION; REINSTATEMENT OF STATUS.—The district court before which an action is brought under this section which results in the denial or revocation of exempt status under section 501 or the denial of a deduction under section 170 shall retain jurisdiction of such case, and shall, upon a determination that such school—

"(1) has not had a racially discriminatory policy as to students for a period of not less than a full academic year since such denial or revocation became final, and

"(2) does not have a racially discriminatory policy as to students,

issue an order to such effect and vitiate such denial or revocation. Such an order may be appealed by the Secretary, but unless vacated, be binding on the Secretary with respect to such qualification.

"(e) AWARD OF COST AND FEES TO PREVAILING SCHOOL.—In any civil action brought under this section, the prevailing party, unless the prevailing party is the Secretary, may be awarded a judgment of costs and attorney's fees in such action."

"(f) SECTION TO APPLY ONLY TO SCHOOLS WITH PUBLICLY ANNOUNCED POLICY OF NONDISCRIMINATION—Subsection (a) shall not apply with respect to any private school unless that school has published, in such manner as the Secretary may require, public notice that it does not have a racially discriminatory policy as to students."

(b) The table of sections for such subchapter is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 7408. Action to revoke or deny tax-exempt status of private school on basis of racial discrimination.

"Sec. 7409. Cross references.".

EFFECTIVE DATA

SEC. 6. The amendments made by this Act shall apply to actions taken by the Secretary after the date of enactment of this Act.●

By Mr. BAUCUS:

S. 2031. A bill to provide for a 3-year suspension of the duty on copper scale; to the Committee on Finance.

SUSPENSION OF DUTY ON COPPER SCALE

● Mr. BAUCUS. Mr. President, within the language of the U.S. Customs' tariff item 911.10, pertaining to copper waste and scrap, an anomaly has been created which discriminates against importers of copper rod mill scale from Canada.

It is my belief that public and congressional policy did not intend for this discrimination; quite conversely, the suspension of duty on copper waste imported from Canada is appropriate public policy because the United States is not self-sufficient in the production of refined copper.

Nonetheless, however, the current tariff language discriminates against importers of copper scraps for domestic end-use application; in particular, companies which produce cuprous oxide from the copper scrap item rod mill scale. Currently, importers have to pay a duty of 8 cents per pound of contained copper on all scale imported from Canada; however, a smelter or refiner of the same product would not pay any duty. The existing policy discriminates against imported application for this raw material and presents an additional hardship on companies which import this copper scrap item.

For various reasons resting on technicalities, it is not possible to amend currently existing tariff schedules to compensate for this anomaly.

Acting on the advice of the Department of the Treasury and the Customs Service, the most viable method of assisting American importers of copper rod mill scale to secure duty-free status is to establish a new tariff item number providing for the free entry of this particularly described merchandise.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2031

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting in numerical sequence the following new item:

"911.05	Copper scale (provided for in item 603.50, part 1, schedule 6).	Free.	No change.	On or after the 3-year period beginning on the date of the enactment of this item."

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date of the enactment of this Act.●

By Mr. SASSER (for himself and Mr. BAKER):

S. 2032. A bill to amend section 103(e)(4) of title 23, United States Code, to provide that amounts available as a result of a withdrawal of approval of a portion of the Interstate Highway System may be used to provide operating assistance for mass transportation systems; to the Committee on Environment and Public Works.

URBAN MASS TRANSIT COSTS

● Mr. SASSER. Mr. President, I am pleased to introduce today, along with my distinguished colleague Senator BAKER, S. 2032, a bill designed to permit interstate highway transfer funds to be used for the purpose of defraying a part of the operating costs of urban mass transit systems.

Current law permits, through 1983, cities and States to apply to have interstate construction funds set aside for other local uses. But current law stipulates that these funds may only be used for alternative transportation projects and for the purchase of new buses.

Without building the Interstate System, there still remains the job of moving people quickly and efficiently in a metropolitan area. And State and local officials are in the best position on how they must decide to have these funds used. Some areas may use the interstate transfer for the construction of alternative transportation projects, others may buy new transit vehicles, and still others may use a portion of this interstate money to pay, perhaps on an emergency basis, for part of the operating costs of a mass transit system.

But that is a decision that can be best made in our State capitols and local city halls, not here in Washington. S. 2032 permits State and local authorities to use interstate transfer funds for operating assistance if they so desire and it also extends the interstate transfer program through 1988.

Mr. President, the mass transit system in Memphis, Tenn., is in serious condition and faces bankruptcy. The Memphis Area Transit Authority has stated that the system will have to be completely shut down in the next 10 to 12 weeks unless some relief is provided.

The Memphis Transit System already has some of the highest fares of any city in the country. The people of Memphis and Shelby County are already making a tremendous sacrifice to keep the buses running. The bus riders in Memphis, because of a lower per capita income than the rest of the Nation, are paying a greater share of their salaries for mass transit than almost anywhere else in the country.

In addition, local officials are urging the Governor and the State legislature to approve a local-option tax specifically to help finance the mass transit system. Therefore, in my view, not only the citizens and users of the system are doing their fair share but the local leadership of Memphis is trying to work out the problem on the local level.

Mr. President, the bill we introduce today would provide a short-term infusion of funds to the Memphis Transit System in order to give the local community time to work out its own problems. The interstate transfer grant funding, which we would allow to be utilized for operating assistance for mass transit systems, is funding that belongs to the city of Memphis and to Shelby County. These are funds that were specifically earmarked for a highway project in Memphis. This project, the I-40 route through Overton Park, has been withdrawn by the Secretary of Transportation. Under Federal statutes and under longstanding precedent the city of Memphis is eligible to receive interstate transfer grants for substitute projects equal to the amount of the project which was withdrawn—in this case over $300 million.

This bill would give the officials of Memphis and Shelby County the flexibility to utilize these funds on an emergency basis in a manner which addresses the most pressing and vital transportation needs of the area—the need to maintain the solvency of the Memphis Area Transit Authority.

Mr. President, severe cutbacks have already been made in bus schedules and service provided to the citizens of Memphis. Thousands of workers depend on their bus system for transportation to and from work. The very vitality of a large segment of the business community in Memphis and Shelby County depends on an efficient transportation system.

The bill my distinguished colleague, the senior Senator from Tennessee, Senator BAKER and I introduced today is identical to legislation which has been introduced in the House by Representative HAROLD FORD. This bill provides the kind of flexibility that is needed in order to assure the very survival of the Memphis Mass Transit System. I would emphasize that this is only a temporary, stopgap measure which allows local officials to utilize these funds until a long-term solution can be found.

I urge my colleagues to cosponsor this legislation, and I ask unanimous consent that S. 2032 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2032

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the second sentence of section 103(e)(4) of title 23, United States Code, is amended by striking out "either public mass transit projects involving the construction of fixed rail facilities or the purchase of passenger equipment including rolling stock, for any mode of mass transit, or both," and inserting in lieu thereof "either (A) public mass transit projects involving the construction of fixed rail facilities, the purchase of passenger equipment (including rolling stock) for any mode of mass transit, or the payment of operating assistance for any mode of mass transit, or any combination of such projects, or (B)".

(b) The third sentence of section 103(e)(4) of title 23, United States Code, is amended by striking out "1983" and inserting in lieu thereof "1988".●

By Mr. MATHIAS:

S.J. Res. 140. Joint resolution designating February 11, 1982, "National Inventors' Day"; to the Committee on the Judiciary.

NATIONAL INVENTORS' DAY

● Mr. MATHIAS. Mr. President, as all of my colleagues know, article 1, section 8 of the Constitution empowers the Congress to pass laws "to promote the progress of science and useful arts." Today, in line with our constitutional mandate, I introduce a joint resolution to designate February 11, 1982, as "National Inventors Day." The date was chosen to coincide with the birthday of the great American inventor, Thomas Alva Edison.

The Wizard of Menlo Park once described the challenge of his vocation as "one-tenth inspiration and nine-tenths perspiration." Over the years, American inventors have made a tremendous contribution in promoting the progress of science and the useful arts and in maintaining and increasing our planet's standard of living, and I think it is appropriate to designate February 11 as National Inventors' Day of 1982.

Thomas Jefferson, a firm champion of inventors and the author of our country's first major patent law, emphasized that "ingenuity should receive liberal encouragement." Designating a day of recognition and celebration for inventors is one small but valuable way to help provide this encouragement. Since time is short, I urge all of my colleagues to examine the resolution at your earliest convenience, and to join me in this tribute to these deserving Americans.

I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 140

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in honor of the important role played by inventors in promoting progress in the useful arts and in recognition of the invaluable contribution of inventors to the welfare of our people, February 11, 1982, is hereby designated "National Inventors' Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to celebrate such day with appropriate ceremonies and activities.●

By Mr. THURMOND (for himself, Mr. BIDEN, Mr. BAUCUS, Mr. DECONCINI, Mr. DENTON, Mr. DOLE, Mr. HATCH, Mr. HAYAKAWA, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mr. KENNEDY, Mr. LEAHY, Mr. MATHIAS, and Mr. METZENBAUM):

S.J. Res. 141. Joint resolution designating February 7 through February 13, 1982 as "National Crime Prevention Week"; to the Committee on the Judiciary.

NATIONAL CRIME PREVENTION WEEK

Mr. THURMOND. Mr. President, crime, and the fear it creates, is a serious national problem that compromises the quality of life for many Americans. It is a longstanding commitment of mine to seek to reduce the threat that crime represents. As chairman of the Committee on the Judiciary, I will do everything in my power to assure that no possible legislative remedy to the crime problem is overlooked. In my search for answers I have become convinced that there is much that we, as citizens, can do to make our homes and neighborhoods more secure.

In many parts of our country, citizens have begun to fight back against the criminal element. People are learning how to prevent crime by joining with their neighbors, local law enforcement agencies and businesses in creating crime prevention programs. Crime rates have been significantly affected in communities where citizens took the initiative to form neighborhood watch groups. In my own State of South Carolina, for example, there is tremendous public involvement in crime prevention. Every law-abiding citizen benefits from these efforts.

Crime is a national crisis. Reports from the Department of Justice indicate that one-third of all households in the United States were touched by crime in 1980. During that period, there was a violent crime committed every 24 seconds and a property crime committed every 3 seconds. These statistics indicate that police cannot stop crime without community support. Individual citizens must become involved in and take responsibility for crime prevention efforts in their own neighborhoods. It is my sincere belief that we must revitalize and reaffirm national leadership for crime prevention in the community.

I am a strong proponent of neighborhood crime prevention programs. I have offered my support to the Crime Prevention Coalition and their nationwide public awareness campaign to promote community oriented crime prevention activities. The Crime Prevention Coalition is a diverse group of 50 national organizations and Federal agencies that sponsor this campaign. The coalition is funded by the Office of Justice Assistance, Research and Statistics under the U.S. Department of Justice. Representing a partnership among citizens, the community, law enforcement, government, and the private sector, the coalition and the campaign provide national leadership and support for crime prevention efforts all over the country.

There are also 17 States that have formally affiliated with the coalition to further the cause of crime prevention. Including my home State of South Carolina, the States of Arizona, California, Colorado, Idaho, Illinois, Iowa, Louisiana, Maryland, Michigan, New York, North Carolina, Ohio, Pennsylvania, Virginia, Wisconsin, and Washington have all joined this important national effort.

The coalition asked me to help them with their efforts to emphasize National Crime Prevention Week. Traditionally held the second week of February, its purpose is to focus public attention on crime and the importance of crime prevention. I feel that this event has never achieved adequate national attention—despite the importance of its objectives.

Accordingly, I encourage the Members of the Senate to support the Crime Prevention Coalition and to join with me in a proclamation to support National Crime Prevention Week. We will thereby renew the commitment of the Senate, and encourage the commitment of the American people, to lessening the destructive impact of crime in our country.

I ask unanimous consent that this joint resolution be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S.J. RES. 141

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas the high incidence of crime in the United States is detrimental to the general welfare of our Nation and caused feelings of frustration and helplessness among its citizens; and

Whereas people in all parts of America have begun to fight back against crime by learning about crime prevention and by joining with law enforcement agencies to start Neighborhood Watch groups and other programs designed to promote safety in their communities; and

Whereas national attention and leadership is required to cause public recognition of the importance of crime prevention and the need for citizen action; and

Whereas there is a need to support a crime prevention program designed to encourage cooperation for crime prevention among citizens, law enforcement agencies and the private sector; and

Whereas National Crime Prevention Week has been the focus of national public awareness about crime prevention for over 30 years: Now, therefore, be it further

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to designate the week of February 7 through February 13, 1982, as "National Crime Prevention Week", and to encourage all citizens, law enforcement agencies, and private businesses to work together to prevent crime and to seek the return of an environment in which Americans may live and work free of crime and fear.

ADDITIONAL COSPONSORS

S. 604

At the request of Mr. MATHIAS, the Senator from Missouri (Mr. DANFORTH) was added as a cosponsor of S. 604, a bill to amend the Communications Act of 1934 to provide that telephone receivers may not be sold in interstate commerce unless they are manufactured in a manner which permits their use by persons with hearing impairments.

S. 705

At the request of Mr. DOMENICI, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 705, a bill to authorize the Secretary of Agriculture to convey certain national forest system lands, and for other purposes.

S. 1018

At the request of Mr. CHAFEE, the Senator from Montana (Mr. BAUCUS), the Senator from New Hampshire (Mr. RUDMAN), and the Senator from Oregon (Mr. HATFIELD) were added as cosponsors of S. 1018, a bill to protect and conserve fish and wildlife resources, and for other purposes.

S. 1448

At the request of Mr. MATHIAS, the Senator from Mississippi (Mr. COCHRAN) the Senator from Michigan (Mr. LEVIN), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Mississippi (Mr. STENNIS), the Senator from California (Mr. HAYAKAWA), the Senator from Nebraska (Mr. EXON), the Senator from South Dakota (Mr. PRESSLER), the Senator from Kentucky (Mr. FORD), and the Senator from South Dakota (Mr. ABDNOR) were added as cosponsors of S. 1448, a bill to provide for the issuance of a postage stamp to commemorate the 70th anniversary of the founding of the Girl Scouts of the United States of America.

S. 1595

At the request of Mr. INOUYE, the Senator from Wisconsin (Mr. KASTEN), and the Senator from Nevada (Mr. LAXALT) were added as cosponsors of S. 1595, a bill to provide for the designation of income tax payments to the U.S. Olympic Development Fund.

S. 1706

At the request of Mr. MITCHELL, the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1706, a bill to amend the Clean Air Act to better protect against interstate transport of pollutants, to control existing and new sources of acid deposition, and for other purposes.

S. 1854

At the request of Mr. DURENBERGER, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1854. A bill to make permanent the exclusion from gross income of national research service awards.

S. 1961

At the request of Mr. MITCHELL, the Senator from Rhode Island (Mr. PELL), the Senator from Massachusetts (Mr. TSONGAS), and the Senator from Maine (Mr. COHEN) were added as cosponsors of S. 1961, a bill to amend the Internal Revenue Code of 1954 to provide energy tax credits for equipment used aboard or installed on fishing vessels.

SENATE JOINT RESOLUTION 127

At the request of Mr. STENNIS, the Senator from West Virginia (Mr. ROBERT C. BYRD) was added as a cosponsor of Senate Joint Resolution 127, a joint resolution to grant official recognition to the international ballet competition.

SENATE JOINT RESOLUTION 137

At the request of Mr. HELMS, the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of Senate Joint Resolution 137, a joint resolution to amend the Constitution to preserve the right to life.

SENATE RESOLUTION 253

At the request of Mr. DOLE, the Senator from Nevada (Mr. CANNON) was added as a cosponsor of Senate Resolution 253, a resolution expressing the sense of the Senate on "National Circle K Week".

SENATE RESOLUTION 261

At the request of Mr. CHAFEE, the Senator from Massachusetts (Mr. TSONGAS) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of Senate Resolution 261, a resolution expressing the sense of the Senate that the President should not impose import fees on crude oil and refined petroleum products.

AMENDMENT NO. 1242

At the request of Mr. MATHIAS, the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of amendment No. 1242 intended to be proposed to S. 1758, a bill to amend title 17 of the United States Code to exempt the private noncommercial recording of copyrighted works on video recorders from copyright infringement.

SENATE CONCURRENT RESOLUTION 59—CONCURRENT RESOLUTION RELATIVE TO TAX-EXEMPT STATUS OF PRIVATE SCHOOLS

Mr. HART (for himself, Mr. DURENBERGER, Mr. MOYNIHAN, Mr. WEICKER, Mr. BRADLEY, Mr. KENNEDY, Mr. SCHMITT, Mr. TSONGAS, Mr. D'AMATO, Mr. CRANSTON, Mr. BUMPERS, Mr. GLENN, Mr. SARBANES, Mr. WILLIAMS, Mr. PELL, Mr. PERCY, Mr. RIEGLE, Mr. DIXON, Mr. EXON, Mr. BURDICK, Mr. PROXMIRE, Mr. BAUCUS, Mr. JACKSON, Mr. LEAHY, Mr. LEVIN, Mr. GORTON, Mr. DECONCINI, Mr. EAGLETON, and Mr. BIDEN) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 59

Whereas, the Congress provided the legislative basis for denying tax exemptions to private schools that discriminate on the basis of race when it passed the Civil Rights Act of 1964.

Whereas, in 1971, the U.S. District Court for the District of Columbia stated in *Green* v. *Connally* that: "The Internal Revenue Code provisions on charitable exemptions and deductions must be construed to avoid frustrations of Federal policy. Under the conditions of today they can no longer be construed so as to provide to private schools operated on a racially discriminatory premise the support of the exemptions and deductions which Federal tax law affords to charitable organizations and their sponsors," and the Supreme Court of the United States has affirmed that decision.

Whereas, it has been the policy of the Internal Revenue Service since 1970 to deny the benefits of tax-exempt status and deductibility of contributions to racially discriminatory private schools.

Therefore be it resolved, It is the sense of the Congress that current Federal law clearly authorizes and requires the Internal Revenue Service to deny tax exempt status and deductibility of contributions to private schools that practice racial discrimination.

● Mr. HART. Mr. President, the concurrent resolution I am submitting today, along with Senators DURENBERGER and MOYNIHAN and 26 other cosponsors will put the Congress firmly on record against tax-exempt status for private schools that practice racial discrimination. The concurrent resolution states the sense of the Congress that current Federal law clearly authorizes and requires the Internal Revenue Service to deny tax-exempt status and deductibility of contributions to private schools that discriminate on the basis of race.

The Reagan administration's confusing policy reversals of the last few weeks on this issue have been unfortunate and unnecessary. The administration has demonstrated an incredible insensitivity, not only to the law, but to the progress made on civil rights in this Nation over the last 20 years, and more important, to the fundamental values which have been the foundation for such progress. The new statute which President Reagan has now proposed only adds to the confusion and insensitivity.

Current Federal law is clear. As the U.S. Commission on Civil Rights has pointed out, the Constitution, title IV of the 1964 Civil Rights Act, and the Internal Revenue Code authorize, indeed require the IRS to deny tax-exempt status to private schools which discriminate on the basis of race.

The courts have already interpreted Federal law in this manner. In 1971 the U.S. District Court for the District of Columbia stated in Green against Connally:

> The Internal Revenue Code provisions on charitable exemptions and deductions must be construed to avoid frustrations of Federal policy. Under the conditions of today they can no longer be construed so as to provide to private schools operated on a racially discriminatory premise the support of the exemptions and deductions which Federal tax law affords to charitable organizations and their sponsors.

The decision in *Green* has been affirmed by the U.S. Supreme Court.

Racial discrimination has no place in American society. The Federal Government has a moral obligation to use whatever sanctions are available to condemn it. The Federal Government already has the legal authority to insure that such discrimination is not financially subsidized through the tax code. The concurrent resolution we are introducing today reaffirms Congress recognition and strong support for the legal authority which already exists to fight such discrimination. I urge my colleagues to join in making

this important statement by cosponsoring the concurrent resolution.●

● Mr. DURENBERGER. Mr. President, we are submitting this concurrent resolution to emphasize our belief—as legislators—that the legislative policy Congress established in the Civil Rights Act of 1964 compels the denial of tax-exempt status to private schools that discriminate on the basis of race.

The issue here is one of privilege, not one of right. The Federal Government certainly cannot restrict the right of private or religious institutions to espouse whatever doctrines they choose. But a tax exemption is a privilege, not a right. It is fully proper for Government to condition access to that privilege on compliance with primary national policies, such as the policy of nondiscrimination. Tax-exempt status is often critical to the survival of private educational institutions, and this policy has traditionally been one of the Federal Government's most powerful levers to combat discrimination in education. As a Republican, I am proud of the fact that the policy was first initiated by a Republican administration.

I fully appreciate the President's concern that the IRS not act as an unelected legislature in determining national policy. Yet as I have analyzed past statutes and existing case law, I have become convinced that the legal basis for these denials comes not from IRS decisions, but from the legislative policy enacted by the Congress in the Civil Rights Act of 1964. That act specifically states that:

> No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The U.S. District Court for the District of Columbia recognized the impact of that policy on the tax code when it held in Green against Connally that:

> The Internal Revenue Code provisions on charitable exemptions and deductions must be construed to avoid frustrations of Federal policy. Under the conditions of today they can no longer be construed so as to provide to private schools operated on a racially discriminatory premise the support of the exemptions and deductions which Federal tax law affords to charitable organizations and their sponsors.

The *Green* decision was later affirmed by the U.S. Supreme Court.

The point of this judicial and legislative history is simple: The IRS has not been establishing legislative policy. It has been implementing a policy established by the Congress and enforced by the courts for nearly two decades.

I recognize that implementation of any policy of this nature requires the Department of the Treasury to make difficult value judgments. But they are not dissimilar to the types of judgment the Department makes in other tax policy areas, and the Department has functioned ably under this requirement for more than a decade. No matter how carefully we restate or recodify that policy, IRS will still be forced to make similar value judgments as it applies the new language to varying fact situations. On balance, the difficulties encountered in enforcing such requirements are far outweighed by the negative impact of abandoning the enforcement effort.

I intend to listen with great care to the arguments raised on the administration's bill during Finance Committee hearings. But with this concurrent resolution, I want to make clear the fact that there can be no "hiatus" within which institutions practicing discrimination can qualify for tax-exempt status. And I want to emphasize the need to be absolutely certain that any legislation brought before the committee be at least as abroad as the protection provided under current law.

Racial attitudes are precisely what the term implies—attitudes. And Government is the ultimate reflection of the attitudes of society. Any retreat from the policies established in the Civil Rights Act of 1964 would reflect the wrong attitude, and would send the wrong message to millions of Americans. I do not believe that either the Congress or the President would accept retreat.

I urge every one of my colleagues to join in cosponsoring this concurrent resolution, so there will be no doubt left in the public mind on where this body stands.●

● Mr. MOYNIHAN, Mr. President, I find myself, for the first time since my election to the Senate, in the peculiar position of introducing legislation that was never necessary, should never have become necessary, and would not be necessary, were it not for the administration decision of January 8, to reverse a decade old Federal policy of denying tax-exempt status to private schools that discriminate on the basis of race. And while I welcomed the President's statement of January 12, that the granting of tax-exempt status to discriminatory private schools is contrary to national policy, it is clear that there are certain matters of law and public policy which by virtue of their importance to the country were settled long ago. And should remain settled. Such is clearly the case with respect to the national policy against racial discrimination in education.

May I say, Mr. President, that I feel a personal stake in this matter. I was counselor to the President in 1970 when the original decision was made by the Internal Revenue Service that schools with racially discriminatory policies could not qualify for tax-exempt status. Throughout the spring and early summer of that year I participated in a series of meetings leading up to the Treasury's decision. It was the right decision both as to policy and law and it should remain. It was upheld in the 1971 Federal court decision, Green against Conally, and was affirmed later that year by the U.S. Supreme Court.

It is my firm belief that the Internal Revenue Code as presently drafted bars the granting of tax-exempt status to racially discriminatory private schools. That policy accurately reflects the requirement that a private school, in order to meet the common law definition of a charity, must not operate in manner contrary to well-established national policy.

That the elimination of racial discrimination is a fundamental national goal is without question. It is clear now, as it was in 1970, that racial discrimination in education offends against the constitutional rights of citizens as declared in the Supreme Court's 1954 seminal decision Brown against Board of Education, and in numerous subsequent decisions. As public policy it is embodied in Federal statutes, perhaps the most notable being title VI of the Civil Rights Act of 1964.

I deeply regret that the President has found it necessary to submit legislation to Congress to embody what, in my view, is already a matter well settled by not only the courts, but by Congress. It would be far better if the Internal Revenue Service were directed to continue to enforce the policy announced in 1970 to deny tax-exempt status to racially discriminatory private schools. I am also concerned that the recent actions by the administration have done a disservice and will perhaps be shown to have done serious harm to the whole of private education. Organizations such as the Council for American Private Education (CAPE), and the United States Catholic Conference, which together represent almost all of private elementary and secondary education have steadfastly opposed racial discrimination. Indeed, CAPE, which represents about 85 percent of private elementary and secondary education, has denounced the administration decisions to grant tax-exempt status to discriminatory private schools. Furthermore, for those of us in Congress who have long supported legislation designed to assure that students enrolled in nonpublic schools receive their fair share of the Federal resources devoted to education, the administration decision will have made our task more difficult.

Mr. President, this long-settled matter should remain settled. The Congress should go on record. And this concurrent resolution should be promptly agreed to.

I ask unanimous consent that CAPE's statement of January 11, 1982, be inserted in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CAPE DENOUNCES ADMINISTRATION REVERSAL OF TAX-EXEMPTION FOR PRIVATE SCHOOLS

The Council for American Private Education, representing organizations which enroll nearly 85 percent of private school students, deeply regrets the Administration's decision to abandon the government's policy of denying tax-exempt status to private schools and other private institutions which practice racial discrimination. We find this a highly regressive step with serious implications for the future of private schools and of American education.

The member organizations of CAPE, the major denominational and secular school organizations in the country, have long opposed racial discrimination in private education. It is significant that the Packwood-Moynihan Tuition Tax Credit Bill, of deep current concern to private education, contains specific language prohibiting racial discrimination in schools. We are firmly of the mind that no school should be able to flout the law of the land and most particularly where human rights and dignity are at stake.

We will now work with Members of Congress in every possible way to legislatively redress this action and will take part, as appropriate, in relevant court actions toward the same end.●

● Mr. BAUCUS. Mr. President, I am proud to cosponsor this resolution expressing the sense of the Senate that current Federal law clearly authorizes and requires the Internal Revenue Service to deny tax exempt status to private schools that practice racial discrimination. As the resolution states, this conclusion has been affirmed by our Nation's highest court.

The administration's attempt to reverse national policy on this issue cannot hold up under the law. The following letter from the former Assistant Attorney General in charge of the Tax Division of the Justice Department and his special assistant, recently printed in the Washington Post, sums up the situation: It is not tax policy, it is the law, and I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to printed in the RECORD, as follows:

[From the Washington Post, Jan. 15, 1982]

IT'S NOT TAX POLICY, IT'S THE LAW

Until a year ago, we were responsible for establishing tax litigation policy of the United States and presenting to the federal courts the government's position with respect to federal tax exemptions for racially discriminatory schools. We find it difficult to reconcile the reasons this administration is giving for allowing tax-exemption benefits to such schools with the holdings of our courts. The career officers of Treasury and Justice who watched the development of the law on this point during the last decade must have been astounded to read the Treasury Department's pronouncement that "the language . . . and legislative history [of the pertinent statute] provide no support for" prohibition of tax exemptions to such schools. Since the three-judge U.S. District Court decision in *Green* v. *Connally* in 1971, which was subsequently affirmed by the Supreme Court, the federal appellate courts have held unanimously that the Internal Revenue Code forbids extension of tax-exemption benefits to racially discriminatory schools. This principle has been respected in at least the past three administrations, not as expedient policy conformable to current politics but as a rule of law to be obeyed. The U.S. Court of Appeals in Richmond, speaking through two three-judge panels last year, restated this principle, observing that allowing exemptions for segregated schools would "tear [the tax statutes] from their roots." As recently as October 1981, Justice Department attorneys filed a memorandum in the Supreme Court supporting these decisions.

The reported statement of White House spokesman David Gergen that the decision to allow tax exemptions for racially discriminatory schools was taken "on the unanimous recommendation of Justice and Treasury officials" is credible only if we are to understand the "officials" to be recent political appointees unfamiliar with the positions of their legal staffs and we submit, the clear voice of the law.

Our president's suggestion that this policy change was necessary to prevent the IRS from "govern[ing] by administrative fiat" seems disingenuous. The allowance of tax exemptions to racially discriminatory schools in violation of the congressional enactments as interpreted by the courts is itself a flagrant example of administrative fiat. Obeying the law is not, as the president implied, "exercising powers that the Constitution assigns to the Congress." It is, rather, the duty of every executive branch official.

M. CARR FERGUSON.
NEW YORK.

LEONARD J. HENZKE, Jr.
ANNANDALE.●

● Mr. TSONGAS. Mr. President, the Reagan administration has set civil rights back to the days of Plessy against Ferguson (1896)—when whites had the legal right to keep blacks separate and unequal. On January 8, the administration announced that the IRS would no longer deny tax exempt status to racially segregated schools. This raised the flag of racial discrimination and reversed 12 years of national policy.

It meant that the Government would grant exempt status; that is, indirect subsidies, to more than 100 private and religious schools that discriminate on the basis of race. The IRS would follow this new policy until the Congress forced it to stop.

At the same time, the Justice Department informed the Supreme Court that the Treasury Department no longer had any dispute with two schools whose claim to tax-exempt status was the subject to a pending case. In essence, the Justice Department asked the High Court to vacate the case as moot. This was a total turnaround. Last September, the Department had argued the exact opposite before the Supreme Court. At that time, they made the case against tax-exempt status for racially segregated schools based on the Government's commitment to the eradication of racial discrimination in education. They said it was manifested in the Constitution, in Federal statutes, and in national policy prohibiting public subsidy of racially discriminatory educational institutions.

The two schools are Bob Jones University in Greenville, S.C., and Goldsboro Christian Schools in Goldsboro, N.C. Both institutions have denied admission to blacks on religious grounds. Bob Jones University did open its doors to black students 10 years ago, but few attend. Those who do must conform to the university policy that states the interracial dating or marriage is forbidden by the Bible.

This announcement was hailed by fundamentalist religious schools, leaders of the religious right, and many conservative politicians. But it brought a barrage of criticism not only from the civil rights community, but from public officials of both parties. And it generated a groundswell of public protest.

On January 12, President Reagan faced reality. He announced that he would propose legislation to outlaw tax exemptions for segregated schools. Four days after opening the door to discrimination, he was forced to support legislation to close it.

The President's explanations have been flimsy. He said that this policy should be decided by Congress—not the IRS. He claimed that his goal all along was congressional action to bar tax exemption to schools that practice racial discrimination, so that "for the first time that will be the law of the land."

The facts are to the contrary. The Supreme Court and all Federal appeals courts that have considered the issue have ruled that Congress has already outlawed such tax exemptions for institutions that discriminate on the basis of race.

It was a dozen years ago that the IRS issued its regulation denying tax-exempt status to racially segregated schools. This action was upheld in the case of Green against Connally, and affirmed by the Supreme Court. This case, brought by black taxpayers and their children in Mississippi, was based on title VI of the 1964 Civil Rights Act. In his decision, Judge Harold Leventhal wrote that the black children were "entitled to a declaration of relief on an enduring, permanent basis, not on a basis that could be withdrawn with a shift in the tides of administration, or changing perceptions of sound discretion."

Judge Leventhal anticipated that the issue might become controversial. He sought to head off confusion. He wrote:

To obviate any possible confusion the court is not to be misunderstood as laying down a special rule for schools located in Mississippi. The underlying principle is broader, and is applicable to schools outside Mississippi.

But the President has turned a deaf ear to this and other similar decisions. He claims there is "no basis in the law" for what the IRS has done for 12 years under Democratic and Republican administrations. In fact, the IRS has been following the law as mandated by the Federal courts.

Now the administration has come up with legislation to forbid tax exemptions for segregated private schools. At the same time it grants exemptions to two institutions while congressional action on the proposed legislation is pending. This leaves the administration saying no to segregated private schools in principle, while saying yes to Bob Jones University and Goldsboro Christian Schools in practice. They are saying yes to segregation with our tax dollars—at least until Congress acts.

The President has taken a long-settled area of the law, reversed it by executive fiat, and then invited Congress to restore the status quo. If Congress passes legislation but does not make it retroactive to the 1970 IRS regulation, these two schools will receive an economic windfall. They will have been exempt from Federal income, social security, and unemployment taxes. Their donors will have deducted their payments on income tax forms as charitable contributions. This would be the most blatant form of government sponsorship of segregated academies. It would subsidize the color line drawn at the door of institutions that have discriminated on the basis of race since 1970.

Mr. President, the Government cannot promote racial discrimination in any form. It cannot be a silent partner in so many cases like that of Sayrine Cotten, a black Goldsboro police officer. She did not know about that the admissions policy at Goldsboro Christian when she brought in her young son, Charles, to register last summer. Rev. Donald Tice, chairman of the school's board of trustees and pastor of the sponsoring church, explained that the school did not admit blacks. Reverend Tice expressed his sympathy and the hope that she should understand. Mrs. Cotten did not understand. She said:

I asked how they could call this a Christian school and be segregated. I was very hurt. I had never been so humiliated in my life.

It is time to stand against the humiliation of Americans like Sayrine Cotten. It is time that racially segregated private academies realize that they cannot operate contrary to established public policy on racial nondiscrimination at taxpayers' expense. It is time that the Reagan administration wake up and realize that the public will not tolerate a retreat on social justice.

President Reagan has tried to define this as a procedural issue—and he admits only to handling it clumsily. He protests that his administration supports equal justice, but I suggest that the gentlemen protests too much.

President Reagan has deemphasized civil rights generally and attacked affirmative action in particular. He has cut the budget of the Equal Employment Opportunity Commission. He wants to water down a 10-year extension of the Voting Rights Act already passed by the House. His record is all too clear.

Mr. President, current Federal law clearly authorizes and requires the IRS to deny tax-exempt status and deductibility of contributions to private schools that practiced racial discrimination. Therefore, I am please to be an original cosponsor of the concurrent resolution which underscores this. To pursue legislation at this time would make a mockery of the Congress and the Federal judiciary. This is no time to reopen a question that has been settled long ago.●

● Mr. BRADLEY. Mr. President, I am pleased to cosponsor this concurrent resolution to reaffirm the law and policy denying Federal tax exemptions for private schools that discriminate on the basis of race.

I am astounded that this reaffirmation has been made necessary by the Reagan administration's decision to disregard 18 years of law and an 11-year history of judicial opinions. Congress made its abhorrence of any Government support for segregation clear when it enacted the Civil Rights Act of 1964. Since that time it has been the law of the land that tax exemptions must be withheld from private schools that practice racial discrimination.

In 1971, the courts upheld the Congress position when the U.S. district court for the District of Columbia in Green against Connolly ruled that the Internal Revenue Code granting charitable exemptions and deductions must not frustrate Federal policy. The court specifically ordered such exemptions be denied to private schools that discriminate on the basis of race. That order was subsequently affirmed by the U.S. Supreme Court. Two U.S. appellate courts have followed the Green decision. The Internal Revenue Service, under Presidents Nixon, Ford, and Carter, consistently enforced that policy as they are required to do so.

I do not believe the American people question the wisdom of this policy. It is dictated by the Constitution, by fundamental fairness, and by America's longstanding commitment to racial equality. Any other policy is unacceptable.

Yet the Reagan administration has unjustifiably challenged both the status of the law and the validity of the policy. On January 8, 1982, the Treasury Department announced that the IRS would grant tax exemptions to two private schools that exclude students on the basis of their race. This surprising announcement ignited a wave of protest that the administration's action was an explicit endorsement of racial discrimination. In the wake of strong, widespread public objection to this decision, the administration said its new policy should not be construed to sanction segregation. They believe they have uncovered an inadequacy in the existing law which was overlooked by three other Presidents, their Attorneys General, and a host of Federal judges, including the Supreme Court of the United States. To remedy this alleged inadequacy, the President has proposed new legislation giving the IRS express authority to deny tax-exempt status to private schools with racially discriminatory practices.

This new legislation is both unnecessary and confusing. The law and policy against granting tax exemptions to such schools are clear. Accordingly, the President should instead direct the IRS to exercise the ample authority it already has under the Constitution, the Civil Rights Act, and the Internal Revenue Code to deny tax exemptions to private schools that discriminate on the basis of race. And the IRS should continue to enforce existing law. That is the intent of this concurrent resolution.●

● Mr. GLENN. Mr. President, I am pleased to be a cosponsor of the concurrent resolution being submitted today. The concurrent resolution expresses the sense of the Congress that:

Current Federal law clearly authorizes and requires the Internal Revenue Service to deny tax-exempt status and deductibility of contributions to private schools that practice racial discrimination.

The occasion for submitting this concurrent resolution is President Reagan's reversal of the decade-long IRS policy of denying tax-exempt status to private schools that racially discriminate. Shortly after this reversal, I and a number of other Senators circulated a "Dear Colleague" letter in which we urged Senators to cosponsor legislation which we intended to introduce to continue the IRS policy of denying such exemptions. We also sent a letter to President Reagan urging him to insist that the IRS continue its policy of denying tax-exempt status to these schools until Congress could act.

We are submitting this concurrent resolution instead of legislation for several reasons. First, civil rights groups, including the Civil Rights Commission, are adamantly opposed to the introduction of any legislation

concerning the tax-exempt status for private schools. As they correctly point out, the Civil Rights Act of 1964 provides the legislative authority for denying tax exemptions to private schools that racially discriminate. Moreover, introducing legislation would establish a bad precedent: It is unnecessary to enact specific legislation to cover every conceivable form of racial discrimination.

Second, it may be difficult to pass legislation without restrictive or weakening amendments being added. The Ashbrook and Dornan amendments which restrict IRS tax-exempt enforcement authority illustrate this danger. The concurrent resolution, while avoiding the dangers inherent in the legislative process, will allow Congress to clearly express its strong support for the longstanding IRS policy which is based on current law.

Mr. President, before I conclude my remarks, I would like to address the deplorable way in which the administration handled the tax-exempt issue.

Succinctly, I think the question of the IRS making "social policy" is a red herring. This precise issue was resolved in 1971 by the three-judge district court in Green against Connally. The decision was subsequently affirmed by the Supreme Court. Since 1971 the IRS policy has been to deny tax-exempt status to private schools that racially discriminate.

There is a far more plausible explanation for the President's reversal of IRS tax-exempt policy. It was a concession to supporters of Bob Jones University, Goldsboro Christian Schools, and other private and religious schools that have been denied tax-exempt status. It cannot be denied that while the President flip-flopped on the tax-exemption policy, these two schools were able to obtain their long-denied tax-exempt status despite the fact that their cases were pending before the Supreme Court. Moreover, it appears that legislation which is being proposed by the administration would not deprive the two schools of their tax-exempt status.

This explanation appears even more plausible in light of the insensitivity of this administration toward blacks who, not so incidentally, stood to lose the most by the President's initial reversal of IRS policy. Examples of this insensitivity include the administration's budget cuts, which have hit blacks the hardest, and the administration's lack of support for the version of the Voting Rights Bill which passed the House with overwhelming bipartisan support.

To conclude, I hope that the concurrent resolution being submitted today will help to favorably resolve the tax-exempt issue. I also hope that the matter will serve to make the administration more sensitive to the rights of our black and minority citizens in the future.●

● Mr. GORTON. Mr. President, I have joined many of my colleagues here today in cosponsoring this concurrent resolution. This seems to me to be an appropriate means of assuring that the longtime practice of the Internal Revenue Service, denying tax-exempt status to private schools with racially discriminatory policies, is reinstated quickly, and that any doubts as to the authority of the IRS to do so are laid to rest.

As the concurrent resolution clearly states, the Civil Rights Act of 1964 not only provides the authority for denying tax-exempt status to schools with racially discriminatory policies, but requires such a denial. Senator HART, by utilizing the vehicle of a concurrent resolution, has given us the opportunity to ratify the actions of the courts in liberally construing the provisions of title VI of the Civil Rights Act. It is my hope that, in doing so, we may avoid future misunderstandings of congressional intent which serve only to arouse, unnecessarily in my views, the concerns of many of our citizens over the breadth of Congress commitment to civil rights.

I have received several letters from constituents who oppose the IRS practice on the grounds that it is an invasion of first amendment rights, that is, freedom of religion. I disagree. The denial of tax-exempt status does not in any way interfere with or prohibit the free exercise of religion. The schools which are affected by this policy may still practice their racially discriminatory policies, abhorrent as they may be to others, but if they choose to continue those policies, the Federal Government will not subsidize them.

I want to thank Senator HART for submitting this concurrent resolution so that we in the Senate can restate the intent of Congress in title VI of the Civil Rights Act of 1964 expeditiously and unequivocally.●

SENATE CONCURRENT RESOLUTION 60—CONCURRENT RESOLUTION DISAPPROVING PROPOSED FTC USED CAR RULE

Mr. PRESSLER submitted the following concurrent resolution which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 60

Resolved by the Senate (the House of Representatives concurring), That the Congress disapproves the final rule promulgated by the Federal Trade Commission dealing with the matter of the trade regulation rule relating to the sale of used motor vehicles, which final rule was submitted to the Congress on January 28, 1982.

● Mr. PRESSLER. Mr. President, I rise to submit a concurrent resolution of disapproval to the Federal Trade Commission's proposed rule pertaining to the sale of used motor vehicles which was submitted to Congress today.

This proposed rule is identical to the proposed rule which was submitted to Congress last session by the FTC, and my resolution of disapproval is identical to Senate Concurrent Resolution 33, which I introduced in response thereto with 45 cosponsors last September.

The basis for this disapproval concurrent resolution, or legislative veto, is the FTC Improvements Act of 1980 which requires that every trade regulation rule promulgated by the FTC must be submitted to Congress for legislative review before becoming effective.

The statute further specifies that the Congress must act to disapprove such proposals, within 90 legislative days—but should the session end before the 90 days have passed, the proposed rule becomes inoperative.

Although Senate Concurrent Resolution 33 was reported favorably by the Commerce, Science, and Transportation Committee on December 10 by a vote of 12 to 4, the Congress adjourned last session prior to the end of the 90-day period without taking action on the resolution of disapproval. Although the statute does not require the resubmission of a disapproval concurrent resolution in Congress, and while I believe it can reasonably be maintained that Senate Concurrent Resolution 33 is still operative, I am submitting the current disapproval resolution to insure that there is no question that the Senate has the opportunity to readily address this issue.

There is evidence of considerable opposition to the proposed rule in both Houses of Congress, with over 200 cosponsors in the House of Representatives last year. The FTC, however, has chosen to resubmit the proposal based upon their interpretation that the 1980 statute requires resubmission in the current session.

With the resubmission of the proposed rule at the beginning of this session, the Congress will have ample time—90 legislative days—to dispose of this issue.

Mr. President, I wish to make the point clear that I do not oppose the regulation of the used car market. The consumer should be protected in areas of safety and serviceability. However, the present FTC proposal is poorly drafted and overly broad in scope.

Hearings held last year in the Senate brought forth testimony illustrating the severe ambiguities of the proposal. On one hand it was pointed out that the regulation would cost millions of man-hours in paperwork and millions of dollars in additional mechanics' wages in complying with the inspection of the 52 mandated items in the automotive system, costs which

would be borne by the consumer. On the other hand, it was argued, the forms the FTC requires to be filled out by auto dealers would give the public the false illusion of an ironclad warranty. Persuasive arguments were made that dealers could hide behind the FTC required document. Few doubted that the $10,000 penalty imposed by the rule would result in adding much litigation to the Federal court.

Forty-five colleagues of mine in the Senate agreed that the used car forms were sufficiently flawed to join me in cosponsoring my concurrent resolution to disapprove this FTC regulation. This effort is the first exercise of the two-House veto established by the Congress in 1980.

It is clear that Congress must delegate authority to regulatory agencies. The number and complexity of issues with which Congress must deal requires this. In recent years, however, regulatory agencies have inadvertently become a fourth branch of the Government over which no one is exercising effective control. Because of the increasing frustration of Americans with burdensome redtape and regulations, Congress has recently begun to seriously reexamine and reduce the authority it delegates to agencies. Thus in 1980, when Congress reauthorized the FTC, it provided for a means to override its proposed rules.

It should be noted that in the past several years, the Congress has, on several occasions, specifically warned the FTC against intruding into the area of used car warranties. Thus, the ambiguous regulations issued in September set the stage for last fall's congressional confrontation with the FTC.

Many of the cosponsors of the disapproval resolution do not, in fact, entirely oppose some regulations of the used car market. The consumer should be protected in the areas of safety and serviceability. However, as I have noted, the present FTC proposal is ambiguous and overly broad in scope. It should be understood that this proposed rule has three parts. The first two, which are reasonable, provide for:

A prohibition against misrepresentation on the part of the dealer for any known defects; and

The requirement that the dealer make clear any details regarding warranties, or if no warranty is being offered to so state.

The third portion of the rule, however, would require the merchant to affirmatively inform the buyer of suspected, but undetermined, defects in 52 prescribed areas. However, the rule also consistently states that the dealer is not required to inspect the car. Thus, a merchant is placed in the position of speculating on what defects there might be. In order to be safe, a dealer would have to give a complete examination to the entire automobile—a costly procedure. Such ambiguity should not be added to the Federal regulations.

I believe there is a consensus that holds that dealers should not be permitted to misrepresent the quality of the automobile sold and that it is reasonable to require that a dealer fully disclose the term of his warranty and his responsibility to provide repairs.

These items are, however, a far step below requiring dealers to look for defects which they do not know about. To impose such a requirement is a drastic departure from current practices.

To those who question about safety defects, it should be noted that present law, as adopted by all States, provides recourse. Under the provisions of the Uniform Commercial Code, the buyer is protected under the principle of implied warranty—that any items bought from a merchant are good for ordinary use. Thus, the storied unsuspecting little old lady has recourse if the wheel falls off her car. This is the type of defect that the dealer should have known about before the sale. Under the terms of such an implied warranty doctrine, most dealers—if they wish to stay in business without lawsuits—will look for the safety hazards and obvious serviceability defects.

Thus, many of the problems which this proposed rule seeks to address already have remedies. Indeed, many States have their individual inspection laws. Because of the $10,000 fine involved in the proposed regulations, it would appear that dealers—to be safe—would thoroughly examine automobiles whether or not they suspected defects in any of the 52 required areas. The cost of such inspections, estimated to be about $150 per vehicle, will, of course, be passed on to the consumer. Additionally, great cost will be borne by the Government in hiring personnel in the FTC to screen claimants from individuals around the country and to prosecute their cases if meritorious.

In 1980, both major political parties pledged to curtail Federal regulation. The FTC's ruling will be a costly burden upon business with questionable benefits for the consumer. Congress has acted responsibly in reviewing the Commission's work in this case. Elected officials should exercise their duty as watchdogs over the unelected bureaucracies. We must not hide behind a delegation of authority. Therefore, I would urge the speedy consideration of the concurrent resolution at hand.●

SENATE RESOLUTION 285—RESOLUTION RELATING TO THE REPORTING DATE OF THE STUDY GROUP ON THE COMMEMORATION OF THE U.S. SENATE BICENTENARY

Mr. BAKER submitted the following resolution; which was considered and agreed to:

S. RES. 285

Resolved, That section 5 of S. Res. 381 of the 96th Congress, as agreed to by the United States Senate on August 1, 1980, is amended by striking out "not later than eighteen months after the date of agreement to this resolution" and inserting in lieu thereof "not later than December 31, 1982".

SENATE RESOLUTION 286—ORIGINAL RESOLUTION AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE, from the Committee on Energy and Natural Resources, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 286

Resolved, That in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $2,132,840, of which amount not to exceed $10,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 287—ORIGINAL RESOLUTION AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. STAFFORD, from the Committee on Environment and Public Works,

reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 287

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $2,267,000, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 288—AN ORIGINAL RESOLUTION AUTHORIZING EXPENDITURES BY THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 288

Resolved, That, in carrying out its powers, duties, and functions, under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $3,171,746, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 289—ORIGINAL RESOLUTION AUTHORIZING EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 289

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $1,273,800, of which amount not to exceed $15,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 290—ORIGINAL RESOLUTION AUTHORIZING THE PRINTING OF SENATE ELECTION LAW GUIDEBOOK AS A SENATE DOCUMENT

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 290

Resolved, That a revised edition of Senate Document Numbered 96-45, entitled "Senate Election Law Guidebook", be printed as a Senate document, and that there be printed eight hundred additional copies of such document for the use of the Committee on Rules and Administration.

SENATE RESOLUTION 291—ORIGINAL RESOLUTION AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FINANCE

Mr. DOLE, from the Committee on Finance, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 291

Resolved, That, in carrying out its powers, duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $2,143,000, of which amount not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 292—AN ORIGINAL RESOLUTION AUTHORIZING EXPENDITURES BY THE COMMITTEE ON APPROPRIATIONS

Mr. HATFIELD, from the Committee on Appropriations, reported the following original resolution; which

was referred to the Committee on Rules and Administration:

S. RES. 292

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accoprdance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Appropriations is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $3,785,310, of which (1) not to exceed $5,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 293—ORIGINAL RESOLUTION AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE BUDGET

Mr. DOMENICI, from the Committee on the Budget, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 293

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $2,685,961 of which amount not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 294—AN ORIGINAL RESOLUTION AUTHORIZING EXPENDITURES BY THE COMMITTEE ON SMALL BUSINESS

Mr. WEICKER, from the Committee on Small Business, reported the following original resolution, which was referred to the Committee on Rules and Administration:

S. RES. 294

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule SSVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $902,000.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 295—RESOLUTION AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. PERCY, from the Committee on Foreign Relations, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 295

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1982, through February 23, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $2,439,912 of which amount not to exceed $18,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 296—ORIGINAL RESOLUTION AUTHORIZING EXPENDITURES BY THE COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH, from the Committee on Governmental Affairs, reported the following original resolution, which was referred to the Committee on Rules and Administration:

S. RES. 296

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $4,672,526, of which amount (1) not to exceed $68,725.32 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. (a) The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate—

(1) the efficiency and economy of operations of all branches of the Government

including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public.

(2) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(3) syndicated or organized crime which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions which are in violation of the law of the United States or of the State in which the transactions occur, and, if so, the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, what facilities, devices, methods, techniques, and technicalities are being used or employed, and whether or not organized crime utilizes such interstate facilities or otherwise operates in interstate commerce of the development of corrupting influences in violation of the law of the United States or the laws of any State, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activities have infiltrated into lawful business enterprise; and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against the occurrences of such practices or activities;

(4) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud and the use of off-shore banking facilities to carry out criminal objectives.

(5) riots, violent disturbances of the peace, vandalism, civil and criminal disorder, insurrection, the commission of crimes in connection therewith, the immediate and long-standing causes, the extent and effects of such occurrences and crimes, and measures necessary for their immediate and long-range prevention and for the preservation of law and order and to insure domestic tranquillity within the United States.

(6) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(A) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(B) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge, talents;

(C) the adequacy of present intergovernmental relationships between the United States and international organizations principally concerned with national security of which the United States is a member; and

(D) legislative and other proposals to improve these methods, processes, and relationships;

(7) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but limited to, their performance with respect to—

(A) the collection and dissemination of accurate statistics on fuel demand and supply;

(B) the implementation of effective energy conservation measures;

(C) the pricing of energy in all forms,

(D) coordination of energy programs with State and local government;

(E) control of export of scarce fuels;

(F) the management of tax, import, pricing, and other policies affecting energy supplies;

(G) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(H) the allocation of fuels in short supply by public and private entities;

(I) the management of energy supplies owned or controlled by the Government;

(J) relations with other oil producing and consuming countries;

(K) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(L) research into the discovery and development of alternative energy supplies; and

(8) the efficiency and economy of all branches and functions of government with particular reference to the operations and management of Federal regulatory policies and programs:

Provided, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of any particular branch of the Government; but may extend to the records and activities of any persons, corporation, or other entity.

(b) Nothing contained in this section shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(c) For the purpose of this section the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1982, through February 28, 1983, is authorized, in its, his, or their discretion (1) to require by subpena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (2) to hold hearings, (3) to sit and act at any time or place during the sessions, recesses, and adjournment periods of the Senate, (4) to administer oaths, and (5) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Permanent Subcommittee on Investigations specifically authorized by the chairman, by deposition.

(d) All subpenas, contempt proceedings, and related legal processes of the committee and its subcommittees authorized under S. Res. 361 of the Ninety-sixth Congress, second session, and S. Res. 57 of the Ninety-seventh Congress, first session, including the subpena enforcement and contempt proceedings against William Cammisano, are authorized to continue.

SEC. 4. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

SEC. 5. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 297—RESOLUTION RELATING TO A USURY CEILING

Mr. BAUCUS submitted the following resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. RES. 297

Resolved, That it is the sense of the Senate that the Board of Governors of the Federal Reserve System should impose a national usury ceiling of 10 per centum per annum.

USURY CEILINGS

● Mr. BAUCUS. Mr. President, high interest rates and inflation have become a great cause of fear, anxiety, and apprehension to all of us in our outlook on the economy, America's business futures, and our own personal lives.

Daily we read of another bankrupt company in an already beleaguered industry, a troubled thrift that finally went under after months of struggling; small business, one after another, giving up the toehold they worked so hard to establish, finally losing the battle and shutting their doors forever.

Our deficit skyrockets, inflation hovers at an unconscionable rate, and the stock market declines. The once thriving housing and auto industries have suffered greatly.

We need not look for the answer. The answer is high interest rates.

Mr. President, interest rates must be brought down. And they must be brought down now. We cannot allow this terrible trend to continue.

It is for this reason, and with the heartfelt hope that at last in such a long while, high interest rates will be brought down to stay. I feel one concrete way of insuring this is to place a usury ceiling on the Federal Reserve Board.

I hope my colleagues will join me in agreeing that it is the sense of the Senate of the United States that the Federal Reserve Board should adopt a 10-percent annum usury ceiling.

I ask unanimous consent that a letter relating to this subject, and my reply be printed in the RECORD.

There being no objection, the letter were ordered to be printed in the RECORD, as follows:

THE PARK COUNTY
DEMOCRATIC CENTRAL COMMITTEE,
Livingston, Mont.

Senator MAX BAUCUS,
Washington, D.C.

DEAR MAX: On October 28, 1981, a resolution was passed, stating, "That a 10% Federal Reserve usury law should be adopted."

Please support or introduce a bill to accomplish this.

Sincerely,

ROBERT SCHLEICHER,
Chairman.

DECEMBER 19, 1981.

ROBERT SCHLEICHER,
Livingston, Mont.

DEAR ROBERT: I want to assure you that I am deeply concerned by the effect of high interest rates upon individuals as well as industries. With inflation so high and interest rates hovering in the double digits, I believe we must be successful in our attempts to control inflation so that interest rates will come down. There is some indication that they may come down at least in the short term, illustrated in part by the Federal Reserve Board dropping their prime rate from 14 to 12 percent within the last two months.

I voted for the President's economic package with the hope that it will achieve those objectives, although I do realize it will take some time and it does have many risks associated with it. I've also co-sponsored legislation which urged the Federal Reserve Board to take more account of the economy in determining the money supply.

In addition, I agree that we must continue to seek ways to lower interest rates and think your resolution should receive full consideration in the Senate. Therefore, I am taking the liberty of preparing legislation along the lines you have suggested and will submit it with the hope that it will receive prompt attention.

Thank you again for your letter. I will keep you informed on this as the situation develops. In the meantime, I hope you will stay in touch.

With best personal regards, I am,

Sincerely,

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SENATE RESOLUTION 298—RESOLUTION HONORING MARTIN L. SKUTNIK FOR HIS COURAGEOUS BEHAVIOR IN THE AIRCRAFT DISASTER IN WASHINGTON, D.C.

Mr. HOLLINGS (for himself and Mr. DOMENICI) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 298

Whereas, the tragic crash of a passenger jet into the Potomac River on January 13, 1982, caused the death of seventy-eight persons;

Whereas, the Nation's attention and sense of loss were focused on this shocking catastrophe;

Whereas, Martin L. Skutnik, an employee of the Congressional Budget Office, risked his life by diving into the river to save a drowning woman from certain death; and

Whereas, his selfless valor and heroism in the face of extreme danger reflect the most noble of human qualities and instill in his family, associates, Federal employees, and the Nation as a whole a feeling of great pride and gratitude: Now, therefore, be it

Resolved, That the United States Senate honors and commends Martin L. Skutnik for his lifesaving act of heroism.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Martin L. Skutnik.

SENATE RESOLUTION 299—DESIGNATING "INTERNATIONAL FRANCHISE DAY"

Mr. WEICKER submitted the following resolution, which was referred to the Committee on the Judiciary:

S. RES. 299

Whereas, the franchise method of marketing has made significant contributions to the American economy and has successfully allowed hundreds of thousands of small business persons to participate in marketing networks offering quality product and service distribution;

Whereas, franchising today accounts for nearly one-third of all U.S. retail sales, spans more than forty industries, and directly employs some 4.6 million people;

Whereas, franchised businesses currently enjoy a success rate better than 95 percent;

Whereas, people of all classes and backgrounds have been provided economic opportunities in starting their own businesses through the training and management programs offered in franchising;

Whereas, franchising permits the small business person to compete with large chains which are increasingly dominating our economic landscape;

Whereas, legitimate, established franchises fully support and adhere to uniform disclosure laws to assure that prospective franchise buyers are fully aware of their rights and obligations before investing in a franchise; and

Whereas, franchising continues to expand internationally, effectively serving ever greater number of people the world over: Now, therefore, be it

Resolved, by the Senate of the United States of America in Congress assembled, That the President is requested to issue a proclamation designating May 4, 1982, as "International Franchise Day," and calling upon the people of the United States and those who have been served by franchising throughout the free world to celebrate such day with appropriate ceremonies and activities.

● Mr. WEICKER. Mr. President, today I am introducing a resolution to declare May 4, 1982, as International Franchise Day.

Franchising represents a significant force within the small business community and, indeed, accounts for nearly one-third of all retail sales in the United States today. Franchised sales of goods and services will reach $377 billion by the end of 1981 and franchising directly employs some 4.6 million people. The majority of business format franchise companies are small, many with fewer than 50 units. It is a way of doing business for 40 industries and assists small business in competing on an equal footing with big business.

Individuals who enter into franchising are by and large the small business entrepreneur whose desire is to own his own business. And with the help of his franchise partners he overwhelmingly succeeds and stays in business. The U.S. Department of Commerce has reported each year since 1971 that more than 95 percent of franchisee-owned outlets have remained in business. The International Franchise Association, a nonprofit trade association of franchise companies, now in its 23d year, recently surveyed its 350 members and found that fewer than 1 percent of the franchised outlets of respondent companies had closed as a result of business failure.

Franchising also means opportunities in business for minorities. In 1979, minority-owned business format franchised outlets increased in number by 5 percent. Managerial training programs, expertise in running a business, and the willingness of many franchisors to help their franchisees obtain loans has assisted persons without substantial prior business experience to join corporate America.

Franchising has similarly enabled women to advance their skills and widen their horizons. In fields ranging from accounting to automotive services to restaurant management, women are proving their value and competence to work outside the home and on their own in their own businesses.

Franchising has also helped to improve the U.S. balance of trade. Department of Commerce statistics show that the growth rate of foreign units now exceeds that of domestic expansion. The trend toward overseas expansion is illustrated by the activities of a number of the member companies of the International Franchise Association, 42 percent of which have reported that they already franchise internationally. The clear indication is that more are planning to do so in the near future.

The concrete benefits of franchising to the businessman, to the consumer, and to the country are clear. But the success of franchising means even more than this. It affirms that an entrepreneurial spirit and American know-how are strongly enough engrained in the fabric of this country that we cannot surmount the economic challenges currently facing us.

Mr. President, the time has come to recognize the benefits of franchising. Accordingly, it is to this end that I, along with my good friend, distinguished colleague, the ranking minority member of the Senate Small Business Committee, Mr. NUNN, have introduced this resolution to request the President to designate May 4, 1982, as "International Franchise Day" to

honor the significant contribution of franchising to the American economy.●

NOTICES OF HEARINGS

SUBCOMMITTEE ON GOVERNMENT PROCUREMENT

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee's Subcommittee on Government Procurement will conduct a hearing on the "Impact of the Davis-Bacon Threshold on Small Business Construction Contractors," on February 2, 1982, in room 424 of the Russell Senate Office Building at 9:30 a.m. For further information, please contact Kim Elliott at 244-3840 or Bret Bernhardt at 224-6012.

SUBCOMMITTEE ON ADVOCACY AND THE FUTURE OF SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee's Subcommittee on Advocacy and the Future of Small Business will conduct a hearing on "S. 1947, a Bill to Improve Contract Notices in the Commerce Business Daily," on February 17, 1982, at 9:30 a.m., in the Federal Building, San Diego, Calif. For further information, please contact Grace Hussie at 224-3841 or Kim Elliott at 224-3840.

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee will conduct an oversight hearing on timber set-aside program, on February 19, 1982, at 9 a.m. in the Federal building, Hot Springs, Ark. For further information, please contact Kim Elliott at 224-3840 or Alan Chvotkin at 224-8497.

Mr. President, I would like to announce that the Senate Small Business Committee will conduct a hearing on influencing small business investment in enterprise zones, on February 23, 1982, at 9:30 a.m., in room 424 of the Russell Senate Office Building. For further information, please contact Bob Wilson at 224-5175.

SUBCOMMITTEE ON TAXATION AND DEBT MANAGEMENT

Mr. PACKWOOD. Mr. President, the Subcommitee on Taxation and Debt Management of the Senate Finance Committee held a hearing today at 9 a.m. One bill has been scheduled for the hearing: S. 1887, introduced by Senator DANFORTH relating to the installation of airbags in automobiles.

The purpose of this notice is to briefly explain the issue raised by this bill. This may help in charting the progress of tax legislation before the Taxation Subcommittee, and to assure greater public awareness of tax bills coming up for hearings.

TAX CREDIT FOR INSTALLATION OF SAFETY AIRBAGS IN NEW AUTOMOBILES AND EXCISE TAX ON SALE OF NEW AUTOMOBILES WITHOUT SAFETY AIRBAGS—S. 1887

PRESENT LAW

No income tax credit is currently allowed for the manufacture of an automobile on which an automatic safety airbag has been installed, nor is a manufacturer's excise tax imposed on the sale of an automobile because it has not been equipped with an automatic safety airbag.

PROVISIONS OF S. 1887

S. 1887 has two provisions:

First, it will allow manufacturers to claim a $300 refundable income tax credit for domestic automobiles produced in 1984 and thereafter on which an automatic safety airbag has been installed by the manufacturers.

Second, the bill would impose a $300 manufacturer's excise tax on the sale or first lease of an automobile by a manufacturer if a qualified automatic safety airbag has not been installed. This provision would also apply to the sale of automobiles for the 1984 model year and thereafter.

ADDITIONAL STATEMENTS

THE ROOSEVELT LEGACY

● Mr. DOLE. Mr. President, hundreds of thousands of words will be spoken this week to commemorate Franklin Roosevelt's Centenary. Thousands of memories will fill not only the Halls of Congress, but the hearts of those old enough to remember F. D. R. the man, and leader of men. No one who was alive in March of 1933 is likely to forget Roosevelt's bold proclamation that fear itself was the Nation's greatest enemy. No one who heard his voice then or subsequently, will forget the challenge of those bleak times, or the personal magic with which a crippled man in pince-nez and battered fedora epitomized the battles against hunger, unemployment, heartlessness and a foreign scourge called nazism.

He said in his inaugural:

We now realize as we have never realized before our interdependence on each other; that we cannot merely take but we must give as well; that if we are to move forward, we must move as a trained and loyal army willing to sacrifice for the good of a common discipline . . . This I propose to offer.

HOPE FOR THE HOPELESS

Whatever criticism has since been lodged against the subsequent growth of Government in America—criticism which I, among others, have leveled from time to time—it cannot detract from the magnitude of Roosevelt's achievements, or obscure the danger to capitalistic democracy that hung over the Capitol Plaza on that long ago March morning, like an expectant vulture. F. D. R. promised "action, and action now." He lived up to his promise. But it was not only what he did that gave hope to the hopeless. It was how he did it.

There was a moral center to the Roosevelt revolution, an inclusive embrace of millions of Americans previously ignored by their Government. People cared about F. D. R. because he so evidently cared about them. They found inspiration in his words, and recognition in his actions. I will leave it to the historians to render the ultimate verdict on the New Deal. But I know that in many hearts this week, there is a pang of nostalgia, and a hunger for that common discipline Roosevelt called for and put to such historic use for 12 tumultuous years.

COMPETENCE WITH COMPASSION

Now, we are in the midst of a new political revolution. The pendulum has swung away from a government that had become a bloated parody of F. D. R.'s instrument of compassion. Now, we are calling upon the American people to launch a still newer deal, a renaissance powered by their own ingenuity, guided by their own traditional belief in self-rule. We are retrieving government before it slips away from the governed.

We will practice competence as well as compassion. We will raise the floor under the disadvantaged—without lowering the ceiling on everyone else. We will rebuild America, so that inflation does not rob the poor, and Government does not pick the pocket of a struggling middle class.

The monuments to Franklin Roosevelt are secure. The elderly will continue to receive their social security checks. The unemployed will continue to benefit from unemployment insurance. Rural homes will not surrender electricity, nor will our minority citizens ever again be relegated to privation and neglect.

The United States will remain in the front rank of nations, where Roosevelt led her, and we will pursue with imagination as well as realism his dream of a world where peace is not a synonym for weakness, nor war an inevitable excuse for imperialist visions of glory.

THE LEGACY OF A LEADER

All this is safe, as is Roosevelt's place in the hearts and minds of his countrymen. A few days before his death, President Roosevelt was working on a speech he would never deliver, a speech looking forward to the end of the war and the start of a difficult peacetime transition. In it, he asked his fellow Americans to hold tight to their confidence. "The only limit to our realization of tomorrow," he wrote, "will be our doubts of today."

To the very end, he recognized the primary function of modern leadership: To set the agenda and shape the psychology of a nation.

On this historic anniversary, when we celebrate the birthday of Franklin D. Roosevelt, we could do his memory no higher honor than to renew and refresh that call to faith. For now as then, great challenges are our portion, and we shall move forward only with strong and active faith. Let that faith be Franklin Roosevelt's living legacy, as well as his permanent epitaph.●

ONE HUNDREDTH ANNIVERSARY OF FRANKLIN DELANO ROOSEVELT'S BIRTH

● Mr. DURENBERGER. Mr. President, F. D. R.—the magic associated with that name is as strong today as it was when Franklin Roosevelt occupied the Oval Office 40 years ago. His popular appeal has survived the test of time, and the enthusiasm with which millions of people gather to celebrate the one hundredth anniversary of his birth is testimony to the lasting impact of his leadership.

Politicians and historians will debate the merits of the New Deal policies for as long as history is written. But however one judges Franklin Roosevelt's policies, there can be no dispute about the quality of the man or the leadership he gave this country. F. D. R. was a man who cared deeply about the people he represented.

That commitment shone in his words and deeds, and it was the sheer quality of his leadership as much as any other factor that maintained America's belief in its own potential through a devastating recession and a destructive world war.

He rallied our spirit with his courage, and his unshakeable faith in the perseverance of the human spirit. He taught that the handicaps we faced as a Nation were no more insurmountable than the personal handicaps he had overcome in his life.

Death prevented F. D. R. from seeing the fulfillment of his dream—a Nation with peace abroad and prosperity at home. But the qualities with which America pursued those goals are testimony to the qualities of the man who led us through 13 of the darkest years in our history.

F. D. R. left every American a legacy of leadership. He taught us that when we stand together, we are a human force that can overcome any challenge. The economic challenges this Nation faces today call for similar qualities, and an equal degree of dedication. How we respond to this challenge will be the ultimate test of how true we are to the legacy of F. D. R.—a part of American history for a full century today.●

FRANKLIN D. ROOSEVELT

● Mr. METZENBAUM. Mr. President, we are observing today the centennial of a man who more than any other in living memory shaped this Nation's life.

Franklin D. Roosevelt came to office at a time when this country was what he described as "A stricken Nation in the midst of a stricken world."

F. D. R. took power in an America that had for too long been dominated by what he called "that definition of liberty under which for many years a free people were being gradually regimented into the service of the privileged few."

Franklin Roosevelt was the inheritor of disastrous, rigidly ideological economic policies pursued by two previous administrations. And when those policies led the Nation to depression in 1929, their architect, Treasury Secretary Andrew Mellon, had this advice.

"Liquidate labor," he said.

"Liquidate stocks, liquidate the farmer, liquidate real estate."

Today, economists argue in abstract terms over what caused the Great Depression. But the realities of those times were not abstract at all.

There was hunger—widespread hunger—in the world's richest agricultural country. And while millions were going hungry, farmers by the thousands were losing their land.

"I remember vividly," Carl Rowan wrote recently of his childhood in Tennessee, "going with my grandmother to shell pecans at pay of 3-cents per pound for the shelled meats (plus all the pieces of pecan we could eat surreptitiously). I remember that when my father wasn't working, which was often, we would take to the fields knowing that either we shot a rabbit or there would be lean pickings for dinner."

But, Mr. Rowan wrote, "What I remember most is not the hard and hungry days, but the hopelessness that permeated everything."

Hope was the first of Franklin Roosevelt's gifts to the people of this country—hope not for miracles or quick fixes. Rather, the hope that F. D. R. provided was based on the conviction of the American people that someone truly cared for them—and that their Government truly was trying to lead the country to a better day for all.

It is hard to overestimate the importance of that perception.

F. D. R.'s leadership kept alive the faith of our people in our democratic institutions. Other countries were not so lucky.

By providing to the American people what is now called the "social safety net," F. D. R.'s reforms strengthened and preserved the free enterprise system.

And by opening the door, by taking into the system those who had been left out, F. D. R. began a sweeping process of positive change in this country that has yet to run its course.

Under Roosevelt, minorities of all kinds—racial, religious, and in the case of the South, even regional, began their move away from second-class citizenship.

Working men and women secured the right to organize.

Bank depositors knew that never again could their assets disappear overnight.

Farmers were at last given a stable market for their produce.

Investors received a degree of protection from fraud and manipulation in the market.

For the elderly, the unemployed—for those who had always been the most vulnerable—F. D. R. established the principle that America would be a principled and compassionate Nation.

"What incredible good fortune," wrote Joseph Alsop recently, "That Franklin Roosevelt was a man who loved the right and loathed the darkness and was guided always by a deep, old-fashioned patriotism and a rather simple, old-fashioned Christian faith. As Americans, we take such good fortune for granted, for we have been lucky in our Presidents in all our major crises as a Nation. But can we forever count on such good fortune in the future? I often wonder."

I wonder, too. But the fact remains, Mr. President, that F. D. R. was there when this Nation so desperately needed him.

And he demonstrated in depression and war one of this Nation's greatest strengths—that its diverse people can and will come together and sacrifice for the common good. All they ask is what F. D. R. gave to them—the knowledge that the burden is fairly and equitably shared by all. As long as we remember and act upon that principle, we'll be building on the day-to-day life of the Nation the best and most appropriate memorial to Franklin D. Roosevelt.●

THE 100TH BIRTHDAY OF FRANKLIN DELANO ROOSEVELT

● Mr. WEICKER. Mr. President, when Franklin Delano Roosevelt took the Presidential oath on March 4, 1933, 12 million men were out of work. 5,000 banks had closed their doors. A quarter of the Nation's farmers had lost their land. National income had been cut in half. A third of the people were, in the words that would be used, "ill-housed, ill-clothed, ill-fed." It was one of the Nation's darkest and most desperate hours.

Piercing the darkness of the time, the new President, in a bold confident voice, said:

> This great nation will endure as it has endured, will revive and will prosper.

His jaw jutted out as defiantly as his words.

So first of all, let me assert my belief that the only thing we have to fear is fear itself—nameless, unreasoning, unjustified terror which paralyzes needed efforts to convert retreat into advance.

In his first 100 days in office, he instituted sweeping financial, business, agricultural, and industrial reforms. His vigorous agenda of social legislation included the Agricultural Adjustment Agency, the Tennessee Valley Authority, the National Recovery Act, the Emergency Banking Act, and other emergency measures designed to restore confidence and get the country on the road to recovery.

Roosevelt had been elected on a program to reduce the Federal budget, but he was not a man to hold ideology above reason.

It is commonsense—

He said,

to take a method and try it. If it fails, admit it frankly and try another, but try something.

When the acts of 1933 began to fail in their objectives, Roosevelt, undaunted, instituted more reforms in 1935—the Works Progress Administration, the National Labor Relations Act and the Social Security Act. Two years later, came the U.S. Housing Act and the Fair Labor Standards Act. Roosevelt's doggedness and willingness to try everything stirred the Nation, gave them confidence in themselves and their Government. Here was a President who believed above all that America was destined to succeed, and though the going would be tough, the American people were going to arrive at that "rendevous with destiny."

Mr. President, the New Deal dramatically changed the relationship of the Government to the people. The collapse of the free-enterprise system forced the Government into an active role in order to preserve that system. As his guiding principle, F. D. R. believed that the future of American democracy depended on the strength of the people. To save the system. The Government had to concern itself with the health and welfare of its citizens. His methods were not fascist, as some have ignorantly interpreted history. The Government of the United States does not run the people, it is the people. Roosevelt moved the country toward this new era of democracy and a time when reckless self-interest would no longer be allowed to interfere with the public good.

Roosevelt's democracy encompassed all people, not just the landed and the wealthy. He made everyone feel that they were a part of the American experience.

These unhappy times call for the building of plans—

He said,

that build from the bottom up and not from the top down, that put their faith once more in the forgotten man at the bottom of the economic pyramid.

Later, when the Nation had an urgent need for good men, those once-forgotten men were among the first to volunteer.

The columnist Walter Lippman wrote:

Leaders are the custodians of a nation's ideals, of the beliefs it cherishes, of its permanent hopes, of the faith which makes a nation out of a mere aggregation of individuals.

Roosevelt was such a leader. He represented for the people a spirit of optimism, generosity, and decency as vast as the land itself.

A man of limited vision or energy might have ignored the rumblings across the sea as he struggled to repair the problems at home. But Roosevelt, whose leadership was not limited to Americans and national borders, knew that the future of humanity hinged on America's willingness to play an active role in an always turbulent world. Faced with strong isolationist feelings at home, Roosevelt, nonetheless, worked to assist the Allied cause. When the rumblings in Europe exploded into war, the United States, "the great arsenal of democracy," was prepared.

All across the globe, the voice of Roosevelt was carried on the airways. Like a father to his flock, he encouraged the friends of freedom, reassured the fearful and the faint. The free world saw America as its one hope, a strong and courageous nation, ready to stand for freedom's cause. "But westward, look, the land is bright," Winston Churchill, quoting the poet Clough, told his embattled England.

In the waning days of the war, when the Allied armies in Europe were crossing the Rhine and pushing on to Berlin, and in the Pacific, planting the flag on Iwo Jima hill, pictures taken of the Commander in Chief showed an old man, the burden of his Presidency etched in lines on his grey, haggard face. Roosevelt died on April 12, 1945, when the war was not yet won. But the country he left behind was strong. Indeed, it was the foremost power on the globe, with a future as bright and promising as any ever faced in the history of mankind.

William Shakespeare described three types of great men: those who are born great, those who achieve greatness, and those who have greatness thrust upon them. In Roosevelt's case, while he was born into a great family, there was little reason to believe in the early years of his life that he would achieve anything beyond the gentlemanly distinction that wealth affords a man. In 1921, however, he contacted polio and was forced to spend much of the next several years in a determined battle to regain his strength. Unwilling to retire from the public eye, Roosevelt drew on hidden reserves of strength and was elected Governor of New York before running for the Presidency. Seldom in history has a leader had to face crises as grave as those that confronted President Roosevelt—a Great Depression and a World War. Fortunately, Roosevelt was not a quitter. Lyndon Johnson said of him:

He was the only person I ever knew—anywhere—who was never afraid. God, how he could take it for all of us.

Roosevelt arrived at the helm in a dark time. People cried out desperately for greatness, and Roosevelt, taking the challenge, sought it for them. The key to Roosevelt's greatness was not the success or failure of his reforms, but the unbending vision of hope he offered the people when all they had had was despair.

Mr. President, there has been much historical controversy over whether or not it was the New Deal or the war that brought America out of the depression. Scholars are generally in agreement, however, in the belief that the actions Franklin Roosevelt took between 1933 and 1939 enabled the free enterprise system and democracy to survive. He kept the world from being turned inside out.

In the years following Roosevelt's death, the New Deal gave way to more reforms, the New Frontier and the Great Society. Our standard of living increased dramatically. We built houses, provided education, cured diseases, made great strides in the war against poverty, and we reached the Moon.

Now in 1982, we are facing another serious economic crisis. The cause being identified is not recklessness in the private sector, but reckless spending by the Government. The New Deal and its legacy of programs have been assailed. Clearly, there are numerous instances where these programs were failures, where they were overblown beyond need and where they became frought with waste and corruption. Clearly, we have needed to cut back drastically on spending. But on this day, on the 100th anniversary of Franklin Roosevelt's birthday, let us pause from our haste to balance the budget and take a minute to remember the advances of the past, the victories won. The welfare of the people was, is, and always will be the legitimate concern of the Federal Government. In the modern world we live in, this country cannot afford to have our Government retreat to the sidelines. Above all—to the poor, the elderly, the handicapped, and all the people who are now confronted with the despair of being forgotten—we must offer hope, precious hope. We must never abandon our commitment to be humane and decent.

Mr. President, just before Roosevelt died, he was working on a speech he was to deliver on Jefferson Day. The final lines read:

The only limit to our realization of tomorrow will be our doubts of today.

Roosevelt picked up his pen and wrote:

Let us move forward with strong and active faith.●

FRANKLIN DELANO ROOSEVELT

● Mr. MATHIAS. Mr. President, participating in the joint meeting of Congress to commemorate the 100th anniversary of the birth of Franklin Delano Roosevelt has a very special meaning for members of my generation.

Franklin Roosevelt was a great many different things to a great many different people. But to members of my generation he was first, last, and always, our Commander in Chief.

I feel a great many emotions speaking of him here today. But more than anything else, I feel awe that a "deck ape" from the U.S.S. *Appalachian* should be paying tribute to his Commander in Chief from the floor of the U.S. Senate. On December 7, 1942, when I enlisted in the U.S. Navy, that idea would have been inconceivable.

Because of that special relationship forged in the crucible of World War II, I am especially proud to have this opportunity to pay tribute to Franklin Delano Roosevelt. I pay tribute to him as a great leader, who sustained our Nation and its people through some of the darkest passages in their history. I pay tribute to him as a great President, whose qualities of mind and heart moved him always to keep his eye on the sparrow. I pay tribute to a gallant human being, who, despite pain and handicap, is remembered for his smile, for his ebullience, for his spirit. And I salute him as a magnificent Commander in Chief.

The Congress now has before it a proposal to authorize construction of a memorial to Franklin Delano Roosevelt to be located in West Potomac Park here in Washington. I can think of no more fitting way to mark this bicentennial year than by providing the funds for this memorial. I urge my colleagues to support it.

But Franklin Roosevelt has left this country a legacy that transcends any memorial we could devise for him. He has left us his vision of a just society.

In these difficult economic times, as we set about the business of trying to cut costs and spur economic recovery, let us keep in mind the essential ingredients of that vision. We could have no better plumbline as we seek to reconstruct our democratic society on a firm economic base.

Looking toward a bright postwar America which he did not live to see, Roosevelt declared:

We cannot be content, no matter how high the general standard of living may be, if some fraction of our people—whether it be one-third, or one-fifth or one-tenth—is ill-fed, ill-clothed and insecure.

He urged the country forward to "new goals of human happiness and well-being" to be equally shared "regardless of station, race, or creed." And he announced an economic bill of rights which included:

The right to a useful and remunerative job;

The right to earn enough to provide adequate food and clothing and recreation;

The right of every family to a decent home;

The right to adequate medical care and the opportunity to achieve and enjoy good health;

The right to adequate protection from the economic fears of old age, sickness, accident, and unemployment; and

The right to a good education.

If we measure what we do here in this 2d session of the 97th Congress against those goals, the American people will be well served.●

SUGAR PROGRAM—FARM BILL 1981

● Mr. INOUYE. Mr. President, during the last session, the Congress was finally persuaded of the critical need for a sugar program, and approved a modest sugar provision as part of the 1981 farm bill. Inclusion of this provision was achieved only after a most difficult struggle.

Mr. President, as you will recall, on September 18, 1981, the Senate approved as part of the farm bill a sugar program prescribing a loan rate of 18 cents per pound beginning on October 1, 1982, with a half cent per year mandatory increase for the life of the program. The Senate had earlier overwhelmingly rejected amendments to eliminate the sugar provison and to reduce the loan rate to 16.5 cents. The House on October 15, 1981, approved on a vote of 213 to 190 an amendment which deleted the sugar provision from the farm bill, after having earlier voted to substitute an 18 cents per pound loan provision for the 19.6 cents per pound provision originally contained in the bill. The conference committee, after having earlier voted 15 to 1 to retain the Senate-passed 18 cents per pound loan provision and then lowering the loan rate to 17.5 cents per pound, reached a final agreement on December 8, to reduce the loan rate for 1982 to 17 cents. The conference committee established loan rates of 17.50, 17.75, and 18 cents per pound for 1983, 1984, and 1985, respectively. The conference report received final approval by the Senate on December 10 and by the House on December 16. The farm bill was signed into law by the President on December 22.

Those of us who devoted a great deal of time and effort working for an adequate sugar program were not entirely pleased with the sugar provision which emerged from conference. I am consoled, however, by the fact that we were finally able to get a sugar program included in the farm bill. In view of the fact that the House traditionally has strongly opposed sugar legislation, getting a sugar provision in the bill was a significant achievement, and was an important first step in providing vitally needed support to our ailing domestic sugar industry. Now that a sugar program has been enacted, it is my hope that the Congress will see fit to make reasonable and badly needed upward adjustments to the loan rates.

During the floor debate on the sugar provision, I indicated that I was deeply disturbed that many of the misconceptions and inaccuracies which had characterized the debate on the sugar program had continued to persist, and I expressed my hope that these misconceptions would be dispelled as the facts regarding the sugar program were brought to light. The great difficulty with which the sugar provision was finally shepherded through the Congress, even in spite of the fact that the program, if properly administered, would have no adverse budgetary impact, demonstrated to me that the facts concerning the sugar program were never fully and accurately understood, and that misconceptions still prevailed.

Misconceptions still prevail. An editorial which appeared in the December 24, 1981, edition of the Wall Street Journal sharply attacked the newly enacted sugar program in a less than accurate or complete analysis. In the interest of presenting a more balanced view of the sugar program, I wish to share with my colleagues a copy of an editorial which appeared in the December 28, 1981, edition of the Honolulu Star-Bulletin in response to the Wall Street Journal editorial. As noted in the Star-Bulletin editorial, too often only one side of the sugar story is told by the national media.

Mr. President, the Star-Bulletin editorial's observation that the recently enacted sugar program will not operate to enshrine inefficiency deserves particular emphasis. The loan rates established in the farm bill are substantially below the current average cost of production of even the most efficient domestic sugar producers. Contrary to the implication in the Wall Street Journal editorial that U.S. farmers produce sugar less efficiently than anyone except the European Economic Community, U.S. sugar producers are among the most efficient in the world. In the State of Hawaii, sugar growers produce the highest average yield of sugar per acre in the world, and produce sugar using the lowest number of man-hours per unit of output than anywhere else in the world.

Also in the interest of promoting a more balanced and accurate assessment of the sugar program, I wish to share with my colleagues two reports prepared by Dr. Thomas K. Hitch, a prominent and highly respected economist in the State of Hawaii.

The first report, entitled "Sugar," was prepared for Presidential Counselor Edwin Meese upon his recent visit to Hawaii. The report analyzes the importance of sugar to the Nation, and cogently demonstrates the need for a rational and coherent sugar policy. A few of Dr. Hitch's observations are particularly notable. Sugar prices in the American market have flunctuated wildly since 1974, the year the 1934 Sugar Act expired and the United States last had an affirmative sugar policy. Consumers have not benefited from this unhindered operation of "free market" forces because consumers were probably hurt more by high prices in the years of world shortages of sugar than they were benefited by low prices which prevailed in years when the sugar market was depressed. Further, when prices of products which use sugar as a factor of production rise because of high sugar prices, those prices generally do not fall with the lowering of sugar prices.

Of the total world production of sugar, 82 percent has a guaranteed buyer at a guaranteed price, according to Dr. Hitch. The "world sugar market," on which the United States depends for much of its sugar, represents only 18 percent of the world's production. This is a market, Dr. Hitch states, "wherein periods of world sugar shortage the buyer pays exorbitant prices and wherein periods of world sugar surplus all homeless sugar is dumped."

Dr. Hitch predicts that:

If the U.S. does not adopt a constructive sugar policy it will ultimately lose its domestic sugar industry—which will be a considerable economic loss since among the agricultural products sugar ranks tenth in terms of acreage, fifth in terms of tonnage, and sixth or seventh in terms of dollars to the farmer.

He then emphasizes a point that has not been understood by opponents of the sugar program:

The U.S. sugar industry will not be killed by cheap foreign sugar that is produced more efficiently than ours: it will be killed by foreign sugar that is dumped into our market at either a loss to the producer or at a profit that is provided by subsidies from the government of origin.

The second report by Dr. Hitch, entitled "How the Collapse of the Sugar Industry Would Impact on Hawaii's Economy," assesses the importance of the sugar industry to the economy and people of Hawaii, and concludes that the demise of Hawaii's sugar industry would have a devastating impact on the State. The sugar industry in Hawaii employs approximately 9,100 persons, and it is estimated by Dr. Hitch that for every full time employee in the sugar industry, there are 2.29 persons employed outside the sugar industry whose jobs would not exist were it not for the sugar industry. Thus, almost 30,000 jobs in Hawaii, nearly 8 percent of total civilian employment, are attributable directly or indirectly to the sugar industry. Every $1 of income to the sugar industry in Hawaii generates $1.15 of personal income to Hawaii residents. If the Hawaiian sugar industry were to collapse, statewide unemployment would rise by 8 percent to over 13 percent, more than twice the present rate. The unemployment rate on the islands of Hawaii, Maui, and Kauai, where sugar is the prime economic activity, would be far higher than the statewide rate, and the economies of those islands would collapse.

History has shown that the land in Hawaii used to grow sugar cannot feasibly be converted to another agricultural crop. Consequently, the demise of the local sugar industry would cause irreparable damage in terms of loss of jobs, income, and agricultural land use.

Mr. President, I ask that the Star-Bulletin editorial and the two reports by Dr. Hitch be placed in the CONGRESSIONAL RECORD. It is my hope that this will serve to further responsible discussion of U.S. sugar policy.

The material follows:

THE OTHER SIDE OF THE SUGAR STORY

We notice on the editorial page of the Dec. 24 Wall Street Journal a very sharp attack on the new sugar price support program.

Staff-written, it makes points like these:

Apart from the European Common Market, U.S. farmers raise sugar more expensively than anyone else.

Many of the U.S. beet and cane producers have operations so small and plants so ancient they can't be efficient. It would be better if they were forced to switch to other crops like potatoes, corn and wheat.

Pushing up the U.S. price and freezing out lower-cost foreign suppliers is promoting anti-American sentiment in some countries. The Dominican Republic, dependent on sugar for 60 percent of its foreign exchange, may swing to an anti-American candidate in its 1982 elections.

Sugar isn't an essential commodity. The U.S. can get along with only those producers efficient enough to turn out sugar regardless of government aid.

These arguments have a compelling ring to them. But there is another side to the picture. And we are disappointed at how seldom it surfaces in the national media.

The so-called world market that the Wall Street Journal refers to is really a dumping ground. More than 80 percent of the sugar raised in the world is sold in protected markets. Less than 20 percent gets into the world market. That is why this market gyrates so sharply. Because of relatively small surpluses, the world future price now is down around 13 cents a pound. But just a few years ago it had roared up over 30.

For the U.S. to do what other nations do and protect its farmers against the most extreme buffeting of the world market is not necessarily bad policy.

The 17-18 cent a pound support price in the new farm legislation for the next four years will not enshrine inefficiency. It is far below the U.S. production cost of 25 cents a pound reported by the government, also below the Hawaii production cost of 20 cents a pound.

As the Journal pointed out in an earlier article, the price of sugar does not, as critics allege, reflect directly in the price of soft drinks, candies, pastries and other products using lots of sugar. These prices went up recently as sugar prices went down. Sugar prices are being unduly singled out as an inflation factor.

Only half the sugar the U.S. consumes is now raised in the U.S. Even with the farm act, that percentage will decline. There will be room for more foreign sugar to enter the U.S. than ever before. It is hardly desirable for us to become entirely dependent on foreign sources for a basic food.

In Hawaii's case, there is an additional strong reason for wanting sugar to survive. It is far stronger here than nationally. Despite many studies, no other crops have proved out as substitutes for sugar here—not potatoes, corn, wheat or anything else except on a small scale far below the acreage in sugar.

The sugar industry won a razor-thin victory in the passage of the farm bill. The Wall Street Journal talks of legislative efforts to undo it as early as next year.

It will behoove the sugar industry to mount an educational campaign right now. It should see that articles like the one mentioned here are responded to in factual fashion.

Too often, it seems to us, the national media are telling only one side of the sugar story.

SUGAR

The United States has not had an affirmative sugar policy since 1974 when the 1934 Sugar Act expired. Our sugar policy from 1934 to 1974 (forty years) was to have sugar prices stabilized in the American market by assigning marketing quotas, based on U.S. requirements, to domestic and foreign producers so that prices found a level that would be fair to both the American consumer and the American sugar producer.

Since 1974—with no sugar policy—the price of raw sugar in the American market has been on a roller coaster—as high as 65 cents in 1974, as low as 9 cents in 1976, as high as 44 cents in 1980 and now at about 16 cents.

The U.S. beet and cane sugar producers cannot remain in business on a permanent basis with this kind of wildly fluctuating price level—with two of the last eight years being boom years ('74 and '80), one being barely profitable (1975), and the other five being deeply depressed years with tremendous losses.

Even during these years the American consumer has not benefited, because while there have been more years of cheap sugar than of dear sugar, the price of sugar in the years when there was a world sugar shortage rose to such astronomical heights that it probably hurt the consumer more in those years than he was helped in the cheap years. Also, when very high sugar prices push the price of candies, ice cream, soft drinks, and baked goods up they tend to stay up after the price of sugar falls so that the American consumer to a certain extent lives with high sweetening prices even when sugar becomes cheap again.

To understand the world sugar market, one has to realize that some 80 percent of the sugar produced in the world has a guaranteed home at a guaranteed price; that prices in these countries do not fluctuate up and down with world under- and over-production; and that the so-called "world price" for sugar is set by demand and supply forces that affect only that 18 percent of the world's sugar production that is uncommitted—and therefore very cheap when world production is surplus and very dear when world production is short.

To put it another way, all the major sugar exporting countries of the world have a government guaranteed set price for sugar consumed in that country with the price set at a level that will make it profitable to grow sugar in such large quantities that it is a major export item. This is true for Cuba, Brazil, Australia, Philippines, South Africa, Argentina, India, Mexico, and the EEC as well as the rest of the smaller sugar exporting countries. Take the EEC. Through its Common Agricultural Policy (CAP) European growers are not only guaranteed 27 cents a pound, but are encouraged to produce excess sugar for export, and in the last decade the EEC has become a major exporter of subsidized sugar in contrast to having traditionally been a net importer of sugar. European sugar is now being sold in large quantities in the U.S. market when the price for raws is about 15 cents after paying shipping and insurance, while the price in Europe is 27 cents.

This situation is demonstrated by the fact that when the "world sugar market" price skyrocketed from about 10 cents a pound in 1973 to 65 cents a pound in 1974, there was no change in the domestic price of refined sugar in the countries that produced 60 percent of the world's export sugar and only a modest change upward in the other exporting countries—while the price in the U.S. more than doubled. The same thing happens when "world" sugar prices fall.

Furthermore, most of the world's sugar importing countries are buffered against fluctuations in this small but highly volatile world market—buffered generally by long-term agreements with sugar exporting countries to provide them with a normal supply at a normal price. This is shown by the fact that in that same period of rapid price rise (1973-1974) the countries that consumed 22 percent of all world sugar imports had no change in the domestic price of sugar, those accounting for 12 percent of world imports only a 1-15 percent rise, and with only a handful of countries (with the U.S. being far and away the major one) suffering from the full inflation of prices.

The so-called world sugar market, being only a small fraction of world sugar production, is a market where in periods of world sugar shortage the buyer pays exorbitant prices and where in periods of world surplus all homeless sugar is dumped. If the U.S. does not adopt a constructive sugar policy it will ultimately lose its domestic sugar industry—which will be a considerable economic loss since among agricultural products sugar ranks tenth in terms of acreage, fifth in terms of tonnage, and sixth or seventh in terms of dollars to the farmer.

The U.S. sugar industry will not be killed by cheap foreign sugar that is produced more efficiently than ours: it will be killed by foreign sugar that is dumped into our market at either a loss to the producer or at a profit that is provided by subsidies from the government of origin. U.S. sugar production is probably among the most efficient in the world—just like our production of wheat, corn, rice, soya beans, and many other agricultural products. But it cannot live on a 12 cents, or 15 cents, or even 17 cents per pound price—a price which incidentally is about the same as good top soil at your corner garden shop. In short, if the U.S. were to require that foreign sugar not be allowed to be should in the American market at a lesser price than it is sold for in the country of origin, the U.S. sugar industry would be profitable and have a long and successful life.

Furthermore, if we lost our domestic sugar industry, the nation and its consumers would have to live with the roller coaster of the "world" sugar market, and could even find itself facing an OPEC-like foreign sugar cartel since the top thirteen sugar exporting nations ship about 80 percent of the sugar entering world trade—numbers much like those in the oil cartel.

Finally, if the U.S. lost its domestic sugar industry it would face catastrophe in the event of war or major shipping interruptions. Let us remember that in such times, sugar has always been about the first commodity to be rationed; that Napoleon developed the beet sugar industry when the British blockade stopped the flow of essential foreign sugar to Europe; and that all the countries of the world that protect their domestic sugar industries do so primarily because of these strategic considerations.

Let's get an affirmative U.S. sugar policy before it is too late.

THOMAS K. HITCH,
Senior Vice President, Research Division, First Hawaiian Bank.

ENCLOSURE

I. THE STRATEGIC IMPORTANCE OF SUGAR TO THE HAWAIIAN ECONOMY

Hawaii has a comparatively high standard of living, with per capita personal income in 1980 being $10,101, 6 percent above the national average of $9,521. For that year, there were only 12 states out of the other 49 that had a higher per capita personal income than Hawaii.

The primary reason why Hawaii has been able to achieve her high level of living is that she has been able to develop a large number of export activities (some very large, some still small) which bring outside income into the state and enable her residents to purchase in large amounts those necessities and luxuries which constitute our high standard of living. Were we an independent nation we would be known as a wealthy trading nation—like Japan—rather than a poor non-trading nation—like Western Samoa or the Trust Territory of the Pacific.

In the quarter of a century since World War II, our four prime export activities have been the two prime "invisible" exports of sales to the federal government, primarily to the defense agencies, and sales to overseas persons (visitors) who come to Hawaii as tourists; and the two prime "visible" or commodity exports of sugar and pineapple. Last year, we had 3.9 million visitors come to Hawaii. We had 61,000 uniformed military personnel stationed in Hawaii, who in turn had 64,000 civilian dependents living with them here. We produced one million tons of raw sugar, about 18 percent of all sugar produced in the United States. And we canned 6.9 million cases of pineapple (plus 6.4 million of pineapple juice)—which represents over 17 percent of all the commerical pineapple produced in the world. In addition to these four pillars of the Hawaiian economy, we have a very large number of small export activities which, in total bring a significant volume of outside income into the state to augment our income from the big four. They include visible exports such as tropical fruits (papaya), tropical nuts (macadamia), flowers and foliage, garments, etc. They also include invisible exports such as sales of 15 million telephone calls from overseas people calling Hawaii, sales of vast amounts of advertising space to overseas firms advertising in Hawaii, the fueling and servicing of vast numbers of airplanes and ships, etc.

It follows that the activities which comprise the export sectors of the economy are of vastly greater strategic importance than the activities that comprise the purely domestic economy—the farmers who grow food for local consumption, the construction workers who build our homes and buildings, the retail merchants who handle the distribution of our goods, the employees in service establishments who attend to our personal needs, etc. Important as these activities are, they are replaceable—if the truck farmer fails, someone will take his place, just as would happen if a retail shop went out of business or a law firm folded. But if the Army closed down Schofield Barracks, or Del Monte abandoned its pineapple operations, or the market for tourists declined to the point that Sheraton closed its hotels, or—to get the point of this paper—if one or more sugar companies closed, that would be a complete loss to the economy that would almost by definition not be replaceable. And the loss would be, as we shall see in detail in the succeeding papers, felt not just in the industry that is hit, but to a greater or lesser extent depending on many circumstances, throughout the entire economy.

(1) The employment multiplier in sugar

Conclusion

Our analysis shows that for every employee working full time in the sugar industry, there are about 2.29 other persons in jobs outside of the sugar industry whose jobs would not exist were it not for the sugar industry. In other words, to arrive at a figure for total jobs in Hawaii created by the sugar industry, we take the number of direct employees and increase it by 229 percent. For every sugar job, there are 2.29 nonsugar jobs indirectly created by the sugar industry.

Analysis

Let us think of three levels of jobs created by the sugar industry in Hawaii. Let us label them (1) direct, (2) first-round indirect, and (3) multiplier indirect.

(1) Direct jobs are in the sugar industry: people on the payroll of the sugar plantation companies.

(2) First-round indirect. In addition, whenever any of the sugar companies purchase a service (construction, transportation, communications, government, legal, etc.) there are some people in the construction industry, transportation industry, communications industry, in government, in legal offices, etc., who are, indirectly, working for the sugar company and who thereby owe their jobs to the sugar industry.

(3) Multiplier indirect. When the people in categories 1 and 2 above get their wages and salaries, they buy the goods and services that constitute their standard of living, and the people who supply these goods and services in turn spend their income and create further jobs down the line, etc., etc. There are therefore in this third category

large numbers of people who owe a part of their job to the existence of the sugar industry although their job would have no direct (or even preceivable indirect) relation to a sugar plantation company. Example: When Joe Blow who works for Waialua Sugar Company takes the wife and kids to Sea Life Park and spends $15 on the outing, he is contributing, in a small way, to the support of a part of several jobs at Sea Life Park. Example: When the Sea Life Park employee goes to Foodland to do his marketing, his purchases help create a tiny portion of the jobs at Foodland.

We can, based on the detailed studies of the Research Division of First Hawaiian Bank, quantify these three levels of jobs.

Level 1: Of all the money disbursed by sugar plantation companies, 35 percent goes directly for payrolls and direct creation of jobs.

Level 2: Of the other 65 percent of the money spent by sugar plantation companies on their operations (including dividends, taxes, purchase of goods and services, etc.) about half becomes income to residents of Hawaii, or 32 percent of the total disbursements of the sugar plantation companies, with the remaining 33 percent representing "leakages" out of the state—income to non-Hawaii residents (in the form of federal taxes, goods and services purchased outside the state, dividends and interest paid to non-Hawaii residents, etc.) This means that there are almost as many indirect jobs (91 percent) created by the sugar companies as direct jobs.

Level 3: First Hawaiian Bank studies of the Hawaii regional multiplier show that for every dollar in personal income introduced into the economy, the spending and successive respending of it creates another 72 cents of income. This adds 72/100ths of a job to the economy for every job created directly (through payrolls) or indirectly (in the purchase of goods and services) by the sugar plantation companies.

This means that for every job at level 1, there is 91/100ths of a job created at level 2. For every job created at levels 1 and 2, there is 72/100ths of a job created at level 3.

Summary:

Level 1 (direct sugar job)	1.00
Level 2 (indirect sugar job)	0.91
Subtotal	1.91
Level 3 (multiplier effect)	x 1.72
	3.29

This means that there are 2.29 jobs in Hawaii created indirectly and through the multiplier effect for every job created directly by the sugar industry.

The jobs at what we have called level 2 and level 3 would probably be somewhat less for any one of the Neighbor Islands than they would be for the state as a whole. The reason for this is that Oahu is the geographic location of such a large part of the economic activity of the state that demand originating on, say, Kauai might be fulfilled by jobs on Oahu (e.g., in wholesaling, fertilizer manufacture, etc.)

But since the bulk of the sugar industry is concentrated on the Neighbor Islands (82 percent of sugar jobs are there), the overall multiplier is a fairly accurate representation of the job impact on the Neighbor Islands. Although adjustments in the multiplier might be made for individual islands, we are confident that the 2.29 multiplier for the state as a whole is well within the ball park, and may even be understated.[1]

Result

There are 9,100 employees in the sugar industry in Hawaii. With 2.29 nonsugar jobs dependent upon the sugar industry, there are some 29,900 jobs in Hawaii that depend on the sugar industry for their existence.

With total civilian employment of 385,000, the 29,900 jobs in Hawaii created by the sugar industry represent nearly 8 percent of total civilian employment.

(2) The income multiplier in sugar

Detailed studies by First Hawaiian Bank show that for every $1 of income of the sugar industry in Hawaii, 67 cents becomes personal income in the hands of residents of Hawaii. With a regional multiplier of 1.72, each new 67 cents added to the income stream of Hawaii from sugar exports generates a total of $1.15. Thus, each dollar of sugar income generates $1.15 of personal income in Hawaii. In a year when sugar income amounts to, for example, $300 million, the personal income in the state that is attributable to the sugar industry amounts to about $345 million.

Sugar income has fluctuated wildly in recent years—amounting to $685 million in 1974, dropping to $227 million in 1977, rebounding to $594 million last year, and falling to a projected $400 million this year—and consequently the portion that the sugar industry has contributed to total personal income in the state has varied from year to year. This latter figure (personal income in Hawaii attributable to the sugar industry as a percent of total personal income) was 9.9 percent in 1960, 10 percent in 1965, 15.6 percent in 1974, 3.7 percent in 1977, and 7.0 percent last year. In a normal year the sugar industry is responsible for the generation of approximately 8 percent of the income of Hawaii.

II. IMPACT OF THE DEMISE OF THE SUGAR INDUSTRY ON THE HAWAIIAN ECONOMY

With sugar representing approximately 8 percent of total civilian employment and 8 percent of total personal income in Hawaii, the demise of the industry would wreak havoc on the economy.

Were the Hawaiian sugar industry to collapse and were nothing else to occur to mitigate the damage we could expect the following results:

Employment would drop by 8 percent.

Unemployment, now at 23,000 (5.6 percent rate) would more than double to 53,000 (13 percent rate).

General fund tax revenues would decline by 10 percent—since for every 1 percent change in personal income there is a 1.25 percent change in general fund tax revenues.

Hawaii would clearly become a disaster area if employment were to drop by 8 percent, unemployment were to double to a rate of 13 percent, and State general fund tax revenues were to suffer a double-digit percentage decline. There would be no way under these circumstances that Hawaii could cope with its welfare load or maintain anything like the essential services required by its citizens.

State welfare costs have more than doubled in the last five years, and are running now at $250 million a year. If even half of those supported by the sugar industry were forced to go on welfare, the State's costs would increase at least 17 percent, to nearly $300 million. This would represent almost 17 percent of the total State budget.

It should be added that while a sudden collapse of the sugar industry would be disastrous to the State's economy, it would be even more devastating to several of the islands in the State in which sugar is the prime economic activity. For example, over 96 percent of Kauai's crop land is in sugar and applying the above analysis to the island of Kauai we find that a collapse of the sugar industry would raise unemployment on that island to 20 percent. Similarly, the island of Hawaii has over 82 percent of its crop land in sugar, and collapse there would raise unemployment to 16 percent. The situation is not too different on Maui which has over 47,000 acres in sugar. Collapse of the sugar industry there would raise unemployment to 14 percent of the labor force.

The conclusion is that the closing of the sugar industry would be devastating to the State's economy and would result in the almost complete collapse of the neighbor island economies.

While it is possible that some sugar-producing areas in the United State might be able to convert to other agricultural crops, such is demonstrably not the case in Hawaii and hence the loss of income, jobs, and land use would be permanent here. Studies, experiments, and history all combine to indicate that most if not all land now in sugar would not find remunerative agricultural uses if sugar ceased being grown. Ever since 1851 studies have been made and experiments conducted on agricultural alternatives to sugar, but the successes have been small because the problems are enormous. Hawaiian agriculture is hampered by shipping and marketing problems due to our isolated location, natural problems ranging from bugs and birds to winds and heavy rains, and money problems like the cost of importing machinery and fertilizer and the high cost of labor here. Agricultural production for our own needs is limited because Hawaii is a pocket market and local farmers cannot economically compete with large-scale Mainland growers. (Even if we were to achieve agricultural self-sufficiency in crops—at whatever high cost—it would require less than 3,500 additional acres of land to replace imports with vegetables and fruits that can be grown in Hawaii.[2]

The prospect of 217.7 thousand acres pulled out of sugar cultivation is therefore alarming, from the land use standpoint alone. When single marginal plantations of a few thousand acres have closed down from time to time in the past, the general result has been land reverting to scrub and the area sunk in poverty. Some examples:

1. Waimanalo Sugar Co. on Oahu ceased operations in 1947, taking about 3,300 acres out of sugarcane. Today, after 30 years, there are some dairy and poultry operations and small truck farms there, but Waimanalo

[1] In at least one sense the employment multiplier computed here for the local sugar industry might be considered an understatement. In our calculation of the number of jobs created indirectly (level 2) we assumed that it took the same number of dollars in personal income to create the level 2 job (indirect employment) as it took to create the level 1 job (direct sugar employment). Actually, the average of earnings in 1980 for sugar workers was $16,544 while for the entirety of business in Hawaii, it was $13,548. If adjustment is made for this factor, the total impact of a single direct job in the industry would increase from 3.29 to 3.63.

[2] Overall Economic Development Program, Hawaii State Department of Planning and Economic Development, 1976.

is still a depressed area, with a high incidence of unemployment, welfare cases, and crime.

2. When Kilauea Sugar Co. on Kauai closed in November 1971, its parent company, C. Brewer & Co., faced the problem of what to do with 12,000 acres. Part of it was leased to Metcalf Farms for a feed grain operation, but Metcalf later failed and went into bankruptcy. Brewer planned to sell some of the land in three-acre parcels for "ranchettes," but County officials rejected the plan, insisting that it would result in semi-ubranization on land designated agricultural. The company therefore sold the land in 25 large parcels, which were purchased by Mainland speculators who hoped the zoning would be changed to resort or urban. Both State and County officials have remained firm about keeping the land in agriculture. A few small farmers and one large rancher have been using about a third of the land, on six-month leases from the Mainland owners (leases too short to allow for capital investment or planning) but the remainder has lain idle. Many of the land buyers defaulted on their mortgages, and Brewer took back about 2,000 acres of land, on some of which it started a 100-acre prawn farm that failed and a 600-acre guava orchard that is doing well. Perhaps in future decades, with good promotion and marketing, guava might become a major industry for Hawaii—but it will take a long time and an immense amount of capital.

3. Kahuku Plantation Co. on Oahu closed in December 1971, taking about 3,000 acres out of sugar. Some employees were absorbed by the nearby hotel-resort development which was begun shortly after the plantation closed; a small tourist-oriented shopping center was opened in the renovated sugar mill; some small agricultural enterprises have raised sudax grass, tomatoes, corn and watermelons; and aquaculture ponds for prawns, shrimp, and oysters (some strictly experimental) occupy 345 acres. But the Kahuku community remains poor, and most of the sugar lands are lying idle.

4. Kohala Sugar Co. on the island of Hawaii announced in 1971 that it would close after the 1973 harvest; the date was postponed and it ceased operations in October 1975, taking 4,295 acres out of sugar. After the original announcement the State of Hawaii organized the Kohala Task Force to find substitute economic activities that would employ the 500 displaced sugar workers, and poured $6.2 million into funding new enterprises for the Kohala area. The largest of these, a feed grain and feedlot operation, went into receivership with debts of $4 million; it was finally purchased by a partnership which is operating the feedlot with a couple of employees but has abandoned the attempt to raise feed grain. A plastics firm also failed, was taken over by a new owner, and failed again. A hay-growing enterprise was foreclosed and has been transferred by court order to the same partnership that bought the feedlot. Two of the State-funded companies, both plant nurseries, are still operating and are paying back their loans. Altogether the State effort created only about 50 jobs in the Kohala area.

The dismal record shows that it is very difficult to find a replacement for sugar growing. Cattle ranching, which occupies so many of our total acres, is simply too unprofitable today to expand to sugar land. Pineapple is now just about holding its own, with several plantations closed down and only three companies remaining of the ten that were growing pineapple twenty years ago. Papaya and macadamia acreages can be expected to increase in the years to come, but after decades of great expansion they will occupy only 17 thousand acres.●

THE PRESIDENT'S PROGRAM FOR ECONOMIC RECOVERY

● Mr. LAXALT. Mr. President, as we start the second year of the Reagan administration, we will continue to see the effects and pursue the goals of the President's program for economic recovery. The President's economic policies are a dramatic break with the past, an attempt to turn around 50 years of Government growth, higher taxes and, ultimately, a stagnating private sector, causing both inflation and unemployment. The President instead envisions a country with rejuvenated private enterprise, and a smaller, leaner, more efficient Government. Wealth will be returned to the people and away from the Government.

We have come a long way in a year. Congress enacted the basic legislation last year which set the economic recovery in motion. More still needs to be done here in Washington, but I am confident that Congress will continue to work with the administration to achieve the desired legislative goals.

However, legislation and Presidential actions alone cannot do the whole job. Without the active participation of the American people, the economic recovery will never get off the ground. Economic theories are one thing, but the program will work only through the day-to-day efforts of each American.

In this spirit, the Washingtonian magazine recently asked President Reagan for his one-on-one advice to Americans on what each of us can do to help the economy recover. He responded, and his answer appeared in the January issue of the magazine. After appearing in the Washingtonian, the letter was picked up by several other media organizations who did stories on it.

The President's letter contains excellent advice. I greatly appreciate the President for taking the time to convey his thoughts to every American, and I greatly appreciate the Washingtonian for requesting them. Mr. President, I ask that the full text of the President's letter, as it appeared in the Washingtonian, be printed in the RECORD.

The letter follows:

[From the Washingtonian, January 1980]

A LETTER FROM PRESIDENT REAGAN

NOW MORE THAN EVER, IT PAYS TO WORK HARD AND SAVE

THE WHITE HOUSE,
Washington, January 1, 1982.

DEAR FELLOW AMERICANS: With all the complex economic jargon we've been hearing about budgets, taxes, and supply-side economics, we sometimes overlook the crucial point: Our program will stand or fall, America will regain its economic health or fail to regain it on what we as individuals collectively do.

The most successful, dynamic economies in the world today are those based on faith in individuals who are given incentives to succeed; economies where it is understood that growth, prosperity, and ultimately human fulfillment itself are created from the people up, not the government down.

For too long our government has not had enough faith in you. It has stood in your way, taking more of what you earn no matter how hard you try. Years of government spending and taxation growing faster than the private economy created the conditions we inherited last January—double-digit inflation, the highest interest rates since the Civil War, and a national debt ready to burst through the trillion-dollar barrier.

America was not put on this earth just to make government bigger. Our mission has always been to expand freedom and create better lives for our people. Americans everywhere are yearning for a chance to produce again and to save their money and have those savings mean something. That's what our program is all about, putting this economy and America's future back in your hands where they belong. Here are three important ways you can help:

First, make the Congress understand it must stop overspending.

You are careful about how much you spend, and with your support we began last summer to make government do the same. We reduced the growth of the 1982 budget by $35 billion and we did it without jeopardizing the essential programs of the safety net.

Unfortunately, the Congress still exceeds its spending targets and Big Government is not yet under control. The budget has doubled since 1975, tripled since 1970. The cure we all want is not easy or painless. If it were, this problem would have been solved long ago. We will need your continued, strong support if we are to succeed where everyone else has failed.

Second, tell your representatives not to touch your tax cut.

Some of the people who never wanted you to have a tax cut are now trying to take it away from you even before it is fully in effect. Don't let them.

The Congress already weakened the economy unnecessarily by forcing us to delay your tax reduction. Doing so again in an attempt to balance the budget on the backs of you, the taxpayers, would be a tragic mistake. Let's remember that the income tax reduction you'll be receiving will barely offset the built-in tax increases between now and 1984 approved by my predecessor.

Contrary to what some in Washington think, Americans are not robots with iron backs and bottomless pockets who work only to pay taxes. They work for their families and their future, which isn't easy when they're shouldering the highest tax burden in our history. Asking them for more money now would be like asking Max Schmeling to pick himself up to go another round with Joe Louis.

During the last twenty years, the Congress raised taxes to record levels but managed to balance the budget just once. It did not tax to get money it needed; it spent whatever money it could get—and a lot of money it didn't have. So if the deficit continues to grow it will not be because your tax cut was too big, but because spending cuts are too small.

Third, take full advantage of the incentives in the new tax laws.

They were designed to help you and to bring excitement, opportunity, and growth back into our economy. The tax reductions now taking hold represent the greatest collection of incentives for the average family in the last 50 years. You, the members of working America, will receive the lion's share of the benefits.

Your tax rates will be reduced by 25 percent. A typical family of four earning $25,000 a year will receive a tax cut of approximately $400 in 1982, $1,000 in 1984, and $1,500 in 1986. Beginning in 1985, your tax rates will be indexed providing permanent protection against inflation.

The new law offers you many other possibilities for significant tax reductions. The marriage penalty is being cut, the child-care credit increased, and the personal exemption indexed for inflation. The maximum tax on both investment income and capital gains has also been reduced.

Millions of Americans are already taking advantage of the tax-exempt All Savers certificates. Also, the maximum deductible contribution you can make to an Individual Retirement Account (IRA) has been increased—from $1,500 to $2,000, or from $1,750 to $2,250 if you have a non-working spouse. If both you and your spouse are working you can deduct up to $4,000. For those of you who are self-employed, your maximum deductible contribution for a retirement plan has doubled from $7,500 to $15,000.

As long as you don't withdraw your money early, it will not be taxed before you retire (when your tax rate should drop), and until then you are free to deposit it in a wide variety of investments. Even if you can afford to save only $1,000 a year—that's less than $20 a week—your $30,000 in deposits over 30 years could generate a retirement fund well in excess of $100,000. Little taxpayers can become big providers.

The policies of tax, tax, spend and spend nearly wrecked our economy. It's no wonder America has the lowest rate of personal savings of any major, industrialized country; and savings are the lifeblood of investment and economic growth. The key to recovery lies with more savings, more production, more investment.

You can make them happen. From now on, if you work or save more than you did before, your reward will be higher than it was. More of every added dollar of earnings from your office, shop, stock, or interest on your savings will be yours to keep.

This is what we mean by incentives, and this is what will ignite the tremendous drive and creativity of our people, qualities too long suppressed.

One final point: For our program to work, you won't have to work eighteen hours a day, give up your vacations, and save every penny you earn. Small changes multiplied by a work force of 100 million people will produce substantial benefits nationwide.

If the average number of hours worked per week rises by just half an hour, the Gross National Product will rise by $25 billion. If the personal savings rate increases by just two percentage points, we can add at least $40 billion a year to the nation's savings pool to finance new investments, new jobs, and a new America.

We worked together to get this program passed. We need to work together to keep it passed and to make it succeed. This is one opportunity we must not allow to slip away.

The spirit that built America was a bold spirit, not a timid one. It was a feeling of pride, optimism, and confidence that we could do anything. We still can. Dollar by dollar, we can save for our future, and we can save America's future.

But let's begin. Let's go forward in 1982 with faith and determination, and not be misled by those unwilling to say good-bye to their failed policies of the past.

Sincerely,

RONALD REAGAN.●

UKRAINIAN INDEPENDENCE DAY

● Mr. BURDICK. Mr. President, during the past several months, the hearts of all of us in the free world have been with the troubled people of Poland. We feel a deep solidarity with their efforts to establish a free society, and suffer with them in the face of continued repression of their hopes and dreams.

As we pray for our friends in Poland, let us also take this time to pay tribute to the heroic efforts of the Ukrainian people to free their land from Soviet bondage. January 22 was the 64th anniversary of the Ukraine's declaration of independence. On this occasion, we saluate the Ukrainian people's nobility of spirit, and express the fervent hope that we may one day see a free Ukraine. Mr. President, at this time, I would like to insert in the RECORD a very moving letter I received from the North Dakota branch of the Ukrainian Congress Committee of America. The letter chronicles the fierce struggle of the people of the Ukraine to free themselves from Soviet domination.

The letter follows:

UKRAINIAN CONGRESS COMMITTEE OF AMERICA, INC., STATE BRANCH OF NORTH DAKOTA,
Warren, Mich., January 14, 1982.

Re anniversary of Ukraine's freedom and independence.

Hon. QUENTIN N. BURDICK,
U.S. Senator from North Dakota, Russell Senate Office Bldg., Washington, D.C.

DEAR SENATOR BURDICK: January 22nd is the Anniversary of one of the most important dates in the modern history of Ukraine—that of the rebirth of the independent Ukrainian state.

With the fall of the Russian and Austro-Hungarian empires, both of which controlled Ukrainian territory at the time, the Ukrainians, who for centuries had been resisting foreign domination of their country, took decisive steps toward their national freedom. On January 22, 1918 the Ukrainians declared their full and unqualified independence from all foreign powers.

The Ukrainian Revolution immediately took on an essentially national character. A central Council (Central Rada) was established in Kiev, capital of Ukraine, and became the center of the Ukrainian liberation movement. It organized the Ukrainian National Army, established Ukrainian Schools, introduced Ukrainian administrative and judicial systems, and prepared a Ukrainian Constituent Assembly. By these actions it established a full-fledged independent state—The Ukrainian National Republic.

After a heroic struggle lasting three years, the Ukrainian National Republic, as we all know, succumbed to the numerically superior military forces of Communist Russia.

The alien Communist power destroyed the Ukrainian National state and replaced it with a puppet and subservient government, the "Ukrainian Soviet Socialist Republic". Even though it became a charter member of the United Nations in 1945, it is not a true government of the Ukrainian people, but an instrument of the Russian Soviet colonial empire, which enslaves and brutally persecutes the Ukrainian people.

Ukraine, with a population of 50 million, embraces 289,000 sq. mi., making it the largest county in Europe: in population it ranks fifth, and its natural resources make Ukraine one of the richest European countries. Its capital, Kiev, was the center of eastern European trade and culture long before Moscow was built. Despite its size and wealth, Ukraine is practically unknown: for most people it is "just a part of Russia". This gross misconception stems from the common practice of using the terms "Russia" and "Soviet Union" synonymously. This is incorrect because Russia is only one of many republics which make up the Union of Soviet Socialist Republics.

Ever since the conquest of Ukraine by Communist Russia in 1920, the Ukrainian people have suffered political and cultural repression, economic exploitation, and all-encompassing russification. Both the Ukrainian Orthodox and Catholic Churches were destroyed brutally. In an enforced collectivization of Ukraine's agriculture in 1932-33, some 7 to 10 million Ukrainians were starved to death by the government-sponsored famine. During and after World War II, hundreds of thousands of Ukrainians were deported, exiled or annihilated for their support of the Ukrainian Insurgent Army (UPA) and for Ukrainian Nationalist Organization (OUN) both of which fought against the Nazis and later the Soviet Russian occupation of Ukraine.

On the 64th anniversary of the proclamation of Ukraine's independence on January 22nd, 1918, and the 63rd anniversary of the Act of Union on January 22nd, 1919, whereby all Ukrainian lands were united into one sovereign and independent state of the Ukrainian people, the true ideal of Ukrainian Independence lives on in the hearts and minds of the Ukrainian people, as attested to by the writings, memoranda, appeals and trials of Ukrainian patriots—dissidents in Ukraine. In mid-1979, 18 prominent Ukrainian political prisoners and members of the Ukrainian Helsinki Group, from the USSR, appealed to the U.N. to take appropriate steps for Ukraine's secession from the USSR, which they called an "occupational government" installed by Communist Russia. In early 1980 an appeal from the "Ukrainian Patriotic Front" supporting the statement of other Ukrainian dissidents called for the secession of Ukraine from the Soviet Union.

At this time, when the free world is stunned by the Soviet seizure of Afghanistan and Moscow's readiness to move into Poland, the anniversary of Ukraine's Independence is a reminder of the fact that Moscow's aggression and conquest of independent nations is not a novel development.

In the past years many U.S. Senators and Congressmen, governors and mayors, paid tribute to the Ukrainian people on the anniversary of Ukrainian Independence in official proclamations and statements, thus giving encouragement and hope to Ukrainians in their struggle for the rebirth of Ukraine's freedom and independence to

which they are rightfully entitled under the law of God.

Sincerely yours,

Dr. ANTHONY ZUKOWSKY,
Hon. President UCCA
State Branch of North Dakota.●

GUATEMALA

● Mr. DURENBERGER. Mr. President, despite the attention being devoted to Western and Eastern Europe during these difficult times, many of us continue to be deeply concerned about what is happening in our own hemisphere, specifically in Central America. It is too easy to forget that "Central America" is a term we use only for geographic convenience. The region comprises several unique countries, each of which has unique problems. We must remind ourselves constantly that what unites Central America—language, culture, and traditions—is often less important than what divides it.

There are many differences in what is happening in these countries. In Nicaragua, the people's revolution has overthrown a despotic dictator, only to see the Sandinistas commit similar abuses of human rights and civil liberties. The promised elections have yet to be held, the militia is growing beyond the size of Somoza's elite National Guard, and prominent business leaders who dissent with the junta's policies are jailed. In Nicaragua, as elsewhere, those who make a revolution are often its first victims.

In neighboring El Salvador, elections are scheduled for late March. For the most part, the leftist opposition has rejected participation in the elections, refusing to renounce violence as a political and military tactic. The junta is frustrated in its attempts to restrict Soviet influence and arms shipments to the guerrillas. But the important point is that the elections will be held. People may differ about what it will accomplish, but an election may give us the best estimate yet of what people of El Salvador want for their future.

In Honduras, we note a cautious return to democratic rule. Recent elections there give us hope that the military will stand back and let civilian political leaders develop new priorities and programs for the government. It remains to be seen whether the military will allow that to happen, but at least for the present the signs are very encouraging.

In Guatemala, the hope for freedom and dignity is dimmest. The Guatemalan military, in direct contrast to that of El Salvador, has never contemplated dramatic or far-reaching changes in the political or economic structure. Instead, there has been repression and a cynical disregard for human rights. The government, which derides its numerous opponents by labeling them "communists," has done nothing to correct the abuses that are there for all to see.

Since 1977, the United States has refused to sanction the government-directed violence and terror against the people. Economic and military aid have been suspended, and there is little likelihood that they will be reinstated. In a tentative hope that we might induce moderation, the Reagan administration approved the sale of a few jeeps and trucks to the Guatemalan regime. However, the administration quickly realized that the anticipated influence over Guatemalan domestic policies had not developed. Had our tactics succeeded, we might have been in a position to exert influence over the Guatemalan military leaders and bring about an improvement in the human rights situation. But relations between our two countries remain tense and strained because of the cumulative effect of decades of excess.

The Washington Post has devoted considerable editorial space recently to our relations with the nations in Central America. I was encouraged by the paper's support of elections in El Salvador and its calming words about the administration's relations with Nicaragua. Once again, I find myself in agreement with the Post's sentiments concerning Guatemala. As the editorial of January 24 illustrates, the Guatemalan military must soon realize that its domestic policies of terror and violence prohibit U.S. support of its plans to eliminate the leftist threat. Only when this lesson has sunk in can we hope for improvements in the human rights of the Guatemalan people.

Mr. President, I ask that the editorial from the Washington Post be printed in the RECORD.

The editorial follows:

HANDS OFF GUATEMALA

Did you see that front-page picture of a Guatemalan soldier firing a machine gun out of a helicopter at a village suspected of harboring guerrillas? Nothing could be seen down there except a dog, reported The Post's Christopher Dickey, who was riding along. For many Americans, it must have been a scene reminiscent of the frustrations of the United States' own last war against an elusive guerrilla enemy.

There is one big difference, however. Guatemala's is not an American war. This administration has sent the government a bit of semi-military aid around the edges, but otherwise it has apparently kept hands off, despite its nervousness about the guerrillas. It should keep hands off.

There is a debate over whether and in what ways the United States should support the civilian-military junta in El Salvador but, there is not much to say for supporting the dictatorship of Gen. Romeo Lucas Garcia. Not even those administration officals who lean to accepting him as a useful anti-communist are eager to come forward and make a case for aid.

For good reason. Gen. Garcia, by the word of human rights advocates and American intelligence alike, is the bloodiest leader ruling in the hemisphere. He is ready to advertise his fight against the guerrillas—a fight in which, in one campaign, his chief of staff reports, his forces killed 2,000 people identified as guerrillas. He shields his part in the killing, by the armed forces and by paramilitary death squads associated with them, of literally thousands of civilians. It has been confirmed that these operations are under his direct control.

Noting the slaughter in Guatemala, we asked last year whether it might make sense for the United States to try to acquire a little civilizing influence with the government by resuming the military contacts that Jimmy Carter had cut off. The Reagan administration subsequently gave this policy a certain test, and enough results are in to provide a judgment: it failed. During the period that the administration dangled the prospect of improved ties, Gen. Garcia, evidently misunderstanding the signal, stepped up his policy of indiscriminate civilian killings.

To be sure, guerrilla activity is up, too. And though guerrilla groups go back to the pre-Castro years, some of their current operations are no doubt Cuban-supported. What about that? It's a fair question. But it's a question for Gen. Garcia. He's the one deepening the sea in which the guerrilla fish swim. Perhaps if he comes to realize that his tactics render it out of the question for the United States to support him, he will change his tactics.●

HANDGUNS: WHERE CIVILIZATION STOPS

● Mr. KENNEDY. Mr. President, every year more than 10,000 Americans die from handgun violence and a quarter of a million more are threatened or wounded in handgun crime.

As the Los Angeles Times wrote in a recent editorial, "the figures are grim and getting worse." The Times arrived at this conclusion following an extensive series of articles on the spread of handguns in California—a story that is unfortunately repeated in every State in the Nation.

One of the more disturbing findings in the Los Angeles Times' report is that handguns are sold indiscriminately despite California State law governing the sale and purchase of guns. This is done at so-called "gun shows."

Licensed gun dealers in California are requred to send special handgun transaction forms to the California Department of Justice before any handgun sale. Dealers and nondealers alike are required to wait 15 days from the date of application for sale before delivering a handgun to a buyer. Convicted felons, drug addicts, and mental patients are prohibited from buying handguns. But these handgun laws are little observed at most California gun shows.

The Times says, "Despite these laws, virtually anyone with the cash can buy handguns, on the spot, from so-called nondealers who operate at gun shows." It adds "unlicensed sellers go from gun show to gun show marketing handguns weekend after weekend at different locations in the State * * *

law enforcement agencies do little to police these shows."

The Times' editorial concludes that "State gun laws, like California's, if vigorously enforced, may help reduce the carnage, but what is needed is a national law making handguns illegal. No society can truly call itself civilized and continue to tolerate the spread of these weapons of death."

Mr. President, I strongly agree, and that is the goal of the bill Congressman RODINO and I introduced in this Congress—S. 974, the "Handgun Crime Control Act of 1981."

I want to commend the Los Angeles Times and its reporter, John Hurst, for an outstanding series on a public policy issue that literally means life and death for too many Americans.

Mr. President, I ask that the Times' editorial and series of articles on "California's Gun Explosion" be printed at this point in the RECORD.

The material is as follows:

[From the Los Angeles Times, Dec. 23, 1981]

WHERE CIVILIZATION STOPS

The figures are grim and getting worse, and the payoff is death.

Californians bought nearly 290,000 new handguns last year. That figure is a continuation of the upward trend in handgun sales that has persisted for nearly 20 years in this state.

Californians bought more than 1.8 million guns from 1971 to 1980. These figures do not include the purchase of used guns, nor do they include the large number of unregulated handgun sales at gun shows each weekend over the state. Laws covering the sale and ownership of guns in this state are ignored at these events. State, local and federal officials are aware of these violations. They hardly make even a feeble effort to enforce the laws.

The number of Californians authorized to carry concealed weapons in California is growing at a rate more than 10 times faster than the increase in population. Last year 38,513 persons had permits to carry concealed weapons.

As Times staff writer John Hurst noted in his comprehensive report on the spread of guns in California, as the number of guns in private hands increases, so does the number of gun-related deaths.

The statistics are ominous. In 1976, gunfire victims were 54 percent of the total number of homicides in the state that year. By 1980, 61 percent of the homicide victims died from gunfire. And the favorite firearm used in most of these deaths is the handy handgun, which in 1980 accounted for 77 percent of firearm homicides.

The alarming increase in the number of firearms among the civilian population of the state is caused by rising crime and the justified rising fear of crime, but in more than 80 percent of the homicides the victims are acquaintances or relatives of the people who pull the triggers. People who buy guns for protection no doubt feel more secure, but that is an illusion, statistics indicate. For example, in 1978 in California, private citizens killed 58 felons, but 99 persons accidentally shot themselves to death.

The surging gun sales in California and throughout the nation are a national calamity. The handgun death toll nationally amounts to more than 10,000 a year, and this horrifying figure does not include the wounded and the thousands of persons victimized by crimes in which handguns are used. Nobody is safe—not even the President of the United States, who only a few brief months ago came within an inch of death from a bullet fired by a mentally unbalanced man who bought a gun as easily as he could have bought a lollypop at a candy store.

State gun laws, like California's, if vigorously enforced may help reduce the carnage, but what is needed is a national law making handguns illegal. No society can truly call itself civilized and continue to tolerate the spread of these weapons of death.

[From the Los Angeles Times, Dec. 20, 1981]

GUN SALES, HOMICIDES: BOTH RISING

(Series of articles by John Hurst, Times staff writer)

Consider the gun.

"It's called the equalizer," the man says. "The power of life and death. . . . In society today, most people are afraid. A gun can make you fearless. . . . You have to respect anything that does that."

The man talking is Deputy Atty. Gen. William R. Pounders, specialist in weapons-control laws for the state Department of Justice.

He is trying to explain the fascination that people have with guns.

"There is also a tie," he says, "to people who have been made notorious by the gun. . . . Wyatt Earp . . . and the outlaws . . . the Daltons and the James Gang, they all became powerful by using the gun. And there is the feeling that you are powerful because you have a gun. . . .

"They (guns) are aesthetically attractive," he continues. "I can't explain why. . . . They're beautiful, the well-crafted gun. You have to respect it, even if you don't like it."

A lot of people in California must share Pounders' fascination.

State statistics indicate that Californians bought nearly 289,000 new handguns last year.

The number of gun transactions reported in the state has gone up nearly every year for two decades.

From 1971 to 1980, Californians bought more than 1.8 million new handguns. Each year, some police jurisdictions destroy guns confiscated during criminal investigations. But these guns represent less than 10 percent of the number purchased in any given year.

Even if 10 percent of the new handguns purchase during the last decade had been destroyed, it would still leave one handgun for about every five households in the state.

It is not necessarily true, of course, that there is a handgun in every fifth household, because some households posses more than one gun. But it should be noted that these sales figures do not include new guns bought before 1971. Nor do they include purchases of used guns. Nor do they include purchases of shotguns and rifles, which are not registered in California.

It should also be noted that these figures do not include the large number of unregulated sales of guns, new and used, that occur at weekend "gun shows" all over the state.

As Pounders indicates, many people own guns because they are afraid. But, ironically, the criminals they are afraid of are stealing the very guns that are supposed to keep them at bay.

"If you keep it (a gun) safe enough so that the burglar can't find it," Pounders says, "then you can't get to it for self-protection."

Pounders himself lost three of his four handguns to burglars. One of the stolen guns is a high-powered 45-caliber semiautomatic pistol.

"So," he sighs, "law-enforcement officers might find that gun being used against them."

Last year, 18,685 handguns were reported stolen in California.

During the last five years, more than 73,000 handguns were reported stolen in the state.

But theft is not the major problem with guns in California. Death is the major problem.

As the number of guns in the state increases, so does the number of gun-related deaths.

In 1976, state Department of Justice statistics indicate that 1,170 people were victims of firearm homicides in California. Gunfire victims were 54 percent of the total homicides that year.

In 1980, the total number of gunfire victims had climbed to 2,011, or 61 percent of the homicides in the state.

Guns have helped push homicide into the top 10 causes of death in the state.

Homicide was not among the 10 principal causes of death listed by the state Department of Health Services from 1969 through 1976.

Then in 1977, with a boost from gunfire, homicide became the ninth-leading cause of death in California, just behind obstructive respiratory diseases and just ahead of arteriosclerosis.

The type of firearm used in most of these homicides in California is the handgun.

State statistics indicate that in 1980 handguns were used in 77 percent of firearm homicides.

The people who die by gunfire in California are acquaintances, lovers or relatives of the killers in more than 80 percent of the cases. Records also show that all seven police officers killed in the line of duty in California last year died in gunfire: four by handguns, two by rifles and one by shotgun.

In 1978, for example, private citizens in California killed 58 felons who were committing crimes or trying to escape crime scenes. During the same year, 99 people in the state accidentally shot themselves to death.

The overall statistical evidence is overwhelming: A gun is far more likely to be stolen, to be used to kill a friend or relative or to cause an accidental death than to be used successfully for protection.

Still, an increasing number of Californians buck those odds.

The posh Beverly Hills Gun Club of West Los Angeles was established for such people earlier this year.

Arthur M. Kassel, president of the club, says that "self-defense and protection of the family" are the most common reasons people give for joining his organization.

Doris Weber, of Malibu, is one of those people.

The 58-year-old Weber stands on Kassel's gun range, ear protectors clamped on her head, her feet planted a couple of feet apart and her arms stretched out before her as her 2-month-old Smith & Wesson .38-cahiber revolver barks in her hands.

"It's a lovely little gun," she says later. "I love it."

It is the first gun Weber has owned. She is still learning to shoot it, and looks with pride at the cluster of holes she has shot in the chest of a silhouette target of a man.

Weber is learning to hit stationary targets, but would she have the skills, the reflexes, the training and the judgment to use the gun in a life-and-death situation?

Asked what she would do if a burglar broke into her home, she replies:

"The first thing I would do is press the alarm. And that starts the damn bells ringing. And if that didn't work, I'd take the gun. . . . I'd tell him, 'I've got a gun' . . . I don't want to hurt anybody. I just don't want anybody breaking in my house."

Weber's fear of crime and her response to it are typical of many Californians. But the response of her husband is typical of many others: He doesn't want anything to do with guns.

"My husband doesn't want to see the gun," she says. "I'm going to keep it by my bed, but my husband doesn't want to know where it is."

The disagreement over guns within the Weber household is going on in other forums throughout the state and promises to heat up within the next few months as backers of a gun-control initiative seek signatures.

The initiative organizers, like most gun-control advocates, zero in on the handgun, pointing out that this easily concealed weapon is used more frequently in homicides than any other gun.

Apparently hoping to steal some of the law-and-order thunder from the pro-gun forces, the backers of the initiative have dubbed themselves Californians Against Street Crime and Concealed Weapons.

This organization grew out of the efforts of the small and underfinanced Coalition for Handgun Control, which, using a staff of 1½ paid positions and a number of volunteers, has tried to battle the well-heeled pro-gun lobby in California.

But Los Angeles attorney John Phillips, co-chairman of the coalition and executive director of the Citizens Against Street Crime, is optimistic about the chances for the handgun-control initiative. The campaign, he says, has begun drawing some powerful political and financial support.

The initiative, if it qualifies for the November ballot and if the voters approve it, will:

Require that all handguns in the state be registered within a year.

Declare all unregistered handguns contraband and subject to confiscation.

Freeze the number of handguns in the state by prohibiting the sale within California or transportation into the state of any more handguns.

Decree a mandatory six-month jail term for conviction of carrying a concealed weapon in public and a mandatory one-year jail term for multiple counts of illegal handgun sales.

In the meantime, the pro-gun people are gearing up their defense.

Richard A. Cox, California lobbyist for the National Rifle Assn. says the California Rifle & Pistol Assn., has already kicked in a quick $40,000 to fight the initiative.

And this, he promises, is only the beginning.

"We're going to spend whatever it takes," he says of the wealthy rifle association. "We could generate several million dollars without any problem."

Registration of handguns, the pro-gun forces argue, is a futile measure because criminals would not register their guns, and convicted felons are already prohibited from possessing handguns under current law.

What is needed, they argue, is for the laws on the books to be enforced.

As for all the crimes of passion committed with guns, Earl W. Huntting, president of Citizens for Law and Order of the San Francisco Bay Area, comments:

"In a fit of passion, people that are going to seek revenge on someone are going to find a way—maybe a gun is less messy, I don't know."

Many pro-gun people are convinced that the ultimate goal of gun-control advocates is confiscation of all firearms, even though initiative backers have gone to some length to defuse these fears.

Initiative advocate Phillips refers, for example, to provisions of the measure as a "Handgun Bill of Rights."

He argues, for example, that the initiative would remove the authority of the state Legislature to ban the ownership of handguns.

But the pro-gun forces are well aware that there is no chance that the Legislature would take such an action regardless of the initiative.

Just how unlikely such an action would be was illustrated earlier this year by the fate of a mild clause in a crime bill authored by Sen. Edward M. Davis (R-Chatsworth), former Los Angeles police chief.

In a bill to increase prison sentences for certain violent crimes, Davis added clauses that would require the destruction of the weapons used in these crimes. Current law allows local jurisdictions to decide what to do with confiscated guns. Some departments, such as the Los Angeles Police Department, destroy them, but others sell them at auctions.

Davis, a lifetime member of the rifle association and a strong supporter of the right to own guns, was astounded when the weapons-destruction clauses were vehemently opposed and ultimately defeated by the association.

Davis recalls his argument with an association representative:

"'Well,' I said, 'you're against the death penalty for guns.'"

Davis goes on to say:

"They (the association) object to any legislation that singles out firearms. . . . I told them, '——,' I had about two officers a year killed on duty (while he was chief of the LAPD) and except for a few who were killed in automobile accidents, they were all killed by gunfire.

"I'm not saying I'm right," he continues, "I just say when you stand up there and give the widow the American flag and she's weeping, you just don't think that the gun that killed him and the gun used to kill other people . . . should go out into circulation."

[From the Los Angeles Times, Dec. 21, 1981]

FIREARM SALES: THE GUN SHOW CONNECTION

WEAPONS OFTEN SOLD WITH NO ID, NO WAITING, NO QUESTIONS ASKED

SAN BERNARDINO—The man standing at the table looking at the handguns for sale is a convicted armed robber.

He spent nearly 10 years in state prisons after going on a rampage of robbery and kidnaping up and down California.

He has committed more than 100 stickups by his own reckoning. He pulled his last armed robbery about 10 years ago, but when money is tight, he is still tempted to pick up a gun.

"I'm seriously contemplating it," he admits. "If it could go down right, I would book it."

He looks over the dozen or so handguns on the table in front of him and selects a brand new .38 caliber revolver.

The man behind the table wants $170 for the five-shot, Brazilian-made Rossi handgun.

The ex-stickup man offers him $160. The seller accepts it and takes the cash. The former holdup man takes the gun and walks away.

It's that easy. No identification has been shown. No names were exchanged between buyer and seller. There was no 15-day waiting period. There is no record of this transaction.

All of which makes it illegal.

The purchase of the revolver occurred at a so-called gun show at the National Orange Showgrounds in San Bernardino.

In this case, the ex-holdup man was working with The Times to demonstrate how openly the laws regulating gun sales are being violated in California. He immediately turned over the revolver to a reporter.

A Times reporter bought eight other handguns and ammunition this fall at gun shows from Chico in Northern California to Anaheim in Southern California. Each sale was illegal. The guns ranged in price from $34 for an old revolver to $170 for a new handgun. Seven guns were bought without presenting any identification, and one gun was purchased on the strength of a Santa Barbara City Recreation Department card bearing a blurry photograph of the reporter. All these handguns were sold cash and carry, no waiting period.

Such illegal on-the-spot handgun sales go on openly at gun shows throughout the state at state and county fairgrounds, convention centers and, in at least one case, a public school: El Camino High in Sacramento County.

Gun shows in California provide the setting for a multimillion-dollar illicit industry.

A state Board of Equalization official estimated that thousands of dollars in sales taxes went uncollected at a giant gun show held at the Los Angeles County Fairgrounds last month. The magnitude of the event was so great and the gun sellers were so uncooperative, he said, that his agents could not cope with it.

It is illegal under both state and federal law to deal in handguns without a license. But top state and federal firearms officials told The Times that their agencies have been pressured by pro-gun forces to lay off the gun shows where thousands and thousands of guns are put up for sale on weekends by unlicensed vendors.

At the local level, law enforcement agencies not only fail to enforce gun laws at these shows, but gun show promoters hire off-duty policemen, including Los Angeles Police Department officers, to guard the weapons that are being sold illegally.

California law prohibits non-dealers from selling a handgun to a person who is not personally known to the seller. In other words, it is against the law for a "private party" to sell a hangun to a stranger.

Licensed gun dealers are required to submit forms containing details of a proposed handgun transaction to the state Department of Justice in Sacramento. There, a statewide record check of the prospective buyer's background is made before the handgun may be delivered. Convicted felons, drug addicts and mental patients are prohibited from buying handguns.

Dealers and non-dealers alike are required to wait 15 days from the date of application for sale before delivering a handgun to a buyer. This serves both as a "cooling-off" period to prevent crimes of passion and as a

time period in which record checks can be made in sales involving dealers.

State law requires that handgun sellers be licensed dealers unless their sales are "occasional and without regularity."

Federal law also requires gun dealers to be licensed, but the federal definition of what constitutes dealing is not as clear as state law.

Selling handguns in violation of state law is a misdemeanor punishable by up to six months in jail and/or a $500 fine. Selling guns without a federal license is a felony punishable by up to five years in prison and/or a $5,000 fine.

Despite these laws, virtually anyone with the cash can buy handguns, on the spot, from so-called non-dealers who operate at gun shows. These sellers peddle handguns to strangers. And, while many non-dealers insist that the buyer present some kind of identification, many do not. None of the non-dealers that The Times saw operating at gun shows all over the state observed the legally mandated 15-day cooling-off period before turning over a handgun to a buyer.

And although state and federal laws require gun dealers to obtain licenses, the same unlicensed sellers go from gun show to gun show, marketing handguns weekend after weekend at different locations in the state.

Law enforcement agencies do little to police these shows.

William R. Pounders, the top weapons-control lawyer for the state attorney general's office, and a gun enthusiast himself, recalled the pressure he received when state agents investigated gun shows in the mid-1970s.

"We originally got into the gun shows because of our own investigations." Pounders said. "Some of our agents went out to the shows and saw numerous violations (including cash-and-carry handgun sales). And they saw what they believed to be a known felon buying a handgun and leaving with the handgun.

"They then brought their information to me," he continued, "and I verified that what they saw in each case was a violation of state law. Our department . . . sent circulars out to various local law enforcement agencies."

Pounders says that the state Department of Justice was subsequently asked to take part in a local, state and federal task force to investigate gun shows and, in February, 1976, the agents, in search of stolen weapons, attended a show in Manhattan Beach.

"The minute we walked in the door," said Pounders, "they (show officials) announced our presence, so the gun dealers started putting away their guns."

Nevertheless, an arrest was made on a charge of possession of stolen guns.

And Pounders subsequently took some political heat for the investigation.

"I personally was called by two state senators," he recalled. One of them, he said, was Sen. H. L. Richardson (R-Arcadia).

"He (Richardson) wanted to know why we were harassing the gun show operators," Pounders said. "We said we were enforcing the law. We were just doing what the Legislature directed us to do . . .

"I'd rather not say what he (Richardson) said," Pounders continued. "He just criticized us for enforcing the law."

Pounders said of gun show operators:

"They are all well-connected politically, so they can put a lot of pressure on law enforcement (agencies) not to enforce the law at gun shows."

Richardson was away on a hunting trip and unavailable for comment, but his chief aide, Mike Carrington, responded to a Times inquiry about the senator's call to Pounders:

"I think I recall the time frame of that happening," Carrington said. "Sen. Richardson would be concerned with the manner in which they (the task force) were enforcing the law. There's nobody more law and order oriented than H. L. Richardson in California. And he certainly never advocates violating the law or not enforcing the law. There is a manner in which the law should be properly enforced. There can be instances of unnecessary harassment . . . and I think that is what he was stressing at that time."

State Atty. Gen. George Deukmejian says it is lack of manpower, not political pressure, that prevents his Justice Department from enforcing state gun laws. In addition, Deukmejian argues that such enforcement is a local responsiblity.

"It is not our primary responsibility to be enforcing violations of the penal code in every locality throughout the state," he said. "We generally are involved in cases that are either multicounty or statewide in terms of their impact."

Informed that some gun show promoters operate on a multicounty basis over wide regions of the state, Deukmejian insisted:

"This is primarily a responsibility for local law enforcement and not for the Department of Justice."

But, other than an occasional check for stolen guns, there appears to be no policing of gun shows by local law enforcement agencies.

"We're not doing anything, to my knowledge," said Capt. Dale Wilcox of the Police Department in Anaheim, where a major promoter stages a show at the Convention Center and where The Times bought a handgun, cash-and-carry.

Uniformed Anaheim police officers are paid by the gun show promoter to guard the weapons at the Convention Center. Similarly, off-duty LAPD officers in plain clothes are hired for security work at the gun show held at the Los Angeles County Fairgrounds in Pomona, where The Times bought another cash-and-carry gun.

Local law enforcement officials often display ignorance of state gun laws and indicate that the federal Bureau of Alcohol, Tobacco and Firearms (BATF) is responsible for enforcement of all firearms laws at gun shows.

But federal agents complain that the gun lobby—the National Rifle Assn. (NRA), in particular—has stymied federal law enforcement efforts at the shows.

The BATF—which has been continually at loggerheads with the NRA—has been the agency responsible for enforcing federal firearms laws at gun shows.

But for more than two years, agents of the bureau have been prohibited by superiors in Washington from investigating the shows except under very limited circumstances.

"Authorization has to be given from headquarters (in Washington) before we can go to a gun show and work," explained Robert Skopeck, chief agent for the bureau in the Los Angeles area.

The grounds for such authorization were spelled out before a U.S. Senate subcommittee on July 12, 1979, by Assistant Secretary of the Treasury Richard J. Davis.

After an NRA official complained of harassment at gun shows and called the bureau a "rogue agency," Davis assured the senators:

"BATF has limited its investigations of gun shows and flea markets to situations where there are specific allegations that significant violations have occurred and where there is reliable information that guns sold at the specific show or flea markets have shown up in crimes of violence with some degree of regularity."

The bureau's agents were prohibited, explained Skopeck in Los Angeles, from simply going to gun shows to see if the laws were being broken.

"It's pressure from the NRA," Skopeck said. "The NRA is a very strong lobby. . . . They are so strong, they have gotten us in a bind."

The BATF is in more than a bind. The Reagan Administration is disbanding the bureau and assigning its responsibilities to other federal agencies.

In the meantime, the shows go on.

The events do contain an element of showmanship along with the salesmanship. Collectors display all types of weapons, many of them antique, and some are not for sale.

The shows are often fantasylands of a sort where people play out their roles with lethal toys. Grown men walk around dressed as Union soldiers armed with six-shooters, while others swagger about in black gunslinger outfits as others stalk along in battle camouflage and berets, carrying military rifles with deadly looking banana clips.

A man stops at a table to examine small semi-automatic pistols and talks to a vendor about the need for a "backup gun," apparently in case his everyday gun jams.

A vendor mentions that a particular handgun will fit nicely in the prospective customer's boot.

At the gun show at the Los Angeles County Fairgrounds, members of the National Guard invite showgoers to tour a modern tank as a man strolls by dressed as a Mexican bandit, wearing a huge sombrero and bandoliers crossed on his chest.

Long rows of tables at the shows offer everything from assault rifles to cap pistols.

But with all the fantasy and all the dogma, the main business of the gun show is business.

And it is big business.

Steve Breitel, who runs Showmasters, is one of a half-dozen major gun show promoters based in Southern California. Brietel stages 30 to 35 gun shows a year all over the state, according to his assistant, Alvin Seal.

At a recent show in San Bernardino, Breitel was renting 450 to 500 vending tables to sellers at $32 to $35 each. In addition, 6,000 to 7,000 showgoers were expected to attend at $3.75 each at the door.

Based on Seal's figures, Breitel's shows alone probably gross more than $1 million per year.

Don Bullock of Long Beach puts on several shows per year, each attended by about 400 sellers who pay about $50 apiece for vending tables.

But for sheer size of the event, Frank Barnyak, a Los Angeles area executive with Bell Helicopter, seems to be the king of the gun show promoters.

Barnyak puts on two giant gun shows per year at the Los Angeles County Fairgrounds. The three-day extravaganzas, considered the largest events of their kind in the country, are held in five huge showrooms and a central open patio.

He advertises 2,700 vending tables and charges sellers $28.50 for a table and $125 for a booth.

Barnyak says that 10,000 to 15,000 people buy tickets, priced at $3.25 each for adults, to enter his show.

Gerald Doty, compliance supervisor with the State Board of Equalization, attended Barnyak's gun show last month in a futile attempt to ensure collection of 6% sales tax on gun transactions.

"We were actually amazed at the size of the thing," Doty said. "There was just wall-to-wall people, wall-to-wall guns."

Many of the sellers, said Doty, refused to cooperate with tax men, and the tax men, awed by the size of the event and the number of weapons, decided to fall back and regroup.

"We met with a lot of resistance," Doty said. "As far as I know, we didn't get a nickle's worth of tax out of it. . . . We're not going to stand there in front of a guy who has five handguns and demand to see his ID."

How much money in taxes went uncollected?

"I have no idea," Doty said. "It could run into thousands of dollars. . . . For every hundred dollar bill that changed hands, there's $6 (in potential taxes). And there were a lot of those changing hands."

What the gun sellers make at the various shows is anyone's guess, but one peddler of cheap handguns told The Times that he sells 30 to 40 handguns during a show. His cheapest guns sell for $65 to $75 each. He says he buys these cheap guns wholesale for $24 to $36. His figures indicate that he nets about $1,000, possibly more, for a weekend's work of illegal gun selling.

At the Los Angeles County Fairgrounds gun show last month, a vendor sat on a bench at the center of the event with boxes of .25-caliber semi-automatic pistols stacked at his feet. He was offering the guns, made by Raven Arms of Industry, Calif.—one of the most prolific manufacturers of semi-automatic pistols in the country—for $60 each, no identification, no waiting. The palm-sized Raven has become a popular item on the illicit gun market in the East and among small-time hoods, according to federal agents.

Another peddler of new Raven handguns, Paul Striar of Santa Barabara, sold The Times one of the weapons for $75 at a gun show in Culver City. There was no wait for delivery of the gun and Striar accepted the reporter's Santa Barbara City Recreation Department card, bearing a blurry photograph, as identification.

Striar, who is not a licensed gun dealer, obtains the guns from wholesalers by using his wife's dealers' license.

After The Times questioned him about his gun-selling operation, Striar and his wife reported to the Los Angeles County Sheriff's Department that 100 to 150 new handguns along with Striar's record of the guns' serial numbers had been stolen from his home. Authorities said that the reported theft left hundreds of rounds of ammunition and other valuables untouched at Striar's home.

Another gun seller, Robert Miller of Kernville, who sold the ex-armed robber the .38-caliber Rossi revolver, told The Times that he recently sold 60 guns at a show, about 30 percent of them handguns.

Miller, who operates a Kernville motel, says he attends about 15 shows a year. He sells a variety of handguns, including the cheap Brazilian-made Rossi revolvers, for which he charges about $20 above the retail price.

"Nobody minds paying $20 more for a gun if they don't have to wait," Miller said.

And at gun shows there is usually no waiting.

They are just the thing, the promoters say, for the harried shopper.

"This show," advises a recorded telephone promotion for an Orange County gun show, "is two big days in which to do your last-minute Christmas shopping . . . . Plan on finding just the right item for that special person on your Christmas list."

[From the Los Angeles Times, Dec. 22, 1981]

GUN CAN'T DISTINGUISH FRIEND FROM ENEMY

It amused Greg Jenkins that one of his buddies ducked in fright behind the bed when he pulled out his grandmother's revolver. After all, the bullets didn't even fit the gun.

The four teen-agers were watching the rock musical "Jesus Christ Superstar" on a color TV in the bedroom of Greg's grandparents.

The youngsters were music enthusiasts and 17-year-old Greg was an accomplished imitator of his idol, Elvis Presley. Greg was also adventurous, even impulsive, so maybe he was getting bored with the popcorn that his grandmother had made and with the soda pop and the movie.

Whatever prompted him, he took his grandmother's handgun and a bullet from the nightstand beside the bed.

The boy and the gun had traveled thousands of miles on separate paths across the country before getting together on that Sunday evening last April 12. The boy was there in the pleasant Canyon Country house in northern Los Angeles County because his grandmother loved him so much. Greg was her favorite grandchild. The gun was there to protect the grandmother against intruders.

"If that shakes you up," Greg said to the youth who had ducked behind the bed, "this ought to blow your mind. . . ."

Gregory Lee Jenkins was born to 20-year-old Gerry Lee and 19-year-old Jackie Sue Perryman Jenkins at 6:22 a.m. on Jan. 11, 1964, at O'Connor Hospital in San Jose.

When Greg was about 4 years old, his family moved to Boca Raton, Fla., where his father worked as an engineer.

Greg's father had been on the pistol team in the Army, and as Greg grew up, he took the boy to gun ranges in Florida where the youngster learned to shoot and to handle weapons.

"He had done some (shooting) when he was a very small boy," said Greg's grandmother, Marjorie Alexander. "His father was an expert marksman . . . He (Greg) knew better than to horse around with a gun."

Greg led an active life growing up in Florida. he was athletic and suffered a badly broken leg playing football at 9 years of age.

In his teens, he suffered a more serious break—the divorce of his parents.

Greg has trouble dealing with that. His schooling suffered. His life seemed to be coming apart. He clung to his love of music, especially the music of Elvis.

It was at about this time that Charter Arms Corp. of Stratford, Conn., manufactured, in 1979, a .38-caliber snub-nosed, five-shot revolver called an "Undercover .38 Special," Serial No. 490487.

The Charter Arms people don't like to talk about it, but the company makes a lot of guns. Charter Arms made the .44-caliber handgun used by Son of Sam. Charter Arms made the revolver that killed John Lennon and the one that crippled George Wallace. Sara Jane Moore bought a Charter Arms before she decided upon a Smith & Wesson to shoot at former President Gerald R. Ford.

Undercover .38 Special Serial No. 490487 was one of 67,259 revolvers that Charter Arms reportedly produced in 1979.

The gun was shipped across the country to a dealer in St. George, Utah, and, later that same year, it was purchased by one of Greg's uncles for $98.

Greg's uncle, call him Joe—he doesn't want his name used—keeps guns handy in the restaurant he owns and operates in Utah.

"I personally feel," he said, "that a free people should be able to be armed if they desire. . . . There is no guarantee in life. It is in our tradition for us to decide whether we want to be a placid victim or a fighting victim. . . . There will be no hostages taken (by robbers) at the restaurant."

Joe and his wife also believe that it is only prudent to be armed against the bad times that they believe are coming.

"We feel that the country is falling apart economically," said Joe's wife. "And L.A. could be very unnice when it's down to a four-day food supply."

"I do know that only civilized men can defend civilization," Joe said. "It's not enough to build a church. You have to be able to defend the church against the marauders that come out of the desert."

In the fall of 1980, the year after Joe bought the Undercover .38 Special, Greg, who had been trying to live on his own in Florida, moved to Los Angeles County to live with his grandmother, Marjorie Alexander, and his step-grandfather, Hugh Alexander, in Canyon County.

The youngster attended Canyon High School and quickly adjusted to his new home.

"I received a wonderful gift this year," Greg wrote in a school assignment. "That gift gave me the chance to start all over again in a new state and new school with new friends.

"I arrived here in California on September 17, 1980, tired, scared, still only just leaving Florida six hours ago.

"In Florida, at the age of 16, I was alone in a world I didn't know much about. . . . I had a long talk with my grandma and we decided that I would come live with her and go back to school full time and be a normal kid again.

"I love my grandma more than anyone else in this world next to my dad and little sister. And I will forever thank her for the chance she gave me to start over again."

Joe, in the meantime, became concerned back in Utah with news reports of violence in California and spoke by phone to his mother, Greg's grandmother, about protection.

"They were talking," recalled Greg's grandfather, "and he mentioned she should have a gun. And she said she didn't have one, and he said, 'If it's the money, I'll send you one.' "

So Joe sent his mother the Undercover .38 Special.

Greg's grandfather found some .38-caliber bullets and Marjorie Alexander showed the gun to Greg. The youngster quickly discovered that the bullets his grandfather had found were the right caliber but the wrong type and would slide right through the firing chambers of the cylinder. In short, those bullets would not work in that gun.

Marjorie Alexander planned to go to a firing range and learn to shoot the gun and,

in the meantime, her husband put the weapon and the bullets in the couple's bedside table.

The gun lay in the drawer, largely ignored, while life went on in the neat three-bedroom house in the quiet neighborhood.

Greg attended school, where he sang in the chorus, performed an occasional Elvis imitation and took part in the legislative council.

He was no scholar, but he got by.

"He could have done better," acknowledged his grandmother, "but he didn't like to study."

But he liked to sing and he liked to drive fast. Too fast for his aunt, Linda Shapira, of nearby Valencia.

"He did like to show off," she said. "He felt like nothing could happen to him."

So it was a normal, nice-looking, brown-haired, blue-eyed, indestructible youth who got together with his buddies last April 12, to watch "Jesus Christ Superstar," eat popcorn and drink soda pop in the grandmother's bedroom.

When Greg took the gun from the drawer, he knew that the bullets would not work, that they would slide harmlessly through the chamber, beyond reach to the firing pin.

"If that shakes you up," Greg said to his frightened friends as he slipped one of the bullets into a firing chamber of the cylinder, "this ought to blow your mind."

He pointed the gun at his head and pulled the trigger.

Greg's grandmother was in the kitchen, baking the boys a cake.

Greg's grandfather was outside working on the roof. When Hugh Alexander heard the noise, he thought one of the boys had broken the big closet door mirror in his bedroom.

"I heard one of them say, 'Oh, my God, the blood,' and I thought they'd somehow cut themselves," he recalled.

When Alexander rushed into the bedroom, he found his grandson lying on the carpet next to the bed, vomiting popcorn. Blood was spattered on the mirror, which was not broken after all.

"What happened," Alexander said, "was when he pointed the gun up that bullet slipped back (against the firing pin) like a mortar shell would, and he pulled the trigger and fired it."

Greg was pronounced dead 3½ hours later.

Six months later, Marjorie Alexander spends part of almost every day listening to a tape recording of an adolescent boy, accompanied by an amateur piano player, singing in a husky voice, "I'm in love, I'm all shook up. . . ."

"Greg was one of the most important things in my lifetime," she sobs.

On a shelf in Mrs. Alexander's bedroom closet, wrapped in cloth, is Charter Arms Undercover .38 Special Serial No. 490487, reclaimed from the Sheriff's Department.

"She wanted the gun back," explains Hugh Alexander. "She still wants to go shoot."

"I'd put it under lock and key," says Mrs. Alexander. "But there's no bullets to go with it now."

In the meantime, another grandchild has moved into Greg's old room. Joe's 16-year-old daughter, Elizabeth, now stays in the room across the hall from the Alexanders' bedroom.

Does the presence of that gun in the house worry Elizabeth's father in Utah?

"No, it doesn't," Joe says. "There's no more danger to her with the gun in the house than for her to walk to school or to the bus. . . . That gun isn't going to jump up and kill her. A person might."

[From the Los Angeles Times, Dec. 22, 1981]

A MONTH OF GUN DEATH IN L.A.

April was a moderate month. Only 80 people died in firearm homicides in Los Angeles County.

During an average month this year, 92 people were shot down countywide. In the first 10 months of the year, a total of 921 people died in gunfire homicides in Los Angeles County.

January was relatively mild, with only 75 such deaths. February and March were more deadly, each month claiming 91 people. The toll reached 92 in May, 87 in June, 99 in July, 100 in August, 95 in September and 111 in October.

So there was nothing extraordinary about the guns of April.

In many of the deaths that month, the motives for the killings were unclear.

In those cases in which the motives were known, the largest single category of victims was made up of the acquaintances, friends, relatives, lovers or spouses of the people who did the shooting. At least 21 victims died from bullets fired by people they knew or were related to.

Robberies also contributed to a large share of the killing in April. At least 18 people died during holdups. Two of the dead were suspected robbers shot by police. Another holdup man armed with a pellet gun was shot to death by a woman he tried to rob. Three citizens died in gunfire when they tried to shoot it out with robbers.

Gang-related shootings killed at least five.

Racially, the gunshot victims of April were made up of 27 whites, 26 Latinos, 25 black and two Asians.

There were 69 men and 11 women shot to death.

They died young. The largest cluster—30 victims—fell between the ages of 21 and 30.

The oldest person to die in April's gunfire was 76, the victim of a "mercy" killing. The youngest was 3 years old, allegedly shot to death by his teenage brother. A 12-year-old girl was killed, an innocent bystander in a gang shooting. Most of the deaths went unnoted by The Times or the nightly television news.●

S. 1692—THE VIEWS OF THE NEW YORK TIMES

● Mr. ABDNOR. Mr. President, soon after I was privileged to file with the Senate the report of the Committee on Environment and Public Works on S. 1692, the New York Times carried an editorial discussing this important bill.

S. 1692 is now pending on the Senates Calendar. I urge that each Member examine this new approach, a compromise approach, with care. In particular, I hope that they will read the committee's detailed analysis of the bill and its impact, contained in Senate Report 97-301. That committee report explains the pressures and justifications for the bill; it explains exactly what the bill does, and what it does not do.

As I believe the views of the Times are important to the Senate's understanding of this legislation, I ask that the New York Times editorial be printed at this point in the RECORD.

The editorial follows:

[From the New York Times, Dec. 23, 1981]

MAKING COAL PAY FOR ITSELF

There's hardly a port in the United States that doesn't hope to profit from coal exports. To qualify as a coal port, however, a harbor must accommodate ships drawing 50 feet of water, a prescription that no American port now fills. The cost of meeting that standard can run $300 million per port. Who should pay?

Under a system as old as the Republic, main port channels have been dredged and turning basins have been created and maintained entirely at Federal expense. While coal ports wait for handouts, the Reagan Administration vows to advance no more port development money unless it will be repaid, Result: coal port preparation stands still.

A controversial bill sponsored by Senators Abdnor of South Dakota and Moynihan of New York would change the system. As reported out by a Senate subcommittee, it merits support.

The bill would split channel deepening from maintenance. Deepening would be paid for by the local agency in charge of the port, probably by borrowing. To repay it, shipowners would be charged for using channels in proportion to the benefits they derive. The Federal Government would continue to pay half the cost of maintaining new channels; user fees also would cover the local half of channel maintenance costs.

The bill is controversial mainly because it makes interested parties pay for what they're accustomed to getting free. But the apparent no-cost aspect of channel improvements has encouraged an unrealistic number of ports to wait while the Corps of Engineers judges the merits of each proposal. The principle of first come, first served does nothing to assure that dollars go where they will accomplish most.

The harbor improvement bill would substitute a market test, to obtain financing for deep-channel projects, ports would have to demonstrate to bankers and bond buyers that they can attract the shipping needed to user fees big enough to repay their borrowings. No port can make such a demonstration unless it is also able to show that it has the needed land transport, loading capacity, wharves and service facilities.

Small and upriver ports, whose channel maintenance costs are higher, call the new approach discriminatory. But there's nothing intrinsically wrong with a system that would allow market forces to decide which ports can best handle the coal trade without wasting Federal dollars. The nation has a big stake in stimulating coal production and exports, but squandering the needed funds would benefit no American city.●

UNFAIR TRADING PRACTICES OF THE EUROPEAN ECONOMIC COMMUNITY

● Mr. DOLE. Mr. President, American agriculture is becoming increasingly impatient with the continuing unfair trading practices of the European Economic Community.

When the administration took office 1 year ago, representaives of the EEC responded to President Reagan's strong support for freer world trade by

claiming that restraints were being considered on their export subsidy practices.

Last fall, however, it seems that proponents of the view that the common agricultural policy is bankrupting the Community lost the argument to those who favored business as usual. No production quotas on wheat, barley, sugar, or dairy products were approved. Instead, intervention prices were raised, and the target prices which determine the level of variable import levies were raised even more.

The only conclusion possible from these actions is that the EEC is gearing up for an even larger export program, and intends to raise more revenues to finance sales through taxing U.S. farm imports.

Mr. President, the lack of progress in bringing the European Community's subsidy practices under control is causing tremendous damage to U.S. farmers at a time when they can ill afford the loss of additional world markets.

In this regard, I have received a copy of a letter to the President from the National Council of Farmer Cooperatives (NCFC), cosigned by 43 other farm, commodity, and trade organizations, asking for continued vigorous insistence by the administration on an end to excessive EEC dumping of agricultural surpluses. I would ask, Mr. President, that the text of this letter and the press release issued by the NCFC be made a part of the RECORD at this point in my statement.

The material follows:

NATIONAL COUNCIL OF
FARMER COOPERATIVES,
Washington, D.C., January 12, 1982.

THE PRESIDENT,
THE WHITE HOUSE,
Washington, D.C.

Dear MR. PRESIDENT: The undersigned organizations represent a broad cross-section of American agriculture, including producers, processors and exporters of agricultural products. On behalf of American agriculture, we commend you for your strong support in our efforts to eliminate the unfair world trade competition which we face from European and other export subsidies for agricultural products. We urge you and all trade leaders involved in such activity to intensify your efforts toward that goal.

Agriculture is vital to the American economy. Farm products directly and indirectly account for about 20 percent of our gross national product and about 23 million jobs. About 35,000 domestic jobs are created for every $1 billion in agricultural exports. This fiscal year agricultural exports are expected to reach $45 billion. Our agricultural trade surplus should reach $28 billion. If it were not for this large trade surplus in agricultural products, our country's balance of trade would be in far worse shape than it already is.

United States agricultural trade has grown rapidly for one main reason: American farmers are the world's most efficient. When U.S. agricultural producers and processors are allowed to compete freely in world markets, we do well.

Unfortunately, the E.C. and in some cases other major world trading nations, have over the years adopted policies which often caused a critical loss of U.S. exports of agricultural products to important world markets. First, the E.C. erected trade barriers to keep out many U.S. exports from E.C. markets. Not content to restrict U.S. exports to the E.C., the community subsidizes agricultural exports to many third country markets. The U.S. is facing subsidized competition on wheat, wheat flour, poultry, fruit and vegetable products, meat products and many other primary or processed agricultural products. In 1980 alone, these subsidies exceeded $6.5 billion, and 1981 appropriation levels show no evidence of any reduction. Heavy export subsidies have resulted in lost markets for U.S. producers. At the same time they have distorted prices both in the U.S. market and abroad.

Billions of dollars in American export trade have already been lost as a result of E.C. subsidies. With ever growing subsidy expenditures, the E.C. threatens to unfairly deprive American exporters of their present market shares.

The United States does have recourse against these unfair subsidies. Many of the E.C. export subsidies for agricultural products violate international agreements, particularly the Subsidies Code of the recently concluded Multilateral Trade Negotiations. These agreements remain the cornerstone of an open international trading system. They must be enforced. Several agricultural trade associations have petitioned the United States Trade Representative requesting formal action by the U.S. government against these unfair E.C. subsidies. In congressional testimony, Ambassador William Brock has indicated that if the U.S. is unable to settle problems of export subsidies of E.C. agricultural products "we intend to use the GATT (General Agreement on Tariffs and Trade) Subsidies Code to bring our complaints before international review." Agriculture Secretary John Block and Assistant Secretary of State Robert Hormats have also expressed strong concern about E.C. export subsidies.

We are encouraged by your Administration's expressions of concern. But, Mr. President, we are also mindful that, although previous Administrations expressed concerns about these issues, they provided little results. Time after time U.S. negotiators have come home empty handed from consultations or disputes with the E.C. We hope that this situation will change under your Administration and that negotiators from your administration will have the necessary commitment and determination to enforce the international rules of trade established in the MTN.

We appreciate the difficulties of obtaining satisfactory and prompt relief, but we urge that your Administration's increasing efforts of recent weeks be stepped up even further. We seek the elimination of agricultural export subsidies which are in violation of international agreements. We urge you and your trade negotiators to continue to give highest priority to efforts to do away with such subsidies. For the United States to continue to allow its competitors to massively subsidize their exports is to accelerate the artificial undercutting of the competitive edge that U.S. agriculture has worked so hard to develop, and to allow a serious and a growing threat to international political as well as economic stability. Your commitment to long-term stability of both domestic and international markets is vital if U.S agriculture and our nation's economy is to gain from the agricultural trade benefits which hard work and ingenuity have brought us.

We pledge to do all we can to support you in your efforts to eliminate these unfair subsidies. Only by intensive and consistent efforts by you, your Administration and other national trade leaders can freer and fairer trade be restored to the benefit of our agriculture, our nation, and the world's economic and political welfare.

Sincerely yours,

SIGNATURES

American Meat Institute.
American Soybean Association.
American Sugar Beet Growers Association.
American Sugar Cane League.
American Tobacco Association.
California-Arizona Citrus League.
California Dried Fruit Export Association.
California Grape and Tree Fruit League.
California League of Food Processors.
Cling Peach Advisory Board.
Cranberry Institute.
DFA of California.
Florida Citrus Mutual.
Florida Department of Citrus.
Florida Sugar Cane League.
International Apply Institute.
Michigan Association of Cherry Producers.
Millers' National Federation.
National Association of State Departments of Agriculture.
National Association of Wheat Growers.
National Broiler Council.
National Cattlemen's Association.
National Corn Growers Association.
National Cotton Council of America.
National Council of Farmer Cooperatives.
National Food Processors Association.
National Forest Products Association.
National Grange.
National Grain and Feed Association.
National Grain Trade Council.
National Meat Association.
National Meat Canners Association.
National Pork Producers Council.
National Red Cherry Institute.
National Soybean Processors Association.
National Turkey Federation.
North American Export Grain Association.
Northwest Horticultural Council.
Poultry and Egg Institute of America.
Protein Grain Products International.
Rice Millers' Association.
United Fresh Fruit and Vegetable Association.
U.S. Feed Grains Council.
U.S. Wheat Associates.

FARM GROUPS WARN PRESIDENT OF GROWING EXPORT SUBSIDY THREATS

WASHINGTON, D.C., Jan. 12.—The National Council of Farmers Cooperatives (NCFC) and 43 other major agricultural organizations today warned President Reagan of growing export subsidy threats faced by U.S. farm and food exporters.

In a letter to the President, the group expressed appreciation for the Administration's aggressive efforts and progress in dealing with these threats, and appealed for continuance of stronger actions which would help eliminate unfair world trade competition faced by agricultural exporters. The group stressed their special concerns over the growing tendency of the European Community to use export subsidies in ways

which seriously threaten established U.S. export markets.

NCFC Vice President Robert N. Hampton expressed further concern about these and other unfair practices faced by U.S. farmers in world markets. He called special attention to 1) Limited access to Japanese markets for U.S. citrus, meat, and other products; and 2) The European Community's preferential and discriminatory treatment of Mediterranean and other products, which have seriously restricted many European market opportunities for U.S. farmers and exporters.

"We're not telling the Europeans what their domestic programs should be, nor are we denying their need for a common agricultural policy," said Hampton. "But we are emphasizing long-standing U.S. agricultural concern over growing EC efforts to transfer costs of their internal programs to their world trading partners."

The ad hoc trade coalition, in calling for more open and fairer trade, said U.S. agriculture accounts for about 23 million U.S. jobs and 20 percent of our gross national product. Every $1 billion in agricultural exports is estimated to create some 35,000 domestic jobs, and the U.S. agriculture trade surplus is expected to reach about $28 billion in 1982.

The joint letter noted that if the U.S. allowed its competitors to strongly subsidize their exports, it would accelerate erosion of the competitive edge U.S. agriculture has worked so hard to develop.

Continued massive export subsidies by U.S. trade competitors were also seen as a serious and growing threat to international political and economic stability.

The agricultural trade group concluded by telling Reagan that his commitment to long-term stability of domestic and international markets is vital if U.S. agriculture, and the nation's economy, is to gain from agricultural trade benefits which hard work and ingenuity have brought us.

Co-signing the letter were: American Meat Institute, American Soybean Association, American Sugar Beet Growers Association, American Sugar Cane League, American Tobacco Association, California-Arizona Citrus League, California Dried Fruit Export Association, California Grape & Tree Fruit League, California League of Food Processors, Cling Peach Advisory Board, Dried Fruit Association of California, Florida Citrus Mutual, Florida Department of Citrus, Florida Sugar Cane League, International Apple Institute, Michigan Association of Cherry Producers, Millers' National Federation, National Association of State Departments of Agriculture, National Association of Wheat Growers, National Broiler Council, National Cattlemen's Association, National Corn Growers Association, and National Cotton Council of America.

Also: National Food Processors Association, National Forest Products Association, National Grange, National Grain & Feed Association, National Grain Trade Council, National Meat Association, National Meat Canners Association, National Pork Producers Council, National Red Cherry Institute, National Soybean Processors Association, National Turkey Federation, North American Export Grain Association, Northwest Horticultural Council, Poultry and Egg Institute of America, Protein Grain Products International, Rice Millers' Association, United Fresh Fruit and Vegetable Associtaion, U.S. Feed Grains Council, U.S. Wheat Associates and Cranberry Institute.

Mr. DOLE. Mr. President, the Office of the U.S. Trade Representative has before it a number of complaints under section 301 of the 1974 Trade Act against the export subsidy program of the European Economic Community.

During hearings next month scheduled by the International Trade Subcommittee of the Finance Committee chaired by Senator DANFORTH, officials of the Trade Representative's Office will be asked to review progress in considering prosecuting these 301 complaints.

In addition, high-ranking officials of the European Community's Commission will be in Washington next week to hold a further round of talks on our trade differences.

I would hope, Mr. President, that the repeated warnings by administration officials and by various Members of Congress on the export subsidy issue have been clearly understood, and that the EEC is preparing to enter negotiations on how the predatory aspects of their agricultural policy can be altered.

I would also hope that the EEC will not resort to threats against the free entry of soybean products and corn gluten feed into the Community in an effort to forestall our determination that changes be made.

American farmers and their representatives in Washington are asking for no more than their rights under the various international agreements currently in effect.

We expect our European counterparts to ask for the same and no more.●

SITUATION IN EL SALVADOR

● Mr. KENNEDY. Mr. President, I am deeply concerned over reports that the Reagan administration is preparing a Presidential certification to enable it to continue its military and economic assistance to El Salvador. Last year the Congress expressed its reservations about a policy which emphasized a military solution and failed to take positive actions to encourage a mediated political solution that would encompass all the parties in the fighting in El Salvador.

The Congress set several requirements which the President must consider if he wished to continue aid. Among these was that the Government of El Salvador "is making a concerted and significant effort to comply with internationally recognized human rights" and "is achieving substantial control over all elements of its own armed forces, so as to bring an end to indiscriminate torture and murder of Salvadoran citizens by these forces."

The reports coming out of El Salvador today indicate that the tragic situation in that small country continues to deteriorate.

On January 27 the Washington Post published an article describing an attack by government troops on a rural village in Morazan province, an attack which virtually wiped out an entire village. This can hardly be described as the "substantial control" of its armed forces called for by the Congress. Amnesty International has issued a new report describing the ongoing violations of human rights in El Salvador. In addition, I call to the Senate's attention another article from the Washington Post on January 25 on the land reform program. This much heralded economic program appears to be floundering to no small degree as a result of indiscriminate actions by Salvadoran military and paramilitary forces against the rural population. I shall submit the text of these items at the close of my remarks.

In conclusion, I strongly urge the administration to reconsider its policy toward El Salvador and direct its efforts toward reaching a mediated political solution that can bring a just and lasting peace to that war-torn country.

The material follows:

SALVADORAN PEASANTS DESCRIBE MASS KILLING

(By Alma Guillermoprieto)

MOZOTE, EL SALVADOR, January 14 (delayed).—Several hundred civilians, including women and children, were taken from their homes in and around this village and killed by Salvadoran Army troops during a December offensive against leftist guerrillas, according to three survivors who say they witnessed the alleged massacres.

Reporters taken to tour the region and speak to the survivors by guerrilla soldiers, who control large areas of Morazan Province, were shown the rubble of scores of adobe houses they and the survivors said were destroyed by the troops in the now deserted village community. Dozens of decomposing bodies still were seen beneath the rubble and lying in nearby fields, despite the month that has passed since the incident.

[In Washington, Salvadoran Ambassador Ernesto Rivas Gallont said, "I reject emphatically that the Army of El Salvador" was engaged in "killing women and children. It is not within the armed institutions' philosophy to act like that." He acknowledged that the"armed forces have been active in that part of the country," particularly during a December offensive against the guerrillas, but said that their actions had "definitely not been against the civilian populations."]

The survivors, including a woman who said her husband and four of her six children were killed, maintained that no battle was under way during the second week in December when the alleged massacre took place.

The woman, Rufina Amaya, a 38-year-old housewife, said that the troops entered the village one morning and, after herding the residents into two separate groups—men divided from women and children—took them off and shot them. Amaya said she had hidden during the shooting and later es-

caped to the guerrilla-protected camp where she was interviewed.

At the same time, troops allegedly spread into the nearby countryside and smaller surrounding villages. Jose Marcial Martinez, 14, from nearby La Joya, said he had hidden in a cornfield and watched his parents, brothers and sisters killed. Jose Santos, 15, said he had witnessed the similar slaying of his parents, three younger brothers and two grandparents.

A dozen other persons from the area interviewed by this correspondent said they had fled their homes during the December offensive and claimed to have lost family members in the military assault.

To reach the heart of Morazan Province from the north, it is necessary to walk for several days, passing through villages and guerrilla camps. After several months of requests, the Farabundo Marti Liberation Front agreed to take this correspondent into the province in early January, two weeks after the guerrillas' clandestine radio station first reported the alleged massacres in Morazan. It was clear that the guerrillas' purpose was not only to demonstrate to journalists their control of the region, but also to provide what they said was evidence of the alleged massacre in December.

As we neared Mozote, the group of young guerrillas who were my guides and I passed on foot through the village of Arambala, whose pretty, whitewashed adobe houses appeared to have been looted of all contents. The village was deserted.

About 45 minutes farther down the road, we entered another small town. Here the houses also were gutted and looted, but the overwhelming initial impression was of the sickly sweet smell of decomposing bodies. This was Mozote.

The muchachos [boys], as the guerrillas are called, walked us toward the central square where the ruins of what had been a small, whitewashed church stood. The walls of the smaller sacristy beside it also appeared to have had its adobe walls pushed in. Inside, the stench was overpowering, and countless bits of bones—skulls, rib cages, femurs, a spinal column—poked out of the rubble.

The 15 houses on the main village street had been smashed. In two of them, as in the sacristy, the rubble was filled with bones. All of the buildings, including the three in which body parts could be seen, appeared to have been set on fire, and the remains of the people were as charred as the remaining beams.

Several small rural roads led away from the village to other groups of houses that collectively are known as the Mozote community. We walked down one, an idyllic path where every house had a grove of fruit trees, a small chicken pen and at least one beehive. Only the fruit trees were intact; the hives were overturned, the bees buzzing everywhere. The houses were destroyed and looted.

The road was littered with animal corpses, cows and horses. In the cornfields behind the houses were more bodies, these unburned by fire but baked by the sun. In one grouping in a clearing in a field were 10 bodies: two elderly people, two children, one infant—a bullet hole in the head—in the arms of a woman, and the rest adults. Although local peasants later said they had buried some of the bodies in the area, the guerrilla youths acknowledged they had asked that the corpses be left until someone from the outside could be brought to see them.

It was getting dark, and we traveled to a guerrilla military encampment.

The camp was populated by about 20 young guerrillas, all armed and obviously under military discipline. Farther down the road was a civilian camp, like the other a collection of small adobe houses, with about 80 peasants, refugees and guerrilla sympathizers. It was from this camp the next morning that the guerrillas sent for Amaya, who said she was the only survivor she knew of from Mozote.

The guerrillas left me alone to talk to her. She said that it was on the evening of Dec. 11, although she spoke more of days of the week than dates, that troops of the Atlacatl Brigade had come to Mozote. The brigade is an elite, 1,000-man unit of the Salvadoran Army, well known at least by name to most Salvadorans, that has been trained for rapid deployment and antiguerrilla offensives by U.S. military advisers here.

"The Army people had warned Marcos Diaz, a friend of theirs from our village, that an offensive was coming and that there would be no more traffic allowed from San Francisco Gotera [the provincial capital] in December and that we should all stay in Mozote where no one would harm us. So we did. There were about 500 of us in all living in the village."

The soldiers, she said, took those villagers who were in their homes and made them stand outside "in the road for about 1½ hours. They took our money, searched the houses, ate our food, asked us where the guns were and went away. We were happy then. 'The repression is over,' we said. They didn't kill anybody."

Amaya spoke with what appeared to be controlled hysteria. During our conversation, she broke down only when speaking of what she said were the deaths of her children. She said that while her two surviving sons have joined the guerrillas since the December incident, Mozote was not predominantly proguerrilla, although it is in the heart of a rebel zone.

She said the guerrillas had gone around the villages in early December warning the population of an impending government offensive and instructing civilians to head for towns and refugee camps outside the area.

"But because we knew the Army people, we felt safe," she said. Her husband, who Amaya said was on very good terms with the local military, "had a military safe conduct."

At around 5:30 the morning after their initial visit, she said, the troops, headed by the same officer she called Lt. Ortega, returned to Mozote. She said they herded the people into the tiny village square in front of the church, men in one line and women and children in another.

"Marcos Diaz, who had been told by the Army we would be safe, and my husband were in the men's line. I counted about 80 men and 90 women not including the children."

She said the women were herded with their children into a house on the square. From there they saw the men being blindfolded and bound, kicked and thrown against each other, then taken away in groups of four and shot.

"The soldiers had no fury," she said. "They just observed the lieutenant's orders. They were cold. It wasn't a battle."

"Around noon they began with the women. First they picked out the young girls and took them away to the hills. Then they picked out the old women and took then to Israel Marquez's house on the square. We heard the shots there. Then they started with us in groups. When my turn came and I was being led away to Israel Marquez's house I slipped behind a tree and climbed up. I saw the lieutenant then. He was personally machine-gunning people."

"I heard the soldiers talking," she continued tonelessly. "An order arrived from a Lt. Caceres to Lt. Ortega to go ahead and kill the children too. A soldier said, 'Lieutenant somebody here says he won't kill children.' 'Who's the sonofabitch who said that?' the lieutenant answered. 'I am going to kill him.' I could hear them shouting from where I was crouching in the tree.

"I could hear the children crying. I heard my own children. When it was all over late at night the lieutenant ordered the soldiers to put a torch to the corpses. There was a great fire in the night."

Amaya said she escaped while the fire was still burning. "I heard the soldiers say 'Let's go. Witches could come out of the fire.' Then they left to go on what they called a 'combing operation' in the houses on the hills. I started walking and walked for three nights. In the daytime I hid because there were troops everywhere."

Amaya, as well as the two boys who said they witnessed their familes being killed, emphasized that the troops appeared to be in regular radio contact with someone.

I later saw Amaya in the civilian camp down the road, where I also met the two boys. Although they were the only ones who claimed to have witnessed the killing, nearly everyone in the camp said they had come there because of "the repression in December" and claimed to have lost members of their families.

[In Washington, Ambassador Rivas, in denying the accuracy of this account Tuesday, said that "serious efforts" were being made to stem armed forces abuses and that this was the "type of story that leads us to believe there is a plan" to discredit the ongoing electoral process in El Salvador, and to discredit the armed forces "or to take credit away from the certification President Reagan must make to Congress."

[This week the Reagan administration must by law certify to Congress that the Salvadoran leadership "is achieving substantial control over all elements of its own armed forces, so as to bring to an end the indiscriminate torture and murder of Salvadoran citizens by these forces," or risk a cutoff of aid to El Salvador under congressional restrictions.]

COMPILING THE BODY COUNT

(By John Dinges)

SAN SALVADOR.—A political officer in the fortress-like U.S. embassy here last week bent over charts and graphs mapping statistics he had meticulously culled from Salvadoran newspapers for the past 15 months.

Two blocks away a Salvadoran too fearful to tell a visitor his name showed long lists of names and other information written in cramped longhand in red ink.

In the throes of El Salvador's 2-year-old rampage of political violence and civil war, the two men are compiling the country's most politically crucial statistic: the body count of noncombatant civilians.

By anyone's count, the numbers are horrifying. The lowest calculation is the U.S. Embassy's 7,732 people killed since the embassy began to keep track in September 1980.

The highest estimate was reported by Salvadoran Defense Minister Gen. Jose Guillermo Garcia, who told local newpapers two

months ago that the violence had claimed 30,000 victims since 1979—24,700 of them "people who had nothing to do with the conflict."

At stake in the reporting of the deaths is more than the numbers themselves. Each side in the political struggle wracking the country has blamed the other for most of the brutality. The documentation of the deaths and their circumstances, along with the methods and sources employed by those compiling the statistics form the basis for answering the question of who bears most of the blame.

Garcia's figures for civilians, which were announced without elaboration, are on the same order of magnitude as the findings of the Catholic Archdiocese of San Salvador's Legal Aid Office—8,062 in 1980 and 13,353 last year—and the Jesuit-run Central American University calculation of 12,500 and 13,500 in those two years.

According to these estimates, at least one of every 215 people has been killed in this country of 4.6 million since the escalation of violence following an October 1979, military coup.

The task of assigning responsibility to one side or the other has been so fraught with political implications that many news reports have resorted simply to citing the estimates and attributing the deaths to undefined "political violence" of the left and the right.

Not so the compilers. The archdiocese's Legal Aid Office, in its "Statistical Balance of the Repression," attributes 60 percent of the deaths to joint actions of the Army and security forces and 35 percent to "unidentified paramilitary gangs" of the right. There is no category for victims of leftist violence—a deficiency that has evoked criticism of the office by San Salvador's Bishop Arturo Rivera y Damas.

The university's Documentation and Information Center concluded that there is reliable evidence pointing to what group was responsible in only 30 to 40 percent of the cases of civilian murders. Of those cases, the center found that four out of five were killed by the government forces and rightist gangs working with the acquiescence of the military.

The confidential U.S. Embassy report, a copy of which was obtained with embassy authorization, is a compilation of the weekly cable to Washington on violence, nicknamed the "grim-gram." The report found that responsibility could be reasonably determined in about 29 percent of cases, with government forces responsible for 46 percent, rightist "terrorists" 7 percent, and leftist "terrorists" 47 percent.

The embassy report, which officials said is based entirely on information published in the San Salvador press, comments that "responsibility for the overwhelming number of deaths that occur here is never legally determined nor usually ever accounted for by reasonably clear and coherent published evidence."

While contending that "El Salvador's tangled web of attack and vengeance, traditional criminal violence and political mayhem" make it impossible to sustain the charges that the government security forces are the "primary agents of murder here," the report adds that there is "no attempt to lighten the responsibility for the deaths of many hundreds and perhaps thousands which can be attributed to the security forces."

The report found an "encouraging . . . decrease" in violence for the September 1980 to September 1981 period that is the main body of the survey, but the official said that the level of violence jumped sharply again in November and December and has continued upward in January.

The embassy findings are a significant departure from charges frequently made by officials of the Reagan administration over the past year that the overwhelming majority of the civilians have been killed by leftist guerrillas. In congressional hearings last February, John Bushnell, then the acting assistant secretary of state for Latin America, charged that guerrillas were responsible for 6,000 of a total of 10,000 deaths reported up to that time.

Bushnell said his figures were based on "public announcements" of the leftist guerrilla groups. The guerrillas have denied they had made such announcements, and human rights organizations disputed the U.S. figure.

The Salvadoran civilian-military junta also has claimed that the left is responsible for most of the killing, but has not made public any statistics to back up its case. Junta member Jose Antonio Morales Ehrlich said in an interview that his government is new and does not have the "financial means" to organize a human rights program to document the violence.

Those blaming the government forces, he said, were operating from a "naive" and "romantic" concept of human rights or had been fooled by "disinformation of the Soviet Union."

He said that even in cases in which civilians were killed by government forces, guerrillas were ultimately responsible because they had started the killing first and provoked the military reaction.

A human rights worker who asked to remain anonymous said that the evidence pointing to the military and allied paramilitary groups as primarily responsible was "not just circumstantial," but neither could it be totally conclusive. The worker said that gathering information about killings beyond local newspaper accounts was extremely difficult and dangerous because it involved compiling personal testimony from survivors or witnesses, then protecting the sources from reprisals.

Some Legal Aid Office statements on the violence and its causes several months ago were severely criticized as politically biased by acting Archbishop Rivera y Damas because of their failure to report violence by the left and for making strongly political statements against the government.

A high official in the archdiocese said the criticisms were directed "at their political statements, not at the quality of their investigation." He said the church continued to regard the documentation of the body count as "scrupulous," although clearly not impartial in its omission of leftist violence.

Legal Aid workers declined to explain the methodology of their studies except to say that they had obtained personal testimony for every body counted. Other sources said the office has workers stationed in cities all around the country to compile data.

The embassy report, since it is based exclusively on newspaper reports, provides a minimum figure for the killing. The embassy official acknowledged its limitations. The study excludes from its compilations deaths classified as casualties in military action, he said. But the official said that guerrilla attacks are not considered military action but rather "terrorism" and therefore any resulting deaths are counted as civilians killed by the left.

The study's definition of military action is limited to offensives initiated by government forces, and resulting deaths are considered combat casualties. The embassy study does not include in its count any civilians killed as a result of government combat actions.

[Prepared by Amnesty International, January 1982]

CURRENT ASSESSMENT OF THE HUMAN RIGHTS SITUATION IN EL SALVADOR

According to recent reports reaching Amnesty International, torture, "disappearances," and extrajudicial executions continue in El Salvador at an alarming rate. Amnesty International remains gravely concerned at human rights violations including the torture and summary execution of prisoners and suspected political opponents and the "disappearance" and probable murder of many thousands of individuals including those involved in monitoring and defending human rights, peasants and refugees, academics, trade unionists, the clergy, the wounded, medical personnel, first aid workers and the young.

A systematic and brutal policy of government-sponsored intimidation and repression has characterized the past year in El Salvador. People from all sectors of Salvadoran society have been detained without warrant, "disappeared" and been tortured or murdered. Among the reported atrocities have been dismemberments, including children being slashed to death with machetes and decapitated, strangulations, massive bombings and summary executions of internal refugees and displaced persons. Methods of torture while in detention have included the use of electric shock, beatings, the use of sulphuric acid resulting in scorched flesh on portions of the body and the use of hallucinogenic drugs.

It is Amnesty International's considered opinion, after reviewing hundreds of detailed accounts reaching our organization, that in the majority of the reported cases, official security forces have been implicated and that these human rights violations have occurred on such a massive scale that they constitute a gross and consistent pattern of human rights abuses. Testimony received by Amnesty International implicates all branches of the Salvadoran security forces whether nominally military, military police or paramilitary in human rights abuses aimed at civilian members of the population who had no part in guerrilla activity. Sources of information supporting this conclusion have included missions of investigation and observation to the region, including those carried out by Amnesty International as well as other organizations, data provided by Salvadoran human rights and church organizations, foreign and Salvadoran journalists and personal testimonies and reports issued by a wide variety of organizations which have recently visited the country.

During the month of January 1982, Amnesty International has received numerous reports of abductions by security forces in El Salvador. Among those are the following representative cases of grave concern to Amnesty International:

On January 13, 1982, Luis Villalobos Huezo, age 33, was abducted while in his father's printing shop in San Salvador. Luis had been one of several witnesses to the arrest of his father, Luis Villalobos, two days earlier by members of the National Guard. It has been suggested that the reason for his arrest is that one of his sons

is reported to have been actively opposed to the present government. Authorities have denied his detention and there are grave concerns for his safety.

Flora de Maria Velasco, a maid, age 18 and five months pregnant, "disappeared" on January 5, 1982 at 11:00 p.m. She was abducted along with her husband, Julio Cesar Monterrosa, a 27 year old music teacher, and her brother-in-law, Gilberto Monterrosa, a student. The three were abducted from Colonia America in San Salvador by members of the National Guard and are believed to be held in the National Guard headquarters in San Salvador.

Also on January 5, Rudy Leonel Alvarez, age 20, a worker, was detained in San Antonio Abad, San Salvador, by civilian-dressed men believed by eye-witnesses to be members of the security forces.

On December 10-13, 1981, according to sources in El Salvador, many hundreds of men, women and children were reportedly killed by the army in the department of Morazan.

In late December 1981, Amnesty International issued appeals on behalf of 55 individuals arrested by members of the Salvadoran security forces between October 7-December 13. The detention of these individuals has not been acknowledged by Salvadoran authorities and there are grave fears for their safety. Among those detained were:

Aida Telma Murcia, a baker, age 34, detained on December 2, in her bakery in Colonia Santa Carlota, San Salvador, by members of the security forces in plain clothes.

Manfredo Cesar Henriquez Flores, a student, age 22, detained by the army on December 1 as he was playing basketball in the Domingo Sabio sportsfield in San Salvador.

Pedro Aguilar Urrutia, a student, age 13, detained without charge on November 17 by members of the plain clothes security forces at his home in Canton Miramar, Comasagua.

Jose Victor Ramirez, a 67 year old sacristan, detained on November 6 by members of the plain clothes security forces in the El Carmen church in Santa Tecla.

Guadelupe del Carmen Brizuela de Avila, a student, age 15, detained on October 16 by army in her home in San Salvador. A writ of habeas corpus has been granted in the Supreme Court but the authorities deny that she is in detention.

Aguilas Ingles Echeverria, a 32 year old secondary school teacher detained on November 26 at the entrance to the General Fransisco Menendez Institute by army troops.

In the course of compiling this list, Amnesty International received information on eleven additional individuals who had been arbitrarily detained by security forces during this same period. The detention of these eleven people has not been acknowledged by Salvadoran authorities.

It should be noted that the cases highlighted here reflect only a small percentage of the volume of daily reports brought to the attention of Amnesty International and include only a fraction of the cases on which Amnesty International has initiated appeals.

To the knowledge of Amnesty International, no satisfactory or genuine investigation has been conducted into the thousands of cases of human rights violations in which security force involvement has been alleged.

For example, today, more than one year after the death of four North American church women, no convictions have been obtained nor has the Government of El Salvador effectively investigated the situation. This example is only one instance, albeit the one most familiar to U.S. citizens, of the failure of the Salavadoran Government to investigate human rights abuses for which their security forces are allegedly responsible.

Another case in which an investigation has been promised by Salvadoran authorities involved the death of some eighty-three children and young people whose decapitated bodies were found in August 1981 in Santa Ana. Shortly after the incident, the Minister of Defense had publicly promised an inquiry, but according to Amnesty International's knowledge, no satisfactory investigation has taken place.

These cases are only two in a series of cases that illustrate a consistent pattern of failure by the Government of El Salvador to act upon reports implicating security forces in human rights violations or to bring those responsible to justice.

Amnesty International is aware that these violations of human rights have occurred at a time of continuing civil conflict between guerrilla groups and government forces and is also aware of reports of abuses having been committed by non-governmental forces. In some cases the government has attributed the deaths to murder by unofficial extremist groups of both the left and the right, thus abrogating all governmental responsibility for the killings. In other cases, the authorities have stated that victims died in confrontations between guerrilla groups and government forces. However, analysis of a large number of incidents has led Amnesty International to conclude that there has been a consistent pattern of human rights violations, including torture, "disappearance," and coldblooded murder being carried out by Salvadoran security forces and directed against defenseless individuals not engaged in guerrilla activity.

In conclusion, Amnesty International continues to receive daily reports of violations of human rights directed against civilian members of the population. In January 1982, Archbishop Rivera y Damas (considered by then Secretary of State William P. Clark to be an authority on El Salvador in his June 1981 communication with Amnesty International) estimated that the non-combatant death toll during 1981 had reached 11,723 and put the number of individuals captured or detained at 1,808, figures which Amnesty International believes reinforce fears that there has been no improvement in the human rights situation in El Salvador in recent months. Amnesty International continues to be gravely concerned about human rights violations in El Salvador and continues to initiate appeals on behalf of the thousands of individuals who have been subjected to torture, "disappearance" and execution.

Amnesty International considers that where a government encourages or allows private persons or groups to commit acts which constitute abuses of human rights, that government remains responsible for such acts, by virtue of its willful failure to protect human rights to which it is committed by its own constitution, and by virtue of the regional and international conventions and standards to which it has subscribed, as well as by the rules of international law.

The security forces' involvement in massive human rights abuses is clearly in direct violation of internationally and regionally accepted standards for the protection of human rights as guaranteed under the Salvadoran Constitution, and as set out in such documents as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and its Optional Protocol, and the American Convention on Human Rights.

Salvadoran Land Reform Imperiled, Report Says

(By Karen DeYoung)

Land-reform workers in El Salvador have charged that the reform program, strongly supported by the Reagan administration as a key to future Salvadoran democracy and stability, is near collapse because of military-backed terror and murder, illegal peasant evictions and a slow, "frequently hostile" bureaucracy.

In a December report requested by Salvadoran President Jose Napoleon Duarte, the executive board of the Union Comunal Salvadorena, the country's largest peasant organization and an indirect recipient of U.S. aid for educational and advisory assistance to the program, said that "the failure of the agrarian reform process is an immediate and imminent danger."

Asked Friday about the report, the State Department dismissed the USC statistics as "not as a rule definitive or reliable" and characterized the land-reform program as "a remarkable success story."

The administration must certify to Congress this week that the Salvadoran government is "making continued progress in implementing" promised reforms, including land reform, or risk a cutoff of the $25 million in U.S. military aid and $40 million in economic assistance budgeted this year for El Salvador.

The congressional restrictions, which also require certification that El Salvador is making progress toward stemming human rights abuses and promoting a political rather than military solution to the country's civil war, were mandated last month in response to concern over administration backing for the Salvadoran leadership.

But background conversations with administration officials about questions raised both by the UCS report and a recently completed internal Agency for International Development audit of a $10 million U.S. aid project to assist the land reform, as well as an extensive response prepared for The Washington Post by U.S. Ambassador to El Salvador Deane R. Hinton, reflected a deep concern about the problems they pose for certification.

The audit, dated Dec. 17, 1981, notes "progress" in the project, but it cites serious difficulties in monitoring the distribution of U.S. funds. It notes that AID receives information on the reform only through government meetings and written reports, with no field work of its own because of security problems.

While the congressional restrictions on aid contain no provision for rejecting administration certification, the House subcommittee on inter-American affairs, chaired by Rep. Michael Barnes (D-Md.), has scheduled hearings to begin Feb. 3 on El Salvador.

Although Barnes said in an interview last week that he fully expects the certification to be made, he said the hearings were intended to allow the administration to justify it and to allow critics of U.S. and Salvadoran government policies to air their views. The UCS document is expected to be discussed in the hearings.

Land reform was decreed in early 1980, about six months after a group of reform-

minded young military officers staged a successful coup against the last in a long line of rightist generals.

The land-reform program is divided into two operative parts, designed to benefit nearly one-fifth of El Salvador's 5.5 million people. It calls for government expropriation, with compensation, of more than 300 large agricultural estates to be turned over to peasant cooperatives, and the granting of ownership titles for small plots to as many as 125,000 sharecroppers and tenant farmers.

Land redistribution, along with other political and economic reforms promised by the new government and supported by the United States, was considered vital to satisfy the aspirations of El Salvador's majority peasant class and to counter appeals to them by the left, which argued that revolution was the only way to alter permanently the status quo. The reforms have been bitterly opposed by the conservative Salvadoran business community, and the large landowners for whom the rightist military historically ruled the country.

The Reagan administration has continued its predecessor's support for the reforms, while stepping up military aid to help the government in its year-old civil war with leftist guerrillas. It does not dispute that there are serious problems with the land-reform program, many of which it blames on bureaucratic inefficiency and the size of the task.

However, while it acknowledges a lack of control over elements of the military by civilians who now share power with the Army, it contends that the government is gradually bringing these elements to heel. In the administration's view, the bulk of the problems are caused by the guerrillas, who it charges are sabotaging the reforms and killing more civilians than the military.

While economic aid is necessary to promote the reforms, the administration argues, the defeat of the guerrillas is vital if the reforms are to succeed.

Critics of U.S. policy, including a number of members of Congress, long have maintained the opposite. They charge that despite the good intentions of some in the Salvadoran government, the reforms are being thwarted by rightists in the same military that is pledged to implement them and the wealthy who want to return to the status quo. This situation, they maintain, is merely perpetuated by U.S. military aid.

A copy of the critical UCS report, which is dated Dec. 10, and covers events in 1981, was given to The Washington Post by Leonel Gomez, the former deputy director of the Salvadoran government agency charged with carrying out the land reform. Gomez, who now lives in Washington and publicly opposes U.S. policy in El Salvador, fled his country last January when agency director Rodolfo Viera, a former head of the UCS, was killed there with two American labor officials.

The State Department was given a copy of the report by the AFL-CIO-affiliated American Institute for Free Labor Development, which has worked in El Salvador since 1966, and helped found the UCS in 1968 as an association of peasant cooperatives.

According to the labor institute's deputy director, Sam Haddad, current UCS membership is about 110,000 peasants. In the past two years, the labor institute has received U.S. aid grants, this year totaling $1.5 million, which it uses to pay about 200 UCS officials and members to promote land reform and give technical assistance to its beneficiaries and to monitor implementation of the program in the countryside.

While he emphasized that the labor institute and the UCS are "still very supportive" of the land-reform concept, Haddad said "a lot of the things" in the UCS report "are true" and that the labor institute stands behind the documentation. Both the labor institute and Gomez, who requested that he be identified as having released the report to the press, expressed fear that newspaper publication of the charges in the report would place UCS officials in El Salvador in physical danger.

"I can see people down there . . . the extreme right . . . being most upset, and taking revenge, if it got out that the executive board of the UCS published this," the labor institute's assistant director, Jesse Friedman, said. The two Americans killed with Viera last January, Michael Hammer and Mark Pearlman, were employes of the institute. Two Salvadoran businessmen were arrested in connection with the deaths, but one has since been released.

Gomez maintained that UCS leaders were "risking their lives" by compiling the document, but said that "I don't talk about the 'extreme right.' I talk about the [Salvadoran] Army."

Among its specific allegations, the report says that "at least 90 officials" of peasant organizations, many of whose cases are detailed in one of several appendices to the report, and "a large number of beneficiaries" of the land reform "have died during 1981 at the hands of the ex-landlords and their allies, who are often members of the local security forces."

It says more than 25,000 former sharecroppers or tenants have been forcibly evicted from their farms, "in the majority of cases with the assistance of members of the military forces," before they could claim the ownership documents.

Using figures that generally agree with those of AID for the same period, the report notes that only about 15,000 families eligible for individual ownership have been granted provisional titles to their land.

Since the program began in April 1980, no permanent titles have been granted to individuals. Of more than 300 peasant cooperatives formed on former large, privately owned estates, only two have received title to the land. One more title was granted after the UCS report was compiled.

"What had begun in March and April of 1980 with bright promise, and had continued to show bright promise even through the end of 1980," an 11-page summary of the document concludes, "now threatens to become a nightmare of bureaucratic red tape, evictions and killings, in which it will soon be beyond the capacity of the government or the campesino [peasant] leadership to prevent a complete loss of faith by our country's campesinos in the agrarian reform program.

"If and when this happens, the extreme left will have free rein throughout the countryside and all prospects for ending the violence or instituting democracy will be at an end."

Ambassador Hinton disputed a number of the figures in the UCS report, described some as "unproven," and differed in interpretation of others.

"While the embassy does not deny that implementation of the agrarian reform can be improved," he said in a written response to questions transmitted to the State Department, "it is essential to view the reform within the context of violence and social upheaval taking place in El Salvador today."

Addressing specific points in the document, Hinton said that 20,000 provisional titles have been issued to sharecroppers and tenant farmers, covering 30 percent of what he said were 67,000 potential beneficiary families.

The State Department and AID, in previous documents and congressional testimony, consistently have calculated the number of potential beneficiaries as 125,000, the figure also used by UCS. The new figure of slightly more than half the original, Hinton said without elaboration, was due to "subsequent analysis based on the best available data."

Without addressing directly the delays in granting permanent titles to small-plot farmers, Hinton said "the important considerations, rather than estimates based on insufficient or dated statistics, is that the process is continuing and is doing so under conditions less than ideal."

Hinton said the titling of large cooperatives, with only three out of 326 farms completed so far, remained a "serious bottleneck and will continue to be unless major legal reforms are made of the entire registry process. The chances of this taking place in the immediate future are not likely."

Although the UCS and others have charged that the lack of titles raises the hopes, and spurs the actions, of those who hope to reverse the process, Hinton said that titling "is only one part of the agrarian reform process" and that the important thing is that the cooperatives are now in possession of the land, with or without titles.

On the question of evictions, Hinton said that in those provinces "not affected by the high levels of violence, little in the way of evictions has occurred and that generally but not always the armed forces are, within their own limited capacities, giving support to the entire agrarian-reform process including attempts to assist farmers who have been illegally evicted."

He said that killings of civilians have decreased in the past year, and that while they still occur, "the number is impossible to determine with any degree of accuracy." In general, human rights organizations monitoring the situation in El Salvador agree that, after a high level last winter and through the early spring, the number of deaths decreased through the summer. But listings by the University of Central America in San Salvador, among others, show an upswing beginning in October.

The labor institute maintains that the UCS report is accurate because of the organization's extensive field reporting. According to the AID internal audit of its assistance to land reform, "because of the political situation in El Salvador and the inadequate staffing," the AID office there confined its monitoring of the project to "periodic meetings with [government] officials and reviews of statistical reports." Field visits to projects, it says, "were discontinued due to dangerous conditions that existed in project areas."

The audit, which covers the period from July 7, 1980, to May 31, 1981, notes that "progress was being made in achieving the objectives." It goes on, however, to raise some serious questions about lack of technical assistance to cooperatives and of supervision over the spending of U.S. funds, including "about $872,000 of ineligible loan expenditures" reimbursed by AID in El Salvador.

AID officials in San Salvador said all the deficiencies pointed out in the audit had been corrected, but they declined to detail

measures taken until they have been officially communicated to Washington.●

SOUTH DAKOTA WATER DEVELOPMENT

● Mr. ABDNOR. Mr. President, yesterday the South Dakota congressional delegation met to discuss strategy for action on S. 1553 and H.R. 4347, which we have all sponsored jointly to reauthorize the WEB pipeline project, to authorize feasibility studies of the CENDAK and Garrison extension irrigation proposals, and to reauthorize Missouri basin hydropower for certain South Dakota projects.

The Reagan administration has endorsed and pledged to work for enactment of the bill with amendments, and the South Dakota delegation is in agreement that our best hope for quick action is press for markup of the bill as endorsed by the administration. We have done so and will continue our joint and unified efforts to achieve the most rapid possible action.

While South Dakotans know that we are entitled to expect the Federal Government to honor fully its commitments to our State under the Pick-Sloan Missouri basin program, we recognize that the immediate provisions supported by the administration are the best we are likely to do at this difficult time in the economic history of our Nation. Indeed, the Reagan administration has gone the extra mile to see that justice is done for South Dakota; and, I for one, am deeply gratified.

To demonstrate the unanimity of our support for quick action on S. 1553 and H.R. 4347 as endorsed by the administration and to eliminate any confusion which may exist in that regard, the South Dakota delegation yesterday released a joint statement to the press, which I ask to have printed in the RECORD.

The statement follows:

STATEMENT OF THE SOUTH DAKOTA CONGRESSIONAL DELEGATION REGARDING UNIFICATION ON WATER LEGISLATION

The delegation remains totally committed to our support for S. 1553/H.R. 4347, which we have jointly sponsored.

Based upon our sacrifice of over 500,000 acres for the Pick-Sloan Missouri Basin Program, we believe that South Dakota is entitled to expect the federal government to live up to its commitment to our state to assist with water development. We recognize that the administration's support represents the best hope for quick action on our bill, however, and the delegation will continue to work for the enactment of legislation which includes reauthorization of the WEB pipeline, authorization of feasibility studies of CENDAK and extension of the Garrison Unit into South Dakota, and the provision of low-cost hydropower for the Grass Rope irrigation project.

We are in complete agreement that these provisions should be enacted. We are hopeful they will be enacted, and we are redoubling our joint and unified efforts to see that they are enacted.

In addition, we have written the Interior Department seeking documentation of the administration's intent to involve the Farmers Home Administration in administering WEB construction funding.

While the outlook for immediate funding for the completion of any of the proposed projects, including WEB, is dependent on the general state of the economy, we are all committed to seeking the earliest possible appropriation of funds to see these projects through completion.

Finally, to strengthen our individual, personal contacts with chairmen Frank Murkowski and Abraham Kazen of the respective subcommittees on water and power of the Senate and the House, we are sending them the following letter which we have jointly signed:

UNITED STATES SENATE,
Washington, D.C., January 27, 1982.

Hon. FRANK MURKOWSKI,
Chairman, Subcommittee on Water and Power, Committee on Energy and Natural Resources, Immigration, Washington, D.C.

Hon. ABRAHAM KAZEN,
Chairman, Subcommittee on Water and Power, Committee on Interior and Insular Affairs, Longworth House Building, Washington, D.C.

DEAR FRANK AND CHICK: You have both heard more from us than you would like with respect to S. 1553/H.R. 4347. Enactment of this measure is vital, however, and we hope that you will excuse our persistence in urging once again, jointly, as a delegation, that it be moved with all due haste.

As you know, the Administration has officially endorsed enactment of the bill with amendments. While we sincerely believe that our state is entitled to more even than would be provided by S. 1553/H.R. 4347 as introduced, especially the retention of favorable authorization criteria, we recognize that the provisions supported by the Administration are realistically the best we can get at this time. Consequently, we respectfully urge enactment of those provisions without delay.

There are several reasons for our sense of urgency:

First, the $1.9 million which was appropriated for the WEB project for fiscal year 1981 has been deferred until the project is reauthorized. It would be well to initiate construction of the intake structure while the level of Lake Oahe is low, yet a delay in the reauthorization could mean missing the 1982 construction schedule altogether.

Second, the urgency of the need for WEB has been recently re-emphasized by the failure of the water supply of the community of Roscoe, South Dakota. The community has been forced to haul water from neighboring towns, and the systems of other communities to be served by WEB could fail at any time as well.

Third, bids were so favorable on the Grass Rope irrigation project that the Department is considering accelerating completion of the project in fiscal year 1982 to take advantage of the cost savings available. The lack of clear-cut authority for Missouri Basin power will complicate development of the project and could result in needless expense to the Lower Brule Tribe.

Fourth, the Department is ready to proceed to the feasibility level with studies of CENDAK and extension of the Garrison Unit. The State of South Dakota is cooperating closely with the Department in these studies. In fact, Governor Janklow has proposed and the Legislature is expected to approve State funding for portions of the studies, and a delay in the study authorizations would prevent the Department from cooperating fully with the State in a timely fashion. A delay in the Garrison study could have the added effect of forcing the State to reassess its position to ensure that the interests of citizens along the James River are protected, and CENDAK supporters have already committed a substantial amount of their own money to studying the potential alternative use of facilities constructed for use in conjunction with the Oahe Unit. Finally, it is costing the government to maintain those facilities, and there is no point in delaying consideration of whether they can be put to productive use.

These are some of the causes of our sense of urgency, Frank and Chick; and, as you can understand, each of them is generating a certain amount of local political pressure upon us to achieve action. That is especially so since the Administration has endorsed the bill and particularly in the case of the emergency at Roscoe. Our constituents do not understand the routine delays in the legislative process, to which every Member of Congress has become accustomed, and this is simply and respectfully to convey once again our unified urging that S. 1553/H.R. 4347 be moved as quickly as possible.

Thank you very much for your kind consideration.

Sincerely,

JAMES ABDNOR,
U.S. Senator.
LARRY PRESSLER,
U.S. Senator.
CLINT ROBERTS,
Member of Congress.
THOMAS DASCHLE,
Member of Congress.

In view of the nature of the WEB project the Department of Interior has expressed an intent to cooperate closely with the Farmers Home Administration in its implementation. The following are the texts of Assistant Secretary Garrey Carruthers' letter to WEB Chairman Kurle in that regard and the letter authored by Senator Pressler and cosigned by the entire delegation, seeking further clarification and documentation of the Department's intent:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., November 27, 1981.

Mr. MORRIS KURLE,
Chairman, WEB Water Development Association, Inc., Aberdeen, S. Dak.

DEAR MR. KURLE: Thank you for your letter of September 29 concerning the WEB Pipeline Project (WEB) in South Dakota.

As you may be aware, Commissioner Broadbent of the Bureau of Reclamation testified on H.R. 4347 before the House Conservation, Credit and Rural Development Subcommittee, House Committee on Agriculture, on September 9 and before the House Subcommittee on Water and Power Resources, House Committee on Interior and Insular Affairs, on October 27, relative to WEB. Let me assure you that the Department of the Interior stands behind the Commissioner's statement at those hearings that we will do our utmost to see the WEB project developed as rapidly as possible.

In regard to Department of Agriculture continued involvement in the project, we envision some administrative difficulties for Interior to implement the project under Agriculture's rules and procedures. However, we do not see any difficulties that cannot be overcome with the cooperation that Agricul-

ture has promised if it is the Congress' decision that Interior implement the project. Once the intent of the Congress is known, Interior, including Reclamation, and Agriculture will work out the appropriate relationships to see the project come to fruition as soon as practicable.

Sincerely,

GARREY E. CARRUTHERS,
Assistant Secretary for Land and Water Resources.

U.S. SENATE,
Washington, D.C., January 27, 1982.

Mr. GARREY CARRUTHERS,
Assistant Secretary for Land and Water Resources, Department of the Interior, Washington, D.C.

DEAR MR. CARRUTHERS: I am sure you are familiar with the legislation, S. 1553/H.R. 4347, concerning water development in South Dakota, which we have all sponsored. We are hopeful that action may soon be taken on this legislation in Congress. However, there is one administration issue that we would like to have clarified before final action is taken on the bill.

In the administration-proposed amendment to Section 1, subsection 3, the Secretary is directed to "use funds appropriated under this Act to provide financial assistance to plan and develop the WEB Rural Water Development Project under the terms and conditions of the Consolidated Farm and Rural Development Act and the rules and regulations promulgated by the Department of Agriculture under that Act, except to the extent such Act or rules or regulations promulgated thereunder are inconsistent with the provisions of this section."

We feel that the manner by which you intend to carry out these provisions should be clarified. It was our intent in drafting this legislation that the Farmers Home Administration would be the oversight agency for construction of the WEB Project.

To clarify this point, we urge you to reach an agreement, possibly in the form of a cooperative memorandum, with the Farmers Home Administration outlining how the oversight of the WEB Project will be done before final action is completed on the legislation.

We appreciate your consideration of this matter and look forward to working with you in the future.

JAMES ABDNOR,
U.S. Senator.
LARRY PRESSLER,
U.S. Senator.
CLINT ROBERTS,
U.S. Representative.
THOMAS DASCHLE,
U.S. Representative.

During the period between adjournment of the first session of the 97th Congress and the convening of the second session, Congressman Roberts has worked with the Administration to broaden and clarify its position on section 4 of the bill, regarding the provision of Missouri Basin hydropower to certain projects in the Basin. Commissioner Broadbent's letter of January 26, 1982, provides the express legislative language supported by the Administration on section 4:

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, D.C., January 26, 1982.

Hon. CLINT ROBERTS,
House of Representatives, Washington, D.C.

DEAR MR. ROBERTS: In response to your November 19, 1981, memorandum regarding access to Pick-Sloan project power for irrigation projects in addition to the Grass Rope Unit, the Department of the Interior does not object to amending Section 4 of H.R. 4347 to read as follows:

Section 4. The Secretary of the Interior, in cooperation with the Department of Energy, is authorized to make available the Missouri River Basin program pumping power to new irrigation projects constructed by Indian tribes or by public entities organized under State law which have been authorized by the Flood Control Act of 1944 to receive such power. Such power shall be made available to the Grass Rope Unit, Pick-Sloan Missouri Basin Program. In recognition of the legislative intent of the Pick-Sloan Missouri River Basin Program to provide project power to financially sound irrigation development, such power may also be made available at the Secretary's discretion for other such Federal or cooperative Federal/non-Federal irrigation projects, if requested by the Governor or an Indian tribe, provided that the Secretary determines the project to be economically and financially feasible and in compliance with applicable environmental laws, and submits such proposals to Congress subject to disapproval by joint resolution within 90 days.

The Office of Management and Budget has no objection to this proposed amendment.

Sincerely yours,
ROBERT N. BROADBENT,
Commissioner.

Finally, all four members of the South Dakota delegation joined in bipartisan sponsorship of S. 1553 and H.R. 4347. Hearings have been held in both the House and the Senate, and the House Subcommittee on Conversation, Credit and Rural Development has reported the bill, with amendments, to the full committee. The following is the text of H.R. 4347 as amended by the House subcommittee and endorsed by the Administration, and which is being pressed for prompt enactment by the South Dakota delegation:

H.R. 4347

A bill to authorize the Secretary of the Interior to proceed with development of the WEB pipeline, to provide for the study of South Dakota water projects to be developed in lieu of the Oahe and Pollock-Herreid irrigation projects, and to make available Missouri basin pumping power to projects authorized by the Flood Control Act of 1944 to receive such power

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the WEB rural water development project, authorized by section 9 of Public Law 96-355, is reauthorized subject to the following changes in such section:

(1) the proviso clauses contained in subsection (b) shall not apply to the WEB Rural Water Development Project;

(2) the first sentence of subsection (d) is stricken; and

(3) the first sentence of subsection (e) is stricken and the following sentence is inserted in lieu thereof: "The Secretary of Interior shall use funds appropriated under this Act to provide financial asistance to plan and develop the WEB Rural Water Development Project under the terms and conditions of the Consolidated Farm and Rural Development Act and the rules and regulations promulgated by the Department of Agriculture under that Act, except to the extent such Act or rules or regulations promulgated thereunder are inconsistent with the provisions of this section."

(b) The Secretary of the Interior (hereinafter referred to as the "Secretary") is directed to proceed with the development of the WEB Rural Water Development Project, consistent with the terms of section 9(e) of Public Law 96-355, as amended by section 1(a)(3) of this Act, and to make available for immediate obligation any funds appropriated for such project for fiscal year 1981.

SEC. 2. (a) The Secretary is authorized, in cooperation with the State of South Dakota, to conduct a study pursuant to this Act which shall include consideration of—

(1) alternate uses of facilities constructed for use in conjunction with the Oahe unit, initial stage, James division, Pick-Sloan Missouri River basin program, South Dakota;

(2) future uses in South Dakota of water delivered by the Garrison unit, Pick-Sloan Missouri River basin program, North Dakota; and

(3) a modified plan of development for the Pollock-Herreid unit, South Dakota pumping division, Pick-Sloan Missouri River basin program, South Dakota, including alternative lands or reduced acreages.

(b) In formulating his recommendations to Congress the Secretary shall take into account the land inundated in South Dakota under the Pick-Sloan Missouri basin program and the irrigation development authorized for South Dakota by the Flood Control Act of 1944.

(c) The Secretary shall report to Congress the findings of the studies, along with his recommendations for disposition of the Oahe unit, initial stage, for development of the Pollock-Herreid unit, and for Federal involvement in other projects proposed by the State.

(d) The Secretary may contract with the State to carry out the studies authorized by this section.

(e) The studies performed and the reports made under this section shall be of reconnaissance, appraisal, or feasibility grade as is appropriate to determine whether further action on the development of the Secretary's recommendations is warranted.

SEC. 3 (a) The Secretary is authorized to cancel the master contract and participating and security contracts for the Oahe Unit, Initial Stage: Provided, however, that such actions shall be done with the agreement of the Oahe Conservancy Subdistrict and the Spink and West Brown Irrigation Districts; and provided further, that any and all funds accumulated by the Oahe Conservancy Subdistrict under the Master Contract shall be refunded to or otherwise expended for the benefit of the taxpayers of the subdistrict; and that any repayment obligation existing at the time of cancellation of the Master and Security Contracts shall thereafter be treated as a deferred cost of the Pick-Sloan Missouri Basin Program to be assumed by the beneficiaries of any future project which utilizes the Oahe Unit facilities for which the repayment obligation was incurred.

(b) Those features of the authorized plan of development for the Oahe unit, initial stage, which were designed for and could be used only to deliver irrigation water to the Spink and West Brown irrigation districts namely: Faulkton, Cresbard, West Main, Redfield, James, and East Canals; Cresbard and Byron Dams and Reservoirs; James and Byron Pumping Plants; and associated features; shall not be constructed by the Secretary, but nothing in this Act shall be deemed to limit the authority of the Secretary to recommend development of other

features, based upon the study authorized by section 2 (a)(1) of this Act.

SEC. 4. The Secretary of the Interior, in cooperation with the Department of Energy, is authorized to make available the Missouri River Basin program pumping power to new irrigation projects constructed by Indian tribes or by public entities organized under State law which have been authorized by the Flood Control Act of 1944 to receive such power. Such power shall be made available to the Grass Rope Unit, Pick-Sloan Missouri Basin Program. In recognition of the legislative intent of the Pick-Sloan Missouri River Basin Program to provide project power to financially sound irrigation development, such power may also be made available at the Secretary's discretion for other such Federal or cooperative Federal/non-Federal irrigation projects, if requested by the Governor or an Indian tribe, provided that the Secretary determines the project to be economically and financially feasible and in compliance with applicable environmental laws, and submits such proposals to Congress subject to disapproval by joint resolution within 90 days.

SEC. 5. Effective October 1, 1981, there are authorized to be appropriated such funds as may be necessary to carry out the provisions of this Act.

In view of the support of the administration and the progress of the bill in the House, I trust that my colleagues in the Senate will give S. 1553 their prompt attention, and Senator PRESSLER and I certainly will be working toward that end.●

ALEXANDER SOLZHENITSYN

● Mr. QUAYLE. Mr. President, in a television interview which was aired on October 26 and 27, Alexander Solzhenitsyn, the exiled Russian novelist, commented on a number of American policy issues ranging from the nature of our international broadcasting efforts to our diplomatic relationships with mainland China. As probably the foremost witness to the experience of living under Communist rule, Mr. Solzhenitsyn's views on East-West relations are always important and enlightening. In this particular interview, which was conducted by Representative JOHN LEBOUTILLIER, Mr. Solzhenitsyn identifies major shortcomings in Western broadcasts to the Soviet Union, warns against arming the People's Republic of China and urges the United States to undertake more forceful leadership of the free world.

Mr. President, for the benefit of those who may have missed this valuable broadcast, I ask that a transcript of the interview with Alexander Solzhenitsyn be printed in the RECORD. The following is part 1 of the transcript. The second part will be printed in tomorrow's CONGRESSIONAL RECORD.

Part 1 of the transcript follows:

(Translation from Russian of the October 12, 1981, Congressman John LeBoutillier interview with Aleksandr Solzhenitsyn, part of which appeared on the NBC "Tomorrow" show on October 26 and 27)

J. LEB. Aleksandr Issayevich, if you could be director of radio-broadcasting to the Soviet Union, what would you do, and how would you do it?

A. S. Your question is not a strange one for me. For 30 years I have followed closely the concept of American Russian-language radio broadcasts to the Soviet Union. I am not going to say anything about broadcasts in other languages. I don't know. Perhaps they make the same mistakes, perhaps not, but I know well how it is in the Russian language. Thirty years ago, in 1953, when I had just been freed from the labor camp, I bought a radio receiver with the first money I earned. This was during my exile in Kazakhstan, and it was even considered criminal there—suspicious—why should someone in exile buy himself a radio? But I listened intently through all that horrendous jamming, and tried to understand, to catch some bits of information. And I got to be so expert that even if I could only catch half a sentence, I could complete it from just a few words. For 20 years I listened constantly in the Soviet Union to Western Russian-language broadcasting and rejoiced in all its successes, and made use of its information, and was deeply distressed by its mistakes.

J. LEB. You mean—you sat there with your ear pressed close to the set and kept twisting dials to understand better?

A. S. Yes—in order to hear through all that racket, you have to know how to listen. If you hold your ear close to the set, you can sometimes hear better. And so I was saddened by the shortcomings of the broadcasts. And I must say that these shortcomings were a constant factor all those years. It is difficult to overestimate the importance these broadcasts could have if America conducted them properly.

L. LEB. Do you think that the people of the Soviet Union listen to the radio today and still have difficulty understanding?

A. S. Of course they listen, but many, like me, become disillusioned. You must understand—I am afaid that those who determine the general tone of American Russian-language broadcasts, did not understand from the beginning, and do not understand today, the main aims and purposes of these broadcasts. If they understood correctly, the picture over the past 30 years in the Soviet Union and in other communist countries would have changed. That is, I can say without exaggeration that maybe today we would not be thinking that there is danger of another world war. The objective should be to establish mutual trust, warm feelings, and contact with the oppressed peoples, and thus to tear them away, to help them tear themselves away, from their communist oppressors.

J. LEB. You say that for the past 30 years, America has made mistakes in policy in its broadcasts to the Soviet population, and that a third world war which we may be approaching could have been avoided if these mistakes had not occurred?

A. S. Yes. I am afraid that the theoreticians involved in your broadcasting do not understand this to this day, because today, even in recent years, the line is not only not better, but, as, for example, in "Radio Liberty," it is worse, much worse. In order correctly to formulate this general direction, one needs a clear answer to at least two questions. First question: what is the situation in those countries to which the broadcasts are beamed? And second question: what is the condition of these oppressed peoples, what are their needs what kind of spiritual hunger do they have? The West, the entire West, including the United States, seems to be bewitched—doomed eternally to have an incorrect idea about the situation in communist countries, doomed to draw for itself pleasant pictures, illusions, and to be guided by and follow these illusions. I want to remind you that in the '30's, during the most dreadful time of Stalinist terror, when Stalin destroyed many millions, during that particular time, your editorials proclaimed the Soviet Union to be a country of globah justice, where the best truth on earth could be found. And at that same time, your President Roosevelt extended a helping hand to Stalin, and your businessmen jumped over there with technological assistance, without which Stalij could not have built his industry. Ajd subsequently, at the end of the war, the American administration, without any need, made Stalin a gift of all of East Europe, and gave away China to communism. Question: With what objective in mind could a strong West sacrifice East Europe? Today, you are extolling Poland.

J. LEB. I want to be more specific. Do you think that at the time, President Roosevelt and the American government had a mistaken understanding of the Soviet government? They were people with whom one should not be friendly?

A. S. It should have been understood that they were enemies of their own people, and this was not understood. The Roosevelt administration, and, for decades afterwards, American public opinion, identified the Soviet government with its oppressed people. While, in actual fact, they are categorically opposed to each other. And so, as I say, today you enthuse over the stoicism of Poland—but why did you hand Poland over to communist slavery—why? Today, it is very fashionable to say that there, for some reason, in that same Soviet Union—why don't they fight?—these slaves, who do not want to fight for their freedom. But I consider slaves not those who sit in prisons. I consider slaves those free people who see how prisons are built, and give their blessing—let them build prisons! Today, recently—the anniversary of the Berlin Wall was marked. Who are the slaves? The slaves are the East Germans who could not prevent the construction of this wall, the slaves are those Western powers who stood by quietly and watched the construction of the Berlin Wall—and did not interfere? The slaves are those in West Germany, who today went to demonstrate against the arrival of Haig, that's who the slaves are—who today are stretching out their hand to Soviet shackles, they voluntarily want to go the Gulag, that's who the slaves are!

J. LEB. Can you tell our viewers briefly the difference between the Soviet government and the Russian people? In your words, the government—is the enemy of the people?

A. S. That is a basic fact, which should always be understood as the foundation of something your leaders are always forgetting.

J. LEB. Does this apply to all communist countries?

A. S. Definitely to all the communist countries. But the Western conception is: since in the West the government is elected by the people, you think that the government and the people are one and the same.

In actual fact, no, with us, there is a gulf between.

J. LEB. In your words, then, it appears that we should aim at finding allies among the Russian people against the Soviet government?

A. S. Yes. Yes. I want to say that Roosevelt made a great historical mistake in the '30's and '40's. This mistake cost the whole world exactly half of the globe—perhaps less than half in terms of territory, but more than half in population. And today, the greatest danger if you do not resolve it, is that you can repeat the same fatal mistake made by Roosevelt. Strangely enough, the same mistake has been repeated all these years. For instance, with Tito. Tito—was the murderer, the executioner, of his people. Right after the World War, he destroyed, he shot, hundreds of thousands of his citizens. And was longing to seize Trieste. And insolently shot down American civil planes near the Austrian border. All this is now forgotten and forgiven. And he was held up as a great statesman, a leader of some kind of non-existent "non-aligned" movement.

J. LEB. In America, right up to his death, he was considered practically a hero. He was what we are wont to call a "good communist". But we know that there are no "good communists". President Carter was even proud that he sent his mother to Tito's funeral.

A. S. The same thing being repeated with Cuba. It was proclaimed in the West that what was transpiring in Cuba was a people's revolution. And the same thing is being repeated in North Vietnam. There was a totalitarian gang there which was acting to seize the whole country. And your progressives proclaimed that it was a national movement for freedom. Nicaragua—right before your eyes—a totalitarian group of communists were seizing power, and the Carter administration hurried to help them with money, so as to strengthen its soon-to-be enemy. But the worst of all is China.

J. LEB. Before talking about China, why, strictly speaking, is it so fashionable among our progressive public figures to praise the régimes in Nicaragua and the partisans in Salvador, and also the régimes in Cambodia and Vietnam?

A. S. That is the fatal historical mistake of liberalism, not to see the enemy on the left, to consider that the enemy is always on the right, and that there is no enemy on the left. It is the same mistake which ruined Russian liberalism in 1917. They overlooked the danger of Lenin. And the same thing is being repeated today—the mistake of Russian liberalism is being repeated on a worldwide scale everywhere.

J. LEB. Do you think that our policy of drawing closer to Red China is on the same level as the mistake made by Roosevelt when he became friendly with Stalin?

A. S. Indeed it is on the same level. Indeed it is, If you repeat that mistake today—today China is in the same situation as was the Soviet Union in the '30's; it is in need of everything. It needs aid from America. If you now provide it with American economy, and then with weapons, yes, for awhile China will serve as a safeguard against the Soviet Union, but even that is problematical. But if you arm China, then, as a result, you will give it the second half of the Earth, that second half which contains America. and then you will have no one to use as a shield.

J. LEB. Do you think that the Peking government—Mao's government—disposed of its people as cruelly as the Soviet leaders?

A. S. Definitely. They acted exactly the same way. And they destroyed millions, even more, probably, in proportion to the population. But China is even more closed to foreigners than the Soviet Union. You know even less about China than about the Soviet Union. That's why the legend has been created about the "good" communism in China. When, in 30-40 years from now you read the Chinese "Gulag Archipelago", you will be amazed: "Ach, what a pity, and we didn't know!" You must know! you must know in time, and not when it is too late. You need to know now today! I want to say that in the long run this mistake threatens you with the loss of existence of America itself.

But, closer to our subject, our talk is not pointless. The thing is—very recently, the Director of the United States International Communications Agency went to China and came back with rosy impressions. He announced that he was amazed at the friendly talk of the Chinese leaders. And how should they talk if they are in need of your technical know-how—how else should they talk? He confidently repeats what he was told there: that China is striving for human rights; that China is trying to become an open society; that the Chinese Communist leadership cares about the development of its people. And your Director of the International Communications Agency is now repeating all this!

J. LEB. Many levels of society in America are very concerned about the progress of underdeveloped nations, human rights, aid to the needy. Do you think that the leaders of Red China say all this to their American visitors only to derive some benefit form them?

It is exactly the same picture, the same hypocrisy shown for decades by the Soviet government. They talk in order to get something.

J. LEB. We have lots of arguments here in America on questions of human rights in other countries. For instance, when the Persian shah was overthrown, it was said in our country that he was a bad ruler, that he violated human rights. Very few of the shah's critics would maintain that there are more human rights in Iran today. Are there any communist countries in which human rights are observed?

A. S. When the Chinese government says that it supposedly cares about the development of the people, it is hard to imagine anything more senseless. No communist government ever cares about the rights, the development of its people. Communist governments are like cancerous tumors: they grow senselessly, for two aims only: first of all, to strengthen their power, and, as soon as they strengthen their power, to expand to further boundaries. The Soviet government always had such aims in mind, and the Chinese government has those same aims, and only those same aims. Note that as soon as the "Washington Post" correspondent reported one incident where a Chinese was in prison for defending human rights, he was given a strict warning that he would be expelled. And with such a government your "Voice of America" concludes an agreement about a battle against disinformation! That is completely ludicrous. What kind of disinformation can the Chinese radio help you battle? The chinese radio is busy spreading solid disinformation; it conceals everything going on in its country; it is the embodiment of disinformation. Or, for instance, about Cambodia. Is the Chinese radio really going to help the "Voice of America" find out how the Khmer Rouge forces destroyed their people? Or help to find the mass graves of over 60,000 Cambodians? As I said, Western society seems doomed always to have an incorrect picture of the situation in communist countries.

As for the second question: it is no less difficult to understand the state of the people toward whom the radio broadcasts are directed, to understand their spiritual hunger, their difficulties, their aspirations. Socrates' philosophy has been famous since ancient times: if you want to convince the person with whom you are talking, assume his point of view and develop it further. And a proverb says: if you want to have a friend, first become a friend yourself.

J. LEB. Don't you think it strange that, just as in Communist countries, a gap between the government and the people exists with us too, a colossal difference between those who run the country, and the people?

A. S. With you the gap is not so hopeless, and it has a different meaning. But I must say, if I compare my impressions of my Vermont surroundings, of the simple folk here, with the New York or Washington press, it grieves me to say that yes, there is a big gap. This gap is not a confrontation, not the relationship which exists in Communist countries, not the relationship between oppressors and the oppressed. But even you have differences of opinion.

J. LEB. Do you think that our leadership is rather more naive than acting with malicious intent?

A. S. Quite right.

J. LEB. Does this mean that instead of pointing a pistol at the back of the head and shooting people, we lead them to the slaughter with eyes closed?

A. S. The root of all this lies in your leaders of public opinion who influence government policy. They have for decades been nurturing illusions and false impressions, especially in relation to countries opposing America. They constantly paint a more rosy, pleasant picture than is actually the case.

J. LEB. Let us talk now about the internal situation in the Soviet Union. Our population does not know either from magazines or from the press or television what life is like in the Soviet Union.

A. S. And for those living in the Soviet Union it is even harder to get real information. Foreign information in the Soviet papers and on television is distorted beyond recognition. Domestic information is even more distorted. Those who live in the Soviet Union know vaguely, in a general way, what is happening in the world, but they know nothing of what goes on in the neighboring town, in the neighboring county. That is why foreign broadcasts are so important for them—they can get news about themselves—about what is happening to us.

J. LEB. In America, during the Vietnam War, all Americans could follow military events on their television screen, on the news. But the average Soviet—does he know what's going on in—let's say, Afghanistan?

A. S. Everything he hears from the government is distorted. And the Voice of America's mistake is that it has limited itself in its source of information. It believes, for instance, that it has the right to broadcast only in a way which will not irritate the communist listener and not to use a rich accumulation of anti-communist material. For instance, there is an emigré anti-communist magazine, Possey, in Frankfurt am Main. It contains plenty of material about Afghanistan; its reporters travel to

Afghanistan and meet with Afghan resistance fighters. Never would the Voice of America lower itself to broadcast this to the Soviet Union, because it comes from a magazine which is too anti-communist. Instead, the Voice of America feeds us with some kind of third-rate gossip about what diplomats in Delhi hear third-hand. Actually, instead of effectively giving us news, the Voice of America, in general, helps us not to be informed. This is tied in with the mistake in principle ascribed to the Voice of America—it has to act so as, God forbid, not to violate the policy of the State Department. And so they give us a stone instead of bread, instead of the real information which they could give us.

Here is another example: the famous Novocherkassk rebellion took place in the Soviet Union in 1962, but for over ten years, there was not a word about it on Western radio broadcasts—not one! never! because either they did not know about it, or it was not from "sufficiently proven" sources! Because, if they do not have documentary proof, they can't broadcast about rebellions. And so, it was not until ten years later that we heard news over Western broadcasts about our own great rebellion in Novocherkassk.

J. LEB. Two brief observations: you say that, in order not to irritate the Soviet leaders, our government, our State Department, and the radio stations which they run, deliberately soften the tone of the broadcasts and do not broadcast news which could displease the Soviet leaders, and broadcast harmless news instead?

A. S. I can speak from personal experience. In December, 1973, when I was still in the Soviet Union, Gulag Archipelago was published in the West and the Voice of America, or, strictly speaking, a Voice of America announcer, read an excerpt from Gulag on the air. Immediately Radio Moscow started screaming that the Voice of America had no right to interfere in the internal affairs of the Soviet Union, that it served to spoil the international atmosphere. And what did the Voice of America do? With the agreement of the State Department, it took the announcer off that assignment, and forbade the reading of Gulag Archipelago to Russia! More than that: for several years, it was forbidden to quote Solzhenitsyn on the Voice of America, so as not to harm communist propaganda. This means: my book was written for Russians, millions of copies were read in the West, but it should not be read to our Motherland! because, otherwise, the Voice of America would spoil relations with the Soviet Union. In such a way, information for our country is silenced. I would not want to lose our train of thought, and want to speak of the situation of the people to whom these broadcasts are beamed.

J LEB. Yes, it is important to find out what life is like in the Soviet Union.

A. S. For 65 years, we have been working almost for nothing. For 65 years, both the mother and the father in the family have worked, and their combined earnings are insufficient to support a family. Their work is never paid for any higher than 10 or 20 percent of what it is worth. All the surplus is taken by the government in order to ready weapons and attacks on other countries in the world. Several generations of us have gone hungry for 65 years! It is already becoming close to physical degeneration. We are poisoned with alcohol. Women are carrying a load which men could not manage, a double load. Our birthrate is sharply lower, and infant mortality has sharply risen. We are poisoned both physically and morally. Physically poisoned, because all the military manufacturing is done without any protection of the surrounding environment. There is no-one to control water pollution, air pollution. We are poisoned morally because for 65 years we have been inculcated with communist lies. The combination of all this has brought the people to a state close to death, to spiritual and physical death. All memory of our past, our history, and especially the history of the last century, has been wiped out. The history of the last century is particularly dangerous for the communists, because it was their enemy. Those who are acquainted with history before the revolution, and the history of the revolution and after the revolution—they are already free of the communists. But the communists are carefully destroying all traces of the truth, so that we won't know anything about ourselves. I would compare it with when, in Stalinist times, the father and the mother of a family were both arrested, and little children were sent to an orphanage, and their last names were changed so that they never knew whose children they were, what their origins were, what their past. And our people are in the same situation. They are deprived of any memories about themselves. Our people are like someone fatally ill who is lying in bed, dying, and the American radio broadcasts are like a visitor who comes by—not a doctor—but a visitor, who comes in very self-satisfied, cheerful, beautifully dressed, sits down and starts saying: "Now I will entertain you, now I will tell you how many suits I have, how I dress, what a wonderful apartment I have, what I recently bought, how much money I save, what a good time I have—you want me "to do a little dance for you?" That's the way radio broadcasts to the Soviet Union are run today.

J. LEB. In other words, you say that the contents of our broadcasts to those who are so oppressed only shows them a world in which they cannot live anyway, and gives them nothing to appease their spiritual hunger, nothing with which to resist the yoke of their government.

A. S. And not only that, not only that. Yes, they don't offer anything to slake our spiritual hunger. Instead of that a foreign voice reads us lectures on how to understand the world—a suicidal stand for radio broadcasts. Propaganda is conducted on how to understand from a liberal-democratic point of view, but all propaganda has become repulsive to us after 60 years. And that's only one side. It is the most important side for our people, but there is another side, the most important for your people. Your broadcasts give a picture which does not correspond to the spiritual life of your people. Your broadcasts are conducted so primitively that they give a false picture of your country, they speak about the most superficial, the most trite things. So that our people have a lower opinion of the American people than the American people deserve. Your broadcasts are full of rubbish.

If one were to speak, for instance, of the Voice of America, one could list many broadcasts on which it is impossible to understand why America spends money, instead of spending it on something worth broadcasting. For instance, I will tell you: there are three different jazz programs; then a separate program of pop music, a separate program of dance music, and a separate youth program, on which all this is repeated. This is such a mistake; perhaps those people who are interested in jazz might turn on their radio five minutes earlier or turn it off five minutes later and hear something besides jazz. But the thing is, we have very few people who are interested in jazz, they don't need your programs, which are jammed, because they have at their disposal all the world jazz programs which no one jams. They can hear these programs perfectly. So you do not attract any listeners that way, you only spend valuable airtime on nonsense, on frivolousness. Or, for instance, sports. With great importance, with great solemnity, you broadcast programs on sports. But sports is a favorite subject of Soviet radio, it is the only subject which the Soviet radio willingly instills in our youth. Because in the Soviet Union, sports acts as opium for the people. It diverts young people from thinking about their situation, about their origin, and about politics. And here your broadcasts are busy with all this meaningless stuff. Even worse—you find time to broadcast about "hobbies". This program only repels and angers the Soviet listener and makes him turn off the radio and not listen any more; he feels only contempt for such a broadcast, because he is being told how loafers who have lots of time at their disposal collect labels from something or other, or empty bottles. That's just awful! Or, in great detail, it gloats over the conveniences of international travel. And all this time could be spent on subjects which would be valuable for us, which your radio doesn't even think of broadcasting, particularly, history and religion.

J. LEB. In other words, the contents of our programs to the Soviet Union are unpleasant, irritate people, do not take into consideration the situation in the Soviet Union, and we do not do what America should be doing for oppressed people?

A. S. I would sum it up like this: your radio broadcasts do not give our people the spiritual help they need. That's one side. The other side—you present yourselves as being lower and less significant than you really are, i.e., you are doing yourselves harm. And in the third place, you limit even simple information about current events. In matters of foreign policy, you are being over scrupulous about your use of sources—as with Afghanistan. And insofar as the internal situation in the Soviet Union is concerned, you have been concentrating only on material provided by dissidents from Moscow. If tomorrow the dissident movement should be completely destroyed, you would lose such information altogether. But there are great fields of information about the Soviet Union of which we need to hear, and which your radio station either does not have, or does not wish to use for lack of sufficient proof. And what is given instead? Instead, there is wide coverage on Jewish emigration from the Soviet Union. That is, half-hour after half-hour is spent on interviews with recent emigrés: how they like America; how they have found work; how much they earn; how they furnished their houses. Not that there is anything bad about this, except that it is disproportionately exaggerated, and replaces information about the situation in the Soviet Union. And what feelings must it arouse in the Soviet listener? Irritation? No one of the Soviet population can immigrate to the West. Only a certain number of Jews can immigrate to the West. Why then boast about how well they are doing, why irritate those who are left there?

J. LEB. So our broadcasts irritate those who cannot leave with tales of how well we live here?

A. S. It is tactless. Our people want to be told about our workers, how they fare in our country—but your broadcasts do not speak about that. What is the situation of our peasantry? There is never a broadcast on that subject. The situation in the provinces. The cruel situation in the army. They listen to the broadcasts in the army, there are many shortwave sets there. But nothing is ever broadcast about any of this. And your stations don't even want to know anything about it. For instance, we still have a devastating problem about our war invalids. Invalids from the Great Patriotic War are hidden from society, so that no one can see them; they are exiled to remote northern islands—war invalids who have lost their health in defense of their country. War invalids are persecuted, constrained. There is nothing of this on the radio—only tales of happy fugitives, how well those who fled from all this are living.

J. LEB. How about the Soviet army? You say that they have radio sets to which they can listen, and we do not try to communicate with the Soviet soldiers. Is there a possibility of demoralization? Because they say that the troops sent to Afghanistan refuse to shoot at the Moslems, at the civilian population.

A. S. Unfortunately, you have never been interested in the situation of the Soviet worker, the Soviet peasant, the Soviet soldier. They are all under dreadful pressure, and your radio broadcasts have never concerned themselves with investigating this, with getting such information and airing it. I repeat, there is much such information available in the emigré press, and it could all have been broadcast to the USSR without much effort, but that could violate the policy of the State Department, the Moscow leaders might suddenly get mad at the State Department and refuse to purchase from you the modern electronics without which they cannot live. That is what you are afraid of!

The greatest need of our people is to become aware of themselves as what they really are. If during these 30 years you had helped our people remember who they were, to help them to rise spiritually to their feet—the entire world situation today would be different. All our recent history has been trampled under and distorted beyond recognition, it is saturated with propaganda. I would like very much for the American TV viewer to imagine this for himself, it is difficult to imagine. Our average citizen in essence knows nothing: what were the causes of the revolution; how the revolution occurred, how it all went over to the bolsheviks under a totalitarian rule; what great people's movements there were against the bolsheviks, and how they were suppressed, how our peasantry and our working class were destroyed by terrorist means. We need to know the truth about all this. And if such knowledge were given us, we would become spiritually free of our government—both those in civilian life and those in the army. But the general goals and general programs of your broadcasts are run by ideologists who, unfortunately, are under the influence of myths, false myths about Russia. I must say that in the first of these myths we find Karl Marx. Marx proclaimed that the Russian people, as such, in general, the Russian people were "reactionary". And from that it followed: all of Russian history was "reactionary", the monarchy was "reactionary", Russian impressions of tradition were "reactionary", the majority of the Russian leaders were "reactionaries", even our orthodox religion was "reactionary". And this is what the ideologists of your radio broadcasts do: they ram through our history like a burst of machine gun fire, they shoot down two-thirds of our historical figures, fearful that some one of them might be "reactionary". If some American journalist—just one—or a second-rate American scholar—once said about some Russian leader that he was "reactionary"—that Russian leader or philospher is eliminated from history—he no longer exists. Paradoxically, the ideologists of your broadcasts stretch out their hand to Communists. The Communists fight against our memory of history, and your broadcasts do the same. I cannot not mention the most recent example: recently, this September, was the 70th anniversary of the death, of the day of the murder of the greatest Russian statesman of the 20th century, Prime Minister Stolypin. It is not enough that the very act of his murder inaugurated the terror of the 20th century, but this man in 5 years succeeded in pulling Russia out of complete chaos and disintegration into a state of prosperity.

And so, two of your radio stations, under different management, Radio Liberty and the Voice of America, both killed a broadcast on Stolypin, the anniversary broadcast. A fine broadcast was prepared at Radio Liberty; it was forbidden without any discussion or explanation. And a few days ago, the Voice of America announced an 8-minute reading from my chapter on Stolypin. The broadcast was already announced, but it was immediately killed. This shows that it is not a question of different administrators, but of your dominant ideology.

No matter what one thinks of Stolypin—some consider him a liberal, others a conservative—he was a great Russian statesman—how can he be censored? I would like to call attention to the amazing fact that American broadcasts, both radio stations, independent of each other, carry out censorship, moreover, censorship in advance, even in such scandalous circumstances, as when listeners have already been told that the broadcast would take place, and then it is cancelled. This year "Radio Liberty" used censorship in advance only in fundamental Russian-language broadcasts; moreover they intend to enlarge their bureaucratic superstructure, to bring in consulting advisors, exclusively for the purposes of censorship. It's hard to absorb this. To increase expenses, to enlarge the organization for the purposes of censorship!

J. LEB. Let us talk now about the state of religion in the Soviet Union. Has the Soviet government been suppressing religion since 1917? Do they want to destroy spiritual sources, to destroy the soul?

A. S. All of Marxism is based on hatred of religion, and Lenin, when he came to power—it seems paradoxical—did not perceive a more dangerous enemy than Russian Christianity, and he carried out violent attacks on it—Lenin, even then—and this continued during Stalin, and Khrushchev, and Brezhnev, in a somewhat different form. Russian Orthodoxy, during these 65 years, has suffered its own Golgotha. We have experienced persecution which surpasses in dimension all the persecution of Christianity in ancient times. Limitless efforts were made to destroy Christianity in Russia, to root it completely out of memory and heart. That is the consistent policy of the Soviet government, and it has resulted in tens of millions of people not being able to go to church. Many people live in places where the nearest church is 300 miles away, i.e., they can go, say, to have a child christened, but they cannot get there on Sundays. Our population is in dire need of listening to church services over the radio, to mark, over the radio, our Christian holidays, to have our divine services, our terminology exphained. To have a broadcast for children, who are most of all deprived of religion in the USSR. Communist power has deprived us of all this(and your radio broadcasts, your ideologists, proceeding from the stupid thought that Russian Christianity is "reactionary", conduct that same communist line, again, they echo the communist position; i.e., they are suppressing Christianity there, and your people here are trying with all their might to squeeze and force out Russian Orthodoxy.

J. LEB. You probably find it amusing when you hear that Carter, for instance said that he thought he could convert Brezhnev to Christianity.

A. S. Horrible! And so, all these 30 years your broadcasts have been directed at, deliberately directed at, systematically aimed at not allowing Russian Orthodoxy to rise up and become an organizational social power in Russia.

J. LEB. Let us talk briefly about the situation in Poland today, because in Poland there is organized dissidence, opposition to the government. How much do you think this has been helped by a Polish Pope?

A. S. The Polish Pope has been of considerable inspiration to the Poles. But aside from that, the Catholic Church has never been as demolished as our Orthodox Church. I don't know anything about the American Polish-language broadcasts. I assume that they were excellent. I assume that they supported Polish Catholicism, strengthened it. But for the Russian people, the broadcasts are conducted in just the opposite way, i.e., it is as if you deliberately set up the task of not creating a Polish situation in our country, so that we could not have such strength in the Church, and such religious unification as in Poland.

J. LEB. In Poland there is an example of good radio broadcasts in co-operation with the Church, under the sponsorship of a leader like the Pope, which could act for unity? I would like to ask you about reports from the Vatican—that they suspect that the Soviets, the Kremlin, participated in the attempt on the life of the Pope.

A. S. There can be no doubt that a Polish Pope greatly hampered, and continues to hamper, Soviet communists by his very existence.

J. LEB. You would not be surprised if through the terrorist network they found out about the Turk who wanted to kill the Pope, and the Soviets told their agents?

A. S. I don't doubt that, in general, world terrorism is run by the Soviets, yes.

J. LEB. I would like to sum up what has been said. We are not speaking about large expenditures, we are speaking about a change in the fundamental approach to the direction and the contents of the Voice of America and Radio Liberty. When we held elections last year, we elected a man who holds very clear views in relation to the Soviet government, there can be no doubt about that. He said of the Soviets that they reserve the right to commit any crime, to lie, to cheat, in order to achieve world domination. It is clear that President Reagan understands the Soviet approach. Do you see

any difference in our approach to broadcasts to the USSR during the past year?

A. S. The President cannot have had enough time in this one year, given the numerous branches of such a tremendous government as that of the United States. That is probably why he has not yet been able to do anything about the radio broadcasts. And, paradoxically, I must say, the year '81 has seen in Radio Liberty a sharp turn for the worse. Everything that for years was getting worse was made even more so by the famous memorandum which was accepted for implementation by the radio station Radio Liberty. But if they don't stop going in that direction, they will once and for all mess up the Russian Department of Radio Liberty. I will not say anything about the 15 other languages in which Radio Liberty broadcasts, which I don't know, but the 16th, for Russians, has degenerated to such an extent, is so bad that, if things continue in the same direction, it would be better to do away with it altogether. Because it harms the relation of the Russian and the American people even further.

J. LEB. You pointed out that if 30 years ago we had behaved differently we might have prevented World War III. But in October of '81, we are saying that nothing has changed, that everything is only worse. Is it really too late, if we do change, or is a Third World War really inevitable?

A. S. A Latin proverb says "dum spiro, spero"—where there's life, there's hope. Yes, 30 years have gone by, but that does not mean that we should not begin again today. We do not know how much time history will give us, and maybe it is still possible to accomplish much if you actively undertook to improve your broadcasts. I emphasize that I am not even speaking about an increase in the budget, but about changing the fundamental direction, to sober up, to come to your senses.

J. LEB. That is, we should change our broadcasts to the Soviet people? But we must also, I think, change our approach to trade with the Soviet Union—not to give them modern electronics which they will use for arms against the West; that, you know, is a continuation of the Roosevelt policy.

A. S. We are today concentrating on the problems of radio broadcasting, and, in general, I said yes, a historical mistake was made when you gave away half the Earth. Do not repeat today this same mistake, and by trusting China, give away the other half of the Earth; for now I see as the main threat in the foreign policy of the present American administration its trust in China. This is impossible! They are exactly the same communists, with the same methods, and with the same policy of annihilation.

J. LEB. You said that ever since you left the Soviet Union you have cherished the hope of returning to Russia. Time is passing, and our government has not changed its policy. Is your hope, perhaps fading?

A. S. You know—no—my hope is not fading. God willing, I still have some time to live. And, in the meantime, I have not wasted time—I am writing constantly. I am now finishing and epopée of the history of the 1917 Revolution. And besides, a writer always has a way out—if he himself does not return to his Motherland, his books will.

J. LEB. Your books, "Gulag" and others, are for some reason forbidden by our radio stations. If this policy changes, could you in some way change the substance of radio programs to the Soviet people?

A. S. I have said today much that needed to be said. But I think that all efforts and possibilities are in the hands of your administration.

J. LEB. I think that the majority of people who see this program will be amazed that our government does not want your words to be heard by your people, that it is not the Soviet Union—it is our government which does not allow it, particularly, when the censorship is our government—which only does this because it is afraid to distress and anger the Soviet leaders. The majority of our listeners will not only be amazed or shocked, they will want to know why this is so, and why it continues to be so. In appearing on a program such as this, you must know that it is accessible to the average person in our country, to a wide circle of average people, and gives them information which they have never had before.

A. S. I understand. I will be very happy if we have helped in clearing up the situation.

(Translated by Julia Mansvetov.)●

PUBLIC UTILITY HOLDING COMPANY ACT

● Mr. JOHNSTON. Mr. President, on November 19 of last year, I joined with Senator D'AMATO in introducing three bills to amend the Public Utility Holding Company Act. I did so because I am convinced that the act, passed in 1935, long ago achieved its primary goals. It now serves as only an unwieldy and unproductive obstruction to corporate diversification and prudent financial management by utility companies.

Because of my strong belief on this matter, I took the further step, on December 16, of introducing S. 1977 which would repeal the Public Utility Holding Company Act in its entirety. I felt that total repeal was an option which should be considered by the Congress in addressing the anachronisms of the act.

Mr. President, the following week, much to my surprise and delight, I received a copy of a letter from the Securities and Exchange Commission which recommended full repeal of the Public Utility Holding Company Act. That letter was in response to a query by Senator D'AMATO concerning the Commission's view with respect to the three bills which we had introduced. I feel that this letter, reflecting unanimous agreement by those who are most experienced in dealing with this act, serves as perhaps the ultimate evidence in favor of repeal. I would now ask that this letter be printed in the RECORD and I would commend it to the attention of my colleagues.

The letter follows:

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., December 21, 1981.

Re proposals to amend the Public Utility Holding Company Act of 1935 (S. 1869, S. 1870, and S. 1871).

Hon. ALFONSE M. D'AMATO,
Chairman, Subcommittee on Securities, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, D.C.

DEAR CHAIRMAN D'AMATO: In response to a request from your staff, I am writing to advise you of the Commission's general views relating to the above three bills. These bills would substantially reduce regulation under the Public Utility Holding Company Act of 1935. The Commission, however, unanimously believes that Congress should instead repeal the Act. Based on the information available to the Commission and its experience under the Act, we believe that this statute has served its basic purpose and that continued federal regulation of utility holding companies is unnecessary and inappropriate.

The Securities and Exchange Commission has administered the 1935 Act for nearly forty-seven years. There is a consensus—shared by the Commission—that the Commission's task of reorganizing the Nation's gas and electric utility holding company systems was completed twenty years ago. The Commission's administration of the Act in more recent years has primarily involved review of registered holding company financings, mergers, and acquisitions and the consideration of requests for exemptions from the Act. These remaining Commission responsibilities are intended to prevent recurrence of the abuses which led to the original passage of the Act. The Commission believes, however, that these abuses are unlikely to recur in light of the extensive changes since 1935 in the public utility and investment banking industries, the accounting profession, state utility regulation, expansion of the disclosure requirements under the Securities Act of 1933 and the Securities Exchange Act of 1934, and the development of more efficient and well-informed securities markets. If the 1935 Act is repealed, all publicly-owned utility holding company systems will, of course, continue to be subject to the financial disclosure requirements and other provisions of the federal securities laws.

Moreover, certain features of the 1935 Act set it apart from the other statutes which the Commission administers. The federal securities laws focus primarily on disclosures to investors and on the integrity of the securities markets. In contrast, acquisitions, financings, and other actions by registered public utility holding company systems require prior Commission approval under the 1935 Act. The Commission must base its approval or disapproval of these transactions on its determination of their economic merits. Thus, unlike the other statutes it administers, the 1935 Act involves the Commission very deeply in the substance of fundamental management decisions.

Only twelve active holding company systems remain subject to direct regulation under the 1935 Act. The Act, however, continues to have significant influence on the financing and diversification decisions of a much larger portion of the industry. Approximately eighty holding company systems operate under various exemptions from the Act, and many utilities may be reluctant to form holding companies because they would then have to register under the Act or qualify for an exemption. Furthermore, in this time of energy shortages and the recognized need to develop new energy resources, the Act may deter non-utilities from participating in cogeneration projects or other such activities because of the consequences of becoming subject to the Act.

The Commission finds it difficult to support any of the three legislative proposals presently before Congress because each primarily addresses only those aspects of the Act that affect one segment of the industry. Each would have the practical effect of vir-

tually repealing the Act as it affects that particular industry segment. Taken together, the three proposals approach total repeal and would leave the Commission with responsibility for administering only the very limited surviving provisions of the Act with no clear regulatory purpose. None of the three proposals takes the further step of addressing the basic rationale for continued regulation under the Act.

For these reasons, it is appropriate and timely for Congress to revisit the 1935 Act. Congress should not, however, limit its evaluation to the merits of these specific proposals, but should also reexamine the underlying premises of the Act to determine the extent to which those premises have continuing viability today.

Because of the importance I attach to eliminating unnecessary regulatory burdens, I wanted to inform you promptly of the Commission's general position on the pending bill. The Commission will submit a detailed, formal statement of views at an appropriate time. In the interim, if members of your staff would like additional information, they should contact our General Counsel, Edward F. Greene, or Elinor Gammon in the Office of the General Counsel.

Sincerely yours,

JOHN S. R. SHAD.●

INTERGOVERNMENTAL COMMITTEE FOR MIGRATION

● Mr. KENNEDY. Mr. President, a critical link in the international community's ability to respond to the needs of refugees and migrants is the Intergovernmental Committee for Migration (ICM). This past year ICM celebrated its 30th year of service by assisting more than 205,000 refugees and migrants.

This is the third consecutive year that ICM has moved more than 200,000 persons, mostly refugees in every region of the world. In addition, some 3,000 migrants and returnees—highly skilled and professional personnel and their families—were identified, processed, and settled in developing countries in Latin America where their skills and presence are needed and welcomed.

Half of these were Latin Americans involved in ICM's return-of-talent program. Under this new program, Latin Americans who have gained training and experience in Europe and Canada and the United States are encouraged and assisted in returning to their homelands to fill vacancies in skilled and professional fields vital to their country's development.

Mr. President, these are just some of the services and programs ICI undertakes each year in behalf of refugees and migrants. As refugee problems and migration pressures escalate throughout the world, we are reminded once again that ICI is a lifeline of hope for millions in need.

I ask that IMC's report on its achievements in 1981 be printed at this point in the RECORD.

The report follows:

[From the Monthly Dispatch, January 1982]

INSIGHTS/SIDELIGHTS TO CURRENT ACTIVITIES IN THE FIELD OF REFUGEE RESETTLEMENT AND NATIONAL MIGRATION

SUMMARY OF NOTABLE ACHIEVEMENTS AND EVENTS IN 1981

A total of 205,500 refugees and migrants were processed and moved for permanent resettlement under ICM auspices in 1981—the third consecutive year that the organization's programme topped the 200,000 mark. The 1981 workload was comprised of 159,000 Indochinese, 24,500 Eastern Europeans, 12,000 persons from Africa and the Middle East, 4,500 Latin Americans, and 5,500 Western Europeans. Of this total, 3,000 were resettled in Australia, 3,200 in Africa and Asia, 16,250 in Canada, 2,050 in Israel, 3,000 in Latin America, 150,000 in the United States and 28,000 in Western European countries.

Included in the 1981 programme were some 3,000 migrants and returnees (highly skilled and professional personnel plus their dependents) who had been identified, processed, moved and placed in developing countries in Latin America. More than 50 per cent of these were Latin Americans who had gained training and experience in industrialized countries and who had returned to their homeland or region of origin—Return-of-Talent. This programme is of a special interest to the Latin American countries because it enables them to fill vacancies in priority sectors when specialized manpower is not otherwise available, and covers a wide spectrum of activities vital to socio-economic advancement. it is of significance to note that during 1981 this Return-of-Talent programmme, which previously had been operated from Western European countries only, was extended to the United States with very encouraging results.

ICM's 5th Seminar on Adaptation and Integration of Migrants was held in Geneva during the period 6-10 April, 1981. This Seminar, which dealt with the problems of Migrant and Refugee Women, had 190 participants representing 39 governments and 42 international and non-governmental organizations. The participants called upon governments to re-affirm and implement the fundamental principles of international law ensuring women's equal protection under the law, the universal right to preservation of the family unit, and the universal right to health care. They urged a greater public awareness of the positive contributions made by migrant and refugee women to the economy, culture and society at large. ICM was called upon to promote increased attention to the needs of migrant and refugee women and to stimulate programmes, projects and research for their benefit.

During the period 26-28 May 1981 a Regional Seminar on Transfer of Technology through Specialized Human Resources was staged under ICM auspices in Panama City. This Seminar dealt with priority requirements in the field of human resources, the brain-drain phenomenon and ways and means to counteract it, and programming for placing Integrated Experts in key posts in developing countries. The Panama City Seminar was attended by representatives of governments of the Central American Isthmus countries, Mexico, USA, five Caribbean nations and certain European ICM member countries, as well as representatives of four international organizations, i.e., EEC, ILO, OAS, and UNDP. Following a review of ICM's activities, the organization was urged to continue, strengthen and extend its programmes for Transfer of Technology through Specialized Human Resources.

In early June 1981, the ICM Director received official communications from Austria's Ministers of Foreign Affairs and Interior concerning the heavy influx of Eastern European asylum-seekers into Austria and seeking the organization's assistance in facilitating and speeding up the resettlement processing and movement of these refugees from Austria. On the basis of these communications, the Director contacted the traditional refugee and migrant receiving countries appealing for resettlement opportunities and financial assistance to enable ICM to be responsive to the Austrian government's request. ICM also re-inforced its staff in Austria to cope with increased operations. Despite the special efforts throughout the year to effect resettlement of the maximum number, some 43,000 of these Eastern European asylum-seekers (mostly Poles) remained in Austria as at 31 December 1981, 23,000 of whom were receiving care and maintenance assistance from the Austrian government.

In early July 1981, ICM's 3 millionth migrant, a Colombian physician with highly specialized qualifications in the field of gynecology and endocrinology was moved from the Federal Republic of Germany to Colombia under the organization's Return-of-Talent programme.

A special session of the ICM Council was held in Geneva during the period 1-3 July 1981 to review the organization's activities in the field of Transfer of Technology through Specialized Human Resources. At this session the Council recommended inter alia that ICM should strengthen its cooperation with developing countries in respect of these activities; give high priority to Return-of-Talent programming; and that the organization should examine the possibility of extending these activities to other parts of the world, especially Africa and Asia.

ICM was invited to participate in a Ministerial Conference on Human Resources which was held in Monrovia, Liberia, from 5 to 8 October 1981 under the auspices of the Economic Commission for Africa (ECA). The conference expressed concern over the gravity of the brain-drain from Africa and urged that ECA member states establish contact with ICM and examine the possibility for cooperation in promoting the return of more qualified African personnel to their homelands. Thus far three African countries, i.e. Cape Verde, Kenya and Somalia have established official ties with ICM for this purpose.

As a follow-up to the April Seminar mentioned on page 2, a workshop was staged in Thailand from 23 through 25 November to study specific problems of refugee women. The needs of refugee women were analyzed and evaluated, and model programmes were designed. Refugee women from different ethnic origins participated actively in the Workshop and came forward with significant ideas and proposals for services.

On the occasion of ICM's 30th anniversary, which was commemorated on 1 December 1981 during the regular annual session of the ICM Council, the organization received notable recognition from numerous esteemed personalities for its humanitarian achievements and valuable services toward socio-economic advancement in developing countries. During that same session, the Council approved the proposed Programme and Budget for 1982 totalling $133.2 million ($7.4 million for Administration and $125.8

million for Operations). The 1982 Programme projects the processing and movement of 192,900 refugees and national migrants.

In reviewing 1981, certain other events are notable:

The emigration of Jews from the Soviet Union was at a considerably reduced level. Arrivals in Vienna totalled only 9,460 of whom 1,790 proceeded to Israel and the others were transferred to Italy for resettlement processing to other countries. This rate contrasts with 21,470 arrivals in 1980, and 51,330 in 1979;

Some 1,500 African refugees from Botswana, Djibouti, Egypt, Ivory Coast, Kenya, Somalia, Sudan, Swaziland, Zaire and Zambia were processed and moved to resettlement countries outside Africa;

4,300 asylum-seekers in the Federal Republic of Germany were processed and either resettled in third countries or repatriated to their homelands;

In 1981, some 8,000 national migrants in Italy and Portugal, and refugees in Europe and S. E. Asia, attended ICM classes given in English, French and German. Video facilities were introduced in ICM's training programmes at Traiskirchen (Austria) and Latina (Italy). This was possible thanks to a much-appreciated donation by the Norwegian Refugee Council. In mid-December, an agreement was concluded between ICM and the Italian Ministry of Labour to provide language training in German for Italian hotel workers wishing to seek employment in the Federal Republic of Germany and Switzerland;

ICM joined with UNHCR and ICVA in creating an International Refugee Integration Resource Center; and

Owing to stringent economy measures ICM's administrative expenditures in 1981 were limited to $7.4 million, i.e. near zero growth as compared to 1980 in spite of the increasing cost of services. Similarly, operational expenses were kept to a minimum level due in large measure to favorable arrangements with the international airlines. ICM's total budget for 1981 amounting to $141.8 million was in balance at the year's end.

GENEVA, January 11, 1982.●

FIREARMS OWNERS PROTECTION ACT

● Mr. SYMMS. Mr. President, I am pleased to bring to your attention, and to the attention of my honored colleagues, an example of the kind of grassroots support S. 1030, the Firearms Owners Protection Act, is gaining nationwide. I joined my fellow Idahoan, Senator MCCLURE, in sponsoring this legislation because of the clear necessity of focusing enforcement of Federal firearms law not on dealers and owners who have no intent of breaking any law, but on those who use firearms for the purpose of furthering or committing crime. Those who use firearms for lawful purposes wrongfully bear the blame for those who use firearms for criminal acts. Our law must emphasize the apprehension, prosecution, and punishment of those involved in such unlawful acts. It is heartening to have many diverse groups such as the Virginia Society of the Sons of the American Revolution recognize the need for this change in emphasis and I am pleased to bring their resolution on the McClure-Volkmer bill to the attention of the Senate.

I ask that the resolution be printed in the RECORD.

The resolution follows:

RESOLUTION REGARDING THE 1968 GUN CONTROL ACT

Whereas, all offenses under the 1968 Gun Control Act are felonies; and

Whereas, "dealer" is not defined under such act; and

Whereas, many law-abiding citizens have been maltreated under the ambiguous provisions of the 1968 Gun Control Act: Now, therefore, be it

Resolved, That the Virginia Society of the Sons of the American Revolution endorses the efforts to enact the McClure-Volkmer bill which repeals the inequities and abuses of the 1968 Gun Control Act.●

COAL PIPELINE

● Mr. JOHNSTON. Mr. President, in the last few weeks, two of our Nation's leading newspapers have editorialized in favor of Federal legislation for interstate coal slurry pipelines. On January 27, the Wall Street Journal ran an editorial entitled "Dampening the Coals." On December 27, the New York Times ran an editorial entitled "Unclog the Coal Pipeline."

Both of these editorials stress that interstate coal pipelines will provide much-needed competition for our railroads. The rates that railroads charge for coal haulage have been effectively deregulated by the Staggers Rail Act of 1980. Much of our Nation's coal production is captive to the railroads—coal producers and coal users have no alternative but to ship their coal on the railroads at the haulage rates dictated by the railroads. Unless interstate coal pipelines are granted Federal eminent domain authority, the railroads will continue to block coal pipelines, all of which must cross railroad property at some point.

Both of these editorials stress that eminent domain for interstate coal pipelines is a Federal issue, not a State issue. As the Wall Street Journal notes, the western railroads, interstate natural gas pipelines, interstate petroleum pipelines, and interstate electric transmission lines have all been granted Federal eminent domain authority. The time has now come to grant the same authority to interstate coal pipelines.

The New York Times editorial sums up the issue nicely:

It is hardly likely that slurry pipelines could grab all the coal traffic. They are likely, however, to cut into railroad profits on coal. And that is how free enterprise is supposed to work.

Mr. President, legislation granting Federal eminent domain authority for interstate coal pipelines is proceeding in the House. Seven of my colleagues have joined me in sponsoring similar legislation in the Senate. I invite each of my colleagues to join us in sponsoring S. 1844, the Coal Distribution and Utilization Act of 1981, and in assuring that this important legislation is enacted at the earliest possible date.

I ask that both the Wall Street Journal editorial and the New York Times editorial be printed in the RECORD.

The articles follow:

[From the Wall Street Journal, Jan. 27, 1982]

DAMPENING THE COALS

Coal mining concerns and the railroads are locked in a classic feud pitting the principles of the competitive free market against the protection afforded by government regulation. The issue is whether pipelines should be allowed to compete with the railways for the expanding coal transport market. The Reagan administration, it's sad to say, is moving along the wrong track in this dispute.

The vast bulk of U.S. coal is moved by rail, at no little expense. For instance, railway charges to ship a load of coal from a Wyoming mine to a Texas utility are now about four times the price of the coal itself. Coal producers complain that they are "captive customers" to the railroads and would like to see competition.

One idea, which dates back more than 90 years, is to move coal by pipeline. Coal can be ground and mixed with a liquid—water, oil, methanol or even liquefied carbon dioxide from the coal itself—and the resulting slurry can be pumped through underground pipelines to utilities, industrial users and ships for export. Besides helping to develop our coal reserves, slurry pipelines could also provide direct and indirect savings in transportation costs, according to a 1980 study commissioned by the Energy Department. "To the extent that the threat of slurry pipeline competition acts to keep rail rates low, then savings can result even if coal is hauled by rail," it concludes.

The only coal pipeline now in operation runs from Arizona to Nevada and carries 4.8 million tons a year at a cost estimated at less than half the comparable rail shipment. There are tentative plans for another eight slurry lines, with a total capacity of over 150 million tons annually. However, work on these pipelines is being impeded by two major obstacles: inability to gain rights-of-way across the country's vast web of railway lines and the question of water availability in the West.

The federal government granted eminent domain authority to the railroads in the 1860s and 1870s to allow them to traverse land and thus to facilitate the growth of the West. The railways are blocking the entrance of slurry pipelines into the coal transport market by refusing them rights-of-way across railway property. Similar railway recalcitrance led to federal rights-of-way for petroleum pipelines during World War II and eminent domain authority has also been given to interstate gas pipelines and electric power lines.

The Reagan administration was asked to support legislation in Congress last year to permit coal slurries to cross railway lines. But Interior Scretary James Watt said the administration would not support granting eminent domain authority to the coal pipelines because it would violate states' rights. Mr. Watt's explanation was, in a word, fallacious.

All but one of the planned slurry pipelines would cut across state lines and therefore come under direct federal jurisdiction as interstate commerce. Besides, the only reason the coal producers are in this fix is the federal privileges granted to the railroads in the first place. The responsibility for granting rights-of-way to these slurry lines rests solely and squarely with the federal government, not in the state capitals.

A states' rights issue does arise, however, over the question of water availability. Here the legislation would limit the federal government's authority and would in effect give the governors veto power over coal lines based on water scarcity. This doesn't seem to bother the coal producers much. They figure they can probably find other liquids such as oil to convey the coal through the pipelines.

What really seems to be on the administration's mind is the worry that support of eminent domain for coal pipelines would be perceived in the West as federal infringement in the sensitive area of water rights, even though this is not truly the case. So the administration drew back from the issue by making this false plea for states' rights. In the meantime coal producers must cope with transportation bottlenecks, and the railways are asking the Interstate Commerce Commission to lift price regulations on coal exports. This too has the coal mine companies up in arms.

Congress will soon have a chance to redress the balance. The House Public Works Committee soon will take up the pipeline issue. (The House Interior Committee has already approved the eminent domain legislation.) We hope that Congress shows more concern than the administration for introducing competition in the coal transport market and thus, it's hoped, encourages further development of our vast coal reserves.

[From the New York Times, Dec. 27, 1981]

UNCLOG THE COAL PIPELINE

The standard way to move coal from mine mouth to power plant is by rail and barge. But it's not the only way. Pulverized and mixed with water, coal "slurry" can be efficiently moved by pipe, for hundreds or even thousands of miles.

Why, then, is there only one coal slurry pipeline in operation? Because the railroads have blocked other pipe construction by refusing to provide rights-of-way across their tracks. Eminent domain legislation, now pending in Congress, would break the rail monopoly and help hold down the cost of generating electricity.

Coal is a key to America's self-sufficiency in energy. It is abundant, cheap to mine and, when burned with care, relatively benign to the environment. Railroads, supplemented by river barges, could probably meet any increase in the demand for coal transport. But without effective competition, the high cost of moving coal by train over long distances is bound to retard the coal revolution. That's where slurry fits in.

Three planned pipelines would move low-sulfur coal from the northern plains to sourthern cities now dependent on natural gas. One would feed Appalachian coal to power plants in Florida. And three others would serve the export trade, bringing fuel to the ports of Norfolk, Los Angeles and Portland.

The opposition in the plains states comes from farmers and ranchers, who fear competition for scarce but low-priced water. Their complaints have impressed the Reagan Administration, which opposes the pending Federal law on the pretext that interstate energy commerce should be left to the states. But the slurry companies are confident that entrenched water interests can be bought off. The more serious opposition comes from railroads.

Until last year the railroads had a good case. Unsympathetic regulators prevented them from making a profit on most freight; their virtual monopoly in the coal traffic was often the only thing that kept them from bankruptcy. But regulatory reform has now given the railroads the rate flexibility they need to survive. There is every reason to let pipelines begin to compete.

The bills submitted to the House and Senate would still require pipeline developers to make their peace with individual states on water and environmental issues. But they would pre-empt for the Federal Government the authority to require the railroads to sell their rights-of-way for slurry operations.

It is hardly likely that slurry pipelines could grab all the coal traffic. They are likely, however, to cut into railroad profits on coal. And that is how free enterprise is supposed to work.●

NOTICE OF DETERMINATIONS BY THE SELECT COMMITTEE ON ETHICS

● Mr. WALLOP. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD this notice of Senate employees who propose to participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The Select Committee on Ethics has received requests for a determination under rule 35 which would permit Ms. E. Diane Lifsey and Ms. Patricia J. Buckheit of the staff of Senator GLENN, Mr. Tom Palmerlee of the staff of Senator WALLOP, and Mr. James H. Dykstra of the staff of Senator COHEN, to participate in a program sponsored by a foreign education organization, Tamkang University in Taipei, Taiwan, from January 3 to 11, 1982.

The Committee has determined that participation by Ms. Lifsey, Ms. Buckheit, and Messrs. Palmerlee and Dykstra in the program in Taiwan, at the expense of Tamkang University, to discuss Taiwanese culture and institutions, is in the interest of the Senate and the United States.

The Select Committee on Ethics has received requests for a determination under rule 35 which would permit Mr. Craig Lovitt of the staff of Senator DIXON, Mr. Joseph E. diGenova of the staff of the Committee on Rules and Administration, and Ms. Victoria Toensing of the staff of the Select Committee on Intelligence, to participate in a program sponsored by a foreign educational organization, Tunghai University in Taichung, Taiwan, in early January 1982.

The committee has determined that participation by Messrs. Lovitt and diGenova and Ms. Toensing in the program in Taiwan, at the expense of Tunghai University, to discuss Taiwanese culture and institutions, is in the interest of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination that will permit Senator GRASSLEY to participate in a program on economic and cultural issues sponsored by the Chinese National Association of Industry and Commerce in Taiwan in late December 1981.

In addition, the committee has received a request for a determination that will permit Senator MURKOWSKI to participate in a program on alternative energy sources sponsored by the Solar Energy Society of the Republic of China in Taiwan from January 18 to 23, 1982.

The committee has determined that their participation in these programs, at the expense of the sponsoring organizations, is in the interests of the Senate and of the United States.

The Select Committee on Ethics has received requests from Senators CHAFEE and DANFORTH for a determination under rule 35 which would permit them to participate in a program sponsored by a foreign educational organization, the Japan Institute for Social and Economic Affairs, in Tokyo, Japan, from January 7 to 14, 1982.

The committee has determined that participation by Senators CHAFEE and DANFORTH in the program in Tokyo, at the expense of the Japan Institute for Social and Economic Affairs, to discuss economic and social issues affecting United States-Japanese relations, is in the interest of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Mr. Don Massey, a member of the staff of the Committee on Appropriations, to participate in a program sponsored by a foreign educational organization, Tamkang University School of American Studies in Taipai, Taiwan, from January 3 to 11, 1982.

The committee has determined that participation by Mr. Massey in the program in Taiwan, at the expense of Tamkang University, to discuss matters of mutual interest and international relations, is in the interests of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Mr. Casimir Yost, of the staff of Senator MATHIAS, to participate in an international visitors program of the Government of France, sponsored by the Government of France, from January 7 to 17, 1982, in France.

The committee has determined that participation by Mr. Yost in the program in France, at the expense of the French Government, to discuss foreign and defense policy issues, is in the interests of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Mr. Herman Pirchner of the staff of Senator JEPSEN, to participate in a program sponsored by a foreign educational organization, Tamkang University in Taiwan from January 3 to 11, 1982.

The committee has determined that participation by Mr. Pirchner in the program in Taiwan, at the expense of the Tamkang University, to discuss Taiwanese culture and institutions, is in the interests of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Dr. Christopher Chamberlin of the staff of Senator TSONGAS to participate in a program sponsored by a foreign educational organization, Tunghai University in Taichung, Taiwan, from January 5 through 12, 1982.

The committee has determined that participation by Dr. Chamberlin in the program in Taiwan, at the expense of Tunghai University, to discuss Taiwanese culture and institutions, is in the interest of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Ms. Margo Carlisle of the staff of Senator MCCLURE, and Mr. Joel S. Lisker, chief counsel and staff director of Senator DENTON'S Judiciary Subcommittee on Security and Terrorism, to participate in a program sponsored by a foreign educational organization, the Fundacion Argentina 2000, and a domestic nonprofit educational foundation, the Institute of American Relations, in Buenos Aires, from December 1 to 4, 1981.

The committee has determined that participation by Ms. Carlisle and Mr. Lisker in the program in Argentina, at the expense of Fundacion Argentina 2000 and the Institute of American Relations, to discuss recent events in the Caribbean and Central America and the security problems of the southern Atlantic, is in the interest of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Mr. Robert Atchison, of the staff of Senator MATTINGLY, to participate in a program sponsored by a foreign educational organization, Tamkang University in the Republic of China, in early January 1982.

The committee has determination that participation by Mr. Atchison in the program in Taiwan, at the expense of Tamkang University, to discuss Taiwanese culture and institutions, is in the interest of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Mr. Ryan Conroy, of the staff of Senator CRANSTON, to participate in a program sponsored by a foreign educational organization, Tunghai University in Taichung, Taiwan, from January 5 to 13, 1982.

The committee has determined that participation by Mr. Conroy in the program in Taiwan, at the expense of Tunghai University, to discuss Taiwanese culture and institutions, is in the interest of the Senate and the United States.●

UKRAINIAN INDEPENDENCE DAY

● Mr. SARBANES. Mr. President, 64 years ago the strong and courageous people of the Ukraine reclaimed the independence which had been wrested from them nearly 300 years earlier. It was little more than 5 years ago that 10 Ukrainians, in the face of harassment and repression in their native land, issued the declaration of implementation of the Helsinki accords, better known as the Ukrainian Helsinki group. It is fitting that today, as we honor the declaration of Ukrainian independence in 1918, we should pay special tribute to the men and women of the Ukraine who are carrying forward, at great personal sacrifice, the quest for human liberty. The courageous spirit of the Ukrainian people is as strong today as in 1918, and indeed throughout the centuries of Ukrainian history.

Since the historic date in 1918 when the Ukrainians declared their independence day, much has been accomplished worldwide to insure respect for fundamental human rights. Sadly, however, we are struck today with a deep sense of concern as our hearts and minds turn to those in the Ukraine who continue to endure without freedom.

In our efforts on behalf of human rights we find leadership and inspiration in those who, at great personal cost, have lived courageously by the principles which they espouse—Valentin Moroz, Petro Vins, Lev Lukyanenko, Mykola and Raisa Rudenko. Their names are well known to us. Countless others whose names we do not always know have joined them in openly protesting cultural oppression, religious persecution, and economic exploitation, and like them many have gone to prison for daring to express their most deeply held convictions. Their extraordinary efforts have the support of our own great and free nation of countless dedicated Ukrainian Americans, and indeed of all Americans who cherish the blessings of freedom.

As we pay tribute to this heroic devotion to freedom, we are also aware of the hundreds of thousands of Americans of Ukrainian descent who have made valuable contributions to the growth of America. The Ukrainian immigrant distinguished himself not only by his hard work and intelligence but also by his constructive citizenship and sense of justice. Ukrainian Americans have contributed to the economic and cultural development of America through their participation in the arts, science, politics, business, and other endeavors.

We in Maryland are very fortunate to have a large and active Ukrainian-American community. Ukrainians in Maryland through their stable family life, their sense of community responsibility and their social and religious activities have greatly enriched the life of our State.

As we salute the achievements of the Ukrainiaj people in their anniversary year, we also renew our commitment to speak out on behalf of those who suffer deprivation under a government which continues to deny basic human rights.●

SPEECH BY JAMES D. ROBINSON III, THE CHAIRMAN OF AMERICAN EXPRESS, ON U.S. TRADE IN SERVICES

● Mr. CHAFEE. Mr. President, on January 21, 1982, Mr. James D. Robinson III, the chairman of American Express, gave a speech at the National Press Club on the problems facing the U.S. services industry. Mr. Robinson's speech emphasizes the need to reexamine all economic indicators to reflect the fact that service industries now employ more than 70 percent of all Americans and contribute two-thirds of our gross national product. Additionally, Mr. Robinson's speech correctly points to the need to recognize the importance of service industries in our trade policy in light of the fact that, in 1981, the service industry was responsible for the first overall surplus in our balance of payments since 1976.

To insure the continued health of U.S. service industries, Mr. Robinson advocates a four-point action plan which calls for: First, an increase in the visibility of the issue of trade in services; second, efforts to insure that U.S. laws and economic and monetary policy take full account of the service sector's importance in the American economy; third, reform of our international trade legislation to deal with service problems; and fourth, the negotiation of an international agreement on trade in services.

As a member of the Finance Subcommittee on International Trade, I

intend to promote Mr. Robinson's four-point plan and make trade in services one of my priorities during the remainder of this session of Congress. I will also encourage the administration, through the introduction of legislation and other means, to make trade in services a focal point of U.S. trade policy. Mr. Robinson's speech is an effective statement of the importance of focusing on the problems faced by the U.S. services industry.

I commend it to my colleagues and ask that it be printed in the RECORD.

The speech follows:

REMARKS TO NATIONAL PRESS CLUB

I'm honored to be at this most notable Washington forum, and pleased to be here at the beginning of a New Year. It's a good time for reflecting on the past—and looking toward the future.

I can't think of a better time to talk about a fundamental and profound change that has taken place in the dynamics of our economy; the shift from a manufacturing economy to one dominated by services.

Today, I want to examine the implications of this shift on our domestic and international economic, monetary and trade policies. And I also want to stress the necessity of broadening our vision to reflect this unalterable change in our economic life.

In my judgment, if we fail to take account of today's realities, we may find ourselves behaving like generals preparing for yesterday's war. We are in danger of addressing—inadequately—economic problems of the 1980s with assumptions and perceptions of decades past.

Let me be more specific.

In the last few years, we have seen a new slogan rise to importance: Reindustrializing America. Two Presidents as different as Jimmy Carter and Ronald Reagan have embraced the idea—as a way to provide more jobs, to cure productivity problems and to make America more competitive in world markets.

Of course they are right. We do need more modern plants, better technology, more productive factories. Reindustrialization is necessary—urgently necessary. But it will not be sufficient alone.

Why? Because in recent years our American economy, for the second time in two centuries, has been transformed.

The nineteenth century, as you know, brought our first great transformation: from an economy dominated by agriculture to one dominated by industry—by manufacturing and mining.

Now the mid-twentieth century has brought another transformation—from an economy driven by manufacturing, mining and farming to one in which services are centrally important.

What's included in that catch-all term, "services"? A great deal:

Your local bank or thrift institution, your insurance agent, stockbroker, lawyer and doctor, for example.

Hotels, restaurants, airlines and railroads are services.

The exploding information industry—data processing, software development, news gathering, publishing and broadcasting are services.

Advertising, real estate, engineering, retailing, education—all these belong to the service sector. So does government.

To sense the magnitude of this change, you need only glance at the first chart we have left at your places. It's the pie chart with the heading "Composition of Gross National Product." Let me invite your attention to the dramatic story it illustrates.

In 1979—the latest year for which we have full information—manufacturing represented 23 percent of our GNP.

The farming slice was 3.2 percent; mining, 2.9 percent.

Services, however, constituted 66 percent—two thirds—of our economic pie.

More than seven out of every 10 American workers are employed in services. In this city where majorities really count, that fact bears repeating. More than seven out of 10 American workers have jobs in services.

And services are not just important in our domestic economy. The second chart at your places—"The Growing Importance of the U.S. Export Sector"—shows how crucial exports have become, in recent years, to our prosperity. Over the past 20 years they have doubled as a percentage of GNP.

Chart Three—"U.S. Balance of Payments Trade in Goods and Services"—shows the growing contribution of the service sector to our international balance of payments. Over the past 10 years, our balance of payments in services has been growing steadily—while the balance for goods has been declining. And our trade in services was responsible for the first overall surplus since 1976.

I need not tell you that without that surplus interest rates—and inflation—might well be even higher.

So services are a growing force in world trade. In fact, they now account for 20 percent of all world trade. And the United States is the world's largest exporter of services; last year, for example, from advertising to insurance to health care, our exports amounted to at least $60 billion.

Now, with that general perspective, may I ask you to put the charts aside, and I will focus on the implications of this growth in services.

In fact, it is a sign of America's economic vitality and creativity.

Are service workers productive? Yes. Between 1967 and 1979, for example, productivity in goods increased by 10 percent. Productivity in services, however, increased by 20 percent. This was especially true in information-related businesses because of the revolution in computers and telecommunications.

In spite of this increase in worker productivity, the service industry has been a strong source of new jobs. Job growth in the service sector, in fact, is growing twice as fast as employment in manufacturing.

When it comes to job creation, by the way, it's interesting to consider facts like these: restaurants and hotels are especially important sources of jobs for minorities and women. For both, employment in tourism is high compared to other industries, particularly in our large cities.

Service workers are skilled. Increasingly so. The technological revolution requires legions of highly educated, trained and sophisticated employees.

The evidence suggest, moreover, that service industries contribute to the stability of our economy. Consumer spending for services, for example, appears to be less vulnerable to recession than other sectors of the economy. During the recession of 1974-75, consumer spending for durable goods dropped by nearly eight percent. But personal spending for services grew by more than two percent.

All of this is good news for our economic policymakers. It suggests that the service sector, while it deals with invisibles and intangibles, does *not* deal in inconsequentials.

In fact—and this is the icing on the cake—services increase the productivity of manufacturing industries. They make industrial production and international trade more effective. Banks, brokers, insurance carriers . . . employment, travel, and advertising agencies . . . all these and other services promote the flow of goods.

A generation ago, the dominant symbol of economic America was the smokestack. Today another symbol has earned a place beside the smokestack: the humming computer. Both are essential. Both work together. Each needs the other.

All this vitality, growth and dynamism suggest to me—and I hope you—that the growth of services is a positive trend.

But we are not acting at present as if we fully understand what services can mean to our domestic economy and our international trade. We have not fully grasped the implications of this profound shift on the way we measure, record, evaluate and manage our economic health.

In fact, we often behave as if the service sector doesn't exist; it's as if we look at our economy with only one eye—the industrial eye—when we should be using two. We need to open the services eye, so that we can see our economy in its entirety.

Test your own thinking to guage what I mean.

When you think of unemployment, do you think—first—of factory unemployment?

When you think of tax depreciation and other incentives for investment in plant and equipment, do you think—first—of industrial plant and equipment?

When job training and vocational education are mentioned, do you think—first—of training for assembly-line jobs?

If so, you're not alone. Many of our lawmakers and policymakers have been thinking the same way. And so our tax laws, our employment and training programs, our economic policies, our plans to improve productivity simply don't take adequate account of the service industries, of their importance—and their rich potential—and of their unique characteristics, especially as they relate to job creation.

In my judgment, it's timely and imperative that we review our whole range of domestic economic policy—with an eye to recognizing the importance and the promise of the service industries.

The point is this: If we persist in viewing our economy through that single industrial eye, we will find ourselves misperceiving economic reality.

Two Sundays ago, for example, Norman Robertson, chief economist of the Mellon National Bank, said it was misleading to base predictions of the current recession on manufacturing data alone.

In an article which pointed out that "... Car sales, housing construction and overall industrial production are all depressed," Mr. Robertson was quoted as saying, "the service industry, which has grown over the years to account for 72 percent of nonfarm employment, is less sensitive to high interest rates and remains strong."

"Service," he went on "is not adequately expressed in the monthly parade of data ..." Too heavy a reliance on inventories as an economic indicator may distort economic policy and business calculations.

On this subject of indicators, let me raise another issue. Outmoded or inappropriate indicators may contribute to bad policy. This is true in the service sector. It is also

true for monetary policy. The basis for executing monetary policy these days—the reliance on M1 as the key indicator of the money supply—is outmoded, in my view. This may, in part, explain our volatile and excessively high interest rates. The consequence is an inordinate crippling of the manufacturing and housing sectors. In many respects, it appears that assumptions about the economy and monetary policy are based on an industrial economy rather than a service-dominated economy.

Let me assure you that I am not alone in my concern about monetary indicators. In remarks delivered on December 28th, Tony Solomon, President of the New York Fed, pointed out the inadequacy of present money supply measures and advocated redefinition. I advocate a total review not only of money supply measures but of all our economic indicators to reflect the economy as it is, not as it was.

Now let me turn to the implications of services in world trade.

In the past, our foreign trade policy has been targeted on one goal: to promote the export of our manufactured goods and to deal with the problem of foreign manufacturers invading vulnerable domestic markets.

In my judgment, we need to broaden our trade objectives. We need to focus on barriers that confront our exports of services, as well.

The potential for growth in U.S. services exports is tremendous—as long as foreign markets remain open. But barriers—both visible and invisible—to trade in services are in place and are growing. As the world economy undergoes serious strains, these barriers will multiply.

What are these barriers? They are so numerous and varied that they almost defy classification. But it is interesting to mention just a few of them:

The U.S. shipping industry encounters discriminatory regulations when seeking the right to transport foreign cargoes. This has been extremely costly to U.S. flag carriers.

U.S. airlines must compete with subsidized foreign carriers. They also have to contend with exorbitant landing fees, less favorable ground handling treatment, discriminatory restrictions on airport use and even denial of access to airline reservation systems.

In many countries, administrative delays make operating licenses difficult if not impossible to obtain. Norway has not licensed a foreign insurance firm in the past four decades.

Several countries impose discriminatory taxes on the importation of U.S. films, other countries prohibit the establishment of foreign banks or subject them to prohibitive currency and operational restrictions. The list goes on and on.

Another potentially threatening and disruptive barrier is restrictions on what we call transborder data flows—that is, the flow of information across national borders.

By linking computers to our telecommunications networks, we have gained the ability to transmit heavy volumes of information quickly and cheaply by satellite or microwave relay. Such rapid data transfers across national boundaries and across oceans have become commonplace—and vital to businesses, domestic and foreign.

But now, in Europe and elsewhere, efforts are underway to impede the free flow of such flashes of information.

France, for example, has under discussion a proposal to set a value and impose a duty on imported computer software.

Canada's new Bank Act mandates data be maintained and processed in Canada, and;

The Japanese refused an American data-processing company, access to leased lines necessary for its business.

Such barriers are a problem now; they could become a crisis in the future. For example, there are countries which are beginning to regard information as "national property", and are moving to restrict the dissemination of their "national property". Obviously, this could become a serious problem for freedom of the press.

So a large part of my purpose in Washington today is to sound a loud and determined alert to: (1) The importance of services in the national economy; (2) The importance of services to our international trade; and (3) The significance of services to our national economic and monetary policy, and the opportunities they represent.

What, exactly, should we be doing?

Our first necessity, in my judgment, is to raise the issues of services—and trade in services—to higher public visibility. That's why I'm here!

So I invite your help in telling the public what's happening and what's at stake in this emerging issue. I recognize these perceptions aren't going to change overnight. But there are a number of initiatives under way. One is from the service sector itself, which is beginning to recognize its many common interests.

Indeed, last week, a group called the Coalition of Service Industries, which includes American Express, announced its formation and its plans to sound the trumpet on service issues. One of the coalition's key supporters is former trade representative Bob Strauss—who is not known for being shy and retiring.

Second, we need to ensure that our laws take full account of the service sector's importance in our economy.

To this end, I would commend to your study a piece of pending legislation, the Service Industries Development Act. It is sponsored in the Senate by Senators Pressler and Inouye and in the House by Congressman Pete Stark. This legislation aims at increasing the government's commitment to the service sector and improves the statistics we so vitally need to effectively develop and execute policy.

Third, we need to reform our international trade legislation to deal with service problems. Existing U.S. trade legislation is incomplete. Our trade officials, at present, lack sufficient authority to confront discrimination against our service industries abroad. Important legislation will soon be introduced by Senators Chafee and Roth, which will give services appropriate parity with manufactured goods in U.S. trade law. I strongly commend this legislation to your attention.

Fourth and finally, we need to spotlight services in U.S. trade policy, and to pursue serious negotiations aimed at free and fair trade in services.

On this point, I am more optimistic than ever before. President Reagan's Special Trade Representative, Bill Brock, is pressing this issue actively in both national and international forums.

The Administration, moreover, has pledged to give high priority to service trade issues.

An important forum for negotiations are the bilateral and multilateral arenas—and the Administration is preparing the ground for future international negotiations. One crucial event in this connection will be the gathering of trade ministers this fall in Geneva. Under the auspices of "GATT", it will be the first time in nearly a decade that officials at the ministerial level have sat down together to focus on key issues in world trade. In our view, service issues must be on their agenda. We need to insist that barriers to trade in services get the same attention that has been given in the past to barriers against trade in goods.

Ladies and gentleman, today the United States stands at the leading edge of the world's great technological and economic revolution. We have the world's most dynamic, productive and competitive service sector. Can we maintain this fortunate position? That is what is at stake. If we hope to, we must first understand that while manufacturing, mining and farming remain deeply important to our economic foundation, increasingly, we live in the house of services.

My friends, let's keep both our eyes open so that we see our economy as it really is—and act accordingly. In closing, I want to say what a pleasure it has been for me to address this audience—you who are so vital a part of our service sector.

Thank you.●

THE MUSIC EDUCATORS NATIONAL CONFERENCE

● Mr. HATCH. Mr. President, it seems that music, in one form or another, is very much a part of each of us. For some who have mastered the ability to write music, or the art of playing an instrument, or the joy of singing a song, it represents the flourishing of a talent which can bring out the best in ourselves and our fellowmen. For others, who prefer to listen to the accomplishments of talented musicians, it represents uplift, enjoyment, and fulfillment.

We are, to a certain extent, the products of our environment, and our beliefs and our values, all of which are influenced by our music. Our ancestors were encouraged by ballads and songs which have been handed down for generations. In times of hardship, music can lend strength. In times of challenge, it can lend inspiration. Music can calm the soul; it can instill a sense of purpose or incite action for a cause. A masterpiece is timeless and provides a common thread from generation to generation and from society to society.

I am indebted to those who have helped to make music so much a part of our lives. Especially am I indebted to those who have dedicated themselves to teaching music to our children and to our peers. With such efforts, music in our schools has enabled virtually every person to have the opportunity to develop a talent in this area, or at the very least, appreciate, and be enriched by the music of others. Such has been the role of the Music Educators National Conference, which has grown from a humble beginning of 69 founders in 1907 to a membership of 60,000 in 1981. I am impressed with the wide scope of their

influence for excellence in music. I offer my congratulations and gratitude to this group for their attainments which have produced added dimension to individual and group performance, knowledge and aesthetic fulfillment.

The Music Supervisors National Conference was founded on April 12, 1907 in Keokuk, Iowa as a means of getting school music teachers together to discuss common problems and search for workable solutions. Philip C. Hayden—a music supervisor in Keokuk—had devised a unique method for teaching rhythm to gradeschool children, and he wanted to invite a few friends to see his method in action and to offer some constructive criticism for improving it. Over a hundred music teachers responded to his call and went to Keokuk, April 10-12, 1907. Sixty-nine of them thought the get together sufficiently worthwhile to merit a permanent organization for future meetings.

From those humble beginnings in a small Midwestern town on the Mississippi River, the Music Educators National Conference has grown to its present size of nearly 60,000 members. The name was changed in 1934, reflecting the wider interests and responsibilities of the membership. The field of music education has progressed to where it now encompasses general and performance classes in elementary and secondary schools and in institutions of higher education throughout the country.

In 1932, on the occasion of the Conference's Silver Anniversary, President Herbert Hoover wrote to convey "my sense of great cultural importance of the work of music teachers in the life of the people of the United States." In 1961, President John F. Kennedy spoke at a White House concert of school musicians:

I think that sometimes in this country we are not as aware as we should be of the extraordinary work that is being done in dozens of schools stretching across the United States—schools where devoted teachers are studying with interested young men and women and opening up the whole wide horizon of serious music.

For 75 years, the Music Educators National Conference has served as the principal forum for people from every state in the Nation to share their ideas, their problems, and their enthusiasm for and about music and education. The resulting enrichment of individual minds and spirits has been reproduced in improved teaching and learning of music to greater and greater numbers of students.

At the Nashville meeting of the conference in 1922, Frank A. Beach of Emporia, Kans., summed up the goals of the organization when he said in his presidential address: "More music in education, more education in music." Great debates about the proper ways to achieve this goal have stimulated conference proceedings ever since. In times of trial in the 1930's, the conference resolved "that our emphasis in school music, both urban and rural, should be on its rich contribution to the finer human qualities and to morale."

In the spring of 1941, when the Nation was just becoming involved in the Second World War, MENC strongly encouraged music teachers to help build "a state of mind and heart that will meet with courage and loyalty any challenge to the American way of life." In 1956, on the occasion of the coming golden anniversary, Lilla Belle Pitts expressed the sense of the conference:

We believe that music has a special mission in a world torn with anxiety and doubt, dissention and fear; in a world in danger of being dehumanized and disillusioned by materialism, mechanization and skepticism.

The Tanglewood declaration of the conference in 1968 affirmed the belief that "education must have as major goals the art of living, the building of personal identity, and nurturing creativity." The MENC exhorted its membership to:

Accept the responsibility for developing opportunities which meet man's individual needs and the needs of a society plagued by the consequences of changing values, alienation, hostility between generations, racial and international tensions, and the challenges of a new leisure.

In a recent discussion of general music, current president, Mary E. Hoffman of Illinois, said:

American schools have exposed more children to the loveliness that our art form represents than through any other form of music instruction. We are musical missionaries to children. We believe so strongly in children that we allow them to come to us whether they have talent or not.

The Music Educators National Conference has grown through the past 75 years just as the Nation has grown. Through world wars, economic hardship and depression, political disillusionment, social strife, and technological innovation, the conference has not only survived but triumphed because it has held fast to the democratic ideals which are so essential to our society. "Music for Every Child, and Every Child for Music" is more than a slogan of the conference. It bespeaks a commitment of nearly 60,000 American men and women to teaching music to boys and girls, to young and old, to black and Hispanic, to normal and handicapped, to rich and poor, to talented and ordinary, and to enthusiastic and hostile students. There is little reason to doubt an even greater celebration at the centennial of the conference in 2007.●

REMEMBERING F. D. R.

● Mr. HART. Mr. President, in 2 days it will have been a century since the birth of Franklin D. Roosevelt. Today we take time to praise his character, his strength, and his courage, and to remember the contributions of this man who indelibly marked our national and personal histories.

The era into which F. D. R. was born was a complex time: The closing of the American frontier, urbanization, a widening rift between rich and poor, the emergence of strong labor unions, increased regulation of business and transportation, and increased Government commitment to social welfare.

The Nation was experiencing massive change in its social and economic character. Into this context came a person who, in his childhood, would be sheltered from the inequities and adversities that accompanied such change, but who possessed and extraordinary capacity for adaptation, innovation, and flexibility. Born in a time of changes, he went on to become a force behind great changes as he conquered the grave problems facing our Nation.

Others might have been confounded by the conditions challenging F. D. R. on his first inauguration—nearly one-third of the Nation unemployed, banks devastated, morale low—these demanded a rare and strong figure. Their very nature might have broken the resolve of one bound by prescribed methodology or dogma. F. D. R.'s leadership in that difficult time however was grounded in a belief in creative ideas over rigid ideology. Stubborn absolutism never got in Roosevelt's way. As he stated in 1940,

Eternal truths will be neither true nor eternal unless they have fresh meaning for every new social situation.

Roosevelt's leadership combined flexibility with a solid sense of what was right, and perhaps that mixture was the key to his achievements. A sense of adventure tempered by a deep belief in his responsibility to fellow human beings. Willingness to admit fault and resistence to dogma or rigid structure left him open to experimentation. In his words, what worked was "bold, persistent experimentation. It is commonsense to take a method and try it; if it fails, admit if frankly and try another. But above all, try something."

F. D. R. was never afraid to try anything new. But sheer experimentation for the sake of it was not what he valued. F. D. R. did not see experimentation as an end in itself, and never lost sight of the desired solution to whatever problem he was confronting.

We respect Roosevelt for the challenges he overcame and for his unfailing confidence, humor, and strength. In paying tribute to this great man, perhaps it is appropriate to use his own words, included in a speech he was to give on April 13, 1945, the day after he died. They seem to embody the sense of unlimited possibility and

hope he conveyed and truly acted upon:

The only limit to our realization of tomorrow will be our doubts of today. Let us move forward with strong and active faith.

Let us remember his words and inimitable spirit as we commemorate the birthday of Franklin D. Roosevelt.●

UNIVERSITY OF NORTH CAROLINA HAS OUTSTANDING RECORD IN STUDENT LOAN REPAYMENT

● Mr. EAST. Mr. President, the refusal by some to repay student loans is of great concern to me, but out of the State of North Carolina comes some news that is heartening.

I received a letter from Dean B. D. Barker of the School of Dentistry at the University of North Carolina at Chapel Hill. His school has achieved an outstanding record in loan repayment.

Mr. President, I ask that his letter be printed in the RECORD.

The letter follows:

THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL,
Chapel Hill, N.C., December 23, 1981.

Senator JOHN EAST,
U.S. Senate,
Washington, D.C.

DEAR SENATOR EAST: Several weeks ago Senator Charles Percy of Illinois raised the issue of physicians repaying health profession student loans. The resulting news accounts did not present a very attractive picture in behalf of health professionals in this country.

This incident caused us to ask for a full review of the repayment patterns of graduates of the University of North Carolina School of Dentistry, many of whom have received funding through the Health Professions Student Loan Program.

The present status of loan repayments by former dental students to the university's health professions student loan account is generally good. While we do not have immediate access to repayment information by former dental students on their loan accounts we expect that the health professions data is representative of those.

As of November 13, 1981 of 352 loans in repayment status, only 17 are delinquent. Three of the delinquencies are by students who did not complete the D.D.S. program. Small but insufficient payments are being made on a small number of the remaining 14 delinquent loans. In dollars, $17,692.52 in principal due is delinquent, out of $572,763.24 total outstanding in repayment, for a loan delinquency rate of 3.088. My understanding is that a flat 3% delinquency rate is considered outstanding in the banking industry.

While I wish the record were perfect, we take pride in the overall performance of the dental graduates of this institution. I thought you might be pleased to have this information, especially since over 80% of our graduates are North Carolinians.

Sincerely,

BEN D. BARKER, *Dean.*●

64TH ANNIVERSARY OF UKRAINIAN INDEPENDENCE

● Mr. RIEGLE. Mr. President, January 22 marked the 64th anniversary of the establishment of the independent State of Ukraine.

We in America have enjoyed freedoms that others in the world strive for. The struggle of the Ukrainan people for freedom is a struggle that continues today. Our warm wishes for these noble people are richly deserved.

Last year, Dr. Mary V. Beck, a longtime resident of Michigan and the first woman to serve on common council of the city of Detroit, gave a speech entitled "The Gift of Freedom." I request that her moving and eloquent remarks be included in the RECORD so they may be shared with all Americans.

The remarks follow:

THE GIFT OF FREEDOM

(This address was delivered by Dr. Mary V. Beck, the Executive Director of the Ukrainian Information Bureau of Detroit, Michigan, at the annual Ukrainian Day Program, sponsored by the Minneapolis Branch of The Ukrainian Congress Committee on Sunday, the 23rd day of August, 1981, in Minneapolis, Minnesota.)

Freedom is one of the most precious blessings bestowed upon mankind, for without it there can be no real hope for spiritual and material growth nor any real opportunity for achieving the goals of human welfare and human progress. Yet for those of us who have never been forced to live without freedom and who have never been shackled by the chains of oppression, freedom is a word that rarely stirs us to the very depths of our soul. It is only when we pause to remember and to recall the countless sacrifices that many men and women have made to attain, maintain or regain that freedom, does it become poignantly evident what a priceless treasure we, the fortunate ones, hold in our hands. Freedom is the heritage of all men, but not all men have been destined to enjoy it.

Freedom has flourished in America for more than two centuries and perhaps that is why so many of us take it for granted. When we commemorate our American Independence Day every July 4th, we do so with parades, bands, fireworks and other entertainment, designed to provide us with fun and merriment. That is commendable because it recreates to a certain extent the feeling and exuberance which must have been experienced by the eyewitnesses to the birth of this nation. But what is not commendable is the fact that, more often than not, forgotten and unmentioned are: the hardships, the grief the anguish, the misery, the human toll; in short, the inestimable price that was paid for that freedom by our American pioneers and patriots.

Would it not be desirable therefore, from time to time, to resurrect in our minds and to reflect upon the events and circumstances in which American freedom was spawned, in order to bring us to the realization of the truth, that freedom is not ours to have and to hold in perpetuity without constant vigilance and painstaking devotion; to motivate us into making periodic assessments of those forces, both external and internal, that may dissipate and destroy that freedom; and to bestir us to the regeneration of the kind of patriotism that would match the dedication of our founding fathers.

We, who are Americans by birth, have an unusual opportunity to learn the lesson of appreciation for freedom from those who became Americans by adoption and who were formerly bereft of that freedom. For are they not best qualified to make a genuine appraisal of the meaning and value of freedom? Many of the Americans by adoption are Ukrainian Americans, some of whom are here today, in our midst. Some of them have called this country home for thirty years and more, but they still bear the scars, if only faintly visible on their bodies but deeply etched in their minds and souls; scars of a life without freedom and in virtual enslavement.

Better than anyone else, they can depict for us the sheer rapture of living in a democracy, where for them an act of citizenship is not a boring chore but a unique privilege. Better than anyone else, they can relate what an overwhelming despair envelops a human being, when every aspect of his living and thinking is controlled and regulated. Better than anyone else, they can enlighten us about the insidious nature and menace of Communism coupled with Russian Imperialism. Better than anyone else they can attest to the determination of the Kremlin leaders to dominate the world and in the process of such endeavors, to "bury" this nation, which has become their public enemy No. 1. Better than anyone else they can make us understand the seriousness of the threat to the very survival of this American nation, remote and ridiculous as this may seem to the naive and the unthinking.

Freedom has not always flourished in the Ukraine, although its history which dates back to pre-Christian days, records several glorious periods of self-government and statehood. The latest of these occurred in the days following the end of the First World War, when the Russian and Austrian empires collapsed and made it possible for many subjugated peoples to arise and re-establish their independent governments. The Ukrainian National Republic, founded and fashioned on the precedent of traditional Ukrainian democracy, was thus formed on January 22, 1918, and one year later was joined by the Western Ukrainian National Republic to become a unified, independent and sovereign state. Unfortunately, the newly created Ukrainian National Republic endured only for three years, despite the heroic efforts of the Ukrainian people, their volunteer armies and their gallant leaders, to maintain it. The full story of the rise and fall of this republic is a tragic one and should be told at some time, for the enlightenment of posterity.

But today it should be noted that the Western Nations were slow to recognize the prospective value of an independent Ukraine in the balancing of powers and in the attaining of peace in Eastern Europe. Consequently they were also slow to offer any help to the Ukrainian people, who were besieged on all sides and forced to fight against their aggressive neighbors as well as the Bolsheviks who finally overpowered them and forced the annexation of the Ukrainian National Republic to the Soviet Union. As a result, for the past half century, the Ukrainian people have been and remain to this day, the victims of Russian tyranny. Yet their resistance, as much as it is possible in such a tightly controlled and highly repressed environment, has not ceased to manifest itself in many ways. Proof of this is the fact that, at this moment, thousands

of Ukrainian political prisoners and dissidents are languishing in Soviet jails, in labor and prison camps and even in mental institutions, the most ingenious and at the same time, the most inhuman method of incarceration adopted by the Soviets.

Presently Ukraine, officially known as the Ukrainian Soviet Socialistic Republic, with a population of approximately fifty million people, is nothing more than a colonial satellite of Moscow and its supposed status as an independent republic within the USSR, is pure unadulterated fiction. But it is not fiction that millions of Ukrainians have perished in this century alone, at the hands of their Russian overlords in the Kremlin. Many of them died on the battlefields because as Soviet citizens they were forced to fight on behalf of their oppressors rather than against them. But still more died in times of peace, as a result of illegal imprisonments, torture and mass executions. Seven million alone were deliberately starved to death in the Famine of 1933-34, which was premeditated and implemented by Stalin and his chieftains, solely for the purpose of decimating the Ukrainians. Others withered away in isolated exile in the wastelands of Siberia or found death through other forms of genocide initiated by their cruel masters. This untold martyrdom of the Ukrainians in their homeland did not, however, bring freedom within their grasp.

The world of tyranny and terror, although sometimes assuming the most sophisticated appearance, nevertheless spins on in the Soviet Union, engulfing not only Ukraine but the other captive republics, who are contained in their allegedly independent governmental structures, as well. Ukraine, however, is singled out as a primary target because Ukraine is the largest, non-Russian republic, both in size and population, the wealthiest in natural resources and the most advanced in national awareness, thus posing the greatest internal threat to the continuation of the Russian dictatorship. Yet the Russian dictators fare well in their reign of oppression, because the Free World and too many of the Western leaders permit them to practice their excesses with complete impunity. Does not this reduce the United Nations Charter, the Universal Declaration of Human Rights and the Helsinki Accords to worthless paper and make a mockery of the much-touted detente? Did any of those international agreements deter the Soviets from violating the provisions contained therein, to the adherence of which they had committed themselves by affixing their signatures? Did they prevent them from invading Afghanistan or perpetrating their political mischief in Africa, Asia and other parts of the world, whether directly or by proxy with the help of the Cubans? Will those documents dissuade them from a military occupation of Poland, in order to extinguish the sparks of freedom engendered by the "Solidarity Union?" On the basis of past history, a decided no can be the only answer to those questions.

The world and its leaders are apprized of what is going on. So one begins to wonder why there is such a lack of desire, or should I call it lack of courage, to expose the Soviets for what they are—actual warmongers and not peacemakers or liberators of oppressed peoples. Why is it so difficult to reveal the truth about their ambitious goals and their readiness to achieve them at any cost, by any means, when it is this truth that can become our most effective weapon against them? It is this truth, therefore, that we must promulgate, but we must do so as relentlessly, as persistently and as convincingly as this greatest foe of freedom peddles his perfidious propaganda, his false slogans and his specious sweet-talk about brotherhood, justice, equality, freedom and peace.

Oh how that Soviet propaganda mill can grind out its pernicious pulp, seizing upon the smallest of incidents and making it a ploy in the greatest confidence game of all time! A striking current example comes to mind. You probably have in your hands a booklet distributed here today, titled "The Littlest Defector," pertaining to the matter of Walter Polovchak, the young Ukrainian lad who came with his parents from Ukraine to Chicago. The parents, after a lifetime of regimentation, lost the capacity to think and act for themselves and found it impossible to function in a free society. Disillusioned, they indicated a desire to return to the Soviet Union, but to their dismay, their 17-year-old daughter and their 13-year-old son, Walter, refused to go back. The daughter is considered an adult and permitted to make her decision. Walter, however, is a juvenile and the parents, undoubtedly prompted by their Soviet guardians, made a big issue of Walter's refusal to accompany them and resorted to the courts, where the matter is now pending on appeal. The parents finally returned to Ukraine just about a week ago, although previously the Soviets refused to allow them to return without Walter.

Walter remained in the U.S. as a ward of the Court, but his parents vow to continue the fight for the custody of their son, claiming that Walter was coerced by relatives to rebel against their parental authority through the use of drugs. But the Soviet government, which recognizes parental authority only theoretically, as so aptly pointed out in the booklet by S. Karavansky, is "tearing out its lungs and ripping out its heart" in its wild clamor and battle to regain a lost citizen, accusing the United States of kidnapping, violation of human rights as well as making other ridiculous and unsubstantiated charges, such as a purported offer by the U.S. to give the Polovchak family a $100,000 home and a good job, just to persuade them to remain in this country. Can any of us honestly believe that the U.S.S.R. is really so concerned about losing a 13 year old boy-citizen, when the Soviets have destroyed millions of people in establishing their communist empire and are destroying more every day in trying to maintain their despotic hold on their unwilling subjects? Of course not! They just found another golden opportunity to expose to the world one more "depraved deed of the imperialistic, capitalistic America."

Should it not be apparent by now, that not a single one of us, who cherishes freedom, can afford to remain silent, for as one wise man indicated: "Truth is not violated by falsehood alone, it is equally outraged by silence". There are those who are dying in the name of truth over there and elsewhere. We are not being asked to die for it. But we are being asked by those who are dying for it, merely to discern it, to disclose it and to disseminate it, so as to motivate people and nations to act in accordance with it. Shouldn't we keep reminding the Free World repeatedly of the enslavement of a quarter billion people by the rulers of one nation? Shouldn't we use the power of our word, if not the sword, the force of our moral courage, if not the force of our military might, the threat of a psychological war, if not the threat of a nuclear war, to decry every lie, to denounce every injustice and to condemn every crime committed by the Soviets against individuals or nations? Perhaps at last our officialdom has seen "the light of day" and has started on the right road, as currently manifested by President Reagan and his administration.

The message of truth about the Soviets should be circulated everywhere on this globe and part of that message should contain the truth about the plight of the long-suffering Ukrainians who are being crushed in the vise-like embrace of the Russian bear. That truth is somber but explicit: Ukraine is not free, although purported to be an independent and a constituent republic of the U.S.S.R. Ukraine is not governed by her own people, but by the minions of Moscow. Ukraine is really nothing more than a colony; her people oppressed, her land ravaged, her natural resources exploited, her culture restricted, her language demeaned, her schools russified, her churches desecrated, her faithful believers persecuted, her intellectuals repressed, her history distorted, her national identity obscured and her very survival as a nation imperiled. This is the kind of a massive, body-enfeebling and soul-searing yoke that the Kremlin leaders have so cruelly imposed upon the Ukrainian people and other captive nations.

Is it any wonder therefore that American Ukrainians, who are living in this democracy, although agonizing over the fate of fellow-Ukrainians in their homeland, are continually expressing their gratitude for their own good fortune? For here, without fear, they can publicly express their love for their Ukrainian heritage which springs from their Ukrainian roots. Here they can acknowledge and practice the faith of their fathers, preserve and promote their culture, give free reign to their creative talents. Here they can rear their children in comparative safety and provide them with education and all the other benefits of a free society. Here they can also visually portray, as they are doing today, at this Ukrainian Day program, how a rich culture, prohibited from free development in the country of its origin, because of suppression, can virtually blossom in an adopted country, inspiring all citizens, both native and naturalized, into a heightened awareness of, and a deepening gratitude for, the gift of freedom.

Throughout their history, the Ukrainian people have felt a burning desire for freedom, waiting on one occasion as long as three centuries for its attainment, but steadfastly nurturing that desire and passing it on from generation to generation, until it became a radiant reality. This can and will happen again. For does not world history profusely illustrate that men can live in quiet desperation and endure inhumanity for a long, long time; but by the same token, men will not forever endure enslavement of the mind and spirit, and at a time, when least expected, from the very depths of their desperation they will miraculously summon up the will and the courage to rise up against their oppressors, even though the struggle may finally turn out to be futile and fatal. Moreover empires have crumbled before and empires will crumble again. But there will always be bearers of the torch of liberty, for as the great American philosopher, Ralph Waldo Emerson, once proclaimed: "The sun will be taken out of the skies before the love of freedom will be removed from the human breast."

This only confirms and strengthens the deeply entrenched belief of Ukrainians everywhere that we, and if not we, then those who will come after us, will one day again see the beautiful land of Ukraine liberated and free, and her people living joyfully in blessed peace and prosperity, just as we are living in this incomparable land of liberty, the United States of America.●

WINSTON-SALEM EXEMPLIFIES CULTURAL ACHIEVEMENTS AT THE LOCAL LEVEL

● Mr. EAST. Mr. President, where some critics see a calamity in the reduction of Federal support for the arts, I see an opportunity to recover a part of our heritage. We should never forget that many of our most prominent cultural centers—the Metropolitan Opera, for example—were established by private philanthropy and sustained through civic pride long before Washington began handing out grant money.

The city of Winston-Salem, in my own State, offers a splendid example of the cultural achievements that can be attained at the local level. I recommend to my colleagues an excellent article on the subject that appears in the current issue of the Cultural Post, the quarterly publication of the National Endowment for the Arts.

I ask that the text of this article be printed in the RECORD.

The article follows:

WHEN IT COMES TO THE ARTS, WINSTON-SALEM MEANS BUSINESS

(By Stephen Sinclair)

It's got to be a conspiracy. Everyone you talk to in or about Winston-Salem, North Carolina, sounds like an avatar of civic pride and belief in the arts.

Take, for example, R. Philip Hanes, Jr., who may well be the chief conspirator. By lineage, breeding, and stated occupation (chairman of the Hanes Dye and Finishing Company), Hanes is a businessman, but clearly his real interest in life is running Ampersand, a public relations firm he founded to promote the arts of Winston-Salem. His chief clients are nonprofit operations: the Arts Council of Winston-Salem, the North Carolina School of the Arts, and the Southeastern Center for Contemporary Art (both located in Winston-Salem). He boasts of his 50-page-long computerized press list that has aided him in placing articles in, among other publications, the Financial Times of London, Rome's TV Guide, the Wall Street Journal, the Minneapolis Tribune, the National Journal (a weekly on politics and government published in Washington), and two articles each in U.S. News and World Report and Smithsonian since 1979. U.S. News quoted Hanes to the effect that Winston-Salem will become "the most important cultural city in the nation—including New York—in a decade or two."

Take also Susan Hollis, a graduate student in the history of architecture and urban development at Cornell University. In a paper delivered at Cornell's Conference on the Economic Impact of the Arts held last June, she concludes, "Success seems inevitable for Winston-Salem's overall downtown development. . . . There is widespread community support for the downtown arts complex, and in the central business district and center city neighborhoods there is a palpable sense of excitement and anticipation, of work being accomplished."

Take John Goyette, executive director of Spirit Square, the heart of a successful revitalization effort in downtown Charlotte, North Carolina, Winston-Salem's rival to the south. "They are doing something radical there," he says. "It is going to be a fabulous, broad-based effort with lots of activities that will spill over and feed into each other—the park, the Stevens Center, the visual arts center, all of it."

Take Joseph Abely, vice-chairman of R. J. Reynolds, the giant tobacco corporation headquartered in Winston-Salem. A self-styled corporate nomad, Boston-born Abely says that in proportion to the population, no city in the country matches this town of 145,000 in its interests in artistic development.

This is not to mention the expected enthusiasm of arts council board members and staff and arts school administrators. What's remarkable about these predictably enthusiastic arts advocates, however, is the consistency with which they tell the story of the arts in Winston-Salem and the unanimity of their belief that the best is yet to come.

But what, readers may by now be asking, is the excitement all about? Here's the broad outline of what's going on.

DOWNTOWN—THE PLACE TO GO

Both the Arts Council of Winston-Salem—a private, nonprofit corporation and the oldest local arts council in the nation—and the North Carolina School of the Arts—an arm of the North Carolina university system that specializes in teaching the performing arts to students from the seventh grade through college—decided about two years ago to move major parts of their operations into the decaying heart of downtown Winston-Salem. In the wake of their commitment have come planned business investments—office buildings, hotels, restaurants, and shops estimated at $85.5 million. Though extraordinarily fortunate, the convergence of the arts and business on downtown was not exactly fortuitous. In fact, Sam Stone, development director for the school, himself describes the process by which these decisions were made as "a conspiracy," albeit an open and benign one.

The council and the school each ended up downtown as a result of their own needs. When founded in 1965, the school took as its original campus a former high school. In the following seven years, dormitories and a new wing with studio and rehearsal space went up, but the school continued to lack a major hall. "A reasonable performing space is part and parcel of what a performing arts school ought to be," says Stone. "Not only for the performers, but for our technical students in the school of design and production. We wanted our future lighting and stage designers and managers to learn the ropes of operating in a theater that is technically sophisticated, so that when they go out into the theater world they'd be able to work in a Uris or a Metropolitan Opera House. Our current space—the old high school auditorium—is quite primitive and holds about 200 people."

The school investigated the possibility of building a new hall on its campus, but discovered that not only would the expense be prohibitive and the obliteration of the campus's little green space dispiriting, but that the school's location was the part of town least attractive to potential audiences.

Meanwhile, in 1972 to be exact, a splendid old downtown movie house called the Carolina closed its doors along with the Carolina Hotel, which inhabited the 11-story building above. Though the school contemplated purchase of the theater, the asking price was too high. Instead, the Carolina's next-door neighbor, the Piedmont Publishing Company, bought the building in the expectation of tearing it down and using the land as a parking lot for Winston-Salem's two daily newspapers.

The arts council also began to suffer growing pains. "We were getting very cramped in our headquarters at the Hanes Community Center," recalls Elizabeth Booke, president of the council in 1978. "We shared the center, which is located several miles from downtown, with the United Way and the Chamber of Commerce, and we found ourselves using broom closets for offices. The theater next door, where the children's theater and the little theater performed, was proving inadequate, even though it wasn't very old, and the orchestra was complaining about the old band shell in the park that it used in the summer. We realized that we had to do something to meet the needs of our programs, so we decided to do a self analysis."

The council called on its former director, Ralph Burgard, now and arts consultant based in New York, to develop a cultural action plan for Winston-Salem. Putting together a committee of 150 citizens that included government officials, minority groups, and corporate executives, as well as artists and upper-middle-class arts patrons, Burgard helped Winston-Salem come to the conclusion that the key to its cultural future lay in the downtown. (The plan also called for a new band shell and expansion of the community theater—both now accomplished.) This result coincided niftily with a Chamber of Commerce study that urged the city fathers to bring the downtown back to life—partly because it was "everybody's neighborhood" and partly for financial reasons: The one percent of Winston-Salem's land located in the central business district provided 20 percent of its work force's jobs and 30 percent of the city's tax base. An enlightened business community saw its opportunity to use the arts for economic purposes and acted.

Piedmont Publishing donated the Carolina Theater building to the school of the arts on the condition that the school refurbish it as a modern, first-class performing arts theater. R. J. Reynolds bought and donated a former textile mill, located half a block from the theater, to the arts council. (It helped that virtually every officer in Reynolds' executive suite served on the board of one or more of Winston-Salem's arts organizations.) Known as the Sawtooth Building because of the unusual design of its roof, the mill is listed on the National Register of Historic Places. The arts council also acquired a former Cadillac showroom next door to the Sawtooth. And, to complete its reclamation of virtually and entire block, the arts council persuaded the city council to surrender a metered parking lot so that the land could be developed into the city's first downtown park.

The school and arts council launched simultaneous fund-raising campaigns for the $13 million needed to convert the buildings and construct the park. Both projects were underwritten, partly by a $700,000 challenge grant from the Arts Endowment. Although costs have risen, the projects have continued to find sufficient funding.

The Carolina Theater—rechristened the Roger Stevens Center for the Performing Arts in honor of the head of Washington's Kennedy Center who, as a member of the school's board, has been an adviser on its artistic and financial develoment—is being turned into a 1,400 seat performing space not only for performing groups from the school—who expect to use the theater about 190 days of the year—but for booking professional out-of-town attractions. The school received an additional $500,000 challenge grant in 1981 to continue work on the theater. "We're deeply into audience develoment," reports Stone. "We are eager to become a reginal performing arts center and build up our profile as a reginal attraction. We won't be able to bring in the most costly attractions—we couldn't meet the fee of the Chicago Symphony, for instance—but we'd love to be able to get the Eliot Feld Ballet, or, say, John Housman's Acting Company. We're also working on an arrangement with Duke University in Durham and Spirit Square in Charlotte to form a sponsoring network so we'll have a larger booking capability and be more attractive to touring arts groups." The Stevens Center will open in spring 1983.

An haute cuisine restaurant will take over the corner of the building while the upper stories, Stone expects, will be devoted to condominium or rental housing developed by a profit-making firm. Both the restaurant and the apartments should yield some income for the school.

While the school continues to plan, however, Winston Square—the collective name for the park-Sawtooth Building-Cadillac showroom complex—is a reality. Opening this month, Winston Square contains the arts council and a few of its member organizations' offices, three exhibition galleries (the largest of which, the R. J. Reynolds Gallery, will house traveling exhibitions), a black-box theater for experimental and workshop pieces, a moderately priced restaurant, and—the centerpiece of the development—the Sawtooth Center for Visual Design.

An outgrowth of the Arts and Crafts Association, the center is the brainchild of artist Ray Pierotti, who took over as the head of the association last May. While continuing the association's traditional educational programs in the visual arts and crafts, the center will add a two-year, associate-degree program in the visual arts that will prepare students for a four-year degree specializing in a particular art form. "Our graduates will also be prepared to go into industry as beginning-level designers," Pierotti says. "Winston-Salem is the hub of this region's furniture and textile industries, the related plastics and metals manufacturing, and their advertising. The center's educational programs will provide career opportunities in these areas.

Because Winston-Salem also has operating tobacco factories and textile mills downtown, Pierotti also plans for the Sawtooth Center to be operating at all hours—"we'll have classes going two to four a.m. for swing shift workers"—to serve the community.

Adjacent to the Sawtooth is the park, complete with fountains, bridges, playgrounds, and a 2,000-seat amphitheater. "Family activities and outdoor activities are going to be very big in the '80s," predicts Milton Rhodes, the arts council's director. "This park is going to provide both of them, having free noontime and evening concerts as well as the more customary attractions of a park. We also expect the park and the Sawtooth Center—where people will be able to see artists and students at work—to draw audiences and participants for each other."

ATTRACTING THE DOLLARS

Rhodes hopes eventually to earn money for the council by charging for some concerts in the amphitheater and some exhibitions in the Reynolds Gallery.

So Winston-Salem's experiment in revitalizing its downtown through the arts is launched. The question now is whether it will succeed where urban renewal and a downtown shopping mall—both tried in the past—have failed. The $85.5 million commercial investment—headed by Reynolds Plaza at $34 million and including a $22.5 million Radisson Hotel, a $2.2 million Ramada Inn, and a $5 million retail mall called Brookstown Mill—bodes well, but Winston-Salem's boosters are not just sitting back and waiting for the returns. Phil Hanes explains the need for continuing publicity for Winston-Salem. "The People here may say the arts are nice, but they won't believe our arts are really important unless we get attention in the national press. It helps to keep up their enthusiasm. At the same time, we've now reached a point where we've got to reach beyond our local resources for support." To fill those 1,400 seats in the Stevens Center, to book those hotel rooms, to patronize those shops and restaurants, Winston-Salem needs for America to discover its glories.●

INDEPENDENCE OF THE NUCLEAR REGULATORY COMMISSION

● Mr. GLENN. Mr. President, as I pointed out 2 days ago in my remarks on the continued independence of the Federal Reserve Board, the executive oversight provisions, S. 1080, the Regulatory Reform Act, that we will soon be considering, could drastically undermine the congressionally mandated independent status of independent regulatory agencies by bringing their major rulemaking activities under constant Presidential supervision. I intend to offer an amendment to the bill to avoid such a result, similar to the one I introduced in the Governmental Affairs Committee. My amendment was unanimously adopted, but dropped from the so-called consensus draft of the bill that will come up for floor action.

In establishing the Nuclear Regulatory Commission, Congress determined that the crucially important responsibility for insuring the safety of nuclear powerplants around the Nation should be housed in a technically oriented agency that would be insulated from day-to-day political supervision by executive branch officials. Section 624 of the Regulatory Reform Act, however, would fundamentally change this relationship by giving the President clear authority to scrutinize prepublication drafts of the NRC's major safety rulemakings and to insure NRC's compliance with Presidentially mandated cost-benefit standards. According to the Governmental Affairs Committee report on S. 1080, this latter authority could permit the President to tell NRC whether, and at what rate, it should discount the monetary costs of future injuries from nuclear powerplant accidents. Since avoiding these costs would be balanced against the current costs of new safety equipment regulations, the potential for Presidential interference with the independent exercise of NRC's technical judgment is obvious.

NRC has strongly objected to this alteration in its independent status in a letter to Chairman ROTH of the Governmental Affairs Committee. I request that this letter be included in the RECORD.

The letter follows:

U.S. NUCLEAR
REGULATORY COMMISSION,
Washington, D.C., September 1, 1981.

Hon. WILLIAM V. ROTH, Jr.,
Chairman, Committee on Governmental Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: By letter dated May 14, 1981, you requested the views of the Nuclear Regulatory Commission on S. 1080. In addition, your letter of July 30, 1981 sought the Commission's views on the particular portion of that bill, Section 624. That Section would give the President or his designee authority: (a) to establish procedures for agency compliance with the bill's requirements for a regulatory analysis for major rules, and (b) to monitor, review, and ensure agency implementation of those procedures.

The Commission supports the purposes and objectives of the bill's requirement for preparation of a regulatory analysis for major rules subject to the specific comments that follow in this letter. The agency currently has procedures for preparation of a value-impact analysis for rulemaking actions. This analysis is essentially a cost-benefit study designed to help the agency make more informed judgments.

The Commission intends to conduct a study to determine what particular changes, consistent with law, might bring current agency procedures more into line with President Reagan's recently promulgated Executive Order 12291 on this general subject.

We share the Congressional concern, as indicated by S. 1080, that agencies better understand the economic costs imposed by regulatory requirements.

The Commission notes that S. 1080 requires an agency to adopt the most cost-effective alternative unless its statute directs otherwise. While the language of the NRC's organic statutes is not explicit, the Commission has consistently interpreted the intent of Congress to be that considerations of public health and safety are paramount. The Commission does not interpret S. 1080 to reverse this paramount role. If our understanding is in error, we request your clarification.

With regard to the Executive Branch oversight of a Congressionally imposed regulatory analysis requirement, we believe that allowing the President or his designee to interpose themselves directly into the agency's regulatory procedures can only weaken, and perhaps ultimately destroy, the independence that Congress intended for NRC. Cooperation between the Executive Branch officials and independent agencies is to be encouraged; nonetheless, S. 1080 goes beyond simply fostering cooperation. Indeed, it provides the opportunity for direct intervention in, and partial control of,

an aspect of agency rulemaking. The framework established by Congress to guarantee that the decisionmaking processes of independent agencies are free from undue influence by the Executive Branch officials and entities, as well as the unique relationship between Congress and the independent agencies, could be eroded by this provision.

In the event your committee considers it necessary to provide for the Executive Branch oversight, we believe you should also consider the following clarifications and additions to the bill. First, the Executive Branch review should generally be confined to the period after the notice of proposed rulemaking is published. Prenotice submission of an independent agency's proposed regulation or corresponding regulatory analysis unnecessarily risks undue Executive Branch influence of the agency's decisionmaking. Second, it should be made clear that the authority of the President or his designee is limited to a determination whether the agency correctly decided that a rule is, or is not, "major" and has followed the procedural requirements imposed in developing its regulatory analysis. The substantive conclusion reached in any cost-benefit analysis should not be a proper subject for the Executive Branch review.

In addition, we are concerned that the bill's grant of authority to the President or his designee to identify rules as major and to amend an independent agency's schedule for the timing of a rule's review would provide the Executive Branch unnecessarily wide latitude in establishing the priorities of the NRC's review process. We urge that such executive authority be eliminated from the bill.

Finally, we would also like to comment on the bill's requirements in section 553(f)(2) relating to the use of information in rulemakings that is otherwise exempt from disclosure under the Freedom of Information Act (FOIA). NRC's authority in several areas, including those concerning physical security and safeguards accounting for special nuclear materials, involves the agency in rulemaking actions that necessarily are based on classified, confidential, or proprietary information that would otherwise be exempt from public disclosure under FOIA. To the extent the NRC has been given the reponsibility in areas that necessarily require the agency to consider sensitive information that Congress previously has determined should be exempt from disclosure, e.g., 47 U.S.C. § 2167 (special nuclear material safeguards information exempt from FOIA disclosure), the goal of effective regulation is not served by now requiring even partial disclosure, in the form of a sanitized summary, as S. 1080 would require.

Thank you for this opportunity to provide the Commission's views on S. 1080.

Sincerely,

NUNZIO J. PALLADINO.●

REPORT ON TRIP TO JAPAN—JANUARY 7 TO 14, 1982

● Mr. CHAFEE. Mr. President, earlier this month, Senator DANFORTH and I spent a week in Japan at the invitation of the Japan Institute for Social and Economic Affairs.

While we were in Tokyo, we met with Mr. Shintaro Abe, the Minister of International Trade, Mr. Yoshio Sakaurachi, the Minister of Foreign Affairs, and Mr. Mazumi Ezaki, the head of the Special Trade Committee in the Diet to deal with United States-Japanese trade problems.

We also met with top executives of the Japanese automobile manufacturing companies as well as other industrial leaders.

We used each meeting to stress the necessity for the removal of nontariff trade barriers which act as a major hindrance to imports into Japan. United States and other non-Japanese made goods in many instances are effectively barred from Japan, which is the second largest market in the world.

Partially as a result of such nontariff barriers, the United States had a trade deficit with Japan of $10 billion in 1980, more than $16 billion in 1981 and an estimated $20 billion in 1982. At the same time Japan has capturd an extraordinary share of the total U.S. market in some large and important industries. For example: 22 percent of autos, 10 to 15 percent of steel, 20 to 30 percent of televisions, 90 percent of motorcycles, 50 to 60 percent of radios, 30-plus percent of cameras, 50-plus percent of recording equipment, 50-plus percent of watches, 20-plus percent of machine tools.

We noted repeatedly that these levels of encroachment would never be tolerated by the Japanese in their markets, yet they are occurring in the United States while the Japanese keep many of our goods from coming into Japan.

During these discussions, it was pointed out that the American public is very sensitive to increases in imports at a time of high domestic unemployment. This is especially true in the automotive industry, where imports account for 22 percent of the U.S. market and 350,000 auto workers are unemployed.

The Japanese cannot continue to play by two different sets of rules—one for their exports to the United States, and another less favorable set of rules for U.S. imports. The American people will not be mollified by piecemeal trade concessions in such areas as citrus fruit, beef, tennis balls, or baseball bats.

If the Japanese Government, we warned, does not take broad-ranking, concrete steps to open its markets to U.S. products and services, the demand in the United States for import quotas, domestic content requirements, and reciprocity legislation will increase.

As a result of our discussions, I believe the Japanese understand the need for action. The Japanese Government intends to announce soon the steps it proposes to take to remove nontariff barriers. One specific measure which we discussed was the acceleration of the Japanese tariff reductions agreed to during the multilateral trade negotiations. The tariff reductions would be an important step toward encouraging U.S. exports to Japan.

In connection with my home State of Rhode Island, I had several meetings with Government and industry representatives to discuss the possibility of increasing U.S. jewelry and fish exports to Japan. As a result of these meetings, Rhode Island has been invited to send a delegation to participate in a trade fair sponsored by the Manufacturing Imports Producers Organization to be held in Tokyo in late March, which will allow Rhode Island producers to promote jewelry and fish exports.

Regarding fish exports, one problem seems to be that while there is considerable emphasis on pressing agricultural exports by U.S. Government officials and commercial attachés, the same is not true of the export of fish. Perhaps additional manpower and also increased awareness of the export potential in fish, is required.

As for jewelry exports, I am working to insure that the accelerated tariff reductions include jewelry. The extension of the tariff reductions to jewelry should provide an added export incentive, since the high Japanese tariffs currently applied to jewelry imports are a significant trade barrier.

I have also arranged for a Japanese trading company to come to Providence to give a seminar for local businesses interested in exporting to Japan to teach them how to deal with Japanese customs laws, banking procedures, and other potential hurdles. Finally, I have asked the Department of Commerce to sponsor an export promotion conference in mid-March in Providence, R.I., at which small businesses can learn how to export their products.

It was our privilege to tour several Japanese manufacturing plants including Toyota, Nissan, and Sony. Such visits are extremely sobering for anyone who has some modest familiarity with U.S. plants and with U.S. business. The Japanese are capturing such a large share of U.S. and world markets, not because of some secret formula, but because they are doing correctly the very basics which the U.S. industry once observed—hard work, careful planning, attention to their workers, constant stress on quality, investing for the future, and a willingness to plan for the long haul.

It is commonplace to blame our competitive plight on U.S. workers for their failings vis-a-vis their Japanese counterparts. This is too simple and not accurate. Success in industry is based on three factors, each as important as each leg on a three-legged stool—government, labor, and management. In Japan all three of these groups are devoted to the betterment of industry and its products. The

result has been an incredible success story.

What can we do to make us more competitive?

On the Federal Government level, I believe in the last year we have made considerable progress toward improving our industrial climate. The accelerated depreciation enacted in the 1981 tax bill will be a big help, as hopefully will be the tax credit for increases in research and development. The relief from U.S. taxation of Americans abroad is widely acclaimed by U.S. business. The changes in the Foreign Corrupt Practices Act and the Trading Company Act, both of which have passed the Senate but not the House, are needed if our overseas position is to be strengthened.

As U.S. Government elected officials we have a responsibility to do all we can to create conditions where our companies can compete successfully.

The second leg of the stool is labor or the individual worker. He or she must recognize the need to give one's best effort with constant attention to the quality of the work performed. Consumers all over the world demand products that will last and do not require constant repair—and all at a reasonable cost.

The Japanese worker is a formidable competitor. He is loyal to his company—absenteeism is nearly unheard of—and he gives top performance while on his job. I am confident U.S. workers can match and exceed their Japanese counterparts.

The final leg on the stool is U.S. management—a group that must bear a substantial share of the blame for our declining position.

Our management must relearn a host of basic lessons that enabled us to become the world's industrial leader: Loyalty and concern for one's workers; investing in research and development; hustling for markets; tailoring one's product for the customer and then servicing that customer; always stressing quality; and not constantly worshipping at the shrine of the quarterly statement. Management also could learn to practice a bit of company loyalty and not constantly leap to a higher rung elsewhere.

The attitude of American management simply has to change its focus from short-term profit to long-term success. This short-term profits philosophy has decreased our competitiveness by cutting back on research, innovation, and risk taking, and lessened the concern for quality. The result is that our productivity level has fallen sharply since 1973, the level of research investments has not increased since 1966, and the United States has the lowest rate of investment among industrialized nations in new productivity-improving machinery compared with our GNP. In this regard, I attach herewith two articles from the Washington Post, which are relevant to this topic.

The first article extensively quotes Reginald Jones, former chairman of General Electric, regarding the need to change the focus of American management. The second concerns the degree to which Japanese productivity and superior management have contributed to the United States-Japanese trade imbalance.

In summary, Mr. President, I believe that we must continue to press the Japanese to open their markets to U.S. goods and services. However, my recent trip to Japan convinces me that if we are to get at the heart of what is causing our trade deficit with Japan, the three major ingredients for industrial success—government, labor and management—had best recognize that each has big improvements to make. Let us proceed to accomplish these improvements immediately.

The articles follow:

[From the Washington Post, Jan. 24, 1982]

JAPAN'S NONTARIFF BARRIERS ONLY PART OF AN EPIDEMIC

Once again, the amazing Japanese economy is the envy of the rest of the world. While the United States and Europe are suffering recession and high unemployment, Japan is ending its fiscal year on March 31 with a real growth rate of 4.1 percent, with unemployment a tiny 2.2 percent. And the forecast for fiscal 1982 is for a further real GNP gain of 5.2 percent, with unemployment at 2.1 percent.

Since this great economic success is led by Japan's exports, it is understandable that U.S. Trade Ambassador Bill Brock has been trying desperately to tell the Japanese that the $20 billion trade deficit the United States will incur this year with Japan is "politically unacceptable." At half that number, Brock says, "there has been grumbling."

Brock is trying to get the Japanese to wash away the "nontariff barriers" (NTBs)—some antiquated, some newly devised—they use to keep foreign goods out. For example, American baseball bat manufacturers might reasonably have expected to benefit from the Japanese devotion to the American sport. But by specifying a "safety standard" that only six manufacturers can meet—strangely, all Japanese—Japan has effectively protected the entire baseball bat market.

Japan's baseball bat NTB is just one small but dramatic example of a worldwide epidemic. Japan has all sorts of barriers to limit telecommunications purchases by its national telephone monopoly. Although the United States likes to brag that it has the most open economy in the world (and by and large it does), the United States twisted Japanese arms last year to establish "voluntary" quotas on car and truck imports. France, Canada, Italy, and the U.K. each have a different quota restriction on Japanese cars and on some electronic goods.

Maybe the worst example of bilateral trade discrimination, making a mockery of the idea of equal treatment, is the notorious Multi-Fiber Agreement initiated in 1974 by which all of the rich nations manage a set of restraints against textile imports from poor countries. The United States recently agreed to tighter quotas: If it hadn't acquiesced, protectionist-minded Europe might have slapped even more onerous limits on poor country textile exports—for many, a principal source of their foreign exchange earnings.

The new attention to import problems that create bilateral deficits carries with it, as Washington lawyer Carl J. Green says, "all of the dangers of the 'beggar my neighbor' practices of the 1930s."

But suppose all the Japanese nontariff barriers to imports were chucked overboard. Would that end that country's enormous success? We might get some cosmetic improvement in the trade figures, just as we would if the Japanese boosted their defense expenditures, bought a flock of nuclear reactors, or—as some have suggested—$8 to $10 billion worth of AWACS.

The truth is that after fixing all of the Japanese NTBs, the United States would still face an enormous trade deficit with Japan. As a recent House trade subcommittee report warned, America faces an economic crisis "precipitated by the brilliance of Japan's industrial drive." This bipartisan report said, in effect, that American industry had missed the boat, and that Japan's high-technology industries "will dominate the rest of this century."

If the Japanese are smart, they'll drop their NTBs on baseball bats, tobacco, books, agricultural products—set up to appease special Nipponese interests—and concentrate on the export goods of the '80s, '90s and beyond. Unlike other leading industrial nations, Japan has already been clever enough to yield textiles and other labor-intensive operations while concentrating on the capital-intensive wave of the future.

Brock is sensitive to the dangers of focusing too much on bilateral trade relationships. If we're in the red with Japan, we're in the black with other important trading partners, including Europe, Canada and many of the major developing countries. Moreover, it's the overall "current account," which includes earnings from investments from abroad, that is the real test of a nation's international financial strength. And the United States has been running a worldwide current account balance (although the high-priced dollar is beginning to change that picture.)

But the heat is on to do something about Japan, because those dramatic Japanese trade surplus figures are there—and month by month, year by year, they're getting bigger and bigger: $10 billion in 1980, $19 billion in 1981, something like $20 billion in prospect for 1982 and 1983.

Trade Minister Shintaro Abe, who made a good impression here last week on a get-acquainted mission, told me in an interview that "we feel we should come to grips with the situation by promoting manufactured imports from the United States into Japan." Abe feels that American manufacturers aren't trying hard enough to get into the Japanese market. (He cites figures showing that the European share of imports into Japan is increasing while the U.S. share is declining.) But the Japanese government is pushing through to completion a study of the "alleged NTBs" with a promise of a speeded-up grievance procedure.

"I emphasized to Brock and Secretary [Alexander] Haig that the U.S. should make further efforts to promote exports," he said. Japan, he observed, has six times as many offices as does the United States devoted to national export activities, and has a 13-to-1 advantage in the number of people involved in export promotion.

Abe was also not shy about pointing out something else: part of the huge jump in the Japanese trade surplus with the United States last year must be laid at the door of Reaganomics. What has happened is that high interest rates here, pushing up the U.S. dollar, depressed the Japanese yen—just as it forced a depreciation in European currencies. That added price-attractiveness to the already quality-attractive Japanese goods.

American officials note that domestic policies, not only American monetary policies, have operated to depreciate foreign currencies. In addition, some U.S. officials believe—although no formal charges have been made through the International Monetary Fund—that the Japanese government has manipulated the yen to keep it too cheap. Abe flatly denied this charge, or that the Japanese government is even in "a position to do such a thing."

The danger now facing the world is that the stagnation of the Western economies this year will heighten the demand for further protection, further bilateral fixes. The total disaster in Detroit—which will worsen if management and labor can't agree on wage restraints—is likely to lead to pressure on the Reagan administration to work for tightening the quota limits on Japanese cars.

The world's leading exporting and importing nations are supposed to get together at the end of the year for a ministerial meeting of the General Agreement on Tariffs and Trade (GATT), reaffirming liberal trading principles—and trying for the first time to extend them as well to services and investments.

But it seems to me that the GATT meeting will be a sham if, in the interim, all of the pious rhetoric about multilateral and open trade (doubtless including some that will be regurgitated at the Paris Economic Summit in June) is effectively voided by a burgeoning bilateral protectionism.

PLAYING IT SAFE, AND LOSING OUT

(By Peter Behr)

One of the most respected business leaders in the United States over the past decade was Reginald H. Jones, who ran General Electric for nine years until his retirement last April.

For years, he spoke for business in Washington as head of its primary lobbying group, the Business Council, but now his words are directed more toward business. His departing message in a series of speeches and interviews contains a stiff criticism of executives for their part in the battering American business has taken in the past decade.

Hundreds of companies are in serious trouble, and many basic industries are in decline because of competition from overseas. Their plight has exposed a basic weakness in the way these companies were run over the past few decades, according to Jones and other business leaders and analysts. The critics say American management has been shortsighted, going for short-term benefits instead of long-term gains.

Too many corporate managers let their companies get "fat and sloppy" in the glow of the business boom during the 1950s and early 1960s, hanging on to old products and manufacturing processes that crumbled before an invasion of foreign competition in the 1970s, Jones says.

There were many reasons for the decline, he adds, such as the world's economic turmoil and tax policies and governmental regulations that seemed to place firms at a disadvantage against foreign competitors. But the leaders of America's business and financial communities must shoulder part of the blame, he says.

"Any businessman looking for alibis for his company's failings has not had any trouble finding them," Jones says. "But that is cold comfort for a company that finds its markets taken over by more imaginative and aggressive competitors.

"The evidence is that our foreign competitors are moving quickly to adopt the new technologies that will dominate the factories and offices of tomorrow," Jones said in a speech shortly before his retirement. And he warned that companies that try to make do with old ways "are in for big trouble in the 1980s."

The driving force throughout most of business in the past two decades was a push for immediate profits, an allegiance to short-term success that too often obscured the necessity of building for the future, these critics say.

The battle plan in much of business during the '60s and '70s was play it safe; take the shortest, surest route to instant profits; avoid risks and sacrifice investments in uncertain technology or unproven new products if they threaten achievement of the goals at hand.

Before he joined the Reagan administration as Commerce Department secretary, Malcolm Baldrige ran Scovill Inc., a Connecticut-based manufacturer of household and automotive products that has had its own battles with foreign competition. "While we were resting on our laurels, companies abroad were taking the long-term risks" and making commitments for the future, Baldrige said. "We were beginning to believe we would never lose. We did not develop new management techniques and got off on this ridiculous kick of trying to increase earnings each quarter.

"We played it safe," Baldrige said.

"Most large companies create a corporate bureaucracy that avoids risks wherever possible," William C. Norris, chairman of Control Data Corp., told a House subcommittee hearing in 1979. "The emphasis today is on immediate payoffs [and] in this environment, development of new products and services takes a back seat," he said. Innovation by small, technology-oriented firms—which traditionally work on the frontiers of change—slowed significantly during this period, he added.

"One of the problems in the United States, with government and business, is the very short-term, expedient approach to problems—this quarter's earnings, this year's budget: 'Get me through the next election or the next board meeting,'" said Bendix Corp. Chairman William Agee in an interview.

"We need a much greater concern for the future," he said.

"The fingers need to be pointed inward," said William J. Abernathy, professor of business administration at the Harvard Business School. "We got complacent, lazy and went to sleep" in the '60s and '70s, he said.

"By their preference for serving existing markets rather than creating new ones and by their devotion to short-term returns and 'management by the numbers,' many [American business managers] have effectively forsworn long-term technological superiority as a competitive weapon," Abernathy and Robert Hayes, a colleague at Harvard Business School, said. That was a fatal mistake at a time when overnight changes in electronics was revolutionizing production processes and consumer products, they add.

"There was more attention given to short-run than longer-term strategies," and that put pressure on company managers to produce profits and sustain them, said William Bowen, head of the management research firm Heidrick and Struggles in Chicago.

This criticism has become widely accepted by the business community. Of nearly 1,000 top executives surveyed this year by Bowen's firm, 76 percent said there has been a damaging overemphasis on immediate financial goals.

THE DAMAGE

There is also general agreement about the damage that this short-term philosophy has done to industrial research and technology, to creativity and innovation, to risk-taking and competitiveness, and to basic industrial processes that determine the quality of the things business makes.

The growth rate of U.S. productivity—a basic measure of the efficiency of manufacturers—has fallen sharply since 1973 and lags far behind levels in Europe and Japan.

Research investments by both government and industry grew rapidly in the '50s and early '60s, but remained essentially unchanged after 1966 when inflation is taken into account.

The nature of industrial research changed as companies moved away from basic research on scientific frontiers toward applied research and development work on immediate problems. A survey of 100 leading firms in 1979 by economist Edwin Mansfield showed that the proportion of company-financed basic research dropped by one-fourth between 1967 and 1977, together with a shift away from relative risk projects.

The United States has dropped to dead last among industrialized nations in the rate of investment in new, productivity-improving machinery, compared with the gross national product.

"There can be little doubt that the creative pulse of the country is slowing down," Burton Malkiel, chairman of Princeton University's economics department, concluded as the 1970s drew to close.

The slowdown has been a key factor in the decline of many basic industries. Autos, steel, textile machinery, electronics, footwear and tire industries all suffered tremendously from a surge of imports since the '60s. Imports take an estimated 2.6 million jobs a year from U.S. producers, according to the congressional Joint Economic Committee.

The list of targets in the sights of foreign competitors continues to grow, among them computers for business and homes, semiconductors, telecommunications equipment, household appliances, jet engines, commercial aircraft, electric motors, lawnmowers, chain saws, industrial robots, air compressors and the barely imaginable products of genetic research.

"The Japanese have in many cases simply taken our products and processed them more efficiently than we," said Agee. "But 80 percent of the electronics patents in the last five years have been issued to Japanese companies, so they're getting ready [to compete] with products as well as processes. We should be very worried," he added.

THE PRESSURES

The debate is not over the problem, but over its roots. And the issue is whether this short-term drive for profits and the cautious, close-to-the-vest strategies of the past decade were unavoidable.

One who thinks so is Alan Greenspan, chairman of President Ford's Council of Economic Advisers and a member of several corporate boards of directors. When inflation broke loose in the late '60s, triggered by the costs of the Vietnam war, everything changed for American business, said Greenspan. Inflation created a tremendous pressure on corporate executives to concentrate on short-lived investments with quick cash payoffs because that was the best insurance against future surges of unexpected inflation that could ruin the value of long-range investments.

"Who's to blame? Should American managers have behaved as if there was no risk?" Greenspan asked. Some companies did, he added, and went belly-up in the process.

"I agree there has been timidity and a lack of foresight. That reflects on all of us. Foresight is available in relatively small doses. Timidity? It might not have been a bad idea," said Greenspan.

Some other observers, though, contend that these outside pressures coincided with a fundamental shift in the behavior of top management in the United States, a change in the "attitudes, preoccupations and practices of American managers," according to Abernathy and Hayes at the Harvard Business School.

They have become leading prophets of the "American business malaise," contending in articles that basic flaws in the training and performance of American managers are to blame for much of the erosion of the nation's competitive edge. Their July, 1980, article in the Harvard Business Review entitled "Managing Our Way to Economic Decline" has gone through more than 23,000 reprints.

As they see it, the industrial boom that began with the end of World War II created a sudden shortage of experienced managers, and the business schools filled the vacuum. The model for success became the hard-charging business-school whiz who could apply management theory to any situation as he climbed the ladder through a succession of short-term stints in different positions. Abernathy and Hayes call this manager a "pseudo-professional"—who lacked expertise in specific manufacturing or technological skills, but who seemed to have an all-purpose background in management.

These managers reached the top rungs in the '60's, and by mid-decade the economy was feeling the twin shocks of escalating inflation and a surge of import competition from the rebuilt industries of Japan and Europe. The new, uncertain environment that followed seemed to demand the new breed of financial and administrative experts over those with "hands-on" experience in production or technology, Abernathy and Hayes said.

A study by Golightly & Co. in 1980 reported that company chairmen and presidents with financial and legal backgrounds increased 50 percent over the past 25 years, and, according to Hayes and Abernathy, this shift in training created a managerial outlook ill-suited to bold ventures with new products or costly modernization of plants to gain a leg up on competitors.

THE MERGERS

In many large companies, the competitive juices flowed in another direction, giving rise to the free-wheeling acquisition of smaller companies in unrelated businesses, in the hope that losses in one area would be offset by gains in another. Business schools encouraged this approach to risk management and the merger trend helped the rise of executives with legal and financial backgrounds, rather than engineering or research, for example. "Those with financial training found it a lot easier to move along the acquisition route," said Jones.

The merger trend, which has grown virtually unchecked since the end of World War II, also fit in with a common sociological view of postwar Americans—an impatient people on the move, dismissing their roots and eager for instant success.

"Mergers are obviously an exciting game; they tend to produce fairly quick and decisive results, and they offer the kind of public recognition that helps careers along," Abernathy and Hayes said.

Critics of the merger wave say, however, that it has distracted attention of top business leaders from both long-term challenges and the daily struggle for quality. Norris of Control Data concludes that "many forced takeovers originate in managerial ambitions, and few serve the long-run interests of the stockholders of the acquiring company."

In many established industries, mergers became a substitute to long-term commitments to technological progress—the approach that foreign competitors would follow in catching and surpassing U.S. firms, Hayes and Abernathy said. Too many business managers failed to see that sucess in the 1970s and 1980s would depend on the ability to find new products, create new markets and provide superior quality, the two Harvard professors said. "Guided by what they took to be the newest and best principles of management, American managers have increasingly directed their attention elsewhere."

"It is this new managerial gospel," they add, "that has played a major role in undermining the vigor of American industry."

There were many other new pressures on corporate leaders in the past two decades that distracted them from attention to long-range needs—pressures that most managers hadn't been trained to handle, said Jones. "We had to learn to grasp the significance of new social responsibilities," Jones said. Civil rights and equal opportunity hiring, lobbying, public relations and corporate ethics were new, troubling issues for business in that period.

But the greatest error was in ignoring foreign competition in the '50s and '60s, Jones said. The American market was so large and so strong that many managers never looked beyond it. And when that economy got into trouble, companies didn't look hard enough for new business outside the United States.

"We were pretty cocky . . . we assumed that American producers were the best and the others were imitators, and poor ones at that.

"We found out that wasn't true," Jones said. That insight has come too late for some companies challenged by foreign competitors. For most others, he said, it can be the shock that wakes up American business management.●

DEATH ON THE HIGHWAYS TAKES NO HOLIDAY

● Mr. PELL. Mr. President, for most of us the holidays are a time of family togetherness, warmth and happiness. Occasionally, however, we are confronted with a brutal reminder that death on our Nation's highways takes no holidays. Such was my reaction upon reading the tragic story of the Proctor family of Montgomery County, Md. Traveling to a Christmas Eve musical pagent at their church, five members of the family—two sons and three grandchildren—were killed in a head-on collision on a rural highway 30 miles west of Baltimore. Two other members of the family were seriously injured. The driver of the car which struck the Proctors head-on has been charged by police with drunk driving.

A similar tragic accident occurred Christmas morning in Boston, when four members of a family were wiped out at the hands of a 16-year-old drunk driver in a head-on collision. I am sure there were other similarly tragic family accidents caused by drunk drivers on a holiday weekend that saw 560 persons die on American highways.

The words of Richard Proctor, who lost two sons and three grandchildren in the Montgomery Country tragedy, captures our reaction to a loss of this kind: "I'm not a vindictive person," Proctor told the Washington Post, "I can't believe this sort of thing can continue, and can't believe there aren't ways to do something about this situation."

It is indeed hard to comprehend why our society continues to accept, year after year, over 25,000 deaths at the hands of drunk drivers. A car with an intoxicated driver is precisely as dangerous as a loaded gun in the hands of someone blinded by rage—the combination of an instrument with the power to kill and a person who is past the powers of reason is precisely the same in both cases.

Drunk driving has flourished in the United States primarily because we have tolerated it. Today, there are encouraging signs that at last the American people are waking up and demanding that their legislators do something about this ever-present threat to human life on the highways. Last September, Maine enacted the Nation's toughest drunk driving law, mandating a 48-hour jail sentence, a $350 fine and 90-day license suspension for all persons convicted of criminal drunken driving offenses. More than 300 persons have served jail sentences in the 4 months since the law went into effect, and Maine officials have reported an encouraging drop in drunk driver fatalities. Other States have formed task forces to study ways to strengthening their laws and keeping drunks off the highways. Also encouraging is the report that the Reagan administration has decided to appoint a Presidential commission to attack this problem on a national level.

Any situation accounting for over 25,000 deaths each year is a problem that is truly national in scope, and should be treated as such. I have introduced legislation, S. 671, to encourage all States to enact minimum, mandatory penalties for convicted drunken drivers. This bill is cosponsored by Senators GLENN, GOLDWATER, HUDDLESTON, INOUYE, MATHIAS, SARBANES, and BAUCUS.

I return to the words of Richard Proctor, "I can't believe there aren't ways to do something about this situation." In my view, the single most important way we can combat drunk drivers is with a national minimum standard of punishment, just as we have the 55-mile-per-hour speed limit and other national safety standards. Drunk driving is the No. 1 highway safety problem in this country, and should be attacked through national standards to create a uniform expectation of punishment in each of the 50 States.

Mr. President, I ask that the Washington Post story entitled "Family's Trip to Christmas Eve Service Ends in Tragedy," which appeared on December 26, 1981, be printed in the RECORD.

The article follows:

FAMILY'S TRIP TO CHRISTMAS EVE SERVICE ENDS IN TRAGEDY

(By Michael Isikoff)

The holidays were going to be something special this year for the Proctors, a tightly knit religious family in upper Montgomery County. Richard and Martha Proctor's oldest daughter had just given birth to her third child. One son had traveled from Texas for what was to be the family's first Christmas together in years.

Instead, five members of the family—two sons and three grandchildren—were killed Thursday afternoon in a head-on collision on a rural highway in Carroll County about 30 miles west of Baltimore. They had been on their way to a Christmas Eve musical pageant at their church.

Those killed were Terry Proctor, 22; Roger Proctor, 14, and three small children, Rebecca Jeanette, 3 years, Pauline Jeanette, 18 months and Ruth Ann Jeanette, one month. The children were the daughters of Tanya Jeanette, 21, the Proctors' oldest daughter, who was injured in the crash.

Maryland state police said the accident occurred near Mount Airy, when a Plymouth station wagon swerved across the center of Rte. 27 and collided with the Proctors' Volkswagen Rabbit.

Two others in the Proctors' car, including Martha Proctor, 45, and her younger daughter Shelia, 17, were injured in the 3:55 p.m. crash. Richard Proctor, a physician, was at his job in Bethesda where he recently became commandant of students at the Naval Medical Center.

Police, who are still investigating the incident, have charged the driver of the other car, Kevin Cooper, a 25-year-old Glen Burnie construction worker, with driving while intoxicated, reckless driving and failure to keep to the right of the center line. Cooper was admitted to Carroll County General Hospital and treated for a possible dislocated hip.

"He said he probably fell asleep," Maryland State policeman Dennis Murphey said Cooper told police. "He doesn't remember."

"I'm not a vindictive person," Proctor said in a telephone interview yesterday afternoon. "But I also come from a family that doesn't drink. I can't believe this sort of thing can continue, and can't believe there aren't ways to do something about this situation."

"I'm not bitter," he added. "Bitterness isn't going to bring back my children and grandchildren."

The Christmas Eve pageant at the church was to be a family event for the Proctors. The newborn baby would play Jesus, and Tanya was to be Mary. The family had persuaded Terry to play Joseph.

As word of the accident spread yesterday throughout the Proctors' quiet residential neighborhood in Clarksburg near the Howard County line, friends and neighbors reacted to the news with varying stages of disbelief.

"I can't think of anybody less deserving for this to happen to," said Mavis Bauer, who lived next door to the Proctors. "They were an absolutely fantastic family, very close and sharing. I can't comprehend that this has happened."

Bauer and other neighbors described the Proctors yesterday as a friendly and outgoing couple whose life revolved around their children, their grandchildren and their church, United Methodist Church of Westminster, Md.

The couple and two of their teenage children had moved to Clarksburg from Stuttgart, Germany only last June after Proctor, who was an army physician, was appointed to the post at the Naval Medical Center.

A few weeks later, their recently divorced and pregnant 21-year-old daughter Tanya Jeanette, also moved into the home, along with her two babies.

The family quickly became a part of their new community, the neighbors said. Son Roger, 14, who also died in the crash, was a ninth grader and avid trumpet player who had been practicing hard to make the Damascus High School Band.

The 17-year-old daughter, Shelia, was involved in school drama. Martha, the mother, was the director of religion at the church. "She was very interested in the church," said James Snyder, who lived across the street from the Proctors. "She felt it was her duty."

Tanya's daughter was born on the Friday before Thanksgiving, and the event brought both joy and sadness to the Proctors, according to Mavis Bauer.

When complimented on how adorable her babies were, Tanya replied, "I know. I just wish I had somebody to share them with," recalled Bauer. "I think she had decided she was really going to concentrate her life on those babies."●

THE VOTING RIGHTS BILL IS FRAUGHT WITH MISCHIEF

● Mr. EAST. Mr. President, Peter Brimelow, a talented young writer for Barron's, has writen a thought-provoking commentary on the Voting Rights Act extension bill which this body will soon consider.

Our job is to calmly consider the merits of each piece of legislation, free from emotionalism, keeping in mind that bad legislation can have a high-sounding name.

I am still studying this bill and possible amendments, and the effect they might have on citizens of all races. I commend Mr. Brimelow's article to my colleagues. I ask that his article in the January 25, 1982, issue of Barron's be published in the RECORD.

The article follows:

UNCIVIL ACT: THE VOTING RIGHTS BILL IS FRAUGHT WITH MISCHIEF

Sitting on the edge of his seat, obediently bobbing up and down at the behest of a roomful of electronic journalists and their moody microphones, the bulbous Sen. Charles Mathias of Maryland looked a little like the Goodyear blimp tugging at its mooring mast on a windy day. He was in odd company for a Republican on Jan. 20, the anniversary of Ronald Reagan's first inaugural address, which, in answer to a question, he refused to say was a cause for celebration. But he shared the same prim look of righteous indignation as Senator Kennedy and an assortment of professional liberals sitting at his side, including the NAACP's Benjamin Hooks, whose melodious imputation of racism to a Republican President, Attorney General and/or fellow Senator went equally unchallenged.

The occasion: a press conference called to denounce the postponement for one week of hearings on S. 1992, the Voting Rights Act Extension bill, of which Mathias is the leading Republican sponsor. The total delay thus inflicted on the measure's legislative timetable: nil.

Supporters of S. 1992 become hysterical at the slightest hint of prolonged debate for a simple reason. It is the same reason as causes them, when prodded, to try to intimidate questioners by evoking the heroic age of civil rights in the 1960s, citing a myriad of establishment supporters, pointing to the lopsided House approval of the identical measure during a lull in the economic wars of 1980, and brandishing the list of 60 Senators co-sponsoring Mathias' bill (some of whom have had second thoughts).

S. 1992 cannot bear scrutiny because it is not merely an extension, but an expansion, of the original 1965 Act. It would profoundly affect not only former Jim Crow areas, but also the entire country. Although Hooks testified in House hearings last year that all he wanted was to prevent the semi-automatic release from Justice Department's oversight that was established in the 1965 Act for communities managing 17 years without discriminatory voting practices, it is now clear that civil-rights politicians have seized another opportunity to carve out racial prerequisites, just as the 1964 Civil Rights Act's anti-discrimination provisions have been perverted into a requirement for minority quotas. This is a dagger pointed at the heart of America. Congress' response has been a sordid compound of fatuousness, fear and lack of moral fiber.

The 1965 Voting Rights Act was a brutal measure that should never have been necessary in a free society. The theory behind it was that the denial of access to the polls in certain Southern states was so endemic and vicious as to be irremediable by piecemeal litigation. It required the presumption of guilt, and direct federal intervention. In its aim of increasing black voter registration, the act was immediately and triumphantly successful. But its methods were necessarily crude. For example, it affected all areas with voter turnouts below 50 percent which is how impeccably non-discriminatory com-

munities in New York State come to be included. And this presaged a change of focus, as judges and bureaucrats ceased to concern themselves with the fact of discrimination and entered the more debatable area of its alleged results.

Communities "covered" by the VRA could alter their structure of government only if the Justice Department decided that the effect would not be to discriminate against minorities, who now had the vote. Thus, in 1980, Rome, Ga., was prevented by the Supreme Court from making what was acknowledged to be an innocent change on the grounds that it would coincidentally make it more difficult to elect blacks.

But simultaneously, the Court refused to strike down a similar structure in Mobile, Ala. Because the Mobile structure pre-dated black enfranchisement, and did not reflect a post-1965 change, it could be challenged only on the Constitutional gounds of the 15th Amendment's ban on denial or abridgement of the franchise on the grounds of race. And the Supreme Court ruled that merely because blacks were not elected to the Mobile city commission in proportion to their population share—the "effect"—did not mean its electoral structure was discriminatory. If the law was neutral on its face, the Court said, to overthrow it would require proof of discriminatory "intent."

Supporters of S. 1992 dislike the Supreme Court's view of the Constitution. so they plan to reverse it by statutory means—with fine irony, by the way, since most claim that Senator Jesse Helms' similar strategy with respect to abortion is unconstitutional. Section 2 of S. 1992 would allow a suit to be brought anywhere in the country to suppress all political arrangements that have the "effect" of discrimination. The essential "effect" test: does the arrangement produce minority representation in proportion to minority numbers in the population at large?

Opponents argue that this will inexorably create a system or proportional representation. But minority representation will be not only proportional but guaranteed, as in the Parliament of Rhodesia/Zimbabwe, at the expense of the majority. This was made clear in *United Jewish Organizations* vs. *Carey*. The Justice Department would not believe that a proposed district in Brooklyn with a 61 percent nonwhite majority would elect a nonwhite Representative, because nonwhites were expected to have a lower propensity to vote. Redrawing the boundaries entailed dividing a community of Hasidic Jews, who sued to retain "their" seat: Not being black, American Indian, Asian, Alaskan or Hispanic, but merely white, they were not explicitly protected under the Voting Rights Act. So they lost. The new district, however, preferred the Founding Fathers' theory of representation to that of the Justice Department. It elected Frederick W. Richmond, who is indisputably white.

The political consequences of S. 1992 could be devastating. At minimum, it will remove from the Republicans one of the traditional fruits of American electoral office: robust redistricting—"gerrymandering," after all, is an American invention. Unfortunately for the Republicans, this will now incur the wrath of Justice Department bureaucrats, if the diluted Democrats turn out to be minorities, as they tend to be. Weakening whites, however, is still okay.

More significantly, S. 1992 is one in a series of steps in the last few years tending to exacerbate and institutionalize racial division. Under the system it proposes, it is advantageous and perhaps necessary for every American to cleave to some organized faction—just the eventuality the Constitution sought to prevent. To make matters worse, legislators elected by homogeneous constituencies would have less and less aptitude or taste for compromise. Politics would degenerate into a rerun of West Side Story.

The truth is that what was once a civil-rights movement has increasingly become a drive for civil privileges. To choose an "effects" rather than an "intent" test, in affirmative action, fair housing or voting rights, is to invest the state on its behalf with the right of endless and infinite social engineering.

Supporters of S. 1992 argue that the intent standard is difficult to prove. Senate opponents plan to produce Irving Younger, one of the country's leading trial lawyers to argue that it is not. Intent is routinely proved in civil and criminal cases without the confession/"smoking gun"-type evidence that discrimination cases are sometimes said to require. In any case, since when was the law supposed to make things easier for the prosecution at the expense of justice?

Those who support S. 1992 know that the proportional-representation argument is a threat to them. Mathias completely evaded the issue in his Dec. 16 speech introducing the bill, presenting Section 2 merely as a technicality made necessary by the Supreme Court's failure to be "clear," i.e. agree with him. Cornered at the press conference, he fell back on the bill's concession that disproportionate representation will not "in and of itself" be evidence of discrimination.

This is just not good enough. The *Weber* decision showed that judges will literally invert the meaning of a statute under the pressure of racial dogma. The vague additional evidence required in S. 1992—a pattern of bloc voting, for example, which could be posited anywhere—will be no problem.

Already some civil-rights politicians, notably Jesse Jackson last fall in Columbia, S.C., frankly asserted that proportionality is their goal.

Senator Mathias will be 60 this year. He has devoted his long career to the liberal cause within Republican ranks, and has met with utter failure. He is not now likely to change his perception of his civil-rights allies, or give up the comforting if illusory sensation of being part of a heavenly (and conquering) host. His own racially divided state will be so hard-hit by litigation if S. 1992 passes that it will practically forfeit self-government. Arguably no great loss. But Mathias, like most elected federal officials, might well calculate that he at least should be able to avoid trouble. Anyway, his seat isn't up until 1986.

And there is an uglier side to the voting-rights debate. It emerges in testimony prepared by NAACP's Hooks for the Jan. 20 hearings. The intents test, it reads, "is oftimes a code word for allowing discrimination to continue, even when the discrimination is there for everyone to see." At the press conference, he left a sly vagueness about his charge of racism as a result of the hearing's postponement: "There has to be a racist around somewhere."

No accusation of witchcraft in Salem ever had the impact that the accusation of racism has on America's current lawmakers.

Others, too: according to opponents of the bill, the leading academic expert on voting rights, Harvard's Abigail M. Thernstrom, has been dissuaded from testifying against S. 1992 by civil-rights politicans' threats to withhold co-operation on her forthcoming book.

The Voting Rights Act Extension Bill is unedifying whichever way you look at it. The "bail-out" provisions are so onerous that there is virtually no possibility any Southern area can independently qualify to escape this second Reconstruction. The bill's coverage of Hispanics, sweepingly defined, materially promotes the emergence of a second Quebec. Times have changed since 1965, and the best solution probably would have been to let the act run its course, prosecuting any subsequent offenders in the usual way. But above all, the daggerpoint must be broken. The effects test must be defeated.●

CLEAN AIR AMENDMENTS

● Mr. BAUCUS. Mr. President, the introduction of H.R. 5252, euphemistically referred to as the Clean Air Act Amendments of 1982, has been greeted with loud hosannas from every corner of the administration.

The President in his state of the Union address noted his encouragement at the introduction of this "bipartisan initiative." The Vice President has picked up the H.R. 5252 banner as part of his push for regulatory reform. Even the Assistant Administrator for Air of EPA, the Agency charged by law with environmental protection, has said she is "delighted" with the introduction of the bill.

I for one am not delighted with this bill. I am discouraged.

A brief review of this measure will demonstrate why many members of the Senate Environment and Public Works Committee view this bill and the administration's endorsement with dismay. Under the distinguished leadership of Chairman Stafford, our committee has been working diligently toward the formulation of reasonable, responsible amendments to the Clear Air Act.

Amendments of this nature are needed and they deserve prompt action. However, if the administration and some of our colleagues in the House continue to push an agenda such as that embodied in H.R. 5252, I fear the process will be inexorably delayed.

Quite simply, H.R. 5252 would streamline clean air right out of existence. Here are just a few examples.

The bill would double mobile source emission standards for carbon monoxide and oxides of nitrogen from the current provisions of the Clean Air Act. At the same time, the warranty period for emission control equipment would be reduced from 5 years and 50,000 miles to 2 years and 24,000 miles.

H.R. 5252 would strip the prevention of significant deterioration (PSD) program of its class II and III protection

of clean air. In addition, national parks and wilderness areas would be subject to increased air pollution. The bill would also remove the "best" requirement from the "best available control technology" (BACT) standards for new stationary sources.

The measure also would ignore improvements to the act that, in my view, must be considered. Control of toxic air pollutants and emissions which lead to acid rain is conspicuously absent from this proposal.

The list goes on, and I urge my colleagues to scrutinize this proposal. As part of that process, I believe an editorial that appeared January 24, 1982 in the Los Angeles Times entitled "Cleaning Up an Act" merits attention. I ask that it be reprinted at the conclusion of my remarks.

Thank you.

The editorial follows:

[From the Los Angeles Times, Jan. 24, 1982]

CLEANING UP AN ACT

When it comes to air quality, Rep. John D. Dingell (D-Mich.) plays dirty. That may seem a harsh judgment, but no more harsh than a bill that he is sponsoring to roll back automobile smog standards and to strip California of its right to enforce tougher air-quality standards than other states.

Dingell is chairman of the House Energy and Commerce Committee, with jurisdiction over the Clean Air Act, which must be revised or extended this year.

He also represents Detroit, where the auto industry has fought against pollution controls for two decades and is fighting even harder now that the recession and foreign competition have plunged it into a depression.

Dingell has promoted weaker pollution laws behind the scenes for months, getting nowhere. He keeps running up against Rep. Henry A. Waxman (D-Los Angeles), who chairs the health and environment subcommittee for Dingell and refuses to consider weakening the clean-air law.

Now Dingell has gone public with a bill that, among other things, would double the legal limit for releasing nitrogen oxides through a tailpipe, weaken warranty protections for owners whose control devices fail, and relax efficiency tests for new controls on power plants and factories.

According to reports from Washington, Dingell also has let it be known that he is prepared to play rough from now on, either snatching clean-air legislation out of Waxman's subcommittee or bouncing Waxman out of his job if he refuses to cooperate.

What is at stake here for Dingell's district is about $80 worth of pollution-control equipment that Detroit could leave out of every car if the standards were less strict. Estimates of potential savings run as high as $300, but those assume that Detroit would stop installing small computers under the hood that monitor engine performance and increase fuel efficiency. Given the increased competition for higher mileage, it is not likely that the industry would abandon the computerized control devices.

What is at stake for Waxman's district—and every other part of the country where the air is already dirtier than the law allows—is a significant increase in nitrogen dioxide, one of the basic ingredients of photochemical smog.

Considering that the saving represents less than 1 percent of the cost of the average new car these days, that is not a fair trade.

Dingell and his co-sponsors call their bill a "compromise" effort, largely because it is less noisome than some earlier proposals he was promoting.

He also has the support of the U.S. Chamber of Commerce, which calls his bill nothing more than an effort to "simplify and clarify" the Clean Air Act. There is some interesting history behind the choice of words.

Some months ago, Louis Harris sampled public opinion on clean-air laws, and found that 80 percent opposed any weakening of the basic act.

The chamber, unbelieving, commissioned its own poll. The results were much the same.

As Harry W. O'Neill, president of Opinion Research, which did the sampling for the chamber, explained his findings to The Times last month, a congressman will not stir up his voters just by fiddling with the Clean Air Act. In ways, for example, that only simplify and clarify.

But, O'Neill said, if the public believes that a politican is trying to weaken the air-quality law, "then he's in trouble."

The message seems clear enough to us. Keep it clean, Mr. Dingell.●

ROOSEVELT AND REAGAN: LEADERS IN THEIR TIME

● Mr. HATCH. Mr. President, today this Nation will commemorate the 100th birthday of one of the great men in American history, Franklin Delano Roosevelt. Today we honor him, and yet we all remember him as a man who gave this Nation hope at a time when all seemed lost. Franklin D. Roosevelt was elected President of the United States in 1932, 1936, 1940, 1944—four times in all—a record that will never be matched in U.S. history. He was a hero to the common man and history has verified this fact. Franklin Roosevelt exuded a personal strength that transformed the American public from a weary mass of dejected people to an army of beaming individuals. He gave this country a reason to believe in itself again. That is why we will always remember him.

Many of the programs of the Roosevelt era—the New Deal—were the forerunners of the social programs of today. As the chairman of the Labor and Human Resources Committee, I have had the chance to work with these programs on a personal level. Each member of this committee has been faced with a most difficult task this past year, to decide whether we continue in the same direction Roosevelt pointed us, or to make adjustments. We have all had to ask ourselves at what point would F. D. R. himself take a hard look, check the compass, and chart a different course? For the past year we have all wrestled with this question and undoubtedly we will be faced with it again this year.

Mr. President, as I looked out on America last year I saw many of the same feelings that existed in 1932: That feeling of despair, that our problems had finally engulfed us. Americans were once again looking for a leader. Just as they found him then, they found that leader last year. President Reagan gave us all that ray of hope we so badly needed.

The similarities between these two men are striking. In 1931, while campaigning for the Democratic Party's nomination for the Office of President of the United States, Franklin D. Roosevelt raised his hand and said:

I pledge you—I pledge myself—to a New Deal for the American people. Let us all here assembled constitute ourselves prophets of a new order of competence and courage. This is more than a political campaign; it is a call to arms.

With this statement he set in motion the machinery that brought him a landslide victory. But more importantly, he pledged to the American people that he would bring the change needed in their lives, that he would have the courage to lead when others would criticize. Just over a year ago I stood on the West Front of the Capitol and listened to Ronald Reagan make his inaugural address. Two parts of that speech stand out in my mind and have helped me recall the pledge made by Roosevelt almost 50 years earlier. President Reagan said:

We have every right to dream heroic dreams. Those who say that we are in a time when there are no heroes, they just do not know where to look. You can see heroes every day going in and out of factory gates. Others, a handful in number, produced enough food to feed all of us and then the world beyond. You meet heroes across a counter. And they are on both sides of that counter. There are entrepreneurs with faith in themselves and faith in an idea who create jobs, new wealth and opportunity. They are individuals and families whose taxes support the Government and whose voluntary gifts support church, charity, culture, art, and education. Their patriotism is quiet but deep. Their values sustain our national life.

A few moments later in this address he brought this all into focus:

Well, I believe we, the Americans of today, are ready to do what must be done to insure happiness and liberty for ourselves, our children, and our children's children. And as we renew ourselves here in our own land, we will be seen as having greater strength throughout the world. We will again be the exemplar of freedom and a beacon of hope for those who do not now have freedom.

Mr. President, both of these men have had the courage to lead when so many would only follow. Times change. And as the problems of the present generation are solved, so they will contribute to the problems of the generation to come. Roosevelt had the desire to get things going, and if one program proved unworkable, if Congress would not act, or if the Supreme Court denied authority to move in a particular direction, Roosevelt looked

for new solutions, for new ways to solve the problems.

That is what we must do today. That is what our President told us in the Capitol just the night before last. The barriers may be different: Congress actions have contributed to the problems, rather than our refusal to act; but they are barriers just the same. They require new solutions.

Roosevelt instinctively understood that the economic troubles of the 1930's required that politicians remove their cloaks of partisanship and work together. President Reagan has left us with no less a challenge. But President Reagan and this Congress are denied some of the solutions President Roosevelt had at his disposal. We have gone to the well of Federal spending too often in the past, the waters do not run as deep anymore. President Reagan has laid out a plan to give the well time to recharge itself. The alternative, as he has so often told us, is to pray for rain. We cannot look to the heavens for our solutions, we must look to ourselves and the American people. And we must act.

President Roosevelt had no choice but to take strong, decisive action for the country's sake. President Reagan must do the same. President Reagan must, as Roosevelt did, inspire the American public. President Reagan has the desire to get things going; he has shown the ability to recognize when a program proves unworkable and successfully search for new ways to solve problems. President Roosevelt's greatest assets certainly were not the programs with which he pushed America back from the great spiritual depression—and it certainly was as much a depression of the spirit as it was financially. Roosevelt's greatest asset was the ability to inspire the American people to have hope. As we saw here Tuesday night, and as millions of Americans saw in their homes. Ronald Reagan is another who can inspire the hope we need so badly.

In the coming months we will have ample opportunities to clash over the nuts and bolts of the task we have laid before us. But let us not forget that we are disagreeing only about the tools we use to build a new and better structure on the framework we already have, and let us remember that it is the whole structure we agree on—and that structure is what President Reagan called the last, best hope of man on Earth, the United States.

Mr. President, I am sure that Franklin D. Roosevelt is watching us all today. I am equally sure that as he looks down on the Oval Office, his chin pushed jauntily forward, a smile comes over his lips as he realizes that once again the ship of state has a captain at the helm.●

NEW FEDERALISM

● Mr. QUAYLE. Mr. President, the major thrust of President Reagan's state of the Union message on Tuesday night was a call for a bold new initiative through a program of New Federalism. It is a concept which undoubtedly will be thoroughly debated by the Congress, State and local governments and by others interested in bringing government closer to the people.

Gov. Bruce Babbitt of Arizona in this morning's Washington Post described the proposal as elegant and imaginative. I strongly agree with the Governor.

Governor Babbitt declared that we might have both an increased chance of survival and better streets if the President receives a serious and thoughtful response to his proposal. The President's call for a New Federalism deserves that response from the Congress.

The Governor rightly states that we must address three important issues as we explore the details of the President's proposal.

First, we must enter into a national dialog that will define the responsibilities of the State and Federal Governments for the coming decades.

Second, we must convince all Americans that this program is designed to protect and foster our civil rights, not attack them. I believe the President has begun this important work. Civil rights are very real rights, not something to be given lip service. We can no longer assume that the States—their Governors, legislators, and local officials—do not also want equal opportunity for those citizens who elected them.

Third, this plan must address the inequities which have existed between the States. Federal aid to the States has itself been unfairly distributed in recent years. For example, out of every $100 Indiana citizens sent to Washington, only $70 came back in Federal spending in 1979 as compared to $245 for Alaska. The President, by beginning a national dialog on the role of the States, can begin to address this question of inequities.

I commend Governor Babbitt's views on New Federalism to my colleagues. His reactions provide bipartisan impact to the proper role of government in the years ahead and I ask that this column be included in the RECORD.

The column follows:

[From the Washington Post, Jan. 28, 1982]

HIS PLAN DESERVES A CHANCE

(By Bruce Babbitt)

The president has once again confounded his adversaries by wading ashore on a new beachhead far behind the battle lines. Faced with another year of trench warfare over federal budget cuts, he now proposes to break the impasse by simply handling some 50 federal programs back to the states.

The president's proposal to restructure American government is both elegant and imaginative. Yet state and local officials are already putting on green eyeshades, picking up yellow pencils and reading computer printouts to reckon their gain or loss in each program category. The president deserves better; at the very least he is entitled to a serious and thoughful response from Congress and all elected officials.

The president has once again accurately characterized the problem. Since the New Deal, an accretion of more than 500 categorical programs has intruded the federal government into our lives at every level from the very important to the trivial. Congress does a little of everything, but hardly anything well. It ought to be worrying about arms control and defense instead of the potholes in the street. We just might have both an increased chance of survival and better streets.

If the president's new federalism is to become reality, as I believe it should, we ought to be addressing three important issues that the president did not pursue in his State of the Union address.

First, we must develop a national agreement on which programs shoud be run in Washington and which should be left to state and local government. There is a gathering consensus that matters of historical local concern, such as street, airport construction, waste-water facilities and many education programs can and, indeed, will be adequately addressed at the local level.

The major issue will be the entitlement programs, such as Medicaid, AFDC and food stamps. The nation's governors have long argued that these programs are properly a national responsibility. When the unemployment rate is 16 percent in Michigan but only 5.5 percent in Texas, it is manifestly unfair to ask Michigan residents to shoulder welfare burdens created by national economic policies. The president has foreseen this issue and proposed a disingenuous swap; federalize Medicaid to induce state acceptance of welfare and food stamp responsibilities. That proposal should be rejected; the safety net (the president's phrase) ought to be fashioned as a matter of integrated national policy equally applicable to an elderly citizen or a malnourished child whether he lives in Maine, Mississippi, or Arizona.

Second, the president must convince us that his program is not simply a front for neglecting civil rights and abandoning the hard-won gains of blacks and other minority groups. Many federal assistance programs, notably education, were created to provide equal opportunity for minoirty groups victimized by racial discrimination. The president's waffling on the Voting Rights Act and his permissiveness in allowing tax exemptions for educational institutions that discriminate are not reassuring.

Nonetheless, there may be better ways than scatter-gun grant programs to ensure continued progress in civil rights. For example, intrastate equalization of financial aid between rich and poor school districts might do more to ensure educational quality than a dozen categorical grant programs. In place of federal aid, Congress could devise a simple law requiring all states to provide a basic statewide level of school support, something that more than 20 states have already done.

Third, the president must forthrightly address the issue of inequities among states in per capita taxing power and program need. Although these disparities have been heavily relied upon in Congress in creating new programs, the fact is that the gap between

rich states and poor states has narrowed dramatically in recent years. No state or city ought to demand continued-level funding just because it was the lucky recipient of a windfall program in the past. Alaskans, who pay virtually no taxes and receive dividend checks each year, may already be getting too much federal aid; in Mississippi, with the lowest per capita income in the country, there may well be a case for supplemental federal aid.

The president's program is revolutionary in the best American sense of the word. He deserves a chance to succeed. Congress, the governors and state and local officials must put aside the green eyeshades and rise to the occasion.●

CELEBRITIES NIGHT WITH THE UTAH SYMPHONY

● Mr. HATCH. Mr. President, the Utah Symphony has become one of the best known and acclaimed symphonies in the western United States. With the completion of the new Symphony Hall in Salt Lake City the Utah Symphony has a permanent home. Over the years the symphony has gathered its support from a wide range of individual patrons, all with a common belief that the arts should be fostered by private donations so that the entire public might enjoy the beauty of the music it produces.

This past fall the Utah Symphony held a unique fundraising dinner to honor those persons who had contributed in some form to the cultural development of the United States. The common denominator to all of the people honored was that they all call Utah home. At this event a press information packet was released and I ask that it be printed in the RECORD as an example to other charitable groups throughout the United States as a means to raise funds from the private sector. I would point out that the Utah Symphony understands and supports the need for budget cuts, realizing full well that it places an additional burden upon their own fundraising efforts to make up the difference.

The material follows:

CELEBRITIES NIGHT WITH THE UTAH SYMPHONY

On October 23 the Utah Symphony honored 49 Utahans and former Utahans whose contributions to the arts, science, business, industry, government, education, religion and sports have won national and international recognition. The distinguished honorees, who made their way to Salt Lake City for "Celebrities Night with the Utah Symphony" at their own expense from both coasts and many points in between, all share one common characteristic—each calls Utah home or claims close ties to the state.

The celebrities were guests of honor at a pre-concert formal dinner donated by Salt Lake City's Little America Hotel, at a Utah Symphony benefit concert in Symphony Hall, with pianist Grant Johannesen, Music Director Varujan Kojian and Concertmaster William Preucil as soloists (the soloists donated their services), and at an after-concert buffet and reception hosted by Hotel Utah in conjunction with its anniversary celebration. The star-studded extravaganza proved to be the Utah Symphony's most successful fund-raiser on record, with proceeds approaching $400,000.

This unique concept in fund raising came as a direct response to the Reagan administration's efforts to balance the budget by asking the arts to bear their fair share of cuts in federal appropriations. The Utah Symphony Board applauds and fully supports President Reagan's efforts to fight inflation. (Interestingly, some of President Reagan's foremost advisers and supporters were among the honored celebrities—Dr. Richard Beal, Secretary T. H. Bell, Senators Jake Garn and Orrin Hatch, and Dr. Richard B. Wirthlin.) The Symphony staged the Celebrities Night benefit to demonstrate to music lovers around the country that Utahans will take the President's lead and come to the aid of those worthwhile organizations which, like the Symphony, add important dimensions to our quality of life. Over the years the outstanding support of Utah citizens has resulted in the phenomenal growth of the orchestra. The overwhelming response to Celebrities Night from around the state once again showed their commitment to the arts and their willingness to absorb their share of federal budget cuts.

Utahans and former Utahans who participated as celebrities in this historic event were:

Maurice Abravanel, music director laureate of the Utah Symphony;

Jack Anderson, nationally syndicated columnist;

Ellis L. Armstrong, one of the world's foremost engineering consultants;

Sam D. Battistone, president and co-owner of the Utah Jazz (National Basketball Association);

Richard S. Beal, director of planning and evaluation at the White House;

T. H. Bell, U.S. Secretary of Education;

Ezra Taft Benson, president, Council of the Twelve, Church of Jesus Christ of Latter-day Saints (LDS), and former U.S. Secretary of Agriculture;

Clark Bronson, nationally acclaimed wildlife artist and sculptor;

Billy Casper, one of the top golfers of all time;

Robert L. Chambers, chairman and president, Envirotech Corporation;

William F. Christensen, co-founder and former artistic director, Ballet West;

Maxine Conder, former director, Navy Nurse Corps;

Adrian Dantley, Utah Jazz, leading 1980–81 NBA scorer;

George S. Eccles, chairman, First Security Corporation, and former chairman, International Monetary Conference;

Henry Eyring, world famous chemist;

Avard Fairbanks, award-winning sculptor;

Arnie Ferrin, University of Utah athletic director, former collegiate All-American and pro basketball player;

Herman L. Franks, general manager, Chicago Cubs;

David P. Gardner, president, University of Utah;

Jake Garn, U.S. Senator (Utah);

Anthony Geary, star of "General Hospital";

Orrin G. Hatch, U.S. Senator (Utah);

Grant Johannesen, world renowned pianist;

David M. Kennedy, former U.S. Secretary of the Treasury;

Spencer W. Kimball, president, LDS Church;

Willem J. Kolff, pioneer in the development of artificial organs;

Esther R. Landa, past president, National Council of Jewish Women;

Vernon Law, former pitcher, Pittsburgh Pirates, winner of Cy Young Award;

Arch L. Madsen, president, Bonneville International Corporation;

J. Willard Marriott, founder and chairman, Marriott Corporation;

Scott M. Matheson, Governor of Utah;

Kieth Merrill, Academy Award-winning motion picture director;

Glenn E. Nielson, founder of Husky Oil, chairman of Nielson Enterprises;

Esther E. Peterson, honorary president, National Consumers League, and adviser to three Presidents;

Calvin L. Rampton, former three-term governor of Utah;

George W. Romney, former governor of Michigan and U.S. Secretary of Housing and Urban Development;

Howard Ruff, author of *How to Prosper During the Coming Bad Years;*

John W. Ryan, president, Indiana University;

Alexander Schreiner, Salt Lake Tabernacle organist for over 50 years;

Brent Scowcroft, Lt. General, U.S. Air Force, prominent military educator and Presidential adviser;

Belle S. Spafford, president of the Relief Society (women's organization, LDS Church) for 29 years, past president of National Council of Women;

N. Eldon Tanner, first counselor, First Presidency, LDS Church, and prominent Canadian industrialist and politician;

Obert C. Tanner, founder and chief executive officer, O. C. Tanner Jewelry, educator, author, lawyer, philanthropist;

Dian Thomas, author of *Roughing It Easy,* star of radio and television;

E. Parry Thomas, chairman, Valley Bank of Nevada, leading financier;

Glenn Walker Wallace, influential in founding of Utah Symphony and Ballet West;

O. Meredith Wilson, past president, Universities of Oregon and Minnesota;

Maxwell M. Wintrobe, world renowned hematologist, past president of American and International Societies of Hematology;

Richard B. Wirthlin, chief strategist, 1980 Reagan Presidential campaign, and president of Decision Making Information.

Numerous individuals and organizations made substantial contributions to the Utah Symphony in connection with the Celebrities Night festivities. A unique way of selling the $100 tickets to the event was packaging them in blocks of 50. The blocks were then offered to businesses for $5000 a block. A purchaser of a block of tickets received as a special bonus the privilege of hosting a table at the pre-concert dinner where one of the celebrities and his or her partner were seated.

Little America contributed the pre-concert banquet for 425 Maestro Club members, celebrities, hosts and other honored guests. Likewise Hotel Utah donated an after-concert buffet-reception attended by most of the 2800 ticket holders. The United Nations Association of Utah, the Salt Lake Chamber Ensemble, Alan Frank & Associates, Edison Street Recording, KSL-TV, Nordstrom, ZCMI, and press and broadcasting organizations throughout the state also contributed to the evening's success through the donation of goods and services.

A 15-member committee chaired by Dr. R. J. Snow, vice president of both the Utah Symphony and the University of Utah, spent some three months planning and co-

ordinating this unique fundraiser under the direction of Symphony President Wendell J. Ashton. Working with Dr. Snow on the Celebrities Night Committee were Arch L. Madsen (ticket chairman), Fred S. Ball, Veronica O. Bettinson, Mrs. Dan S. Bushnell, LoiAnne Eyring, Alan F. Frank, Alison A. Gregersen, Herold L. Gregory, Betty L. Kay, Kenneth R. Lord, Ronald L. Rencher, David K. Richards, J. Gary Sheets and Ray L. White.

In the weeks since the benefit occurred, letters and telegrams of thanks and congratulations have been pouring in to Mr. Ashton. Clark Bronson was "impressed with the entire evening—the dinner, the performance of the Symphony, Symphony Hall, and the reception at Hotel Utah afterward." Robert L. Chambers called it "one of the best managed, most creative and pleasant events I ever attended. The superb performance by the orchestra in your magnificent Symphony Hall was the crowning touch." Arnie Ferrin congratulated Mr. Ashton on "an enjoyable evening, done with your usual flair for excellence." "A grand occasion," wrote Esther R. Landa, "done magnificently in every detail." Other comments were: "a wonderful and special evening"—Vernon Law; "extremely well done"—Arch L. Madsen; "an evening long remembered"—Esther Peterson; "an unusually happy experience"—Belle S. Spafford; "one of the most memorable days of my life"—Dian Thomas; "a glorious night . . . a breathtaking combination"—O. Meredith Wilson.●

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. BAKER. Mr. President, I should like to make a change in the schedule. I have consulted with the minority leader. Although I do not see him in the immediate vicinity of his desk, I am prepared to say he is in agreement with this change in schedule.

Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS TOMORROW UNTIL TUESDAY, FEBRUARY 2, 1982, AT 11 A.M.

Mr. BAKER. Mr. President, earlier it had been announced and I believe there is an order that after the Senate completes its business today, it stand in recess until Monday next. In view of the colloquy conducted with the minority leader in respect of Senate Resolution 20, the television debate measure, and since we cannot reach that consensus on Monday, it seems better to come in on Tuesday. Therefore, I ask unanimous consent that when the Senate completes its business on Friday, tomorrow, it stand in recess until the hour of 11 o'clock on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR QUAYLE AND SENATOR BENTSEN ON TUESDAY, FEBRUARY 2, 1982

Mr. BAKER. Mr. President, I ask unanimous consent that on Tuesday, February 2, when the Senate reconvenes, special orders in favor of the following Senators in the following order be entered: The Senator from Indiana (Mr. QUAYLE) and the Senator from Texas (Mr. BENTSEN).

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—PROTOCOL OF NORTH ATLANTIC TREATY ON THE ACCESSION OF SPAIN

Mr. BAKER. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from a protocol to the North Atlantic Treaty on the accession of Spain, signed in Brussels on December 10, 1981, on behalf of the United States and the other parties to the North Atlantic Treaty (Treaty Document No. 97-22), transmitted to the Senate on January 26, 1982, by the President of the United States, and ask that the protocol be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The message of the President is as follows:)

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a certified copy of a protocol to the North Atlantic Treaty on the accession of Spain, signed in Brussels on December 10, 1981 on behalf of the United States and the other parties to the North Atlantic Treaty. I transmit also for the information of the Senate the report made to me by the Secretary of State regarding this matter.

Spain's rededication to the values and purposes underlying the North Atlantic Treaty, and her decision to seek full partnership in the effort to maintain Western security, are historic developments and a source of inspiration in these troubled times. Spain's strategic location, and human and material resources, will make a major contribution to the security of the Alliance. Accordingly, I urge that the Senate give early and favorable consideration to this protocol.

RONALD REAGAN.

THE WHITE HOUSE, *January 26, 1982.*

ORDER FOR JOINT MEETING WITH THE HOUSE OF REPRESENTATIVES ON APRIL 21, 1982

Mr. BAKER. Mr. President, I ask unanimous consent that on April 21, 1982, the Senate join with the House of Representatives to hold a joint meeting for the purpose of hearing an address from Queen Beatrix of the Netherlands.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECORD TO REMAIN OPEN TODAY UNTIL 5 P.M. AND AUTHORIZATION FOR COMMITTEES TO FILE REPORTS RELATED TO FUNDING RESOLUTIONS UNTIL 3 P.M. ON FRIDAY, JANUARY 29, 1982

Mr. BAKER. Mr. President, rule XXVI, paragraph 9, provides that the annual authorization resolution of any committee shall not be offered later than January 31 of any year, with exceptions that are not pertinent at this time. Inasmuch as January 31 falls on a weekend this year, I ask unanimous consent that on Friday, January 29, committees may have until the hour of 3 p.m. in which to file reports related to funding resolutions and that, today, the RECORD may remain open until 5 p.m. for the filing of bills, resolutions, and reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMISSION TO BROADCAST IN THE UNITED STATES THE INTERNATIONAL COMMUNICATION AGENCY FILM "LET POLAND BE POLAND: A DAY OF SOLIDARITY WITH THE PEOPLE OF POLAND"

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House on House Joint Resolution 382, a joint resolution to provide for the release within the United States of the U.S. International Communication Agency production "A Day of Solidarity," and I ask for its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A House joint resolution (H.J. Res. 382) to permit the broadcasting in the United States of the International Communication Agency film "Let Poland Be Poland: A Day of Solidarity With the People of Poland".

The PRESIDING OFFICER. Without objection, the joint resolution will be considered as having been read the second time by title. Is there objection to the present consideration of the joint resolution?

Mr. BAKER. I am informed, Mr. President, that this resolution has

been cleared for immediate action by the other side.

There being no objection, the Senate proceeded to consider the House joint resolution.

Mr. PERCY. Mr. President, I am pleased to report that my colleagues on the Committee on Foreign Relations assented by overwhelming voice vote at the committee's business session on Tuesday to this joint resolution providing for release in the United States of the ICA film to be transmitted by satellite to the world of this Saturday's "A Day of Solidarity."

All Americans want to join in this protest at repression in Poland, and this plea that Poland be allowed to return to the free resolution of her own problems through free negotiation among Poles themselves, without the relentless Soviet pressure that inspired the present crackdown.

We cannot in conscience let this opportunity go by to stand up and be counted for the freedom of our Polish brothers and sisters.

Polish authorities and their Soviet advisers still have a choice. They can end the repression. If they do not, they will bear the full consequences.

To the people and nation of Poland, I join with all Americans who want to reach out in solidarity with them in their hour of need.

The House joint resolution (H.J. Res. 382) was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

ORDER OF PROCEDURE TOMORROW

Mr. WARNER. Mr. President, before the majority and minority leaders depart, it is my understanding that, quite possibly, tomorrow, we may anticipate final action on the bill introduced by Senator JACKSON, Senator THURMOND, and myself relating to Admiral Rickover, and that those Senators who may desire to be cosponsors have until tomorrow to indicate their desire and likewise to submit their statements.

Mr. BAKER. Mr. President, I ask unanimous consent to that effect.

May I say that I expect tomorrow there will be very little business transacted other than the matter just addressed by the Senator from Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank the distinguished majority leader.

Mr. BAKER. I also say, Mr. President, that there will be no rollcall votes on tomorrow.

MEETING OF THE TWO HOUSES IN COMMEMORATION OF THE 100TH ANNIVERSARY OF THE BIRTH OF PRESIDENT FRANKLIN DELANO ROOSEVELT

Mr. BAKER. Mr. President, is there an order for the further procession of the Senate to the House?

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess and proceed to the Hall of the House of Representatives for a joint meeting with the House in commemoration of the 100th anniversary of the birth of President Franklin Delano Roosevelt.

At 10:41 a.m., the Senate, preceded by the Deputy Sergeant at Arms, Larry E. Smith; the Assistant Secretary of the Senate, Marilyn E. Courtot; and the Vice President, proceeded to the Hall of the House of Representatives.

RECESS UNTIL TOMORROW AT 11 A.M.

Thereupon, in accordance with the order previously entered, at 10:41 a.m., the Senate recessed until Friday, January 29, 1982, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate January 28, 1982:

DEPARTMENT OF STATE

Fred J. Eckert, of New York, to be Ambassador Extraordinary Plenipotentiary of the United States of America to Fiji, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kiribati, Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Tonga, and Ambassador Extraordinary and Plenipotentiary of the United States of America to Tuvalu.

THE JUDICIARY

Robert B. Krupansky, of Ohio, to be United States Circuit Judge for the Sixth Circuit, vice Paul C. Weick, retired.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

James L. George, of Maryland, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency, vice Charles N. Van Doren, resigned.

Norman Terrell, of California, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency, vice Thomas D. Davies, resigned.

IN THE COAST GUARD

The following officers of the U.S. Coast Guard for promotion to the grade of rear admiral:

Capt. James C. Irwin, USCG.
Capt. Bobby F. Hollingsworth, USCG.
Capt. Edward Nelson, Jr., USCG.
Capt. Clyde E. Robbins, USCG.

IN THE AIR FORCE

The following officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of chapter 837, title 10, United States Code:

To be major general

Brig. Gen. Richard D. Anderegg, xxx-xx-... FV, Air Force Reserve.
Brig. Gen. William A. Anders, xxx-xx-x... xxx-... FV, Air Force Reserve.
Brig. Gen. Sloan R. Gill, xxx-xx-x... FV, Air Force Reserve.
Brig. Gen. Thomas J. Gregory, xxx-xx-... FV, Air Force Reserve.
Brig. Gen. Donald M. Jenkins, xxx-xx... xxx-... FV, Air Force Reserve.
Brig. Gen. Donald J. Licker, xxx-xx-... FV, Air Force Reserve.
Brig. Gen. Vincent P. Luchsinger, Jr., xxx-xx-x... FV, Air Force Reserve.
Brig. Gen. Patrick J. Marckesano, xxx-... FV, Air Force Reserve.
Brig. Gen. James W. Taylor, xxx-xx-... xxx... FV, Air Force Reserve.

To be brigadier general

Col. Donald G. Aten, xxx-xx-xxxx FV, Air Force Reserve.
Col. Howard L. Brainin, xxx-xx-xxxx FV, Air Force Reserve.
Col. Charles R. Cargill, xxx-xx-xxxx FV, Air Force Reserve.
Col. Herman J. Carpenter, xxx-xx-xxxx FV, Air Force Reserve.
Col. William L. Harper, xxx-xx-xxxx FV, Air Force Reserve.
Col. Leonard W. Hegland, xxx-xx-xxxx FV, Air Force Reserve.
Col. Arthur H. Hutton, xxx-xx-xxxx FV, Air Force Reserve.
Col. Herbert H. Kaiser, Jr., xxx-xx-... xxx-x... FV, Air Force Reserve.
Col. Charles A. Kelly, xxx-xx-xxxx FV, Air Force Reserve.
Col. Marc M. McClelland, xxx-xx-xxxx FV, Air Force Reserve.
Col. William B. McDaniel, xxx-xx-xxxx FV, Air Force Reserve.
Col. Byron E. Mills, Jr., xxx-xx-xxxx FV, Air Force Reserve.
Col. Robert G. Mortensen, xxx-xx-xxxx FV, Air Force Reserve.
Col. Richard A. Northrup, xxx-xx-xxxx FV, Air Force Reserve.
Col. Charles R. Parrott, xxx-xx-xxxx FV, Air Force Reserve.
Col. Walter L. Saur, xxx-xx-xxxx FV, Air Force Reserve.
Col. Roger P. Scheer, xxx-xx-xxxx FV, Air Force Reserve.

IN THE AIR FORCE

The following officers for appointment in the U.S. Air Force to the grade of brigadier general, under the provisions of chapter 36, title 10 of the United States Code:

Col. Joseph A. Ahearn, xxx-xx-xxxx FR, Regular Air Force.
Col. Thomas A. Baker, xxx-xx-xxxx FR, Regular Air Force.
Col. Thomas P. Ball, Jr., xxx-xx-xxxx FR, Regular Air Force, Medical.
Col. Richard S. Beyea, Jr., xxx-xx-xxxx FR, Regular Air Force.
Col. Robert C. Beyer, Jr., xxx-xx-xxxx FR, Regular Air Force.
Col. Anthony J. Burshnick, xxx-x... xxx-... FR, Regular Air Force.
Col. Henry D. Canterbury, x... xxx-... FR, Regular Air Force.
Col. Vernon Chong, xxx-xx-xxxx FR, Regular Air Force, Medical.
Col. Donald L. Cromer, xxx-xx-xxxx FR, Regular Air Force.
Col. James L. Crouch, xxx-xx-xxxx FR, Regular Air Force.
Col. Alexander K. Davidson, xxx-xx... FR, Regular Air Force.

Col. James B. Davis, xxx-xx-xxxx FR, Regular Air Force.
Col. Lee A. Denson, Jr., xxx-xx-xxxx FR, Regular Air Force.
Col. Larry D. Dillingham, xxx-xx-xxxx FR, Regular Air Force.
Col. Robert D. Eaglet, xxx-xx-xxxx FR, Regular Air Force.
Col. George E. Ellis, xxx-xx-xxxx FR, Regular Air Force.
Col. Jack K. Farris, xxx-xx-xxxx FR, Regular Air Force.
Col. Eugene H. Fischer, xxx-xx-xxxx FR, Regular Air Force.
Col. Gordon E. Fornell, xxx-xx-xxxx FR, Regular Air Force.
Col. Wilfred L. Goodson, xxx-xx-xxxx FR, Regular Air Force.
Col. Lee V. Greer, xxx-xx-xxxx FR, Regular Air Force.
Col. Albert C. Guidotti, xxx-xx-... FR, Regular Air Force.
Col. Ralph E. Havens, xxx-xx-xxxx FR, Regular Air Force.
Col. Donald W. Henderson, xxx-xx-... FR, Regular Air Force.
Col. Jerry D. Holmes, xxx-xx-xxxx FR, Regular Air Force.
Col. Charles A. Horner, xxx-xx-xxxx FR, Regular Air Force.
Col. Bradley C. Hosmer, xxx-xx-... FR, Regular Air Force.
Col. Wayne O. Jefferson, Jr., xxx-xx-... FR, Regular Air Force.
Col. Kenneth R. Johnson, xxx-xx-xxxx FR, Regular Air Force.
Col. Robert L. Kirtley, xxx-xx-xxxx FR, Regular Air Force.
Col. Donald J. Kutyna, xxx-xx-xxxx FR, Regular Air Force.
Col. Wayne W. Lambert, xxx-xx-xxxx FR, Regular Air Force.
Col. Thomas A. LaPlante, xxx-xx-xxxx FR, Regular Air Force.
Col. Mary A. Marsh, xxx-xx-xxxx FR, Regular Air Force.
Col. Paul H. Martin, xxx-xx-xxxx FR, Regular Air Force.
Col. Monte D. Montgomery, xxx-xx-xxxx 5276FR, Regular Air Force.
Col. Donald L. Moore, xxx-xx-xxxx FR, Regular Air Force.
Col. Stanton R. Musser, xxx-xx-xxxx FR, Regular Air Force.
Col. Robert A. Norman, xxx-xx-xxxx FR, Regular Air Force.
Col. Robert W. Norris, xxx-xx-xxxx FR, Regular Air Force, Judge Advocate.
Col. Kenneth W. North, xxx-xx-xxxx FR, Regular Air Force.
Col. Richard M. Pascoe, xxx-xx-xxxx FR, Regular Air Force.
Col. Richard A. Pierson, xxx-xx-xxxx FR, Regular Air Force.
Col. Albert L. Pruden, Jr., xxx-xx-xxxx FR, Regular Air Force.
Col. Clifford H. Rees, Jr., xxx-xx-xxxx FR, Regular Air Force.
Col. Robert L. Rutherford, xxx-xx-... xxx-x... FR, Regular Air Force.
Col. Paul N. Scheidel, xxx-xx-xxxx FR, Regular Air Force.
Col. John C. Scheidt, Jr., xxx-xx-xxxx FR, Regular Air Force.
Col. Alexander M. Sloan, xxx-xx-xxxx FR, Regular Air Force, Medical.
Col. Donald C. Smith, xxx-xx-xxxx FR, Regular Air Force.
Col. Leo W. Smith II, xxx-xx-xxxx FR, Regular Air Force.
Col. Ralph E. Spraker, xxx-xx-xxxx FR, Regular Air Force.
Col. Samuel H. Swart, Jr., xxx-xx-xxxx FR, Regular Air Force.
Col. John H. Voorhees, xxx-xx-xxxx FR, Regular Air Force.
Col. Claudius E. Watts III, xxx-xx-... FR, Regular Air Force.
Col. David H. Williams, Jr., xxx-xx-... FR, Regular Air Force.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 601, in grade as follows:

To be general

Lt. Gen. Richard Edward Cavazos, xxx-xx-x... xxx-... Army of the United States (major general, U.S. Army).

IN THE ARMY

The U.S. Army Reserve officers named herein for appointment as Reserve Commissioned Officers of the Army, under the provisions of title 10, United States Code, sections 593(a), 3371 and 3384:

To be major general

Brig. Gen. Anthony H. Conrad, Jr., xxx-... xxx-xx-x...
Brig. Gen. Robert G. Ownby, xxx-xx-xxxx.
Brig. Gen. Manila G. Shaver, xxx-xx-xxxx.

To be brigadier general

Col. Randall W. Bell, xxx-xx-xxxx.
Col. David M. Burner, Jr., xxx-xx-x...
Col. Joseph M. Cannon, xxx-xx-xxxx.
Col. Murray E. Cantrall, xxx-xx-xxxx.
Col. Keith L. Hargrove, xxx-xx-x...
Col. Roy L. Nelson, xxx-xx-xxxx.
Col. Elvin J. Schofield, xxx-xx-xxxx.
Col. Charles J. Whisnant, xxx-xx-xxxx.

The Army National Guard of the U.S. officers named herein for appointment as Reserve Commissioned Officers of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3385:

To be major general

Brig. Gen. Glenn H. Kothmann, xxx-xx-... xxx-...
Brig. Gen. James Q. Simmons III, xxx-xx-...

To be brigadier general

Col. Lawrence P. Flynn, xxx-xx-xxxx
Col. Walter H. Grimes, xxx-xx-xxxx
Col. Robert J. Irvin, xxx-xx-xxxx
Col. William A. Jackson, xxx-xx-xxxx
Col. Jerome M. Shinaver, Jr., xxx-xx-xxxx
Col. Leah W. Stallings, xxx-xx-xxxx
Col. Donald E. Stone, xxx-xx-xxxx
Col. Gilbert J. Sullivan, xxx-xx-xxxx

The Army National Guard of the United States officers named herein for appointment as Reserve Commissioned Officers of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3392:

To be major general

Brig. Gen. Charles M. Kiefner, xxx-xx-x... xxx-x...
Brig. Gen. Robert M. Morgan, xxx-xx-xxxx

To be brigadier general

Col. Guillermo H. Barbosa, xxx-xx-xxxx
Col. Darden J. Bourne, xxx-xx-xxxx
Col. Richard I. Braund, xxx-xx-xxxx
Col. Forest W. Brice, xxx-xx-xxxx
Col. Lawrence B. Campbell, xxx-xx-xxxx
Col. William P. Cody, xxx-xx-xxxx

IN THE NAVY

The following-named captains of the Navy for promotion to the permanent grade of commodore in the staff corps, as indicated, pursuant to title 10, United States Code, section 624, subject to qualification therefor as provided by law:

MEDICAL CORPS

Joseph S. Cassells

SUPPLY CORPS

Carl R. Webb, Jr. Stuart F. Platt
John H. Ruehlin

CIVIL ENGINEER CORPS

John C. Fraser, Jr.

DENTAL CORPS

Richard G. Shaffer

MEDICAL SERVICE CORPS

Lewis E. Angelo

IN THE NAVY

The following-named captains of the line of the Navy for promotion to the permanent grade of commodore, pursuant to title 10, United States Code, Section 624, subject to qualification therefor as provided by law:

Unrestricted line officers

Robert E. Klee
James M. G. Seely
Richard F. Donnelly
Don G. Primeau
Roger O. Simon
Harry K. Fiske
James M. Gleim
Diego E. Hernandez
Daniel J. Wolkensdorfer
John R. Wilson, Jr.
"E" Inman Carmichael
John S. Disher
Frank W. Butterworth III
James F. Dorsey, Jr.
William D. Zirbel
Robert S. Owens
William M. Fogarty
Henry F. Boyle, Jr.
Stewart A. Ring
Burnham C. McCaffree, Jr.
Dudley L. Carlson
Leon A. Edney
Gerald L. Riendeau
David W. Cockfield
Hugh L. Webster
Robert H. Shumaker
Oakley E. Osborn
Richard C. Ustick
Jack N. Darby
David E. Jeremiah
Theodore E. Lewin
Ronald M. Eytchison
Dennis M. Brooks

Engineering duty officers

David P. Donohue Myron V. Ricketts

Aeronautical engineering duty officers

William J. Finneran John C. Weaver

Special duty officer (Public Affairs)

Jack A. Garrow

IN THE AIR FORCE

The following-named officers for permanent promotion in the U.S. Air Force, under the appropriate provisions of chapter 36, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force:

DENTAL CORPS

To be colonel

Aarestad, Jack C., xxx-xx-xxxx
Andres, Carl J., xxx-xx-xxxx
Appeldoorn, Ronald E., xxx-xx-xxxx
Barad, Leonard R., xxx-xx-xxxx
Beidler, Donald B., xxx-xx-xxxx
Couture, Paul P., xxx-xx-xxxx
Dettmann, Darryl D., xxx-xx-xxxx
DeWitt, Dennis H., xxx-xx-xxxx
Harrold, Charles Q., xxx-xx-xxxx
Hedrick, Michael C., xxx-xx-xxxx
Koutnik, Alfred W., xxx-xx-xxxx
Kutz, Paul L., xxx-xx-xxxx
Lawless, John E., xxx-xx-xxxx
McLees, James K., xxx-xx-xxxx
Moretsky, Howard, xxx-xx-xxxx
Skweir, Michael J., Jr., xxx-xx-xxxx
Smith, Jared H., xxx-xx-xxxx
Solberg, Peter E., xxx-xx-xxxx
Wongwai, George W., xxx-xx-xxxx

MEDICAL CORPS

To be colonel

Avilescollado, Alberto, xxx-xx-xxxx
Baser, Ali N., xxx-xx-xxxx

Bellas, Richard C., xxx-xx-xxxx
Bost, Charles R., xxx-xx-xxxx
Buttemiller, Robert, xxx-xx-xxxx
Chambers, William D., xxx-xx-xxxx
Claflin, Dale G., xxx-xx-xxxx
Dattilo, Frank S., xxx-xx-xxxx
Fielding, John D., Jr., xxx-xx-xxxx
Foshee, William S., xxx-xx-xxxx
Francisco, Edgardo C., xxx-xx-xxxx
Hardison, Cary D., xxx-xx-xxxx
Harford, Francis J., Jr., xxx-xx-xxxx
Hauth, John C., xxx-xx-xxxx
Henrikson, Ronald A., xxx-xx-xxxx
Honaker, Richard E., xxx-xx-xxxx
Humbert, Paul V., Jr., xxx-xx-xxxx
Jenkins, Douglas W., Jr., xxx-xx-xxxx
Jones, Al E., xxx-xx-xxxx
Kendall, Wayne F., Jr., xxx-xx-xxxx
Kennedy, Russell V., xxx-xx-xxxx
Kindley, Robert T., xxx-xx-xxxx
Lentz, Gary D., xxx-xx-xxxx
Maffet, Charles K., xxx-xx-xxxx
Martin, Harvey C., xxx-xx-xxxx
Mataban, Antonio A. B., xxx-xx-xxxx
Nepomuceno, Normando R., xxx-xx-xxxx
Olson, James E., xxx-xx-xxxx
Osteen, Frank B., xxx-xx-xxxx
Payen, Hermilando P., xxx-xx-xxxx
Rainess, Alan E., xxx-xx-xxxx
Reid, Michael J., xxx-xx-xxxx
Smith, Hugh N., xxx-xx-xxxx
Sorrells, Timothy L., xxx-xx-xxxx
Thomas, Robert F., xxx-xx-xxxx
Ulrich, Richard A., xxx-xx-xxxx
Viscardi, Andrew C., xxx-xx-xxxx
Vizcarrondo, Felipe E., xxx-xx-xxxx
Wolborsky, Martin, xxx-xx-xxxx

DENTAL CORPS

To be lieutenant colonel

Achterberg, Robert J., xxx-xx-xxxx
Bennett, Marvin R., xxx-xx-xxxx
Bowman, Larry R., xxx-xx-xxxx
Buhrow, Bruce A., xxx-xx-xxxx
Collins, David C., xxx-xx-xxxx
Crout, Danny K., xxx-xx-xxxx
Cyr, John L., Jr., xxx-xx-xxxx
Ebright, Craig S., xxx-xx-xxxx
Edwards, Paul A., xxx-xx-xxxx
Gallagher, Steven J., xxx-xx-xxxx
Hablitzel, Matthew L., xxx-xx-xxxx
Hartsfield, Charles E., Jr., xxx-xx-xxxx
Herber, Hobert E., xxx-xx-xxxx
Howell, Richard E., xxx-xx-xxxx
Jacobs, Thomas L., xxx-xx-xxxx
Jennings, Robert G., xxx-xx-xxxx
Labbous, Salem E., Jr., xxx-xx-xxxx
Lee, David A., xxx-xx-xxxx
Lipsinic, Francis E., xxx-xx-xxxx
Mendoza, Mario M., xxx-xx-xxxx
Nelson, Curtis O., xxx-xx-xxxx
Neilsen, Christen J., xxx-xx-xxxx
Occhialino, Richard D., xxx-xx-xxxx
Parmann, Donald F., xxx-xx-xxxx
Perkin, Robert F., xxx-xx-xxxx
Piccinino, Michael V., xxx-xx-xxxx
Seaman, Frank E., xxx-xx-xxxx
Smith, Alan A., xxx-xx-xxxx
Sorum, Larry N., xxx-xx-xxxx
Stein, Lester D., xxx-xx-xxxx
Trebilcock, Charles E., Jr., xxx-xx-xxxx
Valko, Robert M., xxx-xx-xxxx
Vogel, James J., xxx-xx-xxxx
Waldrop, Thomas C., xxx-xx-xxxx
Wisdom, Sidney C., xxx-xx-xxxx
Zion, Harvey S., xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

Agresti, Francis L., xxx-xx-xxxx
Andrada, Adolfo A., xxx-xx-xxxx
Angstadt, Terry L., xxx-xx-xxxx
Arnett, Marion L., Jr., xxx-xx-xxxx
Aubrey, Howard L., xxx-xx-xxxx
Bandolon, Pura K., xxx-xx-xxxx
Bradley, Winston E., Jr., xxx-xx-xxxx
Brandon, Gary K., xxx-xx-xxxx
Burch, John E., Jr., xxx-xx-xxxx
Cadiz, Leticia M., xxx-xx-xxxx
Castro, Carlos A., xxx-xx-xxxx
Cohen, Daniel L., xxx-xx-xxxx
Congdon, David R., xxx-xx-xxxx
Coscia, John L., Jr., xxx-xx-xxxx
Covani, Ricardo N., xxx-xx-xxxx
Crow, Ronald M., xxx-xx-xxxx
Davis, Richard F., xxx-xx-xxxx
Degrano, Araceli C., xxx-xx-xxxx
Deorio, James K., xxx-xx-xxxx
Depra, Rogelio Doromal, xxx-xx-xxxx
Dever, Robert L., xxx-xx-xxxx
Duque, Salvador T., xxx-xx-xxxx
Dyer, Brien W., xxx-xx-xxxx
Fabian, George T., xxx-xx-xxxx
Fermin, Romeo C., xxx-xx-xxxx
Gillespie, Ritchie P., xxx-xx-xxxx
Golle, Rogelio F., xxx-xx-xxxx
Gomez, Santos T., xxx-xx-xxxx
Gomeztellez, Atilano L., xxx-xx-xxxx
Gormley, William T., xxx-xx-xxxx
Gray, Mark B., xxx-xx-xxxx
Hahn, David Y., xxx-xx-xxxx
Haller, Carl A., xxx-xx-xxxx
Hardy, Marion J., xxx-xx-xxxx
Herbert, Timothy G., xxx-xx-xxxx
Herrera, Moses, xxx-xx-xxxx
Hong, Young M., xxx-xx-xxxx
Iturzaeta, Nenita F., xxx-xx-xxxx
Jones, James C., xxx-xx-xxxx
Kershaw, Charles H., III, xxx-xx-xxxx
Kupko, John J., II, xxx-xx-xxxx
Laipple, Douglas K., xxx-xx-xxxx
Liang, Chang Y., xxx-xx-xxxx
Lifshutz, David M., xxx-xx-xxxx
Lim, Leoniso C., xxx-xx-xxxx
Lockett, John S., xxx-xx-xxxx
Love, Tommy L., xxx-xx-xxxx
Manuel, Emanuele L., xxx-xx-xxxx
Marsh, Byron P., xxx-xx-xxxx
Mauad, Amable, xxx-xx-xxxx
McCracken, John W., Jr., xxx-xx-xxxx
McDonald, Edward C., xxx-xx-xxxx
McKiernan, Thomas L., xxx-xx-xxxx
Means, Robert T., xxx-xx-xxxx
Mendoza, Gliceria M., xxx-xx-xxxx
Minnick, Larry C., xxx-xx-xxxx
Mitchell, Spencer G., xxx-xx-xxxx
Naranja, Rogelio D., xxx-xx-xxxx
Nicholson, William D., III, xxx-xx-xxxx
Olivencia, Font Luis C., xxx-xx-xxxx
Parsons, David S., xxx-xx-xxxx
Pathak, Nirmal E., xxx-xx-xxxx
Patterson, George W., xxx-xx-xxxx
Poppell, Samuel E., xxx-xx-xxxx
Powell, Stephen T., xxx-xx-xxxx
Rashid, Edward R., xxx-xx-xxxx
Reddy, Ramasahayam A., xxx-xx-xxxx
Rejai, Michael A., xxx-xx-xxxx
Reyes, Eulalia P., xxx-xx-xxxx
Riddle, Forrest A., Jr., xxx-xx-xxxx
Roberts, William E., xxx-xx-xxxx
Roller, Jeffrey L., xxx-xx-xxxx
Saettone, Eduardo C., xxx-xx-xxxx
Scriggins, Alan L., xxx-xx-xxxx
Shaffer, Paul J., xxx-xx-xxxx
Shelton, David K., Jr., xxx-xx-xxxx
Sonoda, Takuo, xxx-xx-xxxx
Stratton, Robert F., Jr., xxx-xx-xxxx
Theodore, Guy D., xxx-xx-xxxx
Vanhal, Marvin E., xxx-xx-xxxx
Ward, Robert C., xxx-xx-xxxx
Weiland, Frederick L., xxx-xx-xxxx
Williams, Robert L., Jr., xxx-xx-xxxx
Yurkosky, Theodore P., xxx-xx-xxxx
Zaveruha, Paul A., xxx-xx-xxxx

DENTAL CORPS

To be major

Abel, John R., xxx-xx-xxxx
Anderson Larry D., xxx-xx-xxxx
Bader, Barrett W., xxx-xx-xxxx
Bandoni, Lawrence W., xxx-xx-xxxx
Barringer, Peter S., xxx-xx-xxxx
Basden, James W., xxx-xx-xxxx
Beasley, Michael W., xxx-xx-xxxx
Beaumont, Robert H., xxx-xx-xxxx
Beck, Brian W., xxx-xx-xxxx
Bowman, Tommy E., xxx-xx-xxxx
Branting, William S., xxx-xx-xxxx
Burrows, Charles A., Jr., xxx-xx-xxxx
Butasek, Joseph J., xxx-xx-xxxx
Canaan, Richard L., xxx-xx-xxxx
Carson, John T., xxx-xx-xxxx
Cecere, Joseph C., xxx-xx-xxxx
Chamberlain, Lyle B., xxx-xx-xxxx
Chance, David A., xxx-xx-xxxx
Chidley, Craig H., xxx-xx-xxxx
Clark, Starr W., xxx-xx-xxxx
Cohen, Louis, xxx-xx-xxxx
Cohen, Terrell, xxx-xx-xx...
Collins, Neil A., xxx-xx-xxxx
Cottrell, Stephen M., xxx-xx-xxxx
Crane, Gerald R., xxx-xx-xxxx
Davenport, William L., xxx-xx-xxxx
Davis, Samuel P., xxx-xx-xxxx
Dazey, Steven E., xxx-xx-xxxx
Deeley, William S., xxx-xx-xxxx
Dent, Michael E., xxx-xx-xxxx
Dilorenzo, Scott C., xxx-xx-xxxx
Dixon, Dennis C., xxx-xx-xxxx
Dunbar, James M., xxx-xx-xxxx
Ellis, James R., xxx-xx-xxxx
Falsey, David W., xxx-xx-xxxx
Felt, McLane H., xxx-xx-xxxx
Forsythe, Steven A., xxx-xx-xxxx
Foster, Carl D., xxx-xx-xxxx
Gaines, George W., xxx-xx-xxxx
Gant, Raymond C., xxx-xx-xxxx
Gibson, Donald P., xxx-xx-xxxx
Girvan, Thomas B., xxx-xx-xxxx
Gordon, Wendell T., xxx-xx-xxxx
Graham, Benjamin P., xxx-xx-xxxx
Harvey, Joseph M., xxx-xx-xxxx
Hebertson, Scott, xxx-xx-xxxx
Henderson, Charles W., xxx-xx-xxxx
Hu, Vincent C. H., xxx-xx-xxxx
Jacobs, Michael S., xxx-xx-xxxx
Johnson, Robert S., xxx-xx-xxxx
King, Christopher L., xxx-xx-xxxx
King, Thomas N., xxx-xx-xxxx
Koeppen, Raymond G., xxx-xx-xxxx
Kois, John C., xxx-xx-xxxx
Kretzschmar, Samuel L. Jr., xxx-xx-xxxx
Larsen, Robert B., xxx-xx-xxxx
Leonardson, Gregg A., xxx-xx-xxxx
Lillard, Timothy L., xxx-xx-xxxx
Luethke, Larry D., xxx-xx-xxxx
May, David L., xxx-xx-xxxx
McGuff, Howard S., xxx-xx-xxxx
McHenry, Michael A., xxx-xx-xxxx
Messersmith, Marion L., xxx-xx-xxxx
Miller, Brock C., xxx-xx-xxxx
Mills, Shannon E., xxx-xx-xxxx
Montgomery, Carlton L., xxx-xx-xxxx
Morad, Branden G., xxx-xx-xxxx
Nelson, Charles L., xxx-xx-xxxx
Newland, Timothy B., xxx-xx-xxxx
Orr, Richard K., xxx-xx-xxxx
Palmer, David S., xxx-xx-xxxx
Paolillo, Robert C., xxx-xx-xxxx
Parrish, Lawrence C., xxx-xx-xxxx
Pinkerton, Kenneth C., xxx-xx-xxxx
Reagan, Stephen E., xxx-xx-xxxx
Roberts, Frank T., Jr., xxx-xx-xxxx
Roberts Michael J., Jr., xxx-xx-xxxx
Ryles, Robert L., xxx-xx-xxxx
Sallustio, Frank W., xxx-xx-xxxx
Schwartz, Richard S., xxx-xx-xxxx
Seifert, John H., xxx-xx-xxxx
Smith, Keith S., II, xxx-xx-xxxx
Sokolowsky, Melvin J., xxx-xx-xxxx
Solberg, Ronald E., xxx-xx-xxxx
Spielberger, Michael C., xxx-xx-xxxx
Starr, Clifford B., xxx-xx-xxxx
Stewart, Charles D., xxx-xx-xxxx

Strauss, Steven A., xxx-xx-xxxx
Suber, Leitzsey Y., xxx-xx-xxxx
Sudholt, Alex E., xxx-xx-xxxx
Thompson, William E., xxx-xx-xxxx
Torresvazquez, Manuel, xxx-xx-xxxx
Vitale, John W., xxx-xx-xxxx
Wade, Byron M., xxx-xx-xxxx
Walker, Michael J., xxx-xx-xxxx
Warren, Laurence A., xxx-xx-xxxx
Weichel, Erwin, xxx-xx-xxxx
Wendt, Stanley, L., Jr., xxx-xx-xxxx
White, John C., xxx-xx-xxxx
Wilson, Steven R., xxx-xx-xxxx
Wood, Leighton W., xxx-xx-xxxx
Zurasky, John E., xxx-xx-xxxx

MEDICAL CORPS

To be major

Abdel, Aziz Mohamed I., xxx-xx-xxxx
Abernathie, Dennis L., xxx-xx-xxxx
Abraham, Robert E., xxx-xx-xxxx
Acker, William R., xxx-xx-xxxx
Adams, Jay S., xxx-xx-xxxx
Adams, Richard N., Jr., xxx-xx-xxxx
Alford, Anthony L., xxx-xx-xxxx
Allen, William M., xxx-xx-xxxx
Amendt, Wayne C., xxx-xx-xxxx
Amisial, Pierre A., xxx-xx-xxxx
Andersen, David A., xxx-xx-xxxx
Anderson, Neal K., xxx-xx-xxxx
Armstrong, Craig W., xxx-xx-xxxx
Arnold, Roy M., xxx-xx-xx...
Arroyo, Luis C., xxx-xx-xxxx
Atkins, Thomas N., xxx-xx-xxxx
Bailey, Thomas D., xxx-xx-xxxx
Barnard, Mark L., xxx-xx-xxxx
Barnhill, James E., III, xxx-xx-xxxx
Barr, Stephen J. xxx-xx-xxxx
Barsotti, Richard J., xxx-xx-xxxx
Bassett, David W., xxx-xx-xxxx
Batipps, Gerald P., xxx-xx-xxxx
Beall, Sandra C., xxx-xx-xxxx
Bednarski, Nicholas E., xxx-xx-xxxx
Bell, Verle L., xxx-xx-xxxx
Benavidez, Norma L., xxx-xx-xxxx
Benge, James M., xxx-xx-xxxx
Berdeaux, Donald H., xxx-xx-xxxx
Berkowitz, Ellen K., xxx-xx-xxxx
Bertin, Anthony P., xxx-xx-xxxx
Best, George S., xxx-xx-xxxx
Bhardwaj, Rana V. K., xxx-xx-xx...
Blackman, Jacques D., xxx-xx-xxxx
Blancarte, Gilbert, xxx-xx-xxxx
Boling, Eugene P., xxx-xx-xxxx
Bond, Robert K., xxx-xx-xxxx
Boran, Kevin J., xxx-xx-xxxx
Breidenstein, Thomas J., xxx-xx-xxxx
Brink, Lela W., xxx-xx-xxxx
Bronstein, Michael S., xxx-xx-xxxx
Brown, David M., xxx-xx-xxxx
Brown, Edward F., xxx-xx-xxxx
Brown, Kenneth A., xxx-xx-xxxx
Browning, Kenneth C., xxx-xx-xxxx
Brownlee, Harrison J., Jr., xxx-xx-xxxx
Bujold, Edward J., xxx-xx-xxxx
Carruth, Cynthia W., xxx-xx-xxxx
Carter, Russell P., Jr., xxx-xx-xxxx
Chandler, Richard D., xxx-xx-xxxx
Chandramohan, Balakrishnan, xxx-xx-xxxx
Cheshire, Howard J., xxx-xx-xxxx
Chu, Robert L., xxx-xx-xxxx
Church, Tommie G., xxx-xx-xxxx
Coble, Walter R., xxx-xx-xxxx
Conner, William H., xxx-xx-xxxx
Coonley, Craig J., xxx-xx-xxxx
Cooper, Robert L., Jr., xxx-xx-xxxx
Copeland, Payton N., xxx-xx-xxxx
Cox, Foy W., xxx-xx-xxxx
Cox, Stephen H., xxx-xx-xxxx
Crouch, Steven W., xxx-xx-xxxx
Cuchia, John F., xxx-xx-xxxx
Dalton, Jep P., Jr., xxx-xx-xxxx
Davis, Joseph E., Jr., xxx-xx-xxxx
Deckard, Patty S., xxx-xx-xxxx
Dell, Robert V., xxx-xx-xxxx
Deloria, John E., xxx-xx-xxxx
Dennison, Alan D., xxx-xx-xxxx
Dhingra, Rahul K., xxx-xx-xxxx
Dickerson, Michael J., xxx-xx-xxxx
Diehl, Steven L., xxx-xx-xxxx
Dietrich, Larry M., xxx-xx-xxxx
Dietrick, Richard F., xxx-xx-xxxx
Donner, Elwin M., III, xxx-xx-xxxx
Drude, Richard B., Jr., xxx-xx-xxxx
Dumic, John F., xxx-xx-xxxx
Duncan, Charles A., xxx-xx-xxxx
Eaves, James B., xxx-xx-xxxx
Egelhoff, John C., xxx-xx-xxxx
Eggertsen, Sam C., xxx-xx-xxxx
Emrick, Fred G., xxx-xx-xxxx
Erickson, Fred W., xxx-xx-xxxx
Erickstad, John A., xxx-xx-xxxx
Espinel, Alfonso R., xxx-xx-xxxx
Evans, Richard A., xxx-xx-xxxx
Fajardo, Mario E., xxx-xx-xxxx
Figueroa, Edgar A., xxx-xx-xxxx
Fillman, Stephen D., xxx-xx-xxxx
Finkenstadt, John F., xxx-xx-xx...
Fokakis, Arthur N., xxx-xx-xxxx
Frank, Howard W., Jr., xxx-xx-xxxx
Franklin, Gregory A., xxx-xx-xxxx
Fritz, Marc A., xxx-xx-xxxx
Furr, Wayne C., xxx-xx-xxxx
Gardner, Timothy J., xxx-xx-xxxx
Gillette, Robert K., xxx-xx-xxxx
Girton, Keith E., xxx-xx-xxxx
Glass, Larry T., xxx-xx-xxxx
Goff, Robert C., xxx-xx-xxxx
Goodman, Carey W., xxx-xx-xxxx
Goodstein, Richard S., xxx-xx-xxxx
Gordon, Jack C., xxx-xx-xxxx
Gould, William D., xxx-xx-xxxx
Grant Marshall W., xxx-xx-xxxx
Grant, Richard E., xxx-xx-xxxx
Greenwall, Kurt, xxx-xx-xxxx
Griffin, Sandra L., xxx-xx-xxxx
Groff, James W., xxx-xx-xxxx
Growney, James L., xxx-xx-xxxx
Hales, Stanley E., xxx-xx-xxxx
Hand, William A., Jr., xxx-xx-xxxx
Hankins, Gary D. V., xxx-xx-xxxx
Hardy, Joseph P., xxx-xx-xxxx
Harmon, Gerald E., xxx-xx-xxxx
Harrison, Charles R., xxx-xx-xxxx
Hauck, Arthur J., xxx-xx-xxxx
Hawkins, Robert A., xxx-xx-xxxx
Heironimus, James D., Jr., xxx-xx-xxxx
Hempstead, Richard W., xxx-xx-xxxx
Herrin, James R., xxx-xx-xxxx
Hildebrand, Michael E., xxx-xx-xxxx
Hill, Ralph K., Jr., xxx-xx-xxxx
Hjermstad, Brent M., xxx-xx-xxxx
Hoefer, Richard A., Jr., xxx-xx-xxxx
Holloway, Joshua R., Jr., xxx-xx-xxxx
Houk, Richard W., xxx-xx-xxxx
Hsu, Chih Chiang, xxx-xx-xxxx
Isbell, John P., xxx-xx-xxxx
Jackson, Michael D., xxx-xx-xxxx
Jacob, Bernd, xxx-xx-xxxx
Jacobi, Jay P. xxx-xx-xxxx
Jamali, Hamida, xxx-xx-xxxx
Jens, Daniel K., xxx-xx-xxxx
Jewitt, Thomas L., xxx-xx-xxxx
Johnson, Farris T., Jr., xxx-xx-xxxx
Kammerer, Donald J. F., xxx-xx-xxxx
Kelley, Joseph E., xxx-xx-xxxx
Kemmerlin, Richard W., xxx-xx-xxxx
Kerek, William B., xxx-xx-xxxx
Key, Webb B., Jr., xxx-xx-xxxx
Knaus, John V., Jr., xxx-xx-xxxx
Knox, Kirby E., xxx-xx-xxxx
Kunkel, Robert R., xxx-xx-xxxx
Kuskie, Michael R., xxx-xx-xxxx
LaFleur, Dan J., xxx-xx-xxxx
LaForce, William R., xxx-xx-xxxx
LaMasters, David L., xxx-xx-xxxx
Land, Jack A., Jr., xxx-xx-xxxx
Laser, Jeffrey A., xxx-xx-xxxx
Laub, Ronald M., xxx-xx-xxxx
Lawrence, Don A., xxx-xx-xxxx
Leavengood, Douglas C., xxx-xx-xxxx
LeCompte, Michael D., xxx-xx-xxxx
Lesko, Terrance D. xxx-xx-xxxx
Lieske, Timothy R., xxx-xx-xxxx
Llamas, Hernahope R., xxx-xx-xxxx
Loftus, Thomas J., xxx-xx-xxxx
Lores, Manuel E., xxx-xx-xxxx
Low, Gordon J. xxx-xx-xxxx
Lynch, Robert J., xxx-xx-xxxx
Manint, James E., xxx-xx-xxxx
Manis, Justine A. S., xxx-xx-xxxx
Manis, Peter M., xxx-xx-xxxx
Mariano, Mary L., xxx-xx-xxxx
Masten, James E., xxx-xx-xxxx
Matos, Luis A., xxx-xx-xxxx
Matthews, Calvin C., xxx-xx-xxxx
Mayer, Michael H., xxx-xx-xxxx
Mazza, Dominic L., xxx-xx-xxxx
McClure, Timothy M., xxx-xx-xxxx
McGlone, Thomas P., xxx-xx-xxxx
McKissick, Robert A., xxx-xx-xxxx
Mecca, Roger S., xxx-xx-xxxx
Messerschmidt, Gerald L., xxx-xx-xxxx
Meyer, Kenneth E., xxx-xx-xxxx
Michaud, Robert M., xxx-xx-xxxx
Miles, Curtis R., xxx-xx-xxxx
Mirkin, Dana B., xxx-xx-xxxx
Mitchell, Orderia F., xxx-xx-xxxx
Molina, Rodolfo, xxx-xx-xxxx
Moore, Patrick F., xxx-xx-xxxx
Morris, Ray D., II, xxx-xx-xxxx
Murphy, Alan R., xxx-xx-xxxx
Murray, Stephen T., xxx-xx-xxxx
Nall, John S., xxx-xx-xxxx
Nayak, Krishen K., xxx-xx-xxxx
Nehring, Kevin J., xxx-xx-xxxx
Nelson, Eustus S., xxx-xx-xxxx
Nelson, Thomas H., xxx-xx-xxxx
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Olinger, Mark B., xxx-xx-xxxx
Page, Wayne C., xxx-xx-xxxx
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Patel, Indumati B., xxx-xx-xxxx
Payne, Hernando C., xxx-xx-xxxx
Pearce, Jane V., xxx-xx-xxxx
Penix, Arnold R., xxx-xx-xxxx
Perry, David B., xxx-xx-xxxx
Perry, Lee C., xxx-xx-xxxx
Persing, Ronald E., xxx-xx-xxxx
Pfeifer, Bernard A., xxx-xx-xxxx
Phillips, Gerald H., xxx-xx-xxxx
Pinell, Michael C., xxx-xx-xxxx
Pokorski, Robert J., xxx-xx-xxxx
Polhamus, Clinton D., xxx-xx-xxxx
Powell, Jack B., Jr., xxx-xx-xxxx
Prechter, Gary C., xxx-xx-xxxx
Preston, Jack M., xxx-xx-xxxx
Putnam, Richard L., xxx-xx-xxxx
Rainge, Ronnie, xxx-xx-xxxx
Ranzenberger, Steven S., xxx-xx-xxxx
Redeker, Charles C., xxx-xx-xxxx
Reveronquestell, Edmundo, xxx-xx-xxxx
Riddell, Mal S., III, xxx-xx-xxxx
Riedy, Melissa J., xxx-xx-xxxx
Roberts, Donald L., Jr., xxx-xx-xxxx
Roberts, Larry C., xxx-xx-xxxx
Roberts, Larry K., xxx-xx-xxxx
Roth, Earl E., Jr., xxx-xx-xxxx
Sachdeva, Vinod K., xxx-xx-xxxx
Sanderson, Thomas W., xxx-xx-xxxx
Sanner, Patricia H., xxx-xx-xxxx
Santaana, Rolando R., xxx-xx-xxxx
Sawyer, Kenneth D., xxx-xx-xxxx
Schenk, David A., xxx-xx-xxxx

Schooler, Garth S., xxx-xx-xxxx
Schuricht, Wayne E., xxx-xx-xxxx
Schwiger, Paul A., Jr., xxx-xx-xxxx
Scruggs, Michael C., xxx-xx-xxxx
Seaworth, Barbara J., xxx-xx-xxxx
Sewchand, Joel, xxx-xx-xxxx
Shagets, Frank W., xxx-xx-xxxx
Shaw, Robert D., xxx-xx-xxxx
Shepherd, James R., III, xxx-xx-xxxx
Sherman, Ronald W., xxx-xx-xxxx
Sheth, Suresh V., xxx-xx-xxxx
Shields, Eugene R., xxx-xx-xxxx
Sidlinger, Robert L., xxx-xx-xxxx
Sievert, Dwight W., xxx-xx-xxxx
Silverberg, Daniel M., xxx-xx-xxxx
Smith, David C., xxx-xx-xxxx
Smith, Don W., xxx-xx-xxxx
Smolowitz, Edwin L., xxx-xx-xxxx
Soppet, Charles M., xxx-xx-xxxx
Sosinski, Richard F., xxx-xx-xxxx
Soto, Rodolfo C., xxx-xx-xxxx
Spencer, Cory D., xxx-xx-xxxx
Sreecharana, Thimmavajjhala, xxx-xx-xxxx
Stasko, Thomas, xxx-xx-xxxx
Steel, John G., xxx-xx-xxxx
Steward, Kendall L., xxx-xx-xxxx
Stine, Walter S., xxx-xx-xxxx
Stoddard, Ronald A., xxx-xx-xxxx
Stone, Kurt A., xxx-xx-xxxx
Stoughton Ned S., xxx-xx-xxxx
Stuart, Robert J., xxx-xx-xxxx
Suarino, Douglas C., xxx-xx-xxxx
Suchomski, Gerald D., xxx-xx-xxxx
Suryaprasad, Seetha G., xxx-xx-xxxx
Telep, Gerald N. J., xxx-xx-xxxx
Thomas, Roy E., Jr., xxx-xx-xxxx
Thurman, Francis W., xxx-xx-xxxx
Tignor, Matthew, xxx-xx-xxxx
Tilma, Geurt L., Jr., xxx-xx-xxxx
Trivedi, Devendra V., xxx-xx-xxxx
Tuason, Florentino M., xxx-xx-xxxx
Tucker, Bobby F., xxx-xx-xxxx
Vann, Kenneth G., xxx-xx-xxxx
Veale, Charles J., xxx-xx-xxxx
Vermeire, Calvin L., Jr., xxx-xx-xxxx
Vicente, Doroteo A., xxx-xx-xxxx
Vinh, Dai, xxx-xx-xxxx
Vinh, Tuyethoa N., xxx-xx-xxxx
Vinson, Thomas L., xxx-xx-xxxx
Vogler, James B., III, xxx-xx-xxxx
Walburn, David J., xxx-xx-xxxx
Warriner, Robert A., III, xxx-xx-xxxx
Watson, Roosevelt, xxx-xx-xxxx
Watters, Leslie C., xxx-xx-xxxx
Weinholt, Francis E., Jr., xxx-xx-xxxx
Weitzenkamp, Larry A., xxx-xx-xxxx
Wesley, Howard D., xxx-xx-xxxx
Wheeler, Charles H., xxx-xx-xxxx
Whigham, Cliff J., Jr., xxx-xx-xxxx
Whiting, Mark A., xxx-xx-xxxx
Whitney, Edwin J., xxx-xx-xxxx
Williams, Michael K., xxx-xx-xxxx
Wohlrab, Eric P., xxx-xx-xxxx
Wolfe, Sanford M., xxx-xx-xxxx
Wood, John D., xxx-xx-xxxx
Woods, Gerald M., xxx-xx-xxxx
Wright, John E., xxx-xx-xxxx
Yates, Robert L., xxx-xx-xxxx
Zen, Bujung, xxx-xx-xxxx
Zimmerman, Donald A., xxx-xx-xxxx

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duty indicated, with grades and dates of rank to be determined by the Secretary of the Air Force in accordance with section 533, title 10, United States Code.

MEDICAL CORPS

Liang, Chang Y., xxx-xx-xxxx
McDonald, Edward C., xxx-xx-xxxx
Shaffer, Paul J., xxx-xx-xxxx

The following-named officer for permanent promotion in the U.S. Air Force, in accordance with section 603, title VI, Transition Provision, Defense Officer Personnel Management Act of 1980, with date of rank to be determined by the Secretary of the Air Force.

MEDICAL CORPS

To be lieutenant colonel

Johnson, Frank L. xxx-xx-xxxx

The following-named officer for permanent promotion in the U.S. Air Force, in accordance with section 628, title 10, United States Code, as amended with date of rank to be determined by the Secretary of the Air Force.

MEDICAL CORPS

To be lieutenant colonel

Laipple, Douglas K., xxx-xx-xxxx

IN THE AIR FORCE

The following Air National Guard of the U.S. officers for promotion in the Reserve of the Air Force under the provisions of section 593(a) title 10 of the United States Code, as amended:

LINE OF THE AIR FORCE

To be lieutenant colonel

Maj. James H. Andrews, xxx-xx-xxxx
Maj. Brian E. Barents, xxx-xx-xxxx
Maj. Charles J. Bowling, xxx-xx-xxxx
Maj. Richard E. Casberg, xxx-xx-xxxx
Maj. Robert W. Harper, xxx-xx-xxxx
Maj. Larry L. Lee, xxx-xx-xxxx
Maj. Robert G. Robuck, xxx-xx-xxxx
Maj. Hobbie L. Sealy, xxx-xx-xxxx
Maj. George L. Weinhagen, xxx-xx-xxxx
Maj. James S. Williams, xxx-xx-xxxx

LEGAL

Maj. Timothy J. Lowenberg, xxx-xx-xxxx

MEDICAL CORPS

Maj. Madhu Thakker, xxx-xx-xxxx

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with grades and dates of rank to be determined by the Secretary of the Air Force.

LINE OF THE AIR FORCE

Andrews, Curtis C., xxx-xx-xxxx
York, Ken C., xxx-xx-xxxx

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with grades and dates of rank to be determined by the Secretary of the Air Force in accordance with section 533, title 10, United States Code.

MEDICAL CORPS

Dozier, Kenneth C., xxx-xx-xxxx
Figueroa, Edgar A., xxx-xx-xxxx
Marks, Donald H., xxx-xx-xxxx
Montalvo-Gonzalez, Miguel A., xxx-xx-xxxx
Odell, Stanley E., xxx-xx-xxxx
Perez-Figaredo, Rafael A., xxx-xx-xxxx

DENTAL CORPS

Brandt, Debra, xxx-xx-xxxx
Burgess, John O., xxx-xx-xxxx
Hansen-Bayless, Jeanne H., xxx-xx-xxxx
Law, John H., xxx-xx-xxxx
Marttala, Warren H., xxx-xx-xxxx
Parmann, Donald F., xxx-xx-xxxx
Pearson, Bryan S., xxx-xx-xxxx
Waldbillig, Tom T., xxx-xx-xxxx

NURSE CORPS

Aaron, Janice C., xxx-xx-xxxx
Fitzgerald, John W., xxx-xx-xxxx
Franklin, Kathleen S., xxx-xx-xxxx
Heitman, Lois A., xxx-xx-xxxx

The following persons for appointment as Reserve of the Air Force, in grade indicated, under the provisions of section 593, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated.

MEDICAL CORPS

To be lieutenant colonel

Beatty, Douglas C., xxx-xx-xxxx
Berman, Merrill I., xxx-xx-xxxx
Boyce, Alfred E., xxx-xx-xxxx
Ditmore, Harry B., Jr., xxx-xx-xxxx
Ettinger, Marvin M., xxx-xx-xxxx
Fulton, Robert L., xxx-xx-xxxx
Gould, Robert E., xxx-xx-xxxx
Harrington, John L., xxx-xx-xxxx
Lambert, Robert M., xxx-xx-xxxx
Luff, Ronald D., xxx-xx-xxxx
Phillips, Jasper L., Jr., xxx-xx-xxxx
Spivey, James N., xxx-xx-xxxx
Wade, Billy K., xxx-xx-xxxx

DENTAL CORPS

Meyer, Kamp R., xxx-xx-xxxx

The following persons for appointment as Reserve of the Air Force (ANGUS) in the grade indicated, under the provisions of sections 593 and 8351, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated.

MEDICAL CORPS

To be lieutenant colonel

Masloski, John F., xxx-xx-xxxx
Stewart, Calvin R., xxx-xx-xxxx

The following officers for promotion in the Air Force Reserve, under the provision of section 8376, title 10, United States Code. (Non-EAD)

MEDICAL CORPS

To be lieutenant colonel

Bouda, David W., xxx-xx-xxxx
Moore, George W., xxx-xx-xxxx
Steele, Norman P., Jr., xxx-xx-xxxx

The following-named officers for permanent promotion in the U.S. Air Force, in accordance with section 601, title VI, Transition Provisions, Defense Officer Personnel Management Act of 1980, with dates of rank to be determined by the Secretary of the Air Force.

LINE OF THE AIR FORCE

To be colonel

Jacobcik, John D., xxx-xx-xxxx

To be lieutenant colonel

Holin, Lyle M., xxx-xx-xxxx

To be major

Mucha, Ronald R., xxx-xx-xxxx

DENTAL CORPS

To be lieutenant colonel

Donnelly, Maurice W., xxx-xx-xxxx
Roehrig, Kenneth L., xxx-xx-xxxx

The following-named Air Force officers for reappointment to the Active Duty List of the Regular Air Force in the grade indicated under the provisions of sections 1210 and 1211, title 10, United States Code.

LINE OF THE AIR FORCE

To be captain

Fredericksen, Marian F., xxx-xx-xxxx
Plummer, Benjamin E., xxx-xx-xxxx

IN THE ARMY

The following-named officers for permanent promotion in the U.S. Army, in accordance with sections 601 and 602, title VI, Transition Provisions, Defense Officer Personnel Management Act of 1980, with dates of rank to be determined by the Secretary of the Army:

ARMY PROMOTION LIST

To be major

Aaron, Alvin D., xxx-xx-xxxx
Abrahamson, Dale M., xxx-xx-xxxx
Absher, Charles W., xxx-xx-xxxx
Ackerman, John M., xxx-xx-xxxx
Acuff, Ronald D., xxx-xx-xxxx
Adams, Charles J., xxx-xx-xxxx
Adams, Christopher A., xxx-xx-xxxx
Adams, Gerald L., xxx-xx-xxxx
Adams, Melvin E., xxx-xx-xxxx
Adams, Rodney A., xxx-xx-xxxx
Adams, Ronald E., xxx-xx-xxxx
Adams, Roosevelt, Jr., xxx-xx-xxxx
Adams, William B., xxx-xx-xxxx
Adams, William G., xxx-xx-xxxx
Adelman, Joseph A., xxx-xx-xxxx
Aguilar, Donald, xxx-xx-xxxx
Aiba, Daniel K., xxx-xx-xxxx
Aiken, James D., xxx-xx-xxxx
Ainsworth, James L., xxx-xx-xxxx
Alberg, Wayne C., xxx-xx-xxxx
Albro, Scott T., xxx-xx-x...
Alf, Frederick W., Jr., xxx-xx-xxxx
Allen, Johnny D., xxx-xx-xxxx
Allen, Kenneth R., xxx-xx-xxxx
Allenbach, Stephen E., xxx-xx-xxxx
Allison, Barry L., xxx-xx-xxxx
Allison, James B., III, xxx-xx-xxxx
Allum, Philip D., xxx-xx-xxxx
Amacher, Aaron G., Jr., xxx-xx-xxxx
Anchondo, Robert L., xxx-xx-xxxx
Anders, Howard G., Jr., xxx-xx-xxxx
Andersen, Robert L., xxx-xx-xxxx
Anderson, Edward J., xxx-xx-xxxx
Anderson, John K., xxx-xx-xxxx
Anderson, Robert J., xxx-xx-xxxx
Anderson, William F., xxx-xx-xxxx
Andre, Charles R., xxx-xx-xxxx
Andrews, William R., xxx-xx-xxxx
Antosh, Raymond H., xxx-xx-xxxx
Archer, William D., xxx-xx-xxxx
Ards, Donald D., xxx-xx-xxxx
Armbruster, Robert E., Jr., xxx-xx-xxxx
Armogida, Charles J., xxx-xx-xxxx
Armstrong, Robert N., xxx-xx-xxxx
Arney, David C., xxx-xx-xxxx
Arnold, Archibald V., II, xxx-xx-xxxx
Arsenault, Robert J., xxx-xx-xxxx
Arteaga, Roland A., xxx-xx-xxxx
Asher, David S., xxx-xx-xxxx
Atchley, Larry J., xxx-xx-xxxx
Axson, Harry B., Jr., xxx-xx-xxxx
Ayers, Charles M., xxx-xx-xxxx
Bach, Bruce F., xxx-xx-xxxx
Bacher, James W., II, xxx-xx-xxxx
Backlund, William V., Jr., xxx-xx-xxxx
Baer, John R., xxx-xx-xxxx
Baldenweck, Thomas K., xxx-xx...
Ballard, Bryant L., xxx-xx-xxxx
Banning, Robert F., xxx-xx-xxxx
Bantsolas, John N., xxx-xx-xxxx
Bapple, James W., III, xxx-xx-xxxx
Barber, George F., xxx-xx-xxxx
Barbuto, Richard V., xxx-xx-xxxx
Barker, Jefferson H., xxx-xx-xxxx
Barker, Larry N., xxx-xx-xxxx
Barkovic, William J., xxx-x...
Barneby, Stephen A., xxx-xx-xxxx
Barnett, James O., xxx-xx-xxxx
Barnum, Thomas I., xxx-xx-xxxx
Bartlett, Joseph T., xxx-xx-xxxx
Bates, Norman W., xxx-xx-xxxx
Batson, Charles F., III, xxx-xx-xxxx
Bauer, Benjamin, xxx-xx-xxxx
Baxter, Michael J., xxx-xx-xxxx
Beard, Michael W., xxx-xx-xxxx
Bearden, William A., Jr., xxx-xx-xxxx
Beaver, David O., xxx-xx-xxxx
Beckwith, James L., xxx-xx-xxxx
Beech, George W., xxx-xx-xxxx
Beeks, Gary H., xxx-xx-xxxx
Beer, John M., xxx-xx-xxxx
Beeson, Terry D., xxx-xx-xxxx
Beisner, James W., xxx-xx-xxxx
Beliveau, Philip R., xxx-xx-xxxx
Bell, Leo Jr., xxx-xx-xxxx
Bell, Ronald K., xxx-xx-xxxx
Benedict, William, xxx-xx-xxxx
Benedict, Calvert P., Jr., xxx-xx-xxxx
Bennett, Ronald L., xxx-xx-xxxx
Beno, Joseph H., Jr., xxx-xx-...
Bergtholdt, Gary B., xxx-xx-xxxx
Berkowitz, James W., xxx-xx-xxxx
Berry, Guy A., Jr., xxx-xx-xxxx
Berry, Harvey W., xxx-xx-xxxx
Berry, Luther W., xxx-xx-xxxx
Berry, Thomas P., xxx-xx-xxxx
Bertrand, Gary T., xxx-xx-xxxx
Beyer, Walter R., III, xxx-xx-xxxx
Biggs, Michael E., xxx-xx-xxxx
Bilbo, Jon F., xxx-xx-xxxx
Bilyj, Myron, xxx-xx-xxxx
Biser, Kenneth M., xxx-xx-xxxx
Bishop, Robert H., xxx-xx-xxxx
Bisulca, Paul J., xxx-xx-xxxx
Black, Donald E., xxx-xx-xxxx
Blackburn, John W., xxx-xx-xxxx
Blair, Patrick R., xxx-xx-xxxx
Blake, Robert T., Jr., xxx-xx-xxxx
Blanding, Willie L., Jr., xxx-x...
Blanding, Zenola B., xxx-xx-xxxx
Blindauer, Denis M., xxx-xx-xxxx
Blissett, William G., xxx-x...
Blount, Buford C., III, xxx-xx-xxxx
Blount, Kerry A., xxx-xx-xxxx
Boice, Lawrence R., xxx-xx-xxxx
Bolton, Michael L., xxx-xx-xxxx
Bond, John M., xxx-x...
Bonham, Lyle V., xxx-xx-xxxx
Borcheller, Otis D., xxx-xx-xxxx
Borchers, Alan L., xxx-x...
Bort, Roger E., xxx-x...
Borum, Benton H., Jr., xxx-xx-xxxx
Bowab, Joseph W., xxx-xx-xxxx
Bowles, Raymond S., xxx-xx-xxxx
Bowman, Rodger M., xxx-xx-xxxx
Bowns, Nicolas D., xxx-xx-xxxx
Boyatt, Mark D., xxx-xx-xxxx
Boyers, William B., xxx-xx-xxxx
Bracey, Hugh M., xxx-xx-xxxx
Bracey, Stephen W., xxx-xx-xxxx
Bradley, Billy R., xxx-xx-xxxx
Brady, Raymond M., Jr., xxx-x...
Brady, Steven J., xxx-xx-xxxx
Brantley, Andrew M., xxx-xx-xxxx
Bratton, John M., xxx-xx-xxxx
Brayshaw, John E., xxx-xx-xxxx
Brazzeal, Richard T., Jr., xxx-xx-xxxx
Breithaupt, Micheal P., xxx-xx-xxxx
Bremer, August W., Jr., xxx-xx-xxxx
Brennan, Kevin F., Jr., xxx-xx-xxxx
Brenner, Philip J., xxx-xx-xxxx
Brent, Charles H., xxx-xx-xxxx
Bridges, Richard M., xxx-xx-xxxx
Brieske, Carl W., xxx-xx-xxxx
Briggs, Kenneth L., xxx-x...
Brinckmann, Karen A., xxx-xx-xxxx
Broaddus, Gregory D., xxx-xx-xxxx
Brock, Edwin R., Jr., xxx-xx-xxxx
Broderick, John D., xxx-xx-xxxx
Brooks, James, xxx-xx-xxxx
Brooks, Johnny W., xxx-xx-xxxx
Brophy, William S., III, xxx-xx-xxxx
Broster, Michael R., xxx-x...
Brown, Donald H., Jr., xxx-xx-xxxx
Brown, Fred E., xxx-xx-xxxx
Brown, John S., xxx-xx-xxxx
Brown, Leslie D., xxx-xx-xxxx
Brown, Stephen D., xxx-xx-xxxx
Brown, William C., xxx-xx-xxxx
Bryan, William H., Jr., xxx-xx-xxxx
Buchanan, John R., xxx-xx-xxxx
Buchanan, William R., xxx-xx-xxxx
Buck, Randolph O., xxx-xx-xxxx
Buggert, Donn J., xxx-xx-xxxx
Buie, Ralph M., xxx-xx-xxxx
Bunyea, Walter L., xxx-xx-xxxx
Burleson, Jean F., xxx-xx-xxxx
Burnett, John R., xxx-xx-xxxx
Burns, Timothy J., xxx-xx-xxxx
Burrell, Thomas F., III, xxx-xx-xxxx
Buske, Ronald L., xxx-xx-xxxx
Butto, Robert J., xxx-xx-xxxx
Button, Patrick W., xxx-xx-xxxx
Cahoon, Robert M., xxx-xx-xxxx
Calabro, David J., xxx-xx-xxxx
Callaway, David G., xxx-xx-xxxx
Campbell, Thomas A., xxx-xx-xxxx
Candido, Robert H., xxx-xx-xxxx
Cantu, Jose N., xxx-xx-xxxx
Capka, Joseph R., xxx-xx-xxxx
Cappelletti, Siro A., xxx-xx-xxxx
Carden, John M., xxx-xx-xxxx
Carden, William J., III, xxx-xx-xxxx
Cardine, Christopher V., xxx-xx-xxxx
Carey, William F., III, xxx-xx-xxxx
Carleton, Bruce, xxx-xx-xxxx
Carley, John C., xxx-xx-xxxx
Carpenter, Ronald W., Jr., xxx-xx-xxxx
Carroll, Michael G., xxx-xx-xxxx
Carter, Arnold W., xxx-xx-xxxx
Carter, Jeffrey C., xxx-xx-xxxx
Cartwright, Jess A., xxx-xx-xxxx
Cascio, Anthony F., Jr., xxx-xx-xxxx
Casey, James M., xxx-xx-xxxx
Casey, Judith A., xxx-xx-xxxx
Cash, Dean W., xxx-xx-xxxx
Castle, Samuel Q., Jr., xxx-xx-xxxx
Caswell, Kenneth L., xxx-xx-xxxx
Cathcart, Creston M., xxx-xx-xxxx
Catlin, John D., xxx-xx-xxxx
Cerami, Joseph R., xxx-xx-xxxx
Chabot, Joseph L., xxx-xx-xxxx
Chambers, Michael S., xxx-xx-xxxx
Chappel, Oscar A., xxx-xx-xxxx
Cherry, Atwood C., xxx-xx-xxxx
Chiacchia, Leonard A., Jr., xxx-xx-xxxx
Chidester, Earl J., xxx-xx-xxxx
Chrisco, Larry D., xxx-xx-xxxx
Christianson, Claude V., xxx-xx-xxxx
Clagett, David C., Jr., xxx-xx-xxxx
Clark, Michael D., xxx-xx-xxxx
Clark, Paul L., xxx-xx-xxxx
Clark, Russell L., Jr., xxx-xx-xxxx
Clarke, George C., xxx-xx-xxxx
Clarke, James C., xxx-xx-xxxx
Clarkson, Charles J., xxx-xx-xxxx
Claxton, George M., xxx-xx-xxxx
Clifton, Herbert C., xxx-xx-xxxx
Cloney, Leroy V., xxx-xx-xxxx
Clubb, Frank W., xxx-xx-xxxx
Coaker, Charles D., xxx-xx-xxxx
Cochran, Barry J., xxx-xx-xxxx
Coffin, Richard H., Jr., xxx-xx-xxxx
Cogan, Kevin J., xxx-xx-xxxx
Colasanti, James W., xxx-xx-xxxx
Collignon, Larry J., xxx-xx-xxxx
Collins, Richard F., xxx-xx-xxxx
Columbus, Allan D., xxx-xx-xxxx
Colvin, James M., Jr., xxx-xx-xxxx
Comeau, Ronald J., xxx-xx-xxxx
Conner, Larry J., xxx-xx-xxxx
Contrucci, Joel J., xxx-xx-xxxx
Cooper, John W., xxx-xx-xxxx
Cornett, Terry L., xxx-xx-xxxx
Couch, Timothy H., xxx-xx-xxxx
Cox, Dennis W., xxx-xx-xxxx
Cox, James H., Jr., xxx-xx-xxxx
Crabtree, Donald J., xxx-xx-xxxx
Craddock, Bantz J., xxx-xx-xxxx
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Craven, Douglas R., xxx-xx-xxxx
Crossett, Michael L., xxx-xx-xxxx
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Crouse, Robin W., Jr., xxx-xx-xxxx
Crowe, James A., xxx-xx-xxxx
Culbert, James D., xxx-xx-xxxx
Cullina, William J., xxx-xx-xxxx
Cumberworth, Charles C., xxx-xx-xxxx
Cummins, Gerald E., Jr., xxx-xx-xxxx
Cunningham, Daniel R., xxx-xx-xxxx
Curran, Stephen B., xxx-xx-xxxx
Currier, Edward F., xxx-xx-xxxx
Curry, Joseph P., III, xxx-xx-xxxx
Cushman, George H., V, xxx-xx-xxxx
Dailey, Dell L., xxx-xx-xxxx
Dallas, Edward D., xxx-xx-xxxx
Dandries, Michael L., xxx-xx-xxxx
Daniel, Scott N., xxx-xx-xxxx
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Daniels, Robert W., xxx-xx-xxxx
Danish, George A., xxx-xx-xxxx
Davidson, James W., xxx-xx-xxxx
Davis, Frank C., III, xxx-xx-xxxx
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Davis, Scott L., xxx-xx-xxxx
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Deas, Alfred Jr., xxx-xx-xxxx
Deca, James A., xxx-xx-xxxx
Decker, Timothy, J., xxx-xx-xxxx
Decola, Gary T., xxx-xx-xxxx
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Delary, James L., xxx-xx-xxxx
Delashaw, James M., xxx-xx-xxxx
Del Corso, Robert E., xxx-xx-xxxx
Deluca, Thomas A., xxx-xx-xxxx
Demoney, Jerry A., xxx-xx-xxxx
Demoya, Richard G., xxx-xx-xxxx
Dempsey, John M., xxx-xx-xxxx
Dempsey, Richard F., xxx-xx-xxxx
Denny, Dennis P., xxx-xx-xxxx
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Scott, Sharon L., xxx-xx-xxxx
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Smukalla, Ervin A., xxx-xx-xxxx
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Speare, Edwin C., xxx-xx-xxxx
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Tobin, Leonard M., xxx-xx-xxxx
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Townsend, Dwight L., xxx-xx-xxxx
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Weston, Charles W., Jr., xxx-xx-xxxx
White, Oscar N., Jr., xxx-xx-xxxx
Whitebread, David H., xxx-xx-xxxx
Whitehead, Alvin F., Jr., xxx-xx-xxxx
Whitmill, George M., xxx-xx-xxxx
Wilensky, Robert A., xxx-xx-xxxx
Wilgus, Alan L., xxx-xx-xxxx
Williams, Charles A., xxx-xx-xxxx
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Wood, Allen R., xxx-xx-xxxx
Woodward, John P., xxx-xx-xxxx
Wright, James M., xxx-xx-xxxx
Wuest, Philip R., III, xxx-xx-xxxx
Wyckoff, Thomas G., xxx-xx-xxxx
Yackley, James D., xxx-xx-xxxx
Yaussy, Mack J., xxx-xx-xxxx
Ybarra, Manuel, Jr., xxx-xx-xxxx
Yeaman, James O., xxx-xx-xxxx
Yeskie, William R., xxx-xx-xxxx
Yonkers, Leland N., xxx-xx-xxxx
Youkey, William V., xxx-xx-xxxx
Youngren, Bill, xxx-xx-xxxx
Zagars, Andis, xxx-xx-xxxx
Zec, Ronald D., xxx-xx-xxxx
Zerlet, Alice A., xxx-xx-xxxx
Zizunas, Nancy J., xxx-xx-xxxx

CHAPLAIN CORPS

To be major

Bell, Leon, Jr., xxx-xx-xxxx
Bliss, Ernest D., Jr., xxx-xx-xxxx
Bradley, Raymond E., xxx-xx-xxxx
Burns, Vincent, D., xxx-xx-xxxx
Buzby, Winfield D., Jr., xxx-xx-xxxx
Carpenter, Kenneth V., xxx-xx-xxxx
Chase, Allen P., xxx-xx-xxxx
Couchman, David M., xxx-xx-xxxx
Councell, Gary R., xxx-xx-xxxx
Cox, Robert L., xxx-xx-xxxx
Czaruk, Nicholas A., xxx-xx-xxxx
Deleo, William J., xxx-xx-xxxx
Falk, John E., xxx-xx-xxxx
Fasanella, Glenn T., xxx-xx-xxxx
Fowler, Billy W., xxx-xx-xxxx
Galbraith, Hemming L., xxx-xx-xxxx
Graham, William L., xxx-xx-xxxx
Griffin, Robert L., xxx-xx-xxxx
Harper, Carlton L., xxx-xx-xxxx
Hartsell, Richard M., xxx-xx-xxxx
Hemming, Charles W., xxx-xx-xxxx
Herndon, James L., xxx-xx-xxxx
Herndon, Robert K., xxx-xx-xxxx
Hurley, Elisha C., xxx-xx-xxxx
Hutcherson, Robert A., xxx-xx-xxxx
Killeen, Thomas M., xxx-xx-xxxx
Kitchens, Herbert E., xxx-xx-xxxx
Krider, John L., xxx-xx-xxxx
Logan, Raymond E., xxx-xx-xxxx
McCrory, Robert D., xxx-xx-xxxx
Michelson, Helmut A., xxx-xx-xxxx
Moore, Michael D., xxx-xx-xxxx
Moran, Geoffrey H., xxx-xx-xxxx
Morris, Joseph R., xxx-xx-xxxx
Morrow, Benjamin L., xxx-xx-xxxx
Myers, David E., xxx-xx-xxxx
Perkins, Gary D., xxx-xx-xxxx
Rathmell, George I., Jr., xxx-xx-xxxx
Reynolds, Michael E., xxx-xx-xxxx
Riggs, John M., xxx-xx-xxxx
Roberts, Malcolm, III, xxx-xx-xxxx
Roller, Harold D., xxx-xx-xxxx
Schoenberg, Lorance O., xxx-xx-xxxx
Schwarz, Robert J., xxx-xx-xxxx
Shirey, Ervin L., Jr., xxx-xx-xxxx
Smith, David R., xxx-xx-xxxx
Smith, Samuel L., Jr., xxx-xx-xxxx
Spence, Donald J., xxx-xx-xxxx
Stiliha, Richard J., xxx-xx-xxxx
Thompson, Carl V., Jr., xxx-xx-xxxx
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White, Robert N., xxx-xx-xxxx
Wight, Roger D., xxx-xx-xxxx
Wolboldt, Daniel W., xxx-xx-xxxx
Wright, Everett L., xxx-xx-xxxx

JUDGE ADVOCATE GENERAL'S CORPS

To be major

Baker, Arthur H., xxx-xx-xxxx
Bathen, Terry E., xxx-xx-xxxx
Braga, James A., xxx-xx-xxxx
Bragaw, Rexford T., III, xxx-xx-xxxx
Brazee, James L., Jr., xxx-xx-xxxx
Cameron, Dennis S., xxx-xx-xxxx
Goudeaux, Nolan, xxx-xx-xxxx
Higginbotham, Robert D., xxx-xx-xxxx
Johnson, Russell D., xxx-xx-xxxx
Morgan, Michael P., xxx-xx-xxxx
Peluso, Ernest F., xxx-xx-xxxx
Shewan, James W., xxx-xx-xxxx
Smythers, Michael R., xxx-xx-xxxx
Sulzynsky, Wolodymyr R., xxx-xx-xxxx
Tetters, Kay F., xxx-xx-xxxx
Trudo, Martha J., Hilgen., xxx-xx-xxxx
Winter, Marion E., xxx-xx-xxxx
Wolski, James K., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be major

Adams, Franklin H., xxx-xx-xxxx
Alberth, David P., xxx-xx-xxxx
Alexander, Robert E., xxx-xx-xxxx
Anthony, Robert M., xxx-xx-xxxx
Atkinson, Alonzo M., Jr., xxx-xx-xxxx
Bandy, Lewis C., xxx-xx-xxxx
Benson, Paul S., xxx-xx-xxxx
Beougher, Kenneth L., xxx-xx-xxxx
Bettencourt, Richard P., xxx-xx-xxxx
Blair, Hal R., xxx-xx-xxxx
Blauert, James G., xxx-xx-xxxx
Bongard, John W., Jr., xxx-xx-xxxx
Burchett, Floyd R., xxx-xx-xxxx
Burdick, Charles K., xxx-xx-xxxx
Butkovich, William A., xxx-xx-xxxx
Canik, James J., xxx-xx-xxxx
Carter, Robin J., xxx-xx-xxxx
Chaffee, John L., xxx-xx-xxxx
Church, Bobby R., xxx-xx-xxxx
Clarke, John H., xxx-xx-xxxx
Clayton, William T., xxx-xx-xxxx
Connock, Gerald M., xxx-xx-xxxx
Crain, Joe C., xxx-xx-xxxx
Curry, Donald C., Jr., xxx-xx-xxxx
Cuthbert, Bruce N., xxx-xx-xxxx
Daniels, William L., xxx-xx-xxxx
Davies, Richard W., xxx-xx-xxxx
Dawson, Dan H., Jr., xxx-xx-xxxx
Dean, Henry D., xxx-xx-xxxx
Dennis, Richard A., xxx-xx-xxxx
Dennison, John R., xxx-xx-xxxx
Doherty, Joseph W., xxx-xx-xxxx
Ekstrom, Maurice F., xxx-xx-xxxx
Gainer, Cicero, xxx-xx-xxxx
Gallinger, Kenneth D., xxx-xx-xxxx
Georgoulakis, James M., xxx-xx-xxxx
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Glenn, John F., xxx-xx-xxxx
Gower, Daniel W., Jr., xxx-xx-xxxx
Harris, Charles L., xxx-xx-xxxx
Hathaway, Thomas K., xxx-xx-xxxx
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Henderson, Thomas R., xxx-xx-xxxx
Hoffman, Albert T., xxx-xx-xxxx
Hooper, Ruth L., xxx-xx-xxxx
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McNair, John N., xxx-xx-xxxx
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Moul, Michael J., xxx-xx-xxxx
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Niemeyer, Jay H., xxx-xx-xxxx
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Romo, Michael W., xxx-xx-xxxx
Ross, Robert C., xxx-xx-xxxx
Scovill, John P., xxx-xx-xxxx
Self, Michael H., xxx-xx-xxxx
Smeltzer, Paul T., Jr., xxx-xx-xxxx
Staresnick, Peter L., xxx-xx-xxxx
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Strauss, Lawrence I., xxx-xx-xxxx
Tavolieri, Paul D., xxx-xx-xxxx
Trechter, Joseph M., xxx-xx-xxxx
Tyrell, Thomas M., xxx-xx-xxxx
Utter, William F., Jr., xxx-xx-xxxx
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ARMY MEDICAL SPECIALIST CORPS

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Beattie, Bonita L., xxx-xx-xxxx
Cunningham, Daryl D., Jr., xxx-xx-xx...
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Fellows, Douglas W., xxx-xx-xxxx
McCarty, Barbara B., xxx-xx-xxxx
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Petersen, Linda S., xxx-xx-xxxx
Turcotte, Judith M., xxx-xx-xxxx
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VETERINARY CORPS

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Burrs, Al T., Sr., xxx-xx-xxxx
Callahan, Thomas J., xxx-xx-xxxx
Carr, Michael W., xxx-xx-xxxx
Heisey, Gregory B., xxx-xx-xxxx
Hicks, Robert B., xxx-xx-xxxx
Jones, Dennis E., xxx-xx-xxxx
Mixon, George P., xxx-xx-xxxx
O' Brien, Arthur W., xxx-xx-xxxx
Ross, Paul E., xxx-xx-xxxx
Singer, Allen W., xxx-xx-xxxx

ARMY NURSE CORPS

To be major

Amon, Thomas M., xxx-xx-xxxx
Best, Marcia, xxx-xx-xxxx
Blackman, Diana S., xxx-xx-xxxx
Blank, Jane M., xxx-xx-xxxx
Bohner, Gail E., xxx-xx-xx...
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Bopp, Deborah A., xxx-xx-xxxx
Brady, Cynthia A., xxx-xx-xxxx
Brady, Mary C., xxx-xx-xxxx
Bufkin, Gwen A., xxx-xx-x...
Buzonas, Patricia M., xxx-xx-xxxx
Callich, Marianne W., xxx-xx-xxxx
Castellan, Deborah M., xxx-xx-xxxx
Cooper, David E., xxx-xx-xxxx

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Crookshank, Barbara J., xxx-xx-xxxx
Croze, Katherine J., xxx-xx-xxxx
Culp, Barbara J., xxx-xx-xxxx
Davis, Elaine F., xxx-xx-xxxx
Davis, Linda K., xxx-xx-xxxx
Davis, Mozell L., xxx-xx-xxxx
Dull, Linda S., xxx-xx-xxxx
Ellis, Cheryl J., xxx-xx-xxxx
Farace, Wendy L., xxx-xx-xxxx
Farrar, Gail W., xxx-xx-xxxx
Fischer, Marilou K., xxx-xx-xxxx
Franklin, Noemi O., xxx-xx-xxxx
Ganter, Sally B., xxx-xx-xxxx
Gelsthorpe, Joanne C., xxx-xx-xxxx
Green, Barbara M., xxx-xx-xxxx
Griffin, Kija K., xxx-xx-xxxx
Griggs, Rosemary, xxx-xx-xxxx
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Gunnels, Edith P., xxx-xx-xxxx
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Ivey, Hazel I., xxx-xx-xxxx
Jackson, Judith N., xxx-xx-xxxx
Jacobson, Shirley E., xxx-xx-xxxx
Jacques, Rita C., xxx-xx-xxxx
Johnson, Margaret L., xxx-xx-xxxx
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Kilian, Cheryl L., xxx-xx-xxxx
Klapperich, Daniel J., xxx-xx-xxxx
Klar, Angela V., xxx-xx-xxxx
Leal, Dora A., xxx-xx-xxxx
Leggett, Carla J., xxx-xx-xxxx
Lombardi, Patricia A., xxx-xx-xxxx
Mathews, Diane E., xxx-xx-xxxx
McMahon, Michael J., xxx-xx-xxxx
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Moon, Janetta R., xxx-xx-xxxx
Morgan, Cheryl L., xxx-xx-xxxx
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Rimm, Elizabeth A., xxx-xx-xxxx
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Rubbelke, Carol J., xxx-xx-xxxx
Salazar, Rodolfo M., Jr., xxx-xx-xxxx
Schultz, Connie K., xxx-xx-xxxx
Scott, Cynthia M., xxx-xx-xxxx
Scott, Wanda J., xxx-xx-xxxx
Senesac, Elizabeth S., xxx-xx-xxxx
Sheldon, Vicky M., xxx-xx-xxxx
Shine, Sarah C., xxx-xx-xxxx
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Snyder, Richard D., xxx-xx-xxxx
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Thacker, Karin E., xxx-xx-xxxx
Thomason, Jasper W., xxx-xx-xxxx
Thorpe, Linda J., xxx-xx-xxxx
Tondini, David E., xxx-xx-xxxx
Tracy, Kathleen M., xxx-xx-xxxx
Urick, Beverly K., xxx-xx-xxxx
Uttech, Mary J., xxx-xx-xxxx
Vanbenschoten, Lucinda M., xxx-xx-xxxx
Vance, Sandra L., xxx-xx-xxxx
Veasey, Debbie H., xxx-xx-xxxx
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Wier, Carolyn R., xxx-xx-xxxx
Yearta, Gladys E., xxx-xx-xxxx
Zarr, Gary D., xxx-xx-xxxx
Zimmermann, Jill, xxx-xx-xxxx

IN THE NAVY

The following-named officers of the U.S. Navy for permanent promotion to the grade of lieutenant commander in the line and various staff corps, pursuant to section 611(a) of the Defense Officer Personnel Management Act (Public Law 96-513) and title 10, United States Code, section 624 as added by the same act, as applicable, subject to qualifications therefor as provided by law:

LINE

Aasen, Roy Vernon
Abbott, Robert James
Able, Guy Harold, III
Ables, Alan Audra
Abshier, Randall Otto
Achille, Franklin Scott
Ackley, Victor Howard
Acton, Richard Leon, Jr.
Acuff, Lucian Mark
Adams, Adrian John
Adams, James Joseph
Adams, James Leo
Adams, Michael Richard
Adams, Roger Clinton
Adams, William Frederick
Adamson, John Chauncey
Adcock, Douglas Alan
Adcock, Fred Eugene
Addison, Christopher Lynwood
Adkins, Joseph Harold
Adler, Gary Alan
Agnor, Robert Joseph
Ahart, John Louis
Ahern, Timothy Michael
Ahlstrand, Donald Charles
Aiken, Joel Weston
Akin, Lawrence Earl
Akins, Glendon Leo, Jr.
Akins, Olen Charles
Albertolli, William Ramon
Albright, James Clifford
Albright, Jeffrey Horace
Alburger, John Francis
Alden, Robert Keith
Aldredge, Morris Hayden, Jr.
Aldridge, Lonn Raymond
Alexander, David John
Alexander, John Whitlock
Alexander, Michael William
Alexander, Ralph Leroy
Alexander, Ronald Keith
Alfieri, Paul Allen
Alford, Ralph Mart, Jr.
Allee, Raymond Maurice
Allee, Robert G.
Alleman, David Peterson
Allen, Andrew J.
Allen, Barry Robin
Allen, Dannie Howard
Allen, David Michael
Allen, Gary William
Allen, John William
Allen, Mark Edward
Allen, Michael Norton
Alley, Lindsay D.
Allison, George Boardman
Allison, Harry Kent
Allphin, James Allen
Allsopp, Ralph Stanley, Jr.
Alm, Steven Warren
Almgren, Malcolm
Almony, Joseph Robert
Almy, Gideon Wilcox, III
Almy, John Hale, II
Alpeter, William Charles
Altizer, Robert Dale
Ambersley, Robert Thomas
Ammons, Richard Patterson
Amtower, James Frederick, Jr.
Amundson, Robert James
Andersen, James Benjamin
Andersen, Richard Francis
Anderson, Barton Paul
Anderson, Christopher Clay
Anderson, Don Russell
Anderson, George Eric
Anderson, Jonathan Lee
Anderson, Kenneth Noel
Anderson, Leroy
Anderson, Marc Eric
Anderson, Merlin Francis
Anderson, Richard Matthew
Anderson, Robert Alton
Anderson, Robert Kirby
Anderson, Robert Lewis
Anderson, Samuel Kaaloa
Anderson, Terence Lee
Anderson, Wayne H.
Andre, Duane Alan
Angelo, James Warren
Anglim, Edward Patrick
Annis, Robert Earl
Anthony, Joseph Douglas
Antoine, Eddie Pernell, II
Antrim, Stanley Robert, Jr.
App, Kenneth George
Appleby, Robert Thomas
Arbiter, Jerome Lawrence
Archambo, Hubert Edward, Jr.
Arends, Stephen Robert
Arlett, Stephen McLean
Armstrong, David John
Armstrong, Keith Stuart
Armstrong, William Eric
Arndt, Stephen Alan
Arnold, Hollis D
Arnold, Michael James
Arnote, Stanley Dean
Arnott, Ralph Edwin
Arthur, Marvin Leon, Jr.
Arthur, William Charles
Ashford, James Henry
Ashmore, George William
Athow, Lewis Keith
Atkinson, John Scott, Jr.
Atwood, Roger Earle
Auckland, John Stacy
Augustus, James Robert
Auriemma, John Charles
Austin, John David, Jr.
Austin, Simeon Haile
Avery, Klurge Caraway, Jr.
Avery, Richard Charles
Avila, Richard Frank
Award, David Paul
Axtell, Robert Duane
Ayers, Carleton Royse, II
Ayers, Douglas Pierce
Ayers, James Lloyd
Ayres, Kermit Arnold
Ayers, Ronald Ray
Baber, Dennis Richard
Babetz, Jeffrey Dale
Babin, Ordale Paul, Jr.
Bachta, Richard Lewis
Backes, Douglas Allen
Bacon, William Bradley
Baeder, Robert Arthur
Bahnmiller, Michael Patrick
Bailey, Bernis Hayes
Bailey, Hubert Vaden
Baird, W. Dean, Jr.
Baker, Charles Richard

Baker, James David
Baker, Leonyx Gene
Baker, Mark Conway
Baker, Norman Eugene
Baker, Peter Arnold
Baker, Robert Lee
Baker, Stephen Hall
Baker, Thomas A.
Baker, Timothy Louis
Baker, William E.
Baker, William Harvie
Bal, Eugene, III
Balhorn, Carl Dean
Balisle, Phillip Monroe
Balke, Phillip
Ball, John Charles
Ballard, David Lee
Ballew, William Thomas
Banellis Charles Edmund
Bankart, William David
Banks, Paul Elliott
Banks, Richard Allen
Bankston, Victor Joseph
Bannister, Clarence Quincy
Barabash, Jay
Barasha, Lewis Michael, Jr.
Baratko, Robert Edward
Barber, Charles Harry, III
Barber, Christopher Trimpe
Barber, James Walter
Barbero, Mark
Barbour, Richard Edelen, Jr.
Barclay, Dana David
Barclay, Robert Donald
Bardal, David Lavern
Bardwell, Robert Ronald
Barker, Frank Elmer, Jr.
Barnes, George Wallace, III
Barnes, John Roger
Barnes, Thomas Daniel
Barnett, James Harris
Barnett, Richard Lynn
Barnett, Stewart Roland, III
Barnum, Richard Walter, Jr.
Baron, Gilbert Henry
Barratt, James Thomas
Barrett, Donald Hall
Barrett, Frank Oliver, III
Barrett, Michael Dennis
Barrow, James Devens, Jr.
Barrow, Ronnie Lee
Barrowman, Glenn James
Barrows, Richard Douglas
Barry, Brian James
Barry, John Michael
Bartleson, George Robert
Barton, James Douglas
Barton, Walter Hurt
Bashore, Harry William, III
Baskerville, James Ernest
Bass, George Leon
Bassett, William Frederick
Batdorf, Richard Earl
Bateman, Clifford Banks
Bateman, James Alexander
Bathgate, John Craig
Batteen, Earl R., Jr.
Baucom, Larry Clifford
Bauer, Louis William
Bauer, Michael Joseph
Bauman, James Lawrence
Bauman, Ronald Bruce
Baumann, Bruce A. J.
Baumgartner, William Edward
Baylis, Robert Owen
Beach, Don Franklin
Beacham, Frederick Brou
Beakley, James Edwin
Beam, Alan Robert
Beasley, Drew Wentz
Beasley, Roy Wayne
Beason, Nathan Howard
Beatty, Larry Vernon
Beaudet, Carl Alan
Beaugureau, Denis Francis
Beavers, Michael Cornelius
Beck, Allen Earl
Beck, Arthur Thomsen, Jr.
Becker, John Joseph, Jr.
Becker, Stephen Edward
Beckhart, Richard Searle
Beckman, Charles Barry
Beckwith, Donald Charles
Beelby, Michael Howard
Been, Karl Frederick
Beier, Werner John
Bell, Howard Franklin
Bell, James Michael
Bell, John Franklin
Bell, Marvin Leon
Bell, Stuart Wallace
Bell, William Alva
Bellamy, Malcolm Edwin, Jr.
Bellamy, Robert Rodney
Bellemer, Gordon Allen
Bellflower, James Alvin
Belrose, Benjamin George
Bender, Gene Paul
Bender, John Frederick
Bender, John Paul
Benham, Webster Lance, III
Benjes, Christopher
Benko, Michael Jay
Bennett, Albert Eugene, Jr.
Bennett, Richard Wayne
Bennett, Robert Wesley, Jr.
Benning, Vale Jean
Benson, Eric James
Benson, Rodney Lingo
Bentley, Richard Allen
Bentz, John Ambrose, Jr.
Bepko, John Joseph, III
Beresky, Michael Thomas
Berg, Robert Dewayne
Berger, Robert Denton
Bergner, Jon Clark
Bergo, Dennis Michael
Bermudes, Eulogio Conception
Bernard, Eugene Philip
Berns, Thomas Herbert
Bernsen, Thomas Jerome, Jr.
Berree, Norman G.
Berry, Carl Thomas, Jr.
Bersticker, Keith Paul
Berthiaume, William F. Halsey
Bertsch, Roger Brian
Betancourt, Alberto Lino
Betancourt, Jose Luis, Jr.
Bethea, William Dallas
Betzler, David Paul
Beuerlein, Alan F.
Bever, Jerry Donald
Bevers, Richard Eugene
Bew, David Fitzsimons, Jr.
Beyatte, William Edward
Beyer, Carl Walter
Bialobrzewski, Peter Paul
Bianco, Bernard Michael
Bickford, John Charles
Bicknell, Robert Stephen
Biddles, Henry Neal
Bieda, George Edward
Bielik, John Paul
Bien, Jay Kent
Bierbower, William Bruce
Biernesser, James Carr, Jr.
Biggers, Edward Milton
Bigos, Randall Edward
Billick, Dan Richard
Bilski, Anthony
Bingay, Charles Pierson
Birkholz, Howard Daniel
Bisgrove, Michael Edward
Bishop, David Allan
Bishop, Kenneth Ralph
Bishop, Perry Calvin, Jr.
Bishop, Peter Birney
Bishop, Richard Windfield
Bissell, Robert Edward
Bixler, Kenneth George
Black, Richard Allen
Black, Terrence Wade
Blackburn, Gregory Richard
Blackburn, William Rockwell
Blackwell, William Allen
Blackwood, Peter Stuart
Blair, Coy Lynn
Blair, Thomas Benton, II
Blake, Frank J.
Blake, Jimmie Oliver
Blake, Richard Earl
Blanchard, James Joseph
Blanford, Kenneth Lee
Blank, David Alan
Blaue, John W.
Blauvelt, Russell Morrison
Bleecker, James Michael
Blenkle, William George
Block, Terry John
Blocker, Gerald Clinton
Blomquist, James Hamilton
Bloom, James Alan
Bloom, Wade Douglas
Blum, George Edward
Blumberg, Richard Edward
Bock, Jim Baldwin, Jr.
Bogdewic, Daniel David
Bogle, Ronald Coombs
Bogle, William Thomas R.
Bogosian, David Edward
Bohn, Michael Knight
Bohrer, Herbert August
Boland, James Armand
Boland, Lawrence Joseph, Jr.
Bolcar, James Andrew
Bolin, Phil Warren
Bolkcom, Daniel Lee
Bollenbacher, Robert Alan
Bolt, Billy Frank
Bolton, Dwight Edward
Bolton, Patrick Joseph
Bolton, Peter Kemble
Bond, King Charles Pruitt, Jr.
Bone, John Francis
Boniface, William Scott
Bonnett, John William
Booher, Stephen Reed
Booker, Royston Terrell
Bookwalter, James Monroe
Boomhower, Paul Milton
Boor, Leo John
Boorom, Robert Francis
Boose, Marion Sanford, Jr.
Booth, Bryant Fred, III
Booth, David Henry
Booth, James Elliott
Borgmann, Frederick William
Borns, Michael Oscar
Borowiec, Richard Raymond
Borries, William Glenn
Bosley, Dale Earl
Bostaph, Joseph Timothy
Bostic, Larry William
Boswell, Charles Maurice
Botwright, Richard Edward
Boucher, David Lee
Bouchoux, Donald Robert
Bouck, William Gordon
Boucree, Raymond John
Boudreaux, Joseph Clent, III
Boughton, Phillip Gary
Bounds, Lee Edward, Jr.
Bouton, Edwin Harry, Jr.
Boutz, Allen Ray
Bovey, Robert Dewey, Jr.
Bowen, John Dennis III
Bowen, Vernon Robert
Bower, Duane Bruce
Bower, Phillip Wayne
Bowler, Daniel Richards
Boyd, Garland Atkinson, Jr.
Boyd, John Thomas

Boyd, William Kirk, Jr.
Boyd, William Linwood
Boyden, John Parker
Boykin, William Swift, Jr.
Boylan, Harold Gerard, Jr.
Boyle, David John
Boyle, David William
Boyle, Jerome Pillow
Bozin, William George
Braden, Richard Francis
Bradford, Gregory Copeland
Bradley, Fred H., Jr.
Bradley, Howard A.
Bradley, John Earl, Jr.
Bradshaw, Michael J.
Brady, Donald Robert
Brady, James Randall
Brady, Mark Lee
Brady, Michael Francis
Brady, Peter Douglass
Bragg, Noel Warren
Brake, Terry Allen
Braman, Frederick Allen
Bramlett, William T., II
Branch, Malcolm Parker
Brandes, John Charles
Brandon, George Aaron
Brands, Robert Keith
Brandt, Ted Merle
Branum, Jerome Scott
Brattland, Michael Gordon
Bratzler, David Karl
Braun, Gerald Paul
Braunstein, Wayne John
Brawn, Michael Duane
Brechbiel, Nathan Foster
Breeden, George Leakin, II
Breedlove, Rodger Dale
Breese, Jack Richard
Breitinger, Thomas Leinbach
Bremhorst, Joseph Henry
Brender, Mark Edward
Brennan, David Michael
Brennan, Samuel Harley, Jr.
Brenner, Robert Charles
Brennon, Roy Leslie, Jr.
Brevig, LeRoy David
Brewer, David Lawren, III
Brewer, Roger Donald
Bridge, Frederick Lawrence
Brietigam, Charles Thomas
Briggs, Steven Eric
Bright, David Lee
Brinck, Michael Francis
Brines, Stephen Jay
Brink, Gale Dean
Brinkac, Michael Joseph
Brinkmann, William Russell
Britt, James Frederick
Brodie, Glenn Thomas
Bronson, Robert William, II
Brookbank, Michael Andrew
Brooke, James Robert
Brooks, Randolph Michael
Brophy, James Michael, III
Brotherton, James Douglass
Brown, Alan Jeffrey
Brown, Daniel Earl
Brown, David Nelson, III
Brown, Donald Claudean
Brown, Donald Collins
Brown, Fred Douglas
Brown, Gregory Charles
Brown, Harry Parker, Jr.
Brown, Henry Pell, Jr.
Brown, James Michael
Brown, James Michael
Brown, John Richard
Brown, Leroy Allen
Brown, Orville Kenneth, Jr.
Brown, Paul Robert
Brown, Randall Ray
Brown, Richard Mitchell, III
Brown, Robert Edward
Brown, Robert Edward
Brown, Steven Allen
Brown, Thomas Jeffery, Jr.
Brown, Tommy Raymond
Brown, William Burcher, Jr.
Brown, William Walter, Jr.
Browning, Dural Wesley
Browning, Jonathan Edward
Bruce, Robert George
Brunelli, Duane Lee
Brunet, Gerald John
Brunet, Tony Michael
Bruninga, Robert Ervin
Bruninghaus, Ronald Paul
Bryan, John Robeson
Bryan, Timothy Robert
Bryant, James Brantley
Bryant, Stanley Walter
Bryson, Ronald Lee
Bub, Frank Lee
Bucchi, Toney Michael
Bucelato, John Claude
Buckner, John Oliver
Buelow, John Peter
Buford, Gaston Reedy, Jr.
Bugarin, Temotio Espina, Jr.
Bugelski, Michael T.
Bulger, Richard Lee
Bulmer, William Richard
Bunce, James Standish
Bunnell, David Lee
Burbrink, Roger Ronald
Burgess, David Ross
Burgin, William Edward, Jr.
Burin, James Michael
Burk, Othie Galen
Burkett, Harvey Benton
Burlin, David Stevenson
Burnett, Lewis E.
Burnham, Johnny William, Jr.
Burnham, Robert Miller
Burns, Allen Dale
Burns, Richard John
Burr, Richard Henry
Burtchell, Steven Gerard
Burton, John Howard
Busching, William
Bush, Frank Joseph, Jr.
Bushnell, Gregory Allen
Bushore, Robin Paul
Bussey, John Kenneth, Jr.
Butkus, Stephen Benedict
Butler, Bruce Alan
Butler, Charles Lynn
Butler, Charles Steven
Butler, Charles Thomas, III
Butler, Gregory Clinton
Butler, Lonnie David
Butler, Thomas Alva
Butler, William Aubrey
Butorac, George Edward
Butt, Cyrus Hugh, IV
Butterworth, William John, Jr.
Buttina, Richard Anthony
Buzhardt, Harry Olin, Jr.
Buzzell, Brian Vivial
Byles, Robert Ward
Bynum, Ronald Orr
Byrne, Neil Francis
Byrne, Thomas Michael
Cadden, Charles John
Caffrey, Edward Francis
Cahill, Edward Aloysius, III
Cahill, Philip Thomas
Cain, William Anderson
Callaham, Thomas Edwin
Callahan, Dan Lee
Callahan, Roy Howard
Calvert, Leonard, III
Cameron, John Stanley, III
Cameron, Kerry Duane
Cameron, Robert Ellis
Camp, Phillip Steven
Camp, Richard Michael
Campbell, Bruce Alan
Campbell, Cager Wayne
Campbell, Craig Vanharten
Campbell, Donald Leroy
Campbell, Jon Russell
Campbell, Paul Charles
Campbell, Richard Dennis
Campbell, Richard Lorimer, Jr.
Campbell, Robert Stephen
Campbell, Victor Hubert, III
Campbell, William Russell
Canfield, Frank Louis
Cannady, Charles Robert
Canty, Benjamin Keith
Capansky, Mark Alan
Caparelli, Richard Francis
Capilla, Livio Natale
Caplinger, Lanny Wade
Capps, Charles John, Jr.
Carde, Freeland Henry, III
Carden, Carl Ernest
Carey, Charles Daniel, III
Carey, Geoffrey M.
Carey, John Dale
Carley, Norman John
Carlin, James Joseph, Jr.
Carlin, Thomas James
Carlson, Charles Robert
Carlson, David Robert
Carlson, Donald John
Carlson, James Allen
Carlson, Robert Stanley
Carlson, William Garrett
Carlton, John Calhoun, Jr.
Carmody, Michael James
Carnahan, Thomas Michael
Carnevale, Joseph Anthony, Jr.
Carney, James Mann
Carpowich, David John
Carr, Russell Morgan
Carrier, John Xavier, II
Carrig, Michael Francis
Carro, Stephen Joseph
Carroll, Charles Richard
Carroll, David Austin
Carroll, Dennis Jerome
Carroll, Gerald J., Jr.
Carroll, James William
Carroll, Kenneth William
Carson, Steven Alma
Carson, Thomas Hill, III
Carter, Dennis Charles
Carter, James Butler, Jr.
Carter, John Carroll
Carter, John Michael
Carter, Larry James
Carter, Lynn, II
Carter, Robert Sharp
Carver, Bobby Wayne
Casey, Rodney Len
Cash, Louie Oliver
Cash, Paul David
Cashman, Edward J. W.
Casko, John David
Cassedy, William Augustus, IV
Cassidy, John Alexander, Jr.
Cassidy, Richard Michael, Jr.
Cast, Frederick Allan, Jr.
Casteel, Robert Blake, II
Caswell, Gary Joe
Cataldi, Richard Anthony
Cathcart, George Robert
Caton, Robert Nelson
Cauchon, Richard Paul
Cavanaugh, Michael Patrick
Cavender, John Benjamin, III
Cech, Kenneth Charles
Celmer, John Anthony
Chacon, Gerald Michael
Chaffee, Edmund John
Chaloupka, Allan Bischof
Chamberlain, Carl William, Jr
Chamber, Harold Dean
Chambless, James Earl

Champagne, Lee Wesley
Champney, Robert Keith
Chance, Thomas Henry
Chandler, Michael Edward
Chaplin, Robert Charles
Chapman, James Theodore
Chapple, Leroy Windsor
Charbonnet, Pierre Numa, III
Charley, Michael Bryan
Charuhas, Richard Brian
Charvat, David Edward
Chase, Andrew Barton
Chase, Dudley Harrison
Chatham, Howard Maitland
Chatham, Ralph Ernest
Chattin, James William
Check, Martin Lewis
Chenevey, John Victor
Chepenik, Stanley Barnett
Chewning, Warren Craig
Childers, Richard Dean
Childers, Robert Blair
Chin, Sheck Gen
Chisholm, Christopher Ian
Chopp, Daniel Matthew
Christenson, Ronald Lee
Christian, Robert Howard
Christian, Roy Calvin
Christiansen, Carl Smith
Christiansen, Terry Gordon
Christianson, David Laurence
Christianson, Robert Neal
Christman, John Howard
Church, Albert Thomas, III
Church, Larry Nathan
Churins, Peter Reynold
Cima, William Michael
Cipriani, Alfred Louis
Clabaugh, Cecil Allen
Claeboe, Gregory Malcolm
Claggett, Ronald Lee
Clapp, Roger Barns
Clapsadl, Michael Ray
Clark, Allan Forrest
Clark, Augustus Walter, III
Clark, Garnett Yelverton, III
Clark, George Chester
Clark, Gerald Wayne
Clark, James
Clark, Ray Wilmarth
Clark, Richard Earl
Clark, Robert Allen
Clark, Robert Alvin
Clark, William Lee, III
Clark, William Phil, Jr.
Clayton, Frederick W., III
Clayton, Richard Eldon
Claytor, Robert E.
Cleghorn, Larry Everett
Cleland, Todd
Clemens, Paul Daniel
Clement, Orrin Pierce
Cleveland, Robert Howell
Cleverdon, Thomas Frederick
Clifford, William Francis
Coates, Robert Vernon, Jr.
Cobb, William Wilson, Jr.
Coble, Melvin Alan
Cochran, Paul Reginald, III
Cochrane, John Mackay
Cochrane, Michael Jon
Cocolin, David Paul
Cocowitch, John Herbert
Coen, Ronald Lee
Coffer, Joe Ralph
Coggeshall, Jerry Wayne
Colantoni, Anthony Vincent
Cole, Christopher Warren
Cole, Fred Gordon
Cole, Frederick Byron
Cole, Richard Ward
Coleman, Richard George
Coleman, Richard Lewis
Coleman, Stephen Tredway
Coleridge, David Theodore Jones
Coll, William Francis
Collier, Dewey Russell
Collins, Charles Henry, Jr.
Collins, David Oliver
Collins, Dennis W.
Collins, John George
Collins, Martin Edwin
Collins, Neil Jon
Collins, Robert Samuel
Colton, Rodney Alvie
Combs, Osie V., Jr.
Comer, Stephen Andrew
Comer, Thomas Arthur
Commons, Norbert Anthony, Jr.
Compton, James Lawrence, Jr.
Compton, James Robert, III
Conallen, Michael James
Conaway, Richard Erle
Condon, John Kenneth
Conley, Edward Gail
Connell, John Clay, Jr.
Connell, Royal William, Jr.
Connelly, Michael Joseph
Connelly, Ralph William
Conner, Harry Merriwether
Conner, Hilton Leroy, Jr.
Conners, Jeffrey Durnell
Connor, Thomas Edward
Conrad, Emerson Seymour, Jr.
Conrad, James Harold
Conrad, John Woeppel
Conroy, James Leo
Conroy, Thomas, Jr.
Consaul, Harry Parker, III
Conte, Enrico Emil
Conway, Joseph Vincent, Jr.
Cook, Jeffrey Alan
Cook, Larry Wilfred
Cook, Louis James, III
Cook, Norman Ervin
Cook, Roger Darrell
Cook, Virgil Griffith, Jr.
Coon, Ralph Herbert, Jr.
Coons, William Eric
Cooper, Roger Stuart
Cooper, Thomas Charles
Cooper, Ward Joseph
Copeland, Roger D.
Corbin, James Harold
Corbin, Ridgeway W., II
Corbitt, James Allen, Jr.
Corcoran, Colin David
Corcoran, Thomas Charles
Corcoran, Thomas Joseph
Cordasco, Michael Francis, Jr.
Corder, Robert Allen
Corey, Robert Orrin, Jr.
Corley, Gwinn Ellis
Corn, Richard, III
Cornett, Billy, II
Cornwell, Joseph Henry
Corsey, John William, Jr.
Cosgriff, Kevin Joseph
Cosgriff, Robert William
Cosgrove, Michael Alfred
Costarino, F. Thomas
Costello, Thomas Patrick
Cote, Daniel Noel
Cottle, Joseph Archie, Jr.
Coulter, Daley Thomas
Counts, Steven Lee
Covington, Clifford Craig
Covington, George Barkley
Coward, Thomas Wayne
Cox, Earl Francis
Cox, Harold Louis, Jr.
Cox, Richard Stedman
Cox, William Travis
Coxe, William Travis
Coxe, William Kenneth, Jr.
Coyle, Barry John
Cradduck, David Charles
Craig, William Charles
Crain, Robert Levan, Jr.
Cramer, Mark Jay
Crandall, Charles Kenneth, Jr.
Crandall, Scott Michael
Crane, Jeffrey Ralph
Crane, Larry Stanley
Cranmer, John Michael
Cranston, James Spencer
Crapps, Tommie Clyde
Crawford, James William
Crawford, Keith Eugene
Crawford, Lyle Donald, Jr.
Crawshaw, Robert Ord
Creath, Timothy George
Crecelius, Frederick E.
Creed, Andrew Lincoln
Creekman, Charles Todd, Jr.
Crellin, Bruce Edward
Crenshaw, Keith Virgil
Crim, George Norman, Jr.
Crim, Mark Adren
Crisp, Dale William
Critser, Arthur Earl
Croake, John Michael
Crompton, David Thomas
Cronk, Phillip Jay
Crosby, Richard Allen
Cross, Allen Michael
Cross, James Kilpatrick
Crotteau, Robert Allen
Crotts, Raymond Bruce
Crouch, Christopher
Crowe, Robert Kenneth
Crowley, John Joseph, Jr.
Cruser, Thomas Paul
Cuccias, Robert Francis, Jr.
Cudia, David Timothy
Culbertson, Frank Lee, Jr.
Culbertson, James Lowrey, III
Culbertson, John Earl
Culmer, Bruce Byron
Culpepper, James Clayton
Culwell, Joe Mark
Cumming, John Charles
Cummings, Brian James
Cummings, Harold Heuszel, Jr.
Cummings, Jon Richard
Cummings, Kevin Peter
Cummings, Walter James
Cummins, Eugene Joseph, Jr.
Curran, Donald Joseph, Jr.
Curran, Joseph Laurence, Jr.
Curry, Dennis Patrick
Curry, Robert Delong
Curry, Ronald Kenneth
Curry, Samuel Grayson, II
Curtin, John Wallace
Curtis, John MacRae
Curtis, Keith Paul
Curtis, Kendall William
Curts, Raymond James
Cutcher, John McCormick
Cutler, Thomas Joshua
Cuzzocrea, John Leo
Cyboron, Robert Edward
Czech, Gregory Jacob
Dabney, Philip Joseph
Dady, Mark Wayne
Dahl, Donald Leon
Dahlman, Carl Eskil, Jr.
Daigle, Noel Anthony
Daigle, Valier John
Dailey, Eugene Terrence
Dailey, Leroy
Dale, Charles Joseph
Dallman, Roger Anthony, Sr.
Daly, Denis Francis, Jr.
Dame, Roderick Winstead
Dampier, Craig Richard
Danaher, Thomas Patrick
Danberg, Robert Benell
Daniel, Gerald Lynn
Daniel, James Mikell
Daniels, James Norman, Jr.

Daniels, Thomas Lee
Dannecker, Ronald Howard
Dantzler, Herman Lee, Jr.
Darcy, Thomas Francis
Dare, James Ashton, Jr.
Dargo, Ronald Steven
Darling, Larry Wayne
Darnell, Thomas Richard
Darrow, Edward Eells, Jr.
David, King Jack
Davidson, William Eben
Davies, Carl Robert
Davies, Robert William
Davis, Charles Carver
Davis, Charles Christman
Davis, Dean Omega, Jr.
Davis, Edward Lyle
Davis, Gary Malcolm
Davis, Jack Michael
Davis, John Philip
Davis, John Ray
Davis, Kenneth Douglas
Davis, Michael Eugene
Davis, Neil Carter
Davis, Noble Scott
Davis, Robert Bewick
Davis, Roderick Franklin
Davis, Rodney Michael
Davis, Russell Erwin
Davis, Stanley Owen
Davis, Thomas Clifford
Davis, William Aaron, Jr.
Davis, William Leighton
Davis, William Oris
Davison, Henry Gordon
Dawes, Larry Eugene
Dawson, Donald Ray
Dawson, James Cutler, Jr.
Day, Jeffrey John
Day, Ralph Davis
Day, Robert Stephen
Day, Robert Wright
Deacon, Glenn Russell
Deal, Rocklun Allen
Dean, Thomas Emanuel
Dean, Thomas Roger
Deaver, William Nelson, Jr.
Deering, Ronald Dean
Defoore, Charles Wilburn, Jr.
Dejaegher, Richard Howard
Delaney, Dennis Michael
Delaplane, Stephen Weld
Deloof, Ronald Milton
Demeo, Michael Joseph
Demlein, John Joseph, Jr.
Demmon, William John Russell
Dempsey, Francis Brian
Dempsey, Peter Michael
Dennis, Ronald Wayne
Denny, Donald Jefferson
Denogean, Rudy
Denson, Dwight Ellis
Dent, Michael Wayne
Deputy, Robert Allen, Jr.
DeRusso, Michael Patrick
Despain, William Michael
Detchemendy, Edward Michael
Detwiler, Donald Vernon
Deutsch, Joseph King
Devlin, Joseph Vincent
Devries, Peter Joseph, Jr.
Dewey, Roger Scott
Dewey, William Alonzo
Dews, Edwin Walter
Dibble, Ronald Alan
Dibiase, Gene Frederick
Dick, Lawrence Lee
Dickerson, Robert William, II
Dickey, James Allen
Dickey, Thomas Patton, Jr.
Dickover, David George
Diddlemeyer, Lawrence F.
Diekemper, Jerome Vincent
Dietz, Donald Malcolm
Dietz, Douglas Warren
Digennaro, Timothy Joseph
Dillon, David Lee
Dimuzio, Robert Gregory
Dinger, John Parr
Dinorma, Gerald
Dionizio, Augusto James, Jr.
Disney, Donald Bruce, Jr.
Dixon, Lewis Randolph
Dixon, Loren Kenneth
Doan, Carl Edwin
Dobbs, Gary Ronald
Dobrydney, Frank Joseph
Dobson, Anthony Lee
Dobson, Joseph O., III
Dodd, Carl Thomas
Dodd, Jack David
Dodd, James Lee
Dodd, Richard Patrick
Dodge, Frederick James
Dodge, Kenneth Edward
Doempke, Gerald Thomas
Doherty, Hugh Francis
Dohse, John Frederick
Dolan, Robert Dennis
Dolle, James Edward
Dolquist, John Dean
Dominique, Leo G.
Domurat, Benjamin William
Donahue, Charles Richard
Donlon, Stephen Edward
Doolin, Robert Michael
Doorly, Dale Martin
Dote, Michael Kenneth
Doubleday, Michael Webb
Doud, William Edward, Jr.
Dougherty, Patrick Joseph
Dougherty, Terryll, Jr.
Dougherty, Thomas James
Douglas, Robert Eugene
Douglas, Terry Scott
Dowd, Andrew Scales, Jr.
Doyle, John Joseph
Doyle, Larry Spencer
Doyle, Martin Edward, Jr.
Doyle, Patrick Michael
Drake, Carroll Maynard
Dranchak, John Charles
Dreesen, Robert Wells, Jr.
Dresel, Jon William
Drew, David Otis
Driscoll, Michael Brian
Driscoll, Michael Lon
Driscoll, William Patrick
Drucker, John R.
Drury, John Lee
Dryden, Richard Arthur
Dryfka, John Edmund
Dubeau, Robert William
Dubois, William Louis
Duchesneau, Robert Edward
Duckworth, Eddie Lee
Duclos, Edward Decell
Dudderar, Raymond Albert, Jr.
Dudley, Harrison Grover, Jr.
Duesi, Frank Wesley
Duffy, Michael Edward
Duffy, Raymond Andrew
Duffy, Timothy William
Duggan, Robert Francis
Duguid, Roger Alan
Duignan, Michael Joseph
Duke, Arnold Lowell
Duke, Boyce Wayne
Duke, Russell Alexander, Jr.
Duma, David Wayne
Dumas, Edward Lewis
Dumbauld, Jerry Ray
Duncan, Michael Gordon
Duncan, Michael Joseph
Dundics, Marton Jozsef
Dunlap, Philip Stephen
Dunn, Carl Boulter
Dunn, Franklin Thomas
Dunn, Michael Oliver
Dunn, Vance George
Dunne, Patrick William
Dunne, Robert Rawdon
Dunning, Kenneth Gerald
Duquette, Marc Raymond
Durazo, Manual Ygnacio, Jr.
Durham, James Leighton
Durst, David Paul
Durst, Robert Stevenson, II
Duval, David Alan
Duvall, George Edward
Duzy, Charles Adam
Dwornik, Richard Thomas
Dwyer, Stephen Michael
Dyer, Edward William
Dyer, Joseph Wendell, Jr.
Dykstra, David Albert
Dysart, Barry Justice
Eakin, Philip Joseph
Eason, John Wayne
Eason, Richard Alexander
Easter, David Templeton
Easterday, Kenneth Paul, Jr.
Easterling, Lael Ray
Eastman, Guy Arthur
Eastman, Jon Andrew
Eastwood, George Hartley
Ebright, Arthur Lloyd
Eby, Ronald George
Eckert, Frederick Francis
Eckes, George Henry
Eckley, Glen Edward
Eden, Michael Spencer
Edgington, Bobbie George
Edholm, Steven William
Edington, Ronald James
Edmonds, Carl Harvey
Edmondson, Joel Martin
Edmonson, Albert Clinton
Edwards, Arthur Lee
Edwards, Brian Alfred
Edwards, Bruce Barton
Edwards, Daniel Dexter
Edwards, David Anthony
Edwards, Gilbert Spencer
Edwards, Kenneth Paul
Edwards, Raymond Lewis
Egan, Dennis James
Egan, John Robert
Ege, Robert Frederick
Eger, John Gaylord
Ehemann, David Arthur
Eiben, Norman George
Eichelberger, Kenneth Lee
Eick, Ira J.
Ekl, John C.
Ekstrom, Robert Harry
Eldred, William Lester
Eldridge, John Karson
Elfelt, James Michael
Elfers, Glen Edward, Jr.
Elfervig, Leonard Randolph, II
Elias, William Theodore
Elkins, Marlene Marlitt
Eller, Douglas Dean
Ellerman, Dean William, Jr.
Elles, Christopher Jacob
Ellin, Charles Robert
Elliott, Lawrence Bruce
Elliott, Robert Hall
Elliott, Robert Russell
Elliott, Thomas John, Jr.
Ellison, Curtis Joseph
Ellison, Daniel A.
Ellison, David Roy
Elsen, Morris Eugene
Emigh, Gerald Lee
Enderly, Richard Harold
Engel, Douglas Todd
Engel, Gregory Allen
Engh, Robert Harald
England, Don Rondell
Engle, Edward Charles

Englehardt, Cleveland Duane
Englehart, William Patrick
Engler, Brian David
Engstrom, George Henry
Enright, Joseph Earl
Ensminger, Gerald David
Epley, Clinton Earl
Epperson, Steven Paul
Erb, Robert Stephen
Erickson, David P.
Erickson, Donald Philip
Erndle, Daniel Edward
Ersek, David Alan
Erskine, Robert Sageley
Ertel, Gregory William
Ertl, Charles Clark
Ertlschweiger, John Thomas
Ertner, James Daniel
Erwin, Robert Ashley
Erwin, Troy James
Eseman, Thomas Scott
Estabrooks, Joseph Orlando
Etheridge, Melvin Rheul, Jr.
Etnyre, Terrance Thomas
Etter, Stephen Shawn
Etter, Thomas Harold
Eubanks, Sam Elvis, Jr.
Euliss, James Patrick
Eustis, Harold Robert
Evans, John Charles
Evans, John Oliver, Jr.
Evans, Robert Bruce, Jr.
Evans, Robert Stacy
Evans, Steven Roy
Everett, Jon Berry
Evermann, George Stephen
Ewan, Lawrence Kirby
Ewell, Richard Curtis
Fages, Malcolm Irving
Fahrenkrog, Steven Lock
Fahy, Edward Joseph, Jr.
Fahy, Thomas Edward
Faine, Levarn Leroy
Faith, Everett Wilbur, Jr.
Falkner, James Raymond
Faltisek, Dale Wallace
Fandrei, Dennis Ervin
Faneuf, Leo Joseph, III
Faraldo, David Dickson
Fare, Freddie Eugene
Fargo, Thomas Boulton
Faris, Charles Cameron
Farley, David Lee
Farley, James Michael
Farley, John Francis
Farrar, James Stephen
Farrell, Gerard Michael
Farris, Christy Lee
Fastabend, Gerald Earl
Fath, Thomas Martin
Fauquet, Ronald Le Roy
Fawcett, Peter Formanek
Feallock, William John, III
Featherstone, John Vernon
Feder, John Heard
Fedoryszyn, Robert John
Fedyszyn, Thomas Raymond
Feeley, Michael Edward
Feierabend, Richard Carl
Feikema, Brian David
Feldman, Brian Darrell
Fellin, Tom Steven
Felloney, John Joseph, Jr.
Fellows, Mark Decatur
Felton, Bobby Joe
Fenn, Marshall Ray
Fenton, John Ward
Ferber, Allen Ashbey
Ferguson, Jeffrey Edward
Ferguson, Paul Frederick
Ferguson, Robert Andrew, Jr.
Ferranti, John Peter, Jr.
Ferrara, Bernard Joseph
Ferree, William Daniel
Ferrell, Dennis Richard
Ferretti, Edwin David
Ferriman, Robert Lemonie
Ferris, Richard Lee
Ferver, Robert Greer
Fessenden, Richard Mial
Fessenden, Richard Randall
Fetgatter, Walter Edward
Fetzer, William Woodrow, Jr.
Fidyk, William Gregory
Fiebig, Edward Rolland, Jr.
Field, Philip Howard
Fike, Raymond Frederic
Filka, Ronald Allen
Fillmann, William Craig
Fincher, Walter Keith
Findlay, Gary Steven
Finegold, Brian David
Finfrock, Patrick
Finley, Jeffrey Allen
Finley, Richard Gale
Finn, Michael Patrick
Finney, Charles Parker
Finney, Robert Dean
Finney, Robert Terry
Fischer, Edward Francis
Fischer, John Richard
Fischer, Joseph C., Jr.
Fischer, William George
Fiser, Larry Dale
Fishel, Henry Gilmar
Fisher, Frederick Bruce
Fisher, Glen Andrew
Fisher, Joseph Timothy
Fiske, Richard Paul
Fitch, David Paul
Fitchet, Charles Baxter
Fitten, John Alexander
Fitzgerald, Dennis John
Fitzgerald, Lynd La Croix
Fitzsimmons, Michael Joseph
Fitzsimons, John Richard
Fjelde, John Arthur
Flaherty, Mark Ostrom
Flaherty, Thomas John
Flanagan, Thomas James
Fleming, Francis Raymond
Fleming, Kenneth Werner
Fleming, Richard Peter, Jr.
Flenniken, Michael Elmo
Fletcher, Frank Carl
Fletcher, Patrick James
Flood, Jeffrey Lee
Flood, Stephen Michael
Flores, Pablo Jimenez
Flowers, Philip Raymond
Fluker, James Andrew
Fluta, Raymond Alan
Flynt, David Byron
Fodor, Louis Charles
Foley, James Osmar
Foley, John Baptist, III
Foley, Patrick Allen
Foley, Robert Vincent
Folkman, Stewart Greaves
Follis, Thomas Jackson
Foltz, Randall Alfred
Foltz, Ricky Allen
Fontana, Stephen James
Fontz, Charles Roy
Foraker, Allen Shane
Forbes, Clarence
Forbes, Keith Cary
Ford, Jerry Wilson
Ford, John Fielding
Ford, Johnnie Edward
Ford, William Patrick
Forness, William Lawrence
Forsyth, William Minor
Fortik, Donald Floyd
Fortson, Robert Malcolm
Foshay, Wayne Edward
Foster, Jeffrey Rand
Foster, Kent William
Foster, Michael Stephen
Foster, Robert Eugene
Foster, Thomas Freeman
Foster, Thomas Wayne
Foster, Willie Ronald
Fought, Earl Jay
Foulk, Donald Lamar, Jr.
Fowinkle, Charles Tinsley
Fowler, Boyd Cannon
Fowler, Thomas Vance
Fox, Frederick Michael, Jr.
Fox, Jerry William
Fox, Mark
Fox, Phillip Arthur
Frame, Daniel Alva
Francel, John Thomas
Francis, Gary Edward
Francis, John Willi
Francisco, Larry Jon
Frank, Joe Lee, III
Frankenfield, Howard Oakley
Franklin, Gary Wayne
Franze, Charles Raymond
Franzoni, John Carlos, Jr.
Fraser, Powell Alexander, Jr.
Frasher, Steven John
Fravel, Richard
Frazier, Tommy Earl
Fredricksen, Robert Arnold
Freedman, Robert Norman
Freeland, Thomas Lee
Freeman, Bruce Damon
Freeman, Harold Robert
Freeman, James Dale
Freeman, Russell Dean
French, Michael John
French, Richard Wayne
Frentzel, William York, II
Freudenthal, Paul Edward
Freybe, Harald
Frick, Robert Ellis
Frieden, David Ralph
Frimenko, Michael, Jr.
Fritchman, Wilson John
Fritsch, David G.
Froelich, Clifford Anthony
Frohlich, Thomas William
Fry, Scott Allen
Frye, Mark K.
Frysinger, James Robert
Fuellenbach, Joseph Charles
Fuller, Richard Greenleaf
Fuller, Walter Gadsby
Funk, William Ted
Funke, David John
Funke, Richard Harrison, III
Furrevig, Harold Lawrence
Futral, Donald Gordon
Gabe, Daniel Evans
Gabriel, Daniel Webster, Jr.
Gadino, William
Gaenslen, Carl Eric
Gaertner, Earl C.
Gaffney, Michael Gattrell
Gaffney, Paul Golden, II
Gagarin, Gregory John
Gagliardi, Dennis Lloyd
Gaillard, Franklin Delino
Gaines, James Egelston, Jr.
Galdorisi, George Victor
Gallagher, John Joseph
Gallemore, James Bruce
Galus, Albert John Robert
Gamber, Charles Thomas
Gana, John Charles
Ganger, David Ralph
Gannon, Harvey John, Jr.
Gano, Richard Dale
Gantley, John Edward
Garavito, Donald Eugene
Garcia, John Spiro
Gardner, Dale Allen
Gardner, Daniel Edward
Gardner, George Henry, III

Gardner, Grant Everett
Gardner, James Adams
Garman, James Marshall
Garnett, Claude, Jr.
Garrahan, Richard
Garrick, John Michael
Garske, John Charles
Gaskins, James Yost
Gass, Michael Richard
Gastler, Harold Coe
Gastrell, Philip Cotsworth
Gates, Richard Wesley
Gates, Ronald Austin
Gatewood, Joel Walter, Jr.
Gatewood, John Lindsay, Jr.
Gaudi, Robert David
Gault, Roger Wayne
Gauss, John Anthony
Gauthier, Maurice Alfred
Gauthier, Normand Claude
Gavito, Valentin Francisco, Jr.
Gawlik, Joseph Anthony
Gay, Willis Harold, Jr.
Gearhart, Michael Warren
Geddes, Stephen Schoolcraft
Gehl, Michael Thomas
Geiger, Donald Gene
Geister, Joel Albert, Jr.
Gemmill, Alan Mark
Genin, Louis Paul
George, Danny Louis
George, Derek Rea
George, William Alfred, Jr.
Gepford, Richard Donald
Gerard, Gregory Lawrence
Gessner, Robert Louis, Jr.
Getsinger, Clarence Layton
Giambastiani, Edmund P., Jr.
Giannotti, Louis John
Gibbens, Richard James
Gibbs, Dennis Keith
Gibbs, Thomas Ryan
Gibney, William James
Gibson, Robert Lee
Gibson, William Lewis
Giesemann, Frank Tyler
Giffen, Robert Carlisle, III
Giger, Charles Eugene
Gilbert, Gene Edwin
Gilbert, Richard Wayne
Gilchrist, Stanley Fredric
Gilchrist, Stephen Drew
Giles, Blaine Richard
Gililland, Robert Patrick
Gill, Jerry Dean
Gillespie, Thomas Rex, II
Gillies, Dugald Lochlin M.
Gilmer, Franklin Biggs
Giraldi, Walter Rudolph
Girvin, Charles Rodney, III
Glanzmann, Christopher F.
Glenn, Phillip Lee
Glidden, Stephen William
Glover, Terry Lee
Glover, Thomas James
Glutting, Joseph Christopher
Glynn, Dennis William
Gmeiner, Rocklin E., Jr.
Goehring, Clayton Allen
Goen, Lewis Willis
Goff, Larry Hunt
Gokey, James Webster
Goldberg, Allan Theodore
Golden, Larry Frederick
Golden, Richard Ford
Goldfinch, Albert Louis
Goldmeyer, Frederick Richard
Goldstein, Abraham Jeffrey
Golle, Stephen Joseph
Goninan, Harvey Glenn
Good, Layne Walter
Good, Paul Alan
Goode, Thomas Gilligan
Goodman, Joe Anderson
Goodmundson, Gary Carl
Goodnight, Lyman Evans, III
Goodrich, Boyd Larry
Goodwin, Hugh Gibson
Goodwin, Robert Archer, III
Goodwin, William James
Gordon, Alan Lee
Gordon, Edward Franklin
Gordon, Larry Don
Gordon, Vernon Curtis
Gore, Charles Frederick
Gorman, John Joseph, Jr.
Gorman, Thomas Richard
Gorrell, Charles Bruce
Gorski, Thomas Henry
Gorthy, Alan Robert, Jr.
Gospodarec, Donald Stanley
Goss, Marlin Earl
Gourley, James Edwin, II
Gowen, Charles Thomas
Grace, Robert Michael
Gradisnik, Gary Anthony
Gragg, Charles H.
Gragg, William Larry
Graham, Robert Eugene, Jr.
Graham, William Rose
Granade, Walter Edward
Grandia, David Jacob
Graner, William Ross
Grant, Francis Joseph, Jr.
Grant, Fredrick Irving
Grauert, Christopher Michael
Graves, David Hart
Graves, Davie Wilson
Graw, Julius Arwet
Gray, Charles Lawrence
Gray, Gary Keith
Gray, Richard John
Gray, Robert J.
Gray, Robert Kelly
Graybill, Jon Gilbert
Green, James Francis
Green, Kevin Patrick
Green, Marion Wendell
Green, Michael Jeffrey
Green, Richard Howard
Green, Terry Allen
Greenberger, David
Greene, Alan David
Greene, Bobby Eugene
Greene, Brenton Clair
Greene, Daniel Fay
Greene, Darold Price
Greene, Everett Lewis
Greene, Joseph Michael, Jr.
Greene, Justin Noel D.
Greene, Stephen Douglas
Greenlee, William Eugene
Greenoe, Bartis Edwin
Greer, Richard Earl
Gregson, Mark
Grehawick, Gregory Daniel
Greksouk, John Gary
Griep, Raymond James
Griffin, James Calvin
Griffin, Paul Michael
Griffin, William Robert
Griffith, Curtis Bowers, II
Griffith, Russell Lee
Griffiths, Charles Henry, Jr.
Grigsby, Stanley Holmes
Grimm, William Frank
Grinnell, Raymond James, Jr.
Gritzen, Edward Frederick, II
Groenig, Stanley Ray
Groff, Melvin Alan
Gronemann, Bruce William
Gross, Christian Robert
Gross, Thomas Mark
Grossenbacher, John Joseph
Groves, Ronald Ernest
Grubb, Francis Bunyan, Jr.
Grubbs, Kenneth Kay
Grulli, Michael David
Gruver, William Kiefer
Guardiano, Jerry John
Guertin, Stanley Douglas
Guest, Frank Benjamin, III
Gugger, Roger Paul
Guilford, Walter Byron
Guilfoyle, Kenneth Gordon
Gullickson, Gregg Grant
Gunn, Donald Patrick
Gunter, Clarence Earl, Jr.
Gurke, Lee Samuel
Gusette, Charles John, III
Gutridge, Wallace Glen
Gygax, Felix Stephen
Gyles, Leon Leonard
Hacker, Daniel Mark
Haddock, Joseph William, III
Hadley, John David
Hafner, Kenneth Duane
Hagberg, Stephen Gene
Hagee, Carl Lynn
Hagee, Edmon Devoin
Hagenbruch, Robert Henry
Hager, Alan Richards
Haggerty, Jerry Michael
Hagood, James Timmons
Hagstrom, David William
Hagstrom, Gary J.
Hagy, Michael Richard
Hahn, Keith Dennis
Hahnfeldt, Don Vogts
Haight, Richard William
Haigis, John
Hale, John Frederick
Hale, Nathaniel
Hale, Ronald Eugene
Hales, David Dixon
Hall, Allen Eugene
Hall, Dane Robert
Hall, Garry Richard
Hall, Gary Michael
Hall, James B.
Hall, Larry Wayne
Hall, Mark Glover
Hall, Marshall Vansant
Hall, Stephen James
Hallauer, Russell Lewis
Hallenbeck, Amos Edward, Jr.
Hallenbeck, David L.
Hallett, Michael Thomas
Halliday, Howard James, Jr.
Hallihan, Timothy James
Hallman, Denis Stilwell
Halloran, John Garner
Halwachs, Thomas Eugene
Hambrecht, Robert McClure
Hamburg, James Warren
Hamilton, Baker Robert
Hamilton, Jerry Allen
Hamilton, Leon Bollie, Jr.
Hamilton, Steven Monroe
Hamilton, William Lawrence
Hammes, Richard Kenneth
Hammock, Charles Raymond, Jr.
Hammontree, Larry James
Hampshire, Eddie Walter
Hand, Leroy Corbett, III
Handlers, Robert Glenn
Hanna, Norman William III
Hannifin, Steven Patrick
Hansell, Ross Chesney
Hansell, William Richard, Jr.
Hansen, Gregory Lee
Hanson, Gary Alan
Hanson, Kenneth Warren, Jr.
Hanson, Lars Parker
Hanson, Paul Edward
Hanson, Terris Leigh
Hardcastle-Taylor, Michael
Hardee, James Bryan
Harding, Wynn Allen
Harkey, James Pierce
Harkness, George Cockett
Harler, Robert Montgomery

Harlow, Louis F.
Harlow, William Robert, Jr.
Harmon, Sidney William
Harmon, William Craig
Harms, Alfred Glen, Jr.
Harper, Gegory Paul
Harrell, Thomas Atkins
Harris, Charles Calvin
Harris, George Charles, Jr.
Harris, James Leroy
Harris, James Patrick
Harris, Joe Newton
Harris, Robert Curran
Harris, Ronald Robinson
Harrison, Jeffrey
Harrison, John Thomas
Harrop, John Kaenel
Harry, David Allan
Harry, Robert Meade
Hart, David Thomas, Jr.
Hart, George Leroy
Hart, William Smith
Hartman, Charles Ricks
Hartmuller, Roger Louis, Jr.
Hartzell, Gerry Richard
Harvey, Fred Seldon, Jr.
Harvey, James Robert
Harwell, Michael Adaire
Haseltine, Raymond Frederic
Hash, Steven Peder
Haskins, Michael Leslie
Hass, Timothy Francis
Hastings, Charles Oliver
Hastings, James Jeffrey
Hatcher, Russell Lloyd, Jr.
Hatcher, William Lloyd, III
Havel, Richard William
Hawes, Frederick Joseph
Hawkins, Bruce Wayne
Hawkins, John Braddock, Jr.
Hawkins, Stephen George
Hawley, Ramsey Marshall
Hawver, William Spencer
Hayball, Robert Matthew
Haydu, George Andrew
Hayes, Bradd Crouch
Hayes, James Alfred
Hayes, John Franklin
Hayes, Thomas
Hayes, Thomas Mather
Hayes, Timothy Paul
Haynes, Arthur Dean
Hazelrigg, Steven Adolph
Headridge, William Franklin
Healy, Donald Jeremiah
Heard, Chester Arthur
Heath, Donald Edward
Heath, Gregory Garver
Heath, Terrill Sullivan
Heatley, Charles James, III
Hebert, Edward Richard
Heckert, Craig Robert
Hedegor, John Wayne
Hederstrom, Paul H.
Heilman, Stephen Craig
Heilmann, Thomas Carl
Heim, George Raymond
Heim, Robert Joseph
Heineman, Joseph William
Heinz, Stephen George
Held, John Michael
Held, Rene
Helfen, William
Helgeson, Marc Arnold
Helin, William Cary
Helsley, Ronald Eugene
Helton, James Nathaniel
Hendershot, Robert Paul
Henderson, John Lewis
Hendricks, Leon Alexander
Hendricks, Robert Linae
Henke, Milton Frederick, Jr.
Henley, Ronald Wayne
Hennessy, Raymond Michael
Henry, Douglas Davies
Henry, Joseph Gerard
Henry, William David
Hensch, Richard Louis
Henson, Earl Oneal
Henson, John William
Herbert, Garry Lynn
Hergenreter, Dennis Dean
Hergenroeder, James
Herger, Joseph Ferdinand
Hermanson, Bruce
Hermeling, Theodore Allen, Jr.
Herrman, Larry Virgil
Hershey, Scott Hadley
Herzberg, Donald Dale
Hess, Charles Menk
Hess, Mark William
Hess, Nathan Martin
Hester, William Leon, Jr.
Heuchert, Richard Herman
Hewett, Michael Edward
Hewett, Ronald Edward
Heyworth, Lawrence, III
Hezlep, Lynn Morgan
Hickey, Daniel George
Hickey, William A, III
Hickman, William Fredrick
Hicks, Fred Arlen
Hicks, Leonard Leon
Higdon, Ronald Gordon
Higgins, Edward Joseph
Higgins, James Bruce
Higgins, Robert Arthur
Higgins, Simeon Guy, Jr.
Higgins, Timothy
Hightower, Terrance Lee
Hilburn, John Ernest
Hildebrandt, Thomas G., Jr.
Hill, Billy Paul
Hill, Carl Clifton, III
Hill, Michael Lee
Hill, Roger Dale
Hill, Ronald Maxwell
Hillard, John Rains
Hillerman, Larry Allen
Hillmann, Leo C.
Hills, Ronald Edward
Hillyer, Richard Scott
Hilton, Hugh Anthony
Hilton, William Ray
Himmelwright, Heber Hodges
Hine, Jonathan Trumbull, Jr.
Hingle, Leander Leon, Jr.
Hingson, Curtis Otho
Hinman, Harry Thornton, III
Hinsman, Donald Ernest
Hintz, Edward Joseph, Jr.
Hirt, Keith Albert
Hitt, Curtis Wayne
Hively, Howard D.
Hobbs, Hurshel Benton, Jr.
Hobgood, Gordon Benjamin, Jr.
Hobgood, William Hilton
Hoden, John Gustav, II
Hodermarsky, George Thomas
Hodgson, David Alan
Hodson, Eric Staf
Hoeller, Bruce Michael
Hoert, Michael John
Hoewing, Gerald Lee
Hoff, Norman Lee, Jr.
Hoffman, Craig William
Hoffman, Herbert Stewart, III
Hoffman, James Harvey
Hoffman, John William
Hoffman, Vernon Arden, Jr.
Hoffoss, Peter Orange
Hofwolt, Gerald Lee
Hogan, Daniel Timothy
Hogan, John Edward
Hogan, Walton Lewis, Jr.
Hoge, Donald Carter
Hognander, Orville Carl, Jr.
Hoke, Mark Allan
Holbrook, Wade Dennis
Holden, Harvey George
Holden, Hollis Ward
Holder, Gordon Stallings
Holder, Paul Bernard
Holdt, Bruce Edward
Holewa, John Gregory
Holihan, Robert George, Jr.
Holland, Barry Stephen
Holland, Daryl Thomas
Holland, Frank Leonard, Jr.
Holland, James Edward
Holland, William Wayne
Hollenbach, James Warren
Hollenbeck, Bernard G., Jr.
Hollerbach, Robert John
Holliday, Thomas Baird
Hollimon, Geoffrey Lewis
Hollinger, Wayne Melvin
Hollingsworth, Arnold Gilmore
Hollis, John Richard
Hollis, Michael Kenneth
Hollister, John Edward
Holloway, Wyman Leslie, Jr.
Hollowell, Christopher W.
Holmes, Richard Thor
Holmes, Thomas Robert
Holmstrom, Garry
Holt, Benjamin Lewis, Jr.
Holt, Robert Paul
Holyoak, Joseph Glade
Holzmann, Kenneth Ralph
Homier, Paul Anthony, Jr.
Honour, Craig Gibson
Hooper, James Albert, IV
Hooper, James Ernest
Hope, Roger Keith
Hopkins, Hubert Denning, Jr.
Hopping, Robert D.
Horan, John George
Hornback, James Leroy
Hornberger, William Byron
Horne, Charles Henry, Jr.
Horne, George Michael
Horne, Lance Cameron
Horne, Richard Allen
Hornung, Scott Allen
Horsley, James Burke
Horton, Daniel Winston
Horton, John Vreeland
Horton, John William
Horton, Ronnie Richard
Horton, William Glennwood
Hosier, Mark Secrest
Houck, Andrew William
Houck, Oran Lee
Houck, Timothy Lee
Houghton, David Gates
Houk, William Alvah
Houle, Normand Arthur
House, Michael Edward
House, Prentice Lee
Houston, Sam Kenney, Jr.
Hovland, Tommy Lloyd
Howard, David George
Howard, Donald Reed
Howard, John Finley
Howard, Philip Graham
Howarth, Gary L.
Howd, Robert Frank
Howe, David Blais
Howe, Robert Henry
Howell, Robert Dale, Sr.
Howell, Wayne Morris
Hoxie, Andrew Bennett
Hubbard, John Hampton
Huber, Michael Earl
Hudson, Frank Wilder, Jr.
Huff, Roger Paul
Huffman, Michael Bruce
Huffman, Robert Lee
Hughes, Charles Earl
Hughes, John George
Hughes, Joseph Alexander

Hughes, Philip Joseph
Hughes, Roger Neal
Hughes, Thomas Frederick
Hughes, William Ray
Huiatt, Keith Wilson, Jr.
Hull, David Clay
Hull, Gerald Wayne
Hull, Roger Kermit
Hultstrand, Victor Sandiford
Humberd, Calvin Chester, Jr.
Hume, John Griffith, Jr.
Hume, Robert Leo
Humphries, Arthur Allen
Hunsberger, Timothy Alan
Hunt, Conway Lansdowne
Hunt, David Eugene
Hunt, James Cornell
Hunt, Kenneth Howard
Hunt, Lawrence Barrett
Hunter, Bruce Reed
Hunter, Edward Echerd
Hunter, Harry Stephen
Hunter, Peter Green
Hunter, Robert Sandgran
Hurd, Steven Lewis
Hurley, William David
Hurston, James Edward
Husser, Louis Andrew, Jr.
Hussey, George Owen
Husted, George Gerald
Huston, Norman Earl, Jr.
Hutchins, Alfred Gordon, Jr.
Hutchins, John Gardner
Hutchison, Charles Roy
Hutchison, John Rudolph
Hutchison, John Wendell
Huth, Douglas Phillip
Hyde, Richard Webster, Jr.
Ibert, Peter John
Ide, Warren Harper, Jr.
Ihli, Carl Bolton, Jr.
Ihrig, Clyde James
Ikerd, Gail Emory
Ikuma, Gary Kazuyoshi
Imphong, Thomas Miller
Ingalls, Bryan William
Inglish, Gary Kent
Ingram, Carl Edward
Innella, Michael James
Irlam, Ross Edward
Isele, Charles Pattie
Issi, Dominick Frank, III
Iversen, Gary Kenneth
Jackson, David Leon
Jackson, George William
Jackson, John Edward, Jr.
Jackson, Timothy Howard
Jackson, Vern Arnold
Jacobs, John William
Jacobs, Robert William
Jacobsen, Lloyd Scott
Jacobson, John Frank
Jacoby, Lowell Edwin
Jacques, Harry Augustine, Jr.
Jadryev, James Mark
Jahn, Theodore Benjamin, II
James, Dempsey Dean
James, Gary B.
James, Lloyd Edwin
James, Ronald Boynton
Jamison, Michael Edward
Jamison, Philip Charles
Janeczek, Joseph John, Jr.
Jannusch, Craig Michael
Janov, Bernard
Jans, Jay Bennett
Jaques, James Alfred, III
Jarabak, John Paul, Jr.
Jarina, Michael Peter
Jarman, Roger Carlton
Jarrell, James Robert, IV
Jarrott, William Michael
Jarvis, David Earl
Jarvis, James Laing
Jeffcoat, John Phillip
Jeffries, Charles Leroy
Jenkins, Craig William
Jenkins, William Frost
Jenners, Joseph Anthony
Jennings, David Bailey
Jennings, Wayne Donald
Jensen, Gary Dean
Jensen, Jens Alford
Jensen, John Alexander
Jensen, Jon Robert
Jensen, Laurence Neal
Jerome, Douglas Jay
Jewell, Glenn Albert
Jewell, James R., Jr.
Jewett, Eric Lewis
Jimenez, Jose Salvador
Jinks, John Bradley
Johanek, James Francis
Johannsen, Michael Kenneth
Johanson, Donald William
John, Paul Maret
Johnesee, James Anthony
Johns, Vernon Michael
Johnsen, Bruce Martin
Johnson, Adolph Warner, Jr.
Johnson, Charles Michael
Johnson, Christopher F.
Johnson, Christopher Harry
Johnson, Dennis Jack
Johnson, Don Meredith
Johnson, Edward Emil
Johnson, Everett Ray, Jr.
Johnson, Garland Russell, Jr.
Johnson, Gary Frederic
Johnson, Gary Mel
Johnson, Gregory Gordon
Johnson, Gregory Harlan
Johnson, Herman Raymond
Johnson, Jack Monroe
Johnson, James David
Johnson, John Michael
Johnson, John Michael
Johnson, Larry Charles
Johnson, Leo Thomas, Jr.
Johnson, Michael Bruce
Johnson, Michael Dean
Johnson, Michael Julian
Johnson, Paul Francis
Johnson, Paul Orville
Johnson, Philip Gregory
Johnson, Stephen Alger
Johnson, Stephen Irvin
Johnson, Wade Cook
Johnson, William Fawver
Johnston, James Edward
Johnstone, Robert James
Jones, Darrell Wayne
Jones, David Leon
Jones, David Sterling
Jones, Earl R.
Jones, Harland Wilber, Jr.
Jones, Herbert Lee
Jones, Isaiah John
Jones, James Delmar
Jones, James Steven
Jones, John Herbert, II
Jones, Larry Martin
Jones, Michael Owen
Jones, Stephen King
Jones, Talmadge Craig, II
Jordan, James Abel, Jr.
Jordan, Joseph Elbert, Jr.
Jordan, Kenneth Sterling
Jordan, Robert Bruce
Jorgensen, Alfred Christian
Josefson, Carl Elof, Jr.
Joslin, Charles Loring, III
Joyce, James Murray
Juarin, David Stephen
Judd, William Hart, III
Juhrs, William A., Jr.
Jung, Frederick Eugene
Junge, Dennis Michael
Jupin, Harry Andrew
Jurand, George Walter
Jurkowsky, Thomas Joseph
Justiss, Ronnie Lynn
Kaahanui, Melvin
Kaczmarek, Michael Herbert
Kail, Karl A., IV
Kaiser, Michael John
Kalb, Richard William
Kaler, Herbert Charles
Kalil, Thomas Peter
Kampen, Roy William
Kane, John Edward, II
Kane, John Edward, Jr.,
Kane, William John
Kapinos, James Michael
Kapololu, John Akahele
Karcewski, Stanley Joseph
Karch, George William
Karcher, James Norman
Karnas, Anthony Allen
Karon, Stuart Charles
Karr, William Kenneth
Karrer, Allan Eugene
Karver, Walter Robert
Kasdorf, Roy Edward
Kauffman, Jack Emerson
Kavale, Joseph John
Kavanagh, Gary Lee
Kaye, Theodore Lawrence
Keane, Joseph Patrick, Jr.
Kearley, John James
Keating, Timothy John
Keating, William Joseph, Jr.
Keck, Alan Robert
Keefe, Richard Joseph
Keefer, Joel David
Keehn, Thomas Joseph
Keelean, Michael Richard
Keen, James David
Keenan, Michael Francis
Keenan, Philip Vincent
Kehoe, Michael John
Keith, Donald Rae
Keithly, John Luther
Keleher, William Paul, Jr.
Kellar, Richard A.
Keller, David Wayne
Keller, John Craig, Jr.
Keller, Joseph Franklin
Kellett, Raymond Arthur, Jr.
Kelley, Danny Burton
Kelley, Richard Gordon, Jr.
Kellner, Harry Herman, Jr.
Kellogg, Robert Lea
Kelly, Edward William
Kelly, Frank Boulware
Kelly, James Brian
Kelly, Patrick Robert
Kelly, Richard Anthony
Kelly, Robert Joseph
Kelly, Taylor Daniel
Kelso, Robert Bruce
Keltner, Richard Fredrick
Kemp, Curtis Allen
Kendall, David Carl
Kendall, Gene Roger
Kendrick, James Lee
Kengla, Donald Clark
Kennedy, John Joseph, Jr.
Kennedy, John Patrick
Kennedy, Kenneth Lysle
Kennedy, Kraig Michael
Kennedy, Reginald R.
Kennedy, Richard Anthony
Kenney, Daniel Francis, III
Kenney, James Francis
Kenney, Paul Stephen
Kent, Lowell Rodney
Kern, Dennis James
Ketron, Michael Gordon
Keuhlen, Phillip Joseph
Kevan, Mark Richard
Keyser, Emmett Marvin, III

Khinoo, Leroy Albert
Kibler, Rex William
Kick, Nelson Joseph, Jr.
Kidder, Paul Alfred
Kiem, Michael Christian
Kiffer, James Christian
Kilby, William Gene
Kilkenny, Joseph P.
Kilmer, Milo Jethroe, II
Kimball, David Patten
Kimble, Gerald Allen, Jr.
Kimener, Michael James
Kimmel, Robert Lee
Kincheloe, Everet Vernon
King, Kendall James
King, Robert Crippen
Kirby, James Denis
Kirby, Wayne Edward
Kirk, Douglas Craig
Kirk, Robert Wayne
Kirkendall, James Edward, Jr.
Kirkland, Richard George
Kirkland, Ronald Eugene
Kissell, Peter Bernard
Kissinger, Robert John
Kissmann, Ronald Martin
Kistler, Jay Ross, Jr.
Kjellander, Jon Phillip
Klassen, Kenneth Wayne
Kleehammer, Thomas
Klein, Fred Corwin
Klemm, William Raymond
Klich, David J.
Kline, Howard Keith
Kline, James G., Jr.
Kline, Roger Paul
Klinger, James Edward
Klocek, Thomas Edward
Klosterman, Robert Charles
Knapp, Roland Bertram
Knecht, Jacob Frederic, Jr.
Knutson, Andrew Christian
Koblitz, Ronald Dean
Koch, Frederick Ray
Kockler, Frank Richard
Kocmich, Eugene Joseph
Koehler, Richard Evans
Kofoid, Ronald Dean
Koger, Gary Lang
Kok, Timothy Alan
Kolarcik, Kenneth Ernest
Kolarov, George Wayne
Koller, John
Kolman, Jerry Dean
Komich, Frederick Ross
Koning, Jack Allen
Kopacz, Anthony Joseph
Kopinitz, Seigmond Gus
Korba, Michael John
Korinis, Peter William
Kortman, Gregory Marion
Koski, Carlos Irving
Kovaleski, Victor Theodore
Kozusko, Frank Paul, Jr.
Kraay, Earl Albert
Kraemer, Francis Xavier, Jr.
Krafft, Frederick Walter, Jr.
Kral, Theodore Carl
Kramer, Dennis Arthur
Kramer, Klaas
Kratt, Clifford Leo
Krattli, Robert Walter
Kraus, George Frank, Jr.
Krause, Alan Leon
Krayer, William Edward
Kriz, Edward Dean
Krug, William George
Krulis, Richard Paul
Krumbholz, Karl Otto
Krupnick, Charles Alexander
Krupp, Thomas Michael
Krupski, Paul John
Kubic, Tad Arthur
Kubovchik, John Francis, Jr.
Kulikowski, Joseph George
Kumpan, Joseph, Jr.
Kuntz, Robert Allen
Kutcher, Robert James
Kyle, William Carl
Kyriss, Stephen Earl
Ladouce, Ralph Jeffrey
Lafleur, Timothy William
Lagow, Michael Laird
Lagrone, James Marvin
Lahren, Jack Wesley
Lake, Gerald Edwin
Lake, Robert George
Lakser, Lawrence Joel
Lale, Tully Steven
Lalli, Louis Patrick
Lamartin, Douglass Hugh
Lambert, Robert Bradley
Lame, Philip Charles
Lamkin, Harry Brent, III
Lancaster, Emmett John, II
Landers, Jerome Charles
Landon, Philip Craig
Landry, James Richard
Landua, James Richard
Lane, Daniel Robert
Lang, Thomas Conley
Langley James Royce
Langston, Arthur Navarro, III
Lanier, Richard Joel
Lanoux, Steven Michael
Lansing, William Edward
Lantz, James Scott
Lapaille, John Reinhard
Laplant, Michael
Lare, George Adam, Jr.
Large, William Robert, III
Lario, Joseph Thomas
Larkin, Robert Joseph
Larkins, Markel Holland
Larsen, Christopher Stephen
Larsen, Larry Morris
Larson, David Allen
Larson, David Russell
Larson, Gregg David
Larson, James Rogers, Jr.
Larson, Vernon James
Larson, William Douglas
Larue, Larry Dean
Laska, Andrew John
Lasky, Ralph Carleton
Lassman, Abraham Joel
Latham, James William
Laturno, Raymond John, III
Lauer, Dennis Norman
Lauermann, Michael Matthew
Laughead, David Carl
Laughter, Selwyn Shuford
Lautares, Peter George, II
Lautenschlager, Jack Allen
Laven, Theodore Michael
Lawhon, James Clinton
Lawing, Charles William
Lawler, John Clinton
Lawler, Thomas Peter
Lawless, Patrick Hubert
Lawrence, James Ross
Lawson, Dale Bruce
Layl, Jerry Neal
Laz, William Joseph, Jr.
Leach, John Walter
Leahy, Joseph Paul
Leake, Laurence Wayne
Lear, Richard Bruce
Leard, Ernest Lee
Leath, Dudley Wade
Lech, William Richard
Leclaire, Robert James
Lee, David Michael
Lee, Gary Anthony
Lee, Robert Edward
Lee, Thomas Early
Leeder, Frederick Glenn
Leestma, David Cornell
Legacy, Alan Edward
Legrow, Allan Wesley
Lehman, Jeffery Allen
Lehmann, Ralph Hans
Leibundguth, Peter Dawson
Leins, William Maroney
Leith, David Michael
Leitzel, Robert Lee
Lemke, Robert James
Lemkin, Bruce Stuart
Lenfant, Philippe Maurice
Lengerich, Anthony William
Lennon, Gerard Thomas, Jr.
Lentner, Russell Wade, Jr.
Lentz, Joe Blane
Leo, Barry Lawrence
Leonidoff, Leon Jon
Lepick, Mark Howard
Leppert, Michael E.
Leroy, Richard Duane
Lerseth, Roger Gene
Lessenger, Hoefert Clay
Leuschner, James William
Levinge, Charles Alford
Levy, James Malcolm
Lewis, Billy Laroy
Lewis, Charles Samuel
Lewis, Donald Charles
Lewis, Jeffrey Evans
Lewis, Jerry Lloyd
Lewis, Kirk Thomas
Lewis, Reginald F.
Lewis, Timothy Brian
Liberatore, Donald John
Lichwala, Stanley John
Liebe, William Charles
Lieberman, Stephen Leslie
Lieurance, John Robert
Liggett, Robert David
Liles, John Underwood, Jr.
Lilly, Dale Richard
Linberger, Alan Gamble
Lind, Stephen McCall
Linder, Bruce Richard
Lindner, William George
Lindquist, Robert George
Lindroos, John Frederick, II
Lindsey, Charles Morgan
Lindstedt, Russell James, II
Lineman, John Joseph
Lines, David Freeman
Linnehan, John Joseph, II
Linquist, James Earl
Lipinski, John Bernard
Lippincott, Lincoln H., II
Lipscomb, Jeffrey Ray
List, Gary Harold
Litchko, James Phillip
Litsinger, Nelson Howard
Little, Charles Ernest
Little, Douglas Bruce
Little, William Henry
Littleton, Joseph Sharp, III
Littleton, Leland Kron, Jr.
Liuzzi, Donato Anthony
Livelsberger, Francis Stephen
Lloyd, Thomas Drew
Locke, John Sinclair
Locke, William Nash, Jr.
Lockrem, Richard J.
Lockyer, William Kenneth
Loessin, Michael Martin
Logan Johnnie Monroe
Logan, Robert John
Lohmeyer, Lonnie Floyd
Lohrmann, Walter Richard
Loiselle, James William
Londot, Jack Lane
Long, John Harvey
Long, Milton Ray, Jr.
Long, Paul Bucher
Longaker, Chester Case
Longardt, Michael George
Longworth, Michael William

Lonquist, Aaron Dorian
Looft, Vincent Francis
Lopardo, John Paul
Lopez, Clyde Cecil
Lopez, Delio, Jr.
Lopresti, Joseph Michael, Jr.
Loria, Louis Charles
Loturco, James Sebastian
Louden, Peter Eric
Love, Glenn Edward
Love, Robert Creekmore, Jr.
Lovejoy, Jay Edward
Lover, Kevin Francis
Lowe, Allan Ford
Lowe, Douglas Terrell
Loyd, Robert Cameron
Loynes, James Lewis
Lucca, Duane Oreste
Luce, Robert Emmett
Ludwig, Arthur William
Ludwig, John Michael
Luebbecke, Donald Stewart
Luengen, David William
Luhan, John Bernard
Lukaszewicz, Joseph Thomas
Lulu, Michael Joseph
Lund, Jon Robert
Lund, Robert Morris
Lundeen, Roy Alan
Lundquist, Carl Iver
Lunghofer, Dennis Michael
Lunney, Francis Martin
Lunsford, Hollis Eugene
Lusk, Larry Allen
Luthman, Joseph John
Lutkenhouse, Michael Anthony
Lutman, Richard Kenneth
Lyda, William Walter
Lydiard, Jeffrey Robert
Lyle, John Michael
Lynch, Michael James
Lynch, William Daniel
Lynn, Freddie Leroy, Jr.
Lynn, Warren Douglas
Lyon, Scott Robert
Maas, Edwin, Jr.
Mabry, Robert Caldwell, Jr.
MacDonald, Douglas Taylor
MacDonald, Thomas Leo
MacDougall, Joseph Stewart
Mack, Lawrence John, Jr.
MacKenzie, Gordon Alexander
MacKenzie, Thomas Lyle
Mackey, Jesse Milford, Jr.
Mackin, John Joseph
Mackin, Patrick Charles
Mackin, Thomas Gabriel
MacLaren, William Francis
Macy, Earl Elgar
Madel, Robert William
Mader, James Frederick
Mader, Thomas Walter
Madey, Stephen Laurance, Jr.
Madren, Amos Bernard
Madurski, Paul Edward
Mady, Clements James, Jr.
Magee, Terry Edward
Maggi, Robert William
Magnan, William James
Magnino, John David
Magyar, David James
Mahaffey, Vaughn Eugene
Maher, Dennis Edward
Mahoney, Dennis Paul
Mahoney, Leon F.
Mahoney, Stanton Van, Jr.
Mahumed, Karl Arthur
Maiden, Jesse Joe
Maillefert, Christopher W.
Main, Glenn Allan
Maixner, Michael Rex
Major, Denny Kaye
Mallgrave, Fred Joseph, III
Malloch, James Edward
Mallory, Harry Burton, III
Malone, Michael Dennis
Malone, Michael John
Maloney, Patrick J.
Mancini, Anthony Joseph
Manes, Ezra Earl, Jr.
Manly, John B.
Mann, David Russell
Mann, Edward Francis, Jr.
Mann, Elmer Heath
Mannel, Robert Paul
Manni, Kenneth Louis
Manning, James Richard
Manning, Robert James
Manning, Walter William
Manning, William Beverly, III
Mantei, Robert William
Marcell, Frederick C., Jr.
Marchi, John Albert
Marco, Phillip C.
Marecic, Terrence Joseph
Marion, Kenneth Thomas
Maris, James Raymond
Marits, Edward Gustave, Jr.
Markley, Stephen Allen
Marks, Michael D.
Marksbury, Johnsten Lee
Markwell, Gregory Allen
Marlow, Francis Joseph
Marquart, Phillip Grant, III
Marquis, Richard Longstreet
Marschalk, Peter Vanburen
Marsh, Michael Thomas
Marshall, Harold Eddy
Marshall, John Kendrick, II
Marshall, Raymond Lee
Marshall, Steven Alfred
Marshall, Thomas George
Martel, Reginald Timothy
Martin, John Thomas Oliver
Martin, Kenneth Wayne
Martin, Patrick Gregory
Martin, Peter Wetmore
Martin, Richard Francis
Martin, Robert Roy
Martin, Robert Stanley
Martin, Ronald Reid
Martin, Thomas James
Martini, Perry James, Jr.
Martiny, Leon Eugene
Marvil, Stephen Patrick
Marvin, Richard Bruce
Marx, Robert D.
Masden, Ward Beacher, Jr.
Masica, John Michael
Maskew, Rodney Max
Mason, Charles Manning, Jr.
Mason, James Thomas
Mason, Lewis Gerhard
Massenburg, Walter Black
Massengale, Saint Elmo Murray
Mast, Peter A.
Mast, Raymond Lee
Mathews, Monty Guwain
Mathewson, Raymond Louis, Jr.
Mathis, Michael George
Matthes, Gregory William
Matthews, Tim W.
Mattix, Thomas Mayer
Mattos, John Christopher
Maurer, Heinz Gunther
Mauro, Charles Thomas
Mautner, Donald Alan
Maxey, James Robert, II
Maxey, John Donald
Maxwell, Clarke Alvin
Maxwell, David George
Maxwell, George Gary
Maxwell, Gregory L.
Maxwell, Peter Nunnally
May, Albert Leonard
May, Michael Dale
Mayberry, Jack Brian
Mayer, Charles Walter, Jr.
Mayhew, Lance Harrison
Maynard, Hamilton K.
Maynard, Teddy Ray
Mayo, Robert Ernest
Mazzafro, Joseph Michael, Jr.
Mazzeo, Daniel Patrick
McAdoo, Richard Allen
McAfee, John David
McAllister, James Paul
McBride, Lawrence Cary
McBride, Michael Patrick
McCabe, Michael J.
McCabe, William Carl
McCaffery, Francis Joseph
McCain, John Larry
McCain, William Terry
McCamish, Michael James
McCampbell, David Perry
McCamy, William Charles, Jr.
McCarley, Theodore Kershaw
McCarthy, Morton Everest, Jr.
McCarthy, Vincent John
McCarty, Franklin Boyd
McCarty, James Douglas
McCauley, William Collings
McClane, James Lenus
McClellan, Malcolm W., Jr.
McClendon, Erwin Lowe
McCleskey, Dale Leif
McCleskey, Franklin Duke
McClung, Doyle Curtis
McClung, Roger Walter
McClure, Bruce Patrick
McClure, Robert Jerome
McCluskey, Richard Joseph
McCollough, James Michael
McComb, Lorne Bruce
McCombie, Ryan Joseph
McConnell, Michael Charles
McCort, Daniel Ralph
McCowan, Kenneth Edwin
McCray, Samuel Elwood
McCrory, Kenneth Lee
McCroskey, Bruce Adrian
McCuddin, Michael Ennis
McCulley, Michael James
McCullom, Hugh Joseph
McCullough, David Garth
McCune, Michael Owen
McCurry, Robert Alan
McDermott, Donald Gary
McDermott, James Kevin
McDevitt, Gerald Ross
McDevitt, Robert John
McDonald, James Murray
McDonough, Edward Charles
McDougal, James Michael
McDougal, Willard Boyd
McDougall, Fred David
McDow, William Ligon
McDowell, Joel Gordon
McElraft, Ronald Dean
McElwee, Charles Gates
McEwen, Gary B.
McFalls, Tommy Ray
McFarland, Thomas Baron
McFee, Michael George
McFillin, James Francis, Jr.
McGahan, Michael Patrick
McGalliard, Gene Richard
McGill, John Burke
McGillvray, John William, Jr.
McGough, Charles Randall
McGrath, Joseph William
McGrath, Thomas Ross
McGuire, Edward Paul
McHale, Robert Vincent
McHenry, Stephen Wesley
McHugh, Michael Lyn
McInchok, George Steve, Jr.
McInnis, Richard Dennis
McIntosh, Richard Cameron
McIntyre, Lewis Frank
McKaige, George Thomas, Jr.

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McKee, Thomas Edward
McKeldin, Charles Edward, Jr.
McKenzie, James Robert
McKeown, James Bruce
McKim, John Harvey, Jr.
McKinney, Arlie Benjamin, III
McKinney, Dana Bruce
McKinney, Douglas Lloyd
McKinney, George Richard
McLain, John Herman
McLaughlin, David Earl
McLaughlin, Timothy Martin
McLaughlin, William Thomas
McLean, Bruce David
McLean, Owen David
McLochlin, John Michael
McMacken, John Christian
McMahon, Austin Carney, Jr.
McMahon, Paul T.
McManus, Donald Edward
McManus, Richard Irvine
McMaster, Timothy Richard
McMullen, Keith Wayne
McMunn, Brock Allen
McNamara, Robert James
McNamee, John Robert, Jr.
McNaull, Michael John
McNeil, Maurice Michael, Jr.
McNulty, Patrick Leo
McNulty, Paul Albert
McPheeters, James Henry, Jr.
McPherron, Charles Arthur
McQuaig, Michael Gray
McQueeney, Michael Edward
McRoberts, James Scott
McSorley, William Joseph, III
McTigue, James John
McWatters, Bernard John
McWilliam, John Townsend
McWilliams, George Randolph
Meacham, George Edward, II
Meade, Martin Carl
Meadowcroft, Robert Allen
Meier, Lyle Dean
Meister, John Thomas
Meldrum, William Garrigues
Mellin, Peter John
Mello, Gerald Charles
Melson, Frank Baker, Jr.
Melton, Daryl Keith
Melton, James David, Jr.
Merrick, Walter Forrest, II
Merrill, Dean Reese, Jr.
Merritt, Jerry Darious, III
Mertz, Albert George
Messersmith, Ronald Edward
Messing, James Arthur
Messman, George Ralph
Meteer, Thomas Dewey
Metzger, James Wallace
Metzger, Paul Charles
Metzger, William Robert
Meurer, Robert Howe, Jr.
Meyer, Francis Douglas
Meyers, William Arthur
Meyers, William Joseph
Meyers, William Thurman
Meyertholen, Joseph A., Jr.
Michaelis, Frederick H., Jr.
Mickett, Thomas George
Middle, James Leonard
Middleton, Michael Edward
Mihalak, Edward
Mikusi, Frank Charles
Milam, James Aaron
Milchanowski, Michael John
Millar, Randall Hackett
Miller, Alexander Ayward
Miller, Arlington Robert, Jr.
Miller, David Benjamin
Miller, David Damien
Miller, David Valjean
Miller, Donald Dean
Miller, Donald Peter
Miller, Gary Arthur
Miller, Michael Luke
Miller, Paul Lee
Miller, Richard Arnold
Miller, Steven Michael
Miller, Terry Alan
Miller, William Garett, Jr.
Miller, William Harvey
Miller, William Richard
Mills, Phillip Horne
Milner, Daniel Dewitt
Milsted, Charles Eugene, Jr.
Miner, William Allen, III
Minor, Donald Arvine
Minter, Richard Graham
Miskill, Donald Keepers, Jr.
Mitchell, Billie Eugene
Mitchell, Donald Edward, Jr.
Mitchell, James Patrick
Mitchell, Larry Joseph
Mitchke, Robert Paul
Mitchum, Kenneth Ray
Mixter, Henry Fay, Jr.
Mock, Jesse Ivan, Jr.
Modes, Ronald William
Modlin, Stephen Earl
Moe, George Lars
Moeller, Robert Leon, Jr.
Moffit, James William, Jr.
Mohn, John Gordon
Mohr, William Bruce
Molloy, James William
Molochko, Gerald Anthony
Monaghan, Charles Edward, Jr.
Moncrief, William Collisson
Moneymaker, Patrick David
Monroe, John Frazier
Monroe, William Howrey
Montemarano, Anthony S.
Montgomery, Glenn Harold
Montgomery, Henry Edward, Jr.
Montgomery, Robert Edward
Moody, Jack Owen
Moody, Richard Alan
Moon, Raymond Lawrence
Moon, Ronald Richard
Mooney, Thomas Richard
Moore, Charles William, Jr.
Moore, Edmund Eugene
Moore, Eric Cleveland
Moore, Frederick John
Moore, George McCullar
Moore, Harry Richard, II
Moore, Jon Prichet
Moore, Keith Tennant
Moore, Kevin Thomas
Moore, Mitchell Dee
Moore, Richard Stewart, Jr.
Moore, Ronald Bertram
Moore, Stephen Roy
Moore, Terry W.
Moore, Wayne Thomas
Moore, Wesley Harold
Moos, Kenneth Oliver, Jr.
Morales, Vicente
Moran, Gary Ward
Moreland, James Wesley, III
Morgan, James Clayton
Morgan, Michael Carter
Morgan, Michael Charles
Morgan, Newton Henry, Jr.
Morge, Kenneth Warren
Morgenson, James Eric
Mori, Donald Paul
Moriarty, Richard James
Morin, Paul Roland
Morneau, Michael Lawrence
Morrel, Michael Francis
Morris, Ernest Lewis, Jr.
Morris, John Therrell
Morris, Leon
Morse, John Prescott
Morzinski, Jerome Arthur
Mosby, David Cottrell
Moseley, James Robert
Moseley, Ronald Presley
Moser, Thomas Griffith
Mosey, David Michael
Motolenich, Stephen E., Jr.
Motsinger, Joe Allen
Motta, Gerald Annibale
Moussette, David King
Mowrey, Gary Steve
Mozgala, David P.
Mrowczynski, Ronald Matthew
Mueller, Robert Arthur
Muetzel, Michael Paul
Mugg, William Allan
Mulder, Keith Paul
Mulholland, William Michael
Mulkern, Trent Coleman
Mullen, George Augustine
Mullen, Michael Charles
Mullen, Michael Glenn
Muller, David Glading, Jr.
Muller, Kenneth Daniel
Mullins, Patrick Charles
Mullins, Robert Dennis
Mulroy, Charles Edward
Mulvany, Gregg Patrick
Munnikhuysen, Richard Dallam
Munninghoff, Jay Maurice
Munsey, Charles Robert, Jr.
Munsterman, James Ira
Murchison, Grover Richardson
Murdock, Thomas Earl
Murphy, Daniel Joseph, Jr.
Murphy, Dennis George
Murphy, Johnie M.
Murphy, Richard Terrence
Murray, Craig Harland
Murray, Marshall Raymond
Murray, Michael Anthony
Musfeldt, Ronald D.
Musso, Thomas Francis
Muth, Michael Allen
Myers, Albert Clinton
Myers, Richard Noden
Myers, Rollin Hope, Jr.
Myers, Steven Carl
Myers, Terry Ray
Nabers, Wallace Johnston
Nacht, John Joseph
Nadeau, James Claude
Nadeau, Walter Henry, Jr.
Naeve, Jerry Michael
Naifeh, William Coppedge
Nakayama, Dean Shizuo
Nance, Roger Allan
Nann, Peter Allan
Nash, Donald Hendrix
Nash, Edward Seenon, III
Nassar, Albert Nicholas
Nathman, John Bernard
Nation, Charles William, Jr.
Naughton, Richard Joseph
Neal, Larry Ray
Neal, Teddy Max
Neasham, Edwin Lowell
Nechvatal, Charles James
Nededog, Jose Terlaje
Neel, Frederick Heard
Neel, Robert Warren
Neely, Frederick Calvin
Neighbors, Earnest L., III
Neil, Robert Howard
Neirinckx, Daniel Edmond
Nellis, James William
Nelms, Larry Wayne
Nelson, Gary Steven
Nelson, George Robert, Jr.
Nelson, James Monroe
Nelson, Kenneth Lawrence
Nelson, Michael Francis
Nelson, Neal James
Nelson, Robert Charles
Nelson, Robert Edward
Nelson, William Hardage

Nemec, Johnnie Frank
Ness, Frank George, Jr.
Netzorg, Gregory Bertman
Neuhart, Mark Dickens
Nevels, Larry Joseph
New, Melvin Roger
Newman, James Ernest, Jr.
Newman, Micajah Wilson
Newman, Michael Scott
Newsome, Larry Don
Nibe, Richard Jerome
Nichols, David Fuller
Nichols, Paul Malcolm
Nichols, Raymond John, Jr.
Nicholson, Harry Xell, III
Nickels, Lowell Hadley
Nickelson, Bobby Lynn
Nicol, Henry Otto, III
Nicolin, Kevin Cashel
Nie, John Carlton
Niedenthal, William Jeffrey
Nielsen, Eugene Keith
Niemczyk, Robert Richard
Nieuwsma, John Edward
Nifontoff, Gerald Karl
Nimmer, David Sherman
Ningen, Russell Kenneth, Jr.
Nintzel, Christopher Alan
Nittle, Jeremy John
Noble, Jerry Robert
Noel, Charles Edward
Nolan, Robert Gordon
Nolan, Terry Randall
Noland, David John
Noland, James Terry, Jr.
Nold, William Frederick
Nolin, Bruce Edmund
Noll, John Byard
Nolter, Joseph Charles
Noonan, Thomas Francis
Norris, John Anthony
Norris, Richard Douglas
Norris, Rick Joseph
Norton, Chad Earl
Norton, John A.
Norton, John Alden
Nottke, Bruce Alden
Nunn, Ronald Guinn
Nurthen, William Augustine
Nusom, Frank Allen, Jr.
Nute, John Packard
Nye, Eric Beasley
Nye, Richmond Roderick
Nykamp, Bruce Ronald
Oakes, Delbert, Jr.
Oakes, John Reid
Oatley, Eugene Thomas
O'Bannon, Kenneth Leroy
O'Brien, James Patrick
O'Brien, Leslie John, III
O'Brien, Paul Edward, Jr.
O'Bryon, Raymond Thomas
Ochs, John Lynn
O'Connell, Brian John
O'Connell, John Thomas, Jr.
O'Connell, Patrick Michael
O'Connor, Theodore John
O'Dea, James Edward
O'Dell, Charles Fundman
O'Dell, James Michael
O'Dell, Paul, Jr.
O'Donnell, Brendan James
O'Donnell, Gerald James
O'Donnell, James Robert
O'Donnell, Robert Bernard
Offerdahl, David Carlyle
Offerle, Robert Anthony
Ogden, Frank Edmond, II
Ogurek, Robert Francis
O'Hara, Stephen Paul
Ohlemeyer, Richard Thomas
Ohlinger, John Frederic
Ohn, Robert Lee
O'Hora, James Richard
O'Keefe, David E.
O'Keefe, Michael Joseph
Olde, Frederick George, III
O'Leary, Cornelius Francis
O'Leary, Joseph Lennon
Oliver, Timothy Wallen
Olsen, Charles Clifford, Jr.
Olson, David Reed
Olson, James Andrew
Olson, John Stephen
O'Malley, Barry Pierce
O'Neal, Richard Earl
O'Neil, John Edward, Jr.
O'Neil, Michael William
O'Neill, Bruce Michael
O'Neill, John, Jr.
O'Neill, John Patrick, Jr.
O'Neill, Richard Patrick
Onyon, Dale Everett
Oosterman, Carl Henry
Organek, William Edward
Ormsbee, Richard Berryman
O'Rourke, Ernest Richard
Orr, George Harold
Orr, William Daniel
Ortmann, Robert Allen
Orton, Frederick Charles
Osborn, Lawrence Edward
Oshiro, Neal Hazen
Osier, Christopher
Oslund, Dwayne Arthur
O'Sullivan, George Daniel
Otjen, Fred Morris
Otterbein, Thomas Gordon
Ottesen, James Joseph
Overall, Vernon Holmes
Overheim, David Charles
Owen, Donald George
Owen, Robert David
Owendoff, Robert Scott
Owens, Richard Lee
Oyler, John Matthew
Pacentrilli, Larry Anthony
Padgett, Gerald Allen
Padgett, John Bramwell, III
Padgett, Phil B., II
Padgett, William Richard, Jr.
Paine, William Gosnell, Jr.
Paleck, Robert Harold
Palmer, James Duane
Palsgrove, Russell Tillman
Panchura, Michael John, Jr.
Panico, John Russell
Panzigrau, Jerome Eugene
Papineau, Paul William
Para, Alan Edward
Parda, Nelson Robert
Pardee, William McKnight, Jr.
Parish, Richard Joseph
Park, David Vance
Parker, Charles Vance
Parker, Daniel James
Parker, Daniel Matthew
Parker, David James
Parker, James Arren
Parker, Lutrelle Fleming, Jr.
Parker, Travis Wood, Jr.
Parker, Wendell Edgar
Parkes, Thomas John
Parks, Edward James
Parks, Philip Douglas
Parks, William Hutchinson, Jr.
Parlet, Robert Dale
Parr, John Michael
Parr, Larry Steven
Parrish, John Michael
Parrish, Joseph Victor
Parsons, Clarence Leslie
Parsons, Hugh Pence
Parsons, Robert Eugene
Partesius, John Scott
Partin, Thomas Lawrence
Patch, Gregory Richard
Paton, Albert Smith
Patrick, Peter Devalangin
Patterson, John Bryan
Patterson, Paul Linton
Patterson, Shonnie Jean
Patterson, Thomas Gibson, Jr.
Pattison, James Wynn
Patton, Dennis Delane
Patton, John Anthony
Patton, John Collier
Paugh, David Lee
Paul, James
Paulson, John James
Paulus, Richard Alan
Pawlowski, Stanley William
Payne, Gerald Kenneth
Payne, Richard Edward
Payne, Robert Lee, Jr.
Payton, John Dewey
Peach, Ellis Robert
Peairs, Gregory Ross
Pearce, Richard Irving
Pearson, Charles William, II
Pearson, James Anthony
Pearson, Robert Thomas
Pearson, Ronald Steven
Pease, Kendell Milford, Jr.
Peck, David Lyman
Peck, James Eugene
Peck, Michael Lawrence
Peck, Robert Louis
Pederson, Thomas Jonathan
Peele, Franklin Dale
Pelt, Chester Hayne, Jr.
Penix, Larry Ellis
Pentimonti, Richard Joseph
Percival, William Lee
Perin, Jeffery Mark
Perkins, Kevin Patrick
Perkins, Richard King
Perras, Wayne Irvin
Perrault, Michael Edward
Perrin, Robert Warren
Perry, Comadore Arthur James
Perry, Eugene Joseph
Perry, James Elmer
Perry, James Smith
Perry, John Mark, II
Perry, Oliver Hazard, III
Persson, Michael Edward
Pesar, James Allen
Peterman, Ronald Ray
Peters, Kerry Alden
Peters, Wayne Albert
Petersen, John Steven
Petersen, Richard Merle
Peterson, Charles Cooper
Peterson, Craig Allen
Peterson, James Curtis
Peterson, Robert Lee
Peterson, Walter Harry
Petrea, Howard Aldridge, Jr.
Petrie, John Noel
Petruska, Andrew Michael, III
Pettitt, John Allen
Petty, John Charles
Petty, Randolph Allen
Petze, Charles Louis, III
Phillips, Braden James
Phillips, Charles Donnie
Phillips, Donald Wayne
Phillips, Thomas Lane
Phillips, William Joseph, Jr.
Philpot, Carlton Gwynn
Philpott, Bruce Ray
Phurl, John Francis
Piazza, Frank
Picciuolo, Jonathan Charles
Pickering, John Allen
Pierce, Roger Allan
Pierce, Steven Doane
Pierman, David Charles
Pike, Gerald Allen
Piland, Richard Alan
Pillittere, Robert George

Pilnick, Steven Earle
Pine, John Steven
Pinnell, Robert Brian
Pinney, John Howard
Piotrowski, James Michael
Pittet, Leroy Thomas
Pittman, Charles Wesley, III
Pittman, Norward Thomas
Pitts, John Lee, IV
Plank, Dennis William
Plank, George Edwin
Plant, Joseph Miers, III
Plautz, Dennis Hoyt
Plett, John Robert
Ploss, Richard Steven
Plowman, Michael James
Plummer, Rudy Edward
Plunkett, Albert Abrams
Plunkett, Eddie Lovell
Plutt, Richard Stephen
Plyler, Conrad A., Jr.
Poch, Henry William, Jr.
Poh, Lawrence Charles J., Jr.
Pohl, Matthew John
Pokorny, John Louis, Jr.
Pokrywka, James Michael
Polatty, David Pierce, III
Pollack, Michael Anthony
Ponessa, Alfred Edward
Ponton, Robert Glenn
Ponzo, James Frederick
Pool, James Allen
Poole, Timothy Earl
Poorman, Kenneth Alan
Pope, Edmond Dean
Popikas, Charles Frederick
Porritt, Richard Harley, Jr.,
Porter, David George
Porter, Franz Horst
Porter, James Robert
Porter, Thomas Paul
Porterfield, Richard Bruce
Posnett, William Lenard, III
Post, Richard Allan
Potter, David Lawrence
Potter, Richard Wayne
Pounds, John William, Jr.
Powell, Darrell Russell
Powell, David Lee
Powell, Frank Russell
Powell, George Alva
Powell, John Ramon
Powell, John Terrell, Jr.
Powers, Edward Arthur
Powers, Lynn Frederick
Powrie, Stuart Robinson
Prather, David Wayne
Pratt, James Wally
Prendergast, Timothy Edwin
Prescott, Jesse Allen, III
Prescott, Leonard F., III
Prestidge, Ronald Otis
Preston, John Walter
Prestridge, Robert James
Prevar, John Edward
Prevette, Henry Slater, Jr.
Prewett, John Richard
Price, Daniel Edwin
Price, Earl J.
Price, John David
Price, Michael Leon
Pritchard, Kenneth Wayne
Proes, Roger Edward
Proses, William Albert
Prucha, Robert Stephen
Pruett, William Griffith
Pruter, Thomas John
Prutsman, Richard Jay
Psimas, George Nicholas, Jr.
Pudas, Terry James
Purcell, Richard Lynn
Purkat, John Robert
Purvis, Johnny Geneari
Puryear, Eric Paul
Putnam, Frank William
Putnam, Michael Blair
Pyle, Kenneth Lawrence
Pyles, Steve
Quadri, Anton Stefan
Quartano, Anthony Gerard
Quelch, Douglas Beecher
Quigley, Thomas King
Quincannon, Joseph
Quinn, Richard Andrew
Quinn, Timothy Joseph, Jr.
Rachor, Robert Lee, Jr.
Radack, James Paul
Radeackar, Randy James
Radich, Thomas Francis
Rafter, Charles Jeffries
Ragghianti, Charles Frank
Ragnetti, Michael John, Jr.
Raines, Thomas Steven
Rainsberger, David Brandt
Ralston, Gary Gaylord
Randhahn, Gary Joseph
Randle, Grover Cleveland, Jr.
Rank, Joseph Stephen
Rankin, Robert Howell
Rannells, David Alan
Ratliff, Perry Michael
Rauch, Dale Arthur
Rawls, Robert Sherwood
Ray, David Crockett
Raynes, Gerald Eugene
Reagan, Martin William
Reager, William Reardon
Reaghard, James Anthony
Reardon, Kevin John
Reasoner, James Douglas, Jr.
Reaves, Keith Clark
Recame, Bartholomew Joseph
Rector, Jack Brown, Jr.
Reddinger, John William, Jr.
Redmond, Douglas Congelton
Redshaw, Michael Dennis
Reece, Stephen Michael
Reed, Billie Mitchell
Reed, Kenneth John
Reed, Michael Robert
Reed, William Clark
Reed, William Keeler
Reed, William Scott, Jr.
Reedy, John G.
Rees, David Leonard
Reese, Gary Arthur
Reeve, Edward Joseph
Reeves, Thomas Earl
Reeves, Wayne Ronald
Reglein, Thomas Arthur
Regula, Stanley John, Jr.
Reid, James Armstrong
Reid, John David
Reif, Gordon Charles, Jr.
Reifsnyder, Frank William, Jr.
Reigner, Charles Buchanan
Reilly, David James
Reinhardt, William Henry, III
Reitz, Stephen Leslie
Remer, James Wesley
Renfree, Peter Rodman
Renzelman, Ralph F., Jr.
Repicky, John Joseph, Jr.
Resavage, Roy Douglas
Resing, David Claude
Revolinsky, Joseph Albert
Reynolds, Gary Alan
Reynolds, John Charles
Reynolds, Rickie Gene
Rhoades, Richard James
Rhodes, George Samuel
Rhodes, Gregory Kent
Rhodes, John Albert
Rhodes, Thomas Walker, Jr.
Rhudy, Carl Emory
Ribaudo, Nicholas Ross
Rice, Arleigh Hamilton, Jr.
Rice, Charles Oliver
Rice, Donald S.
Rice, Robert Ernest, Jr.
Richardo, Fortunato, Jr.
Richards, Nicholas Ladell
Richards, Philip Earl
Richards, Richard Noel
Richards, Thomas Russell
Richardson, Arthur Lee, II
Richardson, Harmond B., III
Richardson, Isaac Eugene, III
Richardson, Jack
Richardson, James Dana
Richardson, James Julian, III
Richardson, Kenneth Alan
Richardson, Paul Fredrick
Richey, Stephen Thomas
Rickman, Gary Lee
Rickman, Loy Doyle, Jr.
Rickman, William Lee
Riddile, Andrew Spencer
Riddle, Richard Arnold
Ridgway, Donald Craig
Riedy, John Alvin
Riegel, Michael Glenn
Riegger, Robert Ronald
Riera, Robert Emmett, Jr.
Ries, Stephen Hamilton
Rieth, Joseph Charles, Jr.
Rieve, Robert Murray
Riffer, William James
Riffle, Donald Lee
Rigg, Gary Lynn
Riley, Benjamin Price, III
Riley, David Gerald
Riley, Francis Clair, Jr.
Riley, Stephen Eugene
Ringer, Charles Edward, Jr.
Rinn, Paul Xavier
Riordan, Michael Eugene
Riordan, Stephen Joseph, Jr.
Rioux, Michael Francis
Rish, Robert David
Rist, Donald Francis
Ristorcelli, Charles Thomas
Ritzert, Bernard Urban, Jr.
Rivenes, Iver John, III
Rivera, Robert
Rizzi, Robert Anthony
Roach, John James, III
Robbins Brian Arthur
Robbins, Edward Franklin
Robbins, Richard Alan
Robbins, Spencer Everett, II
Roberson, William Henry, III
Roberts, Bruce Alfred
Roberts, Dana Alan
Roberts, Francis Albert
Roberts, John David Frederic
Roberts, Johnny Lee
Roberts, Paul Edward
Roberts, Peter Garety
Roberts, Ralph Dale, Jr.
Roberts, William Stratford
Robertson, Michael Darnell
Robertson, Ronald Leigh
Robey, Richard Ellis, Jr.
Robillard, Ronald Walter
Robinson, Alan Russell
Robinson, Edward Smiley, Jr.
Robinson, John Daniel, Jr.
Robinson, Michael Dean
Robison, Richard Alan
Robitaille, William J.
Roble, Woodrow John
Rocklein, Timothy Arthur
Rockwell, Donald Edward, III
Rockwood, Donald James, Jr.
Rockwood, Sidney Ray
Rodeffer, Ronnie Lee
Roderick, Dennis Patrick
Rodgers, Richard Lee
Rodgers, William Kenneth
Rodman, Wright Noble
Roe, John Allen

Roeber, Dennis Keith
Roed, Carl James
Roeder, John Alexander
Rogers, James Ernest
Rogers, John Daniel
Rogers, Mark Allen
Rogers, Michael William
Rogers, Thomas Wayne
Rogge, John Arthur
Rohlfs, H. Warren, Jr.
Rollings, David Campbell
Roman, Donald A.
Romann, John E.
Rome, Gary Bruce
Romito, Vincent Anthony
Ronnie, Scott Craig
Rooke, Harold Norman
Roosa, Roger Keith
Root, Barth James
Root, George Raymond, Jr.
Roper, Daniel Clark
Roper, John Nathaniel, III
Rose, David Owen
Rose, John Michael
Rose, Raymond Parks
Rosecrans, Douglas James
Rosenberg, Jeremy Carter
Ross, Albert James, Jr.
Ross, Jessie Clarence, Jr.
Ross, Jim Allison
Ross, Robert Jay
Ross, Robert Richard
Ross, Stephen Carl
Ross, Walter Lewis, Jr.
Rossbach, Christopher Howard
Rossiter, Alan Wilson
Rossiter, William Kent
Rotzler, Frederic
Roulstone, Donald Bruce
Route, Ronald Arthur
Roux, Jeffrey Andrew
Rowe, Richard Robert
Rowley, Arthur Norman, III
Rowley, Dennis James
Royal, Robert Louis
Rubel, Robert Charles
Rubino, Woody Michael
Rucker, David Woodside
Rucker, Joseph Truett
Ruddock, David Hugh
Rudolph, Dieter Klaus
Rundall, David Glen
Runnerstrom, Eric
Ruryk, Mirian Eugene
Rush, James Clifton
Rush, William Leech, III
Ruskosky, Gale Arnold
Russack, John Alexander
Russell, David Edward
Russell, Donald Franklin
Russell, Houston Roy, Jr.
Russell, Paul Kim
Russell, Robert Wayne
Russell, Thomas Gordon
Ruth, Michael Allan
Rutherford, Allan
Rutkowski, Edwin Gerard
Rutledge, William Craig
Ryan, Dennis Leo, III
Ryan, Franklin Terrence
Ryan, Michael Kevin
Rybinski, Michael
Sabadie, Patrick Alfonso
Sablowski, Michael Robert
Saccio, Edward A.
Sack, Alvin Lee
Sackett, Craig Pinard
Sadler, William Henley, III
Sadowski, Dennis Richard
Sagi, John Phillip
Sakre, Larry Louis
Salemi, Edward Michael
Salinas, Manuel G.
Sallee, Fred Merridith
Salm, Paul Richard
Salter, Jesse Earl
Samar, Jack Joseph, Jr.
Sampson, John Alan
Sams, John Lawrence
Samuel, Gary Bright
Samuels, Arthur Michael
Sanborn, David Lawrence
Sanders, John Russell
Sanders, William Hocutt, Jr.
Sanderson, Robert John
Sandin, Terry Lee
Sandknop, John Benjamin
Sandoz, Patrick Allen
Sands, Jack Harding, Jr.
Sanford, George Samuel, Jr.
Sanford, Leslie McHenry, Jr.
Santangelo, James Angelo
Santoro, Michael Anthony
Saraniero, Michael Anthony
Sassen, Grant William
Sauls, Aubrey Plowden
Saunders, Kenneth Paul
Sauntry, Thomas Fredrick
Saur, Joseph Michael
Sautter, Fredrick Root, Jr.
Savage, Carter Dow
Savage, Robert Ray
Savidge, Patrick John
Sax, Karl, II
Saxon, Patrick Hurley
Scally, Robert Ernest
Scamihorn, Marvin Ross
Scarbro, Kurt Michael
Schack, Robert Paul
Schaefer, Charles Alfred
Schaefer, Edward Micheal
Schaeffer, Jacob Donald
Schaffer, Lawrence Carl, Jr.
Schall, George Edwin, Jr.
Scharnus, Robert Michael
Schatti, Charles Henry
Schaubel, Raymond Charles
Schaum, Robert Troy
Scheine, Murray
Schellhaas, Richard Begue, Jr.
Schempf, Peter William
Schepman, Dennis Wayne
Scherr, Michael Robert
Schiffelbian, Alexander L.
Schild, William Alfred
Schill, Jerome Edward
Schlichting, Helmuth Carl, Jr.
Schmersal, Christopher John
Schmidt, Alden Duane
Schmidt, Charles Richard
Schmidt, Hubert Francis
Schmidt, Joseph Dunn, Jr.
Schmidt, Robert Eugene
Schmidt, Robert Henry
Schmidt, Robert Stephen
Schmidt, William Richard
Schmiemann, John August
Schneberger, Scott Laurin
Schneider, Anthony Joseph
Schneider, Daniel Henry
Schneider, Leo Joseph, Jr.
Schnellenberger, James Edward
Schnurrpusch, Gary Werner
Schobert, Frederick G., Jr.
Schoonderwoerd, Martin Gene
Schoonover, Robert Arthur
Schopp, Dean Wesley
Schork, John Forrest
Schoulda, Craig Charles
Schramm, Donald Arthur
Schreiber, Robert Arnold
Schrobo, Stephen Michael
Schrock, Joseph Austin
Schroeder, Milton David
Schroeder, Rodney Clark
Schu, George Marks
Schuknecht, Richard Edward
Schuler, John Joseph
Schutzman, Jay Samuel
Schwab, John Borden
Schwaller, Gregory Anthony
Schwartz, Albert Zalig
Schwartz, Michael Ira
Schwartz, Robert Wendell
Schwenke, George William
Schwier, Edward George
Schwoerer, Barry Frederick
Sciabarra, Joseph Peter
Scofield, Roger Lon
Scott, Dwight Franklin
Scott, Gary Henry
Scott, George Winfield, Jr.
Scott, Gregory Joseph
Scott, Jeff Charles
Scott, John Everett
Scott, Kenneth Henry, Jr.
Scott, Richard Frederick
Scott, Robert Mitchell
Scott, William Nathan, Jr.
Scrapper, John Christopher
Scruggs, Thomas Daniel, Jr.
Scull, John Corson
Scurria, James F.
Sears, James Arthur
Sears, Robert Joseph
Sebastian, Stacy E.
Seckinger, David Neil
Secorsky, Thomas Alan
Seddon, John Alexander, Jr.
Sedgwick, Gordon Lee
Sedun, Peter John
Seeley, John R., Jr.
Seelos, Robert Charles
Seffers, William John
Seiden, John Ben
Selby, Michael Ray
Selde, Peter Jay
Sellers, Ronald Edward
Sellers, William Lester
Semko, Paul Scott
Sentman, Orville Lawrence
Serafine, Gene Clark
Serhan, Marvin Thomas
Seymour, Hubert Elmo, III
Shackelford, Edward Alvin
Shade, Robert James
Shafer, Kenneth Wayne
Shannon, Frank Xavier, III
Shannon, John Timothy
Sharp, Larry Ralph
Sharpe, Bruce Edward
Shatzer, Lewis Allen, Jr.
Shaut, Earl Walter
Shaw, Daniel Nelson
Shaw, David Reginald
Shaw, Samuel Duane
Shaw, William Royal
Shea, Joseph Edward, Jr.
Shean, Keith Ellis
Sheffield, Harold Leo
Shekem, Murat
Shelby, John Daniel
Shelton, Lynn Dale
Shelton, Thomas Leroy
Shepard, Douglas L.
Shepherd, Wilbur French
Shepherd, William Mc Michael
Sheppard, Bruce Edward
Sheppard, Dennis Dean
Sheppard, Walter Timothy
Sheppard, William Lester, Jr.
Sherer, Charles Thaddeus, III
Sherfesee, Louis, III
Sheridan, John Joseph
Sherrange, Daniel Thomas
Sherrard, John Carr
Sherrard, Martin Victor
Sherry, Kevin J.
Shickle, David Lester
Shields, John Thomas, III
Shields, Robert David
Shoaff, Ray Leroy, Jr.

Shockley, William Robert
Shonk, Merwyn Roop
Shook, Richard Millard
Shotts, William Edwin
Shotwell, Henry Lawrence
Showers, Michael James
Shullo, Philip Francis, Jr.
Shultz, John William, III
Shultz, Martin Allen
Shuman, Edward Scott
Shurtz, Don Carlos
Shuster, Don Byron, Jr.
Shutt, Michael David
Shutt, William Leroy
Sides, John Elvin
Sidner, Robert William, Jr.
Sidor, Theodore Lathers
Siedschlag, Daniel Doss
Sieja, Donald Stanley
Siemon, Douglas Henry
Sigler, William Andrew
Sigmon, Kennis Lee
Sikes, Joseph Kelly
Siler, Virgil Robert
Silverman, George Martin
Silvers, Richard Allan
Sim, Richard William
Simmons, David Franklin
Simmons, Edward John
Simmons, John Wallace, II
Simmons, Michael Leroy
Simms, Allan Jay
Simpkins, Earl Lewis, Jr.
Simpson, Charles Davis
Simpson, Robert G.
Sims, Gary Marvin
Sinclair, William Fraser, Jr.
Sine, George William, Jr.
Singleton, Jerry Brian
Sink, Francis Leroy
Sinz, James Patrick
Sipe, Charles Regis, Jr.
Sipila, George William
Siple, Roy Crane
Sisley, William Rice, Jr.
Sitler, Stephen Douglas
Sitz, William Wynn
Sjostrom, Nils Alfred
Skahan, Michael William
Skidmore, Maynard Bliss
Skiles, Rolland Wesley
Skinner, William Edward
Skirm, George Louis, III
Skolds, Charles Richard
Skurski, Paul Roy
Slaght, Kenneth Duncan
Slaight, James Butler, IV
Slater, Arthur Francis
Slaton, Steven Gregory
Slattery, Patrick John
Slebos, Christian Gerard
Sledge, Loyd Dane
Slein, Michael James
Sloan, Andrew Keith
Slocum, Walter Scott
Slocum, Winfield Scott, IV
Slover, William Spencer
Slowik, Robert Louis
Small, Warren Edgar
Smartt, Douglas Arthur
Smiley, Philip Titcomb
Smith, Burton Dunn
Smith, Charles Hughes
Smith, Chester Burton
Smith, Dallas Thomas
Smith, Daniel Earle
Smith, Donald Edward
Smith, Donald W.
Smith, Douglas Vaughn
Smith, Earl Ramon
Smith, Edward Allen, Jr.
Smith, Gary James Ernest
Smith, Gary Lloyd
Smith, Gordon Coleman, II
Smith, Gordon Kenneth
Smith, Harris Latimer
Smith, Jack Robert
Smith, Jeffrey Townsend
Smith, John Vincent, Jr.
Smith, Kenneth Larry
Smith, Kenneth Raymond
Smith, Larry Campbell
Smith, Lawrence Darcy
Smith, Leslie Eugene
Smith, Michael James
Smith, Milton Wayne
Smith, Paul Thomas
Smith, Peter Brooks
Smith, Peter Raymond
Smith, Richard Charles
Smith, Richard Markley
Smith, Robert N.
Smith, Robert William, Jr.
Smith, Roger William
Smith, Stephen Edwin
Smith, Stephen Gary
Smith, Stephen Wayne
Smith, Steven Grayson
Smith, Steven Michael
Smith, Stuart Whitney
Smith, Thomas Earl
Smith, Thomas Michael
Smith, Thomas Phillip
Smith, Thomas William
Smith, Tracy Ray
Smith, William Harold
Smoogen, James Leon
Snell, Dean Allan
Snell, Stephen Farnham
Sniffin, Edward McKim
Snigg, Steven William
Snoddy, Donald Eugene
Snyder, Charles F.
Snyder, Michael Dennis
Snyder, Neil Floyd
Snyder, Thomas Frederick
Sohl, John Herman, III
Sokolo, William Kenneth
Sokolowsky, Simon J.
Solberg, James Lee
Somers, Larry Leroy
Sommers, Sidney Gordon
Soo, Robert Lee
Sorrentino, Ludwig Arthur
Sottile, George Vincent
South, Brian James
Southworth, David Moir
Souza, Philip Eugene, II
Sowa, Edward Stanley, Jr.
Sowa, Phillip Lee
Sowers, Bobby Gene
Sowers, Gary Gilbert
Sowers, James Richard
Spaeth, Warren Theodore, Jr.
Spaulding, Gerald Howard
Spaulding, Robert Parish, Jr.
Speed, William Goodwin, Jr.
Speer, James Walter
Speer, John Paul
Speer, Robert George
Spencer, Charles Henry, Jr.
Sperberg, Lester William, Jr.
Spicer, Virgil A.
Spires, Nelson Lee
Spolarich, Martin Michael, Jr.
Sponholz, Richard Otto
Spotts, William Warren
Spratt, Warren Eugene, Jr.
Sprigg, Robert Gary
Springer, Gregory Von
Sprott, Gary J.
Spruiel, Jerry Wayne
Squires, Monte Arthur
Sronce, Frank Thomas
Stables, Thomas Bernarr, III
Staehli, Christopher Paul
Stafford, Robert Harry
Stahl, John, J., III
Stahl, Lawrence Oliver
Staley, Miles Marvin
Stamets, Jon Arthur
Stampe, Lawrence Edward, Jr.
Stanbridge, Harold George
Stanek, David Monroe
Stanek, Francis Jerome
Stanfield, Wesley Craig
Stanford, Michael Lee
Stankoski, John Stephen
Stansel, Michael Jerome
Stansfield, James Daniel, III
Stanton, Bruce Wayne
Stanton, Richard Wayne
Stanton, Thomas Paul
Staples, Ralph Eugene, Jr.
Stark, Richard Robert
Stark, Rodney Lynn
Stark, Terry Michael
Stark, Thomas Alon
Starnes, Charles Newton, Jr.
Starnes, William Heath
Starr, Kenneth Wayne
Startt, Thomas Lee
Stasi, Frank Anthony, Jr.
St. Clair, Kenneth Malcolm, Jr.
Stebbings, Stuart Karl
Stecher, Brian Eugene
Steding, Michael William
Steele, Dean Lee
Steelman, William Jeffrey
Steere, David Campbell
Steffen, David John
Steffens, Thomas William
Stehle, Charles Douglas
Steidle, Craig Eugene
Stein, Eric Andrew
Stenstrom, Frank Ernest
Stentz, Robert Gail
Stephan, Herbert Adam
Stephens, Grant Schneider
Stephens, Hugh Johnson
Stephens, Robert Carroll
Stephenson, James Mell
Stepien, John Zigmand
Steshko, William Nicholas, Jr.
Steussy, James Michael
Steussy, William Howard
Stevens, Ira Boyd
Stevens, Jack Marion, Jr.
Stevens, James Douglas
Stevens, Paul Harold
Stevens, Robert Frederick
Stevens, William Edward
Stevenson, Charles Albert
Steward, Paul Elwyn, Jr.
Stewart, Frank Wood
Stewart, Gordon Grant
Stewart, Hamilton Michael
Stewart, James Robert
Stewart, Richard Kenneth
Stewart, Richard Maxwell
Stewart, William David
Stewart, Wilton Richard
Stieglitz, William Henry
Stine, Emmett W.
Stites, Lloyd Thomas, Jr.
Stockho, William Louis
Stoddard, David Victor
Stoddard, Larry Charles
Stoll, Ralph Heston
Stomboli, James Ralph
Stone, Daniel Joseph
Stone, James Benjamin, Jr.
Stone, John Lloyd
Stone, Timothy Gene
Stoner, Donald Winston
Storer, David Gene
Storez, Robert Alfred
Storm, Gary Alan
Storr, Otto
Story, Alfred Douglas
Stow, Richard Loomis
Strain, Hugh Joseph

Strait, Chester Edwin
Stratton, James William
Stratton, Larry Rodger
Strausbaugh, Wayne Lee
Strauss, John Howard
Strawn, Gary William
Strickland, Edward, IV
Strickland, Leroy Hickman
Strickland, Peter Benham
Strohofer, Clifford John, Jr.
Stromquist, David William
Stroop, Patrick Allen
Strother, Dennis Edward
Struble, James Franklin
Stuart, Michael Frank
Stuart, Robert William
Stubblefield, Gary Leslie
Stubbs, Gary Winterson
Stuck, James Roland
Stuckert, Bruce Taylor
Stuermann, Walter Peter
Stuhlman, Robert Harold
Stull, Mark Judson
Stutler, Frank Otley, Jr.
Subalusky, William Thomas, Jr.
Suberly, Roy Herbert, Jr.
Suggs, Ralph Edward
Suhr, James William
Sujdak, Edward Joseph, Jr.
Suldo, Michael Richard
Sullivan, Edward Joseph, Jr.
Sullivan, Edward Lawrence
Sullivan, John Donald
Sullivan, Kerry Jay
Sullivan, Larry Michael
Sullivan, Patrick Dennis
Sullivan, Paul Francis
Sullivan, William Joseph
Suman, Steven Michael
Summerlin, Michael Don
Sundin, Melvin Leroy
Sutter, Ellis Dee, III
Sutton, Harry Warren
Sutton, William Glenn
Svec, James Hynek
Swafford, Thomas Lee
Swain, Philip Frank
Swan, David Arthur
Swanson, Eldon Carl, Jr.
Swanson, Raymond Peter
Swartz, Edward Lee
Swartz, Lowell Franklin
Sweeney, Orval Lester
Sweet, James Franklin
Sweetman, James Michael
Swenson, Carl Frederick
Swift, David Allen
Sykes, William George
Szemborski, Stanley Robert
Tabing, Mark Dana
Tackett, Kevin James
Taggart, John Laughlin, Jr.
Tait, William Allan
Talipsky, Richard William
Talton, George Marshal, III
Tamulevich, Carl Joseph
Tande, Ludvig Kris
Tankersley, Carl Mark
Taplett, Kenneth John
Tarantino, Paul Salvatore
Tate, Russell Eric
Taul, Gary Dee
Taylor, Arch Edward
Taylor, Charley Joe
Taylor, Donald Walter
Taylor, James Earl
Taylor, James Edward
Taylor, Joseph E.
Taylor, Lee Bradford
Taylor, Richard Ford
Taylor, Robert Eugene
Taylor, Ronald Dan
Taylor, Ronald Maurice
Taylor, Russell Maxfield, II
Taylor, Samuel Walter
Tea, Max Ralph
Teetz, William Richard
Tehan, Terrence Norbert
Teillon, Lance William
Tempel, Billie Leon
Tennant, John William
Terlizzi, Thomas Paul
Terrell, Lyndon Travis
Terrell, Mark Richard
Tetlow, Philip Christopher
Tetlow, Thomas George
Tettelbach, Gary John
Teves, Arthur Gregory
Thacker, Reginald Allen
Thacker, Richard Leighton
Thaggard, Robert Stephen, Jr.
Thalman, David Marvin
Thames, Charles Melvin
Therrell, Thomas Stephen
Therrien, Alfred E.
Thies, Denzil Delane
Thomas, David William
Thomas, Donald Ralphael
Thomas, Francis Farrell
Thomas, George Guy
Thomas, H. Clay, III
Thomas, Harry Fannin
Thomas, Jon Marc
Thomas, Joseph Walter
Thomas, Mark Alan
Thomas, Michael Charles
Thomas, Raymond Edgar
Thomas, Robert Michael
Thomas, Roger N.
Thomas, Scott Shingle
Thomas, William Curtis
Thomason, William Rex
Thompson, Alan Jeffrey
Thompson, Charles Douglas
Thompson, Charles Edward
Thompson, Clarence Elmer
Thompson, Douglas Scott
Thompson, Gary Robert
Thompson, George Albert
Thompson, James Jay
Thompson, Jerry Dennis
Thompson, John Anton
Thompson, John Richard
Thompson, Thomas Louis, Jr.
Thomsen, Leon Fredric
Thomson, David Duerr
Thorgerson, Arne Raymond
Thorkilson, Howard Neri
Thorne, Larry Martin
Thornton, James Terry
Thorpe, Lloyd Allen
Thorsen, Timothy Lee
Thurman, Alan Barton
Tiedeman, George Ralph
Tierney, Glenn Patrick
Tilden, Averill Edward
Tillotson, Kenneth Delmer
Timberlake, William Archer
Timmester, Terry Wayne
Timms, Terry Wayne
Tinsley, Steven Garland
Tippett, Terry Lee
Tipps, Richard Douglas
Tipsword, William Harold, Jr.
Tirrell, William Barclay
Tobia, John A.
Todd, James M.
Todd, William Thomas
Tody, Stephen Lee
Toennies, Peter Ewald
Tolhurst, Robert Alfred, Jr.
Tollefson, Michael Rolf
Tomanelli, James Rocco
Tomlinson, Jack Evans
Tomlinson, Phillip Franklin
Toney, James H.
Tosatto, Francis Levern
Towcimak, William Robert, Jr.
Tower, Dennis Ray
Townes, John Willie, III
Townsend, Ronald David
Trainor, William Gerald
Trapp, Arthur K.
Traughber, Thomas Patrick
Travis, Thomas Lee
Treadway, Alton Glen
Trethewey, Thomas George
Tribelhorn, Ronald Wayne
Tripp, Robert Elwood
Trudell, Michael Albert
Trudell, Thomas Alfred
Truitt, Benjamin
Trytten, Dean Orville
Tucker, Charles Wayne
Tucker, Richard Steven
Tuggle, Richard H.
Tulchin, Benjamin David
Tull, Carl Ashby
Turk, Joseph
Turnbull, Steven Scott
Turner, Archie Andrew, III
Turner, Donald P.
Turner, Douglas Kearney
Turner, Elder Dale
Turner, Jack Eugene
Turner, James Sunday, Jr.
Turner, Jay Ellery
Turner, Ronald David
Turner, Steven Robert
Turner, Terry Lee
Turriff, David James
Turunen, Robert Louis
Turville, William Charles, Jr.
Tuttle, Larry Jerome
Tyler, Julian Woodworth, III
Tyler, Robert Jeffrey
Tyler, Warner Russell
Uhlenkott, Gary Wynne
Ulaszewski, Terence Jerome
Ulrich, Henry George, III
Umbarger, Ray McKenna
Underwood, Jefferson Gordon
Underwood, Van Douglas
Uplinger, Joseph Charles
Usis, Felix Max, III
Utegaard, Thomas Eric
Utermohlen, Frank Henry
Utsch, Frank Robert
Utschig, Thomas John
Utterback, Robert Alan
Uttich, Richard Michael
Vanasdlen, David Lester
Vanbrocklin, Stephen Ted
Vanbrunt, Tommy Harris
Vanbuskirk, Dennis James
Vance, Thomas Coates
Vance, William Donald
Vandeman, Frank Leslie, IV
Vanderberg, Mark Tompkins
Vandevender, John Archie
Vandover, David Lee
Vanhorn, Gary Roy
Vanhoy, William Allen
Vantassel, Paul Franklin
Vanvlack, Charles Henry
Vanwie, Steven Leroy
Varley, John Charles
Vassar, William Lee
Vaughan, Steven Andrew
Vaurio, David G.
Vehorn, Roger Paul
Veldstra, Daniel Roy
Veltman, Richard James
Venable, Ted Jeffrey
Verbrugge, Kenneth Ervin
Vershish, Robert J.
Vertovec, Frank James, Jr.
Vettese, Anthony
Vice, Larry Wayne
Vick, Paul Steven
Viglienzone, Dennis Edward
Villarosa, John Poteat

Vincelette, Paul Louis
Vinson, Robert K.
Violette, Richard Gary
Visco, Dominick Wayne
Vittum, David Arthur
Vivoli, John Bernard
Vogel, Paul H.
Voss, Philip Dane
Vosseler, Paul Kurt Alfred
Vosseteig, Craig Eugene
Vtipil, Donald Sheridan
Waddell, James Barry
Waddell, John William
Wade, Jack Merle
Wade, Phillip Morris
Wadington, Clair Allen
Wagemaker, Wallace James
Wagner, Cort Davis
Wagner, David John
Wagner, Randall Douglas
Wagner, William Joseph
Wagoner, Robert Charles
Wais, Richard Joseph
Waite, Lynn Lewis
Wakefield, Stanley Irvin
Wakeman, Mark
Waldbeesser, Terry Wayne
Walker, David Lee
Walker, Donald Beach
Walker, Frank Thomas, Jr.
Walker, John Bruce
Walker, Ronnie Eugene
Wall, Allan David
Wall, John Russell
Wall, Laurence Llewellyn
Wallace, David Kitts
Wallace, David William
Wallace, Donald Stephan
Wallace, Edward Charles
Wallace, James Young, III
Wallace, Ray Anderson
Wallfred, James Gordon
Walsh, John Patrick, Jr.
Walsh, Neil Patrick
Walsh, Thomas Munroe
Walters, Gary Allan
Walters, John Justin
Walters, Lynford Stetson, III
Walters, Ronald Wayne
Walton, Jerry Eugene
Wanner, Terry Scott
Warburton, Frederick T., Jr.
Ward, Charles Raymond
Ward, Clement Harry
Ward, James Gearey
Wargo, Joseph William
Warner, Thomas George
Warren, David Franklin
Warren, Floyd Dewey, Jr.
Warren, John Willard
Washer, William Lee
Wassel, Ronald Andrew
Waterman, Bradford Bates, III
Waterman, Ralph John
Waters, Lance Arthur
Watkins, John Bruce
Watkins, William Allen
Watson, Anthony John
Watson, Chester Arthur, Jr.
Watson, Jerry Carthal
Watson, John Robert
Watson, Michael James
Watt, Alexander Young, Jr.
Watters, Paul Andrew
Watts, Harry Franklin, Jr.
Weatherington, Michael Wayn
Weaver, Charles Shepard
Weaver, Christopher Edward
Weaver, Sterrie Leon, Jr.
Webb, Richard Allan
Webber, Thomas Charles
Weber, Charles Lawrence, Jr.
Weber, Robin York
Weber, Ronald Bailey
Weber, William Lloyd, III
Weborg, Gene Marvin
Wedding, Gregory Louis
Weeks, Stanley Byron
Wegrzyn, Raymond Robert
Weik, Thomas Anthony
Wein, Michael Clark
Weir, Michael William
Weisberg, Neal William
Weiscopf, Carl Eugene
Weiss, Christopher Lee
Weiss, Donald Alan
Weiss, Douglas Lee
Welch, Daniel Roy
Weldon, William Arden
Weller, Ronald Edward
Weller, Wayne Leroy
Welling, David Craig
Wellman, William Earl
Wells, John Timothy
Wells, Robert Runkle
Welsh, Edward Joseph, III
Welsh, Harold Kenneth, Jr.
Welsh, Patrick Timothy
Welter, George Alexander
Welterlen, Craig Robert
Wendling, Joseph Allen
Wengierski, Irwin T.
Werling, Robert
Wetz, Bruce Neal
Wesselhoff, Stephen Thomas
Wessman, Mark Donald
West, Michael Christopher
Westbrook, Gary Michael
Westcott, Richard Elliott
Westmoreland, William Donald
Westray, Richard Howard
Whaley, Glenn Richard
Whall, David Gerald
Wharton, Darryl Matthew
Wheat, Luther William
Wheeler, Richard Carter
Whiddon, William David
Whilden, Francis Covington
Whitaker, Charles Henry, Jr.
Whitco, Denis John
White, Bradley Thomas
White, Harold Kent
White, James Bryan
White, John Stanton
White, Joseph Michael
White, Nestor Dorian
White, Paul Marvin
White, Phillip Joseph
White, Robert Downie
White, Robert Eugene, Jr.
White, Thomas Willard
Whitelatch, Robert Clinton
Whiteway, Roger Newell
Whitford, Daniel Lee
Whiting, Geoffrey Alan
Whitmire, Dewey Laland
Whitney, Darrell Emerson
Whitney, David Michael
Whitney, John Douglas
Whiton, Harry Winsor
Whitt, David F.
Whittle, Alfred James, III
Wick, Carl Eric
Wicklander, Edwin Richard, Jr.
Widhalm, Kenneth Charles
Wies, David Scott
Wiggins, Bryan Douglas, Jr.
Wiggins, Ronald Luther, Jr.
Wight, Terry Michael
Wilbricht, Thomas Edward
Wilcox, Ronald James
Wild, William John, Jr.
Wildermuth, Ronald Everett
Wile, Ted Shannon
Wiley, Ronald Allen
Wilhelm, John Raymond, Jr.
Wilhelm, Richard Jay
Wilkins, Bruce Alan
Wilkins, Thomas William
Willenbrock, Eric Frederick
Willey, James Fletcher
Williams, Bruce Arnold
Williams, Charles Baxter
Williams, David Morgan
Williams, Donald Grant, Jr.
Williams, Douglas Henry
Williams, Galbraith Denny, Jr.
Williams, Gary Eugene
Williams, Harold Aldrich
Williams, James Michael
Williams, John Charles
Williams, John Forrest
Williams, Kenneth Lynn
Williams, Marcus Samuel
Williams, Michael L.
Williams, Pharis Edward
Williams, Robert Frank
Williams, Robert G.
Williams, Robert Jay
Williams, Robert Ralph
Williams, Thomas Cloud, Jr.
Williams, Thomas Yeaman
Williams, Wallace B.
Williams, William Robert
Williamson, Paul Byers
Willis, Thurman Lamar
Wilmoth, James Walter
Wilson, Bryan Paul
Wilson, Charles Howard
Wilson, Eric Thomson
Wilson, Geoffrey Peter
Wilson, George Michael
Wilson, Herbert Michael
Wilson, James Allen
Wilson, Jay Ronal
Wilson, Philip Barry
Wilson, Robert Lewis, Jr.
Wilson, Steven Dale
Wilson, Thomas Ray
Wilt, Thornton Willard, Jr.
Wiltzius, Lawrence N., Jr.
Winchell, Donald Lind, Jr.
Windeguth, Richard Baxter
Winkler, Michael Frederick
Winsted, Bradley Yancey
Winter, Dennis Allan
Winter, John Herman
Winters, Keith Allen
Wise, John Roy
Witherspoon, Lewis James
Witkowski, Christopher J.
Wittkamp, Thomas Michael
Wittmann, William Warren
Wnek, Francis Mitchell
Wolfe, Charles Darwin
Wolfe, Robert James
Wolfe, Wayne Leonard
Wolking, Fred Louis
Woltman, Ronald Richard
Wolven, Bruce Alan
Wolverton, Gilbert Leroy
Womack, Lee Thell, Jr.
Wood, Don Alan
Wood, Gregory James
Wood, Larry Ronald
Wood, Robert Allen, Jr.
Wood, Scott Allen
Wood, William Bob, Jr.
Woodfill, William Dale
Woodford, Joseph Philip
Woodman, William Douglas
Woods, Larry Joe
Woodworth, Richard Alden
Woolard, Reginald Wallace, II
Wooldridge, Gregory Carroll
Woomer, Charles Wesley, III
Wooten, Charles Edwin
Word, Ross Alan
Worley, Michael Jesse
Worms, Brent Leslie
Wright, Garry Edward
Wright, Herbert Rawson, III

Wright, Jay Lee
Wright, John Thomas
Wright, Jon Robert
Wright, Richard Francis
Wright, Sherman E., Jr.
Wright, Thomas Baxter, Jr.
Wright, Wilbur Grant
Wright, William Edwin
Wrobel, Richard August
Wunsch, Charles Steven
Wurtzbacher, Henry Todd
Wyatt, Randall Edward
Wyckoff, George Thomas
Wyckoff, William Watson, II
Wyld, Thomas Clinton
Wylie, George Joseph
Wylie, James Meredith, Jr.
Wynne, Harold Bradford
Xefteris, Constantine Louis
Yankolonis, Barry Lee
Yates, Alan Walker
Yeager, James Hugh
Yeatman, Lawrence Lankford
Yee, Thomas Hop
Yesensky, Douglas Alan
Yetsko, Joseph Franklin
Yonce, William Scott
York, William Joe
Young, Charles Bruce
Young, David Keith
Young, Gerald Alan
Young, James Albert
Young, John Robert
Young, Kerry Alan
Young, Richard Andrew
Young, William David
Young, William Karl
Youngblood, David Ray, Jr.
Youngman, Kenneth Ray, Jr.
Yount, George Richard
Yount, Richart Fulton
Yunker, John Michael
Zackary, Fort Arthur, Jr.
Zajicek, Richard Gene
Zakem, Jeffrey Steven
Zambernardi, Paul Anthony
Zavadil, John Leslie
Zavadil, Stephen Wayne
Zeitler, George Dean
Zell, William Beigler, Jr.
Zerbian, David Alan
Zia, Ralph Khan
Zielinski, Leon John
Ziemer, Robert Timothy
Zinser, Harry Jack
Zitzelman, Philip Wayne
Zorbach, Gregory Michael
Zukowski, Walter Charles
Zullinger, Charles F. III
Zuniga, Fred Joseph
Zysk, Thomas Stephen

MEDICAL CORPS

Adams, Michael L.
Allred, Thomas J.
Aulicino, Pat L.
Baez, Ramon Edmundo, Jr.
Bass, Robert Redwood
Benton, Philip C.
Brown, Mark Vincent
Bryarly, Richard C., Jr.
Buckley, Robert Leslie
Caldwell, Robert L.
Coddington, Charles C., III
Collier, William E., Jr.
Collins, Thomas M.
Colonsoto, Benito
Cook, Timothy Garman
Davis, Mark Stuart
Dudley, Albert H., III
DuFour, David Robert
Eninger, Larry A.
Farrell, George Joseph, III
Fontaine, David J.
Francheschi, Zambrana Jorge
Galentine, Paul Guy, III
Gehret, Richard George
Gilmore, Dennis Marvin
Hastay, Peter Chandler
Hayes, Arthur Commons
Herr, Celeste E.
Hilder, Richard J., Jr.
Ho, Ju Chang
Hoover, Lewis D.
Hurst, David B.
Isaac, Felix
Johnson, Larry Hugh
Klatt, Richard W.
Kosh, David Lawrence
Larocque, James C.
Ledbetter, Elizabeth K. L.
Little, Michael Jackson
Long, Kenneth William
Lonon, William Delmar, Jr.
Lovan, Wendell D.
Manansala, Francisco S.
Masys, Daniel R.
McCall, Mark Jeffrey
Mikell, Oswald Lightsey
Miller, Michael L.
Montgomery, Thomas Robert
Navarro, Francisco Rosal, Jr.
North, Robert B., Jr.
Parina, Bernardo Borromeo
Patel, Dilip D.
Perez, Romeo Pozon
Potter, Bonnie Burnham
Pratt, Randall N., Jr.
Pratt, Steven George
Pringle, Joseph Ross, Jr.
Puder, Robert David
Racicot, David F.
Ramos, Huberto Issac
Rorick, Jay Thompson, Jr.
Ruel, Theodore Arthur
Ryan, Mark
Sainten, Carl B.
Scott, William, Jr.
Seaquist, Mark B.
Shale, John H.
Shelby, John Harry
Skye, Harry William
Smith, John Connor
Swink, Lawrence R.
Taylor, John Kenyon
Thompson, Douglas Franklin
Tomlin, Thomas Allen
Voit, Marek Stanislaw
Wade, Lloyd Robert, Jr.
Walsh, Michael F.
Ward, Christopher H.
Wedul, Mark Vernon
Wilberg, Carl W.
Wilson, Michael Shannon
Yang, William N.
Yowell, Steven K.
Zaide, Amanda C.

SUPPLY CORPS

Aaronson, Brian David
Achenbaugh, Dennis Allen
Adams, Roy Stilz, Jr.
Allen, Randall C.
Allion, Dennis G.
Allison, Robert Clement
Ames, Hugh Douglas, III
Anastasi, Richard
Andrew, Michael Raymond
Angelopoulos, Gary John
Appleby, Michael Ralph
Archer, Raymond Aubrey, III
Arcuri, Louis Edward
Argento, Terry James
Arllen, Eric Arthur
Asselin, Andre Sylvio
Avery, James Alan
Bailey, John Roger
Ball, Edgar Scott, Jr.
Banghart, Allan Andrew
Barnes, Jerry D.
Bassi, Felix Joseph
Basso, Joseph Michael
Beaty, Richard Moore
Becker, Christopher Santana
Bender, Danny Arthur
Benecke, Jay Robert Orrin
Benefiel, William Philip
Bennett, Bruce Robert
Bennett, Robert Danny
Benson, Linwood Earl
Berg, Roland Douglas
Bianco, Barron Bruce
Bidwell, Robert Roy
Bird, Robert Ralph
Blood, Roger John
Boas, Raymond A.
Bobulinski, Robert Alexander
Bocchino, David Louis
Bogart, James McNary
Bohannon, Donald Clyde
Bollman, Terry Lee
Bonafede, James Michael
Bonna, Ralph Anthony
Branaman, Larry Gene
Brawley, Patrick William
Bredemann, David Lee
Bristol, Roger Willis
Brooks, Ted Edward
Brown, Phil Jay
Buchleiter, Charles R.
Burdon, William Henry
Burgess, Andrew Plumer, III
Burgess, Roy H.
Burton, Robert Norman, Jr.
Buteau, Paul James
Callaway, Michael Patrick
Camp, Gary Lee
Camp, Robert Thomas
Capizzi, David Alan
Carbone, James, Jr.
Carl, David Eugene
Carney, David G.
Carpenter, Levon Henry
Carroll, Joseph David
Casey, Michael Wayne
Cass, Leland Hooker, Jr.
Chambers, Thomas Ralph
Chandler, Brian J.
Chase, Kenneth Ray
Chitty, Frederick Cole
Clark, James Matthew
Cogswell, Peter M. L.
Cohen, Jay Martin
Coker, James Edward
Coker, Norman Loren
Cole, Anthony Livingston
Colvin, Bruce Arnold
Compton, David Dean
Conner, James Raymond
Conner, Terrence A.
Conover, Richard Philip
Cook, David Michael
Cooper, Raiford Wilson, Jr.
Cormier, Edward Norris, Jr.
Cornelison, Gary Alan
Cote, James R.
Crandall, Stephen Gary
Croll, John Michael
Cunningham, Victor E.
Daniels, David Longsworth
Dase, James Robert
Dashiell, Robert George
Davenport, Bill Trammell, Jr.
Davis, Peter McCoy
Dewell, Kenneth George
Dickey, Donald William
DiFranco, Steven Joseph
Dolan, Kevin Christopher
Dorries, Robert A.
Doyle, Joseph Drew
Drum, Eugene Robert
Duffey, Thomas Owen
Dunn, Christopher Anderson
Dupree, Daniel Myron

Durnan, Robert Emmett
Easton, Frederick Bigelow
Elder, Jeffrey John
Elgin, Richard
Emerson, Jimmie Darrell
Engel, Steven Ray
Engelmann, Robert Ardo
Ensminger, David Scott
Evans, Michael W.
Ewing, Richard Andrew
Fackenthall, William Gordon
Fages, Sheldon Neil
Fantroy, Ward Keith
Faubell, Paul David
Faucher, David Paul
Faurie, Bruce Roger
Featherstone, Harry Lee, Jr.
Felts, Warren T.
Finefrock, Carl George
Flahiff, Daniel Edward
Flanagan, John Edward, Jr.
Flohr, Larry Eugene
Foley, Robert Patrick
Forde, Duane L.
Forney, Robert Allen
Fremont, Robert Francis, III
Frial, Ernesto Fabillon
Fuller, Dana Adelferd, Jr.
Fulton, Terry Alan
Gallitz, Ronald James
Gandola, Kenneth Davidson
Gannon, Thomas Curtis
Gedney, John Warren
Gernentz, Thomas Joseph
Gianfagna, William Louis
Gibbons, Lawrence Brady
Gibbs, David Michael
Gilbert, Robert Roy
Gillespie, Daniel Doherty
Ginman, Richard Taylor
Giordano, Donald Michael
Gonick, Timothy James
Gorman, Howard Paul, Jr.
Goss, Ardin Francis
Gould, Jeffrey Paul
Graf, Albert John, III
Granston, Jeffrey Robert
Grant, Charles Wayne
Gray, David Bert
Greenberg, Joel Michael
Gregory, Troy Richard
Griffin, James Howard, III
Griffin, Roland Lewis
Griggs, William Clifton
Griswold, Raymond Bruce
Gross, Thomas D.
Guerard, Franklin Palmer
Gulliford, Steven R.
Gunderson, Richard Howard
Gunter, Wallace Eugene, Jr.
Gustafson, Robert Andrew
Guyer, Dean Chris
Hall, Richard Patton
Hammons, Thomas Joel, III
Hankins, Stanley E.
Hannaford, Philip Stephen
Hanson, Ryan Lewis
Harder, Larry D.
Hargrave, Bevard Eugene
Hargrove, James Wiley, Jr.
Harr, David James
Harris, Craig Steven
Harris, Robert Earl
Hartman, John Molyneux
Haskett, William Blair, III
Hastings, Richard G., III
Hawkins, Paul Russell
Hawxhurst, Jack Michael
Hayes, Edward Francis, Jr.
Hayes, John Robert, Jr.
Heikkila, James L.
Hein, Jonathan Jacques
Helgerson, Philip Arthur
Hempson, Donald A., Jr.
Henke, Louis, III
Henning, Robert Allen
Herbst, Howard Paul
Hertstein, Mark Sherman
Hetherington, Jerry Francis
Hickman, Ronald William
Hickman, William Allen
Hickson, Edward Earl
Higgins, Thomas Patrick, Jr.
Hill, Ronald L.
Hinkel, Shelby, Jr.
Hinson, Kenneth Earl
Hodges, James V.
Hodgkins, Henry Adelbert, Jr.
Hoffman, Thomas Lewis
Hofmann, Arnold Robert
Holbach, James Henry
Holcombe, James Othol
Holland, Benjamin A.
Hooth, Michael Douglas
Hornyak, Edward Joseph
Horstman, Donald Martin
Howdyshell, Robert J.
Hrabosky, Bryan, Jr.
Huban, George Hambre, Jr.
Huddleston, Ronald Duane
Hudock, Steven Adam
Huss, Boyce Wayne
Inouye, Clinton Wayne
Ippel, Terry Alan
Ison, George Stephen
Jackson, John Edward
Jackson, William Andrew
Jenkins, Gwilym Howard, Jr.
Johnson, Delmont Scott
Johnson, Jay Carter
Johnson, Mark Rich
Johnson, Mark Scott
Johnson, Ronald Toivo
Johnson, Terrence Bateman
Johnson, William Earl
Jones, David Carrick, III
Jones, Joseph Matthew, Jr.
Jones, Samuel Lynn
Joslin, Richard Morten
June, Michael Anthony
Kalapos, Michael Lee
Kaloupek, William Thomas
Karns, Larry Neil
Kaufman, Gary Raymond
Keating, Charles Lewis
Keller, David Paul
Kelley, Joseph Paul
Kelley, Kevin Paul
Kelley, Daniel Charles
Kennedy, Harvey Lee
Kesselring, Steven Dale
Ketts, Robert Lee
Kiefer, Roy William
Kimball, Daniel Webster
King, Wallace Vernon
Kline, Jack Charles
Kline, Richard W.
Knight, Robert Clark, Jr.
Knight, Walter Curry
Kosar, Peter George
Kramer, Keith Stewart
Krogh, Leslie Allen
Krupp, Robert John
Lambert, John Robert
Landerkin, Edward Joseph
Larmee, Donald Henry, Jr.
Lawrence, Robert Craig
Lengkeek, Dale R.
Leon, John Anthony, Jr.
Leonard, Robert Paul
Lewis, Albert Michael
Lewis, Richard E.
Lindsey, Larry Allen
Lippert, Keith Wayne
Low, David Herman Jean
Lowe, Richard Carroll
Machado, Bruce Mervin
Madaio, Paul Frank
Main, Archibald MacNicol, III
Malcolm, Nathaniel D., Jr.
Malone, John Murray
Malsack, Thomas James
Manley, Stewart Lee
Mansfield, David Kay
Marchetti, Ronald Andrew
Marquez, Ernest B., II
Martinec, Dennis Paul
Mathews, Mayes David
Matsushima, Rodney Fujio
Matthews, John Craig
McCarthy, Justin D.
McClain, John Franklin, III
McCoy, Rex Calvin
McCray, James Elburn, II
McCulloch, John William
McDowell, Tommy Gene
McGee, Gary Owen
McKeithan, Timothy Shepard
McKenzie, Donald Richard, Jr.
McQueen, Thomas Walter
McWherter, Marvin Eugene
Meeker, Richard Stratton
Menendez Ernest Marco, Jr.
Mercier, Kevin Gerard
Mercogliano, Anthony
Merrell, Thomas Orin
Merritt, Karl William
Miller, Felton
Miller, Michael James
Miller, Raymond Lee
Miller, Thomas G.
Minton, David Scott
Mitchell, Colonus, Jr.
Mitchell, Kent Ryan
Mitchell, Lonsdale Clifford
Moessner, Frederick William
Moffitt, Michael Allan
Monaco, Robert Edmund
Moore, James Berry
Moore, Joseph Nichols
Moore, Robert Tolmie, III
Moran, Michael Dann
Morrisey Daniel Patrick
Murff, Bruce Wells
Neeb, John Gilcher
Nemeth, John William
Nichols, James Stuart, Jr.
Nogosek, John
Nyland, Stephen Carel
O'Hagan, Michael George
O'Reilly, Patrick J.
Owen, Wayne Allen
Palanuk, Joseph L.
Parham, James Luis
Parker, Kenneth Lloyd
Parry, Dennis S.
Pathwickpaszyc, John Conrad
Payne, David Daulton
Payne, Harold R.
Pearce, Richard Leeroy
Pearrell, Larry William
Pendarvis, Daniel, III
Perkins, Charles Alan
Perkins, George Warren, Jr.
Perry, Keith Michael
Petersen, Gary Roy
Peterson, Carl Raymond, Jr.
Pettersen, Alan John
Phoenix, Edward Arthur
Pingel, Richard Douglas
Pitkin, Richard Cochran
Pledger, John David
Pointer, Billy Ray
Polley, John E.
Poole, Francis Xavier
Proctor, Leonard Lewis
Purdy, Kenneth C.
Rawlings, David Grant
Reed, Ernest Thompson
Reed, Ronald Passmore
Reese, James Mackintosh
Reeve, Robert Eugene

Renard, Geoffrey Kent
Rich, Bruce Bailey
Rich, Lyle Vernon
Riege, Duane J.
Rieve, Roy Chandler
Rigg, David L.
Rinaldo, John Charles
Ritter, Ronald Keith
Ritzel, Charles James
Rivers, Charles Silas, Jr.
Roach, Leonard Thomas
Robertson, James Miller, III
Robertson, Jimmy Wayne
Rodenbarger, Syd W.
Rogers, Robert William
Roper, Darcy Wentworth, III
Rorex, Thomas Arthur
Rossi, Philip Roger
Roundtree, Ronald Terrance
Rova, Bruce Wayne
Royer, Frank Edward
Rutledge, Michael Robert
Ryan, Robert Joseph
Sager, Christopher Parke
Sanford, Robert Michael
Sargent, William H.
Sauer, George Emery, III
Schaedel, John Gordon
Schildwachter, Martin Joseph
Schimpf, Barry John
Schlax, Thomas Patrick
Schmidt, William George
Schmitt, Michael Kennedy
Schmitt, Nicholas Joseph
Schneider, Jeffery William
Schreiber, Thomas Joseph
Schrum, Richard Ward
Scudder, Stephen Lee
Self, James Joseph
Sellers, Benjamin Russell
Shapack, Arnold Robert
Shepherd, Robert Myrick, Jr.
Shiffman, Robert Lawrence
Shoemaker, Charles Kenneth
Shubert, Tommy Lawrence
Siegel, Allen Ray
Siemers, Uwe
Simmons, John Richard
Sims, Donald Booth, Jr.
Smith, Emmett Wilson
Smith, Raymond William
Smith, Stephan L.
Soderberg, Paul Oscar
Stallman, Donald Jacob
Standen, Eric Allen
Stanger, Thomas Joseph
Steigelman, Anthony Edward
Stephens, Edward Neil
Stewart Edmund H., Jr.
Stilwell, Robert Redmond
Stone, Daniel Herman
Straight, Ronald Lee
Sugermeyer, Robert Storck
Sugihara, Ronald Yuzuru
Sule, Michael Francis
Sullivan, Reed Alvord
Sweney, Robert Lee
Tarleton, George Lester, III
Tarver, James Edward
Taylor, Charles Floyd, Jr.
Theiss, Girard Paul
Thornton, Robert Gregory
Thorpe, Grant William
Tinker, William Marshall
Tissier, Robert Joseph
Todd, Dale Edward
Tufts, John Emory
Turpie, James Alastair G.
Valentine, Stephen, IV
Vanauken, Pierce Richard, Jr.
Vanderslice, Wayne James
Vanhorn, Roy Dudley
Vellis, John Demetrius, II
Verbic, Alan Robert
Vinagre, Eduardo Gerardo
Vinson, Charles Mays
Vogelsang, James Edwin
Waldrop, Charles Pike
Walker, Allan Warren
Walsh, Robert Arthur, II
Walters, James Stephen
Walters, Melville Joseph, III
Ward, Paul David
Watkinson, Lyle Patrick
Weidemann, James Lee
Welch, Benjamin Harrison, III
Wenchel, George Frederic
Wenslaff, William Arthur
Wertmuller, Roy Walter
Weyrick, Philip Frederick
White, Charles Elbridge
White, Richard Stuart
Wieczorek, Richard Joseph
Wilhite, Bernard Lee
Willis, Roger Allen
Wilson, Paul Abernathy
Wilund, William Patrick
Wimett, William Thomas
Wood, Robert Harding, II
Woods, Willie Edward
Woodward, George Gage, Jr.
Worrall, Eric Hamilton
Wright, Dennis Lloyd
Wurzel, Thomas Eugene
Yates, David Stephen
Young, Charles K.
Younker, Michael Elwood
Yount, Mark Lee
Zawadzki, Raymond Stanley
Zehner, Dale J.
Zeiler, Robert William, III
Zurinski, Donald John
Zychowski, Thaddeus Frank

CHAPLAIN CORPS

Barsch, Robert Ignatius
Blasich, Bernard
Blegstad, Gary Conrad
Brogan, Leo Thomas
Brookshire, Joseph William
Bruce, Gerald Ronald
Burke, Ronald John
Burnett, Ivan Blackwell, Jr.
Chadwick, Thomas K.
Cluff, Merlin Henry
Colton, Alan Frank
Condon, Edwin Daniel, Jr.
Condon, William Gerard
Cragun, Gary James
Craycraft, John David
Delong, Stanley W.
Dickerson, Jerry Lee
Dieckhaus, Anthony William
Dubose, Thomas Jefferson Z.
Duncan, Charles R.
Egan, John Joseph
Eis, Charles Richard
Ellison, Floyd C.
Ferguson, Melvin Ray
Fernandez, Jose L.
Fitch, William B.
Fitzgerald, John Louis
Flick, Richard H.
Fryer, Patrick L.
Gardner, Ronald Earl
Gibson, William H.
Gilbert, Leroy
Giuntoli, Thomas Gino
Greve, Lionel
Grogan, Gerald Robert
Gundlach, John F., III
Ha, Young Chang
Halley, Michael D.
Heitschmidt, Douglas Gregg
Hendricks, Clare Joseph
Herndon, James Nelson
Heslop, Thomas Charles
Hill, Robert Selden, Jr.
Holland, David J.
Izac, Carroll Andre
Jayne, Bruce C.
Jensen, Steven L.
Jukam, Donald C.
Julius, James Anthony
Kemper, John Edmond
Kennedy, Michael H.
Kimokeo, Samuel August
Kincl, Robert L.
Knitter, Carl Ludwig, III
Langhorne, George A.
Livojevich, Ronald
Manning, Robert John
Masse, Edward Joseph, Jr.
Mattie, Richard Michael
McAdoo, Larry W.
McCranie, Glenn H.
McCreary, Stanley Howard
Natkin, Fred Arthur
Pace, Roger W.
Palmer, Harold D.
Passero, Ernest Felice
Pearcy, David L.
Perry, Eugene E.
Pierce, Roger Wayne
Pokladowski, Gregory S.
Rector, Larry J.
Rector, Roscoe E., Jr.
Salas, Jose Felix, Jr.
Saunders, John Price
Sharpe, Jack Larry
Shirley, Jerry Wayne
Smith, Victor Hunt
Tambourin, Sauveur Dominique
Taylor, Franklin R.
Tugan, Gary E.
Wambach, Joseph Gabriel
Werr, Albert Joseph
Williams, Norman O.
Williams, Robert Harry
Wiltshire, Wallace Wayne, II
Winslow, David Allen

CIVIL ENGINEER CORPS

Ackerbauer, Blair
Allen, Charles Edward
Allen, Donald Curtis, Jr.
Allen, James Richard
Allshouse, Clare Ray
Anderson, William John, Jr.
Andvik, Brian Karl
Bacon, Thomas Alexander
Barrett, Gerard Jude
Beattie, Steven Richard
Bechard, Thomas Philip
Bell, Kenneth Hodges
Benroth, Barron Ray
Bovee, Stephen Paul
Brandenburg, Tim Robert
Britt, William Butch
Broaddus, James Anthony
Brubeck, Gregory William
Bruckner, William Lee, Jr.
Bukoski, Thomas John
Burns, Dennis Raymond James
Bussey, Dennis Raymond
Buttolph, Leslie Walter
Cahill, Patrick Joseph
Carl, James William
Carpenter, Ronald Gary
Cherry, John Marshal
Ching, Clayton Yuke Kee
Christensen, Thomas Holm
Clark, David James
Clements, Frederick Roger
Clough, Paul Leroy
Collins, John Patrick
Corbett, James Thomas
Cordes, Edward Jack, Jr.
Corsano, Arthur
Cosgrove, Donald Marschall
Craft, Gary Myers
Dean, Joseph Clay
Degon, Robert John

Delker, James Leo
Dempsey, John Garrett
Dempsey, Richard Michael
Dennis, David Reynolds
Devescovi, Daniel John
Dew, Fred Warren
Dierckman, Thomas Edward
Digeorge, Frank Peter, III
Dillon, Terry Michael
Duke, Jonathan Bruce
Ealy, James Edward
Elsbernd, Robert Lawrence
Erickson, Stephen Flanders
Faunce, John Roger
Fehlig, Charles Jerome
Fennema, Robert John
Foster, Michael Earl
Franklin, Jimmy Don
Galer, Kenneth Oriel
Gamble, Bobby Gene
Gebert, David Kirk
Gibb, Thomas Wilson, Jr.
Glynn, William Gardner
Guild, Christopher John
Gunn, Thomas Edward
Guthrie, Gene Scott, Jr.
Haas, Richard Fredrick, Jr.
Hadbavny, Michael Thomas
Hagge, Thomas Matthew
Hanes, Samuel Houston, Jr.
Haydon, Donald MacPherson, Jr.
Hein, Gary Wayne
Herning, Robert Eugene
Herriott, Thomas Ray
Hill, Jerry David
Hocker, Robert Gerad, Jr.
Holen, Douglas Johan
Holst, Ronald Paul
Horne, Dennis Eugene
Howell, Richard A.
Hudson, Ronald Richard
Huguelet, Thomas Lee
Johannesmeyer, Charles Alan
Johnson, James Kendall
Johnson, Michael Ray
Jones, John Eugene
Katz, Alan William
Kechter, Ronald Arnold
Keene, Ronald Earl
Keifer, John Michael
Keller, William Joseph, Jr.
Kiesling, Robert Franklin
King, Claude Vernon, III
Kleven, Courtney Craig
Knoll, Joseph Carl
Knowlton, Robert Dana
Koiro, Frank John, Jr.
Kotz, John Stanley
Kovalcik, James Patrick
Laboon, Thomas Alquin, Jr.
Lappano, Gilbert Christopher
Larson, Steven Carroll
Lewis, Howard Merrill
Lewis, Ronald Corey
MacNamara, Timothy Charles
Mann, Douglas Everett
Marshall, Peter Wayne
Martin, Norman Richard
Martz, Stephen Joseph
McKinney, Charles Gromici
McNeil Oscar Newby, Jr.
Messick Frederick S., Jr.
Miller, Paul J.
Molineaux, Ian Joseph
Morris, Donald Edward
Morris, Donald Gene
Morrison, William James
Morrow, James Franklin, III
Murphy, Bernard Francis, Jr.
Neibert, Jerry Steven
Newton, Willis Gerald
Niece, William Samuel
Norris, Lowell Robert, III
Otcole, Thomas Richard
Palomaki, Donald William
Parisi, Anthony Michael
Parker, Robert Vernon
Parsons, Robert Charles
Penell, Joseph Charles
Perry, Michael J.
Pizzano, Robert Carl
Pollard, Charles Hardin, Jr.
Pringle, Alec Todd
Puncke, Frederick Dewey, Jr.
Pylant, Linward Ray
Pyles, Troy Kenton
Rabold, Bernard Louis, Jr.
Rampe, Thomas Raymond
Rautenberg, Robert Carl
Rigby, William Herman, Jr.
Rispoli, James Anthony
Roussos, George James
Rushing, Ernest Charles, Jr.
Sabbatini, Julian
Saltoun, Sammy
Scarborough, William Lang
Schneider, Charles Harry
Schottler, David Alan
Schramer, Mathias Charles
Scullion, Leonard Paul
Sebunia, Joseph Peter
Seltzer, George Harrison, III
Setzekorn, Robert Ray
Shepard, David Bruce
Shepard, Scott Holman
Sherbak, Patrick Michael
Shultz, Robert Larry
Sims, John Granville, III
Smith, Earl Lee, Jr.
Sniffin, Gary Norbert
Spencer, John Edward
Spore, James Sutherland, III
Stevens, David Lawrence
Stevenson, Herbert Scott
St. Peter, Harold Bruce
Sullivan, John James, Jr.
Szutenbach, Lawrence
Talmadge, Charles Eugene
Tanner, Thomas John
Terry, Ronald Elton
Thompson, Stephen Ray
Thomson, Francis Stoddard, Jr.
Tull, Terrence William
Turowski, Henry John, Jr.
Tyler, Raymond Stewart
Tzavaras, George Nicholas
Vanderels, David Michael
Venable, Joseph Brown
Vogel, Kenneth
Walker, William Francis
Walley, James Marvin, Jr.
Walsh, David Frank
Williams, James Randolph
Wong, Jack Jerry, Jr.
Wray, Terry Lynn
Wright, James Christopher
Zook, Michael Joseph

JUDGE ADVOCATE GENERAL'S CORPS

Abbate, Guy Robert, Jr.
Babington, William Robert, Jr.
Baggett, Joseph Edward
Bagley, David Worth, II
Baker, Stephen C.
Banks, Stephen Anthony
Barnett, Eric J.
Barrett, Danny Paul
Bartlett, James E., III
Beachy, Ronald James
Beall, Bradley Stuart
Becker, Fred Reinhardt, Jr.
Bell, Dale E.
Bennett, John C. W.
Bergstrom, Alan Lee
Boudewyns, Timothy M.
Bowman, Marion Eugene
Bozeman, William Steven
Buechler, Christopher L.
Carney, Patrick J.
Carroll, Steven John
Caruthers, William Philip
Champagne, Gerald Edward
Clark, Norman King
Clifford, William Joseph
Currivan, John Daniel
Dalesio, Daniel J., Jr.
Dawson, Mark Reed
Dirks, John A.
Dombroski, John Edward
Drukker, William R.
Duffy, Eugene O'Donnell
Eddy, Richard W. Jr.
Epstein, Howard Stephen
Fahrenbacher, Ronald Joseph
Finch, Milton D.
Froman, Floyd David
Gonzalez, Glenn Nelson
Gottry, Brian M.
Grant, William F., Jr.
Groat, John Sinclair, Jr.
Guter, Donald J.
Halvorson, James E.
Harrison, John Green, Jr.
Hewson, William Charles
Hill, Donal McIlvaine
Holz, George William
Horgan, Mark Michael
Hutson, John Dudley
Jeffries, Charles C., Jr.
Jones, Robin A.
Kelley, Patrick W.
Kelly, David Lee
Kelly, Michael A.
Kirkpatrick, Gerald Joseph
Kusiak, Patrick John
Leachman, Timothy L.
Leclere, Dennis Edward
Ledvina, Thomas Neal
Mandsager, Dennis Lee
Martin, Thomas Latimer
Mattson, Michael V. H.
McCall, Thomas William L., Jr.
McClain, Tim Scott
McConnell, Daniel Dick
McCracken, Joseph Barry
McDonald, Alvin L.
McKenna, Lawrence Francis
McLaughlin, Peter John
McPartlin, Paul Edward
Meadows, Robert W.
Miller, William Alan
Mitchell, Thomas Wesley, Jr.
Monteith, Richard Alan
Montgomery, John Bernard
Morgan, John D.
Morrison, Thomas Allen
Muschamp, Werner L.
Osborne, Thomas William
Ottie, Frederick N.
Owens, Michael Russell
Parnell, Joe M.
Peace, David Leslie
Pinkelmann, Eugene Maurice, Jr.
Pointer, Homer Sterling, III
Prentace, Charles Stanley
Principi, Elizabeth A.
Prochazka, Frank J.
Radd, John David
Randall, Thomas Edward
Reeber, Christopher Joseph
Reeve, Thomas Burnell, Jr.
Reynolds, Albert Alle, Jr.
Robertson, Brian David
Rockwell, James D.
Rose, Stephen Anthony
Roti, Scott Lewis
Sabot, David A.
Scranton, Joseph Douglas
Seaman, Robert C.
Seiders, Marlin David, Jr.
Sheehan, Patrick J.
Smith, Harmon B.
Smith, Ronald Scott

Spence, Joseph Mervyn
Stewart, Richard Gant, Jr.
Stimson, Paul M.
Stonier, James J.
Strong, Franklin W., Jr.
Tapajcik, John Michael
Thompson, Paul B.
Turner, Thomas Gordon
Villemez, Clyde Joseph, Jr.
Walsh, Richard Francis
Welch, Donald P.
Westholm, Larry Richard
White, Richard A.
Williams, Jeffry Alan
Wright, Steven Earl
Wurzel, David Lawrence
Yuhas, Christine Maria
Zoellner, David Howard

DENTAL CORPS

Aker, Frank, III
Albright, Robert Louis
Antioquia, Benjamin Salvador
Baker, Darrel A.
Barco, Clark T.
Basehoar, Douglas A.
Biedermann, Kurt George
Bohl, Jay L.
Boyd, William J., Jr.
Brinkley, Eugene D., Jr.
Brown, Gordon M., Jr.
Caruso, John Anthony
Cathers, Samuel J.
Christian, Leslie Allen
Creal, Albert Franklin, Jr.
Cuprak, Elizabeth E.
Degroote, Douglas F., Jr.
Devin, Robert Fraser
Dodd, Robin B.
Dollard, Wayne J.
Elvers, Ronald D.
Elzie, Theodis
Engler, Robert A.
Fox, Wendell Joseph
Froistad, Larry A.
Galich, John William, Jr.
Haglund, Michael P.
Harrison, Glenn A.
Hartsook, Timothy Merwyn
Hickson, Harry T.
Hoffman, Barry B.
Huebner, Dennis R.
Hutter, Jeffrey W.
Jaworski, Charles P.
Johnson, Jimmy Ray
Keeney, Bradford L.
Klein, Kenneth M.
Koffler, David Gary
Krochmal, James E.
Landry, Kenneth Edward
Latham, Peter M.
Little, Michael E.
Loar, Robertson D.
Lutcavage, Gregory Joseph
Marsaw, Frederick A., Jr.
Maynard, Robert D.
McAmis, Ronald Wayne
McDonald, William H.
Mehlenbeck, Clarence W., III
Meyer, Daniel M.
Milnichuk, Walter M.
Motley, Hudson G.
Prendergast, Richard O.
Reavis, Ralph M.
Rech, John R.
Remington, David Newell
Rivera, Napoleon Dimayuga
Roahen, James O.
Rocklin, Michael F.
Sandifer, Johnny B.
Schmid, Paul Edward
Schroeder, Dawn C.
Sergent, Robert S.
Simecek, John W.
Smith, Raymond G.
Starck, Thomas F.
St. Germain, Henry A., Jr.
Tercha, David Peter
Topcik, Philip L.
Turner, Carol Irene Baker
Turner, Harry Guthrie
Twohey, Sheila McCabe
Walker, Cleodius
Weisner, John Turner
Wetzel, Jeffrey Peter
Wilcox, Dale E.
Wilkinson, Richard J.
Wolff, Arthur

MEDICAL SERVICE CORPS

Adams, Robert Wallace
Agent, Selwyn Keith
Ambler, Fredrick Alan
Anderson, Richard Leland
Arnold, Anthony Ray
Auld, John Nelson
Avriett, Lucinda Louise
Baker, Charles Warren
Baker, Gerald Clayton
Baltimore, Daniel Lewis
Baltrukonis, Joseph Vincent
Banellis, Georgiana Marie
Barber, Norman James
Barina, Fred George, Jr.
Barnett, Phillip Jay
Bason, Robert
Bawden, Monte Paul
Beasley, William Joe
Beatty, Earl, III
Bennett, James Douglas
Benson, Milton Junior
Betts, Lawrence Stilwell
Blanks, James Alvin
Blome, Michael Albert
Bohnet, Herbert F.
Bolduc, Paul R.
Bolshazy, Robert Stephen
Bolton, Herbert Thomas
Bowman, Jeffry Stephen
Boyce, Richard
Boyles, Robert Warren
Bransford, Charles Duane
Breton, Robert William
Broadhurst, Ronald Wayne
Brown, George Russell
Brunza, John Jay
Bryan, Clark Lee
Buffington, John Robert
Butler, David Eugene
Campos, Theodore Ramiro
Carroll, Norman Eugene
Carroll, Robert Maxwell
Casper, Arthur W., Jr.
Chalstrom, William John
Chapman, Raymond Nicholas, Jr.
Christiansen, Richard Allen
Christopher, John Peter
Clarkson, Wallace Martin
Conroe, Frank Gus
Contreras, Thomas Jose, Jr.
Converse, James Donald
Cooper, James Melvin
Cosenza, Joseph Monte
Cozart, William David, III
Crabbe, Joel Reed
Crafton, Lonnie Dale
Crane, James Arthur
Crigler, Patricia Woodall
Criscitiello, Joseph John
Crittenden, George Howard
Cronin, Patrick Dwight
Daddario, Anthony P.
Davis, Gary Thayne
Dean, Larry Marcellis
Debell, Robert Michael
Decicco, Joseph Enrico
Decker, David Leroy
Defibaugh, Thomas Richard
Delong, Douglas Stanley
Delviks, Uldis Albert
Densley, Merlynn Duane
Depolo, Dominick, Jr.
Dial, William Stephen
Dittman, David
Dumais, Gary Wayne
Dunkleman, Dennis Clair
Eberle, James Edward
Eckstein, Michael David
Edman, David C.
Ehrhardt, Douglas Alan
Elkins, Bryan Richard
Elster, Robert Eric
Escamilla, Joel
Ewing, Ronald Clarence
Faherty, Stephen Allen
Farnham, John Brett
Felton, Robert Eugene
Ferda, Robert
Finke, Ronnie Lee
Flor, William John
Fogelsonger, Jack Leonard
Ford, James David
Foro, Bradley Roger
Foster, Jerry Allen
Fraser, Llewellyn Michael
Frey, Mary Lucille
Fristad, Arvid Christian
Ganz, Neal Robert
Gentry Murray, Jr.
Gerhard, John Charles, III
Gerlach, Herman
Gibson, Kenneth Dwight
Glogower, Frederick D.
Glover, Wayne Paul
Gordon, Charles Vance, Jr.
Gray, Brian Harold
Greedan, Andre Michael
Greenan, John Everett, III
Greenfield, Donald Eugene
Grimes, Thomas Abner
Grissom, Michael Phillip
Grout, Edward Joseph, Jr.
Hand, Brian Chandler
Hanrahan, James Edward
Hargraves, David Thomas
Harrington, Gary Robert
Harris, William Baxter
Harrison, Robert Burnham, Jr.
Helm, Wade Raymond
Henderson, Charles, III
Henrich, William Roger
Hermann, Dean Alfred
Hess, Stuart Allan
Hickey, Rodney Dale
Hickey, Thomas Michael
Hicks, William Marlin
Higgins, Janet Lorelei
Hilderbrand, Richard Lance
Hisoire, Dennis Philip
Holman, Larry Dean
Homayssi, Ruby Lee
Hosszu, Joseph Lewis
Hughes, Francis Joseph
Hughes, Roger Dale
Huju, John Iivo
Hummel, James Robert
Humphrey, Charles Robert
Irgens, Terry Richard
Irving, John
Jackson, Thomas Carter
Jamison, Hubert Milton
Jemionek, John Felix
Jillson, Susan Gerhard
Johnson, John Lawrence, Jr.
Jones, Buddy Lowell
Joseph, William Arthur
Kayler, Robert Samuel
Kelley, David Bruce
Kelly, Stephen John
Knee, Dale Otis
Knight, Paul Leroy
Kochis, James Balazs
Kretchmer, Robert Stanford
Kubal, John Lawrence

Kunkel, Clyde Ellsworth
Kurtich, Richard Bruce
Lamar, Steven Richard
Lambert, William James, Jr.
Land, Clarence Edward
Lane, Coy B.
Lane, John Charles
Larocco, James Michael
Lawrence, Jonathan Dale
Lemmerman, Donald John
Lewis, James Stanford
Lewis, Marion Stewart
Lewis, Morris Newman
Lindsay, Richard John
Lissner, Christopher Roland
Lobaugh, Larry Gene
Love, Douglas, Jr.
Macys, David Allen
Mahin, Patrick Lee
Makris, Kenneth Anthony
Malinky, Robert Lee
Malinoski, James Walter
Malone, John Joseph
Marolf, Walter Keithley
Martin, Donna Ray
Martin, Early Michael
Maskulak, Michael Joseph
Masterson, Francis W., Jr.
McBride, Joseph Edward
McCaig, Joe Mickey
McKee, Roland Edmond
McKenzie, Darrel Dean
Meegan, James Michael
Mendenhall, Karl George
Miller, David Albert
Mitchell, Michael Lenard
Mitchell, Troy Gene
Mize, Lewis William
Monaghan, William Patrick
Montgomery, John Edward
Morrison, Kathleen Dougherty
Morrison, Tommy Ross
Morton, David Earl
Moses, William Robert
Mueller, Eric John, II
Muklevicz, Robert Edward
Mullin, Jack Aldin
Mullin, Jimmie John
Nelson, Dennis Pershing
Nelson, Ronald Carl
Oals, Wendell Marion, Jr.
Oldham, Richard Thomas
Ollenburg, Walter Albert
Otterman, Glenn Ewing, Jr.
Owens, Jerry Mack
Palmer, James Felix
Parkansky, Ralph Elmer
Parks, Jackie Howard
Parr, Laurence Fredrick
Patee, Jerry Curtis
Pavlik, Robert Emil
Penkunas, John Joseph
Perkins, Nancy Schmitz
Petersen, Henrik Vang
Peterson, Franz Richard
Peterson, Jack Leroy
Petroski, Joseph William
Phillips, Harold Edward
Pinkerton, Randy Howard
Pointer, Charles Hannon, IV
Power, Danny Edwin
Prodanovich, Milo J.
Rand, Bruce Paul
Rathjen, Roger Lee
Raymond, James Lyman
Reading, Thomas Edward
Reichman, David Alan
Reinhart, David Francis
Renfro, Mary Ann
Renner, Vernon Manderfeld
Richardson, Ronald W.
Ridgeway, Robert Kirk
Rinard, Lanny Arnold
Rittmeyer, Terry Lee
Roach, William Lawrence, Jr.
Rockhill, Robert Clayton
Roman, Michael John
Rooney, John Anthony
Rosen, Howard Stephen
Ruffin, Tommy Lee
Rush, Elvin Dale
Rutherford, Bruce Douglas
Ryan, Alan Burns
Saleker, Albert Dale
Sandall, Vernon Pat
Santore, Orlando James, Jr.
Scaramozzino, James Anthony
Schick, Gary Edward
Schlagel, Charles John
Schoeneck, Harry Joseph, Jr.
Schweinfurth, Karl Edwin
Sciarrini, Dominic Eugene
Seales, David Martin
Sefranek, George Andrew
Seible, Lawrence George
Sengbusch, Craig Howard
Sessions, Nathan Mansfield
Sheeran, Robert B.
Shepherd, James Edison
Sheridan, Peter Francis
Sherman, Forrest Allen
Shockley, Richard Stanley
Silvas, Jose Moises
Simmons, Larry Oliver
Skog, Roy Reynold, Jr.
Skurja, Michael, Jr.
Sloan, Robert William
Smith, Donald Anthony
Smith, Richard Lee
Smith, Steven Linck
Snook, Darrell Fred
Snyder, Stephen Laurie
Sparks, Buddy Tom
Speece, Elizabeth Sophia G.
Speir, Herbert Allison, III
Spillane, Dennis
Stine, John Wesley
Stovall, Gary Hudson
Straughn, William R.
Strnad, William Raymond
Struempler, Richard Earl
Terry, Lynn Marion
Thomas, Dennis Merrill
Thomas, Jerry Alan
Thompson, J. Ronald
Thompson, Robert Stanley
Tingley, Terry Jay
Todd, David James
Todd, Michael Louis
Trocha, Paul John
Trosper, James Hamilton
Turocy, Regis Harry
Upton, Billy Gene
Vonminden, David L.
Vonstuck, Murlowe Leon
Waddington, Gregory
Walker, James Raborn
Wallace, William Emory
Watts, Len Stanley
Weappa, Larry Ralph
Weathersby, Paul Kirby
Welch, Richard Roy
West, Joseph John
White, Daniel Ellsworth
Whiten, Ronnie Edward
Wiggins, Michael Cornell
Wilson, Don Dewayne
Wolf, Richard
Wood, Arthur Bob
Woods, Walden Ray
Wright, Albert Lon
Yacovissi, Robert
Yost, Harry Eino
Zeman, Gary H.
Zimmerman, Craig Alan

NURSE CORPS

Ahrens, William David
Allison, Rachel V.
Ames, Ervin Lyle
Applegate, Joanne Wilson
Arthur, Beverly Kathryn
Atkinson, Nancy June
Ault, Sally Barras
Bailey, Donna Lancaster
Bardwell, Robert Jean
Barlow, Judy Lynn
Bates, Richard A.
Baumann, Mary Ann Ervin
Beaton, Meredith Lee
Bechtel, Robert Hershey, Jr.
Beeby, Barbara Jean
Benway, Michael William
Bessent, William Moses
Bickford, Carol Jean
Biffar, Irene Marie
Bingham, Marilyn Kay
Bloodworth, Maritha Ophelia
Bogart, Deanna Rae
Bohn, James David
Bold, Joan Ann
Bolden, Cheryl Vreeland
Bonnet, Langston Kathleen Marie
Bonta, Catharine Mary
Born, Karen Rae
Bowden, Mary Alice
Boyer, John Frederick
Boyle, Mary Elizabeth
Brake, Barbara Deck
Breeding, Patricia Ann
Bridges, Uriah
Brinckerhoff, Judith Costello
Broad, John Robert
Brown, David Allen
Brown, Paul Peyton
Brown, Terry Lou
Burns, Jesse Paul, Jr.
Burns, Kathryn Patricia
Cabral, Richard Emile
Caffrey, Gloria Jean
Caffrey, John Francis
Campbell, David Allen
Campbell, Mari Elizabeth T.
Capps, Karen Newhouse
Carlton, Carolyn Zak
Carney, Carol Anne
Carroll, Sue Miller
Carter, Eileen
Casa, Peggy Baker
Cherrington, Dolores Ann
Chick, Carole Louise
Christensen, Clark Kay
Christian, Catherine Scollins
Christman, Patricia Kate
Cisneros, Thomasa Lena
Coffman, Peggy Sue
Cole, Stephanie Ann
Cornish, David Luther
Correnti, Patrick Sullivan
Cothern, Jimmie Glenn
Cox, Robert LeRoy, Jr.
Craft, Donna Leigh
Cranston, Christine Sullivan
Cronin, Dorothy Ryder
Cronin, Mary Ann
Curlee, Candace
Cusimano, Carol Marie
Daniels, Luther Orin
David, Lucy Mendoza
Davidson, William Murray, IV
Dawe, Cecelia Margaret
Deliberto, Vincent Loretto
Depoix, Suzanne Gabrielle
Deprima, Alicia G.
Desavorgnani, Adriane Aldric
Devney, Anne Marie
Dibiase, Renee R.
Doyle, Marica Smith
Doyle, Wanda
Dunn, Richard Allen
Eckstein, Barbara Jeanne B.
Edgar, Marilyn Anne
Elliott, Iris Ann

Ellis, Susan Lynn F.
Emanuel, Anne Marie
Eversole, Donna Rae
Fay, Doris Annie
Ferguson, Raymond Austin
Feris, Michael Leeroy
Field, Marion Griffith, Jr.
Figgins, David Earl
Fijak, Susan Ann
Finn, Thomas J.
Flynn, Mary Taylor
Foley, Barbara Ann
Foore, Karen Irene
Fosson, Donald Eugene
Foster, Barbara Jean
Frazee, Daniel Clark
Fry, June Grace
Fuller, Gae Marie
Gantz, Gary Stephen
Gardner, Mary Anne
Garrison, Richard Allen
Goetz, Mary Elizabeth
Gotch, Sandra Anne
Graham, Alfred Ernest, Jr.
Grant, Kristina Meservey
Gray, Pamela
Greene, Doris Mary
Griffiths, Loretta Ann
Gump, Margaret Lungren
Gutierrez, Gail Ann
Guy, Bruce David
Haley Kathleen Ann
Hall, Mary Katherine
Hambidge, Ann Ashley
Hancock, Susan Henry
Hargrave, Michael Rex
Harmeyer, Gary R.
Hart, Elizabeth Kunc
Hartman, Toby Slep
Hash, Connie Rae
Haskins, Carol Callan
Hayes, Linda Ann
Haynes, Janice Klaiber
Head, Walter Weller, Jr.
Hemmelgarn, Nina Terese
Henbest, David
Hess, Catherine Pauline
Heydon, Mary Margaret
Hobbs, Linda High
Hodges, Gail Lynn
Holmes, Lawrence Charles
Honeywell, Joseph Leroy
Hoover, Margaret Leona
Houser, Mary Louise
Hughesrease, Marsha Lynette
Hultsch, Maureen Cecilia
Hyams, Orval Wayne
Hyatt, Carol Susan
Jackson, Donna Jeane
James, Eva Nell
Johnson, Charlene Elizabeth
Johnson, Donna Lerch
Johnson, Joe Hormon
Johnson, Laurie Lynn
Jones, Donald Gerard
Jones, Donna Marie
Jones, James Edward
Jung, James Wyland
Karrat, Victoria Jean
Kelly, Harriet Perry
Kjenstad, James Eugene
Kopanski, Ruth Grimes
Korns, Barbara Jean
Kout, Kathryn Kelly
Kozlowski, Janet Gorczyca
Krahenbuhl, Allie Fair
Kunkel, Ann Marie
Labelle, Carson Verne
Laberis, Arthur Henry
Lahren, Kathy Sue
Lanterman, Gail Ann
Laplant, Michele Ann
Laursen, Lawrence Edwin
Law, Easty Ann
Lefort, David Michael
Leppanen, Margaret
Lewis, Rosalie Day
Lewisbrown, Shirley Dean
Loftus, Margaret Mary
Lombardi, Judith Ellen
Loose, David Stewart
Loveridge, Lois Elaine
Lovett, John Reuben
Lujan, Eugenio Alfonso
Lukey, Frankie
Mahaffey, Betty Jeanne
Mailander, Patricia Mary
Majewski, Bernadette
Malone, Diane
Mapes, Sigrun Marianne
Marine, Peggy Diane
Marquart, Alison Lee
Marsh, George Lawrence
Marsh, Sharon Jane
Matula, David Louis
May, Rita Viola
McBurney, Richard Ellwood
McClain, Terry Worth
McLaurin, Elizabeth Annette
McMillin, John Marshall
McPherson, Robert Carter
Michael, Dorothy Ann
Miller, Barbara Orange
Mills, Stephani Gail
Minnick, Kristine Ellen
Minzes, David Herman
Mitchell, Henry, Jr.
Monahan, Michael Edward
Monroe, Victoria Mae
Moore, Louise Fontaine
Morris, Louise Margaret
Moses, Melanie Lorena
Mullinix, Margaret Berg
Neirynck, William Edward
Nelson, Roberta Dawn
Nickerson, Carolyn Janice
Niess, Cynthia Deanna
Norman, Jane E.
Norrick, Albert Joseph
Norris, Linwood Wayne
Norton, Suzanne Marie
O'Halloran, Jeannine Lynn
O'Hare, Patricia Jeanne
Ohlman, Donna Jean Van Buren
Osborn, David Lane
Parrotte, David Frank
Pattinson, Judith Ann
Perry, Cynthia E.
Perry, Eleanor Elsie
Peske, Lorelei Sue
Petersen, Patricia Lynn
Peterson, Carol Ann
Peterson, Janet Lou
Peterson, Peggy Jo
Phillips, Donald W., Jr.
Phillips, Jean Marie
Picchi, Christine Anne
Poland, Edith Aletta
Powers, John Charles, II
Prather, Caren Joell
Probst, Louise Gale Ahroon
Protsman, Nancy Lee
Pruitt, Nancy Strohschein
Ramsey, Barbara Lynn
Reiter, Larry Leon
Reitz, Anne Elizabeth
Rice, Edward Vincent
Richardson, James Leroy
Riess, Marymartha
Riordan, Patricia Trump
Roberts, James Wylie
Robinson, Leslie Elizabeth
Robson, John Edward
Rollenhagen, Judith Murray
Rollison, Lee Kathleen
Rossi, Maria Victoria
Rowell, Margaret Elinor
Roy, Terry Dale
Rucker, Meriel Traylor
Ruschmeier, Elizabeth Muller
Sample, Priscilla
Samson, Mary Wells
Sant, Jeanne Paulette
Savige, Elaine Charlotte
Scarborough, Claudette
Schafer, Dwight D.
Schemmer, Carol Lucy
Scheve, Lawrence Gale
Schneider, Donald Philip
Schnoor, Elaine Helen
Schwartz, Linda Lee
Sciuto, Renata Magdalynne
Shaia, Evelyn Ruth
Sharpe, Jacqueline Elaine
Shaw, Irene Antoinette
Sheffer, Jeanette Ann
Shelton, Mary Cornelius
Sheridan, Gary Clinton
Sitton, Loretto Anne
Smith, Julianne K.
Smith, Kate Irene
Smith, Kathleen Ann
Smola, Theresa Noreen
Snyder, Barbara Jean
Snyder, Gilbert Charles
Soileau, Joseph Corley
Soppe, Wilfred Edward, Jr.
Spangler, Catherine Elaine
Speirs, Carol Lucille
Spillane, Susan Jane
Spraggins, Gerald Gene
Standen, Julianne
Sturrock, John Richard
Sullivan, Dennis James
Swan, Catherine Ann
Swanson, Jane Westmoreland
Taggart, Jack Reed
Taschner, Ardis L.
Taylor, Ruth Ann
Templeton, Alma Nancy
Thomas, Barbara Jane
Thorr, Faye Ann
Timmcke, Teresa Ann
Tomsky, Carol Nanette
Trent, James Edward
Truhe, Jean Anne
Tynan, James Francis, Jr.
Underwood, Earma Jean
Vickers, Joyce Marilyn
Vonrump, David Chester
Walgren, Kenneth Dale
Wallace, Blair Harrison
Ward, Deborah Ann
Ward, Elizabeth Ann
Warren, Carolyn Sue
White, Grace Milesko
Whitney, Wendy Wilson
Williams, Mary Deborah
Wooldridge, Robert Thomas
Wright, Mitchell Paul
Young, Robert Raymond
Zabel, Nancy Diane
Zettler, Marcella Rose

The following-named officers of the Naval Reserve for permanent promotion to the grade of lieutenant commander in the line and various staff corps, pursuant to section 611(a) of the Defense Officer Personnel Management Act (Public Law 96-513) and title 10, United States Code, section 624 as added by the same act, as applicable, subject to qualifications therefor as provided by law:

LINE

Adamson, James Aubrey
Ahern, Richard Matthew
Anderson, Jack Edward
Avery, Michael L.
Bach, Ronald Clayton
Bailey, Richard Alan
Baker, Gary Stewart

Baker, William Edward, Jr.
Barrett, Gary Allen
Barrett, Stephen Darryl
Bartol, Robert Michael
Barton, Edward Brent
Bashista, David D.
Batson, Charles D.
Bauer, Larry Anthony
Baxter, Harry Toppin
Bayman, Jay W.
Beckham, Gregory Thomas
Beckman, Matthew Phillip
Beemer, John Robert
Bell, Joseph Leonidas
Belotti, Joseph Peter, Jr.
Benn, Charles Michael
Benner, Stuart Charles
Bennett, Charles Everett
Bertoglio, James Alan
Birr, Douglas Raymond
Bizic, Larry Stephen
Blake, Clifford Dale
Blanton, Lindsay Chambers, Jr.
Blatt, Norman William
Blevins, Dallas, Jr.
Bohman, Richard Bursey
Boniface, John Morrill
Boraten, Ronald Paul
Bower, Bruce Alan
Boyles, Glenn R.
Bradshaw, David Bruce
Brady, Patrick Donald
Brainerd, Stephen Scott
Brandt, Rudolph C.
Braselman, Herbert P.
Brazell, Mark Thomas
Bricker, John Larry
Britts, James Ellsworth
Brown, Boyd Michael
Broyles, Ned Anthony
Burns, Brian H.
Burrill, David Reid
Burton, Malcolm Charles
Bush, Thomas Lee
Buske, Steven Paul
Butler, Dwight Allen
Butler, Sean William
Byrnes, Thomas G., III
Caldwell, Kenneth Wright
Cameron, Thomas W.
Cann, John D.
Cannon, James Dennis
Canzonieri, Ronald John
Cassady, Gregory Allan
Caya, Peter M.
Chirone, Robert Laurence
Claire, Richard Duane
Cole, Ellerbe Powe
Coll, Rafael
Conatser, Charlie Cameron
Conley, William E.
Conner, George Wayne
Conway, Michael R.
Cooper, Arthur Thomas
Copus, William Everett
Costi, Ronald J.
Cowart, David C.
Cranney, Steven Joseph
Crawford, John Glover, Jr.
Crumbaugh, Richard Daniel
Cummins, Ronald H.
Curry, Michael John
Daume, James Walter
Davis, Richard Rice
Dean, Billy Joe
Dean, William Edwin
Deantonio, Robert F.
Dent, Larry William
Denton, Larry M.
Dethmann, Wernes William
Devault, Richard H.
Dieckman, Byron L.
Divine, Robert Blaine
Dobrovolny, Timothy
Donahoe, Raymond Wayne
Donnalley, Kenneth Girard
Donnelly, William Joseph
Doss, David Leon
Doub, Mark Eugene, Jr.
Dowie, Jon W.
Downs, James Lee
Drees, Martin A.
Duchock, Peter Stephen
Duetsch, Robert Alfred
Dull, David A.
Dunn, Alan Bruce
Dunphey, Floyd Patrick
Dutra, Edward P., Jr.
Dyer, Michael O.
Erwin, Richard A.
Evans, George William
Faino, Rod
Falt, Keith E.
Farver, Rick Clark
Fiddler, Chris J.
Fillmon, Louis J.
Fisher, William Harold
Fitzgibbons, Paul E.
Flaherty, James, Jr.
Flanagan, John Joseph, III
Flannery, Peter Andrew
Forte, Bruce Frederick
Foster, Dave E.
Frank, Joel Stephen
Franks, Robert James
Frantz, Joseph Claude
Frazier, Early H., Jr.
Garcia, David Bruce
Gardiner, George Wiltshire
Gaussiran, Charles Douglas
Gibson, Steven Edward
Goldsmith, James Edward, Jr.
Graham, David Joseph
Graham, David Lee
Graham, Roy Edward, Jr.
Grant, Roy Edward
Gray, James Myron
Green, Thomas James, Jr.
Gregory, Thomas Wilbur
Griffin, Lee Bradford
Groenert, Edward Thomas, Jr.
Grupe, David Arthur
Gryde, Stanley
Guarneri, James M.
Guetter, Paul Michael, Jr.
Hadden, Carlyle Frederick
Hall, Edward Cabot
Harbison, Donald Stewart, Jr.
Harrer, Max Warren
Harrilchak, Robert
Harris, Norman Louis, Jr.
Hartsough, David L.
Hartwell, Jerold Keith
Harty, John, III
Hastings, John Thomas
Hathaway, Robert Richard
Haynes, Frederick Melvin
Hazelrig, John P.
Hendrix, Richard M.
Hershberger, Van Louis
Heuring, Joel Norman
Hey, Roy E.
Hill, Ronald Steven
Hines, Jerome H.
Hogan, Steven Joseph
Hoke, Robert E.
Hollar, Bernhard Klaus
Holmes, Merrill Dennis, Jr.
Holmes, Richard Nelson
Hookanson, James Frederick
Hooker, Gilbert Norman
Horan, John M.
Howell, Roger Eckert, Jr.
Howerter, Craig Eddie
Hubbard, Dale R.
Huestis, Walter Wess
Hyland, Joel Thomas
Hynes, Michael W.
Ingalls, Robert D., III
Inverso, Francis Carlo
Jackson, Joseph Ingrahm, Jr.
Janecek, Craig Michael
Janka, Dennis W.
Johnston, John Wesley
Jones, Jerry Dean
Jones, Richard Douglas
Kane, Thomas J.
Kearney, James Philip
Kellard, Michael George
Keresey, James Kirkwood
King, Edward Gaines
King, John Michael
King, Michael Reedy
Kinneberg, Paul W.
Kinney, Kenneth Byron
Kisinger, Thomas J.
Kistler, John S.
Kitch, Max Edward
Koehler, David Arthur
Kolle, George N., Jr.
Kumpan, Gregory Louis
Kurth, Ronald Brent
Laflair, Keith R.
Lamar, Robert V.
Lane, Michael John
Largent, William Dayton
Larsen, Samuel Harry
Larson, Robert J.
Law, Earl Wesley
Lawlor, John Conrad, Jr.
Lebourgeois, Earl Joseph, Jr.
Lekberg, Eric Leonard
Liebschner, Douglas Vincent
Lien, John E.
Liptak, William Steven, Jr.
Loeslein, George Frederic, Jr.
Long, Kirk Alan
Long, William Alton, Jr.
Luck, Eugene Wilson
Lyman, Richard Lawrence
MacDonell, Rory A.
Madfes, David Bruce
Maifert, Steven C.
Manning, Ernest Devon, III
Martin, Edward Albert
Massey, Walter B.
Masslofsky, Anthony Paul
Matt, Michael Robert
Matthew, Henry F.
Mattson, Royce Runar
May, Clark Darwin, Jr.
May, John Donald
Maynard, Hamilton Keith
McCabe, Robert J.
McClanahan, Joseph Edward
McGonigle, Paul Wood
McLemore, Robert Seay
McLeod, Roderick Donald
McMacken, Patrick Bilby
McMullin, Greffrey L.
McPherson, Donald Ray
Meis, Ronald J.
Metz, Roger C., Jr.
Michalski, Conrad Michael
Micken, Robert W.
Miles, Wilson Ashley
Miller, Dana Fontaine
Miller, Karl W.
Miller, Lanny Kay
Mills, Dennis Reginald
Mitcham, Mark Timothy
Mitnik, John
Morris, Larry Lemoyne
Morrissey, Michael Joseph
Morrow, Roy Edward
Moss, Duval Fletcher, III
Moulton, David Wales
Murphy, William
Murrell, Gene David
Naphas, James Harry
Neil, Robert Dale
Newman, Don R.

Norris, Phillip Kay
Nyland, Henry Joseph, III
Olmstead, David E.
Parkin, Ernest Allen
Paternoster, Joseph Carl
Patterson, Daniel J.
Payne, Terry Daniel
Peck, John Phillip
Pelstring, Stephen
Perkins, Thomas Arcade, III
Peterson, Patrick Brian
Pettit, John Mullin
Petykowski, Jerome Leonard
Pilgrim, Carlo M.
Pittman, Alan Ralph
Plichta, Thomas E.
Porterfield, Craig
Power, John Francis
Quinn, James Joseph
Raster, Stephen Edward
Rautenberg, Ronald Ernest
Recordon, Richard Louis
Refo, Ian Blair
Reisig, Rowland Dean
Rew, Robert Esson, III
Reynolds, Curtis Ray
Rice, William Thomas
Riggs, Brian Fred
Rishel, Michael Paul
Roach, Dennis Kaye
Roberts, John David, Jr.
Robinett, Earl Fountain, Jr.
Rodriquez, John Bartholomew
Rosenberger, Dale Kent
Roy, Thomas H.
Royal, Thomas Arthur
Rudolph, Sheridan Francis
Russell, Thomas Howard
Rylant, Arboth Andrew
Sameit, Douglas E.
Sandberg, Robert Duane
Sanderson, Gilles Charles
Santoro, Alfred Paul
Schalk, John Edward
Schape, James Warburton
Schechinger, Terry Dean
Schiano, Richard James
Scholefield, Ronald J.
Schultz, James Calvin
Schulz, Carl Joseph
Schum, Michael Edward
Scribner, David A.
Searcy, William Ray
Sein, Lorenzo
Sellers, David Noel
Seymour, James Warren
Shilling, Samuel George
Shower, William Arn
Slattery, Timothy Patrick
Slider, Victor Lee
Smalley, Lewis Hathorn, Jr.
Smart, James Dennis
Smedberg, James Eric
Smith, Gregory Clare
Sontag, William C.
Spottswood, Stephen A.
Staten, Calvin Claude
Stevenson, Alan Martin
Strzemienski, Stephan Joseph
Sullivan, Frederic Glenn
Svanson, Gust G.
Swanberg, Geoffrey Merritt
Talunas, Walter Thomas
Tank, Arthur Newton
Tanner, Eric V.
Tate, Arthur Robert
Taylor, Terry Lee
Taylor, William Ferguson
Tener, Richard D.
Thomas, Shirley J.
Thompson, Larry Francis
Thompson, Maury Weldon, Jr.
Thompson, Merle Neeley, Jr.
Thrasher, Kenneth Charles
Threlkel, Daniel M.
Tinker, Clifford Jay
Townsend, Hugh Entricken
Turner, Dennis Jerome
Turner, Galen E., Jr.
Turner, James Edward, Jr.
Vaughters, Jon Craig
Veal, Donald R.
Verhalen, John Philip, Jr.
Voniak, Ronald Philip
Voss, Joseph Gilbert
Wagner, Charles William
Wall, Thomas Arthur
Wallace, William Carl
Warner, Richard Beaty
Washburn, Ronald W.
Watts, Bruce Alan
Webster, Donald Richard
Weed, Peter W.
Weesner, Wesley Craig
Wertenberger, Thomas Robins
Wilkinson, Morris Albert
Williams, John Earl
Wilson, James Terry
Windsor, William Douglas
Wirick, Dennis W.
Witthar, James Henry
Wnuk, Henry John
Wootton, Ronald Elwyn
Wright, Edward Joe
Wright, Timothy A.
Wylie, Pete
Younce, Jonathan Peter
Young, James Stephen
Young, John Wesley, Jr.
Ziemer, Paul Lawson, Jr.
Zimmer, Larry W.
Zimmerman, Stephen Arthur
Ziska, Frederick

MEDICAL CORPS

Abbott, David John
Aleta, Elenita Farro
Allison, Jack Randolph
Almeida, John L., Jr.
Alona, Bienvenido Raz, Jr.
Altaffer, Lawrence F., III
Anthony, Marion D.
Avalos, Jack Candido
Ayers, Warren V.
Aznar, Sonia Ferry
Azucena, Laurel C.
Bailey, Philip James
Barnes, Roger A.
Bean, Terrell W.
Bell, Jeffrey G.
Bell, Mark Gerald
Bharadwaja, Krishan
Bibro, Mary Catherine
Bohman, Harold R.
Borah, Bishnu Charan
Borst, George C., III
Bosley, Carl E.
Bott, Jay Cordell
Brawley, Robert L.
Bray, Patrick G.
Brillhart, Thompson, III
Brooks, Daniel A.
Brown, Dennis F.
Buck, Janet Harriet
Bulosan, Emedio B.
Burdick, Richard Lawrence
Burgess, Richard C.
Burkey, Thomas Michael
Burnett, Robert J.
Burnette, Douglas George, Jr.
Bush, Richard G.
Calderon, Jose Francisco
Carambas, Clarita Rubic
Carter, James F.
Carter, William Thomas, Jr.
Castleberry, Gordon M.
Cehan, Eugene Gregory
Chernow, Bart
Cho, Michael Min Woo
Clayton, Malcolm D., III
Colby, Steven David
Cole, Richard L.
Coleman, Stuart Hunt
Colletti, Patrick Joseph
Colvin, Donald B.
Cook, Stephen Standish
Cowan, Bryan D.
Creutz, Robert E.
Crittenden, Jacob Keith, III
Crowder, William E., Jr.
Crowley, Michael L.
Cunnion, Stephen Owen
Curran, James Joseph
Cushman, Austin R.
Dabbs, William Alexander, Jr.
Daniell, Fredric Dickey, Jr.
Davis, Glenn M.
Delamorena, Alfonso
Dembert, Mark L.
Desrosiers, Paul Michael
Diaz, Carlos Ricardo
Dohrmann, Mary Lea
Doyle, Edward Jerome, Jr.
Dubbs, William Franklyn
Dulay, Rolando Padua
Duvalarnould, Bertrand J. M.
Ebert, Edward L.
Eisold, John F.
Elkins, Thomas E.
Elleson, Dale A.
Elsonbaty, Atef Girgis
Enghardt, Michael H.
Engler, Renata J.
Evans, Robert M.
Ewing, Willie B.
Fichera, Anthony Peter
Fink, Mitchell Phillip
Flandry, Robert Jr.
Fraker, Robert T.
Franceschi, Zambrana Jorge
Francisco, Reynaldo Molina
Freeman, Louie Donell
Gibson, Donald Lee
Glover, Matthew U.
Gnadt, Gregory James
Goodin, Thomas Elliott, III
Governski, David Anthony
Graney, William Francis
Greenway, Hubert T., Jr.
Grimsley, William Archie, Jr.
Haley, Roger J.
Hall, Lee Davis
Hall, R. B., II
Hamlett, Frank
Handler, Jeffrey B.
Hartwig, Bruce A.
Harvey, Kevin Gregory
Hastedt, Randall C.
Hein, Douglas P.
Henderson, Harry M., III
Henken, Dale Preston
Heroman, William M.
Herr, Harlan G.
Herzog, Thomas Harry
Hewanlowe, Karlene Opal
Hicks, James M.
Hill, Robert Bruce
Hiregoudar, Mohan L.
Hoffman, Janaleigh
Holden, Randall William
Howell, Irvin Wendell, Jr.
Jacobson, Paul Kenneth
Jaituni, Sudhir A.
Johnson, Richard B.
Joiner, Charles R.
Jones, Martin W.
Katona, Ildy Margaret
Kaufman, Albert E.
Kent, Peter D.
Kerrigan, Kevin R.
Kester, Ronald Adetayo
Khan, Fehmida Mb
Khandheria, Manoj Pravin

Kiethanom, Mungkorn
Kim, Beum Saeng
Kimbleton, Dennis P.
King, Lonnie T.
Kivett, Gerald J.
Kleine, Michael L.
Knapp, Rebecca A.
Kneeland, John Fogg, Jr.
Koval, John Michael
Kuehl, Gary V.
Lacey, Hugh Lake
Lavallo, Patrick J.
Lazarus, Angeline
Lebenson, Bernard Stephen
Legasdi, Jane Peralta
Lehman, Thomas J. A.
Lemoncelli, Gary L.
Lentz, Meredith Rigdon
Leonard, Dale F.
Liu, Lawrence T. K.
Long, Ronald J.
Lubbers, Phillip Reid
Lyons, David C.
Mahoney, Michael D.
Maman, Arie
Manalaysay, Alvin Rene
Mangalindan, Ernesto Gaddi
Margel, Stephen Edward
Masters, Michael J.
Maxwell, James Houston
McClain, Gary M.
McClelland, Shearwood Junior
McDarby, James Vincent
McGreevy, Thomas Michael
McNulty, John S.
McPhate, Dennis C.
McPhee, Hugh T.
Meek, James M.
Meriwether, Michael Wells
Meshier, William Thomas
Metildi, Leonard A.
Michenfelder, Hans Jakob
Milan, Maria
Miller, George G.
Miller, Jeffrey E.
Miller, Larry K.
Miller, William I.
Mocnik, Jack Johnny, Jr.
Moore, Thomas H.
Morgan, Candice Ann
Moriarty, Richard Paul
Msuku, Cromwell P.
Myers, Thomas Edward
Naik, Sudhir Dhirubhai
Nauman, Steven S.
Navarro, Felix Angel, Jr.
Nelson, William Max, III
Newton, Cleveland Dave
Norris, Michael Stephen
Norvell, Samuel Strudwick, Jr.
Novak, Steve
Novelly, Norman J.
O'Brien, William Francis
Olaisen, Arlene
Oldfield, Edward Charles, III
Osborne, Richard G.
Panagakos, Jean
Papp, Louis Anthony
Patel, Anilkumar R.
Patel, Devchand V.
Patel, Manojbhai P.
Patterson, Jeffrey David
Patton, Robert Clyde
Pearce, Holton T.
Petruzzo, Robert Thomas, Jr.
Phillips, James Lee
Phillips, Richard B.
Pick, Robert Allan
Pineda, Rodolfo Liongco
Pitts, James R.
Powell, Jeffrey P.
Pruett, Richard Kepley
Quiles, Benjamin
Rameson, Robert F.
Ranbarger, Kim Robert
Rast, Philip Rentz
Rechtine, Glenn R., II
Reichley, Stephen C.
Reid, Mikell Robert
Richter, Joel E.
Ritter, Jack Lendon
Robinson, Philip Gavin
Rodriguez, Pablo Emilio
Rodriguez, Wilfredo
Rohr, William L., Jr.
Rowell, Donald Hooge
Roy, Dennis R.
Sabens, Charles H., Jr.
Salinas, Ana M.
Scharff, Norbert Daniel
Schmied, William Keller
Schuler, Michael A.
Scottcora, James William
Sharma, Suresht Paul
Sharp, Donald Alan
Sharp, Jimmy F.
Shaw, Spencer W.
Sheffield, Roger Whiteley
Shields, Robert J., III
Shumaik, George W.
Silverman, Eugene David
Simkovich, Joan
Singleton, Michael R.
Skye, Dorothy Virginia
Smith, Laurin Gresham
Smith, Richard G.
Steenbarger, John R.
Stelmach, Suzanne E.
Stevenson, Craig Drinnan
Strong, Richard M.
Strosahl, Kurt F.
Sullivan, Michael T.
Sustarsic, David L.
Tarr, Jack Howard
Thane, Thane Toe
Thomas, John Richard
Thomas, Raymond Milton
Thornton, Yvonne Shirley
Timmcke, Alan E.
Tomzak, Thomas Joseph
Torresstein, Paula M.
Tuli, Indra Thairiani
Vargas, Rodolfo Antonio
Wagner, Charles John
Wagner, Rosalyn Poole
Walden, Thomas E.
Wignall, Frank S.
Wiley, Arthur Sloan
Williams, Larry Scott
Wilson, Donald V.
Wolcott, Hugh Dixon
Woodruff, Carolyn Marie
Woods, Edward Lawson
Wurzbacher, Terrie
Young, Robert Ellsworth, Jr.
Yurth, Daniel Allen

SUPPLY CORPS

Bailey, George A.
Boyarski, John Robert
Griffith, Paul D.
Haller, Brian Quinn
Johnson, Robert Channing
Lemburg, Myrl Lee
Luechauer, David Aaron
Lum, Calvin Hang
Maguire, Benedict Joseph
Maruszak, Paul Steven
Miller, Robert B.
Ostrom, Ronald Gene
Pearson, Douglas Roland
Pretulak, Ronald Theodore
Putnam, Stephen Joseph
Rowland, Curtis A.
Stokes, David V.
Wagner, William Arthur
West, Michael Shannon
Young, Clement Clarke

CHAPLAIN CORPS

Bebee, Roy L.
Burke, William Joseph.
Caudill, Lee Edward.
Cook, Raymond Williamson.
Doney, Patrick Paul.
Garrett, Thomas Clayton.
Good, Raymond W.
Hines, Joseph W.
Maples, Robert Emerson.
Metcalf, Merle Leroy.
Milas, Theodore P.
Murphy, Kenneth J.
Nichols, Michael L.
Paul, George C.
Stith, Moses L.

CIVIL ENGINEER CORPS

Bromilow, Neil Frank.
Hirsch, Lawrence Stanley.

JUDGE ADVOCATE GENERAL'S CORPS

Dorsey, William Arch, III.
Fox, Victor.
Montgomery, Ogden Knox.
Picken, Cyrus Seeley, Jr.

DENTAL CORPS

Bezdek, Donald J.
Elliott, Johnny Edward
Fishback, Niel Mark
Gustafson, Thomas Richard
Hamilton, Robert E.
Hickey, Martin Dan
Hill, Thomas Marshall
Kimble, Michael Keith
Kohlan, Douglas J.
Kozlik, Brain Lee
Mathis, Barry James
Moberg, Clifton Thomas
Olsen, Dearl Porter
Pankey, Eugene R.
Redmond, Arnold G.
Singer, Richard Jay
Weaver, William S.

MEDICAL SERVICE CORPS

Cash, James Edwin

NURSE CORPS

Benson, Teri Anne
Beto, Cathleen Anne
Boyle, Lynn Marie
Buehl, Eugene Joseph
Demaranville, Stephen E.
Dill, Sandra Ann Snow
Dix, Barbara Anne
Foley, Suzanne Lee
Francis, James Blake
Heresniak, Katherine
Johnson, Joelle Denman
Leiter, Georgene Sheary
Longuet, Karen Lee
Maxson, Mary Louise
McCain, Maureen Ann
McKenzie, Jean Darcy
Meriwether, Eileen Damelio
Muehling, Janet Marie
Parks, Mary Jane
Pate, Margaret Linn
Patusky, Kathleen Laura
Petrosky, Mary Ann Margaret
Schulte, Linda Ann
Sell, Helen Marie
Smith, Dorothie Stands
Stirk, Lawrence Donald
Thurston, Annie Wright
West, Anna Jane

IN THE NAVY

The following-named commanders of the Reserve of the U.S. Navy for permanent promotion to the grade of captain in the staff corps, as indicated, pursuant to the provisions of title 10, United States Code, section 5912:

MEDICAL CORPS

Alston, Robert M.
Banda, Francisco P.
Berman, Samuel I.
Bright, Robert W.
Burrow, Rex L., Jr.
Clement, Gordon S.
Dennis, Charles H.
Drobocky, Igor Z.
Edwards, John P.
Eisenman, Lawrence S.
Geary, Brian D.
Hartmann, Robert G.
Hulon, Walter C.
Johnson, Paul E.
Johnson, William C., Jr.
Lewis, Robert B.
Lombard, Gabriel P. N.
Manhart, James W.
Martin, Alfred J., Jr.
McKinlay, Robert T., Jr.
Metz, Philip S.
Newcomer, Albert D.
O'Malley, Edward P.
O'Neil, William A.
Poundstone, John W.
Raymond, Lawrence W.
Ringer, James H., Jr.
Sanford, Harold W., Jr.
Sorensen, Vale H.
Stetz, Joseph A., Jr.
Uznanski, Kenneth M.
Wand, Oscar

SUPPLY CORPS

Bain, William D.
Bird, Jon A.
Blue, William A.
Breingan, Peter L., Jr.
Gough, Richard J.
Keane, Francis W.
Kopp, James E.
Moore, Douglas M., Jr.
Parsons, Stanley S.
Plein, Leonard A.
Schumacher, Jon R.
Sturhahn, David P.
White, Brents R.

CHAPLAIN CORPS

Bentley, Elder K.
Canniff, James B.
Current, Robert J.
Johnson, Edward D.
Johnston, James S.
Schofield, Calvin O., Jr.

CIVIL ENGINEER CORPS

Blanchar, James H.
Buckelew, Richard L.
Burks, Lawrence H.
Chiogioji, Melvin H.
Daniels, Joe E.
Lynch, Philip H.
Orange, Edward N.
Papez, James S.
Priest John E.
Rohde, Francis E.
Wacker, Arthur M.

JUDGE ADVOCATE GENERAL'S CORPS

Bonner, Walter J.
Hungate, Joseph W.
Lunney, James R.
Lynch, John J.
O'Brien, Keith G.
Stubbeman, David G.
Wollenberg, William L., Jr.

DENTAL CORPS

Cahan, John M.,
Pollard, John R.
Gomez, Edward
Ludwigsen, Lawrence R.
Martin, Lloyd R.
Perkins, Martin C.
Pudwill, Myron L.
Ronning, George A.
Silverman, Melvin
Smith, Edgar L.
Stark, Lawrence W.
Szatkiewicz, Richard J.

MEDICAL SERVICE CORPS

Haynes, Jack R.

NURSE CORPS

Armstrong, Margaret E.
Bahry, Vera J.
Komnenich, Pauline

The following named lieutenant commanders of the Reserve of the U.S. Navy for permanent promotion to the grade of commander of the staff corps, as indicated, pursuant to the provisions of title 10, United States Code, section

MEDICAL CORPS

Abram, Stephen E.
Abramczyk, Jerzy
Altenau, Lance L.
Antosek, Louis E.
Beall, Peter W.
Begelman, Kenneth M.
Belcher, George D.
Berger, Thomas J.
Blanco, Lucas J.
Bond, William R., Jr.
Boyer, Michael F.
Browder, Isaac W.
Buchholtz, Thomas W.
Buck, Loren L., Jr.
Castle, Charles A.
Chabala, James V.
Charneco, Jerry C.
Chikkappa, Gundabhaktha
Ciesla, William P.
Cramer, Harry R., Jr.
Crews, Eugene L., III
Culyba, Michael B.
Cummings, Robert J., Jr.
Davis, Leon J.
Dean, James
Delvecchio, Leonard M.
Derrington, Kenneth L.
DeSanctis, Carlos A.
Desmet, Arthur A.
Deweerd, James H., Jr.
Dolibois, John M.
Dorsey, Harry N.
Dwyer, Edward J.
Eckardt, Jeffrey J.
Fried, Gabriel
Friess, Carter C.
Furlow, Thomas W., Jr.
Fusch, Larry W.
Gaffney, Jon W.
Glenn, Johnny R.
Guzman, Nestor G.
Hacker, Philip K.
Hintz, Brace L.
Hyink, Wendell J.
Jaeger, Scott H.
Junkin, Anthony B.
Khalil, Salah E. I.
Kiskaddon, Robert M.
Koh, James K.
Krishna, Sita G.
Krouse, Howard A.
Kurtz, Sanford R.
Lange, Thomas A.
Levy, Louis J., Jr.
Linsenmeyer, Charles M.
Lloyd, Douglas S.
Lowd, Edwin J.
Lozman, Jeffrey
Lutwick, Larry I.
Mackercher, Peter A., II
Maddalena, Michael A.
Maizel, David R.
Martin, John W., III
Mason, Miles H., III
Moss, Stephen A.
Nelson, Michael T.
Newman, Harry C.
Nimocks, James A.
Nordland, Robert A.
Noznesky, Nathan M.
Pailey, Philip M. W.
Payton, Gladstone A.
Riley, Terrence L.
Rumans, Larry W.
Sauer, Thomas S.
Schwartz, Henry J. C.
Searle, Ryan S.
Seeds, John W.
Selinger, Samuel L.
Simon, David R.
Smith, Coral
Smith, Ronald A.
Stephens, Leo P.
Stone, John B., Jr.
Street, Thomas F.
Syre, Dudley A.
Thompson, Robert L.
Tur, Juan J.
Weidaw, Clark D.
Weihl, Albert C.
Wilcox, John R., Jr.
Williams, Alan L.
Zuromskis, Peter J.

SUPPLY CORPS

Baker, Richard B.
Bareuther, Robert H.
Bass, Malcolm E.
Beneke, John P., II
Birnbaum, Bernard I.
Bunting, Geoffrey C.
Burn, Richard H.
Butler, David A.
Casey, Danny G.
Cranfill, Jerry J.
Crawford, Edward C.
Delapaz, Dennis S.
Delucchi, Norman P.
Dittmann, Harry G.
Domino, Carl J.
Dove, Peter B.
Embry, Lloyd B.
Erdal, Dennis M.
Erickson, William V.
Eustis, Ernest L., III
Everett, Vernon M.
Flaherty, Keith L.
Fortin, Raymond F.
Freiberg, Gary C.
Gidman, Justin V., Jr.
Griswold, Stanley F.
Hagmann, Robert K.
Hatton, Robert G.
Henry, Robert F.
Hill, Richard A.
Hughey, Thomas M.
Hutchins, Richard A.
Ivey, Bruce D.
Jackson, John R., Jr.
Jacot, Jay F.
Johnson, Larry E.
Johnson, Russell C.
Jones, Gary J.
Kaegebein, Russ E.
Kammerer, Don M.
Kellar, Dennis L.
Kirstein, Philip L.
Klauber, Richard A.
Laney, Jeffrey G.
Link, William R.
Lorenz, William W.
Makarainen, Dennis C.
McCarthy, Brian N.
McCarthy, William D.
McReaken, David W.
Meyer, John H.
Moore, Roger D.
Northup, Paul R.
Obst, Anthony K.
Olchefske, Thomas L.
Pellicer, Charles E.
Plep, Herbert S.
Potts, John A.
Roberts, Clarence D., Jr.
Robertson, Francis G.
Ruckman, Hugh B., III
Schutte, Robert J.
Schwab, Donald E.
Seff, James M.
Smith, James M.
Sperling, Samuel J.
Tarantino, Frank L.
Teare, Harry B.
Thayer, James L.
Thompson, Robert W.
Tiernan, Harold S.
Trovaten, Benjamin A.
Venter, Josiah B.
Voronyak, Larry M.
Weissner, William W.
Wiles, Clarence D.
Wlaschin, David A.
Wright, Charles R.
Zezulka, Kenneth H.
Zwanzig, Peter E.

CHAPLAIN CORPS

Bourke, Charles E., Jr.
Bowers, Theodore E.
Chesser, Zane L.
Fisher, Herman E.
Forbes, Richard A., Jr.
Freeman, Sollace M., Jr.
Gean, Chesley B., Jr.
Herndon, William C.
Keenan, Patrick J.
Kilcoyne, Francis R.
Kraljic, John R.
Miller, Donald R.
Ramming, Michael E.
Shaft, Jearald J.
Wolbrink, Dean D.

CIVIL ENGINEER CORPS

Banta, Brent
Bennett, Eric R.
Bodine, Dale P.
Bogard, Burt, III
Brewer, Monroe F., Jr.
Briggs, Larry L.
Cole, Harry A., Jr.
Davis, Norman C.
Edwards, Christopher J.
Eilers, Carl W., Jr.
Evans, Lester G., Jr.
Garrigan, James T.
Goldman, Richard M.
Harby, Clifford N.
Johnson, Halvard T., Jr.
Kane, Raymond W.
Keithley, Claude A.
Loehr, Thomas G.
Mountjoy, John L.
Murphy, Aidan T.
Parker, Gregory A.
Parrish, Richard H.
Patterson, John W.
Picco, John J.
Polanski, Charles M.
Prahl, Charles S.
Reinhardt, Gregory C.
Scherman, Craig
Shelton, James E.
Sing, Charles T.
Small, James C.
Spence, Gordon D., Jr.
Spillinger, Ralph S.
Stapp, Richard R.
Wyatt, Burke.

JUDGE ADVOCATE GENERAL'S CORPS

Barker, Earl M., Jr.
Barnes, Woddrow H., II
Belser, Clinch H., Jr.
Coonrad, Douglas V.
Crabb, Joe F.
Cryan, Thomas M.
Daus, Donald E.
Dixon, Jerre W.
Eastwood, Myles E.
Gust, Robert P.
Hahn, Richard E.
Hynes, Marc G.
Kenoff, Jay S.
Kerr, Gerald L., III
Lassman, Bruce B.
Lawrie, William T.
Leigh, Edmond D.
MacDougall, Joseph
Miller, Brian K.
Navaretta, Stephen
Neidhart, Frank K., Jr.
Neuman, Kermit W.
Pezold, Robert K.
Powers, John E., Jr.
Principi, Antonio J.
Rader, Martin A., Jr.
Schetter, Carl J.
Soule, John G.
Walden, Gatewood A.
Ward, Edward F., Jr.

DENTAL CORPS

Abulafia, Lewis H.
Anderson, James B.
Deer, Edwin W., Jr.
Ellis, Michael V.
Estes, Ron
Freeman, Julian D.
Glore, James W.
Halstead, Arthur L., III
Johnson, James D.
Jones, Thomas L., Jr.,
LeClair, John W.
Marcello, Craig M.
Nilson, Lynn I.
Simmons, Richard F.
Spivey, Ernest G., Jr.
Timpe, Robert W.
Wirth, Michael J.

MEDICAL SERVICE CORPS

Cothran, Garland R.
Ferreira, Allen D.
Keudell, Kenneth C.
McCormack, Lawrence M., Jr.
Turner, Eugene R.
Zurcher, Louis A., Jr.

NURSE CORPS

Aylward, Lynn M.
Collins, Patricia M.
Coogan, Catherine M.
Cook, Marie D.
Dinino, Ann M. M.
Evans, Marilyn K.
Gangwer, Constance W.
Gartner, Anne, E.

Guise, Loretta M.
Harris, Maryann F.
Hugo, Maryanne
Janus, Cheryl A.
Jewett, Carole R.
Keller, Patricia J.
Learned, Charles E.
Lewis, Gayle Y.,
McCoy, Roberta M.
Mohning, Suzanne M.
Nation, Margaret J.
O'Donnell, Mary L.
Peterson, Francine F.
Rondeau, David B.
Shell, Barbara A.
Stagg, Judith S.
Welch, Katherine K.

IN THE NAVY

The following-named temporary captains of the Reserve of the U.S. Navy for permanent promotion to the grade of captain in the line and staff corps, as indicated, pursuant to the provisions of title 10, United States Code, section 5912:

LINE

Chop, Raymond E.
Coyle, Francis X.
Jackson, Harry B.

MEDICAL CORPS

Barnwell, Grady G., Jr.
Brownlow, Bradley E.
Novak, Edward A., Jr.

The following-named temporary commanders of the Reserve of the U.S. Navy for permanent promotion to the grade of commander in the line and staff corps, as indicated, pursuant to the provisions of title 10, United States Code, section 5912:

LINE

Clough, Geoffrey A.
Dyer, Bruce P.
Isenberg, Michael T.
Jackson, John D.
Jacobsen, James D.
Manning, Dennis B.
Pate, James W., Jr.
Poust, Roy N.
Rawls, Hugh M., Jr.
Robinson, Welford C.
Schubarth, Paul T.
Shepard, Donald W.
Verzino, William J., Jr.

MEDICAL CORPS

Carmick, Edward S.
Fine, Edward J.
Judman, Allen H.
Knudson, Robert D.
Krieg, Earl M.
Rozendal, Robert H.
Schwab, Charles W.

CHAPLAIN CORPS

Bullock, James M.

DENTAL CORPS

Vinton, Jeffrey R.

MEDICAL SERVICE CORPS

Wheeler, John R.

IN THE NAVY

Commander Bruce L. Bosworth, Dental Corps, U.S. Naval Reserve, to be appointed a permanent commander in the Dental Corps of the U.S. Navy, subject to qualification therefor as provided by law.

Clyde H. Gunn, Jr., medical college graduate, to be appointed a permanent captain in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

William G. Pooler, ex-Naval Reserve officer, to be appointed a permanent captain, special duty (Merchant Marine, deck) in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

Walter R. Felix, Jr., ex-Naval Reserve officer, to be appointed a permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

Charles W. Sellers, ex-Naval Reserve officer, to be appointed a permanent commander, special duty (Merchant Marine, engineering) in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

William H. MacFaden, U.S. Naval Reserve, to be appointed a permanent commander, special duty (Merchant Marine, deck) in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

Commander Edwin R. Linz, U.S. Navy, to be appointed a permanent commander in the line in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

IN THE NAVY

The following-named temporary commanders of the U.S. Navy and Naval Reserve for permanent promotion to the grade of commander in the line and various staff corps, as indicated, pursuant to section 611(a) of the Defense Officer Personnel Management Act (Public Law 96-513) and title 10, United States Code, section 624 as added by the same act, as applicable, subject to qualifications therefor as provided by law:

LINE

Nichols, James R.

SUPPLY CORPS

Giffin, Donald H.

JUDGE ADVOCATE GENERAL'S CORPS

Wheeler, Matthew J.

The following-named temporary lieutenant commanders of the U.S. Navy and Naval Reserve for permanent promotion to the grade of lieutenant commander in the line, pursuant to section 6119a) of the Defense Officer Personnel Management Act (Public Law. 96-513) and title 10, United States Code, section 624 as added by the same act, as applicable, subject to qualifications therefor as provided by law:

Johnson, Charles C.
Schroeder, Kenneth R.

The following-named officers of the line and staff corps of the U.S. Navy, for appointment in the Judge Advocate General's Corps, as permanent lieutenants, pursuant to section 611(a) of the Defense Officer Personnel Management Act (Public Law 96-513) and title 10, United States code, section 531 as added by the same act, as applicable, subject to qualifications therefor as provided by law:

Evans, Richard T.
Favata, Alicia M.
White, David M.
Wities, Robert B.

IN THE NAVY

The following-named temporary commanders of the U.S. Navy and Naval Reserve for permanent promotion to the grade of commander in the line and staff corps, as indicated, pursuant to section 611(a) of the Defense Officer Personnel Management Act (Public Law 96-513) and title 10, United States Code, section 624 as added by the same act, as applicable, subject to qualifications therefor as provided by law:

LINE

Cumbie, James B.
Isenberg, Michael T.
Lapp, James W.
Waits, Wood D.

MEDICAL CORPS

Thompson, David H.

The following-named temporary lieutenant commanders to the U.S. Navy for permanent promotion to the grade of lieutenant commander in the line and various staff corps, as indicated, pursuant to section 611(a) of the Defense Officer Personnel Management Act (Public Law (96-513) and title 10, United States Code, section 624 as added by the same act, as applicable, subject to qualifications therefor as provided by law:

LINE

Allen, Charles E.
Altman, Kenneth B., Jr.
Anderson, Edward W.
Ascione, Raymond A.
Ashworth, Robert A.
Bassett, William T.
Bates, David G.
Bates, William A., Jr.
Beardin, Larry D.
Beck, Donald D.
Beck, Harold R.
Beck, Wayne A.
Beer, Bill E.
Bellflower, Robert J.
Bence, Ronald P.
Bledsoe, John R.
Borno, Louis M., Jr.
Brittain, William G., Jr.
Brown, John W.
Brown, Tommy A.
Burns, Daniel P.
Calhoun, Jimmy R.
Christensen, Erick T.
Combs, Charles R.
Combs, Russell W.
Conner, Roger A.
Cooper, Gary D.
Crooks, Dennis J.
Curry, Raymond M.
Dechene, Philip E.
Deese, David S.
Deneen, Brian M.
Dewald, Bruce F.
Dilick, Gregory F.
Dragone, Joseph A., Jr.
Duffy, Mark E.
Earnest, William G.
Enevoldsen, Jack
Evans, Gary W.
Fehrs, Thomas L.
Froemel, Anthony F.
Gann, Virgil E.
Garrison, Rolland R.
Glover, Andrew L.
Godfrey, Thomas J.
Goforth, George T.
Gordon, Harry J., III
Griggs, Edward C.
Gustin, Bruce A., III
Hahn, Raymond
Haller, Bernard J.
Harmer, Donald W.
Hawk, Bruce L.
Haworth, James R.
Henderson, Harold D.
Holcomb, William K.
Hurley, Lawrence E.
Hyatt, Jerry O.
James, Richard H.
Johnson, Paul R., Jr.
Jones, Preston L.
Kale, James E.
Keesling, Robert A.
Kilmer, Harold B., Jr.
Knight, Cletius D.
Knueppel, Wolfgang W.
Krueger, Lloyd E.
Kuhnert, Howard J., Jr.
Lamping, Edward W.
Landick, Richard E., Jr.
Locke, Edward S.
Lovett, Harry L.
Lovett, Joel D.
Lutes, Jack
Mares, Joe N.
Marshall, Rudy F.
Martin, Kenneth R.
McCollum, James W.
McCoy, Ernest V.
Mead, Willie J.
Miller, Edward L.
Mitchell, Kenneth R.
Moilanen, Thomas E.
Neal, Robert A.
Nice, Dan E., Jr.
Nolan, Carl W.
Olson, John T., Jr.
Oponick, William C., Jr.
Parks, James F.
Parsons, Walter P.
Pearl, John E., Sr.
Pease, Milton L.
Pfadenhauer, John J., Jr.
Pfuhl, John F.
Pierce, Billie J.
Power, Jerry R.
Price, Earl J.
Robinson, James E.
Robinson, Warren E.
Rowe, James F.
Rundberg, Edward E.
Ruth, Jack L.
Salinas, Amando S.
Schroeder, Kenneth R.
Sciuto, John J.
Seal, Warren G.
Sheehan, Leroy E.
Shipley, Thomas E.
Siegel, Allen R.
Smith, Howard P.
Solak, Lawrence E.
Spangler, Ralph G.
Stegeman, Ronald A.
Stowe, Abraham R.
Sweet, John L.
Thomas, Francis F.
Thompson, Robert M.
Trammell, David G.
Vaden, Don R.
Vanness, Henry A.
Walker, Charles R.
Westhoff, Dennis A.
Wetmore, Walter G.
Willard, Jimmy W.
Williams, Comer L.
Williams, George B.
Wilson, John E.
Wilson, Larry L.
Wilson, Millard J.
Wollam, Neil R.
Wood, Kenneth A.
Woods, Gerald B.
Worwetz, Harry J.

SUPPLY CORPS

Curry, Dennis S.
Fortier, Ormond L.
Randall, Bobby L.
Santonil, Rosendo T.

CIVIL ENGINEER CORPS

Law, George L.

The following-named officer of the line of the U.S. Navy, for appointment in the Civil

Engineer Corps, as permanent lieutenant (junior grade), pursuant to section 611(a) of the Defense Officer Personnel Management Act (Public Law 96-513) and title 10, United States Code, sections 532 and 5582 as added by the same act, as applicable, subject to qualifications therefor as provided by law:

Saltsman, Robert R.5912:

EXTENSIONS OF REMARKS

PROTECTING SENIOR CITIZENS AGAINST INFLATION

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. RITTER. Mr. Speaker, the ravages of inflation have hit us all, but none more than our senior citizens. Because our older citizens are, for the most part, on fixed incomes, it is important they take advantage of all allowable tax deductions, exemptions, and credits.

For this reason, I am submitting for the RECORD a revised checklist of itemized deductions for use in preparing Federal income taxes prepared by the Senate Select Committee on Aging. This checklist also highlights the changes in the tax code as a result of the Economic Recovery Tax Act of 1981.

I hope our senior citizens will find this information useful in preparing their 1981 Federal income tax returns.

Form 1040 checklist is as follows:

PROTECTING OLDER AMERICANS AGAINST OVERPAYMENT OF INCOME TAXES

[A revised checklist of itemized deductions for use in taxable year 1981]

Who must file a Federal tax return is generally determined by your income and your filing status

You must file a return for 1981, even if you owe no tax:	*Income was at least:*
1. If you were single, divorced, or married with a dependent child and living apart from your spouse for all of 1981 and were:	
Under age 65	$3,300
Age 65 or over	$4,300
2. If you were married filing a joint return and were living with your spouse at the end of 1981 or on the date your spouse died and:	
Both were under age 65	$5,400
One was age 65 or over	$6,400
Both were 65 or over	$7,400
3. If you were married filing a separate return or married but you did not share the same household at the end of 1981	$1,000
4. If you were a qualifying widow(er) with a dependent child and:	
Under age 65	$4,400
Age 65 or over	$5,400
5. If you received *any* advance earned income credit (EIC) payments from your employer(s) during 1981.	
6. If you were self-employed and your net earnings from this work were at least *$400*, you must file a return to pay self-employment tax. You are self-employed if you carry on a trade or business as a sole proprietor, a member of a partnership, an independent contractor, or are otherwise in business for yourself. This includes certain part-time work that you do at home or in addition to your regular job. This rule applies regardless of your age; whether or not you are receiving social security benefits; and even if you are otherwise not required to file a Federal tax return.	
7. If income tax was withheld from your pay, you should file a return so that you can get a refund of the tax withheld, even if you are not required to file a return.	

ESTIMATED TAX PAYMENTS

Many newly retired people do not realize that they are often required to make estimated tax payments.

The pay-as-you-go feature of the Federal income tax system requires your employer to withhold income tax on compensation such as salaries, wages, and tips.

The same feature applies to your income that is not subject to withholding, or income from which not enough tax is being withheld. This includes income from self-employment, alimony, pensions, annuities, interest, dividends, rents, capital gains, and other income from which Federal income tax is not withheld. For these items of income you must file a declaration of estimated tax, Form 1040-ES, and pay the income tax and any self-employment tax estimated to be due.

Your estimated tax is the total of your expected income tax and self-employment tax minus your expected withholding and credits. Form 1040-ES provides a worksheet for making this computation.

If your estimated tax for 1982 is $200 or more and your estimated gross income not subject to withholding includes more than $500 of taxable income, you must file Form 1040-ES. Installment payments are due quarterly: April 15, June 15, September 15, and January 15.

You may be charged a penalty if you do not pay enough estimated tax. However, the penalty will not apply if you make each payment on time and:

(1) The payment is at least 80 percent of the amount of estimated tax due based on the tax shown on your return, or

(2) The payment is based on one of four exceptions shown on Form 2210, Underpayment of Estimated Tax by Individuals.

In order to avoid a penalty or paying estimated tax, you may have income tax withheld from your pension or annuity. You must fill out Form W-4P, "Pension, Annuity, or Sick Pay Recipient's Request for Federal Income Tax Withholding," and give it to the payer of your pension or annuity.

TAX TABLE AND EXEMPTIONS

Tax table

The tax table has been developed to make it easier for you to find your tax if your taxable income (line 12, Form 1040A; line 34, Form 1040) is less than $50,000. You must use this table unless you compute your tax using Form 4726 (maximum tax), Schedule D (alternative tax), or Schedule G (income averaging). In those cases, you must use the tax rate schedules. The tax table is designed to be used by individuals (other than those cases above) whether or not they itemize their deductions. This is possible because of an adjustment made on the Schedule A and an amount built into the tax table known as the "zero bracket amount." This flat amount based on your filing status provides a minimum deduction for all individuals. If you are married filing jointly or a qualifying widow or widower, your zero bracket amount is $3,400. If you are single or a head of household, your zero bracket amount is $2,300. If you are married filing separately, it is $1,700.

Exemptions

You are allowed a $1,000 deduction for each exemption shown on your tax return (line 6, Form 1040A; line 6e, Form 1040). You and your spouse are allowed an additional $1,000 exemption if either or both of you are age 65 or older on the last day of the tax year.

In addition, you or your spouse may be able to claim a $1,000 exemption for blindness (refer to your tax instruction booklet for more details on this exemption). Age and blindness are determined on the last day of your tax year. This is December 31 for most taxpayers. You are considered age 65 on the day before your 65th birthday. Thus, if your 65th birthday was on January 1, 1982, you can take the extra exemption for age for 1981. The $1,000 exemption is claimed on line 33, Form 1040 and on line 11, Form 1040A.

MULTIPLE SUPPORT AGREEMENTS

In general, a person may be claimed as a dependent of another taxpayer, provided five tests are met: (1) Support, (2) gross income, (3) member of household or relationship, (4) citizenship, and (5) separate return.

The support requirement is that the person claiming the exemption must have contributed more than one-half of the individual's total living expenses. But in some cases two or more individuals provide support for an individual, and no one has contributed more than half the person's support. However, it still may be possible for one of the individuals to be entitled to a $1,000 dependency exemption if all of the following requirements for multiple support are met:

(1) Two or more persons—any one of whom could claim the person as a dependent if it were not for the support test—together contribute more than half of the dependent's support.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

(2) Any one of those who individually contribute more than 10 percent of the mutual dependent's support, but only one of them, may claim the dependency deduction.

(3) Each of the others must file a written statement that he or she will not claim the dependency exemption for that year. The statement must be filed with the income tax return of the person who claims the dependency exemption. Form 2120 (Multiple Support Declaration) may be used for this purpose.

Note: You may include with your medical expenses those medical expenses you paid for a person for whom you meet the support test under a multiple support agreement, even if you may not claim the person as a dependent because he or she had gross income of $1,000 or more.

PRESIDENTIAL ELECTION CAMPAIGN FUND

You may voluntarily request that $1 of your taxes ($2 on a joint return) be paid into this fund to help pay for Presidential election campaigns. Checking "Yes" will not change the amount of tax you pay or the amount of refund you will receive.

POLITICAL CONTRIBUTIONS

You may take a credit (line 38, Form 1040; or line 13A, Form 1040A) for campaign contributons to candidates for Federal, State, or local office, to newsletter funds and to political committees of candidates and elected public officials. The amount of the tax credit is limited to one-half of the political contribution, with a $50 ceiling ($100 for couples filing a joint return). You must have a written receipt to prove your contribution. Cancelled checks will, in most cases, meet the requirements for a written receipt.

CHECKLIST OF ITEMIZED DEDUCTIONS FOR SCHEDULE A (FORM 1040)

Medical and dental expenses

Medical and dental expenses are payments you make for the diagnosis, cure, relief, treatment, or prevention of disease. They also include payments for treatment affecting any part or function of the body. Expenses for transportation for needed medical care are included in medical expenses. Payments for insurance that provides medical care for you, your spouse, and dependents are included in medical expenses. Unreimbursed expenses are deductible to the extent they are more than 3 percent of your adjusted gross income (line 31, Form 1040). Expenses may be deducted only in the year you paid them. If you charge medical expenses on your credit card, the expenses are deducted in the year the charge is made regardless of when the bill is paid.

Insurance premiums.—One-half of medical, hospital, or health insurance premiums are deductible (up to $150) without regard to the 3 percent limitation for other medical expenses. The remainder of these premiums can be deducted subject to the 3 percent rule.

Drugs and medicines.—Medicines and drugs legally obtained and generally recognized as medicines and drugs are deductible. They do not have to be prescribed. These items are included in medical expenses (subject to the 3 percent rule) but only to the extent they exceed 1 percent of adjusted gross income (line 31, Form 1040).

Examples of unreimbursed medical and dental expenses. You can deduct the costs of:

Medicine, drugs, vaccines, and vitamins your doctor recommends.

Doctors, surgeons, dentists, eye doctors, gynecologists, chiropractors, osteopaths, podiatrists, chiropodists, psychiatrists, psychologists, physical therapists, acupuncturists, Christian Science practitioners, and psychoanalysts.

Medical examination, X-rays and laboratory services, insulin treatments, and whirlpool baths the doctor orders.

Nursing help. However, if you pay someone to do both nursing and housework, you can deduct only the cost of the nursing help.

Hospital care (including meals and lodging), clinic costs, lab fees.

Medical treatment at a center for drug addicts or alcoholics.

Medical aids such as hearing aids (and batteries), false teeth, eyeglasses, contact lenses, braces, orthopedic shoes, crutches, wheelchairs, guide dogs and the cost of maintaining them if you are blind or deaf.

Ambulance service and other travel costs to get medical care. If you used your own car, you can claim what you spent for gas and oil to go to and from the place you received medical care, or you can claim 9 cents a mile. Add parking fees and tolls to the amount you claim under either method.

Cosmetic surgery.

Cost and repair of special telephone equipment for the deaf.

Capital expenditures for medical purposes, such as air conditioning or elevators. If these expenses are for permanent improvements that increase the value of the property, you may include them as medical expenses only to the extent that they are more than the increase in the value of the property.

Cost of a nursing home (including meals and lodging) if the availability of medical care is a principal reason for being in the nursing home.

Medical care included in the "life-care fee" or "founders fee" of a retirement home which is paid monthly or as a lump sum under an agreement with the home. The deductible amount must be set apart for medical care.

Cost of special equipment, such as a motorized wheelchair or autoette, special hand controls and other special equipment installed in a car specifically for the use of a physically handicapped person.

TAXES

Real estate
General sales
State, local, or foreign income
Personal property

If the sales tax tables are used in arriving at your deduction, generally the only additional sales taxes you may add to the table amount are those you paid to purchase the following items: Automobiles, trucks, motorcycles, airplanes, boats, mobile homes, and material used to build a new home if the sales tax on the materials is imposed on you.

When using the sales tax tables, add to your adjusted gross income any nontaxable income such as social security, veterans and railroad retirement benefits, workmen's compensation, untaxed part of long-term capital gains, interest and dividend untaxed under the exclusion, interest on municipal bonds, untaxed part of unemployment compensation and public assistance.

INTEREST

Personal loan
Home mortgage
Auto loan
Loans on life insurance
Installment purchases

Bank and other general purposes credit cards.—Deduct the finance charge added to your monthly statement if no part of the charge was for investigation fees, membership fees, loan fees, service charge, or similar charges.

Points.—When buying a residence, "points" are interest paid in advance. You may deduct the amount you pay as points in the year of the payment—if the loan is used to buy or improve your principal residence and is secured by that residence. In addition, the payment of points must be an established business practice in the area where the loan was made, and the points must not exceed the number generally charged in this area.

If the residence you purchase is not your principal residence, you may not deduct the full amount for points in the year paid. Instead, the prepaid interest paid as points must be spread over the life of the mortgage, and it is considered "paid" and is deductible over that period.

Points are not deductible if they represent charges for services rendered by the lending institution (e.g., VA or FHA points are not deductible as interest). Also, points are not deductible if paid by the seller. These are selling expenses that reduce the amount realized.

Penalty for prepayment of a mortgage.—This is deductible as interest.

Revolving charge accounts.—These finance charges may be deducted if separately stated on your bill.●

PRESERVING NATIONAL TREASURES

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. BEREUTER. Mr. Speaker, in the next few days this body's attention will once again turn to consideration of budgetary matters. The threat of a high deficit and the accompanying need to control Federal spending will cause all of us to scrutinize each Federal program and appropriation to make certain that our precious dollars are wisely spent.

A recent article from the Wall Street Journal gives Congress some guidance about the proper way to maximize the purchasing power of our moneys. The Federal Government, through its land and water conservation fund, in the past has joined forces with the private sector to preserve priceless national treasures for generations to come. Private organizations are working hard to preserve unique areas for the use of all Americans. In the budget battles ahead, we must make certain that the Federal Government does not abandon this worthwhile effort. To leave these important preservation objectives to the overburdened private entities now struggling to be pennywise with their not unlimited funds would be a great mistake and a tragic loss for future generations.

I commend the following article to the attention of my colleagues:

[From the Wall Street Journal, Jan. 6, 1982]

TRYING TO PROTECT THE PARKS . . . LEANING IN TEXAS? . . . PAST DUE

These are difficult times at the Trust for Public Lands. The Reagan administration has chopped funds for acquiring new national park and forest lands, a move that the trust feels is penny-wise but pound-foolish.

As a result, the trust, a San Francisco nonprofit corporation, is looking for new ways to protect the nation's natural treasures from development. Since 1972, the trust has acted as a midwife, arranging for the transfer of surplus corporate lands to various public agencies for parks, historic sites and wilderness areas. Overall it has transferred 38,000 acres in 16 states to public ownership. In the process, the trust has saved taxpayers money by selling the land to public agencies at prices averaging 24 percent below market value, a saving of about $12.1 million.

Here's an example of the trust's method: Development was encroaching on Point Reyes National Seashore in California, and a scenic buffer was needed. The trust was able to buy a 139-acre adjacent parcel for an amount equal to 52 percent of its market value. The trust did this by convincing the owner that the bargain price would allow him to shelter his capital gain and to reduce his income taxes through what amounted to a partial donation.

Because the trust got the land at a bargain price, it was able to pass the saving along to the National Park Service, which paid $450,000 instead of the appraised value of $795,000 for the land. (The trust kept $50,000 from the sale to help finance its activities.)

Now, however, the major source of money for purchases by the federal government, the land and water conservation fund, has been drained and the money shifted to the general treasury. Martin Rosen, president of the trust, says the shift will save the government some money. But he adds that it will force the nation to forgo protection for some unique areas or else pay more for them in the future.

"We're not cutting fat here," Mr. Rosen says. "We're cutting the legs off the park program. It's pseudo-economics."

The trust is looking for ways to protect wild areas. For instance, on Staten Island in New York, the trust is considering selling about three acres of a 14-acre parcel donated by a subsidiary of Aetna Life and Casualty. The proceeds of the sale would be used as an endowment to protect the remainder.

However, Mr. Rosen says there's no way corporate largesse can make up for the federal cuts.●

CREDIT UNIONS—SERVING THE ECONOMY WELL

HON. JAMES K. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. JAMES K. COYNE. Mr. Speaker, this week the National Association of Federal Credit Unions is holding its annual congressional caucus here in Washington. Thus, I would like to take this opportunity to point out to my colleagues the importance of Federal credit unions in our economy.

In general, 1981 was a very difficult year for many financial institutions. But credit unions have done a remarkable job overall in maintaining their positions and providing competitive savings rates and affordable loans to their members. This, of course, has a positive effect on the economy as a whole.

According to the latest credit union statistics from the National Credit Union Administration (NCUA), there are now 12,187 Federal credit unions in the United States, and over 26 million individuals belong to these institutions. Federal credit unions are chartered and regulated by NCUA. Savings at FCU's grew by $315 million in November 1981. Total assets of Federal credit unions at the end of November were $40.966 billion.

Many forecasters are predicting that funds will continue to flow into many Federal credit unions, especially those providing individual retirement accounts and other attractive savings programs. Credit unions have always been eager to serve their members, and in doing so have provided an important service to the economy as well.●

CLEANUP AT THE GSA

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. SOLOMON. Mr. Speaker, Paul Harvey is one of this country's most respected and popular commentators. He recently ran a commentary that sheds new light on one of the great stories of the Reagan administration—the cleanup over at GSA. As Mr. Harvey shows, all the news out of the bureaucracy is not bad; in fact Gerald Carmen's performance at GSA is such a success that I am surprised other commentators have not picked up on it.

The following is Mr. Harvey's commentary on the GSA. I commend it to you:

CLEANUP AT THE GSA

Our Government's General Services Administration is "supply sergeant" for all other government agencies.

Our government agencies, even as troops in the field, dare not outrun their logistics so the GSA is there to provide anything from paperclips to computers. Indeed the GSA administers 10,000 government buildings.

Not always well.

Until this administration moved into Washington a year ago the General Services Administration was generally maladministered.

Waste, fraud and abuse were so rampant that convictions ran into the hundreds, allegations into the thousands.

A hundred GSA employees were among those convicted.

And for every one who got caught, scores of others were suspected of hanky-panky ranging from waste to accepting payoffs from contractors.

An agency of government placing an order for supplies could expect to wait an average 30 days for delivery.

Understandably, employee morale around the muddied, bloodied and much maligned GSA was abysmally low.

And then six months ago there strode onto this scene a wiry little bespectacled man named Gerald Carmen.

He'd been a small businessman in New Hampshire, had built an auto supply store into a chain of auto supply stores, had been a frequent critic of the GSA.

And suddenly President Reagan said, "You run it."

Well, he's running it!

He borrowed a slogan from a World War Two poster: "Give it your best!"

This businesslike businessman walks fast, wears half-glasses, says things just once.

Carmen has employed in critical positions others of the GSA's critics and challenged each, "Now you do it better!" Steve Hammer of Goodyear, Charlie Davis of Ford, Bill Clinkscales and Bert Berube and Herb Koster.

He has moved up Jerald Fox and moved over from the White House Roger Dierman.

The six months metamorphosis is morale around the GSA has old Washington hands dumbstruck.

And in just six months contractors all up and down the line have re-learned circumspection.

Delivery time on warehoused material is down from thirty days to seven.

When government agencies were ordered to cut back, trim down, the GSA already had—reducing its own office space by twenty percent at a saving to you of 4.4 million dollars a year.

"The urgency of excellence" at GSA is just what the President ordered.

Mister Carmen, lead on!●

SUPPLEMENTAL APPROPRIATIONS FOR THE U.S. COAST GUARD

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. BIAGGI. Mr. Speaker, the recent announcement by the Coast Guard that budgetary constraints compel the termination of operations across the country and overseas angers and distresses me. I have, therefore, joined with the chairman of the Merchant Marine and Fisheries Committee, to introduce legislation providing funds to reinstate the operations affected.

For three Congresses I served as the chairman of the Subcommittee on Coast Guard and Navigation. Hour after hour, hearing after hearing, I heard the recurrent theme that the Coast Guard is seriously underfunded. Yet, despite the recommendations of the subcommittee for increased levels of funding for the Coast Guard, no

relief has been given to this dedicated, yet beleaguered service. At the same time that the Congress was turning a deaf ear to the requests for additional funds, the Members of the two Houses were transferring more and more responsibilities to the Coast Guard. Something had to give. It has. If the reality of the cutbacks has not dawned on some people yet, it will, as the repercussions and ramifications come into sharp focus back home.

The Coast Guard is composed not of pencil pushers, but rather of operations experts, military personnel, and law enforcement officers. Their job is not to sit at desks and dream up new Federal programs or to dispense Federal funds. Their function is to promote safety to life and property at sea; to implement and enforce our drug and fisheries laws; to protect the marine environment; and, among other things, to assure the safety and security of vessels, ports, and waterways. As a military service, the Coast Guard must be ready to join forces with the Navy in times of national emergency or war.

The Service needs funding to continue these operations and to pay the people who conduct them. Included in the Guard's expenses are upkeep and maintenance of vessels, aircraft, vehicles, bases, and other equipment; the purchase of fuel for the vessels and aircraft; and, training costs. Originally, the Coast Guard requested operating expenses of $1.403 billion. Having dealt with the Service over these past years, I know that its requests are generally substantially less than it actually requires. Yet, the appropriations process yielded $46 million less than the Coast Guard believed minimally necessary.

This budgetary shortfall translates into a reduction of about 3,000 personnel; the decommissioning of 10 Coast Guard vessels; the closure of 20 search and rescue stations; the reduction in services for navigation aids, training, oceanographic research; and, the closure of vessel traffic service systems. Yet, these initial cutbacks in service, as severe as they are, will not solve the problem completely. These cuts will be followed by others, so that the Coast Guard can meet the appropriations level.

A number of closures are planned for my home State of New York. Among those are the termination of the Vessel Traffic Service. This system, while not yet fully operational, was providing an important safety service to the Port of New York, one of the busiest ports in our country. I am seriously concerned about the ramifications of this closure on the safety of vessels entering and leaving the port.

I wish that everyone would read the very excellent oversight report prepared by the Subcommittee on Coast Guard and Navigation entitled, "Semi-Paratus" (H. Rept. 97-355). The findings reflect what those of us knowledgeable about the Coast Guard have known all along. The Service is doing the best job possible with what it has. What has been happening, of necessity, is that the Service has been fulfilling only part of its statutorily imposed duties. As an example, it is achieving only 20 percent of its goal for interdicting the transport of illegal drugs by sea and only 38 percent of its goal for military readiness training. The search and rescue program entered this decade with the same amount of personnel that it had at the beginning of 1970.

It is beyond me how we here in Congress can continually demand more service from the Coast Guard while turning our backs on them at appropriations time. The mere pittance we hand to the Coast Guard is shameful. We must pass this legislation—a life preserver to a service drowning in responsibilities.●

SEA ISLE CITY

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. HUGHES. Mr. Speaker, an important part of the district I represent in New Jersey is made up of seashore communities, which are not only home to thousands, but a beautiful vacation spot for visitors from around the country and throughout the world. One of the most popular resorts is Sea Isle City, a community which is about to celebrate its 100th anniversary.

Sea Isle City was founded in 1882 by Charles K. Landis as the New Jersey Cape's second seashore resort. Soon after returning from a trip to Venice, Italy, Landis became so impressed with the beauty of that city and its canals, that he envisioned Sea Isle City as another Venice. A number of canals and lagoons were built in his then "New City" which still provides beauty and pleasure for residents and guests alike.

This island town has long been the home of a large commercial fishing fleet, and is today one of the east coast's largest suppliers of lobster. The Sea Isle City of 1982 is renowned as "The Sea and Sand Vacationland," a warm and wholesome family seashore town whose location makes it an ideal vacation retreat. Its miles of wide, sandy and protected beaches, its clear water and clean invigorating air still offers the same allure to people as those attributes did 100 years ago.

Sea Isle City will celebrate its centennial with a summer-long festival of seasonal events, including a concert series, beach parties, and its annual surfing contest. The "Kick-Off" is a parade on May 22 to be hosted by the city's distinguished Mayor Dominic Raffa. The President of the United States, Ronald Reagan and New Jersey's new Governor, Tom Kean, have been invited. The festivities promise to be a fitting way to commemorate the founding of a beautiful city and its rich and enduring heritage.●

JAPANESE MEAT IMPORT RESTRICTIONS

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. BEREUTER. Mr. Speaker, as this country continues to be subjected to an invasion of manufactured products from Japan, the American livestock producer suffers from the adverse impact of unfair trade restrictions on meat entering that country from the United States (a similar situation exists for American citrus producers.) The Japanese consumer craves the beef and pork which this country produces in such abundance, paying $18 or more per pound for prime American beef, and yet the Japanese Government places very stringent restrictions on the amount of these products which can enter the country. Mr. Speaker, it is essential that the Congress and the administration immediately assign the highest priority to efforts to lift these unfair restrictions. To continue to allow the displacement of American manufactured products by those produced in Japan, and at the same time tolerate their restrictions on imports of our commodities, especially meat and citrus products, is grossly unfair to both the American farmer and taxpayers.

Yesterday I sent a letter to the President urging him to seek immediate redress on this issue, and I now urge the Congress to join with the administration its efforts to apply the necessary pressure to the Japanese, even to the extent of limiting the import of manufactured products from that country. These are harsh measures, but entirely justified when considered in the context of Japan's concept of free trade.

This issue was briefly, but sharply highlighted in a recent editorial published in the Norfolk, Nebr., Daily News, and I ask my colleagues to take a moment to read the views of a small newspaper which speaks so eloquently for the livestock producers of Nebraska and America:

[From the Norfolk (Nebr.) Daily News, Nov. 27, 1981]

LOOKING AT TRADE

The early November visit of 26 Japanese farmers to the Norfolk area to visit pork-producing facilities was a testimonial to the efficiency of this important segment of the livestock industry. As one of their spokesmen said of the United States, "this country is a good place to learn." And the Japanese are looking for ways to increase their efficiency, since it now imports large amounts of pork. It must also import much of the feed used to raise that pork. Ninety percent of such feed comes from the U.S.

Since there is a marked imbalance in trade with Japan, we would prefer to see them importing that feed in the form of finished pork and beef produced and processed by Americans.

This nation is matched by no other in the efficiency of its food production, and it could be made available cheaply to the Japanese consumer were there fewer barriers to this sort of trade along with realistic pricing for overseas shipping.

The nation does do well in terms of total agricultural trade. Exports are expected to be up 4 percent this year, to $45.5 billion. Agricultural imports will be around $17 billion. Of this total, only $3.6 billion is exported in the form of livestock products, including meat and hides. Yet meat is in short supply in Japan and many other countries of the world, including the developed nations which impose restrictions so their consumers must continue to pay two or three times as much, or five times as in the case of Japan, as Americans do. Protectionism in foreign agriculture comes at a high price for the overseas consumers.

With its limited land areas, it is doubtful the Japanese can compete at any time soon with Americans in grain and meat production.

It would be better for all if this were better understood and food trade restrictions lifted in order to compensate partially for the large amounts of finished goods which this nation purchases from Japan.●

ON THE SITUATION IN THE HORN REGION

HON. ARLEN ERDAHL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. ERDAHL. Mr. Speaker, the situation in the Horn of Africa remains unstable. Regional conflicts persist between Ethiopia and Somalia over the disputed Ogaden territory; civil war continues in the Ethiopian provinces of Eritrea and Tigray; the Soviet Union and Libya maintain their policies of adventurism and interference in Ethiopia and South Yemen.

All of these developments directly affect our country's vital interests in the Persian Gulf region.

I join my distinguished colleague from Texas (Mr. WILSON) in praising the administration for its resolute and prompt response this fall to the crisis in the Sudan caused by Libyan military threats. The extension of substantial economic assistance voted by Congress in December and the increase in FMS supplies contributed to the calming of political and military passions in Tripoli. Our legislative action also helped bring about the withdrawal of Libyan troops from Chad and their replacement by an OAU peacekeeping force.

We must recognize that the primary problem throughout the Horn of Africa is largely economic in nature. We need to direct the lion's share of our aid into economic and humanitarian assistance. Somalia has the largest number of refugees in the world and we cannot ignore the inability of the Somali Government to provide even the basic human needs.

In fiscal year 1982, the United States increased development assistance to Somalia only slightly. It is imperative that additional funds be allocated for feeding the refugees and providing them with some cottage industries if peace is to be preserved. I hope the administration and Congress will work together this session to accomplish this vital task.

The United States must also recognize Somalia's defense needs. Last Friday night, I met with the Somali Defense Minister in Washington and discussed the security interests of his country. It is evident Somalia faces a real threat in the buildup of Soviet, East German, and Cuban military forces in neighboring Ethiopia.

In the future we must not ignore Somalia's defense needs while recognizing that the most effective way to contain foreign military presence is to strengthen the economies of our friends in the Horn of Africa.●

NICARAGUAN WOMEN: EQUALS IN BATTLE, TRYING TO BE EQUALS IN HOME

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mrs. CHISHOLM. Mr. Speaker, the evolving roles for women in postrevolutionary Nicaragua are discussed in the January 11 edition of the New York Times. During the war, Nicaraguan women played a major role in the successful overthrow of the Somoza regime. In some fighting units their participation was as high as 30 percent. Although equals on the battlefield, they are waging a difficult fight at home for women's rights.

Even though Nicaraguan women do not consider themselves feminists in the American sense, societal changes indicate that advocacy for equal rights and improvements in status for women has been very successful. Some of the new changes for women are secured through revisions in discriminatory laws, altering of stereotypes and public education. For example, no longer are fathers given absolute legal rights over their children; no longer can a father not regularly support his family.

Nicaragua is beginning to show how undeveloped countries are redefining the roles of all of its citizens. Nicaraguan women are demonstrating that they can make viable contributions as liberators, politicians, mothers, or whatever roles are needed for their country's survival:

[From the New York Times, Jan. 11, 1982]

NICARAGUAN WOMEN: EQUALS IN BATTLE, NOT IN HOME

(By Warrenhoge)

MANAGUA, NICARAGUA.—Garrisons of Gen. Anastasio Somoza Debayle's National Guard were falling to the Sandinist insurgents all across Nicaragua in the closing days of the war, but the commander in the southwestern town of Diriamba still held out.

It wasn't bravery that motivated him. He insisted he couldn't hand over his arms to his Sandinist counterpart because she was a woman. He said he would surrender only to her male second-in-command.

Commandante Monica Baltorano prevailed in the end, and other fortresses of Latin male prerogative have been crumbling in Nicaragua ever since.

Female participation in some of the Sandinist fighting units was as high as 30 percent, and the country's second largest city, Leon, was captured and later run by a military command of five women. "We make up more than half the population, and without us there would have been no revoution," said Magda Henriques, director of international relations of the Luisa Amanda Espinoza Association of Nicaraguan Women. The group is named after the first woman to have been killed in combat during the guerrilla war that deposed General Somoza.

Once the war ended two and a half years ago, many of these women were unwilling to return to the lives that Nicaraguan tradition had reserved for them. Today their new role is being secured through revisions in discriminatory laws, altering of stereotypes, and public education; there may even be an incipient change in notions of domestic duties.

Though the women's movement now occupies a noncontroversial place in the revolutinary process, it had a beginning full of conflict. Many women returning to husbands immediately after the war battled to maintain the equality they had won in the field, and a large number of divorces resulted.

"For a lot of other men, it was fine for all women to get involved in the revolution as long as it wasn't their wife," said Mrs. Henriques.

More than half the members of the militias the Sandinists are now training are made up of women, and every major city has at least one women's battalion of reservists who drill 30 days a year, one weekend a month and two nights a week.

Emma Tinoco, a political instructor at the training field in the town of Tipitapa, said "the great majority" of them encountered no difficulty taking time off from the home. "Some of them," she added, smiling, "have had to convince their husbands of, shall we say, 'their historic mission.'"

Radio Sandino has focused on the situation in its daily soap operas. In one, a man returns home from work to find that his wife has gone off to do militia training and left dirty pots in the cooking area. He curses her, stomps out of the house and gets drunk at a neighborhood bar.

LECTURE ON RESPONSIBILITIES

Later, back at home, he finds his wife returned and gives her a boozy lecture on her household responsibilities. She calmly tells him of her responsibilities to the revolution, and the final chapter finds him apologizing and admitting his error.

The revolution is trying to combat a long-prevalent tendency among peasant men to have more than one family, give none of them regular support but, on their sporadic appearances, expect from all the respect due the head of a household. The Government has set up an office that tracks down itinerant fathers and forces them to make payments to their wives.

In a speech addressed to "brother workers and peasants," the Minister of Planning, Henry Ruiz, said, "I beg your pardon for being so blunt, but you will have to get drunk less and dedicate more of your salary to your family."

The women's group does not use the word "machismo" in its rhetoric, and the members do not like to call themselves feminists. Both terms to them have a bourgeois ring, a woman who works for the Sandinist Front said.

Mrs. Henriques witnessed the American women's movement while studying at Temple University, but her recollection of it is selective and negative. "Ours isn't a feminist movement that is in struggle against men like in the developed countries," she said. "We're not interested in taking our bras off, learning how to drink like men or proving we can have as many affairs as they can."

AN UNFAVORABLE REACTION

That terminology does, however, play a role had been evident days earlier at the annual gathering of the women's organization. When Mr. Ruiz, in a speech, extolled the Sandinist women as the "delicate" part of the revolution, he was greeted with studied glares from the three fatigue-clad female commanders on the stage with him.

On several occasions, those eager to change old habits have been too zealous. Tómas Borge Martinez, the Minister of the Interior, once suggested that men should start doing housework. "That is an idea that is a long way off for working-class people," Mrs. Henriques said. "It's different because you're really talking about an ideology. That will take years and years of work."

The women's group, she said, is devoting its efforts instead to promoting domestic work as "a valuable social contribution" and acquainting mothers with proper health care for their families. It is also setting up day-care centers and rehabilitative training for prostitutes, some of whom are as young as 13.

The women's group itself got too far ahead of community norms when it proposed creating a committee to rule in child custody cases where separating parents were "of similar quality." When the national legislature, known as the Council of State, balked at the idea, the measure was returned to neighborhood committees for restudy. "We were proved wrong," she said. "It turned out that people felt that in such situations mothers should be favored over fathers."

The constitution has been stripped of all clauses considered discriminatory, and a law that gave fathers absolute legal right over their children was abolished. A new law banning the "commercialization" of women was passed. "You can't sell beer and tires anymore with women's legs," Mrs. Henriques said.

The younger generation of women in Nicaragua are prepared to continue the campaign, according to Mrs. Henriques. "I don't even have to teach my daughters," she said. "They grew up seeing their mother walking around with an M-16 over her shoulder, and they already dream of being members of the militia."●

REFUGEE ASSISTANCE

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. BONKER. Mr. Speaker, Secretary Schweiker's proposal to reduce the present 36-month eligibility period for refugee assistance to 18 months is illadvised. These proposed changes in eligibility regulations, published December 11 in the Federal Register, afforded little time for congressional comment before the January recess. Fortunately, protest from the other body has effectively postponed any reduction in the eligibility period until March 1982. I urge my colleagues to express their concern on this issue during the interim period.

In Washington State, the impact of reducing the eligibility limitation period to 18 months will be felt with crippling effect. According to Washington State's Department of Health and Social Services, cash and medical assistance will be terminated for 43 percent of the State's current recipients—equal to 3,793 cases or 9,141 persons. Assuming this proposal goes into effect in March, 11,500 refugees will be cut off from receiving Federal assistance by September of this year.

In Washington State, there are no State assistance programs to supplement or substitute for a reduction in Federal funding for refugee cash and medical assistance. Washington State's general assistance program is restricted to cases of unemployment disability. The State's aid to dependent children fund only provides for single parent households. It is doubtful that any additional refugee assistance funds can be appropriated on the State level considering Washington's financial problems and high unemployment. If the 18-month eligibility proposal is implemented, refugee families in the State of Washington will be forced to either split up to comply with State AFDC requirements or move to a State such as California which does provide general assistance funds for refugees. Even the strong community network of Washington State volunteer agencies, refugee mutual assistance associations, churches, and food banks will be unable to compensate for reductions in assistance brought about by this proposal.

According to calculations made by the Washington State Department of Social and Health Services, 30 percent of the administration's entire budgetary savings resulting from a reduction in the eligibility limitation period will come from terminating cash and medical assistance for refugees in Washington and Oregon. This is an unfair share of the financial burden to impose on a State such as Washington, which has been dedicated to effectively resettling, educating, and employing 31,000 refugees. Washington's is the largest State refugee population in the country. Forcing refugees out of States which have become their home to seek financial assistance in new areas disrupts families and communities without guaranteeing budgetary savings to the Federal Government.

The following policy options should be considered before Secretary Schweiker's proposal to reduce the eligibility period to 18 months is allowed to go into effect:

(1) Refugee single-parent families, two-part families, and childless couples should all receive Federal cash assistance for 24 months; 18 months would not allow a reasonable time for developing self-sufficiency.

(2) All refugees should receive medical coverage a full 36 months, regardless of their eligibility for other forms of Federal assistance. This would insure that health care would be provided for refugees having a difficult time adjusting or finding employment.

(3) The present State eligibility formula used by the Office of Refugee Resettlement for determining State allocation of Federal assistance funds should be adjusted to reflect secondary migration of refugees from one State to another, as part of a State's total refugee population.

In conclusion, I must remind my colleagues that the Refugee Act of 1980 was based on the congressional consensus that a full 36-month refugee assistance program was essential to provide the basic educational and social training necessary for refugees to communicate and find employment within this society. If, due to budgetary restraints, Federal assistance for refugees must be reduced, it should be done as humanely as possible. Reducing the 36-month eligibility period to 18 months, without compensating States that do not receive Federal funds for general assistance programs which include refugees as eligible recipients, will only work to displace a large number of refugees and their families without providing a real solution to this complex problem.●

THE MEDIA—AND RICHARD ALLEN

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. McCLORY. Mr. Speaker, during the course of recent months, I have had occasion to have some contact with President Reagan's former National Security Adviser, Richard Allen.

I am aware of Dick Allen's tremendous talents, his special knowledge of the Orient, and of our critical position in world affairs.

The vindication of Dick Allen appears to me to have been complete—leaving no blemish on his character or reputation. However, the treatment which Dick Allen has received at the hands of the media has resulted in a perception of Dick Allen which makes his removal from his post as National Security Adviser understandable.

The media portrayal of Dick Allen and its consequences for Dick Allen's otherwise prominent career is described in an eloquent commentary by Tom Braden. Tom Braden's piece, which appeared in the Thursday, January 7, 1982, edition of the Washington Post, is attached for the edification of my colleagues and for the thoughtful study of those media representatives who come in contact with these pages.

THE CHURLS OF THE PRESS

(By Tom Braden)

Richard Allen was telling me the other day about his treatment at the hands of the press, and as I was listening I found my mind going back to that night in June of 1968 when Robert Kennedy was shot.

I've forgotten how my wife and I happened to take temporary custody of two Kennedy children that evening. Emotion blurred the memory of events as fast as events took place.

At any rate, there we were in a cottage on the hotel grounds, and we were very careful to engage our charges in conversation and not to let them turn the television on.

After a while the telephone rang and somebody who was with Mrs. Kennedy asked us to bring the children to her. I remember well what happened when we opened that cottage door.

Flashbulbs popped. Men clambered out of bushes, shouting at the children: "How do you feel about your daddy being shot?" "Which one are you?" "Have you prayed for your daddy?"

That was the way those children heard the news.

I remember being so angry as we hastened down a sidewalk to a car that, stupidly, I tried to take a swing at a cameraman, though I was carrying a child in my arms. But I also remember being ashamed. These men were reporters. Yet here they were reducing themselves to the level of purse snatchers, second-story men, child abusers.

And though I don't mean to compare the ordeal of Richard Allen with that of the Kennedy family, it seems to me that in both incidents the question to be asked is "why?"

Why did reporters do what they did to those two children? Why did they stand outside Richard Allen's house, climb trees to look into his windows, dump their half-eaten sandwiches and paper cups all over his lawn and follow him to a restaurant, listen to his conversation and inquire of the proprietor as to whether he had paid his bill?

I have asked this question of my colleagues in print, television and radio, and they answer as one: "If we didn't stake Allen out, somebody else would. If one Los Angeles newspaper had not staked Kennedy kids, some other paper or TV station would have, and if one got a story or a picture and the other didn't there'd be hell to pay."

In short, so I am told, competition is what turns gentlemen into churls.

I do not think this a sufficient answer. I know many a newspaper publisher, many owners of television and radio stations. I know the heads of the three major networks. Not one of them would be caught dead peering through somebody's window, abusing a child or dumping garbage on a lawn.

Then why do they permit these deeds to be done in their name?

Some owner of a network or a chain of newspapers is going to wake up one morning and say, "This has gone far enough. I'm going to propose a code of ethics for my profession and a watchdog to enforce it and we're not going to do this sort of thing any more."

Or am I mistaken?

Isn't there anybody out there in an ownership position who is possessed of guts?●

HAIL TO THE ITALIAN POLICE FOR THEIR WORK IN RELEASING GEN. JAMES DOZIER

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. BIAGGI. Mr. Speaker, I know the elation that I feel over today's release of Gen. James Dozier is shared by my colleagues and millions of others in this Nation. It is appropriate for us to pay tribute for all those responsible for this extraordinary achievement—first and foremost the exemplary members of the Italian police who conducted the raid which freed General Dozier, the Italian Government must be saluted for the incredible commitment they made to insure that the full powers of law enforcement were used to secure the general's release. Further, the ongoing cooperative arrangements between our two Governments was critical to the successful outcome we are enjoying today.

I was a police officer for 23 years in the city of New York and consequently feel that I know good police work when I see it. What the Italian police achieved was nothing short of a miracle. The Red Brigade long known for their ability to baffle police has endured a tremendous setback, one which we hope can be translated into an overall setback for all terrorism.

The Italian police cracked a wall that was seemingly impenetrable. They deserve the highest praise from a grateful America. To General Dozier we send out best wishes and commendation for being a great American. We share the joy of his wife and daughter but above all we are grateful to the Italian police and Government for their invaluable work.

At his point in the RECORD let me insert a telegram I have sent to Ambassador Maxwell Rabb:

JANUARY 28, 1982.

Hon. MAXWELL RABB,
Ambassador,
American Embassy,
Roma, Italia.

DEAR AMBASSADOR RABB: I would like your assistance in contacting the members of the Italian Special Police who were responsible for the release of Brigadier Gen. James L. Dozier early this morning in Padua. I would personally like to invite these courageous officers to the United States—New York City and Washington, D.C.—in order to pay tribute to their courage and valor in rescuing Dozier and capturing the terrorist members of the Red Brigade.

Regards,

MARIO BIAGGI,
Member of Congress.●

TRIBUTE TO SOUTH OAKS HOSPITAL FOR ITS CENTENNIAL

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. DOWNEY. Mr. Speaker, when I came to Congress the South Oaks Hospital had already been serving the afflicted of Long Island for more than three quarters of a century. In this country of great flux and change, there are not many things aside from government that have endured for more that 100 years.

I want to pay tribute to this hospital in my congressional district that has been in existence continuously and successfully since 1882. South Oaks Hospital was a leader in the treatment of emotional disorders in the early years, and has remained preeminent among psychiatric hospitals to this day.

South Oaks Hospital, organized as a corporation for the treatment of "nervous disorders" in 1882 on the same site it is today, has become in recent years one of the principal facilities in the United States for the diagnosis and treatment of the problem of alcoholism. Although it is a private hospital, it presently offers over 3,000 "free" patient days per year to various agencies. It maintains as a community service 23 alcohol clinics per week having over 12,000 visits per year, a speakers bureau, conferences and affiliations with almost every major col-

lege and university in the metropolitan area.

In addition, South Oaks is one of the principal employers in southwestern Suffolk, having 449 full-time employees and 238 part-time employees.

I ask my colleagues to join me in paying tribute to the officers and skilled personnel of the South Oaks Hospital, who, by their diligence and sense of responsibiltiy, have helped so many thousands of people over the past hundred years.●

TAX EXEMPTIONS FOR SEGREGATED PRIVATE SCHOOLS

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. MINETA. Mr. Speaker, President Reagan's recent "ambivalence" over his position on the tax status of racially discriminatory private schools exemplifies the shocking lack of concern for the rights of the minority citizens of this country which has come to typify this administration.

Mr. Reagan has stated that he is not a racist and that his intention in revoking the long-standing IRS policy of denying tax-exempt status to private schools that discriminate on the basis of race was merely to prevent agencies such as the IRS from exercising powers the Constitution assigns to Congress.

First of all, if the President had done his homework he would have discovered that the IRS policy was not a usurpation of the power of Congress but was instead mandated by Congress when it passed title VI of the 1964 Civil Rights Act prohibiting racial discrimination in federally assisted programs. If Mr. Reagan had any doubts that title VI prohibits the Federal Government from granting tax-exempt status to racially discriminatory schools, further research by the President would have led to the discovery that the U.S. Supreme Court has affirmed that this is indeed the case. Furthermore, even if one accepts the President's rationale that he believes, despite title VI and Supreme Court affirmation, that the IRS did not have the congressional mandate to carry out its regulations, it is difficult to understand why the President did not immediately offer legislation to specifically redress this alleged jurisdictional problem rather than wait until public outcry forced his hand.

I urge my colleagues to quickly resolve this unnecessary debate and send the message to the President that our Constitution already guarantees that all citizens of this country are entitled to equal protection under the law and that it is and will continue to be the President's duty to enforce the Constitution.●

AN URGENT MESSAGE TO THE PRESIDENT AND THE CONGRESS

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. McGRATH. Mr. Speaker, many of my colleagues may have seen an open letter to the President and the Congress which was placed as an ad in major newspapers several days ago. The author, Alfred Roach, is chief executive officer of TII Industries, a firm based on Long Island and in Puerto Rico.

In his letter, Mr. Roach discusses the steps it will take to restore the pre-eminent industrial power of the United States and allow us to compete more effectively with other nations, most notably Japan. I commend Mr. Roach's letter to those who may have missed it:

AN URGENT MESSAGE TO THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES OF AMERICA

Dear Mr. President: Fear! Not since Franklin D. Roosevelt told our nation, "The only thing we have to fear is fear itself", has fear gripped so many of our people. We Americans responded to President Roosevelt's remarks with deep faith and great determination. We built the mightiest industrial and military complex known to man. And we went on to victory.

WAR WITH JAPAN—THEN AND NOW

Four decades ago we went to war with Japan, following "the day of infamy" at Pearl Harbor. Today we are again at war with Japan—this time an undeclared economic war—and the outlook is grim. I am not against Japan's prosperity. But I am outraged that it is *they* who are prospering at *our* expense; especially when we consider Japan's broad economic programs; organizing government, industry, labor, education and banking with the objective of full employment for the Japanese people. At the same time, our Government appears bent on destroying our economy. We have nine million, four hundred thousand unemployed people. Japan has virtually none.

JAPAN'S STRATEGY

Japan does not hide its strategy for winning the economic war. It is reported to us in newspapers, magazines and on the air waves. Thank God for our free press. Without it, most of us would be unaware of the catastrophe upon us. The Japanese interviewed by *Business Week* (December 14, 1981) have revealed their plan for a takeover of Western markets in the 1980's. If you have not already done so, Mr. President, we urge you and the members of Congress to read the *Business Week* article, "Japan's Strategy For the '80's."

THE AMERICAN WAY

The American economy today does not have a chance in head-on competition with the Japanese. Why? Because the Japanese society—government, banking, labor, education—supports business, in every way. In the United States, business and labor have become the target of society—a target of our government through archaic and repressive legislation, of a monetary policy which imposes impossible rates of interest. Some of the very policies—designed to protect American industry from unfair practices—destroy us when we deal internationally. These laws enable other countries to take our technology with impunity. This situation, coupled with the Japanese Government's subsidies and business support, puts American industry on the road to bankruptcy.

JAPAN, AT&T, IBM AND THE AUTO INDUSTRY

Never would the Japanese government have permitted the dismemberment of AT&T, the best communication system in the world; a company which took 100 years to build. A company, which, with its dedicated management and employees, and its technological contributions has contributed so much to the growth and greatness of America. Our government harassed IBM in court for thirteen years, causing incalculable damage, and has now found the case to be without merit. Japan would never try to cut the heart out of a successful business. If this anti-business trend continues, our auto industry will be gone to Japan within three to five years, with 20 percent of the American work force directly affected . . . their strategy also calls for the takeover of the computer and communications industries in the 1980s.

JAPANESE EDUCATION VERSUS AMERICAN EDUCATION

I understand, Mr. President, that for every 1,000 engineers graduated from Japan's universities, there are 100 law school graduates. In the U.S.A., for every 1,000 engineers, there are 10,000 lawyers graduated. I also understand there are 40,000 lawyers in all of Japan. In the U.S.A., a recent tally indicates we have 480,000 lawyers. How do they exist? The answer—corporations, government regulations, audits, reports, taxes, legislation, litigation and bankruptcy. This adds great costs to our economy, eventually to products and services mounting to billions a year.

Public accounting firms (Congress legislated them into prominence by enactment of the Securities and Exchange Act in 1933-34) provide the mandated audits of corporate financial reports. In 1980, fees of only eight major accounting firms added $6 billion to the corporate cost of doing business.

The public accounting firm that audits General Motors reportedly assigns a team of 1,400 accountants, spread through offices around the world, for the field work. This team alone, according to Mark Stevens in his book, The Big Eight, is larger than 99 percent of all of the accounting firms in the world. This cost is reflected in the cost of GM cars. Japan has no such legislation. Every government regulation adds to every product cost. Interstate Commerce Commission rulings for one year alone, required 57,027 pages of fine print in the Federal Register. Currently, U.S. business spends over $120 billion annually to complete paper work required by the government. It is not that I am against lawyers and accountants. I believe that their talents can be redirected toward constructive work to help us to rebuild this nation.

ON THE OTHER SIDE OF THE COIN

Mr. President, if anyone had told me a decade ago that my small company TII, (with annual sales of $21 million) would

have more pre-tax income than four of the largest automobile companies, I would have laughed them out of my office. Our good fortune is due in part to the government of Puerto Rico and to our high technology, "quality award" winning, highly productive and creative labor force. The government there has developed an enlightened tax policy—a tax moratorium to companies locating there—to strengthen the Puerto Rican economy. As you so eloquently told us in 1980, "These loyal Americans have proved themselves in every war since 1898", and, Mr. President, they know how to fight this one.

You may know, Mr. President, the little town of Toa Alta in Puerto Rico. In 1974, 30 percent of the population of that town was out of work. The Commonwealth Government gave us every encouragement to locate a factory there. We began with 20 people and now, seven years later, over 450 people are working in that factory. They pay taxes, have savings accounts, buy homes and cars, and send their well-fed happy children to school. This economic success story can be repeated throughout the United States of America.

MEETING THE CHALLENGE

Many of our fellow Americans express a growing feeling that nothing can be done to reverse this tide and that we will become a colonial dependency of Japan. I do not agree. Something can be done, Mr. President. Let us put partisanship aside. We must move boldly and quickly to remove from business and agriculture the restrictions and regulations that are bankrupting them. Help us to get back to where we were with free enterprise—the enterprise that built this nation in 175 years from a backwoods frontier to the wealthiest and most charitable nation in the history of mankind. Trust the people. Bring us together. There are 226,504,825 Americans, rich in bright intellect from every race and culture in the world, who have one thing in common, the love of freedom. It is freedom which inspires creativity and productivity. Send out the call for the dollar-a-year man and women. We are still here—ready, willing and able. We have the know-how and the patriotism and I believe, we have some of the answers. We look forward to the day when government, labor, banking, industry, agriculture and education will again work together for the full employment of our people.

May I express admiration and gratitude, Mr. President, for your leadership and the cooperation you have received from our Congressmen. We need their understanding and their help in this fight for survival and the right to be free. Talk to us, Mr. President. Give us the needed inspiration and leadership. Then, God willing, the people of this once most powerful nation will waken Uncle Sam to flex his economic muscles and rise again to greatness.●

THE EXPENSE ACCOUNT TAX BONANZA FOR CONGRESS: A SAD MISTAKE

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. LENT. Mr. Speaker, the heavy public condemnation which has greeted the new income tax deductions to be allowed Members of Congress for Washington, D.C., living expenses is certainly deserved. I consider the secretive method used to enact this special deduction to be especially damaging to the Congress. It was spirited through this Chamber without advance notice, without proper committee hearings, without serious debate, and without a rollcall vote as an obscure amendment to another bill. Such an unconscionable procedure throws a dark cloud over the reputation of the U.S. Congress.

It may well be there is a need to increase the $3,000 limitation on Washington, D.C., living expenses which was enacted in 1952. In the 30 years since, inflation has caused the limitation to seem unrealistic. I believe the American people appreciate the fact that Members of Congress receive no special allowance for their living expenses here in Washington, D.C. We expend our own personal resources for this purpose, and, in every case, the cost far exceeds $3,000 per year. Certainly we ought to be permitted to deduct a reasonable portion of these expenses on our individual tax returns.

But any increase in the deduction for living expenses should have been subjected to the same thorough scrutiny of committee hearings and floor debate that we give to other tax legislation.

Those of us who opposed this ill-advised action were nearly successful in attempting to overturn it as the first session ended. I hope that in this new session the House leadership will agree to an opportunity for this Chamber to review this unfortunate action and to eradicate an undeserved stain on the reputation of the 97th Congress.●

THE DISMANTLING OF THE EDUCATIONAL SYSTEM OF THE UNITED STATES

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. OBERSTAR. Mr. Speaker, from special programs for disadvantaged children to support for research in our institutions of higher education, the erosion of our country's educational system is taking place. The vital link between economic and social progress and education is being sacrificed in the name of cost effectiveness by this Nation's leadership.

I have received a letter from David M. Brown, M.D., professor of laboratory medicine, pathology, and pediatrics at the University of Minnesota, Minneapolis, and chairman, Council of Academic Societies Association of American Medical Colleges, in which he outlines this disturbing trend. I urge my colleagues' serious consideration of Dr. Brown's remarks as we consider proposals for further cutbacks and revisions in the structure of education programs. His letter follows:

The dismantling of the educational system of the *United States* at federal, state and local levels, is occurring at an accelerating rate, and is a cynical indictment of the nation's leaderships perspective of our future. At a time when international trade and competition have become mainstays of economic strength and when the United States must undergo major reindustrialization, the structure upon which this major thrust must depend is being undermined.

It is widely recognized by economists and industrialists that long-term success of the United States in retaining its role as the world's industrial leader is dependent upon the accelerated development of major scientific thrusts. It is an uncontested fact that the vast majority of major initiatives which lead to industrial breakthroughs occur within our educational institutions. Yet we are experiencing major cutbacks at all levels of support for education. We are seeing the elimination of the nation's partnership role in research but, even more damaging, are destroying the education of the children who would be the sources of our innovations and creativity.

The nations with which we hope to compete economically, such as Japan and Germany, recognize the vital links between education and their economies and are encouraging and supporting the development of partnerships between educational institutions and industry. They have recognized the long lead time and broad base of knowledge necessary to assure the evolution of strength of their economies. The increasing numbers of basic and applied scientists being trained by those nations attests to their commitment to their future strengths economically and politically. Furthermore less developed nations such as China and nations of the Middle East also have seen the value of encouraging these relationships and are building their educational systems to assure their primacy in industrial competition. The feeble efforts of the United States to achieve this goal by tax incentives to private industry while decreasing direct support to institutions of higher education will not be successful. Direct government participation in financial support is crucial.

At the same time as these advances are being made by other nations, the United States is becoming increasingly oriented to a "cash flow" orientation. This mentality is pervading our entire society. Government looks only to short-term solutions of decreasing budget deficits while industry seeks improved profits by major emphasis upon marketing, creative accounting and management reorganization while paying only lip service to strengthening their long-term industrial bases. Instead of relying upon exportation of high technology, we are depending increasingly upon exportation of raw materials and agriculture and military products. We are allowing our industrial primacy to disintegrate as evidenced by the virtual disappearance of our steel industry, the decline of imagination of our transportation industry and the continuing decline of our communications and electronics industries. As a result we are losing control of the leadership in investments and banking and the control of our economic and political futures. This decay is becoming a world-wide

perception that, unfortunately, is based upon a realistic appraisal.

What more disturbing evidence of this decline exists than the precipitous decrease in our support for foreign nationals to participate in our institutions of higher education. No more obvious impact of our society's advances and advantages exists than the experiences provided to visiting Chinese scholars in our country. At the University of Minnesota we have been privileged to experience the pleasure of communicating and sharing first hand our scientific knowledge with a large number of highly motivated and dedicated Chinese scholars. We have welcomed them into our laboratories, classrooms and homes. Yet support for these exchange programs is declining just at the time when we have begun to break through political and social barriers. Furthermore, support for mutual participation of Americans in the development of institutions within other nations is being drastically curtailed.

At the same time lip service is being paid to encouraging basic research while the bases for supporting the work being conducted in our universities are being precipitously eroded as attested to by the decline in the funding for the programs of the National Science Foundation and the National Institutes of Health. Furthermore, research increasingly is being product targeted. Support of scholarship per se at all levels of education is disappearing rapidly.

Public school systems are experiencing decreasing support leading to narrowing breadth and depth of curricular offerings and larger class sizes. The influences of these changes will be detrimental to our students' college preparedness and will impair the quality of education opportunities.

The decline of support of the humanities, which historically has been the underpinning of any great society, is being sacrificed. We are seeing major retrenchments of the entire public education system. Even the State of Minnesota, which has prized itself as the pinnacle of educational accomplishments, is seeing its public school and university systems destroyed in order to fulfill short-term expediencies. Does anyone really believe that, once diminished, these systems and their valuable products can be rapidly restored?

Education is the most potent weapon we have for assuring the survival of our society as we know it. To retreat passively into a posture of narrowing horizons will destroy the fabric of our social and economic structure. Education has been the driving force behind individual and community strivings and accomplishments.

We can ill afford continuation of the present decline of support of our entire educational system. Now more than ever local communities, state legislatures and the federal government should fulfill their responsibilities to support the magnificent educational enterprises which have been the envy of the world.●

ESTIMATED TAX AND SENIOR CITIZENS

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. RITTER. Mr. Speaker, many senior citizens have been penalized for not declaring and paying estimated tax for income not subject to withholding. Those older Americans on fixed incomes, where every penny counts, are particularly affected. I have introduced, H.R. 5328, a bill that will provide some relief for these senior citizens.

Many retired people do not realize they are required to make estimated payments. The pay as you go feature of the Federal income tax system that requires employers to withhold income tax on income such as salaries, wages, and tips also applies to a retiree's income not subject to withholding or income where not enough tax is withheld. A retiree is required to file a declaration of estimated tax and pay the income and self-employment tax estimated to be due for income coming from, for example, self-employment, alimony, pensions, annuities, interest, dividends, rents, and capital gains.

The Economic Recovery Tax Act of 1982 provides that a declaration of estimated tax is not required in 1982 if the estimated tax is under $200 and the estimated gross income not subject to withholding includes less than $500 of taxable income. My bill would provide for those 65 and older that a declaration of estimated tax shall not be required and no penalty shall be imposed where the amount involved is under $500.

This change will relieve many senior citizens of the burdensome penalties for not declaring and paying estimated tax. And, in these times of inflation, this bill will further protect the senior citizen from loss of income.●

SOCIAL SECURITY REFORM A MUST

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. BEREUTER. Mr. Speaker, as we return to our duties from the holiday recess, our thoughts turn to the year ahead and the challenges which face this body in 1982. Topping the list of challenges for this Congress undoubtedly is reform of the social security system.

As the following editorials from the Omaha World-Herald point out, however, that reform cannot be accomplished with mirrors. To do so would indeed violate the people's trust in a system upon which so many rely.

Even if Congress succeeds in acting to place the system on a sound financial footing, its efforts will be in vain unless the mechanism for recording benefits and delivering payments works swiftly, effectively, and efficiently. A second editorial, also from the World-Herald, wisely reminds us of that equally important problem.

I commend the following two articles to my colleagues. When debate commences on social security reform legislation, I hope that the thoughts expressed in these two articles will be remembered:

[From the Omaha World-Herald, Dec. 29, 1981]

FAITH BROKEN ON TRUSTS

Normally when trust funds are set up, mingling of the funds is not authorized. Neither is borrowing from one fund for another. Violation of a trust makes the violator liable for any loss coming to the trusts' beneficiaries.

The Senate has passed legislation permitting borrowing among the three Social Security trust funds until January 1983.

With this legislation Congress probably can clear its legal skirts, but isn't borrowing among government trust funds just as questionable and unsound a practice as if it were done among private trust funds?

The original Social Security Act of 1935 set up the Old Age Survivors' Insurance Fund. Later came the Hospital Insurance and the Disability Insurance trust funds. Obviously, Congress intended each fund to be separate as it was set up.

Economist Paul Samuelson once referred to the Social Security system as it has evolved as a Ponzi game. The Barron's publication has called it a "chain-letter scheme."

The legislation Congress is about to approve is again patchwork. And it only adds to the impression that Social Security has indeed been handled like a Ponzi game or a chain-letter scheme.

What Congress is now doing is a breach of faith with those who set up the three funds years ago—and more importantly, with American citizens whose money goes into the funds.

[From the Omaha World-Herald Jan. 4, 1982]

S.S. CLOGS OLD COMPUTERS

The computer is a wondrous device, but it does have limitations, and it can't be forcefed.

And therein is a national problem—almost a scandal.

Some Social Security computers are so old that maintenance parts are no longer made for them. Pay is so low for computer operators that there are currently 700 vacancies in the Social Security Administration, in a time of high unemployment.

That's one reason it takes an average of nine weeks to get a new Social Security card. The Social Security office is three years behind in recording some earnings necessary for calculating benefits.

Fortunately, improvements are coming.

John A. Svahn, the commissioner of Social Security, is completing a five-year plan for modernizing the computer system. He said it will cost $400 million to $500 million over the next five years to get out the kinks.

One change is being made which, by February, should cut to two weeks the average waiting time to get a new Social Security card.

"I don't think there is going to be much of a problem of getting money (for improvements)," Svahn said. "The systems problems are acute."

It took four months of around-the-clock computer operations to process the July cost-of-living increase.

The government came within 18 hours of missing its mailing deadline. The Social Security office needs 5,000 hours of computer processing each month. The capacity is only 2,300 hours.

Because of that overloading, a lot of important work gets put off.

The agency estimates that more than $60 million in benefits were paid to relatives of dead beneficiaries and up to $10 million was improperly paid in black lung benefits because the computers did not have the capability of matching death records with beneficiaries.

Social Security hasn't yet recorded the earnings of one million workers for 1978 and for even greater numbers for 1979 and 1980, although this information is vital for figuring benefits due.

"There are people out there who have earned an increased benefit and they haven't gotten it yet," Svahn said.

The public, the White House and Congress should support Svahn in completing the modernization program as quickly as possible. To let the problem go this long is no tribute to past administrations.●

COMMEMORATION OF UKRAINIAN INDEPENDENCE DAY

HON. JAMES L. NELLIGAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. NELLIGAN. Mr. Speaker, we are marking this month the 64th anniversary of Ukrainian Independence Day—freedom from Russian Dominance was established on Janurary 22, 1918.

This short-lived independence occurred after the tsarist government was overthrown in the U.S.S.R. and a Provisional Government was established.

Although formally acknowledging the right of secession, the Russian Provisional Government and later the Bolsheviks remained unrelentingly firm in their commitment to bring the Ukraine under a centralized Russian control. In direct response to the ruthless Soviet determination, the Ukrainian Parliament, or Rada, formally declared the Ukraine to be an independent republic on January 22, 1918. Unfortunately, the Ukrainian hope was swallowed up in the devastation of the war, and in the cultural, political, and economic suppression which the Soviets imposed. The Ukrainians have been the victims of this ruthless suppression ever since.

I join with Ukrainians of the 11th Congressional District of Pennsylvania, which I am privileged to represent, in saluting the valor with which the Ukrainian people declared their independence in 1918. Let us pray that those who remain the victims of Soviet suppression and control are freed of this yoke in the near future.●

NATIONAL YEAR OF DISABLED PERSONS

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. WINN. Mr. Speaker, I am pleased to report that my legislation designating 1982 as the National Year of Disabled Persons has received the support of 215 Members of the House. It is my hope that House Joint Resolution 354 will receive the additional support of more Members of this body in order that it might be considered by the entire House. The Senate passed an identical version of this legislation by voice vote in December, and I believe it is only fitting that the House should follow suit.

As we all know, 1981 was declared the International Year of Disabled Persons. The themes of partnership and community-based grass-roots efforts dominated this very special year. Disabled and nondisabled citizens worked together toward the goal of improving the lives of 35 million Americans with disabilities. More than 1,850 communities, from small towns to major cities; 250 leading corporations; and 330 national organizations have participated in this broad-based, national effort.

While that IYDP ended officially on December 31, interest and commitment remain high. Approval of my resolution would assure the continuity of a movement which owes its strength to self-help, private sector initiatives, particularly important in a time of increasing budgetary restraints when people are being called upon to do more for themselves. Successful passage of my resolution would also serve as a powerful symbol for those who have worked long and hard on behalf of disabled Americans and who want to continue what they have begun.●

HOUSE EXPORT TASK FORCE—U.S. AUTO INDUSTRY

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. BONKER. Mr. Speaker, the Trade Subcommittee of Senate Finance held a hearing in early December 1981, to review developments in the U.S. automobile industry in the context of the Japanese announcement to voluntarily restrain exports in May 1981. The Under Secretary of Commerce for International Trade, Lionel H. Olmer, testified before the subcommittee in one of the most powerful statements made on that issue to date.

As my distinguished colleagues know, we have a severe trade imbalance with Japan. The reason, as Mr. Olmer states, "is a profound inequality in our access to the Japanese economy." As chairman of the House export task force, I am greatly concerned with the effects the Japanese policies are having on American export trade, and our economy.

We must urge more forcefully the Japanese Government to be more responsive to our repeated calls to open their doors to American imports. Reciprocity is not the answer. Rather, it is the promotion and encouragement of free trade.

Mr. Speaker, the following is the testimony of Under Secretary Olmer before the Senate Trade Subcommittee hearing on the U.S. automobile industry. I commend it to your attention and that of my distinguished colleagues.

TESTIMONY OF UNDER SECRETARY LIONEL H. OLMER

Originally, I had prepared a short oral statement which covered essentially the same ground as the statements offered today by Ambassador Macdonald, Mr. Dederick and Mr. Hormats. Let me, Mr. Chairman, spare you and the Committee this redundancy and tell you what is foremost on my mind as we discuss the auto issue.

The trade situation in autos and auto parts between Japan and the United States is symptomatic of the larger problem in our trade relationship with Japan—that is, the enormous U.S. trade imbalance with Japan, which this year will exceed $15 billion, and unless present trends are changed could reach as high as $50 billion by 1990. In autos and auto parts alone the U.S. trade deficit with Japan in 1981 will exceed $10 billion.

Before identifying the root cause of the Japanese surplus, some explanations must be eliminated.

These staggering trade deficits with Japan are not in general the result of lack of competitiveness of U.S. products. Even highly competitive U.S. industries are denied access to the Japanese market.

It is not caused by the strong U.S. dollar or high U.S. interest rates. The growth of the U.S. deficit predates the strong dollar, and Japan is simultaneously running a proportionally larger surplus with the EC, where currencies have been weak.

It is not caused by U.S. apathy in developing the Japanese market. The United States has a substantial 34 percent of the Japanese market for manufactured imports. The problem is that Japan does not import much in the way of manufactures. We have a large share of a small pie.

No. These are not the reasons. The fundamental reason for Japan's surplus is a profound inequality in our access to the Japanese economy. This inequality is caused by long-standing Japanese policies and practices which encourage exports and discriminate against imports. It is caused by a prevasive bias against imports at virtually every level of private and government decisionmaking. It can only be solved by timely, effective and fundamental change in these policies by the Japanese Government.

This is the basic message Secretary Baldrige and I conveyed to Prime Minister

Suzuki and other Japanese leaders on our recent trip to Japan. We made four key points:

The imbalance is becoming a political issue which threatens to affect our total relationship.

We do not seek to redress the imbalance through restrictions on Japanese imports, but rather through an expansion of U.S. exports to Japan.

The Administration and the Congress are equally concerned and united in their insistence on effective Japanese measures. The letter we delivered to Prime Minister Suzuki from 31 members of the House Export Task Force was an effective expression of the depth of Congressional concern. I would like to introduce this letter for the record.

Finally and most importantly, the time for talk is over. The time for action on the part of the Japanese is now.

We are running out of time to postpone the hard choices. We cannot accept emergency or limited piecemeal concessions. We need:

A measurable and sustained increase in Japanese imports of U.S. manufactured goods including autos and auto parts. Although Japan is the second largest economy in the free world, its imports of manufactures are about equivalent to those of Switzerland. Japan's imports of manufactures on a per-capita basis are the lowest in the industrial world.

A dismantling of the web of blatantly protective devices around Japan's agriculture.

A reduction in some of Japan's remaining high duties on manufactured goods.

Elimination of the permissive treatment of business cartels in Japan and the informal industry clubs which restrict imports and sustain uncompetitive Japanese industries. These devices keep out competitive U.S. exports, even though the U.S. export prices are substantially lower than domestic prices in Japan.

Opening up Japanese high technology development programs to genuine market competition, including the participation of foreign firms.

The U.S.-Japan economic relationship—the single most important economic relationship in the free world—is clearly in serious trouble. The problem has been developing for well over a decade. With a $20 billion deficit looming for next year, we are running out of time for discussion.

Our economic relationship has not been conducted on a fully reciprocal basis. It should be. Our trading relationship must afford us substantially equvalent competitive opportunity.

The time for a genuine and effective Japanese response is now.●

ROY ACUFF AND THE SOUND OF COUNTRY

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. DUNCAN. Mr. Speaker, country music did not begin with Roy Acuff, nor did the Grand Ole Opry. We associate both, however, with this remarkable man who has shaped them over the past 40 years. The popularity of these national institutions is tied to him and his role will be forever etched in our memories in association with them.

Roy Claxton Acuff was born in Maynardville on on a fall day in 1903. He was educated in the public school system of Knoxville, and is a graduate of Knoxville Central High School. I have no doubt that growing up in the mountains of east Tennessee left its mark on him, and has been the wellspring of his inspiration and his character.

Country music is, after all, about the country. It is about the traditions and trials of the common man. It is rural in setting, but universal in its appeal. Roy Acuff knows this. He has heard the "Wabash Cannonball" and taken that "Night Train to Memphis." When he saw the "Wreck on the Highway," he "didn't hear nobody pray."

Acuff has the ability to transport us to a world we all know. It is a world of loneliness where the sound of a train whistle cuts through the darkness and awakens us to our surroundings. Listening to his music, we can forget our troubles, for a time, and are lifted by his voice and fiddle to one of those mountain peaks, where for a moment everything is clear.

Roy Acuff came to the Grand Ole Opry in 1938 with his band, the Smoky Mountain Boys. He has traveled with the Opry in its tours around the world, and from the historic Ryman Auditorium to the impressive Opryland Complex. There, a theater bears his name.

I have heard him many times, in person, on record, radio, and television. I am sure many of my colleagues have also been impressed and touched by his music in the national broadcasts of the Opry.

He is, however, more than an artist and musical craftsman. As a founder of Acuff-Rose, he has shown business skills and given an opportunity to struggling writers and musicians. Falling back on his first Tennessee roots, he was the Republican candidate for Governor in 1948; entertaining while he campaigned.

There is a good deal more one can say about Roy Acuff. I could describe the way he balances the fiddle bow on his nose, or his friendship with Presidents. The best way for you to appreciate this man as I do, however, is to encourage you to listen to him. My favorite song is "Great Speckled Bird." You might try that out for starters, and then enjoy the many gifts Roy Acuff has given us. There you will discover the sound of country.●

UKRAINIAN INDEPENDENCE

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. BINGHAM. Mr. Speaker, I join my colleagues today to commemorate the 64th anniversary of the Ukraine's independence.

Established on January 22, 1918, following the collapse of the Tsarist Russian empire, the Ukrainian National Republic fell under Soviet domination in 1920. Since that time the Ukrainian people have endured the systematic denial of human liberties by the Soviet Union. Nevertheless, the Ukrainian people have perservered in their efforts to secure their freedom.

The citizens of the Ukraine are not alone in their struggle. In the United States there are over 1,200 local Ukrainian-American groups which remind those Europeans who have made their homes here not only of their cultural heritage, but also of the severe legal and political restrictions imposed on the citizens of the Ukraine.

As a Representative who has long supported resolutions condemning human rights violations, I salute the Ukrainian-American community for its efforts on the behalf of the Ukraine.●

IN PRAISE OF THE LATE SENATOR ROBERT A. TAFT OF OHIO

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. McCLORY. Mr. Speaker, my long-time friend Tom Roeser has composed a timely and highly significant essay on the late Senator from Ohio, the illustrious Robert A. Taft.

Tom Roeser is president of the City Club of Chicago, a fellow of Harvard's John F. Kennedy School of Government, and an executive with Quaker Oats Co. In addition, he is a public-spirited and community-minded individual, a student of American political history, and an articulate spokesman on subjects related to public and political affairs.

Mr. Speaker, I am pleased to attach hereto Tom Roeser's article "Robert A. Taft: This Political Groupie's Hero" which appeared in the Sunday, January 24, 1982, issue of the Chicago Sun-Times.

[From the Chicago Sun-Times, Jan. 24, 1982]

ROBERT A. TAFT: THIS POLITICAL GROUPIE'S HERO

(By Thomas F. Roeser)

Each political groupie has his own special hero. My idol has always been a balding politician with a pot belly, rimless spectacles, flat voice and bristling demeanor who made his last presidential bid at age 63.

Thirty years ago this month he was huddling with fellow non-charismatic, overweight pols when there was a rap at the door of his hotel suite. He opened it and was blinded by TV floodlights. Seventy cheering college-preppie Republicans surprised him by bringing to his room a baby elephant and TV cameras to record the presentation.

I am proud that my man snarled, "Get that —— thing out of here!" and slammed the door on the disgusting spectacle.

He could only have been Ohio's Sen. Robert Alphonso Taft.

Taft's opponent for the GOP nomination that year was Gen. Dwight D. Eisenhower, who—although a man of merit—glided to party victory on the wings of TV propaganda-fakery, spurious pleas for "reform" (against a bogus Texas delegate "steal") and an incandescent grin. Taft, stuck with only his own intellectual cogency and fearless integrity, could not withstand the jingo jingles and "I Like Ike" songs that came from the well-heeled Eastern Seaboard. Fifteen months after the debilitating 1952 convention, Taft was dead.

His doctor said the cancer that killed him stemmed from the physiological change prompted by severe disappointment. Maybe; maybe not. But it has always intrigued me that our current crop of glib, blow-dried TV analysts doesn't know history well enough to tell Americans what they could have had in the presidency if their predecessors, the erstwhile liberals, had allowed Taft to be nominated and elected . . . and had God permitted him to serve.

Taft's value was that on most issues he was at least three decades ahead of his time. He always opposed U.S. entry into wars, favoring instead assisting others to fight for freedom; in 1940 he forced repeal of the arms ban in order to aid beleaguered Britain and France. He favored NATO, but voted against it because of its military pact. The United States, he said, should never state where and when it was prepared to fight. He supported the Marshall Plan but felt it was coddling Western Europe—putting it in an incubator that would rob it of initiative to withstand totalitarian bluster.

In domestic policy he was amazing, although again liberals and the media were looking the other way at prettier political faces. An unrelenting critic of federal waste, he nevertheless called for an income floor for the poor (which we now call income maintenance). He rectified pro-labor imbalance by enacting Taft-Hartley, the first revision of a federal program in U.S. history ever to pass without the draftsmanship-aid of a single federal department. He did it himself.

Was he a labor-baiter? Far from it. He single-handedly beat down President Harry Truman's request for authority to draft strikers who interfered with the Truman concept of the public interest. "A domestic government," said Taft, "cannot prohibit strikes and remain free."

The House passed Truman's draft authority in two hours, since hatred of unions, due to a series of paralytic strikes, was corrosive. But fortunately for labor, Taft crushed the unconstitutional draft-the-strikers bill in the Senate. He received no thanks from labor, just unremitting hatred, for his efforts. On the economy, he railroaded through a 10 percent across-the-board tax cut, repassed it over Truman's veto and won the judgment of history that the postwar recession was eased by the measure, with no roaring inflation and no looming deficits—despite what the Keynesians had predicted.

Occasionally wrong, he was never in doubt. While his naive hopes for federalized education and housing were misplaced, had he become president his policy of restraint in foreign affairs and innovation in domestic matters just might—under his sober guidance—have avoided the mismanagement that occurred under Democratic liberals.

But we can ony guess; 1950s big-picture, hawkish liberalism promoted by Time-Life publications and a mindlessly compilant TV brought him down. conservatism passed from him to the hawks—Dulles, Knowland, Goldwater and, ultimately, Nixon, a rudderless pragmatist with no visible principles.

Now Ronald Reagan, of Taftian tradition but not philosophy, must necessarily be penurious domestically and expansive militarily. An intriguing question: Would a relatively non-interventionist foreign policy in the 1950s have gained Soviet confidence and avoided the bruising confrontations of the '60s and '70s, and the whopping defense budgets today?

But a better question remains: Can we produce future presidents of Taftian integrity and prescience who can win the confidence of TV liberals—all but indispensable to communicate with voters? Whenever I think of the graceless, brilliantly intellectual, totally misunderstood Taft and what might have been, I pray God we can.●

PROFESSIONALISM AT ITS BEST: HAROLD AND LILLIAN AUGUSTINE

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. DWYER. Mr. Speaker, it is with great pride that I commend to my colleagues the achievements of two outstanding citizens of my district, Harold and Lillian Augustine.

He is a workaholic who likes to help people. She stresses self-worth and pride in the classroom and the importance of involving parents in the process. They both represent a quietly effective father-daughter team who have made life a lot better for the citizens of Perth Amboy, N.J.

The State of New Jersey recently recognized the profound contributions of the two in two significant tributes.

Ms. Augustine, a 15-year veteran of the city's school system, has been named New Jersey's "Teacher of the Year," selected from a field of 21 candidates—one from each of the State's 21 counties.

Chosen on the basis of her dedication, professionalism, creativity, loyalty, and excellence, Lillian Augustine has done extensive work with parents, bilingual kindergarten programs, and curriculum improvements.

That dedication and initiative has inspired a lot of young minds during her 15 years teaching second grade, first grade, and now kindergarten in the community where she herself grew up.

Both Ms. Augustine and her father, Perth Amboy City Clerk Harold Augustine, newly elected president of the New Jersey Municipal Clerks Association, exemplify the kind of grassroots hometown commitment upon which this country thrives.

Perth Amboy's city clerk for more than 20 years, Harold Augustine is considered the embodiment of what a city clerk should be.

Together and apart, Harold and Lillian Augustine have made a difference, reflecting an intense pride in their community and their work; theirs is a powerful example to all of us dedicated to the betterment of society.●

TRIBUTE TO CHARLES F. MORGAN

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. APPLEGATE. Mr. Speaker, I would like to take this opportunity to pay tribute to a very fine man—a constituent of mine, Charles F. Morgan, who recently retired as mayor of Shadyside, Ohio.

Mr. Morgan has dedicated 16 years to public service in various capacities. For 16 years he served as Democrat precinct committeeman. For 14 years he served on the Belmont County Democrat Executive Board. He served as a member of the Shadyside Village Council for 6 years. After the results of the 1970 national census, it was learned that Shadyside's population had increased and qualified it to become a city. Whereupon, in 1972, Charles Morgan was elected as the city's first mayor and served in that position until December 1981.

Although Charles Morgan, known as Shorty, has held numerous public offices, he has also devoted much of his time to civic organizations, many of which have honored him. He is a past President of the Lion's Club; an outstanding member of the Shadyside Boosters Club; and is on the board of directors for the Citizens National Bank.

He has been instrumental in a number of projects which benefitted Shadyside, including the construction of State Route 7 through the city, construction of the secondary water treatment plant, and the rehabilitation of sewer lines throughout the community.

Shorty Morgan has given much to the citizens of Shadyside and we are all very grateful. We wish him continued success in his future endeavors and we thank him for his significant contributions.●

THE HEROIC RESCUE OF JIM BRADY

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. HYDE. Mr. Speaker, in our absorbtion with the big issues in our Nation, we really ought to take time out to learn about those unsung heroes and heroines who do not make the headlines but do make their substantial contributions to humanity.

Ray Coffey, the Washington bureau chief for the Chicago Tribune, wrote an article that appeared on December 30, 1981, that ought to warm all our hearts and I share it, with pleasure, with my colleagues:

The article follows:

[From the Chicago Tribune, Dec. 30, 1981]

THE HEROIC RESCUE OF JIM BRADY

(By Raymond Coffey)

WASHINGTON.—Time magazine has chosen Lech Walesa, Poland's celebrated—and now arrested but still apparently defiant—freedom fighter as its "Man of the Year," and who could argue with that?

We all need heroes. They inspire us, raise our hopes, reinforce our finest values, make us realize that things are never as bad as they seem, that it's all worthwhile, that tomorrow can be better.

And certainly Walesa is a hero on a heroic scale.

But we also have here in Washington a hero who operates on a more modest scale and who has gone largely unheralded. And he gets my vote for unsung Man of the Year.

He is Dr. Arthur Kobrine, the 38 year old Chicago-born neurosurgeon who saved and restored Jim Brady's life after the White House press secretary was shot in the brain during last spring's assassination attempt on President Reagan.

Doctors generally don't get many rave reviews these days. They don't make house calls, they charge too much, they're more interested in tax shelters than in healing the sick. All they do is tell you to "take two aspirin and call me in the morning." So the litany goes.

None of that even remotely applies to Dr. Kobrine. Just ask Jim Brady, and his wife Sarah.

For nine long months now, ever since the assassin's bullet blew away part of Brady's brain and the TV networks prematurely pronounced him dead, Kobrine has skillfully, patiently, compassionately devoted himself to the rescue of Jim Brady.

And he has pulled off what seems to me, as a friend of the Bradys, and to many medical experts—and certainly to the Bradys—a near-miracle.

Even Kobrine has admitted that he was at first pessimistic about the chances for keeping Brady alive. And after the first crisis, the first brain surgery, was over, there developed new complications requiring three additional operations.

Each time it worked, and each time Brady came out of the crisis a little better.

Finally, just before Thanksgiving Brady, though still suffering some paralysis on his left side, was able to deck himself out in kelly green sweater and green tartan trousers and walk out of George Washington University Hospital.

Through it all, Kobrine remained quietly, modestly in the background giving most of the credit for the near-miracle to the courage and spirit and unquenchable humor of his patient.

"Overwhelming luck," also got much of the credit from Kobrine, who graduated from Northwestern University Medical School in 1968.

Kobrine always kept his feet on the ground. One day last summer, when I accompanied George Halas, the legendary 86-year-old owner of the Chicago Bears football team, on a visit to Brady we bumped into Kobrine in the hospital corridor.

By this time a lot of us were thinking of Kobrine as pretty much a legend himself.

But Kobrine, in his green surgical suit, came up, stopped Halas, shook his hand and like a kid with his own heroes, said, "Coach Halas, I recognize you. I'm from Chicago. What are you doing here?"

Every year at this time the newspapers and magazines and TV screens are filled with reviews, in words and pictures, of the year that was: the tragedies and triumphs, the villains and heroes, the dashed hopes and lifted spirits of the year ending.

Going into the new year, we like to forget the tragedies and villains and dashed hopes and remember only the good parts.

Arthur Kobrine and Jim and Sarah Brady and the way they triumphed over calamity are one of the good parts. Skill and spirit and valor and devotion still count, still work.

Happy New Year, to them and all of us.●

REAFFIRMING SUPPORT FOR VETERANS' HEALTH CARE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. BIAGGI. Mr. Speaker, today, I am introducing legislation that will reaffirm our policy of providing full medical and health care for the 3.3 million older veterans now eligible to receive treatment in Veterans' Administration hospitals.

The policy of providing free treatment to veterans over the age of 65 has been in existence since World War II—a policy which has as its basis the belief that this Nation has a fundamental obligation to provide for its servicemen who have given their time, their efforts, and themselves in service to our Nation. Today, there are 18,186 veterans over the age of 65, all of which are receiving these medical benefits in VA hospitals. Of the 69,294 veterans receiving treatment today in these hospitals, 35 percent have service-connected disabilities.

Continuance of this policy is critical because of the rapidly changing demographics of our veteran population. The current 3.3-million veteran pool will jump to 11 million in 4 years when World War II and Korean War servicemen reach retirement age. In anticipation of this rapid expansion of eligible veterans, the administration is contemplating reducing or eliminating benefits to veterans over 65. Such a proposal would hit at the very same population that has the greatest need of these benefits.

Reducing or eliminating benefits to veterans over 65 also places an exorbitant burden upon those veterans who rely on fixed incomes and depend upon the VA hospitals for essential health care. Current VA policy for veterans over 65 does not restrict their eligibility because of age, inability to pay, receipt of a VA pension, medicaid eligibility, or by nature of their disability. Any proposal to change this policy, combined with the proposed "federalization" of the medicaid program, could make needy servicemen over 65 the victims of their own condition.

There are currently 5,826,000 veterans of the Korean conflict and an even greater number of World War II—12,422,000. To abrogate our responsibilities to these noble individuals, who fully deserve continued health and medical care, would be a cruel hoax of a promise made to them upon their enlistment in the military. The proud tradition of service in our Armed Forces has always been coupled with the promise of this Nation to protect the health and well-being of our servicemen, particularly those who are needy and disabled. Age must be maintained a special consideration of the receipt of medical treatment by our veterans. Americanism begins with patriotism—let us maintain this tradition by reaffirming our support for these veterans. I urge my colleagues to join me in support of this resolution. The text of this resolution follows:

HOUSE CONCURRENT RESOLUTION 252

Reaffirming the support of Congress for the continued provision of full medical service for veterans over age 65.

Whereas the Nation's military veterans have provided honorable service to their country in both times of war and times of peace;

Whereas the United States, in recognition of this service, has committed itself to providing full medical services to all veterans who have reached the age of 65;

Whereas the number of veterans over age 65 will climb from the current 3,300,000 to 11,000,000 by 1986 when the great bulk of veterans of the World War II and Korean War periods will have reached age 65;

Whereas 20 percent of the 69,294 veterans currently receiving health care in Veterans' Administration hospitals are 65 years of age or older; and

Whereas advanced age should be a special consideration in the provision of health care

and medical services to veterans: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress reaffirms its commitment to a national policy of providing full medical services to veterans who have reached the age of 65.

COMMENDING JOHN W. RABER

HON. FREDERICK W. RICHMOND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. RICHMOND. Mr. Speaker, I am taking this opportunity to commend my very good friend, a pillar of the Green Point community, Jack Raber, who is retiring as chairman of the board of the Green Point Savings Bank in my congressional district.

Jack Raber and the Green Point Savings Bank have been sensitive and responsive to the needs of the Green Point community as well as our other Brooklyn neighborhoods for many, many years.

Under Jack's leadership, the Green Point Savings Bank has compiled an enviable record of involvement in the community. As my colleagues can well appreciate, a community leader like Jack Raber will be sorely missed in the neighborhoods he served so diligently.

Along with thousands of my constituents who have seen and marveled at Jack's ceaseless efforts to improve our neighborhoods, I salute Jack Raber as he closes out his distinguished career of community service.●

A SPECIAL ANNIVERSARY

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. PANETTA. Mr. Speaker, it has been said that there is no more lovely, friendly, and charming relationship, communion, or company than a good marriage. I would like to take this opportunity to honor two people who share a marriage that is not merely good but rather, rare and beautiful. Joe Chiantelli and Valentina Filippi Chiantelli have lived, laughed, and loved together as man and wife for 60 years. For me, they are friends and family. For all of us, they are truly a remarkable and special couple.

Joe Chiantelli was born in Bozzano, Italy, to Adele and Natale Chiantelli on January 16, 1898. He grew up surrounded by two sisters and three brothers. When he was 15, he traveled to America and began working on the Southern Pacific Railroad. Valentina Chiantelli was born to Felomena and Eugenio Fillipi, also of Bozzano. Her five sisters and two brothers all remained in Italy. At the age of 23, Joe returned to Italy where he met Valentina. Father Stefano Banducci married this lovely and loving couple at the church of St. Caterina. While still in Italy, they celebrated the birth of their son, Oscar Chiantelli. Shortly thereafter, Joe returned to the United States and his wife and son followed 5 years later, when they all settled in Nevada while he continued to work for the Southern Pacific Railroad.

The Great Depression struck and even though Joe was 1 of the 15 million people in this country to lose his job, the Chiantelli family grew closer. Joe persevered and went to work for the city of Monterey, Calif., in 1934. Valentina worked to help support the family, first in the canneries and then at the Presidio, followed by Fort Ord. Their daughter, Anna, was born in Monterey. Anna is married to my brother Joe, and they have three children, Joanna, Joe, and John.

These special people are celebrating their 60th wedding anniversary with a reception at the El Rancho Room of the Naval Postgraduate School on January 30. I cannot imagine a happier occasion or a more deserving couple.

Mr. Speaker, their example of love, devotion, and dedication to each other is an inspiration for all of us. We all join in expressing our congratulations to them. Joe and Valentina, we salute you.●

MORE PRISONS MAY NOT BE THE ANSWER

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. McCLORY. Mr. Speaker, my constituent, William H. Rentschler, a prominent businessman and member of the executive committee of the John Howard Association of Chicago, authored a most perceptive and constructive article which appeared in the December 28, 1981, issue of the New York Times.

I am attaching this challenging and thought-provoking article for consideration by my colleagues and in the further hope that representatives of the administration will give Bill Rentschler's ideas their thoughtful attention.

TURN THE PRISON BUREAU INTO A "THINK-TANK"

(By William H. Rentschler)

LAKE FOREST, ILL.—President Reagan should act forthwith to dismantle the sprawling, costly, largely ineffectual Federal Bureau of Prisons and turn over most of its 42 prisons to state penal systems, whose facilities are bulging. Seventy-five percent of the bureau's inmates have no history of violence.

The drastically scaled-down bureau should be reconstituted as a penal and criminal-justice "think-tank" charged with searching out new, more productive answers out new, more productive answers to urgent questions of crime and punishment—an area of shameful failure in this century.

Such an initiative would, at the outset, yield an annual budget cut of at least $250 million, leaving perhaps $100 million a year to care for inmates remaining in bureau custody and to fund research. Despite heavy pressure from a cadre of governors, the President apparently has reconsidered the Administration' proposal to pump $2 billion into building state prisons. If he drops the proposal, and scaled down the bureau, overall savings might total as much as $5 billion in a decade, and ultimately even more.

On its face, my proposal will seem radical. It is not. It is rooted in a realistic concern for the "bottom line"—an approach that undergirds most Reagan proposals. Such a program, properly administered, would not let loose on the public a single violent criminal. It is aimed precisely at not only slicing the budget but also reducing crime.

Consider that while overcrowding seems the eternal hobgoblin of state-prison administrators, Federal prisons are "undercrowded." They have operated mostly below their capacities during the last two years while the inmate populations of state prisons have soared 300,000 beyond those prison's capacities.

Even more important, Federal prisons' "basic" population has declined steadily from a high of 30,400 in August 1977 to 22,560 at the end of September—a reduction of 7,840 inmates, or 25.8 percent, over four years. Not included in the "basic" figure for the Federal prison population are at least 2,000 Cuban and Haitian refugees, many held without clear cause or criminal conviction, who remain captive largely because of Justice Department foot-dragging. Further, the Federal prison population is only a sliver—less than 5 percent—of the more than 500,000 people in prisons and jails across the country.

The bureau is badly run. With its bloated bureaucracy, it is neither efficient nor economical: The ratio of inmates to staff is about 2.5 to 1. In fiscal 1977, it managed some 30,000 inmates on a budget of $265 million, but it "needed" $351 million to hold 6,185 fewer prisoners in fiscal 1981 and sought $383 million for fiscal 1982 (but got about $356 million).

The annual cost to cage, feed, and guard a Federal inmate exceeds $15,000—roughly 50 percent more than the yearly cost of room, board, and tuition at Princeton or Harvard.

A 1980 report by the Comptroller General disclosed a range of shoddy, wasteful Bureau of Prison practices that, Senator Charles H. Percy said, "would have driven a private company to certain bankruptcy."

Under my proposal, starting in 1982 most Federal inmates would be transferred to state custody or paroled, put on probation, or placed into work-release or victim-compensation programs. There are other alternatives.

The more humane and modern Federal prisons—perhaps 30 overall—would be leased or deeded to the states, with caveats on staffing, programs, and treatment of inmates. The big bad "black holes," like those in Leavenworth, Kan., Marion, Ill., and Atlanta should be closed. Several prisons with a combined capacity of 2,000 to 3,000 would be retained by the bureau to hold organized-crime figures, protective-custody cases, ter-

rorists, spies, hijackers, drug kingpins, and other special inmates.

In place of the bureau, Congress should create a research and crime-prevention center with a mandate to aid states and cities and help them upgrade their penal facilities. The bureau would devise educational and wage-paying work programs (as proposed by Chief Justice Warren E. Burger) and foster far less costly alternatives to the standard prison regimen, which is destructive to inmates and society.

The bureau could "subcontract" its research and program development to nonprofit organizations like the National Council on Crime and Delinquency, and to individuals who, as independent thinkers, reject the narrow dictates and failed dogma of the penal and political bureaucracies.

This proposal fits the Administration's philosophy of cutting spending and reducing the Government's size while increasing its efficiency.

Will President Reagan and Congress embrace a controversial proposal fully consistent with their budget initiatives at the risk of some heat from a public whose views of crime and punishment have been distorted by myth and misinformation?●

RETIRING AFTER 50 YEARS IN THE MINISTRY

HON. WENDELL BAILEY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. BAILEY of Missouri. Mr. Speaker, on March 7, 1982, John B. Rollins, 2016 Tanner Bridge Road, Jefferson City, Mo., will celebrate 50 years in the ministry. The celebration will be held at the Memorial Baptist Church in Jefferson City. Pastor Rollins was born in Stone County, Mo., and ordained a minister in 1932. During his career in the ministry he has been a full-time pastor of 17 churches and interim pastor at 2 churches. He has served as pastor of a total of 19 churches during the past 50 years in the following counties in Missouri: Barry, Boone, Cole, Jasper, Lawrence, McDonald, Maries, Miller, Moniteau, Newton, Pettis, and Stone. On March 6, 1939, Pastor Rollins married Doris Turner and has two sons, three grandsons, and one granddaughter. Pastor Rollins is the ex-president of the Association of American Retired Persons.●

EMERGENCY YOUTH EMPLOYMENT TAX INCENTIVE ACT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. GOODLING. Mr. Speaker, today I would like to introduce a piece of legislation which, I hope, becomes a top priority early in this new legislative session. Congress does not have the luxury of engaging in drawn out committee hearings and debate on this issue in light of the alarming unemployment rate of our Nation's youth—reaching close to 50 percent in some of our hardest hit inner cities. As we approach the summer of 1982 we must insure our young people that the American politico-economic system has not bypassed them. My colleagues, Mr. HAWKINS, Mr. JEFFORDS, and I have agreed on a plan which, if enacted, would encourage the private sector as well as State and local governments to hire, on a one-time emergency basis during the summer months of 1982, many of our young people who would otherwise face bleek and empty prospects during the sweltering days between May and September. This legislation provides a bridge of hope between our current economic conditions and the eventual economic recovery that the President's plan envisions. This program does not require a Federal, State, or local governmental bureaucracy to get involved in a make-work program. It merely provides the incentive for private and public employers to act according to self-interest while accomplishing Federal policy objectives. It is a truly cost-effective means of alleviating a hopefully temporary and politically explosive social condition.

In essence the plan would build upon the current targeted jobs tax credit program but with the following alternatives:

EMERGENCY YOUTH EMPLOYMENT TAX INCENTIVE ACT—REPRESENTATIVE BILL GOODLING

DURATION OF EMERGENCY EMPLOYMENT PERIOD

May 17, 1982 to September 17, 1982.

QUALIFIED YOUTH

Individual who begins work between May 17 and September 17, 1982;

Aged 16 to 21 (not attained 21 on hiring date);

Is certified by the designated local agency as being a member of an economically disadvantaged family; and

Fifteen percent of the youth hired by any one employer not required to be economically disadvantaged (flexibility to employer to hire deserving youth who might not otherwise qualify).

AMOUNT OF TAX CREDIT

Eighty-five percent tax credit for wages paid to qualified youth instead of 50 percent tax credit under targeted jobs tax credit program.

TO OBTAIN TAX CREDIT

Must be able to certify that qualified youth has not displaced any other individual from employment;

Hires qualified youth between May 17 and September 17, 1982; and

Assure that qualified youth works on a substantially full-time basis.

EXCLUSION FROM INCOME AND EMPLOYMENT TAXES (AFFECTS PRIVATE AND PUBLIC SECTORS)

Personal income tax;

Federal Insurance Contributions Act; and

Federal unemployment tax.

The text of the bill follows:

H.R. 5389

A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for youth employment during the summer of 1982, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Youth Employment Tax Incentive Act".

SEC. 2. (a) Section 51 of the Internal Revenue Code of 1954 (relating to amount of credit for employment of certain new employees) is amended by adding at the end thereof the following new subsection:

"(j) CREDIT FOR YOUTH EMPLOYMENT DURING SUMMER OF 1982.—

"(1) IN GENERAL.—For purposes of applying this subpart to wages paid or incurred to any qualified youth for services rendered on or after May 17, 1982, and on or before September 17, 1982—

"(A) subsection (a)(1) shall be applied by substituting '85 percent' for '50 percent', and

"(B) such youth (if not otherwise a member of a targeted group) shall be treated as a member of a targeted group.

"(2) QUALIFIED YOUTH.—For purposes of this subsection, the term 'qualified youth' means an individual—

"(A) who begins work for the employer on or after May 17, 1982, and on or before September 17, 1982,

"(B) who has attained age 16 but not age 21 on the hiring date (as defined in subsection (d)(13)),

"(C) who has not displaced any other individual from employment by the taxpayer,

"(D) who performs services for the taxpayer on a substantially full-time basis, and

"(E) except as provided in paragraph (3), who is certified by the designated local agency as being a member of an economically disadvantaged family (as determined under subsection (d)(11)).

"(3) 15 PERCENT OF YOUTHS HIRED NOT REQUIRED TO BE ECONOMICALLY DISADVANTAGED.—

"(A) IN GENERAL.—The requirements of paragraph (2)(E) shall not apply with respect to any individual for any week if a designation under this paragraph is in effect for such individual for such week.

"(B) LIMITATION.—The aggregate number of individuals with respect to whom designations by an employer under this paragraph are in effect for any week shall not exceed 15 percent of the number of qualified youths (as defined in paragraph (2) without regard to subparagraph (E) thereof) performing services for the employer during such week.

"(C) DESIGNATION.—Any designation under this paragraph shall be made by the employer at such time and in such manner as the Secretary shall by regulations prescribe.

"(4) SPECIAL RULE.—Paragraph (15) of subsection (d) shall not apply to individuals treated as members of a targeted group by reason of this subsection; except that rules similar to the rules of such paragraph shall apply to certifications described in paragraph (2)(E).

"(5) EXCLUSION FROM INCOME AND CERTAIN EMPLOYMENT TAXES.—Any wages paid or incurred to a qualified youth for services performed on or after May 17, 1982, and on or before September 17, 1982—

"(A) shall not be included in the gross income of such youth under this chapter, and

"(B) shall not be treated as wages for purposes of chapter 21 (relating to Federal In-

surance Contributions Act) or chapter 23 (relating to Federal unemployment tax)."

(b) The amendment made by subsection (a) shall apply to amounts paid or incurred on or after May 17, 1982, in taxable years ending on or after such date.

DO WE WANT OUR WOMEN IN COMBAT

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. McDONALD. Mr. Speaker, if ever there was an indication that our society was being totally degraded, it is found in what is happening in our armed services today. I am hoping that the present administration will reverse this process. And this reversal should occur despite the growing inclination among some officers in the military to look the other way and promote such idiocy. The adage of: To go along—to get along, should not be practiced nor condoned by the true future combat leaders of our military. One cannot reconcile a first class officer efficiency report (OER) with the scattered remains of our future mothers of America scattered across the battlefield.

Some food for thought on this matter was contained in a series of three articles by John Fialka in the Washington Star of January 9, 10, and 11 of 1980.

In introducing the first half of this series today, we find the realistic results of attempting to integrate women into combat units in the military. The world of realism is demonstrated when Israel utilized women in their armed services of their nation. It is high time that this Nation follows the same lead of reality that Israel did. And well to remember in this part I are the comments of Gen. Elizabeth Hoisington, former director of the Womens Army Corps (WAC) on what can—and will happen if this trend is not reversed.

Part I of Mr. Fialka's extensively researched piece follows:

[From the Washington Star, Jan. 9, 1980]

UNITED STATES WIDENING WOMEN'S ROLE AS WARRIORS—PART I

(By John Fialka)

If the United States suddenly went to war it would field a military force that is unique. The nation now has more women in combat-related roles than any major power has ever had in a standing army.

The rapidly growing involvement of women in the U.S. military—a development fueled by chronic recruiting shortfalls of the all-volunteer force—has been accompanied by an unprecedented narrowing of the definitions and policies that have traditionally barred women from direct involvement in combat.

This narrowing, being spurred on by Defense Department policymakers intent on creating "gender-free" tests for all military categories, is causing a revolution in the Army as it prepares women for the rigors of activity on or near the front lines. Some recent examples:

New recruits being prepared for rifle-carrying, front-line support units, such as military police, air defenses, maintenance and signal companies, are training in integrated, "unisex" companies where women are given combat training alongside the men.

Army researchers are planning a series of tests to see how well units consisting of at least 50 percent women can fight during sustained periods of simulated combat.

An entire new generation of field equipment, including "unisex" combat boots, helmets, flak vests and flame-proof combat vehicle suits, is being rushed into production to meet growing complaints of women that their current, man-tailored equipment is inadequate and that some of it is actually causing injuries as the Army sends more women into the field.

While women recruits were formerly clustered in occupational specialties requiring a relatively high degree of intelligence, the Army has just lowered their required entrance examination scores and is recruiting female high school dropouts for the first time.

Traditionally women have made up about 2 percent of the military. That was the level that existed in 1972, when the all-volunteer concept got under way. There were 16,300 women in the Army then. There are 60,912 women today, comprising about 8 percent. Meanwhile the size of the Army has shrunk by about 44,000.

12 PERCENT OF FORCE

In four more years Army planners expect to have 96,400 women in the service, 12 percent of the total force.

"Current policy precludes assignment of women to units routinely engaged in close combat," William D. Clark, the Army's top manpower expert, recently explained to a House Armed Services subcommittee.

"This does not mean that women soldiers may not be required to engage or be engaged by an enemy with individual and crew-served weapons (i.e. rifles and artillery), experience physical contact with enemy personnel and experience a high risk of capture."

The thought of large numbers of American women being sent into battle is an extremely disturbing one to some old soldiers who have followed the adventures of the all-volunteer army.

"No man with gumption wants a woman to fight his battles," declares retired Gen. William C. Westmoreland, former commander of U.S. forces in Vietnam. He asserts that making the Army 12 percent female "will measurably influence the effectiveness of the fighting force."

Gen. Elizabeth Hoisington, former director of the now-disbanded Womens Army Corps, argues that women lack the physical strength and aggressiveness of men and that women would be the "weak link" that could destroy a combat unit.

"The peripheral dangers of serving in combat units—being raped by strangers or temporarily crazed comrades, being taken prisoner of war and being abused, beaten and starved, being mentally and physically incapable of performing one's assigned duties in combat and being responsible for others' being killed or wounded—these are just some of the other harmful situations women would experience in combat," she asserts.

"There is more to fear than being killed and not returning to your loved ones at home.

VIEWS CALLED OUTDATED

Some of the main architects of the Pentagon's new policies reject such views as being outdated, "stereotypical views" of women.

Secretary of the Army Clifford L. Alexander and Antonia Handler Chayes, undersecretary of the Air Force, complained that those who doubt the effectiveness of women in combat-related jobs remind them of those who doubted the effectiveness of blacks during the integration efforts of the 1960s.

In 1977, when Alexander, a former chairman of the Equal Employment Opportunity Commission, was appointed secretary of the Army by the Carter administration, he promptly ordered a review of all Army military occupational specialties, many of which were considered combat-related and therefore barred to women.

Alexander says he wanted the "narrowest definition of combat that was practicable." As result, the Army made a distinction. It said that units which aim weapons by line of sight at the enemy are combat units. All other units are not.

Translated, it means that women can't fight in the infantry or some types of artillery, but can serve in a host of support roles which have combat missions in time of war. The move left only 24 of 305 military occupational specialties closed to women and reversed the previous combat policy, which had barred units containing women from operating forward of rear brigade areas.

A number of other changes also were made to ease the entry and retention of women. Pregnancy, once considered by the Army as grounds for discharge, was redefined as a "temporary medical disability." Unisex basic training was established for all units where women were eligible for admission.

CHANGING OF ATTITUDES

What Alexander focused on were ways to change the military's attitudes toward women and in making sure that female soldiers had as many career opportunities as men. "That's what I take pride in," Alexander explained.

While there has been some concern in Congress over the rising proportion of women in the Army, Alexander is convinced that the nation's attitudes on the subject are radically changing and that the next major debate will not be over what has been done, but over whether there are any military specialties that should be denied to women.

Critics have pointed out that the two nations which have had the most recent experience with women in combat, the Soviet Union and Israel, have both backed away from the concept. More than 800,000 women fought with the Red Army during World War II, functioning in many combat roles. Now there are believed to be fewer than 10,000 women in the 4.2-million-person Soviet armed services, according to the Defense Intelligence Agency.

Israel, which trained women to fight alongside male soldiers in that nation's war of independence, reversed that policy in the late 1940s after studies showed that Arab units fighting sexually integrated Israeli units inflicted higher casualties. The Arab men, it appeared, fought to the death rather than be taken prisoner by units containing women.

TORTURE FEARS CITED

Tamar Eldar Avidar, attache for women's affairs at the Israeli Embassy, says the policy change was primarily based on the nation's worry that females in combat areas would be captured and tortured by the enemy.

Since then Israeli women have been trained separately in the Chen, a Hebrew acronym for women's corps, which translates into "charm."

Although women in Chen receive some defense-related weapons training, they are trained separately and are evacuated from combat areas during military alerts.

The fact that there is no historical model for the growing percentage of women now being drawn into the U.S. armed services does not bother Air Force Undersecretary Chayes. "We are creating the model here," she recently told the House Armed Services Committee.

One of the stereotypes being entertained by some male military commanders is that the presence of women in small units may destroy their combat effectiveness by reducing male camaraderie and replacing it with sexual distractions and petty rivalries.

BARRED FROM SUBMARINES

This fear has resulted in some awkward lines being drawn. For example the Navy plans to have a female content of 10 percent by fiscal 1985, including 5,000 enlisted women at sea. While it plans to assign women, at least temporarily, to warships, the Navy draws the line when it comes to putting women on submarines.

"They would be the least amenable for a mixed crew," Vice Adm. Robert Baldwin, the Navy's chief personnel officer explained to a House Armed Services subcommittee. Jealousies that erupt in the close confines of submarines "would probable be sharpened by the presence of women," he explained.

While the Army has moved boldly ahead in assigning women to combat related tasks, the Air Force and the Navy are expressly forbidden by law from assigning women to ships or aircraft with combat missions. Both services recently asked congress to remove the prohibitions to give them more "flexibility" in assigning available manpower.

While the Defense Department has been pushing ahead with its policies to expand military roles for women, pressure on senior officers to conform to the policy is described as intense.

"Being anti-woman is a career killer. I've watched some of my classmates twist themselves into pretzels over this," asserts James H. Webb Jr., an Annapolis graduate who became a Marine officer and who wrote the best-selling novel "Fields of Fire," describing combat in Vietnam.

Despite the administrative pressures, however, there are recurring signs that the message is not getting through to all of the troops.

Some of the troops are females, and their problem is not that they can't do the work but that they don't want to.

The largest pocket of resistance to the policy, however, appears to be the Marine Corps, which continues to resist unisex training and training women to use combat weapons. The corps recently went to Capitol Hill to oppose the Navy's request to remove the legal restrictions against assigning women to combat.

The corps has been charged with "sexism" by the increasingly powerful Defense Advisory Committee on Women in the Services for recruiting posters which present women in "ladylike situations," in sharp contrast to male Marines seen in combat gear.

There are rumors of more serious pressures, including some from Graham Claytor, Jr., deputy secretary of Defense, who reportedly has told the Marine commandant, Gen. Robert H. Barrow, to support the Navy's move to lift combat restrictions.

Neither the Defense Department nor the Marine Corps would comment on the rumors except to say that the Marine Corps' stand on the issue has not changed. "We don't train women for combat," said the Corps' spokesman, "That's illegal."

[From the Washington Star, Jan. 10, 1980]

PRESSURE FROM TOP SPED EFFORT TO ADD FRONT-LINE SPOTS—PART II

(By John Fialka)

The dogma of the new "unisex Army" was established in 1977 with relative ease. It is that women can function well in a number of combat-related jobs and that the Army's primary mission—to fight and win "starting with the very first battle of the next war"—will not be impaired by recruiting unprecedented levels of women.

It hasn't been easy to prove, however.

For four years Army researchers working in the largely unexplored area of men-women relationships in combat have been struggling to come up with supporting evidence as the Army has deployed more and more women to combat support units.

The Army's need for data about women in combat began in earnest in 1976. Then it became clear that the shortage of recruits among men for the All Volunteer Army would mean that, short of resuming the draft, the Army of the future would have to absorb a high percentage of women, roughly six times the level in the pre-volunteer era.

Researchers were sent running in all directions. The Army's military history staff was ordered to produce a study describing the role of females in combat throughout history.

The Army historians found evidence of two all-female units. A certain King Gezo of Dahomey, West Africa, maintained three regiments of women warriors, roughly 9,000 troops in all, in 1851. They were tough, well disciplined and under orders to fight to the death.

Then there was a patriotic Czarist woman, Madame Bachkarova, who recruited women for a "Battalion of Death" in 1917. The idea was that the presence of women solders "would challenge the Russian men and inspire them to fight more vigorously."

The report said the Russian unit fought "bravely" and the Dahomey women "exacted a heavy toll" in fierce hand-to-hand combat. Unfortunately, though, the African and Russian units lost. Gezo's women were outnumbered by a force of male Egba warriors. The Battalion of Death happened to be guarding the Winter Palace when the revolutionaries attacked it in 1917.

The Army historians noted that many women fought well with the Soviet Army in World War II and with the Israelis in their war of independence. "The increasing number of female urban terrorists indicates that sex is no barrier in this field," they added.

The Army Research Institute was given a different mission. It was told to test the effectiveness of 40 different combat support companies in "field conditions" using varying percentages of women up to a maximum of 35 percent. The exercises, code named "MAX WAC," began in October 1976.

More than 50 researchers were dispatched to Army posts throughout the United States. The companies they watched included maintenance, signal, transportation and military police units, all of which support combat units.

These companies operate so close to the front in war that soldiers are required to carry rifles, operate machine guns and go out on night patrols in rear areas.

The results shocked men and women. Many of the units, the researchers discovered, had simply finessed the problem in previous exercises by leaving their women back at the garrison when the men were assigned to the field.

STRANGE RESPONSES

"Local commanders were very uptight about having women go out and camp with men," said psychologist Cecil D. Johnson, chief of the Army Research.

When the Army insisted that whole units had to be tested, there were Institute's technical standards office some strange responses. One thoughful unit commander insisted that a certain female lieutenant had to have a tent with a stove in it. When the tent was set up "the woman refused to enter it."

Sergeants had a particularly tough time because of a "role conflict between being a male and being an NCO," the MAX WAC report says. "They . . . assign men and women to do a job, but allow the women to stand by while the men work."

Women had trouble with tasks requiring physical strength and complained bitterly about the lack of privacy and adequate sanitation facilities.

One of the most disturbing findings of MAX WAC was that many of the women had never thought of their jobs as being part of warfare.

Because MAX WAC exercises were only three days long and were often held in good weather, the Army planned a second test in a longer exercise called "Braveshield." It was held in the Mojave desert in July 1977.●

U.S. INVOLVEMENT IN SOUTHEAST ASIA, 1938-80

HON. BILL NELSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. NELSON. Mr. Speaker, I would like to take this opportunity to share with my colleagues and other readers of the CONGRESSIONAL RECORD the following article, "The Positives and Negatives of U.S. Involvement in Southeast Asia 1938-80." The author, Rear Adm. Rollo Niel Norgaard, U.S. Navy (retired), is a constituent of mine.

The piece was originally published by "Officer Review", a magazine of the Military Order of the World Wars.

[From Officer Review, November 1981]

THE POSITIVES AND NEGATIVES OF U.S. INVOLVEMENT IN SOUTHEAST ASIA 1938-80

The American people have had volumes of Disinformation and Misinformation heaped upon them by foreign and domestic propaganda mills relative to the Nation's involvement in Southeast Asia during the period 1938-1980. Confidence in our elected leaders

and our military services was dangerously weakened during the Vietnam War. We must honor the brave members of our Armed Forces who answered the call to fight in that War against an aggressive enemy. The time has come to take a hard look at the positive and negative sides of USA major actions in all of Southeast Asia in recent years. What follows is an effort to set the record straight. Let these facts do just that.

The area of Southeast Asia that became of special importance to the USA following WWII included those former "colonies" and countries that had been occupied by Japan during the war. They are today: Union of Burma, Republic of Indonesia, Malaysia, Republic of the Philippines, Republic of Singapore, Socialist Republic of Vietnam, Cambodia (Kampuchea), Laos which became a colony of Vietnam on July 19, 1977, and The Kingdom of Thailand, an independent nation but included here because it was occupied by the Japanese Army during WWII. The importance of these nations was embodied in their total population of 320 million people, their abundance of natural resources, and the vital strategic waterway, the Malacca Straits bordered by Indonesia and Malaysia. Incidentally, the population of Indonesia is about 140 million (90 percent Moslems) compared to 13 million people in Australia.

Suddenly, in 1945, the War in the Pacific was over for Japan. The occupied areas were thrown on their own and generally without operating governments except for Thailand. Looking at the situation from the point of view of the international communist movement which seeks world domination, here was an opportunity for them (Soviet Union and People's Republic of China) to gain control of a large strategic area for their own purposes.

The international political events occurring in the Southeast Asian area, beginning in 1945, had not received much attention by the American public. Our interest became focused, later, on Vietnam because that is where our men were fighting and dying while engaged in combat beginning in 1965. It would seem useful, therefore, to relate chronologically the major USA actions and the significant international events occurring in the whole area for a better understanding of their effects on the USA and its Allies. It should be noted that some of these actions and events, such as the return of the French to Indochina after WWII, were very complex and can not be covered in detail here. Books have been written about several of them.

We can begin in 1945 by asking the question "What should the USA do for its own best interests in Southeast Asia when WWII ended? Should we just let the communist powers move in and take over the eight "colonies" plus Thailand?" (The term "colonies" is used loosely because of varying status)

1945—In September, after the war was over in Europe, France resumed colonial control over Indochina. But, Ho Chi Minh, the communist leader, declared on September 2, 1945, Vietnam independent of France and he announced the creation of the Democratic Republic of Vietnam. This was recognized by France in March 1946, but in December fighting began between the French and the North Vietnam forces called the "Vietminh". The U.S. began supplying military aid to the French.

1946—The U.S. gave the Philippines their independence.

1949—With French approval, South Vietnam was formed under their ex-emperor Bo Dai with its capital in Saigon. Laos declared its independence from France. Cambodia declared its association with France until 1953, then independence.

1949—Indonesia became independent, after intervention by the United Nations and concession by the Netherlands.

February 1950—President Truman announced the U.S. is sending 35 U.S. Army advisors to South Vietnam to aid France against the "Vietminh" of North Vietnam. This marks the beginning of U.S. troops in Southeast Asia. The U.S. began supplying military aid to South Vietnam in Dec. 1950. That same year, 1950, North Korea invades South Korea.

May 1954—The French forces are defeated in battle at Dien Bien Phu in North Vietnam. This ends French control of Indochina countries.

May-July 1954—The French loss brought on the Geneva Conference on Indochina. Attending were USA, France, Great Britain, Soviet Union, People's Republic of China, and the countries of Indochina. France and North Vietnam (NVN) agreed to the partition of Vietnam on the 17th parallel of latitude, a ban on new troops or bases, and the scheduling of reunification elections. However, the Geneva Conference Treaty was not signed by the USA and South Vietnam (SVN) mainly because the reunification elections would not be possible with intimidation from NVN. Therefore, the division of Vietnam at the 17th parallel was not ratified by them. The Immediate result was a large migration of people (about 900,000 mostly catholics) from NVM to SVN.

September 1954—SEATO, Southeast Asia Treaty Organization, was established at a meeting in Manila by eight nations of the West (USA, Great Britain, France, Australia, New Zealand, Philippines, Pakistan, and Thailand)—"to contain the expansion of communism in Southeast Asia—by forming a collective defense pact". They would be based in Bangkok, Thailand. (SEATO was terminated on July 1, 1977.)

October 23, 1955—South Vietnam held national elections, deposed the ex-emperor Bo Dai, and created a Republic with Ngo Diem as the first President.

July 1959—The first two U.S. Army advisors were killed in SVN by Communist guerillas.

1960—President Eisenhower, near the end of his term in office, pledges continued assistance to SVN. His policy, however, was a "limited risk gamble" and no U.S. involvement in a land war in Southeast Asia.

December 1961—President Kennedy declares the USA is prepared to help SVN "preserve its independence."

June 1962—A majority report of the International Control Commission consisting of India, Canada, and Poland, established by the Geneva Conference Treaty of 1954, reported that their evidence shows North Vietnam is supporting, organizing, and carrying out hostile acts in South Vietnam. NVN says they are only "volunteers."

July 1962—At a Geneva Conference, fifteen countries signed an agreement in which those with military forces in Laos would withdraw them. NVN was the only country that did not carry out its pledge to remove its 7,000 men from Laos, in fact, they increased their force to 70,000 by 1972.

December 1962—U.S. military advisors in SVN were increased to 11,300.

November 1, 1963—President Kennedy was assassinated. Vice President Johnson became President of the USA.

December 1963—U.S. military advisors in SVN were increased to 15,000.

August 2-4, 1964—The Tonkin Gulf incident—Two U.S. destroyers, U.S.S. Maddox and U.S.S. Turner Joy, were attacked in a sea action by NVN torpedo boats in the Gulf of Tonkin off the coast of NVN. No damage to U.S. ships. One or two NVN torpedo boats were reported sunk. It is not clear from reports that a second attack occurred on August 4th.

August 7, 1964—The U.S. Congress (Senate and House) passed (unanimous less 2) the "Gulf of Tonkin Resolution" (not a Declaration of War) giving the President authority to "take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression." The Tonkin Gulf incident was no "Pearl Harbor". It is important to draw a comparison. Before "Pearl Harbor", the country was strongly divided on several issues—pacifist and isolation from WWII, on the economy, and other matters. But, "Pearl Harbor" was of such a magnitude that all U.S. citizens were drawn together immediately with a common purpose. This was not the case with a minor incident like that in the Gulf of Tonkin—off the enemy's shores and not on U.S. territory.

September 1964—The People's Republic of China warned the United States that it would pay dearly for any plan to cross the frontier into North Vietnam from South Vietnam.

June 1965—The U.S. military commanders were authorized by President Johnson, for the first time, to commit 23,000 U.S. advisors to combat in SVN. U.S. Marines were landed at Da Nang in SVN. There was simultaneous bombing of military targets in NVN by U.S. Air Force. The U.S. forces in SVN increased rapidly, thereafter, to a total of 549,500 by the end of 1968.

This action in 1965 marked a sharp increase in the commitment by U.S. forces. Yet there was no Declaration of War by the U.S. Congress designating an enemy of the United States. There were no provisions made available under international law for blockade on the high seas, seizure and control, or for censorship, of information on combat actions of U.S. forces, disinformation and propaganda from Hanoi and the Communist World, and misinformation from news media sources going directly into the homes of the American public by radio, television, and the press.

1964-65—The Soviet Union announced a step-up in their contributions of modern weapons to Communist members in Indonesia—to assist President Sukarno in his country and the effort to crush Malaysia with its 12 million people and across the Malacca Straits. In September, 1965, a large pro-Peking communist group tried to seize complete control of the country. The regular Indonesian Army, under General Suharto, who is still the President in 1980, smashed the coup and destroyed Communist power in Indonesia.

1966—Indonesia and Malaysia (with the help of the British forces in Malaysia) end the Sukarno policy of hostility to Malaysia. They sign a mutual treaty of reconciliation. This was a highly important achievement in support of the SEATO and U.S. interests. It was a major setback for the Communist goal in Southeast Asia. Very probably, the attitude of the Indonesian people was strengthened against President Sukarno when they saw the USA and its Allies join together in SEATO in 1954, the U.S. combat commitment to SVN in 1965, and the British ac-

tions in Malaysia in 1965 and 1966. General Maxwell D. Taylor, USA, in an interview with a national magazine of Nov. 27, 1972, expressed it this way: "I think that Indonesia's independence today and its relative freedom from an internal Communist threat is attributable, to a large degree, to what we've accomplished in South Vietnam." Perhaps the United States failed to recognize the importance of it—that is, the saving of Indonesia, Malaysia, Singapore, and the Malacca Straits (a strategic waterway) from Communist control. The U.S. forces in SVN in Nov. 1966 were 358,000.

1966—The U.S. Senate took a vote to terminate the Tonkin Gulf Resolution. It was defeated 95 to 5.

May 1968—Preliminary peace talks open in Paris with NVN and Vietcong.

January 1969—President Nixon ordered three new actions not long after taking office, to bring an end to the War in South Vietnam, and to reduce casualties to U.S. and Allied forces there:

(1) The Peace Talks in Paris were expanded.

(2) The beginning of U.S. troop withdrawal from Vietnam.

(3) The bombing of NVN sanctuaries and their forces (about 100,000) in Cambodia and located on the border of SVN. The U.S. armed forces and SVN had lost many men due to NVN attacks across the border, then return to their sanctuaries. NVN would not admit they had military forces in Cambodia, therefore, they did not reveal the attacks.

May 1969—The U.S. President proposed to NVN a mutual troop withdrawal from SVN. The answer by NVN was "No".

1969—The U.S. President proclaimed "Vietnamization" of the war upon withdrawal of U.S. troops. Also, other countries in Southeast Asia, threatened by Communist aggression, would be strengthened with weapons and supplies from the United States to enable them to defend themselves with their own forces. This was known as "The Nixon Guam Doctrine". It caused great concern in Hanoi on how to cope with this new development and urgent meetings were called there. Their Politburo decided on a special offensive in the fall of 1969 against the USA and South Vietnam. There would be a renewed military ground offensive, greater efforts at the Paris Peace Talks, and a massive propaganda effort in the U.S. They realized that to win a war it was necessary to break the will of the people to continue it, either by destruction of human lives and property or by changing his objective. Their experts directed their propaganda plans through centers in Europe to selected cities in the United States where anti-war activists organized demonstrations for the withdrawal of U.S. forces from Vietnam. The totalitarian Communist governments have absolute control over their information media. The United States had none authorized by Congress (no Declaration of War and no censorship) and, as a result of it, the American public was vulnerable to distortion of information fed to them daily through various propaganda sources.

April–June 1970—The ground military forces of the United States and SVN combined to invade the east border area of Cambodia to capture NVN supplies and to destroy their bases which were being used for attacks on United States and SVN forces across the border. The North Vietnamese were sending their forces down the "Ho Chi Minh" Trail along the east border of Laos into the eastern highlands of Cambodia. The USA and SVN invasion caused renewed anti-war protests in the United States on college campuses and in the streets of cities.

1971—The Tonkin Gulf Resolution was this time rescinded by the U.S. Senate.

May 1972—The U.S. President orders the mining by the U.S. Navy of NVN ports—to cut off military supplies to NVN—and to pressure NVN for progress in peace negotiations and the release of U.S. prisoners-of-war.

August 11, 1972—The last U.S. combat troops leave South Vietnam. This was a very significant action. The USA can take great pride in the knowledge that all U.S. forces of battalion size or larger had won all engagements with the enemy in Vietnam.

December 18, 1972—The U.S. President orders heavy bombing (Air Force and Navy) of NVN military targets around Hanoi and Haiphong areas because Hanoi negotiators had stalled the Paris Peace Talks. This became known as the "Christmas Bombing" about which considerable misinformation was passed by Hanoi to the American public.

December 30, 1972—Hanoi agreed to resumption of the Peace Talks. The bombing stopped.

January 27, 1973—A Peace Agreement, "peace with honor", was signed in Paris by the USA and SVN with NVN and the Vietcong. It provided for release of all POW's and for the International Control Commission to supervise the Ceasefire. The USA and NVN would respect the SVN people's right to self determination and freedom. The USA and its Allies had won the war militarily and politically with the acceptance of the Peace Agreement by North Vietnam and the Vietcong.

March 1973—590 U.S. Prisoners-of-War, including 24 civilians, were released by the Communists. Several hundreds are still Missing-in-Action.

August 1973—All U.S. military action, from bases outside SVN including Sea and Air, ceased in Southeast Asia—in accordance with a law passed by Congress.

1974—But, in this year, Congress passed a law that curbed U.S. aid to SVN. No more ammunition to supply to needs of the SVN military forces. The will of the people in the USA had been influenced by disinformation and propaganda from Communist "Agents of influence" and misinformation from other sources to the extent that their representatives in the U.S. Congress voted to withhold further support for South Vietnam that would enable it to defend itself from attacks by North Vietnam.

April 1975—South Vietnam and Saigon fall to a massive invasion by NVN's regular military forces, approximately three years after U.S. combat troops had left SVN. At this point, the United States lost the psychological war with North Vietnam.

1980—Here is the situation for the nine Southeast Asian "colonies" we started out with in 1938. Three of them, South Vietnam, Laos, and Cambodia have fallen to the political control of North Vietnam. The two Vietnams are called the Socialist Republic of Vietnam (pop. 43 million). Laos (est. pop. 2.3 million) became a colony of Vietnam on July 19, 1977. Its H'mong tribe has suffered genocide there since 1976 by gas warfare. A tragic story Cambodia (pop. est. at 5 million or less), now called Kampuchea, has suffered a complete breakdown in government and genocide of at least a third of its population, first by revolutionaries known as the Angka Loeu (Khmer Rouge), and recently the invasion and control of the country by North Vietnam. The other six, Burma, Indonesia, Malaysia, Philippines, Singapore, and Thailand, with a total population of 268 million people are, today, generally aligned with the West. All of them, except Burma which is neutral, have formed ASEAN (Association of Southeast Asian Nations). Their governments are probably not completely ideal democracies but they definitely are not Marxist Communist either. It is important for all Americans to recognize the value of this collective group to the Western Nations.

The people of the six countries who survived Communist expansion goals, the people of the United States and its Allies in the Vietnam War, owe a great debt of gratitude to all of their citizens, military and civilian, who did make great sacrifices to meet the Communist threat in Southeast Asia.●

CORPORATE MERGERS THAT RUIN CITIES

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. HALL of Ohio. Mr. Speaker, the battle for control of the Marathon Oil Co. continues to be a matter of great interest and concern, both to the Members of this body and to the public at large. Certainly in my home State of Ohio, which happens to be where Marathon is headquartered, this topic commands a great deal of attention.

Recently, discussion has revolved around the relative merits of a takeover by United States Steel instead of Mobil Oil. The United States Steel bid, coming as a conglomerate merger rather than one oil company swallowing another, seems to enjoy greater public sympathy.

During the Christmas holidays, syndicated columnist Neal R. Peirce wrote a very thoughtful column about the Marathon takeover and its likely consequences for the citizens of Findlay, Ohio. He notes that there will be little to cheer about, regardless of which suitor ultimately prevails.

Much of Mr. Peirce's column is based upon information gathered in a series of hearings held in 1980 by the House Small Business Subcommittee on Antitrust as well as the subsequent report on conglomerate mergers, issued by the House Small Business Committee.

Mr. Speaker, I am proud to have served as a member of the Small Business Commitee and its Antitrust Subcommittee and to have participated in the hearings on conglomerate mergers and their effects on small business and local communities. All of us with an interest in this subject gratefully acknowledge the leadership and foresight of our colleague, BERKLEY BEDELL, who chaired those hearings.

At this point in the RECORD, I insert the full text of Neal R. Peirce's column as it appeared in the Washington Post on December 27, 1981.

CORPORATE MERGERS THAT RUIN CITIES

(By Neal R. Peirce)

Lost in the battle of the titans to take over Marathon Oil has been the deep and some times irremediable loss any city suffers when a major home-based industry falls to outside ownership.

In Findlay, Ohio, the town of 36,000 that was born and grew with Marathon, the townspeople fear that Mobil would close down Marathon's headquarters quicker than one can say "oil well." All 2,400 jobs at Marathon would be jeopardized, since Mobil's prime interest is in acquiring Marathon's huge oil reserves.

And, says Findlay Mayor Bentley Burr: "The value of Marathon to this community lies in more than just dollars. How do you calculate the value of the leadership Marathon employees have given the town, to civic organizations, the contributions to the quality of life?"

So Marathon and Findlay have found their would-be "white knight"—U.S. Steel. "Welcome U.S. Steel," says a flashing sign outside the city hall. "At least we think this is a company that isn't going to turn Marathon's headquarters into a parking lot," a local stockbroker told the Associated Press.

Perhaps so. Certainly U.S. Steel wouldn't be in a position to fire all of Marathon's oil industry experts. It would need their skills. But what of the bookkeeping, personnel, payroll functions that any corporation can perform? The common takeover pattern is that firings start in 12 to 18 months—promises to keep the old staff intact notwithstanding. Headquarters start looking for ways to maximize the profits of subsidiaries, and duplicate staffs are an inevitable target.

Then everyone else in the city starts to suffer. Bank accounts, legal work, insurance, advertising and accounting services are transferred away. From the United Way to the arts to downtown development, essential leadership is lost. With job losses and property abandonment, everyone's taxes escalate.

The 1981 business merger boom—running at a level of unprecedented billions of dollars—is like an arrow aimed at the economic health, government solvency and civic leadership of every city in America with businesses that might be ripe for takeover.

It's not weak or poorly managed firms that corporate giants seek to swallow. Rather, they are looking for profitable, conservatively run companies with a depressed market price for their strong stock, balance sheets and market positions. The sad fact, says Marquette University professor Peter Marchetti, is that good management can easily lead to extinction in a world dominated by "conglomerates for whom capital in the abstract is everything."

Sadder still is what so often happens to acquired firms. Sometimes—as in the notorious takeover of Youngstown Steel by the Lukes conglomerate—the big corporation just uses its new property as a "cash cow," milking its profits and investing them elsewhere. Eventually, the weakened plant is shut down.

Or the conglomerate may set an arbitrary profit or market share the subsidiary must achieve. If it fails, it is simply closed down and the parent company moves on to seek better investment elsewhere. By contrast, home-city company owners accept good years with bad and may be satisfied with much more modest profits.

The unhappy fate of acquired firms—and their home towns—was dramatized last year in a national survey of corporate takeovers by the U.S. House Small Business antitrust subcommittee. "Conglomerate mergers do not create new productive resources and rarely develop new markets," the subcommittee found. "The rates of job creation, productivity and innovation slow after independent companies are absorbed."

Alfred Dougherty, then director of the Federal Trade Commission's bureau of competition, told the subcommittee: "A conglomerate—lacking community loyalty—can simply write off a line of business, a plant, a work force, or a whole community and can turn its attention elsewhere, leaving others to pick up the pieces."

Other witnesses came from cities in Massachusetts, Virginia, Ohio and Maine to tell just how that happened to them. One of the most disturbing stories was told by Hopedale, Mass., Town Administrator Bernard Stock. Draper Looms, which had employed 2,400 of the town's 4,000 residents, used to contribute 30 percent of the town's property taxes. Founded in the 19th century, it had built the town hall, high school, country club, airport, railroad, sewage plant, power facility and even donated land for the town cemetery.

But in 1967, Rockwell International acquired Draper Looms. Stock told how the executive staff was moved to Pittsburgh. "We no longer had someone in the town of Hopedale who could make a decision on company/town-related problems." Research, development and maintenance staffs were cut to the bone. The building began to deteriorate. Some $30-40 million of Draper corporate savings were transferred to the parent company. Managers were rotated through the plant. The factory was gradually closed down, its workers discharged. The town lost hundreds of thousands of dollars in property taxes.

"They made a valiant attempt to run a business they knew nothing about and took the business and us down with them," said Stock.

Small wonder, then, that critics of the merger mania suggest big companies use their cash to reinvest in their own operations, instead of acquiring viable companies and then shuttling jobs from hard-pressed cities to remote rural areas and the Third World.

Sad to say, though, all seems now to aid the merger boom. Six oil companies alone got banks to advance a staggering $25 billion in lines of credit during the recent Conoco takeover bids—a sure inflationary pressure. Big companies also persuaded federal courts to overturn several state statutes written to slow takeover bids of resisting corporations.

And the Reagan administration's new antitrust chief, William Baxter, proclaims: "There is nothing written in the sky that says the world would not be a perfectly satisfactory place if there were only 100 companies." Teddy Roosevelt must be spinning in his grave!

Perhaps the time has come for a new patriotism: one that recognizes, as the House Small Business subcommittee suggested, that "the national interest may better be served by strengthening the role of independent businesses in the economy, as they are the most productive, the most innovative and the most prolific job-generating sector."●

PRESERVING THE ENVIRONMENT: WE MUST MAINTAIN THE FEDERAL ROLE AND A STRONG EPA

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. MOFFETT. Mr. Speaker, there is a strong environmental consensus in this country which backs the efforts of EPA. This is a consensus which cuts across party lines, because Republicans and Democrats alike want to drink clean water, want to breathe clean air, and want to continue to have the opportunity to visit pristine national parks—our Nation's crown jewels.

Yet, the American environmental legacy is threatened, not only for future generations, but right now. The threat is coming from the policymakers of EPA who are charged with the responsibility of protecting the environment.

In a recent article in the Amicus Journal, I have discussed a variety of challenges which the environment and Americans are facing. The EPA budget has been characterized as a "time bomb in the basement approach" to pollution control. But there is more—much more subtle attempts to compromise our Nation's commitment to clean water and clean air.

I urge my colleagues to read the article—based in the main on investigations by my Subcommittee on Environment, Energy, and Natural Resources—and to redouble their commitment to a clean and healthy environment. More so, I would hope that we can end the blithe and hidden strategy, which our subcommittee has discovered, to compromise EPA's effectiveness from the inside.

A CASE OF DUPLICITY—HOW EPA IS RENEGING ON ITS TOXIC DISCHARGE PROGRAM

(By Toby Moffett)

EPA Administrator Anne Gorsuch has stated repeatedly that EPA can do a "better job with fewer federal resources." Since this administration blithely has pledged to balance the budget while cutting taxes and hiking military spending, it is not surprising to hear such a claim, though no one seriously can believe that the EPA budget can be cut by 50 percent without jeopardy to public health and the environment.

Unfortunately, Reagan's environmental economics are no more credible than his supply-side economics. Conservatives have proclaimed for years that there is no such thing as a free lunch. In this context, they are correct. Just as one cannot reduce the budget deficit by cutting taxes, one cannot subject EPA to major funding cuts without severely undermining its effectiveness. But documenting this requires some digging, especially since the administration has a variety of clever rebuttals to offer. Confronted, for example, with the harsh fact of a 20 percent reduction in its enforcement budget,

EPA officials counter by claiming that the agency will pursue fewer but more significant cases, getting more bang for fewer environmental bucks. Skeptics who point to the growing backlog of delayed regulations required under the Resource Conservation and Recovery Act, Toxic Substances Control Act, Safe Drinking Water Act, and Clean Water Act are told that the delays are not budget related but are due instead to the sorry state of regulatory affairs inherited from the previous administration. Impacts of budget cuts in other environmental areas are dismissed by administration officials on the basis of wanting to transfer traditional areas of EPA responsibility to the states, "who are closer to the problem."

But reviews of specific EPA budget cuts undertaken by my Environment, Energy and Natural Resources Subcommittee belie the administration's pledge of cuts without pain. They point to a concerted effort to target specific cuts to areas most vulnerable to underfunding, thereby crippling the EPA's ability to protect the environment.

The pattern we detect at EPA is not that of cutting the budget and trying to make do. Instead, it is a matter of deciding politically which programs to kill or cripple, then cynically using the budget as a justification for those political decisions.

Concerned over the increasing discharge of toxic chemicals into rivers, streams and lakes, Congress amended the Federal Water Pollution Control Act in 1972. Standards were to be set by EPA for the discharge of industrial toxics into the nation's surface waters. The development of the required "end-of-the-pipe" standards and a list of specific toxics to be controlled was as difficult as it was controversial. Following dozens of congressional and agency hearings and conflicting legal challenges, parties to the litigation, including the Natural Resources Defense Council, the National Coal Association, and EPA, entered into a consent decree in 1976. The decree required the establishment of effluent limitation standards based on increasingly stringent levels of control for 21 categories of major industrial dischargers and 65 specific toxic pollutants.

That agreement was strongly endorsed by Congress in the 1977 amendments to the Clean Water Act. As the courts subsequently noted, Congress by that action "intended for the agreement to remain in effect to supply the missing details of a cohesive strategy for controlling toxic water pollution."

Following some false starts and misdirection, EPA had developed, by the final year of the Carter administration, an integrated, comprehensive toxics control strategy that included proposed effluent limitation guidelines, pretreatment standards, toxic water quality standards and a complementary research and development program. Together those initiatives would have enabled EPA and industry to meet the congressionally-mandated deadlines during 1981 for a much needed industrial toxic discharge control program.

The 1976 consent decree was not initially targeted for review by the in-coming Reagan administration, but it quickly became an object of administration concern. Last March, Vice-President Bush wrote a letter to industry officials asking those "with direct experience with the effects of government regulations (to) inform the (appropriate) agency . . . of instances in which these regulations should be changed to increase the benefits or decrease the cost of regulation." But neither the Bush regulatory task force nor EPA thought it appropriate to elicit comment from environmental and health experts or from state government.

Industry leaders and lobbyists were quick to target the 1976 consent decree on toxic discharges for oblivion or major modification. An iron and steel industry group in a letter to EPA described it as a "relic" that should be vacated. And a Washington law firm representing the "Who's Who" of the chemical industry—Allied, Dow, Exxon, Dupont, Monsanto, and Union Carbide—urged that the decree be vacated or significantly modified, because it might not reflect current administration policy.

An EPA analysis of the industry's position concluded that, given EPA's statutory obligations, the court would be unlikely to agree to abandoning the decree altogether but that it might be possible to extend the deadlines for promulgating the toxic guidelines. Accordingly, Administrator Gorsuch was advised to ask the court for "an extended, stretched out schedule justified by resource constraints." In other words, having decided for tactical reasons not to challenge the consent decree directly, EPA sought to satisfy industry by delaying implementation of the decree on grounds that it did not have the funds to meet the original schedule.

Following this strategy, the director of the Office of Water Regulations and Standards, in a sworn affidavit, advised the court that "the number of personnel and budget allocated to the program are being reduced" to such an extent as to require a delay in the issuance of toxic discharge standards. Specifically, he indicated that contractor and personnel funds were the most important budget items for implementing the consent decree. Yet, contractor funds alone were to be cut 48 percent for the 1982 fiscal year with additional cuts expected for 1983. EPA urged the court to extend the deadlines for the final promulgation of regulations governing toxic industrial dischargers from 13 to 44 months. In addition, EPA asked to exclude seven industrial categories from regulation and to be free of the requirement to identify areas of the country where water quality problems might be so severe that even the highest level of technical controls might not protect drinking water supplies.

The agency seriously undermined its credibility by those statements. EPA officials, while advising the court that EPA could not honor the consent decree because of budgetary problems, were insisting in sworn testimony before congressional committees that the work of the agency would not be undercut by its proposed budget reductions.

Meanwhile, in a further effort to undermine the toxics discharge program, EPA proposed an additional 44 percent cut in the research and development program necessary to support that effort. According to an internal EPA memorandum, the "needed technical base" for the toxics program "could be completed but not field validated by approximately 1990," if the cuts went through. If this is the case, it is reasonable to assume there will not be a full toxics discharge program until the end of the century. As a consequence, according to the same budget memorandum, "significant water quality problems" will be ignored, since we "may or may not know what or where [the] worst water pollution problems are."

Examples of how EPA, in cooperation with industry, has targeted specific programs for destruction through delay and financial strangulation could fill this entire issue. Perhaps the only unique feature about EPA's decision to destroy the toxic discharge program is the well-documented pattern of agency duplicity revealed in its internal memoranda, court filings and public testimony.●

DEFICITS DO MATTER

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. UDALL. Mr. Speaker, as we confront the difficult task of preparing a budget for fiscal year 1983, let us remember that—contrary to recent pronouncements emanating from the President's Council of Economic Advisors—deficits do matter. They matter very much. That is the compelling conclusion of a recent New York Times article—January 10, 1982—written by William Galston, an associate professor of government at the University of Texas. I wholeheartedly endorse his conclusions and share his concern.

There is no miracle in a balanced budget, but there is a clear and present danger to the projected levels of Federal borrowing for the immediate years ahead. When housing starts fall to a 35-year low, when the auto industry operates at 50 percent of capacity, when mortgage interest rates hover at 17 percent, when capital investment stagnates, deficits do matter. They matter very much.

At this point, Mr. Speaker, I would like to insert Mr. Galston's article into the RECORD for the benefit of my colleagues:

DEFICITS DO MATTER

(By William A. Galston)

NEW HAVEN.—Even if the President accedes to the selective tax increases urged by his senior economic advisers, the Federal Government will incur huge deficits for the remainder of his Administration. The willingness to tolerate unbalanced budgets betrays a principle that Ronald Reagan has espoused throughout his political career. Worse, it is wrong in theory and dangerous in practice. Whatever supply-side economists may say, deficits do matter.

To begin with, deficits raise operating costs. If the Government runs a deficit of $100 billion and borrows to pay its bills, then (assuming an average interest rate of 12 percent) annual expenditures are $12 billion higher than if taxes had been increased to cover the deficit. And because the debt is never repaid, this extra expense is incurred not once but every year in perpetuity.

Second, deficits breed deficits. By boosting annual interest payments, each successive deficit increases the difficulty of achieving a balanced budget and forces the Government to borrow more, just to cover the interest on the debt. If projected deficits totaling more than $300 billion are not slashed further, interest costs will rise by at least $40 billion between now and 1984. As the economist

Alan Greenspan has said, "Unless we rein in the forces of deficit expansion, they could proceed in a geometric fashion."

Third, deficits spur inflation. Some economists contend that as long as the Government does not "monetize" the deficit—that is, as long as it sells bonds for money already in circulation rather than printing new money—it will increase neither the money supply nor the inflation rate. But this argument rests on an unrealistically narrow understanding of what constitutes "money."

Everyone knows that the Federal Government will never retire the bonds it issues. Rather, these bonds will be rolled over—reissued at the prevailing interest rate—as they come due. Thus, Government bonds become a kind of money, an additional way of making claims on future goods and services. To expand the permanent national debt is to increase demand. Unless the supply of goods and services rises commensurately, the result can only be higher inflation.

Fourth, deficits raise interest rates. If, as the Adminstration contends, the substitution of deficit-induced borrowing for taxation will accelerate economic activity, it will surely raise the private sector's demand for capital. Private and public-sector borrowing requirements will then collide, sending interest rates soaring, unless the deficit diminishes at least as much as private demand increases—an improbable combination at best.

Supply-siders offer two arguments, not always clearly distinguished from each other, in support of deficits that stem from tax reductions.

First, they argue that by augmenting the capital available for private investment, the money not taken in taxes will stimulate economic growth, increasing the Government's revenue base and moving the budget toward balance at lower tax rates. But this contention is invalid. If the Government must borrow what it has not appropriated in taxes, then these funds are not available for private investment after all. What the Government gives with one hand, it takes back with the other.

Second, supply-siders argue that lower tax rates are designed to increase—and will increase—incentives for innovative entrepreneurs, who are ultimately responsible for higher productivity and growth but whose activities have been discouraged by burdensome taxation.

This contention is probably true—but, how true? Just to recover the added interest costs stemming from the tax-reduction deficits, these tax breaks would have to increase the overall growth rate of our $3 trillion economy, which averaged 3 percent over the past decade, by nearly one-half. A jump of this magnitude is highly improbable, especially since much of the tax reduction is going to individuals who are not now and will not be induced to become entrepreneurs.

Supply-siders have urged Mr. Reagan to discard traditional economic conservatism in favor of a new strategy—one that is more in tune, they argue, with political realities as well as with the requirements of economic growth. But this "new" strategy is just the latest version of our political system's perennial vice: the avoidance of hard choices.

Unless President Reagan has the courage to reaffirm his long-held conviction that deficits do matter, and to draw the necessary conclusions for his tax policy as well as his spending program, he will lock the economy on course toward an economic Dunkirk.●

MONETARY POLICY, DEFICITS AND INTEREST RATES

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. DANNEMEYER. Mr. Speaker, all of us seem to be in agreement that interest rates must come down if we are to embark upon a course of sustained economic growth and national recovery from inflation and unemployment. Lately, however, there have been vast disagreements over the source of upward pressure on interest rates and what to do to bring interest rates under control.

I sincerely regret that the waters were somewhat muddied by the recent comments of Treasury Secretary Donald Regan, in which he blamed the Federal Reserve Board for high interest rates. Make no mistake about it, Mr. Speaker, this gentleman from California is no apologist for the Fed. On many occasions, in public remarks and private correspondence, I have called some of the actions of the Fed into question. However, we do ourselves a disservice by blaming the Fed for responding to the economic conditions that we in the Congress and the executive branch have created through our irresponsible fiscal policies.

The primary cause of excessive interest rates, in my judgment, rests with deficit spending in two ways. First, the borrowing necessary to cover the deficit, if not accommodated by an expansion of the money supply, will drive up interest rates by absorbing a large percentage of the available credit. Second, if the increased Federal borrowing is partially or entirely accommodated, inflationary expectations will cause investors to demand an "inflation premium" in their interest rate determinations. Blaming the Federal Reserve is akin to shooting the messenger out of anger over the content of the message.

Do we really want the Federal Reserve to artificially push interest rates lower through an inflationary expansion of the money supply? Any relief would be short lived. As noted a few moments ago, the ultimate response from the Nation's financial markets would be an increase in interest rates, not to mention a fueling of inflation.

In all candor, we must stop blaming the Fed, and start looking in the mirror at ourselves. We cannot continue to tolerate, promote, or sanction record levels of deficit spending, and then divert attention away from the source of the economic consequences that follow.

Federal Reserve Board Chairman Paul Volcker testified before the Joint Economic Committee on Tuesday, January 26, 1982. In his prepared statement, he noted:

> Paradoxical as it may seem, action by the Administration and the Congress to bring spending and our revenue potential into closer balance—and ultimately into balance and surplus—as the economy expands can be a major element, through its implications for credit markets, in promoting recovery and nurturing it. Credibility in the budget, through its effects on expectations and behavior, could only work toward lower interest rates and speeding the disinflationary process.

Mr. Speaker, I believe that Chairman Volcker's statement, as it relates to Federal deficits and interest rates, is important. Therefore, I would like to insert the full text of that portion of his comments at this point in the RECORD:

STATEMENT BY PAUL A. VOLCKER, CHAIRMAN, BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Obviously, it is far too soon to claim victory in the fight on inflation. To make that prospect a reality, properly restrained and cautious monetary policy will continue to be required. And at the same time, we need to combine that anti-inflation effort with policies that will encourage and sustain the recovery process. The linkage lies in considerable part in encouraging favorable developments in financial markets and interest rates, and there are critical implications for the mix of governmental policies. An inadequate balance in policies can add to financial stress, with severe consequences for vulnerable credit-dependent sectors of the economy—consequences most dramatically reflected in homebuilding and the problems of many small businessmen and farmers. Moreover, our need to improve and modernize our plant and equipment is evident. That need lay behind many of the tax changes enacted last year; but overburdening monetary policy in dealing with inflation, with consequences for financial pressures in the marketplace, can work against that very objective.

This year we will have a very large Federal deficit. To the extent that deficit is a passive reflection of recession—which in turn reduces other credit demands—even that deficit may be manageable without, in itself, standing in the way of a more favorable financing climate. The large Federal contribution to the income stream—including the second stage of the tax cut at mid-year—should help buoy economic activity. But during a period of recovery, deficits approaching the current magnitude would have quite another implication; in an environment of limited monetary expansion and rising private demands for credit, they would threaten prolonged strain and congestion in financial markets, with strongly adverse consequences for other borrowers. And those consequences are not merely a hypothetical possibility for the future. It is that concern that preoccupies the thinking of many potential investors in the market today, making them reluctant to commit funds for any long period of time, fearful that interest rates may not decline or could even rise.

You and I may think those concerns overdone, particularly in the light of the ex-

traordinarily high level of rates today in relation to the prospects for inflation. But the lesson for policy seems to me unambiguous. Fiscal action needs to be directed toward the progressive and substantial reduction of the deficit as recovery proceeds.

We know there is a deep-seated public instinct associating large deficits with inflation, and a great deal of history pointing in that direction. We could also engage in abstract debate about whether budgetary deficits are necessarily inherently inflationary, and the point would be advanced that, given sufficiently severe monetary policy, they might not be. But that would imply far higher interest rates, lower investment, and poorer economic performance generally. Paradoxical as it may seem, action by the Administration and the Congress to bring spending and our revenue potential into closer balance—and ultimately into balance and surplus—as the economy expands can be a major element, through its implications for credit markets, in promoting recovery and nurturing it. Credibility in the budget, through its effects on expectations and behavior, could only work toward lower interest rates and speeding the disinflationary process.

In essence, the burden of my comments is that the need for disciplined financial policies to carry through the anti-inflation effort is not lessened by the current recession. It's not just a matter of the longer-run—to back away from the commitment to deal with inflation would be a disturbing matter for financial markets today, complicating the prospects for early recovery.

Interest rates fell appreciably last fall, and most have remained substantially below earlier peaks. But in both real and nominal terms, they remain extraordinarily high. The fact is markets remain sensitive, disturbed, and uncertain despite the encouraging trend toward less inflation. We cannot wish these doubts and skepticism about the future away; we can act to dispel them by our actions.

That, of course, has important implications for monetary policy. As I indicated at the outset, I will deal more specifically with our intentions with respect to monetary growth after the Federal Open Market Committee, in the normal course, meets next week to adopt guidelines for the coming year. The basic thrust of policy will remain one of encouraging continued progress on the inflation front. With such progress, there should be adequate financial resources to support renewed economic growth.

Present economic conditions are those of pain and hardship for many. In working to relieve them, let us not forget the basic circumstances that brought on the difficulty. Let us take heart from the signs of progress in turning the corner toward greater price stability. We can build on that progress, and, in doing so, restore the confidence and financial condition so critical to recovery.●

POPE JOHN PAUL II'S MESSAGE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. RODINO. Mr. Speaker, I bring greetings to the House and to the American people from Pope John Paul II. His Holiness met with a group of six House Members during our recent visit to Rome, and he generously spent his time with us, speaking in English about our responsibility as American lawmakers to be courageous advocates for human rights, for justice, and for peace. His comments are pointed and very pertinent to us as we begin to deal with the issues before the 2d session of the 97th Congress.

He said:

Dear Congressmen, dear friends from the United States, in my message for the world day of peace this year, I addressed my words explicitly to the men and women who today bear responsibility for life in society. Since you are among those belonging to this important category of people at the service of peace, I am very happy to speak to you personally this morning and to welcome you to the Vatican.

Peace is without doubt a gift of God. But because it is entrusted to us, peace is also linked with human justice, which in turn is fostered through sound structures of law and through the dedicated and diligent activities of legislators. As Congressmen you are in a position to offer an eminent form of service to your fellow citizens. You are in a position to help build legal structures that reflect justice and thereby promote peace. Moreover, the structures that you build can be a lasting contribution.

The service that you perform can benefit not only your own country but also society in general. The measures that you take in Congress affect the lives of millions of Americans. They likewise touch the well-being of people throughout the world; the enactments of your Congress can give fraternal support to whole sectors of mankind and can sustain the hope of entire peoples.

You are called upon to champion human dignity within your country and beyond its boundaries. You are called to be courageous advocates of human rights—especially those inalienable rights proclaimed by your own Declaration of Independence: The right to life, liberty and the pursuit of happiness. To defend and protect human life, to help all your brothers and sisters live as free people pursuing that true happiness willed for them by the Creator—this is indeed a splendid mission.

Last Saturday I had occasion to mention to the diplomatic corps accredited to the Holy See that present times are difficult. But I also added: the forces for good are greater. I believe that your role as Congressmen gives you immense opportunities to do good in many ways: As trusted and truthful servants of the public, as defenders of freedom, as proponents of justice, as supporters of life, as friends of the poor—and thus as real peacemakers promoting human rights.

All of this is the best tradition of your land—in the American way of life. Again, as your Declaration of Independence states, it is in order to secure these rights that governments are instituted among men. Or, as a distinguished American, Thomas Jefferson, to whom I referred during my address on the Mall in Washington, once said: "The care of human life and happiness and not their destruction is the first and only legitimate object of good government."

Ladies and gentlemen, the challenge is great and can be deeply fulfilling. You are called to contribute effectively to the destiny of America and to the future of the world. "May God sustain you in this important task of service in the true cause of human rights, of its liberty and the pursuit of happiness."

Thank you for your visit.

Mr. Speaker, President Reagan had asked me to express his support and appreciation to the Pope for His Holiness' statements on behalf of the Polish Solidarity struggle. The Pope graciously accepted this message.

The meeting with the Pope was an important stop on a well-rounded visit in which we had many discussions with top Italian Government leaders on the future of our NATO alliance. Some of those we spent time with were Alessandro Pertini, President of the Republic; Mrs. Iotti, Chairman of the Chamber of Deputies; Mr. Fanfani, Chairman of the Senate; Giuli Andreotti, Member of the Chamber of Deputies; and Emilio Colombo, Italy's Foreign Minister.

Our delegation also extensively examined Italian aerospace facilities to obtain a better understanding of Italy's defense capabilities as a NATO partner.

One of the most rewarding segments of our mission was when we signed a project agreement between the United States and Italian Governments for building homes and schools in Potenza with funds that were appropriated by the U.S. Congress. Potenza is in the southern region of Italy which was devastated by an earthquake in 1980. Our delegation also traveled to the Friuli region to dedicate projects for senior citizens that were built with other American funds after two 1976 earthquakes left thousands homeless.

Mr. Speaker, one of the many lasting impressions we gained during this trip was that the Italian people have not forgotten the generosity and kindness of the American people during their times of crisis. The feelings of friendship and loyalty that abide between our two peoples form a bond that will be a great strength to both countries.●

PENSION LIABILITY IS CAUSING PROBLEMS TO AMERICA'S TRUCKING INDUSTRY

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. DUNCAN. Mr. Speaker, on December 15, 1981, I introduced H.R. 5223, a bill designed to correct the numerous problems that have arisen through the passage of the Multi-Employer Pension Plan Amendments Act of 1980. Today, I am pleased to announce that three of my colleagues, TOM HAGEDORN of Minnesota, IKE ANDREWS and EUGENE JOHNSTON of North Carolina, have joined in cosponsoring this legislation.

Although many industry groups have felt the sting of the act, none has been more devastatingly impacted than the trucking industry. Nearly 2 years ago, this body passed the Motor Carrier Act of 1980 which, as we all know, was intended to provide for more competitive and efficient operation in the motor carrier industry. However, in order to achieve this goal, motor carriers must be allowed to respond to market conditions by selling, buying and moving capital. This condition, a competitive atmosphere in which companies can freely transfer assets, is being seriously threatened by legislation enacted 4 months after passage of the Motor Carrier Act. The Multi-Employer Pension Plan Amendments Act of 1980 imposes severe withdrawal liabilities whenever the employer sells his business, moves a terminal, or engages in any of a number of normal business transactions. By hampering regular business operations, it has also threatened the well-being of the trucking industry, its employees, and their pension plans.

This problem was well articulated in the January 7, 1982 Journal of Commerce editorial, which I have inserted in the RECORD. It notes that the 1980 amendments act requires that companies be assessed up to 100 percent of their net worth when withdrawing from pension plans, which is defined in ways ranging from going out of business, to moving a terminal. All of this makes it impossible for a firm to go out of business.

A similar measure has been introduced in the Senate. It is my understanding the Senate Labor Committee will hold hearings on this issue in early March. I believe it is imperative the House begin its deliberations to find an effective answer to this problem.

[From The Journal of Commerce, Jan. 7, 1982]

ADDING TO TRUCKERS WOES

The easing of regulation and a faltering economy have taken a heavy toll of the nation's trucking industry, resulting in a rash of bankruptcies and lost jobs. But, like Job, the industry will get yet another severe test if the law governing multiemployer pension plans is not changed.

The 1980 amendments to the Employee Retirement and Income Security Act may require firms withdrawing from a pension plan to pay up to 100 percent of their net worth to the plan. This represents a significant change from earlier legislation that introduced a 30 percent net worth liability limit for employers if a pension plan is terminated.

This change reflected, in turn, events leading up to the imposition of outside management for the Teamsters Central States Pension Fund in 1977, following allegations that union officials and others had looted the funds.

The truckers, and other industry groups, want this legislation changed because they contend that it fosters inefficiency, making it impossible, for example, to withdraw from uncompetitive markets. Above all it inhibits the free workings of the market, the very object of decontrol, because it makes it virtually impossible for a firm to go out of business.

Industry analysts have been saying that some firms are continuing to operate, despite losses, because of the ominous size of their insurance liabilities. They can point to the effort by the Central States Pension Fund to collect nearly three times the net worth of Johnson Motor Lines and a similar effort by the Teamsters to collect almost twice the assets of the Transport Motor Express as examples.

William M. Legg, vice president of Alex Brown & Sons, charged recently that trucking firms are "cannibalizing themselves" because of their potential liabilities to the pension funds.

At the same time, the access to capital by the smaller trucking firms could be severely inhibited by the proposal by the Financial Accounting Standards Board to require carriers to footnote their potential pension liabilities on their financial statements.

Sen. Orrin Hatch, R-Utah, encouraged in his efforts by the Chamber of Commerce and the National Association of Manufacturers, has seen the problem and has introduced legislation to begin dealing with it. He has in mind exempting employers who have negotiated contribution levels before April 29, 1980, from the withdrawal and plan termination provisions of the Multiemployers Pension Act of 1980.

His and other proposals, including the return to a 30 percent liability for carriers wishing to relocate, should be given a serious hearing by the administration this year. Otherwise, the whole intent of deregulation will be buried, in large part because of well-meaning but unfortunate legislation.●

PARE LORENTZ

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. FISH. Mr. Speaker, it is a great privilege for me to have been associated with Mr. Pare Lorentz for many years. This dedicated author has compiled the most outstanding written testimonial and history of the life of Franklin Delano Roosevelt of any individual in the United States. Working with his own resources, Mr. Lorentz has made an unparalleled effort to document events in F. D. R.'s life which all Americans should share.

In the past, the Congress has attempted to provide funds to purchase Mr. Lorentz' work. It was my strong view that during this day of celebration of the 100th anniversary of F. D. R.'s birth, the Congress could provide the American people with Mr. Lorentz' book by purchasing and publishing the book. We are only speaking of spending $1.8 million on what is clearly an invaluable historical document. In the name of saving money, we should not excuse ourselves from this dereliction of our duty.

I would like to share with my colleagues an article from the January 24, 1982, edition of the Reporter Dispatch, a Westchester newspaper, which describes the life and work of Pare Lorentz. Perhaps a reading of this material will help convince my colleagues that Mr. Lorentz' work must be published.

The article follows:

[From the Gannett Westchester Newspapers, Jan. 24, 1982]

ARMONK FILMMAKER'S WORK UNSEEN

(By Bruce Frankel)

Locked in the back of a closet, in hidden notebooks and boxes, is one remembrance of Franklin Delano Roosevelt that no one will see on the 100th anniversary of his birth this week.

Thirty-five years ago, Pare Lorentz of Armonk—a pioneer of the documentary film—began an enduring effort to preserve the memory of FDR.

He began writing, compiling anecdotes, collecting photographs and spending more than $185,000 out of his own pocket to create a day-by-day account of FDR's life: *The Days of Franklin D. Roosevelt: A Chronicle.*

He has amassed 3,718 typewritten pages and 5,627 photographs, covering every year of FDR's life. Included are interviews with family, friends and colleagues, some no longer alive, describing everything from FDR's study habits and penchant for "having a good time" at Harvard to his first temptation to enter politics.

To place FDR's life in its context, Lorentz counterpoints it in a companion to the chronology with national and world events, such as these entries for Sept. 12, 1932: FDR kicks off his first presidential campaign and heads for Topeka, Kan., to speak on farm relief. Gangland-figure Geraldo Scarpato is found dead in a sack in Brooklyn. Chancellor von Papen dissolves the German parliament, which had voted "no confidence" in his government. And France denies Germany's request for direct discussion of Germany's military status under the Treaty of Versailles.

Lorentz originally hoped the work would by published commercially. But the red and black binder, folders, photographs and interview transcripts remain stored in a closet in his study, unseen except by a few.

On the recommendation of John B. Rhoads, then archivist of the United States, Lorentz went to Capitol Hill three years ago to try to persuade Congress to buy and publish the work as a Roosevelt Centennial project and place the original at the Franklin D. Roosevelt Library in Hyde Park.

Lorentz, a native West Virginian, asked Sen. Jennings Randolph, D-W.Va., to offer a joint resolution proposing the project and a centennial celebration. Along with Rep. Jim Wright, D-Texas, he did, but it never made it out of the Rules Committee of the 96th Congress.

Last spring, a similar resolution to purchase, but not publish, the work was offered in the House with 123 co-sponsors, and in the Senate with 43 co-signers. Nothing happened.

Then, on Nov. 24, 1981, as the time for Congress to act on any proposal to commemorate Roosevelt's birthday was quickly vanishing, Congress voted to celebrate the centennial with a joint session this Wednesday and $25,000 worth of entertainment for itself. The congressional celebration will include a lecture by historian Arthur Schlesinger Jr., a song by opera star Leontyne

Price and excerpts from Roosevelt's recorded speeches.

A 920-word preamble about FDR's accomplishments, written by Lorentz for the original resolution, was replaced by two innocuous paragraphs.

To some, such a paltry commemoration by America's lawmakers on the centennial of the nation's only four-term president is a national disgrace; to others, it is simply a sign that Congress is intent on saving taxpayer dollars.

Republican Rep. Hamilton Fish Jr., whose district includes the Roosevelt home in Hyde Park, called it "an embarrassment and an indignity to the memory of a man who helped to restore faith in our country's institutions through two historic circumstances—the Depression and World War II."

Fish was disheartened, moreover, because Congress had failed to pay tribute to Roosevelt by allocating the $1.8 million that would have been required two years ago to purchase and publish the Lorentz chronology in time for the centennial.

"It is our responsibility," he said, "that the American people are able to share—in the midst of all-encompassing budget cuts—in the commemoration of this great president who epitomized hope during the most uncertain conditions . . . (It) is a personal disappointment and the nation's loss."

Lorentz, of course, shared Fish's disappointment. Not that Lorentz was looking for any profit. He wanted only to be compensated for his own expenses.

Last week, standing in his study, lined with books about the nation by authors hired by Roosevelt's public works programs during the Depression, Lorentz mused with a detailed recall of events, colorful language and wit tinged with a sense of loss.

"It's a shame that what you have is a nation of bookkeepers and body-counters, already accepting the next horror . . . with no interest in creating an ebullient spirit, proud of a national history," he said.

"Roosevelt thought in terms of history," he said, pulling from a bookshelf one of 15 volumes of Samuel Eliot Morison's History of U.S. Naval Operation in World War II. "He called Morison in and had these written to carry on a feeling of continuity of our history and some of its majesty."

Lorentz also pointed to Roosevelt's love of the written word as a reason why Congress should have published the work: Before he became president, Roosevelt wrote 41 articles, essays and historical brochures, and often wrote prefaces to books that pleased him—histories of the Hudson River, the Navy, whaling-ship history. He graduated from Harvard in 1903, but stayed on an extra year after he was elected president of the Crimson.

Lorentz testified at the hearings, "I feel my work reflects the man: It is outsize but it is easy and comfortable with no frill and flourishes as was the president's Hudson River home, his farm, the boats in which he sailed, and above all the manner in which he reported to his fellow Americans."

When Lorentz began his project in 1947, he was under contract to Harper & Bros. (now Harper & Row) Publishers to bring together a photographic chronicle. He quickly found that the market would be glutted with "quickie" histories and accounts of Roosevelt, who had died in 1945. Already such hastily written books were trying to capitalize on Roosevelt's death. Lorentz determined instead to create a more enduring document, and returned his advance money to Harper.

Encouraged by Eleanor Roosevelt, the president's widow, Lorentz hired a small staff and set to work.

Lorentz had already focused his energy on Roosevelt in 1934, when he wrote *The Roosevelt Year: 1933,* hailed as an innovative history because of its dramatic layout of news clippings and running headlines.

Lorentz also had a special feeling for Roosevelt. In turn, Roosevelt had been a fan of Lorentz's films, including *The Plow That Broke the Plain,* an account of the Dust Bowl that drew nationwide attention to the young film critic's first movie. His second film, *The River,* a history of the Mississippi River Basin and the effect of the Tennessee Valley Authority on the area, again illustrated the documentary's power to prompt widespread discussion.

This time, to establish a perspective not found in other presidential chronologies, Lorentz decided to set events in FDR's life side-by-side with simultaneous events in the United States and abroad. By using this counterpoint technique in his *Franklin D. Roosevelt: His Life and Times,* Lorentz created a companion for his traditional chronology of FDR's life.

"I've always been discontented with those historians who concentrate in narrow corridors and do not regard other events which have bearings on the history of the persons or nations they discuss," he said.

Most of Lorentz's work on the chronology was completed by 1952. A series of publishing companies expressed interest. Editors changed houses. The project languished. The climate of the nation changed radically. The effects of the McCarthy era lingered.

His detractors in that era were persuaded that Roosevelt had sold out to Stalin in peace-making after World War II by agreeing to the division of Germany, the carving up of Europe and the partitioning of Korea.

In April 1957, Mrs. Roosevelt forwarded to Lorentz a letter from her son, James, then a California congressman. Referring to the federal government's possible purchase of the chronology, he had written: "Frankly, in the present mood of the Congress, there just isn't any chance of its being agreed to, and I think it would be better not to try it."

Not until 1979 did Lorentz appear before Congress to plead for the publication of his work. He told the Senate Committee on Rules and Administration that because the Delano and Roosevelt families were close-knit and their members kept diaries, it had been possible to create a chronology that surpassed the Lincoln Chronology, the only presidential chronology published by the government.

William R. Emerson, director of the FDR Library in Hyde Park, testified in support of the Government's acquiring and publishing the Lorentz's chronology.

"Chronologies of the lives of George Washington and Abraham Lincoln were published . . . and are now collectors' items. Both Franklin Roosevelt and, perhaps more to the point, the American public, deserve no less."

Emerson said no other work on FDR rivaled Lorentz's in its comprehensiveness, and pressed for its publication.

The Senate committee authorized Elmer E. Cornwell, Jr., a professor at Brown University, to evaluate Lorentz's work. In May 1980, he reported that the work was flawed by the absence of information—such as the desk diaries of FDR and his secretaries—which had become available in the years since Lorentz finished working on the chronology.

He said a plethora of information—lists of all appointments and meetings, the records of hour-by-hour activities at the White House and nearly 1,000 press conferences Roosevelt had held during his 12 years in office—might still be added to what Lorentz had done.

Flawed though it might be, Cornwell still believed that it would be useful to scholars and recommended that the committee give serious consideration to acquiring it and donating it to the Hyde Park library.

Most senators and congressmen blamed the failure of the proposal to get out of the Senate Rules and Administration Committee on the price tag of the project, especially in a time of intense efforts to cut back government spending.

James Hemphill, who serves as executive assistant to Sen. Mark Hatfield, R-Ore., said this week, "I don't think it was any big deal. The line of questioning was 'Why should the government publish a private collection at the taxpayer's expense? There's already been a lot of work on Roosevelt. Why should they single out this work?'"

Lorentz, now 77, with his gravelly voice and West Virginia twang, was ready with a passionate rebuttal:

"That's meaningless. He has no idea of the work. It's no more a private collection than this," he said, thrusting three blue volumes of the government's chronicle of Abraham Lincoln's life. The books were purchased from the Abraham Lincoln Association and published in 1960 by the government under the auspices of the Lincoln Sesquicentennial Commission for an estimated cost of more than $1 million.

"Or this," he said, picking up a thick paperback "Herbert Hoover Reassessed." It was published by the government last year at a cost of $121,000. The foreword is written by Sen. Hatfield.

In 1974, Congress approved spending $7.4 million to build a centennial monument to Hoover, the man "who created the Depression" and whom Roosevelt defeated for the presidency, Lorentz added.

Frugality in honoring famous presidents is not an American tradition.

The George Washington bicentennial in 1932 was a clamorous and costly affair, with an average of 16,000 separate bicentennial events every day during the nine-month celebration. The official bicentennial commission's final report alone occupied five volumes. The American Tree Association planted 35 million trees in Washington's honor. The government issued 12 Washington postage stamps, seven billion of which were bought in 1932 alone, bringing the government a $1 million profit.

The first Roosevelt Centennial—cousin Theodore's—in 1958 included the greatest fireworks display the capital ever seen.

But as Lorentz has found, honoring Franklin D. Roosevelt remains a prickly and difficult mission. He remains almost as controversial today as when he was president.

A site for an FDR memorial was established years ago on the "Cherry Walk" along the Tidal Basin, between the Lincoln and Jefferson memorials, and more than $480,000 has been spent by Congress on three designs. The cost of constructing a scaled-down version of the monument is estimated at $23 million. But Congress has yet to authorize money for construction.

While $23 million may sound like a lot, it is substantially less than what was paid for other presidential memorials. The Washington Monument cost about $45.2 million and the Lincoln Memorial $37.9 million. The

Jefferson Memorial cost $37.9 million to construct.

Though President Ronald Reagan looked to FDR for inspiration for his acceptance speech at the Republican convention in 1980, Reagan's contribution to the centennial is expected to be muted. In fact, the State Department is refusing to allow FDR exhibits in U.S. embassies and consulates.

The Smithsonian Institution, with a special congressional appropriation of $200,000—the only organization with federal backing for an FDR celebration—has scheduled a series of events that will focus on Roosevelt as "a master communicator."

To a large extent, Peter Kovler, a 29-year-old writer and heir to the Jim Beam distillery, has emerged as the centennial's savior, rallying organizations such as the Smithsonian to prepare what programs will take place.

"When I started looking at it, no one else was doing anything," Kovler has said.

Such statements make Lorentz bristle. He calls Kovler "a hustler."

Lorentz, who now hopes to find a private source for the publication of his work, remains convinced that politics and indifference, not money, are at the root of the failure by Congress to buy his work.

"Money is a good alibi because we have stringent times—so stringent that (Congress) gave itself a raise and made second homes in Washington, D.C., tax-exempt. The problem was that it (the $1.8 million) was so little money, it got no respect.

"No one ever said they wanted to see my canceled checks," he said. "Not one person wanted to see the work in person, though the background of those in Congress would suggest that they might have an interest in history.

"They displayed a total indifference to the man and the New Deal . . . It is tragic to have men interested only in the day-to-day affairs, in who's on first. At no time, anywhere, did I encounter any enthusiasm."

"It has been a bitter business," Lorentz wrote to a friend recently. "But when one reviews the shabby, dishonest, indolent and dangerous actions of this 97th Congress, I am only a part of a picture of what has been a record that will go down in political history as one of the worst our country ever has endured."●

NAFCU SUPPORTS BANKRUPTCY CHANGES

HON. BILLY LEE EVANS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. EVANS of Georgia. Mr. Speaker, today I would like to speak to my colleagues on the subject of bankruptcy and how it affects financial institutions, specifically credit unions. I had the pleasure of addressing the annual Congressional Caucus of the National Association of Federal Credit Unions—the only national association exclusively representing the interests of federally chartered credit unions—this week. There seems to be a great concern among Federal credit union members regarding the effect of bankruptcies on the future of consumer credit for qualified borrowers with legitimate credit needs.

For many borrowers, their credit union is often the only source of consumer credit at anything less than usurious rates. It is my belief, and that of the credit union leaders I met with this morning, that the alarming increase in bankruptcy filings is due, at least in part, to certain provisions of the Bankruptcy Code of 1978. There is an increasing amount of evidence that suggests that this act does not provide the proper balance between debtors and creditors.

In September 1981, the results of a survey conducted by the National Credit Union Administration (NCUA) to determine the impact of the 1978 Bankruptcy Code on loan chargeoffs at Federal credit unions was published. It was determined that 53 percent of credit union chargeoffs due to bankruptcy were attributed to the more liberal provisions of the Bankruptcy Code. When these loan chargeoffs occur at credit unions the entire membership is penalized.

A prime example of this occurred at Navy Federal Credit Union, which is the largest credit union in the country. In 1980, the first full year of operation under the new code, there was a 60-percent rise in loan chargeoffs at Navy Federal Credit Union. This resulted in a drain on assets that worked out to approximately $5 per member.

The net result the increase in bankruptcies is having on consumers can be recognized not only in reduced dividends, but also through higher loan rates and more restrictive loan policies.

I have introduced a bill, H.R. 4786, which I believe addresses some areas for improvement of the current Bankruptcy Code. It is my hope that I will have the full support of my colleagues when this bill comes to the House floor later this year.

I urge those who are not yet supporting this measure to do so. I would like to include in the RECORD at this time a list of my distinguished colleagues who presently are listed as cosponsors of this important legislation, along with my thanks for their support.

ANDERSON, GLENN M.
ANDREWS, IKE
ANTHONY, BERYL, JR.
ARCHER, BILL
ASHBROOK, JOHN M.
ATKINSON, EUGENE V.
BADHAM, ROBERT E.
BAILEY, DON
BAILEY, WENDELL
BARNARD, DOUG, JR.
BEARD, ROBIN L.
BENEDICT, CLEVE
BETHUNE, ED
BEVILL, TOM
BLILEY, TOM
BOUQUARD, MARILYN LLOYD
BOWEN, DAVID R.
BREAUX, JOHN B.
BRINKLEY, JACK
BROWN, HANK
BROYHILL, JAMES T.
BYRON, BEVERLY B.
CAMPBELL, CARROLL A., JR.
CARMAN, GREG
CHAPPELL, BILL, JR.
CHAPPIE, GENE
CHENEY, RICHARD BRUCE
COATS, DANIEL R.
COELHO, TONY
COLLINS, JAMES M.
COURTER, JAMES A.
COYNE, JAMES K.
CRAIG, LARRY
CRANE, DANIEL B.
CRANE, PHILIP M.
DANIEL, DAN
DASCHLE, THOMAS A.
DAUB, HAL
DECKARD, H. JOEL
DERRICK, BUTLER
DICKINSON, WILLIAM L.
DONNELLY, BRIAN J.
DOWDY, WAYNE
DREIER, DAVID
DWYER, BERNARD J.
DYSON, ROY
EDGAR, BOB
EDWARDS, JACK
EDWARDS, MICKEY
EMERSON, BILL
EMERY, DAVID F.
ENGLISH, GLENN
ERDAHL, ARLEN
EVANS, COOPER
EVANS, DAVID W.
EVANS, THOMAS B., JR.
FAUNTROY, WALTER E.
FAZIO, VIC
FITHIAN, FLOYD J.
FLIPPO, RONNIE G.
FLORIO, JAMES J.
FORSYTHE, EDWIN B.
FOUNTAIN, L. H.
GINGRICH, NEWT
GINN, BO
GLICKMAN, DAN
GRADISON, WILLIS D., JR.
GRAY, WILLIAM H., III
GREGG, JUDD
GRISHAM, WAYNE
GUNDERSON, STEVE
HALL, RALPH M.
HALL, SAM B., JR.
HALL, TONY P.
HANCE, KENT
HANSEN, GEORGE
HANSEN, JAMES V.
HARTNETT, THOMAS F.
HEFNER, W. G.
HENDON, BILL
HILER, JOHN
HILLIS, ELWOOD
HOLLAND, KEN L.
HOLLENBECK, HAROLD C.
HOLT, MARJORIE S.
HOPKINS, LARRY J.
HOWARD, JAMES J.
HUBBARD, CARROLL, JR.
HUCKABY, JERRY
HUNTER, DUNCAN
HYDE, HENRY J.
IRELAND, ANDY
JEFFRIES, JIM
JENKINS, ED
JOHNSTON, EUGENE
JONES, WALTER B.
KEMP, JACK F.
KINDNESS, THOMAS N.
KOGOVSEK, RAY
KRAMER, KEN
LAGOMARSINO, ROBERT J.
LEATH, MARVIN
LEE, GARY A.

LENT, NORMAN F.
LEWIS, JERRY
LOEFFLER, THOMAS G.
LOTT, TRENT
LOWERY, BILL
LOWRY, MIKE
LUJAN, MANUEL, JR.
LUKEN, THOMAS
LUGREN, DAN
MARLENEE, RON
MARRIOTT, DAN
MARTIN, DAVID O'B.
MARTIN, JAMES G.
MARTIN, LYNN
MATTOX, JIM
MCCLOSKEY, PAUL N.
MCCOLLUM, BILL
MCCURDY, DAVE
MCDONALD, LARRY
MCEWEN, BOB
MCGRATH, RAYMOND J.
MCHUGH, MATTHEW F.
MILLER, CLARENCE E.
MITCHELL, DONALD J.
MOLINARI, GUY V.
MOLLOHAN, ROBERT H.
MONTGOMERY, G. V. (SONNY)
MOORHEAD, CARLOS J.
MORRISON, SID
MURPHY, AUSTIN J.
MYERS, JOHN T.
NAPIER, JOHN L.
NEAL, STEPHEN L.
NICHOLS, BILL
OXLEY, MICHAEL
PARRIS, STAN
PASHAYAN, CHARLES, JR.
PETRI, THOMAS E.
PRITCHARD, JOEL
RAHALL, NICK JOE
RAILSBACK, TOM
RATCHFORD, WILLIAM R.
RICHMOND, FREDERICK W.
RINALDO, MATTHEW J.
RITTER, DON
ROBERTS, CLINT
ROBERTS, PAT
ROBINSON, J. KENNETH
ROEMER, BUDDY
ROGERS, HAROLD
ROSE, CHARLES
ROUKEMA, MARGE
SABO, MARTIN OLAV
SANTINI, JIM
SAWYER, HAROLD
SCHNEIDER, CLAUDINE
SENSENBRENNER, F. JAMES, JR.
SHAW, E. CLAY, JR.
SHELBY, RICHARD C.
SHUMWAY, NORMAN D.
SIMON, PAUL
SMITH, ALBERT LEE, JR.
SMITH, CHRIS
SMITH, DENNY
SOLOMON, GERALD B.
SPENCE, FLOYD
STATON, DAVID MICK
STENHOLM, CHARLES W.
STUMP, BOB
TAUKE, THOMAS J.
TAUZIN, W. J. (BILLY)
TAYLOR, GENE
TRIBLE, PAUL S., JR.
WALKER, ROBERT S.
WAMPLER, WILLIAM C.
WATKINS, WES
WEBER, ED
WEBER, VIN
WHITLEY, CHARLES
WHITTAKER, ROBERT (BOB)
WHITTEN, JAMIE L.
WILLIAMS, LYLE
WILSON, CHARLES
WINN, LARRY, JR.
WOLF, FRANK R.
WORTLEY, GEORGE
WYDEN, RON
WYLIE, CHALMERS P.
YOUNG, DON
ZEFERETTI, LEO C.●

TRADE WAR TOO STRONG? THINK ABOUT DIRTY TRADE

HON. JOSEPH M. GAYDOS
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. GAYDOS. Mr. Speaker, when something unexpected and embarrassing happens in a crowded room, most people try to ignore it and go about what they are doing, and this seems to be the way some would have us handle the Atlantic and Pacific trade war of the 1980's.

Not one official review of the year past or projection of the year to come has touched on the economic hemorrhaging caused amoung our workers and industries by the predatory practices of our trading partners.

On social occasions, nobody is hurt and the source of the embarrassment quickly fades of its own accord.

But there will be no truce in this trade war—no reduction of casualties—unless the administration and the Congress do something to bring it about.

Workers and management across the United States are thinking about the situation and trying daily to deal with it, but they need more support than they are getting.

Although I believe that our partners are practicing trade war, the term might be too strong for others to consider at this point, and for that reason I offer the substitute of "dirty trade," which has been explored thoroughly by R. P. Simmons, president and chief executive officer of Allegheny Ludlum Steel Corp. The Company is located in Pittsburgh, part of ground zero in the trade war.

Mr. Simmons developed the term in a thoughtful article titled "The Art of Trading," which was published recently in Leaders magazine.

The smudge marks identifying dirty trade all are left by Government.

Dirty trade takes place because a government has decided to move goods as a matter of policy with the political goal of keeping home employment high. It has little to do with efficiency and technology and much to do with government ownership, government subsidy of exports and government investment.

Mr. Speaker, an argument can be made that the Japanese tax scheme on automobiles should be examined for the tell-tale smudge marks, according to information developed by the Chrysler Corp.

For example, $900 less is paid in taxes to the Japanese Government on one of their cars sold here than on one of their cars sold in Japan.

You see, they rebate that much on export, and the rebate comes off the sales price.

Meanwhile, the Japanese Government levies a $3,600 tax on a comparable American-made car going into Japan and subjects it to expensive rules and regulations.

Mr. Simmons thinks dirty trade mocks and distorts the theory of comparative advantage, which is supposed to be the guiding hand of free trade.

The United States should not be victimized by dirty trade, he said, and I agree strongly on that point.

Although I do not agree with Mr. Simmons on all points, his thoughtful exploration of the trade situation offers useful information and thought to any concerned Member of Congress, and for that reason I submit here the full text of "The Art of Trading":

THE ART OF TRADING

(By R. P. Simmons)

International trade may be the priority issue of the 1980s. Trade has always been of vital importance to trading nations who must export to survive; the explosion in energy prices since 1973 has created additional incentive for nations to export to support their purchases of energy.

At the same time, a world economy—stagnant or growing slightly, at best—has created social and political instability as unemployment and inflation combine to reduce the real standard of living in most of the nations of the world. Nations that primarily export raw material commodities are faced with significant inflation in the cost of purchased energy while the prices of commodities they export have declined. High rates of population growth in underdeveloped countries place additional strains on governments faced not only with the need to industrialize but with the greater primary requirement to feed their populations.

BEGINNING TO RESTRICT

With few exceptions, every nation in the world is faced with a need to increase exports to support its energy habit. As a result, nations are beginning to adopt restrictive trade policies which tend to hinder imports while adopting incentives to increase exports.

The social and political strains caused by unemployment and inflation in Western European nations have resulted in increased direct government ownership and subsidization of major industries such as steel, coal, automobiles and electronics. The trend is clear and alarming. While observers have recognized the involvement by governments in the business sector in socialist countries of the world, the gradual increase in government involvement by western nations of the world has been less apparent. Even in Japan, where government involvement is more subtle and less direct, involvement in the private sector is a matter of policy used to promote the economic well-being of certain selected industrial sectors.

Less developed nations distort the concept of free trade under the guise of protecting infant industries through a series of actions which include closing borders to imports of

products produced within those borders; the insistence that imported products contain a high maximum percentage of local content; of export requirements imposed as a prerequisite to foreign investment locally. Even in the United States, which historically has been the world's open market, calls for increased protection are being heard more frequently.

NEW BARRIERS, GREATER STRAINS

Traditionally, trade negotiations between countries have focused on the level of tariffs. However, non-tariff barriers are beginning to cause far greater strains because of their increased use. Furthermore, such barriers are more difficult to combat because of the complex nature and in many cases, less than formal manner, in which they are applied.

The concepts of free trade are well known. Comparative advantage, if permitted to function, will determine the nation in which any given product should be produced or manufactured. This assumes that there are no barriers to restrict the flow of trade between nations. Of course there have always been some trade barriers, tariff or nontariff, between nations. However, over the past 30 years, such barriers have gradually declined as nations have agreed to reduce tariffs on a multi-lateral basis as well as to reduce other non-tariff barriers.

This trend, however, appears to have been reversed sometime in the middle 1970s, caused in significant part by the rapid increase in the price of energy. Unless reversed, the trend toward increased protection will result in a gradually intensifying trade war in which all participants will be losers.

To examine potential solutions to this problem, one must first examine the nature of international trade. Products which are exported because they truly are produced more efficiently, more productively, at lower cost or provide a technology not available in the host country should be the kind of trade which moves from one nation to another with a minimum of restraint. There are exceptions for certain strategic industries vital to each nation's national defense. However, for the most part, the country most cost-effective should be the country of production.

DIRTY TRADE

A second category of trade is that which is exported to other nations, not because it is produced more effectively or offers technological advantage, but only because such trade has become an instrument of national policy. In effect, the dirty trade reflects the intent of one nation to beggar its neighbor by export unemployment to the receiving nation. The percentage of dirty trade compared to the total amount of world trade has increased as the pressures upon political institutions increase. Direct government ownership of industries which are significant exporters, direct government subsidies for privately owned companies which are exporters, direct government investment to expand productive capacity of companies which are primarily exporters fly in the face of economic logic, distort the theory of comparative advantage as well as use capital inefficiently in order to achieve noneconomic national objectives.

Increasingly, cries are being heard throughout the world that domestic industries must be protected. However, it is important that a clear distinction be made between clean trade and dirty trade to encourage nations to protect the efficient and the technologically advanced but not the inefficient and obsolete who cannot meet the test of comparative advantage. If it were possible to achieve this distinction, a significant lessening of economic strains which are currently on the rise among trading nations could be achieved.

Political institutions respond to economic and social pressures. The role that the private sector plays in each nation can have an immense impact on the policies that will be adopted by its government. Thus, the private sector should articulate the need to avoid dirty trade and concentrate instead on those products and industries in which each nation can be most efficient.

THE CEO'S ROLE

The role of chief executive in articulating this principle cannot be understated. His position provides a unique and visible platform from which to speak on the need for free trade in both directions. It is important that we articulate the issue that nations should neither be beggared by nor accused of beggaring other trading neighbors. Being the victor in the trade contest, if we can only be victor through government subsidization, must be avoided. Nor should we be victims of dirty trade.

We cannot expect to protect our home markets and expect to have free access to other foreign markets. The trading nations of the world must avoid significant trade distortions in a given trade sector. Failure to recognize this vital point will result in high political costs to the host nation. As businessmen, we must avoid asking for nontariff barriers if we are to expect access to other markets.

It must be recognized that the trade inequity caused by dirty trade is a zero sum game in which no one trading nation can gain in any transaction unless another suffers an equivalent loss. Only when comparative advantage is permitted to function can involved nations benefit. We must remember that world trade is neither all good nor all bad. Protectionism, when it becomes a matter of national policy, will invite significant retaliation.

Protectionism, however, is not all bad when it is in defense of efficient domestic companies who are disadvantaged by government subsidization of foreign competitors. These vital trade issues will grow increasingly important. We in the private sector must insure that our nations' governments choose the right course of action.

REVERSING THE TREND

Specific steps which can be taken immediately by business leaders to reverse the trend of protectionism are:

In developing nations, business leaders must resist further attempts by government and politicians to promote investments in enterprises which are not economically viable. Such investments result in less than zero sum benefits when all costs to the economy are accumulated.

In developing nations, business leaders must vigorously promote the concepts of comparative advantage urging governments to use capital efficiently concentrating on less capital-intensive investments.

In developed nations, business leaders should urge governments to resist political pressures to protect home markets from clean trade which results in increased economic costs to the economy.

Business leaders in all nations should speak out against government practices which close, completely, the borders to specific products. This practice, intended to nurture emerging industries, can be accomplished more effectively through the use of declining quotas to permit emerging companies to develop economies of scale.

Finally, to reverse the trend toward protectionism, business leaders have a responsibility to point out the inherent inefficiencies caused by protectionism and particularly the inefficiency of non-market economies. Business leaders have a major role to play in insuring that world trade is not a zero sum game.●

SENATE—*Friday, January 29, 1982*

(Legislative day of Monday, January 25, 1982)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the Honorable JOHN W. WARNER, a Senator from the State of Virginia.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Let us pray.

Sovereign Lord of history and the nations, as the Senate gears up for 9 months of hard work, help the Members to begin with their priorities in order. Make then aware that their first accountability is to Thee, "For there is no authority except from God and those that exist have been instituted by God." (Romans 13: 1, RSV) Help them never to forget they are the servants of the people, "God's servants for (the peoples) good." (Romans 13: 4, RSV) Help them to realize that they need time for God, for worship and prayer and the Bible; that if they are too busy for God, they are too busy.

Give them grace not to neglect their families. Make them mindful that love for spouse is next only to love for God, that marriage is a sacred covenant sealed in Heaven. Remind them that children are a gift from God, theirs to love and support and guide to maturity. Keep them from being so busy trying to save the world that they lose their children. Help them not to use work on the Hill as an excuse to escape responsibility in the home. Preserve our families O God, that Senators may be examples in this indispensable base of all social order. We pray this in the name of the Heavenly Bridegroom who loved His bride to the death. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., January 29, 1982.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN W. WARNER, a Senator from the State of Virginia, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair now recognizes the majority leader.

Mr. BAKER. Mr. President, I thank the Chair.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR PERIOD FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that after the recognition of the two leaders under the standing order there be a brief period for the transaction of routine morning business to extend not longer than 20 minutes in length in which Senators may speak for not more than 5 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE DRAMATIC RESCUE OF GENERAL DOZIER

Mr. BAKER. Mr. President, Gen. James Dozier is "sto bene," and for that we are grateful. The Italian police staged a daring and dramatic rescue; their efforts have dealt a severe setback to the Red Brigades.

I ask unanimous consent that an editorial which appeared in this morning's Washington Post entitled "An Italian Triumph," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AN ITALIAN TRIUMPH

The rescue of Gen. James Dozier was a triumph of skillful and vigorous work by the Italian police. But it was part of a larger pattern. Italian justice is winning its long and desperate struggle against the terrorists.

Amidst the relief that Americans will feel, and gratitude to the Italian authorities, it's important not to miss the larger significance of the happy ending to this story. Terrorism is not confined to Italy, and the terrorists always seem, at first, to hold all the advantages. The Italian police have shown what society can do to protect itself. It is an extraordinary feat to retrieve a captive alive, and this spectacular success will be reassuring to that vast majority of people, not only in Italy, who detest terrorism, its methods and its purposes. For Italians, the Dozier case is only the most dramatic example of the remarkable capability that their police have developed in this long guerrilla war.

More than 2,000 terrorists have been arrested in Italy within the past two years. That took a lot of quiet courage on the part of the people responsible for it—not only the policemen and prosecutors, but judges, prison officials, jurors and witnesses, who encountered personal risks almost unknown in law enforcement in this country as the Red Brigades and their allies retaliated with campaigns of intimidation and assassination. But it has been clear for some time that they were losing.

The psychological atmosphere within the Red Brigades has changed drastically in the last several years. Internal morale seems to have broken down. When the gunmen were riding high, those occasionally arrested held grimly to the rule of silence. Currently, it is obvious that the suspects are telling the police quite a lot about their connections.

The Red Brigades collaborate with other organizations of the violent ultra-left from Northern Ireland to the Middle East, and there's good reason to think that some of their money comes from the Soviets, who are always happy to stir the pot. But it wasn't the Soviet money, or any other foreign support, that made terrorism a mortal threat to Italy. It was Italians' own ambivalence about national authority. That ambivalence, for the vast majority, has now evidently been resolved. The Red Brigades intended the kidnapping to be an attack on NATO. The outcome was, instead, a dramatic demonstration of Italians' determination to enforce the law, and to keep the gunmen from taking over their politics.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, there was one other item of business that was not transacted on yesterday in respect to a very distinguished American. I am referring to Adm. Hyman Rickover.

I wonder if the distinguished Senator from Washington (Mr. JACKSON) could advise the leadership at this time if he is prepared to proceed in obtaining the clearances necessary to transact that business.

The ACTING PRESIDENT pro tempore. If the Chair could draw the attention of the majority leader to the fact that the previous order also recognizes the minority leader to be first recognized before business is transacted.

Mr. BAKER. Yes; I am not proposing that we do it now. I might say to the Chair that I am inquiring of the

Senator from Washington if he is prepared to do it, and I suggest that we do it during morning business.

So could the Senator from Washington advise me?

Mr. JACKSON. Mr. President, I am prepared to advise the majority leader that it has been cleared and that we are ready to proceed.

Mr. BAKER. I thank the Senator and I thank the Chair.

Mr. President, it would be my hope then that as soon as the time for the recognition of the two leaders has expired or is yielded back and during the transaction of morning business the matter that has just been identified will be dealt with. It will be my purpose to support the measure enthusiastically and to urge that the principal sponsors of this measure, the distinguished Senator from Virginia, the occupant of the chair, and the Senator from Washington, who are the principal movers of this, may make some arrangement for the rest of us to extend our greetings to Admiral Rickover some time during the day today.

Mr. President, I have no further need for my time under the standing order, and I am prepared to yield it back or will yield it to the control of a Senator or to the distinguished minority leader for his use.

Mr. ROBERT C. BYRD. Mr. President, if no other Senator seeks the time, I ask the majority leader to yield such time to me.

Mr. BAKER. Mr. President, I do so.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished majority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. GORTON). Under the standing order, the minority leader is recognized.

Mr. ROBERT C. BYRD. Mr. President, I thank the Chair.

COAL EXPORTS—AN UNREALIZED POTENTIAL

Mr. ROBERT C. BYRD. Mr. President, recently the Government of West Germany entered into an unprecedented agreement with the Soviet Union to purchase, over a 25-year period, approximately $44 billion of natural gas, to be delivered via a 3,500 mile pipeline extending from western Siberia to the Soviet-Czechoslovak border. The construction of this pipeline, at an estimated cost of $10 billion is expected to be the largest single business transaction ever conducted between East and West. The German Government and other Western European nations view this venture as a necessary diversification of energy resources, especially given Europe's dependence on oil from the volatile Middle East.

The Reagan and Carter administrations both sought to dissuade our industrialized allies from proceeding with this venture, in the fear that the gas pipeline would give rise to European dependence on the Soviet Union for energy, with attendent consequences in the conduct of Western foreign policy. In response to the imposition of martial law in Poland, President Reagan properly embargoed American sales to the Soviets of equipment and technology instrumental to the construction of the pipeline. In discussions with European officials, there has always been a recognition that the development of alternate sources of energy that would reduce European vulnerability to Soviet supply interruptions was still vitally necessary. Chief among those alternative resources is American coal, which can replace imported oil in factories and powerplants at a considerably lower cost.

A series of comprehensive studies of the world coal situation have predicted massive increases in coal trade over the next two decades and a large U.S. share of that future market. These trends have already been confirmed by an astonishing growth in coal exports, which totaled 90 million tons in 1980—a 39-percent increase over 1979. Coal now supplies more than 25 percent of the world's energy; during the next 20 years, coal will supply one-half to two-thirds of the additional energy required worldwide. Such expansion of the world coal trade holds great potential for the health of our economy, in general, and for our balance-of-trade picture, in particular. But more than wishful thinking will be required to make this potential a reality. A well focused and defined governmental role in coal export policy will be critical to meeting our coal export goals.

At the conclusion of the seven-nation economic summit meeting in Tokyo in 1979, the heads of state of Canada, West Germany, France, Italy, Japan, Britain, and the United States agreed to increase coal use and production as much as possible. In an effort to build on that pledge, the same seven nations issued a communique at the conclusion of the 1980 Venice economic summit stating several points: First, that coal use and production be doubled by 1990; second, that long-term commitments by coal producers and consumers be encouraged; and third, that the economic infrastructure in both exporting and importing countries be improved to insure the targeted supply and use of coal. These commitments built upon a determination by the International Energy Agency, of which the United States is a member, that industrialized nations should, to the greatest extent possible, undertake the wholesale substitution of coal for oil. The IEA has urged coal producing and importing nations to adopt policies facilitating coal development and usage.

In concurrence with these policies, the Carter administration formed the Interagency Coal Export Task Force to study world coal supply and demand projections and to make recommendations to guide U.S. coal export policy. The task force made a number of suggestions on how to advance American coal trade, including Government sponsorship of bilateral and multilateral consultations between major coal trade partners, the establishment of a permanent U.S. international coal trade delegation, and the creation of a Federal office to monitor and promote the development of coal exports. These initiatives were only part of a broad-based program to increase domestic coal production, improve the necessary transportation infrastructure and establish a political climate that would be reassuring to coal importing nations.

To date, all that has been done on this front by the Reagan administration is to transfer responsibility for coal export policy from the moribund Department of Energy to the Department of Commerce. It sometimes appears that meritorious policies are rejected out of hand merely because they originated with the previous administration. In this instance, all the momentum that had been building toward an articulated and meaningful coal export policy has now been dissipated. The absence of any such policy by the Reagan administration jeopardizes the Nation's trade position and could seriously impair the future of American coal as an international energy resource. As witnessed by the Soviet gas pipeline deal, U.S. coal export policy will have an imporant effect on the energy security of our Western European allies, as well as on our economy at home.

There is widespread agreement within the coal industry that the U.S. coal export market will not expand to its full potential unless our Nation's harbors are deepened to permit the entry of the new generation of colliers now coming into service. New colliers of 150,000 tons or more are expected to offer a 30- to 50-percent transportation cost advantage over older, smaller ships, thus making American coal a more economically attractive source of energy. America's port facilities are antiquated, as evidenced by the long lines of ships waiting to load at Baltimore and Hampton Roads, the two largest U.S. coal ports. These sites were designed to handle small volumes of metallurgical coal used in steel manufacturing, rather than large volumes of steam coal used in utility boilers. With estimates that U.S. coal exports might reach 200 million tons by 1990, it is certain that necessary im-

provements must be immediately undertaken.

The cost of dredging Baltimore, Hampton Roads, New Orleans, and Mobile ports to a depth of 55 feet is at least $1.5 billion in 1980 dollars. Improvement of other ports seeking the coal export business could exceed $4 billion. These costs did not fit into the Reagan administration's budget-cutting plans, no matter what economic and trade benefits would accrue. The administration submitted to the Congress and supports legislation which would require port authorities to privately finance 100 percent of the costs of dredging harbors to depths greater than that which now exists. Such an approach reflects a complete reversal of policies which have guided waterway development for the last 150 years.

Full Government responsibility for dredging is considered by some to be an unnecessary subsidy to private industry. Undoubtedly, in this day of competing interests for a shrinking Federal dollar, the role of the Government in financing new port construction and improvements must be reexamined. In these times, it is appropriate that shipping companies and their customers should bear some significant portion of the dredging costs along with the Federal Government. But it is equally appropriate to argue that port improvements should be viewed in terms of national, rather than exclusively private, interests. Some of the benefits of this activity do not accrue to specific parties, but to broad regions of the country, to the Nation as a whole, and even on an international scale, to U.S. allies and foreign policy interests. Some Federal responsibility may be critical to the initiation and completion of these projects.

When speaking of local interests, coal exports have particular importance to the West Virginia economy. Last year West Virginia produced 44.1 million tons of coal for exports—almost 50 percent of all coal exported. That translates into thousands of jobs and millions of dollars in State and local tax revenues. There are no deepwater ports in the great State of West Virginia, but administration policy on these issues is of great significance to our economic future. Without a coherent positive policy, the United States could lose a substantial share of the future coal export market. We cannot afford to allow that to happen.

I ask unanimous consent that an article from the December 14 issue of Fortune magazine be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ENERGY—THE COAL-EXPORT GAMBLE

[From Fortune magazine, Dec. 14, 1981]

(By David Fairbank White)

The forecast is stunning: by the year 2000, most experts agree, U.S. shipments of coal abroad will exceed today's colossal exports of grain. Demand has already grown so strong that a frustrated armada of colliers was kept at anchor off Hampton Roads, Virginia, this year, waiting months to load coal for Europe and Asia. Hoping to prosper from the coming trade, U.S. ports are launching their fastest and most dramatic expansion of export capacity ever. Total investment in new coal terminals could reach $4 billion as the ports make changes unparalleled since the container revolution lifted the face of waterfronts.

Coal fever has hit the coasts with such a wallop, in fact, that what was once a critical shortage of loading complexes now shows all the signs of becoming a glut. Across the country, 45 new terminals are being built or planned at 29 harbors on three coasts; if they are all completed, U.S. coal-loading capacity will top 625 million tons per year. This vastly exceeds even the Department of Energy's bullish projections that 250 million tons will be shipped overseas annually by the turn of the century—a 342% increase over today's level. (These export projections and figures on terminal capacity exclude the Canadian trade; Canada will buy some 15 million tons of U.S. coal this year and isn't expected to increase imports much.)

"I'm assuming somebody in these businesses has been doing some market studies and knows what he's doing," says Baltimore's port administrator, W. Gregory Halpin. As aggressive a port developer as any in the nation, Halpin is himself hardly immune to coal fever. Baltimore has 14 million tons of export-terminal capacity and is building 22 million more. "I have only one comment," says Halpin in his modern office high above the harbor crescent. "Ship it through Baltimore."

GROW OR DIE

Many proposed terminals will probably never be built, and some on the Mississippi may earn their basic income on domestic traffic. (About 740 million tons of coal will be consumed in the U.S. this year.) But the temptation to overbuild seems irresistible. Coal companies, railroads, barge lines, terminal builders, and local governments all want to profit from the export business.

Each entity has its own special stake in the outcome. For the authorities that run the harbors, coal shipments mean jobs, income for local businesses, tax revenues. For big coal companies, terminals ensure that their product can move. For railroads and barge lines, the race is to protect their traditional livelihoods and to expand their markets. Each competitor is driven by the desire to grow and the fear of dying.

Entering the business for the first time, the Virginia Port Authority, a government body, will put up 25 million tons of capacity at Hampton Roads, one of the biggest projects in the country. In Baltimore, Consolidation Coal, a Conoco subsidiary, has begun building a $100-million terminal that may ultimately handle 12.5 million tons annually from mines in Pennsylvania that the company owns with West German investors. Dravo Corp. is adding 240 barges to its Dravo Mechling fleet plying the inland waterways and, in its capacity as designer and builder, is planning terminals for operators situated from Chesapeake Bay to Puget Sound. On all three coasts, wherever grumbling machinery speeds the black mineral into the holds of waiting colliers, boom times are here and gloom is hard to find.

Crucial in the contest to handle coal traffic is access to the right kind of coal. Hardly a homogeneous product, coal is not even predictably black; most lignites are dark brown. Coal generally falls into two categories. Metallurgical coal is used in steelmaking, and until 1979 almost all U.S. coal exports were of "met" coal. But the projected growth in European and Asian demand is for steam coal, burned mainly by utilities to generate power.

Two important properties are required of steam coal—low sulfur and high energy content. As an antipollution measure, many governments limit sulfur content, often to 1 percent or less. And the more energy coal produces when burned, the more valuable it is. A buyer must purchase, transport, and handle 300 tons of coal rated at 8,000 BTUs per pound to get the same energy he would derive from 200 tons of 12,000-BTU coal.

A recent national survey of spot prices for steam coal FOB mine gives an idea of the extraordinary range in values. Wyoming and Idaho coal rated at 8,000 BTUs per pound and 1 percent sulfur recently sold for $7.50 per ton. Illinois coal rated at 10,500 BTUs per pound and 3 percent sulfur went for $19 per ton. Southern West Virginia and eastern Kentucky coal rated at 12,000 BTUs with a sulfur content of 1 percent cost $35 per ton. The latter is a hot commodity on any pier in the country.

WHERE ADVANTAGE LIES

Almost as important as coal grade is transportation cost from mine to port. CSX Corp.'s Chessie line and the Norfolk & Western Railway, which haul Appalachian coal to Hampton Roads, charge $14.72 to $15.37 per ton, depending on the distance from mine to terminal. In addition, both railroads charge for loading the coal aboard ship: 46 cents per ton at the N&W terminal and 74 cents at Chessie's. All together, it costs $15.18 to $16.11 to get a ton of Appalachian coal aboard ship at Hampton Roads. At Baltimore, served by the Chessie, export rail rates run as low as $14, loading included, while Mobile, Alabama, another low-cost port, has transportation and loading costs as low as $10.25.

These factors give the principal ports exporting Appalachian coal—Hampton Roads, Baltimore, and Mobile—a commanding advantage over competitors. While western coal is available in vast quantities, it has serious drawbacks as an export commodity. The Northern Great Plains deposits are low in energy content, and high-grade Rocky Mountain coal has to travel 1,000 miles, often across mountain peaks, to the nearest port. By contrast, the greatest reserves of low-sulfur, high-BTU coal in the U.S., some 18.7 billion tons, lie in the majestic Appalachian deposits, beginning far up in Pennsylvania and extending down to Alabama. The eastern railroads can carry this premium-quality coal out of the mountains on an easy downhill run to the sea. Little wonder that the ports with access to this coal are fighting to maintain their edge, while every other port in the country is striving to compete with their economics.

These economics have made Chesapeake Bay the Persian Gulf of coal. Its waters carry over four-fifths of all coal shipped overseas from the U.S., more than the exports of any of America's chief rivals—Poland, Australia, and South Africa. Of the two coal ports on the Chesapeake, Hampton

Roads is king. The *Monitor* and *Merrimack* fought the battle of the ironclads there, and coal runs as thick as history. Hampton Roads is expected to send 50 million tons abroad this year, almost two-thirds of all U.S. overseas shipments. Rolf Williams, chairman of Anders Williams & Co. and a prominent shipping agent whose livelihood comes from the vessels that call at Hampton Roads, is keenly watching the scramble for coal traffic. "We are very concerned," says Williams. "We will suffer if other ports get the business."

THE BATTLE FOR TRAFFIC

The two most important defensive players at Hampton Roads are the Norfolk & Western Railway and the Chessie line, which carry virtually every pound of coal into the harbor. Both are assured of new terminal capacity, which will prepare Hampton Roads, with its tremendous natural advantages, to handle a monumental increase in traffic. The Chessie has sold parcels of land served by its tracks to the A. T. Massey Coal Co. and to Dominion Terminal Corp., a consortium of Westmoreland Coal, Armco, Ashland Coal, and Utah International; both groups will construct terminals of their own. The tracks of the Chessie and Norfolk & Western will feed into the 25-million-ton-per-year superterminal to be developed by the Virginia Port Authority. "If we can get this facility built," says Port Authority Executive Director J. Robert Bray, "we can put Virginia miners to work."

The proposed Port Authority terminal recently won a fierce battle for traffic with a competing proposal put forward by Parsons Brinckerhoff, an engineering and project-development firm. Pittston, Consolidation, Island Creek, and others have agreed to send their coal through the Port Authority terminal, but Parsons Brinckerhoff insists it will still try to develop a facility of its own. Thus Hampton Roads, which now has an export-loading capacity of just over 50 million tons a year, will be adding at least 55 million tons and perhaps 90 million. Shipping agent Williams says the new construction leaves the port confident but wary: "We're afraid of Mobile and New Orleans."

Not to mention the harbor just 150 miles up the bay at Baltimore, which is expanding even faster than Hampton Roads and could lure away traffic. With a 157% increase in coal-export capacity already abuilding, Baltimore will soon be able to ship 36 million tons a year. Beyond that, two groups are talking about adding 25 million tons more. Finally, Baltimore has an ace up its sleeve. It is the only major coal port in the nation that has obtained federal authorization for dredging to deepen its channel. If it can get the money to pay for the job (some $322 million is necessary), Baltimore could be in a commanding position to grab traffic.

Ocean-shipping costs are being radically altered by the proliferation of supercolliers, coal's counterpart of the supertankers that revolutionized oil transport in the Sixties and Seventies. The huge coal ships, which at 1,000 feet are almost as long as the Empire State Building is tall, provide significant economies of scale. While many supercolliers are active in world trade, they cannot take on a full load at U.S. coal ports, because at 100,000 deadweight tons they require a channel depth of about 50 feet. No major U.S. coal port is deeper than 45 feet.

Many ports have applied for the right to deepen their channels, but the approval process is still back in the age of the clipper ship. Approvals routinely take 20 years, though Congress is considering legislation to speed up the action. If Baltimore can deepen its channel to 50 feet, a 110,000-ton supercollier loading there could knock $4 off the current $15-a-ton cost of carrying coal to Amsterdam in a 60,000-ton vessel.

Mobile is after Appalachian coal, too. While the port can't economically handle traffic from the northern mines, southern producers in Tuscaloosa and Birmingham are less than 300 miles away by rail or barge. Gerry Robinson, general traffic manager of the Alabama State Docks Department, surveys the machinery that is sprawled over 100 acres of the impressive McDuffie Island export-coal terminal and pronounces it "a classic example of understated southern elegance." But there's nothing understated about McDuffie or what's happening to it. Backed by a $53-million bond issue, the coal station will more than double capacity, to 23.5 million tons, within two years.

A LONG WAY TO KENOVA

One hundred forty miles west, on the lower Mississippi, New Orleans and other cities are enjoying and unprecedented coal-export boom. The activity may seem surprising since the New Orleans area is not the most economical place from which to ship Appalachian coal. The distances make handling it expensive, even when it is carried to portside by low-cost barge. For example, Dravo estimates that coal from the Kenova area in West Virginia, which can be hauled and loaded at Hamption Roads for around $15 a ton, would cost $20 a ton delivered and loaded at New Orleans. In many cases, the port is better situated to handle lower-quality midwestern coal, which can't be economically shipped to the East Coast and so follows the winding track of the inland waterway system that drains from lower Illinois into the Mississippi and the Gulf.

But despite its handicaps, New Orleans shows promise of becoming a muscular, and perhaps disruptive, competitor. European and Asian customers have been flocking there because they have been getting poor service in the East. During the most serious logjams on Chesapeake Bay, foreign coal buyers descended on the ports, aghast at the disruptions. If a vessel is forced to wait in port, its charterer must pay demurrage, a waiting charge, just as a passenger pays the meter on a taxi stuck in traffic. Demurrage on a 60,000-ton collier can come to $15,000 a day. That's 25 cents a ton of coal for each day's waiting, $1.75 a week, $7.50 a month. Before long, demurrage charges can wipe out the East Coast ports' cost advantages.

Mary Ann Heider, manager of the bulk department at Anders Williams & Co. in the port of Hampton Roads, recalls the reaction of a group of visiting foreign customers during the worst delays. "They did some heavy threatening," she remembers. "They screamed and screamed and screamed." Their message: "We've either got to come to some arrangement or we'll go elsewhere."

Elsewhere, in many cases, has been New Orleans. When export demand picked up on the Mississippi, stevedoring companies began loading coal from barges directly onto colliers in the middle of the Mississippi. Midstreaming, as it's called, is a river technique long used for loading metal ore, grain, and meal. Floating derricks with clamshell buckets sling the coal from feeder barges into the ships' holds. Half a dozen stevedoring companies can load coal in midstream, at $2.75 per ton.

IN SEARCH OF SECURITY

Land-terminal operators saw the opportunity to get in on the business and are now looking to expand existing facilities or add new ones. No fewer than eight terminals—totaling nearly 50 million tons of capacity—are being planned along the lower Mississippi. "There's almost a Klondike fever in this whole coal thing," says Executive Port Director Edward S. Reed. The largest coal mover will be Louis H. Meece, president of International Marine Terminals, a husky, silver-haired entrepreneur who gained broad experience in coal-terminal facilities as a barge-company executive. Meece is undertaking an expansion that will nearly quadruple capacity at his terminal south of New Orleans to 15 million tons a year.

The question is whether the demand will continue once Baltimore, Hampton Roads, Mobile, and other ports increase their capacities. Marsden W. Miller, Jr., president of Miller Coal Systems of Baton Rouge, Louisiana, returned from a recent European tour thinking that foreign customers would be willing to pay a premium for coal shipped through New Orleans to be certain that an alternative to the eastern ports is available. "As long as you're within a dollar or two," he says, "what the buyer wants is security."

But if terminal operators don't get long-term commitments from foreign customers, they may find their facilities operating way below capacity. Magnolia Coal Co. has broken ground on new facilities without long-term contracts, and U.S. Steel's River & Gulf Transportation Co. is thinking about doing the same. Whether that makes sense will depend on how many terminal operators have similar ideas—and whether overcapacity gives foreign customers a chance to whipsaw their suppliers.

As if anticipating a future of overcapacity and rate wars, the terminal operators are looking hard at their economics. Meece believes that new eastern coal terminals will be more expensive than present facilities because they will have heavier capital costs to recover. While the loading fee at the N&W terminal is now only 46 cents, he thinks new East Coast terminals will have to charge $3 to $4. That could be enough to destroy their transportation-cost advantage.

HERE COME THE INDIANS

In answer, eastern terminal developers are negotiating with the N&W and the Chessie to cut the costs of moving coal from mine to port. For example, the Chessie says it is considering a reduction of about $2 a ton in the cost of shipping coal by unit train into Consolidation Coal's new terminal in Baltimore. In answer to that, New Orleans operators are continually pressing for lower unit-tow rates on the Mississippi and other rivers. With many rates still being considered, it is too early to tell whose economics may turn out most favorable.

Other competitors could come out of nowhere. D. K. Ludwig, 84, plans to anchor a warehouse ship in Delaware Bay that could receive coal from barges and transfer it to 140,000-ton supercolliers. The Tulalip Indian tribe has retained Dravo to study the feasibility of building a 15-million-ton terminal on tribal land at Possession Sound, Washington. And the Sun Eel Shipping Co. of South Korea has obtained a contract to export coal at Seward, Alaska.

New York's harbor handles hardly any coal today, but that doesn't mean it wouldn't love to. The Port of New York and New Jersey has a marvelous advantage. The 12-mile channel from Ambrose Light to the

piers on Staten Island and Port Jersey is much shorter than the entrances to other U.S. coal ports. New York could be dredged to 60 feet for less money than it would take to dredge any other port to 50 feet. A port 60 feet deep could accommodate supercolliers of 200,000 deadweight tons, nearly twice the size of any that has so far entered a U.S. harbor.

Local authorities are now thinking about putting up the $140 million needed to deepen the channel themselves. That would avoid the lengthy federal authorization process. New York officials are sounding out foreign coal buyers to see if they would be interested in contracting for coal that Conrail could haul from Appalachia to the harbor. If they do show interest, New York could build 24 million tons of terminal capacity.

WHERE CHIPS ARE PILED

With coal terminals being built or planned at 29 harbors, the winners are hard to pick, but it's clear where the betting is heaviest. The chips are piled highest on the old and classic formula: coal from the Appalachian fields moving through Chesapeake Bay. As the market explodes, Hampton Roads will surely find its dominance eroded, but it will still reign as king. Elsewhere, terminals that have not yet broken ground face the risk of being instantaneously superfluous. Those that build without having their traffic ensured by long-term contract face cutthroat competition. Indeed, the coal trade looks like a marvelous opportunity. For the brave.

I now yield time that is under my control to Mr. WARNER and then will yield to Mr. JACKSON.

AUTHORIZATION FOR PRESENTATION OF A SPECIALLY STRUCK GOLD MEDAL TO ADM. HYMAN GEORGE RICKOVER

Mr. WARNER. Mr. President, I am joined today by the distinguished Senator from Washington in asking that unanimous consent be given to a third reading and followed by a voice vote of a bill sponsored by myself, the Senator from Washington (Mr. JACKSON), and the distinguished Senator from South Carolina (Mr. THURMOND), who is unable to be here today.

Before doing so, however, I should like to invite all those in the Senate and others who desire to pay their respects to Admiral Rickover to come to the Vice President's office immediately upon recess of the Senate this morning.

Mr. President, a group of us in the Senate who have been privileged for many years to work with this distinguished American have endeavored to seek out a way that Congress could properly recognize the contribution to national defense and to the untold thousands of men and women in the U.S. Navy that Admiral Rickover has made.

Various Members of the Senate, including myself, have talked to the good admiral. I can only relate that he was, indeed, reluctant that anything be done.

It is surprising, of course, particularly in reading the paper today, to know that there is an element of this man's personality that strikes of great humility and that humility was expressed time and time again when I and others endeavored to persuade him to be present at a joint session of Congress as we did yesterday in honor of President Roosevelt, or any other means. He declined them all. He acknowledged that possibly if Congress were to recognize him again as they did once before in 1958 with a congressional medal he, in all probability, would receive it.

Hastily I researched the history of this medal, and yesterday I stated, as the bill was introduced, that he would be the first in history to have ever recieved two of these medals should the House of Representatives join in this effort.

During the late hours of last night further research proved me to be in error. One other American has been recognized more than once. As a matter of fact, Zachary Taylor received three such medals during the period of the 1840's.

Nevertheless, I think there is a good opportunity that Admiral Rickover, as he goes on to his next career, might indeed perform such act so as to make him eligible again for recognition by Congress and, perhaps, even exceed Zachary Taylor's record.

Mr. President, I am also grateful to the chairman of the Banking Committee, and the chairman of the Budget Committee, who polled their respective committees such that this measure could be acted upon today by unanimous consent.

It was thought that, perhaps, we would set this for another day in the Senate when more Senators would be present. But again the decision was made to do it today in view of the fact that Admiral Rickover will retire, as I understand it, on Sunday.

The PRESIDING OFFICER. Is there objection to resuming consideration of the bill?

There being no objection, the Senate resumed consideration of the bill (S. 2018).

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 2018) to authorize the presentation on behalf of the Congress of a specially struck gold medal to Admiral Hyman George Rickover.

UP AMENDMENT NO. 818

Mr. WARNER. Mr. President, at this time I send an amendment to the desk and ask the clerk to read it.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER) proposes an unprinted amendment numbered 818:

On page 2, line 21, strike the period and "There are authorized to be appropriated" and insert a comma and the following: "with a value".

Mr. WARNER. Mr. President, I understand there is no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 818) was agreed to.

Mr. WARNER. Mr. President, I now yield the floor to the senior Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. JACKSON. Mr. President, I spoke at some length yesterday, as did the distinguished Senator from Virginia, about the distinguished record of the man whom we honor today, Adm. Hyman Rickover.

I would like to supplement my remarks by making a few additional observations. There is something that is truly American about the life of this individual. It is the great American story.

Admiral Rickover was born in that part of Russia, which moved back and forth between Polish and Russian rule. At the age of 5 years he came to the United States, to Chicago, where his father was to work at the tailor's bench until he literally died at the bench close to 90 years of age.

I think this family trait of lifelong service tells us something about the man that we honor because if anyone has ever given meaning to the words "work ethic" it is Admiral Rickover. Here is a man who has been totally committed and dedicated to his country with not just ordinary work, but work that demanded excellence. Mr. President, he set the example for all of the officers who were to go into the nuclear side of the Navy as to what was expected of them. Incidentally, anyone who could survive the renowned Rickover interview could survive any future obstacle. Admiral Rickover, an engineer by profession, had a special genius for cross-examination, the art of which has not been equaled even in Anglo-Saxon law.

This is one of the outstanding characteristics of the man because he wanted the best management team possible, so he picked the individuals who would be dedicated to their assignment. He knew from the outset if anything went haywire on the nuclear side that the entire nuclear Navy program could be endangered.

Both Senator WARNER and I remarked yesterday that if the civilian nuclear power industry had that same management philosophy, that same sense of excellence, that same commitment, we would not be in the situation in which we find ourselves today with a lot of problems in the civilian nuclear power industry, which is so impor-

tant to meeting the Nation's energy requirements.

So I can say as one who has worked with him since 1949, when I was in the House on the Joint Committee on Atomic Energy, that I have never known a man who is more selfless, more committed to the service of his country, than Adm. Hyman George Rickover. He has made a contribution to the security of this Nation that is without equal in our history.

I would further add, Mr. President, that we are all in his debt not only for what he has accomplished but also for the example he has set for others to follow in the years to come. One of the legacies of his service to this country is the large number of people in the Navy, the Defense Establishment, private engineering and when it relates to the industry, the Government, and universities, all of whom have been profoundly influenced by their association with Admiral Rickover.

So I join with all my colleagues in saluting Admiral Rickover on this occasion, which is an eventful day for the American people.

Mr. BAKER. Mr. President, may I ask the distinguished Senator from Virginia to yield to me briefly?

Mr. WARNER. I yield to the majority leader.

Mr. BAKER. Mr. President, I wish to take this opportunity of extending my congratulations to the Senator from Virginia and the Senator from Washington for this initiative. I applaud them for it and I enthusiastically support it as I always have enthusiastically supported the historic efforts and initiative of Admiral Rickover in the defense of our country.

He is a man of history, Mr. President. We owe him a debt of gratitude not only for his individual service but for the precept and example which he has supplied to the modern American Navy and, indeed, for this Nation.

So, Mr. President, I join in wishing him well in his next career, and I urge the adoption of this measure as the smallest token of a nation's appreciation for a job well done.

Mr. WARNER. I thank the majority leader.

I yield to the minority leader.

Mr. ROBERT C. BYRD. Mr. President, I to thank the distinguished Senator from Virginia (Mr. WARNER) and the distinguished Senator from Washington (Mr. JACKSON) for the initiative they have taken. I wish to express my personal appreciation to them for having taken it. I think they have done a service for the Senate and for the country.

I share their thoughts with respect to Admiral Rickover. He is truly a selfless, dedicated, brilliant patriot and the services that he has rendered will always not only be admired but be services for which the country will always be indebted. I too wish him well as he enters into his new career. I can assure him that he will always live in the hearts of his countrymen as a truly great American.

Mr. WARNER. Mr. President, I thank both the majority leader and the minority leader, as well as the chairmen and members of both the Banking and Budget Committees. This expeditious treatment by the U.S. Senate would not have been possible had it not been for the complete cooperation and enthusiastic assistance of the leadership of the Senate, together with members of those two committees.

Mr. THURMOND. Mr. President, I rise in support of S. 2018. It is my pleasure to cosponsor this bill that would honor Admiral Rickover by awarding him a second congressional gold medal.

Admiral Rickover began an illustrious naval career 60 years ago upon his graduation from the U.S. Naval Academy.

In his early career he distinguished himself in duty at sea and duty on land. He served in the surface fleet and subsurface fleet and became qualified to command surface ships and submarines. He later commanded a minesweeper, the U.S.S. *Finch*.

On August 6, 1945, in the skies over Hiroshima, one of Admiral Rickover's Annapolis classmates spent a few moments arming an atomic bomb that would help end a war. Shortly thereafter, Admiral Rickover began work to harness that same power to prevent war.

His tour of duty at the helm of the nuclear reactors program spanned more than three decades and the terms of seven Presidents. He not only designed the nuclear Navy, he built it; and because of the force of his leadership, the quality of our nuclear ships is unmatched.

Admiral Rickover's accomplishments and decorations are legion. He was previously honored by the U.S. Congress in 1958 with a first award of the congressional gold medal, and because of his contributions to the Navy's shipbuilding program, part of the engineering complex at the Naval Academy bears his name.

He is a distinguished author, professional naval officer and a patriot whose devotion to duty and this country make him worthy of our highest accolades and heartfelt gratitude.

It is befitting and proper that he be awarded the congressional gold medal for the second time.

● Mr. DODD. Mr. President, I rise in support of S. 2018, a bill to authorize the presentation of a specially struck gold medal to Adm. Hyman G. Rickover. I am proud to be a cosponsor of this legislation.

For the past 63 years, Admiral Rickover has served his country well as a naval officer and as an apostle of the use of nuclear propulsion.

Admiral Rickover has rightfully been called the father of our nuclear Navy. His perserverance in the face of skepticism insured that the United States would lead the world in the development of nuclear power as a means of naval propulsion. All the nuclear ships in our Navy, from the first nuclear-powered submarine, the U.S.S. *Nautilus*, to the first Trident missile-firing submarine, the U.S.S. *Ohio*, serve as monuments to Admiral Rickover's genius.

One of Admiral Rickover's finest legacies is his complete dedication to strict standards of safety which have permitted the safe operation of hundreds of nuclear reactors on naval vessels.

On the occasion of Admiral Rickover's retirement from his long career of service to his country, it is only fitting that the Congress formally recognize his great contributions by authorizing the striking of a special gold medal in his honor.●

Mr. JACKSON. Mr. President, I think we can proceed to third reading and passage of the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2018) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2018

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds and declares that—

(1) Admiral Hyman George Rickover has served his country for sixty-three years with the highest distinction, with uncommon dedication, and with great honor as an officer of the United States Navy;

(2) Admiral Rickover has pioneered the development of nuclear reactor technology for the propulsion of naval vessels, has provided the expertise to construct the world's first true submersible, and thereby has revolutionized the concepts of naval warfare;

(3) with an unswerving faith in, and devotion to, the United States of America, Admiral Rickover has contributed to the defense of our Nation and to the peaceful development of nuclear reactor technology for the world by developing and constructing the first full-scale nuclear electrical generating plant in the United States;

(4) Admiral Rickover has developed and maintained standards of safety for the use of nuclear energy which have permitted the continued safe operation of naval nuclear reactor plants from their inception to the one hundred and sixty-one plants in operation today; and

(5) Admiral Rickover has for many years provided the Congress of the United States his uncompromising, independent, and candid advice, and greatly assisted the Congress of the United States in its deliberations on the issues of national defense, nu-

clear energy, environmental protection, and other important matters.

SEC. 2. (a) The Speaker of the House of Representatives and the President pro tempore of the Senate are authorized to present, on behalf of the Congress, to Admiral Hyman George Rickover, a gold medal of appropriate design in recognition of his distinguished service to the United States and for his unique world-renowned contributions to the development of safe nuclear energy and to the defense of the United States of America. For such purpose, the Secretary of the Treasury is authorized and directed to cause to be stricken a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary of the Treasury, with a value not to exceed $21,000 to carry out the provisions of this subsection.

(b) The Secretary of the Treasury may cause duplicates in bronze of such medal to be coined and sold under such regulations as he may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the appropriation used for carrying out the provisions of this subsection shall be reimbursed out of the proceeds of such sale.

(c) The medals provided for in this Act are national medals for the purpose of section 3551 of the Revised Statutes (31 U.S.C. 368).

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(Mr. WARNER assumed the chair.)

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for the transaction of routine morning business.

THE UGLY SPECTER OF TERRORISM

Mr. GORTON. Mr. President, I rise today in honor of the happy occasion of the safe recovery of Brig. Gen. James Dozier and to commend the Italian Government for its outstanding success in rescuing the general. There has been no other event for which I have so hoped and prayed during the course of the last 6 weeks.

I admire the courage and apparent resilience of General Dozier and extend my congratulations to the reunited Dozier family. I cannot overemphasize my gratitude for the skilled and resourceful efforts of the Italian Government and its police forces. They performed exceptionally, in the finest traditions of law enforcement agencies in free and democratic nations.

As an illustration that we can, indeed, defend ourselves against darkness and terror without descending to the tactics of terror and repression, the work of the Italian authorities will stand as a proud monument among free nations.

I would prefer to continue my remarks unencumbered by any sad words on this occasion, but I question whether anyone who watched newscasts last evening could help but feel their delight at the general's release somewhat diminished by the subsequent report of the premeditated terrorist murder of Turkish diplomat Kemal Arikan in Los Angeles.

We are rightfully joyful over the safety of our fellow American, but while Italy's Red Brigades have already suffered by their latest action, terrorism continues to increase worldwide.

I wish to extend my sympathies to Mr. Arikan's family and to the Turkish Government for this most unfortunate act on our own soil.

I am confident, however, that American authorities will be no less thorough and no less dedicated in their efforts to bring these criminals to justice than were Italian police during the last 42 days.

The events of the last 6 weeks have again brought home to all of us the ugly specter of terrorism. This period has served to remind us that we live in a dangerous and sometimes twisted world in which caution alone is not enough to quell terrorism.

It is for this reason that the administration's stated focus on international terrorism is so well taken. During an era in which many speak of loose international alliances joining terrorist groups together and during which even irresponsible governments join in the organized sponsorship of these despicable practices, I believe that the administration has charted a wise course.

I hope that the safe recovery of General Dozier and the effective work of the Italian Government will inspire and make more firm our own resolve to check and to suppress international terrorism.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

RESTORING VETERANS' BENEFITS

Mr. HEFLIN. Mr. President, I am pleased and honored to join my friend and colleague from Arkansas, Mr. BUMPERS, in sponsoring the Veterans Burial Benefits Amendments Act of 1982 which is designed to correct one of the most grievous errors ever made by this Government.

The error I am referring to is the stripping away of the traditional $300 burial and funeral expense benefit from the vast majority of American war veterans.

The burial benefit was eliminated for all but those war veterans who are eligible for VA compensation or pensions by the Omnibus Budget Reconciliation Act of 1981. Because of this unconscionable decision, thousands of indigent war veterans have been denied the basic right of a decent burial.

Mr. President, the veterans' burial benefit is not a Government giveaway program, but a basic right earned by the Nation's veterans. Uncle Sam made a contract with those who risked their lives in service of their country. The Government told American war veterans that, in return for their willingness to make the ultimate sacrifice for their country, the Government would insure that the veteran receive a decent burial.

The U.S. Government simply must not go back on its pledge to its veterans.

In 1981, before the burial allowance was taken away on October 1, 361,500 veterans received burial benefits. Obviously, there is no way of knowing how many veterans will be denied their burial allowance this year, but we do know the program has been slashed by $75.2 million for fiscal year 1982. The total cost of the program for 1981 was only $113 million—a small price for the Federal Government to pay to live up to its commitment to its war veterans.

Without the burial benefit, families of tens of thousands of veterans will now be forced to bear the entire burden of spiraling funeral expenses. Estimates show that five out of every six war veterans have lost the burial benefit that was once theirs.

Mr. President, these veterans deserve better.

Today there are more than 26 million American war veterans. Of these, 3.5 million are 65 years of age or older. We have an obligation to these veterans who served during our Nation's wars and we cannot count on already-financially strapped State and local governments to take up the slack and meet these new and unexpected demands.

I am a veteran of World War II myself. I thank God that I have been fortunate since I fought on the beaches in the Pacific as a Marine and I am not in a financial bind where my family would be burdened by funeral and burial expenses. But what of those veterans who do face serious economic difficulties, whose families would be financially devastated by the expense of a decent funeral service and burial?

Mr. President, the answer to that question should be clear to every Senator in this Chamber.

I believe the promises made by the Government to its veterans are sacred vows indeed. This Government cannot turn its back on its veterans in their final hour of need.

I have been a strong and consistent supporter of veterans' programs and I intend to fight to have this basic burial benefit restored.

Mr. President, I am pleased to be a joint sponsor of the Veterans' Burial Benefits Amendments Act of 1982. This important piece of legislation would restore the burial benefit to those veterans who have served this Nation in its hour of need with courage, dignity and honor.

I commend my friend and colleague from Arkansas, Mr. BUMPERS, for his leadership on this crucial matter and I urge the full Senate to give this legislation its immediate and favorable consideration.

Thank you.

The PRESIDING OFFICER (Mr. GORTON). The distinguished minority leader is recognized.

SOVIET BRUTALITY IN AFGHANISTAN

Mr. ROBERT C. BYRD. Mr. President, we now have reports that the Soviets have turned to even more brutal tactics in attempting to crush the forces of nationalism in Afghanistan.

The January 26, 1982, edition of the Christian Science Monitor carried a story that French doctors, assisting inside Afghanistan, have reported systematic bombings of civilian targets in that country.

The Monitor story reported:

French medical organizations operating clandestine health teams inside Afghanistan have accused the Soviet Union of systematically bombing civilian targets in an attempt to demoralize villagers and deny guerrilla forces local support.

This charge comes from the Paris-based Doctors Without Frontiers and International Medical Aid.

Doctors who have served in Afghanistan assisting the general populace with their medical needs assert:

. . . Communist pacification efforts have failed and Soviet-backed government forces have recently adopted a policy of deliberately bombing villages, farms, hospitals, and crops.

One doctor described Soviet activities as a ". . . reign of terror."

The Monitor story reported that the doctors attacked the Soviet Union for its:

. . . "Brutal and widespread" use of antipersonnel "butterfly bombs" as well as boobytrapped objects such as toys, cigarette packs, and pens. Such objects, they said, are scattered by helicopter over fields, villages, and mountain paths, causing heavy casualties among both inhabitants and livestock.

Children are the main victims, as they have a tendency to pick up everything out of curiosity.

Mr. President, I think the behavior of the Soviet Union in Afghanistan should outrage the sensibilities of the entire civilized world. What we are seeing is genocidal behavior by the Soviet Union because they have discovered the people of Afghanistan will fiercely fight for their independence. I think it is incumbent upon this administration to focus constant attention on the Soviet atrocities being perpetrated upon the people of Afghanistan.

I ask unanimous consent that the article from the Christian Science Monitor be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Jan. 26, 1982]

SOVIETS ACCUSED OF CIVILIAN BOMBINGS IN AFGHANISTAN

FRENCH DOCTORS SAY ATTACKS USED TO DISCOURAGE AID TO GUERRILLAS

(By Edward Girardet)

French medical organizations operating clandestine health teams inside Afghanistan have accused the Soviet Union of systematically bombing civilian targets in an attempt to demoralize villagers and deny guerrilla forces local support.

According to the Paris-based Doctors Without Frontiers (DWF) and International Medical Aid (IMA), communist pacification efforts have failed and the Soviet-backed government forces have recently adopted a policy of deliberately bombing villages, farms, hospitals, and crops. DWF and IMA are two of the three French groups working in eight different Afghan provinces.

The doctors also maintain that the Soviets have increasingly turned to helicopter and MIG attacks because the guerrillas have used improved tactics to destroy so many communist tanks and other armored vehicles in recent months.

Until now the doctors had remained discreet about their activities in resistance-held areas to prevent Soviet attack. But they decided to speak up last week at a Paris news conference when it became clear to them that the Soviets have begun to mount what one doctor described as a "reign of terror."

"We feel it is now up to world public opinion to pressure the Russians into stopping such atrocities," said Dr. Claude Malhuret, the DWF spokesman.

The conference provided details on Soviet aerial bombardments provided by recently returned doctors from as far inland as Hazarajat in the central highlands of Afghanistan. The two volunteer medical organizations showed color slides of bombed hospitals, shattered villages, injured villagers, and smouldering foodstores.

The French, who have up to 25 doctors working in Afghanistan at any one time for periods up to six months, said they have not been able to accumulate any firm evidence of chemical warfare despite numerous reports from local inhabitants.

But the doctors strongly attacked the Soviet Union for its "brutal and widespread" use of antipersonnel "butterfly bombs" as well as boobytrapped objects such as toys, cigarette packs, and pens. Such objects, they said, are scattered by helicopter over fields, villages, and mountain paths, causing heavy casualties among both inhabitants and livestock.

"Children are the main victims, as they have a tendency to pick up anything out of curiosity," said Dr. Malhuret.

The Soviet Embassy in Paris has strongly denied the accusations of the French doctors. "It is absolutely inconceivable that the Soviet Union would ever resort to such inhuman methods," said a senior embassy spokesman.

When asked about allegations that three French hospitals were deliberately bombed over a two-day period and the continued use of antipersonnel mines, the official said: "There is absolutely no truth in their charges. Mistakes can often happen during wartime, but photographs can also be falsified."

L'Humanite, a French communist daily and staunch supporter of Soviet policy, has adopted a similar line. The Communist Party itself has remained quiet about the charges, but the newspaper maintained that the "alleged" use of antipersonnel mines and other so-called "atrocities" is part of American propaganda.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATTINGLY). Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR SPECTER ON TUESDAY, FEBRUARY 2, 1982

Mr. GORTON. Mr. President, I ask unanimous consent that Senator SPECTER be granted a 15-minute special order following the special orders already granted for Tuesday, February 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR PRODUCTION OF DOCUMENTS BY THE SENATE COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. GORTON. Mr. President, I send a resolution to the desk on behalf of Senator BAKER and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 300) authorizing production of documents by the Senate Committee on Labor and Human Resources.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BAKER. Mr. President, the Special Prosecutor, Leon Silverman, appointed by the special court to take charge of the investigation of allegations concerning Secretary of Labor Raymond J. Donovan, has asked the Senate Committee on Labor and Human Resources to produce documents compiled by the committee in its own investigation of that matter. This resolution under Senate rule XI will authorize the committee to provide the Special Prosecutor with the

documents it has obtained that may have a bearing on his investigation. These documents are executive department documents, public records, correspondence with executive departments, and media reports. The resolution is not authority for testimony of any kind. By providing these documents, the committee does not intend to waive the Senate's privileges with respect to materials not produced or testimony.

Accordingly, I ask that this resolution be adopted authorizing production of documents by the Senate Committee on Labor and Human Resources.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 300) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 300

Whereas, the Special Prosecutor appointed to investigate allegations concerning Secretary of Labor Raymond J. Donovan has requested the Senate Committee on Labor and Human Resources to produce documents bearing on his investigation;

Whereas, by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control of or in the possession of the Senate are needful for use in a formal investigation for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistently with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That the chairman and the ranking minority member of the Senate Committee on Labor and Human Resources, acting jointly, are authorized to produce to the Special Prosecutor executive department documents, public records, correspondence with executive departments, and media reports compiled by the committee which may bear on allegations concerning Secretary of Labor Raymond J. Donovan.

2. The committee shall maintain an inventory of all documents which the chairman and the ranking minority member authorize to be produced to the Special Prosecutor.

COMMEMORATION OF THE 20TH ANNIVERSARY OF THE UNITED STATES SENATE YOUTH PROGRAM

Mr. GORTON. Mr. President, I send a resolution to the desk on behalf of Mr. BAKER and Mr. CRANSTON and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 301) to commemorate the 20th anniversary of the United States Senate Youth Program.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 301) was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 301

Whereas, the first week in February, 1982, marks the 20th anniversary of the United States Senate Youth Program;

Whereas, this Program brings to Washington each year two senior high school students from each state, the District of Columbia, and the Department of Defense Dependents Schools for a week's visit to meet their respective Senators and observe the functioning of the Congress, the Executive Branch and the United States Supreme Court; and

Whereas, said student delegates are selected by their respective State Superintendents of Schools on the basis of high scholastic grades and outstanding leadership abilities: Now, therefore, be it

Resolved, That the Senate recognizes with satisfaction that this year marks the 20th anniversary of this worthy Program, commends the William Randolph Hearst Foundation for establishing and providing financial support for the program, and hopes that the program will continue to enable outstanding high school students to obtain a first hand knowledge of the operations of the Congress and the Federal Government.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2557. A communication from the Director of the Office of Management and Budget, transmitting, pursuant to law, the cumulative report for the month of January 1982 on rescissions and deferrals; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations and the Committee on the Budget.

EC-2558. A communication from the Secretary of Defense transmitting, pursuant to law, a report on measures to combat waste, fraud, abuse and mismanagement in the defense program; to the Committee on Armed Services.

EC-2559. A communication from the Acting Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a proposed foreign military assistance sale to Pakistan; to the Committee on Armed Services.

EC-2560. A communication from the Secretary of Defense transmitting, pursuant to law, a report on Department of Defense technology and information transfer activities; to the Committee on Commerce, Science, and Transportation.

EC-2561. A communication from the Under Secretary of Energy transmitting, pursuant to law, the final report on its application study for wind energy systems at Federal facilities; to the Committee on Energy and Natural Resources.

EC-2562. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Environmental, Economic, and Political Issues Impede Potomac River Cleanup Effort"; to the Committee on Environment and Public Works.

EC-2563. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Enforcement of U.S. Import Admissibility Requirements: Better Management Could Save Work, Reduce Delays, and Improve Service and Importers' Compliance"; to the Committee on Governmental Affairs.

EC-2564. A communication from the Secretary of the Treasury transmitting a draft of proposed legislation to authorize a flexible investment yield on U.S. savings bonds; to the Committee on Finance.

EC-2565. A communication from the Secretary of the Treasury transmitting a draft of proposed legislation to eliminate the limitation on the amount of Treasury bonds paying interest in excess of 4¼ percent; to the Committee on Finance.

EC-2566. A communication from the Fiscal Assistant Secretary of the Treasury transmitting, pursuant to law, the statement of liabilities and other financial commitments of the U.S. Government as of September 30, 1981; to the Committee on Finance.

EC-2567. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, copies of international agreements, other than treaties, entered into by the United States within the previous 60 days; to the Committee on Foreign Relations.

EC-2568. A communication from the Comptroller General of the United States transmitting, pursuant to law, a list of reports of the General Accounting Office for the month of December 1981; to the Committee on Governmental Affairs.

EC-2569. A communication from the District of Columbia Auditor transmitting, pursuant to law, a report on an investigation of an unemployment complaint; to the Committee on Governmental Affairs.

EC-2570. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the third biennial report on the status of health professions personnel in the United States; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. Res. 303. Original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry; referred to the Committee on Rules and Administration.

By Mr. TOWER, from the Committee on Armed Services, without amendment:

S. Res. 304. Original resolution authorizing expenditures by the Committee on Armed Services; referred to the Committee on Rules and Administration.

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S. Res. 305. Original resolution authorizing expenditures by the Committee on the Judiciary; referred to the Committee on Rules and Administration.

By Mr. SIMPSON, from the Committee on Veterans' Affairs, without amendment:

S. Res. 306. Original resolution authorizing expenditures by the Committee on Vet-

erans' Affairs; referred to the Committee on Rules and Administration.

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. Res. 307. Original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs; referred to the Committee on Rules and Administration.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. EXON:

S. 2033. A bill to revise the price support program for milk for the period beginning October 1, 1982, ending September 30, 1985, to revise the program for wheat and feed grains for the 1982 through 1985 crops, to increase the borrowing authority for the Commodity Credit Corporation, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HEFLIN (for himself and Mr. DENTON):

S. 2034. A bill to designate the lock and dam known as the Jones Bluff Lock and Dam, located on the Alabama River, as the "Robert F. Henry Lock and Dam"; to the Committee on Environment and Public Works.

By Mr. HEFLIN:

S. 2035. A bill to establish a National Court of Appeals, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GORTON (for Mr. BAKER):

S. Res. 300. Resolution authorizing production of documents by the Senate Committee on Labor and Human Resources; considered and agreed to.

By Mr. GORTON (for Mr. BAKER (for himself and Mr. CRANSTON)):

S. Res. 301. Resolution to commemorate the 20th anniversary of the United States Senate Youth Program; considered and agreed to.

By Mr. HOLLINGS (for himself, Mr. DOMENICI, Mr. ROBERT C. BYRD, and Mr. BAKER):

S. Res. 302. Resolution to honor and commend Martin Leonard Skutnik III, for his courageous act of rescue in the aircraft disaster in Washington, District of Columbia, on January 13, 1982; to the Committee on the Judiciary.

By Mr. HELMS:

S. Res. 303. Original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry; from the Committee on Agriculture, Nutrition, and Forestry; to the Committee on Rules and Administration.

By Mr. TOWER:

S. Res. 304. Original resolution authorizing expenditures by the Committee on Armed Services; from the Committee on Armed Services; to the Committee on Rules and Administration.

By Mr. THURMOND:

S. Res. 305. Original resolution authorizing expenditures by the Committee on the Judiciary; from the Committee on the Judiciary; to the Committee on Rules and Administration.

By Mr. SIMPSON:

S. Res. 306. Original resolution authorizing expenditures by the Committee on Veterans' Affairs; from the Committee on Veterans' Affairs; to the Committee on Rules and Administration.

By Mr. GARN:

S. Res. 307. Original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs; from the Committee on Banking, Housing, and Urban Affairs; to the Committee on Rules and Administration.

By Mr. HEINZ:

S. Res. 308. Resolution authorizing expenditures by the Special Committee on Aging; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. EXON:

S. 2033. A bill to revise the price support program for milk for the period beginning October 1, 1982, and ending September 30, 1985, to revise the program for wheat and feed grains for the 1982 through 1985 crops, to increase the borrowing authority for the Commodity Credit Corporation, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL ACT AMENDMENTS OF 1982

Mr. EXON. Mr. President, today I am introducing legislation which, if enacted into law, will help enable our family farmers to ride out this current depressed state of agriculture, which has only been worsened by the terms of the agriculture legislation passed by the Congress late last year.

This legislation will restore price supports for wheat, corn, and dairy to those levels originally contained in the bill reported to the floor of the U.S. Senate in S. 884 in May 1981. As my colleagues will remember when the Senate considered S. 884 in September of last year, amendments were adopted which significantly reduced the price supports for wheat, corn, and dairy. During that debate on these amendments, I rose to object to the adoption of these reduced price support programs believing that they would surely spell a continued decline in our agriculture economy. During the recent recess, I became increasingly alarmed at the effects the current recession was having on our farm economy. What became even more evident was the fact that the 1981 farm bill was inadequate to meet the needs of our grain and dairy farmers.

As my colleagues will see, this legislation will increase price supports for wheat, corn, and dairy to those levels the Senate Agriculture Committee reported in S. 884 in May 1981. These levels were considered by the Agriculture Committee members to be a modest upward adjustment in target and loan rates as well as meeting the desires of the administration's fiscal policy of reduced Federal expenditures. Unfortunately, these modest support levels were attacked as being excessive by the Reagan administration and a successful effort was launched to further reduce these support levels from the original committee bill. This was a part of the grand strategy by the Reagan administration to break up the traditional farm coalition, as admitted to by the President's Budget Director. During our debate on these debilitating amendments, I strongly opposed their adoption warning my colleagues that their enactment would emasculate the bill and exacerbate an already rapidly deteriorating economic climate in the grain- and dairy-producing areas of this Nation. Mr. President, I stand here today and say to this body that it is the opinion of this Senator that those statements have been proven correct.

There is another provision of this legislation which is of critical importance not only to the farmers of this Nation but to the Commodity Credit Corporation's ability to meet heavy borrowing which is taking place in the Grain Belt as our farmers move in large numbers to enter the reserve program. Presently, the CCC has a statutory ceiling on its borrowing authority of $25 billion. This total authority, however, has been limited to $20 billion by the appropriations process. Mr. President, it is widely known that the Commodity Credit Corporation is rapidly approaching this $20 billion limit. In fact, it has been estimated by the USDA that it will be reached sometime in the next few days, possibly as soon as February 1 of this year.

It is critical that the Senate move on this matter rapidly in order that we avert a disastrous situation of the CCC literally running out of borrowing authority.

Mr. President, I commend this modest bill to the attention of my colleagues. It is my sincere hope that this legislation will receive serious consideration by this body and that we may move expeditiously to enact the measure into law and thereby give our family farmers the type of support they need to survive.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2033

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agricultural Act Amendments of 1982."

TITLE I—DAIRY

MILK PRICE SUPPORT

SEC. 101. (a) Section 201(c) of the Agicultural Act of 1949 (7 U.S.C. 1446(c)) (as amended by section 103 of the Agricultural and Food Act of 1981) is amended by striking out everything after the first sentence and inserting in lieu thereof the following: "Notwithstanding the foregoing, effective for each of the fiscal years during the period beginning October 1, 1982, and ending September 30, 1985, whenever the Secretary estimates that the net cost of Government price support purchases of milk or the products of milk will exceed $500,000,000 or that net Government price support purchases of milk or the products of milk will exceed 3.52 billion pounds (milk equivalent) during any fiscal year, the price of milk beginning on October 1 of such fiscal year shall be supported at such level, as determined by the Secretary, not less than 70 per centum of the parity price therefor.".

(b) Section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446) (as amended by section 103 of the Agriculture and Food Act of 1981) is amended by adding after subsection (c) the following new subsection:

"(d) Notwithstanding the provisions of subsection (c) of this section, effective for the period beginning on October 1, 1982, and ending September 30, 1985, the Secretary shall adjust the support price of milk to not less than 70 per centum of the parity price therefor on April 1 of each fiscal year, if on that date the support price of milk is below 70 per centum of the parity price therefor.".

TITLE II—WHEAT

LOAN RATES, TARGET PRICES, DISASTER PAYMENTS, WHEAT ACREAGE REDUCTION PROGRAM, AND LAND DIVERSION FOR THE 1982 THROUGH 1985 CROPS OF WHEAT

SEC. 201. Effective only for the 1982 through 1985 crops of wheat, section 107B of the Agricultural Act of 1949 (as added by section 301 of the Agriculture and Food Act of 1981) is amended to read as follows:

"SEC. 107B. Notwithstanding any other provision of law—

"(a) The Secretary shall make available to producers loans and purchases for each of the 1982 through 1985 crops of wheat at such level, not less than $3.50 per bushel, as the Secretary determines will maintain the competitive relationship of wheat to other grains in domestic and export markets after taking into consideration the cost of producing wheat, supply and demand conditions, and world prices for wheat.

"(b)(1)(A) In addition to loans and purchases under subsection (a), the Secretary shall make available to producers payments for each of the 1982 through 1985 crops of wheat in an amount computed as provided in this subsection. Payments for any such crop of wheat shall be computed by multiplying (i) the payment rate, by (ii) the farm program acreage for the crop, by (iii) the farm program payment yield for the crop. In no event may payments be made under this paragraph for any crop on a greater acreage than the acreage actually planted to wheat.

"(B) The payment rate for wheat shall be the amount by which the higher of—

"(i) the national weighted average market price received by farmers during the first five months of the marketing year for such crop, as determined by the Secretary, or

"(ii) the loan level determined under subsection (a) of this section for such crop, is less than the established price per bushel.

"(C) For the 1982 through 1985 crops of wheat, the established price shall not be less than $4.20 per bushel for the 1982 crop, $4.40 per bushel for the 1983 crop, $4.60 per bushel for the 1984 crop, and $4.80 per bushel for the 1985 crop. Any such established price may be adjusted by the Secretary as the Secretary determines to be appropriate to reflect any change in (i) the average adjusted cost of production per acre for the two crop years immediately preceding the year for which the determination is made from (ii)) the average adjusted cost of production per acre for the two crop years immediately preceding the year previous to the one for which the determination is made. The adjusted cost of production for each of such years may be determined by the Secretary on the basis of such information as the Secretary finds necessary and appropriate for the purpose and may include variable costs, machinery ownership costs, and general farm overhead costs, allocated to the crops involved on the basis of the proportion of the value of the total production derived from each crop.

"(D) The total quantity on which payments would otherwise be payable to a producer on a farm for any crop under this paragraph shall be reduced by the quantity on which any disaster payment is made to the producer for the crop under paragraph (2) of this subsection.

"(2)(A) Except as provided in subparagraph (C) of this paragraph, effective with respect to the 1982 through 1985 crops of wheat, if the Secretary determines that the producers on a farm are prevented from planting any portion of the acreage intended for wheat to wheat or other nonconserving crops because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the Secretary shall make a prevented planting disaster payment to the producers on the number of acres so affected but not to exceed the acreage planted to wheat for harvest (including any acreage which the producers were prevented from planting to wheat or other nonconserving crop in lieu of wheat because of drought, flood, or other natural disaster, or other condition beyond the control of the producers) in the immediately preceding year, multiplied by 75 per centum of the farm program payment yield established by the Secretary times a payment rate equal to 33⅓ per centum of the established price of the crop.

"(B) Except as provided in subparagraph (C) of this paragraph, effective with respect to the 1982 through 1985 crops of wheat, if the Secretary determines that because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the total quantity of wheat which the producers are able to harvest on any farm is less than the result of multiplying 60 per centum of the farm program payment yield established by the Secretary for such crop by the acreage planted for harvest for such crop, the Secretary shall make a reduced yield disaster payment to the producers at a rate equal to 50 per centum of the established price for the crop for the deficiency in production below 60 per centum for the crop.

"(C) With respect to the 1982 through 1985 crops of wheat, producers on a farm shall not be eligible for disaster payments under this paragraph if crop insurance is available to them under the Federal Crop Insurance Act with respect to their wheat acreage.

"(D) Notwithstanding the provisions of subparagraph (C) of this paragraph, effective only for the 1982 through 1985 crops of wheat, the Secretary may make disaster payments to producers on a farm under this paragraph whenever the Secretary determines that—

"(i) as the result of drought, flood, or other natural disaster, or other condition beyond the control of the producers, producers on a farm have suffered substantial losses of production either from being prevented from planting wheat or other nonconserving crop or from reduced yields, and that such losses have created an economic emergency for the producers;

"(ii) Federal crop insurance indemnity payments and other forms of assistance made available by the Federal Government to such producers for such losses are insufficient to alleviate such economic emergency, or no crop insurance covered the loss because of transtitional problems attendant to the Federal crop insurance program; and

"(iii) additional assistance must be made available to such producers to alleviate the economic emergency.

The Secretary may make such adjustments in the amount of payments made available under this subparagraph with respect to individual farms so as to assure the equitable allotment of such payments among producers taking into account other forms of Federal disaster assistance provided to the producers for the crop involved.

"(c)(1) The Secretary shall proclaim a national program acreage for each of the 1982 through 1985 crops of wheat. The proclamation shall be made not later than August 1 of each calendar year for the crop harvested in the next succeeding calendar year. The Secretary may revise the national program acreage first proclaimed for any crop year for the purpose of determining the allocation factor under paragraph (2) of this subsection if the Secretary determines it necessary based upon the latest information, and the Secretary shall proclaim such revised national program acreage as soon as it is made. The national program acreage for wheat shall be the number of harvested acres the Secretary determines (on the basis of the weighted national average of the farm program payment yields for the crop for which the determination is made) will produce the quantity (less imports) that the Secretary estimates will be utilized domestically and for export during the marketing year for such crop. If the Secretary determines that carryover stocks of wheat are excessive or an increase in stocks is needed to assure desirable carryover, the Secretary may adjust the national program acreage by the amount the Secretary determines will accomplish the desired increase or decrease in carryover stocks.

"(2) The Secretary shall determine a program allocation factor for each crop of wheat. The allocation factor for wheat shall be determined by dividing the national program acreage for the crop by the number of acres that the Secretary estimates will be harvested for such crop, except that in no event shall the allocation factor for any crop of wheat be more than 100 per centum nor less than 80 per centum.

"(3) The individual farm program acreage for each crop of wheat shall be determined by multiplying the allocation factor by the acreage of wheat planted for harvest on the farms for which individual farm program acreages are required to be determined. The wheat acreage shall not be further reduced

by application of the allocation factor if the producers reduce the acreage of wheat planted for harvest on the farm from the previous year by at least the percentage recommended by the Secretary in the proclamation of the national program acreage made not later than August 1 prior to the year in which the crop is harvested. The Secretary shall provide fair and equitable treatment for producers on farms on which the acreage of wheat planted for harvest is less than for the preceding year, but for which the reduction is insufficient to exempt the farm from the application of the allocation factor. In establishing the allocation factor for wheat, the Secretary may make such adjustments as the Secretary deems necessary to take into account the extent of exemption of farms under the foregoing provisions of this paragraph.

"(d) The farm program payment yield for each crop of wheat shall be the yield established for the farm for the previous crop year, adjusted by the Secretary to provide a fair and equitable yield. If no payment yield for wheat was established for the farm in the previous crop year, the Secretary may determine such yield as the Secretary finds fair and reasonable. Notwithstanding the foregoing provisions of this subsection, in the determination of yields, the Secretary shall take into account the actual yields proved by the producer, and neither such yields nor the farm program payment yield established on the basis of such yields shall be reduced under other provisions of this subsection. If the Secretary determines it necessary, the Secretary may establish national, State, or county program payment yields on the basis of historical yields, as adjusted by the Secretary to correct for abnormal factors affecting such yields in the historical period, or, if such data are not available, on the Secretary's estimate of actual yields for the crop year involved. If national, State, or county program payment yields are established, the farm program payment yields shall balance to the national, State, or county program payment yields.

"(e)(1) Notwithstanding any other provision of this section, the Secretary may impose a limitation on the acreage planted to wheat if the Secretary determines that the total supply of wheat will, in the absence of such limitation, be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. Such limitation shall be achieved by applying a uniform percentage reduction to the wheat acreage base for each wheat-producing farm. Producers on a farm who knowingly produce wheat in excess of the permitted wheat acreage for the farm shall be ineligible for wheat loans, purchases, and payments with respect to that farm. The acreage base for any farm for the purpose of determining any reduction required to be made for any year as the result of a limitation imposed by the Secretary under this paragraph shall be the acreage planted on the farm to wheat for harvest (including any acreage which the producers were prevented from planting to wheat or other nonconserving crop in lieu of wheat because of drought, flood, or other natural disaster, or other condition beyond the control of the producers) in the crop year immediately preceding the year for which the determination is made or, at the discretion of the Secretary, the average acreage planted to wheat for harvest in the two crop years immediately preceding the year for which the determination is made. The Secretary may make adjustments to reflect established crop-rotation practices and to reflect such factors as the Secretary determines should be considered in determining a fair and equitable base. A number of acres on the farm determined by dividing (A) the product obtained by multiplying the number of acres required to be withdrawn from the production of wheat times the number of acres actually planted to such commodity, by (B) the number of acres authorized to be planted to such commodity under the limitation imposed by the Secretary (hereinafter in this subsection referred to as 'reduced acreage') shall be devoted to conservation uses, in accordance with regulations issued by the Secretary, which will assure protection of such acreage from weeds and wind and water erosion. However, the Secretary may permit, subject to such terms and conditions as the Secretary may prescribe, all or any part of the reduced acreage to be devoted to sweet sorghum, hay and grazing or the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, triticale, oats, rye, or other commodity, if the Secretary determines that such production is needed to provide an adequate supply of such commodities, is not likely to increase the cost of the price support program, and will not adversely affect farm income.

"(2) The Secretary may conduct a land diversion program and make land diversion payments to producers of wheat if the Secretary determines that such payments will assist in obtaining necessary adjustments in the total acreage of wheat. If a land diversion program is in effect under this subsection, the Secretary may also require that producers participate in such program as a condition of eligibility for loans, purchases, and payments authorized by this section. Land diversion payments shall be made to a producer on a farm who devotes an acreage of cropland on the farm to conservation uses approved by the Secretary in accordance with a land diversion contract entered into with the Secretary. The amounts payable to a producer under a land diversion contract shall be determined by such means as the Secretary determines appropriate, including the submission of bids for such contracts. In determining the acceptability of a contract offer, the Secretary shall take into consideration the extent of the diversion to be undertaken by the producer and the productivity of the acreage diverted. The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to affect adversely the economy of the county or local community.

"(3) The reduced acreage and the diverted acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies.

"(4) An operator of a farm desiring to participate in the program conducted under this subsection shall execute an agreement with the Secretary providing for such participation no later than such date as the Secretary may prescribe. The Secretary may by mutual agreement with the producer, terminate or modify any such agreement entered into under this subsection if the Secretary determines such action necessary because of an emergency created by drought or other disaster or to prevent or alleviate a shortage in the supply of agricultural commodities.

"(f) In any case in which the failure of a producer to comply fully with the terms and conditions of the program conducted under this section precludes the making of loans, purchases, and payments, the Secretary may, nevertheless, make such loans, purchases, and payments in such amounts as the Secretary determines to be equitable in relation to the seriousness of the failure. The Secretary may authorize the county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet such other requirements does not adversely affect the operation of the program.

"(g) The Secretary may issue such regulations as the Secretary determines necessary to carry out the provisions of this section.

"(h) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

"(i) The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (relating to assignment of payments) shall apply to payments under this section.

"(j) The Secretary shall provide for the sharing of payments made under this section for any farm among the producers on the farm on a fair and equitable basis.

"(k) Notwithstanding any other provision of law, compliance on a farm with the terms and conditions of any other commodity program may not be required as a condition of eligibility for loans, purchases, or payments under this section.".

TITLE III—FEED GRAINS

LOAN RATES, TARGET PRICES, DISASTER PAYMENTS, FEED GRAIN ACREAGE REDUCTION PROGRAM, AND LAND DIVERSION FOR THE 1982 THROUGH 1985 CROPS OF FEED GRAINS

SEC. 301. Effective only for the 1982 through 1985 crops of feed grains, section 105B of the Agricultural Act of 1949 (as added by section 401 of the Agriculture and Food Act of 1981) is amended to read as follows:

"SEC. 105B. Notwithstanding any other provision of law—

"(a)(1) The Secretary shall make available to producers loans and purchases for each of the 1982 through 1985 crops of corn at such level, not less than $2.60 per bushel, as the Secretary determines will encourage the exportation of feed grains and not result in excessive total stocks of feed grains after taking into consideration the cost of producing corn, supply and demand conditions, and world prices for corn.

"(2) The Secretary shall make available to producers loans and purchases for each of the 1982 through 1985 crops of grain sorghums, barley, oats, and rye, respectively, at such level as the Secretary determines is fair and reasonable in relation to the level that loans and purchasers are made available for corn, taking into consideration the feeding value of such commodity in relation to corn and other factors specified in section 401(b) of this Act.

"(b)(1)(A) The Secretary shall make available to producers payments for each of the 1982 through 1985 crops of corn, grain sorghums, oats, and, if designated by the Secretary, barley, in an amount computed as provided in this subsection. Payments for any such crop of feed grains shall be computed by multiplying (i) the payment rate, by (ii) the farm program acreage for the crop, by (iii) the farm program payment yield for the crop. In no event may payments be made under this paragraph for any crop on a greater acreage than the acreage actually planted to such feed grains.

"(B) The payment rate for corn shall be the amount by which the higher of—

"(i) the national weighted average market price received by farmers during the first five months of the marketing year for such crop, as determined by the Secretary, or

"(ii) the loan level determined under subsection (a) of this section for such crop,

is less than the established price per bushel.

"(C) For the 1982 through 1985 crops of corn, the established price shall not be less than $2.80 per bushel for the 1982 crop, $2.95 per bushel for the 1983 crop, $3.10 per bushel for the 1984 crop, and $3.25 per bushel for the 1985 crop. Any such established price may be adjusted by the Secretary as the Secretary determines to be appropriate to reflect any change in (i) the average adjusted cost of production per acre for the two crop years immediately preceding the year for which the determination is made from (ii) the average adjusted cost of production per acre for the two crop years immediately preceding the year previous to the one for which the determination is made. The adjusted cost of production for each of such years may be determined by the Secretary on the basis of such information as the Secretary finds necessary and appropriate for the purpose and may include variable costs, machinery ownership costs, and general farm overhead costs, allocated to the crops involved on the basis of the proportion of the value of the total production derived from each crop.

"(D) The payment rate for grain sorghums, oats and, if designated by the Secretary, barley, shall be at such rates as the Secretary determines fair and reasonable in relation to the rate at which payments are made available for corn.

"(E) The total quantity on which payments would otherwise be payable to a producer on a farm for any crop under this paragraph shall be reduced by the quantity on which any disaster payment is made to the producer for the crop under paragraph (2) of this subsection.

"(2) (A) Except as provided in subparagraph (C) of this paragraph, effective only with respect to the 1982 through 1985 crops of feed grains, if the Secretary determines that the producers on a farm are prevented from planting any portion of the acreage intended for feed grains to feed grains or other nonconserving crops because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the Secretary shall make a prevented planting disaster payment to the producers on the number of acres so affected but not to exceed the acreage planted to feed grains for harvest (including any acreage which the producers were prevented from planting to feed grains or other nonconserving crop in lieu of feed grains because of drought, flood, or other natural disaster, or other condition beyond the control of the producers) in the immediately preceding year, multiplied by 75 per centum of the farm program payment yield established by the Secretary times a payment rate equal to 33⅓ per centum of the established price for the crop.

"(B) Except as provided in subparagraph (C) of this paragraph, effective only with respect to the 1982 through 1985 crops of feed grains, if the Secretary determines that because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the total quantity of feed grains which the producers are able to harvest on any farm is less than the result of multiplying 60 per centum of the farm program payment yield established by the Secretary for such crop by the acreage planted for harvest for such crop, the Secretary shall make a reduced yield disaster payment to the producers at a rate equal to 50 per centum of the established price for the crop for the deficiency in production below 60 per centum for the crop.

"(C) With respect to the 1982 through 1985 crops of feed grains, producers on a farm shall not be eligible for disaster payments under this paragraph if crop insurance is available to them under the Federal Crop Insurance Act with respect to their feed grain acreage.

"(D) Notwithstanding the provisions of subparagraph (C) of this paragraph, effective only for the 1982 through 1985 crops of feed grains, the Secretary may make disaster payments to producers on a farm under this paragraph whenever the Secretary determines that—

"(i) as the result of drought, flood, or other natural disaster, or other condition beyond the control of the producers, producers on a farm have suffered substantial losses of production either from being prevented from planting feed grains or other nonconserving crop or from reduced yields, and that such losses have created an economic emergency for the producers;

"(ii) Federal crop insurance indemnity payments and other forms of assistance made available by the Federal Government to such producers for such losses are insufficient to alleviate such economic emergency, or no crop insurance covered the loss because of transitional problems attendant to the Federal crop insurance program; and

"(iii) additional assistance must be made available to such producers to alleviate the economic emergency.

The Secretary may make such adjustments in the amount of payments made available under this subparagraph with respect to individual farms so as to assure the equitable allotment of such payments among producers taking into account other forms of Federal disaster assistance provided to the producers for the crop involved.

"(c)(1) The Secretary shall proclaim a national program acreage for each of the 1982 through 1985 crops of feed grains. The proclamation shall be made not later than November 1 of each calendar year for the crop harvested in the next succeeding calendar year. The Secretary may revise the national program acreage first proclaimed for any crop year for the purpose of determining the allocation factor under paragraph (2) of this subsection if the Secretary determines it necessary based upon the latest information, and the Secretary shall proclaim such revised national program acreage as soon as it is made. The national program acreage for feed grains shall be the number of harvested acres the Secretary determines (on the basis of the weighted national average of the farm program payment yields for the crop for which the determination is made) will produce the quantity (less imports) that the Secretary estimates will be utilized domestically and for export during the marketing year for such crop. If the Secretary determines that carryover stocks of feed grains are excessive or an increase in stock is needed to assure desirable carryover, the Secretary may adjust the national program acreage by the amount the Secretary determines will accomplish the desired increase or decrease in carryover stocks.

"(2) The Secretary shall determine a program allocation factor for each crop of feed grains. The allocation factor for feed grains shall be determined by dividing the national program acreage for the crop by the number of acres that the Secretary estimates will be harvested for such crop, except that in no event shall the allocation factor for any crop of feed grains be more than 100 per centum nor less than 80 per centum.

"(3) The individual farm program acreage for each crop of feed grains shall be determined by multiplying the allocation factor by the acreage of feed grains planted for harvest on the farms for which individual farm program acreages are required to be determined. The feed grain acreage shall not be further reduced by application of the allocation factor if the producers reduce the acreage of feed grains planted for harvest on the farm from the previous year by at least the percentage recommended by the Secretary in the proclamation of the national program acreage made not later than November 1 prior to the year in which the crop is harvested. The Secretary shall provide fair and equitable treatment for producers on farms on which the acreage of feed grains planted for harvest is less than for the preceding year, but for which the reduction is insufficient to exempt the farm from the application of the allocation factor. In establishing the allocation factor for feed grains, the Secretary may make such adjustment as the Secretary deems necessary to take into account the extent of exemption of farms under the foregoing provisions of this paragraph.

"(d) The farm program payment yield for each crop of feed grains shall be the yield established for the farm for the previous crop year, adjusted by the Secretary to provide a fair and equitable yield. If no payment yield for feed grains was established for the farm in the previous crop year, the Secretary may determine such yield as the Secretary finds fair and reasonable. Notwithstanding the foregoing provisions of this subsection, in the determination of yields, the Secretary shall take into account the actual yields proved by the producer, and neither such yields nor the farm program payment yield established on the basis of such yields shall be reduced under other provisions of this subsection. If the Secretary determines it necessary, the Secretary may establish national, State, or county program payment yields on the basis of historical yields, as adjusted by the Secretary to correct for abnormal factors affecting such yields in the historical period, or, if such data are not available, on the Secretary's estimate of actual yields for the crop year involved. If national, State, or county program payment yields are established, the farm program payment yields shall balance to the national, State, or county program payment yields.

"(e) (1) Notwithstanding any other provision of this section, the Secretary may impose a limitation on the acreage planted to feed grains if the Secretary determines that the total supply of feed grains will, in the absence of such limitation, be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. Such limitation shall be achieved by applying a uniform percentage reduction to the feed grain acreage base for each feed grain-producing farm. Producers on a farm who knowingly produce feed grains in excess of the permitted feed grain acreage for the farm shall be ineligible for feed grain loans, purchases, and payments with respect to that farm. The acreage base

for any farm for the purpose of determining any reduction required to be made for any year as the result of a limitation, imposed by the Secretary under this paragraph shall be the acreage planted on the farm to feed grains for harvest (including any acreage which the producers were prevented from planting to feed grains or other nonconserving crop in lieu of feed grains because of drought, flood, or other natural disaster, or other condition beyond the control of the producers) in the crop year immediately preceding the year for which the determination is made or, at the discretion of the Secretary, the average acreage planted to feed grains for harvest in the two crop years immediately preceding the year for which the determination is made. The Secretary may make adjustments to reflect established crop-rotation practices and to reflect such other factors as the Secretary determines should be considered in determining a fair and equitable base. A number of acres on the farm determined by dividing (A) the product obtained by multiplying the number of acres required to be withdrawn from the production of feed grains times the number of acres actually planted to such commodity, by (B) the number of acres authorized to be planted to such commodity under the limitation imposed by the Secretary (hereinafter in this subsection referred to as 'reduced acreage') shall be devoted to conservation uses, in accordance with regulations issued by the Secretary, which will assure protection of such acreage from weeds and wind and water erosion. However, the Secretary may permit, subject to such terms and conditions as the Secretary may prescribe, all or any part of the reduced acreage to be devoted to sweet sorghum, hay and grazing or the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, triticale, oats, rye, or other commodity, if the Secretary determines that such production is needed to provide an adequate supply of such commodities, is not likely to increase the cost of the price support program, and will not adversely affect farm income.

"(2) The Secretary may conduct a land diversion program and make land diversion payments to producers of one or more of the crops of corn, barley, oats, rye, and grain sorghums if the Secretary determines that such payments will assist in obtaining necessary adjustments in the total acreage of any of these feed grains. If a land diversion program is in effect for one or more of the crops of corn, barley, oats, rye, and grain sorghums, the secretary may also require that producers participate in such program as a condition of eligibility for loans, purchases, and payments authorized by this section. Land diversion payments shall be made to a producer on a farm who devotes an acreage of cropland on the farm to conservation uses approved by the Secretary in accordance with a land diversion contract entered into with the Secretary. The amounts payable to a producer under a land diversion contract shall be determined by such means as the Secretary determines appropriate, including the submission of bids for such contracts. In determining the acceptability of a contract offer, the Secretary shall take into consideration the extent of the diversion to be undertaken by the producer and the productivity of the acreage diverted. The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to affect adversely the economy of the county or local community.

"(3) The reduced acreage and the diverted acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies.

"(4) An operator of a farm desiring to participate in the program conducted under this subsection shall execute an agreement with the Secretary providing for such participation no later than such date as the Secretary may prescribe. The Secretary may, by mutual agreement with the producer, terminate or modify any such agreement entered into under this subsection if the Secretary determines such action necessary because of an emergency created by drought or other disaster or to prevent or alleviate a shortage in the supply of agricultural commodities.

"(f) In any case in which the failure of a producer to comply fully with the terms and conditions of the program conducted under this section precludes the making of loans, purchases, and payments, the Secretary may, nevertheless, make such loans, purchases, and payments in such amounts as the Secretary determines to be equitable in relation to the seriousness of the failure. The Secretary may authorize the county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet such other requirements does not adversely affect the operation of the program.

"(g) The Secretary may issue such regulations as the Secretary determines necessary to carry out the provisions of this section.

"(h) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

"(i) The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (relating to assignment of payments) shall apply to payments under this section.

"(j) The Secretary shall provide for the sharing of payments made under this section for any farm among the producers on the farm on a fair and equitable basis.

"(k) Notwithstanding any other provision of law, compliance on a farm with the terms and conditions of any other commodity program may not be required as a condition of eligibility for loans, purchases, or payments under this section.".

TITLE VI—COMMODITY CREDIT CORPORATION

BORROWING AUTHORITY

SEC. 401. (a) Section 4(i) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b (i)) is amended by striking out the colon after "Corporation" and all that follows through the end of the sentence and inserting in lieu thereof a period and a new sentence as follows: "There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection.".

(b) Subsection (c) of section 301 of the Act entitled "An Act to provide emergency assistance to producers of wheat, feed grains, and upland cotton, and for other purposes", approved May 15, 1978 (Public Law 95-279; 92 Stat. 242; 15 U.S.C. 714b note) is repealed.

By Mr. HEFLIN (for himself and Mr. DENTON):

S. 2034. A bill to designate the lock and dam known as the Jones Bluff Lock and Dam, located on the Alabama River, as the "Robert F. Henry Lock and Dam"; to the Committee on Environment and Public Works.

ROBERT F. HENRY LOCK AND DAM

Mr. HEFLIN. Mr. President, I introduce for myself and my distinguished colleague, Senator DENTON, a bill to rename the Jones Bluff Lock and Dam on the Alabama River in honor of the late Dr. Robert F. Henry of Montgomery, Ala., who died on August 14, 1981.

Dr. Henry was an outstanding Alabamian. He was a civic leader, churchman, and educator. He also served as president of Birmingham-Southern College. Although Dr. Henry served the people of his State and his Nation in many civic and charitable ways, he is better remembered for his yeoman efforts in behalf of the full and comprehensive development of the Coosa-Alabama River system.

The development of this mighty river system has been the quest of farsighted men such as Dr. Henry for many years. The improvement of the Coosa-Alabama River system for flood control, power production, navigation, and other purposes was authorized in 1945 and subsequently modified in the River and Harbor Act of 1954. In 1956, the moving force behind this proposal, namely, the Coosa-Alabama River Improvement Association, elected Dr. Henry as its president and Dr. Henry served continuously as the chief executive officer of the association until his death.

Funds for the construction of locks and dams on the river system did not come easy. As a matter of fact, it was not until 1961 that the first planning moneys were approved for the locks and dams. During this time Dr. Henry would head up large delegations of citizens in presenting the case for this river system before the Senate and House Appropriations Committees here in Washington. His leadership and persistence paid dividends. Today the Alabama River is fully developed for power production, flood control, and navigation. At the time of his death, Dr. Henry was working diligently in behalf of improving the Coosa River for navigation from Montgomery to Gadsden, Ala., thence to Rome, Ga.

One of the most imposing structures on the Coosa-Alabama is the Jones Bluff Lock and Dam on the Alabama River between Lowndes and Autauga Counties. It was one of the first projects targeted by Dr. Henry in his quest to develop the river system. The naming of this majestic dam in honor of Dr. Henry would be most fitting and appropriate recognition of his tireless efforts in behalf of the development of the river system, as well as his commitment to a bigger and better economic day for the citizens of his State.

Mr. President, I urge my distinguished colleagues to support this

measure, and ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2034

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Jones Bluff Lock and Dam, located on the Alabama River between Lowndes and Autauga Counties, Alabama, is designated and shall hereafter be known as the "Robert F. Henry Lock and Dam".

(b) Any reference in a law, map, regulation, document, record, or other paper of the United States to that lock and dam shall be deemed to be a reference to the "Robert F. Henry Lock and Dam".

● Mr. DENTON. Mr. President, I rise to join my colleague, Senator HEFLIN, in paying tribute to Dr. Robert Filmore Henry by joining him to sponsor legislation to rename the Jones Bluff lock and dam as the Robert F. Henry Dam.

The Jones Bluff lock and dam, part of the Coosa-Alabama River system, is 30 miles west of Montgomery, Ala.

Robert F. Henry served as a leader of the Alabama-Coosa River Improvement Association from 1956 until his death last year.

Under Dr. Henry's leadership, the Coosa-Alabama River Improvement Association brought significant benefits to Alabama and the Southeast. In 1956 Dr. Henry was elected the first president of the association, and thereafter served continuously as the chief executive officer. In March 1981 he made his 25th consecutive annual trip to Washington to testify before the Senate and House Energy and Water Appropriations Committees in support of development of the Coosa-Alabama waterway.

Dr. Henry demonstrated that an individual can make a difference in this world. He had a dream and lived to see that dream fulfilled. His interest in the Coosa-Alabama began when he joined the Montgomery Chamber of Commerce as a young man. He worked hard for this community, the city of Montgomery. His peers honored his efforts by electing him president of the Montgomery Chamber of Commerce.

Dr. Henry also served as an honorary consul of Thailand.

Dr. Henry was a patriotic man, and a leading figure in the support of the citizens of Montgomery for the American Armed Forces. In 1963 the Department of the Army awarded him its Patriotic Civilian Service Award. He was an active participant in the sponsor program of the Air University's Foreign Officer School.

If he could be here today, Dr. Henry would want me to mention his family, to whom he was deeply devoted. He married Annie Mae Branch of Montgomery. His son, Robert F. Henry, Jr, now carries on the family business. His daughter, Anne Henry Tidemore, lives and operates her own business in Montgomery.

Those who served with Dr. Henry in Alabama also deserve mention. I would especially like to mention the citizens who served with Dr. Henry when he was a member of the board of directors of the Union Bank and Trust Co., the Alabama Gas Corp., and the Alagasco Energy Co.●

By Mr. HEFLIN:

S. 2035. A bill to establish a National Court of Appeals, and for other purposes; by unanimous consent, ordered held at the desk until the close of business on Tuesday, February 2, 1982.

NATIONAL COURT OF APPEALS ACT OF 1982

Mr. HEFLIN. Mr. President, on July 29, 1981, I introduced Senate bill 1529, to establish a National Court of Appeals. At the November hearings on this measure in the Subcommittee on Courts, the need for this concept was reaffirmed by the witnesses.

Today I am introducing a bill which virtually embodies the provisions of S. 1529 and, additionally, provides for the appointment of a Chancellor to the United States to be Presiding Judge of the National Court of Appeals, a judge and administrator who will be directly responsible to the Chief Justice of the United States.

The establishment of the National Court of Appeals, headed by the Chancellor, will improve the administration of justice in America. This measure will give greatly needed and long delayed assistance to the Supreme Court so it can continue to fulfill its constitutional responsibility to the citizens of this country.

In the last several decades, we have witnessed a steady increase in the number of cases docketed with the Supreme Court. Recent statistics indicate that in the face of burgeoning litigation and increased reliance on the court system to resolve a vast array of disputes, there is little or no hope for relief in sight.

In its 1951 term, the Supreme Court had 1,353 cases on its docket. In the 1961 term, this number increased to 2,570, and by last term had reached 3,814. Also during last term, the Supreme Court received 4,242 petitions for writ of certiorari. The Court granted 289 certiorari, less than 7 percent; 107 of those granted were summarily decided and only 182 were scheduled for oral argument. Clearly, more than 6 or 7 percent of those cases "are crying out to be heard" but our highest Court has little choice.

Normally, 30 percent of the cases that come to the Court do so by way of State courts and 70 percent reach it from inferior Federal courts. The number of civil cases filed in the U.S. district courts more than doubled from 1960 to 1976. Furthermore, cases filed in the 11 U.S. courts of appeal increased from 4,823 in 1962, to 18,413 in 1976, an increase of more than 300 percent.

A National Court of Appeals will relieve the burden of the Supreme Court by resolving conflicts from the Federal circuits and thereby promote the uniformity that is imperative in our Federal court system. Such a court will clarify and stabilize the national law with a minimum amount of delay. Its decisions would constitute binding precedents on Federal and State courts regarding Federal questions unless modified or overruled by the Supreme Court.

The Supreme Court will be able to closely monitor and review the docket, the decisions, and the administration of the National Court of Appeals, and thereby continue to fulfill its obligations as the highest Court in the land.

The Supreme Court would be authorized to refer to the new court any case before it on petition for certiorari. The Supreme Court would direct the new court either to decide the case on the merits or to exercise its own discretion on whether to review the case. The Supreme Court could finally review any case in the National Court of Appeals by writ of certiorari.

The provision for a Chancellor appointed by the Chief Justice of the United States would give the Supreme Court control over the administration of the National Court of Appeals. The Chancellor would be appointed from judges serving on active duty as members of the U.S. circuit courts of appeals. The Chancellor would function both as the presiding judge and an administrator of the National Court of Appeals. The administration of the court would include establishing a pool of judges to serve on the National Court of Appeals, and selecting judges from this pool to serve either on a five-judge certiorari panel for determination of which cases the court will review, or on a five-judge reviewing panel for actual determining the merits of a case.

The Chancellor of the United States will serve another important function in our Federal judiciary. He will assist the Chief Justice with all of the Court's nonjudicial functions and administrative duties. This role is significant, for it will release the Chief Justice from many time-consuming administrative matters so he can concentrate more fully on the critical business of judicial responsibilities.

Mr. President, the creation of the National Court of Appeals is a necessary step toward resolving conflicts from Federal circuits and promoting the uniformity that is imperative in our Federal court system. The future of our democracy depends on resolving the problems which endanger the administration of justice.

89-059 O-85-33 (Pt. 1)

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

Mr. HEFLIN. Mr. President, I further ask unanimous consent that this bill be held at the desk pending determinations on whether or not it should be referred to the committee or whether it can be passed after we go through some exploration with the committee chairman, the minority members, and other members, pertaining to whether or not it should be passed.

The ACTING PRESIDENT pro tempore. The Chair recognizes the acting majority leader.

Mr. GORTON. Mr. President, I ask unanimous consent that the bill be held at the desk until the close of business Tuesday as per the agreement with the majority leader.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

There being no objection, the bill was ordered printed in the RECORD.

S. 2035

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Court of Appeals Act of 1982".

ESTABLISHMENT OF COURT

SEC. 2. (a) Part I of title 28, United States Code, is amended by inserting immediately after chapter 1 of such title the following new chapter:

"CHAPTER 2—NATIONAL COURT OF APPEALS

"Sec.
"21. Establishment and duties of the Chancellor of the Court.
"22. Establishment and composition of court.
"23. Tenure, salary, and retirement.
"24. Principal seat and terms.
"25. Seal.
"26. Sessions.
"27. Hearings and quorum.
"28. Disqualification of judges.

"§ 21. Establishment and duties of the Chancellor of the Court

"(a)(1) There shall be a Chancellor of the United States appointed by the Chief Justice from amongst judges on active duty as members of a United States Circuit Court of Appeals. The President shall appoint a replacement for the vacated circuit judgeship.

"(2) The Chancellor shall be subject to removal by the Chief Justice.

"(3)(A) The Chancellor may return to his former position as a judge of the United States Circuit Court of Appeals and serve in the same manner as he did prior to becoming Chancellor if he is dismissed, or voluntarily vacates such position.

"(B) The time spent as Chancellor shall be treated as years of judicial service for purposes of such judge's seniority status.

"(C) If such Chancellor returns to his former circuit judgeship position, such circuit shall be permitted to have its authorized number of judgeships plus the one additional judgeship resulting from the return of the former Chancellor until such time as one judge leaves the circuit by assuming senior status, retirement, or death.

"(4) The Chancellor shall take the oath or affirmation as provided in section 453 of title 28, United States Code, before performing the duties of his office.

"(5) The Chancellor shall be provided with travel expenses pursuant to section 456 of title 28, United States Code, to the same extent such expenses are provided each Justice or judge of the United States.

"(b) The Chancellor shall be the presiding officer of the National Court of Appeals and shall be responsible for the administration of such court.

"(c) The Chancellor shall establish a pool of judges to serve on the National Court of Appeals from those judges who have informed the Chancellor that they are willing to be so designated if they are either a senior circuit judge under the age of 70 or an active circuit judge, who has had at least 7 years of experience as a Federal judge.

"(d) The Chancellor shall select, by lot, from such senior circuit judges, four judges to serve on the certiorari panel, as provided in section 1271 of this title, for a term of twelve months. An eligible case shall be heard by the court if three judges of the certiorari panel so vote.

"(e) The Chancellor shall select panels of five judges to assist the court on a case-by-case basis or individual judges to assist the certiorari panel so that five judges will always be hearing individual cases. The selection process for judges by the Chancellor shall be made with complete fairness under a system designed from time to time by the Judicial Conference of the United States.

"(f) The Chancellor, in the event he decides not to serve, shall appoint a chief judge on a case-by-case basis, to be the presiding judge on the case-by-case panel from one of the 4 judges selected in the manner described in subsection (e) above, and then will add additional judges to the panel in accordance with the same selection process.

"(g) The Chancellor shall supervise all administrative matters assigned to him by the Chief Justice and assist the Chief Justice with all of his nonjudicial functions including all administrative duties when the Chief Justice requests him to do so.

"§ 22. Establishment and composition of court

"(a) There shall be a National Court of Appeals whose composition shall be determined by the Chancellor of the United States in accordance with this Act.

"(b) A judge shall be eligible to be designated as a judge of the National Court of Appeals is—

"(1) he has informed the Chancellor that he is willing to be so designated; and

"(2) he is not eligible to retire from regular active service under section 371(b)(1) of title 28, United States Code, and will not be so eligible during the applicable six-month period unless he is a senior judge not over 78 years of age.

"(c) In the event of the death, resignation, or ineligibility of a judge designated under this chapter, the Chancellor shall fill the vacancy caused thereby.

"(d) In circuits of one to ten judges not more than one circuit judge from the same court of appeals may serve as a National Court of Appeals judge at the same time, unless he is in senior judge status. In circuits with ten to twenty judges, not more than two such circuit judges of the same court of appeals may serve as National Court of Appeals judges at the same time unless they are in senior judge status. In circuits with twenty to thirty judges, not more than three such circuit judges of the same court of appeals may serve as National Court of Appeals judges at the same time unless they are in senior judge status.

"§ 23. Tenure, salary, and retirement

"(a) The Chancellor of the United States for the National Court of Appeals shall hold office during good behavior.

"(b) The Chancellor shall receive a salary at a rate $1,000 above the rate established pursuant to section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351-361), as adjusted by section 461 of this title for judges of the circuit courts of the United States.

"(c) The Chancellor shall be subject to the resignation and retirement provisions of chapter 17 of this title.

"§ 24. Principal seat and terms

"The principal seat of the National Court of Appeals shall be in the District of Columbia. The court may sit at such times and places within the United States as the Chancellor may designate.

"§ 25. Seal

"The National Court of Appeals shall have a seal which shall be judicially noticed.

"§ 26. Sessions

"The time and place of the sessions of the National Court of Appeals shall be prescribed by the Chancellor pursuant to rules of the court.

"§ 27. Hearings and quorum

"The court may authorize the hearing and determining of cases and controversies by separate panels, each consisting of five judges. Such panels shall sit at times and places and hear the cases and controversies assigned as the Chancellor directs.

"§ 28. Disqualification of judges

"No judge shall hear or determine an appeal from the decision of a case or issue therein heard or tried by such judge or from the circuit in which he resides.".

(b) The analysis of part I of title 28, United States Code, is amended by inserting immediately below the item relating to chapter 1 of such part, the following new item:

"2. National Court of Appeals...21".

OFFICERS AND EMPLOYEES

SEC. 3. (a) Part III of title 28, United States Code, is amended by inserting immediately after chapter 45 of such title, the following new chapter.

"CHAPTER 46—NATIONAL COURT OF APPEALS

"Sec.
"691. Clerk and employees.
"692. Law clerks and secretaries.
"693. Librarian, marshal, and bailiffs.

"§ 691. Clerk and employees

"(a) The Chancellor may appoint a clerk who shall be subject to removal by the Chancellor. The Chancellor may appoint or authorize the appointment of such other officers and employees in such number as may be approved by the Chief Justice.

"(b) The officers and employees of the court shall be subject to removal by the Chancellor or, if the Chancellor so determines, by the clerk or other officer who appointed them, with the approval of the court.

"(c) The clerk shall pay into the Treasury all fees, costs, and other moneys collected by him and make returns thereof to the Director of the Administrative Office of the United States Courts under regulations prescribed by him.

"§ 692. Law clerks and secretaries

"The judges of the National Court of Appeals may appoint such law clerks and secretaries as may be necessary.

"§ 693. Librarian, marshal, and bailiffs

"(a) The National Court of Appeals may appoint a librarian and necessary library assistants who shall be subject to removal by the Chancellor.

"(b) The National Court of Appeals may appoint a marshal, who shall be present whenever the court is in session, and shall, jointly with the marshal of the Circuit Courts of Appeal within whose jurisdiction the case is being orally argued if outside the District of Columbia, take charge of all property of the United States used by the court or its employees, and perform such other duties as the court may direct. The marshal shall be subject to removal by the Chancellor. The marshal, with the approval of the court, may employ necessary bailiffs who shall attend the court, preserve order, and perform such other necessary duties as the court or marshal may direct. The bailiffs shall receive the same compensation as bailiffs employed for the district courts.".

(b) The analysis of part III of title 28, United States Code, is amended by inserting immediately below the item relating to chapter 45 of such title, the following new item:

"46. National Court of Appeals.....691".

JURISDICTION AND REVIEW

SEC. 4. (a) Part IV of title 28, United States Code, is amended by adding immediately after chapter 81 of such title the following new chapter:

"CHAPTER 82—NATIONAL COURT OF APPEALS

"Sec.
"1271. Jurisdiction.
"1272. Finality of decisions.

"§ 1271. Jurisdiction

"The National Court of Appeals shall have jurisdiction of cases referred to it by the Supreme Court, including cases which the Supreme Court—

"(1) directs the National Court of Appeals to decide; and

"(2) transfers to the National Court of Appeals for such Court to determine whether or not to grant certiorari.

"§ 1272. Finality of decisions

"(a) The National Court of Appeals may deny review in any case referred to it by the Supreme Court unless directed by the Supreme Court to decide the case.

"(b) Unless modified or overruled by the Supreme Court, the decisions of the National Court of Appeals shall be binding on all courts of the United States, and, with respect to questions arising under the Constitution, laws, or treaties of the United States, on all other courts.".

(b) Chapter 81 of title 28, United States Code (relating to the juridsiction of the Supreme Court), is amended by adding at the end thereof the following new section:

"§ 1259. National Court of Appeals

"(a) After denying certiorari or in lieu of noting probable jurisdiction of an appeal in any case before it, the Supreme Court may refer any such case to the National Court of Appeals. The Supreme Court may, and in cases subject to review by appeal, likewise may direct the National Court of Appeals to decide any case so referred.

"(b) Any case in the National Court of Appeals may be reviewed by the Supreme Court by writ of certiorari granted upon the petition of any party to any such case before or after rendition of judgment or decree.".

(c)(1) The analysis of part IV of title 28, United States Code, is amended by inserting immediately below the item relating to chapter 81 of such title, the following new item:

"82. National Court of Appeals.....1281".

(2) The analysis of chapter 81 of title 28, United States Code, is amended by adding at the end thereof the following new item:

"1259. National Court of Appeals.".

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 5. (a)(1) The first paragraph of section 331 of title 28, United States Code is amended by inserting immediately after "shall summon annually" the following: "the Chancellor of the National Court of Appeals,".

(2) The third paragraph of such section is amended by inserting immediately before the first sentence the following new sentence: "If the Chancellor of the National Court of Appeals is unable to attend, the Chief Justice may summon any other judge from such court.".

(b)(1) Section 372(a) of title 28, United States Code, is amended—

(A) by inserting in the third paragraph immediately following "Supreme Court," the following: "the Chancellor of the National Court of Appeals,"; and

(B) by inserting in the fifth paragraph, after "Patent Appeals," the following: "the National Court of Appeals,".

(2) Section 372(b) of title 28, United States Code, is amended—

(A) by inserting immediately after "Chief Justice of the United States in the case of" the following: "the Chancellor of the National Court of Appeals or"; and

(B) by inserting immediately after "Chief judge of his court in the case of a judge of the" the following: "National Court of Appeals,".

(c)(1) The second paragraph of section 451 of title 28, United States Code, is amended by inserting immediately after "Supreme Court of the United States," the following: "the National Court of Appeals,".

(2) The fourth paragraph of section 451 of title 28, United States Code is amended by inserting immediately after "includes judges of" the following: "the National Court of Appeals,".

(d) The second paragraph of section 456 of title 28, United States Code, is amended by inserting immediately after "Justices of the Supreme Court" the following: ", the judges of the National Court of Appeals,".

(e) Section 510 of title 28, United States Code, is amended by inserting immediately after "includes" the following: "the National Court of Appeals,".

(f)(1) Section 1912 of title 28, United States Code, is amended by inserting immediately after "Supreme Court" the following: ", the National Court of Appeals,".

(2)(A) Section 1913 of title 28, United States Code, is amended to read as follows:

"§ 1913. National Court of Appeals; courts of appeals

"The fees and costs to be charged and collected in the National Court of Appeals and in each court of appeals shall be prescribed from time to time by the Judicial Conference of the United States. Such fees and costs shall be reasonable and shall be uniform in all the circuits.".

(B) The item relating to section 1913 of title 28, United States Code, in the analysis of chapter 123 of such title, is amended to read as follows:

"1913. National Court of Appeals; courts of appeals.".

(g) The first paragraph of section 2072 of title 28, United States Code, is amended by striking out "of the district courts and courts of appeals of the United States" and inserting in lieu thereof "of the district courts, courts of appeals of the United States, and the National Court of Appeals".

(h) Section 2106 of title 28, United States Code, is amended by inserting immediately after "Supreme Court" the following: ", the National Court of Appeals,".

(i) Section 225(f)(C) of the Federal Salary Act of 1967 (2 U.S.C. 356) is amended by inserting "and the judges of the National Court of Appeals" before the semicolon.

AUTHORIZATION OF APPROPRIATIONS

SEC. 6. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

ADDITIONAL COSPONSORS

S. 1320

At the request of Mr. HEINZ, the Senator from North Carolina (Mr. EAST) was added as a cosponsor of S. 1320, a bill to amend the Internal Revenue Code of 1954 to modify the excise tax on trucks, buses, tractors, et ceteria, and for other purposes.

S. 1867

At the request of Mr. MCCLURE, the Senator from Arizona (Mr. DECONCINI) and the Senator from Colorado (Mr. ARMSTRONG) were added as cosponsors of S. 1867, a bill to amend and supplement the acreage limitation and residency provisions of the Federal reclamation law, as amended and supplemented, and for other purposes.

S. 1918

At the request of Mr. SPECTER, the Senator from Minnesota (Mr. DURENBERGER) was added as a cosponsor of S. 1918, a bill to establish the Northeast-Midwest States Federal Hydropower Financing Authority.

S. 1958

At the request of Mr. DOLE, the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1958, a bill to amend title XVIII of the Social Security Act to provide for coverage of hospice care under the medicare program.

SENATE RESOLUTION 300—AUTHORIZING PRODUCTION OF DOCUMENTS BY THE SENATE COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. GORTON (for Mr. BAKER) submitted the following resolution, which was considered and agreed to:

S. RES. 300

Whereas, the Special Prosecutor appointed to investigate allegations concerning Secretary of Labor Raymond J. Donovan has requested the Senate Committee on Labor and Human Resources to produce documents bearing on his investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control of or in the possession of the Senate are needful for use in a formal investigation for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistently with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That the Chairman and the Ranking Minority Member of the Senate Committee on Labor and Human Resources, acting jointly, are authorized to produce to the Special Prosecutor executive department documents, public records, correspondence with executive departments, and media reports compiled by the Committee which may bear on allegations concerning Secretary of Labor Raymond J. Donovan.

SEC. 2. The Committee shall maintain an inventory of all documents which the Chairman and the Ranking Minority Member authorize to be produced to the Special Prosecutor.

SENATE RESOLUTION 301—COMMEMORATING THE 20TH ANNIVERSARY OF THE UNITED STATES SENATE YOUTH PROGRAM

Mr. GORTON (for Mr. BAKER and Mr. CRANSTON) submitted the following resolution, which was considered and agreed to:

S. RES. 301

Whereas, the first week in February, 1982, marks the 20th anniversary of the United States Senate Youth Program;

Whereas, this Program brings to Washington each year two senior high school students from each state, the District of Columbia, and the Department of Defense Dependents Schools for a week's visit to meet their respective Senators and observe the functioning of the Congress, the Executive Branch and the United States Supreme Court; and

Whereas, said student delegates are selected by their respective State Superintendents of Schools on the basis of high scholastic grades and outstanding leadership abilities: Now, therefore, be it

Resolved, That the Senate recognizes with satisfaction that this year marks the 20th anniversary of this worthy Program, commends the William Randolph Hearst Foundation for establishing and providing financial support for the program, and hopes that the program will continue to enable outstanding high school students to obtain a first hand knowledge of the operations of the Congress and the Federal Government.

SENATE RESOLUTION 302—RESOLUTION IN GRATITUDE TO LEONARD SKUTNIK

Mr. HOLLINGS (for himself, Mr. DOMENICI, Mr. ROBERT C. BYRD, and Mr. BAKER) submitted the following resolution which was referred to the Committee on the Judiciary:

S. RES. 302

Whereas, the tragic crash of a passenger jet into the Potomac River on January 13, 1982, caused the death of seventy-eight persons;

Whereas, the Nation's attention and sense of loss were focused on this shocking catastrophe;

Whereas, Martin Leonard Skutnik III, an employee of the Congressional Budget Office, risked his life by diving into the river to save a drowning woman from certain death; and

Whereas, his selfless valor and heroism in the face of extreme danger reflect the most noble of human qualities and instill in his family, associates, Federal employees, and the Nation as a whole a feeling of great pride and gratitude: Now, therefore, be it

Resolved, That the United States Senate honors and commends Martin Leonard Skutnik III, for his lifesaving act of heroism.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Martin Leonard Skutnik III.

IN GRATITUDE TO LENNY SKUTNIK

● Mr. HOLLINGS. Mr. President, I am submitting today, along with Senator DOMENICI, a Senate resolution commending Lenny Skutnik for his heroism in the aftermath of the tragic plane crash in Washington on January 13.

What he did was a single act of bravery that touched us all. It is certain that had he not dived into the river to rescue the floundering survivor, her name would have been added to those 78 who so tragically lost their lives.

All of us who saw that terrible drama on television will never forget it. Yet, mindful of the notion that "history is lived in the main by the unknown and forgotten," it is clear that even had Mr. Skutnik acted in some remote corner of the world far from the camera's eye, it would not have diminished the dignity and valor of what he did.

Lenny Skutnik is a modest man who has borne notoriety with grace and humility, fine virtues matching the daring and resolve he showed during the rescue. So, it is not out of some sense of reward, but rather in the spirit of gratitude that we offer this resolution commending Mr. Skutnik for his selfless valor and heroism in the face of extreme danger.

I welcome all Members of the Senate who join with me in saying a deserved thank you to Lenny Skutnik.●

Mr. ROBERT C. BYRD. Mr. President, I am glad to join our colleagues in cosponsoring this Senate resolution commending Martin Leonard Skutnik III, for his actions on January 13.

In recent years, we have often been inundated with negative stories about people. In an otherwise jaundiced and jaded age, refreshing it is to hear of a man whose sense of duty and right is so instinctive that he put his own life in jeopardy to save a stranger in need.

Also refreshing it is to learn that Lenny Skutnik is a Congressional Budget Office employee. Too often, only the misdeeds of Federal or congressional employees catch media attention. Mr. Skutnik reminds us that thousands of public employees are decent, sensitive, and principled men and women of whom we can all be proud.

But, most important, perhaps, we are indebted to Leonard Skutnik not as a symbol or representative of something, but as a courageous man who has left us a vivid image of our responsibility to one another. No more eloquent answer was ever given to the question, "Am I my brother's keeper?"

I thank Lenny Skutnik for partially renewing our trust in our neighbors and our pride in ourselves.

SENATE RESOLUTION 303—AN ORIGINAL RESOLUTION AUTHORIZING EXPENDITURES BY THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, reported the following original resolution, which was referred to the Committee on Rules and Administration:

S. RES. 303

Resolved, That, in carrying out its powers, duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry, is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $1,322,000 of which amount not to exceed $2,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 304—ORIGINAL RESOLUTION AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

Mr. TOWER, from the Committee on Armed Services, reported the following original resolution, which was referred to the Committee on Rules and Administration:

S. RES. 304

Resolved, That in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules,

including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $1,622,807, of which amount not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 305—ORIGINAL RESOLUTION AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

Mr. THURMOND, from the Committee on the Judiciary, reported the following original resolution, which was referred to the Committee on Rules and Administration:

S. RES. 305

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragaphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $4,748,223 of which amount (1) not to exceed $80,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation or other action as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 306—ORIGINAL RESOLUTION AUTHORIZING EXPENDITURES BY THE COMMITTEE ON VETERANS' AFFAIRS

Mr. SIMPSON, from the Committee on Veterans' Affairs, reported the following original resolution, which was referred to the Committee on Rules and Administration:

S. RES. 306

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed seven hundred eighty-nine thousand, four hundred thirty-eight dollars ($789,438).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 307—AN ORIGINAL RESOLUTION AUTHORIZING EXPENDITURES BY THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs, reported the following original resolution, which was referred to the Committee on Rules and Administration:

S. RES. 307

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $1,583,411, of which amount (1) not to exceed $1,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 308—AUTHORIZING EXPENDITURES BY THE SPECIAL COMMITTEE ON AGING

Mr. HEINZ submitted the following resolution, which was referred to the Committee on Rules and Administration:

S. RES. 308

Resolved, That, in carrying out the duties and functions imposed by section 104 of S. Res. 4, Ninety-fifth Congress, agreed to February 4, 1977, and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the special committee under this resolution shall not exceed $1,060,506, of which amount (1) not to exceed $35,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. The special committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

SEC. 4. Expenses of the special committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chariman of the committee, except that vouchers shall not be re-

quired for the disbursement of salaries of employees paid at an annual rate.

AMENDMENTS SUBMITTED FOR PRINTING

MEAT INSPECTION, GRADING, AND LABELING ACT OF 1981—S. 905

AMENDMENT NO. 1243

(Ordered to be printed and referred to the Committee on Agriculture, Nutrition, and Forestry.)

Mr. PRESSLER submitted an amendment intended to be proposed by him to the bill (S. 905) to require the inspection of imported meat and meat food products, to require the grading of meat and meat food products, to require the Secretary of Agriculture to establish a labeling system for meat and meat products, and for other purposes.

RADIO AND TELEVISION COVERAGE OF THE SENATE

AMENDMENT NO. 1244

(Ordered to be printed and to lie on the table.)

Mr. RANDOLPH submitted an amendment intended to be proposed by him to the resolution (S. Res. 20) providing for television and radio coverage of proceedings of the Senate.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GORTON. Mr. President, I ask unanimous consent that the Armed Services Committee be authorized to meet during the session of the Senate at 10 a.m. on Tuesday, February 2 to receive testimony from the Secretary of Defense on the fiscal year 1983 budget for the Department of Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

F. D. R.—A GIANT IN OUR HISTORY

● Mr. PELL. Mr. President is it with deep respect and affection that I join in paying tribute to President Franklin D. Roosevelt on this, the 100th anniversary of his birth.

President Roosevelt had a sense of purpose and a depth and breadth of vision which will accord him a place alongside George Washington and Abraham Lincoln as one of our greatest Presidents to date—three giants in our national history.

I remember when I was young being with my father and President Roosevelt, who was an old family friend and Dutchess County neighbor. In fact, among my most prized possessions are the various letters, personal and official, which my father received over the course of his lifetime from Franklin D. Roosevelt; in turn, all of my father's papers are on deposit in the F. D. R. Library in Hyde Park.

No matter how one knew President Roosevelt, one could not help be awed by his acuity and wisdom, and by the way he exercised authority. Among the qualities that gave him strength of character and a sense of purpose were the tradition from which he sprang and the standards that were expected of him. Accordingly, he could never understand why his old boyhood friends inveighed so against him charging that he was damaging our very national being and our economic and social system. President Roosevelt profoundly believed that he had saved America from some form of communism or totalitarianism through the very reforms which he introduced and championed.

He led us to success in our two greatest national crises in this century—from the black despair of the Depression to a new social order in which the strong were encouraged and the weak protected; from international isolation and the virtual absence of a credible national defense to the brink of victory in the most devastating war the world has ever seen—and, we hope, will ever see.

By teaching us that our greatest fear was fear itself, he gave us hope. By teaching us that economic deprivation and social injustice were not natural or inevitable, he laid the basis for the greatest outburst of productivity and achievement our society has ever known. And by teaching us that democracy could stand against totalitarian ideologies of the left or right and win, he gave us the confidence to play a leading role in shaping the postwar world and preserving the general peace. We, the beneficiaries of his leadership, shall be ever grateful. And we can most effectively honor his legacy by preserving the value of his accomplishments, by renewing the spirit of freshness, innovation and—yes, by sharing his commitment to public services.

With these observations, and with deep personal regard and humility, I join in celebrating this, his 100th birthday.●

FRANKLIN DELANO ROOSEVELT

● Mr. D'AMATO. Mr. President, undoubtedly many speeches will be given and celebrations held throughout the Nation this week to commemorate the 100th birthday of Franklin Delano Roosevelt. As a U.S. Senator from New York, the birthplace of F. D. R., it is a special honor to join my fellow Americans in paying tribute to a former New York State legislator, Governor of New York, Secretary of the Treasury and, of course, President of the United States.

Today, 37 years after his death, F. D. R. remains one of America's most-loved Presidents. Like his cousin Teddy, he was a strong political and moral leader who had a sense of history and direction. With these qualities, he was able to lead this Nation through the greatest depression it has ever known, and through a world war it will never forget.

F. D. R. was a man of the people and a man of the times, whose exuberance and ability to communicate a sense of hope and purpose to the American public were crucial to lifting the spirits of a nation burdened by perilous times. Added to this, were his more personal attributes, such as warmth, self-confidence, and zest for life. All of these qualities appealed to the mood of a troubled people.

Perhaps F. D. R.'s greatest contribution was his talent to instill this country with a sense of hope and purpose. On this day of remembrance, we would do well to recapture that spirit of hope and purpose. Today, we face difficult times, but certainly no more difficult than those faced by the 34th President of the United States.

I have said that F. D. R. was a man of the times; he was. He had the foresight and imagination, as well as the innovative ability, to know that there was a need for change in our country. At that time, he was able to seize upon the opportunities at hand to create an environment for the country to grow and prosper. Today, in another respect, we must do the same.

F. D. R. once said "this generation of Americans has a rendezvous with destiny." I believe that this is no less true today than when those words were spoken. Today, in order to meet the challenge of destiny, we must remember yet another of Roosevelt's observations; that "this country demands bold, persistent experimentation."

Mr. President, it is with true pride that I honor this great man.●

THE 64TH ANNIVERSARY OF UKRAINIAN INDEPENDENCE

● Mr. HEINZ. Mr. President, I should like to take this opportunity to remind all Senators of a special occasion important to all who appreciate freedom and the realization of fundamental human rights. This week marks the 64th anniversary of the creation of the independent Ukrainian National Republic, established on January 22, 1918, following the collapse of the Czarist Russian Empire. As Ukrainians the world over well know, the independence of their homeland in the 20th century was a short-lived event, for this people was soon after among the first to suffer the cruelties of

Soviet domination. To this very day, the Soviet Union continues its dominance over Ukraine and its people, who must endure the bitter repression of the U.S.S.R.

Over the years, I have spoken out for Ukrainians who are unable to freely express their outrage and who must suffer at the hands of the Soviet Union. I have supported the Helsinki and Belgrade accords and have condemned those who would continuously defy those same agreements. Once again, I must express my outrage at the blatant Soviet misuse of such international treaties for the purpose of continuing their dominance over a people and a territory that should benefit from the same freedoms that all of us in the United States and Europe enjoy.

At present, Soviet authorities have sentenced and imprisoned 12 members of the Ukrainian Helsinki group and there appears to be no end in sight to the possibility of additional trumped up arrests. The following is a list of the 12 courageous members of the group who are imprisoned in the Soviet Union:

Oksana Meshko, Olha Heyko, Vasyl Stus, Vitaly Kalynychenko, Yaroslav Lesiv, Vyacheslav Chornovil, Ivan Kandyba, Zinovy Krasivsky, Mykola Horbal, Oles Berdnyk, Yuri Lytvyn, Petro Sichko.

It is particulary disheartening that while Ukrainians have not been able to realize their freedom after 64 years of Soviet rule, we now find Poland embroiled in its own fight for freedom. The leaders of Solidarity, like the imprisoned members of the Ukrainian-Helsinki group, are experiencing firsthand, the blatant violations of the Helsinki Final Act that the U.S.S.R. has consistently supported.

I believe it is of the utmost importance that the United States take a determined stand in support of the Polish people's quest for freedom and lend its further support for Solidarity's efforts in its fight to achieve a freer and more prosperous way of life for all Poles. I firmly support the actions already taken by the President and favor further efforts that could help assure the participation of our European allies in imposing sanctions and export controls on those who would tolerate violations of human rights.

In conclusion, I should like to express my firm support for those who work for those same freedoms that we in the United States find essential. I believe that through constant and unwavering support for Ukrainians, Poles, and all who seek to rid themselves of Soviet control, we may one day witness the end to dominance and harassment of people who seek their most fundamental right—freedom.●

LIBERATION OF BRIG. GEN. JAMES DOZIER

● Mr. DENTON. Mr. President, I want to express to my colleagues and to the American people my great sense of personal relief at the liberation, by the Italian Carabinieri and State Police, of Brig. Gen. James Lee Dozier. I am sure the entire Nation shares the joy of the general and his family. Given the demonstrated brutality of the Red Brigades, many of us privately feared, and some even publicly speculated, that this situation could only end in tragedy.

I believe we should note that the rescue of General Dozier was made possible by the professionalism and the dedication to duty of the Italian State Police. They, in my view, have been unjustly criticized in the past by the American press. They have been given little credit for their many noteworthy achievements in combating terrorism. We have read often of their alleged failures but rarely of their real successes.

The rescue is also a testimonial to the fundamental strength of NATO and the cooperative relations among its members. That ongoing cooperation and mutual support, not the press reports of transitory and ephemeral disagreement, truly distinguish the alliance. Now more than ever it is a vital factor in the survival of all its member states and peoples.

Despite reports that disagreement on tactics has riven the ranks of the Red Brigades, the organization remains menacing. By its actions it has declared war on the personnel of all NATO members, not just on Americans in Italy. We must be alert to its activities. We and our NATO partners should continue to encourage and assist the Italian Government to neutralize the threat.

We must also give close attention to the safety of our representatives abroad, civilian as well as military. The happy outcome of General Dozier's ordeal stands in marked contrast to the cowardly killing of Lt. Col. Charles Robert Ray in Paris on January 18, 1982, and to the assassination of 100 Americans overseas since 1968. In recent years, such attacks have increased in frequency, to the detriment of the effectiveness and morale of our military and civilian personnel in other countries. The situation threatens our ability to implement an effective foreign and national security policy. It demands our attention.

Mr. President, I hope my colleagues in this Chamber, and all Americans, will join me in a prayer of thanksgiving for the return to freedom of a loyal servant of our Nation, Brig. Gen. James Lee Dozier.●

A MORAL PERSPECTIVE ON THE ARMS RACE

● Mr. HEINZ. Mr. President, I recently came across an article by Rabbi Sidney Greenberg of Jenkintown, Pa., which, I believe, gives us a very useful moral perspective on the arms race. While not everyone, including myself, will agree with every judgment which is pronounced in the article, I do feel it is worth the attention of my colleagues. Therefore, Mr. President, I ask unanimous consent that the article by Rabbi Greenberg, entitled "As Did Babel of Old, Our Society Is Turning Morality on Its Head."

The article follows:

[From the Philadelphia Inquirer, Nov. 21, 1981]

As Did Babel of Old, Our Society Is Turning Morality on Its Head

(By Rabbi Sidney Greenberg)

Recently there was a court ruling that the use of home video recorders was against the law because the machines infringed on the copyrights of the producers of television programs. Moreover, according to the ruling, the manufacturers of these recorders and the stores that sold them could be sued for making them available to the consumer.

Shortly after the ruling was handed down, this newspaper published a caustic cartoon by Conrad. In the center was a large video recorder. In the lower right-hand corner was a handgun. At the base of the cartoon was this question: "On which item have the courts ruled that manufacturers and retailers be held responsible for having supplied the equipment?"

This is a question to give us painful pause. Video recorders are subject to greater control than handguns, which are used in 30 murders every 24 hours in America. The cartoon also accuses us of the cardinal irreverence—putting property rights above human rights, holding things dear and life cheap.

According to the ancient Jewish sages, this was precisely the sin of the builders of the biblical Tower of Babel. When one of the laborers fell from a scaffold to his death, no one paid attention. But when one of the bricks fell down and smashed, there was great weeping and wailing. They, too, held things dear and life cheap. It was this perversion of values that provoked God and caused Him to "confuse their tongues" and to "scatter them over the face of the whole earth."

Quite obviously, the sin of the tower builders did not die with them. It is alive and doing its mischief among us. At least that's the way it appears to this observer. And it is not only the video recorders and the handguns that I am thinking of.

What is one to think about the neutron bomb? Its very function strikes me as being obscene. It kills people but leaves buildings intact. I suppose that bombs are not to be faulted for lacking a sense of moral discrimination, but there is something inherently perverse in a bomb that respects property and demolishes people. Is this not the ultimate assault upon human dignity?

And what are we to make of this dreary statistic? The United States and the Soviet Union each has the equivalent of 30,000 pounds of TNT for every man, woman and child on the face of this earth! The only

commodity available in such chilling abundance is the power to obliterate life.

We do not have in reserve 30,000 pounds of food, clothing, medicine or books for every human being. In 1960, there was a reserve stock of food grain sufficient for 102 days of world consumption; in 1980, there was enough only for 40 days.

Despite this ominous disparity between our expanding capacity to destroy life and our shrinking capacity to sustain it, we are now contemplating massive increases in appropriations for weapons of destruction and equally massive decreases in appropriations for human services.

It has been proposed that we increase defense spending next year to $220 billion. Over the next five years $1.5 trillion will be put at the Pentagon's disposal.

These staggering sums will require painful cutbacks in old people's pensions and poor children's lunches. Food stamps to the needy will be drastically reduced. There will be less money available for education, child welfare, foster care, adoption assistance. Other programs to be victimized include alcohol and drug rehabilitation, health care, aid to the handicapped, legal aid to those who cannot afford to pay. The frigid breath of economy will also be felt by the arts and humanities, by parks, museums, opera, symphony orchestras, public television and radio.

In brief, all the proud hallmarks of a humane and civilized society will be offered on the altar of the illusory goal of military supremacy.

The words of the poet Lilith Lorraine seem to be pointing accusingly, directly at us:

When planes outsoar the spirits, flying blind,
When ships outsail the dreams that gave them birth,
When towers dwarf the upward reaching mind,
When wealth is mightier than simple worth—
We almost hear the turning of a page,
We almost know what every seraph knows,
That somewhere on a universal stage,
A tiresome play is drawing to its close.

It is not too late to re-examine our basic values and priorities. The drama of American democracy need not be "a tiresome play drawing to its close." It can be a continuing story of expanding human horizons, and deepening commitments to the true sources of our country's vigor and glory.●

POLAND: THE COMPLEX AND THE SIMPLE

● Mr. PELL. Mr. President, today the nations of the West face an immensely complicated challenge in shaping a sound policy toward Poland, and toward the Soviet Union for its role in Poland's tragedy. The problem is both political and economic. Poland's political future is deeply dependent on its economic progress, and its economic prospects in turn depend heavily on its trade and credit relationship with the Western industrial democracies. The task for Western policy therefore is to shape that relationship so as to create effective pressure toward economic reform and political liberalization.

Yesterday, in hearings before the Foreign Relations Committee, Administration witnesses underscored the complexities facing the Western nations in devising this policy. On practical economic grounds—and for moral and political reasons relating to the repression in Poland—we cannot continue the past policy of easy lending and debt rescheduling. On the other hand, to declare summarily that Poland is in default would be likely to achieve little more than turmoil in our own Western financial markets and increased Soviet influence on Polish government policies. What we require is a policy on the middle road—one which creates stiff but practical conditions for the provision of further Western assistance aimed at alleviating the hardship being suffered by the Polish people.

Our first objective must be the lifting of martial law and a resumption of negotiations involving Polish authorities and representatives of the Solidarity Trade Union and the Catholic Church. If that hurdle can be crossed, we will then face the arduous task of conducting a long-term policy which will help bring to an end the preposterous disequilibrium by which Poland's current hard-currency debt service requirements are each year nearly double the entire sum of its export earnings.

In the meantime, we face a task far less complex—one indeed profound in its simplicity. It is to speak clearly and forcefully, and with as much unanimity as the West can muster, that Polish repression is an outrage against the principles of human rights and against the conscience of the world. It is for this purpose that the film "Let Poland be Poland" has been created by the International Communication Agency: to make a dramatic presentation to international audiences of Poland's tragic plight. Since the film is still unfinished, we cannot yet appraise its artistic or inspirational success. But trusting that it will be competently crafted to help galvanize world opinion, I am pleased to join in supporting the join resolution that will permit its presentation to American television audiences on January 31, the day when the film will first be broadcast overseas. Let us hope that its call for an end to tyranny will be heard not only by our allies, but also by the Polish and Soviet authorities who have created this crisis for East-West relations and for human hope.●

UKRAINIAN INDEPENDENCE DAY

● Mr. DOLE. Mr. President, on January 22, 1982, the Ukrainian-American community marked the 64th anniversary of the proclamation of a free and sovereign Ukrainian Republic. Ukraine, of course, is not independent today despite the fact that the government of Soviet Russia recognized the Ukrainian National Republic at its inception.

The last 64 years have not been happy ones for the people of Ukraine. In 1920, The Ukrainian Republic was brutally overrun by Trotsky's Red army. In the 1930's, Millions of Ukrainians lost their lives under the Stalin regime. Millions more were sent to slave labor camps in Siberia. During World War II, The Ukrainian insurgent army bravely struggled against both Hitler and Stalin. After the war, this guerrilla army continued its fight for Ukrainian independence until the early 1950's, when it was finally eliminated by the Soviet Union.

The repressions continue to this day. Ukrainian culture, history, and traditions are suppressed. The Kremlin's callous policy of Russification represents a further attempt to destroy the National consciousness of the Ukrainian people. Similarly, their religious beliefs are under constant attack as a result of the atheistic policies of the Soviet regime. Basic Human Rights are flouted on a daily basis.

Despite these attacks on the spirit and the dignity of the Ukrainian people, the struggle continues. Thousands of Ukrainian patriots, many of them incarcerated in Soviet labor camps, prisons, or special psychiatric hospitals, continue to speak out in behalf of an independent Ukraine.

UKRAINIAN HELSINKI GROUP

In August of 1975, the Helsinki Final Act was signed by the United States, Canada, and 33 European nations, including the Soviet Union. The human rights provisions of the Final Act became a rallying symbol for Ukrainians struggling for their basic human rights. In November of 1977, a number of courageous individuals led by Mykola Rudenko, formed the Ukrainian Public Group for the implementation of the Helsinki accords, whose aim was to draw attention to the Soviet Union's lack of compliance with these provisions which are guaranteed by the Final Act. Members of the Ukrainian Helsinki Group have been persecuted to an unprecedented degree. Not one of these courageous people has escaped harsh repressions. The majority find themselves behind prison walls or barbed wire, yet they continue to speak out in defense of human rights, and consistently call on the Soviet leadership to observe the Helsinki Final Act.

We must not forget the outstanding men and women who joined the Ukrainian Helsinki monitoring group. Neither must we forget the thousands of other nameless men and women languishing in prisons, nor the millions denied their fundamental dignity as human beings. For our part, we must steadfastly continue to remind the Soviets of their blatant violations of the Helsinki Final Act.

While the Ukrainian people are struggling for adherence to principles

of human rights that are now internationally recognized and accepted, they are also struggling for the survival of their culture and national heritage. We must not forget them in their quest for freedom, for to do so would be to forget our principles and our precious heritage of freedom.●

TRADE LAW REFORM NEEDED

● Mr. HEINZ. Mr. President, the Trade Subcommittee of the House Ways and Means Committee for a number of weeks last year conducted extensive oversight hearings on trade policy.

One of the most thoughtful and well-reasoned statements to be presented at those hearings came from Richard O. Cunningham of Steptoe & Johnson, one of Washington's leading trade law practitioners. Mr. Cunningham's opening remarks are notable for their clear articulation of principles that should govern our trade law enforcement:

There are two principles underlying the testimony which I will be giving today. First, I feel strongly that the Antidumping and Countervailing Duty Laws are important and deserve to be enforced fairly and effectively. Under our capitalist, free-market system, we tell our businesses that they will succeed if they are efficient and productive. This necessarily implies that there are rules of fair conduct in the business world which, if followed, produce that result. If we are to have strong industries and productive workers in this country, we must be able to assure them that they will not be deprived of the benefits of their efficiency and productivity by losing out to dumped or subsidized foreign import competition. My basic premise, therefore, is that these laws are important enough for us to devote the resources necessary to effective enforcement.

The second basic principle in my philosophy of trade law enforcement is that the trade laws should operate clearly, objectively and non-politically. Rules of conduct should be established which are understandable and which can be administered effectively. A foreign exporter should be able to understand how to price its products fairly in the U.S. market. A foreign government should be able to understand what practices constitute countervailing subsidies and what practices do not. A U.S. producer should be able to make a judgment as to whether it should or should not bring a trade law proceeding. Finally, and most important, the result of a proceeding should be determined by the objective application of the statutory criteria to the facts, and not by political or diplomatic influences.

These are precisely the objectives I have been working for, and I am pleased that Mr. Cunningham noted the progress in that direction that the Trade Agreements Act of 1979 represents. This was legislation many of us on the Finance Committee spent considerable hours developing.

I invite the attention of Senators to Mr. Cunningham's comments regarding our laws dealing with unfair trade practices by nonmarket economies. His testimony points out the clear inadequacies of present law and details the improvements that would be made by my legislation, S. 958. Hearings will be held on this bill on January 29, and I hope rapid action will follow.

Mr. President, anyone who follows trade law issues closely should read Mr. Cunningham's excellent statement. I ask that it appear at this point in the RECORD.

The statement follows:

STATEMENT OF RICHARD O. CUNNINGHAM

TOPICAL OUTLINE OF STATEMENT OF RICHARD O. CUNNINGHAM

Witness: Richard O. Cunningham.

Address: 1250 Connecticut Avenue, N.W., Washington, D.C.

Title: Member of the Law Firm of Steptoe & Johnson.

Representing: The views presented by Mr. Cunningham are entirely his own, and do not necessarily represent the views of either Steptoe & Johnson or any client of the firm.

Purpose of Statement: To suggest certain measures needed to improve the enforcement of the U.S. trade laws, especially the Antidumping and Countervailing Duty Laws.

Problem: The Commerce Department does not have adequate personnel to handle the demands which the Antidumping and Countervailing Duty Laws are now putting on that agency. This problem is likely to become much more acute in 1982, when a substantial increase in the volume of trade cases—not just in steel, but across the board—can be anticipated.

Proposed Remedies: (1) A substantial increase—on the order of 40 percent to 50 percent—in the staff of the Department's Import Administration; (2) Repeal of provisions in current law which permit interlocutory appeals of Commerce Department determinations other than final determinations.

Problem: The Commerce Department today follows a rule, inherited from the Treasury Department, that prevents it from imposing antidumping duties upon an imported product which is sold with another product for a single, lump-sum price. This is enabling foreign exporters to evade dumping findings simply by selling the dumped product and another product together for a single, lump-sum price.

Proposed Remedy: Amendment of Section 771 of the Antidumping Law to require the Department to determine the portion of a lump-sum price allocable to the dumped product.

Problem: Application of the trade laws to imports from non-market economy countries is currently irrational, unpredictable and unworkable.

Proposed Remedy: Enactment of S. 958 or similar legislation, establishing a clear standard of pricing for non-market economy imports.

STATEMENT OF RICHARD O. CUNNINGHAM

My name is Richard O. Cunningham. I am a member of the law firm of Steptoe & Johnson. I have been engaged in the practice of international trade law for more than a dozen years. I am grateful for the opportunity to appear here today at the invitation of the Subcommittee staff, and I want to emphasize that my testimony reflects views which are entirely my own. I am not appearing today on behalf of my firm or of any client of the firm.

There are two principles underlying the testimony which I will be giving today. First, I feel strongly that the Antidumping and Countervailing Duty Laws are important and deserve to be enforced fairly effectively. Under our capitalist, free-market system, we tell our businesses that they will succeed if they are efficient and productive. This necessarily implies that there are rules of fair conduct in the business world which, if followed, produce that result. If we are to have strong industries and productive workers in this country, we must be able to assure them that they will not be deprived of the benefits of their efficiency and productivity by losing out to dumped or subsidized foreign import competition. My basic premise, therefore, is that these laws are important enough for us to devote the resources necessary to effective enforcement.

The second basic principle in my philosophy of trade law enforcement is that the trade laws should operate clearly, objectively and non-politically. Rules of conduct should be established which are understandable and which can be administered effectively. A foreign exporter should be able to understand how to price its products fairly in the U.S. market. A foreign government should be able to understand what practices constitute countervailable subsidies and what practices do not. A U.S. producer should be able to make a judgment as to whether it should or should not bring a trade law proceeding. Finally, and most important, the result of a proceeding should be determined by the objective application of the statutory criteria to the facts, and not by political or diplomatic influences.

The past two years have seen very substantial improvements, in my view, in the enforcement of the Antidumping and Countervailing Duty Laws. The Trade Agreements Act went a long way toward clarifying and objectifying the standards, especially in the countervailing duty area. The Commerce Department has, in my judgment, proven to be a more vigorous and effective enforcer of the laws than was the Treasury Department. In particular, the investigative procedures which the Department has adopted—verification by investigative teams in all cases, increased use of accounting expertise, and a more effective administrative organization—have made substantial strides toward what I regard as the right way to enforce these laws.

There remain, however, a number of trouble spots. I propose to touch on three of them today.

A. THE NEED FOR AN INCREASE IN THE COMMERCE DEPARTMENT STAFF

Every time I have appeared before this Subcommittee over the past several years, I have urged that the resources devoted to enforcement of the Antidumping and Countervailing Duty Laws be increased—more funding, more personnel. I was therefore pleased with the increases in both personnel and funding which have occurred since the assumption of responsibilities by the Department of Commerce. Indeed, I have some hesitancy in calling once again for further increases, especially in view of the budget constraints under which all Federal departments must now operate. Unfortunately, I see serious troubles ahead if the staff of the Import Administration is not substantially increased. I say this for several reasons:

First, the increased resources devoted by the Commerce Department to enforcement of these laws have been at least fully offset by the much greater administrative de-

mands of the 1979 legislation. In particular, the proliferation of interlocutory appeals and the much greater than expected workload of Section 751 review proceedings is already straining the Department's resources to the limit.

This strain is occurring, moreover, despite the fact that there have not been very many new antidumping or countervailing duty cases filed in the past eighteen months. Certainly, compared with the 1977-78 period, the influx of new cases has been relatively modest. What the Department has found, however, is that the annual reviews under Section 751 are almost as time-consuming as full-scale antidumping or countervailing duty investigations. That is as it should be, because now U.S. industries are able to contest arguments which under the old system were raised by the foreign exporters and decided by the Treasury Department in essentially ex parte procedures. Nevertheless, this has meant that such reviews have taken a large and increasing portion of the Import Administration's manpower.

The Department has been lucky so far, in terms of the absence of large-scale new case filings. That is about to change, for several reasons:

1. Downturns in the economic cycle normally lead—with some lag time—to a substantial increase in filings of antidumping and countervailing duty proceedings.

2. In this economic cycle, we can anticipate an especially large number of countervailing duty cases, owing both to foreign governments' increasing subsidization of their exporting industries and to the fact that the domestic subsidy provisions of the 1979 Act make more of those subsidies subject to countervailing duties.

3. Finally, there is of course the new round of steel cases.

On top of all this, the Subcommittee must keep in constant focus the fact that the number of Section 751 annual reviews keeps expanding continuously, Indeed, this round of new antidumping and countervailing duty cases will create a new and broader layer of annual reviews which will have to be conducted year after year in the future.

In short, we are rapidly approaching a staffing crisis at the Import Administration. When that crisis comes, the losers are likely to be the U.S. petitioners in many cases. I can tell you, based upon more than a decade of practice in this area, that thorough investigations benefit the petitioner in 90 percent of the cases, and inadequate investigations normally lead to negative determinations or to under-assessment of duties. I therefore strongly urge that two steps be taken.

First, the staff of the Import Administration should be increased substantially, on the order of 40 percent-50 percent. I realize the budgetary problems, but such an increase is absolutely essential if the Department is to enforce these laws effectively. Moreover, a significant part of the cost of this staffing increase is likely to be offset by increases in the amount of antidumping and countervailing duties collected through more thorough investigations.

Second, I would urge the repeal of all provisions authorizing review of interlocutory Commerce Department determinations. To date, such appeals have not been productive. Their principal impact has been to place severe burdens on the staff of the Import Administration—in the form of preparing the administrative record for court proceedings, working with counsel, appearing as witnesses, etc. It would be much more efficient to reserve all appealable issues for a court contest after the Department's final determination. If necessary, a provision could be adopted pursuant to which the International Trade Commission would stay its injury proceedings pending the outcome of an appeal of a final Commerce determination.

B. CONGRESS SHOULD CLOSE A MAJOR LOOPHOLE IN THE ANTIDUMPING LAW, BY MAKING IT CLEAR THAT A DUMPING FINDING CANNOT BE EVADED BY SELLING THE DUMPED PRODUCT IN CONJUNCTION WITH ANOTHER PRODUCT FOR A SINGLE, LUMP-SUM PRICE

In the context of the current Section 751 annual review of the antidumping finding in Large Power Transformers from Japan, the Commerce Department has to date failed to close a major loophole in the Antidumping Law which it inherited as a result of a 1977 ruling by the Treasury Department. In essence, the Department is permitting the Japanese exporters to evade the antidumping finding, simply by selling large power transformers to U.S. customers in conjunction with another type of electrical equipment for a single, lump-sum price. The loophole thus created is of immense potential significance, and should be closed immediately.

Let me give you a brief history of this issue, based upon my experience as counsel for Westinghouse Electric Corporation, the petitioner in the Large Power Transformer cases. Large power transformers are never used in isolation. Rather they are used in conjunction with such other electrical equipment as generators, rectifiers, substations, and the like. In many cases, it is equally convenient for an electric utility to purchase each piece of equipment either separately or as a package with other pieces of equipment. During the original antidumping investigation in the early 1970s, the Japanese exporters tried to exclude from the scope of the case what they referred to as "rectiformer". As it turned out, a "rectiformer" was simply a larger power transformer sold in conjunction with a rectifier. Westinghouse was able to demonstrate that, even where the rectifier and transformer were sold together for a single, lump-sum price, any competent electrical engineer could accurately allocate that overall price between the rectifier and the transformer. The Treasury Department therefore ruled against the Japanese, holding that transformers sold with rectifiers were properly included in the dumping investigation and would be subject to any finding of dumping.

More than five years later, the Japanese raised the issue again in connection with assessment of duties under the antidumping finding. By this time, there was a new—and, in my view, much more importer-oriented—regime at the Treasury Department. Once again, Westinghouse submitted proof that the price of the transformer can be accurately ascertained even when the transformer and rectifier are sold together for a single, lump-sum price. To our alarm, Treasury reversed itself and ruled in favor of the Japanese. This was not because our evidence was inadequate. To the contrary, Treasury (and Commerce today) does not deny that these transformers are properly classifiable in the "class or kind of merchandise" as other large power transformers. Nor do they dispute that the price for the transformer can be accurately ascertained by an electrical engineer in a lump-sum pricing situation. Rather, the Treasury position—which apparently remains the Commerce Department position today—was that the Antidumping Law forbids as a matter of law the imposition of dumping duties on a product which is sold in conjunction with a non-dumped product for a single, lump-sum price. In other words, no matter how readily the price of the dumped product may be separated from the price of the other product, the current administrative interpretation is that it is forbidden as a matter of law to make any such separation of the lump-sum price into its components.

The impact of this ruling has been just what one would expect. It has been easy for the Japanese exporters to persuade U.S. purchasers to allow them to quote a single price covering the rectifier and the transformer together. After all, it is in the purchaser's interest to obtain a lower overall price, even if it is a dumped price for the transformer portion. Accordingly, low-priced imports have now taken over half of the U.S. market for transformers used in conjunction with rectifiers. Under the current rule applied by the Commerce Department, there is nothing we can do about this.

Even more ominous is recent evidence that other foreign suppliers of electrical equipment have caught on to this loophole, and that they are trying to extend it to equipment combinations other than rectifiers and transformers. European producers, for example, are beginning to quote prices for complete substations or power plants—including dumped transformers—in an effort to utilize the loophole created by the "rectiformer" decision.

I think you will agree with me that this interpretation of the Antidumping Law creates a literally huge loophole. All that any foreign exporter need do to escape the impact of a dumping finding as to product X is to sell product X and product Y together for a single price. In a procurement situation, the U.S. purchaser will naturally be eager to cooperate by buying two products at the same time, because it may mean a substantial savings to him by taking advantage of the dumped price for one of the components. But this loophole would also be readily applicable to many consumer items. Suppose, for example, that the Department of Commerce has found that fishing reels have been dumped. The foreign manufacturer could easily avoid that finding by selling reels and rods together for a single, lump-sum price.

This loophole simply has to be closed. I urge this Committee to amend the Antidumping Law by adding the following new subsection (18) to Section 771 of the Trade Agreements Act of 1979:

(18) Merchandise Sold in Combination.—Where merchandise of a class or kind as to which the administering authority has made public an antidumping duty order as provided for in Section 736(a) is imported in conjunction with, in assembly with or accompanied by other merchandise, and where no separate price is charged for the merchandise covered by the antidumping duty order, the administering authority shall determine the portion of the import price properly allocable to the merchandise covered by the antidumping duty order, unless the administering authority determines that it is not possible to make such an allocation.

The phrase "not possible" has been selected deliberately, in preference to such alternatives as "not practical" or "not feasible", in order to make it clear that ingenious or complex combinations of merchandise will not be effective as a means of evading the Antidumping Law.

C. INADEQUACY OF LAWS DEALING WITH IMPORTS FROM NON-MARKET ECONOMY COUNTRIES

No rational observer could be satisfied with the current state of U.S. trade laws dealing with imports from non-market economies. Such imports of course, present major potential problems, stemming from the fact that their system simply does not mesh well with ours. As a consequence, imports from non-market countries may be priced at levels which do not reflect what a free market producer would regard as economic reality.

Despite the obvious potential problems posed by such imports, our present laws are totally inadequate and, indeed, arguably worsen the situation. The briefest summary of the present situation makes clear the inadequacy of current legislation:

Countervailing Duties. Totally inapplicable. The Commerce Department takes the position that the Countervailing Duty Law cannot be meaningfully applied to imports from non-market economies.

Antidumping. Applicable to non-market imports, but totally unpredictable and subject to diplomatic and political vagaries. In most cases, the result of the case depends on which "surrogate producer" is chosen. Where no surrogate producer is available, Commerce embarks upon a bizarre exercise of constructing what it would cost to manufacture the merchandise in question in an imaginary plant located in a country where such merchandise is not produced. Whatever method is used, the Commerce Department can literally reach any result which it desires in any given case.

Section 406. This provision has proved totally ineffective. No one has ever obtained relief. My experience in the Russian Ammonia case convinced me that the result of any proceeding has nothing whatsoever to do with injury, economic facts or anything set forth in the statute, but rather that political and diplomatic factors override all other considerations.

This is simply not the way to run trade policy, much less to establish rules governing the conduct of non-market sellers in the United States. Exporters in non-market economies can have no idea whatsoever as to when and under what circumstances their sales may be subject to attack under any of these laws. Similarly, U.S. industries aggrieved by such imports can make no realistic judgment as to whether a case which they might bring would have any prospect of obtaining relief. In short, it is time for a change.

I support the general principles underlying the Heinz bill (S. 958), which would create a pricing standard for non-market economy imports which would be clear and realistically enforceable. Under that proposal, a standard of "artificial pricing" would be created, which would require a non-market economy exporter to sell in the United States at a price no lower than the lowest price charged by importers of free-market merchandise. This is not only a clear standard. It is, in my judgment, a fair standard. Let me deal briefly with what I understand to be objections which have been raised to the Heinz proposal:

On the one hand, I understand that some U.S. industries have argued that this standard is too lenient. They point out that a producer in a non-market economy may not be as efficient as a producer in some free-market country, and should thus be held to a higher pricing standard. To me, this is mere theorizing. The very nature of costs in a non-market economy is such that we will simply never know whether a given producer is more or less efficient than a free market producer. Under such circumstances, the legislation gives non-market producers the "benefit of the doubt", but does so in such a way that U.S. industries are adequately protected. If other imports—from market economy countries—are sold in the United States at prices at least as low as those charged by the non-market economy seller, it seems to me that it would be difficult to argue that the non-market imports are depressing the U.S. price level. Indeed, a trade action brought against the non-market producer would still leave the equally-low-priced free market imports as a factor causing at least as much injury in the marketplace.

I have also heard representatives of U.S. producers argue that the Heinz bill would not deal with the threat of sudden surges of imports from non-market economy countries. Once again, I disagree. Procedures under S. 958 would be the same as those under the Antidumping and Countervailing Duty Laws. Those procedures include a provision for invoking early and retroactive relief upon a determination of "critical circumstances". This is, in my thinking, sufficient protection against surges from non-market countries. I might add that I have great difficulty in pointing to any case in which a "surge" of this nature was a factor in a non-market import proceeding. It is my strong view that pricing—not surges in volume—is the real problem with imports from non-market producers.

Finally, I have heard representatives of non-market economies complain that S. 958 is too restrictive, because it does not take into account the possibility that a non-market economy may genuinely be more efficient and have lower costs than producers in free market countries. This argument does not impress me. As I indicated before, I do not believe that we will ever be able to find out whether any given non-market economy producer is more or less efficient than a competitor is a free market country. Even if one were to analyze the "factors of production" (degree of automation, number of hours of labor per unit, amount of raw materials per unit of production, etc.) as contemplated by the Commerce Department's current phantasmagorical "constructed value" approach, I am convinced that we get no meaningful answers. Where the non-market economy producer is highly automated, it may well be that the State has decreed an artificially high level of automation in order to achieve some political goal. If the same enterprise were located in a free-market country and if the State had artificially supported the investment needed to obtain the high degree of automation, we would undoubtedly impose countervailing duties to offset the assistance from the State. The only reason we do not do precisely the same thing in the case of non-market economy imports is that the State controls all aspects of the economy, thus making application of the Countervailing Duty Law impractical. In short, the question whether a non-market producer is more efficient is an unanswerable question. And if that is more efficient, it may be the result of subsidies. Thus, I have no qualms whatsoever that S. 958 may be overly restrictive. For us to accord to non-market imports the presumption that they are at least as low in cost as the lowest-cost free-market imports is an eminently liberal trade policy.

I therefore urge this Subcommittee to support the basic approach set forth in S. 958. Action now is important, in view of the growth over the past several years in trade with non-market countries, and the concomitant increase in the number of potential dislocations caused by imports from those countries. I firmly believe that we should not discourage trade with the Socialist world. However, I believe that such trade should be conditioned on their adhering to pricing standards which (although liberal) do not place U.S. producers in a position of being unable to compete.

I wish to thank the Subcommittee for giving me the opportunity to present these views. I would be happy to answer any questions on these or other subjects.●

AUTHORITY FOR CERTAIN ACTIONS DURING THE RECESS

Mr. BAKER. Mr. President, I ask unanimous consent that during the recess of the Senate over until Tuesday, February 2, the Secretary of the Senate be authorized to receive messages from the House, and that the President of the Senate, the President pro tempore, and the Acting President pro tempore be authorized to sign all duly enrolled bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECORD OPEN UNTIL 4 P.M. TODAY

Mr. GORTON. Mr. President, does the minority leader have any further business at this point?

Mr. President, I ask unanimous consent that additional statements be accepted for the RECORD until 4 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Will the distinguished acting majority leader include in that request bills and resolutions?

Mr. GORTON. I ask unanimous consent that my request include that, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished acting majority leader. I have no further business on this side.

RECESS UNTIL TUESDAY, FEBRUARY 2, 1982, AT 11 A.M.

Mr. GORTON. Mr. President, I move, in accordance with the previous order, that the Senate stand in recess until Tuesday, February 2, 1982, at 11 a.m.

The motion was agreed to and, at 11:45 a.m., the Senate recessed until Tuesday, February 2, 1982, at 11 a.m.

HOUSE OF REPRESENTATIVES—*Friday, January 29, 1982*

The House met at 11 a.m. and was called to order by the Speaker pro tempore (Mr. FOLEY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
January 28, 1982.

I hereby designate the Honorable THOMAS S. FOLEY to act as Speaker pro tempore on Friday, January 29, 1982.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, Creator of the world and Sustainer of every good thing, we reach out to You for strength to do those good things that bring glory to Your name and serve those about us. We ask that You would sustain people of every vocation who do what they can to alleviate distress, to provide comfort to the lonely, to feed the hungry, and bring all manner of help to those in need. Make us conscious of Your plan for people where justice is the measure of our common life and where mercy and compassion are the marks of the human spirit. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

THE REPEAL OF ENERGY TAX INCENTIVES WOULD ONLY STRENGTHEN OPEC'S HAND

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, the Treasury Department has announced that it will be submitting legislation to repeal energy tax credits as one way of raising revenues. That plays into the hands of OPEC and ignores the implications of our energy dependence on our economy and our national security. It also destroys consistency and certainty that is badly needed if these new industries are going to make a go of it.

The President made clear that he will be submitting a plan for dismemberment of the Department of Energy very shortly, and, in the meantime, the Department's budget calls for virtual inaction on the part of the Federal Government in the area of alternative energy and conservation. Repeal of the tax incentives intended to encourage the private sector to move into production and development of alternatives: alcohol, methane, solar, wind, geothermal, oil from shale, and coal technologies, to name just a few, is just one more step toward going back to the old way of meeting our energy needs. Laissez-faire wasn't enough before, and it won't be now. Too much is at stake here for the Government to say "it is not our problem."

A year ago this week, Sheik Yamani, the Saudi oil minister, made it clear that his government's strategy was to keep us from pursuing alternative energy sources and conservation policies. He made the point that inaction on our part would hasten the day of OPEC's ultimate stranglehold on us:

Saudi Arabia's interest may appear to be served by lower production rates and higher prices, irrespective of the outcome. Let me remind you of my earlier statements regarding the link between price and consumption rates. Whenever prices go down, consumption goes up and vice versa. Whenever oil prices increase, large amounts of capital are invested in search of alternative sources of energy and in a search for oil in different areas. If we force Western countries to invest heavily in finding alternative sources of energy, they will. This would take no more than 7 to 10 years and would result in reducing dependence on oil as a source of energy to a point which will jeopardize Saudi Arabia's interests. Saudi Arabia will then be unable to find markets to sell enough oil to meet its financial requirements. This picture should be understood.

Let us not play into their hands.

A TRIBUTE TO U.S. AIR FORCE THUNDERBIRDS KILLED IN ACCIDENT

(Mr. DAN DANIEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DAN DANIEL. Mr. Speaker, on Monday of last week, this Nation was sorely diminished with the deaths of Maj. Norman L. Lowry III, Capt. "Willy" Mays, Capt. Joseph N. "Pete" Peterson, and Capt. Mark E. Melancon, all U.S. Air Force Thunderbirds.

No man's passing should be without note but it does not detract from others that these four men should be especially mourned.

I was at Nellis Air Force Base along with Nevada's U.S. Senators, the Honorable HOWARD W. CANNON and the Honorable PAUL LAXALT, Maj. Gen. Guy L. Hecker, Jr., Director, Air Force Legislative Liaison, and Maj. Gen. Ralph J. Maglione, now retired, but formerly a Thunderbird leader, when a stirring and dignified memorial service was conducted. Prior to that ceremony, the Secretary of the Air Force advised me that messages of condolence had been pouring in from all over the world. Within the hour, he has received messages from the Governments of Great Britain and Turkey. The loss was truly felt on an international scale. A representative of the President called to say that the President was saddened by the tragedy and would make his sentiments known to the families of the men. Nor were the tributes limited only to words. Almost within hours the Blue Angels, the Navy counterpart to the Thunderbirds, had begun a scholarship fund for the six sons and daughters these men left behind and the University of Nevada established full scholarships for the wives and children.

It has also been felt on a personal level by many Americans. A considerable number of people in my district in the days immediately following this tragedy told me they had seen the Thunderbirds perform, sometimes noting they had met them, and in varying ways indicated they too felt a loss.

Even though Congress was not in session when this happened, it did not go unnoticed by our colleagues. Chairman MELVIN PRICE of the Committee on Armed Services wired a special message for the service:

On behalf of all of the members of the House Armed Services Committee, I want to express my deepest sympathy to the families of the officers of the Thunderbird program who were killed on January 18, 1982, in a tragic crash.

The Air Force personnel in the Thunderbird program provide an important link between the civilian and Air Force communities as representatives of all Air Force personnel who perform the demanding and dangerous tasks necessary for the defense of the Nation. The importance of the Thunderbird program cannot be overestimated, as it extends throughout the country an appreciation of the role of air power in our military readiness posture, as well as the remarkable skills required of Air Force personnel.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

These fine officers—Major Norman L. Lowry III, Captain Joseph N. "Pete" Peterson, Captain William "Willy" Mays, and Captain Mark E. Melancon—have given their lives in defense of the Nation as much as servicemen killed in combat. I salute them.

As might have been expected, once the shock of this sad event was passed, there immediately came from some quarters demands that the program be halted. While I do not argue with the good intentions of those who suggest this, it must be recognized that this is the last possible thing these four brave men would want. The thought was echoed by their widows, Mrs. Linda Downing Lowry, Mrs. Sara Ann Scragg Mays, Mrs. Cecilia Jones Peterson, and Mrs. Carol Jean Neal Melancon with whom I spoke. These women recognize the value to the Air Force and the country of their husbands' work and ultimate sacrifice. The Thunderbirds were all well aware that they were at risk when they took to the skies and while their attitude toward death was not cavalier, it was plain they felt their mission of greater importance than their personal risk.

What a breach of faith it would be were we to act in a manner contrary to their wishes because of this loss.

We Earth-bound mortals stand in awe of those who challenge the sky with such elan. They see the world in ways we never could. Not just physically, although that would be enough for most of us. They know a unity of man and machine, Earth and sky, reserved to them alone.

Most of us, if we fly at all, lumber along in airborne beasts of burden. The Thunderbirds master the skies like some well-blooded stallion. We envy them in a way not at all negative and we vicariously slip "the surly bonds of earth." It is somehow enough for us to know that others of our breed can do these things.

Not fly again? Those bold and daring men whom we call flyers look every day into the void which awaits us all. None of them does this thing because it is a job; it is a way of life, a very life itself. And even those who do not dare so gloriously would be lessened by this loss. These four brave men have given their lives in service to their Nation as surely as countless unnamed flyers who defended and made safe the skies of Europe and of Asia in an earlier time.

If their sacrifice has any meaning at all, it is because there are certain values, certain principles, certain eternal truths more precious than life itself. It is these truths, these principles, these values that these men were trained to defend and which they exemplified each day they lived.

Those who have died for their country can fail only to the extent that we, the living, fail them. They gave their all; we can do no less than to give our best. For if we fail them, we fail our country. We desecrate our heritage and we betray posterity.

So let us strive to measure up to the same degree of dedication, patriotism, and bravery these men have placed before us in their lives and their deaths.

The SPEAKER pro tempore (Mr. GLICKMAN). The Chair recognizes the gentleman from Washington (Mr. FOLEY) for 1 minute.

CONGRATULATIONS TO ITALIAN GOVERNMENT IN RESCUE OF GEN. JAMES DOZIER

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, we cannot allow the session to end before the Members of this body have had an opportunity to express our country's deep gratitude to the Italian people and Government and to their brave, effective security, and police forces for their relentless effort to rescue Gen. James Dozier. Their extraordinary success yesterday not only represents a stunning triumph of law over the forces of terrorism and ignorance but sent a thrill throughout the United States and the free world.

JOBS SERVICES OFFICES TO CLOSE

(Mr. YATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YATES. Mr. Speaker, on Wednesday, I filed a bill to provide $210 million for administrative expenses for the jobs services offices throughout the country. They are threatened with closing at a time when more than 9 million people are unemployed.

I want to commend the Speaker and the majority leader, the gentleman from Kentucky (Mr. NATCHER) and the gentleman from Mississippi (Mr. WHITTEN), for taking immediate action to set that bill down for a hearing. Hearings are to be held on that bill on Tuesday, together with a hearing as well on providing an additional $1,100,000,000 for unemployment compensation and approximately $123 million for additional funds for fuel assistance.

With respect to my portion of that bill, Mr. Speaker, I am appalled with the knowledge that the Office of Management and Budget is opposing my bill. I do not think the President is aware of what is going on in the country. The attitude of this administration is ridiculous. In conversations yesterday with people in the employment offices in Illinois, I learned that 600 to 700 people per day have applications for employment that are being processed by the jobs services offices. Those offices are going to be cut by 800 people on February 15 unless something is done.

Last December, when the gentleman from Massachusetts (Mr. CONTE), offered a substitute amendment to the continuing resolution, assurances were given that no people would be laid off from employment services and no people would be laid off from unemployment compensation offices and that the offices would remain open. He said, in concluding that portion of his remarks, that if what he said was not true, the administration would file a supplemental budget request. That request has not yet been filed for the unemployment compensation and the administration indicates it will now oppose additional funds to keep those offices open.

CONCERN FOR CLOSING OF JOBS SERVICES OFFICES

(Mr. MORRISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORRISON. Mr. Speaker, with respect to the question of the gentleman from Illinois (Mr. YATES), there is tremendous interest in this measure which the gentleman has described to us and I look forward to the hearings.

I was interested in establishing whether the gentleman had an idea on the schedule for floor activity. Is there a possibility that this measure would be before the House for action during this next week?

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. MORRISON. I yield to the gentleman from Illinois.

Mr. YATES. I will tell the gentleman that I am advised that the schedule of the gentleman from Kentucky (Mr. NATCHER) proposes the hearings to begin on Tuesday next at 1:30 p.m. in the gentleman's subcommittee room; that the bill is scheduled to come before the full committee on the following Thursday, 2 days later, and is scheduled for floor action either Monday or Tuesday of the following week.

I say to the gentleman that this is extremely important. I was told that the neighboring State of Oregon has already closed some of its unemployment offices when unemployment is almost doubling in that State. It just does not make sense to me. I just do not think that the President realizes what is going on in unemployment throughout the country.

Mr. MORRISON. I appreciate the gentleman's remarks and information and yes, within the State of Washington we already have a number of offices that have closed and so there is universal concern.

Mr. YATES. Which is wrong. Does not the gentleman agree with me that those offices should remain open?

Mr. MORRISON. We are very concerned about this and look forward to the hearings and the potential action on the floor as quickly as possible.

I thank the gentleman.

PERMISSION FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO FILE REPORTS

Mr. DASCHLE. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs have until 5 p.m. today to file reports on the bills:

H.R. 5118. To provide water to the Papago Tribe of Arizona, and for other purposes; and

H.R. 4230. To facilitate the transportation of coal by pipeline across Federal and non-Federal lands.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from South Dakota?

There was no objection.

JOSEPH DISEASE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. COELHO) is recognized for 5 minutes.

● Mr. COELHO. Mr. Speaker, I take this opportunity to share with my colleagues a story which appeared in the Fresno Bee about a rare affliction known as Joseph disease. This debilitating disease named after Antone Joseph strikes those of Portuguese descent. Many of the brave people who suffer from this genetic disorder live in California's 15th Congressional District which I represent. A great-great-granddaughter of Antone Joseph, Rose Marie Silva, has formed the International Joseph Disease Foundation Inc., a group of dedicated people looking for a cure to Joseph disease and aiding its victims. This is a fine organization deserving of our full support.

The article follows:

[From the Fresno Bee, Dec. 14, 1981]

"OLD WORLD" DISORDER—RARE DISEASE SHATTERS AMERICAN DREAM

(By Ricardo Pimentel)

When Antone Joseph arrived in Livermore from the Azores Islands in 1844 he hoped to create a legacy of prosperity for himself and his family.

To be sure, some members got a piece of the American dream but others were left an Old World legacy of debilitating disease.

Joseph passed on an incurable disorder that still plagues family members. It's appropriately called Joseph disease, but it's not limited to the Joseph family. It strikes people from continental Portugal or the Azores.

Dr. Roger Rosenberg, a neurology and genetics specialist at the University of Texas Health Science Center in Dallas, diagnosed and named the disease in 1975. Since then, he's discovered that the disease has been around for as many as 400 years, often misdiagnosed as multiple sclerosis, Parkinson's disease or as a degeneration of spinal and cerebral functions.

New World explorer Ferdinand Magellan's crew may have even carried the disease to Japan in the 16th century. About 10 cases of Joseph disease have been detected there, Rosenberg said.

At Valley Children's Hospital in Fresno recently for a seminar, Rosenberg explained that Joseph disease is a genetic disorder that destroys the nerve cells in the brain and spinal cord that control movement.

Victims have trouble walking, with hand coordination and with speech and may appear to be intoxicated.

Investigation showed that about 600 members of the Joseph family in 11 generations have had or have the disease, Rosenberg said.

Rose Marie Silva, great-great-granddaughter of Antone Joseph, said the affliction, which can be slowed with drugs, was a family secret until she called Rosenberg in 1975.

"My father and brother died of it at 39 years of age," she said, explaining that she once dreaded that her three daughters might contract the then-nameless disease.

The concern is warranted. If a parent has the disease, the children have a 50-50 chance of developing it. The gene that causes the problem doesn't skip generations, said Dr. William Nyhan, a geneticist at the University of California at San Diego.

Nyhan travels with Rosenberg on his annual trip through Northern California, giving genetic advice to victims and conducting clinics where Portuguese-Americans' fears can be dispelled or confirmed.

"It's an ancient mutation," Nyhan said, describing the gene that causes the problem. "Its first expression occurs generally after people have had their children, so people didn't put things together."

However, he added, people as young as 17 and as old as 70 have contracted the disease.

David Coito, 43, of Turlock developed symptoms when he was 28. By 1977, he was an invalid. He has three cousins in Fresno who also have Joseph disease.

"They didn't know what he had. We took him to our family doctor who said it was something neurological," said his wife, Jane.

It wasn't diagnosed as Joseph disease until 1978.

"I remember it very vividly. The doctor told me, 'if you don't know how to drive, you'd better learn. Dave's going to die. He's not going to be able to work.' Dave proved them wrong," Jane said.

Coito, a former appliance store owner, smiled and nodded his head as he sat in his wheelchair.

"His mother had something, but it was diagnosed as MS (multiple sclerosis)," she said. "It's on her death certificate.

"When we first found out in 1968, we thought we were the only ones in the world with the disease. But 11 years later we found out we weren't alone. There was a sense of unity."

The reason they didn't feel alone was that they found Silva and the organization she formed, International Joseph Disease Foundation Inc.

The group, raising money through bake and garage sales, finances research and makes the annual informational trips possible.

"It's because of my children that I help as much as I do," Silva said.

Although she is at risk, Silva, 49, is not very frightened. Nyhan explained that the later the onset, the more mild the disease. So, even if Silva develops it, she will probably be able to lead a normal life.

Rosenberg and Nyhan said they tell people who have the disease about the risks of having children.

"Mainly the reaction has been to hold off on a family. Some get vasectomies, tubal ligations or adopt," said Nyhan.

Generally, a person will contract the disease at about the same as their parent did.

The symptoms include:

Weakness in arms and legs.

Spastic limbs.

Clumsy body movement.

Speech difficulties, such as slurring words.

Double vision and involuntary eye movement.

Frequent urination.

Nyhan cautioned, however, that a person shouldn't panic just because of a tumble unless your parent has had the disease, which may have been misdiagnosed.

Anyone with questions about Joseph disease may call the foundation at (415) 455-0706.●

TAX EXEMPTIONS FOR SEGREGATED PRIVATE SCHOOLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. WASHINGTON) is recognized for 5 minutes.

● Mr. WASHINGTON. Mr. Speaker, in light of the controversy surrounding the President's claim that the Internal Revenue Service has no legal standing to deny tax-exempt status to private schools which discriminate on the basis of race, I want to share with my colleagues some of the statements made during yesterday's hearing by the Subcommittee on Civil and Constitutional Rights, which clarify and articulate the existing legal basis for the IRS to deny exemptions.

Supporting the argument that existing law compels and obligates the IRS to deny tax exemptions, the Honorable Arthur S. Flemming, Chairman of the U.S. Commission on Civil Rights stated:

This decision by the Executive Branch is inconsistent in our judgement with the Executive's constitutional obligation and oath of office to faithfully execute our Nation's laws. The Executive Branch has acted without appropriate regard for a coequal branch of government whose "province and duty," as Chief Justice Marshall declared in *Marbury* v. *Madison*, is "to say what law is."

We do not need new legislation to set forth once again the policy of non-support on the part of the Federal government of schools that practice racial discrimination. What we do need is vigorous implementation by the Executve Branch of the policy set forth in the Constitution, Title VI of the Civil Rights Act of 1964, and the IRS Code as defined by the Federal courts.

Flemming went on to say that the Commission believes that the President should direct the IRS to comply with the mandate of the Federal courts and continue to deny tax exemptions to private schools that dis-

criminate on the basis of race. "No Federal judge has suggested that new legislation is needed in order to strengthen the legal foundation on which this mandate rests."

Another distinguished witness, Mr. Carr Ferguson, former Assistant Attorney General in charge of the tax division of the Department of Justice, stated:

The Federal tax laws now on the books have been interpreted by every Federal appellate court which has considered the issue as prohibiting federal tax exemption benefits for schools with racially discriminatory policies. Accordingly, new tax laws are unnecessary to continue the Government's consistent position of the last decade that such private schools do not qualify as tax-exempt organizations under section 501(c)(3) of the Internal Revenue Code.

Carr went on to say that instead of calling for new legislation, the Congress should leave to IRS and the Federal courts the reasoned, systematic enforcement of the settled interpretations of existing statutes.

Equally compelling and factual was the testimony of Mr. E. Richard Larson, staff counsel of the American Civil Liberties Union. Mr. Larson stated:

The American Civil Liberties Union disagrees with the President's position. In the ACLU's view, "the law" most certainly includes the Fifth Amendment, Title IV of the Civil Rights Act of 1964, and the rulings of the Supreme Court and of the lower federal courts.

The primary prohibition against federal government involvement, direct or indirect, in racial discrimination is the equal protection component of the Fifth Amendment to the U.S. Constitution. The Constitution has been consistently applied by the federal courts and interpreted by Congress to deny government aid to racially discriminatory private schools.

Larson emphasized that—

The decision *Green* v. *Connally*, 330 F. Supp. 1150 (D.D.C. 1971) *aff'd sub. nom. Coit* v. *Green*, 404 U.S. 997 (1971), did not occur in isolation, but followed three other three-judge court decisions which had ruled "that it was unconstitutional for Government to aid racially discriminatory private schools through the use of tuition grants, and each of these three rulings was affirmed by the Supreme Court." *South Carolina State Board of Education*, 296 F. Supp. 199 (D.S.C. 1968), *aff'd mem.*, 393 U.S. 222 (1968); *Poindexter* v. *Louisiana Financial Assistance Commission*, 275 F. Supp. 833 (E.D.La. 1967), *aff'd mem.*, 389 U.S. 571 (1968); *Lee* v. *Macon County Board of Education*, 267 F. Supp. 458 (M.D.Ala. 1967), *aff'd mem. sub nom. Wallace* v. *United States*, 389 U.S. 215 (1967); *see also, Coffey* v. *State Educational Finance Commission*, 296 F. Supp. 1389 (S.D.Miss. 1969).

Mr. Carr reiterated this point, and emphasized that Congress has already noted its approval of the Green decision. As he stated:

In 1976, Congress added S501(i) to the Code which explicitly denies tax exempt status to social clubs that discriminate against "any person on the basis of race, color, or religion." This legislation specifically overturned a contrary district court construction of the Code. The Senate report on the private club provision cites Green as the leading case on the issue of private schools that discriminate on the basis of race not qualifying for tax exemptions.

So Mr. Speaker, not only is there constitutional authority for the IRS to act, numerous court rulings based on these constitutional provisions, and the actions of this legislative body, all give a foundation on which the IRS can stand. Both the Treasury and the IRS in fact remain bound by the Court's ruling interpreting the Constitution and other laws as requiring the denial of tax-exempt status to racially discriminatory private schools. Clearly the issue is not a lack of legal standing on the part of IRS. The real issue is the unwillingness of the Chief Executive to exercise his sworn constitutional oath to uphold the laws our land.

There is one final issue which should be clarified. Some of my colleagues expressed concern that since the IRS has placed new applications for private school tax exemptions on hold, this may delay the approval of applications from parochial schools and other schools which do not racially discriminate.

We contacted the IRS Public Affairs Office. They said that this was not the case. Only applications from schools which have a policy of racial discrimination have been placed on hold. All other applications are being processed without delay. Schools which do not racially discriminate are unaffected. The President should act, and act at once; but until he does, there is no danger of innocents being caught in the crossfire.●

TO PROVIDE PRICE SUPPORT LOANS TO ALL PRODUCERS OF THE 1981 CROP OF RICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 10 minutes.

● Mr. ALEXANDER. Mr. Speaker, I have today introduced a bill to provide a measure of equity to all rice producers in the United States in terms of eligibility for the Commodity Credit Corporation nonrecourse loan program.

As many of my colleagues know, the agricultural economy of America is at a standstill today unlike anything we have seen since the Great Depression. Many farmers are searching for adequate credit to finance their 1982 operations while others face an absolute denial from their lenders due to their heavy debt load.

The depression in agriculture cuts across almost all commodity producers. However, while all wheat, feed grains, and cotton producers are able to secure a nonrecourse loan from the Commodity Credit Corporation, only a portion of the Nation's rice producers are eligible to do so.

This anomaly was corrected by the 1981 farm bill as far as producers of 1982 crop rice is concerned. Beginning with the 1982 crop, all rice producers will become eligible for the CCC loan program as well as the target-price provisions.

However, there is a group of producers holding a majority of the rice produced in 1981 who have no alternative to an almost totally inactive rice market. It includes producers with acreage allotments who have been allowed by law to plant in excess of those allotments and it includes new rice producers who have gone into rice production since the program was opened in 1975 to all those wanting to produce it.

The market has declined from an average price of $12.90 per hundredweight a year ago to an average of $9.12 per hundredweight January 1, the last date reported by USDA. This is more than a 25-percent reduction in price in 1 year and it is far below costs of production. Since most rice is ineligible for the CCC loan program, there is nothing to prevent prices from continuing to decline.

Currently, most rice producers with acreage allotments who are eligible to utilize the CCC loan have done so. The 1981 rice crop is estimated by USDA to have been 185 million hundredweight and they expect a carryover of 54 million hundredweight in excess of domestic and export demand by the end of the marketing year. As of January 1, there was 46 million hundredweight on hand in my State of Arkansas alone. Yet, less than 25 million hundredweight has been placed under CCC loan and the rest of it is ineligible until my bill becomes law.

My bill will enable all producers of rice to utilize the alternative of placing excess rice stocks under loan with the CCC until sufficient market demand reappears. This will enable those producers to continue to operate in 1982 by providing them with critically needed financing. Those producers newly eligible for the CCC loan upon enactment of my bill will be required to meet the same conditions as all others eligible for the CCC loan program.●

SAM MUCHNICK "MR. WRESTLING" STEPS DOWN

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. PRICE. Mr. Speaker, a truly outstanding person and one of my closest friends, Mr. Sam Muchnick retired this month. Mr. Muchnick also happens to be the No. 1 wrestling promoter in the United States and is known in the profession throughout the world for his personal integrity

and the high standards of values and fairness he has brought to the sport. In my long association with the sports field I have found Sam to be one of the most respected people in the field. As stated in the article by Roert L. Burnes in the January 9-10, 1982, St. Louis Globe-Democrat, which I am including at the close of my remarks, few people have as many friends as Sam.

I am deeply honored to have such an outstanding person as my friend for so many years, and I wish Sam every success and satisfaction in whatever he does next. I look forward, as I am sure Sam's many friends do, to many more years of association with this great and humane person. He has made so many people's lives so much more meaningful and rewarding. With his great gifts he can continue, and I am sure he will, to help his many friends to lead happier and more rewarding lives.

I commend to all of my colleagues the following article from the St. Louis Globe-Democrat as a way to become a little better acquainted with my outstanding friend Sam Muchnick. I am sure you will find this to be a rewarding experience.

"MR. WRESTLING" STEPS DOWN

Now that he has finally made official the retirement he has long threatened, wrestling promoter Sam Muchnick will have time to do other things. He stepped down after his card of Jan. 1, turning over the reins to wrestler Pat O'Connor and his long time assistant, Larry Matysik.

A man of many interests, most of them involved with sports, Sam will not lack for things to do. He might even return to his first love, writing about sports.

With a straight face, Muchnick has long maintained that he is the third best sports writer in the world.

Who is number one?

Pulitzer Prize winner Walter "Red" Smith of the New York Times. They were playmates and walking partners and fun seekers when they patrolled the Cardinal baseball beat 50 years ago, Smith for the St. Louis Star and Muchnick for the St. Louis Times, now both out of business.

And who is the second best?

Why, whichever sports writer he happens to be talking to at the moment.

It has been a running joke for years. Sam has enjoyed it, so have his friends, especially when another sports writer walks into the room and learns that he has been replaced as number two. And that has happened frequently.

Even though he has been involved with professional wrestling for almost 50 years—first as assistant to promoter Tom Packs and then for more than 35 years on his own—and even though he has become the number one man nationally in that sport, Muchnick still talks almost with reverence of the days when he traveled with the Cardinals. The days when Frank Frisch, Burleigh Grimes, Pepper Martin and Jim Bottomley were friends and heroes, when his writing pals were Red Smith, Mike Haley of The Globe-Democrat and Roy Stockton of the Post-Dispatch, the days when he was third baseman on a training camp team which included Cardinal owner Sam Breadon, Dr. Bob Hyland and George P. Vierheller, director of the St. Louis Zoo and an avid Cardinal fan.

"It was great fun, it was exciting . . . the Cardinals were winning pennants and World Series . . . they were playing all the games in the afternoon and you had all night in New York or Chicago to enjoy life . . . there has never been anything like it," beams Sam.

Muchnick did not leave sports writing by choice.

"The Times was bought by the Star in June of 1932," he points out. "We had two hours warning and were given two weeks pay . . . nothing more. In the depths of the Depression, I was out of work."

He caught on with Packs as publicist and eventually as assistant. He stayed with Packs for almost 10 years; they finally broke up because of fundamental differences and Muchnick went out on his own.

"I had made a lot of friends in the business but I was bucking the establishment," he recalls. "Lots of wrestlers told me they'd like to work for me but feared the repercussions. But some did and I was grateful."

Muchnick was barely gaining a foothold in the wrestling world when World War II intervened. Although in his late thirties, he enlisted in the Army Air Corps.

"I fought the battle of the Panama Canal," he says. "That's where I was stationed."

After his discharge, Muchnick plunged ahead. It is a matter of record that within five years, he was the dominant figure in the sport of wrestling in the United States. He served for more than 25 years as president of the National Wrestling Alliance, made up of promoters from coast to coast. They valued his judgment and they all prospered.

In recent years, protesting that the work load was too much, he was finally allowed to step down as president—but the phone still rings constantly in his office and other promoters still lean on him for advice.

So much so that a couple of years ago, one of the better known promoters called with a strange request. The man's wife had died a few years before and he was planning to marry again but wanted to avoid publicity. "I'm coming to St. Louis to get married," he said. "You arrange it, Sam."

Muchnick did just that. He called his good friend, Monsignor Lou Meyer, who performed the ceremony.

One point should be made. The so-called sport of wrestling is often more hippodrome and theater than sport. It is generally accepted, although no one will admit it, that the championship is controlled.

Muchnick grins when people talk about it. Jack Buck and Joe Garagiola, his close friends, have kidded him unmercifully at public gatherings about this and he continues to smile.

However, it is a tribute to his personal integrity and popularity that he is one of the most respected people in sports in St. Louis. Few people have more friends than Sam Muchnick.

I have known him for more than 40 years. I look upon him as one of my closest and dearest friends—and above all, one of the most honest. To my knowledge, he has never lied to me or misdirected me. I have had to ask him searching questions about wrestling on a few occasions and he has always given me direct, straightforward answers.

Sam is in the same category with Bing Devine, Ben Kerner and Bob Fishel (now assistant to the president of the American League) who also have never lied to me. That is why I hold them in such high esteem.

Muchnick was saddened early last year by the sudden death of his beloved wife, Helen. He's also lost several close friends in recent years—Cardinal baseball scout Joe Mathes, former Cardinal traveling secretary Leo Ward, and one-time football star Wilson R. (Bud) Schwenk. When Helen Muchnick died, the wrestling world came to a complete stop around the country. Every promoter and many of the top wrestlers were here for the funeral.

Muchnick admits his life has been split in half—B.H. and A.H.—"Before Helen and After Helen." He liked the bright lights and the good life of the bachelor until, in his late 40s, he and Helen Wildfong were married. "She changed my life," he says simply, "and much for the better." The Muchnicks have two sons, Dr. Richard of St. Louis and Dan of Macon, Ga. and a daughter, Kathie of St. Louis.

The loyalty of the wrestlers who work for him is something in which Muchnick takes great pride but, as Pat O'Connor says, "it is mostly because every wrestler in the game knows that Sam's word is his bond. He has never shortchanged any of us."

Years ago, when Muchnick was just gaining a foothold as a wrestling promoter, he was faced with a disaster at one of this first big shows at Kiel Auditorium. A blizzard struck without warning shortly before the show. Only a few hundred fans struggled to get there. Despite this, the card went on.

Muchnick took a financial beating. As he sat in his cubicle office at Kiel afterwards, waiting to pay the wrestlers their fees, Fritz Von Erich, one of the top "villains" of the era, walked in.

"Sam, the other boys have appointed me spokesman," Von Erich said. "We've talked it over . . . you've always been more than fair with us. We know you didn't make expenses tonight so all of us want to waive our fees. Just give us our expenses . . . and if you don't have that . . . well, you can owe it to us."

Muchnick was moved to tears.

"But I paid off in full," he remembers. "It almost wiped me out at the time but I've never forgotten it."

Still another incident occurred more recently when Muchnick had a card scheduled, headed by Terry Funk, then world champion, and Johnny Valentine, a popular figure with the fans. Late the night before the show, which was sold out, Muchnick got a phone call from Valentine.

"I dislocated my shoulder here tonight in Houston," Valentine said. "The doctors tell me I can't work. If you want, Sam, I'll fly in so that if you can get a substitute, I can let everybody know why I'm not working."

"That wasn't the problem," Sam explains. "We had a sellout and a good part of it was Valentine's popularity. I had two choices. Even if I got a replacement, it was too late to get the word out. The fans wouldn't know until they came to the auditorium. So I either had to cancel the card or come up with a good enough replacement to satisfy everybody. Even so, I was prepared to offer any fan his money back if he wanted it."

The only possible replacement, Muchnick felt, was Gene Kiniski, the former world champion, a rough and tumble performer who was popular mostly because he irritated fans. He called Kiniski at his home in Vancouver, British Columbia, and explained

the situation. "I doubt that you can make it," Sam said, "but you're my only hope."

"In other words, if I can't make it," Kiniski replied, "you take a bath."

That's about the size of it, Muchnick told him.

"The weather's pretty bad up here," Kiniski reported, "but I'll try. I may not make it until show time but I'll give it a shot."

Not knowing whether he'd have a show or not, the worried Muchnick walked into his office at 9:30 the next morning to find Kiniski sprawled in a chair.

"Where the hell you been?" Kiniski snarled. "I'm hungry. The least you can do is buy me breakfast. I shoulda stopped by your house and had Helen fix my breakfast but I couldn't remember your address."

Kiniski had driven through bad weather from Vancouver to Seattle, caught the red eye special and flown all night.

"Of course I bought his breakfast," Muchnick reminisces. "I couldn't believe that he had made it. Besides, I'm happy that he came to the office. When he and Helen got together in the kitchen, it was always chaos."

In addition to his wrestling talents, Kiniski considers himself the best cook in the world.

"He came out to the house often because he enjoyed discussing cooking with my wife," says Muchnick. "They never agreed; they'd wind up hollering at each other but the results were always good, no matter which one won out on which recipe to use."

Muchnick is proud of the loyalty and friendship of the wrestlers. Another close friend is the rugged crowd pleaser, "Dick the Bruiser" Afflis. The Bruiser has leaned on Muchnick for advice and counsel in business dealings and is comfortably well off today, as much from real estate enterprises as wrestling.

A few years ago, Muchnick was in the hospital and a firm "No Visitors Allowed" sign was posted. "We had to do that whenever Sam was in the hospital," a doctor friend once observed. "Otherwise, he wouldn't get any rest."

This did not stop the Bruiser. He borrowed a black homburg and strode into the hospital. To anyone who tried to stop him, he merely said "I'm Rabbi Afflis" and kept right on walking.

In his earlier days, Muchnick was a confirmed practical joker.

"I learned from the best, Ray Steele," he confesses. "He was the master. He was always pulling stuff on me. I finally got even once. We drove to Kansas City and stopped on the highway for lunch. He excused himself from the table, went out, moved the car and hid with it. When I got up to leave, I couldn't find Steele or the car and figured he'd gone on and left me out in the middle of nowhere. He let me stew for 15 minutes before he showed up. When we got to Kansas City, I swiped the car keys, stuck them in an envelope, mailed them back to St. Louis. I was going to stay over and he was going to drive back to St. Louis alone. It's the only time I ever put one over on him."

However, another practical joke—this one involving Gene Kiniski—never came off.

A Catholic priest, a devoted wrestling fan, cordially detested Kiniski for his rough tactics.

"What the priest didn't know," Muchnick explains, "was that Kiniski, outside the ring, was a devout Catholic, a dedicated family man. A couple of us thought it would be a great gimmick some Sunday morning to go out to his church, wait until he was in the pulpit and then walk Kiniski down the center aisle to a front pew."

Sam admits he didn't have the heart to pull it off because "a church is no place for a practical joke. It could have been a terrible embarrassment for the priest who was my good friend."

And Sam Muchnick enjoys the company of his good friends. Even though he has never played golf in his life, he joined Norwood Hills Country Club some years ago, mostly on the urging of Bud Schwenk and Bob Victor and some other pals. A couple of Fridays a month, he leads a group of his roistering buddies to Jack English's Tavern in Belleville for lunch. Why? Well, simply because Tommy McMahon, longtime bartender at the St. Louis Press Club and one of the city's great characters, is on duty there on Friday. Tommy has virtually retired but puts in a day or two a week at English's perhaps because it is a handy place en route to the race track.

"I've always thought that Joe Mathes was one of the finest people I ever knew," Muchnick says. "I was one of the organizers of the Press Club; I'm a charter member and Joe enjoyed talking with Tommy. So Joe would come by the office and invite himself to the Press Club as my guest. Then he and Tommy would sit at the bar and swap stories."

Mathes died three years ago but Muchnick's fond memories live on. He goes to English's because he knows that's what Joe would have done. And he orders a "Joe Mathes" from Tommy McMahon. It is simply a Rob Roy but at English's it is known as a Joe Mathes. And each time he is there, Muchnick, who shouldn't eat such things, devours a fried catfish sandwich because that's what Mathes would have ordered.

On two occasions, Muchnick has brought the huge wrestler, Andre the Giant, along and that created quite a stir in Belleville.

Arriving at English's, there is always a welcoming party of attorney Bob McGlynn or television's Jim Bolen or retired newsman S.L. Van Petten or Sheriff Cobby Rodrigues or Cleveland Indian manager Dave Garcia or Jimmy Connors' mother, Gloria, all friends of Muchnicks. . .or perhaps all of them.

Whenever he is in town, Muchnick's great friend, Congressman Mel Price is sure to drop in.

Price sits quietly, amused as always by Muchnick's outgoing conviviality.

"Sam's not doing anything different here than he does in Washington," he says. "He came up to visit a few weeks ago and we were invited to a party at the vice president's home. It was pretty swank but that didn't bother Sam one bit.

"He and the vice-president got talking about sports and neglected everybody else. When the party was over, George Bush said 'call me the next time you're coming and we'll have lunch.'"

Like Harry Truman, a man he admires tremendously, Sam Muchnick has no middle name. The irrepressible Kid Regan, a night club and sports columnist long ago with the Star-Times, was the one who supplied a middle name . . . Xavier. Another sports writer, Ray Gillespie, never called Muchnick anything else than Xavier. It is one of numerous nicknames Muchnick owns . . . "Commish" for his duties as the commissioner of the National Wrestling Alliance is probably the most popular.

Muchnick is ribbed, needled and kidded constantly by his friends who are merely repaying him in kind for the constant barbs he issues.

He will have more time now to enjoy his friends in retirement. He will have more time to travel to Georgia to visit his grandchildren. But Sam won't change much . . . except he keeps threatening to spend more time writing.

The "world's third best sports writer" thing, of course, is strictly a gag but Muchnick is proud of his early background in baseball. He has turned down one offer to write his memoirs but he might change his mind now.

If he is the third best, it is one of the few things in his life in which Sam Muchnick does not rank first . . . right at the top.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DASCHLE) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COELHO, for 5 minutes, today.

Mr. WASHINGTON, for 5 minutes, today.

Mr. ALEXANDER, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MORRISON) and to include extraneous matter:)

Mr. EMERSON.

Mr. GINGRICH in three instances.

Mr. CLINGER.

Mr. BROOMFIELD.

Mr. HANSEN of Utah.

Mr. FORSYTHE.

(The following Members (at the request of Mr. DASCHLE) and to include extraneous matter:)

Mr. MCHUGH.

Mr. BARNES in two instances.

Mr. HALL of Ohio in two instances.

Mr. OBERSTAR.

Mr. D'AMOURS.

ADJOURNMENT

Mr. DASCHLE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 11 minutes a.m.) under its previous order, the House adjourned until Tuesday, February 2, 1982, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2914. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting President Determination No. 82-4, authorizing certain assistance to El Salvador in fiscal years 1982 and 1983, together with the necessary certifications, pursuant to subsections 728 (b), (d), and (e) of Public Law 97-113; to the Committee on Foreign Affairs.

2915. A letter from the Deputy Secretary of Defense, transmitting a report on officers and employees of the Federal contract research centers whose compensation paid from Federal funds during calendar year 1981 exceeded that for level II of the executive schedule, pursuant to 10 U.S.C. 2359; to the Committee on Armed Services.

2916. A letter from the Assistant Secretary of the Air Force (research, development, and logistics), transmitting notice of the proposed conversion to contractor performance of the closed circuit television maintenance function at Andrews Air Force Base, Md., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

2917. A letter from the Assistant Secretary of the Air Force (research, development, and logistics), transmitting notice of the proposed conversion to contractor performance of the commissary shelf-stocking and custodial services function at Hanscom Air Force Base, Mass., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

2918. A letter from the Assistant Attorney General, Civil Rights Division, Department of Justice, transmitting the annual report for calendar year 1981 on the administration of the Equal Credit Opportunity Act, pursuant to section 707 of Public Law 90-321 as amended (90 Stat. 255); to the Committee on Banking, Finance and Urban Affairs.

2919. A letter from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting a report covering the month of September 1981 on the average number of passengers per day on board each train operated, and the ontime performance at the final destination of each train operated, by route and by railroad, pursuant to section 308(a)(2) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 3620. A bill transfering certain Federal property to the city of Hoboken, N.J.; with amendments (Rept. No. 97-421). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 5118. A bill to provide water to the Pagago Tribe of Arizona and its members, to settle Papago Indian water rights claims in portions of the Papago reservations, and for other puroses; with an amendment (Rept. No. 97-422). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 4230. A bill to facilitate the transportation of coal by pipeline across Federal and non-Federal lands; with amendments (Rept. No. 97-423, Pt. I). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 5399. A bill to provide price-support loans to all producers of the 1981 crop of rice; to the Committee on Agriculture.

By Mr. DERWINSKI:

H.R. 5400. A bill to amend title II of the Social Security Act to limit benefits in the case of individuals who are not citizens or nationals of the United States or who are residing abroad; to the Committee on Ways and Means.

By Mr. SCHEUER:

H.R. 5401. A bill to amend the National Climate Program Act to authorize appropriations for such act for fiscal years 1983 and 1984 and for other purposes; to the Committee on Science and Technology.

By Mrs. SMITH of Nebraska:

H.R. 5402. A bill to rescind the tax benefits provided during 1981 to Members of Congress for living expenses; to the Committee on Ways and Means.

By Mr. WHITTEN:

H.J. Res. 389. Joint resolution making an urgent supplemental appropriation of the fiscal year ending September 30, 1982, for the Department of Agriculture; to the Committee on Appropriations.

H.J. Res. 390. Joint resolution making an urgent appropriation for the Environmental Protection Agency for the fiscal year ending September 30, 1982, and for other purposes; to the Committee on Appropriations.

H.J. Res. 391. Joint resolution making an urgent supplemental appropriation for the Department of Labor for the fiscal year ending September 30, 1982; to the Committee on Appropriations.

H.J. Res. 392. Joint resolution making an urgent supplemental appropriation for the Department of Health and Human Services for the fiscal year ending September 30, 1982; to the Committee on Appropriations.

By Mrs. FENWICK:

H. Con. Res. 258. Concurrent resolution to express the sense of the Congress that the United States and the Soviet Union should engage in a balanced, mutual reduction of their nuclear weapons, that all countries should reduce their nuclear arsenals, and that greater efforts should be made to control the spread of nuclear weapons to countries not possessing such weapons; to the Committee on Foreign Affairs.

By Mr. HALL of Ohio:

H. Con. Res. 259. Concurrent resolution expressing the sense of Congress with respect to certain withholding taxes; to the Committee on Ways and Means.

By Mr. ZABLOCKI:

H. Res. 333. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Foreign Affairs in the 2d session of the 97th Congress; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 4091: Mr. BEREUTER.

H.R. 5004: Mr. DOWDY.

H.J. Res. 354: Mr. WILLIAMS of Montana, Mr. COURTER, Mr. WILSON, Mr. FIELDS, Mr. STANTON of Ohio, Mr. MADIGAN, Mr. LOEFFLER, Mr. ROBINSON, Mr. RALPH M. HALL, Mr. FORD of Michigan, Mr. JONES of North Carolina, Mr. EDWARDS of Alabama, Mr. STATON of West Virginia, Mrs. KENNELLY, Mr. ROUSSELOT, Mr. DENARDIS, Mr. HOWARD, Mr. DERWINSKI, Mr. PICKLE, Mr. DAVIS, Mr. O'BRIEN, Mr. MARKEY, and Mr. HUBBARD.

H. Res. 265: Mr. BARNARD.

EXTENSIONS OF REMARKS

PROTECTING SENIOR CITIZENS AGAINST INFLATION

HON. DON RITTER
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1982

● Mr. RITTER. Mr. Speaker, the ravages of inflation have hit us all, but none more than our senior citizens. Because our older citizens are, for the most part, on fixed incomes, it is important they take advantage of all allowable tax deductions, exemptions, and credits.

For this reason, I am submitting for the RECORD the second part of the revised checklist of itemized deductions for use in preparing Federal income taxes prepared by the Senate Select Committee on Aging. This checklist also highlights the changes in the tax code as a result of the Economic Recovery Tax Act of 1981.

I hope our senior citizens will find this information useful in preparing their 1981 Federal income tax returns.

Form 1040 checklist is as follows:

FORM 1040 CHECKLIST

CONTRIBUTIONS

In general, contributions to religious, charitable, educational, scientific, or literary organizations may be deducted up to 50 percent of your adjusted gross income (line 31, Form 1040). Contributions to certain private nonoperating foundations, veterans organizations, fraternal societies, or nonprofit cemetery companies are limited to 20 percent of adjusted gross income (line 31, Form 1040). There is a limit of 30 percent of adjusted gross income for contributions of certain capital gain property. Special rules also apply to contributions of appreciated property. To deduct your contributions, you must make them in cash or other property before the close of your tax year. Other property (clothing, books, furniture, etc.) is deducted at the fair market value. You may deduct contributions you charge to your bank credit card in the year the charge is made.

Examples of other charitable contributions include:

The cost and upkeep of uniforms that you must wear while performing charitable activities.

Out-of-pocket expenses (postage, phone calls, stationery) while providing services without pay to a charitable organization.

Payment of more than the fair market value to an organization for goods, merchandise, services, banquets, shows, sporting events, etc.

You may also deduct unreimbursed out-of-pocket expenses directly related to services you give to a charitable organization, such as gas and oil for your car. If you do not want to deduct actual expenses, you may use a standard rate of 9 cents a mile. In either case you may deduct parking fees and tolls.

CASUALTY OR THEFT LOSSES

You may deduct casualty losses, such as tornado, flood, storm, fire, auto accident (provided not caused by a willful act or willful negligence), or theft losses. The amount of your casualty loss deduction is generally the lesser of (1) the decrease in fair market value of the property as a result of the casualty, or (2) your adjusted basis in the property. This amount must be further reduced by any insurance of other recovery, and, in the case of property held for personal use, by the $100 limitation. Report your casualty or theft loss on Schedule A. If more than one item was involved in a single casualty or theft, or if you had more than one casualty or theft during the year, use Form 4684 for computing your personal casualty loss.

MISCELLANEOUS DEDUCTIONS

In addition to the other itemized deductions, you may deduct certain miscellaneous expenses on Schedule A, Form 1040. A list of the most common expenses follows. For more information, see Publication 529, Miscellaneous Deductions.

Educational expenses.—Amounts you paid for education that is: (1) Required by your employer to maintain your position, or (2) for maintaining or improving skills you must have in your present position.

Business use of your home.—You can deduct expenses for business use of part of your home only if you use that part exclusively and continuously in your work and for the convenience of your employer.

Employer expenses.—Examples of expenses you can deduct if you were not reimbursed for them are:

Union dues.

Safety equipment, small tools, and supplies you need for your job.

Protective clothing, such as hard hats and safety shoes.

Uniforms required by your employer which you cannot usually wear away from work.

Maintenance of uniforms required by your employer.

Costs of bond, if required for employment.

Physical examinations required by your employer.

Dues to professional organizations and chambers of commerce.

Fees to employment agencies and other costs to get a new job in your present trade or profession.

Expenses of producing income.—You can deduct what you paid to produce or collect taxable income or to manage or protect property held for producing income.

Examples of these expenses are:

Tax return preparation fees.

Safe deposit box rental.

Custodial (e.g., trust accounts) fees.

Fees paid to investment counselors.

Fees to collect interest or dividends.

Gambling losses, but not more than gambling winnings.

CREDITS

Tax credits are used to reduce the amounts for tax you owe. All credits must be taken on Form 1040, with the exception of the credit for contributions to candidates for public office and the earned income credit.

The most common credits are:

CREDIT FOR THE ELDERLY

You may be able to claim this credit and reduce taxes by as much as $375 (if single) or $562.50 (if married filing jointly) if you are: (1) Age 65 or over, or (2) under the age 65 and retired under a public retirement system.

For more information see the instructions for Schedule R & RP.

EARNED INCOME CREDIT

If you have a dependent child who shares your principal residence in the United States, you may be entitled to a special payment or credit of up to $500. This is called the earned income credit. It may come as a refund check or be applied against any taxes owed. Generally, if you reported earned income and had adjusted gross income (line 32a, Form 1040 or line 10, Form 1040A) of less than $10,000, you may be able to claim the credit.

Earned income means wages, salaries, tips, strike benefits, other employee compensation, disability pensions, and net earnings from self-employment (generally the amount shown on Schedule SE (Form 1040) line 13). A married couple must file a joint return to be eligible for the credit. Certain married persons living apart with a dependent child may also be eligible to claim the credit.

For more information, see instructions for Form 1040 or 1040A.

CREDIT FOR CHILD AND DEPENDENT CARE EXPENSES

A portion of certain payments made for child and dependent care may be claimed as a credit against tax.

If you maintained a household that included your dependent under age 15 or a dependent or spouse incapable of self-care, you may be allowed a 20 percent credit for employment related child and dependent care expenses. These expenses must have been paid during the taxable year in order to enable you to work either full or part time.

The maximum amount of the credit is $400 for one qualifying individual and $800 for two or more qualifying individuals.

See Form 2441 for more information, including a special rule for divorced or separated taxpayers.

RESIDENTIAL ENERGY CREDIT

The residential energy credit was designed to encourage energy saving and the development of renewable energy sources. There are two energy credits, each with its own conditions and limits. These credits are based on: (1) Costs for home energy conservation, and (2) costs for renewable energy source property.

A credit of up to $300 may be claimed for expenditures for energy conservation property installed in or on your principal residence, whether you own or rent it. The residence must have been substantially completed by April 20, 1977. Items eligible for the credit are limited to the following: Insulation (fiberglass, cellulose, etc.) for ceilings, walls, floors, roofs, water heaters, etc.; exterior storm (or thermal) windows or doors; calking or weatherstripping for exterior windows or doors; a furnace replacement

burner that reduces the amount of fuel used; a device to make fuel openings (for a heating system) more efficient; an electrical or mechanical furnace ignition system that replaces a gas pilot light; an automatic energy-saving setback thermostat; and a meter that displays the cost of energy usage.

For years beginning after 1979, the maximum credit for renewable energy source property is $4,000. Equipment used in the production or distribution of heat or electricity from solar, geothermal, or wind energy sources for residential heating, cooling, or other purposes may qualify for this credit.

Examples of items which do not qualify for energy credit are the following: Carpeting, drapes, awnings, shades, wood paneling, fire screens, new or replacement walls (except for insulation inside the walls), exterior siding, heat pump, wood or peat burning stoves, fluorescent lights, hydrogen fueled residential equipment, equipment using wind energy for transportation, expenditures for a swimming pool used as an energy storage medium, and greenhouses.

For further information, consult the instructions for Form 5695, "Residential Energy Credits," and IRS Publication 903, Energy Credits for Individuals.

SALE OF YOUR PERSONAL RESIDENCE

You may exclude from your gross income some or all of your gain from the sale or exchange of your principal residence, if you meet certain age, ownership, and occupancy requirements at the time of the sale or exchange. If you were age 55 or older on the date of sale or exchange you may elect to exclude up to $100,000 of gain provided you owned and occupied the residence for 3 of the 5 years ending on the date of sale (or 5 of 8 years if you were 65 or older on the date of the sale or exchange and the sale took place before July 26, 1981). For sales or exchanges after July 20, 1981, the excludable amount is increased to $125,000.

In addition, payment of the tax on the gain from the sale or exchange of your personal residence in excess of the excluded amount will be deferred if, within 18 months before or 18 months after the sale or exchange, you buy and occupy another residence, the cost of which equals or exceeds the adjusted sales price of the old residence. For sales or exchanges after July 20, 1981, the replacement period is extended to 2 years before and after the sale. This 2-year period also applies to sales and exchanges of principal residences before July 20, 1981, if the replacement period expires after that date.

Taxable gains from the sale of your residence should be reported on Schedule D, line 2a or 9a. Losses from such a sale are not deductible. Form 2119, Sale or Exchange of Principal Residence, is used to report the sale of your principal residence whether or not you bought another one.

Publication 523, Tax Information on Selling Your Home, is available at most IRS offices.

HIGHLIGHTS FOR NEXT YEAR'S TAXES

The Economic Recovery Tax Act of 1981 made many important changes in tax law. Some of these changes were effective for tax year 1981, and are reflected in this publication. Other changes are effective for tax years 1982 and later. For a more complete discussion of the highlights of the recent tax changes, you should refer to IRS Publication 553, Highlights of 1981 Tax Changes, and your Form 1040 or 1040A Instructions.

CHARITABLE CONTRIBUTIONS

For tax years beginning after 1981, individuals who do not itemize their personal deductions will be allowed to deduct 25 percent of the first $100 of contributions ($50 for a married person filing a separate return). These deductible amounts will increase until 1986. This provision does not apply to contributions made after 1986.

DEDUCTIONS FOR TWO-EARNER MARRIED COUPLES

In tax years beginning after 1981, two-earner married couples filing jointly will be allowed a deduction based upon the earnings of the spouse with the least income. The 1982 maximum deduction will be $1,500.

CHILD AND DEPENDENT CARE CREDIT

For tax years beginning after 1981, the percentage will change for some taxpayers and the maximum amount of employment related expenses to which the credit can be applied is increased. In addition, expenditures for out-of-home, noninstitutional care of disabled spouse or dependent, who regularly spends at least 8 hours a day in the taxpayer's home, are eligible for the credit. These dependent care centers must be in compliance with all State and local regulations for the taxpayer to count such expenditures toward qualified expenses.

SAVINGS INCENTIVES

All-savers certificate.—An exclusion of up to $1,000 or $2,000 for a joint return is provided for interest on qualified savings certificates. These "all-savers" certificates must be issued after September 30, 1981, and before January 1, 1983, and must have a yield equal to 70 percent of the yield on 1-year Treasury bills.

Dividend exclusion.—Beginning in 1982, the allowable deduction will be $100 on a separate return and $200 on a joint return. There will no longer be any exclusion of dividends and interest.

Exclusion of reinvested stock dividends from public utilities.—Beginning in 1982, shareholders in a domestic public utility corporation who choose to receive their dividends in the form of common stock may exclude up to $750 ($1,500 for a joint return) from taxable income.

Individual retirement accounts.—For tax years after December 31, 1981, the limit on contributions will be increased to the lesser of 100 percent of compensation or $2,000. In addition, workers covered by a company or government pension may participate in an IRA. The new law has also increased the limit on spousal IRA and eliminated the provisions that contributions be equally divided. See Publication 590, Tax Information on Individual Retirement Arrangement, for more information.

Keogh plans.—For tax years beginning after December 31, 1981, important changes were made to the rules on self-employment (H.R. 10/Keogh) retirement plans. Some of the changes include: (1) An increased limit on the deductible amount an employer can pay to a plan on behalf of a self-employed individual, (2) the new right of a participant in an H.R. 10 plan to make payments to an individual retirement arrangement (IRA), (3) an increased limit on each employee's compensation that may be taken into account in figuring contributions or benefits under the plan, and (4) the new right to make a tax-free withdrawal of excess payments. For more information, see Publication 560, Tax Information on Self-Employed Retirement Plans.●

CBS NEWS DISTORTS CHEMICAL WARFARE SITUATION

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1982

● Mr. GINGRICH. Mr. Speaker, not since the 1930's, when the London Times consistently misled the British people about the dangers of Hitler and Nazi militarism, have we seen as thoroughly and dangerously inaccurate coverage of the news as CBS television has engaged in for the last year.

If CBS News would be subject to accuracy in reporting laws it would soon be bankrupt.

The Wall Street Journal yesterday analyzed one example of CBS News's bias and falsehood. The editorial follows:

LAST TO KNOW

(Senator GARY HART. I certainly don't think the United States ought to take the lead in stimulating an arms race in the chemical-warfare field.

(SCHIEFFER. The situation is a classic case of how the arms race is fueled. Both the United States and the Soviet Union already have huge stores of chemical weapons, but after four years of trying they've been unable to figure out a way to police a treaty banning their manufacture, since it's so easy to make the weapons in secret. So, as always happens when a treaty can't be hammered out, the pressure increases to hammer out new weapons.—Bob Schieffer, CBS News, the Pentagon.)

Television writers are masters of compression, and it is no mean feat to compress so much misinformation into a text of about 100 words.

The above sentences were the conclusion of a CBS news segment Monday night that is best understood as an editorial opposing the prospective U.S. deployment of binary chemical munitions. For years the U.S. has maintained a stock of deadly nerve gases as a deterrent against chemical attack. While the new binary munitions offer some military advantages, essentially they are a safety measure. Two non-lethal constituents of the gas would be stored in separate compartments of a shell and not mixed until during flight. The principal change is safer storage and transportation of weapons comparable to ones that have existed for years.

Under these circumstances, it's difficult to see how a member of the Senate Armed Services Committee can talk of the proposed development as something that would "take the lead in stimulating an arms race." Under the circumstances of what we know the Soviets are doing, such talk is obscene.

A Super Bowl tease, intended to revive the flagging ratings of CBS News, promised that Dan Rather would tell us whether the Soviets are developing such weapons. In fact, the report only passingly referred to "allegations" of Soviet use of chemical weapons. As viewers of ABC learned a month ago, there is very little point in continuing to deny the fact of "yellow rain," and it involves not chemical but biological toxin weapons.

The point is that what the Soviets are doing is in blatant violation of not one but

two international treaties: The Geneva conventions outlawing the use of such weapons, and the biological weapons convention outlawing their production, possession or transfer to third parties. While it is true that no treaty bans the manufacture of chemical weapons, the evidence is that the Soviets will go ahead and make the weapons even if there is a treaty. The notion that pressure for new weapons arises from the lack of a treaty is, to be charitable, gibberish.

The pressure for new weapons, chemical or nuclear or otherwise, arises from the Soviet threat, and nowhere is this more dramatically revealed than in Soviet chemical and biological warfare activities. It is not surprising that news organizations would fall in the ratings if they are the last to know.●

FOR A FREE CUBA

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1982

● Mr. PEPPER. Mr. Speaker, I would like to bring to the attention of my colleagues three bills introduced by me in the first session of this Congress to recognize the heroism displayed by freedom-loving Cubans who continue to oppose the oppressive and totalitarian regime of Fidel Castro. It was 22 years ago today that the evil dictator imposed his bloody rule upon the unsuspecting people of Cuba, once considered the lovely "Pearl of the Caribbean."

One of my bills would serve to commend the "Declaration of Freedom" adopted by a group of Cuban exiles in 1966 in which they "swear before God Almighty to fight constantly" for a Cuba free from communism.

Another of my bills is to authorize and request the President to proclaim January 28, 1982, the "Day of Marti, Apostle of Liberty" in recognition of Jose Marti, who founded the democratic tradition of Cuba at the beginning of this century and was martyred as a guerrilla fighting for a free Cuba.

The third bill is to express the determination of the United States to prevent the Soviet Union and Cuba, acting individually or collectively, from extending their aggressive or subversive activities by force or threat of force to any part of this hemisphere, and to work with our neighbors to insure freedom and self-determination for all people of this hemisphere.

It is my hope on this sad day of commemoration of a barbarous event that all of us who fervently support the freedom of Cuba will, joined by others of my colleagues, be instrumental in relighting the eternal flame of human liberty, dignity, and prosperity for the subjugated Cuban people.●

AID AND COMFORT FOR OPEC

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1982

● Mr. DASCHLE. Mr. Speaker, the Treasury Department has quietly announced its proposal to repeal selected business energy tax incentives including the 4-cent-per-gallon excise tax exemption for gasohol. Mr. Speaker, this proposal is bankrupt.

Four months ago as the Nation's economy was beginning to falter following approval of the administration's complete economic program by Congress, some people began to have doubts about the recently enacted tax bill. Some of those doubts became proposals to amend the tax bill. The chairman of the Senate Finance Committee solicited the opinion of the Secretary of the Treasury, Donald Regan, on the advisability of amending the tax bill and not surprisingly Secretary Regan opposed any revision in the tax measure. In part, Secretary Regan said:

The stop-and-go policies of the past have undermined the Government's credibility, and such a sudden about-face would convince individuals and business alike that the government is not to be counted upon, and that no commitment to save or invest was worth making in the current uncertain situation.

Four months later, the words of Secretary Regan have a decidedly hollow ring. No longer is Secretary Regan concerned about stop-and-go policies, the credibility of the Government, or the stifling of investment because of uncertainty. In a change of opinion which is like the difference between night and day, Secretary Regan now advocates the stop-and-go policy of repealing in 1982 the 4-cent-per-gallon excise tax exemption for gasohol which is scheduled to expire in 1992 and the repudiation of the commitment made by the Government to people who have invested in the production of alcohol fuel.

Last year, Mr. Speaker, the United States imported 250,000 barrels of oil every hour. Oil imports last year cost our country $78 billion. In spite of the so-called oil glut, in 1981 the United States remained substantially dependent on uncertain supplies of costly energy imports and our Nation remained vulnerable to a major oil supply disruption. Now is not the time to stifle investment in the production of important renewable fuels like alcohol fuel. Now is not the time to discourage production of domestic renewable fuels and give aid and comfort to OPEC.

The Treasury Department estimates an additional $100 million in Federal revenue in 1983 as a result of repealing the gasohol excise tax exemption and other selected business energy tax incentives. This additional revenue will do very little to reduce the projected budget deficit of $152.3 billion in 1983. If the proposal of the Treasury is intended to substantially increase Federal revenue, the Treasury Department should instead propose repeal of the very generous tax breaks for oil, gas, and other fossil fuel producers. These tax breaks will exceed an estimated $6 billion in 1983 compared to the $100 million in incentives which the Treasury Department has proposed to repeal.

In conclusion, the Treasury Department proposal is not good energy policy. It is not good tax policy. It is not good fiscal policy. And it is certainly not good national policy. The proposal of the Treasury Department is bankrupt and it should be defeated.●

SKY VIEW HIGH SCHOOL MARCHING BAND

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1982

● Mr. HANSEN of Utah. Mr. Speaker, I want to take this opportunity to bring to the attention of my colleagues in the House of Representatives the achievements of the Sky View High School Marching Band of Cache County School District in Utah.

In 1964, Director John Manning came to Sky View and began the process of turning its band into one of the best in the State of Utah. When it was discovered Mr. Manning had multiple sclerosis, his daughter, Sheri, was asked to take over the band. Sheri changed the band from a traditional marching group to a corps style with a color guard which relies heavily on flags and rifles in their presentation. The band is very active in performing at parades in the spring and summer and at athletic events in the fall.

During the off-season, the band turns its interests to symphony and jazz band concerts and competitions. The band and color guard combined have won 96 trophies for the high school in the last 5 years.

Kirt Saville took over as director of the band at the beginning of the 1980-81 school year, and has continued the band's tradition of being the best and bringing home trophies. He says the band has a great amount of self-esteem and pride, with its motivation and discipline coming from within the group.

In the last 5 years, Sky View has entered 22 competitions and received first place in all but 2. The band has been invited this year to participate in the World's Fair in Tennessee and the

1982 Cherry Blossom Festival here in Washington, D.C.

The director is Mr. Kirt R. Saville, the color guard advisor is Ms. Lousie Baugh, the assistant advisor is Ms. Joann Packer, with special recognition to Mr. John P. Manning and Miss Sherilyn Manning.

The members of the Sky View Marching Band are as follows:

AMALGA

Barbara Hansen, Julie Hansen.

BENSON

Jeff Fisher.

CLARKSTON

Jay Cottle, Roxanne Griffin, Kent Griffiths, Nancy Jardine.

CORNISH

Lisa Buttars.

HYDE PARK

Kimberly Ashcroft, Jackie Christensen, Lisa Nelson, Liz Norton, Eric Malmberg, Julie Stephenson, Sheri Stephenson, Phylis Thornley, Ruth Ann Thornley, Julie Thorson.

HYRUM

Caren Anhder, Tracy Atkinson, Becky Bingham, Robin Bragg, Julie Cook, Michelle Darley, Steve Denson, Julie Furness, Kenny Gordon.

Valerie Jacobson, Afton Johnson, James Knowles, Valorie Long, Patty Maughan, Kathy Morris, Brad Olsen, Mark Robinette.

LEWISTON

Michaell Bair, Linda Bright, Greg Hansen, Zan Hyer, Van Jorgensen, Rosy Talbot, Nannette Van Orden, Gary Weatherston.

LOGAN AND RIVER HEIGHTS

Julie Albrechtson, Lori Anderson, Ross Asay, Grant Baer, Cindy Baird, Shelley Blauer, Terral Budge, David Christiansen, Kent Christensen, Lane Christensen, Margo Cragun.

Jolyn Dean, Lisa Dick, John Downing, Ken Downing, Eric Dursteller, Shelly Eames, Jane Edwards, Marianne Edwards, Dayna Everton.

Kathleen Falslev, Lucinda Ferney, Roger Griffin, Sandy Hipple, Kristen Hobbs, Elaine Huff, Jolene Jensen, Sandra Jensen, Carolyn Jones, Susan Jones.

Kelly Kartchner, Janis Krebs, Shelly Krebs, Lauri Linford, Ricky McArthur, Angela Mueggler, Laura Mueggler, Dale Pantilakis, Karen Payne, Ruth Payne, Julie Perks.

Mary Kay Sampson, Cathy Sandberg, Monica Smith, Tod Sorensen, Kathy Stewart, Mandrena Thomas, Sharla Thomas, Ken Thornley, Aldon Watkins, Spencer Yeates.

MENDON

LaNa Bodily, Bryan Earl, Kelley Hansen, Andy Hopkins.

MILLVILLE

Lisa Anderson, Marion Bishop, Mary Jo Davis, Janet Dickey, Paul Jensen, Ruth Howell, Eric Humphreys, Jo Ann Humphreys, Lorin Humphreys, Daniel Mathews, Monica Olsen, Mark Robbins, Grant Winborg.

NEWTON

Andy Herzog, Keith Larsen.

NIBLEY

Kevin Anderson, Patty Boehme, Laura Collins, James Daines, Michelle Doney, Rose Ann Doney, Marilee Harris, Gregg Howell, Chris Jones.

PARADISE

Sullivan Beck, Darcy Williamson.

PROVIDENCE

Jim Alder, Lisa Carlsen, Karen Eames, Shawn Hansen, Donna Hasson, Stuart Hoggan, Rhonda Kropf, Becky Olsen, Staci Wanner, Chandra Wright.

RICHMOND AND COVE

Donna Allen, Janeen Allen, Dareen Shumway.

SMITHFIELD

Lisa Balmos, John Bell, Cheri Barrett, Mike Cannell, Trina Cazier, Heidi Craig, Kirk Douglas, Daniel Edwards, Carmen Garza, Shawn Godfrey, Cyndee Gordon.

Kim Hillyard, Neil Holt, Ron Jonas, David Jorgensen, Lori Karren, Roger Karren, Alice Lindhart, Barbara Lindhart, Pam McBride, Tammy Noble, David Olson, Gwen Otteson.

Genet Rich, Maxine Rich, Kim Rindlisbacher, Dusty Roe, Ila Simmons, Tim Sorenson, Tod Sorenson, Jimmy Swartz, Tracey Thorpe, Farrel Thurston, Todd Thurston, Steve Williams, Kelly Winn.

TRENTON

Eutona Buttars, Don Ezola, Charlotte Godfrey, Patricia Litz.

YOUNG WARD

Jan Floyd, Brenda Olsen.

WELLSVILLE

Robert Brenchley, Janelle Glenn, Bruce Hancock, David Hancock, Diane Leishman, Kathy Morris.●

POLISH SOLIDARITY DAY

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1982

● Mr. BROOMFIELD. Mr. Speaker, Sunday will mark the commemoration of Polish Solidarity Day. Our recognition of this event symbolizes the strong bonds between the American and Polish people, as well as our common desire to achieve freedom and individual liberty in Eastern Europe. By demonstrating our concern over the fate of Poland, we give faith to those millions of Poles oppressed by the Soviet Union and their agents within the Polish Government, while simultaneously putting the oppressors on notice that the world is watching and the oppressors will be held accountable for their actions.

The subjugation of the Solidarity Trade Union movement by Polish authorities and the jailing or killing of demonstrating Polish workers is a crime of historic proportions. While the courageous Polish people have often made historic stands against totalitarian forces, the confrontation today marks a momentous occurrence because it is their own government that is repressing the wishes of the Polish people. Let us not underestimate the magnitude of the conflict. Solidarity represents 10 million Polish workers. We can assume that at least an equal number of workers' adult family members support Solidarity.

The total population of Poland is only about 36 million people. Therefore, a probable majority of the population has clearly sided with Solidarity and supports the gains that were achieved under the Gdansk agreement. Yet despite this support for Solidarity, the Polish Communist leadership appears determined to undermine the agreement negotiated with Solidarity and to prevent any evolutionary change of the economic or political environment in Poland. I believe it would be useful to emphasize some basic truths in regard to the crackdown on Solidarity.

First, Solidarity did not bring about its own suppression by making outrageous demands and advocating anarchy. Communist apologists would have us believe the opposite. In fact, Solidarity leaders continually worked to halt wildcat strikes and to impose a disciplined approach to the negotiations with the government. Solidarity's efforts resulted in workers returning to their jobs and production rising even into the fall of 1981. Yet despite Solidarity's efforts to produce a stable situation and negotiate with the government in good faith, the Jaruzelski regime rejected the establishment of a meaningful dialog with the union and instead outlawed strikes, declared martial law, and imprisoned union leaders.

Second, it must be understood that the Soviet Union has already intervened in Poland. Not with troops, but with intimidation, threats, and directives to the Polish Communist leadership. Soviet and Warsaw Pact troop maneuvers constantly circled the Polish borders during the year preceding the crackdown. The Soviet Government, along with their Communist puppets in other Soviet Bloc countries, issued dire warnings to Solidarity to refrain from seeking an increased measure of freedom, and chastised the Polish Government for not crushing the Solidarity movement. The martial law decree was itself printed in September in the Soviet Union, not Poland. And finally, Soviet Marshal Kulikov, chief of the Warsaw Pact Forces, along with other senior Soviet military officers, was in Warsaw preceding the martial law decree and during the initial period following it. I believe that the record speaks for itself. The Soviet Union has deeply intervened in the Polish crisis.

Another point worth emphasizing is that the loss of liberty for the Polish people is no less egregious because it was taken away by Polish troops rather than Soviet troops. Many softliners would have us believe that we should be grateful that the Communist authorities did not resort to the use of Soviet troops. I find this line of thinking shallow and naive. The Soviet Union has trained all of the

military and political leaders in Eastern Europe and controls every one of their armies through the Warsaw Pact alliance. The Soviet Union decided against using their own forces for the following reasons: First, there might have been serious resistance within Poland to Soviet troops; second because of threatended economic and political sanctions by the West; and third, because it would have negated its own propaganda among Western pacifist groups pushing unilateral disarmament by NATO. The Soviet military may yet use its own troops if the Polish Army cannot suppress the Polish people, but for the Polish patriot and freedom seeker, it makes little difference whether he is arrested and beaten by a Polish soldier or a Soviet soldier.

A final truth that must be mentioned is that this crisis is not an internal Polish affair. Because Poland and the Soviet Union signed the Helsinki Final Act of 1975, they are obligated to provide certain standards of freedom within their borders. They are clearly violating their obligations and therefore all other signatories have a right to criticize the situation and take appropriate measures.

As we commemorate Solidarity Day we must examine what the repression of Solidarity bodes for our future relationship with Soviet Bloc. The crackdown destabilizes the East-West political scene. Rather than letting events in Poland evolve in an acceptable manner between the people of Poland and their Government, the crackdown has repressed a movement that would make Government policy more responsive to the needs of its people. Responsiveness and accountability are, of course, the basis of our own governing philosophy. Therefore, a shift in the opposite direction in Poland only serves to heighten those differences between East and West. As a result, we find an increase in tensions between us as we demand that individual rights be respected by all countries, while the Soviet bloc proceeds to violate every precept of civilized international behavior and crush dissent within its borders.

Solidarity Day will not only send a message to the Polish people that we have not forgotten them during their time of struggle, but will serve to remind the Soviet Union that we will never accept totalitarianism under any guise. We will never tolerate a different standard of human rights behind the Iron Curtain than we would tolerate in the West. On this point we must be clear and we must be firm. Effective Red Army control over a country in no way diminishes our moral responsibility to demand fair treatment and liberty for the oppressed masses in Eastern Europe. Individual liberty is a right of all people in all parts of the world. While the Soviet bloc may from time to time drag out bogus arguments of coexistence and détente in an effort to purchase East-West peace at the cost of freedom in Eastern Europe, we must always remember what the great democracies of the West stand for. We must advocate our values and demand that others adhere to these universally recognized standards. If we falter in our effort, there can be no one else to carry the torch of liberty.●

GOOD WORDS ABOUT VETERANS HOSPITALS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1982

● Mr. GINGRICH. Mr. Speaker, there has been a great deal of criticism about the hospitals operated by the Veterans' Administration. William H. Gunn, a disabled veteran of World War II from Forest Park, Ga., recently sent me a copy of a letter he sent to U.S. News & World Report. I want to share with my colleagues his positive comments about the health care provided by the Veterans' Administration:

AUGUST 30, 1981.

U.S. NEWS & WORLD REPORT, INC.,
Washington, D.C.

SIRS: I am upset with articles published in two of your recent issues about the Veterans Hospitals. You only seemed to be concerned with those who were unhappy with the treatment they received, or did not receive, at VA hospitals.

I am a disabled veteran from World War II. I was wounded in combat and spent two years in an Army hospital. It was just in July of 1979 that I had to go into a VA hospital (Decatur, Georgia) and was a patient there until November 1980 in the orthopedic section. I spent about five months as an in-patient and the rest of the more than two years as an out-patient, reporting to the orthopedic clinic every week. As a patient, I was operated on four times and fitted with special shoes which enabled me to walk again in comfort.

During my stay there, I found all the doctors, nurses, ward help, ward secretary, volunteers and all the people in the different clinics, such as X-Ray and Brace Shop, to be very dedicated and highly concerned over every patient they had.

The doctors, as I'm sure you know, are supplied by Emory University Medical School, one of the finest in the country. They rotate doctors about every three months and I had some 25 doctors during my stay. Not one of them was anything but excellent, in my case as well as dozens of others that I observed. They visited me each day, takled with me about my condition and kept me informed about what they intended to do.

The nurses were Great. They worked every minute of their shift with their patients and not one time did I hear any one of them complain or mistreat a single patient.

Now, I don't have the figures, so I'll say that the VA hospitals treat tens of thousands of veterans. Out of that number of patients there is going to be a few who are unhappy, just as there are in private hospitals. But, I also know from being there, that there are a good many veterans that have a very bad attitude and feel as though they know more than the doctors and try to tell the doctors what to do and how to do it. These veterans raise hell with the nurses over such things as meals being 15 minutes late and not answering their buzzers immediately. In general, they have large chips on their shoulders and want to be bowed to. You know, 95% of these veterans are the very ones that complain that the VA hospital doesn't do anything for them.

There is nothing wrong with the Veterans Hospital in Decatur, Georgia. In my opinion, all the people here do a fantastic job. Sure, some veterans have to wait a while to be examined for admission or to receive outpatient treatment, but the simple fact is that they are not the only veteran that need attention so they have to wait their turn. Have you been in a private doctor's office lately?

Again, I am very upset that your magazine would publish only the one side of the story. For every unhappy veteran, I'm sure there are hundreds that really appreciate what they are doing. I know I do.

I subscribe to your magazine and now I'm wondering if all your articles are as one-sided as this one.

I thank God that this is America. Sure we have problems, but they are outweighed by all the great things we have. I just wonder what kind of treatment the veterans from other countries get. We have so many things to be thankful for and one of them is the veterans hospitals. I know, I've been there.

WILLIAM H. GUNN.●

VOTING RECORD OF MORRIS K. UDALL

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1982

● Mr. UDALL. Mr. Speaker, it has become my practice from time to time to list my votes in the House of Representatives here in the CONGRESSIONAL RECORD. I strongly believe that the people of southern Arizona have the right to know where I stand on the issues decided by the House, and I have found that printing my record here is the best way to provide that information.

This is not an all-inclusive list. I have omitted noncontroversial votes such as quorum calls, motions to resolve into the Committee of the Whole House, and motions to approve the Journal of the previous day.

The descriptions are necessarily somewhat short, and I am sure that some of my constituents will have additional questions about the issues described here. So I invite them to write me for specifics, or to visit my district office at 300 North Main, Tucson.

The list is arranged as follows:

KEY

1. Official rollcall number;

2. Number of the bill or resolution;
3. Title of the bill or resolution;
4. A description of issue being voted on;
5. The date of the action;
6. My vote, in the form Y=yes, N=no, and NV=not voting;
7. The vote of the entire Arizona delegation in the form (Yes-No-Not voting);
8. An indication whether the motion or amendment was passed or rejected; and
9. The total vote.

1. Election of Speaker. For election of the Speaker of the House of Representatives for the 97th Congress, the nominees were Rep. Thomas P. O'Neill Jr., D-Mass., the Speaker since 1977, and Rep. Robert H. Michel, R-Ill., who had been elected the Republican leader in December 1980. Jan. 5. A "Y" on the chart represents a vote for O'Neill, and "N" a vote for Michel. Y(2-2-0), O'Neill was elected 234-182.

2. H. Res. 5. House Rules. Motion to order the previous question (thus ending further debate) on the resolution to adopt the rules of the House of Representatives for the 97th Congress as proposed by the Democratic Caucus in Dec. 1980. Jan. 5. Y(2-2-0), motion agreed to 216-179. The rules were adopted subsequently by voice vote.

3. H. Res. 5. House Rules. Motion to commit to a special select committee the resolution to adopt the rules of the House of Representatives for the 97th Congress with instruction to add language providing that the ratio of members from the majority party to members from the minority party on House committees, subcommittees, task forces and other committee subunits should reflect the ratio of majority to minority party members in the whole House except that the ratio would be 3 to 2 for the Appropriation, Budget and Ways & Means Committees, 2 to 1 for the Rules Committee and 1 to 1 for the Committee on Standards of Official Conduct. Jan. 5. N(2-2-0). Rejected 180-220.

4. H. Res. 45. Republican Committee Elections. Motion to commit to a special select committee the resolution designating the Republican membership of House committees with instructions to add two Republican members to the Ways and Means committee. Jan. 28. N(2-2-0). Motion rejected 172-221. H. Res. 45 was subsequently adopted by voice vote.

6. H.R. 1553. Debt Limit Increase. Adoption of the rule (H. Res. 54) providing for House floor consideration of the bill to increase the public debt limit to $985 billion through Sept. 30, 1981. Feb. 5. Y(3-1-0). Adopted 333-67.

7. H.R. 1553. Debt Limit Increase. Passage of the bill to increase the public debt limit to $985 billion through Sept. 30, 1981. Feb. 5. Y(3-1-0). Passed 305-104.

8. H.R. 31. Cash Discount Act. Motion to suspend the rules and pass the bill to repeal the existing 5 percent maximum limit on discounts merchants may offer customers for cash purchases and to extend for three years, until Feb. 27, 1984, the existing prohibition on surcharges for purchases by credit card. Feb. 24. NV(2-0-2). Motion agreed to 372-4.

9. H. Res. 13. House Select Committee on Narcotics Abuse. Adoption of the resolution to establish a 19 member House Select Committee on Narcotics Abuse and Control for the 97th Congress. Feb. 25. NV(3-0-1). Adopted 276-101.

10. H. Res. 67. House Abscam Investigation. Adoption of the resolution to authorize the House Committee on Standards of Official Conduct to conduct a complete investigation to determine whether the FBI's "abscam" investigation of official corruption found improper conduct by House members, officers or employees, and to grant the committee additional powers to conduct its investigation. Mar. 4. Y(3-0-1). Adopted 390-1.

11. H.R. 2166. Oil Industry Antitrust Exemption. Motion to suspend the rules and pass the bill to extend through Sept. 30, 1981, the limited antitrust exemptions for oil companies that participate in the programs of the International Energy Agency. Mar. 10. Y(4-0-0). Motion agreed to 373-0.

12. H. Res. 115. House Committee Funds. Amendment to authorize for calendar year 1981 a total of $39,605,373 for investigations and studies to be conducted by House committees (other than the Budget and Appropriations Committees) and for computer services, a reduction of 10 percent from the $43,602,118 authorized by the House for 1980. Mar. 25. Y(4-0-0). Adopted 407-2.

13. H. Res. 115. House Committee Funds. Motion to recommit the resolution to the House Administration Committee with instructions to reduce the amount authorized in 1981 for investigations and studies to be conducted by House committees (other than the Budget and Appropriations Committees) and for computer services provided by the House Information Systems to 90 percent of what was spent by those committees and by the HIS for these functions in 1980. Mar. 25. N(2-2-0). Rejected 184-225.

14. H. Res. 115. House Committee Funds. Adoption of the resolution to authorize for calendar year 1981 a total of $39,605,373 for investigations and studies to be conducted by House committees other than the Budget and Appropriations committees and for computer services—$1,183,680 for the Select Aging Committee, $1,184,840 for Agriculture, $952,223 for Armed Services, $2,414,919 for Banking, $275,187 for District of Columbia, $2,565,448 for Education and Labor, $3,750,000 for Energy and Commerce, $1,800,119 for Foreign Affairs, $2,229,402 for Government Operations, $1,219,000 for House Administration, $938,700 for Permanent Select Intelligence, $1,219,615 for Interior, $1,350,410 for Judiciary, $1,581,241 for Merchant Marine, $540,000 for Select Narcotics Abuse, $902,500 for Post Office, $1,806,373 for Public Works, $530,738 for Rules, $1,820,928 for Science and Technology, $776,000 for Small Business, $450,000 for Standards of Official Conduct, $352,490 for Veterans' Affairs, $2,252,000 for Ways and Means, $7,509,560 for House Information Systems. Mar. 25. Y(2-2-0). Adopted 231-171.

15. H.J. Res. 182. Vietnam-Era Veterans Day. Passage of the joint resolution to designate April 26, 1981, as National Recognition Day for Veterans of the Vietnam-Era. Mar. 26. Y(4-0-0). Passed 391-0.

16. S. 840. Justice Department Authorization. Passage of the bill to continue the authorization for the Department of Justice from April 6 to Sept. 30, 1981. April 7. Y(3-0-1). Passed 368-2.

17. H. Con. Res. 55. International Year of Disabled Persons. Motion to suspend the rules and adopt the concurrent resolution calling on the President to implement the objectives of the International Year of Disabled Persons (1981), as proclaimed by the United Nations. April 7. Y(3-0-1). Motion agreed to 364-2.

18. S. Con. Res. 17. Congressional Adjournment. Adoption of the concurrent resolution to provide for a recess of both the House and Senate from the close of business on April 10 until noon on April 27, 1981. April 8. Y(4-0-0). Adopted 241-73.

21. H. Con. Res. 115. Fiscal 1982 Budget Targets. Adoption of the rule (H. Res. 134) providing for House floor consideration of the resolution to set spending and revenue targets for fiscal 1982, revise binding budget levels for fiscal 1981 and direct House committees to cut back programs within their jurisdictions to save $15.8 billion in outlays in fiscal 1982. April 30. Y(4-0-0). Adopted 328-76.

22. H.R. 3132. Cash Discount Act. Motion to suspend the rules and pass the bill to repeal the existing 5 percent ceiling on discounts merchants may offer customers for cash purchases and to extend for three years, until Feb. 27, 1984, a prohibitions on surcharges for purchases by credit cards. May 4. Y(4-0-0). Motion agreed to 296-43.

23. H. Con. Res. 115. Fiscal 1982 Budget Targets. Motion that the House resolve itself into the Committee of the Whole for further consideration of the resolution to set spending and revenue targets for fiscal 1982, to revise binding budget levels for fiscal 1981, and to direct House committees to cut back programs within their jurisdictions to save $15.8 billion in outlays in fiscal 1982. May 4. Y(4-0-0). Agreed to 334-2.

24. H.J. Res. 238. Constitution for the U.S. Virgin Islands. Motion to suspend the rules and pass the joint resolution to approve a constitution for the U.S. Virgin Islands. May 5. Y(3-0-1). Agreed to 408-0.

25. H. Con. Res. 115. Fiscal 1982 Budget Targets. Motion that the House resolve itself into the Committee of the Whole for further consideration of the resolution. May 5. Y(4-0-0). Agreed to 379-3.

26. H. Con. Res. 115. Fiscal 1982 Budget Targets. Motion that the House resolve itself into the Committee of the Whole for further consideration of the resolution. May 6. Y(4-0-0). Agreed to 406-3.

27. H. Con. Res. 115. Fiscal 1982 Budget Targets. Substitute to the resolution as reported by the Budget Committee, to decrease budget authority by $9.7 billion and outlays by $4.7 billion, and increase revenues by $28.8 billion, resulting in a $7.8 billion surplus for fiscal 1982. May 6. N(0-4-0). Rejected 69-356.

28. H. Con. Res. 115. Fiscal 1982 Budget Targets. Substitute to the resolution as reported by the Budget Committee to increase budget authority by $6 billion, outlays by $2 billion and revenues by $28.1 billion, resulting in a $500 million surplus for fiscal 1982. May 6. Y(1-3-0). Rejected 119-30.

29. H. Con. Res. 115. Fiscal 1982 Budget Targets. Motion that the House resolve itself into the Committee of the Whole for further consideration of the resolution to set spending and revenue targets for fiscal 1982, to revise binding budget levels for fiscal 1981 and to direct House committees to cut back programs within their jurisdictions to save $15.8 billion in outlays in fiscal 1982. May 7. Y(4-0-0). Agreed to 400-5.

30. H. Con. Res. 115. Fiscal 1982 Budget Targets. Substitute to the resolution as reported by the Budget Committee to decrease budget authority by $23.1 billion, outlays by $25.7 billion and revenues by $31.1 billion, resulting in a $31 billion deficit for fiscal 1982. May 7. N(3-1-0). Adopted 253-176.

31. H. Con. Res. 115. Fiscal 1982 Budget Targets. Adoption of the resolution, as amended, to set budget targets for the fiscal year ending Sept. 30, 1982, as follows: budget authority $764.5 billion; outlays $688.8 billion; revenues $657.8 billion; and

deficit $31 billion. The resolution also revised binding budget levels for fiscal 1981 and directed House committees to cut back programs within their jurisdictions to save $36.6 billion in outlays in fiscal 1982. May 7. Y(4-0-0). Adopted 270-154.

32. H.R. 3512. Fiscal 1981 Supplemental Appropriations. Amendment to reduce to $534,600,000 from $540,000,000, the U.S. contribution to the International Development Association. May 12. Y(3-1-0). Adopted 272-126.

33. H.R. 3512. Fiscal 1981 Supplemental Appropriations. Amendment to reduce to $5,148,000,000 from $5,524,000,000 the limit on direct loans and to $7,559,000,000 from $8,059,000,000 the limit on the total commitment to guaranteed loans made by the Export-Import Bank in fiscal 1981. May 12. Y(3-1-0). Adopted 231-166.

34. H. Con. Res. 115. Fiscal 1982 Budget Targets. Motion to instruct the House conferees on the first fiscal 1982 budget resolution to insist on the House position on budget authority and outlays for defense programs in fiscal 1982. May 13. Y(4-0-0). Agreed to 247-162.

35. H.R. 3512. Fiscal 1981 Supplemental Appropriations. Amendment to reduce to $883,408,000 from $3,883,408,000 the fiscal 1982 advance appropriation for the strategic petroleum reserve. May 13. Y(4-0-0). Adopted 260-152.

36. H.R. 3512. Fiscal 1981 Supplemental Appropriations. Amendment to defer $28.5 million in fiscal 1981 funds appropriated for a "people mover" transportation project in Los Angeles. May 13. N(3-1-0). Adopted 244-156.

37. H.R. 3512. Fiscal 1981 Supplemental Appropriations. Amendment to prohibit funds for federal employee health insurance policies that provide abortions. May 13. N(3-1-0). Adopted 242-155.

38. H.R. 3512. Fiscal 1981 Supplemental Appropriations. Amendment to reduce to $5,148,000,000 from $5,524,000,000 the limit on direct loans and to $7,559,000,000 from $8,059,000,000 the limit on the total commitment to guaranteed loans made by the Export-Import Bank in fiscal year 1981. May 13. Y(2-2-0). Rejected 162-237.

39. H.R. 3512. Fiscal 1981 Supplemental Appropriations. Passage of the bill to provide $18,633,539,663 in fiscal 1981 supplemental appropriations and $12,706,661,747 in fiscal 1981 rescissions; to allow $5,747,000,000 in fiscal 1981 spending deferrals; to extend from June 5, 1981 through Sept. 30, 1981 the spending authority of departments whose regular 1981 appropriations bills never cleared; and to provide $883,408,000 in fiscal 1982 advance funding for the strategic petroleum reserve. May 13. Y(4-0-0). Passed 329-70.●

THE 64TH ANNIVERSARY OF UKRAINIAN INDEPENDENCE

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. McHUGH. Mr. Speaker, at this time when we observe the anniversary of the Ukraine's independence, I am proud to join in saluting the people of the Ukraine. Early in this fateful century, they showed the world what it is to hunger and thrist after the justice that is expressed in national self-determination and personal freedom; today, they continue to remind us that freedom is never safeguarded without devotion and sacrifice.

The Ukrainian people have fought for freedom not only literally, against the armed military might of the Kremlin, but also spiritually and morally in ways that have touched the lives of freedom-loving peoples everywhere. Both in their homeland and throughout the free world, including our own United States, the Ukrainian people have nurtured freedom for all of us by cherishing and nurturing their own heritage—their language, customs, religious heritage, and cultural riches expressed in art, music, dance, and other cultural forms.

Theirs is a community which celebrates freedom despite the anguish of having their homeland enslaved. Their active faith in the restoration of their own country's freedom inspires us all to greater devotion to the survival of liberty wherever it is threatened, and to enhance it where it now flourishes.

Mr. Speaker, during this year's observance of the Ukrainian people's right to be free, we are met upon an urgent hour. The suppression in Poland of the people's routine rights of self-expression reminds us that the earlier Soviet aggression in Afghanistan was indeed part of an all-too-familiary pattern of Soviet subjugation and oppression. That pattern is infamously recorded in the suffering not only of the Ukrainian people, but of peoples throughout Eastern Europe. Indeed, we are grimly reminded that John Kennedy's description—20 years ago this month—of the "long twilight struggle" between the Soviet Union and the free world remains our greatest foreign policy challenge.

It is a fitting time, at the beginning of this legislative year, for all of us to notice how precarious the survival of freedom is throughout the world—to notice that, whenever freedom is threatened anywhere, it is as though it were my brother's barn that is burning. For the Ukrainians and other oppressed peoples have taught us never to take freedom for granted. And they continue to teach us that, as we must justly rejoice in Thomas Jefferson's proud sentiment—"Where freedom is, there is my country"—we also have the sacred responsibility of acting upon Thomas Paine's magnificent reply: "Where freedom is not, there is my country."●

FARM BUREAU GIVES YOU MORE

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1982

● Mr. EMERSON. Mr. Speaker, during the congressional recess I had the privilege of attending the 1981 annual convention of the Missouri Farm Bureau Federation at Tan-Tara Lodge in Osage, Mo.

During the convention many of Missouri's young future farmers presented speeches. The first place winner of the speech contest was an active member of the Future Farmers of America, Delta R-V Chapter, my constitutent, Mr. Robbie McManus of Chaffee, Mo.

I am pleased to share with my colleagues his outstanding speech entitled, "Farm Bureau Gives You More." In it he makes some salient comments about problems in agriculture, but his message is basically one of optimism for the future of agriculture. He extols a great farm organization, the Missouri Farm Bureau Federation, and commits himself to a career in agriculture. Herewith, Mr. McManus' remarks:

FARM BUREAU GIVES YOU MORE

Today's economy has caused the American citizen to stop and figure his budget closely, to cut where possible, and to pull the purse strings tighter. The farmer has been no exception to this situation as he closes his record books for the year to find he has more expenditures and less realized net profit than he has had in the previous years. However, today's farmer along with the Future Farmer of America have become aware that there is an organization that can help their budget deficits. This organization is the Farm Bureau which also has 28 plus services to offer its members. The Farm Bureau is "The World's largest general farm organization." It is "The Voice for Agriculture."[1]

The Missouri Farm Bureau, as we know it today, has come to us through years of dedication, determination, and hours of planning by its members and leaders. It was through the efforts of that small group of far-sighted individuals who met on March 24 and 25 in 1915 at Slater, Missouri, that the Farm Bureau was born.[2] Today, 66 years later, the Farm Bureau is the largest general farm organization in the State of Missouri. Its membership is composed of 78,000 families with the State headquarters in Jefferson City, Missouri.[3]

The Missouri Farm Bureau is a part of the American Farm Bureau which is composed of 3,000,000 families in 48 of the 50 states and Puerto Rico.[4] The voice of the smallest

[1] "What is Farm Bureau?", p. 1.
[2] "History of Farm Bureau," p. 1.
[3] "In Restrospect", Farm Bureau's 1981 legislative digest, inside cover.
[4] "What is Farm Bureau?" 1.1.

farmer to the largest farmer, in any facet of agriculture, can be heard throughout the organization of the Farm Bureau. Personal ideas are heard on the county level, and if feasible carried to the state level. Then likewise to the national level where ideas develop into resolutions and bills. That is the reason that three out of four farmers that belong to a farming organization, belong to Farm Bureau.[5] These America Farm Bureau headquarters are located in Chicago, Illinois, with an additional office in Washington, D.C.[6]

For the next few minutes, I would like to share with you what I feel are the three outstanding characteristics of the Farm Bureau that offers more for less.

First, the Farm Bureau is a powerful legislative machine. Legislation today is of great importance to the farmer, perhaps, even greater than ever before. Before a bill becomes a law, it must travel a long circuitious route. Mortality rates are exceedingly high. Many never survive the first committee.[7] This year on June 15, when the Missouri 81st General Assembly closed its first regular session, there had been 1,433 bills and resolutions introduced. Out of this number of bills introduced only 163 passed. The Farm Bureau, however experienced a very productive session. Laws affecting personal property tax, truck weight and length, taxes on Blue Cross-Blue Shield premiums, and grain and ware-house receipts are to name but a few of the laws signed by the governor that affects the farmer. Having a voice this strong in the legislature of our state is of great importance to me as a future farmer. Since agriculture is only 4% of the total population, we must have a sound system to uphold those laws we feel are right. At the same time, we must have a system strong enough to fight those laws which we feel may be detrimental to us in the future.

The second characteristic of the Farm Bureau is that it is an outstanding educational tool. The 28 plus services offered are services that have been tried and proven and come to us through research and knowledge of its leaders. These services are available to the farmer regardless of his age or financial status. Financing for property and vehicles are available at low interest cost. Grain and market lines give the producer the latest top prices for his crops and livestock. Accurate record keeping systems and safety programs sponsored by Farm Bureau will save the farmer thousands of dollars each year. Free ads, shopper's guides, discount pharmaceuticals, travel tours and other discount attractions are areas of interest to the lady of the most "noble occupation", the farmer's wife. In a day when education is the key to successful farming, I find the Farm Bureau offers many services and educational information to the farm family, again at a very low cost.

Last, but not least, the Farm Bureau was built on a solid foundation. It is a foundation that has, is, and will endure through the future years. The Farm Bureau has placed the farmer's church as the number one priority for his life. I, too, feel this is right as man is made in the image of God.[8] No other occupation brings man closer to his creator and those things created for man than does farming. I find that through farming, man creates a closeness to God that will sustain his spiritual needs whatever they may be.

The farmer today has many new problems such as land use planning, chemical control, and restrictions from the government. However, I strongly believe the Farm Bureau, as in the past, will always be there fighting for the farmer's rights and helping him to conquer his problems at a very low cost. Good relationships between farmer and farmer, farmers and business men, and farmers and consumers have been a direct product of the Farm Bureau. Faulty and misunderstood relations in business prove very costly. The same is true in farming. The Farm Bureau saves the farmer large sums of money by creating good relationships.

As I look at the three strong characteristics of the Farm Bureau, I am reminded of the "Primary aims of the Future Farmers of America," according to the official manual, that stresses the development of agriculture leadership, cooperation, and citizenship."[9] When these aims and the characteristics of the Farm Bureau are developed by a future farmer, I see an individual that will be an asset to his community, to his state, and to his country.

In closing, I wish to express my appreciation to those leaders of the Missouri Farm Bureau, as well as, those of The American Farm Bureau who have worked long tiring hours to bring to us the organization that we have today. My 86 year 'young' Grandfather who has been a member of Farm Bureau for four decades, recently summed up my thoughts when he said, "Son, this is "The Organization" for you in the future." In completing my research for this speech, I do firmly agree with my grandfather: "Farm Bureau Is the Organization" and it will give me, along with other Future Farmers, more for less as we begin our career in farming!●

[5] "What is Farm Bureau?," p. 1.
[6] World Book, 1970, p. 49.
[7] "In Retrospect", Farm Bureau's 1981 legislative digest, p. 1.
[8] Holy Bible, Genesis, ch. 1, v. 1.

KIM DAE JUNG

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1982

● Mr. OBERSTAR. Mr. Speaker, 1 year ago, on January 23, 1981, the Supreme Court of the Republic of Korea upheld the death sentence imposed on opposition political leader Kim Dae Jung. Many Members of this House, as well as President Reagan, joined in the appeal to save Mr. Kim's life, which resulted in the commutation of his death sentence to life imprisonment.

Mr. Kim, however, remains in solitary confinement in prison. His crime: Adherence to democratic principles, and his insistence upon his right to oppose democratically the militaristic Park and Chun regimes.

President Reagan has expressed satisfaction with the process of quiet diplomacy through which he interceded last year on behalf of Kim Dae Jung. A year later, however, we cannot accept the fact that the only result of this quiet diplomacy will be that Kim Dae Jung spends the rest of his life in prison for a crime of which every Member of this body is guilty—exercise of the right to oppose, democratically, the administration in power.

In December, shortly before Christmas, 25 Members of this House joined with the gentleman from Iowa (Mr. LEACH), and me in an appeal to President Chun Doo Hwan asking that Kim Dae Jung and his codefendants be released in the traditional end-of-year amnesty. Copies of our letter were sent to the Korean Ambassador to the United States and to the State Department. We have received no response from the government of Chun Doo Hwan.

I am deeply disappointed that the Government has not officially acknowledged a bipartisan appeal of 27 U.S. House Members deeply concerned about the future of democracy in Korea and the future of U.S. relations with the Chun government.

I hope that in the next few weeks, the Government of South Korea will announce that it will free Kim Dae Jung.●

[9] Official FFA Manual (1979), p. 9.

UKRAINIAN INDEPENDENCE

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. RITTER. Mr. Speaker, this year marks the 64th anniversary of Ukrainian Independence Day. Each year Ukrainians around the world celebrate this day and look forward to the day when Ukraine will be a free and independent nation.

On January 28, 1982, Ukrainians from all over the United States came to Washington to participate in ceremonies commemorating their independence day. I am enclosing a copy of my statement which was read at the independence day celebration in the Dirksen Senate Office Building by Mr. Theodore Caryk.

The statement follows:

DEAR FRIENDS: Vid vs'oho sertsia ia khochu vitaty vas tut na sviatkuvanni shist'-desiat chetvertoi richnytsi vidrodzhennia Ukrains'koi derzhavy.

With all my heart, I would like to welcome you to the 64th anniversary celebration of Ukrainian Independence Day.

I would like to express my deep regret for being unable to attend this celebration of the 64th anniversary of Ukrainian Independence Day. Your gathering today demonstrates that Soviet repression can never crush the spirit and determination of the great Ukrainian nation.

Along with the celebration of Ukrainian Independence day, today we also recognize the strength of Ukrainian people, a strength that permeates this very room. We recognize the fortitude of Ukrainians, fortitude

that allows individuals to stand up to Soviet terror. We recognize the perseverance of Ukrainians to keep alive the creative forces of religion, language, and culture . . . creative forces worldwide which will serve as the seeds in the blossoming of a free Ukrainian nation. And we recognize Ukrainian nationalism and the striving toward self-determination which no amount of pounding by Red Army and KGB jackboots can crush. Let Mr. Brezhnev know that each kick creates an even greater love and dedication to a free Ukraine. My friends, your strength lies in your belief in freedom and in your homeland. It is a feeling none of us will ever let die.

Over the past year, we have seen the power of nationalism and self-determination at work in Poland and Afghanistan. In Afghanistan, people armed with weapons that were used 100 years ago to drive the British from their country are now being used to combat their modern day colonizers. In Poland, we see a country again resisting its oppressors and fighting for greater freedom. So very much of Poland's struggle is the struggle of Ukraine, and so much of Ukraine's struggle affects Poland. So much of the Afghan people's struggle is the struggle of Ukrainian and Polish peoples . . . and so it is with the struggle of the Baltics, Slovaks, Czechs, Hungarians and so on down a very long line. Whether you are from Ukraine, Poland, Hungary, Czechoslovakia, or Afghanistan, we are all bloodbrothers against Soviet imperial domination. The sharpest sickle and heaviest hammer won't change that and never will.

So as we gather tonight, and as we look upon a new year of hope, let us not forget those who have given up what little freedom they had so that their countrymen might have greater freedom. I speak of the Rudenkos, the Berdnyks, the Lesivs, the Sichkos, and all the other so called "dissidents" who are in Soviet prisons. And as we think of them, let me remind you of what our friend and great Ukrainian patriot General Petro Grigorenko, said last November before the Helsinki hearing on Ukraine. "There is a growing anger among the people, among the nations which will rise up to the Soviet leaders."

Khai boh blahoslovyt' vsikh vas! Khai zhyve vil'na Ukraina! May God bless all of You! May long live a free Ukraine!

EDUARDO FREI MONTALVA—LATIN AMERICAN DEMOCRAT

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1982

● Mr. BARNES. Mr. Speaker, I wish to join the Washington Post, whose editorial follows my remarks, in paying tribute to Eduardo Frei Montalva, Chile's second-to-last democratically elected President, who died last week in Santiago. His passing reminds us how few democratic leaders of his stature are left in Latin America. And his passing reminds us of something else as well: contrary to what we once thought, in Chile as elsewhere in Latin America, democracy's coffin has been nailed shut by the right, not the left. History is replete with cases where the unintended consequences of a policy are worse than what the policy was designed to prevent. It is clear in restrospect that the left has not been the threat to democracy in Latin America that the right, which we strengthened to fight the left, has turned out to be. It is a lesson we should keep in mind as we struggle to cope with the collapse of the legacy of Latin America's Eduardo Freis.

[From the Washington Post, Jan. 26, 1982]

EDUARDO FREI MONTALVA

Eduardo Frei was widely regarded as the "last best hope" for Latin democracy during the years 1964-70, when he was president of Chile. It was a pardonable exaggeration. The Cuban revolution had imparted a double sense that the hemisphere was moving leftward and that the United States had a major interest in checking the flow. Chile then enjoyed a reputation as the primier Latin democracy, and Edurado Frei was seen, in Chile and the United States, as the sort of able, principled democratic reformer who could erect a "firebreak" on the left and keep the radicals on the other side.

Founder of his country's Christian Democratic Party, Mr. Frei had pronounced himself "staggered by the differences in economic strata" in Chile. He took office in 1964 with the only absolute majority any Chilean presidential candidate has enjoyed. Whether he knew of the secret funds that, it turned out later, the CIA put into his campaign was never established. Whether he needed such support was dubious. In any event, with a good deal of public American backing, he proclaimed a "revolution in liberty" entailing agrarian reform, nationalization of copper mines and income redistribution. He was serious, but by the time he finished his single constitutionally allowable six-year term, he had whetted popular appetites for considerably more progress than he had been able to deliver.

Marxist Salvador Allende received a plurality of the popular vote in 1970, and on the right in Chile there were elements opposed to letting him take office. At various times some of those elements had received CIA encouragement, but, with Mr. Frei lending his prestige to a constitutional succession, Mr. Allende was seated. Within barely a year, Chile was exploding into class war. Mr. Frei ran for the Senate in 1973 to continue the fight by parliamentary means, but even he could not slow the disintegration. In September, the generals made a coup whose dark result Mr. Frei bravely contested until he died at age 70 in Santiago last Friday. He was a man of true honor, which is much more than can be said for any of the people who have ruled Chile, and abused Chile, since his time.●

IN TRIBUTE TO THE HONORABLE RICHARD BOLLING

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. ROSTENKOWSKI. Mr. Speaker, I am pleased to join my colleagues in appreciation for the contributions of the Honorable RICHARD BOLLING.

I have served with my good friend, DICK BOLLING, for almost 24 years. During this period my own legislative expertise has grown to a great extent because of the "old professor," the gentleman from Missouri. In some respects the student did not always agree with the professor. This was particularly true when we were on opposite sides of elections to decide the House leadership. While not always on the same side, we both had the best interests of this institution at heart.

As many of my colleagues know, DICK has written two of the better books on the House of Representatives. One is "Power in the House"—a title a future historian could very well use to describe DICK BOLLING's tenure in this Chamber.

I am confident that there is not a single Member of this body who does not regard DICK BOLLING as a man of superior intellect with a strong commitment to excellence. And while we all know him as the strong and effective chairman of the Rules Committee, there is also a human side to DICK BOLLING. This very human side of the gentleman from Missouri came forward during one of the most difficult periods of my career, the 1981 fight over the tax bill. During that legislative battle I went to his office to discuss the rule to accompany the tax measure. In a very considerate way, DICK not only put me at ease, but through his keen mind provided me additional perspective on the upcoming challenge. I will always be grateful for his understanding manner during that arduous period.

Mr. Speaker, DICK BOLLING's vigorous style and effective leadership will be missed by this Chamber.●

NEW INDUSTRY PROVIDES INCREASED USES FOR HOME COMPUTERS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1982

● Mr. GINGRICH. Mr. Speaker, new private companies are springing up to provide the home computer user with many new uses of for his or her investments. These companies offer central data bases that home computer users can tap by simply dialing the telephone, just for a small monthly charge.

An article in Time magazine in the October 26, 1981, issue concludes by saying:

It seems that people are becoming increasingly hungry for the information wizardry that computers are bringing about, especially now that the magic can be brought right into the home.

The home use of computers is a new opportunity for families for work and learn together. That's why I want to share this article with you and my colleagues to explain these increased uses of this new technology.

The article follows:

[From Time magazine, Oct. 26, 1981]

MAY THE SOURCE BE WITH YOU

(By Christopher Byron)

For most families, household utilities usually mean electricity, the heating system and a supply of fresh water. But when middle-income New Yorkers next month begin moving into a newly completed 52-unit condominium at 260 West Broadway in Manhattan's Tribeca district, they will find not just sinks, tubs and electrical outlets, but builder-installed computer terminals. The inconspicuous machines, which look like small television sets with a keyboard, are hooked up to a McLean, Va., firm that styles itself an "information utility." Its daunting name: the Source.

The Source and its 12,000 nationwide customers are part of the still small, but explosively growing, new business of consumer data banks. For fees that can amount to as little as a few cents a month, the data banks are using computer technology and telephone lines to provide household subscribers with the opportunity to summon up-to-the-minute information on everything from the action on Wall Street to the best shopping bargains available from brand-name discount houses around the country.

For years major corporations have earned extra income by marketing the sort of research and scientific information that routinely get produced and then filed away in the normal course of business. Data banks buy the information, put it in their own computers and then resell it either to other corporations or perhaps to large research institutes.

One such bank, DIALOG Information Services Inc. of Palo Alto, Calif., buys reports, statistics and doctoral dissertations from some 140 different corporations, universities and even the government. When using the service, a subscriber dials a toll-free 800 number and connects his telephone receiver to a coupler device that links his office computer to the DIALOG computer. He can then transmit queries and receive the answers within seconds. Cost for such services can run as high as $300 an hour, a sum that businesses can afford much more readily then the average individual can.

But the mushrooming popularity of personal computers has now begun to spur the development of data banks specially tailored for individual consumers. The Source, which is a subsidiary of Reader's Digest, offers subscribers everything from financial planning to word processing. Source subscribers can monitor the schedule of current legislative activities in the Congress, check the latest changes in airline schedules and send "electronic mail" to other subscribers by using Source computers as a kind of space-age postal system. Gerald Reinen, a Massachusetts business consultant, reports that not only does he use the Source for business applications at the office but his children use it at home when they want to look up movie reviews.

Another consumer data bank, CompuServe Inc., of Columbus, offers electronic copies of stories in ten major national newspapers, including the Washington Post and the New York Times on the same day that the newspapers hit the stands. Also available is current news from the Associated Press wire service. Through its Microquote data base. CompuServe provides constantly updated information on any of more than 40,000 different stocks, bonds and commodities.

Prices are not cheap. The Source charges customers a one-time sign-up fee of $100, plus a monthly minimum of $10, whether the system is used or not. Additional "on-line" fees can be anywhere from $4.25 to $30 an hour, depending upon the time of day and the nature of the information requested. CompuServe requires an initial sign-up fee of $19.95, but fees for on-line usage during business hours are higher than the Source's.

Before he can communicate with a data bank, a subscriber need either a personal computer, which can cost anywhere from $1,500 to $8,000, or one of the much less expensive electronic keyboards that retail in hobby shops for under $400. There is a serious drawback to the keyboards, though. While cheaper to buy, they often wind up being more expensive to use. Reason: keyboards lack computer memory power, and thus can communicate with data banks only at the pace of the human typing information into the machine, which is fairly slow by computer standards.

In contrast, personal computers can be preprogrammed to ask questions before they are ever connected to data banks. Moreover, once connected, via a toll-free call over a household telephone line, the personal computers can transmit requests for data at superfast speeds. This can cut a subscriber's on-line usage from hours to minutes, or even seconds, at a time, resulting in huge savings in monthly bills. Says Marshall Graham, president of the Source: "Our equipment is constantly in operation, but the average bill to our customers is no more than about $25 per month."

Though total subscribers to both the Source and CompuServe now number fewer than 27,000, the Source alone expects to have 20 times that many oneline customers within three years. Meanwhile, a number of our companies, including CBS, Warner Amex, Cox Broadcasting and Time Inc., are working to bring similar services into the home via so-called interactive cable-television systems. Such systems would use a television cable instead of a telephone line to transmit the data, and permit viewers to extract information by means of specially modified television sets equipped with keyboards. Tests are now under way with cable subscribers in San Diego, Columbus, Dallas and elsewhere. Whatever the actual transmission technology, it seems that people are becoming increasingly hungry for the information wizardry that computers are bringing about, especially now that the magic can be brought right into the home.●

THE REAL F. D. R. LEGACY

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. UDALL. Mr. Speaker, Franklin Delano Roosevelt shall long be remembered for his stewardship of the Nation during the Great Depression and his leadership during World War II, but the real F. D. R. legacy is a more lasting one. In his 13 years as the Nation's Chief Executive, he established a tradition of political activism, elevated our sense of social concern, and enacted a series of wide-ranging reforms designed to insure the financial security of millions of Americans.

Roosevelt's predecessor in office, Herbert Hoover, once remarked during his term of office that, "the sole function of government is to bring about a condition of affairs favorable to the beneficial development of private enterprise." Roosevelt's philosophy of government admitted no such limited vision of government's role in our lives. He saw that while government and the role it plays in our lives must necessarily be limited, the institutions of government must also act from time to time to preserve human freedoms and economic security. In times of great economic difficulty, it is not enough for government to be an idle caretaker; government must move aggressively to start the wheels of commerce turning again. When the Nation's new President took office on March 4, 1933, banks across the country were closed. Two days later, F. D. R. declared a bank holiday; on March 9, he forwarded emergency banking legislation to Congress. With swift congressional approval, the Nation's banks were open again for business within 6 days.

Throughout his years in office, F. D. R.'s overriding concern was social justice and progress. Seeing "one-third of a nation ill-housed, ill-clad, and ill-nourished," he offered the country a New Deal. Seeing millions of American laborers out of work, he created the Public Works Administration, putting much of that labor back to work building a legacy of schools, highways, sewers, and airports. Seeing an all-but-idle residential construction industry, he established the Federal Housing Administration, an institution whose valuable work continues even today. Near the end of his administration, he looked at his record and said, "The test of our progress is not whether we add more to the abundance of those who have much, it is whether we provide enough for those who have too little."

Finally, F. D. R. brought a measure of economic security to the Nation that we not take for granted. Having witnessed the specter of millions of elderly Americans unable to provide for their basic needs, he secured passage of the Social Security Act of 1935. Having seen the ravages of unemployment, he sought and secured congressional approval of unemployment compensation legislation. Having watched as millions of Americans lost their savings in the closing of banks, he fought for the creation of the Federal Deposit

Insurance Corporation to insure depositor's accounts.

While acting to secure the financial status of individual Americans, he also acted to bring a greater degree of security and stability to financial institutions. The Glass-Steagall Act of 1933 increased the powers of the Federal Reserve Banks to regulate member banks, including the power to restrict the extension of credit for market speculation. The Securities and Exchange Act of 1934 provided protection against securities fraud.

Taken as a whole, these measures and others approved by Congress during F. D. R.'s term have served to bring a heretofore unknown measure of economic stability. Prior to the Great Depression, depressions of near comparable levels occured nearly every 20 years in this country. Thanks in part to many of the measures adopted during F. D. R.'s term of office, the severity of economic downturns has never again approached the severity of the Great Depression.

Embodied in all his efforts was his relentless "can do" spirit. He recognized, however, the imperfections of policymaking and consequently saw the need to alter policies when they failed. He once remarked with modesty, "We do our best that we know how at the moment and if it does not turn out, we modify it." That is the real F. D. R. legacy.

Many of the programs adopted during the New Deal were appropriate to their times, but inappropriate to ours. The real F. D. R. legacy, however, is a lasting one. On this day, his centenary, the Nation owes him a great debt.●

NO NEW WITHHOLDING TAX ON INTEREST AND DIVIDENDS

HON. NORMAN E. D'AMOURS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1982

● Mr. D'AMOURS. Mr. Speaker, the President has proposed instituting a new 5-percent withholding tax on interest and dividend earnings. This is not a new proposal. A similar effort was made by President Carter and was wisely and resoundingly defeated in the 96th Congress. The House voted by the overwhelming bipartisan majority of 401 to 4 to reject the Carter proposal on August 19, 1980.

I urge my colleagues to once again reject this ill-considered initiative which will obstruct efforts to achieve an economic recovery. Members who wish to voice their objection to this proposal may join me in cosponsoring a sense of the Congress resolution, House Concurrent Resolution 255, which spells out why this is not a good idea and why it should be defeated.

The text of the resolution follows:

H. CON. RES. 255

Whereas a 5-percent withholding tax on interest and dividends will severely hamper national efforts to increase productivity through increased savings and investment; and

Whereas it will impede capital formation and exert upward pressure on interest rates which are already restraining business expansion and damaging small businesses, housing, the automobile industry and agriculture; and

Whereas it will reverse the progress made by the savings and investment incentives contained in the Economic Recovery Tax Act of 1981; and

Whereas it will impose substantial and expensive new regulatory and paperwork burdens on financial institutions, businesses, brokerage firms, and the federal government, while generating very little new revenue, and

Whereas similar proposals have twice been resoundingly defeated by previous Congresses: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that no new withholding tax should be imposed on interest and dividends.

Members who wish to cosponsor House Concurrent Resolution 255 should contact Mike Radway or Jeff Lawrence at 5-5456.●

PERSONAL EXPLANATION

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1982

● Mr. FORSYTHE. Mr. Speaker, last November, I attended the International Convention for the Conservation of Atlantic Tunas as a member of the official U.S. negotiating team. Consequently, I was not present for votes on the floor of the House from Thursday, November 12 through Wednesday, November 18, 1981. I would like to take this opportunity to state for the record my position on record votes No. 295 through No. 320.

On record vote No. 295, a motion to approve the Journal of Tuesday, November 10, I would have voted "nay."

On record vote No. 296, a motion to exclude the public from meetings of the conference committee on H.R. 3413, the Department of Energy National Security Authorization, I would have voted "aye."

On record vote No. 297, a motion to recommit the conference report on H.R. 4035, Interior Department appropriations for fiscal year 1982, I would have voted "aye."

On record vote No. 298, a motion to approve the Journal of Friday, November 13, I would have voted "nay."

On record vote No. 299, a motion to order the previous question on the resolution (H. Res. 271) providing for floor consideration of House Joint Resolution 357, continuing appropriations, fiscal 1982, I would have voted "nay."

On record vote No. 300, adoption of the rule (H. Res. 271) providing for floor consideration, with no floor amendments allowed, of House Joint Resolution 357, continuing appropriations, fiscal 1982, I would have voted "aye."

On record vote No. 302, motion to recommit House Joint Resolution 357, continuing appropriations, fiscal 1982, to the Appropriations Committee with instructions to cut 5 percent from discretionary spending except for programs under defense, military construction and District of Columbia appropriated bill and Social Security administrative expenses, veterans' medical care and food stamps, I would have voted "aye."

On record vote No. 303, passage of House Joint Resolution 357, continuing appropriations for fiscal year 1982, I would have voted "nay."

On record vote No. 304, motion to approve the House Journal of Monday, November 16, I would have voted "nay."

On record vote No. 305, adoption of committee amendments to H.R. 1797, authorization of coastwise trading privileges, I would have voted "aye."

On record vote No. 306, motion that when the House adjourn on November 17, it adjourn to meet again at 4 p.m. that afternoon, I would have voted "aye."

On record vote No. 307, motion to adjourn the House, I would have voted "nay."

On record vote No. 308, motion to approve the House Journal of Tuesday, November 17, (first legislative day) I would have voted "nay."

On record vote No. 309, adoption of conference report on S. 815, the Defense authorization, fiscal 1982, I would have voted "nay."

On record vote No. 310, motion to suspend the rules and pass H.R. 4482, court of appeals for the Federal circuit, I would have voted "aye."

On record vote No. 311, adoption of conference report on H.R. 3454, intelligence authorization, fiscal 1982, I would have voted "aye."

On record vote No. 312, adoption of the conference report on H.R. 4522, District of Columbia appropriations, fiscal 1982, I would have voted "nay."

On record vote No. 313, motion to recede from disagreement with the Senate on H.R. 4533, District of Columbia appropriations, fiscal 1982, I would have voted "nay."

On record vote No. 314, adoption of House Resolution 275, waiving certain points of order against H.R. 4995, Defense Department appropriations, fiscal 1982, I would have voted "nay."

On record vote No. 315, substitute for the amendment to delete $1.799

billion for Air Force procurement intended for B-1 bomber, from H.R. 4995, Defense Department appropriations, fiscal year 1982, I would have voted "aye."

On record vote No. 316, amendment to delete $1.801 billion from Air Force procurement intended for the B-1 bomber, from H.R. 4995, I would have voted "aye."

On record vote No. 317, amendment to delete $1,913,200,000 in Air Force research, development, test, and evaluation funds for the MX missile and basing system, from H.R. 4995, Defense Department appropriations, fiscal year 1982, I would have voted "aye."

On record vote No. 318, amendment to the amendment to cut 2 percent from the funds appropriated in H.R. 4995, Defense Department appropriations, fiscal year 1982, for weapons procurement and for research, development, test, and evaluation, I would have voted "aye."

On record vote No. 319, substitute for the amendment to cut 2 percent from the funds appropriated in H.R. 4995, Defense Department appropriations, fiscal year 1982 for weapons procurement and for research, development, test, and evaluation, I would have voted "aye."

On record vote No. 320, passage of H.R. 4995, Defense Department appropriations, fiscal 1982, I would have voted "nay."●

THE HUMAN COST OF POLITICAL ASSASSINATIONS

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1982

● Mr. BARNES. Mr. Speaker, although we all receive hundreds of letters daily, once in a while I like to take the opportunity to single one out that carries a very important message. On this occasion I would like to share with my colleagues a copy of a letter to the editors of several newspapers I received from Robert E. Lutz on the murder of his friend, Mario Dary Rivera, in Guatemala. Although Mr. Rivera's death is just one of the thousands of murders that occur in Guatemala each year, Mr. Lutz reminds us of the human dimension of this tragedy. Mr. Lutz describes his friend as a good, decent, and peaceful man; the president of a university, a nationally recognized figure. All too frequently, as we look at the larger picture of violence in Guatemala, in Central America, and all around the world, we forget that we are talking about human beings, with families, with jobs, making contributions to their societies. We should all listen to Mr. Lutz' warning:

In these days of political assassinations, i.e., the commission of murders vaguely justified by "politics," one can become aloof and insensitive to the real human costs and pain caused.

The article follows:

In these days of political assassinations, i.e., the commission of murders vaguely justified by "politics," one can become aloof and insensitive to the real human costs and pain caused. The tension and violence in the world somehow make it easy to abstract the message of the individual case. The murdered becomes just another of many.

Every once in a while the senselessness of this slaughter strikes home when an admired world statesman or friend is the victim, and then one thinks of the dead's loved ones, his contributions and the work left undone, the terrible waste!

A friend of mine was the victim the other day and I deeply mourn his untimely and senseless death. Mario Dary Rivera, a good, decent and peaceful man, was machine-gunned down as he was parking his car outside his office at San Carlos National University in Guatemala City. Mario was Rector of the University (viz., President of the University) and had served in that position for about a year to ensure its survival in this troubled land. He was not a political person who sided with the left or right, but a patriot who loved his university and country and knew the survival of both demanded enlightened leadership. A botanist by training, Mario had been director of the University's botanical garden prior to his ascent to Rector, and had established a nature reserve in the countryside which preserved some of the most unique flora and fauna in this beautiful country in order for present and future generations to appreciate, study and learn.

It is an all too frequent irony that "politics" of uncertain ideology violently takes from this world a person who loves life and its beauty, depriving us all of his wisdom and vision. Individuals like Mario Dary do make a difference, but little can protect them from those who consider life cheap and hide behind cowardly weapons to do their heinous deeds. Perhaps the phrase with which Mario always signed his letters is a fitting epitaph for him in death as it was a motto during his life: "id y ensenad a todos" (go forth and teach everyone).

Obedience to it will not destroy lives; it can save them . . . and nations too.

ROBERT E. LUTZ.●

DO WE WANT OUR WOMEN IN COMBAT?

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1982

● Mr. McDONALD. Mr. Speaker, yesterday I shared with my colleagues parts I and II of 3 days of articles that appeared in the Washington Star on the successive days of January 9, 10, and 11, 1980, on the role of women in combat. John Fialka, the author of those articles, in concluding yesterday's section introduced a second and longer test of women in combat roles, called Braveshield, that would take place in the Mojave Desert in July 1977.

Again we witness the brazen practice of attempting to totally degrade feminine loveliness to the practice reality of combat conditions in the field. The record proves that women do not want, and should not get any role in a combat environment. As I have stated repeatedly, this is not to take away from the role that women can and do perform outstandingly in the military. But above all, and I think I can state this for most of my colleagues, we want our men to be men, and our women to be women. I hope that the Armed Forces by order of the Commander In Chief, rescind the attempt currently underway, to bring our ladies to the battlefield.

With these comments in mind, I share with my colleagues today, the conclusion of John Fialka's articles from the Washington Star:

[From the Washington Star, Jan. 10, 1980]

PRESSURE FROM TOP SPED EFFORT TO ADD FRONT-LINE SPOTS—PART II (CONTINUED)

Again, there was an air of unreality among the women, who continued to wear makeup, put up their hair and complain about the lack of privacy and sanitary facilities for several weeks.

"Many of the troops, particularly the women, had not thought it through to the realization that had it been a war, both male and female soldiers could have been killed or wounded, or that they could have killed or wounded enemy soldiers," the report adds.

"There was no evidence that the presence of women created any serious social problems," the report says. "It was known that sexual intercourse was occurring, but not more than occurs in garrison."

In September the Army staged a third exercise, "REF-WAC 77," which was held in the midst of a larger NATO war game in the hilly, forested country south of Stuttgart, Germany.

"Leadership and management problems were widespread among the units," the REF-WAC report states. On two occasions women in charge of servicing generators supporting communications gear refused to do so because they were afraid to go out in the field at night.

A major reason for their fear, according to sociologist Nehama Babin, was the prospect of being raped.

Within a woman's own unit, she explained, a "sibling relationship" developed and the men would protect the women from abuse.

But other units, especially all male combat units moving through the area where the women were posted, were a big problem for the women.

Psychologist Johnson remembers one company commander who had to send his male soldiers out to rescue females posted on guard duty when "friendly" infantry units were passing through.

"The infantry thought it was great fun to stalk the female guards of support units because everybody knows they didn't have live ammunition." The only people with live ammunition in war games are the finance officers.

Despite the fear, and despite problems with womens' uniforms which proved to be

ill-suited for field exercises, REF-WAC showed that support units with women in them could perform their specialities during extended field exercises.

The other researchers believe, however, that the exercise raised more questions than it answered.

NEW TESTS DELAYED

The Army Research Institute is working up a new set of exercises. They are designed to test the belief that in a sustained battle, support units may have to provide male replacements for the front lines, leaving them with large percentages of females.

The new tests will show how combat support units made up of 50 and 100 percent women can function. However, for a number of reasons the Army does not plan to conduct them until 1982.

One reason is that the Army is waiting for better-trained women and other equipment for them to use.

The results of REF-WAS and MAX-WAC have produced a large number of changes, including integrated "unisex" combat training for support units to assure that the women get the same training as the men. New field equipment is being prepared for women to offset the cold and the blisters they experienced during REF-WAC.

Another reason is that the House Appropriations Committee issued a report last year asking the Army to stop doing studies dealing with the enhancement of military job opportunities for women. "We kept raising questions about it, but we never seem to be getting any answers," complained one committee defense specialist.

Dr. Charles C. Moskos Jr., a sociologist at Northwestern University and author of the "American Enlisted Man," suspects there may be a third reason:

"The secretary of the Army (Clifford L. Alexander) is so hot on getting women into all kinds of tasks that it is very hard to find anything suggesting that there may be some things that women aren't suited for," Moskos says.

PRESSURE FROM THE TOP

Moskos sees the problem as a conundrum, one that will give politicians and military leaders a great deal of difficulty in the months to come. If there are some jobs that women cannot perform in combat-related units, he asserts, "it is unfair to the men in it to ask them to do it."

As for Alexander, he is weary of studies. "The farther you get from the Washington study atmosphere, the less you run into problems," he said.

"If you get a little too close here you get a whole lot of studies, the statistics we've been discussing and so on. You could probably fill this whole room with studies about women in the Army," he said, referring to his cavernous office in the Pentagon.

"Women have acquitted themselves well in wars. They will acquit themselves well in the future. Americans always have."

[From the Washington Star, Jan. 11, 1980]

WOMEN IN THE ARMED SERVICES—PART III

(By John Fialka)

DESIGN PROBLEMS FOUND WIDESPREAD

ABERDEEN, MD.—A special unit of 30 women is about to go through field exercises here, slogging through the winter fog and mud carrying their M-16 rifles and other combat gear. For the Army, they represent the future.

They will be testing the new "unisex" helmet, made from Kevlar, a tough plastic-like substance designed by computers to fit female heads as well as men's. Four sizes will fit the whole Army.

They will have the new "unisex" combat boot, sized to fit women's higher instep, and the new Army body armor, which has a roomier bosom in the smaller sizes.

There also is the new Army field pack, an ingenious device with straps that curve out and do not cross over the breast area. They will have the "unisex" gas masks, designed by computer to make a tight fit with women's narrower faces.

They will be wearing the new generation of combat fatigues, which will give women, for the first time, tough, warm field clothes, just like the men's.

"We've been ricocheting like a bullet in a steel room on this. Every day somebody wants something new done on this overnight," complains Bernie Corona, an industrial designer whose unit of the Army Human Engineering Laboratory is charged with designing the combat uniforms and related systems for the Army.

Corona says his unit has been preoccupied with women's problems for a year. While some of them have been difficult, "you can overcome them all by design," he insists.

One of the more obvious ways women have been discriminated against in the military is in the area of combat uniforms. When the orders were made to put women into combat-related support units in 1977, the Army failed to realize that women's uniforms were not designed for long periods in the field.

The uniforms were made from a flimsy wash-and-wear fabric that does not hold warmth like a man's. Uniform Women's boots were designed for nurses in World War II. They did not have the heavy ribbed soles women would need in combat roles.

Men's uniforms and boots were ordered in smaller sizes, but that didn't work either. "Anatomically they're quite different than males," Corona notes.

Women look sloppy in uniforms tailored for males. The boots hurt their feet and the center of gravity of the Army's traditional "steel pot" helmet is too high for women, causing it to wobble on their heads.

At Fort McClellan in Alabama, the former Womens Army Corps headquarters which now trains "unisex" military police companies, women have been seen walking in sneakers and some hobbling on crutches because of injuries from marching in ill-fitting boots.

"We've had to force them to go to sick calls because they had blisters on their feet and they felt they couldn't afford to miss any training," explained Capt. Vicki Shepard, an M.P. company commander.

PUSHES MATERNITY UNIFORMS

Clifford L. Alexander, secretary of the Army, got involved in the boot problem, adding to Corona's worries. "I have been jogging the system," admits Alexander. "They (the Army) wanted to wait until they moved out the existing inventory. I said the hell with that. Let's get those boots out there."

Another thing Alexander has been pushing, despite Army protests, is the design of the maternity uniform. "We're slower than we ought to be on that," said Alexander, noting that the Air Force and the Marines have new maternity uniforms.

The old Army field pack harness was a problem for the Corona team. Corona calculated that if a woman jumped out of a truck with a full pack it would transmit about 200 pounds of pressure to the breast area.

"It shows up as bruises now, but God knows what will show up in 15 years," said Corona, explaining how the straps on the new Army pack are designed to curve away from the breast area.

One of the next projects is women's flameproof suits. "Some women will resew the whole damn thing overnight so it will fit them. If they do that to a flight suit or a tanker's uniform, that's a problem because the seams have to have a special Nomex thread to prevent the wearer from being burned."

Two tests have now been set up, designed to accommodate the fact that women have less upper body strength and that the great majority of them cannot run as fast or jump as high as men.

There are some problems with women, though, that can't be designed around. After elaborate testing, the Air Force has decided that women are not going to be used as security police at some bases, including SAC bases where the job is to guard aircraft and their nuclear weapons.

HIGH DROPOUT RATE

The reason was that the Air Force could not afford the enormous rate of female attrition in the program. In basic training 39 percent of the women dropped out, versus 15 percent of the men. In combat skills training, eight percent of the women dropped out, versus one percent of the men. Last March, when the Air Force abandoned the tests, only 42 of the 100 women who had survived all the tests were still on patrol.

Not much is known about the causes of higher attrition rates for women. Unless the problem is solved it is going to make the military more expensive. For example the Army, which just lowered female intelligence requirements to match that of male recruits, projects that the attrition rate among female high school dropouts will be 55 percent, the highest ever recorded. It costs between $5,000 and $10,000 to train a soldier.

PREGNANCY PROBLEMS

Another study, by the Army Military Personnel Center, states that pregnancy and the related problem of women who are sole parents is causing a still more serious problem, cutting down on the deployability of key military units.

At the time of the study, in July 1977, 11 percent of the women in the Army were pregnant and another 6 percent were sole parents, making 17 percent of the women unable to move with their units, versus three percent of the men—those who were sole parents. The pregnancy rate has since risen to 14 percent.

The Navy which has been redesigning 53 ships, giving them his and her toilets and sleeping quarters for some 5,000 enlisted women, it hopes to have at sea by 1984, has just begun to get a glimpse of the pregnancy problem.

Women in the Navy have an 11 percent rate of pregnancy. This fall the Navy repair ship Vulcan was among the first to be redesigned and was prepared to take the Navy's first contingent of enlisted women to join the Sixth Fleet in the Mediterranean.

LAST MINUTE SURPRISES

The Vulcan's skipper, though, found he had a problem. Ten of the 62 women assigned to the ship turned out to be pregnant. Two of them were discovered only a few hours before sailing.

The difference between a skipper at sea and the officer of an Army unit, a Navy per-

sonnel expert pointed out, is that while the Army commander has to get a replacement, "the skipper at sea is faced with a personnel loss."

Still, the expert added the Navy's plans to accelerate female recruiting and to find room for them in the fleet are now set in concrete. Where there were 6,000 Navy women at the onset of the all volunteer force in 1972, there will be 45,000 by 1985.●

CONGRESS NEEDS TO ENACT COAL SLURRY PIPELINE LEGISLATION

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1982

● Mr. CLINGER. Mr. Speaker, 1982 marks the 20th year that coal slurry pipeline legislation has been before the Congress. The time to act is now. Recent editorials in the New York Times and the Wall Street Journal have called attention to both the merits of coal slurry pipelines and the important role that they can and must play in meeting our future energy needs through the increased use of coal. I urge my colleagues to carefully read both of these thoughtful editorials.

The editorials follow:

[From the New York Times, Dec. 27, 1981]

UNCLOG THE COAL PIPELINE

The standard way to move coal from mine mouth to power plant is by rail and barge. But it's not the only way. Pulverized and mixed with water, coal "slurry" can be efficiently moved by pipe, for hundreds or even thousands of miles.

Why, then, is there only one coal slurry pipeline in operation? Because the railroads have blocked other pipe construction by refusing to provide rights-of-way across their tracks. Eminent domain legislation, now pending in Congress, would break the rail monopoly and help hold down the cost of generating electricity.

Coal is a key to America's self-sufficiency in energy. It is abundant, cheap to mine and, when burned with care, relatively benign to the environment. Railroads, supplemented by river barges, could probably meet any increase in the demand for coal transport. But without effective competition, the high cost of moving coal by train over long distances is bound to retard the coal revolution. That's where slurry fits in.

Three planned pipelines would move low-sulfur coal from the northern plains to southern cities now dependent on natural gas. One would feed Appalachian coal to power plants in Florida. And three others would serve the export trade, bringing fuel to the ports of Norfolk, Los Angeles and Portland.

The opposition in the plains states comes from farmers and ranchers, who fear competition for scarce but low-priced water. Their complaints have impressed the Reagan Administration, which opposes the pending Federal law on the pretext that interstate energy commerce should be left to the states. But the slurry companies are confident that entrenched water interests can be bought off. The more serious opposition comes from railroads.

Until last year the railroads had a good case. Unsympathetic regulators prevented them from making a profit on most freight; their virtual monopoly in the coal traffic was often the only thing that kept them from bankruptcy. But regulatory reform has now given the railroads the rate flexibility they need to survive. There is every reason to let pipelines begin to compete.

The bills submitted to the House and Senate would still require pipeline developers to make their peace with individual states on water and environmental issues. But they would pre-empt for the Federal Government the authority to require the railroads to sell their rights-of-way for slurry operations.

It is hardly likely that slurry pipelines could grab all the coal traffic. They are likely, however, to cut into railroad profits on coal. And that is how free enterprise is supposed to work.

[From the Wall Street Journal, Jan. 27, 1982]

DAMPENING THE COALS

Coal mining concerns and the railroads are locked in a classic feud pitting the principles of the competitive free market against the protection afforded by government regulation. The issue is whether pipelines should be allowed to compete with the railways for the expanding coal transport market. The Reagan administration, it's sad to say, is moving along the wrong track in this dispute.

The vast bulk of U.S. coal is moved by rail, at no little expense. For instance, railway charges to ship a load of coal from a Wyoming mine to a Texas utility are now about four times the price of the coal itself. Coal producers complain that they are "captive customers" to the railroads and would like to see competition.

One idea, which dates back more than 90 years, is to move coal by pipeline. Coal can be ground and mixed with a liquid—water, oil, methanol or even liquefied carbon dioxide from the coal itself—and the resulting slurry can be pumped through underground pipelines to utilities, industrial users and ships for export. Besides helping to develop our coal reserves, slurry pipelines could also provide direct and indirect savings in transportation costs, according to a 1980 study commissioned by the Energy Department. "To the extent that the threat of slurry pipeline competition acts to keep rail rates low, then savings can result even if coal is hauled by rail," it concludes.

The only coal pipeline now in operation runs from Arizona to Nevada and carries 4.8 million tons a year at a cost estimated at less than half the comparable rail shipment. There are tentative plans for another eight slurry lines, with a total capacity of over 150 million tons annually. However, work on these pipelines is being impeded by two major obstacles: inability to gain rights-of-way across the country's vast web of railway lines and the question of water availability in the West.

The federal government granted eminent domain authority to the railroads in the 1860s and 1870s to allow them to traverse land and thus to facilitate the growth of the West. The railways are blocking the entrance of slurry pipelines into the coal transport market by refusing them rights-of-way across railway property. Similar railway recalcitrance led to federal rights-of-way for petroleum pipelines during World War II and eminent domain authority has also been given to interstate gas pipelines and electric power lines.

The Reagan administration was asked to support legislation in Congress last year to permit coal slurries to cross railway lines. But Interior Secretary James Watt said the administration would not support granting eminent domain authority to the coal pipelines because it would violate states' rights. Mr. Watt's explanation was, in a word, fallacious.

All but one of the planned slurry pipelines would cut across state lines and therefore come under direct federal jurisdiction as interstate commerce. Besides, the only reason the coal producers are in this fix is the federal privileges granted to the railroads in the first place. The responsibility for granting rights-of-way to these slurry lines rests solely and squarely with the federal government, not in the state capitals.

A states' rights issue does arise, however, over the question of water availability. Here the legislation would limit the federal government's authority and would in effect give the governors veto power over coal lines based on water scarcity. This doesn't seem to bother the coal producers much. They figure they can probably find other liquids such as oil to convey the coal through the pipelines.

What really seems to be on the administration's mind is the worry that support of eminent domain for coal pipelines would be perceived in the West as federal infringement in the sensitive area of water rights, even though this is not truly the case. So the administration drew back from the issue by making this false plea for states' rights. In the meantime coal producers must cope with transportation bottlenecks, and the railways are asking the Interstate Commerce Commission to lift price regulations on coal exports. This too has the coal mine companies up in arms.

Congress will soon have a chance to redress the balance. The House Public Works Committee soon will take up the pipeline issue. (The House Interior Committee has already approved the eminent domain legislation.) We hope that Congress shows more concern than the administration for introducing competition in the coal transport market and thus, it's hoped, encourages further development of our vast coal reserves.●

HOUSE OF REPRESENTATIVES—*Tuesday, February 2, 1982*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious Lord, we thank You that in all the moments of life, Your spirit gives us strength and purpose for each new day. In times of despair or frustration You impart to us a peace that passes all human understanding and in times of fear or violence, You give us hope and trust in a better day. Grant a special measure of Your grace to all who have great need and give to all the willingness to serve others with justice and with compassion. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PRIVATE CALENDAR

The SPEAKER. This is the day for the call of the Private Calendar. The Clerk will call the first bill on the Private Calendar.

REMEDIOS R. ALCUDIA, CHRISTOPHER, EZRA, VERMILLION, AND PERISTELLO ALCUDIA

The Clerk called the bill (H.R. 1547) for the relief of Remedios R. Alcudia, Christopher, Ezra, Vermillion, and Peristello Alcudia.

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

LASZLO REVESZ

The Clerk called the bill (H.R. 1352) for the relief of Laszlo Revesz.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2018. An act to authorize the presentation on behalf of the Congress of a specially struck gold medal to Adm. Hyman George Rickover.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolution on Friday, January 29, 1982:

H.J. Res. 382. Joint resolution to permit the broadcasting in the United States of the International Communication Agency film "Let Poland Be Poland: A Day of Solidarity With the People of Poland."

THE PLIGHT OF GRADUATE STUDENTS

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, last Friday the administration confirmed its intention to remove graduate students from the guaranteed student loan program.

Mr. Speaker, this may be the only administration in the history of this country that is promoting the idea that the way to move this country ahead is to have less education.

I certainly hope that students and parents around this country are going to make their voices heard in this Congress and in the administration.

This cut, if it were to go into effect next September, would have the most devastating effect on the future of this country, on the very existence of graduate schools and, frankly, on everybody who is interested in moving ahead into a better world.

Mr. Speaker, I hope we win this fight and defeat this kind of action.

AGRICULTURAL MARKETING ORDERS

(Mr. SHAMANSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAMANSKY. Mr. Speaker, I am introducing legislation today to end Federal marketing orders for fruits and vegetables. I was glad that CBS Television's "60 Minutes" also recognized the problem and aired a segment critical of these marketing orders this past Sunday.

Last year news reports of tons of California navel oranges rotting in groves brought the absurdity of the existing system to public attention. Federal law empowers producers to form cartels, which divert portions of their crops from the fresh market in order to inflate prices.

In 1981, 40 percent of the navel orange crop was held off the fresh market. These oranges were processed for juice, fed to cattle, or left to rot. Anyone even selling oranges at cost to the poor could be fined.

In the past large quantities of prunes, apples, cherries, almonds, and other produce have been diverted to keep prices high. Yet the administration, after reviewing these regulations recently, left them largely untouched. Congress must now do what the administration was afraid to do and eliminate the waste, high prices, restricted entry, and lack of competition which is what these Federal food marketing orders really produce.

The SPEAKER pro tempore (Mr. MITCHELL of Maryland). The Chair recognizes the gentleman from Pennsylvania (Mr. MURTHA).

PUNXSUTAWNEY PHIL SAYS 6 MORE WEEKS OF WINTER

(Mr. MURTHA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MURTHA. Mr. Speaker, we received some bad news this morning—bad news for a country that has already been battered by one of the toughest of recent winters. For it is now official that we will have 6 more weeks of winter, because Punxsutawney Phil saw his shadow this morning.

Not only is this of interest to all of us because of winter weather, but it is significant nationally in noting it means more fuels stocks will be used in coming months, and that retail sales and other business developments could be hampered by bad weather.

For the information of the Members, I am pleased to insert into the RECORD the official proclamation of the Nation's leading weather forecaster.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

89-059 O-85-35 (Pt. 1)

Hear Ye! Hear Ye! To all faithful followers assembled here on Gobbler's Knob, and to all believers around the world—I, Charles M. Erhard, Jr., President of the Punxsutawney Groundhog Club, hereby proclaim that his Imperial Majesty, King Philip, emerged from his snow covered burrow at 7:26 a.m. this morning.

As he stood for a moment, looking tall and proud, Phil quickly studied the winds and other climate conditions. Then, in the dimness of the early dawn light, he spotted a heavy, black shadow zooming menacingly over his right side. The prediction, thus, is bad news for an America already reeling under the staggering blows of one of the worst winters on record. Punxsutawney Phil has seen his shadow . . . and that means there is even more trouble ahead in the savage winter of 1982. Having made his prediction, His Majesty has quickly retreated to the warmth and safety of his burrow, to await a much anticipated, but sure to be delayed, arrival of spring.

That is the official word today, February 2, 1982, from the Weather Capital of the world, Punxsutawney, Pennsylvania, the home of the only reliable weather forecasting Groundhog.

WITHHOLDING TAX ON INTEREST AND DIVIDEND INCOME IS COUNTERPRODUCTIVE

(Mr. HANCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANCE. Mr. Speaker, last week the President proposed the implementation of a new 5-percent withholding tax on interest and dividend income. I oppose this proposal and believe that it is counterproductive in light of recent changes in the Federal tax code to promote and encourage personal savings.

During the 96th Congress, the House of Representatives overwhelmingly rejected a similar proposal made by the Carter administration. This action occurred on August 19, 1980, when this body approved by a vote of 401 to 4 an amendment which I offered to reject the Carter withholding proposal.

The United States has one of the lowest personal savings rates of any industrialized country. Important savings incentives were enacted to address this situation just last summer in the major tax cut legislation approved by Congress. A withholding tax on interest and dividend income would work against these new incentives. Withholding would only increase the paperwork and regulatory burden on our Nation's financial institutions, business, industry, the Federal Government, and the private citizen. In addition, the individual saver would be robbed of the benefits of interest compounding to the extent that earnings are withheld.

CONCERNS THE PRESIDENT OVERLOOKED

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RATCHFORD. Mr. Speaker, the President's state of the Union address was, indeed, a moving experience for all of us. Thoughtful, challenging with its suggestion of a new federalism and, as always, effectively delivered. But given all this, the speech still left me with two gnawing concerns—this country's steadily rising unemployment, and the staggering 1982 deficit, which mounts daily. If Congress, and the administration, are to face up to these two economic woes, we must reexamine the gratuitous special interest tax breaks granted last summer—to big oil, to those who trade in big corporate tax losses, and to the size of the big estate tax breaks. All of these gratuitous tax breaks fuel the deficit, cause the high interest rates, and thus, contribute clearly to the mounting unemployment. As significant as a new federalism may prove to be, we may never get to it if we do not have the courage to face up to the old tax bill, and face up to it soon.

The SPEAKER pro tempore (Mr. BIAGGI). The Chair recognizes the gentleman from Wisconsin (Mr. REUSS).

PRESIDENT REAGAN, MEET PRESIDENT HOOVER

(Mr. REUSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REUSS. Mr. Speaker, President Reagan has shared with us his answer to the mass unemployment and the severe recession which confronts the Nation in 1982. His answer is that prosperity is just around the corner, that no action should be taken against the recession, and that the proper course is the new federalism—reliance on voluntary charity, and on State-local responsibility. If each church would adopt 10 poor families, Mr. Reagan says, "We could eliminate all government welfare in this country." And welfare programs, such as aid to dependent children and food stamps, should be turned over to the States and localities.

Federalism, perhaps, but hardly new. Fifty years ago President Herbert Hoover, with the economy crumbling a year after he was sworn in, gave the Nation his version of the new federalism—reliance on voluntary charity, and on State-local responsibility. President Hoover said:

> This is not an issue as to whether people shall go hungry and cold in the United States. It is solely a question of the best method by which hunger and cold shall be prevented. It is a question as to whether the American people, on one hand, will maintain the spirit of charity and mutual self-help through voluntary giving and the responsibility of local government as distinguished, on the other hand, from appropriations out of the Federal Treasury for such purposes.

President Reagan, meet President Hoover.

A BALANCED AND FAIR BUDGET RESOLUTION OR NONE AT ALL

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PANETTA. Mr. Speaker, since the President's state of the Union address, I have tried, as a member of the Budget Committee, to temper any reaction or criticism of the President's budget until additional details were revealed.

My hope was that the President and the administration would understand that there can be no budget resolution this year unless it is balanced and fair. This year's budget must not only stress the need for budget discipline in all areas but also address the immediate problems of unemployment and recession.

The state of the Union address, unfortunately, failed to reflect the need for balance and discipline in all areas—stressing additional cuts in domestic programs and not touching areas like defense or a reconsideration of the tax cut.

In today's Washington Post, there is additional confirmation that the administration is taking the same one-sided approach that it took last year—aiming the budget ax at the very same Americans already hard hit by last year's reductions—the elderly, the needy, children and students, and the unemployed. Again, the burden of budget cuts will fall entirely on those who are least able to afford it, particularly at a time of serious recession.

Enough is enough. If it is not clear to the administration yet, then let them understand that this Congress and the American people will not and cannot be so callous as to enact a budget resolution that is so incredibly unfair and unbalanced.

As one member of the Budget Committee, I will refuse—and I believe other Members of this Congress will refuse—to again consider multibillion-dollar cuts in health care for the elderly, in nutrition for children, in education benefits for students, in job training for the unemployed without even considering the possibility of reductions in defense increases and modifications in the $750 billion tax cuts.

Yesterday's increase in the prime rate is just one more sign of the inherent weakness of a program that is producing and justifying huge deficits for a narrow set of priorities that do not

relate to the real needs of people in our society. It is my firm belief that there must be a balanced and fair approach to the budget resolution this year, or there may well be no budget resolution this year.

□ 1215

C-SPAN EXPANDS HOUSE FLOOR COVERAGE

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, yesterday, C-SPAN, the network which covers daily floor proceedings, expanded its coverge to 16 hours a day, 7 days a week. This expansion means that proceedings in this Chamber will be available to evening audiences who now will be able to watch their Government at work.

Debate between House Members will continue to be seen in at least 10.5 million homes on a live, unedited basis. But with the expanded hours, C-SPAN will now be able to present the same gavel-to-gavel coverage on a tape-delay basis to those whose jobs prevent them from watching C-SPAN during the day. This new audience will also be able to watch C-SPAN's coverage of selected committee meetings and the hearings of the House and Senate.

Let us today congratulate the growth of C-SPAN and applaud the progress it and the cable television industry are making in fulfilling their public service obligation.

LEGISLATION INTRODUCED TO PROVIDE RELIEF FOR MUD SLIDE AND LANDSLIDE VICTIMS

(Mr. JOHN L. BURTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHN L. BURTON. Mr. Speaker, today I will introduce two pieces of legislation on behalf of myself and my colleague, LEON PANETTA of California, that would amend the Small Business Act with respect to disaster loan programs by reducing the interest rate to 3 percent and raising the amount of loan funds available to $300,000; also to make sure that mud slides and landslides are covered under Federal flood insurance programs.

Presently, there is a 16-percent interest rate and a $55,000 limit on the people in Marin County and throughout the Nation who have suffered disasters. This is wholly inadequate both from the amount of loan limitations and from the size of the interest payments. Disasters should be treated as disasters.

We should remember that these are repayable loans, and we should reach out not only with private charities, but also the charity of the Government for the people who have suffered these disasters.

BAIL REFORM ACT OF 1982 INTRODUCED

(Mr. ZEFERETTI asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. ZEFERETTI. Mr. Speaker, today, I have introduced the Bail Reform Act of 1982. This bill introduces two important changes to our present system of pretrial release.

The first is to give Federal judicial officers the discretion to detain, prior to trial, those defendants who present a danger to the community or to particular individuals; those defendants who would obstruct justice or intimidate witnesses; or those defendants who are likely to flee prosecution.

I believe it is essential that judges have the latitude to identify dangerous criminal defendants and remove them from the streets prior to trial.

The second important feature of this bill is the elimination of money bail and surety bonds as conditions of release. The traditional system of money bail breaks down when dealing with narcotics cases. The Select Committee on Narcotics, which I chair, has heard of countless cases of major narcotics traffickers who can post unheard-of amounts of bail and then flee the jurisdiction or continue to traffic. Under the provisions of my bill, courts would have clear authority to detain such individuals prior to trial.

As chairman of the Select Committee on Narcotics Abuse and Control, I urge my colleagues to give this proposal the most serious consideration. This proposal will give our courts the ability to protect the community from dangerous criminal defendants and bring fairness and equity to the existing bail system through the elimination of money bail.

RESOLUTION INTRODUCED CALLING ON PRESIDENT TO DECLARE MARCH 21, 1982, AS DAY OF COMMEMORATION FOR THE PEOPLE OF AFGHANISTAN

(Mr. LEVITAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVITAS. Mr. Speaker, I am proud to be joining in a bipartisan effort with my colleagues who are members of the U.S. Congress-European Parliament Action Group on Afghanistan in introducing today a resolution calling on the President to declare March 21, 1982, as a day of commemoration for the people of Afghanistan.

Recently, we have properly focused our attention on the plight of Poland and the Soviet-backed repression of the workers movement and the Polish people. But we must not forget the struggle which has been going on for over 2 years now in the country of Afghanistan. The Afghan people are still suffering from the blatant aggression of the Soviet Union. We must not abandon our protest against the Soviet occupation of their country. The Afghans need our continued support.

For over 2 years, the Afghan people have been subjected to rule by a puppet regime of the Soviet Union. Soviet forces have occupied the nation of Afghanistan against the will of its people and have brought war and suffering to the country. And yet, the Afghan people have bravely defended themselves against the ravages of Soviet military force. Resistance to the military occupation and to the Soviet-backed government of Babrak Karmal continues to mount. The Afghan freedom fighters have gained in strength and ability. Against tremendous repression, these people have fought for and regained control of a large portion of the land taken by Soviet troops. The area of the countryside controlled by the puppet Babrak government continues to shrink.

This resistance and this fight for freedom deserves the recognition and support of the free world. On December 16, the European Parliament passed a resolution designating March 21, 1982, as a day of commemoration for Afghanistan. It is only fitting that we follow suit and join European nations and the rest of the world in this salute to the Afghan struggle for freedom and this condemnation of Soviet aggression.

President Reagan has endorsed our resolution and the State Department has agreed to coordinate private groups wishing to participate in and contribute to the day's events.

March 21 is the day the people of Afghanistan observe the start of the new year. In Afghanistan, the day symbolizes the nation's rebirth. We, in the West, who cherish the rights and privileges of freedom so dearly, should join the Afghan people in this celebration by recognizing their struggle and supporting their cause. Let this day serve as an outcry against Soviet tyranny and oppression and a cry for the rights and freedom of nations across the globe.

SPECIAL ORDER ON REAGAN BUDGET CUTS AS THEY IMPACT ON CHILDREN

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, I have requested that, at the close of legislative

business today, a special order be granted me to discuss the impact of the Reagan budget cuts upon the children of this Nation, those who are least able to protect themselves.

I invite my colleagues to participate in that special order, which will last for 60 minutes.

This morning's Washington Post give some indication as to where the President is going in relation to some of those programs which affect children in the fiscal year 1983 budget. It is suggested, for example, that medicaid is going to be cut by $2 billion, and food stamps $2.4 billion on top of the 1982 cut. AFDC (aid to families with dependent children) is being cut $1.2 billion, a reduction of 36 percent at a time when welfare rolls are increasing. Education is to be cut one-quarter of a billion dollars for elementary, secondary, and vocational education. That is a cut of 23 percent.

We will be developing these themes in the special order later this afternoon.

A PROTEST TO THE SOVIET GOVERNMENT

(Mr. GARCIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARCIA. Mr. Speaker, 3½ years ago, several families of the Pentecostal faith sought refuge in the American Embassy in Moscow to escape religious persecution. During this time, the families have lived in a one-room apartment in the basement of the American Embassy. They are unable to emigrate. They are unable to leave the compound. They are prisoners in their own country because of their religious beliefs.

One month ago, two of the women living in the American Embassy went on a hunger strike calling attention to their plight. This past weekend, one of the women was hospitalized because American officials feared for her life. She was put in the custody of the Soviet Government. Soviet authorities will not guarantee her future; they have said they will only guarantee that she will be admitted to the hospital.

There are approximately 30,000 Pentecostalists who have tried to emigrate to the West. They are not troublemakers; they only want to be able to practice their faith freely. There is no reason they should not be allowed to do this. The Soviets have nothing to gain by persecuting these people. It is inhuman for them to do so; it is unnecessary. I deplore the Soviet position on this issue. They are needlessly making these people suffer.

My father was a Pentecostal minister, so I understand how important faith is for them. It is their reason for living; their religion is not casual, it is constant. I, too, believe in the importance of the spirit. To deny a person the right to practice their beliefs is wrong.

EMERGENCY YOUTH EMPLOYMENT TAX INCENTIVE ACT INTRODUCED

(Mr. GOODLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLING. Mr. Speaker, I am confident the budget and tax action taken in 1981 coupled with the enterprise zone program being discussed will, in time, turn the economic picture around; however, I am also a realist and know this will not happen in time to adequately cope with the tremendous youth unemployment problem we will be faced with this summer.

Because of this concern I am joining with Congressmen HAWKINS and JEFFORDS in introducing the best "unrest insurance" program possible, entitled the Emergency Youth Employment Tax Incentive program—a program for the summer of 1982 only—May 17 through September 17 for young people between the ages of 16 and 21, 85 percent of whom are from economically depressed families.

An 85-percent tax credit to employers for each designated youth hired—and an exclusion from paying personal income tax; social security tax; and Federal unemployment tax.

Some will say we should tackle the youth differential wage problem first or at the same time. We do not have the luxury of time.

This legislation must move rapidly so enough time is available to get the private sector totally committed and involved.

I repeat—I believe the Emergency Youth Employment Tax Incentive Act to be the finest unrest insurance available at this time and ask that the Members of Congress join Congressmen HAWKINS, JEFFORDS, and me in this effort.

IN SUPPORT OF THE GOODLING BILL

(Mr. HAWKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAWKINS. Mr. Speaker, within the next 4 months, hundreds of thousands of young Americans will begin their annual search for summer employment. In a period filled with economic uncertainty for the entire Nation, these young people will come face to face with the stark reality of unemployment.

Recently, I joined with Congressmen BILL GOODLING and JIM JEFFORDS in an effort designed to provide economic incentives to American businesses to insure that these young people will begin their entry into our economy with the hope of future employment rather than the despair which all too often characterizes American's workers today.

The Emergency Youth Employment Tax Incentive Act (H.R. 5389), which I cosponsored on January 28, would provide an 85 percent tax credit to employers who hire youth during the summer of 1982. Given the current economic conditions, exacerbated by the cutbacks in many Federal programs, the job market for this summer looks particularly bleak. Since our Nation currently is faced with an astonishing national unemployment rate of 8.9 percent and more than four times that figure for minority teenagers, we, in the Congress, must make every effort to provide the youth of this Nation with employment and training opportunities.

Mr. Speaker, in the final analysis, the economic stability of this Nation will be a function of our ability to insure that all able-bodied Americans choose to make a productive contribution to this society. Encouraging employers to hire young people will contribute substantially to this Nation's productivity. The incentives which we have provided in this bill will, in time, pay enormous dividends for our economy. I urge my colleagues to support H.R. 5389, the Emergency Youth Employment Tax Incentive Act.

RESOLUTION INTRODUCED TO PROCLAIM MARCH 21, 1982, AS AFGHANISTAN DAY

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, 2 years after the Soviets invaded Afghanistan, the resistance to their military occupation and the government they installed there continues to mount.

The ability of the Afghan freedom fighters to resist the Soviet occupation force and the Soviets' callous disregard for the Afghan people's right to self-determination has badly tarnished Moscow's reputation.

The growing evidence of Soviet use of chemical warfare during the 2 years of their brutal military repression also is arousing international condemnation.

In December, the European Parliament passed a resolution proclaiming European support for a March 21 observance of Afghanistan Day. Today, I join as a cosponsor in introducing a joint resolution establishing March 21 as Afghanistan Day.

We must make it clear to the Soviets that Afghanistan will not disappear as an issue of major international concern. Through this resolution, we dem-

onstrate our solidarity with the Afghan people in their struggle against Soviet occupation.

PRESIDENT McKINLEY'S BIRTHDAY

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, I take the floor to commemorate the birthday of our 25th President, William McKinley.

During the 13 years he was a Congressman, President McKinley represented the area of Ohio's present 16th District, which I am honored to serve. During this time he served 2 years as chairman of the Ways and Means Committee.

With our current concern about the violation of human rights in Poland and other areas of the world, I think it is interesting to note President McKinley's comment on human rights in one of his speeches. He said:

> Popular government has demonstrated in its 124 years of trial here, its stability and security, and its efficiency as the best instrument of national development and the best safeguard to human rights.* * * The foundation of our Government is liberty; its superstructure peace.

President McKinley had a special fondness for the red carnation, and the ones you see in the dining room today honor his memory. In 1904 the Ohio Legislature adopted the red carnation as the State flower.

Present today is Beth Ann Antonosanti, reigning carnation queen of the Carnation City, Alliance, Ohio, who graciously helped distribute the carnations and who yesterday delivered a bouquet of Ohio's State flower to First Lady Nancy Reagan.

□ 1230

DOES JAPAN REALLY MEAN IT?

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHULZE. Mr. Speaker, Japanese Government officials announced last week that they will eliminate 67 nontariff barriers to trade. The announcement was a little bit of good news and a lot of bad news.

The good news is that the Japanese acknowledge that they must open their markets to U.S. exports in order to balance the continuing trade deficit which reached $18 billion last year.

The bad news is that of the 99 most damaging nontariff barriers, they eliminated only 67.

The bad news is that the change was made administratively, rather than by statute and will be easy to reverse or ignore.

The bad news is that we have seen them do this kind of thing before: When their trading partners have been pushed so far that they are willing to fight back, the Japanese make whatever nominal concessions are necessary until the storm passes. Then it is back to business as usual.

Will these 67 barriers really come down? Will the Japanese find substitutes with the same blocking effect on imports?

Do they really mean it this time? I doubt it.

AFGHANISTAN DAY

(Mr. PRITCHARD asked and was given permission to address the House for 1 minute.)

Mr. PRITCHARD. Mr. Speaker, it has been over 2 years since Soviet forces moved into Afghanistan in violation of all norms of international conduct and installed a puppet regime created in Moscow. In the months since December 1979 the people of Afghanistan have suffered terribly from an occupation by 80,000 foreign troops, and over 2½ million Afghans have fled their own country—15 percent of the nation's population. Those who remain in Afghanistan have bravely resisted the occupation, and the regime installed by the Soviets has managed to gain only tenuous control over the major cities. The freedom fighters of Afghanistan are an inspiration to free people everywhere. Yet there is a danger that time will erase Afghanistan from the world's conscience.

Last November it was my privilege to meet with concerned members of the European Parliament as they announced that they would sponsor a resolution declaring March 21, 1982, as Afghanistan Day, a day of remembrance for the suffering and the bravery of the Afghan people. It is fitting that we in the United States join with Europe in solidarity with Afghanistan to make Afghanistan Day a worldwide observance. Today Congressman DON RITTER and I have joined with over 70 colleagues to sponsor a resolution authorizing and requesting the President to declare this coming March 21 as Afghanistan Day. A similar resolution is being introduced in the Senate today.

We have been working closely with the administration on this resolution and a program of popular support for Afghanistan on March 21. As you know, the President endorsed this proposal in his state of the Union message last week. If we pass this resolution and join with people from all over the world in expressing our outrage at the Soviet occupation of Afghanistan and our support for the brave defenders of that beleaguered country, we will send a clear signal to both Moscow and Kabul. The Soviets will know that their actions in Afghanistan are not without a price. The Afghan freedom fighters will know the world stands with them.

PRIVATE ANTICRIME INITIATIVES

(Mr. McCLORY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLORY. Mr. Speaker, the incidence of crime in this country is a serious problem that compromises the quality of life for most Americans. Not only is the crime rate itself disturbing, but the fear that it engenders in our citizenry is even more alarming. Recent studies, such as the "Figgie Report on the Fear of Crime," indicate that the public's apprehension about crime far exceeds its incidence.

As a supporter of Federal criminal justice assistance to the States and localities since its inception in the 1960's, I have consistently felt that one of the most important roles that the Federal Government can play in the fight against crime is providing the leadership necessary to bring all elements of the community together with the common purpose of deterring criminal activity. In my own neighborhood, we have been able to unite average citizens, church groups, law enforcement agencies, and other elements of the community in this effort. I firmly believe that this sort of grassroots effort is essential to effective crime reduction.

On a national scale, private anticrime initiatives have also been successful. In particular, a wide range of groups and government agencies have combined to form a crime prevention coalition, the purpose of which is to encourage the public and private sectors to cooperate in making neighborhoods safer. The coalition has made available to the public valuable information on arson, crime against the elderly, and various preventive measures that can be taken to protect homes, businesses, and neighborhoods from criminal attack. I commend the coalition and other cooperative groups for their diligent efforts to reduce crime, particularly violent crime.

Mr. Speaker, I urge all Americans to observe National Crime Prevention Week by meeting with their neighbors, community groups, local entrepreneurs, and law enforcement officials to plan appropriate community anticrime efforts. I hope that this body will commemorate the occasion by passing H.R. 4481, the Justice Assistance Act of 1981, which is designed to encourage community anticrime efforts and effective State and local law enforcement measures.

JAPAN'S DEFENSE RESPONSIBILITIES

(Mr. TRIBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRIBLE. Mr. Speaker, I invite my colleagues to cosign a letter to the Prime Minister of Japan, Mr. Suzuki, expressing the hope that Japan will increase its commitment to the defense of the Western Pacific region.

The Reagan administration has recommended that Japan assume primary responsibility for the defense of the airspace and sealanes up to 1,000 miles from the Japanese shoreline. It is important that the Japanese Government understand that this recommendation is supported by Members of the U.S. Congress.

Japan must commit a greater percentage of its gross national product to defense. We are encouraged by the projected 4.5-percent increase in real defense spending for the coming year. This increase, however, will bring Japan's defense expenditures to only ninety-three one-hundredths of 1 percent of GNP. The United States, in comparison, spends 5.2 percent of GNP on defense.

Our allies must assume a greater share of the burden of maintaining peace and freedom. America must do more and so must Japan and the nations of Western Europe.

A PLEA FOR COOPERATION

(Mr. LOTT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, last week was a beautiful week. On Thursday we honored Franklin Roosevelt by looking back and reminiscing about a difficult and different time in our Nation's history.

On Tuesday of last week, during the State of the Union message, we looked forward and heard possible solutions propounded for this time and for the difficulties of this day. President Reagan proposed new and challenging ideas to again make govenment responsible to the people and a workhorse for the betterment of all Americans rather than a burden.

Unfortunately, the leadership of the Democratic Party decided to oppose the President long before they even heard his proposals. Long before the President himself had decided what to propose to the Congress in his State of the Union message, the Democratic Congressional Campaign Committee had bought and produced an attack on the President and his future program to bring about economic recovery.

The result of this spirit of negativism coming from the liberal leadership is apparent and obvious to me from a perusal of their alternative to the President's program, and here it is.

I would suggest to the leadership on the other side of the aisle that rather than continually telling the American people how bad things are and failing to place credit where credit is due, on 25 years of liberal Democratic economic policy, they join with us in at least giving the President's program a hearing, which is always more productive than making proposals such as these.

We are not getting off to a very fast start this week when we look at our legislative schedule. I urge, Mr. Speaker, that we get this House moving and give the President's program a chance, with a decent hearing at least.

RESPONSES TO THE "NEW FEDERALISM"

(Mr. LUNGREN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, there are a lot of different responses to the President's address this past week. One contained in the newspaper was that of the Speaker of the House, TIP O'NEILL, in which he described the President's "New Federalism" as "cold-hearted, mean, disgraceful." He said, "We have tried it before, and it didn't work."

He then goes on to say that once the States get the Federal money to use as they wish they will kill off many of these important programs, "and I can name you a dozen States that would wipe out the food stamp program immediately."

Well, if the Speaker has that information, I wish he would share it with the House because I think we ought to know which 12 States of the Union are that cruel that they would cut off these programs, and once he has identified those States perhaps he would invite the Members, Democrats as well as Republicans, to stand here and try to explain what they would do and why they would do it and in what States that would happen.

One thing I have found since I have been here in the last 3 years is that the best and the brightest are not always here in Washington, D.C., and that somehow some good ideas, some meaningful work, and some sincerity remains in those areas from which we come. This should not be a foreign capital. We do not have all the knowledge, we do not have all the good works, we do not have all the sincerity in the world to allow it to trickle down to our districts.

Rather, many of these things are in our districts, and it seems to me we ought to say that our constituents are as feeling as we are, are as reasonable as we are, and are as sincere as we are, and we ought to look at the New Federalism for what it is and make a sincere effort to see it work.

REVENUE ENHANCEMENTS—CONGRATULATIONS TO REPRESENTATIVE AND MRS. TOM DOWNEY

(Mr. CARNEY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. CARNEY. Mr. Speaker, I would at this time just like to inform the people of our great Nation that for the last several weeks we have heard the term, "revenue enhancements," being used in lieu of another term, and I just wanted to make things perfectly clear to those people of our great Nation and say that there are two things certain in life: One is negative hospital discharge, and the other is revenue enhancements.

On a later note, I would like to take this opportunity to congratulate my colleague from Long Island, the gentleman from New York, Mr. TOM DOWNEY, and his wife Grace, who are the proud father and mother of a little boy today.

EL SALVADOR

(Mr. RUDD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUDD. Mr. Speaker, opponents of our President are working hard to undermine and distort the objectives of the Reagan administration.

One media comment this morning referred to American aid to El Salvador as a "policy of extermination." Inflammatory phrases like this were used by the same apologists who pressured the last administration to hand over Nicaragua to our sworn enemies. This is not an internal criminal action, this is a war to determine whether our friends will survive. If we fail to assist them, we will surely have another Communist enemy at our back door.

REPEAL THE SYNTHETICS FUEL CORPORATION

(Mr. BROWN of Colorado asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BROWN of Colorado. Mr. Speaker, budget cuts, like charity, should begin at home.

My district in Colorado contains a majority of this Nation's commercially recoverable oil shale, and many energy companies have expressed an interest in applying to the Synfuels Corporation for Federal subsidies to develop that resource.

We cannot justify this kind of corporate welfare for major energy companies while our Nation faces huge budget deficits.

In his state of the Union address, President Reagan said he wanted to

reduce the budget by eliminating "ineffective subsidies for business." That is why I am introducing legislation today to repeal the ineffective business subsidies provided by the U.S. Synthetic Fuels Corporation.

As many here know, the Synthetic Fuels Corporation was authorized by Congress in 1980 as part of the Energy Security Act. That act authorized an $88 billion program to develop various sorts of synthetic fuels. The $20 billion first phase of that program set a 500,000-barrel-per-day synthetic fuel production goal by 1987. To fund this program, Congress appropriated $5 billion to the Department of Energy for a "fast-start," interim program and $6 billion for the Synthetic Fuels Corporation, a quasi-governmental agency. Another $6.2 billion will be available to the Corporation in June.

While this $12.2 billion available to the Corporation is considered as "off-budget," it is a Federal obligation counted toward our soaring national debt.

Repealing the Synthetic Fuel Corporation will take pressure off the Nation's financial markets, pressure that continues to produce the high interest rates that are crippling our economy.

Repealing the Synthetic Fuels Corporation does not mean synthetic fuels will not be developed. I have met with the energy firms involved with oil shale development and toured their Colorado projects. These energy companies will move forward with the development of synthetic fuels that are economically justified without Federal subsidies. And they will do it without the burden of the Synthetic Fuels Corporation, which simply is another useless layer of Federal bureaucracy.

Mr. Speaker, we know the American people are willing to make economic sacrifices in order to end inflation and restore productivity. But we also know the public will only accept these sacrifices if they are shared equally by all. Abolishing the Synthetic Fuels Corporation will clearly demonstrate our commitment to the elimination of ineffective business subsidies.

I ask my colleagues to join me in this effort.

MATTERS OF CONGRESSIONAL PAY AND BENEFITS MUST BE DEALT WITH IN THE OPEN

(Mrs. HECKLER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.

Mrs. HECKLER. Mr. Speaker, there is no more crucial ingredient to the success of our Republic than the bond of trust that exists between the American people and their Government. Any time that bond is shaken, the cause of democracy suffers.

I am sad to say that at the close of last session this Congress took an action that did shake the people's confidence in Government—and I rise today to recommend that we do something about it.

In the last-minute rush to adjourn last December, the Senate added an amendment that increased tax benefits for Members of Congress to an otherwise very deserved and noncontroversial bill regarding benefits for suffers of black lung disease.

The circumstances surrounding the passage of that amendment—which was tied inextricably to the black lung benefits bill—did not reflect well on the high standards that our legislative process is supposed to represent.

Whatever the merits of the issue, the fact remains that congressional pay and benefits are subjects that must be dealt with out in the open—with recorded votes and free debate—if the public is to retain any trust in the integrity of our proceedings.

Last December the Congress did not heed those standards—and as a result, this institution has suffered in the eyes of the public. In passing legislation that significantly raised the limits on the automatic deduction that Members of Congress can claim on their Federal income tax returns—and by doing so in an atmosphere of haste and secrecy—we gave the impression of duplicity.

Mr. Speaker, it is imperative that we reverse the action taken last December—because no government can function without the trust of the people.

Today I am introducing legislation to repeal the congressional tax breaks enacted last month, and I call on my colleagues to support me in the push for speedy and favorable consideration of this bill.

I hope for the success of this legislative initiative, and, I will not claim the new tax deductions when I file my 1981 Federal income tax returns.

LEGISLATION DEALING WITH DRAFT REGISTRATIONS

(Mr. SOLOMON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, in a few minutes I will be introducing legislation which will be of extreme interest to over 800,000 young men who have failed to register for the military draft.

This legislation would simply make any young man who is eligible to register for the draft and who has failed to do so ineligible to receive any financial assistance or benefits, to participate in any program or activity receiving Federal financial assistance, and to be employed by the Federal Government or by any organization receiving Federal financial assistance.

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Mr. Speaker, there are many young men that are being misled by college professors, by all kinds of people, that are not telling them that they are in violation or are subject to a felony conviction, to a fine of $10,000, or up to 5 years in jail. I think that is a terrible injustice to these young men.

I introduced this legislation today because President Reagan has given those that have failed to register a grace period for 30 days ending the last day of February. I would hope that every young man would pay attention to this legislation because after that grace period has passed I feel we have the support of the Members of Congress to enact this legislation.

EXTENDING PERIOD FOR AUTHORITIES PROVIDED UNDER DEPARTMENT OF JUSTICE APPROPRIATION AUTHORIZATION ACT, FISCAL YEAR 1980

Mr. RODINO. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 5379) to amend Public Law 97-76 to extend the period during which authorities provided under the Department of Justice Appropriation Authorization Act, fiscal year 1980, are continued in effect and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to continue in effect any authority provided under the Department of Justice Appropriation Authorization Act, Fiscal Year 1980, for a certain period, and for other purposes", approved November 5, 1981 (Public Law 97-76; 95 Stat. 1068), is amended by striking out "February 1, 1982" and inserting in lieu thereof "October 1, 1982".

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. RODINO) is recognized for 1 hour.

AMENDMENT OFFERED BY MR. RODINO

Mr. RODINO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RODINO: Page 2, line 1, strike "October 1, 1982" and insert "June 1, 1982".

Mr. RODINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is a very simple, but limited, solution to a difficult problem. As the House is aware, the Congress passed a similar continuing resolution authorizing appropriations and certain other authorities for

the Department of Justice for a period of 4 months. That continuing resolution was necessary to allow the Department of Justice to continue its normal operations, during which time we hoped that the other body could resolve its difficulties in processing the Department of Justice authorization for fiscal year 1982. I would like to point out that we initially requested a continuing resolution for 6 months, to which the other body would not agree. They suggested that they would complete action on the authorization bill within the 4-month extension which would abrogate the necessity to extend the continuing resolution once again.

However, the continuing resolution expired on February 1, 1982, and the other body has not yet finished the main authorization bill. Due to this unfortunate set of circumstances, we are compelled to go to the floor and, once again, request an extension of the continuing resolution.

As I stated on September 29, 1981, it is imperative that the Department be given specific authorization to engage in certain law enforcement functions which include, among others, authority for the FBI to conduct undercover operations in all areas of their investigative responsibilities, authority to expend funds by the FBI to protect the President and the Attorney General, and authority to purchase firearms and ammunition for the FBI, INS, DEA, and U.S. marshals.

Mr. Speaker, these are but a few of the critical authorities that could lapse if the House does not take action on this bill.

The complete list of authorities is as follows:

Authority for the FBI to conduct undercover operations in all areas of their investigative responsibilities would expire.

Authority to expend funds by the FBI to protect the President and the Attorney General would expire.

Authority to hire motor vehicles for the Drug Enforcement Administration (DEA) in its undercover operations would expire.

The Bureau of Prisons would lose its authority to expend funds for assisting State and local governments to improve their correctional systems.

The Attorney General's authority to expend funds for certain emergency situations would be curtailed.

The authority to pay rewards by the FBI, DEA, INS, and the Bureau of Prisons would expire.

The authority for the U.S. marshals to expend funds to provide for the supervision of U.S. prisoners in non-Federal institutions would be curtailed.

The authority to permit the U.S. marshals to bring to the United States from foreign countries persons charged with a crime would expire.

The specific authority to expend funds by the FBI to acquire, collect, and classify records and exchange them with authorized Federal, State, local, and other institutions would expire.

Authority for the Attorney General to expend funds regarding the conduct of certain investigations requested by the Department of State would be curtailed.

The reprograming restrictions this Congress placed on the movement of funds from one program to another to improve fiscal discipline within the Department would lapse.

The requirement that the Attorney General report to Congress any policy change in the enforcement of a law, which is the responsibility of the Department, because it is the Department's position that such a provision of law is not constitutional would lapse.

INS would not have authority to pay interpreters and translators needed to classify documents.

Authority for DEA to employ aliens by contract abroad would not be available.

DEA's authority to conduct reseach related to enforcement and drug control would expire.

I urge the adoption of this bill.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, I thank my colleague for yielding. It is my understanding that this body passed a Department of Justice authorization bill for fiscal year 1982 back in June. It has been held up in the other body because of various amendments, potential filibusters, et cetera.

I appreciate the fact that my colleague accommodated the suggestion of myself and others that the expiration date for this continuing authorization be changed from October 1 to June 1. He did it reluctantly, I know, because he had made an agreement with the gentleman from the other body, who is the chairman of the counterpart committee in that body. Nevertheless, I appreciate the gentleman's doing so because I think it is absolutely wrong that this body, which acted in plenty of time to continue this authorization, has been put in the position of sitting around waiting for the other body to act on this important legislation.

So I want to make it clear that the chairman has been nice enough to accommodate us because many of us believe that an October 1 date would take the pressure off the other body to get on with this matter and act. I just wanted to acknowledge that the chairman was very accommodating. If he finds it difficult in dealing with the chairman of the other body's committee, I would just refer him to us.

Mr. RODINO. I do appreciate the comments of the gentleman from California, and especially explaining the reason for my amendment. I do recognize, too, that there is some merit in what the gentleman suggests. I would hope, as the gentleman has volunteered, that maybe I might be persuasive with the other body in recognizing the need that we not meet with these impediments and obstacles when we are considering a matter of this importance that does involve the funding of certain programs that all of us recognize are important to the continuing operation of the Justice Department, the Federal Bureau of Investigation and its other agencies.

Mr. ROUSSELOT. I appreciate the chairman's comment and I hope that he will carry the word to the other body. We expect them now to act. Four months seems more than adequate time to get on with the business at hand, especially since we have sent our authorizing bill over last June.

I thank the gentleman. Please assure the chairman of the committee in the other body that we just felt that 4 months was enough time.

Mr. RODINO. I thank the gentleman.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the distinguished ranking minority member of the House Judiciary Committee, the gentleman from Illinois (Mr. McCLORY), who has always recognized the importance of this matter and has been a cosponsor with me in this resolution.

Mr. McCLORY. I thank the gentleman for yielding. I want to join my colleagues in support of this continuing resolution.

I, too, agree that it is most unfortunate that we have to pursue this route, especially since last June, by an overwhelming vote, the authorization legislation which covers these same important activities was overwhelmingly passed by this body. It is certainly my hope that this will be the last extension that we will require. Perhaps by reducing the time from October 1 to June 1 the other body will be more inclined to get on with the business of passing the authorization bill for fiscal year 1982 so that these important functions, which are so vital to our internal security, can be settled.

I want to commend the gentleman from New Jersey (Mr. RODINO) for making the unanimous-consent request which brought H.R. 5379, which I have cosponsored, before us for immediate attention and prompt action. As the distinguished chairman of the Judiciary Committee has explained, as amended, it would continue in effect until June 1, 1982, authorization for

many important functions performed by the Department of Justice. These include, among other things, the undercover activities of the Federal Bureau of Investigation.

Mr. Speaker, I share my colleagues' concerns over the recurring necessity to proceed in this manner. As my colleagues may recall, this body approved a Justice Department authorization bill for fiscal year 1982 by an overwhelming majority last June. In the fall, this body concurred in a 4-month continuing authorization for the Justice Department urged by the other body to afford it additional time to settle some controversial issues and to facilitate any necessary conference committee activity. Our fears at that time that a 4-month extension, which included a relatively lengthy district work period, might prove insufficient were unfortunately confirmed.

As my colleagues are no doubt aware, the other body is scheduled to recommence its deliberations on the fiscal year 1982 authorization bill this week. We are therefore hopeful that a bill can be sent to the President's desk before the expiration of the period for continuing authority provided in H.R. 5379, as amended. However, because of the serious detrimental effects on the important crime-fighting functions of the Justice Department that we have witnessed following past expirations of authority, and, hopefully, in order to avoid another repeat of this occasion, we believe that this authority should be continued until June 1.

Mr. Speaker, I again commend the gentleman from New Jersey for his efforts in extending the authorization for Justice Department activities.

Mr. RODINO. I thank the gentleman for his cooperation and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New Jersey (Mr. RODINO.)

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TEXT OF PROPOSED AGREEMENT FOR COOPERATION BETWEEN THE UNITED STATES OF AMERICA AND THE PEOPLE'S REPUBLIC OF BANGLADESH CONCERNING PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 97-136)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit to the Congress, in accordance with Section 123 d of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(d)), the text of the proposed Agreement for Cooperation Between the United States of America and the People's Republic of Bangladesh Concerning Peaceful Uses of Nuclear Energy and accompanying annex and agreed minute; my written determination, approval, and authorization concerning the agreement; and the memorandum of the Director of the United States Arms Control and Disarmament Agency with the Nuclear Proliferation Assessment Statement concerning the agreement. The joint memorandum submitted to me by the Secretaries of State and Energy, which includes a summary analysis of the provisions of the agreement, and the views and recommendations of the Members of the Nuclear Regulatory Commission and the Director of the United States Arms Control and Disarmament Agency are also enclosed.

The Nuclear Non-Proliferation Act of March 10, 1978 sets forth certain requirements for new agreements for peaceful nuclear cooperation with other countries. In my judgment, the proposed agreement for cooperation between the United States and Bangladesh, together with its accompanying annex and agreed minute, meets all statutory requirements.

The proposed bilateral agreement reflects the desire of the Government of the United States and the Government of Bangladesh to establish a framework for peaceful nuclear cooperation between our two countries in a manner which recognizes both the shared non-proliferation objectives and the friendly and harmonious relations between the United States and Bangladesh. The proposed agreement will, in my view, further the non-proliferation and other foreign policy interests of the United States.

I have considered the views and recommendations of the interested agencies in reviewing the proposed agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the agreement and authorized its execution, and urge that the Congress give it favorable consideration.

RONALD REAGAN.
THE WHITE HOUSE, *February 2, 1982.*

ANNUAL REPORT ON FEDERAL ENERGY CONSERVATION PROGRAMS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

To the Congress of the United States:

In accordance with the requirements of Section 381(c) of the Energy Policy and Conservation Act (42 U.S.C. 6361(c)), I hereby transmit the 1980 Annual Report on Federal Energy Conservation Programs. The period covered by the report precedes my term of office.

RONALD REAGAN.
THE WHITE HOUSE, *February 2, 1982.*

GEN. JAMES L. DOZIER

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BIAGGI. Mr. Speaker, today, together with 57 of my colleagues I am proud to introduce a House joint resolution commending the Italian Government and police for their masterful work which led to the release of Brig. Gen. James L. Dozier on January 28. I have sponsored this as a joint resolution with the hope that once passed by Congress—the President will sign it.

I know that every American in this country and abroad shared the same sense of happiness, relief, and patriotism that I did last Thursday when the weary and unshaven face of General Dozier was shown on television screens as—at last—a free man. After being held at gunpoint for the last 42 days by members of the Red Brigade, a well-known Italian terrorist group, our highest ranking NATO official in Italy is safe, well, and ready to get back to work.

While this incident has proven to be a great source of joy for General Dozier's family, friends and for the millions of Americans who prayed every day for his safe release, let us not forget how long and what it took to transform this from a ordeal to a triumph. For 42 torturous days—including the entire Christmas holiday season—the Dozier family lived in fear about the general's fate. Their apprehensions were heightened by his Red Brigade captors who indulged in the ghoulish ritual of sending photos and cryptic messages about Dozier's condition.

Throughout these 7 weeks, the Italian police authorities painstakingly and relentlessly pursued every lead which might bring them closer to the captors. In addition—the longstanding friendship between the United States and Italian Governments was never in better working order.

Suddenly on January 28—with lightning speed—the general was rescued—and the nightmare was over. As a

former New York City police officer, I feel that I am qualified to recognize expert police work when I hear about it. The January 28 daring rescue of the general will go down in history as one of the most daring and brilliantly executed examples of police work ever seen. The specially trained unit of Italian police officers who broke into the Padua apartment to surprise Dozier's captors and found him with a gun pointed at his head, had for a long while, been on the trail of the two ringleaders of the kidnaping. Antonio Savasta and Emilia Libera, known in Italian police circles as "the Bonnie and Clyde" of the terrorist world, have been eluding police for the last 5 or more years. They have been linked to some of the most gruesome terrorist activities in Italy including the 1978 kidnaping of Prime Minister Aldo Moro and also to many vicious attacks on Italian police. They first made their criminal debut when they fought a gun battle with police outside the railroad station in Cagliari, Sardinia, and then mysteriously disappeared into the night.

Thursday, these police officers successfully put to an end their search for our General Dozier when they secured his freedom. I would like to commend the special team of officers for their courage, patience, and professionalism in carrying out their duty. Throughout Italy, their feat has touched off celebrations and proven to be a great source of national pride—much like that experienced by Americans upon the release of the 52 hostages and the pride of the Israeli's when their soldiers rescued hijack victims in Entebbe. The headlines on newspapers throughout Italy expressing congratulations from President Reagan and Pope Paul II have been a boost in morale for Italians who have for a long time had to learn to live with the fear of terrorism and the frustration caused by the inability of law enforcement officials to control this problem.

I have been in touch with Ambassador Rinaldo Petrignani of Italy as well as our own Ambassador Rabb regarding my fervent desire that these fine police officers receive the kind of tribute they are due. Although their undercover assignments may make it impossible for any formal presentation to be held, I hope that this resolution will be a significant symbol of gratitude from the people of America. The Dozier rescue symbolizes more than just good solid police work. It could be recorded as the catalyst of the worldwide movement to break the backs of terrorist organizations. The effectiveness of the Red Brigade was established because of their ability to evade police authorities. Consequently, they began to act with—impunity—not fearing apprehension.

It is my fervent hope that the January 28 rescue has thrown fear into the hearts of the worldwide terrorist movement. Governments must continue to operate with cooperation not confrontation. They must see terrorism as an enemy not only to external security—but their own internal security as well. If perceived in this manner, actions will be taken to control the problem.

The Italian police and Government deserve the accolades which are directed to them by a grateful world. I urge my colleagues to give this legislation their prompt approval so we can convey in a tangible way our gratitude to Italy. Of course, I seek passage of this resolution to honor a great American patriot Gen. James Dozier. On Saturday, the New York Times ran a profile of Dozier which I would like to have placed in the RECORD at this time:

A BATTLE-HARDENED GENERAL

(By Richard Halloran)

Brig. Gen. James L. Dozier, who won a Silver Star and a Bronze Star with two Oak Leaf Clusters for heroism in combat during the war in Vietnam, may never have been closer to death than he was yesterday when Italian policemen rescued him as he was being held at gunpoint by Red Brigade terrorists in an apartment in Padua.

With his dramatic release, the 50-year-old general, the first foreigner to have been taken hostage by the terrorist organization, became only the second captive of the Red Brigades to have been rescued by the Italian authorities. The first was Vallarino Gancia, an Italian industrialist, in 1975.

At the time of his kidnapping in December, General Dozier was serving in a NATO administrative post as deputy chief of staff of logistics and administration for allied land forces in southern Europe.

It was not an unusual progression for an officer who has been described as a soldier's soldier from his earlier years as a troop commander, tactician and much decorated veteran of the Vietnam War.

ONE OF THE BEST OFFICERS

Col. James Leach, his immediate superior when they served together in the 11th Armored Cavalry Regiment in Vietnam in 1968-69, characterized the general recently as "one of the best army officers we ever had." General Dozier, then a major, was the regiment's operations officer.

Under the supervision of Colonel Leach, now retired, Major Dozier planned a 30-day offensive during which the regiment covered 1,000 miles in the southern part of South Vietnam searching for North Vietnamese and Vietcong strongholds in the area of the Iron Triangle, Kuan Loc, Tay Ninh and Loc Ninh. The drive was in part an experiment in using tanks in the jungle.

Col. Glenn Finkbiner, who also served with Major Dozier in Vietnam, recalled that whenever there was a firefight, "Dozier had no hesitation in going into the hottest part of the battle."

Such qualities of leadership won him the Legion of Merit in addition to his four awards for heroism. He also was awarded a Purple Heart for a shrapnel wound in an arm.

TWO DEGREES IN ENGINEERING

James Lee Dozier was born April 10, 1931, in Arcadia, Fla., where he has maintained a permanent home throughout the travels necessitated by his military career.

He received a Bachelor of Science degree in engineering along with his commission as a second lieutenant on graduation from West Point in 1956, and later earned a Master of Science degree in aerospace engineering from the University of Arizona.

General Dozier is married to the former Judith Stimpson. They have a daughter, Cheryl, who is a second lieutenant in the Air Force at the Rhein-Main Air Force Base near Frankfurt, West Germany, and a son, Scott a college student who has served in the Coast Guard.

Before his service in Vietnam, General Dozier went to the Armored School at Fort Knox, Ky., for basic and advanced training in armored warfare.

On his return from Vietnam, General Dozier, then a lieutenant colonel, was assigned to the Pentagon, where he served from 1969 to 1971 as a staff officer on the Southeast Asia team at the Army operations center.

ANOTHER TOUR AT PENTAGON

Between 1971 and 1974, General Dozier saw service in Europe for the first time as a brigade executive officer and commander of an armored cavalry squadron and then attended the Army Command and General Staff College at Fort Leavenworth, Kans., and the Army War College at Carlisle Barracks, Pa.

Another tour of duty at the Pentagon as a staff officer for research and development and as a military assistant to a senior civilian official was followed, in 1976, by assignment to Fort Hood, Tex. There he rose, over the next four years, from commander of the Second Brigade, Second Armored Division, to chief of staff of the division and then to chief of staff of the III Corps, of which the division was a part.

From Fort Hood, General Dozier went to the Defense Language Institute in Monterey, Calif., to study Italian before going to Verona, Italy, in 1980 and the North Atlantic Treaty Organization assignment that was to target him for the Red Brigade terrorists.

Mr. Reagan interrupted a luncheon honoring President Franklin Delano Roosevelt this afternoon to say: "The same courage and resolve that James Dozier demonstrated on the battlefield in wartime have seen him through this new test with flying colors. His country and our allies can be very proud of this gallant man."

Mr. Reagan also said, to repeated applause, that he had talked with President Sandro Pertini of Italy and "expressed America's appreciation for the dedicated and effective work of the Italian authorities in tracking down General Dozier's kidnappers and saving his life." The President continued, "They, too, have acquitted themselves with honor."

Mr. Reagan did not mention the six American military personnel who assisted the Italian police.

The President's national security adviser, William P. Clark, echoed the President's words, as did other Government officials and members of Congress. But like the others, Mr. Clark said nothing about the role played by the American military team that had helped in the effort to find and rescue General Dozier.

THINKERS NOT FIGHTERS

The six men, whose names, ranks, and units have not been disclosed, were sent to Italy shortly after General Dozier was ab-

ducted on Dec. 17. They are specialists in intelligence counterterrorist operations, communications, and operational security in units from which a secret counterterrorist task force may draw people when needed.

The American team, however, did not take part in the Italian police raid that rescued General Dozier, their role having been limited to advice and assistance. "They were thinkers, not fighters," said an informed officer here. "They were not door kickers."

On the American role in the rescue, military officers here were quick to praise the Italians and to assert that the United States and particularly the six-man team in Italy had played a subordinate role. Said one officer, "Ninety-nine percent of this was done by the Italians."

The President also told his luncheon audience: "I've spoken with the general by telephone and I'm happy to relay his report that he's in fine shape. And I can tell you that just hearing him—I told Nancy he sounded as if he'd just gone down to the corner for five minutes." His audience laughed.

On Capitol Hill, Senator Charles H. Percy, the chairman of the Foreign Relations Committee, told reporters: "I commend the authorities in Italy who have made this possible, the dispatch with which they have done it, and the brilliant way it was carried out. We congratulate them and we are pleased."

In the Pentagon, there was quiet jubilation. Secretary of Defense Caspar W. Weinberger talked by telephone with General Dozier to welcome him back to freedom. In the corner of one office was a hand-lettered sign that said, "Viva L'Italia."

GEN. JAMES L. DOZIER

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. ANNUNZIO. Mr. Speaker, all of us were relieved and delighted that Brig. Gen. James L. Dozier was rescued without bodily injury, and today I am introducing a concurrent resolution, sponsored by 166 Members, to congratulate the Italian Government and its antiterrorist police forces for their skill and courage in resolving this brutal kidnaping, and to extend to General Dozier the best wishes of the Congress for a quick recovery from his recent ordeal.

About 10 days ago I was in Rome, along with my distinguished colleague, Chairman PETER RODINO, and other Members of the Congress, and we talked to President Pertini of Italy. I want to say to the Members that his entire conversation was on the subject of the terrorists and his deep, deep desire, to insure that General Dozier would be returned home safely to his family. About 3 days after the conversation with the President of Italy, I am delighted that the Italian police were able to follow the lead of the President of Italy and to have General Dozier returned.

I invite and urge all my colleagues in the House to cosponsor this resolution of national gratitude.

An editorial from the January 29 edition of the Washington Post, entitled, "An Italian Triumph," will follow this short statement, as well as the text of my resolution and the cosponsors to date:

AN ITALIAN TRIUMPH

The rescue of Gen. James Dozier was a triumph of skillful and vigorous work by the Italian police. But it was part of a larger pattern. Italian justice is winning its long and desperate struggle against the terrorists.

Amidst the relief that Americans will feel, and gratitude to the Italian authorities, its important not to miss the larger significance of the happy ending to this story. Terrorism is not confined to Italy, and the terrorists always seem, at first, to hold all the advantages. The Italian police have shown what society can do to protect itself. It is an extraordinary feat to retrieve a captive alive, and this spectacular success will be reassuring to that vast majority of people, not only in Italy, who detest terrorism, its methods and its purposes. For Italians, the Dozier case is only the most dramatic example of the remarkable capability that their police have developed in this long guerrilla war.

More than 2,000 terrorists have been arrested in Italy within the past two years. That took a lot of quiet courage on the part of the people responsible for it—not only the policemen and prosecutors, but judges, prison officials, jurors and witnesses, who encountered personal risks almost unknown in law enforcement in this country as the Red Brigades and their allies retaliated with campaigns of intimidation and assassination. But it has been clear for some time that they were losing.

The psychological atmosphere within the Red Brigades has changed drastically in the last several years. Internal morale seems to have broken down. When the gunmen were riding high, those occasionally arrested held grimly to the rule of silence. Currently, it is obvious that the suspects are telling the police quite a lot about their connections.

The Red Brigades collaborate with other organizations of the violent ultra-left from Northern Ireland to the Middle East, and there's good reason to think that some of their money comes from the Soviets, who are always happy to stir the pot. But it wasn't the Soviet money, or any other foreign support, that made terrorism a mortal threat to Italy. It was Italians' own ambivalence about national authority. That ambivalence, for the vast majority, has now evidently been resolved. The Red Brigades intended the kidnapping to be an attack on NATO. The outcome was, instead, a dramatic demonstration of Italians' determination to enforce the law, and to keep the gunmen from taking over their politics.

H. CON. RES.?

Concurrent resolution expressing the sense of the Congress regarding the successful rescue of Brigadier General James L. Dozier

Whereas the kidnaping of Brigadier General James L. Dozier by the Red Brigades represented another tragic example of the sickness of international terrorism;

Whereas the Italian antiterrorist police forces exercised patience and efficiency in their investigation of the kidnaping;

Whereas the Italian Government demonstrated sensitivity and resolve in its oversight of police activities and its dealings with the Dozier family;

Whereas the difficulties of rescuing General Dozier without bodily harm required the highest degree of skill and courage; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress congratulates the Italian Government and its antiterrorist police forces for the successful rescue of Brigadier General James L. Dozier; and be it further

Resolved, That the Congress extends to General Dozier and his family best wishes for a quick recovery and return to normal life.

LIST OF COSPONSORS

Mr. Annunzio (for himself, Mr. Zablocki, Mr. Rodino, Mr. Addabbo, Mr. Biaggi, Mr. Chappie, Mr. Conte, Mr. DeNardis, Mr. Downey, Mr. Fascell, Mr. Fazio, Mr. Florio, Mr. Foglietta, Mr. Lagomarsino, Mr. Mazzoli, Mr. Mica, Mr. Miller of California, Mr. Minish, Mr. Moakley, Mr. Molinari, Mr. Oberstar, Mr. Panetta, Mr. Rinaldo, Mrs. Roukema, Mr. Russo, Mr. Santini, Mr. Vento, Mr. Zeferetti, Mr. Alexander, Mr. Anthony, Mr. Atkinson, Mr. AuCoin, Mr. Beard, Mr. Bedell, Mr. Benjamin, Mr. Bingham, Mr. Blanchard, Mr. Boland, Mr. Boner, Mrs. Bouquard, Mr. Bowen, Mr. Brinkley, Mr. Broomfield, Mr. Brown of Colorado, Mr. John L. Burton, Mr. Butler, Mr. Carney, Mr. Clausen, Mr. Coelho, Mr. Corcoran, Mr. Corrada, Mr. Coyne, Mr. Dan Daniel, Mr. Danielson, Mr. Daub, Mr. Davis, Mr. Derwinski, Mr. Dixon, Mr. Dunn, Mr. Dymally, Mr. Dyson, Mr. Erlenborn, Mr. Evans of Georgia, Mr. Findley, Mr. Fish, Mr. Foley, Mr. Forsythe, Mr. Frank, Mr. Frenzel, Mr. Frost, Mr. Fuqua, Mr. Gingrich, Mr. Goodling, Mr. Gore, Mr. Hammerschmidt, Mr. Hansen of Idaho, Mr. Harkin, Mr. Hatcher, Mr. Hiler, Mrs. Holt, Mr. Horton, Mr. Howard, Mr. Hoyer, Mr. Hutto, Mr. Hyde, Mr. Jeffords, Mr. Jones of North Carolina, Mr. Kemp, Mrs. Kennelly, Mr. Kindness, Mr. LeBoutillier, Mr. Leland, Mr. Lent, Mr. Lewis, Mr. Loeffler, Mr. Long of Louisiana, Mr. Lowery of California, Mr. Lujan, Mr. McCurdy, Mr. McDade, Mr. McDonald, Mr. Madigan, Mr. Markey, Mr. Marriott, Mr. Martin of North Carolina, Mrs. Martin of Illinois, Mr. Matsui, Ms. Mikulski, Mr. Miller of Ohio, Mr. Moffett, Mr. Morrison, Mr. Murphy, Mr. Myers, Mr. Neal, Mr. Nichols, Ms. Oakar, Mr. O'Brien, Mr. Ottinger, Mr. Oxley, Mr. Pashayan, Mr. Patman, Mr. Price, Mr. Pritchard, Mr. Pursell, Mr. Reuss, Mr. Richmond, Mr. Robinson, Mr. Roe, Mr. Rousselot, Mr. Sabo, Mr. Sawyer, Mr. Scheuer, Mr. Sensenbrenner, Mr. Shamansky, Mr. Shumway, Mr. Siljander, Mr. Skelton, Mr. Smith of New Jersey, Mr. Smith of Pennsylvania, Mr. Solarz, Mr. Stangeland, Mr. Stanton, Mr. Stump, Mr. Sunia, Mr. Synar, Mr. Udall, Mr. Walgren, Mr. Watkins, Mr. Weber of Ohio, Mr. White, Mr. Whitehurst, Mr. Whitten, Mr. Williams of Ohio, Mr. Wilson, Mr. Winn, Mr. Won Pat, Mr. Wortley, Mr. Wylie, Mr. Yates, Mr. Young of Florida, Mr. Young of Missouri, Mr. LaFalce, Mr. Goldwater, Mr. Edwards of Oklahoma, Mrs. Heckler, and Mr. Guarini).

A CANDLE FOR POLAND, BUT DARKNESS IN LATIN AMERICA

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute and to revise and extend

his remarks and to include extraneous material.)

Mr. SEIBERLING. Mr. Speaker, when President Reagan expressed his grief and outrage at the imposition of martial law in Poland by placing a lighted candle in a White House window, his gesture spoke for all Americans. The small flame burning in the White House window symbolized the light of liberty which had been so brutally snuffed out in Poland.

I share the heartbreak of all Americans over events in Poland. In Poland, a military-dominated government, supported by the Soviet Union, is making war on its own people. We rightly condemn its actions. However, our condemnations would carry greater weight were it not for the fact that in El Salvador and in Guatemala, military-dominated governments, supported by the United States, are also making war on their own people.

The President's concern about Communist repression in Poland is in curious contrast to his seeming blindness to rightwing repression in Latin America—our own backyard. In Guatemala, for example, thousands of people have died at the hands of paramilitary death squads, which operate with impunity in that country. In Argentina, tens of thousands of Argentine citizens have simply disappeared, never to be heard from again. In El Salvador, thousands of peasants and students, priests, and nuns have been indiscriminately gunned down by right-wing hit squads and elements within the Salvadoran security forces.

What is the administration's response to the repression of freedom in Latin America? As Anthony Lewis points out in his December 28, 1981 column in the New York Times, "the Reagan administration has cuddled up to the oppressors." The President ended an arms embargo against Guatemala, and has since permitted the sale of jeeps and trucks to that government. Sales of helicopter parts are also planned. With administration support, Congress terminated prohibitions on military sales and assistance to Argentina. El Salvador has become the centerpiece of the administration's efforts to get tough with Communist/Cuban "interference" in Central America. The government of Jose Duarte has received tens of millions of dollars in military assistance, and the United States has military advisers currently providing counterinsurgency training to El Salvador's Armed Forces—the same forces which have been repeatedly implicated in the torture, disappearences, and murders of Salvadoran peasants, priests, and, recently, American missionaries.

The stark contrast between the administration's outrage over the imposition of martial law in Poland and administration policy toward Latin America undermines our Government's credibility at home and abroad. As Mr. Lewis' column points out, perfect "consistency about human rights is not possible in an imperfect world. Whatever the flaws in the American record, we are right to speak up about Poland. But our words would carry more weight if we applied them with equal determination in our own hemisphere."

A news article in the December 27, 1981 edition of the Akron Beacon Journal also highlights the fundamental flaw in American policy toward Latin America. Rev. Albert Reymann, a Maryknoll priest who is visiting Akron after 30 years in El Salvador and Guatemala, sees strong parallels between U.S. policy toward El Salvador, and our involvement in Vietnam. According to the Beacon Journal article, Reverend Reymann "sees the struggle in Central America not as a United States-Soviet showdown, but as a challenge to U.S. hemispheric domination. The priest said Latin American nations are evolving economically and politically and their resentment of U.S.-backed military governments is growing. The changes may result in socialist countries in Central America because the people associate U.S. democracy with their subjugation."

By emphasizing military solutions, we not only weaken our credibility but we deprive ourselves of the means to help solve the underlying economic and political problems. Yet if they are not solved, there is little or no chance for democracy. As Reverend Reymann points out, "if you want communism in Central America and all of Latin America, keep up what you're doing now, and you'll get it."

The Cleveland Plain Dealer for last Friday, January 29, carried an article, reprinted from the Boston Globe, by Cynthia Arnson, a former Clevelander and a scholar at the Institute for Policy Studies in Washington. Ms. Arnson has visited El Salvador several times. She notes that, while the Reagan administration has endorsed a political solution in El Salvador centering around elections to be held in March, the Salvadoran Army has issued a "hit list" of 138 "subversives" and "traitors" which includes most of the opposition figures the State Department would like to see returned to El Salvador to campaign freely.

In view of the ruthless brutality with which the military in El Salvador have slaughtered citizens who have no apparent connection with revolutionary activity, it is difficult to see how any person would dare run for office against the "official" slate in the Salvadoran elections. The most recent incident, reported in the February 1 Washington Post, involves the execution of an undetermined number of old persons, women, children, and ordinary citizens, whose only ostensible offense was that they lived in a slum identified as the base of 19 alleged guerrillas who were themselves executed at night without any evident proof of their guerrilla activity. Last week, an entire village was reported destroyed by Salvadoran troops.

Last summer, during a meeting with Salvadoran President Jose Duarte, I asked him about the alleged execution by the army of the entire Las Lajas plantation soccer team in the town of Armenia on July 30, 1981. The soccer team had reportedly been killed because they had beaten the Salvadoran Army team. President Duarte denied the accuracy of the report, and told me he would send me documentation to prove it was false. I have heard nothing from him since.

Deepening U.S. involvement in the Salvadoran conflict is becoming increasingly likely. One of the principal lessons of Vietnam was that if a government repeatedly and without provocation attacks its own people, it will eventually alienate its base of support among the population. The failure of the Government of El Salvador to control its own armed forces is eroding popular support for the Government. It may already be too late, but unless the United States immediately institutes draconian steps to curb the Salvadoran military, we will be wasting further military aid on a lost cause.

The recent certification by President Reagan that the Duarte regime is making progress in controlling violations of basic human rights by the military seems clearly unfounded, if recent news reports are true. Coming on the very heels of the latest reports of such atrocities by El Salvador's armed forces, the administration's announcement that it is shipping millions of dollars worth of additional weapons to these same armed forces exhibits, to say the least, an incredible insensitivity to the feelings of the American people, as well as the world.

One may be entitled to conclude that those currently administering our foreign policy in Central America have learned nothing from our disastrous experience in Vietnam. That experience should have taught us that no amount of military power that would be tolerated by the American people can prevail in a Third World country against a determined revolutionary movement, if the government is unwilling to protect its own people against indiscriminate slaughter by its own armed forces.

It is doubtful that we can effectively prevent these new shipments of weapons to the armed forces of El Salvador. However, we can and must require, by appropriate legislation, that there will be no more such shipments until and unless the atrocities by the armed forces have ceased, and those responsible for them have been removed from authority and punished.

The full text of the articles referred to follow these remarks.

[From the New York Times, Dec. 28, 1981]

CANDLE IN THE WINDOW

(By Anthony Lewis)

BOSTON, December 27.—When President Reagan expressed his outrage at what is happening in Poland, he spoke for all of us. To see "the stirrings of liberty" crushed by "brute force," as he put it, had touched the deepest American feelings. We wish we could do more than light a candle in the window.

But the President's outrage was curiously selective. And it does not slight the Polish tragedy to recognize that.

Mr. Reagan denounced the Polish authorities for "killings, mass arrests and the setting up of concentration camps." Another government in the world has killed not seven, the official figure of deaths under martial law in Poland, or the 200 mentioned in some reports, but thousands of its own citizens. That government is in America's backyard, and the Reagan Administration has not said a critical word about it.

Guatemala is the place. In a report this year Amnesty International said that "a Government campaign of political murder" personally directed by President Romeo Lucas Garcia had killed nearly 5,000 Guatemalans in the last three years. The Inter-American Human Rights Commission found the Government responsible for the "great majority" of thousands of illegal executions.

The Guatemalan Government is there as the result of a C.I.A.-organized coup years ago. It uses American, not Soviet weapons. Its state terrorism, perhaps the bloodiest on earth today, might be expected to arouse moral indignation or at least concern in Washington.

What has the Reagan Administration done about Guatemala? It sent a special ambassador there, General Vernon Walters, who said the U.S. wants to help that Government defend "peace and liberty." It ended an arms embargo by supplying $3.2 million worth of jeeps and trucks. It sent a background paper to American diplomats around the world saying that Guatemala was threatened by "extremist groups."

Or consider Argentina. During the last five years at least 15,000 of its people—some estimates run to double that—have "disappeared." They were kidnapped by the military, tortured, dropped from planes. Jews have been the victims of particular brutality; swastikas are in display in the jails and torture chambers.

What has the Reagan Administration done about Argentina? Last March it gave a warm welcome in Washington to the President-elect, General Roberto Viola. It worked with Argentian to try to soften critical inquiry into the disappearances by a United Nations Commission. Reagan people have thrown mud at one of the prominent victims of Argentine fascism, Jacobo Timerman. Secretary of State Haig said the United States shared values with Argentina, notably "a belief in God."

Or consider Chile. Its military took over in a coup against a left-wing constitutional Government that the United States, working through the C.I.A., had tried to keep out of power. The military Government of President Augusto Pinochet sent agents to Washington to murder the former Foreign Minister, Orlando Letelier—and then refused American demands for extradition of those responsible.

What has the Reagan Administration done about Chile? Last February it lifted a ban on U.S. financing of trade with Chile, imposed by President Carter when the Pinochet regime would not cooperate in the Letelier murder prosecution, and invited Chile to take part in joint naval exercises. And it did that while denouncing "international terrorism."

The Reagan Administration's Ambassador to the United Nations, Jeane Kirkpatrick, visited Chile and Argentina. She said they could give good advice to Central American countries on how to deal with guerrillas. Did she have in mind the murder of unarmed civilians?

Or consider El Salvador. The first major Reagan Administration initiative in foreign policy was to send military aid to the Salvador junta, declaring the rebels to be a major Communist threat. The widely-reported brutalities of the Government forces, including mass murders, drew little criticism from Washington. When three Catholic nuns and a lay worker were murdered, Secretary of State Haig suggested—without evidence—that the victims might have tried to run a roadblock and might have shot at the killers.

"Our Government and those of our allies," President Reagan said the other day, "have expressed moral revulsion at the police-state tactics of Poland's oppressors. The church has also spoken out in spite of threats and intimidation.

That statement would apply exactly to the official brutalities in Guatemala, Argentina, Chile, El Salvador—except that the United States has not expressed its moral revulsion. Many allied governments have been critical, and the church has been outspoken. The Reagan Administration has cuddled up to the oppressors.

Perfect consistency about human rights is not possible in an imperfect world. Whatever the flaws in the American record, we are right to speak up about Poland. But our words would carry more weight if we applied our values with equal determination in our own hemisphere.

[From the Plain Dealer, Friday, Jan. 29, 1982]

MILITARY HARDWARE WON'T FIX BREAKDOWN IN EL SALVADOR

(By Cynthia Arnson)

On Dec. 15, the Department of Defense announced a major escalation of U.S. military commitment to El Salvador. In testimony before a Senate Foreign Relations subcommittee, Undersecretary of Defense Fred Ikle indicated that the United States would train 1,500 Salvadoran soldiers.

Close to 100 arrived at Ft. Bragg, N.C., on Jan. 9 to began basic infantry schooling with the Green Berets. And, despite the fact that Congress had just approved $26 million in military aid for El Salvador in the coming year, Ikle expressed hope that he could count on "the support of Congress" because "the cost of Salvadoran requirements far exceed planned fiscal year 1982 levels."

The timing of Ikle's announcement—scarcely two days before Congress adjourned for a month-long holiday recess—tells as much about this administration as it does about the military situation in El Salvador.

Ever since the Reagan administration declared last March that El Salvador was a "textbook case of Communist aggression" and announced a major increase in U.S. aid programs and the sending of non-combat military advisers, Congress has flooded the State Department and White House with resolutions, letters and amendments designed to moderate Reagan's cold war policy.

This year's foreign aid bill, signed by Reagan Dec. 29, ties provision of military aid to El Salvador to greater respect for human rights there, greater civilian control of the military, and movement toward a political, negotiated settlement.

Notably, the first certification from the administration regarding those conditions is due today, several weeks after the new training programs began. "This is not consultation," said one senior Senate aide. "We are simply being informed."

At issue, however, is far more than compliance with congressional mandates. While the provision of military aid to El Salvador is not new—Presidents Carter and Reagan have both made such aid a central feature of U.S. policy—the current proposals are alarming for two reasons.

First, they seem to confirm the Reagan administration's commitment to victory on the battlefield as a substitute for a political solution that involves all contending forces. Second, in the wake of reports last summer and early fall that the Salvadoran army and the guerrillas had reached a "stalemate" that would eventually favor the rebel side, this new round of military involvement threatens to involve the United States in a protracted and spiraling commitment to defeat the Salvadoran insurgents.

The scope of the current program—many times the number of students trained in the previous fiscal year—reflects the level of official concern over the strength of the Salvadoran opposition.

Part of the guerrilla offensive has involved a campaign of economic sabotage, which Asst. Secretary of State for Inter-American Affairs Thomas Enders called "systematic destruction of the economic infrasture * * * to bleed the country."

A look at the list of weapons provided by the United States, however, shows the kind of American contribution to the ravaging of the Salvadoran countryside. In addition to 52,010 hand fragmentation grenades, 508 grenade launchers, thousands of machine guns, and hundreds of heavy mortars and recoilless rifles, U.S. aid now includes over 200 500-pound bombs and 100 of the 750-pound sort.

All this to be used in a country that is often referred to as "about the size of Massachusetts."

In a situation of war, both sides get arms, and the Reagan administration has recently made renewed accusations of Cuban and Nicaraguan involvement in the weapons flow to the guerrillas. Using the rebels' alleged foreign support as justification for expanding U.S. programs, however, contains a pitfall: It virtually guarantees that the guerrillas will redouble their efforts to ensure adequate supplies. This will only intensify, not settle the war, which has already claimed 30,000 victims and displaced some 13 percent of the Salvadoran population.

Officials of the Reagan administration have endorsed a political solution for El Salvador that centers around elections for a Constituent Assembly to be held in March. They have also criticized the opposition Revolutionary Democratic Front for its refusal to participate.

It could be, however, that Washington memories are short. Last March, just as election plans were being drawn up, the Salvadoran army issued a hit-list of 138 "subversives" and "traitors to the fatherland." The list included the names of church officials, human rights activists and priests, as

well as most of the opposition figures which the State Department would now like to see returned to El Salvador to "campaign freely."

Elections will not end the war, nor will increased military aid, though it will increase the suffering. How much more sense it would make to cease upping the military ante and lay the groundwork for a true political solution, one that involves dialog and participation by all parties to the conflict, especially those with the guns.

[From the Akron Beacon Journal, Dec. 27, 1981]

PRIEST FEARS NEW VIETNAM FOR U.S.

(By Barbara Schechter)

The words poured out and the priest's strong voice rose.

He was frustrated, he said, because words could only touch the surface of what he had seen.

"When I talk about this subject, I get emotional. It burns my innards out. I see people dying all over the place."

After 30 years in Central America, the Rev. Albert Reymann does not mince words. The region is being torn apart, he said—and the United States is playing a key role in the destruction, a role that is reminiscent of its Vietnam policy of the 1960's.

The Akron native contends the U.S. government has concocted a dangerous foreign policy based on a false premise: Soviet influence will spread through Latin America like a contagious disease.

"In truth," he said, "if you want communism in Central America and all of Latin America, keep up with what you're doing now, and you'll get it."

Reymann, 61, a Maryknoll priest, is in Akron for the holidays. He has spent five years in El Salvador and 25 in Guatemala, working with poverty-stricken peasants and Indians in remote villages.

This year, because of illness, he was ordered to return to the United States.

He hopes to be back in Central America in the spring. Until then, he is living in Philadelphia and speaking to East Coast audiences about Central America.

Reymann's talks rend U.S. policy toward the two countries in which he has spent most of his adult life.

The United States has made communism a false issue, one that may backfire by pushing those seeking freedom toward the Soviet Union, Reymann said during an interview at a niece's home in Ellet.

He said he never encountered a communist during his 30 years in El Salvador and Guatemala. "There are more communists in Summit County than there are in Central America," he said.

"It's a horrible injustice to pick on El Salvador and make it the meeting place between East and West. It's not guilty of it."

While Reymann recuperates, he maintains almost daily contact with Latin America.

Clashes between government and opposition forces in El Salvador are growing, he said, and the opposition forces—whom he called "freedom fighters"—are gaining ground.

In El Salvador, a country the size of Massachusetts, guerrilla forces control about one-third of the territory.

Reymann said he does not expect the Salvadoran junta headed by President Jose Napolean Duarte to survive.

Elections scheduled for March are viewed as "a farce" by most people because opposition candidates have been barred, the priest said.

He predicted that the Salvadoran opposition will win the civil war within six months; their Guatemalan counterparts, in one year—unless the United States intervenes.

The priest is worried about that. Based upon what he has seen of U.S. policy so far, he said he fears the seeds are planted for another Vietnam:

U.S. aid—"It buys military hardware. I've never seen aid getting down to the people."

U.S. military advisers—"They're the guys behind the guys pulling the triggers."

Agrarian reform—"It has never happened. The government sells the worst land to peasants at rates they can't afford."

Reymann, a political scientist, sees the struggle in Central America not as a U.S.-Soviet showdown, but as a challenge to U.S. hemispheric domination.

The priest said Latin nations are evolving economically and politically and their resentment of U.S.-backed military governments is growing.

The changes may result in socialist countries in Central America because the people associate U.S. democracy with their subjugation, Reymann said.

"We have to learn to be comfortable with socialism," he said. "In no way will these countries go democratic."

Those who survive the political turmoil seldom live beyond 40 because of disease and hunger, the priest said. Nearly half of the children die before the age of 5.

Young Guatemalan boys continue to be arrested and forced into the army. Reymann also said there is torture: men hung by their genitals, women by their breasts.

"We've had a lot of people just blown apart. Others are kidnapped. They disappear, which means they're dead."

Reymann worked in the hills and small Indian "pueblos," or villages, serving as parish pastor. Using a horse or pickup truck, he would drive around the vast parish of up to 50,000 people.

He continually held leadership, or "conscious-raising," classes, getting people to think about their lack of food, health care, housing and limited future.

"The bottom line," he said, "was always, 'What are you going to do about it?'

"Christianity, if it's anything, is political, economical, social. It says you're a free person. You have a destiny that is not to be a slave."

Priests in Guatemala and El Salvador have died for teaching that. Reymann knew Bishop Oscar Romero, the murdered Salvadoran church leader who had urged his countrymen to seek a better life.

There are places to which Reymann cannot return because his life would be in danger.

But he is ready to go back to Central America. "Life here is very trying," he said. "The most difficult thing is the lack of comprehension of what's going on down there."

INTRODUCTION OF RESOLUTIONS DEALING WITH CONGRESSIONAL PAY

(Mr. DENARDIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DENARDIS. Mr. Speaker, in 1977, the House voted to limit the amount of outside earned income which a Member could receive each year to 15 percent of his or her annual congressional salary and to limit the amount a Member may receive in a single honorarium to $1,000. This measure passed the House by a vote of 344 to 79, a margin of more than 4 to 1. At that time, the Speaker praised these limitations as "the heart and soul of the entire (ethical reforms) package."

On October 28, 1981, the House considered a resolution to raise the outside earned income limitation to 40 percent of a Member's annual salary and to increase the limit on a single honorarium to $2,000. During debate, a Member who supported the measure and believed the majority of his colleagues did, too, said the following: "Someone said we should not try to pass it on a voice vote. I agree with that. I think there ought to be a vote." Well, after more than 2 hours of thorough debate, there was a recorded vote. And it showed that the Members of the House of Representatives opposed the increase by 271 to 147, a margin of almost 2 to 1.

Just a few weeks later, on December 15, 1981, a resolution to double the limitation on outside earned income was again brought up for consideration. But this time there was no recorded vote. There was no debate; there were barely enough Members on the floor to conduct a debate. There was not even a reading of the bill. It was just a quick call on the part of one of my colleagues for unanimous consent, and even quicker call by the presiding officer for ayes and noes, and that was it. The resolution, as it says in the RECORD, was agreed to. The whole process took about 8 seconds—I saw the video recording. In just 8 seconds, the will of the Congress, and, if you believe in representative government, the will of the people, was overturned.

Mr. Speaker, this was a cowardly and deceitful act. Cowardly because those who arranged it were afraid of facing their opposition; maybe they feared defeat, maybe they feared exposing their desires to cash in on the position of U.S. Congressmen, but they were afraid. And deceitful because they slid the resolution through quickly and surreptitiously, knowing the majority of their colleagues opposed it.

This sort of practice, if allowed to continue, will undermine the principles of representative government. Like many of my colleagues, I have cosponsored measures to rescind the increase on outside earned income. But it is not enough that we reverse the action: we must insure that it is never carried out in the same devious way again. Today, Mr. Speaker, I am introducing two resolutions to insure that it is not.

I am introducing today two resolutions to insure that we do not deal with these matters in the devious way in which we dealt with them in 1981. Resolution No. 1 would require that any matter which adjusts the pay or adjusts the limitations on outside earned income be acted on subsequent to at least a 24-hour announcement before putting the question.

The second resolution would require that a motion to reconsider any matter which adjusts the pay or affects the limitations on outside earned income shall not be entertained until at least 1 hour after the announcement of the vote on such bill or resolution.

Mr. Speaker, I have joined with others to rescind or alter what we have done, but I think it is extremely important that we make procedural changes so that we deal with these questions in a more forthright fashion.

Mr. Speaker, I include the two resolutions as follows, and I ask that the Rules Committee move promptly on these measures.

H. RES. —

Resolution to amend the Rules of the House of Representatives regarding the consideration in the House of a bill or resolution which adjusts the pay or affects the limitations on outside earned income of Members

Resolved, That rule VIII of the Rules of the House of Representatives is amended by inserting at the end thereof the following new clause:

"4. (a) It shall not be in order in the House to put the question upon final passage or adoption, as the case may be, of a bill or resolution which adjusts the rate of pay of Members or affects the limitations on outside earned income as set forth in rule XLVII until the first calendar day after the Speaker or the chairman of the committee with subject matter jurisdiction of the bill or resolution makes an announcement in the House during its sitting summarizing the provisions which would adjust such rate of pay or affect such limitations. In no event may such announcement occur less than twenty-four hours before the putting of the question.

"(b) The Speaker shall not entertain any unanimous consent request to consider a bill or resolution not otherwise in order under paragraph (a).".

H. RES. —

Resolution to amend the Rules of the House of Representatives with respect to the disposition of a motion to reconsider a voice vote on final passage of legislation which adjusts the pay or affects the limitations on outside earned income of Members

Resolved, That rule XVIII of the Rules of the House of Representatives is amended by inserting at the end thereof the following new clause:

"3. (a) A motion to reconsider a voice vote on final passage or adoption, as the case may be, of a bill or resolution which adjusts the rate of pay of Members or affects the limitations on outside earned income as set forth in rule XLVII shall not be entertained until at least one hour after the announcement of the vote on such bill or resolution.

"(b) The Speaker shall not entertain any unanimous consent request to consider a motion not otherwise in order under paragraph (a).".

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEVITAS) is recognized for 60 minutes.

Mr. LEVITAS. Mr. Speaker, I ask unanimous consent that I may defer to the gentleman from New York (Mr. WEISS) and reserve my time following the gentleman from New York's remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

WHO WILL SPEAK FOR THE CHILDREN?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WEISS) is recognized for 60 minutes.

GENERAL LEAVE

Mr. WEISS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WEISS. Mr. Speaker, I have requested this special order today on behalf of this Nation's single greatest resource, our 64 million children. It is they who will suffer the most from this administration's determined assault on the Nation's social welfare programs.

□ 1300

Who, after all, are the truly needy? The single largest group are children. More children live below the poverty line than any other age group in America. Yet these victims of the administration's penury cannot vote against those who would wrest from them the meager resources with which they have been provided.

Mr. SIMON. Mr. Speaker, will the gentleman yield?

Mr. WEISS. I would be delighted at this point to yield to the distinguished gentleman from Illinois (Mr. SIMON).

Mr. SIMON. I thank my colleague, the gentleman from New York, and I commend him for his focus on this problem.

Let me, if I may, just take a couple of minutes here to indicate that, particularly in the area of school lunches, we face a major problem in this country.

Let me just take the State of Illinois as an example. We are now serving 3 million fewer lunches per day nationwide. In the State of Illinois we are losing $20 million. In my congressional district, the poorest district in the State of Illinois in terms of average annual income, we are losing $2½ million a year. If we were to lose a $2½ million industry, it would make headlines. But in fact that is what we are doing. And the people who suffer the loss are the poorest children. Seventy-six school districts in the State of Illinois have dropped school lunches. Over 500 nationally have dropped them.

It sounds good, in theory, to say, "We are going to make middle-income people pay a little more for school lunches." And if that would be the only impact of it, I would not object, I would not get very excited about, it, because I would like to go back and tell the people of my district and the people of the Nation that we have done something other than take lunches away from school children. But in fact what happens is that, as the middle-income students' lunch costs rise, they go to McDonalds, they bring their lunch to school, and they have alternatives. And then the school finds it is too expensive to maintain the program, and the program gets dropped. And who is hurt? It is the very poor, because we know that tests clearly show that if you do not eat adequately you are not going to learn very well. They are the people who suffer under this program. Tragically for this Nation, those people, many of them, the only good meal they get every day is that meal they get when they go to school, that school lunch.

Mr. Speaker, I would simply join my colleague, the gentleman from New York, in his protest in what is happening. Somehow we have to forge an economic program for this Nation and use budget restraints. We need restraints. I serve on the Budget Committee. We need restraint, but we do not need to do it by taking food away from poor children of this country, and that is one of the things we are doing now.

Mr. Speaker, Federal support for the school lunch program in the current fiscal year has been cut by $1 billion or 35 percent. Nationwide, 3 million fewer lunches per day are being served to schoolchildren. In Illinois, cutbacks to the school lunch program have resulted in a loss of $23 million across the State; and in my congressional district, the loss is almost $2½ million.

These cuts have been devastating to the schoolchildren of America. Although administration officials have stated that these cuts would not weaken the safety net, this could not be further from the truth.

Let me illustrate the severity of these cuts with information received in a field hearing of the Subcommittee on Elementary and Secondary Education held in my district on January 16, 1982.

Federal cuts have been implemented in a number of ways. First, the subsidies to the school systems have been substantially reduced. Second, the criteria for families to be eligible for reduced-price or free lunches have been tightened. For example, to qualify for a child's free school lunch, a family of four must earn less than $10,990 as opposed to the previous limit of $11,640. Similarly, to qualify for a reduced-price lunch, a family of four must earn less than $15,630 (as opposed to the previous standard of $17,820).

Furthermore, attention should be focused on the families whose children have not been receiving reduced-price or free school lunches, but instead have been paying the full price for the meal. These families, now facing higher prices for lunch, have stopped buying school lunches altogether. In the State of Illinois, of the 145,000 lunches no longer being served, 138,000 of these, or 95 percent, were to fully paying families. This suggests that the price increases are particularly hurting the working poor—families who do not qualify for the reduced-price lunches, but whose incomes cannot tolerate the new hike in lunch prices.

The large drop in the numbers of children participating in the school lunch program is perpetuating a vicious circle. School systems are receiving less money from both the Federal Government and now from paying families. However, the costs to the schools—electricity, heat, janitorial services—remain the same. As more and more schools go into the red, many have simply stopped serving lunches. In the State of Illinois alone, 76 schools have dropped out of the school lunch program. Nationwide, the toll is currently 500 schools.

When schools stop serving lunches altogether, the hardest hit are once again the neediest children. At this time, 1 million needy children are no longer receiving lunch, often their only good meal each day. Another ominous result of the closing of lunch programs is the unemployment of those people who prepared and served the meals. In Illinois alone, 4,000 people have already lost their jobs, and it is estimated that an additional 10,000 cooks and servers will also be laid off.

With all the current focus on budget deficits, we must not lose sight of the reason for the school lunch program in the first place. Good nutrition is vital for the livelihood of our children. Studies show that hungry children do not do as well in school. The job of the schools is to teach, not to feed, but we have learned the hard way that there is a relationship between the two. The early school years are a critical time to start our children on the road to good learning.

As we prepare to receive the President's budget next week, we cannot emphasize enough that the current cuts have already been too severe. State and local governments do not have the resources to compensate for Federal retrenchment.

We never should have allowed these budget cuts to have been approved last year. There is not one of us who was not inundated with post cards last year urging our support for the President's budget and tax policies—a campaign that was organized, for the most part, by those outside of our congressional districts. I believe this type of pressure pales when put up against the health and security of our children. I would hope that more of us would find the courage to stand up to additional attacks on the school lunch program the administration has already proposed for the coming fiscal year.

Mr. WEISS. I thank the gentleman for his very eloquent comments and for his contribution to this discussion.

President Reagan has suggested that families "vote with their feet" if they are dissatisfied with their State's social programs.

I wonder if he has stopped to consider the massive disruption that such moves would cause in the lives of children who would be forced to leave behind families, friends, and familiar surroundings.

The President has reassured us repeatedly, if unconvincingly, that the private sector would take over the support of those social programs that are being abandoned by the Federal Government. But is he not indulging in wishful thinking? How can the corporate sector, whose charitable donations totaled less than $3 billion in 1980, replace the over $40 billion slashed from social programs last year alone?

Resources have rarely trickled down from the haves to the have-nots. The 9½ million unemployed Americans cannot depend on the notoriously unreliable tricklings from above.

Unemployment tears at our Nation's social fabric. Not only do the children of the unemployed eat more poorly and dress less well than their more fortunate peers, they are also more often subject to abuse by tension-ridden parents, witnesses to the beatings of their mothers, and likely to be in ill health.

Although we pride ourselves on being a child-centered and oriented country, sadly the facts speak otherwise. Our infant mortality rate does not even rank among the world's top 10. Whereas only 90 of 10,000 Japanese children die before their first birthday, 130 of 10,000 American children do. And the well-being of our minority children is even more scandalous. Twice as many nonwhite American infants die during their first year of life as white infants.

Investing in children requires extraordinary faith and patience. Some harvests may not be reaped for 15 years or more. For example, it was only recently that we learned how preschoolers, who had participated in the early Head Start program of the 1960's, have been more likely to finish school than their non-Head Start peers and less likely to have needed costly special education services.

The administration has launched a massive assault on this Nation's social programs and its clients. Bandied about are accusations of excessive Government generosity, and the calls are heard for putting welfare clients to work. But who are these recipients of supposedly excessive Government largesse? Over one-half of the food stamp recipients are actually children. Similarily, over 70 percent of aid to families with dependent children clients are children. Only 1 percent of those receiving AFDC benefits are men, fathers who are either temporarily unemployed or who are disabled. The rest are mothers, many of them with preschool age children.

Whom, then, are we putting to work? If the Government would require mothers of young children to work, why have we heard no administration proposals for the expansion of day-care services that would be needed to care for the children of these women?

Who, may we ask, will care for the children?

One could hardly say that the AFDC families are enriching themselves at the Government's expense, despite rhetorical insinuations to that effect. A family of four receives a grand total of only $120 per month in Mississippi and $569 in Oregon, the most generous State.

It is the rare family that does not abhor the dependency and degradation that is often associated with being a welfare client. Children, in particular, suffer when peers tease them about their welfare status.

Let me read to you the words of a Connecticut welfare mother, and I am quoting:

> Before my children went to school, they thought they were like all other children. What they wore didn't make any difference to them. Then they started school, and as small as they were, they found out they were different. Some little children, not realizing what they were saying, would poke fun at their clothes or make fun of my sons because they needed haircuts. Then all you have tried to protect them from starts building resentment in them. I have tried to explain things to them but they are too small. So all I can do is try to make the hurts easier for them. Many times my daughter will come home from school in tears because the children tell her she is poor because she is on welfare. So now "welfare" is a dirty word for her. Many a tear I have shed for

the pain my children suffer because of the word "welfare" but until I can change it, the tears will flow.

Recent changes in AFDC regulations will eliminate policies that have been successful in helping these mothers work themselves off the AFDC rolls. From now on, however, they will be unable to keep 30 cents of each dollar they earn. Now for every dollar they earn, a full AFDC dollar will be eliminated from their grants.

President Reagan appears to believe that only the wealthy and powerful can benefit from incentives for productivity. Does he really believe that low-income Americans are a different species?

It is not only from the children of the poor that he is withdrawing support; children of middle-class families will also suffer from the effects of the recent budget cutting orgy.

Federal funds for elementary and secondary education have been slashed. More requests for cuts are expected. Yet, the great majority of American children (89 percent) attend our public schools and benefit from this support. Middle-class youngsters will find it increasingly difficult, and, in some cases even impossible, to attend college because of major reductions in the amount of available student aid. Many students whose families' incomes fall between $14,000 and $27,000 will no longer be eligible for student aid.

Mr. PEYSER. Mr. Speaker, will the gentleman yield?

Mr. WEISS. I yield to my distinguished colleague, the gentleman from New York.

Mr. PEYSER. I thank the gentleman for yielding, and I want to thank him also for taking the time and for reiterating the impact on children and on the poor that the President and the administration are now inflicting, and particularly the area the gentleman is now talking about which deals with the question of student aid.

When the President, as the gentleman knows, first took office, he said that one of the aims was to move this country ahead with greater technological skills and to improve the productivity of this country.

Well, for most countries around the world that is accomplished by education, and by more education and by giving the opportunity to those who are academically qualified to attend school at the elementary and secondary level and then on to the postsecondary level of college and technical school. And that has been the great fortune of the United States over the last 20 or 30 years. We have moved ahead in this area. And now, suddenly, in one fell swoop last year, we have made a dramatic cut in the programs that have enabled our young people to attend college, our young people to go on to graduate school and get these skills that they so need.

As the gentleman also knows, the administration has just announced its intention to eliminate graduate students, who would probably have to be considered among our most accomplished students in the country, to eliminate them from the only student aid program that they have had available, which has been the guaranteed student loan.

Now, the impact of this on our country I think is going to be tremendous. Everything that we are doing in Government today, this great increase in defense spending, all calls for greater technological skills. And here we are, removing thousands and thousands of people, young people, from this opportunity.

In a recent hearing—in fact in a hearing just this morning—members from the education community testified that in New York State alone over 85,000 students would be impacted by this, that graduate schools all over the country could have cuts in their student population of 30 to 40 percent by next year if we eliminate these students from these programs.

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So, I think that it is important in taking this special order of highlighting some of these things and to, if nothing else, awaken the country and awaken our colleagues in the Congress so that we do not give in on this really outrageous move and that we continue to help young people to make our own country strong.

I want to thank the gentleman for yielding this time and again congratulate him for taking this type of special order.

Mr. WEISS. I thank the gentleman for his very important contribution.

I yield to my distinguished friend, the gentleman from Washington (Mr. BONKER).

Mr. BONKER. I thank the gentleman and I would like to commend him for his efforts to call attention to issues that pertain to children which I think represents a foundation of this great country.

Mr. Speaker, during the first year of the Reagan administration, we have witnessed repeated threats to the health and educational needs of handicapped children—in short, to their basic constitutional rights.

Early in the year, for example, there were efforts to repeal Public Law 94-142, the Education for All Handicapped Children Act. This law, enacted in 1975, insures all children in this Nation a free and appropriate public education suitable to their individual learning needs. Efforts to repeal Public Law 94-142 did not succeed but instead drew sharp criticism from concerned citizens and legislators who argued that the repeal of this law would undermine a decade of progress for handicapped children and their families.

Very soon, another attack on Public Law 94-142 was launched, this time to rob the law of its potency by removing key requirements, such as:

The Individualized Education Plan, known popularly as the IEP;

The rights of parents to be involved in the development of their child's educational program; and

The procedural safeguards (due process) that enable parents to challenge inappropriate programs or placements for their handicapped child.

These dismantling efforts were also defeated, but the program was soon injeopardy again. This time it was the administration's budget proposal that funding for education of the handicapped be included in the block grants to local education agencies (LEA's). This effort, too, was defeated, but only for the time being. Future attempts will be made to alter this important program and these must also be turned aside for a number of reasons.

Funding education of the handicapped out of general education block grants made to the States for their overall education needs would surely result in a scramble for funds already reduced by 25 percent to 38 percent or more. Such a scramble would be most unfair to handicapped children and their families. A recent GAO study clearly demonstrates that this type of competition for resources under a block grant program to the States would lead to inadequate or inappropriate programs for many special-needs children. This study shows that the State in which a child lives affects the quality of education that a child receives. The study also indicates that school districts with fewer resources are likely to exclude handicapped children from receiving special educational services.

Another serious curtailment of services to the handicapped will occur through the removal of Federal regulations responsible for tracking the States' education money. Because the States will be required to do no reporting, there is no assurance that handicapped children will be served at all in a given State under a block grant system. The repeal of this reporting requirement, if allowed, amounts to a virtual abandonment of Federal leadership on behalf of handicapped children.

In the State of Washington, for example, legislators have taken a cue from the Federal block grant fever. They have applied the principle at their State level by combining a variety of programs for special-needs children into a single block grant. Though it is thought that nearly the same numbers of children are being served, it is certain that services are, or soon

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will be, seriously cutback under that kind of funding pattern.

This block grant move at the State level is being challenged by several local school districts. Serious questions have come up regarding the legality of the plan, in that funding for handicapped programs under current law is allocated on a categorical basis—that is, handicap by handicap, such as deaf, blind, mentally retarded, and so on. Several suits are pending against the State by the various educational agencies serving these handicapped children. These organizations recognize that such an allocation of funds will not allow them to serve handicapped children adequately, according to existing laws still in effect.

Even if this block grant action in the State of Washington does fail, and other actions that undermine programs for the handicapped in other States are turned back, additional threats to programs for education of the handicapped are on the horizon. Most recent is a plan from OMB for fiscal year 1983 which proposes a block grant made up of moneys for several special programs for handicapped, institutionalized, gifted, and other special students. A current estimate is that this proposal will result in as much as a 65 percent reduction in funds for special programs for children in need of specific kinds of educational services.

Those of us who believe in the constitutional rights of every member of our society to a free public education cannot sit by and watch the legislative gains of the last two decades be wiped out. Education of the handicapped has proven itself to be a wise investment in preserving human worth as well as societies' dollars. Legislation that supports the education of the handicapped must be preserved and adequate funding must be made available if we are not to incur greater expenditures than ever. Children whom we have failed to educate cannot assume their rightful place as first-class citizens who have been given the opportunity to become self-sufficient and productive, each according to his or her own potential.

Mr. WEISS. I thank the gentleman for his contribution.

Although the President contends that increased defense spending is needed to attain military and technological superiority over the Soviets, his diminished support for our children works at cross-purposes to his stated goal.

Last year, the National Science Foundation budget for science education was all but eliminated while Soviet children already are receiving education in science and mathematics that is far superior to ours. Many of our school systems cannot find enough qualified math and science teachers, and so rely on instructors who are not qualified in these fields.

How can this Nation expect to cope with, no less excel in, an increasing technological world if we do not provide our young citizens with the tools they must have to face tomorrow?

The shortsighted economic policies of our President, who last year was positively evangelical about the need to balance the budget, and who this year wants fervently to dismantle Federal programs that protect the general welfare, are mortgaging the future of all of America's children.

This past week, we honored the memory of Franklin Delano Roosevelt, who in his second inaugural address, said:

> We have always known that heedless self-interest was bad morals. We know now that it is bad economics.

The greed to which F. D. R. alluded 45 years ago is with us still. Why else the great disparity in levels of generosity to the needy among our 50 States? The children of this Nation cannot afford to gamble on supply-side economics or on the new federalism. The odds are weighted too heavily against them. Our characteristically generous and compassionate Nation is today failing what Hubert Humphrey called the moral test of government: How it treats those who are in the dawn of life—the children; those who are in the twilight of life—the aged; and those who are in the shadows of life—the sick, the needy, and the handicapped.

Mr. Speaker, today's edition of the Washington Post, carries on the front page, by a leak or advanced release, if you will, a story which fills in some of the gaps of the President's state of the Union message delivered last week.

Last week's message made no mention at all as to what was going to happen this year, what the President would be proposing for the fiscal 1983 budget; how he would deal with the economy; how he would deal with the budget deficit; how he would deal with the extremely high levels of unemployment.

Well, not all the gaps are filled in but we are beginning to see now how he apparently seeks, wrongheadedly, to cut back on some of the deficits and, of course, he is going to take some more out the hides of those who can afford it least.

The story in today's Washington Post suggests that new cuts are to be achieved by the creation of some eight new block grants and funding for those new grants is to be some 30 to 75 percent lower than the current level for funding for the specific programs which would be included there.

The eight new block grants, according to the story, would cover Federal programs for employment and training, vocational and adult education, education for the handicapped, rehabilitation services, child welfare, energy and emergency assistance, rental rehabilitation, and the administration of welfare programs.

In addition to that, there is a clear-cut indication that there is going to be an additional cut of some $2 billion from medicaid for a reduction of 10 percent, $2.4 billion to be cut from the food stamp program, and $1.2 billion cut from the AFDC program, a quarter of a billion dollars to be cut from elementary, secondary, and vocational education, a cut of 23 percent overall. The budget will propose cutting aid to education by nearly a third and vocational education by nearly a half. In the field of nutrition, the women's infants' and children's program, which avoided consolidation into the block last year because of the action of the Congress, is targeted for a 25-percent reduction and consolidation into existing maternal and child health block grants.

It is obvious that if the children of this Nation are to be protected, this Congress has its work cut out for it.

It is obvious that the children cannot expect gentle or kind treatment at the hands of the President or the administration.

I hope and I urge that this Congress will be up to the task of preventing further deprivation and further erosion of programs which barely provide sufficient assistance for children today.

The additional sections which I have in my prepared statement, which I will ask to be included in the RECORD which I previously made, were prepared in conjunction with Dr. Helen Rauch, a congressional fellow assigned to my office from the Society for Research in Child Development. They provide an overview of Federal laws and programs that affect children and discuss some of the recent changes in the regulations and budgets.

Not meant to be exhaustive, they cover the following topics: Education, nutrition, child care, children poverty, health care, adolescence, the mistreatment of children, and the documentation of policy effects.

Mr. Speaker, I ask that today's story in the Washington Post, entitled "New Budget Seeks Deep Cuts in Basic Social Programs," written by Herbert H. Denton and Robert G. Kaiser, be included in the CONGRESSIONAL RECORD.

[From the Washington Post, Feb. 2, 1982]

NEW BUDGET SEEKS DEEP CUTS IN BASIC SOCIAL PROGRAMS

(By Herbert H. Denton and Robert G. Kaiser)

The new budget President Reagan will send to Congress next week calls for deep new cuts in Medicaid, food stamps, subsidized housing, welfare, aid to education and many other of the basic federal social programs, according to a partial draft of the budget obtained by the Washington Post.

Judging by this draft—which is theoretically subject to additional revisions, though officials say none are being made—President Reagan has decided to reopen nearly all the fiercest budget battles that he fought last spring, including many that he lost.

For example, the new budget calls for wiping out the Economic Development Administration, a popular public works program that will provide localities with $198 million in the current fiscal year, which was saved last year largely by moderate Republicans in the House.

The budget also contemplates cuts in the future cost of retirement benefits for federal civilian and military employees and deep future cuts in the Medicare program for the elderly and disabled. The Medicare cut would amount to $16 billion a year by fiscal 1987, a much larger sum than previous reports had suggested the administration was aiming for in this costly program.

The documents obtained by the Post say that under the 1983 budget federal aid to state and local governments would be kept at about the level of 1974 in terms of purchasing power. That is about the same level as this year.

The documents also say that many of the new budget cuts would be achieved by creating eight new block grants in which existing federal programs would be consolidated and then funded through grants to the states. These grants would be considerably lower—as much as 30 to 75 percent—than the current level of funding for the specific programs involved.

Such cuts, if enacted by Congress, would dramatically shrink a wide range of federal programs before they would be turned over entirely to the states under Reagan's proposed New Federalism program.

However, leading members of Congress have already said publicly that the House and Senate are unlikely to approve anything like the reductions Reagan will propose in this new budget.

Many of the cuts outlined in the draft budget documents have been previously reported, often without precise figures. This is the first time the total impact of the administration's proposals for 1983 can be seen in one place. The budget to be unveiled formally next week will propose these cuts:

$2 billion from the Medicaid program in which states and the federal government jointly pay health care costs for the poor. This would represent about a 10 percent reduction.

$2.4 billion from food stamp program, the government's second costliest welfare program (Medicaid is first).

The termination of all new commitments under the government's subsidized housing programs. The new budget calls for expenditures of $3.8 billion on these programs for fiscal 1983, which is money committed in earlier years, but would not permit any new projects.

$1.2 billion from the main cash welfare program, Aid to Families with Dependent Children. The President will propose reducing the federal share of AFDC expenditures from $8 billion in the current fiscal year to $5.1 billion next year, a reduction of 36 percent at a time when welfare rolls are growing because of poor economic conditions.

$1.4 billion from federal aid for elementary, secondary and vocational education, a cut of 23 percent. Overall, the new budget will propose cutting aid to education by nearly a third, and aid for vocational education by nearly half.

$500 million in savings on the federal civil servants' retirement program. The documents obtained by The Post do not explain how the administration will propose to reduce the costs of civil service retirement, but they show that by 1987 the White House hopes to have accomplished savings on these pensions totaling $1.9 billion a year.

$2.2 billion from other government retirement programs, $2 billion from the railroad retirement fund. The President will also propose changing military retirement pay to save $100 million next year and more in later years.

$600 million—or 16 percent—from federal aid for urban mass transportation. The President will propose eliminating all federal aid for new construction of mass transit systems and will ask to phase out all operating subsidies over the next three years.

The President's budget includes many other cuts, and freezes many programs at current spending levels—the federal highway program, for example.

On the big entitlement programs, according to this draft document, Reagan will propose total reductions of $11.8 billion for fiscal 1983, rising quickly to $16.5 billion in 1984 and $33 billion in 1987. This does not include any cuts in the Social Security program, the largest of the entitlements, which is not mentioned in this year's budget cuts.

The draft documents obtained by The Post outline eight new block grants to consolidate existing categorical grant programs and then fund them at significantly lower levels. The president also proposes adding to four existing block grants some programs that Congress refused to include in them last year. One of these is the nutrition program for women, infants and children (WIC), which the president suggests cutting by about one fourth.

The eight new block grants the president proposes would cover federal programs for employment and training, vocational and adult education, education for the handicapped, rehabilitation services, child welfare, energy and emergency assistance, rental rehabilitation and the administration of welfare programs.

In each of these cases, Reagan will propose overall spending markedly lower than the budget authority given to the categorical grant programs that these block grants would replace.

For example, the rental rehabilitation grant would substitute for the existing Section 8 rehabilitation program and a loan fund that are now funded at a level of $612 million. But Reagan proposes allocating $150 million to the new block grant.

A child welfare block grant that Reagan will propose would combine programs for foster care, adoption assistance and others. The president's block grant would be $65 million less than the $445 million earmarked for the affected programs in the current budget.

A block grant for employment and training would incorporate the four remaining programs under the Comprehensive Employment and Training Act, but would fund them at nearly 20 percent less than those programs now receive. The change would eliminate salaries paid to persons enrolled in job training programs.

EDUCATION

The basis of a sound democracy is an educated and informed electorate. Of the 43,766,000 school-aged American children between the ages of 5 and 17 who are enrolled in school, approximately 90 percent attend public schools.

The Federal role in public education has been the prime target of attacks by the administration as it tries to dismantle the Department of Education and undermine its programs. In general, Federal elementary and secondary education programs lost 12 percent of their funds between fiscal years 1981 and 1982.

Among the most prominent Federal efforts in the area of elementary and secondary education is title I of the Elementary and Secondary Education Act and Public Law 94-142, the Education for All Handicapped Children Act.

TITLE I

Title I, a 17-year-old program that has provided funds to State agencies for supplementary and compensatory services for educationally disadvantaged children, serves 5.4 million children in 68 percent of the Nation's public schools. This program, which the Reagan administration tried to abolish last year, has been found to be "effective" and "successful" in an evaluation conducted by the Department of Education. The study, it has been reported, found that "a 15-year decline in educational achievement is beginning to reverse, particularly among low-achieving groups." Apparently, children receiving title I services progressed faster in elementary school reading and mathematics classes than other disadvantaged students.

Although the administration did not succeed in block-granting title I last year, its funds have been reduced by 22 percent from $3.1 billion in fiscal year 1981 to $2.4 billion in fiscal year 1982. It has been reported that the Office of Management and Budget will propose further cutbacks in this program to $1.5 billion.

EDUCATING HANDICAPPED CHILDREN

Over 4.1 million school-aged children are handicapped and require some kind of special education. Of these children, some 220,000 are still waiting to be evaluated and some 120,00 already evaluated are waiting for proper placements.

The Education for All Handicapped Children Act (Public Law 94-142) guarantees handicapped children a legal right to an appropriate education as well as to related special educational services. Administration proposals to block grant this program would wipe out years of targeted Federal efforts to remedy the exclusion of, and discrimination against, poor and handicapped children in States and localities. Targeting, parent involvement, procedural safeguards, individual rights to services, and the maintenance of State and local efforts would be seriously undermined. Inclusion of these programs in a block grant would encourage a retreat to the early days of Federal aid being improperly used as general aid—spent for equipment

and administration rather than to provide services to the neediest children.

NUTRITION

Despite what is known about the devastating effects of inadequate nutrition, the administration continues its offensive against programs that supplement the diets of children and pregnant women.

Hungry schoolchildren cannot give their full attention to schoolwork and often perform poorly as a result. For thousands of low-income children, the lunch they are served at school supplies them with one-third to one-half of their daily intake of nutrients. Nevertheless, $1 billion was cut from the budget of the national school lunch program which served 27 million children. The reductions, accomplished in part by phasing out subsidies to schools for children able to pay full price for their lunches, have already resulted in about 3 million children no longer being able to participate in a program that has been partially responsible for the marked decrease in children's malnutrition over the past decade. The elimination of the food service equipment assistance program after 1982, a program that provided grants-in-aid to schools with low-income populations for help in maintaining food service equipment, threatens feeding programs in low-income schools where major breakdowns in kitchen equipment may result in the discontinuation of school breakfast and lunch programs. The special milk program, which provides subsidies for children's milk in over 86,000 schools, child care institutions, and summer camps, will be restricted to schools having no lunch or breakfast program in 1982 and phased out altogether in 1983.

The ravages of poor nutrition, however, begin to take their toll even before children are born. Pregnant women who do not eat adequately and nutritionally more often deliver infants prematurely or have full-term babies that are extremely small. Although modern technology has enabled us to save more of these tiny infants, doctors cannot yet predict which of them will be left with major handicaps that can require lifetimes of medical expenses and special care. A study conducted by the Harvard School of Public Health demonstrated that for every dollar the Government spends on feeding low-income pregnant women, $3 can be saved on the expensive care provided in the newborn intensive care nursery.

Despite the documented importance of prenatal nutrition, the administration had proposed that the WIC program (special supplemental food program for women, infants, and children) be made part of the maternal and child health block grant, where its funding would have been cut by one-third, and the present 20 percent limit on administrative expenses eliminated.

The WIC program, which provides Federal funding for specified nutritious supplemental foods to pregnant, postpartum, and breast-feeding women, and to infants and children up to their fifth birthday who are determined to be at nutritional risk because of inadequate income or nutrition, deserves the support it has received from Congress. A study conducted by the Yale University School of Medicine showed that, for pregnant women participating in the WIC program, the number of infant deaths between 1975 and 1977 was 8.4 per 1,000, whereas that for non-WIC women in the study was 22.7 per 1,000 live births. It is feared that the elimination of the 20 percent WIC program limit on administrative expenses might result in WIC money being used for the administration of other urgent maternal and child health programs by States desperate for funds.

As the dollars available to low-income families for food diminishes, the threat of widespread malnutrition among the poor becomes a reality. A large survey which found that 20 percent of low-income teenagers had unacceptably low red blood cell counts, also found a direct relationship between a family's income and the calories, protein, and calcium consumed by its members.

CHILD CARE

Families are not always able to care for their children without outside assistance. Family emergencies may necessitate temporary placement of children in foster care. Often mothers of young children must work and need competent care for their children. In order to maintain their integrity, many American families depend on Government-supported day care or foster care.

DAY CARE

Approximately 30 million American children have mothers who work. The number of children under 6 whose mothers were in the labor force grew from 5.6 million in 1970 to 8.2 million in 1981, while the comparable figures for children between 7 and 15 years of age were 20 million in 1970 and 23.6 million in 1981. Most women work out of economic necessity. Nearly two-thirds are single, divorced, widowed, separated, or have husbands who earn less than $15,000 per year. Indeed, in 1981, the traditional family of husband, full-time mother, and two children comprised only 5 percent of all American families.

Demand for day care far outstrips the supply. The Administration for Children, Youth, and Families estimated that while there are about 6.1 million slots in family and center day care, there are approximately 13 million children under 14 whose mothers are working full time. There are estimated to be 6.7 million "latchkey" children in this country—youngsters at home without adult supervision.

Federal support for day care services amounts to billions of dollars each year. Yet, most of this money is not spent on the establishment of day care centers. In fact, the largest single source of support for day care services is indirect funding provided under the Internal Revenue Code, which allows families income tax deductions for work-related child care expenses. According to the 1982 Carter budget analysis, in 1980 about $885 million was spent under the provisions of the Tax Code which provides for a tax credit to families with children under 15 who have day care expenses related to their employment and/or education. Tax expenditures of over $1 billion were estimated for 1981.

Other sources of Federal funding for day care services include title XX of the Social Security Act which supports center care primarily, AFDC and food stamp "disregards" for day care costs, matching of State expenditures in federally assisted child welfare programs, day care as supportive service to the work incentive program (WIN), special programs authorized under the Elementary and Secondary Education Act servicing disadvantaged and migrant children, programs for handicapped children authorized under Public Law 94-142, the community development program, the Appalachian Regional Commission, programs administered by the Bureau of Indian Affairs, the Comprehensive Employment and Training Act (CETA), and the Small Business Administration which provides loans to operators of small profitmaking day care organizations.

The most significant administration policy affecting day care was the adoption of a new social services block grant that consolidated several individual programs—including title XX social services and child welfare services—and a budget for it that was only 75 percent of 1981 levels. In addition, States will no longer have to provide 25 percent in matching funds in order to receive their Federal share, nor will they have to develop periodic State plans.

The elimination of funding for public service employment under the CETA program withdrew a source of funds that supported a large number of persons working in day care centers. Reductions of 33 percent in the WIN program, limitation on child care deductions in AFDC and food stamp programs, and reduction in the child care food program will further limit active Federal participation in the provision of day care.

In holding to its avowed commitment to private initiatives, the Republican administration proposed in the Economic Recovery Act of 1981 several

measures to liberalize the child care tax credit. The credit will be increased in calendar year 1982 to 30 percent for families with incomes of up to $10,000, decreasing by 1 percent for each additional $2,000 in income. For those with incomes above $28,000, the credit will remain at 20 percent. In addition, the amount for which the credit may be taken is increased to $2,400 for one dependent and to $4,800 for two or more dependents. Estimates for the cost of the child care tax credit changes are $19 million in 1982, $191 million in 1983, and $237 million in 1984.

The administration supports the concept of workfare, a program which requires welfare clients to work off their grants. Despite the fact that workfare programs would require thousands of mothers to work, no programs to increase day care services have been proposed by the President. More day care and after-school care is needed. Our current reliance on tax expenditures for financing day care cannot stimulate the additional high-quality day care services our youngest children need and deserve.

HEAD START

Head Start, since its inception in 1965, has provided not just day care, but health, educational, nutritional, and social services to almost 8 million children and families throughout the United States and its territories. Currently, the program serves 370,000 children—including over 40,000 handicapped children—in approximately 2,000 economically disadvantated communities, both urban and rural. The program employs some 70,000 persons in these communities, many of whom are Head Start parents and other low-income residents.

Intended primarily for preschoolers from low-income families, Head Start is designed to foster the development and well-being of children, thus enabling them to deal more effectively with their present environment and later responsibilities in school and community life. In order to accomplish this goal, Head Start programs emphasize cognitive and language development, social and emotional development, physical and mental health, and parent involvement. At the heart of Head Start's philosophy is the tenet that successful programs for children can be achieved and sustained only with the participation of parents. The program encourages them to participate in making decisions concerning local program policy by affording opportunities to serve on policy councils and other committees concerned with the planning and management of Head Start services.

Documentation of Head Start's effectiveness has recently been published in a study conducted by Dr. Irving Lazar, "The Persistence of Preschool Effects." The study documents that children enrolled in Head Start in the mid-1960's were less likely to drop out of school than their low-income counterparts, needed less special educational services, and demonstrated gains in achievement scores that persisted over time.

Although Head Start was initially included as one of President Reagan's social safety net programs, the designation did not preclude Mr. Stockman from proposing its elimination late in 1981. Although the President subsequently reiterated his support for this successful program, other administration actions again threaten its integrity.

The significant reductions made in CETA programs last year resulted in the elimination of 6,000 Head Start workers who served as teachers, aids, busdrivers, and clerical workers. Because virtually all Head Start programs participate in the child care food program, substantial reductions in this program will also increase Head Start operating expenses.

The Reagan administration is now considering changes in Head Start policies that would undermine the program from within. Regulatory and policy changes under consideration by the Office of Human Development Services include:

Eliminating or reducing funding for health and social services provided under the Head Start program;

Substantially reducing the number of grantees;

Limiting the program's length to some 4 hours per day, excluding the option of full-day programs;

Closing the program to all but 4- and 5-year-olds; and

Limiting the program's yearly operation to 8 months.

These options, particularly eliminating or reducing related health and social services, could spell disaster for this successful program. Head Start has always been known for its comprehensive nature, serving the whole child rather than focusing strictly on children's academic skills. Consolidating the number of grantees would also harm the program. Because Head Start's strength lies in its community-based nature, fewer grantees will likely mean less community and parental involvement.

FOSTER CARE AND ADOPTION

The Department of Health and Human Services estimates that 500,000 children who were being aided by public welfare and social service agencies, are in foster care or in institutions. It was to help these children that Congress overwhelmingly passed Public Law 96-272, the Adoption Assistance and Child Welfare Act of 1980.

Public Law 96-272 was enacted to encourage substantial reforms on behalf of homeless children in this country. During its 5 years of considering the law, Congress heard repeatedly that child welfare systems were failing to adequately protect children in their care. Services to prevent placements and reunify families were not in place; children too often lacked case plans; and cases were not being reviewed periodically. Further, States knew little about the status of children in their care.

Under the new law, as a condition for receiving Federal funds, States must establish service programs, as well as an inventory and information system, and case plans and case reviews. Assistance under this law is provided only for the placement of special needs children who are already receiving Federal welfare assistance such as AFDC or SSI.

Despite administration attempts to have Public Law 96-272 included in the social services block grant last year, the foster care and adoption portions of the law were maintained as entitlements. Funds for the child welfare services component, however, were reduced to $155 million. Nevertheless, Federal regulations for this important new law are still lacking, and further administration attempts to include it in a block grant and reduce its funding have been announced.

CHILDREN AND POVERTY

Our young citizens constitute the poorest segment of our population. According to figures compiled by the children's defense fund, 1 in 6 children is poor in any 1 year. In 1977, while all 11.6 percent of the general population lived in poverty, 16 percent of all children did. And the younger the children, the more likely they are to be poor: 18.4 percent of all those under 3; 17.9 percent of those between 3 and 5; and 16 percent of those 6 to 13. One child in eight had their parents either unemployed or not in the labor force; for black children, the figure was 1 in 3.

As debate rages over how to make the Nation's public welfare system more equitable, efficient, and responsive to human needs, little is heard regarding the impact of welfare policies on children—the poorest age group in the population and the reason for the largest welfare program in the country, AFDC (Aid to Families with Dependent Children).

AFDC

Children 18 years of age and under account for over two-thirds of all those receiving AFDC. Each year, one out of every nine children in this country depends upon welfare funds for survival.

Despite impressions to the contrary, AFDC does not support employable adults. Only 1 percent of AFDC recipients are adult males—fathers who are either incapacitated or unemployed and job hunting. Nineteen percent are mothers. Of these women, 4 out of 10

are caring for very young children; 1 in 10 is handicapped; 3 of 10 are in the labor force or in training, and 2 of 10 are actually available for work. Nevertheless, of this last group, more than half are either over 40, or have had no work experience, or both.

Welfare benefits from AFDC do not make people rich. AFDC payments for a family of four ranged from $120 per month in Mississippi to $569 in Oregon during 1980.

The AFDC program, funded at $8.5 billion in fiscal year 1981, was cut by $1.2 billion for fiscal year 1982 and by a total of $4 billion between 1982 and 1984. It is estimated that more than 800,000 in 3.6 million families receiving benefits will be cut from the rolls nationally, and that another 260,000 families will see their benefits reduced. The major revisions in the AFDC law include:

Excluding from the program families with property—excluding a home and one car—whose value exceeds $1,000;

Excluding families with gross earnings over 150 percent of each State's "needs standards"; and

Discontinuing incentives to work which allowed the first $30 and one-third plus one-third of what a working parent earned to be disregarded when calculating AFDC eligibility.

The exclusion from AFDC of all families with gross earnings over 150 percent of a State's needs standard will drive many families deeper into poverty, first because some needs standards are set very low and second, because families with high medical bills or other expenses have disposable incomes well below their gross earnings. Another critical factor that intensifies the impact of AFDC cuts is that elimination of AFDC benefits also terminates medicaid benefits. For many working mothers, the elimination of medicaid benefits will be more critical in determining whether she can afford to continue working than dollar reductions in her AFDC grant. How will the children of these working-poor receive medical care? Because other program cuts are likely to reduce public health programs such as free inoculations, and because special nutrition programs are also being reduced, we may see a resurgence of childhood diseases related to poverty and malnutrition in the years ahead.

FOOD STAMPS

The food stamp program, designed to increase the food purchasing power of low-income households to a point where they could buy a nutritionally adequate low-cost diet, has gradually replaced the food distribution program which had offered benefits in the form of surplus and price-support commodities since the Depression. Approximately 55 percent of the 22 million Americans who depend on food stamps to feed themselves are children. The average food stamp allotment totals about 40 cents per meal.

The $1.7 billion cut in the food stamp program for fiscal year 1982 will result in approximately 1 million people currently receiving food stamps to be denied eligibility, and benefit reductions for almost all of the remaining 21 million recipients.

Because food stamp allotments are based on Federal, and not State, definitions of poverty, they have served to make more equivalent State welfare benefits. The President's recent proposal to turn this program over to the States threatens to return the Nation's welfare system to its previous State of vast inequity.

Despite individual exceptions and myths to the contrary, surveys by the U.S. Department of Agriculture and the Bureau of Labor Statistics document that food stamp recipients spend a smaller percentage of their food dollar on sweets and snack foods than nonfood stamp shoppers. Similarly, food-stamp households spend only 12.2 percent of their weekly food expenditures on beef and veal, whereas nonfood stamp households spend 15.4 percent for red meat products.

In a program as large as the food stamp program, some fraud and abuse are bound to occur. They can be combatted, however, without dismantling a program that has provided millions of American children with diets more nutritious than those they would have been otherwise served. Indeed, the diets of low-income children have shown marked improvement over the past 15 years. The results of the nationwide food consumption survey, conducted in 1965 and again in 1977 showed that the iron intake of infants actually doubled during this span of time.

HOUSING

Children deserve to live in adequate and safe housing. Poor housing can and does result in illness, injury, or even death for youngsters. Buildings, whose peeling lead-based paint is ingested by young children, house thousands of urban families and condemn many of their offspring to lifetimes of mental retardation or behavioral disturbance.

Families with young children from all segments of society experience difficulty finding adequate rental housing. Exclusionary rental policies, which limit the options of families with children in their search for housing, have become increasingly prevalent in recent years in areas that do not have local ordinances prohibiting such discrimination. These discriminatory policies affect families that are large and small, middle class and poor, white as well as black and Hispanic. Families with children represent about one-third of the rental market nationwide. They want decent, safe, and sanitary housing, yet often they must settle for substandard housing in areas that are less than desirable.

The administration plans to replace Federal housing programs that expand the supply of safe and decent low-income housing with a system of vouchers that will be given directly to families for the rental of housing. The current recession, however, has substantially reduced the production of rental housing. Of what use will vouchers be if housing that meets the required minimum standards is simply unavailable to large families?

HEALTH CARE

Although children's health has improved markedly since the time of the New Deal, when Federal funds were first provided to State health departments for the improvement of the health of mothers and young children, much remains to be done. The children's defense fund reports that 1 out of 7 American children under 17—almost 10 million—has no regular source of primary health care and that 1 out of 3—more than 18 million—has not seen a dentist. Ours is one of few industrialized nations that does not have a system of maternal and child health centers where all young children and pregnant women, regardless of income, can receive regular preventive and medical services. Yet, despite the inadequacy of our efforts to promote children's health, this administration is attempting to cut them back even further.

BLOCK GRANTS

Last year, 19 different health programs were folded into 4 health block grants and had their funding reduced by about one-fourth. Many of these programs provide critical health services to this Nation's children.

The program to prevent and screen for lead poisoning, for example, was folded into the maternal and child health block grant. Four percent of all American children, 12 percent of black children, and 19 percent of black low-income children have moderately high blood lead levels. High blood lead levels have been linked to children's learning and behavioral problems such as reduced IQ, hyperactivity, shortened attention span, headaches, and irritability.

Children's Hospital of Washington, D.C., reports that whereas 32 percent of children screened exhibited high levels of lead toxicity before the program's institution, only 1.4 percent did in 1981.

The comprehensive lead-based paint poisoning prevention program will likely be cut back further or discontinued as States struggle to meet other critical health needs.

MEDICAID

Half of all medicaid recipients are children. Nevertheless, their number sought to be greater. Although participation in the AFDC program entitles

families to have their medical care paid for by medicaid, many AFDC recipients are unaware that they are entitled to this coverage. The black pulse survey conducted by the National Urban League found that of low-income black families receiving AFDC, half did not know they had medicaid coverage.

Medicaid reaches an extemely improverished population—elderly, blind, and disabled persons, and mothers with dependent children who do not have the support of a spouse. The degree of impoverishment required to qualify a family for medicaid is illustrated by the fact that for a family of four, the maximum allowable annual income for medicaid recipients is $5,172 in New York, $3,444 in Delaware, and only $1,680 in Texas.

EPSDT (the early and periodic screening, diagnosis, and treatment program) is the children's component of medicaid. The services provided by this program are those that other children receive from their private pediatricians—outpatient preventive health services. The services, which are mandatory and must be provided if a family requests them, are most often provided by agencies that receive Federal assistance, such as public health clinics and Head Start centers.

EPSDT screenings cost about $20 per child. Yet, this small expenditure has been shown by a health care financing agency study to save from two to five times that amount over just the 2 years following the screening, with lifetime savings being many times higher. Screening and identifying just one Head Start child with goiter, which results in mental retardation, can save up to $4 million over the lifetime of that child in institutionalization costs.

If many AFDC families are unaware of their eligibility for medicaid, even fewer know about the EPSDT program for their children. It is estimated that only 30 percent of all medical screenings of children that might have been done, were actually carried out. Even though only one-sixth of our poorest children are actually receiving EPSDT services, an estimated 40 percent of their detected problems go untreated. Remediable problems detected in screenings may go untreated because State medicaid regulations do not cover the prescribed treatment. Eyeglasses, for example, are not reimbursable by medicaid in many States.

Until further information is provided by the administration, we cannot know how EPSDT will fare under the President's proposed plan for the Federal Government to take over all of medicaid. Will it provide the desperately needed outreach to eligible families, or require them to pay some portion of the cost of their care? The health of millions of children will be determined by the outcome of these decisions.

ADOLESCENTS

Society holds parents responsible for the care of their children up until their 18th birthday. Many families continue to support children well beyond this cutoff point—others depend on their teenagers to supplement the family budget. Few families do not experience some dislocation as their children pass through these sometimes tumultous years, whether it be the added financial strain of supporting children in college, the unanticipated pregnancy of a teenaged daughter, or a young man or woman unable to work because of outrageously high levels of youth unemployment.

STUDENT AID

The American Council on Education estimates that of the 10 million full-time college students in this Nation, 5 to 6 million depend on some kind of federally funded student financial aid to defray the costs of their education.

Some $200 million was slashed from need-based programs for fiscal year 1981, and another $200 million in fiscal year 1982. Changes in the guaranteed student loan program include instituting a needs test for families with incomes of $30,000 or less, and placing a 5-percent origination fee on each new loan. Interest rates on parent loans were boosted from 9 percent to 14 percent.

The administration is expected to send to Congress on February 8 proposed new cutbacks in the Federal programs aimed at helping students pay for college educations. It is expected that the new cuts would reduce student aid funding 49 percent below 1981 levels. It has been estimated by the American Council on Education that cuts of this magnitude will remove more than 1 million students from the Pell grant program, aid targeted to the neediest students, and eliminate another 1.3 million awards under campus-based assistance programs. Most students from families with annual incomes between $14,000 and $27,000 would no longer be able to participate in these programs.

Another source of support for university students will soon disappear. Social security education benefits, now going to 750,000 students and totaling $2 billion annually—one-fifth of all U.S. student aid—will be phased out by 1985. This May is the cutoff date for new recipients to claim social security education benefits, while those now receiving benefits will experience a 25-percent aid cut each year.

TEEN-AGE PREGNANCY

Whether adults approve or not, approximately 12 million of this Nation's 29 million teenagers are sexually active. In 1978, over 360,000 infants were born to girls between 12 and 17 years of age, over 23,000 of them to girls under 14.

The birth of a child to a teenage mother often institutes a cycle of family social dependency. Not only are prematurity, low-birth weight, and ill health more likely to occur among babies of teenage mothers, but women who give birth in their teens earn approximately one-half of what women do who give birth in their twenties, are more likely to abuse their children, and are almost certain to drop out of school.

Congress has addressed the teenage pregnancy problem through title X of the Public Health Service Act, with additional funding coming from titles V, XIX, and XX of the Social Security Act. Nearly 1.5 sexually active teenagers attended family planning clinics in 1979—one-third of all sexually active teenagers in need of family planning services. Contraceptive use by sexually active teenagers increased 35 percent over the past decade. Before clinic enrollment, 8 of 10 teenagers used one of the least effective contraceptive methods or none at all, while after enrollment 71 percent used one of the most effective methods. The Alan Gullmacher Institute reports that the $63 per patient cost for family planning services in 1979 produced savings for taxpayers of an estimated $2.90 for every dollar spent.

One of the main reasons teenagers delay or fail to seek medical contraception is their fear that parents might find out that they are sexually active. Clinics that do not require parental consent or notification serve relatively more teenagers than those with more restrictive policies. Despite this well-known phenomenon, the administration has proposed that family planning agencies receiving Federal funds notify the parents of clients under 18 who seek contraceptive assistance. Notification would be required within 10 days after the services are provided. In addition, state laws that are more restrictive would take precedence. This action on the part of the Secretary of Health and Human Services violates the intent of Congress which, in a House-Senate conference report, stated that "family involvement is not mandated," violates the civil rights of this Nation's teenagers, and threatens to reverse the recent downward trend in teenage pregnancy.

YOUTH UNEMPLOYMENT

Average annual unemployment among youth workers—those in the 16- to 19-year-age bracket—was 21.7 percent in December 1981, with the rate for minority teenagers at 39.6 percent.

Federal initiatives to address the problem of youth unemployment include title IV-A of CETA (youth training), title IV-B (Job Corps), title IV-C (summer youth) and title VIII (Young

Adult Conservation Corps). Although title IV-B has essentially been maintained at the same level of funding as that provided in the fiscal year 1981 continuing resolution under which it was funded, title IV-A has been reduced from $875 million to $192 million—a reduction of 78 percent—title IV-C from $839 to $640 million.—a 24 percent reduction—and title VIII has been eliminated altogether.

Youth unemployment results in lost opportunities for personal development, decreased national productivity, and social disruption. Ignoring the problem will not cause it to disappear.

THE MISTREATMENT OF CHILDREN

Unfortunately, families are not always the havens we might like them to be. The stresses of mental illness, unemployment, or marital strife can result in parents behaving toward children in ways that are inappropriate, harmful, and sometimes even dangerous.

PARENTAL KIDNAPPING

Some parents, distraught over divorce and custody decrees resort to kidnapping their children from the custodial parent. The Parental Kidnapping Prevention Act (Public Law 96-611), designed to enlist the FBI in helping track down mothers and fathers who abduct their children, requires States to honor child custody decrees of other States, authorizes the Federal Parent Locator Service of the Department of Health and Human Services to help locate abducting parents and missing children, and directed the Justice Department to use the Fugitive Felon Act in parental child-snatching cases. That act allows the FBI to help State officials locate fugitives. Enforcement efforts of the Justice Department, which has traditionally avoided getting involved in domestic relations disputes, has been disappointing. The injury and, in some cases, deaths of children kidnapped by their own parent illustrates dramatically the problem of how to balance effectively the protection of children's rights with those of the family to freedom from intrusion by the Government.

CHILD ABUSE

Child abuse is not a new phenonmenon. Children have been physically traumatized, deprived of the necessities of life, and molested sexually since the dawn of human history. What is new is that its existence has been formally identified and publicized. The delay in its recognition as a social problem is due, in part, to the fact that the idea that parents, who are supposed to love and protect their offspring, could be responsible for their child's physical injury or even death is so repulsive that many refuse to believe it. Furthermore, our close association with English common law, which gives fathers virtually absolute custody and control of their children, has resulted in our Government's reluctance to intrude in family affairs.

Although increased reporting of child abuse over the last 15 years was encouraged through the enactment of State laws that require the reporting of suspected cases of child abuse and also provide immunity from civil law suits, the actual incidence of child abuse and neglect is difficult to ascertain. The most recent analysis, the National Analysis of Official Child Neglect and Abuse Reporting, 1978, done by the Department of Health and Human Services, reports that there were 615,000 cases of child abuse and/or neglect reported in 1978, an increase of 100,000 over the previous year. The National Center on Child Abuse and Neglect, however, estimates that 1 million children are maltreated each year. Records indicate that most of the severely injured children are under the age of 3 and that the heaviest concentration of fatalities occurs in the newborn-to-1 age group. Adolescents, however, are also physically abused by their parents. The national network estimates that approximately 15 percent of adolescents receiving services at their shelters show some evidence of physical abuse.

In January 1974 the Child Abuse Prevention and Treatment Act (Public Law 93-247) was enacted to provide Federal financial assistance for the identification, prevention, and treatment of child abuse and neglect. The legislation, amended by Public Law 95-266 in April 1978, establishes a program of State grants to provide services for the prevention and treatment of child abuse and neglect such as interdisciplinary teams of professionals to assist abusive families, assistance to parental self-help groups, and crisis centers and hotlines. Recipients of services are abused children and their families without regard to income. There is no State matching requirement. It also establishes a program of grants for research and demonstration projects. These grants are 100 percent federally funded. This category also included funds for the administration of the National Center on Child Abuse and Neglect in DHHS, which administers both the program of State grants and that for research and demonstration.

Although the administration requested a total of only $8 million for the programs authorized under this act, House and Senate appropriations levels were considerably higher. The continuing resolution, under which these programs presently operate, provides $16.5 million, a little more than half of what the CBO estimated the programs would need to maintain services at 1981 levels—$29 million.

DOCUMENTATION OF POLICY EFFECTS

The Government's 36 statistical agencies, which gather and disseminate national data on various topics, have felt the budget-cutter's axe as have other nondefense agencies. As major changes and reductions in programs that serve children are occurring, the wherewithal to monitor their effects is also being removed. The Bureau of Labor Statistics and the Census Bureau had their funds reduced 12 percent and 16 percent respectively between 1981 and 1982. These two agencies monitor the status of families through the current population survey and its special March supplements which document, for example, the number of women in the work force, the age and numbers of their children, and the type of family they comprise; that is, traditional, single-parent, and so forth. It was this survey that documented the profound structural changes occurring in the American family and demonstrated that, today, only 6 to 7 percent of all families correspond to the classic traditional structure of employed father, homemaker mother, and two children.

One result of administration budget reductions will be the inability of the Bureau of Labor Statistics to double the current 60,000 family sample of the current population survey as recommended by the Carter-era National Commission on Employment and Unemployment Statistics. In fact, budget reductions will probably require decreasing the sample by 12,000 families. Increased sample size is essential if we are to refine our knowledge about what is happening in minority families. We cannot afford to be ostriches and assume that children and their families are not being hurt by Government policy just because the documentation of these effects has been made impossible by withholding funds from our statistical agencies.

Recommendations that States take over the collection of statistics threaten the excellence of Federal efforts. Data across States will likely not be comparable. Indeed, the task of coordinating data collection by 50 independent agencies may well be impossible.

The need in the days ahead is for more data, not less. If public policy is to be intelligent and not based on gut reactions or ideology, we must have comprehensive statistical data bases to run our $3 trillion economy

Mr. COLLINS of Texas. Mr. Speaker, will the gentleman yield?

Mr. WEISS. I yield to the gentleman from Texas.

Mr. COLLINS of Texas. I thank the gentleman for yielding.

I have been interested in listening to the gentleman as he talked about all of the cuts that President Reagan has suggested, and as the gentleman knows, we are going to run over a $100 billion deficit this year and the President is trying to take some constructive stand in balancing the budget.

What does the gentleman suggest?

Mr. WEISS. I am pleased that the gentleman has been in fact listening carefully.

What I suggest is that which has been suggested by many others. First, that instead of taking some of the additional cuts out of the hides of children and old people, those who can least afford it, that we try to recapture some of the tremendous tax giveaways that this Congress, at the urging of the President, engaged in last year to the benefit of big business, the large corporations, and the wealthiest in America's society; that we cut back on military expenditures, which again on the basis of just everybody's analysis, from Dave Stockman on down, is running rampantly wild; that we try in every way that we can to put America's unemployed back to work, because for every 1-percent increase in the unemployment level there is a drain on the U.S. Treasury of somewhere between $25 billion and $30 billion.

You can probably account for about $50 billion of the current deficit simply on the basis of increased unemployment since the President has come to office. I think that if we start doing some of the constructive things rather than hurting those who can least protect themselves, then perhaps we can have, not a perfect society, but certainly a better society than the one toward which the administation is taking us.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. WEISS. I would be happy to yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, I want to thank the gentleman from New York (Mr. WEISS) for taking this special order to talk about the impact of the Federal budget and the budget cuts on children in this country.

President Reagan was right when he spoke the other night and said that "millions of Americans harbor the simple wish for a safe and financially secure future for their children," but in fact, the President is deceiving the American people into thinking that his policies will achieve such ends.

The administration would have us dismantle programs and policies for children and families that took 30 years to develop, but on the basis of what evidence would he have us dismantle those programs?

The administration argued that dismantling these programs will save money, but all our evidence from the WIC program for low-income pregnant women and their infants, all the evidence from the fledgling foster care reform program, all of the evidence from the 17-year-old title I program for educationally disadvantaged children, shows just the opposite.

Without these programs of prevention, the long-term costs to the American taxpayer would have been far greater.

The administration argues on the basis of a few anecdotal cases that dramatic funding cuts for these programs will eliminate waste, fraud, and abuse. If the administration's real concern is with the waste, fraud, and abuse, why is there no administration effort to go after waste, fraud, and abuse in the defense budget?

Just this week it was reported that Paul Thayer, who is chairman of LTV, a major defense contractor, told the President, "that I have been in defense contracting for over 30 years and I can tell you that 40 percent of the cost of planes I sell is attributable to redtape, bureaucracy, and duplicative expenditures."

Forty percent. Is there a person in this Congress who has been hearing lately of 40 percent of social program expenditures that are a result of redtape, bureaucracy, and duplicative expenditures? I do not believe so. That has never been alleged in this Congress and yet those are the programs that have received the heaviest cuts, while the heaviest increases have gone to the Pentagon.

In fact, there has been a careful refinement of those social programs by the Congress over the past years, which has eliminated untargeted use of funds and abuses by program operators.

Even in the falsely discredited food stamp program, which we tend to forget has been the single most important force in eradicating hunger and malnutrition in this country, even in this program, USDA's own figures show that fully 95 percent of the food stamp recipients are in fact eligible recipients.

The administration also argues that the drastic cuts in social programs are the only hope for balancing the budget. But this is patently false as the OMB Director Stockman so convincingly revealed last year in his interview with the Atlantic Monthly.

President Reagan is not willing to renege on his commitment to the wealthy individuals and corporations, even by closing the huge tax loopholes or by eliminating special interest favors. But the President and his advisers apparently have no qualms about breaking decades of commitments to our most valuable and vulnerable Americans, children and low-income families.

It is time to set the record straight. The programs this Congress created over the past several decades are working, they are saving money, they are helping children to become productive citizens.

We did not develop these programs in the first place simply because the Congress had nothing to do one day. Each of these programs was developed in response to some clearly identified need on the basis of extensive investigations and hearings by the Congress, and as a result of testimony from State and local officials who asked for our guidance and our assistance. We made the commitment to those States, localities, and school districts, as well as to the children and the parents they serve. They depend on that commitment.

On the basis of what evidence would we now throw away 30 years of work in these longstanding programs?

On the basis of what evidence would we now dismantle a program that brought this country from the depths of the Depression to being the richest, the freest, the strongest, the most able country in the history of the world?

As we are being asked to dismantle these programs, let me ask a simple question:

What is it that we are apologizing for? Are we going to apologize for having the most successful education system in the entire world? For having more young people enrolled in college than any other country, for having greater literacy than any other country? Are we going to apologize for traveling over the best transportation system of any country in the world, for cutting down the cost of bringing our goods and services to market?

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Are we going to apologize for having the best harbors, and networks for the best inland and boat ways of any place in the world?

Are we going to apologize to the millions of Americans who had their homes financed by FHA, by the veterans programs?

Are we going to apologize for the Government providing mortgage assistance and other programs for millions of Americans?

Are we going to apologize for the fact that even today the Government is spending millions of dollars to keep the savings and loans institutions from going broke? Thirty years ago there would have been a panic if this many savings and loans were on the poor list, if this many savings and loans had to merge; but it is the Federal Government that is picking up the pieces to the tune of millions of dollars in just the last few months because of bad management.

Are we going to apologize because the Federal Government assisted tens of thousands of farmers across this country, that created the most productive agricultural system in the world that not only feeds everyone in this country at lowest cost, but feeds a good portion of the rest of the world and provides vital foodstuffs for those people?

On what evidence is one man who comes into office, who weekly demonstrates his lack of knowledge of the workings of these programs and others, on what evidence is this one man asking us to turn back the clock, to go where we were 20 years ago, to dismantle the Federal Government, a Federal Government that has served the people of this country well, that has provided nutrition, that has provided health care for the elderly, for the poor, education for our children.

Who is going to educate the next generation of children?

Who is going to provide health care to the next generation of the elderly?

Who is going to finance the next generation of housing?

The President would have us believe that charity and the private sector would. They never have in the past and I do not know why they would start now. There is no indication, in fact, that they plan to.

I think that as we consider the impact of last year's budget cuts and as this Congress engages in another round of budget cuts, we had better understand the multiple impacts that these cuts start to build on our Nation's children, as we start to cut title XX which provides help for foster grandparents programs and for children, as we start to cut the education programs. As the gentleman who sits with me on the Education and Labor Committee knows, we sat through several hours of hearings this morning with local representatives of the National School Boards Association, and not one of them could tell our committee how education is better today for this Nation's children than it was a year ago. Not one of them could provide an example of how we are better serving the children of this country then we were a year ago. The question this Congress must face, and hopefully can be addressed not only in this special order, but can be addressed throughout the rest of this year, is "Where is the evidence?" Who can say that life is better for those children than it was a year ago?

Let me remind you that none of those children yet have been proven to be fraudulent, have been proven to be wasteful, have been proven to abuse the programs that this Congress and this country designed to help them.

I think before we go any further, this administration has an obligation to the people of this country to show them the evidence—not the hope, not the desire, not the promises, but the hard evidence about how their program will treat children better this year than it did last year and next year better than it did this year, because there is no evidence to suggest that that will take place.

Again I want to thank the gentleman from New York (Mr. WEISS) who has been deeply involved in trying to provide for those who are less fortunate than the rest of us and who has provided tremendous leadership in this Congress on children's issues. Every Fourth of July the politicians of our country stand up and say "children are our most important resource, the future of our country"; "if we do not provide for these children, the country will not exist in the future"; "if we ignore these resources, we will truly be poor".

I guess they figure on the Fourth of July the children are all of a sudden not paying attention, because the rest of the year these politicians slash the budgets. They ignore the children who cannot vote and so are not listened to. But on the Fourth of July they look at a child waving the flag and they tell that child, "You, my dear, are our world's most important resource. You are the future of our country." And then when they come back to Washington, they ignore it. They ignore it time and again, and there is no safety net. In spite of the President's rhetoric, there is no safety net at this time for the children of the United States of America.

Mrs. FENWICK. Mr. Speaker, will my colleague yield?

Mr. WEISS. I would be pleased to yield to the gentlewoman in one moment.

I want to commend our colleague, the gentleman from California, for his very moving and eloquent statement. It is, I think, quite clear that unless this Congress stands up, we may be furthering a process of destroying our own children.

I would be pleased to yield to the gentlewoman from New Jersey.

Mrs. FENWICK, I thank my colleague for yielding.

Not all politicians speak in such cliches. I think that this is well to remind this Congress. I think there are many of us who stand before the children of this Nation and tell them honestly what has happened, that we are handing them a country heavy in debt, crippled with deficits and debt service such as we have never known.

I think we all stand before the children of this Nation and say to them, "We are going to try to guarantee you the opportunities that you ought to have. We are not going to try to guaranteee you what you had in these past few years. We are going to guarantee you something far better, a Nation that works, a Nation with jobs for your parents and for you when you come to employment time." That is what I hope we are going to guarantee them, not what we have seen in these past years, not what we have seen, but something better; a vision of America, which is what their parents knew and that is what we are going to have, with some opportunity for the children who want to work and who have the ability to do that work.

We have got to make sure that they have the opportunity to learn it; but it is not going to be done the way we have been doing it. I think we ought to make that clear. Every single generation has been told. "You are the hope of the future." We were, too, and look where we are now.

Year after year, wars and more wars and spending and more spending and deficits and bigger deficits, and that is not good enough. We are going to have to give them a new vision of peace and responsibility and independence and individual rights. That is what we have to do.

I thank the gentleman.

Mr. WEISS. Mr. Speaker, I thank the gentlewoman for participating; but I do find it rather strange that we would be putting the burden and the onus on the backs of children themselves, when we have an infant mortality rate in this country that is so high that it is not even among the top 10 nations of the world, and where we have 70 percent of AFDC recipients being children.

I think that it is not enough to just talk the game. That is what the gentleman from California was saying. You cannot just talk it. What you have to do is to vote the game.

The people of this country, and not just the children, but adults as well, will be looking to see where the people who talk about the great visions are when it comes to voting for the realities of the day.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. WEISS. I would be pleased to yield to the gentleman from California.

Mr. MILLER of California. I would just like to say that the statement of the gentlewoman from New Jersey is exactly what I was talking about. You offer all of the fine rhetoric about the vision for children, but when you vote to cut off supplemental food for a pregnant woman who is at high nutritional risk and who runs a much greater chance of having a deformed child, a retarded child, that child is not going to get a vision of the world. What that child needs at that moment is high protein food.

Your rhetoric, your commitment, is of little value when the food is not there. That is exactly what we are talking about. We will get on with the vision of peace, but let us first bring healthy children into the world.

Mrs. FENWICK. Mr. Speaker, will the gentleman yield?

Mr. WEISS. I would be pleased to yield to the gentlewoman.

Mrs. FENWICK. I presume we are talking about the WIC program, women and infant children; right?

I would like to see this Congress do what it knows it ought to do. All these programs, food stamps and everything

else, food stamps ought to come out of agriculture. Why can we not get it out of agriculture? Because the Congress of the United States will not let it go.

What do we say to the women on WIC?

Now, let me just tell you about what happened to a woman in my district. The child can be taken care of for 5 years, the woman for only 1 year. So what happens? The child is 1 year old. She still has problems and the child can be taken care of by the WIC program for 5 years, but she is only eligible for 1, pregnancy and 1, but the child 5. It does not make sense.

Mr. MILLER of California. If you keep voting to cut these funds, nobody will be eligible.

Mrs. FENWICK. If we are going to make funds for the people, we ought to put all the programs together, the food stamps and the WIC program and make them all come together in one program so that people get proper food. The administrative costs are ridiculous. I do not know when we are going to make sense in this Congress.

Mr. WEISS. I must say that I find it difficult to follow the argument of the gentlewoman from New Jersey. I know that she means very well.

The fact is that the WIC program has only reached about 30 percent of the women and children who would qualify for it. In the time that it has been in existence, some 10 years, there is no question that its positive effects have been substantiated. It has done a major job in reducing early deaths to babies.

Mrs. FENWICK. Put it together.

Mr. WEISS. If the gentlewoman will permit, it is my time.

It has prevented malnutrition by the tens and tens of thousands. And here comes the President. All you have to do is read today's Washington Post. The President, having failed last year to intimidate the Congress into cutting that particular program, now wants to take 25 percent out of the WIC program.

Again last year, we saw the spectacle of this House presented with a bill which nobody had seen, 800 pages long, rolled into one, covering hundreds of programs, I did not hear the gentlewoman at that time object. Nay, she voted for that and for all the cuts that were involved in that program and that, I think, is what we mean when we say one cannot just talk the game. You have to be present when the votes are taken and you have got to vote for the kids then, because it does not do them very much good afterward to say, "Oh, we have got to have a new vision."

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. WEISS. I would be pleased to yield to the gentleman from California.

Mr. MILLER of California. I would just like to say for the record that it is so incredibly clear by studies that were done, not by the Federal Government, but by studies that were done by Harvard University and Yale University.

Two factors: One, for those participants who participated in the program, infant mortality was cut in half. That figure alone ought to justify the program; but for those who are concerned about the budget, let me say that the other study also showed that for every dollar we spend on WIC participants, we saved $3 in later hospital costs because those children were not born premature, they were not born at low birth weights, they were not born retarded, they were not born deformed; so in fact, for every dollar, we got back $3 just in short-term hospital cost savings.

I find it also incredible that the gentlewoman who voted against the program, would now bring up program administration, when WIC has one of the lowest administrative costs of any of the programs.

So I am not eager to lump WIC in with a lot of other programs. This program can stand on its own. It has brought thousands and thousands of healthy babies into the world. It has saved us millions and millions of dollars. It has a low administrative cost, and yet every Member on the Republican side of the aisle, except one, I think, voted against this program.

Now the President is sending us additional cuts. It is not just this program. The gentlewoman also voted against title I programs when supporting those cuts. Let me say that the children who participate in title I read better, they retain their ability to read longer, they compute better, they retain their ability to compute longer. In fact, they start doing well in our educational system.

The rhetoric is that we want to break the welfare cycle. So here is a program that allows young people from disadvantaged homes to read better, to compute mathematics better, to do better in school, and we are cutting it off.

This morning the Education and Labor Committee was told that thousands and thousands of poor children are not going to be allowed to participate in this program. So I think what we see here is a gentle protest from somebody who voted to cut all these programs and now we find out, as we unfortunately did, that the unemployment offices are closed when unemployment is the highest, that we threw a lot of people off social security with that vote, that you cut the title I program, all of these inadvertent mistakes.

I suggest they are not inadvertent, because they are proposed by people who seek to dismantle the Federal Government.

The fact of the matter is, as the gentleman is pointing out in this special order, these cuts fall so terribly hard on the children who cannot fight back, who do not have advocates in the Congress.

I want to thank the gentleman again for setting the record straight, that those who vote against children cannot talk out of the other side of their mouth and say that they are for children. There is a moment of truth. We had it last year on reconciliation. We had it on the budget and we had it in the December cuts and the moment of truth for the American people will be all during this year as this Congress is going to be measured by its vote and not by its rhetoric.

□ 1345

Mrs. FENWICK. Mr. Speaker, will the gentleman yield?

Mr. WEISS. I would be pleased to yield.

Mrs. FENWICK. The Head Start is not going to be cut and is separate from other bills.

Mr. MILLER of California. The gentlewoman knows all the additional services that support Head Start are being cut. You voted for them.

Mrs. FENWICK. I voted for Head Start. I intend to continue.

Mr. WEISS. The Reagan administration is now considering changes in Head Start policies that would undermine that program from within.

I wish the gentlewoman from New Jersey would listen to this.

Regulatory and policy changes under consideration by the Office of Human Services include the following: Eliminating or reducing funding for health and social services provided under the Head Start program; substantially reducing the number of grantees under the Head Start program; limiting the Head Start program's length to some 4 hours per day; excluding the option of full-day programs; closing the program to all but 4 and 5 year olds; limiting the program's yearly operation to 8 months.

Those options which the administration wants to impose now, particularly eliminating or reducing related health and social services, could spell disaster for this very successful program. Head Start has always been known for its comprehensive nature, serving the whole child rather than focusing strictly on children's academic skills.

Now, the fact is that the Reagan administration wants to destroy that concept, and the terrible tragedy is that Members of this body do not know it, do not follow it closely enough, and too often vote blindly because they believe that the President would not do anything to harm children. Well, that is what the President said, but it is not what the President does. And the people who sent us here

have a right to expect when it comes to those votes which cut benefits and services, survival programs for people young and old alike, that at least we know what we are voting on and do not pretend that all is well because the President says he will not hurt children or old people or anybody else.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. WEISS. I yield to the gentleman from California.

Mr. MILLER of California. I want to thank the gentleman for making that point.

The President did not say he would not hurt children. He said he would not cut Head Start. In fact, he did cut Head Start. More importantly, for those holding onto Head Start as their one vote for the children of America, they better understand Head Start is a composite program. It receives help from title XX. It receives help from CETA. These were services provided to these children, a terribly successful and important program for the future of these children's education. Those services have all been cut.

So it is not enough. The Head Start balloon alone will not hold up the Republican Party as they continue to vote against children, as they have each and every time we have had a resolution up here on the floor of the Congress. And it is not going to be enough for this President, because even the fondest supporters, the strongest supporters of Head Start, now understand the sham of his argument that he holds out to America, "I will not cut Head Start," and somehow he is pro-child. It is just not the case, because he has cut everything else that is involved with Head Start, and even the actual funding for Head Start was cut under his direction.

Again, I thank the gentleman for bringing that to the attention of the Congress.

Mr. WEISS. I thank the gentleman.

It is very important to understand that these programs are all interrelated. The CETA program in 1981 was cut to the extent of eliminating 6,000 Head Start workers who had served as teachers, aides, bus drivers, and clerical workers, and because virtually all of the Head Start programs participate in the child care food program, substantial reductions in that program will also increase Head Start's operating expenses.

So you really have to look at the whole panoply of cuts that are involved, because they all ultimately affect one another.

One does not want to get partisan in this kind of discussion, and yet obviously by the very nature of things one must. Although up to this point I have been saying, do not just listen to what people say, look to see how they have voted. I am now going to point out a guide.

Last year there were three major votes taken which set the framework for the budget and for the deficits. The first vote was that on the first budget resolution which set the guideline for $37 billion in cuts in social programs. On that vote, not a single Member of this body who is not of the Democratic Party, not a single Republican, broke ranks with the Reagan administration. They voted down the line to the last Member, liberal, conservative, reactionary, urban, rural, suburban. Every Republican voted for those cuts.

On the Omnibus Reconciliation Act, the 800-page bill that nobody had seen until there was a vote, there were two Republicans who broke on that vote. One was the gentlewoman from Rhode Island, and the other was the gentleman from Pennsylvania (Mr. DOUGHERTY).

The tax program, which really cut away three-quarters of a trillion dollars, $750 billion, resulted in these huge deficits. And now the blame is on the children, on the old. They are causing the deficits all of a sudden. On that tax program, there was exactly one Republican who broke ranks with the Reagan administration, the gentleman from Vermont (Mr. JEFFORDS).

As I travel around my district in the city of New York, in the State, everywhere, I hear Republicans trying to cover up their tracks as to how they voted, and I think that we have to make sure that this year there is no coverup, that people know how their Representatives are voting. It is the only way that we can instill any kind of responsibility or accountability to the people who are suffering because of the ravages of the cuts that were imposed last year, and because of that impossible tax cut that was imposed and given as a gift to the largest corporations and to the wealthiest of American society.

● Mr. DELLUMS. Mr. Speaker, 7½ years ago we passed the Congressional Budget and Impoundment Control Act of 1974 with the hope that it would not only make our budget more prudent and efficient, but would also provide a mechanism for redirecting our priorities from the bloated military sector to the social welfare programs which alleviate, rather than aggravate, human misery. We had recently suffered through a long and horrible era of violence in which 50,000 of our young people had died in an insane and immoral war in Indochina, while our domestic economy nearly collapsed under the strain of the military budget.

I take this opportunity to remind my colleagues that the Budget Reform Act was designed not only to make our Government's finances more efficient. It was also our response to the promotion of the Pentagon's budget at the expense of human well-being; it was our response to Congress failure to stand up against a corrupt and immoral administration; and it was, above all, our attempt to see beyond the next election, beyond the next weapons system, and to start building a moral and peaceful world for our children and our grandchildren.

I come before you today to protest the manner in which we have abdicated our responsibilities and turned our backs on the very people who should have benefited from the reformed budget process. The congressional budget debates for fiscal year 1982 were simply appalling. First of all, the piece of legislation which was designed to end half a century of total budgetary dominance by the executive branch has been turned 180 degrees. Under the most recent interpretation of the reconciliation process, the congressional budget has become a tool of the Office of Management and Budget. Rather than strengthen the Congress in its dealings with the President, the process has been abused by the Reagan administration to the point where we are once again "the sapless branch."

Second, for fiscal year 1982, there was no effort to examine the macroeconomic effects of an accelerated military budget, or the implications of waste, fraud, and abuse in the armed services. Until we address these two issues, it is ludicrous to talk about fiscal conservatism, controlled inflation or a revitalized economy.

Finally, we must understand that the budget, just like the economy at large, is not infinitely flexible. The money that we are pumping into the Pentagon at an ever-faster rate is being directly and blatantly transferred out of our social welfare programs. We are experiencing a reallocation of Government resources to the most affluent sectors of the society and to the military, and away from those deserving of governmental assistance—the elderly, the handicapped, the unemployed and the poor. But perhaps the most tragic budget cuts are those which affect this Nation's largest unenfranchised constituency—its children.

A truly democratic society treats all of its citizens—young and old—with dignity and respect for their basic human rights. But under the present administration, the lives of young people are secondary to the stockpiling of nuclear weapons. In the next few years, thousands of children will grow up hungry instead of nourished, abused instead of nurtured, ignorant instead of educated, and sick instead of healthy. The interstices of President Reagan's safety net are apparently too wide to keep our children from falling to the depths of misery.

As ignored and mistreated as our children were in fiscal year 1982, they

will suffer even more if the administration's proposed 1983 budget cuts, including the abolition of the preventive health care component of medicaid for children, the child care food program, and the Adoption Assistance and Child Welfare Act, are approved by this body. Extreme reductions are also planned in title XX child care, the supplemental feeding program for women, infants and children (WIC), and title I education programs. At the same time, the administration proposes to give aid to families with dependent children (AFDC) and food stamps to the States, despite their apparent inability to support these programs.

In short, there is a concerted effort to destroy the Federal programs which help our children—daycare, education, nutrition, health, AFDC, and medicaid—and to transfer the funds to the military. Children are a politically powerless constituency and to attack them in the name of "fiscal conservatism" is not only cheap and deplorable—it is destructive to the future of our society.

I contend that any cuts in our budget should be made in the Department of Defense and not in those domestic programs which help the less fortunate in our country. Since my election to Congress, my message to my colleagues has been to cut bombs, death, and destruction, and not to threaten the protection of our citizens, turn our backs on the indigent, or stifle the growth of our children. I ask you to join me in fighting for the economic rights of those Americans who are too young to participate in our political system, and to reject any further budget cuts in child-related programs for fiscal 1983.●

● Mr. BARNES. Mr. Speaker, children are among the most vulnerable groups in our society. They are also among the most voiceless. Yet, throughout the history of the American Republic, the Federal Government has reasserted its commitment to our country's children. In 1932, the Democratic platform pledged "a continuous responsibility for human welfare, especially for the protection of children." In 1962, President Kennedy continued this tradition of concern, asking that we "rededicate ourselves to making the life of every child as fruitful and productive as it possibly can be." Today, however, that promise is threatened by an administration that sees human lives in terms of budgetary equations. While it is against American values to expect human sacrifice in the search for an elusive economic solution, that is what we have been asked to do, Yet, to sacrifice the needs of children is to turn back the clock on generations of progress. No matter how appealing the rhetoric of returning programs to State and local governments may be, it is no substitute for a thoughtful analysis of how best to guarantee the right of children to a healthy and productive future.

Over 500,000 children presently live away from their families in facilities ranging from foster family and group homes to large institutions. Some are infants, many more are older children and adolescents, and some have special needs stemming from physical or emotional handicaps. The Department of Health and Human Services estimates that over $4 billion could be saved if the number of children in foster care could be reduced by 30 percent. Yet, the Adoption Assistance and Child Welfare Act of 1980, which holds out hope for such children, is in danger of elimination under the administration's economic program.

One out of every 72 American infants and one in every 47 nonwhite infants dies each year. One in seven American children has no regular source of health care; two out of five are not fully immunized; and one out of three has never been to a dentist. The maternal and child health and crippled children's program (title V of the Social Security Act) provides care to only a fraction of mothers and children who need help and there is a pressing need for expansion of such services. Yet, the Reagan administration favors the abolishment of Title V, and remains insensitive to the urgency of child health care needs.

An overwhelming majority of American families are likely to need day care services in the future. In 1980, there were about 18.9 million American children under six. Forty-three percent of these children had mothers in the labor force. By 1980, there will be an estimated 23.3 million children under six, and over half of these children will have working mothers. Many of these children are neglected because of lack of adequate child care services and wind up in foster homes or institutions. The administration's so-called "profamily" stance cruelly ignores the reality of working women and the need for dependable, high-quality day care that insures the healthy, emotionally secure development of young children.

Children are the poorest of any age group in America. In 1978, while 11.4 percent of the general population lived in poverty, 15.9 percent of all children did. In addition, one in every four children lives in poverty at some time during his or her childhood—lacking even the basic necessities of life. Contrary to popular myth, very few children grow up on welfare. In fact, one-third of all AFDC families go off the welfare rolls each year. The Reagan administration has attacked the AFDC program in the guise of fighting fraud and abuse, capitalizing on what it sees as a general negative perception of public assistance, when what is needed instead is a strengthened system which encourages parents striving to work for a living, and has as its goal the elimination of poverty for the succeeding generation.

Over 1 million school-aged children are not enrolled in school. These children are disproportionately black, Hispanic, Native American, or handicapped. Many are out of school, not by choice, but, because they have been excluded or failed by State and local education systems. Others who are in school are not learning. Education for all handicapped children and the title I program, two successful programs which have responded to the needs of handicapped and educationally disadvantaged children, have been targeted for repeal by the Reagan administration. This would literally wipe out the Federal effort to remedy the problem of exclusion and discrimination in our educational system. If anything, we should build on the significant progress that has been made through emphasizing targeting, parent involvement, and individual rights in order to bring educational opportunity to the country's neediest children.

Children should not be the victims of economic experimentation. If there is any place where we should draw the line against rampant budget cutting, surely it is where the health and well-being of children are concerned.●

● Mrs. COLLINS of Illinois. Mr. Speaker, the special order called by our colleague, TED WEISS, comes at a critical time in the future of our greatest living asset: Our children. The Census Bureau, in a report entitled, "Money, Income and Poverty, Status of Families and Persons," found that America's poverty ranks are swelling for the first time in two decades. Calling it one of the largest annual increases in the number of poor since 1959, the Bureau found that the number of children living in poverty leaped from 10.2 million to 11.4 million—almost 1 in 5. The Bureau attributes the setback to high inflation and the economic decline of 1980.

Given these distressing figures, the Reagan administration continues to embark on a path which only serves to bring more misery and hard times to large segments of our population.

When the proposed 1982 budget was released last year, it brought with it a devastating array of cuts in many of the social programs which are the lifeblood of many communities and vital to the survival of poor black and white children. Many of the programs were either drastically reduced in terms of funds and staff, or their allocations were capped, which served only to shut out those with the greatest need. The cuts included a $2.5 billion cut in medicaid, $1 billion cut in AFDC benefits, and the virtual obliteration of the CETA program.

Today's Washington Post features an article based upon a partial draft of the President's fiscal year 1983 budget. The draft budget copy calls for deep cuts in medicaid, food stamps, aid to education, and other federally funded social programs. These cuts, if passed by the Congress would almost totally annihilate many programs before they would be turned over to the States. The President also plans to add four new block grants, one of which would include nutrition programs for women, infants, and children. The child welfare block grant that President Reagan will propose formally to Congress next week would combine foster care programs, adoption assistance, and others at a decrease of some $65 million.

The President knows full well that most State and local governments—particularly those whose citizens are suffering the brunt of the Reagan recession—are already hard pressed to maintain existing minimal services. Revenue sharing will provide neither the requisite financial nor human resources or the will needed to carry out those programs effectively. Even the oil- and gas-rich States that are flush with revenues will resist financing social welfare programs, preferring instead to reduce income taxes.

President Reagan also seems to have very little historical perspective. He fails to realize that the reason the Federal Government got involved in social welfare programs in the first place was because citizens' rights were not adequately protected by State and local governments. The few States that do attempt to meet their social responsibilities are the exceptions that prove the rule.

Last year, the Children's Defense Fund accused the Reagan administration of attacking programs from inside through changes in regulation. A process which is happening without publicity or fanfare and with little room for public discussion.

DAY CARE

Under current fiscal year 1981 Federal programs to assist child day care, the major source of operational funds—other than indirect funding through tax credits—continues to be programs financed under the Social Security Act.

Through the years the Congress has enacted a wide range of other legislation relating to child day care, including legislation authorizing the Head Start program, amendments to the National School Lunch Act authorizing the child care food program, the Education of the Handicapped Act, the Comprehensive Employment and Training Act, the Housing and Community Development Act, and others. A source of indirect Federal funding for child care is the Internal Revenue Code, which provides tax credits for families with child day care costs which are related to employment or education.

The growth in Federal day care funding has been brought to a halt by enactment of the Budget Reconciliation Act of 1981 (Public Law 97-35). Among many other changes, the Reconciliation Act provided for replacing the former title XX (of the Social Security Act) social services Federal-State matching program with a new title XX block grant program, with significantly reduced funding levels. Other changes made by the Reconciliation Act in the title XX program are the elimination of family income eligibility requirements, the elimination of the requirement that 50 percent of Federal funds be targeted on welfare recipients, and the elimination of Federal standards for day care.

Unfortunately, there is no single Federal child/day care program, which is why on March 10, 1981, I introduced H.R. 2387, the Child and Family Development Act. This legislation if passed, would strengthen the development of children and the functioning of families by establishing a comprehensive Federal child care program designed to improve the quality and availability of child care services while protecting parental rights. H.R. 2387 is now pending before the Human Resources Subcommittee awaiting hearings to be scheduled. In light of our ailing economy it is even more important that we provide a public forum so that the more than 30.7 million children under age 17 with mothers in the labor force can come together, focus on the child care problem and institute ways to ease the burden.

CHILD NUTRITION

The administration had the unmitigated gall to propose that the Agriculture Department change standards regarding the quantity and nutritional value of food served in the child nutrition program. Our youngsters could have been subjected to cake instead of bread, and catsup instead of real vegetables. What nonsense. After being inundated with protest, the President decided that perhaps his proposal did not provide any sound nutritional basis and he subsequently withdrew it.

MEDICAID

While this too would receive a warm welcome under Reagan's "New Federalism plan," it is another area in which drastic changes will occur through regulations being issued. Those regulations which were issued late last year could impact on programs which provide youngsters dental and preventive services and the full range of ambulatory services. Large numbers of children rely on medically needy programs. More will need to rely on it also as families lose welfare unemployment benefits and the like. The Department of Health and Human Services (HHS) is also thinking about gutting the enforcement of a program which requires certain hospitals to provide a portion of free care to the medically indigent and to serve medicaid/medicare patients. At a time when medicaid coverage is shrinking, such action will wreak havoc with those individuals who are already uninsured.

CHILD WELFARE

While this was spared the block grant fate last year, it faces almost certain death in the fiscal year 1983 round. Now States have to have a number of service plans in place in order that reforms be taken on behalf of homeless children in this Nation. Under the "New Federalism plan," this too will be bucked to the States.

The outlook remains bleak for those in our society who have small voices—the children. They are not organized in groups, they do not lobby their Representatives in Congress, they do not understand a President who creates safety nets and then cuts huge holes in the net.

Children do understand what it means to go without a hot, nourishing meal at school, what it means when mother or dad receives a letter stating that because of budget cuts, 350 day care slots are being eliminated and they are faced with what to do with Sandy or George after school.

I, for one, do not wish to be a party to our children growing old and worried before they reach adulthood. I certainly do not wish to be party to a plan which may mean our youngsters will not receive adequate child care, housing, food or clothing.

In closing, I would like to share with you an assessment of budget cuts on black children as prepared by the National Black Child Development Institute.

The article follows:

When you consider:

Almost half of Black children are born in poverty;

40 percent of Black women head households, which count for 44 percent of Black children;

Black teenage unemployment has remained at 30 percent for the last 10 years and during the summer of 1981 it rose to 45 percent (National Urban League);

Over 40 percent of all Black children do not see a single physician each year;

Black women are twice as likely as whites to never have prenatal care;

As many as one-fifth of all births to Black teenagers result in low birth weight babies;

The infant mortality rate for Black babies is almost twice those of white; and

The number of poor white families declined by 6 percent between 1970 and 1979, the number of poor Black families increased by 12 percent (National Urban League).

It is obvious many of the 1982 cuts in social services programs have left the Black community hanging by a thread. Now, the President has released plans for his revolution in Federalism. Already, a 12 percent reduction across the board has been recommended.

To speak of the effects of budget cuts and Black children, five critical issues need to be considered, namely child care, education, health, child welfare, and AFDC.

CHILD CARE

Many Black families rely on relatives for child care. This is an indication not only that the Black extended family is still a strength in the Black community, but the Black parents have little or no choice when seeking child care services so they can work. Clearly, there is a need for a greater supply of accessible, affordable and quality child care. Title XX provides such an option. By 1990, it is estimated three-quarters of all mothers will be in the work force. With the average cost of child care at an all time high of $45 to $50 per week, and as the flow of mothers in the labor force continues, many families will continue to suffer from an insufficient and prohibitively expensive supply of child care options.

Recent studies have shown women workers are more often unemployed, unemployed over longer periods of time, are underemployed, underpaid, have less union protection, and have more interruption in labor force participation. (Diana M. Pearce, Center for National Policy Review and Harriette McAdoo, Howard University.) The implications for the 44 percent of Black children who live in households headed by Black women are overwhelming.

To cut Title XX funds 12 percent would cause over 50,000 children to lose their day care slots, numerous centers would close, and eligibility requirements for subsidies would lower, thus forcing thousands of parents to quit work to give their children proper care.

EDUCATION

Education has always been regarded as the principal vehicle through which Blacks can improve their lives. In specific instances, disadvantaged students have particularly demonstrated their responsiveness to genuine educational opportunities. Title I of the Elementary and Secondary Education Act has proven valuable in improving the math and reading skills of its students. However, due to lack of full funding only 57 percent of eligible students are participating. A cut of 12 percent in Title I would eliminate over 500,000 children from the program. The cost-effectiveness of this move is doubtful, when the same 500,000 children could, if not for Title I, later become more expensive because of the need to place them in EMR classes of SLD programs.

HEALTH

Black children are much more likely to suffer from poor health than the majority of their American peers. While poverty, unsafe housing, and poor nutrition expose many Black children to harmful and hazardous condition, their plight is compounded by a systematic inaccessibility to competent health care. When we realize only 58 percent of Black children have ever received an inoculation against measles, and less than half of all Black children have received three polio dosages as recommended, and that the Medicaid program is the major source of health care for the poor, further cuts in Medicaid are frightening. The level of medicaid funding states receive is already minimal, and far below that which is needed to maintain the current level of services. A 12 percent cut would result in severe medicaid cutbacks by the states. As a result, thousands of already underserved children will be eliminated.

CHILD WELFARE

Black children have been, and continue to be grossly mis-served by the child welfare system. It is believed they comprise from 28 percent to 40 percent of the 500,000 children living in foster care homes and institutions. Our foster care system is guilty, not only of placing black children in care more frequently, but also keeping them in care longer, and providing them with the least expensive care possible. To put child welfare into a block grant will devastate a foster care and adoption system that already does not serve the needs of Black children. If the programs in P.L. 96-272 are block granted, all new incentives for states to reform their programs will be ended, In addition, most federal control would be removed, thus leaving states free to distribute funds in areas they deem most important. This is particularly disturbing in reference to Black children who are disproportionately placed in foster care, disproportionately kept in foster care, and disproportionately prevented from finding permanent homes.

AID TO FAMILIES WITH DEPENDENT CHILDREN (AFDC)

The Administration plans sweeping alterations in the AFDC program which will profoundly harm Black children and their families. The Administration proposes to "swap" AFDC and food stamps for medicaid—a $20 billion exchange. The states will be given a $28 billion trust fund to finance them, however, how the money will be spent will be left completely up to the states. It is unreasonable to think states can answer responsibly the needs of AFDC recipients, when they are trying desperately to balance their own budgets in light of substantial cutbacks. (Black Caucus Response to the State of the Union Address) This transfer is detrimental to the economic well being of 7.5 million of America's poorest children. But, when you consider one-half of Black children are born in poverty, they will suffer more under the sharp edge of the budget axe.

The problems for many Black children discussed today only begin to show the tremendous disparity between the majority of children and poor Blacks. Although their vulnerability to poverty and discrimination accounts for much of the gap, Black children also receive inadequate, underfunded, or misdirected services that do not address their enormous social and economic barriers. If any relief is to occur soon, the government must begin to design services that recognize and utilize the strengths of Black families, not just their deficits.●

● Mr. RANGEL. Mr. Speaker, it is ironic that in the same week that we are celebrating the 100th anniversary of the birth of Franklin Delano Roosevelt, who responded some 50 years ago to the needs of a citizenry which was illhoused, illfed, and illclothed, we heard from the President of his plans to dismantle the social programs initiated by F. D. R.

In his plans, President Reagan proposes to give to the States precisely those responsibilities the States had originally failed to meet. The Federal Government had to assume responsibility for guaranteeing food for the hungry and care for the sick and needy because many State and local governments refused to do so. Now the President suggests to people that if their State fails them, they are free to move. This brings back the terrible memories of the migrations during and suffering during the Depression.

I would like to add my voice to that of my colleagues who share the belief that children will suffer the most as a direct result of this administration's actions. Children are presently the poorest group in the county. In 1978, when 11.4 percent of the general population lived in poverty, yet, 15.9 percent of children were poverty stricken. It is often stated that our children are our greatest resource. We also know that nations are judged by the way they treat their very old and their very young.

I believe that our youngest citizens, those who are too young to vote, too young to demonstrate, and too young to lobby are in serious jeopardy. The administration has reduced or is seeking to reduce the funding for the programs that have proven to be successful in improving the health and welfare of our children. The mistakes we make today may lead to irreversible damage for them. Children deprived of adequate food, adequate health care, and adequate education will grow up to join the ranks of the unskilled and the unemployed. Our children are entitled to food, health care, and a decent education to enable them to have a future which will be free of poverty.●

● Mr. HARKIN. Mr. Speaker, we frequently mention the natural resources of this country, we discuss quality and quantity. I will say to you that there is nothing more sacred than the natural resource we have in our children and young people. The oft heard expression is that healthy bodies lead to healthy minds. Well frankly, I put a premium on the healthy bodies and the healthy minds of our future generations; I will also say to you that this is not shared by the current administration.

During World War II we began drafting young men to serve in the armed services only to find that there were terrible cases of malnutrition. At that time the Federal Government stood up and took notice—the school lunch program was created. What's happening to that lunch program today? Across the country there has been a 12-percent drop in participation. Why? Because it seems that the priorities of the budget makers at the Office of Management and Budget and in the White House are not directed at providing an affordable meal to our schoolchildren.

What about the special milk program? Last year children were able to receive extra milk through the special supplemental milk program. In 1980-81 there were 800 Iowa schools that provided their children with supplemental milk. The wise sages in the ad-

ministration decided that children did not need more than one carton of milk with their school lunch and therefore forbade schools who participate in the lunch program to also participate in the special milk program. What about those growing teenagers who need larger supplies of calcium and vitamin D? Well they are relegated to one milk per lunch without having to pay an exorbitant price. Today in Iowa there are only 50 schools that participate in the special milk program.

We are constantly told of the waste, fraud, and abuse in the food stamp program. The response from the administration is to cut the working poor out of the program, the single parent families, those who desperately need nutritional support to supplement those hard earned dollars. Who are those poor recipients—58 percent are children under 18; and this mornng we hear that the administation wants to cut another $2.4 billion from the food stamp program. These cuts are not aimed at waste, fraud and abuse—these cuts are aimed at needy children.

Study after study has indicated that the WIC program has reduced mortality and improved the health of low-income children. Every dollar spent on this program saves $3 in costs to care for a brain damaged, retarded, or otherwise nonself-sufficient child and later adult. Yet we read this morning in the Washington Post that the President will recommend that this program be cut by 25 percent.

Let us focus on the nutritional needs of children and long-term needs of this country in a sensible manner. We must stop gutting the very programs that create healthy bodies and minds, or we will soon find ourselves in the state the Field Foundation Study found the country in during the late sixties.●

● Mr. GORE. Mr. Speaker, countless times we have heard the expression, "our children are our future." This is a true statement. And without a doubt, this discussion about the impact of Federal budget cuts on our Nation's children is one of the most crucial examinations of the effects of budget reductions that we could ever undertake—because in our assessments of the consequences of cutbacks on our children, we can also gauge, to a certain extent, the true cost of budget cutbacks. The budget decisions that are being made in the White House and in the Halls of Congress that affect our Nation's children will have a lasting impact—on them, and on the future of our children.

It is my belief, and I know it is shared by many of you, that the future of many of our children is being compromised. Drastic reductions in nutrition, health, education, and other social services programs will exact a severe toll from our children, our most vulnerable and least powerful group.

I have heard first hand from many of my constituents, as I know you have, about how budget cuts are hurting them and their families. The outcome of cutbacks in one program in particular—the school lunch program—have been brought to my attention numerous times by parents, teachers, and students in my home State of Tennessee. The budget reductions have resulted in some schools terminating participation in the program, increased meal prices, and fewer students eating meals. In Tennessee alone, the average daily participation rate in the school lunch program has fallen by over 67,000 students, approximately an 8-percent drop in participation when compared with November 1980 statistics.

I have a letter from a student in my district that I would like to share with you that I think points out the effects of the school lunch cutbacks on many students across the Nation. The letter was written by Cindy Williams, a junior at Beech Senior High in Hendersonville, Tenn. In her letter, she wrote:

> One issue that bothers the students and myself is the school lunches. We would like to know why one hamburger, maybe twenty french fries and two packs of ketchup costs us one-dollar? Our desserts are thirty-cents extra and one pint of milk is twenty-cents. Why are school lunch prices going up while the quantity is going down? Everyone insists that growing children need good food for good learning. At school lunch prices this is not possible for more than half of (the) families.

As Cindy said, children do need "good food for good learning." We all know that poor nutrition affects both the physical and mental development of children and has an influence on the remaining years of their lives. It has also been proven that malnutrition among children leads to low school achievement. These facts are known. Yet, unfortunately, severe reductions were made in the school lunch program and more cuts are likely to be proposed in the next few weeks.

Although the national school lunch program was established in 1946, it is still needed in the 1980's to help safeguard the health and well-being of our Nation's young people. Adequate funding must be provided for the school lunch program to help insure that students receive the nutrition they need to grow up physically and mentally strong.

There are other cuts that impact just as heavily on children. I will touch on just a few of the major ones, which include reductions in aid to families with dependent children, health and education programs.

In September 1981, the Tennessee Human Services Department had a cash assistance caseload of 66,067 families. In October 1981 that caseload was reduced to 55,021 families; 11,046 families were simply budgeted out of the program through new program requirements designed to accomplish that end. Naturally, those most affected by the cuts in this program are children. In Tennessee, the average family participating in the AFDC program consists of a parent and one or two children. In the majority of these cases, no father figure is present. Regretably, for most of the families removed from the program, the result is likely a deeper step into poverty.

Another area of assistance crucially important to children is health care. It is generally recognized that proper medical care is vital. And fortunately, overall, the health of children in the United States is good. One reason for this is that the Federal Government provides funding for a wide variety of programs that seek to improve children's health and provide care when it cannot be afforded. But we are also seeing cutbacks in the health programs. Many of them have been placed in block grants and then overall funding slashed. Medicaid is under attack and the program may be drastically changed in the very near future. Any changes in programs that provide medical care would undoubtedly hurt children, because the outcome would be that children whose families cannot afford private physicians may not be able to receive adequate health care. This would be a devastating setback after many years of progress in the area of providing expanded health care to young people.

Finally, but by no means less painful, are the cutbacks in education programs. Since most of these programs are forward funded, the true effects of the first round of reductions will not be apparent until the beginning of the next school year. At that time, however, less moneys will be available for the education of handicapped students. Fewer funds will be allocated to meet the special needs of economically disadvantaged children. And many other young people may not find programs such as alcohol and drug abuse education, career education, and health education programs available. These programs were placed in a block grant along with many other programs and then funding slashed. State and local educational agencies will be placed in an either/or predicament in deciding which activities to fund with block grant moneys.

To make matters worse, indications are that the administration's fiscal year 1983 budget will call for cutting education aid by about one-third. Furthermore, the education program for handicapped children, which is successfully working to provide an appropriate education to millions of handicapped youth, is slated for inclusion in

a block grant. Clearly, such drastic budget action will have a profound effect on millions of our Nation's young people. At a time in our history when education is a necessity, it is vital that every child has the opportunity to realize his or her fullest potential.

The time to provide for the needs of our Nation's children is now. Their future should not be compromised by heartless cutbacks in vital nutrition, health, education, and welfare programs.●

● Mr. FORD of Michigan. Mr. Speaker, Reaganomics have proven to be a cruel hoax on the American people. Given the staggering impact of a severely depressed State economy, a failing automobile industry with skyrocketing unemployment, and drastic cuts in trade adjustment assistance, food stamps, unemployment benefits, and other Federal programs which give basic support to families, my constituents are shouldering too great a burden.

But the greatest burden is falling on those whose futures are being traded in an economic experiment and misguided attempts to balance the budget—our children. From infancy to graduation, the Federal budget cuts are impacting our children's lives. From the reduced and empty school breakfast and lunch plates, to understaffed classrooms, empty libraries, and college careers that will never get underway, we are robbing our children of chances and opportunities which we will never be able to calculate.

School dollars have been so stretched in my home district that in one school district there has been no physical education, music or library facilities in the elementary school for years.

And at the high school level, course offerings have been so curtailed that only the basic skeleton of a curriculum remains. The threat of a 25 to 50 percent additional cut in Federal education aid sends shock waves into a school district like this that has already made these hard decisions. In Michigan, the State share of education costs has dipped from about 50 percent in 1979-80 to about 30 percent in the current fiscal year. Any further cuts will only aggravate an already critical situation.

The administration is planning still more experiments with programs which serve children. Even though many States have not yet appointed the first education block grant advisory committee, and not gotten any program underway, the President is pressing for another wave of consolidation. This time his target is the handicapped population. Here my State and, indeed the Nation, have made great strides in giving handicapped children hope and opportunities for the future which they never before enjoyed. This system should not be tampered with until we have at least an inkling of an idea whether this first chancy endeavor is wise public policy.

Any more changes in our proven education system should be made with great caution. When our children's livelihood and futures are at stake, we cannot be too hesitant in setting our course. Our children are our most valuable resource, one that we can ill afford to use for expedient political experimentation.●

● Ms. MIKULSKI. Mr. Speaker, I welcome this opportunity to discuss the impact of Federal budget cuts on children. It is disheartening, indeed, when the road to economic recovery proves to be paved with cobblestones of reduced health care, education, and social services to childen in need. It is a cliché, yet it is true: children are the future of our Nation. A road based on reduced care to children and parents must, therefore, necessarily lead not to "economic recovery," but to a weakened and dispirited nation.

The range of children's services that can be discussed under this heading is quite broad: Child nutrition, maternal and child health, education, day care and maternal employment, aid to families with dependent children, and medicaid are a number that our colleague from New York has mentioned. I would like to focus on the programs that come under the jurisdiction of the Health and Environment Subcommittee on which I serve—specifically, the maternal and child health programs and medicaid.

As many of you know, President Reagan requested that a number of programs providing services to pregnant women and children be consolidated into one large, general block grant. The Subcommittee on Health and Environment succeeded in establishing a maternal and child health block grant that retained, at the least, a specified, targeted framework for many of the maternal and child health programs. However, these programs were severely slashed by the President's appropriations request; and women and children across the Nation are now beginning to feel the resulting impact.

Let us look at some of the specific programs. The improved pregnancy outcome projects and the improved child health projects are two initiatives now being funded through the maternal and child health (MCH) block grant. In recent years, these projects have resulted in improving accessibility, availability, and quality of prenatal care. They have also facilitated outreach, patient and provider education, and targeted research on prenatal care. Yet, in initial drafts that we have seen, the improved pregnancy outcome projects are being reduced by 60 percent, from $11.1 million to $4.4 million; and the improved child health projects are being reduced by 72 percent, from $3.2 million to $0.9 million.

Another of the programs currently in the MCH block grant—the university affiliated programs—will suffer comparable setbacks. Funded in fiscal year 1981 at $18.7 million, these programs, which deliver essential services to handicapped children across the country and engage in vital research, will be reduced by 46 percent in fiscal year 1982. The number of these programs will now be slashed, support for undergraduate training will be eliminated, and funding for various inpatient care and ambulatory services will no longer be available. I am personally acquainted with the fine work that the Kennedy Institute, a UAP in my district, has done for the handicapped children of Maryland. It is distressing to comprehend the effect that the reduction and elimination of these programs, as well as others under the MCH block grant, will have on children and parents of other States as well.

Many of the cuts in medicaid will be as extensive and devastating. Through changes requested by the President, we have given the States greater flexibility in administering their programs; and simultaneously, we have reduced the percentage that the Federal Government will pay the States in matching funds. Thus, throughout 1982, we will be seeing States tighten their eligibility requirements and cut back on their benefit packages in efforts to save money and make up the Federal shortfall.

The two populations that make up the largest number of medicaid beneficiaries are the very young and the very old—and these are the two which will suffer the most. The aspect of preventive health care and maintenance for young children will take a back seat to avoiding short-term deficits caused by the Federal shortfall. In the long run, this will result in the poor health status of adolescents and adults—generating additional financial, physical, and emotional costs.

Mr. Speaker, I believe we must continue to speak out against the extensive service reductions that have been and will be proposed by the current administration. Thus, the Subcommittee on Health and Environment is moving ahead with various oversight hearings, and I continue to work with my colleagues in keeping the basic issue of child health alive in the national debate. As many of us have noted, our Nation's future will be only as bright as our children's present.●

● Ms. FERRARO. Mr. Speaker, I want to commend my good friend, the gentleman from New York (Mr. WEISS) for taking out this special order on the impact of the Reagan budget cuts on America's children. Through the legislative battles that

resulted in the enactment of many of the programs that are now threatened with extinction, we developed a national consensus that our greatest resource was our children, and a commitment to providing improved education, nutrition, and health care for them.

The Reagan budget cuts that have already been adopted stalled progress in meeting that commitment; the new proposals in his 1983 budget would completely abandon it. The American people have given no mandate to turn our backs on disadvantaged and middle-class children. It is tragically ironic that an administration that seeks to revive our economy and improve productivity has attacked programs for children, such as title I compensatory education, that give children a chance to contribute to our economic growth.

The Reagan attack on children's programs covers a broad range of programs.

Children's futures are most often determined by the economic and social status of their parents, primarily their mothers. In the case of children from low-income families, current Federal child care policies are inadequate to insure that these children will lead healthy and productive lives. Federal policies and programs are diffused and often do not reflect an accurate view of the severe handicaps under which these children and their parents must function. These problems, coupled with the administration's proposed budget cuts, will seriously impede their chances to move out of the cycle of poverty and dependence.

Fifty-four percent of the 31.8 million children in the United States under the age of 18 have mothers who work away from home. One out of every six families, or 9.4 million families, is headed by a woman. These glaring statistics immediately raise the questions, who are caring for these children and what kind of care are they receiving? Currently there are only 1.6 million licensed child care spaces for the 7 million children under age 6 who have working mothers, which indicates that over 5 million children are in need of day care facilities. The concern for quality care should not be viewed as a problem primarily for individual mothers, but one that should concern us all—expecially employers who are faced with high absenteeism and low productivity when child care arrangements are inadequate or unreliable. We need to take a closer look both at alternative forms of quality child care and work options such as job sharing and flextime arrangements.

The impact of the budget cuts can be devastating for local economies when day care centers have to close for lack of funding. These centers are not autonomous. There are small businesses that provide ancillary services which are tied to it such as food and beverage vendors, suppliers of educational, office, housekeeping, and first aid materials, and auditors—all of whom are taxpayers. In my own State of New York, for example, of the 57 local districts, excluding New York City, 19,722 people are involved in day care as providers and consumers. In New York City, for fiscal year 1982, the operation of 44 day care centers covered by the social services block grant is jeopardized. These centers provide full-time and after-school care for approximately 5,000 children of working mothers throughout the city. If services were to be dismantled, the loss of tax revenues and increases in welfare payments would be felt local and statewide; but most important, if parents must work and have no help for child care, thousands of children will be left unprotected. Multiply this by thousands of local communities across the country and you can see that we are faced with a serious problem that will have long negative effects on the total economy.

Aid to families with dependent children, which was cut by over $1 billion last year, will be cut by an additional $1.1 billion for fiscal 1983. Of the 3.9 million households now receiving AFDC benefits, it is estimated that 687,000 will be hurt by the budget cuts: 404,000 will be terminated, and 279,000 will receive reduced benefits. With the President's "New Federalism," States will go into a tailspin in an attempt to recoup the losses of the 50-percent Federal payment, and I would venture to say, the effects will be chaotic. Those households with earnings would lose more without earnings and after elimination of Federal work incentives, households with low earnings would have no more money than those with no earnings at all.

The whole concept of work fare—States requiring recipients to work in exchange for benefits—does not appear to be an incentive for economic self-sufficiency in that the training, job counseling, and labor market services included in the original work incentive program (WIN) will no longer be provided. Stricter eligibility provisions will terminate AFDC benefits for 12,000 of New York City's working poor, reduce benefits for 93,000 recipients, and increase city costs by $7.6 million through shifts of 20,000 recipients to home relief and cutbacks in federally reimbursable child care expenses.

One of the most comprehensive and enriching programs designed for the education of young children has been Head Start. It will be maintained at the 1982 level of $912 million with no additional increases. This preschool program offers medical, nutritional, and social services. The Federal Government provides 80 percent of the operating costs, and 90 percent of the children Head Start serves are from families with low incomes. Because we believe every child deserves a head start, funding the program at the present level will reduce the number of children who can participate. The alternatives to this are frightening: Children will be placed in unsafe environments, there will be a greater incidence of child abuse resulting from the frustration and vulnerability parents are experiencing, and early learning experiences that would help to reduce delinquency, increase social competence, and improve attitudes toward school will be short circuited by a shortsighted political ideology.

The maternal and child health block grant has now been extended to include WIC, the special supplemental food program for women, infants, and children with an overall funding level of $1 billion for fiscal 1983. States are required to spend $3 for every $4 Federal dollars received under this block grant. The program must be coordinated with the State's medicaid, early and periodic screening, diagnostic, and treatment programs, and related educational, developmental, and family planning programs. The requirement that States spend 15 percent of their funds on programs of regional and national significance may leave a lot to be desired in terms of direct, quality service delivery based on individual States' interpretation of the requirement. WIC, as a separate program, has been found to be cost effective and cost efficient. For each $1 spent on the prenatal component, there has been a savings of $3 in hospitalization costs related to a reduction of the number of low birth weight infants requiring extended hospital care. The program, as part of a block grant, services for women, infants, and children, with overall reduced funding will not allow us to explore ways in which accessibility, availability, and utilization of services can be improved.

Another major concern is child nutrition and the school lunch program. The President proposes to cut these programs by $265 million, which will terminate the special milk and summer feeding programs and curb breakfast subsidies. The long-term reprecussions of this proposal are obvious and the wisdom of "an ounce of prevention is worth a pound of cure" admonition should not be lost in our consideration of this vital issue. Carl Rowen, in his Washington Post column, August 27, 1981, made the point most succinctly:

> Women who head families work some atrocious hours—so a school lunch, even a school breakfast, can mean the difference as to whether their children become contributing members of this society or go on as just one of a string of generations living off the compassion and generosity of other members of society.

A reduction in medicaid of $2 billion for fiscal 1983 will severely reduce the number of sick and needy persons having access to medical care. In addition, States like New York, which is one of five States that share the costs 50-50 with the Government—25 percent New York State and 25 percent New York City—would experience a tremendous reduction of eligibility and benefit levels. There will be a reduction of $78 million in the Federal medicaid share for optional services, family planning, and medicare premiums. New York City's Mayor Koch has stated:

A Federal takeover of medicaid would result in dramatic and unfair cutbacks in the program, so that the poor and elderly would be unable to receive the health care they deserve * * *

Nationalization will return us to the very social conditions that medicaid was created to alleviate 15 years ago. In 1965, for example, for every live birth there were 25 infant deaths and 11 years later, due to access and availability of care, the infant mortality rate had dropped to 15 deaths per every 1,000 live births. This reduction can partially be attributed to the fact that some 1 million pregnant women and children receive health care through medicaid annually.

To cut programs that have helped to remove a vast number of children and families from the cycle of proverty through proper health care, nutrition, work incentives, and child care programs is an unconscionable indictment for a progressive society, particularly in view of the fact that poverty is increasing. The Census Bureau reports that in 1980, 13 percent of the population or 29.3 million persons, were living below the poverty level which is $8,414 for a nonfarm family of 4. It is estimated that the spread of poverty will continue through at least this first half of the eighties. We must accept the challenge of providing the necessary leadership to develop policies that will halt this trend and to devise strategies to aggressively implement them.●

TRIBUTE TO HON. JAMES C. DAVIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEVITAS) is recognized for 60 minutes.

GENERAL LEAVE

Mr. LEVITAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in connection with my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LEVITAS. Mr. Speaker, last week I announced the death of a former Member of the House, the Honorable James C. Davis of Georgia. Former Congressman Davis died on December 28, 1981, at the age of 86, having served for 16 years in the U.S. House of Representatives, from 1946 to 1963.

It is one of the unhappy tasks which Members of the House have to announce the death of former Members who were their predecessors in office, and to provide the opportunity for Members who served with these individuals or who knew them to have the opportunity by way of such a special order to commemorate or memorialize their memory.

Mr. Speaker, the Honorable James C. Davis served as a Member of Congress for 16 years, representing the old Fifth District of Georgia which encompasses all of my present district as well as portions of Congressman WYCHE FOWLER'S and Congressman NEWT GINGRICH'S districts.

Judge Davis, as he was known from the days he served as a superior court judge in the Stone Mountain Circuit of Georgia, was a man of rigid principle during his years of service in Congress and until his death. He proudly proclaimed his conservative views and was consistent in applying them in action.

As a youngster, I remember Judge Davis as the first U.S. Congressman I ever recall seeing in person. He looked like the role. Judge Davis was a fine figure of a man. He stood 6 foot 4 inches and weighed a solid 240 pounds. He looked something like a rosy-cheeked, white-thatched bulldog—an incongrous thought but surely he possessed that same tenacity.

He came from a different political era than I do and there were many of his political positions that I strongly disagreed with as fervently as he professed them. The changing face of the modern new South, which I felt I was part of, was perceived by Judge Davis, I think, with sincere concern and he felt it his duty to resist those tides of change. While many of us sharply disagreed with Judge Davis we did not question his sincerity, commitment or integrity. When times were changing, he did not. He stuck to his deeply held convictions even when he realized they might lead to his politial defeat in a changing political climate and in a reapportioned congressional district and in a reformed electoral system.

There were aspects of Judge Davis' service in Congress that are exemplary. He worked hard and conscientiously to serve the needs of all of his constituents—friend and foe alike. He was personally devoting himself to casework before that term came into vogue in Congress. Once in a political campaign an opponent had a slogan about "Getting the Job Done"; Judge Davis countered this saying "Davis will do the job himself." Realizing the water, energy, and recreation needs of a growing area of the country, Judge Davis worked tirelessly to bring about the construction of Lake Sidney Lanier just outside of Atlanta.

Also his belief in the free enterprise system, the concern about too much government, too much spending, too much regulation and fiscal irresponsibility were of concern to Judge Davis before their current popularity.

James C. Davis served his State and Nation for nearly half a century; he was a fighting marine in World War I; he was a member of the Georgia State Legislature (1924-28) and judge of the Superior Court of De Kalb County. After he left Congress, he published the Atlanta Times. A newspaper he founded to promote his views of conservative, constitutional government.

Judge Davis is survived by his beloved daughter, Mary Martin Bowen of Atlanta, and two sisters, Mrs. Frank Burns of Palm Beach, Fla. and Mrs. Mary Davis McKinnon of Atlanta.

The following tribute to James C. Davis was prepared by Chris Brady, a former staff member who worked with the judge during his last years in Congress. Mr. Brady, who lives in Atlanta, was both an employee and friend of Judge Davis and other friends, family, and coworkers agree that he is most qualified to offer a fitting tribute to former U.S. Representative James C. Davis which I here place in the RECORD:

TRIBUTE TO THE HONORABLE JAMES C. DAVIS BY CHRIS BRADY

An American patriot is dead.

The Honorable James C. Davis of Stone Mountain, Georgia, died on December 28, 1981, at the age of 86.

Judge Davis was a former senior member of the U.S. House of Representatives, having served for 16 years (1946-63). He represented the old Fifth Congressional District of Georgia, which encompassed DeKalb, Rockdale and Fulton Counties.

James Curran Davis was a conservative man. And he possessed to the fullest measure the true conservative's conviction that the greatness of a nation flowed not from the federal bureaucracy but from the free, unfettered spirit of the people themselves.

Judge Davis was an old-fashioned man—a man born of another century, a man who believed heart and soul in the simple virtues of work, thrift, self-reliance and unabashed patriotism.

It was these virtues (he often said) that had transformed this country of ours from a wilderness to the first nation of the world in hardly more than the blink of an eye.

And it was these virtues that, in his judgment, would add to the greatness and to the glory of the 20th century.

But it was a lonely trumpet that Judge Davis sounded.

He stood in the well of the House during his day and time and called out again and again for fiscal responsibility * * * for a balanced budget * * * for the reduction of the national debt * * * for the strict adherence to the Constitution.

He pleaded for a government that could see that federal interference in every phase of our life was the ultimate put down of a free people.

He demanded a government that was tough enough and, yes, wise enough to admit that it had no moral right to spend money it did not have for programs it could not afford.

He argued that the extravagance of government was breaking the back of the hard-working productive people—but that, come what may, government could never guarantee a standard of living for the unproductive.

He preached his sermon that federal regulation, moving ever closer to federal regimentation, was robbing the free enterprise system of the rousing, creative vitality that, simply enough, had produced for us a standard of living unknown to any other society.

Judge Davis had strong-hearted allies, men like Judge Howard Smith of Virginia, H. R. Gross of Iowa, Bill Colmer of Mississippi and others. But they were few in number and their views seldom prevailed.

His critics—and they were legion—said that Judge Davis was "heartless" in his opposition to welfare programs. They called him a reactionary and a political neanderthal who saw shadows of economic disaster where none existed.

Given the choice of moderating his views or facing certain defeat in the election of 1962, Judge Davis remained true to himself. Afterwards, he told a friend:

"I am an old man and I may not live to see it—I hope I don't—but somewhere down the road lies a terrible day of reckoning. You cannot with impunity debauch a nation's currency; you cannot pander to the greedy demand for more, more, always more without destroying the nation's work ethic and its moral fiber.

"It is our children who will be saddled with the burden of paying the price for the excesses of government. I hope they will not come to hate us for what we are doing to them."

So spoke James C. Davis twenty years ago.

He lived to see his forecast come true. He lived to see double-digit inflation * * * double-digit interest rates * * * a trillion dollar national debt * * * the highest unemployment rate since the Great Depression * * * and the lowest rate of productivity in the free world.

And yes, he lived to see his political philosophy vindicated by the American people in the 1980 Presidential election.

But, Judge Davis would not comfort in the fact that he was right when so many were wrong. For the road to economic recovery will be long and painful, and he loved America too deeply to see it suffer.

Judge Davis was an old-fashioned man. He answered to a stern and righteous God. Chills ran up his spine when Old Glory passed in review. The Holy Bible and the Constitution of the United States were the only true writ.

His sense of patriotism was so profound that the National Anthem was his favorite song. He despised any "ism" that was alien to Americanism, and he believed, with apologies to no one, that the best foreign policy was a strong military organization.

No remembrance of James C. Davis would be complete without reference to the woman whom he had adored for nearly 40 years. Mary Lou Davis was his wife, his best friend, his partner, his strong right arm.

If Judge Davis had any apprehension about his role in politics it was the fear that the incessant attacks on him might affect her. But Mary Lou Davis was as strong as he was philosophically, and believed no less than he did in the rightness of the conservative cause. She passed away in 1929.

● Mr. DERWINSKI. Mr. Speaker, it is with sadness that I join my colleagues in honoring the late Judge James C. Davis, a former Member of the House from Georgia. Judge Davis was held in high esteem during his tenure in office. As a Member during the time he served, I found Jim Davis to be an able and dedicated public servant, who was a credit to public office and to the Congress.

Jim was always a voice of reason and sound public policy. He accepted and filled with distinction many committee assignments and established a reputation as an intelligent and diligent Member. He was an outstanding legislator with an effective parliamentary style.

Judge Davis brought honor and distinction to this Chamber and while we are saddened by his death, we are indeed fortunate to have benefited from his contributions.

I join in extending my sympathies to his family and many friends.●

● Mr. BROOKS. Mr. Speaker, I was saddened to learn of the death of Hon. James C. Davis of Georgia, a former Member of this House and a colleague who served with me for 8 years. I remember Judge Davis as a decent and forthright man, who served his constituents well throughout his term in the Congress. Although we did not always agree or vote alike, he was a fine and courtly gentleman who was greatly respected for his views and his dedicated service to his own constituents.●

● Mr. BRINKLEY. Mr. Speaker, it is a privilege to participate in this special order honoring the memory of a distinguished former Member of this body from my home State of Georgia, Hon. James C. Davis, who passed away on December 28, 1981.

Jim Davis represented Georgia's Fifth Congressional District for seven terms, from the 80th through the 87th Congress. He served as a member of the Post Office and Civil Service Committee and the District of Columbia Committee. He worked hard on the successful appropriations which enabled construction of the important Buford Dam and the formation of Georgia's nationally famous Lake Lanier. Jim also served his State and his country in other fields—as a marine in World War I, as an attorney, as a newspaper publisher, and as a judge of the DeKalb County Superior Court.

Jim was a man of uncommon initiative and perseverance. In fact, he passed the tough Georgia bar examination in 1919 after studying law on his own, without ever having attended law school.

Jim Davis was a firm believer in the principle of fiscal conservatism, and he practiced his beliefs with conviction and legislative skill. My thoughts and prayers go out to his daughter, sisters, and grandchildren in their great loss.●

INTEREST-BEARING CHECKING ACCOUNTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. GRADISON) is recognized for 5 minutes.

● Mr. GRADISON. Mr. Speaker, today I have introduced H.R. 5414, a bill that would allow State and local governments to establish interest-bearing checking accounts. This legislation would make negotiable order of withdrawal (NOW) accounts available to local officials who seek to make better use of public funds.

NOW accounts became a nationwide reality with the passage of the Consumer Checking Account Equity Act on December 31, 1980. Before that date, federally regulated depository institutions were prevented from paying interest on funds deposited in checking accounts. The class of depositors currently eligible to maintain NOW accounts under this act include those whose deposits—

> Consist solely of funds in which the entire beneficial interest is held by one or more individuals or by an organization which is operated primarily for religious, philanthropic, charitable, education or other similar purposes and which is not operated for profit.

Although Congress intended only to limit the access of commercial entities to NOW accounts, general purpose governmental units have been prevented from using these accounts because of restrictive judicial interpretations of this legislative language. Government funds held in a checking account can receive interest only when used exclusively by schools, libraries, colleges, and hospitals or other educational and medical facilities.

Recent budget cuts have reduced Federal assistance to State and local governments by $13 billion and the Economic Recovery Tax Act of 1981 may result in an additional $2.3 billion in revenue losses according to the National League of Cities. A survey by the National Governors Association found that over 30 States operated at a deficit in 1981. The city of Cincinnati, Ohio, which I represent, has indicated that an estimated $24 million less in Federal funds will be available to it this year than in 1981. My bill would allow general purpose governmental units to receive interest on their checking deposits thereby providing additional funds for financially troubled States and localities.

In testimony before the Senate Banking Committee last year, the Municipal Finance Officers Association

reported that an estimated $11.3 billion of State and local funds were deposited in demand accounts at the end of 1980. The bulk of that public money rests in bank checking accounts which cannot pay interest unless the funds are used for a narrow range of purposes. It is irresponsible to curtail Federal revenue available to States and muncipalities without at least allowing their funds to earn a fair rate of return in the marketplace. The Federal Government already receives much higher rates of interest by storing surplus funds in interest-bearing "tax and loan accounts."

Several bills have been offered that would accomplish this same result, including S. 1689, introduced by Senator LUGAR, and H.R. 4947, introduced by Representative LUNDINE. All three of us have had the honor of serving as mayors and all three of us understand the need for this important regulatory reform. Had the $11.3 billion of State and local funds held in demand deposits been placed in interest-bearing NOW accounts, a minimum of $593 million in interest revenue would have been earned. These funds could have hired more policemen and firemen, built more parks, hired more unemployed youth, and increased the broad spectrum of State and city services that are being curtailed nationally in the wake of budgetary shortages. It is silly to deprive our localities of these opportunities when this is not congressional intent.

Banks have circumvented this interest prohibition by offering repurchase agreements to their governmental depositors. Under these agreements, a bank, when notified, will use a set portion of its depositor's checking balance to purchase T-bills, after agreeing to repurchase the securities with interest in a short period of time. This system is not always available, especially to smaller jurisdictions which lack both the skilled money managers and the required minimum balances to enter these markets. A moderate amount of foresight is necessary to arrange a repurchase agreement and, if too much money is committed, the locality can easily become overextended. Even with a repurchase agreement, most localities must also hold additional general checking funds to pay their bills or to meet emergencies.

Last year, both the Board of Governors of the Federal Reserve System, which regulates banks, and the Federal Home Loan Bank Board (FHLBB), which regulates savings and loans (S. & L.'s), issued rules to clarify the class of depositors eligible to maintain NOW accounts. The FHLBB found that "an interpretation of the eligibility criteria to include (general purpose) Government entities is both reasonable and consistent with the deregulatory intent underlying the 1980 amendment." They stated that allowing general purpose Government accounts to accumulate interest "benefits member institutions, their public unit customers and taxpayers in general" by increasing the amount of these public funds.

The Federal Reserve System, however, specifically limited commercial banks from offering interest-bearing NOW accounts for general purpose Government functions. This discrepancy in the treatment of banks and S. & L.'s provoked the American Bankers' Association (ABA) to challenge the FHLBB's more lenient interpretation. In the ABA's view, local governments would have transferred funds from banks to S. & L.'s who would gain a clear competitive advantage. The U.S. district court upheld the ABA's position and enjoined the implementation of the FHLBB's regulations.

H.R. 5414 would resolve this unnecessary confusion by expressly allowing financial institutions to offer interest-bearing checking accounts to "individuals and all nonprofit institutions" excluding only commercial entities. It treats banks and S. & L.'s equally and would allow all Government funds to receive interest rather than granting this benefit to isolated State or local functions. Finally, it helps relieve the budgetary pressures crushing States and municipalities by utilizing a simple practical deregulatory mechanism at no cost to the Federal Government. The case is clear and I encourage the support of my colleagues for this initiative.●

EMPLOYMENT SERVICES—SAVING THE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. TAUKE) is recognized for 5 minutes.

● Mr. TAUKE. Mr. Speaker, for weeks now, I have been working with Iowa State officials, officials from the Department of Labor, and my colleagues to try to stem the layoff of 5,000 job placement personnel nationwise. The financial problems of the job placement service are difficult, and as we face a national unemployment level of 9.8 million Americans, it is even more important that we try to keep as many of these people in the labor force as possible and off the ever-expanding unemployment rolls.

During consideration of the third continuing resolution, the funds for the administration of the unemployment insurance and employment services programs were reduced by $264 million to a level of $1.932 billion. This was done with the understanding that the processing of unemployment insurance claims would not be affected during a time of high unemployment across the country. Additionally, it was done with congressional understanding that if the January unemployment figures were higher than the September 1981 predictions, then a request for supplemental funds would be submitted to Congress. By insuring that unemployment benefits would be paid, we necessarily eliminated the distribution of funds to the job placement services, because they are both funded out of the same FUTA account. This problem must be corrected immediately. It makes no sense to cut back the single Federal program which helps the unemployed find work.

Therefore, I commend the Administration and my colleagues for acting quickly to bring up a request for supplemental funding for the unemployment compensation, unemployment insurance, and employment services program. The request will be taken up by the Subcommittee on Labor, Health and Human Services, and Education of the Appropriations Committee later today, and I have all confidence that $210 million will be provided for the maintenance of the job placement account. I commend my colleagues on the speedy action they are taking.

It is unconscionable to allow those who are unemployed to flounder while looking for jobs. During fiscal year 1981, Job Services of Iowa placed 95,666 in jobs at an hourly average wage of $4.50. The taxable income derived from these placements in 1 year is $895,433,760. This program is obviously working and putting money back into the economy. We cannot afford to let it die and then 6 months from now try to resurrect it to meet even greater demands.

However, the problem is more far-reaching than just the supplemental funding for fiscal year 1982. The Employment Services Administration will be facing this same problem each year from now until we change the system. The FUTA account is inelastic—as unemployment rises, the revenue base of the FUTA account decreases proportionately. Our present financing system of 0.7 percent on the first $6,000 earned by each employee is no longer meeting the needs of the employers, employees, or the system. Therefore, I am suggesting that all committees working with this matter take action this year in revising the necessary portions of the Wagner-Peyser Act and working to address the long-term financing problems of a labor exchange.

Again, I am pleased with the response from my colleagues with regard to meeting the needs of the job placement side of the unemployment system. I am confident that we will be able to reemploy at least a major portion of the 5,000 job placement personnel laid off nationwide and a large portion of the 215 people laid off in Iowa.

I believe that we are acting responsibly by providing funding for the rest of this year while we study and amend the system so it can continue to provide services and not drain the economy in the future.●

HEARING ON H.R. 5227, THE EXTRADITION REFORM ACT OF 1981

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HUGHES) is recognized for 5 minutes.

● Mr. HUGHES. Mr. Speaker, I wish to announce that the Subcommittee on Crime, which I chair, of the House Committee on the Judiciary, will hold a second day of hearings on H.R. 5227, the Extradition Reform Act of 1981. The hearing is scheduled for February 3, 1982, in room 2237, Rayburn House Office Building, at 2 p.m. Witnesses will include William Goodman, defense attorney, San Francisco, Calif.; Prof. Cherif Bassiouni, College of Law of DePaul University, Chicago, Ill.; Prof. Steven Lubet, international travel and transnational criminal law, Northwestern University; and other interested parties with a specialized interest in extradition.

Persons wishing to submit statements for the RECORD should contact the Subcommittee on Crime, House Committee on the Judiciary, 207 Cannon House Office Building, Washington, D.C. 20515 or telephone (202) 225-1695.●

PITTSBURGH STANDS WITH SOLIDARITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WILLIAM J. COYNE), is recognized for 5 minutes.

● Mr. WILLIAM J. COYNE. Mr. Speaker, according to one of my city's eminent jurists, Judge John G. Brosky, Lech Walesa, the courageous leader of Poland's Solidarity Union, was scheduled to Pittsburgh in October of last year. Unfortunately, events in Poland prevented his appearance.

While Lech Walesa could not represent his movement in person, the people of Pittsburgh, a city proud of its own union tradition, rallied in late December to let the people of Poland know that we stand with them in their struggle.

Judge Brosky was one of the principal speakers at that rally, which I was pleased to attend. His suggestions on actions the United States should take to aid the brave people of Poland, which include the launching of a food airlift similar to the one which aided Berlin in 1949, deserve wider airing.

I would like to share with my colleagues Judge Brosky's thoughtful remarks:

Thank you Mr. Grabowski, Reverend Fathers, distinguished guests, fellow Americans of Polish descent, ladies and gentlemen.

I share in the words of our chairman and express my gratitude for your participation here today. I join with your heads and hearts in this tremendous demonstration of support for the courageous, suffering, freedom loving people of Poland.

We are a collective people of all races, creeds, color and ethnic backgrounds, proud of our differences, but coming together in collective strength to defend those unalienable rights of life, liberty and the pursuit of happiness.

This is the hope of America; this is the hope of Poland; this is the dream of mankind throughout the world.

It was just a few short months ago, this past summer, that I stood here before a similar rally with labor leaders, management of industry, religious leaders and the Polish people of Pittsburgh, alongside of Stanley Walesa, the father of Lech Walesa, that young, dynamic leader of the organized workers of Poland.

It was a warm, sunny day with a clear blue sky above. There was a joy in our hearts, songs on our lips, and dancing in our feet. It was a big, joyous occasion for there was good reason to celebrate the successes of the Polish workers and the freedoms won from the Communists.

This fall, in October, Lech Walesa himself was to visit Pittsburgh and we were preparing to give him the same but greater recognition than that for his father. However, all was not well in Poland.

With continued unrests and frequent strikes being held to protest the economic conditions in Poland, one could sense growing tensions among the leadership of the workers.

Lech Walesa was the stabilizing force in Poland. A strong leader of the organized workers who called themselves the "Solidarnosc" or Solidarity Union, he was a bold, courageous, intelligent, cool-headed, young man of stateman like quality. He had the respect of the Communist government and effectively achieved goals demanded of his people.

He made a tremendous impact on the world for his successful stand for human rights. Time magazine chose Lech Walesa as their "Man of the Year" for 1981. He is truly deserving of this honor. We applaud their decision.

Throughout the 1,000 year history of Poland, the spirit of the Polish people has remained invincible. Polish soldiers fought both in Poland and on foreign soil with great casualties for one goal—it was always "for your freedom and ours."

The people of Poland are deeply religious, nationalistic and strong individuals. They are not Communists and will never be Communists.

Poland's long desire for freedom was best expressed in a poem entitled, "The Caged Birds," by a celebrated Polish writer, which sums it all in this verse:

A curious, young greenfinch asked an old bird
Why in this cage do you cry?
You have more comforts here than you did in the fields.
I'll forgive you was the old one's reply
For you were born caged, but I used to be free
And now without freedom I'll die.

The "Caged Birds" of Poland, who, first sought their freedom, were the workers in the shipyards of Gdansk in northern Poland on the Baltic Sea and the miners in coal fields of Silesia in southern Poland who began a strike on August 14, 1980 to better their way of life.

The strike which ended peacefully after 18 days with the Polish Communist accepting a 21 point agreement. The concessions granted by the Communists were not only economic benefits to the workers, but there were many political, cultural and religious privileges to improve the quality of life for people generally.

This achievement was a great historical event. It is the first time since communism was established as a state form of government that its fundamental principle of control was set aside.

Whatever concessions, however, were granted to the Poles, the government made one thing clear in its 21 point agreement. That is, workers have the right to form free self-governing trade unions so long as they do not act as political parties or contest the Communist Party supremacy.

Apparently the Soviet Union believed that the workers were challenging the Communist Party control of the government. Consequently, martial law was ordered for the country. The troops moved in as they did on Hungary and Czechoslovakia. Intervention by Soviet military forces is now a growing concern of the Western nations. The holocaust of suffering has begun.

There came instant reactions from around the world. As if their statements were prepared in advance, many countries, like West Germany, announced that martial law in Poland is an internal affair and that any attempt to deprive the Soviets of their control of Poland might jeopardize peace.

Meantime, these countries closed their ears to the violence, killings, suffering, beatings, arrests and tortures inflicted on thousands of Polish people through martial law.

Only the United States responded in a positive manner. We commend our President for this. Although he had several options, he chose in the first instance to impose economic sanctions strictly against Poland. This denies the Polish people the necessities of life, which can only compound the hardships already imposed by martial law. Our suggestions are as follows:

Number one: The President indicated he doesn't want to hurt the Polish people. Then the answer should be to begin an airlift to Poland similar to that of the Berlin Airlift a few years back. Let's empty our granaries and warehouses stacked with cheese and agricultural products which one Senator said should be dumped into the sea.

The human and decent course to follow is to establish an airlift for food and medicines through a neutral country or an agency of the United Nations through whom supplies can be forwarded and distributed directly to the people of Poland.

Whatever happens to Poland will affect the whole East-West relationship.

Poland is not solely a United States problem. It's an international matter of serious and great consequence.

Number two: We suggest that the United States immediately place the Poland issue before the United Nations, or, in the alternative, the President should summon a conference of all the leaders of the Western countries including Australia, Canada, New Zealand and Japan to discuss actions to be taken on the crisis in Poland.

Number three: We suggest economic sanctions against the Soviet Union and all Eastern European Communist satellites. An em-

bargo can be effective only when the United States and the countries in the Western Alliance join in such a venture to impose a total restriction on all trade—agricultural, technological, financial or whatever.

Number Four: We ask all Americans to extend their goodwill across the ocean to the freedom loving people of Poland. They need medical supplies, agricultural food and clothing which will be accepted by the Polish Communist government. Each of us can help in his own way.

In addition, write the President, the Senators and Congressmen. Ask them to support Poland in its hour of need. It's the spirit of the season to be moved toward peace, goodwill and mercy for your fellowman.

The Trumpeter of Cracow has sounded his call high above the invaders from the east. He will not be silenced. He must not be silenced. "To win and to relax means disaster; to be defeated and not to surrender, that's victory."—Marshall Pilsudski.

The cause of freedom and victory for Poland and for mankind everywhere is in our hands.

Thank you.●

UNCLOG THE COAL PIPELINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. WRIGHT) is recognized for 15 minutes.

● Mr. WRIGHT. Mr. Speaker, last year, more than half of this Nation's electricity was generated by coal. Unfortunately for consumers, most of that coal had only one way to get to its utility markets—by railroad. In fact, coal shipments to electric utilities are more than 80 percent captive to rail. Greater competition in coal transportation is essential if we are going to keep delivered prices reasonable and prevent electricity rates from going higher and higher.

The time now has come—after 20 years of debate—for this Congress to enact legislation granting the right of Federal eminent domain to interstate coal slurry pipelines. Passage of the Staggers Rail Act in the last Congress provided increased pricing flexibility for the railroads, and it is more critical than ever that an alternative transportation system is allowed to be developed to benefit consumers of electricity. A major effort will be undertaken to move a coal pipeline bill through the House and Senate in this session of Congress, and I will be fully supportive of that undertaking.

During the past month, editorials have appeared in the New York Times and the Wall Street Journal solidly supporting Federal eminent domain for coal pipelines. The editorials articulate the compelling arguments for promoting this promising technology, and I commend them to the attention of my colleagues.

[From the New York Times, Dec. 27, 1981]

UNCLOG THE COAL PIPELINE

The standard way to move coal from mine mouth to power plant is by rail and barge. But it's not the only way. Pulverized and mixed with water, coal "slurry" can be efficiently moved by pipe, for hundreds or even thousands of miles.

Why, then, is there only one coal slurry pipeline in operation? Because the railroads have blocked other pipe construction by refusing to provide rights-of-way across their tracks. Eminent domain legislation, now pending in Congress, would break the rail monopoly and help hold down the cost of generating electricity.

Coal is a key to America's self-sufficiency in energy. It is abundant, cheap to mine and, when burned with care, relatively benign to the environment. Railroads, supplemented by river barges, could probably meet any increase in the demand for coal transport. But without effective competition, the high cost of moving coal by train over long distances is bound to retard the coal revolution. That's where slurry fits in.

Three planned pipelines would move low-sulfur coal from the northern plains to southern cities now dependent on natural gas. One would feed Appalachian coal to power plants in Florida. And three others would serve the export trade, bringing fuel to the ports of Norfolk, Los Angeles and Portland.

The opposition in the plains states comes from farmers and ranchers, who fear competition for scarce but low-priced water. Their complaints have impressed the Reagan Administration, which opposes the pending Federal law on the pretext that interstate energy commerce should be left to the states. But the slurry companies are confident that entrenched water interests can be bought off. The more serious opposition comes from railroads.

Until last year the railroads had a good case. Unsympathetic regulators prevented them from making a profit on most freight; their virtual monopoly in the coal traffic was often the only thing that kept them from bankruptcy. But regulatory reform has now given the railroads the rate flexibility they need to survive. There is every reason to let pipelines begin to compete.

The bills submitted to the House and Senate would still require pipeline developers to make their peace with individual states on water and environmental issues. But they would pre-empt for the Federal Government the authority to require the railroads to sell their rights-of-way for slurry operations.

It is hardly likely that slurry pipelines could grab all the coal traffic. They are likely, however, to cut into railroad profits on coal. And that is how free enterprise is supposed to work.

[From the Wall Street Journal, Jan. 27, 1982]

DAMPENING THE COALS

Coal mining concerns and the railroads are locked in a classic feud pitting the principles of the competitive free market against the protection afforded by government regulation. The issue is whether pipelines should be allowed to compete with the railways for the expanding coal transport market. The Reagan administration, it's sad to say, is moving along the wrong track in this dispute.

The vast bulk of U.S. coal is moved by rail, at no little expense. For instance, railway charges to ship a load of coal from a Wyoming mine to a Texas utility are now about four times the price of the coal itself. Coal producers complain that they are "captive customers" to the railroads and would like to see competition.

One idea, which dates back more than 90 years, is to move coal by pipeline. Coal can be ground and mixed with a liquid—water, oil, methanol or even liquefied carbon dioxide from the coal itself—and the resulting slurry can be pumped through underground pipelines to utilities, industrial users and ships for export. Besides helping to develop our coal reserves, slurry pipelines could also provide direct and indirect savings in transportation costs, according to a 1980 study commissioned by the Energy Department. "To the extent that the threat of slurry pipeline competition acts to keep rail rates low, then savings can result even if coal is hauled by rail," it concludes.

The only coal pipeline now in operation runs from Arizona to Nevada and carries 4.8 million tons a year at a cost estimated at less than half the comparable rail shipment. There are tentative plans for another eight slurry lines, with a total capacity of over 150 million tons annually. However, work on these pipelines is being impeded by two major obstacles: inability to gain rights-of-way across the country's vast web of railway lines and the question of water availability in the West.

The federal government granted eminent domain authority to the railroads in the 1860s and 1870s to allow them to traverse land and thus to facilitate the growth of the West. The railways are blocking the entrance of slurry pipelines into the coal transport market by refusing them rights-of-way across railway property. Similar railway recalcitrance led to federal rights-of-way for petroleum pipelines during World War II and eminent domain authority has also been given to interstate gas pipelines and electric power lines.

The Reagan administration was asked to support legislation in Congress last year to permit coal slurries to cross railway lines. But Interior Secretary James Watt said the administration would not support granting eminent domain authority to the coal pipelines because it would violate states' rights. Mr. Watt's explanation was, in a word, fallacious.

All but one of the planned slurry pipelines would cut across state lines and therefore come under direct federal jurisdiction as interstate commerce. Besides, the only reason the coal producers are in this fix is the federal privileges granted to the railroads in the first place. The responsibility for granting rights-of-way to these slurry lines rests solely and squarely with the federal government, not in the state capitals.

A state's rights issue does arise, however, over the question of water availability. Here the legislation would limit the federal government's authority and would in effect give the governors veto power over coal lines based on water scarcity. This doesn't seem to bother the coal producers much. They figure they can probably find other liquids such as oil to convey the coal through the pipelines.

What really seems to be on the administration's mind is the worry that support of eminent domain for coal pipelines would be perceived in the West as federal infringement in the sensitive area of water rights, even though this is not truly the case. So the administration drew back from the issue by making this false plea for states' rights. In the meantime coal producers must cope with transportation bottlenecks, and the railways are asking the Interstate Commerce Commission to lift price regulations on coal exports. This too has the coal mine companies up in arms.

Congress will soon have a chance to redress the balance. The House Public Works Committee soon will take up the pipeline issue. (The House Interior Committee has already approved the eminent domain legislation.) We hope that Congress shows more concern than the administration for introducing competiton in the coal transport market and thus, it's hoped, encourages further development of our vast coal reserves.

[From the Alabama Journal, Jan. 6, 1982]

UP WITH COAL

The Tennessee Valley Authority reportedly has come to the realization that coal will be the least costly way to fuel its electrical generating plants. This comes from a utility that has committed itself to the atomic trail almost as though it had been divinely ordained.

It did so despite the proven perils that must be dealt with to make such facilities accident proof. It also made its decision for nuclear power although its territory—in Tennessee, Alabama and Kentucky—covers some of the richest and most available coal deposits in the nation.

Now, according to a news story, TVA must decide what to do to make the switch. The story said the options include halting construction of nuclear plants and building those that operate off coal.

Critics have long clawed away at the nuclear industry over its lush claims. The atom was supposed to be a good genie that would be a wondrous handmaiden, bounteously serving up electricity that would be clean, safe and inexpensive. Its disciples at the outset even chortled it would be so cheap that there would be no need to meter it.

But buried in all their gabble was the government's vast spending on research and development. Also glossed over were the lapses in technology, design, maintenance and operation that could flare to the surface with the potential for releasing virulent radioactivity.

The public started to get restless when TVA's Browns Ferry plant near Athens, Ala. had a fire which almost got out of control. Then there was the near-catastrophe at Three Mile Island in Pennsylvania that will cost as much as $1 billion to correct.

Coal is no perfect alternative. It gives off toxic substances when burned. But they can be contained, as research by the United States and other industrial countries has demonstrated, without being prohibitively expensive.

So, finally, it appears TVA is ready to kick its addiction to nuclear power. Such a switch could mean that Americans will now fully know the atomic genie for the unnecessary, treacherous imp that it is.●

WHY YET ANOTHER SOCIAL SECURITY COMMISSION?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS), is recognized for 10 minutes.

● Mr. REUSS. Mr. Speaker, study commissions are all too often devices for political face saving. While some produce useful, scholarly research, many commissions are simply a way to defuse a controversial issue—to buy time rather than shed any light.

The new National Commission on Social Security Reform, established by Executive order last December, is a perfect example of this tactic. In September, when a barrage of criticism forced President Reagan to withdraw his proposals for cutbacks in social security benefits, he called for a task force to "propose realistic long-term reforms to put social security back on a sound financial footing." The 15-member Commission, headed by Alan Greenspan, includes Lane Kirkland, former Social Security Commissioner Robert Ball, four Senators, three Congressmen, two former Members of Congress, and three business executives. This group, the President said, is needed to "forge a working, bipartisan consensus so that the necessary reforms will be passed into law."

Since 1977, when congress tackled the financial problems of the social security system by approving substantial increases in payroll taxes, there has been no shortage of studies on the subject. Three studies were mandated by the 1977 law, including a National Commission on Social Security, a separate study of the universal coverage issue, and a report on the treatment of women under social security. The National Commission issued its report in 1981. So did the President's Commission on Pension Policy, which devoted considerable space to social security issues. And the Social Security Advisory Council, which is required by the basic social security statute to report every 4 years, was last heard from in 1979. Once this body has been reconstituted, its next report is due in 1983.

Despite all this work, much misinformation still exists on social security's financial problems. Unfortunately, public fears about the system's solvency have been exploited by the administration in its attempts to advance its proposals for cutbacks. And press accounts that talk in terms of the system "going broke" have added to the confusion.

The short-term problems, in fact, are the direct result of poor economic performance. The high rates of inflation and unemployment in recent years have caused operating deficits by simultaneously pushing up the costs of social security benefits and reducing payroll tax receipts. These shortfalls have drained the system's reserves. But the trust funds are not on the verge of bankruptcy. Unless the economy collapses—which the administration certainly isn't predicting—the short-term strains on social security should be manageable without radical changes in either benefit levels or taxes.

There are serious, long-term problems with social security, caused by demographic factors. When the postwar baby boom reaches retirement age, beginning about three decades from now, its support will depend on less numerous working age people. Changes in social security programs will be needed, but we have plenty of time to examine the options and phase in whatever solutions we decide upon.

Rather than waiting to hear from yet another extensive commission, the administration and the Congress would be far better advised to review the large body of work we already have. The 400-page report of the 1981 Commission, for example, is thorough, policy oriented, and replete with specific recommendations. Many of them, including proposals for gradually raising the social security retirement age, and shifting part of the costs of medicare to general revenues, are controversial, but it is unlikely that a new report will produce a vastly different set of alternatives.

In any event, the administration has already made clear that it is not really looking for new answers. Its Commissioner of Social Security, John A. Svahn, told the Associated Press in December that regardless of what the new National Commission comes up with, the Reagan administration will steadfastly oppose efforts to use general revenues to finance any part of social security. The administration, though it may try to package the proposals differently next time, is obviously committed to benefit cuts as the solution to social security's problems.

So what is the point of the new National Commission?

[From the Sheboygan (Wis.) Press, Jan. 6, 1982]

WHY, MR. PRESIDENT?

It was less than 10 months ago that the National Commission of Social Security issued a provocative 414-page report—the result of an intensive two-year study—calling for specific measures to rescue the ailing Social Security system.

At that time, we urged President Reagan and the Congress to give the report the consideration it deserved to maintain one of the nation's best programs of social insurance and, at the same time, to shore up eroding public confidence in the system.

Today, it appears that the report—a monumental effort by an independent, bi-partisan, prestigious commission established by a statute passed by Congress—has been totally ignored, and that the study group's two years of labor has been a complete waste of not only time and effort but $2.5 million of the taxpayers money.

The Reagan administration is now proposing creation of a brand new Social Security Reform Panel with the same old assignment: another study to improve and reform the Social Security system.

The public is entitled to know what Mr. Reagan thinks a new study group will do that has not been done before. It is entitled to know why the recent report of the National Commission has been ignored. It is entitled to know why he proposed to go through the whole process again at considerable additional cost to the taxpayer.

Frankly, we would look upon any new study by a group appointed by President Reagan with genuine alarm and suspicion.

Just a few years ago, it was Mr. Reagan who teamed up with Barry Goldwater in a scheme to make Social Security "volun-

tary"—a scheme that all experts agreed would have undermined the actuarial and financial stability of the system. During the 1980 presidential campaign it was Mr. Reagan who assured us that the integrity of the Social Security system would be preserved, but once safely in office he cynically broke his promise and took steps to weaken the system under guise of budget cutting. He retreated only when the polls showed that the American people were outraged over what they viewed as an attempt to cripple—if not to dismantle—the whole Social Security program.

The nine-member National Commission on Social Security—the group on which James J. Dillman, a Sheboygan attorney, served as vice chairman—offered specific recommendations last March to solve Social Security's short-range financial problems.

While not everyone will agree with all of the Commission's recommendations, its research and field hearings work and its factual findings should provide an excellent basis for charting the future of Social Security. There can be absolutely no justification for Mr. Reagan's suggestion to go back to square one with another study of the very same sort.

Over the years, eight presidents and 22 Congresses have made solemn promises to the American people that their government, acting as trustees for those who have built up rights under Social Security, will meet its obligations as they fall due.

Now is not the time for President Reagan to be proposing yet another Social Security study—an insensitive maneuver which will only further delay urgently needed reforms in the system. It is time for the president to offer the reassurance that his administration intends to fully carry out its compact with Social Security's contributing workers and beneficiaries.●

INTERIOR APPROPRIATIONS HEARING SCHEDULE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. YATES) is recognized for 5 minutes.

● Mr. YATES. Mr. Speaker, I want to take this time to notify the Members of the House of the schedule of hearings for the Appropriations Subcommittee on the Department of the Interior and Related Agencies. The hearings will begin on Tuesday, February 23, and continue through May 27. Members should take special notice that Thursday, May 13, has been scheduled for Members of Congress to appear before the subcommittee.

HEARING SCHEDULE FOR FISCAL YEAR 1982, COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES

Tuesday, February 23, 10 a.m.; outside witnesses—Indian programs.

Wednesday, February 24, 10 a.m.; outside witnesses—Indian programs.

Tuesday, March 2, 10 a.m.; outside witnesses—resource management programs (Bureau of Land Management; Fish and Wildlife; National Park Service; Forest Service; Land and Water Conservation Fund; Historic Preservation; Urban Parks; Smithsonian; Office of Water Research and Technology).

Wednesday, March 3, 10 a.m.; same as above.

Thursday, March 4, 10 a.m.; FDR Memorial Commission.

Thursday, March 4, 10:30 a.m.; Woodrow Wilson Center.

Thursday, March 4, 11 a.m.; Pennsylvania Avenue Development Corporation.

Thursday, March 4, 1:30 p.m.; Indian Education.

Tuesday, March 9, 10 a.m.; Secretary of Energy Edwards.

Wednesday, March 10, 10 a.m.; Indian Health Services.

Thursday, March 11, 10 a.m.; Outside witnesses—energy programs (Department of Energy; Office of Surface Mining; Bureau of Mines; Geological Survey; Federal Inspector for Alaska Gas Pipeline).

Thursday, March 18, 10 a.m.; Economic Regulatory Administration.

Thursday, March 18, 1:30 p.m.; Energy Information Administration.

Monday, March 22, 1 p.m.; Holocaust Commission.

Monday, March 22, 1:30 p.m.; Federal Inspector for Alaska Gas Pipeline.

Tuesday, March 23, 10 a.m.; Royalty Management (Watt/Linowes/GAO).

Wednesday, March 24, 10 a.m.; Synthetic Fuels Corporation.

Wednesday, March 24, 1:30 p.m.; Navajo-Hopi Relocation Commission.

Thursday, March 25, 10 a.m.; Secretary of Interior Watt.

Monday, March 29, 1 p.m.; Bureau of Land Management.

Tuesday, March 30, 10 a.m.; Bureau of Land Management.

Wednesday, March 31, 10 a.m.; Geological Survey.

Thursday, April 1, 10 a.m.; Geological Survey.

Monday, April 5, 10 a.m.; Outside witnesses—National Foundation on Arts and Humanities (NEA, NEH, IMS).

Tuesday, April 6, 10 a.m.; Same as above.

Tuesday, April 20, 10 a.m.; Bureau of Mines.

Wednesday, April 21, 10 a.m.; Department of Energy: Conservation.

Thursday, April 22, 10 a.m.; Office of Solicitor (Interior).

Thursday, April 22, 1:30 p.m.; Office of the Secretary of Interior.

Monday, April 26, 1 p.m.; Department of Energy: Strategic Petroleum Reserve; Naval Petroleum Reserve.

Tuesday, April 27, 10 a.m.; Forest Service.

Wednesday, April 28, 10 a.m.; Forest Service.

Thursday, April 29, 10 a.m.; National Endowment for Humanities.

Monday, May 3, 1 p.m.; Department of Energy: Fossil Energy.

Tuesday, May 4, 10 a.m.; Department of Energy: Fossil Energy.

Wednesday, May 5, 10 a.m.; Bureau of Indian Affairs.

Thursday, May 6, 10 a.m.; Bureau of Indian Affairs.

Monday, May 10, 1 p.m.; Advisory Council on Historic Preservation.

Monday, May 10, 2:15 p.m.; Institute of Museum Services.

Tuesday, May 11, 10 a.m.; National Park Service.

Wednesday, May 12, 10 a.m.; National Park Service.

Thursday, May 13, 10 a.m.; Outside witnesses: Members of Congress.

Friday, May 14, 10 a.m.; National Capital Planning Commission.

Friday, May 14, 10:30 a.m.; Fine Arts Commission.

Friday, May 14, 11 a.m.; National Gallery of Art.

Monday, May 17, 1 p.m.; National Park Service: National Recreation and Preservation Programs; Urban Parks; Historic Preservation Fund.

Tuesday, May 18, 10 a.m.; Office of Surface Mining.

Wednesday, May 19, 10 a.m.; National Endowment for the Arts.

Thursday, May 20, 10 a.m.; Fish and Wildlife Service.

Monday, May 24, 10 a.m.; Territorial Affairs.

Tuesday, May 25, 10 a.m.; Territorial Affairs.

Wednesday, May 26, 10 a.m.; Office of Water Research and Technology.

Wednesday, May 26, 1:30 p.m.; Smithsonian Institution.

Thursday, May 27, 10 a.m.; Smithsonian Institution.●

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS TO HOLD HEARINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DINGELL) is recognized for 5 minutes.

● Mr. DINGELL. Mr. Speaker, the Subcommittee on Oversight and Investigations will conduct 2 days of hearings relating to certain matters involving the administration of the Federal securities laws and the regulations thereunder concerning corporate disclosures. Both days of hearings will begin at 10 a.m. and will be held on Monday, February 8, and Tuesday, February 9, in rooms 2123 and 2218 of the Rayburn House Office Building, respectively.

A briefing for members and staff in this regard will be held on Friday, February 5, at 3 p.m., in room 2322 of the Rayburn House Office Building.●

GENERAL DOZIER'S RESCUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. MINISH) is recognized for 5 minutes.

Mr. MINISH. Mr. Speaker, it gives me great pleasure to be able to stand before you this morning and congratulate the Italian police for their most courageous and daring rescue of Brig. Gen. James Dozier. After 42 days of captivity, when our concern for the general's safety may have been greater than we wanted to voice, it is a blessing and a tribute to the free world that General Dozier has been returned unharmed to his wife, family, and to all Americans who were sympathetic to his plight.

Certainly this rescue mission says a great deal for the competence and bravery of the Italian policemen who stormed the apartment in Padua where General Dozier was held captive by the Red Brigade. The Italian police exhibited great skill during a critical operation which lasted only a few moments. However, as an American of Italian descent, I also took great pride

in another aspect of the rescue mission.

I was impressed by the regard for human life which the Italian police displayed. No shots were fired in that mission and only one person was injured enough to be taken to the hospital. This is true despite the fact that when the police found General Dozier, he was being guarded by an armed terrorist. With lightning quick reflexes, an Italian policeman struck the Red Brigade member with the butt of his gun, avoiding having to shoot him, but also making certain that the general's life was saved. I think that maneuver displayed a split-second intelligence and compassion in what is obviously one of the most difficult decisions anyone would have to make in his lifetime.

This rescue effort is also important because it revealed the Italian police's ability to detect the movements and thwart the unscrupulous actions of the Red Brigade. According to reports in the New York Times, there is considerable factionalism within the Red Brigade and a breakdown of the organization. This mission strikes another blow to the terrorist group.

Mr. Speaker, I would like to say that this mission should send a signal to those who believe that terrorism is an acceptable means to their political end. It is not. This rescue effort is a sign to all who cherish human freedom and dignity, that we will not tolerate terrorist actions. It is my prayer that the United States and our allies will continue to work together so that officials living abroad will not have to fear for their safety. Finally, on this happy day, I send my blessing and sincere good wishes to the Dozier family who exhibited tremendous strength and spirit during the ordeal.●

INTRODUCTION OF LEGISLATION REGARDING THE OSAGE NATION OF INDIANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. UDALL) is recognized for 5 minutes.

● Mr. UDALL. Mr. Speaker, today I have introduced two bills which propose to establish the modern-day membership of the Osage Tribe of Oklahoma. The bills will allow the tribe to reorganize their government and establish the criteria for future tribal membership. These bills are being introduced by request to get this matter before the Congress where it rightfully belongs.

The problems of membership, voting rights, and tribal government date back to the passage of the Osage Allotment Act of 1906 which closed the membership rolls; alloted Osage lands and divided the mineral estate among the then 2,229 members. Because of this act only those who inherited an interest in the mineral estate—known as a headright owner—may vote in tribal elections and hold office. In modern terms, the vast majority of the Osage people—who today number 10,443 people—cannot vote in tribal elections and may never become tribal members irregardless of their tribal blood quantum.

The Osage Nation Organization representing persons of one-quarter or more degree Osage blood have been in court since 1973 to resolve the issue of tribal government and representation. In 1980 they were told that these are problems created by Congress which can only be resolved by Congress. Clearly there is a need for the Congress to act to protect and preserve the integrity of the tribe.

The Osage Indians are in a unique situation and one which Congress and the courts have generally not condoned. First, their membership was defined for them in the 1906 act. Second, the tribal government was abolished by law and was replaced by a form of government more akin to a mineral corporation than a tribal government. Third, the electorate are more akin to shareholders than constituents. In fact, they must have a share in the mineral estate to vote and their vote is proportionate to their share. And finally, anyone whose name is not on the 1906 roll, or who has not inherited a headright, cannot vote for the tribal council. This applies to some 8,000 persons on the quarterly annuity roll held in Osage Agency, Okla.

There is no further court action which can be taken to successfully rectify this situation to the satisfaction of all parties. There is no administrative action which can be taken based on present law. A legislative solution is the only avenue left. For these reasons, I have today introduced two bills to place the future of the Osage Nation of Indians in the hands of the Osage people. In keeping with historical practice; court decisions; and in recognition of the sovereignty of Indian governments and their inherent right to determine their own membership, I place this matter before the Congress. I had intended to introduce three bills to ensure that all interested parties would have their position before us. However, the Osage tribal council last week withdrew their bill which they had wished to introduce last May.

The Osage Indians were, aboriginally, located on the lower Ohio River and the lower Mississippi. In historical times, this tribe occupied large tracts of land in what are now the States of Missouri, Arkansas, Kansas, and Oklahoma. Through a series of land cession treaties with the United States, beginning in 1808 and ending in 1865, the tribe lost most of this land and was pushed back to a reservation in north-central Oklahoma.

From 1866 until 1881, the Osage Tribe resided on this reservation and governed its affairs under its traditional form of government. In 1881, the tribe adopted a constitution which established a three-branch government patterned after the American model. The tribe functioned under this form of government until 1900, when the Secretary of the Interior illegally abolished the government.

In 1906, Congress passed legislation which abolished the tribal form of government and rigidly defined membership without making allowances for future membership and representative government. The present state of affairs is the direct result of this 1906 act.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCGRATH) to revise and extend their remarks and include extraneous material:)

Mr. GRADISON, for 5 minutes, today.
Mrs. HECKLER, for 5 minutes, today.
Mr. TAUKE, for 5 minutes, today.

(The following Members (at the request of Mr. LEVITAS) to revise and extend their remarks and include extraneous material:)

Mr. AUCOIN, for 5 minutes, today.
Mr. GONZALEZ, for 15 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. COELHO, for 5 minutes, today.
Mr. HUGHES, for 5 minutes, today.
Mr. WILLIAM J. COYNE, for 5 minutes, today.
Mr. WRIGHT, for 15 minutes, today.
Mr. REUSS, for 10 minutes, today.
Mr. WEAVER, for 30 minutes, today.
Mr. BONKER, for 5 minutes, today.
Mr. YATES, for 5 minutes, today.
Mr. DINGELL, for 5 minutes, today.
Mr. MINISH, for 5 minutes, today.
Mr. UDALL, for 5 minutes, today.
Mrs. COLLINS of Illinois, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCGRATH) and to include extraneous matter:)

Mr. LENT.
Mr. LEWIS.
Mr. DORNAN of California.
Mr. WOLF.
Mr. DERWINSKI in two instances.
Mr. FINDLEY.
Mr. MICHEL.
Mr. SOLOMON.
Mr. SHUMWAY.
Mr. WHITEHURST.

Mr. YOUNG of Florida in 10 instances.
Mr. CLAUSEN in two instances.
Mr. LAGOMARSINO in two instances.
Mr. DENARDIS.
Mr. BROOMFIELD.
(The following Members (at the request of Mr. LEVITAS) and to include extraneous matter:)
Mr. FAUNTROY.
Mr. FAZIO.
Mr. MAZZOLI.
Mr. MCDONALD in 10 instances.
Mr. D'AMOURS.
Mr. DYSON.
Mr. RICHMOND.
Mr. ASPIN.
Mr. BOLAND.
Mr. DE LA GARZA.
Mr. MAVROULES.
Mr. EARLY.
Mrs. BOUQUARD.
Mr. WRIGHT.
Mr. LEVITAS.
Mr. MATSUI.
Mr. STUDDS.
Mr. MOTTL.
Mrs. COLLINS of Illinois.
Mr. MINISH.
Mr. ZABLOCKI in two instances.
Mr. MOFFETT.
Mr. JONES of North Carolina.
Mr. RODINO.
Mr. GAYDOS.
Mr. FOLEY.
Mr. HARKIN.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule referred as follows:

S. 2018. An Act to authorize the presentation on behalf of the Congress of a specially struck gold medal to Adm. Hyman George Rickover; to the Committee on Banking and Finance.

ENROLLED JOINT RESOLUTION SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled A joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 382. Joint resolution to permit the broadcasting in the United States of the International Communication Agency film "Let Poland Be Poland: A Day of Solidarity With the People of Poland."

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on January 29, 1982, present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 382. Joint resolution to permit the broadcasting in the United States of the International Communication Agency film "Let Poland Be Poland: A Day of Solidarity With the People of Poland."

ADJOURNMENT

Mr. LEVITAS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock p.m.), the House adjourned until tomorrow, Wednesday, February 3, 1982, at 3 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2920. A letter from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1982 for the Department of Labor (H. Doc. No. 97-137); to the Committee on Appropriations and ordered to be printed.

2921. A letter from the President of the United States, transmitting a report listing the countries which have disassociated themselves from the nonaligned countries communique of September 1981, and their methods of disassociation, pursuant to section 720(b) of Public Law 97-113 (H. Doc. No. 97-138); to the Committee on Foreign Affairs and ordered to be printed.

2922. A letter from the Acting Secretary of Agriculture, transmitting a report on administrative and legislative actions necessary to achieve operation of the tobacco program at no net cost to the taxpayers, pursuant to section 1109 of Public Law 97-98; to the Committee on Agriculture.

2923. A letter from the Assistant Secretary of the Army (installations, logistics, and financial management), transmitting notice of the proposed conversion to contractor performance of the guard services activity at Fort Greely, Alaska, pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

2924. A letter from the Assistant Secretary of the Army (installations, logistics, and financial management), transmitting notice of the proposed conversion to contractor performance of the office equipment repair activity at Fort Richardson, Alaska, pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

2925. A letter from the Assistant Secretary of the Army (installations, logistics, and financial management), transmitting notice of the proposed conversion to contractor performance of the transportation motor pool operations and maintenance activity at the Military Ocean Terminal, Bayonne, N.J., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

2926. A letter from the Assistant Secretary of the Army (installations, logistics, and financial management), transmitting notice of proposed conversion to contractor performance of the furniture repair activity at Fort Bragg, N.C., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

2927. A letter from the Assistant Secretary of the Army (installations, logistics, and financial management), transmitting notice of the proposed conversion to contractor performance of the refuse collection and disposal activity at Fort Bragg. N.C., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

2928. A letter from the Assistant Secretary of the Air Force (research, development, and logistics), transmitting notice of the proposed conversion to contractor performance of the publishing distribution office function at Tinker Air Force Base, Okla., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

2929. A letter from the Assistant Secretary of the Air Force, (research, development, and logistics), transmitting notice of the proposed conversion to contractor performance of the transient alert services function at Hill Air Force Base, Utah, pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

2930. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report on the impact on United States readiness of the Navy's proposed sale of certain defense equipment and services to Saudi Arabia (Transmittal No. 82-16), pursuant to section 813 of Public Law 94-106; to the Committee on Armed Services.

2931. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report on the impact on United States readiness of the Army's proposed sale of certain defense equipment and services to the Philippines (Transmittal No. 82-23), pursuant to section 813 of Public Law 94-106; to the Committee on Armed Services.

2932. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report on the impact on United States readiness of the Army's proposed sale of certain defense equipment and services to Turkey (Transmittal No. 82-27), pursuant to section 813 of Public Law 94-106; to the Committee on Armed Services.

2933. A letter from the executive vice president, Potomac Electric Power Co., transmitting a copy of the company's balance sheet as of December 31, 1981, pursuant to paragraph 14, section 8, of the act of March 4, 1913; to the Committee on the District of Columbia.

2934. A letter from the Assistant Attorney General (Antitrust Division), transmitting a report on the voluntary agreement and plan of action to implement the International Energy Program, pursuant to section 252(i) of the Energy Policy and Conservation Act; to the Committee on Energy and Commerce.

2935. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a biennial report for 1980-1981 on the progress of the agency's upper atmospheric research program, pursuant to section 154(b) of the Clean Air Act, as amended; to the Committee on Energy and Commerce.

2936. A letter from the Acting Secretary of State, transmitting the 29th annual report, covering fiscal year 1980, on the extent and disposition of United States contributions to international organizations, pursuant to section 2 of the act of September 21, 1950; to the Committee on Foreign Affairs.

2937. A letter from the Acting Secretary of State, transmitting notice of the President's intention to exercise his authority under section 506(a) of the Foreign Assistance Act of 1961, as amended, in order to authorize the furnishing of certain emergency military equipment to El Salvador, pursuant to sections 506(b)(1) and 652 of the act; to the Committee on Foreign Affairs.

2938. A letter from the Acting Assistant Secretary for Congressional Relations, transmitting reports on human rights in countries receiving development and security assistance, pursuant to sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

2939. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of a proposed commercial manufacturing license and technical assistance agreement for the manufacture and sale of certain military equipment by the Government of Israel (Transmittal No. MC-3-82), pursuant to section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2940. A letter from the Director, Office of Legislative Affairs, Agency for International Development, transmitting notice of the allocations of funds for fiscal year 1982, pursuant to section 653(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

2941. A letter from the acting assistant legal adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2942. A letter from the Assistant Secretary of the Treasury (legislative affairs), transmitting project performance audit reports prepared by the International Bank for Reconstruction and Development, special studies prepared by the External Review and Evaluation Office of the Inter-American Development Bank, and project performance audit reports or project completion reports prepared by the Asian Development Bank, pursuant to section 301(e)(3) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

2943. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Navy's intention to offer to sell certain defense equipment and services to Saudi Arabia (Transmittal No. 82-16), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2944. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense equipment and services to the Philippines (Transmittal No. 82-23), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2945. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense equipment and services to Thailand (Transmittal No. 82-24), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2946. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense equipment and services to Thailand (Transmittal No. 82-25), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2947. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Air Force's intention to offer to sell certain defense equipment and services to Turkey (Transmittal No. 82-27), pursuant to section 36(b) of the Arms Export Control Act, together with certification that the sale is consistent with the principles contained in section 620C(b) of the Foreign Assistance Act of 1961, pursuant to section 620C(d) of the act; to the Committee on Foreign Affairs.

2948. A letter from the chairman, Board for International Broadcasting, transmitting the board's eighth annual report, covering fiscal year 1981, together with its review and evaluation of the operation and mission of Radio Free Europe/Radio Liberty, pursuant to section 4(a)(8) of Public Law 93-129; to the Committee on Foreign Affairs.

2949. A letter from the Inspector General, Department of Health and Human Services, transmitting a report on a proposed computer match of the Social Security Administration's title II master beneficiary records system against SSA's coal mine (black lung) payment master records system; to the Committee on Government Operations.

2950. A letter from the chairman, Advisory Commission on Intergovernmental Relations, transmitting the 23rd annual report on the Commission's activities, covering calendar year 1981, pursuant to section 5(3) of Public Law 86-380; to the Committee on Government Operations.

2951. A letter from the Secretary, American Battle Monuments Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552; to the Committee on Government Operations.

2952. A letter from the Secretary of Agriculture, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2953. A letter from the Under Secretary of the Interior, transmitting notice of a deferral of payment of the annual construction charge installment due for 1981 from the Kirwin Irrigation District No. 1, Pick-Sloan Missouri basin program, Kans., pursuant to section 17(b) of the Reclamation Project Act of 1939, as amended; to the Committee on Interior and Insular Affairs.

2954. A letter from the Secretary of Transportation, transmitting a report on the effect on the shipyard mobilization base of a proposal by Delta Steamship Lines, Inc., to reconstruct six container/breakbulk vessels in a foreign shipyard, pursuant to section 615(b) of the Merchant Marine Act of 1936, as amended (95 Stat. 753); to the Committee on Merchant Marine and Fisheries.

2955. A letter from the Chairman, National Mammal Commission, transmitting the ninth annual report of the Commission, covering calendar year 1981, pursuant to section 204 of Public Law 92-522; to the Committee on Merchant Marine and Fisheries.

2956. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report that no scientific or professional positions were established in NASA during calendar year 1981, pursuant to 5 U.S.C. 310(b); to the Committee on Post Office and Civil Service.

2957. A letter from the Chairman, Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Chairman, Federal Deposit Insurance Corporation, transmitting a report on small business finance, pursuant to section 404 of Public Law 96-302; to the Committee on Small Business.

2958. A letter from the Secretary of Energy, transmitting the fifth quarterly report on biomass energy and alcohol fuels, pursuant to section 218(a) of Public Law 96-294; jointly, to the Committees on Agriculture, Energy and Commerce, and Science and Technology.

2959. A letter from the Under Secretary of Energy, transmitting the annual status report on the uranium mill tailings remedial action program, pursuant to section 114(a) of Public Law 95-604; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

2960. A letter from the Under Secretary of the Interior, transmitting the annual report for 1981 on the study to evalute oil and gas development, wilderness characteristics, and wildlife resources on Federal lands in the central Arctic area of Alaska, pursuant to section 1001 of Public Law 96-487; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

2961. A letter from the Secretary of Transportation, transmitting a report on inland waterway user charges, pursuant to section 2095 of Public Law 95-502; jointly, to the Committees on Public Works and Transportation and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of Colorado (for himself, and Mr. KRAMER):

H.R. 5403. A bill to amend the Internal Revenue Code of 1954 to assist in lessening the impact on communities of rapid growth resulting from energy or resource development, and for other purposes; to the Committee on Ways and Means.

By Mr. BROWN of Colorado (for himself, Mr. LOTT, Mr. KEMP, Mr. OTTINGER, Mrs. HOLT, Mr. SMITH of Oregon, and Mr. FORSYTHE):

H.R. 5404. A bill to abolish the Synthetic Fuels Corp.; jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

By Mr. BROOMFIELD:

H.R. 5405. A bill to provide property tax relief to low-income elderly homeowners through direct reimbursements; to the Committee on Ways and Means.

H.R. 5406. A bill to amend the Internal Revenue Code of 1954 to allow a refundable income tax credit for the purchase of new automobiles manufactured by domestic automobile companies; to the Committee on Ways and Means.

By Mr. JOHN L. BURTON (for himself and Mr. PANETTA):

H.R. 5407. A bill to amend the National Flood Insurance Act of 1968 for the purpose of providing insurance with respect to damage caused by flood-related landslides; to the Committee on Banking, Finance and Urban Affairs.

H.R. 5408. A bill to amend the Small Business Act with respect to disaster loan programs; to the Committee on Small Business.

By Mr. PHILIP M. CRANE:

H.R. 5409. A bill to change the name of the Rochambeau Bridge crossing the Potomac River in Virginia and the District of Columbia to "Heroes Bridge"; to the Committee on Public Works and Transportation.

By Mr. DASCHLE:

H.R. 5410. A bill to prevent from taking effect special benefits provided to Members of Congress during 1981; jointly, to the

Committees on Appropriations, Rules, and Ways and Means.

By Mr. FAZIO (for himself, Mr. BENJAMIN, Mr. HYDE, Mr. LAGOMARSINO, Mr. BEVILL, Mr. OXLEY, Mr. FORSYTHE, Mrs. BOUQUARD, Mr. KOGOVSEK, Mr. VENTO, and Mr. ROE):

H.R. 5411. A bill to amend title 18, United States Code, to require the U.S. Parole Commission and the Bureau of Prisons to provide routinely to State and local law enforcement agencies certain information regarding individuals who are released from Federal penal institutions before the termination of their sentences, and for other purposes; to the Committee on the Judiciary.

By Mr. FINDLEY:

H.R. 5412. A bill to amend the Internal Revenue Code of 1954 to prohibit the granting of tax-exempt status to organizations maintaining schools with racially discriminatory policies; to the Committee on Ways and Means.

By Mr. FOGLIETTA:

H.R. 5413. A bill to authorize certain civilian employees of the Department of Defense who perform police or security functions at the Philadelphia Quartermasters Depot in Philadelphia, Pa., to make arrests for violations of law occurring on that installation; to the Committee on Armed Services.

By Mr. GRADISON:

H.R. 5414. A bill to amend section 2(a)(2) of Public Law 93-100 (12 U.S.C. 1832 (a)(2)) to allow State and local governments to establish negotiable order of withdrawal (NOW) accounts; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. HECKLER:

H.R. 5415. A bill to repeal the special tax benefits enacted during 1981 with respect to the living expenses of Members of Congress; to the Committee on Ways and Means.

By Mr. JEFFRIES:

H.R. 5416. A bill to authorize the Secretary of the Army to add water supply as a project purpose for the flood control project at Tuttle Creek Lake, Kans.; to the Committee on Public Works and Transportation.

By Mr. LATTA:

H.R. 5417. A bill to rescind the tax benefits provided during 1981 to Members of Congress for living expenses; to the Committee on Ways and Means.

By Mr. LONG of Maryland:

H.R. 5418. A bill to rescind the tax benefits provided during 1981 to the Members of Congress for living expenses; to the Committee on Ways and Means.

By Mr. MAVROULES (for himself, Mr. KILDEE, Mr. WORTLEY, Mr. EDGAR, Mr. DORGAN of North Dakota, Mr. BRINKLEY, Mr. WILLIAMS of Montana, Mr. HAMILTON, Mrs. HECKLER, Mr. CORRADA, Mr. MCDADE, Mr. EVANS of Georgia, Mr. GEJDENSON, Mr. HUGHES, Mr. BIAGGI, Mr. OBERSTAR, Mr. MITCHELL of Maryland, Mr. MITCHELL of New York, Mr. BENJAMIN, and Mr. FISH):

H.R. 5419. A bill to provide additional assistance to small business concerns in acquiring procurement information and contracts from the United States; jointly, to the Committees on Government Operations and Small Business.

By Mr. MAZZOLI:

H.R. 5420. A bill to amend the Internal Revenue Code of 1954 to repeal the special leasing rules added by the Economic Recovery Tax Act of 1981 which permit transfer of tax benefits; to the Committee on Ways and Means.

By Mr. MOTTL:

H.R. 5421. A bill to establish a private, nonprofit corporation to serve as a representative for the interests of residential telephone users before regulatory agencies, legislatures, and other public bodies and forums; to the Committee on Energy and Commerce.

By Mr. SCHUMER:

H.R. 5422. A bill to amend title II of the Social Security Act to reinstate the formulas for computing primary insurance amounts which were in effect before the enactment of the Social Security Amendments of 1977, and for other purposes; to the Committee on Ways and Means.

By Mr. SHAMANSKY:

H.R. 5423. A bill to amend the Agricultural Adjustment Act to terminate the authority of the Secretary of Agriculture to enter into marketing agreements, to issue marketing orders, and to enforce such agreements and orders, with respect to fruits, vegetables, hops, and tree nuts; to the Committee on Agriculture.

By Mr. SHUMWAY (for himself and Mr. SANTINI):

H.R. 5424. A bill to establish the Mono Lake National Monument in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. UDALL (by request):

H.R. 5425. A bill to provide for the reorganization of the government of the Osage Tribe of Indians; to the Committee on Interior and Insular Affairs.

H.R. 5426. A bill to provide for membership in the Osage Tribe of Indians; for the reorganization of the Osage tribal government; and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ZABLOCKI (by request):

H.R. 5427. A bill to authorize support to Radio Broadcasting to Cuba, Inc.; to the Committee on Foreign Affairs.

By Mr. ZEFERETTI:

H.R. 5428. A bill to amend the Bail Reform Act of 1966 to authorize consideration of danger to the community in setting pretrial release conditions, to eliminate surety bond, to permit pretrial detention of certain offenders, and for other purposes; to the Committee on the Judiciary.

By Mr. ASPIN:

H.J. Res. 393. Joint resolution to provide for the designation of April 9 of each year as "National P.O.W./M.I.A. Recognition Day"; to the Committee on Post Office and Civil Service.

By Mr. BIAGGI (for himself, Mr. BROOMFIELD, Mr. CAMPBELL, Mr. STRATTON, Mr. HATCHER, Mr. HUTTO, Mr. OXLEY, Mr. SAM B. HALL, Jr., Mr. PEYSER, Mr. ANNUNZIO, Mr. O'BRIEN, Mr. DANNEMEYER, Mr. MOLINARI, Mr. SMITH of New Jersey, Mr. MARRIOTT, Mr. MOFFETT, Mr. DENARDIS, Mr. RINALDO, Mr. FAZIO, Mr. OTTINGER, Mr. MONTGOMERY, Mr. BUTLER, Mrs. SCHROEDER, Mr. BOWEN, Mr. FASCELL, Mr. MARKEY, Mr. YOUNG of Alaska, Mr. STATON of West Virginia, Mr. FOLEY, Mr. DOWNEY, Mr. GRISHAM, Mr. KRAMER, Mr. FOGLIETTA, Mr. SMITH of Pennsylvania, Mr. WHITEHURST, Mr. DYMALLY, Mr. LAGOMARSINO, Mr. FORSYTHE, Mr. YOUNG of Florida, Mr. JAMES K. COYNE, Mrs. HECKLER, Mr. RUSSO, Mr. CLINGER, Mr. CARMAN, Mr. HARKIN, Mr. FROST, Mr. EDWARDS of Oklahoma, Mr. MCDONALD, Mr. CORRADA, Mr. CORCORAN, Mr. MAZZOLI, Mr. FAUNTROY, Mr. HOLLENBECK, Mr. YOUNG of Missouri, Mr. BEDELL, Mr. PANETTA, Mr. HORTON, Mr. PEPPER, Mr. FISH, and Mr. ROSTENKOWSKI):

H.J. Res. 394. Joint resolution commending the Italian Government and the Italian police for their daring and brilliant rescue of General James L. Dozier, and expressing support for all of the Italian Government's efforts to end terrorism; to the Committee on Foreign Affairs.

By Mr. FAZIO (for himself, Mr. ADDABBO, Mr. ANDERSON, Mr. BARNES, Mr. BEVILL, Mr. CORRADA, Mr. DASCHLE, Mr. DAUB, Mr. DENARDIS, Mr. DIXON, Mr. FASCELL, Mr. FAUNTROY, Mr. FLIPPO, Mr. FORSYTHE, Mr. FROST, Mr. HOLLENBECK, Mr. HORTON, Mr. HOYER, Mr. JACOBS, Mr. LANTOS, Mr. LAGOMARSINO, Mr. LONG of Louisiana, Mr. MADIGAN, Mr. MINETA, Mr. MINISH, Mr. MURPHY, Mr. OBERSTAR, Mr. PANETTA, Mr. PEPPER, Mr. PORTER, Mr. RAHALL, Mr. ROE, Mr. VENTO, Mr. WEAVER, and Mr. WINN):

H.J. Res. 395. Joint resolution to authorize and request the President to designate the month of April 1982 as "Parliamentary Emphasis Month"; to the Committee on Post Office and Civil Service.

By Mr. FOLEY:

H.J. Res. 396. Joint resolution making an urgent supplemental appropriation for the Department of Labor for the fiscal year ending September 30, 1982; to the Committee on Appropriations.

By Mr. MCCLORY:

H.J. Res. 397. Joint resolution designating February 7 through February 13, 1982 as "National Crime Prevention Week"; to the Committee on Post Office and Civil Service.

By Mr. RITTER (for himself, Mr. PRITCHARD, Mr. LEVITAS, Mr. HAMILTON, Mr. SOLARZ, Mrs. FENWICK, Mr. LEBOUTILLIER, Mr. EDWARDS of Oklahoma, Mr. LANTOS, Mr. PETRI, Mr. WINN, Mr. DERWINSKI, Mr. CHAPPELL, Mr. COURTER, Mr. OBERSTAR, Mr. YOUNG of Alaska, Mr. HANSEN of Idaho, Mr. ROTH, Mr. RATCHFORD, Mr. O'BRIEN, Mr. KEMP, Mr. SCHEUER, Mr. GORE, Mr. PEPPER, Mr. BINGHAM, Mr. WORTLEY, Mr. ERLENBORN, Mr. SMITH of Pennsylvania, Mr. FRENZEL, Mr. FASCELL, Mr. MINETA, Mr. KILDEE, Mr. BUTLER, Mr. EMERY, Mr. CHENEY, Mr. REGULA, Mr. WHITEHURST, Mr. GRADISON, Mrs. HOLT, Mr. MICHEL, Mr. FIELDS, Ms. MIKULSKI, Mr. MATSUI, Mr. MOFFETT, Ms. FIEDLER, Mr. DAUB, Mr. LEACH of Iowa, Mr. FORD of Michigan, Mr. MARRIOTT, Mr. CORCORAN, Mr. MOLINARI, Mr. CARMAN, Mr. BENJAMIN, Mr. MOTTL, Mr. BLILEY, Mr. BOWEN, Mr. PORTER, Mr. OTTINGER, Mr. KOGOVSEK, Mr. LAGOMARSINO, Mr. PANETTA, Mr. SMITH of Alabama, Mr. FISH, Mr. FAZIO, Mr. ROE, Mr. HERTEL, Mr. HARKIN, Mr. LUNGREN, Mr. BONKER, Mr. LUNDINE, Mr. STRATTON, Mr. VENTO, Mr. BARNES, Mr. SIMON, Mr. AUCOIN, Mr. EDGAR, and Mr. LONG of Maryland):

H.J. Res. 398. Joint resolution to authorize and request the President to issue a proclamation designating March 21, 1982, as Afghanistan Day, a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces; to the Committee on Post Office and Civil Service.

By Mr. STUDDS (for himself, Mr. HARKIN, Mr. EDGAR, Mr. GEJDENSON, Mr. ROSENTHAL, Mr. MCHUGH, Mr. WOLPE, Mr. LOWRY of Washington, Mr. RATCHFORD, Mr. WEISS, Mr. LELAND, Mr. OBERSTAR, Mr. KOGOVSEK, Mr. ST GERMAIN, Mr. MOFFETT, Mr. FAUNTROY, Mr. KASTENMEIER, Mr. FORD of Tennessee, Mrs. CHISHOLM, Ms. MIKULSKI, Mrs. SCHROEDER, Mr. BROWN of California, Mr. SHANNON, Mr. EARLY, Mr. JACOBS, Mr. MARKEY, Mr. BONIOR of Michigan, Ms. FERRARO, Mr. RICHMOND, Mr. WILLIAM J. COYNE, Mr. PANETTA, and Mr. BEDELL):

H.J. Res. 399. Joint resolution declaring the President's certification with respect to El Salvador to be null and void; to the Committee on Foreign Affairs.

By Mr. ANNUNZIO (for himself, Mr. ZABLOCKI, Mr. RODINO, Mr. ADDABBO, Mr. BIAGGI, Mr. CHAPPIE, Mr. CONTE, Mr. DENARDIS, Mr. DOWNEY, Mr. FASCELL, Mr. FAZIO, Mr. FLORIO, Mr. FOGLIETTA, Mr. LAGOMARSINO, Mr. MAZZOLI, Mr. MICA, Mr. MILLER of California, Mr. MINISH, Mr. MOAKLEY, Mr. MOLINARI, Mr. OBERSTAR, Mr. PANETTA, Mr. RINALDO, Mrs. ROUKEMA, Mr. RUSSO, Mr. SANTINI, Mr. VENTO, Mr. ZEFERETTI, Mr. ALEXANDER, Mr. ANTHONY, Mr. ATKINSON, Mr. AUCOIN, Mr. BEARD, Mr. BEDELL, Mr. BENJAMIN, Mr. BINGHAM, Mr. BLANCHARD, Mr. BOLAND, Mr. BONER of Tennessee, Mrs. BOUQUARD, Mr. BOWEN, Mr. BRINKLEY, Mr. BROOMFIELD, Mr. BROWN of Colorado, Mr. JOHN L. BURTON, Mr. BUTLER, Mr. CARNEY, Mr. CLAUSEN, Mr. COELHO, Mr. CORCORAN, Mr. CORRADA, Mr. WILLIAM J. COYNE, Mr. DAN DANIEL, Mr. DANIELSON, Mr. DAUB, Mr. DAVIS, Mr. DERWINSKI, Mr. DIXON, Mr. DUNN, Mr. DYMALLY, Mr. DYSON, Mr. ERLENBORN, Mr. EVANS of Georgia, Mr. FINDLEY, Mr. FISH, Mr. FOLEY, Mr. FORSYTHE, Mr. FRANK, Mr. FRENZEL, Mr. FROST, Mr. FUQUA, Mr. GINGRICH, Mr. GOODLING, Mr. GORE, Mr. GUARINI, Mr. HAMMERSCHMIDT, Mr. HANSEN of Idaho, Mr. HARKIN, Mr. HATCHER, Mrs. HECKLER, Mr. HILER, Mrs. HOLT, Mr. HORTON, Mr. HOWARD, Mr. HOYER, Mr. HUTTO, Mr. HYDE, Mr. JEFFORDS, Mr. JONES of North Carolina, Mr. KEMP, Mrs. KENNELLY, Mr. KINDNESS, Mr. LEBOUTILLIER, Mr. LELAND, Mr. LENT, Mr. LEWIS, Mr. LOEFFLER, Mr. LEVITAS, Mr. LONG of Louisiana, Mr. LOWERY of California, Mr. LUJAN, Mr. MCCURDY, Mr. MCDADE, Mr. MCDONALD, Mr. MADIGAN, Mr. MARKEY, Mr. MARRIOTT, Mr. MARTIN of North Carolina, Mrs. MARTIN of Illinois, Mr. MATSUI, Ms. MIKULSKI, Mr. MILLER of Ohio, Mr. MOFFETT, Mr. MORRISON, Mr. MURPHY, Mr. MYERS, Mr. NEAL, Mr. NICHOLS, Ms. OAKAR, Mr. O'BRIEN, Mr. OTTINGER, Mr. OXLEY, Mr. PASHAYAN, Mr. PATMAN, Mr. PRICE, Mr. PRITCHARD, Mr. PURSELL, Mr. REUSS, Mr. RICHMOND, Mr. ROBINSON, Mr. ROE, Mr. ROUSSELOT, Mr. SABO, Mr. SAWYER, Mr. SCHEUER, Mr. SENSENBRENNER, Mr. SHAMANSKY, Mr. SHUMWAY, Mr. SILJANDER, Mr. SKELTON, Mr. SMITH of New Jersey, Mr. SMITH of Pennsylvania, Mr. SOLARZ, Mr. STANGELAND, Mr. STANTON of Ohio, Mr. STUMP, Mr. SUNIA, Mr. SYNAR, Mr. UDALL, Mr. WALGREN, Mr. WATKINS, Mr. WEBER of Ohio, Mr. WHITE, Mr. WHITEHURST, Mr. WHITTEN, Mr. WILLIAMS of Ohio, Mr. WILSON, Mr. WINN, Mr. WON PAT, Mr. WORTLEY, Mr. WYLIE, Mr. YATES, Mr. YOUNG of Florida, Mr. YOUNG of Missouri, Mr. LAFALCE, Mr. GOLDWATER, and Mr. EDWARDS of Oklahoma):

H. Con. Res. 260. Concurrent resolution expressing the sense of the Congress regarding the successful rescue of Brigadier General James L. Dozier; jointly, to the Committees on Foreign Affairs and Armed Services.

By Mr. HANCE:

H. Con. Res. 261. Concurrent resolution expressing the sense of the Congress that there should be no new withholding tax on interest and dividend income; to the Committee on Ways and Means.

By Mr. SILJANDER:

H. Con. Res. 262. Concurrent resolution regarding the use of chemical weapons by the Soviet Union in Afghanistan, Laos, and Cambodia; to the Committee on Foreign Affairs.

By Mr. SOLOMON (for himself, Mr. MONTGOMERY, Mr. STUMP, and Mr. MOTTL):

H. Con. Res. 263. Concurrent resolution expressing the sense of the Congress that the President should take any actions necessary to make individuals who are required to register under the Military Selective Service Act and who do not register ineligible to receive Federal financial assistance or benefits, to participate in any programs or activities receiving Federal financial assistance, and to be employed by the Federal Government or any organization receiving Federal financial assistance; jointly, to the Committees on Government Operations and Post Office and Civil Service.

By Mr. GOODLING (for himself, Mr. BEARD, Mr. BROWN of Colorado, Mr. BEREUTER, Mr. BENEDICT, Mr. FRANK, Mrs. HOLT, Mr. LUJAN, Mr. LOEFFLER, Mr. ROTH, Mr. SMITH of Alabama, Mr. TAUKE, Mr. MILLER of Ohio, Mr. SENSENBRENNER, Mr. PARRIS, Mr. WEAVER, Mr. WEBER of Ohio, Mr. DENARDIS, and Mr. FOGLIETTA):

H. Res. 334. Resolution to amend the Rules of the House of Representatives to require a recorded vote upon the passage of any legislation that economically affects Members as a separate class, and for other purposes; to the Committee on Rules.

By Mr. HOWARD (for himself, and Mr. CLAUSEN):

H. Res. 335. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Public Works and Transportation; to the Committee on House Administration.

By Mr. JONES of North Carolina (for himself and Mr. SNYDER):

H. Res. 336. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Merchant Marine and Fisheries in the 2d session of the 97th Congress; to the Committee on House Administration.

By Mr. MITCHELL of Maryland:

H. Res. 337. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Small Business in the 2d session of the 97th Congress; to the Committee on House Administration.

By Mr. SILJANDER:

H. Res. 338. Resolution disapproving the action of the Council of the District of Columbia approving the Natural Death Act of 1981; to the Committee on the District of Columbia.

By Mrs. SNOWE (for herself Mr. EMERY, Mr. LAGOMARSINO, Mr. LEE, and Mr. STANTON of Ohio):

H. Res. 339. Resolution to amend the Rules of the House of Representatives to require a recorded vote upon final passage of legislation that adjusts the pay of Members, and for other purposes; to the Committee on Rules.

By Mr. UDALL:

H. Res. 340. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Interior and Insular Affairs; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

245. By the SPEAKER: Memorial of the Legislature of the State of Nebraska, relative to impact aid; to the Committee on Education and Labor.

246. Also, memorial of the Legislature of the State of South Dakota, relative to payments in lieu of taxes; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN:

H.R. 5429. A bill for the relief of Elzbieta Knop; to the Committee on the Judiciary.

By Mrs. SCHNEIDER:

H.R. 5430. A bill to permit Charles E. Day, Sr. and Mary Day, husband and wife, to file an action against the United States in the U.S. District Court, for the District of Rhode Island, and for other purposes; to the Committee on the Judiciary.

By Mr. STENHOLM:

H.R. 5431. A bill for the relief of Dr. Ferit Acar; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 100: Mr. BLANCHARD, Mr. EDGAR, Mr. HOYER, Mr. MINISH, Mr. RAILSBACK, Mr. RATCHFORD, and Mr. BROOKS.

H.R. 375: Mr. GORE and Mr. LEHMAN.

H.R. 1334: Mr. HOLLENBECK.

H.R. 1981: Mr. BEARD, Mr. BETHUNE, Mrs. BOUQUARD, Mr. CHAPPIE, Mr. DUNN, Mr. RALPH M. HALL, Mr. HILER, Mr. LUNGREN, Mr. MARTIN of North Carolina, Mr. NAPIER, Mr. OXLEY, Mr. ROBERTS of South Dakota, Mr. ROBINSON, Mr. SOLOMON, and Mr. STUMP.

H.R. 2007: Mr. LONG of Maryland, Mr. GUNDERSON, and Mr. CLINGER.

H.R. 2036: Mr. PARRIS and Mr. LENT.

H.R. 3181: Mr. JAMES K. COYNE.

H.R. 3225: Mr. RINALDO.

H.R. 3787: Mr. ALBOSTA.

H.R. 3958: Mr. PAUL, Mr. GRAY, Mr. CARMAN, and Mr. STUMP.

H.R. 4280: Mr. YOUNG of Alaska, Mr. GRISHAM, Mr. KOGOVSEK, Mr. EMERY, Mrs. HOLT, Mr. MOLINARI, Mr. GOODLING, Mr. ROE, Mr.

JACOBS, Mr. FISH, Mr. SANTINI, Mr. PATTERSON, Mr. WOLF, Mr. FIELDS, Mr. MCCLOSKEY, Mr. PICKLE, Mr. GORE, Mr. CLAUSEN, Mr. DENARDIS, Mr. HORTON, Mr. KEMP, Mr. MINISH, Mr. DOUGHERTY, Mr. MCDADE, Mr. BEDELL, Mr. OTTINGER, Mr. FAZIO, Mr. SUNIA, Mr. LAFALCE, Mr. LUNGREN, Mr. COURTER, Mr. DUNN, Mr. BURGENER, Mr. HUGHES, Mr. FORSYTHE, Mr. COELHO, Mr. LAGOMARSINO, Mr. WINN, Mr. HANSEN of Idaho, Mr. MINETA, Mr. MONTGOMERY, Mr. DAUB, Mr. MAZZOLI, Mr. MCDONALD, Mr. MURPHY, Mr. DWYER, Mr. GILMAN, Mr. UDALL, Mrs. BOUQUARD, Ms. FIEDLER, Mr. FRENZEL, Mr. LEBOUTILLIER, Mr. KILDEE, Mr. MCKINNEY, Mr. CARMAN, Mr. DYSON, Mr. BARNARD, and Mr. JEFFRIES.

H.R. 4400: Mr. WALKER and Mr. EVANS of Indiana.

H.R. 4404: Mr. TAUKE.

H.R. 4449: Mr. BIAGGI, Mr. BROYHILL, Mr. SMITH of Pennsylvania, Mr. BUTLER, Mr. EMERSON, Mr. GINGRICH, Mr. WOLF, Mr. ATKINSON, Mr. OXLEY, Mr. WILSON, Mr. SAWYER, Mr. ENGLISH, Mr. ROBERTS of Kansas, Mr. DAN DANIEL, Mr. HILER, Mr. FRENZEL, and Mr. YOUNG of Florida.

H.R. 4460: Mr. WEISS, Mr. BEILENSON, Mr. LOWRY of Washington, Mr. REUSS, Mr. ROSENTHAL, Mr. MARKEY, Mr. FRANK, Mr. LONG of Maryland, Mr. FISH, and Mr. BEDELL.

H.R. 4493: Mr. RAILSBACK.

H.R. 4617: Mr. KASTENMEIER, Mr. SUNIA, Mr. MARKEY, Mr. BIAGGI, Mr. CONYERS, and Mr. FORD of Tennessee.

H.R. 4733: Mr. HUTTO, Mrs. MARTIN of Illinois, Mr. MILLER of Ohio, Mr. CHAPPELL, Mr. EVANS of Georgia, Mr. SOLARZ, and Mr. HUBBARD.

H.R. 4741: Mr. MITCHELL of New York, Mr. HORTON, Mr. BARNES, Mr. PORTER, Mr. ROE, Mr. EMERSON, Mr. WILSON, Mr. ROTH, Mr. GUNDERSON, Mr. MCCOLLUM, Mr. MILLER of Ohio, and Mr. PETRI.

H.R. 4742: Mr. WILSON.

H.R. 4744: Mr. CONYERS, Mr. GRAY, Mr. HALL of Ohio, Mr. LIVINGSTON, Mr. RICHMOND, Mr. SMITH of Pennsylvania, Mr. SOLARZ, and Mr. WEAVER.

H.R. 4899: Mr. MORRISON, Mr. PAUL, Mr. DAUB, and Ms. OAKAR.

H.R. 5079: Mr. DASCHLE.

H.R. 5126: Mr. HUGHES, Mr. HARTNETT, Mrs. COLLINS of Illinois, and Mr. KINDNESS.

H.R. 5131: Mr. DAUB, Mr. MCEWEN, Mr. GORE, Mr. SIMON, and Mr. WON PAT.

H.R. 5133: Mr. WASHINGTON, Mr. PERKINS, Mr. JACOBS, Mr. GEJDENSON, Mr. ANNUNZIO, Mr. TRAXLER, Mr. STOKES, Mr. FITHIAN, Mr. SKELTON, Mr. SHANNON, Mr. WILLIAMS of Ohio, Mr. OBERSTAR, Mr. WRIGHT, Mr. EDWARDS of California, Mr. CONYERS, Mr. APPLEGATE, Mr. JONES of North Carolina, Mr. DYSON, Mr. HOLLENBECK, Mr. MAVROULES, Mr. ECKART, Mr. ATKINSON, Mr. PEPPER, Mr. GRAY, Mr. LONG of Maryland, Mr. SHARP, Mr. SABO, Mr. GARCIA, Mr. ROGERS, Mr. BARNES, and Mr. KOGOVSEK.

H.R. 5135: Mr. FLORIO, Mr. COELHO, Mr. MCGRATH, Mr. SMITH of Oregon, Mr. RUDD, Mr. WOLPE, Mr. DYSON, Mr. HAGEDORN, Mr. ALBOSTA, and Mr. ECKART.

H.R. 5154: Mr. BADHAM, Mr. RAILSBACK, and Mr. BUTLER.

H.R. 5193: Mr. MARKEY, Mr. SUNIA, Mr. WASHINGTON, Mr. WEISS, Mr. LELAND, Mr. OTTINGER, Mr. HUBBARD, Mr. DOUGHERTY, Mr. MITCHELL of Maryland, Mr. PERKINS, Mr. SIMON, Mr. FRANK, Mr. EDGAR, and Mr. FROST.

H.R. 5324: Mr. FRANK, Mr. LEE, Mr. LATTA, Mrs. SMITH of Nebraska, Mr. MCCLORY, Mr. BEDELL, and Mr. ROEMER.

H.R. 5334: Mr. WYDEN, Mr. WALGREN, Mr. APPLEGATE, and Ms. OAKAR.

H.R. 5343: Mr. CORCORAN and Mr. BAILEY of Missouri.

H.R. 5345: Mr. BEARD and Mrs. FENWICK.

H.R. 5390: Mr. BETHUNE.

H.J. Res. 354: Mr. DORGAN of North Dakota, Mr. SAM B. HALL, JR., Mr. BENEDICT, Mr. LUNGREN, Mr. SNYDER, Mr. BEARD, Mr. DYMALLY, Mr. ROTH, Mr. ROEMER, Mr. YOUNG of Florida, Mr. FROST, Mr. HUNTER, and Mr. LONG of Louisiana.

H.J. Res. 375: Mr. OBERSTAR, Mr. VENTO, Mr. HAWKINS, Mr. EVANS of Delaware, Mr. DIXON, Mr. KASTENMEIER, Mrs. MARTIN of Illinois, Mr. MITCHELL of New York, Mr. AKAKA, Mr. DAUB, Mr. HAGEDORN, Mr. GEPHARDT, Mr. SKEEN, Mr. BLILEY, Mr. WEAVER, Mr. WALGREN, Mr. GREGG, Mr. RICHMOND, Mr. WORTLEY, Mr. AUCOIN, Mr. SHARP, Mr. DICKINSON, Mr. ANDREWS, Mr. MARTIN of North Carolina, Mr. MARRIOTT, Mr. HANSEN of Idaho, Mr. PRITCHARD, Mr. REUSS, Mr. WEBER of Ohio, Mr. BONIOR of Michigan, Mr. FORD of Tennessee, Mr. ADDABBO, Mr. FAUNTROY, Mr. GREGG, Mr. SHAMANSKY, Mr. HORTON, Mr. FOGLIETTA, Mr. LEBOUTILLIER, Mr. LEE, Mr. RAHALL, Mr. SABO, Mr. MOTTL, Mr. RANGEL, Mr. HEFTEL, Mr. WIRTH, Mr. YOUNG of Missouri, Mr. MINETA, Mr. KRAMER, Mr. MAZZOLI, Mr. BEILENSON, Mr. SMITH of Pennsylvania, Mr. ROYBAL, Mr. BEREUTER, Mr. DUNN, Mr. BAILEY of Missouri, Mr. COELHO, Mr. FORSYTHE, Mr. DENARDIS, Mr. MOLINARI, Mr. BURGENER, Mr. MATSUI, Mr. HANSEN of Utah, Mr. FOLEY, Mr. WILSON, Mr. FRANK, Mr. MCDADE, Mr. EDGAR, Mr. D'AMOURS, Mr. PANETTA, Mr. LOWERY of California, Mr. WYDEN, Mr. BENNETT, Mr. ROE, Mr. DOUGHERTY, Mr. FRENZEL, Mr. FAZIO, Mr. ROEMER, Mr. YOUNG of Alaska, and Mr. DYMALLY.

H.J. Res. 387: Mr. MOTTL, Mr. WYDEN, Mr. HAMMERSCHMIDT, Mr. SIMON, Mr. FOWLER, Mr. TRAXLER, Mr. KOGOVSEK, Mr. TAUKE, Mr. JACOBS, Mr. FUQUA, Mr. ROSENTHAL, Mr. ALBOSTA, Mr. ANNUNZIO, Mrs. COLLINS of Illinois, Mr. APPLEGATE, Mr. OBERSTAR, Mr. MOFFETT, Mr. ECKART, Mr. SMITH of Pennsylvania, Mrs. CHISHOLM, Mr. MOLLOHAN, Mr. OTTINGER, Mr. HILLIS, Mr. HEFNER, Mr. BRODHEAD, Mr. CONYERS, Mr. KILDEE, Mr. KASTENMEIER, Mr. WASHINGTON, Mr. MATSUI, Mr. GORE, Mr. REUSS, Mr. SYNAR, Mr. FRANK, Mr. HAWKINS, Mr. SUNIA, Mr. SAM B. HALL, JR., Mr. BINGHAM, Mr. BEDELL, Mr. HARKIN, Mr. DICKS, Mr. FINDLEY, Mr. RAILSBACK, Mr. PERKINS, Mr. SAVAGE, Mr. MARLENEE, Mr. BARNES, Mr. VENTO, Mr. TRIBLE, Mr. BONIOR of Michigan, Mr. EVANS of Iowa, Mr. EMERY, Mr. LATTA, Mr. ADDABBO, Mr. FAZIO, Mr. FAUNTROY, Mr. HORTON, Mr. RANGEL, Mr. BOWEN, Mrs. SCHROEDER, Mr. DINGELL, Mr. WILLIAMS of Montana, Mr. NAPIER, Mr. DAVIS, and Mr. DE LA GARZA.

H. Con. Res. 192: Mr. RATCHFORD.

H. Con. Res. 218: Mrs. BYRON, Mr. FASCELL, Mr. FRENZEL, Mr. LANTOS, Ms. OAKAR, Mr. SABO, and Mr. STRATTON.

H. Con. Res. 219: Mr. SHANNON.

H. Con. Res. 226: Mr. MATSUI and Mr. HARKIN.

H. Con. Res. 227: Mr. JAMES K. COYNE, and Mr. MARKEY.

H. Con. Res. 255: Mr. WALGREN, Mr. BEARD, Mr. SMITH of Pennsylvania, Mr. EVANS of Georgia, Mr. ANNUNZIO, Mr. FROST, and Mr. PEPPER.

H. Res. 262: Mr. HUGHES and Mr. PEASE.

H. Res. 264: Mr. HENDON.

H. Res. 265: Mr. JAMES K. COYNE, Mr. ROTH, and Mr. EVANS of Iowa.

H. Res. 269: Mr. OTTINGER, Mrs. COLLINS of Illinois, Mr. SHANNON, Mr. ROE, Mr. FAUNTROY, and Mr. HARKIN.

H. Res. 324: Mr. BEARD, Mr. BROWN of Colorado, Mr. BENEDICT, Mr. FRANK, Mrs. HOLT, Mr. LUJAN, Mr. LOEFFLER, Mr. ROTH, Mr. SMITH of Alabama, Mr. TAUKE, Mr. KINDNESS, Mr. EVANS of Iowa, Mr. PARRIS, Mr. WEBER of Ohio, and Mr. COLLINS of Texas.

H. Res. 329: Mr. PEASE.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

334. By the SPEAKER: Petition of the City Council, Norwalk, Ohio, relative to deregulation of natural gas; to the Committee on Energy and Commerce.

335. Also, petition of the Village Council of Yellow Springs, Ohio, relative to an international nuclear weapons ban; to the Committee on Foreign Affairs.

SENATE—*Tuesday, February 2, 1982*

(Legislative day of Monday, January 25, 1982)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the Vice President.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Our Father which art in Heaven, many of us learned in childhood the prayer that the Lord Jesus taught. We heard it often from the lips of our parents as we were with them in the church. We pray it every time we attend public worship. Forgive us Lord for thoughtless mouthing of words which have become meaningless by their redundance. Forgive us for the familiarity that breeds contempt, even for that which is sacred.

Help us to understand why Christ would teach such a prayer. Help us to understand the essential wisdom in its petitions. Help us to perceive its relevance for our daily situation, to realize how it comprehends our basic human need.

Our Father, which art in heaven, Hallowed be Thy name. Thy kingdom come. Thy will be done on earth as it is in heaven.—Matthew 6: 9-10.

Grant us to understand that the deepest longings of the heart in their totality are fulfilled in the glory of Thy name, the coming of Thy kingdom, and the doing of Thy will on Earth as it is in Heaven. Could we legislate these three conditions it would be to the profoundest satisfaction of all humanity. May we mean it when we say it, and seek it with all our hearts. In Jesus' name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The VICE PRESIDENT. Under the previous order, the majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Chair.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The VICE PRESIDENT. Without objection, it is so ordered.

THE PRESIDENT OF THE SENATE

Mr. BAKER. Mr. President, I may say that I am delighted to see the distinguished President of the Senate, the Vice President of the United States, here safe, hale, and hearty, in view of the press accounts that I heard this morning when I first arose. We are always pleased to have the Vice President here, but we are especially pleased to have him here today.

THINGS MEN HAVE MADE

Mr. BAKER. Mr. President, the second session is now with us, and so is D. H. Lawrence and his poem "Things Men Have Made."

Things men have made with wakened hands, and put soft life into are awake through years with transferred touch, and go on glowing for long years.

And for this reason, some old things are lovely warm still with the life of forgotten men who made them.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that, after the recognition of the two leaders under the standing order and the special orders entered for today, there be a brief period for the transaction of routine morning business to extend not longer than 20 minutes in length in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER (Mr. ABDNOR). Without objection, it is so ordered.

THE SENATE SCHEDULE

Mr. BAKER. Mr. President, I may say that it is my intentions, after the Senate resumes its regular schedule of activities after the period for transaction of routine morning business, to ask this body to turn to the consideration of Senate Resolution 20, which is the resolution authorizing live television coverage of the Senate. I have consulted with the distinguished minority leader in advance on this subject on more than one occasion and with the distinguished Senator from Louisiana (Mr. LONG), who has expressed a great interest in this subject, as well.

I may say that I would expect the Senate to be engaged in this debate as long as necessary today and this week. It may be, Mr. President, that if the debate extends past today it would be desirable for the Senate to consider the possibility of double-tracking in order to take up other matters, as well as Senate Resolution 20, such matters as the consideration of the Criminal Code provision which is on the calendar.

Other matters that suggest themselves as possible candidates for double-tracking would include the agent identities bill, regulatory reform, the death penalty, and other matters that may be suggested by Senators.

This recitation is not intended to be an exclusive list nor a request for clearance to do these items or any item in a double-track situation by unanimous consent, but rather to put Senators on notice that after today it may be desirable to consider double-tracking and perhaps later today the Senate might consider a unanimous-consent request authorizing that, if necessary.

Mr. President, I have already indicated, in my most preliminary remarks, that I am pleased, as I am sure every Member of this body is pleased, to see the Vice President of the United States, the President of the Senate, here in good health and in good spirit. I do not know anything more of the news reports this morning about the possibility of some projectile striking the Vice President's motorcade as it proceeded from his home to the White House this morning. I will talk to the Vice President about that later in the day and perhaps he can give us more information about it and if that is possible and desirable I will pass it on to the Senate in a later statement.

REMARKS OF TENNESSEE GOVERNOR ALEXANDER ON NEW FEDERALISM

Mr. BAKER. Mr. President, I ask unanimous consent that the text of remarks made by Gov. Lamar Alexander of Tennessee on President Reagan's call for a new federalism be placed in the RECORD.

Governor Alexander gave an astute and spirited explanation of the bold action taken by President Reagan, and I am sure that my colleagues on both sides of the aisle will find it informative.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF GOVERNOR ALEXANDER

President Reagan's "New Federalism Bombshell" hit Washington Tuesday.

If it ever hits Main Street, the changes will make more difference to the ability of Americans to control everyday community decisions than anything Congress has done in half a century.

First, the President proposed a Grand Swap: The Federal Government will take over medicaid; in return, the states will take over all of Food Stamps and Aid to Families with Dependent Children. In addition, the Federal Government will return back to state control all or most of the Federal in-

terest in 40 education, transportation, community development and social service programs. The money to pay for these programs will come back with the programs. To avoid dislocation, the whole plan will be phased in over 8 years.

The proposal is big. It is complex. Since it will dominate Washington talk this year, here is a handy guide to the issues:

Some false issues you are likely to hear:

(1) "Our state will be a big financial loser in the swap of Federal programs." That cannot be true, at least as the President has proposed it.

It is true that any new structuring of more than 40 Federal programs involving $50 billion will affect States in very different ways. For example, in the swap—Tennessee loses $224 million a year, Florida loses $455 million, but California, New York, and Minnesota come out ahead.

But finding a fair, reliable and permanent way to keep any State from being a significant financial loser is part of the President's plan.

(2) "You can't trust the States."

In the 1930's, according to Dr. Gallup, Americans by large margins believed that the Federal Government had the least corruption and the best managers. Today, Gallup surveys show that Americans by nearly two-to-one margins trust State governments more than the Federal Government. States are guilty of some neglect in the past. Some things they neglected to do were better not done. States don't run up trillion-dollar deficits, or for that matter, any deficits.

Times have changed. Legislatures have been reapportioned. Civil rights laws—especially the Voting Rights Act—are secure. Today, the same people elect everyone.

You shouldn't buy this argument unless you believe that the further away someone gets from any ineffective third grade classroom, a leaky sewer or a pothole, the better he will understand it and the more likely he is to fix it.

(3) "The President's proposals are hastily conceived, ill-prepared, and incomplete."

That is wrong. The President's revolutionary proposal is based on four old concepts that, if anything, have suffered from too much thinking through: Revenue sharing, bloc grants, tax and responsibility turnbacks, and the Grand Swap. The Advisory Commission on Intergovernmental Relations can produce 10 thick volumes on each concept and within days report specifically on the impact of any new variation.

Governors, State legislators, mayors and county executives have recently focused their attention almost exclusively on the need to restructure the Federal system. Influential members of Congress, especially in the budget and Government operations committees, have developed similar specific options for reordering the Federal system that Congress could accept right now.

(4) "Reagan's idea is too big, too complex and too revolutionary ever to pass Congress."

The people who say this are as reliable as those who said: (a) Reagan will never be elected; (b) Congress will never cut taxes; (c) Congress will never index taxes; (d) Reagan will never agree to take over medicaid.

There is bi-partisan support. "New Federalism" is a Republican article of faith. Howard Baker, the Senate majority leader, made his maiden address to the U.S. Senate in the spring of 1967 on the need for revenue sharing. Democratic Governors like George Busbee of Georgia, Scott Matheson of Utah; and Bruce Babbitt of Arizona are at the front of the crusade.

Finally, Congress has little else to do this year that it can write home about. On its agenda are: Raising taxes that hurt people, chopping programs that help people, debating social issues that make people mad. Singing power to the people can help drown out some election year miseries.

Here are some real issues:

(1) Should the States take food stamps and AFDC in the Grand Swap?

There should not be much disagreement with the President's idea to federalize medicaid. The Feds already have medicare, a bigger program that does the same thing: Pay medical bills for people who need help. Management by one level of Government should help control exploding costs. All of Government medical support should be part of the social safety net.

The other half of the Swap—what the States take in return—will be the largest issue. The President says the States should take the food stamp program—almost all Federal now—and aid to families with dependent children, about 60 percent Federal.

It is not hard to know why the President thinks this. In California he restructured welfare, reduced its costs and focused the money on those who needed it the most. After watching two huge different Federal bureaucracies struggle to administer the programs, he must be even more confident that States can do a better job.

The problem with his proposal, most Governors would respectfully suggest, is that while it may be good for one rich State or even a federation of rich States, America has instead 50 States whose people have widely different incomes and capacity to provide for their needs. Alaska is so rich with natural resources that the State government has declared dividends. Mississippians are so poor that in many counties Federal transfer payments are the principal source of income for the people.

In addition to providing for the national defense and a sound currency, Congress should make a national decision about how much money we take from those who earn it to give to those who need help. This would avoid wide variances among the States. Management by one level of Government would help control costs.

Then, what will the States take back in the swap? Governors might suggest this dollar-for-dollar swap: The Federal Government takes over all income distribution programs; the States take back more programs that focus on everyday local concerns, such as elementary and secondary education, roads and bridges, economic development, community development and job training.

This is a real issue but not necessarily a real impasse. The Governors respect the President for understanding and talking about the issue that they care the most about. His recommendation to federalize medicaid is a substantial concession to the Governors' philosophical position. His invitation to consult is welcome. As a result, the response of State and local officials will hopefully be that the President has laid out a framework apt to produce a furious discussion but a good result.

(2) Can a permanent and reliable way be found to keep poor States from being big losers in the grand swap?

The object should not be to hold States harmless. Rather, the goal should be to define what the national response should be toward having both Alaskas and Mississippi in the United States. The problem can be solved for the short term by freezing existing distribution formulas. Congress is accustomed to recognizing financial differences among States: Some States pay only 30 percent of medicaid and AFDC; richer States pay half.

One idea for the long term: Create a special revenue sharing fund financed by a new permanent tax. The tax could be on imported oil. Dollars would go to the States based on that need. This is a familiar part of the revenue sharing formula which distributes its money based on population, per capita income and tax effort. The Advisory Committee on Intergovernmental Relations has a new and probably better device which measures each State's taxing capacity.

(3) What will happen to the Federal aid that goes directly to cities and counties?

For at least the past 15 years, cities and counties have enjoyed going to Washington for what most local officials found to be a deeper pocket and a more sensitive welcome than they received from State legislators at home. Relinquishing that deep pocket is a source of great concern, especially to larger urban areas. The President's proposal seeks to address that by requiring 15 to 25 percent of the super revenue sharing trust fund to be "passed through" to local governments.

A more fundamental answer to the problem is that Federal Government with a trillion dollar deficit is not likely to have so much of a deep pocket in the 1980's. In addition, after reapportionment there is no reason why large urban areas in most States should be inadequately represented in their general assemblies.

(4) Are the President's proposed tax turnbacks real?

Using the phasing out of the windfall profit tax as one of the turned back taxes is stretching it a bit. For this proposal, the President needs specific taxes that may be turned back in exact fashion.

(5) Can anybody talk about this issue in a way that doesn't put people to sleep?

The President can. Most Taxpayers can. Most politicians have never learned how.

Do you think it is a good idea for a Department of Education in Washington to spend its time setting the dress code, or the length of hair or the ratio of boys to girls in choirs in your neighborhood school? Is it wise for a small town mayor's first response to a leaky sewer to be a trip to Washington? Must every rural bridge be replaced by an engineering marvel built to national standards?

I walked across Tennessee for 6 months in 1978, staying in homes with more than 80 families. I found out quickly that most families tune out Washington talk. Most families are concerned first about everyday decisions: Is the school good? Is the water safe and the sewer adequate? Is the road fixed and free from crime? When does the garbage get picked up?

They are frustrated over their increasing inability to control these most important decisions in their lives. The reason they can't control them is because Washington has stuck its decision-making nose too far under the local tent. As a result, some of these citizens have quit voting.

There is nothing about solving that problem that will put most Americans to sleep.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have no further need for my time under the standing order. I see no Senator on

this side seeking recognition for the purpose of asking me to yield to them the time remaining under the standing order. I am prepared now to yield my remaining time to the distinguished minority leader for his use or to yield it back as he may prefer.

Mr. ROBERT C. BYRD. Mr. President, if the majority leader will yield me the remaining time.

Mr. BAKER. Yes. Mr. President, I yield my time remaining under the standing order to the minority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

Mr. ROBERT C. BYRD. I thank the majority leader.

Mr. President, may I ask the distinguished majority leader if he plans to recess from 12 noon until, say 2 p.m. today?

Mr. BAKER. Mr. President, I had not planned a recess, but I am agreeable to that. Today is Tuesday. Could I inquire of the minority leader if there is a plan for a meeting or a caucus on his side of the aisle, as there is on this side of the aisle, between that period?

Mr. ROBERT C. BYRD. Yes, there is.

ORDER FOR RECESS FROM 12 NOON UNTIL 2 P.M. TODAY

Mr. BAKER. Mr. President, in view of that, I believe the business of the Senate might be expedited if, indeed, the Senate stood in recess during the period from 12 o'clock until 2 o'clock so that Members on both sides of the aisle may attend party caucuses. It has been my experience that those caucuses, more often than not, produce a better view of the schedule and of the issues to be debated than were we to stay here and debate in that timeframe.

In view of that, Mr. President, I ask unanimous consent that at the hour of 12 o'clock, without further motion, the Chair put the Senate in recess until the hour of 2 o'clock, at which time the Chair will reconvene the Senate automatically.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank the distinguished majority leader.

Mr. President, I yield to the distinguished Senator from Wisconsin such time as he may require of the time that is under my control.

Mr. PROXMIRE. Mr. President, I thank my distinguished leader.

THE ALL VOLUNTEER FORCE IS WORKING

Mr. PROXMIRE. Mr. President, as our Nation puts more enforcement authority behind the unpopular and unnecessary draft registration process, it is ironic that many myths about our country's Volunteer Army are being shattered at the same time.

The public has heard them all—the Volunteer Army is too uneducated, too black and too poor.

A closer look, however, reveals quite a different picture.

An article which appears in the February 1, 1982 edition of Newsweek magazine is a case in point. It was written by Thomas Doherty, an employee at a center for the developmentally disabled in Madison, Wis., and appeared in the magazine's My Turn column.

Here are some excerpts from that column:

The soldiers I came into contact with—white and black, enlisted and commissioned—refused to live down to their advance notices. They did not expect the Army to be comfortable, did not go to pieces when they had to put in what the civilian world calls "overtime." (They were always on the job, except when sleeping, and no one did much of that.)

As for that distasteful illusion that the Army is full of unskilled blacks, here is what Mr. Doherty has to say:

Heard how racial minorities cluster in low-skilled jobs? In the medical company I visited, most of the skilled specialists—operating-room assistant, pharmacist, dental technician—were black, while the cook and two of his three assistants were white.

All in all, this article should provide an insightful look at the Volunteer Army for critics and supporters alike.

Mr. President, I ask unanimous consent that a copy of the My Turn column in the February 1, 1982, issue of Newsweek, by Thomas Doherty be printed at this point in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From Newsweek, Feb. 1, 1982]

DON'T SELL THE ARMY SHORT

(By Thomas Doherty)

There is a story by Donald Barthelme about a man of 35 who was sent back to sixth grade. He had made too many mistakes in life and so had to be re-educated.

I felt a particular kinship with that man late in October as I stood a predawn guard rotation in the wilds of Florida's Eglin Air Force Base. I am a family man in early middle age, honorably discharged over a decade ago, with no outstanding parking tickets. Yet there I shivered, cradling a rifle loaded with blanks, while just over the hill marauding infantrymen from some hotshot mechanized outfit cut a swath through our lines. Unlike the man in the story, I was there voluntarily, if not exactly by choice. Normally our National Guard unit spends summer camp in garrison, but for a change of pace we had been sent to this war exercise, which was called "Bold Eagle."

The woods were filled with the roar of diesels, with explosions and machine-gun fire, but, most impressively, with the bellowing of eager young soldiers who seemed to like what they were doing. Or at least to take it seriously.

"Don't they know they're supposed to go into acute withdrawal when deprived of their boom boxes, cheeseburgers and spit-shined Camaros?" I thought. "Strung out, all thumbs, too dumb to get out of the rain . . . Don't they know they are not supposed to give a damn?" Those guys not only seemed to know what they were doing, they were downright enthusiastic about it—even at 3 a.m.

WARRIORS

Such reflections brought scant comfort then but have brought much since. Like everyone else, I get my impressions of the Army from the media. But those two weeks revealed a very different Army from the one I have read about and seen on television. To be sure, these were not the superachievers of the 30-second hard sells on television, the confident warriors who do great things each day before the rest of us are at work. But neither were they the culturally stunted mercenaries that the sociologists have been warning us about since the end of the draft. Nor did they fit the dope-head image that haunts newspaper accounts of falling scores and space-age equipment manned by dropouts.

The soliders I came in contact with—white and black, enlisted and commissioned—refused to live down to their advance notices. They did not expect the Army to be comfortable, did not go to pieces when they had to put in what the civilian world calls "overtime." (They were always on the job, except when sleeping, and no one did much of that.)

Most of their equipment was the standard stuff of World War II battlefields, updated but unchanged in essentials: rifles and tanks; field stoves, typewriters and radios. As near as I could tell, the overriding concern of the men and women who operated those machines was not more money or cheaper highs but doing their jobs right. If they didn't, they would hear about it from the next guy, from the sergeant and the commanding officer. Such pressure is as effective now as it was 40 years ago.

And while I'm at it, they were polite to each other. They seemed to like working together. They tolerated indecision, bad weather, boredom, hard work and risk without dissolving into bitterness. They seemed, in fact, to be doing just fine.

Nor does this apply only to full-time line troops. The command section of the Georgia National Guard's 48th Mechanized Infantry came for an extra ten days of training attracted by the prospect of mock combat between the division they are part of—the 24th and the 101st Airmobile Division. Tennessee's Guard brigade was also in the field with the 24th. For most, there were no trips to town. No beer. They ate C rations, slept in pup tents or under shelter halves tied to trees. Half the time they were soaked to the skin. Chances are, when they all got home their neighbors asked about the beaches and night life.

Heard how impersonal the Army can be? One morning a jeep sped by, U-turned and roared back. For me. If you were walking near traffic, sooner or later you got a lift.

Heard how racial minorities cluster in low-skilled jobs? In the medical company I visited, most of the skilled specialists—operating-room assistant, pharmacist, dental technician—were black, while the cook and two of his three assistants were white.

OPENING ROUND

The day before "war" was to start I was sent to take pictures of an armor unit.

Nobody knew me there and each side was scouting the other. It fell to a series of lieutenants to check me out, because spying and thwarting spies were both part of the game. In the circumstances, you might expect the good manners to fade. But no, the first man offered a ride to brigade headquarters, where the second ran another futile clearance check. Then he explained in detail why I would not be allowed in. These men were working for senior officers whose lists of tasks were long, their deadlines short. Even when war is just a game, things get tense before the opening round. In their place I might have said, "Your problem, pal. Get lost."

Good manners do not necessarily make good soldiers, nor does competence in war games assure that an outfit is battle ready. In 1942 U.S. infantrymen regaled Aussie veterans of Greece and North Africa with tales of the Louisiana maneuvers. Later, after they came dragging out of combat in Papua, diseased and much reduced in numbers, little was heard of Louisiana.

But you have to feel good when you run across high-quality people in the Army, and I ran across a lot of them. I met three lieutenants who were approaching the inevitable decision: to get out now or make it a career. For them the Army is no refuge from the real world. They thought themselves equal to any number of challenges, and they are right. In part because of those years in uniform they have more to choose from than most young men. It is no wonder that many are drawn away.

We hear a lot about good people leaving the Army. But it is a comfort to consider the corollary: many good people choose the Army in the first place, and some will stick with it.

BELOIT COLLEGE'S IMAGINATIVE APPROACH FOR INCREASED PRIVATE FUNDING

Mr. PROXMIRE. Mr. President, in the June 8 edition of the Wall Street Journal, President Rodger H. Hull of Beloit College outlined his interesting and imaginative approach for increasing the private funding for student aid programs.

While Mr. Hull's plan may or may not be the answer to raising new sources of funds for higher education, his ingenious ideas should be carefully studied. With Federal funds less abundant, colleges and universities must turn to new private initiatives such as the "Beloit Plan."

I ask unanimous consent that the article, "One College's Plan to Boost Financial Support," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ONE COLLEGE'S PLAN TO BOOST FINANCIAL SUPPORT

(By Roger H. Hull)

Over the last five years, first as vice president for development of a private university and now as president of Beloit College, I have criss-crossed the country in search of funds. I'm used to asking for money—and I even enjoy doing it—although these days it's not quite as enjoyable as it used to be.

With the enactment of the 1981 tax act, President Reagan made an eloquent plea for a renewed spirit of voluntarism. An important element of his rationale for tax cuts was that the private sector should be the source of support for colleges that had previously fed at the public trough.

Like all Americans, those of us in education hope he succeeds. We need more voluntary support; we realize that it is to everyone's advantage if that support materializes.

But if my corporate visits in the last few weeks are any indication, "It ain't necessarily so." The corporate trough is not expanding; the numbers feeding at it are. This means that even colleges like Beloit, which have never relied upon the federal government for much support, may also be hurt. A constant pool of dollars from which to draw will translate into reduced actual support—a particularly ironic result given the ideological commitment to private institutions that underlies both the President's policies and many corporate giving programs.

For instance, when speaking to the chairman of a major corporation (which incidentally is already a 5% contributor), I asked if there was any intent to extend the program, as is now legally permissible, to 10% of pretax earnings. His perfectly legitimate response was that other corporations should first contribute 5%.

A second call was perhaps even more instructive. In this case, I asked when the corporation would begin making increased contributions. The answer: "You should know better. We have no intention of adding a dollar to our contributions budget." At 1% of its pre-tax earnings, the company—it was claimed—was doing all that it should.

Since the reality of voluntarism will be increasingly scrutinized, the challenge is to develop creative responses. Rather than lament the present situation, we must be more imaginative.

We at Beloit are pursuing two approaches: cancellable loans and moral obligation scholarships. Both are designed to deal with federal cutbacks and with a system of financing that seems to encourage students to declare bankruptcy as their first "responsible" act upon graduation.

Under the cancellable loan program, corporate donations would create a revolving loan fund. A corporation would make gifts to the college to help pay off outstanding student loans of corporate employes. Such gifts could be made as an inducement of employment or after a period of satisfactory performance by the employe, or they could be used to recognize outstanding performance. The funds contributed, which would once again be used for loans to other students, would give the corporate donors both the added benefit of a visible employe incentive and a means of measuring (and rewarding) suppliers of corporate talent.

Like cancellable loans, moral obligation scholarships provide money that students need "up front"; unlike loans, they carry a moral, but not legal, repayment commitment. All students in receipt of moral obligation scholarships would receive special counseling and be informed that the scholarships are intended as a revolving fund for future students.

While there would be no legal obligation to repay, there would be a moral obligation to do so—and the college would assist by developing, along the lines of existing loan programs, gift repayment schedules and measures of the real cost of the scholarship over time. Significantly, instead of repaying loans, students would be making tax-deductible gifts. The program, we believe, will lead to a revolving fund which eventually will be larger than what was put in by the initial donors, since scholarship recipients will probably continue giving long after they have paid their moral debt.

Both these programs are of clear benefit to colleges; both are also a real benefit to prospective donors. In such a manner, colleges could capture the imagination of donors and prompt the beneficiaries of President Reagan's tax program to respond positively to his plea for expanded private sector initiatives.

ANTISEMITISM IN POLAND TODAY: A REMINDER OF GERMAN GENOCIDE

Mr. PROXMIRE. Mr. President, anti-Semitism is once again displaying its wretched face in Poland. According to a recent article by Mr. George Higgins of Catholic University in the Washington Post:

It has been reliably reported that anti-Semitic material, only thinly disguised, has been broadcast in Poland since martial law was imposed on December 13.

He cites the state-controlled Warsaw radio and press as trying to discredit Solidarity by accusing some of its top Jewish advisers of treason and other forms of unethical behavior. Furthermore, Mr. Higgins terms a tape recording of one such broadcast as "crudely anti-Semitic in content as well as tone," and he says that "it reads like an updated replay of a typical Nazi broadcast."

Less than 40 years ago, during World War II, the Polish authorities were also guilty of persecution of the Jews. At that time, under the direction of Hitler, close to 90 percent of the 3 million Polish Jews were annihilated. the Nazis came closer to their "final solution" in Poland than in any other country.

This tragedy led diplomats at the United Nations to draft the Genocide Treaty over a third of a century ago. Since 1948, 85 other nations have officially recognized and approved the convention—virtually every developed country in the world.

The Holocaust should also have provided more than enough impetus for Senate ratification. We have now been meeting for over 30 years since the treaty was referred for our consent and still we have not acted.

Today, Polish Jews are again the victims of concerted attacks by the Polish Government. I am not suggesting that genocide is occurring there now. I do, however, wish to expose the parallels of these two instances of man's inhumanity toward man taking place in the same country less than half a century apart. The treatment of Jews by the Jaruzelski regime in Poland serves as a reminder of the genocide that was practiced there under Hitler's direction.

Ratification of the convention would serve to demonstrate support for European Jews of the Second World War,

as well as for all other peoples subject to persecution. Those of Poland are but one example.

Once again we are witnessing the ugliness of anti-Semitism in Poland. Therefore, once again I must call upon the Senate to ratify the Genocide Convention to help protect national, ethnic, racial, and religious groups from oppression.

Mr. President, I ask unanimous consent to have printed in the RECORD the article by Mr. Higgins.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Jan. 13, 1981]

POLISH ANTI-SEMITISM: KEEPING THE BEAST ALIVE

(By George G. Higgins)

At the beginning of World War II there were approximately 3 million Jews in Poland. Today there are fewer than 10,000. The grisly story of what happened to the other 2,990,000 is one of the most horrible chapters in recorded history. Some few, very few, managed to escape to the West or go into hiding in Poland, but the majority died in the gas chambers at Auschwitz and other Nazi death camps.

Although tens of thousands of Polish Catholics, including substantial numbers of priests, were also executed by the Nazis in these same camps, the Holocaust was directed primarily at Jews not only in Poland but in all of Western Europe. The Nazis planned, with diabolical precision, to exterminate the Jewish people down to the youngest infant, and, tragically, came perilously close to doing so.

Many Westerners, Catholics included, seem incapable, even at this late date, of coping spiritually and psychologically with the Holocaust, and would prefer not even to think about it.

This kind of self-induced amnesia may help to explain in part why anti-Semitism of various kinds and in varying degrees is still alive, even in predominantly Christian nations.

One would have hoped, however, that in Poland at least, where Jews had suffered discrimination, at times even persecution, long before Hitler set out to exterminate them as a people, the few Jews who survived the Holocaust would be held in honor by their own government or at the very least would never again be the victims of anti-Semitism. Unfortunately things haven't worked out that way. More than once since the end of World War II, the ruling Communist Party in Poland has resorted to Nazi-style anti-Semitism for its own political purposes. It is now doing so again as part of its master plan to destroy the Solidarity labor movement in Poland and reinforce the party's centralized control over every aspect of Polish life and culture.

It has been reliably reported that anti-Semitic material, only thinly disguised, has been broadcast in Poland since martial law was imposed on Dec. 13. The state-controlled Warsaw radio and press have several times tried to discredit Solidarity by portraying some of its leading Jewish advisers as treasonous and morally corrupt. The American Jewish Committee has made a tape recording and translation of one such broadcast. Crudely anti-Semitic in content as well as tone, it reads like an updated replay of a typical Nazi broadcast.

It is also known that the official Polish news agency has featured anti-Semitic articles since martial law went into effect, again for the purpose of discrediting Solidarity.

According to unverified reports, Gen. Wojciech Jaruzelski, head of the military junta in Poland, has said privately that he has issued "categorical orders" to ban such broadcasts and newspaper articles. Even if accurate, these reports are meaningless. The general should have spoken out against anti-Semitism publicly, not privately, if only to correct the record and to let the Polish people know exactly where he and the junta stand on this issue.

Abraham Brumberg, author of a forthcoming book on Solidarity, is skeptical about Jaruzelski's sincerity on other grounds as well, "I am skeptical," he said, "because Jaruzelski has been prime minister since February. During this period, he countenanced the growth of an outright anti-Semitic organization and the use of anti-Semitic innuendoes in the Polish press, especially the army newspaper. Had Jaruzelski opposed the use of anti-Semitism as a traditional scapegoat mechanism, he could have put an end to it a long time ago."

If Jaruzelski wants to prove that he is sincerely opposed to anti-Semitism, he must do what Lech Walesa, chairman of Solidarity, has done repeatedly in the public forum. To his credit, Walesa has strongly condemned any and all forms of anti-Semitism in the most explicit of terms. I might add, in this connection, that while attending Solidarity's first national congress in Gdansk last Fall, I got the clear impression that Walesa's uncompromising views on this issue are shared by the overwhelming majority of Solidarity's officers and members. Solidarity is proud of the fact that almost all Poland's 10,000 Jewish citizens are active members of the movement and many leading Jewish intellectuals have served as expert advisers to the organization.

Whatever may have happened in the past, anti-Semitism would not be a serious problem in Poland now were it not for the government's efforts to keep it alive for its own political purposes. So long as martial law remains in force, the Polish people can do very little in a public way to counteract the government's vicious attack on the Jews. It remains, then, for Christians in the United States and other free nations and for Catholics in particular (since Poland is a predominantly Catholic country) to speak out vigorously in defense of Polish Jews.

The Catholic members of Solidarity and their religiously unaffiliated Gentile colleagues are obviously in desperate need of support, but at least they have the advantage of being 10 million strong, whereas their Jewish fellow-citizens are a defenseless minority of less than 10,000. If we Christians in the West fail to come to their defense, they will be left completely at the mercy of their enemies in the Polish government. We dare not condemn them to such a dreadful fate, for, if we do, it will not be long before the number of Jews in Poland will reach the zero point.

ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. Yes. The Senator has 9 minutes remaining.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. President, who is to be recognized next under the order?

The PRESIDING OFFICER. The Senator from Indiana (Mr. QUAYLE).

Mr. ROBERT C. BYRD. I have how much time remaining?

The PRESIDING OFFICER. Nine minutes.

Mr. ROBERT C. BYRD. Does any Senator on my side wish to utilize the 9 minutes I have remaining?

The PRESIDING OFFICER. The Senator from Texas has 15 minutes under a previous order.

Mr. ROBERT C. BYRD. I yield the 9 minutes that I have remaining to Mr. BENTSEN.

Mr. BAKER. Mr. President, I do not mean to interfere, but does the Senator from Texas have the first special order?

The PRESIDING OFFICER. No. This is the time of the minority leader. The Senator from Texas has the second special order.

Mr. BAKER. I understand. The Senator from Indiana has the first special order?

The PRESIDING OFFICER. Yes.

Mr. BAKER. But the Senator from Texas is to aggregate the 9 minutes and the 15 minutes at this time? This is a separate subject.

Mr. BENTSEN. No; I doubt that I will need that full time. I was going to utilize the 9 minutes and dispose of it.

Mr. BAKER. I have no desire to interfere with the plan of the Senator from Texas. I note that the Senator from Indiana is on the floor, though, and I thought he had the first special order to speak. But this is not to change the sequence of special order speeches, and I certainly have no objection.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. I hope that this has not been charged to my time, the 9 minutes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may retain the 9 minutes and that I may yield to the Senator from Texas.

The PRESIDING OFFICER. Without objection, it is so ordered.

WORLD AGRICULTURAL TRADE

I. THE AMERICAN FARM AND INTERNATIONAL TRADE

Mr. BENTSEN. Mr. President, this is the first in a series of statements I plan to make about our international trade policy as it relates to American agriculture.

I have been interested in this area of policy for some time because it is a matter of vital importance to American agriculture and our family farmers. I was a part of a U.S. congressional delegation to the multilateral trade negotiations (MTN) in Geneva in 1978, and I know how tough trade talks can be. I have met in my office with distinguished representatives from Europe,

from Japan, and from other countries. I have heard them argue that we should "go easy" on this talk of promoting U.S. agricultural exports.

I, for one, believe that it is time to get tougher, not easier, on agricultural trade issues.

I believe it is high time to take a hard look at what is really going on in agricultural trade, to measure the impact of those events on the American farmer and the price he receives for his product.

As cochairman of the Senate Export Caucus, I arranged a meeting last fall with Secretary of Agriculture Block and Trade Representative Brock to discuss agricultural trade problems. Subsequent to that meeting I requested a hearing on this issue in the Finance Committee's International Trade Subcommittee, where I am the ranking minority member. Senator DANFORTH, the chairman of that important subcommittee, has agreed to schedule this hearing on February 11.

This will be an important meeting, Mr. President, because agricultural trade is fundamental to the free trade system and that system, in turn, is a crucial factor in the economic health of the American farmer.

THE PRECARIOUS STATE OF THE AMERICAN FAMILY FARM

Mr. President, as many Members of the Senate are aware, conditions in American agriculture are astonishingly poor. I say "astonishingly" because American agriculture is generally considered the world's success story. Our food stores are brim full. American consumers pay only 16 percent of disposable income for food, the lowest percentage in the world. Our farmers' productivity is the best in the world. While total U.S. merchandise trade wallowed in a $40 billion deficit last year, U.S. agriculture trade is $26 billion in surplus.

Yet the American family farmer is now worse off than at any time since the Depression. Profit margins for most major crops have dropped nearly 50 percent since 1974. Net income per acre has skidded from $11 in 1950 to barely $4 today. Total net farm income in 1980, adjusted for inflation, was the worst since the Depression. And the farmer's purchasing power from crop sales is only one-half of what it was 30 years ago.

It is important to understand that the American family farm is a highly capitalized economic activity that must service an increasing debt to maintain its capital equipment. The basic problem, Mr. President, is that farm debt is growing twice as fast as farm income. Farm debt was up 74 percent from 1976 to 1980, and farm assets increased 64 percent in the same period. But domestic farm prices received by farmers increased only 31 percent in the same period.

INTERNATIONAL TRADE IS CRUCIAL TO THE UNITED STATES

We are still strangely unaccustomed to thinking of America as a major trading nation. Yet, in agriculture, we are the world's leading trading nation and international trade plays a significant role in American agriculture. In fiscal year 1971, the United States supplied 36.7 percent of world wheat exports and 41.3 percent of world exports of coarse grains. In 1980, the wheat and course grains percentages were 41.1 percent and 69.1 percent, respectively. Exports provide 25 percent of all U.S. farmers' market returns today. We export one-half of our crops by value—about 60 percent of the value of our wheat, rice, and soybeans. The highly leveraged and mechanized U.S. agricultural industry, therefore, is increasingly dependent on unrestricted access to world markets.

Yet this dependency on world markets threatens to turn against the American farmer. Instead of the unrestricted access to world markets that he needs, the American farmer has been subjected to agricultural embargoes under the last four administrations, including this one. Through no fault of his own, the American farmer is being branded an unreliable supplier.

Instead of competing in a free-world market with prices set by the laws of supply and demand, our farmers are forced to sell their product in a marketplace where price is depressed by the dumping of subsidized exports by other countries. The American farmer is not given an opportunity to compete with farmers in other countries. The most efficient producer does not necessarily supply the third-country markets of the world. Rather, those markets are too often supplied by the most heavily subsidized producer.

In subsequent talks, I will address the trade practices of the European Community's wheat export subsidies on the United States. Secretary of Agriculture Block has estimated that these subsidies last year cost U.S. farmers 50 cents per bushel in reduced market prices and cost the Federal Government $400 million in increased deficiency payments. As recently as last Friday, Secretary Block announced an acreage reduction plan to cut down our deficiency payments.

Farmers are coming off 2 consecutive years in which real net farm income was the lowest since the Depression. Many forecasters suggest this year may be worse than the previous two. Farmers are borrowing planting money at horrendously high interest rates to plant crops they simply cannot sell for a profit at today's prices.

Given these very difficult circumstances and the increasing importance of agricultural trade, I believe it is high time for the United States to stand up for its rights for farmers and other industries in international trade.

In the coming days I will be addressing specific areas in which the American farmer—the world's most efficient producer—has been placed at a disadvantage by unfair trade policies.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Wall Street Journal entitled "Shock for Growers."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SHOCK FOR GROWERS—FALLING GRAIN EXPORTS BRUISE THE FARM BELT; DAMAGE COULD SPREAD

(By Sue Shellenbarger)

HAVANA, ILL.—Selling food to foreign countries is big business in the Corn Belt town of 4,400 on the Illinois River. Lately, business hasn't been good. Many nations have cut their purchases of U.S. grain and people in Havana are feeling it in their pocketbooks.

Much road traffic in Havana still consists of trucks rumbling over the town's brick streets with hundreds of millions of dollars in grain to be loaded on barges headed for the port of New Orleans. But corn prices in Havana are down 25 percent from last year, and the volume of grain shipped from all Illinois River ports is down one-fifth.

Havana farmers, who send most of their grain abroad, have cut their spending plans and are signing up for government price supports at a fast clip. Farm-equipment dealers are hurting, and barge operators are feeling the pinch. At Havana National Bank, Chairman Frank Cook Jr. says: "Prices are depressed, and that hurts." What if conditions don't improve? "I'd retire," Mr. Cook says. "Conditions have to change."

Farm exports have fallen sharply nationwide, because of world slumps and tensions and because of competition from other countries. There have been declines before, but this time many of the causes seem unlikely to change soon. "We're dealing with some structural problems that are rooted in either economics or politics, and it will be difficult to turn these things around quickly," says Martin Abel, senior vice president of Schnittker Associates, Washington economic consultants.

END OF AN ERA

Apparently an era of explosive export growth, which brought about large increases in U.S. farm income and productivity, has ended. Although farm exports are likely to pick up from current depressed levels, their average growth through the 1980s won't approach the boom levels of the 1970s, experts say. That may slow food inflation for U.S. consumers, but U.S. farmers and the overall economy may suffer.

"World grain trade essentially doubled during the 1970s. That kind of increase simply can't go on," says D. Gale Johnson, a University of Chicago economics professor. Barring crop failures elsewhere, he says, "there will be two or three fairly painful years" for the farm economy.

Vincent Malanga, the senior economist at A. Gary Shilling & Co., New York economic consultants, predicts average annual growth of 2 percent for U.S. grain exports in the 1980s, down from 8 percent in the 1970s. That suggests, he says, that "the farm economy is going to be a relatively weak link in the general economy in the 1980s."

QUITE A SHOCK

The farm-export slump began in the year that ended last Sept. 30. Volume, falling far below forecasts, dropped by 1 percent. The picture has darkened since. Foreign sales and shipments of U.S. corn, wheat, soybeans and sorghum have been running 11 percent behind a year earlier.

To farmers accustomed to the last decade's soaring trade—spurred by rising world appetites for meat, milk, eggs and bread, plus the opening of huge markets such as the Soviet Union and China—the decline comes as a shock. After all, exports accounted for 85 percent of the growth in consumption of U.S. grains during the 1970s. By 1980, two-fifths of U.S. crops were being sent abroad, providing about 30 cents of each farmer's dollar of cash income. The trade surplus in agriculture grew twentyfold over the decade, to $26.7 billion in 1980.

In fact, the 1970s culminated in a near-shortage in 1980—when drought and three years' steady increase in export demand pushed U.S. grain prices sharply higher—and in fears of a 1981 shortage. Those fears were eradicated by the weather: Crop yields last fall were astonishingly high. But serious problems also arose, so that much of the surplus grain that normally would have flowed into world trade sat in farmers' bins instead. Some of the problems:

Rising interest rates around the world discouraged grain dealers from building inventories.

Food demand slowed in industrialized nations beset by recessions.

Rising debt forced many nations, already burdened by expenditures for imported oil, to devote more cash to debt payments and less to food imports.

The result of all these factors in Eastern Europe, where grain imports jumped at an annual rate of 30 percent or more in the last five years, is a mood of increasing austerity. In Romania, where a food-rationing program is in effect, President Nicolae Ceausescu, in a speech about disappointing harvest results, told Romanians they eat too much bread anyway and are getting too fat. In Yugoslavia, corn meal has been mixed with scarce wheat flour to make bread without raising wheat imports. U.S. grain exports to Eastern Europe are running 15 percent behind last year.

Another significant factor is the rising belief world-wide that the U.S. is willing to use trade embargoes as a political tool. President Ford suspended grain shipments to the Soviet Union for a time in 1975 amid a flap over the sales' effect on U.S. food prices, and in early 1980 President Carter embargoed a large part of U.S. sales to Russia over its invasion of Afghanistan.

Although President Reagan lifted that embargo, the recent Polish crackdown led him to postpone negotiations with Russia on a new grain-sales contract, and he hasn't ruled out further restrictions if the Polish situation worsens. All this makes some nations reluctant to depend heavily on the U.S. for food, and it encourages development of farm production in competing grain-exporting nations.

Since the 1980 U.S. embargo on Soviet grain trade, for example, the Soviets have turned Argentina into a virtual trade colony, and the U.S. share of Russian grain imports has slipped to 40 percent from 75 percent. After the embargo, the Russians more than quadrupled their share of Argentina's wheat and corn exports to 80 percent and 88 percent, respectively.

Elsewhere, self-sufficiency campaigns are cutting into grain imports. Mexico, U.S. farmers' third-biggest customer, is trying to avoid food dependence on "the colossus of the north" and managed last year, with the help of good weather, to grow all the beans and corn it needed for the first time, in 10 years.

There are other long-term factors. Whitney MacMillan, the chairman of Cargill Inc. of Minneapolis, the big community merchandiser and processor, cites rising competition from grain-exporting nations that, "largely left out of the export growth of the 1970s, are now finally gearing up to serve this demand." Aided by grain price supports and import duties, farmers in the European Economic Community for the first time in many years have become net exporters of grain instead of importers. European grain exports could rise 50 percent of 1985, Mr. MacMillan estimates. Canada, too, plans to increase its grain exports sharply.

Competition already has cut into U.S. trade in some of the hottest world markets. In the Middle East, "there's a strong growth in demand, but competitors are getting a bigger share," says John B. Parker, an Agriculture Department economist. France and Brazil recently have captured much of the growth in food imports by the Saudis.

All told, the U.S. share of world trade in grain and soybeans dropped to 52 percent in the 1980–81 marketing year from 56 percent the year before.

GAINS POSSIBLE

U.S. farm trade could pick up, of course, if crop failures force grain-importing nations to assign food imports a higher priority. An improvement in the world economy could spur sharp increases in trade with such big potential markets as China. And meat and poultry consumption in most of the world still lags behind the U.S. diet of 240 pounds a year. Czechoslovaks consume about 170 pounds, for example, and Mexicans about 64 pounds.

But the biggest new markets, such as the Soviet Union, are already open, and the potential for a renewed surge in growth is outweighed for now by other factors.

In the U.S. Farm Belt, many farmers are painfully aware of the export slowdown and are puzzled by it. "You bet I think of it," says Havana farmer Doyle Walker. Most of Mr. Walker's crops are usually sold abroad. In December, prices for corn in Havana dropped 15 cents a bushel, roughly 5%, instead of rising as they normally do at that time of year. The reason was international tension over the Polish situation: Buyers thought that the U.S. might impose another grain embargo against the Soviet Union; that would depress prices, so the buyers held back, anticipating better deals later.

Lunching at Waterworth's restaurant in downtown Havana, Fred Reeves, the manager of the Havana elevator of Growmark Inc., a farm cooperative based in Bloomington, Ill, muses about such influences. "There's been a tremendous change," He says. "Fifteen years ago, we weren't a world market. We were a domestic market. All of a sudden the farmer has to answer to world demand, to what's happening in Hungary, in Poland, in Argentina. Fifteen years ago, we wouldn't have thought of it."

SQUARE IN THE EYE

Across town, at Melvin Weakly's John Deere farm-equipment dealership, Mr. Weakly and his manager, Delbert Sielschott, spend much time cutting their inventories and talking about sluggish grain demand. In 1981, "a lot of farmers just couldn't generate enough income to buy equipment," says Mr. Weakly, and the year was his worst ever. "We don't see too much of a future, up to the mid-1980s," for grain demand. "We try to look the situation square in the eye," Mr. Weakly says. Concludes Mr. Sielschott: "And it looks pretty bad."

Along the Illinois, as many as 100 idle barges backed up at some parts even before last month's freeze, and barge rates plunged 20% or more. About one-fourth, or "tens of thousands," of U.S. railroads' grain-hauling cars are idle, says the American Association of Railroads.

Taxpayers are starting to pay for the slump, too. The Agriculture Department in December handed out $400 million to wheat farmers to compensate them for low prices. And farmers have put a record 1.16 billion bushels of corn in storage under a government price-support reserve program—an amount worth $2.8 billion at today's prices and equal in volume to the entire Indonesian rice crop.

If the slowdown continues, as many experts say it will, it could affect the whole economy. Food-price inflation, barring crop failures, is likely to be slowed by ample grain supplies and to lag behind the general inflation rate for much of the 1980s, Mr. Malanga of Shilling says. Cheaper feed for livestock will lead to "a more healthy climate" for producing beef, pork and chicken, says the University of Chicago's Mr. Johnson.

But the export boom of the 1970s benefited the economy in other ways. Based on an Agriculture Department calculation that every one million metric tons of U.S. farm exports generates 100 jobs, about 16,000 people last year owed their jobs to these exports. Farm exports also reduce the need for costly government price-support programs and help raise the dollar's value against other currencies by improving the U.S.'s overall trade balance. Besides, those who prosper from exports spend more, spreading their prosperity around.

Mr. LONG. Mr. President, will the Senator yield?

Mr. BENTSEN. Mr. President, I yield to the distinguished senior Senator from the State of Louisiana.

Mr. LONG. Mr. President, I wish to congratulate the Senator from Texas (Mr. BENTSEN) for bringing to our attention and seeking hearings on a problem of enormous importance to the United States. As he has said, while agricultural trade appears to be a winner for the United States—because we have an annual agricultural trade surplus—the American farmer is anything but happy with the world trade situation. He is as bad off as he has ever been.

It seems to me that the European agricultural program is designed without any regard for international obligations. What it boils down to is this: The European Communities sets the price on European agricultural products, and they set it high. Naturally, this stimulates production, and then, rather than bear the cost of storing their excess production, they simply dump it on world markets.

Mr. President, I ask unanimous consent to have printed in the RECORD a

table which I have in my hand showing a comparison between the minimum loan rates in the 1981 farm bill and the so-called intervention price of the European Communities.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPARISON OF THE EUROPEAN COMMUNITIES INTERVENTION PRICES FOR 1981–82 WITH THE UNITED STATES 1981 FARM BILL MINIMUM LOAN RATES/SUPPORT PRICES [1]

[Dollars per bushel, except as shown]

	U.S. minimum loan rates/ support prices	European Communities intervention prices
Wheat (soft)	3.55	4.90
Corn	2.55	4.57

[1] Sources: Of European Communities prices: European Community press release, August 1981 for March 1981; and Foreign Agriculture, July 1981, converted for dollar/ECU ratios provided by the U.S. Foreign Agriculture Service. Of United States prices: Public Law 97–98.

Mr. LONG. Mr. President, now the difference between the U.S. program and the European program is not just that the U.S. support price is lower than the European price. It is that the U.S. support price represents a totally different concept. The American price is a distress at which the farmer may forfeit his product to the Government. It is well below market prices. The European intervention price is well above the market price. For example, on this table it shows that the European Communities' intervention price for 1981–82 is $4.90 per bushel on corn. All the corn European producers can produce will be bought by the European Communities at that price. The U.S. minimum loan rate for corn in the same period under the farm bill is $2.55 per bushel, so if the U.S. market does not go above that price, then at the end of 18 months, U.S. farmers will forfeit their corn to the Commodity Credit Corporation, and, of course, probably take a loss. And where is the market price? As of Wednesday, January 27, 1981, the Wall Street Journal reports that the price of corn is $2.67 a bushel, 12 cents a bushel above the U.S. support price and $1.90 below the European intervention price. So our programs soften farmers' distress; European programs subsidize more and more production. Now, this effect is relatively small now, because the U.S. dollar is strong. If the dollar weakened to the point where it was only 9 months ago, the European Communities' subsidy would be $3.20 per bushel.

I also wish to point out the violence that the European program does to poor countries around the world who trade in these commodities. Europe is not a member of the International Sugar Organization, so they have no obligation to stock excess sugar production. They basically do the same thing with that sugar as they do with the grains. They dump it on the market.

Now this depresses the price in the United States. We are not a sugar exporter for the most part. However, poor countries around the world, which this Nation is trying to help with zero duty access to the United States and other measures perhaps about to be suggested by the President, are hurt by that European dumping more than they can be helped by anything we can do. Many nations support the United States in deploring European sugar programs. So far as I can tell, the European governments cannot agree on whether to do anything about it.

These matters, and what the U.S. Government plans to do about them, are certainly appropriate subjects for hearings. They go to the heart of the current question, whether the multilateral trading system provides us with real reciprocity. I personally believe the game is fixed, but I look forward to the hearings that Senator BENTSEN and Senator DANFORTH are going to hold with eager anticipation.

Mr. BENTSEN. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. BENTSEN. Mr. President, I thank the Senator from Louisiana for his continued long interest in agriculture and for his concern and contribution.

● Mr. DOLE. Mr. President, the Senator from Texas has noted that the Subcommittee on International Trade of the Committee on Finance will be holding hearings next week on a very important subject—the protection afforded by domestic law to our producers, particularly our farmers, against subsidized exports.

Chairman DANFORTH and Senator BENTSEN have been instrumental in bringing to the attention of the Senate and the public the problems faced by our farmers in competing for sales in third country markets with subsidized products from the European Community. I fully support their efforts in exploring these problems and finding solutions for them.

THE EC COMMON AGRICULTURAL POLICY IS HURTING U.S. FARMERS

There is no question that but for the system of tariffs and levies maintained by the European Community, our farmers could sell greatly increased quantities of their products in the European Community itself. But the Europeans have determined that in their own interests increased imports of such lower cost products are not desirable. They have set internal support prices, which generally are above world levels, and then protected their producers through a system which guarantees that no unwanted imports can be sold at less than their support price. In the absence of controls on production this policy has resulted in the production of certain products far in excess of their internal needs. This excess production is now being exported to third country markets in competition with American produced agricultural products. Since the EC producers do not produce at competitive world prices, this excess production can be sold only if subsidized. The EC has been increasingly willing to undertake such subsidization and this unfair competition has hurt our farmers who do not have such advantages.

THE EC MUST REFORM THE CAP

To the extent that the CAP results in EC producers obtaining more than an equitable share of world export trade, results in underpricing, or otherwise nullifies or impairs U.S. GATT rights, such policies should be vigorously attacked through established GATT procedures. I fully support this administration in the increased efforts it is demonstrating under section 301 to bring complaints against alleged GATT violations. To date, however, the EC has not demonstrated that it is willing to make the reforms in its CAP program necessary to prevent it from unfairly causing injury to our farmers.

Last October, the EC Commisson forwarded recommendations to the EC Council for reforming the CAP. While I do not believe the steps outlined were themselves sufficient, they were in the right direction. To date even the modest reforms proposed have not been adopted.

Unless the CAP is reformed there can only be increased friction between the EC and supplier countries. The high EC support price for grain has caused EC producers to shift to lower priced imports for animal feeds. U.S. soybeans and corn gluten, which benefit from zero duty bindings, are a cost-effective substitute for higher priced EC feeds and as a result enjoy remarkable popularity in the EC and, coincidently, benefit EC consumers. Thus, the CAP itself stimulates U.S. exports of some products through artificial price relationships and in turn program more costly.

To the extent that the CAP encourages overproduction and the increased need to export at subsidized prices, it also will increase pressures on the United States to take corrective action.

THE EC CANNOT BE PERMITTED TO EXPORT ITS UNEMPLOYMENT

Mr. President, I am aware of the high unemployment rate in Europe. I am also aware that over 8 percent of the work force in the EC is employed in agriculture. With the tremendous unemployment in the manufacturing sector in the EC, there is intense pressure to prevent further migration from agricultural jobs.

But this country is experiencing 9 percent unemployment, the virtual equivalent of the European situation.

We cannot ask our farmers to accept more unemployment, lower prices, and an unacceptably lower standard of living in order that more farmers can be employed in Europe. This simply is not fair to our farmers and will not solve the problems of European agriculture. Self-sufficiency in the production of food stuffs is a very sensitive issue both in Europe and here. Noncompetitive production is not the answer, however. It does not benefit consumers; it harms the more competitive producers in other countries and it continues a practice which is increasingly difficult to change.

VISIT OF EC OFFICIALS

Mr. President, next week the European Community will send three representatives to the United States for talks with their counterparts in this country. Vice Presidents Hafenkamp, Davignon, and Agriculture Commissioner Dalsager will all be here. I am sure they will be greeted and their meetings will be conducted in the spirit of friendship and cooperation which has historically characterized U.S.-EC relations. I am hopeful that, in addition, they can be made aware of the very sensitive and serious problems which the EC agricultural policy poses for U.S. farmers. I know these problems will be brought to our attention in the February 11 hearings.●

RECOGNITION OF SENATOR QUAYLE

The PRESIDING OFFICER. Under the previous order, the Senator from Indiana (Mr. QUAYLE) is recognized for not to exceed 15 minutes.

S. 2036—THE TRAINING FOR JOBS PROGRAM
S. 2037—VETERANS EMPLOYMENT AND TRAINING ACT OF 1982
S. 2038—DEFENSE PROCUREMENT TRAINING DEMONSTRATION PROJECT ACT

Mr. QUAYLE. Mr. President, today I am introducing legislation to create a new training for jobs program, which is aimed at preparing America's untrained youth and long-term unemployed to return to the productive job market.

The provisions of the training for jobs program are consistent with the outline I shared with my colleagues on November 24, 1981, when I described the approach the Subcommittee on Employment and Productivity would take in designing an employment training program.

Increasing the productivity of our work force and assisting the economically disadvantaged in our society to enter the economic mainstream have never been matters for partisan dispute. I am proud to announce that the training for jobs bill and the associated bill I am introducing today have had bipartisan support from the outset.

Mr. President, the training for jobs bill is being cosponsored by the distinguished Senator from Massachusetts (Mr. KENNEDY).

I wish to thank the Senator for his support, ideas, and leadership on this issue. I know that he has been intensely involved throughout his whole Senate career in trying to define the scope and the responsibility of the Federal Government and its relationship not only with States and local communities but more importantly its relationship and responsibilities to human beings and the people of this Nation.

I am also pleased to announce that, as well as Senator KENNEDY, we have two other dedicated members of the Employment and Productivity Subcommittee, Senator PAULA HAWKINS and Senator CLAIBORNE PELL as original cosponsors.

The first objective of this new program is to strengthen the involvement of the private sector. This bill allows training programs authorized under this act to be planned and administered by local Private Industry Councils (PIC's). I am proposing that a majority of the members of each council must be representatives of private business. But it is also important to have a balance and a breadth of experience. Accordingly, I have also proposed that representatives be included from local government, educational agencies, organized labor, the Employment Service, and community-based organizations.

I am fully aware that such a transition of planning and administrative responsibility from the current prime sponsor to a Private Industry Council will not be accomplished overnight and good judgment must prevail for all concerned. I have incorporated into this bill provisions for such a transition only when the Governor of the State involved and the local PIC agree that the changeover should, in fact, be accomplished. When that decision is made, the local PIC will be designated to administer the program.

In keeping with the Reagan administration's goal of redefining State and Federal responsibilities, my bill redesigns oversight responsibility, increasing the role of the State governments and decreasing that of the Federal Government. The Governors will have the authority to make changes in service delivery areas, to make them more compatible with labor market needs and local realities.

The Governors, rather than the Secretary of Labor, will approve the local service delivery area plans, determine the administrative adequacy of each local PIC for certification, apply rewards and sanctions to recipient programs based upon performance, and will be responsible for fiscal control, fund accounting, and audits within their States. Each Governor will also have authority to adjust Federal performance criteria in keeping with specific economic factors which exist in the service delivery areas within each State. Clearly, the Governor's responsibility and authority in this program has been greatly enhanced.

I want to emphasize that this bill creates a training program. As our resources become increasingly scarce, we need to determine just what we want to accomplish and then design a program to meet those goals. We wanted a program to train people for jobs. That is what this bill does.

This bill is not an income-maintenance program. The payment of training allowances is prohibited. There is no provision for public service employment programs. This training for jobs program is not all things to all people. Its purpose and goals are clearly defined and clearly stated: It is to train people to get jobs.

I am proposing we target funds for those people who even under the best of circumstances cannot compete in the labor market because of their lack of education or training. We are going to help those people who cannot afford to pay for training by themselves. I believe we must be consistent and unyielding in our effort to help these people who cannot help themselves prepare for productive employment. This bill is also quite specific in its provision for a set-aside for disadvantaged youth under 22 years of age.

The most recent Department of Labor statistics show an unemployment rate of 21.7 percent for teenagers in the 16-to-19 age bracket. Even more disturbing is the fact that unemployment among minority youth is approaching 45 percent, five times the rate for all workers. The implications of these statistics—not only for the present but for the future of these young people—are overwhelming.

Will we have productively employed persons contributing to the health of the economy, or will we have increased welfare payments, income transfers, and even higher crime rates? This bill provides for 50 percent of the funds to be allocated to youth training programs. This percentage can be adjusted in the local service areas by the difference between the local ratio of disadvantaged youth and the nationwide ratio. This provision provides some flexibility for adjustments if the youth population is significantly lower or higher in individual areas.

The training for jobs program incorporates a great deal of flexibility in program design. It is outcome oriented, not procedure oriented. We are interested in results and the results we are looking for are clearly specified in the bill. For adults, we are looking for increased earnings and reductions in cash welfare payments, as a result of training received in the program. For youth, we are looking for development of usable skills that employers can put

to good use. Job placement and employment retention are important goals.

I emphasize the performance-standards provisions of the legislation because we are looking for results; we are looking for the numbers of people who actually get jobs. We are trying to make clear that which is expected for the money which will be spent on this program. Those results—or lack of results—will be watched closely. That lack of orientation might have been one of the most serious problems with the CETA program. No person had a good definition of success. Standards for performance were lacking in many cases, partly because some people lost sight of the original intentions of the program.

Accountability depends on established standards by which performance can be measured. This bill includes such standards. It is required that the Governor take corrective action if a local PIC fails to meet the standards for 2 years. Governors will first be permitted to provide technical assistance to local programs which do not meet performance criteria. If the failure persists, the Governor must propose a reorganization plan. That plan may restructure the local PIC, prohibit the use of designated delivery agencies, or make any other changes the Governor determines is necessary to improve performance.

The Governor may also propose the selection of an alternative administrator for the service delivery area. It is expected that accountability in this program will be at a level considerably higher than was expected or enforced under the CETA program.

With the Federal budget under close scrutiny, and the desire to reduce the deficit, I am proposing that the training for jobs program be funded only at the same basic level as the current level for funding the CETA program. Since the new program will be operating with less funds than it really needs, it must be more efficient. This requires a system that is not duplicative, that concentrates on essentials, and that uses all the resources which are available.

The Labor Department has estimated that 2 million persons will be served in fiscal 1982 under the funding level provided by the continuing resolution for the CETA program. In order that at least as many people are trained during the first year of the training for jobs program, we have made a concerted effort to provide for coordination, at least in the planning function, with the employment and training-related programs already being administered at the State level. The bill provides for the local Employment Service plans to be prepared by the PIC in the service delivery area. We are doing this to assure that the employment and training programs in the local area are coordinated and that all the local entities are involved. At the same time, the bill requires that the Employment Service be represented on the PIC in each service delivery area. The bill permits Governors to combine two or more advisory councils whose functions relate to employment or training. This provision may contribute to increased coordination between agencies at the State level.

A major provision of the bill is title V—the dislocated worker program. It is intended to offer assistance and training for displaced worker program. Recent hearings on unemployment in the automobile industry, brought to the attention of the Subcommittee on Employment and Productivity, which I chair, that by 1985 as many as 500,000 auto and auto-related jobs will be eliminated. This training for jobs program will provide assistance for job search, job development, training in job skills, for which demand exceeds supply, support services, relocation assistance, and programs conducted in cooperation with employers or labor organizations to provide early intervention in the event of a plant closure.

The bill provides for the States to identify workers who have been laid off and are ineligible for, or who have exhausted their entitlement to, unemployment compensation and who are unlikely to return to their previous positions. States are to determine what job opportunities exist within the labor markets, or outside such areas, for which workers could be retrained. Simply put, the States are to bring together the unemployed workers with the training programs in order to prepare individuals to work in unfilled, existing jobs.

I am proposing we provide $100 million for the dislocated workers program, with the understanding that the money will be matched, on a 50-50 basis, with private, State, or local moneys.

In addition to the main training for jobs legislation, I am also introducing the Veterans Employment and Training Act of 1982. This bill will establish a separate program of employment and training services exclusively for veterans. The bill is the result of a great deal of thought on how to respond to the employment needs of veterans, especially veterans of the Vietnam era, who have had trouble readjusting to civilian life.

For the sake of efficiency and fiscal commonsense, we must provide a systematic approach to veterans' employment and training problems. A program dedicated to their needs is in order—a program in which they are not continually competing for scarce training slots, and in which they are not buried under layers of rules, regulations, and administrative redtape.

The training and employment of veterans is a national concern. This bill will bring the counseling, training, and placement services for veterans together under one program.

The Veterans Rehabilitation and Education Amendments of 1980 elevated the Deputy Assistant Secretary of Labor for Veterans Employment to the level of Assistant Secretary. Very recently, Mr. William C. Plowden was confirmed to that position. I am proposing that we allow Mr. Plowden, under the direction of the Secretary of Labor, to administer a consolidated and coordinated veterans program to provide the needed career services to this deserving segment of our society.

Finally, I would like to emphasize that the improvement of the skills and abilities of our labor force is an enormous task and it is a task in which many sectors of our economy must play an active role. The primary role belongs to private enterprise, and we must insure that Government policies do not inhibit private investment in training.

I am also today introducing the Defense Procurement Training Demonstration Project Act. This bill is offered as a preliminary suggestion of one approach in dealing with the skill shortages which threaten to impede our capacity to build the industrial base necessary for our defense buildup.

The bill requires the Secretary of Labor to publish a list of skilled occupations in which there is a substantial projected shortage, and then authorizes the Secretary of Defense to select from this list those skills in which a shortage will have an adverse impact on defense procurement. With respect to any large contract requiring the use of such skills, the Secretary of Defense is authorized to require the contractor or subcontractor to provide the training in that occupation.

This is a demonstration project only, and the Secretary of Defense is to report to the Congress on its efficiency within 30 months. The bill also contains a provision to facilitate the donation of surplus machine tools and related equipment to vocational education schools in order to assist those schools in providing necessary skill training.

Mr. President, I ask unanimous consent that the three bills and the explanatory materials be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. QUAYLE. Mr. President, at this time I yield to my distinguished colleague from Massachusetts (Mr. KENNEDY).

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, first of all, I commend the Senator from Indiana (Mr. QUAYLE) for his initiative in an area of great importance to this

Nation. Under his leadership we are today taking an important first step to improve the quality of life for people in this country who are without jobs and without the particular skills to permit them to have a productive role in our society. He has assumed the responsibility as chairman of the Employment Subcommittee, and has held extensive hearings on this particular issue.

I have over the period of the last year been extremely impressed by how he has researched this issue and by the energy, the interest and intelligence he has brought to an area of public policy with which we all have been grappling for some period of years.

I believe that in fashioning this legislation, Senator QUAYLE has carefully considered the ideas of a number of different members of the committee. He has been consistent in his own commitment on this issue. He has been willing to listen to the suggestions and ideas of other members of the committee. He has studied those suggestions carefully, and it has been a matter of very special pleasure to work with him in fashioning and shaping this legislation which has strong bipartisan support.

We know there is still a long way to go before this legislation is actually enacted into law, and until we get the resources necessary for getting the job done.

But I want to take this opportunity to join with my other colleagues in commending what is a significant initiative by the Senator from Indiana who has accepted very important responsibilities in the Committee on Human Resources in a very, very important area of public policy.

I thank the Senator for all his courtesy. I look forward to working with him in the future on this and other issues.

We act today on a bipartisan basis to try to answer the pleas of the unemployed. The economy is in deep recession. Over 9½ million Americans are out of work. On Friday, the unemployment rate will almost certainly climb above 9 percent, the highest level since the Great Depression. And the Secretary of the Treasury tells us that 10 percent will not be far behind.

The statistics themsleves are bad enough. But even worse is the human tragedy. Young Americans cannot find their first job to start their future. Men and women who have labored all their lives now find themselves confronting layoff slips. They find unemployment benefits slashed, employment offices closed, public service jobs abolished, and job training programs ended.

Senator QUAYLE and I believe there is a better way. The bill we are introducing today sends a different message to all who want to work but who cannot find a job. The Training for Jobs Act will bring them greater hope and a better opportunity for a job. It is designed to provide the skills they need to compete for jobs that too often go unfilled.

We have heard too much about the advertisements in the want ads. The vast majority of those positions can be filled only by people with skills—in areas such as computer programing, health care, the secretarial field, and the service industries. In spite of double-digit unemployment, the demand is high today and will be even higher in the future for workers skilled enough to fill such needs.

The Training for Jobs Act will create a new partnership for the 1980's. Washington will join with States and local governments in this effort. And most important it will join with private industry. The emphasis will be on permanent jobs in the private sector. We are asking business to be a full partner, to join with mayors and Governors, with organized labor and community-based organizations to help America train workers for the Nation's future.

CETA will expire in September 1982. If we succeed in the effort begun today, the old CETA will be replaced by the new Training for Jobs Act. Total funding will be $3.9 billion in fiscal year 1983—exactly the level of CETA funding for the current fiscal year.

We have learned from past experience. We know that training the disadvantaged is a good investment. It makes taxpayers out of tax users. It raises the Nation's productivity. It is the best kind of supply-side economics, because it is not just investment in tools and robots, but investment in human capital, too.

We also know that there is no payoff in training workers for jobs that do not exist. That is where business will make its contribution. CEO's will work with local officials and community groups to plan this program. They will help decide what jobs to train for, and they will design the training for those jobs. In return, they will reap the benefit of qualified employees whom business all too often cannot find today.

Governors will be asked to do more. It will be their task to see that public funds are spent effectively so that workers are trained and placed in productive jobs. Mayors will be on the firing line as well, insuring that no citizens in their communities are left behind.

Performance will be measured. The rules will be clear, and all who participate will be required to follow them. Good programs will be rewarded with increased funding, and bad ones will get their own layoff slips.

This legislation is a fair compromise reached after long negotiation. It is not the program that either Senator QUAYLE or I originally proposed. But we are confident that it is a realistic start toward meeting one of the Nation's most urgent economic needs—jobs for those who want them.

The program is new—but it is not the New Federalism. It is not a turnback program for the States. And it is certainly not a turn-your-back program for the poor, the hungry, and the unemployed. In this legislation we reaffirm the Nation's free enterprise system by establishing a new national commitment to work and to the men and women who perform it.

Mr. QUAYLE. Mr. President, as the distinguished Senator from Massachusetts has pointed out, this is just the beginning.

I believe, in looking at the four cosponsors of this bill, myself, and Senator HAWKINS on this side of the aisle, Senator KENNEDY and Senator PELL on the other side of the aisle, it truly demonstrates that this is bipartisan.

Unemployment in this Nation is not a partisan issue. It is a bipartisan issue. The unemployment that Senator KENNEDY talked about being as high as 9 percent now and, perhaps, going higher in the latter part of this week and later into this spring is obviously a fact that makes all of us reflect very, very seriously on a national problem.

Since unemployment is a national problem, Mr. President, we are committed to implement this national training program. Training is the heartbeat of this legislation. It is not an income-maintenance program; it is not an income-security program. It is a training program. It is precisely what the title says: "Training for Jobs."

I can only recall that at a recent press conference the President of the United States referred to 24 pages of classified ads in the Washington Post for employment. The President was correct. There are a number of jobs that are wanting, but the problem is not necessarily jobs, which is a problem because the economy is not expanding but contracting right now. Even more important is the fact that the problem is one of training. There are some jobs now that are available. But the point is that many of our people are not trained for those jobs.

The issue today is what the future jobs are going to be.

There has been testimony before our committee that we will see computer technology, electronics being the wave of the future. Not many of our young people, not many of our displaced adults, are trained for that particular type of skill. The old saying is: "Let us not always feel that the remedy to the unemployed and out-of-work is to just give them a fish. Let us teach them how to fish, to train our people for productive employment; give them a skill so they can provide for them-

selves so they can provide for their families."

This is not a State issue; it is not a local issue. It is a national issue. It will always be a national issue. Unemployment is a national issue. The economy is a national issue.

Mr. President, I again want to compliment the distinguished Senator from Massachusetts, and also the two other original cosponsors of this legislation, Senator HAWKINS for her personal involvement and Senator PELL for his personal involvement.

Both of these Senators, in addition to Senator KENNEDY, have discussed with us ideas, improvements we can make in this legislation, and I look forward to proceeding in a bipartisan way to provide the most effective, the most efficient job training program that this Nation has ever seen.

COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Mr. PELL. Mr. President, over the past year, there has been a great debate in the Congress and in the administration about the future of the programs authorized by the Comprehensive Employment and Training Act (CETA). Senator QUAYLE, chairman of the Labor and Human Resources Employment and Productivity Subcommittee, today is introducing legislation that would continue the Federal involvement in employment and training. I am pleased to join as an original cosponsor of this bill and would like to explain why.

Since the beginning of this century, our country has struggled to define the proper role of the Federal Government in the area of employment and training. In many ways, the national consensus on the nature of this role has come full circle over the past 70 years. The commonly held view at the turn of the century was that economic misfortune and joblessness was the result of a lack of personal virtue. There was no support for any direct Federal intervention to provide assistance to help individuals break into or remain in the labor force. This attitude was radically altered by the Great Depression, when our national economy worsened to the point that entire communities found themselves out of work. Citizens then began to look to Washington for help.

With the creation of the New Deal programs in the 1930's, the Federal Government became the employer of last resort and hired millions of jobless workers who went on to successfully complete public works projects around the country. By the next decade, most of our employable population was involved in some form of military-related work. As a result, there was less of a need for direct Federal job creation and more of a need for the Government to provide nationwide training so that those who remained stateside could keep the economy going. The success of these training programs during the war years paved the way for the passage of the GI bill, which expanded educational and job opportunities for veterans.

Despite all of these separate initiatives, it was not until 1962 that a comprehensive national manpower development program was enacted, and it focused on providing financial subsidies and special training opportunities to skilled workers who found themselves out of work. With the subsequent enactment in 1964 of the Economic Opportunity Act, the emphasis of Federal employment training programs began to shift away from providing assistance to temporarily laid-off skilled workers to providing more basic educational skills and job training opportunities for youth, the economically disadvantaged, and the long-term unemployed.

In 1973, the Comprehensive Employment and Training Act (CETA) was passed. It consolidated all Federal employment training programs and gave local governments and community-based organizations more discretion over how the funds were to be spent in their areas. During the recession of the mid-1970's, the Federal Government took steps to reduce unemployment by expanding CETA to include countercyclical public sector unemployment programs. Unfortunately, however, the way to best use public service jobs as stepping stones to permanent employment in the private sector was never sufficiently thought out, and the programs that were undertaken soon ran into problems. As a result of these difficulties, public confidence in these efforts was undermined and the program was scaled down before it had sufficient opportunity to work.

It is this most recent experience with public sector employment that has set the tone for the current view in some quarters that the Government should no longer play a substantial role in the area of employment and training. During last year's debate on the Budget Reconciliation Act, Congress voted to terminate CETA public service employment and reduced Federal support for job training programs for young people and those who have consistently remained out of the work force. While I agree that our most recent experience with public sector employment was not as successful as it could have been and that improvement must be made in existing Federal job training programs, I do not believe that the Government should turn its back on the unemployed and disadvantaged in our society. National fiscal and monetary policy has contributed to our current economic condition and in many ways is directly responsible for the fact that we are currently experiencing the highest levels of unemployment since World War II. Further, at a time when Federal support for social programs is dwindling, it is crucial for Congress to develop a proposal that would improve existing Federal job training programs and reduce unemployment.

One of our highest priorities as a Nation should be to get our citizens back to work, and the Federal Government must be prepared to do whatever is necessary to achieve this goal. For a number of reasons, it would be optimistic to expect the present CETA program to accomplish this task. From the beginning, CETA has lacked a clear mandate. Local governmental units have been responsible for developing employment programs for their labor market areas without a great deal of coordination at the State level. Very little was done to develop linkages between local prime sponsors within the State; to develop a comprehensive plan to match available workers with available jobs in other parts of the State, and to retain skilled workers who have been displaced because of changing conditions in the economy.

This is not to say that local governments and community organizations were incapable of making these decisions. From the time the CETA program was created, local prime sponsors dealt directly with Washington and there was never an opportunity for them to develop an appropriate working relationship with their State capitols.

Senator QUAYLE's effort to increase the involvement of States in employment and training programs is a good start down the road toward making the CETA system more efficient. I will continue to work with him and my other colleagues on the Labor and Human Resources Committee to develop a proposal which strikes the appropriate balance between State and local interests. It is clear that no Federal employment program can be successful without the active participation of local elected officials, education, business and labor leaders, and community-based organizations. These individuals must be given the flexibility to define the types of employment services that are needed in their areas and the wherewithal to administer these programs. The Governors, on the other hand, must become more involved in coordinating the individual programs in their States and monitoring their effectiveness.

It is my hope that by opening the channel of communication between the States and local prime sponsors, we will breathe new life into CETA and create a system of which all of us can be proud.

● Mrs. HAWKINS. Mr. President, I am pleased to join Senator QUAYLE as an original cosponsor of the Training for Jobs Act. I am also pleased that we

have developed a bill that has bipartisan support from members of the Senate Employment and Productivity Subcommittee. Senators PELL, KENNEDY, QUAYLE, and I are not known for our unanimity of opinion on CETA. However, we share a commitment to improving the employment opportunities for hard-to-employ individuals, and that is why we have reached agreement.

The central theme of our legislation is to enhance the role given to private industry councils. Private industry councils were established under CETA as a vehicle to allow the business community to develop employment and training programs to serve the disadvantaged. While PIC's usually only advised CETA prime sponsors by presenting them with the views and recommendations of the local business community, PIC's under the Training for Jobs Act will develop job programs for entire service delivery areas when Governors select them to do so. Based on prior performance, PIC's deserve a larger role.

The Broward County Employment and Training Administration's electronic upgrade program is one typical success story. The Broward Industry Council administers an electronics upgrade program that bridges the gap between available jobs which require special skills and the unemployed, the majority of which are unskilled. This upgrade program bridges this gap by training employed individuals for better jobs thereby creating entry level jobs for unskilled CETA participants. And it is working.

An enhanced role for private industry councils is also supported by many organizations with employment and training programs. In testimony before the Subcommittee on Employment and Productivity, the U.S. Conference on Mayors, the National Association of Counties, the chamber of commerce, and the Business Roundtable all agree that PIC's should be given a larger role in developing and administering employment and training programs. As Sylvan Meyer, publisher of the Miami magazine and chairman of the Private Industry Council of Dade County pointed out in testimony before our subcommittee, 85 percent of the available jobs are in the private sector, and private employers already spend $40 to $100 billion annually on training activities. Therefore, the Congress should take the opportunity open to us by enlisting experienced executives who expend these dollars and also sit on private industry councils in our fight to create jobs.

This training for jobs legislation is consistent with President Reagan's efforts to decentralize Government by returning planning and administration of programs to State and local control. Our bill vests administration and allocation of funding responsibilities with the Governor of each State to be transferred to the local private industry councils when they are established. The design and administrative structure of employment and training programs is not mandated by Washington, but can vary from State to State.

Furthermore, our bill replaces the existing myriad of Federal regulations that concentrate on process rather than results. The performance standards contained in the training for Jobs Act are results orientated: a program's effectiveness is judged by the increase in earnings and the reductions in cash welfare payments or participants it generates.

But not all standards will be alike. Performance standards for youth programs differ from adult programs because the goals differ. Youth programs will try to improve the employability of youth workers by teaching job skills that will assist them over the long term. However, youth and adult Federal performance standards will be flexible enough to allow States to adapt them to local conditions. Programs that fail to meet these performance standards within 2 years, after receiving technical assistance, must be reorganized or replaced.

Previously, there was speculation that the Job Corps and other federally administered programs would be eliminated. This legislation specifically continues the Job Corps, Indian programs, and migrant and seasonal workers programs at the national level. Under the Training for Jobs Act, they will be funded at approximately the same percentage as they were under the old CETA program. These programs are continued at the national level because of the special circumstances and needs of the individuals they serve. The Job Corps program, which provides highly intensive training and education services in a residential setting, has proven to be very successful. It has a 90 percent positive termination rate, therefore our bill reauthorizes the Jobs Corps program without substantive amendments. The very nature of migrant and seasonal workers' employment makes it difficult, if not impossible, for States to formulate job-training programs to help them. Finally, the national administration of job training and employment programs for Indians is based on the traditional government-to-goverment relationship between the United States and the Indian tribes. There is no reason to disturb these relationships.

Except for the upcoming fiscal year, this legislation does not authorize a specific amount of funding, authorizing only such sums as shall be necessary in future budget years. This is not intended as an open-ended authorization. Instead, it reflects a realization that the budget and appropriations processes will determine the level of funding for these programs. Because our legislation will be introduced prior to tranmission to the Congress of the President's 1982 budget, I reserve the right to vote for a level of funding that may differ from the $3.8 billion authorized for fiscal year 1983.

The Senate Subcommittee on Employment and the House Subcommittee on Employment Opportunities will conduct extensive hearings on this and other employment and training proposals in the next few months. I look forward to hearing the comments and analysis from persons interested in employment and training programs. Working together, I am confident that we can enact legislation that will improve the employment prospects of millions of Americans.●

The text of the bills and the material ordered to be printed in the RECORD are as follows:

S. 2036

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Training for Jobs Act".

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DEFINITIONS

SEC. 2. As used in this Act—

(1) The term "artificial barriers to employment" means limitations in the hiring, firing, promotion, licensing, and other terms and conditions of employment which are not directly related to an individual's fitness or ability to perform the duties required by the employment position.

(2) The term "community-based organizations" means private nonprofit organizations which are representative of communities or significant segments of communities and which provide employment training services (for example, Opportunities Industrialization Centers, the National Urban League, SER-Jobs for Progress, United Way of America, Mainsteam, the National Puerto Rican Forum, neighborhood groups and organizations, community action agencies, community development corporations, vocational rehabilitation organizations, rehabilitation facilities (as defined in section 7(10) of the Rehabilitation Act of 1973), agencies serving youth, union-related organizations, and employer-related nonprofit organizations).

(3) The term "economically disadvantaged" means a person who (A) receives, or is a member of a family which receives cash welfare payments under a Federal, State, or local welfare program; (B) has, or is a member of a family which has, received a total family income for the 6-month period prior to application for the program involved (exclusive of unemployment compensation and welfare payments) which, in relation to family size, was not in excess of the higher of (i) the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget, or (ii) 70 percent of the lower living standard income levels; or (C) is receiving food stamps, pursuant to the Food Stamp Act of 1977.

(4) The term "Governor" means the chief executive of any State.

(5) The term "Hawaiian native" means any individual any of whose ancestors were natives, prior to 1778, of the area which now consists of the Hawaiian Islands.

(6) The term "long-term unemployed" means a person who has been unemployed for 15 weeks or more.

(7) The term "lower living standard income level" means that income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary based upon the most recent "lower living family budget" issued by the Secretary.

(8) The term "offender" means any adult or juvenile who is or has been subject to any stage of the criminal justice process for whom employment and training services may be beneficial or who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

(9) The term "recipient" means any person, organization, unit of government, corporation, or other entity receiving financial assistance under this Act whether directly from the Secretary, or through another recipient by subgrant, contract, subcontract, agreement, or otherwise.

(10) The term "Secretary" means the Secretary of Labor.

(11) The term "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, American Samoa, and the Trust Territory of the Pacific Islands.

(12) The term "supportive services" means services which are designed to contribute to the employability of participants, enhance their employment opportunities, assist them in retaining employment, and facilitate their movement into permanent employment not subsidized under the Act. Supportive services may include health care, transportation, temporary shelter, child care, and financial counseling and assistance.

(13) The term "unemployed persons" means persons who are without jobs and who want and are available for work. The determination of whether persons are without jobs shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining persons as unemployed.

(14) The term "unit of general local government" means any city, municipality, county, town, township, parish, village, or other general purpose political subdivision which has the power to levy taxes and spend funds, as well as general corporate and police powers.

(15) The term "youth" means individuals who have not yet reached age 19.

TITLE I—STATE JOB TRAINING PROGRAM

ALLOTMENT; ALLOCATION

SEC. 101. (a)(1) Seven percent of the amount appropriated pursuant to section 301(a) for each fiscal year shall be allotted to the States in the same manner as provided in subsection (b)(2) and (3). The amount allotted under this paragraph shall be available to the Governor of each State.

(2)(A) Not more than 10 percent of the amount allotted under paragraph (1) of this subsection to each State may be used for the costs of auditing activities and other statewide administrative activities under sections 304 and 305.

(B) The remainder of the amount allotted under paragraph (1) of this subsection to each State shall be used for programs and activities pursuant to section 105(e).

(b)(1) The remainder of the amount appropriated pursuant to section 301(a) for each fiscal year after complying with the set-aside under section 302(a), relating to national programs, and subsection (a) of this section shall be allotted in accordance with this subsection.

(2) Two percent of the amount allotted under this subsection for each fiscal year shall be allotted to the Commonwealth of Puerto Rico, and not more than $5,000,000 among Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

(3) Of the remainder of the amount allotted under this subsection for each fiscal year—

(A) 50 percent shall be allotted on the basis of the relative number of long-term unemployed persons within the State compared to the total number of long-term unemployed persons in all States; and

(B) 50 percent shall be allotted on the basis of the relative number of economically disadvantaged persons who are in the labor force within the State compared to the total number of economically disadvantaged persons who are in the labor force in all States.

(4) For the purpose of paragraph (3)—

(A) the term "State" does not include the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands; and

(B) The term "long-term unemployed persons" means the average number of persons who have been unemployed for at least 15 weeks for the most recent two-year period preceding the year for which the determination is made.

(c)(1) The sum allotted under subsection (b) to each State shall be allocated by the Secretary among service delivery areas within the State on the basis of the relative number of economically disadvantaged persons who are in the labor force in each service delivery area within the State compared to the total number of such persons within the State.

(2) The substate allocations required by this subsection shall be made on the basis of 1980 Census data until the Governor of the State and the Secretary of Labor agree that there is more recent statistical data for making the substate allocations which is sufficiently reliable to make such allocations.

SERVICE DELIVERY AREA

SEC. 102. (a) A service delivery area is any area served in fiscal year 1982 by a prime sponsor established under the Comprehensive Employment and Training Act, except that, with respect to any area for which the State was a prime sponsor, the Governor may designate subdivisions of the State as service delivery areas within the State if services under that Act were planned or administered for such subdivisions. Service delivery areas established under this subsection shall remain in effect until they are changed in accordance with subsection (b) of this section.

(b)(1) The Governor may propose tentative revisions in service delivery areas for the State if he determines that the revised area will—

(A) promote substantially more effective delivery of job training services;

(B) have available an effective agency for administering job training services; and

(C)(i) be more consistent with labor market or Standard Metropolitan Statistical Area boundaries than the prior area but the requirement of this clause shall not be construed to require the Governor to designate an entire labor market area; or

(ii) be more consistent with existing areas in which related services are provided under other State or Federal programs.

(2) Any tentative revisions proposed by the Governor under paragraph (1) shall include a written description of the reasons therefor.

(3) After the Governor has proposed such tentative areas, chief elected officials of units of general local government may petition to have areas designated as service delivery areas either as proposed by the Governor or with modifications. Such petitions shall be jointly filed by the units of general local government and the private industry council, except that separate petitions may be filed if no agreement can be reached be-

tween the chief elected officials and the private industry council. Such petitions shall include the views of other chief elected officials and private industry councils in the affected areas and shall include any agreements made concerning planning or administration of programs in the proposed service delivery area.

(4) The Governor shall review each petition and may approve each petition, with or without modification. The Governor shall approve any petition that includes the agreement of both the private industry councils and chief elected officials of the affected interim service delivery area, unless he determines, for good cause shown, that such agreement will not carry out the provision of the Act. A disapproval under the preceding sentence of the Governor may be appealed to the Secretary of Labor.

(5) The Governor shall approve any petition from a unit of general local government with a population of 250,000 or more to be a service delivery area for that unit of government unless (A) the private industry council does not concur, and (B) the Governor makes specific findings of fact why inclusion of that unit of local government in a larger area will promote the purposes of this act either because such area is needed to accommodate labor market factors or to coordinate with other related service delivery areas. If the Governor and the unit of general local government cannot reach agreement, the dispute resolution provisions of section 103(e)(3)(C) shall apply.

(c) No change in a service delivery area may be made later than 4 months before the beginning of a program year or within 2 years of a previous revision.

(d) Each Governor shall report to the Secretary annually on changes in service delivery areas within the State made during the year. If interim areas established under subsection (a) remain in effect, the Governor shall include in the report the reasons for each area why change was not made.

PLANNING THE PROGRAM

SEC. 103. (a) A program plan shall be prepared in accordance with provisions of subsection (c) for any program year that begins more than 90 days after the certification of a private industry council under subsection (b). Until the beginning of such program year, a program plan shall be prepared by the prime sponsor established under the Comprehensive Employment and Training Act.

(b)(1) There shall be a private industry council for every service delivery area to be selected in accordance with this subsection. Each council shall consist of—

(A) representatives of private industry, who shall constitute a majority of the membership of the council; and

(B) representatives of units of general local government, educational agencies, organized labor, community-based organizations, economic development agencies, and the Employment Service.

(2)(A) Representatives of private industry shall be owners of business concerns, chief executives or chief operating officers of for-profit organizations, or other officers of business concerns who have or have had profit and loss responsibility for an autonomous part of a business.

(B) Private industry representatives on the council shall be selected from among individuals nominated by general purpose business organizations operating within the area and shall include representation from small business. For the purpose of this subparagraph, the term "general purpose business organizations" means organizations which admit to membership any for-profit business operating within the geographic area.

(C) The chief elected officials of units of general local governments within the service delivery area shall appoint members to the council from the individuals so nominated in accordance with an agreement entered into by the units of general local government within the service delivery area. In the absence of such an agreement, the appointment shall be made by such officials, in proportion that the economically disadvantaged population of the unit of general local government has to the total economically disadvantaged population of the service delivery area. Any fractional appointments shall be allocated to the largest unit of government. Members may be replaced only with the concurrence of the nominating and appointing authorities in accordance with the provisions of this paragraph or in accordance with the bylaws of the private industry council.

(3) The remaining representatives on the council shall be selected by agreement between chief elected officials of units of general local government from individuals recommended by interested organizations. If agreement cannot be reached, other representatives shall be selected by the Governor on the basis of such recommendations.

(4) The number of members of the council shall be determined by agreement among the chief elected officials of units of general local government and, in the absence of such agreement, by the Governor.

(5) The Governor shall certify a private industry council when he determines that its composition and appointments are consistent with the provisions of this subsection. Such certification shall be made or denied within 30 days after the date on which a list of members is submitted to the Governor.

(6) In determining the population of a unit of general local government, for the purpose of paragraph (2) (C), there shall be excluded the population of any general local government over 50,000 population within the boundaries of any other such unit. The population of a unit of general local government shall not be counted if it has population under 50,000 and is included in the boundaries of a larger general unit of local government.

(c) When the private industry council is certified by the Governor, the council shall—

(1) prepare the program plan for the service delivery area; and

(2) certify training institutions and other agencies pursuant to section 105(d).

In order to carry out its functions under this subsection, the council may hire such staff and exercise such other powers as may be necessary to prepare the plan.

(d) Each program plan shall contain—

(1) a description of services and programs to be furnished within the service delivery area;

(2) procedures for identifying and selecting participants;

(3) procedures for selecting service providers;

(4) the budget for the program year in such detail as the private industry council determines necessary, including any proposed expenditures for the succeeding program years;

(5) expected performance accomplishments and a comparison with the performance of the previous program year; and

(6) an annual report of the activities conducted in the service delivery area in the previous program year.

(e)(1) Each private industry council shall publish a proposed plan 120 days before the beginning of a program year and provide interested parties an opportunity for comment. The council may hire a hearing examiner to hold hearings if necessary. The final plan shall be published not later than 80 days before the program year and shall be submitted to the Governor jointly by the private industry council and the chief elected official in the service delivery area, or, if there is more than one such official in the area by their designated representative. If such official or representative does not agree with all or any part of the plan, the private industry council shall reconsider the plan, in whole or in part. If the disagreement cannot be resolved after mediation by the Governor, the proposed plan together with proposed revisions shall be presented to the Governor for resolution.

(2) The Governor shall approve the plan unless—

(A) the Governor finds for specific reasons that the plan will not meet performance criteria,

(B) the Governor determines that the proposed program will not serve the economically disadvantaged, or

(C) the plan does not provide corrective measures for deficiencies found in audits or other assessments from previous years.

(3)(A) The Governor shall disapprove the plan if he finds that it will not provide equality of access to all segments of the disadvantaged community in the area.

(B) Any disapproval by the Governor shall be made within 30 days after the date that the plan is submitted.

(C) If after disapproval by the Governor, the matter cannot be resolved within 30 days, the matters in dispute shall be submitted to the Secretary of Labor for arbitration. The Secretary shall decide the matters in dispute within 30 days after receiving the submission under this subparagraph.

PROGRAM ADMINISTRATION

SEC. 104. (a) Fund allocated for use in any service delivery area shall be available to the entity qualifying as the prime sponsor for that area until the Governor takes action pursuant to subsection (b), if the prime sponsor agrees to administer the funds received in accordance with a plan approved under section 103. If the prime sponsor is not willing to enter into such agreement, the funds shall be administered by an entity jointly agreed to by the private industry council certified under section 103 and the Governor, and if there is no council certified under section 103, by an entity selected by the Governor.

(b)(1) The private industry council and the chief elected official in the service delivery area or their designated representative if there is more than one such official in the area may jointly apply to the Governor to have the private industry council designated as the recipient and administrator of funds allocated for use in that area. The designation shall be made if the Governor determines that—

(A) the private industry council will have the administrative capacity to administer such funds;

(B) there are adequate safeguards for the protection of public funds received by the private industry council; and

(C) the private industry representatives on the private industry council are in favor of such designation.

(2) In any service delivery area in which no joint petition has been filed under paragraph (1), the Governor may designate the private industry council as the recipient and administrator of funds allocated for use in that area if he finds that the conditions in clauses (A), (B), and (C) of subsection (b)(1) are met, the majority of the members of the private industry council are in favor of such designation, and the administrator has not adequately carried out the requirements of this Act.

(3) No designation may be made by the Governor without notice to units of general local government in the service delivery area and an opportunity for such governments and other interested parties to be heard by the Governor or his designee.

(4) Not more than 20 percent of the funds available for any program year in any service delivery area may be used to pay for the costs of administration (including evaluation) in that area.

(5) Whenever a private industry council has been designated as the recipient and administrator of funds allocated under this title, at least 80 percent of the funds available in any fiscal year, excluding funds used for administration and on-the-job training programs, shall be subcontracted by the council.

(c)(1) In order to assist the Governor in making the decisions and determinations required under this title, the Governor may establish a State job training council. In order to be eligible for assistance under this title, at least one-fourth of the members of the council shall be business representatives of private industry councils, and the remainder shall be representatives of units of general local government, labor, the economically disadvantaged, and State or other public agencies as the Governor determines have a significant interest in the operation of job training programs in the State.

(2) The Council may—

(A) advise the Governor on his decisions under this title;

(B) review and evaluate, including making recommendations for changes in State or Federal legislation or operations, programs and policies related to job training and related programs; and

(C) conduct planning activities under section 105(e).

PROGRAM ELEMENTS

SEC. 105. (a) Funds allocated to service delivery areas under this Act may be used for—

(1) basic and remedial education, institutional and on-the-job training, counseling, occupational training, preparation for work, job search training and any other activity designed to prepare disadvantaged persons for and place them in employment;

(2) supportive service necessary to enable persons to participate in the program and to assist them in retaining employment;

(3) the wages of participants as employees of a public or private not-for-profit organization for a period of up to 6 weeks while such persons perform services for a private for-profit employer as part of a program to place the participant in regular employment with such employer;

(4) payments to private for-profit employers for on-the-job training, and such payments shall not exceed the costs to such employer of providing such training;

(5) reimbursement of participants for costs incurred in participating in programs, but such funds shall not be available for the payments of stipends or allowances; and

(6) employment generating activities to increase job opportunities for eligible persons in the area.

Costs under clause (4) may be determined by any reasonable method such as a percentage of wages paid, including a declining percentage related to the participant's increased productivity as the participant progresses through the training period. The restriction contained in clause (5) shall not preclude the payment of modest sums to persons who have successfully completed all or an identifiable part of a program or have special needs due to participation in long-term training.

(b)(1) An amount equal to at least the percentage of funds determined under paragraph (2) but not more than one and one-half times that percentage shall be available for any program year in any service delivery area to provide services to individuals under the age of 22.

(2) The percentage in paragraph (1) shall be 50 percent adjusted by the difference that the ratio of disadvantaged youth to disadvantaged adults in the service delivery area bears to that ratio for all States.

(c) A person shall be eligible to participate in a program conducted or assisted with funds allocated to a service delivery area under this Act only if the person is economically disadvantaged, except that not to exceed 10 percent of the participants may be individuals who are not economically disadvantaged if such individuals have encountered barriers to employment. Such individuals may include individuals who are physically handicapped, have limited English-speaking ability, are displaced homemakers, ex-offenders, alcoholics, or addicts or are workers identified under section 502.

(d)(1) In selecting agencies to deliver services within a service delivery area, prime consideration shall be given to the cost effectiveness of the agency in delivering comparable services based on past performance.

(2) No agency shall be used to provide occupational skills training unless the private industry council has certified that the level of skill provided is acceptable to employers in the area.

(e) Amounts available to Governors under section 101(a)(2)(B) may be used for—

(1) expenses of the State council, including evaluation of programs;

(2) technical assistance;

(3) developing linkages between programs funded under this Act and related programs and providing assistance to programs funded under this Act and related Federal or State legislation;

(4) providing programs for offenders and ex-offenders or other persons whom the Governor determines require special assistance;

(5) providing programs for workers who have no reasonable prospect of returning to the occupation or industry from which they have been laid off;

(6) developing and providing labor market and occupational information;

(7) developing a management information system compiling and analyzing reports from the system; and

(8) providing incentives for superior performances pursuant to section 303(e).

(f)(1) The Governor shall publish a proposed plan for uses of funds under subsection (e) 120 days before the beginning of the program year and provide opportunity for comment to interested parties. The Governor may hire a hearing examiner to hold hearings if necessary. The final plan shall be published 80 days before the beginning of the program year and shall be submitted to the Secretary.

(2)(A) The Secretary shall approve the plan within 30 days unless he finds, for good cause shown that the plan is inconsistent with the requirements of his title.

(B) Any disapproval by the Secretary shall be made within 30 days after the date that the plan is submitted to the Secretary.

(C) If after disapproval by the Secretary, the Governor and the Secretary cannot reach agreement within 30 days, the Governor may request a hearing on the record under subchapter II of Chapter 5 of title 5, United States Code.

TITLE II—NATIONAL JOB TRAINING PROGRAMS

PART A—NATIVE AMERICAN EMPLOYMENT TRAINING PROGRAMS

PURPOSE AND POLICY

SEC. 201. (a) The Congress finds that (1) serious unemployment and economic disadvantage exist among members of Indian, Alaskan Native, and Hawaiian native communities; (2) there is a compelling need for the establishment of comprehensive training and employment programs for members of those communities; and (3) such programs are essential to the reduction of economic disadvantage among individual members of those communities and to the advancement of economic and social development in these communities consistent with their goals and lifestyles.

(b) The Congress therefore declares that, because of the special relationship between the Federal Government and most of the individuals to be served by the provisions of this part, (1) such programs shall be administered at the national level; (2) such programs shall be available to federally recognized Indian tribes, bands, and groups and to other groups and individuals of Native American descent; and (3) such programs shall be administered in such a manner as to maximize the Federal commitment to support growth and development as determined by representatives of the communities and groups served by this part.

PROGRAM AUTHORIZED

SEC. 202. (a)(1)(A) In carrying out responsibilities under this part, the Secretary shall, wherever possible, utilize Indian tribes, bands, or groups on Federal or State reservations (including Alaska Native villages or groups as defined in the Alaska Native Claims Settlement Act of December 18, 1971) and the Oklahoma Indians, having a governing body and such organizations as the Secretary determines will best serve Native Americans, for the provision of employment and training services under this section. When the Secretary determines that such tribe, band, or group has demonstrated the capability to effectively administer a comprehensive employment and training program, the Secretary shall require such tribe, band, or group to submit a comprehensive plan meeting such requirements as the Secretary prescribes.

(B) The Secretary shall arrange for programs to meet the employment and training needs of Hawaiian natives through such organizations as the Secretary determines will best meet their needs.

(2) In carrying out responsibilities under this section, the Secretary shall make arrangements with organizations (meeting requirements prescribed by the Secretary) serving nonreservation Native Americans

for programs and projects designed to meet the needs of such Native Americans for employment and training and related services.

(b) Whenever the Secretary determines not to utilize Indian tribes, bands, or groups for the provision of employment and training services under this section, the Secretary shall, to the maximum extent feasible, enter into arrangements for the provision of such services with organizations which meet with the approval of the tribes, bands, or groups to be served.

(c) The Secretary is directed to take appropriate action to establish administrative procedures and machinery (including personnel having particular competence in this field) for the administration of Native American employment and training programs authorized under this Act.

(d) Funds available for this part shall be expended for programs and activities consistent with the purposes of this section including but not limited to such programs and activities carried out by recipients under other provisions of this Act.

(e) No provision of this part shall abrogate in any way the trust responsibilities of the Federal Government to Native American bands, tribes, or groups.

PART B—MIGRANT AND SEASONAL FARMWORKER EMPLOYMENT TRAINING PROGRAMS

STATEMENT OF FINDINGS

SEC. 211. The Congress finds and declares that—

(1) chronic seasonal unemployment and underemployment in the agricultural industry, substantially affected by recent advances in technology and mechanization, constitute a substantial portion of the Nation's rural employment problem and substantially affect the entire national economy; and

(2) because of the special nature of farmworker employment and training problems such programs can best be administered at the national level.

PROGRAM AUTHORIZED

SEC. 212. (a)(1) The Secretary shall meet the employment and training needs of migrants and seasonal farmworkers through public agencies and private nonprofit organizations, including, but not limited to, programs and activities carried out by recipients under other provisions of this Act, as the Secretary determines have an understanding of the problems of migrant and seasonal farmworkers, a familiarity with the area to be served, and a capability to administer effectively a comprehensive employment and training program for migrant and seasonal farmworkers.

(2) Programs supported under this part shall include, but not be limited to, employment and training in traditional as well as newly developing agricultural occupations and related assistance and supportive services.

(b)(1) In awarding a grant or contract for services administered under this part, the Secretary shall use the standard competitive Government procurement policies.

(2) In administering programs under this section, the Secretary shall consult with appropriate State and local officials and may enter into agreements with such officials to assist in the operation of such programs.

PART C—RESEARCH, EVALUATION, PILOT PROJECTS, AND TECHNICAL ASSISTANCE

RESEARCH

SEC. 221. (a) To assist the Nation in expanding work opportunities and assuring access to those opportunities for all who desire it, the Secretary shall establish a comprehensive program of employment and training research utilizing the methods, techniques, and knowledge of the behavioral and social sciences and such other methods, techniques, and knowledge as will aid in the solution of the Nation's employment and training problems.

(b) The Secretary shall establish a program of experimental, developmental, and demonstration projects, through grants or contracts for the purpose of improving techniques and demonstrating the effectiveness of specialized methods in meeting employment and training problems.

EVALUATION

SEC. 222. (a) The Secretary shall provide for the continuing evaluation of all programs, activities, and research and demonstration projects conducted pursuant to this Act, including their cost-effectiveness in achieving the purposes of this Act, their impact on communities and participants, their implication for related programs, the extent to which they meet the needs of persons by age, sex, race, and national origin, and the adequacy of the mechanism for the delivery of services.

(b) The Secretary shall evaluate the effectiveness of programs authorized under this Act with respect to the statutory goal of increases in employment and earnings for participants, duration in training and employment situations, information on the post-enrollment labor market experience of program participants for at least a year following their termination from such programs, and comparable information on other employees or trainees of participating employers.

(c) In order to reduce the paperwork burden and costs on recipients in carrying out evaluations of the cost-effectiveness of identical or similar programs of recipients, the impact of such programs on communities and agents, the implication for related programs, and the adequacy of the mechanism for the delivery of services, the Secretary shall to the maximum extent possible, consistent with the purposes of this Act, use statistical sampling techniques.

(d) The Secretary shall prepare and submit to the Congress an annual report for employment and training programs. The Secretary shall include in such report—

(1) a summary of the achievements, failures, and problems of the programs authorized in this Act in meeting the objective of this Act;

(2) a summary of major findings from research, evaluation, pilot projects, and experiments conducted in the previous fiscal year;

(3) recommendations for program modifications based upon analysis of such findings; and

(4) such other recommendations for legislative or administrative action as the Secretary deems appropriate.

PILOT PROJECTS

SEC. 223. (a) From funds made available under this part, the Secretary shall provide financial assistance to recipients for pilot projects which meet the employment-related needs of persons who face particular disadvantages in specific and general labor markets or occupations and other persons whom the Secretary determines require special assistance.

(b) Each pilot project assisted under this section shall be designed to assist in eliminating artificial and other employment barriers faced by such persons.

(c) No project under this section shall be assisted for more than three years.

(d) In selecting recipients under this section, the Secretary shall give special consideration to applications submitted by community-based organizations of demonstrated effectiveness.

TRAINING AND TECHNICAL ASSISTANCE

SEC. 224. The Secretary, in consultation with appropriate State officials, shall provide directly or through grants, contracts, or other arrangements—

(1) appropriate preservice and inservice training for specialized, supportive, supervisory, or other personnel; and

(2) appropriate technical assistance with respect to programs assisted under this Act.

PART D—LABOR MARKET INFORMATION

COOPERATIVE LABOR MARKET INFORMATION PROGRAM

SEC. 231. (a)(1) From the amount set aside under section 302(a)(5) the Secretary shall reserve such sums as may be necessary to operate a Federal/State cooperative statistical labor market information program in accordance with the provisions of this part.

(2) Notwithstanding any other provision of law, funds available to other Federal agencies for carrying out chapter 35 of title 44 of the United States Code, the Vocational Education Act of 1963, and the Act of June 6, 1933 (popularly known as the Wagner-Peyser Act) may be made available by the head of each such agency to assist in carrying out the provisions of this part.

(b) The Secretary shall maintain a comprehensive national system of labor market information on a national, State, local, and other appropriate basis which shall be made publicly available in a timely fashion.

(c) In carrying out the provisions of this part, the Secretary shall assure that—

(1) departmental data collecting and processing systems are consolidated to eliminate overlap and duplication;

(2) the criteria of chapter 35 of title 44 of the United States Code are met; and

(3) statistical reliability and national standardized definitions of employment, unemployment, and occupational definitions are used.

(d) The Secretary shall maintain, on a national, State, and local, and other appropriate basis, household budget data at different levels of living (including a level of adequacy), designed to reflect the differences of household living costs in national regions, States, and both rural and urban locations.

(e) The Secretary shall publish, at least annually, a report linking labor force status with earnings and income.

FEDERAL RESPONSIBILITIES

SEC. 232. (a) The Secretary, in cooperation with the Secretary of Commerce, the Secretary of Defense, the Secretary of the Treasury, the Secretary of Education, and the Director of the Office of Management and Budget, shall—

(1) review the need and the application of all operating national data collection and processing systems in order to identify gaps, overlap, and duplications, and integrate at the national level currently available data sources in order to improve the management of information systems;

(2) maintain, assure timely review, and implement national standardized definitions with respect to terms, geographic areas, timing of collection, and coding measures, to the maximum extent feasible; and

(3) provide technical assistance to the States in the development, maintenance,

and utilization of labor market/occupational supply and demand information systems and projections of supply and demand as described in section 233, with special emphasis on assistance in the utilization of cost-efficient automated systems and improving access of individuals to career opportunities information in local and State labor markets.

(b) The Secretary, in cooperation with the Secretary of Defense, shall assure the development of an integrated occupational supply/demand information system to be used by States and, in particular, in secondary and postsecondary educational institutions in order to assure young persons adequate information on career opportunities in the Armed Forces.

(c) The Secretary and the Director of the Office of Management and Budget shall assure that, from the funds reserved for this part, sufficient funds are available to provide staff at the Federal level to assure the coordination functions described in this section.

STATE LABOR MARKET INFORMATION PROGRAMS

SEC. 233. (a) In order to be eligible for Federal financial assistance, under this part, the Governor shall—

(1) designate an organizational unit responsible for oversight and management of a statewide comprehensive labor market/occupational supply and demand information system;

(2) design a comprehensive cost-efficient labor market/occupational information supply and demand system which—

(A) is responsive to the economic demand and educational training supply support needs of the State and areas within the State, and

(B) meets the Federal standards under chapter 35 of title 44 of the United States Code and other appropriate Federal standards established by the Bureau of Labor Statistics;

(3) standardize available Federal and State multiagency administrative records and direct survey data sources to produce an employment/economic analysis published set of projections for the State and designated areas within the State which, at the minimum, includes—

(A) identification of geographic and occupational areas of potential growth or decline; and

(B) an assessment of the potential impact of such growth or decline on individuals, industries, and communities, including occupational supply and demand characteristics data;

(4) assure, to the extent possible, that—

(A) automated technology is used by the State,

(B) administrative records have been designed to reduce paperwork, and

(C) multiple survey burdens on the employers of the State have been reduced;

(5) publish and disseminate labor market/occupational supply and demand information and individualized career information to State agencies, area public agencies, and private not-for-profit users, and individuals in the process of career decision choices; and

(6) conduct research and demonstration projects designed to improve any aspect of the statewide information system.

(b)(1) The analysis required under clause (3) of subsection (a) shall be used by States and by area entities to contribute to carrying out the provisions of this Act, the Vocational Education Act of 1963, and the Act of June 6, 1933 (popularly known as the Wagner-Peyser Act).

(2) The assurance required by clause (4) of subsection (a) shall also include that the State will, to the maximum extent possible, assure consolidation of available administrative data and surveys to reduce duplication of recordkeeping of State and local agencies, including secondary and postsecondary educational institutions.

(3) If any Federal funds are used to carry out clause (6) of subsection (a), access to and information of the results will remain in the public domain.

(c) The Secretary shall reimburse the States the costs of carrying out the provisions of this section but the aggregate reimbursements in any fiscal year shall not exceed the amount available under this part for this subsection.

(d) No provision of this part or any other provision of Federal law shall be construed to prohibit the State the right to combine, consolidate, or otherwise alter Federal administrative management information reporting requirements relating to employment, productivity, or training, if notice is transmitted by the Governor to the head of each appropriate Federal and State agency responsible for the laws governing the Federal reporting requirements. The notice shall specify the intent to combine, consolidate, or alter such requirements. The head of each appropriate Federal agency shall approve the combination, consolidation, or alteration unless, within 60 days after receiving the notice, the Federal agency can show the combination, consolidation, or alteration will not meet the essential purposes of the affected Federal law. Any adverse decision by the head of a Federal agency may be appealed to the Director of the Office of Management and Budget who shall decide the matter within 60 days after the appeal is made.

TITLE III—ADMINISTRATIVE AND GENERAL PROVISIONS AUTHORIZATION OF APPROPRIATIONS; PROGRAM YEAR

SEC. 301. (a) There are authorized to be appropriated $3,800,000,000 for the fiscal year 1983 and such sums as may be necessary thereafter to carry out the provisions of titles I, II, and III of this Act.

(b) (1) Beginning with fiscal year 1984, and therafter appropriations for any fiscal year for programs and activities assisted or conducted under this Act shall be available for expenditure and obligation only on the basis of a program year. The program year shall begin on July 1 in the fiscal year for which the appropriation is made.

(2) Funds obligated for any program year may be expended by the recipient during that program year and the two succeeding program years and no amount shall be deobligated on account of a rate of expenditure which is consistent with the program plan.

(3) (A) Appropriations for fiscal year 1983 shall be available both to fund activities for the period between October 1, 1982, and July 1, 1983, and for the program year beginning July 1, 1983.

(B) There are authorized to be appropriated such additional sums as may be necessary to carry out the provisions of this paragraph for the transition to program year funding.

DISTRIBUTION OF FUNDS

SEC. 302. (a) (1) Of the amounts appropriated pursuant to section 301 (a) for each fiscal year, 22 percent shall be set aside for use by the Secretary in accordance with this subsection.

(2) Sixty-six percent of such amounts shall be available for the Job Corps in accordance with part B of title IV of the Comprehensive Employment and Training Act.

(3) Ten and one-half percent of such amounts shall be available for Indians in accordance with part A of title II.

(4) Ten percent of such amounts shall be available for migrants and seasonal farmworkers in accordance with part B of title II.

(5) The remainder of such amounts shall be available for costs of administration, for research, evaluation, pilot projects, and technical assistance in accordance with part C of title II, and for the labor market information program in accordance with part D of title II.

(b) The remainder of the amounts appropriated in each fiscal year shall be allotted in accordance with section 101.

PERFORMANCE CRITERIA

SEC. 303. (a) The Congress recognizes that training is an investment in human capital and not an expense. In order to determine whether that investment has been productive, the Congress finds that—

(1) it is essential that criteria for measuring the return on this investment be developed; and

(2) the basic return on the investment is to be measured by the increased earnings of participants and the reductions in cash welfare payments.

(b)(1) The basic measure of performance for adult training programs is the increase in earnings and reductions in cash welfare payments resulting from participation in the program. The Secretary shall prescribe standards to measure the results of participation in the program. The standards shall include provisions governing—

(A) the base period prior to program participation that will be used;

(B) a representative period after termination from the program that is a reasonable indicator of post-program earnings and income maintenance payments; and

(C) cost-effective methods for obtaining such data; which may include access to earnings, State employment security records, FICA, State AFDC records, statistical sampling techniques, or related measures.

(2) The Secretary shall prescribe standards relating gross program expenditures to total earnings gains and reductions in cash welfare payments to participants.

(3) Each Governor may prescribe variations in the standards prescribed under paragraph (2) based on specific economic factors in the State and in service delivery areas within the State.

(4) The Secretary shall prescribe variations in performance criteria for Native American and migrant and seasonal farmworker programs taking into account their special circumstances.

(c)(1) Recognizing the instability of youth employment, performance criteria for youth may be locally developed by the administrator of funds in the service delivery area based on (A) employment competencies recognized by the private industry council, and (B) placement and retention in employment.

(2) Performance criteria and competency standards shall be reviewed by the Governor and the Secretary for adequacy pursuant to regulations prescribed by the Secretary.

(d) The annual report for each service delivery area shall specify the extent to which programs exceeded or failed to meet relevant performance criteria.

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(e) The Governor shall use 10 percent of the funds allocated for statewide programs to provide incentive funding for programs exceeding performance criteria, including incentives for serving the hard to serve.

(f)(1) The Governor shall provide technical assistance to programs which do not meet performance criteria. If the failure to meet performance criteria persists for a second year, the Governor shall propose a reorganization plan. Such plan may restructure the private industry council, prohibit the use of designated delivery agencies or make such other changes as the Governor deems necessary to improve performance. The Governor may also propose the selection of an alternative administrator for the service delivery area.

(2) The alternate administrator may be a newly formed private industry council or an agency jointly selected by the Governor and the chief elected official of the largest unit of general local government in the service delivery area and approved by the Secretary.

(3) No change may be made under this subsection without an opportunity for a fair hearing before a hearing officer appointed by the Governor.

FISCAL CONTROLS

SEC. 304. (a)(1) Each State shall establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursal of, and accounting for, Federal funds paid to the recipient under titles I and V. The Director of the Office of Management and Budget, in consultation with the Comptroller General of the United States, shall establish guidance for the proper performance of audits. Such guidance shall include a review of fiscal controls and fund accounting procedures established by States under this section.

(2) At least once every two years, the State shall prepare or have prepared an independent financial and compliance audit of each recipient of funds under titles I and V of this Act. Under criteria established by the Director of the Office of Management and Budget, and upon application by the Governor, the Secretary may exempt designated recipients from all or part of the requirements of this section, except that any such exemption shall not apply to the State administering agency, a prime sponsor for a service delivery area, or a private industry council. Any exemption under this section may be withdrawn by the Secretary in consultation with the Director of the Office of Management and Budget.

(3) Each audit shall be conducted in accordance with applicable auditing standards set forth in the financial and compliance element of the Standards for Audit of Governmental Organizations, Programs, Activities and Functions issued by the Comptroller General of the United States.

(b)(1) The Comptroller General of the United States shall, on a selective basis, evaluate the expenditures by the recipients of grants under this Act in order to assure that expenditures are consistent with the provisions of this Act and to determine the effectiveness of the recipient in accomplishing the purposes of this Act. The Comptroller General shall conduct the evaluations whenever he determines it necessary and he shall periodically report to the Congress on the findings of such evaluations.

(2) Nothing in this Act shall be deemed to relieve the Inspector General of the Department of Labor of his responsibilities under the Inspector General Act.

(3) For the purpose of evaluating and reviewing programs established or provided for by this Act, the Comptroller General shall have access to and the right to copy any books, accounts, records, correspondence, or other documents pertinent to such programs that are in the possession, custody, or control of the State, a private industry council established under section 103 of this Act, any recipient of funds under this Act, or any subgrantee or contractor of such recipients.

(c)(1) Every recipient shall repay to the United States amounts found not to have been expended in accordance with this Act. The Secretary may offset such amounts against any other amount to which the recipient is or may be entitled under this Act unless he determines that such recipient should be held liable pursuant to paragraph (3).

(2) For the purpose of this subsection, the term "recipient" includes both any entity receiving direct financial assistance from the United States and any entity receiving assistance through subgrants or contracts.

(3) Each recipient shall be liable to repay from funds other than funds received under this Act upon a determination that the misexpenditure of funds was due to willful disregard of the requirements of this Act, gross negligence, or failure to observe accepted standards of administration. No such finding shall be made except after notice and opportunity for a fair hearing.

REPORTS, RECORDKEEPING, AND INVESTIGATIONS

SEC. 305. (a) Recipients shall keep records that are sufficient to permit the preparation of reports required by this Act and to permit the tracing of funds to a level of expenditure adequate to insure that the funds have not been spent unlawfully.

(b)(1) The Secretary may investigate such facts, conditions, practices, or other matters which the Secretary finds necessary to determine whether any recipient of funds or any official of such recipient has violated any provision of this Act.

(2)(A) In order to evaluate compliance with the provisions of this Act, the Secretary shall conduct, in several States, in each fiscal year investigations of the use of funds received by recipients under this Act.

(B) In order to insure compliance with the provisions of this Act, the Comptroller General of the United States may conduct investigations of the use of funds received under this Act by any recipient.

(3) In conducting any investigation under this Act, the Secretary or the Comptroller General of the United States may not request any information not readily available to such recipient.

(c) Each State receiving funds under this Act shall—

(1) make such reports concerning its operations and expenditures as shall be prescribed by the Secretary, and

(2) prescribe and maintain a management information system designed to facilitate the compilation and analysis of programmatic and financial data, on statewide and service delivery area bases, necessary for reporting, monitoring, and evaluating purposes.

AFFIRMATIVE ACTION

SEC. 306. (a) The administrator for any service delivery area selected pursuant to section 104 is authorized to enter into contracts with persons subject to the affirmative action requirements under Executive Order 11246 issued September 24, 1965, in order to assist such contractors to meet their affirmative action obligations. The contracts authorized under this subsection shall contain—

(1) a statement of job classifications of the contractor in which the contractor has determined that the contractor is underutilizing minorities or women and in which the contractor wants to use the recruiting, training, or other facilities of the administrator to assist him to correct that underutilization;

(2) a description of the recruiting, training, or other functions that the administrator will perform directly or by subcontract for the contractor, including standards for training and the arrangements for referral of persons completing training to jobs with the contractor;

(3) provisions to assure that the administrator will recruit, train, and refer only persons eligible for assistance under this Act;

(4) provisions to assure that the contractor will assume all the cost of the services performed by the administrator; and

(5) the duration of the contract, which may be for any period not to exceed five years.

(b)(1) Any contract negotiated under subsection (a) may be submitted to the Director of the Office of Federal Contract Compliance, Department of Labor, and, if approved by the Director, shall be presumptive evidence of the good faith of the contractor in dealing with the underutilization to which it was addressed, if the underutilization as described in the contract is an accurate representation of the facts.

(2) Whenever the contract negotiated under subsection (a) is submitted to, but neither approved nor disapproved by the director the contract may be used as evidence of good faith of the contractor in meeting any underutilization accurately described in the contract, if the commitment of funds or other resources of the contractor was deemed sufficient either in relation to the size of its contract award from the Federal Government or the extent of the underutilization.

(3) The Director of the Office of Federal Contract Compliance, Department of Labor, may by rule prescribe limitations, by geographical area, industry, size of procurement, or other criteria, on the types or numbers of contracts authorized under subsection (a) that may be submitted to the office.

COMMISSION ON EMPLOYMENT AND PRODUCTIVITY

SEC. 307. (a) There is established a Commission on Employment and Productivity. The Commission shall consist of—

(1) individuals appointed by the President representing private for-profit corporations, organized labor, State governments, units of general local government, and local educational agencies, except that a majority of the members of the Commission shall be chief executive officers or chairmen of the Board of Directors of major private for-profit corporations,

(2) the Secretary of Labor,

(3) the Secretary of Commerce, and

(4) the Secretary of Education.

The members of the Commission set forth in clauses (2), (3), and (4) shall not vote on any matter before the Commission.

(b) The Commission shall examine and make recommendations on broad policy questions relating to the Nation's productivity and to labor force utilization and training.

(c) The Commission is authorized to—

(1) appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive services, and fix the compensation of, without regard to the provisions of chapters 51 and subchapter III of chapter 53 of such title, relating to classifications and the general schedule pay rates, such staff personnel as may be necessary;

(2) procure the services of experts and consultants in accordance with section 3109 and title 5, United States Code; and

(3) accept the voluntary and uncompensated services of personnel loaned by corporations and foundations, notwithstanding any other provision of law.

(d) There are authorized to be appropriated in any fiscal year such sums as may be necessary to pay not to exceed 50 percent of the cost of carrying out the provisions of this section. Notwithstanding any other provisions of law, the Commission is authorized to accept gifts to pay the remaining costs of carrying out the provisions of this section.

ADMINISTRATIVE PROVISION

SEC. 308. (a) The Secretary may, in accordance with chapter 5 of title 5, United States Code, prescribe such rules and regulations, the Secretary deems necessary. Such rules and regulations may include adjustments authorized by section 204 of the Intergovernmental Cooperation Act of 1968. All such rules and regulations shall be published in the Federal Register at least 30 days prior to their effective date. Copies of all such rules and regulations shall be transmitted to the appropriate committees of the Congress at the same time and shall contain, with respect to each material provision of such rules and regulations, citations to the particular substantive section of law which is the basis therefor.

(b) The Secretary may make such grants, contracts, or agreements, establish such procedures and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, as deemed necessary to carry out the provisions of this Act, including (without regard to the provisions of section 4774(d) of title 10, United States Code) expenditures for construction, repairs, and capital improvements, and including necessary adjustments in payments on account of overpayments or underpayments.

REPEAL; AMENDMENT

SEC. 309. (a) The Comprehensive Employment and Training Act other than part B of title IV, relating to the Job Corps, is repealed.

(b) Section 468 of the Comprehensive Employment and Training Act is amended to read as follows:

"DEFINITIONS

"SEC. 468. For the purpose of this part—

"(1) the term 'economically disadvantaged' has the same meaning given that term under section 2 (3) of the Training for Jobs Act; and

"(2) the term 'Secretary' means the Secretary of Labor.".

TITLE IV—AMENDMENTS TO THE WAGNER-PEYSER ACT

PUBLIC EMPLOYMENT OFFICES PROGRAM

SEC. 401. Sections 1 through 10 of the Act of June 6, 1933 (popularly known as the Wagner-Peyser Act) are amended to read as follows: "That in order to promote the establishment and maintenance of a national system of public employment offices, there is established in the Department of Labor a bureau to be known as the United States Employment Service, to be headed by a director.

"SEC. 2. For the purpose of this Act—

"(1) the term 'bureau' means the United States Employment Service, established under this Act;

"(2) the term 'secretary' means the Secretary of Labor;

"(3) the term 'service delivery area' has the same meaning given that term under the Training for Jobs Act; and

"(4) the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

"SEC. 3. The bureau shall assist in coordinating the public employment offices throughout the country and in increasing their usefulness by developing and prescribing minimum standards of efficiency, assisting them in meeting problems peculiar to their localities, promoting uniformity in their administrative and statistical procedure, furnishing and publishing information as to opportunities for employment and other information of value in the operation of the system, and maintaining a system for clearing labor between the several States. It shall be the further duty of the bureau to assure that such employment offices in each State, upon request of a public agency administering or supervising the administration of a State plan approved under part A of title IV of the Social Security Act or of a public agency charged with any duty or responsibility under any program or activity authorized or required under part D of title IV of such Act, shall (and, notwithstanding any other provision of law, is authorized to) furnish to such agency making the request, from any data contained in the files of any such employment office, information with respect to any individual specfied in the request as to (1) whether such individual is receiving, has received, or has made application for, unemployment compensation, and the amount of any such compensation being received by such individual, (2) the current (or most recent) home address of such individual, and (3) whether such individual has refused an offer of employment and, if so, a description of the employment so offered and terms, conditions, and rate of pay therefor.

"SEC. 4. The Secretary is authorized to appoint and to fix the compensation of one or more assistant directors and such other officers, employees, and assistants, and to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere and for law books, books of reference, and periodicals) as may be necessary to carry out the provisions of this Act.

"SEC. 5. (a) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

"(b) The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State which (1) has, except in the case of Guam, an unemployment compensation law approved by the Secretary under the Federal Unemployment Tax Act and is found to be in compliance with section 303 of the Social Security Act, as amended, and (2) is found to be in compliance with this Act such amounts as the Secretary determines to be necessary for allotment under section 6.

"(c)(1) Beginning with fiscal year 1984, and thereafter appropriations for any fiscal year for programs and activities assisted or conducted under this Act shall be available for expenditure and obligation only on the basis of a program year. The program year shall begin on July 1 in the fiscal year for which the appropriation is made.

"(2) Funds obligated for any program year may be expended by the State during that program year and the two succeeding program years and no amount shall be deobligated on account of a rate of expenditure which is consistent with the program plan.

"(3)(A) Appropriations for fiscal year 1983 shall be available both to fund activities for the period October 1, 1982, and July 1, 1983, and for the program year beginning July 1, 1983.

"(B) There are authorized to be appropriated such additional sums as may be necessary to carry out the provisions of this paragraph for the transition to program year funding.

"SEC. 6. (a) From the amounts appropriated pursuant to section 5(a) for each fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to the total amount available for allotment in each fiscal year as the number of individuals in the civilian labor force in that State bears to the total number of individuals in the labor force in all States.

"(b)(1) Twenty-five percent of the sum allotted to each State shall be allocated in accordance with the provisions of this subsection.

"(2) Not more than 10 percent of the amount allotted under paragraph (1) of this subsection may be used for the costs of auditing activities and other administrative activities under sections 9 and 10.

"(3) The remainder of the amount allotted under paragraph (1) of this subsection to each State shall be used for programs and activities described in section 8(b).

"(c) The remainder of the amount allotted to each State shall be allocated by the Secretary among service delivery areas within the State on the basis of the relative number of individuals in the civilian labor force in each service delivery area within the State compared to the total number of such individuals within the State.

"SEC. 7. (a) Plans for service delivery areas shall be prepared by the private industry council established under the Training for Jobs Act. In any case in which there is no private industry council for a service delivery area, the employment service delivery area plan shall be prepared by an official designated by the Governor.

"(b) Each local plan under this Act shall contain—

"(1) a proposed description of services and programs to be provide;

"(2) the priorities for providing services, but such priorities shall not deny referral services to any category of individuals;

"(3) the proposed budget for the program year, including resources planned for application of the work test; and

"(4) expected performance accomplishments and a comparison with the performance of the previous year.

"(c)(1) Each local plan for a service delivery area shall be forwarded to the appropriate State agency for use in developing the consolidated State plan.

"(2)(A) The State shall prepare a consolidated State plan for carrying out the provisions of this Act within the State.

"(B) Each consolidated State plan shall contain—

"(i) a description of the use of funds allotted to the State, including programs described in section 6(b); and

"(ii) a composite of approved local plans for service delivery areas within the State providing a statewide description of services to be provided.

"(3) Each consolidated State plan shall be submitted to the Secretary. If the plan conforms to the provisions of this Act and is reasonably appropriate and adequate to carry out the purposes of this Act, the Secretary shall approve the plan within 30 days after the plan is submitted.

"SEC. 8. (a) Funds allotted to a State and allocated to a service delivery area shall be used for—

"(1) job finding and placement services to jobseekers;

"(2) appropriate recruitment services for employers with vacancies;

"(3) counseling, testing, and other employment services to jobseekers;

"(4) special technical services to employers; and

"(5) preparing the area plan. In determining the use of funds, priority shall be given to local employee and employer needs.

"(b) Amounts available to States under section 6(b)(3) may be used for—

"(1) evaluation of programs;

"(2) developing linkages between services funded under this Act and related programs and providing assistance to programs funded under this Act and related Federal or State legislation;

"(3) providing services for workers who have no reasonable prospect of returning to the occupation or industry from which they have been laid off;

"(4) developing and providing labor market and occupational information;

"(5) developing a management information system and compiling and analyzing reports therefrom;

"(6) providing incentives for superior performance in service delivery areas; and

"(7) supplementing services authorized under this Act in service delivery areas.

"(c) The Secretary is authorized to establish performance standards which shall take into account the differences in priorities reflected in State plans.

"(d)(1) No funds paid under this Act may be used for advertising in newspapers for jobs paying more than twice the minimum wage established under the Fair Labor Standards Act of 1938.

"(2) Nothing in this Act shall be construed to prohibit the referral of any applicant to private agencies as long as the applicant is not charged a fee.

"(3) Funds allocated for use in any State and service delivery area under this Act shall be administered in accordance with the approved plan.

"(e) In addition to the services described in the consolidated State plan, the State may perform such other labor market related services as are specified in reimbursable contracts with the Secretary.

"SEC. 9. (a)(1) Each State shall establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursal of, and accounting for, Federal funds paid to the recipient under this Act. The Director of the Office of Management and Budget, in consultation with the Comptroller General of the United States, shall establish guidance for the proper performance of audits. Such guidance shall include a review of fiscal controls and fund accounting procedures established by States under this section.

"(2) At least once every two years, the State shall prepare or have prepared an independent financial and compliance audit of funds received under this Act.

"(3) Each audit shall be conducted in accordance with applicable auditing standards set forth in the financial and compliance element of the Standards for Audit of Governmental Organizations, Programs, Activities and Functions issued by the Comptroller General of the United States.

"(b)(1) The Comptroller General of the United States shall, on a selective basis evaluate the expenditures by States of funds received under this Act in order to assure that expenditures are consistent with the provisions of this Act and to determine the effectiveness of the State in accomplishing the purposes of this Act. The Comptroller General shall conduct the evaluations whenever he determines it necessary and he shall periodically report to the Congress on the findings of such evaluations.

"(2) Nothing in this Act shall be deemed to relieve the Inspector General of the Department of Labor of his responsibilities under the Inspector General Act.

"(3) For the purpose of evaluating and reviewing programs established or provided for by this Act, the Comptroller General shall have access to and the right to copy any books, accounts, records, correspondence, or other documents pertinent to such programs that are in the possession, custody, or control of the State.

"(c)(1) Every State shall repay to the United States amounts found not to have been expended in accordance with this Act. The Secretary may offset such amounts against any other amount to which the recipient is or may be entitled under this Act unless the Secretary determines that such State should be held liable pursuant to paragraph (2).

"(2) Each State shall be liable to repay from funds other than funds received under this Act upon a determination that the misexpenditure of funds was due to willful disregard of the requirements of this Act, gross negligence, or failure to observe accepted standards of administration. No such finding shall be made except after notice and opportunity for a fair hearing.

"SEC. 10. (a) Each State shall keep records that are sufficient to permit the preparation of reports required by this Act and to permit the tracing of funds to a level of expenditure adequate to insure that the funds have not been spent unlawfully.

"(b)(1) The Secretary may investigate such facts, conditions, practices, or other matters which the Secretary finds necessary to determine whether any State receiving funds under this Act or any official of such State has violated any provision of this Act.

"(2)(A) In order to evaluate compliance with the provisions of this Act, the Secretary shall conduct, in several states, in each fiscal year investigations of the use of funds received by States under this Act.

"(B) In order to insure compliance with the provisions of this Act, the Comptroller General of the United States may conduct investigations of the use of funds received under this Act by any State.

"(3) In conducting any investigation under this Act, the Secretary or the Comptroller General of the United States may not request any information not readily available to such State.

"(c) Each State receiving funds under this Act shall—

"(1) make such reports concerning its operations and expenditures as shall be prescribed by the Secretary, and

"(2) prescribe and maintain a management information system designed to facilitate the compilation and analysis of programmatic and financial data, on statewide and service delivery area bases, necessary for reporting, monitoring, and evaluating purposes.".

TITLE V—DISLOCATED WORKERS

AUTHORIZATION ALLOTMENT

SEC. 501. (a) There are authorized to be appropriated $100,000,000 for fiscal year 1983 and such sums as may be necessary thereafter to carry out the provisions of this title.

(b) Funds appropriated under subsection (a) in each fiscal year shall be allotted among the States on the basis of the relative number of long-term unemployed persons within the State compared to the total number of such persons in all States in accordance with the provisions of section 101(b)(3)(A).

(c) The Secretary is authorized to reallocate any amount of any allotment to a State to the extent that he determines that the State will not be able to use such amount within a reasonable period of time.

(d) For the purpose of this title, the term "State" includes the several States and the District of Columbia.

IDENTIFICATION OF DISLOCATED WORKERS

SEC. 502. (a) Each State is authorized to establish procedures to identify substantial groups of workers who—

(1) have been laid off from their employment, are eligible for or have exhausted their entitlement to unemployment compensation, and are unlikely to return to their previous industry or occupation; or

(2) are employed in operations or establishments which the employer has determined to shut down on a permanent basis.

The State may provide for the use of the private industry councils established under title I of this Act to assist in making the identification established under this section.

(b)(1) Whenever a group of workers is identified under subsection (a), the State, with the assistance of the private industry council, shall determine what, if any, job opportunities exist within the local labor market area or outside the labor market area for which such workers could be retrained.

(2) The State shall determine whether training opportunities for such employment opportunities exist or could be provided within the area.

(c) Whenever training opportunities pursuant to subsection (b) are identified, information concerning the opportunities shall be made available to workers. The acceptance of training for such opportunities shall be deemed to be acceptance of approved training within the meaning of any other provision of Federal law.

PROGRAM ELEMENTS

SEC. 503. Financial assistance provided to states under this title may be used to pay 50 percent of the cost of assisting workers identified under section 502 to obtain unsubsidized employment through job training and related services. Such training and services may include but are not limited to—

(1) job search assistance;

(2) job development;

(3) training in job skills for which demand exceeds supply;

(4) support services;

(5) relocation assistance; and

(6) programs conducted in cooperation with employers or labor organizations to provide early intervention in the event of plant closures.

LOCAL PARTICIPATION

SEC. 504. Every State receiving funds under this title shall give an opportunity to applicants to apply for funding of locally developed projects to carry out the provisions of this title.

TITLE VI—COORDINATION OF JOB TRAINING ACTIVITIES

USE OF PRIVATE INDUSTRY COUNCILS

SEC. 601. No provision of any Federal law shall be construed to prohibit the use of a private industry council established under title I of this Act from being used for planning for, or advising on, programs under the Vocational Education Act of 1963, the Rehabilitation Act of 1973, or any other Federal law relating to employment or training.

ADVISORY COUNCILS

SEC. 602. (a) Notwithstanding any other provision of law, a Governor may combine two or more advisory councils whose functions relate to employment or training or use one such council to perform in functions of more than one such councils if—

(1) the combined council meets the essential elements regarding composition of all the councils subject to the consideration or use carried out under this title; or

(2) a council performing any additional function meets the essential elements regarding composition of the council whose functions it is performing.

(b)(1) The Governor of any State wishing to merge or expand the use of an advisory council under subsection (a) shall give public notice of his intention to do so. The notice shall include the composition of the new or expanded council and its proposed functions.

(2) The notice required by paragraph (1) shall be transmitted to the head of each Federal department or agency having responsibility for the laws governing the advisory councils subject to the merger or expansion. The head of each such department or agency shall approve such new or expanded use unless he finds, for good cause shown, that such expanded council will not meet the essential purposes of the applicable Federal law. Any adverse decision by the head of a department or agency may be appealed to the Director of the Office of Management and Budget or to the head of any other agency designated by the President.

PERFORMANCE OF SERVICES BY STATE AGENCIES RECEIVING FEDERAL ASSISTANCE FOR TRAINING

SEC. 603. (a) Subsection (a) of section 7 of the Act of May 21, 1920 (commonly known as the Economy Act; 31 U.S.C. 686) is amended by inserting "(1)" after the subsection designation and by adding at the end thereof the following new paragraph:

"(2) The provisions of paragraph (1) of this subsection (except the provisos of such paragraph) shall be applicable to any State agency receiving Federal financial assistance for job training or related programs, as designated by the Governor of the State or the Mayor of the District of Columbia."

(b)(1) Each State agency may contract with any other State agency to perform the services for which Federal assistance for job training or related programs is received if the Governor determines that such a contract will promote efficiency of operation.

(2) For the purpose of this subsection the term "State" includes the several States and the District of Columbia.

S. 2037

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans' Employment and Training Act of 1982".

SEC. 2. It is the purpose of this Act to—

(1) provide for the establishment of a separate employment and job training program exclusively for veterans and to authorize appropriations to carry out such program;

(2) provide veterans with the maximum opportunity to obtain employment and job training considering the readjustment problems that veterans, especially disabled veterans and veterans of the Vietnam era, have experienced after returning to civilian life; and

(3) provide a systematic approach to veterans' employment and job training problems in order to promote efficiency and fiscal savings.

SEC. 3. (a) Chapter 41 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 2009. Additional veterans employment services

"(a) The Secretary of Labor (hereafter in this section referred to as the 'Secretary') shall, through the Assistant Secretary of Labor for Veterans' Employment, establish and administer a program to provide job counseling services, job training services (including services relating to training on the job), and job placement services to eligible veterans described in subsection (b)(1) of this section.

"(b)(1) The Secretary shall, under the program established under subsection (a) of this section, furnish employment and job training services to—

"(A) any disabled veteran;

"(B) any veteran of the Vietnam era; and

"(C) any other eligible veteran who first began active military, naval, or air service before August 5, 1964;

"(2) The Secretary shall furnish employment and job training services under the program in the order set forth in paragraph (1) of this subsection.

"(c)(1) The Secretary shall—

"(A) furnish employment and job training services under the program established under subsection (a) of this section through agencies of States and of political subdivisions thereof and private, nonprofit organizations; and

"(B) encourage such agencies and organizations to enter into cooperative arrangements with private industry and business concerns (including small business concerns), educational institutions, trade associations, and organized labor in addition to cooperative arrangements with other Federal and State employment and job training programs to provide such services.

"(2) The Secretary may make grants to and enter into contracts with appropriate agencies of States and political subdivisions thereof and private nonprofit organizations to provide the services described in subsection (a) of this section.

"(d)(1) The Secretary shall—

"(A) determine whether a particular agency of a State of political subdivision thereof or a particular private, nonprofit organization can effectively provide services under the program established under this section; and

"(B) ensure that maximum effectiveness and efficiency are achieved in furnishing the services described in subsection (a) of this section by coordinating, in consultation with the Administrator, the administration of the program established under this section with the administration of other employment and job training programs, vocational rehabilitation programs, and readjustment counseling programs administered under this title.

"(2) In making a determination under paragraph (1)(A) of this subsection, the Secretary shall consider—

"(A) the experience of the agency or organization with—

"(i) the employment and job training problems of veterans; and

"(ii) the community where the agency or organization will provide services to veterans under the program; and

"(B) any other factors indicating the capability of the agency or organization effectively and efficiently to provide services under the program.

"(e) The Secretary may, either directly or by way of grant, contract, or cooperative agreement, furnish such technical assistance and conduct such research and development projects as he determines necessary to establish and carry out the program described in subsection (a) of this section.

"(f) On January 1 of each year the Secretary shall transmit to the Committees on Veterans' Affairs of each House of the Congress a report on the conduct of the program established under this section during the fiscal year ending during the preceding calendar year. Such report shall include an evaluation of the effectiveness of the program in carrying out the purposes of this section during such fiscal year, the efficiency with which services have been provided under the program during such fiscal year, and such recommendations for legislative action as the Secretary considers appropriate.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2009. Additional veterans employment services.".

SEC. 4. Section 2006 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

"(e) The Secretary of Labor shall include in the special item set forth in the annual budget of the Department of Labor for any fiscal year pursuant to subsection (a) of this section a separate statement of the sums estimated to be necessary for such fiscal year to carry out the program established under section 2009 of this title.".

SEC. 5. Section 2003A(b)(2) of title 38, United States Code, is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by adding at the end thereof the following new subparagraph:

"(B) In stationing disabled veterans' outreach program specialists, the Secretary of Labor shall distribute such specialists among the States and portions of the States based on the regional differences in veterans' employment problems and the availability of local facilities for the use of such specialists.".

SEC. 6. The Secretary of Labor shall, not later than 120 days after the date of the enactment of this Act, promulgate such rules as are necessary to carry out the provisions of section 2009 of title 38, United States Code (as added by section 3 of this Act), and section 2003A(b)(2)(B) of such title (as added by section 5 of this Act).

SEC. 7. (a) There are authorized to be appropriated for fiscal year 1983—

(1) $80,000,000 to provide the services under the program established under section 2009 of title 38, United States Code (as added by section 3 of this Act); and

(2) $20,000,000 for the expenses of administering such program, including any ex-

penses for technical assistance and research and development with respect to such program.

(b) There are authorized to be appropriated for fiscal year 1984 and each succeeding fiscal year such sums as may be necessary to carry out the program described in subsection (a).

SEC. 8. The amendments made by sections 3 and 4 of this Act shall take effect on October 1, 1982.

S. 2038

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Defense Procurement Training Demonstration Project Act".

SEC. 2. (a)(1) The Secretary of Defense, after consultation with the Secretary of Labor, is authorized to establish and carry out demonstration projects in accordance with the provisions of this Act to provide training in skilled occupations in which there is a substantial shortage of workers in defense procurement.

(2) For the purpose of this Act "defense procurement" means any procurement defined in section 2303 of title 10, United States Code.

(b)(1) The Secretary of Labor shall develop and publish a list of skilled occupations in which there is a substantial shortage of workers. The list shall be revised annually.

(2) For the purpose of this subsection—

(A) the term "skilled occupations" includes only occupations for which the normal training program is at least two years but the term does not include any occupation for which a college degree is a normal prerequisite; and

(B) there is a substantial shortage of workers with respect to a skilled occupation if the sum of the number of trained workers and the number of persons in training programs in that skilled occupation is less than 80 percent of the anticipated demand for the occupation for the five-year period beginning on the first day of the first month after the determination is made.

(c) The Secretary of Defense shall prepare a list of occupations, based upon the list of occupations prepared by the Secretary of Labor under subsection (b), which the Secretary of Defense determines will, because of the shortage of workers in any specific occupation, have an adverse effect on defense procurement by expanding the lead-time for such procurement or by increasing the costs of the defense procurement.

(d) The Secretary of Defense shall carry out the demonstration projects authorized by this Act with respect to selected contracts for defense procurement entered into after the date of enactment of this Act if the Secretary determines that—

(1) the defense procurement contract involves the expenditure of at least $10,000,000;

(2) the defense procurement contract will require the contractor or any subcontractor of the contractor to hire additional workers in any of the skilled occupations contained in the list prepared by the Secretary of Defense under subsection (c); and

(3) the training of workers to meet the shortage of workers in any skilled occupation listed under subsection (b) is critical to the timely completion of work under defense procurement contracts in the area in which the contract will be performed.

(e) In carrying out the provisions of this Act the Secretary of Defense is authorized to include, in any contract selected by the Secretary to be a demonstration project, provisions designed to—

(1) require the contractor to provide training (either directly, or by way of contract or other arrangement) in the skills which the Secretary of Defense determines to be necessary to the completion of the contract under subsection (c) of this section; and

(2) specify the type of training, including on-the-job training, training from agencies and institutions experienced in furnishing occupational training, or any combination of such training.

(f) The Secretary of Defense shall, to the extent practicable, assure an equitable geographic distribution of training pilot projects carried out under this Act.

SEC. 3. In awarding contracts under applicable provisions of Federal law, the costs associated with carrying out demonstration projects under this Act shall not be considered.

SEC. 4. Not later than two and one-half years after the date of enactment of this Act, the Secretary of Defense shall prepare and submit to the Congress a report on the demonstration projects carried out under this Act, together with such recommendations, including recommendations for legislation, as the Secretary deems appropriate.

SEC. 5. Section 4 of the Defense Industrial Reserve Act (50 U.S.C. 45) is amended—

(1) by striking out "and" at the end of clause (6);

(2) by striking out the period at the end of clause (7) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding at the end thereof the following new clause:

"(8) authorize the donation of any such property directly to the educational institution or training school having a loan agreement for any such property when in the opinion of the Secretary that property is no longer needed by the Department of Defense.".

TRAINING FOR JOBS ACT

BRIEF SUMMARY

The Training for Jobs Act is a training program for the economically disadvantaged and will replace the Comprehensive Employment and Training Act which expires in September 1982. The Act is designed to encourage business, state and local governments to work together to train and place these workers in permanent private sector jobs.

The Training for Jobs Act provides formula grants to the States with suballocations to "service delivery areas." Training programs in these areas will be designed by a private industry council in coordination with local elected officials. The Councils, appointed by the chief local elected officials, will have a majority of business members and include representatives from local government, organized labor, education, community based groups, economic development agencies and the Employment Service. Funds are available for training the economically disadvantaged and others with significant barriers to employment. Programs will be evaluated under performance standards that measure earnings gains and welfare payment reductions. At least 50% of the funds are reserved for programs for youth under 22.

The bill includes a separate retraining program for dislocated workers who have no reasonable prospect of returning to their employment. The bill retains the current Jobs Corps program.

In addition, the bill promotes coordination between the training program and the Employment Service program by giving the private industry council planning authority over the local employment service operations.

AUTHORIZATION

The bill provides for authorization of appropriations for an indefinite period with $3.8 billion authorized for the basic program in fiscal year 1983 and such sums thereafter. An additional $100,000,000 is authorized for the program for dislocated workers. The appropriation for the basic program is divided as follows: 22% for programs administered by the Secretary of Labor including the Job Corps, Indian Programs, Migrant Programs, and Program Administration, 7% for Governors for Statewide Programs and 71% for States and Suballocation to Service delivery areas.

THE DELIVERY SYSTEM

A private industry council (PIC) will plan the training program within each service delivery area. The plan will be submitted to the Governors by the PIC and local elected officials. The PIC will have a majority of private industry representatives and the remainder will be from general local government, educational agencies, organized labor, community based organizations, economic development agencies and the Employment Service. Private industry membership must include representation from small business.

SERVICE DELIVERY AREA

The Governor may propose to change the current delivery areas. Local governments and PICs may then petition for designation of specific areas. The Governor will accept those petitions filed jointly by local governments and PICs and those filed by local governments with more than 250,000 population, unless he finds that they are inconsistent with the purposes of the Act. Disputes may be submitted to the Secretary of Labor for resolution.

GRANT ADMINISTRATION

The program will continue to be operated by the current administrator but the Governor may transfer administration to the PIC if (1) the PIC and the local elected officials petition for the change or (2) the Governor determines the PIC has the ability to administer the program and the PIC members (including business members) are in favor of taking over the administration and the current administrator is not adequately carrying out the requirements of the Act.

PROGRAM ELEMENTS

Funds may be used for basic and remedial education, institutional and on-the-job training, counseling, occupational training, preparation for work, job search training and other activities designed to prepare disadvantaged for and place them in unsubsidized jobs.

Funds must be used for training related activities; funds may not be used to pay participant stipends or allowances. Modest sums may be paid to those with special needs due to participation in long-term training. Between 50% to 75% of the funds must be used to provide services to persons under 22 years of age.

ELIGIBILITY

Persons eligible include the economically disadvantaged, defined as having an income no more than 70% of the BLS lower living income level for the prior six months, or persons receiving cash welfare or persons receiving food stamps. 10% of the participants may be persons not meeting these income standards but having other employment barriers.

PERFORMANCE STANDARDS

The basic measure of performance for adult programs is the increase in earnings and reductions in cash welfare payments resulting from participation in the program. Performance criteria for youth will be based on employment competencies acquired and on placements and retention in employment. Programs failing to meet performance standards for two years, after receiving technical assistance, must be reorganized or replaced.

GOVERNORS' PROGRAMS

Funds are made available to the Governor to be used for a number of statewide programs including programs for dislocated workers. 10% of these funds must be used for performance bonuses, including bonus for serving the hard to serve.

OTHER PROVISIONS

The States have oversight responsiblity for funds received within the state, including the responsibility for establishing fiscal control and fund accounting procedures in accordance with guidance from OMB and for auditing recipients at least once every two years.

NATIONAL PROGRAMS

Title IV B of the Comprehensive Employment and Training Act authorizing the Job Corps Program is retained—unamended. Training programs for Indians and Migrants are retained.

TITLE V DISLOCATED WORKER PROGRAM

$100,000,000 is authorized to be appropriated for Fiscal Year 1983 and "Such Sums as may be necessary" thereafter for a program to identify displaced workers, job opportunities and training available and then match the worker with the training and ultimately with the job. Funds provided under the provisions of this title may be used to pay 50 percent of the cost of the program, the remaining 50 percent must consist of non-federal matching.

TITLE VI COORDINATION OF JOB TRAINING ACTIVITIES

Provisions allow for the PIC to be used for planning or advising on other training related federal programs. Also, Governors may combine Advisory Councils whose functions relate to employment or training. State agencies may contract with other State agencies to perform job training or related programs.

AMENDMENTS TO THE WAGNER-PEYSER ACT

Provisions provide for a formula for distribution of funds to States and to Service Delivery Areas and provide for PICs to plan for local Employment Service operations in a service delivery area.

TRAINING FOR JOBS ACT

(DETAILED SUMMARY OF PROVISIONS)

Title: Training for Jobs Act.

Period of Authorization: Indefinite.

Authorized Funding: $3,800,000,000 for Titles I, II and III and $100,000,000 for Title V for Fiscal Year 1983. "Such sums as may be necessary" thereafter.

Allocation of Funds (Titles I-III): 22% of yearly appropriation for National Programs: 66% for Jobs Corps: 10.5% for Indian Programs; 10% for Migrant and Seasonal Farmworkers Programs Remainder of Funds for Technical Assistance and Training, Labor Market Information, Pilot Projects, Research, Evaluation and Program Administration; 7% of yearly appropriation to Governors for statewide programs.

Remainder of the funds (71% of appropriation) for allocation to States and Suballocation to Service Delivery Areas: 2% for Puerto Rico; not more than $5,000,000 for Offshore territories Remainder to States for Service Delivery Areas, by formula.

Formula Distribution of Funds (Titles I-III): Step 1—Distribution of funds to States (including Governors funds) 50% according to number of long-term (15 weeks or more) unemployed people in the state compared to the total number in all states; 50% according to number of economically disadvantaged people in the state compared to the total number in all states.

Step 2—Distribution of funds to Service Delivery Areas (excluding Governors funds): 100% according to the number of economically disadvantaged persons in the labor force of the service delivery areas compared to the number in the State.

Eligibility: Programs funded by Service Delivery Allocations: Economically disadvantaged, defined as having an income no more than 70% of the BLS lower living income level for prior six months, or persons receiving cash welfare, or persons receiving food stamps. Permits 10% for those not meeting income standards but having other employment barriers.

For Dislocated Workers under Title V: Workers who have been laid off from their employment, who are eligible for or have exhausted their entitlement to Unemployment Compensation, and are unlikely to return to their previous industry or occupation, or are employed in operations or establishments which the employer has determined to shut down on a permanent basis.

For Governors Statewide Programs: Workers who have no reasonable prospect of returning to the occupation or industry from which they have been laid off; persons whom the Governor determines require special assistance to obtain employment such as offender and ex-offenders.

Service Delivery Area (SDA): Retains F.Y. 1982 prime sponsorship boundaries with Governors discretion to realign in balance of state.

Interim Provisions: Governor may propose tentative revisions in the boundaries of service delivery areas.

Once such tentative changes are proposed by the Governor, chief elected officials may petition to have areas designated as SDA's either as proposed by the Governor or with modifications. If chief local elected official(s) and PIC agree, such petitions shall be jointly filed; if not, separate petitions responding to the Governors proposal may be filed.

Governor must review each petition, and may approve them, with or without modification Governor shall not disapprove any petition that is jointly filed by the PICs and chief local elected officials of the affected interim service delivery area unless he determines that such agreement would not carry out the purposes of the Act. Such a ruling may be appealed to the Secretary of Labor.

Governor must approve any petition from a unit of general local government with a population of 250,000 or more to be a SDA unless the PIC does not concur and the Governor makes specific findings as to why inclusion of that unit of local government in a larger area will promote the purposes of this Act. If agreement cannot be reached the matter may be referred to the Secretary of Labor.

No change in Service Delivery Area can be made later than four months prior to the beginning of a program year of less than 2 years after a previous change.

Governors must report to the Secretary annually on any changes made to service delivery areas.

Planning the Program (Interim Provision): Until a Private Industry Council (PIC) is established the current prime sponsor prepares the program plan; for any program year beginning more than 90 days after the PIC is established, the program plan must be developed the PIC.

Private Industry Council: Every Service Delivery area must have a private industry council consisting of a majority of private industry representatives. Remainder of membership must include representation from units of general local government, educational agencies, organized labor, community based organizations, economic development agencies and the Employment Service. Private industry membership must include representation from small business.

Private sector representatives are nominated by local business organizations and are appointed to the PIC by agreement among chief local elected officials or proportionately by population. Members may be replaced only with the concurrence of the nominating and appointing authorities or in accordance with the by laws.

Other representatives are selected by agreement among chief local elected officials from individuals recommended by interested organizations. If no agreement is reached, such selection is made by the Governor.

Number of council members is determined by agreement among the chief local elected officials. In the absence of such agreement, such determination will be made by the Governor.

The PIC is formally constituted only after the Governor certifies it as meeting all statutory requirements.

The PIC is responsible for preparing the plan for the service delivery area and may hire staff for this function.

PIC must publish the program plan 120 days before the program year begins and provide opportunity to comment; final plan must be published 80 days before the year starts. If chief local elected officials disagree with all or part of the plan, the PIC shall reconsider. Plan is jointly submitted by the PIC and the chief local elected officials to the Governor.

If after mediation by the Governor the disagreement is not resolved, the proposed plan and the proposed revisions will be submitted to the Governor for decision.

Governor approves or disapproves the plan. If after disapproval by the Governor, the matter cannot be resolved, it shall be submitted to the Secretary of Labor for arbitration.

Administering the Program in SDA's: Funds allocated to a service delivery area will be available to the prime sponsor for that area unless the Governor designates the PIC as administrator. The prime sponsor must agree to administer the program in accordance with the approved plan. If it is not willing to enter into such an agreement the funds shall be administered by an entity jointly agreed to by the private industry council and the Governor. If no council is certified, the entity is selected by the Governor.

The PIC and the chief elected official(s) in the SDA may petition jointly to the Governor to have the PIC designated as recipient and administrator of the program in their area.

The Governor may then designate the PIC as the recipient and administrator of

funds if the private industry representatives on the PIC are in favor of such designation and if in the Governors determination the PIC has the administrative capacity to administer such funds as well as the adequate safeguards for protection of such funds.

If such joint petition has not been filed the Governor can designate the PIC as recipient and administrator if the administrative capacity and safeguard of funds provisions are met *and* the majority of the PIC are in favor of such designation and the administrator has not adequately carried out the requirements of the Act. Any such designation must provide the opportunity for all service delivery area governments to comment.

Not more than 20 percent of the funds available to any service delivery area for any year may be used for administration (including evaluation).

Whenever a PIC has been designated as administrator of the funds, at least 80 percent of the funds available, excluding funds used for administration and on-the-job training, must be subcontracted by the PIC.

Use of Funds Allocated to Service Delivery Areas: Funds may be used for basic and remedial education, institutional and on-the-job training, counseling, occupational training, preparation for work, job search training, other activities designed to prepare disadvantaged persons for and place them in unsubsidized jobs, and support services.

Funds may be used to pay wages to a participant for a period up to 6 weeks while the person performs services for a private-for-profit employer as part of a program to place the participant in regular employment with the employer.

Funds may be used for payments to for-profit employers for on-the-job training. Such payments cannot exceed the costs to the employer of providing such training.

Funds may be used for activities to increase job opportunities for eligible persons in the area.

Funds may not be used to pay participant stipends or allowances.

Funds may be used to reimburse participants for costs incurred while participating in the program.

Funds may be used to pay modest bonuses to participants successfully completing all or an identifiable part of a program or having special needs due to participation in long term training.

Youth Programs (under age 22): At least 50 percent but not more than 75 percent of the funds available in any service delivery area in any program year shall be used to provide services to youth. These percentages are to be adjusted by the difference that the ratio of disadvantaged youth to disadvantaged adults in the service delivery area bears to that ratio for all states.

Service Delivery Agents: In selecting agencies to deliver services within a service delivery area, prime consideration must be given to the cost-effectiveness of the agency in delivering comparable services based on past performance.

No agency may be used to provide occupational skills training unless the private industry council has certified that the level of skill provided is acceptable to employers in the area.

Performance Standards: Adults: The basic measure of performance for adult programs is the increase in earnings and reductions in cash welfare payments resulting from participation in the program.

The Governor may prescribe variations in the standards based on specific economic factors in the local service delivery areas and in the State.

Youth: Performance criteria for youth may be locally developed by the administrator of funds in the service delivery area based on employment competencies recognized by the private industry council and on placement and retention in employment.

Performance criteria and competency standards must be reviewed by the Governor and the Secretary of Labor for adequacy, pursuant to regulations developed by the Secretary.

General: Governors must use at least 10 percent of state-wide program funds to provide incentive funding for programs exceeding performance criteria.

Governors must provide technical assistance to local programs not meeting their performance criteria; if failure persists for two years, the Governor must propose a reorganization plan. Such plan may restructure the private industry council, prohibit the use of designated delivery agencies or make such other changes as the Governor deems necessary to improve performance. The Governor may also propose the selection of an alternative administrator for the service delivery area. Such changes can be made only with an opportunity for a fair hearing.

Variations in performance criteria are to be prescribed by the Secretary for Native American and Migrant and Seasonal Farmworker Programs taking into account their special circumstances.

Use of Funds—State Programs and Activities: Amounts available to the Governor, (the 7 percent) can be used for expenses of the State Job Training Council, program evaluation, technical assistance, developing linkages between programs under this Act and related programs, providing assistance to jointly funded programs, providing programs for offenders and exoffenders and other persons whom the Governor determines requires special assistance, providing programs for workers with no reasonable prospect of returning to the occupation or industry from which they have been laid off, developing and providing labor market and occupational information, developing a management information system and compiling and analyzing reports. Mandatory use of 10 percent of funds for performance bonuses, including bonus for serving the hard to serve.

Governor must submit a plan for the use of these funds to the Secretary of Labor who will approve it unless it fails to meet statutory requirements. If disapproved, the Governor may request a hearing on the record.

Limit of 10 percent of the amount allotted may be used for the costs of administrative activities such as auditing and reporting.

State Job Training Council: Governors funds may be used to establish a State job training council to assist the Govenor in making decisions and determinations required. At least one-fourth of the members of the council shall be business representatives of private industry councils and the remainder shall be representatives of units of general local government, labor, the economically disadvantaged and State or other public agencies as the Governor determines have a significant interest in the operation of job training programs in the State.

Fiscal Controls and Liability: Fiscal Controls: Each State must establish fiscal control and fund accounting procedures necessary to assure the proper disbursal and accounting of funds. OMB will establish guidance for the proper performance of audits which will include a review of fiscal controls and fund accounting procedures established by the States.

At least once every two years, the state must prepare or have prepared an independent financial and compliance audit of recipients of funds.

The Comptroller General must, on a selective basis review the expenditures of funds by recipients to assure compliance with the requirements and purposes of the Act and must report periodically to the Congress on the finding of their evaluations.

The Department of Labor Inspector General maintains an oversight role.

Liability: Every recipient must repay to the U.S. any amounts found not to have been expended in accordance with the Act. Such amounts can be deducted from any other amount to which the recipient is or may be entitled, unless the mis-expenditure is due to willful disregard, gross negligence, or failure to observe accepted standards of administration.

Recipients charged with mis-expenditures due to willful disregard of statutory requirements, gross negligence or failure to observe accepted administrative standards will be required to repay the amounts with funds other than funds provided under this Act; this provision applies both to entities receiving direct financial assistance from the U.S. and those receiving assistance through subgrants for contracts.

Reports and Recordkeeping and Investigations: Recipients must keep records that are sufficient to permit the preparation of reports required by this Act and to permit the tracing of funds to a level of expenditure adequate to insure that the funds have not been spent unlawfully.

The Secretary of Labor and the U.S. Comptroller General may conduct investigations into the use of funds.

In conducting any investigation, neither the Secretary nor the Comptroller General may request any information not readily available to the recipient.

States must report the details of their operations and expenditures as prescribed by the Secretary of Labor.

States must prescribe and maintain a management information system designed to facilitate the compilation and analysis of programmatic and financial data, on statewide and service delivery area bases, necessary for reporting, monitoring and evaluating purposes.

Program Year: Except for F.Y. '83, appropriations for any fiscal year shall be available only for obligation and expenditure for a program year beginning July 1 of that fiscal year.

Funds obligated for any program year may be expended anytime during that program year and the next two program years. No amount may be deobligated on account of an expenditure rate that is consistent with the plan.

Appropriations for F.Y. '83 shall be available both to fund activities between October 1, 1982 and July 1, 1983 and for the entire program year beginning July 1, 1983.

Affirmative Action: The administrator of funds for any service delivery area may contract with employers subject to Executive Order 11246 (affirmative action requirements) to supply/train/refer eligible people at the employer's expense.

Any such contract negotiated may be submitted to the Director of the Office of Federal Contract Compliance, D.O.L., and if approved by the Director shall be presumptive

evidence of the good faith of the contractor in meeting affirmative action requirements.

National Commission on Employment Productivity: The act establishes a Commission on Employment and Productivity. The purpose of the Commission is to examine and make recommendations on broad policy questions relating to the Nation's productivity and to labor force utilization and training.

The Commission will consist of individuals appointed by the President, representing private for-profit corporations, organized labor, State governments and units of general local governments, and local educational agencies. Non-voting members will include the Secretaries of Labor, Commerce and Education.

The Federal government will pay not more than 50 percent of the cost of the Commission. The Commission is authorized to accept gifts to pay the remaining costs.

National Programs: Job Corps: Retention of Title IV B of the Comprehensive Employment and Training Act.

Indian and Native American Programs: Basically, continuation of current program.

Migrant and Seasonal Farmworkers Programs: Basically, continuation of current training program.

Labor Market Information: Authorizes the establishment of a comprehensive labor market information system relating employment and income data to all geographical areas in the country, to be developed and implemented jointly by the Departments of Labor, Defense, Commerce, Treasury, Education, OMB and several states.

Research: The Secretary must establish a comprehensive program of employment and training research and must establish a program of experimental, developmental and demonstration projects.

Evaluation: The Secretary must provide for the continuing evaluation of all programs, activities and research and demonstration projects conducted pursuant to this Act.

The Secretary must prepare and submit to the Congress an annual report on employment and training programs.

Technical Assistance and Training: The Secretary, in consultation with State Officials, shall provide appropriate technical assistance and training.

Pilot Projects: Pilot projects to last no more than 3 years are authorized to meet the employment related needs of persons requiring special assistance.

Applications of community based organizations of demonstrated effectiveness must be given special consideration when recipients of pilot projects are selected.

Title V—Dislocated Worker Program: Authorized Funding: $100,000,000 for Fiscal Year 1983 and "such sums" thereafter.

Identification of Workers: States are to identify workers who have been laid off from their employment, are eligible for or have exhausted their entitlement to unemployment compensation, and are unlikely to return to their previous industry or occupation; or are employed in operations or establishments which the employer has determined to shut down on a permanent basis.

States are to determine what job opportunities exist within the local labor market area or outside for which such workers could be retrained.

States shall determine whether training opportunities for such employment opportunities exist or could be provided within the area.

When training opportunities are identified, information concerning them is to be made available to workers.

Fund Distribution: Funds to be allocated among the States on the basis that the number of long-term unemployed in the State compares to the number of such persons in all states.

The Secretary is authorized to reallocate any amounts he determines a State cannot use within a reasonable time frame.

Program Elements: Funds may be used for but are not limited to job search assistance, job development, training in jobs skills for which demand exceeds supply, support services, relocation assistance, and programs conducted in cooperation with employers or labor organizations to provide early intervention in the event of plant closures.

Matching Requirements: Funds provided under the provisions of this title may be used to pay *50 percent* of the cost of this program.

Title VI—Coordination of Job Training Activities: PIC's—Private Industry Councils established under Title I may be used for planning or advising on Vocational Education, Voc Rehab. or any other employment or training program federally authorized.

Advisory Councils: Governors may combine Advisory Councils whose functions relate to employment or training.

Such mergers of Advisory Councils shall be approved by Federal departments or agencies, unless it is found, for good cause shown, that such expanded council will not meet the essential purposes of applicable Federal law.

Such adverse decision may be appealed to the Director of OMB.

Performance of Service by State Agencies: Each State agency may contract with any other State agency to perform job training or related programs if the Governor determines such an arrangement would be more efficient.

Amendments to the Wagner-Peyser Act: "Such sums" as may be necessary.

Formula Distribution of Funds: Distributed to States by number of persons in civilian labor force and 75 percent of each State's allocation is subdistributed among service delivery areas in the State on the same basis. The 25 percent that is not suballocated is for statewide programs.

Planning the Program in Service Delivery Areas: Plans will be prepared by the Private Industry for the Service delivery area.

If no PIC has been certified, the plan will be prepared by an official designated by the Governor.

Local plans must contain a description of proposed services and programs to be provided, the priorities for providing services, the proposed budget for the program year, including resources planned for application of the work test, and expected performance accomplishments and a comparison with the performance of the previous year.

Local plans for service delivery areas are forwarded to the appropriate State agency for use in developing a consolidated State Plan.

Use of Funds in Service Delivery Areas: Funds allocated must be administered in accordance with State and Local Service Delivery Area approved plans.

Funds shall be used for job finding and placement services to jobseekers, appropriate recruitment services for employers with vacancies, counseling, testing and other employment services to jobseekers, special technical services to employers; and preparing the area plan. Priority shall be given to local employee and employer needs when determining use of funds.

General Provisions for Use of Funds by State/Service Delivery Areas: No funds may be used for advertising in newspapers for jobs paying more than twice the minimum wage.

The referral of applicants to private agencies is permitted if the applicant is not charged a fee.

Funds allocated for use in any State and service delivery area shall be administered in accordance with the approved plan.

In addition to those services described in the approved plan, the State may perform other labor market related services on a reimbursable cost basis.

Use of Funds—Statewide Programs and Activities: Funds available to States for Statewide programs (the 25 percent) may be used for evaluation of programs, developing linkages between programs under this Act and related programs, providing assistance to jointly funded programs, providing services for workers who have no reasonable prospect of returning to the occupation or industry from which they have been laid off, labor market and occupational information, developing a management information system and compiling and analyzing reports, providing incentives for superior performance in service delivery areas and supplementing services authorized under the Act in service delivery areas.

Limit of 10% allotted may be used for the costs of administrative activities such as auditing and reporting.

Consolidated State Plan: The State must prepare a consolidated State plan including a description of the use of funds alloted to the State for Statewide programs (25%) and a composite of approved local plans for service delivery areas (75%) providing a statewide description of services to be provided.

The consolidated plan must be submitted to the Secretary and if it is reasonable, appropriate and adequate, the Secretary shall approve.

Performance Standards: The Secretary can establish performance standards. Such Standards must take into account the differences in priorities reflected in State plans.

Fiscal Controls, Liability, Reports, Recordkeeping and Program Year: Same as those in Training for Jobs Act.

Mr. QUAYLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR SPECTER

The PRESIDING OFFICER. Under the previous order, the Senator from Pennsylvania is recognized for not to exceed 15 minutes.

Mr. SPECTER. I thank the Chair.

AFGHANISTAN DAY

Mr. SPECTER. Mr. President, I send to the desk a joint resolution to au-

thorize and request the President to issue a proclamation designating March 21, 1982, as Afghanistan Day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces.

The PRESIDING OFFICER. The joing resolution will be received and appropriately referred.

Mr. SPECTER. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 142

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas Afghanistan, more than two years after the Soviet invasion, remains a nation occupied and terrorized by over 80,000 Soviet troops;

Whereas the continued Soviet occupation of Afghanistan is causing enormous suffering among the people of Afghanistan, as well as the deprivation of their basic right of national sovereignty;

Whereas over 2.5 million people of Afghanistan, constituting more than 15 percent of the country's population, have fled the Soviet occupation and are now refugees in Pakistan and other neighboring countries;

Whereas the Soviet invasion of Afghanistan undermines the spirit and intention of the Declaration of Principles of the Final Act of the Conference on Security and Cooperation in Europe, which the Union of Soviet Socialist Republics signed at Helsinki in 1975;

Whereas the puppet regime of Babrak Karmal, installed and maintained by the Union of Soviet Socialist Republics, has denied the people of Afghanistan their right to self-determination, in violation of the United Nations Charter;

Whereas the undaunted resistance of the Afghan freedom fighters against the Soviet occupational forces is an inspiration to the free world;

Whereas the United Nations General Assembly passed a resolution on November 18, 1981, calling for "the immediate withdrawal of the foreign troops from Afghanistan";

Whereas the people of Afghanistan observe March 21 as the start of each new year and as a symbol of the nation's rebirth; and

Whereas the European Parliament has declared its intention to commemorate March 21, 1982, as Afghanistan Day: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United states of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating March 21, 1982, as Afghanistan Day, and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

Mr. SPECTER. Mr. President, I am introducing this joint resolution today calling for the proclamation of March 21, 1982, as Afghanistan Day, this is the result of the coordinated efforts of the State Department and U.S. Representative ELLIOT LEVITAS from the State of Georgia.

Joining me as original cosponsors of this joint resolution are Senator PERCY, Senator PELL, Senator BOSCHWITZ, and Senator ZORINSKY.

The origin of this resolution occurred at the North Atlantic Assembly meeting in October when, at the request of the State Department, Representative LEVITAS and I conferred with certain Representatives of the European Parliaments on the subject of a unified approach to have Afghanistan Day proclaimed as March 21, 1982. March 21 was selected because that is the day of the Afghanistan New Year.

The goal is to have solidarity among nations of the world to the extent that that is possible, with special emphasis on the Western powers. Already Afghanistan Day has been memorialized by the European community and by a favorable United Nations resolution.

Over 2 years have passed since the historic and brutal invasion of Afghanistan by the Soviet Union on December 24, 1979. The bloody invasion and the installation and maintenance of the regime of Babrak Karmal—as well as the subsequent violence and hardship which have followed—represent blatant violations of international law and the United Nations Charter. The invasion and occupation of Afghanistan set into stark relief the cruel realities of Soviet aggression.

While there may be debates and arguments about the extent of the Soviet proxy in the Polish situation, or the extent of Soviet involvement in El Salvador, or the extent of Soviet involvement in Angola, or elsewhere, there can be no doubt about the fact of Soviet aggression in Afghanistan. In this case, there is the harsh reality of Soviet aggression. This resolution is an effort to have unified action by the European Community and by the United Nations, as well as by the United States.

Through the installation of over 80,000 troops and active use of terrorist tactics, the Soviet Union has—for over 2 long years—maintained a death grip on Afghanistan.

Afghanistan Day represents more than an empty gesture: it is a day of unity to rally against Soviet aggression and express admiration for the Afghan freedom fighters. Afghanistan Day sends a strong message to the Soviet Union which has so relentlessly oppressed the people of Afghanistan. Afghanistan Day provides inspiration to the tireless and courageous Afghan freedom fighters. Afghanistan Day conveys to the international community the depth of American concern for the fates of developing nations struggling to assert their independence.

Soviet brutality has taken a great toll on Afghanistan. We cannot allow that fact, however tragic, to immobilize the world community. We cannot allow the brutality of Soviet aggression to obscure the strength and courage of the Afghan freedom fighters.

It is the Afghan freedom fighters determination to make their nation free and independent that enables the resistance to continue. With every intensification of Soviet military repression, the Afghan freedom fighters have only grown more tenacious.

At a time when European-American relations are showing signs of strain, it is important to recognize the consensus which exists within the Western alliance regarding Afghanistan and the need to respond to Soviet aggression. The unification of the Western world for the cause of Afghanistan's independence gives Afghanistan Day a special significance.

I recognized how many important concerns and interest the United States shares with her European allies through my participation in the North Atlantic Assembly meetings this past October. During the deliberations of the North Atlantic Assembly, I was particularly proud to take an active role in the passage of a resolution condemning the Soviet invasion of Afghanistan.

On December 21, 1981, the European Parliament, representing the European community, passed their own resolution commemorating March 21, 1982, as Afghanistan Day. It is entirely fitting that the U.S. Congress join the European initiative. With the additional support of Third-World countries, March 21, 1982, will become a day to demonstrate international unity and global support for the people of Afghanistan.

President Reagan echoed the call of the European Parliament in his state of the Union address when he urged the American people—and all peace-loving people—"to join together on those days, to raise their voices, to speak and pray for freedom."

I sincerely hope that you will join us in our efforts to focus public attention on the Afghan struggle by cosponsoring the joint resolution.

March 21, 1982—Afghanistan Day—should not be a day of despair but, rather, a day of hope: hope that continued international protest, combined with the devoted efforts of the afghan freedom fighters, will insure the establishment of a free and independent Afghanistan.

Mr. PELL. Mr. President, I am pleased to join Senators SPECTER, PERCY, ZORINSKY, and BOSCHWITZ in sponsoring the resolution to designate March 21, 1982, as Afghanistan Day.

More than 2 years ago, on Christmas Day, Soviet forces moved into Afghanistan beginning a brutal war against the people of that country.

Contrary to Soviet expectations, subjugating Afghanistan proved an elusive goal. Today the Soviets exercise effective control over only the capital, their own garrisons, and intermittently over some supply routes.

The Afghan freedom fighters, in spite of internal divisions, now control most of the countryside, have a functioning administration in some provinces, and have demonstrated their ability to strike at will.

That a backward nation of 17 million could so effectively stymie one of the most advanced and powerful military forces in history is a remarkable testament to the heroism of the Afghan freedom fighters.

In our admiration of the determination of the people of Afghanistan to protect their freedom, we must not lose sight of the terrible price the Afghan people have paid. Soviet airplanes have strafed, bombed, and dropped napalm on Afghan villages, killing indiscriminately men, women, and children.

Soviet search and destroy missions have blown up villages, massacred the inhabitants, and burned crops in an effort to deny food and shelter to the resistance. The Afghan landscape is today littered with the antipersonnel mines dropped by Soviet aircraft.

To escape the hell that is today Afghanistan, some 2,500,000 Afghans, mostly women and children, have fled to neighboring Pakistan.

The resolution we are introducing today is one way of expressing our solidarity, as a nation, with the people of Afghanistan and with their heroic struggle.

Mr. LEAHY. Mr. President, I ask unanimous consent that I might have the time originally set aside for the Senator from Texas (Mr. BENTSEN).

The PRESIDING OFFICER. Without objection, it is so ordered.

EL SALVADOR

Mr. LEAHY. Mr. President, last Thursday, to the astonishment of many Americans who have followed closely the tragic conflict in El Salvador, the President formally notified the Congress that continuing progress is being made in implementing political and economic reforms in El Salvador and the Duarte government was sincerely committed to ending abuses of civil and human rights. The President's determination coincided with evidence that the reign of murder, rape, and human abuse continues unabated in the country, and that the insurgency has intensified its military campaign against the government forces. In light of these disturbing developments, and in the anticipation of a White House request to increase military and economic aid to El Salvador by as much as $100 million in this fiscal year alone, I have sent a letter to the distinguished chairman of the Appropriations Subcommittee on Foreign Operations requesting oversight hearings on our policy toward El Salvador.

Like all other Senators, I am mindful of the challenges posed by Soviet and Cuban policies to our vital interest in Latin America.

I might say that I feel that the Soviet Union and Cuba have been irresponsible in their activities in Latin America. At the same time, there is incontrovertible evidence that the very objectives so critical to stability in El Salvador—vindication of human rights, social reform, and economic progress for all of El Salvadorans, are being subverted by elements identified with the government.

Assurances freely given last year about protecting helpless civilians from the excesses of government troops have been overturned by frequent reports, some of them clearly accurate, of continued massacres at the hands of the military. Even as the administration repeats earlier claims that elections scheduled March 28 will mark a new era in El Salvador, our own Ambassador there is quoted as stating that "no alternative" may exist to seeking a military victory over the rebels.

Meanwhile, as many as a thousand El Salvandoran citizens are killed each month, and ambitious and laudable land reform program, sponsored by the Duarte regime, has been obstructed by the government's own troops. Despite generous U.S. military assistance and a string of proclamations that insurgent forces had been thrown on the defensive, we hear that half the country's air force capability has been destroyed in a single bold attack. Prospects that an impartial and genuine popular verdict can be extracted from next month's election grow ever more dim. Fears of an ever-expanding bloodbath grow even more real.

Our own policy over the past year raises serious questions about our objectives and our methods. Last winter the administration threatened "to go to the source" of aggression in Central America, but a white paper designed to substantiate Cuban and Nicaraguan involvement was at least partially compromised by flawed evidence.

I might say, since having heard of the white paper, both as a member of the Appropriations Committee and as a member of the Intelligence Committee, it was very clear that even those who had written the white paper did their best to back off of it almost as soon as it was presented.

The administration has pledged to press vigorously for a wide range of reforms, but it appears we have failed to apply all the leverage at our disposal. The war, we were told, had been won on the battlefield by virtue of $25 million in U.S. military assistance extended last year, but now our own experts do not know which side is winning.

Under these unsettling conditions the Congress will shortly be asked to expand dramatically the American financial commitment to El Salvador, in part to defray rapidly escalating military requirements, in part to sustain a war-battered economy, in part to begin a program of reconstruction even as the Duarte regime's capacity to control events weakens steadily.

For this year, the bill is expected to rise from $135 million to $235 million. The current forecast for next year is reported to be close to $300 million. Funds for all this must be drawn from allocations for other countries, including several other Central American countries where signs of insurgent activity are proliferating.

In this context, confidence in the administration's policy in El Salvador cannot easily be sustained. Oversight hearings constitute appropriate and indeed indispensable next step in assessing our policy toward El Salvador.

Mr. President, I hope that the chairman of the Committee on Appropriations and the chairman of the appropriate subcommittee will have such oversight hearings. I think it is absolutely essential that we know where these tax dollars are being spent.

Mr. President, I yield back the remainder of the time allotted to me.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business.

S. 1394, THE SECRET SERVICE REFORM ACT

Mr. DECONCINI. Mr. President, I am pleased to ask unanimous consent that the distinguished Senator from Massachusetts, Senator KENNEDY, be added as a cosponsor of S. 1394—the Secret Service Reform Act of 1981.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, I am particularly honored to have the distinguished senior Senator from Massachusetts as a cosponsor of this bill. I want to quickly point out to my colleagues in the Senate, however, that the Senator has agreed to cosponsor this important legislation with reservations about the provision in the bill which would grant a Freedom of Information Act exemption to the Secret Service. I wanted to make that point abundantly clear from the start.

Nevertheless, the support of the Senator from Massachusetts for the Secret Service Reform Act is a positive signal that the time has come to provide the Secret Service with the necessary tools to do their essential job at a time when terrorism and the threat of assassination to our top public officials and international leaders is epidemic. We need only go back to that tragic

day this past March when an attempt was made on the life of our President at the Washington Hilton to realize that without the skill and courage of our Secret Service men and women, we may have faced yet another deeper tragedy.

So, Mr. President, the cosponsorship of the Senator from Massachusetts who has faced the cruel, personal tragedy of such senseless attacks on members of his own family, should send a message to my colleagues in the Senate that the time has come to provide the Secret Service with the tools necessary to carry out its critical protective and investigative functions.

RESELL AMERICA TO AMERICANS

Mr. DECONCINI. Mr. President, Justice of the Peace Ronald D. Johnson recently submitted a very novel and interesting idea that I am passing on to my colleagues for their thoughts and considerations in the hopes that we might implement these ideas and resell ourselves on our country. Justice of the Peace Johnson's ideas are:

As a nation we have tried to legislate those rights for our citizens, utilizing our laws to force compliance on the part of each citizen. If our Nation is to survive the challenges facing us as a nation, we must revert back to the melting pot concept and resell America to Americans. Each one must teach one, and it must be done voluntarily—by each of us.

For that reason it is proposed that the President of the United States appoint an Ambassador to America who will recruit and direct a volunteer group of bipartisan Americans to begin to resell America to our people.

The Government will be asked to underwrite the expense only for the program that will utilize the assistance of our congressional, State, and local officials, churches, as well as the VFW, Elks, Moose, and other patriotic and civic organizations to sponsor education and informational activities year round and assist in coordinating national holiday observances such as the Fourth of July, Veterans Day, Flag Day, and National Patriotism Week. In addition to those holidays the Ambassador will seek to involve all Americans in the recognition of cultural observances such as Cinco De Mayo, Black History Week, Italian, Polish, and other ethnic observances.

I believe that Judge Johnson has some very good ideas, ones that each of us should consider.

THE ECONOMIC AND DEFENSE POLICIES OF JAPAN

Mr. THURMOND. Mr. President, I rise to share with the Senate my thoughts regarding a speech by a former colleague, a dear friend, and a great American, the former Senator from Arizona, Senator Paul Fannin. Senator Fannin has spoken recently on a topic that is increasingly becoming a grave national concern in this country. That subject is the economic and defense policies of the Government of Japan. He has spoken with great eloquence, and I agree with many of the points that he has made in that speech.

One of these points is that the current defense spending level by the Government of Japan is minuscule in comparison with the gross national product (GNP) of Japan. As a result, we in the United States continue to carry an extremely large portion of the heavy burden of the defense of that country.

I share Senator Fannin's concerns. I, too, wish to see some significant movement on the part of the Government of Japan toward carrying a larger part of the common defense burden. Furthermore, the funds that could potentially be used by Japan for defense are being used to subsidize the Japanese industry in its invasion of our markets. The Japanese have dominated the electronics and automobile markets and they are on their way to become world leaders in the steel and shipbuilding industries. At the same time, the Japanese impose trade restrictions that make it difficult for our products to compete fairly with their products in Japan.

It is of vital importance to the relationship between our country and Japan that the Japanese Government move significantly in two areas: One, to reduce trade restrictions on American products; and, two, to increase their defense spending significantly, and by that I mean to spend at a level well beyond that of 1 percent of GNP.

Mr. President, the speech by Senator Paul Fannin contains numerous other good points, and I wish my colleagues to have the benefits of his thoughts. Therefore, I ask unanimous consent that the speech be printed in the RECORD at the conclusion of my remarks.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF FORMER SENATOR PAUL J. FANNIN TO THE PHOENIX SOUTH MOUNTAIN ROTARY CLUB AT THE DORADO'S INN, DECEMBER 15, 1981

The Japanese are not superhumans, but the American taxpayer is making them look that way. I'm talking about $70 billion relief provided Japan by American taxpayers this year, and it will be more next year if we continue to ignore this threat to the survival of our manufacturing community now furnishing millions of jobs to our people.

Those Japanese automobiles which in 1980 claimed 23 percent of the new car sales in the U.S. would be priced a great deal higher were it not for this $70 billion indirect subsidy the American taxpayers provided. This would be true of the other Japanese products that are flooded our markets and competing with us on the world markets.

(We didn't actually send $70 billion in subsidy to Japan last year)—$70 billion is the difference between what Japan actually spent on their national defense and what they would have spent if they had paid their fair share of the free world's defense including their own country's, instead of free loading on the United States. their total national budget was reduced by that amount. In business terms their overhead was lowered to that extent.

While Japan was becoming a world leader in the electronic industry, the steel industry and becoming the world's largest shipbuilders as well as builders of more cars than any other nation, the United States taxpayers indirectly subsidized their country by several hundred billion dollars.

(That indirect subsidy lowers the amount of money needed in their National Budget today by roughly 20 percent.) With this tremendous advantage, the Japanese now dominate one after another of our markets. Radio, TV, recorders, small calculators, motorcycles, bicycles, sporting goods; and now the manufacturing of automotive, farm machinery, road equipment and electric generators are suffering from this subsidized competition.

Japan's imports into the United States are more devastating to our economy and jobs this year than ever before and from all indications will be worse next year. This year our trade deficit with Japan is $15 billion which is the largest trade deficit ever, exceeding last year's $9 billion deficit by over 50 percent. This will continue and become more devastating to our economy if we don't rebel.

American manufacturers are taxed heavily to meet our defense expenditures; whereas, the Japanese, relieved by the United States of the principal part of their fair share of the free world's defense, give special tax relief, including the elimination of their commodity tax on exports, have no capital gains tax and lower taxes for business investments. For example, business loans today in Japan are at rates below 7%. Some businesses, Japan desires to promote, are furnished development bank loans covering up to 80% and more of their operating capital. Their goal is to assist their companies to dominate world markets.

The Japanese government gives other special assistance through their Ministry of International Trade and Industry such as import protection, direct subsidies for marketing, especially for exports but also for research and development of high technology. In many of their industries, the Japanese Government gives subsidies for scrapping manufacturing equipment if more efficient equipment becomes available, plus giving special accelerated depreciation for the introduction of the superior new equipment.

The Japanese government would not have the generous funds for these promotions if they were expending over 25% of their budget on defense as we are doing. Last year they spent 5.2% of their budget on defense, and next year will probably spend about the same; whereas, our expenditures will increase, with a projected 32% of our budget allocated to defense by 1985. In dollar figures, last year, Japan allocated less than $11 billion for defense, while we were allocating over $180 billion.

Based on Japan's now one-half of the United States GNP and even a greater percentage of industrial production and with one-half our population, their fair share of

defense expenditures should be at least one-half that of the United States.

Recently the Japanese Ministry of Finance, the Ministry of International Trade and Industry and the Economic Planning Agency successfully opposed the Japanese Defense Agencies' request for additional funds on the grounds that even the present rate of defense spending was not necessary and might interfere with their economic growth.

Yes, Japan is free loading on the United States. This must stop, or we will have millions more workers out of jobs and more industries going bankrupt. We have run a trading deficit with Japan since 1965; and, as I have stated, its growth is rapidly escalating.

You may wonder—why is the United States subsidizing a prosperous industrial competitor that is flooding our markets with manufactured products and also taking business away from us throughout the world markets?

In 1960 when Japan's GNP was $43 billion, 1/12 or less than ours, and they were still recovering from World War II, and the United States was still the most powerful nation in the world economically and militarily, we agreed under the U.S.-Japan Security Treaty to give full defense protection to Japan without any quid pro quo. The agreement was for ten years but to continue unless abrogated by either party giving the other a one-year notice. By the middle of the sixties, Japan was becoming a prosperous nation; but this treaty continued with all its one-sided stipulations. Today, Japan leads the industrial nations of the world in GNP growth reaching $1.23 trillion last year, about one-half the U.S.; their population is about one-half of ours with their industrial production about 75 percent of the U.S. Their fair share of the free world's defense should be at least 50 percent that of the United States. If last year Japan had contributed their fair share of the free world's defense, their defense outlay should have been more than $70 billion dollars and that is where the subsidy comes in. In business terminology, their overhead is reduced to the extent they do not meet their fair share of the free world's defense.

Many Japanese leaders have for years acknowledged their rapid growth and prosperity have been made possible by the United States-Japan Security Treaty of 1960.

Heigo Fujii, a vice-president of Nippon Steel Corporation, wrote an article published in a book titled "Japan and Current World Affairs." This is what Mr. Fujii said in the early 1970's:

"Defense spending now requires only 8 to 9 percent of Japan's national budget, and until some years ago there was almost no defense spending by Japan at all."

"To the best of our knowledge it was, unfortunately, Japan that started the Pacific war and, as a result, paid a great price and lost."

"If the United States—had demanded half of Japan's territory or even the island of Kyushu—Japan under the conditions existing at the time the war ended was in no position to say no."

"However, the United States did not seek any territory whatever. Instead, America provided $3½ billion worth of almost immediate economic aid to Japan and earnestly cooperated in Japan's economic reconstruction."

"At the same time the United States abetted Japan in setting up the new system called Democracy. All this made possible the economic growth Japan has achieved today."

That was written in 1971 when, as Mr. Fujii stated, their defense spending was 8 to 9 pecent of their total budget. This year that figure is down to 5.2 percent.

At the September, 1980 Tokyo conference to commemorate the 20th anniversary of the United States-Japan Mutual Security Treaty, former Defense Agency Chief Asao Mihara said, "The Japan-United States security system actually has played a decisively important role as a pillar of freedom, peace, security and the prosperity for Japan for nearly thirty years."

"Under the security treaty system, the Japanese people were able to concentrate their efforts first on recovery from World War II and then on the development of our economic strength and attaining the status of a great economic power, becoming the country with the second highest industrial production in the free world."

Speaking specifically of the U.S.-Japan Mutual Security Treaty, Mihara pointed out, "That although the United States was obligated to defend Japan, Japan was not required to do the same."

Mihara said, "This may have been permissible when Japan's economy was only one-tenth that of the United States; but today when the ratio is 1-to-2, the treaty needs to be revised."

When the Japanese surrendered in 1945, we were in a mood to impose conditions designed to prevent the Japanese from rearming—from ever again becoming a military threat in the Pacific. No consideration was given that Russia would soon become a threat to Japan and the U.S.

Now we live in a world quite different from the world of 1945. Although we were not obligated to do so thanks to the generosity of the American people and the money provided by the American taxpayers, we rebuilt the economy of Western Europe, and we rebuilt the economy of Japan. We fought the bloody Korean War to a stalemate in an effort to maintain freedom in the Western Pacific. We became embroiled in Vietnam for precisely the same reason.

For the past 36 years, the United States of America has contributed the lion's share of the cost for the military forces the West must maintain if peace is to be preserved.

During this period, Communist Russia has relentlessly expanded its military force. Until today, their navy is larger and more modern than ours, their ICBM's are more numerous and have greater throw weight than ours, and their tactical weapons deployed on the continent of Europe vastly outnumbered the defensive weapons of NATO.

We support a very costly effort to maintain peace in the Middle East and to protect the world's trade routes, which are more important to Japan than most any other nation.

Although the NATO countries outspent Japan during the seventies by as much as 5 or 6-to-1 of GNP, the United States still carried the principal share of the free world's defense. Japan's share has been slightly increased, but they are still the free rider spending last year only about ¼ the percentage of GNP as the average of the NATO nations.

The leaders of Japan know this. Former Defense Agency Chief Shin Kanemaru in September, 1980 said, "The Japanese defense posture is so weak, it cannot be considered a fighting force."

Japan with a contemplated budget for their Fiscal Year ending April 1, 1982 is spending less than 1 percent of their GNP on defense—less than $12 billion compared with our projected expenditure of around $200 billion.

For many years, the American taxpayers have with very little complaint contributed from 5 to 10 percent of our gross national product to the cause of defense. Presently, we are paying over 5 percent of our GNP for defense, and the Reagan administration proposes to increase this to about 7 percent of our GNP which will carry us to about $250 billion in 1985.

On a per capita basis in 1979, Japan spent about $74 per person on defense.

The West Germans and the French spent approximately $274 per person.

In 1981 on a per capita basis, Japan will spend about $82; the U.S. will spend about $600 per person.

We all recognize that Great Britain is in dire economic straights; but, even so, Great Britain last year spent about 5 percent of their gross national product on defense. If Japan had spent as much percentage wise of GNP as Great Britain, the free world defense budget would have increased by 20 percent. In 1971 I joined my colleagues on the Subcommittee on International Trade complaining to the Senate members. We stated, "Japan has been able to concentrate its efforts in the expansion of commercial markets because only 7.2 percent of its budget is spent on defense (compared to 37 percent in the U.S.), and only 0.8 percent of its GNP is defense as compared to 8.9 percent in the U.S."

Since that time instead of assuming their fair share of the free world's defense, they have continued to hide behind obsolete provisions in their constitution and the outmoded United States-Japan Mutual Security Agreement which, as I have stated, many Japanese leaders acknowledge should have been updated years ago.

I repeat—as long as our leaders permit Japan to have their cost of government reduced by 20 to 25 percent of their national budget by our maintaining a defense umbrella for them, we will have more and more of our people dropped from manufacturing plants throughout our nation because of our inability to compete.

Japan has the ability to compete on the world market and still carry their fair share of the free world's defense. I have admiration for their productive efficiency and their inventive technology; I admire their labor system which has given them the highest productivity of any major nation, but they could not have built and maintained their manufacturing complex that is flooding the world markets without the free ride the U.S. is giving them.

When I was a member of the Senate, I observed the hopelessness of getting American products into Japan, if the Japanese government did not want them. At that time the shoe was on the other foot. On car exports to Japan, we were paying tariff and nontariff barriers of over 100 percent; whereas, we were open to imports at a tariff of 4½ percent which is now down to 3 percent. Today, they say their tariff is completely removed, but they fail to tell that their nontariff barriers double the price of an American car sold in Japan.

Although the Japanese leaders have publicly confessed the existing inequity, they are going to cling to the present privileged position as long as they can. They will be able to do this until the people of this nation insist upon a change. What should we do?

Step 1. Immediately negotiable on orderly marketing agreement to end the trade preferences enjoyed by Japan under the GATT agreement and nontariff barriers they maintain to protect their markets.

Step 2. We should insist that within three years the defense expenditures of the Japanese equal the average of the NATO countries on a GNP basis and that the NATO countries and Japan, each should equal the U.S. in defense spending on an equitable formula within five years.

If the Japanese do not desire to build a military complex for themselves, then they should build, in dollar amounts to meet Step 2., naval vessels, aircraft and mobile equipment, all badly needed by the free world countries to be furnished to NATO to help meet the challenge of Russia; or pay to the United States on a percentage of their GNP an amount to meet Step 2. as outlined.

If the Japanese fail to respond, if they refuse to increase their defense expenditures, we must follow the lead of other nations and drastically reduce the amount of Japanese imports permitted into the United States; and rewrite the U.S.-Japanese Security Treaty on a quid pro quo basis, which should be done in any event.

As recently as March, 1981, I testified on this problem before the members of the Senate Finance Committee. A number of Senators, including Senator John Tower, Chairman of the Armed Services Committee, are working on this problem.

I am convinced that once the American people become fully acquainted with the current inequities, they will demand the Federal Government take action or will act themselves. The most powerful weapon we have is for the American taxpayer to boycott Japanese products until they agree to accept their responsibility to share fairly the free world's defense.

Please remember these figures—prosperous Japan has reported they will spend less than $12 billion on defense next year. The United States, almost one trillion dollars in debt, will spend about $200 billion of your money for defense.

Again I reiterate, on any equitable formula, Japan should contribute to the free world defense one-half as much as our nation.

Our military budget will be up $80 billion dollars in the years 1979-1982. Japan's as they now report will be up less than $3 billion.

No longer can we accept excuses of the Japanese Constitution or obsolete treaties prohibiting a defense buildup. The freedom of all Western countries is at stake with Japan one of the most vulnerable to Russia's powerful navy and air forces.

Whatever needs to be done to enable Japan to meet their fair share of the free world's defense must be rapidly accomplished.

Every American should be shocked to learn that Japan refuses to assist the other free countries of the world by having even a semblance of a military force to protect their own country, and that they are free loading on the United States at a savings to them of over $70 billion this year.

If we had subsidized Chrysler to the extent of 20 percent of their budget, as we have subsidized Japan and its industries, Chrysler would be prosperous today.

If Japan does not cooperate, the administration and every member of Congress should in mass disclose to the American people and the free world the true story of the Japanese free loaders.

Inaction will be disastrous to the future of our country.

REMARKS OF THE ATTORNEY GENERAL OF THE UNITED STATES BEFORE THE CONFERENCE OF THE CHIEF JUSTICES OF THE STATE COURTS

Mr. THURMOND. Mr. President, last Saturday evening those of us on the Committee on the Judiciary who attended the fifth annual Brookings Institute on the Administration of Justice had the distinct honor of joining with the chief justices of the State supreme courts for dinner. On that occasion, the Attorney General of the United States, William French Smith, delivered a speech I know was well received by the State court justices and also those of us who have watched the court system of this Nation become flooded with criminal appellate cases.

The Attorney General addressed an issue that is both a recommendation of his task force on violent crime and the subject of proposals before Congress—limitations on habeas corpus appeals.

These actions—which accounted for nearly 8,000 cases in the Federal courts last year—are basically attacks on the finality of State court convictions in criminal cases. What defendants allege in these appeals is essentially that they did not get a fair trial in the State courts and now seek a review of those State court proceedings by the Federal courts.

Habeas corpus means literally "you have the body" which results in a writ from a court demanding that the prisoner be brought before it. Historically, this has been one of the original guarantees of personal liberty, and it should continue to be.

In the judgment of many, however, this use of the habeas corpus writ has been abused by prisoners and lawyers who simply file such petitions regardless of the true merits of the case. The result is that the courts are so overwhelmed with these requests for review that the truly deserving ones get lost in the process.

In his speech, the Attorney General sets forth eloquently these and other arguments for placing limitations on the ability of State prisoners to file habeas corpus actions. He also indicated that he will submit legislation to Congress this week to accomplish these objectives. I look forward to his submission of this important subject.

Mr. President, I ask unanimous consent that the remarks of Attorney General Smith delivered in Williamsburg this past weekend be printed at the conclusion of my remarks.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF HON. WILLIAM FRENCH SMITH, ATTORNEY GENERAL OF THE UNITED STATES

There is something in the air of Williamsburg—a scent of American history—that breathed deeply draws the mind back to the origins of this unique republic. America has not always been the great economic and military power to which we and the world have grown so accustomed. Since its beginnings, however, this Nation has always been something grander. Our country was founded upon a novel idea—the idea of liberty. Its federalist system of government was designed to perpetuate and preserve free institutions and a free people.

Just last Tuesday night, in his State of the Union Address, the President placed renewed emphasis upon the role of federalism in our system of government. He noted: "This Administration has faith in State and local governments and the constitutional balance envisioned by the founding fathers." In recent years, however, too few federal officials have shown full faith in the other levels of government in this country—and a recognition of the faithful governing that they do every day.

In No. 45 of The Federalist Papers, James Madison admonished: "The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite. . . . The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people; and the internal order, improvement, and prosperity of the State."

In Federalist No. 46 Madison reemphasized the same point even "[i]f . . . the people should . . . become more partial to the federal than to the State governments. . . ." As Madison warned, "it is only within a certain sphere that the federal power can, in the nature of things, be advantageously administered."

In the nearly two centuries since the publication of the Federalist Papers—and the adoption of our Constitution—federal officials have too frequently thwarted valuable state and local government efforts. In its contemplation of the Supremacy Clause, the federal government has sometines forgotten that state and local officials also swear adherence to the U.S. Constitution and often know how best to govern the affairs of their own states.

Nearly fifty years ago, Justice Brandeis wrote the following: "To stay experimentation in things social and economic is a grave reponsibility. Denial of the right to experiment may be fraught with serious consequences to the Nation. It is one of the happy incidents of the federal system that a single courageous State may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the country."

Experiments attempted by the federal government inevitably affect the entire country. Those attempted at the state level, however, present less of a risk—what doesn't work can be more easily changed, and what does work can be taken up by other states on a broader and firmer basis.

The Reagan Administration is acting on those principles of federalism. Today, I want to outline some of the steps the Justice Department is taking to make federalism more of a reality.

Symbolic of our concern for state and local government is, for example, our new

litigation notice policy. Under this Administration, the Justice Department will give prior notice to state governors and attorneys general before commencing any litigation against entities of state government. We will consult with the appropriate state officials, and we will defer to the state policy decisions whenever that is legally permissible. As a result, more potential controversies can be resolved without confrontation.

In many other ways, moreover, the Department will show greater concern and appreciation for the role of state and local government in our system. For example, our crime program has been constructed to reflect that concern.

As I mentioned in my remarks last evening, the Administration has proposed a comprehensive program to improve the federal effort in our Nation's fight against crime. The proposed Federal Criminal Code that forms part of that program contains over 100 significant improvements in federal criminal law. In addition, the package addresses some twenty other areas of criminal justice—and contains another forty legislative proposals and fifteen administrative initiatives.

The first goal of our crime package is to ensure full federal cooperation with state and local law enforcement—and to direct federal resources more effectively against the different crime problems experienced in different localities. To achieve that end, I have directed each U.S. Attorney to create a Law Enforcement Coordinating Committee and to develop—in conjunction with state and local law enforcement—a plan that recognizes local and state criminal justice priorities. The proposed Federal Criminal Code would reenforce that commitment to state and local law enforcement—a plan that recognizes local and state criminal justice priorities. The proposed Federal Criminal Code would reenforce that commitment to state and local priorities by explicitly authorizing federal law enforcement to decline or discontinue use of federal concurrent jurisdiction whenever an offense can be effectively prosecuted by the states and there is not a substantial federal interest in the prosecution.

By employing federal resources—including concurrent jurisdiction—in response to the specific crime problems that are perceived to be most serious in particular localities, federal law enforcement can and will make a bigger difference in the fight against crime. Through enhanced cooperation—for example, the Law Enforcement Coordinating Committees and the cross-designation of prosecutors in both state and federal systems—all levels of law enforcement can begin to employ their resouces in unison and in accordance with the strengths each can contribute to the fight against crime. When there is concurrent jurisdiction, cases developed by federal, state, and local investigators could then be presented in the judicial system best suited to the facts, statutes, sanctions, and space on the dockets.

Tonight, I also want to announce another federalist initiative that will affect state judicial systems. We recognize the need for some change in the relationship between federal and state courts.

Some tend to forget that most of the judging done in this Nation is done by state—not federal—courts. By 1980 at least five million cases were being filed annually in the state court systems and the local courts of the District of Columbia and Puerto Rico. In fact, depending upon definition and estimation, the actual number could be more than twice that large. On the other hand, less than 170,000 lawsuits were filed in federal courts. Although there are some 17,000 courthouses in the country, less than two percent are federal courthouses.

This does not mean, however, that the federal courts are unimportant—only that, by an overwhelming proportion, most of the legal rights vindicated in this country are vindicated in the state courts. Unfortunately, it also means that the federal courts sometimes interfere too extensively in the operation of the state court system.

One type of interference is quite familiar to all of the state chief justices in the audience—the current availability of federal habeas corpus for those convicted in state courts. Next week the Department of Justice will transmit to the Congress proposals to amend the habeas corpus statutes to correct abuses which have developed and restore finality to criminal convictions without undermining the protection of federal constitutional rights. Our proposals will recognize and foster the independent stature and dignity of the state courts.

The problem in this area has long been clear. Considering the availability of habeas corpus in 1970, Judge Henry Friendly was moved to paraphrase Winston Churchill. He noted that after state trial, conviction, sentence, appeal, affirmance and denial or certiorari by the United States Supreme Court, the criminal process was not at an end, or even the beginning of the end, but only the end of the beginning. There were nearly 7,800 habeas filings by state prisoners in federal courts in the year ending in June of 1981. And that number fails to take account of the number of appeals filed in the federal appellate courts from denials by the federal district courts. Thirty years ago your Conference of Chief Justices complained that federal habeas filings by state prisoners caused "inordinate delays," "grave and undesirable" federal-state conflicts and "the impairment of the public confidence in our judicial institutions." In 1953, Justice Robert Jackson expressed his concern over the "floods of stale, frivolous and repetitious petitions (for federal habeas corpus by state prisoners which) inundate the docket of the lower courts and swell our own." Although that flood reached a peak in 1970, the number of petitions filed last year was over fourteen times as great as when Justice Jackson complained of the inundation. Of further concern, last year saw a disturbing eleven percent increase over the preceding year.

Not only is the number of filings large in itself, but it must be remembered that these are not new cases. They are cases which have already been through the state court system—and usually through state collateral proceedings as well. The question perhaps should not be how many such filings there are but why there should be any at all. This Conference of Chief Justices itself, in a resolution adopted last August, noted that "a sustantial number of duplicative, overlapping, and repetitive reviews of state criminal convictions in the federal courts unduly prolong and call into question state criminal proceedings without furthering the historic purposes of the writ of habeas corpus."

The costs of the current broad availability of habeas corpus have become clear. The continual availability of the possibility of relief has turned many prisoners into writ-writers who never confront the fact of their guilt and get on with the process or rehabilitation, but view the criminal process as an ongoing game in which they are still active contestants. The same appearance is conveyed to the public, with a consequent and deserved loss of respect for the criminal process. Questions may be raised on federal habeas corpus long after witnesses and participants have vanished from the scene, making not only response to the petition but retrial difficult. Gathering witnesses and relevant material is often expensive and time-consuming if required long after the event in question. And, as Justice Jackson has put it, "it must prejudice the occasional meritorious application to be buried in a flood of worthless ones. He who must search a haystack for a needle is likely to end up with the attitude that the needle is not worth the search."

I do not have to tell this audience that the broad availability of federal habeas corpus for those who have been convicted after a full and fair trial in state court, with appellate review, represents a serious strain on federalism. In our view, it is an excessive strain.

Our first proposal involves redetermination of matters previously adjudicated in state proceedings. Under current law there is a somewhat odd contrast between redetermination of factual issues and redetermination of legal issues. No federal evidentiary hearing is required on a factual matter determined after a full and fair hearing in state court, and state court findings are treated as presumptively correct. No similar deference exists concerning legal issues. It is as if state judges were considered adequate fact-finders but incapable interpreters of law.

In historical terms, the disparate treatment of the re-examination of factual and legal issues is a relatively recent innovation. It does not appear that a distinction of this sort was recognized prior to 1953 and the decision of *Brown* v. *Allen*. In the 1944 decision of Ex Parte Hawk, for example, the Supreme Court stated that "[w]here the state courts have considered and adjudicated the merits of . . . [a petitioner's] . . . contentions . . . a federal court will not ordinarily re-examine upon writ of habeas corpus the questions thus adjudicated." No distinction was drawn in the statement of the rule between factual and non-actual questions.

We will propose legislative repeal of the rule requiring routine re-determination by federal courts of legal and mixed legal-factual determinations of the state courts. Where an issue—whether factual or non-factual—has been fully and fairly adjudicated in state proceedings, a federal court need not and ordinarily should not undertake an independent examination of the issues.

As one state appellate judge wrote in an article published last year: "If our nation's bifurcated judicial system is to be retained, as I am sure it will be, it is clear that we should strive to make both the federal and the state systems strong, independent, and viable. . . . State judges in assuming office take an oath to support the federal as well as the state constitution. State judges do in fact rise to the occasion when given the responsibility and opportunity to do so. It is a step in the right direction to defer to the state courts and give finality to their judgments on federal constitutional questions where a full and fair adjudication has been given in the state court."

That is the step we will urge Congress to take. By the way, the author of the passage just quoted is no longer a state court judge. She now sits on the U.S. Supreme Court.

Our second proposal relates to claims that could have been raised in state proceedings, but were not raised at the time or in the manner required by state procedural rules. With the decision of *Wainwright* v. *Sykes* in 1977, the Supreme Court instituted a salutary reform in the standard governing the effect of such "procedural defaults," requiring proof of actual "prejudice" and "cause" justifying the default. The question of what constitutes "cause" under this standard has been the subject of considerable litigation. The question has been presented most frequently when an attorney's failure to raise a federal claim may reflect questionable judgment, but does not rise to the level of constitutional ineffectiveness. Under our proposals, lesser degrees of attorney error or misjudgment would not be recognized as adequate cause for failure to raise the federal claim in a state proceeding.

Our third proposal relates directly to the problem of finality. Under current law, habeas corpus petitions can be brought at any time, without limitation. The practical effect of this approach is that petitions are sometimes brought many years—or even decades—after the conclusion of state proceedings. The practical difficulties of reconstructing occurrences after so great a span of time has elapsed are apparent. Although the habeas rules do incorporate vague notions of laches, such an approach depends on a balancing of equities, over which reasonable differences of judgment will often be possible. Hence, they presently afford no definite end to litigation.

I believe that the present approach to delayed filings in habeas corpus petitions does not accord appropriate weight to the importance of finality in criminal adjudication. Accordingly, our legislative proposal will include a limitation period applicable to habeas corpus petitions by state prisoners.

All of the issues I have discussed this evening reflect one basic point. This Administration and Department of Justice believe wholeheartedly in our Constitution and the federalist system it created. In our dealings with the states, we will exhibit a renewed federal sensitivity to the legitimate exercise of their responsibilities under the Constitution.

The great British statesman Gladstone once observed that the United States Constitution is "[t]he most wonderful work ever struck off at a given time by the brain and purpose of man." It truly is a "wonderful work." It created a multi-faceted system that restrains government from abusing its power, but allows government to exercise its powers effectively. Implicit in that document is a remarkable realism—an understanding that no one institution, no one branch of government, no one level of government possesses all the wisdom needed to govern well.

In a speech to the Constitutional Convention, Benjamin Franklin summed up both the insight of the Founding Fathers and the nature of our constitutional system when he said: "I cannot help expressing a wish that every member . . . doubt a little of his own infallibility."

It is time the federal government recognized its own fallibility. It is time the federal government recognized the contributions to governing America of which the states are capable. This Administration will do exactly that.

DR. ARMAND HAMMER

Mr. CRANSTON. Mr. President, one of my most remarkable constituents is an immensely successful California capitalist named Armand Hammer. Dr. Hammer, who was a self-made millionaire by the time he graduated from medical school, has found it possible as a businessman to thrive not only in America's free enterprise atmosphere but in dealings in the Soviet Union and in Libya.

In a recent letter to the New York Times, published December 21, 1981, Dr. Hammer described the origins of his activities in the latter two countries and the official origins—in requests from two Presidents, John F. Kennedy and Jimmy Carter—of two missions he undertook in the Soviet Union.

I ask unanimous consent that Dr. Hammer's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

A RESPONSE FROM ARMAND HAMMER

In my view, Edward Jay Epstein's article "The Riddle of Armand Hammer" (Nov. 29) unfairly represents several important aspects in the story of my life. There are some misrepresentations which go beyond the levels of tolerance. These are the ones that by a pen stroke attempt to denigrate or destroy the very meaning of one's life. This I cannot tolerate in silence.

My role as a capitalist, in contrast to my father's support of the Socialist and Communist Parties, is well known. My belief that communication between the two superpowers through trade and cultural exchanges—while maintaining a strong defense and striving for limitation of armaments—can avert the possibility of nuclear war is well documented.

The writer implies that I created my personal empire largely by dealing with nations hostile to the United States. He further states that I became a multimillionaire capitalist through my cordial relations for more than half a century with the leaders of the Soviet Union. When I went to the Soviet Union for the first time in 1921, I had already built a multimillion-dollar business.

As a young premedical student at Columbia, unfortunate financial events forced me to take over direction of my father's small pharmaceutical company. My father, a busy general practitioner in New York, had invested with a dishonest partner. I had no choice but to save the business by day, and study for my degree at night.

Fortunately, I was able to do this and on graduation found myself both a physician, intending to specialize in bacteriology, as well as a millionaire.

Since I had a six-month wait before starting my residency at Bellevue, I went to the Soviet Union to fight typhus in the Urals as well as to collect moneys due my company for pharmaceuticals shipped to the Soviet Union on credit.

Overtaken by events, I found the role of businessman thrust upon me. I saw the horror of famine in the Urals and realized people could be saved by importing American grain. I put at risk a million dollars, arranging a grain shipment, for which I was reimbursed with goods salable in the United States. This brought me to the attention of Lenin.

An article quoting me in The New York Times of June 14, 1922, when I first returned on a visit home, best describes my role: "When I conferred with officials of the Government, I told them I was a capitalist; that I was out to make money, but entertained no idea of grabbing their land or their empire. They said in effect: 'We understand you did not come for love. As long as you do not mix in our politics, we will give you our help.' "

There was nothing hidden about these arrangements, which I detailed in my 1933 book, "The Quest for the Romanoff Treasure." Further documentation, including the Lenin letters, appeared in Bob Considine's biography, "The Remarkable Life of Dr. Armand Hammer," published in 1975.

The article implies that my relations with Soviet leaders were continuous for over five decades. In 1930, I left Moscow, never having met Stalin, and did not return until 1961, when President John F. Kennedy asked me to serve as an emissary to Nikita S. Khrushchev.

During the height of Hitler's alliance with Stalin, I took a very strong pro-British position and worked with President Franklin D. Roosevelt to create the destroyer-for-bases exchange in 1940.

I will not quote from all the records available in the archives, except for a sworn statement by Eleanor Roosevelt: "Not only did I know Dr. Hammer very well in a business way, but I knew him much better socially. He was many times to the White House for dinner. . . . Not only do I admire him, but for his great service to our country in the late war, my husband, the President, esteemed him highly."

Several days after his inauguration, President Kennedy asked me to go to Moscow to open new lines of communication with Mr. Khrushchev following the summit breakdown after the U-2 incident. My mission was considered very successful by the President, when I reported to him in the White House family quarters in the presence of Representative James Roosevelt.

In August 1978, Marshall Shulman, special adviser on Soviet affairs, asked me on behalf of President Jimmy Carter to journey to Moscow and meet with Leonid I. Brezhnev in an attempt to free an American businessman. Francis Jay Crawford, a representative of International Harvester, was being held on charges of blackmarketing and faced the probability of imprisonment. I was able to confer with Mr. Brezhnev and a favorable solution was immediately reached.

Occidental's historic fertilizer barter agreement with the Soviet Union is misunderstood. Certainly it appeared controversial, but it was part of our national foreign policy, initiated immediately following President Nixon's 1972 Moscow summit conference. The transaction was studied by the Administration and the Congress. Over the course of a year, a task force of Cabinet departments, including the Secretaries of State, Commerce and Treasury, as well as Henry Kissinger, then national security adviser, reviewed and approved it. This culminated in the issuance of President Richard M. Nixon's "national interest letter" to William J. Casey, then president of the Export-Import Bank, now Director of Central Intelligence.

The fertilizer transaction with all its complexities was proceeding successfully when the Soviet Union invaded Afghanistan.

While President Carter was contemplating an embargo, I felt it important that our position be clearly stated, and I wrote him on Jan. 17, 1980: "I am very much in support of whatever decisions you make in relations with the Soviet Union. . . . Occidental is an American company and will support the decision you deem in the best interest of our country."

The President wrote back on Jan. 29: "Thank you for your continued support of our decisions. . . . I wish to express my appreciation for your understanding and support as we make those decisions that we believe are best for the country and the world."

The article also unfairly represents, I believe, my relations with President Reagan, citing national security adviser Richard V. Allen's efforts to limit my access, and describing President Reagan's responses to my letters as "cool."

The President recently honored me with a commission as chairman of the President's Cancer Panel, signed by him and Secretary of State Alexander M. Haig Jr. This speaks for itself.

Lack of space prevents me from listing all the disagreements I have with the author, but I must address one other: Occidental's remarkable growth has not hinged alone on deals with nations hostile to American interests and is not a result of my relations with Col. Mu'ammar el-Qadhafi, whom I have never met. The Libyan concession was granted to us by King Idris, an ally of the United States, five years before Colonel Qadhafi came to power. Occidental is only one of several American companies still producing oil in Libya.

The decision to accept a tax increase by Libya in 1970 was made by all Western companies and historians of OPEC recognize that its strength grew when the major oil companies capitulated to the nationalization of Aramco.

Our successful corporate efforts in Great Britain, Peru, Mexico, Canada, Italy and Australia and other nations friendly to the United States clearly indicate Occidental's support of American policies.

Throughout my life, I have been an American capitalist proud to carry its symbol around the world. As the record clearly demonstrates, Occidental and Armand Hammer are dedicated to this great country and its purposes. I hope that this letter helps solve "The Riddle of Armand Hammer."

PRESIDENT CHUN'S INITIATIVE

Mr. PERCY. Mr. President, Republic of Korea President Chun Doo Hwan has made an important proposal for uniting North and South Korea. As the Republic of Korea's friend and ally, we should applaud President Chun's efforts to reduce tensions between the north and south and to take steps for normalization of the situation on the peninsula.

President Chun renewed his call for a summit meeting with North Korean President Kim Il-Sung. Although reaction from the north has so far been negative, we do hope that President Chun's overtures will be reciprocated. Normalization of the situation between the north and the south with a view toward unification in the future would contribute significantly to peace and stability in the Asian and Pacific region.

President Chun made his proposal in his New Year Policy Statement at the opening ceremonies of the Korean National Assembly on January 23. The speech was broadcast nationwide on television and radio.

President Chun's proposal includes the formation of a "Consultative Conference for National Reunification" with participants from the north and the south to draft a unified constitution. In the interim, President Chun called for a provisional agreement to normalize the situation. He proposed a preparatory conference to be attended by cabinet-rank chief delegates from both sides to work out the procedures for a summit meeting.

Without objection, I ask unanimous consent that a summary of President Chun's proposals be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE CONSULTATIVE CONFERENCE FOR NATIONAL REUNIFICATION

It is suggested that the South and the North organize a Consultative Conference for National Reunification (CCNR) composed of representatives from the South and the North representing the views of the residents in their respective areas;

This body would be authorized to draft a constitution designed to establish a unified, democratic republic on the Korean peninsula committed to the ideals of national integrity, democracy, liberty and individual well being;

When such a draft constitution is drawn up, it would be made into law by both sides through a free, democratic referendum held throughout the whole peninsula;

THE DRAFTNG OF THE CONSTITUTION

In the process of drafting a unified constitution, such issues as the political ideology, the name of the unified country, basic domestic and foreign policies, the form of the government, and the methods and dates of the general elections for a unified legislature will be discussed and agreed upon in the CCNR in the course of drafting the constitution.

INTERIM MEASURES

As an interim measure during the preparatory period pending the achievement of national unification, a Provisional Agreement on Basic Relations between South and North Korea would be concluded and would contain the following provisions:

First, relations between South and North Korea shall be based on the principle of equality and reciprocity pending unification;

Second, the South and the North shall abandon all forms of military force and violence, as well as the threat thereof, as a means of settling issues between them and seek peaceful solutions to all problems through dialogue and negotiation;

Third, South and North Korea shall recognize each other's existing political order and social institutions and shall not interfere in each other's internal affairs in any way;

Fourth, both sides shall maintain the regime of the armistice in force while working out measures to end the arms race and military confrontation;

Fifth, both sides shall open each society to the other, facilitating free travel, including the reunion of separated families, and promoting exchanges and cooperation in various fields;

Sixth, both parties shall respect each other's bilateral and multilateral treaties and agreements and consult with each other on issues affecting the interests of the Korean people as a whole;

Seventh, the South and the North shall each appoint a plenipotentiary envoy with the rank of cabinet minister to head a resident liaison mission to be established in Seoul and Pyongyang.

PREPARATORY CONFERENCE FOR A SOUTH-NORTH SUMMIT MEETING

High-level delegations from both sides, headed by cabinet-rank chief delegates, should hold a preparatory conference to work out the necessary procedures for a meeting between the highest authorities of South and North Korea.

PURSUIT OF EXCELLENCE FIRES THE NEW YEAR

Mr. PERCY. Mr. President, beginning a new year is usually a time for reflection on the year past and for a projection of our hopes and goals for the future. We examine what was accomplished, what could have been done better, and what needs to be improved—both on a personal and on a national level.

Hopefully, this reflection leads to a desire to devise methods of improvement or modification of approach and procedure, and the establishment of new goals.

A unique human characteristic is the drive to work constantly at bettering ourselves and the world we live in, and to strive for the best. The person who can surpass his limitations and excel in his actions is the one we admire and seek to emulate.

In his commentary, "Pursuant of Excellence Fires the New Year," University of Illinois President Stanley O. Ikenberry discusses Robert Nozick's concept of excellence and the vital role it plays in shaping our lives.

We, as Members of Congress, can benefit from the thoughts expressed in this article. Ikenberry speaks of standards of excellence, and how the pursuit of excellence continually changes and in turn establishes new standards. As a standard is reached, it must be redefined.

Last year marked the beginning of a new administration. The President, members of the administration and the Congress, as well as the rest of the country, began the new year with definite ideas of what should be accomplished and what standards of excellence should be reached.

Last year was a landmark year for our Nation. We have a President in the White House who has demonstrated great sincerity, warmth, strength of

character, and a dedication to the ideals and values of our Nation.

He has given the country a new sense of direction. Congress has taken innovative steps in improving the economy and our relations and standing with the rest of the world. Senator HOWARD BAKER has demonstrated his competence as a great majority leader of the U.S. Senate.

However, by no means should we stop here. Now is the time to redefine our standards and our goals, and to determinedly work toward them. This involves the untiring dedication and effort of each Member of Congress as well as of the country as a whole, coupled with continual self-evaluation and reappraisal of the needs of our Nation. We must continually strive toward excellence in all areas.

Mr. President, I ask unanimous consent that the article by President Ikenberry, which appeared in the December 31 issue of the Champaign-Urbana News-Gazette, be printed in the RECORD. I feel that as we face the new year, each one of us can benefit from this insightful article, and perhaps find some words of inspiration for the year ahead.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PURSUIT OF EXCELLENCE FIRES THE NEW YEAR

(By Stanley O. Ikenberry)

Students are home for the holidays and the campus exudes a quiet elegance brought on by new fallen snow. For some reason as I look out across the campus and enjoy the relaxed ambience of the moment, I am reminded of a recent essay by Robert Nozick, the philosopher, in which he discusses the concept of excellence. Excellence and the idea of a university are inseparable. We pursue it, aspire to exemplify it, fight to defend it, and labor to enhance it. So common is the concept of excellence, and yet few would profess fully to comprehend it.

Nozick's thoughts on excellence could be read as a commentary on the soul of the university. "Why do people pursue excellence?" he asked at the conclusion of his essay (1) "The grandest view I can give is the following: I think that pursuing excellence is a way of transcending the limits of our individual lives in various kinds of ways. One of the ways people seek to find meaning in their lives is to go beyond the limits of their individual existence." For many, this is the irresistible attraction that caused us to follow academic careers and to enjoy living in a university community.

There are different dimensions to excellence. One must begin, in my view, by appreciating its many facets and reject the notion of excellence as unidimensional. John Gardner, in his classic essay, observed that "An excellent plumber is infinitely more admirable than an incompetent philosopher. The society which scorns excellence in plumbing because plumbing is a humble activity and tolerates shoddiness in philosophy because it is an exalted activity will have neither good plumbing nor good philosophy. Neither its pipes nor its theories will hold water" (2).

Can one imagine a broader array of categories of excellence than exemplified by the University of Illinois? One thinks, for example, of the excellence of a William Warfield in music, on the one hand, and the excellence of a Charles Slichter or David Pines in physics on the other. There is the excellence of a Charles Osgood in communication as contrasted with the excellence of an Alexander Turyn in classics. It is a delight to recall the names, old and new.

Excellence, however, is normative as well as categorical. It is established by comparison and through competition. Whether we regard something as excellent depends on how it compares with other work of its type. Much of the rigor as well as the joy and much of the frustration as well as the exuberance of academic life are drawn from the struggle of striving—for excellence—being judged not only by comparison with the work of our peers, but subjecting ourselves to unrelenting self criticism and the harsh comparison of self expectations.

We speak of standards of excellence. One intriguing aspect of standards is that the pursuit of excellence ultimately alters the standard itself. Students stand on the shoulders of their professors and in turn set new standards for their students.

One thinks of the truly remarkable work of John Bardeen who set new standards of excellence in the field of physics. His work is being refined by a Nick Holonyak, who will set new standards of his own, as will his student Gregg Stillman. One thinks of the massive impact of a Nathan Newmark on standards in the field of civil engineering, standards now being pushed further by his students and their students.

Excellence is meaningless in the absence of standards. Standards in themselves, however, hold little meaning without some understanding of the evolutionary process through which they were derived. The dream of the pianist, the poet, the engineer, the philosopher, the surgeon and the scientist is not merely to reach a standard of excellence, but to redefine it.

The grant of an academic prize can suggest that a new standard of excellence may have been set. This year, for example, Glenn Salisbury received the 1981 Wolf Prize in Agriculture; Tom Cureton the Silver Anniversary Award of the President's Council on Physical Fitness; Ian Hobson won the Leeds International Pianoforte Competition; Al Roth of Commerce received the 1980 Founders' Prize from the Texas Instruments Foundation; Ralph Wolfe, microbiologist, was elected to the National Academy of Sciences; and the list reads on.

Excellence entails apparently contradictory qualities. It invariably calls for a kind of singleminded focus of energies in a way not unlike the manner in which an athlete trains for competition, a scholar lives in the library, or a scientist is married to his laboratory. There is also frequently an uncommon sense of balance and breadth. Joe Doob, mathematician and recent National Medal of Science winner, is also a person with a keen interest in hiking and knowledge of the out-of-doors. Recall Howard Osborn accomplished mathematician and accomplished musician.

Those recognized as having achieved excellence have nearly always mastered the technique of their field, but having mastered it avoid being captured by mere technical elaboration. Given technical mastery, they return to focus on more fundamental issues.

And, in the case of excellence, perhaps the fundamental question is why people pursue excellence. Amid all the frustration, the rejection notices, and the lack of responsiveness of a large and complex bureaucracy, there remains the indescribable pleasure derived from a life spent in pursuit of excellence. The challenge, in the beginning, is to reach standards, and as time moves on, to create new ones. It is, as Nozick suggests, an opportunity "to transcend the limits of our individual lives" and to "go beyond the limits of individual existence." By transcending limits, one is engaged not merely in a personal act. As Nozick suggests, we all share in it. "It's humanity itself in a way that transcends those limits. By seeing somebody do something wonderful . . . something we cannot do ourselves . . . we are ennobled. There is something uplifting about belonging to the same species of people who do that."

The pursuit of excellence goes on in all sectors of human activity. It is not limited to the life of a university nor to the broader community in which we reside. As we turn the calendar and commence anew in 1982, we may do ourselves a service to recall our good fortune to be a part of a remarkable University and the communities in which it resides. We benefit from a heritage that comes to us from those who have gone before, not only at Illinois, but in a broader and more accurate sense, a heritage that comes from centuries of human striving. That spark will continue to fire the new year.

Stanley O. Ikenberry is president of the University of Illinois:

1. Robert Nozick, Excellence: The Pursuit, The Commitment, The Achievement. LTV Corporation Washington Seminar, 1981.

2. John W. Gardner, Excellence: Can We Be Equal and Excellent Too? Perennial Library, Harper & Row, Publishers, 1961.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

TELEVISION AND RADIO COVERAGE OF SENATE PROCEEDINGS

Mr. BAKER. Mr. President, as I indicated earlier, it is my intention now to ask the Senate to proceed to consideration of Senate Resolution 20, a resolution providing for television and radio coverage of the proceedings of the Senate. I believe all Senators are on notice to that effect. I point out once again that there is an order, entered this morning, for the Chair to automatically recess the Senate at 12 o'clock noon. Therefore, it is clear that there will be no time for substantial debate on this motion prior to that recess period. I reiterate the reason for the recess from 12 o'clock to 2 o'clock is that there will be official caucuses of both the Republicans and Democratic Members of the Senate during that time period. I have found from experience that these caucuses tend to expedite rather than defer or slow down the progress of the Senate.

Mr. President, in keeping with the notice I have given previously, I move

that the Senate proceed to the consideration of Calendar Order No. 251, Senate Resolution 20.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2 p.m. today.

The Senate, at 12:04 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. KASTEN).

QUORUM CALL

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 2 Leg.]

Baker	Huddleston	Pell
Baucus	Inouye	Pryor
Byrd, Robert C.	Kasten	Randolph
Cranston	Kennedy	Schmitt
Dodd	Long	Stennis
Ford	Mathias	Tower
Helms	Moynihan	

The PRESIDING OFFICER. A quorum is not present.

Mr. BAKER. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

Mr. BAKER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee to instruct the Sergeant at Arms to request the attendance of absent Senators. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Maine (Mr. COHEN), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mrs. HAWKINS), the Senator from California (Mr. HAYAKAWA), the Senator from Idaho (Mr. SYMMS), and the Senator from Connecticut (Mr. WEICKER), are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from New Jersey (Mr. BRADLEY), the Senator from Nevada (Mr. CANNON), and the Senator from Ohio (Mr. GLENN) are necessarily absent.

I also announce that the Senator from New Jersey (Mr. WILLIAMS) and the Senator from Delaware (Mr. BIDEN) are absent because of illness.

The PRESIDING OFFICER. Are there other Senators in the Chamber who desire to vote?

The result was announced—yeas 86, nays 2, as follows:

[Rollcall Vote No. 1 Leg.]

YEAS—86

Abdnor	Garn	Metzenbaum
Andrews	Gorton	Mitchell
Armstrong	Grassley	Moynihan
Baker	Hart	Murkowski
Bentsen	Hatch	Nickles
Boren	Hatfield	Nunn
Boschwitz	Heflin	Packwood
Bumpers	Heinz	Pell
Burdick	Helms	Percy
Byrd, Harry F., Jr.	Hollings	Pressler
	Huddleston	Pryor
Byrd, Robert C.	Humphrey	Randolph
Chafee	Inouye	Riegle
Chiles	Jackson	Roth
Cochran	Jepsen	Rudman
Cranston	Johnston	Sarbanes
D'Amato	Kassebaum	Sasser
Danforth	Kasten	Schmitt
DeConcini	Kennedy	Simpson
Denton	Laxalt	Specter
Dixon	Leahy	Stafford
Dodd	Levin	Stennis
Dole	Long	Stevens
Domenici	Lugar	Thurmond
Durenberger	Mathias	Tower
Eagleton	Matsunaga	Tsongas
East	Mattingly	Wallop
Exon	McClure	Warner
Ford	Melcher	Zorinsky

NAYS—2

Proxmire	Quayle

NOT VOTING—12

Baucus	Cohen	Hayakawa
Biden	Glenn	Symms
Bradley	Goldwater	Weicker
Cannon	Hawkins	Williams

So the motion was agreed to.

The PRESIDING OFFICER (Mr. KASTEN). With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

TELEVISION AND RADIO COVERAGE OF SENATE PROCEEDINGS

Mr. BAKER. Mr. President.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, if I may have recognition for a moment and if we could have order in the Senate, the matter immediately pending before the Senate is the motion to proceed to consideration of Senate Resolution 20. It is my hope that we could dispose of this issue today on the matter to proceed. I must confess, however, that I observed surreptitiously the deposit of three rolls of cough drops in the desk drawer of the distinguished Senator from Louisiana, which may be a bad sign, at least for me.

I hope, nonetheless, Mr. President, that it might be possible to get on the resolution itself before this day is out. There will be opportunity—I trust not endless opportunity but, certainly, adequate opportunity—for debate on this resolution when we reach the resolution.

I point out that, for the least several years, almost without exception, it has been the policy to get on the measure—the bill or the resolution—in the event there is an extended debate or filibustering prospect and almost never on the motion to proceed.

It certainly is fully within the right of any Senator to speak at length on the motion to proceed which is now pending. I reiterate my hope that we can reach this matter, the resolution itself, before the day is out.

Mr. LONG. Will the Senator yield for a question?

Mr. BAKER. Yes.

Mr. LONG. Would the Senator not think it somewhat unfair to suggest that a Senator not speak before a Senator gets a chance to say anything? I would be willing to agree that even if one does not agree with me, to some extent, at least I should be able to speak before the Senator makes his speech.

Mr. BAKER. Mr. President, I would not ever criticize the Senator from Louisiana, as I hope I have not done so so far. If I were a young and callow man in terms of politics, I might be reticent and assume in advance that the Senator from Louisiana might speak at some length on this subject. But I am not. I was once a young man, but I have now fully recovered from that condition.

Mr. President, I know from previous experience that the Senator from Louisiana is not only capable of speaking at great length and eloquently, but also with great effect. I am sure he understands, then, why I take every effort at the earliest opportunity to display to him by speaking at this point on this motion, that I have no desire to try to shorten the presentation anticipated by the Senator from Louisiana. My only hope was that we might have one filibuster instead of two.

Mr. LONG. May I plead with the Senator not to shut us up before we start talking; at least, give us a chance to make our point.

Mr. BAKER. I certainly cannot, as the Senator puts it, shut up the Senator from Louisiana even if I wanted to, which I do not. In deference to the point he just made, I shall sit down now and listen in rapt attention, but I hope not all day.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, it is not my intention to speak at great length at this time, but I would, at an early point in the debate on Senate Resolution 20, like to share with the Senate some of my concerns about not just this resolution, but this course of deliberations and the style of the Senate in the hopes that, perhaps, something can be worked out to mitigate somewhat the concerns I shall express.

Mr. President, it is clear to me that the U.S. Senate is overloaded. That is to say, there is very little slack, there is very little empty space left in the time and in the activities of Senators. Each year, we begin a session in January and we are told, well, we shall be able to finish up in October. Then October gives way to November, then November gives way to December, and the Senate is now in session 12 months of the year.

I have been told by those who have been around longer than I that that was not always the case, that the Senate would begin business in January and go out, maybe, in the early part of the summer, and that was it. But that has now expanded from a 6-month year to a 12-month year.

I also have been told that Senators would have maybe 50 or 60 rollcall votes in the course of 1 year. Now we have, sometimes, 50 or 60 rollcall votes in the course of 1 week and 500 or 600 votes in 1 year. Why, Mr. President, has this occurred? Has the quality of debate in the Senate improved or deteriorated with the lengthening of the schedule and with the increase in the quantity of what we do?

At the beginning of this century, the business of the Senators was conducted on the floor. Their offices were their desks. Now we have two Senate office buildings and we are constructing a third Senate office building to accommodate the staffs that we have developed for ourselves. It is as though the daily routine of a Senator, instead of deliberating and considering the course of events for the country, is, instead, one of hurrying from one meeting to another, arriving at a committee meeting to ask questions and then rushing on to the next committee meeting to ask more questions.

In my experience, it is difficult to have a prolonged discussion on a one-on-one basis with another Member of the Senate. Instead, it seems so often that we are late in arriving at meetings, we are early in departing from meetings, and while we are there, we are interrupted by phone calls. Many of us think that all you have to do is look around at our fellow Senators. They are carrying large stacks, folders of materials, things to read and things to sign while we are in meetings and while we are engaging in conversations with one another.

This is supposed to be a deliberative body, Mr. President. It is supposed to be a body where great issues are contemplated and the course of a Nation is decided. But how much time is spent contemplating the great issues? Several years ago, there was an article written in the New York Times Magazine by a law school classmate of mine named Alan Novak. The title of the article was "The Bloated Branch." His idea was that more and more Members of Congress are not engaged in the discussion of large issues but engaged in trying to get some place in the sun, some unique spot that will capture the public's attention, some point that will differentiate them in the minds of the press and in the minds of the public so that they can emerge and become newsworthy characters.

He drew an analogy to vaudevillian "boffos," where characters on vaudeville had to have some special characteristic, some unique act or trick which would capture the attention and the imagination of the audience, something out of the ordinary.

My concern is that we ask for the rollcall votes over and over again, we make our points, and we offer amendments because, if we were to address the large issues, we would be lost among the editorial writers and everybody else who is addressing the large issues. If our public cannot comprehend or cannot encompass the big questions—war and peace and the state of the economy—at least we can put out a press release dealing with some little thing which is colorful. Already, I think, Mr. President, we are heading in that direction: A lot of little things, a lot of "boffos" that make the press and capture the public attention. But in the process, we are not very attentive to the larger issues. So we are overloaded.

Now, Mr. President, the nature of television, I argue, is different from the nature of any other medium because, unlike any other medium, television does not simply report the news. In a unique way, television creates the news. Television draws events to it, rather than simply going to where the events are. Television, in fact, changes the way of public discourse.

I know that some time ago, one of our colleagues put on a seminar. I was not present, but I am told that the subject was how a Senator should get himself on the evening news.

The way it turned out that a Senator should get on the evening news would be to state something in 60 seconds, to be able to say something in a 60-second period of time which could make the evening news and which could gain enough attention so that the news editor would want to put it on.

Well, Mr. President, that is not the nature of Senate debate, as I understand it.

The nature of Senate debate is not a 60-second, quick trick. The nature of Senate debate is to encourage thought, if not for Senators who are present, Senators who are listening on their speaker boxes, or staff or people who show up from the press, whoever, and listen and figure out what the issues are, not what the quick statements are, not what the newsworthy comments are but what the real issues are and the thinking.

Sometimes it is very difficult to express big thoughts in 60-second or 30-second segments.

So the nature of conversation before a television camera for a person who wants to be on the television camera is different from the nature of conversation and discussion when the television camera is not going.

Second, Mr. President, we are public figures in the Senate, and public figures want to be before the public. The way to be before the public is to get on television.

There is nothing wrong with that. It is just the nature of our profession, to try to be on television. All of us try to be on television. We want to be on television. We want to be on television so much that we have a television studio right downstairs so that it will be available to us.

We go to where the cameras are. We, in politics, go where we think the cameras are. We do things in order to get ourselves on television.

Television, in other words, does not simply report what we do; it draws us.

Maybe that is objectionable. Maybe that is a defect in our spirit. Maybe we are venal because of that, but it is true.

I will just give one example from my own history, and it is something of an admission.

Senators will recall that a few years ago, we had a great controversy, the Bert Lance controversy. It had to do with his activities when he was a bank officer in Georgia.

At the same time that controversy was going on, the Senate Finance Committee was marking up, I believe, the crude oil equalization tax. It was a major piece of legislation involving national energy policy and national economic policy.

The Bert Lance hearing was before the Governmental Affairs Committee. I am a member of the Governmental Affairs Committee. The crude oil equalization tax measure was being marked up in the Finance Committee, and I am a member of the Finance Committee.

The Governmental Affairs Committee hearing was being held on the first floor of the Dirksen Building, in the largest committee room we have. To walk into that room was to walk before all of the network television.

Upstairs, in the Finance Committee room, we had the Wall Street Journal and the Washington Post and maybe the Petroleum World.

For a politician who wants to be on television, where would he spend his time? Fortunately, the stairs were there; I could run up and down the stairs. But I spent more time than I should have in the Governmental Affairs Committee hearing, because, when you think about it, so far as the future of the country is concerned, how much difference did it make whether or not Bert Lance, before he became Director of OMB, did or did not do certain things with respect to friendly loans in his bank in Georgia?

What is the relative importance of his pregovernmental activities on the one hand and national energy policy and economic policy on the other hand?

I should have been spending all of my time in the Finance Committee, and I did not.

The point is simply this: That I believe the nature of television is such that I do not think it does any good to say we should not do that. That is what politicians do. I think that the nature of television is to attract us to it, like sugar.

So, Mr. President, I am concerned about the quality of debate in the Senate. I am concerned about what this institution is about, what it is supposed to do, and what is our justification for existence.

Should the Senate be a deliberative body? Should the Senate be a place where the great issues are debated and the course of the country is set? Should this be a place where, at some length, the big questions can be considered? Or instead, increasingly, are we going to be propelled, now with a mighty spurt forward, to more frantic activity, to the one-liners, to oversimplifications, to color?

Finally, Mr. President, it is not as though we are hiding something if we do not have television in the Senate. It is not as though we are saying to the country, "Please don't look at us. We want to get back under our rugs so that nobody can see us." This is not exactly a private place. Every word that is uttered finds its way into the CONGRESSIONAL RECORD—and many words that are not uttered find their way into the CONGRESSIONAL RECORD. [Laughter.]

Nobody is keeping the press out of the gallery. They are here. Every word that is uttered in the Senate can be monitored, just as it can be monitored on television. The information is available. Full disclosure takes place daily of what goes on here.

So it is not a matter of trying to hide anything at all. It is simply a matter of whether the Senate should be moving more in the direction of deliberation, consideration of the big questions, or more in the direction of trying to get ourselves on the evening news.

Mr. LONG. Mr. President, will the Senator yield?

Mr. DANFORTH. I yield.

Mr. LONG. Mr. President, as one Member of this body, I thank the Senator for a very thoughtful statement.

I should like to ask the Senator a question in connection with his speech: Is there not a TV and radio gallery on the third floor, just outside the Chamber, so that the press can hear live or the TV media can present, in a Senator's own words and his own voice, what he said on this floor? Is it not a fact that almost all Senators, on almost all occasions, respond to requests to come up to the third floor, the gallery level, and to say before the cameras and before the microphones what they say here on the floor?

Mr. DANFORTH. Absolutely. The Senator has made a good point.

Mr. LONG. As the Senator has also said, is it not true that just below this Chamber, a few steps away, there is another studio where a Senator, at his own motion, can arrange to have the cameras show him making his statement, the same statement he makes here? In that case, he pays for it, but he can send it to stations in his State; and if they find it newsworthy, they of course, will use it, also.

Mr. DANFORTH. That is correct.

Mr. LONG. So Senators are not unavailable so far as presenting their view to the radio and to the television is concerned. I cannot say that is always the case. But in almost all cases, Senators are only too happy to make their views available to the media, after they have expressed their views here on the Senate floor. So Senators can so express themselves.

Can the Senator give me some idea—just to explain his experience—about what percentage of his time he spends here on the floor explaining his views on a particular issue?

Mr. DANFORTH. I believe that the percentage of my time on the floor of the Senate would be just a fraction of the total amount of time I spend as a Senator.

When we think about it, most of what we do is either in committee or in our offices. Most of us come to the floor when we have some specific business to transact, some speech we want to make or an amendment we want to offer or other business we want to do on the floor of the Senate. Most of us do not just sit around the Chamber. We can turn on the speaker box in the office if something important is going on. We have staff covering the floor.

I believe that most of us would feel that just sitting in the Chamber, listening to speeches by the hour, is not a terribly productive way to spend our time. That is not to say that the speeches are not worth making, because we can key into them in our offices.

Mr. LONG. The point I have in mind is that the percentage of a Senator's time that is spent here, speaking on this floor—and that is the time when the cameras would be picking him up, if we had them here—is only a small percentage of the time he should be working as a U.S. Senator.

Mr. DANFORTH. That is correct.

(Mr. COCHRAN assumed the chair.)

Mr. LONG. The Senator has made the point, and I think it is correct. That knowing Senators, they will feel a burden to be where those cameras are—in the Chamber, especially if the cameras are showing who is in the Chamber. To not be here would cause one to ask: "What is the matter with our Senator? There is a great speech being made. Why is not our Senator in the Chamber to hear that speech?"

If one thinks in terms of the duty of a Senator, what he should be doing, only a very small percentage of the work he should be doing is speaking in this Chamber. A much higher percentage of the time he will spend communicating with people, either his constituents, or those who represent his constituents, or those who are testifying before a committee to explain his views on behalf of large segments of the American society. In those instances, he will not be on camera. The overwhelming burden of a Senator's work, more than 90 percent of it, is work that he should be doing when he will not be on camera.

But there is no doubt about it in my mind, and I am sure the Senator tends to feel this way, when we have a television camera in this Senate, Senators are going to feel that they should be on that camera. They are going to be on that camera to the exclusion of other duties that they should be doing, not as dramatic, not something that would come as close to getting them reelected to office, but duties that they owe to the citizens of this country. Senators have a duty to help initiate legislation. We must take time to meet with our own staff to talk about what the mail is showing from the people back home and what the staff has learned from research that the staff has done at the instruction of a Senator.

There will be a tendency to neglect the other vital duties of a Senator. Just as the Senator has suggested, those cameras are there, and Senators—and I am not talking about any particular Senator; I am talking about 100 Senators—are all going to feel that they should be where that camera is.

May I just give one example to the Senator: Some time back when I had not been spending much time at this little TV studio below the Senate Chamber, I appeared and a friend down below who works in that area

said: "Well, Senator, I am sure glad to see you down here. You know you will find that you can do a great deal more with just a few minutes a day down here in this TV studio to assure your reelection than you can all day long up there on that Senate floor or all day long in that committee or all day long working in that office. You can do more right here to keep yourself in office."

Senators are going to think in those terms and if we put the TV camera here it will definitely change the Senate's way of doing business. To suggest otherwise I believe is just not realistic at all.

I think the Senator has made a very fine point and he is as correct as he can be about that.

Mr. DANFORTH. I thank the Senator from Louisiana for his comment.

I completely agree. There is absolutely no doubt that some, even most of the important work that is done by Members of the Senate is not done in the Chamber and that to do an inadequate job in committee or in office work or visiting with constituents in one's office is to really shirk responsibility.

I think that a very good point has been made.

Mr. MATHIAS. Mr. President, will the Senator yield for a question?

Mr. DANFORTH. I yield.

Mr. MATHIAS. Mr. President, I wish to join with the Senator from Louisiana in thanking the Senator from Missouri for his very thoughtful statement. I agree with much of what he has said.

I am concerned, as I know the majority leader is concerned, that the Senate should work in a way that makes it possible to concentrate on the important issues and the serious issues and not expend its energies and what talents God has given us, modest as they may be, in unimportant ways.

Steps are being taken to attempt to focus on that particular area, but I will not get on that now.

Let me ask the Senator this question because I am concerned a little bit by the implication that he has embodied in his speech that we are just 100 moths attracted to this candle of television. I do not think we are 100 moths fascinated by the candle of television.

Obviously, people will get their message out the best way they can. We have to face the fact that television is the best way to get the message out today.

My question to the Senator is this: Does he think that those who were present in the audience during the Lincoln-Douglas debate found that a useful and educational experience?

Mr. DANFORTH. I do think that the Lincoln-Douglas debates were a useful experience and an educational experience.

Mr. MATHIAS. That is for the audience, now, not for Lincoln and not for Douglas.

Mr. DANFORTH. That is right, for the audience.

Mr. MATHIAS. Maybe for them also, but I am interested now in the audience.

Mr. DANFORTH. However, I think there is a difference between a live audience listening to the debate in its fullness and brief 30-second or 60-second segments of an argument.

Mr. MATHIAS. Absolutely. That, of course, is what we are dealing with here.

The Senator from Louisiana suggested that it is just as good to say something in the Chamber here in the heat of debate, in the passion of feeling, and in the exchange of ideas and then run upstairs to the gallery and repeat it or have our friends in the press gallery write it down, and it will mean the same thing.

I do not think it does mean the same thing. I think it would be absolutely fascinating for a lot of people to see the exchange between RUSSELL LONG and JOHN DANFORTH face to face, and I think people in the country would enjoy that experience. It is a totally different concept than running up and repeating more or less what you said down here. It is the exchange. It is the fire in your eyes. It is the lilt in your voice. It is the kind of interest you put in what you are saying. That is what it is all about.

This would mean for the American people today, with no invidious comparison between Senators today and Lincoln and Douglas, that they could have the experience of those who were present in the audience listening to the Lincoln-Douglas debates; millions of people could have what a handful of people had.

As far as this moth-and-candle syndrome, that is not unique to television. One of the most respected members of our political profession that I ever knew just loved an audience. He was a great performer. He was a communicator.

The Senator from Louisiana says that this whole thing is communicating with people, and he is absolutely right. How do we best communicate with people? That is really my only interest in this thing. How do we best communicate with people?

Showing this man an audience was like a drink of whisky to someone else. I mean it was something that he just throve on. Show him an audience, as tired as he could be, as discouraged as he could be, as downcast as he could be, when he looked out there and there was a sea of faces, he just was filled with adrenalin, and he got up there, and he communicated.

So the only candles are not television candles. There are candles of all kinds in life that draw people.

But I think that the real question here is what the Senator from Louisiana said. It is communicating with people and not little 30-second slots or 60-second slots. It is to give people the whole debate.

Mr. DANFORTH. Mr. President, I am about to yield the floor, but I wish to respond really by reiterating my basic point and it is a point which anteceded the question of whether or not we should televise the Senate.

It is my concern that we in the Senate are so overloaded in our time scheduling and so pulled apart by sundry demands that are made on us that we tend to be given to too little consideration in debate on major policy questions and too much effort either to respond to the immediate issue before us or to figure out some unique way of presenting ourselves to our constituents or to the country.

I am concerned that the televising of debate in the Senate would exacerbate that problem, and it would make us less inclined to be deliberative and thoughtful and more inclined to be unique, different, and given to brief spurts of colorful rhetoric which would maximize our opportunity to make the evening news.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. BAKER. Mr. President, I had not intended to participate in this feature of the debate simply because I was the mover of the initiative to bring this matter before the Senate. It is not now before the Senate. It is my hope, however, as I indicated earlier, that before this day is out we may have the resolution itself before the Senate.

Perhaps with the quality of the debate which has preceded it—and it has been of a very high quality—and the contribution of the concern expressed by some, and I respect that, and the support expressed by others, which I admire and with which I agree, if I did not speak to some degree in support of the general proposition and not just the motion it might be, perhaps, misunderstood.

So let me take just a moment, Mr. President, and tell you a little about how I feel on this subject, and why I am so ardently in support of the resolution.

Whether we like it or not, we are what we are. We are elected by our constituents to serve them according to our talents, our disposition, our convictions, and we are what we are. We are a cross-section of our consistuency.

We are sent here, Mr. President, not to perform but to contribute our own uniqueness to the collective effort to formulate the policy of this Nation in public. The time for secret deliberations of legislative policy ended many years ago. The time for public procla-

mation of differing points of view in legislative debate began almost immediately after the creation of the Congress.

None of us is perfect, obviously. None of us is always right. But we, taken together, in the composite, forming up the mainstream of the political debate of this Nation, have been remarkably right on the major issues that have confronted this country for 200 years. Not always right, and not permanently right, but remarkably right, Mr. President, in meeting the challenges that have confronted this civilization within the boundaries of this Nation, because we are what we are. We are a composite cross-section of this Nation commissioned to debate the public's business in a public way.

The idea that we might not look good on television, or that some might look better than others, is really a complaint against that state of affairs that we are what God made us. In most cases, I dare say, it is too late to change. Some, like my friend, the Senator from Louisiana, are so expert at fiscal and tax matters that I would not dare to compete with him or to challenge his conclusions, ordinarily, on that subject. He is truly talented.

Others have specialties of interest in other fields in which they shine, but not all fields. But the genius, Mr. President, of the Senate is that we are 100 people who, taken together, are capable of being the instruments of popular choice for the formulation of public policy in this Nation. So I am not in the least put off by the idea that on occasion someone will seem more attentive than others or that someone's speech may be more verbose than the preference of an individual Senator would suggest.

Some may be more cryptic in their remarks, or more silent than others would require, and I am not put off by that, Mr. President, because I suggest that by extending the public gallery electronically to all of the Nation—and that is what we are debating—when we increase, and elaborate, and extend public access to the legislative deliberations of this body, by doing that the country will not be examining a single Senator. More often than not, it will be the performance of the Senate in the aggregate that will be judged, and we have been remarkably right, in my judgment, in the policies we have addressed and set as a group.

I do not believe we will be drawn as moths to the lenses and lights of television coverage. I think, if anything, if it has any effect—and I very much doubt that it will have any material effect on the presentation of individual Senators and the manner in which we transact the public's business—if there is any effect it is more likely to be the effect of shortening those speeches and rendering the debate a little more crisp and the prose a little more legible, and I expect that, Mr. President, because I think public scrutiny will require it.

My fundamental argument in favor of the extension of the public gallery to the entire Nation by electronic means is because I think it is the next and best step we can take to restore to the Senate the quality of a great forum for public debate.

I fear that over the years, because of reasons that have been suggested by some of my friends and colleagues here, we have become overtaxed in terms of our time and effort. In any event, we have tended to commit more of our personal resources of energy and intellect to other activities except those conducted here on the floor of the Senate.

It is an interesting thing that the committee system has taken on more substance and activities of the full Senate less in recent years, and I wonder sometimes if that is not because there is so often unrestricted access by radio and television to deliberations of the committees; perhaps because committee rules generally are a little less cumbersome, and Senators, not just freshman Senators but other Senators, are a little bit less intimidated by the procedures of the committee.

In any event, Mr. President, most of the meaningful work of this body goes on in committee and, as citizens gather in the public gallery from time to time in the middle of the afternoons, they ask, "Where is my Senator? Where is any Senator? Why are they not there? Where is the Senate, this great debating forum that was created out of the genius of our Founding Fathers in compromise? Where is this august body that must advise and consent with the President on constitutional questions?"

They are in committee, that is where they are, or in their offices; and, contrary to the opinions of some, they are not out usually playing golf or goofing off. They have committed their energy and intellect and resources to some other endeavor.

But that is wrong, Mr. President, because in doing that, in diminishing the quality of the Senate Chamber as a great forum for debate, even though the committee work is important, by diminishing the status, the stature, of the Senate as a whole, we are squandering one of our great resources. The aggregation of 100 Senators who, in their collective judgment, have been so right so often in the history of this Nation—and I think that would occur once more if there were greater public scrutiny of this body, as there is now of the committees and subcommittees of this body—should have the assurance that at a particular time and for a predictable span of time there will be a debate on a special issue. I think that would be encouraged by television coverage. I think over a period of a reasonable length of time Senators would arrange their schedules to be there, not to be attracted as a moth to a flame, but because once again they would begin to realize the value of the Senate as a great forum, and an opportunity to express views and to contribute their unique and special views to the consideration of an issue, and reduce the dependence on the committee position.

How often I have voted, and virtually every other Member has voted, because that is the committee position, without any active participation in the debate itself.

Some may say, "Well, you know, that is good. You ought to leave it to the committee." I say that is good to a point, but you should not squander a major resource, and that is the character of the Senate as a great forum for the debate and deliberation on matters of public policy.

Mr. President, I am hard put to understand an argument which diminishes public access to our deliberations. I am almost as hard put to understand an argument that would not increase public access to our deliberations in the Senate.

I think the time has come for us to take the next best step toward once again restoring the quality of the Senate as a forum and not as a place for the occasional ratification of actions that take place outside this Chamber.

Mr. RANDOLPH. Mr. President, will the Senator from Tennessee, the majority leader, yield?

Mr. BAKER. I yield the floor.

Mr. RANDOLPH. Mr. President, I ask the majority leader, whose judgment I often follow and whose arguments I listen to very carefully, I have advocated for many, many years and, as perhaps he knows, that there be consideration, very careful consideration, given to having what we call committee days in the Senate and legislative days in the Senate.

Does the Senator see any possibility that we might arrange for committees to be meeting on certain days and the Senate itself not meeting on those days so that we could give attention to the formulation of legislation without constantly being on the floor, back in committee, listening to witnesses, running here and there, paying attention to amendments that are not printed, that are offered quickly, and we come over and we are really not familiar with them because we have been in committee, heard the argument for a time on amendments? Would the Senator address himself to the suggestion that I have made?

Mr. BAKER. Mr. President, I will, indeed. I must first say that I now serve on that committee, formerly Public Works and now the Committee

on Environment and Public Works, on which the Senator from West Virginia was chairman and on which he serves so ably. This is not the first opportunity that the Senator from West Virginia and I have had the chance to discuss this and other related issues for the general improvement in operation and administration of the Senate.

I absolutely agree with the suggestion made by the Senator from West Virginia. I think with or without television we would be better served if we tried to do one thing at a time, with days for committee work and days for sessions of the Senate. I have advocated that for some time, as has the Senator from West Virginia.

Even to go one step further than perhaps discretion would suggest I should in this debate, I think the Senator from West Virginia also knows that I feel we should perhaps have two sessions of the Congress in 1 year, a series of months in which we would consider authorizing legislation and then a break before we begin the appropriations process, to have two different sessions, not in a constitutional sense but in a practical sense.

Coupled with that, of course, are the remarks I made in my testimony before the Rules Committee and have said elsewhere on a number of occasions that altogether I think the Senate is in session too long. I think we would be better served if we spent more time in our States, in committee work, in other contacts with groups and individuals who have special competence and expertise in the fields we are exploring, and less time actually in session.

All of these things, Mr. President, fit into the pattern of my general views and philosophy of legislative government.

But all of those things I set aside for the moment, Mr. President. All of those ambitions I would subordinate to what I said in my earlier remarks as the next step, the next best step, that we can take forward at this time, to go forward with television coverage of the Senate, because I think it can move us along the road to a better quality of legislative effort in addition to greater attentiveness to the debate trending across jurisdictional lines and leading us to suggest a whole range of other ideas that we might have, such as the one just put by the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I am grateful for the comments made by the distinguished majority leader.

Mr. MOYNIHAN. Will the distinguished majority leader yield for a question?

Mr. BAKER. I am happy to yield to the distinguished Senator from New York.

Mr. MOYNIHAN. I ask his judgment on this, would he not agree, that the Senate ought not to be continuously in Senate, as it has come to be. We have just been observing the centennial of Franklin D. Roosevelt. The Senator will recall that the first 100 days are so called because that is how long the Congress was in session in his first year in office. They arrived in March, they enacted much of the New Deal, and they went home in June because it was hot.

Does the distinguished majority leader not think that a combination of air-conditioning and television might tend to the prolongation of our deliberations rather than their briefer execution?

Mr. BAKER. Mr. President, I thank the Senator from New York. He has no doubt heard the saying repeated by many Members but first heard by me from my father who served in Congress many years ago. He once remarked in a philosophical way that he felt that the downfall of this Republic would be measured from the day we air-conditioned the Capitol. The Congress then would remain in session all year long.

I trust he is wrong in the downfall to be measured from then, but the year-long sessions of Congress can certainly be measured from the time of air-conditioning of the Capitol.

No, I do not believe that television and air-conditioning can combine to make matters worse. I do not think they can be made worse. We stay in session almost all year round anyway. I think television is more likely to tighten up the debate and perhaps reduce the number of days we are in session.

I can make this representation, that so long as I have the opportunity to choose the schedule of the Senate, assuming the Senate will agree to my suggestions, I am prepared to say now that absent extraordinary sessions we should shorten the hours that the Senate is in session and the number of days that the Senate is in session. Of course, the House of Representatives has something to say about that and we cannot make that judgment ourselves.

Already in the last year we have gone some distance in regularizing the hours of the Senate. For instance, we try now to close the Senate at 6 or 6:30, except on Thursday evenings which are designated as late evenings, potentially.

We have published recess schedules well in advance so that Senators can plan on them and we try very hard to maintain those schedules.

I must confess to my friend from New York that I have been a failure in trying to predict when we would adjourn sine die. I do not mind that. The only thing that really touches me any more is when I make a prediction about when we will close at the end of the year and the Senate breaks out in peals of laughter because I have missed so eloquently so often.

I do not think television would produce more and longer legislative hours, but, in short, I think it would tighten up the debate during the legislative procedures.

Mr. MOYNIHAN. It seems to me if this could be the case, I would simply want to thank the majority leader for addressing himself to what is clearly a problem, which is our legislative process. As legislators, it is not so much that we are overworked as overloaded. There is too much to be done for all of it to be done well.

As much as specialty has always been a part of the ethic of the Senate, it has been understood that there will be those present who will pay particular attention to certain subject areas that come to the floor. It is also possible that we could become an overloaded body in which there is a great concentration of specialties to one or another person among us but very little general, comprehensive knowledge. In the end, that kind of judgment has to be brought to bear on any question of competence. I know the majority leader is concerned about this and that is one of the reasons why we admire him so much.

Mr. BAKER. I thank the Senator. I am concerned. As I said earlier, I am concerned about the tendency of the Senate, which is understandable, and the need for so many of us to often depend on the committee position. That is to say the advice of Senators who are the chairmen or ranking members or senior members, sometimes just members, of a particular committee, to give their position and, therefore, set our position, on important issues. Too infrequently those of us who are not on the Finance Committee, for example, or the Armed Services Committee, have the opportunity to study a particular issue, a B-1 bomber or the tax on leasing plans, whatever it is, as thoroughly as we might wish.

In my view, if we can restore something of the quality of a debating forum in the Senate as a whole, it will give those of us who are not specialists a better opportunity to participate, to test, to challenge, to discuss the recommendations of our experts, the committee chairmen, ranking members, and others.

In deference and respect to experts the world over, even committee experts, their opinions are sometimes improved by the perspective of the generalist. I believe that is the point made by the Senator from New York and one with which I entirely agree.

(Mr. HARRY F. BYRD, JR. addressed the Chair.)

The PRESIDING OFFICER. The Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I wish to make just a few tentative remarks about the current debate. The quality of the observations of the majority leader set for us a tone which I think will prove crucial to deciding this issue before us today. It occurs to me that it would be no disservice to our deliberations if I were to read the paragraph from the No. 62 of the Federalist Papers. James Madison is believed to have been its author, and he wrote on the qualifications of Senators:

> The qualifications proposed for Senators, as distinguished from those of Representatives, consist in a more advanced age and a longer period of citizenship.

If I may interpolate, it is not generally recalled that the citizenship requirements for Members in the House are different from those of the Senate. To resume:

> A senator must be thirty years of age at least; as a representative must be twenty-five. And the former must have been a citizen nine years; as seven years are required for the latter. The propriety of these distinctions is explained by the nature of the senatorial trust, which, requiring greater extent of information and stability of character, requires at the same time that the senator should have reached a period of life most likely to supply these advantages; and which, participating immediately in transactions with foreign nations, ought to be exercised by none who are not thoroughly weaned from the prepossessions and habits incident to foreign birth and education.

Mr. President, I call attention to Madison's remarks about participating immediately in transactions with foreign nations. Clearly the advice and consent provision of article I anticipated a very direct and active role of the Senate, almost in negotiation of treaties as well as in their final resolution of ratification.

I make this point, Mr. President, only to observe that, at minimum, it is not a constitutional precedent that, the House of Representatives having adopted television coverage, the same ought now to apply to this body. It has been understood that this was a different body; that is, Members would be older; that they should be seasoned in the sense of which Madison speaks; and that, in their original mode of selection through that of the State legislatures, well and singularly removed from what would have been called, in the time of the Federalist Papers, the passions of the moment, the enthusiasms that sweep large assemblies which, when accepted, can commit a nation to a mode of conduct and course of policy not thereafter to be checked or reversed.

We are here as a body to give a second thought to the judgments of the popular body at the other end of the Capitol. It is our role to be deliberative more than to be representative. We remain a highly unrepresentative body save for the institutions of the States. There are half a dozen Members of this Chamber whose States send 1 Member to the House and 2 to the Senate, just as mine sends 39 to the House and 2 to the Senate. That has been understood and not objected to.

It has been part of our argument that this should be a body for reconsideration, a body to check the enthusiasms that can be, like any such exhortation, ill considered; a body where a minority can hold off long enough on a decision to let the Nation itself reconsider and, in fact, for the other body to as well.

It is, therefore, only with the greatest deliberation and solemn judgments ought we to change our arrangement, which is not to say that we should not, but neither that we should.

The Senator from Maryland, the distinguished chairman of the Committee on Rules, has as his only known excess an enthusiasm for history, an immoderation in that regard which, at this point, he would recognize as beyond him to change in any signficant degree. But he will recall the famous speech which Winston Churchill gave when the matter of rebuilding the House of Commons came to debate in the temporary abode of the House—St. Stephens' Chapel—after the House itself was destroyed in the Second World War.

Mr. MATHIAS. If the Senator would yield, I even recall the pictures of the great Prime Minister standing amidst the ruins.

Mr. MOYNIHAN. Standing amidst the ruins, exactly. When the question came as to how to rebuild that Chamber, there were those who said that the unanticipated benefit of the German bombing of London was that St. Stephens' Chapel had been destroyed. That medieval space in the form of a church with a choir, had been adapted by the Parliament somewhere back in the 13th or 14th century. Parties gradually formed themselves because the choirs faced opposite one another, with the Speaker seated on the altar; this had obviously given great shape to British politics. It had created the two-party system in some measure. It made crossing the aisle a matter of great consequence, given a reverential quality to the great body, which people who have seen the House will recall. Today, a Member enters the Chamber and bows to the Speaker, just as in ancient times, he would genuflect before the altar.

But the one advantage to the destruction of the House, it was thought, was that now it would be possible to build a House of Commons large enough for everyone to have a seat; the size of the House having considerably grown in half a millenium. The inconvenience seemed obvious and the idea of everybody having a seat being a modern notion.

Churchill very forcefully opposed this decision—not because it was a change, not because he thought it would bring change, but because he thought it would bring change that was not to be desired. He made a remark that is well known in the schools of architecture—I suppose it is quoted in every opening lecture at such places—that we shape our buildings and our buildings shape us. He discoursed on the importance of a small Chamber such that, in the days and evenings, in their case, when the more routine business of the House was going forward and a small number of Members were in attendance, there was, nonetheless, no evidence of absence from the body; as one could not but note there is a sense of absence in this Chamber, where a very small number of us sit in the midst of a large number of vacant seats. He said this makes ordinary debates seem well attended. He said that when large and central debates come along and everybody gets in, there is no room for all to sit. Members stand and crowd in. The sense that an important occasion is upon the House of Commons comes with the physical fact that there are more Members of the House than there is room for them, and you know something of moment is afoot.

So the House was built to accommodate a certain number of persons—choristers, I suppose they would be called—that the original chapel provided for, and the same pattern continues in the House—which is only to say that it is possible to change the character of a legislative body by changing its arrangements.

It seems to me that we have two questions, then, before us: Do we sufficiently approve of the present Chamber of this body, the way it functions, the way it works, the arrangements for it to do so?

If that is not the case, what changes do we wish to bring about, and how might they be brought about? I do not commit myself to either proposition.

It seems to me that I heard the distinguished majority leader speak to the sustained and substantial success of the arrangements of this body over almost two centuries, but yet also to the point of the increasing problem, of getting our work done.

I know that the distinguished chairman of the Rules Committee would

share profound that and devout concern. Are we sure that we are not bringing a large change into this institution, the consequences of which we cannot fully comprehend or anticipate at this point?

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. MOYNIHAN. I am happy to yield.

Mr. MATHIAS. I believe the Senator from New York has raised an extremely important question, and I would like to pursue it with him for a moment, because it really is important.

No one thinks that the adoption of this resolution would not work some change. The majority leader has just said that he believes that it will be a beneficial change. But nobody is pretending that it will not be change.

What Winston Churchill tried to preserve in the House of Commons by having it rebuilt the same size it had been before the bombing in World War II was a sense of drama, a sense of tension—tension in the healthy sense—a sense of intimacy, which he felt were integral elements and important elements in parliamentary dialog in the work of the House of Commons. We have lost that.

Just look around. We do not have intimate dialog going on now. I am honored to be exchanging some thoughts with the Senator from New York, but the idea that this is any kind of intimate exchange or dramatic exchange is hardly the case. Even the Senator from Louisiana has not yet risen to the heights of drama today.

The Senate was once a place of drama very much in the sense that Churchill felt the House of Commons should be. When the U.S. Senate met in a smaller Chamber just 100 feet or so from where we are meeting today, it was the best show in town. Of course, that may have been because it was almost the only show in town. But the public flocked to hear the Members of the Senate debating the issues of the day.

Mr. MOYNIHAN. If the Senator will allow me to respond at that point, I took occasion yesterday to visit that Chamber which has been brilliantly restored. There are some lithographs of the Senate in 1850 that have the look of a somewhat overcrowded salon. It had that conversational quality although I am sure the conversation was loud.

But I now declare that I have a committee meeting for which I must leave.

Mr. MATHIAS. Not before the Senator answers my question.

Mr. MOYNIHAN. My response to the Senator's question is this: He pointed out one aspect of the proposal of Mr. Churchill, which was to heighten the sense of drama at moments of drama by the intensity of the crowd but also to ease the appearance of routine when routine was in fact the case, such that a corporal's guard of MP's could be thought to be sufficiently in evidence to allow a great deal of "scotch work," as we used to say in the Navy, to get done. Indeed, many is the time we do things, the necessary work of the Senate, with no more than three persons on the floor.

Mr. MATHIAS. Let me hasten to say to the Senator from New York, so that there can be no misconception—I am sure the Senator from New York understands this very clearly, but perhaps other Members of the Senate do not—that the system that is proposed and contemplated under this resolution would not show our chairs. It would show the speaker. It would show who is the moving figure, the actor, on the stage of the Senate. It is not going to show Members absent. It is not going to say, "the absent Senator from New York or the absent Senator from Louisiana or the absent Senator from Maryland." It is going to show the present Senator, wherever he comes from, speaking, and that is all it is going to show.

Mr. MOYNIHAN. That is the arrangement in the House of Commons in Ottawa. They use the term, nicely, that the television camera is to be an electronic Hansard and to provide no more than the image of the person speaking. But I believe it is also the case that this has not always been successful. The electronic Hansard sweeps around, and it does not always work—which is not to say that it cannot work.

It is only to suggest that these matters should be well understood before we reach a final conclusion.

Mr. MATHIAS. Let me get to my final question to the Senator.

Mr. MOYNIHAN. I am sorry, the Senator's 5 minutes are up. [Laughter.]

Mr. MATHIAS. The purposes of Churchill wanting the House Chamber to be small was to have a sense of drama. He felt that with that sense of drama would come public attention, public interest. To some extent, we have lost the attention that the Senate once had when it met in the other Chamber; but we are not going to move back to that Chamber, to get into a smaller place.

Mr. MOYNIHAN. A cost-free option. Do not say that. Do not suggest such things to David Stockman. He will hear about it. [Laughter.]

Mr. MATHIAS. What we can do is to get some sense of public participation, the kind of tension of being in public debate, by the medium of television.

Mr. MOYNIHAN. I will look up that Churchill speech, to see whether or not it is the case, as I believe, that he was addressing himself not to the perceptions of the public in the gallery but, rather, to the perceptions of the members on the floor.

Mr. MATHIAS. I believe the Senator is absolutely right. But there is the element of the public's participation as observers, as those who are being educated on the issues by the discussion, and that is an element we have to consider.

Mr. MOYNIHAN. He was thinking, "How does the Member look to the other Member? What is their relation with one another?"

Now we introduce that relation to a whole, vast, unseen public. I suggest this difference.

Mr. MATHIAS. In that very House of Commons, reconstructed in accordance with Churchill's formula, there is today television. It is not round-the-clock television. It is television on what are deemed to be important issues. But that very House of Commons today is illuminated by television light.

That is of value, because if you achieve the drama that Churchill felt was an integral part of the parliamentary debate, that drama should be shared with a larger audience than just the members on the floor or even a larger audience than the few visitors who can get to the gallery.

Mr. MOYNIHAN. Does that not suggest to the distinguished chairman of the Rules Committee that episodic coverage in the manner of the radio coverage of the Panama Canal debate might be a solution to the problem? How do you distinguish between important business, business of a nature which brings the whole Senate together, and business of a nature which can be done by only a small group on the floor? How shall we depict the Consent Calendar when our two leaders stand together and in 15 minutes pass 17 bills?

Mr. MATHIAS. I am sure the Senator from New York has observed the proceedings in the House of Representatives, the other body, and they do it in real life. They do it as it happens, and it all appears.

Suppose we achieve this drama and this tension of dialog. It is worth something to share it with the country.

We do not want to lapse into Gray's elegy at length:

Full many a gem of purest ray serene.
The dark unfathom'd caves of ocean bear:
Full many a flower is born to blush unseen,
And waste its sweetness on the desert air.

Mr. MOYNIHAN. Not so. They are preserved in the CONGRESSIONAL RECORD as flowers pressed in a well-loved, much-used book. [Laughter.]

Mr. MATHIAS. And unseen.

Mr. MOYNIHAN. I thought the distinguished chairman would have the last word. He did.

Mr. RANDOLPH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAFEE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, a few minutes ago the very distinguished senior Senator from New York (Mr. MOYNIHAN) asked a question. That question was whether the impact of television on the Senate might be like the impact of air-conditioning on the Senate and result in longer sessions.

I suppose there is no absolute way to resolve his doubts on that subject. But it is instructive to compare the hours in session of the Senate with the hours in session of the other body. It is particularly instructive because in the other body they already have the kind of television coverage that is contemplated by the resolution which the majority leader has moved to bring to the floor of the Senate.

In the 96th Congress, second session, the U.S. Senate was in session for 1,165 hours and 10 minutes. The U.S. House of Representatives in the 96th Congress, second session, was in session for only 901 hours.

In the first session of the 97th Congress, the U.S. Senate was in session for 1,079 hours and 55 minutes, whereas the House of Representatives was in session for only 653 hours, approximately half.

If that is the case, then there would appear to be no such impact on the length of sessions, as was noted by the Senator from New York, after the installation of television.

In fact, so that we keep the comparisons as nearly accurate as we can, in the other body, in the last session before the installation of the television equipment, which was the second session of the 95th Congress, the House of Representatives was in session for 1,016 hours. But in the following session after they had installed television, that is, the first session of the 96th Congress, the House was only in session for 975 hours.

So I believe this is one of the concerns that can be put to rest.

Mr. FORD. Mr. President, will the Senator from Maryland yield for a question?

Mr. MATHIAS. I yield to the Senator from Kentucky for almost everything—almost.

Mr. FORD. I understand that, and I appreciate the Senator's generosity and courtesy.

Since the Senator has some facts there before him apparently, could he tell me what the increased number of pages in the printing of the CONGRESSIONAL RECORD was compared to the year prior to TV in the House?

Mr. MATHIAS. I do not have that figure just before me. Perhaps the Senator from Kentucky, as the skillful orator and debater that he is, has already compared those figures. It is the usual practice that debaters of the Senator's caliber always know the answer to a question before they ask it.

Mr. FORD. I attempt to know that, and I think I do.

Mr. MATHIAS. I suspect the Senator does.

Mr. FORD. But I was waiting for the chairman of the Rules Committee to ask his staff to scrutinize that and to bring the actual figures.

I would just give the increase in round numbers and round figures, but I am sure the Senator will give us the accurate increase of the printed pages and, I might add, that the distinguished chairman of the Rules Committee just advised us today that the cost of paper since we entered into this budget year has increased some 75 percent.

So I think this is a factor that ought to be brought into the discussion and the debate on this question.

Mr. MATHIAS. I shall await with bated breath the Senator from Kentucky's full exposition of this point.

Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

Mr. BAKER. Mr. President, I am prepared to put the question on the motion. We have been on it now for some time. I hope we can get on the resolution itself this afternoon.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. LONG. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the call of the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, let me make it clear in the beginning that I have the highest regard for the majority leader, who has sponsored this measure. I think he is a great Senator, in all respects worthy of the responsibility that has been entrusted to him by his State and by the Senate. I also have the highest regard for the distinguished committee chairman, MAC MATHIAS. If we had to have a Republican for chairman of the Rules Committee, we could not find a nicer fellow.

So what I will say in debate about this resolution is not intended in any way to reflect on the statesmanship, service, talents, abilities, or dedication of those two great Senators or those who will vote the other way or speak the other way on this issue.

It is simply that I personally think that this resolution would be a very great mistake. I believe that it would be a great minus in the long run and that the Senate simply should not do what this resolution suggests.

First, let me say that we do have television in the Senate to a very large extent. Television cameras do cover the meetings of the committees. They are privileged to cover hearings. They are privileged to cover executive sessions and even from time to time cover work of the conferences. We had television here in the Senate when Vice President Rockefeller was sworn in. I really have no objection to having the Senate covered by television with regard to ceremonial matters, opening day ceremonies, or something of that sort.

Likewise, we have the Senate on television when Senators make their speeches. Those in the gallery representing the media will from time to time think that the speeches are of sufficient interest that they will invite Senators to come before the cameras in the gallery. There is a radio and television gallery just one floor above where I stand at this moment—only about 3 minutes away. So they will invite Senators to come up and appear before their cameras and before the radio microphones and make their arguments there.

So the arguments being made in the Senate are available to the media. There is nothing secret that goes on as far as the speeches of Senators are concerned. Senators hope they will be covered and hope they will have the broadest possible audience.

What I object to are the things that will tend to happen that will keep the Senate from doing its duty to the United States under the Constitution. That is why I object to this measure because this measure will in a considerable degree prevent the Senate from doing what the taxpayers are paying us to do when we come here.

Just for starters let me make this point: It will take a great deal longer to do the work of this Senate. I say, and I know that others will argue to the contrary, we will have a great deal more speechmaking here in the Senate and speeches that need not be made. We will have a great deal of superfluous oratory.

Some years ago I was writing an analysis of what our Senate problem

is, and I said that most speeches are too long and most speeches need never have been made. They greatly slow and impede the work of the Senate. There is too much conversation here in the Senate, too many speeches that need not be made, too many speeches that do not say a thing that has not been said by five other speakers already.

I am not here to criticize Senators for making the same speech a second time or for making a speech the likes of which has already been made.

I recall that Burton Wheeler, who in my judgment was one of the great Senators of all time, used to tell some of us that if you wanted the Senate to know your argument you had to make the speech more times than one. He was speaking from the day when my father served in the Senate back in his service in the 1930's. Burton Wheeler would say that if you want these Senators to know what your argument is you will catch one group of Senators one time and you will catch another group of Senators another time and after a while you will make them familiar with your views, but do not expect the Senate to become familiar with your views when you make the speech just one time. It is not going to happen.

If you are the ordinary Senator you certainly should expect that you are going to have to address yourself to Senators more times than once just to make them understand your argument.

So I do not criticize that. I simply say that we have a great deal more speeches made in the Senate than necessary.

We are going to hear some conversation in the course of this about the empty chairs in the Senate Chamber. Already there has been some discussion as to what we should do about these empty chairs if we put the Senate on television.

Frankly, I thought about it many times. It would be very nice if we just have someone, even without television, just keep a record of how many people are in the Chamber when a Senator is speaking because it would tend to make Senators speak a shorter period of time, it would tend to make them be more concise, and it would tend to make them do less talking, especially when their speaking is not necessary.

But now it is said should we be showing these empty chairs? I have thought about it quite a bit and on balance I do not think we should for a good reason. More often than not 90 percent of the time when a Senator is absent from the Chamber he has something better to do with his time.

He might be at a committee meeting doing the work of the Senate in committee. The Senator might be corresponding with his constituents; he might be receiving a call from the Governor of his State, for all I know. But even if he is only on the telephone talking to people who are reflecting the fundamental views of the people of his State and those whom he represents, those who elected and sent him here, many times he is doing something that would take priority over what he would be doing here on the floor of the Senate.

So we should not as Senators find fault with the Senate because all these seats are not filled or because very few of them are filled. We should recognize more often than not that Senators have many things to do, and many times they are a priority over what we might be doing here on the floor of the Senate.

Mr. PRESSLER. Mr. President, will my colleague yield?

Mr. LONG. Yes.

Mr. PRESSLER. I wish to speak in support of this measure for broadcasting the Senate proceedings, and if the Senator would yield for a question at this time, would it not be even with the possibility that speeches are too long in the Senate or if we do have proceedings here that are not things we are proud of, nevertheless would it not be appropriate that the American public can see the Senate—at least it seems to me, and I have a great deal of respect for my colleague from Louisiana to whom I listen, I say, with great respect—but, on the other hand, is it not fair to the American people in this day of television to see what is going on?

If our speeches are too long that will be apparent to people, and they can make their judgment on us. If the chairs are empty, for whatever reason, people can see, and it can be explained as best we can.

It seems to me that it is a very funny argument to say that because the speeches are too long, because the chairs are empty or because something is wrong, therefore we should not have television cameras here or we should not have radio here. Indeed I think maybe the speeches are very good, and I think they should be shared. But I just cannot share—I address this question, would that be the basis because something is not being done right to keep the American people from seeing it?

Mr. LONG. Mr. President, the import of the Senator's question would suggest that the Senator does not share the same view of the Senate that I hold. My view is that the Senate is the greatest deliberative body in the world. Whether they have gone up or down in the last 30 years, it is still my view that the Senate is the greatest deliberative body in the world, and I say that as one who did have the privilege of serving in the General Assembly of the United Nations for a while, and who had a chance to observe some of the legislative bodies.

I think with all our defects and with all our faults, the Senate is still the supreme legislative body of which this Senator has any knowledge at all and that, Senator, is what I do not want to interfere with. I want it to remain there.

If we can make it greater, we will if I have anything to say about it. But I believe it is and it should always be the greatest deliberative body in the world. I would like to see it continue to be just that.

Let us talk about the speeches we are talking about here. Look at what would have happened if we had been on television at the time when we took up just a simple matter. Let me just mention one, if we had been on live television directly available to the people of the United States or educational TV or however it was made available to them through their TV set, and we had before us, let us say, the little measure involving a reduction of the minimum benefits for the social security beneficiaries, there is not the slightest doubt in my mind the debate would have been longer. If we had all those dear old people at home or in these nursing homes looking at television, seeing what was happening to the fate of their little benefits, and fearing that this might be the beginning of something that would spread to other social security beneficiaries, instead of that matter being decided with a day's debate here in the U.S. Senate with a few speeches it would have gone on and on. With one Senator on the Democratic side of the aisle carrying the burden of debate for the position of those who did not want to reduce it, and one Senator carrying the burden for the other side for those who did think it should be reduced, I do not have the slightest doubt that every Senator here would have felt he had to make a speech.

Imagine all these dear old people, they are very concerned, they are very worried about what will happen to them. Will these social security benefits being eliminated, does that mean others will be reduced? Is this the beginning of a trend?

Mr. President, just speaking as one Senator, I know many times I have spoken to an audience where there were elderly people there, and I told the people "You can depend on me. I understand your problems."

I could not have stayed in my seat and simply let the Senator from Michigan carry the burden of making that argument. I would have had to be in it, otherwise people would have taken the view that their Senator did not say anything. They thought he was their friend. Many times he has introduced bills, made speeches, appeared before them to lead them to believe he was on their side, and yet there he was just sitting there or

maybe not even sitting there, he was not active, he did nothing, and their benefits were cut while their Senator sat in his seat or made no effort whatever to get up and make a speech and see what he could do to change the vote.

I was convinced, as I think most Senators were convinced, that it was not going to change any votes for this Senator to get up and make an additional speech on the matter. The matter had been explained well enough as it was, but with television, I would have to get up on my feet for them to see that their Senator was there looking after their business for them; and I would want them to think that, perhaps, it was my speech that might have made the difference. I certainly would not want them to think my speech might have made a difference and I failed to do so.

We voted on that matter not one time; we voted on that matter at least twice here in the U.S. Senate, I know. On both occasions we could have well had 100 speeches made or at least made more than 50 speeches that were made.

Then you may recall later on we had the same matter back before the Senate again. The President of the United States, having taken this position and having seen the concern that was shown by a great number of elderly people in the country, decided it should be restored. So it came back to the Senate, and we had a bill before the Senate to restore the minimum benefits.

Now again, Mr. President, that is a position I had been advocating all the time just as one Senator. I had made the motion in the Committee on Finance, and I had been the first one to make the motion, that this particular item be maintained in the social security program. But the Senator from Louisiana, having felt he had done his part and having felt there was no reason why I ought to make a speech when the matter came back up, it carried by a vote of 96 to 0. So my judgment in that respect was proved right. It was not necessary for the Senator from Louisiana to make a speech in favor of restoring the minimum benefit. We had plenty of votes. Well, I was inclined to think there would be no more than one or two brave souls who might vote against it at all. It turned out there were no votes against it, 96 to nothing.

Yet, Mr. President, I can see how in a situation like that, with this Senate on live television and those dear old people watching that debate, I can see how Senators would take advantage of the opportunity to educate the people back home about their position, to say, "I was right about the thing."

I hope people recall what my position was. I have fought for these dear old people, and I want it known by all that I will do everything in my power to pass this resolution, and I will oppose further cuts of this nature.

Now, we might well have had 100 speeches. I know we would not have settled for any one speech. As I recall it, Mr. DOLE did most of the speaking for that, the chairman of the committee, and that was about all we needed to hear. But we would have had more to hear than that. I should think we would have had about 100 speeches.

Mr. President, I can recall the time when the Senator from Oregon (Mr. Morse) used to take the floor and report for himself to the people of Oregon. During some of that period the Senator form Oregon (Mr. Morse) was the Independent Party of the Senate; he had left the Republican Party, he had not yet joined the Democratic Party, so he was his own party. He was the Independent Party.

Mr. Morse would take the floor on a Friday afternoon and he would give his report for the Independent Party of the United States to the people of Oregon.

Of course, anybody in the country was privileged to read the report, no doubt about that, because he was beaming this particular speech to the people of Oregon. May I say, Mr. President, he made some good speeches. I know, because I heard them.

It was very difficult to get Senators to make themselves available on a Friday afternoon starting at 5 o'clock to hear Mr. Morse's speeches. The Senator from Louisiana thought he might make a few Brownie points with the majority leader if he just volunteered for that chore. So the Senator from Louisiana volunteered to sit in that chair and hear Mr. Morse make those speeches.

I am here to attest that those were good speeches. I have no doubt that they would have been even longer speeches and better speeches. He would have been better prepared, and he would have spoken at greater length if the Senator from Oregon could have been on live television. So these people in Oregon could see him standing there and making the speech, especially if the camera was zeroing in on the Senator from Oregon and not on all those empty chairs. But I say even if it was showing all those empty chairs, it was still a good speech. He would have done himself a lot of good in the State of Oregon by making that speech for the benefit of the people of the State of Oregon to show how the Senator from Oregon (Mr. Morse) felt about those matters, about what he thought was going on.

Senators do not get much opportunity to speak to that many people. You know if a Senator can arrange, as did the Senator from Oregon, taking into account that Oregon is three time zones different from Washington, and he could make a speech here which could still be covered by the newspapers and the media out in Oregon, he would issue press releases, get them up to the gallery. If a Senator could do that, Mr. President, he had every reason to assume that if he is only talking to 1 percent of his people in an average size State he would be speaking to 40,000 people. That is a lot of people, 40,000 people in the audience, just speaking to 1 percent.

I have no doubt in that Senator's case, if he made that a regular weekly proposition, he would have a lot more than 1 percent. He would come here and speak to 5 percent. That Senator could be addressing 200,000 people and get home to his State every Friday afternoon. One would think he would do it.

Mr. President, sometimes on the floor of the Senate, a Senator will be speaking about matters of concern to him, but not of concern to most of us in this body. I must confess something I know to be true, and I think we all know it is true. Sometimes we have just deliberately made ourselves unavailable, just out of the Chamber, on the theory that if you had too many people there to listen to him, he might continue to talk, where if there were fewer people there, he might conclude his speech in a lesser period of time.

There is no way, in my judgment, and I am positive I am right about this, that we can put the Senate of the United States on live television without greatly increasing the amount of time that Senators are going to spend making speeches here in the U.S. Senate.

We have been referred to the experience in the House of Representatives. Mr. President, the House experience does not give us much guidance in the Senate. We will have some information about the House situation a little later.

The House is not comparable to the Senate for many reasons. For one thing, in the House of Representatives, when measures are brought up over there, the House is under a closed rule. The Rules Committee will meet. It will propose a rule that will say that a certain amount of time will be consumed on a bill; that there will be a certain amount of time allotted to an amendment; that there will be a certain amount of time allotted to a motion, perhaps a motion to recommit, and that the time will be controlled by one person on one side of the aisle and another person on the other side of the aisle. So, the Rules Committee will fix the amount of time that is available for debate.

Having fixed that time, then, of course, the House must conform to the amount of time that is allotted for that purpose.

The Senate has no rule in that regard. When a measure is called up, a

Senator from Texas, for example, has the opportunity to speak at great length and to explain his views to all those who will listen to him. Under the rules of the Senate, on a legislative day on any particular measure, or any amendment, a Senator has a right to make two speeches. So this Senator, protecting his rights and diligently seeing that his rights are not denied him, with the cooperation of the leadership on his side of the aisle, can well protect his right to make two speeches of whatever length he cares to make, unless, by some error, he forecloses those rights before the matter comes before the Senate.

So the experience in the House simply does not address itself to the fact that the Senate is the only legislative body to my knowledge where we have what we can honestly call free debate. The Senate is the only legislative body where those who are opposed to a measure that they believe would be of great harm to this Republic have the opportunity to speak at great length, the opportunity to delay, yes, even the opportunity to conduct a successful filibuster if they can, and if they can muster the 41 votes necessary to keep that filibuster going.

So this is the only place where free debate is available to prevent the enactment of legislation which might sound very good in the beginning but which when carefully considered, and with the experience of time, may prove to be very detrimental. It could even be harmful to the future and the survival of this form of government.

Speaking of the time people consume, let me refer the Senator to another matter considered in the Senate, by way of illustration.

When the nomination of Sandra Day O'Connor came before the Senate, everybody knew that Sandra Day O'Connor was going to be confirmed. I did not make a speech on the subject. I felt that a speech by the Senator from Louisiana was not necessary. My thought was that we should get on with business at the earliest opportunity. Notwithstanding my view, about half the Members of the Senate took the floor to make a speech, to say what a great thing it was that we at last had a female, a lady, a member of the highest court of our land.

Mr. President, that was when the matter was not on television. Those speeches did not have to be made to persuade Senators to vote that way, but those speeches were made by Senators who felt they had to get up to associate themselves with the fact that women had made this enormous move forward, that there was now a woman being confirmed to the Supreme Court of the United States.

Mr. President, if this debate had been televised, I say for certainty there would have been a lot more speeches than those made. Instead of just half of the Senators making a speech, very likely all Senators would have thought this was a case where they should make a speech saying Sandra Day O'Connor was qualified and that they were proud to vote for her nomination, that it was about time that a woman with the proper credentials should serve on the Supreme Court of the United States.

That would have just taken a great deal of time which could be spent on some other legislative matter. I admit it would have provided Senators a wonderful opportunity to speak to the whole Nation, to have a network available to Senators to speak to everybody in the whole United States supporting their idea.

I refer to the theory that by addressing his message to the people, a legislator can bring a reaction from the citizens. They will call upon their legislators to support this Senator's position. In due course, when the Senators hear from their constituents they will be asked to vote with the person who is speaking on that issue.

Sometimes those of us who have been engaged in a filibuster in the Senate have taken the view that we were attempting to get our message to the people of the country, making an educational campaign, that we felt if the people understood our views those people would express themselves, asking their legislators to support us.

Can you not see a Senator now who makes a speech calling upon the people of the United States to support his position? Let us assume that the average Senator's office receives 50 letters urging them to support the position spoken by a Senator here in this body. The average Member of the House receives 10 letters. One could say, "Well, that was not all that much of a response." To that he would say, "Oh, yes, but only 1 percent of the people in the United States heard my speech and most of them are hearing it for the first time."

Can you not see a Senator saying that if the people who heard it hear it again, and those who have never heard it hear it, they would be persuaded to his view. That would encourage him to continue until about 50 percent of the people of the United States "have heard my position, and I will carry the day"?

What is wrong about that? Nothing, except one thing: It could take forever for this man to make enough speeches on the Senate floor by way of the television media available to Senators to persuade the people of the United States to support his bill. Of course, there is no assurance that he is going to succeed in doing that. It may be that after that Senator had made about 30 speeches somebody might make a good speech for the other side, and he never does succeed in passing it. But think of the time that it would consume in the Senate for a Senator to address himself to the broader constituency out there. In defense of the people of the United States, he would be right about this matter. If 100 Senators start doing that, we will not have time to do other things that need to be done.

That gets me to another point, Mr. President, which ought to be considered. Most of the work of the Senate is not done in the Senate. Most of the work of the Senate is done in the Senate committees and in the office of Senators. A Senator will have an idea for a bill, something that should be done.

He discusses it with his staff. The staff goes down and finds a legislative technician. That person will work on it, draft a bill, the Senator reviews the bill, makes a suggestion, they send it back, they draft it again. A lot of decisions have been made, not all of them by the Senator, just in putting the bill into a form to introduce it. A lot of that work is done by technicians.

People could say, well, do you not think the people of the Nation are entitled to know what happens in those drafting sessions? Well, yes, they are. But all they need to see of a drafting session is one. If they see a drafting session doing its job, where talented people sit down and talk hour by hour about what the precise word should be in this sentence and what the precise word should be in the other sentence, and whether one word would better serve the purpose than the other word, I would say for people interested in knowing about that, that would be fine. I would recommend the television medium there. It is available to them; do that. Show the people how a bill is written by the technicians.

I make a bet. It will have the lowest Neilsen rating of anything on television. If you try to show it a second time, anybody who knows it is going to turn it off. It is not that interesting to see how these technicians do a job of working out the precise language that should express legislative intent of the Congress in a statute. So the different work that needs to be done is not of interest to the television medium but it must be done.

Then you go beyond that and take the decisions that must be made in a committee. I find myself thinking of a major legislative bill, the type of which is brought out by the Finance Committee, usually once a session, a bill that may be 800 to 1,000 pages long. The decisions in that bill would amount to perhaps 100,000. Of those 100,000 decisions, probably 90 percent of them will have been made by employees of the Senators and the Senate and the Senate committee, the staff and the technicians, working to draft the legislation and working simply to carry out the intent that the

Senators expressed. I say there are about 1,000 decisions made in a committee itself in putting together a major piece of legislation. On the Senate floor, only about 100 of that 1,000 decisions will be contested, so that 80 percent of those decisions go completely uncontested.

Think of the work of a U.S. Senator. More than 90 percent—in fact, about 99 percent—of his work, and maybe 99.5 percent of his work is not standing here on the Senate floor and making a speech; 99.5 percent of a Senator's work is in the committee, it is in his office, it is meeting constituents, even going back home and speaking to people about their business and what they would like for him to do. It is answering telephone calls, answering mail. It is that broad variety of things that a person must do because he is a U.S. Senator and only about one-half of 1 percent of its is here, on the Senate floor.

The point is, Mr. President, that when you place an enormous premium on a Senator being here on the floor and making a speech, he is going to do a lot more of it. I do not see any way, Mr. President, that one can honestly dispute that fact. I have no doubt whatever—in fact, I am positive—that history will prove me right about this.

This gets me to point No. 2. What is the greatest argument for having the U.S Senate at all? We are told that the U.S. Senate is the result of the great compromise. Senators will recall that the great compromise had to do with a decision that there would be two bodies to legislate rather than one. The great compromise created the U.S. Senate different from the House. It was elected on a basis of two Senators from each State, be it a large State or a small State. So the great compromise varied from the population representation in the House of Representatives.

Each State would have two Senators. Those Senators serve on 6-year terms. The idea of merely giving more voting power to smaller States is a very poor excuse for having the U.S. Senate if that is all it has going for it. If there were no other argument for the U.S. Senate than that the small States would have equal representation with the big States, that would not be an adequate excuse, in my judgment, to even have a U.S. Senate. As one who has served here for 33 years, I know that there are better reasons for having a U.S. Senate.

What are the better reasons? Let me tell you the best, Mr. President. The best reason is that the U.S. Senate, serving on 6-year terms, is in a position to give more careful consideration to a measure that has passed the House. The U.S. Senate is in a position to give more thorough consideration to a matter than the House of Representatives. Best of all, the Senate is in a position to give a judgment that will meet the test of time—not just the test of today and tomorrow, but I mean the test of what will happen to this Government 5, 10, 15, and even 50 years down the road. The Senate of the United States is in a far better position to look at a measure that may be popular but that may contain within it the seeds of the destruction of this democracy. We have a right to expect some statesmanship of the U.S. Senate. From time to time, those expectations are justified.

Mr. President, the Senate of the United States, serving 6-year terms as we do, should be in position to do some things that are not popular at the moment, to do some things that are downright unpopular at the moment, knowing that, in the long run, it is best for the country, or with the firm belief that, in the long run, it is best for the country.

I know, Mr. President, that though we might disagree on television, I know the distinguished majority leader has, many times, taken a position that was difficult to take. He is very much aware of the fact that we hope the Senate will always be a body that will have the courage to do some difficult and somewhat unpopular things, firm in the judgment that, in the long run, this is going to be best for our country. I say that because the distinguished senior Senator from Tennessee, the majority leader (Mr. BAKER), led the fight on his side of the aisle for the Panama Canal treaty. That was not something calculated to elect one in the State of Tennessee. That was something that was calculated to cost some votes and require some explaining. Some of the people were not going to be satisifed with the explanation. But the Senator had the courage to do that and without the courageous position taken by the Senator from Tennessee on that occasion, Mr. President, that treaty would have failed.

I simply make this point, not saying that television would have made the difference. I am just saying that the people of the United States have a right to expect more statesmanship of the Senate than they do of the House of Representatives. From time to time, I am happy to say, they get it. For example, as one who cast that very difficult vote for the treaty, knowing it was going to cost some votes at the next election, the Senator from Lousiana did it because he felt that we must ratify the treaty. If we did not, there was going to be warfare. Those people down there were going to rise up; a lot of them were going to be killed; a lot of our own boys would be killed in putting down the uprising of the people of Panama, a lot of fine young people dedicated to their nations on both sides would be killed. It was a lot better for some Senators to have to take a chance at the polls. It was a lot better even if we lost some Senators, in my judgment. Even if we lost a few good legislators, that would be better than the casualties that would have occurred. A lot of innocent people would die in a battle that should never have been fought.

I felt also that if we had failed to ratify the treaty, after the bloodshed was over, all Latin America would be rising up on the side of little Panama against the United States. Our cause would be so unpopular, with people burning our flags in front of the Embassies and seizing our personnel as the Iranians did a year or two ago, I felt our cause would be so desperate for good will in Latin America that we would be compelled in the end to give Panama an even better deal than that Panama Canal treaty provided.

I speak as just one Senator speaking about the people have a right to expect of the U.S. Senate. I do not speak for the judgment of other Senators. I simply say in my own judgment, that was one of the occasions where the Senate measured up to the challenge of statesmanship. I say in all sincerity, it would not have met the test without the leadership of the Senator from Tennessee (Mr. BAKER). I know that he has not found it a plus at the polls up to this point, and may never find it so. But it is the kind of thing that people have the right to expect of the Senate.

There have been other occasions, Mr. President. Just take the situation when Franklin D. Roosevelt found his position frustrated by the U.S. Supreme Court that struck down the National Recovery Act and some of these other significant pieces of New Deal legislation.

To counter the Supreme Court's actions, President Roosevelt proposed adding two justices to the Court.

Mr. Roosevelt's plan to pack the Supreme Court never got anywhere here in the U.S. Senate. It was doomed from the beginning because it could not stand the test of careful consideration or the procedures set forth, nor could it stand the test of a floor debate in which those who were debating against it had the opportunity to speak at great length.

Out of his frustration, President Truman asked that we draft the workers into the Army and put them to work on the railroads as members of the Army under the Army officers. Mr. President, I heard that speech on radio in Louisiana as a boy. I heard the applause that greeted the President's recommendation when he made it in the House of Representatives at a joint session.

If that measure, having passed the House almost the day it was introduced, could have been brought to a vote in a hurry in the U.S. Senate, it

would have passed the Senate just the way it passed the House. But there were statesmen in the Senate who had a way of debating that measure and using the various checks and balances and the committee system of the U.S. Senate to see that the matter was considered more carefully.

In due course, as the discussion and the debate developed, no one was here to argue seriously that Mr. Truman's suggestion of drafting the workers into the Army and making them work against their will, when they elected to go on strike, was a good idea. We felt that it had no place in this free country of ours, and it was dropped.

One might say, "Well, what does this have to do with television?" It has this to do with television. There is no doubt in the mind of this Senator that free debate will come to an end, as we have known it, if we are going to have the Senate on television.

For example, say that we permit television to cover a Senate filibuster, particularly if the Senate filibuster is on something that has passed in the House of Representatives, a popular measure. Filibusters are not always right; sometimes they are wrong. Just let the public view a Senate filibuster—maybe not the first one; give it a little time—a filibuster, where the leadership is striving to shutoff the debate, perhaps taking the Senate into around-the-clock sessions. In due course the public will insist that we put an end to that and that we adopt a rule whereby debate can be shutoff.

So the pressure to make Senators do less talking—actually they will do much more talking—and the public reaction to a filibuster on television, will make people say, "Senators, that is a disgrace." I do not care how much we try to explain it to them out there; we are not going to convince people who have been frustrated by a filibuster that we should permit unlimited debate, or the kind of debate that the rules of the Senate permit.

Also, beyond any peradventure of doubt, it will put an end to what we know as free debate in the U.S. Senate, and that will be a loss to this institution.

That is the price we will pay for TV in the Senate, and in my judgment, the price comes too high. It is too much of a price to pay, and therefore it should not be done.

There is another point that has been touched on, and I should like to discuss it at somewhat greater length—the character of debate in this body.

Speeches that we make in the U.S. Senate are directed to other Senators. We direct those speeches to Senators who know a great deal about the legislation before us. We are addressing ourselves to people who know the subject matter. Many times they will discuss it with representatives from both sides. They have read a lot about it in the newspapers. They have read other speeches on the Senate floor, perhaps made some themselves. Many have read the committee reports, discussed it with their committee assistants and staff. So when we debate legislation here in the Senate, we are addressing ourselves to people who are well informed on what we are discussing.

The character of debate on television will change all that. We will spend a great deal of our time discussing this thing in terms calculated to be understood and to appeal to the people back in the hustings.

The way you do that when you are trying to address yourself to a broad audience—some of whom have only a fourth-grade education and some of whom have a 10th-grade education, some of whom have a college diploma—the standard technique of anybody running for office is to address himself to the most common denominator. So where we in the Senate tend to address ourselves to those who understand what the legislation is all about and those who know something about the issue. Senate debate will have to be tailored to appeal to the most common denominator, let us say those with the fourth-grade education, because you want everyone there to understand what you are trying to tell them. The result is that it will change the character of debate.

We may have to make two kinds of speeches: One kind of speech to the television audience out there, speaking to the rank and file and, as I say, tailored to the lowest common denominator, and then, in individual presentations to Senators, address ourselves in a somewhat different way, tailored and zeroed in on what those Senators know already, so as to get the points that most completely appeal to them.

This really calls for two types of speeches. Again, Mr. President, in terms of improving the debate in the Senate, when a great deal of it has to be tailored to those who do not understand the legislation, do not have the slightest idea of what it is all about, it is difficult for this Senator to see how that is going to improve on the kind of representation and the kind of debate that we want here in this body.

One can expect, if the Senate is on television, that Senators will find it very much to their advantage to have some kind of gimmick to attract public attention.

One of those that would have the greatest appeal, I should think, would be one such as the Senator from Wisconsin (Mr. PROXIMIRE) uses from time to time, the so-called Golden Fleece Award. That will attract a great deal of attention. That is something that the public would understand and they would enjoy hearing about.

It is not necessary that it be on television; the public will hear about it anyway. But Senators will find that it is such an asset to the Senator who uses it that they will be pressed to develop some sort of technique themselves to regularly attract attention, just like the Golden Fleece Award.

I am not here to criticize that. I only say that pressure will be on Senators to do things that will tend to impede the work of the Senate, but things that will tend to help get those people reelected to office.

I ask the Senate, should all the work of the Senate be on television? Should you beam all of it out there? Let us just take an example.

When we are passing measures such as, let us say, the bills that are not objected to we call them off the calendar and we take them up. That is how we pass most bills. Most bills pass without objection. Let us say we discuss these measures one by one. Most of them are private relief bills. Those matters are really of interest to only a few.

Why then should they be on television? Why do we want to put on television something that is not the least bit of interest to the rank and file of people in the United States to be looking at? In fact, why should we put something on television that is not of interest to 1 person in 10,000? Why should that be on television?

The answer to this Senator is very simple. It should not be. But it is work that has to be done. To the extent that Senators will be making speeches, presenting themselves in this body in a way calculated to make a good impression on their constituents, which they are not doing now, they will be impeding necessary work that we should be doing here in this body.

So, Mr. President, the Senator from Louisiana finds himself thinking of the work of the Senate somewhat as an iceberg. When we see an iceberg, all we see is the tip of it. It is majestic. It is impressive. But that is only a small part of that frozen body. It is only a small portion of what is there.

When the Senate is presented to the public on television, that public will be led to believe that that is the work of the Senate, and it is not. What they will be seeing as far as this individual is concerned is only a small percentage of his work.

The fact that there is so much more reward, so much more advantage to Senators appearing in this Chamber and presenting themselves on nationwide television, it is going to mean that they do a great deal more of it, and that is going to mean a neglect of the remainder of the iceberg.

The tip of the iceberg is beautiful. It is majestic. It is worth observing. But that is not what sunk the *Titanic.* What sunk the *Titanic* was the failure to observe what was beneath that iceberg, what was in the water.

And what could sink this Republic would be to fail to do the tiresome,

wearisome, tedious, and less rewarding work of the Senate, less rewarding to the individual for public recognition he receives, but essential work that must be done in the public interest.

There is a difference between image and fact. TV does a great deal to create images and many times those images are not correct at all.

I know that Senators running for reelection, as this Senator did only a year ago, find themselves amazed working with people in the media to have those people explain how the media takes all those films and all those sound tracks—perhaps 100 times as much as they use—and then glean from that those things they think will create an impression, an image, create an idea in the minds of the public. Many times that image is not necessarily correct at all.

It is something that they are able to convey to the public through the techniques that they have developed.

Just as an example, one technique is to show a Senator or a candidate for the Senate with his children, and in doing so, project the image that that person is a warm, loving, caring, dedicated person concerned about the welfare of little children. It may very well be that that person is concerned about his own children or his own grandchildren but not very much concerned about other people's children, or other people's grandchildren, so that the image that is conveyed by showing one with his own children may be a completely erroneous image.

The media is very, very good at that, and people are paid very large amounts of money to convey that kind of an image, but that image may not be true to the facts at all.

Mr. President, it is very much more important that this Senate do the Nation's business, that this Senate provide for the Nation's needs. It is far more important that we do what the Constitution created the Senate to do. It is more important that the Senate fulfull its function in the scheme of things. It is more important that the Senate do what is necessary to save and preserve this democracy and this Republic. It is far more important that we do that than project a favorable image. It is far more important that we do that than that any individual Senator or any group of us should be reelected.

If a Senator is doing his job and he is doing it well, most of his good work will never appear on television even if we do have gavel-to-gavel coverage here in this body. The television will tend to make him spend more time creating an image of himself on the floor at the expense of the taxpayer and at the expense of the work that he should be doing off the floor.

On the big issues, it is more important to be right than it is to be popular. It is more important to be right than to be well known. It is better to, in fact, be good for America than merely to project an image.

(The following statement, delivered earlier in the day is printed at this point in the RECORD by unanimous consent.)

Mr. PRESSLER. Mr. President, I rise today in strong support of the measure to permit broadcasting of Senate proceedings—Senate Resolution 20.

As an original cosponsor of this resolution, I am in firm agreement with our distinguished majority leader, the author of the measure, who has noted that, "Democracy thrives on public support and public support thrives on an open government." We in this body are already committed to open government. The public is permitted access to the gallery; over 5 years ago the Senate adopted rules to open previously closed committee markup's. Broadcasting simply expands the audience, with the assistance of up-to-date technology.

Many of the arguments against broadcasting are familiar. They were first voiced nearly 200 years ago when the Senate rules required closed sessions. During debates to open the Senate in the early years of its existence, some argued that the public would not be able to understand the proceedings. Once again such reasoning is now being put forth. I contend, however, that the American public will benefit from closer observation of the Senate; if then the public is disappointed regarding the manner in which this body conducts itself, they have a right to so witness it. If arguments are advanced that viewing the Senate would be boring because of absence of Senators on the floor, then perhaps this should change. Nor should arcane Senate procedure be used as an excuse against broadcasting.

The fact is that there are many people who are virtually interested in the legislative process who are simply not able to come to Washington to witness this process firsthand—and, I might add, if they did we could not accommodate them with our limited space.

Evidence of the great numbers of citizens interested in the process is attested to by the heavy coverage which has been given over the years to Senate committee hearings. Hearings on nomination confirmations and various legislative issues have in recent years raised questions of great importance to our society. Often these issues, which may be obscure or technical and do not readily lend themselves to analysis in the printed media, are graphically conveyed through television. The give-and-take of debate is presented, providing the viewer the opportunity to weigh the pros and cons. Such broadcasting contributes to the public understanding of Congress decisions on matters which vitally affect it.

Broadcasting of the Senate committees thus gives us a solid indication of the value of this form of coverage of a portion of our legislative process. We need, however, only to look to the House of Representatives to judge the experience in broadcasting activities on the Chamber floor. Many of the objections which were raised in 1979 before the House began broadcasting, and which some may be raising in this body, have simply not materialized.

Modern technology provides cameras and microphones which do not distract from the normal course of business or cause a show business atmosphere. House employees have done an excellent job of recording the day-to-day debate, providing the signal to a TV audience of over 7.5 million nationwide.

After the last election, many observers were seriously concerned about the low voter turnout. The basis of democracy is citizen involvement. We must not let people become alienated from their Government. Open hearings, public listening meetings, and televised Senate debates are all ways to keep Government in touch with the people it serves.

Surveys have shown that many Americans consider the evening television news their primary source of information. That means that many Americans form their impression of the Senate on the basis of a correspondent's 45-second report. I have great admiration for the experience and knowledge of the network reporters, but people deserve the chance to see more of the story. Through modern technology, we can now put every American in the visitor's gallery. I see no good reason to refuse them this entree.

Mr. President, I served in the U.S. House prior to coming here, during the very years that the broadcast debate raged. People said the House of Representatives would turn into a circus if it were put on TV. Well, in fact, it has not at all; business has gone as usual.

Others say that Members of the Senate will be showboating in front of the TV cameras. Well, that can occur presently, certainly, and if they do that, their constituents will probably hold it against them.

I think we can bring TV into the Senate and the decorum will remain. I find the arguments against putting TV cameras in here very strange. People say that it will break the flavor of the Senate, or break up the mood of the Senate. Others say the way we do business in the Senate, with the floor empty much of the time, will reflect poorly on this body. But if that is the way we do our business, it should be

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on TV. I think the people have the right to see what is going on in the Senate Chamber. It is supposedly the greatest deliberative body in the world, but if public exposure shows up some failings, perhaps we should change some of our way of doing business. But these failings should not be used as an excuse against broadening our public exposure. It is high time the Senate moved ahead with expanded coverage.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUMPHREY). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BAKER. Mr. President, I observe the presence of the minority leader, the distinguished Senator from Louisiana, and the Senator from Maryland, the chairman of the Rules Committee, on the floor.

In conversations which have been held now in the course of this quorum call, it would appear to me it may be possible to set a time certain to vote on the motion to proceed to the consideration of Senate Resolution 20.

I would like now to propose this unanimous-consent request for the consideration of all Senators: Mr. President, I ask unanimous consent that at 12 noon on Thursday next the Senate resume consideration of the motion to proceed to the consideration of Calendar Order 251, Senate Resolution 20, and that immediately thereafter a vote occur on the motion to proceed.

Mr. LONG. Mr. President, will the Senator repeat the request?

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object——

Mr. BAKER. At 12 o'clock noon on Thursday that the Senate resume consideration of the pending motion, and that a vote occur immediately.

Mr. LONG. I have no objection.

The PRESIDING OFFICER. Without objection——

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, and I do not expect to object, I would hope the vote on the busing amendment could occur—and we can not change this now, but I would hope that that could occur—earlier than has been previously provided for.

Mr. BAKER. Mr. President, I share the wish of the minority leader that we might change that order or that Senators might be willing to abbreviate the time for debate.

As the matter stands now, as I recall, there is presently an order to resume consideration of the Department of Justice authorization bill at 11 o'clock on Thursday.

Could I inquire of the Chair with respect to the order that has just been put, would that not supersede the preexisting unanimous-consent order so that the vote on the motion to proceed would occur indeed at 12 o'clock?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. But immediately after that vote we could proceed to the continuation of debate on the Department of Justice authorization bill, at which time the Helms-Johnston amendment would still be the pending question?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Yes.

Mr. President, I would hope that tomorrow morning we might address this question again, and all Senators who have some interest in this matter might consider the possibility of changing that so that the vote on the Helms-Johnston amendment would occur not later than, say, 12:30.

Mr. ROBERT C. BYRD. Or immediately following.

Mr. BAKER. Or to follow immediately upon the disposition of the motion to proceed which has now been provided for.

I see no reason from my point of view to have 3 hours of debate. Of course, the Senator from Louisiana (Mr. JOHNSTON) and the Senator from North Carolina (Mr. HELMS) will be particularly interested in that. I do not now see them on the floor, so I will not make a request at this moment, Mr. President. But I hope those Senators and others will consider that, and tomorrow, if there is no objection, it will be my purpose to ask the Senate to change the time for the vote on the Helms-Johnston amendment to some time shortly after the vote on the motion to proceed to Senate Resolution 20 or in any event no later than 1 o'clock.

Mr. ROBERT C. BYRD. Mr. President, still reserving the right to object, will the Senator consider as he approaches Senators on his side of the aisle, perhaps coming in and beginning at 9:30 rather than 11 o'clock and then the 3 hours would run their course at, say, 12:30?

Mr. BAKER. Mr. President, I would be glad to consider that. I have to confess I would prefer to do it the way I described earlier, that is to abbreviate the 3-hour time frame. But I am perfectly willing to consider that alteration if it suits Senators.

Mr. ROBERT C. BYRD. I have no objection to the request.

Mr. LONG. I did not object to the last one.

Mr. BAKER. There is no further request. It is the same one.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. Mr. President, I thank all Senators, and I especially thank the Senator from Maryland and the Senator from Louisiana for agreeing to this method of arriving at a good disposition of this matter.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, on tomorrow the Senate will still be on this measure. Since we now have a time for final disposition of it, I think it may be possible to take up some other measure, if we can find one that can be addressed by unanimous consent. So, I would hope the minority leader might join me in trying to find another piece of business that would be on standby for part of the day tomorrow.

Is there an order for the Senate to convene on tomorrow?

The PRESIDING OFFICER. There is not yet such an order.

ORDERS FOR WEDNESDAY, FEBRUARY 3, 1982

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business tonight it stand in recess until the hour of 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATORS BENTSEN AND PROXMIRE ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that after the recognition of the two leaders under the standing order, that the distinguished Senator from Texas (Mr. BENTSEN) be recognized for not to exceed 15 minutes on special order, to be followed by the recognition of the distinguished Senator from Wisconsin (Mr. PROXMIRE) for 15 minutes on special order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that after the recognition of the two leaders and the execution of the two special orders that there be a brief period for the transaction of routine morning business to extend not longer than 20 minutes in length in which Senators may speak for not more than 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF LEGISLATIVE BUSINESS

Mr. BAKER. Mr. President, may I inquire of the Chair, after the expiration of the time or the execution of the order for morning business, will the Senate not resume consideration then of the pending motion to proceed

to the consideration of Senate Resolution 20?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. I thank the Chair.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a brief period for the transaction of routine morning business to extend not past the hour of 6:45 p.m. in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

UNIONS AND EMPLOYEE OWNERSHIP

Mr. LONG. Mr. President, on January 26 I had the pleasure of addressing a symposium on the subject of unions and employee ownership. This symposium was sponsored by the National Center for Employee Ownership, the United Automobile Workers, the Association for Workplace Democracy, the Brotherhood of Railway and Airline Clerks, the Industrial Cooperative Association, and local 46 of the United Food and Commercial Workers.

I ask unanimous consent that the text of my remarks be inserted in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

UNIONS AND EMPLOYEE OWNERSHIP

For many years people didn't know much about employee stock ownership or about employee ownership in general. Not knowing much about it, they didn't care much about it either.

It makes me think of a meeting I attended many years ago where the speaker dedicated himself to the principle that what was wrong with the country were just two things—ignorance and apathy. People were unaware of issues, he insisted, and if people don't know something about an issue, they won't feel like doing anything about it, and that was what was wrong with the country.

The guy I was sitting beside wasn't paying as much attention as I was but I was curious to know if he agreed with this. I said, "What do you think about that fellow's speech?" He responded, "Hell, I don't know and furthermore I don't care."

Well, in some respects I guess this has been true about employee ownership, but it's not true with the meeting here. Obviously you know something about it, otherwise you wouldn't be here, and I believe that before this meeting is over with, you will care enough that you will want to do something about it.

I just wonder where your members would have been if those of you here who represent a worker group had started out twenty years ago insisting that whatever your employer had should be shared with the workers.

The Commerce Department estimates that capital spending by American business is going to be about $350 million in 1982. Some of those businesses will do well, others won't do well, some will be merged, some will be divested or spun off. But, on the whole, the Nation's capital plant is going to continue to grow.

This Tax Act will be the biggest revenue bill ever passed in the history of the country. It is a tax cut in the main, and if it does what we expect of it, then overall capital spending in the 1980s is going to expand to the extent that we can expect plant and equipment to increase by about $4 trillion between now and the end of the century. The question is, how much of that, if any, is going to be added to the future wealth of the people that you and I represent.

I'm not saying that you haven't done a good job because you have but, like most of us, your activity leaves something to be desired. If you had done what I would like to see you doing, you might be the representative of your employees on the board of the company, like Doug Frazier represents the United Auto Workers on the Board of Chrysler Corporation.

Many of the companies that today are owned entirely by a few employers or a few shareholders might be owned by the workers instead, and you might see the workers moving through the ranks to obtain top positions in management. In fact, you might even have a situation where you hire the management instead of the management hiring you.

Congress certainly has done quite a bit to promote the idea of employee ownership and I don't think it would be overly optimistic to assume that Congress is going to do quite a bit more. For example, since 1973, we have enacted 15 different laws to advance employee ownership through the use of employee stock owner ship plans which we usually refer to as ESOPs.

The Internal Revenue Code now encourages companies to use employee stock ownership as a favored way to finance the growth of the company or transfers of ownership. And you will be hearing more about that from those who appear on this panel today explaining the many uses to which such leveraged ESOPs have been put.

As you know, leveraged plans are the early type of employee stock ownership plans where the company would borrow money, buy stock for the employees, and was permitted to deduct both the interest expense as well as the expense of paying off the capital.

It was my privilege to advocate and push through the Congress another type of employee stock ownership financed by tax credits. You have a 10 percent regular investment tax credit. I contended that that's for the management and for current stockholders. The least we could do for the workers would be provide an extra one percent if they would put that in stock for the employees.

Since 1975 companies have been claiming this one percent tax savings for the benefit of their employees, even though in many cases the workers and the worker representatives have not even asked for it.

This type of ESOP credit has been particularly attractive in capital-intensive industries. For example, almost all of the investor-owned electric utility companies have employee stock ownership plans financed by the tax credit. Presently most of the oil companies have tax credit ESOPs. The steel companies in the main have also adapted them. So where the tax credit has existed, in many instances they have taken advantage of it.

Frankly I think every one of these major companies would have put it in if someone speaking for the workers had just been there to demand it—just put it on the shopping list. I was a little bit dismayed in speaking in years gone by to officers, previous officers of the United Automobile Workers, why don't you just put that on your shopping list and just ask for it? How do you know you couldn't get it if you didn't ask? It wouldn't cost the company anything to do it.

Finally, General Motors said, well if that one percent would go back to the Government anyway, why don't we just take that for our executives. So they did. At that point then someone said, "Hold on just a minute, you can't take this for just the little white collar fellow. We want this for our workers." So they got their share for their workers and that's fine. But they could have had it all the time, rather than just going back to the Treasury in the form of taxes.

Well, beginning this year, that investment tax credit which tended to favor companies like electric utility companies and the oil companies more than it did companies that were not capital-intensive, will be on a people basis rather than on an investment basis. After this year, it will be based on payroll. It starts out being one-half of one percent of payroll, goes up to three-quarters of one percent of payroll, and in five years we hope to extend it and make it even better.

I would hope that when the time comes we will have the support of those who represent the workers to help move this, because so far those of us who have advocated and fought for it have had to do it pretty much by ourselves.

Congress provides this employee stock ownership by way of a tax credit because we believe that ownership is very important. The tax credit does not provide a large amount, but it is enough to prime the employee ownership pump—it is enough to provide a core around which to build an even more substantial employee ownership program.

Let me just mention a few things that employee stock ownership plans can do for your members and then I want to mention a few things that interest the Congress in employee ownership.

For your members, particularly in difficult times, ESOPs can provide a way to prevent plant closings. Or to stem massive layoffs. Today you will be hearing from people with direct personal experience in applying employee stock ownership designed for that purpose.

In Pennsylvania, an ESOP was used to reopen a plant that had been closed for two years—another innovative use of employee stock ownership. ESOPs have also been used to acquire companies that otherwise would have been sold to foreign investors, and to keep plants operating where the parent company was planning to close them down and sell the assets.

This does not mean that ESOPs are only for companies in trouble, though they can often be helpful in that connection. Regardless of whether the company is in trouble or not, these ESOPs can be attractive. With an ESOP, for example, your members could begin to bargain over the extent to which a company's investments should be financed in such a way that the workers will own a stake in those investments. They could also bargain over the extent to which future earnings on those investments should be reinvested or should be paid out to the employee stockholders.

On that issue, 32 of my colleagues have joined with me in proposing that ESOP companies be permitted a deduction for dividends that are paid on stock in ESOP companies. The theory there is that you should treat an employee stock ownership plan just as you would a situation where a bunch of employees join together to work together as a partnership for their own mutual benefit. Rather than the double taxation that exists for corporations and shareholders, it ought to be taxed just the one time that you do when men join together in a cooperative effort to find jobs and put themselves to work.

In short, employee ownership can enhance your members' bargaining position. It also makes a company more "cycle responsive." In an economic downturn, for example, belt tightening need not mean layoffs. Instead it can mean an emphasis on job security. And during lean economic times, rather than go without a pay raise, the employees could take some stock which later on could be a lot more valuable than it was at the time it was issued to them.

Should the company succeed, then that success would be shared more broadly with those who made that success possible. Thus, stock ownership can provide a new, noninflationary way to deliver victories to members. At the same time it provides, a way for them to realize a greater return from the fruits of their labor. This combination of advantages should provide a powerful new recruiting tool for those unions—and those companies—with the foresight to embrace employee ownership.

One of the great challenges of the 1980s is how we can tap the abilities and skills of an increasingly well-educated work force. How are we going to enlist their enthusiasm and their commitment? Should they be offered a chance to own or simply a chance to work for those who own?

Congress thinks they ought to have a chance to own it, and that's why Congress has endorsed incentives to expand ownership. A growing number of us—in both the House and the Senate—have undertaken to correct our economic policy to see that we create more than just jobs—to see that we also create owners.

Economic policy should be more than simply an issue of how much new capital is created. It should also be a question of how many new capital estates will be created.

I am reminded of the Presidential election back in 1960 where Sam Rayburn was supporting Lyndon Johnson. He kept telling Lyndon Johnson that in the event that he failed to get that Democratic nomination, under no circumstances should he accept an offer, if it came, to run for Vice President on John Kennedy's ticket.

Sam Rayburn kept saying that right up until the night of the day when Kennedy received the nomination. The next morning he called Lyndon Johnson and came by his room and said, "I've been thinking about it. And I think that if John Kennedy offers you that nomination for Vice President, you ought to take it." Lyndon Johnson said, "Aren't you the same guy that has been telling me for six months that under no circumstances should I do that? In fact, aren't you the guy who last night told me I shouldn't accept that Vice Presidential nomination?" He said, "Yeah, I know, but I'm a much wiser man this morning than I was last night."

It seems to me that the same thing could be true for a lot of us with regard to a stake in ownership. Ownership is the principal area in which the American labor movement has not done all that it could have done for its members.

Just compare that, if you would, for a moment to pensions. You know, these private pension plans got started back in World War II in the main. Back at that time we had the excess profits tax, so that companies that were making what was regarded as excess profits—making a lot more than they had in previous years—we would tax away 90 percent of it.

Well that led to all kinds of situations. For example, it led to a situation down at the Mayflower Hotel where a bunch of three or four fellows sat down and had a few rounds of drinks, and enjoyed themselves for a while, and one fellow says, "Well, I think I'd better go, hand me the check, I'll be glad to pay it. I'm in an excess profits tax situation and it will only cost me 10 cents on the dollar." So another fellow says, "No, let me have it, I'm on an expense account, it won't cost me anything." The third fellow says, "No, let me have it, I've got a cost plus contract and I'll make 10 percent profit."

Well, back at that time to keep the Government from getting all the money, or 90 percent of it, corporations started setting aside pension plans for their executives. And they would set aside the part that would be taxed at 90 percent. They would put that in a retirement plan for their executives. In due course, labor saw it all going there and they started bargaining and said, "Hold on just a minute, we want some of that." And they cut the workers in for it, and that was the beginning of private pensions where many tens of billions of dollars now have been laid aside which will be shared in very large measure by workers.

Organized labor did a good job in getting the workers their share of private pensions. They haven't done the same thing with regard to employee ownership. In other words, if they had started a long time ago, saying, look, we want some stock in the company. While we are working, we think a worker should not only receive a fair day's pay, he ought to get his health insurance and his unemployment insurance. He also ought to have something laid aside for a private pension. In addition to that, we think he ought to have some stock in the company. Every day he works, he gets a little more. And if you did that, it would build up.

Now, those speaking for labor just haven't been asking for it, they could have had it, all they had to do was ask for it. And my job, I guess, has been to try to persuade labor that they ought to be asking for it.

Just as they tried very much to their advantage to insist that their workers and their members be in on the action as far as pensions are concerned, they ought to insist that they also be in on the action as far as having a piece of the economic pie is concerned.

Now all this new plant and equipment between now and the turn of the century—all of that—three trillion dollars, maybe more, is all going to be owned by someone. How much of that productive wealth are these workers going to be able to call their own? Well, that sort of depends upon you here. Some of us would like to see a great deal of it owned by them. Certainly those who helped to make the economic pie are entitled to a slice of it. But if you are doing a good job for them, they will also own a piece of the pie-making machinery.

If there is to be an expansion of capital ownership, certainly the 1980s are an opportune time to make that a reality. There are many reasons for encouraging employee ownership and they are well known by the experts who will be here today. They have experiences that I think will be very useful to all of you.

Employee ownership can create a new environment. It can make the workplace into a community with a sense of commitment and a sense of dignity. Thus far, capital ownership in the United States has been concentrated in the hands of a relatively few. Almost all privately-held corporate stock—about 99 plus percent of it—is owned by only 10 percent of the people and relatively none of it is owned by anybody else.

At the other end of the spectrum we find a sobering statistic presented to us by the National Bureau of Economic Research. According to their studies, for the majority of Americans, their most important wealth is their entitlements under Social Security. Thus, for most Americans, their most important asset is an assurance that their children will be taxed on their behalf.

Well, if we are trying to build something which we can be proud of, where everybody would own part of it, we are moving in the wrong direction in that respect. We want those people to have something to leave their children.

The relative shares of ownership in the U.S., or the relative share of the net worth that you own or those whom you represent own, tends to be about the same as it was when Herbert Hoover took over from Calvin Coolidge. Those relative shares have also remained about the same in the more than 40 years since enactment of the National Labor Relations Act.

This ownership issue goes to the very heart of what sort of economic system we want in the United States—and just what sort of system we intend to leave for future generations.

Well, I hope that you will do something about employee ownership. Capitalism needs a broader constituency and its success depends upon how many capitalists we have. We ought to try to see to it that every worker is a capitalist. Just as a carpenter once owned his own tools, today's worker should own part of the machine he operates.

There are even more significant reasons why this ought to be done. We are trying to prevent socialism or communism from taking over Latin America, from taking over Asia, Europe, and Africa. We need a working model of what we advocate—and we ought to have it here. Rather than simply continuing to make the rich richer, which I hate to say that the bill passed by this Congress—with the sole exception of that little provision about employee stock ownership—will tend to do, shouldn't we instead be working to see to it that all the people share in the bountiful potential of the United States?

Shouldn't we evaluate the long-term consequences of promoting this type of investment stimulus and consider linking a larger portion of our investment incentives to those that provide for broader ownership?

If we had such a model, other nations would be likely to follow our lead. We have the opportunity to provide for that type of leadership with what we have been doing and what we hope to do here.

What could be a better answer to the unfulfilled promise of communism? For example, what if the members of Solidarity in Poland were to own those plants where they work? Wouldn't that largely undermine the

rationale for Soviet-style ownership by the State?

I try to describe the difference between what I advocate in Government and what the communists advocate this way. Under a communist government, the government owns everything, including the people. Under what I advocate, the people own everything, including the Government.

All I am trying to say is, maybe we have been asking the wrong question. Or, at best, an incomplete question. In this technology-rich, capital-intensive age in which we live, shouldn't the worker have a greater stake in the economy than just a job?

Right now, we tend to ask how many people have a job, how many don't have a job? But shouldn't we be asking, even more than that, how many people own something, how many don't? And how much do they own? Because if we haven't improved on what it was fifty years ago, what is the matter with us? Why haven't we been doing something about that?

Isn't it time to look to the future wealth of this nation and to ensure that some significant portion of that wealth is owned by those who toil to create it?

I don't doubt that we will always have a lot of support on both sides of the aisle for expanded ownership. A few months ago I heard Bob Byrd, the Democratic Leader, rise to speak on the prospects for the Democratic Party and I was pleased to hear him say in the course of that speech that the Democratic party ought to be moving forward in the area of employee ownership.

Senator Gary Hart, one of the well-known liberals and one of the outstanding young men of the Congress, speaking on what he thought the Democratic course should be, mentioned the same subject. Bill Bradley, who is one of our rising stars in the Democratic party, said the same thing in a speech he made recently.

State governments are getting into it. Five states so far have enacted legislation to encourage employee ownership. Four others have legislation pending along those lines. All of them would have legislation pending to do something about it if we could just show them what we thought they could do and what we think would be practical under the circumstances as the next step for them. It is easy enough to sell the forward-looking members of the State legislature on the idea that workers ought to own some of it rather than just work for those who own some of it.

We can resurrect this uniquely American vision that this is the land of opportunity. We can offer America as a model for others. And this we must do it we are going to live peaceably with our neighbors and to win their hearts and their minds.

So the task is fairly simple. What we must do is to save this world from something it definitely does not need, by providing it with something that it does need. And this is a good place to start.

Thank you very much.

THE RESCUE OF BRIG. GEN. JAMES L. DOZIER BY THE ITALIAN POLICE

Mr. DOMENICI. Mr. President I send to the desk an unprinted resolution for myself, the distinguished junior Senator from New York, Senator D'AMATO, Senator DECONCINI, Senator BAKER, Senator KENNEDY, Senator PELL, Senator PERCY, Senator ROBERT C. BYRD, Senator BAUCUS, Senator RIEGLE, Senator PRYOR, Senator MURKOWSKI, Senator WILLIAMS, Senator TSONGAS, Senator INOUYE, Senator SASSER, and Senator ZORINSKY, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

S. RES. 312

Whereas United States Brigadier General James L. Dozier was kidnaped on December 17, 1981, from his apartment in Verona, Italy, by members of the Red Brigade terrorist group;

Whereas the Red Brigade has been responsible for committing numerous acts of terrorism in Italy, including the kidnaping and murder in 1978 of former Italian premier Aldo Moro;

Whereas General Dozier is the chief of staff for logistics and administration for the southern command of the North Atlantic Treaty Organization (NATO);

Whereas Italian police conducted an intensive search through much of northern Italy looking for the general and his captors;

Whereas the Italian special antiterrorist police, acting on information from an undisclosed source, made a daring daylight raid on an apartment in Padua, Italy, and rescued General Dozier, unhurt, after 42 days of captivity;

Whereas the Italian police delivered a major blow to the Red Brigade and other terrorist groups through their rescue of General Dozier and their capture of more than 20 suspected terrorists during the period of his captivity; and

Whereas, the Government of Italy has again demonstrated its dedication as an ally and friend of the United States and its commitment to eliminate terrorism while upholding its free and democratic institution: Now, therefore, be it

Resolved, That the Senate hereby expresses its profound sense of relief at the safe rescue on January 28, 1982, of Brigadier General James L. Dozier; commends General Dozier and his family for their courage and strength in this difficult period; and extends heartfelt congratulations and gratitude to the Government of Italy for its dedication and effective efforts to rescue General Dozier and for its success in dealing a major blow to terrorism;

Resolved, That it is the sense of the Senate that the United States should take effective measures to protect American diplomatic and military personnel serving this nation abroad, and should work closely with friends and allies to combat all forms of international terrorism.

SEC. 2. That the Secretary of the Senate shall transmit a copy of this resolution to the President with the request that he transmit such copy to the Government of Italy.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOMENICI. Mr. President, in times of trouble, friends stand by each other. The people of Italy, and their Government, have once again stood out as true friends of our Nation, helping to overcome and avert a possible tragedy.

Gen. James Dozier was rescued from his kidnaping through the skillful, vigorous, and persistent efforts of the Italian police. The terrorism of the infamous Red Brigade, as all terrorism, strikes with violence not to achieve justice, but to destroy freedom. Their intention to attack NATO was thwarted by the Italians' determination to enforce the law. We in America stood by, relying on Italy to aid our fellow countryman. We hoped in the ever-present hope of those who care, for news that he would be found alive, and not just another victim of these senseless international acts of violence.

We owe a deep debt of gratitude to the Italian people for rescuing General Dozier and showing the same, if not greater effort in their search for him, as they would one of their own citizens. Let us hope and pray that neither of our countries will ever have to go through this again.

Mr. President, I yield to the distinguished Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I commend the distinguished Senator from New Mexico and my other cosponsors for joining in the development of this resolution. I am proud to cosponsor this resolution commending the rescue of Gen. James L. Dozier by the Italian police after being held prisoner by the Red Brigade for 42 days.

I was extremely relieved to hear that General Dozier is safe after such a lengthy and arduous period of captivity. The general's return is an extraordinarily happy occasion for his family and all Americans.

The Government of Italy and the Italian law enforcement authorities should be congratulated for their brilliant achievement in combating this latest act of terrorism by the Red Brigade. Through its courage and persistence, the Government of Italy has demonstrated once again its dedication as an ally and friend to the United States.

Terrorism has become a disruptive force in international relations that must be combated and eliminated. The Italian Government's courageous action serves as a reminder that terrorism can and must be defeated worldwide at the same time as we uphold free and democratic institutions. The United States should take further measures to protect American diplomatic and military personnel serving this Nation abroad.

I join in urging that the Senate consider this resolution favorably.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 312) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INDEFINITE POSTPONEMENT OF CERTAIN ITEMS ON THE CALENDAR

Mr. BAKER. Mr. President, there are certain items that are at my desk which appear to have been cleared by the minority. I inquire of the distinguished minority leader if he is in a position to consider certain items on today's Calendar of General Orders. I refer specifically to five items to be indefinitely postponed. They are Calendar Order No. 146, S. 1212; Calendar Order No. 404, House Joint Resolution 341; Calendar Order No. 411, S. 1370; Calendar Order No. 412, S. 1890; and Calendar Order No. 430, Senate Joint Resolution 139.

Mr. ROBERT C. BYRD. Mr. President, the minority is ready to proceed to indefinitely postpone those items en bloc.

Mr. BAKER. I thank the minority leader. In view of that, Mr. President, I ask unanimous consent that the five items just identified be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, there are certain nominations placed on the Secretary's desk in the Air Force, Coast Guard, and Navy that are cleared on this side. Is the minority leader prepared to proceed with their consideration at this time?

Mr. ROBERT C. BYRD. Mr. President, the Senators on this side are ready to proceed.

Mr. BAKER. I thank the Senator.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now go into executive session for the purpose of considering the nominations just identified.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

Mr. BAKER. Mr. President, I ask unanimous consent that the nominations appearing on page 2 of today's Executive Calendar, being nominations placed on the Secretary's desk in the Air Force, Coast Guard, and Navy be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominees were confirmed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I have other requests that appear to be cleared. Let me state them now.

JOINT REFERRAL

Mr. BAKER. Mr. President, I ask unanimous consent that S. 1664, a bill to permit the Federal Emergency Management Agency to have priority access to eccess Federal property from the Defense Department, be jointly referred to the Committees on Armed Services and Governmental Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFERRAL

Mr. BAKER. Mr. President, I ask unanimous consent that S. 1990, a bill to codify the Federal military construction laws, be referred to the Committee on Armed Services and that the Committee on the Judiciary be discharged from further consideration thereof.

The PRESIDING OFFICER. Without objection, it is so ordered.

REREFERRAL

Mr. BAKER. Mr. President, I ask unanimous consent that H.R. 1486, which was referred on the last day of the first session, be discharged from the Committee on Energy and Natural Resources and rereferred to the Committee on Environment and Public Works where its companion measure was referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT—S. 234

Mr. BAKER. Mr. President, I ask unanimous consent that S. 234 be star printed to reflect the following title change: "A bill to amend the Public Health Service Act to encourage the establishment of home health programs, to amend the Social Security Act to provide expanded coverage of home health services and to provide coverage of home health services under the medicare and medicaid programs for the elderly and disabled, and to amend the Internal Revenue Code of 1954 to provide a credit for households with certain qualified disabled dependents."

Further, I ask unanimous consent that the following Senators be added as cosponsors to S. 234: Senators KENNEDY, PELL, and LEAHY.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEATH OF PALDEN THONDUP NAMGYAL, CHOGYAL OF SIKKIM

Mr. PELL. Mr. President, over the weekend, I received the sad news that the Chogyal and former ruler of the once independent country of Sikkim, Palden Thondup Namgyal, had died. The Chogyal's death serves as a reminder of the tragic fate of the Chogyal and his country. And, as a friend of the Chogyal and as honorary chairman of the friends of Sikkim, I am particularly sad.

Sikkim is one of the world's loveliest places. Located in the Himalayan range on the border between India and Tibet, it is a land of deep valleys, terraced croplands, and spectacular vistas. For centuries, Sikkim's remoteness protected its people and their idyllic way of life from the intrusion of foreign conquerors. Sikkim's rulers fit very much into the peaceful life of their subjects. Almost always accessible, Palden Thondup Namgyal and his predecessors personally heard the complaints of subjects, settled disputes, dispensed justice, and sponsored the country's Buddhist monasteries and lamas.

Prince Palden Namgyal, who became Chogyal, or King, upon the death of his father in 1964 continued Sikkim's tradition of personal, gentle, and humane government. The Chogyal, and his American-born queen, Hope Cooke, traveled extensively through their land. In addition to performing the traditional tasks of kingship, the Chogyal worked to bring the benefits of the 20th century to his people. Schools and roads were built; new agricultural techniques were introduced; a handicraft industry was set up; diseases and illiteracy were attacked. The Chogyal's campaign was a partnership with his people and was carried out with the support of the country's democratically elected legislature.

By the midsixties the Chogyal realized his country could no longer remain immune from the international developments around it. Tension and sporadic conflict along the India-Tibet border made Sikkim a strategic asset to India. While scrupulously abiding by its treaty commitments giving India control of Sikkim's external and defense policies, the Chogyal sought to protect his country's sovereignty by a more independent world

posture including eventual membership in the United Nations. This proved unacceptable to Mrs. Gandhi's government which helped engineer the Chogyal's downfall, and then in a cynical act contrary to Indian professions of a belief in self-determination, annexed Sikkim. Through the ordeal of the coup and takeover, the Chogyal remained in the capital, Gangtok, a heroic symbol of his country's lost independence.

I know that I hope to honor the Chogyal's memory by helping keep alive the cause of Sikkim's freedom. As responsible members of the world community we must not again let an independent nation be swallowed up in silence.

The Chogyal's passing will be mourned by the ordinary people of Sikkim and by his many friends around the world. My sympathy and deepest condolences go to his mother the Gyalum of Sikkim, his children, Crown Prince Wongchuk, Princess Yangchen Abraham, Palden, and Hope Leezum, his brother Prince Jigdal and his sister princess Pema.

I ask unanimous consent that the Chogyal's obituary from the New York Times of January 31, 1982, be inserted in the CONGRESSIONAL RECORD at this point.

There being no objection, the obituary was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 31, 1982]

PALDEN THONDUP NAMGYAL, THE DEPOSED KING OF SIKKIM

(By Albin Krebs)

The deposed King of Sikkim, Palden Thondup Namgyal, who had been undergoing treatment for cancer in New York, died Friday night from complications following an operation at Memorial Sloan-Kettering Cancer Center. He was 58 years old. A family spokesman said the King's body would be flown home to Sikkim for the funeral.

The King came to worldwide attention in the early 1960's when, as Prince of Sikkim, the former Himalayan protectorate of India that has since become an Indian state, he became engaged to an American debutante, Hope Cooke.

The engagement was announced in 1961, but the wedding was put off for more than a year as astrologers in both Sikkim and India warned that 1962 was an inauspicious year for marriages.

The couple were also made aware that the Indian Government disapproved of the marriage of the Prince, a Buddhist leader, to a foreigner, an Episcopalian. But the Prince brushed aside those objections. Miss Cooke did not convert to Buddhism.

The royal wedding took place on March 20, 1963, in a monastery in Gangtok, the capital of Sikkim. Looking on as the couple were united in marriage by 14 lamas were an array of richly robed maharajas, bejeweled maharanis and a dozen Indian and Sikkimese generals. Representing President John F. Kennedy was his Ambassador to India, John Kenneth Galbraith.

GREATER AUTONOMY SOUGHT

After the couple settled down in Gangtok, Prince Palden Namgyal made plans to seek more independence from India. He envisioned a Sikkim that would conduct its own foreign and military affairs and one day enter the United Nations.

He assumed power as Chogyal, or King, immediately upon the death of his father, Sir Tashi Namgyal, in 1964. But he and his wife were not crowned until April 4, 1965, a date selected after consultation with astrologers and Buddhist oracles and lamas.

The Chogyal ruled over some 200,000 subjects in a country the size of Delaware, a land rising 5,000 feet above sea level in the Himalayas, bordered by India, Bhutan, Nepal and China. He said he intended to strengthen the national identity of his country, promising to banish poverty, ignorance and disease and make Sikkim a paradise on earth.

Eight years later, in 1973, his dreams were shattered by a domestic coup and Indian intervention. He was stripped of his powers and cloistered in his palace under virtual house arrest. His wife and their two children fled Sikkim to live in New York. In 1975, the legislature in Sikkim formally deposed him and abolished the monarchy.

PROCLAIMED A LIVING SAINT

Palden Thondup Namgyal, who was born May 22, 1923, came from a royal house of Tibetan origin in Kham Province. At birth he was proclaimed a living saint and recognized as spiritual head of two Buddhist monastaries.

His father was an intensely religious man and, as Sikkim's spiritual leader, preferred attending to Buddhist affairs than to matters of state.

Prince Namgyal was to have studied at Cambridge University, but in 1941 his older brother, Paljot, was killed in action while serving as an officer in the Indian Air Force. Namgyal became heir to the throne of Sikkim and, by default, began running the affairs of state.

In 1950, the future king married Sangay Deki, daughter of a Tibetan nobleman. She died in 1957, after bearing two sons and a daughter.

Two years later, in Darjeeling, India, about 25 miles from Gangtok, Prince Palden Namgyal, then 36 years old met Miss Cooke, then an 18-year-old college student, who was spending the summer in Europe and Asia.

For nearly a decade after their marriage, the King and his consort sought to bring the 20th century to Sikkim. He built schools, roads and hospitals and encouraged the setting up of small handcraft industries.

RELATIONS WITH INDIA DECLINED

The King's downfall came as a result of his increasingly cool relations with India and with antiroyalist political leaders in Sikkim itself. India, which had always considered Sikkim of strategic importance because of its border with China, apparently decided in 1973 that the King had gone far enough in his campaign for Sikkimese autonomy.

After the monarchy's abolition in 1975, the deposed King retained the title of Chogyal, which has religious as well as political meaning, but he was placed under virtual house arrest.

While relations between the King and his wife remained cordial, Mrs. Namgyal obtained a separation in 1978 and an uncontested divorce in 1980.

Since 1979, the Government in Gangtok had permitted the Chogyal to enter and leave Sikkim, but not to travel freely within the state, and he made several trips to New York.

The King is survived by his mother, the Gyalum of Sikkim; two sons, Crown Prince Wongchuk of Gangtok and Palden of New York; two daughters, Princess Yangchen Abraham and Hope Leezum, both of New York; a brother, Prince Jigdal, and a sister, Princess Pema, both of Gangtok.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT ON FEDERAL ENERGY CONSERVATION PROGRAMS—MESSAGE FROM THE PRESIDENT—PM 106

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

In accordance with the requirements of Section 381(c) of the Energy Policy and Conservation Act (42 U.S.C. 6361(c)), I hereby transmit the 1980 Annual Report on Federal Energy Conservation Programs. The period covered by the report precedes my term of office.

RONALD REAGAN.

THE WHITE HOUSE, *February 2, 1982.*

PROPOSED AGREEMENT BETWEEN THE UNITED STATES AND PEOPLE'S REPUBLIC OF BANGLADESH—MESSAGE FROM THE PRESIDENT—PM 107

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit to the Congress, in accordance with section 123 d of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(d)), the text of the proposed Agreement for Cooperation Between the United States of America and the People's Republic of Bangladesh Concerning Peaceful Uses

of Nuclear Energy and accompanying annex and agreed minute; my written determination, approval, and authorization concerning the agreement; and the memorandum of the Director of the United States Arms Control and Disarmament Agency with the Nuclear Proliferation Assessment Statement concerning the agreement. The joint memorandum submitted to me by the Secretaries of State and Energy, which includes a summary analysis of the provisions of the agreement, and the views and recommendations of the Members of the Nuclear Regulatory Commission and the Director of the United States Arms Control and Disarmament Agency are also enclosed.

The Nuclear Non-Proliferation Act of March 10, 1978 sets forth certain requirements for new agreements for peaceful nuclear cooperation with other countries. In my judgment, the proposed agreement for cooperation between the United States and Bangladesh, together with its accompanying annex and agreed minute, meets all statutory requirements.

The proposed bilateral agreement reflects the desire of the Government of the United States and the Government of Bangladesh to establish a framework for peaceful nuclear cooperation between our two countries in a manner which recognizes both the shared non-proliferation objectives and the friendly and harmonious relations between the United States and Bangladesh. The proposed agreement will, in my view, further the non-proliferation and other foreign policy interests of the United States.

I have considered the views and recommendations of the interested agencies in reviewing the proposed agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the agreement and authorized its execution, and urge that the Congress give it favorable consideration.

RONALD REAGAN.

THE WHITE HOUSE, *February 2, 1982.*

ENROLLED JOINT RESOLUTION SIGNED DURING RECESS

On January 29, 1982, during the recess of the Senate the Secretary of the Senate received a message from the House of Representatives announcing that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 382. Joint resolution to permit the broadcasting in the United States of the International Communication Agency film "Let Poland Be Poland: A Day of Solidarity With the People of Poland".

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. WARNER) on January 29, 1982.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources, without amendment:

S. Res. 309. An original resolution authorizing expenditures by the Committee on Labor and Human Resources: referred to the Committee on Rules and Administration.

By Mr. LUGAR (for Mr. GOLDWATER), from the Select Committee on Intelligence, without amendment:

S. Res. 310. An original resolution authorizing expenditures by the Select Committee on Intelligence; referred to the Committee on Rules and Administration.

By Mr. COHEN, from the Select Committee on Indian Affairs, without amendment:

S. Res. 311. An original resolution authorizing expenditures by the Select Committee on Indian Affairs for inquiries and investigations; referred to the Committee on Rules and Administration.

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S.J. Res. 130. Joint resolution designating February 22, 1982, the two hundred and fiftieth anniversary of the birth of George Washington, a "Day of National Celebration"; and

S.J. Res. 141. Joint resolution designating February 7 through February 13, 1982, as "National Crime Prevention Week".

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S. Res. 253. A resolution expressing the sense of the Senate on "National Circle K Week".

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

Edward W. Ray, of California, to be a Commissioner of the Copyright Royalty Tribunal for the unexpired term of 5 years from September 27, 1977;

Alan C. Nelson, of California, to be Commissioner of Immigration and Naturalization;

William J. Jones, Jr., of Texas, to be U.S. marshal for the western district of Texas for the term of 4 years;

Eugene H. Davis, of Utah, to be U.S. marshal for the district of Utah for the term of 4 years;

George L. McBane, of North Carolina, to be U.S. marshal for the middle district of North Carolina for the term of 4 years;

Thomas A. O'Hara, Jr., of Nebraska, to be U.S. marshal for the district of Nebraska for the term of 4 years;

Stuart E. Earnest, of Oklahoma, to be U.S. marshal for the western district of Oklahoma for the term of 4 years;

Stephen S. Trott, of California, to be U.S. attorney for the central district of California for the term of 4 years;

William F. Weld, of Massachusetts, to be U.S. attorney for the district of Massachusetts for the term of 4 years;

Lamond Robert Mills, of Nevada, to be U.S. attorney for the district of Nevada for the term of 4 years;

James T. Moody, of Indiana, to be U.S. district judge for the northern district of Indiana;

Michael S. Kanne, of Indiana, to be U.S. district judge for the northern district of Indiana; and

Robert H. Bork, of the District of Columbia, to be U.S. Circuit Judge for the District of Columbia Circuit.

REFERRAL OF BILL S. 2035

The bill (S. 2035) to establish a National Court of Appeals, and for other purposes, which was ordered held at the desk on January 29, 1982, was referred to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. QUAYLE (for himself, Mr. KENNEDY, Mrs. HAWKINS and Mr. PELL):

S. 2036. A bill to provide for a job training program, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. QUAYLE:

S. 2037. A bill to amend title 38, United States Code, to establish an employment and job training program exclusively for certain veterans, and for other purposes; to the Committee on Veterans Affairs.

By Mr. QUAYLE (for himself and Mr. PELL):

S. 2038. A bill to provide of demonstration projects under which the Secretary of Defense may require a contractor under certain defense contracts to provide training in skilled occupations in which there is a substantial shortage and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KASTEN:

S. 2039. A bill for the relief of Margit Liberda and her daughter, Veronika Koszegi; to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 2040. A bill for the relief of Marina Maximiana Morados Ayo; to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 2041. A bill for the relief of Grace Victoria Ibanez; to the Committee on the Judiciary.

By Mr. PRYOR (for himself and Mr. BUMPERS):

S. 2042. A bill to make the 1982 program for rice applicable to the 1981 crop of rice; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HUMPHREY:

S. 2043. A bill to amend title 18, United States Code, to provide criminal penalties for the mailing of identification documents bearing a false birthdate; to the Committee on the Judiciary.

By Mr. COCHRAN:

S. 2044. A bill to amend the Copyright Law regarding work for hire; to the Committee on the Judiciary.

By Mr. COCHRAN (for himself, Mr. STENNIS, Mr. LONG, and Mr. JOHNSTON):

S. 2045. A bill granting the consent of the Congress to an interstate compact between the States of Mississippi and Louisiana establishing a commission to study the feasibility of rapid rail transit service between

the two States; to the Committee on the Judiciary.

By Mr. HATCH:

S. 2046. A bill for the relief of Carolyn Angela Quesne; to the Committee on the Judiciary.

By Mr. RIEGLE (for himself and Mr. LEVIN):

S. 2047. A bill to amend the Federal Unemployment Tax Act to repeal the penalty provision relating to employers in States with outstanding loan balances, and to suspend loan repayment and interest requirements for States having a high unemployment rate; to the Committee on Finance.

By Mr. CRANSTON (for himself, Mr. RANDOLPH, Mr. MATSUNAGA, Mr. DECONCINI and Mr. MITCHELL):

S. 2048. A bill to amend title 38, United States Code, to restore eligibility for burial benefits in the case of certain veterans of war whose bodies are not claimed, and for other purposes; to the Committee on Veterans Affairs.

By Mr. CHILES:

S. 2049. A bill to amend title 13, United States Code, to require that the most currently produced population data obtained by the Census Bureau be used in determining benefits received by the State and local governments under Federal programs; to the Committee on Governmental Affairs.

By Mr. CHILES:

S. 2050. A bill to amend section 104 of the River and Harbor Act of 1958, Public Law 85-500 as amended, to increase the annual funding authority for the aquatic plant control program; to the Committee on Environment and Public Works.

By Mr. DANFORTH (for himself, Mr. MOYNIHAN, Mr. BENTSEN, Mr. WALLOP, Mr. MITCHELL, Mr. HEINZ, Mr. SYMMS, Mr. COHEN, Mr. GORTON, and Mr. JACKSON):

S. 2051. A bill to amend the Internal Revenue Code of 1954 to deny the deduction for amounts paid or incurred for certain advertisements carried by certain foreign broadcasting undertakings; to the Committee on Finance.

By Mr. HATCH:

S. 2052. A bill for the relief of Raul M. Melgar, Maria Christina Ray de Melgar, Steven Marcelo Melgar, and Serrana Ivon Melgar; to the Committee on the Judiciary.

By Mr. DECONCINI:

S. 2053. A bill to amend the Internal Revenue Code of 1954 to increase and make permanent the exclusion from gross income of interest on all-savers certificates; to the Committee on Finance.

By Mr. SPECTER (for himself, Mr. PERCY, Mr. PELL, Mr. BOSCHWITZ, and Mr. ZORINSKY):

S.J. Res. 142. A joint resolution to authorize and request the President to issue a proclamation designating March 21, 1982, as Afghanistan Day, a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH, from the Committee on Labor and Human Resources:

S. Res. 309. An original resolution authorizing expenditures by the Committee on Labor and Human Resources; to the Committee on Rules and Administration.

By Mr. LUGAR (for Mr. GOLDWATER), from the Select Committee on Intelligence

S. Res. 310. An original resolution authorizing expenditures by the Select Committee on Intelligence; to the Committee on Rules and Administration.

By Mr. COHEN, from the Select Committee on Indian Affairs;

S. Res. 311. An original resolution authorizing expenditures by the Select Committee on Indian Affairs; to the Committee on Rules and Administration.

By Mr. DOMENICI (for himself, Mr. D'AMATO, Mr. DECONCINI, Mr. BAKER, Mr. KENNEDY, Mr. PELL, Mr. PERCY, Mr. ROBERT C. BYRD, Mr. BAUCUS, Mr. RIEGEL, Mr. PRYOR, Mr. MURKOWSKI, Mr. WILLIAMS, Mr. TSONGAS, Mr. INOUYE, Mr. SASSER, and Mr. ZORINSKY):

S. Res. 312. A resolution expressing the sense of the Senate with respect to the rescue of Brig. Gen. James L. Dozier by the Italian police; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. QUAYLE (for himself, Mrs. HAWKINS, and Mr. PELL):

S. 2036. A bill to provide for a job training program and for other purposes; to the Committee on Labor and Human Resources.

By Mr. QUAYLE:

S. 2037. A bill to amend title 38, United States Code, to establish an employment and job training program exclusively for certain veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. QUAYLE (for himself and Mr. PELL):

S. 2038. A bill to provide for demonstration projects under which the Secretary of Defense may require a contractor under certain defense contracts to provide training in skilled occupations in which there is a substantial shortage, and for other purposes; to the Committee on Labor and Human Resources.

(Remarks on this legislation appear earlier in today's RECORD.)

By Mr. PRYOR (for himself and Mr. BUMPERS):

S. 2042. A bill to make the 1982 program for rice applicable to the 1981 crop of rice; to the Committee on Agriculture, Nutrition, and Forestry.

APPLICABILITY OF RICE PROGRAM TO 1981 RICE CROP

● Mr. PRYOR. Mr. President, last week I addressed the Senate concerning the situation facing America's farmers. In that speech I proposed 10 various items that I feel would help restore some of the stability, predictability, and profit to our Nation's most basic industry.

I am happy and privileged to say that some of these items have now been implemented by the new discretionary authority given Secretary of Agriculture Block in the 1981 farm bill. I applaud the Secretary and the administration for recognizing the farming situation and trying to implement a change. It was a positive step that benefits our most efficient productive unit—the farmers of America.

Today, Mr. President, I want to introduce on behalf of myself and Senator BUMPERS a bill that further attempts to help our agricultural sector—specifically, the rice producers. This bill will allow all rice producers to put their 1981 rice crop in the Commodity Credit Corporation nonrecourse loan program. At the present time, the only 1981 rice eligible for this program is the old allotment holder.

In Arkansas, for example, only 27 percent of our total 1981 rice crop is eligible for the CCC loan program. This bill would not only help the 73-percent producers in Arkansas who are ineligible. It will also help all ineligible producers throughout the rice growing areas of this country.

This program would give value to the stored rice and give the depressed rice industry another marketing alternative. Our rice market is burdened by oversupply and this new alternative could be extremely critical to our producers. It could mean the difference, for some of our farmers, between going under and survival. For others, it would afford some much needed marketing flexibility.

Mr. President, this bill helps to correct an inequity that the 1981 farm bill has recognized. Starting in 1982, all rice producers will be eligible for the loan program, as well as the target price deficiency payment program. We have therefore recognized that all producers should be free to participate.

I think the current situation dictates that we also allow this 1981 rice crop to participate. I must remind the Senate that this program is exactly what it says. It is a loan program. There has been no significant impact to our Treasury. This Congress recognized that it was a good investment in the crops of rice from 1982 to 1985. Surely this is a strong argument for allowing 1981 rice to take part as well.

I hope the Senate will rally behind our farmers and realize the burden they now face. I invite other colleagues to join me as a cosponsor in helping alleviate an inequity that we have corrected for future rice crops. I am pleased that my colleague from Arkansas Senator BUMPERS is a cosponsor. Our rice producers need the ability to participate in the CCC nonrecourse loan program with their 1981 crop.

Our farmers' situation is critical. It demands our immediate attention.

I ask that the text of the bill be printed in the RECORD.

There being no objections, the bill was ordered to be printed in the RECORD, as follows:

S. 2042

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 602 of the Agriculture and Food Act of 1981 (Public Law 97-98) is amended by striking out "Effective only for the 1982" and inserting in lieu thereof "Effective only for the 1981".

SEC. 2. Section 101(i) of the Agricultural Act of 1949, as added by section 602 of the Agriculture and Food Act of 1981 (Public Law 97-98) is amended by striking out "1982 through 1985" each place it appears and inserting in lieu thereof "1981 through 1985".●

● Mr. BUMPERS. Mr. President, I am pleased to cosponsor this legislation being introduced by my colleague from Arkansas (Mr. PRYOR). It will allow all rice producers to be eligible for Commodity Credit Corporation (CCC) loans on their 1981 rice crop. This measure will provide assistance to many farmers who are suffering from unbelievably low prices and rapidly rising costs.

The 1981 farm bill, now Public Law 97-98, repealed all acreage allotments for rice starting with this year's crop. This means that all rice producers from now on will be eligible for loan and target price protection. However, the 1981 crop was covered by the 1977 farm bill and it allowed a producer to be eligible for program benefits only if he had an acreage allotment.

In Arkansas, since only 27 percent of the 1981 crop was covered by an acreage allotment, this means that 73 percent of the rice grown in my State was not eligible for CCC loan. This has created an extremely difficult situation for literally thousands of Arkansas farmers who produced a record rice crop, but have no place to sell it. They can not put it under CCC loan because it is not eligible and, unless the export markets improve dramatically in the next few weeks, there is no relief in sight. This bill will simply allow these farmers to put their crop under CCC loan—a loan which will be repaid with interest, so there is going to be little or no cost to the Federal Government.

Mr. President, I commend my colleague from Arkansas (Mr. PRYOR) for offering this legislation and I urge the Senate to act quickly on this measure. Virtually no cost will be involved, but allowing the entire 1981 rice crop to go under CCC will provide thousands of farmers with much-needed cash so that they can finalize their plans for the coming year and not be forced out of business.●

By Mr. HUMPHREY:

S. 2043. A bill to amend title 18, United States Code, to provide criminal penalties for the mailing of identification documents bearing a false birthdate; to the Committee on the Judiciary.

PROCUREMENT OF FALSE IDENTIFICATION BY MINORS

● Mr. HUMPHREY. Mr. President, I am today introducing a bill to amend our criminal code, which most will agree is long overdue. This legislation is somewhat unique in that it simultaneously touches upon two separate and distinct problems; namely, the proliferating use of false identification and the rising incidence of teenage alcoholism and alcohol abuse.

My bill would impose criminal penalties on commercial suppliers of identification documents who, through use of the mails, provide minors with certain false documents that can be used to purchase alcoholic beverages. A broad range of exculpatory defenses are included which insure that only those who provide minors with identification bearing a false birth date shall be liable for prosecution, and even then only if they fail to follow certain verification standards. Several public and private concerns are exempt from compliance with these standards in order to direct the deterrent effect at those entities blatantly responsible for supplying minors with identification documents bearing a false birth date.

The problem with false identification for minors derives in part from the ample availability of false documents used for a variety of illicit but apparently lucrative purposes. By one Federal estimates, $16 billion worth of fraud results each year from the use of fake identification. And yet, quoting from an April U.S. News & World Report article on phoney identification, "Five years after a Justice Department study calling for a crackdown, phoney identification documents are still as easy to get in this country as bubble gum." It is possible, through the mails or otherwise, to buy an official looking identification card carrying your picture, description, fingerprint, signature—and any birth date you desire. Most businesses selling such cards do so without asking for any identification. The availability of these documents makes it that much easier for minors to establish a credible false age identity.

The use of these and other similar types of identification can only contribute to an already staggering but often overlooked alcohol abuse problem among our youth. A comprehensive nation survey in 1978 revealed that 48.7 percent of all 10th through 12th graders were considered moderate to heavy drinkers; and by that I mean they drank alcohol at least once a week—or once a month in large amounts per typical drinking occasion. I am talking about 15, 16, and 17 year-old adolescents. In quantitative terms, the National Institute on Alcohol Abuse and Alcoholism estimates that there are more than 3 million adolescents between the ages of 14 and 17 who engage in substantial alcohol consumption.

As legislators, we have an obligation, not just to society in general, but to all of these children, to see that measures are taken to reduce the availability of alcoholic beverages to minors. My bill takes a reasonable step in that direction. We cannot afford to sit idle while commercial mail-order houses from coast to coast make false identification available to minors. We must be willing to take countermeasures against publications such as "The Paper Trip" which provides information on how to get false identification for underaged people.

Mr. Stephen M. Weglian of the Justice Department summed up the false identification situation quite well when he stated,

I'm the shepherd of a dwindling flock. This problem is so complex it's hard to focus interest on it. Everyone is against phoney I.D.s, but no one wants to take the time to do anything about them.

Well, as chairman of the Labor and Human Resources Subcommittee on Alcoholism and Drug Abuse, I am going to take the time to do something about them. My bill will cut back significantly the commerical availability of false identification for minors. At a time when teenage alcoholism and alcohol abuse is reaching unexcelled proportions, this legislation could not be more appropriate. I urge my colleagues to join with me in cosponsoring this measure.

I ask unanimous consent that the test of the bill be printed in the RECORD at the conclusion of these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2043

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 83 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1738. Identification documents bearing a false birthdate

"(a) Whoever willfully uses the mails for the mailing, carriage in the mails, or delivery of any identification document, certificate, paper, or card intended primarily for identification purposes, which bears a birthdate purported to be that of the person identified, which has not been verified pursuant to subsection (b), shall be fined not more than $5,000 or imprisoned not more than ten years, or both.

"(b) For purposes of subsection (a), an identification document is verified if the sender obtains adequate assurances that—

"(1) the birthdate is an accurate reflection of the date of birth of the person purported to be identified; or

"(2) that the person purported to be identified is 21 years of age or older.

For purposes of this subsection, adequate assurances means an official written certification or communication, on official stationery, if applicable, from the Federal Government, any State government, any town, city, or municipal government, a physician registered or licensed with any State, or any hospital or clinic licensed within a State.

"(c) It is an affirmative defense to this section if—

"(1) the date of birth of the person purported to be identified is the date indicated on the identification;

"(2) the person purported to be identified was 21 years or older on the date the identification was mailed; or

"(3) the identification was mailed in the course of routine business by the Federal Government, any State government, any town, city, or municipal government, a physician registered or licensed with any State, or any hospital or clinic licensed within a State.".

(b) The listing for the table of sections of chapter 83 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"1738. Identification documents bearing a false birthdate."

SEC. 2. Section 3001(a) of title 39, United States Code, is amended by striking out "or 1718" and inserting in lieu thereof ", 1718, or 1738".●

By Mr. COCHRAN:

S. 2044. A bill to amend the Copyright Law regarding work for hire; to the Committee on the judiciary.

WORK MADE FOR HIRE

● Mr. COCHRAN. Mr. President, today I am introducing legislation to amend the copyright law to clarify the definition of a "work made for hire." The need for this definitional clarification was brought to my attention by Mr. Bern Keating of Greenville, Miss., who is president of the Travel Journalists Guild. Mr. Keating is also a member of the Authors Guild, the Society of American Travel Writers, the American Society of Journalists and Authors, and the Overseas Press Club, and his views reflect the widespread interest and concern of the literary community in securing enactment of this amendment.

The amendment is quite simple. The definition of a "work made for hire" in section 101 of title 17 of the United States Code would be amended to exclude from its coverage a work composed as (1) a contribution to a collective work, which encompasses magazine articles and anthologized short stories, (2) a part of a motion picture or other audiovisual work, and (3) an instructional text.

Such a change in this definition would protect the author's copyright in the works described, except where express agreement is made to do so otherwise, while continuing to cover as a "work made for hire" such minor subsidiary contributions as translations, indexes, maps, etc.

I might add that this amendment also brings the definition for a "work made for hire" in section 101 into line with the provisions in section 201 concerning the copyright ownership of works made for hire and contributions to a collective work. Thus the congressional intent to exclude these items has been expressed previously in section 201.

Mr. President, it is my understanding that the Judiciary Committee is reviewing several issues in the area of copyright law and plans to conduct oversight hearings in this regard. I hope that the committee will take this opportunity to investigate this matter of great concern to authors and journalists.

I ask unanimous consent that the text of the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2044

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Section 101 of title 17, United States Code, is amended in clause (2) of the definition of "work made for hire" by—

(1) striking out "as a contribution to a collective work, as a part of a motion picture or other audiovisual work,";

(2) striking out "as an instructional text"; and

(3) striking out "indexes," through the end of such clause and inserting in lieu thereof "indexes.".●

By Mr. COCHRAN (for himself, Mr. STENNIS, Mr. LONG, and Mr. JOHNSTON):

S. 2045. A bill granting the consent of Congress to an interstate compact between the States of Mississippi and Louisiana establishing a commission to study the feasibility of rapid rail transit service between the two States; to the Committee on the Judiciary.

INTERSTATE COMPACT ON RAPID RAIL SERVICE

● Mr. COCHRAN. Mr. President, on behalf of Senators STENNIS, JOHNSTON, LONG, and myself, I am introducing today legislation seeking congressional approval for the Mississippi-Louisiana rapid rail transit interstate compact. This compact, agreed to by Governors William Winter and David Treen, has received the approval of the Mississippi and Louisiana legislatures.

As my colleagues are aware, our Constitution, article I section 10, clause 3, requires that Congress consent to interstate compacts entered into by sister States.

The purpose of this compact is to study the feasibility of rapid rail service between the gulf coast and New Orleans. It provides for the creation of a joint agency, the Mississippi-Louisiana Rapid Transit Commission, to conduct this study.

With the continuing growth in industry and tourism on the gulf coast and with the upcoming World's Fair in New Orleans in 1984, it is imperative that a transportation system be developed for this area that can accommodate increasing tourist and commuter need.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2045

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress consents to the compact entered into between the States of Mississippi and Louisiana establishing a commission to study the feasibility of providing rapid rail transit service between the two States, which compact was approved on April 23, 1981, by the State of Mississippi, and was approved on July 15, 1980, and approved as amended on July 7, 1981, by the State of Louisiana. Such compact is as follows:

"MISSISSIPPI-LOUISIANA RAPID RAIL TRANSIT COMPACT

"ARTICLE I. The purpose of this compact is to study the feasibility of rapid rail transit service between the States of Mississippi and Louisiana and to establish a joint interstate commission to assist in this effort.

"ARTICLE II. This compact shall become effective immediately as to the States ratifying it whenever the States of Louisiana and Mississippi have ratified it and Congress has given consent thereto. Any State not mentioned in this article which is contiguous with any member State may become a party to this compact, subject to approval by the legislature of each of the member States.

"ARTICLE III. The States which are parties to this compact (hereinafter referred to as 'party States') do hereby establish and create a joint agency which shall be known as the Mississippi-Louisiana Rapid Rail Transit Commission (hereinafter referred to as the 'Commission'). The membership of such Commission shall consist of the Governor of each party State, one (1) representative each from the Mississippi Energy and Transportation Board, or its successor, and the Office of Aviation and Public Transportation of the Louisiana Department of Transportation and Development, or its successor, five (5) other citizens of each party State, to be appointed by the Governor thereof. The appointive members of the Commission shall serve for terms of four (4) years each. Vacancies on the Commission shall be filled by appointment by the Governor for the unexpired portion of the term. The members of the Commission shall not be compensated for service on the Commission, but each of the appointed members shall be entitled to actual and reasonable expenses incurred in attending meetings, or incurred otherwise in the performance of his duties as a member of the Commission. The members of the Commission shall hold regular quarterly meetings and such special meetings as its business may require. They shall choose annually a chairman and vice-chairman from among their members, and the chairmanship shall rotate each year among the party States in order of their acceptance of this compact. The Commission shall adopt rules and regulations for the transaction of its business and a record shall be kept of all its business. It shall be the duty of the Commission to study the feasibility of providing interstate rapid rail transit service between the party States. Toward this end, the Commission shall have power

to hold hearings; to conduct studies and surveys of all problems, benefits and other matters associated with such service, and to make reports thereon; to acquire, by gift, grant, or otherwise, from local, State, Federal, or private sources all such money or property as may be provided for the proper performance of their function, and to hold and dispose of same; to cooperate with other public or private groups, whether local, State, regional, or national, having an interest in such service; to formulate and execute plans and policies for emphasizing the purpose of this compact before the Congress of the United States and other appropriate officers and agencies of the United States; and to exercise such other powers as may be appropriate to enable it to accomplish its functions and duties and to carry out the purposes of this compact.

"ARTICLE IV. Each party State agrees that its legislature may, in its discretion, from time to time make available and pay over to the Commission funds for the establishment and operation of the Commission. The contribution of each party State shall be in equal amounts, if possible, but nothing in this article shall be construed as binding the legislature of either State to make an appropriation of a set amount of funds at any particular time.

"ARTICLE V. Nothing in this compact shall be construed so as to conflict with any existing statute, or to limit the powers of any party State, or to repeal or prevent legislation, or to affect any existing or future cooperative arrangement or relationship between any Federal agency and a party State.

"ARTICLE VI. (1) This compact shall continue in force and remain binding upon each party State until the legislature or Governor of each or either State takes action to withdraw therefrom. However, any such withdrawal shall not become effective until six (6) months after the date of the action taken by the legislature or Governor. Notice of such action shall be given to the other party State or States by the Secretary of State of the party State which takes such action.

"(2) There is hereby granted to the Governor, to the members of the Commission for Louisiana, and to the compact administrator all the powers provided for in the compact and in this section. All officers of the State of Mississippi are hereby authorized and directed to do all things falling within their respective jurisdictions which are necessary or incidental to carrying out the purpose of the compact.".

SEC. 2. The right to alter, amend, or repeal this Act is expressly reserved.●

Mr. RIEGLE (for himself and Mr. LEVIN):

S. 2047. A bill to amend the Federal Unemployment Tax Act to repeal the penalty provision relating to employers in States with outstanding loan balances, and to suspend loan repayment and interest requirements for States having a high unemployment rate; to the Committee on Finance.

OUTSTANDING LOAN BALANCES UNDER THE FEDERAL UNEMPLOYMENT TAX ACT

● Mr. RIEGLE. Mr. President, I am today introducing legislation to provide much-needed relief from burdensome penalty taxes facing employers in Michigan and other States with outstanding loans from the Federal Government to finance their unemployment insurance systems.

In my opinion, the unemployment compensation program in Michigan and in many other Northeastern and Midwestern States is today facing the greatest crisis of its more than 40-year history.

Ever since it was conceived in the depths of the Great Depression, the unemployment compensation program has played a critical role in providing income support to workers who have lost their jobs and in stabilizing the national economy by cushioning the impact of high unemployment. But today this system is staggering under the burden of repaying loans incurred to finance benefits during the string of recessions in the seventies and early eighties.

States whose unemployment insurance trust funds are inadequate to meet benefit payments may borrow from the Federal Government for this purpose. My own State of Michigan, which has endured 24 consecutive months of double digit unemployment, has been forced to borrow some $1.2 billion from the Federal Government since January 1980, and anticipates that its total borrowing will reach $1.5 billion by the end of 1982. Although Michigan has received similar advances in the past and repaid them on time, this time the prospects for repayment in the immediate future are bleak. Michigan is not the only State which has been forced to borrow in order to meet benefit payments. The outstanding indebtedness of the States to the Federal Government today stands at more than $6.696 billion.

The following table illustrates the dimensions of the problem.

Mr. President, I ask unanimous consent that a table showing the dimensions of this problem be printed in the RECORD at this point.

There being no objection, the table was ordered printed in the RECORD, as follows:

States with outstanding loan balances as of Jan. 31, 1982

	Amount
Arkansas	$64,000,000.00
Connecticut [1]	320,923,493.59
Delaware [1]	52,344,824.01
District of Columbia [1]	51,109,847.32
Illinois [1]	1,565,308,335.46
Kentucky	52,121,000.00
Maine [1]	31,443,539.15
Michigan	1,205,000,000.00
Minnesota	121,200,000.00
New Jersey [1]	607,597,221.88
Ohio	695,879,000.00
Pennsylvania [1]	1,562,261,263.98
Puerto Rico [1]	80,816,859.84
Rhode Island [1]	112,026,341.57
Vermont [1]	36,148,999.31
Virgin Islands [1]	4,166,985.81
West Virginia	99,814,000.00
Total, outstanding loans	6,696,596,711.92

[1] Indicates States in which employers are subject to penalty tax.

Source: Unemployment Insurance Service Division of State Program Management Tax Administration Group, Jan. 31, 1982.

Mr. RIEGLE. Mr. President, under the present structure of the unemployment compensation program, employers in States which fail to repay outstanding loans within 2 years are subject to an additional penalty tax of 0.3 percent in every year in which the loan is not repaid. These penalty taxes, especially when added to increased social security payroll taxes, add to the cost of labor and will seriously dampen the prospects for economic recovery in the affected States. To date, employers in 11 States and jurisdictions—Connecticut, Delaware, District of Columbia, Illinois, Maine, New Jersey, Pennsylvania, Puerto Rico, Rhode Island, Vermont, and the Virgin Islands—are subject to the penalty tax. And employers in Michigan and other States face the imposition of the penalty tax next year, unless these States can repay their loan in a timely fashion, a difficult if not impossible undertaking at a time when the Nation is reeling from the severest and deepest unemployment since the Great Depression.

The present financing system for the unemployment compensation program undermines the very economic stabilization which the program was originally designed to provide. At the same point when the economy is struggling to cope with the impact of high unemployment, we require that payroll taxes be raised to meet outstanding debt. These increased payroll taxes discourage new hiring and inflate the prices of goods and services. This is, quite simply, perverse economic policy.

This perverse economic impact is particularly keenly felt in States such as Michigan, which traditionally experience unemployment rates far in excess of those in other States and which suffers from very severe joblessness for longer periods of time than other regions of the country. Michigan's unemployment rate, for example, has exceeded 10 percent for 24 consecutive months and presently stands at 15.1 percent.

Something must be done and be done quickly. The financing structure of the unemployment compensation program was never designed to deal with the kind of sustained, severe unemployment which Michigan and to a lesser extent, other industrial states have experienced in the last number of years.

The long-term answer, I believe, lies in a system of Federal cost-equalization, supported by general revenues. Such a system would provide Federal financing for a share of basic unemployment benefits whenever a State's unemployment level exceeded specified levels. Such a system would dramatically reduce the need for States like Michigan to go into debt in order

to meet benefit payments. Such a system would help to equalize the burden of unemployment, which is presently borne far more heavily by some States than by others. It is unfair and economically unwise to ask States such as Michigan to bear the burden alone of catastrophic unemployment, particularly when the responsibility for that unemployment, to a significant degree, is the result of national economic policies and factors.

In both the 95th and 96th Congresses, I joined with Senator Javits in introducing such cost equalization legislation. I remain convinced that this is the best and soundest long-term approach. But I am realistic and know that such far-reaching reform legislation stands little practical chance of enactment under current circumstances. We must therefore look to an interim approach to alleviate the crisis facing Michigan and other States in respect to their unemployment insurance debt.

Last year, the Congress acted to put a ceiling on the escalation of the penalty tax under certain circumstances. That legislation provided that the penalty tax would be capped at 0.6 percent, provided that the State maintains its current tax effort and takes no action resulting in a net decrease in the solvency of the State's unemployment compensation system. For taxable years 1983–87, a State must meet the following additional requirements in order to qualify for the 0.6 percent cap on the penalty tax:

The State unemployment insurance tax rate must equal or exceed the average benefit cost ratio for calendar years in the 5-year period ending with the last calendar year preceding the taxable year, and

The State's outstanding loan balance must not increase.

While this was an important and useful step, it is not, in my view, a sufficient response to the problem. Furthermore, the same legislation which capped the escalating penalty tax also provided for the first time that interest at the rate of 10 percent would be assessed against a State's outstanding loan balances, effective for any loans incurred on or after April 1982—thereby adding to the problem.

The legislation I am offering today is designed to offer more significant relief to those States whose unemployment is especially severe. My bill has three major components. First, it provides for a moratorium on the repayment of an outstanding debt in any State which has an insured unemployment rate of 5 percent or more. The moratorium remains in effect so long as the State's insured unemployment exceeds the specified level. Second, the bill waives the assessment of interest on any outstanding balance during any period when the State's insured unemployment rate exceeds 5 percent. Finally the bill provides, effective March 1982, that no new penalty taxes could be imposed and that the penalty taxes now in effect in 11 States and jurisdictions would be lifted.

Although my bill provides that no interest will be assessed during periods of high unemployment, it does not eliminate the requirement that States pay interest on their debt so long as the State's unemployment is below the threshold point. By retaining the interest requirement, I believe that States will have a sufficient incentive to repay their debt in a timely manner. This incentive is far better than the current system of escalating penalty taxes, which penalizes employers and creates an adverse economic climate for development and recovery.

In introducing this legislation, I have outlined what I believe is a more sensible and less economically punitive approach to the unemployment insurance debt problem. I feel strongly that this issue must be more comprehensively addressed by the Congress than it has been to date, if long-term economic recovery in the industrial States is to become a reality. I urge my colleagues to join me in supporting this legislation.●

● Mr. LEVIN. Mr. President, I would like to take this opportunity to speak in behalf of legislation, which was introduced today by my colleague from Michigan, Senator RIEGLE, and which I am pleased to cosponsor. This legislation will prevent States, such as Michigan, from being hit with increases in unemployment insurance taxes and with interest payments on Federal loans to the State unemployment trust funds. These States are among those which have been experiencing chronically high levels of unemployment and which are already bearing the brunt of the Reagan administration's spending cuts.

To increase the net Federal Unemployment Tax Act (FUTA) tax rate which employers must pay at a time of high statewide unemployment is illogical because instead of encouraging jobs to move into the State, and thereby alleviate unemployment, it acts as a disincentive for employers to come or stay. Yet this is what the current law is doing to nine States and two jurisdictions, and risks doing to six more States, including Michigan which is now leading the Nation with a 14.4-percent unemployment rate. For example, the current FUTA rate which employers must pay is 3.4 percent of each employees first $6,000 of earnings. An employer is allowed a 2.7-percent tax credit, which reduces the gross tax rate of 3.4 percent to a net tax rate of 0.7 percent. However, due to the high rate of unemployment in Michigan, brought on primarily by the effect of high interest rates on automotive sales, the Michigan unemployment fund has been exhausted and Michigan has had to borrow over $1 billion from the Federal Government since 1979. According to the current law, if a Federal loan to a State is outstanding for two consecutive Januarys, and is not fully repaid by the State by November 10 of the second year, then the employers in that State become subject to an unemployment tax penalty—a 0.3 percent reduction from the 2.7 percent tax credit beginning with the second year, although employers have until January 31 of the next year to pay the additional taxes. In Michigan's case this means that if this depression ridden State, with some localities suffering as much as 25 percent unemployment, does not fully repay a $1.2 billion loan by November 10 of this year, then the unemployment insurance tax on its employers will increase by 0.3 percent.

The President is fond of saying that unemployed individuals can vote with their feet and move to look for a new job. I think that is an unacceptable and callous solution. But when a Federal law encourages businesses to do the same, it is nothing less than a formula for making an economic wasteland out of the once burgeoning industrial heartland of our country and must be changed. This legislation would bring an end to this illogic by repealing the unemployment penalty tax.

This bill also deals with two other problems with the unemployment compensation law which were created by the Omnibus Reconciliation Act of 1981. First, starting April 1, 1982, States which take new loans from the Federal Government to finance their unemployment insurance programs must pay interest on those loans that are not repaid by the end of the fiscal year in which they were obtained. The interest rate on these loans can be up to 10 percent. As a theoretical scheme, I can understand why the Federal Government might want to impose interest on these loans as a way to encourage them to be repaid. But as with so much of the Reagan program, it is the product of theorists who have forgetten that spending cuts do not operate in a vacuum, but instead sting there victims. A State such as Michigan which is suffering from depression levels of unemployment, experiences a drop off in tax revenues and increases in social services spending. As a result, while on the one hand it is among the most likely to have the need to borrow from the Federal Government to finance its unemployment insurance program, on the other hand it is among the least able to afford to pay interest on that loan. This bill strikes a reasonable balance by excusing a State from accruing interest on Federal loans for those periods when the insured unemployment rate in that State is equal to or exceeds 5 percent.

The insured unemployment rate is usually 3 to 4 percentage points below the total unemployment rate because most of the new entrants and reentrants into the labor force who are counted in total unemployment do not have enough recent employment and earnings to be covered by unemployment insurance.

The second problem created by the Omnibus Reconciliation Act, which this legislation corrects, deals with how the insured unemployment rate is calculated. Under the reconciliation bill, claimants for extended benefits—the 13 weeks of unemployment benefits which the individuals in some States are eligible for following the regular 26-week program—are no longer included in the calculation of the insured unemployed population. This has let to the extended benefits in a state triggering off sooner than they otherwise would. The administration argued that excluding extended benefit claimants would correct several "anomalies" in the prior law. However, in a analysis of the administration's proposal before its passage, a report by the Library of Congress stated, "None of the anomalies will be elminiated, however by the proposed change." What the administration's plan did succeed in doing was to disqualify the unemployed in Michigan for instance from receiving extended benefits in spite of Michigan's desperate economic condition. This bill will include claimants for extended benefits in the determination of a States insured unemployment rate.

Therefore, Mr. President, this legislation deserves the support of this body. At the appropriate time I will seek to discuss at length the devastating impact of unemployment in Michigan and force an equitable resolution of these issues.●

By Mr. CRANSTON (for himself, Mr. RANDOLPH, Mr. MATSUNAGA, Mr. DECONCINI, and Mr. MITCHELL):

S. 2048. A bill to amend title 38, United States Code, to restore eligibility for burial benefits in the case of certain veterans of war whose bodies are not claimed, and for other purposes; to the Committee on Veterans' Affairs.

ELIGIBILITY FOR BURIAL BENEFITS

Mr. CRANSTON. Mr. President, I am introducing today S. 2048, a bill to restore VA burial benefits in the cases of certain veterans of war whose bodies are not claimed. Joining with me in introducing this bill are Senators RANDOLPH, MATSUNAGA, DECONCINI, and MITCHELL.

Mr. President, last year, pursuant to the requirement in the first concurrent resolution on the budget for fiscal year 1982 that the House and Senate Committees on Veterans' Affairs recommend legislative savings totaling $110 million in fiscal year 1982, the committees recommended certain reductions in the Veterans' Administration $300 burial benefit. Subsequently, the Congress approved legislation as part of the Omnibus Budget Reconciliation Act of 1981—Public Law 97-35—to restrict eligibility for this burial allowance to veterans who at the time of death are in receipt of either VA service-connected disability compensation or VA need-based, non-service connected disability pension. Previously, this benefit was available for any veteran who died from a service-connected disability, who had been discharged from the service for a service-connected disability, or who had served at any time during a period of war. This restriction was made effective with respect to deaths occurring after September 30, 1981. No restrictions were placed on either the $150 plot allowance or on the $1,100 allowance that is payable, in lieu of the $300 benefit and the plot allowance, to the survivors of a veteran who dies from a service-connected disability.

According to the Congressional Budget Office, this legislation will result in savings of $75 million in fiscal year 1982. In my opinion, it was preferable to make the bulk of the required fiscal year 1982 savings by pruning this benefit—rather than benefits for living persons—in a way that is consistent with the priorities we place on veterans with service-connected disabilities and needy veterans of wartime service.

However, it should be remembered, Mr. President, that the Senate-passed provision—in the development of which I was deeply involved—retained eligibility for wartime veterans who, even though not in receipt of pension, would have met the VA pension income standards.

This eligibility for those who came to be known as pension-income eligibles was dropped in negotiations with the House because of the disproportionately high administrative cost associated with making income determinations retroactively. In fact, we were advised by the VA that, if enacted, this provision would result in total administrative costs that would exceed the total amount of benefits paid on that basis because each claim filed for benefits on that ground would have to be developed even though it was anticipated that few would be paid.

Last month, it was reported that in my home State of California, the bodies of 30 destitute veterans were being held in the Los Angeles County morgue because Federal funds were not available for their burials. On the basis of these reports, I was in touch with the VA and the county of Los Angeles, and although what I found was a problem significantly smaller than what had been reported in the press, the problem that potentially exists is a real one that should be addressed by remedial legislation. If it is not, a number of destitute wartime veterans will be relegated each year to a pauper's burial, which often means cremation with the remains placed in a common grave. It was to prevent this very result—the Nation's war veterans being subjected to pauper's burials—that VA burial benefits legislation was originally enacted.

Mr. President, at this time, I ask unanimous consent that there be printed in the RECORD a copy of a January 19 "white paper" I received from the VA regarding the status of the 30 bodies reported to be held in the Los Angeles morgue.

There being no objection, the document was printed in the RECORD, as follows:

DOCUMENT

Los Angeles Coroners office reported they are holding 400 unclaimed bodies.

Tentative identification has been made that 30 bodies may be those of veterans.

Of the 30, 12 have not been identified by the FBI as veterans.

The breakout for the remaining 18 is as follows:

1—Benefits paid.

5—Death prior to 10-1-81.

4—On C&P rolls at time of death.

1—Not eligible—death after 10-1-81 and not drawing benefits.

1—Not eligible had only Peacetime Service.

1—Not eligible because of Character of Discharge.

5—Awaiting service information and deaths prior to 10-1-81.

18—Total of known veterans.

JOHN W. HAGAN, Jr.,
Deputy Chief Benefits Director.

Mr. CRANSTON. Mr. President, based on these data, only one of the 30 bodies in the Los Angeles morgue was that of a veteran who had been made ineligible for burial benefits as a result of the provisions enacted in Public Law 97-35. Since that time, however, three additional, apparently impoverished, veterans have died who have been determined to be ineligible for burial benefits because of the new law. Just yesterday, in fact, a public funeral service was held for them in Los Angeles.

Mr. President, although the magnitude of the problem nationwide is not yet fully documented, other data from the VA suggests that this problem may also exist to a lesser extent in San Francisco as well as in other metropolitan areas.

I do not believe that any destitute wartime veteran should be denied a decent funeral. Clearly, our intent in preserving eligibility for VA pensioners was to provide for those who are needy. With respect to what appears to be a relatively small number of destitute wartime veterans who—for various reasons such as not meeting the total disability requirement, failure to meet a 90-day service requirement, or

failure to make application—are not in receipt of VA need-based pension, we believe that a cost effective and compassionate approach to providing this benefit is possible.

Mr. President, the measure we are introducing today would address this problem by providing that a deceased veteran of any war—that is, as under pre-Reconciliation-Act law, an individual who served on active duty during a period of war and who was discharged under conditions other than dishonorable—would be deemed to have been in receipt of pension and thus eligible for the $300 burial benefit if a State, county, or city certifies to the VA that no next of kin or other person has claimed the veteran's body, if the State, county, or city has assumed the responsibility for the burial and funeral expenses of the veteran, and the amount of funds or resources available to the State, county, or city from other sources is insufficient to cover the burial and funeral expenses. In these cases, the State or political subdivision would be paid the lesser of $300 or the cost of the burial and funeral expenses actually incurred by it.

This measure, which would not restore benefits across the board and thus provide for the benefit for those who are not needy, would be retroactive with respect to deaths occurring after September 30, 1981, and address the problem of deceased, destitute veterans in an equitable fashion. Further, unlike the "pension-income eligible" criterion I discussed earlier, it would be a cost-effective approach since it would avoid the administrative cost associated with the VA making determinations of deceased veterans' incomes.

Although a formal cost estimate of our proposal has not yet been developed, I feel certain that it would be substantially less than the $12.4 million cost associated with the pension-income eligible approach, and far less than the $75 million needed for full restoration of burial benefits for all veterans.

Thus, Mr. President, what this legislation would accomplish—at a minimum cost—would be to help insure that VA burial benefits continue to serve the primary purpose for which they were enacted—that is, to provide assurance that wartime veterans, those who served the Nation in its hours of great need, are finally laid to rest with the dignity they earned.

Mr. President, we intend to press for early enacted of this amendment, and we hope others in this body who share our concerns will join with us in this effort.

I ask unanimous consent, Mr. President, that the text of the bill and document showing the changes it would make in existing law be printed at this point in the RECORD.

There being no objection, the bill and document were ordered to be printed in the RECORD, as follows:

S. 2048

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 902 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"(c)(1) For the purposes of this section, a deceased veteran of any war shall be deemed to have been in receipt of pension at the time of such veteran's death if a State or political subdivision of a State certifies in writing to the Administrator that—

"(A) there is no next of kin or other person claiming the body of such deceased veteran;

"(B) such State or political subdivision has assumed responsibility for the burial and funeral expenses of such deceased veteran; and

"(C) there is not available, other than from such State or political subdivision, an amount of resources or funds sufficient to cover the burial and funeral expenses of such deceased veteran.

"(2) The payment made on behalf of such deceased veteran under subsection (a) of this section as a result of paragraph (1) of this subsection shall, notwithstanding the provisions of subsection (b) of this section, be paid to such State or political subdivision and shall be the lesser of $300 or the actual burial and funeral expenses incurred by such State or political subdivision.".

(b) The amendment made by this Act shall take effect with respect to deaths occurring after September 30, 1981.

CHANGES IN EXISTING LAW PROPOSED TO BE MADE BY S. 2048

[Delete material in brackets; add material in italics]

TITLE 38—VETERANS' BENEFITS

* * * * *

CHAPTER 23—BURIAL BENEFITS

* * * * *

§ 902. Funeral expenses

(a) When a veteran dies who was in receipt of compensation (or but for the receipt of retirement pay would have been entitled to compensation) or in receipt of pension, the Administrator, in the Administrator's discretion, having due regard to the circumstances in each case, may pay a sum not exceeding $300 to such person as the Administrator prescribes to cover the burial and funeral expenses of the deceased veteran and the expense of preparing the body and transporting it to the place of burial. For the purpose of this subsection, the term "veteran" includes a person who died during a period deemed to be active military, naval, or air service under section 106(c) of this title.

(b) Except as hereafter provided in this subsection, no deduction shall be made from the burial allowance because of the veteran's net assets at the time of the death of such veteran, or because of any contribution from any source toward the burial and funeral expenses (including transportation) unless the amount of expenses incurred is covered by the amount actually paid therefor by the United States, a State, any agency or political subdivision of the United States, or of a State, or the employer of the deceased veteran. No claim shall be allowed (1) for more than the difference between the entire amount of the expenses incurred and the amount paid by any or all of the foregoing, or (2) when the burial allowance would revert to the funds of a public or private organization or would discharge such an organization's obligation without payment. The burial allowance or any part thereof shall not be paid in any case where specific provision is otherwise made for payment of expenses of funeral, transportation, and interment under any other Act.

(c)(1) For the purposes of this section, a deceased veteran of any war shall be deemed to have been in receipt of pension at the time of such veteran's death if a State or political subdivision of a State certifies in writing to the Administrator that—

(A) there is no next of kin or other person claiming the body of such deceased veteran;

(B) such State or political subdivision has assumed responsibility for the burial and funeral expenses of such deceased veteran; and

(C) there is not available, other than from such State or political subdivision, an amount of resources or funds sufficient to cover the burial and funeral expenses of such deceased veteran.

(2) The payment made on behalf of such deceased veteran under subsection (a) of this section as a result of paragraph (1) of this subsection shall, notwithstanding the provisions of subsection (b) of this section, be paid to such State or political subdivision and shall be the lesser of $300 or the actual burial and funeral expenses incurred by such State or political subdivision.

By Mr. CHILES:

S. 2049. A bill to amend title 13, United States Code, to require that the most currently produced population data obtained by the Census Bureau be used in determining benefits received by State and local governments under Federal programs; to the Committee on Governmental Affairs.

USE OF CURRENT CENSUS DATA IN DETERMINING STATE BENEFITS

● Mr. CHILES. Mr. President, today I am introducing legislation which seeks to insure that the Census Bureau's most current population data is used by all departments and agencies in determining the benefits for State and local governments under Federal programs.

We are facing a period of reductions in Federal spending and I strongly support the work the 97th Congress has undertaken to cut back on Federal expenditures. However, during this period of recession and budget cuts, it is critical that Federal funds go where the people actually are.

My State of Florida has experienced tremendous growth during the 1970's. The State's population increased by 2.9 million people between 1970 and 1980. Nine of Florida's 67 counties more than doubled their populations during the decade. Twenty-one counties grew between 50 and 100 percent. Yet, because of Federal funding formulas, Federal assistance has not increased through the decade in proportion to the population growth. Florida is just one of many States which has experienced this problem.

Under current law, departments and agencies responsible for distribution of Federal funds are not required to use the most current population data available in their various funding formulas. Some distribution formulas only rely on decennial census information which is nearly 10 years old by the end of a decade. As a result, States like Florida, which have experienced a population boom, do not get their fair share of Federal funds.

The legislation I am introducing today would simply require all agencies and departments of the Federal Government to use most current population data available from the Census Bureau in computing how Federal funds are distributed when population is a criterion. The legislation is a companion measure to H.R. 5312, introduced by Congressman CHARLES E. BENNETT. I hope that Congress will act quickly to eliminate this inequity so that each State will receive its fair share of Federal funds.

I ask unanimous consent that this bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2049

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 183 of title 13, United States Code, is amended to read as follows:

§ 183. Use of most recent population data

"For the purpose of administering any law of the United States in which population or other population characteristics are used to determine the amount of benefit received by State, county, or local units of general purpose government, the Secretary shall transmit to the President for use by the appropriate departments and agencies of the executive branch the data most recently produced and published under the title."●

By Mr. DANFORTH (for himself, Mr. MOYNIHAN, Mr. BENTSEN, Mr. WALLOP, Mr. MITCHELL, Mr. HEINZ, Mr. SYMMS, Mr. COHEN, Mr. GORTON, and Mr. JACKSON):

S. 2051. A bill to amend the Internal Revenue Code of 1954 to deny the deduction for amounts paid or incurred for certain advertisements carried by certain broadcast undertakings; to the Committee on Finance.

DENIAL OF DEDUCTION FOR CERTAIN ADVERTISING

● Mr. DANFORTH. Mr. President, today I am joined by a number of my distinguished colleagues in introducing legislation that seeks to redress an unfair Canadian trade practice. This bill is the product of 2 Presidential recommendations in response to a complaint filed by 15 U.S. broadcasters pursuant to section 301 of the Trade Act of 1974.

At issue is a Canadian practice that seeks to discriminate against American border television and radio stations through the denial of a tax deduction to Canadian advertisers who wish to use their services. Efforts in recent years to persuade the Canadian Government to modify or repeal the law have failed. By one estimate, the Canadian practice is costing United States broadcasters $20 million annually in lost revenues.

Viewed in trade policy terms, the border broadcasting case is simple: A restrictive foreign trade practice has impacted adversely on the export of a U.S. service. That foreign trade practice is a clear distortion of the principle of free trade. Imposition of an offsetting barrier for the purpose of convincing the Canadians to eliminate their restrictive trade practice is now appropriate.

In the face of our declining balance of trade, it is crucial that Congress stand behind American export interests. The communications industry is one of our important service industries and the service sector is becoming an increasingly important growth area on our export ledger. Thus, it is vitally important that we reenforce one of the few legal mechanisms which U.S. service exporters can invoke to gain relief from foreign trade barriers.

The border broadcast case, as the first section 301 service sector case to proceed to a Presidential recommendation of a reciprocal response, has assumed symbolic importance for our service industry exporters. Moreover, failure to vigorously implement the finding in this case would threaten to undermine the viability of section 301.

Mr. President, I look forward to pursuing this case with a view to achieving an equitable resolution of an inequitable Canadian trade practice. In this regard, it may be necessary to review the recommended remedy at a later date to insure that it is strong enough to persuade Canada that Congress intends to support fully our export industries in the face of discriminatory foreign trade practices.

I am pleased to note that similar legislation (H.R. 5205) has been introduced in the House of Representatives by Representative CONABLE and others.

Mr. President, I ask unanimous consent that the text of the Presidential message on the Canadian border broadcasting case be included in the RECORD.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

To the Congress of the United States:

On September 9, 1980, President Carter sent a message to the Congress concerning the Canadian tax law which denies a deduction for Canadian income tax purposes for the cost of advertising placed with a foreign broadcast undertaking and directed primarily at the Canadian market. President Carter determined that this provision within Canadian law is an unreasonable practice which burdens U.S. commerce within the meaning of section 301(a)(2)(B) of the Trade Act of 1974, as amended (19 U.S.C. 2411(a)(2)(B)). President Carter further determined that the Canadian practice resulted in the loss of access by U.S broadcasters to more than $20 million in advertising revenues annually.

President Carter, under provisions of the Trade Act of 1974, proposed legislation which would amend the Internal Revenue Code to deny a deduction, otherwise allowable under the Code, for expenses of an advertisement placed with a foreign broadcast undertaking and directed primarily to a market in the United States. This restriction would apply only if a similar deduction is denied to advertisers in the country in which such station is located for the cost of advertising directed primarily to a market in that country when placed with a U.S. broadcast undertaking. It would, therefore, be applicable to Canada.

Section 301 of the Trade Act of 1974 requires that if the President determines that action by the United States is appropriate to respond to any act, policy, or practice of a foreign country that is unjustifiable, unreasonable or discriminatory and burdens or restricts United States commerce, he shall take all appropriate and feasible action within his power to obtain the elimination of such act, policy or practice. The intent of section 301 is to resolve disputes and thereby eliminate the unjustifiable, unreasonable or discriminatory trade practices which burden or restrict United States commerce. The Canadian tax law is the subject of one such dispute. Notwithstanding a good faith effort on the part of the United States Trade Representative to resolve the dispute and have the offending practice eliminated, this dispute has not been resolved. Therefore, I am acting under the authority of section 301 to recommend legislation similar to the amendment proposed by President Carter. This amendment to the Internal Revenue Code would mirror the Canadian law as it applies to broadcast undertakings, i.e., it would deny a tax deduction for expenses of advertisements placed with foreign broadcast undertaking and directed primarily to a market in the U.S. This restriction would apply only if the laws of the country in which such foreign broadcast undertaking is located deny a similar deduction to advertisers in that country. Thus, the legislation will establish a disincentive to the transfer of U.S. advertising revenues to foreign broadcast undertakings only if the laws of the country in which such broadcast undertakings are located create a similar disincentive vis-a-vis U.S. broadcast undertakings. Thus, if Canada should repeal its law, the amendment will cease to apply to Canada. It would be effective with respect to deductions attributable to transactions entered into on or after the date of introduction of this bill.

At this time, the mirror image legislation is an appropriate response to the Canadian practice. The intent of such legislation is not to erect new barriers to trade, but rather to encourage the Canadians to eliminate their unreasonable and restrictive practice. I recognize, however, that this amendment by itself may not cause the Canadians to resolve this dispute. Therefore, I note that I retain the right to take further action, if appropriate, to obtain the elimination of the practice on my own motion under the authority of section 301(c)(1). Hopefully, this will not be necessary.

This legislative proposal is being submitted at this time because I believe it is imper-

ative that the Government of Canada be made to realize the importance the U.S. Government attaches to the resolution of this issue. I urge its early passage.

RONALD REAGAN.

THE WHITE HOUSE, *November 17, 1981.*●

● Mr. MOYNIHAN. Mr. President, it is with some measure of frustration that I ask my colleagues again to direct their attention toward the so-called "border broadcast war" between the United States and Canada. Despite the longstanding concern of this body for Canadian tax practices that unfairly penalize American broadcasters, these practices persist.

Let me be clear. This dispute was initiated by Canada. It has disrupted our bilateral relations for most of the past decade. And it threatens to undermine the unique relationship between our two countries. The Canadian Government has intentionally discriminated against American broadcasting stations whose television and radio shows are enjoyed by Canadian audiences. I will briefly explain the background to the broadcast war so that my colleagues may fully appreciate the serious nature of the dispute.

Canada and the United States have a long history of close, mutually beneficial cooperation on a wide range of matters. This cooperation has extended to the establishment and development of mutually beneficial broadcasting services along the border. There are several specific diplomatic agreements allocating television channel assignments. Both governments approved the placement of several Canadian and U.S. television stations whose signals could cross the border in either direction and provide very satisfactory viewing in major metropolitan areas of the other country. For example, WKBW-TV, WIVB-TV, and WGR-TV in Buffalo, WPTZ-TV in Plattsburgh, and WWNY-TV in Watertown are television stations which serve the residents of my own State. They have substantial Canadian viewing audiences. Several Canadian radio and television stations, in particular radio station CKLW in Windsor, Ontario, which serves the Detroit metropolitan market and derives over 90 percent of its revenues from U.S. advertising sales, reach substantial American audiences. All-in-all, there are more than 60 major American television stations which are also received in Canada, and 19 major Canadian television stations which are viewed in the United States.

As a result of this long and harmonious cooperation, Canadian citizens have enjoyed high quality, relatively inexpensive American broadcast programing. This is because the U.S. broadcasting industry developed much faster than its Canadian counterpart since the size of the American population justified greater financial investment by program sponsors in U.S. stations. Canadian viewers and Canadian industry benefited greatly from the rapid development of American broadcasting. Canadian viewers received quality U.S. programing at no direct cost. And as Canadians grew increasingly fond of watching American broadcast programs, the Canadian cable television industry developed rapidly to spread U.S. signals throughout Canada.

Today Canada has the most extensive cable television system in the world. The Canadian noncable broadcast industry has also benefited from U.S. program development. It buys the Canadian distribution rights to U.S. programs at a small fraction of the cost of those programs. A Canadian magazine reported that:

> The facts of life are these: All the popular U.S. (television) imports make money for the two Canadian networks; all major Canadian produced shows are heavy money losers.

On the U.S. side, the border broadcast stations received no tangible benefits for the service Canadians were enjoying until Canadian advertisers recognized the popularity of American programing with Canadian audiences. Then they began purchasing advertising time on U.S. stations in order to reach Canadian audiences. The total dollar flow was small compared to the overall Canadian and United States television industry revenue base, but it became significant to the U.S. border stations, facilitating the provision of quality service to their American and Canadian audiences.

This is the background of this mutually beneficial arrangement which brings the most popular and sophisticated television and radio fare to citizens all across Canada. Despite this, Canadian governmental officials believe that Canadians should be weaned away from American television. This notion has been spurred in part by a nationalistic fear of cultural absorption by the United States, and, in part, by attention to the economic interests of Canadian broadcasters who view themselves as being unable to compete effectively with American programing in the open market.

These concerns led to the enactment of bill C-58 by the Canadian Government in 1976. This bill essentially denies a business tax deduction for the cost of advertising placed with U.S. broadcasting stations.

I can understand Canadian concerns over maintaining a cultural identity separate from their larger neighbor to the south. But we are still neighbors. And the Canadian public overwhelmingly demands access to U.S. programing.

Without question bill C-58 unfairly and unreasonably penalizes U.S. broadcasters. The United States has done nothing to merit such discriminatory treatment. American broadcasters have nonetheless made repeated efforts to support the Canadians desire to develop their own program production industry. They have proposed a series of compromises to bill C-58, including a proposal to contribute a portion of Canadian revenues to a Canadian program production fund. But to no avail. The Canadian Government has simply refused to negotiate.

The fact remains that this unfair practice flagrantly violates our international trade laws. Congress has given the President explicit authority under section 301 of the 1974 Trade Act to take "all appropriate and feasible action within his power" to obtain the elimination of "unjustifiable, unreasonable, or discriminatory" foreign trade practices that burden or restrict U.S. export commerce.

Fifteen affected U.S. border broadcasting stations filed a section 301 complaint in 1978 regarding bill C-58. I remind this body that a 301 petition is one of the few legal mechanisms which U.S. industries can invoke to gain relief from restrictive foreign trade barriers. It was not until July 31, 1980, that President Carter announced that Canada had acted unreasonably. In September of that same year, he called for the enactment of mirror image legislation, but the 96th Congress did not have time to consider the proposal.

A year ago, the Reagan administration began a new review of the Canadian broadcast war. For a very long time, we awaited action by the White House, and in July, we wrote the President expressing our concern over allowing this unfair practice to persist without redress. On November 17, 1981, President Reagan sent a strong message to Congress recommending the passage of mirror image legislation. In his message, he clearly stated that "the intent of such legislation is not to erect new barriers to trade, but rather to encourage the Canadians to eliminate their unreasonable and restrictive practice."

I am joining today with several of my colleagues to introduce this mirror legislation. Our bill would amend the Internal Revenue Code to deny a tax deduction for expenses of advertisements placed with a foreign broadcast undertaking and directed primarily to a market in the United States. This restriction would apply only if the laws of the country in which such foreign broadcast undertaking is located, deny a similar deduction to advertisers in that country. In effect, if Canada should repeal its discriminatory law, our legislation would no longer apply to them.

Ours is a modest response to such a pernicious practice. The President has indicated that this legislation may not be enough to persuade the Canadians to repeal bill C-58, and therefore, has

reserved the right to take further action. I would hope, however, that our neighbors to the north understand that this President and this Congress are united in their commitment to uphold our trade laws and to take the actions that are necessary to end this dispute once and for all. I do hope that Canada will respond in the vein of mutual cooperation and reciprocity that has for so long characterized our trade relationship.●

● Mr. COHEN. Mr. President, I am pleased to cosponsored the legislation introduced today by Senator DANFORTH to alleviate the discriminatory treatment experienced by broadcasters throughout the country who are located near the Canadian border.

On November 17, 1981, I had the opportunity to chair hearings on the impact of Canadian competition on small border industries. Witnesses representing the potato industry, wood products, fishing, and maple sirup producers testified about the frustration they have experienced in trying to compete with subsidized Canadian industries. Small industries are at a great disadvantage in petitioning for relief under our domestic trade laws, finding the remedies costly, complex, and ultimately beyond reach.

Now I am concerned about another consequence of Canada's aggressive development policy. In attempting to promote its own film and broadcasting industry, Canada does not allow tax deductions for advertising placed with U.S. television and radio stations by Canadian businesses to reach a Canadian market. This policy has resulted in $20 million in lost sales annually for the U.S. border stations. The industry filed a petition under section 301 of the Trade Act of 1974 which authorizes the President to obtain the elimination of unjustifiable, unreasonable, or discriminatory foreign trade practices that burden or restrict U.S. commerce.

Once again, the frustration of a small industry seeking relief under our trade laws is illustrated in a letter I received from a station in Bangor, Maine:

> The broadcasters patiently relied on a process made available by the Congress through the 1974 Trade Act, prevailed on the merits, and then in frustration watched as the present administration was unable to recommend an appropriate legislative remedy until November 17 when President Reagan issued a message to Congress on this issue.

Certainly, all of us are concerned about maintaining a close ralationship with our neighbor, Canada. Maine in particular is surrounded on three sides by Canadian territory. I must, however, express my disappointment that the Canadian Government has not been more responsive in reaching a compromise on this matter. This leaves our Government no choice but to followup with retaliatory action as called for under the bill being introduced today. This is why the legislation has been designed to mirror the discriminatory treatment of the Canadian tax law. Reciprocity is the fundamental principle underlying our international trading system, and Canada must realize that discriminatory trade policies will not be tolerated.

The modern world has provided a communications industry that can transmit information with unprecedented speed to all parts of our globe. With that technological advance come accompanying tensions about proper control of information. Part of the Canadian broadcast policy stems from a reluctance to have U.S. programing dominate Canadian culture. Governments will have to learn to deal with these kinds of tensions more and more in our increasingly interdependent world.

I congratulate the administration for its concern in this area and for a willingness to provide relief to the affected industries. Fair trade in services has become a priority for this country in international trading relationships, and this is an important test case in this area. I look forward to a continued dialog with the administration to seek appropriate remedies for other industries who have been adversely affected by Canadian competition.●

By Mr. DECONCINI:

S. 2053. A bill to amend the Internal Revenue Code of 1954 to increase and make permanent the exclusion from gross income of interest on all-savers certificates; to the Committee on Finance.

EXTENSION OF ALL-SAVERS ACT

Mr. DECONCINI. Mr. President, today I am introducing legislation to extend the All-Savers Act passed last year as part of the tax bill. My bill will lift the present December 31, 1982 deadline for all-savers certificates and will increase the interest exemption to $2,000 yearly for an individual ($4,000 for a couple filing jointly).

All-savers certificates attracted almost $35 billion nationwide in their first month of availability. In my home State of Arizona, 12 savings and loan associations reported statewide that more than 35,000 accounts totaling over $240 million in the last quarter of 1981 were opened.

All-savers certificates have two basic goals. The first is to encourage savings, and the second is to boost the homebuilding industry in this country. The first goal of encouraging savings has been met by the $35 billion in new accounts.

More importantly, these accounts are giving small savers access to high interest rates in federally insured accounts. The U.S. League of Savings Associations estimates that 40 percent of the accounts were opened by households earning less than $30,000 annually.

Many thrift institutions open all-savers accounts for amounts as low as $100 and with the same rate of return as a $10,000 all-savers account.

Certainly, there is no question that the homebuilding industry is in a deep depression, indeed, a depression of historic proportions. In December of 1979 housing starts nationwide were at an annual rate of 1.6 million. In December of 1981 that figure had dropped to only 980,000—a decrease of almost 40 percent.

Arizona, the second fastest growing State in the Nation, has been even harder hit. According to the Southern Arizona Home Builders, housing starts have dropped from 7,238 in 1979 to 2,454 in 1981.

Obviously, we cannot continue to allow this industry to suffer. At the same time, I do not believe in direct Federal subsidies to bail out the private sector. An extension of the all-savers is a much better approach to the problem.

High interest rates continue to plague our economy, and the all-saver certificate will not solve the many problems this creates. We must reduce Government spending and decrease the Federal deficit if we are going to see a permanent reduction in interest rates. However, the all-saver certificate will at least put more money at the disposal of mortgage lending, thus enabling the American consumer to purchase a home.

I urge my colleagues to join me in cosponsoring this legislation which will continue to give the small savers a safe place to earn high interest rates while benefiting the economy as a whole.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2053

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE AND EXTENSION OF EXCLUSION OF INTEREST ON CERTAIN SAVINGS CERTIFICATES

(a) IN GENERAL.—Section 128 of the Internal Revenue Code of 1954 (relating to interest on certain savings certificates) is amended to read as follows:

"SEC. 128. INTEREST ON CERTAIN SAVINGS CERTIFICATES.

"(a) IN GENERAL.—Gross income does not include any amount received by any individual during the taxable year as interest on a depository institution tax-exempt savings certificate.

"(b) MAXIMUM DOLLAR AMOUNT.—

"(1) IN GENERAL.—The aggregate amount excludable under subsection (a) for any taxable year shall not exceed the excess of—

"(A) $2,000 ($4,000 in the case of a joint return under section 6013), over

"(B) the aggregate amount received by the taxpayer which was excludable under subsection (a) for any prior taxable year.

"(2) SPECIAL RULE.—For purposes of paragraph (1)(B), one-half of the amount excluded under subsection (a) on any joint return shall be treated as received by each spouse.

"(c) DEPOSITORY INSTITUTION TAX-EXEMPT SAVINGS CERTIFICATE.—For purposes of this section—

"(1) IN GENERAL.—The term 'depository institution tax-exempt savings certificate' means any certificate—

"(A) which is issued by a qualified savings institution after September 30, 1981,

"(B) which has a maturity of 1 year,

"(C) which has an investment yield equal to 70 percent of the average investment yield for the most recent auction (before the week in which the certificate is issued) of United States Treasury bills with maturities of 52 weeks, and

"(D) which is made available in denominations of $500.

"(2) QUALIFIED INSTITUTION.—The term 'qualified institution' means—

"(A)(i) a bank (as defined in section 581),

"(ii) a mutual savings bank, cooperative bank, domestic building and loan association, or other savings institution chartered and supervised as a savings and loan or similar institution under Federal or State law, or

"(iii) a credit union,

the deposits or accounts of which are insured under Federal or State law or are protected or guaranteed under State law, or

"(B) an industrial loan association or bank chartered and supervised under Federal or State law in a manner similar to a savings and loan institution.

The term 'qualified institution' does not include any foreign branch or international banking facility of an institution described in the preceding sentence and such a branch or facility shall not be taken into account under subsection (d).

"(d) INSTITUTIONS REQUIRED TO PROVIDE RESIDENTIAL PROPERTY FINANCING.—

"(1) IN GENERAL.—If a qualified savings institution (other than an institution described in subsection (c)(2)(A)(iii)) issues any depository institution tax-exempt savings certificate during any calendar quarter, the amount of the qualified residential financing provided by such institution shall during the succeeding calendar quarter not be less than the lesser of—

"(A) 75 percent of the face amount of depository institution tax-exempt savings certificates issued during the calendar quarter, or

"(B) 75 percent of the qualified net savings for the calendar quarter.

The aggregate amount of qualified tax-exempt savings certificates issued by any institution described in subsection (c)(2)(A)(iii) which are outstanding at the close of any calendar quarter may not exceed the limitation determined under paragraph (4) with respect to such institution for such quarter.

"(2) PENALTY FOR FAILURE TO MEET REQUIREMENTS.—If, as of the close of any calendar quarter, a qualified institution has not met the requirements of paragraph (1) with respect to the preceding calendar quarter, such institution may not issue any certificates until it meets such requirements.

"(3) QUALIFIED RESIDENTIAL FINANCING.—The term 'qualified residential financing' includes, and is limited to—

"(A) any loan secured by a lien on a single-family or multifamily residence,

"(B) any secured or unsecured qualified home improvement loan (within the meaning of section 103A(1)(6) without regard to the $15,000 limit),

"(C) any mortgage (within the meaning of section 103A(l)(1)) on a single-family or multifamily residence which is insured or guaranteed by the Federal, State, or local government or any instrumentality thereof,

"(D) any loan to acquire a mobile home,

"(E) any construction loan for the construction or rehabilitation of a single-family or multifamily residence,

"(F) the purchase of mortgages secured by single-family or multifamily residences on the secondary market but only to the extent the amount of such purchases exceed the amount of sales of such mortgages by an institution,

"(G) the purchase of securities issued or guaranteed by the Federal National Mortgage Association, the Government National Mortgage Association, or the Federal Home Loan Mortgage Corporation, or securities issued by any other person if such securities are secured by mortgages originated by a qualified institution, but only to the extent the amount of such purchases exceed the amount of sales of such securities by an institution, and

"(H) any loan for agricultural purposes.

For purposes of this paragraph, the term 'single-family residence' includes 2-, 3-, and 4-family residences, and the term 'residence' includes stock in a cooperative housing corporation (as defined in section 216(b)).

"(4) LIMITATION FOR CREDIT UNIONS.—For purposes of paragraph (1), the limitation determined under this paragraph with respect to any institution described in subsection (c)(2)(A)(iii) for any calendar quarter is the sum of—

"(A) the aggregate of the amounts described in subparagraph (A) of paragraph (5) with respect to such institution as of September 30, 1981, plus

"(B) 10 percent of the excess of—

"(i) the aggregate of such amounts as of the close of such calendar quarter, over

"(ii) the amount referred to in subparagraph (A).

"(5) QUALIFIED NET SAVINGS.—The term 'qualified net savings' means, with respect to any qualified institution, the excess of—

"(A) the amounts paid into passbook savings account, 6-month money market certificates, 30-month small-saver certificates, time deposits with a face amount of less than $100,000, and depository institution tax-exempt savings certificates issued by such institution, over

"(B) the amounts withdrawn or redeemed in connection with the accounts and certificates described in subparagraph (A).

"(6) CONSOLIDATED GROUPS.—For purposes of this subsection, all members of the same affiliated group (as defined in section 1504) which file a consolidated return for the taxable year shall be treated as one corporation.

"(e) PENALTY FOR EARLY WITHDRAWALS.—

"(1) IN GENERAL.—If any portion of a depository institution tax-exempt savings certificate is redeemed before the date on which it matures—

"(A) subsection (a) shall not apply to any interest on such certificate for the taxable year of redemption and any subsequent taxable year, and

"(B) there shall be included in gross income for the taxable year of redemption the amount of any interest on such certificate excluded under subsection (a) for any preceding taxable year.

"(2) CERTIFICATE PLEDGED AS COLLATERAL.—For purposes of paragraph (1), if the taxpayer uses any depository institution tax-exempt savings certificate (or portion thereof) as collateral or security for a loan, the taxpayer shall be treated as having redeemed such certificate.

"(f) OTHER SPECIAL RULES.—

"(1) COORDINATION WITH SECTION 116.—Section 116 shall not apply to the interest on any depository institution tax-exempt savings certificate.

"(2) ESTATES AND TRUSTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the exclusion provided by this section shall not apply to estates and trusts.

"(B) CERTIFICATES ACQUIRED BY ESTATE FROM DECEDENT.—In the case of a depository institution tax-exempt savings certificate acquired by an estate by reason of the death of the decedent—

"(i) subparagraph (A) shall not apply, and

"(ii) subsection (b) shall be applied as if the estate were the decedent.".

(b) CONFORMING AMENDMENTS.—

(1) Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 is amended by redesignating section 130 as section 131 and by inserting after section 129 the following new section:

"SEC. 130. PARTIAL EXCLUSION OF INTEREST.

"(a) IN GENERAL.—Gross income does not include the amounts received during the taxable year by an individual as interest.

"(b) MAXIMUM DOLLAR AMOUNT.—The aggregate amount excludable under subsection (a) for any taxable year shall not exceed 15 percent of the lesser of—

"(1) $3,000 ($6,000 in the case of a joint return under section 6013), or

"(2) the excess of—

"(A) the amount of interest received by the taxpayer during such taxable year, over

"(B) the sum of—

"(i) the amount of any deduction allowed the taxpayer under section 62 (12) for such taxable year, plus

"(ii) the amount of qualified interest expenses of such taxpayer for the taxable year.

"(c) DEFINITIONS.—For purposes of this section—

"(1) INTEREST DEFINED.—The term 'interest' means—

"(A) interest on deposits with a bank (as defined in section 581),

"(B) amounts (whether or not designated as interest) paid, in respect of deposits, investment certificates, or withdrawable or repurchasable shares, by—

"(i) an institution which is—

"(I) a mutual savings bank, cooperative bank, domestic building and loan association, or credit union, or

"(II) any other savings or thrift institution which is chartered and supervised under Federal or State law,

the deposits or accounts in which are insured under Federal or State law or which are protected and guaranteed under State law, or

"(ii) an industrial loan association or bank chartered and supervised under Federal or State law in a manner similar to a savings and loan institution,

"(C) interest on—

"(i) evidences of indebtedness (including bonds, debentures, notes, and certificates) issued by a domestic corporation in registered form, and

"(ii) to the extent provided in regulations prescribed by the Secretary, other evidences of indebtedness issued by a domestic corporation of a type offered by corporations to the public,

"(D) interest on obligations of the United States, a State, or a political subdivision of a State (not excluded from gross income of the taxpayer under any other provision of law),

"(E) interest attributable to participation shares in a trust established and maintained by a corporation established pursuant to Federal law, and

"(F) interest paid by an insurance company under an agreement to pay interest on—

"(i) prepaid premiums,

"(ii) life insurance policy proceeds which are left on deposit with such company by a beneficiary, and

"(iii) under regulations prescribed by the Secretary, policyholder dividends left on deposit with such company.

"(2) QUALIFIED INTEREST EXPENSE DEFINED.—The term 'qualified interest expense' means an amount equal to the excess of—

"(A) the amount of the deduction allowed the taxpayer under section 163(a) (relating to interest) for the taxable year, over

"(B) the amount of such deduction allowed with respect to interest paid or accrued on indebtedness incurred in—

"(i) acquiring, constructing, reconstructing, or rehabilitating property which is primarily used by the taxpayer as a dwelling unit (as defined in section 280A(f)(1)), or

"(ii) the taxpayer's conduct of a trade or business.".

(2) The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking out the items following the item relating to section 127 and inserting in lieu thereof the following:

"Sec. 128. Interest on certain savings certificates.
"Sec. 129. Dependent care assistance programs.
"Sec. 130. Partial exclusion of interest.
"Sec. 131. Cross references to other Acts.".

(3) Paragraph (2) of section 265 of such Code (relating to expenses and interest relating to tax-exempt income) is amended by striking out the first sentence thereof and inserting in lieu thereof the following: "Interest on indebtedness incurred or continued to purchase or carry obligations the interest on which is wholly exempt from the taxes imposed by this subtitle, to purchase or carry any certificate to the extent the interest on such certificate is excludable under section 128, or to purchase or carry obligations or shares (or to make other deposits or investments) the interest on which is described in section 130(c)(1) to the extent such interest is excludable from gross income under section 130.".

(4) Subsection (b) of section 854 is amended to read as follows:

"(b) OTHER DIVIDENDS AND TAXABLE INTEREST.—

"(1) DEDUCTION UNDER SECTION 243.—In the case of a dividend received from a regulated investment company (other than a dividend to which subsection (a) applies)—

"(A) if such investment company meets the requirements of section 852(a) for the taxable year during which it paid such dividend; and

"(B) the aggregate dividends received by such company during such taxable year are less than 75 percent of its gross income.

then, in computing the deduction under section 243, there shall be taken into account only that portion of the dividend which bears the same ratio to the amount of such dividend as the aggregate dividends received by such company during such taxable year bear to its gross income for such taxable year.

"(2) EXCLUSION UNDER SECTIONS 116 AND 130.—For purposes of sections 116 and 130, in the case of any dividend (other than a dividend described in subsection (a)) received from a regulated investment company which meets the requirements of section 852 for the taxable year in which it paid the dividend—

"(A) the entire amount of such dividend shall be treated as a dividend if the aggregate dividends received by such company during the taxable year equal or exceed 75 percent of its gross income,

"(B) the entire amount of such dividend shall be treated as interest if the aggregate interest received by such company during the taxable year equals or exceeds 75 percent of its gross income, or

"(C) if subparagraphs (A) and (B) do not apply, a portion of such dividend shall be treated as a dividend (and a portion of such dividend shall be treated as interest) based on the portion of the company's gross income which consists of aggregate dividends or aggregate interests, as the case may be. For purposes of the preceding sentence, gross income and aggregate interest received shall each be reduced by so much of the deduction allowable by section 163 for the taxable year as does not exceed aggregate interest received for the taxable year.

"(3) NOTICE TO SHAREHOLDERS.—The amount of any distribution by a regulated investment company which may be taken into account as a dividend for purposes of the exclusion under section 116 and the deduction under section 243 or as interest for purposes of section 130 shall not exceed the amount so designated by the company in a written notice to its shareholders mailed not later than 45 days after the close of its taxable year.

"(4) DEFINITIONS.—For purposes of this subsection—

"(A) GROSS INCOME.—The term 'gross income' does not include gain from the sale or other disposition of stock or securities.

"(B) AGGREGATE DIVIDENDS RECEIVED.—The term 'aggregate dividends received' includes only dividends received from domestic corporations other than dividends from domestic corporations other than dividends described in section 116(b)(2) (relating to dividends excluded from gross income). In determining the amount of any dividend for purposes of this subparagraph, the rules provided in section 116(c)(2) (relating to certain distributions) shall apply.

"(C) AGGREGATE INTEREST RECEIVED.—The term 'aggregate interest received' includes only interest described in section 130(c)(1).".

(5) Subsection (c) of section 857 is amended to read as follows:

"(c) LIMITATIONS APPLICABLE TO DIVIDENDS RECEIVED FROM REAL ESTATE INVESTMENT TRUSTS.—

"(1) IN GENERAL.—For purposes of section 116 (relating to an exclusion for dividends received by individuals) and section 243 (relating to deductions for dividends received by corporations), a dividend received from a real estate investment trust which meets the requirements of this part shall not be considered as a dividend.

"(2) TREATMENT FOR SECTION 130.—In the case of a dividend (other than a capital gain dividend, as defined in subsection (b)(3)(C)) received from a real estate investment trust which meets the requirements of this part for the taxable year in which it paid the dividend—

"(A) such dividend shall be treated as interest if the aggregate interest received by the real estate investment trust for the taxable year equals or exceeds 75 percent of its gross income, or

"(B) if subparagraph (A) does not apply, the portion of such dividend which bears the same ratio to the amount of such dividend as the aggregate interest received bears to gross income shall be treated as interest.

"(3) ADJUSTMENTS TO GROSS INCOME AND AGGREGATE INTEREST RECEIVED.—For purposes of paragraph (2)—

"(A) gross income does not include the net capital gain,

"(B) gross income and aggregate interest received shall each be reduced by so much of the deduction allowable by section 163 for the taxable year (other than for interest on mortgages on real property owned by the real estate investment trust) as does not exceed aggregate interest received by the taxable year, and

"(C) gross income shall be reduced by the sum of the taxes imposed by paragraphs (4), (5), and (6) of section 857(b).

"(4) AGGREGATE INTEREST RECEIVED.—For purposes of this subsection, the term 'aggregate interest received' means only interest described in section 130(c)(1).

"(5) NOTICE TO SHAREHOLDERS.—The amount of any distribution by a real estate investment trust which may be taken into account as interest for purposes of the exclusion under section 130 shall not exceed the amount so designated by the trust in a written notice to its shareholders mailed not later than 45 days after the close of its taxable year.".

(6) Subsections (a) and (c) of section 302 of the Economic Recovery Tax Act of 1981 are hereby repealed.

SEC. 2. EFFECTIVE DATES.

(a) IN GENERAL.—The amendment made by section 1(a) shall apply to taxable years beginning after December 31, 1982.

(b) CONFORMING AMENDMENTS.—The amendments made by section 1(b) shall apply to taxable years beginning after December 31, 1984.

By Mr. SPECTER (for himself, Mr. PERCY, Mr. PELL, Mr. BOSCHWITZ, and Mr. ZORINSKY):

S.J. Res. 142. Joint resolution to authorize and request the President to issue a proclamation designating March 21, 1982, as "Afghanistan Day," a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces; to the Committee on the Judiciary.

(Remarks on this legislation appear earlier in today's RECORD.)

ADDITIONAL COSPONSORS

S. 312

At the request of Mr. LEVIN, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 312, a bill for the relief of Maria and Timofei Chmykhalov, and for Lilia, Peter,

Liubov, Lidia, and Augustina Vashchenko.

S. 494

At the request of Mr. BUMPERS, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 494, a bill to amend chapter 44 of title 18, United States Code, to strengthen the mandatory penalty for the use of a firearm in the commission of a felony.

S. 671

At the request of Mr. PELL, the Senator from Montana (Mr. BAUCUS), and the Senator from Oregon (Mr. HATFIELD) were added as cosponsors of S. 671, a bill to amend section 402 of title 23, United States Code, relating to establishment by each State of comprehensive alcohol-traffic safety programs as part of its highway safety program.

S. 672

At the request of Mr. PELL, the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 672, a bill to require the Secretary of Transportation to administer a national driver register to assist State driver licensing officials in electronically exchanging information regarding the motor vehicle driving records of certain individuals.

S. 709

At the request of Mr. HATFIELD, the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 709, a bill to require a refund value for certain beverage containers, and for other purposes.

S. 1182

At the request of Mr. NICKLES, the Senator from Georgia (Mr. MATTINGLY) was added as a cosponsor of S. 1182, a bill to amend the Longshoremen's and Harbor Workers' Compensation Act to revise the manner of computing the benefits provided under such act, to provide for certification of physicians eligible to provide medical care to workers covered by such act, to provide for an attorney to serve as the representative of the special fund established under such act, to establish a benefits review board the members of which are appointed by the President, to establish an advisory committee to evaluate the manner in which the provisions of the act are carried out, and for other purposes.

S.1215

At the request of Mr. PROXMIRE, the Senator from Illinois (Mr. DIXON) was added as a cosponsor of S. 1215, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 1246

At the request of Mr. THURMOND, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 1246, a bill to amend title 21 of the United States Code to increase the penalties for the trafficking in illegal drugs, and for other purposes.

S. 1277

At the request of Mr. HATCH, the Senator from New Jersey (Mr. WILLIAMS), the Senator from Florida (Mrs. HAWKINS), the Senator from Nevada (Mr. CANNON), and the Senator from North Carolina (Mr. EAST) were added as cosponsors of S. 1277, a bill to restrict the authority of the Secretary of Health, Education, and Welfare with respect to the regulation of vitamin and mineral products for over-the-counter use.

S. 1394

At the request of Mr. DECONCINI, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1394, a bill to improve the ability of the Secret Service to protect the President and other designated protectees.

S. 1448

At the request of Mr. MATHIAS, the Senator from Montana (Mr. MELCHER), the Senator from Vermont (Mr. LEAHY), and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 1448, a bill to provide for the issuance of a postage stamp to commemorate the 70th anniversary of the founding of the Girl Scouts of the United States of America.

S. 1451

At the request of Mr. CANNON, the Senator from Georgia (Mr. NUNN) was added as a cosponsor of S. 1451, a bill to amend the Internal Revenue Code of 1954 with respect to the exemption from tax of veterans' organizations.

S. 1634

At the request of Mr. COCHRAN, the Senator from Oklahoma (Mr. BOREN), the Senator from Alaska (Mr. STEVENS), and the Senator from South Dakota (Mr. ABDNOR) were added as cosponsors of S. 1634, a bill to incorporate the National Federation of Music Clubs.

S. 1664

At the request of Mr. ROTH, the Senator from South Dakota (Mr. PRESSLER) was added as a cosponsor of S. 1664, a bill to amend title 10, United States Code, to allow supplies under the control of departments and agencies within the Department of Defense to be transferred to the Federal Emergency Management Agency as if it were within the Department of Defense and to amend the Federal Civil Defense Act of 1950 to authorize the Federal Emergency Management Agency to loan to State and local governments property transferred to such agency from other Federal agencies as excess property.

S. 1686

At the request of Mr. LUGAR, the Senator from Tennessee (Mr. SASSER) was added as a cosponsor of S. 1686, a bill to amend the Federal Reserve Act to provide that deposits of State and local governments will not be subject to reserve requirements, and for other purposes.

S. 1702

At the request of Mr. LUGAR, the Senator from Indiana (Mr. QUAYLE) was added as a cosponsor of S. 1702, a bill to amend the National Housing Act to provide additional mortgage and loan insurance authority.

S. 1724

At the request of Mr. ROTH, the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of S. 1724, a bill to amend the Federal Employees' Compensation Act, and for other purposes.

S. 1758

At the request of Mr. DECONCINI, the Senator from Delaware (Mr. ROTH), and the Senator from Indiana (Mr. QUAYLE) were added as cosponsors of S. 1758, a bill to amend title 17 of the United States Code to exempt the private noncommercial recording of copyrighted works on video recorders from copyright infringement.

S. 1771

At the request of Mr. HATFIELD, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 1771, a bill to establish in the Federal Government a global foresight capability with respect to natural resources, the environment, and population; to establish a national population policy; to establish an interagency Council on Global Resources, Environment, and Population, and for other purposes.

S. 1797

At the request of Mr. DOLE, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 1797, a bill to provide the private sector training and placement opportunities for residents of enterprise zones, emphasizing the use of community-based organizations and the involvement of small business concerns, and for other purposes.

S. 1835

At the request of Mr. LEVIN, the Senator from North Carolina (Mr. EAST) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 1835, a bill to allow for the termination of certain single-employer pension plans maintained by enterprises which have been created pursuant to an order by the Federal Trade Commission.

S. 1880

At the request of Mr. THURMOND, the Senator from Oregon (Mr. PACKWOOD) was added as a cosponsor of S. 1880, a bill to amend the manufacturing clause of the copyright law.

S. 1883

At the request of Mr. PACKWOOD, the Senator from Connecticut (Mr. DODD), the Senator from New York (Mr. D'AMATO), and the Senator from

Michigan (Mr. RIEGLE) were added as cosponsors of S. 1883, a bill to amend the Internal Revenue Code of 1954 to conform the net operating loss carryback and carryforward treatment of the Federal National Mortgage Association to that of other financial institutions.

S. 1907

At the request of Mr. ROTH, the Senator from New Mexico (Mr. SCHMITT) was added as a cosponsor of S. 1907, a bill to amend the Currency and Foreign Transactions Reporting Act and section 1961(1) of title 18, United States Code, to improve enforcement, and for other purposes.

S. 1944

At the request of Mr. LEVIN, the Senator from Arkansas (Mr. BUMPERS), the Senator from Michigan (Mr. RIEGLE), and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 1944, a bill to amend title II of the Social Security Act to provide that disability benefits shall not be terminated prior to an exhaustion of administrative remedies unless current medical evidence substantiates such termination.

S. 1992

At the request of Mr. MATHIAS, the Senator from New Mexico (Mr. SCHMITT) was added as a cosponsor of S. 1992, a bill to amend the Voting Rights Act of 1965 to extend the effect of certain provisions, and for other purposes.

S. 2012

At the request of Mr. PROXMIRE, the Senator from Kansas (Mrs. KASSEBAUM), the Senator from North Dakota (Mr. BURDICK), the Senator from Ohio (Mr. METZENBAUM), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Alabama (Mr. HEFLIN), the Senator from Tennessee (Mr. SASSER), the Senator from Pennsylvania (Mr. HEINZ), and the Senator from Nebraska (Mr. EXON) were added as cosponsors of S. 2012, a bill to amend the Internal Revenue Code of 1954 to limit the deduction of living expenses by Members of Congress and to eliminate the provision which allows such deduction without substantiation of such expense.

S. 2016

At the request of Mr. LUGAR, the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of S. 2016, a bill to amend title II of the Social Security Act to provide generally that benefits thereunder may be paid to aliens only after they have been lawfully admitted to the United States for permanent residence, and to impose further restrictions on the right of any alien in a foreign country to receive such benefits.

S. 2019

At the request of Mr. BUMPERS, the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2019, a bill to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to pay certain burial and funeral expenses of certain veterans and to provide a cemetery plot allowance for certain veterans.

S. 2022

At the request of Mr. HOLLINGS, the Senator from Washington (Mr. JACKSON), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Virginia (Mr. WARNER), and the Senator from Texas (Mr. BENTSEN) were added as cosponsors of S. 2022, a bill making supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes.

SENATE JOINT RESOLUTION 58

At the request of Mr. THURMOND, the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Texas (Mr. BENTSEN) were added as cosponsors of Senate Joint Resolution 58, joint resolution proposing an amendment to the Constitution altering Federal fiscal decisionmaking procedures.

SENATE JOINT RESOLUTION 113

At the request of Mr. DECONCINI, the Senator from New Jersey (Mr. WILLIAMS) and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of Senate Joint Resolution 113, joint resolution to designate the week beginning November 8, 1981, as "National Home Health Care Week".

SENATE JOINT RESOLUTION 141

At the request of Mr. THURMOND, the Senator from Indiana (Mr. LUGAR), the Senator from Wisconsin (Mr. KASTEN), the Senator from Florida (Mrs. HAWKINS), the Senator from Tennessee (Mr. BAKER), the Senator from Texas (Mr. TOWER), the Senator from New York (Mr. MOYNIHAN), the Senator from Illinois (Mr. DIXON), the Senator from Nevada (Mr. LAXALT), the Senator from Pennsylvania (Mr. HEINZ), the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from Florida (Mr. CHILES), the Senator from Alaska (Mr. STEVENS), the Senator from Louisiana (Mr. LONG), and the Senator from North Carolina (Mr. EAST) were added as cosponsors of Senate Joint Resolution 141, joint resolution designating February 7 through February 13, 1982, as "National Crime Prevention Week".

SENATE CONCURRENT RESOLUTION 46

At the request of Mr. LEVIN, the Senator from Wisconsin (Mr. KASTEN) was added as a cosponsor of Senate Concurrent Resolution 46, concurrent resolution expressing the sense of the Congress with regard to the mutual security efforts of the United States and Japan.

SENATE RESOLUTION 234

At the request of Mr. BAKER, the Senator from Rhode Island (Mr. PELL), the Senator from Vermont (Mr. LEAHY), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of Senate Resolution 234, original resolution to pay a gratuity to Gerald E. Hoots.

SENATE RESOLUTION 298

At the request of Mr. HOLLINGS, the Senator from Virginia (Mr. HARRY F. BYRD, JR.) was added as a cosponsor of Senate Resolution 298, resolution to honor and commend Martin L. Skutnik for his courageous act of rescue in the aircraft disaster in Washington, D.C., on January 13, 1982.

AMENDMENT NO. 1244

At the request of Mr. RANDOLPH, the Senator from Nebraska (Mr. ZORINSKY), the Senator from Colorado (Mr. HART), the Senator from North Dakota (Mr. BURDICK), the Senator from Connecticut (Mr. DODD), the Senator from Kentucky (Mr. FORD), the Senator from Arkansas (Mr. PRYOR), the Senator from Arkansas (Mr. BUMPERS), and the Senator from West Virginia (Mr. ROBERT C. BYRD) were added as cosponsors of amendment No. 1244 intended to be proposed to Senate Resolution 20, resolution providing for television and radio coverage of proceedings of the Senate.

SENATE RESOLUTION 309—AN ORIGINAL RESOLUTION AUTHORIZING EXPENDITURES FROM THE COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HATCH, from the Committee on Labor and Human Resources, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 309

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Labor and Human Resources is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the Committee under this resolution shall not exceed $4,301,000 of which amount not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

SEC. 4. Expenses of the Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Commit-

tee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 310—AN ORIGINAL RESOLUTION AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON INTELLIGENCE

Mr. LUGAR (for Mr. GOLDWATER) reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 310

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Select Committee on Intelligence is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $1,778,106.00, of which amount (1) not to exceed $10,000.00 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended)

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 311—AN ORIGINAL RESOLUTION AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. COHEN, from the Select Committee on Indian Affairs, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 311

Resolved, That in carrying out the duties and functions imposed on it by section 105 of S. Res. 4, Ninety-fifth Congress, agreed to February 4 (Legislative day, February 1), 1977, as amended and in exercising the authority conferred on it by such section, the Select Committee on Indian Affairs is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $612,710 of which amount not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries paid at annual rate.

SENATE RESOLUTION 312—RESOLUTION RELATING TO THE RELEASE OF GEN. JAMES L. DOZIER

Mr. DOMENICI (for himself, Mr. D'AMATO, Mr. DECONCINI, Mr. BAKER, Mr. KENNEDY, Mr. PELL, Mr. PERCY, Mr. ROBERT C. BYRD, Mr. BAUCUS, Mr. RIEGLE, Mr. PRYOR, Mr. MURKOWSKI, Mr. WILLIAMS, Mr. TSONGAS, Mr. INOUYE, Mr. SASSER, and Mr. ZORINSKY) submitted the following resolution; which was considered and agreed to:

S. RES. 312

Whereas United States Brigadier General James L. Dozier was kidnaped on December 17, 1981, from his apartment in Verona, Italy, by members of the Red Brigade terrorist group;

Whereas the Red Brigade has been responsible for committing numerous acts of terrorism in Italy, including the kidnaping and murder in 1978 of former Italian premier Aldo Moro;

Whereas General Dozier is the chief of staff for logistics and administration for the southern command of the North Atlantic Treaty Organization (NATO);

Whereas Italian police conducted an intensive search through much of northern Italy looking for the general and his captors;

Whereas the Italian special antiterrorist police, acting on information from an undisclosed source, made a daring daylight raid on an apartment in Padua, Italy, and rescued General Dozier, unhurt, after 42 days of captivity;

Whereas the Italian police delivered a major blow to the Red Brigade and other terrorist groups through their rescue of General Dozier and their capture of more than 20 suspected terrorists during the period of his captivity; and

Whereas, the Government of Italy has again demonstrated its dedication as an ally and friend of the United States and its commitment to eliminate terrorism while upholding its free and democratic institution: Now, therefore, be it

Resolved, That the Senate hereby expresses its profound sense of relief at the safe rescue on January 28, 1982, of Brigadier General James L. Dozier; commends General Dozier and his family for their courage and strength in this difficult period; and extends its heartfelt congratulations and gratitude to the Government of Italy for its dedication and effective efforts to rescue General Dozier and for its success in dealing a major blow to terrorism;

Resolved, That it is the sense of the Senate that the United States should take effective measures to protect American diplomatic and military personnel serving this nation abroad, and should work closely with friends and allies to combat all forms of international terrorism.

SEC. 2. That the Secretary of the Senate shall transmit a copy of this resolution to the President with the request that he transmit such copy to the Government of Italy.

AMENDMENTS SUBMITTED FOR PRINTING

TELEVISION AND RADIO COVERAGE OF PROCEEDINGS OF THE SENATE

AMENDMENT NO. 1245

(Ordered to be printed and to lie on the table.)

Mr. FORD submitted an amendment intended to be proposed by him to the resolution (S. Res. 20) providing for television and radio coverage of proceedings of the Senate.

AMENDMENT NO. 1246

(Ordered to be printed and to lie on the table.)

Mr. RANDOLPH submitted an amendment intended to be proposed by him to the resolution S. Res. 20, supra.

NOTICES OF HEARINGS

COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, the Senate Committee on the Budget will hold an oversight hearing on the Congressional Budget Office on Friday, February 5, at 10 a.m., in room 6202, Dirksen Senate Office Building. Dr. Alice Rivlin, Director of the Congressional Budget Office, is scheduled to testify.

For further information, contact Nancy Moore of the Senate Budget Committee staff at 224-4129.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MATHIAS. Mr. President, I wish to announce that the Committee on Rules and Administration will be holding meetings to hear testimony from committee chairmen and ranking minority members on their 1982 funding resolutions. These hearings will take place on Tuesday, Wednesday, and Thursday, February 9, 10, and 11, 1982, at 9:30 a.m., in room 301, Russell Senate Office Building.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MATHIAS. Mr. President, I wish to announce that the Committee on Rules and Administration will hold a meeting on Friday, February 26, 1982, at 11 a.m., in room 301, Russell Senate Office Building. The purpose

of the meeting is to mark up Senate committees' 1982 funding resolutions. The committee will also be considering regulations to implement the postal patron provisions of Public Law 97-69 (S. 1224), relating to the use of the frank.

SUBCOMMITTEE ON LABOR, HEALTH, AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

Mr. SCHMITT. Mr. President, I am pleased to advise the Senate that my Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies will begin its fiscal 1983 hearings on Wednesday, February 3, at 1:30 p.m. with an oversight hearing on a number of newly authorized programs. The subcommittee has a very large area of jurisdiction and its hearings are customarily extensive. As presently scheduled, they will run through the early part of May.

A popular feature of our hearings involves the taking of testimony from individuals and organizations from the private sector. We always receive many such requests to testify before the subcommittee and it is important to the various groups involved to know well in advance as to when our "outside witness" hearings will be held.

I, therefore, am glad to announce today that as presently scheduled, the subcommittee will hold outside witness hearings beginning Monday, May 3, at 2 p.m. and extending through Friday, May 7.

I also wish to announce that the deadline for interested groups and individuals to submit their requests for an opportunity to testify will be Friday, March 12. All requests should be in writing and such communications may be addressed to me in care of the Labor, Health and Human Services, Education and Related Agencies Appropriations Subcommittee, 1108 Dirksen Senate Office Building, Washington, D.C. 20510.

Those writing in will receive a letter providing instructions for their appearance before the subcommittee.

In addition, the deadline for those who only wish to submit statements for the hearing record will be Friday, May 7. Such statements should be no longer than seven double-spaced pages and should also be sent to me in care of the subcommittee office.

SUBCOMMITTEE ON TAXATION AND DEBT MANAGEMENT

Mr. PACKWOOD. Mr. President, the Subcommittee on Taxation and Debt Management of the Senate Finance Committee and the Subcommittee on Housing and Urban Affairs chaired by Senator RICHARD LUGAR, of the Senate Committee on Banking, Housing and Urban Affairs will hold a joint hearing at 9 a.m. on February 5, 1982. One bill has been scheduled: S. 1828, introduced by Senator LUGAR relating to the tax treatment of partnerships between thrift institutions and others.

The purpose of this notice is to briefly explain the issue raised by this bill. This may help in charting the progress of tax legislation before the Taxation Subcommittee, and to assure greater public awareness of tax bills coming up for hearings.

THRIFT PARTNERSHIP TAX ACT OF 1981—S. 1828

S. 1828 would provide for special tax treatment of partnerships between thrift institutions and others. The partnerships would be used to help thrifts to dispose of low-yield mortgages by passing the loss on disposition to other taxpayer partners who can use the losses to offset income. Specifically, S. 1828 would provide that; first, the character of gain or loss on the sale of mortgages by the partnership would be determined as if the mortgages were sold by the thrift institution, second, a partner's distributive share of gain or loss from the sale of mortgages may be determined without regard to whether the allocation has substantial economic effect, third, a contribution of mortgages to a partnership, would still be treated as a contribution of the mortgages themselves and not the proceeds of their sale, and fourth, the character of the assets of the partnership will flow through proportionately to the thrift institution for determining whether it qualifies as a domestic building and loan association.

SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES

Mr. WARNER. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of oversight hearings before the Subcommittee on Energy and Mineral Resources. The hearings will be held on Monday, February 8 and Friday, February 26, beginning at 10 a.m. in room 3110 of the Dirksen Senate Office Building to review the capacity, distribution and status of the Nation's strategic petroleum reserve.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, Subcommittee on Energy and Mineral Resources, room 3104, Dirksen Senate Office Building, Washington, D.C. 20510.

For further information regarding these hearings you may wish to contact Mr. Roger Sindelar of the subcommittee staff at 224-4236.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public two changes in the schedule for full committee hearings before the Committee on Energy and Natural Resources.

The hearing to consider the President's proposed budget for the Department of Energy for fiscal year 1983 previously scheduled for Wednesday, February 10 at 10 a.m. has been rescheduled for Tuesday, February 23 at 9:30 a.m.; and the hearing to consider the President's proposed budget for the Department of Agriculture and the U.S. Synthetic Fuels Corporation for fiscal year 1983 previously scheduled for Thursday, February 11 at 10 a.m. has been rescheduled for Wednesday, February 10 at 10 a.m. both hearings will be held in room 3110 of the Dirksen Senate Office Building.

For further information regarding these hearings you may wish to contact Mr. Richard Grundy of the committee staff at 224-2564.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Public Lands and Reserved Water on Thursday, February 11, beginning at 10 a.m. in room 3110 of the Dirksen Senate Office Building. The subcommittee will receive testimony from administration witnesses on the following bills: S. 835, for the relief of Jerry L. Crow (10-acre land selection from public lands in Alaska); S. 1501, to convey 16 acres to the University of Alaska; S. 1519, to designate certain national wildlife refuge lands in Florida as part of Florida Keys Wilderness; H.R. 1528, to clear title to certain lands in Riverside County, Calif. H.R. 1543, to clear title to certain lands in Alameda County (conveyance of real property by Central Pacific Railroad and Southern Pacific to A.C. Taber and his wife; S. 1242 (H.R. 2820), to convey certain lands in the El Dorado National Forest to certain individuals; S. 982, to convey certain lands adjacent to Lake Shore Drive, Lake Lowell, Boise project, Idaho to adjacent landowners; S. 1546, to define and clarify terms used in that patent granting certain lands to the State of Idaho; S. 1767, to transfer certain lands in Clark County, Nev., from Department of Agriculture to the Frontier Girl Scout Council; S. 706, the Federal Land Survey Act of 1981; H.R. 2863, to sell a portion of the Tahoe National Forest known as Blythe Arena; and H.R. 2475, to withdraw certain lands for purpose of protecting the watershed supplying water to the city of Los Angeles.

Those wishing to testify or who wish to submit written statements for the record should write to the Committee on Energy and Natural Resources, Subcommittee on Public Lands and Reserved Water, room 3104, Dirksen Senate Office Building, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact

Mr. Tony Bevinetto of the subcommittee staff at 224-5161.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON THE CONSTITUTION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate at 1:30 p.m. on Tuesday, February 2, to discuss the Voting Rights Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, February 4, 1982, at 10 a.m. to discuss the President's New Federalism proposals.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 4, at 2 p.m., to consider the nomination of Lawrence Eagelburger to be Under Secretary of State for Political Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FOREIGN AGRICULTURAL POLICY

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Foreign Agricultural Policy of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Wednesday, February 3, to hold a hearing on the economic impact of previous agricultural embargoes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RULES OF THE SELECT COMMITTEE ON ETHICS

● Mr. WALLOP. Mr. President, in accordance with the requirement to publish the rules of each Senate committee in the RECORD not later than March 1 of each year, I submit the procedural rules of the select committee.

The procedural rules are as follows:

RULES OF PROCEDURE, SELECT COMMITTEE ON ETHICS

RULE 1. GENERAL PROCEDURES

(a) Officers: The Committee shall select a Chairman and a Vice Chairman from among its members. In the absence of the Chairman, the duties of the Chair shall be filled by the Vice Chairman or, in the Vice Chairman's absence, a Committee member designated by the Chairman.

(b) Procedural Rules: The basic procedural rules of the Committee are stated as a part of the Standing Orders of the Senate in Senate Resolution 338, 88th Congress, as amended, as well as other resolutions and laws. Supplementary Procedural Rules are stated herein and are hereinafter referred to as the Rules. The Rules shall be published in the Congressional Record not later than thirty days after adoption, and copies shall be made available by the Committee office upon request.

(c) Meetings:

(1) The regular meeting of the Committee shall be the first Thursday of each month while the Congress is in session.

(2) Special meetings may be held at the call of the Chairman or Vice Chairman if at least forty-eight hours notice is furnished to all members. If all members agree, a special meeting may be held on less than forty-eight hours notice.

(3)(A) If any member of the Committee desires that a special meeting of the Committee be called, the member may file in the office of the Committee a written request to the Chairman or Vice Chairman for that special meeting.

(B) Immediately upon the filing of the request the Clerk of the Committee shall notify the Chairman and Vice Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman or the Vice Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, any three of the members of the Committee may file their written notice in the office of the Committee that a special meeting of the Committee will be held at a specified date and hour; such special meeting may not occur until forty-eight hours after the notice is filed. The Clerk shall immediately notify all members of the Committee of the date and hour of the special meeting. The Committee shall meet at the specified date and hour.

(d) Quorum:

(1) A majority of the members of the Select Committee shall constitute a quorum for the transaction of business involving complaints and allegations of misconduct, including the consideration of matters involving sworn complaints, unsworn allegations or information, resultant preliminary inquiries, initial reviews, investigations, hearings, recommendations or reports and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three members shall constitute a quorum for the transaction of the routine business of the Select Committee not covered by the first subparagraph of this paragraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one member of the quorum is a Member of the Majority Party and one member of the quorum is a Member of the Minority Party. During the transaction of routine business any member of the Select Committee, constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the members of the Select Committee are present.

(3) The Select Committee may fix a lesser number as a quorum for the purpose of taking sworn testimony.

(e) Order of Business: Questions as to the order of business and the procedure of the Committee shall in the first instance be decided by the Chairman and Vice Chairman, subject to reversal by a vote by a majority of the Committee.

(f) Hearings Announcements: The Committee shall make public announcement of the date, place and subject matter of any hearing to be conducted by it at least one week before the commencement of that hearing, and shall publish such announcement in the Congressional Record. If the Committee determines that there is good cause to commence a hearing at an earlier date, such notice will be given at the earliest possible time.

(g) Open and Closed Committee Meetings: Meetings of the Committee shall be open to the public or closed to the public (executive session), as determined under the provisions of paragraphs 5(b) to (d) of Rule XXVI of the Standing Rules of the Senate. Executive session meetings of the Committee shall be closed except to the members and the staff of the Committee. On the motion of any member, and with the approval of a majority of the Committee members present, other individuals may be admitted to an executive session meeting for a specified period or purpose.

(h) Record of Testimony and Committee Action: An accurate stenographic or transcribed electronic record shall be kept of all Committee proceedings, whether in executive or public session. Such record shall include Senators' votes on any question on which a recorded vote is held. The record of a witness' testimony, whether in public or executive session, shall be made available for inspection to the witness or his counsel under Committee supervision; a copy of any testimony given by that witness in public session, or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session, shall be made available to any witness if he so requests. (See Rule 6 on Procedures for Conducting Hearings.)

(i) Secrecy of Executive Testimony and Action and of Complaint Proceedings:

(1) All testimony and action taken in executive session shall be kept secret and shall not be released outside the Committee to any individual or group, whether governmental or private, without the approval of a majority of the Committee.

(2) All testimony and action relating to a sworn complaint shall be kept secret and shall not be released by the Committee to any individual or group, whether governmental or private, except the respondent, without the approval of a majority of the Committee, until such time as a report to the Senate is required under Senate Resolution 338, 88th Congress, as amended, or unless otherwise permitted under these Rules. (See Rule 9 on Procedures for Handling Committee Sensitive and Classified Materials.)

(j) Release of Reports to Public: No information pertaining to, or copies of any Committee report, study, or other document which purports to express the views, findings, conclusions or recommendations of the Committee in connection with any of its activities or proceedings may be released to any individual or group whether governmental or private, without the authorization of the Committee. Whenever the Chairman or Vice Chairman is authorized to make any determination, then the determination may be released at his or her discretion. Each member of the Committee shall be given a reasonable opportunity to have separate views included as part of any Committee report. (See Rule 9 on Proce-

dures for Handling Committee Sensitive and Classified Materials.)

(k) Ineligibility or Disqualification of Members and Staff:

(1) A member of the Committee shall be ineligible to participate in any Committee proceeding that relates specifically to any of the following:

(A) The member's own conduct;

(B) The conduct of any employee or officer that the member supervises, as defined in paragraph 11 of Rule XXXVII of the Standing Rules of the Senate;

(C) The conduct of any employee or any officer that the member supervises; or

(D) A complaint, sworn or unsworn, that was filed by a member, or by any employee or officer that the member supervises.

(2) If any Committee proceeding appears to relate to a member of the Committee in a manner described in subparagraph (1) of this paragraph, the staff shall prepare a report to the Chairman and Vice Chairman. If either the Chairman or the Vice Chairman concludes from the report that it appears that the member may be ineligible, the member shall be notified in writing of the nature of the particular proceeding and the reason that it appears that the member may be ineligible to participate in it. If the member agrees that he or she is ineligible, the member shall so notify the Chairman or Vice Chairman. If the member believes that he or she is not ineligible, he or she may explain the reasons to the Chairman and Vice Chairman, and if they both agree that the member is not ineligible, the member shall continue to serve. But if either the Chairman or Vice Chairman continues to believe that the member is ineligible, while the member believes that he or she is not ineligible, the matter shall be promptly referred to the Committee. The member shall present his or her arguments to the Committee in executive session. Any contested questions concerning a member's eligibility shall be decided by a majority vote of the Committee, meeting in executive session, with the member in question not participating.

(3) A member may also disqualify himself from participating in a Committee proceeding in other circumstances not listed in subparagraph (k)(1).

(4) The President of the Senate shall be given written notice of the ineligibility or disqualification of any member from any initial review, investigation, or other proceeding requiring the appointment of another member in accordance with subparagraph (k)(5).

(5) Whenever a member of the Committee is ineligible to participate in or disqualifies himself from participating in any initial review, investigation, or other substantial Committee proceeding, another Member of the Senate who is of the same party shall be appointed by the Senate in accordance with the provisions of paragraph 1 of Rule XXIV of the Standing Rules of the Senate, to serve as a member of the Committee solely for the purposes of that proceeding.

(6) A member of the Committee staff shall be ineligible to participate in any Committee proceeding that the staff director or outside counsel determines relates specifically to any of the following:

(A) the staff member's own conduct;

(B) The conduct of any employee that the staff member supervises;

(C) the conduct of any Member, officer or employee of whom the staff member has worked for any substantial period; or

(D) a complaint, sworn or unsworn, that was filed by the staff member. At the direction or with the consent of the staff director or outside counsel, a staff member may also be disqualified from participating in a Committee proceeding in other circumstances not listed above.

(l) Recorded Votes: Any member may require a recorded vote on any matter.

(m) Proxies; Recording Votes of Absent Members:

(1) Proxy voting shall not be allowed when the question before the Committee is the initiation or continuation of an initial review or an investigation, or the issuance of a report or recommendation related thereto concerning a Member or officer of the Senate. In any such case an absent member's vote may be announced solely for the purpose of recording the member's position and such announced votes shall not be counted for or against the motion.

(2) On matters other than matters listed in paragraph (m) (1) above, the Committee may order that the record be held open for the vote of absentees or recorded proxy votes if the absent Committee member has been informed of the matter on which the vote occurs and has affirmatively requested of the Chairman or Vice Chairman in writing that he be so recorded.

(3) All proxies shall be in writing, and shall be delivered to the Chairman or Vice Chairman to be recorded.

(4) Proxies shall not be considered for the purpose of establishing a quorum.

(n) Approval of Blind Trusts and Foreign Travel Requests Between Sessions and During Extended Recesses:

During any period in which the Senate stands in adjournment between sessions of the Congress or stands in a recess scheduled to extend beyond fourteen days, the Chairman and Vice Chairman, or their designees, acting jointly, are authorized to approve or disapprove blind trusts under the provision of Rule XXXIV, and to approve or disapprove foreign travel requests which require immediate resolution.

(o) Committee Use of Services or Employees of Other Agencies and Departments:

With the prior consent of the department or agency involved, the Committee may (1) utilize the services, information, or facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee, the Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the Chairman and Vice Chairman of the Committee, acting jointly, determine that such action is necessary and appropriate.

RULE 2: PROCEDURES FOR SWORN COMPLAINTS

(a) Sworn Complaints: Any person may file a sworn complaint with the Committee, alleging that any Senator, or officer, or employee of the Senate has violated a law, the Senate Code of Official Conduct, or any rule or regulation of the Senate relating to the conduct of any individual in the performance of his or her duty as a Member, officer, or employee of the Senate, or has engaged in improper conduct which may reflect upon the Senate.

(b) Form and Content of Complaints: A complaint filed under paragraph (a) shall be in writing and under oath, and shall set forth in simple, concise and direct statements:

(1) The name and legal address of the party filing the complaint (hereinafter, the complainant);

(2) The name and position or title of each Member, officer, or employee of the Senate who is specifically alleged to have engaged in the improper conduct or committed the violation (hereinafter, the respondent);

(3) The nature of the alleged improper conduct or violation, including if possible, the specific provision of the Senate Code of Official Conduct or other law, rule, or regulation alleged to have been violated.

(4)(A) A statement of the facts within the personal knowledge of the complainant that are alleged to constitute the improper conduct or violation.

(B) The term "personal knowledge" is not intended to and does not limit the complainant's statement to situations that he or she personally witnessed or to activities in which the complainant was a participant.

(C) Where allegations in the sworn complaint are made upon the information and belief of the complainant, the complaint shall so state, and shall set forth the basis for such information and belief.

(5) The complainant must swear that all of the information contained in the complaint either (a) is true, or (b) was obtained under circumstances such that the complainant has sufficient personal knowledge of the source of the information reasonably to believe that it is true. The complainant may so swear either by oath or by solemn affirmation before a notary public or other authorized official.

(6) All documents in the possession of the complainant relevant to or in support of his or her allegations may be appended to the complaint.

(c) Processing of Sworn Complaints:

(1) When the Committee receives a sworn complaint against a Member, officer or employee of the Senate, it shall determine by majority vote whether the complaint is in substantial compliance with paragraph (b) of this rule.

(2) If it is determined by the Committee that a sworn complaint does not substantially comply with the requirements of paragraph (b), the complaint shall be returned promptly to the complainant, with a statement explaining how the complaint fails to comply and a copy of the rules for filing sworn complaints. The complainant may resubmit the complaint in the proper form. If the complaint is not revised so that it substantially complies with the stated requirements, the Committee may in its discretion process the complaint in accordance with Rule 3.

(3) A sworn complaint against any Member, officer, or employee of the Senate that is determined by the Committee to be in substantial compliance shall be transmitted to the respondent within five days of that determination. The transmittal notice shall include the date upon which the complaint was received, a statement that the complaint conforms to the applicable rules, a statement that the Committee will immediately begin an initial review of the complaint, and a statement inviting the respondent to provide any information relevant to the complaint to the Committee. A copy of the Rules of the Committee shall be supplied with the notice.

RULE 3: PROCEDURES ON RECEIPT OF ALLEGATIONS OTHER THAN A SWORN COMPLAINT; PRELIMINARY INQUIRY

(a) Unsworn Allegations or Information: Any member or staff member of the Committee shall report to the Committee, and any other person may report to the Committee, any credible information available to

him or her that indicates that any named or unnamed Member, officer or employee of the Senate may have—

(1) violated the Senate Code of Official Conduct;

(2) violated a law;

(3) violated any rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Members, officers, or employees of the Senate; or

(4) engaged in improper conduct which may reflect upon the Senate. Such allegations or information may be reported to the Chairman, the Vice Chairman, a Committee member, or a Committee staff member.

(b) Sources of Unsworn Allegations or Information: The information to be reported to the Committee under paragraph (a), may be obtained from a variety of sources, including but not limited to the following:

(1) sworn complaints that do not satisfy all of the requirements of Rule 2:

(2) anonymous or informal complaints, whether or not satisfying the requirments of Rule 2;

(3) information developed during a study or inquiry by the Committee or other committees or subcommittees of the Senate, including information obtained in connection with legislative or general oversight hearings;

(4) information reported by the news media; or

(5) information obtained from any individual, agency or department of the executive branch of the Federal Government.

(c) Preliminary Inquiry:

(1) When information is presented to the Committee pursuant to paragraph (a), it shall immediately be transmitted to the Chairman and the Vice Chairman, for one of the following actions.

(A) The Chairman and Vice Chairman, acting jointly, may conduct or may direct the Committee staff to conduct, a preliminary inquiry.

(B) The Chairman and Vice Chairman, acting jointly, may present the allegations or information received directly to the Committee for it to determine whether an initial review should be undertaken (See paragraph (d).)

(2) A preliminary inquiry may include any inquiries or interviews that the Chairman and the Vice Chairman deem necessary or appropriate. In particular, the preliminary inquiry may seek independent credible evidence that tends to corroborate the information received and may also include discussions or correspondence with the complainant, if any, and the respondent, if any.

(3) At the conclusion of a preliminary inquiry, the Chairman and Vice Chairman shall receive a full report of its findings. The Chairman and Vice Chairman, acting jointly, shall then determine what further action, if any, is appropriate in the particular case, including any of the following:

(A) No further action is appropriate, because the alleged improper conduct or violation is clearly not within the jurisdiction of the Committee;

(B) No further action is appropriate, because there is no reason to believe that the alleged improper conduct or violation may have occurred; or

(C) The unsworn allegations or information, and a report on the preliminary inquiry, should be referred to the Committee, to determine whether an initial review should be undertaken. (See paragraph (d).)

(4) If the Chairman and the Vice Chairman are unable to agree on a determination at the conclusion of a preliminary inquiry, then they shall refer the allegations or information to the Committee, with a report on the preliminary inquiry, for the Committee to determine whether an initial review should be undertaken. (See paragraph (d).)

(5) A preliminary inquiry shall be completed within sixty days after the unsworn allegations or information were received by the Chairman and Vice Chairman. The sixty day period may be extended for a specified period by the Chairman and Vice Chairman, acting jointly. A preliminary inquiry is completed when the Chairman and the Vice Chairman have made the determination required by subparagraphs (3) and (4) of this paragraph.

(d) Determination Whether to Conduct an Initial Review: When information or allegations are presented to the Committee by the Chairman and the Vice Chairman, the Committee shall determine whether an initial review should be undertaken.

(1) An initial review shall be undertaken when—

(A) there is reason to believe on the basis of the information before the Committee that the possible improper conduct or violation may be within the jurisdiction of the Committee; and

(B) there is reason to believe on the basis of the information before the Committee that the improper conduct or violation may have occurred.

(2) The determination whether to undertake an initial review shall be made by recorded vote within thirty days following the Committee's receipt of the unsworn allegations or information from the Chairman or Vice Chairman, or at the first meeting of the Committee thereafter if none occurs within thirty days, unless this time is extended for a specified period by the Committee.

(3) The Committee may determine that an initial review is not warranted because (a) there is no reason to believe on the basis of the information before the Committee that the improper conduct or violation may have occurred, or (b) the improper conduct or violation, even if proven, is not within the jurisdiction of the Committee.

(A) If the Committee determines that an initial review is not warranted, it shall promptly notify the complainant, if any, and any known respondent.

(B) If there is a complainant, he or she may also be invited to submit additional information, and notified of the procedures for filing a sworn complaint. If the complainant later provides additional information, not in the form of a sworn complaint, it shall be handled as a new allegation in accordance with the procedures of Rule 3. If he or she submits a sworn complaint, it shall be handled in accordance with Rule 2.

(4)(A) The Committee may determine that there is a reason to believe on the basis of the information before it that the improper conduct or violation may have occurred and may be within the jurisdiction of the Committee, and that an initial review must therefore be conducted.

(B) If the Committee determines that an initial review will be conducted, it shall promptly notify the complainant, if any, and the respondent, if any.

(C) The notice required under subparagraph (B) shall include a general statement of the information or allegations before the Committee, and a statement that the Committee will immediately begin an initial review of the complaint. A copy of the Rules of the Committee shall be supplied with the notice.

(5) If a member of the Committee believes that the preliminary inquiry has provided sufficient information for the Committee to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred, the member may move that the Committee dispense with the initial review and move directly to the determinations described in Rule 4(f). The Committee may adopt such a motion by majority vote of the full Committee.

RULE 4: PROCEDURES FOR CONDUCTING AN INITIAL REVIEW

(a) Basis for Initial Review: The Committee shall promptly commence an initial review whenever it has received either (1) a sworn complaint that the Committee has determined is in substantial compliance with the requirements of Rule 2, or (2) unsworn allegations or information that have caused the Committee to determine in accordance with Rule 3 that an initial review must be conducted.

(b) Scope of Initial Review:

(1) The initial review shall be of such duration and scope as may be necessary to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

(2) The initial review may include any inquiries or interviews that the Committee deems appropriate to obtain the evidence upon which to make the determination required by subparagraph (1), including the taking of sworn statements and the use of subpoenas.

(c) Opportunity of Response: An initial review may include an opportunity for any known respondent or his designated representative, to present either a written or oral statement, or to respond orally to questions from the Committee. Such an oral statement or answers shall be transmitted and signed by the person providing the statement or answers.

(d) Status Reports: The Committee staff or outside counsel shall periodically report to the Committee in the form and according to the schedule prescribed by the Committee. The reports shall be confidential.

(e) Final Report: When the initial review is completed, the staff or outside counsel shall make a confidential report to the Committee on findings and recommendations.

(f) Committee Action: As soon as practicable following submission of the report on the initial review, the Committee shall determine by a recorded vote whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that violation within the jurisdiction of the Committee has occurred. The Committee may make any of the following determinations:

(1) The Committee may determine that there is not such substantial credible evidence. In this case, the Committee shall report its determination to the complainant, if any, and to the respondent, together with an explanation of the basis for the determination. The explanation may be as detailed as the Committee desires, but it is not required to include a complete discussion of the evidence collected in the initial review.

(2) The Committee may determine that there is such substantial credible evidence, but that the alleged violation is inadvertent, technical, or otherwise of a de minimis nature. In this case, the Committee may at-

tempt to correct or to prevent such violation by informal methods. The Committee's final determination in this matter shall be reported to the complainant, if any, and to the respondent, if any.

(3) The Committee may determine that there is such substantial credible evidence, but that the alleged violation, if proven, although not of a de minimis nature, would not be sufficiently serious to justify the severe disciplinary actions specified in Senate Resolution 338, 88th Congress, as amended (i.e., for a Member, censure, expulsion, or recommendation to the appropriate party conference regarding the Member's seniority or positions of responsibility; or for an officer or employee, suspension or dismissal). In this case, the Committee, by the recorded affirmative vote of at least four members, may propose a remedy that it deems appropriate. If the respondent agrees to the proposed remedy, a summary of the Committee's conclusions and the remedy proposed and agreed to shall be filed as a public record with the Secretary of the Senate and a notice of the filing shall be printed in the Congressional Record.

(4) The Committee may determine, by recorded affirmative vote of at least four members, that there is such substantial credible evidence, and also either: (A) that the violation, if proved, would be sufficiently serious to warrant imposition of one of the severe disciplinary actions listed in paragraph (3); or (B) that the violation, if proven, is less serious, but was not resolved pursuant to the procedure in paragraph (3). In either case, the Committee shall order that an investigation promptly be conducted in accordance with Rule 5.

RULE 5: PROCEDURES FOR CONDUCTING AN INVESTIGATION

(a) Definition of Investigation: An "investigation" is a proceeding undertaken by the Committee, by recorded affirmative vote of at least four members, after a finding on the basis of an initial review that there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within its jurisdiction has occurred.

(b) Scope of Investigation: When the Committee decides to conduct an investigation, it shall be of such duration and scope as is necessary for the Committee to determine whether a violation within its jurisdiction has occurred. In the course of the investigation, designated outside counsel, or if the Committee determines not to use outside counsel, the Committee or its staff, may conduct inquiries or interviews, take sworn statements, use compulsory process as described in Rule 7, or take any other actions that the Committee deems appropriate to secure the evidence necessary to make this determination.

(c) Notice to Respondent: The Committee shall give written notice to any known respondent who is the subject of an investigation. The notice shall be sent to the respondent no later than five working days after the Committee has voted to conduct an investigation. The notice shall include a statement of the nature of the possible violation, and a description of the evidence indicating that a possible violation occurred. The Committee shall offer the respondent an opportunity to present a statement or to respond to questions from members of the Committee, the Committee staff, or outside counsel.

(d) Right to a Hearing: The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate.

(e) Progress Reports to Committee: The Committee staff or outside counsel shall periodically report to the Committee concerning the progress of the investigation. Such reports shall be delivered to the Committee in the form and according to the schedule prescribed by the Committee, and shall be confidential.

(f) Report of Investigation:

(1) Upon completion of an investigation, including any hearings held pursuant to Rule 6, the outside counsel or the staff shall submit a confidential written report to the Committee, which shall detail the factual findings of the investigation and which may recommend disciplinary action, if appropriate. Findings of fact of the investigation shall be detailed in this report whether or not disciplinary action is recommended.

(2) The Committee shall consider the report of the staff or outside counsel promply following its submission. The Committee shall prepare and submit a report to the Senate, including a recommendation to the Senate concerning disciplinary action, if appropriate. A report shall be issued, stating in detail the Committee's findings of fact, whether or not disciplinary action is recommended. The report shall also explain fully the reasons underlying the Committee's recommendation concerning disciplinary action, if any. No recommendation or resolution of the Committee concerning the investigation of a Member, officer or employee of the Senate may be approved except by the affirmative recorded vote of not less than four members of the Committee's.

(3) Promptly after the conclusion of the investigation, the Committee's report and recommendation shall be forwarded to the Secretary of the Senate, and a copy shall be provided to the complainant and the respondent. The full report and recommendation shall be printed and made public, unless the Committee determines by majority vote that it should remain confidential.

RULE 6: PROCEDURES FOR HEARINGS

(a) Right to a Hearing: The Committee may hold a public or executive hearing in any inquiry, initial review, investigation, or other proceeding. The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate. (See Rule 5(e).)

(b) Non-public Hearings: The Committee may at any time during a hearing determine in accordance with paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate whether to receive the testimony of specific witnesses in executive session. If a witness desires to express a preference for testifying in public or in executive session, he or she shall so notify the Committee at least five days before he or she is scheduled to testify.

(c) Adjudicatory Hearings: The Committee may, by majority vote, designate any public or executive hearing as an adjudicatory hearing; and, any hearing which is concerned with possible disciplinary action against a respondent or respondents designated by the Committee shall be an adjudicatory hearing. In any adjudicatory hearing, the procedures described in paragraph (j) shall apply.

(d) Subpoena Power: The Committee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such correspondence, books, papers, documents or other articles as it deems advisable. (See Rule 7.)

(e) Notice of Hearings: The Committee shall make public an announcement of the date, place, and subject matter of any hearing to be conducted by it, in accordance with Rule 1(f).

(f) Presiding Officer: The Chairman shall preside over the hearings, or in his absence the Vice Chairman. If the Vice Chairman is also absent, a Committee member designated by the Chairman shall preside. If an oath or affirmation is required, it shall be administered to a witness by the Presiding Officer, or in his absence, by any Committee member.

(g) Witnesses:

(1) A subpoena or other request to testify shall be served on a witness sufficiently in advance of his or her scheduled appearance to allow the witness a reasonable period of time, as determined by the Committee, to prepare for the hearing and to employ counsel if desired.

(2) The Committee may, by majority vote, rule that no member of the Committee or staff or outside counsel shall make public the name of any witness subpoenaed by the Committee before the date of that witness' scheduled appearance, except as specifically authorized by the Chairman and Vice Chairman, acting jointly.

(3) Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the Committee at least two working days in advance of the hearing at which the statement is to be presented. The Chairman and Vice Chairman shall determine whether such statements may be read or placed in the record of the hearing.

(4) Insofar as practicable, each witness shall be permitted to present a brief oral opening statement, if he or she desires to do so.

(h) Right to Testify: Any person whose name is mentioned or who is specifically identified or otherwise referred to in testimony or in statements made by a Committee member, staff member or outside counsel, or any witness, and who reasonably believes that the statement tends to adversely affect his or her reputation may—

(1) request to appear personally before the Committee to testify in his or her own behalf; or

(2) file a sworn statement of facts relevant to the testimony or other evidence or statement of which he or she complained. Such request and such statement shall be submitted to the Committee for its consideration and action.

(i) Conduct of Witnesses and Other Attendees: The Presiding Officer may punish any breaches of order and decorum by censure and exclusion from the hearings. The Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(j) Adjudicatory Hearing Procedures:

(1) Notice of Hearings: A copy of the public announcement of an adjudicatory hearing, required by paragraph (e), shall be furnished together with a copy of these Rules to all witnesses at the time they are subpoenaed or otherwise summoned to testify.

(2) Preparation for Adjudicatory Hearings:

(A) At least five working days prior to the commencement of an adjudicatory hearing, the Committee shall provide the following information and documents to the respondent, if any:

(i) a list of proposed witnesses to be called at the hearing;

(ii) copies of all documents expected to be introduced as exhibits at the hearing; and

(iii) a brief statement as to the nature of the testimony expected to be given by each witness to be called at the hearing.

(B) At least two working days prior to the commencement of an adjudicatory hearing, the respondent, if any, shall provide the information and documents described in divisions (i), (ii) and (iii) of subparagraph (A) to the Committee.

(C) At the discretion of the Committee, the information and documents to be exchanged under this paragraph shall be subject to an appropriate agreement limiting access and disclosure.

(D) If a respondent refuses to provide the information and documents to the Committee (see (A) and (B) of this subparagraph), or if a respondent or other individual violates an agreement limiting access and disclosure, the Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(3) Swearing of Witnesses: All witnesses who testify at adjudicatory hearings shall be sworn unless the Presiding Officer, for good cause, decides that a witness does not have to be sworn.

(4) Right to Counsel: Any witness at an adjudicatory hearing may be accompanied by counsel of his or her own choosing, who shall be permitted to advise the witness of his or her legal rights during the testimony.

(5) Right to Cross-Examine and Call Witnesses:

(A) In adjudicatory hearings, any respondent who is the subject of an investigation, and any other person who obtains the permission of the Committee, may personally or through counsel cross-examine witnesses called by the Committee and may call witnesses in his or her own behalf.

(B) A respondent may apply to the Committee for the issuance of subpoenas for the appearance of witnesses or the production of documents on his or her behalf. An application shall be approved upon a concise showing by the respondent that the proposed testimony or evidence is relevant and appropriate, as determined by the Chairman and Vice Chairman.

(C) With respect to witnesses called by a respondent, or other individual given permission by the Committee, each such witness shall first be examined by the party who called the witness or by that party's counsel.

(D) At least one working day before a witness' scheduled appearance, a witness or a witness' counsel may submit to the Committee written questions proposed to be asked of that witness. If the Committee determines that it is necessary, such questions may be asked by any member of the Committee, or by any Committee staff member if directed by a Committee member. The witness or witness' counsel may also submit additional sworn testimony for the record within twenty four hours after the last day that the witness has testified. The insertion of such testimony in that day's record is subject to the approval of the Chairman and Vice Chairman acting jointly within five days after the testimony is received.

(6) Admissibility of Evidence:

(A) The object of the hearing shall be to ascertain the truth. Any evidence that may be relevant and probative shall be admissible, unless privileged under the Federal Rules of Evidence. Rules of evidence shall not be applied strictly, but the Presiding Officer shall exclude irrelevant or unduly repetitious testimony. Objections going only to the weight that should be given evidence will not justify its exclusion.

(B) The Presiding Officer shall rule upon any question of the admissibility of testimony or other evidence presented to the Committee. Such rulings shall be final unless reversed or modified by a majority vote of the Committee before the recess of that day's hearings.

(7) Supplementary Hearing Procedures: The Committee may adopt any additional special hearing procedures that it deems necessary or appropriate to a particular adjudicatory hearing. Copies of such supplementary procedures shall be furnished to witnesses and respondents, and shall be made available upon request to any member of the public.

(k) Transcripts:

(1) An accurate stenographic or recorded transcript shall be made of all public and executive hearings. Any member of the Committee, Committee staff member, outside counsel retained by the Committee, or witness may examine a copy of the transcript retained by the Committee of his or own remarks and may suggest to the official reporter any typographical or transcription errors. If the reporter declines to make the requested corrections, the member, staff member, outside counsel or witness may request a ruling by the Chairman and Vice Chairman, acting jointly. Any members or witness shall return the transcript with suggested corrections to the Committee offices within five working days after receipt of the transcript, or as soon thereafter as is practicable. If the testimony was given in executive session, the member or witness may only inspect the transcript at a location determined by the Chairman and Vice Chairman, acting jointly. Any questions arising with respect to the processing and correction of transcripts shall be decided by the Chairman and Vice Chairman, acting jointly.

(2) Except for the record of a hearing which is closed to the public, each transcript shall be printed as soon as is practicable after receipt of the corrected version., The Chairman and Vice Chairman, acting jointly, may order the transcript of a hearing to be printed without the corrections of a member or witness if they determine that such member or witness has been afforded a reasonable time to correct such transcript and such transcript has not been returned within such time.

(3) The Committee shall furnish each witness, at no cost, one transcript copy of that witness' testimony given at a public hearing. If the testimony was given in executive session, then a transcript copy shall be provided upon request, subject to appropriate conditions and restrictions prescribed by the Chairman and Vice Chairman. If any individual violates such conditions and restrictions, the Committee may recommend by majority vote that he or she be cited for contempt of Congress.

RULE 7: SUBPENAS

(a) Procedure: Subpenas may be issued either—

(1) by majority vote of the Committee, or

(2) by the Chairman and Vice Chairman, acting jointly.

All subpoenas shall be signed by the Chairman or the Vice Chairman and may be served by any person eighteen years of age or older, who is designated by the Chairman or Vice Chairman. Each subpena shall be served with a copy of the Rules of the Committee and a brief statement of the purpose of the initial review, investigation, or other proceeding.

(b) Subpena Power: Pursuant to Federal law (2 U.S.C. 190(b)), the Committee is authorized to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate as it deems advisable. The Committee is similarly authorized to require by subpoena or otherwise the attendance of such witnesses or the production of such correspondence, books, papers, documents, or other articles as it deems advisable.

(c) Withdrawal of Subpoena: The Committee may, by majority vote, withdraw any subpoena issued by it or issued by the Chairman and Vice Chairman, acting jointly.

The Chairman and Vice Chairman, acting jointly, may withdraw any subpoena issued by them.

RULE 8: VIOLATIONS OF LAW; PERJURY; LEGISLATIVE RECOMMENDATIONS; AND APPLICABLE RULES AND STANDARDS OF CONDUCT

(a) Violations of Law: Whenever the Committee determines by majority vote that there is reason to believe that a violation of law may have occurred, it shall report such possible violation to the proper state and federal authorities.

(b) Perjury: Any person who knowingly and willfully swears falsely to a sworn complaint or any other sworn statement to the Committee does so under penalty of perjury. The Committee may refer any such case to the Attorney General for prosecution.

(c) Legislative Recommendations: The Committee shall recommend to the Senate by report or resolution such additional rules, regulations, or other legislative measures as it determines to be necessary or desirable to ensure proper standards of conduct by Members, officers, or employees of the Senate. The Committee may conduct such inquiries as it deems necessary to prepare such a report or resolution, including the holding of hearings in public or executive session and the use of subpoenas to compel the attendance of witnesses or the production of materials. The Committee may make legislative recommendations as a result of its findings in an initial review, investigation, or other proceeding.

(d) Applicable Rules and Standards of Conduct:

(1) No initial review or investigation shall be made of an alleged violation of any law, rule, regulation, or provision of the Senate Code of Official Conduct which was not in effect at the time the alleged violation occurred. No provision of the Senate Code of Official Conduct shall apply to, or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code.

(2) The Committee may conduct an initial review or investigation of an alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Committee.

RULE 9: PROCEDURES FOR HANDLING COMMITTEE SENSITIVE AND CLASSIFIED MATERIALS

(a) Procedures for Handling Committee Sensitive Materials:

(1) Committee Sensitive information or material is information or material in the possession of the Select Committee on Ethics which pertains to illegal or improper conduct by a present or former Member, officer, or employee of the Senate; to allegations or accusation of such conduct; to any

resulting preliminary inquiry, initial review, or investigation by the Select Committee on Ethics into such allegations or conduct; to the investigative techniques and procedures of the Select Committee on Ethics; or to other information or material designated by the staff director, or outside counsel designated by the Chairman and Vice Chairman.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of Committee Sensitive information in the possession of the Committee or its staff. Procedures for protecting Committee Sensitive Materials shall be in writing and shall be given to each Committee staff member.

(b) Procedures for Handling Classified Materials:

(1) Classified information or material is information or material which is specifically designated as classified under the authority of Executive Order 11652 requiring protection of such information or material from unauthorized disclosure in order to prevent damage to the United States.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of classified information in the possession of the Committee or its staff. Procedures for handling such information in the possession of the Committee or its staff. Procedures for handling such information shall be in writing and a copy of the procedures shall be given to each staff member cleared for access to classified information.

(3) Each member of the Committee shall have access to classified material in the Committee's possession. Only Committee staff members with appropriate security clearances and a need-to-know, as approved by the Chairman and Vice Chairman, acting jointly, shall have access to classified information in the Committee's possession.

(c) Procedures for Handling Committee Sensitive and Classified Documents:

(1) Committee Sensitive and classified documents and materials shall be segregated in secure filing safes. Removal from the Committee offices of such documents or materials is prohibited except as necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, or as otherwise specifically approved by the staff director or by outside counsel designated by the Chairman and Vice Chairman.

(2) Each member of the Committee shall have access to all materials in the Committee's possession. The staffs of members shall not have access to Committee Sensitive or classified documents and materials without the specific approval in each instance of the Chairman, and Vice Chairman, acting jointly. Members may examine such materials in the Committee's offices. If necessary, requested materials may be taken by a member of the Committee staff to the office of a member of the Committee for his or her examination, but the Committee staff member shall remain with the Committee Sensitive or classified documents or materials at all times except as specifically authorized by the Chairman or Vice Chairman.

(3) Any Member of the Senate who is not a member of the Committee and who seeks access to any Committee Sensitive or classified documents or materials, other than documents or materials which are matters of public record, shall request access in writing. The Committee shall decide by majority vote whether to make documents or materials available. If access is granted, the Member shall not disclose the information except as authorized by the Committee.

(4) Whenever the Committee makes Committee Sensitive or classified documents or materials available to any Member of the Senate who is not a member of the Committee, or to a staff person of a Committee member in response to a specific request to the Chairman and Vice Chairman, a written record shall be made identifying the Member of the Senate requesting such documents or materials and describing what was made available and to whom.

(d) non-disclosure policy and agreement:

(1) Except as provided in the last sentence of this paragraph, no member of the Select Committee on Ethics, its staff, or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics shall release, divulge, publish, reveal by writing, word, conduct, or disclose in any way, in whole, or in part, or by way of summary, during tenure with the Select Committee on Ethics or anytime thereafter, any testimony given before the Select Committee on Ethics in executive session (including the name of any witness who appeared or was called to appear in executive session), any classified or Committee Sensitive information, document or material, received or generated by the Select Committee on Ethics or any classified or Committee Sensitive information which may come into the possession of such person during tenure with the Select Committee on Ethics or its staff. Such information, documents, or material may be released to an official of the executive branch properly cleared for access with a need-to-know, for any purpose or in connection with any proceeding, judicial or otherwise, as authorized by the Select Committee on Ethics, or in the event of termination of the Select Committee on Ethics, in such a manner as may be determined by its successor or by the Senate.

(2) No member of the Select Committee on Ethics staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics, shall be granted access to classified or Committee Sensitive information or material in the possession of the Select Committee on Ethics unless and until such person agrees in writing, as a condition of employment, to the non-disclosure policy. The agreement shall become effective when signed by the Chairman and Vice Chairman on behalf of the Committee.

RULE 10: BROADCASTING AND NEWS COVERAGE OF COMMITTEE PROCEEDINGS

(a) Whenever any hearing or meeting of the Committee is open to the public, the Committee shall permit that hearing or meeting to be covered in whole or in part, by television broadcast, radio broadcast, still photography, or by any other methods of coverage, unless the Committee decides by majority vote that such coverage is not appropriate at a particular hearing or meeting.

(b) Any witness served with a subpoena by the Committee may request not to be photographed at any hearing or to give evidence or testimony while the broadcasting, reproduction, or coverage of that hearing, by radio, television, still photography, or other methods is occurring. At the request of any such witness who does not wish to be subjected to radio, television, still photography, or other methods of coverage, and subject to the approval of the Committee, all lenses shall be covered and all microphones used for coverage turned off.

(c) If coverage is permitted, it shall be in accordance with the following requirements:

(1) Photographers and reporters using mechanical recording, filming, or broadcasting apparatus shall position their equipment so as not to interfere with the seating, vision, and hearing of the Committee members and staff, or with the orderly process of the meeting or hearing.

(2) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(3) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(4) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery Committee of Press Photographers.

(5) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and the coverage activities in an orderly and unobtrusive manner.

RULE 11: PROCEDURES FOR ADVISORY OPINIONS

(a) When Advisory Opinions are Rendered:

(1) The Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(2) The Committee may issue an advisory opinion writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the persons seeking the advisory opinion.

(b) Form of Request: A request for an advisory opinion shall be directed in writing to the Chairman of the Committee and shall include a complete and accurate statement of the specific factual situation with respect to which the request is made as well as the specific question or questions which the requestor wishes the Committee to address.

(c) Opportunity for Comment:

(1) The Committee will provide an opportunity for any interested party to comment on a request for an advisory opinion—

(A) which requires an interpretation on a significant question of first impression that will affect more than a few individuals; or

(B) when the Committee determines that comments from interested parties would be of assistance.

(2) Notice of any such request for an advisory opinion shall be published in the Congressional Record, with appropriate deletions to insure confidentiality, and interested parties will be asked to submit their comments in writing to the Committee within ten days.

(3) All relevant comments received on a timely basis will be considered.

(d) Issuance of an Advisory Opinion:

(1) The Committee staff shall prepare a proposed advisory opinion in draft form which will first be reviewed and approved by

the Chairman and Vice Chairman, acting jointly, and will be presented to the Committee for final action. If (A) the Chairman and Vice Chairman cannot agree, or (B) either the Chairman or Vice Chairman requests that it be taken directly to the Committee, then the proposed advisory opinion shall be referred to the Committee for its decision.

(2) An advisory opinion shall be issued only by the affirmative recorded vote of a majority of the members voting.

(3) Each advisory opinion issued by the Committee shall be promptly transmitted for publication in the Congressional Record after appropriate deletions are made to insure confidentiality. The Committee may at any time revise, withdraw, or elaborate on any advisory opinion.

(e) Reliance on Advisory Opinions:

(1) Any advisory opinion issued by the Committee under Senate Resolution 338, 88th Congress, as amended, and the Rules may be relied upon by—

(A) Any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered if the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and

(B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(2) Any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of Senate Resolution 338, 88th Congress, as amended, and of the Rules, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

RULE 12: PROCEDURES FOR INTERPRETATIVE RULINGS

(a) Basis for Interpretative Rulings: Senate Resolution 338, 88th Congress, as amended, authorizes the Committee to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction. The Committee also may issue such rulings clarifying or explaining any rule or regulation of the Select Committee on Ethics.

(b) Request for Ruling: A request for such a ruling must be directed in writing to the Chairman or Vice Chairman of the Committee.

(c) Adoption of Ruling:

(1) The Chairman and Vice Chairman, acting jointly, shall issue a written interpretative ruling in response to any such request, unless—

(A) they cannot agree,

(B) it requires an interpretation of a significant question of first impression, or

(C) either requests that it be taken to the Committee, in which event the request shall be directed to the Committee for a ruling.

(2) A ruling on any request taken to the Committee under subparagraph (1) shall be adopted by a majority of the members voting and the ruling shall then be issued by the Chairman and Vice Chairman.

(d) Publication of Rulings: The Committee will publish in the Congressional Record, after making appropriate deletions to ensure confidentiality, any interpretative rulings issued under this Rule which the Committee determines may be of assistance or guidance to other Members, officers or employees. The Committee may at any time revise, withdraw, or elaborate on interpretative rulings.

(e) Reliance on Rulings: Whenever an individual can demonstrate to the Committee's satisfaction that his or her conduct was in good faith reliance on an interpretative ruling issued in accordance with this Rule, the Committee will not recommend sanctions to the Senate as a result of such conduct.

(f) Rulings by Committee Staff: The Committee staff is not authorized to make rulings or give advice, orally or in writing, which binds the Committee in any way.

RULE 13: PROCEDURES FOR COMPLAINTS INVOLVING IMPROPER USE OF THE MAILING FRANK

(a) Authority to Receive Complaints: The Committee is directed by section 6(b) of Public Law 93-191 to receive and dispose of complaints that a violation of the use of the mailing frank has occurred or is about to occur by a Member or officer of the Senate or by a surviving spouse of a Member. All such complaints will be processed in accordance with the provisions of these Rules, except as provided in paragraph (b).

(b) Disposition of Complaints:

(1) The Committee may dispose of any such complaint by requiring restitution of the cost of the mailing if it finds that the franking violation was the result of a mistake.

(2) Any complaint disposed of by restitution that is made after the Committee has formally commenced an initial review or investigation, must be summarized, together with the disposition, in a notice promptly transmitted for publication in the Congressional Record.

(3) If a complaint is disposed of by restitution, the complainant, if any, shall be notified of the disposition in writing.

(c) Advisory Opinions and Interpretative Rulings: Requests for advisory opinions or interpretative rulings involving franking questions shall be processed in accordance with Rules 11 and 12.

RULE 14: PROCEDURES FOR WAIVERS

(a) Authority for Waivers: The Committee is authorized to grant a waiver under the following provisions of the Standing Rules of the Senate:

(1) Section 101(h) of the Ethics in Government Act of 1978, as amended, (Rule XXXIV) relating to the filing of financial disclosure reports by individuals who are expected to perform or who have performed the duties of their offices or positions for less than one hundred and thirty days in a calendar year;

(2) Section 102(a)(2)(D) of the Ethics in Government Act, as amended, (Rule XXXIV) relating to the reporting of gifts;

(3) Paragraph 1 of Rule XXXV relating to acceptance of gifts; or

(4) Paragraph 5 of Rule XLI relating to applicability of any of the provisions of the Code of Official Conduct to an employee of the Senate hired on a per diem basis.

(b) Requests for Waivers: A request for a waiver under paragraph (a) must be directed to the Chairman or Vice Chairman in writing and must specify the nature of the waiver being sought and explain in detail the facts alleged to justify a waiver. In the case of a request submitted by an employee, the views of his or her supervisor (as determined under paragraph 11 of Rule XXXVII of the Standing Rules of the Senate) should be included with the waiver request.

(c) Ruling: The Committee shall rule on a waiver request by recorded vote, with a majority of those voting affirming the decision.

(d) Availability of Waiver Determinations: A brief description of any waiver granted by the Committee, with appropriate deletions to ensure confidentiality, shall be made available for review upon request in the Committee office. Waivers granted by the Committee pursuant to the Ethics in Government Act of 1978, as amended, may only be granted pursuant to a publicly available request as required by the Act.

RULE 15: DEFINITION OF "OFFICER OR EMPLOYEE"

(a) As used in the applicable resolutions and in these rules and procedures, the term "officer or employee of the Senate" means:

(1) An elected officer of the Senate who is not a Member of the Senate;

(2) An employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) The Legislative Counsel of the Senate or any employee of his office;

(4) An Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) A member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) An employee of the Vice President, if such employee's compensation is disbursed by the Secretary of the Senate;

(7) An employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate;

(8) An officer or employee of any department or agency of the Federal Government whose services are being utilized on a full-time and continuing basis by a Member, officer, employee, or committee of the Senate in accordance with Rule XLI(3) of the Standing Rules of the Senate; and

(9) Any other individual whose full-time services are utilized for more than ninety days in a calendar year by a Member, officer, employee, or committee of the Senate in the conduct of official duties in accordance with Rule XLI(4) of the Standing Rules of the Senate.

RULE 16: COMMITTEE STAFF

(a) Committee Policy:

(1) The staff is to be assembled and retained as a permanent, professional, nonpartisan staff.

(2) Each member of the staff shall be professional and demonstrably qualified for the position for which he or she is hired.

(3) The staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner.

(4) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(5) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the Committee without specific advance permission from the Chairman and Vice Chairman.

(6) No member of the staff may make public, without Committee approval, any Committee Sensitive or classified information, documents, or other material obtained during the course of his or her employment with the Committee.

(b) Appointment of Staff:

(1) The appointment of all staff members shall be approved by the Chairman and Vice Chairman, acting jointly.

(2) The Committee may determine by majority vote that it is necessary to retain staff members, including a staff recommended by a special counsel, for the purpose of a particular initial review, investigation, or other proceeding. Such staff shall be retained only for the duration of that particular undertaking.

(3) The Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the Executive Branch of the Government) whenever the Committee determines that the retention of outside counsel is necessary or appropriate for any action regarding any complaint or allegation, initial review, investigation, or other proceeding, which in the determination of the Committee, is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee. The Committee shall retain and compensate outside counsel to conduct any investigation undertaken after an initial review of a sworn complaint, unless the Committee determines that the use of outside counsel is not appropriate in the particular case.

(c) Dismissal of Staff: A staff member may not be removed for partisan, political reasons, or merely as a consequence of the rotation of the Committee membership. The Chairman and Vice Chairman, acting jointly, shall approve the dismissal of any staff member.

(d) Staff Works for Committee as Whole: All staff employed by the Committee or housed in Committee offices shall work for the Committee as a whole, under the general direction of the Chairman and Vice Chairman, and the immediate direction of the staff director or outside counsel.

(e) Notice of Summons to Testify: Each member of the Committee staff shall immediately notify the Committee in the event that he or she is called upon by a properly constituted authority to testify or provide confidential information obtained as a result of and during his or her employment with the Committee.

RULE 17: CHANGES IN SUPPLEMENTARY PROCEDURAL RULES

(a) Adoption of Changes in Supplementary Rules: The Rules of the Committee, other than rules established by statute, or by the Standing Rules and Standing Orders of the Senate, may be modified, amended, or suspended at any time, pursuant to a majority vote of the entire membership taken at a meeting called with due notice when prior written notice of the proposed change has been * * *

VOTING RIGHTS ACT

● Mr. SCHMITT. Mr. President. I take pride in joining my colleagues as a co-sponsor of S. 1992, the House passed version of the bill which would extend the Voting Rights Act. The bill reaffirms this Nation's strong commitment to preserve the most fundamental of our constitutionally guaranteed rights—the right to vote. Since 1975, each of New Mexico's 32 counties has been subject to the bilingual election provisions of the Voting Rights Act. Requiring bilingual elections has not imposed a burden on the State. To the contrary, New Mexico has had bilingual elections for State officials since 1912. Due to this legacy of encouraging all of its residents to vote, New Mexico now has the highest degree of Hispanic voter participation in the Nation and the greatest number of elected Hispanic officials. I am proud of this achievement.

Nevertheless, the successes of the past could quickly disappear if section 4 of S. 1992 is not clarified or omitted. Section 4 provides that "Nothing in this Act shall be construed in such a way as to permit voting assistance to be given within the voting booth, unless the voter is blind or physically incapacitated.". This section was agreed to by the House by voice vote after little debate and no public comment. Although the purpose of the section is to prevent voter fraud, I believe that the section is unnecessary and could effectively disenfranchise many Hispanics and Indians who cannot read English or their native language. For example, six New Mexico counties provide oral translations in various Indian dialects on election day because the languages are traditionally unwritten or impossible to translate literally into English. As written, section 4 would prohibit this kind of oral assistance thereby denying individuals the opportunity to cast their vote intelligently.

Whatever voter fraud occurs through oral assistance in the voting booth can easily be thwarted through vigorous enforcement of criminal fraud statutes already in existence. Under the Constitution, the States have the authority to enforce the time, place, and manner of Federal elections. This has been interpreted as including the authority to provide protections for voter fraud. A criminal statute prohibiting voter fraud exists in every State. This is not the time for the Congress to usurp the longstanding authority of the States in this area. Mr. President, I have asked the Judiciary Committee to closely examine this section so that oral voting assistance under given circumstances can be continued.●

OIL AND GAS ROYALTY RIP-OFF

● Mr. HUMPHREY. Mr. President, on Thursday, January 28, 1982, I took part in a hearing before the Senate Energy and Natural Resources Committee in which it was reported that the U.S. Treasury, mineral-producing States, and Indian tribes are losing hundreds of millions of dollars in oil and gas royalties each year. We are all committed to eliminating waste, fraud, and abuse in both the Federal Government and the private sector, and I would like to take just a minute to share the committee's findings with my colleagues and to particularly commend the efforts of Senators WALLOP, MELCHER, and MCCLURE in this regard.

The hearing centered around the Commission on Fiscal Accountability of the Nation's Resources, which has just completed a 6-month investigation of inspection and royalty collection practices on Federal lands. Appointed this past summer by Secretary of Interior Watt, the Commission has uncovered and brought a much-needed focus to the growing problems of accounting mismanagement, oil theft, and the inadequacy of enforcement capabilities at the local, State and Federal level.

To be sure, we are not talking about a nickel and dime problem. The Federal royalty collection program now provides approximately $5 billion a year for the U.S. Treasury, States, and Indian tribes. It is estimated that an additional 7 to 10 percent of this—as much as $500 million a year—goes unreported to the Government. As Federal leasing and mineral resources development increases in the future, this abuse of the royalty collection system could result in losses of up to $10 billion by the end of the decade.

Mr. President, we have heard political charges recently about how this administration, and the Secretary of Interior in particular, is soft on the big oil companies. Be this as it may, I would like to point out that this administration is taking major steps towards cracking down on a system which has been sorely mismanaged for more than 20 years. Based on the Commission's recommendations, Secretary Watt has announced a major overhaul of the Interior Department's royalty collection system. He has created a new Minerals Management Service within the Department, and he has announced the creation of a Legislative Task Force which will develop an omnibus royalty management bill in cooperation with Congress.

Among these proposed legislative changes are stiffer criminal penalties for security and reporting violations, a plan to make States and Indian tribes equal partners in the collection program, and raising the onshore minimum royalty rate from its present 12½ percent to 16⅔ percent. I support these changes, and as a member of the Energy and Natural Resources Committee, I will do all that I can to see that these recommendations become law as soon as possible.

Regardless of which political party is in office, it is imperative that the Federal Government act as a responsible trustee for our public lands. An important part of this job is to insure a just rate of return to the public for mineral development on Federal lands and, without pointing the finger at anyone in particular, I hope that the individuals and companies who are responsible for this defrauding of the American public will realize that they, too, must share in this responsibility. Twenty-five oil companies are responsible for roughly 85 percent of all royalties collected, and it is safe to say

that internal improvements within the industry's accounting—and accountability—systems will be needed as well.

Finally, Mr. President, I want to emphasize that if Congress is serious about tightening its belt and improving Government efficiency, we should pursue these lost royalties, as well as other debts outstanding, before we simply turn to the taxpayers to bail us out of the present budgetary crunch. This is only the tip of the iceberg, and we owe it to the American people to recover from the few who break the law what rightfully belongs to the Nation.●

UNITED STATES POPULATION

● Mr. PACKWOOD. Mr. President, I wish to report that according to the latest U.S. Census Bureau approximations, the total population of the United States on February 1, 1982, was 230,634,094. This represents an increase of 121,776 since January 1, 1982. Since this time last year, our population has grown by an additional 2,152,661.

In one short month we have added enough people to our population to fill the city of West Palm Beach, Fla., more than three times. Over the past year, our population has increased enough to almost fill the entire city of Los Angeles, Calif.●

CLIFTON E. FRENCH

● Mr. DURENBERGER. Mr. President, yesterday marked a significant milestone in the life of a great individual and personal friend from Minnesota. Clifton E. French completed 20 years as superintendent and secretary to the Hennepin County Park Reserve District. Clif was hired as the park reserve district's first professional employee. His professional career is as illustrative as the park reserve district's story of a multicounty park system in the Twin Cities metropolitan area.

I had the pleasure and honor of serving with Clif during my term as chairman of the Hennepin County Park Reserve District. That was in the midseventies. We were putting into practical terms the principles of new federalism at a time when federalism really was new.

The Hennepin County Park Reserve District was redefining federalism, strengthening private sector initiative and learning to do more with less. In fact, I can't think of a better disciple of any of these causes than Clif French. For years he has fought those who think that the solution to any problem is carrying the bag to and from Washington's grant programs.

Clif helped build a system founded on contributed land, dollars and services, mixing those private initiatives with appropriate resources from the Federal, State, and local governments.

He was instrumental in guiding a fledgling county park system in 1962 of 1,400 acres to a nationally recognized multicounty park system. Today, just 20 years later, the park reserve district operates and maintains over 24,000 acres of park reserves, regional parks, and trail corridors in six Twin Cities area counties. Clif's professional talents have played a major role in creating a large, diverse, and outstanding system of county and regional parks.

Clif's career in parks and recreation began when he received a bachelor's degree in recreation leadership at the University of Minnesota in 1948. A year later he earned a master's in recreation leadership at the same university. In 1953, while working as an instructor in recreation and physical education at the University of Missouri, he finished course work on a doctorate in history and philosophy of education.

After serving from 1953 to 1955 as program director at Coffman Union, University of Minnesota, he became the first director of parks and recreation in Edina, Minn., a fast-growing Minneaplois suburb. Initially, as a one-man department, his job was to start from scratch and provide a varied and balanced recreation program for the people of that community. His achievements there were notable examples of excellence in parks and recreation planning, development, and administration.

During the same period of time, Clif was an active proponent of a much-needed metropolitan parks system in the Twin Cities area. He served in a citizen league committee seeking metropolitan park enabling legislation that was eventually enacted in 1955. The Hennepin County Park Reserve District, created in 1957 as a result of that legislation, set about acquiring large, natural tracts of land that would encourage people to explore natural settings while enjoying outdoor recreation opportunities. Development within the 24,000-acre park system includes restoration of forests, marshes, and prairie, making possible the return and perpetuation of native wildlife. Clif remains a staunch advocate for the conservation of natural resources in a fast-growing metropolitan area.

In 1962, after a nationwide search for its first park superintendent, the district's board of commissioners hired Clif French to help build and guide what today is a nationally recognized park system. As a matter of fact, just a few years ago, I am proud that the park reserve district received the Sports Foundation's Grand Award for excellence in the field of park and recreation management.

Clif's accomplishments are certainly many, but one important example of his exemplary leadership can be illustrated by his influence in the district's participation and development of a Twin Cities regional recreation open space system. In 1974, the Hennepin County Park Reserve District joined six other counties and the Twin Cities Metropolitan Council in advocating legislation empowering the council to plan a regional park system as well as provide capital financing in the amount of $40 million for acquisition and development of regional parks for the entire region. Believing that by working together agencies can combine resources for mutual benefit, the district, under the professional guidance of Clif, led the way in establishing significant cooperative agreements with metro area counties and muncipalities to achieve a system of regional parks. Since the initial $40 million commitment in 1974, over $50 million additional funding has been pledged for regional park acquisition and development. Again, much to Clif's influence and leadership.

Clif also pushed for renovation of a major dam which today serves as an outstanding Mississippi River recreation area. He led the way for the creation of a two-county Scott-Hennepin Park Board that illustrated how neighboring counties can cooperate in a multicounty approach to systemwide park planning, acquisition, development, and operations. He advanced one of the more far-reaching multipurpose regional trail corridors for hiking, biking, cross-country skiing, snowmobiling, horseback riding, and running that stretches over 40 miles while traversing six municipalities in one of the fastest developing areas of the metropolitan area.

Clif French has been active in professional recreation associations, particularly the Minnesota Recreation and Park Association. He has served the MRPA as its president, vice president, and as chairman over the years of several committees such as legislative, registration and certification, continuing education, membership, history, nominating, and other ad hoc special project committees.

In terms of the National Recreation and Park Association, Clif has held various committee assignments including Minnesota's representative on the Great Lakes Distict Committee, Chairman of the NRPA Personnel Committee and on the APRS Continuing Education Committee. He currently serves on the board of directors of NSPR branch of NRPA and vice president of the National Association of County Park and Recreation Officials. Last October, Clif was the program chairman for the 1981 NRPA Congress in Minneapolis.

Now Clif is not without faults. His driving exploits and quest to get from one place to another are legendary. His consumption of ice cream is almost

in direct relationship to the national debt. And his windy speeches and internal barometer would shame many politicians.

But Clif French is a successful man. On my office wall words from Ralph Waldo Emerson and his definition of "success" stare at me. The words read:

To laugh often and much, to win the respect of intelligent people and the affection of children, to earn the appreciation of honest critics and endure the betrayal of false friends, to appreciate beauty, to find the best in others, to leave the world a bit better whether by a healthy child or garden paths or a redeemed social condition, to know even one life has breathed easier because you have lived, this is to have succeeded.

These words describe Clif French. His 20 years as superintendent of the Hennepin County Park Reserve District and over 30-year career in the field of parks and recreation reflects great personal dedication to providing a better quality of life for everyone in our leisure-oriented society. He is a person whose place in the history of parks and recreation in the State of Minnesota will be long remembered. In Minnesota's park and recreation professional arena, Clif is considered the old timer—the guy who's constantly stirring the pot for the betterment of a higher quality of life for all people. Clif considers that charge of betterment one of the highest callings. His dedication, his drive for excellence, his indefatigable enthusiasm, and his willing to help others are all synonymous with the name Clif French. And, that's what people think of this man. My congratulations to Clif and his lovely wife, Jo, are sincere. Thanks on behalf of so many people.

THE FTC USED CAR RULE

● Mr. PACKWOOD. Mr. President, on behalf of myself, Senator DANFORTH, and Senator GORTON, I would like to call to the attention of the Senate the recent mushrooming of editorial opinion in favor of the Federal Trade Commission's used car rule—and against the proposed congressional veto of this rule.

Since Congress adjourned at the end of last session without completing action on the used car rule, the FTC has resubmitted the rule to Congress for another 90-day review period. A disapproval resolution, Senate Concurrent Resolution 60, was introduced on January 28, again sponsored by Senator PRESSLER. As in the last session, the disapproval resolution has been referred to the Commerce Committee, which I chair, for initial consideration.

However, beginning last fall, and accelerating through December and January, editorial after editorial, appearing in newspapers all across the country, has endorsed the FTC's used car rule. So far, I have counted some 23 editorials from major newspapers in Philadelphia, Salt Lake City, San Francisco, Buffalo, White Plains, Nashville, New York City, Long Island, St. Louis, Pittsburgh, Syracuse, St. Paul, Fort Worth, Des Moines, Birmingham, Washington, D.C., and several smaller cities. Newspapers like the New York Times, the Washington Post, and the Philadelphia Inquirer have endorsed the FTC's rule.

These editorials are rightly critical of Congress for its widespread and somewhat reflective opposition to the used car rule in the last session. The newspapers argue—and I agree—that the FTC's proposal to require used car dealers to disclose warranty terms and disclose the existence of major defects known to the dealers is a modest, focused, and well-justified consumer protection regulation. Requirements for the disclosure of information, so that consumers may make informed purchasing decisions, is a traditional, market-oriented approach to regulation. Such a rule is especially justified in the case of used car sales because of the expense involved, the complexity of the product, and because the used car dealer usually knows a great deal more about the product than prospective purchasers.

Nationally syndicated columnists like William Raspberry, Jane Bryant Quinn, Sylvia Porter, and Jack Anderson have also criticized congressional opposition to the rule.

I urge my colleagues in the Senate to consider the merits of the FTC used car rule carefully before they cosponsor Senate Concurrent Resolution 60 or otherwise commit themselves to a veto of the rule. In particular, I hope the cosponsors of the disapproval resolution last session will reevaluate their positions and not automatically commit themselves again.

Mr. President, I ask that the editorials I have referred to and the nationally syndicated columns be printed in the RECORD following my remarks.

The material follows:

[From the New York Times, Dec. 10, 1981]

USED-CAR RULE, OR OVERRULE?

The Federal Trade Commission thinks that auto dealers should be required to inform buyers about known defects—a leaky radiator, a cracked engine head—in the used cars they sell. Congress, which has the last word on Commission decisions, is now debating the issue.

More is at stake in the debate than the rules of the used-car game. By second-guessing the F.T.C. on a relatively minor regulatory issue, Congress is in effect opening its doors to every other special interest that failed to get its way with independent agencies.

The Federal Trade Commission's staff spent years investigating abuses in the used-car business. In August, the commissioners rejected a staff proposal to require inspections by dealers before sale. Instead they chose a simple disclosure rule: when a dealer knows about a defect, he has to say so on the window sticker.

If this lemon-aid ruling had been made in, say, 1979, that would have been the end of it. The decision might have been appealed in the courts but with little hope of success. Last year, however, under pressure from business groups, Congress passed the F.T.C. Improvement Act.

That barred outright commission action on a number of contested issues, including life insurance, agricultural marketing coops, brand name protection and children's television advertising. More important here, it gave the House and Senate 90 days to veto F.T.C. rules. The used-car decision is the first significant rule to be tested.

The car dealers are almost certain to win in Congress: 41 senators and 206 representatives are cosponsors of the veto resolution. According to Congress Watch, three Congressional co-sponsors in five received campaign contributions last year from the National Automobile Dealers Association. Among nonsponsors, only one in five benefited from the dealers' largess.

The used-car rule would make life easier, providing modest protection to buyers without unduly burdening sellers. But even if it is vetoed, life, and the used-car market, will go on.

What is most troubling about the veto is the invitation it offers to others. Currently, Congressmen can deflect special interests by deferring to the experts on the independent regulatory agencies. But if Congress now starts looking over agency shoulders, that option will disappear.

How long before there are "improvement" acts that permit Congressional second-guessing of the daily proceedings of the Federal Communications Commission, the Federal Energy Regulatory Commission or the Nuclear Regulatory Commission? For that matter, how much longer will there be any independent regulators at all?

[From the Washington Post, Dec. 11, 1981]

HELP FOR USED-CAR BUYERS

The nation's used-car dealers have spent a great deal of time, effort and campaign contribution money in recent months to convince Congress that they can't live with a proposed Federal Trade Commission rule requiring them to disclose defects in the used cars they sell.

Actually, the rule in question is a very mild attempt to bring a measure of respectability to a market with a reputation for shoddy dealing. When the FTC proposed the rule last August—and rejected the much stiffer controls it had previously entertained—the measure was denounced by consumer advocacy groups as a weak-kneed response to the dealer misrepresentation problems disclosed in six years of investigations and hearings.

The rule does not require dealers to inspect used cars before selling them or make any warranty whatever with respect to their performance. The dealer would simply have to put a sticker on the car listing any defects that he knows about. The FTC estimates the cost of the sticker at 18 cents.

The dealers claim that the possibility of lawsuits by disgruntled customers will force them to inspect all their used cars at considerable additional cost. We can think of a worse place than a world in which used-car dealers made a good-faith effort to let customers know what they're buying. But let's grant that even the strongest rule could be circumvented and that adding costs should not be ignored.

The FTC finds that most car dealers already inspect cars before they buy them. They don't want to get stung. Some, particularly those in the no-warranty-buy-as-is business don't inspect, and they wouldn't have to under the rule. Requiring disclosure of known defects might give a customer an added incentive to sue if he bought a lemon, but the customer would still have to prove that the dealer knew about the defect and disguised it. Without access to dealer inspection records, that would be difficult to prove.

Might it be that some dealers already know a lot they're not telling about the defects of the cars they sell? That thought doesn't seem to concern the more than 205 congressmen who are sponsoring a resolution to overturn the FTC rule. Federal Election Commission records show, by the way, that campaign contributions have gone to about 85 percent of the sponsors from the car dealers' PAC.

Opponents of the rule hope to force the measure from committee, perhaps today, and push it to quick passage on the floor. That would be unfortunate. The rule is not likely to do any harm to honest dealers, and it might do customers some real good.

[From the Philadelphia Inquirer, Jan. 3, 1982]

LET BUYER (AND VOTER) BEWARE

Acting under a law enacted last year, the Senate Commerce Committee has voted to exercise Congress' authority to veto a rule issued by the Federal Trade Commission.

The rule, adopted after more than five years of hearings, was intended to correct a "pattern of deceptive practices" that the commission said it had found over the years in the used-car business. In its considerably watered-down final version, the rule would not require dealers to make full disclosure of defects or—as the commission had proposed several months ago—affix window stickers of "OK," "not OK" or "no rating." It would not even require inspection of the merchandise.

All it would require is that they affix stickers listing any defects they know of and stating whether the car is covered under any kind of warranty.

Even that, though, was too much for the used-car industry, which mounted a furious campaign against the rule, and the wheels seem greased in Congress for striking it down. In the Senate, 47 co-sponsors, and in the House, 211, have signed the veto resolution.

What tender solicitude for the dealers. What crass indifference to the public interest. Would you buy a used car from this Congress?

[From the Philadelphia Daily News, Dec. 5, 1981]

LEMON-AID

Bills are up for consideration in both the House and Senate next week that could kill a Federal Trade Commission ruling aimed at protecting buyers of used cars.

Chances of the FTC rule standing are about equal to your getting 10,000 miles out of a transmission filled with sawdust and heavy oil. For the mighty National Association of Automobile Dealers has both spoken and spent money.

Mainly, it has spent money—carloads full—on "right-minded" legislators who will be casting their votes in the days ahead.

Before we go into that, it might be well to look at what the FTC rule would force used car dealers to do: Paste a sticker on a window of their little beauties saying that they know of nothing major that's wrong with the car. The FTC rule would not demand that the dealer tear the car apart to find out if the thing is terminally ill. In fact, a section of the sticker would read: ". . . there may be defects that are unknown to the dealer. If nothing is listed, the car is not necessarily free of defects."

Even in its present watery state, however, the law would do one thing. It would provide a $10,000 fine for each violation. Presumably, a few crooked dealers would stop selling cars they knew were certifiable lemons out of fear that enough of their customers would write the FTC about them to bring about an investigation.

We don't mean to imply here that every used car dealer is an unrepentant crook. The majority of decent dealers want to stay in business and that means repeat customers.

But the NADA doesn't see it that way. It casts doubt on the honesty of the majority of its own membership by demanding that dishonest dealers be protected from federal laws aimed at stopping abuses in the industry.

According to Congress Watch, the Ralph Nader group which keeps a close eye on such things, NADA has so far passed out $571,626 in campaign contributions—to 85 percent of the co-sponsors of legislation to kill the FTC ruling.

Which may prove one thing: Never buy a used car from a congressman.

[From the Johnstown (Pa.) Tribune-Democrat, Aug. 22, 1981]

LEMONS OLD AND NEW

The Federal Trade Commission has approved a rule that, if approved by the Congress, could revolutionize the used-car industry.

It would do that by requiring dealers who sell five or more used vehicles a year to put a sticker on a window to let prospective buyers have some idea about the condition of the vehicle, including a listing of known defects.

What that will do to the image, deserved or not, of the used-car dealer is easy to imagine: the slicker will be turned into an angel of sorts, at least if he plays according to the rules.

Meanwhile, in anticipation of the sticker regulation—which could take effect in about six months—the National Automobile Dealers Association's executive director has said his group is "pretty shocked and surprised" it made it through FTC channels. He said the NADA is most upset by the known-defect part of the sticker because it is too vague.

Too vague? Just list, honestly, what has not been fixed on a used car and then let the buyer beware but also be informed. Nothing difficult about that.

Of course the sticker idea can't possibly do a complete job of listing what is wrong with used cars, but it would be a nice try; and considering the way a lot of new cars deteriorate practically from the moment they leave the showroom, it is just unfortunate that a warning sticker cannot be devised for them too.

[From the Des Moines (Iowa) Tribune, Dec. 23, 1981]

BUYERS MISUSED

Repeated complaints about used-car sales practices led the Federal Trade Commission to investigate, and after five years it summarized two major problems: (1) Used-car dealers sometimes misrepresent the condition of their cars; (2) consumers often do not understand the meaning of "as is."

The FTC proposed a rule to require used-car dealers to post a window sticker on each car explaining what warranty, if any, is offered, and the meaning of "as is" (that the dealer makes no written promises, and the buyer is stuck for the cost of repairing any defects).

The rule would require that the dealer list on the sticker any major defects of which he is aware, such as a serious oil leak, a cracked engine block or nearly bald tires. The rule would not require dealers to inspect cars or search for defects—only to list the obvious ones or those that had come to their attention.

The car dealers have launched a major lobbying effort, backed by generous campaign contributions, to persuade Congress to veto the FTC rule. Many senators and representatives have signed as co-sponsors of a resolution to kill the rule, and the House and Senate Commerce Committees have approved it.

This would be in keeping with the anti-government, anti-regulation mood in Washington. Clearly, though, some regulations are more justified than others. Car buyers who are tired of being cheated at used-car lots ought to let their representatives and senators know that they have opinions worth listening to. They may not contribute as richly to campaign chests as used-car dealers have done—but they vote.

[From the Hollywood (Fla.) Sun-Tattler, Dec. 26, 1981]

USED CAR RULE WOULD BE AID

A proposed Federal Trade Commission rule on used car sales seems modest enough. It would require dealers to put a sticker on the window of each car advising buyers of any "known" major defects and the terms of any warranties they offer.

It might be supposed that, as a matter of course, a reputable dealer would not palm off a vehicle with a major defect on an unsuspecting customer and that the dealer would tell the buyer if a warranty goes with the car.

Yet, the rule has stirred a storm of protest on Capitol Hill and the guess is that members of Congress, many of whom have received campaign contributions from dealer trade groups, will veto it.

Congress last year gave itself the right to override any FTC regulation by a majority vote of both houses within 90 days after the regulation is proposed.

Actually, the proposed rule is a watered-down version of a stiffer regulation that the FTC and used car dealers argued about for five years. The original proposal would have required dealers to inspect cars and tell consumers of any problems the cars have. The new rule specifically says that inspections are not required.

The Reagan administration seems to be of two minds. Virginia Knauer, director of the White House Office of Consumer Affairs, supports the proposed regulation. But a top official of the Office of Management and Budget wrote congressional sponsors of the veto resolution that Knauer's view was her own and that the "paperwork burden this rule would impose has been a matter of some concern to us."

Well, we suppose there is some burden in sticking a single sheet of paper on each car.

But we suspect that the main opposition from dealers comes from a fear of losing sales by being frank with customers about defects or getting sued if they aren't.

If Congress overturns the regulation, prospective used car buyers will have to continue to assume it's "buyer beware" on a lot of used car lots.

[From the Birmingham (Ala.) Post-Herald, Dec. 18, 1981]

BUYER BEWARE

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[From the Pittsburgh Press, Dec. 21, 1981]

USED-CAR STICKERS

A proposed Federal Trade Commission rule on used-car sales seems modest enough. It would require dealers to put a sticker on the window of each car advising the buyer of any "known" major defects and the terms of any warranties they offer.

It might be supposed that, as a matter of course, a reputable dealer would not palm off a vehicle with a major defect on an unsuspecting customer. And that the dealer would tell the buyer if a warranty goes with the car.

Yet the proposed FTC rule has stirred a storm of protest on Capitol Hill. And the guess is that members of Congress, many of whom have received campaign contributions from dealer trade groups, will veto it.

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Virginia Knauer, director of the White House Office of Consumer Affairs, supports the proposed regulation.

But a top official of the Office of Management and Budget has told congressional sponsors of the veto resolution that Mrs. Knauer's view is her own and that the "paperwork burden this rule would impose has been a matter of some concern to us."

Well, yes, there is some burden in sticking a single sheet of paper on each car. But the main opposition obviously is rooted in the dealers' fear of losing sales by being frank with customers about defects or getting sued if they aren't.

Congress should resist the temptation to blow the whistle on the FTC—and should give the proposed regulation the green light.

[From the Pittsburgh-Post Gazette, Dec. 11, 1981]

GOOD DEAL FOR BAD DEALERS

Used-car buyers should complain loudly about the so-called "lemon aid" resolution recently passed by a House Commerce subcommittee. In a 3-2 vote Tuesday, the panel urged Congress to veto a Federal Trade Commission regulation to require used-car dealers to tell a customer of known defects in a car prior to sale. Congress is expected to oblige the committee enthusiastically.

The FTC regulation seems like a small enough concession to an often deceived class of consumers. But as a precedent, congressional veto of the rule would raise even more troubling prospects. If Congress blocks this wholly desirable rule, warranted by numerous examples of past abuse, how long would it be before other FTC rules would be ambushed by special interests?

That prospect also promises to stick Congress with a reputation comparable to that of the car dealers who want to escape the rule. So if the resolution against defect disclosure passes both houses, the relevant question for consumers may well be: "Would you buy a used car from this Congress?"

[From the Salt Lake City Deseret News, Dec. 7, 1981]

TRUTH IN THE USED CAR BUSINESS?

Ralph Nader and his cohorts are picking on Congress again. This time, Nader's Congress Watch is accusing various congressmen of letting their votes be influenced by contributions from the National Automobile Dealers Association.

The fuss is over a move by Congress to veto a ruling the Federal Trade Commission issued in August. The ruling would require that used car dealers inform customers of any mechanical defects they know about in the cars they sell. Congress has the power to veto such rulings within 90 days after the rulings are issued. No action has been taken yet.

The regulation, if put into effect, could throw used car dealing into confusion. Imagine! Anyone selling a used car and telling the customer: "The shocks are gone, the valves need grinding, and the frame's been bent in a collision." It's unthinkable.

Experienced buyers might suspect the dealer was trying to hide the fact that the vehicle really was a creampuff that formerly belonged to a teacher who lived next door to the school.

Congressmen have a right to worry about the truth in vending rule because someone might get the idea that it should be extended to politics. If candidates were required to list the flaws in their campaign promises, it would kill the political system as we know it.

As for the contributions of $7,000 to $9,000 given the congressmen, may be the NADA was just trying to make sure these hard-working public servants won't have to buy used cars. What other reason could there possibly be for such generosity?

[From the New York News World, Dec. 7, 1981]

SHOULD GOVERNMENT KICK TIRES FOR CONSUMERS?

The Federal Trade Commission is fighting for a regulation requiring car dealers to tell potential customers about defects. You know. Little things like a cracked block, worn-out brakes, balding tires and the need for a valve job.

The FTC says it would only cost about 18 cents a car to comply. The National Auto Dealers Administration says the bill would be more like $150.

In these days of understandable and justified resentment toward federal regulations, it looks as if the FTC's plan is likely to go down to defeat before the House and Senate.

That would be a shame. There are plenty of regulations which we agree are unnecessary and harmful to the economy, but this isn't one of them.

Buying a car, even a used one, is a big investment to most Americans, many of whom depend on it for their job and daily necessities like school or shopping. Allowing used car hucksters free rein is hitting Americans where they live.

That old maxim, "Let the buyer beware," doesn't provide much comfort when one is stuck out on the freeway, watching steam rise from the radiator and oil pour from the engine.

[From the Post-Standard, Syracuse, N.Y., Nov. 9, 1981]

LUMPS FOR LEE

Congressman Gary Lee earned himself some harsh criticism from our columnist Jack Anderson the other day because of Lee's support of the used car lobby. We'd like to add a few lumps of our own.

Anderson took Lee to task for dancing to the car lobby tune by opposing a Federal Trade Commission attempt to force dealers to disclose defects in used cars they sell. He noted that Lee had accepted a campaign contribution of $3,000 from the dealers in 1980.

The dealers complain that if the FTC rule is approved they would have to inspect every car before it is sold, thus adding to their expenses and ultimately to consumer cost.

We find that argument more than a little suspect. Any person who has ever traded in his old jalopy on a newer one knows that the dealer looks over the trade-in more than casually before setting a value on the clunker. The dealer thus already has the inspection in hand and could certainly pass it

on to a potential buyer at little or no extra cost.

One would think that with the depressed economy the car dealers would be doing everything possible to polish their image and taking positive steps to stimulate sales. Instead they are giving every appearance of throwing money at Congress in hopes of being able to freely peddle lemons to an unsuspecting public.

Lee was singled out by Anderson because he introduced the offensive legislation in the House, but he was not alone. According to Anderson, the bills in the House and Senate to thwart the FTC have some 150 sponsors.

A spokesman for Lee labeled the Anderson exposure "silly" and said that it is ridiculous to even suggest that a congressional vote could be bought for a few dollars. We don't find it "silly" that the dealers put more than $1 million into congressional pockets last year nor are we so naive as to believe they expected nothing for it.

The dealers and their political allies should try to remember that the days of caveat emptor have been fading. This latest ploy is hardly going to do the dealers much good in the public eye, even if they are successful, and Lee has hardly endeared himself to the driving public that votes.

[From the Herald-Dispatch, Huntington, W. Va., Nov. 25, 1981]

AUTO DEALERS' CAMPAGIN GIFTS TAINT DEBATE ON USED-CAR RULE

The Federal Trade Commission issued an order in August requiring that used-car dealers inform their customers of any mechanical defects they know about. Given the widespread abuses that go on in the selling of used cars—abuses that give the industry's many reputable dealers an unfair black eye—such a requirement seems hardly unreasonable.

Congress, however, empowered itself last year to veto any FTC regulation within 90 days of when it is issued, and to date nearly half the members of the House and Senate have become co-sponsors of resolution to veto the FTC used-car rule.

Now comes the public-interest organization Congress Watch with a report that the National Automobile Dealers Association has made more than $500,000 in campaign contributions to those lawmakers co-sponsoring the veto resolutions.

"If Congress vetoes this rule, it will be inviting business groups that can't make their cases before an impartial decision-maker on the basis of the facts and the law to come to Congress and make their cases on the basis of campaign contributions," says Jay Angoff of Congress Watch.

NADA spokeswoman Penelope Longbottom has declined comment on the Congress Watch report, saying the group has not seen a copy of it. And, not surprisingly, spokesmen in the offices of several of the lawmakers receiving the contributions insist that there is no connection between the campaign funds and their opposition.

That may well be.

It is, however, an axiom of public life that one must avoid not only impropriety but also the appearance of impropriety. In their haste to pocket the used-car dealers' money, a number of lawmakers seem to have forgotten that little piece of wisdom.

[From the Dispatch, St. Paul, Minn., Nov. 28, 1981]

A PROBLEM OF APPEARANCES

The flap caused by a House resolution to veto regulations covering used car dealers is a classic example of the problems associated with campaign fund raising.

The resolution to veto Federal Trade Commission regulations is sponsored by 206 House members, 175 of whom have received a total of $476,000 in campaign contributions from the political action committee of the National Automobile Dealers Association. Minnesota's Rep. Vin Weber, a first-term Republican representing the Sixth district, is both a sponsor of the resolution and a recipient of $8,000 from NADA.

This situation has prompted Congress Watch, an arm of Ralph Nader's consumer-protection organization, to accuse congressmen of trading votes for political contributions. Naturally, the congressmen, including Weber, have denied this.

The rush to protect used car dealers is unseemly, since the regulation in question hardly looks ruinous. It would only require the dealers to inform potential car buyers of mechanical defects that have come to the dealers' attention.

However, it is impossible to look into a congressman's heart and accuse him of being untruthful when he says he was not influenced by the NADA campaign contribution. House members could very well believe the regulation would cause increased unemployment in "an already depressed auto industry," as Weber says.

The problem is one of appearances, brought about by the financing of campaigns with money from groups representing special interests.

Like it or not, elected officials will be identified with their contributors as long as this system of financing political campaigns continues. If members of Congress want to avoid this sort of thing, they will have to get their campaign money from sources other than special-interest organizations such as NADA.

[From the Fort Worth, Tex. Star Telegram, Dec. 10, 1981]

FTC RULE A GOOD ONE

By coincidence, two widely disparate stories about used car dealers appeared in the Star-Telegram on the same day last week. It was one of those classic good news-bad news situations.

The good news: A used car dealer in White Bear Lake, Minn.—touched by the sight of a man, accompanied by his two small children, shopping on foot for a car in freezing weather—sold the man a 1973-model auto for $1.

The bad news: Spurred by the used car industry, Congress appears likely to veto a Federal Trade Commission rule that would require dealers to inform customers of known defects in the vehicles they are trying to sell.

Protests from the National Automobile Dealers Association notwithstanding, there is certainly nothing unreasonable about a requirement to reveal known defects in a product to prospective buyers. In fact, one would expect reputable dealers to be happy to do so without being required.

A spokesman for the car dealers complained during a House subcommittee hearing that the FTC rule would require detailed inspections of cars that would add $150 per car to the cost. However, FTC Commissioner Patricia Bailey said the rule specifically says that no such inspection is required. And an independent automotive consultant said that he offers a diagnostic service covering three times as much as the maximum number of potential defects outlined by the FTC rule for $30.

Wendell Miller, president of NADA, told the subcommittee that the rule "indicates a total insensitivity and lack of concern for the plight of retail automobile and truck dealers." To the contrary, it indicates to us a great deal of sensitivity for the beleaguered consumer in search of honesty and reliable products in the marketplace.

Many members of Congress, however, apparently don't agree with us. Nearly half of the members of the House and Senate have co-sponsored resolutions to veto the rule before it takes effect. Could their position have been influenced by the fact that NADA has distributed more than $500,000 in campaign contributions to sponsors of the veto resolutions during the past couple of years? Surely not.

[From the Chronicle, San Francisco, Calif., Dec. 9, 1981]

USED-CAR DEFECTS

A set of rules recently issued by the Federal Trade Commission, that seem reasonable on their face—they would require used-car dealers to tell customers of any defects of which they are aware—has run into considerable difficulty in Congress. That is probably not too surprising since the car-dealers lobby has been exerting a vigorous and free-spending campaign in hopes of killing the rules.

The basis of the battle is this: the FTC issued the regulations last summer after six years of investigation and public hearings. But congress has given itself the power to veto such regulations within a certain time frame. And so far, 43 Senators and 206 Representatives have joined in sponsoring a bill that would provide the veto.

So the future looks dim for an intelligent set of safeguards for the consumer. If a car dealer knows that that wheezing old gas guzzler isn't hitting on all cylinders, then, why, in the name of fairness, shouldn't he be obligated to tell the prospective buyer? Virginia Knauer, President Reagan's consumer adviser, calls the rules a "reasonable, straightforward and uncomplicated approach" that will provide "significant benefits" to the consumer.

One must be sympathetic to car salesmen, since they are part of an industry that has been having its share of economic longueurs, and any additional burden will hurt. But Jay Angoff of the public-interest group, Congress Watch, tells us the used-car industry is evidently doing quite well. In 1980, consumers sought 18.66 million used cars for $70.8 billion, both record highs, and in the first nine months of 1981, used-car prices increased 31 percent.

There is also the sense that we do better in this country with fewer regulations; that we don't need the ministrations of a national nanny to poke us into virtue. But the present FTC regulation is a watered-down version of a rule that would have required the dealers to inspect their cars—a tougher rule that certainly would have increased costs. When the dealers opposed this mandatory inspection, they expressly supported a rule like the present one.

This is a straightforward matter of giving the prospective buyer a fair break. The House and Senate should back off and let the FTC's rule stand.

[From Newsday, Long Island, N.Y., Nov. 7, 1981]

EDITORIALS—GUNNING FOR USED-CAR PROTECTION

Do congressmen buy only new cars? Are they afraid of losing campaign contributions from car dealers? The way some of them are gunning for a mild little rule designed to protect buyers from unscrupulous used-car salesmen, you'd think so.

About 175 House members and 35 senators are co-sponsoring a resolution to kill a simple used-car sales regulation adopted by the Federal Trade Commission this year. They are buying the dealers' argument that the rule would increase used-car costs without benefiting consumers.

But that's nonsense. The rule simply requires a dealer to list any defects he knows a used car to have. That's simple enough—something you'd expect a reputable dealer to do anyway. In fact, when Long Island car dealers were questioned about a somewhat stronger proposal last year, most praised it as offering them protection from dishonest competitors.

But the trade groups whimper that competitive pressures would force dealers to inspect all their used cars, even if they weren't required to, at considerable cost.

That amounts to an admission that car dealers don't check out their used cars, which means they have no idea whether their goods are sound or fairly priced. How any industry can admit that without embarrassment is beyond us.

Earlier FTC testimony showed that used-car prices declined in Wisconsin after the state passed a car-inspection law—because dealers had to allow for the cost of needed repair work. The fear of a price drop may have a lot to do with the dealers' opposition.

Luckily, this anti-comsumer measure is in its infancy, and it needn't win passage. To their credit, New York's senators and Long Island's representative are not among the co-sponsors. So far, so good. If and when it comes to a vote, we hope they are still on the same side of the issue.

[From the Post-Dispatach, St. Louis, Mo., Nov. 30, 1981]

POWER OF THE USED-CAR LOBBY

The power of the used car lobby is being demonstrated by the way in which members of Congress are lining up against a proposed Federal Trade Commission rule. Under the rule, which until Dec. 14 Congress has the option to veto, used-car dealers would have to display window stickers disclosing any defects known to the dealer and any warranties offered, and stating that buyers are rsponsible for any repairs on any vehicle sold "as is." So far 206 House members and 41 senators are reported ready to block the rule; 218 are needed in the House and 51 in the Senate.

In the Missouri congressional delegation, nine members oppose the rule. Only Sen. Danforth has publicly supported it. Reps. William Clay and Richard Bolling have not indicated a position. Of the nine Missouri opponents, all but Rep. Emerson of De Soto have received campaign contributions from the National Automobile Dealers Association, which dispensed more than $500,000 over a 30-month period ending last June. Two recipients, Reps. Bailey of Willow Springs and Taylor of Sarcoxie, are themselves auto dealers. These two should at least have the grace not to vote on an issue in which they have a special interest.

A spokesman for Sen. Danforth disputed opponents' claim that the rule would be difficult to implement—a point that the FTC also rejected after nine years of consideration. Rep. Gephardt contends that the rule would be useless. But a rule requiring basically that more information be given auto buyers surely provides more protection than exists now.

[From the News, Buffalo, N.Y., Dec. 12, 1981]

AID TO USED CAR BUYER

The old maxim, "Let the buyer beware," has always been especially applicable in buying used cars. The inevitable hazards can be minimized to some degree by going to a dealer you trust, by various warranties or by having the car checked over by your mechanic, but some uncertainty is bound to remain. The Federal Trade Commission is now attempting to assist the consumer with a modest new disclosure rule.

After years of study of problems and abuses in the used car business, the FTC staff recommended that dealers be compelled to inspect 12 major systems in their cars and inform prospective buyers of any defects. Not surprisingly, there was an instant outcry from auto dealers across the nation. Such detailed inspections would obviously add to their costs, which would be added to the price of used cars.

The FTC commissioners decided—rightly, we think—that this would be an unnecessary federal intrusion into the auto business. Instead, they decided on an exceedingly modest rule—that if dealers know about some defect, they must tell the public about it on a window sticker. All they would have to do would be to check off OK, Not OK or Don't Know for various items.

Amazingly, there is still an outcry from the nation's auto dealers. Even more amazingly, nearly half the members of Congress—41 senators and 207 representatives—have joined in sponsoring a bill to veto the FTC plan. The auto dealers have obviously been effective in getting their message across.

Congress, however, surely has better things to do than to marshal its forces to stike down such a modest little regulation, which at worst can do no harm and at best might do a little good.

[From the Reporter Dispatch, White Plains, N.Y., Dec. 18, 1981]

CONGRESS PLAYS USED-CAR GAME

With so many matters affecting national well-being and even survival on the agenda, we wonder if some congressmen find it a little silly to be discussing decals on used car windshields.

The principle of lowering the level of regulation by government agencies is valid, but Congress let itself in for some uncongressional diversions and pressures when it bestowed upon itself the power of veto over rulings of independent regulatory agencies. If the Federal Trade Commission went too far in trying to require automobile dealers to inform potential buyers about known defects in the used cars they sell, Congress is beyond its depth taking on evaluation of individual judgments by executive branch agencies.

The matter of windshield stickers has been put over until the next session of Congress after the lawmakers seemed to have been on the way to their precedent-setting veto. This maneuver in itself is disturbing, because it raises the prospect of dozens of little cases rattling around the Capitol, with advocates and opponents needling and pandering to congressmen and time-wasting maneuvers like filibusters threatened while more important matters dangle on the vine.

In one sense the veto legislation may be useful in spite of itself, since it may persuade the FTC and other regulatory agencies to be more cautious in promulgating unpopular and overreaching rules. But what is needed and what is unpopular may be, and usually are, two different things. The proper remedies are the integrity of the executive process and appeals to the courts.

When Congress has solved all the other ills of the nation it can concentrate on keeping used-car salesmen honest.

[From the Tennessean, Nashville, Tenn., Dec. 8, 1981.]

CONGRESS SHOULD LET FTC'S USED-CAR RULE GO THROUGH

A strong effort is being made in Congress to veto a Federal Trade Commission rule that would require used-car dealers to tell customers about known defects in the vehicles they are trying to sell.

The used-car industry, in testimony before congressional committees, claimed the rule would require dealers to inspect vehicles put up for sale at a cost of $150 per car.

The FTC says this is not so, that no inspection would be required and that all dealers would have to do is tell customers about any defects they know about, such as a leaky battery, an inoperable air conditioner, cracked block or other obvious problems.

The industry is afraid that any additional cost for a used car will create "a competitive disadvantage" for dealers, since private sales of used cars are not covered. But an FTC official said the rule would cost only 18 cents per car, not the $150 the industry claims. An independent automotive consultant said he offers a diagnostic service that covers three times as much as what the FTC rule would require for $30 per car.

Some members of the Congress want the FTC to rewrite the rule to make it easier on the dealers. But the FTC refuses. "The rule does not require dealers to inspect cars offered for sale," FTC Commissioner Patricia Bailey told a House committee hearing. "We tried to make the fact as clear as the English language permits."

The commission is right. It should not weaken the rule. A rule that requires a dealer to tell a customer only about the defects he knows about without an inspection is already weak enough.

That loophole could permit unscrupulous dealers to get away with all kinds of swindles by claiming they "didn't know about" this defect or that one in cars they have sold and that have turned out to be worthless.

The used-car industry appears to be trying to take advantage of what it perceives to be an anti-regulatory sentiment in Congress fostered by the Reagan administration in order to avoid just regulation of its own operations. Congress should not cooperate in this. The public needs the protection of this rule and it should not be vetoed.

There is nothing wrong with requiring a used car dealer to tell a customer about any defects he knows of in a car he is selling. It is hard to see anything wrong with requiring an inspection of the car to see that it is in good shape.

Most people buying a car priced at several thousand dollars might not object to paying a few dollars more to make sure the battery is not going to fall out or a wheel roll off as

soon as the car is driven away from the used-car lot.

The consultant who testified, Mr. Pat Goss of Riverdale, Md., said disclosure of defects "would go a long way toward restoring public confidence in the used-car industry."

It might do that. An industry that would go to such lengths to keep from telling customers about the known defects in its product certainly needs to have some public confidence restored.

[From the Bend (Oreg.) Bulletin, Dec. 27, 1981]

PACKWOOD WAGES WORTHY FIGHT

Oregon's Sen. Bob Packwood has been fighting a sniper battle to save a much-needed Federal Trade Commission rule regarding used cars. If he succeeds, the old maxim that buying a used car is like buying someone else's troubles will be a little less true to life. If he fails—well, buyer beware.

The FTC set out a few years ago to curb what it calls "a pattern of deceptive practices" in the used car business. What it came up with is a moderate—almost feeble—little rule. The rule would require a dealer to post a sticker in the window of each used car on his lot, stating whether the car carried any warranty and listing any major defects known to the dealer. It also would say that the car might have other defects unknown to the dealer (a possibility with any used car). It wouldn't affect private sales, which account for half the used-car sales in the country.

Despite the rule's moderation, car dealers have lit into it with a vengeance. National Automobile Dealers Association officials urged Congress to veto the rule, saying it was an unwarranted burden on the industry. They whined that it would require expensive inspections and might make them liable for unknown defects. They even cried the economic blues: the rule, they wailed, "indicates a total insensitivity and lack of concern for the plight of the retail franchised automobile dealer and to the current economic condition in the real world."

Oh, my. That sounds awful. Fortunately, it bears little relation to reality. True, automobile dealers are having a hard time of it lately, but pasting up these little stickers won't send anyone into bankruptcy—unless his profit margin relies solely on lying to customers. The FTC estimates the rule will cost dealers next to nothing—18 cents to print the sticker and the brief time it takes to fill it out. No inspection would be required, according to Federal Trade Commissioner Patricia P. Bailey. If a car pulled to the right, that's all the dealer would have to disclose, unless he knew the reason, she said.

We're not convinced the rule will cure all the abuses in the used car market; its teeth are far too dull for that job. But it probably will reduce the most flagrant of deceptions. At any rate, it can't harm any honest dealer.

Nevertheless, NADA has marshaled formidable support at the Capitol. (Its extensive political contributions—$1 million in 1979-80—probably helped in that regard.) To prevent the veto, Packwood must defeat a pair of resolutions that boasted 47 cosponsors in the Senate and more than 200 in the House. Such numbers can be defeated, as Packwood knows from his AWACS experience: at one time he had 56 Senate cosponsors to veto the arms sale, but he ultimately lost. Still, victory on this issue is a distant hope.

Packwood managed to delay the veto until next year with some fancy parliamentary footwork, but it will be back. When it returns, the confrontation will be a classic one: a narrow, monied interest versus the well-being of the general public. Somehow, we don't find the prospects encouraging.

[From the Washington Post, October 30, 1981]

USED-CAR LOBBY IS WELL-TUNED ON CAPITAL HILL

(By Jack Anderson)

Ever wonder why the used car you bought breaks down shortly after you drive it home? Why the dealer didn't tell you that the horn didn't work or the radiator leaked?

One reason is that the used-car lobby is one of the most active, and most unpublicized, in Washington.

Except in a few states, dealers in "previously owned" vehicles don't have to disclose defects to potential buyers. The Federal Trade Commission would like to change that with a rule that would force the dealers to inform buyers about their warranty rights as well as defects such as cracked engine heads, damaged ball-joint seals, bad suspension systems and leakage in the transmission, cooling, brake and steering systems.

The lemon-peddlers, of course, don't like the FTC proposal, and they're flexing their muscle on Capitol Hill. The dealers' political action committee was the forth largest donor in the 1980 national elections. It coughed up $1,034,875 in political contributions, exceeded only by the National Association of Realtors, American Medical Association and United Auto Workers.

And as of Aug. 1, 1981, the committee had raised $378,000 for the 1982 elections.

Such figures tend to impress lawmakers, and many of the public's representatives on Capitol Hill appear to be persuaded by the dealers' arguments that the proposed FTC rule is ambigious, vague and too costly at a time when the industry is without question being pummeled by inflation and high interest rates.

On the House side, the No. 1 water boy for the dealers is the obscure Gary A. Lee (R-N.Y.). In 1980 he received one of his largest contributions: $3,000 from the used-car lobby. In the Senate, the charge is being led by Republican Larry Pressler, the handsome lightweight from South Dakota.

When Pressler was asked by home state car dealers to sponsor a resolution that would veto the FTC proposal, he agreed if the National Auto Dealers Association would draft the statement. The dealers happily complied. Lee introduced an identical resolution in the House.

Other members of the House who have benefited from the used-car lobby's largess and support killing the FTC ruling include Phil Gramm (D-Tex.), $6,200; James Collins (R-Tex.), $7,250; Thomas Bliley (R-Va.), $5,000; Ray Kogovsek (D-Colo.), $9,650; Stan Parris (R-Va.), $8,400; Frank Wolf (R-Va.), $8,000, and John Edward Porter (R-Ill.), $5,800. Oddly enough, Morris K. Udall, the liberal Democrat from Arizona, is supporting the dealers even though he received no contributions from them.

Three senators—Steve Symms (R-Idaho), Paul Laxalt (R-Nev.) and James Abdnor (R-S.D.)—received $10,000 each from the dealers in 1980.

The resolution to kill the proposed FTC regulation has over 150 co-sponsors in the House and Senate. My associate Tony Capaccio reviewed their campaign records and learned that the sponsors received at least $329,200 from the used-car dealers since 1980.

The dealers are claiming that the FTC rule, if passed, would force them to conduct expensive inspections. On close examination, however, this appears to be a specious argument. Most dealers thoroughly inspect used cars before they purchase them. The more likely reason for their concern is the prospect that, having bought a clunker, they would then be unable to foist it off on the public.

If the used-car regulation is killed, which is likely, lobbyists for such special interests as the funeral, hearing aid, mobile home and eyeglass industries can be expected to redouble their efforts to kill pending FTC proposals that would regulate them more strictly.

[From the Washington Post, Dec. 14, 1981]

IS THIS USED-CAR BILL A LEMON?

(By William Raspberry)

The used-car dealers of America must be embarrassed even in their prospective victory. They are fighting, with astonishing success so far, a proposal they say would unduly complicate their lives, drive up their costs and perhaps even force them out of business.

And what is this awful proposal? That they tell the truth about the cars they offer for sale.

The Federal Trade Commission has proposed a rule that would require dealers to disclose to customers any known defect involving such things as a car's engine, drive train, electrical system and brakes. They wouldn't have to repair the defects, only disclose the ones they know about.

The rule will become law unless Congress specifically rejects it. So far, 41 senators and 207 representatives are co-sponsors of a bill to do just that. Last week, both the House and Senate commerce committees voted to kill the FTC's used-car regulation. When it comes to selling used cars, a lots to the used-car-buying public. It's not much of a proposal.

An earlier version of the FTC recommendation would have required dealers to inspect 12 major systems of the cars they sell and then check a form disclosing whether they were in good working order. The dealers said that was too much, and the current proposal eliminates the necessity of inspection. Dealers would now have the option of checking "OK," "Not OK," or "Don't Know." The buyer would assume the risk for any defect the dealers said he didn't know about. The Automobiles Owners Action Council, a Washington-based consumer organization, says the current proposal is worse than no law at all. "It wouldn't protect the buyer, but it would create the illusion of protection," says Arars sold "as is" could return the vehicle for a full refund.

"Our concern with the initially proposed rule was that it was not enforceable and would be rendered ineffective because of the loophole provided by the dealers' 'not inspected' option," AOAC said in its official comment. "Indeed, the major concern of all consumer representatives, legal-service agencies and government officials was that the 'not inspected' option, unless coupled with a cooling-off period, would result not merely in a worthless [rule] but a federal regulation which would perpetuate deceptive practices in the used-car industry."

But if the proposal is as weak as the AOAC contends, why would the used-car dealers object to it? Surely the "paper work" burden of checking off 12 items cannot be the problem—particularly with the "Don't Know" option. Surely it cannot be because of the added cost of mandatory inspection, since the requirement for inspection has been stricken. Perhaps used-car dealers, like their horse-trader forebears, think the right to deceive is central to their ability to do business.

Admittedly there are difficulties in enforcing honesty in the business. Most dealers conduct at least a cursory inspection before they acquire a used car in the first place. That is how they determine how much to pay for the car, or how much to allow in trade. If the brakes don't work, or if the steering is bad, the dealer finds out immediately. The problem is that it is impossible, absent a mandatory inspection, to prove that the dealer knew of specific defects.

But it's hard to see how even a marginally honest dealer could call it unfair to either reveal defects known to him or to claim he didn't know about them. Nor does it seem unduly burdensome to allow, as the AOAC recommends, a buyer who discovered undisclosed defects within three days to cancel the deal.

The Los Angeles County deputy district attorney, Gilbert Garcetti, put it this way: "A large percent of our complaints concern mechanical defects that surface within two or three days of the purchase date. The complaints nearly always state that the car was fine when they drove it off the lot but it wouldn't start a few hours later, or a serious mechanical defect surfaced within a few days."

Perhaps it shouldn't be surprising that the less-scrupulous used-car dealers would not want to unload a lemon only to have the victimized buyer bring it back in a day or two. But why should so many members of Congress lend their support to this anti-consumer attitude?

Jay Angoff, a lawyer with the Public Citizen Congress Watch, offers a clue: "The National Automobile Dealers' Association, whose members sell new and used cars, between January 1979 and June 1981, gave more than $500,000 in campaign contributions to congressmen and senators who are now co-sponsors of the veto resolutions," he said.

[From the Standard Times, New Bedford, Mass., Oct. 22, 1981]

AS IS USED CAR RULE BENEFITS MAJORITY

After years of inquiry, the Federal Trade Commission felt it had the evidence to issue a rule that would require used car dealers to tell you which basic guts of the metal you are buying are OK and which are not. The dealer could sell you the car "as is" with no guarantee of any kind, but would have to tell you that.

Car dealers have reacted to the FTC's "truth in used vehicles" rule with rage. "We can't let this thing get passed," says Charlie Hillard, first president of the National Independent Automobile Dealers Association in 1947. "We have a rule which we cannot just live with, Period" adds Chuck Nicholson, current NIADA president. The whole industry is up in arms, crying "foul," and pledging a fight.

But I've studied the rule, line by line, and wonder whether the FTC used car rule wouldn't benefit the vast majority of this vital industry—the honest dealers.

The rule would require a checklist to be provided to you, the buyer, describing the car's vital statistics and whether such key elements as the brakes passed simple tests (which might save your life). It doesn't require the honest used car dealer to do anything the dealer doesn't want to do. It does require that you be told (a) what you are getting, (b) whether it is OK, and (c) what, if anything, the dealer will do if it turns out not to be OK.

PAPERWORK RULE

It's true that the FTC rule is a paperwork rule and like anything else that's done, costs something.

But the costs of providing the fundamental ABC information the rule requires must be minimal. So we come back to the suspicion that the real reason for the attack is that the FTC is very vulnerable these days. It has been zapped so often that anything it does automatically invites attack.

The FTC think-tankers are primarily responsible for their own troubles, for during the late Nixon-Carter years, they concluded that industrywide rulemaking to remold the American economic system was a better use of the agency's thin resources than doing too much work looking into individual cases of fraud against you, the consumer. Some FTC rules drew lots of flak, such as its projected ban on most TV advertising aimed at children. Industry's bitter response has been helped by the Reagan adminstration's attempt to get rid of bureaucratic red tape.

But while the "truth in used car sales" rule is an obvious target for a slashing attack aimed at its destruction, the rule would assist most of the used car industry. Consumers would buy with more confidence.

FRINGE THAT HURTS

Dishonest used car dealers are a fringe hurting the reputation of an industry that is a key part of our nation. The opportunities to sell your car make it possible to buy a new one, providing jobs in Detroit, and permit millions to own a car who couldn't afford a new one. The used car rule does nothing except combat deceptions—and that is why it is being opposed by those who don't want to have to tell you about what you are paying your hard-earned money to buy.

The honest used car dealer resents regulation in a way we all do these days, as another piece of bureaucratic interference.

But this is no more than a moderate, solidly based rule which doesn't attempt to reform the world or the economy. It simply asks for facts, and behind it are 564 pages of closely documented hearings and a five-member commission unanimous in approving it.

Right now, it seems to me that only the use car dealers, who don't want to have to tell you the truth, are saying anything. The rest of us appear numbed—or worse?

[From the Sun, Baltimore, Md., Dec. 24, 1981]

STICKER DEBATE GETS STICKY

(By Jane Bryant Quinn)

Do you, or do you not, want more information about the used cars you buy?

Americans purchased a record number of used cars last year—some 18.6 million, compared with 8.7 million new cars. Car dealers say that that trend appears to be continuing. An estimated four out of every five drivers buy a used car as their main form of transportation, mostly because new cars are too expensive.

The Federal Trade Commission has proposed that car dealers put a sticker in the window of every used car they sell, telling buyers something about the car and the conditions of sale. But Congress is threatening to veto it.

Whether Congress carries out its threat depends on your opinion of the proposed rule.

People often think a letter to a congressman or senator drops into a black hole. But that's not true. A surprisingly small number of letters can influence a vote one way or another.

So here's the story on the used-car rule. Decide what you think and let your senators and congressman know.

The FTC has determined that a lot of lies are told on used-car lots, and that they fall into two main areas:

First, a dealer may mislead you about your warranty protection. During the sales pitch he might promise to repair anything that goes wrong, or say that your warranty lasts six months. If something does go wrong, however, you may find that you actually have no warranty at all, or that your warranty lasted only 30 days, or that it doesn't cover your car's particular problem. If you don't have a dealer's promise in writing, there's nothing much you can do.

Second, the dealer might hide a car's poor mechanical condition. Certain temporary fixes can be made to engines to keep defective cars purring for short periods of time.

Originally, FTC staffers proposed that dealers be required to inspect used cars and disclose their mechanical condition. But stiff opposition from the industry eliminated mandatory inspections. As proposed, the used-car sticker would require only two disclosures: (1) Whether there's a warranty, and if so, what its terms are. (2) Whether the dealer knows of any major mechanical defects. (If you discover an undisclosed defect, the rule might strengthen your hand in suing under state law. But the rule does not give you any new legal remedies; you can only report the dealer to the FTC.)

Some car dealers support the rule. They say that the disclosure sticker is easy to fill in, that it would improve the dealer's credibility, and that it would help all the honest dealers, at the expense of the dishonest ones.

But a majority of dealers oppose the rule. They claim it's burdensome, that it's unfair to cover only car dealers and not private sales of used cars, and that the rule would effectively force them to inspect the cars they sell. (That last objection is especially discouraging. Wouldn't you have thought that any dealer would inspect a used car before pricing and selling it?)

The dealer majority, led by the National Automobile Dealers Association, has a lot of clout on Capitol Hill. Last year, car dealers were the fourth largest contributors to political campaigns. They very nearly overturned the rule last week, but Senator Robert Packwood (R, Ore.) delayed the vote until sometime next year.

When you're writing letters, you should also tell the FTC what you think of the used-car rule (write to the new chairman, James C. Miller III, FTC, Washington, D.C. 20580). Mr. Miller, a Reagan appointee, did not take part in the FTC's vote on the final rule. But indications are that the White House opposes the rule (the office of Management and Budget says it creates a paperwork burden), and it now appears that Mr. Miller will take another look at it.

The industry lobby is trying especially hard to eliminate the section saying that used-car dealers have to disclose any known defects. It is possible that the newly constituted FTC itself might rewrite the used-car rule, and in the process make it even weaker than it is today.●

DR. CALVIN O. ATCHISON

● Mr. SASSER. Mr. President, recently the Council for Advancement and Support of Education (CASE) profiled an outstanding Tennessean, Dr. Calvin O. Atchison, in its monthly publication, Case News.

Dr. Atchison is the newly elected CASE trustee-at-large for minorities and women and is a well-known Tennessee educator and civic leader.

I commend to the attention of my colleagues the work of Dr. Atchison and request that the article from Case News be printed in the RECORD.

The article follows:

CASE STUDY: CALVIN O. ATCHISON, DISTRICT III TRUSTEE

Newly elected CASE Trustee-at-Large for Minorities and Women Calvin O. Atchison has forged many bridges during his long career at Tennessee State University in Nashville.

"Mobility is common to many development officers," says the current TSU vice president for Research and Development, "but I have been here for 28 years. I came to my present position from the faculty ranks where I was assistant dean of the graduate school. I still hold the rank of full professor in the Department of Psychology."

A graduate of Alabama A & M with a B.S. in education, Atchison has pursued a teaching career in counseling and psychology. He also holds an M.A. in Psychological Services from Columbia University and an Ed.D. in Psychology from Indiana University.

In 1968, an accident of administrative circumstances brought Atchison to his second career at TSU—that of institutional advancement.

"The president of TSU appointed me to head up a self-study for Southern Association accreditation," he says. "The president became ill and left. A new president came in and asked me to complete the self study.

"Out of that self study came a reorganization of TSU into four sections—student services, academics, development, and business. The new president made me acting director for Development. In 1972, I became vice president for Research and Development."

Reporting to Atchison in his VP post are directors for Public Relations, Alumni Relations, Development, the TSU Foundation of which he is executive director, and an associate vice president for Federal Relations.

Atchison has held many leadership positions at the District III and the national levels of CASE.

"I first got involved at CASE when Jim Fisher asked me to serve on the National Committee for Minorities and Women," the CASE Trustee says. "From 1979 to 1981, I served as a District III board member for Minorities and Women."

Atchison has also served on the Membership Committee of District III as well as being a consultant to CASE in its Small College Programs.

Currently, he serves on three CASE Board of Trustee committees related to the national organization's goals and objectives for 1981-82. He is a member of the Committee on Fund Raising, co-chair with Joe Williams of North Carolina Agricultural and Technical State University of the Committee on Minorities, Women, and Developing Institutions, and chair of the Subcommittee on Internships of the Professional Services and Programs Committee.

"I believe one must put something into an organization to get something out of it," Atchison says in commenting on the value of CASE to his work at TSU. "Once you get to know people in an organization, that's one way of getting something out of an organization.

"Another important factor is having a president and a vice president who provide you with a budget for development programs and with an understanding of the importance of development to an institution's future growth."

Atchison sees development as a vital part of future academic strength in predominantly black colleges and universities. He also sees CASE programs and services as being vital to the growth of black professionals in the advancement field.

"With what minority institutions go through, survival depends on what development programs can do for an institution," he points out.

"Development is important because it directly relates the resources outside the institution to the programs and needs within the institution. Those who want to support an institution are not giving to the development office, but to what the institution stands for and represents."

About the future role of development in higher education, Atchison is optimistic, "I have to be optimistic or I wouldn't be playing so hard," he says. "There is need for development programs in higher education to expand. If they don't, there will be no growth in the institutions."

In addition to his work at Tennessee State University, Atchison is actively involved in the Nashville community.

"Our president believes it is very important for those of us at TSU to be an active part of our community," Atchison says. "He believes that we have a responsibility to provide volunteer services to those who can benefit from them."

At present, the CASE trustee is a member of the Board of Directors of the Nashville Housing Authority. he has also been chairman of the Human Relations Commission for Nashville, vice chairman of the local YMCA, chairman of the Meharry Mental Health Center Board of Governors, and a former member of the Board of Trustees of Martin College in Pulaski, Tennessee.

Atchison and his wife are the parents of two adopted children, a daughter who is a married college student and a son who is a seventh grader. His wife is a special education teacher of the mentally retarded in Nashville.●

U.S. POPULATION

● Mr. PACKWOOD. Mr. President, I wish to report that according to U.S. Census Bureau approximations, the total population of the United States on January 1, 1982, was 230,512,318. This represents an increase of 184,671 since December 1, 1981. Since this time last year, our population has grown by an additional 2,212,889.

In 1 short month we have added enough people to our population to fill the entire city of Grand Rapids, Mich. Over the past year, our population has increased enough to fill the city of Richmond, Va., more than 10 times.●

FISCAL NOTE LAW IS NOW A REALITY

● Mr. SASSER. Mr. President, on December 23, 1981 the President approved the State and Local Government Cost Estimate Act of 1981. This public law requires the Congressional Budget Office to prepare fiscal notes or cost estimates of the fiscal impact of new Federal legislation on State and local governments throughout the country.

In this time when the Congress will be continuing to grapple with the 1983 budget and when we will be considering the many ramifications of the administration's "new federalism" proposals, the State and Local Governments Cost Estimate Act (Public Law 97-108) is very timely and important legislation.

It is intended to give State and local governments timely and relevant information about the fiscal costs and benefits of pending Federal legislation.

I am delighted to report to my colleagues that this bill has already received favorable editorial comment and has been heartily endorsed by many prominent organizations, most notably the National Governors' Association.

Mr. President, I ask that immediately following my remarks there be printed the full text of the State and Local Government Cost Estimate Act of 1981, an editorial from the Washington Post favorably commenting on the act, and related correspondence from the National Governors' Association on Public Law 97-108.

The material follows:

STATE AND LOCAL GOVERNMENT COST ESTIMATE ACT OF 1981

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "State and Local Government Cost Estimate Act of 1981".

SEC. 2. (a) Section 403 of the Congressional Budget Act of 1974 is amended—

(1) by inserting "(a)" before "The";

(2) by striking out "and" after the semicolon in clause (1) of subsection (a) (as redesignated by clause (1) of this subsection);

(3) by inserting after clause (1) the following new clause:

"(2) an estimate of the cost which would be incurred by State and local governments in carrying out or complying with any significant bill or resolution in the fiscal year in which it is to become effective and in each of the four fiscal years following such fiscal year, together with the basis for each such estimate; and";

(4) by redesignating clause (2) of such subsection as clause (3);

(5) by striking out "(1)" in clause (3) of subsection (a) (as designated by clauses (1)

and (4) of this subsection) and inserting in lieu thereof "(1) and (2)";

(6) by striking out "estimate" each place it appears in clause (3) of subsection (a) and in the last sentence of such subsection, and inserting in lieu thereof "estimates"; and

(7) by inserting at the end thereof the following new subsections:

"(b) For purposes of subsection (a)(2), the term 'local government' has the same meaning as in section 103 of the Intergovernmental Cooperation Act of 1968.

"(c) For purposes of subsection (a)(2), the term 'significant bill or resolution' is defined as any bill or resolution which in the judgment of the Director of the Congressional Budget Office is likely to result in an annual cost to State and local governments of $200,000,000 or more, or is likely to have exceptional fiscal consequences for a geographic region or a particular level of government.".

(b) The amendments made by subsection (a) shall apply with respect to bills or resolutions reported by committees of the House of Representatives and the Senate after September 30, 1982.

SEC. 3. There are authorized to be appropriated such sums as may be necessary to carry out this Act.

SEC. 4. The authorization granted under the terms of this Act shall expire on September 30, 1987.

[From the Washington Post, Dec. 26, 1981]

RED TAPE AND PRICE TAGS

President Reagan has signed into law a requirement that Congress consider the indirect costs passed on to states and localities before it enacts federal laws. Large amounts of federal aid to state and local government carry with them a set of encumbrances worthy of the ghost of Jacob Marley.

As a result of this year's budget cutting, there is, of course, less aid to begin with, and the burden of federal rules and regulations has also been lightened somewhat. Governors and mayors aren't happy about the loss of benefits, but they'd like to see more progress toward reducing the red tape that comes with them. They would especially like Congress to abandon its practice of tacking onto federal laws requirements for states and localities to do things with their own money that the federal government wasn't willing to pay for itself.

Most of these requirements are easy to defend as being in the public interest for humanitarian, health, cultural or other reasons. The handicapped ought to have access to public facilities, non-English speaking children should be educated, historic sites should be protected and no one should dump his raw sewage into the nearest stream. Many of these objectives, however, carry very big price tags. This was especially true when Congress also stipulated that the objective be met in a closely prescribed fashion—bilingual education or wheelchair lifts on all public buses, for example—without regard to differences in local needs and resources.

The new law won't prevent Congress from legislating unpaid costs for states and localities, and it won't repeal those already in law. It requires only that the Congressional Budget Office prepare an estimate of the direct and indirect costs of any federal legislation that is expected to impose a significant burden on all states and localities or those in a particular region. This, however, should make Congress do what it didn't do when some of the most expensive rules slipped into law—stop and think about how the costs of what it is doing should be balanced against all the other claims on government at every level.

NATIONAL GOVERNORS' ASSOCIATION,
January 29, 1982.

Hon. JIM SASSER,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR SASSER: Before becoming immersed in the issues facing the second session of the 97th Congress, we wanted to thank you for your leadership during the first session in achieving enactment of the State and Local Government Cost Estimate Act of 1981. As you know, the bill was a top priority of the National Governors' Association, and we consider its final passage a major advancement in the field of public policy. Successful action on the bill would not have been possible without the concern and hard work of you and your staff, and we very much appreciate all that you did.

We look forward to working with you in the future to ensure that the provisions of the bill are implemented as soon as possible and to resolve other issues of mutual concern.

Sincerely,

RICHARD A. SNELLING,
Governor,
RICHARD W. RILEY,
Governor.●

UNCONTROLLED ILLEGAL IMMIGRATION

● Mr. CHILES. Mr. President, I have just returned from a trip to Florida. While I was there, I was able to observe once again the continuing effects uncontrolled illegal immigration has had on my State. It has been over a year and a half since the Mariel boat lift began in April of 1980, and still this country does not have an effective immigration policy.

We have failed to respond to the needs of the people of south Florida as illegal immigration continues unabated. As we begin the second session of the 97th Congress, I believe that it is appropriate to recount the steps that have been taken to address this crisis and to consider what additional action must be forthcoming if we are to regain control of immigration to this country.

As a Floridian, I am outraged over the illegal immigration crisis that has disrupted south Florida for nearly 2 years. State and local governments have struggled to provide make-shift solutions for the social chaos while waiting for the Federal Government to take decisive action.

Education and public health services have been strained beyond their capacity. The people of Florida have been victimized by the criminal element of the refugee population. Illegal immigration is a national problem and it is a Federal responsibility. One State alone cannot and should not bear the consequences of Federal inaction, especially when that, or any, State is powerless to control illegal immigration. It is past time for the Federal Government to remember south Florida.

Two administrations have failed to provide adequate assistance to the State. Former President Carter's open arms policy initially encouraged the illegal mass migration of refugees. I opposed that policy publicly and privately. Although I was sympathetic to the desires of Cuban/Americans for family reunification, I could not support allowing the refugees to come on Castro's terms, without documentation or screening.

The illegal entry of refugees has continued as thousands of undocumented Haitian refugees have flooded our shores. They come seeking refuge in the United States rather than life in Haiti, the poorest country in the Western Hemisphere.

While I understand their search for a better way of life, I oppose allowing them to enter illegally, outside prescribed immigration channels. The Immigration and Naturalization Service has been prevented by a Federal court order from hearing asylum cases involving Haitians but there are steps which can be taken to aid Florida.

We must begin by stopping the flow of immigrants from the Caribbean. On October 2, 1981, the President ordered the Coast Guard to intercept boats suspected of carrying illegal immigrants from Haiti and to return the immigrants to their homeland. I support this interdiction policy.

My only regret is that it was not put into place sooner. The number of Haitians entering the country illegally declined from 555 in September to 48 in November. Had interdiction been used earlier, much of the crisis in Florida could have been avoided.

In order to further discourage illegal immigration, I sponsored an amendment, which was adopted as a part of the foreign assistance bill, and is now law. That amendment makes all U.S. economic development aid to Haiti contingent upon that country's cooperation in halting the illegal emigration of its people. The new law allows aid to Haiti only if the President determines that the Haitian Government is not encouraging illegal emigration and is actively assisting the United States in curbing illegal Haitian emigration.

In addition, U.S. development aid must be used to develop the Haitian economy to relieve the pressing poverty of that country. Early indications are that interdiction, in combination with this change in our foreign assistance program, will have a significant impact on the influx of illegal immigrants. However, a number of problems still remain.

Opening a second holding center for illegal aliens outside the State is a step which should be taken immediately. Overcrowded and unsanitary, the

Krome Avenue Processing Center stands as an indictment of the Federal Government's inability to respond to the crisis.

The conditions at Krome are a danger to the refugees who are housed there as well as to the residents of south Florida. Despite the deplorable conditions, the administration has been unable to locate another site for processing refugees outside the State of Florida. I sponsored an amendment to the Justice Department appropriations bill to limit the population of Krome to 525 persons, in order to force the administration to move refugees to another location by March 1, 1982.

Although work on the appropriations bill has not been completed, an amendment was added to the continuing resolution requiring the Federal Government to seek another holding center as quickly as possible.

As far as I am concerned, part of the Federal Government's responsibility includes providing money to Florida's State and local governments whose resources—schools, hospitals, and police—have been stretched beyond the breaking point by the numbers of immigrants.

Last year, through my positions on the Senate Budget and Appropriations Committees, I was able to obtain $100 million in Federal assistance to help Florida meet the extraordinary costs of the crisis as well as $250 million for the Coast Guard and Immigration and Naturalization Service to cover the cost processing and reception centers.

This year, I have been dismayed by the administration's efforts to reduce the funding that Congress earmarked for assistance to Florida. Although Congress largely rejected the administration's proposed budget cuts in this area, it will take a sustained effort to protect funding for Florida.

The latest assault has come in the form of proposed revisions in the domestic assistance program for refugees and entrants by the Department of Health and Human Services. Refugee cash and medical assistance is the Federal benefit available to refugees who do not qualify for ordinary Federal assistance programs, such as aid to families with dependent children (AFDC) and supplemental security income (SSI).

Over 20 percent of the Cuban and Haitian refugees are receiving this special benefit which was scheduled to be available for 3 years. Secretary Schweiker has proposed reducing the Federal program to 18 months, dumping thousands of current recipients on the Dade County Welfare Department.

Although some Federal reimbursement will be available to the county, it is already apparent that it will be far less than is needed. I oppose this change in policy and have joined with my colleagues in the Florida congressional delegation in a letter to Secretary Schweiker requesting that the changes be delayed until Congress has an opportunity to review the matter.

I feel strongly that Florida's taxpayers should not bear the costs for a situation they did not create. If the local governments are forced to assume the principal responsibility for refugee assistance I will work to make certain that impact aid grants are made available and that they are of a sufficient amount to reimburse county governments for their expense.

The administration has also sought to reduce the funding for the Immigration and Naturalization Service, the agency responsible for patrolling our borders and enforcing our immigration laws, in the midst of the most serious immigration crisis our country has known.

In his budget proposals for 1982, President Reagan requested a $14,834,000 cut in the INS budget. This would have resulted in a loss of 1,170 INS agents. I sponsored an amendment to the Justice Department authorization bill to restore $14,301,000 to the INS budget.

Shortly thereafter, the adminstration acted independently to restore INS funding, and, needless to say, I was delighted to see that shift.

But in November, during the second round of budget cuts, it again reversed itself and requested a 6-percent reduction in the INS budget. I again opposed the proposed cuts. To me this was a foolhardy action which would have demonstrated to other nations that the United States is not serious about controlling immigration. I was prepared to filibuster the continuing resolution if necessary to block the cuts.

Fortunately, many of my colleagues also opposed the cuts and they were withdrawn. The continuing resolution passed without reducing the appropriation for the agency.

The criminals who came among the Mariel refugees are perhaps the most disturbing aspect of the crisis. INS estimates that only 1 percent of the Cuban refugees had criminal records. Those refugees who committed serious crimes, such as rape and murder, have been detained in the Federal penitentiary in Atlanta.

But there is no way to be certain of the precise number of criminals who came. Law enforcement officers can attest to the rise in crime that Florida experienced after the Mariel boatlift.

Unfortunately, the activities of a few have unfairly given a bad name to the entire Cuban community. Unless we are successful in pursuing vigorous law enforcement efforts, the effects of the criminals will last long after the other facets of the refugee crisis have passed.

The refugees who are convicted of committing felonies in this country should be deported in accordance with our immigration laws along with those who have been detained for their crimes in Cuba. I urge the administration to press with the Cuban Government for the unconditional repatriation of the Cuban criminals with the Cuban Government.

I was delighted with the administration's decision to form a special blue ribbon task force, chaired by Vice President BUSH, to focus on the problems of crime, drugs, and immigration in south Florida. This special task force can work with the Florida congressional delegation and with concerned citizen groups to help relieve the crime crisis in south Florida.

This task force will help focus attention on the seriousness of the immigration situation in south Florida. That in turn, should enable us to better coordinate the Federal Government's efforts, and help assure that we have the resources and the people we need to deal with this crisis and with the crime crisis. I stand ready to work with this task force, and to assist it in whatever way I can.

The root cause of the current situation is that our Nation does not have an immigration policy. It will take numerous legislative reforms to strengthen our immigration laws so that this kind of crisis can be prevented in the future.

Mr. President, I have joined with Senator HUDDLESTON in introducing S. 776, the Immigration and National Security Act, which is a comprehensive immigration reform package. The bill addresses the most serious and pressing inadequacies of our current immigration laws.

First, the bill sets a strict cap of 350,000 on the number of immigrants and refugees that can be accepted to the United States each year. Our current quota can be stretched like a rubber band. Although the official limit was 270,000 in 1980, at least 800,000 immigrants and refugees entered that year.

In order to exceed the limit provided in S. 776, the President would have to borrow from the next year's quota, reducing the number of immigrants who could come the following year. This gives the President the authority to respond to an emergency abroad, while guaranteeing that our yearly average will not exceed 350,000.

S. 776 also seeks to eliminate the magnet of American jobs which draws illegal aliens to this country by making it a crime for U.S. employers to hire an illegal alien. In conjunction, the bill calls for increased border patrol by INS to help prevent illegal immigration.

Finally, the bill expedites the processing of applications for asylum so

that we can avoid the lengthy administrative delays that have plagued U.S. response to the Haitian influx.

Applicants for political asylum are eligible for a lengthy appeals procedure if their application is denied by INS. As we have seen, asylum cases can be tied up in the courts for years. My bill will streamline the appeals procedure and prevent lawyers from abusing it.

Frankly, it does not make sense that aliens who arrive in this country illegally should acquire the full package of rights and privileges available to our own citizens simply because they are within our borders.

Under existing circumstances, illegal immigrants are able to obtain federally subsidized legal representation to fend off deportation. I have introduced an amendment to the Justice Department appropriations bill which prohibits Federal money from being used to represent illegal aliens.

I hope that this restrictive language will be included when the Senate considers the Justice Department appropriation for the remainder of 1982.

Senator THURMOND has also introduced a major immigration reform bill on behalf of the administration and I understand that Senator SIMPSON, the chairman of the Senate Subcommittee on Immigration and Refugee Policy is preparing legislation of his own in this area.

I welcome these bills. I believe they demonstrate bipartisan recognition of the serious problems facing this Nation if we do not regain control of immigration.

Mr. President, our country has a proud tradition of welcoming immigrants and refugees but events of the past year and a half have clearly demonstrated that our country cannot absorb unlimited numbers of people without creating economic and social problems for our own citizens.

U.S. immigration laws are the most generous in the world. We cannot continue to allow illegal immigration to undermine the credibility of those laws. We must return to a position where we, not other nations, regulate the flow of immigrants and refugees to this country. Getting control of immigration and providing assistance to the State of Florida remain a top priority with me and must be a top priority of the 97th Congress during this second session.●

MALCOLM MOOS

● Mr. DURENBERGER. Mr. President, it is with regret and great personal respect that I rise today to pay tribute to a remarkable man. Malcolm Moos—"Mac" to most who knew him—passed away last week at the age of 65 at his home in northern Minnesota that he loved so much.

Mac Moos was a teacher. His field was political science, and he held teaching positions at the University of Minnesota, UCLA, the University of Alabama, the University of Wyoming, Johns Hopkins University, the University of Michigan, and Columbia University.

Mac was also a writer and editor. He worked with H. L. Mencken at the Baltimore Sun, and he spent 4 years in the White House as a writer and assistant to President Dwight D. Eisenhower.

He was also an educational administrator and planner, serving as director in the Ford Foundation, president of the University of Minnesota for 7 years, and president of the Center for the Study of Democratic Institutions. Most recently, he directed a comprehensive study of higher education in the State of Maryland, the report of which was just recently released.

When Mac Moos came back to the University of Minnesota to become its president in 1967, he came to a university at the height of its growing pains, like so many other institutions grappling with burgeoning enrollment demands and confronted with confrontation. New demands from new clienteles were being heard on the campus, and the activism of the Vietnam era was just emerging. The previously quiet daily demonstrations, and many of those new experiences that threatened the confidence in our universities that we had almost come to take for granted.

As assistant to Gov. Harold LeVander, I was in a position to see firsthand those new pressures and what they could do to my alma mater. As many of my colleagues know from their own experience, those were the days when we kept the phone lines open, wondering whether it would become necessary to call in National Guard or police units, and I think we all can remember how fragile the campus situations were. Folks on all sides were calling for more strident notions, and some of us were fortunate enough to be able to rely on cooler, reasoned voices in the key positions.

Mac's was such a voice. Minnesota survived those years. We had some tense moments, when tempers did get out of hand. But throughout it all we maintained freedom of expression, and out of the confrontations came reasoned appropriate change. A great university adapted to its new demands without compromising its values. I credit Mac Moos and the skilled people he chose for his management team for making that possible.

Years later, when Mac was asked how he wanted to be remembered, he said:

> I would like to be remembered as a person committed to the rule of reason who resisted, as best he could, the volcano of violence that erupted on our campuses and in our society in the last decade.

That wish has been granted, since many Minnesotans remember him in that way.

Mac did not mention wanting to be remembered as a wordsmith, but I will remember him as a writer and speaker who loved the language. With one figure of speech or one turn of a phrase, he could make memorable an otherwise ponderous draft produced by a staff member. I assume many of my Senate colleagues must share my envy of anyone who can do that.

In some respects, it may well be skill with words for which Mac will be remembered. When he came to Minnesota, the one thing we all knew was that this new university president had worked with President Eisenhower and had somehow been involved in the speechwriting team that developed Ike's farewell address to the American people—the speech we all remember encapsulated in one new term, the "military-industrial complex."

When I was thinking about what to say about Malcolm Moos, I already knew about his wish to be remembered as a man of reason and, of course, I remembered the wordsmithing of the "military-industrial complex." That term is all I could remember of that farewell address, though, so I asked for a copy from the library to see whether it included both good writing and well-reasoned discourse.

Mr. President, what I found was a remarkably timely statement and a carefully reasoned commentary on the issues facing America. I had planned to pull out a few quotations to enter in the RECORD as tribute to Mac, and I found that the better tribute to him and to his belief in reason would be to enter the entire address. I know many of us remember this speech for its one, compelling phrase, but it offers so much more, and I commend it to my colleagues for careful reading. It says much we need to hear these days about the proper role of American Government.

Mr. President, I include the "Farewell Radio and Television Address to the American People" by President Dwight D. Eisenhower in today's RECORD.

The material follows:

FAREWELL RADIO AND TELEVISION ADDRESS TO THE AMERICAN PEOPLE—JANUARY 17, 1961

[Delivered from the President's Office at 8:30 p.m.]

My fellow Americans, three days from now, after half a century in the service of our country, I shall lay down the responsibilities of office as, in traditional and solemn ceremony, the authority of the Presidency is vested in my successor.

This evening I come to you with a message of leave-taking and farewell, and to share a few final thoughts with you, my countrymen.

Like every other citizen, I wish the New President, and all who will labor with him, Godspeed. I pray that the coming years will be blessed with peace and prosperity for all.

Our people expect their President and the Congress to find essential agreement on issues of great moment, the wise resolution of which will better shape the future of the Nation.

My own relations with the Congress, which began on a remote and tenuous basis when, long ago, a member of the Senate appointed me to West Point, have since ranged to the intimate during the war and immediate post-war period, and, finally, to the mutually interdependent during these past eight years.

In this final relationship, the Congress and the Administration have, on most vital issues, cooperated well, to serve the national good rather than mere partisanship, and so have assured that the business of the Nation should go forward. So, my official relationship with the Congress ends in a feeling, on my part, of gratitude that we have been able to do so much together.

We now stand ten years past the midpoint of a century that has witnessed four major wars among great nations. Three of these involved our own country. Despite these holocausts America is today the strongest, the most influential and most productive nation in the world. Understandably proud of this pre-eminence, we yet realize that America's leadership and prestige depend, not merely upon our unmatched material progress, riches and military strength, but on how we use our power in the interests of world peace and human betterment.

Throughout America's adventure in free government, our basic purposes have been to keep the peace; to foster progress in human achievement, and to enhance liberty, dignity and integrity among people and among nations. To strive for less would be unworthy of a free and religious people. Any failure traceable to arrogance, or our lack of comprehension or readiness to sacrifice would inflict upon us grievous hurt both at home and abroad.

Progress toward these noble goals is persistently threatened by the conflict now engulfing the world. It commands our whole attention, absorbs our very beings. We face a hostile ideology—global in scope, atheistic in character, ruthless in purpose, and insidious in method. Unhappily the danger it poses promises to be of indefinite duration. To meet it succesfully, there is called for, not so much the emotional and transitory sacrifices of crisis, but rather those which enable us to carry forward steadily, surely, and without complaint the burdens of a prolonged and complex struggle—with liberty the stake. Only thus shall we remain, despite every provocation, on our charted course toward permanent peace and human betterment.

Crises there will continue to be. In meeting them, whether foreign or domestic, great or small, there is a recurring temptation to feel that some spectacular and costly action could become the miraculous solution to all current difficulties. A huge increase in newer elements of our defense; development of unrealistic programs to cure every ill in agriculture; a dramatic expansion in basic and applied research—these and many other possibilities, each possibly promising in itself, may be suggested as the only way to the road we wish to travel.

But each proposal must be weighed in the light of a broader consideration: the need to maintain balance in and among national programs—balance between the private and the public economy, balance between cost and hoped for advantage—balance between the clearly necessary and the comfortably desirable; balance between our essential requirements as a nation and the duties imposed by the nation upon the individual; balance between actions of the moment and the national welfare of the future. Good judgment seeks balance and progress; lack of it eventually finds imbalance and frustration.

The record of many decades stands as proof that our people and their government have, in the main, understood these truths and have responded to them well, in the face of stress and threat. But threats, new in kind or degree, constantly arise. I mention two only.

IV.

A vital element in keeping the peace is our military establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction.

Our military organization today bears little relation to that known by any of my predecessors in peacetime, or indeed by the fighting men of World War II or Korea.

Until the latest of our world conflicts, the United States had no armaments industry. American makers of plowshares could, with time and as required, make swords as well. But now we can no longer risk emergency improvisation of national defense; we have been compelled to create a permanent armaments industry of vast proportions. Added to this, three and a half million men and women are directly engaged in the defense establishment. We annually spend on military security more than the net income of all United States corporations.

This conjunction of an immense military establishment and a large arms industry is new in the American experience. The total influence—economic, political, even spiritual—is felt in every city, every State house, every office of the Federal government. We recognize the imperative need for this development. Yet we must not fail to comprehend its grave implications. Our toil, resources and livelihood are all involved; so is the very structure of our society.

In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.

We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together.

Akin to, and largely responsible for the sweeping changes in our industrial-military posture, has been the technological revolution during recent decades.

In this revolution, research has become central; it also becomes more formalized, complex, and costly. A steadily increasing share is conducted for, by, or at the direction of, the Federal government.

Today, the solitary inventor, tinkering in his shop, has been overshadowed by task forces of scientists in laboratories and testing fields. In the same fashion, the free university, historically the fountainhead of free ideas and scientific discovery, has experienced a revolution in the conduct of research. Partly because of the huge costs involved, a government contract becomes virtually a substitute for intellectual curiosity. For every old blackboard there are now hundreds of new electronic computers.

The prospect of domination of the nation's scholars by Federal employment, project allocations, and the power of money is ever present—and is gravely to be regarded.

Yet, in holding scientific research and discovery in respect, as we should, we must also be alert to the equal and opposite danger that public policy could itself become the captive of a scientific-technological elite.

It is the task of statesmanship to mold, to balance, and to integrate these and other forces, new and old, within the principles of our democratic system—ever aiming toward the supreme goals of our free society.

V.

Another factor in maintaining balance involves the element of time. As we peer into society's future, we—you and I, and our government—must avoid the impulse to live only for today, plundering, for our own ease and convenience, the precious resources of tomorrow. We cannot mortgage the material assets of our grandchildren without risking the loss also of their political and spiritual heritage. We want democracy to survive for all generations to come, not to become the insolvent phantom of tomorrow.

Down the long lane of the history yet to be written America knows that this world of ours, ever growing smaller, must avoid becoming a community of dreadful fear and hate, and be, instead, a proud confederation of mutual trust and respect.

Such a confederation must be one of equals. The weakest must come to the conference table with the same confidence as do we, protected as we are by our moral, economic, and military strength. That table, though scarred by many past frustrations, cannot be abandoned for the certain agony of the battlefield.

Disarmament, with mutual honor and confidence, is a continuing imperative. Together we must learn how to compose differences, not with arms, but with intellect and decent purpose. Because this need is so sharp and apparent I confess that I lay down my official responsibilities in this field with a definite sense of disappointment. As one who has witnessed the horror and the lingering sadness of war—as one who knows that another war could utterly destroy this civilization which has been so slowly and painfully built over thousands of years—I wish I could say tonight that a lasting peace is in sight.

Happily, I can say that war has been avoided. Steady progress toward our ultimate goal has been made. But, so much remains to be done. As a private citizen, I shall never cease to do what little I can to help the world advance along that road.

VII.

So—in this my last good night to you as your President—I thank you for the many opportunities you have given me for public service in war and peace. I trust that in that service you find some things worthy; as for the rest of it, I know you will find ways to improve performance in the future.

You and I—my fellow citizens—need to be strong in our faith that all nations, under God, will reach the goal of peace with justice. May we be ever unswerving in devotion to principle, confident but humble with power, diligent in pursuit of the Nation's great goals.

To all the peoples of the world, I once more give expression to America's prayerful and continuing aspiration:

We pray that peoples of all faiths, all races, all nations, may have their great human needs satisfied; that those now denied opportunity shall come to enjoy it to the full; that all who yearn for freedom may experience its spiritual blessings; that those who have freedom will understand, also, its heavy responsibilities; that all who are insensitive to the needs of others will learn charity; that the scourges of poverty, disease and ignorance will be made to disappear from the earth, and that, in the goodness of time, all peoples will come to live together in a peace guaranteed by the binding force of mutual respect and love.●

SENATOR CRANSTON ON EAST/WEST RELATIONS

● Mr. DODD. Mr. President, this morning when Secretary of State Haig appeared before the Foreign Relations Committee, my distinguished colleague, the senior Senator from California, delivered an opening statement on East/West relations.

Because of the vital importance of this subject, I believe my colleagues will be very interested in Senator CRANSTON's insightful critique of the Reagan administration's approach to East/West relations. I have therefore taken the liberty of submitting his remarks for the RECORD.

Senator CRANSTON's remarks follow:

OPENING STATEMENT OF SENATOR ALAN CRANSTON, SENATE FOREIGN RELATIONS COMMITTEE HEARING ON EAST-WEST RELATIONS

I welcome this opportunity to learn more from Secretary Haig regarding the vital relations between the United States and the Soviet Union.

Throughout the first year of the Reagan Administration, I have shared the alarm with which so many Americans have viewed the President's proclivity for approaching all global issues on East-West terms, while ignoring regional sources of international tensions.

I believe this simplistic view has done real harm to our security interests as the Administration has pursued policies abroad which have time and again placed us in conflict with our allies.

I share the abhorrence that most Americans feel at the Soviets' continued campaigns of aggression in Afghanistan and Southeast Asia, their pressures on Poland, and their disregard for human rights guarantees provided in the Helsinki accords. I went to Moscow last fall with Senator Mathias, in part, to convey these American concerns.

But I reject the type of "total linkage" theories which President Reagan has periodically embraced.

I believe it is a serious failure that fifteen months after his election, President Reagan still has not come forward with a position on the number one issue of our time, strategic nuclear arms control.

The few times that the President has publicly discussed this subject, he has displayed a provocative naivete which has made America appear belligerent in the vital competition for international support. The one exception to this sorry record—the carefully crafted November speech on European missile deployments—was produced for the President only after sustained international protests threatened the fabric of the Atlantic Alliance. Fifteen months of strident Administration rhetoric have led to the damaging and absurd situation where the United States, not the Soviet Union, has been placed on the defensive in the international competition for support from the peoples of the world.

I recognize that this Administration has its extremists and its moderates, its professionals and its amateurs in the field of foreign policy. And I wish to pay tribute this morning to the professionalism with which most State Department officials—including you, Mr. Secretary—have approached the critical issues of east-west relations.

A September 1981 Gallup poll found that 68 percent of the American people fear an all-out war with the Soviet Union this decade. I believe we can prevent such a catastrophe and advance our national security interests if intelligent American leadership is provided. I know we must do so.

I believe that despite the fundamental differences which divide our two societies, the United States and Soviet Union can press forward in pursuit of our mutual interest in curbing the mindless growth of our nuclear overkill capabilities. And we can reduce the terrible burden which the Reagan arms race policies place upon our strained, sputtering economy.

I believe we can avoid having to choose between capitulation and nuclear confrontation and holocaust.

I believe President Reagan has failed to establish the basis for producing balanced, verifiable arms reductions. By reviving a late-1940's version of containment and by encouraging anti-Soviet hysteria, the President has harmed not only the prospects for meaningful arms control, but also our relations with allies, our economy and the cause of peace in general.

It is time to get on with the task of advancing America's twin interests in security and peace in a more balanced fashion.

Time is too precious and the threat of nuclear holocaust is too real to delay.

So I welcome the appearance of Secretary Haig this morning. And I look forward to hearing more about the Reagan Administration's hope and plans for the future of East-West relations.●

A SUPPLY-SIDER ARGUES FOR THE GOLD STANDARD

● Mr. HELMS. Mr. President, it is important that the record in support of the gold standard—which is becoming quite large—continue to receive the attention it deserves in Congress.

I ran across an article in the December 7 Business Week magazine entitled "A Supply-Side Case for a Gold Standard," by Mr. Jude Wanniski, who makes some excellent arguments which should help convince all but the most skeptical or cynical.

Mr. President, I ask that the article by Mr. Wanniski be printed in the RECORD.

The article follows:

A SUPPLY-SIDE CASE FOR A GOLD STANDARD

The entire world, Communist as well as capitalist, has been led into recession and the path of a gathering financial storm by obsolete U.S. monetary policy. Only the careful use of gold through a particular kind of gold standard can now prevent a U.S.-led world depression. This is an absolutely necessary condition, along with the tax-rate reductions already in place, for noninflationary economic growth in 1982 and beyond.

Without gold, the Federal Reserve is helpless. With the dollar floating, it is not possible for Paul Volcker to know the supply of money in the economy or the demand for it. The idea that he can somehow control that which he cannot know is the basis of the monetarist experiment that has undermined the people's faith in our currency.

There are many kinds of gold standards that have appeared over the centuries and are discussed today. The supply siders reject most varieties as obsolete. And there is a desire to build on the wisdom of the past and the useful experience of the last decade in designing a modern system that will last for at least 50 years.

In this spirit, we discard the various gold "cover" standards that rely on quantities of gold as a way of forcing discipline on the monetary authorities. To help match the supply of money to its demand, the supply siders have always viewed gold as a communications instrument. Those economists who view gold as being unworthy because it is unscientific fail to appreciate this aspect of convertibility. It is the convertibility school that attracts the supply siders. It is convertibility that enables the marketplace to communicate its needs to the central bank.

The bank is guided in its purchases or sales of securities in the open market by the marginal changes in the public's demand for currency as observed at the gold window. The Fed now has no such guidance, nor was it guided from 1968 to 1971. In that period, although the gold window was open, Presidents Johnson and Nixon pleaded with our allies and trading partners not to show up at the gold window. Thus jammed, the mechanism blew up.

MAINTAINING THE DOLLAR

The particular kind of gold standard envisioned by supply siders would correct this flaw, making the dollar convertible by people as well as by central banks. The rebuilt mechanism could not be jammed. There is only one job for this mechanism, the maintenance of the dollar as a standard of value. There is almost nothing the government can provide the market-place that is more important than a reliable unit of account. This does not require vast hoards of gold. It requires only the market's confidence that the government understands this singular role of money. As long as people know the government does not intend to devalue the paper dollar relative to gold, they will not ask for gold.

Restoration of the dollar as a reliable international standard of value would immediately collapse interest rates in dollar assets, and in all currencies that join the system. This is because governments would once again be shouldering the risk of their own currencies, a risk now borne by private transactors that comprise the largest part of the price of credit. As BUSINESS WEEK observed in its ground-breaking story on the gold standard (Sept. 21, 1981), a gold scenario would not only bring falling interest rates but also a strengthening dollar on the foreign exchange markets. This is the only scenario that yields these positive movements in combination.

Professor Robert Mundell, a Canadian now at Columbia University, would initiate the process by having the U.S. Treasury stabilize the dollar price of gold within a broad

band, perhaps $400 to $450. Jelle Zijlstra, chairman of the Bank for International Settlements, made a similar proposal at the International Monetary Fund meeting in September.

The key concern among all supply siders is that the price should not fall below the nominal wage rate, which would put pressure on organized labor. Erring on the high side is preferable.

FINDING A RATIO

Mundell's band of $400 to $450 at least seems to meet these conditions. And he acknowledges that the final dollar-gold ratio—which would take a year or so to discover—could well be lower or higher. The process of discovery would involve America's trading partners, who would participate every step of the way in reconstructing the international monetary system.

Based on my assumption that what the people of the world need most of all is a reliable unit of account, I believe the setting of a price is more important than the price itself. That is, global commerce and the general welfare would expand at any restored convertibility rate betweeen, say, $250 and $650. Beyond those points there would be the risk of excessive turbulence, debtors being strained at the lower end, and creditors hurt at the upper end.

How would the new system work when completed? And why would it survive when Bretton Woods did not?

As in Bretton Woods, the U.S. would commit itself to maintaining the dollar-gold ratio by buying and selling gold around the narrow band ultimately discovered at, say, $425 (buying at $420 and selling at $430). Our trading partners would link to the system by fixing their currencies to the dollar, which is an indirect way of fixing to gold, or directly monetizing gold.

Convertibility would be universal. Anyone with dollars could convert to gold at the gold window, which would prevent the monetary or political authority in the U.S. from jamming the system. The average citizen can be trusted to ignore any pleas not to present dollars for gold, which will immediately dissuade authorities from attempting to push excess "liquidity" into the economy.

The Bretton Woods system broke down, after all, because of a belief that the terms of trade could be changed between nations or individuals by changing the unit of account. But we should have relearned in the 1970s, that this is impossible. If a loaf of bread exchanges for a bottle of milk when the unit of account is 50¢, the terms remain the same at $1 or $10.

What makes the system work is the acceptance of the idea that the unit of account need never change. Strictly speaking, currencies can never be "undervalued" or "overvalued" because like a yardstick, or an ounce, the currency unit is a fixed standard of measure. Any change is harmful to those who use it.

Wesley Clair Mitchell, who was Arthur Burns's teacher, emphatically made this point in 1903, when he demonstrated that the issuance of greenbacks in the Civil War added more to debt service than it saved by not issuing bonds.

"The resort to a legal-tender paper currency," wrote Mitchell, "is a confession of acute financial distress and as such must depress the market for bonds. Therefore, to the financial loss caused by the increase of expenditures should be added a second loss from the unfavorable terms to which the government had to submit in selling its securities." Modern greenbacks have the same effect.

SAVINGS ON DEBT SERVICE

It was this concept the supply siders could never seem to impress on David Stockman, that the path to a balanced budget is paved with gold. Being able to refinance the trillion-dollar national debt at low interest rates would bring enormous economies to debt service costs. Instead, Stockman embraced the ideas of Alan Greenspan, William Simon, Henry Kaufman, et al, and attacked the deficit directly as a means of solving inflation and interest rates. This baffled the supply siders from the outset, because Stockman had participated, with me and Jeffrey Bell, in writing the monetary plank in the Republican platform:

"Ultimately, inflation is a decline in the value of the dollar, the monetary standard, in terms of the goods it can buy. Until the decade of the 1970s, monetary policy was automatically linked to the overriding objective of maintaining a stable dollar value. The severing of the dollar's link with real commodities in the 1960s and 1970s to pursue economic goals other than dollar stability has unleashed hyperinflationary forces at home and monetary disorder abroad, without bringing any of the desired benefits. One of the most urgent tasks in the period ahead will be the restoration of a dependable monetary standard, that is, an end to inflation."

Greenspan particularly sold Stockman on the notion that a gold standard could only come as a capstone to the fiscal fight against inflation. This view reflects Greenspan's wholly separate objective, which is to eliminate the welfare state.

What neither Greenspan nor Stockman has ever been able to see is that the explosion of the "social pork barrel," as Stockman calls it, has coincided with the manipulation of the currency, the repeated inducements of recession via fiscal means to combat inflation.

They have, when pressed, argued that the reopening of the gold window would cause "a liquidity crisis." But that itself is a fallacious demand-side view of things. A gold standard doesn't limit the money supply any more than a yardstick standard limits the number of yardsticks. A convertible dollar would invite lending, lending long, which halts the wave of bankruptcies by enabling households, companies, and Third World nations to lengthen the maturity of their debts.

In the system envisioned, it isn't necessary for the government to hold much gold at all. As Robert Hall of the National Bureau of Economic Research explains, the substantive effect of the classical gold standard "came from the legal definition of the dollar, not the government's control of the money stock. Essentially the same control of prices could have been achieved just from the definition of legal tender, without any control of the private creation of money."

THE IRRELEVANT ARGUMENT

The argument, then, that there is "too little gold," or that the Soviet Union and South Africa "control the gold supply and thus our monetary system," is irrelevant. The supply siders are not even interested in a system that ties the dollar to a quantity rule. If the government can maintain the quality of our dollar, it maintains the quality for all dollars.

The key thing to realize is that if it chooses to do so, the U.S. can absolutely control the dollar price of gold, and in this manner stabilize the general price level and the value of all dollar contracts. The Russians can only control the ruble price of gold, the South Africans, the rand price. Relative prices can change around the gold value, as the earth yields more or less gold, or as personal tastes alter relative values. But the one constant unit of account eliminates entirely windfall losses and windfall gains among debtors and creditors. Debtors pay what was promised, creditors receive what was pledged. Once again, people will lend long-term at low interest rates.

All it really takes to get things started and benefits flowing is a telephone call from President Reagan to Treasury Secretary Regan to initiate the Mundell-Zijlstra proposal. The supply siders are confident this telephone call will be made, and made fairly soon, as the recession deepens and the President realizes the only alternative to gold is "reflation," which means another upward loop in the inflationary spiral.

The President, who happens to be the staunchest supporter of a gold standard in his Administration, will at that point be able to survey his Cabinet and ask: "Are there any other reasons why we shouldn't try gold?" And hearing none, he will throw out the golden anchor and stop the steep slide of the economy, his popularity, and the Republican Party. Nothing else will work.●

TRIBUTE TO ADMIRAL RICKOVER

● Mr. METZENBAUM. Mr. President, at midnight on January 31, the forced retirement of Adm. Hyman G. Rickover became effective, thereby bringing to an end one of the most brilliant military careers in the Nation's history.

Admiral Rickover brought to the nuclear Navy an uncompromising devotion to excellence. His standards drew to his programs the finest officers and crews. The rigorous demands he placed upon those who made it through his famous selection process had one objective—to make our best truly incomparable.

He succeeded. There is no more impressive credential in the Navy than the simple statement "I served under Rickover."

Today, the Navy's nuclear fleet comprises 161 vessels. And never, Mr. President, has there been a single accident associated with their nuclear reactors. "One would wish," said one observer, "that his influence in the civilian nuclear power industry had been greater—Rickover-trained people don't turn the wrong valves the way they did at Three Mile Island."

One would also wish that Admiral Rickover's influence on procurement had been greater within the Department of Defense. "I treat the government's money as if it were my own," Admiral Rickover has said. And he has vividly described what happens when defense contractors know that they can always count upon the Pentagon to save them from the consequences of their own bad management:

Large defense contractors can let costs come where they will and count on getting relief from the DOD through changes and claims, relaxation of procurement regulations and laws . . . or other escape mechanisms . . . they will make their money whether their price is fair or higher than it should be; whether delivery is on time or late.

With Admiral Rickover in charge, the Navy's contractors knew that they had a hard taskmaster.

Admiral Rickover demanded quality construction.

He demanded on-time performance.

He demanded a dollar's worth of value for each and every taxpayer dollar expended.

And because he demanded these things, he made powerful enemies, who mounted spiteful and slanderous campaigns against him.

But Admiral Rickover's contribution went far beyond the standard of excellence he established. In terms of national security, former Navy Under Secretary James Woolsey wrote in the October 1981 issue of Armed Forces Journal International, "Try to think of another living American to whom you owe more." Mr. Woolsey wrote:

There is no Soviet skipper, anywhere in the world, who sleeps soundly in his sea cabin. He can never be sure that he isn't in the crosshairs of the periscope of one of Rickover's marvelous, quiet black attack boats. And, as we fuss with the MX and the agonizingly hard problem of fixing the vulnerability of our ICBMs, we have some breathing space because some more of Rickover's products, carrying their *Poseidon* and *Trident* missles, slip silently on patrol somewhere beneath the Atlantic and Pacific. His ships are commanded and operated by some of the most extraordinarily able and professional men you will ever meet. Their standards, and those of many of their colleagues in other parts of the Navy, have been shaped directly and indirectly by Rickover's will and perfectionism.

At the beginning of my remarks, I described Admiral Rickover as one of the towering figures in our military history. But like other great military men before him—men like Eisenhower, Marshall, and Bradley—Admiral Rickover has a deep understanding of the role and the limits of military power.

Admiral Rickover has always understood that the purpose of our forces is to insure the security of our democratic society—not the other way around.

He recently described the ships and submarines he built as "a necessary evil." "I would sink them all," he said, "if mutual disarmament could be negotiated."

He expressed fear that the world is heading for nuclear holocaust.

He called disarmament the Nation's most urgent need. Put him in charge, he suggested, and he would get results.

And in addition, this tough, dedicated military man stated categorically that "In general, we are overarming altogether."

Mr. President, I believe that it was a sad day for this country when Admiral Rickover was forced into retirement. But I am confident that he will continue to serve by speaking out with force and clarity on the vital choices that will confront us in the days to come.

I extend to Admiral Rickover my warmest best wishes and my profound gratitude for the marvels he has accomplished in the Nation's defense.●

AN APPEAL FROM THE MOTHER OF ANATOLY SHCHARANSKY

● Mr. LEVIN. Mr. President, we are all too familiar with the dismal status of the emigration of Soviet Jewry and the harsh, inhumane treatment they are subjected to within the Soviet Union. Thousands upon thousands of Soviet Jews are systematically and deliberately denied internationally recognized human rights. In the West, we are acquainted with only a handful of names of those who suffer in the U.S.S.R.

Anatoly Shcharansky is one of those whose tragic personal history is fairly well known to us. The story of the courageous efforts mounted by Shcharansky to improve the respect for fundamental human freedoms in the U.S.S.R. has been told the world over. His story shows us the fortitude and commitment of the human spirit and at the same time presses us to work for worldwide recognition of the human rights set down in the Universal Declaration of Human Rights and the Helsinki Final Act.

The Shcharansky saga continues on a dark and distressing course. A letter from his mother, Mrs. Ida Milgrom, and an article from "Shomer Achi Anochi"—"I am my brother's keeper"—provide recent details of his struggle. I include the text of the letter and the article in the RECORD.

APPEAL FROM MRS. IDA MILGROM

In March 1977, my son Anatoly Shcharansky was arrested and accused of spying for the CIA. On July 14, 1978, the Supreme Court of the Russian Federated Socialist Republic—in a farce resembling the Dreyfus Trial—handed him a brutal, unfounded sentence of thirteen years deprived of freedom: three years in prison and ten years in forced labor camp under the most severe conditions.

At the so-called trial, my son declared that his case had been trumped up in order to crush the Jewish emigration movement in the Soviet Union. Despite blackmail and threats of capital punishment, he did not plead guilty and proclaimed that the accusations against him were absurd.

Anatoly spent three terrible years in prison and then was transferred to a forced labor camp. Acts of lawlessness and humiliation have been continuously committed against him. We have just found out that from January through October 1981, Anatoly was isolated in solitary confinement in the internal prison of the camp. Between October 1980 and October 1981, he spent 185 days in the infamous special punishment cell. Seventy-five days of this torture were given in succession. (The "kartser"—the special punishment cell is so severe that even Soviet law forbids a prisoner to be confined in it for more than 15 days at a time.)

The food ration in the internal prison of the camp is a starvation one, containing absolutely no meat or fats. In the special punishment cell, this ration is given only once in two days. In this way my son was tortured by full starvation for 93 days and by partial starvation for an equal amount of time. As a result, he became completely physically exhausted and had to be removed from prison and taken to a hospital. From the hospital, Anatoly was medically transferred directly back to the special punishment cell.

At the end of October 1981, another scene of this grotesque farce took place. Anatoly Shcharansky was put on one more trial. This one was held at the camp and took exactly five minutes. Only a procurator, a judge and two jury members were present. No lawyer participated. This so-called trial hardened the already monstrous sentence.

The "guilt" found was that my son still will not plead guilty for the crimes with which he was incriminated in the 1978 "trial."

My son is now sentenced to three more years of labor camp under the strict regime conditions described above. The repression is continuing, the humiliation is growing. They want to break my son physically and morally.

Is there any way that this world can prevent the destruction of an innocent victim of arbitrary cruelty?

IDA MILGROM.

Moscow, January 7, 1982.

SHCHARANSKY SAGA

For the first time in a year and a half, Anatoly Shcharansky's mother, Mrs. Ida Milgrom, and brother Leonid were permitted to visit him in the Chistopol Prison in Tataria, USSR.

Anatoly sat in a glass-enclosed cell with a KGB agent at his side.

This was his story:

In early October 1980, his work as a welder in the camp factory was suddenly stopped—with no explanation given. He was ordered to begin excavation work in a dangerous place where prisoners avoid working. He refused and was sent to a "punishment cell" (solitary confinement) for 15 days.

In November 1980 Anatoly was sent to do sanitary work in the camp sewage system. Although this meant an improvement in his daily food rations, it would have entailed transferring an old, sick prisoner to a harder job. The unconcealed aim of the authorities was to incite the other prisoners against Anatoly. He refused and was again sent to a punishment cell for 15 days.

On December 3, 1980, on Chanuka, Anatoly lit Chanuka candles. This greatly angered the prison authorities. They ordered him to put out the candles immediately. When Anatoly refused, he states that it was his elementary duty and privilege as a Jew to perform the customs of his people. Again he was sent to the special punishment cell for 15 days.

Anatoly's prayer book (a present from his wife Avital) and Jewish calendar were confiscated. After repeated requests that these charished items be returned, he was promised by the prison authorities that he would get them back. But a while later, he was informed that his case had been discussed at

KGB headquarters and orders had been issued not to return the prayer book.

As a result of this incident, Anatoly was denounced as a "disciplinary problem". He was sentenced to six months in the internal prison of the camp (where the conditions are considerably harder than in the camp proper).

From the internal prison, Anatoly continued his attempts to get his prayer book back. Among other actions, he wrote a detailed letter to the Soviet authorities claiming that nowhere in Soviet law is there a prohibition against prayer books. He was informed in reply that Soviet Russia is waging war against religion. Since the camp prison is an official state institution, no religious practices could be permitted. As the prison serves as an educational institution—they said—no educationally detrimental activities would be tolerated.

Anatoly replied that according to Soviet law each individual has freedom of religion and conscience. He began to strike in protest. Again he was sentenced to 15 days in the special punishment cell—in addition to the six months already sentenced to the camp internal prison.

When he finished his 15 days in the cell, he again demanded that his prayer book be returned. He refused to work until he got it back. In reprisal, he was thrown into the punishment cell for 15 more days.

This harrowing struggle continued until the end of August 1981. In all, Anatoly spent 185 days in the punishment cell; 75 of them were spent consecutively—an unprecedented ordeal, even in Russia.

During this period, Anatoly suffered from nutritional deprivation to the point of passing out. In one instance, he was barely able to inform a fellow prisoner that he was on the verge of collapse, before he lost consciousness. As food is given only every other day in the special punishment cell and this was not a food day, Anatoly was given only an injection to strengthen him but no food at all. After four days in this condition, he was rushed to the intensive care unit of a hospital where he received emergency treatment.

Anatoly spent 33 days recuperating in the hospital.

From the hospital he was returned directly to the special punishment cell.

From there he was sent to an "open trial". Present were two prosecution witnesses, a prosecutor, a judge and the dependent.

The accusation:

(1) The defendant has not yet confessed to the CIA-espionage crimes he was convicted of in his infamous trial of July 1978. This indicates poor education.

The defendant has been a bad influence on the other camp prisioners.

Anatoly replied that indeed he never did plead guilty to the accusations for which he was being punished since 1978. Moreover, he was unable to have been a bad influence on other prisoners because most of this time at the camp had been spent in solitary confinement.

The trial lasted five minutes.

The judge sentenced Anatoly to three more years in the Chistopol Prison.

When he arrived at Chistopol, he was sentence to two months of extremely severe conditions—as punishment for having been sent again to prison.

Anatoly wrote to Brezhnev that according to the decision of the 26th Congress of the Communist Party, religion is allowed in the Soviet Union. Therefore, he demanded the return of his prayer book.

The letter was confiscated because anatoly claimed to be a member of the Human Rights Committee. According to the authorities, this committee does not exist. Anatoly replied that as he was tried and punished for belonging to this very committee, it therefore must exist.

Last March, KGB agents came from Moscow to talk with Anatoly; he refused. They offered to do favors for him in Moscow if he would co-operate with them. Anatoly again refused, claiming that they did not appear to be appropriate agents for this end.

Anatoly wrote to the Moscow Synagogue, requesting a Bible. He got word that his request was being granted, but he has not yet received any Bible.

Anatoly's mother says that despite Anatoly's deteriorating physical condition, his spirits remain high.

She is worried, however, now that he is required to weave a minimum of one sack every four hours, his physical condition won't let him, and then additional punishments will be incurred.

Following their conversation, Ida Milgrom appealled to the world:

"The tortures continue, the libels continue. They're trying to break my son physically and destroy his spirit. Is there no way to stop this arbitrary cruelty?"

HAPPY CENTENNIAL, JAMES JOYCE

● Mr. MOYNIHAN. Mr. President, It is with great pleasure that I draw the attention of the Senate to the centennial of the birth of James Joyce which occurs today. This is a fitting occasion to reflect on the tremendous contribution James Joyce has made to the literature of the English language.

I confess that my first thought this morning was to request that the entire text of Joyce's "Ulysses" be entered into the RECORD. That would surely enhance the literary content of even this most distinguished of publications. In the spirit of tree conservation, however, I will content myself with the insertion of a quote or two into my comments.

When considering the work of a great writer, I frequently find myself compelled to draw comparisons with the work of this Senate. The legacy of our labor on the floor of this Chamber may take the form of a great building, a dam, a diverted river, or a farsighted social program. Yet buildings crumble, dams burst, rivers dry up, and programs wither away. Sometimes quite suddenly.

How much more permanent and transcendent is the work of a great writer. The words of a master will continue to bring awareness and joy to readers generations after type is cast, quill discarded, or chisel dulled. The work of a writer can be as potent and permanent as it is portable. The life's work of James Joyce is such a thing.

Our debt to that Irish novelist may be immeasurable. If one were to make a list of the great writers of this century, he would surely include names such as those of the American Nobel Laureates, Ernest Hemingway and William Faulkner, alongside that of James Joyce. Yet, I would suggest that Joyce deserves a place of some pre-eminence. His influence was a profound one due to the formative effect he had on those two men, as well as on the whole field of 20th century writers. For Joyce revolutionized the form of the modern novel with the development of the stream of consciousness technique.

We list among Joyce's contributions "Dubliners," "Portrait of the Artist as a Young Man," "Ulysses," and "Finnegan's Wake." But because of his impact on 20th century letters, on Hemingway and Faulkner in particular, we can with justification also call "The Sun Also Rises," "The Old Man and the Sea," "Absalom, Absalom!," and "The Sound and the Fury" contributions of James Joyce. Such was his influence on the novel of this century.

Above all, we are indebted to James Joyce for his power of the written word. Others have been master technicians, but few have had Joyce's formidable talent to cast his deepest thoughts into word. His was a tremendous gift. Today, we are its beneficiaries. Indeed, so deep is his imprint on the body of literature with which the educated man must by definition be conversant, there is but one way to describe an individual who has not availed himself of Joyce's bequest. In his short story, "A Painful Case," Joyce himself put it thus: "He was outcast from life's Feast."

Mr. Raymond Lane, director of the James Joyce Society of Washington, informs me that his organization is coordinating a host of events in honor of Joyce's centennial. These include:

The American Film Institute at Kennedy Center will sponsor a Joyce film festival, including a new film not yet seen in America.

The Library of Congress will host Richard Ellman, the noted Joyce biographer, at a lecture series.

Students at American University will undertake a marathon reading of Ulysses on February 2 and 3.

A Joyce literary prize will be awarded by the society, with Waterford Glass providing a piece of their ware as first prize, and the top 20 finishers receiving new editions of Joyce classics.

The Irish Embassy will host a reception. District of Columbia Mayor Marion Barry's proclamation of today as James Joyce Day will be presented to the James Joyce Society.

A concert of authentic Edwardian music from Joyce's work will be held at Gaston Hall, Georgetown University.

A monthly series of lectures by premier American Joycean scholars will be held through Bloomsday, the day

on which the action of "Ulysses" takes place.

WETA television has a show in the works on the centennial.

Dramatic readings from Joyce by local actors will be heard on radio station WAMU to celebrate the centennial.

Mr. Lane calls the celebration "a nonpartisan occasion for some merriment." I heartily agree. For those who have not yet done so, today may be the best time to begin partaking of "life's feast."

Mr. President, may I suggest to my colleagues that if any Senators are asked if they are planning to celebrate Joyce's 100th, I hope they will answer, " * * * Yes I said yes I will yes."●

PROGRAM

Mr. BAKER. Mr. President, when the Senate completes its business today, it will stand in recess until the hour of 11 a.m. on tomorrow. After the recognition of the two leaders under the standing order, two Senators will be recognized on special orders in the aggregate totaling 30 minutes. At the expiration of the time allocated to the two leaders under the standing order and the time provided under special orders for the two Senators previously identified, there will be a brief period for the transaction of routine morning business to extend not more than 20 minutes in length in which Senators may speak for not more than 3 minutes each.

At the conclusion of the time for the transaction of routine morning business, the Senate will resume debate on the motion to proceed to the consideration of Calendar Order No. 251, Senate Resolution 20. Debate will proceed during the course of the day on that measure. Other business may be transacted by the Senate during the course of the day, temporarily laying aside the debate on the motion to proceed to the consideration of Senate Resolution 20, if other business can be agreed on mutually by the leadership and by unanimous consent.

It is expected the Senate will be in until approximately 6 p.m. on tomorrow, Mr. President, unless the business of the Senate can be concluded at an earlier hour.

On Thursday, Mr. President, according to the order previously entered, and which may be modified on tomorrow, the Senate will resume consideration of the Department of Justice authorization bill, at which time the Helms-Johnston busing amendment will be the pending question.

Under the situation as it presently exists, at 12 noon on Thursday the Senate will lay aside temporarily the Department of Justice authorization bill and resume consideration of the motion to proceed with the consideration of Senate Resolution 20. A vote on the motion to proceed will occur immediately and without further debate.

After the disposition of that measure, the Senate will resume consideration of the Department of Justice authorization bill, the vote to occur on the Helms-Johnston amendment at not later than 3 hours after the commencement of the debate on that measure.

Mr. President, I reiterate the request contained in the interchange or colloquy between the distinguished minority leader and myself. It is my hope that we can abbreviate the time for debate on the Helms-Johnston amendment on Thursday, or perhaps begin debate on it earlier, so that two votes, that is, the vote on the motion to proceed to the consideration of Senate Resolution 20 and the vote on the Helms-Johnston amendment, may both occur not later than perhaps 12:30 or 1 o'clock on Thursday.

The outlook for the balance on Thursday and for Friday, Mr. President, is uncertain. There are a number of items that can be dealt with, none of which can be cleared at this point. On tomorrow, I hope to have a further announcement in respect to other business to be transacted by the Senate this week.

Mr. President, I will inquire of the minority leader if there is any other matter he wishes to bring to the attention of the Senate at this time.

Mr. ROBERT C. BYRD. Mr. President, I thank the majority leader. I have nothing.

Mr. BAKER. I thank the minority leader.

RECESS UNTIL TOMORROW AT 11 A.M.

Mr. BAKER. Mr. President, I now move that the Senate recess over until the hour 11 a.m. tomorrow in accordance with the order previously entered.

The motion was agreed to, and the Senate, at 6:41 p.m., recessed until Wednesday, February 3, 1982, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate February 2, 1982:

THE JUDICIARY

John R. Gibson, of Missouri, to be U.S. circuit judge for the eighth circuit vice Floyd R. Gibson, retired.

DEPARTMENT OF JUSTICE

William J. Nettles, of Illinois, to be U.S. Marshal for the southern district of Illinois for the term of 4 years vice Albert S. Hinds, resigned.

FEDERAL COUNCIL ON THE AGING

James N. Broder, of Maryland, to be a Member of the Federal Council on the Aging for a term expiring June 5, 1983, vice Fernando Manuel Torres-Gil, term expired.

NATIONAL SCIENCE FOUNDATION

Jay Vern Beck, of Utah, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 1986, vice Jewel P. Cobb, term expired.

SECURITIES INVESTOR PROTECTION CORPORATION

James G. Stearns, of Nevada, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 1982 vice Hugh F. Owens, resigned.

IN THE NAVY

Capt. William M. Narva, U.S. Navy, for permanent promotion to the grade of rear admiral in the U.S. Navy, in accordance with article II, section 2, of the Constitution.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 2, 1982:

IN THE AIR FORCE

Air Force nominations beginning Earl A. Aler, Jr., to be colonel, and ending Claude W. Shearer, to be colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 15, 1981.

Air Force nominations beginning Charles M. Dooley, to be lieutenant colonel, and ending Alvin W. Stevens, Jr., to be lieutenant colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 15, 1981.

Air Force nominations beginning James F. Boyle, to be determined, and ending Nagai Yasumi, to be major, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 15, 1981.

IN THE COAST GUARD

Coast Guard nominations beginning Richard Fremont-Smith, to be captain, and ending Victor K. Goodman, Jr., to be captain, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 15, 1981.

Coast Guard nominations beginning Paul L. Milligan, to be commander, and ending Duane N. Smith, to be lieutenant (junior grade), which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 15, 1981.

IN THE NAVY

Navy nominations beginning Robert A. Sulit, to be captain, and ending Lawrence D. Kiselica, to be lieutenant commander, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 15, 1981.

Navy nominations beginning Thomas H. Barge, II, to be ensign, and ending Raymond E. Fosse, to be commander, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 15, 1981.

Navy nominations beginning John W. Ackerman, to be lieutenant commander, and ending Joseph Woods, to be lieutenant commander, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 15, 1981.

Navy nominations beginning William H. Hamilton, Jr., to be captain, and ending Daniel F. Gelderman, to be ensign, which nominations were received by the Senate on December 15, 1981, and appeared in the CONGRESSIONAL RECORD of December 16, 1981.

EXTENSIONS OF REMARKS

RESOLUTION OF THE CONFERENCE OF STATE CHIEF JUSTICES

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. RODINO. Mr. Speaker, the Conference of Chief Justices at their fifth midyear meeting in Williamsburg, Va., on January 30, 1982, adopted an unusually strong and unanimous resolution relating to the proposed legislation pending in both Houses of Congress to restrict the jurisdiction of the Federal courts. This occurred after a study by a subcommittee of the State-Federal Relations Committee of the Conference. Every State was represented when the vote occurred and there was no dissent.

What follows is the resolution and the subcommittee report and I commend it to all of my colleagues.

RESOLUTION I—RESOLUTION RELATING TO PROPOSED LEGISLATION TO RESTRICT THE JURISDICTION OF THE FEDERAL COURTS

Whereas, there are presently pending in the United States Congress approximately twenty bills that would strip the federal courts, including the United States Supreme Court, of substantive jurisdiction in certain areas involving prayer in public schools and buildings, abortion, school desegregation and busing, and sex discrimination in the armed services; and

Whereas, the Conference of Chief Justices, without regard to the merits of constitutional issues involved, expresses its concern about the impact of these bills on state courts and views them as a hazardous experiment with the vulnerable fabric of the nation's judicial systems, arriving at this position for the following reasons, among others:

A. These proposed statutes give the appearance of proceeding from the premise that state court judges will not honor their oath to obey the United State Constitution, nor their obligations to give full force to controlling Supreme Court precedents;

B. If those proposed statutes are enacted, the current holdings of those Supreme Court decisions targeted by this legislation will remain the unchangeable law of the land, absent constitutional amendments, beyond the reach of the United States Supreme Court or state supreme courts to alter or overrule;

C. State court litigation constantly presents new situations testing the boundaries of federal constitutional rights. Without the unifying function of United States Supreme Court review, there inevitably will be divergence in state court decisions, and thus the United States Constitution could mean something different in each of the fifty states;

D. Confusion will exist as to whether and how federal acts will be enforced in state courts and, if enforced, how states may properly act against federal officers;

E. The proposed statutes would render uncertain how the state courts could declare a federal law violative of the federal Constitution and whether Congress would need to wait for a majority of the state courts to so rule before conceding an act was unconstitutional;

F. The added burden of litigation engendered by the proposed acts would seriously add to the already heavy caseload in state courts;

Now, therefore, be it *Resolved*, That the Conference of Chief Justices expresses its serious concerns relating to the above legislation, approves the report of the Conference's Subcommittee of the Committee on State-Federal Relations, and directs its officers to transmit that report, together with this resolution, to appropriate members of Congress.

Adopted at the Midyear Meeting in Williamsburg, Virginia on January 30, 1982.

REPORT TO THE CONFERENCE OF CHIEF JUSTICES ON PENDING FEDERAL LEGISLATION TO DEPRIVE FEDERAL COURTS OF JURISDICTION IN CERTAIN CONTROVERSIAL AREAS INVOLVING QUESTIONS OF CONSTITUTIONAL LAW

Pending in the United States Congress are approximately twenty bills that would strip the federal courts, including the Supreme Court, of substantive jurisdiction in certain areas involving prayer in public schools and buildings, abortion, school desegregation and busing, and sex discrimination in the armed services.[1] Several of these proposals would prohibit Supreme Court review of state court decisions within the defined areas.[2] as well as withdraw all jurisdiction from the federal district courts.

Provisions of the United States Constitution that are implicated directly in these proposed measures are found in article III:

SECTION 1

The judicial Power of the United States, shall be vested in one supreme Court, and is such inferior Courts as the Congress may from time to time ordain and establish.

SECTION 2

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the Supreme Court shall have original Jurisdiction. In all the other cases before mentioned, the supreme Court shall have appellate Jurisdiction both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

Those supporting these bills reason that the withdrawal of jurisdiction is authorized by the article III, section 2, "exception" provision, a congressional power that they assert has been recognized in several Supreme Court decisions commencing with *Ex parte McCardle*, 74 U.S. (7 Wall.) 506, 513–14 (1868).[3] Supporters point out that until 1889 no criminal cases were appealable to the Supreme Court, because Congress had not authorized the right.[4] They further rely on prior partial jurisdictional restraints imposed on Federal courts in the Norris-LaGuardia Act of 1932[5] and the Tax Injunction Act.[6]

Opponents of the proposed legislation assert the exception cannot swallow up the rule:[7] That the article III, section 1, delegation of "the judicial Power" to the Supreme Court cannot be diminished, for example, to a limited right in the court to pass only on patent claims.[8] They rely on the language of several Supreme Court decisions starting with *United States* v. *Klein*, 80 U.S. (13 Wall.) 128 (1872). These opponents argue the exceptions "must not be such as will destroy the essential role of the Supreme Court in the Constitutional Plan,"[9] that depriving the Supreme Court of jurisdiction to review the constitutionality of state enactments would nullify the supremacy clause,[10] and that the "exceptions clause" cannot be used to deprive the Supreme Court of appellate jurisdiction in cases involving fundamental constitutional rights.[11]

It is not the intent of this subcommittee nor the purpose of this report to explore the constitutionality of these congressional efforts to nullify or contain the effect of Supreme Court constitutional interpretations involving the above issues. The published efforts of qualified scholars and commentators have illuminated the opposing views.[12] Further, several state constitutions contain language analogous to that in article III of the United States Constitution, quoted above, and members of this Conference may be confronted with issues involving the constitutionality of similar legislative measures in their own courts.[13] Nonetheless, this subcommittee would reject its assignment if it failed to express its concerns relating to these bills, and mark the potential fall-out that might accompany their enactment.

First, these proposed statutes give the appearance of proceeding from the premise that state court judges will not honor their oaths to obey the United States Constitution,[14] nor their obligation to follow Supreme Court decisions interpreting and applying that constitution, thus breaking with a 200 year practice and tradition. So viewed, these efforts to transfer jurisdiction to the state courts for these purposes neither enhance the image of those institutions nor demonstrate confidence that state court judges will do their duty.[15] Changes in substantive constitutional law amounting to amendments should not be attempted by excluding federal jurisdiction in the hope that state courts will give less than full force to controlling Supreme Court precedents. The procedure that should be used for such amendments is provided in the constitution itself.

Second, when state court judges honor their oaths, the holdings of those Supreme Court decisions targeted by this legislation will be cast in stone, beyond the reach of the Supreme Court to alter or overrule.

Finally, it must be recognized that state court litigation constantly presents new situations testing the boundaries of federal constitutional rights and requiring judgment calls on applicability of federal constitutional principles. Without the unifying function of Supreme Court review, the United States Constitution could well mean something different in each of the fifty

Footnotes at end of article.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

states. Aside from the obvious effect of this anomaly on the nation's citizens, the resulting inconsistencies in legal precedent and the more frequent jurisdictional disputes would further overload state courts.

We believe these considerations, without regard to constitutional issues, should redflag the above legislation in Congress. We question the wisdom of these bills and view them as a hazardous experiment on the vulnerable fabric of the nation's judicial systems.

Repectfully submitted,

Chief Judge Robert C. Murphy, Chief Justice Clement Clay Torbert, Jr., Justice Robert F. Utter, Chief Justice Robert N. Wilentz, Chief Justice W. Ward Reynoldson, *Chairman.*

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FOOTNOTES

[1] Proposed legislation to limit review of sex discrimination in the armed services may be mooted by the decision in *Rostker* v. *Goldberg*, —— U.S. ——, 101 S. Ct. 2646, 69 L. Ed. 2d 478 (1981).

[2] See, e.g., H.R. 326, 97th Congress, 1st Session (1981). ("[T]he Supreme Court shall not have jurisdiction to review, by appeal, writ of certiorari, or otherwise, any case arising out of any State statute, ordinance, rule, regulation or any part thereof, or arising out of any Act interpreting, applying, or enforcing a state statute, ordinance, rule or regulation, which relates to voluntary prayers in public schools and public buildings.").

[3] Rice, "Limiting Federal Court Jurisdiction: The constitutional basis for the proposals in Congress today," 65 Jud. 190, 192-93 (No. 4 October 1981).

[4] See *United States* v. *Sanges*, 144 U.S. 310, 319, 12 S. Ct. 609, 612-13, 36 L. Ed. 445, 449 (1892).

[5] 29 U.S.C. §§ 101, 107 (1976).

[6] 26 U.S.C. § 7421(a) (1976).

[7] Ratner, "Congressional Power over the Appellate Jurisdiction of the Supreme Court," 109 U. Pa. L. Rev. 157, 172 (1960).

[8] Hart, "The Power of Congress to Limit the Jurisdiction of the Federal Courts: An Exercise in Dialectic," 66 Harv. L. Rev. 1362, 1364 (1953).

[9] Id. at 1365.

[10] U.S. Const. art. VI.

[11] Taylor, "The unconstitutionality of current legislative proposals," 65 Jud. 199, 203-04 (No. 4 October 1981).

[12] See the attached bibliography.

[13] See, e.g., Ala. Const. art. 6, § 140(c); Alas. Const. art. 4, § 1; Ark. Const. art. 7, § 4; Conn. Const. art. 5, § 1; Hawaii Const. art. 6, § 1; Iowa Const. art. 5, § 4; Kan. Const. art. 3, § 3; Neb. Const. art. 5, § 2; Ohio Const. art. 4, §§ 2, 3; Pa. Const. art. 5, § 2; S.D. Const. art. 5, § 5; Tenn. Const. art. 6, § 2; Tex. Const. art. 5, §§ 3, 5, 6; Vt. Const. ch. 2, § 3; Va. Const. art. 5, § 1; W. Va. Const. art. 8, § 3.

[14] These oaths are required by the supremacy clause, U.S. Const. art. VI.

[15] Typical of observations made by commentators is this from remarks prepared by Professor Paul Gewirtz, Yale Law School, dated Mar. 27, 1981, and entitled "Why Proposed Legislation to Restrict Federal Court Jurisdiction is Unwise and Unconstitutional": The sponsors of the bills have obviously made the judgment themselves that many state courts will enforce existing rights with far less vigor and effectiveness than their federal court counterparts; that is the point of the proposed legislation."●

SCARS FROM AWACS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. DORNAN. Mr. Speaker, this week's Newsweek reports that the administration is angered by the Saudis resuming relations with Libya, fostering a rapprochement with Syria, financing a billion-dollar purchase of French Mirage jet fighters by Egypt, and maybe using economic leverage to dissuade Egypt from signing an agreement with Israel on Palestinian autonomy. When reading of these events, I was reminded of the Marvin Stone editorial "Scars From AWACS" which I reread last night. Mr. Stone was so right when he wrote, "This was the wrong battle, in the wrong place, at the wrong time—and over the wrong issue."

Below is Mr. Stone's entire editorial.

SCARS FROM AWACS

(By Marvin Stone)

President Reagan understandably is elated over his resourceful victory in the battle over the sale of AWACS to Saudi Arabia. Unquestionably, his success in escaping what appeared to be inevitable defeat represented a master-stroke of political persuasion.

But it would be unfortunate if, amidst the euphoria, the White House failed to recognize the true significance of this bruising battle.

The significance is not that Mr. Reagan retains a remarkable capacity for selling his causes to skeptical legislators.

Nor is it that he has avoided what might well have been a disaster for the conduct of the nation's foreign policy.

The real significance is that the President was compelled to expand enormous political capital and to devote many hours of precious time to win a battle that need not have been fought at a time when domestic problems were demanding every measure of White House attention.

To paraphrase a famous general during the Korean War: This was the wrong battle, in the wrong place, at the wrong time—and over the wrong issue. The facts are quite clear—and have been from the outset:

Item No. 1: In the final weeks of the Carter administration, overeager U.S. Air Force officials encouraged Saudi Arabia to ask for five AWACS—and persuaded the Saudis that there were no serious political obstacles to a deal.

Item No. 2: The deal was not essential in terms of U.S. strategic interests. Four U.S.-owned and operated AWACS already were based in Saudi Arabia. The Saudis had welcomed the planes with the outbreak of the Iraq-Iran war in September, 1980. And there is no evidence that they were unwilling to continue the arrangement with the Reagan administration.

Item No. 3: President Reagan was not obliged to approve the AWACS sale, which he inherited together with a deal to supply the Saudis with equipment to enhance the capability of F-15 interceptors. In fact, when these agreements were reviewed by the National Security Council last spring, Secretary of State Alexander Haig argued that the AWACS sale should be shelved. He warned of a congressional backlash that would jeopardize the rest of the Saudi arms package.

Defense Secretary Caspar Weinberger, a longtime Reagan confidant, demurred. He contended that it was essential to go through with the AWACS transaction to strengthen America's strategic ties with Saudi Arabia and to develop a U.S. military presence in the Persian Gulf region. Weinberger insisted that Senate approval presented no serious problems.

The President, hospitalized by an assassin's bullet, accepted Weinberger's arguments without consulting Congress. The consequences of this oversight became immediately apparent.

Mr. Reagan found himself facing a costly battle with a Congress that was adamantly opposed to selling the planes to Saudi Arabia—a battle that inevitably would strain ties with many of his staunchest supporters and one that would require a major expenditure of precious time and effort, with extravagant promises to some senators, and veiled threats to others.

All this took place in the first critical months of an administration pledged to give priority to the nation's grave economic problems, and hoping to regain dwindling support for increasingly controversial budget and tax programs.

True, the President has emerged victorious from the AWACS battle—but at the expense of vastly more important issues. Nor has the victory come without a divisive struggle that has left lasting scars in the Senate, not unlike those Jimmy Carter left in the aftermath of his drive to win approval for the Panama Canal treaties.

For the White House, there is at least one inescapable lesson: The way our foreign policy is being formulated is gravely flawed and requires a major overhaul. In the AWACS affair, Mr. Reagan acted on advice from a team of advisers that, with the singular exception of Alexander Haig, is lacking in acumen, not to mention good political savvy.●

PRESIDENTIAL DETERMINATION TO AUTHORIZE CONTINUED AID TO EL SALVADOR

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. MOFFETT. Mr. Speaker, when the Congress voted last December to provide $65 million in economic and military assistance to El Salvador, as part of the foreign aid bill, we did so under the condition that the President could certify that the junta is making progress in five crucial areas. These conditions included progress in: (1) respect for human rights; (2) control over the military; (3) social and economic reform, including land reform; (4) holding fair and free elections; and, (5) investigating the deaths of four American religious workers in December 1980, and two American land reform specialists in January 1981. Last week, the President submitted to Congress a document intended to fulfill this requirement. Those of us who are concerned about the tragic violence and injustice in El Salvador were dismayed by the vague generalities contained in the report, which was aimed more at justifying repression by the Salvadoran junta than at certifying progress in curbing repression.

The conditions mandated by Congress reflected a strong desire to stem the torture and murder of innocent civilians by a government that is receiving extensive U.S. support. The administration's failure to take these concerns seriously reveals the inhumanity of its policy toward El Salvador. I would like to include in the RECORD a copy of the administration's certification, in order that my colleagues and constituents may scrutinize it, and decide for themselves whether or not the issues of justice and human rights in El Salvador have been addressed in an objective, humane and intelligent manner.

JUSTIFICATION FOR PRESIDENTIAL DETERMINATION TO AUTHORIZE CONTINUED SECURITY ASSISTANCE FOR EL SALVADOR

Section 728 of the International Security and Development Cooperation Act of 1981, Public Law 97-113, states that a wide range of security assistance may be provided and certain military personnel assigned to El Salvador only if the President makes a specific certification. The following constitutes the justification for this certification, pursuant to Sections 728 (b), (d) and (e).

The issues on which periodic certification are required have been important elements of the Salvadoran government's policies since the overthrow of President Humberto Romero in October 1979. Romero was the last in a line of military officers who had ruled El Salvador for nearly fifty years. On October 15, 1979, a group of military officers who sought to introduce economic and political reforms overthrew Romero and created a civilian-military coalition called the Revolutionary Governing Junta. The original junta lasted three months. Its military members then reached an agreement with the Christian Democratic Party to form a new government. Despite several changes in its composition, this second junta has remained in power and is committed to sweeping economic and political changes aimed at reducing the causes of the present division and strife. The junta has instituted a series of reforms which are being implemented despite the violent opposition of groups on the extreme right and of Marxist guerrillas and terrorists, supported from Cuba and Nicaragua, who favor armed revolution. Each of the specific issues are addressed below:

Compliance with Internationally-recognized Human Rights. A full report on the troubled human rights situation in El Salvador for 1981 will be sent to Congress at the end of this month. El Salvador is now in a state of active civil strife involving the government and armed groups of the left and right. As in similar circumstances in history, such civil strife has produced violations of human rights by elements on each side, because of partisan animosities, acts of retaliation, the settling of personal scores, and the disruption of the judicial system. These are long-term problems, and their correction is difficult over the short-term.

Along with the general disintegration of institutions in El Salvador after the October 1979 coup, the judicial system had nearly collapsed by January 1981. Conditions of internal strife make it possible for terrorists to intimidate judges, witnesses, and government officials, blocking or slowing the process of investigation and judgment. Investigative efforts are impeded by the chaos caused by guerrilla and terrorist activities and movement of people out of the country and within it. These conditions greatly complicate the Salvadoran government's efforts to bring an end to human rights abuses.

Despite coup threats from the extreme right, intensified guerrilla warfare from the extreme left, and terrorism from both sides, the Salvadoran government has made significant progress in moving El Salvador toward a democratic process for resolving conflicts. It is also implementing important socioeconomic reforms designed to reduce the causes of the present terrorism and violence. Junta President Jose Napoleon Duarte's commitment to eliminating human rights abuses is a matter of public record. He himself has been the victim of abuses in the past. He was deprived of his electoral victory as president in 1972, arrested, beaten and exiled. Members of his Christian Democratic Party have been, and continue to be, victims of violence from both the extreme left and the extreme right. More than 20 Christian Democratic mayors were murdered during 1981.

The Salvadoran government, since the overthrow of General Romero, has taken explicit actions to end human rights abuses. The paramilitary organization "ORDEN" has been outlawed, although some of its former members may still be active. A military code of conduct was adopted in October 1980 explicitly prohibiting any actions by military personnel injurious to human rights. While the Salvadoran conflict, like most civil conflicts, has been characterized by many examples of savagery on all sides, the military high command has instructed the officer corps to ensure that all soldiers adhere to the code of conduct. A number of officers sympathetic to the violent right have been removed from command positions or reassigned to positions less sensitive to the domestic situation. Nevertheless, ultrarightist ad hoc groups still operate without official sanction. Their apparent loose organization and the intermittent nature of their activities, coupled with the apparent complicity of some individual members of the security forces, makes identification of possible perpetrators very difficult.

In sum, despite formidable obstacles, the Salvadoran government is making a concerted and significant effort to comply with internationally recognized human rights.

Control Over All Elements of its Own Armed Forces. This is a key issue in attempting to ensure a democratic future for El Salvador. Traditionally, the National Guard and the Treasury Police were often used to serve the private interests of their officers and of powerful landowners and businessmen. It is a characteristic feature of many societies, including El Salvador's, that personal ties often are stronger than legal obligations to standing regulations or orders from top government officials. These relationships are extremely difficult to eliminate totally, making the establishment of full central authority over subordinate officials a slow process Despite the obstacles, the government is gradually consolidating its control. Elections to set in motion a democratic process, whereby the people can choose their own leaders will be a major step in strengthening the legitimacy of the central authorities.

Through the removal of officers, institution of a code of conduct, and command emphasis on civilian-military relations and halting abuses, the government has taken concrete steps to bring all elements of its armed forces under control. These efforts are beginning to have a positive effect. The level of violence—and particularly the number of deaths — is difficut to quanitify, but statistics compiled by our Embassy in San Salvador indicate a declining level of violence over the past year and a decrease in alleged abuses by security forces. There has been a definite trend in this regard.

Despite the government's intentions to do so, all abuses will not end in the immediate future. The guerrillas continue to justify terror and violence as acceptable tactics in their efforts to disrupt the society and overthrow the government. Moreover, guerrilla bands routinely operate accompanied by family members and other non-combatants, making it difficult to avoid non-combatant casualties when these groups are found and engaged by the military.

One of the principal missions of our military trainers in El Salvador is to increase

the professionalism of the armed forces and improve the system of military discipline and command and control, thus reducing the abuses suffered in the past by the civilian population at the hands of the armed forces. To the extent that members of the armed forces see themselves first as military professionals, they are less likely to take action on behalf of partisan political causes or private interests. Discipline in the army as sensitivity to the problem of military abuse of civilians have improved and should improve further through professional training programs, such as those we are instituting for Salvadoran officers and infantrymen in the United States.

Economic and Political Reforms. When the Christian Democrats joined the Revolutionary Governing Junta they did so to open the political process in El Salvador and carry out socioeconomic reforms. One of the cornerstones of the reform program is land reform. This program has been particularly targetted by extremists of the right and left. Through assassinations of agrarian reform officials and intimidation of peasants, the extreme right seeks to defeat the implementation of the law, while the extreme left is attempting to derail a program that has seriously undercut its popular support. One part of that program, the distribution of landed estates over 1,235 acres to farmers who work on them, has been carried out and compensation to former owners is being made. A monthly report on beneficiaries, titles granted and compensation paid is now periodically provided to Congressman Long. A second part of the program is designed to transfer ownership of small farms to all tenants and sharecroppers. The titling process got off to a slow start. The process has accelerated since midyear and provisional titles are now being issued at the rate of 4,000 per month. The Salvadoran Campesinos Union (UCS), in response to the government's request, has prepared a report detailing problems with the program which remain to be addressed in the months ahead. There is a legislative prohibition against U.S. assistance being used in planning for expropriation or in paying compensation to former landowners.

Other reforms already achieved include the establishment of marketing authorities for the country's major exports, coffee and sugar, and of government majority participation in the banking system. These ambitious changes are being carried out under wartime conditions, which makes implementation all the more difficult.

Free Elections. Free elections are the cornerstone of the Salvadoran government's policy. President Duarte, other members of the junta, and Defense Secretary Jose Garcia, have made clear privately and publicly their commitment to free and fair constituent assembly elections in March 1982 and presidential elections in 1983. Planning for the constituent assembly elections scheduled to take place on March 28, 1982, is well underway. A central electoral council to conduct the elections has been established and is functioning. The elections council drew up a draft election law in May 1981 and invited all parties that renounce violence to participate in the electoral process. The new electoral law was promulgated by the junta in December after thorough discussion among the political parties. Seven parties, ranging from the non-violent left to the far right, are participating in the process. The Salvadoran government has sounded out dozens of democratic countries on the possibility of their sending electoral observers, and formal invitations were sent out at year's end.

The government has explicitly left open the door for others, including the opposition political-guerrilla coalition, the FMLN-FDR, to participate. Two leftist parties associated with the FMLN-FDR, the social democratic MNR and the communist UDN, were designated by the government as legally constituted political parties with the need only to comply with a simple procedure to be inscribed on the ballot. President Duarte publicly invited all political parties and groups who renounce violence and wish to participate in the elections to join in a dialogue on the electoral ground rules. The government has offered amnesty to guerrillas and removed the legal state of siege for political parties, which will permit all to campaign freely. In response, the FMLN-FDR had denounced the elections and rejected the government's standing invitation to join in a discussion of electoral issues. Instead, the FMLN-FDR has maintained that any elections must be preceded by negotiations between the government and all elements of the FMLN-FDR resulting in a restructuring of the government and the military. Moreover, the guerrillas have prepared and are implementing an accelerated campaign of sabotage and terrorism to intimidate and to disrupt the elections, as evidenced by the attack on Ilopango airport on January 27.

Efforts to Investigate the Murders of U.S. Citizens (required under Section 728(e)). The investigations of the murders of the four American churchwomen and the two land reform advisors have been underway over the past year. All key Slavadoran officials fully recognize how important it is to resolve these matters and have stated publicly and privately that the investigations of these crimes will continue until those responsible are brought to justice.

In the Churchwomen case, six members of the national Guard have been under detention since May 1981. On October 27, the government of El Salvador formally requested additional FBI assistance with this investigation (and the land reform advisors case) and in early December an FBI representative saw leading members of the government most concerned with the issue. (In the early part of the investigation, the FBI had done fingerprint and ballistics analysis at the request of the Salvadorans.) To reinvigorate the investigation, the present investigating commission, composed of high-level officials, established a new working group in early December 1981 to collate prior reports, review and analyze them, interview all witnesses as well as the six National Guardsmen detained on suspicion of participation, and determine what technical assistance the FBI can provide. The working group has been hard at work throughout the past two months. It has uncovered additional evidence which gives hope of substantial new progress.

The Salvadoran Government has also been pursuing in good faith the investigation of the murders of the two American agrarian reform advisors at the Sheraton Hotel in San Salvador. Two suspects have been identified. In April 1981, the Salvadoran government arrested one of the two suspects and requested the extradition of his suspected accomplice from the U.S. On December 19 a Salvadoran judge signed an order suspending all judicial action in the case. The Salvadoran Attorney General has appealed this judicial action. The appeal has stayed the lower court's judicial order pending the appellate review. Meanwhile, one of the suspects has been released in San Salvador and is reportedly now in a neighboring country. The other suspect is free on bail in Miami pending resolution in U.S. courts of his extradition case. The new Salvadoran working group established to reinvestigate both this case and the Churchwomen's murder case will shortly be pursuing, with our technical assistance, several new avenues of investigation which we hope will lead to additional evidence.

On these bases, it is concluded that the Government of El Salvador has made a concerted, significant, and good faith effort to deal with the complex political, social, and human rights problems it is confronting and that progress is being made. It should be notred that it is only one year since the general guerrrilla offensive and outside assistance to the guerrilla from Nicaragua, Cuba and other communist and radical states forced the United States to reassess its policy towards El Salvador. Since that time our concern for the elements of this certification have become a factor of increased significance in our bilateral relationship with El Salvador. There can be no doubt that much more must be done in these areas, but significant initial steps have been taken in this short timeframe. Progress is apparent and we have every reason to believe it will continue.

It is therefore concluded that the considerations set forth in Section 728(d) and (e) of the International Security and Development Cooperation Act of 1981 are satisfied.●

TOMORROW'S LEADERS—SERVICE ACADEMY NOMINEES

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. PATTERSON. Mr. Speaker, one of the most rewarding annual events which I enjoy is nominating students from my congressional district to our Nation's armed service academies.

I make it a practice to nominate "the best and the brightest," and to make the selection process as deserving as possible for the nominee. The criteria set down by my reviewing committee is rigid and demanding. This insures that the most qualified young people will represent my district and its schools and communities at the service academies.

This year I have nominated 35 outstanding young men and women from my district for appointments to the service academies. I am sure that my constituents join their families and me in wishing them well. Whether they attend a service academy or not, these young people are a credit to their community and their country.

My nominees to the Military Academy at West Point are: Kevin Adler, La Quinta High School; Mario Alegre, Santiago High School; Gary Clark, a previous cadet; Christopher Elliott, Irvine High School; Daniel Guzman, Parkland High School; Edward

Motley, Buena Park High School; Dean Nakadate, Los Alamitos High School; Michael Pompeo, Los Amigos High School; Steve Schlumpberger, Bolsa Grande High School; Lawrence Tubbs, Cypress High School; Scott Urback, U.S. Marines.

My nominees to the Naval Academy at Annapolis are: Mario Alegre, Santiago High School; Daniel Baggett, Santiago High School; William Brogan, Bolsa Grande High School: Shawn Dennis, Rancho Alamitos High School; Milissa Dion, Cypress Community College; Michael Dorko, Magnolia High School; Christopher Elliott, Irvine High School; Daniel Hernandez, Sunny Slope High School; Michael Howard, Bolsa Grande High School; Terence Kelly, Western High School; Mark Lunde, Los Alamitos High School; Joseph Luntz, Los Alamitos High School; Daniel O'Malley, Mater Dei High School; Samuel Napolitano, Los Amigos High School; Michael Pompeo, Los Amigos High School; Steve Schlumpberger, Bolsa Grande High School; Andrea Simpson, Garden Grove High School; Brian Solo, Pacifica High School; Jacinto Soriano, Westminster High School; Scott Urback, U.S. Marines.

My nominees to the Air Force Academy at Colorado Springs are: Mario Alegre, Santiago High School; Kevin Alexander, Heritage High School; William Brogan, Bolsa Grande High School; Melissa Dion, Cypress Community College; Christopher Elliott, Irvine High School; James Ellis, Cypress High School; Mario Farnetti, Garden Grove High School; Daniel Hernandez, Sunny Slope High School; Michael Howard, Bolsa Grande High School; Richard Jessop, Spalding High School; Ronald Kilpatrick, Buena Park High School; Gary Lopez, Santa Ana Valley High School; Dean Nakadate, Los Alamitos High School; Samuel Napolitano, Los Amigos High School; Daniel O'Malley, Mater Dei High School; Anne Pendlebury, Northwestern Preparatory School; Michael Pompeo, Los Amigos High School; Steve Schlumpberger, Bolsa Grande High School; Andrea Simpson, Garden Grove High School; Nick Vucurevic, Servite High School.

My nominees to the Merchant Marine Academy at Kings Point, New York are: Mario Alegre, Santiago High School; Shawn Dennis, Rancho Alamitos High School; Daniel O'Malley, Mater Dei High School.●

BRIG. GEN. JAMES L. DOZIER

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. BROOMFIELD. Mr. Speaker, I wish to add my congratulations to General Dozier and his family upon his release from Red Brigade terrorists, and to praise the Italian authorities for their excellent efforts in securing the general's freedom.

By all accounts, General Dozier comported himself in an admirable fashion during his captivity. His behavior and discipline served as an outstanding example of how to conduct oneself under extreme conditions of duress, and how to adhere to those values that form the foundation of both our national philosophy and NATO's philosophy.

General Dozier has had a long history of accomplishment and valor on behalf of the United States. He is a West Point graduate and also has a master of science degree in aerospace engineering from the University of Arizona. As a combat officer in Vietnam, General Dozier won both a Silver Star and a Bronze Star with two oak leaf clusters. He is a professional of the first order, and in my opinion, represents the finest qualities of our country.

Praise is wholely appropriate for the Italian authorities as well. By releasing General Dozier, they delivered a powerful blow against international terrorism. That they could do so in a manner consistent with democratic standards is worthy of recognition. The United States, and indeed all of the NATO allies, owe the Italian authorities a debt of gratitude. They operated in a highly professional manner. They now serve as an example to other Western counter-terrorist forces of how to get the job done and save lives in the process.●

A TRIBUTE TO JAN PALACH

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. CRANE. Mr. Speaker, January 19 of this year marked the 13th anniversary of the passing of Jan Palach, a 21-year-old philosophy student from Prague who gave his life on this day in protest to the Russian invasion of Czechoslovakia in 1968. On January 25, of that year, tens of thousands of Czech citizens participated in the funeral march on St. Wenceslans Square and this day was unofficially proclaimed a national day of mourning.

That event sometimes seems distant in our memory until we recollect the even more glaring tragedies of the present Afganistan and Poland. For a major portion of this century the bankrupt ideology of communism has crushed the freedom and dreams of many nations and people and yet we still see the renewed courage and spirit of men like Lech Walesa who dare to resist. Clearly Jan Palach's memory must ring in their minds and spur them to renewed attempts to regain their liberty. Let us hope that someday their attempts will not all prove to have been in vain. Let us hope as well that day comes soon.

Jan Palach set a great example of courage. Let that memory never fade until all nations and all people are free from the scourge he died resisting.●

THE UNSUNG HEROES

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. LEVITAS. Mr. Speaker, I want to take a minute to recognize the unsung heroes who work in Congress; namely, the staff members who work on the day-to-day, individual problems of our constituents. Congressmen usually get a lot of publicity and praise, but we all know the caseworkers on our staff are the ones who cut through the redtape and serve as the ombudsmen between the public and the Federal Government. They share the frustrations and anguish, and the joy and achievements of citizens who need our help.

I was pleased and proud to see the true story told in recent articles published in the Rockdale Neighbor, a local newspaper in my district. I would like to share with my colleagues the following articles on the outstanding work of my district office staff. I believe these articles stand as a tribute to all congressional caseworkers and staffs. They deserve recognition for their dedication and service.

[From the Rockdale Neighbor, Jan. 28, 1982]

CONSTITUENTS' PROBLEMS SOLVED BY LEVITAS AIDES

(By Marcia Killingworth)

The man quiet and a little bent by age, slips, nonrusively into the office and is greeted by name and with a warm smile from the woman at the reception desk. He comes to the office every month now.

His contact with the people there began a while back when he was having trouble filling out house payment forms. Now he brings in the forms and they fill them out correctly and get them in the mail.

A Rockdale boy recently dying of cancer, wanted to see his brother before he died. Unfortunately his brother was overseas in the service. The office, the same one where the house payment forms are filled out each month began to make calls. The brother was in Rockdale County two days later—emergency leave granted.

"I think that case meant the most to me." says Rockdale resident and aid to Congressman Elliott Levitas, Chest Benton. Benton is one of the persons on Levitas' home office team who helps constitutents solve problems. He has been with the congressman for two years and two months. His days he said, "are never the same."

The Congressman's home office offers a myriad of services. His aides, Benton, Mike Sloan, a graduate of Emory Law School; Susan Rowall, an experienced worker in government and Phyllis Kennedy, the head of the home office, act as ombudsmen for the public. They are the go-between with Federal agencies and persons who have problems, need to get to resources, or have opinions on these Federal agencies.

"We cut through the red tape." Sloan said, "We work with VA (Veterans's Administration, Social Security, Small Business Administration, HUD (Housing and Urban Development)—and if they have a state or local problems or question, we try to direct them to the correct agency or person to handle those problems."

The aides at Levitas' home office, Benton said, also work with clubs, such as 4-H, in getting them access to Congressional research. Students from grammar school to college, can also use the congressman's office for its connection with the Congressional Research Service.

The Department of Family and Children Services is used frequently, as is United Way and many of the office's callers are asking questions and wanting answers about the Internal Revenue Service.

They work on immigration problems, help those Fourth District constituents who may have had an accident overseas, forward constituents' comments on proposed legislation and a multitude of other services.

Much of their work is done on the telephone, and much of their success depends on knowing who to call. Benton, whose wife Elaine (formerly Elaine Lester) is a Rockdale native, is said to be the office wizard at the job.

"Chester's a master on the phone," Sloan smiles.

Also in the "not too shabby" category is Ms. Kennedy, who spent her time in the Georgia County Extension Services and knows about many Federal programs the others are unfamiliar with. When Sloan received a call requesting information on community gardens, he was floored. Ms. Kennedy was aware of the Extension Services program which is aimed at establishing community gardens, a program which goes as far as helping the interested person pick out seed. Sloan, armed with the valuable information was able to help the constituent.

However, Sloan's most meaningful case may prove to be a boon to the medical profession nationwide. A doctor at Emory, British, had made a portable kidney dialysis machine in his basement. The project was started when his wife, who has a kidney disease and requires the machine, wished to travel with him and was unable to. The doctor, Sloan said, wanted to have prototypes built so they could be tested. However, before any prototypes could be made, the Federal Food and Drug Administration had to give its OK. Federal agencies are usually backed up in work and the doctor's requests for the approval were not being answered. He called Levitas' office. Sloan got in touch with the FDA, the prototypes were approved and are now being tested.

"The man is obviously brilliant," Sloan said, adding that the portable dialysis machine could mean an enriched life for many Americans.

Of course, what job doesn't have its rainy days on, as Ms. Kennedy puts it, the full moons. As is the case with most offices where staff members do business with the public, they do get their more interesting calls: the woman who is convinced her pest control man is poisoning her, not her termites; the man who has Russians excavating in his basement and the musician who is convinced someone is putting sugar in his trumpet and wants the Congressman's staff to do something, for heaven's sake.

Despite the unique stories, the endless hours on the telephone and constant work, the people in Levitas' office here love their work.

"We run the whole gamut," as Benton said. "We get calls from everybody."

HUMAN INTEREST NEEDED

(By Marcia Killingsworth)

When looking for someone to represent him in his own district's office. Fourth District Con. Elliott Levitas requires experience and an interest in human beings.

On a recent visit to the district, which presently includes DeKalb and Rockdale and may include part of Fulton and all of Newton if the proposed reapportionment plan is approved, Levitas said candidates for the jobs must be capable.

A lot of their success at the job has to do with experience," he said, in local government or something to do with government like the Council on Aging."

Most of the aides have worked with a political candidate, although, Levitas stresses this is not a political job.

And he is pleased with his present home staff. They go above and beyond the call of duty, develop a personal interest, share frustrations and anguish," he said.

"If someone is being hassled by government or not being taken seriously they call us," Levitas said, adding that his staff help with Social Security disability, getting persons into Veteran's hospitals and with immigration problems. His staff also assists local governments, local school boards and many small businesses and the Small Business Administration.

"They are ombudsmen, Levitas said, unconsciously echoing staff member Mike Sloan's assessment of his job. "They cut through the redtape," the congressman adds, smiling as he picks up the dispenser on his desk, clearly labeled and recognizable as Red Tape. "I keep this on my desk all the time."●

RESOLUTION ON THE RECOMMENDATIONS OF THE WHITE HOUSE CONFERENCE ON AGING

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. ROSENTHAL. Mr. Speaker, I have just introduced House Resolution 332, a resolution endorsing the recommendations of the 1981 White House Conference on Aging.

The resolution I have recently introduced is designed to summarize the goals of the Conference and provide a broad outline for future congressional consideration. This resolution will demonstrate the House's commitment to our older Americans in the wake of recent budget cutbacks.

This conference marked the culmination of a process designed to develop a national policy on aging. It began last spring with 9,000 community forums throughout the country involving over 300,000 participants, continued through the year with conferences in every State and territory in the Nation, and ended with a national 4-day meeting in Washington.

These conferences have always represented a significant legislative tool; out of the 1961 conference came recommendations for medicare and social service programs for senior centers and counseling for the elderly. The 1971 conferences produced a recommendation that the mandatory retirement age be raised from 65 to 70, development of the Meals-on-Wheels program, passage of the Older Americans Act and enactment of the supplemental security income program. These laws have changed the quality of life for all older persons in America in a way which has been truly responsive to their needs and wishes.

If you would like to cosponsor this resolution, please contact Marilyn Shindler of my staff at extension 52601.

The resolution follows:

Resolved, That it is the sense of the House of Representatives that the House give priority attention to all official recommendations of the White House Conference on Aging in achieving the goal of establishing a far-reaching program for present and future generations of older Americans, including recommendations to—

One, safeguard current eligibility conditions, retirement ages, and benefit levels in the social security program;

Two, broaden opportunities for older workers to remain active within the labor force;

Three, assure older individuals an income sufficient to maintain a minimum level of dignity and comfort;

Four, ensure all Americans have access to adequate health care;

Five, take interim steps to improve medicare, through expanded home health coverage and reimbursement levels that better reflect current medical fees and the needs of older Americans;

Six, make available an adequate number of federally assisted housing units to meet the needs of the elderly;

Seven, provide complete and comprehensive recreational, nutritional and educational services at community senior citizen centers and elsewhere on the local level; and

Eight, strengthen the federal commitment to gerontological research, education and training.●

NAFCU SUPPORTS BANKRUPTCY CHANGES

HON. BILLY LEE EVANS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. EVANS of Georgia. Mr. Speaker, today I would like to speak to my colleagues on the subject of bankrupt-

cy and how it affects financial institutions, specifically credit unions. I had the pleasure of addressing the annual Congressional Caucus of the National Association of Federal Credit Unions—the only national association exclusively representing the interests of federally chartered credit unions—this week. There seems to be a great concern among Federal credit union members regarding the effect of bankruptcies on the future of consumer credit for qualified borrowers with legitimate credit needs.

For many borrowers, their credit union is often the only source of consumer credit at anything less than usurious rates. It is my belief, and that of the credit union leaders I met with this morning, that the alarming increase in bankruptcy filings is due, at least in part, to certain provisions of the Bankruptcy Code of 1978. There is an increasing amount of evidence that suggests that this act does not provide the proper balance between debtors and creditors.

In September 1981, the results of a survey conducted by the National Credit Union Administration (NCUA) to determine the impact of the 1978 Bankruptcy Code on loan chargeoffs at Federal credit unions was published. It was determined that 53 percent of credit union chargeoffs due to bankruptcy were attributed to the more liberal provisions of the Bankruptcy Code. When these loan chargeoffs occur at credit unions, the entire membership is penalized.

A prime example of this occurred at Navy Federal Credit Union, which is the largest credit union in the country. In 1980, the first full year of operation under the new code, there was a 60-percent rise in loan chargeoffs at Navy Federal Credit Union. This resulted in a drain on assets that worked out to approximately $5 per member.

The net result the increase in bankruptcies is having on consumers can be recognized not only in reduced dividends, but also through higher loan rates and more restrictive loan policies.

I have introduced a bill, H.R. 4786, which I believe addresses some areas for improvement of the current Bankruptcy Code. It is my hope that I will have the full support of my colleagues when this bill comes to the House floor later this year.

I urge those who are not yet supporting this measure to do so. I would like to include in the RECORD at this time a list of my distinguished colleagues who presently are listed as cosponsors of this important legislation, along with my thanks for their support.

Anderson, Glenn M.
Andrews, Ike.
Anthony, Beryl, Jr.
Archer, Bill.
Ashbrook, John M.
Atkinson, Eugene V.
Badham, Robert E.
Bailey, Don.
Bailey, Wendell.
Barnard, Doug, Jr.
Beard, Robin L.
Benedict, Cleve.
Bethune, Ed.
Bevill, Tom.
Bliley, Tom.
Bouquard, Marilyn Lloyd.
Bowen, David R.
Breaux, John B.
Brinkley, Jack.
Brown, Hank.
Broyhill, James T.
Byron, Beverly B.
Campbell, Carroll A., Jr.
Carman, Greg.
Chappell, Bill, Jr.
Chappie, Gene.
Cheney, Richard Bruce.
Coats, Daniel R.
Coelho, Tony.
Collins, James M.
Courter, James A.
Coyne, James K.
Craig, Larry.
Crane, Daniel B.
Crane, Philip M.
Daniel, Dan.
Daschle, Thomas A.
Daub, Hal.
Deckard, H. Joel.
Derrick, Butler.
Dickinson, William L.
Donnelly, Brian J.
Dowdy, Wayne.
Dreier, David.
Dwyer, Bernard J.
Dyson, Roy.
Edgar, Bob.
Edwards, Jack.
Edwards, Mickey.
Emerson, Bill.
Emery, David F.
English, Glenn.
Erdahl, Arlen.
Evans, Cooper.
Evans, Thomas B., Jr.
Fauntroy, Walter E.
Fazio, Vic.
Fithian, Floyd J.
Flippo, Ronnie G.
Florio, James J.
Forsythe, Edwin B.
Fountain, L. H.
Gingrich, Newt.
Ginn, Bo.
Glickman, Dan.
Gradison, Willis D., Jr.
Gray, William H., III.
Gregg, Judd.
Grisham, Wayne.
Gunderson, Steve.
Hall, Ralph M.
Hall, Sam B., Jr.
Hall, Tony P.
Hance, Kent.
Hansen, George.
Hansen, James V.
Hartnett, Thomas F.
Hefner, W. G.
Hendon, Bill.
Hiler, John.
Hillis, Elwood.
Holland, Ken L.
Hollenbeck, Harold C.
Holt, Marjorie S.
Hopkins, Larry J.
Howard, James J.
Hubbard, Carroll, Jr.
Huckaby, Jerry.
Hunter, Duncan.
Hyde, Henry J.
Ireland, Andy.
Jeffries, Jim.
Jenkins, Ed.
Johnston, Eugene.
Jones, Walter B.
Kemp, Jack F.
Kindness, Thomas N.
Kogovsek, Ray.
Kramer, Ken.
Lagomarsino, Robert J.
Leath, Marvin.
Lee, Gary A.
Lent, Norman F.
Lewis, Jerry.
Loeffler, Thomas G.
Lott, Trent.
Lowery, Bill.
Lowry, Mike.
Lujan, Manuel, Jr.
Luken, Thomas.
Lungren, Dan.
Marlenee, Ron.
Martin, David O'B.
Martin, James G.
Martin, Lynn.
Mattox, Jim.
McCloskey, Paul N.
McCullum, Bill.
McCurdy, Dave.
McDonald, Larry.
McEwen, Bob.
McGrath, Raymond J.
McHugh, Matthew F.
Miller, Clarence E.
Mitchell, Donald J.
Molinari, Guy V.
Mollohan, Robert H.
Montgomery, G. V. (Sonny).
Moorhead, Carlos J.
Morrison, Sid.
Murphy, Austin J.
Myers, John T.
Napier, John L.
Neal, Stephen L.
Nichols, Bill.
Oxley, Michael.
Parris, Stan.
Pashayan, Charles, Jr.
Petri, Thomas E.
Pritchard, Joel.
Rahall, Nick Joe.
Railsback, Tom.
Ratchford, William R.
Richmond, Frederick W.
Rinaldo, Matthew J.
Ritter, Don.
Roberts, Clint.
Roberts, Pat.
Robinson, J. Kenneth.
Roemer, Buddy.
Rogers, Harold.
Rose, Charles.
Roukema, Marge.
Sabo, Martin Olav.
Santini, Jim.
Sawyer, Harold.
Schneider, Claudine.
Sensenbrenner, F. James, Jr.
Shaw, E. Clay, Jr.
Shelby, Richard C.
Shumway, Norman D.
Simon, Paul.
Smith, Albert Lee, Jr.
Smith, Chris.
Smith, Denny.
Solomon, Gerald B.
Spence, Floyd.
Staton, David Mick.
Stenholm, Charles W.
Stump, Bob.
Tauke, Thomas J.
Tauzin, W. J. (Billy).
Taylor, Gene.
Trible, Paul S., Jr.
Walker, Robert S.
Wampler, William C.
Watkins, Wes.
Weber, Ed.
Weber, Vin.
Whitley, Charles.
Whittaker, Robert (Bob).
Whitten, Jamie L.
Williams, Lyle.
Wilson, Charles.
Winn, Larry, Jr.
Wolf, Frank R.
Wortley, George.
Wyden, Ron.
Wylie, Chalmers P.
Young, Don.
Zeferetti, Leo C.●

TRIBUTE TO THE LATE JOHN JARMAN

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. McCLORY. Mr. Speaker, it comes with great sadness to me that our former distinguished colleague, Congressman John Jarman of Oklahoma, has passed on.

In addition to his illustrious career in this body, where his conscientious and effective service as a legislator was of the highest rank, John Jarman was an esteemed and close personal friend. His former wife, Marylin, and John Jarman were frequently in the company of my wife, Doris, and me. We enjoyed the warmth of their companionship and the compatibility of their philosophy and political views with our own. We respected and admired the ideals and the moral and spiritual qualities which they embodied.

In my view, Congressman John Jarman epitomized those qualities of leadership, integrity, intelligence, and judgment which are representative of the highest in congressional service. He was devoted to his committee work, attentive to the legislative measures which came before him as chairman of a subcommittee of the Interstate and Foreign Commerce Committee and on other committees on which he served. A graduate of Yale University and Harvard Law School, John Jarman combined his excellent educational background with a personal dedication to public service. From my personal observation, I can attest that in every public and private action in which he was involved, John Jarman attracted respect, honor, and support for the actions he took and the views he articulated.

In his capacity as chairman of our U.S. delegation to various Inter-Parliamentary Union conferences, Congressman John Jarman had an opportunity to represent our Nation in contacts with various other national leaders, both at the parliamentary and executive levels of Government. He was an ideal spokesman and representative of

our Nation on all of those occasions. Indeed, as I joined with him on numerous occasions at public gatherings in foreign capitals, I took pride in both what John Jarman said and the manner in which he carried out his role as our U.S. representative.

Mr. Speaker, it is with a sense of deep personal emotion and loss that I rise to eulogize former Congressman John Jarman. I know that I also express the feelings of my wife, Doris, in these words of respect, affection, and deep sympathy to all members of his family.●

ECONOMIC RECOVERY TAX ACT

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. MAZZOLI. Mr. Speaker, today I have introduced a bill to repeal the leasing provision enacted as part of last year's Economic Recovery Tax Act.

This year, with the projected budget deficit soaring to $100 billion, and all sectors of the economy being squeezed by interest rates, the pressure to cut Federal expenditures or increase revenues grows daily.

One way to do this is to recapture Government revenues lost due to unwise tax law changes. Foremost in these unwise tax law changes is the leasing provision, which allows unprofitable companies to sell their tax breaks to profitable companies.

It is estimated that this provision alone could cost the Treasury some $2.6 billion in lost revenues this fiscal year.

When I voted for portions of the President's budget and tax package last year, I did so with the determination that the new cuts would be dealt out in an evenhanded manner. But, this leasing provision puts money in the hands of profitable companies—including many of the corporate giants—who need the relief the least.

I urge my colleagues to join me in removing from the books this scandalous piece of legislation.●

U.S. FOREIGN AID TO NORTHERN IRELAND

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. BIAGGI. Mr. Speaker, on December 10, I introduced H.R. 5163, a bill to provide $50 million in economic relief and rehabilitation assistance for Northern Ireland. I am pleased to say that the bill already has 15 cosponsors.

I sponsored this legislation because of my fervent belief that a meaningful and lasting solution in Northern Ireland cannot and will not come until concrete steps are taken to address the fundamental economic problems which divide Northern Ireland. Writing in the November edition of Europe 1981, Roy Stemman presents the economic problems as they are.

> Unemployment: The number of people without jobs in Northern Ireland by the end of 1980 represented 16.3 percent of the working population—a figure that has risen to 20 percent. Unemployment is now twice as high as the (European) Community average. Rural areas in the west and south are the worst affected notably around Newry and Dungannon.
>
> Earnings for those with jobs in the Province are lower than elsewhere in the United Kingdom, currently about 8 percent less than the national average (and 59 percent of the Community average). That means that welfare payments are correspondingly higher than elsewhere in Britain. As well as being relatively poorly paid, the people of the Province also work the longest hours.
>
> Northern Ireland lacks energy resources and as a result pays considerably more for its energy than other parts of the U.K. Again, because it is on the extreme periphery of the Community and of the U.K., the Province has to bear the additional cost of transport for its imports and exports adding about 10 percent to prices.
>
> Less than 50 percent of families in Ulster own a car. About a third of all homes have central heating compared with 55 percent of the U.K. as a whole.
>
> Nowhere is the poor standard of living more evident than in housing. An official survey as long ago as 1974 revealed that 20 percent of Northern Ireland's houses were statutorily unfit for human habitation and a further 17.5 percent in urgent need of attention.

The article does not limit its focus to identifying the economic problems of Northern Ireland. He sees optimism based on his belief that the European Community may come forth with a new financial initiative to aid Ulster. This initiative combined with the one called for in my legislation could present the greatest hope for a lasting solution to the problems of the North.

The thrust of my legislation is based upon the belief that an economic component must be a part of any political solution for Northern Ireland. The assistance provided by this legislation would be used solely for humanitarian, rehabilitation, and relief purposes. It would be controlled by this Government and distributed according to a plan devised by representatives of all parties and governments which have an economic relationship with Northern Ireland. It is my firm belief that such assistance would be an incentive for all parties to the conflict to begin to address a just political solution.

Central to H.R. 5163 is the condition that this aid cannot be provided until the British Government declares its intention to remove its presence from Northern Ireland. Concurrent with this declaration is the requirement that Great Britain must be a part of any discussion which works toward an economic and ultimately, a political solution.

It is important to note that both President Reagan and former President Carter have stated that economic assistance for Northern Ireland would be an appropriate role for the United States to undertake. It is my hope that this legislation can build upon the belief that U.S. aid can make a difference in helping to promote a peaceful solution to the tragedy which is Ulster.

As chairman of the bipartisan Ad Hoc Congressional Committee for Irish Affairs, I plan to make this bill our highest priority this year. It is a proposal which merits discussion, not only in human rights circles, but in foreign policy circles as well. It is supported by the major Irish-American organizations including the Ancient Order of Hibernians and the Irish National Caucus, in this country, which are working with us to bring this bill before the Foreign Affiars Committee for hearings and are unified in their support of it. I urge my colleagues to join us in this initiative and cosponsor H.R. 5163.●

U.S. POLICY TOWARD EL SALVADOR

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. HARKIN. Mr. Speaker, today I have joined with Congressmen STUDDS and EDGAR to introduce a resolution which declares the President's certification on El Salvador null and void and stops further security assistance to that country. Last year, Congress tried to redirect the U.S. policy toward El Salvador by putting conditions on military aid to El Salvador. Congress intent was to give the administration an instrument to encourage greater respect for human rights and to call for the administration to support discussions between the Salvadoran Government and its armed opposition.

The administration did not use congressional concern as evidenced by the amendment to promote greater respect for human rights, and the human rights situation is worse. Further, the administration ignored outright the congressional requirement for unconditional discussions.

What are the American people to believe of this administration? What are they to think of the Salvadoran Government it supports? I did not expect that the administration would tell the truth in the El Salvador certification, and its comment on human rights confirmed that expectation. But I did

expect that the administration would answer all the conditions set out by Congress. It did not.

The fourth condition had two parts: The first requires that the Salvadoran Government is committed to the holding of free elections. Those elections will be held in late March, and despite their narrow character, they meet the legal requirements. However, the certification went on to require that the President determine that the Government of El Salvador has also demonstrated its good faith efforts to begin discussions with all major political factions in El Salvador which have declared their willingness to find and implement an equitable political solution to the conflict, with such solution to involve a commitment to: (a) a renouncement of further military activity, and (b) the electoral process with internationally recognized observers.

The administration does not answer that second section at all. It limits its discussion solely to discussions on the elections. That is not the kind of discussions called for by the statute. The House and Senate conferees who worked out the final language very deliberately separated the issues of elections and negotiations. They recognized that discussions between the junta government and the guerrillas and their allies could never bear fruit if the only topic for negotiation was participation in the election. The FDR-FMLN very understandably is reluctant to participate in a process in which they must lay down their arms while the Salvadoran Army which has been responsible for so many bloodbaths would have no restrictions at all.

The administration should have tried to offer evidence that the junta government was willing to enter the discussions with the FDR-FMLN without conditions. It has not done so. It has deliberately ignored the mandate of the Congress. Until it responds to that condition, it is my judgment that the certification is indeed null and void and that military assistance to El Salvador is illegal. It is important to note that the diplomatic spokespersons for the armed opposition, as well as the commanders of the five armed groups themselves, have indicated repeatedly a willingness to enter into negotiations without conditions.

Misstatements—sometimes called lies—also typify the Salvadoran Government. The second condition requires that the junta government is achieving substantial control over all elements of its armed forces so as to bring an end to the indiscriminate torture and murder of Salvadorean citizens by these forces.

Recently, the Washington Post, the New York Times, and Der Spiegel have all had articles on a massacre that took place in the town of Mozote in Morazan province. Allegedly, members of the Altactl brigade killed hundreds of noncombatants, including women and children in cold-blooded murder. Our Ambassador to El Salvador, Dean Hinton, has stated that he believes something happened, although he doubts the numbers.

General Garcia, the Minister of Defense and the real strongman of El Salvador, in an interview on January 28 with UPI, stated that the reports were propaganda and that things like that do not happen in El Salvador. And then unbelievably he said: "We have absolutely no information of any military operation in Mozote."

This was an operation which involved more than 20 companies and was one of the largest ever mounted, according to Ambassador Hinton, and General Garcia denied that it even happened. It was even reported in Salvadoran newspapers. That has been the history of the Salvadoran military for over 50 years. It kills and kills and then parades out a general to deny anything ever happened.

So what we have is this: The administration does not even answer all the conditions set out by Congress, and the Salvadoran military continues to believe that it can stonewall the American people on alleged violations. I have already joined one lawsuit and I will consider joining another on the issue of certification.

CONTROL OVER ALL ELEMENTS OF ITS OWN ARMED FORCES

In trying to demonstrate that the Government of El Salvador is achieving substantial control over the army, the administration's certification states:

> Through the removal of officers, institution of a code of conduct, and command emphasis on civilian-military relations and halting abuses, the government has taken concrete steps to bring all elements of its armed forces under control.

Let me examine those assertions one at a time:

1. REMOVAL OF OFFICERS

At the time of the coup in October 1979, 60 military officers were forced into retirement. According to Col. Adolfo Majano, 40 of those had been reinstated as of last summer, 1981. In December 1980, the Salvadoran Army agreed in its negotiations with the Christian Democrats to remove immediately the Subminister of Defense, Colonel Caranza, and to remove in February 1981 Col. Francisco Moran, the chief of the Treasury Police.

Col. Nicolas Caranza was removed but then made director of communications for all El Salvador, which meant he became the de facto chief of intelligence. Colonel Moran has never been dismissed. In April 1981, 30 men, women, and teenagers were dragged from their homes in Soyopango, El Salvador, and shot by the Salvadoran Treasury Police. One member of the Foreign Affairs Committee told Colonel Moran that he should "stop handing us one My Lai after another." And what has finally happened to Colonel Moran? He was promoted this January from lieutenant colonel to full colonel.

As near as I can tell, the only military transfers that have had any meaning were those given to Colonel Majano and his followers. Colonel Majano, a member of the junta, was arrested in December 1980, detained, and then forcibly exiled. His followers were removed from command positions and in some cases left the military. What was their crime? These officers, and these officers alone, had a clear and unequivocal commitment to the observance of human rights, economic reform, and political pluralism.

2. CODE OF CONDUCT

The code of conduct is only hortatory. It has no enforcement provisions. It has no sanctions. As near as I can tell, the only punishment—rarely invoked—for rape, pillage, and murder of Salvadoran citizens by army officers is transfer to a desk job or dismissal from the service. That code of conduct is meaningless.

3. COMMAND EMPHASIS ON CIVILIAN-MILITARY RELATIONS

I am not sure what that means. But if it means that the military is going to talk to civilians instead of killing them, I know of only one tragic example. The military has set up liaison units with the peasant union, Union Comunal Salvadorena, but only after over 90 of its officials and agrarian reform promoters have been killed and only in December 1981.

4. HALTING ABUSES

This assertion is just thrown out without any effort at substantiation. The administration does not offer any hows, wheres, or whens. Rather, it goes on to make assertions about a declining level of violence and the effects of professionalization.

DECLINING LEVELS OF VIOLENCE

The certification claims "a declining level of violence over the last year and a decrease in alleged abuses by security forces. There has been a definite trend in this regard."

This statement is true in one sense, otherwise it is completely misleading. Violence was greater in January 1981—during the offensive—than in December 1981 during the holiday season. Otherwise this is what we see:

First, the figures used to justify this assertion come from U.S. Embassy estimates. These are based on newspaper accounts. Embassy personnel do not do investigations in the field for these figures.

Second, other agencies, notably the Legal Aid Office of the Archdiocese of San Salvador, show an increase in overall deaths and deaths attributable to the armed and security forces as well as paramilitary forces linked to the army. The Legal Aid Office cites

8,062 noncombatant deaths for 1980 and 12,501 for 1981, a clear increase. The Legal Aid Office bases its statistics on personal testimony from eyewitnesses. There is a bias in its methodology in that relatives of victims of violence by the guerrillas do not come forward and the Legal Aid Office does not seek out these people. The Acting Archbishop Rivera y Damas has criticized it for this failing, but notably he continues to use its figures in his homilies, including January 3 of this year.

In sum, the administration's assertion about declining levels of violence, and particularly a decrease in abuses by the security forces, is simply not true.

MILITARY PROFESSIONALIZATION

The statement goes on to speak of efforts by U.S. advisers to "increase the professionalization of the armed forces and improve the system of military discipline and command and control, thus reducing the abuses suffered in the past by the civilian population." Our Ambassador told my aide this past summer that the proof of the success of U.S. policy was the Atlactl Brigade, a rapid deployment unit trained by American advisers. He complained that reporters knew of its increased professionalism and its greater respect for human rights, but would not report it.

We have now received two reports in less than a month alleging massacres by the Atlactl Brigade in two different provinces—Cabanas and Morazan—in two different months—November and December.

Phillippe Bourgeois, an American graduate student, alleges that he witnessed a more-than-10-day attack by the Atlactl Brigade on the civilian population in areas in Cabanas. The Salvadoran troops surrounded the land area on three sides. The fourth side was a river and Honduran troops from the other side closed off egress. For more than 10 days, Bourgeois told me, the Salvadoran troops turned that area into a free fire zone using aerial bombardment—helicopters and planes—and mortars. The Human Rights Commission of El Salvador claims more than 100 were killed by the army in Cabanas during November.

Last week the New York Times and the Washington Post both carried stories on an alleged massacre in Mozote in Morazan Province, again by the Atlactl Brigade. An eyewitness told the reporters that men and women were rounded out of their homes and put in separate lines, one for women and one for men. Then, in groups of four, the men were taken away and shot. And then they began to take the women away to shoot them, too.

It is always hard to know what to believe. But I think the evidence in these cases is overwhelming and convincing. I think it shows clearly that U.S efforts to instill greater professionalism make little difference when the same army officers accustomed to using brutality and murder are still in command.

THE LAND REFORM AND THE POLITICAL CENTER

Last week the Washington Post had a long article on a report by the Union Comunal Salvadorena (UCS), the largest peasant union in El Salvador. If there is one organization in El Salvador that the American people can believe, it is the UCS. It has at least 110,000 members. It has cooperated with the Government's land reform program and given it every chance to succeed. It works with the AFL-CIO, has been advised by Americans, and has received direct and indirect U.S. Government funding.

Its conclusions about the land reform process are ominous:

The Land to the Tiller program is in danger of total collapse;

Only two of the 300 cooperatives on large estates have received titles;

25,000 families have been illegally evicted; over 90 of the union's officials and agrarian reform promoters have been killed, principally by forces in or aligned with the military;

Fewer than 15,000 of 150,000 potential beneficiaries of the Land to the Tiller program have received even provisional titles;

Upwards of 75,000 peasants have been robbed or forced to pay illegal rent payments to their former landlords;

Evictions have taken place in most cases with the assistance of the armed forces.

The report concluded that, "it will soon be beyond the capacity of the government or campesino—peasant—leadership to prevent a complete loss of faith by our country's campesinos in the agrarian reform."

This is the political center speaking. The report shows that after 1 year of the administration's policy, which purports to support the moderate center, that the latter is dying from political neglect and political assassinations. These are the cries from people who believe in the United States and who have believed that the United States shares their aspirations. We can only imagine how many of the UCS activists have abandoned the middle way and turned to the guerrillas after seeing so many of their leaders assassinated and the land reform process atrophy.

THE CERTIFICATION PROCESS

I know that some will quickly note that the UCS leadership, on the same day as the Post report, issued a letter commenting favorably on Government promises to make changes in the agrarian reform along the lines of their report. What that really points out is that the little progress that has been made has come as the direct result of Congress certification requirements and public scrutiny.

In December in consort with the final passage of the foreign aid bill, the FBI went down to El Salvador to give polygraph tests to the six national guardsmen held in connection with the death of four religious women. One of the guardsmen confessed. Last week, the Salvadoran Government arrested a former major who was involved in the kidnapping of a wealthy Salvadoran and who is said to have controlled 400 men who acted as death squads. And because of the certification and the UCS report, the UCS has finally gotten the Salvadoran Government to respond to some of their complaints.

But these are the only cases of concrete progress we can point to in El Salvador. And in my judgment, they came only as a result of the conditions imposed by Congress. One of the major issues between many of us in Congress and the administration is that the administration's reflex is to hide unpleasant facts under the rug. On the other hand, we believe that the best way to promote change in El Salvador is to expose all the ugly facts to public scrutiny and to use public opinion to encourage reform and greater respect for human rights in El Salvador.

NEW MILITARY AID

But that is not what we can expect to be the next step in administration policy. Instead, the administration has already announced an extra $55 million in military aid to El Salvador. This has not come in the form of a request to Congress for supplemental funding or a reprograming of existing funds. Instead, the President has used the authority given to him by section 506a of the Foreign Assistance Act to take from existing stocks in the Defense Department inventory and send emergency military aid to El Salvador. By announcing this aid early this week, it can arrive in El Salvador by Friday. And I should add that under existing law, Congress will not be able to stop it.

I believe that the provision of additional military aid will be tragic for El Salvador. Already by issuing the certification, which so grossly ignores past human rights violations, the administration has sent a signal to the murderous elements of the Salvadoran army that the United States does not care who they kill. Additional military aid will only strengthen this perception and further encourage them to oppose efforts for a peaceful resolution of the conflict.

Congress, therefore, has no choice but to try to cut off any further military aid in the future. We have tried with the certification process. The administration chose both to ignore the truth and outright ignore the will of the Congress. Now if Congress wants to promote greater respect for human rights in El Salvador and a peaceful

and political resolution of the conflict, it must terminate all military aid.●

RICHARD BOLLING RETIREMENT

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. WRIGHT. Mr. Speaker, it is with a real sense of loss that I look ahead to the retirement of my good friend, DICK BOLLING. There is no one in this great House who knows more about this institution, its history and its strengths, than does the distinguished chairman of the Committee on Rules. Ever since I arrived here in 1955, DICK BOLLING has been a major figure in the inner councils of the House leadership. His knowledge, his political intuition, and his remarkable parliamentary skills have set him apart from all other Members.

Looking back to the 1950's, I remember vividly what a close ally DICK was of my fellow Texan, Speaker Sam Rayburn. There is no doubt in my mind that one of the reasons Mr. Sam was so effective in those years was that he had the help and counsel of a few people like DICK BOLLING on many of the major issues coming before the House.

One of the most important battles in which DICK BOLLING assisted Speaker Rayburn was the effort to enlarge the Committee on Rules to make it responsive to the majority. For years that small committee of 12 members had succeeded in frustrating the will of not only the House leadership but substantial majorities of the House itself by blocking important bills ready for consideration by the membership. Twice in 1960, that committee arbitrarily denied rules for conference committee reports on bills already passed by the House. With the election of President Kennedy in 1960 Mr. Rayburn saw the need to break that iron grip which a small minority held on the flow of legislation.

A group of strategists, including especially DICK BOLLING, who was himself a member of the Rules Committee along with our present Speaker, THOMAS P. O'NEILL, JR., helped put together the campaign that resulted in enlargement and democratization of the Rules Committee on January 31, 1961. And it was DICK BOLLING, as a member of the Rules Committee in the years which followed, who often provided the parliamentary strategy that enabled the leadership of the House to move its major bills to passage.

Six years ago DICK and I were for a time competitors for the same office, that of majority leader. On the first ballot I came in third, well behind DICK. On the second ballot I somehow managed to come in second, just two votes ahead of DICK. Of course I went on to win the final ballot by one vote, entitling me to the dubious distinction of being referred to as LANDSLIDE WRIGHT.

I mention this in order to say what a gracious loser was DICK BOLLING. From that moment forward DICK has been one of my strongest and most constructive allies. My job would have been infinitely more difficult without him. I feel sure that the same is true of the job of Speaker O'NEILL.

Even though DICK did not become majority leader, even though he did not become Speaker as many thought he would in the early days of his brilliant career, he has made a mark on this institution that will remain long after he has written his last rule and led his last debate.

DICK BOLLING is and will remain a great friend of mine. Even though his years in the House of Representatives would be hard to top, it is my fervent hope that his best and happiest and most rewarding years are yet to come.

I thank the gentleman from Missouri, DICK GEPHARDT, for providing me and my colleagues an opportunity to express our admiration for this man.●

UKRAINIAN INDEPENDENCE

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. CONABLE. Mr. Speaker, I join in noting the 64th anniversary of the independence of the Ukraine, home of one of the many people of Eastern Europe who are subjected unwillingly to Russian oppression. Unhappily, their independence and freedom were short-lived, overwhelmed by the Russian revolution, but we continue to see and hear evidence that the Ukrainians still seek an individual, independent identity. Certainly those who have emigrated to our country maintain their strong desire for freedom for their former homeland.

Like the Poles, the Ukrainians do not willingly accept the hegemony of the Soviet Union over their society. Like Poland, the Ukraine has a history of resisting Russian domination and seeking greater freedom and individual rights. The people struggle to maintain their culture, traditions, language, and religion. As in Poland there have been strong efforts for greater freedom for workers. I expect those efforts will continue.

The Ukraine, with 50 million people, is the largest non-Russian state in the Soviet Union or in Eastern Europe. As one of the world's most productive agricultural areas, it has an importance in world affairs even beyond its numbers. The Ukrainian people have maintained their nationalistic spirit throughout the Soviet domination. We all hope the people of the Ukraine and their supporters will draw strength from the fact that our people continue to recognize their right to freedom and self-determination and offer encouragement for their struggle.●

IMPACT OF A U.S. BOYCOTT OF LIBYAN OIL ON THE U.S. ECONOMY AND ENERGY SUPPLIES

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. FINDLEY. Mr. Speaker, because of the considerable discussion of a possible United States boycott of Libyan oil, I asked the Secretary of Energy, James Edwards, in November to provide me with an analysis of such a boycott on U.S. energy supplies and on the American economy. I would like to share Secretary Edwards' very thorough response to my inquiry with my colleagues.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, D.C., November 3, 1981.

Hon. JAMES B. EDWARDS,
Secretary, Department of Energy, Washington, D.C.

DEAR MR. SECRETARY: I would like to request an analysis by your Department of the impact of a unilateral U.S. embargo of Libyan oil on U.S. energy supplies and its overall impact on the U.S. economy. Please include in this analysis an assessment of the withdrawal of U.S. oil companies and technicians from Libya on the U.S. economy.

Would the impact on the U.S. be more or less severe should European nations such as France, Italy, or West Germany or others join in such an embargo?

What role do U.S. companies and technicians play in Libyan oil production? Could they easily be replaced by non-U.S. companies and technicians?

Since the issue of a U.S. embargo of Libyan oil is under discussion in Congress, I would appreciate this analysis as soon as possible.

With best wishes,

Sincerely yours,

PAUL FINDLEY,
Ranking Minority Member,
Subcommittee
on Europe and the Middle East.

THE SECRETARY OF ENERGY,
Washington, D.C., January 25, 1982.

Hon. PAUL FINDLEY,
House of Representatives,
Washington, D.C.

DEAR MR. FINDLEY: This is in response to your letter of November 3, 1981, requesting the Department of Energy's analysis of the impact of a unilateral U.S. embargo of Libyan oil.

The President recently asked all U.S. companies operating in Libya to withdraw their American personnel from that country. The President's action was motivated by concern for the safety of Americans in Libya and

was not intended to represent a retaliatory action for past Libyan transgressions. The withdrawal of American personnel is proceeding smoothly. The Administration will continue to reassess all of our economic, commercial and political relationships with Libya.

The effects of any U.S. embargo of Libyan oil are dependent to a very large degree on the timing of such an action. In the mid-to late 70's, Libya was our third largest supplier of crude oil, exporting to the U.S. 650,000-750,000 barrels per day. But Libyan crude had additional importance to U.S. refiners as a high quality crude producing high yields of gasoline and low sulfur products. With oil demand increasing at a healthy pace and the availability of low-sulfur crudes constrained, an embargo of oil imports from Libya probably would have had a substantial negative impact on U.S. oil supplies and as a result, the U.S. economy.

To an extent, the market would have compensated for the loss of Libyan oil through swapping arrangements to obtain similar quality crude oil. While such flexibility to restructure supply arrangements did exist in this period and realignments were continuously occurring, it is doubtful that it would have been totally efficient or carried out expeditiously on such a large scale. Under these market conditions, some U.S. refiners would undoubtedly have been stuck with inferior quality crudes forcing their costs up and leaving them with unwanted residual fuels.

A crucial factor would have been the Libyan response to an embargo. If production was shut-in, as it could have been given that Libya was producing above its revenue needs, then much of this flexibility would have been gone, thus touching off competition among consumers for available alternative supplies. In any event, irrespective of the Libyan response, a realignment on such a scale could only be accomplished at a cost which ultimately would have been passed on to the consumer in the form of higher prices.

The impact of lost crude supplies resulting from an embargo of Libya would have affected our ability to produce sufficient quantities of necessary transportation and low sulfur burner fuels. As a result, we would have expected prices to rise and dislocations of varying degrees of severity to occur. These developments would undoubtedly have had a negative impact on economic growth, employment and inflation.

Today we are in a much different situation with regard to Libya and the oil market in general and as a result the effect is likely to be different. Oil consumption in the industrialized countries has been falling over the past two years, leading to reduced demand for OPEC oil. While most producers have responded to these market developments by lowering their prices, the Libyan Government ignored market signals and overpriced its crude oil. As a consequence, demand for Libyan crude has fallen dramatically, particularly since Mid-1981, pushing production down from 1.8 million barrels per day (MMB/D) in 1980 to around 0.6 MMB/D during 3rd quarter 1981. U.S. imports of Libyan crude have fallen correspondingly from an average of 552 thousand barrels per day (MB/D) in 1980 to about 154 MB/D in September.

At the same time, the other producers of high quality crudes and Libya's principal competitors in OPEC—Nigeria and Algeria—both are producing well below capacity. Despite recent increases in Nigeria, and in Libya to a lesser extent, these three are producing 1.0-1.5 MMB/D below last year's level, creating a substantial amount of excess productive capacity for high quality low sulfur crudes. The existence of excess productive capacity extends beyond these three producers to OPEC as a whole. Current spare productive capacity in OPEC is estimated at around 4.5-5.0 MMB/D.

This confluence of circumstances—greatly diminished imports from Libya, depressed Libyan production, substantial spare productive capacity within OPEC and price stability—has reduced significantly the potentially negative effect of an embargo of Libyan oil imports and/or a withdrawal of U.S. oil companies from Libya. We, therefore, would not expect great damage to be inflicted on U.S. energy supplies or the U.S. economy from either action.

Under current circumstances, it would appear to matter little to U.S. energy supplies and the economy whether or not our European allies joined in such an embargo. In a different oil market where supplies were tight and Libya and the other producers of high quality low sulfur crudes were producing at or near capacity, participation by European countries in such an embargo could have a negative effect by tightening competition for available non-Libyan supplies. In recent months, European buyers also have reduced Libyan oil imports substantially.

Whereas circumstances have worked to lessen the impact of an embargo on oil imports from Libya on the U.S., they have had the opposite effect on Libya. With production down dramatically from last year's level, Libya's economic options in responding to an oil embargo by the U.S. at this time are limited. Revenue needs would probably preclude any further substantial production cuts, and therefore, Libya would appear to have no other choice but to discount their prices to gain a greater portion of the non-U.S. market. Libya has, in fact, recently cut its crude oil prices in an attempt to gain back some of its former market share. If it chose to do so, there is little doubt that Libya could replace the current low level of lost U.S. supplies.

Any U.S. embargo of Libyan oil imports is likely to have its greatest impact on the companies involved in producing and importing Libyan oil.

There are relatively few U.S. companies providing a large share of Libya's oil. The Oasis group (Continental, Amerada Hess, and Marathon), Occidental, Mobil, and Exxon accounted for about two-thirds of Libyan output. Much of this oil is sold to other companies, primarily in the United States and Western Europe. There are a large number of U.S. companies purchasing small amounts of Libyan oil for importation into the United States. During January to September 1981, 33 different companies and the Strategic Petroleum Reserve imported a total of 380 MB/D of Libyan oil for the U.S. market.

A cut-off of Libyan supplies would likely mean that companies would have to make other arrangements, if possible, with other producers of similar quality crudes or make spot market purchases. Given their disadvantageous position, they would likely be forced to pay higher prices for incremental volumes to make up for lost supplies. They could also experience some short-term dislocations while new supply lines are being developed. On the other hand, the importance of Libyan crude oil supplies to U.S. companies has been greatly diminished this year due to the failure of the Libyans to heed market signals in pricing their crude oil. This was clearly visible in Exxon's decision to relinquish its operations in Libya. Given the Libyan's intransigence on pricing and other problems, Exxon found it could no longer operate profitably in Libya.

American companies have had, historically, a very important role in Libyan oil production. An American oil company, ESSO, made the first oil discovery and despite an expanded role for the Libyan National Oil Company after the Qadhafi takeover, American companies are still involved in some two-thirds of Libya's oil production. The six American companies—Exxon, Mobil, Amerada Hess, Continental, Marathon, and Occidental—operate a majority of the producing fields and production facilities, providing a level of technical support which is beyond the current capabilities of the Libyans themselves. The Libyans are currently faced with the problem of finding the necessary expertise to take over the Exxon operations. It is not clear what progress the Libyans have made toward this end. In addition, other American firms are involved in exploration programs in Libya.

While the American companies are important to Libya's oil effort, they are probably not irreplaceable. Many of the Libyan oil fields are old and utilize gas or seawater lift to maintain production. In addition, some of the crude is paraffinic requiring special equipment to heat the crude so it will flow. Finding personnel experienced with production techniques utilizing gas lift may pose some difficulty for the Libyans causing disruptions in production in a number of fields. Thus, there is likely to be some production interruption should American companies pull out abruptly. But given enough time, the needed skills and technology to run the Libyan facilities probably could be acquired elsewhere at a price. The Libyan Government has already begun efforts to recruit other foreign nationals to fill the void resulting from Exxon's announced departure and from the departure of other American oil workers in response to the President's request. The promise of a long-term supply of high quality crude oil might lure foreign companies into Libya to take over the operation of oil facilities.

The Libyans appear willing to make the necessary investments to buy the expertise to run their oil industry. The time this would take and the degree of dislocation that would occur are uncertain, as is how long the Libyan Government would be able to endure an interruption of oil operations. To recover to the current low level of production could probably be done without an extended disruption. A return to former production levels in the range of 1.0-1.5 MMB/D would be more difficult and require more time.

I hope this provides you with the type of information which will facilitate your discussions of this issue. If I or my staff can be of further help to you, please let me know.

Sincerely,

JAMES B. EDWARDS.●

REPEAL THE CONGRESSIONAL PAY CEILING

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. DASCHLE. Mr. Speaker, last year a three-prong sneak attack was launched on the congressional pay ceiling which unfortunately proved to be very successful. This three-prong assault consisted of completely eliminating the ceiling on honoraria income received by Members of the Senate for speechmaking and doubling the annual honoraria income limit for Members of the House from $9,093 to $18,186; providing a permanent appropriation for annual cost-of-living increases for Members of Congress; and eliminating the previous $3,000 per year tax deduction limit for business expenses of Congressmen and Senators incurred away from home. This final provision was even perfected by Congress to provide a $75 per day deduction for each "congressional day" and eliminate the need for itemizing. By eliminating the ceiling on this deduction and providing a blanket $75 per day deduction, the allowable deduction will increase more than sixfold. The allowable deduction for Senators, for example, in 1981 will be $19,875 compared to the previous $3,000 limitation.

This assault on the congressional pay ceiling is unconscionable and indefensible. Supporters of this assault on the congressional pay ceiling argue the salaries of executives in the private sector have increased by 116 percent, not including bonuses and fringe benefit increases, since 1969 and the hourly earnings index has increased by more than 130 percent since 1969, while Members of Congress have received a 43-percent increase in pay since 1969. If an increase in congressional pay is so defensible, why then has Congress resorted to repeated sneak attacks on the pay ceiling?

Members of Congress are paid $60,622.50 per year and they will be among the primary beneficiaries of the tax bill approved by Congress last year because they are among the 4 percent of the taxpayers earning more than $50,000 who will receive 32 percent of the tax relief contained in the administration's tax plan. This sneak attack on the congressional pay ceiling is indefensible. Farm income is now at depression levels. The rate of unemployment today is 8.9 percent. More than 9,400,000 American workers are officially classified as being unemployed. More than 1 million additional unemployed Americans have given up all hope of finding gainful employment and are not included in the unemployed statistic. More businesses failed last year than in any year since 1933. A $20,000 tax handout and a guaranteed annual pay raise to Members of Congress under these circumstances is reprehensible.

I am today introducing legislation to flatly repeal the three congressional pay-increasing provisions which Congress has approved and I urge the speedy consideration and passage of this legislation.●

THE 34TH ANNIVERSARY OF SRI LANKA'S INDEPENDENCE

HON. FREDERICK W. RICHMOND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. RICHMOND. Mr. Speaker, on February 4, 1982, the resplendent land, Sri Lanka, will celebrate the 34th anniversary of its independence. As one who has visited this beautiful nation, I have a keen interest in and great affection for Sri Lanka, a country blessed with fertile lands, lovely beaches, and a delightful climate.

I am sure that my colleagues will be interested in knowing more about this successful, democratic nation and reviewing Sri Lanka's many social and economic achievements.

Following are excerpts from an aide memoire I received from the Ambassador of Sri Lanka, Ernest Corea, outlining the progress and promise of Sri Lanka:

AIDE MEMOIRE—DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA, NATIONAL DAY, FEBRUARY 4, 1982

On February 4th 1948 Sri Lanka regained her independence from the British, the last of three nations that had colonised her over the preceding four centuries, the others being the Portuguese (1505-1658), and the Dutch (1658-1796).

Since 1948 seven general elections have been held in Sri Lanka and as the result of six of these elections the government in power has been defeated and the major opposition party (either by itself or in coalition with other parties) has been voted into power. Sri Lanka has a multi party system. Over the past sixteen years voter turnout at general elections has averaged over 80 percent.

The year 1981 marked the 50th Anniversary of the granting of universal adult franchise in the modern political history of the nation. Although the experience and practice of adult franchise existed in Sri Lanka even in historic times, this was only at the local level of government; the government at the national level was monarchical. In 1931 elections were held at the national level on the basis of universal adult franchise for the first time. Since then all elections in the country have been held on this basis. Today, every citizen of the country over the age of 18 years has a vote.

Women in Sri Lanka have always actively participated in politics. The first general election held on the basis of universal adult franchise in 1931 also saw a woman elected to the national legislature which was then called the State Council.

From 1948 till 1972 Sri Lanka, while being an independent nation, still retained, in common with certain other nations, the British monarch as Head of State. On May 22nd 1972 a Republican constitution was adopted by which the Governor-General, who had represented the British Monarch, was replaced by a titular President nominated by the elected Head of Government (the Prime Minister). This constitution setup a unicameral legislature instead of the bicameral one that had hitherto existed. It also changed the name of the country back from Ceylon to its traditional and historic name, Sri Lanka.

Mr. J. R. Jayewardene, under whose leadership the United National Party had been returned to office in July 1977 had consistently campaigned for the establishment of an executive Presidential system. Such a constitution was promulgated on February 4, 1978. It draws from the constitutional practices of the United States, France and Britain, adapting them to the needs and aspirations of Sri Lanka and her people. Sovereignty of the people is exercised through Parliament which has been declared supreme. Legislative power is vested in Parliament. The President has no right of veto over legislation passed in Parliament. There is strict separation of powers between the legislature, the executive and the judiciary.

A further development in the political structure of the country has been the setting up of District Development Councils in each of the 24 districts of the country. The purpose of these councils is to provide for greater participation at the district or regional level in the development of the country, within the framework of the efforts of the national government. These councils consist of members elected specifically to them and the Member of Parliament in the district. Their functions include the approval and implementation of an annual development plan and the raising of certain local revenues and the disposition of funds under their control. The first election to the District Development Councils was held on June 4th 1981.

Sri Lanka has, living within its area of 25,000 square miles, a variety of ethnic groups (Sinhalese, Tamils, Moors, Burghers, Parsis) who are adherents of almost an equal variety of religious beliefs (Buddhists, Hindus, Muslims, Christians, Zoroastrians). The guarantee of fundamental rights and equal opportunities to all citizens is given by the constitution where the chapter on fundamental rights embodies all 30 clauses contained in the Universal Declaration of Human Rights on the United Nations.

In foreign affairs, Sri Lanka has chosen to follow a policy of strict non-alignment. Both in the 95 member non-aligned movement of which she was Chairman from 1976 to 1979 and also in the UN, of which she is a member, she bases her actions and initiatives on the principles established at Bandung in 1955 and on the purposes and principles of the Charter of the United Nations. Her consistent aim has been to work within this framework towards the furtherance of reconciliation among nations, the peaceful settlement of disputes among them, and the evolution of an international milieu where nations of diverse ideological persuations could move together towards the betterment of the lot of all nations and peoples, and particularly the underprivileged.

Since 1948 Sri Lanka has pursued a domestic policy of betterment of the lot of her population both through the provision of basic needs and through the stimulation of

economic growth. Basic needs support measures in the field of health, education and food coupled with a strong family planning programme have helped evolve a healthy, literate and educated people. Life expectancy is 64 years for males and 67 years for females; the death rate is 8.1 per 1,000; the literacy rate is 88 percent. The quality of life has been rated high and set at 83 on a scale of 100. With the gradual improvement of the lot of her people the government has been able to phase out some of these support measures. However, Sri Lanka's earnings have been and still are inadequate to meet the needs of development, being vulnerable to price movements in international commodity markets. So, although successive governments have addressed themselves to the problem of economic development, its solution still has eluded them.

The present government, which came into power in 1977, has focused sharply on economic development as a major commitment of its programme. It has approached the question in two main areas—agricultural self-sufficiency and the production of adequate power through the Mahaweli Development Programme, and the attraction of foreign investment for industrial development, mainly through the setting up of Free Trade Zones.

In the first stage of development of the Mahaweli Programme five dams are to be constructed and land opened for agriculture with financial assistance from a consortium of countries comprising the United States, Canada, Britain, the Federal Republic of Germany, Sweden, and Japan together with the World Bank and the IDA. This stage is expected to irrigate around 117,000 hectares of land and generate around 500 megawatts of power.

In the area of industrial development, the initial period of decontrol and deregulation in the economic fields soon after the present government came into power, cleared the way for the entry of foreign investment, both within the Free Trade Zones and outside them. One Free Trade Zone has been parceled out and a second is being created. Attracted by the package of tax and other incentives and the complete infrastructure facilities given, 40 industrial enterprises are already manufacturing and exporting goods while 16 others have factories in various stages of construction. Among the goods exported are garments, rubberthread, hair dryers, fishing gear and jewelery. Among eight projects recently approved are leatherware, kitchen appliances, electronic devices and PVC containers.

The period from 1978 to 1980 has also seen 11 new foreign banks and credit companies given permission to operate in Sri Lanka on an offshore basis. They comprise four from the United States (Chase Manhattan, Bank of America, Citibank, and American Express), three from the Arab World (BCCI, Bank of Oman, and Bank of Dubai), three from Europe (Algemene Bank Netherland, Indo-Suez, and European Asian) and one from Hong Kong (Overseas Trust Bank).

In the field of trade too, the pattern of imports has shown an emphasis on development. Imports of intermediate goods has risen from 38 percent of total imports in 1978 to 40.5 percent in 1979. Imports of investment goods has risen from 23 percent of total imports in 1978 to 24 percent in 1979. Both these categories are essential for development. By contrast, imports of consumer goods has fallen from 38 percent of total imports in 1978 to 34 percent in 1979. The comparison becomes that more forceful when one considers that the value of imports in these three categories, in terms of SDR's has grown from 744 million in 1978 to 1114 million in 1979.

This trend continues. In 1980 imports of intermediate goods rose to 46 percent of total imports, investment goods remained at the same level as 1979 and imports of consumer goods declined further to 29.4 percent. The total imports in all three categories in terms of SDR's rose to 1557.6 million.

The objective of all these efforts is to endeavour to ensure that the gains of the country in the fields of political development and awareness, education, health and other basic needs are consolidated by the creation of adequate economic opportunity for her people. For it is only by doing this that Sri Lanka can enhance the quality of life of her people, promote human rights and enrich and stabilise her democratic institutions.●

THE BAIL REFORM ACT OF 1982

HON. LEO C. ZEFERETTI
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. ZEFERETTI. Mr. Speaker, today I have introduced the Bail Reform Act of 1982. This bill introduces two important changes to our present system of pretrial release.

The first is to give Federal judicial officers the discretion to detain, prior to trial, those defendants who present a danger to the community or to particular individuals; those defendants who would obstruct justice or intimidate witnesses; or those defendants who are likely to flee prosecution.

I believe it is essential that judges have the latitude to identify dangerous criminal defendants and remove them from the streets prior to trial. Recently, arguments were heard in the Supreme Court in a case of this nature. In Murphy against Hunt, the Court was faced with the validity of a recent Nebraska constitutional amendment that denied bail to anyone accused of forcible rape when the evidence against that person is great. This amendment was passed in 1979 after a brutal rape-murder was committed by a man released on bail after pleading guilty to a previous sexual assault. Public outrage in Nebraska led to the enactment of this measure.

Mr. Speaker, I believe that the American people expect no less protection in the Federal judicial system. Under this proposal that I have just introduced courts are mandated to take into account the danger to the community or to any person in setting pretrial release conditions.

For those defendants who do not present a danger and are not likely to flee prior to trial, the court would be permitted to release these defendants on their own recognizance. However, if such release is insufficient to assure the safety of the community or reappearance of the defendant in court, then the court must set one or more of the following conditions: Remain in the custody of a designated person for supervision; maintain or actively seek employment; maintain or start an educational program; abide by specific restrictions on personal associations, place of abode, or travel; avoid contact with the victim and witnesses of the alleged offense; report to designated authorities on a regular basis; comply with a specified curfew; refrain from possessing dangerous weapons; refrain from alcohol and drug use; undergo designated medical or psychiatric treatment; forfeit designated property upon failure to comply with conditions of release; and return to custody for specified hours following release for employment, schooling, or other appropriate purpose.

For offenses involving crimes of violence, offenses for which the maximum sentence is life imprisonment or death, offenses involving a controlled substance for which a maximum term of imprisonment of 10 or more years is prescribed and in cases that involve a serious risk that the defendant will flee or obstruct justice, the court must hold a hearing to determine whether any condition or combination of conditions will reasonably assure the appearance of the person as required and assure the safety of any other person or the community. If not, the court is empowered to detain the defendant prior to trial.

Careful due process considerations are built into the hearing procedure. The right to counsel is guaranteed as well as the right of confrontation and to offer evidence. Continuances are tightly limited and the testimony of the defendant offered at the bail hearing is not admissible on the issue of his guilt at trial. Pretrial detention can only be imposed upon the court's finding, after the hearing, that there is a substantial probability that the defendant committed the offense charged.

The second important feature of this bill is the elimination of money bail and surety bonds as conditions of release. The traditional system of money bail breaks down when dealing with narcotics cases. The Select Committee on Narcotics, which I chair, has heard of countless cases of major narcotics traffickers who can post unheard of amounts of bail and then flee the jurisdiction or continue to traffic. Under the provisions of my bill, courts would have clear authority to detain such individuals prior to trial.

In addition, the continued use of money bail discriminates against the poor who often can not post what many would consider to be a reasonable amount of bail. As a result, many individuals are detained prior to trial

because they cannot raise bail even though they are neither likely to flee nor pose a danger to the community. This is an unacceptable situation. There is substantial evidence showing that court-fashioned conditions of release are more effective to assure the appearance of a defendant for trial and community safety.

In lieu of money bail, courts should be given specific statutory authority to require a defendant, as a condition of release, to deposit with the court title to or control over designated property belonging to the defendant or any other person. This property would be subject to forfeiture if the defendant fails to comply with any conditions of release. Testimony received by the select committee indicates that a property bond posted by family or friends is more effective than money bail in deterring flight.

As chairman of the Select Committee on Narcotics Abuse and Control, I urge my colleagues to give this proposal the most serious consideration. This proposal will give our courts the ability to protect the community from dangerous criminal defendants and bring fairness and equity to the existing bail system through the elimination of money bail.●

IMPACTS OF REDUCTIONS IN FORCE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. WOLF. Mr. Speaker, on January 26, 1982, I testified before the Subcommittee on Manpower and Housing of the House Government Operations Committee which is holding hearings to examine the impact of reductions in force. As a Member of Congress who represents a tremendous number of Federal employees, I appreciated the opportunity to present my views on this issue of vital concern not only to me, but to my constituents. As a former executive branch employee as well as a representative of many RIF'ed employees, I know all to well of the debilitating effects on employees of even the rumor of RIF's, let alone the actual RIF itself. I would like to submit my statement of those views into the RECORD at this time.

STATEMENT OF HON. FRANK R. WOLF

Madam Chairwoman, you should be commended for calling these hearings to examine how well our government is doing in the effort to minimize the impact of reductions-in-force (RIF's) on federal employees. As someone who has been an executive branch employee and as a Member of Congress who represents a tremendous number of federal employees, I want to thank you for focusing the spotlight of Congressional attention on this problem. I appreciate the opportunity to present my views here this morning.

During my tenure as an employee of the Department of Interior I became aware of the concern about reductions-in-force. Unless you have been at an agency during a RIF it is hard to imagine the anxiety, disruption and loss of productivity that results from even the rumor that a RIF may occur. Every employee, no matter how essential or qualified becomes fearful that he or she may lose his or her job. A RIF can cause paralysis at an agency.

I have been particularly distressed about the use of reductions-in-force as a means of cutting costs during this time of budget cutbacks. Certainly, a variety of other personnel actions such as hiring freezes, early retirements, liberal use of voluntary leave without pay or flexible work schedules and furloughs are far less disruptive to agency operations than a reduction-in-force. Whenever possible, use of reductions-in-force should be avoided. A RIF should be the very last option considered by an agency head that is seeking to reduce costs.

When an agency resorts to a reduction-in-force, it has an obligation to its employees to make every effort to minimize the impact of that RIF. President Reagan said it well in his August 5, 1981 memo to heads of executive departments and agencies concerning RIF's: "Assisting Federal employees who are facing the loss of their jobs is a government-wide imperative."

As you know, a number of highly qualified and dedicated federal workers are now or will soon face a reduction-in-force. Through no fault of their own, these people are the innocent victims of a dramatic change in government policy. Because of this fact, I believe that the Administration has a special obligation to provide the maximum amount of assistance and counseling to help place RIFed employees in productive jobs either within the government or the private sector. To repeat, it is "a government-wide imperative."

While many departments and agencies have established out-placement programs, maintain Reemployment Priority Lists (RPL) and have encouraged their employees to participate in the Voluntary Inter-agency Placement Program (VIPP), the Displaced Employees Program (DEP) and the Federal Employees Re-Employment Registry (FERR), I am concerned that some agencies are not aggressive enough in helping RIFed workers.

During the past year, my office has worked with federal employees faced with reductions-in-force. In addition, I have conducted an intensive review of this problem and have spoken to a number of federal employees and agency heads. From the experience we have gained, it is apparent that there are weaknesses in the present effort to help RIFed employees.

First, as a general rule neither the Office of Personnel Management (OPM) nor the agencies are sufficiently creative or aggressive in helping workers who face a reduction-in-force. The services that are provided are largely referral programs which lack adequate counseling and personal attention. In some cases, information that would be helpful to RIFed workers is not reaching them. Many out-placement coordinators have little or no training or experience and few of the industry contacts necessary to actively help individuals pursue positions. Most are personnel officers who are far more accustomed to hiring than placing people. Some agencies have continued to hire new employees from outside government when apparently qualified candidates that were being RIFed were available within the same department.

Second, the method by which a reduction-in-force notice is given does not always provide employees enough time to adjust to their new status. The use of general notices thirty days before a final action followed by a specific notice five days before a RIF creates unnecessary concern among some workers and eliminates meaningful notice for those who need it.

Third, not enough is being done to deal with a widespread misconception which exists in the private sector about the quality of the federal workforce. Many in the private world do not believe that the federal worker is capable and hard-working. The resulting stigma presents a barrier federal workers must overcome when seeking non-government jobs.

While out-placement programs government-wide generally could be improved, some agencies are doing a good job. I want to make you aware of one office that is working especially hard to avoid using a reduction-in-force.

The Office of Noise Abatement Control at the Environmental Protection Agency headquarters has not been funded for Fiscal Year 1983. To date the office has placed 57 out of its 92 employees and has yet to issue the first RIF notice. The management of this office made a commitment to its employees to help them find new employment.

The advantages of this effort to the government are several. First, morale of the office is high. The employees do not feel abandoned and alone and they recognize that the RIF they may face does not reflect on their worth as individuals. Second, there will be a potentially substantial savings to the taxpayers. For those employees who are placed the government will reduce expenses related to severance pay, payout of accrued annual leave and unemployment compensation. The withdrawal of employees' contributions from the federal retirement program should be reduced. Third, the office is not paralyzed. It continues to function and provide a product even though it is phasing out.

The key to the success of the out-placement program in this office is the commitment to help their employees on the part of management. The Office of Noise Abatement Control has formed a task force which meets regularly and actively pursues jobs for the office's workers.

In December, I met with OPM Director Donald Devine to urge a much more significant effort be made to help federal employees who are RIFed.

Ultimately, it is the amount of commitment and effort on the part of each department and agency head that will determine whether government out-placement programs will be successful. In my view, a high degree of commitment must be dedicated to this effort. With such a commitment the government when it must resort to a reduction-in-force can satisfy its special obligation to assist RIFed employees.

It is because I believe there is a general need to strengthen the commitment to helping RIFed workers that these hearings are important. I intend to continue to do all I can to help federal employees who may be faced with a reduction-in-force.

Again, thank you for the opportunity to testify today.●

TRIBUTE TO DICK BOLLING

HON. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. MONTGOMERY. Mr. Speaker, I regret I was unable to be present last week to join with the large number of my colleagues who rose to pay special tribute to DICK BOLLING, whom we will all sorely miss after this year when he retires.

For 17 terms, DICK BOLLING has been the conscience of the Congress and I can think of no person of greater honesty, integrity and fairness to serve in this role. His knowledge and understanding of how the Congress operates and his eternal desire to improve on how the Congress operates will be the hallmark of DICK's service to the people of Missouri and America.

As we all know, Mr. Speaker, DICK BOLLING was a man of few words, but he made each word he spoke count. He always had the ability to get to the heart of every issue without the political rhetoric that too often abounds in this Chamber. When DICK spoke, his colleagues listened because they knew that his words were based on extensive knowledge and experience.

One tribute to DICK that has probably gone unnoticed by many Members is that DICK BOLLING was always the person to whom the Speaker would turn to serve as Chairman of the Committee of the Whole whenever a tough and controversial bill was being debated because the Speaker knew the gentleman from Missouri would keep the debate moving and at the same time be unfailingly fair to both the opponents and proponents. DICK BOLLING knew no other way than to have a full and fair debate.

Mr. Speaker, the State of Missouri has produced many outstanding public servants such as President Truman, Champ Clark and Clarence Cannon. Right at the top of that list will be the name of DICK BOLLING. I consider it a privilege to have served with DICK and wish him the best in the future. We are all better for having had him pass our way.●

RUSSIANS BOMB FRENCH HOSPITALS IN AFGHANISTAN

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. McDONALD. Mr. Speaker, Soviet efforts to crush Afghanistan into conformity with its wishes daily grow more barbaric. In addition to chemical warfare and indiscriminate bombing of civilians, the Soviets have now stooped to bombing of clearly marked hospital facilities, specifically those run by a French organization called Medecins Sans Frontiers—Doctors Without Frontiers. This is yet another indication of the desperation on the part of the Soviets to crush all opposition and also their lack of observance of rules agreed to in the Geneva Convention regarding war, if more proof were needed. The item from the Daily Telegraph of London for January 21, 1982, follows:

RUSSIANS BOMB FRENCH HOSPITALS IN AFGHANISTAN

(By Michael Field)

The Russians are now bombing hospitals in Afghanistan operated by French medical teams and trying to kill doctors, it was claimed yesterday in Paris.

Slides were shown of Russian ground attacks and the civilian casualties of boobytraps.

"We thought the Russians had no objection to our bringing medical care to the Afghan population provided we did not publicise what was happening in the country.

"But now we realise from the kind of bombardments we have witnessed that the hospitals are being systematically bombed to try to drive us out of the country and kill some of us," said Dr. C. Malhuret of "Medecins san Frontiers" (Doctors without Frontiers).

Bombing of the hospitals by Russian helicopter gunships and Mig jet fighter-bombers began last November.

The doctors think that this marks a change of tactics by the Russians. "This is not a war of pacification, but a war of terror against the civilian population," said Dr. Malhuret.

ROCKET ATTACK

Dr. Arnaud Bourde described in detail the bombing of a hospital at Jaghori, more than 100 miles from Kabul in the central Hazarajat region. The hospital building was outside the village and clearly marked.

"On Oct. 27 last year, a Russian helicopter flew over at treetop level. I took shelter with people from the hospital under some rocks.

"After hovering over the hospital, the pilot, a Russian, changed course and came towards us. He could see us and fired rockets straight at us," Dr. Bourde said.

Nine days later at 7 a.m., three helicopters returned and destroyed the now empty hospital. He showed slides of it before and after the attack when it was reduced to rubble.

Dr. Philippe Hamey described a similar attack on a house used as a hospital in the Panshir valley in northern Afghanistan.

SLIDES OF DESTRUCTION

Among the slides were several of Yakaolang, 25 miles north of Panjao, in Hazarajat region wherein Russian ground attacks involving 300 tanks, systematic destruction of crops, bazaars and villages had taken place.

The American-built hospital was completely sacked, medicines strewn on the ground and stamped on equipment removed, and parts which could not be taken simply smashed. It had once boasted a modern ophthalmic clinic.

The doctors showed slides of terrible injuries caused by "toy" bombs and boobytrap devices scattered in the countryside by the Russians. "Most of our surgery is patching up victims of these bombs," they said.●

FEDERAL PROCUREMENT REFORM AND SMALL BUSINESS

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. MAVROULES. Mr. Speaker, today, I am filing with 18 of my colleagues the Small Business Reform Act.

Mr. Speaker, I believe that many of my colleagues can fully appreciate the degree to which existing Federal procurement policies discriminate against small business. In addition, there exists major obstacles that must overcome in order to do business with the Federal Government. It is our hope that this bill go far toward surmounting some of these obstacles and help our small business community during a most difficult time.

Today, small business is operating in an oppressive environment. The current recession has caused interest rates to rise to unbearably high levels, affecting capital formation opportunities and inflation has eroded the return on business investment. While small business has the proven capacity to be successful at doing things that big business cannot, this creative and competitive edge is being blunted by economic forces it has no way of controlling.

The survival of small business is at stake, and continuing widespread failures are a prospect that the general economy can ill afford. This Nation's 13 million small business firms provide about 48 percent of all business output, 55 percent of all private employment, 50 percent of all business activity, and 43 percent of the gross national product. In addition, reliable studies show that small business develops new jobs at a rate 66 times faster than large companies and is responsible for more than half of the inventions in the United States.

Small businesses are an important partner in our economy, yet they are being denied from playing a full and active role in our economic recovery. The Federal Government must provide the necessary direction here. One way is to reform the cumbersome Federal procurement practices. Today, only about 20 percent out of every Federal dollar the Government spends to purchase goods or services is directed toward small business, and that share is shrinking. In 1978 small business received 21.7 percent of the Federal procurement budget. In 1980, that figure dropped to 20.1 percent.

As a member of the Armed Services Committee, I represent a number of small businesssmen who have expressed their lack of participation in defense contracts. Some have stated

that they are not interested because of the difficulty in doing business with the Federal Government. Too frequently, it seems that the Government's procurement process and practices discourage rather than encourage participation by small firms.

In an attempt to remedy this situation and increase small businesses' share in Government's $100 billion purchasing budget, I have introduced the Small Business Procurement Reform Act.

Allow me to outline what this bill would accomplish: Guarantee that firms have at least 45 days to bid on each contract, thus protecting small companies, which are often the last to hear of new contract opportunities; require that each Federal agency work toward a goal of at least 35 percent small business participation in its procurement activities; direct each agency to break its large systems procurement, whenever practical, into smaller components in order to give small businesses a greater opportunity to submit bids; require that, for a contract under $100,000, each agency provide to interested firms a copy of a summary of every Federal law and regulation with which they must comply in the performance of the contract; require that each Federal agency justify every instance in which goods or services are procured without competitive bids or when bidding is restricted to a certain region of the United States; require that information and material needed to prepare bids on Federal contracts be made available in a timely manner; authorize the Small Business Administration to establish arbitration panels to resolve minor contractual disputes, thus avoiding lengthy and costly litigation.

At this time, on this day when the bill is being filed, 19 Members of this body recognize the need for reform in our Federal procurement process. I would hope that many more of our colleagues would join in support of this measure and ask for a full airing of this critically important economic issue.●

THE GROWTH OF C-SPAN

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. MICHEL. Mr. Speaker, this week marks a significant step in the growth of C-SPAN, the Cable-Satellite Public Affairs Network. Since television coverage of our daily proceedings began, the cable television industry has brought floor debates into millions of homes across the country. C-SPAN has provided the House floor debates in their entirety—gavel-to-gavel, uncut, unedited, and live.

Now C-SPAN has expanded its programing day to put Government in prime time. Beginning this week, C-SPAN offered its full range of public affairs programing 16 hours a day. Of special significance to the Members of the House is that our daily sessions can now be seen in their entirety during the evening hours, when Americans have returned home after work. Those 10.5 million cable subscribers who receive C-SPAN will also be able to watch committee hearings of the House and of the other body. The coverage of committee activities is a great milestone as far as I am concerned because the media seldom cover them. When they do, the coverage is often times for dramatic effect only.

I am sure my colleagues join me in welcoming our new evening audience and in congratulating C-SPAN on its progress in actually bringing Government closer to the people.●

VOTING RECORD

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. UDALL. Mr. Speaker, it has become my practice from time to time to list my votes in the House of Representatives here in the CONGRESSIONAL RECORD. I strongly believe that the people of southern Arizona have the right to know where I stand on the issues decided by the House, and I have found that printing my record here is the best way to provide that information.

This is not an all-inclusive list. I have omitted noncontroversial votes such as quorum calls, motions to resolve into the Committee of the Whole House, and motions to approve the Journal of the previous day.

The descriptions are necessarily somewhat short, and I am sure that some of my constitutents will have additional questions about the issues described here. So I invite them to write me for specifics, or to visit my district office at 300 North Main, Tucson.

The list is arranged as follows:

KEY

1. Official rollcall number;
2. Number of the bill or resolution;
3. Title of the bill or resolution;
4. A description of issue being voted on;
5. The date of the action;
6. My vote, in the form Y=yes, N=no, and NV=not voting.
7. The vote of the entire Arizona delegation, in the form (Yes-No-Not voting);
8. An indication whether the motion or amendment was passed or rejected; and
9. The total vote.

40. H. Res. 133. Philippines Martial Law. Motion to suspend the rules and adopt the resolution praising the government of the Philippines for lifting martial law and stating the sense of the House that the government of the Philippines should make further progress toward restoring democracy, including the revival of political and civil liberties. May 19. Y(4-0-0). Agreed to 387-4.

41. S. 730. Federal Crop Insurance Act Funding. Motion to suspend the rules and pass the bill to authorize the Federal Crop Insurance Corporation temporarily to use funds intended for payment of crop insurance indemnities for administrative and operating expenses in fiscal year 1981. May 19. Y(4-0-0). Agreed to 384-5.

42. H.R. 2098. Inspector General Act Amendments. Motion to suspend the rules and pass the bill to authorize inspectors general for the Defense, Justice and Treasury departments and for the Agency for International Development. May 19. Y(2-2-0). Agreed to 334-65.

43. H.R. 2979. Historical Publications and Records Act. Motion to suspend the rules and pass the bill to authorize $3 million annually for fiscal years 1982 and 1983 for the National Historical Publications and Records Commission. May 19. Y(1-3-0). Rejected 165-231.

44. H. Con. Res. 115. Fiscal 1982 Budget Targets. Adoption of the conference report on the resolution to set budget targets for the fiscal year ending September 30, 1982, as follows: budget authority $770.9 billion, outlays $695.45 billion, revenues $657.8 billion and deficit $37.65 billion. The resolution also revised binding budget levels for fiscal 1981 and included reconciliation instructions requiring House and Senate committees to make approximately $36 billion in spending cuts in fiscal 1982. May 20. Y(4-0-0). Adopted 244-155.

46. H.R. 3520. Steel Industry Compliance. Motion to suspend the rules and pass the bill to grant the steel industry a three year extension of the 1982 deadline for meeting national clean air standards. May 28. Y(2-0-2). Agreed to 322-3.

47. H.R. 3499. Veterans' Health Care Act. Motion to suspend the rules and pass the bill to provide medical coverage to Vietnam veterans exposed to the herbicide Agent Orange, to continue readjustment counseling centers for Vietnam veterans and to set minimum requirements for the number of hospital and nursing home beds the Veterans Adminstration must maintain. June 2. Y(3-0-1). Agreed to 388-0.

48. H.R. 2136. National Cemetery Construction. Motion to suspend the rules and pass the bill to require congressional review and approval of national cemetery construction, alteration and acquisition. June 2. Y(3-0-1). Agreed to 383-8.

49. H.R. 3337. Youth Employment. Motion to suspend the rules and pass the bill to extend youth employment programs authorized by the Comprehensive Employment and Training Act through fiscal 1982. June 2. Y(1-2-1). Agreed to 309-84.

50. H.R. 1100. Prisoner of War Benefits and Health Care Services Act. Motion to suspend the rules and pass the bill to provide monetary compensation and priority medical care to former prisoners of war. June 2. Y(3-0-1). Agreed to 394-2.

51. H.R. 3423. Veterans' Training and Business Loan Act. Motion to suspend the rules and pass the bill to provide business loans and additional educational benefits to Vietnam veterans. June 2. Y(3-0-1). Agreed to 352-41.

52. H.R. 2039. Veterans Home Loan Guarantees. Motion to suspend the rules and pass the bill to allow the Veterans Administration to guarantee graduated payment

home mortgage loans for veterans. June 2. Y(3-0-1). Agreed to 397-0.

53. H. Con. Res. 76. Plaque Honoring Servicemen Who Died in Hostage Rescue Attempt. Motion to suspend the rules and adopt the resolution expressing the sense of Congress that the Secretary of the Army should place a plaque in Arlington National Cemetery honoring the eight U.S. servicemen who died April 25, 1980, during an unsuccessful attempt to rescue the American hostages in Iran. June 2. Y(3-0-1). Agreed to 391-0.

54. H.R. 3512. Fiscal 1981 Supplemental Appropriations. Motion to concur in the Senate amendment to prohibit reduction of full time staff positions at the National Oceanic and Atmospheric Administration below 12,580, with an amendment providing that the Commerce Department need not comply with the provision. June 4. N(2-2-1). Agreed to 195-178.

55. H.R. 3455. Military Construction Authorization. Amendment to delete $30 million for purchase of land for an Army training area in Colorado. June 4. Y(1-2-1). Rejected 175-209.

56. H.R. 3455. Military Construction Authorization. Amendment to rescind $3.15 million in the fiscal 1981 military construction appropriations (PL 96-436) to construct a manufacturing plant for binary chemical munitions. June 4. Y(1-2-1). Rejected 135-220.

57. H.R. 3455. Military Construction Authorization. Passage of the bill to authorize $6,987,497,000 for military construction projects in fiscal 1982. June 4. NV(2-0-2). Passed 311-36.

59. H.R. 3240. National Telecommunications and Information Administration. Motion to suspend the rules and pass the bill to authorize $16,467,000 in fiscal 1982 for the National Telecommunications and Information Administration. June 9. NV(3-0-1). Agreed to 369-12.

60. H.R. 3239. Federal Communications Commission. Motion to suspend the rules and pass the bill to authorize $77,351,000 in fiscal 1982 for the Federal Communication Commission, replace the FCC's permanent authorization with a periodic one and allow the FCC to impose fees for services. June 9. NV(2-1-1). Agreed to 360-21.

61. H.R. 3462. Justice Department Authorization. Motion that the House resolve itself into the Committee of the Whole to consider the bill to reauthorize Justice Department programs for fiscal 1982. June 9. NV(3-0-1). Agreed to 357-1.

62. H.R. 3462. Justice Department Authorization. Amendment to prohibit use of funds authorized under the bill to bring any legal action that could lead directly or indirectly to busing, other than to bus a student to the nearest school. June 9. NV(2-0-2). Adopted 265-122.

63. H.R. 3462. Justice Department Authorization. Passage of the bill to reauthorize programs of the Department of Justice for fiscal 1982. June 9. NV(3-0-1). Passed 353-42.

65. H.R. 3480. Legal Services Corporation. Adoption of the rule (H. Res. 148) providing for House floor consideration of the bill to reauthorize the Legal Services Corporation for two years. June 11. Y(3-1-0). Adopted 303-88.

66. H.R. 3413. Department of Energy National Security Programs. Amendment to prohibit use of funds in the bill to develop or produce enhanced radiation (neutron) weapons. June 11. N(0-4-0). Rejected 88-293.

67. H.R. 3413. Department of Energy National Security Programs. Amendment to delete a provision barring preparation of any environmental impact statement not already being prepared for an Energy Department military facility, unless the statement is required by law. June 11. Y(2-1-1). Adopted 233-122.

69. H.J. Res. 287. Infant Formula. Motion to suspend the rules and pass the joint resolution expressing congressional "dismay" at the U.S. vote at a World Health Organization assembly May 21, 1981, against a voluntary international marketing code for infant formula and urging the administration to notify WHO that the United States will cooperate fully in implementation of the code. June 16. Y(1-3-0). Agreed to 301-100.

70. H. Res. 159. Habib Mission. Adoption of the resolution expressing the support of the House of Representatives for diplomatic efforts to resolve the crisis in Lebanon and congratulating the special envoy Philip C. Habib on his peace efforts concerning Lebanon. June 16. Y(4-0-0). Adopted 398-1.

71. H.R. 3480. Legal Services Corporation. Amendment to delete the requirement in the bill that all recipients of the LSC grants be organized solely to furnish legal aid to eligible clients and to require a majority of the board of any LSC grantee to be appointed by the bar association or associations in a particular area. June 16. Y(1-3-0). Rejected 155-249.

72. H.R. 3480. Legal Services Corporation. To delete a provision in the bill limiting termination or suspension of funding for an LSC grantee to 30 days, unless the grant recipient had been given notice and the opportunity for a hearing. June 16. N(2-1-1). Rejected 152-251.

73. H.R. 3480. Legal Services Corporation. Motion that the House resolve itself in the Committee of the Whole for further consideration of the bill. June 17. Y(4-0-0). Agreed to 389-9.

74. H.R. 3480. Legal Services Corporation. Amendment to prohibit LSC funds from being used for personal services, advertisements, telegrams, telephone calls, letters or other devices to influence any local, state or federal agency decision, except where any of these actions related to a client's legal rights. The amendment also prohibited attempts to influence local, state or federal elected officials on legislation, referenda or initiatives. June 17. N(3-1-0). Adopted 271-141.

75. H.R. 3480. Legal Services Corporation. Amendment to bar LSC lawyers from bringing class action lawsuits against federal, state or local governments under any circumstances. June 17. N(3-1-0). Adopted 241 167.

76. H.R. 3480. Legal Services Corporation. Amendment, to the McDonald D-Ga., amemdment to prevent LSC funds from being used in cases that seek the "legalization" of homosexuality. June 18. Y(1-3-0). Rejected 151-245.

77. H.R. 3480. Legal Services Corporation. Amendment to prohibit LSC funds from being used in cases to "promote, defend or protect" homosexuality June 18. N(3-1-0). Adopted 281-124.

78. H.R. 3480. Legal Services Corporation. Amendment to prohibit lawyers in LSC programs from giving legal advise on abortion laws. June 18 N(2-2-0). Rejected 160-242.

79. H.R. 3480. Legal Services Corporation. Amendment to prohibit LSC funds from being used in lawsuits brought against local school boards or any of their employees. June 18. N(3-1-0). Rejected 176-219.

80. H.R. 3480. Legal Services Corporation. Amendment to the McCollum, R-Fla., substitute to the Kazen, D-Texas amendment, to allow legal aid programs to represent aliens in the U.S. "under color of law," a term covering aliens who are in the U.S. legally but who are neither citizens nor permanent residents. June 18. N(0-4-0). Rejected 141-262.

81. H.R. 3480. Legal Services Corporation. Amendment to give the Office of Management and Budget authority to review the LSC budget. June 18. N(2-1-1). Rejected 185-210.

82. H.R. 3480. Legal Services Corporation. Motion to recommit (thus effectively killing) the bill reauthorizing the LSC to the Education and Labor and Ways and Means Committees for hearings on President Reagan's proposal to abolish the Corporation. June 18. N(2-1-1). Rejected 165-221.

83. H.R. 3480. Legal Services Corporation. Passage of the bill to reauthorize the LSC for fiscal 1982-83 at $241 million annually. June 18. Y(1-3-0). Passed 245-137.

84. H.R. 1257. NASA Authorization. Adoption of the rule (H.Res. 161) providing for House floor consideration of the bill to authorize $6.1 billion for fiscal 1982 for the National Aeronautics and Space Administration. June 23. Y(4-0-0). Adopted 399-0.

85. H.R. 1257. NASA Authorization. Passage of the bill to authorize $6.1 billion in fiscal 1982 for the National Aeronautics and Space Administration. June 23. Y(4-0-0). Passed 404-13.

86. H.R. 2614. Fiscal 1981 Defense Supplemental Authorization. Passage of the bill to authorize $2,665,462,000 for defense programs in fiscal 1981. June 23. Y(4-0-0). Passed 360-50.

87. H.R. 3238. Public Broadcasting Authorization. Amendment to reduce public broadcasting authorizations to $110 million in fiscal 1984 and $100 million annually in fiscal 1985 and 1986 from the bill's $160 million in fiscal 1984, $145 million in fiscal 1985 and $130 million in fiscal 1986. June 23. N(3-1-0). Rejected 146-265.

89. S. 1124. Senate Computer Services Contracts. Passage of the bill to allow the Senate sergeant-at-arms and doorkeeper to enter into contracts that provide for the making of advance payments for computer programming services. June 24. Y(4-0-0). Passed 375-16.

90. H.R. 31. Cash Discount Act/Surgeon General Age Limit. Adoption of the conference report on the bill to repeal the existing 5 percent ceiling on discounts merchants may offer customers for cash purchases; extend until Feb. 27, 1984 an earlier prohibition on surcharges for purchases by credit card; and authorize the appointment of a surgeon general aged 64 or older. June 24. Y(4-0-0). Adopted 398-9.

91. H.R. 3238. Public Broadcasting Authorization. Motion that the House resolve itself into the Committee of the Whole for consideration of the fiscal 1984-86 public broadcasting authorization bill. June 24. Y(4-0-0-). Agreed to 385-16.

92. H.R. 3238. Public Broadcasting Authorization. Amendment to retain the requirement in existing law for quarterly disbursement of federal funds to the Corporation for Public Broadcasting. June 24. N(3-1-0). Rejected 171-226.

93. H.R. 3238. Public Broadcasting Authorization. Passage of the bill to authorize $160 million in fiscal 1984 for public broadcasting, $145 million in fiscal 1985 and $130 million in fiscal 1986; to establish a formula for allocating the funds; and to allow an 18

month experiment to determine the impact of advertising on public broadcasting. June 24. Y(2-2-0). Passed 323-86.

95. H.R. 3982. Budget Reconciliation. Motion to order the previous question (thus ending further debate) on the rule (H. Res. 169) providing for House floor consideration of the bill to make changes in existing federal programs to achieve budget cuts required by the first fiscal 1982 budger resolution. June 25. Y(1-3-0). Rejected 210-217.

96. H.R. 3982. Budget Reconciliation. Motion to order the previous question (thus ending further debate) on the Latta substitute for the rule (H. Res. 169) providing for House floor consideration of the bill. June 25. N(3-1-0). Agreed to 219-208.

97. H.R. 3982. Budget Reconciliation. Substitute for the rule (H. Res. 169) providing for House floor consideration of the bill. The Latta substitute permitted a single vote on a reconciliation savings package endorsed by President Reagan as an alternative for the package drafted by House committees. The rule as reported required division of the Reagan package into a series of separate amendments. June 25. N(3-1-0). Adopted 216-212.

98. H.R. 3982. Budget Reconciliation. Adoption of the rule (H. Res. 169) as amended by the Latta substitute, providing for House floor consideration of the reconciliation savings bill making changes in existing federal programs to achieve budget cuts required by the first fiscal 1982 budget resolution. June 25. N(3-1-0). Adopted 214-208.

100. H.R. 3982. Budget Reconciliation. Motion that the House resolve itself into the Committee of the Whole to consider the budget reconciliation bill. June 26. Y(4-0-0). Agreed to 316-84.●

ARLINGTON MAN PROVIDES RAY OF HOPE TO SURVIVORS OF AIR FLORIDA FLIGHT 90

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. WOLF. Mr. Speaker, one of my constituents from Arlington, Va., Mr. Roger Olian, has been somewhat overlooked as one of the heroes of the Air Florida crash of January 13. Yet his fingers are still numb from his 30-minute swim into the freezing Potomac River to try to rescue some of the five people clinging for life on the Boeing 737's tail section. He did not rescue anyone physically; but emotionally, his courage helped to give the handful of survivors the courage, the hope, and the will to live and hang onto life.

I believe that Roger Olian deserves a place among our Nation's heroes—our Nation's finest.

Those of us in Virginia's 10 District are particularly proud to have Roger Olian among us—to inspire us all to the noblest vocation of all—the service of humankind.

I ask that the text of an article by Mike Schwartz which appeared in the Friday, January 29, edition of the Northern Virginia Sun be printed at this point in the RECORD.

[From the Northern Virginia Sun, Jan. 29, 1982]

RISK, HOPE, FULFILLMENT: OLIAN AND SKUTNIK HONORED AS HEROS

ARLINGTON.—Roger Olian and Lenny Skutnik were honored Thursday with an awards ceremony in the National Hospital for Orthopedics and Rehabilitation, the hospital in which the majority of the five survivors of Air Florida Flight 90 were nursed back to health after the crash of Jan. 13.

Standing before the bright lights of four television cameras and shaking hands with several politicians, they received the key to the city of Alexandria, a certificate of appreciation from the Arlington County Board and a Cross pen desk set from the Arlington Chamber of Commerce.

Olian, 34, of Arlington, and Skutnik, 28, of Lorton, appeared uncomfortable with the fuss and said few words. When asked to say something, Olian, a federal sheet metal worker at St. Elizabeth's Hospital, said he was not much of a public speaker.

"I think I'd rather jump back in the river than speak," Olian said to a laughing audience "You've all been real generous and real kind to me and thank you." Olian, who had been somewhat overlooked in the hero category, swam into the freezing Potomac River to try to rescue some of the five people clinging to the Boeing 737's tail section.

The 30-minute swim has left him with hands that are still somewhat numb, his wife Donna said. He did not rescue anyone physically, but emotionally he helped give the few survivors some courage and hope.

Clad in green work clothes and wearing a blue pullover cap and a big smile, Olian said he had the opportunity to talk with Joseph Stiley, of Alexandria, one of the survivors of the crash that killed 78 people. Olian said Stiley told him the effort by Olian "helped him hold on."

Olian said Stiley, in a wheelchair with two broken legs, told him when they met before yesterday's ceremony that Stiley thought maybe he would try to swim after seeing Olian. "He said I saved his life . . . that was nice," Olian said.

Bert Hamilton, of Gaithersburg, thanked Olian. Hamilton said he was on the other side of the tail section and was afraid no one would see him. "It was a very courageous thing you did," he said to Olian.

Skutnik, when asked to say something, said, "It's an honor."

Grotos, who noted Olian's Arlington residency, said he and Olian "without any thought for personal safety or awards and dinners," jumped in the river to meet a human need. She said their efforts help buttress the belief that "man is innately good."

"Your deeds spoke far more than any words could say," Grotos said.

Since the crash and his rescue effort, Olian has received letters from various federal government officials, including Drew Lewis, secretary of transportation. But unlike Lenny Skutnik, he was not invited to sit next to the First Lady while President Reagan gave his State of the Union address in the House Chamber.

Instead, Olian was sitting home.●

WALL STREET JOURNAL OPPOSES NEW WITHHOLDING TAX

HON. NORMAN E. D'AMOURS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. D'AMOURS. Mr. Speaker, in its editorial of January 29, 1982, the Wall Street Journal has eloquently put forth the case against the President's proposal to require a new 5-percent withholding tax on interest and dividends. As the editorial notes, this new withholding tax is nothing more than an expensive and burdensome substitute for better IRS computers to track down nonreporting of interest and dividend income.

I would like to share this incisive editorial with my colleagues and urge them to cosponsor, House Concurrent Resolution 255, legislation I have introduced to express the sense of the Congress that no new withholding tax should be imposed on interest and dividends. The full text of House Concurrent Resolution 255 appears on page E 156 of the January 29 edition of the CONGRESSIONAL RECORD. Members who wish to cosponsor House Concurrent Resolution 255 should call Mike Radway or Jeff Lawrence at 5-5456.

The text of the Wall Street Journal editorial follows:

[From the Wall Street Journal, Jan. 29, 1982]

WITHHOLDING FLIMFAM

In an effort to puff up revenue projections for the February 8 budget message, the Treasury Department is proposing a 5% withholding tax on dividend and interest income. The proposal makes no economic sense, and hasn't a ghost's chance of passage through Congress, something the Treasury must surely have known.

After all, we've been down this track many times before. Similar withholding tax proposals have been rebuffed in Congress in 1942, 1943, 1950, 1951, and 1962. On an appropriations rider in August 1980, the House of Representatives voted by 401-to-four to prevent the Internal Revenue Service from even studying the idea of a withholding tax on interest and dividends. This year's proposal is opposed by powerful members of the President's own party, including Representative Barber B. Conable Jr., ranking Republican on the House Ways and Means Committee, who says the committee won't approve the measure.

And with good reason. For fairly minimal gains in revenues—Treasury is estimating an extra $2 billion for fiscal 1983, less afterwards—a withholding tax would impose heavy paperwork burdens on banks, savings and loans and brokerages, among others. In a study commissioned for the American Bankers Association, the accounting firm Arthur Young & Co. estimated that the Carter administration's 1980 withholding proposals would cost a bank with $100 million in deposits roughly $200,000 in startup costs and $80,000 in annual operating costs.

A withholding tax on interest and dividends, moreover, would lower the effective yield on savings and stock ownership. And many of the withholding payments would most likely be drawn from interest-bearing accounts. At a time of enormous fear of "crowding out" by government borrowing in the capital markets, it makes no sense to reduce the deficit by reducing personal saving.

The IRS says it needs a withholding tax to prevent underreporting of interest and dividend income. But what it really means is that its computer programs and management are so sloppy that it can't match interest and dividend reports filed by corporations and banks with individual tax returns. The answer is for the IRS to put its own house in order, rather than to transfer an enormous administrative burden to the private sector.

Since the withholding measure has little hope of passage, its major purpose is to allow the Treasury to pretend that it will be collecting $2 billion more next year than it actually will. The window dressing wasn't worth the cost in budget credibility.●

RECIPROCITY

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. FRENZEL. Mr. Speaker, legislation to establish "reciprocity" in international trade is very popular in Congress now. Unemployment, recession, and impatience with a relatively closed Japanese market have all caused Members to look for legislative remedies to some of our worst domestic problems.

Proponents of reciprocity legislation believe the United States should treat imports of a particular product from any country the same way exports of the same U.S. product are treated in that country. To many people, that sounds like "fair trade". Actually, all the countries of the world have tried to protect certain favored industries with higher tariffs, and to negotiate lower tariffs in other countries for the products they would like to export.

Each country has a different pattern of its own tariffs it wants to keep up, and of the tariffs of other countries it would like to lower. Tariff negotiations always involve lowering on both sides, but usually different goods and services are involved.

Direct reciprocity is not necessarily a practical solution because different countries want to sell, and to protect, different items.

Nor is country-by-country reciprocity necessarily a practical solution, either. Trade balances tend to swing back and forth over the years. Lesser developed countries typcially run large trade deficits with industrialized countries. Oil-producing countries typically run large surpluses with everybody. We run a huge deficit with Japan, and nearly as large a surplus with Europe.

The theory of international trade is not that every nation have a bilateral balance with every other nation. And it is surely not necessary that every product balance with every product. The theory of corporative advantage is based on accessability, not reciprocity.

The following editiorial from the February 1 Journal of Commerce explains all this more clearly than I can. It also stresses that reciprocity legislation, however nobly motivated, willneed the close scrutiny of Congress, lest it hamstrings our own efforts to improve exports.

Even though we trade a relatively small portion of our GNP, we are the world's largest trader. Therefore, we bear the largest exposure to risk from unwise trade legislation. Our risk can be reduced if our focus is shifted from reciprocity to accessibility.

[From the Journal of Commerce, Feb. 1, 1982]

AN EYE FOR AN EYE?

There has been enough talk around Washington about the concept of reciprocity in trade to worry our major trading partners. On a sectoral basis, reciprocity in trade would mean the United States should treat foreign telecommunication exports and investments, for example, in the same way the foreign government treats U.S. telecommunication exports and investments.

Even though reciprocity is not the administration's avowed policy, the Canadians are taking the hints seriously and have decided to take the bull by the horns. Allan E. Gottlieb, the Canadian ambassador to the United States, attacked the idea of reciprocity. He warns reciprocity will lead to more, not less, protectionism and "to a return to the beggar-thy-neighbor approach to trade of the great depression."

With protectionism on the rise abroad, theoretically reciprocity is appealing. If you can't get free trade, at least you can get fair trade. Bill Brock, the U.S. Special Trade Representative, has repeated in various forums that neither the Congress nor the president will tolerate unfair trade policies. One way to prevent unfair treatment of U.S. exports and investments is to subscribe to the old maxim: an eye for an eye, a tooth for a tooth.

But reciprocity, if narrowly applied on a sector by sector basis, can be dangerous. First, trade is based on the idea of comparative advantage. Reciprocity doesn't take comparative advantage into account. The United States, for example, exports goods in which it has a comparative advantage, like agricultural goods, and imports goods in which it has only a relative comparative advantage, like Japanese cameras or computer components.

Second, the whole process of multilateral trade negotiations has been based on countries making concessions in some sectors to gain advantages in others. There is reciprocity on balance, not on a sector by sector basis.

Third, reciprocity could become a contagious disease for industries in trouble. Right now, steel, textiles and autos are considered exceptions to free trade rules because these industries need the time to adjust. But once reciprocity becomes the general rule, various industries will interpret it as a free-for-all.

Fourth, again if reciprocity were taken literally, the Commerce Department would have to set up a huge bureaucracy to administer the policy.

This isn't to say that the administration would go to such extremes or is even moving toward a policy of reciprocity. But before it considers retaliation in a case where it seems justified, it should consider the implications for trade in general.●

TRIBUTE TO WOODROW W. HART

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. DE LA GARZA. Mr. Speaker, today I wish to pay tribute to Woodrow W. Hart, a distinguished Texan and an outstanding American.

Mr. Hart has made enormous contributions to the well-being of Texas agriculture. But his contributions have a far wider scope than that; they extend to his church, his community, his State, and indeed the Nation.

Woodrow Hart was born on November 12, 1916, to Thomas Carl Hart and Ludie Myers Hart of Sinton, San Patricio County, Tex. The Harts had come from Williamson County, Tex., in 1911 and settled in what is now known as Sodville, a community of rich black farmland near Sinton. Woodrow attended the Sinton schools while helping on the family farm. Upon graduation in 1934, he started to farm on his own. On December 23, 1939, he married Marilyn Baylor of Odem, Tex. They began farming in the Sodville area. They are the parents of two children.

In a quiet, easy but very effective manner, Woodrow Hart is a leader; a doer; an organizer. His primary professional concern has been agriculture. He was instrumental in founding the South Texas Cotton Grain Association, having served on the original board of directors in 1963. During his membership on the board, he served as its president from 1965 to 1969. He was later its chairman. Since 1973, he has been executive director of the association. He has served in numerous other capacities, including adviser to the National Cotton Council, past board member of Cotton Inc., past chairman of the Texas Association of Cotton Producers Organization (TACPO), and director of the Texas Pest Management Association (TPMA). Further, he has been active on the boards of various elevators and cotton gins, and as a director of the Port Compress, Corpus Christi, Tex. He has also been president and secretary of the Texas Farm Bureau.

There are other activities that have benefited from Mr. Hart's leadership. He was a director of the former local

reclamation district in its early years, and devoted much time and effort to having the Texas Legislature create the San Patricio County Drainage District in 1971. The present drainage district held its first meeting on October 18, 1971, with Woodrow Hart as its chairman, a position he still holds.

The respect in which Woodrow Hart is held is illustrated by the honors bestowed upon him. He received the Lion's Club International Outstanding Soil Conservationist Award for San Patricio County in 1954, and the Progressive Farmer magazine Man of the Year in Texas Agriculture Award in 1974. He was named Texas County Agent recipient from district No. 14, Texas Man of the Year in Texas Agriculture in 1975.

In his community Mr. Hart has served since 1975 as an elder of the Sinton Church of Christ. He has been a member of the community board of equalization for several years, and the board of the housing authority since its beginning in 1968. And he has found time to be a loving husband and father.

Woodrow Hart is resigning as the executive director of South Texas Cotton Grain Association. He will, however, still be working on behalf of those worthy interests which have occupied his life. Known for his wisdom and experience, he has been asked to serve again and again.

The community, State, and country have been richly blessed with the talents and dedicated service of Woodrow W. Hart. This outstanding gentleman has been an example to all who have had an opportunity to know him. I am very pleased to have an opportunity to pay tribute to Mr. Hart and to extend best wishes to him and his family as he continues his devoted service to his fellow men.●

PARLIAMENTARY EMPHASIS MONTH

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. FAZIO. Mr. Speaker, on July 29 of last year, Senate Joint Resolution 102, which authorizes the President to declare April 1982 as "Parliamentary Emphasis Month," passed unanimously through the Senate. It is currently pending in the Census and Population Subcommittee of the House Post Office and Civil Service Committee. Because I and many of my colleagues of both parties recognize the critical role of parliamentary procedure in the daily conduct of the House and Senate, we have introduced an identical resolution in the House and hope to secure the 218 House cosponsors necessary to assure that this bill is reported for House consideration.

As the text of the bill states: "* * * the use of parliamentary procedure in the meetings of private and public organizations in this country promotes orderly deliberation and protects individual rights and majority rule, cardinal principles of governance in the United States * * *." Not only would enactment of this resolution pay special tribute to the legislative procedure of the Congress and State legislatures, but it would also lend encouragement and support to countless public and private groups and organizations throughout the country which use this democratic procedure in their regular transaction of business.

Furthermore, the one-time designation of April as "Parliamentary Emphasis Month" would pay respect to one of our Nation's Founding Fathers, Thomas Jefferson, who was born in that month. Among Jefferson's numerous and outstanding contributions to the early success of our democratic form of government was the preparation of the first comprehensive manual on parliamentary practice in this country which is still, to this day, published in each issue of the Rules and Practices of the House of Representatives.

The emphasis of Senate Joint Resolution 102 on parliamentary procedure has neither partisan nor political overtones. It is strongly supported by the National Association of Parliamentarians, the American Institute of Parliamentarians, and the Academy of Parliamentary Procedure and Law, three nonprofit organizations which have chapters across the country. I urge my colleagues to join in cosponsoring this legislation.●

CRASH OF FLIGHT 90

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. WOLF. Mr. Speaker, the following is an excellent article concerning the possible causes of the crash of Air Florida Flight 90 which appeared in the February 1, 1982, edition of the Washington Post. I wanted to share this article with the Members of the House.

CRASH OF FLIGHT 90 Looks More and More Like Classic Plane Accident, Experts Feel

(By Douglas B. Feaver and John Burgess)

The crash of Air Florida Flight 90 looks more and more like a classic aviation accident, one in which a number of long-recognized problems—any three or four of which the plane could have survived—combined for disaster.

It will be months before the National Transportation Safety Board reaches its final conclusion about what caused the Jan. 13 accident and the deaths of 78 people, but investigators and other experts feel strongly that all of these factors played a role:

The actions of the cockpit crew in wretched weather. It is probable that the pilot and copilot did not fully appreciate the danger of their situation until it was too late.

Snow and ice on the wings, which could have kept the plane from flying once it left the ground.

The Boeing 737's history of pitching up suddenly after takeoff if the front edge of its wings is covered, even slightly, with ice and snow.

Engine instrument sensors may have been frozen, which could have misled the crew into thinking their engines were working harder than they really were.

Snow and ice on the runway, which could have slowed the acceleration of the aircraft on takeoff.

The shortness of the runway at National Airport, which reduced both the time the crew members had to make decisions and the options available to them after they started their takeoff.

The absence of a requirement that pilots taking off monitor not only the speed of the plane, but the time and runway distance they have used in reaching that speed.

The absence of markers along the runways at civil airports telling pilots how much runway is left. The Air Force requires such markers.

In short, the accident investigation has turned into a series of "what-ifs?" What if the pilot had done this? What if federal regulations had required that? What if the airport had longer runways? What if airlines did not try to fly when it was snowing?

Regardless of where blame ultimately is placed, the weather was a dominant factor in the crash. Statistics developed by the safety board show that weather was a cause or a factor in 46.5 percent of all airline accidents between 1970 and 1979 and 46.2 percent of all fatal airline accidents. Aviation literature is full of warnings.

Donald W. Madole, a Washington lawyer who specializes in aircraft accident litigation, said in an interview, "I think that a takeoff on any runway-limited airport, in low visibility with slush and snow, is a test flight with passengers aboard." Madole is one of the lawyers representing Joseph F. Stiley III, a surviving passenger of Flight 90.

Very little is known so far about what Capt. Larry Wheaton and First Officer Roger Alan Pettit were saying to each other as they planned for the takeoff and in the short seconds of their flight, but it is on their shoulders that responsibility ultimately rests, assuming there was no unforeseeable mechanical failure. Federal regulations are clear: "Each pilot in command has full control and authority in the operation of the aircraft, without limitation . . ."

It is known that 43-minutes elapsed between the plane's last de-icing treatment and the takeoff and that between .7 and 1 inch of new snow fell in that period. The safety board has said since the accident that no more than 20 minutes should pass if it is snowing. The FAA regulations say, "No pilot may take off an airplane that has frost, snow or ice adhering to" engines, windshields, wings or control surfaces.

Ice and snow are dangerous because they can alter a wing's contours and reduce the wing's ability to lift the airplane. That can mean a plane will stall—lose the ability to remain in flight—at a higher speed than normal. But if the pilot believes he is going

too fast to stall, he may take steps that only compound the problem.

Despite precautions, such as de-icing treatments and FAA warnings to all pilots, wing ice continues to figure in plane crashes. Two recent crashes led the safety board to recommend in November 1980 that the FAA formally remind airplane operators that ice still can form on wings after treatment with diluted de-icing fluids and that it distribute information on deicing fluids and their use. The FAA concurred with the first recommendation, but said the second was a job for fluid manufacturers.

A surviving passenger of Flight 90 recalled that ice on the plane was heavy enough to obscure the view out of windows, and that at least one window was still obscured when the plane left the terminal, though the ice fell away as the plan moved.

The captain of a Braniff plane that saw Flight 90 as it raced down the runway later has said he noticed ice on the fuselage and wings; his copilot recalls seeing it only on the fuselage. Other pilots reported noticing no ice on the plane.

The Air Florida crew ordered de-icing treatments twice before the flight. The first was interrupted when the main runway at National Airport was closed for plowing and sanding. The second, from a truck operated by American Airlines, began at about 3:15 p.m. A worker on the truck, using a hose and a nozzle, sprayed the plane's fuselage, wings and control surfaces. The treatment should have been 40 percent ethylene glycol and 60 percent water, according to investigators.

Wing ice never has been blamed for a 737 crash, but over the years pilots have reported that on takeoff in icy conditions the 737 can pitch up and roll without warning. Boeing has issued two bulletins warning airlines of this peculiarity and recommended cold-weather flight procedures to avoid it.

"The importance of maintaining clean, smooth wing leading edges must again be emphasized since a properly maintained wing would eliminate the need for any other actions," and article in Boeing's internal "Airliner" magazine warned late last year. Further, the article said, if there is frost on the wing leading edge, "the airplane must be accelerated an additional 10 knots on the ground."

In other words, if Flight 90's crew members did not add substantial speed to their takeoff calculations to compensate for possible ice or frost on their wings, they were at risk.

If the 737 was carrying enough ice to damage lift, it might still have got off the ground due to a phenomenon pilots call ground effect. A cushion of air builds beneath a plane as it gains speed on a runway. That cushion provides extra lift while the plane is close to the ground, but dissipates as the climbs. The highest altitude the Air Florida plane reached was 337 feet, investigators believe, before it crashed into the 14th Street bridge. Jets frequently climb 1,000 feet or more by the time they cross the bridge.

Investigators have said the 737 took an abnormally long time to accelerate to takeoff speed—47 seconds as opposed to the standard 30 seconds. That fits another crash theory in which the villain is ice, this time in the engine.

Because ice can damage the interior of high performance jet engines, the engines include devices that, when activated, divert a small amount of thrust to warm the inlet in the same way that a car heater channels motor warmth to the passenger compartment.

One part that is warmed is a sensor on the engine's nose. It measures the pressure of air going into the engine, and matched with the reading of another sensor in the back of the engine, produces and "engine pressure ratio" reading in the cockpit that shows how much thrust the engine is producing.

If the forward sensors on the Air Florida jet's two engines were frozen, the pilot could have seen artificially high readings on thrust, leading him to set the throttle too low. That is one possible explanation for the longer then normal takeoff roll.

However, there are three other instruments reporting conditions in the engines that would also be monitored by a prudent pilot, according to industry sources, and the readings on those three instruments should tell the crew either they had a bad gauge or to suspect engine performance, those sources say.

It is a preliminary conclusion of the safety board that the cockpit toggle switch that would give the engine anti-ice protection, and thus thaw the instrument sensors, was in the "off" position during takeoff. The Boeing 737 flight manual says that "Engine anti-icing should be turned on during all ground operations, takeoff and climb when icing conditions exist or are anticipated."

It is unclear, however, whether according to Air Florida procedures the engine deicing should have been on. According to the safety board, Air Florida's 737 manual requires its use in wet snow conditions but not with dry snow. The contents of the last weather report to the crew, including whether the snow was considered "wet" or "dry", is unclear. A written weather report Wheaton and Pettit had in the cockpit was destroyed in the crash.

Slow acceleration on takeoff could also be the result of heavy ice and snow buildup on the runway. Studies going back to 1960 show that water, slush and ice on the runway substantially slow jetliners on takeoff. An FAA advisory says that "takeoffs should not be attempted when standing water, slush or wet snow greater than ½ inch in depth covers an appreciable part of the runway."

Pilots have said that between ¼ and ½ inch of snow was on the runway at the time of Flight 90's takeoff.

Air traffic controllers cleared Flight 90 for takeoff at 3:59:24 p.m. It was the 16th plane to take off since the runway had been reopened after plowing. Other pilots reported no problems, but the board is studying their flight data recorders to check the performance of those aircraft against that of Flight 90.

Survivor Joseph Stiley told reporters that Flight 90 seemed to falter as it sped down the runway and it seemed as if the pilot was trying to abort the takeoff. Witnesses said Flight 90 finally lifted off near the intersection with Runway 33, about 1,300 feet farther than the 3,900 feet the plane should have needed for take-off.

Despite slow acceleration, the plane reached speeds that would be adequate for takeoff and flight—if everything were normal. However, the plane began to lose speed quickly as it climbed, pitched nose-up, some say as high as 30 degrees, then began falling.

If there were ice on the wings, frozen instrument sensors and a snow-packed runway, everything was not normal. Furthermore, the runway at National Airport, perfectly safe by the agreement of almost all aviators for good weather operations, becomes a little riskier when it is wet.

The pilot computes the takeoff speeds based on a chart that considers runway length, weight of the airplane, and other factors, including weather. The critical computations are called V1, the go, no-go speed, and accelerate-stop distance—roughly defined as the amount of runway it will take to safely stop the airplane if the takeoff is aborted at V1. Correction factors must be included for rain, snow and ice.

Once the plane starts rolling on takeoff, however, the only thing the pilot monitors is V1. If the runway is wet and icy, and he has not included enough allowance for how much that retards acceleration rates, and if his engine is not developing as much thrust as he thinks it is, he conceivably could run out of runway before reaching V1—and still be conforming.

If the runway was longer (the runways at Dulles, National's critics point out, are almost twice as long) the pilot would have more room to recover from a mistake.

The Air Force puts up big signs beside its runways that tell pilots how much room is left. The safety board and pilot groups have suggested to the FAA that it require similar signs at civil airports. The FAA proposed a rule requiring such signs in 1975, then withdrew it in 1977.

"In general," The FAA noted in its withdrawal notice, "opposition centers around the high cost of installation and maintenance of the markers when compared to what many believe are limited benefits to be derived from their installation."

Further, the FAA said, "the use of runway markers during takeoff might result in a potentially unsafe situation since the pilot not in control would be required to monitor passage of the markers. This would divert his attention from adequately monitoring engine and flight instruments . . . during a most critical period of the takeoff."

The withdrawal notice was signed by R. P. Scully, then associate administrator for fight standards, and now senior vice president for operations at Air Florida.●

HON. JAMES C. DAVIS, FORMER CONGRESSMAN FROM GEORGIA

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. ZABLOCKI. Mr. Speaker, I was saddened to learn of the recent death of former Congressman James C. Davis, of Georgia, with whom I served during all but 2 years of his tenure in this body.

Throughout his career, as a Marine Corps veteran of World War I, a lawyer, judge, legislator, and publisher, Mr. Davis reflected many of the most admirable characteristics of the old school in American politics, such as courtesy, personal integrity, reliability, and unwavering adherence to those programs and policies in which he believed.

One of his nephews has described him as a determined character with a dry sense of humor and that is my

recollection, as well. While my own views, particularly in the civil rights field, differed substantially with his, I never doubted his sincerity or the depth of his convictions. He was clearly a man whose archly, conservative views evoked much controversy and eventually, political opposition, but also a high degree of universal respect.

To his family and friends, I want to take this opportunity to extend my deepest sympathy.●

WORCESTER, MASS., SELECTS A WOMAN MAYOR FOR THE FIRST TIME IN MUNICIPAL HISTORY

HON. JOSEPH D. EARLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. EARLY. Mr. Speaker, I wish to include in the RECORD a copy, with other material, of the formal request made to me by the city council of my home community of Worcester, Mass., through the city clerk, Hon. Robert J. O'Keefe, in connection with the mayorality election held by the city council on December 15, 1981.

Worcester presently has a plan E. City manager form of local government under which nine councilors are elected at large and they then choose one of their number to serve as mayor to preside over city council and school committee meetings, greet distinguished visitors and otherwise represent the city on and at various ceremonial events and occassions.

Sara J. Robertson, the first woman in our municipal history to be selected as mayor is a leading citizen in our area, has long participated in and contributed to the promotion of community objectives and has the most valuable asset of several years combined experience as a member of both the city council and school committee. I extend my personal congratulations to Mrs. Robertson on this special distinction and join with my fellow citizens of Worcester in wishing her a most successful term as mayor of "the Heart of the Commonwealth." The city council petition and a pertinent editorial from the Worcester Telegram issue of December 17, 1981, follow:

CITY OF WORCESTER

Pursuant to the vote of the City Council, be it,

Requested, That Congressman Joseph Early place into the Congressional Record the notice of the historical election of Sara J. Robertson as the first woman mayor for the city of Worcester.

[From the Worcester Telegram, Dec. 17, 1981]

YES, MRS. ROBERTSON

There's probably no way to ignore the fact that Worcester's next mayor will be a woman. Nor should it be ignored; after all, it's the first time and it has a certain significance. Another barrier has fallen.

However, Sara Robertson did not win the preliminary vote because she is a woman, but because she was a logical compromise candidate to end a seemingly hopeless deadlock. And it will not be her sex but her ability that will count in the next two years.

Although the position of mayor is largely ceremonial under Plan E, the chairmanship of the School Committee is not. As a former elected member of the School Committee, and as an elected member of the City Council, Mrs. Robertson has a good perspective of what can and should be done in allocating the dwindling financial resources of the city.

As a member of the School Committee and the City Council, Mrs. Robertson has been a hard worker. She has asked the right questions. She objected, in one of her campaigns, to being termed "aggressive." But, if that means she holds to her principles and speaks her mind freely, it is a compliment.

We are sure of one thing: As mayor and chairman of the School Committee, Mrs. Robertson will give the last ounce of her considerable energies to serve the people of Worcester and be a credit to this community.

She has our warm congratulations.●

INFRASTRUCTURE NEEDS REQUIRE PROPER ATTENTION

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. CLAUSEN. Mr. Speaker, the following column by our colleague, WILLIAM F. CLINGER, JR., of Pennsylvania, illustrates a very important point worth considering as we approach this year's budgetary process. As Mr. CLINGER's article makes clear, unless proper attention is paid to our public infrastructure needs, it will be very difficult to convince businesses to undertake the private capital expansion necessary for job creation and sustained economic growth. I urge all Members to take a serious look at Mr. CLINGER's ideas, which appeared on the op-ed page of today's New York Times. His thoughts provide a logical argument for moving away from the traditional approach to capital-expenditures budgeting:

[From the New York Times, February 2, 1982]

CAPITAL-BUDGETING

(By William F. Clinger, Jr.)

WASHINGTON—The Government must turn its attention to the national infrastructure—highways, sewers, ports, bridges, water systems—if the economy is to expand.

So far, the providing of supply-side incentives to the private sector to promote national economic renewal has excluded attention to infrastructure problems, but that is a risky course. Indeed, "America in Ruins," a 1981 report by the National Governors Association, states that up to two-thirds of our towns and cities cannot accommodate new economic growth because local infrastructures are either worn out or undersized. The cost of reversing this decline is staggering. But the consequences of not doing so are even worse to contemplate.

The Federal Highway Administration estimates the cost of repairing or replacing America's deficient bridges at $41 billion. Aside from $7 billion worth of deferred maintenance that is needed, the outlay required to preserve the Interstate Highway System, which represents only 1 percent of the nation's roads, is estimated at $1.4 billion annually through 1991.

Unfortunately, these statistics, though somewhat known in Washington, nonetheless usually do not focus attention on infrastructure problems because of the more immediate demands placed on the Federal budget to meet the growing costs of current programs, especially entitlements. This is particularly true in a period of fiscal restraint. It may take a catastrophe to focus our attention on infrastructure problems.

Congressional efforts to evaluate spending priorities tend to ignore infrastructure needs, principally because the Federal budget does not distinguish between operating costs and capital expenditures. Past efforts to distinguish between these two categories have failed, largely because of criticism that doing so would result in large expenditures on public-works projects at the expense of more-immediate human needs.

In a new approach to capital-expenditures budgeting, the Government could neutralize this concern by mandating that national infrastructure needs be presented in the budget apart from operating expenses, while at the same time not requiring additional spending for them. Under this approach, infrastructure needs would be catalogued in the budget. This would enable Congress to set spending priorities with a clearer understanding of long-term ramifications, especially the consequences of failing to address crucial problems.

As part of its budget deliberations, Congress could attempt a conscious balancing of the Government's operating costs and national infrastructure needs. At present, projects are approved piecemeal, and this practice encourages the pork-barrel approach to decision-making.

The logical first step away from pork-barreling toward a more objective approach is to shift decisions about meeting infrastructure needs away from what has been a purely legislative process. Only the executive branch can provide a fully detailed analysis of infrastructure requirements nationwide so that an inventory of these needs can be juxtaposed against other budgetary requirements. At the same time, an assessment can be made of Federal, state, and local responsibility for various infrastructures.

At present, no single Federal agency is responsible for defining or monitoring capital investments. As a result, assets that are capital investments to some agencies may be considered current expenses to others—for example, Agency A may view new office furniture as a capital outlay, and Agency B may view it as a standard annual expense—despite the practice since 1951 of summarizing the investment, operating, and other outlays of the Government each fiscal year.

While the idea of writing a budget that incorporates capital expenditures has received a somewhat less than enthusiastic response in the past, largely because of the complexities involved, there is no reason why a more limited approach dealing specifically with

infrastructure needs could not be used effectively.

It is unfortunate that a large and growing number of communities find their economic revitalization efforts hamstrung because of the condition of their basic public facilities. This is a situation that cannot be overlooked by an economic plan dedicated to a "full investment" philosophy. It is difficult to foresee capital investment increasing rapidly unless the business community is convinced that a prosperous future is possible.●

CONGRESSIONAL CALL TO CONSCIENCE, VIGIL, 1982

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. LENT. Mr. Speaker, as this second session of the 97th Congress gets underway, it is imperative that we in the Congress intensify our efforts to combat the appalling rise in anti-Semitism within the Soviet Union.

Increasingly, those who seek the freedom to practice the religion of their choice in the country of their choice have incurred the vengeful wrath of the heartless regime ruling the Soviet Union.

For example the most recent report of the Union of Councils for Soviet Jews informs us that emigration of those Soviet Jews who are, grudgingly, permitted to leave Russia dropped below 10,000 in 1981, the lowest level since the inception of the Soviet Jewry movement more than a decade ago.

Still worse, anti-Semitism in the government-controlled media and professions within the Soviet Union has increased dramatically. Tragically, so have arrests of key activists. And heightened persecution and harassment have been brought to bear on all who have the courage to speak out for their rights.

With this ominous background, Mr. Speaker, I ask every one of my colleagues to join in a united congressional effort to assist the courageous men and women suffering from increased oppression in the Soviet Union. Join in our Congressional Call to Conscience, Vigil, 1982.

Mr. Speaker, it is my honor to be chairman of the Congressional Call to Conscience for this session. The effectiveness of our Vigil, 1982 depends upon the number of Members who join in speaking out in behalf of the thousands of Soviet citizens undergoing the cruelest sort of persecution for their religious beliefs.

I cannot overemphasize the importance of your participation. Your words do make a difference. I can testify to that from personal experience.

Last summer, I spent a most moving hour talking with my former prisoner of conscience, Hillel Butman. For more than 5 years I had campaigned for his release from a Soviet prison with letters, telegrams and personal appeals to both American and Soviet officials. Finally, the Soviets freed Hillel and permitted him to emigrate to Israel to be reunited with his wife and daughters. In our long conversation, Hillel kept emphasizing one point over and over again: Make certain that Members of Congress continue to speak out, as I had done, on behalf of the Soviet Jews still being persecuted and imprisoned in the Soviet Union. Hillel declared that this support from American legislators is of great importance and great assistance.

The same message came from my new prisoner of conscience, the "Guardian Angel of Moscow", Ida Nudel. Exiled to the bleak and desolate wastelands of Siberia for displaying a banner from her Moscow apartment demanding a visa, Ida still is fighting for her freedom. She managed to send me a postcard from the little village where she is serving her sentence. She told me to keep up the fight: "I ask you very much, in spite of things not going as we dream, don't give up. Be stubborn and you will succeed!"

Mr. Speaker, those words from a remote Siberian village should be the guidelines for all of us in this second session of the 97th Congress. We must not give up, even though things may not be going as we like. We must be stubborn and persistent, and do all that we can to speak out against the terrible suppression of human rights in the Soviet Union.

Mr. Speaker, I invite every one of my colleagues to share in our Congressional Call to Conscience, Vigil, 1982. Let 435 voices join in a powerful message to the heartless rulers of the Kremlin: This must not go on! The more of us who speak out, the more help we can give to those suffering in the Soviet Union.●

NEW GOVERNMENT IN FRANCE CONTINUES SUPPORT OF NUCLEAR POWER

HON. MARILYN LLOYD BOUQUARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mrs. BOUQUARD. Mr. Speaker, since the election of President Mitterand and the emergency of a new political majority in France, a reevaluation of that country's energy policy has taken place. This reevaluation culminated in a vote this past October on a national energy policy aimed at reducing the French energy consumption dependency on foreign supplies from the current 70 percent to 50 percent by the year 1990.

The newly adopted energy policy approves a nuclear program almost as vigorous as the program supported under former President Gisgard d'Estaing.

At an atomic industrial forum conference held this past November, Messrs. Pecqueur and Rapin of France presented a paper outlining the major goals of the new energy policy and in particular the role nuclear energy will play in providing additional margins of power supply.

It is envisioned that nuclear energy will provide 27 percent of France's primary energy needs in the year 1990 compared to 6.7 percent provided in 1980.

France's near-term energy plan indicates a 1990 installed capacity of 56 GWe to be provided by nuclear powerplants. This includes 30 units presently in operation; 26 units under construction; and 6 units to be ordered between 1982 and 1983. Plans for plant orders after 1984 will be revealed in a 5-year plan currently in preparation.

One advantage of nuclear power in France is economic. According to recent forecasts by Electricite de France (EDF), the price of nuclear power in 1990 will be only 48 percent the price of coal power and 28 percent the price of oil-fired electricity.

It is anticipated that among the results of the French energy plan for the nuclear industry will be increased competitiveness for exports. In addition, the potential exists for increased cooperation with the United States and other countries for work toward standardizing nuclear power units and perhaps eventually pooling resources in multinational ventures to build fuel cycle plants.

Mr. Speaker, a major aspect of the French energy plan that should be noted is the goal of obtaining better public acceptance by developing a "new citizenship" through greater dissemination of information to the public and the elected representatives, as well as sharing the decisionmaking responsibilities between local authorities, regional authorities, and the national government. This approach has resulted in favorable votes for restart of on-site work at nuclear plants which had been "frozen" until the new government's energy plan was finalized. This approach is in stark contrast to the approach of the Carter administration which we recently documented in ERP Subcommittee hearings on "Nuclear Public Information and Rational Public Policy Decisions."

Mr. Speaker, I am bringing these points to the attention of my colleagues to illustrate that a vigorous nuclear energy program can contribute significantly toward a nation's energy independence regardless of political changes.

In order to further understand how this rationale developed in France and to highlight several implications for

potential cooperation with the United States I am including the text of the paper presented by Messers. Pecqueur and Rapin.

A.I.F.—THE FRENCH NUCLEAR PROGRAMME: PERMANENT NEEDS AND POLITICAL CHANGES

(By M. Pecqueur and M. Rapin)

INTRODUCTION

During the twelve months which have elapsed since the last ANS/AIF Winter meeting, two major political events have occured, which had direct consequencs on U.S. and French nuclear policies:

Change of administration in U.S., following President Reagan's election;

New political majority in France, issued from presidential and legislative elections.

In both countries, President Reagan and President Mitterand expressed, as candidates, their intention to reexamine thoroughly the previous energetic and nuclear policies followed in their respective countries, and to modify them wherever they judge it appropriate.

In France, the reevaluation of the energy policy and of the nuclear programme started right after the parliamentary elections both at the governmental and parliamentary levels, and lasted until the national debate which took place at the parliament on last October 6 and 7. This debate was concluded by a vote approving clearly (331/67) the energy policy, and in particular the nuclear programme, which had been proposed by the government for the forecoming years. I would like to summarize briefly which are the characteristics of this energy policy, taking into account the French energy needs and the political context, and their consequences for the French nuclear programme.

FRENCH GOVERNMENT'S MAJOR GOALS

Economically speaking, the French government has fixed two major goals:

To increase the economic growth rate up to 3% in 1982 and to 5% in the following years;

To reduce the economic growth dependency upon the energy consumption.

These targets have led to propose an energetic programme which has been summarized by the Prime Minister, Mr. Mauroy, in three major items, when he opened the parliamentary debate:

to reduce France's energy dependency through an increasing energy resource diversification, where the priority is given to national resources. This implies notably a nuclear equipment which must be sufficient to avoid any energy shortage;

to develop a new approach to the energy problem by privileging energy consumption mastery rather than expanding production;

to develop a "new citizenship" involving a better information of each citizen on energy problems, and a real sharing of responsibilities between local authorities, regional authorities and national government.

REDUCTION OF FRANCE'S ENERGY DEPENDENCY BY A NEW APPROACH

Presently, the French primary energy consumption depends for 70% upon foreign supplies—notably 56% for coal, 98% for oil, 70% for gas—and it is aimed at decreasing this dependency down to 50% in 1990. To reach such a goal, the following efforts have been decided:

A quite large effort will be made to master both domestic and industrial energy consumptions. In spite of the economic growth rates which are aimed at in the forecoming years (3-5%), the primary energy consumption forecast for 1990 is only 232 MTOE, lower by 5% than the previous prediction (242 MTep), whereas the 1980 consumption was 192 MTOE. Energy savings issued from a more rational use of energy will be founded upon increased R and D work and will be achieved with new financial, institutional and regulatory means.

For what concerns the national energy resources, it is forecast to increase the coal national production with accepting to pay for it a limited overcost with respect to the mean value of imported coal: this overcost covers in some way insurance for independent coal supplies. As to renewable energies, it is aimed at multiplying by three their contribution to the energy balance between now—in 1981 they will amount to 3,4 MTOE—and 1990.

It must be underlined that optimization of rational energy use, development of coal production and consumption, and development of renewable energy resources correspond to two specific orientations choosen by the government:

they imply a largely increased effort in R and D: fundings will be multiplied by a factor three between 1981 and 1985;

they fit particularly well to a decentralized energy policy since they can be initiated and mostly achieved at the regional level.

The nuclear programme—described in more detail hereafter—will be continued on a high level in order to prevent the economy from any energy shortage by providing sufficient margins. Moreover this will keep to the French nuclear industry its efficiency and its competitiveness for exports. Finally, the following table provides a comparison between the 1980 energy situation, and the one which is expected for 1990:

	1980		1990	
	MTOE	Percent	MTOE	Percent (approximate values)
Primary energy needs	191.8	100	232	100
Coal	34.0	17.7	35–40	16
Oil	102.1	53.2	70–75	31
Gas	23.6	12.3	31–40	15
Hydroelectricity	16.0	8.4	14–16	6
Soft energies	3.2	1.7	10–14	5
Nuclear	12.9	6.7	60–66	27

One observes that globally speaking, the structure of primary energy consumption which is expected for 1990 is not far from the one forecast by the previous government: oil 30%, fossile resources 30%, nuclear 30%, renewable energies 10%.

FRENCH NUCLEAR PROGRAMME

Forecast installed capacity

It must be pointed out that during and after the legislative elections, two main nuclear policies were envisaged:

The large programme carried out by the previous governments and aiming at a 59 GWe installed capacity in 1990;

A significantly reduced programme, typically 39 GWe installed by 1990, proposed by a fraction of the Socialist Party.

Finally, the government decided, and the Parliament approved, a programme rather close to the previous one, in order to insure energy supply whatever could be the uncertainties on the other energy resources.

6 PWR units will be ordered by 1982 and 1983: 5x1300 MWe and 1x900 MWe instead of 9 units previously forecast for those two years: 6x1300 MWe and 3x900 MWe. This will lead to a 56 GWe installed capacity by 1990:

30 units presently in operation: 21.8 GWe (net)

26 units in construction: 28.6 GWe (net)

6 units to be ordered 1982-1983: 7.2 GWe (net)

6 units to be disconnected from the grid between 1982 and 1990: 1.6 GWe

Orders for next plants from 1984 onwards will be decided partly according to the 1984-1988 five year plan currently under preparation.

It is worthwhile to recall that all the PWR units are built by Framatome which signed in last April 1981 a new cooperation agreement with Westinghouse on the basis of equal partnership instead of the previous licensor to licensee relationship.

The first 1300 MWe station to be connected to the grid is being built at Paluel in West of France and will be in operation by 1984.

Fast breeder programme

The national energetic debate did not address the question of fast breeders, because no major decision has to be taken in the near future: according to the approach previously used to order Phenix and Superphenix, the decision for building future breeders will be taken after a one year period of Superphenix operation. Nevertheless two facts have to be mentioned:

Work on Superphenix site is going steadily, like for all power plants for which construction had started before the elections;

Design studies of Superphenix 2 units are continuing at a level of funding equivalent to those of previous years.

LWR fuel reprocessing

As stated by the Prime Minister during the national debate: nobody can assess that there is a better solution than reprocessing for irradiated fuels. Following the Parliament approval, La Hague reprocessing plant will be modernized and extended in order:

To guarantee an improved safety for workers;

To respect the reprocessing contracts signed with foreign partners.

A special scientific commission will examine all the problems related to irradiated fuel management and the work on site for UP3—specifically devoted to foreign contracts—will not start before 6 months.

FBR fuel cycle

As well known, fast breeders require a closed fuel cycle: this has been clearly achieved for Phenix where presently 73 subassemblies inserted in the core have been fabricated with plutonium issued from Phenix reprocessed subassemblies. Fuel fabrication and fuel reprocessing have been quite satisfactorily demonstrated at the workshop level:

At Cadarache for fuel fabrication where Rapsodie, Phenix and Superphenix fuels are fabricated,

At La Hague and Marcoule for fuel reprocessing (a total amount of 12 t-U + Pu- has been reprocessing until now).

As far as future plants are concerned for commercial size breeders, studies are going on by CEA and COGEMA in order to optimize plant capacity and time schedule for operation in order to minimize the FBR fuel cycle costs. Indeed one has to note that an intermediate capacity for a fabrication on reprocessing plant, i.e. corresponding only to 1 or 2 commercial breeders, must be ruled out from the economical point of view because of leading to unacceptable fuel cycle cost.

NEW PROCEDURES

If the nuclear programme defined by the government remains rather close to the previous one, the procedures which will be followed for its development have been significantly modified. These procedures reflect the will of increasing the citizens participation to the choices by:

Giving a better information both to citizens and to representatives in charge of decision-making;

Decentralizing the decisions;

Consulting the local and regional population through their representatives;

Controlling the nuclear development by parliamentary and administrative authorities.

This will be achieved by setting new consultative organisms at local, regional and national levels, and by increasing the role of safety organisms.

A typical example of the approach is given by the consultations recently made to restart the work on the sites which were frozen after the elections until the national debate.

Indeed, according to what was decided by the government, consultations are in progress to determine the opportunity of restarting the work on five frozen sites:

At the local level, in the parishes surrounding each frozen site,

At the regional level, if the local representatives are unfavourable to work restart,

Eventually in the parliament, if an opposition appears between regional and national positions.

As an example the following table presents the results of the local consultations for these five frozen sites and the partial results available up to now at the regional level:

Sites	Number of parishes concerned	Their votes (Yes/No/Abstentions)	Vote of the region
Chooz (4x1300 MWe)	14	8/4/2	
Cattenom (4x1300 MWe)	13	8/3/2	
Civaux (4x1300 MWe)	9	7/0/2	
Golfech (4x1300 MWe)	16	7/8/1	Yes (39/14); 21 abstentions.
Le Pellerin (4x1300 MWe)	12	5/7/0	Yes (62–16); 2 abstentions.

Incidentally, one can note that the proportion of parishes favourable to restart of the on-site work reflects rather well the proportion of citizens in favour of nuclear energy as expressed by a recent call-up: 62%.

CONCLUSION

French recent political events leading to a new majority have put in evidence that:

Due to France's energy situation, the national nuclear programme is practically independent of political changes;

A better public acceptance can be aimed at through larger information of citizens and elected representatives, and through sharing of decision making at various levels.

Finally, the nuclear energy relative contribution to the total energy consumption does not change significantly and the main change concerns the primary energy needs which should be reduced by a more rational use of energy.

In the same time, President Reagan's recent address on nuclear energy confirms the new administration will for restarting US nuclear programme. The convergence between U.S. and French views on the necessity of nuclear energy should help to revitalize nuclear programmes worldwide.

Convergences of view points on the necessity of developing nuclear energy should lead to an increased international cooperation which permit to spare national fundings to design standardized units, and eventually to pool fuel cycle plants between several countries.●

GROWTH OF SOVIET STRATEGIC SUPERIORITY

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. McDONALD. Mr. Speaker, If anyone still has any doubts as to our growing strategic vulnerability, they should read carefully the short study prepared by Mr. Igore Glagol'ev, a Soviet defector. It is a grim picture indeed. Soviet production lines continue to roll and it appears that no new American strategic weapons can be ready until 1985, if then. The study follows for the edification of those who feel serene as regards our national security.

GROWTH OF SOVIET STRATEGIC SUPERIORITY, 1976–85

	1976	1980
Unilateral reduction of U.S. strategic forces:		
Long-range bombers	419	347
SLBM's	656	576
Deployment in United States 1976–80:		
New ballistic missile submarines		0
ICBM's		0
New SLCM's		0
Antisatellite weapons		0
Antiballistic missile weapons		0
Soviet production of new strategic weapons, 1976–80:		
ICBM's		1,200
Ballistic missile submarines		22
SLBM's		900
SLCM's		3,200
Strategic bombers		145
Attack submarines		29
Additional strategic warheads		+4,000
Antisatellite weapons		Some

	United States	U.S.S.R.
Present Soviet superiority:		
Megatonnage of strategic weapons	[1] 3,500	[1] 18,000
Chemical weapons (tons)	42,000	350,000
Antisatellite weapons	None	Some
Strategic antiaircraft missiles	None	12,000
ABM defense launchers	None	32
Attack submarines	84	190

	1981	1985
Planned unilateral reduction of U.S. strategic weapons:		
Old long-range bombers (no new ones deployed)	346	272
Old ICBM's (no new ones deployed)	1,052	1000
Ballistic missile submarines	36	[2] 35
Planned production of U.S. strategic weapons:		
Antisatellite weapons		0
Strategic antiaircraft missiles		0
Probable Soviet production of strategic weapons, 1981–85:		
ICBM's		>1,000
Ballistic missile submarines		>20
Strategic bombers		>150
Additional strategic warheads		>4,000
Attack submarines		>30
Antisatellite weapons		Many

[1] About. [2] 4 new ones.

Note.—As a result, the Soviet Union will be able to put out of action the bulk of the American retaliatory forces by 1985.

Sources: The annual reports of the Department of Defense, "Soviet Military Power" (1981) and "The Military Balance" (London).●

NO, IT'S MORALLY WRONG

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. SHUMWAY. Mr. Speaker, the newspapers have recently carried several articles dealing with new regulations being developed by the Department of Health and Human Services to regulate the family planning programs conducted by the Federal Government. Most of these are carried out under title X of the Public Health Services Act.

It has long been my view that actions of the Federal Government in this area are extremely important, though not necessarily beneficial. Indeed, Mr. Speaker, it has been my observation that the current "epidemic" in teenage pregnancies correlates perfectly with the commencement and increase in the Federal funding of "family planning" programs.

That is so, I believe, because most of the agencies which have received Federal money to carry out family planning activities do so without any attention at all to the moral implications of sexual relations. Indeed, the majority of these agencies have gone out of their way to insist that they will make no judgments whatever about the morality of sexual relations for teenagers—or for that matter for adults, in whatever variety they may occur. Sex for teenagers, these agencies insist, is their own business. Our only job is to see that they do not get hurt, so we provide them with contraceptives, and abortions if they want them. What they want and do is their business, and none of ours.

The result, of course, is easy justification to adolescents to follow the demands of their physical natures. Thus the mushrooming rates of venereal disease, teenage pregnancy, illegitimate births, and abortion.

Mr. Speaker, the Washington Post columnist Colman McCarthy has recently written about the fatuousness of this approach. Mr. McCarthy, certainly not a Moral Majoritarian—though quite possibly a member of the Moral Majority—sees clearly that we have no hesitation in telling young people that it is wrong to shoplift, take drugs, or cheat in school, and asks why it is so hard for us to tell them that it is wrong to have sex at their age.

Mr. Speaker, I found Mr. McCarthy's comments very much to the point, as we think about the regulations soon to emerge from HHS, and I ask unanimous consent that they be printed at this point in the RECORD:

NO, IT'S MORALLY WRONG

As teachers of reproduction, the Planned Parenthood Federation of America has few peers. As counselors in sexuality, it has few ideas.

Nowhere is the difference better seen than in "Teensex? It's Okay to Say NO WAY." Last week the federation announced that the pamphlet has become a "best-seller," with 1.5 million copies distributed since publication in 1979.

No one can quarrel with the pamphlet's effort to "allay the hesitation and fear some teen-agers feel about saying 'no' " to sex. And no one can deny that the high rates of teen-age pregnancy, abortion and veneral disease have created a chaos in which it appears, as one social observer noted, "Our biological drives are several million years older than our intelligence."

The intellectual failure of Planned Parenthood is that it provides no moral context for the discussion. The ethical teachings of history's moral leaders on promiscuity are ignored. Instead, teen-agers are spoken to in pitter-pat. The federation counsels them not to be taken in by the line "C'mon, everybody's doing it." They are told the "only question is: What's right for you?" They are advised that sex won't cure loneliness, prove independence or increase popularity.

But they aren't given moral guidance—that sexual looseness violates moral codes representing the collective integrity that has endured throughout history. They aren't told that chastity and abstinence for adolescents are values honored in all the world's major religions.

That groups like Planned Parenthood avoid the moral context of human sexuality is an easy out: the kids might call us prudes, they might tell us to peddle our Victorian hangups elsewhere.

Such hesitation vanishes when we tell the young that it is morally wrong to shoplift, to take drugs or to cheat in school.

Schools and public service agencies that don't hesitate to impart these value-laden strictures lose their nerve in sexual education. Some schools see themselves as forward-thinking merely to be giving courses in sexual technology. Others go further and join the Planned Parenthood effort to provide value-free counseling.

But it's not enough. It leaves the young floating free. One way or another, they are being sexually educated all the time—at the magazine back, by films and television, by advertisements that depict Joe Namath or Brooke Shields hawking suggestiveness.

With human sexuality being "taught" in this kind of cultural explosion, the chances increase that the young will make sexual decisions based on ignorance. If a group like Planned Parenthood, which puts itself forward as an "advocate of reproductive rights for everyone," is tepid about discussing moral codes, the young are that much more vulnerable to reactionary moralizers at the other extreme. These are the book-banners and finger-pointers who in their Thou-Shalt-Not crusades offer nothing more than railing against America the New Sodom and Gomorah.

Caught in the middle and supported by neither the pamphleteers of Planned Parenthood nor the New Puritans passing their "family life" laws, are educators like Mary Lee Tatum. For the past nine years, she has been teaching a seminar in human sexuality within a value framework at George Mason High School in Falls Church. "The students really want to talk about morals and values," she says. "They are eager to discuss why they do things and the consequences of their behavior, romantic and sexual. In the classroom, I try to create an excitement about developing one's values.

Every high school in the country should have a teacher like Mary Lee Tatum. She understands that a moral perspective is as needed a form of prevention against unwanted pregnancy and venereal disease as a knowledge of birth control, fertility and anatomy.

For the unmarried young, it's okay to say, "no, it's morally wrong."●

WORKER SAFETY IMPROVEMENTS SET OSHA BENCHMARK

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. GAYDOS. Mr. Speaker, figures on job-related fatalities, injuries, and illnesses in the United States in 1980 became available late last year, and all fell simultaneously for the first time in 5 years.

In this development we are doubly fortunate.

The first good fortune touches on human and economic values—hundreds of thousands of workers were spared—and the second on evidence and political judgment.

As the current controversy over the economy shows, events rarely develop in ways that furnish a clear benchmark against which to judge changes in governing attitudes.

But these 1980 figures from the Bureau of Labor Statistics (BLS) mean just such a reference exists for the Occupational Safety and Health Administration (OSHA).

As 1981 began, a new administration and a new attitude took hold at OSHA, and the deregulators and the new managers began to throw out the old ways of doing things just as fast as the rules of procedure would let it happen.

But in the figures for 1980, we have a clear picture of the result of doing things the old way, and this decline in fatalities, injuries and illnesses is the line between old and new; it is clear and unmistakable.

For the record, Mr. Speaker, the BLS figures indicate that the much-criticized old ways of attaining occupational safety and health brought about the following results:

A fall in occupational injury and illness from 9.5 cases per 100 full-time workers in 1979 to 8.7 in 1980; a fall in fatalities from 8.6 per 100,000 workers to 7.7; a fall in the lost workday incidence rate from 4.2 to 3.9; and a fall in injury rates in all size categories for industry.

The BLS said this meant: 500,000 fewer job-related injuries (or an adjusted 400,000 fewer if you accept the finding that 20 percent of the decline was due to fewer hours worked in 1980); 200,000 fewer injuries involving lost workdays; 1,700,000 fewer lost workdays; and a decline by 18,700 in new occupational diseases diagnosed.

Congress put OSHA in business in 1971, and since then, the injury rate and lost workdays have been points upon which critics have fastened their jaws.

To those who contended the injury rate made the drive for occupational safety and health a failure, I say, I disagree because the task was tremendous in scope, and the rates fell, in fact, as a result of the effort.

These BLS figures cover just about everything anybody does to make a living in the United States, and all credit for the general reduction cannot go to OSHA because other agencies and jurisdictions are involved.

But the main share of the responsibility—and all of the criticism—was assigned to OSHA, and so should be much of the credit.

The policies, practices, standards, and enforcement that brought about this decline now are undergoing administrative reevaluation and modification.

As chairman of the Subcommittee on Health and Safety, I welcome the clear demarcation between the old and the new, as should all who are interested in worker health and safety.

Congress should keep in mind this success that OSHA has had, as should those tempted to replace the now-proved with the untested.

SISTER CITIES OF SACRAMENTO AND MATSUYAMA PROMOTE UNDERSTANDING

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. MATSUI. Mr. Speaker, it is a pleasure to bring to the attention of my colleagues an outstanding example of international goodwill that has developed between the capital city of the State of California and the capital city of the Ehime Prefecture of Japan.

The cities of Sacramento and Matsuyama last year entered into a formal agreement to share "sister city" status, an affiliation which gives citizens of each community a unique opportunity to broaden their understanding of the cultures of our two great nations.

These sister cities have much in common. Both are superbly positioned between the sea and the mountains, sharing qualities of tremendous natural beauty. The official flower of each is the beautiful camellia; both communities proudly hold annual camellia festivals.

Though Sacremento and Matsuyama are separated by 6,000 miles, a close bond of friendship is developing, both at the official levels of city government and among individual citizens.

A number of exchange visits have already occurred, including a visit to Sacramento last August by Matsuyama Mayor Tokio Nakamura and 26 other citizens of his community. Mayor Nakamura joined Sacramento Mayor Phillip Isenberg in signing the document officially declaring the sister city arrangement.

I would like to take this opportunity to formally commend an outstanding member of the Sacramento communty, Dr. Virginia S. Mueller, for her leadership in helping to establish and continuing to promote this excellent civic enterprise. Dr. Mueller serves as president of the Sacramento-Matsuyama Sister City Corp. and has represented Sacramento in travel to Matsuyama.

I would like to urge my colleagues to consider promoting sister city arrangements between their own communities and cities throughout the world. Establishing these bonds of friendship can contribute immeasurably to international understanding.●

AN AWARD WINNING SPEECH

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. DYSON. Mr. Speaker, an article by Kathleen Jarboe, in the Afternoon Delight of St. Mary's County, Md., provides an interesting perspective on America today. The freedom of expression which we hold dear in this country can not be taken for granted. I insert this article, as a sign that all the people of the United States have a responsibility to let their voices be heard and help shape the course of this great Nation.

The article follows:

VOICE OF DEMOCRACY

Together we build America—this is an obvious statement. We know whatever America becomes, it will be the sum total of her people. So together we build America. What will we build? What is the ideal America?

If I took a dozen people, and asked them each to build a common place object, in the end I would have twelve different and unique objects. All would be correct, but all would be different because they were created by different people, with different views of the end goal.

What then, is our goal? Is it peace? Is it a better education for our children? Is it a better economy? Is it freedom? Is it all of these things? And if so, how do we see achieving them? How can we know? Without communication we cannot.

That is why the freedom of expression is so stressed in our nation; because it is not just a freedom to take or leave, but a duty. It is our duty, to examine what we believe and communicate that to others, in order to make a better defined picture of our goal.

Our views for America are comparable to a vector, which represents a force with its own direction and magnitude. If I took a graph with thousands of vectors on it, only one vector would represent the sum total. If just one vector were added, the major vector would change. Just as every vector has an effect or the ultimate direction and magnitude of the major vector, so all expressed views and concepts have an influence on the direction of society. It is impossible, then, to know our true goal for our nation, without everyone willing to express themselves and be heard. Americans mustn't fear the freedom of expression. In a democracy, no one can afford to fear speaking out or having others be open with their opinions. We must have faith that the final vector and final direction of society will be one of a positive force. We must have faith in one another and we must be worthy of the faith of others.

As within an independent organism, the cells are interdependent, so within our independent nation we depend upon one another. And just as within that organism each cell must continually send out impulses, so must each of us, as citizens, continually express and communicate our ideas, views and opinions of our goal. There are millions of cells within a body and millions of people within our nation. Yet, it takes only one cell to stop functioning properly, to stop giving impulses, to cause a cancer to develop. It takes just one person to stop communicating, to cause a mutation in our society leading to a cancer of indifference. This is what we must fight and the most effective way is to prevent it within our individual selves. If we each do our part, use and express our own unique way of seeing things, our goal will be clear. Then we can unite behind that goal, building together the America within us all.●

ECONOMIC RECOVERY AND THE SPACE PROGRAM

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. FUQUA. Mr. Speaker, on Saturday, January 23, 1982, the Washington Post printed an editorial entitled "The Savaging of the Space Program." I was particularly interested in the editorial for two reasons: First, because of my longtime interest in space, and second, because I had recently received an informative letter from the author of the editorial, Prof. Michael E. Lipschutz of the Purdue Chemistry Department

The administration has announced its intention to cut back NASA's planetary program through which Voyagers I and II have brought us the marvelous pictures of Saturn and Jupiter, and Professor Lipschutz clearly describes the impacts this will have on his and similar research efforts. The cuts are presented as part of a program for economic recovery, but I have serious reservations that cutting such programs will help such a recovery.

A major tenet of the theory behind the administration's plan seems to be that an increase in confidence in the future will lead to greater investment and subsequent industrial activity. But the cutting of programs such as NASA's planetary exploration activities is not consonant with the theory. Such cuts turn away from the future; they represent a denial of investment in people and the development of their competences; they destroy the momentum of teams of researchers working for the benefit of all of us. Professor Lipschutz' editorial refers briefly to the talents his program has developed, and their fruitful use in private industry. The letter which Professor Lipschutz had sent me goes into more detail about how scientists trained in his program are employed in industry. The letter together with the editorial show how these cuts are likely to work against, not for, economic recovery.

At this point, I want to pause for a moment to discuss an argument often made against basic research. The argument goes something like this—if industry really needed these new techniques they would just develop them; or they would pay someplace like Purdue to develop them. So why do we need a planetary program and other basic research? The answer is so simple as to be almost tautological: If industy knew what to do, in each specific case, they would do it. Often they do not know what to do. The valuable and efficient principle of maximizing profits means that almost all industrial staff are focused on their existing processes and technologies and clearly forseeable improvements to them. If a new direction is needed, involving a fundamental improvement, it is likely to come from outside. History records this again and again.

So there is a need for vigorous programs exploring and creating new science and technololgy as a seedbed for innovation. Economic recovery is not merely a matter of statistics and correlations. There needs to be new, real, substantial economic activity. Shuffling hollow numbers may hide problems for awhile, but if there is no creation of new wealth, the shuffling eventually will be revealed as merely cosmetic. The technology Professor Lipschutz creates leads to a real increase in our wealth.

Surely, there is a need to get the Government off the backs of the people, but we must have the understanding to realize that not all Government programs are burdens.

Mr. Speaker, because I believe that the editorial and letter by Professor Lipschutz will help us achieve this understanding, I include them in the RECORD for the benefit of all Members.

PURDUE UNIVERSITY,
DEPARTMENT OF CHEMISTRY,
December 14, 1981.

Hon. DONALD FUQUA,
Chairman, Committee on Science and Technology, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing at this time to offer some information which, I believe, should be considered in your deliberations on the FY 1983 NASA Authorization Bill. Essentially, I argue that a generally unrecognized by-product of basic research in the Space Sciences are new Ph.D.'s. Because of the nature of their training, these Ph.D.'s are extremely valuable and are eagerly sought for research and production activities in modern high-technology industries. I describe some specifics below.

Since 1965, when I joined the Purdue Chemistry Department, I and my research group spent a considerable portion of our efforts on developing accurate and sensitive techniques for analyzing certain metals present in stony meteorites in extremely low or ultratrace concentration levels. Today, we are the only group in the world carrying out such analyses. The most important part of this research from our standpoint is the coherent interpretation of the analytical data to understand the formation of solid objects in the solar system. Thus the dozen or so Ph.D.'s who have gone through my laboratory have had to learn (and develop) new techniques and, more importantly, a way of thinking about chemical processes in the world as it exists, not as it appears in a "clean" laboratory system.

Today, most of my former students are not engaged in space research but, rather, are in industrial laboratories, using their knowledge and talents in such diverse projects as the production of solid-state devices and petroleum exploration. For example, one who obtained his Ph.D. in 1981 is the process control chemist for the production of large-system computer circuit boards and of high-purity silicon chips for an IBM plant in New York. His job is to set up and supervise the operation of complex, continuous flow analytical systems to assure that solid-state devices being produced contain appropriate amounts of necessary trace constituents and are free of others that would degrade the performance of these devices. Another, who obtained his Ph.D. in 1978, is using trace elements geochemistry in petroleum exploration. Certain trace elements are known to be geochemical markers of the presence of petroleum, as may be other chemical characteristics. This former student established a trace element laboratory for Shell in Texas and is engaged in analyzing drill cores for known and possible markers of petroleum. His geochemical knowledge and some of the techniques he uses were established during his Ph.D. research.

I could cite other analogous cases but these two should suffice. Essentially as the result of basic research in Space Science, scientists have been acquired unique knowledge and techniques which are being applied to modern-day, high-technology industrial problems. They could not have acquired this training in any other way and such training is, today, very rare. Indeed, within the past two months recruiters for three other companies have visited my laboratories asking to speak to my current students who are within three years of completing their Ph.D.'s. These companies have needs now but cannot fill them.

In the past 5-6 years, funding in the Space Sciences and in other areas have been cutback so severely as to cripple basic research. I appreciate that in these economic times, all budgetary requests must be evaluated even more carefully than in the past. The intent of the Administration proposals for FY 1983 is for economic recovery. However, if they are enacted, they will complete the destruction that other Administrations began. I, for one, and others will be forced to terminate our research activities. Who, then, will train new Ph.D.'s to participate in and, indeed, create this economic recovery?

I believe that this is a critical juncture in history. The economic needs of our Nation in both the short and long term argue for immediate increased funding for basic research—not constant, reduced or no funding. These last are equivalent in my judgement; the only question is how rapidly will occur the destruction of our ability to produce personnel with the knowledge and training necessary to sustain or improve our advanced technological base. I trust that you will include this in your consideration of the FY 1983 NASA Authorization Bill. If I can be of any help, please feel free to call upon me.

Sincerely,

MICHAEL E. LIPSCHUTZ,
Professor and Head of Inorganic Chemistry.

[From the Washington Post, Jan. 23, 1982]

THE SAVAGING OF THE SPACE PROGRAM

(By Michael E. Lipschutz)

WEST LAFAYETTE, INC.—Last month I sat down with my research staff—eight talented young scientists—and told them what the latest round of proposed cuts in space-science funding will do to their careers. It was a somber meeting.

On Dec. 2, President Reagan's science adviser, George Keyworth, indicated the administration plans to cut back NASA funding so severely that early in 1983 the United States will no longer have a Solar System Exploration Program. The public is most familiar with this program through such missions as Voyager I and II that passed the planets Jupiter and Saturn and are now en route to Uranus.

Under presidents Ford and Carter, space-science funding was curtailed, and this, coupled with inflation, removed all but the barest bones from the Solar System Exploration Program. The program cost $175 million for basic research in fiscal 1981—about 88 cents per person in the United States. NASA directed $9 million of that sum to the Planetary Materials Program, which supports all studies on meteorites, lunar samples, cosmic dust and even some terrestrial samples. What the present administration proposes would destroy even these bare bones.

Please understand that research money is not parceled out arbitrarily. Only the best science can be and is funded. Scientists in U.S. universities and research centers submit proposals describing their research and its significance to NASA. NASA in turn sends these proposals to experts for evaluation.

My research program passed all of these hurdles, and for the past few years my research group conducted research on meteorites and lunar samples for about $73,000 annually. What were these funds used for? They were used to pay salaries to those students I talked to; that is, for graduate students doing research for their PhD degrees, for co-workers who already have PhDs but want to learn new techniques and approaches, and for a small portion of my salary. These funds bought chemicals and equipment. In other words, the money was spent on Earth, in the United States.

What did these funds produce? They produced a lot of knowledge on the genesis and evolution of solid objects during formation of the solar system, on the behavior of matter at high temperatures and pressures, on the nature of the solid state and on the Antarctic; they could produce a lot more knowledge. I won't dwell on this because the absolute worth of knowledge is incalculable. I will point out, however, that these funds led to the discovery of two processes; a method for producing industrial diamonds artificially, which is being used in this country and abroad, and a technique for extracting elements from the earth or in space that ultimately may prove very useful.

Knowledge gained was taken to the classroom, where undergraduates learned that science can be understood and applied. Finally, the funds led to the production of about 10 students with PhD degrees. Today, most are working for such companies as IBM, Shell and Procter and Gamble, not in space research. These former students are using the knowledge and techniques they learned at Purdue to produce better solid-state devices, develop improved catalysts for chemical reactions and explore energy sources.

In anticipation of the administration's termination of Solar System Exploration, most research grants for fiscal 1982—my own included—have been cut severely. Some were terminated. All of these grants survived intense scrutiny and all were deemed to be very important scientifically. Officials in NASA and the National Science Foundation are trying desperately to keep as many productive groups as possible functioning at a "starvation level" this year in hope that public pressure will cause the administration to reconsider its decision to terminate Solar System Exploration.

If nothing is done now, solar-system exploration is dead in this country, at least for the next few decades. It will cost much more to resurrect this program later than to continue it now. Worse still, the United States will have handed over world leadership in space to others.●

PRESIDENT'S STATE OF THE UNION LEAVES MANY QUESTIONS UNANSWERED

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. WON PAT. Mr. Speaker, speaking as chairman of the Subcommittee on Insular Affairs, I have to publicly express my concern over portions of President Reagan's state of the Union address.

Let me add, however, that the President deserves our applause for his efforts to tackle a number of serious problems facing this Nation. I have never questioned Mr. Reagan's sincerity nor his desire to keep America strong. He has proven himself to be an able leader who has confidence in his programs and his goals.

I only wish I could share some of his confidence in the goals he is pursuing. I do share his deep concern over the manner in which we manage the taxpayers dollars. Clearly, something has to be done to control rampant spending and Government waste. President Reagan has made a laudable start in these directions, yet I sincerely question whether his destination is where this country should be heading.

There is nothing wrong with turning over control for many programs to the States. I have the utmost confidence in the ability of local communities to address their needs on an individual basis rather than trying to meet the standards set by Washington. But I do not think that we are going about this in the right manner nor do I believe that we have really thought through what we are committing this Government to do in the next few years.

This fact is extremely important to the Nation's poor and my own constituents who have, for better or worse, come to depend on the Federal Government for a large part of their local governmental support. No one I know likes welfare. We on Guam certainly find it contrary to our traditions, nor do we like to be heavily dependent on the U.S. Government for so much of our local funding for various programs. But this dependence is based on many factors, not the least of which is a lack of viable alternatives.

The President's state of the Union address does not indicate in any way how he intends to deal with the nearly 4 million Americans who live outside the 50 States. While I certainly understand that he has many pressing problems, until I see more information, I must remain alarmed over the possibility that the U.S. territories will suffer a disproportionate reduction in Federal spending and Federal logistical support at a time when their local economies are daily sinking into an abyss of despair.

I am equally disappointed with the failure of the President to enunciate a new policy toward the Pacific. He is deservedly proud of the work this administration has carried on with developing a Caribbean initiative. This is essential to the U.S. long-term interests in the Caribbean. It is regrettable, however, that my calls for a Pacific initiative have not been adopted. This Nation is a Pacific power. We should have learned in World War II that we cannot afford to ignore events in the Pacific. Yet, I believe that we are doing just that, preferring instead to turn our attention to an area filled with crisis when we could be acting now to prevent similar events in the Pacific.

This administration has used a number of buzz words such as waste, fraud, big government, strong defense, quite well in gaining public support. But without a sound policy designed to help Americans who are locked in a system they did not ask for or design, is asking for trouble down the road. Cutting spending may sell with the voters until they realize that many of the things they have found to be essential are gone. I ask Mr. Reagan on behalf of the territories just what are the alternatives you propose for us? You are absolutely right in demanding responsible Government. But responsibility is a two-way street. I believe that Americans in the territories are willing to be responsible. But they also want to know that Uncle Sam has not abandoned his responsibilities in the process.●

NUCLEAR ENERGY POLL

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. MARKEY. Mr. Speaker, if ever there were any doubts about the growing public distrust of nuclear power, a recent opinion poll conducted by the Associated Press and NBC News makes it crystal clear that nuclear power no longer is viewed as a safe answer for our energy problems.

The poll, conducted November 16-17, with a sampling of 1,602 adults, found that a majority of the American public—56 percent—does not approve of construction of more nuclear plants. This opinion was the reverse of findings 4½ years ago, when nearly two-thirds of those polled favored new nuclear power facilities.

Here are the questions asked in the poll and the breakdown of responses in both the November poll and a similar poll in June 1977:

NUCLEAR ENERGY

Do you think the future energy needs of the United States would be better served by expanding nuclear power, or would they be better served by more conservation and expansion of other energy sources?

November 1981:

Expanding nuclear power, 18 percent.

More conservation and expansion of other sources, 63 percent.

Both (volunteered), 8 percent.

Not sure, 11 percent.

Do you think that more nuclear power plants should be built in the United States, or do you think they should not be built?

November 1981:

Should be built, 32 percent.

Should not be built, 56 percent.

Not sure, 12 percent.

June 1977:

Should be built, 63 percent.

Should not be built, 25 percent.

Not sure, 12 percent.

Would it worry you to live within ten miles of a nuclear power plant, or wouldn't it worry you?

November 1981:

Would worry, 58 percent.

Would not worry, 35 percent.

Already live near one (volunteered), 5 percent.

Not sure, 2 percent.●

NATIONAL TELECOMMUNICATIONS CONSUMERS BOARD ACT

HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. MOTTL. Mr. Speaker, there can be no doubt that the proposed settlement of the Department of Justice's antitrust suit against A.T. & T. is good for A.T. & T. and its shareholders. Under this agreement, A.T. & T. is being permitted to run off with the "cookie jar" and leave behind the crumbs for the local operating companies. That "cookie jar," containing such things as long distance, the Yellow Pages, pay phones, and WATS, was paid for by ratepayers who are entitled to compensation.

The Justice Department has chosen, through this proposed agreement, to protect the financial security of A.T. & T. without providing equal assurances for the financial security of the average residential telephone consumer. This action illustrates vividly the need for these residential telephone consumers to organize on their own behalf and raise their collective voice about the Nation's telecommunications policy.

The Justice Department's antitrust division is not the only vanquished victim that has fallen before the mighty Bell giant. The members of the Federal Communications Commission who decided to grant A.T. & T. everything it asked for last year in approving a 12.75 percent rate of return have been little more than marionettes dancing to strings deftly maneuvered by Bell. The videotape of this FCC rate proceeding which was made public as a result of my request showed what a cruel joke the FCC has become in its dealing with A.T. & T. I filed a petition for reconsideration of this outrageously high rate of return with my colleague ED MARKEY of Massachusetts but the FCC reviewed the petition and conveniently decided it had been right all along. A GAO report released last year also blasted away at the FCC's ineptness in fulfilling the functions delegated to it by Congress. I chaired a telecommunications field hearing in Cleveland, August 18, investigating Bell's pricing of equipment and services and I found that Ohio Bell had run roughshod over the Ohio Public Utilities Commission in getting approval for its migration strategy. Migration is a marketing policy that forces Bell customers to buy expensive new equipment even when they don't want to. It's plain to see that consumers need more protec-

tion in telecommunications matters than they have been getting.

I am today introducing a bill which, when enacted, will enable consumers to have such a voice. This bill, the National Telecommunications Consumers Board Act, authorizes the creation of a not-for-profit corporation which will represent solely the interests of residential telephone consumers. It will provide such representation at no cost to the taxpayers, nor will it create any Government bureaucracy. Instead, the legislation permits the consumer corporation to invite consumers to join it through enclosures sent along with monthly telephone bills. This piggybacking procedure allows the corporation to keep its own mailing costs to a minimum and does not increase the mailing costs to the telephone company. It is an efficient mechanism for using the extra available space in the billing envelope. Furthermore, it is a small request to make when compared to the impressive arsenal of successful enterprises A. T. & T. has developed at ratepayers' expense.

Today, we hear more and more about how Government can no longer pick up the tab for providing consumer services. The supplysiders tell us that it is time for private enterprise and individual effort to reclaim functions usurped by Government. These individuals should be pleased by the legislation I am introducing today. It provides for no Government handout. Instead, the bill demands that the consumer corporation stand or fall upon its own enterprise. It must raise its own funds, govern itself (through a board of directors elected by the membership) and pay its own way. If it fails in the marketplace—it will not survive. If it succeeds, consumers will be well represented at no cost to the taxpayers, the telephone companies, or their shareholders.

I call upon all Members of Congress, both liberal and conservative, to give this bill their serious consideration. It provides an inexpensive and efficient mechanism for giving consumers a voice in the Nation's telecommunications policy and deserves to become an integral part of any telecommunications legislation enacted by Congress.●

DWANE L. WALLACE, RECIPIENT OF 1981 WRIGHT BROTHERS MEMORIAL TROPHY

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. CLAUSEN. Mr. Speaker, as many of my colleagues are aware, the recipient of the 1981 Wright Brothers Memorial Trophy was Dwane L. Wallace, previously the president and then chairman of the board of the Cessna Aircraft Co.

This award is annually presented to an individual who has made outstanding contributions to the advancement of aviation and space flight and Mr. Wallace's credentials clearly demonstrate that he is truly one of the great pioneers in the aviation industry.

His many engineering, management and leadership skills have played a large part not only in the development of general aviation but have also contributed to the advancement of air transportation at home and abroad.

Because this award recognizes one of the giants of the aviation industry, I believe his remarks on receiving this award should be printed in the RECORD. In this way, not only will Mr. Wallace be further recognized for his contributions but his views and insights on the problems facing aviation today will be made available to my colleagues and the public at large.

Among the major problems Mr. Wallace mentions are the continuing loss of more and more airports throughout the country. The lack of adequate reliever airports in many areas and the need for a concerted effort to open up military facilities to joint civilian use wherever possible.

I agree with his assessment of these problems and as ranking minority member of the Public Works Committee, I and the rest of my colleagues have attempted to address them in H.R. 2643, the Airport and Airway Improvement Act of 1981.

If adopted, this legislation would substantially increase Federal funding for reliever airports as well as require a joint DOD-DOT report to the Congress on the feasibility of opening up military airfields to civilian aircraft. In addition, the bill would greatly enhance the integrated airport system concepts which I have been advocating for many years.

By encouraging the joint planning of airport improvement projects in our metropolitan areas, we can assure that all development undertaken will be consistent with local needs, provide access to the community for all segments of aviation and assure that sufficient capacity will exist in the future to safely accommodate the growth of the aviation industry.

I would like to again extend my congratulations to Dwane Wallace for receiving the award and commend his remarks to you, a copy of which is presented below:

REMARKS OF DWANE L. WALLACE

I am very proud to receive this great honor. This recognition is beyond anything I ever envisioned.

We all wonder at times if we were born 30 years too soon or 30 years too late. After reflecting on this, I consider my timing very fortunate—because it spans the era from the "jenny" to the jet. Even more meaningful to me personally—it spans the era from the 1934 Cessna Airmaster to the Cessna Citation III—which will soon be certified at cruising speeds up to mach .83 and altitudes up to 51,000 feet. It also spans the period from the first general aviation airplanes—then just a novelty associated with exhibitions at county fairs and barnstorming—to the present position of the industry. General aviation airplanes are now a vital and established part of the world-wide air transportation system.

Progress in general aviation has been very gratifying to all who have been involved—but, I think the past is just a prologue—because the future is where the real excitement and real progress lies.

The industry has experienced problems of one kind or another over its entire history—they all loomed large at the time—but, solutions were found and progress continued. Just in recent years, the oil embargo of 1973, and only awhile back, the fuel shortages. At the moment, the air traffic control situation is of great concern. I have great confidence in the present management of the DOT and the FAA, and I am sure of their awareness as to what caused this unfortunate situation. They recognize there were two sides to the coin—and both sides were tails. But, with the cooperation, input, and patience by all—this, also, will pass—and we will end up with a greatly improved and more efficient system. I guess I have always been the proverbial optimist—maybe that is the reason I stayed in aviation—and, I do not plan to change at this point in life.

But, an old problem continues to haunt us—one that we have talked about for years and done far too little about. That is the problem of the disappearing airport. It is a serious situation and should be our highest priority—now and long term. Airports are the key item—for the continued accelerated growth of air transportation—which is—general aviation and the commerical airlines. And, I submit to you, the economy of this country and the world is heavily dependent on a viable air transportation system.

It is no mystery why privately-owned urban airports are disappearing. Urban growth is surrounding them and airport owners are being besieged by real estate developers who are willing to pay a premium for airport land as locations for commercial and residential projects.

In the meantime, airport property taxes have been driven up, and inflation is running up operating costs. The airport owners face a tough economic decision—and, many are deciding to sell the land and take their captial gains. So, these airports are gone forever—and good, convenient locations for new ones are becoming extremely difficult to find.

Let's take the Chicago area as a case in point. I select Chicago because the flow to and from O'Hare affects the air traffic from coast to coast. All other hub areas have similar effects but only to a lesser degree. Reliever airports in all these areas are vital and we just cannot afford to lose another airport. In the Chicago area, Sky Harbor, Chicagoland and others are gone. Only Pal-Waukee, Dupage, Midway and Meigs remain as viable relievers. Meigs was only recently threatened to be byrne'd out—that is spelled by' not bu.' Pal-Waukee, ideally located, just 7 miles north of O'Hare, is privately owned. This airport, like scores of others in big city areas, requires urgent and immediate attention—not next year or the year after—but now.

With 3-billion unallocated in the Airways and Airport Trust Fund—generated by airline ticket tax and general aviation fuel

tax—money is available to solve the problem. Spending a small part of these funds would not only save these airports—but, upgrade them for more efficent use.

I believe general aviation is willing to continue paying a fair and reasonable fuel tax to assist in funding the solution of this critical problem—long term. Opinions expressed here tonight are strictly my own. So, I will express another—general aviation fuel taxes could be two-tier—one for aviation gas and one for jet fuel. It is logical and it is justifiable.

Now, Back to Chicago—Glenview Navy Airbase—only 7 miles northeast of O'Hare, is prime location, like Pal-Waukee as a reliever airport. Every time I fly into the Chicago area, this fine airport at Glenview seems almost deserted. In my judgment, it is long past due that it serve as a joint-use facility.

There is a significant number of military bases throughout the country that should be joint-use airports. We have talked about this for years—it is time to quit talking and act.

Everything I have spoken to and about airports will be a big asset to the military—because it will give them greater flexibility, especially in a time of emergency.

Interfaced with my comments about airports is the growing, nagging problem of curfews. It is amazing how an airport attracts developments like a magnet—by the way, this must also prove to the worst skeptic that an airport is a public benefit.

Then it seems like the day after they move in the phone rings and they are complaining about the noise. I never could figure out these people—but, it happens every time. While we continue our efforts to educate the airport's neighbors, we also should keep looking in the mirror. These tail-pipe jets and high-tip speed props are "ear splitting"—let's face it. We should stop dragging our feet—we have known the answer for a long time—it is fan jets and slower turning props. I might add that the military share in this responsibility—the KC-135 is a prime example. Fan-jet engines would not only make them acceptable neighbors, but, also would save a bunch of fuel. I hope we work harder at both ends of the noise problem.

I have great concern about the subjects alluded to here tonight. I am convinced that general aviation will do its full share in the job of moving forward to their timely solution.

In accepting this honor tonight—it must be shared fully with all the wonderful people I have worked with at Cessna for almost 50 years. At the beginning only a few—at the end of the first year, a total of 7—but, now many thousands in the Cessna plants and in the dealer organizations . . . and I must share it fully with the wonderful woman who has worked with me from those early days, my wife, Velma.

I want to thank all the people here tonight for having taken time out of their busy schedules—many traveling long distances—to be here. Velma and I will be forever grateful—we are highly honored by your presence.●

COL. FLOYD J. THOMPSON, U.S. ARMY

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. WHITEHURST. Mr. Speaker, on Friday, January 29, 1982, in a quiet ceremony in the Pentagon the Secretary of the Army awarded the Distinguished Service Medal to Col. Floyd J. Thompson, USA, in appreciation for his 25 years of service to this country as an Army officer. Colonel Thompson has the distinction of being this country's longest held POW returnee.

After his return from Vietnam, Colonel Thompson devoted his efforts to improving the Army's survival training and leadership programs. He was instrumental in developing modifications to the Military Code of Conduct, in the hope that others would gain from his experience. Unfortunately, a dibilitating stroke has brought an end to what he had hoped would be a full 30-year Army career, and he was medically retired effective December 31, 1981. The Army and the country have lost the services of a true American hero, and I extend my deepest appreciation to Colonel Thompson for his service, devotion, and sacrifices in the name of this country's defense.

I would like to share with my colleagues the citation that accompanied the Distinguished Service Medal which was awarded to him, along with Colonel Thompson's remarks on that occasion. I think that his comments are both appropriate and inspiring.

The President of the United States of America, authorized by Act of Congress, July 9, 1918, has awarded the Distinguished Service Medal to Col. Floyd J. Thompson, Infantry, U.S. Army for exceptionally meritorious service in positions of great responsibility:

Col. Floyd J. Thompson dsitinguished himself by outstandingly meritorious service to the United States Army while serving in a series of assigned duties which clearly demonstrates distinguished performance during the period December 1963 to December 1981. During this period, Colonel Thompson served as a Special Forces Detachment Commander at Fort Bragg, as a Deputy Director of the Infantry School at Fort Benning, and as a staff officer at the United States Army Military Personnel Center and in the Office of the Deputy Chief of Staff for Personnel, Headquarters, Department of the Army. While he made major contributions to these organizations through his leadership skills and professionalism, he made a truly incalculable and remarkable impression on the entire Nation through his nine year internment as a prisoner of war. As the longest held prisoner during the Vietnam era, Colonel Thompson demonstrated truly magnificent powers of faith, physical endurance, and trust in the Nation during years of almost unfathomable deprivation and hardship. That he merged from this experience with a determination to continue to serve and to share his experience with his fellow Americans, no matter how uncomfortable to him personally, is a true testament to his indomitable spirit and belief in his country. The value and dimension of Colonel Thompson's many accomplishments, singular dedication to duty, and overall extaordinary and distinguished performance represent meritorious achievement and distinction in the most honored and cherished traditions of the United States Army.

STATEMENT OF COL. FLOYD J. THOMPSON, USA, RETIRED

I am honored to receive this award today, but at the same time, I am saddened to be leaving active military service. The Army has been my life, and I am proud of each of my 25 years of service.

Of those 25 years, I spent nine as a Prisoner of War. Those days were grim, and survival was a struggle. I was able to withstand that long agony because I never lost my determination to live—no matter how painful that became—because I love my country and never lost faith in her, and because I had dreams of what life would be like upon my return to America. Those dreams were always, unquestionably, of a life that was Army. I found that the dream of continued service gave me a goal that helped me survive my years as a POW.

After my return from Vietnam, the opportunity to serve became the motivating force in my life. Military service has given me my greatest challenges and my greatest rewards. I have worked hard for sound leadership development in the Army and for realistic training. The greatest problem faced by POWs was fear of the unknown. This fear can be reduced, not only for the potential POW, but across the awesome environment of the battlefield, by training which is honest enough to address the real issues of combat and which is tough enough to approximate battlefield conditions.

No, I do not now retire freely—there was much that I still wanted to do, but circumstance presents me no alternative. I leave active military service because I must. But, for the rest of my life, the Army will be no less a part of me and what I am than it has always been. Thank you.●

GUAM REMEMBERS FDR

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. WON PAT. Mr. Speaker, it is with great pride that I join my colleagues in commemorating the 100th anniversary of the birth of Franklin Delano Roosevelt.

The legacy of social concern he left behind has helped nurture my constituents on Guam years after that great man left this Earth. We, on Guam, cherish particularly fond memories of President Roosevelt because, under his leadership, American forces came back in 1944 to drive the Japanese from our shores and again return us to the protection of the U.S. flag.

During my years in elected office, I have been proud to be called a Demo-

crat. In fact, one of the major motivations which led me to found the Democratic Party on Guam was the simple fact that the Democratic Party was the party of Franklin Roosevelt. To posterity, he has left a proud tradition of concern for our fellowman. And to his fellow Democrats, he has left us with the desire to follow in his footsteps and to assure that the programs he brought about will not be dismantled.

Last week, I had the great pleasure of listening to some wonderful comments about President Roosevelt from men and women who personally knew and worked with that great man. I was most impressed with the speech of my good friend, Congressman CLAUDE PEPPER of Florida, who served in the Senate during the Roosevelt years. In a manner most erudite, Congressman PEPPER brought back to life the wonderful image of Roosevelt. He helped all of us remember why the Roosevelt programs were so successful and why he is cherished by so many today.

I think that we need to be reminded of these facts. Today, we see the Roosevelt legacy being attacked and this time successfully. There are those who would have us believe that the business of government is not the welfare of all of its people. They would have us believe that people deserve what they get in life. And the poor deserve to be poor.

That kind of twisted reasoning is not new. But what is new is the failure of so many people to remember what it is like to be poor, to be helpless, to be locked into a manner of life that forever binds you to poverty, ignorance, and hopelessness. President Roosevelt, perhaps because of his own personal tragedy with polio, recognized the need to help these people. He knew that America belonged to all of its people. Not just to the successful, or the rich, or even to those who happen to live in one of the 50 States. The dream that is America belongs to all of our people and, in some respects, to the entire world. If we turn our backs on a substantial segment of our population, have we then not turned our backs on the concepts of an America which has worked together to rise from a depression and a world war to become a truly great Nation?

We need to make adjustments in our programs but these should be done in a compassionate manner consistent with the traditions of President Roosevelt. This would be the best monument to this great man. Thank you.●

AMBASSADOR MIKE MANSFIELD'S SPEECH TO FOREIGN CORRESPONDENTS' CLUB OF JAPAN

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. ZABLOCKI. Mr. Speaker, I would like to bring to the Members' attention the following speech which U.S. Ambassador to Japan Mike Mansfield delivered to the Foreign Correspondents' Club of Japan earlier this month.

The Ambassador's remarks provide a clear analysis of the trade difficulties between the United States and Japan and should help us all understand why there are frictions in our economic relations with Japan:

ADDRESS BY AMBASSADOR MIKE MANSFIELD

Before beginning my prepared remarks, I would like to say a few words on Japan's draft defense budget for Japan Fiscal Year 1982. That budget is 2,586.1 billion yen, or 11.8 billion dollars, and is an increase of 7.754 percent over JFY 81. I share completely Secretaries Haig and Weinberger's high regard for this special effort on the part of Japan in the defense field. It is all the more impressive when we recognize the Japanese government's efforts to maintain current spending levels in various other programs. The latest Japanese defense budget represents an important step towards establishing a needed self-defense capability.

The 7.57 percent increase over Japan Fiscal Year 81 represents a 4.62 percent increase in real terms, according to GOJ calculations. That is a rate of increase comparable to or much better than those of our other allies, albeit from a smaller base. It is particularly significant at a time when the increase of the GOJ's general expenditure account, from which the various ministries' budgets are drawn, has been held to an average of 1.8 percent—the lowest rate of increase since World War II. The defense budget will also account for 0.933 percent of the estimated fiscal 1982 GNP. This is an improvement in the pattern of the past five years, when defense spending hovered at 0.9 percent of GNP.

The draft budget includes a 25 percent increase in what we term cost-sharing—the Japanese contribution to the improvement of facilities used by US military forces in Japan. It provides for acquisition of major equipment such as 23 F-15's, 7 P-3C's, 3 destroyers, 34 type-75 155mm self-propelled howitzers and 13 203mm self-propelled howitzers. These are welcome additions. However, if the GOJ is to achieve by JFY 1984 the equipment levels called for in the Mid-term Operation Estimate, it will of course have to make significantly greater efforts in the next two fiscal years as well.

I am delighted to have this opportunity to be with you today before we leave for consultations and other commitments and some home leave in the United States. We will be back around the first of March.

I wish I could truthfully say that this New Year will be a prosperous one, free of friction in our bilateral economic relationship and in our mutual relations with third countries. I do not want to be overly pessimistic or melodramatic. Our fundamental relationship is sound and, in our overriding mutual interest, we must keep it that way. But I will confess to being uneasy and concerned as I assess what may be ahead of us in the months to come. It is this assessment which I want to share with you today.

We are in a critical period. The economies of Western Europe and the United States are in recession, perhaps the deepest in the post-war period. Japan itself is experiencing slow growth, avoiding a deeper recession largely on the strength of its exports. We are, I hope, in the final throes of adjustment to the turbulent decade of the 70's—characterized economically by relative stagnation, high inflation, misplaced domestic priorities and a dramatic increase in energy costs. Japan has adjusted better than most. It is rightly envied for its success for which it should not be penalized. Instead, Japan should share its success.

The root cause of economic friction between Japan and North America and between Japan and Europe is the belief that Japan's success results in large measure from a freer and fairer access to world markets than others have to Japan's market. It is not surprising that this belief increases in intensity during periods of economic difficulty and large trade imbalances. In such circumstances it poses a grave risk to Japan. The solution does not lie in protectionism—that will only harm the welfare of all of us. The solution must be found in increased opportunities for foreign access to the Japanese market.

In the past ten years, many barriers to the Japanese market have been lowered. Average tariff rates are generally comparable with those in other industrial democracies. Japan has removed a large number of quantitative restrictions, and progress has been made on other non-tariff barriers such as standards and customs procedures. Nevertheless, access to the Japanese market for imports is much less than would be expected, given this lower level of Japanese tariff and non-tariff barriers. This fact is extremely frustrating to Japan's trading partners.

In current circumstances these frustrations are manifesting themselves in statements critical of Japan. For example, in the United States one hears an increasing crescendo calling on Japan to open up its market, some with implied warnings that the consequences will be severe if no action is taken. A number of bills to restrict Japanese imports have recently been introduced in the Congress. One would require most automobile manufacturers to include at least 30 percent American parts in each vehicle sold in the U.S. A second calls for a tax of two percent of Japan's gross national product be paid annually to the U.S. in compensation for U.S. military expenditures made on behalf of Japan. In addition, one hears suggestions of taxing all Japanese products sold in the U.S.

Personally, I believe that adoption of these measures would be bad policy. And—if we manage things right—their adoption is unlikely. However, we must recognize that these bills, and others like them, are an indication of the fundamental frustration that exists over the difficulties U.S. firms face in penetrating the Japanese market.

As I mentioned earlier we can expect these frustrations to receive the greatest attention when the U.S. is going through a difficult economic period, characterized by high unemployment rates, as it is now. I believe that President Reagan is doing the right things to resolve these problems in the

longer term. We will see structural improvement in the domestic U.S. economy as his policies have time to take effect. But we must also see fundamental change in the conditions governing access to the Japanese market if we are to avoid strains in our relations through recurring trade friction of increasing intensity. Also, regardless of what economists might say about the need to view bilateral deficits in their multi-lateral context, a U.S. trade deficit with Japan of around $18 billion in 1981, and perhaps over $20 billion by 1982 is a political fact of life which must be reckoned with. These two factors, when combined with the easier access Japanese products have to our market, cause Americans to question why we can't sell more in Japan in those areas where we are confident of—and have demonstrated—our competitiveness.

In my view the bilateral trade imbalance is not the basic problem—it is only an expression of the real problem. The problem will not be solved by emergency imports alone or the restriction of exports. The fundamental problem will only be solved when and if U.S. and other foreign firms believe they have opportunities for access to the Japanese market equivalent to that which Japanese firms enjoy in the U.S. and elsewhere.

When Deputy U.S. Trade Representative Dave MacDonald was here in December he gave some examples of the kind of disparities in market share that exist between the U.S. and Japanese. Let me repeat them for you. Goods imported from Japan had the following shares of the total U.S. markets:

	Percent
Autos	20
Steel	10 to 15
TV's	20 to 30
Motorcycles	90
Radios	50 to 60
Cameras	over 30
Recording equipment	over 50
Watches	over 50
Machine tools	20

And there are more.

On the other hand, aside from airplanes, there are no manufactured goods imported from the U.S. which enjoy as much as a 10 percent market share in Japan. (Someone is sure to counter by reference to computers. I would point out that 70 percent of IBM's sales in Japan are manufactured in Japan.) I have heard some in Japan express concern about the level of U.S. petrochemical exports to Japan. Yet, the U.S. share in this sector is only 4.5 percent. Some are also concerned that imports of steel into Japan have begun to reach a market share of 2 to 3 percent.

The situation is analogous regarding investment. When the Bank of Tokyo wanted to expand in the U.S., it bought the California First Bank. This gave it immediately over 100 branches in California with full power to accept deposits and act as any other U.S. bank. No American bank could do the same in Japan. When Fujitsu wanted American technology and a foothold in the U.S. market, it bought part of Ampahl. No U.S. company could do the same here. When Green Cross wanted access to American blood plasma, it bought Alpha, the second largest blood collector in the U.S. No U.S. company could do the same here.

Following the Pacific War, Japan understandably took a number of economic measures to protect her industries while they were being rebuilt. Japanese saw Japan as fundamentally fragile and extremely vulnerable both to the forces of nature and to political and economic forces beyond Japan's control. Japan's situation was viewed with a high degree of tolerance by Japan's trading partners. Protectionist measures were considered necessary if Japan was to develop into a strong, viable country able to take its proper place among the industrial democracies, an important goal for the U.S. and the rest of the Free World.

To say that these policies were successful is to understate the case and we applaud that success. Moreover these policies meshed with deeply ingrained Japanese traditions of protection. But today the situation is different. Japan is now a mature economic power, with the obligations which accompany that status. To the rest of the world the image of a "vulnerable Japan" is outdated and no longer a description of Japan in the 1980's. The perceptions of the past—that Japan must limit its imports generally to raw materials, provide the highest possible level of added value in Japan and export completed manufactures—no longer have the same validity. As a mature, strong economy whose economic miracle has largely been possible because of the open international trading system, Japan must now participate fully in that system and work to strengthen it. In short, this means reciprocity by letting others, where competitive, gain market share in Japan by giving them the same kind of free and fair access to the Japanese market that Japan now enjoys in their markets.

I am pleased to see that steps are being taken in this direction. Under the leadership of Prime Minister Suzuki, a process has been undertaken in which possible barriers to market entry are being examined and solutions are being proposed. We welcome the decision to advance Japan's duty reductions negotiated in the MTN by two years. I also believe the actions being taken to stimulate the domestic economy are important. We anticipate that the Diet will in this session address the trade issue in a broad way, recognizing that the national interests of Japan extend beyond that of any particular interest group. But most important of all I am impressed by the growing awareness of the political and business leadership and the mass media of Japan that the potential economic and political risks to Japan are great and could get greater unless the "old ways" of doing things are changed.

We know that there are important domestic constraints on Japanese actions, including the current slow rate of growth in the economy and the budgetary deficit. Other countries, including my own, have similar or even worse problems. I am confident, however, that with firm will, these domestic constraints can be overcome.

I want to stress that both of us bear a responsibility for ensuring that the current trade problem does not reach proportions whereby it causes even more severe strains in our overall relationship. If this were to happen it would be much more difficult for the industrial democracies to deal together with the important problems we face—problems that are crucial to world peace—problems such as Russian troops in Afghanistan, the Polish situation, the concerns of the developing countries, and global negotiations.

As I have often said during my service here, the relationship between the United States and Japan is the most important bilateral relationship in the world—bar none. The trade problem must be seen in the context of this larger relationship, and it is imperative that it not be allowed to be weakened as a result. Although both of us are responsible for managing ourselves through the current trade friction, I must frankly say that the largest part of the decisions lie with Japan. We can point to the problems as we see them, but only Japan can take the actions to solve them. Japan needs to take the lead—for the good of the international trading system and the Western alliance—in finding ways to make the fundamental shifts required so that foreign products have real and fair access to the Japanese market. This will not be easy, but it is crucial.

Before closing, I would like to say just a few words on the costs of protectionism. There have been a number of press stories in Japan in the past several weeks speculating that what Japan's trading partners are really interested in is restrictions on Japanese exports. Speaking for the United States, let me tell you emphatically that this is not the case. Americans have benefitted greatly from Japanese exports, and portions of our business community have been stimulated as a result of these exports. Japanese exports to the U.S. help ensure that the American consumer will have a wide range of choice among quality products at competitive prices.

Similarly, protectionism—whether through high tariffs, non-tariff barriers or other means—has costs for Japan. Consumers have less choice and pay higher prices. Manufacturers pay higher prices for their inputs resulting in higher prices for their output, or lower profits, both of which affect their international competitiveness. Thus, it is not out of some sense of obligation or of doing special favors for an ally that Japan should internationalize its economy. Rather I would argue that it is in Japan's own interest to do so.

As I said, the United States welcomes imports from Japan, and the benefits they bring. When our exporters believe that Japan welcomes their products in the same manner, then and only then will the trade problem begin to be resolved. I know that these are hard words for my Japanese friends and colleagues to hear, but I believe the world economy may be facing its most critical point since the 1930's. Japan cannot afford to look inward. It is crucial, for Japan and for the world, that this problem be resolved. Working together, we can—and must—succeed.●

THE 100TH ANNIVERSARY OF MALDEN, MASS.

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. MARKEY. Mr. Speaker, I rise to bring to the attention of my colleagues in the House a very special celebration in my native city of Malden, Mass., which is observing its 100th anniversary as a city this year.

As a lifelong resident of that city and its Representative in this Chamber, I am especially proud to join with all of Malden's citizens as we look back and reflect on this community's long and distinguished past.

Malden, which was incorporated as a city on March 31, 1881, actually dates back to 1649, when the town of Malden was established. Our community was one of the original sections of Charlestown and one of the first settled regions of Massachusetts to separate from its mother town and create its own government.

Malden takes its name from a community in Essex, England. Some of the most prominent of Malden's original citizens immigrated from that British town. As Malden grew in population over the years, however, the community welcomed immigrants from many other nations as well. Many of these new residents found Malden a refuge from religious and political persecution and from the economic hardship of their homelands.

Today, Malden has a population of 55,000 and supports more than 800 businesses which provide a wide variety of products and services, from computer printers to childrens' toys.

The city of Malden has been the home of many great men and women, including:

Elisha Slade Converse, the town's first mayor. Better known as the good deacon, he was also the founder of a rubber shoe factory which earned Malden an international reputation as the center of the rubber goods industry;

Harriet Jane Hanson Robinson, the founder of the National Woman's Suffrage Association of Massachusetts. She was the first woman to testify before a congressional committee in Washington on behalf of legislation to allow women the right to vote.

Torbert Macdonald the late Representative to the U.S. Congress, and my predecessor. Better known to his loyal constituents as Torby, he served in this Chamber for more than 22 years. Although he was regarded as one of the most powerful and influential Members, he always maintained close ties to the city of Malden and the people he loved.

David Brickman, a great newspaperman and a leading citizen. He is the driving force behind the city's daily journal, the Malden Evening News, one of the Nation's greatest small-town newspapers.

Walter Kelliher, the mayor of Malden for 16 years. His foresight and determination provided much of the spark for the urban redevelopment which the city is benefiting from today.

We in Malden are very proud of our city and its heritage. It is with deep pride that I call your attention to this city's centennial celebration.●

THE 100TH ANNIVERSARY OF THE FOUNDING OF THE KNIGHTS OF COLUMBUS

HON. LAWRENCE J. DeNARDIS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. DeNARDIS. Mr. Speaker, March 29 of this year marks the 100th anniversary of the founding of the Knights of Columbus. On the same day in 1882, a parish priest of New Haven, Conn., by the name of Father Michael J. McGivney called together a group of his friends for the purpose of establishing a Catholic fraternal organization.

Like most fraternal groups during the latter part of the 1800's, the Knights of Columbus grew rapidly, but unlike many orders that in recent decades have declined or become extinct, the Knights of Columbus has continued to prosper. There are now more than 1 million members in the United States and 1.35 million members in 7,100 local councils throughout the world.

I can think of only one reason for this spectacular success—it must be the appeal of the order's many beneficent works. The purpose of the organization, as stated in its charter, is not only to render aid and assistance to its members, but "to promote and conduct educational, charitable, religious, and patriotic activities" in the community.

The Knights of Columbus has certainly remained faithful to its mission.

The Knights have lent aid and comfort to our soldiers during wartime and to our veterans during peacetime.

They have contributed to the development of young leaders by establishing a youth branch of the order, which currently has over 1,000 circles; by sponsoring almost 1,000 Boy Scout troops; and by providing recreational and educational activities for young people at a cost of millions of dollars each year.

They have lifted the American spirit by establishing a special branch of the fraternity, known as the 4th degree, which has as its chief mission the fostering of patriotism.

And they have helped countless needy people: During the last recorded year alone, the Knights gave more than 9,000,000 volunteer hours and over $32,000,000 for various charitable causes, including aid to the underprivileged and mentally handicapped, religious counseling, medical research, help to Vietnamese refugees, assistance to senior citizens, college scholarships—the list goes on and on.

In tribute to this noble fraternity, I am introducing a resolution acknowledging March 29, 1982, as the 100th anniversry of the founding of the Knights of Columbus and commending them for a century of dedicated public service. To join me in this tribute I call not only on my colleagues who are brothers of the order but on all Members of Congress who wish to show their appreciation for the Knights' tireless service to God, country, community, and family.

The text of the resolution follows:

H. RES. —

Whereas the Knights of Columbus, a Catholic, family, fraternal service organization, was established in New Haven, Connecticut, 100 years ago on March 29, 1982, to render aid and assistance to its members and to the community;

Whereas the Knights of Columbus has grown, on the appeal of its many beneficent activities, to more than one million members in the United States and to 1.35 million members in 7,100 local councils throughout the world;

Whereas the Knights of Columbus provided vital comfort to Allied servicemen during World War I through hospitality huts near the front lines bearing to invitation "Everybody welcome; everthing free";

Whereas such organization continued its assistance to members of the armed services after World War I by providing both job training and employment services to returning veterans;

Whereas the Knights of Columbus has dedicated itself to the development of young leaders by establishing its own youth branch, the Columbian Squires (which currently has more than 1,000 circles), by sponsoring almost 1,000 Boy Scout troops, and by providing recreational and educational activities for youths at a cost of millions of dollars every year;

Whereas such organization's ardent love for country led to the foundation of a special branch known as the Fourth Degree, with about 1,600 assemblies, which has as its chief mission the fostering of patriotism;

Whereas the Knights of Columbus was heavily involved in promoting legislation in Congress to reaffirm the phrase "under God" as part of the Pledge of Allegiance to the Flag;

Whereas the organization has long been dedicated to the principle of people serving people and in the last recorded year gave more than 9.2 million volunteer hours to the community and over 32 million dollars for various charitable and benevolent activities, particularly to the underprivileged and the mentally handicapped;

Whereas the Knights of Columbus is committed to strengthening the family as the basic unit of society and the key to the Nation's strength and well-being; and

Whereas such organization always has been devoted to the moral and cultural as well as the material betterment of the family of man: Now, therefore, be it

Resolved, That the House of Representatives respectfully acknowledges March 29, 1982, as the one hundredth anniversary of the founding of the Knights of Columbus, and commends such organization for a century of dedication to the ideals of charity, unity, fraternity, and patriotism.●

A.T. & T. ANTITRUST SETTLEMENT

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. SAWYER. Mr. Speaker, we, as Members of Congress, have a duty to pass telecommunications legislation now. The A.T. & T. settlement eliminates our luxury to spend years updating our national telecommunications policy. If we do not act, the results of the A.T. & T. antitrust settlement will subject our constituents to local telephone rates that will be double or triple what they are now.

Today, I am proud to concur with the remarks made by Eric Schneidewind, the chairperson of the Michigan Public Service Commission. Mr. Schneidewind, with the chairpersons of 11 other State public service commissions, testified before the Energy and Commerce Subcommittee on Telecommunications, Consumer Protection, and Finance on Tuesday, February 2, 1982.

Mr. Schneidewind stated "without legislation, which indeed will deal with regulation, the A.T. & T. settlement will become effective and cause catastrophic rate increases * * * of over $150 per year to the individual consumer." The Michigan Public Service Commission chairman then continued to explain how the failure of the A.T. & T. settlement to address local issues would harm the consumer in Michigan:

1. Under the settlement local companies lose all yellow pages revenue. As a result, an additional cost of $2.10 per month would be passed on to the consumer.

2. Under the settlement local companies lose their ownership of phone equipment in the consumers' homes. As a result, an additional cost of $1.20 per month would be passed on to the consumer.

3. Finally, and most critically, under the agreement, the local companies lose their subsidy from long distance revenue, which currently equals .37¢ on every $1 of long distance service. In addition, the local companies are severely limited what they can charge long distance companies for access to local lines during a long distance call. As a result, local companies will be forced to pass an additional cost of $4 per month on to the consumer.

What those statistics indicate, Mr. Speaker, is that consumers in Michigan, and across the country will face under the antitrust settlement, a minimum additional charge of $7.30 per month to their phone bills for the service they now receive. These conservative figures do not include other costs to the consumer that cannot be analyzed due to the unavailability of the exact terms of the settlement.

We must act now. Judge Green's final determination will not be available until next August at the earliest. Our public service commissioners are experts in evaluating the assets and rates involved, but, under the settlement, neither the public service commissioners nor the local companies have any way to state or protect their interests before Judge Green. The consumer is unrepresented. This is why I support TIM WIRTH's move to act quickly in adopting legislation now. We, as representatives have a duty to address these telecommunications issues. For as difficult as they are, they remain policy issues for Congress, and not merely antitrust issues before the Justice Department.

Mr. Schneidewind presented six principles that must be adopted in legislation in the 97th Congress. Frankly, I do not see how we can face our constituents and their tripling phone rates unless we act to protect them by adopting the following six points:

1. State regulators must be permitted to require an exchange carrier to provide basic telephone equipment and service on that equipment if unregulated entities are not providing such service or equipment.

2. The Yellow Pages operation and the revenues from that operation must be retained by exchange carriers.

3. State regulators must be permitted to decide the disposition of embedded customer premises equipment and station connections.

4. State regulators must be assured that any assets transferred from exchange carriers to a deregulated entity or to AT&T will be priced at fair market value.

5. State regulators must be permitted to set access charges for exchange carriers. In the alternative, an administratively final Joint Board with majority state membership may set access charges. In either case, revenues received from access charges must at the outset equal revenues currently received from the separations and settlements process. In the longer term, market forces and the ability of carriers to bypass the local network may force adjustments in access charges. However, a transition to this situation is paramount if universal service is to be continued and if the telephone network as it presently exists is to be able to survive.

6. Regulators must be allowed authority to set depreciation rates and methodologies for assets that they continue to regulate. Competitive market forces should be considered. But as long as certain services continue to be regulated because of lack of competition or dominance of a carrier in the provision of that service, regulators must be given the authority to determine the acceptability of this significant portion of a carrier's operating costs.

I commend our Michigan Governor William G. Milliken, and our Michigan Public Service Commissioners, Eric J. Schneidewind, Edwyna G. Anderson, and Matthew E. McLogan for working so diligently to bring this important information to our attention. They have my full support.●

NATIONAL POW-MIA RECOGNITION DAY

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. ASPEN. Mr. Speaker, today I have introduced legislation to declare April 9 of each year as National POW-MIA Recognition Day as a declaration of this Nation's continuing debt to those Americans who have suffered at the hands of foreign enemies and to the sacrifices of their families and the families of those men whose fate remains unknown.

It is especially fitting to remember what we owe to these people on April 9. On that day in 1942, the largest single group of Americans became POW's with the surrender of the troops in Corregidor and the Bataan Peninsula in the Philippines. The ensuing "Death March" of these surrendered American troops was never forgotten by the American soldiers who fought in the Pacific in World War II. "Remember Bataan" became the rallying cry of victory. We, too, should remember today.

The sacrifices of former prisoners of war and their families and the families of those declared missing in action deserve this continuing recognition. There should never be a time in American history when the freedom for which they fought is not felt and appreciated.

I believe this legislation is a fitting tribute from the American people in recognition of those who sacrificed their freedom so that ours would continue.

I hope that my colleagues will join me in sponsoring this legislation and include the text of the bill at this point in the RECORD:

H.J. RES. 393

A bill to provide for the designation of April 9 of each year as "National POW-MIA Recognition Day".

Whereas thousands of Americans have been captured by enemies or declared missing in action in wars in which the United States has been involved;

Whereas many American prisoners of war were subjected to cruel and inhumane treatment at the hands of their captors in violation of international law and convention;

Whereas many Americans died as a result of such treatment and, historically, those that survived continued to suffer to a far greater degree than other veterans of America's wars as a result of such treatment;

Whereas it remains uncertain whether those American soldiers who are still considered to be missing in action have died or are alive and such uncertainty causes hardship and suffering for their families;

Whereas the sacrifices of American prisoners of war, Americans missing in action, and their families are deserving of national recognition; and

Whereas on the ninth of April, 1942, American soldiers comprising the largest single group of such soldiers ever to fall into enemy hands were taken prisoner: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the ninth day of April of each year shall be designated as "National POW-MIA Recognition Day" and the President of the United States is authorized and requested to issue a proclamation each year calling upon the people of the United States to commemorate such day with appropriate activities.●

THE CASE FOR TAX CUTS NOW

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1982

● Mr. SOLOMON. Mr. Speaker, there are some Members of Congress who would have us believe that President Reagan's economic policies are to blame for the current recession even though those policies have been in effect only a few short months. This is clearly not true. This sort of talk is based more on political expediency than on intelligent economic analysis.

One of the best analyses of the current economic condition is presented in the January 14 Backgrounder published by the Heritage Foundation. Tom Humbert, a Walker fellow in economics, wrote the Backgrounder. I commend the entire essay to your attention although I am inserting only the introduction at this time:

[From the Backgrounder, Jan. 14, 1982]

THE CASE FOR TAX CUTS NOW

INTRODUCTION

As President Reagan prepares his budget for the 1983 fiscal year, the nation's economic barometers are signalling stormy weather. From both sides of the congressional aisle—even from those who should know better—cries are heard imploring Reagan to abandon his supply-side strategy, in operation less than four months. Yet there are strong arguments for the President to stay resolutely on course. There even are calls for supply-side economics really to be given a chance by accelerating the scheduled tax cuts and not as some critics propose, postponing them.

Although the debate on the Reagan tax cuts occurred less than seven months ago, many seem to have forgotten—even some in the Administration—the fundamental reasons underlying the policy: that high marginal tax rates destroy the kind of productive activities most needed in an economic downturn. The most important barrier to economic recovery today is the heavy load of taxes helping to keep factories idle, investment opportunities unexploited and, ultimately, willing workers unemployed.

Between 1965 and 1975 the average tax rates for the median income earner increased more than 35 percent. Those rates increased an additional 22 percent between 1975 and 1980, mainly due to inflation-induced tax bracket creep. The marginal tax rate faced by the median-income family of four in 1980 was 24 percent. Taking into account Social Security and state tax increases, the marginal tax rate facing the average American family is 40–44 percent.[1] On the average, this amounts to some $10,690 per household. Does anyone seriously think that adding to this burden would create a more healthy economy?

Unless action is taken, however, an already over-taxed economy will be burdened with yet another stiff tax hike in 1982. A Social Security tax increase of $13 billion greeted Americans on January 1 and they can look forward to income tax increases of $28 billion because of tax bracket creep.[2] (See Appendix 1.) The 10 percent personal tax reduction scheduled for July will only offset these automatic tax increases.

The other scheduled cuts are in large part only reductions of planned tax increases. The nature of the U.S. tax system permits massive tax increases to occur automatically because of inflation. No direct legislation is required. Despite the much-publicized "Reagan revolution" in tax policy, the fully implemented tax cut will at best return the nation to the level of taxation in 1978. Even with the cuts, total revenues will increase over $300 billion during the next five years. According to the Congressional Budget Office (CBO), tax levies will rise from $605 billion in 1981 to $923.3 billion in 1986.

And yet many in Congress and the Administration actually propose to reverse the economic slowdown by raising taxes even more. Apparently, the message that taxes are the major cause of our economic malaise has still not been universally learned. Higher taxes do not reduce prices nor fight inflation. Higher taxes do not increase employment nor stimulate economic growth. Rather, tax increases exacerbate the problems of unemployment, low productivity, and economic stagnation.

Accelerating the tax cut would help relieve the heavy tax burden which supply-siders contend is a chief cause of economic deterioration in recent years. More than two dozen Congressmen, spurred by Representatives Jack Kemp (R-N.Y.) and Robert Walker (R-Pa.), are urging the President to speed up the tax cuts by six months. They argue that with over 9 million Americans unemployed and the economy running at only about 75 percent of capacity, fallow resources could be employed by enhancing the incentives for productive work and investment. Tax cuts, not tax increases, they say, generate the long-term prosperity that, among other things, eventually will restrain and then eliminate the deficit. These Congressmen have introduced a bill (H.R. 4999) that would move up the tax cut scheduled for July 1982 to January and the July 1983 tax cut to January 1983. While some hope for the full 25 percent tax rate reduction to be made effective immediately, or, even better, that full indexing of tax brackets for inflation be started now rather than 1985, most supply-siders seem to be coalescing around the Kemp-Walker proposal as a remedy for the current recession.

Supply-siders figure that the quickest way to reduce the burgeoning deficit is to stimulate the economy to recovery, thereby reducing expenditures for social welfare programs and increasing tax revenues. They point out that four-fifths of the recent increase in estimates of the proposed deficit are caused by a deteriorating economy, not by the upcoming tax cut. Expenditures for unemployment compensation, food stamps, and other entitlements have increased rapidly since July, while the economic decline has reduced tax revenues. A reinvigorated economy, however, could quickly eliminate the budget deficit. The CBO estimates that for every one percentage point decline in the unemployment rate, the deficit is reduced $25 billion. A reduction in the unemployment rate from the current 9 percent to 6 percent could nearly wipe out the budget deficit for the coming year. While few think that accelerating the tax cut stimulates economic growth quite this powerfully, most supply-siders think it could shorten the recession and, in the long term, slash the deficit.

Other analysts confirm the basic Kemp-Walker arguments. A U.S. Chamber of Commerce study finds that a six-month speed-up in the personal tax rate reductions would significantly stimulate real economic growth in 1982 and 1983, substantially reduce the unemployment rate, and increase business investment and productivity—without increasing the rate of inflation at all. According to the study, the measure provides taxpayers with more than $16 billion in relief in 1982 and more than $17 billion in 1983.[3] While this falls far short of offsetting all the tax increases scheduled for those years, it does fully offset Social Security tax increases and tax bracket creep.

Tax cuts spur entrepreneurship of small, often unincorporated business by allowing entrepreneurs to retain a greater share of their own earnings. Small business entrepreneurship helps pull the country out of downturns and provides important sources of innovation and employment in times of recovery. Nearly 70 percent of all new jobs come from firms with twenty or fewer employees. In the Northwest, nearly 100 percent come from these miniscule businesses.[4] A tax code which rewards inherently risky entrepreneurial activity encourages an early exit from the current recession and a sustained recovery. David Smick, chief of staff for Congressman Kemp, writes: "Entrepreneurial success in America is taxed and harassed more than in just about any other free industrialized country."[5] Ninety percent of American firms, for instance, pay taxes through personal schedules, either as a partnership or as an unincorporated business activity. A tax cut speed-up should expand the pool of capital available to all businesses, but especially to capital-starved small enterprises. Lately, after the government takes its enormous bite of the available capital, and big business gathers up the rest, there is little left for smaller enterprises. It is likely that much of the increased pool of savings will go to small enterprises now being crowded out of capital markets. and because most small businesses first get their start by borrowing funds from friends, relatives, or small local banks, an acceleration of the personal tax cut could mean more funds from these sources.

Supply-siders feel the additional relief is vitally important to avert a net tax increase that would deepen the recession and cause

[1] Paul Craig Roberts, Assistant Secretary of the Treasury for Economic Policy, "Statement Before the House Task Force on Economic Policy," Washington, D.C., July 27, 1981.

[2] "What the Tax Cut Really Does," Human Events, November 21, 1981, p. 5.

[3] Chamber of Commerce of the United States, Forecast Center, Letter to Jack Howard, Office of Congressman Walker, from Graciela T. Ortiz, November 19, 1981.

[4] David M. Smick, "What Reaganomics is all About," The Wall Street Journal, July 8, 1981.

[5] Ibid.

needless social suffering. "If there is one mistake that the Administration has made in economic policy," Kemp has remarked, "it is in delaying the tax cut." Adds Walker: "The first round of tax cuts does not provide a sufficient measure of relief to the American worker and therefore doesn't provide enough time between the July 1 ten percent reduction and the end of the fiscal year for the economy to snap back in time to show solid evidence of economic recovery." He concludes that "if we have the opportunity to put people back to work we should take advantage of it."●

SENATE—*Wednesday, February 3, 1982*

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Let us pray.

God of our fathers and of all peoples everywhere, we need Thee, our cities need Thee, the Nation needs Thee, the world needs Thee. We pray for Thy special blessing upon the "National Prayer Breakfast" and seminars tomorrow. As the President joins with representatives from Federal, State, and local government, with leaders from more than 200 nations and every State in the Union, may the Holy Spirit bring to that microcosm of the world a visitation of divine power, love, and grace. Grant protection and blessings to the President and First Lady, to Vice President and Mrs. Bush, and those who participate in the program. May Thy holy presence be experienced by all in attendance. May all be made aware of the Nations' accountability to Thee for justice, freedom, and peace.

Be with the Senators and all who support them in their public service today. May Thy wisdom enlighten them, Thy power energize them, Thy truth and light guide them, Thy grace encourage them. Let Thy will be done in this place as it is in heaven and grant that all of us may love mercy, do justly, and walk humbly with our God. We ask this in the name of Him whose life incarnated that walk. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE TODAY

Mr. BAKER. Mr. President, on last evening, I indicated that today, after the recognition of the two leaders under the standing order and the execution of special orders providing for the recognition of Senators, there be a period for the transaction of routine morning business, then a resumption of the debate on the motion to proceed to the consideration of Senate Resolution 20. I also indicated at that time that I hoped we could find some other business to do today, which would have to be done, of course, by unanimous consent.

I say to my friend, the minority leader, that I have not yet found "some other item of business" that we can transact. I hope if he has some item in mind, we might discuss that in the course of an informal conversation or on the floor and see if we can find something else to do. Otherwise, Mr. President, I expect that this day will be a short day, since we now have a time certain to vote on the motion to proceed tomorrow at noon.

In addition to that, I indicated last evening that I hoped Senators might be willing to undertake a shortening of the time for debate on the Helms-Johnston amendment which will occur as the pending business tomorrow at 11 o'clock. I once again suggest, then, and hope that those who may hear me in their offices will address the question, particularly, on whether or not we can reduce the time for debate so that the vote on the Helms-Johnston amendment will occur immediately after the vote on the motion to proceed, which will be at 12 o'clock. I hope Senators will contact me in that respect and I invite any comments the minority leader may wish to make in that regard.

Mr. ROBERT C. BYRD. Mr. President, I wonder if the majority leader, Senator LONG, and others would be willing to reschedule the 12 o'clock vote and have it occur, say, at 12:30 p.m.

Mr. BAKER. Yes, I am perfectly agreeable to that.

Mr. LONG. I have no objection, Mr. President.

Mr. BAKER. Mr. President, I have not checked with our people. I wonder if I could have a brief moment while our cloakroom makes a quick check to find out. I am fairly sure that will be satisfactory. I shall withhold making that request for just the moment, but I personally have no objection.

Mr. LONG. May I ask for personal clarification, which vote is it that the Senator wants to set at 12:30? It is all right for me to wait.

Mr. ROBERT C. BYRD. The vote on the motion to proceed, Mr. President.

Mr. BAKER. The minority leader would still have in mind perhaps scheduling the vote on the Helms-Johnston amendment right after the vote on the motion to proceed.

Mr. ROBERT C. BYRD. Yes, I think that would be a good time, Mr. President.

TELEVISION AND RADIO COVERAGE OF SENATE PROCEEDINGS

Mr. BAKER. Mr. President, I hope that after we get on the resolution, if we do get on the resolution, we could schedule a reasonable time for debate and perhaps agree on a time certain to vote on that measure. I do not want to press that point at this time, but if we could do it, I suggest that sometime Monday or Tuesday would be a good time to consider it. I acknowledge that that is probably premature at that time, but I could not resist trying.

Mr. LONG. If the Senator will yield at that point, Mr. President, let me say to the Senator that the Senator from Louisiana will not be able to agree at this point, but he is very pleased at the headway his side made yesterday, having educated Senators who knew nothing whatever about the matter. He finds he has considerable support in one respect or another for the position he takes. I honestly feel the matter should be discussed and that this is an appropriate situation for debate. I am not suggesting that Senators should speak at great length, but I do feel this is an appropriate situation for a proper Senate debate. I could not agree at this moment to that suggestion.

Mr. BAKER. I understood he might not, Mr. President. That is why I took some pains to couch my language in cautious terms. I think yesterday was a good day and I think we have vastly expanded the general knowledge of the Senate and maybe even of others on this subject. I feel good about it. I think our prospects for accomplishing this objective are far better today than they were yesterday. That disagreement between the distinguished Senator from Louisiana and myself is what makes the Senate a great body.

What I would really like to do, at some point after there has been a full airing of the contentions of the parties in this matter and consideration of any measures that may be presented, I would like to resolve it. So, from time to time, I am sure the Senator from Louisiana will not be offended if I once again plant the suggestion that maybe we ought to find a time to vote on this bill.

Mr. LONG. Mr. President, I hope the Senator will at least be fair to those of us who do not agree with his

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

proposal. I think it was inappropriate for the Senator on yesterday, before the Senator from Louisiana had ever had a chance to say the first sentence on behalf of his position, to say that he saw the Senator with some cough drops and he was convinced the Senator was going to filibuster, or some such thing as that—to infer as much, anyway. The Senator from Louisiana, Mr. President, had a sore throat. He had been plagued with it for some days. It is not my fault I have a sore throat. That is something only the good Lord can control.

Mr. BAKER. But the Senator from Louisiana gave me the sore throat and I cannot forgive him for that. I forgive him for every other transgression, but I have the sore throat today and I hope the Senator from Louisiana will share his cough drops.

Mr. LONG. Mr. President, I hope the Senator from Tennessee will indulge me with the same charity we grant each other in this Chamber day after day and grant a Senator the right to state what he believes to be right as the Good Lord gives him the light to see it, especially when he prays over it. One should always indulge himself in the assumption that the other fellow might be right.

The Senator has been most kind to hear my presentation even if he did not agree with it. I appreciate the extent to which the Senator has been a good listener.

I say to the Senator that he has a good argument, and though I do not agree with it, I think he made a good speech yesterday. I did not accuse the Senator of filibustering. He did it before the Senator from Louisiana even had a chance to make his opening statement. I think he made a good speech.

I appreciate the Senator's position. I am not beyond reason and I hope the Senator from Tennessee will at least show us the same intellectual consideration that he traditionally does all Members of this body.

Mr. BAKER. Mr. President, I am sure the Senator from Louisiana, more than almost any other Member of the Senate, understands that a part of the cushion, of the padding that prevents the friction that inevitably occurs in this body from being destructive, is a sense of humor.

I believe that the Senator from Louisiana has a sense of humor that is unequaled by any other Member. I cannot recall a greater pleasure in that respect than hearing the endless stories the Senator from Louisiana tells so very well about his life and experience, and of that of his family, in politics.

So he knows, I am sure, speaking of my apprehension that he might proceed at length to debate the motion to proceed, and my observing the presence of a great stock of cough drops, that was said in jest and in good humor. But I must say, in all fairness, as well, that while it is true the Senator had not yet begun to debate the motion to proceed, like almost every other Member in this Chamber, his reputation preceded him.

Mr. President, I am prepared to yield my time remaining under the standing order to any Senator seeking recognition. I see no Senator on my side seeking time.

I am prepared, then, to yield the time to the control of the distinguished minority leader, if he wishes it.

RECOGNITION OF THE MINORITY LEADER

THE PRESIDING OFFICER (Mr. WARNER). The minority leader is recognized.

Mr. ROBERT C. BYRD. I thank the majority leader.

THE RETIREMENT OF JANE PRICE SHARP

Mr. ROBERT C. BYRD. Mr. President, January 1, 1982, marked the formal retirement of one of West Virginia's best-known journalists, Jane Price Sharp. The editor of the Pocahontas Times since 1957, Mrs. Sharp has worked at the weekly newspaper, off and on, for more than 44 years. Born and reared in Marlinton, W. Va., the home of the Pocahontas Times, Jane Price Sharp comes from a long line of journalists. Her grandfather, the Reverend William T. Price, purchased the Pocahontas Times in 1892 and ran it until 1905. Mrs. Sharp's father, Calvin W. Price, then took over as editor and served in that capacity until his death in 1957. Since that time, the publication of the Pocahontas Times has been accomplished under the watchful eye of Jane Price Sharp.

Running a weekly newspaper has consumed only a portion of Mrs. Sharp's energies, however. She has also found time to serve on the board of directors of the Marlinton Chamber of Commerce, is the director of the Pocahontas County Historical Society, secretary of the Pocahontas Democratic Woman's Club, and a member of the Women of the Press and Sigma Delta Chi. Mrs. Sharp is also past president of the West Virginia State Press Association and the Marlinton Woman's Club.

I am glad that the family tradition at the Pocahontas Times will be carried on by Mrs. Sharp's nephew, Bill McNeel, who has taken over as editor, and her daughter, Jane S. Jessee, the new managing editor.

But Jane Price Sharp is not ready to go into full retirement just yet. Typical of her enthusiasm and drive, I am told she will be helping at the Pocahontas Times from time to time. Jane Price Sharp has made great contributions to her profession and her community, and for her many accomplishments I offer my praise and gratitude.

MINE SAFETY

Mr. ROBERT C. BYRD. Mr. President, the Washington Post of February 3 contains an article entitled, "Accidents Up, Citations Down in Coal Fields," which will be of interest to my colleagues.

The article deals with two troubling areas—the adequacy of mine inspections in 1981, and the confusion caused by the provision of the continuing resolution that bars the Mine Safety and Health Administration from inspecting stone, sand, and gravel operations.

At a time when fatalities are rising in the coal mining industry, the frequency of inspections appears to be decreasing. Congress should not allow mine safety to be a casualty of the budget process.

The transfer of authority to inspect stone, sand, and gravel operations from MSHA has resulted in a confusing and frustrating situation within MSHA. The ultimate effects of the transfer on safety on both coal and noncoal mines are unknown, but should be examined closely by the Congress.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 3, 1982]

ACCIDENTS UP, CITATIONS DOWN IN COAL FIELDS

(By Douglas B. Feaver)

Federal mine inspectors are issuing fewer violation notices, closing fewer mines for safety reasons and collecting less in fines at a time when fatalities from mine accidents appear to be on the rise.

Twenty miners have been killed in the coal fields since Jan. 1, compared with nine a year ago. A total of 153 miners were killed in 1981, the highest annual rate since 1975.

The Labor Department's Mine Safety and Health Administration (MSHA), which is required to inspect all underground coal mines four times a year, is being squeezed by budget problems just like other agencies.

Unlike everyone else, however, MSHA is also caught in a strange never-never land. A small part of its mission—inspection of sand and gravel and quarrying operations—was moved by Congress in the continuing resolution from MSHA to Labor's Occupational Safety and Health Administration (OSHA). No one knows whether or when that mission will be returned, but OSHA has it until March 31, when the continuing resolution expires.

The result: 220 MSHA sand and gravel quarrying inspectors have been furloughed since Jan. 1. Since many of them are also qualified coal inspectors, they are now beginning to "bump" less senior coal inspectors under federal personnel rules.

"I certainly emphasize with the employes who were impacted," said MSHA Administrator Ford B. Ford, an appointee of President Reagan. "That was not an administration-sponsored move."

Further, attrition and the federal hiring freeze combined to cut by 9 percent the number of coal inspectors actually on the job from 1,389 to 1,264 between the end of fiscal 1979 and fiscal 1981.

"We are losing our best inspectors to industry," according to a source in an MSHA field office. "Previously we could keep them because of the continuity of the work and the dignity of the job, but no longer.

"If you asked, 'Does that account for these disasters?' I would say I hope not, but it troubles me."

Ford said he could not be "definitive" on whether such uncertainties might have contributed to laxness in the field. "A great number of our inspectors come from coal mining and coal mining families. I would say they are doing a good job. I can't say how individuals react."

The statistical evidence is interesting, if not conclusive. It shows that MSHA coal inspectors issued 129,921 citations for violations in fiscal 1980, but only 108,914 in fiscal 1981, a drop of 16 percent.

Orders—where an inspector literally closes a mine or a section of a mine or prohibits use of a piece of equipment until a hazard is corrected—dropped from 5,270 to 4,787, or 9 Percent, from one fiscal year to the next.

Assessments—civil penalties paid by mine operators—dropped from $19.5 million in calendar 1980 to $14.2 million in calendar 1981, or 27 percent.

The General Accounting Office, at the request of Rep. Nick J. Rahall II (D-W.Va.), is three weeks into an investigation of whether MSHA is, in fact, performing the inspections the law requires.

Miners in Rahall's district told him that the Logan, W. Va., MSHA office was not conducting the required number of inspections, according to Rahall spokesman Michael Serpe. Rahall confirmed that charge from MSHA's own statistics, Serpe said, and asked for the GAO probe. "The fact that mine inspections are not being carried out is a travesty of the law that we in Congress worked hard to implement," Rahall said.

MSHA's Ford said that "from the information we've been able to glean, those inspections rquired by the [Coal Mine and Safety] Act are being carried out to the extent those mines are available for inspection." Mines regularly move in and out of production, he said, and if they are out of production there is nothing to inspect.

Ford said that MSHA's inspectors inspect "100 percent of those mines available," but only 92 percent of all 5,700 coal mines because of availability problems. Labor Department statisticians said that the number of inspections that may have been missed (depending on whether the mine was really open or not) jumped from 485 in fiscal 1980 to 887 in fiscal 1981.

The switch from MSHA to OSHA of sand, gravel and stone inspections has the immediate result of removing thousands of small operators from the burden of federal inspection because OSHA is not permitted to inspect firms with fewer than 10 employes unless there is a complaint or a reported accident.

While the resolution transfers about 162,000 protected workers at 12,395 operations from MSHA to OSHA, the inspectors remain on furlough. About 86 percent of the sand and gravel and two-thirds of the quarry operators will be exempt from OSHA enforcement barring a reported accident or complaint, OSHA spokesman Jim Foster said.

The National Sand and Gravel Association was able to build enough support in Congress to win at least temporary freedom from MSHA in the continuing resolution. However, MSHA statistics show, sand, gravel and quarrying operations have accounted for about 50 percent of the fatalities in the non-coal mining industry. Deaths in the non-coal mining industry dropped steadily from 234 in 1972 to an all-time low of 83 last year.

Ford has reorganized MSHA to place education and training staffs under the direct supervision of district managers instead of under Washington. That has resulted in the closing of some MSHA offices in the field, Ford said, but does not mean that MSHA's presence is diminished in any way.

"There has been no message to us to lessen regulatory enforcement," Ford said.

Mr. ROBERT C. BYRD. Does any Senator wish a portion of my remaining time?

Mr. LONG. Mr. President, I have a statement that might take a little more than 10 minutes, but I should not think it is asking too much to ask the Senate to indulge me in presenting the statement I am prepared to make.

Mr. BAKER. Mr. President, will the Senator give me the pleasure and honor of yielding the time I have remaining to the Senator from Louisiana?

Mr. ROBERT C. BYRD. Yes; if the Senator has any time remaining.

Mr. LONG. I thank the Senator.

The PRESIDING OFFICER. The time of the majority leader has expired.

Mr. BAKER. Then, I regret that I am not able to do that. I shall make any provision the Senator from Louisiana requires in that respect.

Mr. ROBERT C. BYRD. Mr. President, I yield my remaining time to the Senator from Louisiana.

EL SALVADOR—WHO OWNS THE FUTURE?

Mr. LONG. Mr. President, the process of land reform in El Salvador holds great promise for the working people of that country. If properly carried out, it can provide a strong foundation for putting that struggling nation back on a path to peaceful and prosperous economic growth.

It is my hope that this land reform effort will be successful, and that a more equitable and more workable distribution of land will result. At the same time, I hope that we in the United States can learn a lesson from the situation in El Salvador—a situation that is likely to be repeated again and again as struggling people elsewhere attempt to establish democratic governments and escape from poverty.

The lesson that I hope we will learn is the crucial role that ownership plays in the development process. Too often we overlook the long-term consequences of our aid, and of the future impact that aid can have on American foreign policy.

I hope that we will learn to begin asking ourselves, "Who owns the future?" In most developing countries, the vast bulk of the arable land is owned not by a broad cross section of its people but by a relatively small group. That same landed elite generally owns most of the productive capital as well.

Unfortunately, newly created development capital is too often financed in such a way that it becomes owned either by this relatively small class or by the government itself. Neither approach is well-designed to promote the long-term good health of an emerging democratic government.

Capital ownership in the United States is concentrated in a disturbingly similar fashion. According to the Joint Economic Committee, for example, 50 percent of our individually held corporate stock is owned by just 0.5 percent of the U.S. population. Two-thirds, according to a 1976 Internal Revenue Service report, is held by 5.2 percent of the population age 20 and over.

At the other end of the ownership spectrum, we find a sobering statistic provided by the National Bureau of Economic Research. According to their research, for the majority of American families, their most import wealth is now their entitlements under our social security system.

Thus, for most Americans their most important asset is an assurance that their children will be taxed on their behalf. That is a long way down the wrong road for a nation that prides itself on a heritage of private property, and for a nation that hopes to see others adopt private property free enterprise as their dominant political model.

Unfortunately, we did not have that thought firmly in mind when the Congress agreed to legislation targeting approximately $450 billion through 1990 for increased business writeoffs of plant and equipment—all of which will be owned by someone.

In large part, corporate finance will determine who will be the owners of these badly needed new capital investments. Corporations finance their growth from three primary sources: Retained earnings, debt, and various tax benefits—primarily equipment writeoffs, such as those which form the bulk of the business tax relief in the Economic Recovery Tax Act of 1981.

Because of the way in which new investments are financed, capital ownership in the United States has historically been an opportunity reserved for a relative few. The ownership of new capital wealth is, and continues to be,

largely a function of existing capital wealth.

Free enterprise, private property economies are losing ground all over the world. Rather than blindly continuing to make the already rich richer still, would not we be better off demonstrating to people all over the world how the bountiful, increasing prosperity that we have in America spreads out and reaches people in all walks of life?

Should we not provide a more hopeful model, a model that steadily strengthens the foundations of free enterprise by steadily increasing the number of people who directly share a stake in its productive strength? If we had such a model, other nations would be far more likely to follow our lead and would be far more likely to survive as democracies.

What could be a better answer to the unfulfilled promises of communism? What if the members of Solidarity, for example, were to own those plants where they now work? Would that not largely undermine the very rationale for Soviet-style state ownership?

In an apparent reference to the Polish crisis, Pope Paul II explained in his September 15, 1981, encyclical "Laborem Exercens" (On Human Work) that—

> * * * Merely converting the means of production into state property in the collectivist system is by no means equivalent to "socializing" that property. We can speak of socializing only when . . . on the basis of his work each person is fully entitled to consider himself a part-owner of the great workbench at which he is working with everyone else. A way toward that goal could be found by associating labor with the ownership of capital. * * *

The distribution of job opportunities as an outgrowth of Government-stimulated economic growth is a factor that we evaluate in great detail. But is that enough? In this technology-rich, capital-intensive age in which we live, should not the American worker have more of a stake in the economy than just a job?

We in the United States have been asking the wrong question. Or, at best, an incomplete question. Is it not time to begin to ask just who will own this massive amount of new capital that our new tax laws will help to bring about. Is it not time to look to the future wealth of this Nation and to insure that some significant portion of that wealth is owned by those whose toil will help to create it?

The bulk of working Americans—or working people anywhere for that matter—cannot save their way to significant capital ownership. For the most part, people cannot afford capital ownership. Daily economic survival, not savings and investment, is their main concern.

Most working people owe instead of own. And the less our technologically advanced economy needs their labor, the less able they are to save their way to capital ownership. Inflation, of course, further penalizes what little savings they are able to set aside.

What is needed is a transformation of our current techniques of finance. The financial press estimates that by the year 2000 productive wealth in the United States will increase by $2 to $5 trillion. The bulk of that new wealth will be owned by private individuals. Techniques of corporate finance will determine who those owners will be.

We need to reevaluate our techniques of finance, and begin to ask whether we can afford to encourage techniques which continue to perpetuate our concentrated pattern of property ownership. If we are to expect our free enterprise system to be embraced by others, we should set a better example of how our system can work to advance the interests of more American citizens. As Secretary of State Haig has pointed out, our economic contradictions here at home make it more difficult for us to lead abroad.

We live in an ideological age, an age in which it is all the more important to have a clear vision of the type of society that we would suggest to others. If we are going to preach private ownership abroad, we should practice it here at home in a realistic fashion.

In a July 1974 speech to the Young Americans for Freedom, the President, then Governor Reagan, explained the historical precedent for a national policy of expanded ownership and endorsed the uniquely American opportunity that such a policy would represent:

> Over one hundred years ago, Abraham Lincoln signed the Homestead Act. There was a wide distribution of land and they didn't confiscate anyone's already owned land. They did not take from those who owned and give to others who did not own. It set the pattern for the American capitalist system. We need an Industrial Homestead Act . . . I know that plans have been suggested in the past and they all had one flaw.
>
> They were based on making present owners give up some of their ownership to the nonowners. Now this isn't true of the ideas that are being talked about today.
>
> Very simply, these business leaders have come to the realization that it is time to formulate a plan to accelerate economic growth and production and at the same time broaden the ownership of productive capital. The American dream has always been to have a piece of the action.

In a similar vein, Senator Hubert Humphrey explained his support of expanded ownership in a letter to the editor of the Washington Post not long before his death:

> Throughout my career as a public servant, I have viewed full employment as a top priority goal for this country. And I continue to do so. But I recognize that capital, and the question of who owns it and therefore reaps the benefit of its productiveness, is an extremely important issue that is complementary to the issue of full employment.
>
> I see these as twin pillars of our economy: Full employment of our labor resources and widespread ownership of our capital resources. Such twin pillars would go a long way in providing a firm underlying support for future economic growth that would be equitably shared.

Expanded ownership is an issue that cuts across party lines in an attempt to bring out the best in our American free enterprise system.

I am pleased to see that there is support for this concept on both sides of the aisle. I am pleased that the Republican Party in its 1980 convention spoke of this issue in its platform:

> The widespread distribution of private property ownership is the cornerstone of American liberty. Without it, neither our free enterprise system nor our republican form of government could long endure.

It is my hope that we will begin to strike a better balance between the energy and efficiency of the market and the equity, compassion and equality of democracy. Financial techniques supportive of expanded ownership would bring a democratic new dimension to the investment process, and would open new possibilities for economic participation.

We need a more democratic form of private property capitalism—a type of capitalism that is true to its democratic roots, and true to the American tradition of widespread participation.

If we are to urge others on to a new direction for economic policy, we would do well to strike out in that direction ourselves. As President Reagan once explained:

> Capitalism hasn't used the best tool of all in its struggle against socialism—and that's capitalism itself.

If we are to suggest to others a blueprint for social progress, we should ourselves favor a financial design guaranteed to include more Americans as partners in our economic progress. If we are to expect our private property philosophy to survive elsewhere, we need to show that it can thrive here in the United States.

In addition to providing ideological direction to American foreign policy, a policy of expanded private ownership would also provide a private enterprise alternative to traditional reform movements. In addition to including ever larger numbers of people as beneficiaries of the development process, this policy would also provide a mechanism through which U.S. aid could encourage development in a more democratic fashion.

President Reagan is correct in his belief that we must "transcend communism." We can do that only with an ideological self assurance that is well grounded in values that we know are sound.

Building a more peaceful world—

As President Reagan noted in his state of the Union address,

requires a sound strategy and the national resolve to back it up.

Expanded ownership is such a strategy. It could make the crucial difference between peaceful change or disorder and violence.

Mr. BENTSEN. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. BENTSEN. Mr. President, I share the views of the distinguished Senator from Louisiana and congratulate him on what I think is a statement that should have been said time and time again in this country, and it is part of the basic economic structure of the country. He stated it in an eloquent and articulate manner.

RECOGNITION OF SENATOR BENTSEN

The PRESIDING OFFICER. Under the previous order, the Senator from Texas is recognized.

WORLD AGRICULTURAL TRADE

THE COMMON AGRICULTURAL POLICY OF THE EUROPEAN COMMUNITY

Mr. BENTSEN. Mr. President, I am concerned about what is happening to the family farm in this country.

I do not believe that it has been fully realized how important international trade and exports happen to be to the family farmer. He is a big part of that.

But all we have to do is read the right-hand column in the Wall Street Journal of Monday to understand this importance. This article, which I put in the RECORD yesterday, tells what has happened to our exports in grain, the fall off there, and the reaction in falling prices and in turn the foreclosures for American farmers.

But part of it is being brought about by a dramatic change that is taking place in the European Community. What they have done with their common agricultural policy has resulted in an amazing increase in their exports and a substantial denial of markets within the European Community for American agricultural exports.

When we are talking about free trade we ought to be sure of what were getting. The old axiom is that it ought to be fair trade. But we are not seeing that. We have the largest marketing system in the world here, and it is basically an open one, open to other countries around the world, but we are seeing more and more barriers put up to our own products.

Our own U.S. negotiators must be tough and savvy to deal with this. I can recall in Geneva when we were talking about GATT and trying to do something about cracking the market in EC countries for U.S. agricultural products. I kept saying, "Let's get something done for grapefruit, for oranges in our country." I was particularly interested because we produce a lot of grapefruit and oranges down in south Texas.

Finally they said, "Look, we have made a real breakthrough for you. We have cut the duty from approximately 30 percent to 15 percent." But they did it only for a certain part of the year.

Well, as I got to studying that I found that is the part of the year we are not picking any fruit. It was not applicable at all. In no way was it a help.

What really shook me was when the people who were doing the bargaining for our side did not seem to understand that. They themselves said, "Look, Senator, we won you a major concession." No way. That is when we have no fruit to sell, and when we have fruit to sell the European Community has raised the duty again.

Let me touch on some of the points of what has happened in the European Community. Through this CAP, common agricultural policy, they have become self-sufficient in most agricultural products, and now they are in the position of developing into a major exporter of agricultural products. In addition, the CAP has reduced world agricultural trade to the detriment of all trading nations, and it has blocked the export of many U.S. agricultural commodities to the European Community.

Last year, the European Community became a net grain exporter for the first time. The emergence of the European Community as a grain exporter is less significant than the fact that these exports succeed only by reason of subsidies. The 10 governments of the European Community and the European Community itself now encourage agricultural production at over 10 times the annual cost of all U.S. Federal agricultural price support programs in this country.

Few European agricultural products would have any export market at all without subsidies. While the subsidies are changed frequently to meet market conditions, and are different for different products, and conversions to U.S. dollars are always fluctuating, we can still observe that European Community price guarantees are almost always higher than the comparable market price.

For example, using recent conversion rates—which are the most favorable to the European Community in years because of the recent strength of the dollar—the soft wheat European Community price guarantee for the 1981-82 year was $4.59 per bushel, whereas the comparable recent market price was $3.69 per bushel. This difference in 1980 was almost $2 per bushel. The European Community price guarantee on beef and veal was $1.01 per pound, whereas comparable world prices—an average of slaughter prices converted to live weight basis for consistency with the European Community price guarantees—were about $0.55 per pound.

Pork price guarantees were almost 2.5 times world prices; corn prices were 1.4 times world prices. All of these European Community price guarantees have increased in the 1981-82 season by amounts that range from 6 to 11 percent over the 1980-81 season.

How does this work? If they are guaranteeing those kinds of prices to their farmers to increase their production substantially, then what happens when they sell it on the world market? What they do is say to the exporter, "Now, you go ahead and sell your commodity on the world market at whatever price the market will bear, and we will make up the difference between that price and whatever we have guaranteed the farmer within the EC." Each week, EC exporters submit their tender offers and requested subsidy amounts, and the Community decides what to pay to get rid of commodities. If EC wheat exporters need a subsidy of $1.50 to beat the competition—say, the United States—they can just ask for it from the Community. You can see what happens to our market price.

The EC attack on agricultural export markets is concentrated in a few products—sugar, grains, milk products, beef and veal, and processed foods. The first four items account for 51 percent of all EC production and nearly 75 percent of the 1980 CAP budget.

As a result of heavily subsidized EC exports, there has been a dramatic shift in world export commodity market shares. These changes have been detrimental to other agricultural exporting countries, particularly the United States. One of the most disturbing aspects of these developments is that the EC export drive is targeted on areas where the United States has traditionally been a major exporter. Some of our major world markets are now jeopardized by EC subsidies.

According to EC figures, their exports of CAP products to developing countries increased 271 percent from 1973 to 1980. Between 1970 and 1980, the EC percentage of the world export market in wheat increased with the benefit of subsidies from 6.2 percent of world exports to 15.6 percent. It is true that U.S. exports of wheat also increased in that period, but I submit that they would have increased much more without the unfair competition of subsidized European wheat.

In many areas, the European subsidies have resulted in an absolute reduction of U.S. market shares. For example, since the institution of the CAP in 1962, market shares in commercial wheat flour have changed dramatically. In the period 1959 to 1962, before the policy was instituted, the EC share of world commercial wheat

flour market averaged 28 percent. U.S. market share was also roughly 28 percent. In the period 1977 to 1980, with the benefit of almost 20 years of subsidization, the EC share of the world commercial wheat flour market was 71 percent, whereas the U.S. share had dropped to 11 percent.

The U.S. share had dropped to 11 percent. Remember that they were even. But then it changed, because of the EC subsidy. The EC's share moved up to 71 percent and ours dropped to only 11 percent.

Similarly, in the area of poultry meat, the increase in the EC's export market share came at the expense of U.S. exporters who had 37.5 percent of world exports in 1974, but only 25.1 percent in 1979. In that same period the EC percentage of world exports climbed from 0.4 percent to 28.7 percent. In the Middle East alone, the U.S. market share for whole chickens dropped from 97 percent in 1966—the year before EC subsidies for whole chickens were introduced—to 18 percent in 1980, while the EC share increased from 3 percent to 82 percent over the same period.

EC exports of dairy products have increased from 472,000 metric tons in 1976 to 1,419,000 metric tons in 1980. EC sugar exports have soared from 2,114,000 metric tons in 1976-77 to 4,500,000 metric tons in 1980-81. The EEC shipped 601,000 metric tons of meat abroad in 1976; in 1979 such shipments amounted to 816,000 metric tons.

I know there are a lot of people who must say, "Well, what does that have to do with me? So what if we have not sold as many chickens abroad as we have sold in the past? So what if they are taking over our market share on flour?"

It has a lot to do with you because one of the greatest mainstays of our exports and of the soundness of our dollar is our export of agricultural products. If they did not have that as one of the bulwarks for the defense of the dollar we would be in a lot more trouble than we are today.

Information that is only now becoming available suggests that the EC subsidies have materially undercut the prices U.S. exporters can charge for their products. In places as remote as Yemen and Sri Lanka, the Europeans—leaning on their subsidies—have underbid U.S. prices for wheat flour by more than $100 per metric ton in some cases.

Now that is a dramatic example of why the fellow in Yemen says, "All right, why should I buy the U.S. product?" And he buys it from the European Common Market.

The EC has refused to join the international sugar organization—which protects consumers from wide fluctuations in the price of sugar—and prefers instead to flood world markets with heavily subsidized white sugar. Partly as a result of this EC policy there is a shortage of sugar to supply all the needs of the world's consumers, and yet the price remains artificially low, thereby inhibiting additional producers.

Tomorrow, I will discuss some of the international agricultural agreements to which the United States is a party and review their relevance to this problem.

Mr. President, I ask unanimous consent to have printed in the RECORD a very relevant and timely article out of the Economist, talking about the CAP in Europe and what is being done on farm prices and what it means insofar as other exporting measures are concerned.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Economist, Jan. 23, 1982]

FARM PRICES—STILL FAR TOO HIGH

Close though a settlement of Britain's budget grievance may be, reform of Europe's farm policy seems as distant as ever. This week, the EEC commission decided to keep its farm-price proposals for the coming year under wraps until after next week's foreign minister's meeting. A peep under the wrapper shows that the commission has forgotten all its promises of farm reform.

When its proposals for rejigging the EEC's policies were published last June, the commission made three vows: to propose "prudent" prices, to bring cereal prices closer to world prices, and to restrain surplus production. Yet in the package now on the desk of the farm commissioner, Mr Poul Dalsager, which has already been accepted by his colleagues, there is scarcely a glimpse of these good intentions, Mr. Dalsager's men are proposing:

An average increase in common farm prices of 9 percent. This is the highest proposed increase since 1977. Although the EEC's average inflation rate is 12.8 percent, farmers' real incomes kept pace last year, thanks to high price rises. After the boom years of the mid-1970s, farmers' real profits fell by 3 percent in 1979 and then 7 percent in 1980, but then stabilised in 1981, to the envy of other small businesses.

Smaller price rises for cereals of 6-7 percent. This will do nothing to bring EEC prices closer to world levels. After reaching a peak of $3.50 a bushel in early 1981, American wheat prices have fallen by 30 percent under pressure from a record world cereal harvest in 1981, and are expected to stay low in 1982. EEC cereal prices rose by 7.7 percent in 1981.

A production target for cereals of 119.5m tonnes (excluding hard wheat) in 1982; if this target is exceeded, the guaranteed price will fall. In principle, this should be an effective restraint on overproduction. But the target has been set at the level of the record EEC harvest of 1980.

Price rises for dairy products, the sector with the largest surplus, of 9 percent. Last year the cost of supporting EEC dairy farmers fell dramatically thanks to high world prices (and correspondingly low export subsidies) and to a slowdown in the growth of EEC milk output to just 0.5 percent. Both these gains are fragile. World prices are high because the two biggest exporters, the EEC and New Zealand, have fixed the market; but prices will stay high only if America keeps out of the world market and if the EEC restrains its output. Despite last year's sale of 100,000 tonnes of stockpiled butter to the New Zealanders, American surpluses are growing again; by the end of 1982, there will be 243,000 tonnes of butter, 460,000 tonnes of cheese and 765,000 tonnes of milk powder in American stores.

Milk pundits reckon that the small growth in EEC production last year was exceptional; poor weather was to blame, they say, and this year output will rise by 1.5-2.0 percent, while consumption will rise by less than 0.5 percent, so that the EEC will still be churning out 20 percent more milk, cheese and butter than European consumers want to buy.

Mr. Dalsager's proposals, if accepted by the Ten's farm ministers, would cost the EEC budget an extra 1.2 billion ecus (£672m) in a full year. He has been deliberately generous in the hope that his proposals for high price rises will help ministers to reach an early agreement and subsequently allow him to introduce small reforms by stealth. Experience shows that the ministers invariably raise the proposals by 2-3 percent, put off reforms, and add expensive extras (this year, Greece is likely to demand a special package of aid measures for its farmers). The biggest danger is that, if Britain gets a deal to limit its budget contributions, it will give up fighting against high farm prices and excessive spending. That would be bad news for inflation, for the European taxpayer, and for the EEC's trade relations with other food exporters.

Mr. BENTSEN. Mr. President, I yield the remainder of my time to the distinguished Senator from Wisconsin (Mr. PROXMIRE).

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. I thank my good friend from Texas.

COP OUT TIME: CONGRESS AND THE ADMINISTRATION BLAME HIGH INTEREST RATES ON THE FEDERAL RESERVE

Mr. PROXMIRE. Mr. President, the No. 1 economic problem facing the country right now is a recession that includes 8.9 percent unemployment, increasing business failures, a homebuilding industry that is flat on its back, and an automobile industry staggering along at less than 50 percent of capacity. And what causes all of this economic distress? Answer: One simple primary and stubborn fact.

We suffer outrageously high interest rates that crucify the interest sensitive industries like housing and automobiles. Mortgage rates have risen to the incredible rate of 17 percent—on the average—in this country. At that level over 80 percent of potential home buyers simply cannot make the monthly payments necessary for buying the average new home. Last year less than 750,000 Americans bought new homes. That compares to

almost 1½ million in 1978. Today we have a pent-up demand for housing that would permit homebuilders to build and sell at least an additional million houses if we could bring mortgage interest rates down to 11 or 12 percent. Since each housing start requires 2 man-years of work, that means we lose 2 million jobs in housing alone because of high interest rates.

The auto industry, too, depends heavily on buyers financing their purchases on time. Three out of four persons who buy a new car, borrow to do so. Leaders in the automobile industry unanimously agree that the punishing level of interest rates shove monthly payments on cars beyond the reach of hundreds of thousands of potential buyers. In the auto industry we lose hundreds of thousands of jobs because of high interest rates.

Farmers as we know must borrow heavily and finance virtually all of their implement purchases on credit. But with interest rates so high, they simply cannot afford to buy the machinery and equipment they need to do a more efficient job. Result: The farm implement business is in trouble.

Small business typically provides the greatest increase in employment in this country and also depends heavily on credit to finance their working capital. But small business in many parts of the country has been paralyzed by high interest rates.

Now what I have stated so far will encounter little dispute in this body or anywhere else in this country. The question is who is responsible for these high interest rates, and what can we do about it? Unfortunately that has become a red hot, partisan issue in the past few weeks, featured by some of the most transparent buck passing in years. President Reagan has blamed high interest rates on the Federal Reserve and many Republican Members of the Congress have taken him up on it and sing the same song.

VOLCKER ROUGHED UP

Just last week Chairman Paul Volcker appeared before the Joint Economic Committee. He suffered a rough reception with members, particularly on the Republican side blaming him and the policies of the Federal Reserve Board for high interest rates. Treasury Secretary Regan followed him, and although Secretary Regan is the chief economic official of this administration, Republican members concentrated almost all their fire—not on the budget deficits and immense Treasury borrowing—that obviously drive up interest rates, but on the Federal Reserve Board. And Secretary Regan happily swallowed the alibi and pitched in, joining in the general condemnation of the Fed as the interest rate villain.

FEEBLE ARGUMENT

Now Mr. President, their argument has to be one of the feeblest economic arguments I have heard in years. They contend that interest rates are high because the Fed has not followed a sufficiently consistent policy of holding down the rate of increase in the supply of money. What are the facts? The facts are that since October of 1979 when the Fed announced that henceforth it would fight inflation by steadily and gradually reducing the rate of increase in the supply of money, the Fed has lived up to its word.

Each year since that announcement it has reduced the rate of increase in the money supply. For the full year 1981 the Fed increased the money supply by 2.1 percent. But that 2.1-percent increase included a very big 8.1-percent increase in the money supply in the fourth quarter. Republican criticism concentrates on the big increase in the final quarter and argues that that unsettled the financial markets so much, because it represented such a radical departure that interest rates began to rise again. Where does this Fed-is-to-blame argument come from?

Now, Mr. President, how does monetary policy affect interest rates? First, the greater the supply of money and credit, the lower will be the price of credit or interest rates. So will an increase—a big sudden increase like the big jump in the 1981 fourth quarter increase or reduce interest rates? Answer: It will work in both directions. The additional credit will tend to push down the price of that credit or interest. But the additional credit will also send a signal to the credit markets that the Fed is likely to curtail that temporary big jump in credit in subsequent quarters and reduce the rate of increase in the money supply to make up for it.

WHY EASIER CREDIT TEMPORARILY RAISES INTEREST

What happens when the financial community expects interest rates to increase in the future? Several things: First, those who are planning to borrow accelerate their borrowing in order to beat the expected increase in interest rates; this increases the demand for credit. Second, those who hold financial assets have a greater desire to sell them to avoid a future capital loss; this exerts additional pressure on the available supply of credit. Third, those who have funds to invest hold back in anticipation of a higher future return; this decreases the available supply of credit.

The combination of these factors—an increase in the demand for credit and a decrease in the supply of credit—cause interest rates to rise. In other words, the expectation of higher rates becomes a self-fulfilling prophecy. When the market sees a temporary increase in the supply of money, rates go up in anticipation of a future tightening by the Fed.

So, yes, the big increase in the money supply in the fourth quarter probably has some effect in pushing interest rates a little higher—temporarily—until the next report on the money supply comes in and the Fed returns to its long-term policy of restraint. But we must not confuse this temporary fluctuation with the clear and now well-established Federal Reserve policy that the rate of increase in the money supply must continue to be low.

STRAINING AT GNATS

Indeed, the money market fully recognizes this determination. In fact, the reason they know the policy will be tighter in the next quarter is precisely because the Fed for 3 years now has established that restraint policy as their hallmark. Republican critics are truly straining at gnats when they condemn the quarterly fluctuations. The simple fact is that the Fed does indeed constitute the only game in town in fighting inflation.

EXTREME MONETARIST VIEW—THE LONG-LOST BROTHER

Well, Mr. President, there is an extreme monetarist view within the Treasury and academia which attempts to blame the Fed for high interest rates because it permits this excessive variation in the shortrun growth of the money supply. Republicans in the administration and Congress are hugging it like a long-lost brother. These extremists—now administration—views apparently believe the Fed should stick to a fixed growth rate for the money supply over a quarter, a month, or even a week. According to this view, variations in the weekly money supply figures upset the financial community and cause rates to be higher than necessary.

Mr. President, if there is anything that upsets the financial community it is the week-to-week variation in the estimated budget deficit for fiscal year 1983 and future years. The financial community has been tracking the money supply figures for many years and by now it surely realizes that weekly or monthly variations in money growth do not add up a trend.

What would really happen if the Fed took the advice of these self-appointed critics in the Treasury? First of all, short-term interest rates would vary tremendously as the Fed attempted to counter every jiggle in the demand for money with offsetting open market operations. Second, the increased interest rate volatility would put many financial institutions under extreme pressure, especially the beleagured thrift industry which lost $5 billion last year. Third, the rest of the business community would become increasingly apprehensive of investing as

they saw short-term rates fluctuate widely from week to week. As one Governor of the Fed put it, they would think the Fed had gone bananas.

ADMINISTRATION'S NO INFLATION POLICY

The Congress and the administration continues to pursue a blatantly inflationary fiscal policy with mammoth deficits crowding $100 billion. The administration has virtually written off any use of antitrust policy to fight inflation. We have the weakest antitrust, procompetition Federal policy today that we have had since 1980. The administration continues to waltz away from a free trade policy with trigger prices and various levels of import restraint. And this is the first administration in more than 20 years to have no incomes policy—that is no policy of wage and price restraint. So the whole burden comes down on the Fed to fight inflation. The administration agrees that we need to hold down the rate of increase in the supply of money to fight inflation.

The numbers—the sheer arithmetic—tells the story. The Fed is doing its job. Inflation has abated owing not to anything the administration or the Congress has done, owing almost entirely to the singlehanded efforts of the Fed, and now the Fed takes it on the chin from the President and Republicans in the House and Senate for pushing up interest rates. How ridiculous.

CONGRESS CANNOT PASS BUCK FOR FED

Mr. President, for 24 years I have served on the Senate Banking Committee. For 6 years I have been chairman of that committee. I have listened to the testimony of some distinguished chairmen of the Fed, to William McChesney Martin, to Arthur Burns, to William Miller, and now to Paul Volcker.

Without exception they recognized that the Fed cannot bring down interest rates in the face of an expansive congressional fiscal policy. Repeatedly they have inveighed against Federal deficit financing and excessive Federal spending. Again and again they have presented the committee with the simple alternative that confronts any Fed Chairman. In the face of high Federal deficits they can either monetize that debt by increasing the money supply at a more rapid rate and making more credit available, or they can refuse to monetize the debt and require the Federal Government to elbow private borrowers aside and borrow its hundreds of billions in the private market. Now, Mr. President, get this: whichever policy they follow they will drive up interest rates if we are running large Federal deficits.

NO ALTERNATIVE

They have no alternative. Consider: if they hold down the rate of increase in the money supply and continue to fight inflation, Federal borrowing will compete for the scarce credit and interest rates will rise. And if they increase the rate of money supply creation, they will pump more money into the inflationary economy, drive prices up, and drive interest rates up further. Why? Because lenders will insist on the inflationary premium, a return higher than the anticipated inflation rate.

I asked Paul Volcker a couple of months ago when he appeared before the Senate Banking Committee whether he could follow any policy that would bring interest rates down now. His answer, "No." He could not. I pointed out that this was an extraordinary admission from our principal banker, the head of the agency to which the Congress had entrusted the money power. Volcker said he could not bring interest rates down. And, Mr. President, I agree with him.

Now, of course, I may be wrong. Volcker may be wrong. The President and the congressional Republicans may be right. Maybe the Fed is responsible for the high interest rates. But, Mr. President, who is responsible for the Fed? The answer: Look at the Constitution. article I, section 1, subparagraph 8 gives the Congress the money power; not the Executive, but the Congress. We and we alone have the power to coin money and regulate the value thereof. We created the Fed.

OUR CREATURE

It is our creature. A few years ago Senator Paul Douglas, the only truly outstanding economist ever to serve in this body, a former president of the American Economic Association, told Chairman William McChesney Martin to write on his bathroom mirror so he would see it every morning when he shaved: "I am a creature of the Congress." Let us not forget that. We as Members of the Congress have the full responsibility for the Federal Reserve. We can abolish it. We can recreate it. We can pass a resolution mandating whatever policies that we wish. We are the master. When we blame the Federal Reserve, we blame ourselves. If we say they are responsible for high interest rates, the next question must be, Well then, why do you not do something about it? We can.

CHALLENGE

And I challenge the majority leadership of this body. I challenge the President of the United States who is their leader. If the Federal Reserve Board causes the high interest rates, then tell us how you would change it; and be done with it. The Fed is not some untouchable, distant power beyond our reach. It has no holy function. It is not a group of private, distant bankers. It is our creature, our instrument, our responsibility. Oh sure, some say, the Fed is an independent agency. That independence only exists in the deliberate, calculated restraint of the Congress. We can end that independence by simply passing a law. And if the Fed is following policies that drive millions of Americans out of work and bankrupt the homebuilding and auto industries why do we not step in and change those policies?

Why does not the President of the United States propose legislation to direct the Fed to follow a different policy? The President is, as a matter of cold fact, the legislative leader of our country. What legislation has he proposed to change the Federal Reserve? Answer: None; that is right, none. If the President wants to change the makeup of the Federal Reserve Board, he can propose to do so. I would strongly oppose such an action. But many would support it, and frankly, if the President made any kind of case that the Fed was, in fact, responsible for the present high interest rates the Congress would quickly support legislation to change the Board.

END THE COPOUT

So, Mr. President, let us not engage in this futile copout. If we really believe the Fed causes these high interest rates, bring on the legislation or the resolutions to change the Fed. If any Member should argue that the problem is Volcker, or the present board, not the fundamental law, then introduce a resolution to change Fed policy. Pass it, and the Fed would have no alternative except to comply. We could, for example, mandate the Fed to limit the increase in the money supply during any quarter or any month or week to a certain percentage or within a certain range, but has anyone proposed to do that? Of course; and why not? Because that kind of congressional interference with that complex professional job would make the situation even worse. Once the Congress brings its political clout into the day-to-day management of the Fed, you can kiss off any rational, steady, long-term policy.

So instead we trot out our favorite whipping boy, our prime scapegoat. How beautiful. We do not have to blame ourselves for our spending folly. No, no, no, no. As the distinguished senior Senator from Louisiana, Senator RUSSELL LONG, says: "Don't blame you, don't blame me, blame the man behind the tree." And the man behind the tree is the Fed.

Let us manfully face up to the fact that the Fed has not pushed interest rates up. I am positive they would love to get interest rates down. We—the Congress—have pushed interest rates up by creating a series of huge deficits that have given us $1 trillion national debt and still growing.

And no matter how we squirm and twist and turn we cannot get away from our own responsibility. To get interest rates down we have to follow a painful, difficult course. We have to

cut spending even more deeply than we have; or we have to do both.

But how much more delightful to blame the Fed than to face the tough facts of life and do something about it.

Mr. LONG. Mr. President, will the Senator yield for a moment?

Mr. PROXMIRE. I yield.

Mr. LONG. Mr. President, let me congratulate the Senator on his statement. I did not get to hear all of it, and I may not agree with everything the Senator said, but I know I agree with a great deal of it.

I take it that the Senator feels that if you are not going to do anything about the Federal Reserve, you ought to be acting in other areas. As the Senator says, he does not think anything should be done about the Federal Reserve activities, I feel the administration is not doing anything about that. If that is the case, you ought to be acting in other areas.

You are either reducing spending, raising revenues, or a combination of the two.

I would like to ask the Senator if he would agree with me that very definitely we ought to be doing one of the three. Logically, the answer would seem to be, and I would ask if the Senator agrees with this, that you ought to reduce spending to the extent that you can.

Mr. PROXMIRE. I agree wholeheartedly with that.

Mr. LONG. Having done that, you then ought to raise revenue to fill in the slack.

Mr. PROXMIRE. Exactly.

Mr. LONG. That in no event should we go forward with the kind of deficit, both short term and long term, which means that people will not make the investments in equity and they will not make the investments in long-term bonds that are so essential to the recovery of the economy and to the future prosperity of America.

Mr. PROXMIRE. The Senator from Louisiana is 100-percent right. The result is that you are going to continue to have these tremendously high interest rates that destroy the homebuilding industry—17 percent mortgages. There is no way they can operate with those kinds of mortgages. The automobile industry also suffers terribly.

Mr. LONG. Does it not boil down to this: In terms of the economy, the easy tricks have already been taken. You can not hope to cut spending anything like as much as the $38 billion that was cut last year, which started from a budget that the President said was greatly excessive. You would be very fortunate if you cut it even a quarter of that much. If you are not going to do anything about changing the Federal Reserve's activity, that means the only alternative would be to raise additional revenue by one recommendation or another, by some means that would seem most fair and most equitable, most appropriate to the situation.

Mr. PROXMIRE. I could not agree more with the distinguished Senator, who is, incidentally, the long-term chairman of the Finance Committee and our outstanding expert on revenues.

Mr. LONG. I might ask the Senator this: Is he not aware of the fact that according to all the published reports, the Secretary of the Treasury agrees with that position, practically all of the President's economic advisers seem to agree with that position, and from what we learn from talking with other Senators they agree. That is, concerning the President's long-term inclination not to do that type of thing, not to ask for a tax increase, which seems to be standing in the way of the type of program that the Senator seems to think is necessary.

Mr. PROXMIRE. I think the Senator is correct. I think I would put somewhat more emphasis on cutting spending than the President would, even though he did very well last year. I think there are areas that are sacred cows that we have not touched that we have to touch. But the Senator is right, that we can not cut the budget enough to reduce unemployment to below 7 percent. If we can not get the deficit down to that level, we will have to increase revenues.

Mr. LONG. Just to get it clear so everyone can understand it, if the Senator had the decision to make himself, having set up recommendations for the economy and having achieved part of them, and perhaps not all by any means, would the Senator not then feel he ought to make a recommendation to raise revenues by whatever seems to be the most appropriate way to fill up the slack that he could not achieve by spending cuts?

Mr. PROXMIRE. On those assumptions, I think we should. There is no other way to do it. There is no way that we can say the deficit will be less than $100 billion if everything works out all right, as the President said in his state of the Union message, $100 billion from this President, one of the finest men we have had as President. But he is a man who has based his whole campaign on eliminating deficits, on balancing the budget. That was the heart of it, the crux of it. That is what people believed in and that is why people supported him.

Mr. LONG. The President suggested that if we do something to reduce the deficit in terms of revenue measures, nothing would be achieved because the Congress would just spend more money.

Let me ask the Senator, does that make any real sense, when we are facing a deficit of $100 billion, to say if we do something to raise more revenues the Congress will spend more money? Will that make sense under the circumstances?

Mr. PROXMIRE. Not under the circumstances. There are certainly circumstances where it does make sense. I feel our problem is that this is an enormous Federal Government that has grown way out of bounds, that has to be drastically reduced. But certainly when you come up with a program that falls as short as this one does in making the reduction, there is no alternative than to come up with more revenues or face the fact that you will have deficits that will be driven through the roof.

Mr. LONG. Mr. President, I applaud the Senator's statement in that regard. I hope that all of us, including those in this body who are very dear friends of the President, will continue to make the point to him that the leadership in this time, the leadership of the present, really demands that we economize every place we can economize, and having done that, that we reduce deficits, both present and future deficits, to at least a much more responsible level, which is the hope of the American people. Otherwise, it seems we will have very high interest rates for a long time to come and that is going to frustrate most of what we thought we achieved when we passed the Tax Recovery Act.

I think we would certainly hope that that measure, which was the biggest tax cut in history, would achieve that which we claimed for it, and even the President of the United States claimed for it. I know the Senator hopes that would be the case. We all share the objective that the program will succeed. We all voted for it. I voted for it. Did the Senator?

Mr. PROXMIRE. I sure did. I voted for the tax cut and the spending cuts.

Mr. LONG. No one has voted for more economy than the Senator from Wisconsin (Mr. PROXMIRE). Having done that type of thing, having voted for both the spending cuts and the tax cuts, we hope the programs will succeed.

May I say to the Senator that I am one of those Senators who went up to the White House at the President's invitation. He also invited other so-called conservative Democrats. I thought we ought to go along with the President on the 3-year tax cut, to cut in three stages.

I made the point at the time that if this thing did not work out the way we hoped it would work, that the President would be the first to come in and recommend that something be done about it. I hope very much that I will not be disappointed in that. Some took me at my word, thinking it made good sense. I hope that if it does not work, the President will make a recommendation.

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Mr. PROXMIRE. I thank the Senator very much.

A STARTLING CONCLUSION FROM AN ANALYSIS OF GENOCIDE

Mr. PROXMIRE. Mr. President, the Jews of Hungary during World War II serve as an example of victims of genocide. Approximately 750,000 Jews lived in Hungary in 1941. By war's end, only about one-third of that number remained.

Professor Randolph Braham, in his book "The Politics of Genocide: The Holocaust in Hungary," examines this horrible occurrence by first studying Hungarian history predating the tragedy and then the daily progress of the extermination campaign itself.

Mr. Braham describes some surprising facts, and he reaches a startling conclusion. It seems the aristocratic leaders of the Jewish population who comprised the Jewish Council understood the consequences of deportation, but did not forward the information to lower level officials or any other segment of the population. They were attempting to avoid panic among the Jewish population, and as a result, preserve the relatively humane treatment being given to those who had not yet been deported.

Mr. Braham considers this approach to have been a serious tactical error by the Jewish Council. He suggests that if the entire Council had "resigned or *committed suicide* (emphasis added)" after publicly stating that all the deported Jews were being killed in concentration camps, "they would have created a situation of anarchy which would have awakened the Jews to the reality of the situation. That would have saved the most lives."

Now, I do not endorse the concept that the leadership of any religious, national, ethnic, or racial group need kill itself in order to protect the group itself. We enact laws, declarations, and conventions to protect the rights of human beings. The Genocide Conventional would serve that function, if we would only let it.

The Genocide Convention was, in fact, drafted as a response to the Holocaust. The United States, the most concerned of all nations for the rights of mankind, has for 30 years been remiss in its consideration of the treaty. The Senate should hesitate no longer in ratifying this important convention.

DEREGULATION: THE DISPARITY BETWEEN RHETORIC AND REALITY

Mr. PROXMIRE. Mr. President, during the confirmation of the major agency and department heads of the Reagan administration last year, I asked each a series of questions about their precise plans for deregulation as opposed to the general rhetoric that had been displayed during the election campaign.

Uniformly the answers came back without specific goals or precise documentation. At that time I asked the question: How substantial and how effective is this commitment to deregulation by the new administration? Is it only rhetoric deep?

The answer seems to come in two quite distinct parts. For those of us here in Washington, there is a perception that the effort at deregulation has been a huge success. Murray L. Weidenbaum, the President's chief economic adviser, has asserted that regulatory relief saved over $6 billion last year alone. The Vice President's team heading up the deregulatory effort makes similar claims and cites the reduction in the number of pages of announcements in the Federal Register.

So if we are to believe what we hear and are told in Washington, deregulation has been a tremendous success.

But what of the conditions outside Washington? There we find a much different story.

Two articles in the Washington Post document this feeling in many local communities that the deregulation effort has not yet touched the lives of the average citizen. T. R. Reid looked at Appleton, Wis., and found that the people are still waiting for the Federal Government to get off their backs and out of their pockets. Time after time he cites conversations with local business and government officials who cannot give any examples of beneficial results of the reduction in regulations claimed in Washington. He calls this the disparity between rhetoric in Washington and the real life in a fairly typical American city. In some cases the deregulation of a Federal program has led to more paperwork from State agencies and the difficulty in having to cope with different standards from the 50 States. In some cases one type of regulation has been displaced by another. But in the vast majority of cases there simply is no evidence of the deregulation effort at all—none.

What of the majestic claims here in Washington? Have they not yet filtered down to the local level? Where is the $6 billion in savings? How long will it be before citizens throughout the country feel the results of this huge campaign?

I hope it is not long in coming, Mr. President, and that when it does arrive, it is not simply rhetoric but reality. Mr. President I ask unanimous consent that edited versions of the two articles from the Washington Post by T. R. Reid and an editorial printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 1, 1982]

THE DISPARITY BETWEEN RHETORIC AND REALITY

(By T. R. Reid)

APPLETON, WIS.—Moved in large part by Ronald Reagan's promise to "get the government off your backs," the people of this neat, pleasant city on the north shore of Lake Winnebago gave him their strong support in the last presidential election and then sat back to await the results of his war against federal regulation.

They're still waiting.

There have been instances where the anti-regulation push in Washington has borne fruit here in Wisconsin; officials at Kimberly-Clark Corp., the big paper firm that has headquarters here, are still pinching themselves about an Occupational Safety and Health Administration inspection that lasted less than an hour. It used to take two days. But there have also been instances where the regulatory burden has increased; the student aid office at Lawrence University had to hire new clerical staff to cope with the increased work resulting from one of Reagan's "deregulatory" initiatives.

For the most part, though, a visitor to this city who asks how things have changed under Reagan and deregulation gets the same answer:

"None. None. We just bid a little sewer job, government funded, and the regs hadn't changed a bit," said Don Utschig, president of a construction firm.

"Nothing that Reagan's done has touched us yet, not even in personnel," said Judy Griffin, air pollution sampler.

"They're still sending me all the same paperwork with all the same questions to answer. This [Census Bureau] form they sent last week, it was two feet long," said Viona Klemp, municipal payroll clerk.

"Hasn't been any change in any rules that I can think of. From what I hear, not a damn thing's going to change," said Ty Stefl, dairy manager.

The disparity between rhetoric in Washington and real life in a fairly typical American city like this one (Appleton has a population of 60,000) probably reflects the sheer enormity of the government's regulatory apparatus. "The federal government is everywhere," says Bill Brehm, the city's energetic young planning director. "Reagan can maybe stop the growth of all this busy work, maybe cut it by 10 percent if he's really lucky, but you're still going to have 90 percent of it in place. See, that's still huge if you're the guy who has to plow through it all."

That perception, that government regulation has become an immutable part of life, may also contribute to the sense here that nothing much has happened. Some businesses here are so used to complying with regulations that they are even more resistant to change than the government.

In some cases, the "Reagan revolution" has led, paradoxically, to an increase in government red tape. Although Preston Wilbourne, president of Air Wisconsin, the successful regional airline that is based here, supported the president's firing of the air traffic controllers, he finds the result ironic. "In effect, they've re-regulated; the department [of Transportation] is controlling our traffic like the CAB [Civil Aeronautics Board] did before the deregulation."

After the Department of Education announced, with considerable fanfare, that it was "deregulating" the terms of guaranteed student loans, the business office at Appleton's Lawrence University had to increase its clerical staff from two persons to three to handle the paperwork. "The feds turned this over to the states," explains Marvin Wrolstad, Lawrence's vice president for business affairs. "So for anybody involved in administering these loans, you basically have to deal with 50 sets of rules instead of one.

"I'm sure in Washington they're talking about reducing paperwork and getting the government off your back and stuff like this," Wrolstad says. "But the fact of it is, out here, it hasn't changed much. There's some difference, yes, but it's not so much tangible as it is a change of mood."

[From the Washington Post, Feb. 2, 1982]

THE "NEW MOOD" UNWINDS SOME RED TAPE

(By T. R. Reid)

APPLETON, WIS.—With considerable trepidation and an underlying conviction that the effort would fail, Marwin Wrolstad picked up the phone a few weeks ago and asked for help from his local federal regulator.

Wrolstad, vice president for business affairs at Lawrence University here, had reviewed the plans for an experimental heating process, funded by an Energy Department grant, and decided that it wouldn't work.

But like any institution in frigid north-central Wisconsin, Lawrence had a lot of other energy-efficiency plans; Wrolstad wanted to spend $8,000 of the unused grant to insulate some steam lines. To do that, though, the school would have to submit a whole new set of affidavits and application forms—a tedious process that could not be finished before the time period for the grant ran out.

"I figured before I went through all that I'd just try them out," Wrolstad recalled recently. "So I called the [Energy Department's] regional office down in Argon [Ill.], and lo and behold, they were very helpful. They helped us redirect the money. They found a way that didn't take as much red tape. They even granted a 60-day extension right on the phone!"

Most people here say that, despite the deregulatory hoopla in Washington, there has been almost no tangible change in the government's regulation of their jobs and their lives. But some business people have noticed an intangible change in the attitudes of the regulators they deal with.

"The attitude of the regulators, some of them, is basically different in the past year," says Paul Lenahan, a staff vice president at Kimberly-Clark Corp., the big paper products firm that is based here. "I guess a key word is trust. It used to be they clearly didn't trust you. Now it seems to be different.

According to senior administration officials, this change is quite deliberate. In his year-end assessments of the Reagan deregulatory effort, Vice President Bush tells audiences that "one of the biggest changes" in the field is a "new mood" on the part of the regulators—an attitude of cooperation rather than confrontation.

The value of a changed attitude is extremely hard to quantify, of course, and that is a key reason that no one in Appleton, not even the people who have noticed the change, will even begin to guess how much money might have been saved in the process.

Back in Washington, the president's chief economic adviser, Murray L. Weidenbaum, has estimated that regulatory "relief" measures saved the nation $6 billion last year. This guess may or may not be right, but there is zero substantiation for it here. Neither the giant firms like Kimberly-Clark nor small operations like WVMS-AM, a 12-person radio station here, can pinpoint even one cent of savings so far.

Meanwhile, people in the Appleton branch of the "regulation industry"—the lawyers, accountants and engineers who help people comply with federal regulations and measure their compliance—say they have felt no impact from the big antiregulatory push in Washington.

Last year, The Washington Post reported on Judy Griffin, a mother of three who was earning $25 per week as a sub-subcontractor to the Environmental Protection Agency. Her job was to operate an air pollution sampling machine on the roof of a firehouse here. Early in 1981, Griffin was worried that Reagan cutbacks would cost her job.

"Well guess what," Griffin says now. "Under Reagan, I've expanded. We added two more test sites because people called in and complained about particulate emissions out of these [paper] plants. I'm making more than I ever was.

"I've got this friend in Washington," Griffin says. "He . . . keeps calling me and saying 'Don't you know what's happening to regulation? . . .' And I say, 'Out here, nothing's happening.' "

[From the Washington Post, Feb. 3, 1982]

APPLETON REVISITED

The Post's reporter, T. R. Reid, returned to Appleton, Wis., recently to see what has changed since he took stock of that city's complaints about over-regulation almost a year ago. Mr. Reid's findings are worth thinking about in relation to the administration's regulatory rollback.

Some improvements have been noted. The Occupational Safety and Health Administration, already rated as "the most improved agency" a year ago, has now reduced its safety inspections of the local paper mill to little more than a smile and a wave. That pleases the plant manager, at least, and other local people also note a new attitude of cooperation that makes their dealings with the federal government more efficient as well as pleasant.

On the other hand, no one sees any big dollar savings from the changes, and some things—such as administering government-aided student loans at the local university—are more complicated than ever. This inconsistency in federal policy shows up in other areas as well.

Business interests with ready access to the Office of Management and Budget, where regulatory policy is now centered, have usually received prompt, continuing relief from the nagging ache of federal regulation. A few industries, of course, such as the big trucking firms, don't want to be deregulated, and they have gotten their wish to be left alone. In the case of less favored constituencies, however, the prescription has been still more red tape. Welfare agencies, for example, are burdened with a host of new requirements to do such things as tally recipient's possessions and reduce errors to a level not achieved by even the most careful fiduciaries of public or private trust.

The administration's regulatory review is far from complete, and there is time to correct the imbalances and open the process up to wider inspection. Savings from improved efficiency should increase over time, and no one should undervalue the importance of administering federal rules with more common sense and understanding. But untangling red tape isn't as easy as it looks from the outside. The Appleton findings are clear about that.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed 20 minutes, with statements therein limited to 3 minutes.

THE LEGISLATIVE VETO

Mr. GORTON. Mr. President, I wish to call to the attention of my colleagues an editorial authored by the distinguished Senator from Missouri (Mr. DANFORTH) which appeared in the Springfield, Mo., News on December 3, 1981. The editorial addresses the subject of the legislative veto in the context of the Federal Trade Commission's used car rule, as well as the merits of that particular trade regulation. Since Congress adjourned last session without completing action on the proposed legislative veto of the used car rule, the FTC has resubmitted the rule to Congress for another 90 day review period. A new disapproval resolution, Senate Concurrent Resolution 60, has been introduced by the distinguished Senator from South Dakota (Mr. PRESSLER). I believe the subject of Senator DANFORTH's editorial should have the attention of every Senator. Besides Senate Concurrent Resolution 60, it relates to S. 1080, the regulatory reform bill, and the proposed legislative veto provision in that context.

The recent decision of the U.S. Court of Appeals (D.C. Circuit) which declared the legislative veto unconstitutional in a natural gas pricing case is also an interesting development which is relevant to these bills. Although that case involves the Natural Gas Policy Act of 1978, the court's opinion contains expansive language questioning the validity of the legislative veto in a broad sense.

I ask unanimous consent that the editorial from the December 3, 1981, Springfield News be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Springfield News, Dec. 3, 1981]

"USED CAR RULE" FIGHT TO BEGIN AGAIN

(By Jack Danforth)

This year the Senate adjourned without taking action on a proposal to veto the Federal Trade Commission's "used car rule." Under the rule, used car dealers would be required to disclose known defects in the cars they sell. The disclosure would be made

on a window sticker posted in the window of each car. Since Congress did not act, the FTC will have to resubmit the rule in 1982, and the veto fight will begin anew.

I have never supported the legislative veto as a tool to curb regulatory excesses. In my view, the legislative veto only encourages sloppy legislating (on the theory Congress will always have a second bite at the apple), and then invites Congress to spend valuable time debating the worst sort of minutiae, all the while playing into the hands of special interest groups.

The resolution to veto the Federal Trade Commission's used car rule is a textbook example of what's wrong with the legislative veto.

Over the last weeks of the congressional session, while the recession went on apace, the members and staff of the Commerce Committee debated the wisdom of auto window stickers. Opponents of the FTC's used car rule say they are not opposed to FTC regulation of used car sales, but only to the FTC's rule. But they propose no alternatives.

Either the FTC should be in the business of regulating the sale of used cars or it should not. If the FTC should regulate the sale of used cars—and most commentators, opponents as well as supporters of this rule, seem to think such regulation is appropriate—then I think Congress should be prepared to support the FTC in its work. If Congress cannot support the work of the agency, we should be prepared—through legislation—to provide appropriate guidance to the FTC as to how it should proceed. The veto resolution gives the FTC no guidance whatsoever.

Some who oppose the rule say it would have been better if the FTC had ordered dealers to inspect the cars they sell (the rule does not do that now, despite rumors to the contrary). Others say the matter should be left to the states. Still others simply tell the FTC to try again. In my opinion, if this rule is vetoed the FTC would be well-advised not to try again. Until Congress decides what it wants to do about used cars. It will find all sorts of trumped-up reasons to oppose the FTC's work—reasons which are nothing more than excuses to justify a response to a well-organized lobby.

Certainly, it is possible for reasonable people to differ on the wisdom of the FTC's rule. However, with all due respect to my colleagues, I simply do not believe that the support for this veto resolution reflects sober study of the merits and demerits of the FTC's rule. It reflects, instead, the influence of a well-organized lobby. Nowhere is a valid case made that the FTC has acted in excess of its jurisdiction or in contravention of clearly articulated congressional policy. Today, we placate used car dealers. Tomorrow, it will be another group. And then another. This, in my view, is not the way the Congress of the United States should make public policy. I believe the FTC has acted well within its statutory mandate. Further, I support the rule on the merits.

The rule requires dealers to disclose known defects to the purchasers of used cars. I see nothing wrong with that. If a used car is defective and the dealer knows the car is defective, it seems to me the dealer should tell the customer that the car is defective. That is what the rule tells used car dealers to do. Nothing more. Nothing less. I cannot find anything wrong with that.

In fact, I find much that is right with the FTC rule. The marketplace works best when neither buyer nor seller is at an overwhelming disadvantage in raw bargaining power or in information. The marketplace works best when buyer and seller have access to basic information from which to strike a sound bargain.

This debate comes at a suspicious time. When the Senate reconvenes this month it will debate a mammoth piece of legislation known as the Regulatory Reform Act. At that time, efforts will be made to attach a legislative veto provision to the bill, giving Congress power to veto administrative rules across the board. In that debate, Congress would do well to consider our recent experience with the used car rule—and reject the veto proposal.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

TELEVISION AND RADIO COVERAGE OF SENATE PROCEEDINGS

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the motion to proceed to the consideration of Senate Resolution 20, which the clerk will state by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 20) providing for television and radio coverage of proceedings of the Senate.

Mr. BAKER. Mr. President, I suggest the absence of a quorum. I may say, Mr. President, for any Senators who are in the Chamber or who may be listening in their offices, that there is a high likelihood that this quorum call will go live, so I would encourage Members to come to the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 3 Leg.]

Baker	Gorton	Stennis
Ford	Long	Warner
Garn	Packwood	

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

The assistant legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names:

Abdnor	East	Mitchell
Andrews	Exon	Moynihan
Armstrong	Glenn	Murkowski
Baucus	Grassley	Nickles
Bentsen	Hart	Nunn
Boren	Hatch	Pell
Boschwitz	Hatfield	Percy
Bradley	Hayakawa	Pressler
Bumpers	Heflin	Proxmire
Burdick	Helms	Pryor
Byrd, Harry F., Jr.	Hollings	Quayle
	Huddleston	Randolph
Byrd, Robert C.	Humphrey	Riegle
Cannon	Inouye	Roth
Chafee	Jackson	Rudman
Chiles	Jepsen	Sarbanes
Cochran	Johnston	Sasser
Cohen	Kassebaum	Schmitt
Cranston	Kasten	Simpson
D'Amato	Kennedy	Specter
Danforth	Laxalt	Stafford
DeConcini	Leahy	Stevens
Denton	Levin	Symms
Dixon	Lugar	Thurmond
Dodd	Matsunaga	Tower
Dole	Mattingly	Tsongas
Domenici	McClure	Wallop
Durenberger	Melcher	Zorinsky
Eagleton	Metzenbaum	

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mrs. HAWKINS), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Maryland (Mr. MATHIAS), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Delaware (Mr. BIDEN) are absent because of illness.

The PRESIDING OFFICER. A quorum is present.

Mr. BAKER. Mr. President, will the Chair state the business now before the Senate?

The PRESIDING OFFICER. The pending question is to proceed to the consideration of Senate Resolution 20.

Mr. BAKER. I thank the Chair.

Mr. President, I understand that the distinguished Senator from Mississippi has a statement to make at this time. There may be other statements in the course of the afternoon.

I remind Senators that there is presently an order to vote on this motion on tomorrow. I would not expect the Senate to be in very late today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, do I have the floor?

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. I thank the Chair.

Mr. President and Members of the body, you have just heard the announcement here that the motion to take up this measure will be voted on tomorrow sometime, and that being settled, I am not trying to take up any time here or anything like that, to kill time or try to bring about some parliamentary advantage or anything of that kind.

Before I get to the merits of this matter, though, I want to say with the

greatest emphasis that any points that I make—Mr. President, if I may have permission to just wait here until the Chair can give me the floor——

The PRESIDING OFFICER. The Senate will be in order. The distinguished Senator from Mississippi has the floor and has asked that the courtesy of this Chamber be extended to him.

Mr. STENNIS. I asked for order, Mr. President, here on the floor where there is very slight attendance, but whoever is here, if a Member is here, just one, who wants to hear what I say, I want it to be possible for him to hear it.

The PRESIDING OFFICER. I ask the Senators to please clear the well so the Senator from Mississippi, who has the floor, can proceed in what I think would be an orderly fashion.

Can I please ask Senators to clear the floor, clear the well, so that the Senator from Mississippi can proceed? Extend to him the courtesy he deserves.

Mr. STENNIS. Mr. President, what I wanted to make very clear in the beginning is that the author of this resolution is the Senator from Tennessee (Mr. BAKER), and in him we could not have a Member whom I respect more, whose ability I respect more, and whose purposes are higher than I believe his to be, and that is based on years of close observation and association, no affinities or obligations between us particularly. But I remember distinctly the day he came here and the way he has moved into discharging his responsibilities not only for Tennessee but for the institution of the Senate and the country, which is something to be admired, and I do admire it and I appreciate very much his fine services.

I remember I said something in December, too, about the leadership with which we are blessed here in the Senate, the four men, and I referred to them, the two respected leaders and their principal assistants.

We went through a year last year that had the greatest volume, I think, of legislation of any year since I have been around, at least ever since the time of the 100 days in the so-called New Deal's beginning.

These gentlemen worked together with effectiveness, high purposes, and kept the body informed and kept us moving in discharging these duties in the very finest tradition and the very finest fashion. It is something that might not be noticed by many of the public, and even we do not notice it, maybe in appreciation as we are harried here at times by various problems.

But I made that statement with reference to the Senator from Tennessee (Mr. BAKER), and I have already called him by name; the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from California (Mr. CRANSTON), and also our assistant leader here, the Senator from Alaska (Mr. STEVENS).

So we are all indebted to Senator BAKER, and we appreciate very much those services.

I am thinking and speaking today with all of my feeling and judgment that I do have about the institution of the U.S. Senate.

Mr. LONG. Mr. President, will the Senator yield for just a moment?

Mr. STENNIS. Yes. I believe the Senator from Louisiana has spoken first and then I will yield to the majority leader.

Mr. LONG. Let me just say that I want to associate myself with the compliments the Senator paid the majority leader, the Senator from Tennessee (Mr. BAKER).

One of the many great things about the Senator from Tennessee is that he is one of those men who has the breadth of personality and judgment to see, to realize when he made a mistake, and to even tell his friends that he made a mistake on occasion. You cannnot say that for all people. I regret to say you cannot say that for all Senators. Some Senators think that they cannot make a mistake. They are like the Irishman who said, "I will admit when I am wrong but I am never wrong."

The Senator from Tennessee is one of those great Americans who, if he has made a mistake, when he becomes convinced himself that he has made a mistake, has the strength of character to admit it. He would say, "Well, yes, I made a mistake on that; if I had known then what I know now it would have been different."

I think that is a very fortunate thing for this body, because none of us is perfect. I know I have made mistakes in life, and most people have. The Senator from Tennessee is one of those great Americans who has the strength of character and enough confidence that he will be right about most things, that when he has made a mistake, he is fair enough to admit it, looking at it at least from hindsight. There are a great number of people who cannot measure up to that test.

(Mr. MATTINGLY assumed the chair.)

Mr. STENNIS. Well, I appreciate the Senator's remarks very much.

I yield to the Senator from Tennessee.

Mr. BAKER. I am grateful to my friend from Mississippi and my friend from Louisiana. I have to say I am overwhelmed; I am gratified beyond words to have these remarks, to the extent that they apply to me, made by one of the patriarchs of the Senate, one of the leading lights of this body, a man whose career I have patterned my own after in many respects, and in the remarks as well of the Senator from Louisiana, whom I admire inordinately. He and I have been on the same side of issues many times, and I believe we have some scars and bruises to prove it.

But I have to confess with some levity in hearing these comments that I keep waiting for the semicolon and "however." I think I will sit down, Mr. President, because I fear I will not be disappointed. [Laughter.]

Mr. STENNIS. Very well, Mr. President. The Senator from Tennessee's remarks are in keeping with his performance here, too.

Now, Mr. President, getting to this institution, I am talking about the debate here, this forum of debate here, in this Senate Chamber, upon the broad, big policies—the small policies, too—but the tremendous importance of there being a virtually unlimited forum for that exchange of views wherever it is desired, and in an atmosphere that will permit an appeal to the very best there is in the minds and judgments of our fellow Senators here.

So there are 200 years of precedents here and feeling on behalf of the public that the Senate is to a degree a court of appeals. That does not mean they are superior to the House of Representatives. The very opposite, but that their approach is different, and there is a reason for that. So we cannot just brush that off here by saying, "Well, that is old fashioned; it never did apply properly." That is something that the people of the country have been bred on, you might say, in their public thought, their ideals of their affairs being settled here in a forum of debate and exchange of views.

This resolution does not add one iota to the ability or the need or whatever extent it is to get these views out to the people.

Freedom of the press is not involved. There is no one trying to do anything against the TV industry or the profession or any kind of activity of theirs. As a matter of fact, it may not be known, but we have to my right here one story above this story in the Capitol inself—the TV facilities there for all the networks, as I understand it. The door is open there to any Member of this body. He can walk in more or less on his own invitation, but he comes there by invitation primarily of the TV systems that can invite him.

Then on the lower floor, the so-called basement floor, there are adequate cameras of the highest type adequately manned by professional people, owned by the public, paid for with taxpayers' money and available to us for a small charge to our accounts, our allowances, and it goes out under the judgment of the Senator himself as a public document for the benefit of any TV service or network

that might see fit to use it. That is adequate.

I hear no complaint about it. I have not heard one iota of suggestion from the people, and I am a Senator who goes out among the people a great deal, calling for or asking for or saying that they think it is needed to open up this Chamber now beyond the free forum that it already is, and put a TV camera, you might say, at the desk of every Senator and open it up to the possibility—you cannot restrain a Senator now once he gets in a position to obtain the floor, and obtains the floor—open up the possibility of the birth of a new type of demagoguery; call it what you will; call it by a more polite name—I am talking about the possibilities—open it up to a systematic grouping of one Senator or more Senators to a series of demagogic assaults on any sitting Senator, on any sitting President, upon any idea or any other policy of our great Government.

As I have said, there is no physical necessity for these cameras. I do not believe there is any kind of a public demand nor need. I believe we are unnecessarily opening up an avenue that we will be unable to control once it is put in use, and abuse, and will prove to be a vexing and disturbing element of our public thought.

Mr. LONG. Will the Senator yield?

Mr. STENNIS. Yes; I yield.

Mr. LONG. Mr. President, may I just say to the Senator, in support of his statement, that this Senator was reelected at the last election. He went all over his State and was interviewed on television wherever any TV station had enough interest or enough kindness to present him on their own. He bought time on their stations, as well. This Senator appeared on many radio stations for interviews. Not one person in the whole State said, "Well, Senator, why can't we bring our TV cameras inside that Senate Chamber," or "Why can't we bring our radio microphone in there?" Not a single one anywhere in the State.

Now if the merit is there for the argument that we are denying public access, then certainly you would have thought that somebody would have made the point that they felt that television should be in the Senate. And I think the Senator would have found, in his tours around the State of Mississippi, the same type thing on behalf of his citizens.

Mr. STENNIS. I think the Senator is entirely correct. And the complete absence of this sentiment among our people is proof of the situation.

I have not heard any TV operation, any studio ownership, or anything mention the subject of television cameras here. I had one exchange ownership right near where I live just a few months ago. And I called up the purchaser, a very esteemed lady in Texas—I do not think she would object at all to my calling her name—Mrs. Hobby, who was once here in the Cabinet since I have been a Senator. I just called her up in a word of welcome. I was very much impressed with her response that she owned one or two others.

She had a clear-cut understanding, and she was active in the careers, and members of her family were not going to let any of the TV stations fall into the hands of unworthy or reckless or careless ownership that did not have the full and highest regard for their responsibility to the public, exercising this special privilege of controlling the airwaves to the extent that one would have.

It was just one of those things. I have been impressed with her here as a member of the Cabinet. But I was just pleased with her response there about the way she felt about her obligations.

So there is what I would call the very highest order of this profession—and it is a great profession—that have that view.

Now, why open this up and abandon, to a degree, the concept of being a court of appeals? Whether we have debates as much as we did in the old days is not controlling. We have to make judgments as to how we are going to use our time. But the forum is here, and if it is not settled in the committee rooms that I favor so much also, then it is settled here in what is a rather high type and well-informed debate.

I do not know if I am going to sit here and hear a fellow Senator speak over the camera that is going right directly to his home State; I do not know how good I am going to be at distinguishing whether he is talking to the people in his State or whether he is talking to me, a challenge to my judgment to see that matter like he does. And it is a privilege now, and has been for me over the years, to hear these presentations on this floor, when it was so evident that the man or woman was moved by a sense of conscientiousness, of an obligation to the country, to this body, to the constitutional principles, and there we picked up a guidance. I do not want to see that mission of the Senate invaded.

Now I think I can refer to last year's debate in 1981, in my opinion, as more legislation passed through this Chamber certainly since any time since I have been here, and I think it compares with the days of the so-called depression in volume, but at the same time here with all of that rush and everything else we rather maintained the high standards that have been carried out. Now if we have all these cameras—it will be the equivalent of 100, not 100 physically, but each Senator is going to have a camera, you might say, and he is going to control it under the very liberal rules of the Senate where he can get any more than 5 minutes or 3 minutes or 10 minutes, as it is in the House, and the House has to have a rule of that kind because of their large membership. But even though there may be just one or two, they are going to control that camera and dominate it and make it serve in these purposes. I think it ought not to be allowed here with the other accesses that we have.

Once we get into this and adopt this pattern and make that the order of the day, there will be small chance then to stop it or to change or to go back to our pattern for real discussion and the weighing of matters on the merits.

Mr. LONG. Will the Senator yield at that point?

Mr. STENNIS. Yes.

Mr. LONG. It seems to me that we ought to recognize, minus some change in the rules that has not even been discussed or suggested to us, that a single Senator would be in a position to insist that he have the floor on television at such times and for the length of time that he might feel would serve his purposes. And that might be a great deal of time.

I can recall how the Senator from Oregon, as I mentioned, used to take this floor and speak at about 5 o'clock and speak for hours on end. I do not criticize that. He had a right to do it and I think it served a purpose. But in that Senator's case, when any leadership, be it Democratic or Republican, did not see fit to go along with the Senator on what he felt were his rights to be heard at length at such time as he wanted to be heard, that Senator would just sit here and object to every unanimous-consent request. And the leadership would find it such a burden trying to do business with a single Senator in an uncooperative mood that they would have to go along.

He would pretty well have the Senate to himself, and with as much time as he wanted, to speak at great length. I do not see how, unless someone can show us changes that have not been proposed up to this point, one could prevent a person who wanted to use this Chamber to present himself in a campaign for President of the United States from using the Senate for just such a purpose.

Some may say, "What is wrong with that? Why should people not be able to do it?"

I am sure they would like to use that to run for President of the United States, but that is the second question we ought to ask ourselves. Do we really want to spend $5 million to install cameras and then close to $1 million a year to provide someone a nationwide TV access, particularly when it reaches the point where one speaks directly to the American people from the Senate floor? Do we want to spend

millions over a 6-year period providing a single Senator that type of a multimillion dollar platform from which to advance his race for President of the United States? He has a lot of access now, but he can do it because people put up private contributions. He does not have it available at the taxpayers' expense.

Mr. STENNIS. That is certainly a good point. I was never happy about the situation of running for the President of the United States for 3 or 4 years. I say that with all deference to anyone who has run. I say 3 or 4 years. But if you put those cameras in here and a person wants to run or is thinking about it, he will find he will have to go to using that camera in self-defense, if for no other reason. He cannot sit back and wait to within a few respectful months of the campaign starting before he goes to using the camera right here in this Chamber to promote his own campaign. Other candidates would be promoting their campaigns. It would be a matter of self-defense. I believe we would get into a jam and it would be embarrassing here to all of us, to a degree.

We would rather live with each other, of course, giving each man as much as he might wish, but I think this would be highly detrimental to the Senate and its functions and its business.

The other day some Senators referred to the increased volume of the RECORD, of the things that went into the RECORD, on the use of television in the House of Representatives. I have also heard reports from others as to their State legislatures. I think that is only natural. It is something that we can expect. but the point I really make is that we just do not have any time here to spare.

A lot of the time, it may look as if we are wasting time or that we have nothing to do. But when you get into the volume of matters that these 100 Members have to pass on in the course of a 12-month period, it is almost appalling. First there are the committees. The committees have to go through the material, the authorization committees, and then the Appropriations Committee. There are many overlaps. Then it all has to come here to the floor to be reviewed and considered. It is just overwhelming.

In recent years, I had a count done as to how many line items there are in the appropriations bills. A line item means it is the appropriations bill itself and has a figure on which we must make a judgment. In the defense bill for that year there were 3,300 line items that had to have that consideration. That bill went to conference and came back in a different form. There had been over 1,200 differences between the House bill and the Senate bill. Those items had to be gone into and considered on another basis and agreed to by the House and the Senate before it would become a bill which was in the stage where it could be brought back here and also taken to the House for final passage.

In the first calendar year I was here, there were 73 rollcall votes in that entire year, 73 recorded rollcall votes in this body.

In 1980, the last year for which I have the figure, there were 703 rollcall votes. I understand that last year we had something over 600 recorded rollcall votes, although I do not have the figure.

(Mr. HATCH assumed the Chair.)

Mr. LONG. Will the Senator yield?

Mr. STENNIS. Yes, I yield.

Mr. LONG. Mr. President, does that not point up an additional problem? Every Senator generally would like to be considered as a candidate for reelection at some point. There may be some who plan to retire, but generally speaking most Senators who come here would hope that their services would be such that they would merit being continued in office. You cannot blame any Senator for doing things which by no means are corrupt, by no means against the law, but just things that put them into the public eye, things that attract attention to their services. The polls show that while the Senate as a whole may not merit this degree of approval, practically every Senator has the overwhelming majority of approval of the people of his State. The legislation that he is offering tends to be that which has the support of his people.

If the Senator had an amendment pending, be it an amendment which would be accepted by the committee, where ordinarily we might just accept it and get on with the business of the Senate, would it not be to the Senator's advantage to insist on a rollcall vote notwithstanding that fact. While that rollcall is going on people will see it on television. All of that period of time they are voting on the Jones amendment, and that impresses people. Here are all those Senators voting on Senator Jones' amendment. They will watch with interest to see who will vote for their Senator's amendment. Does that not tend to create interest in that Senator to a favorable extent?

Mr. STENNIS. The Senator has described a practical situation. You cannot just cut a Senator off. People will ask, "Why do you not make him shut up?" Well, it is not done that way. You have to give him his day. We owe it to him. But things will develop along these lines.

The Senator from Louisiana has handled a world of legislation where he has done such a fine job. He knows the work in getting a bill passed here very well.

Mr. LONG. Will the Senator yield further?

Mr. STENNIS. I yield.

Mr. LONG. I ask the Senator, who has served as chairman of the Armed Services Committee and who has served as chairman of many important subcommittees on the Appropriations Committee as well a question. Has he had this experience while managing a measure here on the floor: To have someone offer an amendment, then the manager offer to take the amendment without there being an objection. But, someone wants a rollcall vote, there then would be a rollcall vote, which delays the Senate. Senators are told to come and vote on something where the committee would accept it, where there would be no opposition.

Mr. STENNIS. We have to have self-discipline in that field. We have been too good to each other, too lenient. I have known the days here when you could not get a rollcall vote unless at least one of the floor leaders backed you up. They just would not do it unless they thought it deserved a rollcall vote. If it was a policy question, it need not have a rollcall vote. That is why we only had 73 in 1948.

Mr. LONG. Will the Senator tell us how much time the average rollcall vote will consume?

Mr. STENNIS. Mr. President, the minimum is 15 minutes for the actual calling of the roll. It takes about 25 minutes to wrap it up, I would think.

Mr. LONG. I just want to say to the Senator, to make it clear from the point of view of this Senator that it has been my experience that to have someone offer an amendment to a Finance Committee bill—not one time, it happened several times. We would have someone offer an amendment to a Finance Committee bill. As the manager of the bill, the Senator from Louisiana would offer to accept the amendment, then we would have that Senator insist on a rollcall. Then the Senate had to go through a rollcall. That consumes a lot of time.

The point I am making is that if the Senate were on live TV, with as many as a million people out there looking at this—that is only one-half of 1 percent of our population—then it tends to implant in the public's mind the name of the Senator—who he is, what he is interested in—to see the Senate voting, all the Senators coming in and voting on Senator Jones' amendment. So we would have a great deal more of this thing of people insisting on a rollcall vote when it is not necessary.

In fact, a Senator told me, and I guess this has occurred to the Senator from Mississippi, a Senator told me if this comes along, he will never offer his amendments to the committee. He will wait and offer his amendments on the floor, because when he does that, he is before his constituents. His constituents will see him offering an

amendment and even if it is voted down, it would be approved by a majority of his constituents. They see their Senator moving and he is the Senator getting attention during the time it is being voted. I ask the Senator how much additional time that would require of the Senate.

Mr. STENNIS. That would require a bit and we have to go to closing down on those matters rather than opening them up.

As I said, when the Senator from Louisiana and I came here, someone had worked out rules even before then that made it possible for the Senate to move along better to dispatch its business. Now it has been greatly increased and we shall open things up here to a Pandora's box.

Mr. LONG. I thank the Senator.

Mr. STENNIS. I thank the Senator.

Mr. PRESSLER. Mr. President, will the Senator yield?

Mr. STENNIS. Yes, I yield.

Mr. PRESSLER. Mr. President, I wanted to ask if it would be better, because I am an advocate of TV in the galleries. I have such great respect for my colleagues. From some of the arguments I have heard, I wonder if it would not be better if we operated in secret.

Are not arguments being advanced against television here that I have heard of, in the old days, when there were some debates when the Senate considered operating in secret. All the arguments that I have heard in support of operating on the Senate floor without any galleries, in the debate to open the galleries, the same arguments were used, and on letting the press cover even our proceedings here. I ask this question very seriously, and I meant to follow through with my colleague from Louisiana, for whom I have such high regard, and I am asking these questions in a very friendly fashion. It seems to me the argument that I have heard is if a Senator is going to be giving a speech for the folks back home, he might do that in the press gallery or try to say something the press will quote. Almost the same arguments are being repeated here as during the debate on whether the Senate should operate without a gallery or without press coverage.

Maybe this does not fit in here. I do not mean to ask this question here, especially. Perhaps my colleague from Louisiana could comment later. But would not these arguments support operating in secret on the Senate floor?

Mr. STENNIS. There is a special provision in the resolution itself that does not give the Rules Committee control over that part of the proceedings.

The Senator brought up a section that I was just about ready to point out in particular, that the provision in Senate Resolution 20 as written now says that the Rules Committee shall control the operation and the extent and so forth of the application of this privilege of telecasting.

It seems to me that that language is a very brazen statement to the effect that the Senate is going to surrender all its powers in that field once the resolution is passed, and turn it over to a committee, the Rules Committee, composed of a majority very carefully worked out. One party will have a majority along with the other committees. Then maybe, when the membership changes, it will shift back and forth.

The point is that no single committee on a matter as far-reaching as this should be given control of the operation of matters on the floor. It just will not work at all. I do not know what prompted that. No evil prompted it, of course, but it just shows that we get into problems to start with that absolutely would not work. Then we would be having a majority vote down in the Rules Committee, however fine they are, and they have to pass on this and that. To ask them to favor one Senator over another for political reasons—we cannot submit to a rule of that kind, I say to the Senators. If we are going to have this thing, we shall have to have a modus operandi that will give both sides an equal say in some fashion as to how matters are going to operate.

Mr. LONG. Will the Senator yield?

Mr. STENNIS. Yes; I yield.

Mr. LONG. Mr. President, may I say it is fortunate the Senate brought up this matter about secrecy because I think it should be discussed somewhat. May I just revert to the point the Senator made in the beginning?

Nothing could be more irrelevant to this argument than the question of secrecy. I do not know what arguments were made when the Senate first built the gallery in the early days of the Senate. I have not researched it. I could not care less, because secrecy has nothing to do with this debate. We have a Press Gallery that, when the debate started, was fully manned. At the moment, it is partially manned. But if someone makes a harsh mistake out here, or someone says something that could mean his political demise, that gallery would be filled in a hurry, because there are a few behind that door standing by. They would get the word to their colleagues that something exciting is happening at the moment.

This body is covered at all times by the major wire services and by the networks. While it is true that those people from time to time do not have their full membership in the Press Gallery, they have somebody around representing them at all times. If anyone says something on the floor that is important from a news point of view, they have arrangements with all their friends to call them immediately and tell them something exciting is happening here. And that Press Gallery would fill up in a hurry.

The press and also the TV and radio networks are very much tuned in. They know everything that happens in the Senate. I must admit that, on occasion, somebody has placed something in the RECORD that they have paid scant attention to in spite of our best efforts on that occasion, but if it is newsworthy, they will correct their error in a hurry.

Also, may I say that every word we speak is taken down and printed in the CONGRESSIONAL RECORD the following morning.

It is totally irrelevant, Mr. President, the issue of secrecy. If people want to know what is going on, they can find out.

Mr. PRESSLER. If my colleague will yield further, the argument was made yesterday that if we have TV in the Senate Gallery, there will be Senators making speeches for the folks back home. Perhaps now we are making speeches for the folks in the press gallery.

What is the difference? I think if we had TV and radio in here, we would not have to depend on the news media to filter out certain things. Judgments could be made by the American people who wish to watch.

In a lot of our State legislatures, including my own, actually the quality of debate has gone up. There is no closed rule in our State legislature; but as to the people who have abused it, it is quite apparent that our people out there are very perceptive. If they see us abusing the speechmaking privilege here, they are going to reward or punish that Member.

I think there is nothing like the American voters being able to see their representatives.

If we adopt the arguments of the Senator from Louisiana, we would certainly want to have this Chamber be secret, because we certainly would not want a situation where somebody might be giving a speech to the Press Gallery, and somebody else might be making a speech because some people from his home State are in the gallery.

There are a lot of motives that might be construed, other than legislative, under the guidelines laid down yesterday by the Senator from Louisiana.

It seems to me that if we are to follow through on the logic of the Senator from Louisiana, we would go back to the debates in the early days, when we were trying to decide whether to make this a secret chamber in which only deliberations would occur that only the Members would know about and speeches would not be given

for any reason other than legislative, presumably.

Surely, the logic the Senator from Louisiana is putting forth is an argument for secrecy on the Senate floor.

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. STENNIS. Yes, I yield.

Mr. LONG. Mr. President, We have the press, the TV and the radio represented here. We have all these seats in the gallery, including a special section for diplomats from foreign countries, and all those seats are not filled. If anyone, in addition, wants to come and fill one of those seats, he can. Everything is being taken down and put in the RECORD.

To talk about secrecy, I think, is irrelevant.

I did make the point that it will take a great deal more time, just as the fact that one would find it necessary perhaps to address himself one way with less technical language when he is addressing himself to the people back home.

But the point I was stressing was that it would take much more time and without getting the public's work done the way it is now.

I know that my colleague, who has served in the State legislature, will address this matter later in this debate. His impression is the same as every member of our State legislature with whom I have discussed the matter. Even when they put the radio in the Louisiana Legislature there, it enormously extended and increased the amount of debate.

When the cameras were in there or when the radios were in there, when people felt they were being heard by the broad audience out there, it just stimulated a great deal more discussion than it did when that was not the case. In fact, the experience we had in our State legislature is that it takes a great deal more time. In fact, they say it usually takes about twice that time.

Mr. BAKER. Mr. President, will the Senator yield to me at this point?

Mr. STENNIS. Yes, I yield.

Mr. BAKER. Mr. President, I planned to make remarks after the Senator from Mississippi had completed his presentation, and I apologize to him for the interruption. On that particular point—that is, the possibility that television will extend the time spent in session and greatly burden our physical resources—that is not what happened in the House of Representatives.

I have before me a list of the days in session of the House of Representatives in the 96th Congress, the 1st and 2d sessions, and in the 97th Congress.

They began televising House proceedings in the 96th Congress, and the hours in session went down every year, from 975 to 653 this past year, after television.

Mr. LONG. Will the Senator yield to me at this point?

Mr. STENNIS. Yes, I will yield briefly.

Mr. LONG. Mr. President, as I explained yesterday, experience in the House is not comparable to that in the Senate. The House operates under a closed rule. The House of Representatives has a rule under which they can limit their time to half that much, even though a great number of Representatives would like to speak twice as much as they are doing now.

We do not operate under House rules, and that is one of the strongest arguments I know against adopting this measure—that we would be compelled to go to a rule similar to that in the House. That would mean an end to free debate in the U.S. Senate.

Mr. BAKER. Mr. President, I am not going to ask the Senator to yield on that point. I will cover that point when I have an opportunity to gain the floor in my own right. But I note, if the Senator will permit me to say so, that I completely disagree with that. I do not think it would push us toward a closed rule. I think it would open up the Senate in terms of observations that the country can make and in terms of the way we conduct our business.

Mr. STENNIS. Mr. President, I do not expect to keep the floor much longer. I will have something more to say later about this matter.

I think we should understand fully now that we are no doubt making the most far-reaching change here that has been made in a long, long time, with reference to the possibility of the practices on this floor by perhaps just a few Members. Nevertheless, those few can be very effective in bringing about certain conditions in an election year, in a Presidential election year, and so forth, in which a small number could nevertheless dominate the entire atmosphere of this floor, using almost unlimited time.

There is no way to control or restrict—of course, you cannot do so under the American system—what a person is going to say on any points, so long as he is decent about it. I think we are just opening up a Pandora's box, and we can very easily carry on all the traditions and needs of the situation without this.

Another point, Mr. President. If we are going to open this up to what is said here, we certainly have to be honest about it and not lead the people of America to believe that what they can see just on the camera, the person making the speech, is the whole story of what is going on around here.

If we are going to be honest about it, we will have to show them day after day all these vacant seats. Somebody will have to make explanations of some kind as to where the Senators are, that they are in the committees, and so forth, carrying on there as best they can.

That opens up the question whether or not a Senator is satisfied with the explanation that was made as to where he was. He may want to come in and explain that.

I think we would be dishonest if we were just to give a nice looking picture of the Senator delivering a speech and say, period, that is what is going on in the Senate today.

That does not tell the story of what is going on here in the Senate today.

Another thing: I make no reference to the present situation. This is kind of an easy going debate here. But in my concept of the U.S. Senate, it is out of order if the Presiding Officer is not in order, and he cannot be in order and talk on the telephone and preside over the Senate.

I am not alluding to our present situation here. This is kind of a free running debate. But it takes a lot of the wind out of me, when I am making a speech, to look up there and see all of a sudden that the Presiding Officer is talking to somebody—I do not know where. I might have said something that caused him to think, and he might be transmitting it, but probably not.

I say this in good fun to our present Presiding Officer who graces the chair. He is very effective.

I think we will have to put that on the cameras, too, and let people see just how things are going here.

There is one other thing I wish to refer to, and this is not something started by our leaders. I do not know how it started. I refer to the congregation down here in the well, when everybody comes in, first 2, or 3, or 4 down there, and you look around and there are 10, or 12, and then 15, or 20, then 35, or 40, or 50. I have seen it when it looked like 60 people were standing around down there.

And I kind of halfway overheard a lady say in the gallery "What in the world are they doing?" And someone said, "They don't know what they are doing."

I do not know. That might have been a pretty good observation.

We come in here under the pressure of these conditions now and one of the ways that remains to find out is when you meet and talk down there with someone in the well who is knowledgeable in the field that this vote is on. We are trimmed down to that thin source, after all.

So, there has to be some explanation of that. I think we have to put these rollcall votes on television. Let the public see that also. Otherwise, we would just be misleading the viewers.

So, that illustrates the serious problems that it brings up, and this is the trouble we can stay out of, if we just clean up our house. Let us put it this way, that at the very most let us clean up our house and straighten up the

furniture and get into better habits and make a better appearance before we go on TV.

We should not just turn it loose now as it is. I have already spoken of the great respect I have for our leadership. We are to blame. I blame the membership, not them. But if we have to have television, just have to have it, let us go to work and work hard for a year to improve our own behavior here and our own responses and then when we get in better shape it might increase the chance of this resolution passing, but it might not.

My counsel is let us at least clean house, get it in order, reform ourselves and then come back and consider these matters quite seriously which I am sure we will.

Mr. President, I do wish to make some other points later in this debate.

For the time being I yield the floor.

Mr. BAKER. Mr. President, it would be difficult for me to overstate the respect and affection I have for the distinguished Senator from Mississippi. As I indicated earlier, I have respected him almost to the point of veneration on the floor of the Senate for his personal bravery and courage and for the example he has set for those of us who have had the privilege of serving with him over the years.

I respect his remarks and evaluation of the present situation, and he understands that when I disagree with him on major elements of this debate I do so without personal rancor and with no diminution of my respect for him as a Senator or as an individual.

Mr. President, I said on yesterday and I will repeat now in response to the suggestion that we should get our house in order before we go on television a story I like to tell that probably is not true, but illustrates a point, and that is, the experience Will Rogers had years ago after he had been in Washington for a while. Will Rogers was a great philosopher and a great humorist, but he was also an active observer of the political scene.

The story goes that Rogers went home after a few months in Washington and was walking down the streets of his home town and someone said, "Will, is it true, that Congress is made up of thieves and rascals?" He said. "Yes, but it is a good cross section of its constituency."

Mr. President, Congress is not made up of thieves and rascals but we are a good cross section of our constituency. We are indeed a microcosm of America. Sometimes, our arguments are better than they are at other times. But there is no point in us cleaning up our act. We are what we are. And we are a good cross section of America and because of that, America is entitled to watch and to know what we are doing in the gallery of the Senate and on television, in my judgment.

I have listened to the arguments for the last couple of days and I respect them and I understand the concern that Senators express about broadcasting to the Nation. But, Mr. President, there is an old saying on television, used by one of the Saturday night shows on one network, which will remain unidentified. "It Is Not Yet Ready For Prime Time Players." No one is going to contend that the Senate has to be prime time fare and on all four networks. We are going to be lucky or unlucky depending on your point of view if we have a few watchers on the cable, and every now and then we get a little time on the 6:30 news, or I think it is 7 o'clock here in Washington. We are usually late. We are going to be lucky if anyone watches for a while.

But, Mr. President, we should do nothing to change the nature of the Senate. The Senate is a great institution. It is the balance wheel which keeps democracy on track. It is the framework on which the Republic is constructed. It is the essence of compromise. It is the only place where there is unfettered expression of individual views. It is the last fortress that can be used to defend against the tyranny of a temporary majority.

I would not change a thing about that. I have no hesitation about the people of this country seeing this Chamber in action.

I would not want to dress up our act. I would not want to clean up the house.

Some say, Mr. President, with great sincerity and concern, and I understand, that television may provide a forum, no matter how large or small, for a Senator to advance his or her political career and to run for President from the floor of the Senate. I may say parenthetically that running for President from the floor of the Senate is a remarkably unrewarding experience, and I speak from firsthand knowledge as some of my friends here in this Chamber can too. While it is also true that the Senate is the cradle of Presidential candidates and Presidents, I do not think that is any significant problem. I can think of only a few Members of this body who can go up to the gallery or out on the steps or wherever they go and almost automatically get on the network news. Maybe televising the Senate will give everyone a chance. It might be nice. At least you would not be cut and end up on the editor's floor if it was live and gavel-to-gavel on the cable.

Maybe millions will not watch, but someone will watch and in any event the country will see, through the extension of the electronic media as if they were in the gallery, the workings of the Senate as it is, without embellishment, without apology, in the essence of the genius which is this body.

So, Mr. President, I do not think that we are likely to provide a forum for Presidential candidates. I think on the contrary we are more likely to introduce to the American people an array of 100 Senators, every one of whom, without exception, has special qualifications that the country should be acquainted with and special talents that will commend them to this Nation and not just to the constituency of their State. We are Senators of the United States and in a very real way all of us represent every person in this country as well as our own States. Television in the Senate will give every Senator a chance to be seen at least by those who wish to see firsthand the operations of this, the greatest deliberative body on Earth.

Mr. President, the point was made that it is a great expense. There has been a lot of controversy about the cost. I am no expert on that.

But the testimony, as I recall it, in the Rules Committee was that the initial cost of installing television together with all the attendant paraphernalia would be something slightly in excess of $3 million, and by the way I am told by staff of the Rules Committee that those figures were based on retail list prices for equipment and I expect that that is probably not what we should pay. If it is, we should get after whoever it is that is buying the equipment.

But it is an initial cost of about $3 million. I personally do not think it will run that high. After the system is in place, the costs per year, according to the Rules Committee testimony and report, will be approximately $300,000 a year, which is about 600 pages in the CONGRESSIONAL RECORD. It costs us more than most people realize to publish the CONGRESSIONAL RECORD, I can assure you.

Mr. President, it is not an extraordinary expense in terms of the return on that investment, the return that will come from the penetrating gaze of the sovereign citizen who can see firsthand the innermost workings of this body as it goes about the business of formulating the public policy of the Republic.

I apologized earlier for interrupting the Senator from Mississippi and the Senator from Louisiana in the midst of their colloquy as it related to the concern expressed that television in the Senate would unduly extend and prolong the nature of debate. At that time I made a point that I will repeat: According to the official records of the Congress since the House of Representatives began televising its sessions gavel to gavel, the number of hours in session for the House of Representatives has dropped from 1,116 in the last session of the 95th Congress to 653 hours in the first session of the 97th Congress.

The result has been dramatic. There is no shortage of business transacted by the House of Representatives. Indeed, the size of the CONGRESSIONAL RECORD, considering their business transactions and legislation and their extension of remarks, is approximately the same now as it was then.

The volume of business is not very different. But the hours in session are dramatically different, almost 50 percent less, and that suggests to me, Mr. President, that with the constant inexorable attention that television provides it is an incentive for people to tighten up their debate, to say what they have on their minds without repetition, and to present it in a more attractive and legible way.

I believe, Mr. President, that the House of Representatives is greatly improved in terms of the general conduct of their debate, perhaps even in the total operations of that body since the advent of gavel-to-gavel coverage by live television.

We are not speaking, Mr. President, of a sponsored program. We are not competing with the daytime or nighttime soap operas. We are not competing with some great social event or sports event or even some great political event. We are proposing two things: First, that there be coverage of this body for those who wish to see it, regardless of the size of the audience; and second, that the proceedings of this body should be recorded permanently on magnetic tape and stored in the Library of Congress for future scholars and historians to examine and to understand.

Every day that goes by recording our proceedings only on the printed page robs a future generation and some future historian of the opportunity to hear and understand the energy, the humanity, the feelings, the pathos, and the humor that go into the debate—all of which humanize the consideration of the great issues before this Republic.

It is like Mathew Brady deciding to burn all his negatives after the Civil War, or the Continental Congress destroying video tapes of their proceedings. Incidentally, the first Constitutional Convention was closed, which created a huge furor, and Congress also was closed. The Senate was, at least for the first, I believe, 7 years of the Republic, without even a public gallery, until it succumbed to pressure to open it up to public scrutiny. I repeat what I said, that if we had had television then, we would have had it televised then. But we did not.

In any event, Mr. President, I think the time has come—it may not be convenient to televise the Senate, we may not like it, we may not like the remarks that come from some of our constituents about some of our speeches and positions, we may not like the effect it has on our chances and prospects for reelection, we may not like it when the people do not like what we do on a particular issue—but we are what we are, and the business of the Senate is not to conceal what we are. The business of the Senate is to do the public's work in a public place, and television, Mr. President, is the next and best step that we can take for that purpose.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—VOTING PROCEDURE ON THURSDAY

Mr. BAKER. Mr. President, earlier today and on yesterday the distinguished minority leader and I notified the Senate of the possibility of altering the existing unanimous-consent request in respect to a vote on a motion to proceed to the consideration of Senate Resolution 20, as well as the vote on the Helms-Johnston amendment No. 69 to S. 951, the Department of Justice authorization bill.

I am happy to report that on this side of the aisle I am able to clear the unanimous-consent request that covers both of those points. I have discussed this with the minority leader. If he is prepared to proceed, I am prepared now to state the request for his consideration and that of the Senate.

Mr. ROBERT C. BYRD. Mr. President, I am prepared to proceed.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask unanimous consent that on Thursday, February 4, at 11 a.m., S. 951 be laid before the Senate and that amendment No. 69, as amended by the Senator from North Carolina (Mr. HELMS), be made pending, with a time limitation of 90 minutes, to be equally divided between the Senator from Connecticut (Mr. WEICKER), the Senator from Louisiana (Mr. JOHNSTON), and the Senator from Michigan (Mr. LEVIN).

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Reserving the right to object.

Mr. BAKER. Just one moment, Mr. President.

Mr. President, to restate that, I ask unanimous consent that on February 4, at 11 a.m., S. 951 be laid before the Senate and that amendment No. 69, as amended by the Senator from North Carolina (Mr. HELMS), be made pending with a time limitation of 90 minutes, to be divided into three equal portions of 30 minutes each as follow: 30 minutes to the Senator from Connecticut (Mr. WEICKER), 30 minutes to the Senator from Louisiana (Mr. JOHNSTON), and 30 minutes under the control of the Senator from Michigan (Mr. LEVIN).

Further, I ask unanimous consent that at 1:30 p.m. on Thursday, February 4, the Senate proceed to a rollcall on amendment No. 69 to S. 951; that following the disposition of amendment No. 69, as amended, pursuant to the unanimous-consent agreement of December 14, 1981, S. 951 be laid aside, notwithstanding any cloture motion which may be filed in connection therewith, and that S. 951 may be called up at any subsequent time by the majority leader, after consultation with the minority leader, with a vote on any such cloture motion to occur 1 hour after the Senate returns to the consideration of the bill.

Finally, Mr. President, I ask unanimous consent that following the rollcall vote on amendment No. 69, as amended, the Senate proceed to vote on the Baker motion to proceed to the consideration of Senate Resolution 20.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, and I shall not object, is it the understanding of the Senate, Mr. President, that following the rollcall vote on amendment No. 69, as amended, the Senate would proceed, without further debate and immediately, to a vote on the Baker motion to proceed to the consideration of Senate Resolution 20, without any intervening motion or quorum call?

Mr. BAKER. Yes, Mr. President, that is my intention.

I would inquire of the Chair if that is the effect of the request as it is presently stated?

The PRESIDING OFFICER. As has been modified by the minority leader, that will be the effect.

Mr. BAKER. Mr. President, I adopt the language of the minority leader in respect to the modification.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, before the Chair rules, may I put a question in respect to my own request? During the time for debate, as provided for in this request on amendment No. 69, would it be in order for any Senator to submit a petition for cloture under rule XXII prior to the disposition of the vote on the amendment?

The PRESIDING OFFICER. It would be in order.

Mr. LONG. Mr. President, the Senator is not asking for any change in the order, as I understand it. He is asking if it would be in order.

Mr. BAKER. That is correct.

Mr. ROBERT C. BYRD. Mr. President, may I ask the distinguished majority leader a further question? With

respect to the vote on amendment No. 69, as amended, which would precede the vote on the Baker motion to proceed to the consideration of Senate Resolution 20, a motion to reconsider and a motion to table a motion to reconsider are not ruled out?

Mr. BAKER. They are not ruled out under the form of this request, Mr. President, as I understand it. I inquire of the Chair if that is the Chair's interpretation.

The PRESIDING OFFICER. As further modified, they would be allowed.

Mr. ROBERT C. BYRD. Mr. President, is it not also a fact that under the agreement there would be no time for debate on such motion to reconsider?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. Mr. President, may I ask one further question of the distinguished majority leader? Is it the understanding that following the votes on an amendment by Mr. HELMS and on the motion to proceed by Mr. BAKER there would be no further rollcall votes tomorrow?

Mr. BAKER. Yes, Mr. President, I wish to announce at this time that after those two rollcall votes, or the disposal of these two matters, there would be no further rollcall votes on Thursday. After examining the calendar of items that might be available for action, I can find nothing that would usefully engage the attention of the Senate on Friday. Therefore, it would be my intention to ask the Senate to recess over until Monday.

Mr. ROBERT C. BYRD. I thank the distinguished majority leader.

Mr. President, it is conceivable that there could be a series of rollcall votes. Would the distinguished majority leader also include in his request that after the first rollcall vote on the amendment by Mr. HELMS, any subsequent rollcall votes would be back to back, limited to 10 minutes, with the exception of the vote on the motion to proceed?

Mr. BAKER. Mr. President, I have no problem with that. To restate the suggestion of the minority leader, the vote on the amendment would be 15 minutes in length. If there are other votes, such as a motion to reconsider, on which there would be no time for debate, or a motion to table, on which there would be no time for debate, then those votes, if either of those votes occurred, would be 10 minutes each, if they were back to back.

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. The rollcall vote on the motion to proceed, which also would be back to back under this configuration, would be 15 minutes in length.

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. I have no objection to that.

Mr. President, I include that in my request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LONG. If the Senator would be so kind, I would like to inquire of him how this works out assuming that the Senate agreed to a motion to invoke cloture by Mr. JOHNSTON——

Mr. BAKER. It is not a cloture vote. It is a vote on the amendment.

Mr. LONG. A vote on the amendment. Assuming the Senate agrees to the motion to proceed, which I anticipate is likely to happen, what will we be discussing by the time we get through with all these votes? What will we be talking about tomorrow afternoon?

Mr. BAKER. I say to my friend from Louisiana, if nobody derails the train, we will have two votes tomorrow afternoon and go out until Monday, at which time we will begin consideration of Senate Resolution 20 on its merits.

Mr. LONG. I thank the Senator.

Mr. ROBERT C. BYRD. I would like to express my appreciation to the majority leader at this time for his courtesy in rearranging the time for the vote to occur on tomorrow afternoon.

Mr. BAKER. I thank the minority leader. I am most pleased to do that. I thank him for supplying suggestions and information on how best these matters can be handled.

THE EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, I have two other small matters. One deals with the Executive Calendar of today.

I will advise the minority leader that I have certain nominations which have been cleared on my side and I wonder if there are any names on that calendar today which he is in a position to consider by unanimous consent at this moment.

Mr. ROBERT C. BYRD. Mr. President, I regret to advise the distinguished majority leader that the minority is not ready to proceed with those at this time.

ORDER FOR RECESS UNTIL 10 A.M. ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10 a.m. on Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BENTSEN ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that after the recognition of the two leaders under the standing order, the Senator from Texas (Mr. BENTSEN) be recognized under a special order for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. It is my intention, Mr. President, to provide a brief time for the transaction of routine morning business after the special orders, but I will not do that at this moment so that we can assess the situation at that time.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I am prepared at this time to ask the Senate to go into time for the transaction of routine morning business if there is no other business on the pending motion to be disposed of.

I see no Senator seeking recognition for that purpose.

Mr. President, I ask unanimous consent that the Senate now have a brief period for the transaction of routine morning business to extend not past the hour of 3:15 p.m., during which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I yield the floor.

TWO-YEAR BUDGET CYCLE—S. 1683

Mr. FORD. Mr. President, early last week, our colleague, the junior Senator from Indiana (Mr. QUAYLE), introduced a bill to establish a 2-year budget cycle. I welcome the Senator to the evergrowing number of Members of Congress who feel that the time for such a change has come.

On the day marking the end of the last fiscal year, Senators BUMPERS, DANFORTH, PELL, and I introduced S. 1683, which among other changes in our budget process, would provide for 24-month budgeting and appropriating. Since then, as Members have come to realize more and more that our present 12-month cycle is simply inadequate, there have been frequent statements in support of the biennial budget concept.

In a few days, the President will be submitting to Congress his budget proposals for fiscal 1983. I need not remind my colleagues that we are far from completing our work on the 1982 budget.

The third continuing resolution for fiscal 1982 expires on March 31.

Three major appropriation bills have yet to be finalized.

We still must adopt a third fiscal 1982 budget resolution; and very shortly the first fiscal 1983 budget resolution, and possibly a reconciliation resolution shortly thereafter.

The time is simply too short to accomplish these tasks with any assurance of doing it right, if, indeed, at all.

I have asked the Budget and Governmental Affairs Committee chairmen for early hearings on S. 1683. I hope Senator QUAYLE will join us in this request so that adoption of the 2-year budget procedures can occur soon.

May I take this occasion also to urge all of my colleagues to join in the request for early hearings. The need for this change becomes more apparent with each passing day. We must now give it the attention and consideration it deserves.

THE U.S. EMPLOYMENT SERVICE IS VITAL

Mr. MOYNIHAN. Mr. President, since my Senate responsibilities require that I stay close to this Chamber today, I ask that you allow me to take this opportunity to lend my support to hundreds of New Yorkers who are now assembled to protest the actions recently taken by this administration to dismantle the U.S. Employment Service. It is with some measure of relief, I am sure, that they gather today with the knowledge that the administration has already reversed its position. On Monday, President Reagan asked Congress to approve $210 million in supplemental appropriations to restore funding for the staff of State employment security agencies. Although a crisis has been avoided, our concern must not wane.

Let me briefly explain the background to this averted crisis so that my colleagues may fully appreciate the serious nature of the administration's actions. During the consideration of the third continuing resolution, many of our colleagues in the House of Representatives and many in this body, myself among them, were concerned that the size of the reductions being made in the grants to States for unemployment insurance and employment services threatened to undermine the fiscal soundness of the unemployment insurance system. In order to avoid this outcome, we included a provision in the bill to the effect that appropriated funds could not be used to close down unemployment insurance offices.

Let me be very clear, and the record of these debates will verify my point. We carefully explained in both the Senate and House reports that we would provide a supplemental for additional administrative costs should unemployment rise and the cost of an increased UI workload exceed appropriated levels. Despite our carefully written record of congressional intent, however, this administration decided to cut the funding for local Employment Service offices far below even the President's September budget request, in order to divert resources for unemployment insurance service operations.

The numbers tell the rest of the story. Under the administration's plan, thousands of Employment Service staff across the country would have been laid off, and at a time when they are needed the most. In my own State of New York, 57 percent of our statewide employment service staff would have needlessly lost their jobs.

What is unsettling now that this crisis has been averted and the administration has asked for supplemental funds is the alarming fact that the administration would ever have conceived of so severely dismantling the U.S. Employment Service. We can expect by the end of this week that the unemployment rate will be the highest level experienced by our Nation since the Depression. In the face of record levels of unemployment, however, the Reagan administration has cut back funding for CETA by 61 percent, for trade adjustment assistance by 83 percent, for WIN by 33 percent, and the list goes on. And now, without congressional approval—and it seems to me in violation of congressional intent—the administration unsuccessfully attempted a stab at the Employment Service, a service which has been the principal and most effective provider of publicly supported job search assistance since the beginning of the 1930's.

The Employment Service's record of success is important here. Not only unemployed workers but employers as well agree that the service ES provides in facilitating the match between unemployed workers and unfilled jobs is hardly a wasteful or unnecessary expenditure of Government funds. Indeed, in fiscal year 1981 alone, the Employment Service placed about 5½ million unemployed workers in jobs.

There is a troublesome insensitivity to the plight of the unemployed underlying the administration's recent actions regarding the Employment Service. The administration acted on its own discretion to the detriment of not only employers and unemployed workers, but to the very integrity of the Employment Service as well. I am concerned that we watch more carefully for this sort of insensitivity—guised as fiscal accountability—as we consider administration proposals for further budget cuts in training programs and the like. As economic conditions worsen in the near future, I look to this body to hold strong for this Nation's longstanding commitment to helping unemployed workers get back to work. The U.S. Employment Service is a vital part of that commitment, and I trust this body will continue to give the Service its steadfast support.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:36 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5397. An act to amend Public Law 97-76 to extend the period during which authorities provided under the Department of Justice Appropriation Authorization Act, Fiscal Year 1980, are continued in effect.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2571. A communication from the Secretary of Transportation transmitting, pursuant to law, notice of a violation of law by the Urban Mass Transportation Administration involving spending in excess of appropriations; to the Committee on Appropriations.

EC-2572. A communication from the Secretary of Energy transmitting, pursuant to law, a preliminary report on the prospects for foreign applications of wind energy systems; to the Committee on Energy and Natural Resources.

EC-2573. A communication from the Inspector General of the Department of Health and Human Services transmitting, pursuant to law, notice of a proposed computer match of certain social security records of Black Lung beneficiaries; to the Committee on Finance.

EC-2574. A communication from the Inspector General of the Department of Labor transmitting, pursuant to law, notice of a proposed computer match of certain Federal Employees' Compensation records with those of Black Lung beneficiaries; to the Committee on Governmental Affairs.

EC-2575. A communication from the Acting Assistant Secretary of the Interior for Indian Affairs transmitting, pursuant to law, an assessment of bilingual education needs of Indian children in Department of the Interior schools and those receiving aid under the Johnson-O'Malley Act; to the Select Committee on Indian Affairs.

EC-2576. A communication from the Acting Secretary of Agriculture transmitting, pursuant to law, a report on efforts to operate the tobacco program at no net cost to taxpayers; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2577. A communication from the Executive Associate Director of the Office of Management and Budget transmitting, pursuant to law, notice of apportionment of an appropriation to the Bureau of Alcohol, Tobacco, and Firearms on a basis necessitating a supplemental appropriation; to the Committee on Appropriations.

EC-2578. A communication from the Secretary of the Treasury transmitting, pursuant to law, notice of two violations of law involving expenditure of funds in excess of appropriations by the United States Customs Service; to the Committee on Appropriations.

EC-2579. A communication from the Deputy Secretary of Defense transmitting, pursuant to law, a report on certain officers and employees of Federal Contract Research Centers whose pay exceeds that for Level II of the Executive Schedule; to the Committee on Appropriations.

EC-2580. A communication from the Director of the Federal Emergency Management Agency transmitting, pursuant to law, a report that the Agency acquired no real or personal property during the quarter ended December 31, 1981; to the Committee on Armed Services.

EC-2581. A communication from the Assistant Secretary of the Air Force for Research, Development, and Logistics transmitting, pursuant to law, notice of the conversion of the Closed Circuit Television Maintenance function at Andrews Air Force Base, Maryland to performance under contract; to the Committee on Armed Services.

EC-2582. A communication from the Assistant Secretary of the Air Force for Research, Development, and Logistics transmitting, pursuant to law, notice of the conversion of the commissary shelf-stocking and custodial services function at Hanscom Air Force Base, Massachusetts to performance under contract; to the Committee on Armed Services.

EC-2583. A communication from the Assistant Secretary of the Air Force for Research, Development, and Logistics transmitting, pursuant to law, notice of the conversion of the transient alert services function at Hill Air Force Base, Utah to performance under contract; to the Committee on Armed Services.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations:

Walter J. Stoessel, Jr., of the District of Columbia, a Career Member of the Senior Foreign Service with the personal rank of Career Ambassador, to be Deputy Secretary of State;

Powell Allen Moore, of Georgia, to be an Assistant Secretary of State;

John R. Bolton, of Virginia, to be an Assistant Administrator of the Agency for International Development.

Mr. PERCY. Mr. President, I also report favorably a nomination list in the Senior Foreign Service which appeared in the CONGRESSIONAL RECORD of December 15, 1981, and, to save the expense of reprinting them on the Executive Calendar, I ask that they may lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. JEPSEN:

S. 2054. A bill to amend the Internal Revenue Code of 1954 to provide that the 1982 individual income tax rate reductions made by the Economic Recovery Tax Act of 1981 be given a full year effect for purposes of withholding, and for other purposes; to the Committee on Finance.

By Mr. HAYAKAWA:

S. 2055. A bill for the relief of Vottoria Givone; to the Committee on the Judiciary.

By Mr. TSONGAS (for himself, Mr. CHILES, and Mr. LEVIN):

S. 2056. A bill to amend the Fair Labor Standards Act of 1938 to provide that blind persons may not be employed at less than the applicable minimum wage under that Act; to the Committee on Labor and Human Resources.

By Mr. KASTEN:

S. 2057. A bill to amend title 49, United States Code; to the Committee on Commerce, Science, and Transportation.

By Mr. ROTH (for himself, Mr. CHAFEE, and Mr. INOUYE):

S. 2058. A bill to promote foreign trade in services, and for other purposes; to the Committee on Finance.

By Mr. COHEN (for himself and Mr. LEVIN):

S. 2059. A bill to change the coverage of officials and the standards for the appointment of a special prosecutor in the special prosecutor provisions of the Ethics in Government Act of 1978, and for other purposes; to the Committee on Governmental Affairs.

By Mr. NUNN:

S. 2060. A bill to amend the Small Business Act to increase the authorization for funding 301(d) Small Business Investment Companies, and for other purposes; to the Committee on Small Business.

By Mr. MOYNIHAN (for himself and Mr. MATHIAS):

S. 2061. A bill to provide for the conservation, rehabilitation, and improvement of natural and cultural resources located on public and Indian lands, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MATTINGLY:

S. Con. Res. 61. Concurrent resolution to direct the Commissioner of Social Security and the Secretary of Health and Human Resources to conduct a study on steps which might be taken to correct the social security benefit disparity known as the notch problems; to the Committee on Finance.

By Mr. HATCH (for himself and Mr. KENNEDY):

S. Con. Res. 62. Concurrent resolution to congratulate Hadassah, the Women's Zionist Organization of America on the celebration of its 70th anniversary; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JEPSEN:

S. 2054. A bill to amend the Internal Revenue Code of 1954 to provide that the 1982 individual income tax rate reductions made by the Economic Recovery Tax Act of 1981 be given a full year effect for purposes of withholding, and for other purposes; to the Committee on Finance.

REDUCTION IN TAX WITHHOLDING

Mr. JEPSEN. Mr. President, today I am introducing legislation, and asking that it be referred to the appropriate committee. The legislation will give the Treasury Secretary authority to immediately reduce tax withholding for individuals to reflect the 10-percent tax cut scheduled for July. The idea is not to increase the size of the tax cut in any way, merely to amortize or spread it out over the entire calendar year. For this reason, the cost to the Treasury should be nil.

When we enacted the Economic Recovery Tax Act last year, it was not yet apparent that the Nation was moving so swiftly into a recession. Consequently, this factor was not taken into consideration when the timing of the tax cut was agreed upon. Now we are in a sharp recession, with unemployment rising daily. It is too late to enact any new programs to deal specifically with the recession, since it will likely be over by late spring, and it is doubtful that Congress or President Reagan would approve any such program anyway in this time of fiscal austerity. But we have already enacted a tax cut to take effect in July. I am simply urging that we put some of that $16 billion cut into people's pockets now, when they need it most.

By putting money into people's pockets now, we will help stimulate lagging retail sales, help offset the social security tax increase which took place January 1, help hard-pressed Americans coping with declining real incomes, and, hopefully, put some people back to work. All of this will be done without increasing Government spending or enlarging the tax cut one penny in a manner totally consistent with the President's economic program.

I also believe that this proposal will help reduce any possible inflationary pressure which might arise from enactment of the tax cut as currently scheduled. Since we will likely be in recovery by July, some of the fiscal stimulus may put pressure on prices. Putting dollars into the economy now, when there is a high degree of slack, however, would make it far less likely

that there will be any impact on prices.

The only conceivable criticism I can imagine is that reducing tax withholding now will cause the Treasury to borrow somewhat more money in the first half of this year. However, it will borrow less in the second half of the year. Moreover, since the recession is the main factor fueling the budget deficit, insofar as we are able to mitigate the effects of the recession, it will favorably impact on the budget. By the same token, we will be shifting about $4 billion of the tax cut from fiscal 1983, which begins on October 1, back into fiscal 1982. Thus, although this may increase the fiscal 1982 deficit somewhat—that is the year we are in now—the fiscal 1983 deficit will be reduced. Consequently, there is no reason why financial markets should react unfavorably to this legislation.

I am leaving open the question of precisely how the withholding schedules should be adjusted, since it obviously depends on when this legislation becomes law. We could simply mail a check to each taxpayer for the excess withholding from the first of the year, or we could prorate the withholding from whatever date is feasible. I personally see no reason why, if we act quickly, workers could not begin to see the results in their paycheck by April 1. This legislation simply gives the Treasury Secretary authority to make whatever adjustment seems reasonable.

Whatever date we choose doesn't really matter in the end, Mr. President. Giving people a 10-percent tax cut for half the year is the same as giving a 5-percent tax cut for the whole year, since the Tax Code cannot differentiate between income earned in the first part of the year or the last part of the year. Either way, it works out to be about a $16 billion cut. I am only saying that we ought to let people see some of that money in their paychecks today, rather than waiting until July. The only thing being changed is the withholding in one's paycheck each week. No change would be made in the tax rates or any other part of the Economic Recovery Tax Act.

I know that some of my colleagues are supporting plans to move the tax rate reduction itself up to January. But this would have the effect of enlarging the tax cut, and therefore the deficit, whereas my plan accomplishes much the same result at essentially no cost.

Keep in mind that workers could accomplish this same result on their own by increasing the number of deductions on their W-2 forms now and then reducing them in July proportionately. And certainly any taxpayer who is self-employed and making estimated tax payments quarterly has already made such an adjustment. This only reinforces the need to reduce withholding now so that all workers can benefit.

In conclusion, it makes obvious economic sense to put some tax cut dollars into people's pockets now. The economy is sluggish, sales are slow, unemployment is high and production is at almost a standstill in some industries. Reducing withholding taxes now will increase purchasing power when the economy needs it. Increasing demand for homes, autos, and other goods may put some people back to work now and set the stage for recovery, which most economists expect shortly in any case. Under the circumstances, I can see no reason not to enact this legislation as soon as possible. I trust and ask that the committee chairman to which this is referred will give it his prompt attention.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2054

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) clause (i) of section 3402(a)(3)(B) of the Internal Revenue Code of 1954 (relating to changes made by section 101 of the Economic Recovery Tax Act of 1981) is amended—

(1) by striking out "July 1" and inserting in lieu thereof "January 1"; and

(2) by striking out "10-percent" and inserting in lieu thereof "5-percent".

(b) In prescribing tables and procedures under section 3402(a)(1) of the Internal Revenue Code of 1954 to reflect the amendments made by subsection (a), the Secretary of the Treasury shall—

(1) make such tables and procedures effective as soon as practicable after the date of the enactment of this Act, and

(2) reflect in such tables and procedures the full calendar year effect for 1982 which would have occurred if such amendments had been in effect on January 1, 1982.

By Mr. TSONGAS (for himself, Mr. CHILES, and Mr. LEVIN):

S. 2056. A bill to amend the Fair Labor Standards Act of 1938 to provide that blind persons may not be employed at less than the applicable minimum wage under that act; to the Committee on Labor and Human Resources.

FAIR WAGES FOR BLIND WORKERS

● Mr. TSONGAS. Mr. President, today I am joining with Senators LEVIN and CHILES to introduce legislation that would bar substandard wages for blind workers. It would amend the Fair Labor Standards Act of 1938 to provide that blind persons may not be employed at less than the applicable minimum wage.

Currently the law allows blind workers to be paid at a rate that can be as low as 25 percent of the Federal minimum wage. In sheltered workshops, which employ one out of every seven blind workers, a subminimum wage is the norm. Half of these workers are paid less than $1,500 a year.

A few sheltered workshops across the country have shown that fair pay is practical. There are 20 workshops, with more than 5,000 sightless employees, that pay the minimum wage. They produce a variety of products for healthy profits, and they do it without taking economic advantage of the workers.

By contrast, the others use the law to make enormous profits. They are practicing economic discrimination against their blind employees.

Some people are concerned that closing this loophole would adversely affect other benefits—supplemental security income and social security disability insurance. This is unfounded. A blind person can earn above the minimum wage before SSI benefits are reduced.

Although the SSDI rules are not as flexible, a blind worker can earn $5,500 before those benefits are affected. This is much higher than the average subminimum salary under the present law.

Current law is unjust and patronizing the blind workers. It is an affront to the thousands of sightless workers who overcome major barriers to gainful employment. Often they are placed in positions beneath their skills, with little if any hope for advancement.

Mr. President, our blind citizens have many skills to contribute to America's economic strength. They have every right to demand fair compensation for productive efforts . . . every right except the legal right. This legislation, which is strongly supported by the National Federation of the Blind, will finally give these workers the right to a decent wage. I urge my colleagues to join in ending this chronic injustice.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2056

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)) is amended (1) by striking out "(2) and (3)" in paragraph (1) and inserting in lieu thereof "(2), (3), and (4) and (2) by adding after paragraph (3) the following:

"(4) No order, regulation, or certificate may be issued by the Secretary under paragraph (1), (2), or (3) of this subsection with respect to the employment of individuals who are blind or whose sight is impaired.".

By Mr. KASTEN:

S. 2057. A bill to amend title 49, United States Code; to the Committee on Commerce, Science, and Transportation.

TRUCKING RECIPROCITY LEGISLATION

● Mr. KASTEN. Mr. President, today I am introducing legislation which would address a grave injustice to American trucking firms. My bill

would require the Interstate Commerce Commission to consider reciprocity before issuing new licenses to foreign motor carriers seeking new routes in the United States.

The issue is quite simple. Our neighbor to the south, Mexico, prohibits U.S. carriers from conducting business within its borders except on a very limited and arbitrary basis.

The Canadian provinces, as well, control access and operate under restrictive guidelines similar to those in effect in the United States prior to 1980. When the United States adopted more open entry policies 18 months ago in the Motor Carrier Act of 1980 (Public Law 96-296), an unintended competitive disadvantage was created for U.S. motor carriers.

Foreign firms can now gain new routes and new business by penetrating previously protected U.S. markets. But our trucking companies cannot gain the same kind of access to Canadian and Mexican markets because of difficult or discriminatory laws in those countries.

In the past 18 months, hundreds of foreign applications to transport freight across borders and into the States have been received by the ICC. And most have been approved.

Almost 94 percent of the 439 applications by Canadian firms which have been decided by the ICC during the past 18 months have been approved in full or in part. Before 1980, Canadian firms submitted on average only 30 applications a year. The Mexican situation is not nearly as serious, but the potential is there should Mexican firms start making applications.

No wonder American truckers, particularly from States bordering Mexico and Canada, are concerned.

On November 22, 1981, the Honorable Bill Brock, U.S. Special Trade Representative, wrote to the Honorable Reese H. Taylor, Jr., Chairman of the Interstate Commerce Commission, expressing his concerns about this problem, stating:

I understand that the Motor Carrier Act of 1980 does not expressly require reciprocity as a condition to licensing foreign motor carriers.

However, I believe that it is appropriate for the commission to consider the effect that proposed certification will have on existing U.S. motor carriers.

If the pending applications are approved, Canadian motor carriers would be able to offer singleline service to destinations in Canada while U.S. operators could not offer competitive service since they are unable to obtain reciprocal authority to operate in Canada. The result will likely be loss of traffic and revenue by U.S. motor carriers.

Well, Bill Brock's suggestion has made no impact. The ICC simply goes forward granting licenses without regard to nationality.

I ask unanimous consent that a newspaper clipping entitled "Two Canadian Carriers Win U.S. Truck Rights" be inserted in the RECORD immediately following my remarks. This article clearly illustrates that American truckers have protested these decisions to no avail. The review board of the Commission stands by the statement that "it is the Commission's policy not to permit discrimination or favoritism on the basis of a carrier's nationality."

Mr. President, I find that policy unacceptable, especially at a time when unemployment is high in the United States. My bill does not seek to cut off competition. It seeks to encourage competition. But it recognizes that competition is a two-way street.

A constituent from Wisconisn, Mr. Ralph A. Pipp, president of Express Freight Lines, expressed it well in a recent letter. He wrote:

I feel strongly that legislation should be supported which would prevent foreign carriers from obtaining authority from the ICC under the relaxed rules of the Motor Carrier Act of 1980, unless the foreign country would allow American carriers to compete on the same level within their jurisdictions.

I feel the legislation is important to let the ICC know that the intent of Congress is not to promote unfair competition for the domestic companies.

I ask unanimous consent that the full text of Mr. Pipp's letter be printed in the RECORD following my remarks.

Just this week Bill Brock, in a speech before the European Management Forum in Switzerland, said:

I understand the concern expressed about the current discussion of reciprocity in the United States. I am confident that, under this President, reciprocity will not become a code word for protectionism, but it will be used to state clearly our insistence on equity.

Neither Congress nor the President can continue to tolerate unfair trading practices which adversely affect either our domestic market or our opportunity to trade elsewhere.

Mr. President, those words apply directly to this situation. We simply demand reciprocity for our companies when we permit foreign companies to come into our States.

The legislation I am introducing today will direct the ICC to stop issuing licenses to Mexican and Canadian firms until a process can be worked out so we have equal access. This is a case of equity, and it is clear that only Congress can restore equity to the ICC licensing process.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD following my remarks.

There being no objection, the bill, article, and letter were ordered to be printed in the RECORD, as follows:

S. 2057

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10922(b) of title 49, United States Code, is amended as follows:

(1) by redesignating paragraphs (4), (5), (6), (7), (8), and (9), and any references thereto, as paragraphs (5), (6), (7), (8), (9), and (10), respectively; and

(2) by inserting after paragraph (3) the following new paragraph:

"(4)(A) The Commission shall issue a certificate to a person authorizing that person to provide transportation in foreign commerce as a motor common carrier of property in single-line service between points in the United States and points in Canada or Mexico if the Commission finds—

"(i) that the person is fit, willing, and able to provide the transportation to be authorized by the certificate and to comply with this subtitle and regulations of the Commission; and

"(ii) the transportation to be authorized is or will be required by the present or future public convenience and necessity after considering (I) the adequacy of available service, (II) the degree of existing competition, (III) the ability and willingness of carriers to provide service to meet the reasonable needs of shippers, (IV) the effect upon existing carriers of granting a new certificate, and (V) the impact on the energy efficiency of existing carriers.

"(B) In any opposed case the Commission shall hold an oral hearing.

"(C) Notwithstanding the provisions of this section, including the provisions of paragraph (5), the Commission shall not issue any certificate authorizing transportation of freight in interstate or foreign commerce to any person domiciled in Canada or Mexico, or owned or controlled by a person or persons domiciled in those countries, whose appropriate governmental body does not permit carriers domiciled in the United States to transport freight within the territory of Canada or Mexico on substantially the same licensing standards as apply to the transportation of freight by its own nationals. Within 90 days after enactment of this paragraph, the Commission shall institute a rulemaking proceeding in order to determine which Canadian and Mexican governmental bodies do not permit United States carriers to transport freight within such territory of Canada or Mexico on substantially the same licensing standards as apply to the transportation of freight by their own nationals.".

SEC. 2. Section 10922(h)(2) of title 49, United States Code, is amended by inserting immediately before the period at the end thereof a comma and the following: "and (C) apply the provisions of section 10922(b)(4), where the applicant is a person domiciled in Canada or Mexico or owned or controlled by a person or persons domiciled in those countries".

SEC. 3. Section 10923(b) of title 49, United States Code, is amended by inserting after paragraph (7) the following new paragraph:

"(8) Notwithstanding the provisions of this section, the Commission shall not issue any permit authorizing transportation of freight in interstate or foreign commerce to any person domiciled in Canada or Mexico, or owned or controlled by a person or persons domiciled in those countries, whose appropriate governmental body does not permit carriers domiciled in the United States to transport freight within the territory of Canada or Mexico on substantially the same licensing standards as apply to the transportation of freight by its own nationals. Within 90 days after enactment of this paragraph, the Commission shall institute a rulemaking proceeding in order to determine which Canadian and Mexican governmental bodies do not permit United States carriers to transport freight within such ter-

ritory of Canada or Mexico or substantially the same licensing standards as apply to the transportation of freight by their own nationals.".

TWO CANADIAN CARRIERS WIN U.S. TRUCK RIGHTS

Review Board No. 2 of the Commission has granted applications by two trucking companies based in Canada for extensive U.S. operating authority.

In a decision served January 19, the board granted D.M.R. Transport (1975), Ltd., authority to haul general commodities, except classes A and B explosives, between border points in Washington, Idaho, Montana, North Dakota, and Minnesota, on the one hand, and points in 27 states on the other. D.M.R. is based in Grinrod, B.C.

The board, in a decision served January 22, granted Provost Cartage authority to transport commodities in bulk between all border points and all points in the U.S., except Alaska and Hawaii. Provost is domiciled in Ville d'Anjou, Que.

U.S. carriers protesting the applications, in addition to the standard complaint about possible traffic diversion, said the Canadian applicants should not be granted U.S. authority because U.S. carriers have difficulty in winning Canadian authority from provincial governments. But the board dismissed the argument, stating that it is the Commission's policy not to permit discrimination or favoritism on the basis of a carrier's nationality.

The board's decisions were issued in MC-143415, Sub. 4, D.M.R. Transport (1975), Ltd., Extension—General Commodities, and MC-123233, Sub. 96, Provost Cartage, Inc., Extension—Canadian Bulk Traffic.

EXPRESS FREIGHT LINES, INC.,
Milwaukee, Wis., January 21, 1982.

Hon. ROBERT W. KASTEN, Jr.,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KASTEN: Express Freight Lines is a trucking company headquartered in Milwaukee, Wisconsin. At the present time we have approximately 175 employees in the State of Wisconsin. We are a regular route common carrier serving the upper middle west, but primarily a corridor between the southeastern Wisconsin area and Detroit, along with the Canadian gateway. Last year we did approximately $16,000,000 in business.

The Canadian market has been historically and is an extremely important segment of our business. A very serious issue has come up within the trucking industry concerning the issuance of authority by the Interstate Commerce Commission to foreign motor carriers. It is an extremely serious problem and one that concerns us. The prospect of the ICC licensing Canadian carriers to do business in the United States would seriously affect our business.

It would put us into a position of having our Canadian interlines compete directly with us domestically, and we would be restricted from competing with them in the Canadian marketplace. It would give these foreign motor carriers an unfair advantage.

At the present time, we have excellent relations with approximately ten to twelve Canadian carriers and cooperate with them in moving freight between the eastern Canadian markets and the upper middle west.

It's an arrangement that has benefited the shippers and consignees in both these market areas with excellent service and competitive rates. Over the years, the Canadians have extracted a few concessions from the United States already.

For instance, the Canadian carriers are able to deliver within the commercial zone of U.S. cities. This allows a Canadian carrier to make deliveries in the commercial zone of Buffalo or Detroit, amongst other cities. The U.S. carriers are restricted from making deliveries in Canadian commercial zones such as Windsor or Niagara Falls across from Buffalo.

This may seem extremely minor, but it, in fact, is a concession by the U.S. government to the Canadians whereby foreign motor carriers can derive revenue by performing a service within the United States, whereas we are not allowed to do the same with them.

I feel strongly that legislation should be supported which would prevent foreign carriers from obtaining authority from the ICC under the relaxed rules of the Motor Carrier Act of 1980, unless the foreign country would allow American carriers to compete on the same level within their jurisdictions.

I feel the legislation is important to let the ICC know that the intent of Congress is not to promote unfair competition for domestic companies.

Sincerely yours,

RALPH A. PIPP,
President.●

By Mr. ROTH (for himself, Mr. CHAFEE, and Mr. ROTH):

S. 2058. A bill to promote foreign trade in services, and for other purposes; to the Committee on Finance.

TRADE IN SERVICES ACT OF 1982

● Mr. ROTH. Mr. President, today I join my colleagues, Senator CHAFEE and Senator INOUYE, in introducing the Trade in Services Act of 1982. This bill is a bipartisan effort to improve the treatment accorded services in our international trading efforts and to move services issues to center stage in global trade discussions.

The services sector is a large and growing segment of the U.S. economy, and its positive contribution to our trade balance continues to increase. These so-called invisibles—engineering and construction, shipping, insurance, banking, transportation, accounting, communications, and tourist services, just to name a few—generate over half the Nation's gross domestic product and provide jobs for over 54 million Americans. The Commerce Department estimates that U.S. international service activities rose from $92 billion in 1977 to over $128 billion in 1980; and the export component alone in services earned the United States a surplus that year of $35 billion. These export earnings were more than enough to outweigh the $30 billion deficit we suffered in goods.

Services have enabled us to keep a foothold on the positive side of the international trade ledger.

Our recent strong performance in services trade is no cause for complacency, however. While exports continue to grow absolutely, the U.S. share of world invisibles trade has fallen from 25 percent in 1969 to 20 percent in 1976. Moreover, this general trend is repeated in specific sectors.

For example, while assets of foreign branches of U.S. banks doubled from $145 billion in 1975 to $290 billion in 1979, the global market share of U.S. banks declined. In construction and engineering, U.S. firms went from being top world suppliers in 1976 to holding seventh place only 3 years later.

This pattern is repeated in insurance, transportation and throughout the services sector because other countries, attempting to build or protect fledgling services industries, have begun to devise methods to stem foreign services supplies. These rising overseas trade barriers could send our now internationally strong services industries down the path already trodden by U.S. merchandise producers. Once the world's predominant merchandise supplier, we have seen our market share whittled away by foreign import barriers and unfair export practices.

We must avoid making the same mistake in services.

The rising barriers to services trade affect every sector. In the accounting area, for example, provisions regarding confidentiality in the European Community's eighth directive on auditors' qualifications could be used to bar U.S. firms from participation in EC markets. In the information transfer business, restrictions on the use of foreign data-processing facilities bar U.S. computer software firms from selling their services in countries like West Germany. Foreign countries' subsidization of construction operations has enabled overseas firms to capture third country markets from traditional U.S. suppliers. U.S. motor carriers cannot provide trucking services in Canada or Mexico because of restrictive regulations there. Moreover, our insurance firms encounter nearly impenetrable barriers in many developing countries that seek to retain control for domestic monopolies or national insurance companies.

At the same time, U.S. service markets remain relatively open to foreign suppliers. With the enactment of the Motor Carrier Act of 1980, for example, foreign truckers have easy access to the U.S. market. Canadian suppliers alone have received 260 licenses in the past year to provide interstate services. Foreign insurers, too, find fewer difficulties penetrating the lucrative U.S. market.

Despite their importance to our domestic and global trade accounts, despite the rising barriers to trade overseas, services have often been treated as an afterthought in U.S. and international trade law. The Trade Act of 1974 was the first attempt to raise the issue of services trade in international consciousness. Notwithstanding that

act's charge that the President negotiate barriers to both goods and services, however, little was accomplished in the latter during the 1975-79 Tokyo Round of Multilateral Trade Negotiations.

Distortions in services trade continue to increase unchecked by international agreement.

It is time to reverse that trend. It is clear we must begin to work now if we are to guarantee a continuing predominant role for U.S. service industries in the world economy. We must lay the groundwork now for international discipline in the treatment of services trade.

The Trade in Services Act of 1982 represents an important step in the direction of insuring open markets for services trade. The bill charges the President with placing a high priority on, and developing a work program for, negotiations to reduce services trade barriers. Section 3 of the Trade in Services Act builds upon the existing provisions of section 102 of the Trade Act of 1974 by providing a clear congressional directive to place services issues on the front burner.

In addition, the legislation would clarify and expand the coverage of U.S. trade law to deal more effectively with trade in services problems. In the past, agruments have been made that establishment-related issues involve investment, not trade and are therefore not covered by the 1974 Trade Act's negotiating and retaliatory authority. Sections 3 and 4 of this bill would resolve any potential problem or confusion by expressly including "barriers to the establishment and operation of U.S. businesses in foreign markets" within the Trade Act's meaning of "barriers to trade."

In addition, section 4 amends section 301 of the Trade Act, which deals with foreign unfair trade practices, to include Presidential authority to restrict the activities of foreign suppliers in the U.S. market. To date, there has been disagreement over whether the administration had the authority to impose "fees or other restrictions" on a services supplier, as well as on the service itself. Section 4 clearly extends this authority.

The bill would also improve the coordination in the services trade policymaking process and Federal/State communication in trade regulation. As chairman of the Governmental Affairs Committee, I strongly believe State and local governments should continue to exercise their traditional regulatory authority over a variety of services, such as banking, insurance and accounting. Therefore, section 3 of the Trade in Services Act provides that, before entering into any negotiations in a service sector over which the States have regulatory responsibility, the U.S. Trade Representative must consult with representatives of the States concerning negotiating objectives and methods of implementing any agreements reached. In addition, the legislation calls for coordination with private sector advisory groups specializing in services trade matters.

The Trade in Services Act would establish a service sector development program, providing for much-needed collection and analysis of domestic and international services information. The United States is head-and-shoulders above its trading partners in its appreciation of the role of services in the international economy, but more work remains to be done to understand, quantify and take into account services' full impact on trade and national accounts.

Last, the legislation insures that, in considering any rule, restriction or regulation on the treatment of a foreign service or services supplier, our regulatory agencies will weigh the treatment accorded U.S. services in the relevant foreign country.

I believe it is time we take a closer look at the experience of U.S. firms overseas before determining how best to treat foreign services suppliers. While free trade should be the order of the day, the United States cannot be expected to continue to carry that standard alone. Instead, it is time we look at whether we are receiving reciprocal treatment for U.S. services overseas.

Fairness by the United States in the treatment of foreign suppliers in our market should be mirrored by fair treatment of U.S. interests in foreign countries. Thus, section 6 encourages agencies that regulate service sector industries to pay greater attention to U.S. industry complaints that, while foreign suppliers are accorded relatively free access to the U.S. market, U.S. companies face serious barriers in overseas markets.

I believe this legislation is crucial in our efforts to expand our export performance in the services sector. It is time we stop treating services as an afterthought and begin to consider what international rules would best promote free trade in the ever-growing service sector.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2058

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Trade in Services Act of 1982."

SEC. 2. FINDINGS; PURPOSE.

(a) *Findings.*—The Congress finds that—

(1) the United States economy is predominantly a service economy as approximately 70 percent of the United States labor force is employed in producing services and approximately 67 percent of the gross national product is generated by services;

(2) many service industries require highly skilled and trained workers and employ advanced technology which enhances the international competitiveness of the United States economy;

(3) productivity in the service sector increased by 20 percent from 1967 to 1979 and as such increase is far more than the productivity gains registered in the goods producing sector, such increase helped restrain inflation;

(4) in 1980, according to official United States balance of payments statistics, the United States earned a surplus of more than $36,000,000,000 in the services account in contrast to the merchandise trade deficit of $25,000,000,000 (c.i.f.);

(5) the United States is the world's largest trader of international services, accounting for approximately 20 percent of such international trade in 1980, but this share represents a decline from recent years;

(6) barriers to, and other distortions of, international trade in services, including barriers to the establishment and operation of United States companies in foreign markets, have had a serious and negative impact on the growth of United States service sector exports;

(7) such barriers are likely to increase unless the United States and its trading partners take prompt action to negotiate their reduction or elimination and to develop effective international rules governing trade in services; and

(8) trade in services is an important issue for international negotiations and deserves priority in the attention of governments, international agencies, negotiators, and the private sector.

(b) PURPOSES.—The purposes of this Act are—

(1) to encourage the expansion of international trade in services through the negotiation of agreements, both bilateral and multilateral, that reduce or eliminate barriers to, and other distortions of, international trade in services (including barriers to the right of establishment and operation of service enterprises in foreign markets) and that strengthen the international rules governing trade in services;

(2) to fully integrate service sector trade issues into overall United States economic and trade policy;

(3) to provide for effective coordination of services sector trade policy within the Federal Government;

(4) to encourage consultation and cooperation among United States Government agencies, between the United States and State and local governments, and between the United States Government and the private sector;

(5) to provide for consideration of the access accorded to United States service sector industries in foreign markets in fashioning United States policies affecting access to the United States market of foreign funds and suppliers of services; and

(6) to clarify the application of provisions of United States trade laws to trade in services.

SEC. 3. NEGOTIATION OF INTERNATIONAL AGREEMENTS CONCERNING TRADE IN SERVICES.

(a) NEGOATIATING OBJECTIVES.—Chapter 1 of title 1 of the Trade Act of 1974 is amended by inserting immediately after section 104 the following new section:

"SEC. 104A. NEGOTIATING OBJECTIVES WITH RESPECT TO TRADE IN SERVICES.

"(a) Principal United States negotiating objectives under sections 101 and 102 shall be to—

"(1) reduce or eliminate barriers to United States service sector trade in foreign markets, including the right of establishment and operation in such markets;

"(2) modify or eliminate practices which distort international trade in services; and

"(3) develop internationally agreed rules, including dispute settlement procedures, which are consistent with the commercial policies of the United States and which will help ensure open international trade in services.

"(b) As a means of achieving the negotiating objectives set forth in subsection (a), the United States Trade Representative shall—

"(1) in any negotiation under section 101 or 102 concerning barriers to, or other distortions of, international trade in services, pay particular attention to the interests that the States may have in such a negotiation and consult regularly with representatives of State governments concerning negotiating developments;

"(2) not enter into any negotiation involving a service sector over which the States have regulatory responsibility unless he has developed negotiating objectives for such negotiation in consultation with representatives of State governments; and

"(3) with respect to the service sector advisory committees established under subsections (b) and (c) of section 135—

"(A) inform such committees of prospective trade negotiations under section 101 or 102,

"(B) consult with such committees and develop negotiating objectives prior to entering into such negotiations, and

"(C) during the course of any such negotiations, consult with the committees concerning negotiating developments.

"(c) In carrying out its duties under this dection, the United States Trade Representative shall consult with the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and other interested committees of the Congress concerning—

"(1) efforts to promote international negotiations on trade in services, and

"(2) the strategies and specific negotiating objectives of the United States in such negotiations, developments in the course of such negotiations, and the manner in which any agreements concluded are to be implemented.

"(d) For purposes of this section—

"(1) the term 'services' has the meaning given such term by section 301 (d)(3), and

"(2) the term 'barriers to, or other distortions of, international trade in services' includes, but is not limited to—

"(A) barriers to the right of establishment in foreign markets, and

"(B) restrictions on the operation of enterprises in foreign markets, including—

"(i) direct or indirect restrictions on the transfer of information into, or out of, the country or instrumentality concerned, and

"(ii) restrictions on the use of data processing facilities within or outside of such country or instrumentality.".

(b) REPORT TO CONGRESS.—Not later than 45 days after the date of the enactment of this Act, the United States Trade Representative shall present to the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and other interested committees of the Congress—

(1) a proposed work program concerning international negotiations on services for the following twelve-month period; and

(2) a detailed analysis of the negotiating interests of the United States in specific service sectors.

(c) CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 1 of the Trade Act of 1974 is amended by inserting after the item relating to section 104 the following new item:

"Sec. 104A. Negotiating objectives with respect to trade in services."

SEC. 4. REMOVAL OF UNFAIR TRADE PRACTICES IN SERVICE SECTOR TRADE.

(a) DEFINITION OF SERVICES.—Section 301 (d) of the Trade Act of 1974 is amended by adding at the end thereof the following new paragraph:

"(3) SERVICES DEFINED.—The term 'services' means economic outputs which are not tangible goods or structures, including, but not limited to—

"(A) transportation, communications, retail and wholesale trade, advertising, construction, design and engineering, utilities, finance, insurance, real estate, professional services, entertainment, and tourism, and

"(B) overseas investments which are necessary for the export and sale of the services described in subparagraph (A).".

(b) SUPPLIERS OF SERVICES TO BE INCLUDED.—

(1) IN GENERAL.—Subsections (a) and (b) of section 301 of the Trade Act of 1974 (19 U.S.C. 2411) are each amended by inserting "(or suppliers thereof)" after "services".

(2) CONSULTATIONS WITH APPROPRIATE AGENCIES, ETC.—Subsection (d) of section 301 of the Trade Act of 1974, as amended by subsection (a), is amended by adding at the end thereof the following new paragraph:

"(4) SPECIAL RULES FOR SUPPLIERS OF SERVICES.—

"(A) SUPPLIER OF SERVICE DEFINED.—For purposes of this section, the term 'supplier of services' includes any person who provides services and—

"(i) whose principal place of business is in a foreign country, or

"(ii) who is owned by a foreign person.

"(B) CONSULTATION WITH APPROPRIATE AGENCIES.—Before the President takes action under this section to impose fees or other restrictions on services (or suppliers thereof), the United States Trade Representative shall, if such services are subject to regulation by any other Federal agency or by any State, consult with the appropriate Federal or State official with respect to such action.".

SEC. 5. INTERAGENCY COORDINATION OF SERVICE SECTOR TRADE POLICY.

(a) COORDINATION OF UNITED STATES POLICIES.—The United States Trade Representative, through the Trade Policy Committee and its subcommittees, shall develop, and coordinate the implementation of, United States policies concerning trade in services.

(b) FEDERAL AGENCIES.—In order to encourage effective development and coordination of United States policy on trade in services, each Federal agency responsible for the regulation of any service sector industry shall advise the United States Trade Representative of pending matters with respect to which—

(1) the treatment afforded United States service sector interests in foreign markets, or

(2) allegations of unfair practices by foreign governments or companies in a service sector,

have been raised, and shall consult with the United States Trade Representative prior to the disposition of such matters.

(c) SERVICES INDUSTRY DEVELOPMENT PROGRAM.—The Secretary of Commerce is authorized to establish in the Department of Commerce a service industries development program in order to—

(1) promote the competitiveness of United States service firms and American employees through appropriate economic policies;

(2) promote actively the use and sale of United States services abroad and develop trade opportunities for United States service firms;

(3) develop a data base for policymaking pertaining to services;

(4) collect and analyze information pertaining to the international operations and competitiveness of the United States service industries;

(5) analyze—

(A) United States regulation of service industries;

(B) tax treatment of services, with particular emphasis on the effect of United States taxation on the international competitiveness of United States firms and exports;

(C) antitrust policies as they affect the competitiveness of United States firms;

(D) treatment of services in commercial and noncommercial agreements of the United States; and

(E) adequacy of current United States financing and export promotion programs;

(6) provide staff support for negotiations on service-related issues by the United States Trade Representative and the domestic implementation of service-related agreements;

(7) collect such statistical information on the domestic service sector as may be necessary for the development of governmental policies toward the service sector;

(8) conduct sectoral studies of domestic service industries;

(9) collect comparative international information on service industries and policies of foreign governments toward services;

(10) develop policies to strengthen the competitiveness of domestic service industries relative to foreign firms;

(11) conduct a program of research and analysis of service-related issues and problems, including forecasts and industrial strategies; and

(12) provide statistical, analytical, and policy information to State and local governments and service industries.

(d) INFORMATION TO STATES.—Except as otherwise provided by law, the United States Trade Representative and the Secretary of Commerce shall provide to State governments such advice, assistance, and information concerning United States policies on international trade in services as such governments might request.

SEC. 6. CONSIDERATION BY UNITED STATES REGULATORY AUTHORITIES OF MARKET ACCESS ACCORDED BY FOREIGN COUNTRIES TO UNITED STATES SERVICE SECTOR INDUSTRIES.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that regulatory authorities in the United States with responsibility for regulation of a service sector should, in developing their policies concerning the access of foreign suppliers to the United States market, take into account the extent to which United States suppliers are accorded access to foreign markets in such service sector.

(b) FEDERAL AGENCIES.—To the extent not otherwise required by law or regulation, whenever any agency of the Federal Government which has responsibility for regulation of a service sector is considering any rule, regulation, or decision which may affect the access of any foreign supplier or suppliers to the United States market, such agency shall—

(1) take into account information presented to it by any interested party concerning the market access in such service sector accorded to United States suppliers in the home market or markets of the foreign supplier or suppliers which may be so affected; and

(2) in taking any action with regard to such rule, regulation, or decision, indicate the extent to which the action taken promotes fairness in international trade within the particular service sector involved.

(c) ACTION BY FEDERAL AGENCIES.—Agencies of the Federal Government with responsibility for service sector regulation may, in consultation with the United States Trade Representative as provided in section 5 of this Act, impose such restrictions on the access of any foreign supplier to the United States market for such service sector as may be appropriate to promote fairness in international service sector trade.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the activities authorized by this Act.●

● Mr. CHAFEE. Mr. President, Senator ROTH, Senator INOUYE, and I are introducing today legislation entitled "The Trade in Services Act of 1982."

The legislation has four major purposes. The first is to emphasize the importance of our service industries to our economy. The service sector now employs more than 70 percent of all Americans and contributes two-thirds of our gross national products. The service sector is growing twice as fast as the manufacturing sector and experienced a 20-percent increase in productivity from 1967 to 1979. In way of contrast, the manufacturing sector had a growth rate of only 10 percent during the same period.

The growth of service industries has improved our balance of trade picture. Currently, the United States has a 20-percent share of the total world trade in services. In 1980 this significant progress in trade in services resulted in the first overall surplus in the U.S. balance of payments since 1976.

The second purpose of the bill is to direct the administration to raise the issue of an international services code at the 1982 GATT ministerial meeting and to insure that the negotiation of such an agreement is given a high priority in U.S. trade policy. One of the major problems with the international trading system is that there are no specific multilateral rules or means to deal with trade problems in services. We need to develop an international framework to deal with trade in services just as we have for trade in goods.

The first step toward achieving that goal is to get a commitment from members of the GATT to deal with the issue of services. The bill we are introducing today makes the negotiation of an international agreement on services a priority under section 102 of the Trade Act of 1974. The bill also recognizes the importance of raising the issue of services at the GATT ministerial meeting and directs the U.S. Trade Representative (USTR) to present to Congress, within 45 days after enactment, a work plan for the negotiation of such an international agreement.

The third purpose of the bill is to provide for effective coordination and implementation of U.S. trade policy with regard to services. The bill directs the USTR to coordinate the development of services trade policy and requires that he consult with Federal regulatory agencies and the States in those areas of the services sector that are subject to Federal and/or State regulation, such as insurance and banking.

The bill provides that, prior to the negotiation of any agreement on services, the USTR must develop negotiating objectives in consultation with the private sector service industry advisory groups and the States. The bill also authorizes the Department of Commerce to establish a services industries program to develop information on the flow of trade in services, analyze the impact of U.S. laws pertaining to services, and provide information to the States on U.S. policy on international trade in services.

The fourth and perhaps most important purpose of this legislation is to insure that U.S. service industries continue to have free access to foreign markets. To accomplish this objective, the bill clarifies and emphasizes the President's authority to take action against unfair practices either at home or abroad which affect U.S. service industries. The bill allows Federal regulatory agencies with authority over service industries to take into account the extent to which U.S. service industries are accorded access to foreign markets. These regulatory agencies must act in consultation with the USTR.

This bill represents an important change in the approach to dealing with trade problems. In the past we have generally reacted to trade problems only after they arise, when trade barriers have been erected and our market shares have diminished. We should learn from the past and not repeat this mistake in the area of trade in services. We should act to create an international framework to deal with trade in services problems while we still have a trade surplus in that area instead of waiting until we have a deficit. We should take steps now to insure that the rapidly expanding world trade in services remains free and open. I believe that this bill is an important step in that direction, and I urge my colleagues to support it.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF TRADE IN SERVICES ACT OF 1982

SEC. 2(a) FINDINGS

This section recognizes the importance of the service sector as the largest sector of the U.S. economy, generating over half of our GNP, employing over 54 million Americans, generating $60 billion in revenues in 1980, accounting for 20 percent of the worldwide trade in services and helping to offset the serious deficits in the U.S. merchandise trade balance. This section also points out that the U.S. share of the world services market is declining due to trade barriers and that such barriers are likely to increase unless the U.S. takes prompt action to negotiate an international agreement to establish international rules to govern trade in services. The findings also point to the inadequacy of the existing legal framework governing trade in services.

SEC. 2(b) PURPOSES

The Act is intended to (1) encourage the expansion of international trade in services through the negotiation of bilateral and multilateral agreements that reduce or eliminate barriers to trade in services, (2) to integrate service sector trade issues more fully into U.S. economic and trade policy, (3) to provide for effective coordination of U.S. service sector trade policy including consultation and cooperation between federal, state, and local agencies and the private sector, (4) to provide for consideration of reciprocal market funds and suppliers to the U.S. market, and (5) the clarification of U.S. trade laws applicable to trade in services.

SEC. 3 NEGOTIATION OF INTERNATIONAL AGREEMENTS

Section 3 states that a principal negotiating objective under section 102 of the Trade Act of 1974 is the development of agreements under the GATT which reduce or eliminate barriers to trade in services and establish international rules to ensure open international trade in services. Section 3 also requires that the USTR take into account the interests of the States in any negotiation of an agreement pertaining to services and that the USTR shall not enter into the negotiation of an agreement involving a service sector regulated by the States until it has developed negotiating objectives with the States. The USTR must also consult with the private sector advisory groups established under section 135(b) and 135(c) of the Trade Act of 1974 prior to entering into any negotiations on international agreements affecting the service sector. Additionally, section 3 instructs the USTR to consult regularly with the Finance Committee and the Ways and Means Committee on the progress of negotiations and that no later than 45 days after the bill is enacted the USTR must present to Congress a proposed work plan for the negotiation of an international agreement on services.

SEC. 4 UNFAIR TRADE PRACTICES IN SERVICE SECTOR TRADE

Section 4 amends section 301(b) of the Trade Act of 1974 by adding the phrase "or suppliers of services" after the word "services." Section 4 also requires that the serv-

ice sector involved in a section 301 case is subject to regulation by any federal or State agency, the President must consult with that agency prior to the imposition of any fees or restrictions on the foreign supplier of services. Finally, section 4 amends section 301 by providing that fees or restrictions may be imposed by executive order and it defines foreign suppliers.

Section 4 defines services as economic outputs which are not tangible goods and services including, but not limited to transportation, communication construction, and overseas investments which are necessary for the export and sale of such services. Section 4 also defines trade barriers as including barriers to the right of establishment in foreign markets and restrictions on the operation of U.S. firms in foreign markets including direct or indirect restraints on the transfer of information, or on the use of data processing facilities within or outside a foreign country.

SEC. 5 INTERAGENCY COORDINATION OF SERVICE SECTOR TRADE POLICY

Section 5 requires that the USTR develop and coordinate the implementation of U.S. policy concerning trade in services. Federal agencies responsible for the regulation of service sector industries are required to notify USTR with respect to pending matters which affect the treatment of U.S. service providers in foreign countries and in which allegations of unfair practices by foreign governments or service providers have been raised. The Secretary of Commerce is authorized to establish a service industries program to promote the competitiveness of the industry at home and abroad by developing a data base on domestic and international services, analyzing the impact of U.S. laws pertaining to services industries, providing staff support for negotiations of service-related agreements, and providing the State governments with information and advice pertaining to U.S. policy on international trade in services.

SEC. 6 REGULATORY AGENCY CONSIDERATION OF U.S. SERVICE INDUSTRIES TO FOREIGN MARKETS

Section 6 expresses that it is the sense of Congress that regulatory agencies with authority over service industries should, in consultation with USTR, take into account the extent to which U.S. suppliers are accorded access to foreign markets in the service sector involved in developing policies as to the access of foreign service suppliers to the U.S. market. Section 6 also provides that when any regulatory agency is making a decision affecting the access of a foreign supplier to the U.S. Market, any interested party may present information relevant to foreign or domestic market access in such service sector. The regulatory agency is required to indicate the degree to which the action taken based on such information promotes fair trade in that service sector. Finally, regulatory agencies must consult with USTR prior to making any decisions which restrict the access of foreign suppliers to the domestic market for the purpose of promoting fair trade.

SEC. 7 AUTHORIZATION OF APPROPRIATIONS

Section 7 authorizes such funds as are necessary to carry out the activities authorized in the Act.●

By Mr. COHEN (for himself and Mr. LEVIN):

S. 2059. A bill to change the coverage of officials and the standards for the appointment of a special prosecutor in the special prosecutor provisions of the Ethics in Government Act of 1978, and for other purposes; to the Committee on Governmental Affairs.

ETHICS IN GOVERNMENT ACT AMENDMENTS OF 1982

● Mr. COHEN. Mr. President, on behalf of myself and Mr. LEVIN, I am introducing a bill, which would amend the special prosecutor provisions of the Ethics in Government Act of 1978, to better insure independent investigations of high-ranking Federal officials and to remove inequities in the present law.

The special prosecutor provisions were established in the wake of Watergate to assure the public that high-level executive officials will be investigated fully and fairly for crimes they may have committed, and that these investigations will be conducted free from political favoritism or bias. The act does this by requiring the Attorney General to conduct a preliminary investigation whenever he receives specific information that any official designated by the law has violated a Federal criminal law. At the close of this limited investigation, unless the Attorney General concludes that absolutely no further investigation or prosecution is warranted, a special prosecutor must be appointed to conduct an independent investigation of the charges, and, if necessary, to proceed with the prosecution of the official.

In the 3 years since their enactment, the special prosecutor provisions have been surrounded by controversy. Much of the debate stems from the nature of the cases in which a special prosecutor was appointed during President Carter's administration. Two high-ranking White House officials, Hamilton Jordan and Timothy Kraft, were investigated for alleged possession of cocaine. In each case, a special prosecutor was appointed to investigate the allegations, and in each case, after extensive media attention and legal costs to both the subject of the investigation and the Government, the special prosecutor concluded that there was no factual or legal basis for bringing criminal charges against the official. These cases sparked criticisms that certain aspects of the present law are unfair, unjustly burden public officials, and are costly to both the Government and the official involved.

In response to these criticisms, the Subcommittee on Oversight of Government Management began an extensive investigation of the special prosecutor law. Last year, the subcommittee held 2 days of oversight hearings and heard testimony from both strong supporters and critics of the special prosecutor process. The bill which I introduce today would implement recommendations which the subcommittee made as a result of its investigation and hearings.

This legislation retains the basic structure of the current law because the concept underlying the special prosecutor provisions remains valid. Unfortunately, dangers of conflict of interest were not unique to Watergate, but rather are inherent in our system of government. As a political appointee of the President, a close adviser to the President, and part of an administration which hopes to gain political success, the Attorney General may be placed in a difficult situation when investigating allegations against a senior executive official. Even when such an investigation is truly handled impartially, the public may doubt that it was if the official is cleared by the Department. In other cases, the Attorney General may "bend over backwards" and prosecute an official when prosecution is not warranted, in order to avoid the appearance of favoritism. When such conflicts of interest exist, or when the public perceives there to be a conflict, public confidence in the investigation of public officials is eroded, if not totally lost. By establishing a mechanism to insure impartial and thorough investigations of officials, the act guards against conflicts of interest and guarantees that public officials are not above the law.

While a special prosecutor process must be retained, I do not believe that the present law is perfect. To the contrary. The subcommittee's hearings and investigation revealed that the act has substantial weaknesses. Failure to remedy these demonstrated defects would be to ignore the benefit of experience we have had since the law was enacted. Even more seriously, failing to correct these problems may provide justification for those who would abandon the law completely.

The foremost problem of the law is that is has created unfairness. This problem stems in large part from the very low triggering standards for conducting a preliminary investigation and appointing a special prosecutor.

Under the act, the Attorney General must conduct a preliminary investigation whenever he receives specific information that a person covered by the act has violated any Federal criminal law, other than a petty offense. No allowance is made for the credibility of the accuser. Thus, the Attorney General is forced to investigate even those allegations which he knows to be frivolous, or made by persons known to lack credibility. Such automatic investigations do not serve a valid public purpose. Rather, they can only unfairly tarnish the reputation of our public officials and waste scarce public resources.

The very low standard for appointment of a special prosecutor also promotes unfairness. The Attorney General, having conducted a preliminary investigation, must apply to the court

for appointment of a special prosecutor unless he can state that the matter is "so unsubstantiated that no further investigation or prosecution is warranted." At the subcommittee's hearings, many experts on the law testified that this standard leaves little practical opportunity for an Attorney General to dismiss allegations which have little or no merit. For example, former Attorney General Benjamin Civiletti testified that in the Hamilton Jordan case, he was forced to seek appointment of a special prosecutor even though he had specifically concluded that a prosecution would not have resulted based on the facts he received during the preliminary investigation. Because, however, he was unable to conclude that no further investigation was warranted, a special prosecutor was appointed.

The present act also ignores the legitimate use of prosecutorial discretion which is given to prosecutors in both the Federal and State court systems. Over the years, the Department of Justice has developed guidelines to standardize its discretion and policies of law enforcement. By disregarding these standards, the special prosecutor law creates a different, stricter application of criminal law on public officials. Again, experience illustrates this problem: The offense alleged in both the Jordan and Kraft cases would not merit extensive investigation or prosecution under the ordinary standards of the Department of Justice in the present or past administrations.

Another serious problem of the present law is its coverage. Although the premise of the present law is that dangers of conflict of interest exist when the Attorney General investigates officials who are close to the President, the act covers over 125 executive and campaign officials, many of whom occupy middle-level positions and do not influence Presidential or Department of Justice decisionmaking. The act also can cover officials long after they leave office—in some cases up to 16 years—if the next President is of the same political party as the President under whom the official serves. Not only is this coverage excessively broad by continuing to cover officials after they have returned to private life, but it is also unequal by basing coverage on which political party wins the Presidential election. This political application of criminal law is unique in our criminal justice system.

Ironically, while the coverage of the act is overbroad in these respects, it is also underinclusive by failing to cover a class of persons who are close to Presidential influence and who may create actual or perceived conflicts of interest if investigated by the Attorney General: the President's family. The "Billygate Affair," in which President Carter's brother was investigated for allegedly having an improper relationship with the Libyan Government, illustrates how the public and press can easily perceive a conflict of interest when the Department of Justice investigates allegations of wrongdoing by the President's family.

The amendments which I am introducing today would correct many of these problems. First, the bill would raise the standard which triggers a preliminary investigation so that the Attorney General could consider the credibility of the accuser and the specificity of the information received in determining whether a preliminary investigation is warranted. In this way, the Attorney General would better be able to perform his function of screening out frivolous allegations.

Second, the bill would raise the standard for appointment of a special prosecutor from the almost automatic standard of "so unsubstantiated that no further investigation or prosecution is waranted" to one requiring appointment when the Attorney General "finds reasonable ground to believe that further investigation or prosecution is warranted." In determining whether reasonable grounds exist, the bill directs the Attorney General to consider the factual conclusions of the preliminary investigation as well as the prosecutorial guidelines of the Department of Justice with respect to the enforcement of criminal laws. The present law's safeguards against abuse of authority by the Attorney General would be maintained, however, through the reporting and disclosure requirements of the act.

Third, the bill would amend the law so that coverage more closely reflects those instances in which the greatest dangers of conflict of interest exist. The bill would restrict coverage of officials to only those who occupy top-level executive positions close to either the President or the Attorney General. It would also limit the number of campaign officials covered by the act and would extend coverage to members of the President's family. Finally, the bill would limit and standardize the length of coverage of executive officials, so that all executive officials are covered for the incumbency of the President under which they serve, plus 1 year, regardless of which political party holds the Presidency.

Other changes would make the present law less burdensome to the subject of a special prosecutor investigation. The bill would change the name of the special prosecutor to "independent counsel" to remove the Watergate connotation from the investigation and would authorize the court to award attorney's fees to the subject of a special prosecutor investigation if those fees would not have been incurred by a private citizen in similar circumstances. Additional provisions would check the potential for abuse of power by the special prosecutor.

Finally, the bill would extend the special prosecutor provisions, which would otherwise expire in October 1983, for 5 years after the date of the enactment of these provisions.

Mr. President, the special prosecutor provisions of the Ethics in Government Act were an important reform which must be maintained to insure independent, untainted investigations and prosecutions of criminal allegations against our public officials. However, reform does not in itself produce redemption. We must take advantage of the experience we now have to make the special prosecutor process fairer and reflect more accurately those situations in which conflicts of interest are likely to occur. Only in this way can we increase public confidence in the investigation of our Government officials, and, thus, in Government itself.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis of its provisions be inserted in the RECORD at this point.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 2059

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Ethics in Government Act Amendments of 1982".

SEC. 2. (a)(1) Chapter 39 of title 28 of the United States Code is amended by—

(A) striking out "special prosecutor" wherever it appears and inserting in lieu thereof "independent counsel"; and

(B) striking out "special prosecutor's" wherever it appears and inserting in lieu thereof "independent counsel's".

(2) The tables of chapters for title 28 of the United States Code and for part II of title 28 are amended by striking out the item relating to chapter 39 and inserting in lieu thereof the following new item:

"39. Independent Counsel.".

(b)(1) Section 49 of title 28 of the United States Code is amended by—

(A) striking out "special prosecutor" wherever it appears and inserting in lieu thereof "independent counsel";

(B) striking out "special prosecutors" wherever it appears and inserting in lieu thereof "independent counsels"; and

(C) striking out "special prosecutor's" wherever it appears and inserting in lieu thereof "independent counsel's".

(2) The item for section 49 in the table of sections for chapter 3 of title 28 of the United States Code is amended by striking out "special prosecutors" and inserting in lieu thereof "independent counsels".

(c) Title VI of the Ethics in Government Act of 1978 is amended—

(1) by striking out "SPECIAL PROSECUTOR" in the heading for section 601 and inserting in lieu thereof "INDEPENDENT COUNSEL";

(2) by striking out "special prosecutors" in subsection (c) of section 601 and inserting in lieu thereof "independent counsels"; and

(3) by striking out "SPECIAL PROSECUTORS" in the heading for section 602 and inserting in lieu thereof "INDEPENDENT COUNSELS".

SEC. 3. Paragraphs (3) through (6) of subsection (b) of section 591 of title 28 of the United States Code are amended to read as follows:

"(3) any individual working in the Executive Office of the President who is compensated at or above a rate equivalent to level II of the Executive Schedule under section 5315 of title 5;

"(4) any Assistant Attorney General and any individual working in the Department of Justice compensated at a rate at or above level III of the Executive Schedule under section 5314 of title 5;

"(5) the Director of Central Intelligence, the Deputy Director of Central Intelligence, and the Commissioner of Internal Revenue;

"(6) any individual who held any office or position described in any of paragraphs (1) through (5) of this subsection during the period consisting of the incumbency of the President such individual serves plus one year after such incumbency;

"(7) the Chairman and Treasurer of the principal national campaign committee seeking the election or reelection of the President, and any officer of the campaign exercising authority at the national level, such as the campaign manager or director; and

"(8) the President's spouse, the President's children and their spouses, and the President's parents, brothers and sisters and their spouses during the incumbency of the President.".

SEC. 4. (a) Section 591(a) of title 28 of the United States Code is amended by striking out "specific information" and by inserting in lieu thereof "information sufficient to constitute grounds to investigate".

(b) Section 592(a) of title 28 of the United States Code is amended to read as follows:

"(a)(1) Upon receiving information that the Attorney General determines is sufficient to constitute grounds to investigate that any person covered by the Act has engaged in conduct described in section 591(a) of this title, the Attorney General shall conduct, for a period not to exceed ninety days, such preliminary investigation of the matter as the Attorney General deems appropriate. In determining whether grounds to investigate exist, the Attorney General shall consider—

"(A) the degree of specificity of the information received, and

"(B) the credibility of the source of the information.

"(2) In conducting preliminary investigations pursuant to this section, the Attorney General shall have no authority to convene grand juries, plea bargain, grant immunity, or issue subpenas.".

(c) Section 592(b)(1) of title 28, United States Code, is amended by striking out "finds that the matter is so unsubstantiated that no further investigation or prosecution is warranted" and inserting in lieu thereof "that there are no reasonable grounds to believe that further investigation or prosecution is warranted."

(d) Section 592(c)(1) of title 28, United States Code, is amended—

(1) by striking out "finds that the matter warrants further investigation or prosecution" and inserting in lieu thereof "finds reasonable grounds to believe that further investigation or prosecution is warranted";

(2) by striking out "that the matter is so unsubstantiated as not to warrant further investigation on prosecution" and inserting in lieu thereof "that there are no reasonable grounds to believe that further investigation or prosecution is warranted"; and

(3) by adding at the end thereof the following new sentence: "In determining whether reasonable grounds exist to warrant further investigation or prosecution, the Attorney General shall comply with the written policies of the Department of Justice with respect to the enforcement of criminal laws.".

(e) Section 592(c)(2) of title 28, United States Code, is amended by striking out "specific information" and inserting in lieu thereof "information sufficient to constitute grounds to investigate".

SEC. 5. Section 593 of title 28 of the United States Code is amended by adding at the end thereof the following new subsections:

"(f) Upon a showing of good cause by the Attorney General, the division of the court may grant a single extension of the preliminary investigation conducted pursuant to section 592 (a) of this title for a period not to exceed sixty days.

"(g) Upon request by the subject of an investigation conducted by an independent counsel pursuant to this Chapter, the division of the court may, in its discretion, award reimbursement for the attorney's fees incurred by such subject during such investigation if—

"(1) no indictment is brought against such subject; and

"(2) the attorney's fees would not have been incurred but for the requirements of this chapter.".

SEC. 6. (a) Subsection (a) of section 594 of title 28 of the United States Code is amended by—

(1) striking out "and" at the end of paragraph (8);

(2) striking out the period at the end of paragraph (9) and inserting in lieu thereof a semicolon and "and"; and

(3) by adding after paragraph (9) the following:

"(10) consulting with the United States Attorney for the district in which the violation was alleged to have occurred.".

(b) Subsection (f) of section 594 of title 28 of the United States Code is amended by striking out "to the extent that such special prosecutor deems appropriate" and inserting in lieu thereof "except where not possible".

(c) Section 594 of title 29 of the United States Code is amended by adding at the end thereof the following new subsection:

"(g) The independent counsel shall have full authority to dismiss matters within his prosecutorial jurisdiction without conducting an investigation or at any subsequent time prior to prosecution if to do so would be consistent with the written policies of the Department of Justice with respect to the enforcement of criminal laws.".

(d) Paragraph (1) of subsection (a) of section 596 of title 28 of the United States Code is amended by striking out "extraordinary impropriety" and inserting in lieu thereof "good cause".

SEC. 7. Section 598 of title 28 of the United States Code is amended by striking out "after the date of enactment of this chapter" and inserting in lieu thereof "after the date of enactment of the Ethics in Government Act Amendments of 1982".

THE ETHICS IN GOVERNMENT ACT AMENDMENTS OF 1982—SECTION-BY-SECTION ANALYSIS

SHORT TITLE

The first section sets forth the short title of this bill, the Ethics in Government Act Amendments of 1982.

Section 2: Name of Special Prosecutor

Section 2 would change the name of the special prosecutor to "independent counsel" in order to reduce the stigma of, and remove the Watergate connotation from, a special prosecutor investigation and to more accurately describe the purpose of appointing an individual to conduct an investigation.

Section 3: Coverage

Section 3 would amend the coverage of officials who are potential subjects of the special prosecutor process.

First, the present law (Section 591) would be amended to reduce coverage of middle-level Executive officials who, because they are close to neither Presidential nor Department of Justice decision-making, do not present realistic dangers of conflict of interest. Under the proposed amendments, the President, Vice-President, Cabinet members, Director and Deputy Director of the Central Intelligence Agency, Commissioner of The Internal Revenue Service, and positions in the Department of Justice at or above Level III of the Executive Schedule would continue to be covered. The amendments would limit coverage of officials in the Executive Office of the President to Level II or above of the Executive Schedule rather than Level IV or above, as under present law.

Section 3 would more precisely define which campaign "officers" are subject to the act by specifically covering the chairman and treasurer of the principal national campaign committee seeking election or reelection of the President and any other official of the campaign exercising authority at the national level, such as the campaign manager or director. The present law's coverage of campaign officials (Section 591(b)(6)) is vague and overinclusive by not limiting coverage to only officers who hold positions of authority.

Section 3 would extend coverage to family members of the President for only the incumbency of the President. Under present law, family members of the President are not covered.

This section also would reduce and standardize the length of time during which executive officials remain subject to the act. Under Section 591(b)(5) of the present law, an official remains covered for the entire incumbency of the President under which he serves and the full term or terms of the next President if the new President is of the same political party. Thus, an official can remain subject to the act for as long as 16 years after he or she leaves public office. The proposed amendment would cover all Executive officials for the incumbency of the President under which they serve plus one year, regardless of which political party holds the presidency.

Section 4: Standards for conducting a preliminary investigation and appointing a Special Prosecutor

Section 4 (a) and (b) would raise the present standard for determining whether a preliminary investigation is required. The proposed amendment states that "upon receiving information that the Attorney General determines is sufficient to constitute grounds to investigate" that any person cov-

ered by the act has violated a federal criminal law, the Attorney General must conduct a preliminary investigation. The proposed amendment stipulates that in determining whether "grounds to investigate" exist, the Attorney General shall consider the degree of specificity of the information and the credibility of the source of the allegation. The proposed standard differs from Section 592 of the present law which does not enable the Attorney General to consider the credibility of the accuser, but rather provides that a preliminary investigation must be conducted whenever the Attorney General receives "specific information" that a covered official has violated a federal criminal law. This standard can result in preliminary investigations for allegations with little or no factual merit.

Section 4(b) adds a new section 592(a)(2) to the statute. This is a clarifying amendment which provides that in conducting the preliminary investigation the Attorney General has no authority to convene grand juries, plea bargain, grant immunity or issue subpoenas. Although the legislative history of the act expressly denies these powers to the Attorney General, the act itself is silent on this issue, thus giving rise to varying interpretations on the permissible extent of the preliminary investigation.

Section (c)-(d) would raise the standard for appointment of a special prosecutor to require appointment if the Attorney General "finds reasonable grounds to believe that further investigation or prosecution is warranted." The amendment directs the Attorney General to comply with written policies of the Department of Justice with respect to the enforcement of criminal laws in determining whether reasonable grounds for further investigation or prosecution exist.

The present law (Section 592(b)-(c)) requires appointment unless the Attorney General concludes that the matter under investigation "is so unsubstantiated that no further investigation or prosecution is warranted." This trigger of appointment is almost automatic, leaving little practical opportunity for the Attorney General to dismiss allegations supported by little or no factual support. The standard also fails to incorporate the prosecutorial guidelines and policies of the Department of Justice, and requires a special prosecutor investigation even for offenses which would not be prosecuted if made by an ordinary citizen. By ignoring the standardized policies of the Department, the act imposes a different, more stringent application of criminal law on public officials.

Section 5: Extension of preliminary investigation and reimbursement of attorney's fees

Section 5 provides that the Special Prosecutor Division of the court may, upon a showing of good cause by the Attorney General, grant a single extension of the preliminary investigation for a period not to exceed 60 days. The present law (592(a)) places a 90-day limitation on the preliminary investigation with no provision for extension. This strict 90-day limitation may force the Attorney General to seek appointment of a special prosecutor simply because the 90-day period was too short.

Section 5 also would allow the court to grant, at its discretion, reimbursement of attorney's fees to subjects of a special prosecutor investigation if no indictment is brought and if the fees would not have been incurred but for the special prosecutor appointment. No provision for reimbursement exists in the present law and officials may incur extensive legal fees during an investigation by a special prosecutor. The proposed amendment would not allow reimbursement for expenses incurred during a preliminary investigation as even private citizens would be subject to this type of investigation.

Section 6: Powers and removal of the Special Prosecutor

Section 6(a) would authorize the special prosecutor to consult with the U.S. Attorney for the district in which the violation of criminal law was alleged to have occurred. Although this is not prohibited under present law, the proposed amendment would expressly authorize the special prosecutor to do so in order to assist him in determining the policy of the particular jurisdiction regarding prosecution of the alleged offense.

Section 6(b) would require the special prosecutor to follow the prosecutorial guidelines of the Department of Justice. Section 594(f) of the present law requires the special prosecutor to comply with the written policies of the Department "to the extent that the special prosecutor deems appropriate." Section 6(b) would amend this section to require compliance "whenever possible" in order to create a presumption that the special prosecutor will follow prosecutorial guidelines.

Section 6(c) states that the special prosecutor shall have full authority to dismiss matters within his prosecutorial jurisdiction without conducting an investigation or at any subsequent time prior to presecution if to do so would be consistent with the written policies of the Department of Justice. Although this is permissible under present law, the proposed amendment clarifies this authority so that special prosecutors will not unduly prolong investigations.

Section 6(d) of the bill would provide for removal of the special prosecutor by the Attorney General for "good cause," a standard which is used for removal of the heads of independent agencies. The amendment would not change the present law's provisions for full reports to Congress upon removing a special prosecutor and opportunity for judicial review of such removal; these are maintained as checks against interference by the Attorney General in the independence of the special prosecutor.

The present law (Section 596(a)(1)) provides for removal by the Attorney General only on the grounds of "extraordinary impropriety" or mental or physical disability.

Section 7: Expiration of the Special Prosecutor provisions

Section 7 would extend the sunset date of the act to five years after the adoption of these amendments.

The present law (Section 598) provides that the special prosecutor provisions will expire in October, 1983, unless otherwise extended by Congress.●

By Mr. NUNN:

S. 2060. A bill to amend the Small Business Act to increase the authorization for funding 301(d) small business investment companies, and for other purposes; to the Committee on Small Business.

MESBIC FINANCING

● Mr. NUNN. Mr. President, I am pleased to introduce legislation which would increase the maximum funding authorization for the minority enterprise small business investment company (MESBIC) program. MESBIC's are Small Business Administration-licensed investment companies which specialize in providing equity funds, long-term loans, and management assistance to small business concerns owned by socially or economically disadvantaged persons.

Today, there are at least 145 active MESBIC's licensed by the Small Business Administration. In fiscal year 1981, MESBIC's provided a total of 692 financings for minority business—including 366 first-time financings—for a total of over $55 million to these companies. The MESBIC program is among the most visible, and successful equity financing tools for minority businesses.

In addition, this program fits perfectly into the Senate Small Business Committee's long-standing preference for programs which involve, and rely on, the private sector. Under the MESBIC program, each licensed company must have an initial paid-in private capital of $500,000 before licensing. In addition, the MESBIC makes the investment decision, and provides any management help to the company. Federal involvement is basically limited to the purchase of preferred stock in the MESBIC corporation itself—SBA makes no financial commitment to any of the MESBIC portfolio companies through this program—and insuring that MESBIC's adhere to the regulatory scheme established by statute.

Mr. President, this program works. The MESBIC industry is a stable, secure, and serious venture capital partner for minority businesses. With the hints that the Small Business Administration may cease making direct Government to business loans, a gap will exist for those quality businesses which are in need of equity for their business.

An increase in the authorization for MESBIC funding will provide the SBA and the Congress with an opportunity to prudently expand the MESBIC program. Without such a modest increase, I am concerned that this vital capital formation tool will simply cease to be a benefactor for the minority business community.●

By Mr. MOYNIHAN (for himself and Mr. MATHIAS):

S. 2061. A bill to provide for the conservation, rehabilitation, and improvement of natural and cultural resources located on public and Indian lands, and for other purposes; to the Committee on Energy and Natural Resources.

NATIONAL CONSERVATION CORPS

● Mr. MOYNIHAN. Mr. President, today I am introducing, for myself and my distinguished colleague, Mr. MATHIAS, a bill to establish a national conservation corps to enhance and re-

habilitate our Nation's public lands and, at the same time, provide employment opportunities for young men and women. This bill is identical to H.R. 4861, introduced in the House by Congressmen SEIBERLING and MOFFETT.

This new National Conservation Corps would be modeled after the Civilian Conservation Corps of the thirties, one of the most successful national conservation efforts in our history. During the CCC's 9-year lifetime, over 3 million young people performed conservation work valued at over $1.5 billion. Many of the CCC's projects still stand today, a testament to the quality and quantity of the Corps' work.

The CCC was terminated in 1943, but in the last decade two similar programs were established, the Young Adult Conservation Corps—YACC—and the Youth Conservation Corps—YCC. They performed much the same tasks as the CCC, and their track records were no less impressive.

The YACC and the YCC were undeserving victims of this year's budget cuts, this despite the fact that both programs returned well over $1 worth of appraised conservation work for every dollar expended. I am proud to say that in my State of New York, the YACC and the YCC produced dramatic results. For each dollar invested in New York during fiscal year 1980, the YACC returned $2.83 in conservation work and the YCC returned $1.83. Now these numbers only reflect the value of the conservation work performed. They do not include the benefits realized by putting previously unemployed young people to work. These benefits, which are not easily quantified yet are nonetheless obvious to even the casual observer, include a decline in the number of unemployed youths, a reduction in drug abuse and, one would presume, the crime that often accompanies this social cancer, and the instillation and development of a strong work ethic in young people who previously had none.

Let me emphasize that conservation of our precious natural and cultural resources is, first and foremost, the goal of this program. We are faced with a formidable backlog of needed conservation work on our public lands, yet this administration pays only lipservice to these needs. The administration supported, and achieved, the elimination of all funding for the State portion of the land and water conservation fund. As recently as 1979, the State portion of the fund, which is used for grants to the States for acquisition and maintenance of parkland, was $369.8 million. Now, just 2 years later, the States are being told to fend for themselves.

Without land and water conservation fund money, States will simply not have the resources to adequately maintain their parks and community facilities, much to the detriment of every community and every citizen in this land.

The need, therefore, for a National Conservation Corps is more pronounced than ever. I submit that the Conservation Corps created by this bill, a Corps made up of unemployed young men and women eager to gain work experience and, at the same time, help conserve a part of our heritage, is a needed prescription for our conservation ills.

This is emphatically not a make-work or leaf-raking program. The work that will be done by this Conservation Corps is work that is necessary and that, in the absence of such a Corps, will simply not get done. The work will be hard and the pay will be low. But the history of conservation programs strongly suggests that this one will be a success. Desparately needed conservation work will be done. Young people will get a chance, many for the first time in their lives, to become productive members of society and to experience the profound sense of satisfaction that comes from working the land and seeing the fruits of their labor. And the rest of us will reap the benefits of putting unemployed young people to work on projects that are vital to the conservation of our natural resources and cultural heritage.

Let me now briefly explain what this bill would do. It would create a National Conservation Corps to carry out conservation and rehabilitation projects on Federal, State, local, and Indian lands. The Corps shall be composed of unemployed young men and women between the ages of 16 and 25—15 and 21 for summer programs. Preference in employment will be given to disadvantaged youths and to youths who reside in areas of substantial unemployment. Enrollees will receive the minimum wage, and may work in the Corps for up to 24 months.

The program would be administered by the Secretary of the Interior, with the cooperation of the Secretary of Agriculture. The Secretary of the Interior would provide assistance to program agencies in establishing and operating residential and nonresidential conservation centers. Not less than 40 percent of the funds would go to the States for State-based programs, and not less than 25 percent would go to the Department of Agriculture for work on Department-operated lands. Program agencies, which may include Federal, State, local, and tribal government bodies and nonprofit organizations, would apply to the Secretary of the Interior for grants to establish conservation centers to carry out projects.

Federal revenues generated from the franchise and permit fees, leasing activities, and timber sales in the Departments of Interior and Agriculture, including oil and gas leasing, would be used to support the program, the actual funding level being determined by the appropriations process.

Typical projects would include forestry, rangeland conservation, recreational area improvement, historical and cultural site preservation, urban revitalization, and energy conservation. Preference will be given to projects that will provide long-term benefits to the public. Projects are limited to public lands, except where a project on other lands will have documented public benefits or where reimbursement is provided.

The bill we are introducing today will contribute greatly to the conservation and rehabilitation of our public lands, it will provide employment opportunities for our young people, and it will be cost effective. As such it deserves close scrutiny. For if we do not give adequate attention to the condition of our public lands and community resources, we run the risk of losing them forever. Mr. President, this bill is deserving of broad, bipartisan support, and I ask unanimous consent that the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2061

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Public Lands Conservation, Rehabilitation, and Improvement Act of 1981".

CONGRESSIONAL FINDINGS AND PURPOSE

SEC. 2. (a) FINDINGS.—The Congress finds that—

(1) public lands and resources, including parks, rangelands, wildlife refuges, forests, water resources, fishery facilities, and historic and cultural sites, have become subject to increasing public use and resource production demands;

(2) the condition of many of these lands and resources has deteriorated as a result of these increasing uses and demands and as a result of the inability of Government agencies to adequately staff and fund the maintenance necessary to arrest the deterioration;

(3) public land management agencies have a responsibility to assure that public lands and resources are managed—

(A) to assure continued productivity,

(B) to protect public health and safety, and

(C) to assure their wise and economic conservation, maintenance, and use;

(4) a program designed to systematically guide and enhance the conservation, rehabilitation, and improvement of our public lands and resources is urgently needed; and

(5) youth conservation programs have proven highly successful and cost effective in assisting land management agencies at all levels of government to reduce the backlog of neglected public land conservation, rehabilitation and improvement projects and to carry out other public land resource management work.

(b) PURPOSE.—It is the purpose of this Act to—

(1) reduce the backlog of conservation, rehabilitation, and improvement work on the public lands and prevent the further deterioration of public lands and resources;

(2) establish a program to improve, restore, maintain, and conserve public lands and resources in the most cost-effective manner;

(3) use such program to assist State and local governments in carrying out needed public land and resource conservation, rehabilitation, and improvement projects;

(4) provide for implementation of the program in such manner as will foster conservation and the wise use of natural and cultural resources through the establishment of working relationships among the Federal, State, and local governments, Indian tribes, and other public and private organizations; and

(5) use this program to increase (by training and other means) employment opportunities for young men and women especially those who are economically, socially, physically, or educationally disadvantaged and who may not otherwise be productively employed.

DEFINITIONS

SEC. 3. For purposes of this Act:

(1) The term "Secretary" means the Secretary of the Interior, except where otherwise expressly provided.

(2) The terms "public lands" and "publicly owned lands" mean any lands and waters (or interest therein) owned or administered by the United States or by any agency or instrumentality of a State or local government.

(3) The term "program" means the public lands conservation, rehabilitation, and improvement program established under this Act.

(4) The term "program agency" means any Federal agency or instrumentality with responsibility for the management of any public or Indian lands, any State agency designated by the Governor to manage the program, the governing body of any Indian tribe, any nonprofit organization which has been in existence for at least five years and which is undertaking, or proposing to undertake, projects consistent with the purposes of this Act.

(5) The term "Indian tribe" means any Indian tribe, band, nation, or other group which is recognized as an Indian tribe by the Secretary. Such term also includes any Native village corporation, regional corporation, and Native group established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1701 et seq.).

(6) The term "Indian" means a person who is a member of an Indian tribe.

(7) The term "Indian lands" means any real property owned by an Indian tribe, any real property held in trust by the United States for individual Indians or Indian tribes, and any real property held by individual Indians or Indian tribes which is subject to restrictions on alienation imposed by the United States.

(8) The term "employment security service" means the agency in each of the several States with responsibility for the administration of unemployment and employment programs, and the oversight of local labor conditions.

(9) The term "chief administrator" means the head of any program agency as that term is defined in paragraph (4).

(10) The term "enrollee" means any individual enrolled in the program in accordance with section 5.

(11) The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territories of the Pacific Islands.

PUBLIC LANDS CONSERVATION, REHABILITATION, AND IMPROVEMENT PROGRAM

SEC. 4. (a) ESTABLISHMENT AND ADMINISTRATION OF PROGRAM.—Not later than ninety days after the enactment of this Act, the Secretary, in cooperation with the Secretary of Agriculture, shall establish and administer a public lands conservation, rehabilitation, and improvement program to carry out the purposes of this Act. Under such program, the Secretary shall provide assistance to program agencies for the establishment and operation of residential and non-residential conservation centers and for the implementation by such centers of projects designed to carry out such purposes.

(b) PROJECTS INCLUDED.—The program established under this section may include, but shall not be limited to, projects such as—

(1) forestry, nursery, and silvicultural operations;

(2) wildlife habitat conservation, rehabilitation, and improvement;

(3) rangeland conservation, rehabilitation, and improvement;

(4) recreational area development, maintenance, and improvement;

(5) urban revitalization;

(6) historical and cultural site preservation and maintenance;

(7) fish culture and habitat maintenance and improvement and other fishery assistance;

(8) road and trail maintenance and improvement;

(9) erosion, flood, drought, and storm damage assistance and control;

(10) stream, lake, and waterfront harbor and port improvement and pollution control;

(11) insect, disease, rodent, and fire prevention, and control;

(12) improvement of abandoned railroad bed and right-of-way;

(13) energy conservation projects and renewable resource enhancement;

(14) recovery of biomass from public lands, particularly forestlands; and

(15) reclamation and improvement of strip-mined lands.

(c) PREFERENCE FOR CERTAIN PROJECTS.—The program shall provide a preference for those projects which—

(1) will provide long-term benefits to the public;

(2) will provide meaningful work experience to the enrollee involved;

(3) will be labor intensive; and

(4) can be planned and initiated promptly.

(d) LIMITATION TO PUBLIC LANDS.—Projects to be carried out under the program shall be limited to projects on public lands or Indian lands except where—

(1) a project involving other lands will benefit associated public lands or Indian lands and such benefit is adequately documented; or

(2) a project involves other lands but either (A) significant public benefits are to be provided or (B) adequate arrangements are made to provide for appropriate reimbursement to the program agency of costs incurred by the agency in carrying out the project on nonpublic lands.

Notwithstanding any other provision of law, any reimbursement referred to in paragraph (2) shall be retained by the program agency and shall be used by the agency for purposes of carrying out other projects under the program.

(e) CONSISTENCY.—The Secretary and the chief administrators of other program agencies shall assure that projects selected under this Act for conservation, rehabilitation, or improvement of any public lands are consistent with the provisions of law relating to the management and administration of such lands and with all other applicable provisions of law.

(f) CONSERVATION CENTERS.—(1) Each program agency may apply to the Secretary for approval of conservation centers to carry out projects under this Act.

(2) Applications for approval of conservation centers shall be submitted to the Secretary in such manner as the Secretary may prescribe. Each application shall contain, in such detail as the Secretary deems necessary—

(A) a comprehensive description of the objectives and performance goals for the conservation center and a description of the types of projects to be carried out;

(B) a description of the facilities and equipment to be available for use in the center;

(C) an estimate of the number of enrollees and crew leaders necessary for the proposed projects, the length of time for which the services of such personnel will be required, and the services which will be required for their support;

(D) a plan for managing the conservation center, supplying the necessary equipment and material, and administering the payroll; and

(E) such other information as the Secretary shall prescribe.

(3) In approving conservation centers, the Secretary shall give due consideration to the cost and means of transportation available between the center and the homes of the enrollees who may be assigned to those centers. The location and type of conservation centers shall be selected in such manner as will increase the enrollment of economically, socially, physically, and educationally disadvantaged youths and of youths from areas of high unemployment.

(g) AGREEMENTS.—Program agencies may enter into contracts and other appropriate arrangements with local government agencies and nonprofit organizations for the management of conservation centers under the program.

ENROLLMENT, FUNDING, AND MANAGEMENT

SEC. 5. (a) ENROLLMENT IN PROGRAM.—(1) Enrollment in the program shall be limited to individuals who, at the time of enrollment, are—

(A) unemployed;

(B) not less than sixteen or more than twenty-five years of age (except that programs limited to the months of June, July, and August may include individuals not less than fifteen years and not more than 21 years of age at the time of their enrollment); and

(C) citizens or lawful permanent residents of the United States or lawfully admitted alien parolees or refugees.

(2) Except in the case of a program limited to the months of June, July, and August, individuals who at the time of applying for enrollment have attained age sixteen but not attained age nineteen, and who are no longer enrolled in any secondary school shall not be enrolled in the program unless they give adequate written assurances,

under criteria to be established by the Secretary, that they did not leave school for the express purpose of enrolling.

(3) The selection of enrollees to serve in any conservation center carrying out projects on any public lands shall be the responsibility of the chief administrator of the program agency. Enrollees shall be selected from those qualified persons who have—

(A) applied to, or been recruited by, the program agency, a State employment security service, community or community-based nonprofit organization, the sponsor of an Indian program, or the sponsor of a migrant or seasonal farmworker program; and

(B) screened for eligibility and referred to the program agency by the State employment security service.

(4) In the selection of enrollees in the program, preference shall be given to both—

(A) economically, socially, physically, and educationally disadvantaged youths, and

(B) youths residing in areas, both rural and urban, which have substantial unemployment.

(5)(A) Except for a program limited to the months of June, July, and August, any qualified individual selected for enrollment in the program may be enrolled for a period not to exceed twenty-four months. When the term of enrollment does not consist of one continuous twenty-four-month term, the total of shorter terms may not exceed twenty-four months.

(B) No individual may remain enrolled in the program after that individual has attained the age of twenty-six.

(b) SERVICES, FACILITIES, SUPPLIES, ET CETERA.—The program agency shall provide such quarters, board, medical care, transportation, and other services, facilities, supplies, and equipment as the Secretary deems necessary for conservation centers. Whenever possible, the Secretary shall make arrangements with the Secretary of Defense to have such logistical support provided by a military installation near the proposed center, including the provision of temporary tent centers where needed.

(c) CONSERVATION CENTER MANAGEMENT.—Every conservation center shall have supervisory staff appointed by the chief administrator, including enrollees who have displayed exceptional leadership qualities.

(d) FUNDING.—(1) The Secretary may award grants to, or enter into agreements with, program agencies for the funding and operation of conservation centers approved by the Secretary under this Act.

(2) The Secretary shall not make any grant to, or enter into any agreement with, any program agency for the funding of any conservation center under this Act unless such agency certifies that the conservation center will not—

(A) result in the displacement of individuals currently employed by the land managing agency concerned (including partial displacement through reduction of nonovertime hours, wages, or employment benefits);

(B) result in the employment of any individual when any other person is in a layoff status from the same or substantially equivalent job within the jurisdiction of the program agency concerned; or

(C) impair existing contracts for services.

(3) Not less than 40 per centum of the sums appropriated to carry out this Act for any fiscal year shall be dispersed or expended by the Secretary to State program agencies; 10 per centum of such amount disbursed to such State agencies shall be divided equally among participating States and 90 per centum of such amount shall be distributed among the States proportionately according to the total youth population of the States between the ages of fifteen and twenty-five (as determined on the basis of the most recent census). Not less than 25 per centum of such sums appropriated for any fiscal year shall be disbursed by the Secretary pursuant to agreements with the Secretary of Agriculture.

(4) Payments under grants under this section may be made in advance or by way of reimbursement and at such intervals and on such conditions as the Secretary finds necessary.

(5) There is authorized to be appropriated to the Secretary for each of the fiscal years 1983 through 1989 for purposes of carrying out this Act an amount equal to not more than — per centum of the sum of so much of the following amounts as would otherwise be credited to miscellaneous receipts in the Treasury—

(A) all franchise fees estimated to be collected for the fiscal year concerned by the Secretary and Secretary of Agriculture; and

(B) all receipts estimated to be due and payable to the United States for the fiscal year concerned from (i) permit fees (including fees for special use permits) imposed by the Secretary or the Secretary of Agriculture, (ii) sales of timber by the Secretary or the Secretary of Agriculture, and (iii) leasing activities of the Secretary and the Secretary of Agriculture.

Such sums shall remain available until expended.

(6) No authority under this Act to enter into contracts or to make payments shall be effective except to the extent and in such amounts as provided in advance in appropriations Acts. Any provision of this Act which, directly or indirectly, authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1982.

FEDERAL EMPLOYEE STATUS

SEC. 6. (a) IN GENERAL.—Except as otherwise specifically provided in the following paragraphs, enrollees and crew leaders shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment:

(1) For purposes of the Internal Revenue Code of 1954 and title II of the Social Security Act, enrollees and crew leaders shall be deemed employees of the United States and any service performed by any person as an enrollee shall be deemed to be performed in the employ of the United States.

(2) For purposes of subchapter I of chapter 81 of title 5, United States Code, relating to the compensation of Federal employees for work injuries, enrollees and crew leaders shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply, except—

(A) the term "performance of duty" shall not include any act of an enrollee member or crew leader while absent from his or her assigned post of duty, except while participating in an activity (including an activity while on pass or during travel to or from such post of duty); and

(B) compensation for disability shall not begin to accrue until the day following the date on which the injured enrollee's or crew leader's employment is terminated.

(3) For purposes of chapter 171 of title 28, United States Code, relating to tort claims procedure, enrollees and crew leaders shall be deemed employees of the United States within the meaning of the term "employee of the Government" as defined in section 2671 of title 28, United States Code.

(4) For purposes of section 5911 of title 5, United States Code, relating to allowances for quarters, enrollees and crew leaders shall be deemed employees of the United States within the meaning of the term "employee" as defined in that section.

(b) AMENDMENT OF TITLE 5.—Section 8332(b) of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (8);

(2) by striking out the period at the end of paragraph (9) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (9) the following new paragraph:

"(10) service as an enrollee in the public lands conservation, rehabilitation, and improvement program only if the enrollee later becomes subject to this subchapter.".

SPECIAL RESPONSIBILITIES OF THE SECRETARY

SEC. 7. (a) PAY.—The Secretary shall establish standards for—

(1) rates of pay for enrollees which shall be not less than the wage required by section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1));

(2) rates of pay for crew leaders which shall be at a wage comparable to the compensation in effect for grades GS-3 to GS-7; and

(3) reasonable hours and conditions of employment.

(b) COORDINATION.—The Secretary and the chief administrators of other program agencies carrying out programs under this Act shall coordinate the programs with related Federal, State, local, and private activities.

(c) MILITARY EXEMPTION STUDY.—The Secretary, in consultation with the Secretary of Defense, shall conduct a study to determine the feasibility and desirability of allowing enrollees who have completed a two-year enrollment in the program to be exempt from training and service under the Military Selective Service Act (50 U.S.C. App. 456). A report containing the results of the study shall be submitted to Congress not later than one year after the enactment of this Act.

EDUCATION, GUIDANCE, AND PLACEMENT

SEC. 8. (a) ACADEMIC CREDIT.—Whenever possible, the Secretary shall make arrangements for the award of academic credit by educational institutions and agencies to enrollees for competencies developed from work experience under this Act.

(b) STUDY.—Program agencies may provide educational materials and services for enrollees and may enter into arrangements with academic institutions for academic study by enrollees during nonworking hours to upgrade literacy skills, obtain equivalancy diplomas or college degrees, or enhance employable skills.

(c) CERTIFICATION.—The program agencies shall provide certification of the skills acquired by enrollees who have participated in the program.

(d) GUIDANCE AND PLACEMENT.—The program agency shall provide such job guidance and placement information and assistance for enrollees as may be necessary. Such assistance shall be provided in coordination with appropriate State, local, and private agencies and organizations.

ANNUAL REPORT

SEC. 9. The Secretary shall prepare and submit to the President and to the Congress

at least once each year a report detailing the activities carried out under this Act. Such report shall be submitted not later than March 1 of each year following the date of enactment of this Act. The Secretary shall include in such report such recommendations as he considers appropriate.

SECTION-BY-SECTION ANALYSIS

Section 1 provides a short title for this Act: "Public Lands Conservation, Rehabilitation, and Improvement Act of 1981."

Section 2 establishes the findings of Congress: that public lands and resources are being subjected to increased public use as well as additional demands for resources production and that this demand has produced a deteriorated condition that is beyond the funding and staff capability of government agencies to arrest or repair. The bill establishes a program to enhance and rehabilitate these public lands by providing employment opportunities for young men and women. It recognizes the need to reduce the maintenance backlog on public lands; establish a program to accomplish this work in a cost effective manner; coordinate and cooperate in this effort with State and local governments, Indian Tribes and other public and private organizations.

Section 3 defines terms used in the bill.

Section 4 authorizes the Secretary of the Interior to establish and administer a Public Lands Conservation, Rehabilitation and Improvement Program. Under this program, the Secretary shall assist Federal and State agencies, non-profit organizations and Indian tribes (defined as "program agencies") in the establishment and operation of residential and non-residential conservation centers.

Typical projects to be accomplished under this program include: forestry, rangeland conservation, recreational area improvement, historical and cultural site preservation, urban revitalization, energy conservation, and other such activities which will result in public benefit. Preference to certain projects which, among other things, will provide long-term benefits to the public. Projects are limited to public lands, except where a project on other lands will have documented public benefits or reimbursement is provided. Projects must also be consistent with other provisions of law.

In addition, section 4 requires that program agencies apply to the Secretary of the Interior for approval to operate conservation centers. Application must include comprehensive description of the goals and objectives for such a center, a description of facilities and equipment to be available for the center, and estimate of enrollees, crew leaders, duration and type of services required for support, and a management plan for the center.

The location of conservation centers will be selected in such a way as to increase the enrollment of the economically, socially, physically and educationally disadvantaged youth and youth from areas of high unemployment. The Secretary must give due consideration to the cost and means of transportation between the center and homes of enrollees. Program agencies may enter into contracts with local government agencies and non-profit organizations for the management of conservation centers.

Section 5 describes eligibility for the program, including persons who are unemployed; not less than 16 or more than 25 years of age (except for summer programs where enrollees must be not less than 15 or more than 21 years of age); citizens, lawful permanent residents of the United States or lawfully admitted aliens or refugees. Except for the summer program, persons age 16–18 may not have left school for the express purpose of enrolling in this program.

Selection of enrollees is the responsibility of the chief administrator of the program agency. Enrollees shall be selected from those qualified who have applied to or been recruited by a program agency, State employment security service, community-based non-profit organization or the sponsor of an Indian program, or migrant or seasonal farm worker program and who have been screened for eligibility and referred by the State employment security service. Selection shall give preference to economically, socially, physically or educationally disadvantaged youth and to youth in areas of substantial unemployment.

No enrollee shall be a member of this program for longer than 24 months, although the period may be taken in 2 or 3 short terms which total no more than 24 months.

No enrollee may be employed as part of this program after age 26. The program agency shall be responsible for all services, facilities and supplies for the operation of conservation centers. Whenever possible the Secretary will arrange with the Secretary of Defense for logistical support to be provided by military installations near the center. The chief administrator of the program agency shall appoint supervisory staff. Enrollees who have displayed exceptional leadership qualities may be appointed as crew leaders.

This section also authorizes funding of conservation centers through the Secretary of the Interior and places limits on the funding of certain centers. The Secretary may award grants or enter into agreements with program agencies for the operation of approved conservation centers, provided that the center will not displace otherwise employed individuals or employees in layoff status from the same or equivalent job, nor impair existing contracts for services.

A funding distribution formula is also provided. Not less than 40 percent of sums appropriated for this program shall be disbursed to State program agencies; of that amount 10 percent will be divided evenly among participating States and 90 percent will be distributed proportionally according to the total youth population of the States between the ages of 15 and 25. Not less than 25 percent of the remaining sums will be disbursed to the Department of Agriculture pursuant to agreements between the Secretary of Agriculture and the Secretary of the Interior.

Authorization for each fiscal year between 1983 and 1989 would be limited to a percentage of the amounts otherwise credited to miscellaneous receipts in the Treasury from all franchise and permit fees, leasing activities and timber sales in the Department of the Interior and the Department of Agriculture. Funding would require appropriations legislation and new budget authority would not be effective until after September 30, 1982.

Section 6 describes the Federal Employee Status of enrollees and amends Title 5 Section 8332(b) to accommodate the purposes of this Act.

Section 7 describes the Secretary of the Interior's special responsibilities with regard to setting minimum wage rates of pay for enrollees and coordination with other Federal, State, local and private activities. The Secretary is directed to submit, within a year of enactment, a study of the feasibility and desirability of allowing enrollees who have completed a two-year enrollment, to be exempt from military service and training under the Selective Service Act.

Section 8 directs the Secretary to make arrangements for the award of academic credit by educational institutions and agencies to enrollees who have attained work competencies as a result of this program.

Program agencies may provide educational materials and services for enrollees, and may enter into agreements with academic institutions to provide academic study for enrollees during non-working hours. Program agencies are directed to provide certification of skills acquired by enrollees and to provide job guidance and placement information as may be necessary.

Section 9 requires the Secretary of the Interior to make an annual report to the President and Congress on the activities of the program not later than March 1st of each year.●

● Mr. MATHIAS. Mr. President, I am pleased to join the distinguished senior Senator from New York in introducing the Public Lands Conservation, Rehabilitation, and Improvement Act of 1982.

The need for this legislation is great. It simultaneously seeks to correct two major problems facing our Nation today.

First, the bill directly addresses the deteriorating condition of our public lands and parks by establishing residential and nonresidential conservation centers to upgrade the country's natural and cultural resources. Millions of acres of public rangeland are in substandard condition, and millions more are experiencing severe soil erosion. Furthermore, national, State, and city parks are suffering from the effects of vastly increased public use while the manpower and funds to deal with these effects are not forthcoming due to tightened budgets throughout all levels of government. Much needs to be done, especially in the conservation field. Activities such as reforestation, erosion and flood control, reclamation of strip-mined lands, and rangeland management would be promoted by enactment of this legislation.

Projects authorized under the bill would not, however, be limited to rural areas. Our towns and cities would also benefit through programs for harbor and port improvement, for repair and maintenance of city parks and community facilities, and for energy conservation. Priority would be given to those projects which will provide long-term benefits to the public and will provide meaningful work experience to the enrollees.

In addition to the environmental problems, this legislation addresses the serious problem of youth unemployment. We all know the depressing figures; but statistics tend to be cold, and at times defy understanding. Today's jobless numbers are harshly real, however. They include disillu-

sioned young people, many of whom are minority group members, unable to find a job, and thus denied an opportunity to show they can contribute to this country's welfare. The bill we introduce today seeks to alleviate this deplorable situation by providing meaningful jobs on needed projects for young people aged 16 to 25. Preference is to be given to economically, socially, physically, and educationally disadvantaged youths, and to youths residing in areas, both rural and urban, which have substantial unemployment. The location and selection of the conservation centers will be made so as to increase the enrollment of such youths. In addition, the program agencies, whether they be Federal, State, local or tribal governmental bodies or nonprofit organizations, will provide job guidance and placement information and assistance for enrollees.

I believe this legislation will be cost effective. It is estimated that at a cost of $10,000 annually per enrollee the country will gain a return of $7,500 worth of public benefits. Of course, these figures do not reflect the gain in human terms to the enrollees, nor the benefits of reduced welfare and unemployment costs to our national and local economies. Furthermore, activities such as reforestation will increase our capital assets, thus returning even more money to the Treasury and thus to the taxpayer.

Unemployment diminishes the lives and aspirations not only of the unemployed and their families, but of all Americans. The Nation is poorer by virtue of the lack of goods and services produced; and by the social problems, including crime, which accompany high unemployment. We must regard unemployment in terms of its harmful effects on individuals and on our society to fully comprehend its devastation. It is a waste of energy, a waste of creativity, and a waste of our most precious national resource—our people.

This bill is not the final answer to youth unemployment. Other efforts are desperately needed, but passage of this legislation can play a significant role in easing a tragic situation.●

ADDITIONAL COSPONSORS

S. 46

At the request of Mr. THURMOND, the Senator from North Carolina (Mr. EAST) was added as a cosponsor of S. 46, a bill to amend title 5 of the United States Code to permit present and former civilian employees of the Government to receive civil service annuity credit for retirement purposes for periods of military service to the United States as was covered by social security, regardless of eligibility for social security benefits.

S. 1172

At the request of Mr. JEPSEN, the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 1172, a bill to amend the Internal Revenue Code of 1954 to eliminate the holding-period requirements for capital gains treatment.

S. 1693

At the request of Mr. KASTEN, the Senator from Montana (Mr. BAUCUS), the Senator from South Dakota (Mr. ABDNOR), the Senator from Montana (Mr. MELCHER), the Senator from Minnesota (Mr. BOSCHWITZ), and the Senator from Michigan (Mr. RIEGLE) were added as cosponsors of S. 1693, a bill to provide for the issuance of a special stamp to commemorate the 200th anniversary of the presence of the bald eagle on the official seal of the United States of America.

S. 1701

At the request of Mrs. HAWKINS, the Senator from New York (Mr. MOYNIHAN) was added as cosponsor of S. 1701, a bill to amend title 28, United States Code, to authorize the Attorney General to acquire and exchange information to assist Federal, State, and local officials in the identification of certain deceased individuals and in the location of missing children and other specified individuals.

S. 1757

At the request of Mr. STEVENS, the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1757, a bill to amend the Internal Revenue Code of 1954 to clarify the tax-exempt status of certain amateur sports organizations.

S. 1918

At the request of Mr. SPECTER, the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of S. 1918, a bill to establish the Northeast-Midwest States Federal Hydropower Financing Authority.

S. 1956

At the request of Mr. THURMOND, the Senator from Hawaii (Mr. INOUYE), the Senator from Indiana (Mr. LUGAR), the Senator from North Dakota (Mr. BURDICK), the Senator from North Dakota (Mr. ANDREWS), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 1956, a bill to amend title 38, United States Code, to authorize reimbursement for the reasonable charge for chiropractic services provided to certain veterans.

S. 1961

At the request of Mr. MITCHELL, the Senator from Alabama (Mr. HEFLIN) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 1961, a bill to amend the Internal Revenue Code of 1954 to provide energy tax credits for equipment used aboard or installed on fishing vessels.

S. 2012

At the request of Mr. PROXMIRE, the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 2012, a bill to amend the Internal Revenue Code of 1954 to limit the deduction of living expenses by Members of Congress and to eliminate the provision which allows such deduction without substantiation of such expense.

SENATE JOINT RESOLUTION 58

At the request of Mr. HATCH, the Senator from North Dakota (Mr. ANDREWS) was added as a cosponsor of Senate Joint Resolution 58, a joint resolution proposing an amendment to the Constitution altering Federal fiscal decisionmaking procedures.

SENATE JOINT RESOLUTION 110

At the request of Mr. HATCH, the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of Senate Joint Resolution 110, a joint resolution to amend the Constitution to establish legislative authority in Congress and the States with respect to abortion.

SENATE JOINT RESOLUTION 121

At the reqeust of Mr. ROBERT C. BYRD, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of Senate Joint Resolution 121, a joint resolution to provide for the designation of the year 1982 as the "Bicentennial Year of the American Bald Eagle" and the designation of June 20, 1982, as "National Bald Eagle Day."

SENATE JOINT RESOLUTION 121, ADDITIONAL COSPONSOR

Mr. ROBERT C. BYRD. Mr. President, I was to read the following statement on behalf of Mr. MITCHELL:

Mr. President, on November 9, 1981, Senator CHAFEE and I introduced Senate Joint Resolution 121, a measure designating 1982 the Bicentenial Year of the American Bald Eagle and June 20 National Bald Eagle Day. The bill, by commemorating the 200th anniversary of the designation of the eagle as our national symbol, provides a tribute not only to the majesty of the Bald Eagle and the Nation it respresents, but also the efforts of a wide variety of Americans who are working for its recovery. S.J. Res. 121 had 51 cosponsors on December 29, 1981, when it was unanimously passed by the Senate.

One early cosponsor of the legislation was Senator MATHIAS. The distinguished Senator from Maryland has long supported conserving and protecting our natural resources and his interest in S.J. Res. 121 was very helpful and greatly appreciated.

Through a clerical error, Senator MATHIAS was not properly recorded as a consponsor of the bill. I ask unanimous consent that the permanent record of the Senate be corrected to reflect his cosponsorship of the legislation.

Mr. President, on behalf of Mr. MITCHELL, I do ask unanimous consent that the permanent RECORD of the Senate be corrected to reflect Mr. MATHIAS' cosponsorship of the legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield the floor.

AMENDMENTS SUBMITTED FOR PRINTING

TELEVISION AND RADIO COVERAGE OF THE SENATE

AMENDMENT NO. 1247

(Ordered to be printed and to lie on the table)

Mr. PRESSLER submitted an amendment intended to be proposed by him to the resolution (S. Res. 20) providing for television and radio coverage of proceedings of the Senate.

SENATE CONCURRENT RESOLUTION 61—CONCURRENT RESOLUTION RELATIVE TO SOCIAL SECURITY BENEFITS

Mr. MATTINGLY submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 61

Whereas unforeseeable economic conditions have adversely affected the changes made by the Congress in 1977 in the social security retirement benefit formula;

Whereas those born in 1917 (and thereafter) whose work records are otherwise identical to work records of those born in 1916 will receive lower social security benefits under the present formula and economic conditions;

Whereas a simple repeal of the 1977 benefit formula would cost the Federal Old Age and Survivors' Insurance Trust Fund approximately $7,000,000,000 and would adversely affect those who chose to retire in the 1979 through 1981 period at age 62 through 64;

Whereas some compensatory alteration in benefit formulas is desirable to mitigate the benefit differentials being experienced by those retiring at age 65 in 1982; and

Whereas the National Commission on Social Security, after extensive investigation, found that this disparity in benefit amounts was unjust and that steps should be taken to resolve it: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That, the Commissioner of Social Security and the Secretary of Health and Human Services should immediately conduct a study and report to Congress by March 31, 1982, on those steps (if any) which Congress might consider for purposes of changing the social security benefit disparity created under the current benefit formula transition (known as the "notch problem") in order to afford a more gradual transition between benefit formulas for those who have based their retirement plans on benefit levels which have existed for the past decade.

SOCIAL SECURITY BENEFITS

Mr. MATTINGLY. Mr. President, today I rise to submit a concurrent resolution which calls for an investigation by the Commissioner of Social Security and the Secretary of Health and Human Services into what has come to be called the "notch" problem in social security.

People retiring this year are going to receive less money than those who retired in 1981. This is the result of amendments passed by Congress in 1977 that changed the method by which the rate of inflation is calculated. What was unforeseen in 1977 was the very high interest rates we have had in the last few years. This has resulted in a drastic change in benefits between retirees of the last few years and the retirees of 1982 and beyond.

Congress in 1977 unknowingly created a time bomb that is now ready to go off. The mild little adjustment in the benefit formula was scheduled to just result in a slight decrease. But the economic whirlwinds have created a potentially huge gap in monthly payments to retired workers.

How can you explain to someone who has paid into the system all of his life that he will receive far less than someone who retired the year before? They contributed the same amount into the system yet because one was born in 1916 instead of 1917, he will receive as much as $175 a month more than his fellow worker.

If someone can tell me how to explain the fairness of that to this year's retirees, I would like to hear about it and so would many of my constituents who are having trouble understanding.

I am all for saving money where we can, no matter what the program. I am not afraid of the social security problem and, as many of you are aware, I have introduced legislation with Senator SYMMS and Senator LUGAR that would change the cost-of-living adjustments on social security and other entitlement programs.

I am firmly convinced, however, that all retirees should be treated equally and any changes gradually phased in over a period of time. There is an old saying that goes, "Let's feed everyone out of the same spoon," that I think applies here.

I believe that, if properly explained, the majority of people will understand and go along with difficult decisions we will be making in the future that will affect social security. They may not be very happy about any changes in social security but as long as the changes are perceived as being fair and even-handed, they will accept them. Any hint of unfairness will be deeply resented and rightly so. We need to set the tone for fairness now in dealing with the "notch" problem.

I call upon my fellow Senators to join me in supporting this concurrent resolution. Congressman BRINKLEY of my home State has submitted a similar resolution in the House. I believe Congress should be on record as calling for fairness.

SENATE CONCURRENT RESOLUTION 62—CONCURRENT RESOLUTION ON THE 70TH ANNIVERSARY OF HADASSAH

Mr. HATCH (for himself and Mr. KENNEDY) submitted the following concurrent resolution: which was referred to the Committee on the Judiciary:

S. CON. RES. 62

Whereas Hadassah, the Women's Zionist Organization of America and the largest women's volunteer organization in the United States was founded on February 24, 1912;

Whereas Hadassah, with 370,000 members in all 50 states and Puerto Rico, celebrates its 70th Anniversary;

Whereas its seven decades of service have contributed to the health and education of countless thousands of persons both directly and through the training of medical personnel;

Whereas Hadassah created and maintains the world-renowned Hadassah-Hebrew University Medical Center in Jerusalem, Israel, which is a living expression of the common humanitarian, social, ethical, religious and scientific values and friendship shared between the peoples of the United States and Israel;

Whereas the Hadassah-Hebrew University Medical Center and its facilities have been made available to treat all peoples of the region regardless of religion, race or nationality in the tradition of this Oath of the Hebrew Physician: ". . . You shall help the sick, base or honorable, stranger or alien or citizen, because he is sick . . .";

Whereas Hadassah has striven to help promote democracy and create a better society for all peoples;

Whereas Hadassah's volunteerism in helping others, exemplified by its founder, Henrietta Szold, has provided inspiration and encouragement at a time when citizen groups are being urged to play a greater role in promoting the general well-being,

Be it therefore resolved that the Senate (the House of Representatives concurring) congratulates Hadassah on its 70th Anniversary and extends its best wishes for many more decades of international humanitarian service.

70TH ANNIVERSARY OF HADASSAH

Mr. HATCH. Mr. President, in his state of the Union message, President Reagan spoke of his faith in the American people, a faith by which he expressed confidence that our citizens and private organizations would begin to perform services which our Government may no longer fund in its drive for fiscal integrity.

Mr. President, I, too, share his faith in the American people to "perform the good works they choose," and today would like to recognize and commend a service organization of longstanding dignity. Indeed, this organization does not require the motivation of a Presidential plea to perform its service, but exemplifies the quality of service from which all America can learn.

Today, Senator KENNEDY and I are submitting a Senate concurrent resolution congratulating Hadassah, the

Women's Zionist Organization of America, on 70 years of exemplary service.

Hadassah was founded on February 24, 1912, as a humanitarian service organization. Today, seven decades later, it is the largest women's volunteer organization in the United States, with 370,000 members. Through the work of its many dedicated members and by training medical personnel, this exemplary organization has reached out to countless thousands of persons regardless of religion, race, or nationality.

Hadassah created and maintains the world-renowned Hadassah-Hebrew University Medical Center in Jerusalem, Israel, which honors the Oath of the Hebrew Physician: ". . . You shall help the sick, base or honorable, stranger or alien or citizen, because he is sick . . ." The Hadassah-Hebrew University Medical Center is a living expression of the common humanitarian, social, ethical, religious, and scientific values shared between the peoples of the United States and Israel.

Mr. President, Hadassah idealizes the hope of President Reagan. Indeed, the "volunteer spirit is still alive and well in America." We wish them success for their service in America and abroad, for now and for many years to come.

● Mr. KENNEDY. Mr. President, I am honored to cosponsor this concurrent resolution with Senator HATCH commemorating the celebration of the 70th anniversary of Hadassah, the Women's Zionist Organization of America.

Hadassah was founded on February 24, 1912, and for seven decades has played a major leadership role in serving humanitarian goods in our Nation and around the world. With a membership of 370,000, it is now the largest women's volunteer organization in the United States.

Hadassah created and maintains the Hadassah-Hebrew University Medical Center, which trains medical personnel on the basis of the Oath of the Hebrew Physician: "You shall help the sick, base or honorable, stranger or alien or citizen, because he is sick * * *"

Through the commitment and dedication of its members, Hadassah has made major efforts to promote economic and social justice and to create a better world for all peoples.

At a time when citizens' groups are being urged to play a greater role in promoting the general well-being, Hadassah deserves the recognition and the thanks of the U.S. Senate for its volunteer efforts over the last 70 years.

I am therefore proud to join with Senator HATCH in submitting this resolution in the Senate and encouraging its formal adoption by the Senate.●

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, February 4, at 10 a.m., to hold a hearing on S. 1937, a bill to extend the expiration date of section 252 of the Energy Policy and Conservation Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ANCHORAGE POST OFFICE

Mr. STEVENS. Mr. President, during the holiday recess there appeared in one of my hometown papers, the Anchorage Daily News, an editorial on the operation of the Anchorage post office during the Christmas holiday season. As I have stated before, I do not hesitate to criticize the Postal Service when they are wrong or to pursue a constituent's complaint. But, I also feel it incumbent upon us to give credit where credit is due when the Postal Service and its employees perform an outstanding job. That's just what the Anchorage Daily News did in their recent editorial.

I join in saluting Anchorage Postmaster Robert Opinsky and the outstanding postal employees there for a job well done during this last Christmas season. I submit for the RECORD the complete text of the December 16, 1981, editorial in the Anchorage Daily News.

The editorial follows:

HOLIDAY GOOD CHEER FROM THE POST OFFICE

Holiday-season trips to the post office, it seems, are more often an occasion for fear and loathing than Christmas cheer. Long lines and confusion too easily can overshadow the spirit of the season with a demonstration of one of its minor aggravations. But when efficiency and cheerful service are encountered at the post office during the holiday rush . . . well, it simply gladdens the heart.

A reliable reporter offered an account of just such an experience Tuesday afternoon—a story of competence and prompt assistance at both the Spenard Post Office and the Carrier Station on Arctic Boulevard. In neither place did long lines bring long delay. Troubleshooters working in front of the counter weighed packages and sorted out difficulties ahead of time; a full staff of workers behind the counter handled matters smoothly and cheerfully. Information and assistance were available for the asking, and given with courtesy. In 10 minutes, our reporter mailed two packages, stocked up on stamps, and bought stamp collector kits to use as gifts.

No doubt there are plenty of post office horror stories afoot these days—tales of short tempers and woe, rude treatment and needless delay. Perhaps our reporter's experience was the exception rather than the rule. Perhaps the tensions of the next 10 days will reduce the effort to mail a package to an exercise in frustration and chaos. But this case was a demonstration that even the post office can be a forum for grace under pressure. The model could, and should, be copied throughout the holiday season and beyond.

Many's the time we have wished the Christmas spirit would ease the aggravations of December trips to the post office. Many's the time we have wished for a little extra effort by the postal service—something beyond lectures on early mailing—to reduce the confusion and delay involved in sending holiday packages and greetings.

Now that we've actually seen just that, we'd be remiss if we failed to sing praises and root for more of the same.

BRUCE T. KAJI

● Mr. HAYAKAWA. Mr. President, on February 4, 1982, Bruce T. Kaji, a dedicated American and Californian, will be honored by the Boy Scouts of America for his diligent support of their organization, and his many worthwhile civic contributions to our Nation. Mr. Kaji will be bestowed the honor of the Distinguished Citizen Award. Being an individual of extreme integrity and dedication, Mr. Kaji has my wholehearted support and admiration in light of his numerous accomplishments.

The development of American youth through the Boy Scouts of America has always been one of Mr. Kaji's ardent priorities. It is his belief that the Boy Scout organization has acted as a successful means in which the values in our young adults are being reinforced. His keen insight and awareness in this regard has enabled others to respect and emulate his outstanding example. There can be no greater tribute to a man's character than when other individuals are motivated by his productive deeds.

In addition to his involvement with scouting, Mr. Kaji has been an energetic force in the Japanese community. This is exemplified by his leadership in organizations such as the Little Tokyo Community Development Advisory Committee, Minami Keiro Retirement Home, Japanese Cultural Institute, Japanese American Citizens League, Nisei Veterans Coordinating Council, and other groups. With his election as treasurer of the city of Gardena in 1962, Mr. Kaji was instrumental in building the foundation of Japanese representation in government and became the first American elected to office in the continental United States. In his desire for recognition of Japanese-American accomplishments, he has most recently directed his efforts to the creation of the National Japanese American Museum which will be located in Little Tokyo.

The noble qualities of Mr. Kaji certainly warrant the respect that has

been bestowed upon him. His appetite for intellectual stimulus continues to enhance and motivate his magnanimous personality. It is precisely for this reason that I, along with every other American, should be proud of this selfless individual.●

SECRETARY WATT'S CONTINUING ABUSE OF POWER

● Mr. CRANSTON. Mr. President, if President Reagan is serious about getting Government off the backs of the people, he should take a careful look at the activities of Interior Secretary James Watt.

Watt's first year at Interior has consisted of abuse after abuse of our laws in almost compulsive disregard of the intent of Congress. Mr. Watt has demonstrated a startling incomprehension of our Constitution and of the separation of powers.

Thus, it is no suprise that Watt should end his first year with another abuse of power: The firing of a young lobbyist who questioned Watt's flagrant rightwing radicalism. The Interior Department's pressure on the young man's bosses is an abuse of Federal power which even the Reagan White House should condemn.

Our former colleague, Senator Gaylord Nelson, now chairman of the Wilderness Society, has laid out the case against Watt's role as "a spokesman for discord and intimidation." I wish to share Senator Nelson's letter with the supporting documents with my colleagues and ask that they appear at this place in the RECORD.

The material follows:

THE WILDERNESS SOCIETY,
Washington, D.C., January 29, 1982.

Hon. ALAN CRANSTON,
Russell Office Bldg., Washington, D.C.

DEAR ALAN: The Washington Post and the New York Times this week carried reports about an energy company executive, Timothy L. Donohoe, who was fired for writing a personal letter to James Watt questioning the Secretary's statement to California farmers:

"I don't use the words 'Democrats' and 'Republicans'. . . It's liberals and Americans."

Mr. Donohoe took exception to having his patriotism questioned, and it cost him his job.

I have been an outspoken critic of Secretary Watt because I believe his policies and actions represent a serious threat to the environment and the public lands. But no action since he became Secretary more than a year ago has caused me more concern than the undisguised and heavy-handed use of arbitrary power against an individual American who happened to have honest differences with Mr. Watt.

Mr. Donohoe worked for a Dallas energy company, Enserch, which holds 324 oil and gas leases on federal land and also has lease applications pending before the Department of Interior.

Therefore, it could only have had a chilling effect on the chairman of Enserch to receive a very pointed letter from Stanley Hulett, Interior's Secretary for Congressional and Legislative Affairs and a key aide to Mr. Watt, relating that "the Secretary is, frankly, surprised at Mr. Donohoe representation in the attached letter."

One can only conclude that the Interior Department was sending a clear signal that, not only was the Secretary displeased, but that action by Enserch was expected.

The implications of this are enormous. 118 million acres of federal land have been leased to private oil and gas companies. Thousands of lease applications are pending. The Department of Interior decides what applicant shall be granted a lease and sets the guidelines that must be followed in exploring and extracting oil and gas.

Is not this whole episode a threatening signal to all who do business with the Interior Department? Rarely has Washington seen such a raw abuse of power.

This case is a reprehensible example of a consistent pattern of inflammatory and divisive statements that Mr. Watt set when he first took office and has followed ever since. The record shows beyond doubt that he has created a climate of abusive intimidation and retaliation in dealing with people or organizations who disagree with him or his policies.

Mr. Watt made this clear early in his administration. Last March in his first major policy speech, to national park concessioners, he said: "We mean business, and when you read the press you're going to find out that I can be cold and calculating, and indeed I can . . . If a personality is giving you a problem, we're going to get rid of the problem or the personality, whichever is faster."

During Mr. Watt's confirmation hearings a year ago, he pledged "to listen, to reach out" and to "open up" channels of communication. His words and actions have made a mockery of that pledge.

In December, Mr. Watt ordered Department of Interior officials not to meet with or talk to professional conservationists.

Addressing the Board of the U.S. Chamber of Commerce, many members of which are regularly involved in matters before the Interior Department, Mr. Watt chastised corporate leaders whose companies make contributions to conservation organizations, specifically naming The Wilderness Society, Sierra Club, National Wildlife Federation, and the National Audubon Society.

"The battle is not one of environmental rules. The battle is over a philosophy of government," he said. "Are we going to have a centralized, socialized planned economy as we had in the last administration, or are we going to a market-oriented system?"

The Legal Times of Washington reported recently that Mr. Watt has complained about energy companies' hiring of Carter administration officials as lawyers or consultants, and that the Interior Department has made it known that Democratic counsel will not be welcome at the agency.

Addressing park concessioners, he denounced decades of Congresses, administrations, and cabinet members by declaring that he was going "to change 40-50 years of bad government."

He has pitted western states against eastern states and turned America's land and natural resources into a sectional, political battleground.

The Reagan administration says it wants to get the government off the backs of individual Americans. Yet, one individual who had the temerity to question Mr. Watt's assertion that liberals are un-American suddenly found the full weight of Interior Department on his back, and was fired.

Mr. Watt tries to pass off as a joke his distinction between "liberals and Americans." As the Donohoe firing demonstrates, that kind of mean remark coming from Secretary Watt is neither a joke nor empty rhetoric. As he said himself, "We mean business."

As the enclosed material illustrates, Mr. Watt has become a spokesman for discord and intimidation that have no place in our free society, and certainly not in the Cabinet of the United States.

Sincerely,

GAYLORD NELSON,
Chairman.

WASHINGTON, D.C.
December 1, 1981.

Hon. JAMES G. WATT,
The Secretary of the Interior,
Washington, D.C.

MY DEAR MR. SECRETARY: Would you kindly furnish a further clarification of your remarks, as reported in a certain California newspaper and reprinted in yesterday's Washington Post, which could be construed as a questioning of the patriotism of certain individuals?

For the record, I am an American and a liberal. And the Washington lobbyist for a $3 billion energy concern.

I would appreciate a thorough and personal reply.

Very truly yours,

TIMOTHY L. DONOHOE.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., December 15, 1981.

Mr. WILLIAM MCCORD,
President, Enserch Corporation
Dallas, Tex.

DEAR MR. MCCORD: I thought you might find interesting a copy of a letter delivered by hand to the Secretary's Office by your Washington representative. The issue Mr. Donohoe questions was part of a joke the Secretary told at a political fundraiser and is certainly not meant to question the patriotism of anyone.

The Secretary is, frankly, surprised at Mr. Donohoe's representation in the attached letter.

Yours truly,

STANLEY W. HULETT,
Assistant to the Secretary and Director of Congressional and Legislative Affairs.

[From the Dallas Times Herald, Jan. 26, 1982]

ENSERCH LOBBYIST FIRED FOR CRITICISM OF WATT: "LIBERALS VS. AMERICANS" CONCEPT CHALLENGED

(By Jeffry S. Unger)

A lobbyist for the corporation that owns Lone Star Gas Co. has been fired for questioning Secretary of Interior James G. Watt's comment that the political world is divided between "liberals and Americans."

Timothy L. Donohoe, 36, was fired after a Watt aide wrote the lobbyist's boss—and included with his message a copy of a letter Donohoe had sent Watt about his remarks. The aide said Watt was "surprised" Donohoe would do such a thing.

Donohoe, who said today he still has not received a reply from Watt or the department, was fired from his $30,000-a-year job as a Washington representative for Enserch, a Dallas-based natural gas company that owns Lone Star Gas, earlier this month for his "lack of judgment."

On Dec. 1, Donohoe said, he wrote Watt about a report in the previous day's Wash-

ington Post, quoting a Fresno Bee story about a speech Watt had made to a group of California farmers. In the speech Watt said, "I never use the words Republicans and Democrats. It's liberals and Americans."

Donohoe, in a telephone interview this morning, said the newspaper article did not lead him to believe the remark was made tongue-in-cheek, although Watt's aide claimed that was the case.

In Donohoe's letter, written on private stationery with his office address, the lobbyist asked Watt to "kindly furnish a further clarification of your remarks . . . which could be construed as questioning the patriotism of certain individuals."

"For the record," he added, "I am an American and a liberal. And the Washington lobbyist for a $3 billion energy concern."

Donohoe, whose official title with the company was federal relations coordinator, said he received no reply, but was called in two weeks ago, by his supervisor, Candice J. Shy, and shown a copy of his letter and one written Dec. 15 by Stanley W. Hulett, an assistant to Watt and director of the Interior department's congressional affairs office. Hulett's letter was to William C. McCord, chairman and chief executive officer of Enserch.

Hulett wrote: "I thought you might find interesting a copy of a letter delivered by hand to the secretary by your Washington representative.

"The issue Mr. Donohoe questions was part of a joke the secretary told at a political fund-raiser and is certainly not meant to question the patriotism of anyone.

"The secretary is, frankly, surprised at Mr. Donohoe's representation in the attached letter."

Donohoe said Ms. Shy, vice president for federal relations, told him he was being fired for his "lack of judgment" in writing the letter.

Shortly before noon today, the company issued this statement: "This use of poor judgment by Mr. Donohoe in writing such a letter was the basis of his dismissal. The fact that the letter was addressed to the Secretary of the Interior had no bearing on the decision to terminate Mr. Donohoe." McCord's office referred all questions to Ms. Shy in Washington, who could not be reached.

Hulett also was not available for comment, but Tom DeRocco, acting deputy director of the office of public affairs at Interior, said, "The letter will have to speak for itself."

Rep. Charles Wilson, D-Tex., on whose staff Donohoe had worked for seven years before joining Enserch 14 months ago, said he was disturbed by the incident.

Wilson, who is from Lufkin, described himself as "sort of a closet defender of Watt because I've had so much hell with the extreme environmentalists in my district. But that's over. I think he's as bad or worse than his detractors have been saying. This was a vengeful, nasty thing to do.

"This is McCarthyism in its worse form," Wilson said.

Wilson said he plans to talk to Rep. Morris Udall, D-Ariz., chairman of the House Interior Committee, and Rep. Sidney R. Yates, D-Ill., chairman of the House Appropriations subcommittee on interior, to see if they will investigate the incident.

"What I'd like to do, if they would do it, is get some hearings to find out if the department always tries to get people fired who write critical letters," Wilson said.

Wilson, a strong supporter of the oil and gas industry, was less critical of Enserch than he was of Watt. "I would say that in circumstances like this I don't fault the company, because a major energy company can be intimidated by the Interior Department," he said.

He said he called Enserch executives following Donohoe's firing but realized there was little point in pressing the issue.

Wilson said the fact that Hulett had "taken the trouble to track down" Donohoe's employer and "sent a letter to the chairman of the board, instead of to Tim . . . represents the smallness, the pettiness and the hatefulness people have been accusing Watt of."

Donohoe went to work for Wilson on March 16, 1974, after dropping out of a Catholic seminary only a short time before he was to be ordained as a priest. Wilson called him a "jack of all trades" who handled constituent case work, energy research and assisted the press secretary.

Ms. Shy had once been Wilson's press secretary and worked with Donohoe when he worked for the congressman. She hired him away from Wilson's office to become a lobbyist.

Donohoe said his letter to Watt was the first he had ever written on a private matter to a public official. Watt's luncheon comments as quoted in the Post "struck a chord," Donohoe said, and moved him to write the secretary. Donohoe said he did not notify anyone at Enserch that he had written the letter and that the company has no policy against such letters, he said.

[From the Dallas Morning News, Jan. 27, 1982]

LOBBYIST FIRED AFTER LETTER TO WATT

(By William J. Choyke)

WASHINGTON.—Until 16 days ago, Timothy Donohoe was one of two lobbyists in the respected federal relations office of Dallas-based Enserch Corp., a profitable energy conglomerate.

Today the self-described "liberal and American" is looking for a new job after he was fired for questioning Interior Secretary James Watt's recent remarks that the political world was divided between "liberals and Americans."

Donohoe, 36, was fired earlier this month after a top-ranking aide to Watt complained to Enserch president William McCord, a staunch supporter of Reagan administration policies, about a personal letter the lobbyist wrote to Watt on Dec. 1.

The letter asked Watt to clarify statements that included disparaging remarks about liberals made during a secretly taped speech to a California farm group. The House of Representatives is "riddled with a bunch of liberals" and Washington is more a city of "liberals and Americans" than of "Democrats and Republicans," Watt said in the speech, which was first reported in a California newspaper.

After reading about the speech, Donohoe wrote to Watt on stationery that included his name and office address. Although the stationery was purchased by Enserch, it did not include the name of the company, which until 1975 was called Lone Star Gas Co.

In the letter, Donohoe, identifying himself as "the Washington lobbyist for a $3 billion energy concern," said he was "an American and a liberal" and sought a clarification of the statements "which could be construed as questioning the patriotism of certain individuals."

He did not name his employer.

Two weeks later, the Interior Department congressional affairs director, Stanley Hulett, sent the letter on to McCord, whose company holds many mineral leases on federal land controlled by the Department of Interior.

In a cover letter, Hulett wrote to McCord: "I thought you might find interesting a copy of a letter delivered by hand to the secretary (Watt) by your Washington representative . . . The secretary is, frankly, surprised at Mr. Donohoe's representation in the attached letter."

Tom DeRocco, acting deputy director of the Interior's office of public affairs, said late Tuesday that "Mr. Hulett acted without the secretary's knowledge when he sent that letter." While he said Watt was surprised upon learning about the letter, he said he was not aware of any action taken against Hulett, who was unavailable for comment.

But DeRocco's explanation did not satisfy Rep. Charles Wilson, D-Lufkin, who employed Donohoe for seven years before he joined Enserch.

"It is a case of meanness and McCarthyism on the part of Watt," said Wilson, who said Hulett's letter was intended to intimidate Enserch.

"I've never seen anything that vengeful in my 10 years up here. To take the trouble to chase him down and then write the chairman of the board of his company. It's absolutely an outrage," Wilson said.

After about a month of "dealing with the problem," Donohoe said, he was fired Jan. 11 from his $30,000-per-year post by his boss and old friend Candice Shy. The order to dismiss him originated with McCord, who earned $458,315 in 1980, company records show.

"It didn't ever occur to me that I could lose my job over this," Donohoe said. "The letter (to Watt) wasn't meant to be tongue-in-cheek although it could be described as cheeky."

McCord, Enserch chairman and president, declined to respond to questions. But the company issued a statement saying that "this use of poor judgment by Mr. Donohoe in writing such a letter was the basis of dismissal."

Ms. Shy, who worked with Donohoe on Wilson's staff, said that since he began work at Enserch, Donohoe "had been doing very, very well.

"He had made a good contribution," said Ms. Shy, who in her early 30s is considered one of the top young energy lobbyists in Washington. "This was just too much."

While she did not have any specific figures available, Ms. Shy, the Enserch vice president for federal relations, said leases on federal lands "does not constitute a significant portion of our lease holds." The company's main subsidiary owned total leases of 1.9 million net acres in the United States in 1980.

A diversified energy company, Enserch has experienced rapid growth during the past seven years as its revenues have increased from $658 million in 1975 to more than $3 billion in 1981. It now has several divisions, including Lone Star Gas Co. and employs more than 20,000 persons.

While McCord is described as a non-political company president, he reported during the annual shareholders' meeting last year that "nearly everything we see going on with the Reagan administration is either favorable or suggestive of improvements to be forthcoming."

[From the Washington Post, Jan. 26, 1982]

GAS COMPANY LOBBYIST FIRED FOR QUESTIONING WATT REMARK

(By David S. Broder)

A gas company lobbyist who questioned Secretary of Interior James G. Watt's comment that the political world is divided between "liberals and Americans" was fired from his job after a Watt aide wrote the lobbyist's boss that the secretary was "surprised" the lobbyist would do such a thing.

Timothy L. Donohoe, 36, said yesterday he was fired from his $30,000-a-year job as Washington representative for Enserch, a Dallas-based natural gas company, earlier this month for his "lack of judgement."

On Dec. 1, Donohoe said, he had written Watt about a report in the previous day's Washington Post, quoting a Fresno Bee story about a speech Watt had made to a group of California farmers. In the speech, Watt said, "I never use the words Republican and Democrats. It's liberals and Americans."

In the letter, written on private stationery with his office address, Donohoe asked Watt to "kindly furnish a further clarification of your remarks . . . which could be construed as questioning the patriotism of certain individuals."

"For the record," he added, "I am an American and a liberal. And the Washington lobbyist for a $3 billion energy concern."

Donohoe said he received no reply, but was called in two weeks ago by his boss, Candice J. Shy, and shown a copy of his letter and one written on Dec. 15 by Stanley W. Hulett, an assistant to Watt and director of Interior's congressional affairs. Hulett's letter was to William C. McCord, chairman and chief executive officer of Enserch.

Hulett wrote: "I thought you might find interesting a copy of a letter delivered by hand to the secretary by your Washington representative.

"The issue Mr. Donohoe questions was part of a joke the secretary told at a political fund-raiser and is certainly not meant to question the patriotism of anyone.

"The secretary is, frankly, surprised at Mr. Donohoe's representation in the attached letter."

Donohoe said yesterday that Shy told him that he was being fired for his "lack of judgment" in writing the letter. Cleaning out his desk yesterday, he said he was still in a state of "shock and disbelief."

William T. Satterwhite, senior vice president and general counsel for Enserch, last night confirmed the basic facts in Donohoe's account but said, "I believe it would be inappropriate to comment further."

Interior's Hulett was not available for comment, but Tom DeRocco, acting deputy director of the office of public affairs at Interior, said, "The letter will have to speak for itself."

Rep. Charles Wilson (D-Tex.), on whose staff Donohoe had worked for seven years before joining Enserch 14 months ago, said he was disturbed by the incident.

Wilson said the fact that Hulett had "taken the trouble to track down" Donohoe's employer and "sent a letter to the chairman of the board, instead of to Tim . . . represents the smallness, the pettiness and the hatefulness people have been accusing Watt of. I have been a defender of Watt, but this represents a kind of vengefulness I hate to see."

DeRocco would not comment on Wilson's remarks.

[From the New York Times, Jan. 26, 1982]

LOBBYIST, JOBLESS, ACCUSES WATT AIDE

(By Phil Gailey)

WASHINGTON, January 26.—A Washington lobbyist for a Texas energy company says he was dismissed after Interior Department officials complained to his employers about a letter he wrote to Interior Secretary James G. Watt.

The former lobbyist, Timothy L. Donohoe, said he wrote the letter as a private citizen, and on personal stationery. In it, he said, he sought a clarification of Mr. Watt's statement in November that the House of Representatives was "riddled with a bunch of liberals" and that Washington was more a city of "liberals and Americans" than of "Democrats and Republicans."

Instead of responding, Mr. Donohoe said, Stanley W. Hulett, assistant secretary for Congressional and legislative affairs, sent a copy of the letter with one of his own to William McCord, president of the Enserch Corporation of Dallas, Mr. Donohoe's employer. A carbon copy was sent to Charles DiBona, president of the American Petroleum Institute.

Mr. Hulett said in his letter, Mr. Donohoe continued, that "the issue Mr. Donohoe questions was part of a joke the Secretary told at a political fund-raiser and is certainly not meant to question the patriotism of anyone."

According to the Donohoe account, the letter concluded: "The Secretary is, frankly, surprised at Mr. Donohoe's representation in the attached letter."

Mr. McCord did not return a reporter's telephone call today. Neither did Mr. Watt nor Mr. Hulett, even though a message was left with their offices explaining the nature of the inquiry.

Mr. Donohoe said he was told two weeks ago by his supervisor, Candice J. Shy, vice president for Federal relations for Enserch, that Mr. McCord had decided to dismiss him for a lack of judgment in writing the letter.

"It still boggles my mind," said Mr. Donohoe, who is 36 years old and describes himself as "both a liberal and an American." He added, "I can't believe my company is doing this to me."

Mr. Donohoe said Representative Charles Wilson, Democrat of Texas, for whom he worked for seven years on energy matters, had tried to persuade Enserch officials to reconsider.

Mr. Wilson, in a telephone interview, characterized Mr. Hulett's action as "an awfully, awfully cheap shot" and said he planned to take the matter before appropriate House committees.

Mr. Donohoe said he had decided to write the letter after reading newspaper accounts of Mr. Watt's remarks to a group of California farmers last November. Although the meeting was closed to reporters, a farmer taped the Secretary's remarks and made the tape available to The Fresno Bee.

[From the Washington Post, Jan. 27, 1982]

AIDE SAYS WATT NOT INVOLVED IN LOBBYIST'S FIRING

A spokesman for Secretary of Interior James G. Watt said yesterday that Watt never saw the letter one of his aides sent to an energy company executive that led to the firing of the company's Washington lobbyists.

Timothy L. Donohoe was fired from his $30,000-a-year job with Enserch, a Dallas-based natural gas company, after writing Watt a letter questioning the secretary's statement quoted in a newspaper article that he divided the political world, not between Republicans and Democrats, but between "liberals and Americans."

Instead of replying to Donohoe, Stanley W. Hulett, an assistant to Watt and director of Interior's congressional liaison office, sent a copy of Donohoe's letter to William C. McCord, the chairman and chief executive officer of Enserch. Hulett wrote that "the secretary is, frankly, surprised at Mr. Donohoe's representation in the attached letter." Enserch then fired Donohoe.

Douglas Baldwin, Interior's director of public affairs, said yesterday that Watt "was not involved in that [Hulett's] letter. He learned about it when he read it in the paper today." Later, Baldwin added that Watt had read Donohoe's letter and was "surprised" at its contents, but Baldwin insisted that Watt gave "no instructions to anyone on the staff to pursue it further."

Hulett continued to refuse telephone calls, but Baldwin said that answering the letter "was within the scope" of Hulett's office. Asked why Hulett had written to the corporation president, with a copy to the head of the American Petroleum Institute, rather than to Donohoe, Baldwin said: "Often a letter of praise is sent to a supervisor so the subordinate gets credit."

Asked if that was the intent in this case, he said, "No."

Meantime, Candice J. Shy, the head of Enserch's Washington office, said the "bad judgment" for whch Donohoe was fired was his reference to himself as an energy company lobbyist and the fact that the stationery on which he wrote, while not having the company name, did have its Washington address and phone number.

[From the Legal Times, Jan. 11, 1982]

INTERIOR WARNS AGAINST RETAINING POLITICAL OUTSIDERS

(By W. John Moore)

At least four ex-Carter administration attorneys now striving to develop an energy and environment practice in Washington have found their efforts hindered by Interior Department officials who have warned present or prospective clients against retaining politically undesirable lawyers.

The intimidation ranges from comments by some Interior Department officials that they prefer to deal with Republican law firms, to outright threats to some companies that their outside counsel will not be welcome at the agency, according to former Carter administration officials.

The Interior Department scare tactics have worked in varying degrees, according to sources. In at least one case, the client dropped his lawyer and the law firm and sought new counsel. In another instance, the client shifted part of the legal work at Interior to a Republican consultant; and in a third case, the attorney agreed that a more politically palatable member of his law firm should represent his client at Interior. As a result, the lawyers conceded that the tactics have injured both their pocketbooks and their pride.

In the rarefied air of high-level Washington law, "denying access to an attorney is like signing a death warrant for his practice," said one lawyer. As a result, the attorneys targeted by Interior declined to discuss their problems on the record.

Agency officials declined to respond to questions about the attorneys, despite Legal Times' repeated phone calls to Interior Secretary James G. Watt's office, to other de-

partment officials, and to Interior's public affairs office.

Although Watt did not specifically discuss lawyer representation with the attorney's clients, the lawyers maintain that the highly charged partisan atmosphere at the agency is created by Watt.

"My suspicion is that Watt is right on top of this. He is a lawyer and knows this game intimately. He knows exactly how to cripple people," said one former Interior Department attorney.

TERRIBLE MISTAKE

According to another source, Watt "complained about energy companies' hiring Carter administration officials as lawyers or consultants and what a terrible mistake it was" at a meeting last summer with approximately 10 industry officials. The lawyers claim that W. Perry Pendley, deputy assistant secretary for energy and minerals, and David C. Russell, deputy assistant secretary for land and water resources, discouraged energy companies from hiring former Carter administration lawyers.

"This quasi-official policy met with favor in the department," said one lawyer. "I can't imagine any political appointee making these kinds of statements to companies without feeling pretty comfortable that he would be supported by Mr. Watt," said another attorney.

"What really distinguishes this administration from any other one that I have seen in my 20 years in Washington is this kind of petty vindictiveness," said a former Justice Department lawyer now in private practice.

Although the former Carter administration attorneys—all of whom held high-level legal positions at the Interior Department—believe that the officials' actions are unfair and unethical, they point out that any complaints would boomerang and only erode existing clients' confidence in their legal ability and access to power. "If there is a perception among your clients that you are an untouchable then you really are through," noted one lawyer. "To complain would be extremely foolish," added another attorney. "The only attitude to take is that I'm going to be here a lot longer than they are."

For the same reason, the four attorneys contacted by Legal Times agreed to discuss the matter only off the record, fearing that any mention of their names or their law firms' identity would only further endanger their relationship with their clients.

"If I had a stable of clients, I could talk more openly," noted one of the attorneys. "My one major client came to me because of my experience and reputation. I'm not a rainmaker, and I don't want to endanger my relationship with this client," he added.

REPUBLICAN CONSULTANT

Nevertheless, the lawyers agreed to discuss the Interior Department's actions on a not-for-attribution basis. In one instance, for example, an Alaskan-native group represented by a former higher-level Interior official was told by one Reagan appointee to get another counsel. Instead, the group decided to retain its lawyer, but hired a Republican consultant as well.

Another lawyer who has lost three clients said one of them told him that an Interior Department deputy assistant secretary frowned on the company's legal counsel.

A legal services office in the West, interested in securing a contract from the Bureau of Indian Affairs at Interior, was considering hiring a former Interior official as a consultant on the contract. But the deal eventually fell through after the attorney's name was mentioned in Washington. "At the point the details of the deal got back to Washington and my name was heard in connection with the case—at that point all negotiations were suspended," said the lawyer.

A former Justice Department lawyer now in private practice encountered similar problems with Interior. After he resolved a case out West involving his client and Interior's Bureau of Land Management, an Interior official called the client directly and complained about the client's hiring a former Carter administration lawyer. Interior's interference "caused serious reverberations in that law firm," according to one attorney.

According to one lawyer, his client was told by a political appointee at Interior that while he liked the lawyer personally, "[the attorney] is not going to be welcome representing you [here]."

The lawyers who have encountered difficulties at Interior admit to being baffled and confused by the problems. They agree that in Washington—where one administration's lawyers become the next administration's lobbyists—this type of pressure is highly unusual. "My God, half the people who came around to see us at Interior were former Nixon or Ford people, and we never gave it a thought," said one of the attorneys now running into trouble at his old agency.

"This is really a case of misplaced partisanship," noted another lawyer, who stressed that the government needs the cross-fertilization of ideas that comes from contacts with the other side.

But another attorney affected by the threats to his clients admitted there is very little he can do. "I would not try to flout that policy, whatever it is, to the detriment of my client," he said. "I have asked one of my colleagues who is politically more attuned to represent my client in this type of situation."

[From the Washington Report, Nov. 16, 1981]

CHAMBER RENEWS FISCAL-POLICY STAND

(By R. T. Gray)

The U.S. Chamber of Commerce has rallied behind president Reagan in the escalating controversy over his economic policies.

At its quarterly meeting, the chamber board unanimously adopted a resolution reaffirming strong support for the Reagan program.

The statement declared, "The transition from over-dependence on the federal government to a revitalized private-enterprise economy will not occur quickly or easily.

"Yet, the course the president has charted is sound and deserves the unwavering support of all Americans and their elected representatives."

Earlier, Vice president George Bush said in an appearance before the board, "the president is determined to stay the course; you have nothing to worry about. . . . This president is not about to retreat under fire."

Bush told the directors that of the many groups with which he comes in contact, "none has been more steadfast than you, not always to the benefit of your own interests. . . . You have stood on the basis of principle. The president appreciates your support enormously."

In other activities at the meeting:

Interior Secretary James Watt said the battles he is embroiled in with his critics go beyond strict environmental concerns and involve efforts of his opponents to thwart administration efforts to restore a free-market economy.

Defense Secretary Caspar Weinberger disputed claims that the president's planned military buildup will aggravate inflation.

In reaffirming its support for the president's economic initiatives, the Chamber noted it had been the first national organization to go on record in support of the program Reagan announced Feb. 19.

"We took this action," the board said, "in full confidence that the Reagan package of budget reductions, tax cuts, regulatory relief and moderation in the growth of the money supply offered a winning formula for a new era of economic prosperity in the 1980s."

The board's support did not extend, however, to the administration's recent proposal to raise additional income through what the White House calls revenue enhancements.

The proposed steps deal with tax accounting rules affecting contracts, energy tax credits, co-insurance, payment schedules for corporate taxes and industrial development bonds.

The board said the tax policies for which it had renewed its support were designed to increase savings and investment but that the new proposals would seriously jeopardize those goals. The directors said in a statement:

"Great uncertainty would be created throughout the business community because any major tax revision proposals would reopen the debate that culminated in the recent enactment of the tax bill and increase economic uncertainty."

In his speech to the board, Bush noted there are already positive economic trends despite critics' assertions that the president's program is failing.

He noted declines in inflation, the prime interest rate and the Federal Reserve discount rate.

"This is at least a start," he said. "If we are fair with each other, it is not a bad start at all."

In a particularly hard-hitting talk to the board members, Watt said many businesses were helping finance organizations attempting to block his efforts to restore market concepts to the energy field and make more effective use of natural resources in general.

He listed specifically the Audubon Society, the National Wildlife Federation, the Sierra Club, Friends of the Earth and the Wilderness Society.

"The battle is not one of environmental rules. The battle is over a philosophy of government," he said. "Are we going to have a centralized, socialized planned economy as we had in the last administration, or are we going to a market-oriented system?"

Weinberger said reductions in military and non-military spending did not have an equal impact on reducing the federal deficit.

Reducing transfer payments, he said, would lower the budget on virtually a dollar-for-dollar basis. But a dollar cut from military spending only reduces the deficit 53 cents, he noted, because of the manner in which military outlays return revenue in the form of worker and corporate taxes.

[From the Washington Post, Jan. 8, 1982]

HOW INTERIOR IS CHANGING, FROM THE INSIDE

(By Mary Thornton)

Last August, the Interior Department tried to reverse more than 10 years of federal policy toward the Pyramid Lake Paiute Indian tribe by recommending that the Jus-

tice Department not challenge a court ruling that would have provided less water to the Nevada tribe and more to a federal reclamation project.

Although Justice didn't buy Interior's recommendation, it was an example of a subtle effort by Interior Secretary James G. Watt and his assistants to bring their philosophy to Interior through administrative changes and new interpretations of old laws.

The changes have taken place mainly in Interior's solicitor's office and the Office of Surface Mining, two offices that have been targeted by conservatives as enclaves of environmental activism.

According to interviews with department employes, the changes involve not only heavy pressure to come up with legal opinions favorable to administration positions—whether or not they will hold up in court—but also transfers and personnel changes that have caused many of the lawyers to look for new jobs.

A recent evaluation of Watt's first year at Interior, circulated to the department, said that the solicitor and his top deputies are "important personnel who can advance administration policies," and that, to implement those policies, Carter administration holdovers who do not agree with those policies must be removed.

Lawyers say there have been major changes in the way they are asked to do their work. They say that virtually all legal decisions are being reviewed by political appointees in the solicitor's office to make sure they are in line with Watt's policies. They add that there are major changes in the type of cases that are being pursued.

Douglas Baldwin, an assistant to Watt, acknowledged that there have been changes in management procedure, but he says those are the prerogative of any new secretary.

As one example, Interior has initiated virtually no new cases on behalf of Indian tribes since Watt took over. In addition, the department has also instituted a policy, resisted so far by the Justice Department, of giving state courts jurisdiction in Indian water rights cases. The cases traditionally have been heard in federal court because of the animosity between the tribes and the states.

On natural resources, department lawyers say the emphasis has shifted toward encouraging development. For example, department sources say Interior officials are working on a legal argument that would give the president, rather than Congress, the power to approve development in areas under study as possible wilderness areas.

Department lawyers also say there have been far fewer appeals of cases that Interior loses, even when Interior may have had a good chance of winning on appeal.

"Their attitude seems to be that if industry won in the first place they must have been right," one lawyer said.

Employes in the Office of Surface Mining say there is so much encouragement now to cooperate with the states that one employe put up a sign saying: "State Permits Approved While You Wait!"

"There are two categories of persons in the department: liberals and Americans," said one lawyer who asked not be identified. "I've been told not to bother with any option not in line with what the administration policy is."

A lawyer who recently left the solicitor's office said, "I think what happens essentially is those in the solicitor's office who provide legal arguments that don't go the way they want are simply circumvented. In terms of providing effective legal advice, the solicitor's office has been destroyed."

Employes in both offices say they believe that Watt is also trying to get rid of lawyers he is afraid may stand in his way.

Last March Watt announced the firing of 51 employes in the solicitor's office, including 28 lawyers. He said the office had exceeded its hiring ceiling and that the employes had been hired illegally by the Carter administration.

But less than two months later the department advertised for six new lawyers, some at salary levels at least twice that of most those fired.

Harman Kallman, a spokesman for the agency, said in an interview that the attorneys fired from Interior were not rehired because they did not have "the skills the department needed most. Most were junior people with limited experience and background. Since everyone counts [at a time of reduced budgets], we'll try to get the most skilled and senior people we can."

But Rep. Edward J. Markey (D-Mass.), chairman of the House Interior Committee's oversight subcommittee, noted at a hearing that one of the new lawyers had experience in personal injury and child custody cases, not natural resources law.

Markey asked Watt last July to provide the subcommittee with extensive information on the new lawyers, but so far most of it has not been provided, his aides said.

Last May Watt also announced a reorganization of the Surface Mining Office, which enforces strip-mining regulations. During the transition period the office was targeted by the Heritage Foundation, a conservative research group, for its "zealotry."

Watt was forced to back off on a major part of the reorganization—transferring OSM's technical services division from Denver to Casper, Wyo.—after congressional hearings indicated that the move would be as hard on industry as on the Interior employees. But by then nearly half the employes in that office had quit.

There also have been widespread resignations among the legal staff in Denver, forcing the department to fly lawyers back and forth from Washington.

The latest personnel change is the transfer of at least 13 lawyers in the solicitor's office. The transfers involve major moves, from coast to coast in some cases, and in many instances will shift lawyers into areas about which they know nothing.

Harold Baer, for example, has worked in the Denver office as a trial attorney in the area of minerals, oil and gas. He is being transferred here, where his field will be wilderness, grazing and right-of-way law.

"They told me they needed my expertise," he said. But, he said, he is unfamiliar with his new area.

Baldwin said the transfers were "deemed to be necessary for the placing of staff resources where the work is. . . . There's always a certain amount of distress when people have to be transferred . . . but they all work for the government for the benefit of the taxpayer."

He insists that the moves are not a way of getting rid of unwanted lawyers.

Others disagree. "I believe they're going to have a wholesale housecleaning in this place," one lawyer said. "But none of us are political, none of us are policy makers. I think it's more a sickness that anyone who was there when they came in cannot be trusted. We're all a little at a loss as to why this is happening, but I think there are more to come, many more to come."

Watt on America, Americans

I. The Unamericans: Liberals and Environmentalists

"They (National Audubon) don't want a government that believes in people. They want a government that believes in centralized, socialist planning."—Watt speaking at Colorado Resource Consortium luncheon. Quoted in "Watt Delivers GOP Pitch to Mining Industry." The Colorado Sun, Sept. 30, 1981.

"I don't use the words 'Democrats' and 'Republicans' . . . It's liberals and Americans."—Watt speaking to farmers in Los Banos, CA. Quoted in "The Park Service Feels an Early Winter Chill from Watt's Interior," L.A. Times, Nov. 8, 1981.

"But I underline to you folks and friends that we are in a battle for individual liberty . . . not for farming . . . not for minerals . . . not for oil and gas . . . but to our very form of government. It goes back to what makes a nation great, and it is how it manages its human resources and its natural resources. The battleground is not what our critics would like you to believe it is . . . protecting the environment. We are all for that. It is for our form of government, which leads to our liberty."—Watt quoted in Editorial. World of Agricultural Aviation, November 1981.

"What is the real motive of the extreme environmentalists, who appear to be determined to accomplish their objectives at whatever cost to society? Is it to simply protect the environment? Is it to delay and deny energy development? Is it to weaken America?"—"Scenario for Ravaging the West," by James Watt, Denver Post, 1978.

"We mean business, and when you read the press you're going to find that I can be cold and calculating and indeed I am . . . If a personality is giving you a problem, we're going to get rid of the problem or the personality, whichever is faster."—Watt speaking to the Conference of National Park Concessioners. Washington, D.C., March 9, 1981.

"I continue to be a sagebrush rebel. . . . We are rebelling against the liberal Democrats who would snuff out America."—Watt speaking to the Republican Western States Conference. Quoted in "Sagebrush Rebellion a success, Watt says." Tri-City Herald (Pasco, WA), Oct. 19, 1981.

"Environmentalists. . . . That's a facade for liberal democrats."—Watt quoted in Pete Hamill's column. Rocky Mountain News, Oct. 18, 1981.

"I feel truly sorry for those individuals who signed the petition sincerely, only to find out that they were misled by uninformed and uncarrying environmental extremists."—Watt quoted in Editorial. El Dorado Times (Kansas), Nov. 3, 1981.

"And those very few people in Washington who lost their privileged position to the accesses of power don't like the fact that they got kicked out and we let Americans come in, sportsmen and hunters and miners and timbermen. And we opened up the government to the people."—Watt speaking at Republican fundraiser in Wyoming, September 1981, as televised in "60 Minutes" report January 10, 1982.

"I fear that our states may be ravaged as a result of the actions of the environmentalists—the greatest threat to the ecology of the west."—"Scenario for Ravaging the West," by James Watt. Denver Post, 1978.

II. Elitists vs. the People

"The President was brought to power by a restlessness of the people because they needed change and he represents change

and those old time liberals that don't want change are gonna frustrate we conservatives who want change every chance they can and we've gotta change 40-50 years of bad government. To accomplish that, we fired every person in the Department of Interior that was a presidential appointee. I mean we've cleaned every one of them out and then we started appointing good people."—Watt speaking to the Conference of National Park Concessioners Washington, D.C. March 9, 1981.

"'We feel that the NRA is representative of the real conservation movement in this country,' Watt says in the January issue of 'The American Hunter.'

Watt also reassured hunters concerned that his pro-development policies might wreck their sport. 'When I was growing up in Wyoming,' he said, 'it was often the timber roads and the mine roads that allowed us to get at the good hunting and fishing areas.'"—Watt quoted in "Executive Notes." Washington Post, January 21, 1982.

"In a conflict between preservationists and sportsmen, we're going to the sportsmen. We've sent the signals, so if there's to be a wedge driven between the conservation community we'll help drive the wedge."—Interview with Watt. Field and Stream, December 1981.

"Watt later told reporters that environmental 'special interest' groups promoting 'frivolous uses' of public land are the ones outside most people's thinking on environmental issues."—St. Louis, UPI, May 11, 1981.

"There was a tendency in the latter part of the 1970s to turn the administration of conservation and environmental laws over to the single purpose groups—to those who saw preservation as their only goal, to those who refused to consider the economic needs of our society, to those who viewed people as an intrusion on nature. . . . It was during this time that the attempt was made to turn Alaska into one huge museum of Natural History."—Watt speaking to the Anchorage Chamber of Commerce. Anchorage, AK. Aug. 10, 1981.

"Wyoming, as well as other states, had just been locked up to economic development and set aside for a few backpackers rather than the rest of us who might want to use a four-wheeler or go horseback riding or develop some energy. . . . America's resources were put here for the enjoyment and use of people, now and in the future, and should not be denied to the people by elitist groups."—Interview with Watt. Nation's Business, September 1981.

"What we seek is to move the pendulum from the far extreme of preservationism to the center where we can protect the environment, build our economy and strengthen our national security."—Watt speaking to the National Recreation and Park Association, Minneapolis, MN. Oct. 27, 1981.

"With this Administration came a dedication to a new beginning in stewardship of natural resources—a new beginning which recognizes that stewardship is more than blind commitment to preservation—a new beginning which seeks a common sense balance between development of resources and preservation of resources—a new beginning which encourages rather than hinders the private enterprise system."—Watt speaking to The National Association of Realtors. Miami Beach, FL. Nov. 16, 1981.

III. THE WEST VS. THE EAST OR WATT'S CIVIL WAR

"My thesis is that because of the actions being taken by extremists to delay or stop the orderly development of energy resources, the nation is likely to suffer energy shortages and thus severe economic hardship.

Hundreds of thousands of jobs, if not millions, will be in jeopardy. When this happens, the politicians in Washington will seize on the crisis and take whatever action is needed to extract energy from the Western states, in order to light and heat the East and to maintain jobs in the Midwest and on the East Coast. . . .

I fear for our ecology in the West and for our lifestyle. When the economic pressures start strangling the Eastern states due to short supplies of energy, their political leadership will come after our resources."—"Scenario for Ravaging the West," by James Watt. Denver Post, 1978.

"They'll nationalize the lands to deliver to their Eastern constituents. If the lands are developed by the federal government rather than by the private sector, that will destroy our way of life in the West."—Watt quoted in Pete Hamill's column. Rocky Mountain News, Oct. 18, 1981.

"I fear that the Eastern states, the industrial states, will turn on our West to get the energy. I already see it coming in the disguise of the severance tax. You watch that fight grow, and when the Eastern states and the industrial Midwest realize they are losing their economic base and political clout to the Sun Belt and to the West because energy costs there are not rising as fast as in New England and the Midwestern states, they will turn on our Western states and come in on a crash program to develop the coal and other resources. And when they do, the Federal government will come in with a crash program and destroy our ecology."—Interview with Watt. Field and Stream, December 1981.●

AN UNNEEDED HORROR

● Mr. PRYOR. Mr. President, I recently wrote President Reagan asking that he not certify the production of binary nerve gas as essential to the Nation's national defense. I cited a number of specific reasons for my opposition to reentering the chemical warfare race and I hope that the Congress will have an opportunity to thoroughly review the issue before any decision is made leading to nerve gas production.

For the purpose of informing my colleagues, I would ask that the January 29, 1982 New York Times article "An Unneeded Horror" by Tom Wicker be printed in the RECORD. It carefully examines the implications of a nerve gas production decision and provides a discussion of the issues that will be useful to every Senator.

The article follows:

[From the New York Times, Jan. 29, 1982]

AN UNNEEDED HORROR

(By Tom Wicker)

President Reagan apparently is ready to notify Congress that he has ordered a multibillion dollar program to produce binary nerve gas for chemical warfare—the worst possible answer to the Soviet Union's unconscionable "yellow rain."

Ours, after all, is an open society and the Soviet Union's is not. So we will openly proclaim—in the budget and elsewhere—that we are rebuilding a chemical warfare capacity that we will use if necessary. But the Russians, despite solid evidence that they have developed and used toxic substances for lethal purposes ("yellow rain") in Asia, do not and probably never will admit having done so.

Many will believe them, out of hope and naiveté, and the propaganda advantage will be with the Russians from the beginning. In this case, that's no small matter. Binary nerve gas, like yellow rain, is a horror weapon, effective primarily against civilians. It's lethal within minutes to anyone who breathes it, and capable of poisoning the atmosphere of huge areas for days at a time.

Americans, in fact, will be double propaganda losers in that we will have forfeited the advantage we now should have in the evidence that the Russians are using yellow rain. That evidence should be emphasized by the United States in every way and in every forum possible; so should Moscow's willingness to violate the 1925 Geneva Protocol by which it renounced the use of chemical weapons. Instead, if it develops binary nerve gas itself, the United States will dissipate a sound moral and political position.

In 1969, President Nixon renounced first use of chemical agents and ordered an end to their production. President Ford formally signed the Geneva Protocol—prohibiting use but not possession of chemical weapons—and proposed a world treaty to outlaw chemical warfare.

If Mr. Nixon's order is now reversed, the United States will not literally have violated either the Protocol or his pledge against first use. But with Moscow steadfastly denying any involvement in chemical warfare, many will be only too eager to ask why a nation that dropped the first atomic bomb and spread lethal herbicides in Vietnam and Laos is developing binary nerve gas if it doesn't intend to use it.

The answer, Pentagon officials say, is that if the Russians have chemical weapons we must have them, too, to deter them from their use. But the United States already has ample stocks of older chemical weapons; and this answer raises the military questions whether effective deterrence requires that we match the Russians weapon-for-weapon in every category, or whether the overall deterrent effect of all our military forces is sufficient.

Put it another way: can the Russians' use of chemical warfare be deterred *only* by the threat of chemical warfare turned back against them? Need we sacrifice moral and propaganda advantage, add a new dimension to the superpower arms race and expand the world's inventory of genocidal weapons, all in order to deter the use of yellow rain? Particularly when we already have stockpiles of gas artillery shells?

Richard Halloran of The New York Times reports that the Pentagon regards Europe as the likeliest chemical war battlefield, and plans to stockpile its new gas shells there, perhaps in Britain. But shouldn't we have learned *something* from the anti-nuclear demonstrations in European cities and from the anti-nuclear attitudes of Governments like those of Belgium and Holland, and of the British Labor Party?

At the root of this rising tide of opinion is the fear—however ill founded—that Europe will be devastated in a superpower nuclear war that would leave the United States and the Soviet Union untouched. Are we now to add to this nightmare the idea that a super-

power chemical war might also be fought in Europe?

If so, European paranoia about American as well as Soviet intentions will be surely heightened, and the stresses that are already wracking the NATO alliance will be increased—also in the name of deterrence.

More than $2 billion is being projected for producing binary nerve gas in 1983 and 1984, and more will be required later. That money would be far better spent, and achieve more real Western security, if it were devoted instead to research and development of defensive equipment and techniques against yellow rain and other chemical weapons, and if the fruits of that effort were made available to any and all nations feeling themselves threatened by chemical warfare.

That would make it clear who really poses the threat, and who wants to help the world avoid it. So would a determined attempt to negotiate with the Russians and all nations a total renunciation of the use or possession of chemical weapons. But producing those weapons ourselves will divert the world's opprobrium from its proper target in Moscow, while adding one more horror to those that already haunt the future.●

CRIME AND (NON)PUNISHMENT

● Mr. PELL. Mr. President, for years one of the most unprosecuted crimes in our society has been drunken driving. We have viewed the problem with tolerant indifference, notwithstanding the 25,000 deaths we continue to sustain, year after year, on our Nation's highways. With as many as 6 out of every 10 drivers on Friday and Saturday nights legally intoxicated, it is easy to understand why the number of drunk drivers who ever see the inside of a courtroom is statistically insignificant. And, of those who are arrested, 80 percent or more will receive probation or suspended or deferred sentences.

I have introduced legislation, S. 671, to establish a national "alcohol traffic safety standard." My bill would encourage each State to provide uniform, mandatory penalties for convicted drunken drivers, in addition to emphasizing the need for rehabilitation and treatment for alcoholics and chronic offenders. Recognizing that drunk driving is the major safety problem on our highways, and treating it as a problem that is truly national in scope, is the first step in ending the tolerant indifference that has allowed this carnage to continue for so long. I am pleased that just this week, Senators BAUCUS and HATFIELD have joined in cosponsoring S. 671. Identical legislation is pending in the House, which has the cosponsorship of 110 Members.

The greatest incentive for the Congress to act against drunken driving is the continuing toll this tragedy is extracting from the country's future: Our youth. Although drivers between the ages of 16 and 24 comprise only about 20 percent of all licensed drivers, they account for nearly half of all alcohol related fatalities on the highways. The February issue of Reader's Digest contains a moving article on the impact of drunk driving on our Nation's young people, and I would like to share this very disturbing account with my colleagues.

Mr. President, I ask that the February 1982 article from Reader's Digest, entitled "Crime and (Non)Punishment, U.S.A.—Drunk Driving: A License To Kill," be reprinted in full in the RECORD at this point:

The article follows:

[From the Reader's Digest, February 1982]

CRIME AND (NON)PUNISHMENT, U.S.A.—DRUNK DRIVING: A LICENSE TO KILL

GAITHERSBURG, MD.—Peter Weiger was a popular highschool sophomore. He was a 4-H Club member and a Boy Scout. He enjoyed parties and girls.

Then one night his parents received the visit that haunts them to this day. Your son, the police officer said, has been hit by a car. A half-hour later he was pronounced dead—the victim of an alcohol-related accident.

The Weigers are angry that what happened to their 16-year-old son has happened to so many thousands of America's sons and daughters. Drunk-driving crashes represent the nation's single greatest killer of people between 16 and 24, and cause nearly half of the nation's highway deaths, according to federal highway-safety authorities.

Over the last decade, more than 250,000 Americans have died because of drunk drivers—more than four times the number of Americans killed during ten years of fighting in the Vietnam war. One of every two Americans will be involved in an alcohol-related auto crash in his or her lifetime.

"The drunk-driving problem in this country has reached epidemic proportions," says John Moulden, a research psychologist with the National Highway Traffic Safety Administration. "It's a national outrage that even when thousands of people are being killed each year by drunk drivers, our society continues to accept drinking and driving as a normal part of daily life."

Peter Weiger was walking down a country road that rainy night when a neighbor in a pickup truck ran over him and kept going. The driver of another car copied the tag number, and the truck's driver was promptly arrested.

According to court records, Edgar Garfield Rogers was allowed to plead guilty to hit-and-run and driving while impaired by alcohol. He was fined $610.

[From the San Diego Union, February 1982]

DRUNK DRIVING

SAN DIEGO—It was midnight back in Connecticut, but Walter Fitzpatrick couldn't sleep. The person convicted of killing his 19-year-old son and another student at the University of San Diego had been sentenced that day. Before he went to bed, the father wanted to know what that sentence had been.

Told the sentence, Fitzpatrick was silent for a moment. Then he said, "That hurts more than I thought it would."

Jaun Ramirez Acosta, 20, who pleaded no contest to a charge of vehicular manslaughter, received one year in a minimum-security honor camp, a barracks-type facility where there are no armed guards. He would serve only eight months.

Paul Fitzpatrick and Matt Boyd had gone to the university gym to shoot some baskets that Saturday afternoon. The gym was in use, so they left for another facility several blocks away.

Driving a friend's car, Ramirez was racing up the San Diego street at a speed of more than 80 miles per hour. The car struck the youths from behind. Fitzpatrick and Boyd were killed instantly.

Ramirez and three passengers fled the scene. Three and a half hours later, after he was apprehended, a blood test showed him to be legally intoxicated.

Ramirez also had no driver's license—with reason: he was on probation for vehicular hit-and-run driving in an alcohol-related wreck less than two years before. Court records showed his performance while on probation was unsatisfactory. Twice he had been arrested for alcohol-related offenses.

The district attorney's office was unaware of Ramirez's driving record when it entered into a plea-bargain arrangement that resulted in his sentence to the honor camp. His defense attorney said it would not have made any difference. "I've seen a lot of this type of case," he said. "This is a normal result—occasionally one will go to prison, but not often."

[From the Press, February 1982]

DRUNK DRIVING

TRACY, CALIF.—The auto veered off the road, striking bicyclist LeMoin Stille from behind. The victim, a mathematics teacher at Clover Middle School, was thrown 100 feet to the road's gravel shoulder. He died of massive head injuries. The auto's driver did not stop.

When Richard Cagle arrived home, police reports say he was confronted by his wife, who saw the damage to the car. She drove him back to the accident scene. There they were questioned by police.

According to the California Highway Patrol (CHP), Cagle conceded he had been the driver of the car involved in the accident. Tests showed Cagle's blood-alcohol level to be nearly 2½ times the point of legal intoxication. He faced a preliminary hearing in Tracy Municipal Court on charges of felony vehicular manslaughter, felony hit-and-run and felony drunk driving. It wasn't the first time he had been in the Tracy court.

Only two weeks before, he had been convicted of hit-and-run and drunk driving—his fifth drunk-driving conviction in the last seven years—and sentenced to 180 days in jail. The sentence, however, was stayed so that Cagle could attend to some personal matters. Without that postponement he would have gone to jail three days before the fatal crash.

When charges relating to the death of Stille were brought before a Superior Court judge in Stockton, the defendant's lawyer argued that his client's confession occurred before police read him his Miranda right to remain silent. The judge agreed. Evidence provided at the accident scene by the defendant's wife also was disallowed.

There was no witness who could identify Cagle as the driver of the auto that killed Stille. The judge dismissed all charges against him.

"It's one of the frustrating things that happen," CHP Lt. Orval Ellis later would say. "Not many worry about the rights of the victims—just the accused."

A tribute to Stille, who had taken money from his teacher's salary to purchase

weight-lifting equipment for the school, was placed in the Clover yearbook, "There are some people whose absence diminishes all of us permanently; because they are unique they will not come our way again," the tribute reads. "LeMoin Stille was such a person."

[From the Boston Herald American, February 1982]

DRUNK DRIVING

Wilmington, Mass.—The 17-year-old driver of an automobile in which four teenage girls were killed in a late-night head-on collision had been convicted of drunk driving less than three months before.

Lissa Sweetland, one of the victims of the fatal crash, had been fined $93.75 and faced revocation of her license after she drove a car into a stone wall in the previous late-night crash. She appealed the drunk-driving conviction, however, and the judge who heard the appeal continued her case without a finding.

The teen-agers were killed when their auto veered into the path of an oncoming station wagon. The station wagon's driver was seriously injured.

Analysis of blood samples of the four girls showed them all to be legally intoxicated, according to a state motor-vehicle official. (The level of alcohol in Lissa Sweetland was placed at .47—nearly five times the point of legal intoxication.)

The medical examiner said that .45 is considered the level at which surgery can be performed without anesthesia.

[From the St. Louis-Dispatch, February 1982]

DRUNK DRIVING

ST. LOUIS.—Lonnie Colyer, as one police officer would say, was a loaded gun the night that he left the suburban tavern to drive to his home. Moments later, his pickup truck veered into an oncoming lane, smashing into a motorcycle. Two teen-agers riding on the cycle were killed.

Colyer was a chronic traffic offender who for many years had slipped through the criminal-justice system. The fatal crash turned out to be his fourth drunk-driving charge in the past year alone. In light of his history, such an accident may have been inevitable.

When the fatal accident occurred, Colyer was awaiting sentencing on one of these drunk-driving charges. His sentencing had been postponed twice while his well-known and high-priced attorney sought to obtain a suspended imposition of sentence. That was a favorite tactic of lawyers representing clients charged with drunk-driving. And they usually succeeded. A Post-Dispatch study of St. Louis County courts showed that in 1979 eight of ten drunk-driving defendants received a suspended imposition of sentence—and walked away with nothing on their driving records to indicate an alcohol-related arrest.

[From the Los Angeles Times, February 1982]

DRUNK DRIVING

WASHINGTON, D.C.—Laura Lamb's expressive blue eyes scanned the cameras and crowd surrounding her. The 16-month-old child will never be able to use her hands or legs. Laura is a quadriplegic for life.

The child was brought to a Capitol Hill hearing room as a symbol of the human suffering caused by repeat-offender drunk drivers—the target of a fledgling national campaign being waged by a Fair Oaks, Calif.-based organization known as Mothers Against Drunk Drivers (MADD.) Laura's mother, Cindi Lamb of Baltimore, Md., and Candy Lightner of Fair Oaks announced that MADD was sponsoring a petition campaign calling for a Presidential commission and federal legislation to effectively reform drunk-driving laws.

Mrs. Lamb recalled the afternoon when she and Laura were driving to the grocery. Their vehicle was struck head-on by a car driven by a man whose traffic record had 25 separate entries, including three arrests for driving while intoxicated.

Mrs. Lightner told how her 13-year-old daughter was struck from behind by a car driven by a man who fled the accident scene—a man who had been released on bail from another hit-and-run drunk-driving accident just two days earlier; a man who still had a valid California driver's license although he had had three drunk-driving arrests in the last four years.

Cari Lightner was walking to a school only a few blocks from her home when she was killed.

Russell J. Newcomer, Jr., on probation for armed robbery at the time of the Lamb accident, pleaded guilty to drunk driving. He was sent to prison for violating probation. A judge added two years for the crash that crippled Laura Lamb.

Clarence William Busch pleaded no contest to felony vehicular manslaughter in the death of Cari Lightner. He was sentenced to two years in prison, though most of his sentence was spent in a community correctional center. The drunk-driving charge pending against Busch when Cari was killed was dismissed as part of a plea-bargain agreement.

While still in custody, Busch was notified by the California Department of Motor Vehicles that he would be eligible for reinstatement of his license once he could show proof of financial responsibility.

STANDING UP FOR FREEDOM

● Mr. DANFORTH. Mr. President, this country's history is filled with stories of gumption and inventiveness in the face of adversity. Last week we commemorated the 100th anniversary of the birth of Franklin Delano Roosevelt, and no one exemplified those qualities more than he did when he was crippled by polio.

I am proud to report, though, that the mold was not broken with F. D. R. Seven years ago, Donald L. Ausmus of Independence, Mo., was similarly struck down. Involved in a motorcycle accident, he was paralyzed from the waist down. But he responded to this tragic blow with courage and creativity. Working in his basement, he invented a device that allowed paraplegics like himself to stand and move about. As a result, he will be honored this weekend by Intellectual Property Owners, Inc., as their Inventor of the Year for 1981.

American ingenuity has been the mainstay of this Nation since the days of Benjamin Franklin. I am delighted to be a cosponsor of Senate Joint Resolution 140, designating February 11, 1982, as "National Inventors' Day," and I am proud to claim Donald Ausmus as one of my constituents.

I ask that an article about Mr. Ausmus that appeared in yesterday's Kansas City Times, entitled "Standing up for Freedom," be printed in the RECORD.

The article follows:

STANDING UP FOR FREEDOM

(By Mack Alexander)

Three years ago Hilda Stokes stood up for the first time in eight years to cook. Mike Evans, paralyzed from the waist down, remodeled his kitchen.

Both victims of auto accidents, they had given up all hope of ever again hanging up their own clothing, straightening a picture on the wall or picking up something from the floor.

But a device invented by an Independence man, paralyzed from the waist down for seven years, freed the two paraplegics from their wheelchairs.

The inventor, Donald L. Ausmus, has been named Inventor of the Year for 1981. He will be honored this weekend in Washington in conjunction with National Inventor's Day on Sunday at the U.S. Patent and Trademark Office.

Mr. Ausmus will be the 10th recipient of the award given by Intellectual Property Owners Inc., a 10-year-old non-profit trade association representing people and corporations holding patents. The trade association will introduce the La Plata, Mo., native and his invention to the press Friday in Washington.

Mr. Ausmus said the device, dubbed the Moto-Stand because it allows paralyzed people to stand and move about, is his legs on wheels, something the former mechanic has needed since May 4, 1975, when his motorcycle crashed in a dirt-bike race.

Mr. Ausmus' motorcycle injured his spinal cord, ending his hobby of racing cars, boats and motorcycles. Mr. Ausmus, the father of two teen-age daughters, was paralyzed from the chest down. Although he knew he would not walk again, he did not want to spend his life in a wheelchair.

"I had been a mechanic since I was 10 years old," he said. "I had a shop in my basement. I wanted to do the things I had been able to do. I wanted to stand up again."

Mr. Ausmus, a high school graduate, came to Independence in 1963 and took a job at a trucking firm. During work breaks, he said, he and his buddies would race in two-wheel, upright dollies used for carting heavy boxes. The races gave him the idea of putting a motor on a dolly and strapping himself standing up in it.

Three months later he had built a prototype, and he took it to the Rehabilitation Institute of Kansas City to demonstrate it. A 20-year-old paraplegic asked to try it, Mr. Ausmus said.

"I did it really because I wanted to get to stand on my feet again," he said. "But when this boy stood up on it, he started to cry. I saw this boy cry. It made me feel great. I knew how he felt. I knew how happy he was."

"That's when I realized that I could be able to help other people by making this thing better."

The device proved very popular. People began asking him to build one for them, Mr. Ausmus said. He built five in his basement, making improvements with each. But they became more expensive, he said. The first one cost about $850 and the fifth cost about $1,300.

Because he was losing money, Mr. Ausmus said, he looked for a manufacturer. Several national firms expressed interest, he said, but none decided to manufacture it.

Last year he was contacted by Larry Lynch, marketing representative for The Advanced Technology Corp., a Kansas City firm started last year to manufacture Moto-Stand, he said. The firm has dealers in 15 states and can manufacture 30 stands a month, Mr. Lynch said. He put the retail cost at about $3,100.

Mr. Ausmus' device is 44 inches tall, weighs 130 pounds, stands on three wheels and comes equipped with two forward speeds and reverse. It's battery powered and turns in a circle. Its 36-inch turning radius allows it to be maneuvered around tight corners. Of slim design, it scoots easily through doors. Some models lean forward.

"I can wash dishes, do all kinds of domestic chores," Mr. Evans, 33, said. "It's a good invention for people who want to be able to do things they used to do. I plan to put in all new waterlines this spring."

"It's terrific to be able to stand up," Mrs. Stokes, 69, said. "I can fool around in my apartment. I can reach things I can't reach from my wheelchair. It's really a godsend."

Sandy Martin, director of physical therapy at the Rehabilitation Institute, said, Mr. Ausmus' device is unique in the freedom it gives to severely disabled people. It provides an emotional and psychological lift to the handicapped and improves their chances for employment, she said.

"Emotionally, it helps a great deal," Mrs. Stokes said. "It gives you a feeling of independence when you can move around and do things for yourself. It's hard trying to prepare a meal from a wheelchair. I burned myself twice trying to do it."

Ms. Martin said the device requires far less exertion than heavy leg braces and crutches.

"If I had to do without it now," Mr. Ausmus said, "it would be like taking away my legs again."●

THE TRAGIC SITUATION IN EL SALVADOR

● Mr. PELL. Mr. President, almost every day there are press reports of murders and other atrocities being committed against civilians in El Salvador. It is particularly distressing that so many of these reports involve accounts of violent acts being perpetrated by Salvadoran security forces against their own civilian population.

El Salvador is experiencing a bloody civil war that could eventually lead to a Communist takeover. If that happens, it is likely that basic human rights will be brutally repressed, and El Salvador could serve as the base for a poisonous infection spreading throughout Central America. Ironically, continued acts of violence by Salvadoran security forces could contribute to the very result that none of the non-Communist elements in El Salvador want. If the people of El Salvador conclude that their principal oppressor is the current military-dominated junta, they may throw caution to the wind and cast their lot with the guerrilla forces.

That is why I recently joined in sponsoring an amendment to the foreign assistance authorization act prohibiting further military assistance to the Government of El Salvador unless the President certifies that the Government of El Salvador is undertaking various reforms including "achieving substantial control over all elements of its own armed forces, so as to bring to an end the indiscriminate torture and murder of Salvadoran citizens." The purpose of this certification was twofold: First, it was intended to help President Duarte accomplish the reforms to which he has stated he is committed; and second, it was intended to strengthen President Reagan's hand in influencing events in El Salvador.

On January 29, President Reagan certified that the Government of El Salvador was taking the steps stipulated in the Foreign Assistance Act. On February 1, during a Foreign Relations Committee hearing on elections in Central America, Assistant Secretary of State Thomas Enders commented on the President's certification and reported that the administration intends to increase the level of military assistance to El Salvador. The committee, on February 8, will hold a hearing devoted solely to examining the President's certification.

That hearing will provide an opportunity for the committee to look carefully at the administration's justification for continuing a military assistance relationship with El Salvador and for increasing the current level of arms being sent to that country. That justification will have to be studied carefully in light of recent press reports on atrocities committed by Salvadoran security forces and in light of assertions by the American Civil Liberties Union and the American Watch Committee that there is a pattern of "systematic murder, torture, and arbitrary arrests" by government security forces.

Any major foreign policy initiative in order to be successful must have the confidence and support of the American people. The administration proposes to increase our involvement in support of the Salvadoran military junta, and it is therefore important to get at the truth as to just what kind of government the junta is and whether it has any significant support among the Salvadoran people. If we do not get good answers to those questions, I doubt that the American people will support closer military ties to the Salvadoran junta.

I have always been troubled by the administration's emphasis on throwing weapons at what are basically political, economic, and social problems in El Salvador. Moreover, I fear that by increasing the level of military assistance to El Salvador we are running the risk of causing the military officers who dominate the governing junta to conclude that they do not have to do anything further to stop the violence against their own people.

America has a role to play in bringing peace and needed reforms to El Salvador, but we must be certain that by stepping up military aid we are really contributing to the achievement of those objectives. We do not want a Communist takeover; but we also do not, I hope, wish to be the arsenal of right-wing oppression.●

BATH IRON WORKS

● Mr. COHEN. Mr. President, although the description "Bath-built" has long been equated with excellence and dependability in the shipbuilding industry, the Bath Iron Works has followed a rather stormy course on its way to making Maine the shipbuilding capital of the world.

I have seen no better account of BIW's century-long, "see-saw" history, than the following article in Down East Magazine, written by well-known Maine author and columnist John N. Cole. I submit to my colleagues and for the RECORD this story of how BIW overcame the handicaps of location, size, and a "roller-coaster" financial history to become an invaluable asset to Maine and the country.

The material follows:

[From Down East Magazine]

TOUR DE FORCE ON THE KENNEBEC

(By John N. Cole)

It was impossible to see the black waves rising against the black sky of a stormy night in late November, but on the bridge of the trawler 400 miles at sea the first mate at the helm and a passenger beside him knew the North Atlantic was in turmoil.

One minute they braced to maintain their balance as the ship reared on the foamy shoulders of an oceanic swell, then shuddered at the peak of the twenty-foot sea, weightless for the instant before she pivoted into the waiting trough. In their guts, the two men could feel the split second when gravity gave way, and they hung on, knowing what came next.

As the ship careened into the trough and met the sea head on, her bow plates boomed like a steel drum, the sound resounding through the vessel. The ship's riveted skin buckled ever so slightly, the stress could be felt the length of her keel as if a giant sledge had struck deep belowdecks.

Then came the pause, the wait for the ship to reassert herself, to regain control, to push herself from the valley, to climb the next sea.

That was the longest moment—when anxiety flashed its signals of momentary alarm and the passenger supposed the ship could crack like a walnut shell against the chill Atlantic.

Sensing the tension, the mate tapped a brass plate on the binnacle. "Don't worry," he said, "she's Bath built. She won't have any trouble with this blow, even if she is a bit past her prime."

Bending to scrutinize the plate in the dim light of the pilothouse, the passenger could read: "MV Delaware—Bath Iron Works—1937." More than a quarter-century had passed since the *Delaware* went down the

way and into the Kennebec River. Since then, she had done her work as a trawler for her first owners, Boston's Booth fisheries, and ten years later had been transferred to the U.S. Fisheries and Wildlife Service as a gear research vessel operating out of Gloucester, Massachusetts. It was from that doughty New England port that she had sailed on this November mission off Newfoundland to search for swordfish along the Gulf Stream's thermocline. And it was from that stormy location that the 146-footer would return without incident and as usual to her homeport in time for Thanksgiving.

That dark night in the *Delaware's* pilothouse was the passenger's introduction to the confidence inspired by the Bath Iron Works nameplate on a vessel, and he was surprised by the genuine reassurance the bit of brass provided. The mate sounded absolutely convinced that no trouble could come to a Bath-built ship, and his confidence was pervasive. The rest of the long night was less awesome, and when dawn broke and the wind eased off, the ship seemed so solid and seaworthy that the passenger wondered how he could have let the doubts of darkness get their grip.

During the past ninety years more than 350 vessels have worn the Bath Iron Works insignia, and, as the decades rolled by, the legend of quality, of invincibility, continued to thrive. Through two world wars, Korea, and Vietnam, and through nearly a century of growth for the nation's commercial fishing and transport fleet, the name of the small Maine town on the Kennebec became a maritime marque as trusted by mariners as any that has ever put to sea.

This, when the history of the shipyard is reviewed, is nothing less than a miracle. For just as the *Delaware* on the dark night in the North Atlantic appeared to be trapped beyond recovery in the trough of those cold November seas, so, too, has the Bath Iron Works often appeared so awash in oceans of red ink, red tape, and bad debts that nothing but a miracle could save it from sinking.

Yet today, almost a century after BIW Hull Number One went down the ways, yet another dawn has broken for Maine's premier industry, and those who were so anxious about the yard's future just a few years ago now wonder how they could have doubted its ability to recover.

It's been that way since the yard's improbable beginnings. Not that shipbuilding hasn't been a way of life along the Kennebec for more than three centuries—ever since America's first ship was built at Popham in 1607. But that was a wooden ship, and so was every other one of the thousands of vessels built by Maine men and sailed by Maine skippers from every harbor from Kittery to Machias until the end of the nineteenth century and the last of the clipper ships and coasting schooners.

There were formidable reasons for the state's shipbuilding supremacy. They grew on every slope that rolled inland from the surging sea: tall pine, mighty spruce, sinewed oak—the raw materials from which every great ship was once made. Maine's granite shoulders wore capes of the tallest trees, and when they fell, they could be rolled to hundreds of sheltered, deepwater harbors along the convoluted, 3,500-mile coast. No other state in this booming nation could boast of the combined resources that made Maine the shipbuilding capital of the world.

Until steel. Even though some shipyards persisted long after the Industrial Revolution had been won in the blast furnaces and coal mines of Pennsylvania, an era had ended. Maine's forests and her harbors were grudgingly converted to pulp production and the lobster fishery. What else could the future hold for a shipbuilding site that suddenly found itself the furthest from its raw materials instead of the closest to them? It would take nothing less than a tour de force to maintain shipbuilding on any industrial scale, and such an effort would require the ultimate in stubborn conviction and good luck. After all, what else could sustain a shipyard in a state that had no real reason but memories to sustain one?

Like the *Delaware* at the peak of a sea, the first Bath Iron Works, created from the zeal of General Thomas S. Hyde's visions for Bath, was poised on the brink of disaster the moment it was born in 1884 with $100,000 of Hyde's capital. "The enterprise of a small number of men," he had told the people of Bath in 1881, "keeps this city alive." Then he went out and proved that of that small number, he was certainly the most enterprising.

No compilation of facts could keep Hyde from his vision of Bath's successful transition from wooden to steel ships. No contemplation of the difficulties of casting steel plates in Scranton and Dayton for fabrication a thousand miles from the furnaces could turn him from his single-minded pursuit. And neither could the disastrous fire of 1893 which destroyed his Iron Works three years after its first ship had been launched. Even though he was offered more efficient and economical space for rebuilding in New London (1,200 feet of waterfront at a dollar a year), Hyde rebuilt the Bath yard from the ashes and launched the largest, most luxurious yacht of her day, the *Eleanor*, a year after the fire.

Less than a decade after Hyde had revived a burned-out yard with the breath of his unique enthusiasm, General Hyde's son John, who had taken over after his father had died in 1900, watched the last ship for which the yard had a contract slide down the ways. In a few months, the facilities were sold to a New Yorker, but remained vacant. Two months later, John Hyde bought them back and a month after that had a navy contract for a scout cruiser named the *Chester*. It was that single ship that sustained the facility long enough to see red ink turn to black, and to keep 600 men employed for three years.

Although the Bath Iron Works was less than thirty years old in 1910, it had been burned down once, closed, bought by an out-of-state entrepreneur, closed, purchased by a Maine man, and reopened.

Like a ship at sea on a stormy night, the yard was on the crest one year, in the deepest trough the next. Yet, somehow, the tour de force was maintained. And more. As the years went by, the Bath-built emblem began to acquire its reputation for quality, endurance, and dependability. In spite of the convoluted troubles of capitalization and navy contracts, the small shipyard in Maine seemed to be able consistently to turn out ships that set the standard. An Iron Works aura began to gleam; an Iron Works mystique acquired its initial tenuous presence.

But at the Iron Works, troubles continued. In 1925, eight years after John Hyde's death and seven years after the armistice that ended World War I and more contracts from the U.S. Navy, the Iron Works went broke, shut it doors, was sold into receivership and was scheduled to become a manufacturing facility for paper pie plates.

But, at the last moment, yet another master of the tour de force came to the rescue, changing the yard's future and Maine's.

He was William Stark Newell, known to everyone in Bath as Pete—a Yankee son of a Yankee father, an MIT graduate, and a man with a particular and positive belief in the future of the Bath Iron Works. In 1927, the year after the ghost of what General Hyde had foreseen had folded and was about to become a pieplate assembly line, Pete Newell, with the help of Walter Wyman, head of Central Maine Power Company, and a few other intrepid investors, bought the Iron Works at auction and began the inch-by-inch process of acquiring new contracts, rebuilding the stripped plant, and reconstituting a skilled labor pool that had been dispersed for several years.

"I well remember," purchasing agent Dayton Hill later told a journalist, "how the first office was set up there in 1927. The secretary had a secondhand typewriter on a homemade table and used a nail keg as her office chair."

Five years later, after a low-ebb in navy contracts aggravated by the arms control clauses of the Geneva Accords, it looked as if that office furniture might reappear. In the 1933 wave of bank closings, the Harriman National Bank folded, taking with it a large chunk of Iron Works stock. As BIW's traditional luck would have it, however, the stock, when it came on the liquidator's block, was purchased by Ross W. Judson, a Detroit auto tycoon who had once purchased an Iron Works yacht. He returned the stock to Pete Newell on the condition that he continue to manage the company in which Judson already held considerable shares. Shortly after, Newell landed contracts for three navy destroyers—the *Dewey*, *Drayton*, and *Lamson*—ships that allowed the yard to begin its long climb from the deepest financial trough it had gotten into since the *Chester* showed up in the nick of time thirty-two years before.

With those three ships on its ways, the Iron Works held on to build yachts and trawlers (like the *Delaware*) until the shadows of Nazi Germany and World War II spanned the Atlantic and the navy rushed to make up for what had been its leanest years. During the war that followed, the Iron Works sent an incredible eighty-two destroyers down its ways—nineteen more than were built in the entire Japanese nation during the same four years. Many of those destroyers seemed to lead charmed lives, and those that did suffer punishment came through better than other ships in the navy. Once again, the Bath legend was enhanced; once again, the yard that logic said should never have been built in the first place acquired new luster, even more mystique.

Nevertheless, almost in concert with the rise in its prestige, the Iron Works slid into still another trough. From a high of 12,000 employees at the yard in 1943, the work force plummeted to less than 300 in 1947. The boom-or-bust cycles that had plagued the little-yard-that-could for a half-century seemed determined to continue their relentless stress—a trend maintained in startling counterpoint to the Iron Works' ever ascending reputation for excellence, contract compliance, quality control, and economy. The total contract dollars saved at BIW because ships were delivered early and below cost limits would run into the hundreds of millions, yet the skeleton crews who showed up to work on Major Max Fleischmann's yacht *Haida* in 1946 wondered what they would do when she was finished. Mean-

while, BIW management went to the bank to negotiate another loan, and to Washington to try for what few navy contracts would be let.

Under the leadership of John R. Newell, Pete's son, the Iron Works persisted, but did not thrive, until 1965 when John Newell retired, James Goodrich was named his successor, and a man named William Kyle put BIW on a list of acquisitions he planned to fold into a conglomerate he was building. Kyle got the stock he wanted, took over the Iron Works in 1967, moved it under the conglomerate umbrella of the Congoleum Corporation (which now has its headquarters in Portsmouth, New Hampshire), kicked Goodrich upstairs, and installed John F. Sullivan as BIW president with instructions that unless the yard stopped losing money, it would be closed.

According to its incredible seesaw history, the Iron Works should have shut down, only to be reopened by yet another knight on a white horse. And that moment came close. In 1974, BIW lost $11 million; by '75 the slide had been stopped and a small profit was recorded. In the year that made the difference, Sullivan had been within a micrometer of ordering the place out of business.

With gathering momentum, a succession of good years that continues to this day were to vindicate his judgement.

The Iron Works launched itself into an era of unprecedented efficiency and prosperity. By 1977, the Iron Works division of Congoleum produced a $10 million profit on $167 million worth of contracts. In 1978, the profit numbers were close to $20 million, and that was the last year they were to become public. The following year, a private investment group, which included several Congoleum principals, bought in the outstanding public shares. Annual reports are no longer published and profit-and-loss statements no longer issued.

There is, however, little doubt that the Iron Works is doing well—better than ever; in fact, better than General Hyde or Pete Newell ever dreamed it would do.

In a talk to the Brunswick Rotary club last March, John Sullivan, now chairman of the board, told area business people that the Iron Works ". . . is on the crest of a $757 million backlog in new construction, with nearly 6,200 Maine men and women on the payroll, and more on the way. Since 1976," he continued, "the Bath Iron Works has been transformed from a sickly shipyard in deep financial trouble to the healthiest in the United States, a yard envied for its performance in delivering quality ships ahead of schedule and below contract costs." By the end of 1981, the new construction backlog had nudged the billion-dollar mark, and the employment roster stood at 6,700.

The Iron Works "on the crest. . . ." That's a familiar image to those who have traced the yard's heaving history. As is the reputation for quality performance that Sullivan highlighted. What he did not underscore is the Iron Works' propensity for maintaining its superb production reputation while its finances surge to the crests and then drop to the troughs with shattering vibrations that shake the foundation of the enterprise.

It is an odd, contrapuntal cycle that has taken the Iron Works through the past eighty-seven years, and, even in the wake of Sullivan's well-founded enthusiasms, anyone familiar with that history might tend to view the yard's future with an eye peeled for the unexpected.

But when, if they do, it will be difficult to deny that an end to the BIW storms seems to be in sight. The current economic health of the state's number-one employer (and at the highest wages) appears by every objective judgment to be the true dawn of a calmer day, not a false one. In the next decade, according to every projection, the stormy financial seas that historically have plunged the Iron Works from the top of a wave of activity to a trough of layoffs and plant closings—and, in some cases, liquidation—seem at last to be at peace. There is a backlog of high-priced work; there is a diversity of projects, from navy guided-missile frigates to ship overhauls and the construction of more commercial ships; there is even a newly expanded industrial-engineering and design-consulting division. And there is the Reagan Administration with its emphasis on the complete moderization of the "new" two-ocean navy. In keeping with that purpose, the Iron Works has contracts for twelve more guided-missile frigates—in addition to the nine it has delivered since turning over the USS *Oliver Hazard Perry* to the navy in late 1977. There is also a drawerful of contracts to recondition navy ships already wearing the BIW medallion. And as 1981 drew to a close, word from Washington arrived that the Kennebec yard was being considered as a prime contractor for construction of the billion-dollar "Aegis" cruisers, one of the U.S. Navy's most sophisticated new guided-missile and command warships.

There is a vast change in the complexity of the work the Iron Works does today compared to the techniques used in the roller-coaster decades of Hyde and Newell. In one sense, the business of shipbuilding has gotten so complex that any yard which learns to build a contemporary vessel well has an edge on staying in business. There just aren't that many other facilities that can duplicate what they've learned to do at BIW.

Most of the 10 million summer visitors to Maine who cross the Kennebec on the Carleton Bridge turn their heads to gape at the most visible evidence of this new technology. In addition to the gray hulls of sleek missile frigates and destroyers that are docked almost below the bridge just to the south, there is the towering neck of what appears to be a huge white and orange steel dinosaur arching over the vast, blank-walled buildings in the yard.

What those visitors are gaping at is Crane Number 11, the tallest crane in the Western Hemisphere, a $4 million mechanical marvel that reaches almost 400 feet above the yard and glides back and forth on its tracks as easily as a polishing cloth slips across a fine table. Up in his cab, Lloyd Merrill looks down on a miniature scene with tiny workers in tin helmets moving across and along a maze of machinery while hundreds of them cluster around each of the modular units that will be preconstructed and then joined to become a total ship, fitted with most of the internal machinery she will need.

The crane is an integral part of the ship construction systems that are the keystone of the Iron Works' most recent surge to the crest. What goes on below, in the yard, is a sophisticated, computerized version of what used to be done by individual riveters and burners in Pete Newell's day. Now the machines that make the cuts are precise and complex. Electricians work for several months to install the cascade of tiny wires that flows like a waterfall from the computers aboard today's frigates. Piping, ladders, ventilators, power trains, communications systems, and every structural element of every modular unit must fit with absolute precision when it is joined to its predestined mate.

There are sixteen of these modules in the new navy frigates that the Iron Works' crews are currently building. When one of the units, which can weigh as much as 220 tons, is complete, when it's been given its computerized checks for the precision of its dimensions, Lloyd Merrill makes his moves. Listening to the instruction crackling over the radio in the crane's control cab, nudging gently at the array of levers in front of him, he moves his gliding monster to pick up an entire unit—one-sixteenth of one of the U.S. Navy's most complex and sophisticated attack weapons—and lowers it as gently as a thin-shelled egg to its predestined position on the Iron Works' way where it will be joined to its mated module.

For a merchant ship, a large cargo vessel, up to 100 units will have to be lifted. But the process for each is essentially the same; precise, painstaking, and so advanced that there are only a few places in the world capable of the planning, the quality control that assures the Iron Works managers and foremen that each assembled and outfitted unit will align perfectly when it is joined to become a ship—a ship of such complexity that few of the 10 million tourists who turn their heads to look at Number 11 could comprehend even the most fundamental technologies that must be employed in its construction.

Yet, because its survival was at stake, the Iron Works learned and then developed the modular process. It is now equipped and staffed to do the best job of unitized shipbuilding that's being done anywhere in the nation. And this tour de force, this mastery, this unique ability is what gives the yard its reason for being. The skills employed, the crews who do the work, the techniques invented—these are the engines that have powered the yard from the trough and put it on the crest. By its own bootstraps, Bath Iron Works has overcome the handicaps of its remote location, the relative smallness of its ways, and a roller-coaster financial history.

This never could have happened, according to every knowledgeable observer, if it hadn't been for the foundation of skilled Maine workers that has been the sustenance of the yard since General Hyde took Kennebec craftsmen from the wooden ships they fashioned so superbly and taught them how to apply the same concern for quality to ships of steel. Over the years, the riveters, the crane men, the frame benders, the burners, the pipe fitters, the caulkers, the welders, chippers, sandblasters, machinists, and an array of additional shipfitters with scores of various skills have developed a reputation for dependability, for staying on the job, for making the Iron Works their total career.

During the Second World War an Iron Works riveter named Henry J. Dionne captured the world's record for driving three-quarter-inch rivets (3,476 rivets driven in an eight-hour day). It was that sort of spirit that inspired the Maine women who flocked to the yard in those days to become riveters and welders and set the standards for the yard's policy of equal pay for equal work that applies to the women who work there today, welding and riveting and pipe fitting alongside the men.

It was during those war years that Arthur Hummer of Brunswick went to work as a

burner, cutting steel plates with a torch. Twenty-five years later, he retired to the tidy clapboard house in the pines near Middle Bay—a house that sails in a sea of flower and vegetable gardens that Arthur tends every day with hands gnarled and scarred by a quarter-century of handling hot steel. He is a gentle person, not the stereotypical hard hat, a man whose voice must be listened for and whose shyness is always a presence.

"A shipyard is a hard place to work," he says, leaning to trim one of the hundreds of gladiola that march in colorful rows along one of his gardens. "It gets awful hot inside those steel ships in the summer. You can't touch the plates with your hands, and they'll stay that hot for days. Rain is the only thing that'll cool them off.

"Still, the Iron Works pays the best wages, always has. That's why so many Maine people stick with it. They know there's no better jobs close by. They'd have to leave the state to find a better one, and most Maine people don't want to have to do that.

"That's why the work crew at the Iron Works is a good one. It's the men, you know, that make the place what it is. Some of those fellows have been there all their working lives. You know Foster King, over on the Old Bath Road? He started there when he was eighteen, worked until he was sixty-five. I'll bet that when he left he could have taken a couple of other men and built a whole destroyer by himself.

"It's that kind of thing that has the yard turning out ships on time, below cost. There's such a low turnover. Now you know the longer a fellow stays on the job, the faster he's going to figure out how to save time doing what he's doing. You get a bunch of men learning how to do their jobs better and faster and it makes a difference, I'll tell you."

What Arthur Hummer learned on the job, others have seen from other perspectives, yet produced the same conclusions. At Litton Industries shipyard in Mississippi, for example, work-force turnover averages 30 percent; at BIW in 1977, it was 1.1 percent.

Speaking at the August, 1980, launching of the frigate *Jack Williams*, Navy Rear Admiral Edward J. Otth took note of the workers who had built the ship, and delivered two more like her ahead of time and $22 million under cost.

"It is fitting," the admiral said, "to give special mention to the workers of Bath Iron Works. Without your skill, devotion to excellence, and productivity, the navy would be hard pressed.

"We salute you for all you've accomplished here, but especially for the care with which you build and repair our ships. Those who fear for the productive efficiency of industrial America can take comfort by visiting Bath.

"As the *Jack Williams* is about to meet the elements, we can be supremely confident that she will be a distinguished addition to the United States' fleet. You ask, 'Why?' The reason is simple. She's a Bath-built ship."

Less than a year later, the Iron Works appeared to fulfill the admiral's praise when it announced plans for a $45.7 million facility on the Portland waterfront. The adjunct yard will have a huge floating drydock which can handle the overhaul and refitting of ships too large to navigate the Kennebec. An estimated 1,000 shipyard jobs will be created once the facility is completed in 1983, an eventuality that was made certain last fall when Maine voters approved the issuance of $30 million of state and city bonds to help finance the expansion.

Nearly forty years before, during those wartime days when the Iron Works employed 12,000 Maine men and women, it had an auxiliary yard in South Portland. That was closed quickly as the postwar work force shrank to less than 300 and the Iron Works slid into another of its troughs. When the next trough will come along, or if another ever will, is not a matter of immediate concern in Maine today, however. Today, BIW is on the crest, and the ships that slide down its ways and glide down the Kennebec are following a familiar course sailed by hundreds of vessels during the past ninety years.

Now that the good times are here, the best of those ships are recalled with fondness and reverence, each taking its turn past the buoys, islands, shoals, and shores that mark the Kennebec's tumble to the sea.

Off the ways and past the Long Reach that runs from the Iron Works to Fiddler's Reach sail yachts like Morgan's *Corsair*, Vanderbilt's *Ranger*, Chisolm's *Aras*, Payne's *Aphrodite*, and Pynchon's *Defiance*.

Around the corner at Doubling Point and south to Ram Island come the famous four-stackers built to help win World War I—the *Davis*, the *Allen*, the *Manley*, the *Wickes*, and the *Hale*, ships that survived to fight for Britain more than two decades later in yet another global conflict.

Past Goat Island, just off the pristine white steeple at Phippsburg, and on to Perkins Island and beyond, steam the ram *Katahdin*, the battleship *Georgia*, the cruiser *Chester*, and the PT810—the prototypes and experimental ships that made a history all their own.

And there, surging past Fort Popham on the west and Gilbert Head on the east come all the eighty-two destroyers that helped turn the tide on two oceans in the years after Pearl Harbor—Bath-built, every one.

Out past Sequin, in the open ocean now, the *Delaware* is underway again, rising and falling on the gentle seas. She's in smooth waters, not the dark swells of that dark night in November when she rose and tumbled from crest to trough like the yard that built her, riding out the storm. That was the night I knelt in her pilothouse to read the brass plate on her binnacle and learned firsthand what the words "Bath-built" can mean to sailors everywhere.●

THE BOOKBURNERS MEET THEIR MATCH

● Mr. KENNEDY. Mr. President, one of the best things about American freedom is the way our liberties are constantly revitalized by the victories of uncommon heroes on uncommon battlegrounds.

The latest victory took place yesterday at a student assembly in Girard High School, a few miles from the city of Erie, Pa. The community had become embroiled in controversy over an effort to ban Studs Terkel's book, "Working," from the school.

In many other towns across America, other books are under similar siege today, as the bookburners of the New Right defy the Constitution and seek to impose their ideology of censorship on their fellow citizens.

But in Girard, a courageous high school English teacher and his equally courageous principal took a stand. They invited Mr. Terkel to visit the school and defend his book. According to press accounts, the bookburners were routed in an overwhelming display of support by the school and the student body for Mr. Terkel and his book.

In these difficult days of concern over repression in Poland and escalating violence and massacres in El Salvador, it is heartening to read of this example of the way the freedoms won two centuries ago in America are renewed in our own generation. And it is perhaps poetic justice—in this time of concern across the United States over the deteriorating economy and rising unemployment—that the instrument of vindication in this case is an author whose book is titled "Working."

Mr. President, I ask that an article from today's New York Times describing this confrontation with the bookburners may be printed in the RECORD.

The article follows:

[From the New York Times, Feb. 3, 1982]

TERKEL FINDS 'HEROES' IN BOOK PROTEST

(By William Robbins)

GIRARD, Pa., Feb 2.—Studs Terkel, author of several best-selling books, came here today to defend one of his works against a book-banning movement and captured a school.

The short, vibrant, voluble, 69-year-old author pleaded his case at the Girard High School in the low and warm tones of a suitor, and the 650-member student body twice gave him standing ovations. "I am deeply moved," he said.

Mr. Terkel, invited here by a determined teacher backed by an equally firm school principal, spoke in the afternoon after spending the morning talking to class after class about academic freedom and the meaning of his work.

The focal point of the controversy was his book "Working," which was based on recorded interviews with dozens of working people describing their jobs and their lives. Their words were almost simple, often eloquent and sometimes profane.

UPROAR OVER PROFANITY

It was that profanity that stirred dispute, after the book had been in use in English classes for senior vocational students here for about seven years.

About a week ago, in this town of about 2,500 people in the center of a mixed agricultural and industrial area 20 miles from Erie, 30 parents appeared at a school board meeting to protest the use of the book. They were led by Linda Burns, the mother of a student in a senior English class. At about the same time one class of eight students refused to read the book. No other students have protested.

"We strongly object to profanity in the book and fear that students will receive a distorted view of the working world by reading it," Mrs. Burns said later.

Saying that she strongly opposed the work as required reading and would like to see it "banned from the district," she added, "It's bad enough that it's in the library."

AUTHOR SEES "EXQUISITE IRONY"

Before his arrival here, Mr. Terkel remarked, referring to the protesters, "The exquisite irony is that they are the heroes and heroines of this book."

Said Jan Calhoun, the school district's acting Superintendent: "He's on the spot. They want to hear his defense."

Robert Burns, the bearded 18-year-old son of the protest leader, remained unmoved after meeting Mr. Terkel in class: "I think he's good with his words, but he didn't convince me." He said he was receiving failing grades for each day he continued to refuse to read the book.

If the school board orders the book out of the class, Walter Blucas, the high school principal, said today, "I would have to make a very serious professional decision." He added, "Right now, I don't feel like backing down."

Asked today what effect the controversy might have on sales of "Working," which is now available in most stores only in its paperback edition, he said: "Oh, I don't think it will have any. You know it's been out so long." The book was first published in 1973.

But local bookstores reported numerous calls of book seekers and a shortage of copies.

Mr. Terkel planned to return to the school tonight to plead his case at a closed meeting of the educational committee of the school board. He was to be accompanied by the teacher, Kay Nichols, and a representative of the Pennsylvania Federation of Teachers, which has an academic freedom clause in its contract here.

The highlight of the day was the student assembly meeting, addressed by Mr. Terkel, at which the only vocal critics in evidence were Robert Burns and a classmate, James Richardson.

A STUDENT'S APOLOGY

One student who had been among the protesters arose to say he had changed his mind. He had been convinced that the message of the book was more important than the type of words used, he said, adding: "I thought I owed you an apology."

The remark brought deafening applause, and Mr. Terkel said softly, "Now I know why I came to Girard."

Challenged by Mr. Richardson to read aloud one of the passages upon which the dispute has focused, Mr. Terkel opened a paperbacked volume and began, leaving blanks for obscenities that were obvious to his audience. It was a passage of words from a Brooklyn firefighter named Tom Patrick, and Mr. Terkel said it summed up much on the meaning of his work.

It would not have been the same, he said, if Mr. Patrick had said "the world is all fouled up."

Inspiring a final ovation, Mr. Terkel, still speaking softly, told the students, "I hope you have a long, decent life, work hard—and read."●

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABDNOR). Without objection, it is so ordered.

RECORD OPEN UNTIL 4:30 P.M. TODAY

Mr. BAKER. Mr. President, I ask unanimous consent that the RECORD remain open until the hour of 4:30 p.m. for the introduction of bills, resolutions, and statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATOR BUMPERS ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that after the recognition of the distinguished junior Senator from Texas (Mr. BENTSEN) under a special order on tomorrow, the distinguished Senator from Arkansas (Mr. BUMPERS) be recognized for not to exceed 15 minutes under a special order.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. BAKER. Mr. President, I know of no further business to come before the Senate. I will inquire of the distinguished acting minority leader if he has any further business to come before the Senate today.

Mr. FORD. Mr. President, this side has no further business.

Mr. BAKER. I thank the distinguished acting minority leader.

Mr. President, I move, in accordance with the order previously entered, that the Senate now stand in recess until the hour of 10 a.m. on tomorrow.

The motion was agreed to and, at 3:15 p.m., the Senate recessed, to reconvene on Thursday, February 4, 1982, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 3, 1982:

DEPARTMENT OF COMMERCE

James W. Winchester, of Mississippi, to be Associate Administrator of the National Oceanic and Atmospheric Administration, vice George S. Benton, resigned.

U.S. SYNTHETIC FUELS CORPORATION

Samuel Kenric Lessey, Jr., of New Hampshire, to be Inspector General of the U.S. Synthetic Fuels Corporation for a term of 7 years (new position).

Robert W. Gambino, of Virginia, to be Deputy Inspector General of the U.S. Synthetic Fuels Corporation for a term of 7 years (new position).

IN THE COAST GUARD

The following officers of the U.S. Coast Guard for promotion to the grade of lieutenant:

Wade A. Mitchell
Louis Nash
David A. Dupont
Max M. Woodcock
Edward D. Selle, Jr.
David J. Rimer
Zachary A. N. Frangos
James B. Brewster
Richard O. Cobb
Scott E. Hartley
Martin J. Rajk
Wayne M. Lundy
William R. Webster
Steven R. Swanson
William L. Siegel, Jr.
Robert L. Lachowsky
Kenneth W. Armstrong
Barron M. Hudiburgh
George H. Teuton III
William T. Davis II
Robert C. Jones
Richard A. J. Walleshauser
William G. Shultz
Kevin P. W. Jarvis
Gregory G. Warth
Thomas R. J. Rice
Dennis J. Hughey
Mark J. Campbell
William M. Bocchino
Peter J. A. Ganser
Jeffrey P. Watry
John N. Leonard
Mark E. Jones
John S. Bowers
Ernest W. Fox
Timothy R. Quinton
Robert I. Bernstein
John C. Miko
Robert J. Watson
Burton S. Russell
Michael P. Selavka
Steven E. Fabian
David A. Davidson
Graig M. Veley
Paul A. Richardson
Alvin Crickard, Jr.
William R. Cairns
George W. Wood III
Carl S. Jordan
Bryan F. Collver
Patrick C. McHugh, Jr.
Lloyd G. Spence, Jr.
Michael D. Riley
Richard P. Fornaseri
Kevin C. Olds
John J. Allen
William M. Addington
Joseph H. Schuck
Curtis B. Odom
Earl A. Burns, Jr.
Douglas D. Whitmer
Paul J. Prince
Frederick E. Bartlett
Keith D. Cameron
Darrell E. Nelson
Michael L. Williams
Mark P. Thomas
William K. Farrell
Randal K. Meints
Joseph B. Kolb, Jr.
Anthony Buancore
William B. Baker
Daniel C. Slyker
Louis R. Skorupa
Richard M. Piccioni
Phillip W. Waldron
Frederick F. Garland III
Martin L. Phillips
Arthur E. Pilot
Joseph D. Klimas
Lee Reneau
John J. O'Brien, Jr.
Wesley E. Laughrey
Dennis J. Haise
William R. Wheeler
Jack E. Geck
Ronald E. Johnson, Sr.
Donald C. Roark
James L. West
Richard Y. Atlee II
David R. Gomez
Phillip L. Biedenbender
Kenneth Miller
Karl E. Sanders
Edward A. Blackadar, Jr.
Scott D. Bair
Lional R. Munsey
William S. Asprey
Dana A. Gray
Charlie L. Cozby, Jr.
Philip T. Stanley
Tom A. Beck
Jack R. Smith
Mark J. Kerski

The following-named temporary officers of the Coast Guard to be permanent commissioned officers in the grade of lieutenant (junior grade):

Richard O. Cobb
William B. Baker
Daniel C. Slyker
Louis R. Skorupa
Richard M. Piccioni
Phillip W. Waldron
Frederick F. Garland III
Martin L. Phillips
Arthur E. Pilot
Joseph D. Klimas
Lee Reneau
John J. O'Brien, Jr.
Wesley E. Laughrey
Dennis J. Haise
William R. Wheeler
Jack E. Geck
Ronald E. Johnson, Sr.
Donald C. Roark
James L. West
Richard Y. Atlee II
David R. Gomez
Phillip L. Biedenbender
Kenneth Miller
Karl E. Sanders
Scott D. Bair
Lional R. Munsey
William S. Asprey
Dana A. Gray
Charlie L. Cozby, Jr.
Carl S. Jordan
Bryan F. Collver
Patrick C. McHugh, Jr.
Lloyd G. Spence, Jr.
Philip T. Stanley
Tom A. Beck

The following officers of the U.S. Coast Guard for promotion to the grade of lieutenant (junior grade):

Fulton M. Gregg
Christian P. Kisvarday
Peter M. Keane
Michael J. Miller

Michael A. Hollincheck
John J. R. Zantek
David J. Albaugh
Frederick B. Horgan
William E. Pearson
Barry L. Dragon
Michael G. Edwards
Thomas D. Hooper
Barry L. Youngblood
David W. Vermillion
John J. Pittman
Rubin H. Orr
Robert E. Deile
George V. Donald

The following officers of the U.S. Coast Guard Reserve for promotion to the grade of captain:

Theodore L. Seaman
Edwin J. Lockwood

The following officers of the U.S. Coast Guard Reserve for promotion to the grade of commander:

William L. Giles
Steven R. Breseman

The following temporary officer, of the U.S. Coast Guard to be permanent chief warrant officer, W-2:

Joseph D. Klimas

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 601, in grade as follows:

To be lieutenant general

Maj. Gen. Walter F. Ulmer, Jr., xxx-xx-... xxx-..., U.S. Army.

IN THE NAVY

The following-named officer, having been designated for command and other duties of great importance and responsibility in the grade of admiral within the contemplation of title 10, United States Code, section 601, for appointment while so serving as follows:

To be admiral

Vice Adm. Kinnaird R. McKee, U.S. Navy.

HOUSE OF REPRESENTATIVES—*Wednesday, February 3, 1982*

The House met at 3 p.m.

The Reverend Panama Mutu, vice chairman, Christian Congregational Church of American Samoa, offered the following prayer:

O God, our Heavenly Father, Creator of light and Giver of life to men. We thank Thee, for days, season, and years in which we live.

Cleanse our lives of all sin and evil, and create in us clean hearts, that we may go forth into the year with confidence and courage.

Help us to redeem the days that Thou hast given us. Permit us not to lose our lives in the pursuit of the unworthy and the worthless.

Keep us from entanglements with the sordid and the lustful. May our delights be found in the true, the beautiful and the good.

Help us, O God, to walk the ways of righteousness and peace. Teach us to know truly our cause to mankind and to the world.

Lord of all nations, grant that in this our Nation, there may be none high or low, whatever his race or caste, but a new enthusiasm of humanity where brother is working with brother. We need good men and more citizens dedicated to building bridges of understanding and good will. We all have spiritual suitcases and we know where we are going. We do not pray for a lighter load, but we pray for a stronger back. Help us, our leaders of today, the executive, the legislator, the judicial, and all who are in authority to bind the wounds of the world, with the cleansing and healing oil of your sympathy and love. Now, may we find new life in touching the hem of Christ's garment, by listening to His words, by our awareness of His presence in our midst, and by opening our lives to His grace.

Bless our Nation with peace and the good of all the world. Give to the rising generation a strong faith in Christ and a sincere devotion to His cause.

This our prayer, O God, through our Lord and Saviour Jesus Christ. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

THE REVEREND PANAMA MUTU

(Mr. SUNIA asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SUNIA. Mr. Speaker, it is my pleasant duty to add to your own welcome our welcome to the Reverend Panama Mutu, who is vice chairman of the Christian Congregational Church of American Samoa.

It is also my very pleasant experience to be able to invite him to the National Prayer Breakfast tomorrow and at the same time extend our greetings to the first Samoan minister ever to offer the prayer in this Chamber of ours.

Reverend Mutu's other duties, while he is in this Nation, are to finalize the arrangements to bring the American Samoan chaplains into the Armed Forces of our Nation.

So, it is indeed with great pleasure that I welcome Reverend Mutu to our Nation's Capital and to wish him a safe trip back to paradise.

THE SYNFUELS CORPORATION SHOULD BE ALLOWED TO ENCOURAGE BIOMASS FUEL DEVELOPMENT

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, today, I am introducing along with my colleagues, WES WATKINS of Oklahoma and DON CLAUSEN of California, legislation to authorize the Synthetic Fuels Corporation to provide support to production of fuels from biomass just as the Corporation is presently authorized to provide for other alternative energy resources.

When we passed the legislation establishing the Synfuels Corporation during the last Congress, fuels from biomass were specifically excluded from the Corporation's jurisdiction because we had programs providing good amounts of financial support to these energy resources within the Energy and Agriculture Departments. Times have changed, and the direct Federal support for biomass energy resources have dwindled. This morning at a breakfast sponsored by the Congressional Research Service, the Chairman of the Synfuels Corporation, Ed Noble, said that he felt the Synfuels Corporation should have the legal authority to assist biomass energy projects. We agreed and that prompted us to submit this legislation today.

We need to continue developing alternative energy resources and biomass-based fuels should not be excluded.

THE TWO EXTREMES OF EL SALVADOR

(Mr. DAN DANIEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAN DANIEL. Mr. Speaker, a great debate is raging throughout this country about internal conditions in El Salvador.

I do not know which of the two extremes are correct; perhaps, neither. But I find a curious consistency in those who support the leftist coalition of insurgents in El Salvador.

In our recent history, these are the same groups who supported the Castroists in Cuba, the guerrillas in Vietnam, the followers of Ayatollah Khomeini in Iran, and the Sandinistas in Nicaragua.

Can they really feel that the people in those countries are enjoying a better way of life today than they did before their governments were so radically changed?

THE SEARCH FOR PEACE IN EL SALVADOR

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, I rise to salute the gentleman from Virginia (Mr. DAN DANIEL) and to join in the plea that he makes for patience and understanding with those people who are attempting in good faith to create a peaceful solution to the problems in El Salvador.

The only person who ever has been elected as President of that country is Jose Napoleon Duarte. Recently when he was in the United States, I was present with a bipartisan group from this House. We asked him all kinds of questions, and he responded affirmatively. He expresses a total willingness to let the people choose, by the electoral process, which group they want to govern them. The terrorists, on the other hand, are doing everything within their power to sabotage the electoral process.

Surely it is our responsibility to stand with those moderate people like President Duarte who are willing to settle those problems by ballots not by bullets, and who are willing to hold

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.
● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

free and fair elections. I cannot imagine our succumbing once again to the siren song of those who would sell down the river the responsible people who are trying to have a stable, free democratic government in behalf of those who would follow the example of Castro's Cuba.

INTRODUCTORY REMARKS OF CONGRESSMAN NORMAN D. DICKS FOR LEGISLATION MANDATING AN ANNUAL OPEN SEASON FOR FEDERAL EMPLOYEE HEALTH BENEFITS

(Mr. DICKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKS. Mr. Speaker, today I am introducing legislation to insure that Federal workers and retirees are provided the opportunity to change their health benefits plans on a predictable and regular basis.

One of the foundations of the Federal employees health benefits program is the competition among various health insurance plans. This competition encourages a wide variety of coverage options, helps lower costs, and allows participants to purchase the type of health coverage that best suits their needs, at a price they are willing to pay.

But recent actions of the Office of Personnel Management have undermined this competition and prevented FEHB participants from exercising their free market right of choice. OPM has repeatedly refused to implement the open season scheduled for last December. In fact, they have taken the issue to court to determine if any open season is in fact required.

My bill is intended to clarify once and for all any confusion about the necessity for an open season. Current law provides the Office of Personnel Management complete discretion as to when to provide opportunities for employees and retirees to change health plans. In the past, OPM has regularly granted an open season at the end of each year. The system worked well in balancing the need for ease in administration with the desires for FEHB participants to change plans. But the events of the last few months demonstrate that we can no longer rely on OPM to honor this time tested arrangement. I frankly fear that future attempts to manipulate the system may come about without a clear requirement for annual open seasons.

This bill, because it promotes competition, will help keep costs down and guarantee the type of feedom in selecting health insurance plans that all Americans expect and deserve. I strongly urge its prompt passage by the House.

JAPANESE QUARANTINE ON CALIFORNIA PRODUCE IS UNFAIR

(Mr. THOMAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS. Mr. Speaker, the United States has worked for decades to establish a worldwide trade policy which relies upon the free movement of goods among nations.

Unfortunately, our generosity in admitting foreign goods to America is not often reciprocated. Farm exports, which account for about one-fifth of total U.S. exports, often face tariffs, quotas, and other barriers in foreign markets.

The most recent trade restriction on farm products has been Japan's quarantine of all produce grown in California. Japan has required fumigation or cold treatment for any California farm product, ostensibly out of fear that the Mediterranean fruit fly might enter Japan in a shipment of California produce. This Japanese quarantine is not grounded in scientific fact.

USDA evidence shows that only 240 square miles require produce treatment and other Medfly control measures. The USDA has identified 240 host species which, if grown in a Medfly-infested area, must be fumigated. Fumigation is costly and can greatly reduce produce shipping range.

Japan, however, requires treatment of all produce from anywhere within California, which encompasses 158,000 square miles. This entirely unreasonable quarantine represents a formidable nontariff barrier which discriminates against California growers and shippers.

Shippers located hundreds of miles from a Medfly-infested area must treat their produce at great expense, yet shippers equidistant from a Medfly area but outside the State—in Arizona, for example—may ship freely to Japan. In addition, shippers of nonhost material such as strawberries, potatoes, and lettuce must treat their produce even though no scientific evidence exists showing these crops to be even remotely connected with the Medfly.

California farmers are suffering unfair treatment under this arbitrary quarantine. We in this body often hear about our trade deficit with Japan and about the dumping of Japanese cars and radios on the U.S. market. I am here today to tell you that California farmers are being dumped upon.

□ 1515

LAW OF THE SEA

(Mr. FIELDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FIELDS. Mr. Speaker, last Friday, President Reagan announced to the Nation that many of the provisions of the current draft convention of the so-called Law of the Sea Treaty are unacceptable and inconsistent with U.S. interests. This determination followed an extensive interagency review.

I invite my colleagues and all Americans to join me in extending high praise and commendation to the President for this decision.

While last Friday's announcement passed with relatively little note in this country, I believe that future American historians will view it in the same light as the Declaration of Independence. Finally, another American leader has looked into the dark face of tyranny and refused to blink.

The present draft treaty represents a striking affront to the sovereignty of the United States, and is nothing short of a thinly disguised attempt by part of the Third World, joined by the Soviet-bloc, to co-opt the United States, and have Americans assume the majority financing for a new international organization which is unalterably committed to locking up the wealth, riches, and resources of the world's oceans which are so vital to America's national interest.

ANOTHER UNFAIR TRADE PRACTICE BY JAPAN

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHULZE. Mr. Speaker, the Japanese manufacturers of specialty steel pipe and tube have been selling their products in the United States at less than fair value. In a word, they have been dumping their excess production over here in order to maintain high levels of employment at home.

Is that an example of traveling a two-way street? Are the working men and women of the United States required to go on furlough every time a foreign producer runs out of market for his product?

The dumping of specialty steel by the Japanese will have a crippling effect on our domestic industry. If our manufacturers go under, who will supply our needs? Clearly, the Japanese will, and anyone who thinks they will do it at a fair profit should think again; they will demand monopoly profits.

It is time to do something about the trading practices of our major trading partner across the Pacific. The Congress must act. It is time to man the defenses.

UNITED STATES-JAPANESE TRADE

(Mr. JAMES K. COYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JAMES K. COYNE. Mr. Speaker, I wish to register my approval of the Japanese Government party's recent proposal to ease or to eliminate 67 nontariff trade barriers, but I suggest that further action is necessary.

The $20 billion trade deficit with Japan that the United States will incur this year is staggering and demands attention. The intricate web of excessively stringent customs, product standards and testing requirements of the Japanese economic system accounts for a substantial portion of this deficit, and I suggest that only the removal of these barriers will open Japanese markets to an acceptable degree.

I believe that although the Japanese Government's proposal is a step in the right direction toward a Japanese market open to foreign products, the actual change will be little more than superficial. The proposal primarily affects industries involved with cosmetics, pharmaceuticals, processed foods, and sporting goods and makes scant mention of high-technology products such as data processing and telecommunications equipment.

I support the U.S. Trade Representative's efforts to communicate to the Japanese Government that we will not be content with minor alterations to Japan's complex system of economic obstacles. We demand more extensive elimination of trade barriers.

DISCONTINUING SUPPORT FOR BLUE ANGELS AND THUNDERBIRD PROGRAM

(Mr. MARKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKS. Mr. Speaker, I rise to advise the House that it is my intention within the next few days to present a concurrent resolution which will urge the Defense Department to discontinue support for the Blue Angels and the Thunderbird program.

I would like to say, Mr. Speaker, that I have great concern for those people in the program and great, great sympathy for their families and their relatives.

Mr. Speaker, I am presenting this concurrent resolution because I feel very strongly that the loss of 38 of our best and brightest and most human being pilots should not go on. I believe this because I do not believe it is necessary after 38 deaths of these extraordinary young men to have that type of a program to instill patriotism or to convince our young men or women to join the Armed Forces.

As a part of this resolution, Mr. Speaker, I will ask that this Congress approve gold medals for those families of the deceased pilots who have suffered and given their lives in the interest of this country.

There was no objection.

EXPRESSING SENSE OF CONGRESS REGARDING SUCCESSFUL RESCUE OF BRIG. GEN. JAMES L. DOZIER

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs and the Committee on Armed Services be discharged from further consideration of the concurrent resolution (H. Con. Res. 260) expressing the sense of the Congress regarding the successful rescue of Brig. Gen. James L. Dozier, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. BROOMFIELD. Mr. Speaker, reserving the right to object, I do so for the purpose of allowing the prime sponsor, the gentleman from Illinois (Mr. ANNUNZIO), and the chairman of our Foreign Affairs Committee, the gentleman from Wisconsin (Mr. ZABLOCKI), to explain the resolution.

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. I am happy to yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I thank the gentleman for yielding.

Mr. Speaker, this is a very brief and very succinct resolution which expresses the sense of Congress regarding the successful rescue of Brig. Gen. James L. Dozier and the various activities of the Italian Government. The resolve clause congratulates the Italian Government and its antiterrorist police forces for the rescue of General Dozier.

Mr. BROOMFIELD. Mr. Speaker, since it is obvious that I support the resolution, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 260

Whereas the kidnaping of Brigadier General James L. Dozier by the Red Brigades represented another tragic example of the sickness of international terrorism;

Whereas the Italian antiterrorist police forces exercised patience and efficiency in their investigation of the kidnaping;

Whereas the Italian Government demonstrated sensitivity and resolve in its oversight of police activities and its dealings with the Dozier family;

Whereas the difficulties of rescuing General Dozier without bodily harm required the highest degree of skill and courage: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress congratulates the Italian Government and its antiterrorist police forces for the successful rescue of Brigadier General James L. Dozier; and be it further

Resolved, That the Congress extends to General Dozier and his family best wishes for a quick recovery and return to normal life.

The SPEAKER. The gentleman from Wisconsin (Mr. ZABLOCKI) is recognized for 1 hour.

Mr. ZABLOCKI. Mr. Speaker, I yield one-half of my time to the gentleman from Michigan (Mr. BROOMFIELD) pending which I yield myself such time as I may consume.

AMENDMENT OFFERED BY MR. ZABLOCKI

Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ZABLOCKI: Page 3, line 2, strike out "recovery and".

The amendment was agreed to.

Mr. ZABLOCKI. Mr. Speaker, I rise in strong support of House Concurrent Resolution 260, concerning the successful rescue of Brig. Gen. James L. Dozier. At the outset may I commend the gentleman from Illinois, Mr. FRANK ANNUNZIO, for his leadership in bringing this resolution to the attention of the House. I am proud to join him as one of the 166 cosponsors of House Concurrent Resolution 260.

Mr. Speaker, Americans were shocked and saddened by the kidnaping of General Dozier by Red Brigade terrorists on December 17. Throughout his 42 days of captivity, Americans watched with interest and concern as the Italian Government and police struggled with this latest example of the sickness of international terrorism.

The successful rescue of General Dozier on January 28 was cause for celebration. It was also a time to recognize that without the efforts of the Italian police and the Italian Government, General Dozier's rescue would not have been possible.

In that spirit, Mr. Speaker, House Concurrent Resolution 260 provides a congressional expression of appreciation to the Italian police and government in rescuing General Dozier unharmed. The resolution, as I earlier stated, commends the Italian antiterrorist police for their patience and efficiency in the investigation of the Dozier kidnaping, as well as the sensitivity and resolve of the Italian Government in its oversight of police activities and its dealings with the Dozier family.

Finally, House Concurrent Resolution 260 expresses best wishes for a quick return to a normal life for General Dozier and his family. I urge unanimous adoption of the resolution.

Mr. Speaker, I now yield such time as he may consume to the prime sponsor of the legislation, the gentleman from Illinois, Mr. FRANK ANNUNZIO.

Mr. ANNUNZIO. Mr. Speaker, I rise to urge the support of all of my colleagues for House Concurrent Resolution 260, the bill I introduced, along with the distinguished chairman of the House Foreign Affairs Committee, the Honorable CLEMENT J. ZABLOCKI, to congratulate the Italian Government and its antiterrorist police forces for their skill and courage in resolving the brutal kidnaping of Brig. Gen. James L. Dozier, and to extend to General Dozier the best wishes of the Congress for a quick recovery from his recent ordeal in the service of his country.

All of us were relieved and delighted that General Dozier was rescued without bodily injury, and I thank my good friends Chairman ZABLOCKI and WILLIAM BROOMFIELD, ranking minority member for their expeditious committee action to report this legislation for consideration of the full House of Representatives. I also thank the 166 Members of the House of Representatives who cosponsored this resolution of national gratitude, including the 10 full committee chairmen who gave their support.

Brig. Gen. James L. Dozier has proved himself a courageous soldier dedicated to the well-being of his country, and our Nation extends its congratulations and its highest tributes to him for his exemplary fortitude and valor.

In 1978, I was privileged to be a part of the American delegation representing the President of the United States at the memorial service in Rome for Aldo Moro, the former Prime Minister who was slain by vicious renegade terrorists. We came away from this brief visit both strengthened and inspired, for we witnessed firsthand the dignity of the Italian people and their leaders who stood firm in their determination to defend and preserve the values of democracy for which Aldo Moro struggled during more than three decades of dedicated public service. Italy has always been a part of the Western tradition of faith and belief in the nobility of the individual human spirit, and it is this tradition that will remain of tremendous importance in the continuing struggle against terrorist advocates of oppressive state control of individual freedoms dependent on brute force.

About 2 weeks ago, I was again in Rome, along with my distinguished colleague Chairman PETER RODINO, and other Members of the Congress, and we had a discussion with President Pertini of Italy. All of his remarks centered on the fight against the scourge of terrorism in Italy and the strong and concerted efforts being made to eradicate this terrible threat to his country's values of freedom.

During those 4 years since I last visited Italy, he emphasized the tremendous progress that had been made to strengthen his nation's defenses against terrorism, and his optimism in his country's ultimate triumph over terrorism was rewarded by the rescue of General Dozier a few days later. General Dozier is reported to have said that Italy's antiterrorist action was a "stupendous operation."

The United States and Italy have a long tradition of friendship in addition to the cultural and ethnic ties between our peoples, and it is most important that our alliance with a strong, democratic Italy in NATO is maintained and strengthened for our mutual benefit. Italy has long been a vital member of that alliance in opposition to Communist conquest and oppression.

I want to commend Ambassador Rabb for the outstanding manner in which he conducted himself during this trying period while General Dozier was being held captive. He was a tower of strength in preserving the long friendship between the United States and Italy.

With the passage of this resolution of national gratitude today, we as a nation say to the Italian people, and to the Italian Government and the brave members of its antiterrorist forces, "Bravissimo." With this resolution we send to them our heartiest congratulations for this important victory, our best wishes for continued success in their firm stand against the forces of oppression, and our strongest expressions of support in the unswerving dedication to the ideals of liberty.

An editorial from the February 1 edition of the Christian Science Monitor entitled, "Italy Saves the General," follows:

ITALY SAVES THE GENERAL

Terrorism is not impregnable. That is the message of the dramatic rescue of American Brig. Gen. James Dozier by Italian police last week. The raid was a tremendous victory for the Italian carabinieri and anti-terrorist commandos. It was also a major blow to the Red Brigade terrorists who had been holding the general since his kidnapping Dec. 17. During the 42-day period of incarceration, Italian authorities captured some 20 carloads of documents and arrested a number of suspected terrorists. They will now be able to put together the first detailed picture of the makeup and operation of the Red Brigades organization over its 11-year history.

The battle against terrorism, of course, must go on. The brutal assassination of a Turkish diplomat in Los Angeles the same day as the rescue of General Dozier was another incident in an unrelenting chain of terrorist acts in many parts of the world. As long as misguided individuals and groups resort to such mindless methods of political or social protest, every human and spiritual resource must continue to be brought to bear on the problem.

Every success in combatting terrorism, however, lessens the fear of it and gives encouragement to the forces of order. The world can only cheer the magnificent work of the Italian police. In the grateful words of General Dozer, it was "a stupendous operation."

□ 1530

Mr. ADDABBO. Mr. Speaker, will the gentleman yield?

Mr. ANNUNZIO. I yield to my distinguished friend, the chairman of the Subcommittee on Defense of the Committee on Appropriations, the gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. I thank the gentleman for yielding.

Mr. Speaker, I commend the gentleman on his statement and I join with him in his accolades and his full and detailed report of this important matter in the history of our country and the Italian Government relationship.

I wish to also commend the chairman of the Committee on Foreign Affairs, the gentleman from Wisconsin (Mr. ZABLOCKI) and the ranking minority member, Mr. BROOMFIELD.

Also, as we commend the Italian Government, Mr. Speaker, I think we should also commend all of those who worked in conjunction with helping the Italian Government and working very closely with them. I think they are also the unsung heroes in this great drama that we saw unfold and which came to a happy ending.

I join in commending General Dozier for his exemplification of the finest in our military service.

Mr. ANNUNZIO. Mr. Speaker, I thank the gentleman for his contribution.

Mr. BIAGGI. Mr. Speaker will the gentleman yield?

Mr. ANNUNZIO. I yield to the distinguished gentleman from New York (Mr. BIAGGI), the chairman of the Subcommittee on Merchant Marine of the Committee on Merchant Marine and Fisheries.

Mr. BIAGGI. I thank the gentleman for yielding.

Mr. Speaker, I would like to take this opportunity to congratulate the gentleman from Illinois (Mr. ANNUNZIO) for the introduction of this resolution so promptly, in order to provide a governmental response to a remarkable achievement.

I would also like to commend the chairman of the Committee on Foreign Affairs, the gentleman from Wisconsin (Mr. ZABLOCKI) without whom we would not have been able to have this resolution on the floor today for consideration and whose conduct in areas of this kind have been consistently supportive. We are grateful to him for that.

I would like to associate myself with the gentleman's remarks and to dwell on a facet of the entire undertaking that most people would recognize but sometimes lose sight of in the excite-

ment and jubilance of the recovery and release of General Dozier.

As a former policeman for 23 years in the New York City Police Department, I have viewed the acts of terrorists over these many years, the successful acts of the terrorists, with increasing alarm. It seems they functioned with immunity and impunity and functioned in such an effective manner that they were seemingly impenetrable. Time after time, person after person was either kidnaped or assassinated—governmental officials, business executives, or some peasant who was an impediment to their organization. These terrorists became a threat, not simply to the tranquility of the Republic of Italy, but a threat to all democracy, and they represented a universal threat. Their counterparts were found in other countries, their acts of terrorism, whether it be in Germany, in Libya, in Ireland, or wherever, and their acts of terrorism had to be suppressed.

Sometimes the terrorist is more quickly apprehended, but it seems that the Red Brigade in Italy functioned in such an effective manner that a pall had developed over the entire law enforcement structure of the world, because it seemed these individuals could escape detection, and could function with an arrogance that was frightening.

I focus it on this area because I feel with the apprehension not simply of those who had actual custody of the general, but those others who were in the field and in a number of other places, we have broken into the structure of the Red Brigade. I hope that it is the first step in the destruction of the entire Red Brigade organization.

As a former policeman, I pay a special commendation to all of those who were responsible for the release and the recovery of the general, as well as those who were responsible for the arrests of the terrorists in this manner. I am the author of House Joint Resolution 394, cosponsored by some 70 of my colleagues. I rise to join in support of the pending resolution saluting the Italian Government, and most specially the police, for their remarkable rescue of Brig. Gen. James L. Dozier.

One week ago at this time, freedom for General Dozier was no closer than it had been in any of the other 42 days of his captivity. Suddenly, last Thursday morning—in a masterful performance—a group of specially trained Italian police rescued the general from a small apartment in Padua. The feat has been applauded around the world.

Thanks to their work, General Dozier is now a free man, just a few miles away from us right now at Fort Myer. Just as important is the fact that the Government may have broken the back of the Red Brigade.

As Americans, we are proud of General Dozier and grateful to Italy. Let us continue to work cooperatively to end terrorism and protect our diplomats abroad.

Mr. ANNUNZIO. Mr. Speaker, I thank my good friend, the gentleman from New York, for his very succinct remarks and for the expertise that he brings to the floor of this House on all police matters.

Mr. ZEFERETTI. Mr. Speaker, will the gentleman yield?

Mr. ANNUNZIO. I yield to my good friend, the gentleman from New York (Mr. ZEFERETTI) who is also chairman of the Select Committee on Narcotics Abuse and Control.

Mr. ZEFERETTI. I thank the gentleman for yielding.

Mr. Speaker, I would just like to rise in support of the concurrent resolution and to associate myself with the remarks of the distinguished gentleman from Illinois (Mr. ANNUNZIO) and compliment him and the chairman of the Committee on Foreign Affairs, the gentleman from Wisconsin (Mr. ZABLOCKI), for bringing this important resolution to the floor.

It is not too often that we pay recognition to those who put their lives on the line every day in support of people. And that is what it is all about. Whether it is a police force in Italy or whether it is a police force in the United States, it is people who go out and put themselves in jeopardy to protect someone else. I would just like to compliment those who have had the ability and the desire to bring this concurrent resolution to the floor.

Mr. ANNUNZIO. I thank the gentleman from New York for his remarks.

Mr. Speaker, in conclusion I want to once again express my deep appreciation to the ranking minority member, the gentleman from Michigan (Mr. BROOMFIELD), for all of the help and the assistance and cooperation. I know that the other day he took the floor of the House and he praised the Italian antiterrorist squad for the work that they did in bringing General Dozier back home, without bodily injury. The introduction of this resolution and the passage of this resolution by the Congress today is timely, because it is my understanding that General Dozier will be in the country tomorrow, where he will be guest speaker at the prayer breakfast.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish to compliment the gentleman from Illinois (Mr. ANNUNZIO) on the work that he has done on this particular resolution and also the chairman of our Committee on Foreign Affairs, the gentleman from Wisconsin (Mr. ZABLOCKI), and all of the sponsors who have worked so hard to bring this resolution to the floor.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 260 commending the Italian authorities for their skillful efforts in securing the freedom of General Dozier and wishing the general and his family a speedy return to a normal life.

This resolution is especially timely coming as it does on the day the general and his family are returning to the United States and the day before his appearance as the President's guest at the national prayer breakfast.

We all have reason to celebrate his safe return. "America," as President Reagan said, "has finally won one."

But it is a victory shared and made possible by the skill and daring of the Italian Government and its antiterrorist police.

Certainly, they have set an example for professionalism and cooperation that if emulated in other nations would permanently cripple terrorist activities around the world.

Their conduct during General Dozier's 42-day ordeal was exemplary. They combined unparalleled police professionalism with a scrupulous sensitivity to the standards of a democratic society and scored a total success.

Mr. Speaker, I want to commend the 165 other Members of this body who cosponsored this resolution for their bipartisanship and say that I am proud to be among them.

I know you would all join me in saying: "Welcome home, General Dozier. We're proud of you."

Mr. BROOMFIELD. Mr. Speaker, I have no further requests for time.

Mr. ZABLOCKI. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. MINISH).

Mr. MINISH. Mr. Speaker, I rise in support of the resolution and commend the gentleman from Illinois (Mr. ANNUNZIO) and the chairman of the Committee on Foreign Affairs, the gentleman from Wisconsin (Mr. ZABLOCKI) for bringing the resolution to the floor.

Mr. Speaker, last Thursday an outstanding rescue mission occurred in Padua, Italy. This mission should be a sign to those who believe that terrorism can be a successful and acceptable means to their political ends. The skillful and valiant rescue of Brig. Gen. James Dozier is deserving of the highest praise. I am therefore honored to join my colleagues Chairman ZABLOCKI and Congressman ANNUNZIO, as a cosponsor of a House concurrent resolution commending the Italian Government and the antiterrorist police forces for their outstanding performance in the rescue investigation and mission.

As we have all followed with keen interest and admiration for the last week, it took only 90 seconds for the 10 masked commandos to end the captivity of General Dozier. The quick actions and clear thinking of the Italian police enabled them to safely rescue General Dozier and arrest the Red

Brigade members present at the apartment.

This concurrent resolution is a sound piece of legislation which deserves the full support of my colleagues. The resolution begins by recognizing that the kidnaping of General Dozier is another alarming example of international terrorism. With that background, the main body of the bill commends the Italian police and Government for their patience and efficiency in handling the investigation, and emphasizes the extremely competent job of the Italian police for returning the general unharmed.

Mr. Speaker, this resolution is both timely and appropriate, and I believe a fitting way to honor the Italian Government for their assistance to an American citizen, who is also our highest ranking NATO official in Italy. I thank you for recognizing me at this time and I urge my colleagues to give Mr. ZABLOCKI's and Mr. ANNUNZIO's resolution their full support, so that expeditious passage of the legislation may occur.

Mr. ZABLOCKI. Mr. Speaker, I have no further requests for time, and I move the previous question on the concurrent resolution.

The previous question was ordered.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just agreed to.

The SPEAKER pro tempore (Mr. KAZEN). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

INTRODUCTION OF RESOLUTION DISCOURAGING USE OF PUBLIC FUNDS TO PAY DEBTS OF POLAND

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PEASE. Mr. Speaker, incredible as it seems, President Reagan has decided to have our Government pay $71.3 million owed by the Government of Poland to U.S. commercial banks. This figure could grow to $613 million over the next 20 months. Our constituents are being forced to pay the debts of the martial law regime of General Jaruzelski in Poland at the same time the fiscal year 1982 deficit is soaring past $100 billion and unemployment offices are closing their doors all over America.

This ill-advised policy flies in the face of the commonsense and decency of the American people. It could only be implemented secretly behind closed doors. And that is precisely the course of action being followed by the Reagan administration. If the Congress does not act quickly, every American taxpayer will be directly subsidizing the brutal repression of the Polish people and the destruction of the Solidarity trade union movement.

I have introduced a concurrent "sense of the Congress" resolution to dissuade the President from using public funds to underwrite the complete subjugation of the Polish people. Specifically, my resolution urges that no agency of the U.S. Government be authorized to make payments on the current debts owed by the Government of Poland to either the U.S. Government or to U.S. commercial banks until:

First, the Government of Poland has formally and publicly been declared in default on its debts and concrete steps have been taken to recover at least some of the outstanding funds from Polish assets; and

Second, the military government of Poland has lifted the martial law imposed on December 13, 1981.

WHY SHOULD YOU SUPPORT THIS RESOLUTION?

First, it is the Soviet Union which dominates political, economic, and military developments in Poland. Therefore, it is the Soviets and their Polish military pawns who should shoulder the burden of financing Poland as well as the blame for the economic collapse and military crackdown.

Second, it is painfully apparent that, as Americans, we do not have either the influence or the power to substantially improve the lot of the Polish people. They have no personal freedom and, just this week, prices for food and fuel were increased 200 percent to 400 percent by government fiat.

Third, the Reagan administration has used surreptitious means to subvert the rules and charter of the Commodity Credit Corporation to pay off its friends in the Wall Street banking community. Apparently it is easier to dun the American taxpayer for the expense of Polish martial law than to ask the commercial banks to lift a finger toward seizing Polish assets.

Most importantly, the bankruptcy of the entire Communist system will be dramatically borne out if the Government of Poland is found in default on its loans. Felix Rohatyn, senior partner of the investment banking firm of Lazard Freres, recently pointed out:

> The West has been relieving the Soviet Union of what may be its greatest shortage—capital—at the cost of making bad loans while pretending to oppose Communism. That is bad business, bad policy and bad morality.

The weapon of capital is potentially one of the most powerful and least used in the Western world. Poland affords us a chance to use it. It might turn out to be our only effective way, in the long run, of bringing about change behind the Iron Curtain.

Mr. Speaker, I would like to include in the RECORD the following article from the New York Times:

PAYOFF FOR REPRESSION

(By William Safire)

WASHINGTON.—The U.S. Government last week decided in secret to pay $70 million a month to American banks unable to collect loans to Poland, despite rules of the Commodity Credit Corporation that require the debtor first be declared in default.

Here are some documents—passed along by officials in defiance of lie-detector threats—that show how a craven State Department recommendation, rubber-stamped by national security adviser William Clark, takes the financial pressure off the Polish military junta by interfering with the C.C.C.'s normal guarantee requirements.

On Jan. 8, acting Secretary of Agriculture Richard E. Lyng wrote to then deputy N.S.C. adviser James Nance, pointing out that loans from U.S. banks to Poland, which had been guaranteed by the C.C.C., were coming due along with direct loans in the amount of $70 million per month. ("We're like co-signers on a note," explains Secretary Lyng," and when the debtor can't pay, the creditor comes to us.")

However the C.C.C. requires the banks to aggressively seek payment from the borrower before the Government makes good on a bad debt. Was it O.K., asked Secretary Lyng, to stick to the rules: to demand a declaration of default from Poland before paying the American banks?

On Jan. 16, three low-level officials at State sent to the White House a draft of an answer for the new national security adviser. "There is complete agreement," the memo states, despite disagreement by some defense officials, "that the USG should not take any action which increases the risk that Poland could be declared in default . . . it is imperative that USDA take all possible steps to avoid any inducement for banks with claims on C.C.C. to call default. . . ."

Among these "all possible steps" were extraordinary means to get around the rules: "We therefore urge that you explore all possible methods under the C.C.C. charter to authorize payments by the C.C.C. in the absence of a declaration of default," and three such methods were suggested: "Through interpretation of the regulations, the issuance of a temporary and emergency amendment to the C.C.C. regulations, or through the direct repurchase of C.C.C. guarantees on other outstanding obligations covering credits to Poland."

That favored treatment to avoid pressuring Poland's oppressors had to be disguised, the memo indicated, because the Administration had agreed with NATO allies two days before to withhold any rescheduling of the Polish debt: "While minimizing any increase in the risk of default, this interim method of settlement should also avoid being construed as a rescheduling of Poland's C.C.C. debt."

In plain works, the appeasement crowd at State (with the acquiescence of Treasury) not only recommended that we subvert the financial pressures on Poland agreed to at NATO two days before, but that we turn the charter of the C.C.C. upside down to do

it—and then in such a secret way as to deceive the U.S. public.

Incredibly, the White House—in the person of William P. Clark, hero of hopeful hardliners—signed the memo, including the "complete agreement" canard. In its final form, sent to USDA 10 days ago, the White House order directs that American private banks who made risky loans to Poland be repayed with taxpayer dollars without requiring the usual pursuit of the debtor into default. The C.C.C. will then send Poland a bill, to be payed when and if. Without the fact of default, that is *de facto* rescheduling.

Of course, Agriculture complied with the White House order. An emergency regulation was secretly promulgated. However it was felt that the arrangement had such a reek to it that the seven members of the board of the Commodity Credit Corporation, with a quorum available in Washington, D.C., could not be trusted to vote on this rape of the rules without objection or leak. So the no-default decision was made by departmental fiat, to be ratified later by the C.C.C. board.

Deputy Secretary Lyng, a longtime California Reaganite, avoids all questions on this extraordinary regulation as "a national security matter," which it is not. He cannot deny that he received an order from the White House to authorize C.C.C. payment without the normal demand of default.

Meanwhile, President Reagan—who has probably not been briefed on this, because his N.S.C. briefer may not yet comprehend the import of the decision—blithely sails along, assuring one and all that more stringent methods are on the way unless Poland's junta eases off.

Just the opposite is taking place: the secret regulation giving the junta extraordinarily lenient treatment makes a mockery of pretensions of pressure.

In an eyeball-to-eyeball confrontation, the Reagan Administration has just blinked. Poland's rulers can afford to dismiss the Reagan rhetoric because they have seen that the U.S. is ready to do regulatory nip-ups to save them from default.

AMBIVALENT AMERICAN FOREIGN POLICY

(Mr. JOHNSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. JOHNSTON. Mr. Speaker, the ambivalence of American foreign policy is well illustrated by the State Department's recent attempt to change the rules insofar as bank loans to Poland. If we lack the courage to confront the Soviets militarily, let us at least have the courage to confront them economically and insist they play by the rules.

I commend to my colleagues the editorial from today's Wall Street Journal which clearly and unequivocally points out just exactly how the rules are being bent in favor of the Soviets as they enforce their crackdown on the once free people of Poland.

CONGRESS CHANCE ON POLAND

It looks as if the battle for freedom in Poland is going to have to be taken to the floor of the U.S. Congress. With Ronald Reagan's administration slipping into tacit collaboration with martial law by making it easier for the Soviet block to finance repression, any serious action against the Polish regime will have to be taken by another branch of government.

It turns out that the administration, far from calling in the Polish debt to hamper the flow of credit to the Soviet Union and its satellites, is bending U.S. law to keep Poland out of bankruptcy. The Commodity Credit Corporation provides government guarantees to banks financing grain shipments abroad, offering to repay the banks if foreign governments cannot. For ordinary, non-Communist governments, no payment is made until the bank declares the loan in default. But in the case of Poland, this was deemed too embarrassing.

So the State Department lobbied to change the CCC rules, and the administation decided to pay off $71 million to the banks without their declaring a formal default. This is a down payment on about $400 million in guarantees on Polish loans due this year. No sooner is the decision taken than Secretary Haig rushes off to Chicago to spend Solidarity Day posturing before Polish voters as a tough guy on Poland.

One point that begs attention is how this decision was reached. At what level of the government was it decided? Did the President understand the full implications of the change in the rules? Did the National Security Adviser? Where was the Treasury? (The undersecretary for monetary affairs says he's under instructions not to discuss the issue.) Was the Defense Department even consulted? Was this the foreign policy equivalent of the decision to change the tax status of segregated private schools? Everything we learn leads us to suspect that the answers to these questions would be profoundly embarrassing, that this is another example of sloppy management at the White House.

A second point concerns the banks. They have refrained from declaring a default in Poland because the writedowns would hurt their earnings. It would also hurt their chances of doing new business with the Communist dictators of Poland and the rest of the Soviet bloc. But the real question is how did U.S. and other Western banks make all these bad loans, and how can we stop them from doing it again?

The banks have made the loans because Western governments encouraged them to do so, implicitly suggesting that loans to Communists had a favored position, deserved lower rates and would more or less be backed by Western governments. The CCC deal can only encourage this notion. The Soviets rushed to get the gas pipeline deal and other credits wrapped up before the Polish crackdown, and with the new incentives just demonstrated by the Reagan administration, the flow of credit will resume again as soon as the bad press dies down.

The U.S. government ought to at least stay neutral toward Communist loans. The Polish loans clearly are sick, and probably terminally so. The banks ought to be establishing large reserves against them—we have previously suggested 50 percent—as a matter of pure commercial prudence. The government ought to be encouraging them to do this, not helping them avoid it, to limit the commercial damage from any forceful foreign policy initiative. Instead the Reagan administration sponsors a TV show.

Fortunately Congress will have an opportunity to show greater forcefulness, for it controls the power of the purse and bail-out money has to come from somewhere. Specifically, it would come from House Joint Resolution 389, a budget-busting supplemental appropriation of $5 billion for the CCC. This measure has been marked up—with unseemly haste—in the agriculture appropriations subcommittee by the Mississippi Democrat, Jamie Whitten. The main purpose is to provide pork for American farmers, who are calling on their CCC entitlements because of low farm prices. But a lot of the money—between $500 million and $1.5 billion, so far as we can learn—could be used to bail out repression in Poland.

It would not be the worst thing in the world if this whole supplemental were grounded, farm price supports being one of our least favorite subsidies to the landowning poor. But if Congress in going to bail out the American farmer, it can at least write in an amendment prohibiting the use of these tax funds to bail out Polish dictators, at least until a default is declared and the economic lessons of Poland digested.

□ 1545

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ADDABBO) is recognized for 60 minutes.

GENERAL LEAVE

Mr. ADDABBO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the matter of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

A TRIBUTE TO JAMES C. HEALEY

Mr. ADDABBO. Mr. Speaker, many of us here today remember former Congressman James C. Healey, of New York, who passed away on December 16. He was not a figure one would easily forget. I extend my deepest sympathies to his son, Jim and to all his family.

When I first came to the Congress in 1961, Jim had already been here for 4 years. Many a Member, especially an inexperienced one as I, was glad to have Jim's advice and guidance. His good cheer, too, eased our adjustment to congressional life.

During his 8 years in the House, Jim served on the Interstate and Foreign Commerce Committee and the Banking and Currency Committee. He was, even at that time 20 years ago, greatly concerned about international air agreements and the competition our own international carriers faced.

He was also a staunch supporter of Israel, often opposing ill-advised proposals to sell arms and equipment to Arab nations. This, you will remember, was a time when the Israelis were approaching their 10th anniversary and struggling for survival against the economic and military sanctions of their neighbors.

One particular instance in 1956, when the Eisenhower administration proposed to send arms to Saudi Arabia against the strongest opposition from the Congress, spurred a response by Healey and other Members of the New York delegation highly critical of the sale. This brings to mind the struggles we faced last year against a different Republican administration, but also highlights the sensitivity of Healey and others to the hardships and hazards the Israeli's courageously bore then, and continue to face.

The problems in the Mideast were not the only ones to occupy Jim Healey's attention. For Jim Healey, the time spent in the Congress spans a period of fundamental change in our domestic and foreign policies. Serving during the tenures of Presidents Eisenhower, Kennedy, and Johnson, Jim Healey participated in the cold war debates and then, later, in those promoting peaceful coexistence.

On the domestic end, he was here to lend his hand to the shaping of the Great Society. And it is obvious that he kept his eye on the needs of his people—those who lived in the 21st Congressional District in the Bronx, New York. The district, typical of the melting pots that make New York the great place it is, found in Healey a man who supported its needs. Jim pressed for Federal aid for housing and education, looked to raising the minimum wage, and stood beside adequate pay for postal and other Federal employees.

Civil rights, too, was one of his priorities. Long before it became the vogue, Healey saw that our Spanish speaking citizens could not fully exercise their rights as voters if election material was not available to them in their own language. This is only once concrete example of the Congressman's diligence to foster individual rights. He fully supported these rights for all Americans and stood solidly behind the President as Johnson began his historical struggle for equally.

Jim was one of the most active members of the New York Democratic Party organization. Though some might be tempted to say that this role overshadowed all others he played, one cannot help but admire Healey's staunch party loyalty and spirit. How many of us, I wonder, would push so hard for a Presidential candidate's election, as Jim did for Kennedy, that he or she would literally forget his or her own campaign? How many, today, would end our campaign speeches with, "Oh, incidentally, vote for me, too." Jim Healey did.

Those of us who were lucky enough to be counted his good friends were sorry to see him retire after he suffered a stroke in the early 1960's. We are sadder still to hear of his death.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. ADDABBO. I am delighted to yield to the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL. Mr. Speaker, I served in the House with Jim Healey for 9 years. He came from the Bronx in New York City. He came to Congress with a distinguished record for his country, having served in the Navy and local politics at home. He was borough president of the Bronx.

To know Jim was to enjoy him. He was a lovable individual and one of the most popular Members I can ever recall through my years in the Congress.

I can say of Jim Healey that he could get more done accidentally than the average fellow could get done if he was to studiously work on a program.

He was a lovable, talented, able fellow and during the thirties he was a great athlete. He went to the University of Pennsylvania. On a Saturday night in the thirties, amateur athletics prevailed to a tremendous degree in America, and there were great games that would be held in the major cities on Saturday nights.

The University of Pennsylvania always had great teams and Jim was one of the great quarter milers of his day, and up until probably quite recently, his team in the 1930's at the University of Pennsylvania held the mile relay championship.

They used to talk with great interest. In those days he was a sports buff, among many things, as so many of us in public life are. During the thirties when Jim was on the track circuit as a big name, Glen Cunningham was a great runner from Kansas.

There was a fellow by the name of Frensky who was the second greatest miler in America in those days.

Jim told the story about a fellow calling and asking where could he locate Frensky, and he said, "Any Saturday night you can find him a step and a half behind Cunningham." At that time it was true that 7 or 8 weeks in a row Frensky ran behind Cunningham. It got international press at that time.

Jim, as I said, knew how to get things done. He was extremely popular and well liked here in the Congress of the United States, and young Jim is working now and has worked for DAN ROSTENKOWSKI as one of his AA's. Young Jim has all the traits of his Dad, that of a beautiful human being, knowledgeable, who loves the Congress as his Dad did.

All I can say to young Jim is, "Jim, if oldtimers like myself walk up to you and say you remind us of your old man," that is the highest compliment we can pay him, because Jim Healey was indeed a delightful, honorable, decent guy who really loved this Congress.

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield?

Mr. ADDABBO. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Speaker, I served with Jim Healey in the House, and as the Speaker has stated, he was a warm person, he was a dedicated American. I was saddened to hear of the passing of our former colleague, Representative James C. Healey, who represented the 21st District of New York for 10 years. Representative Healey, whom I had the honor of serving with during his entire time in Congress, was a dedicated, hard-working, and productive Member of the House of Representatives. He will be sorely missed by all his colleagues.

Representative Healey came to the House with excellent credentials which enabled him to have a fulfilling career. Educated in New York City public schools and Wharton School of the University of Pennsylvania, he later attended Fordham and St. John's Law School. As a practicing attorney and lieutenant in the U.S. Navy, Jim Healey gained invaluable experience and expertise which soon became obvious in the legislative initiatives he took in the House.

Mr. Speaker, as you know, our colleague consistently voted for responsible social programs and human needs legislation that responded to the needs of our low- and middle-income people. He was a supporter of Federal aid to education, of Federal minimum wage, of civil rights legislation, and public housing.

As a member of the Interstate and Foreign Commerce Committee, he developed an interest in air carriers and worked to improve the conditions of American air carriers in the international field. Jim Healey was a persistent legislator with determination; he was respected on both sides of the aisle.

Mr. Speaker, it was a pleasure to serve with Jim Healey who well represented his constitutents in the Bronx. I extend my deepest and heartfelt sympathy to his wife, Mollie, his children, and entire family.

● Mr. BOLAND. Mr. Speaker, I am pleased to join the Members of the House in paying tribute to the late Honorable James C. Healey who died on December 16, 1981. Those of us who served with him in the House from 1956 to 1964 will remember him as a dedicated and effective legislator and a fine friend.

During Jim's career in the House I developed a close friendship with him. I admired him for his devotion to his duties as a representative of the 21st district of New York, his open-mindedness about issues confronting the Congress, and his great sense of humor.

Jim's calm and friendly disposition made him universally well-liked, and made the House of Representatives a more effective forum for debate than

it could have been without him. I am pleased to have this opportunity to extend my sympathy and best wishes to Jim's beloved wife Mollie and his family.●

● Mr. ROSTENKOWSKI. Mr. Speaker, it is with a sense of great loss and sorrow that I now pay tribute to the late Honorable James Christopher Healey. On December 16, Jim passed away at the age of 71.

An outstanding Member of Congress, Jim Healey received a bachelor of science degree from the Wharton School of the University of Pennsylvania in 1933, and a degree in law from St. John's University in 1936. After law school, he served as an attorney with the New York State Labor Relations Board and then as an assistant U.S. attorney for the southern district of New York.

With the outbreak of World War II, Jim served as a lieutenant in the U.S. Navy. After the war, Jim again applied his legal skills as assistant corporation counsel for the city of New York and later as counsel to the borough president of the Bronx until his election to Congress in 1956.

Until my assignment to the Ways and Means Committee, I had the pleasure of serving with Jim on the Interstate and Foreign Commerce Committee. On that committee, I remember Jim as always being helpful with any of my inquiries. He was the kind of individual one always wanted around.

Later as fate would have it, his son, James Christopher Healey, Jr., joined my staff in 1970 and still works for me today.

James Christopher Healey was a good friend, a good legislator, and a proud servant of the House.●

● Mr. BIAGGI. Mr. Speaker, on December 16, 1981, our Nation lost a great American. Congress lost a distinguished colleague who served from 1956 to 1964. Bronx County and New York City lost a native son, who became one of their most notable leaders. I lost a good friend and colleague in service for the borough and city we both have loved so much for so long.

James C. Healey, Democrat who served New York's 21st Congressional District of the Bronx, but who was foremost a very devoted family man, has gone to an eternal reward. It is very fitting that we take this time in tribute to observe the person of Jim Healey, witness his achievements, and give our fondest wishes to those he loved and who contributed so much to his life.

A product of the New York public school system, the great New York educational institutions of Fordham and St. John's Universities, receiving his LL.B. from St. John's in 1936, Jim Healey began his public service career as an attorney for the New York State Labor Relations Board in 1938. He went on to become assistant U.S. attorney for the southern district of New York in 1940, which service gave way to World War II and assignment to Europe as a lieutenant in the U.S. Navy.

In 1946, James Healey was appointed assistant corporation counsel for the city of New York. From 1948 to 1956, he was counsel to the borough president of the Bronx.

Then Jim Healey came to Congress. He was elected to the 84th Congress to fill the vacancy caused by the resignation of Sidney Fine. He was reelected to the 85th and to the three succeeding Congresses, serving from February 7, 1956, until January 3, 1965.

Jim Healey was well respected and greatly admired as a brilliant public figure on the New York and Washington scenes in the early 1960's. He struck an attractive figure. His was a sparkling, charming personality. He had an outstanding record of personal achievements and public accomplishments. His future in public life seemed to have no limits. It was expected that Jim Healey would be tapped for other leadership posts locally, and nationally.

Then suddenly, tragedy struck. He was felled by a stroke 14 months before his reelection primary. While he was not able to win reelection, he was to recover.

While in Congress, Jim Healey championed the efforts of the young nation of Israel. As a member of the Interstate and Foreign Commerce Committee, he felt it was the job of Congress and his committee to monitor international air agreements to make certain American carriers got, at the very least, an even break in negotiations.

Jim Healey also served on the Banking and Currency Committee, and during his congressional career, he established a record as having voted for: Federal aid to education, the $1.25 minimum wage, civil rights, more Federal aid for housing, and pay increases for postal and other Federal employees.

Also a track star who helped to set records for the mile, while on scholarship at the Wharton School of the University of Pennsylvania, Jim Healey leaves a devoted family behind. To his wife, Mollie, and children, James, John, Joseph, and Elizabeth, I express my deepest sorrow at their loss, and my warmest wishes that God will sustain them in happiness and prosperity as Jim Healey would have wanted.●

● Mr. CONTE. Mr. Speaker, it is with a deep sense of sorrow yet honor that I participate in this special order in honor of Jim Healey's death on December 16. I was fortunate enough to know Jim for the 6 years that he served with me in the House.

As a Member from the other side of the aisle, Jim and I were in disagreement from time to time. Yet I was always impressed by his compassionate sense of realism, and I think you will all agree with me that we need more distinguished public servants like Jim around today.

Jim served his Nation with distinction. He was an attorney for the New York State Labor Relations Board until 1943, and he was a lieutenant in the Navy during World War II. Jim came here before I did, to fill the vacancy created by the resignation of Sidney Fine. I appreciated his friendship and guidance when I came here 2 years later, in 1959.

Jim left the House in 1965, but took a part of all of us with him. He still served his party and his Nation with distinction as a delegate to the Democratic National Convention in 1960, 1964, and 1968.

I began my remarks today by noting that Jim had a sense of compassionate realism. He knew the limits, but he also knew that we had a responsibility to help those who could not help themselves. Many of you remember Jim as a dreamer; some of you could claim that he was a Rube Goldberg-type idealogue, out of touch with the people of the Nation. I do not remember that of him at all—although, he was a dreamer. The world would be a better place in which to live if there were more dreamers.●

● Mr. YATES. Mr. Speaker, I was saddened to learn of the death of Jim Healey. He was not only a most-able Member of this House—he was a warm, generous, compassionate human being. It was a joy to be with him because he brightened and cheered any room he entered.

He was a close friend of my brother Charles. We used to reminisce about my brother, and he would tell me of the experiences both of them had together.

I regret so much of his later years were marred by illnesses; but even suffering as he did, he still possessed a joy and appreciation of life and the events of the day.

Jim will be missed. My wife and I send our deepest condolences to his family.●

● Mr. RHODES. Mr. Speaker, I am pleased to join in the tribute to former Congressman James C. Healey, who died recently in his native New York.

Congressman Healey's tenure in the House was relatively short—8 years in duration, but his contributions to his district and to his country were long and significant. Among his special concerns were aid to education and housing, and support for the minimum wage and civil rights. He fought hard on behalf of American air carriers and was an outspoken friend of Israel.

Congressman Healey's dedicated spirit and keen sense of competitiveness were nurtured early in his life. His talent as a track star secured for him a scholarship at the University of Pennsylvania. His commitment to this sport survived long after his years of competition and he later served as a track official for the Amateur Athletic Union.

Congressman Healey participated in World War II serving as a lieutenant in the Navy in the European Theater.

Before serving in the House of Representatives, Congressman Healey "paid his dues" doing public service in New York. He served as attorney for the New York State Labor Relations Board; as assistant corporation counsel for the city of New York, and as counsel to the borough president of the Bronx.

Jim Healey's fine educational, military and public service experiences prepared him well to serve with honor and distinction the people of New York's 21st Congressional District.

Mrs. Rhodes joins me in expressing sympathy to the Healey family.●

● Mr. ZABLOCKI. Mr. Speaker, I was saddened to hear of the passing of our former colleague, Representative James C. Healey, who represented the 21st District of New York for 10 years. Representative Healey, who I had the honor of serving with during his entire time in Congress, was a dedicated, hard-working and productive Member of the House of Representatives. He will be sorely missed by all his colleagues.

Representative Healey came to the House with excellent credentials which enabled him to have a fulfilling career. Educated in New York City public schools and Wharton School of the University of Pennsylvania, he later attended Fordham and St. John's Law School. As a practicing attorney and lieutenant in the U.S. Navy, Jim Healey gained invaluable experience and expertise which soon became obvious in the legislative initiatives he took in the House.

Mr. Speaker, as you know, our colleague consistently voted for responsible social programs and human needs legislation that responded to the needs of our low- and middle-income people. He was a supporter of Federal aid to education, of Federal minimum wage, of civil rights legislation, and public housing.

As a member of the Interstate and Foreign Commerce Committee, he developed an interest in air carriers and worked to improve the conditions of American air carriers in the international field. Jim Healey was a persistent legislator with determination; he was respected on both sides of the aisle.

Mr. Speaker, it was a pleasure to serve with Jim Healey who well represented his constituents in the Bronx. I extend my deepest and heartfelt sympathy to his wife Mollie, his children, and entire family.●

● Mr. BINGHAM. Mr. Speaker, I am pleased to join with my distinguished colleague from New York (Mr. ADDABBO) in paying my respects to the Honorable James Healey who died December 16, 1981. He served in this body in the 84th through the 88th Congresses. Mr. Healey was elected from the 21st Congressional District of New York which I have represented since 1972, although the boundaries of the district are now quite different. He came from a very political family, as he was the son of a Democratic district captain, and I am pleased to note that his own son is now a congressional staffer for our colleague, the Honorable DAN ROSTENKOWSKI.

Mr. Healey worked hard at representing the people of the Bronx in the Halls of Congress. He made sure that the problems of his constituents were not lost in some corner of the Federal bureaucracy, and he established a tradition of the highest quality constituent service that would be the envy of even the most conscientious Member of this body today.

He used to make trips back to the Bronx from Washington every Tuesday and Thursday and meet with streams of constituents who needed one kind of help or another with the Government and then follow up each case diligently until he got results.

Mr. Healey was a strong supporter of John F. Kennedy's Presidential campaign and was one of his strongest supporters in Congress when he won the White House.

In this too, I am sure he was serving his constituents well. He fought in congressional battles on the side of labor, the poor, minorities, recent immigrants and the elderly. He was particularly active in supporting legislation to help improve retirement benefits for Government employees. He is also remembered for his dedication to track and field, an interest which he kept up long after his own personal accomplishments as a track star at the University of Pennsylvania were over. I understand that he used to serve as a track official for the Amateur Athletic Union, and even after he was elected to Congress he helped run the Melrose meets in Madison Square Garden, probably the only Member of Congress to have earned, and deserved, this distinction.

I express my condolences to Mr. Healey's family. This was a fine man who served his country well.●

CLOSING CONGRESSIONAL LOOPHOLES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 5 minutes.

● Mr. CORCORAN. Mr. Speaker, during the last session of Congress, a bill was enacted that indirectly increased the salary of Members of Congress by increasing the amount of deductions we can take for tax purposes. This, of course, increases our take-home pay. Numerous bills have been introduced to repeal all or part of this provision, and I have cosponsored legislation to repeal completely this unnecessary tax benefit. I am also concerned that if this deduction is not repealed, the language of the provision we passed is so broad that this deduction will be open to widespread abuse.

We should place some limits on the largess with which we treat ourselves, and I am not at all happy with the regulations the IRS issued delineating the limits of our tax deductions. In general, the new regulations provide that a Member can deduct $75 per day of congressional session or, if the Member owns a home, $50 plus taxes and interest per day of congressional session. This deduction is without regard to whether the Member is even in town on that day, or whether the session is a legislative session or merely a pro forma session not requiring our presence—and during which we may well not even be in Washington, D.C.

Under these regulations, we could deduct travel expenses for congressional travel outside of the metropolitan area and at the same time take a hefty deduction for expenses incurred in Washington, D.C. Even those Members who feel that the deduction Congress passed is appropriate will realize that such regulations are ripe for abuse.

I am introducing legislation today that will stipulate that we will be eligible for this tax deduction only if the House of Congress of which a person is a Member is actually in a legislative session—that is, has legislation scheduled for consideration—and only if the Member claiming the deduction has recorded his or her presence by a record vote or a vote by yeas and nays. The very least we can do is claim deductions only for those days on which our presence is required and on which we are actually present.●

INTERPARLIAMENTARY UNION—FALL CONFERENCE IN HAVANA, CUBA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DERWINSKI) is recognized for 60 minutes.

● Mr. DERWINSKI. Mr. Speaker, I have requested a special order for today to inform the Members of the House of the results of the U.S. congressional participation at the fall conference of the Interparliamentary Union held last fall in Havana, Cuba.

As many of the Members are aware, the fact that the meeting was held in Cuba and that U.S. parliamentarians would attend, was cause for certain controversy.

Indeed that were those who strongly urged that we boycott the meeting as a sign of American displeasure at its location. I believe that such a course of action would have been in error and would have done more to help Castro than to hurt him. It is obvious that our nonparticipation would not have confronted Castro with a very difficult foreign policy challenge. On the other hand, since U.S. congressional delegates did attend, the United States was able to stand up to Castro's propaganda, and in the process earned considerable admiration from other parliamentary delegates from around the world in the atmosphere which prevailed in Havana.

The Havana IPU meeting was attended by delegates from 88 countries plus observers from international organizations such as the United Nations. All U.S. delegation statements were listened to and actions closely watched, therefore, by influential representatives from the Eastern bloc, nonalined, Latin American, NATO, and other countries. Impressions were undoubtedly developed concerning U.S. performance in the IPU conference that could have long term impact on policies in their home countries. The U.S. delegation was particularly active in the following ways:

First, rebutting Castro's opening address: Senator ROBERT STAFFORD directly and immediately responded, in a plenary session, to charges contained in Castro's opening ceremony statement. Senator STAFFORD'S statement characterized Castro's address as an "outrageous lecture", a "diatribe" and "without factual basis," and went on to describe positive actions the United States has taken to help combat the Cuban dengue fever epidemic and receive Cubans forced to leave from the port of Mariel.

Senator STAFFORD'S speech was extremely well received, and many delegates, most notably form nonalined countries, went out of their way to praise the dignified tone of his response and express their embarrassment at Castro's misuse of the IPU conference. U.S. participation, in this manner, very likely gained much support for the United States from nonalined countries and encouraged further questioning of the role that Castro is playing in the nonalined movement.

Second, rebutting other criticism of and affirming U.S. principles and policies: Senator STAFFORD, Representative CROCKETT and Delegate WON PAT were present during debate including much criticism of U.S. policies in several areas. Senator STAFFORD confronted a barrage of Eastern bloc and Soviet propaganda that criticized U.S. arms policies, such as the neutron bomb, while welcoming Brezhnev arms control proposals, such as his proposed arms moratorium in Europe. He was able to counter prejudicial allegations on these issues and on Mideast issues as well. Moreover, he was able to challenge the Soviet Union and its friends to pick up on peace opportunities available such as those regarding Afghanistan and Kampuchea. Similarly U.S. delegates CROCKETT and WON PAT enunciated U.S. principles, accomplishments, and policies of human rights and energy.

Third, eliminating references in resolutions prejudiced against the United States: Through action by Representative DANIELSON and myself, many references critical of U.S. policies were eliminated from draft resolutions. For example, an original draft resolution contained criticism of U.S. military assistance to the Duarte government in El Salvador. Drafting committee efforts by Representative DANIELSON were important to accomplish deletions of these references and prevent one-sided criticism of the Duarte government for human rights violations in El Salvador.

In one session, I was confronted with proposed resolution language that represented one-sided criticism of the Reagan administration decision to develop and deploy enhanced radiation weapons—neutron bomb. Despite concerted efforts by the U.S.S.R., Eastern bloc and Cuban delegations, no reference to neutron bombs is contained in any final documents to the conference.

As Members will notice when they read the final report our delegation will issue in print shortly, any of the resolutions adopted by the Havana IPU meeting contain provisions that we, as Representatives of the American people, could not accept. On the other hand, some results of the meeting offer useful encouragement for parliaments and governments to direct their efforts toward practical and productive activity—such as in the areas of arms control, the strengthening of parliamentary government, and in dealing with energy challenges. In one resolution on parliamentary relations with governments, the IPU has unanimously agreed on supporting an approach that urges and I quote:

> All states to establish and unconditionally guarantee fundamental human freedoms and, in particular, to defend freedom of assembly and association within the framework of periodic elections, the will of the voters and their right to freedom of speech and opinion, freedom of expression—particularly in parliaments—and the free reporting of parliamentary proceedings; and calls on parliaments to watch over the exercise of their prerogatives.

As we consider the situation in Poland and the various threats to parliamentary democracy throughout the world, and as we consider how much other parliamentary systems fail to show the strength of our own, it is important that some international organization point the finger directly at what should be our fundamental role and concern. Sadly in many places in the world, the expressions of high purpose that come from meetings such as the IPU are not followed by actions in fact. Freedom of assembly, regular elections, freedom of speech and opinion are regrettably not as fully respected elsewhere as in the United States, and we should do what we can to extend these rights. The IPU has made a contribution toward this objective, ironically even in Cuba.

It was a distinct honor for me to serve as chairman of the delegation to the IPU meeting last fall and an honor and pleasure to work together with other Members of the House in a situation that was not always comfortable or pleasant.●

INTERPARLIAMENTARY UNION LEAGUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 5 minutes.

Mr. DANIELSON. Mr. Speaker, the gentleman from Illinois (Mr. DERWINSKI) was kind enough to take a special order to report to the House of Representatives on our activities last fall at the Interparliamentary Union League in Havana, Cuba. It was to say the very least a rollicking experience.

The structure of that particular conference—I have gone to more than one of these—had some departure from the norm in that the presiding officers and the like were all people adherent of the Eastern or Communist bloc, and those of us with differing points of view had some rather interesting parliamentary situations in making our voices heard.

I want to state that the gentleman from Illinois (Mr. DERWINSKI) and I were the only two who finally went to Havana. Apparently there were some there on an earlier week but for the final sessions Mr. DERWINSKI and I were there alone, and I understand some of our colleagues felt that the political implications of visiting Cuba were rather strong meat and they did not choose to have that in a year before an election.

We had a great time and Mr. DERWINSKI was a magnificent leader of our two-person delegation. We took them on from wherever they came, always from the left, but we took them on wherever they were, and I think we did an excellent job of making the point of view of the free world heard. We pointed out the difficulty of free debate when the cards were obviously stacked against you.

The interesting thing was that before that meeting was over we began to find a little bit of support out of such diverse places as the newer African republics who themselves thought it was a pretty good idea to be able to speak up freely.

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I am pleased to report that our brethren from the British Commonwealth, those from the British Isles themselves, from England, our good friends from Canada on the north and those wonderful Aussies from down in Australia did line up with us and I can tell you that although we were outvoted from time to time, in fact quite often, our voices were heard and they did not run over us. They thought they had run over a patch of brambles.

It was a pleasure for me to serve with ED DERWINSKI in that meeting. He deserves great credit for supporting the principles of the United States of America. I am looking forward to that kind of battle any time it comes along.

RESCISSION OF PATIENT PACKAGE INSERTS RULE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. ROGERS) is recognized for 5 minutes.

● Mr. ROGERS. Mr. Speaker, during the congressional recess, the Reagan administration took a major step toward preserving stability in the price that consumers pay for prescription drugs. I am referring to the recent decision by Health and Human Services Secretary Richard Schweiker to rescind a regulation called patient package inserts.

This regulatory program developed by the Food and Drug Administration (FDA) would have required extensive and highly technical information leaflets for more than 400 different drug products. Industry sources estimate that the PPI regulations would easily cost more than $100 million annually and could eventually exceed $1 billion if FDA were to expand the rule and require these leaflets for all drugs that are on the market.

While the Congress is certainly in favor of consumer information, it is my belief that Secretary Schweiker has made the correct decision. His decision to rescind the patient package insert rule does not mean that the Federal Government is denying consumers access to important drug information. On the contrary, withdrawal of the regulation will mean that drug manufacturers, pharmacists, physicians, and other health care professions will have the freedom to fashion cost-effective voluntary informational programs for the general public—ones that will give the public needed information without prohibitive costs.

According to the National Association of Chain Drug Stores, Inc. (NACDS), a strong opponent to the so-called PPI scheme from its inception, and the Begley Drug Co., which is headquartered in my congressional district, FDA's regulation would have short changed consumers by limiting their access to drug information primarily to one source; namely the agency's leaflets. Such a result, in my opinion, would not be in the best interest of consumers and would not be a sensible approach to take in these times of growing consumer interest in health care matters. Rather than limiting the dissemination of drug information to leaflets by regulation, we should be encouraging innovation in the competitive marketplace. I have reviewed public testimony of the NACDS that was recently presented at public hearings held by FDA Commissioner Hayes on this issue and I am very encouraged by the number of different informational activities that are already in place in chain pharmacies. It would be my guess that we will see more of these voluntary programs from community pharmacies and the industry in the future simply because this rigid rule will be abandoned.

Of equal importance to the Congress is that the proposed rescission of the PPI regulation will also mean considerable cost savings to private paying customers who purchase their medications out of pocket and savings to State medicaid programs which provide drugs to needy recipients. The drug leaflets would have added significant costs to medicaid at a time when the Congress is attempting to bring back into control the skyrocketing cost of important programs like medicaid and medicare.

In conclusion, I urge my colleagues in the House to join with me in applauding the President, Vice President BUSH, Secretary Schweiker and Commissioner Hayes for making a tough but right decision on the PPI rule. I am confident that the consumer will enjoy the benefits of this decision both in terms of the price of the medication which will not be inflated by unnecessary regulation and by the fact that drug information will now be available from a wide range of sources in the marketplace. And I call on the community pharmacies and the industry to implement their voluntary programs to provide consumers with adequate information on drugs.

VIOLENCE IN SPORTS

Mr. LUNGREN. Mr. Speaker, maybe it is because I grew up in southern California and I am not a hockey aficionado, but I do have difficulty understanding the place of violence in that sport. While I did have the opportunity to grow up enjoying football, playing football and knowing what controlled violence is on a sports field, something that occurred in the last couple weeks has bothered me a tremendous amount. My concern is greatest, as a father of small children who watch television and have very impressionable minds as they watch professional sports.

In the last week it is alleged that a member of a professional hockey team was ordered by his coach to leave the bench and engage in a fight. The story suggests that when he refused to do so he found that he was shipped out by that team and his waivers were not picked up by anybody in the league. Unfortunately, the suggestion appears to be that if you are not willing to make it a blood and guts gory battle on the ice, they do not want you in the NHL.

Mr. Speaker, I have not been one of those who has joined some Members in this House in supporting Federal legislation dealing with violence in professional sports because I do not think that ought to be our legislative concern. However, the events of last week made it more difficult for me to continue in that position.

If professional sports in this country want to go back to the days where they were sponsored by the local automobile dealer, and they want to play on back lots or rinks with a couple of hundred people watching them, where barely any kids are going to see them, fine. Then let them go by their rules as long as they do not violate the criminal statutes of the jurisdictions in which they find themselves.

But if professional sports are going to continue to occupy a privileged position in this society; if they are going to be on national television, if every youngster is going to be told in America he should look up to sports figures as idols, if every youngster in America is going to have an opportunity to collect pictures of his favorite players, to go out and see them and to emulate them; if we hold them up in society as models, if national television is going to continue to expose these sports, then I think professional sports in this society has an obligation to police their own. But is this being done?

One of the problems that I noticed several years ago while watching professional football, for instance, was the fact that some of the commentators seem to delight whenever there would be a violation of the rules that was not caught. You might remember the scene of a wide receiver going down the field when he was not thrown the ball, and a defensive back with some vengeance trying to clothes line him; or you may recall when a player wrote a book called "The Assassin," talking about the greatness of violence in professional sports outside the regularized rules.

But at least I think we have seen some improvement in that area. I think the National Football League has responded to some complaints of the citizens. If you watch the broadcasts now I do not think you see the expressions of delight being made by those commentators when they see isolated acts of violence outside the rules.

I think we ought to be assured as members of this society that an institution such as the National Hockey League is going to take action to stop the seeming tremendous avocation of violence outside the rules before it overtakes hockey.

I am not a hockey expert. Yet I do recall a few years ago joining in the feelings of patriotism that most Americans had when the U.S. amateur Olympic team beat the Russians. We enjoyed that because of the fact that we had amateurs representing our country beating what was a professional team of Russians. But in addition to that, I think we enjoyed it because it was hockey as a sport. There was skill involved and exhibited. There was no dedication to violence and it became an enjoyable pasttime for people to enjoy. It was not something of grade B TV stuff where you watch sluggers rather than players who practice their profession with some skill.

My thought to the NHL and some of the people in it is, if you want to have or be fighters, we have professional boxing in most States of the Union. If you want to fight, put your gloves on, follow the rules, and be judged accordingly.

I suspect most of the fighters in the NHL would not make very good boxers. If you have watched their form they really do not seem to do a whole lot. But in fact, there seems to be a persuasive attitude of violence that is increasing. And we ought to speak out against it.

As a Member of Congress who does not believe that we ought to take Federal jurisdiction in this, I am taking advantage of the opportunity I have to speak before this audience and to my fellow Members as an expression of concern. But I do think it is a concern that ought not to go unnoticed. It is a concern that is real. Frankly, I think those who have those positions of authority in the National Hockey League ought to remember that there is legislation that has been introduced with a number of cosponsor that would create Federal jurisdiction of a criminal nature for violence in professional sports.

That being the case, I think they ought to look to clean up their own house before others outside their house make an effort to do it for them.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LUNGREN) is recognized for 15 minutes.

ORDER OF BUSINESS

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent that my special order follow the special order of the gentleman from Illinois (Mr. DERWINSKI) in today's RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

FIGHT RECESSION NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 5 minutes.

● Mr. REUSS. Mr. Speaker, I include an article by myself and James K. Galbraith, executive director of the Joint Economic Committee, which appeared in the Washington Post on January 12, 1982.

FIGHT RECESSION NOW

With the predictable failure of the "supply-side miracle" to materialize following the passage of the Reagan tax and spending cuts, the administration has focused its vision resolutely on the distant future. Its spokesmen ready huge new budget cuts for fiscal 1983, which doesn't begin for nine more months. For 1984, the president will permit no tax increases, though perhaps a little "revenue enhancement." And the recovery promised by the Reagan "Economic Recovery Program" recedes every day like a desert mirage.

Meanwhile no one seems concerned about our immediate problems: today's recession and 8.9 percent unemployment. Almost everyone seems to have taken on faith the word of the consensus forecasters that by mid-1982 natural forces—lower interest rates, pent-up demand for autos and housing, lower inventories—will combine inexorably with the July 1982 tax cuts and with the arms buildup to end the recession and generate economic recovery. Unfortunately, these are the self-same soothsayers who a year ago were predicting that natural forces would forestall a deep recession in the second half of 1981.

Before concluding that we shall be out of the woods by July, we should take note of what administration economic policy is currently up to. Perversely, in the face of recession, macroeconomic policy—taxes, spending and money—is being tightened by fine tuning the wrong way:

TAXES

Social Security payroll taxes rose again on Jan. 1. This was on top of a rise in the Social Security tax rate on Jan. 1, 1981, that more than offset the Oct. 1, 1981, reduction in personal income tax rates for most low- and moderate-income taxpayers. Further, while we wait for the 10 percent tax cut scheduled for July 1, 1982, inflation continues to push workers into higher withholding brackets and so erode real disposable incomes. At the same time, state and local taxes are going up everywhere as these governments struggle to cope with cuts in federal aid that strike at the heart of their ability to deliver vital services.

SPENDING

Last year vast social spending cuts were proposed and adopted on the economic assumption that the economy would shortly boom. Instead of a boom, we now have a brutal recession. Yet, drastic new spending cuts are now proposed.

MONEY

Monetary policy in 1981 was plenty tight. The growth rate of M1B, the most commonly used monetary aggregate (cash plus checking accounts) has been held tightly to the bottom of its target. Yet the administration is sticking to its February 1981 instruction that the Federal Reserve cut the targets for 1982 even further, and the Federal Reserve seems predisposed to comply. The result could be a floor rate of growth for new money in 1982 of only 2.5 percent. This is consistent with no economic recovery in 1982 or, if a recovery occurs, with a rapid return to excruciatingly high interest rates.

Thus the administration's fiscal and monetary policies are combining in the short run to work against any natural forces for recovery. Before next July, when fiscal policy will become more stimulative, a bad situation could become intractable. There is simply no guarantee that this recession won't end up on long-term stagnation, or even in a depression.

What is the solution? Clearly, we don't need a return to fiscal folly or monetary madness, like Richard Nixon's go-for-broke reelection boom of 1971–72. But we equally clearly don't need to compound our recession into depression by restrictive policies as in 1929–33 or 1937. To avoid repeating these fiascos, we should promptly and moderately change course.

TAXES

We should advance the effective date of the July 1, 1982 personal tax reduction to Jan. 1, 1982, and so get the demand stimulus that we need when we need it: right now. At the same time, we should foster a more rapid return to budget balance later by deferring indefinitely the tax cut scheduled for July 1, 1983. Under present law, this cut will occur, by the administration's own forecasts, at exactly the moment when recession will have been replaced by growth and further stimulus could be most dangerously inflationary.

SPENDING

We should hold the line on spending at the real levels of fiscal 1982 just enacted by Congress. Further cuts at this time would mean a deeper recession, aggravated unemployment and personal suffering and social strife. Maintaining spending, furthermore, by promoting economic growth, would ultimately shrink the deficit. Revenues would increase, and unemployment-related expenditures decline. A few weeks ago the administration manipulated upward its forecasts of economic growth so as to bring its forecasted deficits down from politically catastrophic levels. If reducing deficits by increasing growth is worth doing on paper, why not do it for real?

MONEY

The Federal Reserve should be told by the president not to tighten money any further this year. A hold-the-line order on the 1982 monetary target ranges, coupled with an injunction to hit the upper half instead of the bottom of the target ranges, could help guarantee liveable levels of interest rates and so permit economic recovery to begin.

But if we now change fiscal and monetary policy from restrictive to neutral, what about inflation? Clearly, if we reject the notion of beating inflation through recession as a costly and ineffective chimera, then we must come up with a better solution. There is one: growth plus a social contract between labor and government, based on negotiation and compromise rather than confrontation and struggle, in which labor trades wage moderation for social and political gains. Other countries, like little Austria, have proved that a social contract can achieve close to full employment with close to no inflation.●

SOVIET ADVENTURISM IN THE HORN OF AFRICA REGION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. WILSON) is recognized for 10 minutes.

● Mr. WILSON. Mr. Speaker, in the recent past, one of the major areas of Soviet adventurism has been in the Horn of Africa region.

This strategic region forming the soft underbelly of the Persian Gulf region, controls access to the Red Sea and the Mediterranean from the Indian Ocean and constitutes the gateway to East Africa.

Soviet interest in this area dates back to 1971 in South Yemen which now has become the most secure satellite of the U.S.S.R. in the Third World and the only Marxist Arab state. Thereby, Moscow has acquired a naval and air base at Aden which is located at a few miles of the Beb el-Mandeb Straits. While the Soviet Somali adventure did not end well—the Soviets had to leave Somalia in 1978. In 1977, the Soviet Union acquired substantial influence over the most powerful country in the region: the Ethiopian Empire. Today the Soviets control all of the Horn except Somalia and Djibouti. They are building an air and naval base at the Dahlok archipelago off the coast of Eritrea and are exploiting Ethiopia as a rearward base to undermine General Nimiery's regime in the Sudan which is also menaced by Libya. In August 1981, the tripartite pact between Libya, South Yemen, and Ethiopia brought Libyan development funds and terrorist knowhow to Ethiopia against Somalia and Djibouti.

The relative Soviet success was achieved in part by Cuban troops, by East German advisers to the secret police and by Soviet advisers attached to the civilian and military authorities in Ethiopia. The Soviet presence must be effectively counterbalanced and contained. The invasion of Afghanistan by the Soviet Union caused the Carter administration to initiate the first measures of containment by signing the August 1980 agreement with Somalia, Kenya, and the Sultanate of Oman for air and naval facilities for our nascent RDF.

Our policy took a low-key approach in the case of Somalia: $40 million in FMS was promised for 2 years as well as some economic support funds which is too little to make an appreciable difference and too much as not to arouse Ethiopian fears. The latter was caused by the ongoing guerrilla struggle in the Ogaden province, an area administered by Ethiopia since 1948 after a short British administration. The province was reconquered by Cuban troops, in 1978 in a war lasting over 1 year, from the local Somalis and Somali army which came to their support. Our aid to Somalia was only increased marginally in fiscal year 1982.

At the present, the Reagan administration continues to increase aid slightly, but it has not yet defined an effective containment policy in the Horn region. It is for this reason that I, with 63 of my colleagues, wrote to Secretary of State Alexander M. Haig, Jr., on October 20, 1981, asking for higher levels of aid and closer strategic relations with Somalia. We have received a generally positive response from Richard Fairbanks, Assistant Secretary of State for Congressional Relations on December 15, 1981. May I ask for unanimous consent to insert into the RECORD the two letters and an appropriate Op-Ed page article by Z. Michael Szaz, Ph. D., which appeared in the September 28, 1981, issue of the New York Times and the international Herald Tribune? Dr. Szaz is studies program director of the American Foreign Policy Institute and former associate professor of international law and relations at Seton Hall and Troy State Universities.

Also, I would like to reiterate my major concerns which are shared by many of my colleagues and to propose appropriate measures to effect a containment and progressive challenge to the Soviet, Cuban, and East German presence in this region.

We must provide the necessary military and economic assistance to our friends in the region; that is, to the Sudan and Somalia. The administration performed effectively in the case of the Sudan and we have reason to believe that the crisis in the Sudan is over. The same consideration in terms of extending accelerated and substantial arms deliveries and providing economic support funds has yet to be applied to Somalia.

The Somali Army, which lost half of its mechanized equipment in the Ogaden war and remains exposed to repeated air attacks by Ethiopia in the bordering areas that include most of the refugee camps, needs large-scale assistance in order to provide a credible defense against Cuban and Ethiopian forces poised at the border. Our defense experts estimate that it would take about $500 million during a 5-year period to retrain and re-equip the Somali forces. While budgetary reasons may prevent us from supplying the entire amount, we must provide at least the technology-intensive items and must work closely with the Somali military command. We believe that Saudi Arabia might provide financing for the remainder of the equipment and that Egypt would help with Somali procurement. Nevertheless even this limited contribution would cost more than what the present FMS levels have appropriated or planned for Somalia.

We must also increase our ESF and development assistance. Without finding some employment for the refugees, we will perpetuate an unproductive camp life for them and create another Palestinian problem. While the administration and Congress were more generous with refugee aid and development assistance—$30 million ESF was appropriated in fiscal year 1982—the effort must be expanded in fiscal year 1983 and fiscal year 1984 if we want the survival of a stable, pro-Western Somalia.

In the past, there were two guiding examples for large-scale refugee problems. One example was the German case where approximately 12 million refugees and expellees were dumped into West Germany between 1945–47. By 1952, they were absorbed into the national economy and provided with the manpower and many of the skills and comparable to the German "economic wonder." This would have been, of course, impossible, without the Marshall plan which provided the impetus to accelerated economic development and political stabilization.

The other example is that of the Palestinian refugees on the West Bank, the Gaza Strip, and southern Lebanon. Generations were brought up in the camps since 1948, with little productive experience and low self-esteem, providing the manpower for the terrorist activities of the PLO in order to arouse international public opinion about their plight and lack of self-determination.

It is up to us which direction the Somali refugees will have to take. For the sake of justice and peace as well as our national interest, I hope that the administration will choose adequate assistance so that the Somali economy may develop substantially and that political stability may be preserved in Somalia.

Only by strengthening the Sudan and Somalia will the Soviets and their allies be contained in the Horn region and then, we can acquire secure access to their facilities. I trust the administration will move in this direction and hope both the administration and the House will divorce themselves of the commendable, but illusory notion that by not supporting Somalia we may regain Ethiopia as a Western ally.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 20, 1981.

Hon. ALEXANDER HAIG, Jr.,
Secretary of State, Department of State, Washington, D.C.

DEAR SECRETARY HAIG: We, the undersigned members of the U.S. House of Representatives, would like to call your attention to our continuing important interests in Somalia and to recent developments which threaten the peace and stability of the Horn region in Africa.

Particularly, we refer to the August 1981 pact between Libya, Ethiopia and South Yemen, "the latter two Soviet surrogates whose military, economic and state security systems are controlled by Soviet and East German "advisors". In the case of Ethiopia, 17,000 Cuban mercenaries are also present. Especially, the Ethiopians remain on inimical terms with Somalia because of the past support Somalia extended to the indigenous national liberation movement of the Somalis in the Ogaden which is administered by Ethiopia. Ethiopian planes bombed repeatedly this year Somali villages and refugee camps.

In addition, both Ethiopia and South Yemen support the "National Salvation Front", a group of pro-Communist Somali exiles in Ethiopia which is trying to subvert the legitimate government of President Siad Barre of Somalia.

At the present, Ethiopia and the Cuban mercenaries have complete military superiority as the Ethiopian army has received $1.5 billion worth of military equipment from the U.S.S.R. in 1978 and continues to receive military aid from Moscow. Somalia lacks both fighter planes and anti-aircraft batteries.

Somalia is also threatened by the coming influx of Libyan money and terrorist know how which will be directed against its government by the leaders of Libya and the Soviet surrogates in the Horn area.

We believe that the increased threats to Somalia must be answered by a clear American commitment to our Somali allies in the political, military and economic fields.

May we suggest that the Department of State take any measures necessary to communicate this commitment both to the Somali government and to our regional adversaries and the Soviet Union and that we accelerate our various economic and military programs to Somalia, including the early delivery of the anti-aircraft batteries contracted for by Somalia.

We also call upon the Administration to reevaluate our present aid programs, military and economic, to Somalia in the light of the recent developments in the region, especially the tragic assassination of President Anwar Sadat of Egypt, and submit concrete proposals for enhancing the security and stability of Somalia which is providing us with air and naval facilities badly needed by our RDF.

With every good wish, we are
Very sincerely yours,

Arlen Erdahl, G. William Whitehurst, Robin Beard, Don Ritter, Delbert Latta, Millicent Fenwick, Robert J. Lagomarsino, Bob Stump, Charles Wilson, William L. Dickinson, Samuel Stratton, Arlan Stangeland, Robert K. Dornan, Gus Yatron, James Nelligan, Robert Badham, Richard Schulze, Thomas Bliley, Jack F. Kemp, Douglas Bereuter, Bob Livingston, Henry Hyde, Eldon Rudd, Guy Vander Jagt, Bill Boner, Sam B. Hall, Jr., Roy Dyson, Lawrence Coughlin, Jack Fields, Olympia J. Snowe, Daniel Mica, Christopher H. Smith, Larry Winn, Thomas B. Evans, Jr., Bill Chappell, Jr., Thomas Petri, G. V. Montgomery, Charles Stenholm, Robert A. Young (Mo.), Benjamin A. Gilman, Marjorie S. Holt, L. A. Bafalis, John LeBoutillier, Harold Sawyer, John H. Rousselot, Daniel Crane, Frank R. Wolf, Mark Siljander, George Hansen, Billy Tauzin, Claudine Schneider, Stan Parris, Floyd Spence, Vin Weber, Melvin Price, Paul Trible, Robert McClory, Eugene Atkinson, Thomas F. Hartnett, John M. Ashbrook, Edward J. Derwinski, Philip M. Crane, John Edward Porter, Cooper Evans.

DEPARTMENT OF STATE,
Washington, D.C., December 10, 1981.

Hon. CHARLES WILSON,
House of Representatives.

DEAR MR. WILSON: The Secretary has asked me to respond to the letter dated October 20, 1981, from you and several of your Congressional colleagues expressing your views regarding U.S. Government assistance programs for Somalia. As you suggest, the current political climate, especially the August Ethiopia-Libya-South Yemen Tripartite Agreement, warrants our increased attention to developments in the region. The Administration is keenly aware of these and other potential threats to Somalia, a country whose friendship we value both for political and strategic reasons.

You may recall that acknowledgment of Somalia's important geographical location in the Horn of Africa and the Somali Government's willingness to promote a cooperative relationship with us led to the negotiation of an agreement with the Somalis last year which allows us access to Somali air and naval facilities, thereby increasing our ability to respond to Soviet challenges in the Southwest Asian area. Although we have not linked specific amounts of military or economic assistance to that agreement, we have expressed a clear interest in Somalia's territorial integrity, security and economic development. In this connection we initiated a Foreign Military Sales relationship with Somalia and the Congress approved a request to provide a total of $40 million in FMS credits to Somalia for fiscal years 1980 and 1981. This Administration's fiscal year 1982 budget proposal includes another $20 million in FMS credits for Somalia.

In recognition of Somalia's critical air defense needs, we concurred in Somalia's request to use the FMS credits for early warning radars and air defense guns. The Somalis have recently revised their request in favor of more urgently needed transportation, communications and engineering equipment. We are reevaluating Somali needs in an effort to be responsive as quickly as possible.

Moreover, we have recently scheduled more frequent U.S. Navy calls at Somalia ports, established an Office of Military Cooperation in Mogadishu and included Somalia in the RDF exercise "Bright Star." These steps convey clear signals that we are committed to friendship with Somalia.

The military relationship is only one aspect of our growing assistance ties with Somalia. We believe that the U.S. also has a humanitarian and development role to play in providing assistance to lessen Somalia's refugee burden and assisting the country in realizing its economic potential, particularly in agriculture, which is vital to the country's future stability. Towards these ends, the U.S. Government has been the most substantial contributor in response to a UNHCR appeal for Somali refugee relief, providing about $45.5 million in food and non-food assistance in 1981. In addition, the Administration's FY 1982 budget proposal includes $36.2 million designated for development assistance in Somalia.

The Department greatly appreciates your interest and support for our efforts to assist Somalia.

Yours sincerely,
RICHARD FAIRBANKS,
Assistant Secretary for Congressional Relations.●

LOCAL FLEXIBILITY FOR PUBLIC HOUSING OPERATING ASSISTANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, I am today introducing a bill that would provide public housing authorities greater flexibility in the use of Federal funds that are allocated to them for various purposes. It is no secret that most public housing authorities throughout the country, both large and small, are in serious financial difficulties because of the very high rate of inflation, the astronomical increases in utility costs, the large number of very-low-income people residing in public housing units, and the administration's efforts to curtail the Federal Government's operating subsidies for public housing authorities.

The public housing authority in my city, the Chicago Housing Authority, is probably the most vivid example of the financial difficulties that public housing authorities find themselves in today. We have one of the largest authorities in the country with the most difficult financial and social problems of any public housing authority. Past management difficulties and legal problems have put our authority in a situation that causes the authority to live from month-to-month on the verge of financial bankruptcy. Without any changes in the existing law, the Chicago Housing Authority could very well close up shop within the next few months.

What I believe needs to be done in my city at this time is not to provide additional Federal funds for the development of new public housing authority units, but to preserve the huge Federal investment already made in public housing units in Chicago. My constituents find it almost impossible to understand the fact that the Federal Government is willing to provide new funding for additional units while at the same time unable to provide funds to maintain an adequate and

decent living situation for its current tenants.

My bill would give a local public housing agency the authority to decide for itself whether to use the public housing development funds for its own operational needs or to build new units. In addition, it would provide that the authority could use those development funds that are already in the pipeline for its operational needs rather than for new units that are in the planning stage.

With a Federal investment of almost $33 billion in public housing units, it seems to me that at this time of curtailment of Federal social programs, it is in the best interest of the taxpayers and the tenants in public housing to manage, upgrade, and modernize the existing facilities rather than build new ones. We have a crying need in this country for reinvestment in the public infrastructure of both the Federal and local government, and I believe that my bill begins to address this great need.●

NATIONAL SPACE POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BROOKS) is recognized for 5 minutes.

● Mr. BROOKS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to include extraneous material.

Mr. Speaker, on a recent trip to Texas I had the pleasure of visiting the Lyndon B. Johnson Space Center in Houston. While I was there I met with several people from the Houston Section of the American Institute of Aeronautics and Astronautics. I was most favorably impressed by this group and found their proposal concerning our Nation's space policy to be meritorious and worthy of consideration. I am putting the AIAA policy statement in the CONGRESSIONAL RECORD for the enlightenment of the Members:

NATIONAL SPACE POLICY: A PROPOSAL BY THE HOUSTON SECTION—AIAA

Historically, the United States has provided, to the benefit of the entire world, dynamic leadership in the discovery, development and application of new technology, through its natural resources and the imagination, innovation and vitality of its people. For the first time, this leadership is in danger of being assumed by others. Both the commercial and security implications are disturbing—and even unacceptable—to many informed Americans.

With the Space Shuttle, our nation has reached a threshold in space operations capability. We have within our grasp the opportunity to lay the foundation for space industrialization and utilization that can play a crucial role in the future economic, military and scientific strength of our country. A thrust in this direction is a logical continuation of our previous accomplishments. It utilizes our unparalleled experience and talents to provide a real investment in the future with unlimited opportunity and challenge for industry, defense and science to the benefit of the public, both domestic and foreign.

The industrialization of space over the next twenty years involves the assembly, deployment, routine servicing and maintenance of commercial space systems, many of which will be very large and complex. This, in turn, will require a significant expansion in our manned space operations capability for maximum utilization, cost effectiveness, and security. It is our view that our national space objectives would best be served with a national space operations system which includes the Space Shuttle; free-flying support platforms for science and applications payloads; a reusable orbit-to-orbit transfer vehicle for transporting unmanned and manned payloads between low earth and geosynchronous orbits; and a permanently manned operations center in low earth orbit. This operations center will be used to assemble and service space vehicles and systems, to conduct on-board experiment and development work, and to permit the progressive development of the engineering and operations capabilities to reduce dependence on ground support. This system will form a basic capability for employing space to provide for the security of the United States and to preserve peace in the world.

Toward these ends, in behalf of all Americans, the Houston Section of AIAA proposes a National Space Policy with which the United States can lead the world into a new industrial revolution. We ask for a bold commitment to a goal of placing a permanent manned operations center in low earth orbit and the operational deployment of space-based manned orbital transport spacecraft by 1990. In addition to the enormous direct economic benefits available from such a goal, the capability inherent in its achievement is a direct step toward mankind's twenty-first century vision of bold and vigorous exploration and utilization of space—our ultimate frontier.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LUNGREN) to revise and extend their remarks and include extraneous material:)

Mr. CORCORAN, for 5 minutes, today.

Mr. DERWINSKI, for 60 minutes, today.

Mr. ROGERS, for 5 minutes, today.

Mr. LUNGREN, for 15 minutes, today.

Mr. LEACH of Iowa, for 30 minutes, today.

(The following Members (at the request of Mr. PEASE) to revise and extend their remarks and include extraneous material:)

Mr. REUSS, for 5 minutes, today.

Mr. WILSON, for 10 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. BROOKS, for 5 minutes, today.

Mr. COELHO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. LUNGREN) and to include extraneous matter:)

Mr. SAWYER.
Mr. LEWIS.
Mr. JEFFORDS.
Mr. OXLEY.
Mr. FINDLEY.
Mr. WORTLEY.
Mr. BROWN of Ohio.
Mrs. SCHNEIDER.
Mr. MICHEL.
Mr. EVANS of Delaware.
Mr. BEARD.
Mr. MCDADE.
Mr. BETHUNE.
Mr. WAMPLER in two instances.
Mr. GUNDERSON.
Mr. PORTER in two instances.

(The following Members (at the request of Mr. PEASE) and to include extraneous matter:)

Mr. LEVITAS.
Mr. HUCKABY.
Mr. LAFALCE in three instances.
Mr. FAZIO.
Mr. TRAXLER in two instances.
Mr. HOYER in two instances.
Mrs. COLLINS of Illinois.
Mr. GAYDOS.
Mr. DE LA GARZA in 10 instances.
Mr. AUCOIN in two instances.
Mr. STUDDS.
Mr. EDWARDS of California.
Mr. OTTINGER in four instances.
Mr. HAMILTON.
Mr. GORE.
Mr. DOWNEY.
Mrs. SCHROEDER in two instances.
Mr. SKELTON.
Mr. FRANK.
Mr. SCHUMER.
Mr. HERTEL.
Mr. RODINO.
Mr. JONES of Tennessee.
Mr. EDGAR.
Mr. WYDEN.
Mr. FUQUA.
Mr. FOLEY.
Mr. MARKEY.

ADJOURNMENT

Mr. DANIELSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 2 minutes p.m.), the House adjourned until tomorrow, Thursday, February 4, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2962. A letter from the Comptroller General of the United States, transmitting his review of the proposed rescission and defer-

rals of budget authority contained in the message of the President dated November 10, 1981 (H. Doc. No. 97-106), pursuant to section 1014 (b) and (c) of Public Law 93-344 (H. Doc. No. 97-139); to the Committee on Appropriations and ordered to be printed.

2963. A letter from the Acting General Counsel, United States General Accounting Office, transmitting a report on the status of budget authority that was proposed for rescission, but for which Congress failed to pass a rescission bill; to the Committee on Appropriations.

2964. A letter from the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics), transmitting a report on the performance of Defense Department commercial and industrial-type functions, pursuant to section 502(c) of Public Law 96-342; to the Committee on Armed Services.

2965. A letter from the Deputy Assistant Secretary of Defense (Facilities, Environment, and Economic Adjustment), transmitting notice of the location, nature, and estimated cost of various construction projects proposed to be undertaken by the Army National Guard, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

2966. A letter from the Deputy Assistant Secretary of Defense (Facilities, Environment, and Economic Adjustment), transmitting notice of the location, nature, and estimated cost of various construction projects proposed to be undertaken by the Army Reserve, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

2967. A letter from the Deputy Assistant Secretary of the Air Force (Installations), transmitting a report on Air Force military construction contracts awarded without formal advertising during fiscal year 1981, pursuant to section 604 of Public Law 96-418; to the Committee on Armed Services.

2968. A letter from the Secretary of Housing and Urban Development, transmitting an evaluation of the impact of the urban development action grant program; to the Committee on Banking, Finance and Urban Affairs.

2969. A letter from the Secretary of the Army, transmitting a report on voluntary agreements entered into by the Army, pursuant to section 708(1) of the Defense Production Act of 1950 as amended; to the Committee on Banking, Finance and Urban Affairs.

2970. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on loan, guarantee, and insurance transactions supported by Eximbank during August, September, and October 1981, to Communist countries; to the Committee on Banking, Finance and Urban Affairs.

2971. A letter from the Comptroller, Washington Gas Light Co., transmitting the balance sheet of the company as of December 31, 1981, pursuant to section 8 of the act of March 4, 1913; to the Committee on the District of Columbia.

2972. A letter from the Deputy Secretary of Energy, transmitting notice of a delay in submission of the annual report on coordination of Federal energy conservation standards for buildings, required by section 597 of Public Law 96-294; to the Committee on Energy and Commerce.

2973. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting the quarterly report for the period July through September 1981, on imports of crude oil, residual fuel oil, refined petroleum products, natural gas, and coal; reserves and production of crude oil, natural gas, and coal; refinery activities; and inventories; together with data on exploratory activity, exports, nuclear energy, and electric power, pursuant to section 11(c)(2) of the Energy Supply and Environmental Coordination Act of 1974, as amended; to the Committee on Energy and Commerce.

2974. A letter from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting a report covering the month of August 1981, on the average number of passengers per day on board each train operated, and the ontime performance at the final destination of each train operated, by route and by railroad, pursuant to section 308(a)(2) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Energy and Commerce.

2975. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting the proposed allocations to countries and international organizations of the economic support fund, military assistance program, international military education and training, and peacekeeping operations for fiscal year 1982, pursuant to section 653(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

2976. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the State Department's intention to consent to a request by the Government of Korea for permission to transfer certain U.S.-origin military equipment to Korean private firms, pursuant to section 3(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2977. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting notice of a delay in submission of the first annual report on the status of U.S. policy to encourage an international strategy to prevent production and trafficking in narcotics, pursuant to section 502(b) of Public Law 97-113; to the Committee on Foreign Affairs.

2978. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2979. A letter from the Assistant Secretary of Housing and Urban Development for Administration, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2980. A letter from the President, Phelps-Stokes Fund, transmitting the final financial report on the Ralph J. Bunche memorial project, pursuant to section 1(b) of Public Law 96-596; to the Committee on House Administration.

2981. A letter from the Acting Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use and distribution of the Oregon Confederated Tribes of the Umatilla Reservation judgment funds awarded in Dockets 342-70 and 343-70 before the U.S. Court of Claims, pursuant to section 2(a) and 4 of Public Law 93-134; to the Committee on Interior and Insular Affairs.

2982. A letter from the Acting Assistant Administrator, Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting notice of the withdrawal of the final rules published July 8, 1981, by NOAA implementing the Federal consistency provisions of section 307(c)(1) of the Coastal Zone Management Act, pursuant to section 12 of Public Law 96-464; to the Committee on Merchant Marine and Fisheries.

2983. A letter from the Comptroller General of the United States, transmitting certification of his verification of selected expenses of the President and Vice President during fiscal year 1980 and the period ended January 20, 1981, pursuant to 3 U.S.C. 105(d) and 106(b); to the Committee on Post Office and Civil Service.

2984. A letter from the Deputy Assistant Secretary of Agriculture for Administration, transmitting a report on specially qualified scientific and professional positions established in the Department of Agriculture during calendar year 1981, pursuant to 5 U.S.C. 3104(c); to the Committee on Post Office and Civil Service.

2985. A letter from the Director, office of Personnel Management, transmitting a report on the Federal equal opportunity recruitment program, pursuant to section 310 of the Civil Service Reform Act of 1978; to the Committee on Post Office and Civil Service.

2986. A letter from the Chairman, Board of Governors of the U.S. Postal Service, transmitting the annual report of the Postmaster General for fiscal year 1981, pursuant to 39 U.S.C. 2402; to the Committee on Post Office and Civil Service.

2987. A letter from the Chairman, U.S. International Trade Commission, transmitting the 64th annual report of the Commission, pursuant to section 332(g) of the Tariff Act of 1930, as amended; to the Committee on Ways and Means.

2988. A letter from the Administrator, National Aeronautics and Space Administration, transmitting notice of the proposed development of the new, lightweight structure for the rocket booster of the Space Shuttle, pursuant to section 4(3) of Public Law 97-96; to the Committee on Science and Technology.

2989. A letter from the Comptroller General of the United States, transmitting a report on the need to use conclusive medical evidence as the basis for granting black lung benefits (HRD-82-26, January 19, 1982); jointly, to the Committees on Government Operations, Education and Labor, and Ways and Means.

2990. A letter from the Comptroller General of the United States, transmitting a report on enforcement of U.S. import admissibility requirements (GGD-82-12, January 25, 1982); jointly, to the Committees on Government Operations and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. STRATTON (for himself, Mr. PRICE, Mr. BENNETT, Mr. MINISH, and Mr. HORTON):

H.R. 5432. A bill to authorize the presentation on behalf of the Congress of a specially struck gold medal to Admiral Hyman George Rickover; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ANNUNZIO:

H.R. 5433. A bill to amend the United States Housing Act of 1937 in order to provide public housing agencies more flexibility in the use of funds allocated to them; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BAFALIS (for himself and Mr. GIBBONS):

H.R. 5434. A bill to amend the Internal Revenue Code of 1954 to allow certain partnerships to continue to report income on the cash method; to the Committee on Ways and Means.

By Mr. BEARD (for himself, Mrs. FENWICK, Mr. PARRIS, Mrs. BOUQUARD, Mr. BENEDICT, Mr. SAM B. HALL, JR., and Mr. GOODLING):

H.R. 5435. A bill to eliminate the special Federal income tax benefits enacted during 1981 with respect to the living expenses of Members of Congress; to the Committee on Ways and Means.

By Mr. BIAGGI:

H.R. 5436. A bill to amend title II of the Social Security Act to restore minimum benefits for future beneficiaries; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. PEPPER, Mr. MINISH, Mr. WORTLEY, Mr. RICHMOND, Mr. ADDABBO, Mr. STARK, Mr. EDGAR, Mr. SCHEUER, Mr. WEISS, Mr. STRATTON, Mr. ANNUNZIO, and Mr. DOWNEY):

H.R. 5437. A bill to limit availability and use of handgun bullets that are capable of penetrating certain body armor; to the Committee on the Judiciary.

By Mr. CORCORAN:

H.R. 5438. A bill to amend the Internal Revenue Code of 1954 to further limit the deduction allowable to Members of Congress for living expenses; to the Committee on Ways and Means.

By Mr. DICKS:

H.R. 5439. A bill to amend title 5 of the United States Code to require the Office of Personnel Management to provide Federal employees and annuitants an annual opportunity to transfer enrollments between health benefit plans; to the Committee on Post Office and Civil Service.

By Mr. ERDAHL:

H.R. 5440. A bill to amend the Internal Revenue Code of 1954 to increase the age by which distributions from certain retirement plans must begin; to the Committee on Ways and Means.

By Mr. GLICKMAN (for himself, Mr. WATKINS, and Mr. CLAUSEN):

H.R. 5441. A bill to amend the United States Synthetic Fuels Corporation Act of 1980 to provide that biomass shall be included in the definition of synthetic fuel; jointly to the Committees on Banking, Finance and Urban Affairs, Energy and Commerce, and Agriculture.

By Mr. GUARINI:

H.R. 5442. A bill to provide that public works projects of the Army Corps of Engineers in areas of high unemployment shall utilize not less than 40 per centum local workers; to the Committee on Public Works and Transportation

H.R. 5443. A bill to delay for 3 months (until November 1, 1981) the effective date of the recently-enacted amendments to title II of the Social Security Act which generally eliminate child's insurance benefits in the case of children over age 18 who are in college; to extend (through September 1982) the period within which a child must have been already enrolled at the college level in order to fall within the special exception permitting payment of such benefits; and to extend by one year (through mid-1986) the period during which such benefits may continue to be paid in the case of a child falling within such exception; to the Committee on Ways and Means.

By Mr. HAMMERSCHMIDT:

H.R. 5444. A bill to amend the Small Business Act to strengthen the role of the small, innovative firms in federally funded research and development, and to utilize Federal research and development as a base for technological innovation to meet agency needs and to contribute to the growth and strength of the Nation's economy; to the Committee on Small Business.

H.R. 5445. A bill to amend the Internal Revenue Code of 1954 to regulate and limit collection procedures of the Internal Revenue Service in order to provide protection of taxpayer civil rights, and for other purposes; jointly, to the Committees on Ways and Means and the Judiciary.

By Mr. HARKIN:

H.R. 5446. A bill to provide that adjustments in the rates of pay for Members of Congress shall take effect at the beginning of the Congress following the Congress in which they are approved, and for other purposes; jointly, to the Committees on Post Office and Civil Service and Rules.

By Mr. JONES of Tennessee (for himself and Mr. JEFFORDS) (by request):

H.R. 5447. A bill to extend the Commodity Exchange Act, and for other purposes; to the Committee on Agriculture.

By Mr. LUNGREN (for himself and Mr. MCCOLLUM):

H.R. 5448. A bill to establish procedures for imposition of the death penalty for Presidential assassination, and for other purposes; to the Committee on the Judiciary.

By Mr. McDADE:

H.R. 5449. A bill to amend title 18, United States Code, to restrict certain activities of former intelligence employees and other American citizens; to the Committee on the Judiciary.

By Mr. MINISH:

H.R. 5450. A bill to amend the Federal Election Campaign Act of 1971 to reduce multicandidate political committee contribution limits; to the Committee on House Administration.

H.R. 5451. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for real estate taxes imposed on tenants; to the Committee on Ways and Means.

H.R. 5452. A bill to repeal the changes made by the Omnibus Budget Reconciliation Act of 1981 in the trigger provisions contained in the extended unemployment compensation program; to the Committee on Ways and Means.

By Mr. REUSS:

H.R. 5453. A bill to amend the Internal Revenue Code of 1954 to provide that the 1982 individual income tax rate reductions made by the Economic Recovery Tax Act of 1981 be given a full year effect for purposes of withholding, and for other purposes; to the Committee on Ways and Means.

By Mr. ST GERMAIN:

H.R. 5454. A bill to amend the Internal Revenue Code of 1954 to limit the deduction of living expenses by Members of Congress and to eliminate the provision which allows such deduction without substantiation of such expenses; to the Committee on Ways and Means.

By Mr. WAMPLER:

H.R. 5455. A bill to amend the act of July 2, 1962, to authorize intrastate quarantines under extraordinary emergency conditions; to the Committee on Agriculture.

By Mr. WAMPLER (for himself and Mr. DE LA GARZA):

H.R. 5456. A bill to amend the Plant Quarantine Act of August 20, 1912, as amended, to eliminate certain unnecessary regulatory requirements; to the Committee on Agriculture.

By Mr. HAWKINS:

H.J. Res. 400. Joint resolution to authorize and direct the Secretary of the Interior, subject to the supervision and approval of the Franklin Delano Roosevelt Memorial Commission, to proceed with the construction of the Franklin Delano Roosevelt Memorial, and for other purposes; to the Committee on House Administration.

By Mrs. SCHNEIDER:

H.J. Res. 401. Joint resolution amending the Department of Transportation and Related Agencies Appropriation Act, 1982, to permit grants to the National Railroad Passenger Corporation to be used to pay certain taxes or fees; jointly, to the Committees on Appropriations and Energy and Commerce.

By Mr. HERTEL:

H. Con. Res. 264. Concurrent resolution expressing the sense of the Congress that the President should impose against the Union of Soviet Socialist Republics additional economic sanctions, including an embargo on the sale of grain produced in the United States; to the Committee on Foreign Affairs.

By Mr. JONES of Oklahoma:

H. Con. Res. 265. Concurrent resolution concerning tax-exempt status of private schools; to the Committee on Ways and Means.

By Mr. PEASE:

H. Con. Res. 266. Concurrent resolution protesting payments by U.S. Government agencies with respect to defaulted Polish loans; to the Committee on Foreign Affairs.

By Mr. de la GARZA (for himself and Mr. WAMPLER):

H. Res. 341. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Agriculture in the second session of the Ninety-seventh Congress; to the Committee on House Administration.

By Mr. BOLAND:

H. Res. 342. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Permanent Select Committee on Intelligence in the second session of the Ninety-seventh Congress; to the Committee on House Administration.

By Mr. BROOKS:

H. Res. 343. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Government Operations in the second session of the Ninety-seventh Congress; to the Committee on House Administration.

By Mr. DeNARDIS:

H. Res. 344. Resolution acknowledging March 29, 1982, as the 100th anniversary of the founding of the Knights of Columbus, and commending such organization for a century of dedicated public service; to the Committee on Post Office and Civil Service.

H. Res. 345. Resolution to amend the Rules of the House of Representatives regarding the consideration in the House of a bill or resolution which adjusts the pay or affects the limitations on outside earned income of Members; to the Committee on Rules.

H. Res. 346. Resolution to amend the Rules of the House of Representatives with respect to the disposition of a motion to re-

consider a voice vote on final passage of legislation which adjusts the pay or affects the limitations on outside earned income of Members; to the Committee on Rules.

By Mr. ST GERMAIN:

H. Res. 347. Resolution to provide amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Banking, Finance and Urban Affairs in the second session of the Ninety-seventh Congress; to the Committee on House Administration.

By Mr. WYDEN:

H. Res. 348. Resolution expressing the sense of the House of Representatives with respect to the rights of residents in certain health care facilities; jointly, to the Committees on Ways and Means and Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

247. By Mr. WILLIAM J. COYNE: Memorial of the Senate of the Commonwealth of Pennsylvania, relative to Poland; to the Committee on Foreign Affairs.

248. By the SPEAKER: Memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to defense cuts; to the Committee on Armed Services.

249. Also, memorial of the Legislature of the Territory of Guam, relative to the annual payment bill; to the Committee on Interior and Insular Affairs.

250. Also, memorial of the Legislature of the Territory of Guam, relative to Federal-territorial relations; to the Committee on Interior and Insular Affairs.

251. Also, memorial of the Legislature of the State of Alaska, requesting that Congress propose an amendment to the Constitution of the United States, or in the alternative, call a convention for the purpose of proposing an amendment, to require a balanced Federal budget; to the Committee on the Judiciary.

252. Also, memorial of the Senate of the Commonwealth of Pennsylvania, relative to reduction of services by the Corps of U.S. Army Engineers; to the Committee on Public Works and Transportation.

253. Also, memorial of the Legislature of the Territory of Guam, relative to national tuition tax credit legislation; to the Committee on Ways and Means.

254. Also, memorial of the Legislature of the State of California, relative to the Mediterranean fruit fly; jointly to the Committees on Ways and Means and Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 18: Mr. KILDEE, Mr. WHITEHURST, Mr. HERTEL, Mr. NEAL, Mr. HUBBARD, Mr. FOLEY, and Mr. EMERSON.

H.R. 768: Mr. MINISH and Mr. GEJDENSON.

H.R. 769: Mr. JOHN L. BURTON and Mr. ALBOSTA.

H.R. 789: Mr. MCCOLLUM.

H.R. 852: Mr. MITCHELL of Maryland, Mr. STARK, and Mr. FOGLIETTA.

H.R. 1513: Ms. MIKULSKI.

H.R. 1514: Ms. MIKULSKI.

H.R. 1515: Ms. MIKULSKI.

H.R. 1516: Ms. MIKULSKI.

H.R. 1517: Ms. MIKULSKI.

H.R. 2280: Mr. FAZIO, Mr. GEPHARDT, Mr. AUCOIN, Mr. PICKLE, Mr. STARK, Mr. VENTO, Mr. DAN DANIEL, Mr. GUARINI, Mr. EDGAR, Mr. BEDELL, and Mr. GRADISON.

H.R. 3269: Mr. WHITEHURST, Mr. DECKARD, Mr. ROBERTS of Kansas, Mr. O'BRIEN, Mr. FLIPPO, Mr. CLAUSEN, Mr. JOHNSTON, and Mr. BROOMFIELD.

H.R. 3575: Mr. DAVIS, Mr. EVANS of Georgia, Mr. FOLEY, Mr. HAGEDORN, Mr. LOEFFLER, Mr. MCHUGH, Mr. MARLENEE, Mr. NOWAK, Mrs. ROUKEMA, and Mr. SCHUMER.

H.R. 3600: Mr. NOWAK.

H.R. 4014: Mr. WHITEHURST.

H.R. 4070: Mr. JACOBS, Mr. SABO, Mr. VENTO, Mr. EDWARDS of California, Mr. MOAKLEY, Mr. D'AMOURS, Mr. LEHMAN, Mr. YATES, Mrs. SCHROEDER, Mr. SEIBERLING, Mr. STARK, Mr. MOTTL, Mr. FOGLIETTA, Mr. MCKINNEY, Mr. MAVROULES, Mr. APPLEGATE, Mr. PATTERSON, Mr. OBERSTAR, and Mr. PANETTA.

H.R. 4147: Mrs. SCHROEDER.

H.R. 4157: Mr. HARKIN.

H.R. 4227: Mr. RINALDO, Mr. CHAPPELL, Mr. HORTON, Mr. SIMON, Mr. LAFALCE, Mr. AKAKA, Mr. HERTEL, Mr. ROSENTHAL, Mr. GINGRICH, Mr. FORSYTHE, Mr. SMITH of Iowa, Mr. FRANK, Mr. STOKES, Mr. GRAY, Mr. DOUGHERTY, and Ms. OAKAR.

H.R. 4325: Mr. MCGRATH.

H.R. 4330: Mr. BAFALIS, Mr. COLEMAN, Mr. DUNCAN, MR. ERDAHL, Mr. JOHNSTON, and Mr. PETRI.

H.R. 4334: Mr. BAFALIS, Mr. COLEMAN, Mr. DUNCAN, Mr. JOHNSTON, and Mr. PETRI.

H.R. 4399: Mr. BRINKLEY, Mr. BOWEN, Mr. CHENEY, Mr. MCEWEN, and Mr. PRICE.

H.R. 4535: Mr. MAVROULES, Mr. WHITEHURST, and Mr. MATSUI.

H.R. 4709: Mr. WOLF and Mr. QUILLEN.

H.R. 4835: Mr. MORRISON, Mr. MCKINNEY, Mr. DYSON, and Mr. MARRIOTT.

H.R. 4863: Mr. LENT.

H.R. 4882: Mr. BEILENSON, Mr. FROST, Mr. HERTEL, Mr. FOGLIETTA, Mr. BRODHEAD, Mr. FAZIO, Mr. OTTINGER, Mr. LOWRY of Washington, Mr. WEAVER, Mr. HUGHES, Mr. ECKART, Mr. SEIBERLING, Mr. STUDDS, Mr. KOGOVSEK, Mr. BARNES, Mr. DASCHLE, Mr. WOLPE, and Mr. GEPHARDT.

H.R. 5093: Mr. FORSYTHE.

H.R. 5147: Mr. BLILEY.

H.R. 5163: Mr. STRATTON and Mr. JAMES K. COYNE.

H.R. 5238: Mr. FISH, Mr. ROE, Mr. WOLF, Mr. RINALDO, Mr. HUGHES, Mr. SMITH of Pennsylvania, Mr. YATRON, Mr. MATSUI, Mrs. CHISHOLM, Mr. DAUB, Mr. FOGLIETTA, Mr. SCHUMER, Mr. MOLINARI, Mr. SOLARZ, Mr. EDWARDS of California, Mr. LEHMAN, Mr. FAUNTROY, Mr. DONNELLY, Mr. TRAXLER, Mr. CORRADA, Mr. MITCHELL of Maryland, Ms. MIKULSKI, Mr. YATES, Mr. GORE, Mr. OBERSTAR, Mr. EDGAR, Mr. SIMON, Mr. MAZZOLI, Mr. MURPHY, Mr. SANTINI, Mr. O'BRIEN, Mr. MITCHELL of New York, Mr. MINETA, Mr. KASTENMEIER, Mr. WON PAT, Mr. HOWARD, Mrs. COLLINS of Illinois, Mr. MCKINNEY, Mr. D'AMOURS, Mr. FRANK, Mr. GEJDENSON, Mr. PEPPER, Mr. ROSENTHAL, Mr. BINGHAM, Mr. FORD of Tennessee, Mr. GUARINI, Mr. BONIOR of Michigan, Mr. KILDEE, Mr. DELLUMS, Mr. PATTERSON, Mr. WHITEHURST, Mr. SMITH of Alabama, Mr. ROTH, Mr. ROBERTS of Kansas, Mr. SUNIA, Mr. ERTEL, Mr. CROCKETT, Mr. VENTO, Mr. PRITCHARD, Mr. MARKEY, Mr. STOKES, Mr. FAZIO, Mr. LANTOS, Mr. KOGOVSEK, and Mr. RATCHFORD.

H.R. 5264: Mr. ROSENTHAL and Mr. ROYBAL.

H.R. 5323: Mr. BEREUTER, Mr. PEASE, and Mr. PETRI.

H.R. 5332: Mr. SHANNON.

H.R. 5334: Mr. BROWN of Ohio, Mr. ECKART, Mr. LATTA, Mr. MCEWEN, Mr. MILLER of Ohio, Mr. MOTTL, Mr. PEASE, and Mr. WILLIAMS of Ohio.

H.R. 5338: Mr. KILDEE, Mr. FRANK, Mr. BROWN of Colorado, Mr. MOTTL, Mr. EMERY, Mr. SMITH of Alabama, Mr. DREIER, Mr. DOWDY, Mr. MORRISON, Mr. BINGHAM, Mr. KOGOVSEK, Mr. LOWERY of California, Mr. SAM B. HALL, Jr., Mr. STRATTON, Mr. BEARD, Mr. ROEMER, Mr. LOEFFLER, Mrs. FENWICK, Mr. FROST, and Mr. DENARDIS.

H.R. 5341: Mr. SOLOMON, Mr. DENARDIS, Mr. BROWN of Colorado, Mr. WALGREN, Mr. STANGELAND, Mr. ROBERTS of Kansas, Mr. HAMILTON, Mr. O'BRIEN, Mrs. FENWICK, Mr. FRANK, Mr. FITHIAN, Mr. ATKINSON, Mr. LEE, Mr. SMITH of New Jersey, Mr. SANTINI, Mr. HOLLENBECK, Mr. LOEFFLER, Mr. ROEMER, Mr. LUJAN, Mr. BEDELL, Mr. LAGOMARSINO, Mr. FLORIO, and Mr. HOPKINS.

H.R. 5356: Mr. SYNAR and Mr. BLANCHARD.

H.J. Res. 225: Mr. MINETA, Mr. BONER of Tennessee, Mr. HAWKINS, Mr. BENEDICT, Mr. MARRIOTT, Mr. AUCOIN, Mr. BEARD, Mr. PEYSER, Mr. FORD of Tennessee, Mr. VANDER JAGT, Mr. WILSON, Mr. SNYDER, Mr. MCCLOSKEY, Ms. FIEDLER, Mr. DICKS, and Mr. WORTLEY.

H.J. Res. 316: Mrs. CHISHOLM, Mr. FRANK, Mr. PERKINS, Mr. ARCHER, Mr. ROBERTS of South Dakota, Mr. STANTON of Ohio, Mr. ST GERMAIN, Mr. OTTINGER, Mr. RITTER, Mr. OBERSTAR, Mr. MITCHELL of New York, Mr. DONNELLY, Mr. LOWERY of California, Mr. ROSE, Mr. MOAKLEY, Mr. DICKS, Mr. DYSON, Mr. GINN, Mr. RICHMOND, Mr. FISH, Mr. HAWKINS, Ms. FERRARO, Mr. DAVIS, Mr. KEMP, Mr. MCHUGH, Mr. LENT, Mr. STUMP, Mr. JONES of North Carolina, Mr. SILJANDER, Mr. FOGLIETTA, Mr. MORRISON, Mr. UDALL, Mr. SWIFT, Mr. PETRI, Mr. CHAPPIE, Mr. CAMPBELL, Mr. FITHIAN, Mr. PAUL, Mrs. HOLT, Mr. HUGHES, Mr. HAMILTON, Mr. KRAMER, Mr. FOUNTAIN, Mr. BONKER, Mr. JOHNSTON, and Mr. DELLUMS.

H.J. Res. 354: Mr. MCKINNEY, Mr. BEVILL, Mr. CARNEY, Mr. PANETTA, and Mr. COLLINS of Texas.

H.J. Res. 387: Mr. WILSON, Mr. WEAVER, Mr. EDWARDS of California, Mr. FASCELL, Mr. SCHUMER, Mr. PRICE, Mr. FORD of Michigan, Mr. BEILENSON, Mr. LAFALCE, Mr. ZEFERETTI, Mr. MINISH, Mr. DUNN, Mr. ROE, Mr. CLAY, Mr. NELSON, Mr. CLINGER, Mr. EDGAR, Mr. LEACH of Iowa, Mr. D'AMOURS, Mr. WORTLEY, Mrs. SCHNEIDER, Mr. SEIBERLING, Mr. RAHALL, Mr. DYSON, and Mr. WHITLEY.

H.J. Res. 394: Mr. FORD of Michigan, Mr. LEVITAS, Mr. WILSON, Mr. WIRTH, Mr. PICKLE, Ms. FERRARO, Mrs. FENWICK, Mr. RAHALL, Mr. BURGENER, Mr. SOLOMON, and Mr. DREIER.

H. Con. Res. 219: Mr. WOLF, Mr. ADDABBO, Mr. COLLINS of Texas, and Mr. MCCOLLUM.

H. Con. Res. 222: Mr. ANTHONY.

H. Con. Res. 236: Mr. MOAKLEY, Mr. OTTINGER, Mr. GILMAN, Mr. RICHMOND, Mr. HEFNER, Mr. WEISS, Mr. FOGLIETTA, Mr. FORD of Michigan, Mr. SCHEUER, Mr. OBERSTAR, Mr. GRAY, Mr. FISH, Mr. DELLUMS, Mr. YATES, Mr. BONIOR of Michigan, Mr. DENARDIS, Mr. CORCORAN, Mr. EMERY, Mr. SANTINI, Mr. D'AMOURS, Mr. ROE, Mr. FAZIO, Mr. ARCHER, Mr. MARRIOTT, Mr. GUARINI, Mr. PATTERSON, Mr. VENTO, Mr. MATSUI, Mr. OXLEY, Mr. KEMP, Mr. WHITEHURST, Mr. MURTHA, Mr. BARNES, Mr. FOLEY, Mr. EVANS of Delaware, Mr. KASTENMEIER, Mr. LEE, Mr. HUBBARD, Mr. LOWRY of Washington, and Mr. GINGRICH.

H. Con. Res. 255: Mr. BEDELL, Mr. HORTON, Mr. WILSON, Mr. ROE, Mr. JEFFRIES, Mr.

VENTO, Mr. EDGAR, Mr. DONNELLY, and Mr. NOWAK.

H. Con. Res. 260: Mr. ROBERT W. DANIEL, Jr., Mr. MINETA, Mr. RANGEL, Mr. ROSE, Mr. TAYLOR, Mr. NELLIGAN, Mr. DUNCAN, Mr. TRAXLER, Mrs. FENWICK, Mr. RAHALL, Mr. GRAY, and Mrs. COLLINS of Illinois.

H. Res. 243: Mr. KRAMER.

H. Res. 265: Mr. COURTER.

H. Res. 269: Mr. BARNES, Mr. SIMON, Mr. ARCHER, Mr. LONG of Maryland, Mr. AUCOIN, Mr. BEDELL, Mr. FROST, Mr. WILLIAM J. COYNE, Mr. YOUNG of Missouri, Mr. COLLINS of Texas, and Mr. MCCOLLUM.

H. Res. 321: Mr. DENARDIS, Mr. BROWN of Colorado, Mr. WALGREN, Mr. STANGELAND, Mr. ROBERTS of Kansas, Mr. HAMILTON, Mr. SMITH of New Jersey, Mr. WEAVER, Mrs. FENWICK, Mr. FRANK, Mr. FITHIAN, Mr. ATKINSON, Mr. LEE, Mr. SANTINI, Mr. LAGOMARSINO, Mr. LOEFFLER, Mr. ROEMER, Mr. LUJAN, Mr. BEDELL, Mr. FLORIO, and Mr. HOPKINS.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

336. By the SPEAKER: Petition of James C. Gates, Montgomery, Ala., relative to appropriations for veterans' jobs programs; to the Committee on Appropriations.

337. Also, petition of the National Association of State Park Directors, Annapolis, Md., relative to establishment of a Civilian Conservation Corps II program; to the Committee on Education and Labor.

338. Also, petition of Antal Apró, President of the National Assembly of the Hungarian People's Republic, relative to relations between the United States and Hungary; to the Committee on Foreign Affairs.

339. Also, petition of Dr. Roberto Sacasa, Miami, Fla., relative to El Salvador; to the Committee on Foreign Affairs.

340. Also, petition of Harold E. Trammell and others, Washington, D.C., relative to abuses of the Internal Revenue Service; to the Committee on Ways and Means.

341. Also, petition of Arthur Johnson, Boulder, Colo., relative to excise taxes on alcohol and tobacco; to the Committee on Ways and Means.

89-059 O-85-51 (Pt. 1)

EXTENSIONS OF REMARKS

TAX BURDEN MUST BE EASED FOR CERTAIN FARMERS

HON. L. A. SKIP BAFALIS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. BAFALIS. Mr. Speaker, the 1976 Tax Reform Act imposed an unintentional burden on citrus groves and other farms operated as a partnership. So, I have today introduced legislation to provide relief from that burden and to allow the individual partners of a farming partnership to continue their productive investment role, rather than forcing them to sell their interests either to larger agribusinesses or to commercial real estate developers.

The general practice of citrus grove and other farming partnerships is to use a cash method of accounting, as allowed by the code. However, section 447 of the code, provides that any farm partnership which includes a certain type of corporation as a partner must use an accrual method of accounting. Therefore, a partnership could be forced to convert from the cash to the accrual method if a corporate partner's gross receipts rise above a fixed statutory level, if a corporate partner loses its small business corporation status because of the death of a shareholder or an internal dispute, or if a corporate partner is no longer owned by a family because of the death of a family member. Such changes are beyond the influence of the individual partners, yet these individuals suffer the consequences of a change in method of accounting.

The conversion to an accrual method results in an acceleration of income and a deferral of deductions. This creates an added tax liability for each partner, distorts cash flow of the operation, and may make participation in the farm partnership no longer an economically worthwhile venture for individual partners. Consider the real possibility that the tax liability on a partner's accrual income will approach or exceed the actual cash that can be distributed if the farm is to remain in operation. This can cause the partners to force the partnership to sell its land to condominium or other developers in order to liquidate what has become an uneconomical investment. This is of great concern to us in Florida.

Even if the partnership does not sell its land, its partners are at a disadvantage with respect to farming partnerships that have no corporate partners. This is a form of unfair tax discrimination.

Whatever the merits of this penalty for what were thought to be shelter situations, the law had trapped those partnerships that were already in operation with a corporate partner when section 447 was enacted in 1976. The individual partners in such a situation are powerless to protect themselves from the adverse tax consequences of changes in the circumstances of an existing corporate partner. A partnership formed after the enactment of section 447 had fair warning of the potential consequences of taking on a corporate partner, but the partnership that was already in business had no such protection.

The bill that I propose today would rectify this situation. It provides a fair solution to a problem that inflation or death may bring upon citrus grove and other farm partnerships. Solely for those partnerships that were engaged in the trade or business of farming when section 447 was enacted and which at that time had a corporate partner that is no longer exempt, an election could be made to allow the individual partners to continue to report on the cash basis while the corporate partner reports on the accrual basis.

It is a common practice today for partnerships to keep their accounting records on a cash basis, thus recording income and expenses when received or paid during the year, and to make appropriate accrual adjustments at the end of the year. Farming operations generally will need only three such adjustments to produce accrual basis information for the corporate partner—first, recording yearend receivables, second, establishing the inventory value of both growing and unsold crops, and third, recording accrued and prepaid expenses and accounts payable.

Prompt action is essential because of the time for filing 1981 partnership returns and 1981 tax returns of the individual partners of April 15, 1982. Given the tax agenda last year, it was not possible to consider such a seemingly minor matter as this legislation in the context of the 1981 Economic Recovery Tax Act. However, that circumstance will also lead to a painful situation for those who are required to file 1981 returns on the accrual basis. The legislation rectifies the problem without disturbing any of the rationale underlying the enactment of section 447 of the Internal Revenue Code.

I invite the support of my colleagues on this legislation and ask unanimous consent that the text of the bill be printed in the RECORD.

H.R. 5434

A bill to amend the Internal Revenue Code of 1954 to allow certain partnerships to continue to report income on the cash method

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DOUBLE METHOD OF ACCOUNTING

Section 447 of the Internal Revenue Code of 1954 (relating to method of accounting for corporations engaged in farming) is amended by adding after subsection (h) the following new subsection:

"(i) SPECIAL RULE FOR ELECTING PARTNERSHIPS—

"(1) ELIGIBILITY FOR ELECTION.—A partnership shall be permitted to make an election under this subsection only if—

"(A) on October 4, 1976, and at all times thereafter, the partnership was engaged in the trade of business of farming; and

"(B) subsection (a) would apply (but for this subsection) solely because a corporation which was a partner on October 4, 1976, and at that time was described in subsection (c), is no longer so described.

"(2) TIME FOR ELECTION.—A partnership must make the election under this subsection on or before the return date for the first taxable year of the partnership which begins on or after the end of the first taxable year of the corporate partner in which it is no longer described in section (c).

"(3) METHOD OF MAKING ELECTION.—A partnership shall make an election under this subsection using a method prescribed by the Secretary in regulations.

"(4) ELECTION.—A partnership may elect to compute its income under both the method specified in subsection (a) and the method used in the year preceding the year when subsection (a) became applicable. An electing partnership shall file returns reporting income under each method and shall keep such records as the Secretary may prescribe. If a partnership makes an election under this subsection—

"(A) A partner which is a corporation which is not described in subsection (c) shall report its distributive share of income and credits (including the distributive share of any section 481 adjustments resulting from a change in accounting method) based upon the partnership computation of income under the method specified in subsection (a), and

"(B) the remaining partners shall report their distributive shares of income and credits based upon the partnership computation of income under the method used in the year preceding the year when subsection (a) became applicable."

SEC. 2. EFFECTIVE DATE

The amendments made by this Act shall apply to taxable years ending after December 31, 1980.●

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

GEORGIA HOUSE OF REPRESENTATIVES URGES CONGRESS TO PASS LEGISLATION RELATIVE TO THE DEATH PENALTY

HON. LARRY P. McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. McDONALD. Mr. Speaker, on January 22, 1982, the Georgia House of Representatives adopted a resolution urging the Congress of the United States to pass legislation providing for a sentence of death in a State court to be reviewed only once in the Federal judiciary by the U.S. Supreme Court on direct appeal from the highest appellate court of a State. This request is being made on behalf of the citizens of Georgia and in order for those States who have a death penalty to carry out such sentences without unnecessary delay due to the cumbersome and lengthy appellate procedures in the Federal courts. Such delays are not only costly to the taxpayers but are repugnant to the concept of swift and sure punishment.

The position taken by the Georgia House of Representatives is an example of positive thinking at the State level. We at the Federal level would do well to heed their call and act to limit the Federal Government, at all levels—executive, legislative, and judiciary—to those functions outlined by the Constitution and leave those matters reserved to the States to the States. As the Georgia House of Representatives resolution points out, perhaps the most flagrant example of Federal interference is the numerous obstacles that the Federal judiciary has imposed on the States in the area of criminal justice.

I commend the resolution and the proposal of the Georgia House of Representatives to the full consideration and careful attention of my colleagues:

A RESOLUTION

Urging Congress to pass certain legislation relative to the death penalty; and for other purposes.

Whereas, the greatest concern to the citizens of this state is the dramatic increase in violent crime; and

Whereas, the people do not understand why the death penalty is not enforced in the same manner as other laws and punishment; and

Whereas, the complex legal system, especially involving the federal courts, is being used to delay the carrying out of death penalties; and

Whereas, the State of Georgia has 91 offenders on Death Row, some of whom have been under a sentence of death for over eight years; and

Whereas, the appeals procedure is very expensive for Georgia's taxpayers and time consuming for the Attorney General's office which is required to represent the state in all postconviction proceedings; and

Whereas, at any given time seven attorneys in the Attorney General's office are working on death penalty litigation at an annual cost of $280,000.00 to the taxpayers of this state; and

Whereas, the State of Georgia has adopted a unified motion for review procedure in cases where the sentence of death has been imposed; however, such unified procedure is virtually meaningless with the cumbersome and lengthy appellate procedures in the federal courts. Now, therefore, be it

Resolved, by the House of Representatives that the members of this body do hereby urge the Congress of the United States to pass legislation providing for a sentence of death in a state court to be reviewed only once in the federal judiciary by the United States Supreme Court on direct appeal from the highest appellate court of a state.

Be it further resolved, That the Clerk of the House of Representatives is authorized and directed to transmit appropriate copies of this resolution to each member of the Georgia Congressional Delegation.●

ABOLISH THE SYNTHETIC FUELS CORPORATION

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. OTTINGER. Mr. Speaker, I have joined with six of my colleagues in introducing legislation to abolish the very symbol of corporate welfare: the Synthetic Fuels Corporation.

The existence of the Synthetic Fuels Corporation today only confirms the most cynical view of the Federal Government. For while we make low- and middle-income Americans suffer increasing hardship in the name of economic recovery, we give out billions of dollars in loan guarantees to Exxon and Texaco, among America's richest corporations—billions for uneconomic ventures that the private sector will not finance.

The administration wants to virtually eliminate programs to promote energy conservation and the use of renewable resources. It wants to eliminate energy aid for the poor, the elderly, and for schools and hospitals. It does all this in the name of "letting the marketplace work its magic." Yet the administration is willing to endorse almost $15 billion in loan guarantees for wealthy corporations.

I supported the Energy Security Act of 1980, the legislation creating the Synthetic Fuels Corporation. I did so because the legislation offered a variety of energy initiatives, all too important to be sacrificed because of one bad provision. The bill was, in fact, a political package. It was designed to insure a broad response to the energy crisis, as well as insure its own passage. Provisions included:

Creation of the Solar and Conservation Bank, to provide money for individuals to make energy saving investments in their homes.

Support for alcohol fuels projects, to help create renewable sources of liquid fuels.

A municipal waste to energy program.

A requirement that 25 percent of the windfall profit tax be used to provide relief from high energy prices for low income and elderly Americans.

A variety of programs to increase the Nation's energy efficiency.

The Reagan administration has gutted every one of these initiatives, either by cutting their budgets or blithely refusing to administer the programs.

In the wake of the Reagan attack on what was once a balanced energy program, all that is left standing is a multibillion dollar Chrysler-type bailout of the nuclear industry, and billions in subsidies for oil and gas companies. The Synthetic Fuels Corporation is one of those subsidies, one of many.

We have not been able to stop the Reagan "Robin Hood in reverse" policy of taking from the poor and middle income and giving to the rich. The President proved that last year during votes on both the budget and the tax bill. But we can try to slow that massive, distorted redistribution of income just a bit.

If we cannot afford to feed all of our children properly, if we cannot afford to keep all of our people warm in winter, if we cannot afford to provide proper education and health care to all Americans, then we cannot afford to force the American taxpayer to bankroll our richest corporations.

We cannot afford the Synthetic Fuels Corporation.●

SPECIAL TAX DEDUCTION FOR CONGRESS—REPEAL

HON. ROBIN L. BEARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. BEARD. Mr. Speaker, today I am introducing legislation to repeal, totally, the special tax deductions that Congress voted itself just before the Christmas holiday recess. I believe very strongly that this action was deceptive, self-serving, and unwise. It was an insult to the American people and a stain on the honor of this body; we would do well to repeal that action as soon as possible.

My complaint is with both the substance and the procedure of the special tax deduction action.

Substantively, the action was nothing less than a indirect pay raise. Under the regulations issued by the Treasury Department to implement the new law many of our colleagues may have little if any tax to pay. In other words, Congress has voted itself

into virtually a tax-exempt status. That is an insult to every American who has to suffer under the burden of the Federal tax bite every year, a tax bite that I might emphasize is so burdensome because of the spending habits of this very body.

Rewarding this Congress with a pay raise at a time when the Nation's economy is reeling from the effects of literally years of reckless economic policy is arrogant and insensitive. It was the Congress that spent this country into fiscal ruin, with massive increases year after year in Federal spending. This uncontrolled spending has caused runaway inflation, sky-high interest rates, and now the inevitable result: high unemployment.

Procedurally, the action was done in ways that were confusing at best, downright deceptive at worst. When the tax break bill came through the House, it was not voted upon on the record but was passed without a recorded vote when many Members were away from the floor. The whole process took about 30 seconds.

The next day the Senate submerged the tax bill into a vitally needed piece of legislation to restore the black lung trust fund to solvency. When the new combined bill came back to the House we were not given the opportunity for a separate vote or a full debate, only one up-or-down, take-it-or-leave-it vote on the black lung and congressional tax deduction provisions together. Votes on bills as important as Members' own compensation should be taken separately and in the open.

Therefore, in addition to this bill to repeal the tax breaks, I am jointly introducing a separate piece of legislation along with my colleague, BILL GOODLING of Pennsylvania, that is designed to prevent this type of legislative chicanery in the future. This is a House resolution that will change the legislative rules of procedure of this body to require that from now on any bill that affects the pay or benefits of House members as a separate and distinct group must be voted upon separate from any other piece of legislation and that the vote on such a bill must be recorded. Under these new legislative procedure rules passing pay raises for Members, whether indirect or direct, must be done out in the open and on the record.

The people have a right to know what their Congress is doing. One of the greatest problems this democracy—or any democracy—faces is a loss of faith in the elected institutions that govern the Nation. We as an elected body have no greater duty than to keep faith with those who sent us here.

I have announced earlier and I reiterate today that should this body fail to pass the repeal legislation I am introducing, I will not accept the tax breaks that were passed last December.

I also include for the record the text of the bill to repeal the tax breaks and the text of the resolution to change the House rules to require a separate and recorded vote on any bill affecting Members' compensation.

Thank you, Mr. Speaker.

THE BILL

That the allowability of any deduction under the Internal Revenue Code of 1954 for living expenses of Members of Congress (including any Delegate and Resident Commissioner) shall be determined under the law as in effect on December 31, 1980, and without regard to any law enacted after such date.

THE RESOLUTION

That rule VIII of the Rules of the House of Representatives is amended by inserting at the end thereof the following new clauses:

"4. The yeas and nays shall be considered as ordered when the Speaker puts the question upon final passage or adoption, as the case may be, of any bill or resolution that would economically affect Members of Congress or Members of the House of Representatives as a separate and distinct class.

"5. It shall not be in order in the House to consider any bill or resolution which would be subject to clause 4 unless the bill or resolution is comprised solely of items which would economically affect Members of Congress or Members of the House of Representatives as a separate and distinct class.".●

TRIBUTE TO DICK BOLLING

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. RODINO. Mr. Speaker, I am proud to join my colleagues in honoring one of our most illustrious colleagues, DICK BOLLING. When the distinguished chairman of the Rules Committee retires to private life at the end of 1982, the House of Representatives will lose one of its most intelligent, knowledgeable, and courageous leaders.

I will personally miss his presence here as a friend, a confidant, and a colleague who always speaks his mind and never swerves from principle. When DICK BOLLING and I came to Congress together in 1949, he set out to learn the workings of the committees and House procedures, and in the process became a master legislative strategist. I knew right from the start that my classmate—this blunt Missourian with great intellect and integrity—would become an effective legislator, but I did not know then the tremendous impact he would have on this institution. For the past three decades, he has been the pulse of the House of Representatives, as a champion of programs which carried our country toward greater social justice and of reforms which set Congress on the road to greater accountability to the public.

Working tirelessly at the right hand of Speaker Sam Rayburn, DICK BOLLING started in the early 1950's building a congressional coalition that would yield the landmark civil rights legislation of the 1950's and 1960's as well as the Great Society programs of President Johnson's administration. He has always viewed his job as Congressman from Missouri as a way to transform dreams into reality for millions of Americans who lack equal job opportunities, decent housing, basic nutrition and health care, and old age security. It was my privilege to work with DICK BOLLING through many of the tough legislative battles, many of which we won because of his diligence and persistence.

In the early 1970's, his vision and expertise moved the Congress to become more responsive to the growing public pressure for fiscal restraint by the Federal Government. The 1974 Budget Reform Act, which he crafted, has done more than any other reform to shape the way the House addresses national policy today. DICK BOLLING knew the tremendous impact of this act when he stated: "Congress needed to balance its love of Federal spending with its distaste for levying taxes." Once again, my friend from Missouri was setting the tone for congressional action in the decade ahead.

DICK BOLLING'S ideas, as an author of two books about the House, as a Congressman and as a leader of his party, have become a part of the Congress and will remain so for decades to come. He has dedicated his professional life to improving this institution's service to the American people and its contributions to our democracy.

I'm certain that whatever he chooses to do in his return to private life, he will find fulfillment, because of his tremendous energy and enthusiasm.

He deserves our best wishes. He's given us his best effort for 33 years.●

DON AUSMUS, INVENTOR OF THE YEAR

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. SKELTON. Mr. Speaker, I call to the Members' attention the fact that on Sunday, February 7, 1982, Donald L. Ausmus, from Independence, Mo., in my congressional district, will be honored by Intellectual Property Owners, Inc., as the Inventor of the Year for 1981.

This award has been given for the last 10 years as a reminder of the fact that good old American know-how is the envy of the world. It is further evi-

dence that our system of intellectual freedom and risk and reward fosters the development of innovations in every field.

Mr. Ausmus has invented a device which he calls the "Moto-stand" and which permits much greater freedom of movement for handicapped individuals. Those who, in the past, were confined to a wheelchair can now pursue gainful employment or hobbies in areas which were formerly out of reach to them.

This is a remarkable invention, remarkable not just because it is an ingenious device but also because it is the product of a remarkable man. Don Ausmus was an outstanding mechanic and a promising and competitive racer in cars and boats as well as motorcycles. In 1975, however, this career was cut short by a motocross racing accident that left him paralyzed from the shoulders down. It is to his credit that this is not the end of his story.

Don combined his unique skills as an innovative mechanic together with his knowledge of the needs of similarly situated handicapped individuals and developed the idea for a stable, motorized, two-wheeled working stand that contained a rechargeable battery. He then proceeded to build working prototypes in his basement for which he has now obtained a patent. With the help of the Advanced Technology Corp. of Kansas City, the product has been produced and marketed and is now available to the world.

Don's outstanding achievement attracted the attention of the Intellectual Property Owners, Inc., a nonprofit group of technologists and innovators, and they chose his work over all others to be honored for 1981, making him their Inventor of the Year.

Mr. Speaker, I am proud to represent my fellow Missourian, Don Ausmus. He may be physically handicapped, but his courage and determination in the face of this setback has enabled him to overcome seemingly insurmountable obstacles and make contributions which benefit us all.●

UKRAINE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. MICHEL. Mr. Speaker, there is an old saying about the uses of adversity. Nowhere is this more evident than in the current crisis in Poland. While the civilized world deplores the Soviet-inspired violence and denial of human rights in Poland, it is clear that these recent events have at least reopened the eyes of the world as to the true nature of Soviet imperialism.

What is happening in Poland is simply another chapter of a long and tragic story in Eastern Europe. Part of that story of captivity and denial of human rights has taken place in Ukraine.

Let me quote the distinguished Lev E. Dobriansky of Georgetown University, whose reputation as a student of Soviet imperialism is internationally recognized. Recently he wrote:

> The independent Ukrainian National Republic, established on January 22, 1918 following the collapse of the Tsarist Russian Empire, was one of the first victims of Soviet Russian imperialism, which in a long series of conquests stalks today in Afghanistan. Like Poland's, the history of Ukraine's resistance to a more immediate Soviet Russian rule has been a long and heroic one. A vital point overlooked in current discussion is Moscow's deep fear of Solidarity's overspill into the Baltic states and Ukraine. For strikes and workers' demands for free unionism have also emerged in Estonia, Ukraine, and federated Russia. As scholars in the field maintain, had Ukraine remained free, Poland and others would not be unfree.

I think we should keep Professor Dobriansky's words in mind in the weeks and months ahead. A spirit is haunting Soviet-dominated Eastern Europe—the spirit of freedom. We should remember that what is happening in Poland is influencing all the neighboring captive nations. We should make this fact a part of our foreign policy considerations.●

SOLIDARITY DAY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. HOYER. Mr. Speaker, this past Saturday, an enormous number of Americans took to the streets and proclaimed their allegiance with the principles of Solidarity. Their enthusiasm, their sincerity, and their steadfast support sent a message to our brothers and sisters in Poland, that we are united behind their effort to end the cycle of repression they have faced for centuries.

Solidarnosc, the Polish free trade union movement, represents more than an effort to establish a labor union. Solidarnosc, and its 10 million members, represent a love and loyalty for a country on the brink of economic and political upheaval. It is this love and loyalty that has fortified the spirit of the Polish people and helped them to face the threat of invasion, imprisonment, and martial law. Every American, regardless of ethnic background, can take great pride and solace in the courage shown by the men and women in Poland. We share their pain as they wage their mortal battles, and we look to share their happiness when their efforts are successful.

Lech Walesa and his fellow members of Solidarnosc have become international symbols of the struggle for freedom and dignity. Their fight for self-determination is a battle that must be won. As a movement of peace and hope for Poles, we free men applaud its effort and embrace its cause and encourage its strength.

Mr. Speaker, I commend the millions of Poles who strive for national unity and the right to seek their own destinies. I know that my colleagues join with me in true solidarity with their cause.●

WEST POINT AND MURDER ABORTION A NATIONAL DISGRACE

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. McDONALD. Mr. Speaker, I think that it is high time that this body gives serious consideration to what is happening to the soul of this Nation. Just before this past Christmas, Phyllis Schlafly completed a column on the fact of outright murder abortion at the most prestigious military academy in the free world. The former rollcall of honor and courage at West Point has become a national disgrace.

People are constantly reminded of genocide by cold blooded atheistic murderers who today attempt to extinct the Hmong tribes of Laos, and the Afghan peoples, even to the point of using poison gas. But more genocide is taking place right here in the United States. It is a known fact that in the past few years alone, we have murdered more innocents by abortion than have been lost in combat in all our wars combined. That is heinous enough.

But now we see the policy instituted and practiced at West Point, the Military Academy for future combat leaders, where female cadets can leave for a weekend, have an abortion, and return to full duty status. Should they choose to have the child, they may take leave time, return to full duty status—so long as they relinquish custody or legal responsibility for the child. This is the most disgraceful episode in the annals of military history.

If this national disgrace is to cease, and we cannot call it anything but a national disgrace, then I earnestly entreat my colleagues to render serious consideration to H.R. 976 that would eliminate the entrance of women to all the military academies. In the name of Judeo-Christian Western civilization can we do no less?

Should one need any further encouragement, please read Phyllis Schlafly's

column of December 22, 1981, which follows:

[From Copley News Service, Dec. 22, 1981]

ABORTIONS AT WEST POINT

(By Phyllis Schlafly)

The U.S. military academy at West Point has secretly put into effect a policy of encouraging abortions and of allowing the cadets who have them to remain in good standing.

The policy induces abortions rather than live births for cadets who have illegitimate pregnancies, and encourages promiscuity by promising confidentiality and no penalties.

The academy's honor code has been a cherished possession of cadets and graduates. It supposedly requires complete integrity in word and deed and is strictly enforced; violations are a cause for dismissal. But, under the new policy, the female cadets who have illegitimate pregnancies are protected against dismissal and are kept in good standing as though they were honorable cadets.

All the female cadet needs to do in order to cover up her fornication and be kept in good standing is to accept counseling and then take a three-day leave over the weekend to have her abortion. If she gets married or has her baby, she will be unceremoniously dismissed from the academy.

This policy is all set forth in a directive called "Counseling Procedures and Administrative Instructions in Cases of Cadet Pregnancies" issued on May 28, 1981, by Col. Harvey H. Perritt Jr., who signs himself chief of staff—deputy post commander. He obviously hoped that the American public would not discover his order because it was stamped "For Official Use Only" plus the warning that "dissemination is prohibited except as authorized" and "criminal statutes and regulations provide penalties for unauthorized removal or disclosure."

The new USMA policy states that pregnant cadets "will have the following options: (1) tender resignation, (2) request leave without pay, (3) take such measures as she determines appropriate, and remain a cadet in good standing unless medically disqualified."

The policy directive continues: "Cadets who wish to remain a cadet may do so provided they meet all medical qualifications. . . . Tactical officers may . . . grant up to three days of leave for cadets who so request in conjunction with pregnancy. . . . Unless circumstances prohibit, this one-time leave will be granted between Friday and Monday. . . ."

It is rather obvious that a "one-time leave" of "three days" is long enough to have an abortion but not long enough to have a baby. Other parts of the policy directive are also crafted to induce abortions.

In order to "meet all medical qualifications" necessary to remain a cadet, she must never be more than three months pregnant. "In the average pregnancy, the point of medical inability to perform duties usually will not be reached until the end of the first trimester, at approximately the 12th week as judged by the surgeon, USMA."

Once the cadet passes that point in her pregnancy, she has lost her chance to request leave without pay, because only "cadets not medically disqualified may request leave without pay for up to one year."

If she requests leave without pay prior to that point in time, she then is subject to another provision in the directive: "Cadets requesting leave may return to USMA, providing they meet the same requirements as for original admission, to include being medically fit, not married, and not having custody or legal responsibility for a child."

The cadet who finds she is pregnant is absolutely compelled to submit to the USMA counseling procedure.

"The cadet will further be advised that consultation, within 48 hours of verification of pregnancy, with the counseling coordinator or alternate, is a mandatory duty." Redundant paragraphs in the policy directive remind the cadet again and again of her "mandatory duty" and that she "must" accept USMA counseling.

The cadet is assured of absolute confidentiality so long as she has an abortion within the first trimester. She is reminded that her consultation is "administratively privileged" and can never be "used in any way by USMA officials against the cadet," and that "no formal report of the pregnancy will be made unless she becomes medically disqualified" (i.e., becomes more than three months pregnant). Her parents can be notified only "with the cadet's consent."

The U.S. military academy is a prestigious institution that provides a unique training to give officers the leadership and discipline to lead troops into battle for the defense of America. It looks as though West Point has lost sight of its mission.●

THE RIGHT REVEREND MITRED ARCHPRIEST JOHN C. DIAKON

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mrs. COLLINS of Illinois. Mr. Speaker, after 30 years of unselfish service as pastor to Chicago's Saint George Cathedral of the Russian Orthodox Church, Father John Diakon is retiring.

I would like to share with my colleagues the accomplishments of this remarkable man and therefore submit a tribute to the lifelong commitment made by Father John to the service of God and his fellow man.

The Right Reverend Mitred Archpriest Father John Constantinvich Diakon was born on February 1, 1894 (old style), in the pious family of Constantine and Maria Diakon in the village of Siptena in the Russian Province of Bessarabia. Father John was the oldest of seven children. The Diakon family was a patriarchal family and adhered to all of the old customs in regard to bringing up the younger generation. Little Vanya, the diminutive for John, received a proper upbringing within a family devoted to the principle of love toward those who were near him, and in piety and respect toward his elders.

As a small boy he attended public grade school and thereafter received advance secondary education.

The boy manifested remarkable capabilities and a desire to learn. The local priest, Father Mikail Gorduze, recognized his talent, and recommended him for acceptance in the high school in the village of Bul'voki, where he successfully continued his education and won the hearts of all his teachers.

Three years of study in Bul'voki yielded splendid results. Father Diakon finished school brilliantly, and went on to enter St. Feodor Teachers' Seminary in the village of Derman in the Province of Volhynia.

The influences of the old monastery upon the life of the seminarians was enormous. The Derman seminary was removed from the noise of the town, and was situated among large branching trees and blooming gardens. Here it was possible to meditate on the greatness of creation and to enjoy the fragrant fruits of monastic inspiration. The rector of the Derman monastery at that time was Archbishop Pachomius, who soon turned his attention to the youth and granted him his gracious patronage.

The young man graduated from Derman seminary after 4 years with honors. He then attended the Pastoral-Missionary Seminary in Bizyukov in Kharkov Province on the lower Dnieper River where he spent 3 years in preparation for further missionary work.

The rector of the Bizyukov monastery was the prominent Archbishop Arseny, who was a missionary in the Khardov Eparchy. The monastery was wealthy to such an extent, that the funds allotted to the seminary were sufficient to establish an entire academy. The faculty was on such a high level, that graduates were well prepared to propagating Orthodoxy among persons of other faiths.

At that time Archbishop Arseny was already hopeful that Orthodox missionary activity would be established in America. Frequently he had said to the young seminarian: Let us go to America and work for the good of the Orthodox Church. Afterward Archbishop Arseny worked in the New World and his activities were well known to Russian settlers. He worked in many cities of the United States, including Chicago, and left American descendants for the beautiful Holy St. Tikhon Monastery.

In October of 1914, when Father John was a first-year student in the seminary, Bishop Procopius inspected the seminary and tonsured all the student readers.

Father John's stay at the Bizyukov monastery coincided with a terrible catastrophe in the history of the Russian—the Bolshevik Revolution, which altered the course of public and private life in that country.

As a result of the revolution, such splendid centers of spiritual education as the Bizyukov monastery and its seminary were liquidated, and all its monks were thrown into the icy currents of the Dnieper River.

The young, capable Father John, filled with a great store of knowledge and energy, moved at that time to the town of Tiraspol, where he taught in a local school for approximately 3 years.

When he was a student in the teachers' seminary in the village of Derman in Volhynia, he became acquainted with a young woman named Natalia Evdokinova Torlopovaya, a girl from a very pious patriarchal family. The friendship ended with marriage on July 2, 1917, in the town of Birzula. From that moment on, their joint life and wonderings began.

The work before Father John from that time on, was complex and demanding of energy, dedication wisdom and experience, and with the Lord's help he was able to meet the challenge.

In the 1940's Bishop Sepraphim of Berlin and all Germany appointed Father John, Pastor of St. Nicholas Church in a large refugee transit camp (Punk-Kaserne) in Munich.

He remained in that post until 1930 when he left for the United States. On December 20, 1959, Father John with his family stepped on the shores of the land Columbus. For the first few months he served in various churches of the New York area, but in March of 1951, through the efforts of the choir director Vasili Andreevsky and Professor Prokopov, he was called to St. George Parish in the city of Chicago.

When Father John arrived in Chicago, he found pictures of the Soviet leaders in the parish hall, and the Soviet red flag with its sickle and hammer in the church. It was necessary to begin by renewing the parish's spiritual values; it was necessary to explain to the people that Marxism and religion were not exactly compatable, and that a Marxist flag had no place in a church. Father John's work in this area eventually bore fruit.

Father John began the beautification of the church and the improvement of its financial base. When Father John first arrived, the liturgy was generally attended by 12 to 16 persons, and the parish was $10,000 in debt. The parish could not even pay for the priest's apartment and there was no money in the treasury. Thus Father John began his difficult work: Through the cold and snow of the Theophany season; he visited homes with holy water, and on Memorial Day he walked the cemetery the entire day. He never refused anyone in their requests for spiritual service. All income thus generated he donated to the church's treasury, and lived with his family on $175 per month in the apartment plus utilities provided by the parish. With that kind of effort, things soon began to improve. Debts were paid off, and the treasury acquired a surplus. Soon the church building itself was remodeled, a new iconostasis was acquired and new icons therefore purchased.

In Father John's tenure of 30 years, because of great admiration and respect for him, as well as a good example and influence on people, others have entered the ranks of the clergy to serve God, man, and his church.

Before retiring, Father John was determined to erect a landmark of faith for the zealous pioneers' children and grandchildren in the Russian Orthodox church. This, in 1978, a new $90,000 temple was erected at Griswold Lake, McHenry, Ill., as a monument to the mission of orthodoxy in America; and October 1979 saw another newly consecrated temple of God, dedicated to the great St. Prince Vladimir of Kiev, christianizer of the Russian people. The future has yet to see the completion and adornment of a new iconostasis for Father John's dream.

In the spring of 1980, through Father John's leadership and the efforts of the parish council of St. George, a $25,000 renovation fund drive was instituted for Chicago's St. George parish temple's interior face lift, along with a new converted heating system. Many fundraising projects were established to support the present drive; and through the donations of many devout people and groups this financial goal is near liquidation.

In the fall of 1981, Father John requested to be retired as pastor of St. George parish of Greater Chicago, a post he has held for the past 30 years.

The beginning of 1982 finds Father John appointed pastor emeritus by His Grace Bishop Boris of Chicago and the Diocese of the Midwest, the Orthodox Church in America.

Today, as we remember and comtemplate upon Father John's many and diverse accomplishments, we are grateful to the Lord God for his mercy sending Father John to live among us and we hope we can follow his example for therein only lies salvation.●

NEW FEDERALISM AND THE STATES

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. AuCOIN. Mr. Speaker, I am deeply concerned about what "the New Federalism" is going to mean for the States. Last week, the President said, by giving the States some new functions and having the Federal Government take over others, that the costs would come out the same, it would be equal. However, the State of Oregon has indicated it stands to lose $236 million a year if it takes over AFDC and food stamps in exchange for the Federal Government handling medicaid costs.

Not only would the State lose Federal assistance but Oregonians would lose much needed assistance.

In this morning's Washington Post, Thomas Higgins, director of Multnomah County Department of Human Resources, writes of the necessity of keeping welfare responsibilities on the Federal level. I would like to share Mr. Higgins' letter to the editor with my colleagues:

EQUITY ON ITS HEAD

People of conscience should be deeply distressed by President Reagan's proposal to turn over the Aid to Families With Dependent Children and food stamp programs to the states. It stands equity on its head.

For almost 50 years, since the passage of the Social Security Act, it has been a settled principle that welfare should be federalized. Fairness depends on distributing income assistance, as much as possible, in like manner under like conditions throughout the nation.

Unlike various social service programs, which are best shaped at the local level, these programs of assistance should not depend upon the ability of a local economy to sustain them because they are fundamental to the survival of millions of destitute people.

THOMAS HIGGINS.●

WORKING TOGETHER TO PRESERVE THE ENVIRONMENT: THE OSHA/ENVIRONMENTAL NETWORK

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. FRANK. Mr. Speaker, the Reagan administration is undertaking a systematic campaign to reduce the effectiveness of many of our Nation's environmental protection laws. During the last year, the administration has endorsed proposals to dismantle the Occupational Safety and Health Administration's enforcement program through exemptions, compliance relaxation, and staff reductions in its enforcement division.

The administration has badly damaged the effectiveness of the Environmental Protection Agency by severely cutting its budget. And the administration has endorsed a version of the Clean Air Act that threatens to ignore serious air pollution problems.

Because of these attacks by the Federal Government on our environmental protection legislation, new urgency has been placed on efforts to reverse the direction the administration is taking. One group that has risen to the occasion of educating the public and serving as an effective organ for the majority of Americans who favor a safe environment is the OSHA/Environmental Network.

The OSHA/Environmental Network is a coalition of labor unions and environmental groups dedicated to preserving OSHA and the Clean Air Act, as Harold D. Samuel explains. Samuel is the president of the Industrial Union Department of the AFL-CIO. In a well reasoned article which appeared in the January/February 1982 issue of Sierra, the Sierra Club bulletin, Samuel describes the work of the OSHA/Environmental Network. I hope my colleagues will take a moment to review Mr. Samuel's article.

The article follows:

THE OSHA/ENVIRONMENTAL NETWORK

(By Howard D. Samuel)

The OSHA/Environmental Network, a coalition of labor unions and environmental groups fighting to preserve the Occupational Safety and Health Act (OSHA) and the Clean Air Act, is barely ten months old, but rarely has a coalition achieved such instant success. One of the reasons is that our mutual concern is easily defined: the environment, whether in our workplaces or in our communities, is clearly important to all of us. Another reason is that our ten months of formal association were preceded by years of loose-knit association. Working together was not a new experience.

Finally, and perhaps most important, we are living in a time when all our goals are seriously threatened. We have become very aware that if we don't join hands, we may lose strong legislation supporting both occupational safety and clean air.

Labor's interest in the environment began decades ago. The air-pollution disaster in 1948 at Donora, Pennsylvania, was a special landmark for organized labor. Most of the residents of Donora worked in steel and zinc plants, and half the town fell ill when weather conditions trapped poisonous gases from Donora's factories in the atmosphere. Twenty people died. Clean air took on a special meaning for many trade unionists. Subsequently the United Steelworkers held the first major national conference on air pollution, and labor strengthened its ties with the American Lung Association.

Earth Day 1970 was another landmark; the conservation movement began to look at broader issues, including those related to urban and occupational environments. The Sierra Club took an active role in the boycott of Shell Oil Company called by the Oil, Chemical and Atomic Workers Union in an effort to gain access to workers' medical records (the struggle is still on through attempts to enforce OSHA regulations). That boycott developed into a joint legislative effort by the Industrial Union Department (IUD) of the AFL-CIO and the Sierra Club, which led to passage of the Toxic Substance Control Act.

So it was not much of a precedent for the IUD to call on the Sierra Club, the Lung Association and other environmental groups for help, when we were faced with the Schweiker bill in 1980. We thought then that the Schweiker bill was the most serious threat we had faced since OSHA became law in 1971. Little did we know. The environmentalists responded—and so did trade unionists, in greater numbers and with more enthusiasm than anyone had anticipated. We were energized, and Congress got the message. The Schweiker bill died.

We decided to convert that enthusiasm to a continuing presence on behalf of OSHA and the Clean Air Act, and to do it together. Thus was born the OSHA/Environmental Network.

The danger has never been greater. Environmental protection, in the community and in the workplace, appears to be a special target for attack by this administration and by its allies in Congress and the business world. OSHA's enforcement capability has been sharply reduced, with a resulting decline in inspections and penalties. There has been a systematic effort to roll back standards—on cotton dust, lead, carcinogens, medical access and labeling, for example—and to downgrade the National Institute for Occupational Safety and Health (NIOSH). If the administration gets its way, clean air requirements would be relaxed and enforcement turned over to the states; those most sensitive to air pollution would lose their "margin of safety."

Under the mask of cost-benefit analysis, the administration and its allies have placed lives on the same scales as dollars, and high officials are twiddling with the weights to see which is heavier.

Environmentalists and union members don't see it that way. While we do not agree on every issue, what is more important is our dedication to a common conviction that lives and health have an absolute importance greater than dollars and profits. We are agreed that proper attention to environmental issues will benefit, not harm, our economy, because no economic system can survive in a hostile environment. Now, through the OSHA/Environmental Network, we pledge ourselves to carry on the struggle together and to keep the Clean Air Act and the Occupational Safety and Health Act effective, enforced and permanent.●

FARMERS OF THE YEAR

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. HOYER. Mr. Speaker, as we know, urban sprawl has overtaken much of the farmland of this country. Yet farming is uniquely tied to our heritage, and the men and women farmers of Prince Georges County continue to work hard to preserve their land and the farming tradition. But we have seen that the outward manifestations of farming have changed in the face of increased technology and complex marketing. The men and women who carry the agricultural burden today must be more than just tillers of the soil; they must be money managers, conservationists, marketers, and, in the end, survivalists in the face of urban encroachment.

Recently, the Prince Georges County Jaycees conducted their 26th annual "Farmer of the Year" competition in honor of these fine men and women. I am proud to pay tribute to these individuals for their outstanding contributions. William Addison, Jr., Donald Entzian, Henry P. Miller, Jr., and the runner-up of the competition, Christopher Parker, serve as excellent examples of the industrious farmer upon whose sweat and toil this country was built.

William Addison, Jr., 30, from Upper Marlboro, began work as a farmer upon graduating from college. He converted a neglected plot of land into a profitmaking farming establishment. Now he raises 400 acres of corn and soybeans with the aid of part-time help. He is a member of the Vansville Farmers Club which is the oldest existing farmers' organization in the Western Hemisphere and he has only recently helped organize a committee dedicated to protecting Prince Georges County from haphazard rural development.

David Entzian, 22, from Mitchellville, has been farming for 8 years. He raised his own tobacco crop when he was 14. He now is in a 50-50 partnership with his father and hopes to be able to buy his own farm to include in their operation.

Twenty-eight-year-old Henry P. Miller, Jr. tills 350 acres of farmland in Clinton, Md. He began as a tobacco farmer but switched to growing vegetables and now runs a pick-your-own operation. He is an outstanding young businessman as well as farmer.

Christopher Parker is a 32-year-old farm operator from Clinton. He also began farming on 350 acres in tobacco but switched to a multicrop; pick-your-own retail, wholesale outlet. He declares his greatest satisfaction comes from working the land despite graduating from Villanova University as a finance major. He enjoys the challenges and independence that a career in agriculture offers.

Because these farmers and others like them have produced record crops in Prince Georges County at a time when the total number of farms in the county has been decreasing, I find it fitting to extend to them, here today, the credit they deserve. The $8 million in annual income from farm products have helped to bolster the economy of the county during a time of frugal fiscal management.

As citizens of this country, we owe a great deal to the farmers; and as a citizen of Prince Georges County, I wish to express my gratitude and admiration to the four men in the "Farmer of the Year" competition and, indeed, to all the farmers throughout the county.●

OUTSTANDING DELAWARE FARMERS

HON. THOMAS B. EVANS, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. EVANS of Delaware. Mr. Speaker, I would like to recognize the ac-

complishments of two farming families from Delaware—the Eastburns of Clayburn and the Hamiltons of Kenton. Don Eastburn, along with his wife, Anna, and their son, Don, Jr., took an ordinary dairy herd and turned it into an extraordinary one. After only 3 years, they not only have the highest milk-producing herd in Delaware, but also the highest-producing cow the State has ever had. John Hamilton was recently named Delaware's all-American pork producer for 1982. With the help of his wife, Ellen, and his daughter, Leah Jo, Hamilton took only 3 years to buildup a breeding herd which produces 1,600 finished hogs a year.

These families exemplify the efficiency and excellency in farming which have made the U.S. agricultural system the greatest in the world. It is their dedication and self-sacrifice which enable the few farmers of this country to feed not only people at home, but also those abroad.

Because farms such as these are so productive, we often forget how dependent our economy is upon them. Agriculture remains the most important industry in Delaware and the entire country. The success story of agriculture in Delaware is due in large measure to the hard-work and initiative of families like the Eastburns and the Hamiltons.●

LUDWIG TORZEWSKI DONATES LAND

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. TRAXLER. Mr. Speaker, Ludwig Torzewski recently provided a lasting gift to his fellow-residents of Lapeer County, Mich. A resident of Pero Lake near Elba Corners in my district for 49 years, Mr. Torzewski gave 75 acres of valuable waterfront property to the residents of Lapeer County for their enjoyment as a county park. County officials are delighted with his generosity and named it Torzewski Park in his honor.

Mr. Torzewski, who is an 88-year-old widower, was born near Wausau, Wis. He is the eldest of 11 children, whose parents were immigrants fleeing from an earlier era of repression in Poland. Mr. Torzewski is a World War I veteran who initially enlisted in the Canadian Army prior to this country's involvement in that war. He retired from the Buick Motor Division of General Motors in Flint after a variety of challenging assignments.

This unselfish consideration for the needs of present and future generations to have outdoor recreational opportunities is highly commendable.

Further information on Mr. Torzewski's generous act is contained in the following article from the Flint Journal.

[From the Flint Journal, Nov. 12, 1981]

LONGTIME LAKE RESIDENT DONATES LAND

(By Dan Shriner)

Lapeer County residents will be able to use their newest county park in late 1982 or early 1983.

The park, to be called Torzewski County Park, is a 75-acre waterfront areas on Pero Lake in Oregon Township.

The land for the park was donated by Ludwig Torzewski, 88, who has lived on the lake for 49 years. The Lapeer County Board of Commissioners recently honored Torzewski.

Torzewski said that he donated the land because he wanted to see that it was used by county residents.

"I wanted to do something for the county, and I didn't want to deprive the lake from the people," Torzewski said. "I wanted to leave something after I was gone. My wish is fulfilled."

Officials of the County Parks and Recreation Commission said that a master plan will be developed to determine park uses.

County Parks Director Robert Baird said that the park, which will have about 2,000 feet of lake frontage, will likely be developed for boating, fishing, swimming, ice skating, a nature area, picnicking, and possibly tennis and basketball courts. Baird said that restrooms and a bathhouse probably will be built also.

"This will be our only public beach," Baird said. "Lapeer County could never have afforded this. It's a blessing."

Because Pero Lake is only about 55 acres, Baird said, there will not be a public boat launch. He said that the county will maintain a private boat livery to control use of the lake.

The extent of the renovation will depend on what funds the county receives from the National Park Service, Baird said. The federal agency will allocate money from its land and water conservation fund if a local governmental unit adds matching funds.

Baird said that under the federal guidelines, the county may use the $200,000 estimated value of the property as its share of the matching funds.

Baird estimated that the only cost to the county would be $30,000 to $40,000. The money would pay for the construction of a fence around the property and for signs at the entrance to the park.

Baird said that the fence and signs were requirements set by Torzewski in donating the site.

Pero Lake was the site of Mott Camp, a summer haven for Flint area youth for nearly 50 years until it was closed in 1974 by the Mott Foundation.●

TRIBUTE TO RICHARD BOLLING

SPEECH OF

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. REGULA. Mr. Speaker, I am pleased to add my thoughts in honoring a truly distinguished Member of the House, RICHARD BOLLING of Missouri.

This body, and the other as well, will be diminished by the retirement of RICHARD BOLLING. I greatly admire my colleague for his intellect, his analytical skills, and his ability to translate these attributes into words, both spoken and written.

When the 97th Congress adjourns, RICHARD BOLLING will leave only as a Member. He has already provided this great institution with incisive analyses of how the Congress should and should not do its work. He has contributed mightily to creating and molding much of procedural framework within which we conduct our work, the congressional budget process being a prime example. It would be a loss to the Congress and the country should our colleague not continue to comment on and be critical of this great body and the affairs of state.

Mr. Speaker, the Nation should be grateful for the contributions our colleague RICHARD BOLLING has made to responsible government.●

THE STING OF SALVADOR

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. SCHUMER. Mr. Speaker, the Congress acted wisely in its consideration of the foreign aid bill last session when it mandated a certification from the President that "the Government of El Salvador is making a concerted and significant effort to comply with internationally recognized human rights" before the Congress would approve military or economic assistance to that country. In requiring such a certification, the Congress sought to insure that the intentions of the United States in providing assistance would not be subverted by an unduly harsh and violent regime.

However, as earnest as the administration may seem in its desire to promote democracy and land reform through the Duarte government, disturbing reports of the Salvadoran Army's unchecked terror indicate that Mr. Duarte has yet to reign in the brutal power of his own armed forces. Until Mr. Duarte can do so, and until he can bring to justice the murderers of six American citizens, increasing aid to El Salvador means taking a substantial risk: That instead of promoting true democracy and needed land reform, we will instead be assisting an uncontrolled army in its acts of terror. The following editorial from the January 31 edition of the New York Times warns that as American involvement in El Salvador increases, "so does American responsibility":

THE STING OF SALVADOR

One measure of America's painful predicament in El Salvador is the cynical humbug it inspires. With a straight face, the Reagan Administration now certifies that El Salvador's record on human rights justifies more American aid. Congress is assured that the junta is making good-faith efforts to negotiate with its insurgent opposition and promoting free elections and genuine land reform.

Why this strain? Because without certification that conditions in El Salvador are much better than they are, American aid would be automatically terminated. And without more aid, Marxist guerrillas might well rout the junta's repressive armies and install a regime the United States deems unacceptable.

To find a way out, the Administration has put all its chips on a right-center coalition nominally headed by an honorable Christian Democrat, President José Napoleón Duarte. But the armed forces, long a source of El Salvador's agony, are a state-within-a-state. It generals have repeatedly and contemptuously ignored elected civilian Governments, and once robbed even Mr. Duarte of the presidency.

It is therefore naive to expect a bloody confict to be ended by a series of elections beginning in March. The country has seen plenty of votes, most of them crooked. It could even happen that the armed forces will rig the outcome to rid themselves of Mr. Duarte and put the extreme right firmly in control—the same pattern now visible in Guatemala, where a similarly dubious election will also be held in March.

Truly free elections and land reform are the right objectives in El Salvador. But without an end to the butchery they cannot be attained. And the Reagan Administration has clearly failed to restrain the murderous armies. Congress tried to give it new leverage by tying American aid to respect for human rights. The leverage has not been well used.

Just when President Reagan was extolling the junta's record, eyewitnesses reported the massacre of about 700 peasants in a single village. According to a study for the American Civil Liberties Union, the Salvadoran military were responsible for 12,500 murders in 1981. There has, finally been progress in pressing charges against soldiers for the murder of four American churchwomen more than a year ago. But no officers have faced courts-martial for slaughtering civilians.

The junta's defenders complain that the excesses of the right are exaggerated while those by the left are ignored. But Washington has no influence over the guerrillas; the battalion accused of last month's massacre was trained by American officers and armed with American guns. As this involvement increases, so does American responsibility.

When it comes to strategically important regimes, Mr. Reagan's prefers "quiet" diplomacy to public protest. That has been his approach in Africa, where persistent pressure on South Africa has apparently opened the way for a settlement in Namibia, which could also get the Cubans out of Angola. Why is American influence so meager over a totally dependent junta much closer to home?

The crisis in Poland makes the question even more urgent. Secretary of State Haig found it "mind-boggling" that Europeans could condemn America's double-standard in reacting to martial law in Poland and El Salvador. The reproach plainly touched a nerve. Let the sting move him.●

IT'S TIME TO DECIDE: WHO SHOULD MAKE THE LAWS

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. LEVITAS. Mr. Speaker, last week the U.S. Court of Appeals for the District of Columbia handed down a decision declaring that congressional veto of agency rules and regulations is unconstitutional. Previous court decisions have upheld the constitutionality of the legislative veto. Now with this contrary opinion, we can expect to get a final ruling from the Supreme Court on the issue. That is why we have a Supreme Court.

I welcome this opportunity to settle the constitutional issue once and for all. I believe that the Court will uphold the validity of the legislative veto of rules promulgated by unelected bureaucrats having the force of law. In the meantime, I believe it is our duty as elected Representatives to press on with our work; to enact legislative veto provisions to curb the bureaucrats and to exercise the vetoes when needed.

At this point I would like to share with my colleagues the following editorial from the Atlanta Journal which puts the decision of the court of appeals in its proper perspective.

CONTINUE THE FIGHT

The Federal appeals court decision declaring unconstitutional a congressional veto of a bureaucratic regulation has to cause concern to those of us who believe that unselected bureaucrats should not have a free hand in making rules that affect citizens with the force of law.

However, this case at least frames the issue in a proper manner to be appealed to the U.S. Supreme Court. Furthermore, even if the reasoning of the appeals court casts doubt on the one-house veto as an appropriate remedy, it in effect concedes that there is a real constitutional problem which needs to be dealt with some way.

This case involved a House veto of a regulation promulgated by the Federal Energy Regulatory Commission. Proponents of the legislative veto contend that since federal agencies operate under laws passed by Congress, the legislative branch has the right to overrule a regulation that goes beyond the intent of Congress in making the laws.

Opponents of the legislative veto either contend that administrative rulemaking is exclusively an executive function—a proposition we cannot accept—or they contend that a one-house veto is an improper shortcut, because it allows only one house of Congress to determine the law, bypassing both the other house and the President's veto power.

Significantly, the opinion of the appeals court took the latter course thus admitting that the regulations in question are laws—and once that is admitted it seems to follow that Congress should have some voice in the lawmaking process.

If a one-house veto is not the proper remedy, at least the right of Congress to participate in making the law has not been, and cannot be, denied. Rep. Elliott Levitas assures us that Congress intends to take this case to the U.S. Supreme Court, and if the one-house veto is finally rejected, then he will seek some other remedy for the problem. Surely the last word on this subject, from the constitutional point of view, cannot be that unelected bureaucrats are superior in their power to make laws over the people's elected representatives.

THE BUDGET PROCESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 3, 1982, into the CONGRESSIONAL RECORD:

THE BUDGET PROCESS

The eight-year-old congressional budget process is in danger of collapsing. The fiscal year is three months old, and there is still no final budget resolution which sets the amount of money Congress can spend. Several appropriations bills have not been passed by Congress nor sent to the President for his signature. The huge deficits expected during the next few years have darkened the fiscal outlook.

The principal purpose of the Congressional Budget and Impoundment Control Act of 1974 was to force Congress to take responsibility for the budget as a whole. It aimed to substitute a unified budget process for the piecemeal approach to taxing and spending which had been followed in previous years. As a result, Congress' fiscal plans and deliberations would be more orderly and exact. Several factors lay behind Congress' willingness to support the Act. From 1921 to 1974, the President dominated budget-making through his control of the sources of information. In the 1970's, the economy was not performing well; a large, growing, and seemingly uncontrollable budget was deeply distressing to members of Congress, who were inclined to blame it for the economy's poor performance. Congress was finally convinced that it was not doing all it should to exercise its constitutional power of the purse responsibly and effectively. The Act was the answer.

A new dimension of the Act was discovered in 1981 when President Reagan employed the budget process to push Congress into making sweeping changes in economic and governmental policies. By debating "omnibus" packages of bills and avoiding votes on particular issues, members of Congress were free to vote for frugality in government and then to claim that they had had no opportunity to protect popular programs such as student loans. The strategy gave the President a decisive victory. The procedure dictated the result.

Today, the budget process is in trouble for several reasons. First, Congress is trying to use it to do too much. In 1981, nearly all major legislative decisions were made on a few votes. Important budget bills contained so many provisions that members of Congress often did not know what they were voting for or against. They were aware of the total budget cut which the bills proposed, but little more. The dangers inherent

in this manner of doing business should be apparent. Second, the budget process has become too cumbersome. Congress passes a first, a second, and frequenlty a third budget resolution, more than a dozen appropriations bills, fifty or more authorizing bills, reconciliation bills, and tax bills. At each stage, significant budget decisions are reached. The budget process must be simplified or it will not continue to serve its principal purpose. Third, as the budget committees have begun to wield more influence, tensions have increased between those committees and the authorizing and appropriating committees. Jurisdictional struggles spill over into deliberations on policy and make it harder to find consensus. Finally, the budget process is being used to divide up a smaller pie in a stagnant economy. This task is far more difficult than that of distributing the revenues produced by an expanding economy.

My view is that the budget process needs to be reformed and strengthened. I am not confident that Congress will be able to do much reforming this year, but it can start by trying to come to a better understanding of what the budget process is and what it means. We should not have exaggerated ideas of what the budget process can accomplish. It will not yield magical results which satisfy all people. It does not ordain larger or smaller budgets or deficits. It will not necessarily get us balanced budgets or surpluses in government accounts. It merely helps Congress be a responsible decisionmaker and user of information. The budget process is neutral; it is intended to produce the outcome favored by the majority. Also, we should think seriously about economic escapism in the budget process. Congress and the President try to avoid the dilemmas of budgeting by maintaining (despite evidence to the contrary) that the economy will surge forward, that employment will be high, that inflation and interest rates will fall, that revenues will rise, that outlays will hold firm, and that a balanced budget is just a year or two away. This wishful thinking produces fleeting political benefits, but it dooms the budget process to unreality.

As to changes in the substance of the budget process itself, I have several suggestions:

We need a simpler process: As things now stand, there are too many figures and stages. The blizzard of numbers obscures the decisions which must be made. Perhaps we should begin to use a single, binding budget resolution in place of the current non-binding resolution which only sets goals to be refined later. I have even concluded that we should probably consider eliminating the split between authorization and appropriation and should rely instead on single committees to perform both functions. In any case, the budget committees or a task force should propose simplifications.

We need a more comprehensive process: Everything should be brought together in the budget process so that Congress can see it in one place. For example, the credit budget should be included because it has a very important impact on fiscal policy.

We need a process whose focus is longerterm: Congress ought to be concerned about its activities over several years. As a step in that direction, I favor a two-year budget resolution. The first year would be used to dispose of significant questions of policy; during the second year, Congress would concentrate on the more detailed provisions.

We need a process which uses valid economic assumptions. Both Congress and the President must get away from the game of using unrealistic economic assumptions to produce favorable budget figures.

Despite the problems, the present budget process has made Congress better. Legislators have more data on the budget and more opportunity to act intelligently on budget issues. They have a stronger appreciation of the relation between the economy and the budget. They have a greater awareness of the long-term financial commitment created by the votes they cast. Reform of the budget process can preserve these benefits as it provides new ones.●

TITLE V ENJOYS BIPARTISAN SUPPORT IN MY COMMUNITY

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. DOWNEY. Mr. Speaker, to attest to the fact that title V of the Older Americans' Act enjoys bipartisan support in my community, I insert this letter into the RECORD:

TOWN OF BABYLON,
Lindenhurst, L.I., January 22, 1982.

Hon. THOMAS J. DOWNEY,
Cedar Street,
Amityville, N.Y.

DEAR CONGRESSMAN TOM: It has come to my attention that title V of the Older American's Act (senior community service employment programs) is proposed for phaseout as of 31 May 1982 by the Office of Management and Budget despite congressional approval of the act for a 3-year period.

Nationwide, title V provided 60,000 low-income post, 55 individuals with paid part-time employment in the human services field. In Suffolk County, 250 enrollees participate in the program and are paid an average $3.45 per hour from which Federal, State, and FICA deductions are made; this, contributing to the tax revenues.

Without this employment opportunity alternatives for these older workers would be limited for the vast majority and welfare rolls would be their only means of existence. The agencies of our community served by these enrollees (all not-for-profit agencies) would be greatly hindered in providing services to our community.

Because title V of the Older American's Act has enjoyed bipartisan support in both Houses of Congress, I am hopeful that you will convey your support of this program to the President for the upcoming budget.

Sincerely,

RAYMOND C. ALLMENDINGER,
Supervisor Town of Babylon.●

EXPERIMENTATION RESULTS IN MORE MINER DEATHS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. GAYDOS. Mr. Speaker, new figures show that more coal miners died in 1981, the first year of the administration's experiments in deregulation, than in any year since 1975.

The Mine Safety and Health Administration in 1980, before the experimenting began, had reduced coal miner deaths to a near record low of 133.

Due to delays in the administration's appointing process, MSHA was without permanent leadership for much of 1981. An Assistant Secretary of Labor for the Mine Safety and Health Administration was not appointed until late in the year.

What happened at MSHA during 1981 is outlined in a story in today's Washington Post.

This report also highlights the potential for further damage, and administrative chaos, created by the ill-advised transfer of certain MSHA mining jurisdictions to the Occupational Safety and Health Administration, where they have no experience with mining.

And the point of it all is that a mine is not some computerized econometric model where you can change the program to accommodate somebody's bright new theory and then push a button to get a readout telling you what happens if the theory is put into use.

When you change things in the mines—when you experiment—men die.

As chairman of the Subcommittee on Health and Safety, I have scheduled MSHA oversight hearings later this month as a result of the recent dramatic rise in coal miner deaths, and they should produce solid information on the direction of the agency.

But for the meantime, I offer the following excerpts of directly related information from the report in today's Post for those who are interested in miner safety and health:

ACCIDENTS UP, CITATIONS DOWN IN COAL FIELDS

(By Douglas B. Feaver)

Federal mine inspectors are issuing fewer violation notices, closing fewer mines for safety reasons and collecting less in fines at a time when fatalities from mine accidents appear to be on the rise.

Twenty miners have been killed in the coal fields since Jan. 1, compared with nine a year ago. A total of 153 miners were killed in 1981, the highest annual rate since 1975.

The Labor Department's Mine Safety and Health Administration (MSHA), which is required to inspect all underground coal mines four times a year, is being squeezed by budget problems just like other agencies.

Unlike everyone else, however, MSHA is also caught in a strange never-never land. A small part of its mission—inspection of sand and gravel and quarrying operations—was moved by Congress in the continuing resolution from MSHA to Labor's Occupational Safety and Health Administration (OSHA). No one knows whether or when that mission will be returned, but OSHA has it until March 31, when the continuing resolution expires.

The result: 220 MSHA sand and gravel quarrying inspectors have been furloughed since Jan. 1. Since many of them are also

qualified coal inspectors, they are now beginning to "bump" less senior coal inspectors under federal personnel rules.

"I certainly empathize with the employes who were impacted," said MSHA Administrator Ford B. Ford, an appointee of President Reagan. "That was not an administration-sponsored move."

Further, attrition and the federal hiring freeze combined to cut by 9 percent the number of coal inspectors actually on the job from 1,389 to 1,264 between the end of fiscal 1979 and fiscal 1981.

"We are losing our best inspectors to industry," according to a source in an MSHA field office. "Previously we could keep them because of the continuity of the work and the dignity of the job, but no longer.

"If you asked, 'Does that account for these disasters?' I would say I hope not, but it troubles me."

Ford said he could not be "definitive" on whether such uncertainties might have contributed to laxness in the field. "A great number of our inspectors come from coal mining and coal mining families. I would say they are doing a good job. I can't say how individuals react."

The statistical evidence is interesting, if not conclusive. It shows that MSHA coal inspectors issued 129,921 citations for violations in fiscal 1980, but only 108,914 in fiscal 1981, a drop of 16 percent.

Orders—where an inspector literally closes a mine or a section of a mine or prohibits use of a piece of equipment until a hazard is corrected—dropped from 5,270 to 4,787, or 9 percent, from one fiscal year to the next.

Assessments—civil penalties paid by mine operators—dropped from $19.5 million in calendar 1980 to $14.2 million in calendar 1981, or 27 percent.

The switch from MSHA to OSHA of sand, gravel and stone inspections has the immediate result of removing thousands of small operators from the burden of federal inspection because OSHA is not permitted to inspect firms with fewer than 10 employees unless there is a complaint or a reported accident.

While the resolution tranfers about 162,000 protected workers at 12,395 operations from MSHA to OSHA, the inspectors remain on furlough. About 86 percent of the sand and gravel and two-thirds of the quarry operators will be exempt from OSHA enforcement barring a reported accident or complaint, OSHA spokesman Jim Foster said.

The National Sand and Gravel Association was able to build enough support in Congress to win at least temporary freedom from MSHA in the continuing resolution. However, MSHA statistics show, sand, gravel and quarrying operations have accounted for about 50 percent of the fatalities in the non-coal mining industry. Deaths in the non-coal mining industry dropped steadily from 234 in 1972 to an all-time low of 83 last year.

Ford has reorganized MSHA to place education and training staffs under the direct supervision of district managers instead of under Washington. That has resulted in the closing of some MSHA offices in the field, Ford said, but does not mean that MSHA's presence is diminished in any way.

"There has been no message to us to lessen regulatory enforcement," Ford said.●

R. & D. NEEDED FOR ECONOMY

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. FUQUA. Mr. Speaker, I submit today a thoughtful editorial contained in the Washington Post of February 3, 1982, which clearly articulates the need for continuing the Nations's commitment to basic scientific research and technological development.

Coming as it has on the second of 3 consecutive days of hearings by the Committee on Science and Technology into "Research and Development Under Budget Stress" the editorial underlines a growing public awareness of the role of science and technology as a mainstay of the Nation's future economic and military strength.

The issues with which Congress has been wrestling over the past year as we try to reinvigorate our economy are certainly important and of instant concern.

But as we work toward curing our immediate economic ills, we would be foolish to dismantle programs which are the underpinning of future economic health.

In short, while we must be concerned with immediate problems we would indeed be shortsighted to mortgage a secure future for an expedient present.

[From the Washington Post, Feb. 3, 1982]

HOW MUCH FOR SCIENCE?

As the annual struggle over the federal budget gets under way, it is worth pondering what will happen to money for science. American science and technology are still the best in the world. But there are enough signs of strain to suggest that our accustomed preeminence—on which a large part of U.S. security and economic power depends—is fragile, even endangered.

The trouble starts with education. For more than a decade, secondary school curriculum requirements and achievement have fallen sharply in science and mathematics, while an opposite trend has been present in most other developed countries. The result is already evident. A NASA official reported recently, for example, that the space agency's cost overruns come in part from delays that are, in turn, the result of a lack of technically skilled workers.

Federal support for graduate education is in doubt for the first time in 30 years. In many fields, engineers are in short supply, but engineering schools cannot take in more students because they cannot find trained faculty to teach them. Shortage of faculty means heavier teaching loads and therefore less research. Schools do not have enough money to pay more professors even if these could be found, nor can they replace badly obsolete laboratories. Troubles that now afflict engineering are beginning to be seen in the sciences as well.

Money for basic research in this country has been essentially constant for 10 years. To the extent that scientific advance is linked to money—there is a close, but not rigid relationship—that means a decade without real growth. Meanwhile increases in research funds in Japan, West Germany, France and elsewhere have paid off with growth in both scientific and industrial productivity. And now federal research budgets face severe cuts.

Basic research, a long-range investment for the benefit of all of society, is properly and necessarily the responsibility of the federal government. Industry can be asked to expand its support of applied research and of development projects, but it is not industry's role, nor is the industrial setting the best environment for basic research. Yet less than 15 percent of federal research and development funds currently goes to basic research. Too much federal money supports development projects that are the proper province of industry. Allen Bromley, president of the American Association for the Advancement of Science, recently made the valuable suggestion that the ubiquitous but misleading term "R&D" be dropped, in order to separate the financing of these two very different activities.

If serious damage is to be avoided as the federal budget is cut, Congress and the administration should not only protect, but in some fields increase, basic research funds. Ways should also be explored to assure more continuity in the amount of support such research is given. It takes nine years to produce a PhD scientist, and years to assemble a research team and carry a project to fruition. When the money disappears for a few years, the people disappear too, and can seldom be brought back. Abrupt changes like those that took place during last year's budget cycle can therefore wipe out years of past investment and future productivity.●

THE CONSTABLE'S HERITAGE

HON. JAMES K. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. JAMES K. COYNE. Mr. Speaker, I rise to inform my colleagues of the historical importance and the present day need for the time-honored position of constable in the system of justice and law enforcement in the United States.

From colonial days, in which the common laws were the only laws of our land, the constable has been the people's elected law enforcement officer. Constables receive their income in most cases from the litigants they serve rather than the taxpayer.

Today an awareness of that heritage has led to a nationwide task force of constables, under the banner of the National Constables Association, incorporated in Pennsylvania, to the forefront of the movement to bring about a rebirth of the constable system in the United States.

May I urge my colleagues to give their support to the constables, in every State, as they continue their nationwide program to regain their historical position of service to the people who elect them.

Mr. Speaker, I would also like to insert into the RECORD a copy of "The Constable's Heritage," a history of this fine public office.

THE CONSTABLE'S HERITAGE—A PROUD TRADITION OF SERVICE

The word "constable" comes to us from the Latin, "comes stabuli," the "head of the stables at the imperial court." The first men to perform the role of constable were special, trusted men who guarded the royal stable and armaments.

In ancient Rome order was kept by a select group of men chosen for their courage and good judgement. They were the first organized group to perform the functions that we have come to associate with the constable.

In feudal times the office of Constable was a high military rank. The Constable was the highest militia rank and decided on all questions of chivalry and honor.

The constable was introduced into British Common Law following the Norman invasion of 1066 A.D. Originally his job was to keep the militia and the kings armaments in a state of preparedness to defend the village communities throughout England. The Constable was the representative of the King in all military affairs. In France the Constable was one of the five great offices, taking precedence immediately after the King himself.

The Blackstone Commentaries on the Common Law provide for a broad range of Constable duties and powers. Only the most responsible and competent of men could be considered for the position of Constable. Constables were entrusted with collecting taxes, arresting lawbreakers, conducting searches, transporting prisoners and serving all criminal and civil papers. Even the local drugstore had to open its books and records to the Constable.

The Constable was the first law enforcement officer in the new American colonies. While he sprang from uniquely English roots, his American growth was far ranging and diverse. The Constable's duties varied from place to place according to the particular needs of the people he served. The Constable was the sealer of weights and measures. He surveyed lands, announced marriages, and executed all warrants. The constable meted out physical punishment and generally kept the peace.

The first American constable with these powers was Joshua Pratt in Plymouth colony in 1634. While many of the duties were delegated to other officials, in general the Constable was responsible for the "Watch and Ward," the Ward during the day, and the Watch during the night. The New England settlers went as far as to appoint Indian constables, each holding office for a year and responsible for overseeing the nine other Indians under his command.

Today the office of Constable has evolved in many forms. In some places he is appointed, in others he is elected. His powers vary from simply the service of process to those of policemen and sheriff.

Generally constables work on a fee plus mileage basis, with the fee paid by the wrongdoer, not the taxpayer. Constables are available for a variety of assignments for the judicial and executive branches of government. They serve criminal and civil process, transport prisoners, collect back taxes and debts owed the government, and provide a trained, professional manpower pool ready to serve in time of emergency on a twenty four hour a day basis, all at no cost to the taxpayer. All other law enforcement officers owe their status to the Constable and can trace their own history back to the heritage of the Constable.

It is this proud tradition of service and responsibility that makes today's professional constable a vital, much needed component of the delivery of justice system.●

UKRAINIAN INDEPENDENCE

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. HERTEL. Mr. Speaker, I would like to bring to the attention of my colleagues the 64th anniversary of the Proclamation of Independence of the Ukraine National Republic. The brief moment of Ukrainian national freedom continues to live in the hearts of Ukrainians and free people everywhere. I would like to share with my colleagues the plight of the Ukrainian people as well as their great intellectual and cultural contributions to the world in the 20 century.

The Ukrainian people have suffered through centuries of political, cultural and intellectual repression. Aside from brief moments in the passage of time when the torch of freedom shown publicly in the Ukraine, the nation's history has been one of stifling dominance by foreign powers. For a short period from 1918 to 1920, Ukrainian nationhood was a reality. The Ukraine's failure to develop political autonomy from the Soviet Union draped a cloak of despair over all Eastern Europe, which had closely monitored the Ukrainian attempt.

Unable to defeat the Stalinist forces, the Ukrainian Government was annexed by the Union of Soviet Socialist Republics. Stalin dangled the promise to retain their national independence while they participated in the federated U.S.S.R. It was Stalin's intent to squelch Ukrainian nationalism. Ukrainians accepted Stalin's conditions expecting to practice political, social, economic, cultural, intellectual, and religious freedoms; and a revival of vocal national Ukrainian pride.

This was not the case. The mass exodus of Ukrainians began when the lie was made clear—the subterfuge of Stalin's statements became the cornerstone of Ukrainian Soviet public policy. Unlike many emigrees from Eastern European nations, the Ukrainians were primarily intellectuals rather than blue collar. They established Ukrainian universities in Prague, Warsaw, and Berlin. They maintained the revival of Ukrainian nationalism with the help and encouragement of their neighbors, while at home their nationalism was suppressed.

The universities were well established but short-lived—with World War II came Russian dominance in Eastern Europe. The Ukrainian academic freedoms on foreign soil ended. Stalin destroyed their documents and abolished the institutions. Suddenly, Ukrainian intellectuals found themselves primarily in America and Canada as they stubbornly attempted to maintain the vestiges of their culture.

Today, Ukrainian intellectuals have established universities in Rome and Paris, and Ukrainians in the homeland rely heavily on the East European books and journals to gain access to information on the outside world. Though the political freedoms of countries behind the Iron Curtain, such as Poland and Czechoslovakia, seem meager to us, they have not suffered the ultimate humiliation of territorial acquisition that the Ukraine has suffered.

Ukrainian-Americans are more than 2 million strong. Their beautiful churches are all over America. In 1964, in commemoration of the national poet of the Ukrainian people, Ukrainian-Americans erected a statue in Washington, D.C. Other famous Ukrainian-Americans include: sculptor Alexander Architenko; former Archbishop Joseph Shmondiuk; and the Director of the U.S. Communication Satellite Corporation (Comsat), Joseph Charyk.

Here in the United States the cultural identity and intellectual fervor of the Ukrainian people is maintained in ethnic communities and on college campuses. In 1968, Harvard University established a Ukrainian Center which included the appointment of a permanent Ukrainian professorship. The Ukrainian library at Harvard hopes to one day have originals or copies of all basic Ukrainian periodicals and monographs.

The suppression of Ukrainian nationalism and the denial of many basic human rights by the Soviet Union continues and should not be forgotten. While these people struggle at home for the freedom to express their national pride, we must encourage Ukrainians abroad, and especially those in the United States, to maintain their national pride, cultural traditions and Ukrainian heritage for the day when all Ukrainians will be free again.●

IMPROVING FUEL EFFICIENCY OF NUCLEAR REACTORS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. OTTINGER. Mr. Speaker, in October 1981, my Subcommittee on Energy Conservation and Power heard

testimony on a method to save consumers billions by improving the fuel efficiency of the nuclear reactors used throughout the world. During the hearing, nuclear suppliers, utility executives, and Department of Energy officials attested to the impressive strides the United States is making in uranium efficiency improvements.

Recent DOE estimates point up the significance of these improvements: We can reduce uranium use by nearly 25 percent, saving consumers more than $12 billion by the turn of the century. We can extend our uranium stocks for years. We can sharply reduce the amount of nuclear waste produced. A recent report of the General Accounting Office, prepared at my request, confirms DOE's estimates of these financial benefits of fuel efficiency improvements.

The cost to taxpayers is modest: $33 million over the next few years. Yet incredibly, the Reagan administration seeks to end this remarkably promising project. It is now up to us to save it.

The January 23 issue of the Economist, a British journal, contains an excellent article on the process of improving fuel efficiency in reactors. The article follows:

STRETCHING THE LIFE OF NUCLEAR FUEL

Nuclear power-plant operators are finding a bit of economic cheer, despite skyrocketing reactor construction costs and burdensome regulations. They are discovering ways to cut the costs of operating their reactors. Today (according to the reactor-builder, Bechtel), up to four times as much power is harvested from each pound of reactor fuel than in the early 1960s, and further increases are on the way.

Increasing the operative lifetime of nuclear fuel can help cut reactor operating cost in two ways. With less fuel passing through their reactors, some utilities hope (government regulations permitting) to win savings on waste-disposal charges for their spent fuel. More important, they can lengthen the time for which a reactor can be operated between refuellings.

Each time a reactor is refuelled, it must be shut down for six to eight weeks, and often longer. During that time, the utility must provide electricity from other sources: typically, this replacement electricity costs between $250,000 and $1m a day. So big savings flow from fewer shutdowns. Already most American utilities have switched from refuelling their reactors once a year to refuelling them once every 18 months; some hope soon to refuel only once every two years.

The trick to winning such savings lies in building longer-lasting nuclear fuel rods. The first, and ultimately the most important, part of this task is to ensure that the rod does not stop producing the neutrons needed to power the heat-producing, atomic-chain reaction.

The laws of physics largely dictate the solution to this problem. To get a fuel rod to go on producing neutrons longer, one must put more neutron-producing materials into it in the first place: that is, one must "enrich" the fuel. Unfortunately, enrichment is very expensive.

One reason is that it requires using more uranium. For each increase in the amount of enrichment work done, the quantity of uranium needed as raw material increases dramatically. The pressurised-water reactor—the world's most popular reactor design and the one requiring the most enrichment for its fuel—uses 16 percent more uranium each year when operating with fuel rods that last 18 months than with ones that last 12. Just now, while uranium supplies are glutted and prices falling, this does not matter too much. By the end of the decade it may be another story.

There are other snags as well that chip away at the net savings to be gained from using longer-lasting fuel. One is the problem of controlling the enriched fuel when it is first put into the reactor. Initially, enriched-fuel rods shoot more neutrons into the reactor core than are needed. Left uncontrolled, the surplus neutrons are a hazard: they could increase the radiation exposure of plant operators or possibly overstimulate the atomic reaction. To control them, nuclear engineers use "burnable poisons". These chemicals absorb the excess neutrons.

A second problem in using longer-lasting fuels is that the rods which contain the fuel must be built stronger to survive longer periods in the reactor core. That means making the rods more resistant to corrosion and more able to resist the stresses put upon them by the fuel they contain. New materials are being developed which are less susceptible to corrosion but, to resist the stresses created by the fuel itself, some nuclear fuel makers are discovering that they must find new designs for their fuel rods.

Inside the reactor, the pellets of nuclear fuel expand. In some cases, this can crack the fuel rod containing them. It is no good simply leaving extra room inside a rod to allow for the pellet's expansion because doing so would insulate the pellet and so decrease the efficiency of the fuel, making it more difficult to draw heat from it. To overcome this problem one fuel maker, America's General Electric, has begun coating its fuel rods with a thin layer of relatively soft metal. This absorbs the pellet's expansion without putting too much stress on the structure of the rod.

As they solve such problems, fuel makers are having to extend the guaranteed life of their product. In the early 1960s, General Electric guaranteed fuel for its boiling-water reactors for a life of only one quarter of what it does today. And fuel makers for the pressurised-water reactor, which include Westinghouse, Combustion Engineering and Babcock and Wilcox, have increased the guaranteed life of their fuels by about two and one half times the relatively higher base they started from in the early 1960s.

Somewhat reluctantly, nuclear fuel makers expect to provide still greater guaranteed lifetimes for their fuels in future. As the reactor-building business winds down with the collapse of new orders, many companies in the nuclear industry are looking to fuel fabrication to provide greater income. To compete in the fabrication market, they have no choice but to move to the longer-lasting fuels utilities are now demanding.

The nightmare is the risk that fuel makers might have to pay up on their longer guarantees. Actual fabrication (and a fuel makers' income) accounts for only 15-20 percent of the $100m-200m cost of a complete reactor fuel load, but a fabricator's guarantee covers the lot—including the cost (80-85 percent of the total) of the fuel itself. Paying up can hurt.

Still, the push for longer fuel lifetimes will continue. Most fuel fabricators now calculate that the economically optimum fuel lifetime is at least 25 percent longer than today's—and fuel-buying utilities reckon it is even longer than that.●

IN CELEBRATION OF THE 50TH ANNIVERSARY OF THE LINCOLN MEMORIAL SHRINE

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. LEWIS. Mr. Speaker, on February 12, 1982, the Golden Jubilee of the Lincoln Memorial Shrine will be celebrated in Redlands, Calif. The Lincoln Memorial Shrine was dedicated and presented to the city of Redlands, Calif., by Mr. and Mrs. Robert Watchorn on February 12, 1932, as a tribute to Abraham Lincoln and as a memorial to their son, Emory Ewart, who had died in 1920 at the age of 26.

Robert Watchorn was born in Alfreton, Derbyshire, England, in 1858 and died in Redlands in 1944. He came to the United States in 1880, having worked in the English coal mines since his 11th year for the sum of 27 cents a day. The benefits of extensive formal education were denied Watchorn, but in later years, with the counsel of his wife, Alma, and with his own thirst for knowledge, he became a highly respected and effective labor leader, government official, corporation officer, and philanthropist.

Watchorn's life in America closely paralleled that of a Horatio Alger novel. After naturalization, he was elected the first secretary of the United Mine Workers Union; appointed adviser to the Governor of Pennsylvania, 1891-5; served as Commissioner of Immigration on the Canadian frontier, 1898-1905; chosen as U.S. Commissioner of Immigration at Ellis Island, New York, 1905-9; appointed treasurer of the Union Oil Co., Los Angeles, Calif., 1909-15; and was president of the Watchorn Oil & Gas Co., 1916-44.

Early in his life, Watchorn became fascinated with Lincoln and the Civil War period. Reading as much as he could, he began to collect Lincolniana. Watchorn believed that people throughout the world as well as in the United States could benefit from a more complete knowledge of Lincoln's strength and character, as well as his life of service and principle. In the 1920's, the Watchorns began to formulate plans for the construction of a memorial to Lincoln and a repository for their Lincoln collection. Choosing their winter home of Redlands, Calif., the Watchorns presented to the city a memorial to Lincoln, the only one in existence west of the Mississippi

River—monument, museum, library, and archives.

For the Lincoln Memorial Shrine, Watchorn secured the well-known southern California architect, Elmer Grey, to design the octagonal building. The central focus of the shrine is the magnificent carrara marble bust by George Grey Barnard (then owned by Watchorn). To adorn the ceilings with handsome symbolic murals, the noted artist, Dean Cornwell, was selected by Watchorn.

Over the years, the shrine library has grown to several thousand volumes on the Civil War and Lincoln. The manuscript collection contains letters and documents from an array of Civil War personalities ranging from Lincoln and Charles Sumner to Lee and Jefferson Davis. One of the larger manuscript collections is that of Gideon Welles, Lincoln's Secretary of the Navy. The shrine has extensive holdings of rare pamphlets. Additional collections include materials from newspapers, stamps, coins, photographs, and artifacts.

Visited by thousands of people each year, the Lincoln Memorial Shrine continues to add to its holdings through its endowment fund, the support of the Lincoln Memorial Association, grants from the city of Redlands and the Shrine's parent institution, the A. K. Smiley Public Library, as well as through the continued generosity of friends and donors.

It is my pleasure to commend the Lincoln Memorial Shrine to the House of Representatives for its service to the public as a memorial to Lincoln and the Civil War period, as a research center for scholars and students, and as a repository, museum, and library open to all people whose interest in American history and Abraham Lincoln beckons them to utilize the shrine's resources.●

"COP KILLER BULLETS"

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. BIAGGI. Mr. Speaker, earlier this Congress I introduced a bill, H.R. 2280, calling for a Federal study to identify all those handgun bullets that can penetrate the bulletproof vests worn by police. Although first introduced in 1980, no action has been taken on this legislation and no such study has been conducted.

Unfortunately for the law enforcement community, the problem has grown far worse. Evidence I have uncovered since introducing my original bill suggests the availability of armor-piercing handgun ammunition is more widespread than I ever anticipated. Due to the tremendous amount of public attention focused recently on these so-called "cop-killer bullets," a growing number of criminals are aware of their existence and the awesome powers they possess. Especially significant is the fact that more and more police officers are relying on bulletproof vests for protection against handgun ammunition. In fact, more than 50 percent of all U.S. law enforcement personnel wear bulletproof vests today.

Most of the vests police use are capable of stopping all standard handgun ammunition. However, these vests provide no protection at all against the handgun bullets currently being made specifically to pierce metal.

As a result, police officers face a grave danger and the law enforcement community is concerned that a study by itself is simply not enough.

That is why I am introducing a new bill today that would not only call for the same Federal study, but would also outlaw those handgun bullets that are determined to be capable of penetrating a bulletproof vest.

Under the provisions of my new bill, the Department of the Treasury would determine which handgun bullets can penetrate the equivalent of 18 layers of kevlar (composition of most widely used police vest); the Department would publish their findings in the Federal Register; and 60 days after publication, those bullets identified would be banned from further manufacture, import, sale, or use.

The specific penalties imposed by this measure are consistent with current firearms violation laws. Under the provisions of this act, the licensed importer, manufacturer, or dealer would be subject to a fine of not more than $10,000, imprisonment for not more than 10 years, and revocation of their Federal license. A person using or carrying a restricted bullet during the commission of a felony would be subject to a mandatory, minimum prison sentence of not less than 1 year nor more than 10 years for the first offense, and not less than 2 years nor more than 25 years for the second or subsequent offense.

This new bill offers an alternative approach that would provide more expeditious and stricter treatment of the problem.

The need for this stronger legislation is clear. Tests have shown that most powerful of the armor-piercing handgun bullets, the Teflon-coated KTW, can penetrate the equivalent of four bulletproof vests in a single shot. The KTW bullet is not the only one of its kind. We know of at least four other handgun bullets that have similarly awesome armor-piercing capability. Reports indicate there may be several more.

As one who was wounded 10 times during my 23 years as a New York City police officer, I was outraged to learn that there is no law at all restricting the manufacture or sale of this type of ammunition. My legislation seeks to establish just such a law.

Mr. Speaker, to date soft-body armor is credited with saving the lives of approximately 400 U.S. law enforcement officers since its creation in 1974. We must not allow this valuable protective device to outlive its effectiveness to save lives. With this in mind, I urge the prompt and favorable consideration of my new bill, entitled the "Law Enforcement Officers Protection Act of 1982."●

OBSOLETE JETS SENT TO RUSSIA GAVE MIGS EDGE OVER WEST

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. McDONALD. Mr. Speaker, it is a matter of history that most of the great military and industrial advances that have taken place in the U.S.S.R. were aided by Western technology. The aircraft engines furnished by Great Britian just after World War II eventually provided the basis of the Mig-15 fighter plane. The Migs were a shock to our fliers in Korea, and the F-86 fighters had to be rushed into production to keep us from being swept out of the skies. Even the F-86's were inferior in some respects, but fortunately our pilots were still better and we prevailed in the air war.

Some of the background and details to the arrangements whereby the Soviets acquired these engines has now been released, and in my view it is important that we in the West learn from our previous mistakes. One can only wonder why our allies in Western Europe do not see beyond their trade with the Communists and support the President's efforts to diminish East-West trade. The item from the Daily Telegraph of London for January 2, 1982, follows:

"OBSOLETE" JETS SENT TO RUSSIA GAVE MIGS EDGE OVER WEST

Britain supplied 55 new jet engines to Russia in 1946, in the belief that they were obsolescent, to clinch a trade deal with Moscow.

But the engines cut the British lead in jet technology from five years to three over the Soviet Union, and the Russians used one of the engines to power its new MiG-15 fighter which was to be devastatingly effective against United Nations forces in Korea.

RAF chiefs opposed the sale, and Defense Ministers also decided that the engines, which had been taken off the secret list, should not be exported to Russia, say the Air Ministry files.

The head of the Soviet trade delegation in London then pointed out to the president of the Board of Trade (Sir Stafford Cripps) that Britain "appeared to be discriminating

against Russia in our export trade policy," one minute says.

SECURITY OBJECTION

Another paper adds: "the matter . . . became of some importance to a trade agreement and the president of the Board of Trade represented to the Prime Minister (Mr. Attlee) that if the engines were exported he could get the agreement through.

"The Prime Minister sent for the Chiefs of Staff and asked them whether, bearing in mind that the Russians could obtain the engines from some other country, if we refused to sell them, they wished to press the security objection.

"The Chiefs replied . . . that as it seemed as if the harm was already done and there were already strong positive reasons for exporting them, they did not wish to press the security objection, provided the license to manufacture was withheld.

"The export license was signed the same day, and the trade agreement was concluded immediately."

Subsequently the Russians asked for further engines, and supply of the total 55 (30 Derwents and 25 Nenes) was completed in 1947.

Later, Moscow asked for more engines and also for three Meteor and three Vampire jets, but London said the request could only be met if the Russians allowed British experts to see their aircraft.

After the appearance of the Nene in the Mig-15 there was a row on both sides of the Atlantic.

A telegram from the British Embassy in Washington, faced with angry Congressmen, says: "It would be helpful if you could authorise us to add (to a statement) that the 55 engines which were supplied were obsolescent."

But a minute from a serving officer in the file points out: "The two engines sold to Russia were the Derwent Mark V and the Nene Mark I.

"The Derwent is the latest mark and will definitely not be obsolescent this year. The Nene-I has not been introduced into the RAF for general purposes. It has, however, been used for experimental purposes on the Lincoln (bomber)."

Senior Air Ministry officials, drafting replies to M Ps' letters on the matter in December 1950, point out: "Our present belief that the Nene is in the Mig-15 confirms our opinion that the acquisition of this engine has been of great value to them (the Russians).

"The state of Russian jet engine development has always been largely an unknown quantity to us, but in the light of our present information, it may well be that the sale of these engines has been of appreciable value to them.

"We must, however, remember that in 1946, when the decision was taken, there was still a chance that the Russians would adopt a reasonable course of conduct, and that the Government did not wish to give them grounds for complaint that we were withholding from them engines which had been sold to other countries."

Aviation experts believe the Mig-15 has had the biggest impact on the world scene of any combat fighter.

It could fly, climb and dive faster than any Western aircraft. Within eight months of the supply of the Nene engine, the Mig-15 prototype had flown and the engine was put into production in a slightly modified form without a licence. Eight thousand Mig-15s were built in Russia in five years.●

EL SALVADOR MUST MEET STIPULATIONS

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mrs. SCHNEIDER. Mr. Speaker, as we are all aware, the President recently presented a certification to Congress that the regime of President Jose Napolean Duarte "has made a concerted, significant and good faith effort to deal with the complex political, social and human rights problems it is confronting and that progress is being made."

I see the insurance of "good faith" by the Salvadoran Government as totally inadequate in warranting that military aid be sent to the Government. Public Law 97-113 precisely stipulates that the Government of El Salvador must not engage in consistent patterns of human rights violations and must work toward the elimination of the murder of citizens by the Salvadoran forces in order to receive U.S. military aid.

Recently, I have heard a disturbing report of a military operation apparently directed against the civilian population in the northern region of El Salvador. Phillip Bourgois, a Stanford University graduate student and son of an assistant secretary of the United Nations, claimed to have witnessed a massive aerial and ground attack on a column of 1,000 refugees seeking to escape the scene of conflict. He saw death and destruction before his own eyes.

I have called upon President Reagan to investigate these allegations in order to determine whether the Government is complying with the provisions under which military aid may be sent.

We must not allow a single U.S. dollar to be used in support of deliberate attacks on an innocent population.●

THE FEDERAL GOVERNMENT NEEDS TO CURTAIL ITS CREDIT APPETITE

HON. ED BETHUNE

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. BETHUNE. Mr. Speaker, I recently came across an interesting article written by Philip Lawler of the Heritage Foundation. His paper is entitled "Improved Economy Poses Problem for Credit Junkies."

Mr. Lawler makes the excellent point as to how Federal fiscal, monetary, and lending policies create corporate "credit junkies" who continually borrow, fueled by high inflationary expectations.

Mr. Speaker, I would like to draw a conclusion from this paper—the Federal Government needs to curtail its credit appetite to help restore stability to credit markets. A good way to force the Federal Government to get off its credit kick is for this Congress to adopt H.R. 2372, which would bring Federal credit programs into the budget process so Congress would have a better control over the heretofore unbridled proliferation of these programs.

I commend this article to my colleagues and I also urge their support of H.R. 2372, the Federal Lending Oversight and Control Act.

IMPROVED ECONOMY POSES PROBLEM FOR CREDIT JUNKIES

(By Philip F. Lawler)

In the old whodunit mysteries, when the first corpse was discovered, the detective would immediately shout, "Cherchez la femme!" In murder cases, he would explain to his loyal sidekick, the most likely explanation involves a romantic involvement.

Politics, like crime, has its own internal logic. In Washington, when a program encounters unexpected opposition, the first rule of thumb should be: Cherchez la coin. More often than not, the people who oppose the program have some financial interests on the line.

These days, the leading political topic is President Reagan's economic program. And the unexpected opposition is coming from Wall Street, where the nation's financial markets are reacting coolly to Reaganomic remedies. So it should come as no surprise that the financial community does indeed have a special interest in the way the government combats inflation.

No one enjoys inflation. When the value of the dollar drops, the whole country suffers. But some people suffer more than others. Inflation, like any other economic situation, involves a whole set of conditions—conditions that can be either problems or opportunities. And during an inflationary episode, just as in any other economic climate, the people most likely to realize their opportunities are the people with the shrewdest financial judgment.

The most obvious opportunity provided by inflation comes from borrowing money. If you can secure a long-term loan at 10 percent interest, and hold onto that loan while inflation gallops up to 15 percent, you get, in effect, a 5 percent profit on your loan! So if you know that the dollar is going to shrink, you should borrow money from someone else, and let his dollars shrink. The lesson is straightforward: in times of inflation, debt is a good investment.

Whether they know it or not, most people who have bought homes in the United States recently have profited by this borrowing strategy. Until recently, mortgage rates were lagging behind the pace of inflation, while real estate values soared against the anemic dollar. As a result, thousands of homeowners have realized a tidy profit on their mortgages. Their real estate holdings are now increasing in value, while the borrowed dollars shrink. Mark Twain knew the situation years ago, when he counseled a young friend, "Buy land, son, they aren't making any more of it."

Twain was precisely right. Not even the government can manufacture land wholesale. But the government can manufacture dollar bills, and that's what it has been doing year after year, until no prudent investor wants to hold onto such a cheapened commodity. Instead, prudent investors pile up the opposite: debt.

Needless to say, this strategy is no mystery to the wizards of Wall Street. For years, major corporations have been borrowing heavily through the bond market, secure in the certainty that inflation would help write off the debts. In fact, some companies have been piling one debt on top of another, issuing short-term bonds to help meet the interest payments on long-term bonds. In several cases (such as Chrysler, Pan Am, and International Harvester), the immediate demand for debt financing has brought the company perilously close to bankruptcy. Ordinarily, corporations would be restrained from such heavy borrowing by the cost of interest payments. But while inflation raged, no such restraints were in place.

The result? The corporate community today includes a number of habitual borrowers: credit junkies. They need cash today to pay off the people whose bonds will mature tomorrow. So they must borrow again—probably by floating a new bond issue, at higher interest rates. These corporations must borrow, regardless of the interest rates; they have no choice.

Now what happens to these "credit junkies" when the government begins to rein in inflation? Slower inflation means tighter money, and tighter money usually means higher interest rates. So with interest rates going up, and inflation rates coming down, the habitual borrowers are caught in a squeeze. Borrowing is a winning proposition only as long as the benefits exceed the costs. If the corporation is paying 10 percent interest while inflation is running at 15 percent, the corporation has a good thing going. But if interest rates climb to 15 percent (as they have recently) while inflation drops under 10 percent, the mounting debt becomes a major concern.

In short, for credit junkies, tight money poses some very serious problems. If President Reagan is successful in curbing the erosion of the dollar, these corporate borrowers will feel the effects immediately. As a matter of fact, they have already begun to feel the effects, as the tightening of the money supply has driven their interest costs upward.

If borrowers could just stay out of the credit market for a while, the situation would resolve itself quickly. With fewer people seeking to borrow, the demand for credit would slacken, and—following the immutable laws of supply and demand—the price of credit would fall. Lower interest rates would bring those prudent borrowers back onto the market, and things would return to normal. But for many debtors—for credit junkies—there is no choice about whether or not to borrow. So the competition for credit continues unabated, and the interest rates climb.

How can we break out of this vicious circle? Unfortunately, there is no alternative to a tight money supply. Yes, of course the government could loosen up the money supply a bit to accommodate present needs. But that would only bring worse problems in the future, because without tight money it is impossible to stop inflation. Sooner or later, inflation must be brought under control. But since some people—borrowers—are currently making a profit on inflation, naturally those people will feel the brunt of the counter-inflationary policy. And just as naturally, they will object to the policy that is hurting their own financial interests. That's what Wall Street is doing right now when it complains about the Reagan plan.

But "Wall Street" is not a unified body; it is a huge composite of different investors with different interests. The credit junkies are only one of Wall Street's many voices. Other, more prudent voices are now worried that the government will accede to the demands of the inflation lobby. They worry that the money supply will be loosened again, and the nation will have to brace itself for another round of inflation. And to guard against this possibility, they are hedging their investments. How do they do this? By demanding high interest premiums. So yet another factor is added to the high cost of interest.

If and when Wall Street is fully convinced that the government is determined to keep money tight, that assurance in itself will help bring interest rates back toward normalcy.

The great Austrian economist, Friedrick von Hayek, once likened a government in an inflationary state to a man holding a tiger by the tail. We know how to stop inflation, just as the man knows how to release his grip. But we can't expect to escape without some scratches. The choice is clear: we can let go of the inflationary tiger now, and face the consequences. Or we can keep clinging to the tiger's tail, out of fear. But the tiger isn't getting any friendlier, and he's hungrier every day.●

LADY TECHSTERS

HON. JERRY HUCKABY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. HUCKABY. Mr. Speaker, I want to brag a little bit. Louisiana Tech University of Ruston, La., which is in my congressional district, has the best women's basketball team in America, and I want to give them some much-deserved credit.

The Lady Techsters, the name by which they are known, and the name which strikes fear in the hearts of women's basketball teams across this land, have compiled an enviable record.

Winning the national championship is an honor which any sports team would love to have in its trophy case. The Lady Techsters did this last year, going through the entire season undefeated.

But this band of talented young ladies did not stop there. They continued to win and win and win. Just recently, they broke the all-time winning streak for women's basketball when they captured their 51st straight victory.

The Lady Techsters went on to stretch the streak to 54 games before losing their first game in 2 years. Sports experts feel the 54-game record set by the Lady Techsters may stand for all time in women's basketball.

The reasoning is that women's basketball is an emerging sport, gaining in quality and popularity all the time. Competition is keen, and it is going to be harder and harder for one team to dominate the sport.

The Lady Techsters certainly dominate it now. They have been consistently ranked No. 1 in the country and held on to that ranking despite the recent loss. It shows that the sportswriters are convinced that this is a legendary team.

A great deal of credit must go to the outstanding coaching staff. Head Coach Sonja Hogg is the guiding force behind this winning machine, with the help of two outstanding assistant coaches, Leon Barmore and Gary Blair. Hogg and Barmore are Louisiana Tech graduates.

I had the pleasure of watching the Lady Techsters play the University of Maryland this past Monday night at Cole Field House. It was the first game following the loss which ended the 54-game win streak, and we were apprehensive about how the Lady Techsters would react. After all, Maryland was ranked fifth in the Nation and had a 12-game win streak of its own.

But the Lady Techsters proved to be true champions, beating Maryland 73–56, embarking on another win streak.

After the game, I had the opportunity of meeting the Lady Techsters at a reception. I was impressed. They are a group of intelligent young ladies who have exceptional athletic ability.

They have handled the pressure and acclaim exceptionally well, and I know that under the leadership of a fine coaching staff, they will go on to greater heights.

What makes me even prouder is that 6 of the 14 players on the roster are from Louisiana; 4 of them are my constituents.

Here are the names and home towns of the Lady Techsters: Angela Turner of Saline, La.; Julie Wilkerson of Tioga, La.; Jennifer White of Loretto, Tenn.; Kim Mulkey of Hammond, La.; Pam Gant of Joliet, Ill.; Sandra Felton of Cordele, Ga.; Lori Scott of Jackson, Miss.; Ann Pendergrass of Ruston, La.; Debbie Primeaux of Bell City, La.; Pam Kelly of Columbia, La.; Debra Rodman of Dallas, Tex.; Tia Sossamon of Raymore, Mo.; Janice Lawrence of Lucedale, Miss.; and Rita Rust of Shreveport, La.

These Lady Techsters have worn the red and blue of Louisiana Tech to national prominence, and I just want to say congratulations on a job well done.●

CAPITAL BUDGETING

HON. BOB EDGAR

OF PENNSLYVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. EDGAR. Mr. Speaker, I would like to comment to the attention of the House a recent column which appeared in the New York Times. Authored by my friend and colleague from Pennsylvania, BILL CLINGER, the column urges that we at the Federal level explore the concept of a capital budget in order to get a handle on Federal capital expenditures.

Many Members are becoming familiar with the Federal capital budget idea. As BILL CLINGER points out, a primary use of a separate listing of capital projects would be "a conscious balancing of the Nation's operating costs and national infrastructure needs." The current piecemeal process of project authorization has led not only to pork-barreling but also to serious disinvestment in maintenance of our huge Federal assets in roads, bridges, transit systems, water systems, and all other items of the Government's physical plant.

I hope the House will carefully consider the comments of BILL CLINGER, a leading thinker on the national capital budget concept.

[From the New York Times, Feb. 2, 1982]

CAPITAL-BUDGETING

(By Willian F. Clinger, Jr.)

WASHINGTON.—The Government must turn its attention to the national infrastructure—highways, sewers, ports, bridges, water systems—if the economy is to expand.

So far, the providing of supply-side incentives to the private sector to promote national economic renewal has excluded attention to infrastructure problems, but that is a risky course. Indeed, "America in Ruins," a 1981 report by the National Governors Association, states that up to two-thirds of our towns and cities cannot accommodate new economic growth because local infrastructures are either worn out or undersized. The cost of reversing this decline is staggering. But the consequences of not doing so are even worse to contemplate.

The Federal Highway Administration estimates the cost of repairing or replacing America's deficient bridges at $41 billion. Aside from $7 billion worth of deferred maintenance that is needed, the outlay required to preserve the Interstate Highway System, which represents only 1 percent of the nation's roads, is estimated at $1.4 billion annually through 1991.

Unfortunately, these statistics, though somewhat known in Washington, nonetheless usually do not focus attention on infrastructure problems because of the more immediate demands placed on the Federal budget to meet the growing costs of current programs, especially entitlements. This is particularly true in a period of fiscal restraint. It may take a catastrophe to focus our attention on infrastructure problems.

Congressional efforts to evaluate spending priorities tend to ignore infrastructure needs, principally because the Federal budget does not distinguish between operating costs and capital expenditures. Past efforts to distinguish between these two categories have failed, largely because of criticism that doing so would result in large expenditures on public-works projects at the expense of more-immediate human needs.

In a new approach to capital-expenditures budgeting, the Government could neutralize this concern by mandating that national infrastructure needs be presented in the budget apart from operating expenses, while at the same time not requiring additional spending for them. Under this approach, infrastructure needs would be catalogued in the budget. This would enable Congress to set spending priorities with a clearer understanding of long-term ramifications, especially the consequences of failing to address crucial problems.

As part of its budget deliberations, Congress could attempt a conscious balancing of the Government's operating costs and national infrastructure needs. At present, projects are approved piecemeal, and this practice encourages the pork-barrel approach to decision-making.

The logical first step away from pork-barreling toward a more objective approach is to shift decisions about meeting infrastructure needs away from what has been a purely legislative process. Only the executive branch can provide a fully detailed analysis of infrastructure requirements nationwide so that an inventory of these needs can be juxtaposed against other budgetary requirements. At the same time, an assessment can be made of Federal, state, and local responsibility for various infrastructures.

At present, no single Federal agency is responsible for defining or monitoring capital investments. As a result, assets that are capital investments to some agencies may be considered current expenses to others—for example, Agency A may view new office furniture as a capital outlay, and Agency B may view it as a standard annual expense—despite the practice since 1951 of summarizing the investment, operating, and other outlays of the Government each fiscal year.

While the idea of writing a budget that incorporates capital expenditures has received a somewhat less than enthusiastic response in the past, largely because of the complexities involved, there is no reason why a more limited approach dealing specifically with infrastructure needs could not be used effectively.

Is is unfortunate that a large and growing number of communities find their economic revitalization efforts hamstrung because of the condition of their basic public facilities. This is a situation that cannot be overlooked by an economic plan dedicated to a "full investment" philosophy. It is difficult to foresee capital investment increasing rapidly unless the business community is convinced that a prosperous future is possible.●

INTRASTATE QUARANTINES OF ANIMALS AND POULTRY UNDER EXTRAORDINARY EMERGENCY CONDITIONS

HON. WILLIAM C. WAMPLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. WAMPLER. Mr. Speaker, today I am introducing legislation, at the request of the U.S. Department of Agriculture, that would authorize intrastate quarantines of animals and poultry under extraordinary emergency conditions.

This bill would expand the powers of the Secretary of Agriculture after he has declared an extraordinary emergency due to the existence of any dangerous, communicable disease of livestock or poultry of the United States. Public Law 87-518, the act of July 2, 1962 (21 U.S.C. 134a(b)) authorizes the Secretary to declare such an extraordinary emergency and take specified actions when he finds that a State or other jurisdiction is not taking adequate measures to control any such disease. USDA presently does not have authority to prevent the intrastate movement of animals, animal carcasses, animal products, or articles in such an emergency situation, unless the Secretary finds that the animals are or have been affected by or exposed to such a disease and that the carcasses, products, and articles were so related to such animals as to be likely to be a means of disseminating such disease. Then he may seize, quarantine, and dispose of the particular animals, carcasses, products, or articles involved.

The Department of Agriculture feels that additional authority is needed to quarantine specific localities and control the intrastate movement of animals, their carcasses, and related products and articles which are not necessarily found to be affected with or exposed to any dangerous communicable disease of livestock and poultry. This additional authority would make it possible for USDA to implement the most effective quarantine controls to prevent the inadvertent intrastate spread of such a disease from affected localities. Uncontrolled movements of livestock and poultry into affected areas can hamper control and eradication efforts by increasing the population of exposed animals needing treatment. The outbreak of exotic Newcastle disease in southern California in 1971-73 and recent outbreaks in March and April of 1980 in California, Virginia, and Pennsylvania clearly demonstrate the need for this additional authority, according to the Department of Agriculture.●

NATIONAL NOTARY ASSOCIATION SILVER ANNIVERSARY

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. GOLDWATER. Mr. Speaker, it was 25 years ago when Raymond C. Rothman originated the California Notary Association, which became the

National Notary Association 8 years later.

Under Mr. Rothman's leadership for many years, and most recently, under the guidance of Deborah M. Thaw since 1979, the NNA has grown to 40,000 members nationwide. The NNA provides a number of valuable services to its membership, including the publication of "The National Notary" magazine, an information service telephone "hotline" to answer members questions, toll-free; numerous education conferences across the Nation; and international cooperation with the NNA French counterpart.

In a survey NNA conducted in 1975, they found 2.5 million notaries in the United States. The next year, the NNA developed the first ethical training program and ethical code for American notaries, and in that same year, Mr. Rothman was commended by the Department of Justice for participation on the Federal Advisory Committee on False Identification.

For this enormous contribution to the fine group of citizens who help us cope with the increasingly difficult flow of legal papers in our lives, I salute the National Notary Association, its officers and members, on their 25th anniversary.●

NURSING HOME BILL OF RIGHTS

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. WYDEN. Mr. Speaker, I am pleased today to submit a resolution expressing the sense of the House that we must preserve basic human dignity and rights for America's nursing home patients through strict enforcement of a nursing home patient's bill of rights.

The Department of Health and Human Services is reviewing regulations that guarantee these rights. As the Department has expressed some hesitation about the need to continue enforcing these regulations, I believe it is critical that Congress declare its intent that they be maintained.

The reasons are compelling. Prior to coming to Congress, I spent 7 years working with senior citizens, including a term as public member of the Oregon Board of Examiners of Nursing Home Administrators. During that time, I heard story after story about abuse of elderly nursing home patients.

Stories of elderly patients who were over drugged.

Stories of patients who were denied even the most basic rights of privacy.

Stories of patients afraid to tell anyone about their predicament for fear of retaliation.

Regrettably, these were not just stories. Too often, they were only too true.

These kinds of abuses first came to widespread national attention during the late 1960's and early 1970's, largely as a result of congressional investigations and hearings. Faced with the damning evidence, Congress required the Secretary of the then Department of Health, Education, and Welfare to issue regulations that would insure basic rights to nursing home patients.

As promulgated, these regulations protect patients from over drugging or other abuses of medication and guarantee them the right to privacy and the right to information about charges and services. The regulations have been in force since 1974 for skilled nursing facilities, and since 1976 for intermediate care facilities. They are needed today more than ever—both for the benefit of the patient—and for the benefit of the institution.

The benefits to the patient are obvious. It is enough that the institutionalized elderly must give up at least a measure of their physical freedom. They should not also be forced to give up their emotional freedom—their sense of dignity and individuality.

For the institution, the guarantee of patients' rights means a happier, more cooperative resident population. Patients who understand their condition, are able to participate in the planning for and implementation of their treatment and are guaranteed basic rights of privacy will feel more positive about the care they are receiving. As a result, they will also be more likely to respond well medically.

Many nursing homes provide quality, humane care—and would do so even without these regulations. We are not concerned about those homes. But the only way we can insure individual freedoms for all nursing home patients in all nursing homes throughout America is by maintaining the current regulations.

Remember, these regulations provide for only the most basic human rights. At the very least, we must guarantee their continued enforcement.

Support for enforcement of nursing home patients' rights has come from a broad spectrum of citizens groups as well as from the American Health Care Association. These groups agree America's nursing home patients have a right to decent care—and to the protection of their individual freedoms.

I hope my colleagues will join me in this very important effort. Senator WILLIAM COHEN and Senator JOHN HEINZ have introduced this resolution in the Senate and are spearheading efforts for its passage there.●

COOPERATION: THE NATION'S MOST EFFECTIVE WEAPON AGAINST CRIME

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. FAZIO. Mr. Speaker, I introduced legislation to correct what I view as a very serious breakdown in cooperation and communication between our Federal parole and prison authorities and local and State law enforcement officials.

Recent articles appearing in the Sacramento Union by K. W. Lee and Dave Miller have brought out into the open a policy of the U.S. Parole Commission which prevents local parole officials from fully cooperating with local law enforcement agencies. The policy of the Parole Commission keeps local officials in the dark about the presence of Federal parolees who have been released into their jurisdiction. Moreover, a related practice of the Federal Bureau of Prisons fails to notify local law enforcement officials of persons who remain under the Bureau's supervision but have been released to a community halfway house.

The Federal practice is rather ironic, particularly in light of the current emphasis on sharing law enforcement information between various authorities at all levels of government. For example, Judge Webster, the Director of the FBI, recently made an address to the International Association of Chiefs of Police entitled, "Cooperation: The Nation's Most Effective Weapon Against Crime."

As we have seen in Sacramento, the current parole and prison policies have created an unnecessary impediment to effective law enforcement, a potentially dangerous threat to local communities, and an unmanageable burden on those responsible for supervising Federal parolees and prisoners. My bill would correct this faulty policy by requiring the Parole Commission and the Bureau of Prisons to disclose certain identifying information on parolees and prisoners to local law enforcement agencies for legitimate law enforcement purposes, including crime prevention and surveillance.

My bill also seeks to bring Federal parole and prisoner release practices in line with those followed by the State of California and other States with regard to searches and seizures.

The bill would require the U.S. Parole Commission and the Federal Bureau of Prisons to promulgate regulations requiring all Federal prisoners released from halfway houses and certain parollees—particularly violent offenders and drug smugglers—to sign a waiver of their fourth-amendment

rights against search and seizure as a condition of release. The provision would allow any Federal, State, or local law enforcement officer to conduct a legal search of a parolee's or prisoner's person or property without first obtaining a warrant. If the parolee or prisoner signed such a waiver and then failed to permit a search of his person or property, that alone would be grounds for revoking parole or the prisoner's permission to remain in a nonsecure facility.

Federal and State courts have long upheld the practice of depriving a parolee or prisoner of his fourth-amendment rights against search and seizure. A parolee or prisoner residing in a halfway house is still officially under the supervision of the correctional authorities even though he may be serving the remainder of his term outside of the prison walls. Therefore, his rights are limited in the same manner as a prisoner who remains in confinement.

Crime is regularly identified in national polls as one of the most important issues in the eyes of the American public. The local law enforcement officials in my district assure me that this modest bill will make important improvements in their ability to protect their communities, and at a minimal cost to the Federal or local governments. I believe this is a measure which will appeal to all of your local law enforcement officials and enable you to make a positive contribution to their efforts to reduce the levels of crime in your communities. I urge you to join me as a cosponsor.

I respectfully submit a letter I received from John Kearns, Chief of the Sacramento Police Department to be printed in the RECORD.

CITY OF SACRAMENTO,
DEPARTMENT OF POLICE,
Sacramento, Calif., January 22, 1982.

Hon. VIC FAZIO,
Congressman, Fourth District,
Sacramento, Calif.

DEAR CONGRESSMAN FAZIO: The topics of crime, crime prevention and punishment are on the lips of the entire Sacramento community. Outraged citizens are not only demanding that police apprehend criminals, but become more proactive in their approaches to combating the crime wave that has invaded residential streets and the living rooms of their homes.

Faced with diminishing governmental resources, law enforcement agencies must turn to legislative and administrative remedies to provide assistance that will aid in the identification, apprehension and incarceration of criminals. We have identified prison parolees as one group which is responsible for a disproportinate amount of criminal offenses in comparison to their numbers in the general population of the Sacramento area. Indepth studies were conducted to provide information with which action plans could be made to resolve the problem.

Our studies revealed that the City of Sacramento had 12 State penal institutions within a 60 mile radius of our jurisdictional boundaries. The County of Sacramento also was receiving approximately three parolees for each two commitment made to a State institution. Not only were we receiving parolees directly from State institutions, but approximately one third of our parolee population transferred their parole here after initially being released to another county. This becomes even more alarming when you take into consideration that approximately 36% of inmates currently in State institutions have had one or more prior prison sentence.

The predicament caused by Federal parolees is even more frustrating due to the U.S. Parole Commission policy of not providing any information to local law enforcement agencies regarding the number, identity or conditions of parole. Information is only provided when a specific individual is being investigated for a specific crime. Several violent crimes have recently been committed by Federal parolees and/or inmates of Community Correctional Centers which have endangered the lives of citizens and the lives of local law enforcement officers investigating these offenses. In all of these cases local law enforcement did not have any knowledge of their presence in our community and in some cases thought they were presently serving sentences in the Federal Bureau of Prisons.

The parolee problems involving parolees from State institutions are being resolved through the enactment of legislation requiring State agencies to notify local law enforcement agencies within ten days of the release of any parolee that is residing or temporarily domiciled in our jurisdiction. In addition to this, information including photographs, fingerprints and a criminal history are provided with the notification. Administrative steps have also been taken to return parolees to the county of commitment and legislation is pending which will codify the administrative policy.

The same steps need to be taken to resolve parolee problems at the Federal level. Listed below are my recommendations for corrective legislation.

1. The name, residence, conditions of parole, photograph, fingerprints and criminal history of all Federal parolees should be provided within ten days of their release to local jurisdictions.

2. Provide the name, residence, photograph, fingerprints and criminal history of all Federal prisoners released to non secure facilities or half way houses in a community.

3. The conditions of parole should include a provision allowing a search of the parolee and any property under his control without a warrant for the term of parole.

4. Any violation of the conditions of parole should result in a parole hold being issued for the detention of the parolee. Parole holds are not issued in the Eastern District of California if it is felt they would interfere with the local bail process.

5. The safety of the community should be the primary factor in deciding whether or not to disclose parolee information to local law enforcement agencies.

6. Community Correctional Centers or Half Way Houses should be covered by the standards applicable to local detention facilities. If no standards exist at the Federal level, steps should be taken to develop some.

7. The criteria for placement in Community Correctional Centers should exclude career criminals and those with a history of violent crimes.

These legislative and/or administrative recommendations will provide needed assistance in combating our rising crime rate by improving the capability of local law enforcement to investigate crimes and apprehend criminals.

I also would like to state that it has been particularly gratifying to have local elected representatives of Federal and State Government respond so swiftly and in a positive manner to the needs of law enforcement and the community it serves.

Sincerely,

JOHN P. KEARNS,
Chief of Police.●

EXPORT-IMPORT BANK AND DEATH IN AFGHANISTAN

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. McDONALD. Mr. Speaker, it was only a few days ago that the Committee for a Free Afghanistan passed the word to this office that a young man who had been in the United States working selflessly for his people in his native land met his untimely death on combat against Soviet troops and equipment on December 17, 1981.

It was on January 4, 1980, that the New York Times pointed out that equipment built at the Kama River plant in the Soviet Union with American money—and technology, is being used against the innocents of Afghanistan. Was it not back on March 5, 1973, that the first Export-Import Bank Credit to the tune of $153,950,000 was approved to finance this advance of Soviet military power that would end up promoting death and destruction world wide. As if to add insult to the death of innocents, the Soviets received the loan at 6 and 7 percent interest with no demand to begin paying off this loan before October 10, 1977. That is approximately 4½ years.

It is no small secret that Americans returning from Southeast Asia related the amount of U.S. technology being used against them. Should not the American taxpayer put a stop to this financing of murder by the Soviets? Would not it be wonderful if an American could buy a car these days at 6 to 7 percent interest with no downpayment for some 4½ years? It is high time that all of this nonsense cease.

On this date, for the benefit of my colleagues, I share the reality of only one Afghan named Hakim who met death as a result of U.S. technology. I pray that it will not be the death of the son of a businessman who sold his soul for a dollar to the Soviet Union, that will halt this monstrous practice. Let us put the Export-Import Bank out of business and save this Nation some money. It is money that most of us know from what is happening in Poland that will never be paid back.

We are lucky if we get the interest paid, let alone the principal. And in the final analysis let us remember that we cannot pay back the sin of the death of Hakim—nor the sin of future Americans killed with the fruits of American technical known-how—and money.

The release on Christmas Eve, 1981 from the Committee for a Free Afghanistan follows:

COMMITTEE FOR A FREE AFGHANISTAN,
Washington, D.C, December 24, 1981.

Many who have worked with us in the cause of a Free Afghanistan remember Hakim, the young man who worked selflessly as a volunteer for the Committee. For months he gave six to eight hours a day to us, his only reward being the satisfaction that he was working for the cause of his country and his people.

Hakim was an Afghan. He came to study in America at the age of 14. When his country was invaded by the Soviet Union, the fires of patriotism awakened in him. The Pathan warrior in him burned to fight for his country. After a while the work of the Committee was not enough for this son of Afghanistan.

We mourn his death now. Hakim was killed in combat in Afghanistan on December 17. Buried where he fell, with a proper Islamic burial, Hakim has, in accordance with Islam, gone to his reward as a martyr in a holy war. He has paid the ultimate price demanded for the freedom of man.

We sorrow with his parents, who only recently escaped with their lives from Afghanistan, and with his brothers and sisters. He was a noble youth, the future of Free Afghanistan, a young man of courage who did honor to his people and his cause. He was 21.●

COMMENDING ERIE COMMUNITY COLLEGE

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. LaFALCE. Mr. Speaker, it is with a special degree of pleasure that I draw the attention of my colleagues to the recent completion of the new city campus of the Erie Community College in Buffalo, N.Y. The official ceremonies for the new campus will take place on February 15, 1982.

Erie Community College, known to us in western New York as ECC, takes a bold step as it moves into its new facility. But that is nothing unusual for an academic institution which has always been at the forefront of new endeavors. The new city campus is located in the renovated former U.S. Post Office Building in Buffalo. This well-known historic landmark, in the heart of the community which ECC serves so faithfully, was built for the Pan-American Exposition of 1901.

The beautiful renovated building blends the old and the new—classic architectural style with modern classrooms, offices, and equipment. It is altogether fitting that the campus should blend the old and new because the institution itself has a rich heritage of past contributions to our community and a future marked by open horizons and opportunities.

The commitment of money and expertise to make the new campus a reality represents a cooperative effort by Erie County and New York State to encourage both the continued academic excellence of ECC and the revitalization of the downtown Buffalo area.

Already, classes are underway at the new campus. Each day 1,650 students are enriching their lives and opening new doors for the future. This vital undertaking is echoed at the college's other two campuses in Erie County.

For those of us who live in the Erie County area, ECC has always been synonymous with excellence in achievement and unsurpassed service to the local community. So, too, has New York State and the Nation benefited from the contributions of ECC's faculty, administration and, of course, its graduates. The Congress commends Erie Community College for these many contributions.

Mr. Speaker, I know that my colleagues join with me in extending our congratulations to ECC on its move to its new campus and we wish the school continued success.●

PITTWAY: A SHINING EXAMPLE OF CORPORATE SOCIAL RESPONSIBILITY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. PORTER. Mr. Speaker, a Washington Post editorial asked recently whether corporations should be expected to fill the money gap for social programs that have been cut by the Federal Government. It cited a survey just completed by a New York based business research institute, the results of which imply that it is naive to count on corporations to take up the slack.

This survey of 427 major corporations indicated that only 6 percent planned to increase gifts in response to the President's request. The report suggested that increased donations would be essentially a function of higher profits and inflation. If, on the other hand, the corporations felt squeezed, these same contributions would be reduced.

Apparently the survey also highlighted what it calls an important flaw in the plan to shift responsibility to businesses. That is, the propensity of corporations to support only certain kinds of popular and relatively uncontroversial endeavors. Arts and education would be likely recipients of aid, not the social programs that have traditionally received Federal Government support and which are not considered to be the responsibility of corporations.

I am proud to say that I have a corporation headquartered in my district that defies this editorial's expectations as well as those of the survey that it cites. The Pittway Corp., based in Northbrook, Ill., is a business that obviously takes very seriously its role in picking up the slack in Government funding. In fact, Pittway recently announced that it is giving $400,000 to the State Department of Children and Family Services for a 3-year research project aimed at preventing child abuse and neglect. Their gift will be matched by DCFS to fund four or five community based programs statewide. The $150,000 to $200,000 grants for the fiscal year beginning July 1 will be awarded in a competition to select the most creative proposals. It is hoped that the project will prove that abuse and neglect can be curbed by addressing some of the causes—teenage pregnancies, low-birth-weight babies and adequate parenting skills—as well as providing support services for parents.

Pittway's gift is certainly unparalleled in Illinois history and provides a very hopeful sign of the willingness of the private sector boldly to assume a new and more socially responsible role—taking up where Government leaves off. I would encourage other businesses to follow Pittway's innovative and generous lead.●

NOT A PEEP ON CHILE

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. OTTINGER. Mr. Speaker, I am including in today's RECORD an editorial which recently appeared in the New York Times, criticizing the blatant failure of the Reagan administration's "quiet diplomacy" in correcting human rights violations in Chile.

Wherever it has been applied, this quiet diplomacy has become a camouflage for U.S. complicity in the most brutal human rights violations. In the case of Chile, this quiet diplomacy has paved the way for the Pinochet regime to engage in massive repression without a peep of protest from our Government. As the editorial states:

Chile's military chiefs have evidently decided that the Reagan Administration will cause them no trouble on human rights.

I urge the Reagan administration to abandon this quiet diplomacy, which amounts to diplomacy by acquiescence, and pursue human rights as a fundamental component of U.S. for-

eign policy. I commend the editorial to the attention of my colleagues:

NOT A PEEP ON CHILE

Chile's military chiefs have evidently decided that the Reagan Administration will cause them no trouble on human rights. On Dec. 10, which Mr. Reagan had just joined in proclaiming as Human Rights day, they arrested at least seven dissidents, including three officers of Chile's Human Rights Commission.

Last August, the junta showed comparable brazenness. Jaime Castillo, the commission president, was banished immediately following a visit to Chile by Jeane Kirkpatrick, the United States delegate to the United Nations. Mrs. Kirkpatrick was thus repaid for her call for improved ties with Santiago. The more Chile persists in these jailings and expulsions, the more insulting the implied judgment about Mr. Reagan's backbone. At the United Nations, American delegates have persistently voted against any censure of Chile on grounds that Latin America has been invidiously singled out for censure.

But Latin democracies, in making the same point, abstain. And in regional forums like the Organization of American States, Washington has yet to utter a critical peep about Chile, where a return to civilian rule is not even promised before the end of the decade.

To be sure, "quiet" diplomacy is supposed to produce reforms in anti-Communist tyrannies like Chile. The arrests on Human Rights Day show just what the silent approach truly produces.●

THE CENTENNIAL YEAR OF FINDLAY COLLEGE

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. OXLEY. Mr. Speaker, with these remarks, I would like to commemorate the "Centennial Year of Findlay College," in my hometown of Findlay, Ohio.

Findlay College has been educating young people in the liberal arts tradition for the past 100 years. My esteemed predecessor, Tennyson Guyer, was a 1934 graduate. My father is also an alumnus, so I have a special interest in the college's past and, more importantly, its future.

The articles of incorporation which established Findlay College were signed and sealed on January 28, 1882. Previous to this event, the Churches of God had endeavored for 25 years to begin an institution of higher learning. John Gable, one of the founders, described the nature of the college as follows:

We presume to assay that it will be one in which the spiritual functions of the body as well as the intellectual will become a power for the good to "The Body." (The Church)

A board of trustees was formed and a charter obtained. The city of Findlay donated 10 acres of land and $20,000. The Churches of God also made contributions, and the first building was completed in 1886. Then 10 faculty members began teaching the first 95 students. In June 1889, two degrees were conferred in the first annual commencement.

The main building was damaged by fire twice, in 1917 and 1938. Both times, it was rebuilt. Since then, many other structures have been added. Most recently, the college dedicated Shafer Library and the Croy Physical Education Center in the late 1960's.

William Harris Guyer, the late Congressman Guyer's father, attended Findlay College and served as its president from 1913 to 1926. Tenny apparently inherited his talent for public speaking from his father, who was well known as a preacher throughout Ohio and Pennsylvania. Under his guidance as president, the college experienced the largest enrollment increase in its history and the number of faculty grew to 25. Dr. Guyer died suddenly in 1926, and Findlay College lost an enthusiastic supporter.

As we are all aware, the times have not been easy for small liberal arts colleges. So, this 100th anniversary is indeed a cause for celebration. I congratulate Findlay College on this fine accomplishment.●

DENVER POST: THE NEW NONSENSE

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mrs. SCHROEDER. Mr. Speaker, the chief of the Denver Post Washington Bureau, Leonard Larsen, recently described President Reagan's state of the Union message as the "New Nonsense," which could very well lead to the balkanization of the States.

The article, from the January 31, 1982, Denver Post, follows:

THE NEW NONSENSE

WASHINGTON.—As President Reagan's chief aides explained prior to the State of the Union speech, his New Federalism proposal has been his "dream" since his days as governor of California.

The federalism the president offered, however, would appear more a plan for fragmentization or balkanization of the states.

The plan would reject the conviction that all Americans are in this together, that the fortunes of a Detroit auto worker are tied to those of a wheat farmer in eastern Colorado, that a New York stockbroker is tied to a Kentucky miner and an Alabama schoolteacher.

Reagan may or may not have deliberately timed announcement of his New Federalism to observations of the centennial of Franklin D. Roosevelt's birth.

It turns out that the balkanization of the states outlined by Reagan is a repudiation of Roosevelt's vision that national problems, whether or not their intensity is suffered equally in all states and cities, are national concerns demanding the national government's attention and resources.

It's easy enough for a former governor of California, who was and maybe still is fond of portraying that state with its immense resources and vitality as a separate nation, to suggest to other states:

"I've got mine. Take care of yourself."

But it's another thing for other states and cities poor in natural, industrial, educational, health and even human resources to be cut adrift and told that federal programs on which they depend are to be the states' responsibility.

On that point, there is a suggestion in the president's State of the Union speech and his "bold and innovative" plan that, aside from his stunned and angry wonder, at the growth of the federal government, he has not kept track of what's happened in this country in the past several decades.

Many of these federal programs grew out of the Roosevelt era and became gargantuan in the Great Society era through the realization of the Congress that national needs couldn't—or wouldn't—be met at the state and local levels.

Reagan acknowledged there are critics who will say, "Our states and local communities are not up to the challenge of a new and creative partnership." But, he continued in an outburst of happy patter, reforms "like reapportionment and the Voting Rights Act" had removed any such doubts and he had "faith in state and local governments" to meet obligations they previously wouldn't or couldn't.

That may cheer the president, but it can't be a cheerful outlook for minorities and the poor and uneducated and the skilled in states whose political leaders still smolder with resentment that federal law inflicted on them the fairness of one man-one vote and universal voting rights.

To suggest, as Reagan did in that sophistry, that forcing federal voting requirements onto many reluctant states cured generations of oppression and indifference and had also produced financial ability independent of federal aid is simply nonsense.

To insist again, as Reagan did in his speech, that voluntarism can pick up the slack when more than 40 programs—social and welfare, highway construction, mass transit, sewer and domestic water supply and others—become total state obligations is soaring nonsense.

There's the rub in the New Federalism—the provision that the federal government will be shed of its obligations for these programs by 1991 and the states can then "preserve, lower or raise taxes on their own and fund and manage these programs as they see fit."

Perhaps as it's been suggested, the Reagan New Federalism is a display item, not meant for sale but intended to divert attention from the economic woes confronting his administration here and now.

But if he's serious, can the president seriously believe that the generation of elected officials in 1991 is going to rush into a round of increased taxes to help folks and functions the federal government has abandoned as no longer necessary and not a national responsibility?●

ELIMINATION OF PUBLIC HEARING REQUIREMENTS OF THE PLANT QUARANTINE ACT

HON. WILLIAM C. WAMPLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. WAMPLER. Mr. Speaker, today I am joined by Chairman DE LA GARZA in introducing legislation that would eliminate an unnecessary regulatory requirement of the U.S. Department of Agriculture Animal and Plant Health Inspection Service, commonly referred to as APHIS.

APHIS is responsible for promulgating regulations under the Plant Quarantine Act to restrict the importation into the United States of certain articles in order to prevent the introduction of injurious plant diseases or insect pests; and for quarantining States, territories, or districts of the United States or portions thereof with respect to certain movements of specified articles to prevent the spread of these plant diseases or insect infestations. The Plant Quarantine Act requires that a public hearing be held before a regulation may be promulgated for any of these purposes.

The public hearing requirements of the Plant Quarantine Act of 1912 are outmoded. These requirements were established in order to encourage public participation in rulemaking procedures. However, the public hearing requirements were promulgated prior to the enactment of the Administrative Procedures Act, which contains provisions with respect to public participation in rulemaking proceedings which are considerably more comprehensive.

Based on experience, it has been ascertained that benefits derived from public hearings based on the Plant Quarantine Act are minimal. These same goals can be achieved more efficiently by publication in the Federal Register in accordance with the requirements of the Administrative Procedures Act, as set forth in sections 552 and 553 of title 5 of the United States Code. By utilizing the opportunities for written public comments, in most instances, expenditure of funds would be minimal and primarily employed for review of the comments submitted. In addition, direct contact would be possible with affected industries and governments to obtain additional views. The cost of conducting public hearings under the present requirements on average has been estimated at $4,000 for a public hearing. The Department of Agriculture has provided statistics which would indicate that this proposed legislation to eliminate the public hearing requirement under the Plant Quarantine Act would not deny the public opportunities for participation in the rulemaking proceedings, but would eliminate an unnecessary regulatory requirement. At the same time, a small savings in money would be noted and the time of Federal officials and State officials participating in these hearings should also be considered, as it has been estimated that the public participation has amounted to only about 47 percent of the total attendance at such hearings.

In these days of seeking ways to effect budget savings, it seems only reasonable to enact this legislation into law.●

FUTURES TRADING ACT OF 1982

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. JONES of Tennessee. Mr. Speaker, today Congressman JEFFORDS and I are introducing a bill entitled the Futures Trading Act of 1982 which has been submitted to Congress by the Commodity Futures Trading Commission. The bill is being introduced by request.

As chairman and ranking minority member of the Subcommittee on Conservation, Credit and Rural Development, which has legislative jurisdiction over the Commodity Futures Trading Commission, we have scheduled hearings on this bill for February 23, 24, and 25.

Any Members having views on this bill or the general area of reauthorization of the Commodity Futures Trading Commission are invited to testify at the hearing or submit written testimony to the subcommittee.●

UNFAIR TRADING

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday February 3, 1982

● Mr. FINDLEY. Mr. Speaker, I am increasingly concerned that our present market orientation in farm policy is being undermined by unfair trading practices among our overseas competitors.

I do not fault the present administration. Surely, the President has done more to confront this problem than any administration in recent history. At the same time, more work is needed.

During the past year we have seen increasing European Economic Community interest in limiting European imports of corn gluten feed and other feed grain substitutes. Our shipments of these commodities, including grain byproducts, sugar beet pulp, brewers and distillers' grains, and citrus pulp, are running ahead of previous years' levels.

Naturally, our European friends are concerned that these increased imports are forcing the EC to export wheat and barley. However, this is not the case. The EC's own internal policies of encouraging surplus production through artificially high price supports are the cause of their current problems.

In recent months we have seen the European Community discuss an import duty or variable levy on feed grain substitutes. We have seen them negotiate an informal voluntary restraint agreement with Thailand over manioc, another imported feed grain substitute of concern to them. Now, the Europeans apparently are interested in negotiating a voluntary restraint agreement with the United States. I think this would be ill advised.

Similarly, I am concerned about recent EC efforts to impose a tax on vegetable fats and oils. Imposition of such a tax would cut into our exports of soybeans; exports we now value at about $3.6 billion each year.

Given the present cost-price squeeze in our agricultural sector, and given the very modest farm program we passed in the closing days of the first session of this Congress, there is no way that we, as representatives of the people, can sanction unfair trading practices abroad.

Mr. Speaker, I urge all of my colleagues to support this administration's efforts to reduce the trade barriers which are undermining our efforts to improve economic conditions for everyone.●

TO RESTORE HUMAN RIGHTS AND ECONOMIC HEALTH TO NORTHERN IRELAND

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. OTTINGER. Mr. Speaker, today I am cosponsoring H.R. 5163, a bill to provide $50 million in first-time economic assistance to Northern Ireland. I urge my colleagues to join me in supporting this vital legislation, and I commend the bill's author, my colleague from New York, MARIO BIAGGI, for his continuing leadership in this issue.

H.R. 5163 provides $50 million in rehabilitation, construction, humanitarian, and other economic and revitalization assistance. The aid would be administered by the Agency for International Development (AID) which would work in consultation with all

entities who have a vested economic interest in Northern Ireland.

This bill conditions the award of any aid to a declaration of intent by the British Government to withdraw their presence from Northern Ireland in a phased and orderly fashion. (If this declaration includes intent to promote reunification of the two Irelands, aid may also be awarded to areas in the Republic which have been economically affected by the conflict in the North.)

I believe this measure represents a positive, innovative approach to the economic devastation which has befallen Northern Ireland as a result of the conflict there. At the same time, it directly addresses the causes of that conflict by providing an incentive for the British Government to withdraw its presence. The bill seeks to restore both human rights and economic health to Northern Ireland.

I am including in today's RECORD a copy of this important legislation, which I commend to the attention of my colleagues:

H.R. 5163

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new chapter:

"CHAPTER 11—ECONOMIC RELIEF AND REHABILITATION ASSISTANCE FOR NORTHERN IRELAND

"SEC. 498. AUTHORIZATION AND LIMITATIONS.—(a) The President is authorized to furnish assistance, on such terms and conditions as the President may determine, for use in providing economic relief and rehabilitation—

"(1) for the citizens of Northern Ireland, subject to the requirements of subsections (d) and (e)(1) of this section; and

"(2) for the citizens of the Republic of Ireland, subject to the requirements of subsections (d), (e)(1), and (e)(2) of this section.

Such assistance shall be used solely for humanitarian, rehabilitation, construction, and other economic relief purposes.

"(b) There are authorized to be appropriated to the President to carry out this chapter $50,000,000. Amounts appropriated under this subsection are authorized to remain available until expended.

"(c) Assistance under this chapter shall be administered by the Administrator of the Agency for International Development, in consultation with an advisory board appointed by the President after consultation with the Congress. The advisory board shall be responsible for overseeing the use of such assistance and for advising the Administrator with respect to who should receive the funds made available under this chapter. Before making its recommendations to the Administrator with respect to the use of such funds, the advisory board shall engage in full and complete consultation with the Government of Great Britain, the Government of the Republic of Ireland, units of local government and elected representatives in Northern Ireland, and all other segments of the community in Northern Ireland. Members of the advisory board shall serve without compensation, but shall be reimbursed for travel expenses, including per diem in lieu of subsistence, in accordance with section 5703 of title 5, United States Code, while engaged in their duties as members of the advisory board.

"(d) Funds made available to carry out this chapter may be obligated only if—

"(1) at least thirty calendar days prior to such obligation, the Administrator of the Agency for International Development submits to the Congress a report which describes how the funds will be used and who will be responsible for dispersing the funds; and

"(2) the Congress does not adopt, within thirty calendar days after receiving such report, a concurrent resolution stating that the Congress objects to the proposed use of funds as described in the report.

"(e)(1) The assistance authorized by this chapter may be furnished only if the Government of Great Britain declares its intention to initiate a phased and orderly withdrawal of the British presence from Northern Ireland.

"(2) If the declaration required by paragraph (1) of this subsection includes a declaration by the Government of Great Britain that it intends to seek or promote a reunification of Northern Ireland with the Republic of Ireland, then assistance may be provided for the citizens of the Republic of Ireland under subsection (a)(2) of this section."●

TERRORISM BILL

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. McDADE. Mr. Speaker, the kidnaping and recent release of Gen. James Dozier has once again made us painfully aware of the plague of terrorism. Terrorist attacks, especially those on diplomats and other government officials, have been increasing rapidly. In 1980 alone, there were 280 terrorist attacks on U.S. embassies, resulting in 10 people being killed and 94 injured. Clearly the security of our diplomats is a serious problem.

There have been far too many Americans participating in international terrorism overseas. The most notorious example of this has been the case of Edmund Wilson and Frank Terpil. Wilson and Terpil have been paid millions of dollars by Libya's tyrant dictator Muammer el-Qadhafi to supply sophisticated weapons and their own expertise to support Libya's campaign of international terrorism. This international terrorist support ring has been active for at least 5 years, with clients such as Idi Amin, the Palestine Liberation Organization, and other international terrorist groups.

Activities of this type are an embarrassment to our Nation. There is a general international expectation that countries will take the appropriate steps to reduce terrorism and prevent its export to other states. We are quick to criticize Cuba, Libya and other nations of exporting terrorism, yet we are embarrassed when Wilson, Terpil and other Americans participate in the same types of activity. The only difference seems to be that Wilson, Terpil and others are acting for personal gain and not for nationalistic goals.

International terrorism is directed against the existing system of international order. It is a crime against the state, and it is intended to break down the relationships between nations. Terrorists work to create a general feeling of official powerlessness. Just a microscopic percentage of the population can tie up an entire country. This results from the overriding indifference of terrorists to their impact on innocent bystanders. They are motivated solely by money or by political conviction.

Terrorists tend to operate in countries which take a less firm stand against terrorism. I am deeply concerned that this country is becoming vulnerable to terrorist attacks. Although we have developed sophisticated security systems to protect individuals and property, we have not adopted tough laws prohibiting our citizens from hiring themselves out as terrorists. I was shocked to learn that there is no Federal law which prohibits persons such as Edmund Wilson and Frank Terpil from selling their services to foreign governments and terrorist groups. Although these two notorious terrorists have been indicted on various charges, there is no way to indict them for the act of selling their services to Libya.

Today I am introducing a bill which will close this gap in the law. My bill simply makes it unlawful for any citizen to provide arms, ammunition, or related supplies to any group with the likelihood that they will be used for terrist purposes. Further, the legislation I am introducing will prohibit the financing, planning, training, or other assistance for any act of international terrorism. Violators will be subject to fines and imprisonment.

Enactment of this legislation will further American foreign and domestic policy goals. A large portion of terrorism has an anti-American goal and is intended to subvert activities of the American Government. Terrorist attacks on American embassies and diplomats have reached the level that they are affecting the operations of American personnel overseas. Further, Americans are using the channels of interstate and foreign commerce to provide support for foreign terrorists. Terrorist attacks cause disruption to American commerce by destroying goods and materials and by creating a need for greater security measures to protect the channels of commerce.

Mr. Speaker, Congress needs to take decisive action to show that this Nation does not tolerate its citizens'

participation and support of terrorist activities. Therefore, I urge prompt action on the bill which I am introducing today.●

ACHIEVEMENTS AND FAILURES OF THE 97TH CONGRESS: AN OVERVIEW

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. BROWN of Ohio. Mr. Speaker, as we look back over the 1st session of the 97th Congress, efforts to balance the budget, cut taxes, and ease our economic problems are major successes which come to the fore.

Over the past 4 weeks, in a letter to my constituents, I outlined these major achievements as well as other substantive legislation my fellow colleagues and I have dealt with over the past year. These reports are included as follows:

ACHIEVEMENTS AND FAILURES OF THE 97TH CONGRESS: AN OVERVIEW

When we look back over the accomplishments of the first session of the 97th Congress, surely the most important one was the action taken to solve the economic problems facing the nation: high interest rates, federal deficits, inflation, low productivity and unemployment.

This grim list of problems was addressed by President Reagan in his tough budget proposals that were translated into action by the 97th Congress. This action holds the promise of long-term economic growth for the nation; steering it back onto the correct course leading to fiscal stability.

President Reagan's campaign commitment to restructure the priorities of the federal government was strengthened by the electoral landslide with which he won the Presidency. His victory must be interpreted as a mandate from the people to gain control of federal spending and to ease the ever-increasing tax burden borne by the American public.

The President's program for economic growth was based on proposals that I helped to develop in the Joint Economic Committee. These proposals emphasized: spending cuts to reduce government borrowing; reduction in the money supply; tax cuts to provide incentives to work, save and invest, and the elimination of costly and excessive regulation.

Reduction in federal spending is essential if the government is to reduce its deficit. Financing of the federal deficit contributes to high interest rates because federal borrowing crowds out private borrowing from the available supply of loanable funds. The law of supply and demand pushes interest rates up.

Growth of the money supply must be curbed if the federal government is to get a handle on inflation. For most of the past decade, the federal government helped to finance the deficit by printing money. This increase in the money supply adversely affected the inflation rate, driving up the prices of a fixed amount of goods.

President Reagan's strong powers of persuasion helped to push tax cuts through the 97th Congress. These cuts, to be phased in over a three-year period, provide incentives to work, save and invest. This is done by increasing the rate of return on investment. In turn, this will add to the amount of loanable funds, lower interest rates, finance capital investment and create employment opportunities.

Finally, the Reagan Administration worked hard to return decision-making to the hands of state and local authorities. This was accomplished through the creation of block grants, which replaced many of the categorical grants. This action helped to reduce the administrative costs of federal programs as well as the associated red tape and regulation. I have long supported the concept of block grants because they allow states and localities to deal more effectively with the unique problems facing them. And who knows how to handle state and local problems better than those closest to them?

The hard times that we are experiencing now were created, in large part, by the misguided policies of past administrations and Congresses. We cannot expect to undo years of mishandling the economy overnight. We must not view the policies enacted by the 97th Congress as a panacea, but rather as a sound program to help the nation regain economic health. Overall, I believe that, given time, the actions of the 97th Congress will help to mend the nation's fiscal ills and set it back onto the road to economic recovery.

The 97th Congress convened last January to hear President Carter's final State of the Union address and to receive his final budget submission.

For fiscal year 1982, President Carter proposed a 12-percent increase, bringing federal spending to $739 billion. It had been just $366 billion in 1976, President Ford's last year in office.

Within a matter of weeks, President Reagan took office and proposed significant reductions in the Carter budget for 1982. Congressmen, long accustomed to seeing new Chief Executives conveniently forget their campaign rhetoric after Inauguration Day, were stunned to find that this new leader was not prepared to conduct business as usual.

Many legislators were even more surprised to find that President Reagan, unlike his predecessor, was able to generate the kind of public support for his program that translates directly to congressional cooperation.

In a dramatic vote last spring, even the Democrat-controlled House voted to go along with the Republican majority in the Senate in adopting a budget resolution embodying President Reagan's proposal to cut in half the rate of growth in federal spending suggested by President Carter.

Then, skillfully using a little-known process called reconciliation, President Reagan was able to make the budget targets stick by forcing congressional committees to modify programs under their jurisdiction. It was a sharp break from past practice, which saw budget targets ignored by committees voting to increase their favorite projects.

Unfortunately, before the new austere budget could take effect, economic indicators governed by past budget-busting deficits began to slip out of control. High interest rates and rising unemployment sent projections for the 1982 deficit above acceptable levels.

President Reagan responded with a new round of budget cuts which were met with less enthusiasm by a Congress weary of paring back favored programs. When Congress sent him a continuing resolution for fiscal 1982 that exceeded his new targets, President Reagan responded with a veto which was quickly upheld.

At the end of this remarkable year, a Congress previously considered incorrigible had given the President $41 billion of the $48 billion he proposed in reductions of anticipated spending. Over a three-year period, the cuts amount to $130 billion of the $135 billion requested.

Why is it so crucial to bring the federal budget under control and to lower the budget deficit? The answer is obvious when we look at the negative impact that skyrocketing deficits have on the economy. First of all, financing the federal deficit sharply cuts into the amount of loanable funds. With the federal government's increased demand in the credit markets, interest rates are forced up. Secondly, if the federal government helps to finance the deficit through increasing the money supply, as it did through most of the seventies, high inflation rates occur with more money chasing a fixed amount of goods.

Slowly the nation is beginning to feel the positive effects of these budget provisions. It will take time to pull ourselves out of the current recession, but the signs of recovery are clear: The inflation rate has fallen below 10 percent for 1981 and the prime interest rate hovers near 15 percent. Both of these economic indicators continue to fall.

With this, I feel confident that the 1982 budget will be considered a great achievement of the first session of the 97th Congress—an achievement that signaled the end of increasing government involvement in our lives.

The dramatic economic recovery program proposed by President Reagan and enacted by the 97th Congress represents a significant departure from the economic policies which have dominated federal actions for the past 50 years.

The central act which makes this the most revolutionary change in economic policy since Franklin D. Roosevelt's New Deal is the across-the-board cut in personal income tax rates. Other tax cuts in the seventies differed from the Reagan tax cut in two important ways.

First, the earlier tax cuts merely offset part of the effect of bracket creep, a term which describes the phenomenon which forces taxpayers into higher tax brackets as they receive wage increases designed to keep their earnings up with the inflation rate. Typically, taxpayers still paid more taxes even after these cuts. The Reagan tax cut, on the other hand, will result in all taxpayers paying less taxes after it is phased in over three years. After that, an indexing provision will kick in to prevent bracket creep from reoccurring.

Second, the earlier cuts focused predominately on such gimmicks as rebates and changes in the standard deduction, which gave taxpayers a few additional dollars to spend, but which do nothing to change economic behavior. The Reagan tax cut, by reducing marginal tax rates, will provide incentives which will provide additional work effort, saving and investment. These elements are vital to robust economic growth, which will fuel new job opportunities and rising living standards.

As the ranking Republican on the Joint Economic Committee, I helped forge a bipartisan coalition in 1979 behind the new theories on which the Reagan tax cut was

based. I worked diligently in 1981 to ensure that the Reagan program was enacted.

The fight for passage was a tough one. While the Democratic Congress seemed willing to pass an accelerated depreciation bill to stimulate industrial expansion, an across the board personal tax rate reduction caused more friction.

Opponents argued that upper-income earners would receive more money from the tax cut than would lower-income earners.

The fear of uneven individual tax distribution was unfounded. The across the board tax cut was aimed at reducing the tax burden for all taxpayers by the same percentage. The percentage of the tax burden borne by each major income group was exactly the same before or after the tax rate reduction.

The major difference between the President's tax cut bill and the proposal offered by the House democrats was that the Democratic proposal would provide less tax relief for individuals because it would limit tax relief to two instead of three years, totalling only a 15 percent reduction in individual tax rates instead of a 25 percent reduction.

In another of his stunning Congressional victories in 1981, President Reagan's proposal prevailed. The tax cut will stimulate incentives to work, save and invest by affecting rates of return on capital and labor. The additional private savings will increase economic growth, expand the tax base and increase employment.

New private savings will help increase economic growth by financing private investment. This will mean new job opportunities. It will also mean an expanded tax base which will help lower the deficit. Increased industrial output will place new goods on the shelves which will in turn hold prices down.

Increased private savings is the critical factor. For this reason, I urged President Reagan to concentrate more of the tax cut on the marginal tax rate applied to income from savings and investment. The final version of the tax plan was a modified version of the savings incentive plan I originated in the House. I believe this will help assure strong economic growth in the later years of the tax cut.

It is important to remember that, as revolutionary as these changes are, we must not expect the economy to turn around overnight. However, I have confidence in the new policies we have implemented this year. We can expect a much brighter future, characterized by healthy economic growth, rising living standards for workers and new job opportunities for the unemployed—all in a less inflationary climate.

For those of us who have fought for the principles of limited government, strong foreign policy and the pursuit of world peace through military strength, this session of the 97th Congress has been an unquestionable success.

Following the lead of a powerful and popular president, Congress slashed government spending, cut taxes, increased defense spending and basically sought to bring an overregulated federal bureaucracy under control.

The most successful attempt to curtail federal government intervention was achieved under the reconciliation legislation passed last July. Domestic aid programs in the fields of health, education and social services were transformed into block grants shifting power from the federal government to states and localities. The final bill grouped 19 programs into four block grants replacing existing categorical programs.

I have always supported the concept of block grants because they return decisionmaking to state and local authorities who are better able to address problems using first hand knowledge.

Congress also proved that it shares President Reagan's belief in American security through military strength by passing a $200 billion appropriations bill for defense. In addition, Congress approved plans for the production of the MX missile and the B-1 bomber, actions designed to enhance the nation's defense capabilities.

The B-1 bomber is an essential replacement for the aging B-52 in overall strategic planning. The B-1 will correct the arms imbalance with the Soviet Union, tipping the scales in our favor and assuring peace through strength.

The MX missile is another strategic weapon that will strengthen our national arsenal. Both the MX and the B-1 bomber stand as a symbol of support for the president's nuclear arms reduction proposal to the Soviet Union and yet serve as a bargaining point when dealing with Moscow.

Foreign affairs were highlighted as Congress passed the first foreign assistance legislation since 1979. Among its major provisions, U.S. military aid was increased while some contributions to international development banks were spread out to reduce federal spending.

On the domestic front, Congress enacted a comprehensive agriculture re-authorization bill which struck a compromise between agricultural business interests and the Administration's budget restrictions. Although the bill was not particularly popular, the alternative would have been to revert back to an antiquated and expensive permanent farm law which was out of touch with farmers needs. The final version of the bill continued major price supports, pruned existing support rates for dairy products and maintained previous sugar and peanut programs.

In the energy area, Congress dealt with two major issues that affected Ohioans: the Alaskan pipeline waivers and the takeover of domestic oil companies.

I opposed the Alaskan pipeline waivers requested by the President because they forced consumers to incur the cost of the pipeline construction before its completion, without assurances that the project would ultimately benefit those who had to foot the bill. Over my protests and after considerable debate, Congress approved the waiver package.

I introduced legislation to impose a moratorium on the takeover of medium-sized domestic oil companies by major international oil concerns. The bill was intended to remove the takeover threat of Marathon Oil by the Mobil Corporation and to provide time for the Congress to study the implications of such a takeover. The House approved my bill in an eleventh hour victory before its December adjournment. The legislation will have a chilling affect on all large oil company mergers.

Overall, Ohioans have benefitted from the actions of the first session of the 97th Congress. I hope Congress will continue to follow the President's lead to mend the economy, strengthen foreign policy and defense and return the government to the people.●

THE SMALL BUSINESS LITMUS PAPER TEST

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. LaFALCE. Mr. Speaker, I want to call your and my colleagues' attention to a fascinating and timely article in the latest issue of Inc. magazine. Inc. is the small business magazine which is edited by Milton D. Stewart, the former Chief Counsel for Advocacy at the Small Business Administration. Over the years, Mr. Stewart has been a vigorous and forward-looking spokesman for small business and the role it can and should play in reinvigorating our Nation's economy. Mr. Stewart is one of the foremost proponents of the Small Business Innovation Development Act (H.R. 4326), the landmark piece of small business and innovation legislation that awaits House action. A companion bill, S. 881, was passed by the Senate last December by a 90-to-0 vote.

H.R. 4326 is an important initiative to reverse the decline of innovation in the United States and the deterioration of our economic base. It would achieve that by tapping the innovative capabilities of the small science and high-technology firms that have been the primary generator of the new ideas and new jobs in our economy. The bill would do that by establishing small business innovation research programs in Federal agencies with large R. & D. budgets. These programs would provide seed money needed to develop high-quality, promising innovative ideas and attract the follow-on private capital essential for commercialization. The SBIR programs would be funded by earmarking a small percentage of the $40 billion Federal R. & D. budget.

H.R. 4326 is a must legislative item for the small business and high-technology communities. As Mr. Stewart has noted, "This is a small business litmus paper bill." Mr. Stewart's column and editorial in the February issue of Inc. presents the case for the Small Business Innovation Development Act in a thorough and cogent manner. I think Members would agree that it would be difficult to oppose H.R. 4326 after reading these pieces.

Following are Mr. Stewart's articles:

SMALL BUSINESS, CONGRESS, AND A LITMUS PAPER BILL

(By Milton D. Stewart)

Never has the small business community had so clear a chance to serve its country as it has in the new congressional session. The Small Business Innovation Research Act, a bill vital to the nation's future competitive capacity, awaits action by the House of Representatives (see The Buck Stops Here, page 132).

The Senate, voting 90-0, enacted its version of the bill (S. 881) on December 8, 1981. On October 22, 1981, the House Small Business Committee, after years of study, unanimously reported out its version (H.R. 4326) 40-0.

But the bill has now been referred to four additional House committees. The Committees on Science and Technology, Armed Services, Energy and Commerce, and Veterans Affairs have all asked to consider it. Death by delay or dismemberment is often what such wholesale referral means. Is this what Speaker Thomas P. ("Tip") O'Neill and his colleagues in the House Democratic leadership intend with their referral rigmarole?

More than 160 of the 435 members of the House have, at this writing, joined in sponsoring the bill. More are joining every day. As noted, both the whole Senate and the House committee with primary jurisdiction have unanimously supported it.

But the bill has its opponents. A small group of bureaucratic zealots, centered largely in the Health and Human Services agencies, fought the bill in the White House.

They lost. The President came out four-square in favor of the Senate version of the bill. In an October 6, 1981, letter to Sen. Warren Rudman (R.-N.H.), he predicted that "all sectors of the economy are likely to benefit from the increased competition and research incentives your legislation would provide."

This statement came after the opposition bureaucrats had roused their academic constituents in the universities, hospitals, and medical schools. "You'd better holler now," they urged, "or we're going to lose some of our ability to feed you money." A barrage of hysterical phone calls and letters resulted.

When they lost the White House battle, they turned the heat on the Senate. Not a single senator was swayed by the scare tactics.

The opposition lost the second round.

The third round takes place in the House. There, the opposition faces more than a remarkably large number of representatives coming forward to sponsor the bill. It faces a 3½-year history on the issue. This bill is now a matter of honor and honesty between the Democratic leadership and the small business community.

It's important that the bill reach the House floor when it ordinarily would—by mid-March. Let your representative know now that this is a small business "litmus paper" bill. You can find out whether he or she is already a sponsor from the honor roll on page 131. If you know your representative is a member of one of the four "extra" committees, ask his or her help in speeding favorable action.

The thunderous 90-0 support the bill received in the Senate is precisely what it deserves in the House. Five committees or 50, Mr. Speaker, just get it to the floor by March 15. Then we can see how close to 435-0 we can come.

QUESTIONS AND ANSWERS ON SMALL BUSINESS INNOVATION

1. Why do its supporters call the Small Business Innovation Act "an urgent national need?"

Sen. Warren Rudman (R-N.H.) led a brilliantly successful fight for this bill in the United States Senate. In his words, "the problem, simply stated, is that of the present decline of the United States from its traditional position of prominence in the field of technology advancements."

We're paying for this decline every day in lost jobs and lost markets. One reason for the decline is an imbalance in the support given to the four parts of our national science base. Large-scale research by big companies, big government laboratories, and big universities has been strongly supported. Small business research has not. The small business sector receives only 3½ percent to 4 percent of federal research-and-development money.

We lead the world in basic science and have for many decades. We spend far more on large-scale technology defense and development than the other free-world nations. Relying on us, these nations can—and do—put more of their public and private research budgets into commercial applications. That's one reason they've been clobbering us competitively.

Small business has proven to be our most efficient industrial application innovator; it's also our best and fastest job creator. Government-sponsored studies have shown small firms are between 1.8 and 2.8 times as innovative as large firms per employee. We need to beef up the support small business receives for research, and we need to do it fast.

Many of the aches and pains of our lagging industries go back a long way. The longer we delay, the longer it will take to recover lost ground. This bill charts a safe and sane program for curing the imbalance that has made us vulnerable. And it does so without allocating additional funds.

2. What exactly will the bill do?

Every federal agency that now spends more than $100 million a year in R&D will have a small business innovation program, modeled on the successful one now run by the National Science Foundation. A tiny share of each agency's budget will be used for the program. The share will very gradually increase over a five-year period. The increase ends when the share reaches 1 percent of the agency's total R&D budget (in the Senate's version of the bill) or 3 percent in the House Committee's version). Small as these percentages are, they could mean as much as $1 billion to $3 billion for small firms over the next five years.

Small high-technology firms will compete for grants to do priority research for the government. Simplified procedures will encourage firms to bid. Competition will be open to all small firms, and experts, in and out of government, will impartially review the proposals. Today, many of the very best small companies won't even bother chasing government contracts. The procedure is too complicated; besides, the rules are stacked against small business.

The government will promote research projects that have potential commercial uses. But the small firms will have to be smart enough to figure out how to use them. Obtaining private venture financing will be the job of the small firm.

We know this approach pays off for the taxpayer. Private industry has already spent 4½ times what the government invested in the first National Science Foundation grants. The Department of Defense has begun to use the same procedures.

3. Who is against the bill, and why?

Several universities and medical schools have expressed opposition. A number of career federal-procurement officials have dug in against the bill. They say they're afraid it will take needed funds from basic science. And they're lobbying representatives and congressional committees with whom they have long-standing relationships.

But, supporters point out, the Senate has adopted amendments to assure that the new program will not disproportionately tap that percentage of an agency's budget earmarked for basic research. Another amendment requires a report in two years by the comptroller general on the program's impact on basic research.

There are enough safeguards to satisfy reasonable people legitimately concerned about basic science. But some in the basic science community and in government want to use this bill to cry the blues generally about Reagan Administration budget cuts. Wrong place, wrong time, wrong target.

Of course, we must maintain a proper level of basic research. But our first and most urgent need is for the kind of applied-research program proposed in this bill. Without such a program, there is less and less justification for taxpayer supported, basic-science expenditures. It is irresponsible and grotesque for a community that receives more than $5.5 billion a year in federal grants to fight this bill.

4. What do the opponents expect to accomplish in the House by having four additional committees chew over the same legislation?

First, they would love to keep the bill from coming to a vote early in the second session of this new congress. They know the odds are overwhelmingly against them in an open vote. If they can stall, debate will have to start all over again next year. Presidential and Senate support may lessen. Small business may get tired.

Second, they can try to load the bill with troublemaking amendments. Four committees are more likely to produce these than one. Maybe they can smuggle a legislative stink bomb into the bill, something the House or Senate or the President can't accept. Again, that might kill the bill for this year. Or maybe they can load the House members in a House-Senate conference committee with opponents, making it impossible for the two houses to agree.

5. Can the opponents of the bill succeed?

The House leaders have the muscle, the votes, and the rules to get the bill through. It will die only under three conditions: (1) if the Speaker and House Democratic leadership connive with the opposition and do nothing, (2) if too many members of Congress either don't know what's going on or think the only folks back home who care are the opponents and their friends, (3) if you and your small business organizations don't speak up. Both your representatives and the House leaders must hear from you. If your representative isn't a sponsor, find out why.

6. Why is this bill a matter of honor and honesty between the House Democratic leadership and the small business community?

I never heard "Tip" O'Neill, Jim Wright, Dick Bolling, or any other House Democratic leader take a sacred oath to bring this bill to the floor by March 15, 1982.

But a Democratic President called a White House Conference on Small Business in January 1980 after a Democratic Congress (including Mr. O'Neill's House) asked him to do so in a piece of legislation. The 1979 version of this bill was introduced in the House by Neil Smith (D-Iowa), then chairman of the House Small Business Committee.

The delegates to the White House Conference voted Mr. Smith's bill—much the same as the present H.R. 4326, introduced by John LaFalce (D-N.Y.)—one of their 15

highest priorities. Very few of these people owned small high-technology firms. But they had come from 57 meetings with more than 25,000 small businesspeople all over the country. They had heard men and women from every kind of industry talk about the problems of overseas technology competition.

Late in 1980, the Speaker named a task force, made up entirely of Democratic representatives, to speed action on the White House Conference recommendations. He chose Neil Smith to chair this task force.

If this five-committee fandango is proof of the House leadership's fairness—OK, if it doesn't last too long. If it is anything else, and this bill doesn't reach the floor early in the second session—well let's just hope in the good name of the nation's oldest surviving political party that it doesn't happen.

7. Why should you care about this bill if your business isn't in high technology? Or if you aren't even a small businessperson?

This bill will benefit the whole country. We are all helped by productivity improvement, by cuts in the cost of capital equipment, by more competitive, cheaper, and better products and processes.

The President and every member of the United States Senate have clearly said the country needs this bill. You and your representative can make it happen now.

EVANSTON HOSPITAL, AETNA, AND "CHOICE": FREE ENTERPRISE MODEL FOR QUALITY, COST-EFFECTIVE HEALTH CARE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. PORTER. Mr. Speaker, at a time when we are desperately trying to cut back on our costs, one sector of our economy has effectively evaded our control. Health care costs continue to rise at a rate greater than inflation. Recent statistics show that just last year, health care expenditures rose at the highest rate since World War II.

Numerous proposals have been offered to address this problem. Nevertheless, in attempting to come up with a viable solution, we have been faced with a real dilemma: In an area as essential to the well-being of the American people as health care, is it possible to reduce costs without sacrificing the quality of care we have worked so tirelessly to achieve?

I am proud to report that a hospital in my district is involved in a venture that aspires to meet this challenge. Aetna Life & Casualty has chosen Evanston Hospital in Evanston, Ill., to be the first participant in the formation of an innovative employee medical care program called CHOICE.

Unlike prepaid group practice HMO's, CHOICE would provide individuals with freedom to choose their own personal private physician for primary care. Unlike traditional insurance and Blue Cross/Blue Shield, it would also assure specialty and referral care by physicians and hospitals who are recognized for their excellence. Since at least two-thirds of present claim costs are associated with referral and specialty care, providing these services through specialists and hospitals chosen for their cost effectiveness—such as Evanston Hospital, should cut costs.

In the traditional health care system—the system that has led to drastically high health care costs—physicians who practice wasteful medicine unfortunately are often rewarded with more income. Similarly, hospitals that encourage wasteful physicians derive more income. Responsible physicians and hospitals may well be the ones who actually lose revenue.

Under the proposed CHOICE program, cost-effective clinical decisionmaking and good hospital utilization review are expected to lead to lower program costs. This should attract more patients who require care and, in turn, mean more revenue to the contracting physicians and hospitals. This concept, along with the strengthened primary care physician role and relationship with a strong emphasis on preventative services, are intended to make CHOICE a program designed for cost effectiveness. It is a model that both Aetna and Evanston Hospital expect and encourage competitors to establish elsewhere.

The proposals at the Federal level which seek to restructure radically the health care system have been largely fostered by the inability or nonexistence of other methods to control cost inflation. While structural changes may well have to be made in order to hold down these costs, it is essential that these changes appear in a free economic model rather than in one that is centrally controlled.

I applaud and am intrigued by Aetna and Evanston Hospital's efforts in this area as a most encouraging step by the private sector toward stimulating competition in health care delivery and financing. Those who believe in free economic choice, look forward to CHOICE's success.●

NEW YORK STUDENT SURVEY TO HIGHLIGHT FINANCIAL AID PROGRAMS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. BIAGGI. Mr. Speaker, without any attention to what the last round of budget cuts has done to college students seeking to finance their education, the Reagan administration is proposing—once again—to cut student assistance programs at massive levels. Today's Washington Post states that Pell grants are slated to be slashed from $2.3 billion to $1.4 billion and guaranteed student loans from $3 billion to $2.4 billion.

As a member of the House Education and Labor Committee from New York, a State which represents 10 percent of the national student population, I am deeply concerned about the impact of these cuts without any attention to their effect by sector, by institutional cost, or by student. The New York State Higher Education Services Corporation, which administers the guraranteed student loan program, is conducting a survey on this very issue. For the benefit of my colleagues, I would like to place the testimony of Dr. Dolores Cross, President of the corporation, in the RECORD so that Members might encourage similar efforts in their own States in order to learn just exactly what these budget reductions mean for students and the institutions they attend.

THE STUDENT SURVEY

New York State students receive more financial aid than students in any other state, either per capita or in absolute dollars. The New York State Higher Education Services Corporation administers New York's financial aid and loan programs. Additionally the Corporation coordinates the State's programs with those of other levels of local state and federal government. Thus, the Corporation is deeply involved in New York State's commitment to higher education as a growth and service industry for its citizens.

The State's postsecondary enrollment is about 10 percent of the national enrollment of 11,000,000. The State's students receive about 14–15 percent of the federal financial aid dollar. New York itself will grant almost $277,000,000 in aid to resident students, representing over 30 percent of the national total for all states. Nearly one quarter of the nation's accredited post secondary institutions are in New York State. And New York's tax levy contribution to public and private higher education is first in the nation.

In sum, the higher education industry is of profound importance to the State—and that importance is most easily measured in terms of enrollments and financial aid to students.

As a result of the unprecedented volume of students and dollars represented by this, the Corporation initiated an ambitious survey to determine how all New York State college students finance their education; that is, how they package personal and external resources to meet their educational costs. At a time when the Federal Government proposes changes in financial aid that will alter the very nature and philosophy of higher education, this survey will enable the State to plan effectively to meet these challenges. To date, New York is the only state to attempt such a survey.

Among the questions to which we hope to find answers are:

How do students from various backgrounds and at various institutions pay their college costs?

How will students be affected by changes in financial aid policies?

Will some students be affected more than others?

How will affected students "react" to changes in financial aid policies?

How can the State move to deal with "pockets" of unmet, present or future financial need among the college-going citizens?

The survey was constructed to randomly sample from the population of all post-secondary students in New York State. It was designed to elicit appropriate financial, demographic and attitudinal data from students, with corroboration from the institutions they attend. A Pilot Test was conducted to refine the process. As a result, the sample selection procedures were simplified to dramatically increase participation. Thus, findings will be well within accepted tolerances.

It must be noted that all other State surveys have used financial aid recipients as the population; that is, they have ignored those who pay their own way from family and personal resources only. This survey will enable the Corporation to compare aid recipients to non aid recipients. Thus, the Corporation will be better able to assess the impact of reduced financial aid on aid recipients.

Preliminary findings from the Pilot indicate that graduate students and enrollees at proprietary institutions, such as nursing and business schools are very concerned about possible financial aid reductions since the major portions of their aid are provided by Guaranteed Student Loans and Pell Grants, both Federal programs.

The Corporation's preliminary analysis anticipates the following aid distributions as percents of total New York enrollment (830,000).

Award type:	*Percent*
TAP only	9
TAP + Pell only	27
TAP + Pell + GSL only	7
TAP + GSL only	3
All GSL (estimate)	30
All TAP (estimate)	46
All Pell (estimate)	32

The Survey will sharpen these distributions to include those students who receive only Guaranteed Loans or Pell Grants (a first), and will analyze these distributions against income levels and types of institutions attended. Thus, the Survey will tell us who in the state may be affected by various Federal program cuts. Moreover that effect can be focused by income level and institutional type. By factoring in student attitudinal data, the Survey may give indications of aid shortfalls and of consequent student behaviors over various income levels and institution types.

For example, initial data seems to show that while more TAP awards go to the public sector, more TAP dollars go to the private sector college students. Again, upper income private sector students utilize Guaranteed Loans more than lower income public sector students. It also seems that Pell Grants are more utilized at Community Colleges regardless of sector. From another viewpoint, if Pell grants were cut by 50 percent and Guaranteed Student Loans eliminated, the cost in lost financial aid to SUNY operated four-year colleges would be 62 million dollars. Thus, the inter-relation of the various aid types is complex. The Corporation sees the Survey as the crucial instrument to produce a consistent and coherent picture of the impact of financial aid on State higher education.

The Corporation assists both the State of New York and the Federal Government. It believes this data will enable both entities to plan more effectively to meet student financial aid needs at the post-secondary level in New York State and the nation.●

FEDERAL GOVERNMENT'S ROYALTY COLLECTIONS

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. MARKEY. Mr. Speaker, there has been during the last few years considerable attention focused on the deplorable condition of royalty collections by the Federal Government. In a recent congressional hearing, the Chairman of the Commission on Fiscal Accountability for the Nation's Energy Resources estimated the loss to the Federal Government to be 13 to 16 percent with 3 to 6 percent due to actual theft. This means a loss of somewhere between $½ billion to $1 billion annually, an amount we cannot afford to lose in our current budget situation.

On December 7, 1981, after several hearings and much investigation and study, Mr. SANTINI and I introduced H.R. 5121, a bill designed to improve the Government's track record in collecting royalties. Since much of the money collected is returned to the States, the States have a financial interest as well. Recently the Western States Land Commissioners Association, meeting in Washington, D.C., adopted the following resolution in support of this legislation:

RESOLUTION NO. 3—MINERAL ROYALTY LEGISLATION (HR. 5121)

Whereas, in 1920 Congress determined that the public mineral lands in the western states should be retained and leased rather than transferred to those states and their people; and

Whereas, to compensate for the impact of federal leasing and the state revenue losses from such federal retention of lands, the Congress has determined that 50 percent of the federal revenues from mineral leases or public lands should go to the state from which such revenues originated; and

Whereas, for over 20 years, audits and studies by the Department of the Interior, the General Accounting Office, and Congress have shown serious inefficiencies in the collection of such mineral revenues by the U.S. Geological Survey; and

Whereas, many states with mineral lands have in place, or are developing, efficient systems for the collection and audit of mineral revenues for purposes of state taxation and leasing programs; and

Whereas, payments to the states of their share of mineral royalties is made only twice a year, and often later than the dates set forth in the Mineral Leasing Act; and

Whereas, Representatives Markey and Santini have, after investigation and study, proposed legislation (HR 5121) authorizing states to collect mineral royalties on behalf of the federal government, and to pay the federal share of such revenues biennially to the federal government after deducting costs of administration and the 50 percent due to the states; and

Whereas, the proposed legislation would result in improved efficiencies in the collection of royalties and help redress the imbalances in western states' revenues resulting from the federal retention of the public lands and inefficiencies and delay in royalty collections; now therefore, be it

Resolved, That the Western States Land Commissioners Association approves the Markey-Santini plan, and urge the Secretary of the Interior to support the principles set forth therein.●

MAYOR THOMAS COOKE AND EAST ORANGE'S STRUGGLE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. RODINO. Mr. Speaker, the impact of the Reagan administration's budget cuts certainly will affect, to varying degrees, all local communities in America. A recent article in the Washington Post described in stark contrast the choices facing two communities, one well off and one struggling to survive, as they deal with the massive reductions in Federal assistance. Post reporter Lynn Darling sensitively reveals the trials of Mayor Thomas Cooke of East Orange, N.J., who is a friend and constituent of mine. Tom Cooke is a man of courage and perseverance, who is desperately working to maintain essential services in his city. There are many Tom Cookes in city halls all across America struggling with the effects of Reaganomics, and this article is poignant portrayal of their viewpoint. I recommend it to my colleagues and submit it to be printed in the RECORD as follows:

[From the Washington Post, Jan. 30, 1982]

THE TALES OF TWO CITIES—PURSUING DREAMS IN BEVERLY HILLS; STRUGGLING TO SURVIVE IN EAST ORANGE

(By Lynn Darling)

"We all want a place that fulfills all our dreams. And it's my job to keep Beverly a place where dreams can be fulfilled. It is a continuing struggle to maintain the quality of life."—Mayor Donna Ellman, Beverly Hills, Calif.

"The quality of life? For crying out loud, we're just trying to survive."—Mayor Thomas H. Cooke, Jr., East Orange, N.J.

It was the annual midwinter conference of the U.S. Conference of Mayors, two days of meetings and workshops at the L'Enfant Plaza Hotel, where the participants discussed everything from "Public/Private Partnerships" in the Degas Salon to "Tax Policy and Leasing" in the Monet Room. This year the big subjects were the New Federalism and the prospect of more budget cuts, and yesterday the conference president expressed the prevailing opinion. "The president's State of the Union address on Tuesday night did not include the current state of the cities," said Mayor Helen Boosalis of Lincoln, Neb., at a press conference. Reagan's long-term approach to problem-solving, she said, "failed to address the problems that mayors must face today."

Still, the problems vary, and they don't conjugate the urban verb the same way in Beverly Hills as they do in East Orange. The question of what is important finds different answers depending on whether the constituents are worrying about losing a job or finding a good gardener. Yet, the notion that a community celebrated for its affluence is somehow without problems is one that annoys the mayor of Beverly Hills.

"Despite its great social image, Beverly is really a microcosm of the rest of the country," says Donna Ellman, 56, of her town of 32,000 nesting on 5½ square miles in the middle of Los Angeles. "We're just trying to maintain ourselves as a low-profile, small-town residential area in the heart of a big metropolis. There's such a great deal of pressure from the outside world wanting to move in. I like to think of Beverly as an anachronistic Camelot surrounded by a world of Clockwork Orange. We're trying to maintain a heavenly, idyllic place in a world that is constantly trying to impinge on it."

It is not that Ellman is oblivious to the differences between Beverly Hills and the real world. With a $40 million operating budget and an investment portfolio which yields between $9 million and $10 million, Ellman likes to describe the city's financial situation as one of "transient solvency," pointing out that $10 million is hardly going to buy Beverly Hills the new police and fire stations it needs. Still, Ellman recognizes that solvency is a word most mayors would have to look up in a dictionary these days.

"We are different from other cities," she says. While other cities are actively seeking foreign investments and banks and that sort of thing, "we try to selectively accept." Banks, for instance, often try to come into the city, according to Ellman, but often there's "no sense of loyalty, no appreciation of us as a community. All they want is the address."

One begins to understand. Forget the mansions, the Mercedes Benzes, the swimming pools, forget for that matter, Rodeo Drive and the Rolls-Royces double-parked in front of stores that will take your money by appointment only—Beverly Hills is not just another pretty place.

Ellman, whose brisk efficiency and easy smile collide with the image of languid luxury so often associated with Beverly Hills, likes her town best on Sundays, when the stores are closed and the tourists are gone "and the streets are quiet and the Little League games are going and the parents are walking their kids in strollers. It's little America, it really is."

OTHER SIDE OF THE TRACKS

East Orange, N.J.: Population, 90,000. Twelve miles from New York City, next door to Newark, a bedroom community with a budget that is currently about $3 million over the amount the state legislature says it can legally spend. Mayor Thomas Cooke, a former high school teacher with close-cropped graying hair and an air of grim determination, figures that this year East Orange has lost over half a milion in revenue-sharing funds, about the same in block grants, and over a million in CETA funds. Meanwhile it picked up about 1,500 more welfare recipients after they were dropped from the federal rolls, and the unemployment continues to rise. "Problems?" says the mayor of East Orange. "Yeah, you could say we've got some problems."

The cost of school lunches had to go up. So did the cost of public transportation. More than 200 city workers will have to be laid off. For the first time, the layoffs may have to include public safety employes. The emergency fund for residents too poor to pay for heat and hot water is nearly gone, and it isn't even February.

Young couples are losing their first homes, unable to meet the payments. The real property taxes on which the city depends for its revenues have already been stretched to the limit. "How much can you tax people?" asks the mayor of East Orange. "For crying out loud," he says. He says that a lot.

LITTLE AMERICA'S PROBLEMS

There are also problems in little America. Commercial rents in the city are sky high and while it's no problem finding a fur-trimmed anything in Beverly Hills, Ellman says it's getting increasingly difficult to find a decent dry-cleaner or cobbler, or any of the other mundane businesses that can't pay the kinds of rents that stores which cater to gilded fantasies can afford.

But although there are, without question, what Ellman calls "the Gucci-ites" inhabiting Beverly Hills, the idle rich who "run from beauty shop to beauty shop and massage to massage," there are also celebrities who care.

People like Monty Hall, for instance—"whenever you need him, he's there"—and Doris Day—"she used to live up the street and she was an absolute collector of stray dogs, you always knew where to look if one was lost"—and Debbie Reynolds—"she was a Girl Scout leader, and no matter what she was doing, she was always back for her meetings." The spirit of volunteerism is not dead, says Ellman. "I would guess that more money is raised out of Beverly Hills than anywhere else in the country. We're really pushovers for charitable causes."

THE NEW FEDERALISM

The mayor of East Orange says he has tried to make ends meet. In his first term, he went after the delinquent taxes owed by the big businesses in town by threatening foreclosure. He tried to cut down on the number of public employes. He says he has even tried to take the president's advice on volunteerism and the private sector. He tried to get volunteers for an auxiliary police force but only 12 people offered to help. He doesn't blame those who didn't volunteer. Most of them, he says, are looking for paying jobs. What about contributions from the business community? The mayor just laughs. "You're kidding."

Cooke is not pleased with the solution that the Reagan administration has proposed for his problems. "I'm very warm, you're perfectly right. This whole thing on federalism is based on the idea that the states will deliver to the cities. Let me tell you about states' legislatures. For crying out loud, what makes them think that the urban areas are going to get a fair shake from the rural areas and the sprawling suburban areas that dominate the legislatures?"

"You just get fed up to here," he says, the anger simmering in his voice. "We're the people on the firing line. Whatever the effect is, whether it's a cutback or an elimination of a service, it's not the president who did it, it's the mayor who did it. The mayor," says Thomas Cooke. "Me."

"You tell me where the justice is," says the mayor. "People think welfare is the biggest rip-off, but they're not the ones who are against farm subsidies or subsidies for corporations. They complain about a measly $3,000 per pupil education cost, and then they're willing to spend $10,000 to $20,000 keeping a person incarcerated. Tell me where the justice is in that."

It is not, the mayor says, that he is insensitive to what the president is trying to do. "We're all sympathetic to the need to cut back government spending and cut through the government regulations that affect service delivery. But it is inhuman to tell the people to freeze to death now and starve to death now and that it will all be justified in 1991."

Ellman, though, a Democrat like Cooke, thinks the president's plan is "interesting as long as it's phased in properly." She thinks cities will have to get increased taxing authority to go along with the increased responsibility for social services.

The mayor of Beverly Hills will soon be passing these troubles on to someone else. Her term ends in April, and she has decided not to run for the City Council again. It is time now, she says, to devote herself to more personal goals. Ellman has lived in Beverly Hills for the last 25 years, having come to California from Chicago. "I always dreamed of living there," she said. "It was something to aspire to, like something in a Horatio Alger story. If there weren't a Beverly Hills, we would have to invent one."

Last fall, the mayor of East Orange won a second term. He is asked about the future. "What do I think is going to happen?" says Thomas Cooke, sitting ramrod-straight in his black, three-piece suit and staring ahead. "I've given a lot of thought to that." He looks down for a moment, then looks up. "What with the number of people who want to work and who can't work, and the escalating crime wave," he says, "the only thing I foresee is insurrection in the streets."●

REAGAN ADMINISTRATION DISMANTLING ENVIRONMENTAL PROTECTION EFFORT

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. NEAL. Mr. Speaker, despite overwhelming support by the American public for continued Federal protection of the environment, the administration has been systematically destroying the one agency charged with that responsibiltiy. The Environmental Protection Agency under Ms. Anne Gorsuch is not being trimmed for the sake of efficiency, but, as former administrator of EPA under two Republican administrations, Russell E. Train, documents in a column, which appeared in the February 2, 1982, Washington Post, it is being dismantled. At the current rate of dismemberment, according to Mr. Train, the agency will soon be unable to respond to future Love Canals and other industrial mishaps that threaten human life and commerce. Nor will it be able to effectively administer the many programs still on the books, according to Train, who is apparently horrified and bewildered by the course the administration he supported is taking.

Mr. Speaker, I hope that Mr. Train's credentials will allow my colleagues on both sides of the aisle to fully consider how misguided is the administration's policy on protecting the environment, and take action during consideration of the budget to reverse that policy. The column by Mr. Train follows:

[From the Washington Post, Feb. 2, 1982]

THE DESTRUCTION OF EPA

(By Russell E. Train)

The Environmental Protection Agency is rapidly being destroyed as an effective institution in the federal government. Current and planned budget and personnel cuts, if continued, will inevitably reduce the agency to a state of ineffectualness and demoralization from which it is unlikely to recover for at least 10 years, if ever. While some may greet this situation with enthusiasm, I am convinced that the business community, among others, has very little to gain and a great deal to lose.

I see EPA's mission as a critically important one. I am convinced that, in the long run, our free enterprise system can only prosper and grow within the context of adequately protected public health and environment. I am also convinced that responsible business leadership knows this and asks only that regulatory requirements be reasonable, cost-effective, have an adequate scientific basis, and be fairly and uniformly enforced.

Corrected for inflation since 1981, President Reagan's expected 1983 budget request for EPA will represent a reduction of approximately 45 percent. Administrator Anne Gorsuch has reportedly been working on 1984 numbers of $700 million, or a cut of 61 percent. EPA's research branch would be cut by two-thirds, far more than any other basic research program.

In the personnel area, the cuts are equally drastic. If Gorsuch is allowed to carry out plans that have been circulating within the agency for some time, by this coming June—one year and four months after the Reagan administration took office—80 percent of EPA's headquarters staff will have quit or been fired, demoted or downgraded.

It is hard to imagine any business manager consciously undertaking such a personnel policy unless its purpose was to destroy the enterprise. Predictably, the result at EPA has been and will continue to be demoralization and institutional paralysis. Attrition within the agency is running at an extraordinary 2.7 percent per month or 32 percent a year.

From an administration that quite rightly emphasizes the need for good management, what we are seeing at EPA is its very antithesis. Permits that businesses need do not get issued. Required rules and regulations do not get promulgated. Enforcement has ground practically to a halt. The most competent, technically proficient, professional staff have either already left or are looking for jobs. If one believes that effective environmental protection is essential it is tragic. If one is not necessarily an environmentalist but believes that our environmental programs need to be managed efficiently, scientifically and less burdensomely, the current situation is equally disastrous.

Congress and the courts will effectively impede the ability of the administrator to bring about substantial change by administrative action alone. But they will provoke an upsurge in lawsuits and more decision-making by confrontation. While adversarial approaches to conflict resolution seem to be deeply ingrained in American society, there have been encouraging signs lately of growing appreciation of economic realities within the environmental community and a greater environmental sensitivity on the part of the business community. A return to the early days of polarization benefits no one.

Many of EPA's difficulties over the years can be traced to the fact that Congress loaded the agency with far more statutory responsibilities within a brief period of time than perhaps any agency could effectively perform. Surely, those problems can only be compounded by drastically reducing its resources while its responsibilities remain the same or grow. When EPA came into being in 1970, it took over the air pollution, water pollution, solid waste, pesticide and radiation programs scattered around the federal government. Since then those programs have been broadened and improved, and Congress has added major new responsibilities—including the Toxic Substances Act, the Safe Drinking Water Act, the Noise Control Act, the hazardous waste control program and Superfund. These are not hangovers from the concerns of prior generations. EPA has been on the frontier of today's concerns, and there is every indication in the polls that environmental protection remains high on the public agenda.

Environmental protection needs are not going to lessen if EPA becomes ineffectual. The kepone problems and the Love Canals will continue to crop up from time to time. Unless the public has reasonable confidence in the public institutions charged with responsibility for handling such problems, there is real danger of a backlash developing against business. The pendulum will swing once more and in even more violent oscillations. EPA will be forced to react and will do so without adequate staffing and with a reduced research base. Business needs greater stability and predictability of policy, and for that it needs a credible EPA. The tendency of our political system to ignore the need for reasonable continuity in institutions and policies is one of its most serious failings.

As one who served two Republican administrations from 1969 to 1977 and who voted for President Reagan, I must record my profound concern over what is happening at EPA today. The budget and personnel cuts, unless reversed, will destroy the agency as an effective institution for many years to come. Environmental protection statutes may remain in full force on the books, but the agency charged with their implementation will be a paper tiger.●

A PUBLIC OPINION SURVEY

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mrs. SCHROEDER. Mr. Speaker, this Sunday's Denver Post contained a public opinion survey taken in early January in the Denver metropolitan area. There were some surprising results.

Incumbent Democratic Gov. Richard Lamm was judged good/excellent by 59 percent of the people polled. Even in the rating among Republican respondents Lamm was judged more favorable than Republican Senator WILLIAM ARMSTRONG.

The question, has Reaganomics helped or hurt, produced a surprising answer, considering that Colorado has been relatively sheltered from the full force of the Reagan recession: A total of 82 percent said either they have felt no effect or have been hurt. Only 18 percent answered that Reaganomics has helped them.

[From the Denver (Colo.) Post, Jan. 31, 1982]

LAMM ENJOYS BIPARTISAN SUPPORT

(By Sharon Sherman)

Gov. Dick Lamm is doing a good job of running the state, in the opinion of 58.7 percent of the people in five Denver metropolitan area counties who were questioned in a poll conducted for The Denver Post.

Lamm came in well ahead of both of the state's senators in the job performance rating, which was one of the questions in a telephone survey conducted by the Denver Consulting Group during early January.

The governor, a Democrat, even was slightly ahead of U.S. Sen. Bill Armstrong, R-Colo., in the rating of his job performance by Republicans.

U.S. Sen. Gary Hart, D-Colo., was behind Lamm in the overall ratings but ahead of Armstrong.

The survey of 500 people was taken in Denver, Jefferson, Boulder, Arapahoe and Adams counties in such a manner, pollsters said, that its results could be interpreted as accurately reflecting the views of all the people in those counties.

One surprising result was the high number of people—nearly 30 percent of those questioned—who said they didn't know what kind of job was being done by Armstrong, Colorado's junior senator for the last three years.

The overall ratings of the three elected officials were:

	Percent of those polled		
	Lamm	Hart	Armstrong
Opinion:			
Excellent	13.0	11.6	5.2
Good	45.7	30.6	27.8
Fair	27.9	28.6	30.2
Poor	7.8	12.8	7.2
Do not know	5.6	16.4	29.6

Lamm generally did best in the ratings from those between the ages of 35 and 64, those who have lived in Colorado longest and those who either hold top-level white collar jobs or do not work at all.

The governor fared better in Arapahoe, Boulder and Jefferson counties than in Adams and Denver.

Lamm, a Democrat, was rated good to excellent by a higher percentage of those in his own party—65.1 percent—than by Republicans—58.8 percent. But his good to excellent rating among Republicans was a percentage point higher than Armstrong's.

Unaffiliated voters fell between the two, with 59.1 percent calling Lamm good to excellent at his job.

Hart was favored more by females than males, by those with a higher level of education, and by those who had lived in Colorado from 5 to 25 years. He did best with the age groups of 55–64 and 25–44 and was rated

higher by those who either worked at white collar jobs or weren't working, than with those holding blue collar jobs.

Democrats and unaffiliated voters gave Hart the highest ratings, with 61.2 percent of his Democratic colleagues and 45.5 percent of the independents saying he was doing a good to excellent job, while 32.8 percent of the area's Republicans put him in the top performance categories.

Armstrong was rated best by those who were married or in the divorced/separated category, those in the 45 to 64 age groups, people in high-level white collar jobs, and those who have lived in Colorado 5-10 years or more than 25 years.

His performance was called good to excellent most often by those in higher income groups and people living in Jefferson, Arapahoe and Adams counties.

Armstrong did a little less well among his own Republican Party than did Lamm. About 57.9 percent of Republicans rated his job performance good to excellent, while he was given that designation by 29.1 percent of the Democrats and 25.6 percent of unaffiliated voters.

Asked their opinion of whether the political and social climate in Colorado had become more conservative or more liberal, a majority saw the state as moving to the right of the political spectrum.

Of those polled, 51 percent said it was more conservative, 27.1 percent said more liberal, 4.2 said neither, and 17.7 percent didn't know.

About the same number of Democrats and Republicans expressed the view that the state was moving toward conservatism, while a few more Democrats and unaffiliated voters than Republicans believe Colorado is becoming more liberal.

REAGAN RECEIVES HIGH POLL RATING

(By Sharon Sherman)

About half the people in five counties in the Denver metropolitan area think President Reagan is doing a good to excellent job, they said in a recent poll.

But when they were asked whether the President's economic program had helped or hurt them, a majority of those questioned said the program has had "no effect," while 29 percent said they have been hurt.

The President's rating looked like this:

Opinion:	*Percent of those polled*
Excellent	12.8
Good	37.6
Fair	31.0
Poor	17.0
Don't know	1.6

Reagan received better ratings from men than from women, from married people than from single people and from those with the highest level education, jobs and incomes.

He was given his best ratings by the 35-44 age group.

The responses to the question about whether Reaganomics has helped or hurt followed a similar trend, with the better educated and those with higher paying jobs saying they had benefited.

Most of those saying they were hurt were in the 45-64 age group, were blue collar workers or those without jobs and were spread evenly among the five counties.

The poll results looked like this:

Opinion:	*Percent of those polled*
Helped	18
Hurt	29
No effect	53

Results of both the job performance and economic policy questions broke along party lines when the respondents were asked their party affiliation.

About 80.6 percent of Republicans called Reagan's performance good to excellent. That was almost twice the 42.1 percent of unaffiliated voters giving him those ratings and far higher than the 28.1 percent of the Democrats who like the president's work.

Those who said they were helped by the Reagan economic policies included 13.7 percent of the Democrats responding, 28.6 percent of the Republicans and 12.5 percent of the unaffiliated voters.

Those saying they have been hurt were 50 percent of the Democrats questioned, 12.6 percent of the Republicans and 29.2 percent of the unaffiliated voters. In answer to the question of what things they and their families were doing to cope with the increased cost of living, 26.7 percent of those answering the poll said they were trying to conserve energy while 21.8 percent said they had tightened their family budgets. About 16 percent said they go out less often and nearly 12 percent said they drive less.

POLLSTERS CONTACTED 500 ADULTS BY PHONE

Metropoll measured the opinion of 500 adults who live in the greater Denver area.

The telephone survey, sponsored by The Denver Post, was conducted by The Denver Consulting Group as a part of Metropoll, a quarterly survey of public attitudes toward political figures and issues.

A random digit telephone technique was used to select homes in Denver, Adams, Arap- ahoe, Boulder and Jefferson counties. One adult, age 18 or older, was interviewed in each household.

Interviews were conducted from January 6 through 18, 1982, excluding Sundays.

Any survey is a sample of the population. Even with a sample of only 500, a scientific survey such as Metropoll accurately reflects the attitudes and composition of the Denver market within 4.5 percent. Thus, if 50 percent of the people surveyed answered "yes" to a particular question, the true value in the population would be between 45.5 percent and 54.5 percent.●

PROTECTING OLDER AMERICANS AGAINST OVERPAYMENT OF INCOME TAXES

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. OTTINGER. Mr. Speaker, the Senate Special Committee on Aging with the help of the IRS has prepared a summary of income tax deductions most often missed by older taxpayers. Several changes are reflected in 1981 tax returns. To help assure that older Americans take advantage of the legal tax reduction provisions available to them, I am inserting this important information into the CONGRESSIONAL RECORD:

CHECKLIST OF ITEMIZED DEDUCTIONS FOR SCHEDULE A (FORM 1040)

MEDICAL AND DENTAL EXPENSES

Medical and dental expenses are payments you make for the diagnosis, cure, relief, treatment, or prevention of disease. They also include payments for treatment affecting any part or function of the body. Expenses for transportation for needed medical care are included in medical expenses. Payments for insurance that provides medical care for you, your spouse, and dependents are included in medical expenses. Unreimbursed expenses are deductible to the extent they are more than 3 percent of your adjusted gross income (line 31, Form 1040). Expenses may be deducted only in the year you paid them. If you charge medical expenses on your credit card, the expenses are deducted in the year the charge is made regardless of when the bill is paid.

Insurance premiums

One-half of medical, hospital, or health insurance premiums are deductible (up to $150) without regard to the 3 percent limitation for other medical expenses. The remainder of these premiums can be deducted subject to the 3 percent rule.

Drugs and medicines

Medicines and drugs legally obtained and generally recognized as medicines and drugs are deductible. They do not have to be prescribed. These items are included in medical expenses (subject to the 3 percent rule) but only to the extent they exceed 1 percent of adjusted gross income (line 31, Form 1040).

Examples of unreimbursed medical and dental expenses

You can deduct the costs of :

Medicine, drugs, vaccines, and vitamins your doctor recommends.

Doctors, surgeons, dentists, eye doctors, gynecologists, chiropractors, osteopaths, podiatrists, chiropodists, psychiatrists, psychologists, physical therapists, acupuncturists, Christian Science practitioners, and psychoanalysts.

Medical examination, X-rays and laboratory services, insulin treatments, and whirlpool baths the doctor orders.

Nursing help. However, if you pay some one to do both nursing and housework, you can deduct only the cost of the nursing help.

Hospital care (including meals and lodging), clinic costs, lab fees.

Medical treatment at a center for drug addicts or alcoholics.

Medical aids such as hearing aids (and batteries), false teeth, eyeglasses, contact lenses, braces, orthopedic shoes, crutches, wheelchairs, guide dogs and the cost of maintaining them if you are blind or deaf.

Ambulance service and other travel costs to get medical care. If you used you own car, you can claim what you spent for gas and oil to go to and from the place you received medical care, or you can claim 9 cents a mile. Add parking fees and tolls to the amount you claim under either method.

Cosmetic surgery.

Cost and repair of special telephone equipment for the deaf.

Capital expenditures for medical purposes, such as air conditioning or elevators. If these expenses are for permanent improvements that increase the value of the property, you may include them as medical expenses only to the extent that they are more than the increase in the value of the property.

Cost of a nursing home (including meals and lodging) if the availability of medical care is a principal reason for being in the nursing home.

Medical care included in the "life-care fee" or "founders fee" of a retirement home

which is paid monthly or as a lump sum under an agreement with the home. The deductible amount must be set apart for medical care.

Cost of special equipment, such as a motorized wheelchair or autoette, special hand controls and other special equipment installed in a car specifically for the use of a physically handicapped person.

TAXES

Real estate; general sales; State, local, or foreign income; personal property

If the sales tax tables are used in arriving at your deduction, generally the only additional sales taxes you may add to the table amount are those you paid to purchase the following items: Automobiles, trucks, motorcycles, airplanes, boats, mobile homes, and material used to build a new home if the sales tax on the materials is imposed on you.

When using the sales tax tables, add to your adjusted gross income any nontaxable income such as social security, veterans and railroad retirement benefits, workmen's compensation, untaxed part of long-term capital gains, interest and dividend untaxed under the exclusion, interest on municipal bonds, untaxed part of unemployment compensation and public assistance.

INTEREST

Personal loan; home mortgage; auto loan; loans on life insurance; installment purchases

Bank and Other General Purposes Credit Cards

Deduct the finance charge added to your monthly statement if no part of the charge was for investigation fees, membership fees, loan fees, service charge, or similar charges.

Points

When buying a residence, "points" are interest paid in advance. You may deduct the amount you pay as points in the year of the payment—if the loan is used to buy or improve your principal residence and is secured by that residence. In addition, the payment of points must be an established business practice in the area where the loan was made, and the points must not exceed the number generally charged in this area.

If the residence you purchase is not your principal residence, you may not deduct the full amount for points in the year paid. Instead, the prepaid interest paid as points must be spread over the life of the mortgage, and it is considered "paid" and is deductible over that period.

Points are not deductible if they represent charges for services rendered by the lending institution (e.g., VA or FHA points are not deductible as interest). Also, points are not deductible if paid by the seller. These are selling expenses that reduce the amount realized.

Penalty for Prepayment of a Mortgage

This is deductible as interest.

Revolving Charge Accounts

These finance charges may be deducted if separately stated on your bill.

CONTRIBUTIONS

In general, contributions to religious, charitable, educational, scientifc, or literary organizations may be deducted up to 50 percent of your adjusted gross income (line 31, Form 1040). Contributions to certain private nonoperating foundations, veterans organizations, fraternal societies, or nonprofit cemetery companies are limited to 20 percent of adjusted gross income (line 31, Form 1040). There is a limit of 30 percent of adjusted gross income for contributions of certain capital gain property. Special rules also apply to contributions of appreciated property. To deduct your contributions, you must make them in cash or other property before the close of your tax year. Other property (clothing, books, furniture, etc.) is deducted at the fair market value. You may deduct contributions you charge to your bank credit card in the year the charge is made.

Examples of other charitable contributions include:

The cost and upkeep of uniforms that you must wear while performing charitable activities.

Out-of-pocket expenses (postage, phone calls, stationery) while providing services without pay to a charitable organization.

Payment of more than the fair market value to an organization for goods, merchandise, services, banquets, shows, sporting events, etc.

You may also deduct unreimbursed out-of-pocket expenses directly related to services you give to a charitable organization, such as gas and oil for your car. If you want to deduct actual expenses, you may use a standard rate of 9 cents a mile. In either case you may deduct parking fees and tolls.

CASUALTY OR THEFT LOSSES

You may deduct casualty losses, such as tornado, flood, storm, fire, auto accident (provided not caused by a willful act or willful negligence), or theft losses. The amount of your casualty loss deduction is generally the lesser of (1) the decrease in fair market value of the property as a result of the casualty, or (2) your adjusted basis in the property. This amount must be further reduced by any insurance or other recovery, and, in the case of property held for personal use, by the $100 limitation. Report your casualty or theft loss on Schedule A. If more than one item was involved in a single casualty or theft, or if you had more than one casualty or theft during the year, use Form 4684 for computing your personal casualty loss.

MISCELLANEOUS DEDUCTIONS

In addition to the other itemized deductions, you may deduct certain miscellaneous expenses on Schedule A, Form 1040. A list of the most common expenses follows. For more information, see Publication 529, Miscellaneous Deductions.

Educational expenses

Amounts you paid for education that is: (1) Required by your employer to maintain your position, or (2) for maintaining or improving skills you must have in your present position.

Business use of your home

You can deduct expenses for business use of part of your home only if you use that part exclusively and continuously in your work and for the convenience of your employer.

Employee expenses

Examples of expenses you can deduct if you were not reimbursed for them are:

Union dues.

Safety equipment, small tools, and supplies you need for your job.

Protective clothing, such as hard hats and safety shoes.

Uniforms required by your employer which you cannot usually wear away from work.

Maintenance of uniforms required by your employer.

Costs of bond, if required for employment.

Physical examinations required by your employer.

Dues to professional organizations and chambers of commerce.

Fees to employment agencies and other costs to get a new job in your present trade or profession.

Expenses of producing income

You can deduct what you paid to produce or collect taxable income or to manage or protect property held for producing income.

Examples of these expenses are:

Tax return preparation fees.

Safe deposit box rental.

Custodial (e.g., trust accounts) fees.

Fees paid to investment counselors.

Fees to collect interest or dividends.

Gambling losses, but not more than gambling winnings.

CREDITS

Tax credits are used to reduce the amount of tax you owe. All credits must be taken on Form 1040, with the exception of the credit for contributions to candidates for public office and the earned income credit.

The most common credits are:

Credit for the elderly

You may be able to claim this credit and reduce taxes by as much as $375 (if single) or $562.50 (if married filing jointly) if you are: (1) Age 65 or over, or (2) under age 65 and retired under a public retirement system.

For more information see the instructions for Schedule R & RP.

Earned income credit

If you have a dependent child who shares your principal residence in the United States, you may be entitled to a special payment or credit of up to $500. This is called the earned income credit. It may come as a refund check or be applied against any taxes owed. Generally, if you reported earned income and had adjusted gross income (line 32a, Form 1040 or line 10, Form 1040A) of less than $10,000, you may be able to claim the credit.

Earned income means wages, salaries, tips, strike benefits, other employee compensation, disability pensions, and net earnings from self-employment (generally the amount shown on Schedule SE (Form 1040) line 13). A married couple must file a joint return to be eligible for the credit. Certain married persons living apart with a dependent child may also be eligible to claim the credit.

For more information, see instructions for Form 1040 or 1040A.

Credit for child and dependent care expenses

A portion of certain payments made for child and dependent care may be claimed as a credit against tax.

If you maintained a household that included your dependent under age 15 or a dependent or spouse incapable of self-care, you may be allowed a 20 percent credit for employment related child and dependent care expenses. These expenses must have been paid during the taxable year in order to enable you to work either full or part time.

The maximum amount of the credit is $400 for one qualifying individual and $800 for two or more qualifying individuals.

See Form 2441 for more information, including a special rule for divorced or separated taxpayers.

RESIDENTIAL ENERGY CREDIT

The residential energy credit was designed to encourage energy saving and the development of renewable energy sources. There are two energy credits, each with its own

conditions and limits. These credits are based on: (1) Costs for home energy conservation, and (2) costs for renewable energy source property.

A credit of up to $300 may be claimed for expenditures for energy conservation property installed in or on your principal residence, whether you own or rent it. The residence must have been substantially completed by April 20, 1977. Items eligible for the credit are limited to the following: Insulation (fiberglass, cellulose, etc.) for ceilings, walls, floors, roofs, water heaters, etc.; exterior storm (or thermal) windows or doors; calking or weatherstripping for exterior windows or doors; a furnace replacement burner that reduces the amount of fuel used; a device to make fuel openings (for a heating system) more efficient; an electrical or mechanical furnace ignition system that replaces a gas pilot light; an automatic energy-saving setback thermostat; and a meter that displays the cost of energy usage.

For years beginning after 1979, the maximum credit for renewable energy source property is $4,000. Equipment used in the production or distribution of heat or electricity from solar, geothermal, or wind energy sources for residential heating, cooling, or other purposes may qualify for this credit.

Examples of items which do not qualify for energy credit are the following: Carpeting, drapes, awnings, shades, wood paneling, fire screens, new or replacement walls (except for insulation inside the walls), exterior siding, heat pump, wood or peat burning stoves, fluorescent lights, hydrogen fueled residential equipment, equipment using wind energy for transportation, expenditures for a swimming pool used as an energy storage medium, and greenhouses.

For further information, consult the instructions for Form 5695, "Residential Energy Credits," and IRS Publication 903, Energy Credits for Individuals.

SALE OF YOUR PERSONAL RESIDENCE

You may exclude from your gross income some or all of your gain from the sale or exchange of your principal residence, if you meet certain age, ownership, and occupancy requirements at the time of the sale or exchange. If you were age 55 or older on the date of sale or exchange you may elect to exclude up to $100,000 of gain provided you owned and occupied the residence for 3 of the 5 years ending on the date of sale (or 5 of 8 years if you were 65 or older on the date of the sale or exchange and the sale took place before July 26, 1981). For sales or exchanges after July 20, 1981, the excludable amount is increased to $125,000.

In addition, payment of the tax on the gain from the sale or exchange of your personal residence in excess of the excluded amount will be deferred if, within 18 months before or 18 months after the sale or exchange, you buy and occupy another residence, the cost of which equals or exceeds the adjusted sales price of the old residence. For sales or exchanges after July 20, 1981, the replacement period is extended to 2 years before and after the sale. This 2-year period also applies to sales and exchanges of principal residences before July 20, 1981, if the replacement period expires after that date.

Taxable gains from the sale of your residence should be reported on Schedule D, line 2a or 9a. Losses from such a sale are not deductible. Form 2119, Sale or Exchange of Principal Residence, is used to report the sale of your principal residence whether or not you bought another one.

Publication 523, Tax Information on Selling Your Home, is available at most IRS offices.●

THE CATHOLIC CHURCH ON: WAR, WEAPONS, AND MILITARY SERVICE

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. McDONALD. Mr. Speaker, I should state at the outset of this entry for my colleagues, that I do not profess the Catholic faith. However, there has been some consternation among many of my Catholic friends, with regard to the true position of the Catholic Church on the matter of military service, and yes, even the matter of nuclear weapons.

Ironically, on December 7, 1981, the anniversary of Pearl Harbor, the Military Vicar of the Catholic Church, His Eminence, Terence Cardinal Cooke, of New York, wrote in no uncertain terms, on the subject: of military service, of the use of nuclear weapons, and of the absolute necessity of defense against unjust aggression. Cardinal Cooke does not preach situation ethics. The same principles apply today against the international socialism of the Soviet Union, Communist China, and all her allies behind the Iron and Bamboo Curtains, as it did against the national socialism of Adolph Hitler. Perhaps it is no accident that Cardinal Cooke reiterated the traditional stand of the Catholic Church on such matters, on the anniversary of that heinous act, that would commit the American soldier to war and eventual victory over the forces of fascism.

I have always known that the stand of the Catholic Church with regard to communism has been that there can be no collaboration with such satanic evil in any manner whatsoever. In these days of very questionable activity of some Catholic clergy, in support of Marxist terrorism, it is a welcome blessing to note that Military Vicar, His Eminence, Cardinal Cooke, setting the record straight against any unjust aggressor. Cardinal Cooke's position for all Catholic military follows:

MILITARY VICARIATE,
New York, N.Y., December 7, 1981.

MEMORANDUM FROM ARCHBISHOP RYAN

Subject: Enclosed letter from His Eminence.

You will find the enclosed letter exceedingly helpful in answering the inquiries of your people concerning the questions being raised about matters of war, weapons and military service.

The Cardinal's letter is very straightforward. In plain language it addresses the two major questions raised: (1) What does the Church have to say about military service; (2) What does the Church have to say about nuclear weapons?

His Eminence makes it clear that the Church, he, himself, and all of us here continue to honor and express our gratitude for all who carry out their military duties responsibly. There can be no question about our nation's right and duty to defend our people. The letter provides guidance also in the matter of involvement with nuclear weapons. The Church sees a policy of deterrence as less than ideal, but recognizes that in the real world it is providing at least some measure of security while we try to achieve better approaches to peace with justice. In the meanwhile, the Church warns that all nations must seek multilateral, not unilateral disarmament, gradually and prudently, with careful safeguards and while maintaining adequate defense.

You will be pleased, too, by the Cardinal's announcement that he is establishing a House of Prayer and Study for Peace, as a contribution to both keeping the dialogue on these matters in balanced perspective and advancing the cause of true peace through a combination of continuing prayer, study and discussion.

With warmest regards and
Faithfully in Christ,

JOSEPH T. RYAN,
Coadjutor Archbishop.

MILITARY VICARIATE,
New York, N.Y., December 7, 1981.

DEAR FATHER: As we prepare to celebrate the birth of the Prince of Peace, you and the people you serve in the United States Military Vicariate are very much in my thoughts and my prayers.

I am writing to you for two purposes. The first is to respond to inquiries I have received from a number of you; the other is to tell you of a new and important project I am undertaking.

First, the inquiries. These have generally sought further guidance for our Catholic men and women in uniform concerning issues that have been raised here and abroad involving the broad areas of war and peace, with special emphasis on nuclear weapons. I want you to know that I share the widespread concern over these issues. There is a pressing need to pursue peace with justice and to work for the elimination of war. Clearly, the upward spiral in armaments and what it implies must be ended. All reasonable people know that the alternative could be the complete collapse of society, economic disaster, and even, conceivably, the destruction of civilization as we know it. It is encouraging that there are government officials, church leaders and men and women of every walk of life who share a growing sense of urgency and common concern over these matters.

Bishops have a special obligation to present the moral teaching of the Church and to help form the consciences of those people whom they serve. This is always a demanding challenge, and can be, at times, an agonizing task. As Military Vicar, of course, I have a special responsibility for the pastoral care of all Catholics in military service. As you know, Archbishop Joseph T. Ryan, our Coadjutor, and Bishop John J. O'Connor, our Vicar General, are directly associated with me in carrying out that responsibility. They join with me in this letter.

Obviously, at this time, this letter can address only very briefly, and in very simple terms, the main questions that are raised. A much fuller treatment is found in Bishop

O'Connor's book, *In Defense of Life*, which I recommend for the guidance of our people.

The key questions we are most frequently asked can be summarized in these two: (1) Has the Church changed its position on military service? (2) Must a Catholic refuse to have anything at all to do with nuclear weapons?

(1) The Church and Military Service. This can be answered very directly: The Popes, the Second Vatican Council and the Bishops of the United States speaking as a body, have all been very clear on this matter. The position is perhaps best summarized in the words of Vatican Council II: "All those who enter the military service in loyalty to their country should look upon themselves as the custodians of the security and freedom of their fellow countrymen: and when they carry out their duty properly, they are contributing to the maintenance of peace." *(The Church in the Modern World.)* I do not feel that anything need be added to this. The Church has not changed its position. I am personally proud of the dedication of our military men and women and consider them to be true guardians of peace. They and their families deserve the gratitude of our own nation and the world at large for the sacrifices they make to try to preserve peace with justice under very demanding circumstances.

(2) Catholics and Nuclear Weapons. To answer this question is more complicated. It requires understanding of several fundamental principles and continuing study.

The Church has traditionally taught and continues to teach that a government has both the right and the duty to protect its people against unjust aggression. This means that it is legitimate to develop and maintain weapons systems to try to prevent war by "deterring" another nation from attacking. Very simply put, police carry guns for the same reason. Under no circumstances may a nation start a war, any more than police could decide to go out and shoot people to keep them from committing crimes! Popes have also pointed out that a nation may have the obligation to protect other nations, just as we have the obligation to go to the defense of a neighbor, even though a stranger, being attacked.

Although the Church urges nations to design better ways—ideally, non-violent ways—of maintaining peace, it recognizes that as long as we have good reason to believe that another nation would be tempted to attack us if we could not retaliate, we have the right to deter attack by making it clear that we could retaliate. In very simple terms, this is the "strategy of deterrence" we hear so much about. It is not a desirable strategy. It can be terribly dangerous. Government leaders and peoples of all nations have a grave moral obligation to come up with alternatives. But as long as our nation is sincerely trying to work with other nations to find a better way, the Church considers the strategy of nuclear deterrence morally tolerable; not satisfactory, but tolerable. As a matter of fact, millions of people may be alive in the world today precisely because government leaders in various nations know that if they attacked other nations, at least on a large scale, they, themselves, could suffer tremendous losses of human life or even be destroyed.

It follows clearly that if a strategy of nuclear deterrence can be morally tolerated while a nation is sincerely trying to come up with a rational alternative, those who produce or are assigned to handle the weapons that make the strategy possible and workable can do so in good conscience. The Church does condemn the use of any weapons, nuclear or conventional, that would indiscriminately destroy huge numbers of innocent people, such as an entire city, or weapons that would "blow up the world". Every nation has a grave moral obligation to reduce and finally to get rid of such weapons altogether, but the Church points out that this must be done gradually, with all nations cooperating, and with prudence. The Church does not require, nor have the Popes of the nuclear age or the Second Vatican Council recommended, unilateral disarmament.

In its "Pastoral on the Church in the Modern World," the Second Vatican Council expressed the Church's position on these matters very clearly, and I believe it would be useful for you to have the following quotations from that Pastoral available.

"War has not ceased to be part of the human scene. As long as danger of war persists and there is no international authority with the necessary competence and power, governments cannot be denied the right of lawful self-defense, once all peace efforts have failed. State leaders and all who share the burdens of public administration have the duty to defend the interests of their people and to conduct such grave matters with a deep sense of responsibility. However, it is one thing to wage a war of self-defense; it is quite another to seek to impose domination on another nation. The possession of war potential does not justify the use of force for political or military objectives. Nor does the mere fact that war has unfortunately broken out mean that all is fair between the warring parties . . .

"The development of armaments by modern science had immeasurably magnified the horrors and wickedness of war. Warfare conducted with these weapons can inflict immense and indiscriminate havoc which goes far beyond the bounds of legitimate defense. Indeed if the kind of weapons now stocked in the arsenals of the great powers were to be employed to the fullest, the result would only be the almost complete reciprocal slaughter of one side by the other, not to speak of the widespread devastation that would follow in the world and the deadly after effects resulting from the use of such arms . . .

Since peace must be born of mutual trust between peoples instead of being forced on nations through dread of arms, all must work to put an end to the arms race and make a real beginning of disarmament, not unilaterally indeed but at an equal rate on all sides, on the basis of agreements and backed up by genuine and effective guarantees."

A nation must ask itself every day: "How much defense is enough? How much is too much?" It is a matter of balance. All life must be considered precious, because every human being is made in God's Image. A nation must use resources to protect the unborn, the weak, the old, the helpless, the sick, the imprisoned, the homeless, the poor—those who most need the nation's protection and support. The question of how much the United States spends on military defense involves a number of technical issues about which I have no special expertise. The people at large and their elected representatives have the right and duty to question all aspects of the national budget, including allocations for defense. This is one of the great values and obligations of living in a democracy. We must be gravely concerned at all times about the needs of the poor and assure that appropriate provision is made for those needs.

At the same time, we must be very careful about assuming that reductions in defense spending would automatically or completely solve such problems as poverty, hunger and disease in our nation or the world. These issues are tremendously complex and require many other changes in society before they can be adequately resolved. We must do everything we can to effect such changes and to resolve such problems, but even while engaged in efforts to do so, a nation must simultaneously defend all its people, the poor as well as the rich, against unjust aggression. There would be little point in a nation's spending all its resources on feeding, clothing, housing and educating the poor, and on other needs, only to leave all its people defenseless if attacked. We must remember, also, that these concerns are not the responsibilities of senior government officials alone. Every individual in uniform and every civilian directly involved in national defense, and particularly in defense industry, must be conscious of the many needs of the nation, especially the needs of the poor, and use the nation's resources responsibly, with meticulous honesty and care.

I know that you and our people may be faced with difficult decisions in the future, and I will try to keep you appraised of the Church's position in each problem situation. I am well aware that a wide variety of opinions have been expressed by some people concerning the directions in which they think the Church should be moving. My responsibility as I see it, as your bishop, is to advise you of the official teaching of the Catholic Church.

Archbishop Ryan, Bishop O'Connor and I sincerely hope that these comments will provide at least modest assistance to all those in uniform trying to serve honorably in the cause of peace with justice for all. Should specific questions or problems arise which you feel require further comment, please do not hesitate to advise us.

Now to the second part of this letter and to the new and important venture on which we are embarking, and for which we need the support of your prayers and moral encouragement.

Almost 10 years ago I issued a "Pastoral Message for Peace" in which I urged that all of us together face the problem of war and begin to develop an instrumentality to prevent future wars. In that Pastoral I asserted what I believe just as strongly today, "that if we do not, with deliberate speed, develop the means of war-prevention and make impossible the waging of war by any nation on this earth, we run the risk of witnessing, in our own time, the very end of human history".

Therefore, as Military Vicar for Catholics and their families in the Armed Forces of the United States and Veterans Administration I am preparing to establish a House of Prayer and Study for Peace. It is absolutely imperative that we beg God's help in continuing prayer, if we are to solve problems beyond our mere human powers and mitigate or end the sufferings of war. At the same time, it is essential that we utilize our finest human resources of spirit and intellect, bringing together scientists, scholars and others to study and plan and pray to help the world achieve peace with justice.

It is anticipated that The House of Prayer and Study for Peace will open early in the New Year under the immediate supervision of the Vicar General of the Military Vicar-

iate, Bishop John J. O'Connor who will also serve as Chairman of the Board. The Board of Advisors will include men and women representing a broad spectrum of occupations and disciplines. The daily activities of prayer and study will be supported and carried out by a small staff of religious and lay persons in residence in the House itself. Staff members will communicate with individuals and agencies in the United States and abroad, in an effort to pool resources and share findings, and will simultaneously try to encourage individuals and institutions everywhere to join in prayer that peace with justice will become a reality for all humanity in our lifetime. With our Holy Father, Pope John Paul II, we believe that peace is possible. This belief must guide and permeate all our efforts.

As Military Vicar, I must emphasize that the activities of The House of Prayer and Study for Peace will be carried out with respect for all who are dedicated to the same objective, whatever be the approach they follow in accord with their own convictions in conscience, including the maintenance of sufficient armed force to deter aggression and the exploration of strategies of non-violence.

Finally, the hallmark of the House of Prayer and Study for Peace will be the maxim of Pope Paul VI: *If You Wish Peace, Defend Life.* I am convinced that if we are to expect God's help in ending war and achieving peace with justice, we must root our efforts in a recognition of the worth and dignity of all human life, the unborn, the aged, the poverty stricken, the oppressed, the sick, the diseased, the imprisoned, the helpless of both sexes, of all ages, races, creeds and ethnic origins.

More detailed informat on on the House of Prayer and Study will be forthcoming in the near future. I am pleased to be able to announce this initiative during the holy season of Advent, the period of prayerful preparation for the great feast of the Birth of the Prince of Peace. During Advent I myself will be praying each day that this venture will advance the cause of peace with justice for the world at large, and to this end will be asking the very special help of the Mother of Jesus, Mary the Queen of Peace.

On Christmas Day, after Midnight Mass in Saint Patrick's Cathedral, I shall fly directly to Korea, to spend the Christmas season with our military families there, in Japan and Okinawa, stopping in Pearl Harbor on the return trip to participate in a regional conference with our priests in that area. I embark on this trip with the same joy of anticipation I have experienced during the past thirteen Christmas seasons of visiting with the wonderful people who do so much for our own country and for the world at large, and do it so quietly and gracefully, in the true sense of the term. They and their brothers and sisters all over the world will share in my Christmas Masses together with you, and I ask the kindness of a remembrance in yours for all of us here.

Faithfully yours in Christ,

TERENCE CARDINAL COOKE,
Military Vicar.●

TRIBUTE TO ELLIS M. IVEY, JR.

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. TRAXLER. Mr Speaker, I rise today to pay special tribute to a remarkable man who resides in my district, Mr. Ellis M. Ivey, Jr. Mr. Ivey is a native of Atlanta, Ga., but since his move to Saginaw, Mich., in 1941, he has risen to a stature within our community of which few people can boast.

Today, as Ellis Evey prepares to retire as general manager of the Saginaw Steering Gear Division of General Motors Corp., he is respected as a captain of industry and a champion of the free enterprise system.

In January of 1942 Ellis Ivey began his career as a foreman at Saginaw Steering Gear. Shortly thereafter he joined the U.S. Army and served for nearly 3 years in the South Pacific theater.

Upon his return from military duty in 1945, Ivey was named time study engineer and soon promoted to tool supervisor. Recognizing his managerial genius, General Motors promoted his to supervisor of work standards in June 1956. In 1957 he was promoted again to plant manager, then to divisonal works manager in 1964, and finally to general manager in March 1970.

In the years that I have known Ellis, he has always been a can do man. He has asserted his effective and aggressive leadership not only in America's industrial realm, but in civic matters as well.

Ellis Ivey's accomplishments are impressive and many. Let me list a few of them. He is a member of the Society of Automotive Engineers, the Greater Saginaw Chamber of Commerce, the YMCA Industrial Management Club, the Torch Club, and the Saginaw Club. He has also devoted hours of his time to the betterment of our community by serving as a member of the board of regents of the General Motors Institute. He served two terms as chairman of the board of trustees of Saginaw General Hospital, and two terms as president of the United Way of Saginaw County.

Ellis also served as the first president of the Lake Huron Area Council, Boy Scouts of America, for 4 years, and is presently vice president. He is the Saginaw County chairman for the Savings Bond Division of the U.S. Treasury, a member of the advisory committee of the Michigan National Molecular Institute, a member of the business advisory council of Central Michigan University, a member of the advisory board of the School of Mechanical Engineering at Clemson University, S.C., and a member of the board of fellows of the Saginaw Valley State College, where he was awarded an honorary doctor of laws degree. He is also the corporation's key executive for Virginia Polytechnic Institute.

Mr. Speaker, having heard this list of outstanding contributions and accomplishments, I am sure that you and the Members of this distinguished body will agree that it will be a sad occasion when Ellis Ivey retires as general manager of Saginaw Steering Gear. I know that all those who he worked with, and all those who worked for him, will miss his leadership.

Yet, the vast energies he has devoted to our community organizations and charitable activities have made Ellis Ivey a pillar of strength within these organizations and have won him friends throughout the community. His retirement from Saginaw Steering Gear will only open the door to many new and ongoing successful endeavors.

Ellis Ivey is a truly outstanding man and a special friend. As his Congressman, I am proud to have this opportunity to pay him this special tribute. On behalf of the Saginaw Community, I wish to extend our heartiest thanks and every best wish to Ellis Ivey and his family on his retirement.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, February 4, 1982, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 5

9:00 a.m.

Agriculture, Nutrition, and Forestry

Foreign Agricultural Policy Subcommittee

To resume hearings to evaluate the economic impact of previous agricultural embargoes.

324 Russell Building

Banking, Housing, and Urban Affairs

Housing and Urban Affairs Subcommittee

To hold joint hearings with the Subcommittee on Taxation and Debt Management of the Committee on Finance on S. 1828, providing for special tax treatment of partnerships between thrift institutions and others.

2221 Dirksen Building

Finance

Taxation and Debt Management Subcommittee

To hold joint hearings with the Subcommittee on Housing and Urban Affairs

of the Committee on Banking, Housing, and Urban Affairs on S. 1828, providing for special tax treatment of partnerships between thrift institutions and others.
2221 Dirksen Building

10:00 a.m.
Budget
To hold oversight hearings on activities of the Congressional Budget Office.
6202 Dirksen Building

Foreign Relations
To hold hearings on the Venezuela proposed arms sale.
4221 Dirksen Building

Rules and Administration
To begin oversight hearings on activities of congressional support agencies, focusing on the Office of Technology Assessment.
301 Russell Building

Joint Economic
To hold hearings on the employment/unemployment situation for January.
2128 Rayburn Building

10:30 a.m.
*Environment and Public Works
Environmental Pollution Subcommittee
To hold hearings to receive testimony from John W. Hernandez, Jr., Deputy Administrator of the Environmental Protection Agency on the implementation of the Clean Water Act.
4200 Dirksen Building

FEBRUARY 8

10:00 a.m.
Armed Services
To resume hearings to review the proposed budget request of the Department of Defense.
1202 Dirksen Building

Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold oversight hearings to review the capacity, distribution and status of the strategic petroleum reserve.
3110 Dirksen Building

Environment and Public Works
Environmental Pollution Subcommittee
To hold hearings on S. 327 and H.R. 1486, bills establishing the protection island national wildlife refuge in Jefferson County, Wash., and H.R. 1952, authorizing funds for fiscal years 1982, 1983, and 1984 for certain conservation programs on military reservations and public lands.
4200 Dirksen Building

Foreign Relations
To hold hearings on the President's January 28, 1982, certification concerning military aid to El Salvador.
4221 Dirksen Building

Judiciary
To resume hearings on S. 1030, revising certain provisions of the Gun Control Act (Public Law 90-618) relating to the licensing of manufacturers, dealers, and importers of firearms and ammunition, and providing for mandatory minimum sentences for Federal felonies committed with firearm or destructive devices.
2228 Dirksen Building

FEBRUARY 9

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To resume hearings on proposed legislation authorizing bank holding companies to establish securities affiliates which could underwrite municipal revenue bonds and operate, advise, and sell shares in mutual funds.
5302 Dirksen Building

*Labor and Human Resources
To resume markup of S. 1182, proposed Longshoremens and Harbor Workers Compensation Act Amendments of 1981.
4232 Dirksen Building

Rules and Administration
To hold hearings on committee resolutions requesting funds for operating expenses for 1982.
301 Russell Building

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on H.R. 3782, permitting the steamship vessel, *Oceanic Constitution*, to enter the Hawaiian Island cruise trade.
235 Russell Building

Energy and Natural Resources
To hold hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, focusing on the Department of the Interior.
3110 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

11:00 a.m.
Foreign Relations
Business meeting, to consider pending nominations and other committee business.
4221 Dirksen Building

Judiciary
Business meeting, to consider pending calendar business.
2228 Dirksen Building

11:30 a.m.
Labor and Human Resources
Labor Subcommittee
Business meeting, to mark up S. 1785, increasing the penalties for violations of the Taft-Hartley Act, requiring immediate removal of certain individuals convicted of crimes relating to their official position, broadening the definition of the types of positions an individual is barred from upon conviction, increasing the time of disbarment from 5 to 10 years, escrowing a convicted official's salary for the duration of his appeal, and clarifying the jurisdiction of the Department of Labor relating to detecting and investigating criminal violations relating to ERISA.
4232 Dirksen Building

2:00 p.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on proposed refugee assistance regulation changes.
2228 Dirksen Building

FEBRUARY 10

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To continue hearings on proposed legislation authorizing bank holding companies to establish securities affiliates which could underwrite municipal revenue bonds and operate, advise, and sell shares in mutual funds.
5302 Dirksen Building

Judiciary
To resume hearings on S. 995, providing for contribution of damages in antitrust price-fixing suits.
2228 Dirksen Building

Rules and Administration
To continue hearings on committee resolutions requesting funds for operating expenses for 1982.
301 Russell Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed supplemental appropriations for fiscal year 1982 for construction grants of the Environmental Protection Agency.
1224 Dirksen Building

Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 1983 for the Department of Defense, focusing on Army programs.
212 Russell Building

Energy and Natural Resources
To hold hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, focusing on the Department of Agriculture and the U.S. Synthetic Fuels Corporation.
3110 Dirksen Building

Environment and Public Works
Water Resources Subcommittee
To hold hearings to evaluate the waterway user charge study, authorized by section 205 of the Inland Waterways Revenue Act of 1978 (Public Law 95-502).
4200 Dirksen Building

Foreign Relations
Arms Control, Oceans and International Operations, and Environment Subcommittee
To hold hearings on acid rain.
4221 Dirksen Building

2:00 p.m.
Environment and Public Works
Transportation Subcommittee
To hold oversight hearings on the implementation of the highway bridge replacement and rehabilitation program.
4200 Dirksen Building

Judiciary
Criminal Law Subcommittee
To hold hearings on S. 974, proposed Handgun Crime Control Act of 1981, and other related measures.
2228 Dirksen Building

FEBRUARY 11

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
235 Russell Building

Finance
International Trade Subcommittee
To hold hearings on S. 1511, clarifying the determination of the definition of a country under the General Agreement on Tariffs and Trade, and to review the effectiveness of section 301 of the Trade Act of 1974 in enforcing the trade agreement rights of the United States and responding to foreign practices that are inconsistent with trade agreement provisions or burden or restrict U.S. commerce.
2221 Dirksen Building

Judiciary
Constitution Subcommittee
To resume hearings on S. 53, S. 1761, S. 1975 and S. 1992, bills extending the effects of certain provisions of the Voting Rights Act of 1965.
2228 Dirksen Building

Rules and Administration
To continue hearings on committee resolutions requesting funds for operating expenses for 1982.
301 Russell Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Railroad Retirement Board, domestic programs of the ACTION Agency, and the Soldiers' and Airmen's Home.
1114 Dirksen Building

Armed Services
To continue hearings on proposed legislation authorizing funds for fiscal year 1983 for the Department of Defense, focusing on Air Force programs.
212 Russell Building

Banking, Housing, and Urban Affairs
To hold hearings on the conduct of monetary policy.
5302 Dirksen Building

Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on miscellaneous legislation relating to land conveyances, exchanges and private relief (S. 835, S. 1501, S. 1519, H.R. 1528, H.R. 1543, S. 1242 (H.R. 2820), S. 982, S. 1546, S. 1767, S. 706, H.R. 2863, and H.R. 2475).
3110 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
1202 Dirksen Building

Judiciary
Juvenile Justice Subcommittee
To hold oversight hearings to examine proposed budget reductions in Federal assistance to State and local law enforcement agencies.
5110 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Corporation for Public Broadcasting, National Commission on Libraries and Information Science, and the President's Commission on Ethical Problems in Medicine.
1114 Dirksen Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed authorizations for fiscal years 1983 and 1984 for the National Bureau of Standards, Department of Commerce.
235 Russell Building

Judiciary
Security and Terrorism Subcommittee
To hold closed oversight hearings on activities of the Federal Bureau of Investigation, Department of Justice.
2300 Dirksen Building

Veterans' Affairs
To hold hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, receiving testimony from officials of the Veterans' Administration
412 Russell Building

FEBRUARY 12

9:00 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 698, assisting the Yuma County Water Users' Association, Arizona, to relocate the headquarters of such association; S. 933, authorizing the rehabilitation of the Belle Fourche irrigation project in South Dakota; S. 1409, authorizing the enlargement of the Buffalo Bill Dam and Reservoir in Wyoming; and S. 1628, providing that the Emergency Fund Act of 1948 be available for all projects governed by Federal reclamation acts.
3110 Dirksen Building

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To resume hearings on proposed legislation authorizing bank holding companies to establish securities affiliates which could underwrite municipal and revenue bonds, and operate, advise, and sell shares in mutual funds.
5302 Dirksen Building

Judiciary
Constitution Subcommittee
To continue hearings on S. 53, S. 1761, S. 1975, and S. 1992, bills extending the effects of certain provisions of the Voting Rights Act of 1965.
2228 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Federal Mediation and Conciliation Service, National Labor Relations Board, National Mediation Board, OSHA Review Commission, and the Mine Safety and Health Review Commission.
1114 Dirksen Building

Environment and Public Works
To hold hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, receiving testimony from officials of the Nuclear Regulatory Commission.
4200 Dirksen Building

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building

FEBRUARY 22

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings on proposed authorizations for the National Telecommunications and Information Administration, Department of Commerce.
235 Russell Building

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To hold joint hearings with House Subcommittee on Employment Opportunities of the Committee on Education and Labor on proposed legislation establishing employment training policies.
2175 Rayburn Building

10:00 a.m.
Environment and Public Works
To hold hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
4200 Dirksen Building

1:30 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Institutes of Health, Department of Health and Human Services.
1114 Dirksen Building

FEBRUARY 23

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the National Institutes of Health, Department of Health and Human Services.
1318 Dirksen Building

Energy and Natural Resources
To hold hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, focusing on the Department of Energy.
3110 Dirksen Building

*Labor and Human Resources
To hold oversight hearings on the southern Nevada culinary workers' pension fund.
4232 Dirksen Building

*Labor and Human Resources
Employment and Productivity Subcommittee
To continue joint hearings with House Subcommittee on Employment Opportunities of the Committee on Education and Labor on proposed legislation establishing employment training policies.
5302 Dirksen Building

Small Business
To hold hearings on encouraging small business investment in free enterprise in nationally distressed areas.
424 Russell Building

10:00 a.m.
Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to investigate certain fraudulent commodity investments.
3302 Dirksen Building

11:00 a.m.
Veterans' Affairs
To hold hearings to receive the Disabled American Veterans' legislative recommendations for fiscal year 1983.
6226 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the National Institutes of Health, and to review activities of the Office of the Director, Department of Health and Human Services.
1318 Dirksen Building

FEBRUARY 24

9:30 a.m.
Appropriations
To hold hearings to review current economic conditions.
1114 Dirksen Building

Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings to examine certain financial institution practices restricting individuals from withdrawing funds represented by checks deposited to their accounts.
5302 Dirksen Building

Commerce, Science, and Transportation
Business, Trade, and Tourism Subcommittee
To hold hearings on the economic impact of tourism.
235 Russell Building

Judiciary
Constitution Subcommittee
To resume hearings on S. 53, S. 1761, S. 1975, and S. 1992, bills extending the effects of certain provisions of the Voting Rights Act of 1965.
2228 Dirksen Building

*Labor and Human Resources
To continue oversight hearings on the southern Nevada culinary workers' pension fund.
4232 Dirksen Building

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Environment and Public Works
To resume hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
4200 Dirksen Building

Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to investigate certain fraudulent commodity investments.
3302 Dirksen Building

10:30 a.m.
*Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold oversight hearings on activities of the National Institute on Alcohol Abuse and Alcoholism and the National Institute on Drug Abuse, Department of Health and Human Services.
6226 Dirksen Building

2:00 p.m.
Energy and Natural Resources
Energy Regulation Subcommittee
Joint oversight hearings with the Subcommittee on Water and Power on hydroelectric development and licensing procedures.
3110 Dirksen Building

Energy and Natural Resources
Water and Power Subcommittee
Joint oversight hearings with the Subcommittee on Energy Regulation on hydroelectric development and licensing procedures.
3110 Dirksen Building

FEBRUARY 25

9:30 a.m.
Appropriations
To continue hearings to review current economic conditions.
1114 Dirksen Building

Banking, Housing, and Urban Affairs
To resume hearings on the conduct of monetary policy.
5302 Dirksen Building

Commerce, Science, and Transportation
Business, Trade, and Tourism Subcommittee
To continue hearings on the economic impact of tourism.
235 Russell Building

Judiciary
Constitution Subcommittee
To resume hearings on S. 53, S. 1761, S. 1975, and S. 1992, bills extending the effects of certain provisions of the Voting Rights Act of 1965.
2228 Dirksen Building

*Labor and Human Resources
Employment and Productivity Subcommittee
To resume joint hearings with House Subcommittee on Employment Opportunities of the Committee on Education and Labor on proposed legislation establishing employment training policies.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
318 Russell Building

Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to investigate certain fraudulent commodity investments.
3302 Dirksen Building

FEBRUARY 26

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To continue joint hearings with House Subcommittee on Employment Opportunities of the Committee on Education and Labor on proposed legislation establishing employment training policies.
2175 Rayburn Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Assistant Secretary for Health, scientific activities overseas, and retirement pay for commissioned officers, Department of Health and Human Services.
1114 Dirksen Building

Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To resume oversight hearings to review the capacity, distribution, and status of the strategic petroleum reserve.
3110 Dirksen Building

Environment and Public Works
To resume hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
4200 Dirksen Building

11:00 a.m.
Rules and Administration
Business meeting, to consider committee resolutions requesting funds for operating expenses for 1982, and to promulgate regulations to implement the postal patron provisions of Public Law 97-69, strengthening and clarifying the congressional franking law.
301 Russell Building

MARCH 1

10:00 a.m.
Environment and Public Works
To resume hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
4200 Dirksen Building

MARCH 2

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for Centers for Disease Control, Department of Health and Human Services.
1114 Dirksen Building

10:00 a.m.
*Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings to examine the impact of stress on the family caused by the workplace.
4232 Dirksen Building

10:30 a.m.
Veterans' Affairs
To hold hearings to receive the Blinded Veterans Association, Paralyzed Veterans of America, and World War I veterans' legislative recommendations for fiscal year 1983.
318 Russell Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Health Services Administration, Department of Health and Human Services.
1114 Dirksen Building

Environment and Public Works
To continue hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget committee.
4200 Dirksen Building

MARCH 30

9:30 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings on the role of the Federal Government in the operation of American payment systems.
5302 Dirksen Building

Labor and Human Resources
Business meeting, to consider those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Alcohol, Drug Abuse and Mental Health Administration, Department of Health and Human Services.
1114 Dirksen Building

Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

Veterans' Affairs
Business meeting, to consider those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
412 Russell Building

2:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Health Resources Administration, Department of Health and Human Services.
1114 Dirksen Building

MARCH 4

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the American Battle Monuments Commission, Army Cemeterial Expenses, the Office of Consumer Affairs, and Consumer Information Center.
1224 Dirksen Building

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Health Care Financing Administration, Department of Health and Human Services.
1114 Dirksen Building

Environment and Public Works
To resume hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
4200 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Social Security Administration and refugee programs, Department of Health and Human Services.
1114 Dirksen Building

MARCH 5

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for human development services of the Department of Health and Human Services.
1114 Dirksen Building

MARCH 8

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on H.R. 3663, revising the regulation of motor carriers of passengers.
235 Russell Building

MARCH 9

10:00 a.m.
Environment and Public Works
Business meeting, to consider those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4200 Dirksen Building

MARCH 10

9:30 a.m.
Labor and Human Resources
Business meeting, to resume consideration of those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to continue consideration of those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4200 Dirksen Building

MARCH 11

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 1748, exempting certain employers from withdrawal and plan termination insurance provisions of title IV of the Employee Retirement Income Security Act (ERISA).
4232 Dirksen Building

10:30 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

MARCH 12

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on expanding employment opportunities for older workers.
4232 Dirksen Building

MARCH 15

9:00 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed authorizations for the railroad financial assistance program, Department of Transportation.
235 Russell Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for elementary and secondary education and education block grant programs, Department of Education.
1114 Dirksen Building

MARCH 16

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on the extended family.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Consumer Product Safety Commission and the Office of Revenue Sharing (New York City loan program).
1318 Dirksen Building

Appropriations
Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for impact aid, vocational and adult education, libraries, and learning resources programs, Department of Education.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for education for the handicapped, rehabilitation services, and handicapped research programs, Department of Education.
1114 Dirksen Building

MARCH 17

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume hearings on S. 1748, exempting certain employers from withdrawal and plan termination insurance provisions of title IV of the Employee Retirement Income Security Act (ERISA).
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for student financial assistance, student loan insurance, higher and continuing education, higher education facilities loan and insurance, college housing loans, educational research, and training activities overseas, Department of Education.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Institute of Education, Fund for the Improvement of Post-secondary Education (FIPSE), and education statistics, Department of Education.
1114 Dirksen Building

MARCH 18

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for special institutions, Howard University, departmental management (salaries and expenses), and the Office for Civil Rights, Department of Education.
1114 Dirksen Building

MARCH 19

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on productivity in the American economy.
4232 Dirksen Building

MARCH 23

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Veterans' Administration.
1224 Dirksen Building

MARCH 26

9:00 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed authorizations for the railroad safety program, Department of Transportation.
235 Russell Building

9:00 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on productivity in the American economy.
4232 Dirksen Building

MARCH 30

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold oversight hearings on the implementation of sex education programs.
4232 Dirksen Building

10:00 a.m.
Veterans' Affairs
To hold hearings to receive Veterans of Foreign Wars legislative recommendations for fiscal year 1983.
318 Russell Building

APRIL 1

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on promoting voluntarism in America.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Federal Emergency Management Agency and the Selective Service System.
1224 Dirksen Building

APRIL 2

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on productivity in the American economy.
4232 Dirksen Building

APRIL 14

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Health and Human Services.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Health and Human Services.
1114 Dirksen Building

APRIL 15

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Science and Technology Policy and the Council on Environmental Quality.
1224 Dirksen Building

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Education.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Education.
1114 Dirksen Building

APRIL 16

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on productivity in the American economy.
4232 Dirksen Building

APRIL 20

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Environmental Protection Agency.
1224 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Labor.
1114 Dirksen Building

APRIL 21

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Employment and Training Administration, Department of Labor.
1114 Dirksen Building

APRIL 22

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold oversight hearings on the implementation of title X of the Public Health Service Act relating to the health aspects of teenage sexual activity.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Labor-Management Services Administration, Pension Benefit Guaranty Corporation, and the Employment Standards Administration, Department of Labor.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Occupational Safety and Health Administration (OSHA), and the Mine Safety and Health Administration, Department of Labor.
1114 Dirksen Building

APRIL 23

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for Bureau of Labor Statistics, departmental management services, and the President's Committee on Employment of the Handicapped, Department of Labor.
1114 Dirksen Building

APRIL 27

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Science Foundation.
1224 Dirksen Building

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

APRIL 28

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

APRIL 29

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on community social support systems.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

10:30 a.m.
Veterans' Affairs
To hold hearings to receive AMVETS legislative recommendations for fiscal year 1983.
Room to be announced

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

MAY 3

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 4

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Aeronautics and Space Administration.
1224 Dirksen Building

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

2:00 p.m
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 5

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 6

10:00 a.m
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 7

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from congressional witnesses on proposed budget estimates for fiscal year

1983 for certain programs under the subcommittee's jurisdiction.

1114 Dirksen Building

MAY 11

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the National Institute of Building Sciences, Federal Home Loan Bank Board, and National Credit Union Administration.

1224 Dirksen Building

MAY 18

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development.

1224 Dirksen Building

MAY 19

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development, and the Neighborhood Reinvestment Corporation.

1224 Dirksen Building

MAY 24

10:00 a.m.

*Appropriations

HUD-Independent Agencies Subcommittee

To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.

1224 Dirksen Building

MAY 25

10:00 a.m.

*Appropriations

HUD-Independent Agencies Subcommittee

To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.

1224 Dirksen Building

SEPTEMBER 21

10:30 a.m.

Veterans' Affairs

To hold hearings to receive American Legion legislative recommendations for fiscal year 1983.

318 Russell Building

CANCELLATIONS

FEBRUARY 5

9:30 a.m.

Labor and Human Resources

Business meeting, to resume markup of S. 1182, proposed Longshoremens and Harbor Workers Compensation Act Amendments of 1981, and S. 1785, proposed Labor Management Racketeering Act of 1981.

4232 Dirksen Building

HOUSE OF REPRESENTATIVES—*Thursday, February 4, 1982*

The House met at 11 o'clock a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, for good and gracious people whose lives are filled with such joy and whose actions are full of devoted service that we benefit by their presence. We thank You that the radiant spirits of others encourage us and help give meaning to our lives. In spite of the worries and concerns of our time, grant to all of us the perspective of Your kingdom where peace and good will will reign among people and love will be the measure of our relationships. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

SHAME ON RONALD W. REAGAN

(Mr. JOHN L. BURTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHN L. BURTON. Mr. Speaker, I am appalled that President Reagan is giving $55 million of American taxpayers' money to the nun-killers in the Government of El Salvador. I am equally appalled by General Haig's statement that America will do whatever it takes to win the war in El Salvador.

I did not know that the Congress of the United States had declared war in El Salvador. I do know, however, that the President has declared war on the elderly and the poor and the working people of this country. He cannot find money to help our own citizens but he can find $55 million of taxpayers' money to go to the nun-killers of the Government of El Salvador.

I say, shame, Ronald W. Reagan—shame.

NATURAL GAS PRICES: SPEEDING UP DEREGULATION MAKES NO SENSE

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, over the past several weeks, consumers in my part of the country have been hit by dramatically increased natural gas bills. Many have found themselves with bills that more than doubled in just 1 month even in spite of real efforts to conserve. There is no question about what that does to the plans of budget-conscious families and businesses. It makes them wonder just what they can do to keep their own budgets balanced.

But while this is going on, the administration is still sending out mixed signals about what it plans to do with regard to natural gas pricing policy. There is still talk from the administration about going ahead with plans to speedup the phased-in deregulation that was written into law several years ago. When we are supposedly trying to get inflation rates down, that makes absolutely no sense at all.

It is evident to me, from listening to a good number of Kansans, that we cannot and should not even consider expediting the further decontrol of natural gas prices. To do so would be a slap in the face to the people of this country we are supposed to be working to protect from inflation. I would hope that the President will reconsider his position, or else he will suffer a major defeat in Congress.

AS WENT TELEVISION MANUFACTURING, SO WILL GO COMPUTERS

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHULZE. Mr. Speaker, whatever happened to the once dominant U.S. color television manufacturing industry? Some of us remember when there was one, making products the world wanted, employing men and women, and generating profits that resulted from American innovation.

But those days are gone. Today, our manufacturers are reduced to the final stages of manufacturing only. If they have survived at all, they are putting subassemblies together in cabinets, and marketing what, for all intents and purposes, is a foreign-made product.

Color televisions, or their subassemblies are now made in Japan because the Japanese found a way to destroy the ability of American manufacturers to compete.

I am not talking about fair competition by the Japanese. I am talking about predatory practices.

In 1976, color televisions were selling here for half of the price charged by Japanese companies in their own country. U.S. products could have competed and won a significant market share in Japan. But the Japanese closed their markets to us, so we could not get the benefits of the new product we had developed.

The Japanese companies, with assistance from their Government, had their domestic market all to themselves. After selling millions of units to their own people and building up a home-based industry free from American competition, the Japanese undercut the American price and flooded us with color televisions.

The result was predictable. American producers were driven out of business, leaving the markets open for the Japanese to exploit. If Americans had been allowed into the Japanese markets as rightfully they should have been, there would have been fair competition, and I would not be remarking on the subject today.

Let me point out one thing to my colleagues: As went color televisions, soon will go computers and commercial aircraft.

Will the Japanese play fair in those markets? When was the last time they played fair?

Are we going to sit here and let it happen? I for one, will not.

Shortly, I will introduce legislation to provide appropriate response to the way Japan has done business all these years.

THE SEARCH FOR PEACE IN EL SALVADOR

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I would like to take this opportunity to express my admiration for remarks made yesterday by the distinguished majority leader, Mr. WRIGHT.

His plea for patience and understanding in the case of the El Salvador Government is in the great bipartisan tradition of American foreign policy.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Mr. WRIGHT got to the heart of the matter. He reminded us that President Duarte of El Salvador is the only hope of democratic values and human rights in that country.

The choice is not between Duarte and democracy as some say. The choice is between Duarte and terrorism of the left and right. The electoral process will go forward under Duarte's leadership.

To those who, in Mr. WRIGHT'S words, have been seduced by the "siren song" of leftist propaganda, I can only ask: Can you tell me of any country that has ever fallen to Marxist-Leninist terrorists and had free elections?

The distinguished majority leader has brought reason and logic and good sense to bear on a difficult problem. We owe him a vote of thanks.

MAKING IN ORDER ON TOMORROW OR ANY DAY THEREAFTER CONSIDERATION OF HOUSE JOINT RESOLUTION 389, URGENT SUPPLEMENTAL APPROPRIATION FOR DEPARTMENT OF AGRICULTURE, 1982

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that it may be in order on tomorrow or any day thereafter to consider in the House the joint resolution (H.J. Res. 389) making an urgent supplemental appropriation for the Department of Agriculture for the fiscal year ending September 30, 1982.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. CONTE. Reserving the right to object, Mr. Speaker, as I understand it, the gentleman is asking unanimous consent merely on the Commodity Credit Corporation, or on the entire urgent supplemental?

Mr. WHITTEN. That is right, CCC to be considered in the House. May I point out what is involved here?

Mr. CONTE. This only means the CCC?

Mr. WHITTEN. There are three other items.

Mr. CONTE. The gentleman will take those separately?

Mr. WHITTEN. Yes; take them separately. They were introduced separately and will be taken up separately.

Mr. CONTE. Mr. Speaker, I yield to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Speaker, I thank the gentleman for yielding. Under his reservation of objection, I might inquire of the distinguished chairman of the Appropriations Committee in the request to bring up this supplemental for Commodity Credit Corporation, is it next week sometime, a date certain?

Mr. WHITTEN. I said tomorrow or any other date. Of course, it is up to the leadership to make that determination. I did not know what they might say.

Mr. MICHEL. I might say that my concern or reservation would have to do with taking it up in the House where there is no opportunity for amendment, although there is reserved for the minority a motion to recommit. Would the gentleman give us some assurance that maybe some of our fears could be allayed and we might withdraw the reservation?

Mr. WHITTEN. Certainly, I think it should be, and may I describe why. This has to do with a direct appropriation. As we all know, the Commodity Credit Corporation has a legal responsibility to support prices through loans, payments, and otherwise.

It is against the law for them to fail to do that. On the other hand, there is another law that says that if they do it without having the money, that that is in violation of the law.

Our committee, in view of the urgency of this matter, and as I understand it, the money will run out perhaps in a week, under this request. In view of the urgency, I have heard of several things that have developed since, but at that time the reason we did this was so that we could get this on through and prevent a stalemate and violation of the law either way. If they do support the prices, they are in violation of law. If they do not, they are in violation. So, what we do here, and the gentleman from Illinois, the distinguished minority leader, is familiar with this, is to restore prior losses, which limits it to that and all of these other things of which I was aware, and one of them I had not heard of at the time. I suggested this approach. I did talk to Mrs. SMITH of Nebraska on the committee and my friend from Massachusetts.

We restored capital impairment that occurred prior to that so we could keep this from becoming a Christmas tree from our colleagues on the other side and get on with our business, because it is a real emergency. So, by doing it this way we tried to avoid any amendments that would change it and delay its progress. The losses have been incurred. There is authority for the appropriation. If you open it up to all sorts of amendments, you invite dangerous delay. We thought it better to do it this way.

There is one other secondary benefit. It does not make us reach the top limit, which could cause us some trouble in the authorization if we had not done it this way. So, I think if we recognize the absolute emergency, it is wise for us to do it in such a way that it will not pick up barnacles that it would if we handled it in another manner.

Mr. MICHEL. Might I inquire of the distinguished chairman what effect this might have with respect to what has become a rather controversial item in the restoration of Commodity Credit, having to do with those loans or foodstuffs shipped to Poland?

Mr. WHITTEN. This money that we have restored—the capital impairment—would not touch that side, top, or bottom. It would not affect that in any way.

Mr. MICHEL. It is quite conceivable that either the gentleman from California or the gentleman from Massachusetts would want a followup question on that.

Mr. CONTE. Mr. Speaker, as I understand the gentleman's unanimous-consent request, it would bring this, the CCC bill or appropriation, into the House, and therefore, will be not subject to amendments, but the motion to recommit will be preserved.

Mr. WHITTEN. That would always be in order. That is my understanding.

Mr. CONTE. I will yield to my friend from California (Mr. LEWIS).

Mr. LEWIS. Mr. Speaker, I thank my friend.

First, let me say that I apologize for not being in the committee last Friday.

Mr. WHITTEN. We met Friday because it was the only chance we had. I recognize that the gentleman is a valuable member of the committee, but it came up quickly and we had to do it.

Mr. LEWIS. My concern goes to the point raised by the minority leader, Mr. MICHEL. That is the question of CCC credit moneys going to relieve the pressure in Poland.

□ 1115

Let me speak briefly to my concern. If the gentleman's bill does not allow the $5 billion that might be available to serve that purpose, it nonetheless does relieve pressure elsewhere. Something occurred just recently that should be of concern to our committee which is so concerned about the American farmer; that is that it is apparent that banks indicated they were going to need $71 million. Under normal circumstances, when a creditor so requests, if it is a formal request, then suddenly the person who received the loan in the first place is in default.

My concern is to make certain that if in the future CCC is going to give out that money, there be a formal request from the creditors. I suggest that might be a technical amendment to the bill that could be handled in committee.

Mr. WHITTEN. Mr. Speaker, may I say to my colleague, the gentleman from California (Mr. LEWIS), that I have the same concern he has, but I have concern about other situations in our 50 States. That is the reason we restore capital impairment so as not to get into that, because at the end of the week all the folks dealing with CCC may be violating the law in one way or another. They will be violating the law if they do not make these loans and payments. That is one law. As to another piece of legislation, if

they do it without the money, they are violating the law.

Realizing the real emergency we moved as promptly as possible. I had not heard of the particular Polish problem at that time. I do not think it had arisen as far as the press is concerned. But I am aware, having gone through this last year and from the Senate hearings, I wanted it where these things could be handled on the merits and on the hearings.

I had not heard of this, but there are other very urgent problems which were the basis of our action. We are dealing with the one item, and it is important that we get this through as soon as possible. That is the reason we wrote it like this, so the matters could be settled. As I said, I had not heard of this one at this time. As the gentleman knows, when we get to everybody in particular, there is no telling what would show up if we have a direct appropriation with all manner of unknown amendments in view of the urgency.

Mr. LEWIS. Mr. Speaker, I thank the committee chairman.

Will the gentleman yield further?

Mr. CONTE. I yield to the gentleman from California.

Mr. LEWIS. Mr. Speaker, I would ask the gentleman from Massachusetts, addressing myself to the specific concern, could we solve the problem under a motion to recommit?

Mr. CONTE. Definitely so. It has been a pleasure for me to serve with the gentleman from California (Mr. LEWIS). He has been a very valuable member of our Appropriations Committee. If the gentleman would read the language he would like to insert, we will put that in the motion to recommit.

Mr. LEWIS. Mr. Speaker, I thank the gentleman.

The language would read as follows:

Page 2, after line 7, add the following new language: "None of these funds can be paid by the Commodity Credit Corporation for payment on guaranteed loans to Poland unless the primary creditors have requested such payment."

Mr. CONTE. Mr. Speaker, that language is fine with me.

Mr. LEWIS. Mr. Speaker, I thank the gentleman.

Mr. CONTE. Mr. Speaker, I withdraw my reservation of objection.

Mr. WHITTEN. Mr. Speaker, I renew my request.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

MAKING IN ORDER ON TOMORROW OR ANY DAY THEREAFTER CONSIDERATION OF HOUSE JOINT RESOLUTION 390, URGENT APPROPRIATION FOR THE ENVIRONMENTAL PROTECTION AGENCY, 1982

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that it may be in order on tomorrow or any day thereafter to consider in the House as in Committee of the Whole, the joint resolution (H.J. Res. 390) making an urgent appropriation for the Environmental Protection Agency for the fiscal year ending September 30, 1982, and for other purposes.

Mr. Speaker, I point out that this consideration would be in the House as in the Committee of the Whole. I would point out to my colleagues in making this request that legislation was passed on waste treatment too late for it to be included in the regular appropriation bill for the current fiscal year.

In many areas of the country we have presently had Department of Health condemning operations, and the need for this is very urgent. But we do leave it where it is subject to amendment, and we ask that the request be granted.

Mr. CONTE. Mr. Speaker, we have no objection to the request.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

MAKING IN ORDER ON TOMORROW OR ANY DAY THEREAFTER CONSIDERATION OF HOUSE JOINT RESOLUTION 391, URGENT SUPPLEMENTAL APPROPRIATION FOR THE DEPARTMENT OF LABOR, 1982

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that it may be in order on tomorrow or any day thereafter to consider in the House the joint resolution (H.J. Res. 391) making an urgent supplemental appropriation for the Department of Labor for the fiscal year ending September 30, 1982.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. CONTE. Mr. Speaker, reserving the right to object, and I will not object, as I understand it, this is for the unemployment compensation benefits, $210 million for the employment offices, the services offices?

Mr. WHITTEN. Mr. Speaker, if the gentleman will yield, this is to keep the offices open and provide the funds for benefits and increased workload. It is something that we have to have.

Mr. CONTE. Mr. Speaker, this is really urgent, and there is an emergency out there. My question is, can we expect to take this up on Monday or Tuesday?

Mr. WHITTEN. All I am asking for is Friday or any other day. Of course, it is up to the leadership as to what day it comes to the floor. I anticipate they will bring it up as soon as possible, but I do not know when.

Mr. CONTE. Mr. Speaker, I will yield to the majority leader, the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Speaker, if the gentleman will yield, it is the plan to bring that bill up on Tuesday next along with some of these other matters, and I would be happy to discuss this with the minority leader and, of course, with the gentleman from Massachusetts at the proper time.

Mr. CONTE. Mr. Speaker, I am pleased to hear that because I have been called and I am sure the chairman of the committee has been called by many, many of our Members who are very concerned about these offices being closed, and we must move this as expeditiously as possible.

Mr. WHITTEN. Certainly.

Mr. CONTE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. LOTT. Mr. Speaker, reserving the right to object, if I could, I would like to address a couple of questions to the distinguished chairman of the Committee on Appropriations.

This is, as I understand it, on the unemployment compensation and other matters of supplemental appropriation. I guess I am asking these questions as a member of the Committee on Rules as much as anything.

My understanding of the gentleman's request is that we waive the budget or any rules of the House that might in any way complicate or rule out bringing up this legislation; is that correct?

Mr. WHITTEN. Mr. Speaker, if the gentleman will yield, it is primarily just to waive the 3-day rule. I know of no other rule that we have to waive. I do not have anything like that in mind, but it does waive that so we can move ahead.

Mr. LOTT. What about section 311(a) of the Budget Act? Is there a budget problem of hitting the ceiling?

Mr. WHITTEN. In the first place, I do not know how that applies. It is my information that technically we are not in excess of the budget right now. That might be open to question on this, that, or the other thing. My purpose in offering this is so we could move ahead regardless. What I had in mind was the 3-day rule.

The SPEAKER. May I answer the gentleman? It does not waive all points of order.

Mr. LOTT. Mr. Speaker, that is what I wanted to ask.

The SPEAKER. I say to the gentleman from Mississippi that it does not

waive all points of order but makes it in order to call the bill up under the conditions stated.

Mr. LOTT. If I could, Mr. Speaker, I would address the question to the chairman, or perhaps the Chair could respond.

The SPEAKER. The Chair understands the gentleman is speaking, of course, with regard to the Budget Act, the budget authority. This request, as stated, does not waive a point of order, if some Member would get on the floor to offer a point of order under the Budget Act.

Mr. LOTT. Mr. Speaker, is it my understanding a point of order would lie on this point of the Budget Act when it comes to the House?

The SPEAKER. The Chair would state that a proper point of order at that time would be entertained.

Mr. LOTT. Mr. Speaker, I thank the gentleman from Mississippi for his response, and I thank the Chair, because I know there is some concern about budget impact, and I realize this is emergency legislation and the gentleman wants to bring it up as soon as possible. I am sure that this side wants to cooperate in that.

Mr. WHITTEN. Mr. Speaker, if the gentleman will yield further, the gentleman understands that we do not waive any points of order under the Budget Act or on the other hand any objection we might have to such a point of order. But as announced by the Speaker, we do not ask for a waiver of points of order; neither do we know for sure of any point of order that would lie in regard to the Budget Act.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, certainly a point of order would be in order, but as I understand it, it would not be sustained because we are not over the budget ceiling.

Mr. LOTT. All right. That is the question in my mind, and that is why I have been asking these questions.

Mr. Speaker, further reserving the right to object, I have one further question.

I will ask the chairman, is it anticipated that these four supplementals—three or four or however many the gentleman is going to ask for—would be brought up separately, or is it anticipated they would be brought up in one vote?

Mr. WHITTEN. Mr. Speaker, if the gentleman will yield, may I say that I deliberately introduced them separately. They do differ. Two at least are of extreme emergency. The others are very necessary. But I introduced them separately so the House could deal with them separately. I have every intention of bringing them up separately.

Mr. LOTT. Mr. Speaker, further reserving the right to object, I will not object at this point because I know there is an urgency involved here and we need to get at least one or two of these bills through, but I would like to express under this reservation that I am a little bit disturbed about doing this under a unanimous-consent request. However, I will not object at this time.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

MAKING IN ORDER ON TOMORROW OR ANY DAY THEREAFTER CONSIDERATION OF HOUSE JOINT RESOLUTION 392, URGENT SUPPLEMENTAL APPROPRIATION FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, 1982

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that it may be on order on tomorrow or any day thereafter to consider in the House as in Committee of the Whole the joint resolution (H.J. Res. 392) making an urgent supplemental appropriation for the Department of Health and Human Services for the fiscal year ending September 30, 1982.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON HOUSE JOINT RESOLUTION 389, SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF AGRICULTURE, 1982

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on the joint resolution (H.J. Res. 389) making supplemental appropriations for the Department of Agriculture for the fiscal year ending September 30, 1982.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. CONTE. Mr. Speaker, reserving the right to object, could the gentleman from Mississippi (Mr. WHITTEN) explain this request?

Mr. WHITTEN. Mr. Speaker, if the gentleman will yield, by the time we finish the full committee meeting today I do not know that the House will be in session.

Mr. CONTE. All right. The gentleman is asking permission to file up to midnight; is that right?

Mr. WHITTEN. The gentleman is correct.

Mr. CONTE. On all four of them?

Mr. WHITTEN. The gentleman is correct.

Mr. CONTE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON HOUSE JOINT RESOLUTION 390, URGENT APPROPRIATION FOR THE ENVIRONMENTAL PROTECTION AGENCY, 1982

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on the joint resolution (H.J. Res. 390) making an urgent appropriation for the Environmental Protection Agency for the fiscal year ending September 30, 1982, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON HOUSE JOINT RESOLUTION 391, URGENT SUPPLEMENTAL APPROPRIATION FOR THE DEPARTMENT OF LABOR, 1982

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on the joint resolution (H.J. Res. 391) making an urgent supplemental appropriation for the Department of Labor for the fiscal year ending September 30, 1982.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON HOUSE JOINT RESOLUTION 392, URGENT SUPPLEMENTAL APPROPRIATION FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, 1982

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on the joint resolution (H.J. Res. 392), making an urgent supplemental appropriation for the Department of Health and Human Services for the fiscal year ending September 30, 1982.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

TENTH ANNUAL REPORT ON ADMINISTRATION OF THE FEDERAL RAILROAD SAFETY ACT OF 1970—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Energy and Commerce:

To the Congress of the United States:

I transmit herewith the Tenth Annual Report on the Administration of the Federal Railroad Safety Act of 1970 (45 U.S.C. 421 et seq.) as required by that Act. This report was prepared in accordance with Section 211 of the Act and covers calendar year 1980, preceding my term of office.

RONALD REAGAN.

THE WHITE HOUSE, *February 4, 1982.*

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked to proceed for 1 minute for the purpose of inquiring of the distinguished majority leader as to the program for the balance of this week and for next week.

Mr. WRIGHT. Mr. Speaker, if the gentleman will yield, it would be our purpose upon adjournment today to adjourn over until Monday noon, with no session scheduled for tomorrow.

Monday would be a pro forma session. But beginning Tuesday there are several very important pieces of legislation scheduled for our action. As the gentleman knows, upon completion of business Wednesday, the House is scheduled to commence the home district work period commemorating the birthdays of Abraham Lincoln and George Washington.

Mr. MICHEL. And that will be at the close of business on Wednesday?

Mr. WRIGHT. That is correct.

On Tuesday and Wednesday, meeting at noon on Tuesday and at 3 p.m. on Wednesday, the House would first take up one suspension: H.R. 4935, the securities and commodities trading amendments.

Then we would begin action on these four urgent supplemental appropriations: The urgent supplemental appropriation for the Labor Department, the one that deals with unemployment compensation and with the employment services; the one on Health and Human Services which would provide funds for the low income energy assistance; the one providing funds for EPA construction grants; and the one providing for Commodity Credit Corporation supplemental funds.

Mr. PEYSER. Mr. Speaker, will the gentleman yield for a question on that?

Mr. MICHEL. I am happy to yield to the gentleman from New York.

Mr. PEYSER. Mr. Speaker, I thank the gentleman for yielding.

On the Commodity Credit Corporation, I am wondering on what basis that is coming to the floor. Is that coming up under an open rule, or is that going to be subject to amendment on the floor? What is the situation on that?

Mr. WRIGHT. Mr. Speaker, as I understand it, that would be considered in the House and would be subject to the same strictures as normal.

Earlier there was a discussion or a colloquy which took place between the gentleman from Mississippi (Mr. WHITTEN), the chairman of the committee, and the ranking minority member of the committee, the gentleman from Massachusetts (Mr. CONTE), and as I recall, there was a question as to whether it would be in order to offer a recommittal motion that would have to do with payments of these funds to Poland, and according to my recollection, there was a general agreement that, of course, that recommittal motion would be in order and, as I understand it, will be made. It would, of course, have to be germane to the bill. Now, beyond that, I have no further information that I could divulge.

Mr. MICHEL. Mr. Speaker, I might make a further observation, without being especially briefed in any way by the members of the Committee on Appropriations. If my memory serves me correctly, particularly if the figure is going to be in the $5 billion range, with the bumper crops we had, No. 1, and the low prices prevailing, many, many of our farmers are obviously putting their grain under seal for the loans, and with the Commodity Credit Corporation at one time being capitalized at $14 billion—I am not sure if that figure still prevails.

Mr. PEYSER. It is now capitalized at $20 billion.

□ 1130

Mr. MICHEL. All right. At $20 billion. And so obviously what we need here is the cushion between what we currently have and what we are going to need to continue to finance those.

I did raise the question earlier, under a reservation, with the chairman, because there were Members expressing concern with respect to those defaulted loans on Poland. Just to preserve the minority's right, while taking something of this nature up in the House, being foreclosed from amendment, we do have a motion to recommit that would be available.

Mr. PEYSER. If the gentleman will yield, do I understand, then, that there will not be an opportunity of amending that Commodity Credit on the floor?

Mr. MICHEL. Not since the unanimous consent was agreed to to take it up in the House.

Mr. PEYSER. Well, then, it is amendable, is it not?

Mr. MICHEL. No; it is not.

Mr. PEYSER. It is not.

Mr. MICHEL. A motion to recommit would qualify, under the legislative process; but amendments would be foreclosed.

Mr. PEYSER. I thank the gentleman for his answer.

Mr. WRIGHT. Mr. Speaker, I point out to the gentleman, if the gentleman from Illinois will yield further, that the necessity for supplementing the Commodity Credit program comes about from low crop prices. Commodity prices, crop prices, seem now to be 55 percent of parity, and that is the lowest percent of parity that crop prices have suffered since, I think, March of 1933.

Mr. PEYSER. Mr. Speaker, if the gentleman from Illinois will yield again, so that I may direct a statement to the majority leader, the reason I raise the question is that I am sure the gentleman is aware that in the last 3 years now, the Commodity Credit Corporation has lost, has put down in a loss column, over $7 billion.

Now, I recognize the problems that the farmers are facing on this. However, what is very disturbing is that amount of money. We have well over a billion dollars of interest that was due that has never been paid, and that is an excepted part of the program. The thing that is very concerning here is that, starting in October of this year, the new sugar program is coming into this Commodity Credit Corporation, and they are anticipating there an expenditure of nearly $900 million in addition.

To me, what we are suddenly onto here is going to be one of the biggest parts of any item in the budget except for the very major huge items of defense, and other things of that nature. And it is a real concern, I think, to many Members of the House as to the policy of not collecting interest on any of these loans and just letting them default, with no interest payments. And, as I say, one of the biggest violators is going to be the sugar program that is now going into it. And that is why I was interested in the question of amendment. I understand the need of the farmers on this, and I do not want to deny it. But I think it is very difficult, when we are talking about students not paying their loans, when only 8 percent of them do not pay, and we have 100 percent of the farm loans in default, with no interest being paid and none trying to be collected.

Mr. MICHEL. Mr. Speaker, if I might make an observation—and I regret that I am not as close to those figures, as the gentleman had to cor-

rect me on the total capitalization of CCC—when I was serving on that Subcommittee on Appropriations having to do with agricultural appropriations, I got the point where I was insisting that we always keep the books balanced on commodity credit, that we did not want to go back to the days when we were 9 years behind in our payments, carrying charges, interest, and all of the rest, which was simply an additional charge upon the taxpayer.

I regret to learn—and I assume the gentleman is up on his figures—that we are now going back to that same old discredited practice. And better that we balance up those books on an annualized basis, to know what these specific commodity programs are costing the taxpayers. You only do that when the books are balanced on an annual basis.

Mr. PEYSER. If the gentleman will yield further, the Commodity Credit Corporation has put out and actually submitted to the committee the other day a very revealing statement of just where these moneys are going and just where the losses are. It is just an unbelievable amount of money that is involved here now, and they are indicating they may be back here in 3 months' time for more, the way it is going right now. This is a tremendous interest item, which is totally uncollected, and not only uncollected, there is not even an effort to collect it. We are swallowing it. The taxpayers are swallowing it.

Mr. MICHEL. I think the distinguished majority leader had another piece of legislation scheduled for next week, and before he responds, I am wondering, since he made mention of our coming in at 3 o'clock on Wednesday, and that being the getaway day, would there be objection to our coming in at noon on Wednesday and maybe availing the Members of an opportunity of getting away earlier, with plane schedules being diminished, as they are, et cetera.

Mr. WRIGHT. Mr. Speaker, let me suggest to the distinguished minority leader that we will see on Tuesday. If we are able to finish all of this legislation on Tuesday, that would be the optimum, most desirable arrangement, it seems to me, and I can imagine that we may. But if we are unable to do that, then at that time I think we could reconsider and consider coming in earlier on Wednesday.

Mr. MICHEL. I thank the gentleman.

Mr. WRIGHT. Obviously, if we are able, as we would hope, to complete this schedule on Tuesday, then it would be a somewhat moot question.

We do have one additional bill, H.R. 4481, the Justice Assistance Act of 1981, which is a 1-hour open rule.

At the close of business on Wednesday, the House will adjourn until 3 p.m. on Wednesday, February 17, for the Washington-Lincoln district work period.

Mr. MICHEL. I thank the gentleman.

ADJOURNMENT TO MONDAY, FEBRUARY 8, 1982

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon at Monday next.

The SPEAKER pro tempore (Mr. BOLLING). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. LEVITAS. Reserving the right to object, Mr. Speaker, I reserve the right to object in order to make an inquiry of the distinguished majority leader.

One of the major pieces of legislation that is still pending and has not yet been considered is the Regulatory Reform Act. That bill, which has, in one form or another, been under consideration for about 4 years, was reported out of the Judiciary Committee in December; as a matter of fact, it is a part of the President's program that he outlined in the state of the Union address a year ago.

I am wondering if the majority leader has any indication for the Members as to when we might have the long anticipated opportunity to consider and vote on that extremely important piece of legislation.

Mr. WRIGHT. Well, as the gentleman from Georgia is aware, I support the initiative of the gentleman from Georgia, and I think it is an extremely important thing for the Congress.

To my knowledge, there has not been any request as of yet from the chairman of the Committee on the Judiciary for the scheduling of the legislation, and for that reason I think it has not been granted a rule. However, it would be my expectation, upon a request from the committee, it would come before the Rules Committee and, in due course, come before the House.

Mr. LEVITAS. Further reserving the right to object, Mr. Speaker, 'we are privileged and honored to have with us at this very moment the chairman of the Subcommittee of the Judiciary Committee that so ably handled that legislation in the Judiciary Committee, and I wonder if he might enlighten the Members as to when a rule might be requested.

Mr. DANIELSON. Mr. Speaker, will the gentleman yield?

Mr. LEVITAS. Under my reservation of objection, I would be happy to yield to the gentleman from California.

Mr. DANIELSON. Mr. Speaker, despite the honor of my presence here, there must be something good about this day.

I would like to point out that the regulatory reform bill is exceedingly complex. Due to the year-end recess, it was necessary to defer completion of the committee report. But because of the complexity of the legislation, we are putting together what I think will be a landmark report on this particular subject. It is almost completed, and when it is completed, then we will have a right to ask the Rules Committee for a hearing. But we certainly want every stone to be covered.

As the gentleman knows from the press, the subject of closest interest to this heart, namely, legislative veto, was just last week declared to be unconstitutional by one of our courts. There is a 104-page well-reasoned decision on that. I have not totally studied it. But we want to make some allusions to that in our report. This has held it up. I would say we would have our report ready within 10 days.

Mr. LEVITAS. Mr. Speaker, further reserving the right to object, in light of the gentleman's comment, I am pleased to know that there will not be any unnecessary delays in moving this forward once the report is completed.

Second, It is one of the matters closest to my heart, not the sole and exclusive matter closest to my heart.

Third, I might point out that the opinion by the Court of Appeals in this particular case, which is verbose because it had to disguise poor reasoning and wrong conclusions, will surely be appealed to the Supreme Court, since it is contrary to other decisions previously rendered by the courts with respect to legislative vetoes over rules and regulations.

Since there are approximately 250 Members of this House who are cosponsors of this legislation, I am just hopeful that we will afford them the anxiously awaited opportunity to help restore control to the people over the unelected bureaucrats.

Mr. DANIELSON. Will my friend, the gentleman from Georgia, yield further?

Mr. LEVITAS. Further reserving the right to object, I yield to the gentleman from California.

Mr. DANIELSON. Mr. Speaker, there are some who might comment that the gentleman is all heart. But I know that is not necessarily so. There is a lot of brain involved there as well.

89-059 O-85-54 (Pt. 1)

We will have a report ready within 2 weeks. If I cannot, I will see that somebody else does.

Mr. LEVITAS. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

NATIONAL STUDENT LOBBY DAY IS PLANNED FOR MARCH 1, 1982

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, I take the floor at this time to call attention to the fact that we are planning a National Student Lobby Day on March 1 of this year. That is just a few weeks away. Today we are issuing a call to students and campuses across the country to come to Washington on March 1 to present their case to Members of Congress, the administration, and hopefully the President himself, as to the plight they are in by the curtailment and increased cutbacks on student aid programs. Mr. Speaker, if this country is going to have a bright future and is going to move ahead, young America is entitled to and needs an education. I am hopeful that students will come to state their case and to express their needs.

FOOD FOR THE WORLD

(Mr. DANIELSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIELSON. Mr. Speaker, in this time of world hunger, of food shortage throughout the world, we can be proud in the United States that we are the largest single supplier of food to meet the needs of mankind.

Those of us from California are especially proud that our State is one of the principal food baskets of the world. Last night the entire California delegation was hosted at a traditional dinner by the California League of Food Processors. At the dinner Ron Peters, president of the league, gave us information which I wish to pass on to you, Mr. Speaker, and to our colleagues:

The California League of Food Processors is made up of canners and packers of fruits and vegetables processors of frozen foods, and of such special foods as cherries, olives and artichokes. The League has 34 member companies which operate about 80 facilities throughout the State and employ more than 60,000 people during the packing season. The annual payroll of the League is almost half a billion dollars and the members spend approximately $600 million for the fruits and vegetables which they process and about $1.5 billion for services, material and equipment.

California's total annual production of canned foods is more than 300 million cases with a present wholesale value of approximately $3.5 billion.

We in California, we in America, can be proud of our tremendous food processing industry, such as the California League of Food Processors, which makes it possible to process the product of our fields and orchards, to preserve them, and distribute them throughout the world for the betterment of mankind.

□ 1145

IRS TO DISCONTINUE ASSISTANCE TO TAXPAYERS

(Mr. JAMES K. COYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JAMES K. COYNE. Mr. Speaker, the Internal Revenue Service announced recently that it will no longer provide tax preparation services for taxpayers. The IRS will, however, continue to offer that service at its Capitol Hill office.

I question this new policy and I deplore the exception for Capitol Hill.

I support the President's economic recovery plan and I voted to reduce the budget at every reasonable opportunity. Although the elimination of the tax return preparation service is being touted as another method of reducing the budget, the IRS also recently announced that twice as many taxpayers will be audited in the next few years as were audited in the past. This will increase IRS expenditures. The Commissioner expressed the hope that increased audits will dissuade tax cheaters and ferret out questionable tax shelters. I laud this goal, but I question the outcome.

I do not doubt that the IRS will discover more irregularities in tax returns after it halts its preparation program. Miscalculation is understandable considering the incomprehensible nature of the tax forms and the constantly changing tax code. There will be overpayments as well as underpayments by law-abiding citizens who inadvertently miscalculate their income or tax assessment. The U.S. Treasury will lose money it can ill afford to lose whenever there is an underpayment and taxpayers will lose money they can ill afford to lose whenever there is an overpayment.

I do not believe we should save money by eliminating this service which provided benefits to both the Government and the taxpayer.

Furthermore, the exception for Capitol Hill is ludicrous. Congressmen are able to complete their tax returns as well as other Americans. In fact, they may be more able since Congressmen can use the money they are not paying in taxes to obtain professional tax assistance.

Congress already receives too many perquisites, from reduced-price haircuts in the House barbershop to tax breaks which, in effect, exclude many of us from almost any tax liability. We have earned a reputation for excluding ourselves from any painful laws—my constituents noticed that when the Government shut down on November 23, Congress did not, having carefully passed its own appropriations bill—and this is one more example of Congress putting itself above the citizens we serve.

The IRS exists not just to collect taxes but also to serve the taxpayers. The elimination of this service harms the taxpayer, especially the middle-class taxpayer who, in spite of his 5-percent tax reduction, has become disillusioned watching more and more money going to feed the seemingly insatiable appetite of Uncle Sam. The exclusion for those of us on Capitol Hill gives the impression that Government agencies provide different, "special" treatment for Congressmen.

We are not special. We, above all, should be required to suffer the consequences of our actions. I believe that the budget reductions we approved last year were necessary. I also believe that we in Congress must exhibit some responsibility for those reductions by sharing with the rest of the country the effects of our economic decisions.

THEY BLEW IT

(Mr. WINN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WINN. Mr. Speaker, partisan politics can be an integral part of the decisionmaking process in the U.S. Congress. The open forum, used responsibly, is essential to representative government in general and legislative responsibility in particular.

But the recent nationally televised state of the Union program as produced by the Democratic Party went too far. Criticism is one thing but a prepackaged show espousing the party line is another. The criticism, as put forth by Democratic Members of Congress, was not only nebulous in nature, but also misleading and, in some ways, downright irresponsible. When the Democrats' so-called state of the Union program was being produced, my colleagues on the other side of the aisle had very little inkling of what President Reagan was going to say in the real state of the Union address. So, instead of Democratic Members critiquing the President's remarks in a live interview forum, the American public was treated to a canned script

that resembled a Hollywood soap opera.

The American people deserve a range of legitimate alternatives as we attempt to solve the Nation's problems. Instead, the Democratic Party presented them with theatrics. The editorial follows:

[From the Kansas City Star, Jan. 28, 1982]

THEY BLEW IT

The taped critique was in the can a week before Ronald Reagan gave Congress his State of the Union report. The untimely, stale feel of the Democrats' own "State of the Union" presentation on national broadcasts was insulting enough. Worse, though, what the Democrats said, through comments by a new generation of party stars and interviewees selected to give that man-on-the-street flavor, was zero. Zilch. Nuthin.

If that follow-up to Mr. Reagan's act was the Democrats' best shot, it'll be a short war. The idea of having the out-of-power party counter the president's predictably partisan comments is a sound one. But not the way the Democrats handled it in 1982. Maybe next year—or the year after that, or the year after that.

The Democrats squandered their chance to give an intelligent political interpretation of the first year of the Reagan era. What should have followed Mr. Reagan's address of promises was a live critique by the party's best that nailed down the flaws as they see them. What Americans who stayed tuned got instead was more of the same quibbling about Mr. Reagan's programs. The Democrats don't seem to understand that the train is leaving the station and they're not going to be on it because they don't like the engineer.

THUNDERBIRDS AND BLUE ANGELS—HUMAN LOSS JUST TOO HIGH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MARKS) is recognized for 5 minutes.

● Mr. MARKS. Mr. Speaker, I rise today to introduce a sense of the Congress resolution expressing congressional sorrow at the recent and past loss of human life involved in the U.S. Air Force and U.S. Navy high-performance, precision flying teams.

On January 18, 1982, four members of the Air Force Thunderbirds died in the desert just north of Las Vegas, Nev. Apparently, either engine, instrument or human failure caused their deaths—deaths which I and all of my colleagues in the Congress regret intensely. Reading and hearing of the deaths of these four, fine young men—ranking as they must at the head of their profession—struck me an almost physical blow. The impact these tragedies have and will have on the family and friends of the lost pilots is obvious and there is no need for me to remind my colleagues further of that.

However, Mr. Speaker, I do feel that I should bring this matter once again before the House and urge that we express to the administration the sense of this Congress that the cost in both human life and national resources has become intolerably high and will, undoubtedly, go higher. Thirty-nine lives, and $50 million in lost aircraft, plus yearly costs of $6.3 million—I think that is more than sufficient to have paid—and the real price has been paid by the family and loved ones of those who have lost their lives carrying out orders given and taken in the line of duty.

Mr. Speaker, this is one issue which it would be very easy to demagog. Much could be said about the spectacular nature of these events, and I mean the word "spectacular" in its root sense. I will refrain from such language out of respect for the families of those who have lost their lives over the years in these programs. But I do maintain that the goals of instilling patriotism and inspiring young Americans to serve their country in the armed services can be achieved through other means. Further, the nature of the acrobatics performed by these incredibly brave men bear very little relationship to the tactics appropriate to fighter aircraft in a battle situation.

The resolution I introduce today expresses the sorrow of the Congress at all loss of life attendant to performances or practices. It further urges an end to such high-performance, precision flying teams and urges that a gold medal be presented to the families of all those who have lost their lives in such performances or practices.

Mr. Speaker, this is, indeed, a sad duty for me. I dislike urging a halt to these teams. However, a great Nation is not to be measured by providing crowd-pleasers but by its recognition of human priorities that make good sense. Preserving the lives yet to be lost in continuing these performances is vastly preferable to an unthinking bravado.●

OUR CONGRATULATIONS TO ITALY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 5 minutes.

● Mr. RODINO. Mr. Speaker, I have joined Congressman ANNUNZIO in sponsoring House Concurrent Resolution 260 because I believe the U.S. Government should publicly express its gratitude for the Republic of Italy's dedicated efforts to win the release of Brig. Gen. James Dozier.

This is yet another example of the Italian people responding courageously to battle the scourge of terrorism inflicted on their country over the past 2 years. They have resolved never to give in to pressures of lawlessness and violence, and always defend the democratic principles which are the foundation of Italy's republic.

When I led an American delegation to Rome in January, six of my House colleagues and I met with Italy's President Alessandro Pertini, who said that General Dozier's rescue was his "highest priority." The precision, professionalism, and persistence of the Italian police reflected this determined commitment to the safe return of our NATO deputy commander in Italy. In fact, everywhere our American delegation visited in Italy we were met by concerned Italian citizens who promised "we will find General Dozier."

Mr. Speaker, these are truly our friends—these staunch defenders of democracy.

I am proud to join in this resolution which expresses America's congratulations to our valuable ally. We should also send them our thanks.●

LEGISLATION TO PROVIDE ADDITIONAL MEDICAL BENEFITS AND BURIAL BENEFITS TO ELIGIBLE VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MOTTL) is recognized for 5 minutes.

● Mr. MOTTL. Mr. Speaker, I have today introduced two bills to expand medical benefits to veterans of the Mexican border period and World War I and to restore the payment of a burial allowance to all veterans and to increase that burial allowance to $400.

One bill would amend section 620 of title 38, to provide for the direct admission or transfer of veterans of the Mexican border period or World War I from a private hospital directly to a VA nursing home or a community nursing home under contract to the VA. At the present time the VA is authorized to furnish hopsitalization and outpatient care to these veterans; but to be eligible for admission to a VA nursing care bed or to a community nursing home under contract to the VA, the veteran must first be hospitalized in a VA facility. This bill would make possible the direct transfer of the patient to a nursing care facility. At the same time it would conserve hospital beds by avoiding the needless hospitalization in a VA hospital in order that the veteran may be outplaced in a nursing care facility.

The second part of the bill would amend section 628 of title 38 to authorize the direct admission of veterans of the Mexican border period and World War I to a private hospital in an emergency when it is of such nature that a delay would be hazardous to life or health. Such emergency admission would be at Government expense.

The other bill I am introducing would amend section 902 of title 38 to restore the payment of a burial allowance to all eligible veterans and to increase that burial allowance from $300 to $400. This is being introduced at

the request of the American Legion. The $300 allowance for certain veterans was amended by title XX of the Omnibus Budget Reconcilation Act of 1981. This reduction in the burial allowance was supposed to save an estimated $75 million in fiscal year 1982.●

FARM HOME ADMINISTRATION'S INSENSITIVITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 10 minutes.

● Mr. ALEXANDER. Mr. Speaker, I am appalled at the insensitivity demonstrated by the Farmers Home Administration as reported in the Washington Post today by its placing pressure on county level employees to collect delinquent farm loans or face losing their jobs.

Not only is this a travesty of the decency which should be expected in the working relationship between the U.S. Department of Agriculture and the FmHA county offices, but it also totally ignores the fact that low commodity prices and high interest rates have placed farmers in a position of being unable to repay these loans. Farmers who are experiencing problems repaying these loans—in Arkansas at least—are not bad managers. Rather they have been hit with pressures beyond their control.

I find this action totally distasteful—but even more distasteful to me is the fact that acceleration letters have been sent to 13,318 farmers advising them that they should pay up or get out of farming when the USDA and FmHA are insisting they are being lenient with farmers.

Less than a week ago at an Appropriations Subcommittee on Agriculture hearing, Secretary Block said "We want to stay with the farmer."

At that same meeting, Under Secretary of Agriculture Naylor said:

> The instructions we have given our people . . . have been to make full use of the discretionary authority available to them to finance these producers and carry them with operating loans for another year of operations . . .

While state directors and county officials of the FmHA have undoubtedly heard these instructions, there is an indication that an unspoken pressure is having more bearing on the situation. Many of the county officials fear their job performance will be evaluated on how many delinquencies they will clear and not on how well they exercise their discretionary authorities in order to be sure that FmHA continues to "stay with the farmer" in this time of need.

We need to stop this unspoken practice and allow the Farmers Home Administration to function by the policies that Secretary Block and Under Secretary Naylor have announced. If we do not we will drive farmers out of farming, and kill the lifeblood of this Nation.

I would like to make the Washington Post article a part of today's RECORD as I believe it will be of interest to my colleagues.

The article follows:

[From the Washington Post, Feb. 4, 1982]

U.S. INCREASING PRESSURE TO COLLECT ON DELINQUENT FARM LOANS

(By Ward Sinclair)

County-level employees of the Farmers Home Administration have been put on notice that their jobs may depend on how well they collect on delinquent operating loans to farmers.

The pressure on FmHA employees is apparently part of a wider effort at the agency to collect delinquent loans, which make up about 20 percent of the agency's portfolio.

FmHA's campaign apparently is producing results. Unpublished data at the Department of Agriculture indicate that through December, 2,395 farm foreclosures were "in process" and that 13,318 acceleration letters, warning farmers to pay up or else, had been sent out.

USDA and FmHA officials have insisted that the lending agency is being lenient with farmers, citing 1981 statistics that showed only 300 foreclosures out of 300,000 loans. Since November, however, FmHA has sent out 6,000 acceleration letters.

Charles W. Shuman, FmHA administrator, denies that the aim is to force farmers out of business, but he has threatened to withhold new loan money from states with delinquency rates "higher than deemed appropriate." Each state has been assigned a "goal" for cutting delinquencies. The goal averages about 23 percent.

FmHA, which holds 11 percent of all U.S. farm debt, provides year-to-year operating loans to farmers who cannot get credit through commercial channels.

Secretary John R. Block, although refusing to put a moratorium on foreclosures as some farm leaders had urged, announced two weeks ago that the department would walk an extra mile to help farmers through "these cloudy times."

Falling farm prices, high interest rates and rising production costs have put many FmHA borrowers under severe operating pressure, and the Department of Agriculture insists that FmHA is making extraordinary efforts to help farmers in debt to FmHA get new crop loans for 1982.

But Shuman and Frank Naylor, undersecretary of USDA for small community and rural development, will be pressed to explain seeming discrepancies between FmHA policy and promise when they appear today before a House Agriculture subcommittee on rural credit.

Although less than 1 percent of FmHA's approximately 300,000 borrowers have what Naylor last month called "even potentially a serious problem," concern over a stiffening of the agency's attitude toward beleaguered farmers has rippled through agriculture for months.

"There is no question that there's a squeeze at the top, and something has to pop out at the bottom," said Rep. Byron Dorgan (D-N.D.), a member of the credit subcommittee. "There is tremendous pressure to rein in those delinquencies . . . The word 'foreclosure' is irrelevant. How many forced liquidations will there be? We're being given tranquilizers while they tighten the noose."

Dorgan said he was not mollified by assurances from Block and Naylor. He said that a standard FmHA letter to delinquent farmers in North Dakota advises them to cut back operations or to consider leaving farming. "The fact is," Dorgan said, "the majority of these farmers are, beset with interest and price problems that have nothing to do with their management ability."

Part of the concern about FmHA policy stems from a document circulated by the Center for Rural Affairs, a public interest organization in Nebraska, which expanded data contained in a memo in which Shuman outlined the goals for reducing each state's delinquent accounts by March 31.

The center's analysts concluded that an average national goal of 23 percent had been set for delinquency elimination, although the figure varied from state to state. Shuman's memo to state directors also warned of reductions in loan money if the goals were not met.

Shuman acknowledged that less loan money would be available, but he insisted in an interview that the "goal" is only a goal—not a "quota," as some farmers and legislators suspect. "The English language tells me there is a tremendous difference between goals and quotas," he said. "The goal has not been changed and there is no reason to alter it."

He said the center's tabulation of national percentages was a distortion of his agency's work. "I expect that in the political arena," he said, "but I am appalled at the disservice this does to agriculture, what it does to producers."

The FmHA administrator denied that state and county officials are under new pressure to eliminate delinquencies, either by foreclosure, forced or voluntary liquidations or other methods short of debt repayment.

He conceded, however, that district-level personnel evaluation procedures leave room for judging FmHA county employes' performance at least partly according to the number of delinquent accounts they settle. Districts in Idaho, Montana, New Mexico and Arizona, among others, are known to be using this system.

"Our state director warned last month that those delinquency reduction goals were going to be met without fail," said an FmHA county supervisor in a southwestern state. "They can call it what they like, but if we force a farmer to stop operation the result is the same as foreclosing on him."●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCGRATH) to revise and extend their remarks and include extraneous material:)

Mr. MARKS, for 5 minutes, today.

(The following Members (at the request of Mr. MOAKLEY) to revise and extend their remarks and include extraneous material:)

Mr. RODINO, for 5 minutes, today.
Mr. GONZALEZ, for 15 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. COELHO, for 5 minutes, today.
Mr. MOTTL, for 5 minutes, today.

Mr. ALEXANDER, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCGRATH) and to include extraneous matter:)

Mr. JEFFORDS.

Mr. GUNDERSON.

Mr. EVANS of Delaware.

Mr. RUDD.

Mr. SHUMWAY.

Mr. FRENZEL.

(The following Members (at the request of Mr. MOAKLEY) and to include extraneous matter:)

Mr. FAUNTROY.

Mr. BEILENSON in two instances.

Mr. PHILLIP BURTON.

Mr. TRAXLER.

Mrs. SCHROEDER.

Mr. STUDDS.

Mr. WEISS in three instances.

Mr. FOLEY.

Mr. MURTHA.

ADJOURNMENT

Mr. MOAKLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 50 minutes a.m.) under its previous order, the House adjourned until Monday, February 8, 1982, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2991. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report on the impact on United States readiness of the Navy's proposed sale of certain defense equipment to Greece (Transmittal No. 82-22), pursuant to section 813 of Public Law 94-106; to the Committee on Armed Services.

2992. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Navy's intention to offer to sell certain defense equipment to Greece (Transmittal No. 82-22), pursuant to section 36(b) of the Arms Export Control Act, together with certification that the sale is consistent with the principles contained in section 620C(b) of the Foreign Assistance Act of 1961, pursuant to section 620C(d) of the act; to the Committee on Foreign Affairs.

2993. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WHITTEN: Committee on Appropriations. House Joint Resolution 389. Joint resolution making an urgent supplemental appropriation for the fiscal year ending September 30, 1982, for the Department of Agriculture (Rept. No. 97-424). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITTEN: Committee on Appropriations. House Joint Resolution 391. Joint resolution making an urgent supplemental appropriation for the Department of Labor for the fiscal year ending September 30, 1982. (Rept. No. 97-425). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITTEN: Committee on Appropriations. House Joint Resolution 392. Joint resolution making an urgent supplemental appropriation for the Department of Health and Human Services for the fiscal year ending September 30, 1982. (Rept. No. 97-426). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITTEN: Committee on Appropriations. House Joint Resolution 390. Joint resolution making an urgent appropriation for the Environmental Protection Agency for the fiscal year ending September 30, 1982, and for other purposes; with an amendment (Rept. No. 97-427). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRODHEAD:

H.R. 5457. A bill to amend the Trade Act of 1974 with respect to reciprocal market access; to the Committee on Ways and Means.

By Mr. DOWNEY:

H.R. 5458. A bill to extend by 5 months (through September 1982) the period within which a child over age 18 must have been already enrolled at the college level in order to qualify (after July 1982) for child's insurance benefits under title II of the Social Security Act as a postsecondary student; and to extend by one year (through mid-1986) the period during which such benefits may continue to be paid in the case of a child so qualified: to the Committee on Ways and Means.

By Mr. GUNDERSON:

H.R. 5459. A bill to provide for the coordinated use and enhancement of the upper Mississippi River system; jointly, to the Committees on Public Works and Transportation, Interior and Insular Affairs, and Merchant Marine and Fisheries.

By Mr. HEFTEL:

H.R. 5460. A bill to amend title 28, United States Code, to authorize the Attorney General of the United States to acquire and exchange information to assist Federal, State, and local officials in the identification of certain deceased individuals and in the location of missing children; to the Committee on the Judiciary.

By Mr. JEFFORDS:

H.R. 5461. A bill to increase the productive capacity and utilization of the Nation's labor force, and for other purposes; to the Committee on Education and Labor.

By Mr. MOTTL:

H.R. 5462. A bill to amend title 38, United States Code, chapter 17, to expand eligibility criteria to provide direct admission or transfer to a nursing home, and direct admission to a private hospital on an emergency basis of certain veterans of the Mexican Border period and of World War I; to the Committee on Veterans' Affairs.

By Mr. MOTTL (by request):

H.R. 5463. A bill to amend section 902 of title 38, United States Code, to extend eligibility for burial allowance to certain additional veterans; to the Committee on Veterans' Affairs.

By Mrs. SCHROEDER:

H.R. 5464. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income retirement benefits received by certain retired individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. TAUZIN:

H.R. 5465. A bill to repeal the Public Utility Holding Company Act of 1935 as no longer necessary to accomplish the purposes for which it was enacted; to the Committee on Energy and Commerce.

By Mr. MARKS:

H. Con. Res. 267. Concurrent resolution mourning the deaths of the members of the Air Force Thunderbird precision flying team killed on January 18, 1982, and expressing the sense of Congress that the Department of Defense should no longer sponsor high-performance precision flying teams; to the Committee on Armed Services.

By Mr. ADDABBO (for himself, Mr. BINGHAM, Mr. CARNEY, Mr. CLAY, Mr. D'AMOURS, Mr. DWYER, Mr. FRANK, Mr. MINISH, Mr. PEYSER, Mr. ROE, and Mr. ZEFERETTI):

H. Res. 349. Resolution expressing the sense of the House that the President should not impose import fees on crude oil and refined petroleum products; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DELLUMS:

H.R. 5466. A bill for the relief of David Martinez-Dominguez and Concepcion Martinez; to the Commitee on the Judiciary.

By Mr. EMERY:

H.R. 5467. A bill for the relief of Margaret D. Howe; to the Committee on the Judiciary.

By Mr. LEVITAS:

H.R. 5468. A bill for the relief of Dr. William H. Wall; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 18: Mr. RAILSBACK, Mr. FORSYTHE, Mr. HATCHER, Mr. HYDE, Mr. ERTEL, Mr. REGULA, Mr. MARKEY, Mr. WOLF, Mr. WYDEN, Mr. KOGOVSEK, Mr. SMITH of Iowa, Mr. GINGRICH, Mr. EVANS of Georgia, Mr.

WILLIAMS of Ohio, Mr. HEFTEL, and Mr. OXLEY.

H.R. 2205: Mr. DYSON.

H.R. 2428: Mr. GINGRICH.

H.R. 4184: Mrs. MARTIN of Illinois and Mr. MOLINARI.

H.R. 4351: Mr. PHILIP M. CRANE.

H.R. 4776: Mr. MOLINARI.

H.R. 4829: Mr. SHANNON, Mr. ST GERMAIN, Mrs. CHISHOLM, and Mr. BINGHAM.

H.R. 4897: Mr. BONKER.

H.R. 5088: Mr. WYDEN, Mr. ST GERMAIN, Mr. CORCORAN, Mr. STARK, Mr. CROCKETT, Mr. ADDABBO, Mr. MILLER of California, and Mr. GEJDENSON.

H.R. 5123: Mr. DUNCAN and Mr. LUKEN.

H.R. 5150: Mr. TAUKE, Mr. JAMES K. COYNE, Mr. MCDADE, and Mr. LANTOS.

H.R. 5314: Mr. ADDABBO, Mr. AKAKA, Mr. BEDELL, Mr. BONKER, Mr. CORRADA, Mr. ROBERT W. DANIEL, JR., Mr. DAVIS, Mr. DOUGHERTY, Mr. FARY, Mr. FORSYTHE, Mr. GINGRICH, Mr. GINN, Mr. HORTON, Mr. HUTTO, Mr. HUGHES, Mr. HYDE, Mr. PRITCHARD, Mr. SMITH of Pennsylvania, Mrs. SNOWE, Mr. STANTON of Ohio, Mr. STARK, Mr. SUNIA, Mr. TRAXLER, Mr. TRIBLE, Mr. WHITEHURST, Mr. YOUNG of Alaska, Mr. LAGOMARSINO, Mr. VANDER JAGT, and Mr. DYSON.

H.R. 5346: Mr. MOLLOHAN, Mr. BRINKLEY, Mr. GILMAN, Mrs. COLLINS of Illinois, Mr. MITCHELL of Maryland, Mr. TRAXLER, Mr. MOTTL, Mr. BROOMFIELD, Mr. VENTO, Mr. MAVROULES, Mr. STANTON of Ohio, Mr. OXLEY, Mr. LOEFFLER, Mr. HIGHTOWER, Mr. LONG of Louisiana, Mr. MURPHY, Mr. BARNARD, Mr. SKEEN, Mr. BAILEY of Missouri, and Mr. MARTIN of New York.

H.R. 5357: Mr. MITCHELL of Maryland, Mr. MAVROULES, Mr. FAZIO, Mr. SIMON, Mr. DAN DANIEL, Mr. FROST, Mr. STANGELAND, Mrs. BOGGS, Mr. WORTLEY, Mr. CROCKETT, and Mr. STRATTON.

H.R. 5368: Mr. AKAKA, Mr. SMITH of Pennsylvania, Mr. ROSENTHAL, Mr. HANSEN of Idaho, Mr. EVANS of Georgia, Mr. DAN DANIEL, Mr. WEISS, Mr. FORSYTHE, Mr. DERWINSKI, Mr. FAZIO, Mr. HORTON, Mr. ENGLISH, Mr. EDWARDS of California, Mr. BINGHAM, Mr. FOGLIETTA, Mr. EDGAR, Mr. TRAXLER, Mr. LEHMAN, and Mrs. COLLINS of Illinois.

H.J. Res. 272: Mr. AKAKA, Mr. BONER of Tennessee, Mr. JOHN L. BURTON, Ms. FERRARO, Mr. HOWARD, Mr. MOAKLEY, Mr. MOFFETT, Mr. MURTHA, Mrs. CHISHOLM, Mr. GEJDENSON, Mr. HEFNER, Mr. PERKINS, Mr. PRICE, Mr. SCHEUER, Mr. SHARP, Mr. ZEFERETTI, Mr. SWIFT, Mr. DASCHLE, Mr. MONTGOMERY, Mr. HAWKINS, Mr. YATES, Mr. ANNUNZIO, Mr. DYSON, Mr. WIRTH, Mr. JONES of North Carolina, Mr. DERWINSKI, Mr. NATCHER, Mr. ROSE, Mr. LEHMAN, Mr. BONIOR of Michigan, Mr. FRANK, Mr. DELLUMS, Mr. HIGHTOWER, Mr. LELAND, Mr. WYDEN, Mr. RODINO, Mr. RATCHFORD, Mr. DAN DANIEL, and Mr. LOWRY of Washington.

H.J. Res. 304: Mr. ADDABBO, Mr. AKAKA, Mr. ALBOSTA, Mr. ANDERSON, Mr. ANDREWS, Mr. ANNUNZIO, Mr. ARCHER, Mr. ASPIN, Mr. ATKINSON, Mr. AUCOIN, Mr. BAFALIS, Mr. BAILEY of Pennsylvania, Mr. BAILEY of Missouri, Mr. BARNES, Mr. BEARD, Mr. BEDELL, Mr. BEILENSON, Mr. BENJAMIN, Mr. BEVILL, Mr. BIAGGI, Mr. BOLLING, Mr. BONIOR of Michigan, Mr. BOWEN, Mr. BREAUX, Mr. BRODHEAD, Mr. BROWN of Ohio, Mr. BROWN of California, Mr. JOHN L. BURTON, Mr. PHILLIP BURTON, Mr. BUTLER, Mr. CAMPBELL, Mr. CARMAN, Mr. CHAPPELL, Mrs. CHISHOLM, Mr. CLAY, Mr. CLINGER, Mr. COELHO, Mrs. COLLINS of Illinois, Mr. CONTE, Mr. CORCORAN, Mr. CORRADA, Mr. WILLIAM J. COYNE, Mr. DAN DANIEL, Mr. ROBERT W. DANIEL, JR., Mr. DANIELSON, Mr. DASCHLE, Mr. DAUB, Mr. DE LA GARZA, Mr. DENARDIS, Mr. DERWINSKI, Mr. DICKS, Mr. DINGELL, Mr. DIXON, Mr. DONNELLY, Mr. DOUGHERTY, Mr. DWYER, Mr. DYSON, Mr. EDGAR, Mr. EDWARDS of California, Mr. ERDAHL, Mr. FARY, Mr. FAUNTROY, Mrs. FENWICK, Mr. FINDLEY, Mr. FISH, Mr. FLORIO, Mr. FOGLIETTA, Mr. BOLAND, Mr. FORD of Michigan, Mr. FORSYTHE, Mr. FOUNTAIN, Mr. FRANK, Mr. FRENZEL, Mr. FROST, Mr. FUQUA, Mr. GEJDENSON, Mr. GEPHARDT, Mr. GILMAN, Mr. GINGRICH, Mr. GINN, Mr. GRADISON, Mr. GRAY, Mr. GREEN, Mr. GUARINI, Mr. HANSEN of Idaho, Mr. HANSEN of Utah, Mr. HAWKINS, Mr. HILER, Mr. HOLLENBECK, Mr. HORTON, Mr. HOWARD, Mr. HUBBARD, Mr. HUGHES, Mr. HUTTO, Mr. HYDE, Mr. IRELAND, Mr. JACOBS, Mr. JONES of North Carolina, Mrs. KENNELLY, Mr. KEMP, Mr. KILDEE, Mr. KINDNESS, Mr. KOGOVSEK, Mr. KRAMER, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LEBOUTILLIER, Mr. LEE, Mr. LENT, Mr. LEWIS, Mr. LIVINGSTON, Mr. LOEFFLER, Mr. LONG of Maryland, Mr. LOWERY of California, Mr. LUNGREN, Mr. MCCLORY, Mr. MCCURDY, Mr. MCEWEN, Mr. MCGRATH, Mr. MCHUGH, Mr. MARKEY, Mr. MARRIOTT, Mr. MATSUI, Mr. MAVROULES, Mr. MAZZOLI, Mr. MILLER of Ohio, Mr. MINISH, Mr. MOFFETT, Mr. MOLINARI, Mr. MOLLOHAN, Mr. MONTGOMERY, Mr. MOORHEAD, Mr. MURPHY, Mr. NEAL, Mr. NELSON, Ms. OAKAR, Mr. OBERSTAR, Mr. OXLEY, Mr. PANETTA, Mr. PATTERSON, Mr. PEPPER, Mr. PERKINS, Mr. PEYSER, Mr. PICKLE, Mr. PORTER, Mr. PRICE, Mr. PRITCHARD, Mr. RAHALL, Mr. RAILSBACK, Mr. RATCHFORD, Mr. RICHMOND, Mr. RINALDO, Mr. RITTER, Mr. ROBINSON, Mr. RODINO, Mr. ROE, Mr. ROSE, Mr. ROSENTHAL, Mr. ROTH, Mr. ROUSSELOT, Mr. SABO, Mr. SAVAGE, Mr. SCHEUER, Mr. SCHUMER, Mr. SEIBERLING, Mr. SHAMANSKY, Mr. SHAW, Mr. SHUMWAY, Mr. SIMON, Mr. SMITH of Pennsylvania, Mr. SNYDER, Mr. SOLARZ, Mr. STANGELAND, Mr. STANTON of Ohio, Mr. STARK, Mr. STENHOLM, Mr. STRATTON, Mr. SUNIA, Mr. SYNAR, Mr. TAYLOR, Mr. TRAXLER, Mr. VENTO, Mr. WALGREN, Mr. WALKER, Mr. WEAVER, Mr. WEBER of Ohio, Mr. WEISS, Mr. WHITEHURST, Mr. WILLIAMS of Ohio, Mr. WILSON, Mr. WINN, Mr. WIRTH, Mr. WOLPE, Mr. WON PAT, Mr. WORTLEY, Mr. WYDEN, Mr. YATRON, Mr. YOUNG of Florida, Mr. YOUNG of Alaska, Mr. YOUNG of Missouri, Mr. ZABLOCKI, Mr. DYMALLY, Mr. EVANS of Delaware, Mr. O'BRIEN, Mr. LUKEN, Mr. ALEXANDER, Mr. FAZIO, Mr. MARTIN of North Carolina, Mr. SHARP, Mr. SHELBY, Ms. MIKULSKI, Mr. MCCOLLUM, Mr. SOLOMON, Mr. STOKES, Mr. BARNARD, Mr. PURSELL, Mr. HOPKINS, Mr. UDALL, Mr. APPLEGATE, Mr. WOLF, Mr. BROWN of Colorado, Mr. LONG of Louisiana, Mrs. HECKLER, Mr. KAZEN, Mr. MITCHELL of New York, Mr. COUGHLIN, and Mr. PASHAYAN.

H. Con. Res. 210: Mr. MOTTL and Mr. LUKEN.

SENATE—*Thursday, February 4, 1982*

(Legislative day of Monday, January 25, 1982)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable THAD COCHRAN, a Senator from the State of Mississippi.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Let us pray.

Blessed are the peacemakers, for they shall be called sons of God.—Matthew 5: 9.

Father in Heaven, our world languishes for peace. Human hearts long for the day when men shall "beat their swords into plowshares and their spears into pruning hooks * * * when they shall study war no more." What contradiction, dear God, in a world which universally desires peace, that there are those who prepare for war. Help us to see the profound wisdom with which Jesus spoke.

Dear Lord, help the Senators as they struggle with monumental issues which determine literally the destiny of every person on Earth. Help them hear what the Bible teaches; to contemplate its precepts, its values, its admonitions, its instruction. Help them to seek Thy wisdom and be directed by its light and truth. Somehow, dear God, give us the will for peace. Grant to the whole Nation the will for peace; for we remember that "peace on Earth" depends upon "good will among men." We pray this in the name of the Prince of Peace. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 4, 1982.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable THAD COCHRAN, a Senator from the State of Mississippi, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. COCHRAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

THE JOURNAL

Mr. TOWER. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. TOWER. Mr. President, I ask unanimous consent that, following the recognition of the two leaders under the standing order and following the special orders for Senators BENTSEN and BUMPERS, the Senate turn to a period of routine morning business not to extend beyond the hour of 11 o'clock and that the time therein allotted to each Senator not exceed 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

PROBLEMS AFFECTING OUR AILING STEEL INDUSTRY

Mr. ROBERT C. BYRD. Mr. President, yesterday I had the opportunity to appear before a public conference of the International Trade Commission here in Washington to make a statement on the problems affecting our ailing steel industry.

My State, in particular has been badly hit by the slump in the steel indusry, which is one of the largest direct employers in West Virginia. Not only are those directly employed by the steel industry impacted, but also thousands of coal miners who produce metallurgical coal are hurt by the near-depression market levels of the American steel industry.

I ask unanimous consent that my statement be inserted in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR ROBERT C. BYRD, BEFORE PUBLIC CONFERENCE OF THE INTERNATIONAL TRADE COMMISSION

I am glad to have this chance to speak out on behalf of the steelworkers of West Virginia and against the subsidized but illegal importing of foreign steel into the United States. The steel industry is vital to West Virginia. That industry is one of the largest direct employers in our State. The West Virginia steel industry also indirectly employs thousands of coal miners who produce metallurgical coal.

What hurts steel hurts West Virginia. And whatever hurts West Virginia upsets me and the rest of West Virginia's elected officials.

That is why I am here. Last Friday, the Department of Commerce stated that total European steel mill imports of products involved in this investigation increased 27.4 percent in 1981 over 1980. At the same time, American steel mill shipments increased by only 2.5 percent. Contrary to general opinion, foreign steel mills do not produce steel more efficiently than do our own steel mills.

Such a rampant increase in foreign steel imports can best be explained by the large subsidies enjoyed by many foreign steel producers. Those subsidies give foreign steel producers an unfair price advantage that distorts our domestic free market.

Currently, several different steel cases are before the Commission and the Department of Commerce. But I understand that foreign government subsidies in those cases range from as low as $120 per ton in Germany to as high as an astonishing $533 per ton or more in the United Kingdom.

In fact, one West German steel association has estimated that such subsidies in that country alone would total about $30 billion between 1978 and 1983. Likewise, the state-owned steel mills in Belgium, Italy, and France are especially heavily subsidized.

No American industry—regardless of its product mix, its proximity to market, its efficiency, or its productivity—can compete with such flagrant and unfair government subsidies.

Let me put the American steel industry's problems into clearer focus. Business Week recently reported that the American steel industry was entering 1982 at a near-depression market level.

Let me underscore what I just said. Business Week did not say that our steel industry was suffering from a recession—like everybody else in this country. The state of health of our domestic steel industry is being likened to that of a depression.

Moreover, this week's issue of Fortune magazine reported that steel-industry operating rates had fallen from above 80 percent of capacity to 55 percent of capacity just since spring of 1981. Nevertheless, Fortune went on, foreign steel imports, led by increases in shipments from Europe, have surged, just since last spring, from below 15 percent of our steel market to above 20 percent. Since that time, some 76,000 American steelworkers have been laid off, and industry earnings have virtually disappeared.

In effect, then, our domestic steel industry is in a major crisis. As a result, when the Commerce Department figures for 1981

were released last Friday, I requested time to appear before you. As I understand it, the Commission's responsibility is to determine whether injury has occurred to the domestic steel industry as a result of the importation of dumped or subsidized steel into the U.S. market.

According to Public Law 96-39, "the term material injury means harm which is not inconsequential, immaterial, or unimportant."

To decide whether such injury has occurred, the members of the Commission must consider a variety of factors prescribed by law and Federal regulation. But as an elected official, I must decide whether injury is occurring to the people whom I am elected to represent.

For that reason, last Saturday, I visited a major West Virginia steel town. In the proud steel town of Weirton, W. Va., almost 3,000 people are now out of work—nearly 25 percent of the employees of Weirton Steel.

Labor and management alike live in constant fear of becoming the next Youngstown. I met with the people of Weirton—people who share the same fears about paying the mortgage, about keeping their children in college, and, in some cases, about feeding their families in the months ahead.

Everybody wanted to know why you and I—their elected and appointed officials—had let this happen to them. Why do we allow Americans to suffer so that foreign, subsidized steelworkers can keep their jobs?

Recently, I went to some metallurgical coal-producing areas of my State. I saw closed coal mines. I saw jobless coal miners—men who lost their jobs because of reduced operations in America's steel plants. And those jobless coal miners asked the same questions that the jobless steelworkers asked.

I saw injury. Maybe not in the same way that this Commission must judge injury—but injury nevertheless. I saw injury in their eyes, and I read the injury in their hearts. Because of what I have seen in West Virginia, the Commission could hold its deliberations in Weirton, in Follansbee, in Wheeling, or in Steubenville, Johnstown, Gary, Pittsburgh, Detroit, Cleveland, or other steel towns—not just in an unaffected city like Washington. In this room you can listen to lawyers, economists, and trade experts and—yes—even politicians.

But in Weirton or other steel towns, you could hear the voices of those who bear the real injuries that subsidized foreign steel imports are causing.

But injury to America's domestic steel industry goes beyond injuries to our steelworkers and their families alone. That injury also becomes a permanent injury to our national security.

If we irretrievably abdicate a significant portion of our domestic market to foreign steel suppliers, we might never retrieve that lost tonnage in time to meet a national emergency.

Although that kind of injury may seem far fetched, such an injury cannot be ignored. Already the U.S. is the only major country in the world that cannot produce enough steel to meet its maximum annual steel demands. We first proved that in 1974, and we have less capacity to produce steel in 1982 than we did in 1974. Steel self-sufficiency is vital to any major world power.

Therefore, as you make your decision, I hope that you will remember the injuries that I have mentioned—injuries to the American people and injuries to our national defense. Time is long overdue to give our domestic steel industry a chance to compete fairly and equally with its foreign rivals.

Let us give American steel a chance to get back on its feet. Let us give our steelworkers and coal miners a chance to show the kind of job that they can do in a fair market. Once and for all, let us stop helping foreign steel companies and foreign steelworkers. Let us give American steel a fair break.

Mr. ROBERT C. BYRD. Mr. President, I yield as much of my remaining time as the Senator from Wisconsin may require.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized.

THE GENOCIDE CONVENTION: A RESPONSE TO SENATOR THURMOND

Mr. PROXMIRE. Mr. President, every Member of the Senate recently received a copy of Senator THURMOND's column on the Genocide Convention. So that my colleagues have an opportunity to hear both sides of the issues he raised, I would like to respond today to the major points of that article.

GENOCIDE CONVENTION IS PROPER USE OF TREATY POWER

First, he argues that ratification of the Genocide Convention is an inappropriate use of the treatymaking power of the Congress and that in the final analysis genocide is essentially a matter of domestic jurisdiction.

The facts simply do not support either assertion.

The Supreme Court has repeatedly held that the treatymaking power is virtually unlimited. In Geofrey against Riggs (1890), the Court held that except for—

> A change in Character of government, or in that of one of the States, or a cession of the portion of the latter, without its consent . . . but these exceptions, it is not perceived that there is any limit to the questions which can be adjusted.

That decision was reaffirmed in the landmark case, Missouri against Holland in 1920, and is recognized by constitutional scholars as having resolved the question of Congress treatymaking authority.

And the U.S. Senate has a long history of using that treatymaking power for issues which are of international as well as domestic interest. Examples include the Slavery Convention and its Supplementary Protocol, the Protocol Relating to the Treatment of Refugees, the Treaties on the Political Rights of Women—which were adopted by this Senate without a dissenting vote in 1976—and the 1968 amendments to the Charter of the Organization of American States.

That brings me to the second part of his argument: Is genocide essentially a domestic matter?

Mr. President, was the massacre of a million Cambodians a domestic matter for Communist Cambodia? Was the murder of the Acholi and Langi tribes by Idi Amin a domestic matter for Uganda? Was the murder of millions of Jews a domestic matter for the expanding Nazi state?

I think not. And I am confident that my colleagues would agree.

GENOCIDE CONVENTION CONSISTENT WITH FIRST AMENDMENT

Second, Senator THURMOND argues that the treaty's definition of genocide could have a chilling effect on our first amendment freedom of speech.

The Genocide Convention has only two provisions which might relate to freedom of speech. The first is a prohibition of incitement to commit genocide; the second prohibits causing serious bodily or mental harm. Let me take them in order.

The Supreme Court in Brandenburg against Ohio (1969) made a clear distinction between advocacy, which is free speech protected by the Constitution, and incitement which goes beyond the constitutional protections of the first amendment, thereby producing imminent lawless action. Incitement could be prohibited, according to the Court, and incitement is what the Genocide Convention forbids; it does not affect advocacy whatsoever. It is worth noting that the American Civil Liberties Union, which has never been lax in opposing any action they perceive to threaten civil liberties, has found no threat to the first amendment in this language and endorses the treaty.

The drafters of the Genocide Convention added the section on mental harm to the convention based on incidents during World War II in which drugs were forcibly applied to prisoners of war as part of brainwashing efforts. It does not apply to racial slurs or name calling—as appalling as those may be—and it certainly does not interfere in any way with the right of religious missionaries to preach the Gospel. As the Senate Foreign Relations Committee understanding notes, the mental harm clause refers only to "permanent impairment of mental faculties," for a substantial portion of an ethnic, racial, religious or national group.

AMERICA RESERVES THE RIGHT TO TRY ITS CITIZENS IN AMERICAN COURTS

Third, Senator THURMOND raises the specter that Americans will be extradited abroad, tried in a foreign land without American safeguards, and punished by hostile courts.

The answer to this allegation is a clear and resounding: "No way."

There is no obligation—and I mean none—for the United States to extradite Americans abroad under this convention. The report of the committee which drafted the Genocide Convention states that nothing in this treaty precludes the right of any nation to try its own citizens at home. That passage is reprinted on page 10 of the Foreign Relations Committee's 1976

report to the Senate. In addition, an understnding recommended by the Senate Foreign Relations Committee as part of the resolution of ratification restates that point to assure its clarity. And, finally, the proposed implementing legislation reprinted in the Foreign Relations Committee's report mandates in section 3 that the Secretary of State, in negotiating extradition treaties on this subject, must secure for the United States the right to try its own citizens here at home.

DEFENSE DEPARTMENT ENDORSES GENOCIDE CONVENTION

Finally, Senator THURMOND restates Sam Ervin's agrument that the North Vietnamese could have tried captured American servicemen for genocide, if we had ratified the Genocide Convention.

I find this a curious argument.

Is Senator THURMOND arguing that the Communist North Vietnamese have such respect for international law that they felt they could not try our prisoners of war for genocide because the U.S. Senate had failed to ratify this treaty? That assumes that they have more respect for internationa law than the facts would warrant.

In time of war, there is no law or treaty or the lack of any law or treaty, which will be the perfect guarantee of the rights of our prisoners of war and Senator THURMOND knows it.

But what is clear is that in 1976, when each branch of our armed services was contacted by the American Bar Association, every branch of our services responded that the Genocide Convention deserved our support and did not pose any threat to our fighting men.

CONCLUSION

In conclusion, Mr. President, the propriety of the Genocide Convention is clear. Genocide is indeed a matter of international concern as well as domestic concern and the precedents are clear that, time and again, the Senate has adopted treaties with such dual concern.

This convention does not impinge upon our first amendment rights in any way and it will not affect the right of Americans to a trial in an American court with our constitutional safeguards.

Finally, the Genocide Convention will not expose our servicemen to any dangers that they do not now face.

Mr. President, the Genocide Convention is not a panacea for the world's ills. It is an international treaty to punish criminals; criminals who commit the most heinous crime known to man.

It is a treaty whose origins are found in America's most fundamental principles and deserves our wholehearted support. Mr. President, I appreciate this opportunity to set the record straight.

Mr. President, I thank the minority leader. I yield the floor.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I have no further need for my time. I shall be glad to yield it back.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF SENATOR BENTSEN

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Texas (Mr. BENTSEN) is recognized for not to exceed 15 minutes.

Mr. BENTSEN. I thank the Chair very much.

WORLD AGRICULTURAL TRADE

Mr. BENTSEN. Mr. President, I should like to continue the series of addresses that I have been making for the last several days concerning the problem that we find the American farmer in today. That is probably the most efficient part of our entire economy, yet farmers are facing the worst days they have faced since 1933—not of their making, but from things beyond their control.

III. THE INTERNATIONAL AGREEMENTS OF THE UNITED STATES IN AGRICULTURE

Faced with the obvious unfairness of policies such as EC subsidization of agricultural exports that are taking away U.S. markets and reducing commodity prices dangerously—matters I have outlined previously—it would seem reasonable to ask why our international trade agreements have not long ago outlawed such practices. This, in fact, will be the main question we will ask at the hearings scheduled by Chairman DANFORTH for February 11. If I may, Mr. President, let me sketch out the current international legal situation and U.S. statutory policies.

GATT

The main purpose of the international trading system represented by the General Agreement on Tariffs and Trade (GATT), Mr. President, is to produce some degree of stability in world trade by providing a backdrop of trading rules that all the parties to the GATT can depend upon. In the important area of agriculture, these rules tend to be ambiguous and frequently go unenforced.

As the world leader of the free trade system, I believe the United States must try to find ways of working within the existing system to provide fairness and greater opportunity for all. We must resist easy, angry solutions such as withdrawing from the subsidies code or even the GATT itself. The long-term consequences of such an action would adversely effect our nonagricultural as well as our agricultural industries. It would have an incalculable and certainly detrimental effect on world trade and Western security.

We must instead use the system of international agreements and U.S. laws in every possible way to enforce principles of open trade, particularly where other countries' practices deny us export markets in areas such as agriculture.

SUBSIDIES CODE

During the multilateral trade negotiations that led to the Trade Agreements Act of 1979, the United States negotiated an agricultural export subsidies agreement providing that, in addition to the preexisting GATT rules, parties may not grant export subsidies on agricultural products in a way that either displaces exports of another party (bearing in mind developments in world markets) or brings prices for subsidized exports materially below those of other suppliers to a particular market. The full text of article 10 of the subsidies code is set out here for the consideration of the Senate.

Article 10—Export Subsidies on Certain Primary Products.

1. In accordance with the provisions of article XVI:3 of the general agreement, signatories agree not to grant directly or indirectly any export subsidy on certain primary products in a manner which results in the signatory granting such subsidy having more than an equitable share of world export trade in such product, account being taken of the shares of the signatories in trade in the product concerned during a previous representative period, and any special factors which may have affected or may be affecting trade in such product.

2. For purposes of article XVI:3 of the general agreement and paragraph 1 above:

(a) "More than an equitable share of world export trade" shall include any case in which the effect of an export subsidy granted by a signatory is to displace the exports of another signatory bearing in mind the developments on world markets;

(b) With regard to new markets traditional patterns of supply of the product concerned to the world market, region or country, in which the new market is situated shall be taken into account in determining "equitable share of world export trade";

(c) "A previous representative period" shall normally be the three most recent calendar years in which normal market conditions existed.

3. Signatories further agree not to grant export subsidies on exports of certain primary products to a particular market in a manner which results in prices materially below those of other suppliers to the same market.

Other provisions of the Subsidies Code and the GATT apply to this problem, such as the obligation of countries not to threaten serious prejudice to U.S. interests.

U.S. POLICY

As we try to determine whether the United States can use these agreements to defend itself against CAP exports we must take a close look at current U.S. policy as expressed in our trade laws.

The trade policy of the United States is not to freeze international market shares in agricultural products at some past, present, or future level. Nor is it our objective to attack any common policy of a united Europe. But we do have laws to attack unreasonable and unjustifiable practices of our trading partners, especially where those countries—by actions inconsistent with their international trade obligations—impair our own access to foreign markets.

We have laws to protect our own domestic markets from unfair competition. For example, under our countervailing duty law we would impose special duties on European sugar exports to the United States to cancel the effect of the EC sugar subsidy.

When it comes to securing market access for third country export markets (the EC long ago excluded many of our agricultural exports to Europe itself by CAP variable import levies), we also have a law designed to help enforce international trade agreements.

This law, section 301 of the Trade Act of 1974, has not been rigorously employed in the past. Under its provisions, the President has broad discretion to bring trade agreement violations to the attention of foreign governments and to take retaliatory actions.

Until recently, however, Presidents have hardly acted at all under section 301. Even today, they do not seek out such unfairness on their own under this section, but act only on petition of those adversely affected U.S. industries that have the time and resources to file a complaint. Many industries never file 301 complaints because of fear of retaliation and because it takes forever to get final action.

When the executive branch does act on its own, it does not subject itself to section 301 time limits. This can result in years of meaningless informal consultations.

I am informed that the administration has been studying the agricultural export trade problem since the middle of last year. Late in 1981, the administration took increased interest in the subject and began proceedings in the GATT under the Subsidies Code on several complaints brought to its attention by U.S. exporters in wheat flour and poultry.

The administration has also instituted cases involving the effect of CAP subsidies on pasta sales in the United States and on sugar prices in the United States under section 301, which do not directly relate to agricultural exports, and on citrus exports, a case that involves EC import preferences.

THE EUROPEAN REACTION

During the entire period of the CAP, the Congress and its representatives in the administration, especially the U.S. Trade Representative, have brought to the attention of the Commission of the European Communities the problems presented by the CAP. Even as we speak, these problems are again being brought to the attention of the Commission.

The initial reaction from the Commission is unfavorable. Without revealing the content of confidential international negotiations, I can say, Mr. President, that European representatives have tried to sidestep the issues. They strongly suggest that the 1979 Subsidies Code added nothing to the discipline of the international agricultural marketplace. Apparently, they feel that all CAP subsidies were in some sense validated by the U.S. signature on the Subsidies Code.

As a member of the U.S. delegation to the multilateral trade negotiations, I am not aware of any U.S. concession to hold the CAP harmless.

I can understand to a certain extent the concern of the European Commission. Europe, like the United States, is in a recession. Unemployment is high and reducing farm programs might drive European farmers off the farm and into the sagging industrial economy. I am told about 8 percent of the EC work force is still on the farm, compared to only 3.6 percent in this country.

But real unemployment is about as high in this country as in Europe, and the United States is cutting back its farm programs. The EC, in stark contrast, will be spending over $14 billion on agricultural programs in the current fiscal year, compared to about $3 billion in U.S. agricultural price supports. Additionally, EC member states spend on agricultural programs about twice as much as does the EC itself.

Worse yet, the Commission's announced objectives are to increase EC support of agriculture, and specifically to increase its agricultural exports. The Commission is proposing the establishment of nonsubsidy measures to boost exports, including long-term contracts with countries that are not members of the EC for the supply of agricultural products.

The Commission also wants to provide means for assuring that processed agricultural commodities win a growing share of agricultural exports as part of the effort to create jobs. Modest suggestions from the EC Commission to modify the CAP as a cost-saving measure—which might have also reduced slightly EC subsidies—have not been accepted by the EC council.

Thus, the attitude of the EC has been that present international agreements do not apply to their export subsidies despite compelling evidence to the contrary. But that is not the whole story. The EC is committed to increasing and extending both the size and effect of these subsidies.

Tomorrow I shall suggest areas we might explore at our February 11 hearing to improve the current situation.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. BENTSEN. I am delighted to yield to my distinguished colleague.

Mr. TOWER. Mr. President, I commend the Senator from Texas for his description of what is going on in the European Economic Community.

Their subsidization of agriculture there has had the effect of not only discriminating against the sale of American agricultural produce but it has also generated the production of surpluses, as the Senator has indicated, which they in turn dump in the world marketplace and therefore drive the prices down.

We are, I think, now strongly aware of the inherent protectionism in the whole device of the European Economic Community.

I wonder if the Senator from Texas would also comment on the situation in Japan. If indeed we are to provide a marketplace here for automobiles and electronic products, which the Japanese perhaps produce more efficiently and cheaper than we, is it not reasonable for us to expect that the Japanese should open the doors to American agricultural products in Japan because that is one area in which we produce far more efficiently and cheaper than they, particularly when we consider the fact we are providing Japan with the major part of defense expenditures against potential adversaries?

Mr. BENTSEN. The Senator is absolutely right.

What Japan has done is to put quotas on the importation of agricultural products. They did that to us on beef. In negotiations over there we found that they said, "Look, we will take an additional 10,000 tons of U.S. beef; that is a lot of beef."

I figured it up and that was equivalent to about one hamburger per Japanese per year. I did not think that impressive.

We really did not have the kind of breakthrough we should have had.

The same thing is true on citrus. The Japanese fight us on importation of oranges and importation of grapefruit. They put severe restrictions on that. And we have had to fight hard to keep them from flooding our rice markets with their subsidized rice.

When we talk about automobiles, they say, "Look, we have the same percentage virtually on tariffs that you have on automobiles, why should you compain about that?" The difference is that when they import American cars into Japan, when it comes to the safety standards and the EPA standards they require an inspection on every single one of those cars. But when we bring them into this country we inspect only one out of many. Take a Toyota that sells for $8,500 in this country. It sells for $8,500 in Japan. But take a Chevrolet Citation similar to what I drive, it sells for $8,500 in this country but it sells for $15,000 in that country.

So it is all of these nontariff barriers that they add on that escalate the costs and keep our products out.

Look at what happened to us in electronics and what happened to us on televisions. One can see the whole theme of it where they established their market share in this country but put limitations on the imports into Japan until they had developed a strong domestic industry.

I will tell you how they negotiate. The Japanese negotiate by talk and talk and ship and ship and talk and talk and ship and ship.

The concessions they are talking about now are minimal. And why are they talking about these additional concessions? Because they see how concerned we are in Congress, they are talking about some concessions that do not amount to anything.

There still is no significant breakthrough.

The ACTING PRESIDENT pro tempore. The Chair advises the Senator that his time under the special order has expired.

Mr. BENTSEN. I thank my colleague.

RECOGNITION OF SENATOR BUMPERS

The ACTING PRESIDENT pro tempore. Under the previous order the Senator from Arkansas (Mr. BUMPERS) is recognized for not to exceed 15 minutes.

Mr. BUMPERS. Mr. President, I thank the Chair very much.

S. 2062—TENNESSEE VALLEY AUTHORITY ACT AMENDMENT

Mr. BUMPERS. Mr. President, the bill I am introducing today is a reintroduction of the bill that I introduced in 1979, and it is designed to cover an oversight which occurred 20 years ago.

As a matter of fact, I think the distinguished Senator who sits in the Chair and represents the great State of Mississippi (Mr. COCHRAN) is aware of this.

In 1959 the Tennessee Valley Authority Act was amended to allow the Tennessee Valley Authority to issue its own bonds. Because there was a feeling at the time that such authority would enable TVA to freely expand its service area to the detriment of private utilities, the act was amended to restrict TVA's service area. The restrictions were left somewhat flexible, however, in order to allow TVA to make adjustments to serve areas contiguous with its service area as it stood when the restriction was imposed. The single rigid restriction is that TVA is not allowed to sell power in a State which it was not serving on July 1, 1957. Apparently to avoid unduly harsh results to certain cities in Kentucky, Georgia, and Tennessee, those cities were specifically exempted from the restriction.

This bill merely adds the city of West Memphis, Ark., to the list of exempted cities, and it does so without violating the purposes and principles of the overall restriction. West Memphis is contiguous with Memphis, which is within TVA's service area. Statistically, West Memphis is considered a part of Memphis, as defined by the Bureau of Census' standard metropolitan statistical area, and, as such, West Memphis is counted as part of Memphis for purposes of receiving some Federal aid. Moreover, electricity generated by TVA may well be sold in West Memphis at this time, as a result of power exchange agreements with other suppliers, because of exchange agreements between Arkansas Power & Light which does serve West Memphis, and TVA.

I want to emphasize the limited definitive nature of this amendment, because it does not reopen the debate over public power versus private power, and the citizens of West Memphis should not become hostage to the argument. The amendment does not require TVA to sell power to West Memphis; nor does it require West Memphis to buy TVA's power. It gives each party freedom of choice rather than imposing a barrier, which in this particular case is purely artificial and, for that matter, contrary to the purpose of the territorial restriction which was intended to allow extensions of TVA service to contiguous areas, such as West Memphis. Indeed, West Memphis would qualify for TVA service, even under the present restrictions, except for the statute's use of State boundaries as a barrier to the flow of TVA power, which is the Mississippi River which separates Tennessee and Arkansas, and is absolutely arbitrary and demonstrates, since it is united economically with Memphis by the very boundary between the two States, that it simply bars West Memphis from sharing in TVA power. It is especially ironic that this arbitrary barrier should exist under Federal law when it would most likely be unconstitutional if Tennessee had imposed it upon a private utility. I am not proposing to eliminate that barrier in toto, even though it would be justified. I only propose that it be removed to the extent that it artificially walls off West Memphis from participation in TVA's power. Thus, the amendment merely puts West Memphis within the wall.

The 31,000 people in West Memphis are victims of a rank injustice, because the disparity between their electricity rates and those across the Mississippi precludes them from competing with their neighbors for industry. West Memphis is a lovely city. It has great people. It has good leadership. It has worked so hard to build its economy, and it simply will never be able to make the strides it is entitled to make as long as this barrier and this injustice exist. In 1979, an industrial user in West Memphis was paying $3,413 for 100,000 kilowatt--hours, while an industrial user 3 miles away in Memphis was paying $2,830. That is a 20-percent difference. Similarly, commercial users in West Memphis were paying $167 for 3,000 kilowatt-hours, while commercial users in Memphis were paying $111, a difference of 50 percent. Finally, residential users in West Memphis were paying $37 for 1,000 kilowatt-hours, but residential users in Memphis were paying $29, a difference of 28 percent.

If it were not for the river, there would just be a street or a line dividing those two cities, and everybody would say, "Well, this is just insane." But simply because the river is there it has been excepted.

These differentials have widened in recent months as the rates of the Arkansas Power & Light Co. have risen. The city of West Memphis is completely dependent upon A.P. & L. for its power, and it has recently imposed a further large increase upon its customers. West Memphis had no choice but to acquiesce in that increase, because it has no other source of supply. My bill would merely allow it the opportunity to negotiate with the A.P. & L. grid. Thus we are not talking about a construction project. We are not talking about any cost to the Federal Government. We are talking about simple justice. We are talking about this law and the pushing of a button to rectify that injustice.

We are all acutely aware of the necessity for minimizing the cost of energy, not only by conserving but by seeking less expensive sources of energy. This bill would simply allow West Memphis a fully justified opportunity to undertake that search.

Now, Mr. President, this is an idea whose time has come. We do it now or we can do it later, but it has to be done, and I ask all of my colleagues to think very seriously about this. I am not trying to open up TVA and force it to sell power to everybody that wants

it. There is not another case in the country that comes even close to the injustice that is presented here.

Mr. President, I ask unanimous consent that editorials from the Memphis Commercial Appeal dated September 1, 1979, and from the Memphis Press-Scimitar dated September 12, 1979, be inserted in the RECORD. These editorials by these two papers in Memphis strongly support this legislation.

I ask unanimous consent that a resolution adopted by the Arkansas General Assembly and a resolution by the West Memphis City Council be printed in the RECORD.

I ask unanimous consent that the bill amending the TVA Act be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Commercial Appeal, Sept. 1, 1979]

FRIENDS IN NEED

The business of Memphis and Memphians does not begin or end at the corporate limits of this city. Rather, it reaches across the municipal boundaries, county lines and state borders that touch Memphis on all sides. This is not several contiguous communities but one community, though we don't always realize it. There are current cases in point.

For example, the City of Memphis and the Tennessee Valley Authority should move to help the power needs of the people of West Memphis and Crittenden County, Ark. This community and TVA should actively support a bill pending in Congress to extend TVA power across the river and make our neighbors there full partners in the future of this metropolitan area.

That's what we are, and that's how we must learn to act.

Recent actions by the Arkansas Power & Light Co. deepened energy problems in West Memphis and strengthened the city's arguments for TVA service.

West Memphis Utilities had been offered 2-percent interests in each of AP&L's new generating plants at White Bluff and Independence. The city had begun the process of selling some $30 million in bonds to purchase its shares. But then AP&L cut the deal in half. Crittenden County's industrial and economic development hopes have long been disadvantaged by the cheaper TVA power on this side of the Mississippi. When the county's wholesale supplier chopped its future power sources, even at higher costs, it left the area with no place to turn except the valley authority.

It is no longer enough for TVA to say, as board Chairman David Freeman did in February, "West Memphis would not be big enough to make us or break us." That sort of left-handed acknowledgement that TVA has the power to sell if Congress says it should, isn't going to get this job done. The time has come for the authority to look upon this case as an opportunity for one of its primary service areas.

Of course, Freeman's lack of enthusiasm has been rooted in the laws which prohibit TVA from being "the principal source of power supply" for areas outside its statutory boundaries, and in what he has seen as practical limits to TVA capacities. He also said last winter, "We have our hands full with Memphis. Our current planning is geared to meet the needs of the people currently within the valley. . . ." But that's just the point. The people of West Memphis are "currently within the valley" economically and spiritually, if not geographically.

Indeed, the geographic definition of the valley was made in an arbitrary political act to include Memphis. New political adjustments to the map now would be entirely in keeping with that tradition.

If the growth fortunes of TVA are tied to those of its biggest and best customers, and they are, then it now behooves TVA officials to lend their full weight to the bill introduced by Sen. Dale Bumpers (D-Ark.) which has been languishing at a sub-level of the Senate Environment and Public Works Committee.

The same goes for the business and political leaders of Memphis. West Memphians aren't our distant relations. They are members of our urban family. We've heard the arguments that what's good for us is good for them, and it is. But the reverse of that is equally true. If TVA power locates business and jobs over the bridges only the most parochial among us could count it as a loss to Memphis. In fact, all of us would have gained on the goal of building a single progressive metropolitan community of national importance.

The route there is not one-way, however. And as the need to assist West Memphis in its search for adequate power argues against Memphis holding to its own provincial interests, the business about building a $12-million private hospital in DeSoto County, Miss., makes the same point about our regional neighbors. Proponents of the project, facing a comprehensive state health plan which recognizes the medical services available to DeSoto countians in Memphis and a surplus of beds in the area, have fallen back on that old bromide, "Keep the money in Mississippi." Are they willing to keep all their indigent patients, too?

We doubt it.

When the Mississippi Health Care Commission approved a requested certificate of need for this facility, it held that the normal rules shouldn't apply because DeSoto County's circumstances were "unique." They are. DeSoto County is a part of metropolitan Memphis. The DeSoto County growth rate cited as the need for the hospital project is evidence of that fact. Does anyone believe DeSoto County would be growing at any significant rate were it not for Memphis? Would there be a Southaven without a Memphis?

The unique circumstances do not suggest that DeSoto County be encouraged to go it alone. Instead, they indicate that the county should be made a part of the Memphis health service area, as suggested by Dr. Alton Cobb, Mississippi's health officer. That is not because we want to "keep all the money in Memphis," but because the many parts of this single community are interdependent.

If men aren't islands unto themselves, neither are the urban communities they have built.

[From the Memphis Press-Scimitar, Sept. 12, 1979]

TVA FOR WEST MEMPHIS

Undaunted by Tennessee Valley Authority board opposition to their latest bid for electric power, West Memphians vow to continue their fight. And well they should.

It would be a logical move to extend TVA service to Memphis' sister city to the west. It is, after all, part of the Memphis metropolitan area, and the cheaper power would provide a much needed economic boost.

At present, West Memphis is struggling under the handicap of higher-priced power supplied by the Arkansas Power & Light Co. Industrial growth has been stymied as a result. And lest any Memphians think this is strictly a West Memphis problem, industrial progress across the river invariably benefits the entire Memphis area.

TVA officials almost as a matter of routine resist efforts to bring additional territory within the utility's boundaries. It has repeatedly opposed suggested expansion across the Mississippi River, and reaffirmed that position this week.

At any rate, decisions on whether to change the utility's boundaries are made in Congress. And Arkansans are pushing hard on that front.

A bill by Sen. Dale Bumpers that would amend the TVA act to include West Memphis is in the Senate Environment and Public Works Committee. Meanwhile, Rep. Bill Alexander has a measure in the House Public Works and Transportation Committee that would provide TVA power to all of Crittenden County.

Support of those worthy measures by Memphis area leaders could help sway the needed votes.

An interesting aspect is that very little actually would be involved in adding West Memphis to the system. "It's just a matter of throwing a switch," said P. G. Para, manager of the West Memphis Utility Department. "Right this minute I may be using TVA current. It's already available in West Memphis. Arkansas Power & Light and TVA swap out all the time when one or the other needs energy. But we always pay AP&L rates."

David Freeman, TVA board chairman, was quoted recently as saying that West Memphis (which Para says has about 8,000 residential electricity customers compared to Memphis' 265,000, and used just 61,000 kilowatts of power in July compared to Memphis' 13 million kilowatts) would neither make nor break TVA.

"But TVA could make West Memphis." Para correctly points out.

It's an opportunity the Arkansas city should not be denied.

HOUSE CONCURRENT RESOLUTION URGING CONGRESS TO ENACT LEGISLATION AUTHORIZING THE TENNESSEE VALLEY AUTHORITY TO SELL ELECTRICITY TO THE CITY OF WEST MEMPHIS

Whereas, it appears that the Tennessee Valley Authority has the capacity for generating a substantial amount of surplus electricity; and

Whereas, the City of West Memphis is a part of the standard metropolitan statistical area of Memphis, Tennessee; and

Whereas, Memphis, Tennessee is served by the Tennessee Valley Authority but federal law now prohibits the TVA from selling electricity to the City of West Memphis; and

Whereas, since the City of West Memphis owns its own electric utility and is the only such city within a standard metropolitan statistical area served by TVA which is not allowed to purchase electricity from TVA; and

Whereas, it would not result in increased cost to the TVA to sell electricity to the City of West Memphis; and

Whereas, this prohibition in current federal law is blatantly discriminatory against

the City of West Memphis and should be eliminated so that the residents of West Memphis may enjoy the same treatment as the other residents of the Memphis standard metropolitan statistical area with regard to the consumption of electricity: Now, therefore, be it

Resolved by the House of Representatives of the first extraordinary session of the seventy-third General Assembly of the State of Arkansas, (the Senate concurring therein), That the United States Congress is hereby urged to enact legislation authorizing the Tennessee Valley Authority to sell electricity to the City of West Memphis, Arkansas.

Be it further resolved, That upon the adoption of this Resolution an appropriate copy hereof be transmitted by the Chief Clerk of the House to each member of the Arkansas Congressional Delegation.

RESOLUTION No. 861

Whereas, the City of West Memphis, Arkansas, passed Resolution No. 834, April 16, 1981, at which time Notice was given to Arkansas Power and Light Company that within sixty (60) months from the date of the Notice the City of West Memphis, Arkansas, would seek additional electrical power; and,

Whereas, the Power Coordination Interchange and Transmission Agreement requires that this Notice be given; and,

Whereas, the City of West Memphis desires to seek additional power in an effort to sell electricity cheaper to the Citizens of West Memphis; and,

Whereas, legislation has been entered in the Congress of the United States at Washington, D.C., for the City of West Memphis to buy some of its power from the Tennessee Valley Authority; and,

Whereas, it is in the utmost interest of the Citizens of West Memphis, Arkansas, that this legislation be passed and the present law of the Tennessee Valley Authority which prohibits selling electricity out of its boundaries be expanded to include the City of West Memphis, Arkansas: Therefore, be it

Resolved by the City Council of the City of West Memphis, Arkansas:

1. That our Senators and Congressmen in Washington, D.C., renew their efforts to secure legislation allowing the Tennessee Valley Authority to sell electricity to the City of West Memphis in the future.

2. That copies of this Resolution be sent to: The Honorable Dale Bumpers; the Honorable David Pryor; and, the Honorable Bill Alexander.

S. 2062

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 15d(a) of the Tennessee Valley Authority Act is amended by inserting the words "West Memphis, Arkansas," following the words "South Fulton, Tennessee."

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business with statements limited therein to 5 minutes each.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEFLIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RADIO AND TELEVISION COVERAGE OF SENATE DEBATE

Mr. HEFLIN. Mr. President, I have long been on record as being in favor of permitting radio and television coverage of Senate proceedings. I stand firm in the belief that allowing the electronic media to cover Senate debate would be in the best interests of the American people—and, yes, in the long term best interests of the U.S. Senate as well.

In fact, I sponsored a similar resolution myself more than 2 years ago which called for opening the Senate debate on the Strategic Arms Limitation Treaty to radio and television coverage as an experiment for eventual full-time coverage of Senate floor action.

Mr. President, television is a reality. The Senate simply can not continue to ignore this important medium that is so widely used by the American people as a primary source of news and information. The American people are interested in what goes on inside the Senate Chamber and they deserve to have the opportunity to see firsthand how their lawmakers conduct the business of the Nation.

In 1979, the House of Representatives opened its doors and began to provide television signals to the broadcast media. The experience in the House has been widely considered a success.

Here in the Senate, committee hearings have been broadcast and Panama Canal Treaty debate was covered live on radio—both have been done with great success. I have seen little, if any, evidence during these episodes of the "showboating" or playing to the cameras that some argue will occur if we allow television coverage of the floor debate.

Due to the success of all these experiments, I believe the next logical step is to allow full radio and television broadcast coverage of Senate proceedings.

Mr. President, as I said earlier, I have long been in favor of permitting radio and television coverage of legislatures, courts, and other forums where the public's business is conducted. During my term as chief justice of the Alabama Supreme Court, we opened the doors of my State's courts to television cameras.

Our allowing television coverage of both trials and appellate court proceedings generated a movement which has led to broadcast coverage of many trials and hearings in other State courts.

Televising court proceedings can bring into conflict two constitutional guarantees; namely, the first amendment which guarantees the freedom of the press, and the sixth amendment which guarantees the defendant a fair and impartial trial. Conversely, if photojournalism is allowed in the Senate Chamber, I can foresee no conflict between provisions in our Constitution.

Perhaps a review of the consideration given the issue of radio and photojournalism from a judicial system basis will be helpful to the Senate in considering this issue.

In hearings before the Supreme Court of Alabama, the media made a strong case when it pointed out that photographing and broadcasting by television and radio of a church service did not affect the dignity of the service. It also pointed out that when sophisticated and advanced technology is employed, participants in the church service are not distracted, and the solemnity of the worship service remains unharmed.

Experts testified that the media can now use noiseless long range cameras, overhead lighting, still photography without flashbulbs, and other advanced equipment.

The Supreme Court of Alabama approached the issue as to whether, in the majority of the cases, the use of camera, radio, and television instruments would interfere with a fair and impartial trial and with the effective administration of justice. It first considered radio. The court had, for some time prior thereto, been recording oral arguments. It concluded that noiseless and effective broadcasting devices could be placed at designated locations which would record the proceedings accurately and clearly for later radio broadcasting without disturbing court proceedings in any way.

It was apparent to the court that, in the vast majority of cases, radio recording devices would not detract from the dignity of the proceedings or cause prejudice to the parties any more than its own recording system.

Next, the court considered photojournalism. There was no doubt in the minds of the justices that problems could arise. They saw the constant popping of flashbulbs, spotlighting of television lights in the eyes of witnesses, lawyers, jurists, and jurors and wires getting tangled in the chairs and knocking over water pitchers as serious impediments to the effective administration of justice.

However, if the media used advanced camera technology, employed only overhead lighting, and restricted camera movement to designated areas, these problems could be minimized.

The justices also considered that if cameramen and other reporters con-

ducted themselves in the same manner that was expected of spectators, then the resulting harm would be eliminated.

The court further realized that if photographers used silent cameras without flashbulbs and took their pictures from inconspicuous locations, then there would be little danger that the use of such cameras would detract from the dignity of the proceedings.

Adequate overhead lighting can be provided in a manner that would be almost unnoticeable. Areas of movement for camera personnel can be restricted, and orderly conduct required. If desired, a dress code can be enforced for members of the camera crews.

Pooling by television networks has been used effectively by the White House. The number of cameras in the balconies of the Senate Chamber can also be limited. The experience of the television coverage in the House of Representatives can be beneficial to the Senate in formulating rules and guidelines for the media coverage.

Drawing from my experience of participating and observing electronic journalism in courtrooms, and relating this to the facilities of the Senate, I foresee no real problems relative to the dignity of the proceedings, such as distractions.

I have mentioned still photography, as well as radio and television in my remarks about the considerations to be given to this area of media in courtrooms. The issue of still photography may be irrelevant to the resolution currently at hand, but I think that, sooner or later, the issue of comprehensive media journalism will confront the Senate.

The U.S. Supreme Court has established that freedom of the press is not confined to newspaper or printed periodicals, but is a right of wide import and "* * * in its historic connotation comprehends every sort of publication which affords a vehicle of information and opinion." *Lovell* v. *City of Griffin,* 303 U.S. 444.

Personally, I am a strong believer in first amendment rights, and feel that all forms of reporting journalism should be allowed in the Senate Chamber. However, I fully realize that there are some who will disagree with my position and I respect their right to do so.

Mr. President, I must admit I have some reservations concerning Senate Resolution 20 as it is now written. It is my understanding that if the Senate approves Senate Resolution 20, the Rules Committee will be given total and final authority to set guidelines concerning the placement of cameras, distribution of audio and video tapes, and other rules and regulations. All this without any further consideration or vote by the full Senate.

Mr. President, I would be forced to oppose Senate Resolution 20 if it were being voted on today. However, we are not voting on Senate Resolution 20 but on a motion to proceed with consideration of that resolution. I believe the problems with Senate Resolution 20 can be worked out during the deliberations over the merits of the resolution. I indeed hope so.

It is time to open the Senate to the American people—those voters who sent us to Washington to do the public's work. Therefore, I shall vote for proceeding with consideration of this resolution with the profound and sincere hope that any reservations that I hold concerning its implementation will be corrected by amendment.

Mr. President, I do not wish to wage that battle today, but I sincerely believe Senate Resolution 20 is flawed because it does not allow for a final review by each Member of this body before the Rules Committee's guidelines go into effect.

Thank you.

S. 1956—AUTHORIZATION FOR REIMBURSEMENT OF CHIROPRACTIC SERVICES PROVIDED TO VETERANS

Mr. HEFLIN. Mr. President, I rise today to offer my support for S. 1956, legislation which was introduced by my colleague, Mr. THURMOND of South Carolina, on December 15, 1981. This bill would insure chiropractic care when necessary to eligible veterans under the Veterans' Administration medical care program.

Mr. President, this legislation would not establish any new policy within the Veterans' Administration. Indeed, the VA already has the authority to refer eligible veterans to a chiropractor for necessary treatment. Unfortunately, for our veterans, this authority is infrequently used. Veterans in need of chiropractic care should be allowed to seek and obtain the services of a chiropractic doctor at VA expense. Other Federal and State health care programs already allow reimbursement for chiropractic services.

In the United States, the present number of chiropractic patients is an estimated 10 to 20 million. There are more than 30 million living veterans in the United States who risked their lives to defend our Nation in time of war. Of this great number, I believe there are many veterans who should be but are not receiving needed chiropractic treatment.

To insure the proper medical treatment our veterans so justly deserve, this bill will establish a pilot program which would compel much needed chiropractic referral and care within the VA. It limits expenditures for chiropractic services to $4 million in any fiscal year and also limits the veterans who are eligible for such benefits.

In conclusion, Mr. President, I am pleased to be a cosponsor of this bill to authorize reimbursement for the reasonable charge for chiropractic services provided to certain veterans. This important piece of legislation would reaffirm benefits offered to those veterans who sacrificed for this Nation in its hour of need.

I commend my friend and colleague from South Carolina, Mr. THURMOND, for his leadership on this crucial matter and I urge the full Senate to give this legislation its favorable consideration.

Thank you, Mr. President.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEFLIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BIOMEDICAL AND CANCER RESEARCH

Mr. HEFLIN. Mr. President, in President Reagan's recent State of the Union address he proposed an increase of over $100 million in funding for research at the National Institutes of Health. I was very pleased to hear the President make such a proposal.

It was just a few weeks ago that I learned from various reports that David Stockman, Director of the Office of Management and Budget, was preparing to propose a reduction in funding for health programs in the 1983 fiscal year which would have gone far beyond previous spending cuts. On January 8, I wrote President Reagan, urging that he give his full support to the important health research efforts at the National Institutes of Health, particularly in the field of cancer research, and carefully consider any proposed further reductions in their funding. I am glad that the President did oppose further budget reductions and, in fact, decided to support an increase in funding.

It was a little more than a decade ago that our Nation declared war on the horrible disease of cancer. Just before last Christmas, the National Cancer Act, the landmark legislation that greatly expanded and intensified our effort to conquer cancer, was 10 years old.

Although the war has not yet been won, and although the ultimate goal of totally wiping out cancer has not yet been reached, unbelievable progress has been made. It is most important that we work to see that this progress shall continue.

The progress that has been made has largely been because of the National Institutes of Health and its Na-

tional Cancer Institute. The mission of the NIH is to improve the health of the American people. To carry out this mission, the NIH conducts and supports biomedical research into the causes, prevention, and cure of diseases.

A major component of the National Institutes of Health is the National Cancer Institute, which has developed a national cancer program to expand existing scientific knowledge on cancer cause and prevention, as well as on the diagnosis, treatment, and rehabilitation of cancer patients.

Research facilities are supported by grants from the National Cancer Institute, and other institutes of the NIH, and are often provided through university-based programs. In the State of Alabama alone, the work done under these research grants has been staggering. In 1980 and 1981, more than $60 million in health research support grants were awarded to 13 universities and hospitals in Alabama. Of this, some $4.5 million was awarded to the University of South Alabama in Mobile, and more than $5 million went to Southern Research Institute in Birmingham. Both institutions are known across the country for the outstanding work done there under the auspices of the National Institutes of Health. Southern Research is particularly known for the work done there in cancer research.

However, the flagship of biomedical and cancer research in Alabama is the medical complex at the University of Alabama in Birmingham. That university, in 1980 and 1981, received a total of more than $47 million in research grants from NIH, and has built what is truly one of the greatest records in biomedical research in the Nation, if not the world. In 1981, more than $6 million in research grants were awarded to the UAB Comprehensive Cancer Center there in Birmingham. That center is regarded as one of the top two or three such centers for cancer treatment and research in the country.

Through research institutions such as these, the talents of the entire Nation are brought together under the National Institutes of Health, to find new ways of insuring better health for every sector of America, and for every American.

It is because of the priority of these research efforts that I was completely shocked and appalled when I learned of the possibility of OMB proposing a further reduction in their funding for the 1983 fiscal year.

Such reductions would strike a great blow against our war on cancer, for it would require the cutting of these fine research projects and programs at the National Institutes of Health, and the National Cancer Institute.

Under the leadership of these health research agencies, we have come too far in our fight against cancer and other health problems to abandon the efforts now. Indeed, to a great extent, the health research of today will determine the health of the American people tomorrow, for even though it has been written that money cannot buy health, money can fund research programs which find ways to restore health to those unfortunate enough to lose it.

One of the highest priority areas in this research has been our fight against cancer. As a result of decades of work, great progress has been made. It is not possible to describe every advance that has been made toward the prevention and cure of cancer. A look at the broad gains shows the achievement of cures for some forms of cancer, gains in survival for many forms, greatly enhanced knowledge of prevention, and sweeping advances in fundamental areas that will serve as the basis for further improvements in prevention, diagnosis, and treatment. Expanded training programs have increased the number of doctors who are cancer specialists—from about 100 in the late 1960's to almost 3,000 today.

As a result of all this progress, many patients with some types of cancer can be cured, but, regrettably, much more still remains to be done.

Cancer is still a disease that knows no class, income level, lifestyle, race, or sex. It is still a disease that can strike anyone, at any time. The National Cancer Institute estimates that 805,000 Americans will develop cancer this year. Approximately one of three will survive 5 years or more after treatment. Not long ago, that rate was only one out of five.

If you exclude cancer victims who die of other causes—old age, accidents, heart disease—the survival rate today reaches above 40 percent. The death rate from cancer for Americans under the age of 55, where cancer is the single largest cause of death from disease, is decreasing. The decrease is even greater for those patients under 30.

We can now expect to cure half of all children with cancer through the use of modern treatment methods. Gains have been made in the fight against breast cancer—the major cancer killer of women.

Still, despite all these advances, cancer remains a major killer. It is estimated that almost one-half a million people died of cancer in 1981; the estimated annual cost of cancer in financial terms is $30 billion.

Yes, a great deal has been done, but much still remains to be done, too much for us to forsake our tasks now.

This is why it is imperative that we continue to support the important work being done in cancer research. I do not for one moment urge that we abandon all the other health and biomedical research being carried out by the National Institutes of Health. However, I do urge that the increase in funding proposed by the President go toward making further progress in our fight against cancer.

When I learned of the anticipated budget cuts in programs of the NIH and NCI, I spoke out because I could not stand as an idle witness to the disruptive effects that any such reductions would have on our continued progress in biomedical and cancer research.

Now that such a total disruption has been averted, I cannot support a retreat from our long battle against cancer, particularly when we have come so far. I hope that each of you will join with me in urging that the additional research money be used to intensify our attack.

Only through our united, continued support of the crucial work at the National Cancer Institute, and its research programs at universities and hospitals across the United States can we finally succeed. Only through such support can we reach the final goal of our long struggle, and give a great gift to mankind by finding a cure for this killer called cancer.

I ask unanimous consent that the letter I recently wrote to the President, urging his full support for the important research at these institutes, be printed in the RECORD. I ask unanimous consent that a transcript of remarks made by Dr. Vincent Devida, Jr., Director of the National Cancer Institute, at the dedication of Southern Research Institute's Howard E. Skipper Chemotherapy Laboratory, in Birmingham, Ala., be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION,
Washington, D.C., January 8, 1982.

The PRESIDENT,
The White House,
1600 Pennsylvania Avenue,
Washington, D.C.

DEAR MR. PRESIDENT: It has come to my attention through recent press reports that additional budget cuts are anticipated for the National Institutes of Health programs for fiscal year 1983.

I am concerned over the disruptive effects that any further cuts would have on the continued progress in biomedical research; particularly in the area of cancer research.

As you of course know, during the past decade, tremendous strides have been made in the diagnosis and treatment of cancer. In addition, unprecedented advances have provided limitless opportunities to find the cure for cancer. In fact, I am advised that as a result of these achievements, many patients with cancer can be cured. However, the ultimate goal of cancer research is to find a cure for all types of this horrible disease.

The Comprehensive Training and Education programs at the National Institutes of Health have been a tremendous help by dis-

seminating information to the public, hospitals, clinics, and physicians in private practice. Therefore, I urge you to give your full support to the important health research efforts at the National Institutes of Health and carefully evaluate further reductions in their budget.

With kindest regards, I am

Sincerely yours,

HOWELL HEFLIN.

OPEN LETTER TO HOWARD SKIPPER

(By Dr. Vincent T. DeVita, Jr.)

It is always a pleasure to come to Southern Research Institute and it's a greater pleasure to come to this institute on this occasion—the 10th anniversary of the National Cancer Program and the dedication of a building in the name of one of our favorite persons, particularly in the cancer treatment field.

On this occasion of the 10th anniversary of the National Cancer Program I am often asked to make some statement about what kind of progress has been made. I will not burden you with a long list of these things, except to say that when one looks at the contrasts in the field of cancer research in 1970 and in 1981, those contrasts are striking. It's very interesting to let that gap of 10 years go by and reflect on these changes. Some of the things we can do now in cancer research, and some of the promise that we have in cancer research, were things that dreams were made of in 1970. In fact, had I, as director of the National Cancer Institute, mentioned some of these things from a podium like this 10 years ago, people would have thought I had taken leave of my senses.

Nowhere is the contrast more striking than in the field of cancer treatment with drugs, and no institution in the country—probably in the world—has a more distinguished place in the history of cancer chemotherapy than Southern Research. And this is largely due to the man we are here to honor today, Dr. Howard Skipper.

I entered the field of cancer research in 1963. This was a very critical time period for cancer chemotherapy. The impact of Dr. Skipper's work reverberated across the field like a whipcrack and changed the field practically overnight, in medical terms, from one that relied almost totally on empiricism to a field that was heavily laced with inductive reasoning. He had a very strong influence in my career, personally. As a matter of fact, as I look around the room, I think he's had a very strong impact on the career of everybody whose face I recognize, and I am sure that's probably true for many of the other people here whose faces I don't recognize.

I want to tell you it's not really easy to talk about Howard Skipper. As a matter of fact, as I sat down, Dr. Skipper leaned over and said to me, "Now Vince, stick to the facts. Don't embellish it!" I told him I did not want to step out of character but, on this occasion, I will stick to the facts, Howard. He resists all attempts at flattery. I think he's probably the most humble scientist I have ever met, in a field that is not always noted for its overabundance of humility.

I want to express my feelings about Dr. Skipper in a little bit more personal way. I received my instructions from Howard Skipper over a period of 15 years, in a series of booklets that is now threatening to bring my bookshelf to the ground. I want to tell Howard a little bit about how I feel about him and about, I think, how many of my colleagues feel about him. So I have chosen to write a letter to you, Dr. Skipper, which you'll receive shortly. And I'd like to read it to the audience. It could be a lot longer than it is, because there are many, many things we could say about you, but for your sake, Howard, I have made it mercifully short. So if the audience will bear with me, I would like to read this letter:

DEAR HOWARD: I feel somewhat presumptuous making a speech at a dedication ceremony in your honor. There are many of your colleagues who deserve the honor more than I, and it is indeed an honor. I chose a letter because some of the things I have to say can be expressed less formally this way. Also, nowadays I'm never sure I'm going to make it but a letter will (or should).

There are several things I've always wanted to say about you and now is a good time:

First, you can't imagine the influence you have had on the field of cancer chemotherapy in the last 20 years. I came to the Cancer Institute 17 years ago out of a good residency training program in internal medicine. I was proud of what I knew. I had assembled the facts, and the facts were you couldn't cure cancer with drugs. Knowing this made using drugs easy. Since we knew they couldn't do much good, we were careful to train ourselves to use drugs in such a way as to assure no harm. This usually meant low doses of both drugs and optimism and convenient schedules. Cancers, especially hematologic malignancies, were interesting though and we busied ourselves describing phenomena related to the diseases themselves. If you stop to think about it, you might think it peculiar that one so young and new in the field could already be so fixed in his ways, but that's the way it was and still is in medicine. New people are a product of their environment and their teachers. Lacking experience, we defend ourselves with facts or what we perceive to be the facts.

I found something strange happening at the Cancer Institute. No one seemed to be obeying the rules. You had come along and spoke of cure of L1210 leukemia. You even had the audacity to suggest that the same thing might be possible in leukemia of humans, if we would go about doing what we did somewhat differently.

It's hard now to recreate for you the atmosphere your work generated. Probably it's even harder for you since you never seem to think anything you do is important. But what you and Schabel and all the other workers here at Southern Research did was give the minds of eager young clinical researchers, which were not yet entirely rigidly impaled on the facts they assembled, something more palatable to work with—hypotheses, good hypotheses. We still had to dodge the folks who scorned the concept of curing cancer with drugs. Right or wrong, these people never seem to be in doubt or in short supply, but the Clinical Center at NCI was a good place to hide under the protection of your good friends, Gordon Zubrod and Tom Frei. We had some good drugs and some concepts to test, and a whole bunch of us took off running at trying to cure leukemias and lymphomas.

Well, you know the results. These cancers are now curable with drugs. You were right. It really didn't even prove that difficult once we adjusted to the differences between mice and humans.

I'm sure these things are old hat to you and the people at this ceremony. You, undoubtedly, have heard them many times before.

There are, however, two other points I would like to make that you perhaps haven't heard, or if you have heard them, you can't have heard them often enough:

First, I'm a doctor, I always have been and when push comes to shove, I always will be a doctor. I go to clinics and I take care of patients. Howard, you can't imagine the feeling we doctors get when we treat patients successfully, especially with "the new boy on the block," chemotherapy. Working with those mice is convenient and must be satisfying to you, but it can't provide as much satisfaction as we get saving human lives. The thrill of seeing a patient with Hodgkin's disease I treated successfully 15 years ago is really beyond my power of description and makes any struggle I have had to go through worthwhile. There is now a whole generation of medical oncologists who experience these feelings daily. Howard, we doctors owe you a lot. You gave us this thrill. On behalf of all these doctors, I want to thank you.

The second point is this: As I said, I go to clinics still, although less often than I'd like to these days. When I do, I am well received. The patients recognize me as a doctor who had something to do with developing a treatment for their cancer. You can't imagine how it is to see the fear and despair of these patients turn to hope for a normal life. I know all those patients and their families would be saying these things to you personally if they knew how important you were to their lives. Sadly, Howard, we get all of the credit. They don't know who you are. I imagine that those smelly mice are not at all grateful to you either. So, on behalf of the thousands of patients (almost 40,000 a year now cured by chemotherapy), on behalf of their fathers and mothers, husbands and wives and children, I thank you, Howard. I thank you very much.

Finally, having a building named in your honor at Southern Research is perhaps the nicest honor you will ever receive. It isn't the first and it won't be the last, but it is, undoubtedly, the nicest. The folks at Southern Research Institute have a great deal of good sense. They had the good sense to bring you here and to keep you here and provide you with excellent staff and excellent resources. Now that you've retired, they've had the good sense to name a building in your honor. But I want you to know, Howard, none of us are taking your retirement seriously; after all, what would we do without your booklets?

I remain,

Your grateful student,

VINCE DEVITA.

TELEVISION AND RADIO COVERAGE OF SENATE PROCEEDINGS

Mr. DECONCINI. Mr. President, I support Senate Resolution 20, a resolution submitted by the very distinguished majority leader. I am happy to report that I am a cosponsor.

I am perfectly well aware of the arguments that have been marshaled against this measure—it will cost too much, it will cause Senators to perform for the cameras, it will tend to harden positions because of the glare of publicity. Indeed, we are all familiar with those arguments because they have been used repeatedly to oppose change, especially change that would

open up the legislative process to public view.

Woodrow Wilson convinced an entire world that democracy was premised on openness—"open covenants openly arrived at." But our own Government has been excruciatingly slow in implementing the most basic changes that would assure the people of openness and forthrightness.

I fear that our reluctance to open our debate to public view will be interpreted by some that we have things to hide. Quite frankly, Mr. President, there are times when this body acts in a manner that might well be restrained by the presence of television cameras. Under the full glare of public inspection, I wonder how easily we would pass legislation to effectively exempt us from paying Federal taxes, a decision I hope this body will quickly reconsider. I also wonder if we would as easily have raised the ceiling on the honoraria a Senator can receive—payments which, unfortunately, create a sense of obligation, and which may subtly affect legislation. Finally, I wonder whether the hundreds of millions of taxpayers' money that will ultimately be spent on a new Senate office building would have been authorized so easily. In short, I wonder whether the presence of television cameras would not be a positive benefit, not only to the public we represent but also to ourselves.

Each and every step we have taken toward openness in government has had positive, not negative, effects. Opponents of Senate Resolution 20 should be reassured that the consequences of allowing television and radio coverage of the House have been less than catastrophic. After a few weeks of initiation, the cameras were no longer an obstruction but were an unobtrusive part of the daily routine. Surely, it will not be said that Senators are less able to cope with the presence of television cameras than our counterparts in the House.

The Senate has long prided itself on a tradition of debate, a forum in which there was virtually unlimited discussion of the weighty matters of state. Surely, we have an obligation to open these debates to the people whose lives will be affected. There was a time when, through the visitors' galleries and the CONGRESSIONAL RECORD, the Senate was able to reach that segment of the public truly interested in national affairs. Today, a much broader segment is interested and cannot journey to Washington or trek to a library to read the CONGRESSIONAL RECORD. By allowing for television and radio coverage, we rip away the artificial barriers which prevent too many citizens from looking over our shoulders.

I believe, Mr. President, that we have an obligation to agree to this resolution and that we have an obligation to insure that the American people have ample opportunity to watch the inner workings of the greatest democratic nation on Earth.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEPARTMENT OF JUSTICE AUTHORIZATIONS, 1982

Mr. STEVENS. Mr. President, is it in order at this time to proceed to the consideration of S. 951?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Under the previous order, the hour of 11 a.m. having arrived, the Senate will now resume consideration of S. 951, which the clerk will state by title.

The legislative clerk read as follows:

A bill (S. 951) to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1982, and for other purposes.

The Senate resumed the consideration of the bill.

AMENDMENT NO. 69, AS AMENDED

The ACTING PRESIDENT pro tempore. The question is amendment No. 69, as amended, by the Senator from North Carolina (Mr. HELMS), on which there shall be 90 minutes, with 30 minutes each to the Senator from Connecticut (Mr. WEICKER), the Senator from Louisiana (Mr. JOHNSTON), and the Senator from Michigan (Mr. LEVIN).

The text of the amendment, as amended, follows:

At the end of the material proposed by the committee to be stricken out in its first amendment to the bill on page 2, line 14, add the following:

"minus $37,653,000;

"(C) financial assistance to joint State and local law enforcement agencies engaged in cooperative enforcement efforts with respect to drug-related offenses, organized criminal activity and all related support activities, not to exceed $12,576,000, and to remain available until expended: $50,229,100;

"(D) no part of any sum authorized to be appropriated by this Act shall be used by the Department of Justice to bring or maintain any sort of action to require directly or indirectly the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education as a result of being mentally or physically handicapped.".

"SEC. 2.5 (a) This section may be cited as the 'Neighborhood School Act of 1981'.

"(b) The Congress finds that—

"(1) court orders requiring transportation of students to or attendance at public schools other than the one closest to their residences for the purpose of achieving racial balance or racial desegregation have proven an ineffective remedy and have not achieved unitary public school systems and that such orders frequently result in the exodus from public school systems of children which causes even greater racial imbalance and diminished support for public school systems;

"(2) assignment and transportation of students to public schools other than the one closest to their residences is expensive and wasteful of scarce supplies of petroleum fuels;

"(3) the assignment of students to public schools or busing of students to achieve recial balance or to attempt to eliminate predominantly one race schools is without social or educational justification and has proven to be educationally unsound and to cause separation of students by race to a greater degree than would have otherwise occurred;

"(4) there is an absence of social science evidence to suggest that the costs of school busing outweigh the disruptiveness of busing; and

"(5) assignment of students to public schools closest to their residence (neighborhood public schools) is the preferred method of public school attendance and should be employed to the maximum extent consistent with the Constitution of the United States.

"(c) The Congress is hereby exercising its power under article III, section I, and under section 5 of the fourteenth amendment.

"Limitation Of Injunctive Relief

"(d) Section 1651 of title 28, United States Code, is amended by adding the following new subsection (c):

" '(c)(1) No court of the United States may order or issue any writ directly or indirectly ordering any student to be assigned or to be transported to a public school other than that which is closest to the student's residence unless—

" '(i) such assignment or transportation is provided incident to the voluntary attendance of a student at a public school, including a magnet, vocational, technical, or other school of specialized or individualized instruction; or

" '(ii) the requirement of such transportation is reasonable.

" '(2) The assignment or transportation of students shall not be reasonable if—

" '(i) there are reasonable alternatives available which involve less time in travel, distance, danger, or inconvenience;

" '(ii) such assignment or transportation requires a student to cross a school district having the same grade level as that of the student;

" '(iii) such transportation plan or order or part thereof is likely to result in a greater degree of racial imbalance in the public school system than was in existence on the date of the order for such assignment or transportation plan or is likely to have a net harmful effect on the quality of education in the public school district;

" '(iv) the total actual daily time consumed in travel by schoolbus for any student exceeds thirty minutes unless such transportation is to and from a public school closest to the student's residence with a grade level identical to that of the student; or

" '(v) the total actual round trip distance traveled by schoolbus for any student exceeds 10 miles unless the actual round trip distance traveled by schoolbus is to and from the public school closest to the stu-

dent's residence with a grade level identical to that of the student.

"'Definition

"'(e) The school closest to the student's residence with a grade level identical to that of the student shall, for purpose of calculating the time and distance limitations of this act, be deemed to be that school containing the appropriate grade level which existed immediately prior to any court order or writ resulting in the reassignment by whatever means, direct or indirect including rezoning, reassignment, pairing, clustering, school closings, magnet schools or other methods of school assignment and whether or not such court order or writ predated the effective date of this legislation.

"'Suits by the Attorney General

"'(f) Section 407(a) of title IV of the Civil Rights Act of 1964 (Public Law 88-352, section 407(a); 78 Stat. 241, section 407(a); 42 U.S.C. 2000c-6(a)), is amended by inserting after the last sentence the following new subparagraph:

"'Whenever the Attorney General receives a complaint in writing signed by an individual, or his parent, to the effect that he has been required directly or indirectly to attend or to be transported to a public school in violation of the Neighborhood School Act and the Attorney General believes that the complaint is meritorious and certifies that the signers of such complaint are unable, in his judgment, to initiate and maintain appropriate legal proceedings for relief, the Attorney General is authorized to institute for or in the name of the United States a civil action in any appropriate district court of the United States against such parties and for such relief as may be appropriate, and such court shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section. The Attorney General may implead as defendants such additional parties as are or become necessary to the grant of effective relief hereunder.'

"(g) For the purpose of this Act, 'transportation to a public school in violation of the Neighborhood School Act' shall be deemed to have occurred whether or not the order requiring directly or indirectly such transportation or assignment was entered prior to or subsequent to the effective date of this Act.

"(h) If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

"(i) It is the sense of the Senate that the Senate Committee on the Judiciary report out, before the August recess of the Senate, legislation to establish permanent limitations upon the ability of the Federal courts to issue orders or writs directly or indirectly requiring the transportation of public school students.".

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. STEVENS. Mr. President, who controls the time on each side under the order?

The ACTING PRESIDENT pro tempore. The three Senators: Mr. WEICKER, Mr. JOHNSTON, and Mr. LEVIN.

Mr. STEVENS. Mr. President, none of those Senators is present. I suggest the absence of a quorum and ask unanimous consent that the time for the quorum call be charged proportionately to each Senator allocated time under the order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ANDREWS). Without objection, it is so ordered.

CLOTURE MOTION

Mr. JOHNSTON. Mr. President, will the Senator yield so I may send a cloture motion on S. 951 to the desk?

Mr. LEVIN. I am happy to yield.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the standing rules of the Senate, hereby move to bring to a close debate on S. 951, the Department of Justice authorization bill.

J. Bennett Johnston, David L. Boren, Russell Long, Jennings Randolph, J. James Exon, Steven Symms, Don Nickles, Edward Zorinsky, Walter D. Huddleston, James Abdnor, John C. Stennis, Lloyd Bentsen, Chuck Grassley, William Proxmire, Mack Mattingly, and Roger W. Jepsen.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. I thank the Chair.

Mr. President, I rise in opposition to the pending amendment even though I share with my friend from Louisiana the general dislike of busing children away from their neighborhood schools. As a matter of fact, I would concur in and fully support the provision of the amendment—at least one provision of the amendment—which indicates that busing is not the preferred method and should not be used unless constitutionally required. I am deeply troubled by this amendment, however, and its implications in terms of Federal court jurisdiction.

I am also deeply troubled by the fact that it sets out to make findings of fact which I do not believe we can rationally make as a Senate. I might say first, however, that as a local elected official in Detroit when busing was ordered, I saw that negative consequences can sometimes result when children are ordered to attend schools outside of their neighborhood. Busing is no longer viewed by the courts, and rightly so, as the preferred method of righting the evils of segregation. Busing orders can no longer be entered to correct de facto as opposed to de jure segregation, and courts have shown an increased willingness to find alternatives to busing where possible, even in the case of de jure segregation. In Detroit, for example, after years of busing, the court and the community are actively exploring alternatives.

As I indicated, I concur with subsection 5 of this amendment, which says that the assignment of students to public schools closest to their residence, neighborhood public schools, is the preferred method of public school attendance and should be employed to the maximum extent consistent with the Constitution of the United States.

Despite my feelings about busing and its limitations and its failure in many instances, I am, nonetheless, troubled by an amendment which would remove from the Federal courts the power to enforce the Constitution. It is a pernicious approach to a difficult problem and I hope that the U.S. Senate will avoid it.

Mr. President, I am wondering if my friend from Louisiana might help me understand what some of these findings of fact purport to find. For instance, in section 2.5(b) of the Senator's amendment, he would have Congress find that court orders requiring busing of students have proven an ineffective remedy and have not achieved unitary public school systems.

My question is whether or not it is the meaning of this amendment and this proposed finding that court-ordered busing has in every case proven to be an ineffective remedy.

Mr. JOHNSTON. I say to my friend that the finding of fact does not say so in every case but in the overwhelming number of cases. If I may, for example, quote from David J. Armour's article, "Unwilling to School." That is a 1981 article in the fall issue of Foreign Policy Review.

Mr. Armour, by the way, is the one who conducted that extensive Rand Study. He says this:

> At this point, however, there is overwhelming social science evidence that mandatory busing has failed as a feasible remedy for school segregation. It has done so, first, because public opposition and white flight have been so extensive as to increase, rather than to decrease, racial isolation in many cities.

He goes on at some length. But the point is, to use his words—and these are the words of the social scientists—that there is overwhelming social science evidence that it has failed as a feasible remedy and has increased racial isolation. He does not say in every single case. There are probably some cases in which it has worked well, I suppose, but we know that it has failed across America.

Mr. LEVIN. Do I correctly understand, then, my friend's answer to mean that the amendment does not purport to say that in all cases the court-ordered busing has proven to be an ineffective remedy?

Mr. JOHNSTON. No, the amendment does not so state.

Mr. LEVIN. That is helpful.

I am wondering, also, if this David J. Armour, whom the Senator quotes, is the same David J. Armour who testified before the Senate Judiciary Committee on May 14 of 1981 that "I do not mean to imply that social scientists are in agreement about the lack of educational and social benefits from desegregation"?

Mr. JOHNSTON. There is no question that there is not unanimity of opinion. So distinguished an intellect as the Senator from Pennsylvania disagrees with me on this particular remedy. So, of course, there is not a unanimity of opinion. I simply say that there is an overwhelming weight and quality of that opinion against busing.

Mr. LEVIN. I thank the Senator.

Will the Senator then be able to clarify another aspect of the findings in the amendment? Section 4 of the findings states that there is an absence of social science evidence to suggest that the cost of school busing outweighs the disruptiveness of busing.

I am not sure I understand what that means. It seems to have a double negative in it. I think it means that the values of busing outweigh the disruptiveness of busing; and, to be a little fuller on that, I think what the Senator is trying to say is that there is an absence of evidence which suggests that the values of school busing outweigh the disruptiveness of school busing. Assuming that that is the Senator's meaning—although those are not the words; in fact, the words are quite different—will the Senator, then, be willing to agree, along with what he just said and along with what David Armour has said, that there are social scientists who do believe that the value of school busing to the schools and to education outweighs the disruptiveness of busing?

Mr. JOHNSTON. First of all, let me say that I hit upon a double negative which was unintended. I hope what we meant to say comes through more clearly than the words portray. But in any event, what we meant to say was that there is no evidence to support the proposition that school busing is worth the cost in disruptiveness.

For example, again to quote Armour from the same 1981 article, and I use him because he is the latest thing in print:

> Desegregation has not produced the educational and social benefits that were promised. Not only does it fail to truly desegregate, it also fails to remedy the presumed effects of segregation.

So I say this: Initially, at the time busing was first discovered by the Supreme Court as a remedy—I suppose that was in the *Swann* case back in 1968, Swann or Green or that group of cases back in the late 1960's—it was perceived by most social scientists that busing would work.

Indeed, James J. Coleman, the distinguished Harvard professor, had a rather extensive study on the effects of past segregation and suggested that busing was the only feasible remedy. It was upon his very findings that the Court based much of its opinion in the *Green* case and the *Swann* case and the other cases.

Mr. LEVIN. I am familiar with that background. My question is slightly different, though. Perhaps it was not very clear.

The amendment would have us find that there is an absence of social science evidence to suggest the conclusion that the amendment states.

My question to the Senator is this: Are not social scientists in disagreement on that conclusion; and, therefore, would the Senator agree that there is some evidence that he believes is outweighed by other evidence?

Mr. JOHNSTON. There is certainly opinion. I guess I used "evidence" in the sense of credible evidence. I think it would be better stated that there is no credible evidence. Clearly, the Senator's point is correct. There is opinion to the contrary, although a diminishing amount of opinion, and certainly in terms of its weight, in the social science community. In my opinion, the weight in the social science community—not just in my mind but in the social science community—is greatly on the side of those who state that busing has failed.

Mr. LEVIN. I thank the Senator for that clarification. I have another inquiry.

In section 2.5(b) of the amendment, the Senator would have Congress find that court orders requiring busing of students have not achieved unitary public school systems. Is it the Senator's intent to say that the court-ordered busing has never achieved unitary public school systems?

Mr. JOHNSTON. No. I think we meant to say just what we said. I am not aware of a school system in the country, certainly not a large one, where it has achieved a unitary school system. I am not aware of even one, particularly not a large one. It may have happened. If it does, we do not intend to preclude it. We do not purport to say "never." We say "not." I think "not" is the correct way to say it. It has not achieved unitary school systems.

Mr. LEVIN. Will the Senator agree that there are instances where it has achieved unitary school systems?

Mr. JOHNSTON. If the Senator will tell me that there are such instances, I am sure he is correct. I am not aware of those.

Mr. LEVIN. I just wondered whether or not we had been given any materials which indicate approximately how many districts have court-ordered busing.

Does the Senator know whether or not there have been any printed materials provided by the committees looking into this telling us the number of school districts which have court-ordered busing?

Mr. JOHNSTON. There are, of course, many studies on it. There is the James J. Coleman study.

Mr. LEVIN. I mean any current studies telling us how many districts currently have court-ordered busing. Do we have any information before us? Does the Senator know of any?

Mr. JOHNSTON. We have put into the RECORD both in the Judiciary Committee and here in the Chamber the various studies. Obviously it is a moving target because more systems are brought in and in the question of what is a busing order we have to define what that is because when districts are redrawn they do not order schoolchildren bused. They order that the districts be redrawn and then they leave it to the school system to do the busing.

Mr. LEVIN. Can the Senator give any idea, approximately, as to the number of districts in which court-ordered busing is now ineffective?

Mr. JOHNSTON. I cannot tell the Senator. I am sure that it is information that is available in the RECORD. I do not recall.

Mr. LEVIN. The Judiciary Committee has not even printed a report, as I understand it. Is that correct?

Mr. JOHNSTON. To my knowledge the committee has not printed a report.

Mr. LEVIN. We have taken the time to go look at those records and there was not a printed report available to the Senate. We are being asked to vote on findings of fact of a critical nature based on reports we have not even printed. We have gone and looked at those transcripts and cannot find that figure. Yet we are being asked to vote on findings which are based on certain information which is not even available. It is the very basic question about how many school districts presently have court-ordered busing and in how many would the Senator estimate it is ineffective? If there are 800 districts which have court-ordered busing, would someone estimate for us, if not the Senator from Louisiana—I do not want to put him on the spot because he cannot have all the figures on the top of his head—but would some one estimate for us in how many of those 800 districts which have court-ordered busing it is a failure?

Mr. JOHNSTON. I suggest to the Senator that the appropriate question is not how many school districts are subject to court-ordered busing but the proper question is how many school districts where it has been ordered has it been successful and how many has it been unsuccessful.

Mr. LEVIN. I agree with that.

Mr. JOHNSTON. And let me say that these rather long studies have been put in the RECORD and have been printed in the RECORD. I do not know whether the Senator has had a chance to read the James J. Coleman report. It is 78 pages long. It is entitled "Trends in School Segregation." That goes into rather painful detail with more mathematical formula than I can understand, and it takes each school district and it finds what happened before and after and where the children went and where they would have gone but for the court order and the demography of it and the trends, and all of those things. As I say it is in rather painful detail. It is interesting to those who are really interested in the social science of it. I think somewhere tucked in all that mass of figures is the judgment of how many school districts have been ordered to bus. If I tell the Senator that there are 9,000 school districts that have been ordered to bus, that does not really tell him anything. The important thing is how it has worked, and I think there is ample evidence printed in the RECORD and made available to Senators.

If I may just say one additional thing, and I do not mean to speak too long in answering these questions, but this is very critically important. Each Congress for the last three or four Congresses, at least, has considered this question in depth and has printed records. I have in my office stacks of printed records, bound records where people testify and figures have been promulgated. It is not a new question. I mean we did not wake up this morning to the world and finally find that busing has not worked. That has been going on for a long time, for a decade, and during that time Congress has considered and reconsidered and simply has not gotten this far in the process yet.

Mr. LEVIN. This is important. This morning we are being asked to make findings of fact.

I think the statement of the Senator from Louisiana that the statement that court-ordered busing has proven to be an ineffective remedy does not mean in every single case. It is an important statement. The Senator acknowledged that in some cases it may be an effective remedy. As a matter of fact, in Jefferson County, according to the information we have, it has been described as a good plan which is working out well. Since 1975 in Hillsboro County, Fla., it has been described as a plan which has drawn citizen support and only minor difficulties according to a Time magazine article and other articles.

I do think it is useful that the Senator has acknowledged that there are or may be instances where court-ordered busing has proven to be an effective remedy.

I take it that the Senator is not willing to offer a percentage as to what percentage of the cases where it has been ordered where it has worked out OK or perhaps the Senator is. If we can get figures as to in how many cases it has been ordered, would the Senator be willing to guess as to what percentage has been ineffective?

Mr. JOHNSTON. I would not want to put a percentage on it. I think Armor is right where it is stated there is "overwhelming social science evidence that mandatory busing has failed as a feasible remedy." So I think the evidence is overwhelming.

No. 2, this amendment does not prohibit all busing. It severely limits it.

No. 3, let me just ask the Senator from Michigan. As he began his statement he said that he happens to agree with me that busing does not work; he does not like the remedy.

Mr. LEVIN. That is not quite what I said. I said busing frequently has not worked.

Mr. JOHNSTON. In the opinion of the Senator from Michigan why has it not worked in those cases where he thinks it has failed?

Mr. LEVIN. I am only familiar with my own situation in Detroit where it has not worked because the school district was about 75 percent black to begin with and it increased the outflow of citizens predominantly white but not exclusively white who were willing to become citizens in the suburbs.

I opposed busing in Detroit. By the way, I opposed it along with our mayor, may I say, Mayor Young. In Detroit we had a case of de jure segregation.

So I am not someone who believes that busing is always the answer, but I am someone who believes in the Constitution, and I do not believe in removing from the Federal court in every case that fits the Senator's description of distance and time the right to order busing to remedy a constitutional violation because busing makes no sense in some cases. I am not willing to take that risk with the Constitution because we set a precedent. If we say the Federal court cannot enforce the Constitution in the earlier busing, tomorrow we will say that it cannot enforce the Constitution in the area of free speech or some other area.

So my difference with the Senator from Louisiana is not so much that I think we should avoid busing except where it is constitutionally permitted as subsection 5 of the Senator's amendment says, a subsection I agree with. Where I disagree with the Senator is that the Senator would have us vote today on findings of fact which sound all inclusive—I am glad they are not—but if they are not all inclusive and if there could be cases and are cases where busing is an effective remedy why then would we foreclose it in all cases as this amendment would do? I do not think that the amendment's logic is consistent with the explanation in the Chamber that there may, indeed, be areas and cases where it has proven to be an effective remedy.

I am not familiar personally with Hillsboro County, Fla., or with Jefferson County, Ky., or with Clark County, Nev., or with Racine, Wis., or with dozens of other districts where apparently this is working.

I do not know, I do not have firsthand knowledge, but we are being asked to find that it is not working in those cases and that retroactively we ought to undo busing orders in communities which have now settled in with those orders. I think such an amendment can be extremely disruptive. I understand its purpose and, frankly, I would like to see busing limited to situations where it clearly is going to have a positive effect and where there is no alternative. But I am not willing to do that by removing Federal court jurisdiction in all cases if it fits your distance and time standards because I think it is a pernicious precedent and that the Federal courts are going to be hobbled by this kind of approach in enforcing the Constitution.

Much as I dislike busing in many instances, I like the Constitution even more, but I do thank my friend from Louisiana. I do think the amendment has been clarified. I do not think it is logical any more because again it prohibits busing in all cases that fit the standards, even though I believe it is clear from this colloquy that busing has not been ineffective in every case or that busing has never produced a unitary school system.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. LEVIN. I would be happy to yield.

Mr. JOHNSTON. I, like my friend from Michigan, strongly agree with passionately believe in, the Constitution. But I happen to believe in all of the Constitution, including section 5 of the 14th amendment which gives to Congress the right to implement the amendment by appropriate legislation.

The Senator also recognizes that section 5 is a part of that Constitution just as surely, indeed more surely, than some newly discovered decisions of the Supreme Court, which did not even exist prior to the late 1960's and, indeed, which decisions do not explicitly require busing.

Mr. LEVIN. I would agree. I want to ask my friend this question: Would you suggest we could eliminate from the Federal court the power to use the remedy of injunction to enforce the first amendment, leaving to the per-

sons who are injured a damage remedy? Would you call that enforcing an amendment?

Mr. JOHNSTON. You can clearly not do that under section 5 of the 14th amendment because that does not relate to 14th amendment rights.

Mr. LEVIN. I would apply it to rights that are enforced against the States through the 14th amendment.

Is my friend suggesting that we could eliminate for all those rights which apply to the States through the 14th amendment the injunctive remedy, leaving to claimants the right to damages? Is that the position you would take?

Mr. JOHNSTON. I would say that the Supreme Court of the United States in the litigation over the Norris-LaGuardia Act, which took away the right to get injunctions in labor disputes of an act passed by Congress, was upheld by the Supreme Court under article III of the Constitution. That is not under section 5.

Mr. LEVIN. That was different from a constitutional violation or a constitutional amendment or right which was enforced against the States under the 14th amendment.

Mr. JOHNSTON. In Ex parte McCardle, an old case in 1868, they took away the right of habeas corpus which is about as basic a constitutional right as you can get.

I am not suggesting that the power of Congress is or should be unlimited under section 5 of the 14th amendment or, indeed, under article III relating to jurisdiction. In all of the instances which the Senator has stated, I believed it would be unwise, even if legal, for Congress to exercise that power. I simply want to get the record clear that we are in a rather unclear or at least in a complicated area when you are talking about what is the power of Congress under the 14th amendment and section 5.

Mr. LEVIN. I would agree. Despite all that, the approach of the pending amendment is flawed both logically and legally.

First, as to the logical weaknesses of the amendment. It rests upon several findings of fact which are, in reality, little more than expressions of opinion. The debate on this amendment has not centered on the findings of fact which are broad and sweeping conclusions regarding the effects of school busing. These findings purport to demonstrate that busing is, in all cases, a failure. The universal failure of busing is critical to the internal logic of the Johnston amendment because the universality of busing's failure is the only justification for a universal ban beyond certain limits.

Senator JOHNSTON himself believes that if the Congress approves his amendment, it will have given its sanction to these facts and, in turn, the courts will have to give deference to them as well. He relies chiefly upon the opinion of Justices Brennan, White, and Marshall in *Oregon* v. *Mitchell*, 400 U.S. 112 (1970), which states:

> The nature of the judicial process makes it an inappropriate forum for determination of complex factual questions of the kind so often involved in constitutional adjudication. Courts, therefore, will overturn a legislative determination of a factual question only if the legislature's finding is so clearly wrong that it may be characterized as "arbitrary", "irrational," or "unreasonable".

While it is true that busing has sometimes been unsuccessful and has sometimes produced the kind of negative results identified in the findings contained in the Johnston amendment, it is impossible to rationally determine the reasonableness of the sweeping conclusions in this amendment on the record which has been established during only 1 day of hearings on S. 528, the bill introduced by Senator JOHNSTON which is the predecessor of this amendment. The hearing record and the Senate debate on this amendment have failed to produce any record upon which the Senate could find that—

> (1) court orders requiring transportation of students to or attendance at public schools other than the one closest to their residences for the purpose of achieving racial balance or racial desegregation have proven an ineffective remedy and have not achieved unitary public school systems and that such orders frequently result in the exodus from public school systems of children which causes even greater imbalance and diminished support for public school systems; or that
>
> (3) the assignment of students to public schools or busing of students to achieve racial balance or to attempt to eliminate predominately one race schools is without social or educational justification and has proven to be educationally unsound and to cause separation of students to a greater degree than would have otherwise occurred.

At best, it seems to me that our experience with busing is sufficient to conclude that there are problems with its application in a number of situations. As a result, I agree that busing should be imposed only where constitutionally required and in the absence of a better alternative. But Senator JOHNSTON'S amendment goes way beyond that by prohibiting any busing beyond 5 miles from a student's home in all circumstances.

Senator JOHNSTON relies upon studies on the effects of schoolbusing which have been conducted by David J. Armor, a senior social scientist at the Rand Corp., and James S. Coleman, a professor of sociology at the University of Chicago and the well-known author of the 1965 Coleman report.

David J. Armor testified before the Senate Subcommittee on the Constitution of the Senate Judiciary Committee on May 14, 1981. He told the subcommittee that "mandatory busing has failed as a reasonable remedy for school segregation," but he emphasized that there is still disagreement among social scientists as to the effects of school busing. He stated:

> I do not mean to imply that social scientists are in agreement about the lack of educational and social benefits from desegregation, the possible harmful effects of desegregation on race relations, or the causes of housing segregation. These issues are controversial and are still being debated.

Furthermore, Armor's specific recommendations to the subcommittee differ dramatically from the approach taken in the Johnston amendment. He recommended: First, that the Congress commission studies to consolidate evidence showing the feasibility of various types of remedies for school segregation; second, that any new legislation should represent an affirmative step to acknowledge the existence of constitutional violations and to address the need for feasible remedies, rather than legislation that simply opposes mandatory busing; and third, that the courts should be required to use remedies approved by the Congress.

Senator JOHNSTON also relies on a study conducted by James S. Coleman entitled, "Trends in School Segregation, 1968-1973." This highly controversial study identifying the phenomenon of "white flight" has been harshly criticized by a number of prominent social scientists. Dr. Coleman himself has conceded that the conclusions he reached in the paper go beyond the statistical data he gathered. I would like to insert in the RECORD at this point, a July 11, 1975, New York Times article which points to some of the deficiences of the Coleman study. The article states in part:

> Dr. Coleman's contentions were based on a purely statistical study of trends in the 20 largest central city school districts from 1968 to 1973. The crux of his argument is that integration in the first two years, 1968-1970, led directly to a substantial exodus of white families in the following three years, 1970-1973, over and above the normal movement to the suburbs.
>
> However, a thorough check of all 20 cities—in which key officials in each were questioned by telephone—could find no court-ordered busing, rezoning or other kind of coerced integration in any of the cities during 1969-1970 period. Court suits were pending in many, but desegregation was limited to a few modest open enrollment plans, used mostly by blacks. If there was "massive and rapid" desegregation, as Dr. Coleman said, it could not have been due to court-imposed remedies.

For every study purporting to demonstrate that busing has been unsuccessful, there are those which claim it is beneficial to students who have been the target of purposeful discrimination in the schools. How then can we be expected to find an absence of social science evidence?

The Congress has only once addressed the question of whether

schoolbusing is effective, in a comprehensive and responsible fashion. In 1972, the Select Committee on Equal Educational Opportunity found that "our survey of the evidence that is available demonstrates a definitive positive relationship between racial socioeconomic integration and academic achievement of educationally disadvantaged children." It is unfortunate that the Congress has not chosen to update the findings of the select committee, because in a debate of such import there should be current and accurate information. Indeed, I question whether there should even be a vote on this amendment without first having updated the report of the select committee.

However, since we are debating the issue, we should at least weigh all the available evidence. There are, for example, studies which suggest that the white-flight phenomenon studied by David Armor and James Coleman is often attributable to a variety of sociological and economic conditions other than busing. In his appendix to testimony before the Senate Subcommittee on the Constitution regarding the effects of schoolbusing, William Taylor, Director for the Center for National Policy Review, stated:

> The claim that desegregation leads to white flight is limited to school desegregation that occurs in large cities with high proportions of minorities that are surrounded by virtually all white suburbs. White suburbanization preceded school desegregation by several decades. It stems from many causes, including record levels of suburban housing construction; the movement of urban jobs to suburban facilities; and discriminatory housing practices limiting minority access to suburban housing.

Senator JOHNSTON'S amendment is logically deficient as there is no proof before us that busing is a universal failure. Absent such proof, the absolute ban on busing beyond a certain distance, which the amendment proscribes, is not logical.

I am also deeply troubled by the approach of prohibiting the Federal courts from ordering busing where it is constitutionally required. As I read the Constitution, such an attempt to restrict the power of the courts to order a specific remedy is unconstitutional. Consequently, the amendment is also legally flawed.

The amendment purports to be rooted in part in section 5 of the 14th amendment which grants the Congress the "power to enforce, by appropriate legislation, the provisions of this article." But the Supreme Court, in its limited examination of the meaning of the phrase "power to enforce," has indicated that the Congress was given a "positive grant" to adopt legislation which is "plainly adopted to the end" of enforcing equal protection and which is "consistent with the letter and spirit of the Constitution," *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966).

In Katzenbach, the Supreme Court held that section 4(e) of the Voting Rights Act of 1965, which invalidated a New York literacy requirement for voting as applied to Puerto Rican residents educated in American-flag schools, was appropriate legislation under section 5 of the 14th amendment. In a footnote to the majority's opinion in that case, the Court stated:

> Section 5 does not grant Congress the power to exercise discretion in the other direction and to enact statutes so as in effect to dilute the equal protection and due process decisions of this Court. We emphasize that Congress' power under Section 5 is limited to adopting measures to enforce the guarantees of the Amendment; Section 5 grants to Congress no power to restrict, abrogate, or dilute those guarantees. Thus, for example, an enactment authorizing States to establish racially segregated systems of education would not be—as required by Section 5—a measure "to enforce" the Equal Protection Clause since that clause of its own force prohibits such state law.

That this amendment attempts to restrict the equal protection guarantees insured by a long line of school desegregation cases is plain and apparent. The direct and rigid limit on the equitable power of the Federal courts it contains circumscribes a specific remedy which has been construed by the Supreme Court as being essential, in many cases, to the effective elimination of the remnants of State-sanctioned school segregation.

Senator JOHNSTON argues that this amendment restricts only one possible remedy for de jure school segregation and therefore cannot be said to tie the hands of the Federal courts in fashioning alternative remedies for denial of constitutional rights. But Chief Justice Burger wrote in *North Carolina Board of Education* v. *Swann*, 402 U.S. 42 (1971), that "bus transportation has long been an integral part of all public school systems, and it is unlikely that a remedy could be devised without continued reliance on it." On the basis of this premise, the Federal courts have found busing to be constitutionally required in some cases.

This amendment is inconsistent with section 5's requirement that the Congress adopt legislation which is designed, in a positive sense, to extend the rights guaranteed under the 14th amendment. The amendment attempts to restrict what the courts have deemed a sometimes necessary remedy. As a result, it is a violation of the limitations placed on the power of the Congress under section 5 of the 14th amendment, in my view.

A second legal problem, Mr. President, also springs from attempts made in this amendment to exercise the power granted to Congress in article III of the Constitution. If the pending amendment is adopted by the Congress, it will signal a new open hunting season on the Constitution. There are over 30 bills pending in the Congress which would limit the jurisdiction of the Federal courts over constitutional claims relating to school prayer, abortion, busing, and differentiations between men and women in the armed services. If we allow the Congress to curtail Federal court jurisdiction in any of these areas, we will set the stage for an extremely dangerous policy whereby anytime the Congress finds the Court protecting rights which we want to see abrogated, we would simply restrict their power in that particular area.

The effect of such a policy would be twofold. First, we would totally eliminate the Federal nature of our Government. As the Court indicated in *Ableman* v. *Booth*, 62 U.S. (21 Howard) 506 (1958), such actions would have the effect of nullifying the supremacy clause of article VI of the Constitution. The Court reasoned that where there is not a single supreme tribunal with the authority to interpret and pronounce the meaning of the Constitution and of Federal law, "the Constitution and the laws and treaties of the United States, and the powers granted to the Federal Government, would soon receive different interpretations in different States and the United States would soon become one thing in one State and one thing in another."

Equally damaging would be the erosion of the judicial branch as a check on the other branches of the Federal Government or the States. Today a majority of the Congress takes issue with Federal court's decisions regarding school segregation. Tomorrow the Congress might differ with the Court on its decisions upholding the Bill of Rights. The system of checks and balances which the Johnston amendment threatens is the cornerstone of our Government. Surely we do not want to erode it in this manner, regardless of our individual views on the effectiveness of busing.

Mr. President, Supreme Court decisions requiring social change are often unpopular. This is not the first time that attempts will have been made to restrict the power of the Federal courts which make these controversial decisions. Over the years, however, the Congress itself has recognized the danger of such attacks on the judiciary. For example, in 1957, Senator Jenner introduced a bill to eliminate the Supreme Court's appellate jurisdiction over State rules regarding the admission of applicants to the bar, State actions to control subversive activities, regulations by educational institutions regarding subversive activities by teachers, Federal executions of security programs, and congressional contempt actions against witnesses. The Senate Judiciary Committee struck the latter four limitations,

added several nonjurisdictional amendments to the bill, and reported it to the Senate with the limitation regarding State bar admissions intact. The Senate voted to table the bill, rather than limit the Court's jurisdiction.

In 1964, Senator THURMOND offered an amendment in response to the Supreme Court's Reynolds against Sims decision, which required reapportionment of each House of the State legislatures solely on the basis of population. The amendment would have eliminated both the Supreme Court's appellate jurisdiction and the lower Federal court's original jurisdiction over cases involving questions of reapportionment of State legislatures. The amendment was rejected 21 to 56.

In the 1930's this Nation properly rejected attempts by President Roosevelt to pack the Supreme Court in an effort to implement a mechanism which would give him control over it. As much as many believed in the products he wanted, the process was highly objectionable. To dismantle the integrity of the Court would have been to dismantle the very basis of our system of checks and balances and to jeopardize enforcement of the guarantees of the Constitution. This amendment is the modern version of Court packing.

Mr. President, I ask unanimous consent that a letter addressed to Senator BAKER from the president of the American Bar Association, Mr. Robert Hoffman, be printed in the RECORD. Part of that letter states:

The issue is not busing. The issue is whether as a matter of policy and of Constitutional permissibility, this nation is going to adopt a device whereby each time a decision of the Supreme Court or a lower Federal court offends a majority of both Houses of Congress the jurisdiction of the Federal courts to hear that issue will be stripped away. We do not believe that is a system the framers intended or one that we should strive to institute.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR SENATOR BAKER: I am writing to urge our opposition to the Johnston-Helms amendment to the Justice Department authorization bill. This amendment would drastically restrict the jurisdiction of the Federal courts to issue remedies in school desegregation cases, even when such remedies are the only available means of vindicating Constitutional rights against a deliberate and intentional violation of the equal protection clause of the Fourteenth Amendment.

The American Bar Association opposes this amendment because of one overriding conviction: the necessity to protect the integrity of the courts of this nation from misdirected legislative efforts to achieve something that can be done only through Constitutional amendment. The issue is not busing. The issue is whether as a matter of policy and of Constitutional permissibility, this nation is going to adopt a device whereby each time a decision of the Supreme Court or a lower Federal court offends a majority of both Houses of Congress the jurisdiction of the Federal courts to hear that issue will be stripped away. We do not believe that is a system the framers intended or one that we should strive to institute.

The American Bar Association has long opposed efforts from whatever spectrum of the political scene, to alter constitutional interpretation through means other than constitutional amendment. We stood in opposition to the "Court-packing" plan of the late 1930's, which would have altered prevailing law by stacking the Court's membership. More than thirty years ago we called for the adoption of assurance that jurisdictional manipulation would not and could not be used to work substantive changes in the Constitution. In 1958, the Association opposed bills pending in Congress that would have denied the Supreme Court review of decisions involving alleged subversives in various fields. That policy is Association policy today.

Because the policy considerations are so substantial and because the constitutional propriety of these bills is open to such serious reservations, we urge the Senate to oppose the curtailment of the jurisdiction of the Federal courts for the purpose of effecting constitutional change that is properly the province only of the amending process. Irrespective of the subject involved and regardless of our individual beliefs with respect to any of them, the overriding consideration is that we support the integrity and independence of Federal courts, whether we agree with particular decisions or not, and that we support the integrity and inviolability of the amending process.

In view of the above, I urge you and your colleagues to reject the Johnston-Helms Amendment.

Sincerely,

HERBERT E. HOFFMAN.

Mr. LEVIN. I also ask unanimous consent that the resolution of the 50 State supreme court chief justices, who make up the Conference of Chief Justices, be printed in the RECORD. Part of that resolution reads:

the Conference of Chief Justices, without regard to the merits of constitutional issues involved, expresses its concern about the impact of these bills on state courts and views them as a hazardous experiment with the vulnerable fabric of the Nation's judicial systems,

The bills being referred to are the approximately 20 bills pending.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION I—RESOLUTION RELATING TO PROPOSED LEGISLATION TO RESTRICT THE JURISDICTION OF THE FEDERAL COURTS

Whereas, there are presently pending in the United States Congress approximately twenty bills that would strip the federal courts, including the United States Supreme Court, of substantive jurisdiction in certain areas involving prayer in public schools and buildings, abortion, school desegregation and busing, and sex discrimination in the armed services; and

Whereas, the Conference of Chief Justices, without regard to the merits of constitutional issues involved, expresses its concern about the impact of these bills on state courts and views them as a hazardous experiment with the vulnerable fabric of the nation's judicial systems, arriving at this position for the following reasons, among others:

A. These proposed statutes give the appearance of proceeding from the premise that state court judges will not honor their oath to obey the United States Constitution, nor their obligations to give full force to controlling Supreme Court precedents;

B. If those proposed statutes are enacted, the current holdings of those Supreme Court decisions targeted by this legislation will remain the unchangeable law of the land, absent constitutional amendments, beyond the reach of the United States Supreme Court or state supreme courts to alter or overrule;

C. State court litigation constantly presents new situations testing the boundaries of federal constitutional rights. Without the unifying function of United States Supreme Court review, there inevitably will be divergence in state court decisions, and thus the United States Constitution could mean something different in each of the fifty states;

D. Confusion will exist as to whether and how federal acts will be enforced in state courts and, if enforced, how states may properly act against federal officers;

E. The proposed statutes would render uncertain how the state courts could declare a federal law violative of the federal Constitution and whether Congress would need to wait for a majority of the state courts to so rule before conceding an act was unconstitutional;

F. The added burden of litigation engendered by the proposed acts would seriously add to the already heavy caseload in state courts: Now, therefore, be it

Resolved, That the Conference of Chief Justices expresses its serious concerns relating to the above legislation, approves the report of the Conference's Subcommittee of the Committee on State-Federal Relations, and directs its officers to transmit that report, together with this resolution, to appropriate members of Congress.

Adopted at the Midyear Meeting in Williamsburg, Virginia on January 30, 1982.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEVIN. I thank the Chair. I ask the Senator from Connecticut if he will yield 1 minute.

The PRESIDING OFFICER. Will the Senator from Connecticut yield 1 minute?

Mr. WEICKER. Mr. President, I yield 2 minutes to the distinguished Senator from Michigan.

Mr. LEVIN. I thank my friend.

The bills being referred to in that resolution from the conference of the chief justices are 20 bills which would strip the Federal courts, including the U.S. Supreme Court, of substantive jurisdiction in certain areas involving prayer in the public schools, abortion, school desegregation, busing, and sex discrimination in the armed services.

Mr. President, I ask unanimous consent that a Harris poll recently issued, indicating that the majority of the parents whose children are bused so far as desegregation orders, both white and black, find such orders are working satisfactorily, be printed in the RECORD.

There being no objection, the survey was ordered to be printed in the RECORD, as follows:

MAJORITY OF PARENTS REPORT SCHOOL BUSING HAS BEEN SATISFACTORY EXPERIENCE

(By Louis Harris)

Among the 19 percent of American families whose children have been bused to school as part of the effort to achieve racial balance, 54 percent of the parents say the experience has been very satisfactory, 33 percent say it has been partly satisfactory, and only 11 percent feel it has not been satisfactory. These latest findings are diametrically opposed to the general impression that such busing has been a disaster where it has been tried.

Among the 17 percent of white families who have experienced busing, 48 percent report that it has been very satisfactory, 37 percent partly satisfactory, and only 13 percent unsatisfactory. Among the 40 percent of black families, 74 percent feel that busing has been very satisfactory, 21 percent partly so, and only 5 percent report it has not worked well.

Among the public as a whole, there are signs that the longstanding opposition to busing as a means of remedying segregation in the schools is beginning to diminish:

A 53 percent majority of Americans, blacks and whites, believe that black children would do better "if they all went to school with white children." Only 16 percent feel that black children would do worse, while 18 percent think they would do about the same. Among whites, 51 percent think that black children would do better, 18 percent worse, and 19 percent the same. Among blacks, 67 percent feel their offspring would do better under integrated conditions.

75-22 percent, Americans simply do not believe the claim that "if black children all went to school with white children, the education of white children would suffer, because black children would hold back the white children." Among whites, a 72-24 percent majority discounts this; among blacks a nearly unanimous 92-4 percent disagrees that black children would hold back white children.

Nationwide, 52 percent think that "five years from now, most black and white children will be going to school together." There is a sense that increasing integration is inevitable. Another 27 percent feel that "some but not a lot" of black and white students will be attending schools together, while 16 percent feel "only a few" will be going to school together. There is little difference in how blacks and whites estimate the future of integration. Among whites, 52 percent foresee that most white and black children will attend the same schools, 28 percent think it will be "some but not a lot," while 15 percent say only a few. Among blacks, 53 percent estimate that most children will be attending fully integrated schools five years from now, 24 percent "some but not a lot," and 19 percent "only a few."

These results from the latest Harris Survey of 1,254 adults nationwide suggest that school busing for racial purposes has worked well in most cases and that it will result in increased school integration. There is also a rather deep sense that blacks get a better education when they attend integrated schools and that white children will not be held back educationally if they go to school with blacks.

Yet, when asked whether they would like to see their own children "picked up in buses every day so they could go to another part of town to go to school with children of all races," a 74-21 percent majority of Americans feels such busing would be "too hard on the children." Whites and blacks sharply disagree on this question: by 79-16 percent, whites feel that busing is too hard, while blacks favor it by 61-31 percent.

It seems that the idea of busing to achieve racial balance is unpopular. And yet, those whose children have experienced busing report that it was a satisfactory process that worked out well in the end.

TABLES

Between February 19th and 22nd, the Harris Survey asked a cross section of 1,254 adults nationwide by telephone:

"Do you feel that black children would do better or worse if they all went to school with white children today?"

BLACK CHILDREN DO BETTER IF GOING TO SCHOOL WITH WHITE CHILDREN?

[In percent]

	Total	White	Black
Better	53	51	67
Worse	16	18	3
About the same (vol.)	18	19	20
Not sure	13	12	10

"It's been said that if black children all went to school with white children, the education of white children would suffer. The reason given is that the black children would hold back the white children. Do you believe that or not?"

EDUCATION OF WHITE CHILDREN SUFFER IF GOING TO SCHOOL WITH BLACK CHILDREN?

[In percent]

	Total	White	Black
Believe	22	24	4
Do not believe	75	72	92
Not sure	3	4	4

"Five years from now, do you think right around here most black and white children will be going to school together, some but not a lot, or only a few will be going to school together?"

MOST BLACK AND WHITE CHILDREN GOING TO SCHOOL TOGETHER 5 YEARS FROM NOW?

[In percent]

	Total	White	Black
Most	52	52	53
Some but not a lot	27	28	24
Only a few	16	15	19
Not sure	5	5	4

"Of course, because of where they live today, many black children go to all-black schools and whites go to all-white schools. Would you like to see children in your family be picked up in buses every day so they could go to another part of town to go to school with children of all races or would that be too hard on the children?"

BUSING TOO HARD ON CHILDREN?

[In percent]

	Total	White	Black
Picked up by buses	21	16	61
Too hard on children	74	79	31
Not sure	5	5	8

"Have any of the children in your family been picked up by bus to go to a school with children of other races, or hasn't that happened?"

CHILDREN IN YOUR FAMILY BEEN BUSED?

[In percent]

	Total	White	Black
Been picked up by bus	19	17	40
Not happened	70	72	53
No children in school (vol.)	10	10	6
Go to private schools (vol.)	(1)	1	1
Not sure	1	(1)	(2)

[1] Less than 0.5 percent.
[2] No response.

"How did the busing of children in your family to go to school with children of other races work out—was it very satisfactory, partly satisfactory, or not satisfactory?" (Base: "been picked up by bus.")

BUSING OF YOUR CHILDREN SATISFACTORY?

[In percent]

	Total	White	Black
Very satisfactory	54	48	74
Partly satisfactory	33	37	21
Not satisfactory	11	13	5
Not sure	2	2	

Mr. LEVIN. I very much thank my friend from Louisiana for his patience both with my questions and with my voice.

Mr. JOHNSTON. Mr. President, will the Senator yield for a question?

Mr. LEVIN. I yield.

Mr. JOHNSTON. When his time runs out then on my time.

Will the Senator yield? First of all, I would observe that the letter from the American Bar Association really had reference to article III jurisdictional cases or legislation and not to section 5 of the 14th amendment cases.

Second, I would observe that the Harris poll is not inconsistent with polls which over a period of a decade have by margins of at least 3 to 1 of the American public soundly disapproved of busing; am I correct on those two points?

Mr. LEVIN. I must admit that I was surprised by the size of the results of the Harris poll myself. I do not know what other polls show. I think it would show that busing is unpopular with most Americans. But the point is it does not always fail, and sometimes it does work. This amendment is retroactive, and we would have, unduly have, instances under this amendment where it has worked as well as those cases where it has not, and I think that is a much broader sweep than the Congress should be engaged in.

I also, in terms of the first question. believe that the amendment is offered to the Congress not just under section 5 but also under article III. I believe both are cited in the amendment that is before us.

Mr. JOHNSTON. The Senator is correct.

Let me ask one final question: The Senator stated he opposed busing in Detroit, even went to court to oppose it. The circumstances cited were a black-white ratio of 75 to 25, and the Senator feared that there would be white flight if the order was entered. I believe the order was entered, and I believe that white flight did occur. I believe the Senator would now be convinced that he would be vindicated in his judgment that the order was improvidently entered and should not have been entered; am I correct on that?

Mr. LEVIN. The Senator's statement is generally correct.

Let me say that I opposed the order being entered. I opposed the order being entered because I believed in that instance it would not achieve the goal of limiting segregation but would promote resegregation. That is why I opposed the order.

But there are other orders by other Federal courts where busing is used which will not have the effect of promoting segregation. This amendment touches those orders as well.

Mr. JOHNSTON. That is in somebody else's State.

Mr. LEVIN. Also in my State, may I say. We have busing orders in Michigan, so I am not just talking about other States. What I am talking about are other situations about which I have read where the orders have been effective, where the communities feel they have benefited, and where the orders would be undone.

Mr. JOHNSTON. I understand the Senator's point on that. But my question now is, Did not the court in that case obviously feel that it was bound by Supreme Court decisions to enter that order that the Senator thinks was improvidently entered?

Mr. LEVIN. I think the court wrongfully felt that and was corrected by the court of appeals, as I remember it. I hope my memory is correct on it. The order of the lower court was returned to the lower court by the court of appeals for further consideration in light of Supreme Court opinions, I believe. I hope my memory is correct. I should know that by heart. I may be wrong, but I think that is what happened.

Mr. JOHNSTON. Mr. President, I ask the Senator, finally, what would be his remedy? What should we do if courts do enter these orders? And let me tell you that all across Alabama they enter these orders. In Baton Rouge, this morning 6-year-old children are being bused 1½ hours in one direction. That is improvident. I would go so far as to say that is virtually idiotic. Any policy of any country that requires that ought to be reversed. How would the Senator reverse that kind of nonsense?

Mr. LEVIN. I would adopt the Senator's subsection 5, which says that the assignment of students to public schools closest to their residence, neighborhood public schools, is the preferred method of public school attendance and should be employed to the maximum extent, consistent with the Constitution of the United States.

I buy that wholeheartedly, either that or I would amend the Constitution, but I would not try to amend the Constitution by legislation because that is not the proper way to do it.

Mr. JOHNSTON. The Senator does feel that there is a place and a power of the Congress under section 5 relating to busing. The Senator's disagreement is as to the reach of this bill. It overreaches what the Senator thinks is "appropriate legislation" as that term is used in section 5 of the 14th amendment?

Mr. LEVIN. I think we can enforce section 5 through legislation. I do not think we can hobble it, reduce it, diminish it, and I think that is clearly the effect when you remove one extension for enforcing. There is no way I could see logically that removing the injunction sanction is a way of enforcing the Constitution. That, to me, violates all logic and I believe also violates the Supreme Court decision in the Katzenbach against Morgan case.

Mr. JOHNSTON. I thank the Senator.

Mr. LEVIN. I thank my friend. I also thank my friend from Connecticut for yielding me additional time. I hope that this latter colloquy comes off the time of the Senator from Louisiana: I expect that it does.

Mr. JOHNSTON. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Louisiana reserves the remainder of his time.

The Senator from Connecticut.

Mr. WEICKER. Mr. President, first, I compliment the distinguished Senator from Michigan for bringing into question that section of the amendment which sets forth congressional findings of fact which indeed are neither findings nor facts. Nobody that I know of in the U.S. Senate has done the necessary investigative work to arrive at any conclusions, much less these conclusions. And of course when it comes to those school districts that, again, by virtue of their history, in fact, defy the conclusions therein, there are many across the United States where the remedies of the court have succeeded.

In any event, I choose to debate this matter on another aspect and only want to compliment the work done and the comments made by the distinguished Senator from Michigan as to the section of the bill that relates to findings of fact.

Now, Mr. President, this issue commenced on June 16, 1981. And I would expect that this exercise in unconstitutionality by the distinguished Senator from Louisiana and the distinguished Senator from North Carolina will end up in their favor before the afternoon is up. But I think anybody makes a serious mistake if they look upon it as any more than one more stop along the way to the eventual disposition of the bill.

I remember on June 16, it was reported in the media that this matter would be resolved in a matter of 24 to 48 hours. It is now February 4, 1982, and the matter has not been resolved and the matter will not be resolved either today or this week or this month, and it should not be.

I am surprised, during this conservative era, at the concern exhibited on behalf of lawbreakers by Members on the floor of this Chamber. And that is what we are talking about—lawbreakers. This remedy does not even come into play unless somebody has been found guilty of breaking the laws of the United States of America; in this particular instance, found guilty of discrimination.

Now, maybe that does not have the flair to it that murder does or rape does or bank robbery does, but we are still talking about breaking the law.

This is supposed to be the law-and-order Congress, the law-and-order administration, and yet all this time is being spent on an overweening concern for lawbreakers.

We are told of the importance to this Congress of the social issues—the social issues defined as busing, the social issues defined as abortion, the social issues defined as prayers in school. I would suggest to my colleagues that a true definition of the social issues to the rest of the country, if not to the Members of this Chamber, are unemployment—that is a social issue; interest rates—that is a social issue; bankruptcy of small businesses—that is a social issue. These are the social issues that are impacting on the lives of millions of Americans and in a devastating way. And yet what is this Congress up to? Spending its time trying to unearth the bitternesses of decades past, to exhume the corpse and to revel in it. There is not one Member on this floor—with the possible exception of the two principal sponsors, and even maybe they have doubts—that would not recognize that what we are spending time on, what we will pass, will eventually be termed unconstitutional.

Every impartial, outside individual or entity with knowledge in the area

of the law clearly marks it as being unconstitutional.

The American Bar Association, both as an association and through its leadership, has consistently decried this type of effort ever since it was proposed in June.

I noticed the following in an article in the Washington Post of January 24, 1982, entitled, "ABA Head Sees Crisis for Courts."

American Bar Association President David R. Brink warned today that legislation before Congress to strip the federal courts of jurisdiction over controversial social issues could "lead to the most serious constitutional crisis" since the Civil War.

He called on attorneys, because of their "special responsibility as guardians of the rule of law" to declare battle against these proposals, which he said were "almost unbelievably" making unexpected headway in Congress.

Conservatives have introduced at least 32 proposals in Congress to remove federal court authority in such controversies as abortion, school busing and school prayer in retaliation for Supreme Court rulings they consider objectionable. Such bills generally would leave these matters to the state courts, where conservatives say they think they will have better luck.

I ask unanimous consent, Mr. President, that the article already quoted a similar article in the New York Times, and others to be quoted in the next several minutes be printed in their entirety in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

ABA HEAD SEES CRISIS FOR COURTS

(By Fred Barbash)

CHICAGO, January 23.—American Bar Association President David R. Brink warned today that legislation before Congress to strip the federal courts of jurisdiction over controversial social issues could "lead to the most serious constitutional crisis" since the Civil War.

He called on attorneys, because of their "special responsibility as guardians of the rule of law" to declare battle against these proposals, which he said were "almost unbelievably" making unexpected headway in Congress.

Brink made his remarks in a speech to the National Conference of Bar Presidents, meeting here along with the American Bar Association.

Conservatives have introduced at least 32 proposals in Congress to remove federal court authority in such controversies as abortion, school busing and school prayer in retaliation for Supreme Court rulings they consider objectionable. Such bills generally would leave these matters to the state courts, where conservatives say they think they will have better luck.

Brink's statement was unusually strong for the head of an organization that prides itself on moderation on political issues. The ABA is run largely by lawyers with large commercial law firms. But the growth in power of conservatives, often on the strength of issues involving the law and the courts, has placed the ABA increasingly in the role of protester.

The organization has waged a massive effort against President Reagan's efforts to eliminate federally financed legal services.

Brink said the fight against the court-stripping bills would be the second "great fight" of this period. "We must join as partners and companions in arms," he said.

These proposals, Brink said, "threaten elimination of the third branch of federal government, the judicial branch." He said they also threaten "the Constitution as the supreme law of this land. And if we lose that, we lose our system of government."

Giving each state court system exclusive jurisdiction over the issues, he said, would "convert America into a kind of league of independent states instead of one nation."

Brink asked each state and local bar association to follow the lead of the ABA and adopt resolutions against such legislation. He also asked that lawyers engage in "a massive letter-writing campaign and personal visits to members of Congress."

The bars, he said, should also fight similar proposals now circulating in state legislatures to take jurisdiction away from state courts over these matters.

[From the New York Times, Jan. 25, 1982]

LEADING LAWYERS DEFEND THE COURTS

(By Stuart Taylor, Jr.)

CHICAGO, January 24.—The American Bar Association, characteristically gray, pinstriped, businesslike, and traditionalist as its mid-year convention plods through a frigid weekend here, is uncharacteristically worried about the future the legal system.

David R. Brink, the association's president, is a careful man who rose to senior partner of the largest law firm in Minneapolis by helping affluent clients plan their estates. Yet he has been warning in speeches, news conferences and interviews here that "we are confronted at this very moment with a legislative threat to our nation that may lead to the most serious constitutional crisis since our great Civil War."

It is not the radicals of the left, the bugaboos of past A.B.A. presidents, about whom Mr. Brink and other dignitaries of the legal establishment have been sounding alarms.

NEW RIGHT WORRIES LAWYERS

They are worried about the "new right," led by Senator Jesse Helms, Republican of North Carolina, and the fundamentalist Moral Majority. These groups are pushing more than 30 proposals in Congress that leaders of the bar association say may damage or destroy the power of the Federal courts to safeguard Constitutional rights.

And sometimes they worry about the Reagan Administration, with which the 290,000-member association has a correct but cool relationship. The coolness came from a bitter fight in Congress over Administration efforts to abolish direct Federal financing of legal services for poor people.

The bar association has not been known for advocacy of liberal social causes. Thus it may indicate how far the balance of power in Washington has shifted that the nonpartisan bar association finds itself allied on many major issues with liberatarians and civil rights groups. These unlikely allies are fighting the proposals of Congressional conservatives, and, in some cases, of the Administration.

The foremost threat to "the rule of law," according to Mr. Brink and other lawyers, comes from a strong push by Senator Helms and other Congressional conservatives to strip the Supreme Court and the lower Federal courts of the power to decide cases involving such "social issues" as busing, abortion and school prayer.

"These proposals challenge our Constitution, our separation of powers, our system of American government and our identity as one nation," Mr. Brink said here in a speech.

"They threaten the elimination of the third branch of Federal Government, the judicial," Mr. Brink said. If enacted, he continued, they could lead to "a terrible confrontation" between Congress and the Supreme Court, and especially if the Court agreed with Mr. Brink's view that the proposals were unconstitutional.

Mr. Brink said in an interview that he had asked Attorney General William French Smith to oppose the legislative attacks on the Federal courts.

REAGAN CRITICAL OF JUDGES

Mr. Smith, who is to give a speech here tomorrow, and President Reagan have joined with the conservatives in assailing judicial activism. In particular, they have criticized the Supreme Court's decisions establishing constitutional rights to abortion and requiring school desegregation through busing. But the Administration has taken no position on proposals to strip the courts of jurisdiction over these issues.

Other issues on which the bar association does not see eye-to-eye with the position of some conservatives in Congress and the Administration include these:

The battle over legal aid, with the association leading opposition to the Reagan Administration's proposal to eliminate direct Federal financing.

An Administration proposal to allow unconstitutionally seized evidence to be used against criminal defendants, if a search was conducted in "reasonable, good-faith belief" that it was legal. An association group has opposed this as a dilution of the rights of defendants.

The proposed Federal equal rights amendment. The association supports it; the Administration opposes it, on the ground that it would give courts too much power to strike down laws making distinctions between men and women.

In an interview, Mr Brink was quick to reject a suggestion that the bar was becoming politically liberal.

"We're an apolitical organization," he said. "We're not liberal or conservative or anything else. We're interested in the Constitution and the rights it creates, and the role of the courts as protectors of those rights."

Mr. WEICKER. On February 2, 1982, an article in the Washington Post entitled "State Justices Reject Sole Power Over Social Issues," states as follows, in part:

The chief justices of the state supreme courts, in an unusually strong and unanimous resolution, have condemned the many bills before Congress which would strip the federal courts of power to rule on controversial social issues such as abortion, busing and school prayer.

They also served notice on conservatives that turning these issues over to the state courts, as these bills would do, will not produce the intended result of overturning Supreme Court rulings on busing, legalizing abortion or banning prayer in public schools but will, instead, probably cast them in concrete.

The bills "give the appearance of proceeding from the premise that state court judges

will not honor their oaths to obey the U.S. Constitution," the Conference of Chief Justices said, "nor their obligations to give full force to controlling Supreme Court precedents.

"If the proposed statutes are enacted," the resolution said, those rulings "will remain the unchangeable law of the land . . . beyond the reach of the U.S. Supreme Court or state supreme courts to alter or overrule."

I ask unanimous consent that the article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

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(By Fred Barbash)

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The bills "give the appearance of proceeding from the premise that state court judges will not honor their oaths to obey the U.S. Constitution," the Conference of Chief Justices said, "nor their obligations to give full force to controlling Supreme Court precedents.

"If the proposed statutes are enacted," the resolution said, those rulings "will remain the unchangeable law of the land . . . beyond the reach of the U.S. Supreme Court or state supreme courts to alter or overrule."

The resolution is expected to carry significant weight because under the bills, the state courts headed by these judges would have sole authority to rule on busing, abortion and other volatile subjects. The judges' resolution said they do not want that authority and regard the legislation as "a hazardous-experiment with the vulnerable fabric" of the nation's judicial system.

The Conference of Chief Justices passed the resolution at a meeting at the National Center of State Courts in Williamsburg, Va., last weekend.

Lawrence H. Cooke, chief judge of New York State and chairman-elect of the conference, said every state was represented and there was no dissent when the vote was taken Saturday.

There are at least 30 court-stripping bills before Congress, some due for floor debate within the next few weeks. Congressional conservatives, led by Sen. Jesse Helms (R-N.C.), are pressing the bills as alternatives to the more difficult process of overruling Supreme Court decisions by amending the U.S. Constitution. Most scholars say the effect would be to throw all the issues into the state courts for resolution where conservatives hope they will have better luck.

The resolution said, such a situation, besides clogging the state courts with new cases, would make the Constitution "mean something different in each of the 50 states" and cause "confusion" throughout the judicial system about the balance of state-federal judicial power.

Mr. WEICKER. There may be a political end to all of this, and I am sure that is why we are here spending the time. It is not popular for anybody to stand up here and defend the proposition called busing. But I think we do have a great obligation, as stated by the State supreme court justices, in the sense of our oath of office to uphold the Constitution of the United States. That is the issue before the U.S. Senate.

I gathered in the dialog between the distinguished Senator from Michigan and the distinguished Senator from Louisiana (Mr. JOHNSTON), that the Senator asked what should we do. We have always had it in our power as a Senate to do anything at all in terms of righting the wrongs brought about by discrimination.

What are we going to do? We make the laws. We control the money. We set the policy. The fact remains that we have not done any of these things so the matter goes to the Supreme Court, the Supreme Court acts, and we do not like what they do. So we want to nullify that. If we nullify that, we will sit right back and continue to do nothing.

But the Constitution, you see, does not allow you to do nothing. It says that there shall be equal opportunity and that we all have equal rights. If those rights are being denied, you just cannot sit back and do nothing.

That is the final upshot of what is being done here, to do nothing. If somebody is murdered on the street, do you do nothing? If somebody is raped, do you do nothing?

What? The destruction of the Constitution because it is a little more sophisticated, a little more difficult to understand? That makes its destruction something less than the destruction of human life? Not at all. What gives value to life are the principles espoused in the Constitution and when they go, you do not sit back and do nothing.

The reason why this has to be fought on the floor of the U.S. Senate is so that we cannot complain when the courts take action in the absence of our action.

It is very easy to pass the buck, to let the President do it. We all know the President is not going to do anything in this area. What appalls me is not that he believes in policies that are different from my own beliefs, but he certainly has an obligation by the powers of his office. He can exercise through the powers of the Executive, or he can create through the powers of the Executive, those policies which tend to back off and make a full commitment to civil rights. That is his privilege. It is the privilege of every Member on the floor.

But I can assure each one of my colleagues that if anybody tries to erode the powers of the U.S. Senate there would be a hue and a cry and we would say, "No."

This President is quite satisfied to let part of his office float out to sea. That should be his bother and concern, not mine.

But it is going to come to pass that there will be other men and women sitting in his chair, in his office. I want to make sure that they have every bit of power that was given to him by his predecessor, because these powers, taken in conjunction with each other, the legislative branch, the executive branch, and the judicial branch, are what give a guarantee, the fullest guarantee, to the rights of all Americans.

We are not safe from all power in any one of those branches, and sometimes two of them fail us. But never have three of them failed us.

That is the issue before us. Yet this amendment attacks two of those branches, both the executive in limiting what it is the Justice Department can do, and the judicial in the sense of what the courts in this Nation can do.

Really, is there any American who wants to leave their entire fate and all of their rights in the hands of the Senate and the House of Representatives of the United States of America? We are very good as to polls and very good as to trying to articulate and manifest the tempers of the times. Really, I think history shows us we are a little short on that area called courage. That, more than anything else, is needed in defense of the Constitution of the United States, because that is the toughest document you can possibly imagine insofar as what it demands of each one of us and the Nation.

No, I do not want my fate left in the hands of the Senate of the United States and the House of Representatives, because I realize they might one day fall short, as they have more often than not. I want to make sure that I have a second arrow in my quiver, the executive branch, and even a third, the judicial branch. Indeed, when it comes to tough decisions, more often than not history shows it has been the judicial branch that has stepped in on behalf of all of us and the rights that are ours under the Constitution of the United States.

To leave the constitutional arguments that I have tried to put forth this afternoon, let us for 1 minute try to bring our judgment of busing back into the framework of the times when it was ordered and the times that have transpired since.

Brown against the Board of Education was a 1954 case. Is there anybody who will deny the dramatic change that has taken place in education in the past 28 years? That is the bottom line.

Do you think that is the same system out there? Do you think the same people are getting educated? Do you think the same people have the opportunity today they had in 1954? No way.

There are thousands of Americans that have opportunities available to them because of our great public education system and the opportunities presented therein and the lack of discrimination therein—thousands, hundreds of thousands, that could look upon their future back in 1954 as consisting of nothing more than the most menial and physical of tasks.

That is the bottom line, Mr. President. Ah, now we have become more affluent. Now there are enough out there in terms of minorities that have succeeded that maybe we can try this little experiment once again to narrow the scope of vision and idealism that resides in each one of us. Let us try it. Maybe it is time we do have a minority. Maybe we have just lopped off the numbers so there is not such a large crowd out there still knocking on the door of opportunity.

That is what this is all about. That is what the mood of the Nation is all about.

Sooner or later, again as was hinted at in the remarks of the distinguished Senator from Michigan, if we follow this precedent, it will be some other portion of our society that has become unpopular, not deserving of the majority opinion or the politicians' efforts or the results of polls. Maybe it will be the elderly or maybe it will be the retarded. Maybe it will be the workingman, the laborer. Maybe it will be the politician. Maybe it will be the news media.

There is no end to this mischief once it starts and for anybody to think that they will be immune flies in the face of all history for all nations.

It was John Bonne's words, "I am mine own executioner." That is what we are talking about here as a nation that has been given everything in terms of our opportunity and our rights. We do this to ourselves when we think we do it to someone else. That is the issue here today. And there will be many more uncomfortable moments if we follow that Constitution. But I sure would rather be uncomfortable than have nothing, and nothing is exactly what is assured to us by the narrowness of how we view our fellow citizens, how we perceive them through the lens of that Constitution.

I hope the amendment will be defeated, Mr. President, but if it is not, there will be ample opportunity in the months ahead to discuss the issue further. It is not going to become law. They can all sit there and drool with their tongues hanging out at the prospect that we are going to engage in a little narrowing of the American dream, but it is not going to happen. It is not going to happen.

Yes, there will be separation of church and State and the first amendment is not going to get whittled down.

Maybe this is all great for getting votes, but it surely is not doing much for the country in its present state. And when we are all through with it, I guarantee one thing: The policies might have changed, the laws might have changed in the sense of what is on the books in the new conservative attitude, and maybe some of the economics will change; but the Constitution will be exactly on December 31 of this year as it was on December 31 of last year and December 31 of the year before. The only thing that I would like to see is that situation brought about by the courage of the men and women on this floor, rather than having the Supreme Court of the United States do it for us.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, this bill has rumbled on now for many months. We have had debates and we have been told about political courage, we have been told about the great promises of the Constitution. We have debated everything here on the floor except busing.

Is it not interesting, Mr. President, that in all of these months, the opponents of this amendment, to my judgment, have not once gotten up and tried to defend busing as an institution, as a remedy that works, either as something that achieves educational goals, or indeed, as something that achieves desegregation? Not once have the opponents of this amendment gotten up and said that busing works, that busing is useful, that busing is necessary to bring about and vindicate the promises of the 14th amendment.

Is there a case to be made, Mr. President? Of course, there is not a case to be made. We all know that. The American people know that. That is why, in every public opinion poll, by 3-to-1 margins, they have been against it—because they know it does not work.

The experts know that, Mr. President, I hate to repeat these matters ad nauseum, but listen to what James J. Coleman says. He says:

> It was once assumed that segregation, at least in majority middle-class white schools, would automatically improve the achievement of lower-class black children. I hasten to say that it was research of my doing that in part laid the basis for this assumption. It turns out that school desegregation, as it has been carried out in American schools, does not generally bring achievement benefits to disadvantaged children.

He also says:

> It was once assumed that policies of radical school desegregation could be instituted such as a busing order to create instant racial balance and the resulting school populations would correspond to the assignments of students to the schools, no matter how much busing, no matter how many objections by parents to the school assignments. It is now evident that despite the unwillingness of some to accept the fact, there are extensive losses of white students from large central cities when desegregation occurs.

Mr. President, we could go on and on. Mr. Armor states there is "overwhelming social science evidence that mandatory busing has failed as a feasible remedy for school desegregation." Overwhelming evidence.

Mr. President, just listen to this. I ask my colleagues to listen to a few short paragraphs. I shall quote, then tell who said it.

> In a case involving a school district in Alabama, however, the Court of Appeals for the Fifth Circuit approves a plan "that will probably result in an all-black student body where nothing in the way of desegregation is accomplished and where neither the white students nor black students are benefited." Even though the court acknowledged that the remedy was self-defeating, it ordered the plan implemented unless the local school board could come forward with a plan equally effective in eliminating one-race schools."

It goes on to say:

> The pursuit of racial balance at any cost—the unintended legacy of Green—is without constitutional or social justification. Out of zeal to remedy one evil, courts may encourage or set the stage for other evils. By acting against one-race schools, courts may produce one-race school systems.

Who was that? Mr. Justice Powell of the U.S. Supreme Court, speaking in the case of Estes against Metropolitan Branches of the Dallas NAACP in a 1979 case.

Mr. President, it is no wonder my colleagues do not defend busing, because it cannot be defended. There is no evidence to support it. The Supreme Court itself says that they do not look at the effect of busing, but they march in lockstep to these sets of decisions, started in the late sixties, which, in turn, were based on studies like Mr. Coleman's study. It has been proven, and the facts show, that what Mr. Coleman said back in the sixties was not so. Mr. Coleman says to himself.

Mr. President, if the American people oppose busing, as they have for 10 years, by margins of more than 3 to 1; if indeed the black community opposes busing, as the NBC poll taken this last year shows, by a margin of 47 to 44; if the margin of those who feel strongly is about 60-40 against busing even in the black community, and if it does not work for education; that is, it hurts education, as Mr. Justice Powell, Mr. Armor, Mr. Coleman, and a whole range of experts say; then are we powerless to do anything about it? Can we simply wring our hands here in the U.S. Senate and say the Constitution requires it?

Mr. President, in the first place, there is no decision of the U.S. Supreme Court that elevates busing to the level of a constitutional right. There are, indeed, many decisions which require it. What is elevated in all the decisions of the U.S. Supreme Court to the level of constitutional rights is the right to be free of discrimination and the need to eliminate segregation and the need to create unitary school systems. That is the constitutional right, not the right to bus.

So, what we are dealing with in this amendment, Mr. President, is a remedy—a remedy.

We are exhorted about the meaning of the Constitution, and those of us who back this amendment are told that the Constitution says only one thing: that it requires busing, and no matter how idiotic, no matter how counterproductive that policy is, there is nothing we can do about it as the elected representatives of the people of the United States.

Mr. President, I say to my colleagues, if they believe that, they are not reading the whole Constitution.

Section 5 of the 14th amendment is also a part of the Constitution. Indeed, it was there more than 100 years before the Green case and the Swann case, which first discovered the remedy of busing. It says that Congress shall have power to enforce this article by appropriate legislation.

Mr. President, there are decisions which, if one reads the language, would seem fully to support the conclusions of this amendment.

I should like to read a couple of short paragraphs from the latest decisions. Katzenbach against Morgan was a 1966 case involving Puerto Rican voting rights in New York. The Court had previously ruled that under the 14th amendment the New York literacy law was perfectly valid and perfectly legal.

Along came the Voting Rights Act of 1965, and Congress, exercising its power under section 5, declared, in effect, that New York's law was illegal. So that Congress went beyond what the Supreme Court had already said did not violate the Constitution, and yet the Supreme Court in Katzenbach against Morgan, a 1966 case, upheld the power of Congress.

What they said was this:

> By including section 5 the draftsmen sought to grant to Congress, by specific provision applicable to the Fourteenth Amendment, the same broad powers expressed in the Necessary and Proper Clause, Article I, section 8, cl. 18.
>
> Correctly, viewed, section 5 is a positive grant of legislative power authorizing Congress to exercise its discretion in determining whether and what legislation is needed to secure the guarantees of the Fourteenth Amendment.

Whether and what legislation is needed."

Four years later, the Court came along and decided the case of Oregon against Mitchell, a 1970 case. Here is what they said there:

> The manner of enforcement involves discretion; but the discretion is largely entrusted to Congress, not to the courts.
>
> The power of Congress in section 5 is to "enforce" the Equal Protection Clause was sufficiently broad, we held, to enable it to abolish voting requirements which might pass muster under the Equal Protection Clause, absent an act of Congress.
>
> But the choice of appropriate remedies is for Congress and the range of available ones is wide.

Mr. President, to read that kind of language, it seems beyond any argument that there is a broad range of discretion to be exercised by Congress, that we are not powerless—that part of the same Constitution we are exhorted to obey gives Congress the right to choose among various remedies.

Mr. President, what we have done in this bill is to try to fashion a remedy that will work. We want to eradicate segregation, root and branch, as the Court often has said. We want to eliminate discrimination. But we also want a remedy that will work to do that.

What good does it do, Mr. President, to prescribe a remedy that does not work? It was with the best of intentions that doctors in medieval times often used the leech to remove what they saw as the cause of the problem; that is, impure blood. So they would put leeches on a person, in spite of the evidence that all it would do was make them weaker. For decades, indeed for centuries, the leech was used, when any observant person could see that leeching hurt the patient rather than helped the patient.

Mr. President, long distance busing is a leech on the educational system in this country. I do not need David J. Armor and James J. Coleman to tell me that. I can go home to my hometown of Shreveport, La., where they defeated a tax election greatly needed by the school system because public support for education is gone with long distance busing.

I do not need an expert to tell me that it is not working in Baton Rouge, La., when the superintendent tells me that 6-year-old kids are bused an hour and a half in one direction. That is 3 hours all together. Just how much attention span and energy and intellectual drive do they think 6-year-old kids have after 3 hours on the school bus?

So, Mr. President, let us do away with this remedy of leeching on our school system. Let Congress find facts and exercise discretion, as the courts say we have the right and the power to do. Let us fashion a remedy that says experience teaches and the evidence teaches that, basically, the neighborhood school system works the best, that it works the best with a limited amount of busing to be authorized, 5 miles or 15 minutes; that you continue to eliminate discrimination in the way you draw your districts.

We endorse that in this bill. We give to every child the remedy they have had under the Constitution for some years now to go to whatever school they wish, regardless of whether it is in their district or not.

We encourage in this legislation the magnet school, the vocational school, the other kinds of special education schools, and endorse busing as a way to get there.

Mr. President, there are many things that can be done more effectively than to use the leech on this patient, than to use the remedy of busing. We are saying let us get appropriate legislation to implement the real goals and the real thrust of the 14th amendment.

With this legislation we can promote integration—or should I say we will really promote desegregation; and we will promote education by bringing back into the school system those tens of thousands, those hundreds of thousands of students who have left the school system because the remedy has not worked. It has resulted in the sickness and in some instances in almost the death of the patient. Let us promote education and adopt this amendment.

I reserve the remainder of my time.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes and 43 seconds.

Mr. WEICKER. Mr. President, I shall ask a very brief question of my good friend from Louisiana on the findings of fact. "The Congress finds * * *"—who found? What committee? Is this prospective or has someone actually done something which has been accepted by the Senate?

Mr. JOHNSTON. At about, I think it is 1:30 this afternoon, this Senate will vote, and that is a finding, and that is the only way of which I know that Congress can find facts, which is to pass it on the floor of the Senate and then hopefully pass it on the floor of the House of Representatives. At that point we will make a finding.

Mr. WEICKER. But there has been no committee work or no one has gone down and prepared any report, have they, just our vote?

Mr. JOHNSTON. There has been committee work and there has been so much work on this question and so many studies that I put in a bibliography which came off the computer tape—and it stretched all across the room—on articles on this very subject. I put in the bibliography and put in a stack of studies this thick, and they heard also from the witnesses them-

selves. There is a surfeit of studies and information on the subject.

Mr. WEICKER. There might be a surfeit of opinion, but there certainly is not surfeit of fact as established by the Senate.

Let me say this: If busing is a leech on the body politic, then discrimination and racism are the dracula, if you will, on both the Constitution and the body politic.

Mr. JOHNSTON. I agree with that.

Mr. WEICKER. That is what we are talking about. That is how the American body politic has been weakened, because all of its citizens have not had that same opportunity for education and what lies beyond education.

I think it is clear what has been going on here, if we take a careful look at the record and put it all together in these difficult times. In times past it was very difficult to get the big picture because each individual fact was so spectacular. The same is true right now with the issue that confronts us. It has gone on for about the past year. The Voting Rights Act is being watered down. Leave that off by itself. But then let us hook it up to other things that are happening.

Funding for the Equal Employment Opportunity Commission is cut back.

Arthur Flemming, one of the most articulate and committed individuals to the cause of civil rights, was dismissed. There are tax exemptions for segregated schools.

Now this type of legislation on the floor comes up. Put it all together and what does it spell? It is pretty clear to me. This is not some sort of a strategic withdrawal of the commitment to civil rights and individual rights. It is an absolute rout.

I for one stand here with many of my other colleagues saying that this is what is wrong; indeed, no greatness lies in that particular act.

This is best phrased in more constitutional terms, however, by a report of the Association of the Bar of the City of New York.

I ask unanimous consent to have printed in the RECORD the report of the Association of the Bar of the City of New York in its entirety.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[The Association of the Bar of the City of New York]

JURISDICTION-STRIPPING PROPOSALS IN CONGRESS: THE THREAT TO JUDICIAL CONSTITUTIONAL REVIEW

(By The Committee on Federal Legislation)*

INTRODUCTION

Central to our system of government, and to its success, is the principle of separation of powers and the elaborate system of checks and balances that prevents any organ of government from exceeding its authority or infringing the rights of the people. The federal judiciary has long played a central role in that scheme by exercising the power of judicial constitutional review—by which we mean judicial determinations, in cases properly brought by parties having standing, or whether actions by the political branches of the federal government or by the states conform with or contravene our supreme law, the United States Constitution. It is principally through the mechanism of judicial constitutional review that the Constitution's limitations on the political branches of government are enforced. Alexis de Tocqueville observed.

"I am inclined to believe this practice of the American courts to be at once the most favorable to liberty and to public order. . . . [T]he power vested in the American courts of justice of pronouncing a statute to be unconstitutional forms one of the most powerful barriers that have ever been devised against the tyranny of political assemblies."

The barrier against tyranny" praised by de Tocqueville nearly two centuries ago is today under attack by newly powerful forces in Congress. There are pending in both houses of Congress at least 25 bills that, if enacted and upheld as constitutional, would have the effect of scrapping the federal courts' historical role in the system of checks and balances. These bills, listed in the Appendix to this Report, would divest the federal courts of all original and appellate jurisdiction to hear cases relating to (1) the constitutionality of programs of "voluntary" prayer in the public schools or other public places, (2) the constitutionality of laws or regulations affecting abortions, (3) busing as a remedy for school segregation, and (4) the constitutionality of treating men and women differently in connection with the armed forces or the draft. One bill, H.R. 114, may be read to go even further—to eliminate all federal judicial review of state court decisions.

In this Report, we do not address the merits of the various federal court decisions on these subjects that have prompted the proposed legislation, nor do we analyze the individual bills in detail. Rather, we address a question that is raised by all such proposals: Is the elimination of federal court jurisdiction to hear constitutional claims a lawful and appropriate response to judicial decisions of which a current majority in Congress disapproves? That question is fundamental to the structure of our government because, if Congress can legitimately curtail the federal courts' jurisdiction to hear constitutional claims concerning such specific issues as school prayer, abortion, and desegregation, then there is no principled limitation on Congress' power effectively to eliminate the judicial branch as a check on the other branches of the federal government or the states. By enacting any of the present bills, Congress would necessarily be claiming the power, should it so choose, to forbid the federal courts to hear *any* claim asserted under the Bill of Rights or under any other provision of the Constitution.

Although most of the proponents of these bills generally style themselves as "conservatives," our reveiw of the historical record reveals that their proposals are *radical* in the most extreme sense of that word. They would not only cast doubt upon the abortion, school prayer, and busing decisions of the past few years, but two centuries of historical development and constitutional doctrine. For the reasons set forth below, we conclude that this radical departure from the system of checks and balances that has served our nation well for the past two centuries is unwise and probably unconstitutional. There is no precedent of enacted legislation eliminating all federal courts jurisdiction to hear claims of deprivation of constitutional rights. To find any precedent for the present bills, one must look to many bills that have been proposed over the years but *not* enacted. Congress wisely declined these previous invitations to tamper with our constitutional structure of government, and should decline the same invitation presented by the current bills.

Article III of the Constitution does grant Congress power to regulate the jurisdiction of the federal courts (see Part III below). But, as the following analysis shows, this power cannot fairly be construed to permit Congress to deprive the courts of jurisdiction to hear claims arising under the Constitution itself, particularly on an issue-by-issue basis. If Congress' power were so extensive, it would undo the elaborate system of checks and balances that the Framers of the Constitution so carefully crafted. First, it would upset the checks and balances among the three coordinate branches of the federal government, eliminating the judiciary as a check upon unconstitutional actions of the political branches by the simple expedient of removing their jurisdiction to consider challenges to such actions. Second, it would disrupt the allocation of power between the federal government and the states, by eliminating the power of the federal judiciary to restrain acts of the states that violate the Constitution. Third, and perhaps most significant, it would alter the constitutional balance between individual rights and majority will, since the judiciary is the only organ of government that is institutionally suited to protect the rights that our Constitution guarantees to individuals against the wishes of a strong-willed majority.

Another serious objection to legislation of the sort currently proposed is that it is undesirable to deal with complex and controversial social issues, particularly those of constitutional dimension, by eliminating the opportunity for full airing and debate in the federal judiciary. Indeed, one of the ironies of the present bills is that the constitutional interpretations with which the bills' sponsors differ would remain frozen as the supreme law of the land forever, binding upon the state courts under the Supremacy Clause and the doctrine of *stare decisis*, without any possibility of change through the evolution of legal thought or a change in judicial (particularly Supreme Court) personnel.

We are not alone in voicing our alarm over the present jurisdiction-stripping proposals. In August 1981, the American Bar Association announced its strong opposition to the jurisdiction-stripping device. The New York State Bar Association has issued a report that reaches the same conclusion. The substantial majority of legal scholars and former senior Government lawyers who have testified before committees of Congress—from both sides of the political spectrum—have explained their opposition to the jurisdiction-stripping proposals. And a distinguished jurist, Judge Irving R. Kaufman of the United States Court of Appeals for the Second Circuit, has written that the jurisdiction-stripping device "threatens not only a number of individual liberties, but

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also the very independence of the Federal courts, an independence that has safeguarded the rights of American citizens for nearly 200 years."

We begin this Report with a brief description of the pending bills (Part I). We then examine in detail the role of the federal judiciary in our governmental structure (Part II) and the extent of Congress' control over federal court jurisdiction under Article III of the Constitution (Part III).

I. Pending bills to restrict Federal court jurisdiction over constitutional claims

As noted, at least 25 bills are pending in both houses of Congress that would restrict the powers exercised by federal courts in cases involving constitutional questions. While these bills to a large extent invoke the same claims to congressional power over federal court jurisdiction, the nature of the constitutional interests affected by them, and the scope of the restrictions proposed, vary substantially. The bills of which we are aware (listed in the Appendix) fall into five categories: prayer, abortion, school desegregation, sex-based military classification, and federal court review of state court decisions.

A. Prayer

"Voluntary prayer in public schools and public buildings" is the subject of seven virtually identical bills in the House and one bill in the Senate. These bills are a response to court decisions holding that certain religious observances in public schools, whether voluntary or involuntary, violate the First Amendment's prohibition against laws establishing religion. Modeled on the so-called Helms amendment introduced in the 96th Congress, such bills would divest the Supreme Court and the lower federal courts of jurisdiction to hear any case that relates to "voluntary prayer" and that arises out of either "any State statute, ordinance, rule, regulation, or any part thereof" or out of any act of Congress "interpreting, applying, or enforcing" such state acts. Actions currently pending in the federal courts would not be affected by these proposals.

Since each of these proposed bills applies only to the jurisdiction of the federal courts, challenges to the constitutionality of state acts relating to voluntary prayer could still be brought in state courts. State courts, like the federal courts, are bound to give full effect to the provisions of the Federal Constitution and to recognize its supremacy over state laws and regulations. In addition, since the proposed legislation does not and could not purport to alter any prior federal court decisions on the subject of prayer in public schools and public buildings, state courts would still be obligated to apply existing Supreme Court precedent in ruling on future cases.

One of the pending bills would eliminate the Supreme Court's appellate jurisdiction in any case involving a state act that related to voluntary prayer in public schools or buildings, or that relates to "the qualifications imposed by the State as a condition of teaching in the public schools of the State." The latter provision would eliminate all federal appellate jurisdiction where a state law unconstitutionally imposed racial, religious, political, or other invidious qualifications for schoolteachers.

B. Abortion

The Supreme Court has held that certain types of laws restricting or regulating therapeutic abortions infringe women's constitutionally guaranteed rights of privacy. Four bills pending in the House and two in the Senate would restrict the federal courts' power to enforce these constitutional rights.

Two identical bills, H.R. 73 and S. 583, would simply forbid lower federal courts to enjoin the operation of federal or state laws that restrict abortion, pending final review by the Supreme Court. In the event that the Supreme Court does not review a lower court's ruling in an abortion case, the bills would foreclose any injunctive relief. These bills would not affect the Supreme Court's appellate jurisdiction, nor would they foreclose the lower federal courts from ruling on the constitutionality of state or federal laws relating to abortion. However, by prohibiting the lower federal courts from enjoining the operation of federal or state abortion laws, the bills would in most cases remove the only effective means to enforce such rulings. It would be extremely difficult to maneuver a case through a district court, a court of appeals, and then the Supreme Court quickly enough for an abortion to be safely performed at the end of the judicial process; requiring abortion cases to be handled so hastily would place an intolerable burden on the courts.

Three other bills would also divest the lower federal courts of jurisdiction to issue any restraining order, temporary or permanent injunction, or declaratory judgment in cases involving state or local laws prohibiting or regulating abortion, but would go further, in seeking to undo the Supreme Court's decisions on abortion by declaring that, for constitutional purposes, human life begins at conception. These bills, although not fully impairing the Supreme Court's appellate jurisdiction, also go further than H.R. 73 in proscribing declaratory as well as injunctive relief and in proscribing declaratory or injunctive relief even after review by the Supreme Court.

Although these bills purport to be a limitation on federal court jurisdiction, they actually represent a restriction not on the types of cases the federal courts may hear, but on the relief those courts may grant. The bills thus raise questions as to the extent of Congress' power to restrict the traditional remedies dispensed by duly constituted courts in cases over which they have jurisdiction—questions that are outside the scope of this Report.

H.R. 867 more closely resembles the pending prayer bills. That bill would remove the jurisdiction of both the Supreme Court and the lower federal courts in cases arising out of either any "State statute, ordinance, rule, regulation or any part thereof" which relates to abortion, or any "Act interpreting, applying, or enforcing" any such state act.

C. School desegregation

The Supreme Court has held that in certain circumstances, where public schools have been racially segregated in violation of the Fourteenth Amendment's Equal Protection Clause and where no other remedy will effectively eliminate the pattern of segregation, the Constitution requires that pupils be assigned and transported to schools in a manner that eliminates the unconstitutional pattern of racial segregation. The only limitation upon this constitutional mandate is that "the time or distance of travel" not be "so great as to either risk the health of the children or significantly impinge on the educational process." Six bills proposed in the House and one in the Senate would restrict the federal courts' jurisdiction to award this remedy even where constitutionally required. Although phrased in terms of a limitation on federal court jurisdiction, these bills really limit the power of federal courts to award a particular remedy, not the power of federal courts to hear cases involving certain types of disputes.

H.R. 761 is much broader than the other bills, in that it is not confined to desegregation orders that require busing. Read literally, this bill would forbid any federal court remedy for school segregation, since any desegregation order—even one that did not employ busing—would require that individual students be assigned to a "particular school," even if the assigned school were the one nearest his home.

H.R. 869, which parallels the prayer bills in form, would deny to the federal courts jurisdiction to hear "any case arising out of" any state act (or any act interpreting, applying, or enforcing a state act) "which relates to assigning or requiring any public school student to attend a particular school because of his race, creed, color, or sex." While the intent of the draftsman was probably to eliminate federal court jurisdiction to assign students to schools on the basis of race, if the bill is read literally it would eliminate all federal court original and appellate jurisdiction to hear *any* segregation case, since even a state statute that blatantly assigned all black students to one school and all whites to another would be a "State statute . . . assigning . . . any . . . student to attend a particular school because of his race" and therefore beyond federal judicial purview under this bill.

Two other bills, H.R. 2047 and S. 528, would not prohibit the federal courts from employing busing as a remedy for school segregation. Rather, these bills would limit the circumstances in which busing may be ordered, limit the length of the bus ride, and require that alternative remedies be explored before ordering busing as a last resort.

D. Armed Forces

H.R. 2365 would eliminate Supreme Court and lower federal court jurisdiction to review equal protection challenges to males-only registration or induction for military service—a constitutional claim rejected by the Supreme Court after the bill was introduced.

Of more concern, therefore, is H.R. 2791, which would deprive the Supreme Court and lower federal courts of jurisdiction to hear constitutional challenges not only to different treatment of the sexes in registration for the draft or induction, but also to sex-based standards for the composition of, or duty assignments in, the armed forces. While courts have generally given the military wide latitude in determining whether sex-based distinctions are appropriate, some sex-based classifications in the military, apart from the draft, have been ruled unconstitutional.

These two bills raise serious constitutional problems beyond those presented by the bills previously discussed, since they foreclose federal court challenges to federal laws and regulations. The other bills primarily address federal judicial review of state acts, and at least leave the state courts as forums for judicial constitutional review. These two bills, however, might eliminate *any* avenue of judicial constitutional review, since state courts may be powerless to afford a remedy for unconstitutional actions by federal officials.

E. Review of State Court Decisions

H.R. 114 would deny to any court "that is established by Act of Congress under Article III of the Constitution . . . jurisdiction to modify, directly or indirectly, any order of a

court of a State if such order is, will be, or was, subject to review by the highest court of such State."

It is not clear whether this bill would affect the Supreme Court's jurisdiction, since the Supreme Court was created directly by Article III of the Constitution, but is organized by congressional act, or whether it refers only to the inferior federal courts. If the bill is intended to apply to the Supreme Court, it would entirely eliminate the Supreme Court's appellate jurisdiction over all state court decisions—constituting a radical curtailment of the Supreme Court's constitutional role (see Part IIB below). If, on the other hand, H.R. 114 is intended to affect only the jurisdiction of the lower federal courts, it is likely to have little impact, since the lower federal courts do not have appellate jurisdiction over state court decisions, and therefore ordinarily have no occasion to modify state court orders (except perhaps indirectly, as in habeas corpus cases).

Having briefly described what the 25 pending bills seek to do, we turn now to our analysis of the wisdom and constitutionality of the basic concept underlying them all. We consider first whether such legislation would profoundly alter the system of checks and balances upon which our constitutional government rests. We then discuss whether, in any event, Congress has the power under the Constitution to enact such laws.

II. The constitutional role of the Federal judiciary

Such power as Congress has over federal court jurisdiction derives from two brief phrases in Article III of the Constitution. One of them, following a statement that the Supreme Court shall have appellate jurisdiction, both as to law and fact, in all cases within the broadly defined "judicial power of the United States," adds, "with such Exceptions, and under such Regulations as the Congress shall make" (Art. III, § 2.) The other, providing that the judicial power of the United States shall be vested in the Supreme Court "and in such inferior Courts as the Congress may from time to time ordain and establish" (Art. III, § 1), is the source of Congress' power over lower court jurisdiction.

To interpret these provisions, it is necessary to examine them in the context of the role of the judicial branch of the federal government in our constitutional system. Central to that system is the principle of separation of powers among the branches of the federal government as it relates to judicial constitutional review. Within that system, judicial constitutional review by the federal judiciary serves four distinct, yet interrelated, functions: (a) the federal judiciary enforces the Constitution's limitations on the power of the political branches of the federal government; (b) the federal judiciary assures the supremacy of the United States Constitution and laws vis-a-vis the states; (c) the federal judiciary protects individual rights guaranteed by the Constitution against encroachments by majority will as expressed in acts of the federal and state governments; and (d) the federal judiciary accommodates the principles of our written Constitution with the changing needs of society. We shall examine in turn each of these aspects of the federal judiciary's role and show why the proposed legislation would undermine them all.

A. Judicial Review and the Separation of Powers

The first three articles of the Constitution set forth the specific, limited powers granted to the three coordinate branches of the federal government: the legislature, the executive, and the judiciary. The Framers conceived of this separation of powers as the essential safeguard of the liberties of American people. Thus, in The Federalist Papers, Madison wrote, "The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elected, may justly be pronounced the very definition of tyranny." The doctrine of separation of powers does not require that the legislative, executive, and judicial departments be wholly unconnected with each other, but rather that they should be "so far connected and blended as to give to each a constitutional control over the other." The Supreme Court has repeatedly reaffirmed these concepts as basic to our federal governmental structure.

The Founding Fathers feared tyranny by a majority of the public and therefore feared tyranny by a legislature elected by that majority. Judicial constitutional review by an independent federal judiciary not beholden to the public or legislature for tenure in office or continued compensation was intended by the Framers as the people's safeguard against the exercise of governmental power in excess of that conferred under the Constitution and against the invasion of the individual's rights of liberty and property.

In our jurisprudence, the federal judiciary can only exercise this essential power of judicial constitutional review by declaring and applying the law in cases and controversies submitted to the courts for decision. That fundamental concept led, in 1803, to the Supreme Court's unanimous decision in *Marbury* v. *Madison*, and Chief Justice Marshall's heretofore unchallenged declaration that: "It is emphatically the province and duty of the judicial department to say what the law is." More than 150 years later, another unanimous Supreme Court, in the Little Rock school desegregation case, said of *Marbury* v. *Madison*:

"This decision declared the basic principle that the federal judiciary is supreme in the exposition of the law of the Constitution, and that principle has ever since been respected by this Court and the Country as a permanent and indispensable feature of our constitutional system."

The function of constitutional review is allocated to an independent judiciary in order to prevent the accumulation of power in one department of the government. As Hamilton wrote in *The Federalist Papers*, it could not be expected "that men who had infringed the Constitution in the character of legislators would be disposed to repair the breach in the character of judges." Thus, a constitutional system that imposes limitations on the authority of the legislative branch also requires an independent branch to determine whether legislation comports with the constitutional limitations; otherwise, the legislature would have the power both to enact and to judge the law, and there would be no check on its proper exercise of its powers.

Judicial constitutional review does not imply judicial supremacy, but rather rests on the foundation of legislative supremacy. As Hamilton explained, because the adoption of the Constitution expressed the people's ultimate legislative act of ratification, the courts are *obliged* to invalidate legislation that is contrary to the Constitution. The function of constitutional review is safely entrusted to the judiciary not because it is the supreme branch of government, but rather because it is the weakest. As Hamilton observed, "The executive not only dispenses the honors but holds the sword of the community. The legislature not only commands the purse but prescribes the rules by which the duties and rights of every citizen are to be regulated." In contrast, the judiciary "may truly be said to have neither FORCE nor WILL but merely judgment; and must ultimately depend upon the aid of the executive arm even for the efficacy of its judgments."

The power of judicial constitutional review is not absolute, but is limited by the very nature of the judicial function. Courts may decide constitutional questions only when those questions must be answered to decide justiciable cases submitted to them by litigants with standing to raise such questions. hence, the judiciary does not sit in general review of legislation as it is enacted or executive actions as they are taken. Nor have the courts any power to review legislation or executive actions on their own initiative. Rather, judges must wait for the necessity of constitutional review to be thrust upon them by litigants whose interests are adversely affected by conduct claimed to be unconstitutional. This limitation is expressed in Article III's definition of the judicial power as extending only to "cases" and "controversies."

The Founding Fathers were not unmindful of the possibility that the judiciary, like the other two branches of government, might be tempted to exceed its constitutionally circumscribed role. Hamilton conceded the possibility that judges, in constructing a statute, "may substitute their own pleasure to the constitutional intentions of the legislature." But such action would be improper, for the "courts must declare the sense of the law"; they may not exercise "will" instead of "judgment." Thus, Hamilton acknowledged the need for judicial accountability, but stressed that the "precautions" for the "responsibility" of the federal judiciary were to be found *only* in the Constitution's provision for impeachment. That device, he wrote, was "the only provision on the point which is consistent with the necessary independence of the judicial character.

Hamilton characterized as "a phantom" any feared danger of judicial encroachments on legislative authority. To him, not only was the judiciary a comparatively weak branch of government, but there was also "the consideration of the important constitutional check which the power of instituting impeachments in one part of the legislative body, and of determining upon them in the other, would give to that body upon the members of the judicial department. This is alone a complete security."

If, as the Framers thus believed, the judicial branch is the only realistic check to prevent the political branches from exceeding their constitutional powers, then it must follow that Congress' power to regulate federal court jurisdiction cannot be so broad as to enable Congress to divest the courts of the function of judicial constitutional review, as the bills currently under consideration would do. In the system explicated by the Framers, Congress could not have the power to make any statute review-proof by the simple expedient of divesting all federal courts of jurisdiction to hear a challenge to it. Even more abhorrent to that scheme is the notion inherent in the current bills, that a simple majority of Congress may eviscerate judicial constitutional decisions with which that majority disagrees merely

by stripping the federal courts of power to consider such cases in the future. To conclude that the Framers viewed the judiciary as the fundamental check upon excesses by Congress, but also gave Congress the power by simple majority to nullify that check, is, in the words of a recent commentary, "to charge them with chasing their tails around a stump."

B. Judicial Review and the Supremacy of Federal Law

Federal judicial review of state laws and acts is as important to our federal system as review of federal laws and acts. Yet most of the bills now under consideration are aimed primarily at restricting this form of judicial review.

The Supremacy Clause provides that the United States Constitution, and all federal laws enacted pursuant thereto, are the "supreme Law of the Land." The federal judiciary, especially the Supreme Court, is the Constitution's mechanism for enforcing the Supremacy Clause vis-a-vis the states.

Many constitutional scholars believe that the Supreme Court's most important role in our constitutional system is assuring that federal law, and particularly the Constitution, is interpreted uniformly throughout the nation. In this view, the notion of a single supreme Constitution would be rendered virtually meaningless if it could be interpreted to mean different things in different states.

Professor Charles Black has written:

"There is nothing in our entire governmental structure which has a more leakproof claim to legitimacy than the function of the courts in reviewing state acts for federal constitutionality."

And Justice Holmes stated:

"I do not think the United States would come to an end if we [the Supreme Court] lost our power to declare an Act of Congress void. I do think the Union would be imperiled if we could not make that determination as to the laws of the several states."

These views echo those of the Framers. A major criticism of the Articles of Confederation was the weakness of the national government and the consequent disharmony among the states. Hamilton regarded it as essential that, in a national union, there be a national judiciary to assure uniform interpretation of national laws:

"If there are such things as political axioms, the propriety of the judicial power of a government being coextensive with its legislative may be ranked among the number. The mere necessity of the uniformity in the intepretation of the national laws decides the question. Thirteen independent courts of final jurisdiction over the same causes, arising upon the same laws, is a hydra in government from which nothing but contradiction and confusion can proceed."

Hence, the Framers understood that the supremacy of federal law can only be effected if there is a single tribunal with the ultimate responsibility for deciding what the law is. As Hamilton wrote:

"To avoid the confusion which would unavoidably result from the contradictory decisions of a number of independent judicatories, all nations have found it necessary to establish one court paramount to the rest, possessing a general superintendence and authorized to settle and declare in the last resort a uniform rule of civil justice."

Even those at the Constitutional Convention who emphasized the independence of the states in the proposed federal system and wished to minimize the scope of the federal judiciary acknowledged that such independence was limited by the requirements of the Constitution and federal law, and that the federal judicial branch had the authority to interpret the Constitution and the laws. For example, John Rutledge of South Carolina argued at the Constitutional Convention:

"The State Tribunals might and ought to be left in all cases to decide in the first instance, *the right of appeal to the supreme national tribunal being sufficient to secure the national rights & uniformity of Judgments.*"

Over nearly two centuries, Congress has consistently recognized the necessity of appellate jurisdiction in the Supreme Court over state court decisions as the primary means of enforcing the Supremacy Clause. From the Judiciary Act of 1789 through the present Judicial Code, Congress has always preserved the Supreme Court's appellate jurisdiction to consider whether state acts contravene the Constitution or federal laws enacted pursuant thereto.

The debate over the first Judiciary Act is instructive. Although the First Congress continued the Constitutional Convention's debate over the desirability of creating inferior federal courts, the necessity of the Supreme Court's having appellate jurisdiction to assure national uniformity was not questioned. Even those who "were anxious to give the Federal Courts as little jurisdiction as possible" acknowledged that state court decisions on questions of federal law must be "subject to Federal revision through the appellate power of the United States Supreme Court." The universal acceptance of federal judicial constitutional review over state acts and court decisions sheds light on the intent of the Constitution's Framers, for the Judiciary Act of 1789 was "passed by the first Congress assembled under the Constitution, many of whose members had taken part in framing that instrument, and is contemporaneous and weighty evidence of its true meaning."

Following passage of the Judiciary Act of 1789, leading Supreme Court decisions have consistently expounded the importance to our system of constitutional federalism of federal judicial review over state acts. As one scholar observed:

"From an early date the Supreme Court itself has explicitly recognized that its indispensable functions under the Constitution are to resolve conflicting interpretations of the federal law and to maintain the supremacy of that law when it conflicts with state law or is challenged by state authority."

Justice Story's opinion in *Martin* v. *Hunter's Lessee* reaffirmed the Supreme Court's essential role in securing a uniform system of law throughout the United States by holding that its appellate jurisdiction applied to all cases specified in Article III, whether those cases arose in state or federal courts. That landmark opinion emphasized "the importance, and even necessity of uniformity of decisions throughout the whole United States, upon all subjects within the purview of the constitution. Judges of equal learning and integrity, in different States, might differently interpret a statute, or a treaty of the United States, or even the constitution itself. If there were no revising authority to control these jarring and discordant judgments, and harmonize them into uniformity, the laws, the treaties, and the constitution of the United States would be different in different States, and might, perhaps, never have precisely the same construction, obligation, or efficacy, in any two States. The public mischiefs that would attend such a state of things would be truly deplorable; and it cannot believed that they could have escaped the enlightened convention which formed the constitution. . . . [T]he appellate jurisdiction must continue to be the only adequate remedy for such evils."

These principles have never been seriously questioned. In *Cohens* v. *Virginia*, Chief Justice Marshall's opinion, upholding the Supreme Court's authority to review a state court criminal conviction that involved interpretation of a federal statute, stated that "the necessity of uniformity, as well as correctness in expounding the constitution and laws of the United States, would itself suggest the propriety of vesting in some single tribunal the power of deciding, in the last resort, all cases in which they are involved. . . .

"[The Constitution's Framers] declare that in such cases the supreme court shall exercise appellate jurisdiction. Nothing seems to be given which would justify the withdrawal of a judgment rendered in a state court, on the constitution, laws, or treaties of the United States, from this appellate jurisdiction."

In *Ableman v. Booth*, the Supreme Court reiterated that the Supremacy Clause requires a single federal tribunal to make a final determination as to the laws of the United States and the Constitution, "for if left to the courts of justice of the several States, conflicting decisions would unavoidably take place . . . and the government of the United States would soon become one thing in one State and another thing in another."

In the face of these clear Supreme Court pronouncements, Congress has never disturbed the Supreme Court's appellate jurisdiction to hear federal constitutional challenges to state acts, either broadly or as to specific issues. To do so now, as proposed in the bills here under consideration, would violate the spirit, if not the letter, of the Supremacy Clause by eliminating the only federal means for enforcing it, and would run counter to a consistent line of historical authority affirming the Supreme Court's central role under that clause.

C. Judicial Review and Individual Rights

The pending bills strike most directly at the third basic function of judicial constitutional review: protecting individual rights against abridgement by majority rule as expressed through the political branches of government.

Majority rule is not the *only* rule in the United States. Rather, our Constitution guarantees specific rights to individuals—freedom of speech, free exercise of religion, equal protection of the law, and due process of law, to name a few—against infringement by majority will be expressed as through the political branches of government. As the Supreme Court stated nearly 40 years ago in *West Virginia State Board of Education v. Barnette:*

"The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections."

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And as James Madison wrote much earlier:

"[I]n our Government the real power lies in the majority of the Community, and the invasion of private rights is chiefly to be apprehended, not from acts of Government contrary to the sense of its constituents, but from acts in which the Government is the mere instrument of the major number of the Constituents.

Hence, the Founding Fathers recognized that the exercise of fundamental rights, and the individuals who exercise them, would not always win public favor, and that, from time to time, a substantial and vocal majority of the public might clamor to abridge them in certain instances. Were this not so, there would be no reason to enjoin the infringement of these rights in the Constitution.

Institutionally, the federal judiciary is the only organ of government that can be counted upon to protect individual rights when they are pitted against the will of the majority. That was why Article III, Section I, of the Constitution made the judiciary independent of public favor by giving judges lifetime tenure and undiminished compensation throughout their judicial service. It was thus intended that the courts should be free to render unpopular decisions that thwart the current majority's will when the law, as the courts interpret it, so requires.

The central role of the federal courts in protecting individual rights from encroachment by the majoritarian branches of government has been repeatedly acknowledged. Chief Justice Hughes wrote in 1927:

"In our system, the individual finds security in his rights because he is entitled to the protection of tribunals that represent the capacity of the community for impartial judgment as free as possible from the passion of the moment and the demands of interests or prejudice.

Similarily, Justice Frankfurter, while a professor of law at Harvard, wrote:

"The Supreme Court is indispensable to the effective workings of our federal government. . . . I know of no other peaceful method for making the adjustments necessary to a society like ours—for maintaining the equilibrium between state and federal power, for settling the eternal conflicts between liberty and authority—than through a court of great traditions free from the tensions and temptations of party strife, detached from the fleeting interests of the moment.

And Justice Black observed that our federal courts "stand against any winds that blow as havens of refuge for those who might otherwise suffer because they are helpless, weak, outnumbered, or because they are non-conforming victims of prejudice and public excitement."

While most commentators have emphasized the courts' role as protectors of personal liberty (freedom of speech, religion, privacy, and the like), equally important is the courts' role as guardians of private property. The courts are the people's only means of enforcing the Fifth and Fourteenth Amendment prohibitions against the taking of private property for public use without just compensation and the deprivation of a person's property without due process of law.

Given the historic swings of the political pendulum, it is not inconceivable that a majority of the people of the United States, or of just one state, might someday elect a socialist government, as has already occurred in Western Europe. Should that government embark on a program that included nationalization of major industries or redistribution of private property, the judiciary would be the only institution sufficiently independent to protect the rights of private property guaranteed by the Constitution in the face of public clamor. But if the 97th Congress can legitmately curtail the federal courts' jurisdiction to adjudge selected constitutional claims, as now proposed, then a future Congress, by simple majority, could as easily eliminate the courts' jurisdiction to hear claims based on government seizures of private property without due process or just compensation.

The federal judiciary's historic role as guardian of the rights of personal liberty and property guaranteed by the Constituion should not be cast aside simply because, as the Framers intended, courts sometimes render opinions that are unpopular. It is no secret that the bills presently under consideration were prompted by controversial judicial decisions—banning prayer from public schools, imposing busing as a means of integrating public schools, and permitting abortions—that are extremely unpopular in many quarters. Whether or not one agrees with the courts' decisions in these cases, it is clear that the courts were acting in their constitutional capacity as the protector of individual rights guaranteed by the Constitution. It would ill serve the long-term stability of our form of government, and would probably be unconstitutional, for Congress now to claim the power to curtail the federal courts' jurisdiction to perform this essential constitutional function.

D. Judicial Review and Constitutional Development

A final objection to the practice of divesting the federal courts of jurisdiction to hear constitutional claims is that it would stultify the development of constitutional law. Our Constitution is more than the words put on paper some two hundred years ago; rather, it is a living document that grows and adapts with the experience of our people.

The meaning of laws, and particularly the meaning of constitutional provisions, is not always a bright-line truth, especially as it may be applied to factual circumstances never envisioned by the Framers. For example, radio and television did not exist at the time that the First Amendment was drafted, nor indeed for most of the Amendment's history. Yet, although the technological advances raise questions of access and other matters not present in the case of other forms of publication such as newspapers, the courts have applied the principles of the First Amendment to these new means of communication.

The federal judiciary has been the primary instrument for reflecting such growth and adaptation in constitutional doctrine. Thus, one of the ironies in proposals like the present bills is that the very judicial decisions that were so unpopular that they spawned such bills would become frozen in the law forever. If the federal courts are divested of jurisdiction to engage in the normal processes of change through the development of new legal doctrine, shifts in social conditions, or turnover of judges (especially Supreme Court Justices), and if state courts continue to follow federal constitutional law, as they are required to do under the Supremacy Clause, the current state of the law on abortions, school prayer, and busing will be preserved, subject to change only by constitutional amendment.

In cases where a bright-line result is not immediately apparent, the interplay between the courts and Congress and among the different courts throughout the country is an important process in the development of the law. Silencing the federal courts to speak on such issues by withdrawing their jurisdiction would deprive the nation of this important element in the lawmaking process and would be grievously unwise. Not only would the creative interplay between the inferior federal courts and the Supreme Court be lost, but so too would the interplay between the federal courts and the state courts. Three years ago, this Committee, commenting upon proposals to abolish diversity jurisdiction, stated:

"The *Erie* requirement that federal courts apply state substantive law in diversity cases has resulted in a continuous flow between the federal and state systems of both procedural and substantive reforms. . . . Elimination of such cross-fertilization could have significant adverse effects on the general character and competence of the two systems."

This process of cross-fertilization is all the more important in the realm of the basic constitutional issues, which the pending bills propose to remove from the jurisdiction of the federal courts.

III. The extent of Congress' authority under article III

Given the federal judiciary's essential role in our system of checks and balances, its basic function of enforcing the Supremacy Clause, and its task of protecting individual rights, does it stand to reason that Congress has the constitutional power to curtail those functions by limiting the courts' jurisdiction as the proponents of the current bills contend? It is with that question in mind that we now examine the Constitution's provisions granting Congress a measure of control over federal court jurisdiction, which are cited as the constitutional authorization for most of the pending bills.

Congress' power to regulate the jurisdiction of the federal courts is conferred by Article III of the Constitution (emphasis added):

"Section 1. The judicial Power of the United States, shall be vested in one supreme Court, *and in such inferior Courts as the Congress may from time to time ordain and establish.* The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

"Section 2. . . .

"In all cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. *In all the other Cases before mentioned [within the judicial power of the United States], the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.*"

Historically, the federal judiciary has never exercised jurisdiction as broad as the full judicial power defined in Article III. From the Judiciary Act of 1789 onward, statutes defining the jurisdiction of the Supreme Court and lower federal courts have never utilized the entire reach of the "judicial power" defined in Article III, Section 2, and the courts have never claimed jurisdiction to reach the categories of cases outside the statutory definition. To cite two con-

temporary examples: (1) no federal court has original jurisdiction to hear diversity claims that do not meet the statutory jurisdictional amount, even though there is no such limitation on diversity jurisdiction in Article III; (2) the Supreme Court does not have appellate jurisdiction over diversity cases tried in the state courts that do not involve a federal question, even though such jurisdiction would be within the reach of Article III.

On the other hand, since the Judiciary Act of 1789, statutes defining federal court jurisdiction have regularly conferred broad jurisdiction upon the federal judiciary within the definition of "judicial power" contained in Article III of the Constitution. Congress has not sought to use its power over federal court jurisdiction to erode the judiciary's central role in interpreting the Constitution and federal law or in exercising the responsibility of judicial constitutional review. Nor has it previously attempted to define federal court jurisdiction in terms of substantive issues, as opposed to neutral principles such as citizenship of the parties or amount in controversy. Because of this, there has been little occasion for the courts to consider the metes and bounds of Congress' control over federal court jurisdiction. Most of the statements in judicial opinions concerning the extent of Congress' power over federal court jurisdiction are therefore dicta, and cannot be viewed as controlling doctrine.

This much, however, seems clear: There is no support, from the debates surrounding the adoption of Article III or otherwise, for the proposition that the Framers intended Article III to confer upon Congress power to strip the federal courts of jurisdiction to hear constitutional claims or to abrogate the federal courts' essential function of judicial constitutional review in response to unpopular, or even erroneous, judicial decisions. Nor is there authority for the proposition that congress' power to regulate jurisdiction may be used as an indirect means of undermining judicial opinions with which Congress disagrees.

The statements in *The Federalist Papers* that the power of impeachment was intended to be the *only* check on the federal judiciary strongly indicate that the Framers never intended Congress' Article III control over jurisdiction to be so used. Rather, read in context, it appears that Congress' regulation of federal court jurisdiction was intended solely to permit Congress, through policy-neutral criteria, to allocate judicial business among the federal courts, to prevent the federal courts from becoming overburdened by cases that do not involve substantial federal claims, and to provide orderly procedures for the federal judiciary's exercise of its jurisdiction. This view is supported by the manner in which Congress has actually exercised its Article III powers to regulate federal court jurisdiction since the beginning of the Republic; Congress has never curtailed the courts' jurisdiction to adjudicate constitutional claims as proposed in the jurisdiction-stripping bills.

The unprecedented nature of the bills here under consideration poses serious doubts about their constitutionality as well as their wisdom. While the manner in which Congress has historically exercised its jurisdictional power cannot alter the Constitution's grant of that power, it can illuminate the proper meaning of that grant. As Justice Frankfurter explained:

"The Constitution is a framework for government. Therefore the way the framework has consistently operated fairly establishes that it has operated according to its true nature. Deeply imbedded traditional ways of conducting government cannot supplant the Constitution or legislation, but they give meaning to the words of a text or supply them. It is an inadmissibly narrow conception of American constitutional law to confine it to the words of the Constitution and to disregard the gloss which life has written upon them."

We turn now to specific consideration of the constitutional language relied upon as authority for enactment of the pending bills. Since Congress' power over Supreme Court and lower court jurisdiction depends upon different provisions of Article III, those provisions must be analyzed separately.

A. Supreme Court Jurisdiction

The Constitution confers original jurisdiction upon the Supreme Court in a relatively narrow range of cases involving diplomatic personnel or in which a state is a party. Congress can neither add to nor subtract from the original jurisdiction thus conferred.

The Supreme Court's most important role in our system is thus as an appellate court, hearing appeals from both inferior federal courts and state courts on issues of federal constitutional, statutory, administrative law. As discussed above (Part II), the history of the Constitution indicates that the Supreme Court was intended to be the final arbiter of federal law; to review the constitutionality of acts of Congress and federal executive actions; to review the constitutionality of state enactments in light of federal statutory and constitutional law, thereby serving as the primary instrument for enforcing the Supremacy Clause; and to protect individual rights from encroachments by the majoritarian branches of the federal and state governments.

Such power as Congress has over the Supreme Court's appellate jurisdiction is conferred by the Exceptions Clause of Article III, Section 2, which grants such jurisdiction "with such Exceptions, and under such Regulations as the Congress shall make." If Congress has authority to restrict the Supreme Court's appellate jurisdiction to hear constitutional claims, as proposed in the pending bills, it must derive from this clause.

Those who advocate such authority for Congress contend that the Exceptions Clause, read literally, gives Congress plenary power over the Supreme Court's appellate jurisdiction. One answer to this contention is that the Constitutional Convention voted down a proposal that would have expressly given Congress such plenary power. In the course of the Constitutional Convention's consideration of Article III, a motion was made to replace a provision that was substantively identical to the Exceptions Clause as enacted with the following language: "In all the other cases before mentioned the judicial power shall be exercised in such manner as the legislature shall direct." The Convention rejected this proposal, and instead adopted the Exceptions Clause in its present form.

Moreover, while such a literal reading of a single phrase might be acceptable in construing a detailed regulatory statute, it is not appropriate in constitutional interpretation. In the words of Chief Justice Marshall, "we must never forget, that it is a constitution we are expounding." It is thus axiomatic that the Constitution necessarily must be read as a broad outline of our system of government, and its individual provisions must be read in the context of the organic whole. Proper interpretation of the Constitution requires consideration of its spirit, as well as its letter, and the spirit should control over an interpretation that would defeat an essential tenet of the Constitution, such as the doctrine of separation of powers.

Accordingly, the Exceptions Clause must be read in the context of the broad language of Article III establishing the judicial power of the United States. It would be curious drafting, and contrary to established principles of constitutional, statutory, *and* contractual construction, if an "exception" in the third paragraph of the Article were read to grant to Congress the power totally to efface the Supreme Court's appellate jurisdiction granted in the same Article—especially in the absence of any historical evidence that this clause was intended to permit, at Congress' option, a radical diminution of the constitutional role of the Supreme Court.

There was no discussion in the Constitutional Convention of any such far-reaching effect to be attributed to the Exceptions Clause. Nor was there any suggestion of any such significance in the preparation of earlier drafts of the Constitution. Although the clause was debated at the Constitutional Convention, the point at issue was the scope of the Supreme Court's appellate jurisdiction with respect to matter of fact, which some considered to be an infringement of the cherished right to a trial by jury. As Hamilton observed, "The propriety of this appellate jurisdiction has scarcely been called in question in regard to matters of law; but the clamors have been loud against it as applied to matters of fact." As one constitutional scholar has noted, the debate ended in a compromise that left the First Congress to struggle with the scope of the Supreme Court's appellate jurisdiction over factual determinations under the Exceptions Clause:

"So complicated were the varying practices [of review of facts] that it was concluded to leave the problem for handling by the Congress through the medium of the 'exceptions' clause, fashioned to meet the 'principal criticism' of the appellate jurisdiction, its inclusion of matters of 'fact' "

In his well-known "Dialogue," Professor Hart rejected as "preposterous" the notion that the Exceptions Clause might be read "as authorizing exceptions which engulf the rule, even to the point of eliminating the appellate jurisdiction altogether." According to Hart, the measure of Congress power over the Supreme Court's appellate jurisdiction under the Exceptions Clause "is simply that the exceptions must not be such as will destroy the essential role of the Supreme Court in the constitutional plan." As Professor Ratner pointed out, this interpretation of the limits of the Exceptions Clause is buttressed by legal usage known to the Framers when the Constitution was drafted, by which an "exception" cannot be construed to nullify the rule that it limits or to negate an essential part of what was granted.

Judicial precedent on the scope of Congress' power under the Exceptions Clause is not illuminating. As noted above, because Congress has never challenged the Supreme Court's jurisdiction to hear constitutional claims, there are no definitive rulings on the extent or limits of Congress' power. While some cases contain extravagantly broad statements concerning Congress power over the Supreme Court's jurisdiction, the state-

ments are dicta, for the cases did not involve any attempt by Congress to limit the Court's jurisdiction to hear constitutional claims. Only two Reconstruction-era cases, *Ex parte McCardle* and *United States v. Klein*, actually addressed the scope of Congress power under the Exceptions Clause, and they point in opposite directions.

Those who urge that the Exceptions Clause gives Congress plenary power to divest the Supreme Court of appellate jurisdiction most often cite *Ex parte McCardle* as the leading authority for this view. In 1867, William H. McCardle, a newspaper editor in Mississippi, had been arrested by the army pursuant to the Military Reconstruction Act passed earlier the same year, which subjected the South to federal military command. Based upon anti-reconstructionist editorials McCardle had published, he was charged with libel, disturbing the peace, inciting insurrection, and impeding reconstruction. He petitioned the federal circuit court for a writ of habeas corpus, challenging the constitutionality of the Military Reconstruction Act, under a Habeas Corpus Act passed by the same Reconstruction Congress in 1867. There was some irony in this: the 1867 Habeas Corpus Act was passed for the purpose of advancing reconstruction by expanding the federal courts' powers to release former slaves and others who were being unlawfully held prisoner by the southern states. But the terms of the statute were not confined to prisoners in state custody, and McCardle, an anti-reconstructionist, was using it as a device to challenge the very reconstruction that the act was intended to promote.

The circuit court denied McCardle's petition, and he appealed to the Supreme Court under a provision of the 1867 Act. The Government moved to dismiss the appeal, and the Supreme Court denied the motion. The Government then faced the prospect that the Supreme Court, on reaching the merits, might declare one of the cornerstones of reconstruction policy to be unconstitutional. To avert this threat, while McCardle's appeal was still pending, Congress repealed the provision of the 1867 Habeas Corpus Act that allowed a direct appeal to the Supreme Court. In light of that repeal, the Supreme Court dismissed the appeal in a terse opinion, containing the following language relied upon by proponents of the current bills:

". . . The provision of the act of 1867, affirming the appellate jurisdiction of this court in cases of habeas corpus is expressly repealed. It is hardly possible to imagine a plainer instance of positive exception.

"We are not at liberty to inquire into the motives of the legislature. We can only examine into its power under the Constitution; and the power to make exceptions to the appellate jurisdiction of this court is given by express words.

"What, then, is the effect of the repealing act upon the case before us? We cannot doubt as to this. Without jurisdiction the court cannot proceed at all in any cause. Jurisdiction is power to declare the law, and when it ceases to exist, the only function remaining to the courts is that of announcing the fact and dismissing the cause."

In reading *Ex parte McCardle*, it must be borne in mind that the opinion was written under the most intense imaginable pressure at the peak of radical Reconstruction. As one commentary has noted, "With troops in the streets of the capital and the President of the United States on trial before the Senate, a less ideal setting for dispassionate judicial inquiry could hardly be imagined." And as Justice Douglas once observed, "There is a serious question whether the *McCardle* case could command a majority view today."

Moreover, the full *McCardle* opinion shows that it does not support so broad a view of Congress' power over the Supreme Court's jurisdiction as the above-quoted excerpt might suggest. While the opinion terms the 1868 repealer act an "exception" to the Court's appellate jurisdiction, in fact the repealer merely withdrew a *procedure* for appealing to the Supreme Court under the 1867 Habeas Corpus Act enacted the preceding year. The repealer did not narrow the Supreme Court's *subject matter* jurisdiction—that is, it did not limit the kinds of claims that the Supreme Court could hear, assuming they came to it by an available route. The *McCardle* opinion made this very point:

"Counsel seems to have supposed, if effect be given to the repealing act in question, that the whole appellate power of the court, in cases of *habeas corpus*, is denied. But this is an error. The act of 1868 does not except from that jurisdiction any cases but appeals from Circuit Courts under the act of 1867. *It does not affect the jurisdiction which was previously exercised.*"

The Supreme Court made the distinction even plainer later the same year in *Ex parte Yerger*. There, the Court considered another appeal by another anti-reconstructionist newspaper editor held in military custody under the Military Reconstruction Act. Like McCardle, Yerger was charged with impeding reconstruction. Like McCardle, he petitioned a circuit court for a writ of habeas corpus under the Habeas Corpus Act of 1867. The circuit court denied Yerger's petition, and Yerger sought review by the Supreme Court. But unlike McCardle, Yerger invoked the Supreme Court's appellate jurisdiction under the procedures provide by the Judiciary Act of 1789, not the repealed provision for direct appeals of the Habeas Corpus Act of 1867. The Supreme Court held, over objection by the Government, that it had appellate jurisdiction under the prior law to hear appeals in habeas corpus cases brought under the 1867 Act, and that this jurisdiction was not affected by the 1868 repealer act. Significantly, the Court intimated that any attempt through legislation to remove entirely the Supreme Court's appellate jurisdiction in habeas corpus cases would strike at one of the Court's essential constitutional functions and raise serious constitutional questions.

United States v. Klein, the second case to address directly Congress' authority to legislate exceptions to the Supreme Court's appellate jurisdiction, was decided three years after *Ex parte McCardle*. That opinion disposed of any remaining impression that the Exceptions Clause gave Congress plenary power to deprive the Supreme Court of appellate jurisdiction. A Civil War statute authorized suits in the Court of Claims to recover captured property by owners who were loyal to the Union or had been pardoned by the President. Klein had received a pardon that recited his previous disloyalty. Based upon his pardon, Klein brought an action in the Court of Claims and recovered judgment under the statute. While an appeal to the Supreme Court was pending, Congress passed a statute purporting to deprive the Court of Claims and the Supreme Court of jurisdiction in any case where a presidential pardon recited disloyalty and to direct that any such case be dismissed. The Supreme Court held that this was an attempt to prescribe a rule of decision in cases before the judiciary, violated the principle of separation of powers, and was not a permissible use of Congress' Article III powers over jurisdiction. The Court opined:

"It seems to us that this is not an exercise of the acknowledged power of Congress to make exceptions and prescribe regulations to the appellate power. . . .

"We must think that Congress has inadvertently passed the limit which separates the legislative from the judicial power.

"It is of vital importance that these powers be kept distinct."

The power claimed in the present bills to divest the Supreme Court of appellate jurisdiction to hear constitutional claims goes well beyond anything Congress has done in the exercise of its Article III powers at least since the turbulent Reconstruction era. Since the pending bills erode the Supreme Court's essential role in our constitutional system of government, they cannot be found to be within Congress' power under the Exceptions Clause of Article III in the absence of compelling authority. But that authority is not to be found in the history of Article III, judicial decisions under that Article, or the weight of scholarly authority concerning the Article's intent.

B. Lower Court Jurisdiction

The foregoing analysis shows that Congress' power to regulate the Supreme Court's jurisdiction under Article III does not give Congress power to withdraw the Supreme Court's jurisdiction to hear constitutional claims. The issue of Congress' power under Article III to divest the lower federal courts of jurisdiction to hear constitutional claims presents a closer question. However, taking into account other provisions of the Constitution and considerations of sound policy toward the judiciary, the case against the jurisdiction-stripping proposals as applied to the lower federal courts is no less compelling.

1. Article III

Congress' control over lower court jurisdiction derives not from the Exceptions Clause, but from its power under Article III, Section 1, to "ordain and establish" courts inferior to the Supreme Court. One early view, expressed by Justice Story, was that Article III *required* Congress to establish lower federal courts to exercise original jurisdiction in all cases within the constitutionally defined judicial power, other than those in which the Supreme Court had original jurisdiction. Under this view, Congress' discretion was limited to deciding where, what number, and what character of lower federal courts to establish, and how jurisdiction should be allocated among them.

The premise underlying this view—that the entire judicial power defined by Article III must be vested in the federal judiciary—has since been rejected. Indeed, Justice Story's position ignored the historical evidence that the Framers were divided as to the desirability of establishing any lower federal courts and intended to leave that decision to Congress.

The prevailing view has been that the Constitution gives Congress absolute discretion as to whether to establish any lower federal courts. From this it is said to follow that Congress has plenary control over the jurisdiction of such lower courts as it chooses to create. Some modern scholars have questioned the premise underlying this view, arguing that federal courts of original

jurisdiction are now necessary to carry out the Constitution's plan for the federal judiciary. Professor Eisenberg argues that, because of the proliferation of federal law and federal court caseloads since the Framers' era, lower federal courts have become a constitutional necessity to administer federal justice; he argues that, if the federal courts were abolished and their cases turned over to the state courts, the burden of harmonizing conflicting interpretations of federal law by the 50 state court systems and vindicating federal rights would be more than the Supreme Court, exercising its appellate jurisdiction, could bear. Professors Redish and Woods argue that lower federal courts are constitutionally necessary to restrain unconstitutional acts by federal officials, since state courts are generally without power to award relief in such cases.

Whether or not it was constitutionally required to do so, the first Congress did establish a system of lower federal courts in the Judiciary Act of 1789, and Congress has since then consistently endowed those courts with a broad measure of the judicial power defined in Article III. The lower federal courts have long had original jurisdiction over diversity cases and cases arising under the Constitution and federal laws. Exercising that subject matter jurisdiction, the lower federal courts have been important instruments of judicial constitutional review, although their role in enforcing the Supremacy Clause vis-a-vis the states is not so central as that of the Supreme Court. Congress has never before enacted legislation to deprive the lower federal courts of jurisdiction to hear cases arising under the Constitution generally, nor on an issue-by-issue basis, as proposed in the pending bills.

The lower federal courts play a vital role as courts of first instance in which federal rights can be vindicated. In *Mitchum* v. *Foster*, the Supreme Court reaffirmed this role in tracing the history of 28 U.S.C. § 1983 to its origin in the Civil Rights Act of 1871. The Court noted that this provision "opened the federal courts to private citizens, offering a uniquely federal remedy against incursions under the claimed authority of state law upon rights secured by the Constitution and laws of the Nation." The Court continued:

"The very purpose of § 1983 was to interpose the federal courts between the States and the people, as guardians of the people's federal rights—to protect the people from unconstitutional action under color of state law, 'whether that action be executive, legislative, or judicial.' . . . And this Court long ago recognized that federal injunctive relief against a state court proceeding can in some circumstances be essential to prevent great, immediate, and irreparable loss of a person's constitutional rights. *Ex parte Young*, 209 U.S. 123; cf. *Truax* v. *Raich*, 239 U.S. 33; *Dombrowski* v. *Pfister*, 380 U.S. 479."

For individuals seeking to enforce federal rights, the ability to bring suit in a federal forum rather than a state court is significant. As a leading study by the American Law Institute concluded, "federal courts are more likely to apply federal law sympathetically and understandingly than are state courts."

An important advantage of the lower federal courts over most state courts in protecting constitutional rights is the independence of federal judges from political influence, based upon their appointment for lifetime terms and their guarantee of undiminished compensation. Judge McGowan of the D.C. Circuit saw the lower federal courts' role in desegregating the public schools as a prime example of that advantage:

"[I]s it conceivable that the job could have been entrusted entirely to the state courts, bearing in mind the differences in loyalties and the vulnerability to local pressures inherent in an elective system of judges? The federal judges themselves have, even with the security provided them by the Constitution, found the going hard. It is not fanciful to think that it would have been too much for unsheltered state judges. . . . Certainly it would have been hard to ask them to risk such an exposure with so few shields."

Another important role of the lower federal courts is to develop a body of empirical evidence that the Supreme Court can later use in formulating constitutional doctrine. The Supreme Court will often permit a difficult issue to germinate among the lower courts before it accepts a case to resolve the issue. From that process of grappling with a thorny issue through several different cases in different courts, a more judicious final resolution may result—or, at least, the areas of uncertainty and disagreement may be crystallized. Then, when the Supreme Court announces doctrine, it often does so in broad terms, leaving to the lower federal courts the task of fashioning from that doctrine decisions in concrete cases. As Judge Craven of the Fourth Circuit explained, the Supreme Court

"quite sensibly is willing to take the time to allow the inferior courts to experiment with words, giving content and meaning to the doctrine which has been expounded. The truth is that the Court is wise enough to know that it does not know precisely what ought to be done and must be required. Like the rest of us, the Court learns from experience—the experience of the inferior federal courts. Trial balloons constantly soar aloft from the United States District Courts. Some are shot down in flames by the United States Circuit Courts of Appeals, while others are allowed to orbit indefinitely."

In sum, the lower federal courts have historically played a vital role in vindicating constitutional rights and in promoting national uniformity in the interpretation of the Constitution and the federal laws. The federal courts have successfully functioned side-by-side with the state courts. As a practical matter, the proposed limitations on the lower federal courts (even assuming that an avenue of review by the Supreme Court were left open) would so inundate the Supreme Court as the sole federal arbiter of such issues that the effectiveness of the federal judicial branch would be impaired. We see no compelling interest to justify this kind of radical tampering with the present judicial system and the form in which it has functioned for so many years. Indeed, given the lower federal courts' present-day role in that system, such tampering may now be unconstitutional, whatever Congress could have done in 1789.

2. Other constitutional provisions

Aside from the limitations inherent in Article III of the Constitution and the historic role of the judiciary in our system of government, other constitutional provisions and considerations should constrain Congress from enacting any of the pending bills. Whatever the scope of Congress' authority over federal court jurisdiction under Article III, Congress may not exercise that authority in a manner that contravenes any other provision of the Constitution. While Congress is acknowledged to have plenary power to regulate interstate commerce, for example, no one would suggest that Congress constitutionally could use that power to prohibit interstate transport of political pamphlets in violation of First Amendment guarantees, or to seize property moving in interstate commerce without due process of law in disregard of the Fifth Amendment. Congress' exercise of its authority over federal court jurisdiction, like the exercise of all of its other powers, is "entirely subject to all of the other provisions of the Constitution that constrain government power."

As the Supreme Court observed:

"[T]he Constitution is filled with provisions that grant Congress or the States specific power to legislate in certain areas; these granted powers are always subject to the limitation that they may not be exercised in a way that violates other specific provisions of the Constitution."

By the same token, Congress' authority over jurisdiction may not constitutionally be used to shield government actions from judicial constitutional review.

(a) The due process clause

The Fifth Amendment prohibits the Government from depriving any person of life, liberty, or property without due process of law. Judicial constitutional review of government actions is an essential element of due process. While Congress has never before put the issue to the test by impairing federal court jurisdiction to exercise such review, several cases have intimated that a law eliminating any opportunity for federal judicial review in any class of cases would violate the Due Process Clause.

Hence, Congress' authority over federal court jurisdiction under Article III is limited by the requirements of the Fifth Amendment's Due Process Clause. And due process requires that there be a judicial remedy for someone claiming to be aggrieved by a government's violation of the Constitution.

Applying these due process principles, the Supreme Court disregarded a section of the Military Selective Service Act that purported to prohibit any judicial review of selective service classifications except in a criminal prosecution for violation of the Act and upheld a registrant's right to bring an action to enjoin an unlawful classification practice. And the Court of Appeals for the District of Columbia Circuit refused to give effect to a provision of the Federal Deposit Insurance Act that purported to deprive the courts of jurisdiction to review certain administrative actions taken pursuant to it. Other cases have carefully scrutinized jurisdiction-limiting statutes according to these due process principles.

In light of these precedents, it is extremely doubtful that the bills withdrawing jurisdiction in draft and military classification cases would withstand constitutional scrutiny. The Due Process Clause would not tolerate subjecting a citizen to loss of liberty by being inducted into the military without an opportunity for some form of judicial review of the law ordering that loss of liberty. It is equally doubtful that Congress could constitutionally require the federal courts to enforce federal legislation—for example, by trying individuals for the crime of refusing induction into the military—but deny those courts jurisdiction, as two of the pending bills would do, to consider a challenge to the law's constitutionality by a person against whom enforcement is sought.

Another due process principle limiting Congress' power over judicial jurisdiction is the requirement that all persons receive equal treatment under the law. Statutes

that would eliminate jurisdiction to hear narrow categories of constitutional claims violate this principle by invidiously discriminating against those who assert the particular claims thus singled out. All of the bills presently under consideration save one (H.R. 114) suffer this infirmity. They each single out narrow categories of constitutional claims for jurisdictional oblivion—those involving public prayer, abortion, school desegregation, and sex discrimination in the military.

Since closing off federal judicial redress to persons claiming violations of specific constitutional rights impinges upon fandamental liberties, such jurisdictional limitations should be subjected to strict scrutiny by the courts and can satisfy the equal protection component of the Due Process Clause only where they are "shown to be *necessary* to promote a *compelling* governmental interest." Yet it is doubtful that these jurisdictional limitations would satisfy even the lower standard applicable where fundamental rights are not involved: a statutory classification must bear a reasonable relationship to a permissible governmental purpose. No legitimate, let alone compelling, governmental interest is served by curtailing federal court jurisdiction to hear specified constitutional claims. No serious argument can be made that jurisdictional limitations are intended to promote judicial efficiency or any similar interest legitimately within Congress' purview under Article III. And a desire to alter some judicial interpretations of the Constitution with which a majority of the Congress may disagree is not a licit governmental purpose that will satisfy the constitutional standard.

(b) Specific constitutional rights

Statutes that would eliminate federal court jurisdiction to hear specified constitutional claims, as proposed in the present bills, may well be held to be impermissible abridgements of the constitutional rights underlying the claims as to which jurisdiction is denied. For example, the bills that would eliminate any federal judicial remedy against govenmental violations of the First Amendment through school prayer programs would themselves be an abridgement of the First Amendment rights.

It is established that, where the purpose and effect of a law is to obstruct judicial protection of constitutional rights, the law is unconstitutional unless it is necessitated by compelling and legitimate governmental interests. As shown above, no such showing of justification can be made for bills like those here considered. Indeed, the present bills appear to have no purpose other than limiting constitutional rights as those rights have been enforced by the courts.

In *Faulkner v. Clifford*, a district court invalidated a statutory provision that purported to deprive all federal courts of jurisdiction to review selective service classifications except in criminal prosecutions of registrants for violation of the Military Selective Service Act. There, a registrant was punitively classified 1-A for returning his registration card as a protest against the draft. The registrant commenced a civil action to challenge the punitive classification, arguing that his First Amendment right to protest the draft had been infringed. The Government moved to dismiss for lack of jurisdiction based on the statutory prohibition against judicial review. The court held that denying the registrant a judicial forum for his constitutional claim impermissibly chilled his exercise of First Amendment rights, and ruled the jurisdictional limitation to be unconstitutional as so applied.

(c) Structural provisions

As discussed above (Part II), depriving the federal judiciary of jurisdiction to hear constitutional claims threatens the basic structure of our government and particularly the principle of separation of powers. As Chief Justice Burger wrote in 1976,

"Long ago, this Court found the ordinary presumption of constitutionality inappropriate in measuring legislation directly impinging on the basic tripartite structure of our Government. . . .

"Our role in reviewing legislation which touches on the fundamental structure of our Government is therefore akin to that which obtains when reviewing legislation touching on other fundamental constitutional guarantees. Because separation of powers is the base framework of our governmental system and the means by which all our liberties depend, [the statute in question] can be upheld only if it is necessary to secure some overriding governmental objective, and if there is no reasonable alternative which will trench less heavily on separation-of-powers principles."

We have already discussed how jurisdictional limitations of the sort proposed would offend one important structural provision of the Constitution, the Supremacy Clause (Part IIB above). Such jurisdictional limitations, by seeking indirectly to alter authoritative judicial interpretations of the Constitution, may also be regarded as an impermissible attempt to circumvent the process of constitutional amendment.

We do not take issue with those who point out that, ultimately, legislative supremacy is at the heart of our democratic system. But the established constitutional mechanism for resolving a profound and lasting disagreement between the judicial branch and Congress, as the elected will of the people, as to the meaning of a constitutional provision, is amendment of the Constitution, not tampering with the jurisdiction of the courts. Under Article V, an amendment to the Constitution can be proposed by two-thirds of both houses of Congress or the application of legislatures of two-thirds of the states, and such amendment becomes effective when ratified by three-fourths of the states. The process of amending the Constitution was not intended to be a simple matter, but rather one that required great deliberation. Much more was required than the simple majority vote necessary for ordinary legislation.

The proposed jurisdictional limitations also implicate another important structural provision of the Constitution, the one governing impeachment. As noted above, the Framers intended impeachment to be the *sole* check on the judiciary. Impeachment was intended to be much harder to achieve than ordinary legislation. High crimes and misdemeanors must be proven, and a two-thirds vote by the Senate is required for conviction.

Were Congress able to act by simple majority upon every disagreement with the judiciary's constitutional interpretations by divesting the courts of jurisdiction, both of these carefully constructed safeguards—constitutional amendment and impeachment—requiring supermajority action by Congress and the people would be wholly avoided. Such a result would impair the tripartite balance of power in our constitutional system and would be inconsistent with the intentions of the draftsmen of the Constitution.

CONCLUSION

For the reasons here discussed, the Committee concludes that legislation to divest the federal courts of jurisdiction to hear constitutional claims, such as proposed in the pending bills, is probably unconstitutional and certainly unwise. The basic constitutional plan of separation of powers, and judicial constitutional review as an essential part of this plan, have served the nation well for two centuries. The plan should not be tampered with because some Supreme Court constitutional decisions are perceived to be out of step with public favor or even wrong.

We believe that, when faced with proposals to divest the federal courts of jurisdiction or to undermine their independence, Congress should be guided by the example of self-restraint exhibited by the 75th Congress when it rejected President Roosevelt's court-packing proposal. As the Senate Judiciary Committee put it in 1937:

"Shall we now, after 150 years of loyalty to the constitutional ideal of an untrammeled judiciary, duty bound to protect the constitutional rights of the humblest citizen even against the Government itself, create the vicious precedent which must necessarily undermine our system?

". . . Let us now set a salutary precedent that will never be violated. Let us, of the Seventy-fifth Congress, in words that will never be disregarded by any succeeding Congress, declare that we would rather have an independent Court, a fearless Court, a Court that will dare to announce its honest opinions in what it believes to be the defense of liberties of the people, than a Court that, out of fear or sense of obligation to the appointing power or factional passion, approves any measure we may enact. We are not the judges of the judges. We are not above the Constitution.

". . . Exhibiting this restraint, thus demonstrating our faith in the American system, we shall set an example that will protect the independent American Judiciary from attack as long as this Government stands."

Mr. WEICKER. I shall just read an excerpt, and this will be the conclusion of my remarks:

We believe that, when faced with proposals to divest the federal courts of jurisdiction or to undermine their independence, Congress should be guided by the example of self-restraint exhibited by the 75th Congress when it rejected President Roosevelt's court-packing proposal. As the Senate Judiciary Committee put it in 1937:

"Shall we now, after 150 years of loyalty to the constitutional ideal of an untrammeled judiciary, duty bound to protect the constitutional rights of the humblest citizen even against the Government itself, create the vicious precedent which must necessarily undermine our system? . . .

". . . Let us now set a salutary precedent that will never be violated. Let us, of the Seventy-fifth Congress, in words that will never be disregarded by any succeeding Congress, declare that we would rather have an independent Court, a fearless Court, a Court that will dare to announce its honest opinions in what it believes to be the defense of liberties of the people, than a Court that, out of fear or sense of obligation to the appointing power or factional passion, approves any measure we may enact. We are not the judges of the judges. We are not above the Constitution.

". . . Exhibiting this restraint, thus demonstrating our faith in the American system, we shall set an example that will protect the independent American Judiciary from attack as long as this Government stands."

The PRESIDING OFFICER. The time of the Senator from Connecticut has expired.

Mr. JOHNSTON. Mr. President, we seem to get lumped in with a lot of other anticivil rights movements when we talk about this bill.

I quite agree with the Senator from Connecticut in what he says about the restoration of the tax exemption for segregated schools. I think that was all the bad things he says it was. I think many of these other things are. But let us not mix that up with busing.

Let us remember that busing, according to the latest NBC poll, is opposed in the black community as well as in the white community.

There was an interesting article by the distinguished black journalist, William Raspberry, not too long ago, September 4, 1981, in the Washington Post. He described what happened over in Prince Georges County. He says:

They drew up bus routes and pupil-assignment plans that, at least at the beginning, had the effect of ending official segregation.

A couple of things have happened since the plan was implemented in 1972. First, a large number of whites have left the public schools while a large number of black families have moved into the county, most of them in areas near the District of Columbia. Second, housing patterns in 1981 are not what they were in 1972. Whites have been moving farther out into the county, in many cases selling their homes to black newcomers.

He goes on to say that:

The school system that was 13 percent black a decade ago is some 40 percent black today. One result of all this is the busing patterns that enhanced integration when they were established now often involve the absurd phenomenon of black children traveling great distances from their neighborhood only to wind up in schools that are overwhelmingly black.

Mr. President, we could go on and on.

Listen to what the Urban League says in "The State of Black America In 1980." It says:

Many urban school desegregation decrees involve little more than the shifting of bodies from one location to another with little regard for the consequences and the effects on the quality of education and human relationships . . . increasing numbers of black parents, after years of seeing the burdens of desegregation placed disproportionately on black children, are questioning the benefits of desegregation. Many black parents, instead, argue for improving the quality of education their children receive wherever the children attend school.

Mr. President, we are not going to be able to improve that quality of education if wholesale numbers of white children, indeed black children, usually the more affluent, leave the system, and that is just what is happening. They are leaving the school system. In my hometown, they are either going across the river to Bossier Parish, or they go to a whole group of new private schools that they have started, and we can rant and rail how terrible it is and how we wish they would stay in the school system, but we cannot make them stay. It is still a free country.

When that happens—erosion of that public school system and its support is happening at an increasingly rapid rate—there is something we can do, and that is to pass this amendment. It will improve education. Indeed, it will be a more effective remedy to get our schools desegregated.

As Mr. Justice Powell stated "In the rush to try to accomplish one thing, that is desegregation, we have created another evil or," as he says, "out of a zeal to remedy one evil courts may encourage or set the stage for other evils.

"By attempting to get rid of one-race schools you may get one-race school systems," says Mr. Justice Powell.

We have the right, we have the power, indeed we have the mandate from the American public to act and to act now, Mr. President, and I urge my colleagues to act affirmatively on this amendment.

Mr. RIEGLE. Mr. President, I am strongly opposed to forced school busing. I am voting against this amendment because I believe it is unconstitutional.

The PRESIDING OFFICER. All time has expired.

Under the previous order, the Senate will now recess until——

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut has no time.

Mr. WEICKER. Mr. President, I ask unanimous consent that it be in order to suggest the absence of a quorum at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order of the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, it is my understanding that all time has expired under the previous order?

The PRESIDING OFFICER. The Senator is correct.

RECESS UNTIL 1:25 P.M.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in recess until 1:25 p.m.

There being no objection, the Senate, at 12:34 p.m., recessed until 1:25 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GRASSLEY).

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska.

Mr. STEVENS. Mr. President, it is my understanding that at 1:30 p.m. there will be a rollcall vote on the pending amendment.

Have the yeas and nays been ordered on that amendment yet?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Immediately following the vote on that amendment, it is my further understanding that there will be a rollcall vote on the distinguished majority leader's motion to proceed with the consideration of Senate Resolution 20; is that correct?

The PRESIDING OFFICER. The Senator is not correct. That has not been ordered. The yeas and nays have not been ordered.

Mr. STEVENS. The yeas and nays have not been ordered but there is an order that there will be a vote immediately following the vote on the amendment to S. 951; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. As soon as there is a sufficient second I will ask for the yeas and nays and will alert the Members of the Senate that there will be a rollcall vote on the majority leader's motion to proceed with consideration of Senate Resolution 20.

Mr. President, I will ask that there be a quorum call and I intend to call it off at 1:30 p.m.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the hour of 1:30 p.m. having arrived, the question is on agreeing to the amendment, as amended, of the Senator from North Carolina. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Florida (Mrs. HAWKINS), are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mrs. HAWKINS) would vote "yea."

Mr. CRANSTON. I announce that the Senator from New Jersey (Mr. WILLIAMS) is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators desiring to vote?

The result was announced—yeas 58, nays 38, as follows:

[Rollcall Vote No. 2 Leg.]

YEAS—58

Abdnor	Ford	Nickles
Andrews	Garn	Nunn
Armstrong	Gorton	Pressler
Bentsen	Grassley	Proxmire
Biden	Hatch	Pryor
Boren	Hayakawa	Quayle
Byrd, Harry F., Jr.	Helms	Randolph
	Hollings	Roth
Byrd, Robert C.	Huddleston	Sasser
Cannon	Jepsen	Schmitt
Chiles	Johnston	Simpson
Cochran	Kassebaum	Stennis
D'Amato	Kasten	Stevens
Danforth	Laxalt	Symms
DeConcini	Long	Thurmond
Denton	Lugar	Tower
Dole	Mattingly	Wallop
Domenici	McClure	Warner
East	Melcher	Zorinsky
Exon	Murkowski	

NAYS—38

Baucus	Hart	Mitchell
Boschwitz	Hatfield	Moynihan
Bradley	Heflin	Packwood
Bumpers	Heinz	Pell
Burdick	Humphrey	Percy
Chafee	Inouye	Riegle
Cohen	Jackson	Rudman
Cranston	Kennedy	Sarbanes
Dixon	Leahy	Specter
Dodd	Levin	Stafford
Durenberger	Mathias	Tsongas
Eagleton	Matsunaga	Weicker
Glenn	Metzenbaum	

NOT VOTING—4

Baker	Hawkins	Williams
Goldwater		

So Mr. HELMS' amendment (No. 69) as amended was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment, as amended, was agreed to.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TELEVISION AND RADIO COVERAGE OF SENATE PROCEEDINGS

Mr. STEVENS. Mr. President, it is my understanding that we will now have a rollcall vote on the motion to proceed to the consideration of Senate Resolution 20. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr President, before that rollcall commences, the distinguished majority leader is absent today. He is not feeling well. It is my intention, following the rollcall vote on this motion to proceed to the consideration of Senate Resolution 20, to recess the Senate, unless there is some Senator who has pressing business he wishes to discuss following the rollcall vote.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed to the consideration of Senate Resolution 20. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. TOWER. Mr. President, on this vote, I have a live pair with the distinguished Senator from Tennessee (Mr. BAKER). If he were present and voting, he would vote "aye." If I were permitted to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Florida (Mrs. HAWKINS), are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mrs. HAWKINS) would vote "yea."

Mr. CRANSTON. I announce that the Senator from New Jersey (Mr. WILLIAMS) is absent because of illness.

The PRESIDING OFFICER (Mr. DANFORTH). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 92, nays 3, as follows:

[Rollcall Vote No. 3 Leg.]

YEAS—92

Abdnor	Exon	Melcher
Andrews	Ford	Metzenbaum
Armstrong	Garn	Mitchell
Baucus	Glenn	Moynihan
Bentsen	Gorton	Murkowski
Biden	Grassley	Nickles
Boren	Hart	Nunn
Boschwitz	Hatch	Packwood
Bradley	Hatfield	Pell
Bumpers	Hayakawa	Percy
Burdick	Heflin	Pressler
Byrd, Harry F., Jr.	Heinz	Pryor
	Helms	Quayle
Byrd, Robert C.	Hollings	Riegle
Cannon	Humphrey	Roth
Chafee	Inouye	Rudman
Chiles	Jackson	Sarbanes
Cochran	Jepsen	Sasser
Cohen	Johnston	Schmitt
Cranston	Kassebaum	Simpson
D'Amato	Kasten	Specter
Danforth	Kennedy	Stafford
DeConcini	Laxalt	Stennis
Denton	Leahy	Stevens
Dixon	Levin	Symms
Dodd	Long	Thurmond
Dole	Lugar	Tsongas
Domenici	Mathias	Wallop
Durenberger	Matsunaga	Warner
Eagleton	Mattingly	Weicker
East	McClure	Zorinsky

NAYS—3

Huddleston	Proxmire	Randolph

PRESENT AND GIVING A LIVE PAIR—1

Tower, against.

NOT VOTING—4

Baker	Hawkins	Williams
Goldwater		

So the motion to proceed to the consideration of Senate Resolution 20 was agreed to.

Mr. STEVENS. I move to reconsider the vote, Mr. President.

Mr. PACKWOOD. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. LONG. Mr. President, a parliamentary inquiry.

Mr. STEVENS. I yield to the distinguished Senator from Louisiana for the purpose of making a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LONG. Will the Chair please repeat that vote?

The PRESIDING OFFICER. Ninety-two yeas, three nays.

Mr. LONG. I thank the Chair.

ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, there has been a request for a period for routine morning business. I do ask unanimous consent that there now be a period for routine morning business for the next 15 minutes, during which Senators may speak for not to exceed 2 minutes each.

Mr. CHILES. Mr. President, I wish to make some remarks that are going to take a little longer than 2 minutes. I can do it in this period or on the bill.

Mr. STEVENS. How long does the Senator wish, Mr. President?

Mr. CHILES. Ten minutes.

Mr. STEVENS. Under the circumstances, Mr. President, I amend that request and ask unanimous consent that there be a period for routine morning business to expire at 2:45 p.m., during which Senators may speak for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FIDEL CASTRO; A CONTINUING PROBLEM

Mr. CHILES. Mr. President, in affairs of state as in human affairs, we tend with the passage of time to learn to live with a situation no matter how abhorrent and dangerous that situation may be. We can become complacent and even tolerant of the status quo. At times the American public and the American Government have seemed to fall into that trap with respect to the Castro dictatorship in Cuba.

It has been 23 years since Castro imposed his rule on Cuba. During that time, Castro, hand-in-glove with the Soviet Union, has worked consistently and with some success in steadfast opposition to the policies and efforts of the United States. The Castro government, overtly or covertly, has remained in the forefront of the world's troublemakers and has indeed caused a great deal of trouble. Not only has he enslaved the people of Cuba and wreaked economic ruin on that nation but the Castro regime has played a

leading role around the world in fomenting armed conflict and terrorism.

Yet, because Castro and his activities have been going on for some time, it is all somehow old news. Some people are simply no longer interested in the fact of a lawless regime 90 miles from our shores. Others see Castro as merely an irritant; a thorn in our side not worthy of a great deal of consideration. Still others would even maintain that Castro has moderated over the years and that the United States should seek to normalize relations with Cuba.

These viewpoints are, at best, naive and fail to recognize the present reality of Cuba and the threat it represents.

It is important to remember that Cuba, while a relatively small nation, is a significant military power. Supplied and bankrolled by the Soviets, Cuba is well-armed and disposed to use those arms. Cuban armed forces are the largest in Latin America, except for Brazil, which has 12 times the population. Cuba has 225,000 people in the armed forces, plus several hundred thousand in paramilitary organizations. The Soviet Union's military transfers have given them mobility and the capacity to project armed forces beyond Cuba's shores. It has the potential to mount and sustain military operations throughout the Caribbean and the northern tip of Latin America. In short, Cuba represents a serious problem for the United States of growing magnitude.

I am convinced that Castro is not moderating or curtailing his violent, destructive actions in any way. Rather, the evidence becomes clearer and clearer that Castro is intensifying his efforts and enlarging his role as the stalking horse of the Soviet Union.

Mr. President, the disturbing and—I can think of no other word—evil nature of the Castro threat is vividly illustrated by new revelations indicating the active participation of the Cuban Government in organized drug-smuggling activities. The complete story is not yet known and I hope that the Senate Permanent Subcommittee on Investigation will soon be undertaking an effort to bring the entire story to light. But enough is now known and confirmed to show that the Cuban Government itself is now in a partnership with the worst criminal element to facilitate the smuggling of illegal drugs into the United States.

This Nation has faced and continues to face an overwhelming crisis with respect to the flow of illicit narcotics into our country. These drugs poison our population and have spurred a resurgence of criminal activity so widescale it is difficult to fully comprehend. My State of Florida is experiencing a crime wave that threatens the social structure, the economy, and every individual who lives there. The key element in this surge of crime and corruption has been the drug trade with its billions in profits and ruthless violence.

I, and other Members of this body, have been searching for ways to combat the narcotics trade; looking for every resource of the Federal Government that might contribute to a more effective drug law enforcement effort. Now we come to find that another government, if one can use that term for the Castro regime, is aiding and abetting the drug traffickers. We find that Cuba has entered into a cynical bargain with the drug merchants.

The State Department has confirmed that Cuba is giving sanctuary to drug-smuggling ships for refueling and maintenance. It is allowing mother ships, laden with illegal drugs from Latin America, to operate within Cuban waters while unloading onto smaller vessels for drug runs into Florida. In return, the drug dealers are transporting Cuban arms and money to aid guerrilla operations.

We are faced with a situation that is nothing short of diabolical. In the thrust of one operation, Castro is able to strike viciously at U.S. society by aiding the drug traffickers to spread their poison and, in turn, use the smugglers to help arm and fund insurrection and terrorism. The sheer effrontery and total disregard for the dictates of international law would be shocking if it were not so consistent with the Castro pattern of behavior.

As profoundly disturbing as these revelations are, they merely build on the record of international crimes by this outlaw regime. For over 20 years, Castro has sought to promote violence and destabilize other nations. Cuba has been the armed surrogate and the agent of terrorism for the Soviet Union throughout the world.

Over the past several years, these activities have reached a new level of intensity. The investment of time, manpower, energy, and Soviet money is staggering. In the mid-1970's, Cuba turned to direct intervention in Africa. To this day, Cuba's military and political activities in Africa are major and range throughout the continent. Cuba still maintains large armed contingents in Angola and Ethiopia to do the Soviets' bidding.

The African adventures have been followed by a renewed and full-scale assault on the Caribbean and Central and Latin America. Since 1978, Cuba has embarked on a well-organized and well-financed campaign to incite violence and armed conflict throughout the region. It has supplied arms, training, and other forms of assistance to aid armed insurgencies in country after country. The State Department has documented the range and scope of Cuban involvement, not only in Nicaragua and El Salvador and Guatemala, but also in Costa Rica, the Dominican Republic, Colombia, and Chile. The extreme gravity of these activities and the potential consequences for U.S. policy are evident in Nicaragua, Grenada, and in the ongoing struggle in El Salvador. The Cuban interference is having a devastating impact.

All indications are that the impact will grow as the militarization of Cuba continues to escalate at an alarming rate; 1981 witnessed the largest volume of Soviet military deliveries to Cuba since 1962, twice that of 1980. This Tuesday, Secretary Haig indicated that Cuba recently received a second squadron of Soviet Mig-23 warplanes. Unclear is whether these are models that can carry nuclear weapons. Other reports disclose that Cuban airfields now operate as a base for Soviet TU-95 bombers, the primary Soviet heavy bomber, which has a nuclear capability.

Some reports have indicated, Mr. President, that the Bear is being used as a reconnaissance plane. We know that it is overflying our ships. We know that it is flying very close to our coastline. However, to say the Soviet bomber, the Bear, is a reconnaissance plane is to say that the B-52 would be primarily a reconnaissance plane.

These reports raise disturbing questions about the potential use of these armaments and aircraft. Clearly at issue is whether Cuba is building an offensive capability in violation of the United States-Soviet agreement following the Cuban missile crisis. It appears to me that the agreements are being violated. Do not the Mig-23's and the Soviet Bears constitute violations? The Senate must be informed as to the complete contents of the 1962 agreements and whether violations are occurring.

Mr. President, in addition to the prohibition against having weapons that have an offensive capability, that being a part of the 1962 agreements after the missile crisis, there was another provision that was widely discussed. It was that Cuba would not be used to foment revolution and armed conflicts in other countries. Nothing could be further from a breach than what Cuba has been doing in regard to insurgent actitivies, the fomenting of revolution, the furnishing of arms and supplies, and the training of terrorists.

Mr. President, Cuba's reckless and provacative behavior, which appears to know no limit, mandates that the Cuba problem be brought to the forefront of our foreign policy agenda. Its illegal activities cannot be allowed to continue unchecked. As past experience dictates, there are no easy answers with Cuba. For over 20 years, we have struggled with this dilemma and the administration faces an extremely difficult challenge. But past experience also shows that only a position of

strength and firmness of purposes will work to curtail Cuba. Somehow, we must make Cuba understand that we will extract a heavy price if it continues on its present course. Cuba must understand that we will not tolerate its participation in criminal activitiy directed at our very social fabric. I am glad the administration is sounding the alarm about Cuba. I hope we will see realistic and effective action to back up those words of alarm.

Mr. President, another thing that must be noted is the situation with the refugees who were sent out from Mariel. We know some were criminals. Some were mentally ill and some were emptied out of institutions. Others were simply poor people, people who were unemployed.

But we also know that some of them were provocative agents; and as they have come to our country, they have been trying to stir up discord. They have been trying to foment strife in our country.

This is one more evidence of what Castro has been trying to do and what he continues to do and this is something that we cannot tolerate any longer.

Mr. RANDOLPH. Mr. President, will my knowledgeable colleague from Florida yield?

Mr. CHILES. I yield.

Mr. RANDOLPH. Mr. President, I wish more Senators were present. I am in no wise critical of the absence of Senators from this Chamber. They are at work elsewhere. The Senator who has been speaking, and the Senator from West Virginia who is now commending his colleague, for what he has spoken understand that. I hope and believe that the Members of the Senate will give not only a careful reading, but also a factual understanding, of the reality of the words that our colleague has addressed not only to the Members of Congress, but also to the people of the United States of America.

I have known of the Senator's commitment in this critical problem for a long period of time. I have recognized his efforts in bringing to the attention of his constituents within the State of Florida and to men and women in other States, of the appalling situation which we continue to tolerate, if that is the word, in reference to Cuba in relationship to the United States of America.

I well remember that day when Castro came into this Chamber and was in the Capitol of the United States and, with wide-spreading hands, he declared: "We come as your friends. We are your friends."

Twenty years come and go, and that promised friendship between the Cuban regime of Castro and the Soviets who work with him, has never been exhibited insofar as I know even in one iota. The conditions worsen. There is a tragic relationship that is festering between Cuba as it relates to the United States of America and the well-being not only of our own people but freedom-loving people throughout the world.

I hope that through the media, the Senator's words will be carried to the public, to men and women who are not only intensely interested in the validity of the truth that the Senator speaks, but of the need now to have affirmative action programs of many types to cause Castro if possible, and those who join with him, to realize that we no longer will take a passive position in reference to these violations. We will stand together. We will move together. We will do what is necessary for the United States of America, the well being of our own people and the free world.

Mr. CHILES. I thank the distinguished Senator from West Virginia for his kind remarks and also for the cogent observations that he had made.

I well remember that he has been one that has been following this situation over a number of years and has attempted to raise his voice many times to warn this country and to warn the Senate of the potential dangers.

I also wish not to let this opportunity to go by without saying that the Senator from West Virginia has also been tremendously sympathetic to the problems that have been visited on my State by the refugees who have fled from Cuba seeking freedom. Florida is the closest point to their homeland. It has a similar climate. It also became an area where they can find a cultural heritage and family connections. And, of course, they have worked very hard in my State and in the main have assimilated themselves very well.

Up until the Mariel boatlift we were reducing the number of refugees added. The Senator from West Virginia has always been helpful and understanding of the problems of my State. The problems are not of our making. We did not develop the policy. It was the national policy or absence of national policy that caused this to come about. Yet continually Florida and the local government of south Florida have had to carry a very severe burden in trying to help these people get their feet on the ground, and then after the Mariel boatlift it has all started over again.

One of the great difficulties that the Senator from Florida and the whole delegation from Florida have is that every day further away from the Mariel experience the tendency is to say: "Well that is your problem down there. You all handle it."

But the Senator from West Virginia has always recognized that it was a national problem and he has been very sympathetic in that regard. I thank him for it.

Mr. RANDOLPH. I thank the Senator.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONFERENCE ON ADMINISTRATION OF JUSTICE

Mr. SPECTER. Mr. President, this past weekend there was a conference on the administration of justice in Williamsburg, Va., attended by the Committee on the Judiciary of the U.S. Senate, the Committee on the Judiciary of the U.S. House of Representatives, and the Chief Justice of the U.S. Supreme Court at which time a number of useful subjects were discussed.

One of the highlights of the conference in my opinion was the speech made by the president of the Pennsylvania Bar Association, Robert M. Landis who, coincidentally, was my partner when I was in the practice of law with Dechert Price & Rhoads in Philadelphia. Mr. Landis made a speech on a subject which is especially timely today and that involves the effort to limit the jurisdiction of the Federal courts on a variety of issues including busing, a subject upon which this body voted a few moments ago.

At this time I ask unanimous consent to have printed in the RECORD the remarks of Mr. Landis.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF ROBERT M. LANDIS

The 97th Congress now has before it more than thirty bills designed to curtail the jurisdiction and remedial powers of the federal courts in federal constitutional cases. The bills focus on substantive issues that are politically sensitive: prayer in public buildings; methods of achieving school desegregation; abortion; and sex discrimination in the armed forces. Their purpose, as their sponsors bluntly proclaim, is to "be a healthful corrective to further excesses by the Supreme Court," to teach the Court "a salutary lesson so that future excursions by the Court beyond its proper bounds would be avoided."

All of the bills would place restrictions on the lower federal courts; most would affect the appellate jurisdiction of the Supreme Court; some would completely remove federal court jurisdiction over particular subjects; and some of the bills dealing only with remedy are so broad they would effectively preclude all federal court review of the substantive areas involved.

This array of legislation, generated, as Senator Hatch claims, by "substantial constituencies" who oppose particular constitutional rulings is a nearly unprecedented at-

tempt to circumvent the constitutional safeguards provided by the amendment procedures. Those procedures, with the participation of state legislatures, and subject to requirements of concurrence by extraordinary majorities, would be bypassed through ordinary statutes purporting to limit federal court jurisdiction enacted by a mere majority of the House and Senate.

This is an alarming challenge: to the fundamental principle of separation of powers; to the application of the supremacy clause; and to the precious historical tradition in the United States of elaborating and enforcing constitutional provisions through an independent judiciary, a practice sanctioned since *Marbury* v. *Madison*, 5 U.S. (1 Cranch) 137 (1803). This legislative incursion of the federal judiciary may be the gravest threat to its independence and to the principle of separation of powers since the court packing plan in 1937.

On this venerated 100th anniversary, listen to the overtones of President Franklin D. Roosevelt's court-packing Fireside chat:

"I am in favor of action through legislation:

"First, because I believe that it can be passed at this session of the Congress.

"Second, because it will provide a reinvigorated . . . Judiciary necessary to furnish quicker and cheaper justice from bottom to top.

"Third, because it will provide a series of Federal Courts willing to enforce the Constitution as written, and unwilling to assert legislative powers by writing into it their own political . . . policies.

". . . The balance of power between the three great branches of the Federal Government, has been tipped out of balance by the Courts in direct contradiction of the high purposes of the framers of the Constitution. It is my purpose to restore that balance."

These words were spoken on March 9, 1937. They will surely echo in the Senate Chamber next Tuesday in the executive session of the Judiciary Committee.

This is not a time for scholarly debate. The peril of abstract debate on questions of constitutional power is that it leads nowhere. We heard the parade of constitutional scholars last summer in the Senate hearings. Some of them upheld Professor Hart's famous structural hypothesis of the essential role of the Supreme Court in the constitutional plan; others questioned its historical assumptions. Some of them, like my friend, Professor Charles Rice, advocated facile experimentation with statutory jurisdictional withdrawal; others found this abhorrent. Some of them thought Congress can do almost anything it wants to the jurisdiction of the lower federal courts or even to the appellate jurisdiction of the Supreme Court; others found such power bound by external and internal limits of the Constitution.

If there was any consensus at all, it was on these two points: that so long as federal courts have federal question jurisdiction, they always have the power to decide the constitutionality of any congressional jurisdiction limitation; and that the senators and representatives were treading on treacherous grounds of social policy as they ventured over this constitutional terrain.

It is time now to look hard at the principles that are at risk in this elemental struggle.

The policy reasons for resisting this legislation are compelling: First, the proposals seek to circumvent the established amendment procedures with their extraordinary safeguards for changing the provisions of the Constitution. Second, the premise of the legislation is pernicious, that state courts and state judges will be less hospitable to existing constitutional precedent and more likely to respond to popular notions of constitutional rights because they are more accountable to citizens who elect them. Third, transient and vagrant interpretations of constitutional law would spread among the fifty states without the unifying values of one Supreme Court exercising the traditional powers under Article III, undergirded by the Supremacy clause of Article VI. Fourth, and most alarming, once let loose upon unpopular interpretations of constitutional rights, this process of jurisdictional gerrymandering may not be contained.

It was this portent that prompted Fred W. Friendly in Chicago last week to sound an alarm of the peril to the press in these words: "The public and the media," he said, "must be made aware that once the floodgates are opened, all of our liberties and rights can be placed in jeopardy. Pressure will grow to withdraw jurisdiction every time a lobby group receives what it perceives to be an adverse ruling [from the federal courts]. For the media, this means that the First Amendment is also subject to congressional mutation."

Friendly sketched a plausible scenario, tracking the history of *Near* v. *Minnesota*, in which a state enacts a Public Nuisance Law, decreeing that a newspaper or broadcaster which twice suffers a final judgment for libel, published with knowledge or with reckless disregard that it was false, is guilty of a public nuisance and may be enjoined from publication within the state. A newspaper loses two cases in the statutory period and is enjoined. The appellate courts of the state uphold the injunction, declaring the Public Nuisance Law constitutional. The United States Supreme Court grants certiorari and strikes down the state Public Nuisance Law as unconstitutional, as it did in the historic *Near* case.

The majority whip of the Senate, who cames from that state and voted for judicial preclusion statutes like these, introduces a bill "to teach the court a lesson," a bill which delcares that neither the Supreme Court nor any other federal court shall have jurisdiction over any such case. The bill passes; the state re-enacts the Public Nuisance Law; the newspaper is enjoined from publication and the newspaper carries the case to the Supreme Court.

In a landmark decision the Supreme Court holds that the act precluding the high court from jurisdiction is unconstitutional. Friendly foresees such a constitutional crisis as "a national tragedy of the most radical implications . . . a constitutional gridlock," as he calls it.

If this scenario sounds fanciful, who could have foreseen the deluge of legislation poured into the Congress last year with these draconian measures to carve up to jurisdiction of the federal courts?

But if it is said that all Congress is doing here is legislating on remedies, not jurisdiction, let us look more closely at what some of this remedial legislation really does.

The beguiling notion inherent in Congressional freedom of choice in fashioning remedies for violations of federal law has its own constitutional infirmities. The right to a judicial hearing in a school desegregation case is meaningless unless the court is empowered to grant reasonably effective relief. Denying to the federal judiciary all reasonably effective remedies is as fatal to litigant in vindicating his constitutional rights as is denying the litigant a judicial forum at all.

While the present proposals might leave state courts nominally free to fashion relief for constitutional wrongs, any defendant in a state court action can thwart the state court remedy by removal to the federal court. Armed with the power of removal, defendants will expliot the federal judicial impotence. This is what happened to the Norris-LaGuardia Act's ban on federal antistrike injunctions and promoted the Supreme Court to shut off that route to evasion. When the Congress fatally inhibits the federal court's power to grant a crucial remedy, it denies that remedy effectively.

Beyond this, the selective deprivation of effective remedies, as in school desegregation cases, or public prayer cases or abortion cases, besides creating a political climate hostile to those constitutional rights, runs athwart of the constitutional objection that Congress cannot proclaim outcome determination: giving the federal courts jurisdiction to adjudicate cases while directing them to reach a particular result. That is what *United States v. Klein*, was all about. "What is this," said the Supreme Court of the law it held unconstitutional in that case, "but to prescribe a rule for the decisions of a cause in a particular way?

This is not an issue that should divide conservatives and liberals or Democrats and Republicans. It should not divide those who support or disagree with one or another constitutional decision of the Supreme Court. The issue at stake is our fundamental constitutional plan, the basic allocation of powers in our political system.

From its earliest decisions the Supreme Court has explicitly recognized that its indispensable function under the Constitution is to resolve conflicting interpretations of federal law and legislative power under the Constitution and to maintain the supremacy of that law when it conflicts with state law or is challenged by state authority.

Tampering with this fundamental responsibility as a political expedient to satisfy popular opposition to Supreme Court decisions is a treacherous legislative experiment. It challenges the spirit of the Constitution. Its legitimacy is suspect. Its invitation to vagrant, disparate constitutional interpretations among the high courts of the fifty states could fragment the integrity of the Constitution that has bound this nation for nearly two hundred years into a coherent legal establishment.

Responsible lawyers and concerned citizens should not stand silent while Congress fashions constitutional rights and remedies in the transient image of what an imagined popular majority would like them to be or reduces the Constitution to what those in power would like it to mean.

I am presenting to this seminar today the formal statement of position of the American College of Trial Lawyers declaring its opposition to this legislation. Hardly a band of hot-eyed zealots, these leading trial lawyers of the country have expressed the concerns of responsible lawyers and citizens everywhere when we said:

"Curtailment of federal judicial authority in federal cases would undermine the consistency, predictability, and supremacy of federal constitutional law. . .

"The doors of the federal courts must remain open to litigants whose claims arise out of the federal Constitution. . . The issue at stake is our fundamental constitutional plan, the basic allocation of powers in our

political system. Preservation of the independence of the federal judiciary is essential to the principle of separation of executive, legislative and judicial powers."

Congressional forbearance in the past, supported by a Department of Justice with allegiance to the established processes of the federal judicial system, has avoided a constitutional confrontation between the federal courts and the Congress over legislative efforts to gut the capacity of the Supreme Court and the lower federal courts to preserve the unity and supremacy of federal law.

Let us here work together to accomplish such forbearance.

If there is one thing worse than being wise after the event, it is being courageous after the danger is past.

Mr. SPECTER. There was at the same time presented at the conference the statement of the American College of Trial Lawyers on pending legislation affecting the jurisdiction of the Supreme Court of the United States and the lower Federal courts. I similarly ask unanimous consent to have printed in the RECORD this material.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE AMERICAN COLLEGE OF TRIAL LAWYERS

The 97th Congress now has before it more than thirty bills designed to curtail the jurisdiction and remedial powers of the federal courts in federal constitutional cases. The bills focus on substantive issues that are politically sensitive: prayer in public buildings; methods of achieving school desegregation; abortion; and sex discrimination in the armed forces. Their purpose, as their sponsors acknowledge, is to "be a healthful corrective to further excesses by the Supreme Court," to teach the Court "a salutary lesson so that future excursions by the Court beyond its proper bounds would be avoided."

All of the bills would place restrictions on the lower federal courts; most would affect the appellate jurisdiction of the Supreme Court; some would completely remove federal court jurisdiction over particular subjects; and some of the bills dealing only with remedy are so broad they would effectively preclude all federal court review of the substantive areas involved.

The bills attempting to limit federal court rulings on questions of prayer in public schools and public buildings generally provide that neither the Supreme Court nor the District Courts would have jurisdiction to hear any case arising out of a state law or regulation relating to voluntary prayer in public schools or buildings. They would simply withdraw jurisdiction of this subject matter from the lower federal courts and the Supreme Court.

The bills relating to school desegregation generally seek to limit remedies available to the federal courts rather than to remove them from the courts' jurisdiction entirely. Although dealing with remedy, some of them have such broad prohibitions that they are essentially denials of the courts' jurisdiction.

The abortion bills are largely like the school desegregation bills, purporting to limit remedies rather than jurisdiction, although one of them withdraws jurisdiction from both the Supreme Court and the District Courts over any case arising out of a state law relating to abortion. Some abortion bills invoke the power given to Congress by the Fourteenth Amendment to prevent deprivation of life without due process of law: they purport to redefine when human life exists, declaring that it begins at conception.

Although the various bills do not present identical constitutional and policy problems, they share a common purpose. All attempt, by ordinary legislation, to control or influence the substantive interpretation of Federal constitutional provisions. The consequences are clear and disturbing. The bills would permit constitutional changes without following the amendment procedures detailed in the Constitution. They would fundamentally alter the checks and balances in the 178-year-old American doctrine of judicial review. And they would have far reaching and disruptive effects on the American political system.

Article V of the Constitution embodies what may well be the most distinctive aspect of the American political system. It reflects the Framers' view that ordinary legislation should never be used to change the substance of the Constitution. It permits Congress to initiate constitutional changes only by two-thirds votes of both Houses, and even then requires ratification by three-fourths of the States. This process is deliberately intended to take substantive interpretation of the Constitution beyond the reach of a mere legislative enactment—to protect against transitory simple-majority excesses. A great strength of the American political system, in comparison with the parliamentary democracies of Europe, has been precisely in the gradual and deliberative character of constitutional changes.

It is the function of the federal courts "to decide on the [federal] rights of individuals," and "It is emphatically the province and duty of the judicial department to say what the law is". *Marbury v. Madison*, 1 Cranch (5 U.S.) 137 (1803). That is nowhere more true than with respect to the Constitution. The federal judiciary is the "living voice of the Constitution."[1] Once a federal court has interpreted the Constitution in a particular case, the rights and duties declared may thereafter be altered only if the decision is judicially overruled or by a pertinent constitutional amendment.

The bills in question would establish as a governing principle of our political system that the final word on constitutional interpretation is the word of a bare majority of Congress. If that principle were to prevail, the judiciary would have no ultimate role in constitutional interpretation and thus no check on the other branches of government. That is not what the Framers intended.

Curtailment of federal judicial authority in federal cases would undermine the consistency, predictability and supremacy of federal constitutional law. Leaving the matter to the state courts for final decision can only lead to national chaos. There are few easy cases in constitutional interpretation, and perhaps even fewer that can be decided unanimously. Inevitably diverging interpretations of federal constitutional rights by fifty different jurisdictions would threaten the integrity of the Constitution itself. If there are to be different classes of constitutional rights and a corresponding division of authority between federal and state courts, those differences are matters of constitutional interpretation that should be declared by constitutional amendment.

The doors of the federal courts must remain open to litigants whose claims arise out of the federal Constitution. This issue should not divide conservatives and liberals or Democrats and Republicans. Nor should it divide those who support or disagree with one or another constitutional decision of the Supreme Court. The issue at stake is our fundamental constitutional plan, the basic allocation of powers in our political system. Preservation of the independence of the federal judiciary is essential to the principle of separation of executive, legislative and judicial powers.

Accordingly, the American College of Trial Lawyers declares its opposition to legislative curtailment of the jurisdiction of the Supreme Court of the United States and the lower federal courts for the purpose of effecting changes in constitutional law.

ALSTON JENNINGS,
President, American College of Trial Lawyers.

[1] 1 Bryce, *The American Commonwealth* 272 (1905), quoted in Abraham, "A Self-Inflicted Wound," 65 *Judicature* 179, 182 (1981).

Mr. SPECTER. The conference also received a resolution relating to proposed legislation to restrict the jurisdiction of the Federal courts which was passed by the Conference of Chief Justices which were assembled coincidentally at the same time in Williamsburg. I understand a copy of that resolution has already been inserted in the RECORD by the distinguished Senator from Michigan (Mr. LEVIN).

I thank the Chair.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS BURIAL BENEFITS

Mr. MITCHELL. Mr. President, I am pleased to join my colleagues, Senators CRANSTON, DECONCINI, MATSUNAGA, and RANDOLPH in cosponsoring S. 2048, a bill to store the $300 burial benefit to destitute wartime veterans.

Last year the Senate Veterans' Affairs Committee, of which I am a member, worked diligently to report savings of $110 million in the Veterans' Administration budget for fiscal year 1982. In deciding where to recommend savings, the committee placed a high priority on maintaining benefits for living veterans with service-connected disabilities.

As such, one of the recommendations the committee made was to save $75 million by eliminating the $300 burial benefit for those wartime veterans not in need. Prior to this time, any wartime veteran, regardless of need, was eligible to receive the benefit. To insure that indigent veterans remained eligible, the committee recommended, and the Senate approved, a

provision requiring the VA to conduct an "income-eligible" test in determining eligibility. Under this test, a wartime veteran who was either in receipt of, or eligible to be in receipt of, a VA pension would still be eligible to receive the burial benefit.

This provision was dropped in conference with the House, however, when it became apparent that the administrative costs involved in determining the income eligibility of each veteran on a case-by-case basis would far exceed the total amount of benefits paid. As a result, current law limits the burial benefit to those wartime veterans who, at the time of death, were in receipt of either VA service-connected disability compensation or a VA pension.

Since this provision went into effect on September 30, 1981, there have been numerous reports of indigent wartime veterans not being able to receive a proper funeral, simply because they were not in receipt of a VA pension when they passed away. Clearly, this was not the intent of either the committee or the Senate when it passed the Omnibus Reconciliation Act last summer.

Mr. President, we can never fully repay those wartime veterans who risked their lives to defend the ideals of this great country. I believe, the very least we can do, is insure that these veterans receive a decent burial.

This bill would insure that indigent veterans receive a proper burial and would avoid the problem of the "income-eligible" test mentioned earlier by providing that a wartime veteran be deemed to be in receipt of a VA pension at the time of death provided that: no next of kin claims the body; a State or political subdivision assumes responsibility for the burial of the veteran; and, sufficient funds do not exist, other than from the State, to cover the cost of the burial. In such cases, the lesser of $300 or the actual expense incurred will be paid to the State or political subdivision which assumed responsibility. In addition, the bill would be retroactive to September 30, 1981.

Although no comprehensive cost estimates have been developed, S. 2048 would address this problem for substantially less than the $75 million needed to completely restore the benefit.

Mr. President, I believe this bill would address a gross injustice in a fair and equitable manner—and at a minimum cost. I urge my colleagues to join me in cosponsoring this important bill and to work to insure its swift passage.

JOB SERVICES

Mr. MITCHELL. Mr. President, one of the harshest, and most unwise, of the recent budget cuts was the crippling blow dealt by the December continuing resolution to Job Services offices nationwide. At a time when more than 9 million Americans are unemployed—and millions more are so discouraged that they are no longer seeking work—the forced closures of 1,000 Job Services offices nationwide is unconscionable.

The primary function of Job Services offices is job placement. Cutbacks impact on both job applicants and employers. In Maine more than 50 of the State's largest employers use Job Services as their exclusive recruiting agent. Many smaller businesses that cannot afford extensive personnel departments rely heavily on Job Services to find qualified employees. Maine Job Services placed 24,000 job applicants in productive employment last year.

Of these 24,000 many were receiving unemployment benefits. Placing these individuals in jobs reduced the cost of unemployment insurance far in excess of the operational cost of Job Services. Is the layoff of 64 more Maine Job Services employees cost-efficient government? Of course not. People put back to work are not only not drawing unemployment insurance but they are paying income tax dollars back to the Government.

And what about job seekers in our rural areas? Many of the 14 Job Services offices that may be forced to close in Maine are located in our rural areas where unemployment is often the highest. Job seekers in these areas will be even more hard pressed to find productive employment if we allow these closings to occur.

Revenues coming into the Federal Treasury decline as unemployment rises. President Reagan has explained his record budget deficits by noting that a 1-percent increase in unemployment puts the Government $25 billion further in the red. As we face record deficits, can we really afford to abandon one of the few methods we have to put people back to work?

Apparently, President Reagan thought so. His proposed funding level, contained in the December 15 continuing resolution, cut $264 million from the administrative expense account for both employment and unemployment insurance activities. Eighty percent of that cut—$210 million—was earmarked for employment services. During the debate on the continuing resolution assurances were given that layoffs would not result from these reduced spending levels. The administration promised a supplemental budget request if their calculations proved incorrect and layoffs became necessary.

And what happened? The funding level for Job Services proved woefully inadequate. Job Services employees were laid off and Job Services offices were closed all across the Nation. The administration sat idly by.

Mr. President, it is imperative that we restore that $210 million immediately. We must remove the dark cloud from over the head of the dedicated Job Services employees whose jobs are threatened. We must offer the unemployed our assistance in getting them back to work. We must assist the beleaguered small businessman, struggling to survive in a hostile economy, in finding qualified employees to fill his open positions.

I was prepared to offer an amendment to the first suitable appropriations bill to restore funding for Job Services. It now appears that House Joint Resolution 391 will accomplish my objectives. This funding measure is now before the House Appropriations Committee with belated administration support.

I urge the leadership to insure prompt consideration of this bill and I implore my colleagues to offer their full support in its passage.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

TENTH ANNUAL REPORT ON THE ADMINISTRATION OF THE FEDERAL RAILROAD SAFETY ACT—MESSAGE FROM THE PRESIDENT—PM 108

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

I transmit herewith the Tenth Annual Report on the Administration of the Federal Railroad Safety Act of 1970 (45 U.S.C. 421 et seq.) as required by that Act. This report was prepared in accordance with Section 211 of the Act and covers calendar year 1980, preceding my term of office.

RONALD REAGAN.

THE WHITE HOUSE, *February 4, 1982.*

BILL HELD AT DESK—H.R. 5379

Mr. STEVENS. Mr. President, I ask unanimous consent that the bill (H.R. 5379) to amend Public Law 97-76 to extend the period during which authorities provided under the Department of Justice Appropriation Authorization Act, fiscal year 1980, are continued in effect, be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2584. A communication from the Acting Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize ordering reserve commissioned officers of the Army on active duty (other than for training) to serve on active duty in a grade to which promoted; to the Committee on Armed Services.

EC-2585. A communication from the Assistant Secretary of the Army (Installations, Logistics, and Financial Management), transmitting, pursuant to law, a report on a study with respect to converting the office equipment repair activity at Fort Richardson, Alaska, and the decision that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC-2586. A communication from the Acting Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to amend title 10, United States Code to revise and standardize the provisions of law relating to the authority of the Secretaries of the Military Departments to order certain retired and other similarly situated members of the Armed Forces to active duty; to the Committee on Armed Services.

EC-2587. A communication from the Assistant Secretary of the Army (Installations, Logistics, and Financial Management), transmitting, pursuant to law, a report with respect to converting the guard services function at Fort Greely, Alaska, and the decision that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC-2588. A communication from the Assistant Secretary of the Army (Installations, Logistics, and Financial Management), transmitting, pursuant to law, a report with respect to converting the refuse collection and disposal function at Fort Bragg, N.C., and the decision that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC-2589. A communication from the Assistant Secretary of the Army (Installations, Logistics, and Financial Management), transmitting, pursuant to law, a report with respect to converting the furniture repair activity at Fort Bragg, North Carolina, and the decision that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC-2590. A communication from the Deputy Assistant Secretary of Defense (Facilities, Environment, and Economic Adjustment), transmitting, pursuant to law, a report on eight construction projects to be undertaken by the Army Reserve; to the Committee on Armed Services.

EC-2591. A communication from the Assistant Secretary of the Air Force (Research, Development, and Logistics), transmitting, pursuant to law, a report with respect to converting the publishing distribution office function at Tinker Air Force Base, Okla., and the decision that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC-2592. A communication from the Deputy Assistant Secretary of Defense (Facilities, Environment, and Economic Adjustment), transmitting, pursuant to law, a report on 26 construction projects to be undertaken by the Army National Guard; to the Committee on Armed Services.

EC-2593. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Army's proposed letter of offer to Turkey for defense articles estimated to cost in excess of $25 million; to the Committee on Armed Services.

EC-2594. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report concerning the Department of the Navy's proposed letter of offer to Saudi Arabia for defense articles estimated to cost in excess of $25 million; to the Committee on Armed Services.

EC-2595. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report concerning the Department of the Army's proposed letter of offer to the Philippines for defense articles estimated to cost in excess of $25 million; to the Committee on Armed Services.

EC-2596. A communication from the Administrator of the Panama Canal Commission, transmitting, pursuant to law, a report, including financial statements, covering the operation of the Panama Canal for fiscal year 1981; to the Committee on Armed Services.

EC-2597. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the sixth annual report of the Board on the Equal Credit Opportunity Act covering 1981; to the Committee on Banking, Housing, and Urban Affairs.

EC-2598. A communication from the Assistant Attorney General (Civil Rights Division), transmitting, pursuant to law, the annual report on the administration of the Equal Credit Opportunity Act for calendar year 1981; to the Committee on Banking, Housing, and Urban Affairs.

EC-2599. A communication from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, notice of a 3-month extension of the statutory time period in Docket No. 9256, Joint Line Route Cancellation on Soda Ash by the Union Pacific Railroad; to the Committee on Commerce, Science, and Transportation.

EC-2600. A communication from the vice president for Government Affairs, National Railroad Passenger Corp., transmitting, pursuant to law, a report on the average number of passengers on board and the on-time performance of each train operated by the corporation for the month of September 1981; to the Committee on Commerce, Science, and Transportation.

EC-2601. A communication from the Secretary of Commerce, transmitting, pursuant to law, the tenth annual report of the National Advisory Committee on Oceans and Atmosphere; to the Committee on Commerce, Science, and Transportation.

EC-2602. A communication from the chairman of the Marine Mammal Commission, transmitting, pursuant to law, the ninth annual report of the Commission covering calendar year 1981; to the Committee on Commerce, Science, and Transportation.

EC-2603. A communication from the Secretary of Energy, transmitting, pursuant to law, the fifth quarterly report on Biomass Energy and Alcohol Fuels covering the period July through September 1981; to the Committee on Energy and Natural Resources.

EC-2604. A communication from the Deputy Secretary of Energy, transmitting, pursuant to law, notice that there will be a delay in the submission of the report concerning the development of building energy conservation standards; to the Committee on Energy and Natural Resources.

EC-2605. A communication from the Under Secretary of the Interior, transmitting, pursuant to law, an annual report on the evaluation of oil and gas development, wilderness characteristics, and wildlife resources on Federal lands in the Central Arctic Area of Alaska; to the Committee on Energy and Natural Resources.

EC-2606. A communication from the Under Secretary of the Interior, transmitting, pursuant to law, notice of a 1-year deferment of the 1981 construction repayment installments of certain reclamation loans; to the Committee on Energy and Natural Resources.

EC-2607. A communication from the Secretary of Energy transmitting, pursuant to law, an assessment of the sufficiency of efforts to provide trained professionals to operate nuclear powerplants and fuel cycle facilities on the feasibility of creating a Federal Corps of nuclear operators; to the Committee on Energy and Natural Resources.

EC-2608. A communication from the Secretary of Transportation transmitting, pursuant to law, a report on Inland Waterway User Charges; to the Committee on Environment and Public Works.

EC-2609. A communication from the Administrator of the National Aeronautics and Space Administration transmitting, pursuant to law, a report on the Administration's progress on its Upper Atmospheric Research Program; to the Committee on Environment and Public Works.

EC-2610. A communication from the Acting Secretary of State transmitting, pursuant to law, the report on the extent and disposition of United States contributions to international organizations for fiscal year 1980; to the Committee on Foreign Relations.

EC-2611. A communication from the Director of the Office of Legislative Affairs of the Agency for International Development transmitting, pursuant to law, its fiscal year 1982 report on program allocations; to the Committee on Foreign Relations.

EC-2612. A communication from the Chairman of the Board for International Broadcasting transmitting, pursuant to law, the eighth annual report of the Board for International Broadcasting; to the Committee on Foreign Relations.

EC-2613. A communication from the Assistant Secretary of State for Congressional

Relations transmitting, pursuant to law, a proces-verbal of rectification of the French text of the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (Exec. E, 96-1); to the Committee on Foreign Relations.

EC-2614. A communication from the Assistant Secretary of the Treasury for Legislative Affairs transmitting, pursuant to law, additional project performance audit reports by the International Bank for Reconstruction and Development, the Inter-American Development Bank, and the Asian Development Bank; to the Committee on Foreign Relations.

EC-2615. A communication from the executive vice president of the Potomac Electric Power Co. transmitting, pursuant to law, a copy of the balance sheet of Potomac Electric Power Co. as of December 31, 1981; to the Committee on Governmental Affairs.

EC-2616. A communication from the comptroller of Washington Gas Light Co. transmitting, pursuant to law, the balance sheet of the company as of December 31, 1981; to the Committee on Governmental Affairs.

EC-2617. A communication from the Administrator of the National Aeronautics and Space Administration transmitting, pursuant to law, positions established under 5 U.S.C. 3104 during the calendar year 1981 in NSSA; to the Committee on Governmental Affairs.

EC-2618. A communication from the Chairman of the Commission on Intergovernmental Relations transmitting, pursuant to law, the 23rd annual report of the Commission; to the Committee on Governmental Affairs.

EC-2619. A communication from the Secretary of Agriculture transmitting, pursuant to law, notice of a new Privacy Act System of records; to the Committee on Governmental Affairs.

EC-2620. A communication from the Secretary of the American Battle Monuments Commission transmitting, pursuant to law, its report for calendar year 1981 under the Freedom of Information Act; to the Committee on the Judiciary.

EC-2621. A communication from the Executive Director of the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research transmitting, pursuant to law, its biennial report on Protecting Human Subjects; to the Committee on Labor and Human Resources.

EC-2622. A communication from the Public Printer, United States Government Printing Office transmitting, pursuant to law, the fiscal year 1981 annual report of the GPO; to the Committee on Rules and Administration.

EC-2623. A communication from the Chairman of the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Chairman of the Federal Deposit Insurance Corporation transmitting, pursuant to law, a report on small business finance; to the Committee on Small Business.

EC-2624. A communication from the Assistant Secretary of the Army for Installations, Logistics, and Financial Management transmitting, pursuant to law, notice of conversion of the transportation motor pool and maintenance operations at Military Ocean Terminal, Bayonne, N.J. to performance under contract; to the Committee on Armed Services.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources:

William J. Bennett, of North Carolina, to be Chairman of the National Endowment for the Humanities for a term of 4 years.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BUMPERS:

S. 2062. A bill to amend the Tennessee Valley Authority Act; to the Committee on Environment and Public Works.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2063. A bill to amend the Naval Petroleum Reserves Production Act of 1976 to authorize the Secretary of the Interior to permit local entities to extract and use coal from lands within the National Petroleum Reserve in Alaska for heat and generation of electricity.

By Mr. MATHIAS:

S. 2064. A bill to amend title 5, United States Code, to provide that retired administrative law judges may be reappointed under regulations prescribed by the Office of Personnel Management; to the Committee on Governmental Affairs.

By Mr. McCLURE:

S. 2065. A bill for the relief of Joseph Antonio Francis; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

S. 2066. A bill for the relief of Micaela Agno Rasay; to the Committee on the Judiciary.

By Mr. SYMMS:

S. 2067. A bill to amend the Trade Act of 1974 in order to authorize the President to respond to foreign practices which unfairly discriminate against United States investment abroad; to the Committee on Finance.

By Mr. DODD:

S. 2068. A bill to amend the National Housing Act to authorize the insurance of certain shared appreciation mortgages; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HART:

S. 2069. A bill to amend the Congressional Budget Act of 1974 to require that each congressional budget resolution fix the level of tax expenditures for the fiscal year involved as well as the recommended aggregate level of Federal revenues; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee has 30 days of continuous session to report or be discharged.

By Mr. BENTSEN:

S. 2070. A bill for the relief of Dr. Ferit Acar; to the Committee on the Judiciary.

By Mr. HEINZ (for himself, Mr. DOLE, Mr. SYMMS, Mr. SPECTER, and Mr. MOYNIHAN):

S. 2071. A bill to amend the Trade Act of 1974 with respect to reciprocal market access; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HEFLIN (for himself, Mr. BENTSEN, Mr. BOREN, Mr. ROBERT C. BYRD, Mr. CHILES, Mr. DECONCINI, Mr. EXON, Mr. HOLLINGS, Mr. HUDDLESTON, Mr. JOHNSTON, Mr. LONG, Mr. NUNN, Mr. PRYOR, Mr. STENNIS, and Mr. ZORINSKY):

S. Res. 313. A resolution expressing the sense of the Senate that the Congress should expeditiously consider making an urgent supplemental appropriation for the Department of Labor for the fiscal year ending September 30, 1982; submitted and read.

By Mr. ROTH (for himself, Mr. LEVIN, Mr. HEFLIN, Mr. RIEGLE, Mr. WEICKER, Mr. WILLIAMS, Mr. SPECTER, and Mr. SARBANES):

S. Con. Res. 63. A concurrent resolution entitled "The All Taxpayers Assistance Resolution."; to the Committee on Appropriations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BUMPERS:

S. 2062. A bill to amend the Tennessee Valley Authority Act; to the Committee on Environmental and Public Works.

(The remarks of Mr. BUMPERS on this legislation appear earlier in today's RECORD.)

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2063. A bill to amend the Naval Petroleum Reserves Production Act of 1976 to authorize the Secretary of the Interior to permit local entities to extract and use coal from lands within the National Petroleum Reserve in Alaska for heat and generation of electricity; to the Committee on Energy and Natural Resources.

NORTH SLOPE COAL

● Mr. MURKOWSKI. Mr. President, I am today introducing legislation to grant to the Secretary of the Interior the authority to permit local governmental entities on the North Slope of Alaska to extract coal from the National Petroleum Reserve in Alaska ("NPR-A") to use as a fuel within the North Slope area for heating or for the generation of electricity.

The cost of transporting refined petroleum products by airplane and by barge to the remote villages in the North Slope area is extremely expensive. In the village of Wainwright, for example, fuel oil sells for $2.06 per gallon and gasoline is selling for $2.60 per gallon.

The North Slope Borough is currently assessing the feasibility of using local deposits of coal for space heating and for the generation of electricity in some of the villages on the North Slope. The economics of operating a

small-scale, coal-fired project in a Native village will make it necessary to obtain the coal at the cost of mining and transporting the coal to the site of use.

The Department of the Interior has in the past interpreted its responsibilities to Alaska Natives living in and near the NPR-A to include granting the right to extract coal from the NPR-A in quantities sufficient for single-household use. The Department believes, however, that it does not have authority to permit an Alaska Native village to extract sufficient quantities of coal from the NPR-A to fill the heating needs of the village or fuel an electrical generation station. I am attaching to my statement a copy of a letter which sets forth the position of the Interior Department.

If the fuel needs of the Natives for heating and electric generation could be supplied by coal rather than oil, the economic burden now being borne by the Native villagers could be significantly lessened. In addition, use by the villages of coal rather than oil would be a contribution toward reduction of the country's dependence on foreign oil.

The measure I am introducing today would amend section 102 of the Naval Petroleum Reserves Production Act of 1976 to grant to the Secretary of the Interior clear authority to issue whatever permits, licenses, leases, easements, or rights-of-way are needed to permit the extraction of coal from lands within the NPR-A for local use. The authority would permit coal to be taken by the North Slope Borough, any other local governmental entity, or any Native organization within the North Slope Borough, without the payment of any royalty. The purposes for which the coal could be utilized would be limited: to provide fuel for heating or for the generation of electric power within the North Slope Borough.

The NPR-A was created in 1923 as a source of oil for the ships of the Navy in time of war. Jurisdiction over the reserve was transferred to the Department of the Interior in 1977 by the Naval Petroleum Reserves Production Act of 1976—Public Law 94-258. The known reserves of coal within the NPR-A are very significant, and the speculative reserves are estimated to equal a significant portion of the entire Earth's reserves. Identified coal reserves within NPR-A are estimated to be 44 billion tons, while total reserves are probably several times this figure.

The feasibility study prepared for the North Slope Borough estimates a requirement of approximately 3,000 tons per year for this project. At present, however, and for the immediately foreseeable future, there is not a commercial market for the coal which could be mined within the NPR-A. The primary reason for this is the lack of a transportation system which could economically move commercial quantities of coal from the North Slope to potential export markets.

The North Slope Borough had a feasibility study prepared to examine the feasibility of constructing a coal-fired generating plant for the village of Wainwright. The recommended site for coal development is only one-half mile from the village of Wainwright. The coal at this site is approximately 6 feet thick, comprised of subbituminous and lignite coal with an approximate Btu content of 12,000 Btu's per pound, a sulphur content of approximately 0.4 percent, and an ash content of between 10 and 12 percent.

As required by the Surface Mining Control and Reclamation Act of 1977, the National Academy of Sciences completed an in-depth study of surface mining conditions in Alaska in the fall of last year. This study concluded that only small-scale operations should be allowed on the North Slope until more is known about the effect of mining on the fragile Arctic environment, but recognized that mines of a limited size might not be economical. The bill I am introducing today would permit the development of small-scale mines, as recommended by the National Academy of Sciences. The development of limited-size mines would serve the dual purposes of providing the residents of the North Slope with energy from a local resource and providing a site, as recommended by the National Academy, for the testing and developing of mining and reclamation techniques which can be used on the North Slope.

The Congress, as well as the executive branch, have approved numerous actions over the last several years so that the energy resources of Alaska could more expeditiously be explored and developed in order to contribute to the energy needs of the rest of the country. However, none of those developmental activities has or will serve to assist the Native people of Alaska in reducing their dependence on expensive petroleum products. The energy resources of Alaska which are being tapped are being transported to the lower 48 States for the heating of homes and fueling of the Nation's industry. While use of those resources in the rest of the country is desirable and beneficial, it seems that it would be a small step to make available to the Alaska Natives an energy source which exists, literally, in their backyard and which is present in far greater quantities than will ever be commercially developed.

I am hopeful this bill will receive rapid consideration so that planning for the village generating stations can proceed expeditiously and the isolated citizens of the North Slope of Alaska can thus begin to recognize a measure of energy independence.●

By Mr. MATHIAS:

S. 2064. A bill to amend title 5, United States Code, to provide that retired administrative law judges may be reappointed under regulations prescribed by the Office of Personnel Management; to the Committee on Governmental Affairs.

REEMPLOYMENT OF RETIRED ADMINISTRATIVE LAW JUDGES

● Mr. MATHIAS. Mr. President, today I am introducing legislation which would amend the statute governing reemployment of retired Federal employees to permit temporary reemployment of retired administrative law judges in certain situations.

Under present law, as found at section 3323(b) of title 5, United States Code, a reemployed annuitant serves at the will of the appointing officer or agency. Believing such service to be inconsistent with the intent of Congress in enacting the administrative law judge provisions of the Administrative Procedures Act, the Office of Personnel Management, and previously the Civil Service Commission, have barred reemployment of administrative law judges. This determination applies to reemployment even on an occasional or temporary basis, except in strictly limited or emergency situations such as the need for a retiring judge to complete cases assigned to him before retirement. The Office of Personnel Management's position is based on the clear intent of Congress to maintain the independence of administrative law judges from the administrative management of their employing agency.

The effect of the Office of Personnel Management's ruling has been to deprive our Government of the special skills and unique experience of its most senior administrative law judges, many of whom are able and willing to continue Government service. Authorizing the temporary recall of these judges will relieve shortages of judges in active service and greatly ease delay in disposition of cases by agencies with large caseloads.

This legislation, identical to that which has already been introduced in the House, gives the Office of Personnel Management authority to prescribe rules under which reemployed administrative law judges may be appointed and serve, thereby insulating such judges from agency control and pressure. The Office of Personnel Management would be permitted to determine the rehired annuitant's pay within the limitations of law, provide for temporary utilization of retired administrative law judges without regard to the regular supergrade manpower ceilings, and establish other necessary regulations.

Mr. President, I believe enactment of this legislation will promote more efficient operation of the Federal regulatory process within which administrative law judges play so vital a role, and result in substantial savings of both funds and manpower. Accordingly, I urge my colleagues to consider this matter promptly.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2064

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3323(b) of title 5, United States Code, relating to reappointment of retired Federal employees, is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "; except that a former administrative law judge appointed under section 3105 of this title may be reappointed under section 3105 and shall serve pursuant to regulations prescribed by the Office of Personnel Management.".●

By Mr. SYMMS:

S. 2067. A bill to amend the Trade Act of 1974 in order to authorize the President to respond to foreign practices which unfairly discriminate against U.S. investment abroad; to the Committee on Finance.

FAIR TREATMENT FOR U.S. OVERSEAS INVESTMENT

● Mr. SYMMS. Mr. President, I am today introducing a bill to amend section 301 of the Trade Act of 1974.

Section 301, which Congress last amended in the Trade Agreements Act of 1979, allows the President to retaliate against foreign nations which engage in unfair practices that discriminate against or that otherwise harm U.S. trade. My amendment would insure that such practices which injure U.S. investments are covered as well. That is, the President will be empowered to take retalitory investment-related measures when other countries discriminate against American investments.

Mr. President, my bill gives the President a power that he will be able to use in his discretion. It does not require that he use it. My bill is not a weapon to be used in a trade war. It is an instrument to be used with care in trade negotiations.

We live in a world in which unfair treatment of U.S. investment capital is proliferating. Canada's energy policies, which effectively deprive American oil companies of their investments at fire sale prices, are one clear example. The increasingly frequent performance requirements insisted upon by developing countries are another.

An especially troubling—although still prospective—instance is the legislative program of the European Communities. The seventh and ninth company law directives, and the so-called Vredeling proposal, would impose unreasonable and extremely burdensome requirements upon U.S. companies of information disclosure, consultation with trade unions, and even personal liability of U.S. directors.

I believe this program is unfair and unreasonable. Mr. President, my bill would provide a mechanism whereby American companies can protest such programs as this, and can enlist the aid of our Government in making those protests effective. I urge my colleagues to join with me in cosponsoring this measure.

I ask unanimous consent that the bill be printed in the RECORD at the conclusion of these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2067

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 301 of the Trade Act of 1974 (19 U.S.C. 2411) is amended as follows:

(1) Subsection (b) is amended—

(A) by striking out "and" at the end of paragraph (1);

(B) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following new paragraph:

"(3) restrict, through such means as he deems appropriate (including, but not limited to, the suspension of investment agreements), direct investment within the United States by such foreign country or instrumentality or by persons who are citizens or nationals of, or are organized or existing under the laws, of such foreign country or instrumentality.".

(2) Subsection (d)(1) is amended—

(A) by inserting "(A)" immediately before "services associated"; and

(B) by inserting ", and (B) investment" immediately before the period.●

By Mr. DODD:

S. 2068. A bill to amend the National Housing Act to authorize the insurance of certain shared appreciation mortgages; to the Committee on Banking, Housing, and Urban Affairs.

SHARED APPRECIATION MORTGAGES

● Mr. DODD. Mr. President, I am introducing legislation today to authorize the Federal Housing Administration to insure shared appreciation mortgages for the purpose of assisting first-time homebuyers, with a priority for residents of rental housing facing involuntary displacement as a result of the conversion of their units to either condominium or cooperative ownership. A shared appreciation mortgage involves a reduced, below-market interest rate for the borrower in return for the lender receiving a commensurate share of the net appreciated value of the property.

I am concerned particularly with the urgency of developing tools to mitigate involuntary displacement resulting from conversions. While already a significant problem in certain markets, the conversion phenomenon will intensify so long as the supply of rental housing is constrained. My State of Connecticut witnessed a 400-percent increase in conversions from 1977 to 1979. Even if the net loss of rental units resulting from this process is relatively low as some national data suggest, the pace of conversions in combination with rental vacancy rates in many larger cities of close to 1 percent paints a very dismal picture for those of limited means or on fixed incomes, such as senior citizens and the disabled. We must find ways to keep monthly housing costs in line with our citizens' ability to pay and we should not foreclose the benefits of homeownership for our people.

The measure I am offering today is not a panacea for either the problems of potential conversion displacees or unsuccessful first-time buyers. It is merely one tool that could ease the problems of housing affordability confronting these groups. In my opinion, our prior efforts at fashioning solutions to housing problems have been hampered by a desire to structure single, grand solutions to multifaceted conditions and needs. Inevitably, programs have been judged to fail because the accomplishments never measure up to the goals or the assistance was not sufficiently focused so as to have a concerted impact. I have attempted to learn from experience in developing this bill which is highly targeted both in terms of purpose and intended beneficiaries.

The FHA must continue to encourage innovation in addressing the housing needs of our lower and moderate income citizens. While I believe that the FHA should continue, without credit restraints, to emphasize the long-term, fixed-rate mortgage, we must recognize that other means must be found to allow the FHA to continue to reach its traditional share of the potential homebuying population. In addition, the FHA historically has provided a leading influence in the housing finance industry. In short, by designing alternative mortgage instruments which are sensitive to consumer needs, the FHA can and should spur a broader acceptance of these instruments throughout the private sector.

In reviewing the testimony from the September 19 hearing by the Subcommittee on Housing and Urban Affairs on this general subject, I find myself in agreement with the testimony of the consumer representatives who argued both for continuation of the basic FHA mortgage instrument and cautioned against certain alternative instruments with unpredictable terms. It is my belief that the limited proposal I am offering responds to these concerns as well as the legitimate need to allow the FHA to continue to perform

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its historic mission. In order to succeed, these new instruments will require broad-based consumer acceptance which can only be accomplished with an approprate equating of risk and benefit and strong consumer protections and disclosures.

Mr. President, certain elements of this bill are drawn from a demonstration which is ongoing in California. I want to extend my appreciation to Donald Terner, director of the California Department of Housing and Community Development for his assistance in the development of this proposal. By all reports the demand for assistance under this demonstration has been overwhelming and the mortgage form has been well received by participants. I want to emphasize the following elements of the bill I am proposing:

To assure that there is a balanced risk sharing between the lender and the consumer, the reduction in the effective interest rate must be at least one-half of the lenders' share of the net appreciated value of the property.

Mortgages will be amortized over 30 years with a term of at least 10 years. The mortgagee must offer to refinance or arrange financing under FHA programs or other sources based on the credit worthiness of the borrower.

With respect to conversion displacees, this insurance will be limited to families or individuals with incomes which do not exceed 120 percent of local area median. While the Secretary is given some discretion to exceed this level, it is imperative that this assistance be utilized in conformance with the antidisplacement objectives of this proposal and not lead to any increase in conversions.

Mortgages are limited to owner-occupants and other FHA requirements on downpayments and mortgage amounts are made applicable.

Most importantly, the Secretary must establish adequate consumer protections and disclosures with respect to these mortgages. While not spelled out in statute, it is my intent that these should closely parallel the notices and disclosures contained in recent California law.

In conclusion, I believe that we must give our immediate attention to this and other potentially promising ideas for addressing the various aspects of our Nation's housing problems. It is possible to fashion creative, alternative solutions which contribute to a national housing policy without spending enormous sums or putting the Federal Government in an area best reserved for other governmental entities or the private sector. The situation is growing increasingly desperate in both human and economic terms and the responsibility to respond expediently is ours.

I ask unanimous consent that the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2068

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title II of the National Housing Act is amended by adding at the end thereof the following:

"SHARED APPRECIATION MORTGAGES

"SEC. 247. (a) The Secretary is authorized to insure a shared appreciation mortgage which is secured by a first lien on real property. In carrying out the provisions of this section, the Secretary shall give a priority to tenants who may be involuntarily displaced by the conversion of rental housing to condominium or cooperative ownership.

"(b) For the purpose of this section—

"(1) the term 'shared appreciation mortgage' means a loan or mortgage made upon the security of an owner-occupied one-to-four family dwelling, including a condominium unit or the stock allocated to a dwelling unit in a residential cooperative housing corporation, in connection with which the lender has a right to receive a share of the appreciation in the value of the security property upon sale, refinancing, or acceleration upon default, whichever occurs first, and as a condition of which the lender agrees to a reduction in the interest rate from the prevailing market rate by a percentage which is not less than one-half of the percentage share acquired by the lender in the net appreciated value of the property;

"(2) the lender's share in the net appreciated value of the property may not exceed 50 per centum; and

"(3) in calculating the amount of net appreciated value, the Secretary shall make provision for sales costs, closing costs, and the cost of capital improvements made by the unit owner.

"(c) To be eligible for insurance under this section, a mortgage shall—

"(1) be amortized over a period of not to exceed 30 years, but the actual term of the mortgage (excluding any refinancing) shall be not less than 10 nor more than 30 years, and the commitment for the mortgage shall include an offer by the lender or mortgagee to refinance or arrange for refinancing of the principal balance of the mortgage and any contingent deferred interest at an interest rate generally available in the market under any other section of this title or privately prior to the conclusion of the actual term, subject to qualification of the borrower;

"(2) be executed by a purchaser who has not owned a home during the three years preceding the date of application for insurance;

"(3) in the case of insurance provided pursuant to the second sentence of subsection (a), be executed by a borrower whose income at the time of application for insurance does not exceed 120 per centum of the median income for the area, except that the Secretary may in his or her discretion, increase such percentage of median income limitation where necessary to minimize housing displacement, where appropriate in high-cost areas, or in the case of families with two wage earners;

"(4) have a principal amount which does not exceed the maximum amount of a mortgage which is secured by the same type of property and which may be insured under any other section of this title; and

"(5) be executed by a borrower who shall have paid on account of the property the same percentage of the value of the security property which the borrower would be required to pay under such other section of this title.

"(d) The Secretary shall prescribe adequate consumer protections and disclosure requirements with respect to mortgages insured under this section, and may prescribe such other terms and conditions as may be appropriate to carry out the provisions of this section.".●

By Mr. HART:

S. 2069. A bill to amend the Congressional Budget Act of 1974 to require that each congressional budget resolution fix the level of tax expenditures for the fiscal year involved as well as the recommended aggregate level of Federal Government; jointly, to the Committee on the Budget and the Committee on Governmental Affairs, pursuant to the order of August 4, 1977.

TAX EXPENDITURE BILL

● Mr. HART. Mr. President, today I am introducing legislation to significantly improve congressional control over the Federal budget. This legislation will amend the Congressional Budget Act of 1974 to require the establishment of ceilings on tax expenditures in congressional budget resolutions. This legislation was originally drafted and introduced by Representative DAVID BONIOR, in the House last year.

Under current law, the 1974 Budget Act prevents anything more than a perfunctory review of tax expenditures. The Finance and Budget Committees draft revenue floors and spending targets respectively. However, neither of the two adequately consider the total revenue forgone due to tax expenditures. This legislation, will require the incorportion of tax expenditure ceilings in the first and second budget resolutions and the reconciliation process each year.

Tax expenditures, as defined by the Budget Act are those "revenue losses attributable to provisions of the Federal tax laws which allow a special exclusion, exemption, or deduction from gross income or which provide a special credit, a preferential tax rate, or a deferral of tax liability." They are designed to encourage particular economic behavior, such as productive investments, for a targeted segment of the population.

In practice tax expenditures are another form—an uncontrolled form—of Federal spending. They are realized in the form of tax deductions for the elderly and the blind as well as the expensing of exploration and development costs for oil companies. They include the deductibility of interest on home mortgages and the preferential tax treatment of capital gains.

Mr. President, this indirect Federal spending is growing at an alarming rate. The Congressional Budget Office reports that in 1967, when the Treasury Department first began keeping track of expenditures, there were a total of 50 expenditures amounting to roughly $37 billion in uncollected Federal revenues. In 1968, that amounted to just over 20 percent of the entire Federal budget. Today, the CBO indicates there are 110 expenditures totaling nearly $266 billion in forgone revenue or just over one-third of the entire Federal budget. And, for the most part, this Federal spending is uncontrolled Federal spending. At this rate we can expect to see tax expenditures become among the biggest slices of the Federal budget pie—second only to the interest paid on the Federal debt—by the early 1990's.

Mr. President, we have barely completed one of the most arduous budget processes ever undertaken by Congress. In doing so, we battled over the direction and depth of nearly $130 billion in funding cuts to both foreign and domestic Federal programs. Ironically, while we were battling over this $130 billion in cuts, we were also indirectly spending over $80 billion in tax expenditures.

Some may argue that the budget process adequately controls tax expenditures through the revenue floors established each year. However, it is worth pointing out that the required revenue floors take into account primarily revenue from general tax policy and make only general assumptions about the amount of revenue lost to tax expenditures. Beyond this general assumption, nothing is done to quantify or control this aspect of Federal spending. The legislation will highlight the two very distinct parts of the revenue floor process and mandate equal consideration of both the revenue from general tax policy and revenue forgone due to tax expenditures.

This legislation does not in any way limit the amount of money spent through tax expenditures. Rather, it requires Congress pay due attention to the amount of money spent indirectly through Federal subsidies, preferential tax rates, tax deferral, and special credits. We cannot merely assume the amount of money spent through these channels each year and expect to maintain adequate control over the budget process—a significant element in the Nation's economy.

Congress must take every step possible to insure the fiscal integrity of the budget process. This legislation will help do that finally bringing tax expenditures into account in the budget.

I request that the fact sheet prepared by Congressman BONIOR's office on the Bonior/Hart bill as well as the text of this legislation be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2069

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 301(a)(4) of the Congressional Budget Act of 1974 is amended to read as follows:

"(4) the recommended level of Federal revenues; the recommended level of tax expenditures; and the amount (if any) by which the aggregate level of Federal revenues, and the level of tax expenditures, should be increased or decreased by bills and resolutions to be reported by the appropriate committees;".

(b) Section 303(a)(2) of such Act is amended by inserting ", or in tax expenditures," after "revenues".

(c) Section 310(a)(2) of such Act is amended—

(1) by striking out "the total amount by which revenues are to be changed" and inserting in lieu thereof "the total amount by which revenues or tax expenditures (or both) are to be changed"; and

(2) by striking out "the revenue laws" and inserting in lieu thereof "the applicable laws".

(d) Section 311(a) of such Act is amended—

(1) by striking out "or reducing revenues" in the matter preceding paragraph (1) and inserting in lieu thereof "providing additional tax expenditures for such fiscal year, or otherwise reducing revenues"; and

(2) by striking out "or would cause revenues to be less" in the matter following paragraph (3) and inserting in lieu thereof "would cause the recommended level of tax expenditures so set forth to be exceeded, or would otherwise cause revenues to be less".

SEC. 2. The amendments made by the first section of this Act shall apply with respect to fiscal years beginning after September 30, 1982.

FACT SHEET—TAX EXPENDITURES AND THE BUDGET PROCESS

Tax expenditures, which are defined in the Budget Act of 1974, are special exceptions to the generally prevailing tax schedule. Already a major share of total federal spending, they are growing at an alarming rate with important implications for both budget and tax policy.

Despite their growing importance, tax expenditures are not directly subject to the budget process. No ceiling is established for tax expenditures in the budget resolutions, and tax expenditures are not directly controllable through reconciliation. The Bonior/Hart measure would amend the Budget Act to include tax expenditures.

THE GROWTH OF TAX EXPENDITURES AND THE FEDERAL BUDGET

Tax expenditures already constitute one-fourth (25 percent) of all expenditures and they are growing faster than direct spending. Tax expenditures will constitute an increasing, not decreasing share of all expenditures:

Before the 1981 Tax Act, tax expenditures were projected to cost $266 billion in fiscal year 1982.

Since 1975, tax expenditures have increased at an average annual rate of 14 percent in contrast to 11 percent for direct spending. (Tax Expenditures: Current issues and five year budget projections for fiscal years 1981-1985, CBO, April, 1980)

Failure to subject tax expenditures to the budget process allows them to expand even during periods of otherwise tight fiscal constraints. The result is that the growth of tax expenditures is not only high, but accelerating:

Tax expenditures increased 69 percent from fiscal year 1978 to fiscal year 1980 alone. (CRS, Growth in Tax Expenditures, fiscal year 1978 to fiscal year 1980, November 3, 1981).

The 1981 Tax Act added eight (8) new tax expenditures and expanded twenty-two (22) more at a cost of $227 billion through fiscal year 1986, according to a provisional CBO estimate.

THE IMPACT OF TAX EXPENDITURES AND TAX EQUITY

The normal deducting procedures concentrate the benefits of tax expenditures for individuals among those in the highest marginal income tax brackets. Over one-fifth of all tax expenditures go to corporations at a cost equal to 72 percent of the total tax actually paid by corporations in fiscal year 1981.

A CRS study (Tax Expenditures: The Link Between Economic Intent and the Distribution of Benefits Among High, Middle and Low Income Groups, May 22, 1980, CRS Report No. 80-99E) has demonstrated the impact:

For those making over $50,000, 22.3 percent of their total adjusted gross income is shielded in tax loopholes, compared to only 6.1 percent for those making $20,000 to $30,000.

"For the highest income group, over $50,000," the study concluded, "tax expenditures appear deeply regressive." (Page 32).

THE BONIOR/HART BILL IS A RESPONSIBLE SOLUTION CONSISTENT WITH EARLIER CONGRESSIONAL REFORMS

Under the present budget procedures, each budget resolution sets a limit for total spending and a floor on revenues. While the aggregate spending is broken down by function, no limit is set for tax expenditures even though the total cost of tax expenditures now exceeds $266 billion. Similarly, reconciliation bills do not provide direct instructions to decrease tax expenditures.

The Bonior/Hart bill will prompt regular review of tax expenditures and will bring tax expenditures under the overall constraints of budget policy:

It will require Congress to set and live with a yearly ceiling for tax expenditures.

It will subject tax expenditures directly to reconciliation.

In achieving these results, the Bonior/Hart bill refrains from setting a permanent absolute ceiling on tax expenditures either as a percentage of GNP, revenues or direct spending. It also does not disrupt traditional committee jurisdiction by mandating coreferral of tax expenditures.●

By Mr. HEINZ (for himself, Mr. DOLE, Mr. SYMMS, Mr. SPECTER, and Mr. MOYNIHAN):

S. 2071. A bill to amend the Trade Act of 1974 with respect to reciprocal market access; to the Committee on Finance.

RECIPROCAL TRADE

Mr. HEINZ. Mr. President, today I am introducing, together with Senators DOLE, MOYNIHAN, SPECTER, and SYMMS, the Reciprocity in Trade Services and Investment Act of 1982. At

the same time, Congressman BROD-HEAD is introducing an identical counterpart in the House of Representatives.

This bill is the result of several years of intensive experience with our existing trade laws and many months of consultation and legislative drafting with interested Members of Congress and other experts in the field. Before describing the purpose and details of our legislation, I would like to clarify the context in which this or any other trade proposals must be considered.

Mr. President, the multilateral trade negotiations were a watershed in the development of recent trade policy. The culmination of years of negotiations in the Tokyo round, the MTN produced hundreds of tariff reductions and numerous separate agreements on a wide range of codes of behavior for conducting international trade. Some of these codes broke new ground—as in government procurement and standards. Others, subsidies and antidumping, revised old concepts and, theoretically, at least tightened old loopholes.

Subsequently, the Congress passed the Trade Agreements Act of 1979 to implement these new agreements. I supported that bill. In fact, I cosponsored it, after considerable work on it, because I believe it and the MTN represented a major step forward in our efforts to establish a common set of international trading rules and to bring U.S. law in compliance with them. And I believe that still.

Our goal in setting up those trade rules has been and must continue to be establishment and preservation of the free market system. That is usually abbreviated as free trade. But in using that term I think we have to be very clear about what we mean. Free trade means the operation of the system according to free market principles and the law of comparative advantage. It implies a rejection of tariffs, quotas, and other restrictions on market access. It also implies a rejection of subsidies and artificial incentives that give one nation's industries an advantage over others, even though they might be less efficient or productive. Such subsidies distort the law of comparative advantage and divert scarce resources into relatively unproductive industries at the expense of their more efficient competitors elsewhere in the world.

Unfortunately, some analysts choose to ignore this second half of the equation and define free trade only in terms of the United States removing its barriers. The result of that position is a world in which our doors are open and everyone else's are closed; where we struggle to export while other nations dump their less efficiently produced goods here, and along with them, their economic problems. This is not free trade. It is a policy which guarantees the survival of the unfit at the expense of the efficient.

The MTN and the Trade Agreements Act made substantial progress in setting up more uniform rules based on free trade principles. But they neither solved nor anticipated all the problems.

Historically, the most well-known means of deterring imports was the use of a tariff to raise the price of imports as high or higher than that of the domestic competition. However, more than 20 years of negotiations have reduced tariffs to relatively low levels and focused attention on other kinds of barriers. Some of these have existed for years and went unnoticed in the concentration on tariffs. Some are newer and are intended essentially to replace other barriers no longer permitted.

Regardless of type, these nontariff barriers on goods, services, and investment are proliferating in number and variety. In the largest sense they are intended to restrict market access, either by effectively preventing it, such as through discriminatory health or inspection standards, or by deterring it through the imposition of unpalatable performance requirements like mandatory investment in production facilities and required export levels for such plants. The fact that these restrictions apply to both goods and services as well as investment is particularly important to a service-oriented economy like ours.

Considerable research has been done and much has been printed recently about this growing problem. Only last week, the Wall Street Journal, in a front page story, went into considerable detail on Japanese trade barriers. Equally important in that article is the fact that, despite endless negotiations and discussions with Japan, nothing ever changes. Agreements may be reached, meetings are held, changes are announced, but when all is said and done, everything stays the same. As of the weekend, we have a new announcement from Japan. Only time will tell if it will produce significant change. Few of us in the Senate, however, are holding our breath.

Mr. President, I ask unanimous consent that the text of that article appear at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Jan. 26, 1982]

AT A CROSSROADS: JAPAN NEARS A CHOICE OF EASING TRADE CURBS OR FACING WEST'S IRE

PROTECTIONIST PRESSURE RISES, BUT THE JAPANESE CRITICIZE FAILINGS OF UNITED STATES, EUROPE—APOSTROPHE DELAYS AN IMPORT

(By Art Pine)

TOKYO.—When a blue-ribbon Japanese trade mission made the rounds of West European capitals last October, its leaders came home jolted by the anti-Japanese feeling they found.

In London, British Chancellor of the Exchequer Geoffrey Howe read a list of complaints about Japanese Trade practices and then disclosed bitterly that it was the same paper the British had presented in the early 1970s. In Paris, French trade Minister Michel Jobert told the delegation acidly that if push came to shove, "there's nothing we really need" to import from Japan.

Complaints from the U.S. have been less rancorous, but frustration with Japan's import barriers is increasing, and so is the chance that the U.S. may move to close its doors to some Japanese goods. Congress is aflutter with draft bills to retaliate against Japan's import restrictions, and the Reagan administration is fast losing patience with the Japanese. "We got to this point a lot sooner than most administrations do," a U.S. policy maker says.

AT A CROSSROADS

The pressure from Japan's major trading partners has become so heated that Japan may be approaching a crossroads—where it must reduce the remaining trade barriers that shelter its industry or face mounting protectionism from the West.

Prime Minister Zenko Suzuki has promised that Japan will act to ease some of its import restrictions; he has ordered a series of top-level councils to produce recommendations by Thursday. (The prime minister has just renewed his pledge to ease trade frictions. See story on page 39.) But most analysts say any progress will probably be slow and painful by Western standards. And they see a substantial risk that trade frictions will intensify before the major trading blocs reach any accommodations, as powerful elements in Japanese government and business remain opposed to significant change.

Predicts Leslie Fielding, the European Common Market's senior representative in Tokyo: "You can be well certain that by spring a package will have been evolved which will be judged in the U.S. and Western Europe as inadequate."

The U.S. and European complaints center on Japan's reluctance to alter its post-World War II trade policies—an aggressive worldwide export drive along with a web of complex restrictions on imports. Businessmen say these policies make it far more difficult for Westerners to crack the lucrative Japanese market than it is for the Japanese to sell in the West.

U.S. LISTS COMPLAINTS

The U.S. has compiled a list of 51 separate tariffs and "nontariff barriers," which include import quotas on 24 agricultural products ranging from citrus fruits to beef. They also include restrictive standards and inspection requirements that effectively shut out such American exports as cosmetics, food additives, autos, tobacco, medical supplies, semiconductors and high-technology products.

Among these restrictions: Japanese refusal to accept U.S. certification that American pharmaceutical exports are safe; insistence on different-from-U.S. standards for electrical appliances and pressurized containers; requirements that importer-distributors of foreign autos submit each car shipped for painstaking emissions-testing rather than, say, one out of every 10.

American businessmen also want Japan to improve Westerners' access to its closely controlled distribution system and to encourage more local companies to abandon

their traditional buy-Japan mentality. And the Reagan administration wants Tokyo to make it easier for U.S. corporations to buy Japanese companies and to enter still-restricted fields such as banking, financial services and insurance.

CONGRESSIONAL PRESSURES

If the Japanese don't open their markets further, the administration has warned, it may go along with congressional pressures for "reciprocity" legislation—laws denying access to some U.S. markets to countries that don't open their own markets to American businesses. Sen. John Danforth, the chairman of the Senate subcommittee on international trade, has indicated that he is considering such legislation. Congressional aides say the pressures now are so intense that some sort of protectionist legislation is likely this year. "It's a damage-control operation," one says.

The West Europeans have submitted their own set of demands. These call for a reduction in Japan's import barriers to products including confectionery, whisky and leather goods. European Common Market officials also want the Japanese to restrain their shipments of high-priced, politically sensitive exports such as autos and machine tools. And they are prodding Japan to sanction more direct investment abroad and more joint ventures in Europe between Japanese and European companies.

But both the American and the European demands face heavy opposition here—from the government's conservative finance and transportation ministries, from the well-entrenched and influential bureaucracy, from some business and farm groups and from the Japanese public. All tend to see U.S. and European complaints as exaggerated and the West's trade troubles as largely its own fault.

"We aren't totally convinced of our wrongdoing, or our evils," says Tadashi Yamamoto, the director of the Japan Center for International Exchange. Adds Yukihiko Ikeda, Prime Minister Suzuki's deputy chief cabinet secretary: "We aren't the only ones to be blamed; Europe and the U.S., too, have something to do."

Indeed, Japan's spectacular economic success has spawned a self-confidence that makes many Japanese openly scornful of American and European society—and quick to blame the West's economic troubles on sloth and decay instead of unfair competition from Japan. They contend that rather than ask Japan to restrain its exports or open its markets wider, Western governments should strive to increase productivity.

"The responsibility lies partly in Europe and the U.S.," says Saeki Kiichi, the director of the prestigious Tokyo-based Nomura Research Center. "If their competitiveness hadn't declined, there would be no problem now." Scoffs Hyogo Fukazawa, a Tokyo importer, in an oft-proffered view that inevitably raises Western hackles: "Mr. America is partly in the hospital. Europe is sick. The Europeans are trying to bring the healthy Japanese into their bed."

Many Japanese argue that the frictions with Japan actually stem from the West's current problems of recession and high U.S. interest rates, along with Westerners' failure to work hard and put aside their preoccupation with short-term profits. They contend that Western discontent will abate as the recession ends and as the Japanese yen rises in value—making imports more attractive here and Japan's exports more costly abroad. Akio Kohno, the chief economist for Daiwa Securities Co., predicts that the yen will appreciate by year-end from its current 229-to-the-dollar rate to a more realistic 180 to the dollar.

Few Japanese accept the widely held Western view that their markets are closed to foreign goods. Mr. Fukazawa charges, "Your businesses aren't finding any trouble selling here; they're just not working enough." He says Japanese businessmen wanting to compete in the U.S. start out by learning English and slowly courting potential customers. "Here, the Americans say, 'We can't sell, we can't sell. But how many of them have really tried?"

THE JAPANESE WAY

Moreover, Japanese tend to look at such barriers as their distribution system and company-takeover restrictions as simply Japan's peculiar way of doing business—something that foreigners ought to accept. "Here, to buy a company is almost considered immoral," explains Saburo Okita, the chairman of the Tokyo-based Institute for Domestic and International Policy Studies. "It's related to the notion that companies should guarantee their workers lifetime employment."

American businessmen with long experience in Japan concede that some of the Japanese contentions are valid, but they argue that Japan still is a closed market by most Western standards. "If you're willing to make the commitment in terms of people, money and time, this is a profitable investment," says retired Gen. Lawrence F. Snowden, the president of the American Chamber of Commerce in Japan. "But there are a lot of barriers that U.S. firms just shouldn't have to meet. There's no doubt that some change is in order."

Admittedly, Japan has come a long way in liberalizing its trade practices from the "Japan Inc." days of the 1960s. Partly as a result of international negotiations in 1978, Tokyo has sharply reduced or eliminated many of its tariffs and some import quotas. But many nontariff barriers remain.

A MISSING APOSTROPHE

For example, Givenchy Japon complained recently that its application to import l'Interdit perfume was held up by the welfare ministry—because the company left out an apostrophe between the L and I. Golfclub parts made in America and assembled in Taiwan can't come in unless the manufacturers gouge out the "Made in U.S.A." stamp engraved in the shafts. Korean-made electric fans that have passed rigorous U.S. tests can't be sold here unless their cords are replaced with Japanese substitutes. Grain accepted in one Japanese port is rejected in another—even though it is in the same shipload.

Western demands that Japan alter its trading practices may well have a familiar ring. Twice during the 1970s the U.S. and Western Europe raised a similar clamor—and got some satisfaction. Says Ryutaro Komia, a Tokyo University professor of international trade: "Now we have experienced the third wave."

This time, all sides agree, the pressures are stronger: Western complaints now involve the whole spectrum of Japanese products and services, not just one or two categories, such as textiles or autos; all of Western Europe, even usually free-trade-minded West Germany, is joining in; Western countries are suffering from high unemployment—and so more likely to turn protectionist—and the anti-Japanese feeling is visibly more strident than it has been before. The feeling in Europe is "approaching the 'yellow-peril' stage," says one U.S. official there.

SORE POINT FOR UNITED STATES

The basic sore point for the U.S. is America's burgeoning foreign-trade deficit with Japan, which hit $18 billion in 1981 and is expected to top $25 billion this year—with little relief in sight. Ironically, all sides agree that even if Japan did everything the U.S. is asking, the trade deficit wouldn't disappear; rather, it would be pared only by a scant $800 million. But, U.S. Ambassador Mike Mansfield told a Tokyo audience this month, "At least the political problems would disappear."

Precisely what steps the Suzuki government will take still isn't clear. But top Japanese leaders obviously recognize that they have a problem. "To the external world, we are in the position that we cannot make excuses any more," says Masumi Esaki, the elder statesman assigned by Mr. Suzuki to coordinate development of a package of trade changes.

As a result, Japan probably will come up with some serious measures to deal with specific U.S. and European complaints, though most observers doubt that Tokyo will make the kind of sweeping "reforms" sought by the U.S.

Mr. Esaki hints broadly that of the 51 specific complaints that the U.S. has lodged about Japanese trade practices, 31 will be resolved "as the U.S. wants." The Japanese think that another 10 practices either are fair or involve easily correctible misunderstandings. The remaining 10, Mr. Esaki says, "still need discussion."

SOME EXAMPLES

Included among the 31 steps to ease existing standards, inspection requirements and import procedures now routinely inhibiting Western sales of products such as cosmetics, pharmaceuticals and auto parts. Officials say U.S. demands for elimination of the remaining import quotas—including two dozen on agricultural products—are apt to receive only token relief.

The remaining items, such as overhaul of Japan's complex and difficult-to-penetrate distribution system, "are touchy, and I don't think we can get early answers," says Yukihiki Ikeda, Prime Minister Suzuki's deputy chief cabinet secretary, who holds a position similar to that of Edwin Meese, counselor in the Reagan White House. Adds Tomio Tsutsumi, a trade-ministry official: "That kind of thing is difficult for the government to handle. If it's easy, we already did it."

The policy makers here are planning other moves, in any case. As a concession to the European Common Market, Japan is expected to slow its exports to Western Europe. Prime Minister Suzuki has indicated that he may install a top-level ombudsman—with broad powers to penetrate the Japanese bureaucracy—to run down specific complaints by U.S. companies. Mr. Esaki says Japan also will "make procedures easier to understand."

PLAN DUE SOON

Mr. Suzuki's strategists say their trade package will be put in final form in early February and timed to hit the U.S. just before members of Congress go home for the Lincoln's Birthday recess; the hope is to have maximum effect on protectionist lawmakers.

Whether the Japanese concessions will be enough to satisfy either U.S. or European officials remains to be seen. During a visit to Japan earlier this month, a group of U.S.

lawmakers headed by Sen. Danforth seemed unlikely to be assuaged. And the administration continued to step up the pressure during a visit by Japanese Trade Minister Shintaro Abe to Washington last week.

All sides are apparently trying to resolve their differences in time to avert a new round of protectionism. But, says Saburo Okita, the chairman of the Tokyo-based Institute for Domestic and International Policy Studies, "Things are getting emotional—and not well-grounded in facts."

Mr. HEINZ. Mr. President, this article also points out the Japanese view that Americans and Europeans do not approach their market properly and that the root of the problem lies in our practices rather than theirs. There is an element of truth in this, and the record no doubt contains examples of American and European failure for the reasons cited; but it is also replete with standards, barriers, and informal practices which make success virtually impossible. Following are some examples of such barriers, taken from practices in a number of different countries:

Restrictive standards and/or inspection requirements on goods like cosmetics, food additives, autos, tobacco, medical supplies;

Refusal to accept U.S. certifications on the safety of pharmaceutical exports;

Emissions testing—or other testing—of each imported auto—or other product—rather than testing a sample;

Prohibitions or restrictions on U.S. entry into key service fields like banking, financial services, and insurance;

Linking market access to a requirement to build production facilities in the country;

Requiring such production facilities to maintain a specified level of exports;

"Unexpected" or unannounced delays in unloading freight, including perishable products;

Limitations on the showing of U.S. films;

Discriminatory airport user charges or less advantageous airport locations for foreign airlines;

Exclusion from airline travel agency reservation systems;

Licensing requirements; and

Local content rules.

There are, of course, numerous others, but the above should serve as an illustrative list.

To better judge the frequency with which such restrictions are imposed, it is useful to look at "The Use of Investment Incentives and Performance Requirements by Foreign Governments," published by the Commerce Department last October. Its conclusions are based on data gathered by the Bureau of Economic Analysis for its Benchmark Survey of U.S. Direct Investment Abroad in 1977. The information is a bit old, but comprehensive, since the 1977 survey covered 3,540 U.S. companies and their 24,666 affiliates. With respect to performance requirements, the study showed that on the average 14 percent of U.S. affiliates were subject to them, although this varied widely by country and region. In South America, for example, every country but Argentina imposed one or more performance requirements on at least one-third of U.S. affiliates. India's rate was the world's highest—60 percent. The sectors most often affected were mining and manufacturing, particularly transportation equipment. Significantly, the use of performance requirements was greater among developing nations, an area where we will be increasingly concentrating in the future.

There is no question, of course, about the growing importance of U.S. investment abroad. U.S. direct investment outflows from 1948 to 1980 were $81.5 billion. Comparing that to the $231.1 billion in earnings suggests a net balance-of-payments gain of nearly $150 billion. The same benchmark survey I referred to shows that 34 percent of U.S. exports go to U.S. nonbanking affiliates abroad, illustrating clearly how the flow of exports is related to foreign investment. Performance requirements or other restrictions that impinge on investment have an immediate and obvious impact on our exports.

Mr. President, I could go on, as ample additional material is available. One particularly useful document I would commend to Senators' attention is the Ways and Means Committee Trade Subcommittee's recent report on its trade mission to the Far East—December 21, 1981—which discusses Japanese practices in some detail.

Clearly, it is past time we gave the President the tools he needs to act against these barriers. If we believe in the free market system as I have described it above, then it is our responsibility to promote such a system on a worldwide basis. Such an effort will not be easy, and it cannot be pursued in an arbitrary manner. While in some cases the practices in question have been deliberately developed to deter foreign access and to promote domestic industries, in others they are the product of long-standing cultural or social traditions and ways of doing business which are integral parts of the society. Belief in the free market does not mean recasting other economies in our image, even if it were possible. It does mean working together with other countries to establish mutually acceptable rules for trade and then insuring that those rules are enforced. Sometimes, it must be recognized, some countries will need encouragement to get to the bargaining table, and we should not shrink from providing that kind of incentive in the form of verbal encouragement or, if necessary, substantive retaliation. But our goal, nevertheless, must remain the reaching of agreement on trade rules and not simply the creation of matching trade barriers on our part.

In attempting to reach that objective, we should give some consideration to the principles of reciprocity and national treatment, the ideas, simply put, that we should expect from others the same treatment we provide them and that U.S. entities operating in a foreign country should be treated the same as comparable domestic entities in that country. Obviously such concepts, clear in broad principle, can be difficult to work with in specific circumstances, and allowance must be made for that. But the concepts themselves are sound.

Accordingly, I am today introducing legislation designed to give the President additional authority to achieve these objectives. This authority is in essence discretionary. It does not depend exclusively on a mechanical process outside the administration's control. It is largely discretionary because I believe that this is the method which will be most likely to produce the fastest, most tangible, and beneficial results.

My bill amends section 301 of the Trade Act of 1974, which is the section providing for U.S. use of the international dispute settlement process centered in the GATT. Under current law the President on his own initiative or via the acceptance of a petition from the private sector can initiate an investigation into another country's unfair trade practice, begin the GATT consultation and dispute settlement process, and ultimately take retaliatory action after the conclusion of the GATT process. My bill would clarify this section to permit the President to use this process to establish or further the principles of reciprocal market access or national treatment for U.S. goods, including agricultural goods, services, or investment. Further, the 301 process could be initiated by resolution of the Finance or Ways and Means Committees, in addition to the private petition or Presidential initiative routes in current law.

Once an investigation was underway under my bill, it would proceed according to current law, with the following differences:

First, the President would be permitted, but not required, to utilize GATT process, which would give him additional latitude for emergency action or action emphasizing the gravity of the situation, if needed;

Second, roughly midway through the GATT process, if it is utilized, the U.S. Trade Representative would have to publish a list of legislative alternatives being considered in the case, in order to make public what options are available to the Government if negotiations fail;

Third, in these cases involving reciprocity or national treatment, the President would have additional retaliatory authority beyond what is in the present statute, including:

(a) Entering into bilateral or multilateral negotiations;

(b) Adjusting Government procurement policies;

(c) Instructing the U.S. directors to the IMF and World Bank to vote against loans to countries against whom a complaint is pending;

(d) Requesting Federal regulatory agencies, such as the FCC or ICC, to consider another country's adherence to reciprocity or national treatment principles in acting on applications from that Government or its nationals;

(e) Proposing mirror image legislation, to be handled under special fast track rules, that would match the nonreciprocal practice.

These additional actions are discretionary and subject to the procedures established in current law.

In my view, Mr. President, this is a responsible way to proceed. Ample opportunity is provided for the administration to consider each case as it is presented by the private sector, and the opportunity remains for presidential self-initiation, should that be appropriate. Equally ample opportunity exists to utilize existing international dispute settlement procedures to bring the matter to a successful conclusion. But in order to help that process along the bill clarifies and specifies existing authority and provides additional authority for the President—and thereby additional negotiating leverage—to retaliate if necessary.

Senators should be aware, Mr. President, that my bill is not the only one on this issue under consideration. I understand that the distinguished Chairman of the International Trade Subcommittee, the Senator from Missouri (Mr. DANFORTH), will shortly be introducing his own bill. Senator DANFORTH has been a leader on this issue for some time, particularly with respect to our longstanding problems with Japan, and I anticipate this bill will reflect his long study of the reciprocity problem, including insights gained from his recent trip to Japan.

While I believe our bills will be materially different, I anticipate they will be in many respects complementary, and I look forward to working with Chairman DANFORTH in developing a comprehensive approach to this problem.

It is my view that we need legislation that will strengthen our own laws, strengthen the GATT process, focus world and national attention on the reciprocity problem, and help develop trading rules more consistent with free market principles. I look forward to the Finance Committee's rapid consideration of this bill, and I ask that it be printed in the RECORD, along with a fact sheet detailing the bill's provisions.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2071

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS; STATEMENT OF PURPOSE.

(a) FINDINGS.—

(1) TRADE IN SERVICES.—The Congress finds that—

(A) trade in services (including banking and other financial services, insurance, information and data processing, communications, transportation, advertising, shipping, construction and engineering, and entertainment) is becoming an increasingly important part of the United States economy;

(B) many nations, for various reasons, are increasingly erecting nontariff barriers to the import of United States and other foreign goods and services;

(C) such barriers include, but are not limited to, national monopolies, personnel restrictions, discriminatory restrictions on licensing and foreign exchange, local content requirements, local investment requirements, minimum export requirements, local equity participation requirements, discriminatory health, safety, or environmental standards, restrictions on the flow of information, restrictions on the repatriation of funds or profits, discriminatory tax policies, and other discriminatory restrictions on, or requirements of, foreign entities operating in the host country;

(D) the effect of such barriers has been to discriminate against imported goods and services and to provide for trade on a nonreciprocal basis; and

(E) such discrimination—

(i) results in a less open trading system and a distortion of the market system, and

(ii) works to the disadvantage of all countries, particularly countries (including the United States) which adhere to a free market system.

(2) INTERNATIONAL INVESTMENT.—The Congress further finds that—

(A) international investment flows should not be restricted or impaired by uneconomic or artificial barriers or restrictions which exist in many developed and developing countries;

(B) uneconomic and artificial barriers to direct investments, or restrictions on such investments, cause inefficiencies in the international production and distribution process which result in increased costs of production of goods and services to the consumers of the world;

(C) such barriers and restrictions should be removed to enhance the benefit to both investors and consumers of the limited resources available for international direct investment;

(D) arbitrary and nontransparent investment review procedures (other than with respect to certain industries critical to a nation's security interests), and unreasonable or otherwise arbitrary limitations on foreign currency exchange by non-nationals, adversely affect foreign direct investment by nationals or citizens of the United States;

(E) the consumers and producers of the world would benefit by the development of an effective multilateral agreement (under the auspices of the General Agreement on Tariffs and Trade) which limits unreasonable, discriminatory or burdensome restrictions on foreign direct investments;

(F) multilateral negotiations on such a multilateral agreement, under the authority vested in the President by section 102 of the Trade Act of 1974, should be concluded as soon as practicable; and

(G) such an agreement should, to the extent possible, guarantee reciprocal direct investment access among the developed countries of the world and in no event provide less than national treatment for foreign direct investors in developed or developing countries.

(b) PURPOSE.—It is the purpose of this Act to encourage—

(1) adherence to the principles of the existing international trading system, and

(2) the operation and development of a free and open international trading and investment system,

by promoting the principles of reciprocity and national treatment through multilateral and unilateral means.

SEC. 2. AMENDMENT TO THE TRADE ACT OF 1974.

(a) AMENDMENTS TO SECTION 301.—

(1) DETERMINATIONS REQUIRING ACTION.—Section 301 (a) of the Trade Act of 1974 (19 U.S.C. 2411 (a)) is amended—

(A) by striking out "or" at the end of paragraph (1);

(B) by inserting before the semicolon at the end of paragraph (2) (B) thereof the following: ", including restrictions on direct investments by citizens or nationals of the United States";

(C) by inserting "or" at the end of paragraph (2);

(D) by inserting immediately after paragraph (2) the following new paragraph:

"(3) to establish or further the principles of national treatment or reciprocal market access with respect to United States goods (including agricultural products), services, and foreign direct investment by nationals or citizens of the United States;"; and

(E) by striking out "or services" in the last sentence thereof and inserting in lieu thereof the following: ", services, or direct investments".

(2) OTHER ACTION.—Section 301 (b) of the Trade Act of 1974 (19 U.S.C. 2411 (b)) is amended—

(A) by striking out "and" at the end of paragraph (1);

(B) by inserting "or direct investment in the United States by nationals" after the word "services" in paragraph (2);

(C) by striking out the period at the end of paragraph (2) and inserting a semicolon; and

(D) by inserting at the end thereof the following:

"(3) with respect to subsection (a) (3), also—

"(A) enter into bilateral or multilateral negotiations to further such principles;

"(B) adjust government procurement policies and practices to provide for procurement from nations which provide reciprocal market access to comparable United States producers, but only if such procurement is consistent with the provisions of the Code on Government Procurement or similar bilateral arrangements;

"(C) instruct the United States directors of the International Bank for Reconstruction and Development and the International Monetary Fund to vote against loans or other assistance from their respective institutions to countries which do not adhere generally to principles of national treatment and market access;

"(D) request Federal regulatory agencies (including the Civil Aeronautics Board, Office of the Comptroller of the Currencies, Federal Communications Commission, Federal Reserve Board, Interstate Commerce Commission, Federal Maritime Commission, and Federal Energy Regulatory Commission) to consider (if such consideration would not violate any multilateral agreement) a country's adherence to principles of national treatment and reciprocal market access in making any decision or taking any action with respect to an application or request from such country or nationals of such country; or

"(E) propose legislation which would impose equivalent restrictions or requirements within the United States on goods or services from countries that do not adhere to the principles of national treatment or reciprocal market access, such legislation to be treated as an implementing bill pursuant to the provisions of section 151 of the Trade Act of 1974 (19 U.S.C. 2191); and

"(4) take any other action which the President determines appropriate, including action to obtain the elimination of such unjustifiable, unreasonable, or discriminatory barriers or restrictions on foreign direct investment by citizens or nationals of the United States.".

(3) PRESIDENTIAL PROCEDURES.—Section 301 (c) of the Trade Act of 1974 (19 U.S.C. 2411 (c)) is amended by inserting "resolution or" before "petition" in the first sentence of paragraph (1) thereof.

(4) DEFINITIONS.—Section 301 (d) of the Trade Act of 1974 (19 U.S.C. 2411 (d)) is amended—

(A) by inserting before the period at the end of paragraph (1) thereof the following: "and foreign direct investment by citizens or nationals of the United States"; and

(B) by adding at the end thereof the following new paragraph:

"(3) DEFINITION OF NATIONAL TREATMENT.—For purposes of this section, the term 'national treatment' means the treatment by a government of foreign investment or foreign establishments operating within its borders in the same manner as domestic investment or comparable domestic establishments are treated.".

(b) AMENDMENTS TO SECTION 302.—

(1) FILING OF RESOLUTIONS BY COMMITTEES OF CONGRESS.—Section 302(a) of the Trade Act of 1974 (19 U.S.C. 2412 (a)) is amended by inserting ", or the Committee on Ways and Means of the House of Representatives or the Committee on Finance of the Senate may file with the Trade Representative a resolution,".

(2) CONFORMING AMENDMENTS.—

(A) Section 302 of the Trade Act of 1974 (19 U.S.C. 2412) is amended—

(i) by inserting "or resolution" after "petition" each place it appears in the last sentence of subsection (a), subsection (b), and the heading for subsection (a),

(ii) by inserting "or Committee" after "petitioner" each place it appears, and

(iii) by inserting "or resolutions" after "petitions" in the section heading and the heading for subsection (b).

(B) The table of sections for chapter 1 of the table of contents of the Trade Act of 1974 is amended by inserting "or resolutions" after "Petitions" in the item relating to section 302.

(c) AMENDMENTS TO SECTION 303.—

(1) NO CONSULTATION, ETC. IN CERTAIN CASES.—Section 303 of the Trade Act of 1974 (19 U.S.C. 2413) is amended by adding at the end thereof the following new sentence: "This section shall not apply to an affirmative determination described in section 301 (a) (3).".

(2) RESOLUTIONS.—Section 303 of the Trade Act of 1974 (19 U.S.C. 2413) is amended—

(A) by inserting "or resolution" after "petition" each place it appears; and

(B) by inserting ", the appropriate committee of Congress," after "petitioner".

(d) AMENDMENTS TO SECTION 304.—

(1) RECOMMENDATIONS.—Section 304 of the Trade Act of 1974 (19 U.S.C. 2414) is amended—

(A) by striking out "or" at the end of subparagraph (C); and

(B) by striking out subparagraph (D) and inserting in lieu thereof the following new subparagraphs:

"(D) one month in the case of a petition involving allegations which relate to section 301 (a) (3) in which the President has not requested consultations or initiated proceedings; or

"(E) 12 months after the date of the investigation initiation in any case not described in subparagraph (A), (B), (C), or (D).".

(2) RESOLUTIONS AND RECOMMENDATIONS OF THE PRESIDENT.—Section 304 of the Trade Act of 1974 (19 U.S.C. 2414) is amended—

(A) by inserting "or resolution" after "petition" the first place it appears in subsection (a)(1) thereof; and

(B) by adding at the end of subsection (a) the following new paragraph:

"(4) LEGISLATIVE RECOMMENDATIONS OF PRESIDENT.—Notwithstanding any other provision of this chapter, the President shall within 120 days after an affirmative determination is made under section 302(b) with respect to a petition or resolution or a decision by the President to take action under section 301(c), make preliminary recommendations to the House of Representatives and to the Senate with respect to what alternative actions the President is considering under this chapter to the extent that any consultation or dispute settlement procedure provided under this chapter does not result, in his judgment, in the enforcement of such rights as the United States may have under any trade agreement or the elimination of any unjustifiable, unreasonable, or discriminatory burden or restriction on the commerce of the United States. Notice of such alternatives shall be published in the Federal Register."

(C) by striking out "or service" each place it appears in subsection (b) and inserting in lieu thereof the following: ", service, or direct investment".

SEC. 3. MULTILATERAL NEGOTIATIONS ON RESTRICTIONS ON FOREIGN DIRECT INVESTMENT.

Section 102(b) of the Trade Act of 1974 (19 U.S.C. 2112(b)) is amended by inserting "(including any restrictions on foreign direct investment)" after "United States" the first place it appears.

SENATOR HEINZ' RECIPROCAL MARKET ACCESS LEGISLATION

This legislation clarifies the President's current authority and gives him new authority to deal with problems of reciprocal market access or discriminatory treatment of U.S. goods, services, or investment abroad. It is an amendment to section 301 of the Trade Act of 1974.

HOW IT WORKS

Present Law: Section 301 creates a process whereby private parties, or the President on his own initiative, can make a complaint about other nations' violations of the General Agreement on Tariffs and Trade (GATT) rules or the GATT's various codes, or other discriminatory actions, and seek redress, first through the GATT consultation/dispute settlement process and ultimately through direct retaliation.

Under the law an interested private party could file a petition (or the President could directly initiate a case), which the U.S. Trade Representative (USTR) would then have 45 days to consider and either accept or reject.

If accepted, an investigation into the allegations is begun, and GATT consultations are requested simultaneously. If the consultations do not resolve the matter and a GATT issue is involved, then USTR would initiate GATT dispute settlement proceedings, which could last from 6 months to more than one year, depending on the nature of the case.

At the conclusion of the proceedings, the USTR makes a recommendation to the President, who then has three weeks to decide what action to take. While a recommendation and a Presidential decision are mandatory, there is no requirement that either be positive, and there is no Congressional override.

Permissible actions include suspending or withdrawing existing trade agreement concessions or imposing duties, fees, or restrictions on the goods or services of the country in question.

Proposed bill: The legislation would make the following changes in the present procedures:

(1) In addition to GATT and code violations and "discriminatory" actions, the bill clarifies that non-reciprocal market access or non-national treatment are grounds for a complaint and Presidential action, whether they involve a GATT violation or not. (National treatment means treating foreign entities operating in one's country in a manner equivalent to the way comparable domestic entities are treated).

(2) In addition to initiation of a case through petition or Presidential request, the bill would also permit it by resolution of the Ways and Means or Finance Committee.

(3) With respect to cases involving reciprocity or national treatment, the President is given specific additional authority in addition to the general retaliatory authority in present law. The new authority includes:

(a) specific authorization to engage in bilateral or multilateral negotiations to resolve the problems;

(b) adjusting government procurement policies;

(c) instructing the U.S. directors, the World Bank and the IMF to oppose loans or other assistance from countries not providing reciprocal market access or national treatment;

(d) requesting specific federal regulatory agencies, including bank regulators, to take reciprocity issues into account when considering applications from foreign entities;

(e) proposing "mirror image" legislation to impose equivalent restrictions, which would be considered by Congress under "fast track" procedures;

(f) specific authorization to take any other action he determines appropriate.

(4) In these cases the President is also given the option of not using the GATT consultation/dispute settlement process, though it would be open to him. If he chose not to go to the GATT, the USTR recommendation to the President would be due one month after the case was initiated.

(5) Midway through the GATT process (no later than 120 days after the initiation of the case) the President would be required to make public a list of actions he is considering in the event the GATT process fails.

(6) Specific authorization is also provided to negotiating an international agreement on direct investment.

REASONS FOR CHANGE

This bill is intended to clarify, focus, and in some respects expand existing law, without removing either its discretionary base or its centralization in the Executive Office of the President.

The practices that could be subject to complaint, while sometimes blatant cases of discrimination, are also sometimes simply representative of the development of different cultural or economic practices than cannot be easily removed. As a matter of policy, the President should be encouraged to negotiate our differences on these matters rather than be required simply to retaliate. He should be given maximum flexibility to conduct such negotiations along with adequate leverage to obtain results; and control of this process, because of its delicacy, should be centralized in his office rather than throughout the various agencies.

This bill meets that standard by:

(1) clarifying present law to include specific references to reciprocal market access and national treatment as principles the President can act to maintain or promote;

(2) clarifying present law to insure that it applies to goods, services, and investment;

(3) focusing attention on reciprocity/national treatment issues through specific references to them in the statute and through the special procedures and authorities created for them;

(4) providing new retaliatory authority in the form of provisions on federal procurement policies, "mirror image" legislation using expedited procedures, and Presidential requests to regulatory agencies;

(5) increasing our negotiating leverage through the requirement that retaliatory actions under consideration be made public midway through the GATT process;

(6) broadening the base of the law by permitting Congress, by committee resolution, to file a complaint.

NEED FOR THE BILL

The bill is necessary because:

(1) It is not sufficiently clear in existing law that non-GATT violations involving reciprocity or national treatment are proper subjects for a 301 inquiry. Examples of probable non-GATT issues are the Canadian energy policy, the Canadian foreign investment review process (FIRA), and investment-related performance requirements generally, including equity ownership limits, and forced licensing or research and development transfers. The GATT process, of course, would also not be applicable, even in the case of a violation, to cases involving countries that do not belong to the GATT, like Mexico.

(2) Barriers to investment are not adequately reachable under current law, nor does the President have authority to retaliate against investment in this country.

(3) The President lacks explicit negotiating authority to deal with these matters on a bilateral basis.

(4) Presidential retaliatory authority in present law is not sufficiently clear, and there are few precedents to provide guidelines.

(5) Present law contains no authorization to begin negotiations on an International Investment Code.

ADDITIONAL COSPONSORS

S. 649

At the request of Mr. BAUCUS, the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of S. 649, a bill to amend the Internal Revenue Code of 1954 to provide that the executor may elect, for estate tax purposes, to value certain items at an amount equal to the adjusted basis of the decedent in such items and to remove certain limitations on charitable contributions of certain items.

S. 1444

At the request of Mr. THURMOND, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 1444, a bill to authorize the Administrator of General Services to donate to State and local governments certain Federal personal property loaned to them for civil defense use, and for other purposes.

S. 1782

At the request of Mr. WEICKER, the Senator from Georgia (Mr. NUNN) was added as a cosponsor of S. 1782, a bill to amend section 305 of the Federal Property and Administrative Services Act of 1949 pertaining to contract progress payments made by agencies of the Federal Government, providing for the elimination of retainage in certain instances, and for other purposes.

S. 1844

At the request of Mr. JOHNSTON, the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of S. 1844, a bill to facilitate the national distribution and utilization of coal.

S. 1907

At the request of Mr. ROTH, the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of S. 1907, a bill to amend the Currency and Foreign Transactions Reporting Act and section 1961 (1) of title 18, United States Code, to improve enforcement, and for other purposes.

S. 2000

At the request of Mr. DOLE, the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2000, a bill to amend title 11, United States Code, to establish an improved basis for providing relief under chapter 7, and for other purposes.

S. 2016

At the request of Mr. LUGAR, the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of S. 2016, a bill to amend title II of the Social Security Act to provide generally that benefits thereunder may be paid to aliens only after they have been lawfully admitted to the United States for permanent residence, and to impose further restrictions on the right of any alien in a foreign country to receive such benefits.

S. 2027

At the request of Mr. RANDOLPH, his name was added as a cosponsor of S. 2027, a bill to provide for an accelerated study of the causes and effects of acid precipitation, to provide for an examination of certain acid precursor control technologies, and for other purposes.

SENATE JOINT RESOLUTION 140

At the request of Mr. MATHIAS, the Senator from North Carolina (Mr. EAST), the Senator from South Carolina (Mr. THURMOND), and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of Senate Joint Resolution 140, a joint resolution designating February 11, 1982, "National Inventors' Day."

SENATE CONCURRENT RESOLUTION 63—THE ALL TAXPAYERS ASSISTANCE RESOLUTION

Mr. ROTH (for himself, Mr. LEVIN, Mr. HEFLIN, Mr. RIEGLE, Mr. WEICKER, Mr. WILLIAMS, Mr. SPECTER, and Mr. SARBANES) submitted the following concurrent resolution, which was referred to the Committee on Appropriations:

S. CON. RES. 63

Whereas the Internal Revenue Code is becoming increasingly complex and difficult to understand for the average American taxpayer:

Whereas the Internal Revenue Code has become so complex that the Internal Revenue Service currently provides a free program, known as the "taxpayer's assistance program", to aid taxpayers in preparing their annual federal income tax returns;

Whereas the taxpayer's assistance program provided service to over 43 million American taxpayers in preparing their federal income tax returns in fiscal year 1980;

Whereas, in fiscal year 1980, the equivalent of 5,591 staff years was devoted to assisting taxpayers in preparing their federal income tax returns;

Whereas the program served 100 percent of all taxpayers requesting tax assistance in fiscal year 1980;

Whereas it is currently estimated that the number of taxpayers requesting tax assistance in fiscal year 1982 will increase by 7 percent over fiscal year 1980 levels, from 43 million to 46 million taxpayers;

Whereas the proposed appropriations for the taxpayer's assistance program for fiscal year 1982 will substantially reduce both the number of staff and the amount of time that will be available for the IRS to assist taxpayers;

Whereas the Internal Revenue Service will only be able to assist some 76 percent of all taxpayers requesting tax advice because of the proposed reduction in fiscal year 1982 appropriations;

Whereas the taxpayer's assistance program is the basic and only means of tax advice available to the majority of American taxpayers who simply cannot afford to retain private tax consultants;

Whereas the proposed reductions in appropriations for the taxpayer's assistance program would explicitly minimize taxpayer

services and revenue collection efforts: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the budget and appropriations for fiscal year 1982 of the Internal Revenue Service's taxpayer's assistance program shall not be reduced below the level required to permit a full 100 percent response and service by the Internal Revenue Service to all taxpayers requesting assistance and service in fiscal year 1982.

● Mr. ROTH. Mr. President, I am submitting today a concurrent resolution of Congress which will insure that American taxpayers continue to receive free tax advice and service from the Internal Revenue Service.

Mr. President, our current tax law has become so complex and difficult for the average American taxpayer to understand that the Internal Revenue Service provides a free program known as the taxpayer's assistance program. This program aids taxpayers in preparing their annual Federal income tax returns and also serves as the basic source of tax advice for most of working America.

In fiscal year 1980 this program provided assistance to over 43 million American taxpayers in preparing their tax returns. In that year the equivalent of 5,591 IRS staff-years was devoted to assisting taxpayers in preparing their returns. The IRS responded fully to 100 percent of all taxpayers requesting aid in 1980.

This year the number of taxpayers requesting tax assistance is expected to increase by 7 percent over the 1980 level from 43 to 46 million taxpayers.

It is therefore important that the taxpayer assistance program be maintained at its current level. It is there to serve the vast majority of low- and middle-income citizens who make up over 75 percent of the taxpaying public. The program is quite possibly the only positive perception of the Internal Revenue Service these citizens have.

However, the Treasury, Postal Service, and general appropriations bill for fiscal year 1982, as revised by the administration, would significantly reduce the funding for this invaluable program. Moreover, it appears likely that unless Congress acts to prevent it, the entire program will be discontinued by the end of fiscal year 1983.

At a time when our Tax Code is becoming increasingly complex, we should provide greater, not fewer, services to our Nation's taxpayers. Indeed, how can the Government expect the average working man or woman to comply with the system and pay his or her taxes when it takes an expert in the field of taxation to first decipher what is expected.

On December 14, 1981, the Finance Committee unanimously approved a sense of the Senate resolution to preserve the taxpayer's assistance program.

Today, I am introducing an identical concurrent resolution, the all taxpayers assistance resolution, which will maintain the program at a level that will permit the IRS to fully respond and provide assistance to all taxpayers requesting advice in fiscal year 1982.●

SENATE RESOLUTION 313—RESOLUTION RELATING TO EMPLOYMENT SERVICES

Mr. HEFLIN (for himself, Mr. BENTSEN, Mr. BOREN, Mr. ROBERT C. BYRD, Mr. CHILES, Mr. DECONCINI, Mr. EXON, Mr. HOLLINGS, Mr. HUDDLESTON, Mr. JOHNSTON, Mr. LONG, Mr. NUNN, Mr. PRYOR, Mr. STENNIS, and Mr. ZORINSKY) submitted the following resolution; which was ordered held at the desk until the close of business on February 9, 1982:

S. RES. 313

Whereas, unemployment in the United States has risen to 8.9 percent with over 9 million Americans out of work; and

Whereas, Employment Service offices throughout the United States have been closed or are scheduled to be closed in the near future because of appropriation reductions in the area of employment services; and

Whereas, it is essential that employment services be used to help people find jobs; and

Whereas, the President has recognized the need to restore adequate funding to this vitally needed service and has therefore requested a $2.3 billion supplemental appropriation for the Department of Labor for the fiscal year ending September 30, 1982: Therefore, be it

Resolved by the Senate of the United States of America in Congress assembled, That it is the sense of the Senate that the Congress should expeditiously consider making an urgent supplemental appropriation to the Department of Labor for the restoration of employment services for the fiscal year ending September 30, 1982.

THE CRITICAL NEED FOR EMPLOYMENT SERVICES

Mr. HEFLIN. Mr. President, I am today submitting a resolution expressing the sense of the Senate that the Congress should expeditiously consider making an urgent supplemental appropriation for the Department of Labor for the fiscal year ending September 30, 1982. One of the major purposes of this appropriation would be to restore adequate funding for employment services, which was drastically reduced by the continuing resolution this Congress passed during the final hours of the last session. The reduction in funding for employment services contained in the continuing resolution, has brought employment services to a standstill in every State. This is certainly unwise at a time when nearly 9 million Americans are unemployed.

The drastic rise in unemployment in our country has become a problem of the highest priority. Our Nation's unemployment reached 8.9 percent in December, which is one of the highest monthly levels our country has experienced in recent decades. Even more alarming is the fact that a drastic reduction in this rate is not foreseeable in the immediate future. The administration yesterday revealed that it is projecting 8.9-percent unemployment to become commonplace and be the average monthly rate for 1982.

My home State of Alabama has been hit very hard by high unemployment which has resulted from the economic decline of several key industries. The northern part of Alabama has suffered the consequences of massive layoffs as a result of slumping automobile sales which has caused manufacturing facilities to close their doors. The automobile industry decline has also resulted in higher unemployment among related industries, such as the tire industry in Gadsden, Ala., where unemployment rates have recently exceeded 17 percent. In addition, the depressive decline in new construction starts has resulted in a higher jobless rate within the construction industry throughout the State of Alabama. Another major factor in the high unemployment in Alabama has been the decline in the steel industry which has played an integral role in the economy of Alabama. These are but a few examples of the decline in economic prosperity in Alabama which has reulted in such a high rate of unemployment for the State. In one town, as many as 1 out of every 6 employees was unemployed at the end of 1981. That is an unemployment rate in excess of 17 percent. The overall unemployment rate for Alabama in December was an alarming 12.1 percent.

The effects of an unemployment rate of this magnitude are devastating. In the State of Alabama alone, the reduction in funding for employment services has resulted in staff reductions of 441 persons. In terms of employment service personnel alone, this represents a 47.6-percent reduction in staff since midsummer of 1981 and the closing of some 25 employment service offices throughout the State. Budget reductions in this vital area have clearly gone beyond the intended purpose of eliminating waste and fraud in the Federal bureaucracy, but rather have encroached upon the soundness of a valid program which renders a worthy service for those Americans who are unemployed. It is unwise to reduce funding for a program which is needed now more than it has been in recent years to address one of the greatest ills facing America today.

High unemployment has a tremendous impact on the stability of our economy and therefore affects us all. Accordingly, we must do all that we possibly can to see that the spiraling unemployment we are experiencing today is halted. One way to address this problem is through a sound employment service program.

The recent reduction in employment services will not serve to provide relief for the unemployed; rather it will result in the virtual elimination of a valuable service to the unemployed of this country. The employment service program provides valuable State assistance to the unemployed through job placement activities, counseling, testing, and other services which are direly needed during times of high unemployment.

In the coming days, the House of Representatives is expected to enact legislation restoring adequate funding to employment services. The President has called for a supplemental appropriation to take care of this situation. By custom, appropriation bills originate in the House of Representatives and pass there first. The purpose of my sense of the Senate resolution is that when it does reach the Senate we can give expeditious action to the proposed supplemental appropriation to restore employment services to the Department of Labor.

At a time when nearly 9 million Americans are unemployed, I wholeheartedly pledge my support to this effort to restore the backbone to one of the few programs we have which serves the function of placing people in jobs and removing them from the increasing ranks of the unemployed.

I trust that this legislation will receive prompt action in the House of Representatives and I urge my colleagues to place their undivided support behind this legislation when it comes before the Senate.

I ask unanimous consent that this resolution stay at the desk until the close of business on Tuesday of next week while exploration is undertaken to see whether or not we can agree to this sense of the Senate resolution without going through the regular committee process.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

● Mr. CHILES. Mr. President, I am sponsoring this resolution with Senator HEFLIN to express the crucial need for this urgent supplemental of $2.3 billion for employment services and unemployment extended benefits. Like many of my colleagues, I have been alarmingly aware of effects on employment services in Florida due to the substantial cutbacks in funds for unemployment programs in 1982. In my State, there was a good possibility that all of our branch employment service offices could have been closed. This comes at a time when unemployment in Florida has risen over 2 percent in a year and is as high as 14 and 12 percent in the Lakeland and Panama City areas.

During this trying recession, Florida has had a continually growing number of skilled and lesser skilled workers in the unemployment ranks. It is true that the general trends of growth in industry and the labor market will open up jobs in the workforce for some of the more skilled workers. However, the lesser skilled workers are more likely to remain unemployed and, therefore, an increasing burden on the unemployment insurance program and public assistance. These lesser skilled workers are not going to find jobs in the classifieds. Many of them need the special training and placement provided by the employment service programs. Florida's employment service offices have been successful in providing training, counseling and placement for many lesser skilled workers, disadvantaged workers and veterans. In fact, Florida has ranked first among the southern region States and second in the Nation in placement productivity. These efforts would be at least cut in half if the present budget cuts continue. We cannot afford this significant regression.

Mr. President, the recession hits Florida a little later than it hits the rest of the country, but we are not immune to its problems. It hits us hard especially when coupled with our special problems with staggering numbers of refugees, the citrus freeze, and declines in tourism. Like most States, our chief industries have been shocked by the skyrocketing interest rates and economic growth has been crippled. The slack in these industries has been the catalyst for our high unemployment.

That is why it is absurd for budget cuts to be directed at efforts designed to curb unemployment. We must continue to provide the necessary programs to assist with training, retraining and placement of the unemployed. We must utilize every economic defense we can muster to combat unemployment while we also strive to bring down the deficits and inflation. The employment service programs have been helping the unemployed. We must continue to help them. This is the worst of times to abandon any efforts to fight unemployment.

I urge my colleagues to support this urgent supplemental so that the funds can be expedited to the States. Many employment offices are scheduled to close this week and this must be avoided.●

● Mr. BENTSEN. Mr. President, statistics to be released tomorrow will reveal that almost 10 million Americans are unemployed. Economists suggest that we are in a recession, but for each of those 10 million people who are out of work, our economic situation is an intense personal disaster.

I believe one of our highest national priorities must be to put our people back to work in productive, private sector jobs. That is why I am pleased to join Senator HEFLIN in cosponsoring Senate Resolution 313 which expresses the sense of the Senate that necessary Federal funds should be restored to State employment service programs. At a time of record unemployment our efforts to assist people to return to productive participation in our Nation's work force makes eminent good sense. It is a sound investment in our future.

So, Mr. President, even at a time of tight fiscal discipline, I am fully prepared to support the President's request for additional Federal funding to help respond to the unemployment crisis.

I want to make it clear, however, that my support for this initiative includes the expectation that the Secretary of Labor will exercise his discretionary authority to allow each State maximum flexibility and discretion in allocating its share of these funds between the administration of unemployment benefits and placement services.

In the State of Texas, for instance, the employment commission has a proven record of successful performance in finding jobs. The Texas Employment Commission is one of the 10 largest State employment agencies nationwide. It ranks first in the number of individuals served and second in job placements made. In carrying out its responsibilities the TEC makes a special effort to assist small businesses and those unemployed workers for whom job placement can be especially difficult.

During 1981, for example, TEC found employment for some 47,000 veterans, more than 100,000 youth, close to 29,000 older workers, more than 12,000 food stamp recipients, and some 14,000 disabled or handicapped individuals. Equally significant, TEC records indicate that Texans drawing unemployment benefits remain on the rolls an average of 12.7 weeks, as compared to a nationwide average of 14.6 weeks. In short, the Texas Employment Commission has demonstrated that it can reduce the drain on our unemployment trust fund by putting people back to work. That is a goal I know we all share, and I want to be sure that we do not place restrictions on these funds that will inhibit the TEC and other such agencies in doing their jobs.

Mr. President, the administration is to be commended for its commitment to increasing State and local control over Government programs and tax resources. Permittting local employment commissions to exercise their best judgment in allocating these additional funds will insure that agencies such as ours in Texas will make the most efficient and effective use of available resources.

I urge my colleagues to cast their votes in favor of the pending resolution.●

NOTICES OF HEARINGS

SUBCOMMITTEE ON LABOR

Mr. NICKLES. Mr. President, the Labor Subcommittee of the Labor and Human Resources Committee had scheduled a hearing on February 10, 1982, on S. 1748, the Multiemployer Pension Plan Stabilization Act of 1981. It is necessary to change the date for the hearing to March 11 and 17, 1982. The hearings will begin at 9:30 a.m. in room 4232 of the Dirksen Senate Office Building. Members of the public wishing to testify should submit a written request as soon as possible.

COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, the Senate Committee on the Budget will hold a hearing on the credit task force on Wednesday, February 10, at 2 p.m. in 6202 Dirksen Senate Office Building. Alan Greenspan, Clifford Hardin, Center for Study of American Business; Miner Warner, Solomon Brothers; and Jim Fralick, Morgan Guaranty are scheduled to testify.

For further information, contact Nancy Moore at 224-4129 of the Senate Budget Committee staff.

SUBCOMMITTEE ON AGRICULTURAL RESEARCH AND GENERAL LEGISLATION

Mr. LUGAR. Mr. President, I wish to announce that the Senate Agriculture Subcommittee on Agricultural Research and General Legislation has scheduled a series of hearings in February and March to consider legislation authorizing the Commodity Futures Trading Commission. A number of witnesses have been invited including representatives of the CFTC, various segments of the commodities industry and other interested parties.

The hearings schedule will be from 9:30 a.m. to 12:30 p.m. on February 26, March 1, 2, 10, and 11 in room 324 Russell Senate Office Building.

Anyone wishing further information should contact Denise Alexander or John Cozart at 224-2035.

SUBCOMMITTEE ON FOREIGN AGRICULTURAL POLICY

Mr. BOSCHWITZ. Mr. President, I wish to announce that an additional hearing date has been scheduled for the Senate Agriculture Subcommittee on Foreign Agricultural Policy's hearing on the economic impact of agricultural embargoes. In addition to the hearing today, the subcommittee will meet on Friday, February 5, to hear Secretary of Agriculture, John Block, discuss USDA's estimate of the costs of the 1980-81 grain embargo for both the United States and the Soviet Union. The Friday hearing will begin at 9 a.m. in room 324 Russell Building.

SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES

Mr. WARNER. Mr. President, I would like to announce for the information of the Senate and the public that the subcommittee hearing to review the capacity, distribution and status of the strategic petroleum reserve previously scheduled for Monday, February 8 at 10 a.m. has been postponed and will be rescheduled at a later date.

AMENDMENTS SUBMITTED FOR PRINTING

CRIMINAL CODE REFORM ACT OF 1982

AMENDMENT NO. 1248

(Ordered to be printed and to lie on the table.)

Mr. JEPSEN submitted an amendment intended to be proposed by him to the bill (S. 1630) to codify, revise, and reform title 18 of the United States Code, and for other purposes.

SENATE RADIO AND TV BROADCAST RESOLUTION

AMENDMENT NO. 1249

(Ordered to be printed and to lie on the table.)

Mr. PRESSLER submitted an amendment intended to be proposed by him to the bill (S. Res. 20) to permit public and private broadcasting of Senate proceedings.

ADDITIONAL STATEMENTS

S. 2027—ACID PRECIPITATION ACCELERATED REVIEW AND REPORTING ACT

● Mr. RANDOLPH. Mr. President, on January 28, my colleague from West Virginia, the able minority leader, ROBERT C. BYRD, introduced the Acid Precipitation Accelerated Review and Reporting Act (S. 2027). This proposal is similar to one previously introduced in the House of Representatives by our concerned colleague from West Virginia, Representative NICK J. RAHALL.

This measure by Senator ROBERT C. BYRD gives to the Senate another approach to the questions raised by the intense interest in acid precipitation in many parts of our country and in Canada. I am today asking to be included as a cosponsor of S. 2027 to emphasize another approach to a complex legislative and environmental problem. I do not necessarily agree with every detail.

The Committee on Environment and Public Works is considering possible amendments to the Clean Air Act and will review proposals relating to acid precipitation in this context. At this time I do not support any specific approach, but I will continue to work with other Members to examine various recommendations, including that of Senator ROBERT C. BYRD. Out of this process I hope that we can develop amendments that realistically address this problem in a way that is soundly based scientifically and do not unnecessarily affect our ability to increase the production and use of coal. Such a balanced response to environmental and economic questions has long been a guiding principle of my work in these areas.

I commend Senator ROBERT C. BYRD and Representative RAHALL for their sensitivity to the need for more information on acid precipitation and to their concerns for the interests of our State. I am eager to cosponsor S. 2027 and to be actively involved with him, and other Senators, in the successful resolution of this difficult issue.●

THE DESTRUCTION OF EPA

● Mr. STAFFORD. Mr. President, on Tuesday an article on the plight of the Environmental Protection Agency was printed in the Washington Post. With the increasing amount of attention being focused on the Agency's state of affairs, the appearance of such an article is not particularly remarkable.

This statement, however, is remarkable in one significant way: It was written by Russell Train, former Administrator of the Environmental Protection Agency and former Chairman of the Council on Environmental Quality under Presidents Ford and Nixon. I personally found his article to be extremely thoughtful and well written and ask that it be printed in the RECORD at this point.

The article follows:

THE DESTRUCTION OF EPA

The Environmental Protection Agency is rapidly being destroyed as an effective institution in the federal government. Current and planned budget and personnel cuts, if continued, will inevitably reduce the agency to a state of ineffectualness and demoralization from which it is unlikely to recover for at least 10 years, if ever. While some may greet this situation with enthusiasm, I am convinced that the business community, among others, has very little to gain and a great deal to lose.

I see EPA's mission as a critically important one. I am convinced that, in the long run, our free enterprise system can only prosper and grow within the context of adequately protected public health and environment. I am also convinced that responsible business leadership knows this and asks only that regulatory requirements be reasonable, cost-effective, have an adequate scientific basis, and be fairly and uniformly enforced.

Corrected for inflation since 1981, President Reagan's expected 1983 budget request for EPA will represent a reduction of approximately 45 percent. Administrator Anne Gorsuch has reportedly been working on 1984 numbers of $700 million, or a cut of 61 percent. EPA's research branch would be cut by two-thirds, far more than any other basic research program.

In the personnel area, the cuts are equally drastic. If Gorsuch is allowed to carry out plans that have been circulating within the agency for some time, by this coming June—one year and four months after the Reagan

administration took office—80 percent of EPA's headquarters staff will have quit or been fired, demoted or downgraded.

It is hard to imagine any business manager consciously undertaking such a personnel policy unless its purpose was to destroy the enterprise. Predictably, the result at EPA has been and will continue to be demoralization and institutional paralysis. Attrition within the agency is running at an extraordinary 2.7 percent per month or 32 percent a year.

From an administration that quite rightly emphasizes the need for good management, what we are seeing at EPA is its very antithesis. Permits that businesses need do not get issued. Required rules and regulations do not get promulgated. Enforcement has ground practically to a halt. The most competent, technically proficient, professional staff have either already left or are looking for jobs. If one believes that effective environmental protection is essential it is tragic. If one is not necessarily an environmentalist but believes that our environmental programs need to be managed efficiently, scientifically and less burdensomely, the current situation is equally disastrous.

Congress and the courts will effectively impede the ability of the administrator to bring about substantial change by administrative action alone. But they will provoke an upsurge in lawsuits and more decisionmaking by confrontation. While adversarial approaches to conflict resolution seem to be deeply ingrained in American society, there have been encouraging signs lately of growing appreciation of economic realities within the environmental community and a greater environmental sensitivity on the part of the business community. A return to the early days of polarization benefits no one.

Many of EPA's difficulties over the years can be traced to the fact that Congress loaded the agency with far more statutory responsibilities within a brief period of time than perhaps any agency could effectively perform. Surely, those problems can only be compounded by drastically reducing its resources while its responsibilities remain the same or grow. When EPA came into being in 1970, it took over the air pollution, water pollution; solid waste, pesticide and radiation programs scattered around the federal government. Since then those programs have been broadened and improved, and Congress has added major new responsibilities—including the Toxic Substances Act, the Safe Drinking Water Act, the Noise Control Act, the hazardous waste control program, and Superfund. These are not hangovers from the concerns of prior generations. EPA has been on the frontier of today's concerns, and there is every indication in the polls that environmental protection remains high on the public agenda.

Environmental protection needs are not going to lessen if EPA becomes ineffectual. The kepone problems and the Love Canals will continue to crop up from time to time. Unless the public institutions charged with responsibility for handling such problems, there is real danger of a backlash developing against business. The pendulum will swing once more and in even more violent oscillations. EPA will be forced to react and will do so without adequate staffing and with a reduced research base. Business needs greater stability and predictability of policy, and for that it needs a credible EPA. The tendency of our political system to ignore the need for reasonable continuity in institutions and policies is one of it most serious failings.

As one who served two Republican administrations from 1969 to 1977 and who voted for President Reagan, I must record my profound concern over what is happening at EPA today. The budget and personnel cuts, unless reversed, will destroy the agency as an effective institution for many years to come. Environmental protection statutes may remain in full force on the books, but the agency charged with their implementation will be a paper tiger.●

THE "NEW FEDERALISM"

● Mr. BAUCUS. Mr. President, in President Reagan's state of the Union address, we heard his proposals for a "New Federalism." The President has proposed that we "swap" certain programs and responsibilities between the States and the Federal Government.

Hon. Ted Schwinden, Governor of the State of Montana, discussed these, "New Federalism" proposals in his state of the State message last month.

If the administration truly intends to forge a new partnership with the States, it is essential that we listen to what State leaders have to say about these proposals and work with them to find the best solutions. Governor Schwinden points out that "in fact, the New Federalism has yet to provide to the States either the flexibility, or the resources, essential to responsible decisionmaking."

These issues cannot be addressed piecemeal simply to help us cut the Federal budget deficit. Rather, we must work with State and local leaders and address difficult issues like the management and disposal of federally owned land, State energy severance taxes, the protection of our environment and our remaining wilderness and park lands, and providing for our national networks of roads, highways, and railroads.

I urge my colleagues to consider Governor Schwinden's remarks and to listen to other State and local leaders across the country. If we are to forge a New Federalism, we must go beyond cosmetic program-swapping.

I ask that Governor Schwinden's address be printed in the RECORD.

The address follows:

1982 STATE OF THE STATE MESSAGE

(By Governor Ted Schwinden)

1982—is it a crossroads in Montana history, or a year of business as usual? Today, I hope to identify the major issues that will affect us in Montana—this year and in the future. Tomorrow, and throughout the months and years ahead, Montanans will determine our response to those issues. That is the way it should be.

This Nation is experiencing a remarkable political transformation—a dramatic change in the relationship between State and Federal Governments. And we cannot ignore the long-term impacts of that change. America's Great Depression produced a political "solution" that, for nearly a half century, increasingly centralized decisionmaking in Washington, D.C. That process, and the public reaction to it, has produced a new "solution."

In a reform effort now labeled the "New Federalism," the Federal Government is returning decisionmaking and administrative authority to the 50 States. The initial transfer of program responsibilities has been accompanied by some relaxation of Federal control, and significantly lower levels of Federal funding.

The jury is still out on the long-term significance of the "New Federalism"—after all, who would have dared project the ultimate implications of the "Hundred Days" of Congressional activity in 1933! But "New Federalism" is real enough in 1982 to make it the single most important factor in Montana's future.

Federalism may be novel rhetoric, but as a philosophy, it's as old as Alexander Hamilton. For years, State and local officials have advocated a more equal relationship between State and Federal Governments. A major goal of the National Governors' Association since 1978 has been the restoration of a genuine federalist partnership. In theory, federalism—new or old—should offer Montanans the potential to design our own future, to tailor government programs to fit Montana needs, to set priorities consistent with Montana aspirations. In fact, the New Federalism has yet to provide to the States either the flexibility, or the resources, essential to reponsible decisionmaking. And it is increasingly apparent that Washington is much more anxious to transfer program responsibilities than to provide funding. Through direct cutbacks or by the preemption of revenue sources traditionally used by the States, the Federal Government can, and is, creating fiscal distress in many States. Last year, 30 State legislatures met in special sessions; at least 20 of the sessions were held specifically to deal with the impacts of Federal budget actions. And the reluctance on the Potomac to loosen Federal strings has denied the States the necessary flexibility to structure programs to meet State needs.

Montana has already experienced a few of the consequences of the New Federalism. They dramatically underscore the link between national political change and the State's economy. Between October 1, 1981, and January 1, 1982, 1,875 Montana families were taken off the rolls of the Aid to Families with Dependent Children (AFDC) program. The December 1981 unemployment rate is projected at 7.2 percent—the highest December level since 1975. Thirty-five new car dealerships closed last year in Montana. Federal highway dollars adjusted for inflation show that, in real dollars, we received only half as much Federal highway aid in fiscal year 1982 as we did in 1971.

What will the New Federalism mean for Montanans in 1982? First, proposed additional Federal funding cutbacks, combined with a depressed national economy, will mean more tough times ahead for all of us. Tough times and tough choices. Our managerial skills will be tested as we seek to maintain essential programs in the face of shrinking budgets and fewer public employees. Already, State agencies have taken steps to further trim budgets and payrolls in anticipation of further budget cuts. Last year, we eliminated nearly 400 positions in State government; not a pleasant task, but a necessary one. We have taken cost-cutting initiatives ranging from such major actions as the administrative reorganization of the Department of Social and Rehabilitation Services, which saved the State $1.6 million over the biennium, to my minor personal decision to remove the telephone from the

Governor's car at a cost-savings of $1,855 a year. In short, we are proving to the skeptics that State government can identify waste, reduce fraud and minimize the inefficiencies that have too often characterized the public sector. A year ago, I pledged this administration to "cost-conscious, people-sensitive" government. I intend to keep that pledge.

Second, the New Federalism should provide us the philosophic foundation and the political opportunity to successfully assert Montana's right to participate in all decisions within our own borders, including those associated with the nearly one-third of this State under Federal jurisdiction. Federal decisions on wilderness designation, coal leasing goals, grazing regulations or timber harvest must reflect Montana's concerns, as well as national policy. And as the U.S. Supreme Court verified last year, Montana's battle to preserve the coal tax is firmly rooted in the State's protection of its sovereign rights.

Finally, a fully implemented federalism would provide the opportunity for leadership that I, and 49 other Governors, are anxious to accept on behalf of our States. Some doubting Thomases question the ability of States to meet the needs of their people. Those critics do not believe that the States can handle additional responsibilities. They are wrong, and the States ought to be given the chance to prove it. After all, if the Federal Government had done the job right, the public frustration that mandated an end to Federal arrogance and Federal domination would not have occurred.

A recent survey in the Helena Independent Record found, not surprisingly, that the average Montanan has little respect for government. Montanans believe that "people in Washington are out of touch with the rest of the country;" that "what you think doesn't count for much anymore;" and that "most people with power try to take advantage of people like yourself." While most mistrust is still aimed at Washington, State governments also suffer from a lack of credibility with the people. A well-run, responsive State government is needed, not only to minimize the tax burden on the public, but also to restore public confidence in government itself.

We made management of State government a top priority in 1981, and significant efforts were taken to increase the efficiency of program administration. In 1982, we plan to expand those efforts by enlisting the support and the expertise of the private sector to help us identify additional program inefficiencies and other opportunities for improvement in the executive branch. By working closely with the private sector to improve government operations, the State will also strengthen public/private relationships—an accomplishment that will be essential in realizing the other major goal of this administration in 1982—encouraging economic development in Montana.

Montana is a good place to do business, and last year we took steps to make it better. The new Department of Commerce has begun to improve Montana's business image. We have established a better working relationship with Montana's business community. In the process, we are easing the long-standing animosity and friction between public and private sectors. This administration is sending a clear signal to entrepreneurs, in- and out-of-state, that Montana State government is aggressively pursuing economic growth and job creation.

Let me make it clear—we expect no miracles. Economic growth is elusive in good times; during these uncertain economic times the problem is compounded. The expansion of existing business, or the attraction of new ones, is not an overnight accomplishment, but the pay-offs are well worth the wait. The pay-offs are jobs—jobs that will provide Montanans a decent wage—jobs that will allow them to stay in the State they prefer to call "home"—jobs that will permit our graduating students an alternative to leaving this State. The commitment of this administration to promote economic development is firm, and it is coupled to our determination to protect those values that make Montana a good place to live. Among this State's most valuable attributes in attracting new business are the relative absence of traffic jams and street crime, the abundance of breathable air and recreational opportunities. We can have progress, and retain our pride.

The Montana of 1981 was a Montana in flux. The Montana of 1982 must rise to the challenge of national political reform. We must accept the new responsibilities and, together with the other States, insist on partnership, not paternalism, in our dealings with Washington. The opportunity lies ahead to make the 1980s "the best of times" for Montana. The alternative is to abdicate our responsibilities and invite "the worst of times."

Those choices are ours, choices long sought as the inherent right of States. The choices we make will measure the sincerity of our past rhetoric, and establish the standards for our future generations.●

UKRAINIAN INDEPENDENCE DAY

● Mr. ZORINSKY. Mr. President, the great American essayist and poet, Ralph Waldo Emerson, wrote that:

The sun will be taken out of the skies before the love of freedom will be removed from the human breast.

Nowhere is that more true today than in the Communist-dominated state of the Ukraine. For more than half a century now, the dark clouds of oppression have obscured the warm sunrays of freedom in that long-suffering land. But the quest for freedom continues to burn brightly in the breasts of the Ukrainian people.

Recently, Ukrainian Americans all across the country paused to observe the 64th anniversary of the Ukrainian declaration of independence, proclaimed in Kiev on January 22, 1918. As always, it was a bittersweet commemoration—a sad reminder of ongoing Communist domination coupled with a rededication to the goal of freedom for all Ukrainian people.

It is also a time for Ukrainian Americans to renew their commitment to preserving their rich culture in this country and to strengthen the bonds that exist between themselves and their oppressed brethren behind the Iron Curtain.

Mr. President, during the past few months, events in Poland have shown the world how quickly and brutally repression can replace freedom in Eastern Europe. As our thoughts and prayers go out to the people of Poland, so too should we express our solidarity and pay tribute to the 50 million Ukrainians under Soviet rule.

The love of freedom does indeed burn brightly in their breasts. And it will not be extinguished while those of us here remember and call attention to their plight.●

TAIWAN IS FREE CHINA

● Mr. SYMMS. Mr. President, there is an old axiom of politics that one should never ignore one's base. However desirable it is to reach out to new constituencies, you should never forget the people who got you there.

I would like to apply that axiom to foreign policy, if I may. In the field of foreign policy, America's base can be considered to be those nations who are relatively free, relatively democratic, and relatively friendly. It is unfortunately true that there are few nations in the world that can meet the standards of the New York Times for the conduct of civil rights, but that does not mean that we cannot make distinctions.

Making those distinctions clearly reveals that the Chinese living on Taiwan are part of our base, while the Chinese living on the mainland are part of the constituency we are reaching out to. I have no objection to base-broadening in this context. I would like to have better relations with the mainland government, providing we can do so without eroding our base. After all, we used to call Taiwan—and some of us still do—Free China. No one has ever applied that adjective to the mainland nation.

I suggest, Mr. President, that in keeping our base from eroding across the Straits of Taiwan, the very least we can do is to provide the Free Chinese the defensive weapons they require. It was very disappointing, therefore, that over the recess the administration denied to the Taiwan Government the FX fighters it had asked for. I very much fear that we are ignoring our base for chimerical promises of broadened bases.

Mr. President, the syndicated columnist George Will has written very persuasively about this subject, and I ask that his remarks be printed at this point in the RECORD. Perhaps the administration will read them and rethink its political course. If not, my colleagues should be aware that we have a responsibility to keep the Nation's few friends on our side.

The article follows:

REAGAN NEEDS TO HELP TAIWAN

(By George F. Will)

Here we go again.

China (like some NATO nations, and Saudi Arabia) is acting as though it is doing America a favor by having mutually advantageous relations with America. China says the American proposal to sell arms, and especially the FX advanced fighter, to Taiwan

is "a severe test" of whether America "truly values" relations with China.

Even in the State Department there is no obsession as incorrigible as the obsession of some persons with placating Peking. In December some members of that faction sent Secretary of State Haig the sort of awful memo he should have rejected with his famous testiness. It concerned "how to move urgently toward resolution of the Taiwan arms sales problem in light of the Polish crisis."

Seizing upon Poland as a pretext for doing what this faction is determined to do anyway, they suggest sending a delegation of themselves to urge the Chinese to do unspecified things against Russia. But, they say, the delegation's success would depend on a "favorable" (that is, unfavorable to Taiwan) decision on the FX. By "removing the specter of the aircraft," America could prevent a "precipitous Chinese reaction" to even the sale of spare parts to Taiwan, which could "unravel" and "rupture" U.S.-China relations. There should be no sales "exceeding Carter levels."

These dispensable (but, alas, not dispensed with) Carterites now serving Haig are urging Carter's policies on Carter's successor. They must think President Reagan does not remember candidate Reagan noting that Congress, "reflecting the strong support of the American people for Taiwan," forced changes in Carter's proposed Taiwan Relations Act. Carter's proposal did not even mention defense cooperation with Taiwan. The final act (Congress' preemptive leash on the State Department's appeasement reflex) committed America to providing Taiwan with defense arms "in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability." This act obligates the President and Congress to determine appropriate arms "based solely upon their judgment of the needs of Taiwan." That is, based only on Taiwan's needs, not at all on Peking's desires.

Opponents of the sale argue that even with the FX, Taiwan's air force (currently 390 combat aircraft) could be overwhelmed by China's 5,000 combat aircraft. But it is tendentious to disregard the fact that deterrence is a function of the potential costs of aggression. And it is perverse to agrue that because Taiwan is vulnerable, America should make it more so.

China is too backward, economically, to cure its military weakness without the West's capital and technology. U.S.-China relations are rooted in that need, and in China's geography and culture (including ancient national and relatively recent ideological animosities that make it a counterweight to Russia). China is not apt to "rupture" relations with the United States in a fit of pique about an arms sale that is a matter of compliance with American law.

Candidate Reagan said: "I'm sure that the Chinese leaders would place no value on our relations with them if they thought we would break commitments to them if a stronger power were to demand it." Precisely right: by conforming to China's dictates regarding U.S.-Taiwan relations, America would prove that it is too pliable to serve China's interest in a cooperative balance of power against Russia.

Furthermore, the State Department's advocates of Peking's position are caught in a contradiction: if Reagan's refusal to allow Peking to veto American compliance with American law could cause an "unraveling" of U.S.-China relations, then those relations are too superficial to be important. The idea that selling FXs might provoke a rapprochement between China and Russia implies, implausibly, that the split is trivial, and that U.S. policy controls China's internal power struggle. This is a version of an apparently unsinkable fallacy, usually heard in this form: we must appease Moscow, lest the "hawks" lurking in the Kremlin's closets come to power.

The Taiwan issue waxes and wanes inversely with China's confidence in America as a partner against Russia. It waxes now in the wake of the Reagan administration's feeble response to Poland's crisis. Countering Russia is China's top priority, but if America is unserious about that, China probably reasons that it might as well gain ground on the relatively trivial issue of Taiwan.

Having sold to the uncooperative Saudis AWACS they did not need, Reagan will mock his past and undermine his future if he denies an ally aircraft it really needs. Peking recently failed to intimidate the Netherlands from selling two submarines to Taiwan, and then reduced its diplomatic representation in the Netherlands. America should be as unintimidated as the Netherlands, and should then see if Peking values relations with America as little as it values relations with the Netherlands. If Reagan does not sell the FX to Taiwan, he will have produced what he was elected to prevent: the continuation of Carterism.●

NATIONAL HARBORS IMPROVEMENT AND MAINTENANCE ACT OF 1981

● Mr. ABDNOR. Mr. President, much attention continues to circulate in this body regarding S. 1692, the harbor development legislation that I have been pleased to sponsor. This legislation was reported to the Senate by the Committee on Environment and Public Works on a vote of 13 to 3. This bill is now on the calendar.

Some outside interests, however, now seek to derail this bill, despite the need to develop our Nation's ports to increase exports. Much of this opposition appears totally unrelated to the merits or the specifics in this bill, or to the development of our harbors. Some other groups, I fear, appear to have grossly misrepresented the impacts of S. 1692, which are clearly laid out in the committee's report on the bill, Senate Report 97-301.

To help clarify just what S. 1692 does, and what it does not do, I ask that the general statement explaining the bill, which is contained in the committee report, be printed in the RECORD.

The statement follows:

[Excerpts from Senate Report 97-301]

GENERAL STATEMENT

S. 1692 redefines the Federal and the non-Federal role in harbor dredging. All new channel improvements will henceforth be financed entirely by the local sponsor. Maintenance dredging costs will be shared between the Federal Government and the local sponsor at more than 200 coastal and Great Lakes harbors.

The bill does not abrogate Federal responsibility. Rather it recognizes the value of a marketplace test on new construction dredging while reconfirming the Federal commitment to maintain all of our Nation's deep-draft harbors at their existing dimensions.

The Committee recognizes fully that this bill proposes dramatic changes in financing future harbor development work. But the Committee is convinced that such a change represents the only practical method to establish national investment priorities. The bill will encourage the dredging of the most economically sound projects in a timely manner and thus increase the Nation's capacity to handle world trade.

Shifting the cost of channel deepening projects to the private sector depends on the willingness of shippers to pay somewhat higher port costs, in gain for early action on projects providing a net economic gain to those same shippers. The cost to shippers and the economy of perpetuating the present cumbersome and inefficient system of congressional authorizations and appropriations for harbor projects far exceeds the added cost of such projects when paid for by the non-federal sector. Given limited Federal resources, the Committee concluded that the funds available should be directed toward maintaining existing ports at authorized depths.

While S. 1692 is based on these very practical considerations, the basis for its adoption transcends the reality of the Budget. It is the Committee's view that priorities for construction dredging work, essentially a commercial decision, are best set in the marketplace. Only by the establishment of investment priorities can the Nation expect to obtain, in a timely manner, the deep-draft harbors that are necessary to meet the rising demand for coal exports, while reducing the transportation costs of petroleum imports.

The bill also establishes an equitable system that will allocate the cost between Federal and local sponsors for on-going harbor maintenance, as distinct from construction dredging to new depths. As introduced, S. 1692 would have required that local sponsors pay 25 percent of all costs for maintenance on a port-by-port basis. However, many smaller ports have high costs of maintenance relative to the commercial cargo transiting the harbor. Therefore, the Committee adopted a limitation, called a "cap," on the level of cost recovery at these higher-cost harbors.

The Committee is convinced that the maintenance cost-sharing—at a maximum of 6.9 cents a ton, a negligible fraction of existing shipping or port costs—can be absorbed without any adverse impact on any particular port or to the shipping industry. To the contrary, it is anticipated that with the users of ports more involved in maintenance decisions, the port will work more effectively and efficiently.

DISCUSSION OF MAJOR PROVISIONS

A number of bills to alter current Federal policy on harbor development and maintenance have been introduced and referred to the Committee on Environment and Public Works. The Administration's bill (S. 809) would shift to each port the full cost of its annual maintenance dredging work, as well as future construction dredging still to be performed by the Army Corps of Engineers. Other bills offered variations on the existing policy, proposing authorization of specific projects or establishing differing levels of cost sharing.

S. 1692, as reported, addresses two distinct aspects of harbor dredging activity. Section

2 establishes policy for on-going yearly maintenance dredging that is necessary to keep harbor channels free of accumulated silt. Section 3 establishes a policy for construction dredging, where channels and harbors are dredged to dimensions deeper or wider than previously existed.

1. MAINTENANCE DREDGING POLICY

Since 1824, the Federal Government has dredged the main channels and harbors of the United States. Non-Federal interests have been responsible for certain other costs, such as diking for dredged disposal areas, and the dredging of access and berthing channels.

Expenditures on operation and maintenance usually vary from year to year at any given port. During one year, the Corps will often "overdredge" (still permitted under this bill) to a depth greater than authorized to alleviate the need for dredging the next year. Generally, this is a more cost-effective approach. However, with tight budget restrictions in recent years, a number of harbor projects have not been maintained at their authorized dimensions, and the backlog of maintenance dredging has increased. Occasionally, local authorities, not always satisfied with the level of maintenance provided by the Corps of Engineers, will undertake, at their own expense, additional maintenance dredging to increase the safety and utility of their shipping channels.

S. 1692 requires that the non-Federal interests pay a share of the actual cost of maintaining the main channels of each harbor. While the concept of direct cost-sharing is new to harbor maintenance, it is quite common in other areas of transportation and public investment. Federal-aid highways are constructed on a cost-sharing basis, with full maintenance responsibilities reverting to the State. The sewage treatment plant construction program, administered by the Environmental Protection agency, requires local sponsors to cover all operation and maintenance costs of the plant, after receiving a 75 percent Federal construction grant. Local sponsors of a Corps of Engineers flood control project must agree prior to the initiation of Federal construction to operate and maintain the completed project. The cost-sharing provisions of S. 1692 are not different in concept from these other existing cost-sharing arrangements in Federal public works programs.

The Committee considered a variety of alternatives for collecting the non-Federal share of the maintenance costs. The two basic options are:

(1) Local financing of all maintenance dredging at each port; and

(2) A national uniform fee, where each port, regardless of its own costs, would be assessed a uniform fee for each ton of traffic at the port.

The Committee rejected both of these extremes. Because a wide variation in maintenance costs relative to port traffic exists, a requirement that every port pay a flat percentage of its costs could prove detrimental to a smaller port and some with extremely high maintenance costs.

The Committee also rejected the uniform fee. It would force some ports to cross-subsidize others, encouraging economic inefficiency. Furthermore, the uniform fee concept assumes that all ports: (1) are in a state of equilibrium with one another; and (2) offer shippers identical charges for other port services rendered. If this were true, the differential in dredging fees among ports might produce some minor diversion of traffic. As the charts contained in the section of this report on local effects indicates, shippers do not offer identical charges and total transportation costs for the same commodity vary considerably.

Furthermore, ports which may be near each other do not necessarily compete with one another for the same traffic. Shippers at inland origins often choose between the Gulf Coast and the East Coast or the West Coast and the Gulf Coast, rather than between two adjacent ports on the same coast. Charges for all port services along the coasts now vary considerably. Maintenance fees will not alter the general flow of traffic to various ports any more or less than common fluctuations in these other transportation costs.

The Committee considered several alternatives and agreed to a compromise intended to protect the balance among ports, while fostering the discipline of port-by-port cost recovery. The Committee approved a 25 percent non-Federal share, but limited the non-Federal share for the higher cost ports. This limitation is referred to as the "cap."

The following steps describe the process:

1. The Corps of Engineers will annually calculate its total national maintenance dredging costs for channels and harbors over 14 feet in depth for the next fiscal year.

2. Using the latest available statistics, the Corps shall also calculate the total tonnage of import, export, coastwise and lakewise traffic moving through these ports aboard vessels engaged in commercial waterway transportation, drawing 14 feet or more.

3. By dividing the total national maintenance cost by the tonnage, the Corps will calculate the average national maintenance cost per ton of cargo.

4. After the average level of cost recovery is reduced to 25 percent of that national average, the maintenance "cap" is set at 150 percent of that reduced per-ton level.

Sample Computation of Average National Fee:

Total traffic in 1978=1,839,723,900 tons

Annual operation and maintenance cost of deep-draft channels and harbors (recent five-year average, stated in 1982 dollars)=$337,000,000.

Average national maintenance fee at 100 percent recovery. ($337,000,000 divided by 1,839,723,900 tons)=18.3 cents per ton.

Average cost under S. 1692 (25 percent recovery)=4.6 cents per ton.

The cap for any port under S. 1692 (50 percent above 4.6 cents per ton)=maximum recovery level of 6.9 cents per ton of cargo.

5. For each port, the Corps will establish the annual cost of maintenance. The Corps also would establish the theoretical non-Federal share of the annual maintenance, at 25 percent of the costs to be incurred by the Corps. For example, if the Corps intends to spend $1,000,000 annually at a particular port over the next five years, the non-Federal share of the cost would be $250,000 annually.

6. The Corps will calculate the seagoing and lakewise cargo moving through a specific port for the preceding calendar year. For example, the total annual tonnage at the port might be 10,000,000 tons. In this case, the Corps would compare the theoretical non-Federal share of the maintenance cost, $250,000, to the cost if the maintenance cap were applied (6.9 cents/ton times 10,000,000 tons equals $690,000). The non-Federal interest would then be required to pay the lower figure, or $250,000.

7. If the harbor's tonnage were only 1,000,000 tons (instead of 10,000,000 tons), the maintenance cap would take effect, and the non-Federal interest would be required to pay $69,000 annually, since that is the lower figure.

The Committee recognizes that the provisions for a cap will substantially reduce the overall non-Federal share. But the Committee is convinced that the cap represents a sound compromise, protecting all ports.

This bill does not require that the non-Federal interest utilize any specific mechanism to raise funds to cover its non-Federal share of maintenance. The Committee recognizes that each non-Federal interest is best able to determine how its share should be raised. If the non-Federal interest decides to impose cost-recovery user fees, it is free to establish a fee structure best suited to its traffic volume and commodity mix. However, to provide some perspective, if a port recovered all of its maintenance costs through a user fee imposed on all tonnage, the per-ton additional costs under S. 1692 range from less than a penny a ton at ports such as Portland, Me., Los Angeles, and Seattle, to a maximum of 6.9 cents a ton at ports such as Savannah, Ga., Charleston, S.C. and Portland, Ore.

The only exception to this approach would occur if a port undertakes construction dredging after January 1, 1981. If that occurs, the non-Federal interest would be required to pay 50 percent of the maintenance costs for the particular channel expended. This will likely occur at the low-cost, high-volume ports and the cost will be substantially offset by the savings to shippers which will result from port expansion. The 25 percent and the cap would continue to apply on the remainder of the harbor.

Tables in this report analyze a variety of costs now associated with the transportation of goods and commodities. For example, the following table represents a typcial movement of grain from Montana to a customer in Japan. It shows that the maximum maintenance dredging cost of 6.9 cents per ton is only 4/100 of 1 percent of the value of the grain at a foreign market.

Cost of transporting a ton of Montana wheat

Producers price	$133.32
Seller expenses: Country elevator	3.50
Inland transport:	
Average railroad cost	26.99
or truck to Lewiston, Idaho	19.60
Transfer at Lewiston	1.75
Barge to Portland, Oreg	5.43
Total	26.78
Cash price, Portland	163.81
Buyer expenses:	
Ocean freight and current vessel port charges	10.33
Current cargo port charges	4.45
Delivered price—Japan	178.59
Maximum added cost of S. 1692	0.069

Later tables show the total estimated cost of transporting a ton of various types of cargoes from their point of origin, through the specified U.S. port, to a harbor destination in Europe or Asia (or vice-versa). For general cargo, these overall transportation costs for containerized freight (where the greatest competition appears to exist among ports), range from $180 to $280 a ton. Similar costs for grain ranges from $27 to $34 a ton, while petroleum costs range from $3.39

to $10.47 a ton, assuming delivery to a distribution terminal.

These charts also identify the substantial difference that now exists among ports in charges for handling and processing identical shipments. While some ports have expressed concern over the potential of "diversion" caused by harbor maintenance fees and the disruption of "competitive equity," equity does not exist now.

Most significant, the charts illustrate that on any criterion—from a percentage of total transportation costs to a percentage of current port fees—partial cost-recovery of harbor maintenance expense represents a very small fraction.

2. CONSTRUCTION DREDGING POLICY

S. 1692 provides a new approach to future dredging to deepen or widen harbors. The bill requires that all new construction dredging be financed by non-Federal interests, allowing the market to determine the projects with the highest priority and greatest economic efficiency. S. 1692 also includes a fast-track provision that limits the processing and review of all necessary Federal permits to a period of two years.

Current Federal policy provides for new harbor dredging decisions to be made through specific Congressional authorizations and specific appropriations. Congress authorizes a study for a construction project, the Corps of Engineers performs the study, estimating the costs and economic benefits. If the project has benefits greater than its cost, the project is likely to be authorized, and perhaps funded.

Traditionally, Federal expenditures have been spread broadly, but thinly, among the nation's ports. Rather than target the Federal investment, funds and work have been distributed widely among many ports along the four coasts; 48 ports now have authorized depths of 40 feet or more. When one port obtains a deeper channel, many others have sought and received the same.

While valuable in the past, this approach now thwarts the nation's ability to develop the deep harbors needed to handle the larger, more cost-effective superships. Most studies set the cost of a typical 55-foot harbor at close to half a billion dollars. It appears highly improbable that the Federal government will finance work, in any timely manner, on any of the 34 ports that have been identified by the Federal Coal Export Task Force as potential sites for major coal export harbors.

In a recent study, the Office of Technology Assessment came to this conclusion:

Dredging projects presently take decades to progress through the various stages from project proposal to completion. This system is seen by authorities as seriously impeding the growth of U.S. bulk-cargo capabilities.

In testimony before the Committee, a panel of port representatives agreed that only one to four deep-draft ports were needed initially for coal exports. However, the port representatives agreed that if the Federal Government funded the full cost of development, as occurs now, there could be as many as several dozens ports interested in expanding their capabilities to coal port status. If the Federal Government continues to fund new development, a number of 55-foot ports may exist by the early years of the 21st century. However, the necessary one to four 55-foot ports are unlikely to be developed in this decade.

Unless Federal policy is altered to recognize and encourage local initiative, the slow and often fruitless pace of development seems certain to continue. This means that the vast opportunities for increasing export trade will be missed. Anything that involves Congress directly in the process of port-by-port authorization or appropriation is likely to significantly delay the process of development, while attracting more ports into the bidding for 55-foot channels.

There is a need to obtain those few deep harbors quickly. To accomplish this goal, a politically neutral force—the marketplace—should become the controlling factor in site selections. The Committee has concluded that a system of local financing, where a port authority or local government must go to the bond market and potential users to test the economic viability of the project, provides such a neutral force.

The new policy to require local interests to finance all future harbor improvements recognizes that any decision to expand a particular harbor is essentially a commercial decision. Therefore, the marketplace should be utilized to determine future actions. Harbor construction dredging projects will be achieved in a more timely and economical fashion when the decision is made by the interested parties, rather than the Federal Government.

Harbor expansion at a specific location in most cases provides marginal benefits to national commerce as a whole. The major beneficiaries are the commercial enterprises that ship through the particular harbor, as well as the ocean transport companies berthing there. This view is corroborated by the Corps of Engineer's own method of calculating the benefits of deep-draft improvements.

Under the Corps' regulations on the evaluation of navigation benefits, the basic economic benefits from the deep-draft features of water resources projects are the reduction in the cost to transport commodities and the offsetting increase in the value of goods and services. Transportation savings may result from the use of larger vessels, more efficient use of vessels, reduction in transit time, lower cargo handling and tug assistance costs, reduced storage costs, and the use of water transportation rather than an alternative land mode.

This is the method used by the Corps to justify navigation projects to the Congress. All of the so-called national economic development benefits are stated in terms of benefits to commercial users of the projects. If the Federal Government uses such an evaluation to justify a $300 to $500 million construction project to the Congress, a similar analysis should be as compelling to non-Federal financing bodies. Otherwise, the very basis of the Corps' evaluation procedures must be called into question.

Present transportation costs to move coal from the East Coast to Europe are about $18 per ton. According to studies by the Office of Technology Assessment, this cost is subject to a savings of 30 to 50 percent ($5.49 to $9) through the use of larger, more efficient vessels. Other studies estimate the per-ton savings from the use of larger ships at $6 per ton of coal.

This is part of the economic equation. The other part is the anticipated growth in coal export traffic. The Federal Coal Export Task Force has estimated U.S. exports of steam coal at 197 million tons by the year 2000. The following are coal export estimates made by the National Coal Association:

U.S. COAL EXPORTS

[In million tons]

	1980	1985	1990
Total exports	90	110	143
Steam coal exports	23	52	85

Assuming average savings of $6 a ton, and assuming 53 million ton growth in export coal by 1990, the annual savings from deep harbors would be $318 million. This, of course, assumes only the growth in traffic is carried on the more efficient ships. If by 1990 all 143 million tons go aboard deep-draft ships, the savings would be $858 million annually.

Testimony to the Committee indicated that the annual transportation savings by 1990, through the use of deep-draft vessels nationally, would be $1.15 billion, with a $5 a ton in savings in shipment from the East Coast, and $7 a ton from New Orleans.

A recent study indicates the substantial benefits to be realized from deepening the main channels in Norfolk, Va. The report of the Chief of Engineers was submitted to the Secretary of the Army on November 20, 1981. Under this proposal, the main channels would be dredged to 55 feet, from a presently authorized depth of 45 feet. The Corps estimates, as of October 1981, that the total first cost of the project would be $480,000,000. The annual amortized cost for the project, over 50 years, is estimated at $38,334,000, using an interest rate of 7⅝ percent.

The annual cost of $38 million, of course, is considerable. If bonded by local interests over a shorter period, using more realistic interest rates on tax-exempt bonds, the annual amortized cost is likely to be higher, although it may be partially offset by the lower costs often available in non-Federal dredging contracts. But the key consideration must be the comparison between that amortized cost and the direct benefits that would flow to the shipping industry as a result of the increased depth.

The primary export traffic presently moving through Norfolk is coal. In 1980, 48,600,000 tons of coal were exported from Norfolk: traffic should be considerably higher this year and in future years. In its study, the Corps of Engineers, assumed benefits for the Norfolk project only on the basis of existing coal traffic. With coal traffic of 50 million tons a year, the annual savings in shipping costs from Norfolk would be $132,860,000. Larger ships, ones that are more economical in per-ton operations, would haul the coal.

This "savings" is nearly four times the annual amortized investment.

If traffic at Norfolk increases to 90,000,000 tons of coal a year—a tonnage on which current landside expansion plans are based—the annual savings to shippers at Norfolk from that $38,000,000 annual investment would be $224,160,000. With a crude oil refinery, the yearly savings at Norfolk rises to $253,000,000, according to the Corps' calculation.

If these economic analyses are valid, even with an error of as much as 100 percent, the private sector, working through a non-Federal public body, should be willing to make this investment on the basis of the significant return. If the non-Federal interests are unwilling to make such an investment, there would appear to be no true need for the projects, no matter who financed it.

The Corps is in the process of studying the feasibility of dredging several ports to 50 or 55 feet. Those at the top of the list include: Baltimore, Norfolk, Mobile, and New Orleans.

Estimate of costs per ton for new port construction, based on Corps feasibility studies and traffic forecasts developed by the consulting firm of Temple, Barker, and Sloane are as follows:

Harbor	Annual amortized cost[1]	Deep-draft tonnage	Cost per ton[2]
Baltimore	$36,413,000	32,451,500	$1.12
Norfolk	42,099,000	45,302,500	.93
Mobile	36,652,000	9,365,700	3.91
New Orleans	43,874,000	65,852,200	.67

[1] Based on 50 years; repaid with 10 percent interest.
[2] Assumes all costs to be borne by deep-draft vessels, benefiting from deeper channels.

With respect to Norfolk, the figures differ somewhat from those stated previously for Norfolk due to the difference in interest rate assumed. The cost-savings to deep-draft ships of using a deeper channel outweigh any potential user fees; otherwise, the project should not be built.

More importantly, however, the market would determine which ports should be constructed, and in what order. As discussed previously, port representatives testified the Nation initially needed only one to four ports at a 55 foot depth. With full Federal funding, close to 50 ports would compete for construction funds. If the Federal Government were to commit 50 percent of construction funding, the witnesses estimated that about 10 ports would be willing to finance the additional 50 percent. With requirements for 100 percent non-Federal financing for new development, the witnesses estimated three or four ports would be likely to finance this development.

The requirement to finance harbor improvements for channels is based on the assumption that our existing ports, developed over the last 200 years, provide adequate capacity for any national security need that could conceivably arise. According to the Maritime Administration of the Department of Transportation, a "Ports for National Defense" program has been established to assure that our Nation's ports could adequately and rapidly respond to a national defense emergency.

The Department of Defense has designated 27 ports throughout the Nation as necessary for the transport of troops, vehicles, and other military materiel. Other Federal agencies have further advised the Maritime Administration of their need for shipping other vital government cargoes. Our existing ports are more than adequate to acommodate increased shipments necessary to respond to any conceivable national defense emergency. It is therefore the view of the Committee that local financing of future harbor dredging will in no way jeopardize our Nation's readiness for a national emergency.

Less attention has been focused on local financing mechanisms, but it is an important issue. A number of financing methods are available for port development, and have been used in the past to finance other types of port facilities.

Ports already obtain financing for various aspects of harbor improvements. This not only includes dockage and storage facilities, but also channel improvements. There are several ways a port can finance new development.

General obligation bonds, backed by the assets of the port authority or other public agency, and repaid by an increased mil levy imposed on property. Such an option is particularly viable for ports which are part of a municipality, which have substantial assets and a sound cash flow.

Revenue bonds, with specific fees and/or assets pledged against the bonds. These are viable for ports with a sound cash flow, and those which have recently issued other bonds. Most large ports now use revenue bonds to finance new facility development. It is also an option for those ports which have long-term contracts with specific port users, because the port can demonstrate that revenues to pay back a high portion of the bonds are virtually assured.

Industrial development bonds are a mechanism to raise funds for specific facilities which will be used by corporate customers. The port authority uses its tax free status to issue bonds, while the industry pledges its assets against the bond. Numerous ports have used this approach.

Many ports have recently floated large bond issues and should be able to obtain similar financing for dredging. Mobile, New Orleans, and Norfolk, have each recently floated bond issues in excess of $100 million for facility improvements. This is also true for ports which have customers willing to enter into long-term contracts, or pledge company assets against bonds. Larger ports which seek major expansion have the financial history and the private sector customers to finance extensive development. The partnership which already exists between ports and commercial users of the ports will be strengthened as the port finances new development.

Ports of any size, of course, will be able to expand in a similar manner. Financing would be possible if the port authority obtained long-term contracts from port users, revenues from which would assure repayment of a portion of the bonds. State loan guarantees, at least for a portion of the bonds, would also facilitate financing. If the economic benefits can be realized, then the port will be able to finance this development. The private sector, and State governments will be expected to take a more aggressive role than in the past. This is appropriate, because the commercial users and non-Federal governments benefit to the greatest degree from such development.

Ports have other options to finance new development. In States where budget surpluses exist, State funds could be used to finance development, to guarantee loans, or as front money to be reimbursed with port user fees. If a port has a prospective large industrial customer, private financing could be obtained for a portion of the development, or industrial bonds could be issued. The port could employ a combination of any of these options to finance development.

3. HARBOR USER FEES

This bill also authorizes non-Federal public interests to collect user fees to reimburse them for their expenses under this Act. The language does not mandate user fees; rather, it is intended to give each non-Federal public interest sufficient flexibility to make its own financing decisions, and to develop a fee schedule compatible with the characteristics of its users and the benefits they receive.

The question of the constitutionality of such charges was raised by some witnesses before the Committee. The relevant sections of the Constitution, all in Article I, are as follows:

Section 8, Clause 1: The Congress shall have the Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Section 9, Clause 5: No tax or Duty shall be laid on Articles exported from any State;

Section 9, Clause 6: No preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another; nor shall Vessels bound to, or from, one State be obliged to enter, clear, or pay Duties to another.

Section 10, Clause 3: No State shall, without the Consent of Congress, lay any duty of Tonnage.

The Committee rejected the assertion that the sharing of the costs of operating and maintaining the navigable waters of the United States, or the recovery of costs for harbor improvements, could in any way be construed as a tax, duty impost, or excise on commerce between States or other nations. The maintenance fees contemplated in, but not specifically required by, this legislation are not for the purpose of raising revenue. Rather, they are to pay the costs incurred by non-Federal public bodies in servicing commerce at individual ports. Maintenance fees recovering harborwide costs are for a service rendered to vessels and their cargo. Ships now pay substantial sums in return for services rendered; the provision of a channel and its maintenance by the Corps or another agency is as surely a service to the shipper as pilotage, dockage, wharfage, or the many other services provided to a ship.●

DETROIT DISTRICT RECRUITING COMMAND

● Mr. RIEGLE. Mr. President, I would like to congratulate the Detroit District Recruiting Command for its fine efforts to recruit qualified young men and women into the U.S. Army. Their dedication to this important job has led to great success with the recruitment of individuals wishing to serve their Nation in the Armed Forces.

During 1981, the Detroit Recruiting Command was responsible for enlisting a total of 4,365 individuals of whom 2,538 were high school graduates. The remainder were prior service members along with comparatively few non-high-school graduates. This accomplishment resulted in the Detroit District Recruiting Command being rated the best recruiting command in the Nation.

Today's Army faces the arduous task of filling an increased number of positions that require highly technical skills. Although this situation necessitates more rigorous recruiting and requires higher standards for recruits, the young men and women entering the Army have a much greater opportunity to advance in an increasingly technical society because of the experience gained through service in the U.S. Army.

The Detroit Recruiting Command faces yearly this great challenge which I am sure the command will

continue to meet and to exceed. It is because of the tenacious determination of Army personnel such as Lt. Col. Gunter Seibert and his entire command that the Army will always remain committed to producing good citizens as well as excellent soldiers.

Again, I would like to congratulate the Detroit District Recruiting Command for its exceptional recruiting performance which is a responsibility that will always be vital to keeping our country strong.●

COAL PIPELINE IMPERATIVE

● Mr. GOLDWATER. Mr. President, shortly before the end of the session last year, I joined as a cosponsor of S. 1844, a bill to grant to interstate coal pipelines the right of eminent domain. A related bill, H.R. 4230, was favorably reported by the House Interior and Insular Affairs Committee on January 29.

Under the Senate version, the Department of Energy, or its successor agency, will review each proposed project and must find that it is in the national interest before a permit is issued. I will explain today why the early enactment of this legislation has become a national imperative.

As a native of the West, I am keenly aware of the water concerns of individual States, and I am totally committed to the proposition that each State must control the allocation of its water to interstate coal pipelines.

I am also aware of the great contributions railroads have made and must continue to make to our Nation, and I am committed to the economic viability of our Nation's railroads.

As a conservative, I am committed to the proposition that the Federal Government should not assume to itself power and responsibilities that are traditionally reserved to State or local governments.

When S. 1844 is carefully examined, I believe it will be seen to meet each of these interests. Above all, the bill promotes competition and the free enterprise system, the economic strength of our Nation and a more secure America. For these reasons, I am convinced that the time has come to extend Federal eminent domain authority to interstate coal pipelines, subject to approval of each specific project by a Cabinet-level officer, who finds the pipeline to be in the national interest.

STATE WATER LAW

Before deciding to join in sponsoring the bill introduced by the Senator from Louisiana (Mr. JOHNSTON) I made a close study of the major arguments both for and against this measure. Primary in my review was a thorough examination of whether or not the bill would have any negative effect on State water rights. I am now completely satisfied that the bill in no way will damage, reduce, or interfere with State water law and rights.

Mr. President, it is an understatement to declare that water is the lifeblood of Arizona and most of the other Western States. And, it is true that coal pipelines require water, 1 ton of water for every ton of coal that is transported.

Coal pipelines require less water, however, than do coal gasification plants, which require 2 tons of water for every ton of coal used. Or we could look at mine electric generating facilities that require up to 7 tons of water for every ton of coal used.

The fundamental issue is not how much water is used, but who will make the decision concerning the use of a State's water resources. S. 1844 contains specific language providing as total protection of State control of water as it is humanly possible to write. Even my good friend, Secretary James Watt, who opposed the eminent domain proposal on misplaced States rights grounds, testified that the measure puts State authority over water "forever beyond reach of Federal officialdom."

The State water law protections in S. 1844 might fairly be considered a political and legal victory for the States, because these provisions may provide greater legal safeguards than the States now possess. Under the bill, each State will decide for itself whether, for how long, and under what conditions State water shall be allocated to coal pipelines.

Section 6 of S. 1844 provides that existing State water law shall not be modified or overriden by the new law, even after a pipeline is approved and starts receiving water.

Moreover, section 6 also spells out protection for State water law against any possible challenge on grounds of preemption or supremacy by the Federal Government under the interstate commerce clause of the Constitution.

In addition, section 4(c)(2) provides that nothing in the eminent domain authority created by the bill "shall be construed to permit any person to acquire any right to take, use, or develop water through exercise of the power of eminent domain."

Mr. President, I have full confidence these safeguards of S. 1844 will be legally binding and enforceable on the Federal Government. The opinion of the Supreme Court in the recent case of *California* v. *United States*, 438 U.S. Reports 645 (1978), written by Justice Rehnquist of Arizona, gives assurance that congressional directives protecting State water rights are valid.

This case involved an interpretation of section 8 of the 1902 Reclamation Act, which provides a disclaimer to the effect that nothing in the act shall be construed as affecting or interfering with any State water law relating to water used in irrigation. The California State Water Resources Control Board attached 25 conditions to a permit for a Federal dam project, and the U.S. Supreme Court ruled that the U.S. Bureau of Reclamation must observe the State water law as provided by Congress in section 8 of the Reclamation Act.

Since the language of section 4(c)(2) and section 6 of S. 1844 is more sweeping and stronger in protecting State water law than the language of section 8, which has already been upheld by the highest court in the land, I have no doubt about the effectiveness and validity of the water law protection language in S. 1844.

RAILROAD COMPETITION

Mr. President, I will now turn to the issue of how the bill might impact on the railroad industry. Actually, I believe the bill will create a healthy competition among railroads and pipelines without injuring the railroad industry. Reputable economic studies, such as one by Data Resources, project that coal demand will be so great in coming years that even if all coal slurry pipelines proposed were to be built, rail-coal traffic must still increase by 44 percent over the next 10 years.

Passage of the bill would be in line with the efforts of Congress recently to replace Government regulation of railroad rates with market regulation. I am referring to enactment of the Staggers Rail Act in 1980. But regulation by the marketplace only works when there is competition. Coal pipelines can provide that competition.

Let me give a specific example. In 1957, the first intrastate coal pipeline was developed by Consolidation Coal Co. to transport 1.3 million tons of coal per year a distance of 108 miles from Cadiz, Ohio, to the Eastlake Power Plant of the Cleveland Electric Illuminating Co. Shortly after the pipeline began operation, the rail-coal haulage rate in Ohio was $3.47 per ton, while the pipeline haulage rate was $2.20 per ton. Eventually, the competing railroad reduced its coal rate to $1.88 per ton. The pipeline was then mothballed in 1963. By September 1973, the rail-coal haulage rate in Ohio had risen to only $2.39 per ton, attesting to the beneficial effects of competition in coal transportation.

Mr. President, it is an interesting fact that the Black Mesa coal pipeline of Arizona, which is the only active coal slurry pipeline in the Nation, is owned by a railroad. Southern Pacific Pipeline Co. is a sister company to the Southern Pacific Railroad. So pipelines are not necessarily incompatible with railroads.

The Black Mesa pipeline transports up to 4.8 million tons of coal across 273 miles of some of the most rugged terrain in my State to a powerplant located a mile inside the State of Nevada. This line has proven to be a

reliable and cost-effective method for moving coal from Arizona to the Nevada power station.

STATES RIGHTS

Mr. President, I now come to the question of whether the legislation improperly interferes with State sovereignty. This is both a legal and political question. From the legal standpoint, many States cannot approve an eminent domain statute. Their constitutions forbid the exercise of this power unless there is a direct benefit in the particular State. A State through which the pipeline crosses, but where no coal is used or mined, might not be able to grant right-of-way authority. Other States which may have such authority might burden any permit down with so many conditions that it would no longer be practical to build the pipeline.

After giving long consideration to the issue, I am persuaded that this is an area of overriding national importance, which the States cannot adequately deal with, often because of legal impairments in their own constitutions. There are precedents for the Federal eminent domain authority. For example, Congress amended the Natural Gas Act in 1947 to grant the right of eminent domain to certificated natural gas pipelines. Oil pipeline projects had been granted similar authority at an earlier time.

Coal, gas, and oil pipelines, like the railroads, are all national means of long-distance transportation for moving goods from the location where they are produced to their markets. The grant of Federal eminent domain to one of these industries is consistent with the grant of similar authority to related industries, when wrapped in adequate safeguards to protect the overall public interest.

BENEFITS

Now, Mr. President, I will discuss the major benefits of S. 1844. I would sum up these benefits as energy independence, economic gains, and export potential.

First, energy independence. One of the proposed pipeline projects alone would bring 54 million tons per year of coal from Illinois and West Virginia to Georgia and Florida. This would satisfy up to half of the utility coal needs of these two States by 1990 and reduce oil imports by 63 million barrels annually.

Our Nation is still too dependent on foreign crude oil and our dependence creates national security and defense weaknesses. Yet the United States has a vast supply of coal, the greatest supply in the free world. Our coal can replace much of the crude oil we are using today. But coal must be moved efficiently and economically from mines to powerplants and industrial facilities.

The high cost of transporting coal is delaying and preventing many industries and utilities from using domestic coal resources. In fact, testimony at a recent hearing of Senator WARNER's Subcommittee on Energy and Mineral Resources, revealed that some American utilities found it cheaper to import foreign coal than to use domestic coal. The hearing also disclosed the fact that it may be more economical during the late 1980's to use South American coal in portions of the Southeastern United States, than to use coal from our own eastern mines.

This trend must stop. The competition from pipelines will help reduce coal haulage rates and assure that our Nation makes maximum use of its coal resources.

This brings me to the second major benefit, economic gains. According to a report dated May 1981 by A. T. Kearney, a highly reputable consulting firm, the proposed Coalstream pipeline in the East would save $61 billion of transportation costs to energy consumers in the first 20 years of operation. The $3 billion cost of the pipeline would be raised entirely from private capital. No public moneys are required for construction, operation, or maintenance. This single project would give the economy a great boost and help contribute to lower coal transportation costs.

Third, there is the export potential. I will use the example of the Coalstream pipeline again. The second stage of this project includes an export facility along the southeastern coast. No harbor dredging would be required. The export potential would help our balance of payments substantially. More importantly, it would enable the United States to supply some of the energy needs of Western Europe in case the Soviet Union uses the new Siberian gas pipeline project as a political weapon.

The Soviet pipeline poses a clear economic and security threat to our Nation by making Western Europe increasingly vulnerable to Soviet pressure. Europeans need energy. We have energy, in the form of coal, to offer them. Yet Europeans see rising inland coal transportation in our Nation and the failure of our Government to assure competition in coal haulage rates. Europeans can only conclude that we are not serious about supplying coal to Europe and this contributes to driving the European nations elsewhere for energy supplies.

We must pass eminent domain legislation to assure our allies that we are serious about developing our coal resources. Otherwise, they will find themselves becoming more and more dependent on Russian fuel supplies.

For these reasons, we must grant interstate coal pipelines the right of eminent domain. This is a national matter. It is not an issue we can leave to scattered decisionmaking with different outcomes in different States.

Determining the policy under which interstate coal pipelines should have eminent domain authority is the responsibility of Congress. We must decide that issue in the affirmative at the earliest possible date and get on with the business of developing our Nation's resources to assure that we are strong both economically and militarily.●

PRAISE FOR SENATOR BARRY GOLDWATER'S COSPONSORSHIP OF COAL SLURRY PIPELINE BILL

● Mr. MURKOWSKI. Mr. President, I am extremely happy to welcome my distinguished colleague as a cosponsor of S. 1844. Senator GOLDWATER and I share many of the same views concerning our Nation's economic system, the proper relationship between the States and Federal Government and the need for a strong and secure America. I am pleased that we agree that the Nation needs interstate coal pipelines and that the national interest requires that the Congress enact this legislation to allow the development of these important facilities.

As chairman of the Water Resources Subcommittee on the Senate Energy and Natural Resources Committee, I share Senator GOLDWATER's view that the State water law protections that are contained in S. 1844 provide greater legal safeguards than the States now possess and may fairly be characterized as a political and legal victory for the States. This legislation provides unequivocally that the States will decide whether and under which conditions water resources can be used by interstate coal pipelines—and protects those State decisions against judicial challenge on commerce clause grounds. Moreover, access to Federal eminent domain authority cannot be obtained by a pipeline until water resources for the pipeline first have been obtained pursuant to State substantive and procedural law. These important provisions now give the States the flexibility to determine the best methods for developing and transporting the coal resources in their States without compromising their control over their water resources.

Mr. President, I encourage each of my colleagues to join us in supporting S. 1844. We all agree that the United States must become more productive and must develop new technology and new methods of operating if we are to compete successfully in an increasing international marketplace. This legislation will allow a vigorous new industry to be developed in our Nation and will be of real assistance in helping U.S. coal to compete effectively for both our domestic foreign markets. We will be remiss if we do not enact this legislation at the earliest possible date.●

● Mr. JOHNSTON. Mr. President, I would like to echo the remarks of my two distinguished colleagues, Mr.

GOLDWATER and Mr. MURKOWSKI. We are all quite appreciative of the outstanding support they have demonstrated for this most worthwile legislation. I would also take pleasure in announcing the recent cosponsoring of the distinguished Senator from New Hampshire (Mr. HUMPHREY). I believe his support of the bill is indicative of the broad-based consensus within the Congress that the time has come for coal slurry pipelines.

In addition, recent actions on the part of private enterprise indicated that Congress is not alone in holding to this view. On Thursday, January 28, a broad-based coalition was established to work for the adoption of Federal eminent domain legislation for interstate coal pipelines. The coalition is named the Alliance for Coal and Competitive Transportation (ACCT). Founding members include the Consumer Federation of America, the American Association of Retired Persons, five major labor unions, the three major electric utility associations, the National Coal Association and the Mining and Reclamation Council, several associations that have been formed to work for lower coal costs and coal transportation costs, the Slurry Transport Association, the American Consulting Engineers Council, Cajan Electric Cooperative, and several State and local coal associations, including the Kentucky Coal Association, the Illinois Coal Association, and the West Virginia Coal Association. Other groups are likely to join this formidable alliance.

Mr. President, this coalition illustrates well the broad group of Americans that will benefit from interstate coal pipelines. Coal producers will have more marketing opportunities; America's workers will benefit from the jobs created by the pipeline projects and by the lower costs that will result from the projects; electric utilities will benefit directly from lower coal transportation costs; and the ultimate consumers of electricity will benefit from lower electricity charges.

Mr. President, the truth is that interstate coal pipelines and the competition they will provide are good for our Nation. I encourage all of my colleagues to join Senators GOLDWATER, MURKOWSKI, HUMPHREY, WEICKER, HAWKINS, BUMPERS, BRADLEY, MATSUNAGA, and myself in cosponsoring S. 1844 which will assure that America's railroads can no longer insulate themselves from competitive with these pipelines.

Mr. President, I ask that the press release concerning the formation of ACCT and the list of founding members of ACCT be included in the RECORD at the conclusion of my remarks.

The material follows:

COALITION IS FORMED TO PROMOTE COAL TRANSPORTATION COMPETITION

WASHINGTON.—Organizations representing consumer, labor and industry groups have formed a coalition to promote more effective competition for the transportation of the growing quantities of American coal being used both here and abroad.

The Alliance for Coal and Competitive Transportation (ACCT) will concentrate its activities in support of pending legislation to grant federal eminent domain authority necessary for the expeditious construction of interstate coal slurry pipelines.

Founding members of ACCT include the American Association of Retired Persons, American Consulting Engineers Council, American Public Power Association, Building and Construction Trades Department (AFL-CIO), Consumer Federation of America, Eastern Coal Transportation Conference, Edison Electric Institute, International Brotherhood of Teamsters, International Union of Operating Engineers (AFL-CIO), Laborers International Union of North America (AFL-CIO), Mining and Reclamation Council, National Coal Association, National Rural Electric Cooperative Association, United Association of Plumbers and Pipefitters (AFL-CIO), Slurry Transport Association, Western Coal Traffic League, and Western Fuels Association.

Carl E. Bagge, chairman of ACCT, said competition in the transportation of coal is essential today to insure that railroads do not abuse their present monopoly position in shipping coal. For 85 percent of coal moved by rail there is no feasible alternative mode of transportation, he said.

"Legislation to grant coal slurry pipelines federal eminent domain authority that would allow them to cross competing railroad tracks and other properties has been consistently blocked by railroads for the last 20 years," Bagge said.

"They argue that competition from coal slurry pipelines would seriously hurt the regulated railroads by taking away profitable business. However, since Congress enacted the Staggers Rail Act, which reduced regulatory controls over the railroads, it is now absolutely essential that competition be allowed," said Bagge, who also is president of the National Coal Association.

Frederick Webber, vice chairman of the ACCT and executive vice president of the Edison Electric Institute, said that coal transportation is dominated by the railroads.

"If we are to have efficient, dependable and cost-competitive coal transportation, the nation must have an alternative system to benefit coal consumers," he said.

"Nearly every consumer in the United States will be affected in some way by sharply higher rates for moving coal to electric power plants, steel mills or other industrial plants if the railroads are allowed to continue to raise their prices without sufficient competition," Webber said.

Eighty percent of coal produced in the United States is consumed by electric utilities for the generation of electricity.

Peter Hughes, legislative counsel, American Association of Retired Persons, said, "In recent years, retired persons have been especially hard hit by rapidly rising energy prices."

"Retired people and other consumers will benefit from the construction of coal slurry pipelines even if a particular pipeline is not proposed to serve their area, because railroads will hold down pricing for coal shipments to prevent construction of this competing mode of transportation," Hughes said.

"All consumers, and especially senior citizens on fixed incomes, have an interest in seeing this transportation option have a chance to operate," he said. "More than half of the nation's electricity is now generated by coal. If coal can be more economically shipped to market, we can help moderate the rising cost of electricity," he added.

"Organized labor in the construction industry views coal slurry pipelines as an important, new transportation alternative," Robert Georgine, president, Building and Construction Trades Department, AFL-CIO, said.

"When completed, these lines will provide reasonable prices for coal which, in turn, will be of great value to consumers in the United States and they will allow our country to market more coal overseas," Georgine said. "Most importantly, they will provide thousands of jobs for workers in construction and related industries, where in some areas unemployment is over 10 percent."

Legislation that would extend eminent domain rights to coal pipelines is presently before both houses of Congress. In the House, H.R. 4230 has passed the Interior and Insular Affairs Committee in December and is under consideration by the Public Works and Transportation Committee. In the Senate, S. 1844 has been introduced and hearings by the Energy and Natural Resources Committee are expected to be held soon.●

THE ELIMINATION OF NONESSENTIAL GOVERNMENT FUNCTIONS

● Mr. EAST. Mr. President, at a time when we are being asked to reduce projected deficits by making major cuts in defense and social spending, I would like to remind my colleagues that it is still possible to save billions of dollars every year simply by eliminating nonessential Government functions.

At all levels of our federal system, government is producing goods and performing services that it could obtain more cheaply from the private sector. This practice is self-defeating to say the least. We not only waste money by doing things "in-house," we undercut private firms that pay taxes.

Although this problem has been recognized for years, it has never been satisfactorily addressed. Recently, however, the Reagan administration has undertaken fresh initiatives in this area, and I will shortly introduce a major piece of corrective legislation myself.

The need for economy in government is attracting greater public attention now than it has in many years. I would like to call my colleagues' attention to two articles on this subject that appeared within the past few weeks.

The first of these, a column from the January 18 issue of the Wall Street Journal, argues persuasively for "privatization" of many services presently performed by government. The

second, a book review by columnist and author Allan Brownfeld, maintains that the American people can have better government at half the price if they are willing to rely more on the private sector.

I ask that both these items be printed in the RECORD as a springboard to further discussion of this issue.

The article follows:

PRIVATIZATION: NOBODY DOES IT BETTER

(By Susan Lee)

No doubt the new lean look in government spending has prompted a lot of nervous interest in just how the services traditionally provided by public agencies will be, or even can be, provided. But some of this interest also comes from a growing awareness that the government really isn't a very cost-effective provider of many of its services.

The justification for letting government provide goods and services centers on the notion of "public goods"—things that are important for people's welfare but are too expensive or too ill-defined to bill their cost to the beneficiaries of those things. National defense or some public-health activities are illustrations of public goods. It all sounds straightforward and reasonable, right? It isn't. Public goods are the result of a market failure, and that means problems.

The problem with public goods now in vogue is the problem of cost. Paying the bill for public goods, especially over the last decade, has been a rather casual affair: Government decides on what services to provide and then pays for them out of general revenues, or, in some cases, by charging a user's fee. (User fees are usually the merest of tokens and don't even begin to cover operating costs, let alone capital costs.)

However, it can—and is—being argued that if the users of public goods can be identified, then why shouldn't those users pay for the full cost of the goods? Indeed. Right off the bat, "full-cost-recovery," as it's inelegantly called, makes sense: Only the beneficiaries would pay. Creating a tie between pocketbook and service often leads to an abstemious, or more rational, use of that service.

An interesting application of full-cost-recovery user fees is about to start at the Federal Reserve. The Fed has always provided some services free to members—check collection, coin wrapping, coin and currency shipping, to name a few. Big member banks in turn offered these very services, courtesy of the Fed, to smaller non-member banks—but for a price. That clever bit of arbitrage more than repaid the member banks for having to set aside reserves at the Fed.

But under the Monetary Control Act of 1980 the Fed must offer these services at full market price to all comers. The simple fact of geography will make it possible and attractive for large banks to offer the same services to their regional banks at a lower cost or with greater speed. It is expected that these full-cost user fees will result in a stunning increase in competition and efficiency in the market for interbank services. And that will lead to a drop in the real cost of those services.

A second problem with public goods today is plain old government inefficiency. Government isn't inefficient because it's dumb or willful but because, quite simply, government lacks the flexibility and incentive to perform efficiently: The discipline of the market is absent. This immutable circumstance means that even if the burden of costs is shifted from all taxpayers to actual beneficiaries through user fees—the cost may be lower, but it will still be higher than it would be in the private sector.

The solution to this problem is bold enough to make full-cost-recovery look like so many baby steps. The solution is privatization—turning over government responsibilities to the private sector.

Privatization would be possible for the same reason that charging full-cost-recovery fees is possible—*most* services provided by the government aren't really public goods.

Often these activities have been run for the public sector for no better reason than that the government has simply been doing them for a long time. Some obvious, random examples: garbage collection and ambulance service at the local level or inland waterways operation and inspection of agricultural commodities at the federal level. There's no theoretical justification for government doing these things, especially since there is ample evidence that they would be forthcoming from the private sector if the government weren't doing them.

Air-traffic control looks like an agreeable candidate for privatization now. Airways are, after all, a "good." Just consider the number of commercial and general aviation roaring around the skies over LaGuardia—all wishing to land safely. It is a simple matter to charge these aircraft for the use of a safe landing route—the government already does that but in a way that isn't very cost effective.

Switzerland, Mexico and Saudi Arabia operate with private air-traffic control systems. The U.S. could, too. Robert W. Poole Jr., an engineer and author of "Instead of Regulation" (Lexington Books), has drawn up a plan to privatize the airways which has received an interested hearing from the FAA.

Privatization is no longer the cry of kooks, political misanthropes or earnest economists. It is an idea whose time has, well, started down the runway. Economic necessity, ideological favor and intelligent lobbying could make this historical moment an accommodating one for dismantling the public sector.

BETTER GOVERNMENT AT HALF THE PRICE

(By Allan C. Brownfeld)

As the Reagan Administration proceeds with its policy of cutting taxes and government spending, many have expressed concern about a possible deterioration in public services.

In a new book, Better Government At Half the Price (Caroline House, 1981) economists James Bennett and Manual Johnson of George Mason University state that taxpayers have, in fact, been paying more and getting less. They explain why government has not been and cannot be an efficient producer and show through numerous case studies that the private sector outperforms the public sector by producing goods and services for the public at a much lower cost.

They point out that, "Our interest in the comparison of the costs of production provided by both the public and private sectors is largely due to an accident. One of the authors moved to a new home a short distance from his old residence and still within the same political jurisdiction. Refuse collection was provided by local government in one location, but by the private sector in the other. When the change was made from public to private service, the price paid for trash collection was cut in half and the frequency of collection doubled. As economists who had never given much thought to such matters, the fact that private firms were willing to provide twice the service at half the price charged by local government came as a surprise . . . To our knowledge, there is not one case which has been reported that finds the public sector more efficient than the private sector."

Government employees, they argue, are no different from employees in private firms. Both respond to incentives in their economic environments to maximize their own self-interest. In government, employees are not punished for being wasteful but are, in fact, rewarded for inefficiency. In the private sector, waste cannot be tolerated because competition will eliminate inefficiency.

Discussing the incentive structure in government, the authors note that, "Incentives usually consist of two parts: the 'carrot' of reward for good performance and the 'stick' of punishment for poor performance. Unfortunately, neither the carrot nor the stick is present in government bureaucracies . . . It is all but impossible to fire an employee in the federal government . . . Nor are there any real incentives for efficient performance and cost reduction. The only income for the bureaucrat is the fixed salary from his job. If, by extra effort, he achieves cost reductions, he doesn't get a bonus or a raise. His salary is not related in any way to saving tax dollars. He has, therefore, no reason to be particularly efficient or cost-conscious."

Concerning the difficulty of removing inefficient government employees, the chairman of the Consumer Product Safety Commission described the frustrations of the termination process in a letter to Senator Charles Percy of Illinois: "A manager in the executive branch of the federal government who finds it necessary to terminate an unproductive or noncontributing employee—or even an obstructing employee—must be prepared to spend 25 percent to 50 percent of his time for a period that may run from six to 18 months. In many cases, managers have chosen to work around such a person or to promote the employee out of the office in order to quickly be rid of the problem."

If there is no incentive to be efficient in government service, Bennett and Johnson argue, there may be incentive in the opposite direction: "Government employees are driven to increase the agency's budget each year because a bureaucrat in the U.S. (and in Western Europe as well) is rewarded with higher rank, increased salary, and greater prestige for increasing the number of employees under him. To hire additional employees, additional appropriations must be obtained to pay their salaries. The very nature of bureaucracy provides powerful incentives for increasing the size and scope of government, Every bureaucrat is by nature an empire builder."

The authors propose the Bureaucratic Rule of Two: "Transfer of a service from the private to the public sector doubles its cost of production." They point to a number of communities in which services once thought of as governmental are provided—efficiently and economically—by private groups. Communities such as Scottsdale, Arizona; Grants Pass, Oregon; and Billings, Montana contract with private firms for fire protection.

It is the authors' conclusion that, "Taxes can be cut drastically at the federal, state and local levels of government without any reduction in the quality or quantity of public services. The taxpayer can 'have his

cake and eat it too' because it is possible to get many more goods and services for fewer tax dollars if the goods and services are produced more efficiently—that is, lower cost. This can be achieved by having goods and services produced by private enterprise rather than by government. The evidence proving that this can be done (and in fact already has been done) is both overwhelming and irrefutable."

There are, of course, certain things which are within the legitimate jurisdiction of government. National defense and raising an army is one of these. Maintaining police forces and courts are another. But why should government have a monopoly on the delivery of the mail, the collecting of garbage, or the putting out of fires? Why not have these things done efficiently, economically—and competitively? Professors Bennett and Johnson have an idea worthy of careful study and consideration.●

JUDICIAL MISINTERPRETATION OF THE FIRST AMENDMENT

● Mr. EAST. Mr. President—

A careful, and not an extremely selective, search of American primary historical documents indicates, beyond a reasonable doubt, that in fact no "high and impregnable" wall between church and state was historically erected by the first amendment; and for a very simple reason—none was constitutionally intended by the framers of that amendment or the states which ratified it.

This quotation comes from an article published in the January 22, issue of National Review entitled, "Understanding the First Amendment." The author, Mr. Robert L. Cord, is a professor of political science at Northeastern University in Boston. He has recently completed a book, "Separation of Church and State: Historical Fact and Current Fiction," which will be published soon by Lambeth Press.

As is indicated by the preceding quotation, Mr. Cord's article is a thought-provoking exploration of the discrepancies between the intent of the framers as to the establishment clause of the first amendment and its subsequent interpretations by the courts. I ask that this article be printed in the RECORD.

The article follows:

[From the National Review, Jan. 22, 1982]

UNDERSTANDING THE FIRST AMENDMENT

(By Robert L. Cord)

"The first amendment has erected a wall between Church and State. That wall must be kept high and impregnable. We could not approve the slightest breach." With those lines of fiction, written over three decades ago, Justice Hugo Black ended the first United States Supreme Court opinion which dealt comprehensively with the meaning of the constitutional concept of separation of Church and State. Certainly the Framers of the Constitution and the Bill of Rights believed in the principle of Church-State separation and quickly added it to the organic law of the infant United States of America in 1791. However, those who authored and ratified that constitutional principle were not thereby mandating a complete legal secularization of the American Republic; far from it. In matters of faith, the Founding Fathers, and the American public they represented, are best described by U.S. Supreme Court Justice William O. Douglas's characterization of 1952: "We are a religious people whose institutions presuppose a Supreme Being."

If the foregoing be true, what were the goals of Madison, Jefferson, and the other advocates of a federal constitutional separation of Church and State? Further, what evidence do we have as to their constitutional intentions? The United States Supreme Court, and recognized scholars who have written in the field of Church-State separation, traditionally have looked to American history to answer these inquiries; consequently, so shall I. Our conclusions, however, are vastly dissimilar.

The First Amendment phrase that guarantees the American constitutional doctrine of separation of Church and State is contained in the opening words of the Bill of Rights: "Congress shall make no law respecting an establishment of religion . . ." The "Establishment Clause," as it is commonly referred to by students of constitutional law, although addressed to the Congress, has by the U.S. Supreme Court been made binding on the states through the Fourteenth Amendment. Consequently, today, neither Congress, a state legislature, nor any creation of a state legislature—such as a school board or municipality—may constitutionally make any laws "respecting an establishment of religion." But what is "an establishment of religion" within the meaning of the First Amendment? Let American history guide us.

James Madison introduced the Bill of Rights in the First Congress (1789) in part because many of the State Ratifying Conventions wanted more limitations placed on the authority of the Federal Government than existed in the original Constitution drawn up in the Philadelphia Convention. Madison's first draft of what ultimately became the Establishment Clause shows his intent clearly: ". . . The Civil rights of none shall be abridged on account of religious belief or worship, *nor shall any national religion be established.* . . . (Emphasis added.) Even after Madison's draft was changed by congressional committee deliberations, when asked in debate on the House floor what the re-worded Clause meant, Madison said he "apprehended the meaning of the words to be, that Congress should not establish a religion, and enforce the legal observation of it by law. . . ."

Careful historical research supports Madison's opinion. When the words and actions of the early Congresses and Presidents of the United States are viewed in their proper historical context it becomes clear that the First Amendment's Establishment Clause was designed by its Framers to *prevent the establishment of a national religion or the placing of any one religious sect, denomination, or tradition into a preferred legal status which characterized religious establishments.* Despite the fact that in 1947 the United States Supreme Court ruled that "the First Amendment has erected a wall between Church and State," which the Court characterized as "high and impregnable," American history shows otherwise. A careful, and not an extremely selective, search of American primary historical documents indicates, beyond a reasonable doubt, that in fact no "high and impregnable" wall between Church and State was historically erected by the First Amendment; and for a very simple Supreme Court rulings since 1947? Which interpretation of Church-State separation should stand: Jefferson's or Black's?

But Jefferson was not alone in church-building through treaty. Presidents James Monroe, John Quincy Adams, Andrew Jackson, and his successor, Martin Van Buren, all emulated Jefferson in committing federal tax money to build churches through treaty agreements. There was no attempt in the *Everson* opinions—either the majority or the dissenting opinions—to explain or even address these indisputable facts which make the Court's definition of the Establishment Clause historically untenable unless, of course, Jefferson et al. did not know what separation of Church and State meant or willfully violated the First Amendment and their constitutional oath of office.

The fictional version of Church-State separation in American history, endorsed in the *Everson* case, is also derived from the careful selection and explanation of historical documents which predate the Constitution. All the opinions in the *Everson* case make much of Madison and Jefferson's struggle to disestablish the Anglican Church in Virginia. Madison's well-known opposition to a state tax to support teachers of the Christian religion is discussed, as is Jefferson's famous Virginia "Bill for Establishing Religious Freedom." It is within this context that the Supreme Court's opinion indicates: "The First Amendment has erected a wall between Church and State. That wall must be kept high and impregnable." Omitted from all of the *Everson* opinions are any historical facts concerning Madison and Jefferson in Virginia that would run counter to the "high and impregnable wall" theory.

Madison's "Memorial and Remonstrance against Religious Assessments" (1785) was an argument against a discriminatory policy of supporting, with tax money, only one religion. It is not a brief for absolute separation of Church and State. Further, while mentioning Jefferson's "Religious Liberty Bill," proposed by Madison acting as Jefferson's surrogate in the Virginia Assembly in 1785 (Jefferson was U.S. Minister to France at the time), the Court makes no mention of another Jefferson bill also introduced by Madison the same day. This other bill, unmentioned by the Court, was a "Bill for Punishing . . . Sabbath Breakers." Both Jefferson bills became Virginia law in 1786. Do these laws taken together indicate that Madison and Jefferson subscribed to an "impregnable" wall between Church and State?

If the Court's precedent-setting case (*Everson*) is based on an erroneous assumption, advanced almost 35 years ago—to wit: that the Establishment Clause erected a "high and impregnable" wall between Church and State—then all the subsequent court decisions, federal and state, built upon the *Everson* case are logically questionable. This would not be the case, of course, if the Court explained the incompatibility of its "history" and American historical fact.

The U.S. Supreme Court's failure to decide Church-State cases adequately goes beyond misinterpretation of the original understanding of the First Amendment. With its expansive interpretation of what the Establishment Clause makes unconstitutional, the Court has created confusion with its Church-State decisions. Bus transportation for parochial-school students is constitutional but state money for field trips for those students is not. Relatively non-specific grants to sectarian institutions of higher education are constitutional but similar grants to elementary and secondary schools are not. Textbooks for secular subjects may

be purchased for parochial-school students with tax money but a motion-picture projector may not. Tax exemption of churches and church schools is constitutional but tuition tax credits for parents who send their children to those schools are not.

In an attempt to reduce this confusion about what is and what is not a statute impermissibly violating the constitutional separation of Church and State, Chief Justice Burger, in a 1971 opinion of the Court (*Lemon* v. *Kurtzman*, 403 U.S. 602 [1971]), spelled out the Court's collective criteria in a three-stage test of constitutionality.

"Every analysis in this area [Church-State cases] must begin with consideration of the cumulative criteria developed by the Court over many years. Three such tests may be gleaned from our cases. First, the statute must have a secular legislative purpose; second, its principal or primary effect must be one that neither advances nor inhibits religion . . . finally, the statute must not foster an 'excessive government entanglement with religion.' "

It seems somewhat remarkable that Burger could see or impose any order on the Court's doings in Establishment Clause cases. Consider: In 1971 six members of the Court embraced the three-stage test. In 1975, Justices Brennan, Douglas, and Marshall thought it insufficient and urged a fourth criterion be added. A year later, Justices White and Rehnquist also attacked the test, but, instead of wanting additional criteria, they wanted the three-stage test reduced to two because they thought one level of the test was "superflouous." Thus, the three-stage test, subscribed to by six members of the Court in 1971, failed to command even a majority of the Court only five years later. In 1976 no comprehensive judicial test of constitutionality was embraced in Church-State cases by a sufficient number of Supreme Court Justices to constitute an opinion of the Court.

In 1980, Justices White and Rehnquist reembraced the three-stage test, enabling Justice White to write the opinion of a divided Court (5 to 4). Candidly, he wrote of the Court's predicament at the end of his opinion:

"Establishment Clause cases are not easy; they stir deep feelings; and we are divided among ourselves, perhaps reflecting the different views on this subject of the people of this country. . . . This course sacrifices clarity and predictability for flexibility but this promises to be the case until the interaction between the courts and the states . . . produces a single, more encompassing construction of the Establishment Clause."

As the highest appellate court on federal constitutional questions for one federal and fifty state court systems, the U.S. Supreme Court has, even by its own admission, failed to provide relatively clear standards as to what the First and Fourteenth Amendments demand in the area of Church-State separation. This failure of the High Court does not serve well a judicial system built upon previous decisions. Lower courts cannot dispose of cases with a sufficient degree of finality unless there are relatively fixed precedents and principles provided by the Supreme Court.

May contemporary scholars who write authoritatively about separation of Church and State disagree with the narrow interpretation of the Establishment Clause embraced here and which I believe my research substantiates as the original understanding of the Clause. (The narrow interpretation briefly documented here is that separation of Church and State as a constitutional concept forbids only the preferential treatment of any one religion, religious sect, or religious tradition and prohibits the establishment of a national or state religion.) Under this interpretation, nondiscriminatory aid to religion is not necessarily unconstitutional. Since the narrow interpretation of the Establishment Clause is at odds with the basic principle of the broad interpretation, which is subscription to virtually complete Church-State separation or independence, the two views are incompatible.

The broad interpretation of Church-State separation is almost always defended by scholars, as by the Supreme Court, with appeals to American history. Such is the case in the most recent (third) edition of *The American Constitution* by C. Herman Pritchett, a much respect authority in the field of American constitutional law. While I have assigned this generally excellent secondary source book to my graduate and undergraduate students, parts of the section on the Establishment Clause are misleading.

Explaining the distinction between the narrow and broad interpretations of the Establishment Clause, Pritchett devotes almost no space to the historical arguments for the narrow interpretation but proceeds at length to present several historical arguments for the broad interpretation. It is with this explanation of the broad interpretation that the danger is done. "During their terms as President . . . both Jefferson and Madison took very strict positions on establishment," Pritchett writes. "Both believed that presidential proclamations of Thanksgiving Day were contrary to the Constitution. They also regarded as unconstitutional," Pritchett continues. "tax exemption for churches . . ." What is cleary not mentioned is that James Madison as President issued at least four Thanksgiving Day Proclamations and that President Thomas Jefferson in 1802 signed into law a bill providing, among other things, for church tax exemption in Alexandria County. Did both these men as President violate their understanding of what the Constitution required as separation of Church and State?

While Pritchett's statement may be in its context only misleading, it was relied upon to produce a statement which is basically erroneous. Footnoting Pritchett, the encyclopedic *Guide to the U.S. Supreme Court* (published by *Congressional Quarterly* in 1979) in its opening discussion of the "Establishment of Religion" provides the following paragraph.

"The two men mose responsible for its [the Establishment Clause's] inclusion in the Bill of Rights construed the clause *absolutely*. Thomas Jefferson and James Madison thought that the prohibition of establishment meant that a presidential proclamation of Thanksgiving Day was just improper as a tax exemption for churches." [Emphasis added.]

Neither Jefferson nor Madison construed the Establishment Clause absolutely and only Jefferson, *when President*, believed that presidential Thanksgiving Day proclamations were unconstitutional. Inasmuch as I assume that whoever wrote this paragraph for the Guide did not intend to deceive, I must conclude that the author did not check primary historical sources. Nevertheless, this section of the Guide will be read by many who will, no doubt, consider it to be both authoritative and correct.

Perhaps the most prominent contemporary Church-State scholar and legal activist who embraces the broad interpretation of the Establishment Clause is Professor Leo Pfeffer. An attorney as well as a teacher and author in the field of American constitutional law, Pfeffer has argued and/or written amicus briefs in over one-half of the Establishment Clause cases decided by the U.S. Supreme Court. Probably his most important scholarly contributon to the Church-State separation debate is *Church, State, and Freedom*, first published in 1953 and revised in 1967. While much of Pfeffer's research appears sound, the two most important chapters of this book—"The Principle [of Church-State separation] Is Born" and "The Meaning of the Principle"—contain some clear historical errors regarding separation of Church and State in the United States. Worse still is that Pfeffer draws some major conclusions from statements which are factually erroneous. One of the most glaring examples of this is Pfeffer's conclusion to the chapter "The Principle Is Born."

After a brief discussion of Madison's proposed Amendments to the Constitution, which were ultimately fashioned into our Bill of Rights and submitted to the states for ratification by the First Congress, Pfeffer closes the chapter as follows:

"The Bill of Rights, approved by the requisite number of states in 1791, began with a guaranty of religious freedom. . . .

"What . . . is particularly significant to our study is that the last words of the last article of the Constitution (except for the purely formal article specifying when the Constitution should become effective) prohibit any religious test 'as a qualification to any office or public trust under the United States,' and the first words of the first article of the Bill of Rights prohibit 'any law respecting an establishment of religion' *The significance of this ending and beginning is more than symbolic; it indicates unmistakably that in the minds of the fathers of our Constitution*, independence of religion and government was the alpha and omega of democracy and freedom." [Emphasis added.]

Despite this statement of Professor Pfeffer's, quoted above, it is historically clear that the Framers of the Bill of Rights—including James Madison—did not intend that what is now the First Amendment should be the first addition to the federal Constitution. When Madison introduced his proposed additions to the Constitution on June 8, 1789, he wanted the religious guarantees to be added to Article I, Section 9 of the body of the original Constitution. Of course, the religious guarantees do not appear in Article I, Section 9, but that isn't Madison's doing. The point here is that if Madison's suggested positioning for the additional religious guarantees in the Constitution had been accepted, Pfeffer would be not only without his symbolism, but also without his unmistakable reading of the minds of the "Fathers of the Constitution."

Lest it be counterargued that Madison's positioning suggestion was rejected by the First Congress because it wanted to do exactly as Pfeffer has indicated, it should be noted that when the additions that became the Bill of Rights were submitted to the states, what is now the First Amendment was the third proposed congressional amendment. When the first two proposed amendments failed to gain ratification, the third proposed amendment became the first ratified and, as such, became the First Amendment to the Constitution. Consequently, unless the members of the First

Congress were clairvoyant and knew that the first two proposed amendments would not be ratified, they could not have known that the third proposed amendment would become the First Amendment. However, if it was intended that the First Amendment's being first in the Bill of Rights should serve as a key to the minds of the "fathers," as Professor Pfeffer has written, why didn't the "fathers" of the Bill of Rights simply put the First Amendment first on the list of the 12 proposed amendments?

Other statements made in *Church, State, and Freedom* are not easily reconciled with historical fact. Pfeffer writes of Jefferson: "Throughout his adult life Jefferson never swerved from his devotion to the principle of complete independence of religion and government." (Emphasis added.) Does Jefferson's church-building treaty reflect the principle of "complete independence of religion and government"? Pfeffer's book, and his selective documentation of Jefferson, do not seem to address that question, or the request by Jefferson that Congress meet its responsibilities under the treaty, which I take to include appropriating funds to help build a church and support a Roman Catholic priest.

The national organization Americans United for Separation of Church and State may, in their monthly periodical *Church and State*, choose to refer to Professor Pfeffer as "the country's leading legal expert on Church-State questions," but my research and book clearly document questionable conclusions in his major work on separation of Church and State. Unfortunately, some of these conclusions, which are, in my judgment, incompatible with a broader look at American primary historical documents, have been embraced by other scholars and by some of our nation's most important jurists.

During recent decades there has been a continuing tendency to redefine what were once considered political public-policy questions as judicial questions. As the call for resolution in the courtroom has increased, the power of elected government has decreased. The current over-broad interpretation of the Establishment Clause has, in part, aided the transformation from government by elected and accountable representatives to government by judiciary. A clear case in point is the current battle over legislation offered by Senators Packwood (R. Ore.) and Moynihan (D., N.Y.) to provide some kind of federal tax assistance to parents who send their children to elementary and secondary private schools, most of which are church-affiliated.

In 1973 (*Committee for Public Education and Religious Liberty* [*PEARL*] v. *Nyquist*), the U.S. Supreme Court held unconstitutional a New York tax-assistance bill which was similar, in part, to the Packwood-Moynihan bill. The inevitable effect of the New York legislation, the Court reasoned, would be to advance the religious mission of sectarian schools. According to *Church and State*, Leo Pfeffer, who successfully argued the *Nyquist* case before the Supreme Court in 1973, testified in May 1981 against the Packwood-Moynihan plan, indicating, among other things, that it would violate the First Amendment. The original understanding of the Establishment Clause does not generally support Pfeffer or the Supreme Court because it does not preclude federal aid (or state aid) to sectarian schools. Instead, primary historical documents show that on many occasions religious sects, and especially their schools, were used as sectarian means to accomplish federal governmental ends until the close of the nineteenth century.

Washington, John Adams, and Thomas Jefferson, as President, signed federal legislation which in effect purchased—with large grants of federal land put in a controlling trust—the services of an evangelical order to settle in Western U.S. lands to aid and teach the Christian and other Indians in the area. No doubt those federal laws were, in part, early manifestations of the U.S. policy of "civilizing the Indians." That policy was implemented, to a great degree, by federally controlled financing of Christian missionary schools of various denominations and sects until the use of sectarian schools was discontinued by an Act of Congress in 1897.

Did Washington, Adams, Jefferson, their Congresses, and their successors in the federal executive and legislative branches all betray the First Amendment until 1897? Certainly not. Since the Framers of the First Amendment saw the Establishment Clause as basically precluding federal religious partisanship, non-partisan use of religious schools to pursue the secular end of "civilizing the Indians" was constitutional. The use of these schools was apparently thought to be wise public policy until almost a century after the First Amendment was added to the Constitution. Can anyone seriously pretend that these schools did not advance their religious mission as they taught Indian children?

The point here is that those who appeal to the First Amendment to foreclose the Packwood-Moynihan bill, or state variations, from becoming practiced law do not have American history, the Framers of the Establishment Clause, or even Thomas Jefferson on their side.

Beginning in 1947, the U.S. Supreme Court, by judicial fiat, has created its own version of separation of Church and State. It has sought to justify its interpretation of that constitutional concept with little more than poor scholarship and judicial say-so. Unfortunately, in the process the Court has dealt a grievous blow to democratic decision-making. The religiously non-sectarian Packwood-Moynihan bill ought to be voted up or down on its merits. The documentation in my forthcoming book is convincing evidence that it would not violate the First Amendment.●

JIM PHELAN

● Mr. SARBANES. Mr. President, this week many distinguished Marylanders, sports fans, and alumni of Mount St. Mary's College in Emmitsburg, Md., will be joining in honoring Jim Phelan, director of athletics and head basketball coach at the Mount. As a basketball fan and former college player, I want to express to Jim Phelan my great admiration for his remarkable record of accomplishments. In his 28th Mountaineer basketball season, he has just marked his 500th basketball victory making him the most successful coach in Mount St. Mary's history and certainly one of the most successful coaches in the Nation.

In the now defunct Mason-Dixon Conference, a small college league, Jim Phelan won 75 percent of the time and won nine conference titles. He has shepherded the Mountaineers to 24 winning seasons, and the team has participated in 10 NCAA postseason tournaments. In 1962 he was named NABC College Division Coach of the Year as well as Maryland Sportsman of the Year.

His interest in sports and basketball goes back to his own college days where he played for LaSalle College and was named three times to the All-Philadelphia team. After college he led the Marine Corps Cagers from Quantico to the All-Marine finals and then had a brief professional career with the Philadelphia Warriors of the National Basketball Association.

The Phelans are active community members both at Mount St. Mary's and in Emmitsburg. In his 28th season, Jim Phelan is continuing the outstanding record of athletic achievements. He has been awarded the NABC Division II Coach of the Year Award, the Eastern Collegiate Athletic Conference Division II Team of the Year trophy, and amassed a record of 5 weeks as the No. 1 team in the country according to the NCAA Division II poll. I join with Jim Phelan's many friends and his family in the salute to a distinguished sportsman.●

ORDER FOR RECESS TODAY UNTIL MONDAY, FEBRUARY 8, 1982, AT 11 A.M.

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 11 a.m. on Monday, February 8.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BENTSEN ON MONDAY, FEBRUARY 8, 1982

Mr. STEVENS. Mr. President, I ask unanimous consent that, following the recognition of the two leaders under the standing order on Monday, the Senator from Texas (Mr. BENTSEN) be recognized for not to exceed 15 minutes under a special order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY, FEBRUARY 8, 1982

Mr. STEVENS. Mr. President, I ask unanimous consent that, following the special order allotted to Senator BENTSEN, there be a period for the transaction of routine morning business not to exceed 30 minutes with statements limited therein to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate go into executive session for the purpose of considering the nomination on page 3 of Powell Allen Moore.

There being no objection, the Senate proceeded to the consideration of executive business.

DEPARTMENT OF STATE

The PRESIDING OFFICER. The nomination will be stated.

The legislative clerk read the nomination of Powell Allen Moore of Georgia, to be an Assistant Secretary of State.

Mr. STEVENS. Mr. President, speaking for this side of the aisle, we are delighted to see this appointment, having worked with Mr. Moore. We do wish him well in his new assignment.

Mr. CRANSTON. Mr. President, the nomination is agreeable to us.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. STEVENS. I move to reconsider the vote by which the nomination was considered and confirmed.

Mr. CRANSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that the President be notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECORD TO REMAIN OPEN UNTIL 4 P.M. TODAY

Mr. STEVENS. Mr. President, I ask unanimous consent that the RECORD remain open today until the hour of 4 p.m. for the introduction of bills and for the transaction of routine business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL MONDAY, FEBRUARY 8, 1982, AT 11 A.M.

Mr. STEVENS. Mr. President, is there any further business to come before the Senate?

There being no further business, I move, in accordance with the previous order, that the Senate stand in recess until Monday at 11 a.m.

The motion was agreed to and, at 3:03 p.m., the Senate recessed until Monday, February 8, 1982, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate February 4, 1982:

NATIONAL LABOR RELATIONS BOARD

John R. Van de Water, of California, to be a Member of the National Labor Relations Board for the term of 5 years expiring August 27, 1986, to which office he was appointed during the recess of the Senate from August 3, 1981, until September 9, 1981.

NATIONAL MEDIATION BOARD

George S. Roukis, of New York, to be a Member of the National Mediation Board for the term expiring July 1, 1984, vice George S. Ives, term expired.

U.S. POSTAL SERVICE

Frederic V. Malek, of Virginia, to be a Governor of the U.S. Postal Service for the term expiring December 8, 1989, vice Wallace Nathaniel Hyde.

POSTAL RATE COMMISSION

Henry R. Folsom, of Delaware, to be a Commissioner of the Postal Rate Commission for the remainder of the term expiring October 14, 1982, vice A. Lee Fritschler, resigned.

DEPARTMENT OF JUSTICE

Basil S. Baker, of Texas, to be U.S. Marshal for the southern district of Texas for the term of 4 years, vice Theddis R. Coney, term expired.

COMMISSION OF CIVIL RIGHTS

Clarence M. Pendleton, Jr., of California, to be a Member of the Commission on Civil Rights, vice Arthur S. Flemming.

Mary Louise Smith, of Iowa, to be a Member of the Commission on Civil Rights, vice Stephen Horn.

CONFIRMATION

Executive nomination confirmed by the Senate, February 4, 1982:

DEPARTMENT OF STATE

Powell Allen Moore, of Georgia, to be an Assistant Secretary of State.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSION OF REMARKS

INTRODUCTION OF THE PRODUCTIVITY AND HUMAN INVESTMENT ACT

HON. JAMES M. JEFFORDS
OF VERMONT
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1982

● Mr. JEFFORDS. Mr. Speaker, today I am introducing the Productivity and Human Investment Act of 1982. This is a proposal that seeks to rationalize a system for, and to consolidate, some of the various programs the Congress has developed to meet the challenges of the employment problems that our Nation has faced previously.

In the past, we have failed to specify clearly what accomplishments were expected from an employment and training program. Within the measure that I am introducing today, the respective governmental roles are specified, defining what needs to be done and creating a structure upon which we can build in the future. These programs have to be examined not from the perspective of vested interests, but rather from the perspective of what is essential, what the program outcomes should be, and what will most meet the needs of the Nation as a whole.

As we all know, over the past 10 years we have been operating Federal employment and training programs that have received a great deal of criticism. To the extent that this criticism might be deserved, we in the Congress should accept a significant share of the responsibility.

The programs did not have the opportunity to mature or to grow because the necessary stability was not provided. Each time the economy changed, Congress altered the goals, mission, programs, and required outcomes, reports and responsibilities in the legislation.

The earliest initiatives were targeted to structural problems of lagging industries, and areas which had been exacerbated by a decade of slow growth. As employment growth accelerated in the second half of the 1960's, attention turned to the private sector. By the time private sector oriented programs were geared up, unemployment began to rise rapidly and the pendulum shifted in the opposite direction toward the initiation of countercyclical job creation programs. To become better organized, a comprehensive employment and training system was proposed. Even before this program was operational, major changes took place and dramatic expansion insured. Amendments were proposed in 1976, 1977, and 1978 that separated structural and countercyclical public service jobs, added categorical programs targeted specifically to youth, and linked authorized activities to the private sector. Additional set-asides were included for upgrading and retraining, as well as for education-linked activities. Real expenditures throughout all of this upheaval more than doubled between 1976 and 1980, with commensurate problems being inherent in such pell-mell expansion.

Throughout this turbulent period, training efforts were generally obscured by the employment or job generation efforts. Little criticism, though, was focused on the training components that increased self-sufficiency of the disadvantaged and that met the skill needs of the labor force.

What have we learned from these experiences? First, that there were cost benefits when post-program employment and earnings were increased. Every dollar invested in on-the-job training returned $2.28 in social benefits; a dollar spent on Job Corps returned about $1.39 to society; and every dollar spent on classroom training returned $1.14.

Additionally, past experience has shown that: Work experience alone does not improve post-program labor market success except when targeted and combined with classroom training; there is greater benefit when the training is long enough to enable the participants to achieve measurable and certifiable competencies that are required in the labor market; training activities should be viewed as building blocks which provide increased opportunities for long-term interventions; and existing institutions should be utilized for training rather than for maintaining segregated and frequently second-class approaches.

In spite of all the criticism and the lack of stability, we as a nation have benefited from Federal training programs. An infrastructure has been solidly established that supports the interrelationships of diverse programs at the local level, thus contributing to the whole economic construction of the area. We have been able to draw upon economic development programs, vocational education, and local education agencies offerings; upon programs for older Americans, migrant and seasonal farmworkers and the handicapped; and upon efforts developed to revitalize inner city dwellings and transportation, and to improve energy savings and sewerage programs in both the inner city and rural areas.

We cannot deny these accomplishments or any of our past efforts. Yet we must reach beyond what we have achieved to meet the new challenges we face in our economy. The role of the local, State, and Federal Government should be clarified and stability afforded to the program through freestanding legislation. Fraud, abuse, and overregulation must be countered while the contribution of the private sector is strengthened. A balance needs to be struck between training youth and adults, the displaced and the disadvantaged, and the unemployed and the underemployed.

The bill I am introducing today attempts to meet these needs by establishing a consolidated, federally financed system organized on a labor market basis under State oversight and guidance. The system will operate within uniform, nationally specified accounting and performance measurement guidelines, and is designed to emphasize training and remediation rather than income maintenance. The intention is to provide more intensive assistance and substantive opportunities for those who are in need and who are willing and able to benefit.

Within the legislation, provision is made to reward the performance of service providers and to maximize the use of private, for-profit firms and nonprofit agencies in management and delivery. The bill contains a simplified program structure as it requires competency-based orientation for all training and remediation activities. The bill is structured so that each title details the responsibilities of each of the governmental entities; the labor area, the State and Federal level. It does not amend previous legislation, but rather is a freestanding bill that defines a system which builds on the successes and knowledge of what we have learned in the past.

Each State will receive a consolidated grant from the Federal Government allocated on a needs based formula to provide resources for investment activities within the State. In turn, subgrant allocations will be made to jurisdictions which constitute labor market areas. The State will provide oversight and coordination of the investment activities of the labor market areas, including the provision of incentive matching grants for exemplary programs and for purposes designated by the State.

Additionally, there is provision for combined business-labor training programs which offer advanced career training opportunities for participants drawn from across the State.

The Federal Government responsibilities include the oversight and co-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

ordination of State activities. These responsibilities involve the distribution of performance supplements to States to reward superior performance, the identification and testing of innovative training approaches, and the specification of national standards. Also included is a national business and labor training program offering advanced career training for participants drawn from all States. The Job Corps program and programs for migrant and seasonal farmworkers and Native American groups remain a Federal responsibility. An economic distress program, which includes assistance in the event of mass layoffs, trade-adjustment related job losses and natural disasters, is designated as a Federal function as well.

Within the labor market areas, the investment activities are consolidated under the oversight and decisionmaking of the Labor Market Investment Board. Board members will be appointed by the elected officials in the labor market area. The membership on the investment board includes representatives of labor, community-based organizations, education and training institutions, and the participant community, with a majority of the members to be drawn from the business sector. The investment board will develop a plan describing the services to be provided, the participant mix and the appropriate delivery agents in the labor market area.

Labor force investment activities in each labor market area can include: youth preparatory programs targeted for school-age youth; remedial education and training activities for those adults in the labor market area who have difficulty in securing and maintaining adequate employment; and labor market exchange functions serving the entire labor force and employers in a labor market area.

The original draft of this proposal has been reviewed by many individuals and associations interested in employment and training issues. The comments I have received have been very useful and I have tried to modify the bill in light of these suggestions. Even with modification, I believe that the essence of this proposal remains true to its original purpose: to increase the productive capacity and utilization of this Nation's labor force. It is my hope that over the next few weeks, the same interested individuals and associations will review carefully the provisions of this bill. I also commend the efforts of my colleagues, Mr. HAWKINS in the House, and Mr. QUAYLE in the Senate, to hold joint hearings on the various employment and training initiatives that have been introduced this session of Congress. With joint hearings, we can quickly, reasonably and in an informed manner initiate a well-developed piece of legislation that will meet the training needs of our country in the future.

I recognize that this bill will not necessarily solve all of the unemployment problems that we face today. However, without a Federal training policy, many of the other economic problems we are currently encountering will be exacerbated. For example, 2 days ago President Reagan asked Congress to approve $2.3 billion in supplemental appropriations to aid States in continuing unemployment compensation benefits. While I do not deny the need for these funds, I also believe that a determined effort to deal with the root of this problem through employment training programs should decrease the needs for future supplemental appropriations. Without a skilled, trained labor force, the other aspects of the economic recovery package cannot succeed. This issue must be faced. We must be willing to invest as a Nation in the training of our youth and adults so that they can lead more productive lives by contributing to our society and economy rather than drawing from it. By providing the resources that will enable each individual to reach his or her full potential, we are really investing in our future.

A summary of the major provisions of the Productivity and Human Investment Act will appear in the February 8, 1982, CONGRESSIONAL RECORD.●

GUNDERSON UPPER MISSISSIPPI RIVER SYSTEM MANAGEMENT ACT

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1982

● Mr. GUNDERSON. Mr. Speaker, in the upper Midwest we have long recognized the importance of one of America's most valuable natural resources—the Mississippi River system. And one of the true blessings of the mighty Mississippi is its multitude of uses.

Unfortunately, only the commercial use of the river system often has been emphasized in past congressional hearings. Yet, this body needs to realize that the various uses of the river system are not mutually exclusive; rather, they are mutually dependent. They must coexist for the maximum benefit of all potential river users.

In an attempt to reconcile the various uses of the upper Mississippi River system, Congress created the Upper Mississippi River Basin Commission to develop a comprehensive master plan for future utilization of this portion of the river.

This commission recently completed its study and produced a master plan that addressed ecological, environmental, commercial, and recreational concerns.

Mr. Speaker, today I am introducing legislation that would authorize funding for the necessary Federal programs to implement the ecological, environmental, and recreational recommendations of the commissions comprehensive master plan. At a time when greater and greater commercial use of the upper Mississippi River is proposed, Congress must also act to preserve and protect the river's natural beauty and recreational uses.

Clearly, a balance must be struck between the many potential uses of the river system. My bill would accomplish that goal in several ways.

First, funds are authorized to permit the Department of Agriculture to implement a program of sedimentation control for the entire upper Mississippi River basin. Such a program would benefit not only the commercial and recreational users of the river, but the farming community as well. The prevention of soil erosion has to be one of the greatest problems presently facing American farmers.

Second, funds are authorized to allow the Department of the Interior to undertake a habitat rehabilitation and enhancement program for the natural and recreational resources of the river system. Decades of commercial use have taken their toll on the habitat of the Mississippi River. To remedy this situation and to insure that it does not recur, the habitat rehabilitation program in my bill would establish: First, a program of rehabilitation and enhancement of fish and wildlife resources; second, a long-term resource monitoring program; and third, a computerized inventory and analysis system.

Third, the Secretary of the Army is required to establish and seek Federal funding for a program that would facilitate the productive uses of dredged material from the river. Such material has a variety of uses outside the river's flood plain including landfill, concrete, beach sand, and as a soil conditioner.

Fourth, the legislation would give the Secretary of the Interior the authority to implement a program of recreational projects along the upper Mississippi River system and to assess the economic benefit of those recreational activities. Enhanced recreational opportunities are not only important to the users of the river system, but to thousands of small businessmen along the system as well.

Fifth, funds are authorized to permit the Department of the Army to monitor traffic movements so as to verify lock capacities, update traffic projections, and refine economic evaluations in an effort to determine the need for future commercial expansion, rehabilitation, and environmental enhancement of the river. Simply stated, it is time to take the guesswork out of

the use of one of our greatest natural resources.

Finally, the legislation gives the consent of Congress to any combination of the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin to enter into agreements and to establish joint agencies for the comprehensive management of the use, protection, growth, and development of the upper Mississippi River system.

Mr. Speaker, I feel that this legislation will produce a balanced management of the upper Mississippi River system that, indeed, makes up for some of the inequities of the past. I, therefore, urge my colleagues to join me in cosponsoring this legislation of historic importance to countless future generations of Americans.●

AFRO-AMERICAN HISTORY: BLUEPRINT FOR SURVIVAL THEME FOR 1982 BLACK HISTORY MONTH OBSERVANCE

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1982

● Mr. FAUNTROY. Mr. Speaker, February 1 marked the commencement of National Afro-American History Month. The Association for the Study of Afro-American Life and History, Inc., the founder of this now annual celebration, has drawn up an impressive educational package for implementing this year's theme: "Blueprint for Survival." I am certain that my colleagues, as well as citizens throughout our Nation, will find the observance package of interest; and I submit herewith for inclusion in the RECORD the association's press release announcing the focus of the 1982 observance.

I would like to take this opportunity to congratulate J. Rupert Picott, executive director of the Association for the Study of Afro-American Life and History, Inc., on the excellent job he has done in preparation for this year's observance, and to extend my best wishes for a rewarding and productive month.

The press release follows:

WASHINGTON, D.C., December 16, 1981.—The Association for the Study of Afro-American Life and History, has just announced that the theme for National Afro-American History Month, February, 1982, will be "Afro-American History: Blueprint for Survival."

The observance was initiated by the "Father of Black History", Dr. Carter G. Woodson in 1926. The celebration for years was one week in duration and was always the period in February each year that contained the birthdates of Frederick Douglass and Abraham Lincoln. Bowing to a demand for a longer period of observance, the National Black History Association lengthened the period to one month as part of the Bicentennial celebration in 1976.

America has developed a growing and expanded interest in heritage. The Association credits this new interest to the contribution of many individuals in the nation who seek more information about their own family background and who have turned their focus toward Africa as the Motherland and the Afro-American contributions in the nation. Dr. Earl E. Thorpe, Professor of History, North Carolina Central University and President of ASALH issued a call this week to Government, Industry and other Associations and individuals to join the national Black history Association in the sponsorship throughout the nation of Afro-American history programs, exhibits and other activities for February, 1982.

The Afro-American Association has for many years provided a Kit of materials to guide the yearly observance. Dr. J. Rupert Picott, Executive Secretary of ASALH and Editor of the 1982 National Afro-American History Month Kit stated that the Kit this year is probably the best the Association has published. The Kit for 1982 focuses on the needs of school children but has materials that will be of interest to and provide information for Americans of all ages. "The latest Kit also includes 11 booklets," Dr. Picott said. The booklets are entitled: Afro-Americans in U.S. Foreign Service: William (Bill) Smith, "Mr. Commissioner"; Pioneers in Preservation of Black Heritage; the Dollars and Sense of Vocational Technical Education; Abraham Pearse of the Mayflower; the Champion: Cortez Peters, Jr.; Black Americans in Aerospace; Oral History: Tool for Heritage; Pioneers of Long Ago; a Poster of Carter G. Woodson 17"×22"; and How to Celebrate Afro-American "Blacks" History Month.

Dr. Picott believes that the National Afro-American History Month booklets provide a guide for the celebrations across America. This National Afro-American History Month Kit continues to offer stimulating and time-proven suggestions for planning activities and programs through the popular booklet "How to Celebrate Afro-American 'Black' History Month."

The Kit also explores Americans in The United States Department of State and lists Blacks who have served in the foreign Service by names, and in most cases, by photographs since the days of Frederick Douglass in 1889. These are Black Americans who have represented the nation in various ambassadorial posts in the world are presented as role models for U.S. citizens. Dr. Picott believes that the story of Abraham Pearse, a recently discovered and recognized Black American who was with the Plymouth Colony and of Mayflower fame will prove intriguing and inspiring to all Americans.

The three Black astronauts, Ronald E. McNair, Guion (Guy) S. Bluford and Frederick D. Gregory, who are in training for future space exploration are discussed. The Black executives at NASA (The National Aeronautics and Space Administration) are listed with photographs.

A calendar with a drawing for each month by distinguished Black artists is part of the materials available.

Exhibits to be placed in school classrooms, government buildings and colleges and universities have not been neglected. The booklet entitled "Pioneers in Preservation of Black Heritage" presents selected Afro-American pioneers, inventors and leaders of the past, including Martin Luther King, Jr., Booker T. Washington, George Washington Carver and Mary McLeod Bethune.

The first Black American to be appointed Commissioner of Education of the United States—William B. Smith—is presented in copy and photographs.

The world-recognized typing champion, Cortez Peters, Jr. is presented in professional profile and his typing secrets and mastery of the machine revealed.

The development of oral history techniques is reviewed in a booklet devoted to helping trace our various cultural roots.

During the past ten years, Presidents of the United States, mayors of our cities, large and small, government agencies, private organizations and the 135 local chapters of ASALH—all have paused during the month of Fedruary to call attention to Afro-American History Month and to laud the achievements and sharing of Blacks in the founding, development and continuance of the United States Nation.

The Association maintains its national office at 1401 14th Street, N.W., in Washington, D.C. 20005. The telephone number is 202/667-2822. Interested persons are urged to call or write for further information about National Afro-American "Black" History Month.●

ALASKA CALL FOR MANDATE TO BALANCE BUDGET

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1982

● Mr. RUDD. Mr. Speaker, just the other day, Alaska became the 31st State to call for a constitutional convention to mandate a balanced budget. Only three more resolutions, and for the first time in the history of this Nation, our Constitution will be opened up to amendment by convention. Why? Because the Congress has refused to heed the voice of the people demanding a more responsible, more frugal attitude toward fiscal spending.

For the past three decades, Congress has bowed to pressures from interest groups demanding higher and higher budgets for Government-sponsored programs. But the same people who so eagerly vote these bloated budgets are reluctant to pass on the costs in concomitant tax increases. That is why we are faced with a trillion dollar deficit today that is stifling our economic growth and threatening to bring major industries to a halt.

Congressional action is long overdue. The Senate Judiciary Committee has approved Senate Joint Resolution 58, which would provide a balanced budget as a fiscal norm, and bring accountability for deficit spending. The House Judiciary Committee should act immediately and report its companion, House Joint Resolution 350, in response to the overwhelming cry from a majority of the States for fiscal responsibility.●

BIAGGI BILL TO RESTORE SOCIAL SECURITY MINIMUM BENEFIT

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1982

● Mr. BIAGGI. Mr. Speaker, on Wednesday, February 3, I introduced H.R. 5436, a bill to restore the social security minimum benefit for all eligible, retroactive to January 1, 1982.

This legislation is vitally important to the economic fortunes of some 84,000 persons who would be eligible to receive the social security minimum benefit in 1982—but will not because of the actions taken by Congress in the conference report on H.R. 4331. In that legislation, the minimum benefit was restored to the 3 million older persons currently eligible—but this same legislation imposed a January 1, 1982, cutoff date for new beneficiaries.

I was joined by a number of my colleagues who while voting for final passage of H.R. 4331, did so with great reluctance because of this arbitrary provision. My legislation seeks to remedy the problem which will have affected some 14,000 people by the end of February.

If Congress and the President learned nothing else last year—it was that to cut social security is an extraordinarily unpopular and politically dangerous position. Yet, unless we rectify the language we approved in the conference report on H.R. 4331, we will be perpetuating such a position. Let us consider in human terms what we are doing by cutting off prospective minimum benefit recipients. In terms of numbers, it will be 84,000 in 1982 and a total of more than 400,000 retirees over the next 5 years. These are men and women—who have worked in jobs, many low paying but who nonetheless faithfully contributed to social security for their retirement. The minimum benefit makes up the difference between this contribution and a monthly income of $122.

Yet by virtue of the provisions of H.R. 4331, these Americans—close to retirement are suddenly told that they are no longer eligible for the minimum benefit. It is tantamount to a betrayal of a convenant between the Government and the workers.

My bill honors the commitment and would repeal those provisions of H.R. 4331 which deny older workers their minimum benefit. The savings from eliminating the minimum benefit after January 1, 1982, total about $685 million over 5 years. I contend we could achieve these same savings through better administration of the social security program. For example we could achieve almost one-third of those savings if we were to pass my bill, H.R. 4003, which would repay the social security trust fund the estimated $200 million it is owed by the Treasury Department for the value of uncashed checks. Under existing law, the full value including interest of uncashed checks is credited to the general revenue fund instead of reverting back to the social security trust fund where the check was drawn originally. Other cost savings could be achieved by ending the practice of sending checks to deceased beneficiaries as well as to others who may be ineligible. Finally better investments of the funds in the trust funds could generate new revenues well in excess of the $685 million in saving achieved by ending the minimum benefit. The point I am making is simple—cutting benefits should be the last resort entertained in terms of social security reform. This administration has demonstrated its intent to pursue this as a first course of action—and I will oppose this whenever and wherever it appears.

Passage of my bill would send a signal that Congress has not lost its commitment and compassion for the needs of our elderly poor. The cutoff of the minimum benefit on January 1, violates any sense of fair warning to future retirees that they have to face a major cut in their benefits. It is wrong and must be righted and I call for swift action by the Ways and Means Committee.●

RECOGNITION IN AGRICULTURE

HON. JOHN L. NAPIER

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1982

● Mr. NAPIER. Mr. Speaker, agriculture has long been a main topic of discussion here in the Nation's Capital. In recent years, we have seen heated discussions over certain issues and long debates about the Government's role in farming. While we deal with agriculture as an industry, we tend sometimes to overlook its importance as the commercial foundation of America. We have a tendency also to view it as an institution, when in reality it is an entity comprised of this Nation's most ingenious and hard-working people.

Just recently, the South Carolina Farm Bureau publicly recognized some of these citizens who exemplify what everyone's ideals of professional ability and dedication to a way of life are. It is with pride that I offer the following news article for consideration by my colleagues. It pays homage to the South Carolina Farm Family of the Year, Mr. and Mrs. Joe King of Kingsburg and Mr. Rufus Lawrimore of Hemingway.

Joe and Mary King are an outstanding and energetic young farm family, active in numerous civic and community endeavors. Mr. Lawrimore is one of our Nation's most knowledgeable and forceful agricultural leaders, especially in regard to the tobacco program. I am delighted, Mr. Speaker, to call to your attention and to the attention of my colleagues that Joe King and Rufus Lawrimore are both members of my agricultural advisory committee and residents of the sixth district of South Carolina.

[From the Weekly Observer, Dec. 10, 1981]

FARM BUREAU HONORS KINGS, LAWRIMORE WITH TOP AWARDS

A variety of awards were handed out at the 38th annual meeting of the South Carolina Farm Bureau this past weekend in Myrtle Beach, but none as important to the residents of Williamsburg and lower Florence counties than the federation's top state awards.

Those two awards went to a Kingsburg family and a Williamsburg County farmer and tobacco warehouseman.

Joe and Mary King of Kingsburg and their three children were named the S.C. Young Farm Family of the Year. Rufus Lawrimore of Hemingway was given the federation's Distinguished Service Award.

Joe King raises tobacco and hogs on land along the Pee Dee River which has been in his family four generations. He said he likes the freedom of farming. His wife agreed with him, saying, "It's a good life, but it's a hard life."

She is a third grade Johnsonville Elementary School teacher.

The King farm, Capitola Plantation, is about 2,000 acres, King said. Of the 700 acres that are cleared, about 60 of them grew tobacco this year. King said he takes pride in growing quality tobacco. That is evident by the fact that King received the highest grade, C1-L, for some of his tobacco on the Hemingway market this year. He also received the highest price offered per hundred-weight for that tobacco. A specimen of the golden leaf was even presented to the governor during a statewide tobacco meeting in Columbia earlier this year.

Five buildings house the King hog operation, which was started in 1978. King planned to use corn he raised for feed when he began operation.

Also honored at the state convention was Rufus Lawrimore of Hemingway. He lived in his native Muddy Creek until 1976 when he built a home near Hemingway.

Lawrimore was praised highly at the meeting by state Farm Bureau Federation President Harry Bell for his determination that tobacco farmers retain the tobacco support programs. "All farmers, especially tobacco farmers, owe him a debt of gratitude," Bell said.

In 1933, Lawrimore helped to organize the first tobacco program under the U.S. Department of Agriculture. In 1948, he helped to organize what at that time was the only tobacco warehouse in Hemingway.

Speaking to the audience, Lawrimore said after receiving the Distinguished Service Award, "Agriculture means a lot to me, and I think it is the true backbone of the American economy." Food has never been cheaper, "thanks to you people," he told the group.

An additional award presented, not to an individual, but to Williamsburg County's farm bureau officials was one for "quota bustin." The Williamsburg officials were

honored for leading the state in increasing membership. The Williamsburg group grew by 46 percent in 1981 from 905 members to 1,312.●

IN HONOR OF ANNIVERSARY OF CONNELLSVILLE MOOSE LODGE

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1982

● Mr. MURPHY. Mr. Speaker, I rise to recognize the Connellsville, Pa., Lodge of the Loyal Order of the Moose, which recently celebrated the 75th anniversary of its founding. Established January 29, 1907, the Connellsville Lodge is the oldest in Pennsylvania and the second oldest in the entire Moose Organization, which spans the United States, Canada, and Great Britain.

The Loyal Order of the Moose is a fraternal organization dedicated to serving the communities that help strengthen its lodges. Moose lodges provide a strong foundation of support for local activities; and their aid to charities is generous and consistent. The National Moose organization operates two facilities which care for the needy young and old of the families of their members.

Their unswerving commitment to the welfare of the community is a characteristic we should all seek to emulate. In an age when good will and dedication are becoming increasingly rare commodities, the Moose Lodge stands as an organization which still cherishes them. The Connellsville Moose Lodge today marks three-quarters of a century of this work, and it is a great source of pride to Pennsylvania and the Nation.●

U.S. CITIZENS' LIBERTIES ABRIDGED

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1982

● Mr. EDWARDS of California. Mr. Speaker, the Reagan administration continues to step up its actions aimed at abridging the liberties of U.S. citizens with its announcements that foreign scientists will not be permitted to visit certain universities, or discuss ideas which they hold on matters of scientific value.

Several editorials and news reports have been written in the past few weeks objecting to this action by the administration to use the Arms Export and Control Act, the Export Control Act, and a forthcoming watered-down Freedom of Information Act to defend this policy.

This latest step to limit the extent to which foreign scientists and U.S. scientists can discuss matters within their field of expertise has received the strong denouncement from the prestigious governing council of the American Association for the Advancement of Science on January 7, 1982. Our colleague GEORGE BROWN from California, a scientist himself, outlined this problem in the January 25, 1982, CONGRESSIONAL RECORD.

The administration, apparently close to hysteria over the threat to our Government and its citizens from hostile intelligence services and international terrorist groups believes that it should be trusted with absolute faith and power to control all information. I believe Congress and the public should have something to say about this. I urge my colleagues to read the editorial by Robert Jones which appeared in this month's edition of Industrial Research & Development as well as the January 6, 1982, Christian Science Monitor article by Robert Cowen entitled "Restriction of Scholarly Freedom on University Campuses" which follow:

AN EDITORIAL BY ROBERT JONES

If you wake up in the middle of the night and hear a steady chip, chip, chip, chip and you don't live above a person who carves marble statues and you don't share your room with a lumberjack, chances are pretty good that what you are hearing is someone chipping away at your freedom. Just because we won our freedom in the Revolutionary War and reconfirmed it in the War of 1812 and on a few other occasions doesn't mean that we don't have to keep winning it today. Freedom is like having a full stomach or a fresh shave or a nice hair-do. It has to be renewed regularly. However, there is a critical difference: Skip an occasional meal or shave or hair-do and little permanent damage is likely to occur. On the other hand, if you let your freedom get away from you just once, there is a strong probability that you will never see it again!

It would have been a lot easier for all of us if we had chosen to cherish something less elusive than freedom. Slavery can go on from generation to generation with absolutely no efforts at renewing it. Poverty is self-restoring. War will generate spontaneously. Death comes unsolicited. Freedom, like quicksilver, can slip between our fingers while we think we are holding onto it.

And there's something about being in positions of power that makes men and women be very fond of their own freedoms and very anxious to permanently remove other people's freedoms. People in power suffer from an occupational myopia that leads them to believe that they are the only ones who can make proper use of freedom and that all other persons can be expected to abuse freedom.

The chipping away of our freedoms usually is done so quietly that it can be heard only under the most difficult conditions, such as in the middle of the night, or in retrospect, when it is too late. Had you heard the chipping sound made by the people who want to amend the Arms Export and Control Act? Probably not. We did because Rep. George E. Brown (D-CA) called attention to this danger in his recent talk before the American Vacuum Society. The last sentence of the proposed Section 38A reads, in part, "Notwithstanding any other provision of law, information specified [as pertaining to items in the U.S. Munitions List and to be controlled in the national interest] or materials revealing such information, shall not be published or disclosed unless the Secretary of Defense . . . determines that withholding is contrary to the national interest."

Warned Representative Brown, "This literally gives the Secretary of Defense unlimited powers to control, restrict, or forbid communication of any kind, technical or otherwise! This is so because the Munitions List is written in fairly broad language . . . and because of the all-encompassing wording of the last sentence." Even without this amendment, efforts to limit academic freedom through the export controls act have been made at Stanford, Univ. of Minnesota, and elsewhere on campuses and at conferences. And we can believe that if it happens on the campuses today, it will happen to our magazines and newspapers tomorrow. This proposed amendment is still alive. Final vote is scheduled early in this new year. If it becomes law, the chipping will be much easier to hear—because much of the meaningful communication will have been stopped.

RESTRICTION OF SCHOLARLY FREEDOM ON UNIVERSITY CAMPUSES

(By Robert C. Cowen)

At Stanford University, Prof. Bruce Lusignan is defying the US government with the full backing of the university administration. At the University of Minnesota, president C. Peter Margrath has adopted a similar stance.

They are refusing to comply with restrictions that amount to one of the greatest threats to academic and scientific freedom ever faced in the United States.

Acting under broad interpretations of the Export Control Act and the Arms Export Control Act, the Departments of Commerce, Defense, and State, are trying to restrict access of foreign scholars and students to a number of areas of knowledge, such as computer science, and curtail contact between them and US citizens. No military or even commercial, secrets are involved. What is being sought is restriction on ordinary, open university classrooms, seminars, libraries, and scientific meetings.

This pressure has been increasing over the past few years. Already, several embarrassing, even ludricous, incidents have erupted. For example, a year and a half ago, visas were suddenly revoked for some Eastern European scientists who were to attend an open conference on computer memories. Chinese experts at the meeting had to sign "letters of assurance" not to divulge what they might learn there. Now at Minnesota, Stanford, and some other campuses, professors, deans and presidents are being asked to deny foreigners full access to university life. They are even being asked to monitor their travel.

This is the kind of police state restriction of scholarly freedom normally associated with totalitarism. At Minnesota and Stanford, now, it is being resisted. "The Campus environment is completely open with no means to prohibit access by foreigners. . . . Even if we had the means to monitor or police the activities of any subgroup of scholars, such actions would drastically disrupt the academic environment which is es-

sential in fostering creative research endeavors," Gerald Lieberman, Stanford vice-provost, says.

Rep. George E. Brown (D) of California warns that "existing and proposed government controls over the flow of scientific and technical information can have a potentially devastating effect on the scientific enterprise."

He asks, "Can we really expect a set of regulations to be workable when the Frenchman can talk to the Chinese at a conference, but the American can talk to neither? Is it realistic to label as 'classified' some abstract thoughts in the mind of a mathematician, to the extent that the very act of committing these thoughts to a piece of paper might constitute a violation of law? These are not far-fetched examples."

Such restrictions are sought in the name of national or commercial security. They would secure neither, but they could seriously damage scientific freedom. Such police state tactics have no place in the United States of America.●

THE OLDER WORKER JOBS PROGRAM SHOULD BE CONTINUED, NOT TERMINATED

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1982

● Mr. WEISS. Mr. Speaker, the Department of Labor recently sent a budget transmittal to the Office of Budget and Management to terminate the successful and popular senior community service employment program under title V of the Older Americans Act.

It is with a deep sense of urgency that I call upon President Reagan to reject this ill-conceived idea, and provide full funding for this extraordinarily effective program for low-income persons 55 or older.

I have witnessed firsthand the achievements of the SCSEP in New York City. Title V is a concept that works well for older Americans, the localities being served, and our Nation.

It has enabled low-income older persons to help themselved while helping others in their community at the same time.

Title V has been one of the most effective employment program ever enacted. It has been free of fraud and abuse. Administrative expenses have been kept to a minimum. In fact, about $7 out of $8 for title V is expended for the participants' wages, fringe benefits, and other supportive services.

If the Department of Labor recommendation is accepted, many more older Americans would be thrown onto the poverty rolls. Poverty has already increased by 800,000, from 5.1 million in 1978 to 5.9 million in 1980. This represents the sharpest increase over a 2-year period since poverty statistics were first tabulated more than two decades ago. Phasing out title V will only add to the economic misery of low-income older Americans.

It would be particularly cruel to terminate this successful program at a time of exceptionally high unemployment. Our national unemployment rate has soared in recent months, reaching 8.9 percent in December. If it climbs above 9 percent as it now expected this would represent the highest unemployment rate in 41 years. It simply does not make good sense—economically, politically, or otherwise—to wipe out an extraordinarily effective employment program for older workers when the national unemployment rate is expected to reach an alltime record high since 1941.

Older Americans have been especially hard hit by disastrous economic policies. Unemployment for persons 55 or older has jumped by 18 percent, from 523,000 in July 1981 to 617,000 in December 1981. However, the unemployment level only represents the tip of the iceberg because there is a substantial amount of hidden unemployment among older Americans. The unemployment figures, for example, do not include older persons who have given up looking for a job after a prolonged and fruitless search.

The SCSEP is also cost effective. One study revealed that title V can save $1.15 in public assistance costs for each $1 spent. Without the SCSEP, many older Americans would be forced to depend upon food stamps, supplemental security income, medicaid, and other assistance. Termination of the program will not save money because this will simply drive up public assistance costs. Unemployment insurance, for example, would increase by about $45 million if title V would be eliminated.

I reaffirm my strong support for the SCSEP and urge President Reagan to continue title V at its full funding level.●

COAST GUARD CUTS PROPOSED

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1982

● Mr. TRAXLER. Mr. Speaker, on January 22, 1982, the Department of Transportation announced plans to drastically reduce operations and eliminate several activities of the U.S. Coast Guard in order to cut Federal spending. The targeted operations include closure or reductions of air stations, multimission stations, recruiting stations, marine safety offices, vessel documentation offices, merchant mariner licensing offices, boating safety programs, as well as the decommissioning of aircraft and 11 Coast Guard cutters.

Frankly, I find these reductions deplorable and foolishly ill-advised. While it may be necessary for us all to look for ways to reduce Federal spending, I cannot condone an action which eliminates some of the most vital Coast Guard programs and leaves life, property, and areas of our national defense unprotected.

Michigan is one of the States most affected by these cuts. We have been advised of 15 closures, 5 reductions, and the decommissioning of the Coast Guard cutter *Mackinaw* in our State alone.

As an example of the harsh impact of these cuts, I would like to call your attention to the slated closure of the search and rescue station in Harbor Beach, Mich. This is a station that has faithfully served the residents of the State of Michigan and Huron County for 46 years. It has an exemplary record of protecting both lives and property.

In just the past 4 years, this station has saved 22 lives and directly assisted 594 persons who found themselves in life-threatening situations. It has assisted in the protection of property amounting to $6.3 million and has prevented the direct loss of property amounting to nearly half a million dollars.

The Harbor Beach Coast Guard Station is part of a total plan. It is situated on Lake Huron and was strategically located so as to maximize an efficient response to calls for assistance. The elimination of this station means that if an off-shore disaster occurs in the eastern "thumb" area of Michigan, it could take 5 to 6 hours before help could arrive from another active station. The nearest help would have to come from 50 and 60 miles away on each side. This closing would leave 93 miles of coastline on Lake Huron unprotected.

The attempt to close this station comes at a most inopportune time. The State of Michigan, suffering an economic depression, has been engaged in an active promotion of travel and tourism activities by enticing recreational boaters and fishermen into the area. A vast increase of fishermen and small boats is projected for the near future. All indications are that the protection responsibilities of the Harbor Beach Coast Guard Station will be tremendously increased. Closing the station will no doubt result in unnecessary and tragic losses of life and property.

Mr. Speaker, this is only one example of what a reduction in the U.S. Coast Guard will mean. Needless to say, the residents of Harbor Beach and Huron County have a great deal to be angry about. I am enclosing a copy of a resolution passed at a special meeting of the city council of the city of Harbor Beach for the RECORD.

Knowing of the devastating impact the Coast Guard closures could have, it would be unconscionable for us to allow the administration to proceed with their cuts. I along with several of my colleagues have taken steps to correct this situation by cosponsoring a supplemental appropriations bill for the U.S. Coast Guard which will provide enough money to fund Coast Guard operations at current levels.

Many closures are targeted for March 31, 1982. I implore this legislative body to act with great haste toward passage of this legislation so that the closings will not go into effect.

RESOLUTION

Whereas the U.S. Department of Transportation plans to shut down the U.S. Coast Guard Station at Harbor Beach, Michigan, on March 31, 1982; and

Whereas the City of Harbor Beach is extremely concerned about the safety of those using the Harbor and the area north and south of the Harbor; and

Whereas the City has experienced an influx of fishermen as a result of the Michigan Department of Natural Resources establishing Harbor Beach as a major fish planting area; and

Whereas small craft traffic has increased tremendously as a result of the planting and harvesting of fish; and

Whereas the Michigan Department of Natural Resources, Waterways Division, proposes to build a large marina within the Harbor at Harbor Beach; and

Whereas it could take five to six hours for a rescue boat to reach Harbor Beach from either U.S. Coast Guard Station Tawas or Port Huron; and

Whereas twenty-two (22) lives have been saved by the U.S. Coast Guard service at Harbor Beach during the years 1978-1981: Now, therefore be it

Resolved that the City Council of the City of Harbor Beach goes on record as being opposed to the shut down of this station; and be it further

Resolved that this communication be sent to our two U.S. Senators, our U.S. Congressmen, the Commandant of the U.S. Coast Guard and to the U.S. Secretary of Transportation.●

MAINTAIN VITAL FEDERAL EMPLOYMENT SERVICES

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1982

● Mr. MARKEY. Mr. Speaker, this morning the House Appropriations Committee will be marking up an emergency supplemental appropriations bill which will maintain employment compensation payments and the operation of employment services and job placement specialists across the country. I would like to take this opportunity to express my urgent support for this measure, and for the efforts of those who assist unemployed workers in finding jobs.

As a result of federally mandated budget cuts for the Employment Service and the unemployment insurance program, job placement and unemployment insurance offices are closing all over the country. In my home State of Massachusetts, a large number of employment office closings were announced yesterday. It seems cruelly ironic that at a time when ever larger numbers of Americans are being forced on to the unemployment line, there are fewer resources available to help get these workers back into productive employment.

I am relieved by the introduction of this emergency appropriations bill for employment services, and urge its speedy passage. It is my hope that most, if not all of the offices closed as a result of the budget cuts can be reopened and can once again go about their business of seeking ways to reemploy American workers.●

THE 34TH NATIONAL DAY OF INDEPENDENCE FOR SRI LANKA

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1982

● Mr. FOLEY. Mr. Speaker, February 4 commemorates the 34th National Day of Independence for the people of Sri Lanka. On February 4, 1948, Sri Lanka regained her independence from the British, the last of three nations that had colonized her over the preceding four centuries.

Since 1948 seven general elections have been held in Sri Lanka. Sri Lanka has a multiparty system. Over the past 16 years voter turnout at general elections has averaged over 80 percent. The year 1981 marked the 50th anniversary of the granting of universal adult franchise in the modern political history of the nation. Although the experience and practice of adult franchise existed in Sri Lanka even in historic times, this was only at the local level of government; the government at the national level was monarchical. In 1931 elections were held at the national level on the basis of universal adult franchise for the first time. Since then all elections in the country have been held on this basis. Today, every citizen of the country over the age of 18 years has a vote. Women in Sri Lanka actively participate in politics. The first general election held on the basis of universal adult franchise in 1931 also saw a woman elected to the national legislature which was then called the state council.

From 1948 until 1972 Sri Lanka, while being an independent nation, still retained, in common with certain other nations, the British monarch as head of state. On May 22, 1972, a republican constitution was adopted by which the governor-general, who had represented the British monarch, was replaced by a titular president nominated by the elected head of government. This constitution set up a unicameral legislature instead of the bicameral one that had hitherto existed. It also changed the name of the country back from Ceylon to its traditional and historic name, Sri Lanka.

Mr. J. R. Jayewardene, under whose leadership the United National Party had been returned to office in July 1977 had consistently campaigned for the establishment of an executive presidential system. Such a constitution was promulgated on February 4, 1978. It draws from the constitutional practices of the United States, France, and Britain, adapting them to the needs and aspirations of Sri Lanka and her people. Sovereignty of the people is exercised through parliament; and there is strict separation of powers between the legislature, the executive, and the judiciary.

A futher development in the political structure of the country has been the establishment of district development councils in each of the 24 districts of the country. The purpose of these councils is to provide for greater participation at the district and regional level in the development of the country. These councils consist of members elected specifically to them and the member of parliament in the district. Their functions include the approval and implementation of an annual development plan and the raising of certain local revenues and the disposition of funds under their control. The first election to the district development councils as held on June 4, 1981.

Sri Lanka has, living within its area of 25,000 square miles, a variety of ethnic groups—Sinhalese, Tamils, Moors, Burghers, and Parsis—who are adherents of almost an equal variety of religious beliefs—Buddhists, Hindus, Muslims, Christians, and Zoroastrians. The guarantee of fundamental rights and equal opportunities to all citizens is given by the constitution where the chapter on fundamental rights embodies all 30 clauses contained in the Universal Declaration of Human Rights of the United Nations.

In foreign affairs, Sri Lanka has chosen to follow a policy of nonalinement. Both in the 95-member nonalined movement of which she was chairman from 1976 to 1979, and also in the U.N., of which she is a member, she bases her actions and initiatives on the principles established at Bandung in 1955 and on the purposes and principles of the Charter of the United Nations. Her consistent aim has been to work within this framework toward the furtherance of reconciliation among nations, the peaceful settle-

ment of disputes, and the evolution of an international milieu where nations of diverse ideological persuasions could move together toward the betterment of the lot of all nations and peoples.

Since 1948 Sri Lanka has pursued a domestic policy of betterment of the lot of her population through the stimulation of economic growth. Programs in the fields of health, education, and nutrition coupled with a strong family planning program have helped develop a healthy, literate, and educated people. Life expectancy is 64 years for males and 67 years for females; the death rate is 8.1 per 1,000; the literacy rate is 88 percent. However, Sri Lanka's earnings have been and still are inadequate to meet the needs of development, being vulnerable to price movements in international commodity markets. So, although successive governments have addressed themselves to the problem of economic development, its solution still has eluded them.

The present government, which came into power in 1977, has focused sharply on economic development as a major commitment of its program. It has approached the question in two main areas—agricultural self-sufficiency and the attraction of foreign investment for industrial development, mainly through the setting up of free trade zones.

Through the Mahaweli development program five dams are to be constructed and land opened for agriculture with financial assistance from a consortium of countries comprising the United States, Canada, Britain, the Federal Republic of Germany, Sweden, and Japan together with the World Bank and the IDA. This project is expected to irrigate around 117,000 hectares of land and generate around 500 megawatts of power.

In the area of industrial development, the initial period of decontrol and deregulation soon after the present government came into power, cleared the way for the entry of foreign investment, both within the free trade zones and outside them. One free trade zone has been parceled out and a second is being created. Attracted by the package of tax and other incentives 40 industrial enterprises are already manufacturing and exporting goods while 16 others have factories in various stages of construction. Among the goods exported are garments, rubberthread, hair dryers, fishing gear, and jewelry. Among eight projects recently approved are leatherware, kitchen appliances, electronic devices, and PVC containers.

The period from 1978 to 1980 has also seen 11 new foreign banks and credit companies given permission to operate in Sri Lanka on an offshore basis. Four are from the United States—Chase Manhattan, Bank of America, Citibank, and American Express.

In the field of trade too, the pattern of imports has shown an emphasis on development. Imports of intermediate goods has risen from 38 percent of total imports in 1978 to 40.5 percent in 1979. Imports of investment goods has risen from 23 percent of total imports in 1978 to 24 percent in 1979. Both these categories are essential for Sri Lanka's development. By contrast, imports of consumer goods has fallen from 38 percent of total imports in 1978 to 34 percent in 1979. The comparison becomes that more impressive when one considers that the value of imports in these three categories, in SDR's, has grown from 744 million in 1978 to 1,114 million in 1979. In 1980 imports of intermeidate goods rose to 46 percent of total imports, investment goods remained at the same level as 1979 and imports of consumer goods declined to 29.4 percent. The total imports in all three categories in SDR's rose to 1,557.6 million.

The objective of all these efforts is to endeavor to insure that the gains of the country in the fields of political development and awareness, education, health, and other basic areas are consolidated by the creation of adequate economic opportunity for her people. For it is only by doing this that Sri Lanka can enhance the quality of life of her people, promote human rights, and enrich and stabilize her democratic institutions.●

EDUCATION FOR ALL HANDICAPPED CHILDREN

HON. THOMAS B. EVANS, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1982

● Mr. EVANS of Delaware. Mr. Speaker, the Congress made a strong and clear statement to the Nation in 1975 with passage of the Education for All Handicapped Children Act: All handicapped children have the right to a free and appropriate public education.

This act—Public Law 94-142—has proven to be successful in my home State of Delaware and across the country. Because of the productive partnership between parents, teachers, State, local, and Federal officials made possible by Public Law 94-142, nearly 4 million handicapped youth are receiving a free and appropriate education.

In order to insure this success story continues, we need to maintain current levels of support at the Federal level. I firmly believe we must avoid any disruptive reductions in the funding for 94-142, and also need to keep the current structure of the program intact. At this point in the RECORD I would like to include a letter several of my colleagues and I sent to the President today that further details our concerns about this programs.

President RONALD REAGAN,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We are writing to request your assistance in assuring continued support for P.L. 94-142, the Education for All Handicapped Children Act, and its support programs. This Act guarantees that each handicapped child be provided a free appropriate public education. It is our understanding that the Department of Education has proposed significant reductions in federal funds for this program in FY 1983. In addition, the Department has proposed substantive amendments to the statute which would seriously undermine the rights afforded handicapped children and their parents.

While concern has been expressed regarding excessive federal regulations, it has been documented that many of the administrative burdens associated with the implementation of P.L. 94-142 are a result of state and local interpretations of the federal statute. Our major concern is assuring the continuation of the effective federal, state and local partnership that presently exists to provide educational services to handicapped children.

In addition to the positive impact in human terms that this legislation has wrought for handicapped children and their families, the program has proven that it is cost-effective. At a recent press conference you presented a dramatic example of a chronically ill young girl from Iowa who could receive appropriate treatment at home for $1,000 per month, instead of in the hospital for $6,000 from Medicaid funds. You indicated that unnecessary hospitalization was a tremendous expense to the taxpayers and was not advantageous to the patient.

A similar situation exists with many of our handicapped citizens. According to the staff in the Health Care Financing Administration, in the Department of Health and Human Services, costs to provide basic maintenance care to an individual have risen from $5,100 per year in 1974 to $16,000 per year in 1980. The total cost of lifetime institutionalization, including maintenance, medical and rehabilitative services, ranges from an estimated $1 million to $4 million per person. It has been demonstrated time and again that institutionalizing handicapped adults at the taxpayers expense can often be prevented by providing an appropriate education to handicapped youth.

During the 1980 presidential election campaign, the Exceptional Parent magazine requested statements from the candidates regarding their position on the quality of life for individuals with disabilities. You responded by pointing out that the implementation of P.L. 94-142 was perhaps the greatest stride made to date toward a workable plan for the education of handicapped children. You went on to say that as President you would work to ensure that the Education for All Handicapped Children Act is a success. We hope that you will reaffirm your pledge by endorsing current levels of federal funding for P.L. 94-142 and its support programs, and opposing any substantive changes in the statute.

With best regards,
Sincerely,

THOMAS B. EVANS, Jr.,
Member of Congress.●

TRIBUTE TO RICHARD BOLLING

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. UDALL. Mr. Speaker, I rise today to pay tribute to a fellow Member and friend, DICK BOLLING, with whom I have had the privilege of serving in this body for the last 21 years.

A seasoned observer of the American political process once observed that:

Political leadership in a democracy is perhaps the most difficult of human endeavors, because, to be of high quality, it must combine in one man or a small group of men many difficult, sometime seemingly conflicting, qualities. * * * a truly effective leader must have an ability to foresee problems that will arise in the future. * * * a sense of history, awareness of the present. * * * an ability to differentiate between critical and less important problems. * * * A political leader must be at home with the essential element of working democracy: compromise.

Those observations are not mine, although I share their sentiments. They were the observations of DICK BOLLING in his book, "Power in the House," written 16 years ago.

Few men have met the standards of political leadership that I have just put forth; RICHARD BOLLING has. Moreover his political leadership has left its mark on the body that we have jointly served for the past 21 years.

Sixteen years ago, when he wrote his book, "Power in the House," the norms and procedures of this body were markedly different than they are today. We labored under a seniority system that ignored the talents and energies of younger Members. Most of our committee work was conducted behind closed doors. The budget process was a shambles. The rules and procedures of this body had failed to keep pace with the changing times.

Much has changed in the intervening 16 years. Much of that change is due to the efforts of one man: DICK BOLLING. For more than anyone else, it was DICK BOLLING who spearheaded many of the reforms that we now take for granted.

I for one, however, will not forget his contribution; in part, because I served beside him in many of the struggles for reform, in part because I have always admired his devotion to the democratic process.

The House of Representatives is a critical part of our constitutional system. No one has ever served here by appointment, and the only ticket that will gain admission to the House is election by the people. Understandably, many Members of the House desire to serve in the Senate where one can escape the anonymity of the House. Very few people in the history of this institution have made their career, believing, as I do, that it can be as important and productive as service on the north end of the Capitol. I call these people, "Men of the House." DICK BOLLING is the prototype of that public servant. He probably is better known and has achieved more for his country and his principles than most of the Members who have come and gone since he arrived here in 1949.

Sometimes statesmen can best be judged by what they tried to do, not by what they did. In the 93d Congress, DICK BOLLING took on one of the House of Representatives' greatest problems: the confusing and overlapping committee jurisdictions and the institutional creep which creates new committees of the House, but never abolishes any. He spent a year with a great bipartisan select committee producing a new committee structure to replace the old one, which had not been reviewed since 1946. He failed to get the House to adopt it, but nobody—I am convinced—could have won that fight in the climate of those days. The combined power of the entrenched committee chairmen was enough to narrowly defeat him. But that fight created the groundwork on which a new committee structure will someday be erected.

When he leaves this body next year, DICK BOLLING leaves it to write a book on the political process. I am confident that in his new capacity he will continue to serve the democratic process with the same dedication and skill that he has exhibited in his years of service in this body. Nevertheless, he will be missed, both as a senior member of this body and as chairman of the Rules Committee. Most of all, he will be missed as a friend.

Even as he goes to reflect upon his years of service in this body, I hope he will not forget those with whom he has served. We shall not forget him or his record of service and accomplishment.●

TRIBUTE TO RON STEPHENSON

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1982

● Mr. MURTHA. Mr. Speaker, on Sunday, February 14, the Johnstown area community gathers to honor one of its leading citizens, and a man who has been an institution in the Johnstown area—Ron Stephenson.

I have known Ron Stephenson for many years, and it is hard to say his name without adding, Ron Stephenson of WJAC. He began in 1947 with WJAC radio, then moved on to TV where he became the leading news anchorman in the area.

All of us associate the major news developments of our lifetime with Ron Stephenson. We remember his strong voice for America during the Vietnam war, we remember that his was a voice of calm and reassurance for our future during the Johnstown flood, we remember that the election results really did not seem legitimate until we heard them from Ron Stephenson. Like a neighbor, we welcomed Ron into our living rooms at noon and 6 p.m., and over the years we shared with him the horror of assassinations, the thrill of space exploration, and detailing of local stories and developments.

No one can remember Ron Stephenson without thinking of his hard-hitting editorials. Sometimes we agreed with him, and other times we disagreed, but we always respected his views and knew he spoke from the heart, sharing his experience and understanding with us.

He is a pragmatist with strong personal convictions and a deep love for his country and community. Most of all, we knew he cared—cared about the community and cared about the people and the problems we faced in everyday life. We knew he was part of our community, shared our hopes, remembered our difficulties, and joined us in working to improve our area and our lives.

When our lives change, it is an occasion of importance to our families—for Ron Stephenson that family is the entire Johnstown area, and it is a pleasure to join with the community in wishing Ron Stephenson well, and thanking him for sharing so much of himself with us over the last 35 years.●

RETIREMENT INCOME AND TAXES

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1982

● Mrs. SCHROEDER. Mr. Speaker, today I am introducing legislation to equalize the tax treatment of retirement income for all senior citizens. I do not think it is fair that one group of retirees can exclude all retirement income from taxes while others cannot. I believe that all senior citizens living off of retirement income should be able to exclude from taxes an amount of money equal to the maximum amount payable in old-age insurance benefits under social security. Why should a person's previous occupation determine his or her future tax status?

Presently, old-age insurance benefits under title II of the Social Security Act are excluded from gross income in calculating Federal income taxes. Yet, other retirement benefits, such as civil

service retirement, State and local government retirement, military retired pay, and private pensions are fully taxed. My bill would provide that up to the maximum amount which could be excluded if paid as old-age insurance benefits could also be excluded if paid out of other retirement systems. The bill does not touch the other tax exclusions already on the books.

My legislation would limit this tax benefit to senior citizens who meet two qualifications. First, the taxpayer would have to be aged 65 or older. Second, the taxpayer would have to receive over half of his or her income from retirement benefits. Those with significant other sources of income would not be eligible. In other words, this tax exclusion would only help those senior citizens living on modest incomes.

The Reagan cuts have hit our senior citizens with ruthless force. We must act to protect our retirees from hunger and homelessness. This bill is one small step we can take to make up for the damage done last year. I urge the Committee on Ways and Means to consider promptly this legislation.●

PASTOR BATSON HONORED

HON. JOHN L. NAPIER

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1982

● Mr. NAPIER. Mr. Speaker, recently I had the privilege of witnessing an event which garnered no great headlines outside of its own community, did not make the national evening television news programs, created no great noise worthy of focused journalistic attention, nor did the event spark a debate of pros and cons. This event, in itself a tribute to humility, was worthy of the man it was designed to honor.

Throughout his life, Rev. Paul O. Batson has sought no headlines, created no controversy. Like the solid Christian life he has led, this man has spent his life carefully listening to and responding to an authority greater than any on Earth. His services has not been aimed at accumulating trophies, but serving mankind through the steady and unfaltering Christian witness to which he has been long committed.

His humility has been a lifelong trademark. He has sought no worldly recognition and would probably view public acclamation of his efforts with uncertainty. Yet, those whom he has long served, whose griefs and burdens, joys and celebrations he has shared over the past 25 years, honored him recently with a special Sunday service in Marion, S.C.

Mr. Speaker, I had the privilege of attending the ceremonies honoring Dr. Batson, and feel that this good man's life serves as an example for all of us. Accordingly, I ask that the news account which appeared in the January 20, 1982, edition of the Marion Star be included at this point in the RECORD.

[From the Marion Star, Marion, S.C., Jan. 20, 1982]

MARION BAPTISTS HONOR PASTOR PAUL O. BATSON

(By Rodney Welch)

This past Sunday was an unusually special day for Reverend Paul O. Batson and Marion Baptist Church, where he has served as pastor for the past twenty-five years.

Without his prior knowledge, churchmembers under the leadership of Anniversary Chairman T. Carroll Atkinson honored Batson for his Silver Anniversary of 25 years of service to the church—a time in which the church has expanded and Batson, a warm and highly personable man, has become a highly-regarded fixture of spirituality and respect throughout the city and state.

Although Rev. Batson had already made plans for the Sunday service as he normally would, Atkinson and the members, who had been notified two weeks earlier, had something else in mind. The surprise service instead consisted of several speakers from around the state and beyond to praise, and delicately roast, the guest of honor by offering their fond and sometimes funny reminiscences. The service also included some special music by former Minister of Music Jim Hawkins.

"I guess you could say he's my boss," said Dr. C. W. Scudder, from Midwestern Baptist Theological Seminary in Kansas City, Missouri, where Batson is a trustee. Scudder said that he had always enjoyed his fellowship with the Batsons, and that this had enriched since he had become a part of the faculty at Midwestern.

Dr. Bill Boyce, President of the Baptist Hospital in Columbia, (where Batson also serves as a trustee) recalled how he had first met Batson when the former was an assistant administrator at the hospital back in the early 1940's.

Also offering testimonials were S.C. Baptist Convention Secretary-Treasurer, Dr. Harold Cole, Anderson College President Dr. Ray Rust, and Rev. George Lovell, Pastor Emeritus of First Baptist Church in Conway who filled in for Dr. John E. Johns from Furman, who was scheduled to appear but had been taken ill. All of these recalled their schooling or professional associations with the Batsons. His brother Lloyd, pastor of the First Baptist Church in Pickens, concluded the guest speaker remarks with some recollections of growing up with his brother and added that he was also "proud to say he's my friend." Also scheduled to speak was brother J. Ray Batson, who was unable to attend, and was replaced by Dr. James A. Rogers from Francis Marion College.

By the conclusion of the service, Atkinson offered his own recollections of the Batson family's initial beginnings in Marion, and read a letter from former First United Methodist minister Reginald Thackston, who pictured Batson as "the epitome of a shepherd."

Atkinson also revealed a heavy paperbound volume of appreciative letters from the roughly 150 associates and friends of the pastor who had been invited to the service but couldn't attend. Atkinson then presented the final honor, a $5000.00 check from the church to Rev. and Mrs. Batson for a trip to the Holy Land in March.

In a packed congregational attendance were the Batson children daughter Mary Lynn, son Paul (the III) and his wife Joanne. Son John was unable to attend. Also recognized were many other close friends of the family, including Congressman John Napier.

Batson responded in the closing remarks to the service with some emotion, saying that the day was "one of the two or three greatest in my life." He said he was totally surprised by the event, and joked that upon seeing the church floral arrangements he wasn't sure if he had forgotten a wedding or if his funeral was being scheduled. Concerning the Holy Land check, Batson jokingly asked if it covered for a round trip.

Atkinson later told The Star that the trip had been granted because Batson had always wanted to return to the Holy Land after an earlier trip years ago, but that "knowing Paul Batson like I do," Atkinson said, he would never go if it was offered instead of outrightly given.

After an invocation by Batson's uncle, L. Clarence Lyons from Sumter, a reception dinner immediately followed the service, held in the Marion City Firehouse.

Paul Batson was born December 25th, 1922, in Greenwood, S.C., and grew up in Sumter and Clarendon counties. His father, and four brothers, are all ministers.

Batson was educated at North Greenville College from 1940-41, and held a brief student pastorate in Clarendon County before joining the Air Corps for three years during World War II. Batson spent two of these years in C.B.I. Theater of War, and was later awarded the Bronze Star Medal in Calcutta, India. Returning to South Carolina, he held a student pastorate at Standing Spring Baptist Church and soon after entered Furman University. Batson was to later attend Southern Baptist Theological Seminary, graduating in 1952 with a Bachelor of Divinity degree, which was later updated to a Masters. Before arriving at Marion, Batson was to also pastor churches in Georgetown, Kentucky, Little Rock, South Carolina, and Fair Bluff, North Carolina.

Since his 1957 arrival at the Baptist Church, Batson has been involved heavily in the State Baptist Convention, serving in offices as Vice-President, Nominating Committee Chairman, Trustee of the Baptist Hospital in Columbia, former member of the General Board, and Chairman of a Committee to study and establish guidelines for the Office of minister-Church-Denomination relationships.

In the Southern Baptist Convention, he has been a member of the Committee on Boards (which makes committee appointments) and is in his second year as Chairman of Trustees of Midwestern Baptist Theological Seminary, having served as a trustee for twelve years.

Locally, he has served on the Marion Memorial Board of Commissioners, the County Board of Education, and is a member of the Marion Community Relations Council. He is married to the former Mary Smith Cheatham, who also serves locally as City Clerk.

Last year, he was awarded the Doctor of Divinity degree from Furman University.●

RECIPROCITY II

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1982

● Mr. FRENZEL. Mr. Speaker, on February 2, 1982, the Washington Post had an excellent editorial echoing some of my concerns on the issue of trade reciprocity. I urge my colleagues to review it, as follows:

[From the Washington Post, Feb. 2, 1982]

A SPECIAL KIND OF RECIPROCITY

"Reciprocity," in international trade, is one of those ideas that seem self-evident at first glance. What could be fairer than being fair? It's when you look more closely that certain doubts begin to form. What, exactly, does reciprocity mean? A tooth for a tooth? A car for a car? A jetliner for a jetliner? Under that strict rule, this country would shortly be importing very few automobiles, since it exports very few. But—and here's the catch—since this country imports few aircraft it would also be exporting fewer, with resulting layoffs in the aircraft factories.

That, presumably, wasn't quite what U.S. Special Trade Representative William E. Brock had in mind when he used the term in an international meeting yesterday. He intended to suggest that this country's barriers to foreign goods should be the same as its trading partners'. You don't have to be terribly perceptive to see that it's Japan that Mr. Brock has in mind. But it's hard to see how a legal rule of reciprocity would work there. True, Japan sells much more to the United States than it buys here. It's also true that the United States sells more—a lot more—to the Europeans than it buys from them. Country-by-country trade never balances. What about the worldwide trade totals? You probably are aware that the United States sells less to foreign countries, in total, than it buys from them. But there is also a huge flow of money into this country from American companies' foreign investments. It balances the trade deficit, and more. If this country tried to make its exports equal its imports, at a time when some $40 billion a year in foreign investment income is rolling in, the value of the dollar would shoot up and immediately frustrate the whole idea.

Mr. Brock knows all that. What he and the administration are most worried about is, apparently, one special case—Japan, and not Japanese goods in general but goods in one very special area, semiconductors and other high-technology electronic components. They fear that the Japanese manufacturers will achieve unfair advantages in this crucial industry, through restrictions on their own home market compared with open access to the United States. That is a legitimate concern for a government but, like all trade issues, it ought to be addressed directly and specifically in negotiation, rather than through rubbery and ambiguous terms like reciprocity.

Since there can be no clear and objective definition of reciprocity in world trade, it would inevitably be administered in response to the political impulses and necessities of the moment. If Congress were ever unwise enough to put this word into legislation, it would become a mere weapon for holding down all sorts of imports, and protecting American producers at a huge cost to consumers. That isn't reciprocity. It's protectionism.●

FRANKLIN DELANO ROOSEVELT

SPEECH OF

HON. MARILYN LLOYD BOUQUARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mrs. BOUQUARD. Mr. Speaker, this week our Nation celebrated the 100th birthday of one of our greatest leaders, Franklin Delano Roosevelt, the 32d President of the United States. Roosevelt led our Nation through a domestic crisis and through the worst war the world has ever seen.

When Roosevelt was elected President, our Nation was in the midst of the worst depression in our history. Unemployment was high and of those who were working, some were earning as little as 10 cents an hour. The Nation was hungry and scared.

F. D. R. came to the people with plans to rebuild our country, from the bottom up. He was a pragmatist who, in his first 100 days as President, passed legislation enacting a host of programs aimed directly at helping people: Work programs, minimum wage, social security, and so on. There were programs to put America's people to work and food on her tables. By doing so, President Roosevelt rekindled the American spirit.

It was not long after that Roosevelt was also confronted with the beginnings of World War II. At that time few Americans realized the scope of the war and the vital role we would have to play to protect ourselves and our allies from despotism. In the beginning, F. D. R. did all he could to help Europe without commiting our Nation and our young men to war. But when our land was attacked, F. D. R. acted swiftly to defend our people, our land, and our way of life.

Roosevelt saw the Nation through the Great Depression; unfortunately, he did not live to see the end of World War II. The entire Nation wept at the President's passing. In his fourth term as President, Roosevelt was the only President many had known. There was a great deal of uncertainty about the future of the Nation. Would we hold on to the framework he built for helping the poor, the elderly, and the very young? And more than 40 years later we can say, yes; we have.

The Nation now faces economic difficulties; some are questioning whether the United States will continue to protect the interests of all Americans. I believe there is a dedication to do so. In his inaugural address in 1933, President Roosevelt said:

In every dark hour of our national life, a leadership of frankness and vigor has met with that understanding and support of the people themselves which is essential to victory. I am convinced that you will again give that support to leadership in these critical days.

I believe these words still hold true, and that our Government and our society will overcome our present troubles. Like the Roosevelt era, we must remain committed to the concept of investing in our Nation's people; we must be willing to try new solutions and keep working until we find answers.

Celebrating Roosevelt's birthday as we have brings into focus the enormous contributions of a great leader. F. D. R. rekindled the spirit of greatness in the hearts of his countrymen. He indeed showed us in an hour of darkness how to recapture control of our national destiny.●

CONGRESSWOMAN FERRARO'S SPEECH COMMEMORATING THE 100TH BIRTH ANNIVERSARY OF F. D. R.

HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1982

● Mr. LONG of Louisiana. Mr. Speaker, on Monday night the Democratic National Committee held a dinner in New York City commemorating the 100th anniversary of the birth of one of the greatest Presidents in our history, Franklin Delano Roosevelt. The theme of the dinner was the presentation of some of the "New Faces" in the Democratic Party, some of the people who are becoming prominent figures in our party and who will be providing leadership in the years ahead.

One of the keynote speeches at Monday's dinner was given by Congresswoman GERALDINE A. FERRARO, of New York. At the start of the 97th Congress, in just her second term, Congresswoman FERRARO was elected secretary of the Democratic Caucus. As chairman of the caucus, I have had the great pleasure of working with her on many important issues facing the Congress and our party, and I have come to hold her in the highest regard. So I thought it extremely appropriate that she was chosen to keynote the DNC dinner.

In her keynote address, Congresswoman FERRARO discusses F. D. R.'s importance in the molding of our party's basic beliefs, and the direction we should go in the difficult times ahead. I would strongly urge my colleagues to take a few moments to read her carefully considered speech.

REMARKS BY HON. GERALDINE A. FERRARO

I am absolutely delighted that I have been asked to participate in the celebration of the 100th anniversary of the birth of Frank-

lin Delano Roosevelt. FDR was very much a part of my childhood. My father, though an immigrant, was an avid American when it came to participating in politics. He was a Democrat who revered FDR. Perhaps, because he recognized they both shared an American dream. My mother, I think just to be contrary, was an equally avid Republican. By the way, she has since found the error of her ways and she is now one of us. So FDR was often a topic of heated conversation in our home. My father died in May of 1944. Franklin Roosevelt died in April of 1945. My mother and I cried both times.

In 1960, when I was a newly wed living in Manhattan, I went to hear Eleanor Roosevelt speak at a neighborhood church. I remember how awed I was by her presence, how terribly proud I was to meet her. Proud not only because she was such a great lady, a role model, a leader in her own right, but because she had been married to a man one magazine called, "the 20th century's addition to the roster of founding fathers."

While running for office, Ronald Reagan liked to draw parallels between himself and Franklin Roosevelt. Roosevelt, he told us, was his hero. We now know, after 1 year of Reaganomics, that he misspoke.

I believe that's the term he uses—he was only off by one President, he meant to say that Herbert Hoover was his hero. And, perhaps with the help of one of the gentlemen here tonight, Hoover's campaign slogan will become a reality. The Reagans will vacate the White House and in 1984, this country will "return to normalcy."

The day before FDR was inaugurated the New York Times said: "No President—ever came to greater opportunities amid so great an outpouring of popular trust and hope."

And, FDR responded to that trust and hope. Now, I don't remember those times. I wasn't even born. I've got to tell you it's not very often I get to say that nowadays, but I remember reading about the end of the Hoover administration and the state of our Nation when Roosevelt took office.

Ours was a Nation of failing banks, astronomical unemployment, silent factories, and endless breadlines. Franklin Roosevelt waged a war against those economic ills * * * and he won.

But, unlike Reaganomics where the shock troops, the front lines, in the war are those least able to withstand the battle, and by that I mean the children, the poor, the elderly, FDR put democracy on the front lines. His second acceptance speech spoke of that war as not only one against "destitution and economic demoralization," but also one "for the survival of democracy".

And how did he win that war? Through the use of Government. The boldness and the genius of the New Deal were in the use of the power of the Government to effect change, to improve the lives of Americans suffering from the depression.

The New Deal responded to both economic needs, and the human costs of that economic chaos. In the 1980's, the latter part of that equation—human needs—has been forgotten.

Our senior centers are filled with our parents and grandparents living in the fear that their social security checks will stop, and their centers will close. Our classrooms are filed with children—hungry children—who find they have become ineligible for hot lunches. All wiped out by a single definition—the "truly needy."

What FDR remembered, Ronald Reagan forgot. FDR's New Deal of recovery and reform were geared towards the common man. Reaganomics is aimless, giving us instead a Government void of compassion.

You know, I go into my district to my senior centers, to my schools, to my town hall meetings and when I hear my people expressing their fears I ask myself, how did it ever happen. I look back to the elections of 1980 and try to find an answer. Perhaps, we as Democrats had gotten lazy. We had stopped taking our message to the people. We let the Republicans define the issues. As a result, Government became a dirty word, a synonym for waste, fraud, and abuse, as if the bulk of the Federal budget went to paying welfare cheats and do-nothing bureaucrats.

We let the fundamental facts of Government spending be obscured and distorted. We let Ronald Reagan and the Republicans get away with one of the great hoaxes in our political history.

To be fair, I want to allow for the possibility that they didn't know they were challenging the notion that you can't fool all of the people all of the time. Maybe they actually believed voodoo economics would produce a balanced budget if they just cut waste, fraud, and abuse. Afterall, David Stockman, who, by the way, we all have to thank for his contribution to Sunshine in Government, was quoted in the Atlantic Monthly article saying the Reagan people, "really thought you could find $144 billion worth of waste, fraud and abuse."

So maybe they were fooling themselves as much as anybody else.

But what is the truth about Government spending programs? What are these dread entitlements we hear so much about? Are they give-aways? Rewarding people for not working? Absolutely not.

The Government entitlement programs are mostly pension programs. Social security, veterans pensions, Federal employees pensions—benefits that have been earned by working people.

And it is the growth of pension programs which represents perhaps the single greatest accomplishment of Franklin Delano Roosevelt. Until the New Deal, most people faced old age with the hope their own savings and the generosity of their families would sustain them. FDR established the notion that Government would have a hand in caring for its citizens in their old age, especially if they were unable to care for themselves.

And let me emphasize the point. These are not give-aways. We are talking about protections for working people to provide for their old age, and for nonworking people to gain opportunity to do so. This is FDR's Legacy.

And what would FDR do today? Ronald Reagan, whose mission it has been in office to dismantle Roosevelt's legacy, has expressed the view that had FDR lived after World War II, he would have undertaken to reduce the role of Government in the economy.

Could that be? His entire career was dedicated toward public action. Would he suddenly reverse this course?

Could FDR have said to the unemployed, go look in the help wanted ads in the local newspaper?

Could FDR have told those unable to find work to "vote with their feet" and move somewhere else?

Could FDR have adopted an "economic recovery program" that involved tax cuts for the wealthy and service cuts for the poor?

Could FDR have separated women's rights from human rights and civil rights?

Could he have said to the women of this country "Government has the right to control over your body, but look elsewhere for economic and social equity."

More intriguing, perhaps, is the question if he had ever tried, would Eleanor have let him get away with it.

Do we, as Democrats, believe the American people truly share the Republicans limited view of the American dream?

Let me pose Ronald Reagan's favorite question: "Are you better off now than you were a year ago?" Perhaps you are * * * if are an oil company, A.T. & T. or IBM * * * if you are a defense contractor or Alexander Haig, you are better off today than you were a year ago.

But, if you are one of the rest of us, you're not.

Franklin Roosevelt dedicated his Government service to eliminate the plight of the ill-fed, ill-housed, and ill-clad Americans. Ronald Reagan seems dedicated to increase their numbers. We, as Demorats, as responsible public servants, as human beings, are obligated to remember these newly forgotten Americans. It is our obligation to remember the legacy of FDR and to improve the lot of all Americans, not just those in the 50 percent tax bracket.

Forty years ago, Franklin Roosevelt said:

"A Nation must believe in three things. It must believe in the past. It must believe in the future. It must, above all, believe in the capacity of its people so to learn from the past that they can gain in judgment for the creation of the future."

From the lessons of history * * * the lessons of the Roosevelt successes, and the Reagan failures, we can learn. And, we can build a program * * * a platform * * * and a party, to restore the Democrats to the White House, and more importantly, to restore the compassion in Government which FDR cherished.●

CATHERINE LEE

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1982

● Mr. PHILLIP BURTON. Mr. Speaker, on the weekend, February 12–14, 1982, the first statewide Asian Pacific Democratic Conference will be held in Sacramento, Calif.

On Friday evening a reception will be held honoring a truly dedicated individual who led the way for Asians and for women to participate in the political process within the Democratic Party in California.

Catherine Lee is a longtime and dear friend who has earned the recognition which the Asian Pacific Democratic Conference gives her. In a very true sense, Catherine Lee is a pioneer whose example has inspired other Asians to participate in political life and to work within that system toward a more just society.

Shortly after my first election to the California State Legislature in 1956 it was my pleasure to appoint Catherine Lee to the Democratic State Central Committee. Catherine Lee was the

first Asian woman to serve on that committee.

Catherine Lee was among the founders of the Chinese American Democratic Club which was formed in the mid-1950's and she served as one of its first officers. The Chinese American Democratic Club continues to this day and actively contributes to the political life of San Francisco.

Catherine Lee and her husband, Lim P. Lee, former postmaster of San Francisco have together served the Chinese American community, the Democratic Party, San Francisco and the State of California.

I am delighted that Catherine's contribution will be recognized by the Asian Pacific Democratic Conference and I wanted to share this brief glimpse of this outstanding woman with my colleagues in the House.●

A FAULTY POLICY IN EL SALVADOR

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1982

● Mr. GARCIA. Mr. Speaker, George F. Kennan, former U.S. Ambassador to the Soviet Union, recently said:

> I find the view of the Soviet Union that prevails today in the large portions of our governmental . . . establishments so extreme, so subjective, so far removed from what any sober scrutiny of external reality would reveal, that is not only ineffective but dangerous as a guide to political action.

I believe Mr. Kennan's assessment of the administration's perception of the Soviet Union can be applied equally to its perception of the situation in Central America.

It seems that the administration refuses to admit, or perhaps to realize that our present course of action in El Salvador is not working. The President was willing to certify that conditions in El Salvador have improved. I find that difficult to believe when eyewitnesses reported that approximately 700 peasants were killed recently in a Salvadoran village, probably by the Salvadoran military. This is only one indication of the carnage that has been taking place in El Salvador. Estimates are as high as 30,000 people killed since the 1979 coup. As many as 24,000 civilians have been reported victims of the fighting. The bulk of the responsibility for this ongoing massacre has been placed on the right wing paramilitary groups and the regular Salvadoran military.

Why then has the President certified the Salvadoran junta as having made considerable progress with human and political rights? My judgment is that the President feels he has little alternative to his present course of action. I believe Mr. Kennan put it succinctly when he described the lack of scrutiny our Government often shows when assessing the reality of many political conflicts.

The military, or at least certain factions of the military, has lost all sense of proportion and perspective as to its role in establishing some semblance of democratic order in El Salvador. In fact, it seems that the military wants to undermine any hope for legitimate political and economic reform. The military initiated the coup in 1979, overthrowing the Romero government and usurping the oligarchy. This indicates to me that not all Salvadoran military leaders are evil or against reform. But the continuous bloodshed perpetrated by the present military leaders, leads me to believe that any reformers in the Salvadoran military have left.

Giving more military aid to the Salvadoran Government, therefore, is not only foolish, but inhuman. The more support we give to the Salvadoran armed forces, the more likely they are to take this as a sign of approval of their present course of action.

Our military assistance to El Salvador in 1982 is more than two times the amount for 1981. The $55 million that the President recently earmarked for El Salvador is more than twice that spent by the United States in fiscal year 1982. I would think the continuous pouring of good money after bad would send a message to the administration about its present policy in that country. There is an alternative to propping up the present Salvadoran junta, and elections, as Mr. Reagan and his advisers are pushing for would certainly play a part in this alternative.

But elections cannot take place under present circumstances. First of all, there is no institutional superstructure on which to build a democratic foundation. The junta, were it truly representative, could provide such a foundation, but it is not. The problem is that El Salvador, whether the United States likes it or not, is politically divided. The FMLN and FDR represent a significant portion of the populace; they must be heard. If they are not, the fighting will continue.

The only realistic solution for ending the conflict in El Salvador, then, is negotiations between all concerned groups. The French-Mexican initiative, made last year, outlined possible conditions for such negotiations. One of the criteria was a reorganization of the military. I think this is not only reasonable, but necessary. The armed forces in El Salvador, as they are presently structured, have no credibility. They are intimidating, and an obstruction to constructive negotiations.

Further, I think the example of the British in Zimbabwe can be used to guide us in setting up negotiations for El Salvador. The United States must act as an honest broker, not as a military participant in helping El Salvador decide its future. We have other strengths we can offer to the Salvadoran people other than our military strength.

Robert White, the former U.S. Ambassador to El Salvador, when talking about the Reagan administration's policy in that country, said that if you wildly misanalyze a problem, chances of hitting on the correct solution are greatly diminished. Ambassador White is correct in his assessment. The Reagan administration is misanalyzing the situation. The administration talks about a domino theory in Central America. They have discussed the fall of El Salvador as if it is the linchpin for American stability. It is not. El Salvador is more of an example of a people coming to grips with an exploding population, diminished natural resources, a failed economy, and a history of political repression.

El Salvador is the worst example of the sickness that prevails in Central America, but it is not the only example. Guatemala will be the next country to explode into uncontrolled civil violence. Honduras is also weak, and despite the recent elections held in that country, its future remains blighted. Costa Rica is also struggling; Belize fears Guatemala; Panama is still trying to find its way after the death of Omar Torrijos; and Nicaragua is also struggling with its future. The United States has every right to be concerned about the future of El Salvador and Central America, but that concern must be based on a realistic assessment of the problem.

Because the administration is unwilling to make a realistic assessment, the consequences for El Salvador and for this country could be severe. The military buildup will continue, any elections held will have little meaning, and the United States may become more involved in the Salvadoran conflict. If we change our course of action, this need not occur.●

TRUTHS ABOUT NUCLEAR POWER

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1982

● Mr. SHUMWAY. Mr. Speaker, when the news of the radiation leak at the Ginna plant in New York first hit the wires, the immediate reaction was "oh, no, another Three Mile Island." It was not, of course, but the reaction underscores some of the problems nuclear power has been having since that earlier incident. Lost in the shuffle has been the irrefutable fact that no one

died at Three Mile Island, and that the worst harm done, according to scientists who have given the incident careful study, was done by those who cried wolf, thus causing tremendous psychological trauma to the residents of the area.

The Washington Post recently carried another insight into nuclear power. In its editorial on the subject, the Post reminds us that 31 coal miners have died in just the previous 6 weeks, and that in an average year, one coal miner dies every other day. Yet no one calls for a shutdown of the Nation's coal industry.

Nuclear power is not risk free, any more than coal is, but there is persuasive evidence that it is considerably less risky than many alternatives. Cool heads are needed, as well as cool reactors, if the Nation is to meet its energy needs.

Mr. Speaker, I insert the Post editorial referred to, in the RECORD at this point.

The editorial follows:

TRUTHS ABOUT NUCLEAR POWER

The Washington Public Power Supply System—whose acronym is appropriately pronounced "whoops"—finally canceled two of the five nuclear power plants it has been building. The cancellation of the two plants—further along than any previously canceled nuclear plants—triggered a wave of reaction on Wall Street, including the downgrading of bonds held by many of WPPSS's members.

A WPPSS director warned other utilities considering nuclear construction to "take a look at what happened here first." Similar sentiments warning of nuclear power's imminent demise because of economic and safety problems were echoed across the country. On top of this came Monday's "emergency" at an upstate New York plant where a burst pipe caused emissions of radioactive steam into the atmosphere. The story made front-page news.

Both events say a lot less about the health of the nuclear power industry than they seem to. WPPSS's problems derived largely from a combination of peculiar circumstances. The consortium, with no prior experience in nuclear construction, decided to build five plants at once, wildly over reaching itself. This initial mistake—if that is not too weak a word—was compounded by a seldom-matched talent for mismanagement. The group did not have to worry too much about cost overruns on the first three plants since these were being paid for by the federal government through the Bonneville Power Administration.

The accident at the Ginna plant also merits less attention than it has received. Radiation was released—but in negligible amounts. The plant's neighbors may have received a dose of about 3 millirems. That is about equal to nine days' exposure to the naturally occurring background radiation that bombards each of us every day of our lives.

There are serious problems with nuclear power—problems that the industry has been far too slow in correcting—but there is also a growing tendency to exaggerate them. Many of the industry's financial problems are the result of excess electrical capacity and high interest rates and are as typical of coal-fueled utilities as of nuclear ones.

Without minimizing nuclear power's safety defects, it needs to be pointed out that in the last six weeks *31 coal miners have died.* In an average year 150 die and 15,000 suffer disabling injury. The risks of coal mining are so high they have become commonplace—but the deaths and incapacitation from accidents and black lung are nonetheless tragic. The air pollution risks from coal combustion are more uncertain, but may turn out to be even greater. They include respiratory illness, cancer, acid rain and global warming from carbon dioxide accumulation. Some, or all of these may one day require far tighter pollution regulations than today's, or even global limits on the amount of fossil fuels that can be burned.

In short, death knells for nuclear power are unwarranted. The industry is an important component of the country's electrical generating capacity, and it could one day prove to be a vital one. The industry spends far too much of its time and energy chasing a silly obsession with the breeder reactor that might be useful late in the next century, instead of focusing on long overdue solutions to its safety and waste disposal problems. But the realities are important too: one American coal miner dies every other working day.●

POLISH REFUGEE ASSISTANCE ACT

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1982

● Mr. BIAGGI. Mr. Speaker, on January 28, I introduced H.R. 5384, the Polish Refugee Assistance Act, which will lift the current numerical limitation—now set at 5,000 for 1982—on refugee admissions to the United States from Poland. An identical bill was introduced in the Senate by Senator MOYNIHAN.

My bill has been introduced in response to the Polish Government's imposition of martial law. In the 6 weeks since the Polish Government took its drastic actions, more than 1,000 Poles have applied for refugee status. On an annualized basis, this could mean that between 6,000 and 8,500 Polish citizens will apply directly for refugee status—well above the 5,000 limitation.

Furthermore, General Jaruzelski has announced plans to go forward with new reforms including a relaxation of Poland's passport laws. Therefore, it is reasonable to anticipate a new exodus of people from Poland, some of whom will want to come to the United States. Currently, there are an estimated 50,000 to 100,000 Polish refugees in Western European countries, such as Austria and Germany, who may want to settle in America. As champions of freedom in America, we cannot deny access to any person fleeing the kind of tyranny which has been imposed by the current government. The Polish Refugee Assistance Act is also consistent with past U.S. efforts to aid refugees fleeing oppression. Our efforts with Poland must be as strong especially because of the countless contributions which the Polish-American community has made to our Nation.

The brutal crackdown by the puppet Polish Government has shocked the world. I hope that the legitimate aspirations for reform in Poland, as typified by the activities of the Solidarity Trade Union, may some day be achieved. Yet, while martial law is the order of the day, the United States must show its solidarity with those Polish citizens who are leaving their nation for a better life.

My legislation is in response to the crisis situation in Poland and will be effective for 1982 only. The bill is not intended to permanently lift immigration and refugee quotas for Polish citizens. Again, it is my fervant hope that the Polish Government lifts martial law and that the situation improves. However, until that time, I believe that the U.S. doors should be open to those individuals seeking a life free from tyranny and political persecution.

It is my belief that this legislation will help to dispel any confusion about our current policy with respect to Polish refugees. I contend that the State Department, while exhibiting some flexibility, most notably by stating that additional Polish refugees above the 5,000 limit could be accommodated within the 9,000 quota for all of Eastern Europe, needs to do more. My bill would take the important step of removing barriers which were instituted without full appreciation for the severity of the current Polish crisis. Its passage will send a more appropriate signal to the world that we denounce, and will never recognize a government in Poland which imposes martial law; and that we will support the efforts of those citizens who are fleeing tyranny and oppression. When it comes to defending the rights of people to be free, the United States can be second to none.

Even in the short time since I first introduced this legislation, the situation in Poland has taken a turn for the worse. Major civil unrest in Gdansk caused by increases of between 200 and 400 percent in the price of basic foods and commodities has been reported. This type of drastic change may also force a new exodus of Polish citizens.

I am pleased to note that 14 of my colleagues have already joined as cosponsors of the Polish Refugee Assistance Act. I invite additional support from my colleagues. At this point in the RECORD, I wish to insert two articles from the New York Times which discuss some of the current issues related to Polish refugees:

[From the New York Times, Jan. 10, 1982]

AUSTRIA FINDS POLISH INFLOW A BURDEN

VIENNA, January 9.—Austria, a country of 7 million people, prides itself as a haven for East Europeans fleeing Communist rule.

In 1981, 34,457 East Europeans—29,059 of them Poles—applied for political asylum in Austria. That was three and a half times the number of refugees who came here in 1980.

In addition, Gabrielle Neugebauer, the press representative of the Interior Ministry said, there are as many as 30,000 Poles in Austria on tourist visas.

Refugees cost the Government $53 million in 1981, $33 million more than expected. The money provided food and housing for refugees who crowd Austria's five transit camps.

UNITED STATES IS URGED TO TAKE REFUGEES

But the biggest problem for Austrian officials appears to be the fear that refugees will stay here permanently because they cannot get permission to emigrate to Australia, the United States or Canada. This attitude was reflected in Chancellor Bruno Kreisky's criticism of President Reagan's pre-Christmas offer of food for Polish refugees in Austria.

"We have enough flour, sugar and rice," Mr. Kreisky said. "The Americans should take more refugees instead."

Austria has asked other countries to increase immigration quotas. Last year Canada raised its quota for East Europeans from 1,100 to 2,100. The United States doubled its quotas for the current fiscal year to 9,000.

Australia was considering increasing its total quota by 1,000 to accommodate more Poles, Austrian officials say. But Austrians say those efforts are not enough.

CONTRAST IN WAYS OF LIFE

Before martial law was declared in Poland on Dec. 13 and the borders were sealed, as many as 150 new refugees arrived in Austria every day. Austrian authorities had to rent rooms in more than 600 inns and guesthouses to accommodate the Poles.

Innkeepers receive $11 a day per refugee for food. The Poles themselves get $8 spending money every two weeks.

But animosity toward the Poles detracts from Austria's carefully cultivated image as a neutral haven presented in Government brochures.

According to Karl Radek, the director of the main transit center at Traiskirchen, outside Vienna, the problems that have arisen stem from the difference between the refugees' old life in the East and their new life in the West.

"They must get used to the rules of the game in democracy," he said, adding that neither jobs nor housing are guaranteed in the West.

"Bear in mind," he went on, "that they lived 20 or 30 years in an authoritarian system. They come somewhere where it is free, and they must get used to it."

Describing how a refugee's mood tends to change after arrival, Mr. Radek said: "After an initial euphoria, there is a phase of reflection. He then realizes he has left his life behind, that his life is interrupted."

Mr. Radek said young people tended to find it relatively simple to adjust. But for divided families, he said, it is not.

Men who seemingly have no future may turn to drink, Mr. Radek said. But when the refugee hears that he can leave, the camp director added, "then he sees a future and all the problems get smaller."

[From the New York Times, Jan. 24, 1982]

U.S. COOL TO GIVING MORE POLES VISAS—IT FEARS OPENING DOORS WIDE TO REFUGEES MAY PROLONG MARTIAL LAW REGIME

(By David Shribman)

WASHINGTON, January 23.—The Reagan Administration has chosen not to encourage the 50,000 Poles who have flooded Austrian refugee centers to come to the United States, according to a high American official.

The policy adopted toward the Poles in Austria has angered Polish-American groups and has troubled the Austrian Government, but, the Administration official said, it is part of a quiet effort to obtain a loosening of the martial law that was imposed in Poland on Dec. 13.

"We don't want to create the impression that the situation in Poland is irretrievable," said the official, who spoke on condition that he not be identified. "It is not necessary yet. There is no point in contributing one way or another to the impression that the situation has moved to a point where it is locked in ice."

The exodus of Poles to Vienna ended with the military crackdown, but it left Austria with a refugee problem that cost $80 million last year and shows few signs of ameliorating.

POLES HOUSED IN MOTELS AND INNS

The Poles have come in such large numbers that many are being housed in Austrian Army barracks, in hotels, motels and inns.

The United Nations High Commissioner for Refugees has made a $2 million grant to Austria, but Gary Perkins, American director of the refugee office, said, "This does not even begin to cover the costs."

Austria is less concerned about the cost of the refugees than about their final destination.

"We are happy for every dollar we get," said an Austrian Embassy official, "but our concern is that these people move on to the final country of settlement."

According to the Austrian Government, 29,000 Poles applied for political asylum in Austria last year. An additional 20,000 came to Austria but have not applied for asylum.

"We would like to see those who wish to go on to third countries do so as soon as possible," the embassy official said. "But the question is: Which countries are willing to take them, and how many?"

U.N. APPROACHED 24 COUNTRIES

The United Nations refugee office approached 24 countries on Dec. 30 to appeal for help in settling the Poles. The response has been modest but, according to Mr. Perkins, "It is generally like this when you start to resettle people."

"You can never say even a month after you have started that you have enough offers," he added. "You simply have to keep appealing and keep working on the situation. We are certainly hopeful."

In response to the Polish crisis, the United States has placed a ceiling of 9,000 on refugees from all of Eastern Europe this year, twice as many as for 1981.

"That definitely is a very significant step," said the Austrian official, "but, given the number of Poles in Austria, we would be happy if their number were further increased."

American officials say the allotment can be increased if necessary, but the United States is not actively seeking refugees.

"We are not recruiting," said the Administration official.

U.S. POLICY IS TERMED "CONFUSED"

Representative Toby Moffett, Democrat of Connecticut, who visited Austria this month, said American immigration policy was "in a state of uncertainty and confusion" and the United States has "virtually no presence" in the two Polish refugee camps.

"In Austria," he said, "we found that the long-held view of the United States as a country that opens its arms to others has virtually disappeared."

Administration officials contend that the American effort and allotment are sufficient.

"Nobody is beating down our door," said Richard D. Vine, director of the State Department's Bureau of Refugee Programs.

Jerome Hoganson, office director of the program, said 90 percent of the Poles who applied were being granted refugee status. At times in 1981, he said, the rate was only 50 percent.

But Polish-American leaders have said that the United States, which opened its doors to refugees from Southeast Asia and from Cuba, has been slow to welcome Poles.

POLES CALLED "MORE CONTAINABLE"

"Poles happen to be 'more containable,'" said Leonard F. Walentynowicz, a former State Department official and a director of the Polish-American Congress. "They are not jumping on boats and going into the ocean and risking their lives like the Vietnamese. The United States can be more hospitable than it has been so far."

American officials say that such a policy would jeopardize hopes of a return to the situation before the military crackdown or, at the very least, a swift loosening of martial law. According to this line of thinking, any effort to encourage large numbers of Poles to seek asylum in the United States might well encourage the Polish leaders or their Soviet allies to tighten martial law.

With many Poles as yet undecided whether they wish to seek asylum, the Administration does not want to push them into acting in a hasty manner.

"We don't want to force any Pole in Austria or elsewhere to make a judgment prematurely," said the Administration official. "There is no point in forcing him and saying he has to become a refugee today. This notion of giving up your native land is not easy."●

RECENT ANTI-SEMITISM IN POLAND

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1982

● Mr. WEISS. Mr. Speaker, one result of the current political and economic crisis in Poland is a disturbing revival of anti-Semitic demagogy. The recent anti-Semitic campaign being carried out through the news media charges the tiny minority of Jews in Poland with causing many of that country's problems.

On December 15, just days after the imposition of martial law, Professor Kosseck, a Polish political scientist, viciously denounced Poland's Jews

during a television and radio interview in Warsaw. Since then, the Jews in Poland have been subject to a wide array of anti-Semitic propaganda aimed at diverting attention from that nation's struggle for democracy.

In an effort to discredit the Solidarity movement, a Communist newspaper, the Voice of Szczecin, published a statement in its Christmas issue accusing Jews of causing problems in Poland since 1947, and claiming that their objective now is to destabilize the nation in order to seize power. In addition, leaflets distributed throughout the country charged that Jews are not forced to wait in the daily food ration lines, and are hoarding food to sell on the black market. In fact, Jews are the first to be turned away from these seemingly endless lines. Other anti-Semitic propaganda wrongly asserts that the Jews control 80 percent of the nation's industry and that they are merely manipulating the progress of the Solidarity movement.

There is evidence that the dissemination of anti-Semitic propagada is not only sanctioned but encouraged by the Government. Although Polish leader General Jarulzelski asserts that the Government would never tolerate a deliberate abuse of anti-Semitic tradition, his claim is inconsistent with the Government's lack of restriction on the content and widespread circulation of anti-Semitic literature. Grunwald, an anti-Semitic organization which came into existence last year as an ultranationalist response to Solidarity, is largely responsible for the distribution of the denunciatory leaflets. Since martial law went into effect on December 13, the Grunwald pamphlets have been published under strict Government censorship, indicating the Government's complicity in their dispersion.

Despite accusations and attempts to saddle the Jewish population with responsibility for Poland's problems, the perpetrators have received little support for their campaign among the Poles themselves. The anti-Semitic leaflets are torn down almost immediately after they are posted. In addition, reporters who have recently returned from Poland affirm that the Polish people are not fooled by the allegations that the Solidarity movement is controlled by manipulative Jews.

The contention that the Jews are undermining the Nation and plotting a seizure of power is ludicrous. The Jewish population has been severely decimated. Prior to World War II there were some 3 million Polish Jews. All but about 30,000 were liquidated during the Holocaust, and in the 1968 purges large numbers of Jews were forced to emigrate reducing their numbers to an estimated 5,000 to 6,000. Since most of the remaining Jews are either old or infirm it is highly unlikely that they would have the ability to seize power in Poland even if this were their intention.

In a country where Jews have traditionally suffered harsh persecution, it is appalling to find that they are once again being used as scapegoats. Jewish groups in the United States have called on the Polish Government to issue an unequivocal statement decrying the propagandistic use of anti-Semitism, a measure that was previously taken by Solidarity leader Lech Walesa in early December. It is evident to the Poles, as well as to the international community, that the Jews are not responsible for the Polish crisis. Clearly the Polish Government cannot hope to divert the massive discontent and the democratic struggle among the Polish people through this abhorrent tactic.●

REFLECTIONS ON THE BOMB

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1982

● Mr. MARKEY. Mr. Speaker, of the host of problems our world faces, none is more serious than the threat of nuclear war. Today, the United States, U.S.S.R., and the other nuclear weapons states possess 50,000 nuclear warheads equal to the force of more than 1 million Hiroshima-sized bombs. While the superpowers continue to amass huge stockpiles, countries such as Iraq, Pakistan, and South Africa quietly proceed with bomb fabrication projects. To date, at least 30 countries have the technical capability to build nuclear weapons if they wish.

An article by Jonathan Schell, titled "Reflections: The Fate of the Earth," in the February 1, 1982, issue of the New Yorker magazine shares my sense of urgency that we must now come to grips with the fact that we are coming ever so closer to the brink of nuclear annihilation. Mr. Schell writes:

We have thus far failed to fashion, or to discover within ourselves, an emotional or intellectual response to (nuclear arms). This peculiar failure of response, in which hundreds of millions of people acknowledge the presence of an immediate, unremitting threat to their existence and to the existence of the world they live in but do nothing about it—a failure in which both self-interest and fellow-feeling seem to have died—has itself been such a striking phenomenon that it has to be regarded as an extremely important part of the nuclear predicament as this has existed so far.

In other words, we have learned to live with the bomb but not with the fact that the day may be fast approaching that the bomb will explode.

The following is an excerpt from the beginning of Mr. Schell's thoughtful piece:

[From the New Yorker, Feb. 1, 1982]

REFLECTIONS: THE FATE OF THE EARTH

(By Jonathan Schell)

Since July 16, 1945, when the first atomic bomb was detonated, at the Trinity test site, near Alamogordo, New Mexico, mankind has lived with nuclear weapons in its midst. Each year, the number of bombs has grown, until now there are some fifty thousand warheads in the world, possessing the explosive yield of roughly twenty billion tons of TNT, or one million six hundred thousand times the yield of the bomb that was dropped by the United States on the city of Hiroshima, in Japan, less than a month after the Trinity explosion. These bombs were built as "weapons" for "war," but their significance greatly transcends war and all its causes and outcomes. They grew out of history, yet they threaten to end history. They were made by men, yet they threaten to annihilate man. They are a pit into which the whole world can fall—a nemesis of all human intentions, actions, and hopes. Only life itself, which they threaten to swallow up, can give the measure of their significance. Yet in spite of the immeasurable importance of nuclear weapons, the world has declined, on the whole, to think about them very much. We have thus far failed to fashion, or to discover within ourselves, an emotional or intellectual or political response to them. This peculiar failure of response, in which hundreds of millions of people acknowledge the presence of an immediate, unremitting threat to their existence and to the existence of the world they live in but do nothing about it—a failure in which both self-interest and fellow-feeling seem to have died—has itself been such a striking phenomenon that it has to be regarded as an extremely important part of the nuclear predicament as this has existed so far. Only very recently have there been signs, in Europe and in the United States, that public opinion has been stirring awake, and that ordinary people may be beginning to ask themselves how they should respond to the nuclear peril.

In what follows, I shall offer some thoughts on the origin and the significance of this predicament, on why we have so long resisted attempts to think about it (we even call a nuclear holocaust "unthinkable") or deal with it, and on the shape and magnitude of the choice that it forces upon us. But first I wish to describe the consequences for the world, insofar as these can be known, of a full-scale nuclear holocaust at the current level of global armament. We have lived in the shadow of nuclear arms for more than thirty-six years, so it does not seem too soon for us to familiarize ourselves with them to acquaint ourselves with such matters as the "thermal pulse," the "blast wave," and the "three stages of radiation sickness." A description of a full-scale holocaust seems to be made necessary by the simple but basic rule that in order to discuss something one should first know what it is. A considerable number of excellent studies concentrating on various aspects of the damage that can be done by nuclear arms do exist, many of them written only in the last few years. These include a report entitled "The Effects of Nuclear War," which was published in 1979 by the Congressional Office of Technology Assessment, and which deals chiefly with the consequences of a holocaust for the societies of the United States and the Soviet Union; the latest (1977) edition of the indispensable, classic textbook "The Effects of Nuclear

Weapons," which is edited by Samuel Glasstone and Philip J. Dolan (hereafter I shall refer to it as "Glasstone") and was published jointly by the Department of Defense and the Energy Research and Development Administration, and which makes use of the government's findings from the bombing of Hiroshima and Nagasaki and from the American nuclear-test program to describe the characteristics and the destructive effects of nuclear explosions of all kinds; "Hiroshima and Nagasaki," a comprehensive study, carried out by a group of distinguished Japanese scientists and published here in 1981, of the consequences of the bombing of those two cities; "Long-Term Worldwide Effects of Multiple Nuclear-Weapons Detonations," a report of the global ecological consequences of a nuclear holocaust which was published in 1975 by the National Academy of Sciences (hereafter referred to as the N.A.S. report); a report of research conducted in 1974 and 1975 for the Department of Transportation's Climatic Impact Assessment Program on the consequences of manmade perturbances—including the explosion of nuclear weapons—of the earth's atmosphere; and "Survival of Food Crops and Livestock in the Event of Nuclear War," proceedings of a 1970 symposium held at Brookhaven National Laboratory, on Long Island, and sponsored by the Office of Civil Defense, the Atomic Energy Commission, and the Department of Agriculture, at which the effects of radiation from fallout on both domesticated and natural ecosystems were discussed. Drawing on these and other printed sources, and also on interviews that I conducted recently with a number of scientists, I have attempted to piece together an account of the principal consequences of a full-scale holocaust. Such an account, which in its nature must be both technical and gruesome, cannot be other than hateful to dwell on, yet it may be only by descending into this hell in imagination now that we can hope to escape descending into it in reality at some later time. The knowledge we thus gain cannot in itself protect us from nuclear annihilation, but without it we cannot begin to take the measure that can actually protect us—or, for that matter, even begin to think in an appropriate way about our plight.

The widespread belief that a nuclear holocaust would in some sense bring about the end of the world has been reflected in the pronouncements of both American and Soviet leaders in the years since the invention of nuclear weapons. For example, President Dwight Eisenhower wrote in a letter in 1956 that one day both sides would have to "meet at the conference table with the understanding that the era of armaments has ended, and the human race must conform its actions to this truth or die." More recently—at a press conference in 1974—Secretary of State Henry Kissinger said that "the accumulation of nuclear arms has to be constrained if mankind is not to destroy itself." And President Jimmy Carter said in his farewell address a year ago that after a nuclear holocaust "the survivors, if any, would live in despair amid the poisoned ruins of a civilization that had committed suicide." Soviet leaders have been no less categorical in their remarks. In late 1981, for example, the Soviet government printed a booklet in which it stated, "The Soviet Union holds that nuclear war would be a universal disaster, and that it would most probably mean the end of civilization. It may lead to the destruction of all mankind." In these and other statements, examples of which could be multiplied indefinitely, Soviet and American leaders have acknowledged the supreme importance of the nuclear peril. However, they have not been precise about what level of catastrophe they were speaking of, and a variety of different outcomes, including the annihilation of the belligerent nations, the destruction of "human civilization," the extinction of mankind, and the extinction of life on earth, have been mentioned, in loose rhetorical fashion, more or less interchangeably. No doubt, the leaders have been vague in part because of the difficulty of making reliable predictions about an event that has no precedent. Yet it seems important to arrive, on the basis of available information, at some judgment concerning the likelihood of these outcomes, for they are not the same. Nor, presumably, would the appropriate political response to all of them be the same. The annihilation of the belligerent nations would be a catastrophe beyond anything in history, but it would not be the end of the world. The destruction of human civilization, even without the biological destruction of the human species, may perhaps rightly be called the end of the world, since it would be the end of that sum of cultural achievements and human relationships which constitutes what many people mean when they speak of "the world." The biological destruction of mankind would, of course, be the end of the world in a stricter sense. As for the destruction of all life on the planet, it would be not merely a human but a planetary end—the death of the earth. And although the annihilation of other forms of life could hardly be of concern to human beings once they themselves had been annihilated, this more comprehensive, planetary termination is nevertheless full of sorrowful meaning for us as we reflect on the possibility now, while we still exist. We not only live on the earth but also are of the earth, and the thought of its death, or even of its mutilation, touches a deep chord in our nature. Finally, it must be noted that a number of observers have, especially in recent years, denied that a holocaust would obliterate even the societies directly attacked. If this were so, then nuclear weapons, while remaining fearsome, would be qualitatively no different from other weapons of war, and the greater part of the nuclear predicament would melt away. (In the discussions of some analysts, nuclear attacks are made to sound almost beneficial. For example, one official of the Office of Civil Defense wrote a few years back that although it might be "verging on the macabre" to say so, "a nuclear war could alleviate some of the factors leading to today's ecological disturbances that are due to current high-population concentrations and heavy industrial production." According to a different, less sanguine view of things, this observation and other cheerful asides of the kind which crop up from time to time in the literature go well over the verge of the macabre.)

Anyone who inquires into the effects of a nuclear holocaust is bound to be assailed by powerful and conflicting emotions. Preeminent among these, almost certainly, will be an overwhelming revulsion at the tremendous scene of devastation, suffering, and death which is opened to view. And accompanying the revulsion there may be a sense of helplessness and defeat, brought about by an awareness of the incapacity of the human soul to take in so much horror. A nuclear holocaust, widely regarded as "unthinkable" but never as undoable, appears to confront us with an action that we can perform but cannot quite conceive. Following upon these first responses, there may come a recoil, and a decision, whether conscious or unconscious, not to think any longer about the possibility of a nuclear holocaust. (Since a holocaust is a wholly prospective rather than a present calamity, the act of thinking about it is voluntary, and the choice of not thinking about it is always available.) When one tries to face the nuclear predicament, one feels sick, whereas when one pushes it out of mind, as apparently one must do most of the time in order to carry on with life, one feels well again. But this feeling of well-being is based on a denial of the most important reality of our time, and therefore is itself a kind of sickness. A society that systematically shuts its eyes to an urgent peril to its physical survival and fails to take any steps to save itself cannot be called psychologically well. In effect, whether we think about nuclear weapons or avoid thinking about them, their presence among us makes us sick, and there seems to be little of a purely mental or emotional nature that we can do about it.

A part of our quandary may lie in the fact that even a denial of the reality stems from what is, in a sense, a refusal to accept nuclear annihilation; that is, a refusal to accept even in imagination what Dr. Robert Jay Lifton, the author of pioneering studies of the psychology of the nuclear predicament, has appropriately called an "immersion in death." As such, the denial may have intermixed in it something that is valuable and worthy of respect. Like active revulsion and protest against nuclear weapons, a denial of their reality may spring—in part, at least—from a love of life, and since a love of life may ultimately be all that we have to pit against our doom, we cannot afford thoughtlessly to tear aside any of its manifestations. Because denial is a form of self-protection, if only against anguishing thoughts and feelings, and because it contains something useful, and perhaps even, in its way, necessary to life, anyone who invites people to draw aside the veil and look at the peril face to face is at risk of trespassing on inhibitions that are a part of our humanity. I hope in this article to proceed with the utmost possible respect for all forms of refusal to accept the unnatural and horrifying prospect of a nuclear holocaust.●

HOUSE OF REPRESENTATIVES—*Monday, February 8, 1982*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
February 8, 1982.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on this day.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O Lord, as in days past You raised up prophets to lead Your people in the way of righteousness, so enable leaders in our time to speak Your truth to our generation. As Your spokesmen warned against the sham and pretense and evil of another time, may we heed the calls for justice directed to us and act with compassion, reaching out to those least among us. Raise up leaders willing to speak for a better society even as we try do our part toward influencing our world with Your love, without which our lives cannot find satisfaction and the world can know no peace. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

RELIEF FOR COMMODITY CREDIT CORPORATION

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, tomorrow we are going to be taking up a bill that will give the Commodity Credit Corporation $5 billion to cover their losses in the last 2 years. Included in the losses is $1½ billion of uncollected interest in 1981 on loans made by the Corporation and $1.1 billion of uncollected interest on loans in 1980.

Mr. Speaker, I think it is interesting to note that these two amounts of uncollected interest losses more than double the total losses since 1966 on the guaranteed student loan program which we seem so busy trying to destroy. It is hard to understand how we can simply say that the agriculture community, when they make a loan, does not even have to pay the interest, much less the principal, and yet students will not be given their loans unless the whole program is changed drastically to eliminate many students from it immediately.

TOTALITARIAN MAJORITY IN THE UNITED NATIONS

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, an array of dictatorships—from Libya to the Soviet Union; from Syria to Cuba; from Poland to Afghanistan—have joined in an arrogant attempt to suspend or to remove from the United Nations one of its few free and democratic members. Since the U.N. has already become—to an appalling extent—an unholy alliance between Soviet imperialists, Arab radicals and Third World opportunists, the time is long overdue to send a clear and unambiguous message to the inhabitants of the glass edifice on the East River: The American people will no longer be willing to underwrite, to the tune of over a billion dollars annually, the irresponsible antics of a spectrum of dictatorships from Yemen to Uganda.

Today, with the support of the U.S. Department of State, I am introducing a joint resolution which is aimed at stopping the flow of U.S. taxpayer funds to the U.N. in the event the totalitarian majority of that body succeeds in curtailing full participation in all its activities by any one of its free and democratic members. The Congress of the United States and the American people are sick and tired of financing the antics of the Libyas and Cubas of this planet.

VIRGINIA JOHNSON RETIRES FROM ARMY CONGRESSIONAL LIAISON

(Mr. PRICE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE. Mr. Speaker, I rise today to pay tribute to Mrs. Virginia Johnson who will next week retire from Federal service after more than 31 years with Army Congressional Liaison. By her knowledge, enthusiasm, and quiet inspiration she has set the example for others to emulate. Her influence has permeated the Armed Forces Liaison Office. Her empathy and sincere concerns solved many personnel problems quietly and effectively. She has made a major contribution to the maintenance of outstanding liaison between the Army and the Congress.

Mrs. Johnson established and maintained an excellent rapport between herself and all congressional offices, thus permitting her to determine what the problems were and what information was desired. She consistently used her initiative and basic knowledge of pertinent material and familiarity with Army policies to give immediate assistance to the high volume of inquiries and requests received by the Army. In this sensitive and important position, Mrs. Johnson always portrayed the image of the Army in an outstanding manner.

When requests required immediate and extensive research, she left no stone unturned to be responsive to the problems at hand. She brought the full scope of her ability and resourcefulness to bear upon each detail, thus permitting her to give prompt and accurate replies to the myriad of inquiries received from the Congress. Her personal contacts within the Department of the Army and other agencies of the Government were of invaluable assistance to the Army in effecting the necessary coordination and quick action on complicated matters.

Mrs. Johnson has always been conscious of the responsibility inherent in obtaining factual and timely replies to Members of Congress. She displayed the ability to deal with and discuss the intricacies of cases with all ranks of military and congressional staff members, as well as constituents. She was ever alert to the categories of information that required coordination with Government agencies to preclude later embarrassment. She consistently demonstrated discretion and sound judg-

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

ment in these very sensitive areas. Her effectiveness has earned her the respect of all agencies with whom she dealt.

Her contribution to the Army and service to the Nation has set a standard of excellence, loyalty, and dedication to all men and women who will follow in her profession.

I congratulate Mrs. Johnson for the many contributions she has made to the Congress and I wish her all the best in the years ahead.

TAX EXEMPTIONS FOR JIM CROW SCHOOLS

(Mr. JACOBS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACOBS. Mr. Speaker, now that the Ways and Means Committee has examined the administration's creative legal research supporting tax exemptions for Jim Crow schools and found that research to be fictitious, the time has come for the administration to accept the graceful manner of correcting its faux pas and allow the Supreme Court to proceed with the Bob Jones case.

Tobacco subsidies are one thing. But tax exemptions for un-American activities are going too far. With this administration, blunders never cease.

EDWARD J. DeBARTOLO JR., DAY

(Mr. JOHN L. BURTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHN L. BURTON. Mr. Speaker, this Friday, February 12, the city of Youngstown, Ohio, will proclaim "Edward J. DeBartolo, Jr., Day" in tribute to the owner and chief executive officer of the world champion San Francisco 49'ers.

I am pleased to join with my colleague, LYLE WILLIAMS of Youngstown, Ohio, in offering this tribute to our good friend, Eddie.

The 49'ers became the Superbowl champions by defeating the Cincinnati Bengals 26 to 21 in Superbowl XVI. Under Coach Bill Walsh, they were the most winning team in the NFL for the 1981 season with 13 victories. It was the first 49'er team ever to win the NFC title. Their quarterback, Joe Montana, was MVP of the Superbowl, and Coach Bill Walsh was voted coach of the year by everyone, including the Washinton Touchdown Club. Fred Dean was named UPI's NFC defense player of the year.

In honor of Edward J. DeBartolo, Jr., Day and in tribute to our friend, Eddie, we would like to resubmit our tribute of November 22, 1981, to the CONGRESSIONAL RECORD. The January 24 Superbowl XVI victory only serves to underscore how prophetic our earlier words were.

The tribute to Edward J. DeBartolo, Jr, follows:

Mr. Speaker, as one of San Francisco's Members of the House of Representatives, I am pleased to join with my colleague, LYLE WILLIAMS of Youngstown, Ohio, in offering this tribute to our friend, Edward DeBartolo, Jr., who among other things is owner and chief executive officer of the San Francisco 49'ers.

At the invitation of my old buddy, Ken Flower, I was going to spend the evening with a person described by the San Francisco media as "a rich young kid from Youngstown, Ohio." I was stunned to find instead of the rich out-of-towner with a silver spoon, a warm outgoing person who could have hung out with me, George Moscone and the rest of the gang at Polk Gulch and North Beach.

When I met Eddie he was in town for the 49'ers-Redskin game with his close friend, Carmen Policy. They were watching "Boom Boom" Mancini fight Alex Arguello on television. Afterward we talked and I was amazed that he could keep up with the chatter of an old North Beach "Lean and Tender"—bartender—with the same ease that allows him to deal in the world of corporate board rooms.

I knew we were kindred souls when Eddie's only criteria for a restaurant was that they serve good baccala and require no neckties. By the end of the evening I felt as if I had known him all my life.

When Eddie first took over the 49'ers he was the victim of bum raps in the media, "a rich kid with a new toy," "he ain't even from the Bay Area," and "an outsider."

Although his family home is in Youngstown, Ohio, I know Eddie DeBartolo loves our city and the people.

When he became owner of the 49'ers, he made only one promise that within 5 years they would be competitive in the league. This promise has been more than kept and, along with coach Bill Walsh, he has given us exciting, gutsy team play every week.

He has provided 49'ers fans with the finest team in the history of the franchise.

To see Eddie in the locker room hugging, slapping hands, joking with the players, stopping to say a kind word to each team member shows he recognizes his players as people rather than beef on the hoof. To have seen the tears of joy after the Pittsburgh game as he hugged his dad and family then thanked each player was proof of his emotional and personal feelings about our 49'ers. The team is not a toy but part of his very being; far from being a spoiled kid with a new toy, Eddie DeBartolo is a beautiful human being who possess the unique combination of his father's business acumen and innerstrength, the emotional warmth and commonsense of his mother. Marie, as well as the street smarts of the common person. These traits are what makes Edward DeBartolo, Jr., a cut above most of his NFL peers.

Nineteen eighty-one marks a significant year, significant because this is Edward Jr.'s fifth season as the team's owner and chief executive officer. Five years have passed since the National Football League's San Francisco franchise became a vital acquisition of the nationwide DeBartolo Corp., and for the team's president, stability now has fully arrived on his football club. DeBartolo points with pride to the settling effect that has permeated the organization since 1979 when he hired Bill Walsh, a leading football tactician and a great human being with the ability to bring individuals together as a team on and off the field, as head coach and general manager.

The 49'ers were a team in transition during 1977 and 1978, but that transition began to diminish with the arrival of Walsh and his staff. DeBartolo says the turnaround came because "all of us have a singleness of purpose" where the 49'ers are concerned. He adds.

The people presently guiding the team under Bill's direction are the people who will be operating the team for a long time. I have pledged my total support to their efforts.

The 49'ers 35-year-old president serves the DeBartolo Corp. as president and chief administrative officer, a role that demands nearly all of his attention and time. The corporation's home offices are located in Youngstown, Ohio, the DeBartolo family hometown.

Founded in 1948 by Edward J. DeBartolo, who is the father of the 49'ers president, the DeBartolo Corp. has become one of America's great business success stories. It is the leading planner, builder, owner, and operator of enclosed regional shopping malls in the world, malls that total more than 74 million square feet of retail space.

In addition, the corporation owns thoroughbred racetracks, including luxurious Louisiana Downs, hotels, industrial and executive office parks, the Pittsburgh Penguins hockey franchise, the Pittsburgh Civic Arena, and holds many commercial bank interests, including its role as majority stockholder in three banks.

Ed Junior not only is one of America's fastest rising young executives for a major corporation, but he also is the youngest owner in the 28-team National Football League. His rise began upon graduation from Notre Dame in 1968 when he joined the company full time, moving from department to department learning the many facets of the company which, by then, had grown into a national corporation and had become recognized as the largest shopping center firm in the United States. In 1971 he was appointed a vice president.

Five years later he was named executive vice president while taking over the in-house DeBartolo staff of some 300 engineers, architects, designers, financiers, leasing agents, lawyers, management and operations teams, along with advertising, public relations, and marketing personnel. He was appointed president and chief administrative officer in July of 1979.

Working a demanding 7-day-a-week schedule that he has continued to today, Ed Junior found little time for those pursuits he still lists as hobbies—golf and football—or returning my phone calls. Football, the dominant interest in his life, would become more than just a hobby when he became the 49'ers president and general partner. In that capacity he controls 90 percent of the club, with limited partners Jane Morabito and Franklin Mieuli, who each own 5 percent.

Edward Junior gives generously of his time and influence when it comes to charitable endeavors. He is highly active in the St. Jude Children's Research Hospital, having directed the Youngstown effort for national chairman Danny Thomas, an effort that netted the greatest sum of any city its size in the Nation.

He also has for several years directed the Youngstown Cancer and Heart Fund Drives, served as director of a local youth center,

and served as a member of the board of trustees at Youngstown State University.

His wife, Candy, was his childhood sweetheart, and they are the parents of three daughters, Lisa Marie 11, Tiffanie Lynn 10, and Nicole Ann 6.

CRISIS CONDITIONS OF OUR ECONOMY

(Mr. EDGAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. EDGAR. Mr. Speaker, President Reagan, in his fiscal year 1983 budget message, has chosen to ignore the crisis conditions our economy now faces, while attempting to distract the public with more empty rhetoric about federalism, voluntarism, and pie-in-the-sky recovery schemes. His fiscal 1982 budget was chiefly unfair to poor people and distressed regions of the country, the fiscal 1983 budget is simply irrelevant to the problems this Nation must quickly solve.

The current recession has not struck all the States with equal force. The Northeastern and Midwestern States, still battered by earlier economic slumps and the devastating slide of the Nation's manufacturing sectors, are suffering more terribly than even the national unemployment rates would indicate. In my own State of Pennsylvania 11.2 percent of our workers have no jobs. Michigan suffers over 13 percent unemployment; New Jersey over 9 percent; Ohio over 10 percent. These States cannot wait for the President's grand schemes of 1984 or 1987. The promises the President has made may satisfy our friends in Florida, Texas, and California. But, Mr. President, we in the Northeast and Midwest cannot hold on much longer.

Today, I am submitting for the RECORD an executive summary of the Northeast-Midwest Congressional Coalition's regional analysis of President Reagan's fiscal year 1983 budget. I believe this documents the inequity of the President's program. I challenge the President to justify his program on a regional basis and come up with solutions to the problems we face today. If the President is not up to the job, many of us in Congress are now willing to take on this task.

SELECTED BUDGET BRIEFS: A REGIONAL ANALYSIS OF PRESIDENT REAGAN'S FISCAL 1983 BUDGET—FEBRUARY 8, 1982

EXECUTIVE SUMMARY

The Northeastern and Midwestern regions continue to experience the wrenching transformation from a heavy, basic manufacturing economy to an economic structure of greater diversity. While some parts of New England appear to be emerging from the long and painful transition, the Mid-Atlantic states are caught in the midst of the process, and the Middle-West is experiencing the full fury of its initial onset. The present recession is punishing the older Middle Western states with especially high rates of unemployment whereas, the last two major recessions effected the Mid-Atlantic more harshly than other parts of the nation.

Consistent with his pledge not to raise taxes, the president has requested $801.9 billion in new budget authority for fiscal 1983, projecting receipts of $666.1 billion and outlays of $757.6 billion with a deficit of $91.5 billion. This deficit figure assumes approval of $43 billion in new spending reductions and $13 billion in new revenue measures. CBO estimates in their five year forecast that without radical budget measures the budget deficit will climb to $250 billion, increasing to 5 percent of GNP as a result of lower levels of revenues due to the tax system restructuring accomplished by the Economic Recovery Tax Act of 1981. Under the president's proposed budget, federal spending would significantly increase only in the areas of defense, social security, and interest on the national debt. As a result, all other government programs, which constitute approximately 25 percent of government spending, will sustain dramatic funding cutbacks. (See Budget Overview for details.)

While the president's budget submission to Congress is a national document, its regional implications, especially when viewed against the back drop of long-term economic change, are critically important to policymakers.

The initial analysis of the president's proposals produced jointly by the staffs of the Northeast-Midwest Institute, the Northeast-Midwest Congressional Coalition, and the Northeast-Midwest Senate Coalition—with the added help of independent consultant Stan Collender, and of David Arnold and Bob James of the Coalition of Northeastern Governors—examines nineteen major areas of the budget considered by most of the region's public and private leaders to be of critical importance to the region's economic and social future. In this effort, there has been as much attention given to areas of federal domestic capital investment for critical "infrastructure" in such areas as energy, water, transportation, and community development as there has on defense and the "social safety net" areas.

Among the key findings discussed in far greater depth in the papers which constitute the rest of the study are these:

Defense. The Defense budget under the president's proposal is scheduled to increase by 14 percent this year, totalling $257 billion in budget authority.

In fiscal 1982, the Northeast and Midwest states received $381 per capita of all defense outlays, while the Southern and Western states received $826 per capita. (See Budget Brief Number One for details.)

New Federalism. While there is little question that the present system of intergovernmental fiscal relations is in need of "sorting out," the president's initial proposals raise a variety of troubling issues with respect to the older industrial states in the Northeast and Midwest including:

Disparities in the capacity of states to shoulder new financial burdens that would go along with some components of the "new federalism," (e.g. states in the Northeast and Midwest already have huge tax burdens and don't have "exportable" sources such as energy and tobacco production to fall back upon);

Estimates of program costs involved in the "swap" proposal which seem unrealistic; and

Changes proposed for fiscal 1983 in the Medicaid program, (a key component of the proposed "swap"), which make it likely that new expenses for "optional services will have to be undertaken by states in the Northeast, Midwest and the West.

(See Budget Briefs Number Two, Four, and Five for details.)

Enterprise Zones. An innovative method of making federal tax and other policies work to the economic advantage of selected distressed communities, the Enterprise Zone proposal likely to be made shortly by the president is significantly improved compared to earlier versions considered in Congress, but concerns remain about such specific elements as the tax treatment of small firms, the capacity of the eligibile local areas most in need to produce competitive "matching" packages, and the zone's apparent focus on residential areas. (See Budget Brief Number Four for details.)

Medicaid. The administration's proposed changes in the Medicaid program include a massive cost shift to the states by imposing a 3 percent federal cut for optional services. Since 75 percent of the residents of the Northeast and Midwest live in states which provide optional services (as compared to 55 percent of the South and West's population), the cut would fall disproportionately on the already economically hard-pressed states in the Northeast-Midwest region. (See Budget Briefs Number Two and Four for details.)

Aid to Families with Dependent Children. A number of regionally important changes have been proposed in this vital "safety net" program. In perhaps the most dramatic suggestion, the administration has proposed counting low income energy assistance payments as income in calculating AFDC benefits. This would reduce AFDC benefits one dollar for each dollar of energy assistance, and it would have the effect of terminating the energy assistance program for welfare recipients. (See Budget Brief Number Five for details.)

Food Stamps. The administration's proposal to count low income energy assistance as income in calculating food stamp benefits would cost food stamp recipients up to $5.25 in benefits for each $10.00 of low income energy assistance. The administration also proposed to abolish the current 18 percent income disregard thereby eliminating the program's chief work incentive previously in effect.

Unemployment Compensation and Trade Adjustment Assistance. Despite post-war record levels of unemployment in some areas—many of them in the Northeast and Midwest—and increasing dislocations caused by imports, major cutbacks are proposed in the Employment Service, and the Trade Adjustment Assistance Program would be eliminated completely within two years, although a small amount of residual TAA funds would be shifted into a new training program for special target groups. (See Budget Brief Number Seven for details.)

Energy. As "old, cold," high energy cost areas, the Northeast and Midwest gain more from conservation and renewable alternative efforts than other areas. However, under the president's proposal the energy conservation budget would be reduced from $386 million in fiscal 1982 to $22 million in fiscal 1983—a reduction of 95 percent. All state and local government energy conservation programs would be eliminated. These program grants include weatherization, schools and hospitals and the energy extension service. Funding for the fossil, solar

and renewable energy categories would be reduced by approximately 70 percent. Low income energy assistance would be reduced by 25 percent to $1.3 billion in fiscal 1983 and changes in the Food Stamp and AFDC programs.

However, production programs such as the Synfuels Corporation, which is not considering even a single project in the Northeast and Midwest have been well protected by the president's budget submission. (See budget Brief Number Eight for details.)

Water Supply and Quality. Traditional water supply programs administered by the Army Corps of Engineers and the Bureau of Reclamation are left virtually intact, as they were last year by the president's proposal. (Bureau of Reclamation construction projects actually receive a substantial increase, while the Army Corps of Engineers' budget declines slightly.) In addition, the budget document states that the administration expects to submit a supplemental request for up to $48 million to pay for new construction starts.

While the federal government continues to maintain funding levels for Western water projects, these programs continue to ignore the water needs of Northeast and Midwestern states. The Bureau of Reclamation can only operate legally in certain states, while it controls one-third of the total federal water supply budget. Under the Corps of Engineers and Bureau of Reclamation construction programs, the Northeast-Midwest region averaged only $8 per capita, while the South and West averaged $26 per capita.

The repair and maintenance of urban water systems in one of the greatest water resource problems in this region, yet because the Corps refuses to get involved in "single-purpose" projects, no assistance is available for these water supply problems. The 1980 Urban Water Supply Task Force estimated that $50 to $80 billion is needed to repair and replace water distribution and treatment systems nationally.

Transportation. A 10 percent reduction (on top of a fiscal 82 reduction of 25 percent) is proposed by the president in Urban Mass Transit Administration (UMTA) financing—this change would work additional special hardships in the Northeast and Midwest which has 75 percent of the nation's mass transit ridership and has traditionally received higher than average UMTA allocations. Other changes in such areas as bridge maintenance will also be especially difficult for the region and will directly effect its long-run prospects for economic renewal. (See Budget Brief Number Ten for details.)

Community and Economic Development. The Reagan proposal calls for the elimination of the Economic Development Administration, a program which has provided grants, loans, and technical assistance to create new permanent employment in the private sector, with the Northeast and Midwest receiving a higher than average share of program allocations. EDA's fiscal 1980 investments generated or preserved more than 216,000 jobs and "leveraged" approximately $2.56 billion in private investment nationally.

The administration's fiscal 1983 budget, however, seeks no reduction in funding for the Community Development Block Grant (CDBG), Urban Development Action Grant (UDAG) and General Revenue Sharing (GRS) programs below fiscal 1982 levels, but inflation will reduce these programs' "buying power."

Proposed changes in the Industrial Development Bond system could also be particularly difficult for hard-pressed states and localities in the Northeast and Midwest. (See Budget Briefs Number Eleven, Twelve, and Seventeen for details.)

Employment and Training. The administration proposes to eliminate the CETA program and replace it with a new employment and training block grant to the states. It proposes an expanded special targeting training program and maintains the Job Corps program. The administration also proposes to fund these programs at $2.46 billion in budget authority for fiscal 1983. This is a substantial reduction from the current CETA funding level of $3.1 billion in budget authority.

The Northeast and Midwest have traditionally received above average allocations of these funds and, unless new, more tightly targeted allocation formulas are proposed by the administration in its block grant recommendations, the region stands to lose substantial amounts of employment and training funds in fiscal 1983. (See Budget Briefs Seven and Thirteen.)

Housing. The administration has proposed to fund public housing operating subsidies at 60 percent of full funding, or $1.08 billion. Since Northeastern and Midwestern states have a total of 55 percent of the nation's public housing, the impact of this reduction would be most acutely felt in our region.

Since the public housing authorities in the region allocate a greater percentage of expenditures for fuel, an expense that cannot be reduced or deferred, these deep cuts would impact most in Frostbelt areas, thus contributing to the further deterioration of the public housing stock and perhaps leading to an increase in abandonments.

The administration has proposed to end the federal government's involvement in new construction of Section 8 Assisted Housing and suggests a "voucher"-type program instead. The low vacancy rates in parts of the Northeast and Midwest make this a particular area of concern. (See Budget Brief Number Fourteen for details.)

Education. In fiscal 1983, the administration proposed to establish a Foundation for Education Assistance, a scaled-down subcabinet agency to replace the current Department of Education. A number of programs now administered by the Department of Education would be transferred to other agencies.

Overall education programs would be cut by 21 percent. Compensatory education (Chapter I) the largest federal education program while not targeted for any legislative changes, would receive a $412 million cut in budget authority or 14 percent cut in fiscal 1982. A further cut of $539 million in budget authority, a 22 percent reduction is proposed for fiscal 1983.

Categorical programs for vocational, adult, and handicapped education would be consolidated into two separate block grants, with an adult and vocational block grant being funded in fiscal 1983 at $500 million in budget authority, a 36 percent reduction from fiscal 1981 funding levels. The handicapped block grant would be funded at $846 million, a $62 million increase from fiscal 1982 but a 17 percent or $179 million cut in budget authority from the fiscal 1981 funding level.

The administration would achieve a 10 percent reduction in the Guaranteed Student Loan Program in fiscal 1982 through a number of reforms including applying a needs list to all students and limiting the interest subsidy to a two-year period following graduation.

The proposed 21 percent reduction in funds for education programs will be imposed on the states on top of deep cuts made in these same programs in fiscal 1982. The impact of the administration's budget cuts would be particularly difficult for the states in the Northeast and Midwest which will be receiving less money from Washington at the same time they are experiencing increased fiscal stress.

General Revenue Sharing (GRS). The president has proposed no changes in the GRS program for fiscal 1983, (although the states, including the hard pressed states of the Northeast and Midwest, were suddenly terminated from the program in 1981. Problems relating to the current formula's failure to fully account for real differences in fiscal capacity (e.g. severance taxes) remain in the program as presently constituted.

Small Business. While businesses in the Northeast and Midwest have relied far less on Small Business Administration subsidies than have businesses in other regions, the very substantial cut-backs the president has proposed in SBA subsidies will still be felt in the region. These reductions could make small business development and expansion strategies being undertaken by many of the region's distressed communities especially difficult.

Revenue Measures. The president has proposed a modest set of revenue increasing measures but an almost unlimited number of major alternatives can be considered in the course of fiscal 1983 budget deliberations. Among those tax options likely to be of special interest to the region's decisionmakers are such concepts in the energy field as a national severance tax, elimination of independent oil producers' tax breaks voted in 1981, and repeal of the Windfall Profits Tax exemption for oil pumped off state-owned land.

THE SO-CALLED ECONOMIC RECOVERY PLAN

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, in his budget message today, President Reagan says:

> We did not promise the American people a miracle. We did promise them progress, and progress they will get.

The progress we have is to the conclusion that President Reagan has no coherent policy to balance the Federal budget.

The practical effect of the so-called economic recovery plan is to cut general outlays by amounts approximately equal to sums required for the defense buildup. The tax cuts under last year's law result in reductions in Federal revenues of $776.2 billion from 1981 through 1986—leaving revenues substantially below the amounts required to operate the Federal Government without generating huge deficits.

By the administration's own budget estimates—which are subject to challenge—the present economic course is certain to produce record deficits ex-

ceeding $273.3 billion over the next 3 years insuring higher interest rates and higher unemployment with the prospect of lower productivity.

If the President supports a balanced budget, he should present one.

What is needed is a bipartisan congressional alternative to the budget now before us—a bipartisan alternative that is designed to balance the Federal budget.

LET'S START AT THE TOP WITH BUDGET CUTS

(Mr. LEVITAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVITAS. Mr. Speaker, over the next several months we will be hearing a great deal about the budget which President Reagan has now submitted to Congress. We will hear about an enormous deficit. We will hear about additional revenue enhancements resulting from his proposal for withholding taxes on dividends and interest. We will hear a great debate about where reductions in increased rates of spending will be made, since President Reagan's proposed budget is even larger than last year's.

But there is one element in this proposed budget, Mr. Speaker, that should not go unnoticed, as we begin this debate. I refer to President Reagan's request for an increase in funds for the White House. While calling for many reductions of proposed spending in programs like child nutrition programs, reductions for job training and education, increased payments by senior citizens for health care, the President is asking for a 17-percent increase in funds to run the White House. The largest part of the increase requested is a boost from $11.9 million to $13.3 million for White House salaries.

I do not begrudge this President, or any President, the funds needed to run his high office, but if we are asking other people in America to sacrifice, we might as well begin at the top, at the White House. Do you not think it sends the wrong message, Mr. Reagan? Perhaps someone can address the question of why the White House will be receiving increases in spending while people out in America will be receiving cuts.

PROSTRATING THE CCC FOR GENERAL JARUZELSKI

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PEASE. Mr. Speaker, on Sunday, January 31, we watched an international broadcast entitled "Let Poland Be Poland" which was designed to rivet the world's attention on the brutal suppression of the Polish people. The U.S. International Communication Agency had a major role in producing that program and President Reagan was featured prominently in it.

What we did not know along with the American people was that while President Reagan was "talking tough" about General Jaruzelski's martial law regime in Poland and the Soviet Union, he had already decided to have our Government pay $71.3 million owed by the Government of Poland to U.S. commercial banks. To make matters worse, the Reagan administration rewrote the rules and prescribed operating procedures of the Commodity Credit Corporation on an emergency basis to afford special treatment for the Polish debts.

The following excerpt from part 1493 of the Code of Federal Regulations details the established procedures that are to be followed for losses caused by defaults in the loan guarantee program of the Commodity Credit Corporation.

LOSSES CAUSED BY DEFAULTS

§ 1493.8 Notice of defaults.

(a) If the foreign bank issuing the letter of credit fails to make a remittance pursuant to the terms of the foreign bank letter of credit or related obligation, the exporter or the exporter's assignee shall notify CCC at the address indicated in § 1493.15, by phone or wire if payment is not received within 10 days of due date, or any extension thereof by the Treasurer, or Assistant Treasurer, CCC. If made by phone it must be confirmed in writing. The notice shall include the payment guarantee number, the amount due, the date of refusal to pay and reason for the default, if known.

(b) Within 30 days after the notice of default, or any extension thereof by the Treasurer, or Assistant Treasurer, CCC, the exporter or the exporter's assignee shall file a claim for loss to the Treasurer, CCC, with the following information and documents:

(1) Payment guarantee number.

(2) A certification that the scheduled payment has not been received.

(3) A copy, certified as true and correct by the exporter or the exporter's assignee of each of the following:

(i) Foreign bank letter of credit securing the export credit sale and, if applicable, the obligation owed by the foreign bank to the assignee U.S. bank which is related to the foreign bank's letter of credit issued in favor of the exporter.

(ii) Ocean carrier or intermodal bill(s) of lading with onboard ocean carrier date for each shipment, or airway bill, or if exported by rail or truck, landing certificate or similar document.

(iii) Invoice(s) showing the exported value of the commodity.

(iv) An instrument, in form and substance satisfactory, to CCC, subrogating to CCC their respective rights for the amount of payment in default under the applicable export credit sale. If there is an intervening purchaser both the exporter's invoice to the intervening purchaser and the invoice to the foreign buyer should be included.

(c) A claim for a loss by the exporter or the exporter's assignee shall not be honored if it is made later than six months from the date of default.

§ 1493.9 Payment of loss.

(a) Upon receipt of the information and documents in good order, as required under § 1493.8, CCC shall determine whether or not a loss has occurred for which CCC is liable under the applicable payment guarantee and these regulations. If CCC determines that it is liable to the exporter and/or the exporter's assignee, CCC will remit to the exporter or the exporter's assignee the amount of the combined principal and interest loss covered by the payment guarantee plus interest at the latest rate of the bond equivalent of the 52-week Treasury bill auction average which has been published by the Department of Treasury as of the date of default. Interest shall accrue beginning with the first day after the exporter's or the exporter's assignee's claim was received by CCC and continuing to the date payment is made by CCC.

(b) CCC's maximum liability will be limited to the lesser of (1) the guaranteed value as shown in the payment guarantee plus eligible interest or (2) the percentage of the exported value as specified in the payment guarantee plus eligible interest.

(c) CCC shall only honor claims for losses on amounts not paid as scheduled. CCC shall not honor claims for amounts due under an accelerated payment clause in the export credit sales contract, the foreign bank's letter of credit, or any obligation owed by the foreign bank to the assignee U.S. bank which is related to the foreign bank's letter of credit issued in favor of the exporter, unless it is determined to be in the interest of CCC by the Assistant General Sales Manager. Notwithstanding the foregoing, CCC, at its option may declare the entire amount of the unpaid balance plus accrued interest in default and make payment to the exporter or the exporter's assignee in addition to such other claimed amount as may be due from CCC.

(d) Notwithstanding any other provision of the regulations set forth in this subpart to the contrary, with regard to commodities shipped to which the payment guarantee is applicable CCC will not hold the assignee responsible or take any action or raise any defense against the assignee for any action, omission or statement by the exporter over which the assignee has no control provided that:

(1) The exporter complies with the reporting requirements under § 1493.7 and (2) the exporter or the exporter's assignee furnishes the statements and documents specified in § 1493.8.

[45 FR 64898, Oct. 1, 1980, as amended at 45 FR 78622, Nov. 26, 1980]

§ 1493.10 Recovery of losses.

(a) Upon payment of loss to the exporter or the exporter's assignee, CCC will notify the importer and/or the foreign bank of CCC's rights under the subrogation agreement to recover all monies in default.

(b) In the event monies for the defaulted payment are received by the exporter or the exporter's assignee from the importer, foreign bank or any other source whatsoever, such monies shall be immediately paid to the Treasurer, CCC.

(c) Recoveries made by CCC from the importer or foreign bank and recoveries received by CCC from the exporter or the exporter's assignee or any other source shall be allocated by CCC to the exporter or the exporter's assignee and CCC on a pro rata

basis as their respective interest may appear. The respective interest of each party shall be determined on a pro rata basis, based on the combined amount of principal, plus interest.

(d) Notwithstanding any other terms of the payment guarantee, the exporter shall be liable to CCC for any amounts paid by CCC under the payment guarantee when and if it is determined by CCC that the exporter has been or is in breach of any contractual obligation, certification or warranty made by the exporter for the purpose of obtaining the payment guarantee or in fulfilling obligations under the GSM-102 Regulations.

(e) Upon payment of a claim to the exporter or the exporter's assignee, the exporter or the exporter's assignee shall cooperate with CCC to effect recoveries from the foreign bank and/or the importer.

I have already introduced a resolution (H. Con. Res. 266) to protest the President's unconscionable decision to use public funds to underwrite the imposition of martial law in Poland. Hopefully, a strong show of support for this resolution from both sides of the aisle will convince the President that it should be up to General Jaruzelski and the Kremlin and not the American taxpayer to pay off the Polish debts.

REVOLUTION IN NATION'S FINANCIAL MARKETS

(Mr. PARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PARRIS. Mr. Speaker, one of the least understood phenomena of our time has occurred essentially during the last 13 months. This situation will surely have dramatic and drastic effects on the way monetary policy is conducted in the United States.

In just a little over 1 year, funds approaching $200 billion have been placed into nonregulated, noninsured, nonreserved money market funds. I am informed that this amount exceeds the combined total deposits of 11,000 of the 14,000 banks in our Nation, or the equivalent of 79 percent of the Nation's total bank deposits.

The American consumer, wary of continued excessive inflation, has taken his savings to these money market funds as the most liquid, highest yielding means of protecting the real value of his money—but none of these assets are available for consumer finance or mortgage indebtedness.

The consequences of this activity is nothing short of a revolution in this Nation's financial markets and institutions which will be ignored in the future at our peril.

HONORING SENATOR STROM THURMOND

(Mr. CAMPBELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CAMPBELL. Mr. Speaker, it is with great pleasure that I rise today to include in today's RECORD a transcript of the Strom Thurmond testimonial dinner held on October 24, 1981, on the occasion of the announcement of the Strom Thurmond Center for Excellence in Government and Public Service at Clemson University. The admiration, respect and, yes, love revealed in these remarks are an appropriate tribute to South Carolina's senior Senator and the Nation's President pro tempore of the Senate. At this point in the RECORD I include the following:

TRANSCRIPT OF STROM THURMOND TESTIMONIAL DINNER

INVOCATION BY THE REVEREND ROGER LOVETTE, D.C., PASTOR, FIRST BAPTIST CHURCH OF CLEMSON, S.C.

Let us pray:

We thank you Lord for those that serve the cause of the right in our time. We thank you, tonight, for the good gifts that Strom Thurmond has given to make this world a better place as we break this bread together this evening. Make us all conscious of all the graces that flow into our lives, making them richer, deeper, better and more purposeful. In your name, we ask all these things. Amen.

DINNER HONORING SENATOR STROM THURMOND ON THE OCCASION OF THE ANNOUNCEMENT OF THE STROM THURMOND CENTER FOR EXCELLENCE IN GOVERNMENT AND PUBLIC SERVICE AT CLEMSON UNIVERSITY, OCTOBER 24, 1981, CLEMSON UNIVERSITY PRESIDENT BILL L. ATCHLEY

Ladies and gentlemen, I want to welcome each of you to this special occasion to honor a very special Clemson son and a great American, Senator Strom Thurmond.

If I were to introduce tonight all the distinguished people in this room, we would be here all night. But I would like to recognize Senator and Mrs. Thurmond and the members of their family, and ask them to stand so we can give them a warm welcome.

Please continue with your dinner while I share with you some greetings from a number of Senator Thurmond's colleagues in public service. Again, we don't have time to read all the telegrams we've received from members of the Cabinet, members of Congress and from Senator Thurmond's friends throughout the state and nation, but I do want to quote from a few of them.

Energy Secretary Jim Edwards says that this is a historic day for Clemson University. He says, "People from all over this nation will visit South Carolina for the first time and take back with them a little of what we in South Carolina know to be our greatest treasure—Senator Strom Thurmond."

Senator Thurmond's colleague in the United States Senate, Senator Fritz Hollings, writes, "Having the Thurmond papers at Clemson is good news for everybody. My congratulations to you and particularly to my friend Strom for making such an outstanding selection."

From Governor Dick Riley we get this word, "Clemson and all South Carolinians can be proud of this most gracious donation by Senator Thurmond, one of our state's foremost statesmen and leaders. Please accept my personal congratulations."

And now I'd like to introduce Mr. Lee Atwater—a former aide to Senator Thurmond and now Deputy Assistant to the President for Political Affairs. He has a very special message from some other friends in Washington.

DEAR PRESIDENT ATCHLEY: I want to congratulate Clemson University on this tremendous gift of personal papers and memorabilia from Senator Strom Thurmond. This must surely make one of the finest hours for a university which has an outstanding tradition of support by its alumni.

Senator Strom Thurmond is without doubt one of the nation's outstanding public figures, and I am sure that the Strom Thurmond Center for Excellence in Government and Public Service will be a monument to the Senator's exemplary public service.

Strom, I also want to congratulate you on your choice of a home for your papers and materials. I know of your love for Clemson, and I believe that you have made a splendid selection for the location of a national research and learning center to honor your many contributions to South Carolina and the Nation.

With best wishes for a most enjoyable occasion,

Sincerely,

GEORGE BUSH,
Vice President of the United States.

DEAR DR. ATCHLEY: I am delighted to extend my warmest congratulations to you and Clemson University on the formation of the Strom Thurmond Center for Excellence in Government and Public Service.

Senator Thurmond's career as judge, governor, and senator spans several crucial decades in our nation's history. His outstanding leadership and contributions to the American political process are an inspiration to all who seek the best for our nation.

As you know, Strom is President Pro Tem of the Senate and Chairman of the Judiciary Committee, and he and I worked together on a daily basis. I value his counsel, and Nancy and I treasure our friendship with Strom and his Nancy.

With its acquisition of his papers and memorabilia, the University will be preserving a rich source of unique information and insight not only of a major political figure but of an entire era.

Once again, congratulations on this announcement. You have my best wishes for every success for this project in the years ahead.

Sincerely,

RONALD REAGAN,
President of the United States.

Before we begin our program, I would like you to know that we have two occasions for celebrating tonight. To help me with this part of the festivities, let me introduce to you four Thurmonds you haven't met yet. They are Nancy Moore, J. Strom Jr., Julie and Paul.

Please join me in wishing "Happy Birthday" today to Mrs. Nancy Thurmond.

Tonight we celebrate two historic events in the life of Clemson University—the decision by Senator Thurmond to give his papers to Clemson University, and the announcement of the Strom Thurmond Center for Excellence and Public Service at Clemson.

We are privileged to have on our program tonight several individuals who, aside from being distinguished in their own right, have been close to the life and career of Senator Thurmond. Each will share with us some in-

sights and observations about the various periods of the Senator's career.

I'm sure many of you know that Senator Thurmond began his remarkable life of public service right here in his native South Carolina after he was graduated from Clemson. He wore quite a few hats in those early days too, serving as coach, teacher, lawyer, and circuit judge.

I have the pleasure now of introducing the Honorable Charles E. Simons Jr., chief judge of the United States District Court, District of South Carolina, who will tell us more about Senator Thurmond's early career in public life.

REMARKS BY THE HONORABLE CHARLES E. SIMONS, JR., CHIEF JUDGE, FEDERAL DISTRICT COURT, DISTRICT OF SOUTH CAROLINA

Dr. Atchley, friends of Strom Thurmond and Nancy Thurmond and the Thurmond children:

The opportunity to be here tonight, sharing this program honoring Strom and Nancy Thurmond and their children, affords me one of life's most cherished moments. My association with Strom goes back at least a generation. We both come from Edgefield County. He is the second oldest in a family with three sons and three daughters. His father, Mr. Will Thurmond, was one of the leading lawyers of this state and served in the legislature from Edgefield County as solicitor of the circuit and later as United States attorney. His mother was a very gentle, genteel and admirable lady. Both parents wielded tremendous influence upon Strom's character and personality.

I have often heard him quote his father saying, "You must always appear right as well as be right." He has always adhered religiously to this principle. When Strom graduated in 1923 from this great institution—that's quite a concession from a Carolina man—he taught agriculture for the next five years in the high schools of McCormick, Ridge Spring and Edgefield. He then hitched his wagon to a star beginning his steady rise to become the greatest legend of our time.

In 1928 he was promoted from teacher to county superintendent of education. He then decided to study law at night in his father's law office, finishing a three year curriculum in one year. It is reported—and I don't vouch for this—that he tied for first place along with a Harvard Law School graduate in the South Carolina Bar Examination. He then began his law practice in Edgefield in 1930 where he had a very thriving practice. He was elected to the State Senate in 1933. I heard my dad, a close friend and supporter of Strom, quite often make the statement that Strom was a fine lawyer and advocate and I suspect that his high admiration for Strom is one of the reasons that he urged me to go to law school.

Incidentally, in 1936 Strom was elected to the Board of Trustees of Winthrop College, and I understand that one of the halls over there, probably a girl's dormitory, was named after him.

In 1938 he was again promoted, this time from lawyer to circuit judge. Some people refer to them as circus judges. He won handily in a heated race over George Bell Timmerman, Sr., who later became one of our outstanding federal distict judges. During the judicial election in the general assembly, he had the strong support of Governor Olin B. Johnston, whom he later opposed in the 1950 United States Senate race, if any of you remember. This was a very heated and close race with Senate Johnston edging out Senator Thurmond.

Judge Thurmond was widely recognized as an able, fearless, evenhanded and compassionate judge. During his tenure he had the painful duty to sentence several murderers and rapists to the electric chair. Yes, they were in fact electrocuted in those days. Unfortunately, this is far from what is happening under our present day system, where literally hundreds of dangerous criminals are languishing in deathrow waiting for the federal courts to commit the states to execute their sentences. That statement is primarily for Judge Chapman. Hopefully this situation will change as new members are added to our circuit courts and the United States Supreme Court.

In 1939 upon graduation from Law School, I visited Judge Thurmond during his court in Edgefield seeking his suggestion as to where I should hang out my shingles since I had just finished Law School. He recommended to me that I consider Aiken. I followed his advice. It worked out so well, that I have been following his advice ever since. I've even taken up jogging.

When our country entered World War II, he immediately volunteered for active duty even though he was exempt from the service by virture of his judgeship. When he returned from the service, he resigned from his judgeship and ran for governor in 1946 and was elected over 10 other opponents. When his term as governor expired in January 1951, he complimented Dorsey Library and me by coming to Aiken and joining our law firm. For the next several years we enjoyed a very interesting, varied and lucrative law practice. We represented a majority of the land owners in their condemnation cases against the United States government which had taken their farms, businesses and homes to build the Savannah River Plant. Under Strom's direction we organized the Aiken Federal Savings and Loan Association with an original deposit of $100,000. Today the total assets of that Association amount to approximately $160 million.

In the most sensational murder case of that period, he was employed by Marjorie Prescott Kennedy, originally from Edgefield County, to represent her for the murder of her husband, John B. Kennedy, the fire and police chief of Augusta, Georgia. She had shot him with his own gun as he emerged from a grocery store. After several weeks of detailed preparation, followed by an extended trial, he won for her an acquittal—not bad for a South Carolina lawyer who had dared to venture into the foreign lands of Richmond Country, Georgia.

He remained with us in Aiken until he was again promoted, to the United States Senate in the famous write-in campaign that you'll hear more about mementarily.

What an experience it was to practice law with Strom Thurmond.

Regardless of whether you call our honoree professor, state senator, judge, governor, attorney, United States senator, president pro tempore of the Senate or just plain Strom, you have the same person. A wonderful gentleman, a loving husband, a devoted father, a great American and the most outstanding South Carolinian of our time.

Strom Thurmond is a man of sterling character, dauntless courage, limitless determination, and spotless integrity. Throughout his lifetime of dedicated public service, he has made this state and this nation a better place in which to live. His tireless efforts in serving his constituency has touched the lives of our people in so many ways.

In conslusion, if I may be personal for a moment, I want Strom to know that his friendship has indeed been one of the greatest blessings of my life. My words are grossly inadequate to fully express to him the gratitude, the admiration, and the love which my family and I have for him and his wonderful family.

Strom, I shall always be grateful for your friendship, your influence on my life and the helping hand you have always so graciously extended to me. May God bless you in the years ahead.

Dr. ATCHLEY. Our next speaker is a man who is very ably qualified to talk about Senator THURMOND's years as Governor of South Carolina and his service as a United States Senator . . . because this gentleman has also distinguished himself in both those high positions.

I present the Honorable Donald S. Russell, Circuit Judge of the United States Court of Appeals, and former United States Senator and Governor of South Carolina.

REMARKS BY THE HONORABLE DONALD S. RUSSELL, JUDGE, FOURTH CIRCUIT, U.S. COURT OF APPEALS, AND FORMER U.S. SENATOR AND GOVERNOR OF SOUTH CAROLINA

Senator and Mrs. Thurmond, youngster Thurmonds, friends of the Thurmonds.

It is a great pleasure for me to be here because of the great, high regard which I entertain for a beloved colleague of mine when I was in the Senate, but above all a friend always, Strom Thurmond.

I say that because I think back of something George Canning, one of the great English statesmen of our first quarter of the 19th century, said on the floor of the House of Commons once. He said, "Away with all this cant of a government of laws but not of men, as if it were the harness and not the horses that draw the carriage." Now that is not to say that the law is not important. But it is to say that law is meaningless unless we have men of character, of ability, of wisdom and dedication to give them reality in our lives. And so tonight we come together to honor the one who, both in our state and nation, and by his life and by his dedication to state and country, has made an indelible contribution to us and our country.

That is the reason we wish to honor him. Some reference was made that I was to speak on his contributions as governor. I think that is very appropriate, because it has been a long time since STROM was governor, and it is easy to forget some of the great accomplishments of that period.

Strom was not an inactive governor. Just as he jogs today and runs all the time, he was running every day that he was governor and every day making some additional contribution to this State.

Some of us, I am sure, forget that it was in his period of governorship that there was a distinctive reorganization of the election law in South Carolina. And it was Governor Strom Thurmond who led in the abolition of the poll tax in South Carolina. And he also added other provisions to enable a greater number of people, all qualified voters, to vote and participate in the elections of this state.

Now also there is one thing that we as judges have noticed about Strom: he's a little parsimonious with the public purse. He has never been in favor of the many ideas that we Federal judges have that they should increase our pay, and he followed that same policy when he was Governor of South Carolina. His was a real efficient governorship, and during that period of time he so established the credit of this state that

we moved from A to a double-A rating. It was the final step forward to a triple-A rating which we in South Carolina so prize and which has amounted to a savings of hundreds of millions of dollars in interest to the people of this state.

Also we hear a lot of talk about the Sunbelt. Well, you know, Strom sort of anticipated that. He did not call it the Sunbelt. But he began making speeches all around and said that the place where industry should move was right here in the Southeast. And in the Southeast, the best place, and God knows this is right, is South Carolina.

So he brought into this state over a billion dollars of new industries offering new employment.

He was not, as you say, uninterested in education, for he had a background in it. And so, he inaugurated action toward a nine-month school for the benefit of every child in this state.

I have mentioned these. There are many more that I could go on about: the many contributions he made, the programs he has established. Perhaps one should be particularly mentioned.

As soon as he became governor, he ended a period that had brought much criticism to the Office of Governor. At his insistence, the legislature of South Carolina took away from the Governor the power of pardon. That was one that those of us who came later as Governor appreciated, because we did not have to be bothered with so many entreaties. We could all say, "Strom destroyed our power to pardon you." I may say that I do not believe anyone has made a greater contribution as Governor of South Carolina—a more active, more dynamic executive—than Strom Thurmond.

South Carolina and the citizens and taxpayers of this state will be eternally grateful to him for that.

I, unfortunately, did not have the long personal acquaintance and friendship with Strom that Charley Simons has. But I have had a close and an intimate friendship beginning some 25 years ago.

I went to the United States Senate as a Democrat. Strom was a Republican. But that has never interfered with our feelings. I had the opportunity to know him as a legislator, as a citizen. I never knew him at any time where he ever sacrificed principle to expediency or to political advantage. I never knew him when he sacrificed his patriotism, forgot his partisanship, above all in the field of national defense. He thought that was a clear place where any partisanship must—and should—yield to patriotic sacrifice and to the love of country.

I also found out something else about Strom. There never was a person more careful in what he told you or more faithful in carrying out anything he did tell you. You could rely implicitly upon anything that he said. And I think that one of the reasons that I found in the Senate that all Republicans and Democrats had a respect and a regard for Strom was because they knew that they could always believe whatever he told them. Also, as I said a moment ago, they knew that he was always going to vote his principle not his politics.

I know I am very happy to be able to be here tonight and to pay tribute to one who I think is one of our great public servants, one who now occupies one of the most important positions in the government of the United States and one who has never forgotten that he is a South Carolinian.

I noted one thing when I was in the Senate. I do not believe any South Carolinian ever came to Washington, be he Democrat or Republican or whatever he was, that he did not get a free meal in the Senate dining room given him by Strom Thurmond. And I do not believe that he ever had a meeting that had about 10 people in it and they invited him, and if there was any possible way he could get there, that he did not go. He is a devoted South Carolina Senator, but, above all, he is, as Charley said, always beyond being a Republican, beyond even being a South Carolinian—always a great American. He has proved that on many occasions.

So I join with all of you in paying honor, respect and affection to Strom Thurmond and his lovely, beloved wife, Nancy, and all these beautiful children.

Dr. ATCHLEY. Certainly one of the most interesting and colorful chapters in Senator Thurmond's career was written in 1954, when a very successful write-in campaign thrust him into the United States Senate. An earlier history-making event occurred in 1948 when he was nominated and ran for the Presidency of the United States. We are honored to have with us the man who played a key role in those campaigns, Mr. Walter J. Brown, President of Spartan Radio-Casting Company.

REMARKS BY MR. WALTER J. BROWN, PRESIDENT, SPARTAN RADIOCASTING CO., SPARTANBURG, S.C.

I was playing golf down at Seabrook last Friday when my office called me and said that I had been asked by Clemson to appear on this program tonight, which is certainly a great honor to me. They said that I was the chairman of the states rights campaign and Senator Thurmond's write-in campaign and that I would be limited to three minutes. I have had a lot of excitement in my life but none like that and I think my predecessors have all exceeded their three minutes, but I will try not to exceed that.

Strom Thurmond's 1948 presidential campaign grew out of the Southern Governors Conference at Wachula Springs, Florida. I remember it so well because I was on a deer hunt in the lower part of South Carolina when Governor Thurmond called me and said, "Listen, I have got to go to Wachula Springs." Our mutual friend, Bob Seigler, was deer hunting with and said, "You all get packed up there and meet me over on 301, and I'll pick you up in five hours." So we were in the room packing up when our great friend, Judge Whites came in and said, "What's all this going on? Is Strom fixing to fire on Fort Sumter again?" It wasn't quite that bad but we met Strom over there, and on our way down at that time the campaign really was beginning to incubate. This campaign was not racial as interpreted by the media when the states rights ticket of Thurmond and Wright was slurringly dubbed as the Dixiecrat ticket. That campaign revolved around one issue and that was the Tenth Amendment of the Constitution. No need for me to repeat that truism to this audience here tonight.

Had some of the Southern Governors who had participated in this Wachula Springs movement subsequently signed the manifesto delivered to the heads of the Democratic party in Washington and not abandoned the opposition, the election would have been thrown into the House and this country would be different from what it is today.

I say this because of several reasons, one of which is that while I was at the Governor's Mansion in Columbia on election night with Governor Thurmond and the results were in doubt, Les Differ, President Truman's trusted friend and aide, called me from the White House to urge Governor Thurmond to make no commitment on his electoral votes until they could talk with him. I might say that after the results from Illinois and a few other states came in, I received no more calls from the White House. But all was not lost. In my opinion, the states rights seed was sown in the 1948 campaign.

As to the States Rights campaign, I could go on and talk, but I have been asked now to refer to the write-in campaign.

That is, I think, one of the most historic campaigns with which I have ever been associated. But I would have to say that, at that time, machine politics in South Carolina went wild following the death in 1954 of another great friend of ours, Burnett Maybank, who had just been nominated for another six year term in the Senate. Had the State Democratic Committee and this nominee been satisfied with only a two-year term, and then turning the office back to the people through the Democratic primary, I doubt very seriously that the revolt that did take place would have taken place.

In making this campaign—which most politicians said he had no chance to win—Strom Thurmond demonstrated once again that he was a man of courage and conviction and was willing to put his head on the political chopping block to sustain his convictions and his principles of government to which he has dedicated his whole life.

I wish I could say more. I know my three minutes are about up. But let me say, in conclusion, that many, many months ago I began urging Senator Thurmond to take steps to preserve his papers because of their historic importance. He asked me to make inquiries at institutions seeking these papers, but, in my own mind, there was never any question that, in the end, he would select his own alma mater. Also, another important fact was that the James F. Byrnes papers are here. Both the Thurmonds and the Byrnes were Tillman people and came from the same political mold. And here is where those papers belong. Clemson has the opportunity to build a collection of historic papers which will attract historians to this campus for many, many decades to come. What has happened here today should mark one of the great events in the history of this university.

Dr. ATCHLEY. A highly decorated soldier and a patriot in the highest sense of the word, Senator Thurmond has never wavered in his belief that America can remain strong and free only through a solid national defense program. We are most honored to have with us tonight the Secretary of the Army, the Honorable John O. Marsh, Jr., who will talk about Senator Thurmond's long relationship with and support of America's armed forces.

REMARKS BY THE HONORABLE JOHN O. MARSH, JR., SECRETARY OF THE ARMY

Senator Thurmond, Members of Your Family, Distinguished Guests.

I am very honored that I could come here to pay honor to America's Number One Citizen Soldier. And Strom Thurmond is America's Number One Citizen Soldier. It has been a long road for him from Second Lieutenant, commissioned here through the ROTC program at Clemson, to Major General, retired in the United States Army.

That discloses an aspect of his life which I suspect has been a very dominant one and, based on my own observation, I know that it plays a very important part in his thinking, in his attitudes, and I know it has impacted

on how he votes in the United States Senate. I would point out what someone else had said: He served here as circuit judge; when war was declared on Germany, although he was exempt from military duty, he volunteered for military service.

An officer in the Army, he would hold various assignments and commands. But he volunteered again. He volunteered in the company of the Glider Forces, the 82nd Airborne Division in the Normandy assault on the sixth day of June, 1944—the greatest armada, the greatest invasion that has ever occurred.

That was an opportunity where we would see great heroism demonstrated by this individual. Wounded on that day, he was decorated on that same day for his valorous action.

Strom Thurmond did not limit his activities, though, to Normandy. Quite the contrary, he fought all through Europe with the First Army. He served in all the campaigns of Europe. And World War II, when it ended in Europe, would find him in the Philippines when the Japanese surrendered. You would have to say that he was an individual who, as an officer, marched to the sound of guns.

I think perhaps that the awards and decorations tell, better than I can tell you, of his tremendous achievements. In Europe, he won five battle stars and the Bronze Arrowhead during the invasion. He won the Legion of Merit. He later would win the second Legion of Merit, for which he has a cluster. He won the Bronze Star for Valor, for heroism on the battlefield. He was awarded the Purple Heart. He was awarded the Army Commendation Medal and the Presidential Distinguished Unit Citation. He holds the Order of the Belgium Government for Heroism. He holds the Croix de Guerre awarded by France for his role in the liberation of France.

If you look at his bronze star citation and read that citation, you realize that, in that assault in the glider force at Normandy, his glider was hit by enemy fire and was forced down behind German lines. Although badly injured in that landing, he nevertheless would assist in unloading the glider and, although exposed to small arms fire and mortar fire, he would go about the battleground assisting the organization of the other glider troops, all of which, as the decoration indicates, reflected great credit upon himself and the United States Army.

He went on to other commands. I, as a member of the Congress, served in one of the units that he commanded in Washington when I had joined the House of Representatives. Yet, his military service continues to this day. Strom Thurmond has never taken off the uniform of his country. In fact, he shall never take off the uniform of his country. And I can tell you, as Secretary of the Army and one who has served in the Congress, and one that served in the Ford administration, that Strom Thurmond was always there when this country needed him on questions that related to defense.

If they would comment about Jackson that there stood Jackson like a stonewall, I would say to you that on questions that relate to defense and the security of this country, there stands Strom Thurmond.

Dr. ATCHLEY. Our next distinguished guest is the Honorable John L. Napier, United States Congressman from the Sixth District of South Carolina. He will give us some personal perspectives about the relationship between the Senator and his staff.

REMARKS OF THE HONORABLE JOHN L. NAPIER, U.S. CONGRESSMAN, SIXTH DISTRICT OF SOUTH CAROLINA

Senator and Mrs. Thurmond, members of the Thurmond family, both personal and official family, distinguished friends of the Thurmond family; I speak to you as an employee of Senator Thurmond, and I say that because once you work for him, you never leave. And I think all who are in the audience who have ever worked for Senator Thurmond can attest to that fact.

I shall never forget the first day I walked in his office and he called me in to tell me what the job was all about. The first thing he told me was this: "You will make mistakes. The only man who does not make mistakes is the man who does nothing." Secondly, and seeing some Edgefield people here tonight, he said, "I want you to do something that I have been working on for many years. I want you to handle agricultural matters. And I want you to call the Secretary of the Army and ask him to buy more peaches than he has been buying lately."

And so, as the most junior staff member on his staff, I proceeded out the door and called the Secretary of the Army and the call was never returned, and I am sure they are buying the peaches, but the Senator was never satisfied. Mr. Secretary, would you please buy some peaches from down in Edgefield?

As an employee of Senator Thurmond, I had the opportunity, and still have the opportunity, to observe his life as a life rich in service: Rich not only in public service, as has been recounted by other speakers here tonight, but rich also in private service to humanity, in service to his church, in service through civic involvement, and in service through the Thurmond Foundation and through the scholarships that he has provided throughout our state so worthy and needy students may obtain a higher education.

I have seen him donate money to people who were in need. I have seen him take time from national policy questions to talk with constituents who were in need of help. Once again, he has told all of us on his staff that the most important thing you can do is to serve the needs of one in trouble because that person, to him, has the greatest problem in the world.

As an employee, I saw his life as a life free of recrimination and absolutely intolerant of pettiness. He is a man of compassion. I shall never forget before one of his elections, seeing a former opponent come into the office and see the Senator dismiss the staff who were in there and then see the two former opponents later walk out the office arm in arm, friend to friend.

And then I observed his life as a life of courage—courage as described by the Secretary of the Army just preceding these remarks. But also courage to take politically dangerous roads. Courage not to fear physical violence.

It was only two weeks ago that I made a call to the Senator's office—fully realizing that it was none of my business—asking him not to go to Egypt because he is third in line in succession to the Presidency—and asking him to stay in the United States because I had a fear of what might occur. And he recounted to me that he had flown in a glider over Normandy, and he recounted to me that this was his duty as he saw his duty and that would make the trip.

I can only say in recounting the life of Senator Thurmond that his is a life rich in service, a life free of recrimination and intolerant of pettiness, and a life of courage. I believe that God has truly shined upon us by allowing us to live in this time and to know a great and good man like Senator Thurmond.

John Gilbert Holland once wrote a poem where he prayed to God that God would give to America great public servants. He wrote, "God give us men, a time like this demands strong minds, great hearts, true faith, and ready hand. Men whom the lust of office does not kill. Men whom the spoils of office cannot buy. Men who possess opinions and a will. Men who have honor. Men who will not lie. Men who can stand before a demagogue and damn his treacherous flatteries without winking. Tall men. Sun crowned, who live above the fog in public duties and private thinking."

Senator he must have had you in mind.

Dr. ATCHLEY. We have with us another distinguished member of the United States Congress, the Honorable Carroll A. Campbell, Jr., Congressman from the Fourth District of South Carolina. He will discuss Senator Thurmond's role in the development of the two-party system in the South.

REMARKS OF THE HONORABLE CARROLL A. CAMPBELL, JR., U.S. CONGRESSMAN, FOURTH DISTRICT OF SOUTH CAROLINA

Thank you very much, Dr. Atchley. Senator and Mrs. Thurmond, it's my pleasure to be here. I don't know that I'm up to the occasion. I'm reminded as I see the Thurmonds sitting here with their children, not long ago I went out to dinner with a group of people and carried my youngest son, Mike, along with us. Mike was sitting at the table of about nine or ten people and one gentleman at the table, as there always is one at the table, talked incessently. And he went on about all of the things we should be thankful for in this world, and he talked about how we should be thankful for the weather, and how we should be thankful for the food, and how we should be thankful for our health, and how we should be thankful for the company we had, and he cited a list about a mile long and he turned to my young son, Mike, and said "Mike, why don't you return thanks for all these things." And my little boy looked him right back in the eye, and he said, "I can't do that. I'm just a 'God is great' kid."

Senator, there is no way that I can do justice to that which you have done.

Samuel Johnson once said of the English statesman Edmund Burke, that if you met him for the first time and you took the time to stop and talk to him that you would know that this was an extraordinary man. Extraordinary is the word that describes Strom Thurmond. There's no question of that.

When we speak of him as a pioneer or a politician or a patriot, or as President Pro Tempore, or as a physical fitness advocate or a family man or as our state's first citizen, then we are speaking of an extraordinary man. A man whose friendships outnumber even the Clemson football fans.

Consider this about Strom Thurmond's political career. Most of us in politics are happy if we can get a nomination on one ticket. Strom Thurmond carried the state of South Carolina on four separate tickets. Party had nothing to do with this man. This man had a lot to do with making parties. He did that. When the leadership of his party left him and left some of the things that he believed in, then Strom Thurmond set out

to bring about changes in the South and in this nation and he did it.

And he struck hard to build a two-party system. It was Strom Thurmond's courage once again that persevered. It was Strom Thurmond who blazed the way for many a young politician, such as John Napier, and myself and others, to come behind and try to build some of the things that he believed in. And had it not been for him standing tall at one time we may never have had the opportunity. You know many despaired during those tough times, but Strom Thurmond persevered. He never hestiated to take a road that was less popular, less travelled.

Whether it be as the Senate's first successful write-in candidate, or whether it be as the first southern Senator to hire a black professional for his staff, Strom Thurmond blazed the trail.

Strom has a unique ability not just to stand on his own head, but to stand institutions on their heads. And yet, as John Napier said, he has always had the time to stop to call the sick, congratulate the successful, to offer a friendly hand to a young person, a needy person, or a lonely person. Or even offer a helping hand to an aspiring politician or two.

We would need a month if we were going to do justice to that which Strom Thurmond has done for all of us. This is but a brief tribute. But as I stand here at Clemson University and I think of the great people that I have known in my life and those that I have studied, three great South Carolinians come to my mind as we talk about this University and as we talk about our beloved state: John C. Calhoun, James F. Brynes, Strom Thurmond, and not necessarily in that order.

Dr. ATCHLEY. Senator Thurmond's decision to leave his papers to Clemson University will have far-reaching effects, which like the Senator's dedicated life of public service, will touch the lives of many citizens. This gift has served as the impetus for establishing this center for public service and good government.

Mr. Thomas B. McTeer, Jr., Chairman of the Clemson Board of Trustees, will now offer some comments about what this gift will mean to the University community.

REMARKS OF THOMAS B. M'TEER, JR., CHAIRMAN OF THE BOARD OF TRUSTEES, CLEMSON UNIVERSITY

As Americans—and as South Carolinians—we've come to appreciate two special attributes of your leadership, Senator Thurmond.

It is characteristic of you to serve people unselfishly, and to do it in such a way that a very large number of people benefit.

Those of us here tonight who represent the Clemson University community are keenly aware of this truth as it relates to the events of this historic day.

A great treasure now awaits the students, teachers, researchers and citizens who will have access to your personal papers—and to the historic documents and objects which chronicle your distinguished career in public service. The collection to be housed here on campus will enrich our understanding of the principles of freedom and democracy which you defend for us still.

Through this generous gift, and the programs and facilities of the Strom Thurmond Center, you are giving us an opportunity to establish a one-of-a-kind center for scholarship, research, and direct service to people. It will be a center worthy of the ideals of South Carolina's great statesman John C. Calhoun, and the dreams of our university's founder and Mr. Calhoun's son-in-law, Thomas Green Clemson.

Several programs of the Thurmond Institute will provide direct learning experiences for Clemson students who will pursue careers in public service. All programs of the Institute will provide thousands of people with the opportunity not only to learn how our government works, but also how to keep it working well.

The Center's auditorium facility, which will be designed to accommodate the performing arts as well as the programs of The Thurmond Institute, will benefit all Clemson students, our faculty and staff, and the residents of our growing upstate region.

The Continuing Professional Education Facility, which will eventually be constructed, will enable this university to provde one of its most important public services of all—helping South Carolina and the region to protect out investment in human capital, without which this nation's economy would stumble and fall.

Your gift of history, Senator—and the things it will now make possible—brings with it a rich investment in our future.

On behalf of everyone associated with Clemson, I say again—thank you for what you have done, and for what you are.

Dr. ATCHLEY. One of the most exciting focal points of the Strom Thurmond Center for Excellence in Government and Public Service . . . is the Strom Thurmond Institute. Details of the programs this institute will conduct are contained in your printed program. The impact of these programs will be discussed tonight by Professor Charles W. Dunn, Head of Clemson's Department of Political Science.

REMARKS OF PROF. CHARLES W. DUNN, HEAD, CLEMSON UNIVERSITY, DEPARTMENT OF POLITICAL SCIENCE

Over a century ago Abraham Lincoln remarked, "I will study and prepare should my time come." Tonight, Clemson University honors one who has studied and prepared for over a half century for this occasion.

Just over two decades ago another President remarked, "Ask not what your country can do for you, but what you can do for your country." Tonight, Clemson University honors one of its favorite sons, who has practiced that throughout his life. We honor him tonight with the establishment of several programs in the Thurmond Institute.

The Thurmond High School Achievement Program will bring to Clemson University outstanding high school seniors to encourage them to prepare for careers in public service.

The Thurmond Scholars program will attract to the Clemson University campus outstanding high school minds to train them for public service.

The Thurmond Lecture Series will attract to the Clemson University campus leading scholars, political figures, and government personalities, to lecture on major problems confronting the United States. These and other programs will make this institute unique among all institutes across the nation, whether we speak of the Hoover at Stanford, the Humphrey of Minnesota, or the Kennedy at Harvard.

So, it is a real privilege tonight for us at Clemson to establish an institute that will serve all the people, not only of South Carolina, but of this region and this nation.

Dr. ATCHLEY. Up to this point in our program we've discussed the meaning of Senator Thurmond's gift in relationship to contemporary times and the immediate future. But at the same time, we are well aware that our decisions and planning will have a positive influence on future generations.

Our next speaker will comment on the events of this day in relationship to young men and women of the future. We do not know of anyone better qualified to handle this assignment than Mr. John W. Pettigrew, Jr., who is among the many young men and women who have served internships in Senator Thurmond's Washington office. We know that John must have learned something from that experience because he came back to Clemson and got himself elected President of the Student Body.

REMARKS BY MR. JOHN W. PETTIGREW, JR., PRESIDENT, CLEMSON UNIVERSITY STUDENT BODY

Senator Thurmond, tonight we have heard about many of the things that you have done with your life. From the time that you graduated from Clemson Agricultural College in 1923, your life has exemplified what public service is all about.

You have given of your time, energy, and resources to make life on earth better for your fellow man. You have had a positive influence on a great number of people's lives. I know that my being from Edgefield and having the opportunity of going to Strom Thurmond High School and having the opportunity to come work for you in Washington has given me an insight into the great devotion that you have for our state and nation.

During my time in Washington, in addition to learning to jog with you each morning and eat wheat bran for breakfast, I also was impressed by a number of things that you had to say. And they are the things that are still on my mind. First, you said to me that "a man who takes strong stands is going to have some strong enemies." You said that you just have to do what you know is right and best and just don't worry about the few enemies that you make. And I think that is what statesmanship is all about—standing strong in the face of adversity.

You also expressed, Senator, on many occasions, your sincere love for helping people. You feel that a man in your position should do all that is in his power to help his fellow man. You have always found the time to help others—whether to help find a lost social security check, or to get a passport in a hurry, or provide transportation in an emergency. You were there to help.

People in the state of South Carolina know that when they need help they can call on their friend, Strom Thurmond.

From the time that you were a teacher and school superintendent in Edgefield, you have contributed to the betterment of education in our state. You set up scholarship programs to help needy and worthy high school students to further their education with the scholarships from the Thurmond Foundation.

Now, Senator, you have seen fit to give your papers, memorabilia and of yourself to establish the Strom Thurmond Center for Excellence in Government and Public Service here at Clemson University. This center will enable Clemson University to carry out its mission of education and service to our state and nation. It Will also provide an enhancement of much-needed programs at our University, that being our continuing education program and our performing arts program.

I am really excited for Clemson students and future Clemson students about the sig-

nificance of your gift. Now, students at Clemson, as well as people from all across the nation, can come here to study your life and our nation's government. Future generations of South Carolinians and Americans will reap great benefits from the programs of the Thurmond Center.

I think probably the greatest benefit from the Thurmond Center will be the spillover benefit to society. The center will help educate our state's school teachers so that they may better educate the state. The lecture series and adjunct professorships will stimulate the discussion of public issues. These programs will instill for future generations your high set of values, your patriotism, and your devotion to this state and nation.

The Thurmond Center will allow your public service to live for future generations for as long as there is a Clemson University. And I hope that is forever.

Senator, your life has been dedicated to public service for over 60 years. Now if service were the rent that we paid for our room here on earth, I would say that you have been a mighty good tenant. Now, on behalf of the Clemson University student body and future generations of Americans, I would like to say thank you for making the Strom Thurmond Center for Excellence in Government and Public Service possible.

Dr. ATCHLEY. I now have the very distinct privilege of introducing our distinguished guest of honor. Senator Thurmond is a personal hero of mine. He has always put country above self and principles above party. He has always believed that we are a society based on laws and deep traditions, and not just whatever happens to be the latest popular fashion. Every day, every year, by word and deed, he shows us that the important question is not, "What can somebody do for me?"—but "What can I do for myself, and for others?" He is a lifelong public servant, decorated war hero, and a family man dedicated to the values on which this nation was founded.

We are proud that he is a Clemson man and it is a great honor to have him with us this evening. I present the Honorable Strom Thurmond.

RESPONSE BY SENATOR STROM THURMOND AT THE BANQUET HIGHLIGHTING THE DONATION OF HIS PUBLIC PAPERS AND MEMORABILIA TO CLEMSON UNIVERSITY, CLEMSON, S.C., AT THE CLEMSON HOUSE, OCTOBER 29, 1981

President Atchley, President Pettigrew, Chairman McTeer, Secretary Marsh, Judge Russell, Judge Simons, Congressman Campbell, Congressman Napier, Mr. Brown, Professor Dunn, Rev. Lovette, Reverend Richardson, other distinguished guests, ladies and gentlemen:

I am deeply honored by the ceremonies that have taken place here today on the campus of this great institution of higher education, my Alma Mater, Clemson University. Moreover, I am flattered and humbled by all the kind, warm and generous remarks that have been made about this Edgefield County country boy by others on this platform.

It is particularly gratifying for me to be among some of my very closest friends here tonight—friends of Clemson, friends of mine in political life, friends who have been a blessing to me, to Nancy, and our children, in all aspects of our lives. We are grateful to all of you for your advice, your support, your understanding, and we commend you for your service to your fellowman.

As I am sure most of you know, earlier today President Atchley, Chairman McTeer, and I signed an agreement providing for Clemson University to receive and preserve my public papers and memorabilia. I wish to thank Tom McTeer and all of the members of the Board of Trustees for offering space at Clemson to house this, shall we say, rather large collection of documents and material, on a temporary and permanent basis. Even more important, I express appreciation to Dr. Atchley and the Trustees for developing the concept of a Center for Excellence in Government and Public Service at Clemson, of which my papers will be a part.

I am especially grateful to President Atchley for the keen interest, vigor, diligence, and vision with which he has pursued this project. Bill and I have had a number of meetings and telephone conversations about the plans for this Center, which I am honored will bear my name, and I have been most impressed with his enthusiasm, foresight, and leadership. Certainly not to be overlooked are the extensive contributions of the faculty, staff, and students at Clemson in putting together this proposal.

From my days as a teenager to the present—I guess that covers most of this century—I have been keenly interested in Clemson College, which since 1964, has been Clemson University. One of the principal reasons why we selected Clemson as the institution to receive my papers is that this is my Alma Mater, and I feel a deep obligation to Clemson for the education and guidance that I received here early in my life.

While I cannot honestly say that I read every book in the Library during my student days here, my Clemson experience taught me the importance of scholarship, for knowledge of one's subject is a prerequisite to success in any field. Also, while I may not have been as active or successful in student government as my young friend and your Student Body President, John Pettigrew; from my participation as President of the Calhoun Literary Society, an officer in R.O.T.C. and in other activities, I did glean some measure of leadership skills. Finally, I would not rank with the best of the outstanding student athletes at Clemson today; however, competing as a member of the track and cross country teams, and in intramural wrestling and boxing, taught me the importance of physical fitness and discipline, both of which I have done my best to maintain throughout my life. By the way, congratulations to the Tigers for their many successes this fall, especially to Danny Ford and his football squad, who are currently ranked number three in the Nation, and whom I am fully expecting to meet and defeat number one Penn State in the Orange Bowl on New Year's Day.

Yes, I am grateful for the important contributions which Clemson College made to my life, and I am very proud of Clemson University today. Clemson has not only become an institution of academic excellence in many fields; it is not only known throughout the Country for the quality of basic and applied research conducted by its scientists and graduate students; it is also a great public service institution, extending the benefits of academic knowledge and research discoveries to citizens throughout our State and the Nation.

That brings me to the second key reason for my decision to donate to Clemson the papers and memorabilia associated with my career of public service. President Atchley and the Board of Trustees have offered to establish on the Clemson campus a Center for Excellence in Government and Public Service, named after me, which will consist of a Strom Thurmond Institute building housing my public papers and memorabilia, a continuing education building, and a performing arts facility. This Center, and especially the Institute, with the teaching, research, and public service programs to be conducted therein, is especially appealing to me. I am excited about the prospects for this Center, and envision possibilities for substantial and lasting benefits to the public through the various programs that are planned.

Naturally, I am pleased that the Institute building will be constructed to safely preserve the physical documents and memorabilia associated with my public service career, and to make this collection accessible to all those who wish to study, research, and make use of it, with the hope that it will be helpful to present and future generations. Through this gift to Clemson, I wish to return to the people of South Carolina and the United States, what is, in the larger sense, a portion of *their* historical record.

It is hoped that the University will consider transferring the papers of James F. Byrnes and Edgar A. Brown to the Institute, and also encourage other outstanding public figures to place their papers there. Walter J. Brown, who served ably as Assistant Secretary of State with James F. Byrnes, and who has been active in my various campaigns (especially the 1948 Presidential campaign and the 1954 U.S. Senate write-in effort), hopefully can be induced to augment the Institute collection with his public papers. Also, in talking with Ambassador Marion H. Smoak, former Chief of Protocol, I understand that he would consider placing his papers in the Institute. This public affairs building could become a tremendous reservoir for the accumulation of papers and memorabilia of many prominent figures.

While I will not reiterate all of the various programs which are planned as a part of the Institute, I do want to make special mention of the projected Scholars program for entering college freshmen and the summer program for outstanding high school sophomores and freshmen. Throughout my career, I have been interested in education—still very much the key to meeting the challenges ahead—and in helping worthy young persons with financial need secure post high school training. That is why some years ago I set up the Strom Thurmond Foundation with honoraria received from out-of-state speaking engagements and funds from other sources. I am pleased that the Foundation currently assists between 50 and 60 students each year with grants to help cover college expenses. That is why I have established 30 scholarships at 25 institutions of higher education, including Clemson. I see these particular Institute programs as a continuation and expansion of my efforts to further the education of young persons who must assume leadership responsibilities in the days ahead.

Complementing the Institute programs will be the planned Continuing Education facility. No matter what may be our chosen career, all of us can benefit from going back to school periodically. Given the pace of change today and the rapidity with which knowledge is expanding, those who do not exercise vigilance in keeping their minds abreast of developments will find themselves unable to cope with future challenges and problems. As an institution with public service responsibilities to the people of South Carolina, Clemson University needs a continuing education center, and I am grati-

fied with the decision to make it an integral part of this complex.

Similarly, I am pleased that the Center will include a Performing Arts facility, which will provide opportunities for Clemson students to develop various artistic skills. Such a facility will also attract to the State talented artists of national and international acclaim, for the enjoyment and benefit of students and our citizenry.

The entire format for this Center and its programs is impressive, ambitious, and exciting. More importantly, it is envisioned that these facilities will help meet the needs of Clemson students and of the citizens of South Carolina. It is a profound honor for me to have this Center bear my name and to have included in it my papers and memorabilia. I have given my life to serving the public and helping people. In that regard, I have always felt there is no better way to help a person than to assist in his or her further training and skills development. That is the mission of this Center—to broaden and enhance the educational programs offered at Clemson University for the people of South Carolina and the Nation. It is a great personal satisfaction and high honor for me to be a part of this venture, and I stand ready to help ensure its success in every way that I can.

STROM THURMOND TESTIMONIAL DINNER BENEDICTION BY THE REVEREND JAMES T. RICHARDSON, PASTOR, FORT HILL PRESBYTERIAN CHURCH OF CLEMSON, S.C.

Good-bye is an abbreviated form for the words, God be with you. And that is a blessing. That is a benediction.

There is an interesting story in the Holy Scripture, the Book of Numbers. For the people of Israel are beginning their journey and Moses tells Aaron to go and say to the people, "The Lord bless you and keep you; the Lord make his face to shine upon you and be gracious to you; the Lord lift up his countenance and give you peace." That is a blessing. Now let us claim it, let us pray.

Oh God, we claim your blessing for ourselves. Not simply for the sake of the blessing itself, but so that we may be blessings to each other and to other people. Not on our own merit but simply upon your grace and because of your goodness. Amen.

NATIONAL SCOUT WEEK

(Mr. WINN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WINN. Mr. Speaker, I rise today to pay tribute to the Boy Scouts of America. This week is "National Scout Week" in celebration of the 72d anniversary of the Boy Scouts—an organization which has guided and directed the young men of our country to the goal of good citizenship. There have been 64 million Boy Scouts ever since William Boyce started the program back in 1910. Boyce was intrigued with the idea of young people cheerfully helping their fellow-humans when he visited Great Britain and was helped through a thick London fog by members of the British Boy Scouts. Lord Baden Powell began Scouting in England in 1907.

When Mr. Boyce returned to this country, he initiated the Boy Scouts of America and today, 4.5 million boys are involved. Of the 435 Members of the House, 202 were Scouts—another 51 current U.S. Senators were Scouts. Every President since Teddy Roosevelt has been a part of the Scouting experience.

The Boy Scouts of America has been a positive experience for the young of our Nation and it is my hope that it continue to grow and prosper.

□ 1215

PRESIDENT EXPECTS CONGRESS TO SUSPEND ITS DISBELIEF AND ACT ON FAITH

(Mr. WEISS asked and was given permission to address the House for 1 minute and revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, the President must indeed be a very spiritual man, because he certainly expects Congress to suspend its disbelief and act on faith. The fiscal year 1983 budget presented today is the second phase of his master plan to shift Federal dollars from social programs to defense. Although he is proposing a reduction of $43 billion in social programs, we are told that, "Our administration has not and will not turn its back on our elderly or needy citizens."

An even greater act of faith is required by the administration's projected deficit figures. In the next 4 years, fiscal year 1982 through fiscal year 1985, the deficits will total, according to the administration, $346 billion. But, their sums are based on such optimistic economic assumptions that we have to wonder if we are expected to take them seriously. Does the President think that we have forgotten the economic assumptions and computer manipulations used last spring to sell his miracle program of supply-side tax cuts? Indeed, the Congressional Budget Office projects a total deficit for these 4 years of $667 billion, compared to a total $1 trillion deficit in the prior history of the Nation.

The last article of faith we are asked to accept blindly is that jobs for the unemployed do exist and will be created to bring down the unemployment rate. In the midst of the most serious recession since World War II can we accept administration policies of reducing employment programs, maintaining tight monetary growth, and cutting social programs that aid the needy and unemployed? The administration has not earned such faith; Congress must act now to create additional jobs.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. ALEXANDER) laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
February 8, 1982.

Hon. THOMAS P. O'NEILL, Jr.
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in the Rules of the House of Representatives, I have the honor to transmit a sealed envelope from The White House, received in the Clerk's Office at 12:55 p.m. on Friday, February 5, 1982 and said to contain a message from the President wherein he transmits the Eighth Special Message for Fiscal Year 1982 under the Impoundment Control Act of 1974.

With kind regards, I am,

Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

RESCISSION PROPOSALS AND DEFERRALS OF FISCAL YEAR 1982 FUNDS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 97-140)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report 22 rescission proposals of fiscal year 1982 funds totaling $10,655 million.

In addition, I am reporting revisions to seven deferrals previously reported, which increase the amount deferred by $768 million, as well as 14 new deferrals of funds totaling $2,334 million.

The rescission proposals affect International Development Assistance programs, and programs in the Departments of Agriculture, Commerce, Education, Energy, Housing and Urban Development, Labor, and Transportation as well as the Institute of Museum Services.

The deferrals affect International Security Assistance programs, and programs in the Departments of Agriculture, Commerce, Defense, Energy, Interior, Justice, Labor, State, and Transportation as well as the District of Columbia, the Pennsylvania Avenue Development Corporation, the Small Business Administration and the United States Railway Association.

The details of each rescission proposal and deferral are contained in the attached reports.

RONALD REAGAN.

THE WHITE HOUSE, *February 5, 1982.*

BUDGET OF THE U.S. GOVERNMENT, FISCAL YEAR 1983—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 97-124)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

One year ago, in my first address to the country, I went before the American people to report on the condition of our economy. It was not a happy occasion.

Inflation, interest, and unemployment rates were at painfully high levels, while real growth, job creation, new investment, personal savings, and productivity gains had virtually ceased. Our economy was staggering under the burden of excessive tax rates, double-digit inflation, runaway Government spending, counterproductive regulations, and uneven money supply growth. The economy, I declared, was in the "worst mess" in half a century.

To our great good fortune, there were many in the Congress who understood the nature of our difficulties and who rose with us to meet the challenge. Fundamental and long-overdue remedies were proposed and put in place. Together, we enacted the biggest spending and tax reductions in history. Counter-productive regulations have been swept away, and the Federal Reserve has taken action to bring excessive monetary growth under control.

The first year of the 97th Congress will be remembered for its decisive action to hold down spending and cut tax rates. Today, the question before us is whether the second year of this Congress will bring forward equal determination, courage, and wisdom. Clearly, there is a great deal more to be done.

Some seek instant relief from the economic problems we face. There is no such panacea. Our program began October 1, and it cannot solve in 4 months problems that have been building for more than 4 decades. All the quick fixes tried in the past not only failed to solve but actually aggravated our economic difficulties. They simply ensured a new cycle of boom and bust, of exaggerated hopes and eventual disappointment.

We did not promise the American people a miracle. We did promise them progress, and progress they will get.

Our goal was and remains economic recovery—the return of noninflationary and sustained prosperity. We seek a larger economic pie to provide all Americans more jobs, more after-tax income, and a better life. Quick fixes won't get us there.

What will get us there is firm resolve and unwavering adherence to the four fundamentals of our economic recovery program that I outlined to the Congress 1 year ago:

—Reducing personal and business taxes to stimulate saving, investment, work effort, and productivity.

—Reducing the growth of overall Federal spending by eliminating Federal activities that overstep the proper sphere of Federal Government responsibilities.

—Reducing the Federal regulatory burden in areas where the Federal Government intrudes unnecessarily into our private lives or interferes unnecessarily with the efficient conduct of private business or of State or local government.

—Supporting a moderate and steady monetary policy, to bring inflation under control.

At the same time, I have proposed strengthening the Nation's defenses, to restore our margin of safety and counter the Soviet military buildup

Congressional response to these proposals has been positive and gratifying. While much remains to be done, we have made a good beginning.

The Nation's fiscal policy is now firmly embarked on a new, sound, and sustainable course. For the first time in 2 decades, the destructive pattern of runaway spending, rising tax rates, and expanding budgetary commitments has been slowed, and with the cooperation of the Congress this year, will finally be broken.

—Where the growth rate of spending had soared to 17.4 percent in 1980, it is now declining dramatically—to 10.4 percent this year, and under the budget I am submitting, to 4.5 percent next year.

—Where budget growth totaled $166 billion from 1979 to 1981, spending will rise by only 60 percent of that amount from 1981 to 1983, despite cost-of-living adjustments and the needed defense buildup.

—After having reached 23 percent of GNP in 1981, the Federal Government's claim on our economy will steadily recede—to 22 percent in 1983 and to below 20 percent by 1987.

—After a decade of tax-flation in which fiscal and monetary excess fueled the unrelenting rise of prices and the automatic increase of taxes, significant tax rate reductions have been enacted. A permanent safeguard against bracket creep and Government profiteering on inflation—income tax indexing—has also been created.

—Where Government had passively tolerated the swift, continuous growth of automatic entitlements and had actively short-changed the national security, a long-overdue reordering of priorities has begun, entitlement growth is being checked, and the restoration of our defenses is underway.

This dramatic progress in reordering fiscal policy has been paralleled by a similar redirection of monetary policy. The excessive, unsustainable, and eventually ruinous growth of money and credit of the past decade has been curbed. The inflation spiral has been broken. The growth of prices is slowing down. Peoples' savings are beginning to flow out of unproductive speculation, tangible assets, and other inflation hedges back into the Nation's financial arteries where they will be available to power economic recovery, more jobs, and growing incomes and opportunities.

THE BUDGET TOTALS

[In billions of dollars]

	1981 actual	1982 estimate	1983 estimate	1984 estimate	1985 estimate
Budget receipts	599.3	626.8	666.1	723.0	796.6
Budget outlays	657.2	725.3	757.6	805.9	868.5
Surplus or deficit (−)	−57.9	−98.6	−91.5	−82.9	−71.9
Budget authority	718.4	765.5	801.9	858.0	943.5

In short, we are putting the false prosperity of overspending, easy credit, depreciating money, and financial excess behind us. A solid foundation has been laid for a sound dollar, sustained real economic growth, lasting financial stability, and noninflationary prosperity for all Americans.

We are also moving to shackle the regulatory juggernaut that burdened production, consumed jobs, and diminished productivity growth. During the past year no significant new regulatory statutes were enacted and few major new regulations were imposed. Additions to the Federal Register declined by 23,000 pages. Benefit-cost analysis was made mandatory for regulations. Dozens of existing regulations were reviewed, modified, or eliminated. Without taking into account billions of dollars of savings from regulations never formally proposed because of the changed climate our program has created, quantifiable one-time cost savings of over $3 billion and recurring annual savings of nearly $2 billion have been realized. And the effort has just begun.

A YEAR OF HISTORIC ACHIEVEMENT

These remarkable achievements are the cornerstones of our national economic recovery program. They far exceed anything that the skeptics and critics ever dreamed possible just 1 year ago. They occurred because the executive and legislative branches of our Government joined together to respond to the mandate of the American people and overcome the impediments that had paralyzed Washington for a

decade. Together, we have launched a process of reform and change that can transform the course of events.

The Economic Recovery Tax Act of 1981 is the largest, most comprehensive, and most constructive tax bill ever adopted. With the cooperation of the Congress and support of the public, it was enacted in just 5 months. It addressed and substantially remedied most of the tax system's shortcomings and disincentives that had accumulated over decades—distortions that were imposing an increasingly heavy toll on investment, economic growth, and job creation.

—The penalty tax rate on investment income has been eliminated. By dropping the top rate from 70 to 50 percent, the attractiveness of tax shelters will be reduced and the incentives for productive investment in stocks, bonds, new business ventures, and other financial assets will be increased. Our Nation's capital will again flow to the growth of business and jobs rather than to the vendors of protection from punitive taxation.

—Marginal tax rates have been significantly lowered for the first time in two decades. The 23 percent across-the-board rate reduction will mean $183 billion in lower taxes for individuals over the first 3 years. The financial reward for savings, work effort, and new production will stop diminishing and start rising once again.

—Powerful new incentives for savings have been established. Beginning this year, 50 million workers will be eligible for the first time to set aside tax-free up to $2,000 per year for Individual Retirement Accounts. The annual limit for existing Keogh and IRA investors will also be raised. By sharply altering the incentives for saving as opposed to consumption, a huge new flow of current income will be channeled toward restoring our productivity and lifting our national savings rate from last place in the industrial world.

—The taxation of phantom corporate profits has also been significantly curtailed. The new accelerated cost recovery system will shorten depreciation periods to 5 years for machinery and 15 years for structures. This will permit fuller recovery of asset costs, a more valid accounting of taxable profits, and a reasonable after-tax return on investments for the first time in years. By eliminating the drastic under-depreciation provided in previous tax law, after-tax business cash flow will be increased by $10½ billion this year and $211 billion over the next 6 years. This growing stream of funds for modernization, new machinery, new technology, new products, and new plants will revive our lagging productivity, restore our competitiveness in world markets, and spur the steady growth of jobs, production, and real incomes.

—The confiscatory taxing of estates and inheritances has been halted as well. By raising the exemption to $600,000, by lowering the rate to 50 percent, and by removing the limits on the marital deduction, 99.7 percent of all estates will eventually be exempt from estate taxation. Hard-working American farmers, small businessmen, investors, and workers can once again be confident that the sweat, sacrifices, and accumulations of a lifetime will belong to their heirs rather than their Government.

—Government profiteering on inflation has been abolished. Beginning in 1985, the individual income tax brackets, the zero-bracket amount, and the personal exemption will be corrected annually for inflation. Bracket creep will never again systematically plunder the rewards for production and effort. Government will never again use inflation to take a rising share of the peoples' income without a vote of their representatives.

The past year's achievements on spending control and the reestablishment of budgetary discipline are no less impressive than the sweeping tax changes. For the first time ever, the Congress activated its central budgetary machinery and overcame the spending impulses of its fragmented parts. The Omnibus Budget Reconciliation Act of 1981 was a watershed in fiscal history—a giant step toward the restoration of fiscal discipline. By the accounting of its own Congressional Budget Office, spending will be $35 billion lower this year and about $130 billion lower over the next 3 years due to just one bill passed in only 5 months after having been considered by 30 different committees, a bill that reduced, reformed or eliminated hundreds of programs. The growth of budgetary outlays is at last being brought in line with the growth of the tax base and the national income. Excess spending commitments, unnecessary programs and overlapping activities were meaningfully addressed in the Reconciliation Act for the first time in decades.

—As a result of congressional action in 1981, the growth of entitlements will be reduced by $41 billion during the next 3 years. For the first time, eligibility standards for food stamps and student loans have been tightened. Unemployment benefits have been targeted to States where they are needed. Subsidies for non-needy students have been reduced in the school lunch program. Abuses of the medicaid, nutrition, and AFDC programs have been curtailed, saving $14.4 billion over the next 3 years. Overly generous and unaffordable twice-a-year cost-of-living adjustments for Federal retirees have been eliminated. The "uncontrollables" are being brought under control, and benefits have been retargeted where they are most needed.

—Dozens of ineffective or counterproductive programs have been eliminated or reduced. The $4 billion make-work CETA public sector jobs program was abolished. Extravagant dairy subsidies have been cut substantially. The ineffective $700 million Economic Development Administration is being phased out. The Community Services Administration has been eliminated. An unnecessary $2 billion in Government subsidies for new energy supplies and technologies has been cut. The excessively-funded impact aid program was substantially scaled back. In short, a long-overdue housecleaning of excess budgetary commitments was accomplished.

—Inappropriate Federal subsidies have been withdrawn. Legislation to return Conrail to the private sector has been enacted. The National Consumer Cooperative Bank has been privatized. Subsidies to the auto industry for new technology demonstrations have been eliminated. Operating subsidies to local mass transit systems are being phased out. Subsidies to exporters have been sharply curtailed. Subsidized disaster loans to financially viable businesses have been eliminated.

—A major stride toward rationalizing the structure, reducing the cost, and increasing State and local flexibility in the Nation's $91 billion grant-in-aid system has been enacted. Fifty-seven narrow, red-tape-ridden categorical grants programs have been replaced with 9 block grants. The pages of regulation imposed on State and local governments have been reduced from over 300 to 6, while the cost to the Federal budget has been reduced.

—Total funding for nondefense discretionary programs has been reduced. After continuous growth for two decades, the budget cost of these programs will actually decline from $137 billion in 1981 to $130 billion in 1982.

—An impressive start at reducing fraud, waste, abuse, and unnecessary Government overhead was made. The President's Council on Integrity and Efficiency, established to coordinate a Government-wide attack on fraud and waste, saved $2 billion in the last 6

months of 1981 alone. A comprehensive effort to collect $33 billion in delinquent debts has been launched and will recover $1.5 billion in 1982 and $4.0 billion in 1983. These estimates include recoveries of delinquent taxes due to the Internal Revenue Service. Federal nondefense employment has been reduced by 35,000 since January 1981. The cost of Government travel, publications, and consultants has been reduced substantially.

At the same time that the Congress joined in these long-overdue efforts to pare back the size of the Federal budget and slow its momentum of growth, it has fully supported our ambitious but essential plan to rebuild our national defense. A year ago every component of military strength was flashing warning lights of neglect, under-investment, and deteriorating capability. Today, health is being restored.

—Pervasive deficiencies in readiness—including too many units not ready for combat, too many weapons systems out of commission, too few people with critical combat skills, and too few planes and ships fully capable of their missions—are being corrected. Funds for operations and maintenance, including training and aircraft flying hours, have been boosted. Backlogs of combat equipment needing repair are being eliminated. Adequate supplies of spare parts necessary to support high operating rates for training, as well as to provide war reserves, are being purchased.

—The serious inadequacy in pay and benefits that threatened the all-volunteer force, caused an exodus of skilled personnel, and sapped morale throughout the armed services has been corrected. Last year's 14.3 percent pay increase has improved recruit quality, boosted reenlistment rates, stopped the drain of critical skills, and contributed to the dramatic revival of morale in our military services. End-strength goals are now being exceeded. In addition, the percentage of recruits with higher test scores has risen in the past year.

—Critical investments in conventional and strategic force modernization are now moving rapidly forward. A new bomber for early deployment and an advanced (Stealth) bomber for the 1990's have been approved to retain our capability to penetrate Soviet air defenses. Development of a new, larger, and more accurate MX missile to preserve our land-based deterrent is proceeding. A 5-year shipbuilding program including 133 new ships and a total investment of $96 billion—double the 5-year program of the previous administration—has been launched. Rapid production of new combat systems including the M-1 Abrams tank, the AV-8B Marine Corps attack aircraft and the F/A-18 Navy tactical fighter have been approved. Improvements in our airlift and sealift forces to transport equipment and soldiers rapidly to counter military aggression anywhere in the world, are moving forward.

NO TIME TO RETREAT

These achievements of the first year truly constitute a new beginning. In every major dimension of national strength and well-being we have launched the redirection of policy that was so desperately needed and so long overdue. We are ending the destructive inflation and the financial disorder built up over a decade. We have removed the yoke of over-taxation from our workers and our business enterprises. We have begun to dismantle the regulatory straitjacket that impeded our commerce and sapped our prosperity. And we have reversed the dangerous erosion of our military capabilities.

The task before us now is a different one, but no less crucial. Our task is to persevere; to stay the course; to shun retreat; to weather the temporary dislocations and pressures that must inevitably accompany the restoration of national economic, fiscal, and military health.

The correction of previous fiscal and monetary excesses has come too late to avert an unwelcome, painful, albeit temporary business slump. In the months ahead there will be temptation to resort to pump-priming and spending stimulus programs. Such efforts have failed in the past, are not needed now, and must be resisted at every turn. Our program for permanent economic recovery is already in place. Artificial stimulants will undermine that program, not reinforce it.

Likewise, previous excesses in money and credit growth have resulted in financial strain in many regions and sectors of our national economy. The adjustment to lower inflation and a more moderate money and credit policy did not come soon enough to avoid interest rates and unemployment far higher than we would like, and that we are working to reduce. But these effects are temporary. They cannot be remedied by a return to rapid, unsustainable expansion of Federal spending and money growth, which would drive inflation and interest rates to new highs. Our hard-won gains in reducing inflation must be preserved and extended—because permanent reduction of interest rates and unemployment is impossible if the fight against inflation is abandoned, just when it is being won.

Similarly, our budget deficits will be large because of the current recession, and because it is impossible in a short period of time to correct the mistakes of decades. But our incentive-minded tax policy and our security-based defense programs are right and necessary for long-run peace and prosperity, and must not be tampered with in a vain attempt to cure deficits in the short-run. The answer to deficits is economic growth and indefatigable efforts to control spending and borrowing. These principles we dare not abandon.

THE DEFICIT PROBLEM: ITS ORIGINS

Despite the new course we have charted and the gains we have achieved, the voices of doubt, retreat, and rejection are beginning to rise. They conveniently forget that the present business slump was not caused by our program but is the result of the accumulated burdens of past policy errors, which we have taken action to redress. They fail to comprehend that our spending cuts and tax reductions were not designed to redistribute the output of a stagnant economy, but to revive the economy's growth and to increase its size—for the jobless as well as the affluent, for those who aspire to get ahead as well as those who have already arrived.

Increasingly, the larger budget deficits that we unavoidably face are offered as evidence that our entire course should be recharted. The matter of budget deficits, therefore, must be addressed squarely. We must fully comprehend why they have grown from our original projections, why they may remain with us for some time to come, what dangers they pose if not vigorously combated and what steps we can and must take to steadily reduce their size and drain on our available savings.

Our original plan called for a balanced budget in 1984. Balance is no longer achievable in 1984, but the factors that have postponed its realization are neither permanent nor cause for abandoning the goal of eventually living within our means.

In the near term, the most important setback to our budgetary timetable is the recession now underway. During 1982, receipts will decline by $31 billion and outlays rise by $8 billion due to the falloff of business activity and the increase of unemployment-related payments. This factor alone accounts for nearly all of the difference between the $45 billion 1982 deficit we projected last year and our current estimate of $98.6 billion.

While the recession will end before this fiscal year is over, its budgetary impact will spill over for many years into the future. It will take time for the unemployment rate to come down and safety net payments to diminish. The growth of receipts will recover,

but not at the levels previously projected. This will add billions to deficits for 1983 and 1984.

The second major factor widening the deficit projection is interest payments on our trillion dollar debt. Here we are being penalized doubly for the misguided policies of the past.

The discredited philosophy of spend and spend, borrow and borrow, saddled us with a permanent debt burden of staggering dimensions. This year's interest payment of $83 billion exceeds the size of the entire Federal budget as recently as 1958.

In addition, past fiscal, monetary, and credit excesses have resulted in temporarily high interest rates—rates that will come down, but only as inflation abates, private and public financing practices adjust, and long-term confidence rebuilds. Since market confidence has been so badly shaken by runaway inflation and interest rates in the past 3 years, it is apparent that interest rates over the next several years will fall less rapidly than we had originally anticipated. Between the huge inherited base of national debt, the higher interest rates, and the large prospective additions to the national debt in the next several years, our total debt service costs will rise substantially.

Interest payments on the debt will exceed our original projections by $18 billion in 1982, $32 billion in 1983, and $182 billion over 1982-86 taken as a whole. The interest rate/debt service factor, then, constitutes a major source of the setback to our budget timetable. But let us be clear about its origins: it arises primarily from a legacy of past excesses, not from a shortfall in our current budget control efforts, nor from a flaw in our overall program.

The third and most important factor contributing to the growth in deficit projections is quite simply the ironic by-product of our rapid and decisive success in bringing down the rate of inflation. Our economic forecast last February projected a 9.5 percent inflation rate in calendar year 1981 and a further decline to 7.7 percent in 1982. This projection was scorned by many as too rosy just 1 year ago. Yet the actual inflation rate in 1981 turned out to be lower than our projection, and the inflation decline this year and next year almost certainly will exceed our earlier projections.

This is welcome news to every American and we have adjusted our inflation forecast accordingly. But lower rates of price increase also mean lower inflation components in wages and incomes and a reduced flow of inflation-swollen tax receipts to the Treasury.

This point is not merely academic. Over the next 5 years, our forecast projects a 9.9 percent average rate of growth in nominal GNP reflecting a steady fall of inflation to about 4½ percent by 1987. If nominal GNP growth were just 2 percent higher each year, reflecting a continuation of higher inflation, Federal receipts would be enlarged by the staggering sum of $353 billion over the 5 years. On paper, at least, the budget would be nearly balanced in 1987 rather than more than $50 billion in deficit.

But if the last decade offers any lesson, it is that we cannot inflate our way to budget balance. Indeed, every budget from 1975 forward projected a balanced budget 2 years into the future and growing surpluses in the out-years. Not one of these surpluses materialized for a very compelling reason: the monetary excesses needed to finance inflationary growth of wages and incomes are the enemy of savings, investment, real economic growth, and fundamental business confidence and financial stability. They lead to the kind of pervasive economic breakdown that we experienced during 1979-81—a breakdown that swells Government spending, interrupts the flow of receipts, and causes prospective budgetary surpluses to vanish in a flow of red ink.

Thus, we cannot and will not pursue the will-o'-the-wisp of reflation nor the phantom of future budget surpluses premised on a continuance of high inflation.

Instead, we must recognize that for a period of time, success in our unyielding battle against inflation will appear to work against our goal of a balanced budget. Thus, while our current revenues will reflect the decline of inflation today, part of our current outlays will reflect the higher rates of inflation in years past. This is especially true in the case of some $249 billion in indexed programs. Generally, the inflation rate used to adjust indexed benefits lags a year or more behind the current payment period. During 1983, for example, an inflation rate of 6.5 percent is projected, but cost-of-living adjustments to social security and other program benefits will be 8.1 percent based largely on the actual inflation experience of 1981. Much the same is true of the $96.4 billion in debt service for 1983. Some part of that will reflect the higher cost of debt securities issued in 1980-82 when inflation and interest rates will have been higher than is now projected for 1983.

Thus, the conquest of inflation will contribute to budgetary imbalance for some years to come. But these deficits will prove manageable if we understand why we have them and redouble our efforts to reduce them.

The final factor contributing to the worsening of the deficit outlook is that all of the budget savings we had planned for last year were not actually achieved. Most importantly, our plan to ensure the short- and long-run solvency of social security was discarded by the Congress. In an effort to eliminate partisanship and facilitate movement toward a constructive solution, our reform proposal has been withdrawn in favor of a bipartisan commission charged with developing a plan to rescue the social security system by next fall. I am confident that the commission will do just that, but in the meanwhile our outlay projections must be increased by $6 billion in 1983 and $18 billion for 1987.

Likewise, the Congress failed to adopt all of the reforms we proposed for medicaid, guaranteed student loans, food stamps and other entitlements. Without further action, about $4 billion would be added to the 1983 deficit in these areas alone. While major and unprecedented action was taken to curb the growth of entitlements last year, the shortfall is still substantial. Entitlement reforms not acted upon by the Congress last year will add nearly $20 billion to the deficit over the next 3 years. When this is combined with substantial added outlays for farm subsidies and for discretionary programs that were not reformed, it is clear that the task of budget control is far from complete.

THE BUDGET DEFICIT IN PERSPECTIVE

Taken together, the effects of recession, higher interest rates, declining inflation, and incomplete congressional action will mean high, continuing, and troublesome Federal budget deficits. Constant vigilance and relentless efforts to pare back future spending and borrowing will be imperative to ensure that they are not permitted to worsen and add further pressure to financial markets and interest rates.

Nevertheless, three features of these high deficit numbers must not be lost sight of even as we seek eventually to eliminate them.

First, even the 1982 deficit of $98.6 billion is not unprecedented in the context of a recession and recovery cycle. Relative to the present size of the U.S. economy, the budget deficit would have been $94 billion for 1975, followed by deficits of $139 billion, $91 billion and $97 billion in the next 3 years, respectively.

Second, these deficits reflect the excess spending commitments of past rather than new spending programs with potential to grow in the future. That means that by remaining firm in our efforts to reduce waste and excess, reform entitlements, reduce low priority spending, and gradually return domestic programs back to State and local governments, the gap between spending subject to firm fiscal discipline and revenues being lifted by steady economic expansion will gradually diminish.

Finally, the share of GNP taken in taxes will be substantially lower and the incentives for savings markedly stronger. This expansion of the total savings supply will increase our capac-

ity to absorb deficits and give us additional time to work toward their elimination.

$239 BILLION DEFICIT REDUCTION PLAN

The prospect of high deficits during the transition to strong economic growth and low inflation contains a profound warning: any relaxation of our budget control efforts, any backsliding to spending politics as usual, any retreat to time-worn excuses about "uncontrollables"—that results in spending growth significantly above our projections, will mean a serious threat to the progress of our entire economic recovery program. There is precious little margin for shirking or diluting the task the American people have charged us with. That task is nothing less than a constant, comprehensive, ceaseless search for ways to reduce the size of Government and the future growth of its spending.

The 1983 budget I am presenting to the Congress faithfully adheres to that mandate. If all proposed measures are adopted, the prospective deficit will be reduced by $56 billion next year, $84 billion in 1984, and $99 billion in 1985. In short, the budget this year represents much more than simply a tabulation of accounts or a compilation of spending decisions, large and small. Instead, it represents a far-reaching, resourceful, and integrated blueprint for reducing the prospective deficit by $239 billion over the next 3 years. It is a bold action plan that, if faithfully implemented, can cut the prospective deficits over that period by nearly 50 percent.

Our plan for deficit reduction consists of five parts. It addresses each area of the budget where actions to reduce the gap between spending and revenues are possible and desirable.

The first area concerns nonsocial security entitlements. Despite the heartening progress we made toward reform last year, the cost of these automatic spending programs will rise to $201 billion in 1983 without further action. This figure compares to only $119 billion in 1979.

Thus, our 1983 budget proposals continue the objective set out previously: to reduce the swift growth of automatic entitlements while preserving benefits for the truly needy. If acted upon fully by the Congress, these new reform measures will save $12 billion next year and $52 billion over the next 3 years. They include new steps to tighten eligibility, reduce errors and abuse and curtail unwarranted benefits in the welfare, medical, and nutrition programs. The explosive growth of medical programs—16.7% per year since 1978—will be contained with tighter reimbursement standards for providers, modest copayment requirements for medicaid beneficiaries, and, later in the year, a comprehensive plan to reform the health care reimbursement system and provide new cost control incentives for all participants. We have also proposed measures to target guaranteed student loans better to those with financial need and to limit the cost growth of Federal military and civilian retirement programs.

Nevertheless, let me be clear on this point. Our administration has not and will not turn its back on our elderly or needy citizens. Under our new budget, funding for social insurance programs will be more than double the amount spent only 6 years ago. For example, the Federal Government will subsidize 95 million meals every day. That is one of every seven of all meals served in America. Headstart, senior nutrition programs, and child welfare programs will not be cut from the levels we proposed last year.

The second component of our deficit reduction plan covers domestic discretionary and other programs for purposes ranging from agricultural research to housing subsidies and manpower training. Our proposed savings here total $14 billion next year and $76 billion over the next 3 years.

These savings measures involve two essential principles. First, where programs are unnecessary, can be better targeted or can be significantly streamlined, we have proposed substantial reductions. Our proposals to convert the fragmented and wasteful CETA training program to a block grant, to target low-income energy assistance to the colder States where it is needed, to combine the WIC program with the child and maternal health block grant, and to further reduce subsidies to business for energy technology development and commercialization are all examples of this principle.

The other principle governing discretionary programs is that we have generally not provided inflation allowances for them. This will provide a powerful incentive to reduce overhead, waste, and low-priority activities and ensure that the money we spend for many worthwhile purposes in the areas of education, transportation, community development, and research is utilized in the most efficient and productive manner possible. Our deficit problem is simply too severe to permit business as usual to continue any longer.

The third component of the deficit reduction program involves user fees, or more appropriately, the recovery of costs borne by the taxpayers generally, but that predominantly benefit a limited group of businesses, communities or individuals. Total savings would amount to $2.5 billion in 1983 and $10 billion over the next 3 years.

While the Congress made great strides on most of our proposed budget cuts last year, the user fees proposals were a noticeable and disappointing departure from this pattern. The case for action now is even stronger than it was last year. With sacrifices required of almost every beneficiary of Federal programs, it is simply inexcusable and intolerable that yacht owners escape without paying even a small part of the Coast Guard services; or that commercial and general aviation are not paying the cost of the air traffic control system that ensures their safety; or that ship and barge operators do not pay a fair share of the costs of waterways maintained by the Federal Government. Our user fee package corrects these and similar shortcomings in current budget policy and will contribute significantly toward reducing the deficit.

The fourth part of the plan is aimed at the executive branch and the most inexcusable of all forms of spending: lax management, the toleration of fraud and abuse, the failure to recover debts owed the Government or to dispose of properties it does not need, and outdated, inefficient, procurement practices.

Our fiscal plan has always assumed that our new management would take hold, and that savings would be possible in areas we have simply never looked at before. After 1 year, our new management team has indeed taken hold, the results to date have been impressive, and our plans for future savings are bold and far-reaching. All told, these efforts will reduce the budget deficit by $20 billion next year and $68 billion over the next 3 years.

We will collect the debts we are owed and the taxes we are due. New legislation will be needed in some cases, but much of these savings will flow from tighter, more aggressive management throughout executive branch agencies.

Likewise, we will move systematically to reduce the vast Federal holdings of surplus land and real property. It is estimated that the Federal Government owns approximately 775 million acres, and 405,000 buildings, covering about 2.6 billion square feet. Some of this real property is not in use and would be of greater value to society if transferred to the private sector. During the next 3 years we will save $9 billion by shedding these unnecessary properties while fully protecting and preserving our national parks, forests, wildernesses and scenic areas.

Our management efforts will also be directed toward the more cost-effective procurement of the goods and services required by the Federal Government. The changes we seek will increase competition for the Government's business, reduce and simplify paperwork and regulations, and develop better standards for our procurement processes and personnel. Over time these efforts will yield large outyear savings not included in the budget totals.

Finally, our emphasis thus far has been on reducing excessive tax rates and shrinking the Government's take from the paychecks of workers and the profits of business. On that principle we will not waver. But that does not mean unintended loopholes should go uncorrected, that obsolete tax incentives should be continued, or that profitable business should not contribute at least some minimum fair share to the cost of financing Government. Thus, our deficit reduction plan includes $34 billion over the next 3 years in additional receipts from new initiatives in these areas.

About one-third of this total is attributable to our proposal to strengthen the minimum corporate tax, and a substantial share of the other tax revisions will also affect business. In every case, these measures involve the collection of a tax that is owed now or that was intended by the Congress, or elimination of incentives that are no longer needed due to the sweeping reform of business taxation contained in the Economic Recovery Tax Act of 1981.

These new proposals will have no adverse impact on our economic recovery program, are fair and equitable, and will contribute significantly to the reduction of future deficits.

CONTINUING THE RESTORATION OF NATIONAL DEFENSE

Our 1983 budget plan continues the effort begun last year to strengthen our military posture in four primary areas: strategic forces, combat readiness, force mobility, and general purpose forces.

A thorough 8-month review of U.S. strategic forces and objectives preceded my decision this past October to strengthen our strategic forces. The review found that the relative imbalance with the Soviet Union will be at its worst in the mid-1980's and hence needs to be addressed quickly. It also concluded that the multiple protective structure basing proposal for MX did not provide long-term survivability since the Soviets could counter it (at about the same cost) by simply deploying more warheads.

In addition, our review pointed to serious deficiencies in force survivability, endurance, and the capability to exercise command and control during nuclear war. Current communications and warning systems were found to be vulnerable to severe disruption from an attack of very modest scale.

The 1983 budget funds programs to correct these deficiencies. The 1983 strategic program of $23.1 billion, an increase of $6.9 billion over 1982, provides for both near-term improvements and longer-term programs. These initiatives include:

—Early deployment of cruise missiles on existing bombers and attack submarines.

—Acquisition of a new bomber (the B-1B) and development of advanced technology (Stealth) bomber for deployment in the 1990's to provide a continued capability to penetrate Soviet defenses.

—Development and procurement of a new, larger, and more accurate land-based missile, the MX.

—Continued deployment of Trident ballistic missile submarines to strengthen the sea-based leg of our strategic deterrent.

Longer term programs include: development of a survivable deployment plan for the MX missile, development of a new submarine-launched ballistic missile, continued improvements in the survivability of warning and communications systems, and improvements in strategic defenses against both bomber and missile attacks.

The 1983 budget provides $114.3 billion in operations and military personnel costs, an increase of over $13 billion from the 1982 level to improve the combat readiness of our forces.

Today a major conflict involving the United States could occur without adequate time to upgrade U.S. force readiness. Our concerns with military readiness reflect both the long lead time required to procure sophisticated equipment (both parts and finished equipment) and past failures to provide adequate peacetime support for combat units. We cannot wait for a period of rising tensions before bringing forces up to combat readiness.

My program will continue to bolster combat readiness by increasing training, operating rates, and equipment support. There will be increased aircraft flying hours and supply inventories. In addition, backlogs of combat equipment and real property awaiting maintenance will be reduced. Also, the 1983 budget will provide levels of military compensation that will improve the readiness and capability of the All Volunteer Force.

Current U.S. mobility forces cannot move the required combat or combat support units fast enough to counter effectively military aggression in Europe, Korea, or in the Southwest Asia/Persian Gulf region. For example, at present only a small light combat force could be moved rapidly to the Southwest Asia region. Major mobility shortages include wide-body military cargo aircraft; fast logistics ships; and prepositioned ships and associated support equipment. Elimination of these shortages is an essential first step toward improving U.S. military capability during the first 30 days after the beginning of a crisis.

The 1983 budget provides $4.4 billion for:

—Initial procurement of a fleet of improved C-5 cargo aircraft, and additional KC-10A tanker/cargo aircraft that will double our wide-bodied military airlift capability by the 1990's.

—Continued upgrading of existing C-5A aircraft to extend their effectiveness beyond the year 2000.

—Conversion of four additional fast logistic ships that will provide the capability to move heavy combat forces rapidly.

—Chartering a fleet of supply ships that can be stationed with equipment and supplies in Southwest Asia to reduce the time required for deployment of heavy forces.

In the last decade, the Soviet Union introduced large quantities of highly capable, new-generation tactical equipment including combat ships, tanks, and aircraft, which must be countered by modernized U.S. forces. Also, the traditional U.S. superiority in system quality has been considerably narrowed, making Soviet quantitative advantages more serious. The Soviet military force buildup has increased the risk that they may rely on military power to support their foreign policy goals. For the United States to maintain, in concert with our allies, sufficient conventional forces to deter potential aggression, our forces must be provided with adequate numbers of new, modern tactical equipment.

My 1983 budget includes $106.2 billion for general purpose forces—including both operations and investment—an $18 billion increase over 1982. A key initiative is an expanded shipbuilding program. The United States, dependent on open seas for commerce and military resupply, must have the naval capability to maintain control of vital sealanes. While our naval forces have declined from the mid-1960's, the Soviets have in existence or under construction eight new classes of submarines and eight new classes of major surface warships, including nuclear-powered cruisers and new aircraft carriers.

The budget provides an $18.6 billion shipbuilding program including full funding for two nuclear-powered aircraft carriers, to be constructed during 1983-87. Other ships included in my 1983 program are three large cruisers equipped with an advanced air defense system; two nuclear-powered attack submarines; two frigates for convoy protection and four mine countermeasure ships to improve fleet capability to operate in mined waters. My longer term objective is to increase the deployable battle force from 513 ships in 1982 to over 600 by the end of the decade.

In addition, the budget provides for increased production of ground and tactical Air Force weapons. Production rates will be increased for a variety of new systems such as the M-1 Abrams tank, light armored vehicles, and the AV-8B Marine Corps attack aircraft.

All of this will be done with a major reform of the acquisition process and vastly improved management of defense operations, which will save $51 billion by 1987. In a continuing fight against fraud, waste, and inefficiency, the Secretary of Defense has appointed an Assistant for Review and Oversight and a Council on Integrity and Management Improvement.

REVITALIZATION OF AMERICAN FEDERALISM

The Constitution provides clear distinctions between the roles of the Federal Government and of the States and localities. In their wisdom, our Founding Fathers provided for considerable flexibility so that in following centuries these responsibilities could be adapted to new conditions. But in recent years we have not adapted well to new conditions. We have created confusion as to who is responsible for what. During the past 20 years, what had been a classic division of functions between the Federal Government and the States and localities has become a confused mess. Traditional understandings about the roles of each level of government have been violated.

Governments at all levels have had and will continue to face various problems. But, as Governor of California, I learned that a problem in one part of the country does not automatically mean that we need a new Federal program in all 50 States. Yet that is what has happened.

In 1964, total Federal grants to State and local governments were $10 billion. By 1980, total Federal grants to States and localities exceeded $90 billion, meaning that 18 percent of Federal tax receipts were being passed through to States and localities for one reason or another. However, these funds were not passed through entirely benignly. Attached to them were Federal rules, mandates, and requirements. This massive Federal grant-making system has distorted State and local decisions and usurped State and local functions.

I propose that over the coming years we clean up this mess. I am proposing a major effort to restore American federalism. This transition over nearly 10 years will give States and localities the time they need to plan for themselves when and how to meet State and local needs that are now being met with Federal Government funds. My proposal will also make available to the States and localities the tax resources that would otherwise fund these programs by the Federal Government.

In coming weeks, we will have intensive discussions with local and State officials, the Congress, and many others to hammer out a proposal I will soon send to the Congress. Essentially, I believe the Federal Government should assume full responsibility for the medicaid program which assures adequate health care for the poor. In contrast, financial assistance to the poor is a legitimate responsibility of States and localities. I am proposing, therefore, that the aid to families with dependent children (AFDC) and food stamp programs be turned over to the States. This swap will clarify responsibilities substantially because these programs will become the clear responsibility of one level of government or another. That responsibility is now mixed.

In addition, I propose that more than 40 current grant-in-aid programs costing the Federal Government about $30 billion a year be turned back to the States and localities, along with the funds to pay for them. During the period 1984–87, these programs will be funded by a specially designated set of taxes to be used exclusively for financing this transition program. These taxes will be deposited in a fund that will belong to the States. Each State will be able to make its own decision on how rapidly to phase out the turnback programs. This is because each State will have two options: it may use its share of the federalism trust fund to reimburse Federal agencies for continuing to carry out turnback programs, or it may ask that the programs be terminated and then use the funds directly for whatever purposes it desires.

Beginning in 1987, the federalism trust fund will gradually be dissolved and the tax sources themselves will be made available to the States.

The key to this program is that the States and localities make the critical choices. They have the time to make them in an orderly way. A major sorting out of Federal, State and local responsibilities will occur, and the Federal presence and intervention in State and local affairs will gradually diminish.

CONCLUSION

While some administration proposals have been turned down, turned aside, or compromised by the Congress, the overall assessment of the past year's action on the budget is heartening. Cooperation, support, goodwill, and a genuine sense of national purpose have enabled us to make significant progress in setting the Federal Government's affairs in order and America on the road to economic recovery.

I urge the Congress to approach the new, or renewed, proposals in this budget in the same spirit and with the same goodwill as it did my proposals of a year ago. Much has been accomplished. This budget proposes that more be done.

The proposals set forth in this budget will not be accepted readily. They are a second challenging installment of a politically difficult, yet necessary, program. In their specifics, these proposals will undoubtedly be altered by the Congress. The general direction we must travel, however, is clear. I urge the Congress to weigh these budget proposals thoughtfully, and to join me, and my administration, in a constructive effort to curb the growth of Federal spending and to provide for the Nation's security. We must, in the end, roll up our sleeves, face our responsibilities squarely, and persevere at the unending task of setting, and keeping, the Nation's affairs in order.

RONALD W. REAGAN.

FEBRUARY 8, 1982.

□ 1230

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mrs. CHISHOLM. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

Mr. LUNGREN. Mr. Speaker, reserving the right to object, I take this reservation to inquire of the gentlewoman from New York as to the extent of this request.

Mrs. CHISHOLM. Mr. Speaker, if the gentleman will yield, the Committee on Rules is not scheduled to meet on today, but we may have to meet in an emergency session in order to consider rules on certain supplemental appropriation bills.

Mr. LUNGREN. Is it my understanding that this request will be limited to those four supplemental bills that are on the schedule for action this week?

Mrs. CHISHOLM. The gentleman is correct.

Mr. LUNGREN. And no others?

Mrs. CHISHOLM. And no others, just the four supplemental bills.

Mr. LUNGREN. Mr. Speaker, I thank the gentlewoman from New York, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO FILE COMMITTEE REPORT ON H.R. 746, REGULATORY PROCEDURE ACT OF 1981

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be authorized to file its committee report on the bill (H.R. 746) to amend the Administrative Procedure Act to make regulations more cost effective, to insure review of rules, to improve regulatory planning and management, to enhance

public participation in the regulatory process, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

THE NEW DEFENSE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 30 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, I would like to spend just a little time today talking about the defense part of the budget. A lot has already been said generally about the budget; a lot has already been said about defense. A lot of people have already been quoted ad nauseam in the newspapers and on television, and now that we officially have the budget today, I thought it might be useful to at least comment in a general way on some of the areas that are involved and some of the things that we will be confronted with.

Mr. Speaker, the budget numbers for defense are massive, and there is a natural tendency, I think, to immediately recoil and say, "Well, we can't spend that kind of money. That is too big an increase; that is too big a jump over last year and the year before." What I would like to suggest to the Members today is that we be very cautious about moving in that vein until we have a better understanding of what is involved in the defense budget and what we can expect over the year to come.

The fiscal year 1983 budget in total obligational authority calls for some $258 billion to be obligated and spend over a period of time. This is obviously something in excess of the outlays proposed. I will discuss outlays in a moment, but I need to set the stage here for these numbers.

The $258 billion is that part of the budget for total obligational authority that will be spent through the Department of Defense appropriation bills. In addition to that, there is about $5.5 billion that will be taken through the Energy Department for the nuclear part of the military effort, and then also in the budget there is about $2.3 billion in supplementals for fiscal year 1982 to pick up programs that were either not funded or where the Defense Department feels there is some urgency. In addition to that, there is some $5.4 billion coming in pay supplementals for fiscal year 1982 which we have already authorized. So we are talking in terms of some $271 billion all throughout this budget that has come to us.

Now, I should point out to the Members that of the $258 billion in TOA, $4.2 billion is what we call contingency funds, and that is basically in there to account for the fiscal year 1983 pay supplemental that we know will be coming along later. There is contingency in here for that. Also there is in there some $8.2 billion which falls under the heading of military construction and will be considered by the Military Construction Subcommittee of the Committee on Appropriations. That gets down to about $245.6 billion, which will be before the Defense Subcommittee of the Committee on Appropriations, the subcommittee on which I am honored to serve. Those are the numbers that we will be basically dealing with during the coming year.

Mr. Speaker, during my remarks I will put in certain charts that will bear on what I am saying here today. At this point I will include one of those charts, one entitled "Department of Defense Budget Financial Summary." This chart shows comparative figures in then-year dollars for major program elements, as follows:

DEPARTMENT OF DEFENSE BUDGET FINANCIAL SUMMARY [1]

[In billions of dollars]

Appropriation title	Current dollars total obligational authority—Fiscal years—			
	1981	1982	1983	Change 1982–83
Military personnel	36.7	43.0	47.9	4.9
Retired pay	13.7	15.0	16.5	1.5
Operation and maintenance	55.2	63.0	70.4	7.4
Procurement	47.8	65.4	89.6	24.2
R.D.T. & E.	16.6	20.0	24.3	4.3
Military construction	3.4	5.1	5.4	0.4
Family housing	2.0	2.3	2.8	0.5
Revolving and management funds	0.5	0.5	0.9	0.5
Total military functions	176.1	214.2	258.0	43.7

[1] This chart shows comparative figures in then-year dollars for major program elements.

Note.—Totals may not add due to rounding.

Mr. Speaker, why such a massive defense bill? Why in this time of high budget deficits and cutbacks in domestic programs are we talking about massive increases in defense?

The quick answer to that question is that we find ourselves in a posture of having to play catchup ball. We simply have not done the things we should have done concerning readiness and concerning procurement and R. & D. over the long haul that would allow us to keep up with the progress that the Soviet Union has been making over the years.

I should point out to the Members that when we come to the House with a defense bill or with a budget from the President, this thing is laid out in the open for everybody to see. The papers, the TV, and the radio all over the country have been playing up the fact that we have this massive defense budget, and in many ways in the next week they will play up the fact of what is in that defense budget down to almost the smallest detail. So our people are caught up in this whole thing and you are either for defense or you are against it or you are concerned about where we are going, and we forget the fact that in the Soviet Union we do not see their defense budget. We do not know in fact how many rubles they are spending for defense. The average person on the street is not treated to what the Soviets have been doing over the last 10 or 15 years as they started to rebuild their war machinery.

So in effect we are dealing in a vacuum with numbers on our side that are all out there for the people to see, and in many ways they are staggering and horrifying when we think about the size of those numbers.

On the other hand, we are dealing with Soviet numbers that are invisible and with weapons systems that, as far as the American people are concerned, are invisible.

So we will be coming to the Members later this year with a defense bill based on this budget, and I wish that the Members and those who will read or hear what I have to say will ponder on this effort to try to compare what we are doing in the open and what the other side is doing so very quietly and unknown really to the average American in this country.

Well, what is the message in all of this? What can we expect to happen in this House Chamber in the months to come as far as defense is concerned? We hear our more liberal Members say that it is too high and we should cut back. Our more liberal Members all of a sudden are concerned about the budget deficits, and there is a new feeling we are all experiencing here among our liberal Members because we have not heard a whole lot from them in the past about the budget deficits; but now it is important. and that is an excuse for cutting back, we are told, on the defense part of the budget.

Strangely, we are also hearing from some of our more conservative Members who are also concerned and have been over the years about the budget deficits. They are also saying, "Well, when you are talking in terms of a $90 billion budget deficit, maybe we should also at this time look at defense."

My point here is that most assuredly, and probably more than in recent memory, every Member in this Chamber is going to be looking at this defense budget. Every Member is going to be considering whether in fact there is some place where we can cut that defense budget.

What I would like to be able to do later this year when we come to the floor with the defense bill is to try to say to the Members of this House and to the people of this country that we in fact have come to you with a bill that can be justified, a bill that you can support, and a bill that you will not feel the need to start whacking away at on the floor of the House.

How can we succeed in that? First, I feel very comfortable in the fact that the Secretary of Defense is making a clear effort internally in the Pentagon to clean up his own budget. We are told by the Secretary of Defense that in fact the budget that is before us today for defense has been scrubbed more than budgets in the past have ever been scrubbed in the Pentagon.

Mr. Speaker, at this point in the RECORD I will include two documents from the Pentagon having to do with the question of what steps the Secretary of Defense and his folks over there have taken to scrub this budget before it ever came to the Congress. Those documents are as follows:

ECONOMY AND EFFICIENCY IN THE DEPARTMENT OF DEFENSE

Secretary of Defense Weinberger today announced details of actions taken to save the Department of Defense more than $51 billion by 1987. At the same time he announced that further savings would have to be identified to cut outlays by another $10 billion.

Last March savings were targeted at $31 billion through 1986. Specific actions announced today mean that Defense has already exceeded that target by $10 billion and will save another $10 billion in fiscal year 1987. The additional $10 billion targeted outlay savings will be converted to specifics during the Department's continuing and concerted drive against fraud, waste and inefficiency.

While savings include DoD's share of government-wide retired pay reform and restraints on Civil Service compensation, the Secretary's announcement emphasized the $20 billion savings already tied to specific results of major reform of the acquisition process and vastly improved management of Defense operations.

The fight against inefficiency, waste, and fraud is a concerted action. An Assistant for Review and Oversight, a Council on Integrity and Management Improvement and the Secretary's personal Performance Reviews have been added to focus efforts and ensure that they are followed up. However, cost reduction is an integral part of the Defense management process and the budgets and programs it produces. The Fiscal Year 1983 Budget and the accompanying outyear program reflect that emphasis in programs excluded or curtailed, in programs to be executed more efficiently, and in more realistic estimates of what specific programs will cost.

The following table is a summary of the savings already achieved or specifically programmed.

TOA

[In billions of dollars]

	Fiscal year 1981	Fiscal year 1982	Fiscal year 1983	Fiscal year 1984	Fiscal year 1985	Fiscal year 1986	Fiscal year subtotal	Fiscal year 1987	Fiscal year total
Pay adjustment	.1	2.1	4.0	5.1	5.9	6.5	23.7	7.1	30.8
Acquisition	.2	1.3	2.4	2.8	2.1	3.3	12.1	1.7	13.8
Operations	.3	.9	1.0	1.1	1.1	1.2	5.6	1.3	6.9
Total	.5	4.3	7.4	9.0	9.1	11.0	41.4	10.1	51.5

Compensation savings reflect: (1) a cap on Civil Service pay increases at 5.0 percent compared to the unrestrained application of comparability surveys, (2) once a year cost-of-living increases in lieu of semiannual increases, and (3) reversal of military retirement system reforms proposed by the previous Administration that would have cost more in the near-term in order to realize some economies in the long-term. The $23.7 billion through fiscal year 1986 compares to $17.1 billion projected last March.

Acquisition Initiatives: The Department currently projects specific acquisitions savings of $12.1 billion through fiscal year 1986, up $4.7 billion since last March, climbing to $13.8 billion through fiscal year 1987. These savings result primarily from the successful application of many of the 32 acquisition initiatives directed by Deputy Secretary Carlucci. Some of the initiatives that produced major savings include: (1) $1.1 billion from multiyear procurement, (2) $2.3 billion from more economical production rates, (3) about $300 million in productivity from investment in new capital equipment, (4) $1.4 billion from procurement of lower cost systems, and (5) $6 billion from marginal programs. Enclosures give additional detail. These are net savings estimates covering the period fiscal year 1981—fiscal year 1987. There is a strong possibility that the acquisition savings will be even higher when the full impact of these acquisition initiatives comes into play.

An important acquisition reform is the policy of budgeting to "most likely cost", including realistic estimates of inflation. This could reduce the cost overruns which erode cost control discipline and the nation's confidence in defense management. The fiscal year 1983 budget thus includes many increases over earlier estimates for the same programs. It is important that these be understood not as higher costs of systems but as (1) the up-front acknowledgement of costs that would otherwise appear as overruns, or (2) as added costs now to produce overall savings later. These include the full funding of economical production rates and economic order quantities associated with multiyear procurement. The latter produce large unexpended balances, and it is time to recognize those balances as the result of sound fiscal policy. They do not reflect an inability to execute programs. They add nothing to defense spending or federal borrowing. Rather they are the measure of congressional support for a stable, efficiently managed acquisition program.

Operations Initiatives: In March, the Department projected six-year savings of $5.3 billion from reductions in travel and consulting services; from contracting and from more efficient use of personnel, facilities and equipment. Current data indicate that operations savings will exceed the fiscal year 1982 target by over $600 million and by nearly $400 million in fiscal year 1983. This is the result of the strong direction being given by top managment and the new emphasis on economy and efficiency being pushed by the Military Departments themselves. Each has initiated its own Service-wide campaign to eliminate waste and reduce costs. This success may lead to a re-evaluation of the long range targets; in the meantime the Department must insure that those savings are realized so that Defense programs in the budget are not threatened.

A few examples of the types of operations savings achieved or programed are: (Amounts are FY 1981-97).

Restriction of administrative travel reduced costs by more than $500 million.

Consultant services and contract management studies have been drastically reduced, saving $1.6 billion. This area will continue to receive close scrutiny to avoid unnecessary expenditures.

Over $200 million has been saved on the purchase of equipment and audiovisual activities.

Good progress is being made in consolidating base support functions rather than have neighboring bases duplicate support organizations. Budgets and financial plans have been reduced over $200 million. The activities involved will be announced when detailed plans and impact analyses have been evaluated.

Changes in advertising and recruitment methods and other increases in productivity and efficiency measures, including better utilization of computers and other equipment will result in a savings of more than $500.

THE CAMPAIGN FOR EFFICIENCY AND INTEGRITY

Among the management improvements Secretary Weinberger initiated since taking office, the most important in terms of immediate dollar savings include: (1) a complete overhaul and streamlining of the Defense acquisition process; (2) major improvements in the Planning, Programing and Budgeting System; (3) strengthening of audit resolution and follow-up procedures; (4) establishment of a DoD Council on Integrity and Management Improvement; (5) closer monitoring of program execution through establishment of the Secretary's Performance Review Program; and (6) establishment of a new Assistant to the Secretary of Defense for Review and Oversight (ATSD/R&O) to focus efforts against fraud, waste and abuse.

Since the ATSD(R&O) was appointed in May, he has launched a multifaceted campaign to focus the efforts of auditors, inspectors and investigators on the war against fraud, waste and mismanagement. This campaign will: (1) strengthen the role of DoD and GAO auditors in their assessment of defense programs; (2) ensure that all audit recommendations are carefully considered; (3) follow up to see that agreed-upon recommendations are actually implemented; (4) establish instances of fraud and "white collar" crime as a top priority of the investigative community, and (5) establish a Hot Line to elicit the aid of the public in the battle for integrity and efficiency. Improve-

ments in all these areas will continue to be made.

In the last year, the Department has overhauled the Planning, Programing, Budgeting, Acquisition and Auditing systems, set savings targets and established follow-up procedures to insure that targets are reached.

In addition to its own actions, the Department has examined scores of suggestions and recommendations received from the General Accounting Office, the Congressional Budget Office, the House Republican Study Committee, various Congressional Task Forces and individual members of Congress on ways to save Defense dollars. While many of those duplicate initiatives already undertaken by DoD, others have been incorporated into management initiatives and the budget.

SUMMARY

To summarize, the Department is steadily advancing against inefficiency on a broad front. There is reason to be proud of progress made up to now; more remains to be done. The Department is committed to continuing these efforts and pursuing every opportunity available to insure that the rearming of America is accomplished efficiently and economically.

Examples of marginal weapon system/programs that have been reduced or canceled are:

MULTIYEAR CONTRACTING; NET SAVINGS—TOA

[In millions of dollars]

	Fiscal year 1981	Fiscal year 1982	Fiscal year 1983	Fiscal year 1984	Fiscal year 1985	Fiscal year 1986	Fiscal year 1987	Total
1. F–16 procurement		8.0	84.0	40.0	114.0			246.0
2. F–111 weapons/navigation computer			3.4	6.5				9.9
3. AN/TRC–170 radio	15.0	2.8	1.7	–.8				18.7
4. AN/ALQ–136 radio jammer					6.8	3.8	4.1	14.7
5. Blackhawk helicopter				81.1				81.1
6. Multiple launch rocket						29.6	34.4	64.0
7. NATO Seasparrow		2.0	5.0	10.0	12.2	8.0		37.2
8. A–6E procurement				4.0	5.3	5.4	5.6	20.3
9. EA–6B procurement				2.4	4.4	6.2	8.1	21.1
10. C–2A			16.3	5.5	7.1	16.4	13.1	58.4
11. CH–53E				8.0	8.8	9.7	8.5	35.0
12. T–AO		7.7	12.5	46.3				66.5
13. Standard (SM–1)						19.6	43.1	62.7
14. MK–46 Neartip				11.8	28.6			40.4
15. Mule			2.1	1.8	1.6			5.5
16. Navstar GPS/IONDS			.1	2.0	8.8	90.9	147.5	249.3
17. Defense meteorological satellite						49.3		49.3
Subtotal	15.0	20.5	125.1	218.6	197.6	238.9	264.4	1,080.1

ECONOMIC PRODUCTION RATES: NET SAVINGS—TOA

[In millions of dollars]

	Fiscal year 1981	Fiscal year 1982	Fiscal year 1983	Fiscal year 1984	Fiscal year 1985	Fiscal year 1986	Fiscal year 1987	Total
1. AIM–9M production	24.7	19.2	–22.4	16.7	18.2	17.8		74.2
2. E–3A procurement		78.0	81.0					159.0
3. Accelerate F–15 buy		30.0	12.6					42.6
4. RF–4 IR sensor			4.6	8.5				13.1
5. Defense satellite program acquisition			32.0	32.0				64.0
6. AN/SSQ–47 sonobuoy				3.2				3.2
7. AN/BQQ–5				1.3				1.3
8. TSEC/KG–45					.1	.3	.4	.8
9. SH–60B						26.7		26.7
10. CH–53E			5.0	5.0				10.0
11. Common ECM equipment						18.5		18.5
12. Aircraft production rates		281.6	86.2					367.8
13. F–16 buy acceleration			199.0	197.0	159.0	192.0		747.0
14. Laser Hellfire		11.2	44.3	62.1	39.1	33.1		189.8
15. Fighting vehicle systems	4.5	40.4	99.9	73.6	17.6			236.0
16. DIVAD gun		9.7	25.9	42.7	64.0	170.8		313.1
Subtotal	29.2	470.1	568.1	442.1	98.0	459.2	.4	2,267.1

LOWER COST ALTERNATIVES: NET SAVINGS—TOA

[In millions of dollars]

	Fiscal year 1981	Fiscal year 1982	Fiscal year 1983	Fiscal year 1984	Fiscal year 1985	Fiscal year 1986	Fiscal year 1987	Total
1. J–57 spare parts	98.6	86.9						185.5
2. Consultants/management services	.8							.8
3. Boats and craft radios			.5					.5
4. VTX		7.6	3.3	5.9	61.5	150.0	160.0	388.3
5. Sub ASW SOW			8.6	53.3	52.8			114.7
6. ITSS		10.4	16.8	59.6				86.8
7. HXM		3.8	13.1		92.9	134.7	142.4	386.9
8. U/S surv		10.3	16.4	5.8	18.3	6.1		56.9
9. Alternative payment plan (computer)		.1	2.1	.4	1.0	.7	.7	5.0
10. Computer purchase	7.4	7.4	7.4	7.4	7.4	7.4	7.4	51.8
11. Buy-out plan		.8	.8	.8	.8	.8	.8	4.8
12. A–4 ejection seat		20.3						20.3
13. F/A–18 GFE breakout					26.8	52.4	32.3	91.5
14. Fuel price and storage	11.6							11.6
Subtotal	118.4	147.6	69.0	133.2	261.5	332.1	343.6	1,405.4

PRODUCTIVITY IMPROVEMENTS: NET SAVINGS—TOA

[In millions of dollars]

	Fiscal year 1981	Fiscal year 1982	Fiscal year 1983	Fiscal year 1984	Fiscal year 1985	Fiscal year 1986	Fiscal year 1987	Total
I. Investment:								
1. Fast payback capital investment	–.6	3.6	2.9	2.9	2.9	2.9	2.9	17.7
2. Productivity enhancement capital investment		29.4	30.8	37.7	39.5	40.8	17.2	195.4
3. Component sponsored investment funds	–6.9	1.0	25.2	32.7	30.7	14.3	13.6	110.6

PRODUCTIVITY IMPROVEMENTS: NET SAVINGS—TOA—Continued

[In millions of dollars]

	Fiscal year 1981	Fiscal year 1982	Fiscal year 1983	Fiscal year 1984	Fiscal year 1985	Fiscal year 1986	Fiscal year 1987	Total
Subtotal	−7.5	34.2	58.9	73.3	73.1	58.0	33.7	323.7
II. Operations:								
1. Capital investment savings		31.0	26.8	28.1	29.5	30.7	32.1	178.2
2. Productivity savings		58.5	60.1	58.5	58.2	57.1	58.1	350.5
3. Centralized management of conventional Ammo, recruiting and advertising, operations, computer operations, et cetera	5.3	31.1	44.2	51.7	54.5	55.7	56.9	299.4
4. Automated markings (LOGMARS)			−25.1	6.0	23.4	52.1	52.2	108.6
Subtotal	5.3	120.6	106.0	144.3	165.6	195.6	199.3	936.7
Total productivity	−2.2	154.8	164.9	238.7	238.7	253.6	233.0	1,260.4

ELIMINATION/REDUCTION OF MARGINAL PROGRAMS: NET SAVINGS—TOA

[In millions of dollars]

	Fiscal year 1981	Fiscal year 1982	Fiscal year 1983	Fiscal year 1984	Fiscal year 1985	Fiscal year 1986	Fiscal year 1987	Toatal
E–4B procurement			278.7	290.8				569.5
B–52 aircraft modification			7.1	36.0	45.9	141.6		230.6
8 in Antiradiation projectile		13.0	13.0	19.0	17.0	33.0	41.0	136.0
All weather standoff attack control system					4.9	107.7	101.7	214.3
SMS ORDALTS TARTAR			42.6	60.0	26.0	57.9	49.4	235.9
Fireband			23.7	35.0	28.7	20.5	8.9	116.8
IIR Harpoon		38.6	39.8	32.1	23.1	3.6	3.8	141.0
Ship system modification			100.6	159.0		17.8	164.6	442.0

TOA DOLLARS IN MILLIONS SAVED

[February 8, 1982]

Code I. Acquisition initiatives	Appn.	Fiscal year— 1981	1982	1983	1984	1985	1986	1987	Total
(AX) G. Elimination/Reduction of Marginal Programs/Systems:									
1. E–4B procurement	APAF			278.7	290.8				569.5
2. EC–135 airborne launch control systems	APAF		10.4	22.8					33.2
3. Titan missile phaseout	MPAF		31.1	30.1	23.4	21.3	32.8		138.6
4. KC–135	APAF				28.9	68.5	69.6		167.0
	RDTEAF			10.3	15.8	7.8	.9		34.8
5. B–52 aircraft modification	APAF			.1	21.0	45.3	132.5		198.9
	RDTEAF			7.0	15.9	.1			23.0
	OMAF				.1	1.9	9.4		11.4
	MPAF				−1.0	−1.4	−.3		−2.7
6. Minuteman II	PPAF					166.0	212.0		378.0
7. Expendable drones	RDTEAF			5.1	8.5	6.8	4.3		24.7
	MPAF			26.7	58.1	52.2	86.7		223.7
	MCAF			.2	.1				.3
	OMAF			.1	.1	.2	.2		.6
	MPAF			.8	.8	.8	.8		3.2
8. Laser acquisition	OPAF		6.6						6.6
9. 8" Antiradiation projectile	RDTEA		13.0	13.0	19.0	17.0	33.0	41.0	136.0
10. AN/SPS–52 radar	OPN			14.6	15.9	14.2	12.9	13.5	71.1
11. Channel finder	OPN				7.9	7.8	7.7	8.1	31.5
12. Gun fire control systems	OPN			24.1	20.3		10.5		54.9
13. SMS ORDALTS: TARTER	OPN			42.6	60.0	26.0	57.9	49.4	235.9
14. 5" GP	OPN		16.5	29.8	86.8	112.8	112.6	158.2	516.7
15. Advanced base function components	OPN			10.0	15.0	42.0	41.0	54.0	168.0
16. Ship systems modifications	OPN			100.6	159.0		17.8	164.6	442.0
17. NOSS	RDTEN	10.7	46.1	87.9	115.7	105.7	74.2		440.3
18. Weaponizing proto	RDTEN		2.0	3.0	4.0	6.6	8.2		23.8
19. SOJS (THOR)	RDTEN		10.1	22.3	35.6	61.0	76.3	80.5	285.8
20. CAML	RDTEN	1.7	5.7	5.7	6.7	5.6	.3	.3	26.0
21. Super Torch	RDTEN		3.2	3.2	3.5	3.6	3.6	3.5	20.6
22. VCX	RDTEN		32.6						32.6
23. TEWDS	RDTEN		8.8	6.9	19.8	24.4	29.5	31.2	120.6
24. MADAIR	RDTEN		2.3	3.7	4.0	4.1	4.1	4.3	22.5
25. Buried Manhunt	RDTEN		1.8	5.0	6.6	6.4	7.9	8.3	36.0
26. IIR Harpoon	RDTEN		38.6	39.8	32.1	23.1	3.6	3.8	141.0
27. HY 130 Steel	RDTEN			1.8					1.8
28. MDM	RDTEN		.7	38.0	46.0	42.0	38.0	35.0	199.7
29. RECO	RDTEN			1.2	3.5	5.9	6.0	5.9	22.5
30. EMCARD	RDTEN		2.4	2.8	3.1	2.7	2.7	2.8	16.5
31. Mobile Trk Range	RDTEN		6.5	4.1					10.6
32. DASS	RDTEN			3.7	1.4	1.3	.6	.6	7.6
33. RFX	RDTEN			17.0	19.0	36.1	35.8	37.8	145.7
34. Dual Mini Sins	RDTEN		1.0	.5					1.5
35. A–6/AWSACS	RDTEN			22.4	56.1	37.7	8.9		125.1
36. Linear Chair	RDTEN		4.0	1.4					5.4
37. VLS ASROC	RDTEN		15.3	27.6	20.4	12.7	.5	.5	77.0
38. AEPS II	RDTEN			2.7	3.2	3.3	3.6	3.8	16.6
39. SEAFIRE	RDTEN		1.8	17.0	17.5	16.5	7.0	7.3	67.1
40. FIREBRAND	RDTEN			23.7	35.0	28.7	20.5	8.9	116.8
41. CH–46 Ext Tank	RDTEN			1.2					1.2
42. PCOTES	RDTEN		5.0	5.0					10.0
43. LINEAR ECM	RDTEN			7.9	3.7	3.1			14.7
44. Navy Future Comm	RDTEN		2.7	5.0	5.9	6.2	6.9	7.2	33.9
45. SXTF Closed	RDTEDA		18.1	22.6	14.2	5.7	5.5		66.1
46. Navy OSHA	MCN			11.0	14.0	13.8	6.0	6.0	50.8
	OPN		3.5	3.0	3.0	3.0	3.0	3.0	18.5
	OMN		2.5	3.0	3.0	3.0	3.0	3.0	17.5
47. H–46 emergency egress mod	APN			1.7	1.9	.9	.1		4.6
48. H–46 AAR Mod	APN			1.4	3.6	5.8	11.0	.5	22.3
49. H–46 ground prox modification	APN				5.6	5.8	3.6		15.0
50. S–3 ejection seat modification	APN					2.1	2.1	1.9	6.1
51. S–3 IFR probe modification	APN			1.7	1.7				3.4

TOA DOLLARS IN MILLIONS SAVED—Continued

[February 8, 1982]

Code I. Acquisition initiatives	Appn.	Fiscal year— 1981	1982	1983	1984	1985	1986	1987	Total
52. S–3 TACAN EXCAP modification	APN			1.2	2.2	1.1	1.1		5.6
53. P–3 TACNAV mod	APN			30.9	22.1	5.3	.3		58.6
54. 25 mm gun pod mod	APN				8.9	33.6	64.6		107.1
55. ECM(ALR–45) mod	APN			36.3	36.8				73.1
56. H–46 fuel tanks modification	APN					6.9	7.3	.8	15.0
57. F–4, APR–43 modification	APN			4.8	6.0	1.1	.6		12.5
58. F–4, APR–118 modification	APN			3.5	2.4	.8	.4		7.1
59. A–6 (AWSACS)	APN					4.9	107.7	101.7	214.3
60. P–3C (multisignal/BITE)	APN			5.7	5.6	4.9	3.9		20.1
Subtotal		12.4	292.3	1,103.9	1,420.2	1,130.7	1,400.6	847.4	6,207.5

□ 1245

Mr. Speaker, the documents that have just been made a part of the RECORD speak for themselves and I do not propose to go into detail on those documents at this point other than to simply say that Members should study what is in here.

One of these documents, for example, sets out some 60 programs that the Pentagon either reduced or eliminated before the budget ever came to the Congress. I think those who would tend to be critical or those who want to know as much as possible about this defense budget should study what the Pentagon has done before the budget came to us.

Point 2, it seems to me that our Subcommittee on Defense and our full Appropriations Committee, when it brings the bill to the floor, simply must, this year more than ever, bring a credible bill to this floor that we can support.

That means, Mr. Speaker, in my view, that we have to look at every item in there that we can find the time to look at. We have to make some hard decisions and we have to consider whether this weapons system or that expenditure or this R. & D. effort makes sense and can be justified as far as the taxpayers of this country are concerned.

So when we come to the floor later this year it would be my hope that we will bring a credible bill and one that will, therefore, foreclose efforts on perhaps what we might call across-the-board kinds of cuts that would be unreasoned and in many cases unjustified under the circumstances. So I will be doing all I can to see that we do, in fact, bring a credible bill to the floor.

So if we come with a clear, new effort on the part of the Pentagon to scrub this budget, and if we come with a clear effort on the part of our committee to do the best we can to weed out waste, fraud, and abuse, and duplication and all of the other things that frequently get into bills of this magnitude, then it would be my hope that we can get the President's basic defense bill through the Congress in a way that will be meaningful, in a way that will seriously provide for the defense of this country and in a way that will say to the Soviet Union and all others here interested that this country does have a strong resolve to see that we are going to defend this Nation and see to peace and freedom in the world.

Mr. Speaker, the question always is raised: Where do these cuts come from? The President has sent a good budget over here, we believe. We are asked: Where will you make cuts? How will you impact on outlays this year? If you are talking about a $90-billion-plus deficit, what could you do in the defense bill to make meaningful cuts that really impact on that budget deficit?

The truth is that the only real place in the normal defense bill, and it will be true in this case, that one can make immediate cuts that impact on outlays in fiscal 1983 are in those very areas where we desperately need to spend the money: Readiness, O. & M., military personnel, those kinds of dollars that are spent quickly and spent to keep the readiness rate of this country militarily up to the top peak. So if we cannot and should not make large cuts in those areas, then we have to start looking at other areas.

I would like at this point to put into the RECORD, by unanimous consent, Mr. Speaker, a two-page paper prepared by Mr. George F. Allen, the very able minority staff member who works with us on the Defense Appropriations Subcommittee, which clearly sets out the areas that are impacted by outlays, the areas that would be impacted by cuts that might be proposed in one part of this bill or another. The document is as follows:

To: Mr. Edwards of Alabama.

From: George F. Allen (Minority Staff, 5–9886).

Subject: 1983 Defense Outlays as an impact on deficit.

Date: 8 February.

Clearly, efforts will be made from all sides to reduce the size of the 1983 Federal deficit. Defense, obviously, is a prime target for these efforts.

However, it should be noted that only 68 percent of the 1983 Defense budget is outlayed in 1983, and this varies by account.

For example, Military Personnel funds in 1983 spend out at a rate of 97 percent during the year. Thus, of the $47.9 billion for Mil Pers requested in 1983, $46.5 billion will be a 1983 outlay.

On the other hand, shipbuilding funds requested in 1983 ($18.6 billion) will spend at a 5 percent rate in 1983, and procurement other than shipbuilding spends at a 14 percent rate during the year.

The following is a summary by title of TOA requested and the spendout rate for 1983 of those funds:

[Dollars in billions]

	Requested in 1983	Outlay in 1983	Percent outlay in 1983
Military personnel	$47.9	$46.5	97
Retired	16.5	16.4	99
O. & M	70.4	57.0	81
SCN	18.6	.8	5
Procurement (other than shipbuilding)	71.0	9.9	14
R.D.T. & E	24.3	14.3	59

The same is true of military construction:

[Dollars in billions]

	Requested in 1983	Outlay in 1983	Percent outlay in 1983
Mil Con	$5.4	$0.8	14
Family housing	2.8	1.7	61

In summary, if Defense is to be used as a means to reduce the 1983 deficit, the targets within Defense to accomplish an outlay reduction are obvious.

For all practical purposes, a dollar cut in Personnel or retirement is a dollar cut in the deficit. A dollar cut in O. & M. is an 80¢ cut from the deficit.

But a dollar cut in shipbuilding is only a 5¢ cut from the deficit.

Thus, the targets for cuts which will impact greatest on the deficit are, in order of impact:

	Percent
Retired pay	99
Military personnel	97
O. & M	81
Family housing	61
R.D.T. & E	59
Procurement (other than shipbuilding)	14
Mil Con	14
Shipbuilding	5

In other words, Members seeking to make a significant impact on the 1983 deficit by reducing Defense are virtually forced to look at programs affecting people (retirees, mil pers, housing) and readiness and operating accounts (O. & M.).

To look elsewhere for even modest deficit impact will require massive cuts in the request, impacting little in 1983 but with significant impact in the out years.

I would like to just quickly run down one column that appears in this paper. In military personnel, $47.9 billion has been requested. The cuts there would be 97 percent taken in 1983. So that is an easy place to get money, but it is the very wrong place and a difficult place to try to get money.

Retired pay, 99 percent of the cut would come right out of 1983. O. & M., 81 percent of the cut would come right out of outlays in 1983.

But when we come to ship construction, Navy—perhaps my colleagues will recall there are two new carriers in here and there are two new attack submarines, and I believe two Tridents are in here as well—then any dollars we cut would only impact to the extent of 5 percent in fiscal 1983.

Therefore, decisions in that regard have to be made on a more long-range basis and not on what one might save just in fiscal 1983 but whether, in fact, we need this ship or that group of ships or these planes or that group of planes.

Procurement, other than shipbuilding in 1983, the outlay impact would only be some 14 percent. R. & D. impacts at about 59 percent.

So the point I am trying to make here is that we just cannot say we are going to cut defense by $10 billion or $5 billion and have it all of a sudden impact on the deficit in fiscal 1983. If we, in fact, do that, then we are going to tend to cut right at the heart of the readiness that is so important to this country.

So what I would like to suggest is that our committee spend great time on this, more on this kind of detail than we have ever done before, and that when we come to the floor with a bill, and we propose some cuts, as I am quite certain we will do, that they are cuts that are well reasoned, that they take into consideration the need for a ready military, and that they at the same time take into consideration whether there is duplication, whether there are things that we really do not need, whether cost overruns, and there are a lot of them in the military, really should bring about the cancellation of certain items of hardware that are being proposed. These are the kinds of things that we will be working on, and I hope that all Members will withhold early judgment, will not get too much in a box on attempting to find all of the answers to the problems of the budget deficit in the military construction part of the bill and in the defense portion of the bill which comes under our subcommittee. We simply have to move forward on defense. We simply have to do those things that are necessary, and it is hurting. We are talking about a lot of dollars. But I will tell my colleagues if we do not do an adequate job the dollars we are talking about now will pale into insignificance in the years to come.

So it is important that we not get carried away and try to balance the budget or reduce the deficit to any major extent by gutting the defense budget.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of Alabama. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding because I want to thank him for what was a very useful statement. I look forward to looking over the documentation the gentleman has provided for his statement in the RECORD because I think it does help set forth some of the items of the debate that are going to have to take place in the defense budget and the need to maintain the kind of defense readiness that this country must have to face the challenge of the Soviet Union.

The thing that strikes me about all of this discussion on the budget, particularly in the initial days here and particularly as it relates to the defense budget, is we have heard a lot of criticism from the other side but they have not shed very much light on what their alternatives might be.

I heard one of the distinguished Members from the opposition party on television this morning, and he is regarded as one of their budgetary experts, suggesting that what we ought to do is just freeze the 1983 levels at the 1982 levels for everything. The whole budget should be frozen at the 1982 level. I just wonder, given the gentleman's statement, whether or not he could comment on what that would mean to our ability to maintain defense readiness.

Mr. EDWARDS of Alabama. In round numbers and without going into specific detail, it would mean about $43 billion less for defense in areas where we desperately need to be doing some catching up. It is the meat ax, across-the-board kind of approach that my whole speech here today is aimed at trying to head off. If we can do a proper job in our committee so that we can come to the floor and say to the Members, "Do not offer across-the-board kind of cuts, we have made reasoned cuts where they can be justified," then I would think our committee has done a good day's work.

I realize that may be dreaming to a degree, but anyone who is in politics has to be something of a dreamer.

Mr. WALKER. If the gentleman would yield further, I thank the gentleman for his statement because I think it points out the problem with formulating budgets. When there is no alternative, and apparently the other side has no alternative, they tend to come in with this kind of thing that would be absolutely devastating to our defense readiness.

What they are talking about is really cutting the foundations out from underneath defense when they make that kind of proposal.

I think the gentleman's figures show very clearly that that is not an approach that we can afford to take, and I thank the gentleman.

Mr. EDWARDS of Alabama. I thank the gentleman.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of Alabama. I am happy to yield to the gentleman from Texas.

Mr. GONZALEZ. First let me say I thank the gentleman for taking the time very early here and explaining. I think he is rendering a great service.

I have a question with relation to one aspect of our defense policy in the outlays for its conduct. It is very difficult to get precise figures and, therefore, what I have read have seemed to be almost contradictory. There is a variation of figures and it has to do with that general aspect that we call the allocation of our defense funds for the defense of Europe.

Is there any specific or concise or near precise figure or estimate that we can derive with some certainty of accuracy as to what our apportionment is for that very important part of our defense posture?

Mr. EDWARDS of Alabama. The answer is generally yes. We can give the gentleman numbers that would apply to our part in the defense of the NATO countries, of which we are one.

But it is not so easy that one can just draw a line and box it in because we have troops and we have weapons systems and other things here in this country that are available and would move at a moment's notice should war break out in the NATO countries and yet they are not sitting in Europe. So one cannot say they are not part of the defense of NATO.

So we can give the gentleman some broad outlines of what is spent there, but it would be a little hard to do it if the gentleman requires information as to what is back here that can be available there.

□ 1300

Mr. GONZALEZ. I remember some years ago I had occasion to visit our Army installations, for example, in Germany, and the then NATO headquarters, which was then in Paris, this was before France's withdrawal, in management, and there used to be a budgetary category for the direct outlay, for instance, for the support of our personnel and their dependents and all, say, in Germany,

And also at that time the West German Government was contributing

a certain amount of money for the purpose of the sustenance of our personnel and all.

I understand, and I do not know and that is why I am asking the question, that that is no longer true, that there is no contribution direct or indirect from, say, such countries as Germany or the others, where we have actual personnel physically there and dedicated for the defense of that area of the world.

I really do not know because I have not seen any authoritative source saying that is no longer true or it still is, maybe in some other form, but like it was in 1964.

Mr. EDWARDS of Alabama. If the gentleman would allow, of course, they do not pay our troops, but many of the countries we are in—I think most of the countries we are in—make clear contributions in the form of bases, basing rights, and other services that they provide and so again the answer is that there is a contribution, it is not always that easy to identify, but it is always based on agreements, and I guess there must be someone in the Pentagon who can dig out the numbers. I cannot give the gentleman the numbers today.

Mr. GONZALEZ. I understand and I thank the gentleman very much.

Mr. BRINKLEY. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from Georgia, a very able member of the Armed Services Committee and much brighter than I am when it comes to this sort of thing.

Mr. BRINKLEY. The gentleman is very generous and quite modest about his own ability.

I would like to respond briefly to the gentleman from Pennsylvania (Mr. WALKER), who impugns just a shade the majority party in support of all men of good will toward a strong healthy national Defense Establishment.

Just today, the Armed Services Committee has under review the procurement items for the Navy and for the Marine Corps, and this will continue throughout the spring, and I assure the gentleman that the majority party will do that which is in the best interests of this country.

The gentleman from Texas raises a very good point. About 3 years ago there was an excess of $50 billion in direct costs associated with NATO. This does not count the indirect costs which run much more than that.

As chairman of the military construction authorizing subcommittee, I wish to tell the gentleman that there will be important initiatives this year in housing and in the basic amenities for the men and women in our armed services, which we concede to be extremely vital toward retention and toward recruitment.

Further, there are important civil defense initiatives that are being made this year. So this we believe is a turning point toward parity with the Soviet Union, which is important to our national life. It is expensive, but it does pale into insignificance if we compare it with the cost of a war. That is exactly what we seek to avoid.

A strong defense is a strong companion to peace, and I thank the gentleman for his contribution today.

Mr. EDWARDS of Alabama. I thank the gentleman, and I think it does not need to be said, but perhaps it would be well to say, that when we think in terms of expenditures of this country in NATO, or in connection with NATO, we must remember that we are a NATO country and we have a vital interest in what goes on over there, and we are not sending our troops over there just to defend Germany or England or somebody else, we have a clear vital interest over there and the expenditures that we have to come up with in that regard, as the gentleman from Georgia suggests, pale into insignificance if one thinks in terms of comparable figures to fight a war.

And so we must maintain that strength and it is expensive but the alternative would be unacceptable.

THE PRESIDENT'S BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LUNGREN) is recognized for 60 minutes.

Mr. LUNGREN. Mr. Speaker, as we have had the news of the President's 1983 budget fiscal program, I guess just about every Member has received inquiries from the press. Statements are beginning to appear as to the congressional response to that budget. I was approached by a number of members of the press and they all started out their questions, "It appears that the President's budget is being met by anger on the Hill, and do you share that anger?"

My response is that I am certainly not angry about the size of the deficits, but I am hopeful that those of us in Congress will be able to take what the President has given us, follow the general thrust of his program, and work with him to bring the deficits down.

I say that because there have been comments from any number of Members suggesting that somehow this President ought to be criticized for creating this year's deficit and for the deficits he acknowledges that we will have over the next 3 years.

At the same time, many of those same people appear to be suggesting that the President's proposed cuts are either unnecessary, unwise or too large.

So we are left in a situation where the President is criticized on the one hand for bringing us a budget which would only increase spending over the present year by 4½ percent, but at the same time being held responsible for the fact that he is not cutting enough. Then again he is being criticized for cutting to much.

It seems that we ought to keep our eye on the most essential point—a point that is constantly made by Dr. Milton Friedman. He has suggested that the real problem of the Federal Government with respect to its impact on the national economy is the total take from the private sector created by the Federal Government.

By that he means that you have to add up both the deficit side and the tax side to see what the total is. Of course, that total adds up to what the total spending of the Federal Government is. And it is the Federal Government's spending, set against the total economic worth of the private sector of the United States, that tells the tale.

For some to suggest that all we ought to do is to postpone the third year of the tax cut or increase the taxes, which is another way of saying get rid of the tax cut that we put into place, rather than work on the spending side, is wrong. I would suggest that what they are doing is prescribing for us the same medicine that we followed in the previous administration, one which led us to double-digit inflation 2 years in a row, the highest rates of inflation that we had over a 4-year period in recent history, the highest rates of inflation we had in the peacetime history of the United States, where we had double-digit inflation 2 years in a row, this for the first time in the history of the peacetime of the United States. The interest rates were the highest that we have ever had in the United States since the Civil War. So we had both of those things. We had basically the essentials of stagflation. We had a sluggish economy and we had high inflation.

If we are to return to those days, I think the onus is on those who would criticize this administration for their program to show us why, going back to what they did over the previous 4 years, the results would be any different than what we found then.

I think if this thought can be capsulized in the following way.

I am not prepared, nor could I in any real sense be prepared to guarantee the American people, or the Members of this House, that if we follow the President's programs we will have economic prosperity in this country. And I am convinced we will. I think his programs make logical sense. But I am prepared to suggest that if we follow the old business-as-usual approach of this House, and the previous administration—I can guarantee that we will have economic failure because that is

what in fact we had at the end of the last administration's attempts to do that.

So as we go into the next few months, particularly the next few weeks, and we analyze the President's program, I think it behooves us to suggest not only where we think where he has fallen short, if we indeed think he has fallen short, but I think the onus is on those in the Congress who would criticize, to come up with a better plan.

If we happen to think that the spending is out of line, we ought to show where we are willing to make cuts. If we, on the other hand, think we ought to increase the revenues of the Federal Government in the short term, we ought to be willing to show where we are going to tax the American taxpayer more.

I have gone home to my district over the last several months and had town hall meetings, and one question I always ask is, "Would anybody who believes he or she is undertaxed please raise your hand." I have yet to have one person raise their hand. And I am not just talking about going into the more affluent areas of my district. I am talking about going into the blue collar areas of my district, the retirement areas of my district, the areas where we have the average working men and women of the district. They do not think that the Federal Government has undertaxed them over the last few years, nor do they think that they are being presently undertaxed. They feel very strongly that they are being overtaxed. We at least had shown them some light at the end of the tunnel by enacting a 3-year tax program that assisted individuals so that they could plan for their own lives and their families over the next few years.

It is interesting that about 6 weeks ago a number of us on this side of the aisle went over to see the President, in support of a bill authored by the gentleman from Pennsylvania (Mr. WALKER) and cosponsored by any number of us, that would accelerate the tax cuts by about 6 months. This bill would move those going into effect in July of this year ahead to January. And those the following year would have been accelerated 6 months. And we suggested that this ought to be done for a number of reasons, chief of which was the fact of the unemployment problem that is facing us at this time.

And it does not matter whether you are a Keynesian economist or a supply-side economist or a traditional Republican or a new Republican economist, whether you are on the Democratic side or on the Republican side. All economists seem to feel and to conclude that the best way to get the economy moving and to create more jobs in this country is to have more tax cuts rather than less, and to, in fact, accelerate the tax cuts.

And now I am pleased somewhat, and cheered by the fact that leading Members of the other side of the aisle are now starting to talk about an acceleration of the tax cuts. I saw one of the gentlemen from the Democratic side in the other body appearing on one of the national news programs yesterday in which he said we have to do this. But he is "hooking" something on to that. He is saying we will accelerate the tax cut for this year, but in return for that we will either postpone or outright kill the third phase of the tax cut for the individual citizens of America.

I find that interesting because that is one of the problems that the President posed to use when we were in the White House 6 weeks ago. He said that he would like to have tax cuts of a greater nature than we passed in this House last year, but he was afraid if we had a bill that was seriously considered to accelerate the tax cuts, it would become a vehicle for increasing taxes in one way or another. Make no mistake about it, cutting out the tax cuts that we have in the third phase of the individual taxes is a tax increase. It is a tax increase because the net effect of inflation is to throw people into higher tax brackets (bracket creep). In addition the increases in social security tax are just being felt by our people back home.

As they look at their check this month they will see they are paying a higher rate on their bases for social security tax. As the year goes along, they will find that more of their income is exposed to the social security tax. When you take those things in combination you discover it is not until the third year of the tax cut that the average American citizen is going to save something, from what otherwise will be taken by the Federal Government.

Now we hear it is good to accelerate the tax cuts for 6 months as long as we discontinue the program we already voted for last year, and cancel the third year reduction (the only year that really gives relief to the American taxpayer).

I think that is a tragedy. Somehow we are saying, to quote the President, "that it has a different impact on the economy if we take from the people back home from their earnings, bring it here to Washington and spend it in the economy, rather than if they save it at home and spend it themselves."

Somehow we think that the best and brightest are still here. Maybe we have not learned from the Vietnam experience. They may be here but they may not make the best decisions. They may not be any more sincere than people back home. In fact, I think they are not. They have no exclusive claim to virtue in Washington, D.C. That is not to denigrate the people here. It is just to suggest we are all part of this country and many people in our constituencies can do a better job of spending and investing their own money, saving their own money, helping their own communities, and helping their neighbors when they are in need, than can we here in Washington, D.C.

As someone said recently, the whole expression "trickle down theory of economics" has been one that has been hung around our neck oftentimes—those of us who are supporters of supply-side economics—I do not think there is any greater example of the trickle down theory of economics than the thought that you can tax somebody in Hawaiian Gardens, Calif., which I happen to represent, send their money to Washington, D.C., have it filtered through our bureaucracy here, and somehow hope that some of that money is going to trickle down to their needy neighbors next door, across the street, down in the next block or even in the next community.

□ 1315

Someone did a study not too long ago in which they divided all of the money we spend on social programs to help the needy by the number of needy in our country. It came out that for every family of four below the poverty line, we could give them a direct grant of $32,000 from the Federal Treasury.

Now, anyone who has gone out and talked to the needy in their localities know that we are not giving $32,000 to every family of four below the poverty line. So where is that money going? It is here. It is in the bureaucracy in Washington, D.C., as we try and figure out how we can best help them with our grandiose social programs, as we have tried over the last 10 or 15 years.

The fact of the matter is that the people are beginning to learn that it makes more sense to keep that money back home and try to help their neighbors in their home community.

So I think, as we are asked by members of the media over the next few weeks, whether we are angry with the President's proposal or whether we are disappointed with the President's proposal, that we ought not just to say, "Well, yes, I am not real happy with this program." We ought to be put on the spot, we ought to discipline ourselves and say, "Well, I may not agree with that part of his program, but here is my suggestion: If we are not going to cut where he suggests we cut, I am going to cut somewhere else." Because we all know, that this is an election year. It is therefore particularly difficult for us to approach the challenge the President is giving us, which is to look at the entitlement programs of this country. These are the entitle-

ment programs which we call the uncontrollables, about which we say, when we go back home: "Well, look, over half of the Federal budget is uncontrollable. You cannot hold us responsible for excess spending. I mean, we are just elected as Congressmen and Congresswomen, I mean we are just Senators, we have these uncontrollables."

The fact of the matter is, I think we have to do something about addressing it. I do not like addressing it any more than anyone else does, and I am sure the President does not like addressing it any more than anyone else does. But if we are going to continue to fool ourselves by saying that we cannot bring Government spending under control, then I think we might as well pack up and go home, tell our constituents that Congress and the White House are unable to deal with these problems. We should just admit that these programs have grown beyond our capacity to control them. Let us recognize that the system has a life of its own and tell people back home that we have failed in terms of representative government.

But we cannot do that if we truly care about this country.

We have got to do something in the near future about spending, about entitlement programs, about so-called uncontrollables. And we have got to do it in a way which does not confuse nor frighten the American people. That is our obligation. I think it is a very serious obligation, a heavy burden that we have. We ought to attempt to work with this administration to deal with it.

I doubt, unless you have the specter of back to back years of $100 billion deficits, one piled on another, that you are going to have the circumstances, the environment, the pressure to build on the Congress to face up to some of these issues.

In that way, I think that, as much as I do not like to talk about $100 billion deficits or $91 billion deficits, in the long run it may prove to be beneficial. It may force us to look at some issues that we would prefer to ignore and, particularly, to look at those issues in an election year.

Mr. WALKER. Will the gentleman yield?

Mr. LUNGREN. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding, and I would like to thank him for his statement and also express my delight at seeing the number of people from the opposition side talking about acceleration of the tax cuts for this year in order to get the economic engine chugging along again.

I think that it is interesting that they should come forward, some of them, with that proposal, because that in itself is an admission that they were wrong last year. Had Reaganomics been allowed to work, as the President originally proposed, we might not have had the recession in the first place. We would have had inflation, by January 1 of this year, a 20 percent real tax cut for the American people, and we would not be faced with beginning a year with a tremendous recession. And now we do hear people, who are recognizing that in fact a tax cut moved from July to January will begin to get us moving again, get economic growth started. It would have some real positive impact on the budget.

I share with the gentleman his concern about those deficits. Those deficits are absolutely unacceptable in the President's budget, in any budget that we pass. But I think we also have to look at where those deficits are coming from. Those deficits are coming from the fact that you have a stagnant economy, you have an economy which is not doing anything at the present time except draining down on Federal Government revenues. You have people unemployed who are drawing unemployment benefits, you have people who are not paying taxes, you have businesses that are not paying taxes. Every point of unemployment is costing the Federal Government some $26 billion.

So we have a tremendous problem that is directly related to the recession. If you can get the economy growing again and get it growing faster, you will begin to bring down the deficits very rapidly. And that is what the accelerated tax cut is all about. It is not just a case of giving back some money to the American people. It is also getting our own economic house in order here, because it would allow us to put people back to work, to make businesses profitable again, and do all of the things that will permit this economy to move forward in a way that you can bring down those huge Federal deficits.

I think that maybe there are a few people on the other side who are beginning to recognize the wisdom of that. Although I must say that I also have some problems, as the gentleman does, about the fact that they also couple that with the fact that, come next year, we will cancel that tax cut, or we will postpone that tax cut.

What that is really saying is, we are going to allow the economy to get moving a little bit this year, but when we get to next year we are going to shut it down again. You know, a herky-jerky kind of policy that we have seen for 4 years of the Carter administration and which some people on the other side would want to impose on us again.

I think it is extremely important that we move up the tax cut next year, too, so that as you get your economic recovery started, it is sustained throughout the next year and you have a real chance, as I say, of bringing down the deficits.

I think the gentleman's point about reducing the rate of growth of Government spending is also important. He pointed out the figures about how much money we spend for poor people in this country. It is absolutely correct. If you take and divide out how much money is in the budget presently being spent on poor people, it comes to $200 billion a year. By the latest Government statistics, you have 25 million poor people in this country.

That is $8,000 for every poor person that we are spending. That is $32,000 for a family of four.

If you figure out how much money they are actually getting in goods and services, you find it comes out to between $10,000 and $12,000. That means that we are spending some $20,000 or $22,000 either in delivering the money to them or delivering the services to them, or we are spending it for people who are nonpoor, in other words, people whose eligiblity for these programs is questionable.

For the President to be proposing some reforms in the system to help bring down not the $10,000 or $12,000 that we are spending on the truly needy—good heavens, they need that money—but to bring down the amount of money that is being spent in that $22,000 of delivery costs, I think is extremely responsible for the President to be proposing those kinds of spending cuts. I think it is exactly the kind of thing that we have needed for a long time, instead of just pouring money out, without any idea of how it was going to end up really helping the needy people of this country.

So I think if you would combine a program that asks that we put the country back to work again by accelerating the economy and accelerating the tax cuts, and also we begin to cut the rate of growth the Government is spending by real responsible reforms in how you deliver that money, we in fact would have the kind of an economic policy that the American people have been crying for.

I am glad to see that the President maintains those basic tenets in his budget, even though, like the gentleman, I find the problem of the deficit a very, very troubling one, and I think the deficits are entirely too high. But I also think that we need a response from the other side, the people who are being so critical, because they have no program, they are telling us day after day, as their critics go on television, as we see them talking, they have no program. Some people are talking about deferring tax cuts, some people are talking about accelerating tax cuts. Some people are talking about balancing the budget, other people do not even go along with the spending cuts that the President has proposed.

So they have no policy. I think it is high time, as critics, if they are going to be as critical as they have been of the President's program, that they develop a program of their own that could be examined by the American people and by some of us on this side. I think their program would come up very wanting, too, because, as the gentleman points out, when they had their chance for 4 years, it proved to be an economic disaster.

One more point I think needs to be added, as well. There was recently a study put out by the E. F. Hutton Co. The E. F. Hutton Co. has shown that the present recessionary problems that we are faced with are not a development that took place as a result of the policies of this administration. In fact, they are an extension of a recession that was begun in 1978 by precisely the kinds of policies that the last administration followed and which led us to the present day.

So we faced with a situation that has been growing for some years that you need to take corrective action on. I think that the President is moving toward taking those corrective steps. I hope this Congress will support him.

Mr. LUNGREN. Mr. Speaker, I appreciate the gentleman's contribution. Sometimes we sound like voices in the wilderness. I hope we have attracted the attention of some of the leaders on the other side of the aisle. I suppose that is what the gentleman had in mind when he quoted E. F. Hutton, because we know what happens when E. F. Hutton speaks.

I would just say, with respect to one point, that there has been waste in the social programs, I think columnist George Will did as good a job as anybody I have seen in explaining what this President is attempting to do. He said that this President is not destroying the New Deal, rather he is trying to save the New Deal, much in the same way that the people on the other side of the aisle said for years that F. D. R. was not trying to destroy capitalism, he was trying to save it. In effect they were arguing that he was trying to save us from the excesses of some participants in the capitalist system.

And I think that is very true. The President is not talking about dismantling the New Deal. He is talking about reining in and cutting back on some of the things that we did in our excesses during the Great Society. I think that is fundamental to understanding this President. To those who would criticize this President as being more interested in the weapons of war than the poor of this country, I ask, did they consider John Kennedy to be a warmonger? Did they consider John Kennedy to be unfeeling? Did they consider John Kennedy, the great Democractic President, to somehow have his priorities askew?

Because if you go back and you look at the last budget of the Kennedy administration and compare it with the present budget, you will see that the percentages of the Federal budget going to defense versus domestic programs were in almost reverse order from what they are now. We were spending far more on defense than we were on domestic programs. And with this President's proposal, even for 1983, we will be closer to a reversal of those percentages than we would be to the priorities of the John Kennedy administration. I am not suggesting in any way that President Kennedy's administration was inappropriate for his time or that somehow he was making an effort to balance the budget on the backs of the downtrodden. But I would suggest to those who would be so quick to criticize what this President is doing that they need a little sense of history.

One of the problems we have in this institution, particularly because we run for office every 2 years, is that our frame of reference is rather short. I am not saying that in a way of criticism; I am saying that as a statement of fact. And sometimes I think we ought to sit down and take a longer look at our problems and possible solutions.

And, last, Mr. Speaker, I would like to conclude—with just a brief statement on supply-side economics that is at the base of what the President is trying to do. There has been a lot of confusion, a lot of mysticism, a lot of words written about what supply-side-economics are and how they work.

I think we ought to recognize that the basis of supply-side economics is an understanding, an appreciation and an acceptance of human nature.

What do I mean by that? I mean, simply, that supply-side economics operates on the proposition that people will respond differently to incentives than they do to disincentives. According to this analysis it should not therefore surprise us that, when you tax something more, you probably are going to produce less of it, and if you subsidize something a little more, you are probably going to produce a little more of it. And in this way, we ought not to be surprised that the economy did not respond as fast as many of us wished it would and that the President suggested it would when he ran for the Presidency. This is because the economic program we were allowed to put in place was somewhat different than what he originally presented. Most importantly, the difference is found in the change of the effective dates for the tax cuts. It should not surprise us, when you set up a system whereby the real tax cuts are going to take place in this calendar year, that individuals are going to try to place as many of the deductions as possible in the previous year and as much of their income as possible into this year. Why? Because it makes sense. They save more money that way. They are not tax dodgers. They are following the system.

And from the standpoint of how we arrange for the tax cut to go into effect, it should not surprise us that we did not have a tremendous reversal in October, November, and December, when most of the tax cuts going into effect will actually be in this current year.

So, in summary, I think we should say that for those who would join us—and there are many conscientious people on the other side of the aisle who supported us in our efforts to get the tax cut program through, to accelerate the tax cut—let us get on with the business of accelerating the tax cut in order to get more jobs created in this country. I think that ought to be bipartisan. We ought to all join in that effort. And let us not confuse the issue by trying to do something in the third year of the tax cut in return for us giving taxpayers of this country a break early this year.

□ 1330

Mr. BRINKLEY. Mr. Speaker, will the gentleman yeild?

Mr. LUNGREN. I will be happy to yield to the gentleman.

Mr. BRINKLEY. I say with some pride that the former President, President Carter, resides in my district in Georgia, the Third Congressional District of Georgia. I should like to inquire of the gentleman if he was aware that in the last year of his term of office that the Carter administration had the largest peacetime defense budget in the history of this Nation?

Mr. LUNGREN. We did increase the defense in the last year of the Carter administration.

Mr. BRINKLEY. As a matter of fact, it was the very largest in the history of the country of a peacetime budget.

Mr. LUNGREN. I would be happy to admit to the gentleman that the last year of the Carter budget was a significant increase, particularly over the previous several years because of the lack of spending that we had dedicated to defense in the previous 3 years of the Carter budget.

Mr. BRINKLEY. Will the gentleman yield further?

Mr. LUNGREN. I would be happy to yield.

Mr. BRINKLEY. The record of the Carter administration also is clear with reference to deficits. During the 4 years he served in office, of course, his deficit record was nothing like the $100 billion projected for fiscal year 1983.

Mr. LUNGREN. Well, I would say to the gentleman that as a percentage of gross national product, it was larger; in fact, the largest back-to-back defi-

cits in the history of the United States we got from the Carter administration. In the last year that we just went through, of course, the gentleman recognizes that it was through a reconciliation program thrust upon us by the Reagan administration, that we cut back on some of the spending requirements that would have been imposed by the Carter budget and in that sense we would have had an even higher deficit than we just experienced.

Mr. BRINKLEY. Of course, the differential would be related to the tax bill. I would like to say to the gentleman that I do support his philosophy in that regard and the gentleman's opinion.

The fact is that if we do relieve the American people of some of the tax burden, there will be private spending in lieu of Government spending. This is something to which we do subscribe mutually.

Mr. LUNGREN. Private savings, particularly, that would allow spending in the private sector.

Mr. BRINKLEY. Exactly, and many of the representatives from my district of the country have long supported the philosophy that the Government which is closest to the people governs best. It is true because you can identify the problems more readily. You can apply the resources more specifically and, therefore, most of us do support the Reagan initiatives of returning functions to the States and to the localities.

Mr. LUNGREN. I thank the gentleman for that statement. I hope that he will be joined by many Members on his side of the aisle in a good faith effort for us to follow the leadership of the President and sort out what levels of government handle best what levels of functions and services. We have not done that in 25 years in this country. I think this President should be applauded for such an effort and should not be criticized, as he has by some, by saying that it is merely diversionary.

I thank the gentleman for his comments in support of the tax cut that we had this last year. I hope he will join us in an acceleration of tax cuts this year so that we can get on with the job of creating more jobs in this economy, creating greater wealth for the individual American citizen and bringing all citizens a better standard of living.

To quote a Democratic President, John F. Kennedy, "A rising tide lifts all boats."

We are talking about an economy in which the tide has been falling over a number of years and we have got to do everything we can to get that tide up again.

I thank the gentleman for his comments. I thank the Chair for its indulgence.

THE "NOTCH" PROBLEM UNDER SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BRINKLEY) is recognized for 30 minutes.

Mr. BRINKLEY. Mr. Speaker, I thank the Chair for recognizing me at this time.

I rise to report on developments and undertakings dealing with the "notch" problem under social security. Last year, I introduced a joint resolution (H. Res. 222) for consideration in the Congress, which resolution how has over 50 sponsors in the House of Representatives. The effort is to correct the disparity under the social security amendments passed in 1977.

Under that law it was anticipated that those who were born after 1917 would receive an adjustment, which was called a decoupling adjustment, which would be about 5 percent less than they otherwise would be entitled to get.

The other body, under the leadership of Senator MATTINGLY from my home State of Georgia, has also joined with me in cosponsoring a resolution which calls upon the Social Security Administrator to develop a corrective alternative for consideration by the Congress.

Although House Resolution 222 is going along fairly well it is attracting a lot of attention back home and in the Congress—it has not been passed and, therefore, there has been no activity to amount to anything by the Social Security Administration; but there is movement at the grassroots levels in support of directing Social Security to study the notch problem and to come up with something that would be fair to all social security recipients.

For example, over the recess I was given in Georgia these petitions that reads as follows:

Concerned citizens protesting against the Social Security amendment that goes into effect January 1, 1982, that lowers benefits of people born from January 1, 1917, through December 31, 1921, as much as $110 to $175 per month.

Mr. Speaker, that might not seem like much to a lot of people, but to other folks it can mean the difference between paying the rent and not paying the rent; so the effort we are making is toward restoring equity to the law and to make certain that the 5-percent projections made in 1977 do not amount to more than that.

We have 2,142 signatures from our neighboring city, Phenix City, from the Third District of Alabama.

We have 2,208 from other parts of the Third District of Georgia, and finally from the Greater Columbus area we have 9,024 signatures, all supportive of some adjustment being made in the notch problem of social security, under which the Social Security Administrator is asked to study the problem, to come back to the Congress with a remedy that would keep equity within the system as to the level of benefits. Another 145 signatures are shown on these additional sheets.

Mr. Speaker, as a fallback position to that, I am today introducing a bill which would make it mandatory upon the Social Security Administrator to see to it that a ceiling is put in place so that that disparity—based only upon the year of birth—would never exceed the 5 percent which was projected in 1977.

We hope that in the interim the Social Security Administration itself will come forward with what the facts are and what possible remedies are at hand. I think that would be preferable, because admittedly I am not an expert in this field, but I do know something about the rule of fairness and about the rule of equity.

In summary, in 1977 we projected a decoupling that would not penalize any future recipient—just because he or she was born in a different year—by more than 5 percent.

We ought to bring the results in line with that projection. That is what we were aiming for. That is what people anticipated, and only because of the high interest rates and the bad economic conditions have we experienced a differential in excess of 5 percent, amounting to $110 to $175 differential in the maximum rates.

GENERAL LEAVE

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and join in this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

A STUDY FOR THE SHELF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WYDEN) is recognized for 5 minutes.

● Mr. WYDEN. Mr. Speaker, the just-released section 205 study dealing with the impact of increased waterway user fees should be quickly rushed to the shelf so it can begin to collect dust instead of credibility.

This study, which concludes that waterway user fees will have no long-term negative impact on waterborne commerce nor hurt any particular region of the country, is incomplete, inadequate and inexcusable.

Even so, I anticipate it will be trotted out by proponents of waterway user fees, including the administration, to defend policies which will cripple our Nation's waterway transportation system, cut U.S. exports, add to

business and consumer costs and strangle certain regions, such as the Columbia River basin and the Great Lakes.

It is critical to discredit this study now because the administration, in its 1983 budget, is proposing more than $3 billion in new waterway user fees. And that may be just the beginning.

The study says that no matter what level of waterway user fees are imposed, the growth of waterborne transportation is irrepressible. The study does concede that at least two waterway users will suffer immediate sizable adverse impacts, perhaps for up to 5 years. Those two user groups, according to the study, are barge operators and grain interests.

Now in the Columbia basin, those are the major users of the Columbia/Snake River system. In fact, last December more than 80 percent of the tonnage moving through the Bonneville Lock—the first lock upriver from the Port of Portland on the Columbia—was either grain or fertilizer. Another 10 percent of the tonnage was fuel for farm use.

To say that for the next 5 years waterway user fees will hamstring barge traffic for grain and farm products means that use of the Columbia/Snake River system will grind to a virtual halt.

In addition to the dire consequences for barge operators and farmers, this situation also will jeopardize planning underway to construct a new lock at Bonneville Dam to replace the smallest and slowest lock of the seven-lock system on the Columbia/Snake system and to remove a bottleneck that throttles full development of the waterway.

So what the section 205 study overlooks is this catch-22 system. It predicts waterway user fees will cause short-term negative impacts for certain users, but fails to take into account that in some regions those impacted users are the keys to future growth which the study believes, beyond all hope and reason, will occur no matter what.

This is a sad commentary, especially when you realize that 55 percent of the Nation's grain exports move through the Columbia River Basin. With the advent of severe waterway user fees, much of that cargo may be diverted to other modes of transportation. But what is more likely to happen is that grain growers will become less competitive in world markets and will wind up just selling less.

That means less U.S. exports and more trade deficits. It also means more fuel for inflation and less jobs for America.

A recent article in the Wall Street Journal summed up the condition of U.S. agricultural exporters by noting that exports have fallen sharply because of world economic slumps and tensions and because of competition from other countries.

According to the newspaper:

> Apparently an era of explosive export growth, which brought about large increases in U.S. farm income and productivity, has ended. Although farm exports are likely to pick up from current levels, their average growth through the 1980's won't approach the boom levels of the 1970's, experts say.

Going on, the newspaper adds:

> Fifteen years ago, we weren't a world market. We were a domestic market. All of a sudden the farmer has to answer to world demand.

These are the new realities that must be considered when undertaking policies such as imposing waterway user fees—especially when the only apparent rationale for such fees is to raise money to reduce deficits caused by runaway military cost overruns and excessive tax cuts to huge corporations and oil conglomerates.

The section 205 study falls woefully short of dealing with these realities in rushing to its glib, if useless, judgments on waterway user fees. Its conclusions are contrived facts, not derived from facts.

I want to take this opportunity to list just some of the deficiencies I have found in this study:

The study overlooks the different impacts waterway user fees have on completed systems and on the developing systems, such as the Columbia/Snake River system.

The study fails to consider the impact on total river systems and instead deals only with inland shallow-draft waterways, ignoring that there is direct relationship between deep- and shallow-draft waterways. It also fails to evaluate the cumulative impact of user charges on deep-draft, shallow-draft and Coast Guard activities and therefore the true cost of full recovery and thus the full extent of cargo diversion and negative impact.

The study has no element that examines whether waterway user fees would increase or decrease U.S. productivity and job-creating possibilities.

The study overlooks impacts on fuel conservation by discouraging, even over the short-term, waterborne commerce.

No consideration is given to the problems of funding the improvement work which must be done on waterways to overcome capacity limitations at critical points.

The impact of user charges on the national economy is not measured. There is no effort to determine whether benefits in Federal budget savings would be exceeded by Federal revenue losses stemming from industrial and agricultural dislocations.

No attempt is made to assess alternative methods of applying charges to waterway users and beneficiaries. One alternative—a national tonnage tax—has been suggested by Senator MARK HATFIELD and I that would raise additional revenue, but not cause regional dislocations or unfairly treat any port or waterway system.

The study does not deal adequately with regional impacts of waterway user fees. It doesn't deal at all with possibility that in some regions, a short-term waterway user decline will continue to spiral downward, making that form of transportation less and less attractive and making shippers, ports, and consumers captives of railroads.

The study concludes that waterway user fees will benefit railroads, but does not give a dollar value to that benefit or comment on its equity in light of subsidies to railroads.

The study is silent on the queston of how waterway user policy affects broader questions of national water policy. For example, it ignores the fundamental issue of how to justify turning locks and waterways into virtually private leaseholdings while at the same time maintaining waterways and their use belong to all Americans.

The study, in defending the shift to maintain Federal waterway facilities to non-Federal sources, did not deal with the reasonable question of transferring management responsibilities commensurate with this new financial reality to non-Federal sources.

The study is weak on examining impact of cargo diversion caused by waterway user fees on increased capital costs of goods.

The study does not come to grips with the problem of assigning benefits to users, direct and indirect. The problems of cost allocation are not alluded to in the study, although they are critically important to the success of implementing waterway user fees.

The Corps of Engineers estimates in its National Waterways Study (the conclusions of which the section 205 study disagrees with, incidentally) that the Federal Government provides about 12 to 13 percent of the total funds invested in marine transportation in the United States. Although most industry officials say a cutoff in those funds would have a chilling effect on private investment, the study ignored it.

The study concluded that marginal barge operators may fail because of short-term economic dislocations, but failed to consider that the damage could be more widespread if high interest rates and depressed economic conditions persist. Instead, the study reviewed the impact of waterway user fees in a static economic environment, an environment virtually no economist says exists or is likely to exist for some time.

Mr. Speaker, clearly this recital of wrongs and oversights in the section 205 study should tell us that we don't

know enough to impose waterway user fees, but we do know enough not to.●

AIR TRAFFIC SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

Mr. GONZALEZ. Mr. Speaker, on April 2, 1980, I rose here in the well of the House and said, and I quote myself:

Today I rise because the great peril and danger of catastrophe over the Potomac is extremely grave. National Airport is a nemesis for every single pilot that has any business arriving or departing from National Airport.

Today I rise to repeat that statement categorically, and particularly and tragically after the terrible catastrophe of January 13 and because it looks as if the whole thing is going to be again glossed over and just simply neatly wrapped up by saying it was pilot error, when the truth is that that is a terrible injustice, and more vitally important to us all is the continuing pattern of daily danger, roulette, with death over the Potomac every day, every hour, because the central issue that we have tried to direct attention, as I said, as early as April 2, 1980, still goes unaddressed, even after this catastrophe, and particularly compounded since the air route traffic controllers strike, the consequent dismissal and firing by the President of the controllers and the only thing that has managed to somehow salvage from a breakdown and a repetition of these tragedies has been the 30-percent or better decrease in the pattern of air travel activities in our Nation and also at National; but I am very concerned.

I hate very much to get up and ask the same question I did on April 2, because to me it was a miracle that such a tragedy had not happened before. Everybody has forgotten in the passion and the emotion of the airline traffic controllers strike what motivated it, what was the real triggering underlying cause as well.

Nothing has been done to address those issues, other than the fact that their union was busted up. The air route traffic controllers have been thrown out; but nobody at FAA, the National Transportation Safety Board, Congress, other than what we initiated then, because as a result of that April 2 initial phase of the effort, we did finally obtain some hearings at the subcommittee level that led to at least one foreclosure of potential disaster and that was the imminence of that time of allowing the wide-bodied, or the air buses coming into National. Now, we did succeed in that, but we never did in the other and the more important continuing and very fateful lack of safeguards of basic safety features, of even the equipment, that to this day has not been provided and which was a central reason for the air traffic controllers malaise or complaints.

At this point I place into the RECORD a portion of the RECORD of April 2, 1980, entitled "Air Traffic Safety," as follows:

AIR TRAFFIC SAFETY

Mr. GONZALEZ. Mr. Speaker, in the 18 years and 3 months or so that I have been here, I have had occasion to travel much more than 6 million air miles just between here and my district. I have made it a practice to return to my district every weekend when the House adjourns, and if it ever adjourns for any period of time or recesses, I go back to the district, so that I am very conscious of air safety. Even if I had not had this amount of mileage, I still would be conscious of air safety because of the first experience I had, newly elected in 1962, with the political decision made by the then FAA Administrator, Najeeb Halaby, to remove the air route traffic control center from San Antonio and join it to the one in Houston. It was a political maneuver mostly because my very powerful and distinguished Texas colleague, Albert Thomas, was then the chairman of the Subcommittee on Appropriations.

The first 2 years of my service I concentrated on trying to reverse that decision and never succeeded. However, it has always been a very questionable factor as to air traffic safety in the San Antonio air corridor.

Two years ago on the occasion of the terrible catastrophe in San Diego, the collision of an airliner with a small craft, a local San Antonio newspaper, the San Antonio Light, brought to my attention the fact that San Antonio continued to have a similar pattern of danger of near-collisions or near-hits. I then raised some questions that never got satisfactory answers.

Today I rise because the great peril and danger of catastrophe over the Potomac is extremely grave. National Airport is a nemesis for every single pilot that has any business arriving or departing from National Airport. In the last 2 months I have been impressed by the fact that more than half a dozen airline pilots, every one of them experienced with far more than 10 or 15 years of experience, have gone out of their way to approach me during my flights back home to advise me that they are terribly concerned about the safety of the approach as well as the departure from National Airport. They tell me that they are compelled because of the noise-abatement pressures in the neighborhood to approach National Airport in such a way with such maneuvers that amount to tricks in the air, death-defying tricks. They must approach curving and banking and twisting and turning and rolling over the Potomac. Their fear is enhanced by the fact that wide bodies are scheduled for service to National Airport, and they know in their hearts and minds that the potential for tragedy is there every day almost every hour.

Therefore, I have drafted a letter of concern and inquiry to the Administrator of the FAA in the hope that perhaps attention could be concentrated on this very serious and grievous problem confronting us. I think that heretofore where we have raised our voices and have been ignored, the record of tragedy is too eloquent to overlook. I had raised the question, for example, of near-misses and near-hits and had elaborated on that considerably over 15 years ago and was then ignored by the then FAA, which now is under the general auspices of the National Transportation Safety Board. So I express this concern and hope this time we can get some of the powerful Members, chairmen of the committees and subcommittees that have jurisdiction, to respond.

Mr. Speaker, I yield back the remainder of my time.

The letter referred to is as follows:

WASHINGTON, D.C.,
April 2, 1980.

Hon. LANGHORNE M. BOND,
Administrator, Federal Aviation Administration, Washington, D.C.

DEAR MR. BOND: In my eighteen years and three months in the Congress. I have had occasion to travel for more than six million air miles, just between my District and Washington, D.C., and have been very conscious of the very wonderful performance of American commercial air service.

From the very beginning of my career, I have been particularly sensitive about air safety and the first two years in the Congress, I devoted almost exclusively my time to this subject matter, the reason being the political decision made by the then FAA Administration, Najeeb E. Halaby, to remove the Air Route Traffic Control Center from San Antonio to Houston.

It was impossible to reverse that decision, but the obvious increased hazard in the San Antonio air corridor has continued to be a source of great worry. Two years ago, on the occasion of the San Diego catastrophe, the local San Antonio newspaper, the San Antonio Light, revealed the existence of a similar problem of recurring near-collisions in the San Antonio area and then remembering my fight in 1962, brought this to my attention. I raised questions then (two years ago) but received no satisfactory answers. Today I am very much concerned about the potential for tragedy in the Washington National Airport. I have been advised by more than one-half dozen experienced pilots that due to the pressure occasioned by the noise abatement procedures, they are compelled to maneuver and perform approaches to landings over the Potomac River that are fraught with great peril and which if performed in any other air sector in the United States would be condemned and punished by the Federal Aviation Administration. They are particularly alarmed about the potential of death and tragedy when the wide-bodies are increased in number of performance at National Airport.

I would like to know exactly why this is so, and any information you can give me with respect to this, and also to the record of near-collisions reported in the San Antonio area, as quickly as possible, will be appreciated.

Sincerely yours,

HENRY B. GONZALEZ,
Member of Congress.

A TRIBUTE TO ROGER BALDWIN, CALIFORNIA HIGHWAY PATROL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. COELHO) is recognized for 5 minutes.

● Mr. COELHO. Mr. Speaker, as President Reagan has said we do not have to turn the pages of history books to read about heroes, there are

heroes among us—ordinary Americans who have given and continue to give above and beyond the call of duty. I rise today to call attention to one such hero, Officer Roger Baldwin, of the California Highway Patrol.

Officer Baldwin is being recognized on Friday, February 12, as the Outstanding Law Enforcement Officer of the Year by the Madera Exchange Club and I am pleased that I am going to have the opportunity to present this award to him. Mr. Baldwin is a symbol of the dedication, selflessness, and integrity of peace officers all over the country.

Last year he received the California Highway Patrol 10851 Award for the second time—the only officer in the history of the CHP in Madera County to do so. Officer Baldwin reflects the professionalism of our peace officers. He is trained as an emergency medical technician, a weapons instructor, and radiological monitor operator. Officer Baldwin represented the Madera CHP at the Diablo Canyon demonstrations and received a citation of commendation for his work there.

It is indeed a privilege for me to have the opportunity to recognize Roger Baldwin, who personifies the human spirit of all those Americans in the law enforcement field who put their lives on the line for their countrymen every day; for it is people like him who have helped make our country what it is today.●

SRI LANKA NATIONAL DAY

The SPEAKER pro tempore. Under a pervious order of the House, the gentleman from Wisconsin (Mr. ZABLOCKI) is recognized for 5 minutes.

● Mr. ZABLOCKI. Mr. Speaker, I should like to call attention of the Members of the House to a very important national observance held last week in Sri Lanka, a nation that, despite geographical distance and ethnic difference from us, upholds and believes in a fundamental political and economic philosophy much like our own. February 4 marks the 34th anniversary of Sri Lankan independence, and it is an honor for me to draw attention to this important date.

Sri Lankans have much to cherish on this occasion. They can look back proudly at decades of parliamentary democracy under which the people of Sri Lanka have been able to voice their views and obtain representation through a multiparty system. That Sri Lankans do value this system of government is attested to by the fact that over the past 16 years voter turnout at general elections has average over 80 percent. Clearly the parliamentary system of Sri Lanka has proven its strengths over the years and the sovereignty of the people of Sri Lanka is supreme. Like our own system, Sri Lanka also maintains strict separation of powers between the legislature, the executive and the judiciary.

The Sri Lankan people can also appropriately recognize the economic and social achievements of their land. While still faced with considerable economic and social challenges, Sri Lanka can already boast near universal literacy and long life expectancy. Ambitious economic projects such as the Mahaweli development program hold out the prospect of increasing the opportunities for the people of Sri Lanka and improving their well-being and productivity. The people of the United States are associated with the people of Sri Lanka in these economic endeavors: U.S. assistance supports the Mahaweli Dam projects and the opening of new agricultural land the Mahaweli project will make possible.

In recent years, Sri Lanka has given increasing emphasis to foreign investment. Free trade zones are being developed and incentives are being promoted to attract foreign investment. Just in the past few years, foreign banks, such as four American banks, have extended their services to Sri Lanka.

It is a privilege and pleasure to watch the progress of Sri Lanka over the recent years. I wish the people and Government of Sri Lanka well on this observance of 34 years of independence.●

RETIREMENT OF A DISTINGUISHED CITIZEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, when a man retires after a distinguished career that spanned four decades, it is a notable achievement. However, when such a career has been punctuated by a record of tireless dedication and unceasing commitment to the responsibilities of leadership positions in both the public and the private sectors, it is, Mr. Speaker, a remarkable testimony to the character and the caliber of the individual, as well as an inspiration to us all. I would like to take this opportunity to salute the career of Stephen G. Magyar, who retired on December 31, 1982, as President of the Monterey Savings & Loan Association.

Steve Magyar, born in St. Louis on August 26, 1916, attended the College of Applied Science and holds a mechanical engineering degree from the Detroit Institute of Technology. Deciding to serve his country in uniform, Steve rose quickly in the military rank and stature. Graduating Officer's Candidate School as second lieutenant, he soon left for the Pacific Theater of Operations. His first assignment was on Christmas Island, followed by Hawaii, where he was promoted to first lieutenant. His military service ended in 1945 when Steve was discharged from Fort Ord as a lieutenant colonel, after his final assignment as staff officer for Gen. B. C. Lockwood.

Following his discharge, Steve achieved an outstanding record in the private sector and community service. Steve launched a partnership with a long-time friend to form an insulating contracting company which progressed to specialization in energy conservation work. In 1966 the Monterey Savings & Loan Association offered Steve the position as vice president and branch manager. In 1978, he was elected to the company's board of directors. Under Steve's 14 years of leadership, the firm's Salinas branch grew and prospered to eventually rival the original Monterey office.

Steve's boundless energy and enthusiasm brought him numerous leadership positions in the community. The Builder's Exchange, the Central City Authority and the John Steinbeck Foundation all elected him President of their respective organizations. Additionally, Steve offered his time and imagination to serve as the president of the Monterey Babe Ruth Baseball League, president of the Monterey Kiwanis Club and president of the Monterey County Youth Guidance Council. He is also a past president of Monterey's Student Employment Council and he continues as a member of the board of the California State Automobile Association.

Even though he had planned retirement, Steve accepted the presidency of Monterey Savings & Loan in October of 1980, succeeding Robert C. Littlefield, son of the founder and president of Monterey Savings. Mr. Speaker, I join so many in Monterey who know Steve Magyar, who have been touched by him, and affected by his leading example of community spirit, in honoring his career and wishing Steve, his wife Peg, and two sons, Jeffrey and Roger, the very best in the years to come. From all of us, a very special thank you, Steve.●

CALL TO CONSCIENCE VIGIL, 1982

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. BARNES) is recognized for 5 minutes.

● Mr. BARNES. Mr. Speaker, a year ago I made a statement on the House floor to mark the beginning of my term as chairman of the Call to Conscience Vigil, 1981. The past year has been a time of hope, of growing concern, and active participation by Members of Congress on behalf of those who are persecuted in the Soviet Union. I want to thank my colleagues for their participation. Our individual and combined efforts have made a difference. Sometimes the progress has

been slow, but as we continue to work there is always progress, and liberty for our courageous friends in the Soviet Union, more imminent.

I am pleased this year to pass the torch to my colleague, Congressman LENT, chairman of the Call to Conscience Vigil, 1982. His leadership will move us forward to new successes and I hope that we, as concerned and active participants, will intensify our involvement by working for more refuseniks, by writing more letters, by making more telephone calls. We will continue to be a strong voice for the many who have been forcibly silenced. We want to let our brave friends in the Soviet Union know that we are thinking of them, that we are behind them, and that we will continue—as long as it takes—to fight for their freedom.

The challenge we face today is even greater than the challenge we faced just 1 year ago. When we look at the numbers of those who have been permitted to emigrate from the Soviet Union we find that in January 1981 only 850 Soviet Jews were permitted to leave the Soviet Union, compared to the 1980 total of 2,803. We now know that only 290 Soviet Jews were allowed to emigrate last month. This downward trend, which has been markedly evident over the past 3 years, is devastatingly low, representing the lowest Jewish emigration figures ever. The flow has slowed dramatically to a mere trickle.

But this cannot last indefinitely. Just 2 months ago, on December 24, 1981, Jews from many Soviet cities took great personal risks and staged a public demonstration outside the Lenin Library in Moscow to protest this emigration slowdown and the increase in arrest and harassment by the KGB. We know that there are many within the Soviet Union who continue to speak out, to protest, and to virtually put their lives on the line for the cause of justice and freedom. Their spirits are strong and their hearts are hopeful. They, too, will continue their vigil.

On a more personal note, I would like to take this opportunity again to share with my colleagues the sad story of Lev Blitshtein, who 7 years ago applied to emigrate from the Soviet Union. He divorced his beloved wife so that she and their children could cross the Soviet border into freedom. He celebrated his 50th birthday last May 21, in captivity. He is still in the Soviet Union. I fervently hope that we will triumph this year and that he will be reunited with his family in the free world.

Mr. Speaker, we will continue to bring these human rights violations out into the open and protest them. Particularly at this time, we raise these issues and specific cases at the U.N. Human Rights Commission meetings these next few weeks and at the Madrid Review Conference monitoring compliance to the provisions of the Helsinki Final Act. But we know that it does not stop there. We maintain our vigil in the light of day and in the dead of night. Justice and the tenacity of the human spirit are on our side and our commitment to the recognition of human rights throughout the world will continue to give the promise of freedom to our friends in the Soviet Union.

Mr. Speaker, I am glad to have this opportunity to show my gratitude and continued support of the congressional Call to Conscience Vigil.●

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
February 8, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: This is to notify you, pursuant to the provisions of Rule L (50), paragraph 2, of the Rules of the House that Edward T. Kellaher, an employee in my office, was recently served with a subpoena to testify in a case pending in the Superior Court of the District of Columbia.

I will make the requisite determinations under Rule L (50), paragraph 3, in consultation with my General Counsel and advise you accordingly.

Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MARTIN of New York) to revise and extend their remarks and include extraneous material:)

Mr. RHODES, for 60 minutes, February 10, 1982.

Mr. EDWARDS of Alabama, for 30 minutes, today.

Mr. REGULA, for 60 minutes, March 9, 1982.

Mr. REGULA, for 60 minutes, March 16, 1982.

Mrs. HECKLER, for 5 minutes, today.

Mr. LUNGREN, for 60 minutes, today.

(The following Members (at the request of Mr. DANIELSON) and to include extraneous matter:)

Mr. BRINKLEY, for 30 minutes, today.

Mr. WILSON, for 5 minutes, today.

Mr. WYDEN, for 5 minutes, today.

Mr. FORD of Michigan, for 5 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COELHO, for 5 minutes, today.

Mr. BINGHAM, for 30 minutes, today.

Mr. ZABLOCKI, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

(The following Member (at the request of Mr. GONZALEZ) to revise and extend his remarks and include extraneous material:)

Mr. BARNES, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. CAMPBELL, to revise and extend his remarks and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $2,662.

(The following Members (at the request of Mr. MARTIN of New York) and to include extraneous matter:)

Mr. BROYHILL.

Mr. SAWYER.

Mr. JEFFORDS.

Mr. FISH.

Mr. DANNEMEYER.

Mr. FRENZEL.

Mrs. HOLT.

Mr. GINGRICH.

Mr. LAGOMARSINO in three instances.

(The following Members (at the request of Mr. DANIELSON) and to include extraneous matter:)

Mr. ECKART.

Mr. LONG of Louisiana.

Mr. STOKES in two instances.

Mr. STUDDS.

Mr. ASPIN.

Mr. CONYERS.

Mr. PHILLIP BURTON.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. ROSENTHAL in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. BONER of Tennessee in five instances.

Mr. JONES of Tennessee in 10 instances.

Mrs. CHISHOLM.

Mr. MINETA.

Mr. OTTINGER.

Mr. LELAND.

Mr. EDWARDS of California in two instances.

Mr. RANGEL.

Mr. MOFFETT.

Mr. HARKIN.

Mr. SHANNON.

Mr. HUBBARD.

Mr. ADDABBO.

Mr. NATCHER.

Mr. DANIELSON.

Mr. FOLEY.

Mr. BEDELL.

Mr. SAM B. HALL, JR.

Mr. WALGREN.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 46 minutes p.m.), the House adjourned until tomorrow, Tuesday, February 9, 1982, at 12 o'clock noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees, and an individual traveling under an authorization from the Speaker, concerning the foreign currencies and U.S. dollars utilized by them during the third and fourth quarters of calendar year 1981 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1981

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. M. D. Barnes	12/1	12/4	Venezuela		345.00						345.00
	12/4	12/6	Panama		150.00						150.00
Commercial transportation							1,382.00				1,382.00
Barton, D.	11/24	11/25	France		96.00		35.36		11.65		143.01
	11/25	11/27	Israel		273.00		247.18		196.29		716.47
	11/27	11/29	Saudi Arabia		320.00		90.91		73.41		484.32
	11/29	12/1	Egypt		150.00		20.26		34.24		204.50
	12/1	12/3	Greece		150.00		16.65		71.60		238.25
	12/3	12/4	France		96.00						96.00
Berdes, G. R.	10/1	10/2	Great Britain		208.00		22.90				230.90
	10/2	10/10	Pakistan		511.42						511.42
	10/10	10/14	India		395.00						395.00
	10/14	10/17	Austria		288.00		17.39				305.39
Commercial Transportation							4,352.00				4,352.00
Committee total					2,982.42		6,184.65		387.19		9,554.26
Hon. J. B. Bingham	11/24	11/25	France		96.00		35.36		11.65		143.01
	11/25	11/29	Israel		455.00		247.18		196.29		898.47
	11/29	12/1	Egypt		150.00		20.26		34.24		204.50
	12/1	12/3	Greece		150.00		16.65		71.60		238.25
	12/3	12/4	France		96.00						96.00
Military transportation							6,271.78				6,271.78
R. K. Boyer	11/18	11/21	Hong Kong		285.00						285.00
	11/21	11/24	Philippines		225.00						225.00
	11/24	11/30	Thailand		522.00						522.00
	11/30	12/2	Indonesia		154.00						154.00
	12/2	12/4	Malaysia		188.00						188.00
	12/4	12/5	Singapore		112.00						112.00
	12/6	12/9	Italy		255.00						255.00
	12/9	12/13	Austria		344.00						344.00
	12/13	12/16	Romania		261.00						261.00
Committee total					3,293.00		6,591.23		313.78		10,198.01
R. K. Boyer (Con.)	12/16	12/17	Switzerland		95.00						95.00
	12/17	12/19	Great Britain		216.00						234.98
Commercial transportation							4,746.20				4,746.20
J. J. Brady, Jr.	11/5	11/6	Belgium		98.00						98.00
	11/6	11/8	Italy		225.00						225.00
	11/9	11/10	Austria		172.00		1,858.52				2,030.52
	11/11	11/13	Great Britain		208.00						208.00
Commercial transportation							5,979.00				5,979.00
T. W. Bruce	11/11	11/12	Bangladesh		62.90						62.90
	11/12	11/14	Burma		150.00						150.00
	11/14	11/17	Thailand		261.00						261.00
	11/18	11/19	People's Republic of China								
	11/20	11/23	Korea		368.00						368.00
	11/17	11/19	Japan		383.00						383.00
	11/23	11/25	Japan								
Committee total					2,238.90		12,602.70				14,841.60
Commercial transportation							4,946.00				4,946.00
F. M. Chambers	11/18	11/21	Hong Kong		285.00						285.00
	11/21	11/24	Philippines		225.00						225.00
	11/24	11/30	Thailand		522.00						522.00
	11/30	12/2	Indonesia		154.00						154.00
	12/2	12/4	Malaysia		188.00						188.00
	12/4	12/5	Singapore		112.00						112.00
	12/6	12/9	Italy		255.00						255.00
	12/9	12/13	Austria		344.00						344.00
	12/13	12/16	Romania		261.00						261.00
	12/16	12/17	Switzerland		95.00						95.00
	12/17	12/19	Great Britain		216.00		18.98				234.98
Commercial transportation							4,746.20				4,746.20
Committee total					2,657.00		9,711.18				12,368.18
J. C. Chester	10/4	10/7	France		240.00						240.00
Commercial transportation					.00		2,956.00				2,956.00
Hon. G. Crockett	11/24	11/25	France		96.00		35.36		11.65		143.01
	11/25	11/27	Israel		273.00		247.18		196.29		716.47
	11/27	11/29	Saudi Arabia		320.00		90.91		73.41		484.32
	11/29	12/1	Egypt		150.00		20.26		34.24		204.50
	12/1	12/3	Greece		150.00		16.65		71.60		238.25
	12/3	12/4	France		96.00						96.00
Military transportation							6,271.78				6,271.78
T. Dunman	11/24	11/25	France		96.00		35.36		11.65		143.01
	11/25	11/27	Israel		273.00		247.18		196.29		716.47
	11/27	11/29	Saudi Arabia		320.00		90.91		73.41		484.32
	11/29	12/1	Egypt		150.00		20.26		34.24		204.50
	12/1	12/3	Greece		150.00		16.65		71.60		238.25

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1981—Continued

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Committee total					2,314.00		10,048.50		774.38		13,136.88
T. Dunman (Con.)	12/3	12/4	France		96.00						96.00
Military transportation							6,271.78				6,271.78
Hon. M. M. Dymally	12/20	12/22	Trinidad		277.00						277.00
	12/22	12/23	Guyana		136.00						136.00
	12/29	12/30	Barbados		297.48						297.48
	12/30	12/31	Jamaica								
Commercial transportation							2,223.00				2,223.00
Hon. A. Erdahl	11/24	11/25	France		96.00		35.36		11.65		143.01
	11/25	11/27	Israel		273.00		247.18		196.29		716.47
	11/27	11/29	Saudi Arabia		320.00		90.91		73.41		484.32
	11/29	12/1	Egypt		150.00		20.26		34.24		204.5.
	12/1	12/3	Greece		150.00		16.65		71.60		238.25
	12/3	12/4	France		96.00						96.00
Commercial transportation							6,271.78				6,271.78
J. E. Fox	11/28	11/30	Honduras		75.00		4,680.00		329.46		5,084.46
Committee total					1,966.48		19,856.92		716.65		22,540.05
Hon. B. A. Gilman	11/28	11/30	Honduras		75.00				329.46		404.46
Military transportation							4,680.00				4,680.00
M. Goodman	10/1	10/2	Great Britain		208.00		9.20				217.20
	10/3	10/10	Pakistan		522.94						522.94
	10/10	10/18	India		711.00						711.00
Commercial Transportation							4,352.00				4,352.00
J. M. Hamilton	11/24	11/25	France		96.00		35.36		11.65		143.01
	11/25	11/26	Austria		86.00						86.00
	11/26	11/27	Scotland		86.00						86.00
	11/28	11/30	Great Britain		208.00						208.00
	11/30	12/2	France		138.00						138.00
	12/2	12/4	France		192.00						192.00
Military transportation							6,271.78				6,271.78
Committee total					2,322.94		15,348.34		341.11		18,012.39
V. C. Johnson	12/1	12/4	Venezuela		345.00						345.00
	12/4	12/6	Panama		150.00						150.00
Commercial transportation							1,313.10				1,313.10
Hon. R. J. Lagomarsino	11/28	11/30			75.00		329.56				404.46
Military transportation			Honduras				4,680.00				4,680.00
R. R. Majak	11/24	11/25	France		96.00		35.36		11.65		143.01
	11/25	11/27	Israel		273.00		247.18		196.29		716.47
	11/27	11/29	Saudi Arabia		320.00		90.91		73.41		484.32
	11/29	12/1	Egypt		150.00		20.26		34.24		204.50
	12/1	12/3	Greece		150.00		16.65		71.60		238.25
	12/3	12/4	France		96.00						96.00
Military transportation							6,271.78				6,271.78
A. Markward	11/24	11/25	France		96.00		35.36		11.65		143.01
	11/25	11/27	Israel		273.00		247.18		196.29		716.47
	11/27	11/29	Saudi Arabia		320.00		90.91		73.41		484.32
Committee total					2,344.00		13,378.15		668.54		16,390.69
A. Markward (Con.)	11/29	12/1	Egypt		150.00		20.26		34.24		204.50
	12/1	12/3	Greece		150.00		16.65		71.60		238.25
	12/3	12/4	France		96.00						96.00
Military transportation							6,271.78				6,271.78
S. McCartan	11/11	11/12	Bangladesh		50.00						50.00
	11/12	11/14	Burma		82.65						82.65
	11/14	11/17	Thailand		261.00						261.00
	11/17	11/18	Japan		81.00						81.00
	11/18	11/19	China								
	11/19	11/20	Japan		81.00						81.00
	11/20	11/23	Korea		368.00						368.00
	11/23	11/24	Japan		383.00						383.00
Committee total					1,702.65		6,308.69		105.84		8,117.18
Hon. D. Mica	11/24	11/25	France		96.00		35.36		11.65		143.01
	11/25	11/27	Israel		273.00		247.18		196.29		716.47
	11/27	11/29	Saudi Arabia		320.00		90.91		73.41		484.32
	11/29	12/1	Egypt		150.00		20.26		34.24		204.50
	12/1	12/3	Greece		150.00		16.65		71.60		238.25
	12/3	12/4	France		96.00						96.00
Commercial transportation							6,271.78				6,271.78
S. D. Nelson	10/2	10/2	United Kingdom		104.00		22.90				126.90
	10/3	10/10	Pakistan		382.54						382.54
	10/10	10/14	India		395.00						395.00
	10/14	10/17	Austria		288.00		17.39				305.39
Commercial transportation							4,352.00				4,352.00
E. J. Palmer	10/25	10/31	Mexico		525.00						525.00
Commercial transportation							650.00				650.00
Committee total					2,779.54		11,724.43		387.19		14,891.16
E. J. Palmer	11/29	12/2	Jamaica		250.00						250.00
	12/2	12/8	Colombia		450.00						450.00
	12/8	12/15	Peru		600.00						600.00
	12/15	12/18	Bolivia		225.00						225.00
Commercial transportation							2,241.90				2,241.90
Hon. J. Pritchard	11/18	11/19	France		160.00		(3)				160.00
	11/24	11/25	France		96.00		35.36		11.65		143.01
	11/25	11/27	Israel		273.00		247.18		196.29		716.47
	11/27	11/29	Saudi Arabia		320.00		90.91		73.41		484.32
	11/29	12/1	Egypt		150.00		20.26		34.24		204.50
	12/3	12/4	France		96.00						96.00
Military transportation							6,271.78				6,271.78

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1981—Continued

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Committee total					2,620.00		8,907.39		315.59		11,842.98
A. Roberts	10/12	10/16	Austria		384.00						384.00
Commercial transportation							2,584.00				2,584.00
Hon. T. Roth	11/22	11/25	France		288.00		35.36		11.65		335.01
	11/25	11/27	Israel		273.00		247.18		196.29		716.47
	11/27	11/29	Saudi Arabia		320.00		90.91		73.41		484.32
	11/29	12/1	Egypt		150.00		20.26		34.24		204.50
	12/1	12/3	Greece		150.00		16.65		71.60		238.25
Commercial transportation over military return							1,752.00				1,752.00
							3,135.89				3,135.89
V. M. Schlundt	12/6	12/9	Italy		225.00						225.00
	12/9	12/13	Austria		344.00						344.00
	12/13	12/17	Soviet Union		304.50						304.50
	12/17	12/18	Germany		89.00						89.00
	12/18	12/22	Great Britain		432.00		18.98				450.98
Commercial transportation							3,594.15				3,594.15
Committee total					2,959.50		11,495.38		387.19		14,842.07
J. T. Schollaert	10/25	11/1	Mexico		443.12						443.12
Commercial transportation							650.00				650.00
	11/29	12/2	Jamaica		250.00						250.00
	12/2	12/8	Colombia		450.00						450.00
	12/8	12/15	Peru		525.00						525.00
	12/15	12/18	Bolivia		225.00						225.00
Commercial transportation							2,250.90				2,250.90
Hon. B. Shamansky	11/24	11/25	France		96.00		35.36		11.65		143.01
	11/25	11/26	Austria		86.00						86.00
	11/26	11/27	Israel		182.00		247.18		196.29		625.47
	11/27	11/29	Saudi Arabia		320.00		90.91		73.41		484.32
	11/29	12/1	Egypt		150.00		20.26		34.24		204.50
	12/1	12/3	Greece		150.00		16.65		71.60		238.25
	12/3	12/4	France		96.00						96.00
Military transportation							6,271.78				6,271.78
Committee total					2,973.12		9,583.04		387.19		12,943.35
L. G. Silver	11/18	11/21	Hong Kong		285.00						285.00
	11/21	11/24	Philippines		225.00						225.00
	11/24	11/30	Thailand		522.00						522.00
	11/30	12/2	Indonesia		154.00						154.00
	12/2	12/4	Malaysia		188.00						188.00
	12/4	12/8	Singapore		185.00		45.00				230.50
	12/5	12/7	Indonesia		107.50						107.50
Commercial transportation							4,111.23				4,111.23
T. R. Smeeton	12/6	12/9	Italy		225.00						225.00
	12/9	12/13	Austria		344.00						344.00
	12/13	12/17	Soviet Union		327.31						327.31
	12/17	12/18	Great Britain		108.00		18.98				126.98
Commercial transportation							2,911.00				2,911.00
Committee total					2,671.31		7,086.21				9,757.52
R. Sparks	10/10	10/16	Germany		645.00						645.00
	10/16	10/18	Great Britain		245.80						245.80
Military transportation					2,381.00				2,381.00		
Hon. C. J. Zablocki	11/5	11/6	Belgium		98.00						98.00
	11/6	11/8	Italy		225.00						225.00
	11/9	11/10	Austria		172.00		1,858.52				2,030.52
	11/11	11/13	Great Britain		208.00						208.00
Commercial transportation						5,979.00				5,979.00	
Committee totals					1,593.80		10,218.52				11,812.32
Grand total for 4th quarter											201,248.64

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] No transportation cost to U.S. Government.

CLEMENT J. ZABLOCKI, Chairman, Jan. 29, 1982.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1981

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Charlie Rose	11/22	11/29	Brazil	109,847.36	928.00	0	1,912.00	0	0	109,847.36	2,840
Ms. Joan Teague	11/22	11/29	Brazil	109,847.36	928.00	0	1,912.00	0	0	109,847.36	2,840
Committee total					1,856.00		3,824.00		0		5,680

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Jan. 11, 1982.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1981

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Frankel		10/25	United States								
	10/26	11/1	West Germany	1,188.59	525.00					1,188.59	525.00
	11/1	11/2	France	552.50	96.00					552.50	96.00
	11/2	11/4	England	109–86	214.00					109–86	214.00
	11/4		United States								
Shacknai		11/29	United States				3,560.00				3,560.00
	11/30	12/4	England	219–70	428.00					219–70	428.00
	12/4		United States								
Committee total					1,263.00		3,560.00				4,823.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DON FUQUA, Chairman, Jan. 28, 1982.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1981

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Guy Vander Jagt	11/24	11/29	Spain	50,295	525.00						525.00
Thelma J. Askey	10/25	10/27	Belgium	7,468	196.00						196.00
					[3] 75.00						[3] 75.00
	10/27	11/4	Switzerland	1,459.10	756.00						756.00
					[3] 200.00						[3] 200.00
							1,206.00				1,206.00
Committee total					1,202.00		1,206.00				2,408.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Refund.

DAN ROSTENKOWSKI, Chairman, Jan. 8, 1982.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1981

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Blackburn, Barbara	10/25	11/29	Spain	258,171	2,700.00		[3] 1,305.00				
Brescia, Christopher J.	11/23	12/07	Switzerland	1,892.85	1,052.00		[3] 1,362.70				
Burns, Deborah	11/28	12/19	Spain	157,110	1,650.00		[3] 1,428.00				
Davidson, Lynne	10/25	12/19	Spain	401,413	4,200.00		[3] 1,456.00				
Donovan, Meg	10/25	11/21	Spain	201,337	2,100.00		[3] 1,403.00				
	12/02	12/20	Spain	136,215	1,425.00		[3] 1,456.00				
Oliver, R. Spencer	9/29	10/02	England	174.70	312.00		[3] 1,643.00				
	10/02	10/07	Austria	7,826.40	480.00						
	10/25	12/07	Spain	315,111	3,300.00		[3] 1,456.00				
	12/14	12/19	Spain	43,245	450.00		[3] 1,611.00				
	12/20	12/22	Austria	2,946.72	192.00						
Packard, Michael J.	10/11	10/13	Belgium	7,307	196.00		[3] 1,642.00				
	10/13	10/16	Austria	4,420.10	288.00						
	10/25	11/08	Spain	101,797	1,050.00		[3] 1,305.00				
Sandstrom, John	11/30	12/19	Spain	143,242	1,500.00		[3] 1,456.00				
Sletzinger, Martin	11/28	12/19	Spain	157,474	1,650.00		[3] 1,403.00				
Wise, Samuel G.	11/06	12/01	Spain	184,799	1,950.00		[3] 1,456.00				
Committee total				24,495.00	20,332.70						

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Round trip.

DANTE FASCELL, Chairman, Jan. 6, 1982.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1981

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Fortney H. (Pete) Stark							640.48				640.48

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. ELLIOTT H. LEVITAS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 6 AND OCT. 11, 1981

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Elliott H. Levitas	10/7	10/11	Austria	6,028.80	384.00		1,257.00			6,028.80	1,641.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ELLIOTT H. LEVITAS, Chairman, Oct. 27, 1981.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2994. A letter from the Secretary of Energy, transmitting the fourth semiannual report on alternative fuels production, pursuant to title II of Public Law 96-126; to the Committee on Appropriations.

2995. A letter from the Executive Associate Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Bureau of Alcohol, Tobacco and Firearms for "salaries and expenses" for fiscal year 1982 has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to section 3679(e)(2) of the Revised Statutes, as amended; to the Committee on Appropriations.

2996. A letter from the President of the United States, transmitting his certification that the production of lethal binary chemical munitions is essential to the national interest, pursuant to section 818(a) of Public Law 94-106 (H. Doc. No. 97-141); to the Committee on Armed Services and ordered to be printed.

2997. A letter from the Secretary of Defense, transmitting the eighth annual report on force improvements and defense cooperation within NATO, pursuant to section 302(c) of Public Law 93-365 and section 814(b) of Public Law 94-106; to the Committee on Armed Services.

2998. A letter from the general counsel of the Department of Defense, transmitting amendments to the Manual for Courts-Martial, United States, 1969 (revised edition), pursuant to 10 U.S.C. 836(b); to the Committee on Armed Services.

2999. A letter from the Assistant Secretary of Defense (manpower, reserve affairs, and logistics), transmitting a report on plans for the reuse of Craig Air Force Base, Selma, Ala., pursuant to section 610(b) of Public Law 94-431; to the Committee on Armed Services.

3000. A letter from the Assistant Secretary of Defense, (research, development, and logistics), transmitting notice of plans to study the conversion of various functions at sundry locations from in-house operation to contractor performance during fiscal year 1982, pursuant to section 502(a) of Public Law 96-342; to the Committee on Armed Services.

3001. A letter from the chief, Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting the semiannual report covering the period July 1, 1981, through December 31, 1981, on Air Force experimental, developmental, and research contracts of $50,000 or more, by company, pursuant to 10 U.S.C. 2357; to the Committee on Armed Services.

3002. A letter from the Acting Director, Defense Security Assistance, transmitting a report on the impact on U.S. readiness of the Army's proposed sale of certain defense equipment to Saudi Arabia (Transmittal No. 82-20), pursuant to section 813 of Public Law 94-106; to the Committee on Armed Services.

3003. A letter from the Secretary of Housing and Urban Development, transmitting a report on the study of the relative risks of loss under the insurance programs authorized by sections 203(b) and 213 of the National Housing Act, pursuant to section 309(a) of Public Law 96-153; to the Committee on Banking, Finance and Urban Affairs.

3004. A letter from the Director of ACTION, transmitting proposed final regulations revising the rules and review procedures for the denial of a current grant recipient's or contractor's application for refunding, pursuant to section 420(d) of the Domestic Volunteer Service Act of 1973, as amended; to the Committee on Education and Labor.

3005. A letter from the Commissioner, Rehabilitation Services Administration, Department of Education, transmitting notice of a delay until June 1, 1982, in submission of the annual report on activities under the Rehabilitation Act of 1973, required by section 13 of the act, as amended; to the Committee on Education and Labor.

3006. Secretary of Health and Human Services, transmitting the first annual report of the Director of the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, covering fiscal year 1981, pursuant to section 434(e) of the Public Health Service Act, as amended; to the Committee on Energy and Commerce.

3007. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a copy of Presidential Determination No. 82-5, authorizing the furnishing of up to $55,000,000 in defense articles, defense services, and military education and training by the Department of Defense to El Salvador under the authority of section 506(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

3008. A letter from the Director, Office of Legislative Affairs, Agency for International Development, transmitting a report on the use of fiscal year 1981 funds for special requirements in the Middle East, pursuant to section 532(b)(4) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

3009. A letter from the Director, Office of Legislative Affairs, Agency for International Development, transmitting notice of a delay until February 15, 1982, in the submission of the annual report on the minority recruitment program for the International Development Cooperation Agency, required by section 105(d) of Public Law 96-465; to the Committee on Foreign Affairs.

3010. A letter from the Acting Deputy Director, Defense Security Assistance Agency, transmitting an analysis and description of services performed by full-time U.S. Government personnel as of September 30, 1981, for which reimbursement is provided under sections 21(a) or 43(b) of the Arms Export Control Act, pursuant to section 25(a)(6) of the act; to the Committee on Foreign Affairs.

3011. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense equipment to Saudi Arabia (Transmittal No. 82-20), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3012. A letter from the Director, U.S. Arms Control and Disarmament Agency, transmitting the fiscal year 1983 arms control impact statements, pursuant to section 36(b)(2) of the Arms Control and Disarmament Act, as amended; to the Committee on Foreign Affairs.

3013. A letter from the Associate Dean for Operations, School of Medicine, Uniformed Services University of the Health Sciences, transmitting the annual report of the university's retirement plan for calendar year 1980, pursuant to section 121(a)(2) of the Budget and Accounting Procedures Act of 1950, as amended; to the Committee on Government Operations.

3014. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to extend the terms of members of the National Park Service Advisory Board, and for other purposes; to the Committee on Interior and Insular Affairs.

3015. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend Section 1(a)(1) of Public Law 95-348 (92 Stat. 487) to authorize the appropriation of $3,165,000 for capital improvement projects on Guam for fiscal year 1983; to the Committee on Interior and Insular Affairs.

3016. A letter from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting a report on the proposed modification of the Deerfield Dam, Rapid Valley Project, S. Dak., pursuant to section 5 of Public Law 95-578; to the Committee on Interior and Insular Affairs.

3017. A letter from the Director, Federal Judicial Center, transmitting the annual report of the Center for fiscal year 1981, pursuant to 28 USC 623(a)(3); to the Committee on the Judiciary.

3018. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting a copy of an order suspending deportation under the authority of section 244(a)(1) of the Immigration and Nationality Act, pursuant to section 244(c) of the act; to the Committee on the Judiciary.

3019. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation under the authority of section 244(a)(1) of the Immigration and Nationality Act, together with a list of the persons involved,

pursuant to section 244(c) of the act; to the Committee on the Judiciary.

3020. A letter from the Chairman, Federal Trade Commission; transmitting the fifth annual report on the operation of the premerger notification provisions of the Clayton Act, pursuant to section 7A(j) of the act, as amended (90 Stat. 1934); to the Committee on the Judiciary.

3021. A letter from the Administrator, Panama Canal Commission, transmitting a report, including financial statements, covering the operations of the Panama Canal during fiscal year 1981, pursuant to section 1312 of Public Law 96-70; to the Committee on Merchant Marine and Fisheries.

3022. A letter from the Director, Administrative Office of the United States Courts, transmitting a report covering calendar year 1981 on positions in the Administrative Office of the U.S. Courts in grades GS-16, 17, and 18, pursuant to 5 U.S.C. 5114(a); to the Committee on Post Office and Civil Service.

3023. A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes; to the Committee on Public Works and Transportation.

3024. A letter from the Administrator, National Aeronautics and Space Administration, transmitting notice of the waiver of the requirements of section 11(b) of Public Law 96-480; to the Committee on Science and Technology.

3025. A letter from the Acting Comptroller General of the United States, transmitting a report on the Army's multiple launch rocket system (MASAD-82-13, February 5, 1982); jointly, to the Committee on Government Operations and Armed Services.

3026. A letter from the Acting Comptroller General of the United States transmitting a report on Air Force development of the Consolidated Space Operations Center (MASAD-82-14, January 29, 1982); jointly, to the Committees on Government Operations and Armed Services.

3027. A letter from the Secretary of Energy, transmitting an assessment of the desirability and feasibility of creating of Federal Corps of nuclear operators, pursuant to section 6 of Public Law 96-567; jointly, to the Committees on Science and Technology, Energy and Commerce, and Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOLLING: Committee on Rules. House Resolution 355. A resolution providing for the consideration of House Joint Resolution 389, a joint resolution making an urgent supplemental appropriation for the fiscal year ending September 30, 1982, for the Department of Agriculture; and House Joint Resolution 391, a joint resolution making an urgent supplemental appropriation for the Department of Labor for the fiscal year ending September 30, 1982 (Rept. No. 97-428). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 356. A resolution providing for the consideration of House Joint Resolution 392, a joint resolution making an urgent supplemental appropriation for the Department of Health and Human Services for the fiscal year ending September 30, 1982 (Rept. No. 97-429). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRINKLEY:

H.R. 5469. A bill to amend title II of the Social Security Act to provide for increases in primary insurance amounts to account for depressed replacement rates; to the Committee on Way and Means.

By Mr. JACOBS (for himself, Mr. HOLLAND, Mr. GUARINI, Mr. DUNCAN, and Mr. VANDER JAGT):

H.R. 5470. A bill to amend the Internal Revenue Code of 1954 to insure periodic payments for damages received on account of personal injuries, and for other purposes; to the Committee on Ways and Means.

By Mr. DERWINSKI (by request):

H.R. 5471. A bill to increase the efficiency of Government-wide efforts to collect debts owed the United States by its employees; jointly, to the Committees on Armed Services and Post Office and Civil Service.

By Mr. GRISHAM:

H.R. 5472. A bill to amend chapter 29 of title 18, United States Code, to provide criminal penalties for early disclosure of Presidential election results; to the Committee on the Judiciary.

By Mr. HARKIN (for himself, Mr. DASCHLE, Mr. DORGAN of North Dakota, and Mr. PANETTA):

H.R. 5473. A bill to amend the Consolidated Farm and Rural Development Act to provide for an improved system of financial assistance for the construction and rehabilitation of water supply and waste disposal facilities serving farmers, farmworkers, and other rural residents, and for other purposes; to the Committee on Agriculture.

By Mr. JACOBS:

H.R. 5474. A bill to rescind the tax benefits enacted during 1981 with respect to the living expenses of Members of Congress; to the Committee on Ways and Means.

By Mr. MURPHY:

H.R. 5475. A bill to repeal the special income tax benefits enacted during 1981 with respect to the living expenses of Members of Congress; to the Committee on Ways and Means.

By Mr. OXLEY:

H.R. 5476. A bill to amend the Internal Revenue Code of 1954 to limit the amount deductible by Members of Congress for living expenses while away from home; to the Committee on Ways and Means.

By Mr. RODINO (by request):

H.R. 5477. A bill to provide for seabed boundary agreements between the United States and any coastal State and the immobilization of the seabed boundary of any State; to the Committee on the Judiciary.

H.R. 5478. A bill to implement the Inter-American Convention on International Commercial Arbitration; to the Committee on the Judiciary.

By Mr. ROTH:

H.R. 5479. A bill to amend the provisions of the Economic Recovery Tax Act of 1981 which require targeted jobs certification requests to be in writing, to treat documented oral certification requests received before 45 days after the date of enactment of such act as written requests; to the Committee on Ways and Means.

H.R. 5480. A bill to amend the Second Liberty Bond Act to increase the investment yield on U.S. savings bonds to a level competitive with 52 week Treasury bills; to the Committee on Ways and Means.

By Mr. WHITEHURST:

H.R. 5481. A bill to provide for medicare coverage of influenza vaccine and its administration; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. BINGHAM:

H.J. Res. 402. Joint resolution suspending military assistance to El Salvador; to the Committee on Foreign Affairs.

By Mr. LANTOS:

H.J. Res. 403. Joint resolution on the importance of continued participation in the United Nations by democratic states; to the Committee on Foreign Affairs.

By Mr. CRAIG:

H. Res. 350. Resolution reducing the clerk hire allowance for Members of the House of Representatives; to the Committee on House Administration.

By Mr. GRISHAM:

H. Res. 351. Resolution to amend the Rules of the House of Representatives to limit the number of bills and resolutions which any Member may introduce in a Congress; to the Committee on Rules.

By Mr. JACOBS:

H. Res. 352. Resolution to amend the Rules of the House of Representatives to prohibit Members from earning outside earned income, effective January 1, 1983; to the Committee on Rules.

By Mr. MURPHY:

H. Res. 353. Resolution amending the Rules of the House of Representatives to decrease the amounts of outside earned income which a Member may accept, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

255. By the SPEAKER: Memorial of the Legislature of the Commonwealth of Pennsylvania, relative to the Federal Surface Mine Control and Reclamation Act of 1977; to the Committee on Appropriations.

256. Also, memorial of the Senate of the State of Florida, relative to Radio Marti; to the Committee on Foreign Affairs.

257. General Assembly of the State of South Carolina, relative to President Reagan's support of America's farmers; jointly, to the Committees on Agriculture and Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FOLEY:

H.R. 5482. A bill for the relief of James P. Purvis; to the Committee on the Judiciary.

H.Res. 354. Resolution to refer H.R. 5482 to the Chief Commissioner of the Court of Claims; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 757: Mr. NAPIER.

H.R. 1010: Mr. BARNES, Mrs. COLLINS of Illinois, and Mr. PORTER.

H.R. 1454: Mr. BRODHEAD and Mr. DICKS.

H.R. 4326: Mr. FRENZEL, Mr. BURGENER, Mr. BEREUTER, Mr. MARLENEE, Mr. OBERSTAR, Mr. MURTHA, Mr. LEE, Mrs. CHISHOLM, Mr. RALPH M. HALL, and Mr. WATKINS.

H.R. 4376: Mr. VENTO.

H.R. 4377: Mr. VENTO.

H.R. 4460: Mr. RICHMOND, Mr. WALKER, Mr. CLAY, Mr. DELLUMS, Mrs. FENWICK, Mr. MOLLOHAN, Mr. MINISH, Mr. FOGLIETTA, Mrs. COLLINS of Illinois, Mr. FORD of Michigan, Mr. SCHUMER, Mr. DWYER, Mr. EVANS of Indiana, Mr. SABO, Mr. HOYER, and Mr. SHAMANSKY.

H.R. 4562: Mr. SIMON.

H.R. 4593: Mr. BAILEY of Pennsylvania, Mr. MINETA, Mr. CONYERS, and Mr. WON PAT.

H.R. 4786: Mr. ROBERT W. DANIEL, Jr., Mr. SKEEN, Mr. DUNN, Mr. GIBBONS, Mr.VANDER JAGT, Mr. YOUNG of Florida, Mr. SMITH of Pennsylvania, Mr. MOORE, Mr. LONG of Louisiana, Mr. SNYDER, Mr. HUTTO, and Mr. MCKINNEY.

H.R. 4833: Mr. DANNEMEYER and Mr. SKEEN.

H.R. 4902: Mr. FAZIO and Mr. ROE.

H.R. 4929: Mrs. FENWICK.

H.R. 4974: Mr. FORD of Michigan and Mr. BONIOR of Michigan.

H.R. 5004: Mr. MCKINNEY.

H.R. 5114: Mr. GLICKMAN and Mr. DWYER.

H.R. 5115: Mr. GLICKMAN and Mr. DWYER.

H.R. 5133: Mr. WHITEHURST, Mr. DUNN, Mr. MOFFETT, Mr. ROYBAL, Mr. EARLY, Mr. SAVAGE, Mr. MOTTL, Mr. LAFALCE, Mr. MCEWEN, Mr. WOLPE, Mr. GINGRICH, Mr. GEPHARDT, Mrs. KENNELLY, Mr. MATTOX, Mr. PATTERSON, and Mr. RATCHFORD.

H.R. 5308: Mr. BEDELL, Mr. SPENCE, Mr. BUTLER, Mr. GINGRICH, Mr. FORSYTHE, Mrs. HOLT, Mr. JEFFRIES, and Mr. LAGOMARSINO.

H.R. 5317: Mr. MATSUI, Mr. SMITH of Pennsylvania, Mr. SCHUMER, Mr. RANGEL, Mr. FAUNTROY, and Mr. ECKART.

H.R. 5329: Mr. FRANK, Mr. MOTTL, Mr. KOGOVSEK, Mr. SYNAR, Mr. GREGG, Mr. BRODHEAD, Mr. FITHIAN, Mr. LEE, Mr. WEBER of Ohio, Mr. EDGAR, Mrs. FENWICK, Mr. MCGRATH, Mr. CHAPPIE, Mr. DYSON, Mr. LOWERY of California, Mr. BONKER, Mr. MCCURDY, Mr. GOODLING, Mr. CLINGER, Mr. ROBERTS of South Dakota, and Mr. HENDON.

H.J. Res. 354: Mr. HENDON, Mr. BETHUNE, Mr. NELLIGAN, Mr. GINN, Mr. HOPKINS, and Mrs. BOUQUARD.

H.J. Res. 387: Mr. MITCHELL of Maryland, Mr. SILJANDER, Mr. CORCORAN, Mr. GUARINI, Mr. WOLPE, Mr. FROST, Mr. BENJAMIN, Mr. RALPH M. HALL, Mr. WEISS, Mr. HOLLENBECK, Mr. EVANS of Georgia, and Mr. NOWAK.

H. Con. Res. 27: Mr. GREEN.

H. Con. Res. 192: Mr. SOLARZ.

H. Con. Res. 257: Mr. SMITH of New Jersey, Mr. DANNEMEYER, Mr. DAUB, and Mr. SMITH of Alabama.

H. Con. Res. 263: Mr. WHITEHURST, Mr. GINGRICH, Mr. HARTNETT, and Mr. HUTTO.

H. Res. 265: Mr. SKEEN and Mr. SMITH of Alabama.

H. Res. 268: Mr. PEASE, Mr. AUCOIN, Mr. SEIBERLING, Mr. BIAGGI, Mr. CORRADA, Mr. JAMES K. COYNE, Mr. FOLEY, Mr. GREGG, Mr. FORD of Tennessee, Mr. DENARDIS, Mr. LONG of Maryland, Mr. FAUNTROY, Mr. SCHEUER, Mr. FLORIO, Mr. PURSELL, Mr. CONABLE, Mr. DYSON, Mr. GARCIA, Mr. CONYERS, Mr. RICHMOND, Mr. BRODHEAD, Mr. WIRTH, Mr. MOFFETT, Mr. KILDEE, Mr. FRENZEL, Mr. WASHINGTON, Mr. FROST, Mr. ROE, and Mr. LOWRY of Washington.

H. Res. 319: Mr. KASTENMEIER, Mr. FRANK, Mr. KOGOVSEK, Mr. SYNAR, Mr. GREGG, Mr. BRODHEAD, Mr. LEE, Mr. MAZZOLI, Mr. ROEMER, Mrs. FENWICK, Mr. DYSON, and Mr. MCCOLLUM.

PETITIONS, ETC.

Under clause 1 of rule XXII,

342. The SPEAKER presented a petition of the Board of Aldermen, New Haven, Conn., relative to tax credits for non-public schools, which was referred to the Committee on Ways and Means.

SENATE—*Monday, February 8, 1982*

(Legislative day of Monday, January 25, 1982)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Oh give thanks to the Lord, call upon His name; make known His deeds among the peoples. Sing to Him, sing praises to Him; speak of all His wonders. Glory in His holy name; let the heart of those who seek the Lord be glad. Seek the Lord and His strength; seek His face continually. Remember His wonders which He has done, His marvels, and the judgements uttered by His mouth.—Psalm 105: 5 N.A.S.

Gracious Lord God, let Thy glory be manifest in this place. Let Thy holy presence be felt in all the offices. Let Thy love infuse the heart of every person who works here so that each of us will love the others and be loved by them. Dispel all that is evil from our hearts. Let there be nothing in us that would grieve the holy spirit or offend a sister or brother.

Grant forgiveness to those who are burdened with guilt, assurance to those who are discouraged, comfort to those who hurt, patience to those who are lonely, strength to those who are weary, healing to those who are ill, hope to those who despair, joy to those who sorrow, wisdom to those who are confused, light to those who have lost their way. In the name of Him who is the way, the truth, and the life, we pray. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. McCLURE. The President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I ask the distinguished minority leader if he has some use for the leader's time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished acting majority leader.

I do not believe I need any of the time that the acting leader is offering. I will take just a small portion of my own time. I want to refer to the nomination of Powell Moore to be an Assistant Secretary of State.

NOMINATION OF POWELL A. MOORE TO BE AN ASSISTANT SECRETARY OF STATE

Mr. ROBERT C. BYRD. Mr. President, on February 4, the full Senate approved the nomination of Powell A. Moore to be Assistant Secretary of State for Congressional Relations. I cannot think of a better person than Powell Moore to fill this important position, and I look forward to working with him in his new capacity.

Mr. Moore has had a long and distinguished record of public service in Washington. He served as press secretary to the late Senator Richard Russell of Georgia from 1966 until 1971. He served as Deputy Director of Public Information for the Department of Justice from 1971 until 1972. He served as Deputy Special Assistant to the President from 1973 until 1975. With the election of Ronald Reagan as our 40th President, Mr. Powell Moore assumed responsibilities as Deputy Assistant to the President for Legislative Affairs.

Mr. President, I have known Powell Moore for a number of years. He is a person of impeccable integrity and devotion to duty. He is one of the finest gentlemen I have had the privilege of knowing.

His experience in working with the Senate has served him well in his numerous positions with the executive branch. He is sensitive to, and appreciative of, Congress as an institution. As a result, he is particularly effective in working with Congress.

He has a difficult job ahead of him. However, I am confident that he is equal to the task. I commend the administration for choosing Powell Moore to assume this critical position. I certainly will do everything I can to cooperate and work with him, and I wish him the very best as he launches into his new responsibilities.

ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. Mr. President, does any Senator on my side wish any of the time that I have under my control?

I have no further use for my time. I yield it back.

THE JOURNAL

Mr. McCLURE. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDING OFFICER (Mr. WARNER). Without objection, it is so ordered.

ABRAHAM LINCOLN WALKS AT MIDNIGHT

Mr. BAKER. Mr. President, this coming Friday, February 12, marks the 173d anniversary of the birth of Abraham Lincoln, our country's first Republican President. Vachel Lindsay lends poetic thoughts on this historic figure in "Abraham Lincoln Walks at Midnight," and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

ABRAHAM LINCOLN WALKS AT MIDNIGHT

(By Vachel Lindsay)

It is portentous, and a thing of state
That here at midnight, in our little town
A mourning figure walks, and will not rest,
Near the old court-house pacing up and down,

Or by his homestead, or in shadowed yards
He lingers where his children used to play,
Or through the market, on the well-worn stones
He stalks until the dawn-stars burn away.

A bronzed, lank man! His suit of ancient black,
A famous high top-hat and plain worn shawl
Make him the quaint great figure that men love,
The prairie-lawyer, master of us all.

He cannot sleep upon his hillside now.
He is among us:—as in times before!
And we who toss and lie awake for long
Breathe deep, and start, to see him pass the door.

His head is bowed. He thinks on men and kings.
Yea, when the sick world cries, how can he sleep?
Too many peasants fight, they know not why,
Too many homesteads in black terror weep.

The sins of all the war-lords burn his heart.
He sees the dreadnaughts scouring every main.
He carries on his shawl-wrapped shoulders now
The bitterness, the folly and the pain.

He cannot rest until a spirit-dawn
Shall come;—the shining hope of Europe free:
The league of sober folk, the Workers' Earth,
Bringing long peace to Cornland, Alp and Sea.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

It breaks his heart that kings must murder still,
That all his hours of travail here for men
Seem yet in vain. And who will bring white peace
That he may sleep upon his hill again?

ORDER OF PROCEDURE

Mr. McCLURE. Mr. President, I yield back the remainder of the leader's time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE Mr. President, I ask unanimous consent that the 15-minute special order allotted to Senator BENTSEN be transferred to Senator PROXMIRE for his control.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

HOW LONG BEFORE WE ACT ON GENOCIDE?

Mr. PROXMIRE. Mr. President, a brief article in the January 30 issue of the Washington Post described the reunion of a sister and brother originally separated while at the Nazi concentration camp Auschwitz in the early years of World War II.

For the past 39 years, each thought the other to have died at Auschwitz. Upon a recent visit to Israel, the sister was informed that her cousin had received a postcard from her brother after the war "which mentioned something about Newcastle." The telephone directory provided the sister with her brother's address.

For this sister and brother, there are countless others never again to be reunited, victims of genocide. This is the case for sisters and brothers separated not only by the Holocaust, but by Idi Amin in Uganda, by Turkey in Armenia, and Pol Pot in Cambodia.

These are all too real examples of genocide in the 20th century.

How long will we wait before acting against this terrible crime of genocide? How long will the International Convention on the Prevention and Punishment of the Crime of Genocide remain unratified by the U.S. Senate?

It has been pending before the Senate since 1949, when President Truman first submitted it for ratification. Over the past 33 years, every administration, both Republican and Democratic, has supported the treaty. It has been signed and ratified by 85 nations, reflecting the consensus in the world community that genocide is, indeed, an international crime.

Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order there will now be a period for the transaction of routine morning business not to exceed 30 minutes with statements therein limited to 5 minutes each.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DR. ERWIN A. FRANCE—MAN OF THE YEAR

Mr. DIXON. Mr. President, on February 23, Dr. Erwin A. France, a most distinguished citizen of the State of Illinois, will be honored as 1982 Man of the Year by the March of Dimes Metropolitan Chicago Chapter.

Dr. France has compiled an admirable and remarkable record of accomplishment during a public career of more than 20 years.

In the field of government, Dr. France has served most capably as deputy chief of the Illinois Employment Service, as director of the city of Chicago's youth opportunity program, as director of the city's model cities program, and as administrative assistant to the late Mayor Richard J. Daley.

In the private sector, he is executive vice president of Palmer, Green & King, Ltd., a nationally known consulting and development firm.

His Man of the Year status, however, derives from an additional, selfless undertaking to which Dr. France has devoted so much of his time in recent years.

Mr. President, the value of Erwin France's years of service to Chicago area children through his work for the prevention and treatment of birth defects simply cannot be calculated.

He has served on the March of Dimes National Board of Directors, as well as on the executive committee of the Metropolitan Chicago chapter.

He is a member of the National Task Force on Perinatal Health Care in the High Risk Community, which seeks to provide critically needed service programs for babies before and after delivery, and for pregnant women.

The work of Dr. France and this group has been significant in improving the outcome of pregnancy, for both mother and baby, in disadvantaged communities, and in working toward reducing the tragic rate of infant mortality in some of those communities.

In short, Erwin A. France is an extraordinary man who has made an extraordinary contribution to us all.

His friends and admirers will gather on February 23 to affirm that fact. I affirm it now, and commend to my colleagues the splendid accomplishments of Dr. Erwin A. France.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL AERONAUTIC ASSOCIATION

Mr. GOLDWATER. Mr. President, recently the president of the National Aeronautic Association, Gen. Clifton von Kann, discussed the many problems of the U.S. Establishment in a yearend report. He also discussed and presented a first draft for a national aerospace policy to a news conference on December 30, 1981. General von Kann's proposal for a national aeronautic policy was developed as a result of Aerospace I, the National Aeronautic Association's symposium on aerospace issues held at Williamsburg, Va., last summer.

General von Kann's statement to the press conference and his draft of a national aerospace policy are both very important, not only to the future of every aspect of aviation, but to our space endeavors as well. Our Nation has long been a leader in aerospace and it is vital that we continue that leadership. It is not only a matter of national pride, but it is a matter of consequence to our economy and added distinct contributions to our national security.

Mr. President, I ask unanimous consent that the comments of General von Kann at his yearend press briefing as well as the first draft of a national aerospace policy for the United States be printed in the RECORD. I urge my colleagues to carefully study this aggressive and sensible beginning to a national aerospace policy.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF CLIFTON F. VON KANN

Gentlemen: The purpose of this briefing is to report in general on NAA's 1981 efforts, and more specifically on the results of AEROSPACE I, NAA's symposium on air and space issues held at Williamsburg, Virginia last summer.

AEROSPACE I was conducted because of our deep concern about the erosion of the United States' former predominance in air and space—and what this implies for our national security, our economic growth and our technological vitality.

The year end situation in virtually every aspect of aviation and space endeavor makes it all too clear that our concerns were valid—and that the alarm which we had voiced on the platform, in public statements and in letters to the Congress and the President was, if anything, an understatement. Let me offer a few examples why.

Space is the new frontier commercially, militarily and scientifically. Yet, despite our success with the Space Shuttle, we have no national space policy worthy of the name, we have no coherent space organization and we are uncertain of our objectives in space. By contrast, the Soviets are moving into space with a steady, well funded program which has given them a permanent manned presence in space and the prospect of additional triumphs. Even our allies are surpassing us in commercial space applications.

We recognize that an effort to frame a national space policy is underway in the White House Office of Science and Technology Policy. The test of this policy will be whether it spells out long range objectives or reflects OMB's short term economic concerns.

In the meantime the future of NASA—a vital national resource—is being debated, including the possible shift of the aeronautical R&D program to some other agency. Virtually all our superiority in military and civil aircraft has resulted from aeronautical technology which was spawned in NACA, and later NASA. The current agency of NASA raises the grim specter of technological disarmament—something we could not possibly have imagined a year ago.

You know what is happening to the airlines. What no one knows is where it will end. But there can be no argument about the dampening effect which cancelled orders for new airline aircraft will have on U.S. aircraft manufacturers. Buoyed up by substantial airline orders, our aerospace industry in the past took aggressive production decisions and seized more than 90% of the world market for transport aircraft. Now competition from abroad is rising, airline orders are falling, and another vital national asset is threatened. General aviation exports are also in difficulty—although for different reasons. Meanwhile, the Export-Import Bank is forced to struggle to support U.S. aircraft exports.

Of equal concern is that fact that private flying, as we have known it, is being priced out of the market. Yet if Americans cannot learn the love of flying at the grass roots, where will our future pilots, engineers and mechanics come from? We must hope that aero-modelling and home building of aircraft can fill the growing void.

No list of major aviation problems would be complete without the airport and airway capacity situation. In the 1960's it became evident that Congress would not provide continuity of funding for airport and airway facilities on a year to year basis. The Act of 1970 provided a mechanism for maintaining a steady level of investment in these facilities; and even with some flaws in implementation the program worked reasonably well throughout the 1970's. However, the program has now expired with the Act and can't be revived—not because it isn't essential to our aviation leadership, but because the two houses of Congress and the Administration can't agree on how to improve it. Meanwhile, administrator Helms has properly recognized system capacity as the key aviation problem of the 1980's.

These are but a few examples. No matter where we turn in aviation and space, there are problems galore and unresolved issues.

And this is why we held AEROSPACE I—to examine the problems, to see what issues national policy should address, and to consider how such a policy might be implemented.

The work of our six workshops, as well as the wise words of distinguished panelist and speakers, began to give us answers to some of our questions. These will be found in the proceedings of AEROSPACE I, which will be published shortly. In the meantime, NAA has prepared the first draft of a National Aerospace Policy, which we believe must be the first step toward repairing the bad situation in which our aerospace establishment finds itself.

Let me emphasize that this is a first draft, and a rough draft at that. It has not yet been fully coordinated with those who participated in AEROSPACE I. And while I have discussed it with various aviation leaders and interested members of government, there just hasn't been opportunity for the full exchange which must in time take place.

Nevertheless, we believe the problems and difficulties of the aerospace establishment are so real and so fraught with national danger that we are placing the draft statement in the public arena so that debate and discussion may be expedited.

Now, you will quickly see that the statement is quite general. It is not a budget document, but a summary of major goals and principles. There is no alternative to this approach. What we need first of all is a statement which the entire aviation community can support. If the various aviation organizations could have agreed on more issues in the past, we might not be in the present plight.

The second urgent need is a policy declaration that aerospace is vital to our national security and our economic growth—and that it deserves better treatment than the benign neglect or outright mismanagement which has occurred in many past actions of the government.

If this policy statement, or some such policy statement, can meet these two needs, it will be well worth while and will serve as the platform for future constructive action.

You are probably wondering now what we mean by constructive action—or how do we get down to the specifics of timing and funding. In our view the next major need is to create a mechanism for dealing with these specific problems and issues—and they are complex ones at that. The issues affecting aerospace involve national security, technology, international trade, economic development, foreign policy and many others. There is no cabinet council that is organized to cover such an array of subjects.

And even if there were, it would still not be the right answer. What is needed—and what has worked when it has been tried both here and abroad—is a forum in which the leaders of the industrial, scientific and financial communities can meet with the appropriate government ministers and seek solutions to problems on the basis of the good of the country rather than the more parochial considerations. We are thinking of some arrangement such as the Air League in the U.K., or the Air Coordinating Committee which held forth here from World War II until the late 1950's. With a mechanism of this type, we believe that better solutions to the specific problems will be found—certainly better than those produced by attacking the problems without a policy, a goal or a mechanism, as we have been doing.

To conclude, let me say that NAA's aims for 1982 will be to improve the policy statement and to stimulate the creation of the coordinating mechanism which is needed so badly.

I thank you for your attention and will now try to answer your questions.

A NATIONAL AEROSPACE POLICY FOR THE UNITED STATES—FIRST DRAFT OCTOBER 29, 1981

Given: That aerospace is a vital element of U.S. national power—the key to our national defense and essential to our economic strength and development.

That as the world moves into space, the high ground of the future, the U.S. must establish and maintain the capability to neutralize hostile military actions in space.

That space offers untold opportunities for future economic development.

That U.S. national security demands a strong defense industry with an early surge capability.

That the high quality of U.S. aerospace products, along with new aircraft orders by U.S. air carriers, has brought about U.S. domination of the world market in civil aircraft and has produced large and essential export balances for many years.

That the national air transport system, including airports and airways, is critical to interstate commerce.

That aerospace products and air rights are significant factors in international negotiations.

That the international air transport system brings the people of the world closer together in peaceful relationships.

Given, However: That, the continuing Soviet arms buildup increases the threat to our national security.

That U.S. leadership in air space is under unprecedented challenges by friend and foe.

That the Soviet space program is better supported than that of the U.S., and that the Soviets have virtually established a permanent manned presence in space.

That there is inadequate support for U.S. exploration of outer space and the universe.

That the NASA/industry/science team is not receiving the resources needed to insure U.S. technological leadership in aeronautics or space science.

That the U.S. defense industrial base can no longer support mobilization plans in the event of emergency.

That the U.S. system for command, control, communications, and intelligence needs to be improved, modernized and made survivable.

That the U.S. strategic bomber force is rapidly becoming obsolete.

That the U.S. ICBM force is becoming more vulnerable to Soviet attack.

That U.S. strategic airlift capabilities continue to be inadequate.

That the air superiority formerly provided by U.S. tactical aircraft is no longer assured, and the development cycle for new aircraft takes too long.

That the development of adequate airport and airway system capacity has been impeded by prolonged disagreements on allocation of system costs and the public benefits derived from the system.

That the future of the air transport system is threatened by piecemeal and in-

consistent noise abatement regulations at the local level.

That the ability of the U.S. airlines to purchase new aircraft is threatened by high fuel costs and excessive competition in a deregulated environment.

That the plight of airlines, along with growing resistance to the export of U.S. aerospace products in world markets, threatens the health and vitality of the U.S. aerospace industry.

That the emphasis of U.S. authorities on low prices in international air transportation has undermined the economic viability of the international air transport system.

That U.S. customs, immigration and border crossing requirements and practices have detracted from the ability of international aviation to promote peace through international travel.

That the human resources needed to maintain U.S. leadership are failing to materialize, as evidenced by a falling off in the production of U.S. aeronautical scientists, engineers and technicians. Similarly, the interest of young Americans in aeronautics and space flight is being suppressed by the growing costs of entering the world of flight.

That the U.S. government has no effective mechanism for dealing with these issues or coordinating the many facets of aerospace from the viewpoints of national security, technology, international trade, diplomacy and economics.

That the responsibilities for space related functions are scattered among many agencies in the U.S. government with no overall coordinating machinery.

It Is Therefore the Policy of the United States: That continued leadership in air and space is vital to U.S. national security and economic growth.

That this leadership—based on technological excellence, airline prosperity and the preeminence of the U.S. aerospace industry—is a vital national asset.

That any developments which threaten U.S. leadership will be considered a threat to the security of the U.S.

That it is a national goal to establish and maintain organization, policies and programs that will assure continuation of U.S. aerospace leadership.

SPACE

That since the nation's first line of defense will ultimately be in space, the U.S. must expedite programs that lead to the establishment of space related defense systems.

That improved functioning and survivability of command, control, communications and intelligence systems in space must be given high priority.

That commercial exploitation of space is now technologically feasible and must be expedited through innovative cooperation arrangements between government and industry.

That plans for U.S. space stations be given higher priority.

That U.S. exploration of outer space—the newest frontier—must be sustained.

That a focal point in the U.S. government for overseeing space related programs must be established.

MILITARY AIRPOWER

That the U.S. strategic bomber force and land based strategic missile force must be modernized to preserve the effectiveness of the Triad concept.

That U.S. strategic airlift capabilities must be increased to a point where they can support required deployments.

That the U.S. tactical military aircraft inventory must be brought to quantity and quality levels sufficient to prevail against expected threats.

That the development cycle for new aircraft must be reduced in time.

That additional efforts must be undertaken to ensure that the military services are provided with adquate numbers of dedicated and qualified people—by the draft, if necessary.

THE DEFENSE INDUSTRY BASE

That the defense industry base must be strengthened to a point where it can support mobilization plans. Particular attention must be given to manufacturing research and development and other programs to enhance productivity. Greater stability in the defense related marketplace must also be emphasized.

TECHNOLOGY

That the government, the defense industry and scientific community must maintain and strengthen the teamwork which has brought about U.S. aerospace leadership in the past and which is needed to provide the technology with which the U.S. aerospace industry can produce superior civil and military aircraft, spacecraft, and space facilities.

That the criteria for government funding of aeronautical research and development in the intermediate phase between pure research and commercial application must be: (1) whether the program will benefit the Nation; (2) whether the technology involved is necessary to maintain U.S. preeminence in that particular area; and (3) whether the program can or cannot be funded as a normal business risk by the private sector.

That technology transfer must be limited to situations where the transfer will not impair U.S. interests.

CIVIL AVIATION

That, under private operation, the national air transport system must: (1) provide the public with safe, efficient and economical air transportation; (2) contribute to the economic growth of the Nation; and (3) generate earnings that attract capital, provide job opportunities, and facilitate the acquisition on new technology aircraft.

That the U.S. airport and airway infrastructure must be the most safe and efficient in the world—supported by public and private funds on realistic assessment of the public benefit derived.

That the U.S. airport and airway infrastructure must provide adequate capacity to meet public demand with particular attention given to new air traffic control technology and more ample reliever airports and heliports.

That the U.S. government must take appropriate action to prevent the crippling of the national air transport system by piecemeal and inconsistent noise regulation at the local level.

That a vigorous general aviation establishment is in the national interest.

INTERNATIONAL AVIATION

That continuation of the favorable trade balance in aerospace products is in the national interest.

That the Agreement on Trade in Civil Aircraft must be enforced.

That the U.S. international air transport industry must: (1) contribute to U.S. national objectives in defense and security, foreign policy and international commerce; and (2) be safe, efficient and economically viable so that it can generate earnings that attract capital and provide job opportunities.

That discrimination against U.S. manufacturers in the world aerospace market and U.S. flag carriers in international air commerce is adverse to the national interest. This policy objective must be achieved by bilateral and multilateral negotiations with the nations concerned.

That international transportation of people, mail and goods must be offered at economically justifiable prices.

That U.S. customs, immigration and border crossing requirements and practices at U.S. international airports must be modernized and simplified to retain the benefits and public convenience of high technology air transportation and to facilitate international travel.

HUMAN RESOURCES

That adequate numbers of pilots and trained aeronautical technical personnel is a national necessity.

That young Americans must be encouraged to build, maintain and fly aircraft and spacecraft.

COORDINATION OF AEROSPACE ISSUES

That improved machinery must be created for coordinating aviation and space programs, national security requirements, supporting technology needs, economic objectives, foreign trade considerations, and international aviation policies. This machinery must bring together both civil and government leaders in a joint effort to insure that the U.S. aerospace establishment best serves the national interest.

Mr. GOLDWATER. Mr. President, I would like to ask the Chair if it would be proper for me to address a few remarks relative to the televising of the Senate. Would that be in order at this time?

The PRESIDING OFFICER. At the present time, the Senate is conducting morning business. If the Senator from Arizona desires to be recognized, the Chair will recognize him for any purpose he desires.

Mr. GOLDWATER. I thank the Chair.

TELEVISION AND RADIO COVERAGE OF SENATE PROCEEDINGS

Mr. GOLDWATER. Mr. President, I know that the majority leader, a man for whom I have great respect and a great feeling of friendship, is most anxious to see the proceedings of the Senate televised. Mr. President, I have to oppose that.

I can recall very vividly the experience we went through in this Chamber when we were debating the Panama Canal giveaway. I recall Members of this body—one in particular—who made a 6-hour speech. I never heard him make over a 20- or 30-minute speech in my life before. There was only one reason for that—he got on radio.

Now, I will tell you only the Lord knows what will happen in this Chamber when that red light goes on. I can see speeches going on all day, and we do not say too much as it is and the longer we speak the less we say. I would be very fearful, frankly, that

what work we do accomplish in this body would diminish. It might even disappear, particularly when we have one-third of our body running for reelection. There is no better way of getting to the public, of course, than through television. And there is no better way to impress the folks back home that you are just working your head off than standing here on the floor and orating at great length while the light shines red.

I hope, Mr. President, that our leader will not go through with this proposal. I think the great strength of this body is our ability to speak. I do not think it is going to be stregthened by having an artificial stimulation of television. I do not think the quality of gur remarks will improve. A do not think the quality of our legislatien will improve. And I can see someof these emotional issues, such as if we had television with busing in here, we would have been busing around here for the next year. And when we get up to something like abortion—"Sadie lock the door." Thiat is goint to be a hard one to shut up.

I am going to say more on this when the time comes, But I just wanted my leader, The Senator from Tennessee to know that he cannot count on me even though I am chairman of the Communications Subcommittee. And of course, I wqill use every power I have in that little job to see to it that television stays on the Johnny Carsons and the other performance that bring us real entertainment and not depend upon the U.S. Senate, the 100 dedicated men and women, who, frankly, would do much better just being alone in here. I thank the Chair.

Mr, LONG. Will the Senator yield for a question?

Mr. GOLDWATER. Yes.

Mr. LONG. Mr. President, may I refer to some figures the majority leader put in the RECORD to indicate that the first year the House was on television, which was the first year of this Congress, that the House was in session less hours than the House was in session the previous session, which was the last session of the previous Congress. I have discussed that matter with House Members who told me that that is a very meaningless comparison. They said the proper comparison would be how much time did it take to pass a given number of substantive bills. In other words in the first session of last year, the House passed far fewer bills than they passed in the last year before the House televised its prceedings. The average amount of time taken on a bill was more than an hour longer.

But even that tis not a meaningful comparison for the Senate, may I say to the Senator, because the House has a Rules Committee that fixes in advance the amount of time the House can speak to something. The meaningful comparison would be to compare the amount of time spent on these little 1-minute statements where people make a brief statement and put an insertion in the RECORD, and then they—not all, but some Members—learn to tape it and send that to TV stations in their area. And for that type of conversation, it has more than doubled. And that is with the thing just getting started and a great number of Congressmen not being adjusted to it and not organized to use it with the committee backbone to pay to put it on the air.

In due time, one would think it could quadruple. Certainly it could quadruple here in the U.S. Senate. And the Senator well knows we were not able to get our job done the way it is now. So we have a real problem there.

Furthermore, I would like to ask the Senator, as one who can be an expert on this subject, what problems can it pose to us when Members of this body, for whatever reason, decide they would like to be considered as candidates for the Presidency? The Senator did not use the Senate as his platform or his podium to project his candidacy for the Presidency when he made a very fine campaign, in the finest tradition of the Nation, for the President of the United States.

But I would ask the Senator, are there not Members of this body who nurture the hope that they might be President of the United States some day?

Now, may I say I have studied it and thought about it. I just counted up the list of Senators who have either given some suggestion or appointed a committee or made some arrangements for people to explore the possibility of a Presidential candidacy on behalf of such Senators. And I have gone through and checked off the list of Senators who I think either have the potential to be President some day or who I have reason to believe that they think they have the potential to be President some day, and it adds up to at least 61 Senators in this body.

Of course, a man does not have to declare himself a candidate for the President of the United States in order to think about it. One can have it in mind without ever making it a matter of public knowledge, for reasons of propriety or for whatever reasons.

Can the Senator see the potential Presidential candidates holding this floor day in and day out to advance their candidacy for the President of the United States?

Mr. GOLDWATER. Certainly; although I would not say that is my principal objection. If we had television on the floor in 1964, I would have probably lost more. But, that is beside the point.

I can refer the Senator to the advent of television in our committee rooms. We used to hold very fine hearings in Armed Services, for example, a very complicated field, in a small room. Oh, no more. You have to have it in a big room; you have to have television. I have never seen it on television, but we have to have it on television.

And the Senator himself knows from his own committee experience that whenever that light lights up and the camera is on you or me or anyone else, the opportunity to go nationwide is kind of hard to resist.

I would not even guess if there is anybody in this Chamber that is thinking of being President, although I will have to say there would be something unnatural about him if he was not or did not at some time. I think we all dream, and sometimes in the middle of the night those thoughts come to us. And the middle of the night would be a good time to have a television camera right at the foot of your bed and just turn it on and make your speech. There are three speeches we make. We write one out meticulously, we deliver it, and then the best speech is the one we make when we go to bed. So that is where you ought to have the television camera, not here where we make our worst speech.

I think the Senator is absolutely right. Getting back to the Senator's original question, the House has control. They have the Rules Committee and they have the 2-minute rule. Over here we have unlimited debate. And it will be more than unlimited with that machine going.

I would really hope that the majority leader would not push this matter. I do not think his father-in-law would ever have liked it. As beautifully as he spoke, as one who served with him, he did not wish us to stand up and speak the English language as he spoke it. I think he would be the first to say, "I only want my colleagues to hear this."

Mr. BURDICK. Will the Senator yield for a question?

Mr. GOLDWATER. Yes.

Mr. BURDICK. When the red light comes on, what happens to the committee participation?

Mr. GOLDWATER. If it comes on in here, everyone will have to be in here or the television cameras will show a whole lot of empty seats. When it gets back home, they will say, "Where is that Senator we elected? He is supposed to be there."

The folks back home do not realize that all of the work is done in the committees. This Chamber is sort of a showplace. I would hate to have that red light be a signal to vacate this Chamber. We have enough signals now to vacate the Chamber.

There are now three of us on the floor. I imagine something is going to happen today sometime, but if this were being televised there would be 97

Senators catching hell at home for not being here.

That is another good reason to oppose it.

Mr. LONG. Will the Senator yield for a question?

Mr. GOLDWATER. Surely.

Mr. LONG. Speaking of the experiences in committee, does the Senator observe what this Senator notices, that when they put proceedings on television and when the camera comes on the Senator and he is there before the camera on television, and here is a prominent witness—I do not care whether he is a general in the Army or someone who testifies about Watergate or whatever—when the camera comes on the Senator, he cannot sit there and say, "No questions."

People will say, "What about my Senator? Others had a lot of intelligent questions to ask, but he just sits there like a bump on a log."

You have to ask intelligent questions. We have been through this for awhile. We still have not lived through the stage where people ask questions, just because the TV camera is on them.

May I say to the Senator that when the Senator from Louisiana was there in a committee doing the work of a Senator, getting the evidence, sometimes the Senator from Louisiana was the only one sitting there, not just on one committee but on other committees, doing his duty, sitting there when others have left, asking questions that should be asked.

I have done this and I am sure the Senator has done it, to submit a whole list of questions, saying, "Here are the questions. Will you provide the answers to the questions?"

The witness will usually do so and it ordinarily is adequate. If not, you can call him back and get further information.

But that sort of thing does not happen on television now. People do not submit questions on television but they ask them. Is that not correct?

Mr. GOLDWATER. That is correct. And they do not care how long it takes or how right the questions are or how material they are to the subject being discussed. I think it would be much, much more kind of the witnesses from the Pentagon, who spend far too much time over here explaining things to us than I think they should.

I just repeat, Mr. President, that I hope this idea comes to a no good end. Turn the light off.

Mr. LONG. Will the Senator yield further?

Mr. GOLDWATER. I yield.

Mr. LONG. May I refer the Senator to the RECORD I hold in my hand as a point of illustration. Here is where Mr. RIEGLE took the floor and there is a bullet, a black mark alongside his name, a round, black mark which we call a bullet for the RECORD. The subject is "Detroit District Recruiting Command."

We all look at that bullet and we know Mr. RIEGLE was not on the floor at the time. He just sent that on in and asked that it be in the RECORD. He did not make the speech. He just put it into the RECORD. He did not consume any of the Senate's time. We are able to get on with the business.

Mr. GOLDWATER. If the Senator will yield, I just did it. I had a nice three-page statement. I could have read it but it would have been a waste of the time of the Senate so I used the procedure of reading one or two words and asked unanimous consent that the remainder be printed as if read. I do not like that either, I might say.

Mr. LONG. But here the people in Detroit will say, "Why didn't he say that? He just put it into the RECORD."

In other words, Senators would have to make these statements, to stand there and read them. Better yet, it would make a better impression on the people back home if you spent some time rehearsing it, standing up here and saying it with great flair.

Then people back home would say, "Didn't Senator RIEGLE make a great speech about the Detroit District Recruiting Command?"

So when it goes on television, you want to give them a good impression.

Let me ask the Senator a further question. Can the Senator explain why we want to show ourselves at our worst on television? I thought if you are going to be on television, you would put on a blue shirt, put on some TV makeup, make yourself look real pretty and look like a million dollars. Everyone would try to present himself to look good.

Mr. GOLDWATER. If the Senator will yield, there is the problem that we have to have our hair fluffed, we have to have our wife, if we have our wife around, tell us what tie we should wear.

Nothing makes me madder than my wife telling me what tie to wear. And whether to wear a white shirt or blue shirt because it depends on the lights. You have to shine your shoes.

No, I do not like that. I like to come on as I am, as terrible as that is. I do not want to spend 3 hours every morning getting prettied up.

Mr. LONG. Do we not also have a problem of presenting something that does not make a good appearance on television and then explain it? Why present a picture during a quorum call of all the empty desks and have to keep explaining it? For all we know, people on television would think we are not telling the truth or exaggerating it or misleading them. Why should we have to explain something that would serve no point in being put on television to begin with?

Anyone who is interested in the work of the Senate and can spend some time in connection with it knows that many times during quorum calls or while we are waiting for someone to come to the Chamber, or waiting for a committee to report a bill, very few people are on the floor. Someone would like to make a speech so we put a quorum call on while he is on his way over. Why explain that? People reluctant to believe it would say, "They want to make themselves look good."

As I explained a few days ago, people say they want to see the inner workings. What are the inner workings of the Senate? It is what they do when drafting a bill. The committee spends hours picking out a particular word that might seem best to Senators. If anybody wants to see it, they can put it on television right now. I do not have the slightest objection. I can guarantee them one thing: They will not do it again because anyone who saw it would refuse to look at it again. If they tried to present it a second time, people would turn it off.

So if one wishes to show something of the Senate, it would make sense to think that they would show the things that would be of interest, to say the least, not the part that is of no interest, that does not present us in a particularly good light anyway.

Is it not much more important that we do our job than that we project one kind of image or some other kind of image?

Mr. GOLDWATER. I have another problem that not many Members have. I am a member of a union and members of that union are television actors. My union would get awfully angry if I were appearing on television free and it might upset me that I did not get paid for it. But I do not think we ought to get paid for appearing on it here.

I will close by saying I hope we can beat this thing. I think it is a waste. I think we can do a better job without it. We can give our newspaper friends a better chance to report. There is nothing that will kill a newspaper faster than television.

I am going to have to leave the floor. I thank my friend for the questions and I assure him I shall support his efforts.

I thank the Chair for his courtesy.

CALL OF THE ROLL

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum. The bill clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 4 Leg.]

Armstrong	Goldwater	Warner
Baker	Long	
Burdick	Mathias	

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

The bill clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 4 Leg.]

Abdnor	Gorton	Murkowski
Baucus	Grassley	Nickles
Bentsen	Hart	Nunn
Bradley	Hatfield	Pell
Bumpers	Hayakawa	Pressler
Byrd, Harry F., Jr.	Helms	Proxmire
	Hollings	Pryor
Byrd, Robert C.	Humphrey	Quayle
Cannon	Inouye	Randolph
Chafee	Jackson	Roth
Cochran	Johnston	Rudman
Cohen	Kassebaum	Sarbanes
D'Amato	Kasten	Sasser
Danforth	Kennedy	Schmitt
DeConcini	Laxalt	Simpson
Denton	Leahy	Stafford
Dixon	Levin	Stennis
Dodd	Lugar	Stevens
Dole	Matsunaga	Thurmond
Eagleton	Mattingly	Tower
East	McClure	Tsongas
Exon	Metzenbaum	Weicker
Ford	Mitchell	Zorinsky
Garn	Moynihan	

Mr. STEVENS. I announce that the Senator from North Dakota (Mr. ANDREWS), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from New Mexico (Mr. DOMENICI), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Utah (Mr. HATCH), the Senator from Florida (Mrs. HAWKINS), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Iowa (Mr. JEPSEN), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Idaho (Mr. SYMMS), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

Mr. ROBERT C. BYRD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Oklahoma (Mr. BOREN), the Senator from Florida (Mr. CHILES), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Alabama (Mr. HEFLIN), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Montana (Mr. MELCHER), and the Senator from Michigan (Mr. RIEGLE) are necessarily absent.

I further announce that the Senator from Ohio (Mr. GLENN) is absent on official business.

I also announce that the Senator from New Jersey (Mr. WILLIAMS) is absent because of illness.

The PRESIDING OFFICER (Mr. ARMSTRONG). A quorum is present.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business is closed.

TELEVISION AND RADIO COVERAGE OF SENATE PROCEEDINGS

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. MATHIAS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Senate will now resume consideration of the pending business, which the clerk will state.

The assistant legislative clerk read as follows:

A resolution (S. Res. 20) providing for television and radio coverage of proceedings of the Senate.

The Senate resumed consideration of the Senate resolution.

Mr. MATHIAS. Mr. President, today we begin consideration of Senate Resolution 20, which was introduced by the distinguished Senator from Tennessee, the majority leader of the U.S. Senate, to provide for television and radio—not just television, but television and radio—coverage of the proceedings of the Senate. Our consideration of this measure is a historic first, the first full-scale debate on the floor of the U.S. Senate on proposed legislative action designed to open the Senate Chamber to the ears of radio—and my distinguished colleague from Kentucky, the ranking minority member of the Rules Committee, I believe, is strongly in favor of that aspect of this measure—and to both the eyes and the ears of television for more than a specific one-time-only occasion.

This day has been a long time in coming, but I think it is, in a way, the acknowledgment by the Senate that television does exist. It is a significant fact of life in America, and we have been a long time accepting it as a fact of life in the Senate.

The genesis of this development is probably that historic day in the 18th century when the Senate voted to establish public galleries. That is when it really all began. Later, as the Chamber was expanded, the galleries were expanded. A walk 100 feet down the main corridor of the Capitol to the old Senate Chamber will show how small the galleries were in those days. A limited number of visitors could be accommodated in comparison with the size of the galleries today. The inclusion of television cameras in this Chamber will really be just another expansion of the gallery, another expansion of the number of people who can do what the limited number of people who sit in the galleries today can already do. As technology advances, we are able, in effect, to expand the galleries through the electronic media. But until we throw that switch, that expansion bogs down.

In the midforties, Mr. President, an old friend and distinguished colleague and a long-time Member of the House, who has served in both bodies, CLAUDE PEPPER, introduced during his Senate service the first resolution providing for broadcast coverage of floor proceedings. This was a forerunner of the many resolutions which subsequently have been directed toward the same goal—first for radio and then for both radio and television.

CLAUDE PEPPER today has made a strong reputation as one who advocates the rights of senior citizens.

But when he introduced this resolution, he was a young man, just 43 years old. I guess that is still classified as a young man.

Today, he is a senior citizen, one of the most respected senior citizens. He is no longer in his forties, not even in his fifties, not even in his sixties, not even in his seventies. He is 81 years old. Yet, we are just getting around to the floor consideration of a resolution which reflects his idea. It may say something about the Senate, the pace of the Senate, that this has taken us nearly 40 years.

Mr. LONG. Mr. President, will the Senator yield for a question at that point?

Mr. MATHIAS. Surely, I am happy to yield.

Mr. LONG. Did it ever occur to my good friend, the distinguished chairman of the committee, that perhaps that demonstrates the wisdom of the Senate, that it has not acted favorably on that measure during this interim?

Mr. MATHIAS. I reflected on that a little, and it could be the wisdom of the Senate or, as my friend from Louisiana might consider, it is the timidity of the Senate.

Mr. LONG. Will the Senator yield further?

Mr. MATHIAS. I yield.

Mr. LONG. Does the Senator really think, then, that if they thought it was good for the country, if they felt that timid, they would withhold doing something that they thought was in the national interest?

Mr. MATHIAS. The Senator from Louisiana raises the question whether the Senate was so wise that it did not do that. I think it is an equally valid speculation that it was perhaps too timid, but either of us could be right or either of us could be wrong. That is one of the things we will determine during the course of the next week.

I hope the Senator from Louisiana will recall that the idea has not been lying dormant, totally dormant, during the past 37½ years. Things have been happening which would indicate that perhaps it is more timidity than wisdom.

In 1947, television cameras were permitted in the House Chamber for the one-shot coverage of the opening of the 80th Congress, and we had television cameras in the Senate recording the testimony of General Marshall before the Senate Foreign Relations

Committee on his great plan to reconstruct Europe, the plan which is recorded in history as the Marshall plan. We had that on television.

Since then, we have seen, among other things, the inauguration and successful continuation of gavel-to-gavel TV coverage of the proceedings of the House of Representatives.

In the Senate, we had cameras for the televising of the swearing-in ceremony for the Vice President of the United States, Nelson Rockefeller. We had the radio broadcast coverage of the Panama Canal debate.

Incidentally, I think that as a test case, that is a very interesting one, because people who commented to me on the Panama Canal debate said, "My, I didn't know you fellows knew as much as you did." They were pleasantly surprised that Members of the Senate could get on their feet and engage in colloquy, not something handed to them by their staff, but engage in colloquy back and forth among themselves, on a totally extemporaneous basis, and actually showed that they knew something. I think that, of course, is one of the tests.

Mr. LONG. Will the Senator yield for a question at that point?

Mr. MATHIAS. Surely. I yield.

Mr. LONG. Is the distinguished chairman aware of what in fact happended in the course of the Panama Canal debate. After the matter had been debated at great length here in this body, it was finally agreed by unanimous consent that we would vote at a given hour. When the hour came, with the entire Nation listening breathlessly to the radio so as to hear how the vote was going to go, a request was made to extend the time so Senators could make further speeches. At that point the Senator from Louisiana objected to extending the time?

The people had a right to hear the vote. They did not tune in to hear any more speeches. They had been hearing speeches for weeks. They wanted to hear the vote. So, we briefly extended the time and let Senators make still more speeches, when what the people really wanted to hear was a vote, and everybody agreed there was going to be a vote at that time.

Mr. MATHIAS. I do not think the people were too shocked by the fact that there was some additional word to be said. After all, the American people believe in joining associations and committees and commissions. Anybody who has ever served on a church board or a school board or a town council would be familiar with that particular syndrome. I think it would be reassuring to them to know the U.S. Senate is so human an institution.

Mr. LONG. May I ask a further question? Did it ever occur to the Senator that one reason Senators wanted to speak at that moment was that at that point they knew radios would be tuned in all over America to hear the vote, and that would give them the largest audience to address? Perhaps that was the reason why Senators wanted to make further speeches at that time.

Mr. MATHIAS. The statistics overall do not support that conclusion. I think one of the interesting tests of this whole theory is the coverage of committee sessions. Almost every day, when Senate committees are in session, there is television coverage; cameras are in the committee rooms. They grind away. The lights are on. I do not find that it greatly alters the behavior of the committee members.

However, I will not belabor the point. I merely want to indicate that the issue before us is not novel. In one aspect or another, we deal with TV every day. I suspect that the basic arguments both for and against it are not novel, either.

Listen for a moment to these words:

> Surely the people of this country are sovereign. Surely all of us regard ourselves as their spokesmen. We are all trying to serve their objectives and their purposes. If they could be brought, as it were, * * * as the visitors in the galleries are privileged to be, to be witnesses of the deliberations * * * in Congress. I believe it would be in furtherance of the Democratic process.

That kind of thing has been said in connection with Resolution 20. In fact, those were words spoken by Senator PEPPER in 1944. I must confess I think they have a good deal of validity and persuasiveness today, perhaps even more than when they were uttered in 1944, because they expressed then and they express now the fundamental concept behind broadcast coverage of our proceedings, and that is, in CLAUDE PEPPER'S words, "furtherance of the democratic process." That is what it is all about. That is all we are trying to do.

I am sure we will hear during our debate on Senate Resolution 20 about technical aspects of televising the Senate, things such as whether or not the required lighting might be too bright, whether it is going to be too hot, questions as to whether cameras could follow a Senate debate in which, rare as it might be, every 1 of the 100 Members of the Senate would participate, speaking from their desks in different parts of the room, speaking extemporaneously without any prearranged sequence, without any pattern by which there would be a director.

I think that during the debate we will certainly hear about institutional aspects of the matter, whether broadcast coverage would affect quality of debate, and whether, as the Senator from Louisiana has suggested, it would affect the quantity of debate.

And I am sure that in the last analysis we will deal with the matter of cost. On the day the President's budget comes down it is appropriate that we think about the question of cost. I know that this is a vital consideration for the majority leader, and I share his concern in that respect.

But each of these factors, the technical issues, the institutional issues, and the cost issue have been studied at great length.

Back in 1974 the Joint Committee on Congressional Operations held extensive hearings and concluded that Congress should conduct a carefully designed and limited test to determine the feasibility and desirability of a permanent system for broadcasting activities in the Senate and House Chambers.

In the other body, in the House of Representatives, this led to the televised proceedings with which we are all familiar. In the Senate it led to more tests and more studies, most of which have been conducted by, or in cooperation with, the Rules Committee.

Since the midseventies we have tested lighting, and we have observed televised proceedings in other legislative bodies in this country and around the world. We have had a chance to study approximately a dozen Senate resolutions calling for the broadcasting of floor activities, either specially selected activities or the floor proceedings in their entirety.

In two of these we acted favorably: As I mentioned, the swearing-in of Nelson Rockefeller as President of the Senate and Vice President of the United States, and the debate on the ratification of the treaty affecting the status of the Panama Canal.

Other resolutions, prior to the pending resolution, have expired without action.

For 3 days last year, the 8th and 9th of April and the 5th of May, the Rules Committee held hearings on Senate Resolution 20. Among those who testified were some of our colleagues in the Senate, Members of the other body, the Architect of the Capitol, the Senate Sergeant at Arms, the Librarian of Congress, professional staff from the Congressional Research Service, representatives of television networks and radio, and a number of interested parties. The final committee vote to report the resolution was unanimous.

So we come to the floor with a wealth of opinions and background information and statistical data and findings.

I certainly am the first to admit that this is a complex issue. It has many facets, and I shall just mention some of them very briefly. Of prime importance, as we begin our debate, is a clear understanding of what it is that television viewers will see if the Senate decides to televise its proceedings.

And I think it is fair to ask the question: Will it be entertainment? Or will it be news? Or will it be a report?

And if the Senator from Louisiana were to ask me which I think it will be of those possibilities, I would say none of them. What we will be making here is a record. It is a record of the proceedings of the U.S. Senate.

I hope it will be entertaining. I hope it will have news value. I hope that it will have some merit as a report. But basically it is a record. It is the record. And just as the printed RECORD was an innovation at one time in the legislative halls of the world and among parliamentary bodies of the world, this is embodying the technology of our day in a new media to make a record, and it is just as simple as that.

Let me explain exactly what I mean. When the House sessions first went on the air, there was a review in a newspaper called Variety. It is the show biz newspaper. And it headlined the House broadcasts as "Dullsville, D.C."

I must say to my colleagues that we must brace ourselves here in the Senate for a similar review. Inadvertently, perhaps, we may entertain at times, but it is not our prime purpose, nor is it the prime purpose of having the proceedings televised. Dullsville might be compared to Dallas or to General Hospital, but we should not lose sight of the fact that a televised Senate will not be competing for ratings, and Senators will not be, as far as I am concerned, eligible for Emmy's. Nor will it be a TV special. It will not be show business. Therefore, whether or not we are a theatrical hit is immaterial, and it is not something with which we should concern ourselves.

Furthermore, the televised proceedings in themselves will not be news, not news as defined by Webster, which is a report of recent events. It will be a record of the events themselves. So, therefore, while televised proceedings might provide material for a report of recent events, they are not the report itself. The reporting is handled very thoroughly by our friends in the news media galleries, and what we do here on the floor of the Senate is simply not news according to the Webster definition until someone extracts the salient points and puts them into context and makes a report on them.

To reiterate, televised proceedings are not entertainment. They are not news. They are not in themselves a report. They are simply an account of what we do as we do it, which can provide instruction for students, material for historians, and information for citizens.

Perhaps, some have argued, the intent of televising floor proceedings might not be to provide entertainment. But what about that bit of showmanship that dwells within us all, not least in the Senator from Louisiana and the Senator from West Virginia? And what about that bit of politician in all of us that responds to microphones and television cameras?

The question has been asked, Will speeches be more florid? Will they be more numerous? Will they be longer?

A man who has had practical experience with those questions is a Member of the other body, Representative CHARLIE ROSE, and I will let CHARLIE ROSE answer those questions by quoting from testimony that he gave to the Rules Committee. He said:

> Somebody said to us when we started (preparing for the televising of House proceedings): Won't the House Members play to the gallery? Well, we went back and found in the CONGRESSIONAL RECORD of many years ago where, when the Senate decided to admit the press and the public, the concern was expressed, over 100 years ago, that Senators would play to the gallery. Well, that has not occurred.

The Rules Committee examined this particular concern at great length and in great depth, particularly by studying the empirical evidence presented by legislatures which had adopted television, and here is what we found, as stated in our report:

> The general opinion seemed to be that when the televising of legislative proceedings begins there is—

And I call the attention of the Senator from Louisiana to this—

> an initial moderate upsurge in the number of speeches and jockeying for TV spots, desirable TV slots.

Soon the awareness and the attention to the new phenomenon subside, and again I particularly call the attention of the Senator from Louisiana to this fact, that after that, it is generally business as usual, at least to the extent that any changes are so minor that they are of little concern to the legislators.

There is also another answer to this question of showboating or grandstanding, call it what you will, and the majority leader expressed that answer in this way. He said:

> I heard somebody say one time that in politics, especially statewide or national politics, TV can spot a phony a mile away.

And that is true. Actually, in the Rules Committee we found from testimony presented at hearings that since the advent of television in the House of Representatives, the speeches there have seemed to be more precise and less flamboyant and all-round better and, as the Senator from Louisiana will remember from our colloquy the other day, we actually showed the figures—and they are part of the RECORD—that the hours of the House of Representatives in session have decreased—not increased but decreased—since television was installed in that Chamber.

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. MATHIAS. Surely.

The PRESIDING OFFICER (Mr. ABDNOR). The Senator from Louisiana.

Mr. LONG. May I say to the Senator—and I do not wish to trespass on his time at this moment—I just wish to make the point that we will respond to that, those of us who take the other side of the argument. It is our view that this same study would prove our point rather than the Senator's point, but I will wait. I would be happy to hear his presentation in full, and in due course I will respond to it. But I have had the opportunity to see those figures, and I challenge the conclusion the Senator draws from them. But I applaud the Senator's right to make his case, and in due course I hope the Senator will be present to hear me respond to it.

Mr. MATHIAS. I shall wait with great interest the Senator's being able to draw any other conclusion from those figures than that television has not inspired long-winded attempts to gain the attention of that magic eye.

Mr. LONG. I believe I have a good response to it, Senator. But to be fair to the Senator and to the Senator from Louisiana as well, I personally do not think it is a good idea to try to prove my point on the other Senator's time. It is better for him to make his point and support it, and in due course I will respond to it, and I will in due course undertake to show that I believe the same study would prove my point rather than his.

I thank the Senator.

Mr. MATHIAS. Let us turn to another problem area which does not have to do with people jockeying to get on, but what about those times when there are not enough Senators on the floor, and the fear that, just as at this very moment, there would be more chairs empty than filled and whether that lamentable condition would be shown on television. What about that?

Well, the shots, the television shots, can be so designed that the empty chairs do not show. But maybe another possibility, and one that I do not reject out of hand, is that we show the world what we are as we really are. People who view this scene right now at this moment see us as we are. What is wrong with the rest of the world seeing us as we are? Instead of taking this as a disadvantage, we could seize it as an opportunity to educate viewers on the importance of other things that Senators do besides attending on the floor of the Senate?

I think, perhaps, there is too widespread a view that Members of the Senate drift down midmornings, perhaps closer to noon when the Senate usually convenes; they enjoy a good lunch at taxpayers' expense—which, as the Senator from Louisiana knows, is far from the truth and totally wrong; that then we drift onto the floor and we utter a few rhetorical phrases, and then we go off to dinner at some foreign embassy around town. That is the kind of view that I am

afraid too many Americans have of the Senate day.

Well, if, in fact, we get this realism of television into this Chamber, we can begin to educate the public that when Members are not here, they are probably in a committee or they are meeting with constituents in their offices or they are handling the voluminous paperwork that goes with every Senate day and, I think, perhaps, give to the public a sense of the importance of the committee process, the importance of the work that Senators do away from the floor.

I think a similar process of education could be used to acquaint viewers with perplexing parliamentary procedures which serve to guarantee the rights of individual Senators, the unusual position of the U.S. Senate which is unique in the world, where a U.S. Senator has powers that are unknown in any other parliamentary body.

We have the ability, for example, to engage in debate as long as we have the life and the breath to defend the interests of our constituents and the principles to which we adhere.

We have the ability to introduce amendments on any measure, on any subject, an unusual ability which is not reflected in other parliamentary bodies.

We share with the President of the United States the power of making appointments to the Cabinet and to the courts, to ambassadorial posts, to other high office in this Republic, and very often that power of appointment is the subject of debate here.

We share with the President of the United States the power of formulating the foreign policy of this country, an unusual exercise of parliamentary authority, that is frequently the subject of discussion here on the floor of the Senate.

So I think this would be an opportunity for education about the work of the Senate, and I do not fear the fact that it may occasionally disclose that not every Member of the Senate is present on the floor for every minute of every day that the Senate is in session. I do not think we have to go into the mechanics of these educational projects at this time, but I just want to mention them to indicate that empty chairs and the complicated parliamentary procedures are not insurmountable obstacles.

Now, there have been objections on the part of certain people who are bothered by the possible inconsistencies between the CONGRESSIONAL RECORD and the Senate Journal with what is preserved on the video tapes. They are bothered by the problems that may occur in reconciling the RECORD and the video tapes. But I think, here again, it helps to remember that televising is only intended to transmit what any visitor in the gallery—now, tonight, tomorrow—can observe, complete with grammatical errors, with extraneous matter, and with other materials which sometimes damage clarity and precision.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. MATHIAS. If the Senator will just withhold for a moment——

Mr. RANDOLPH. Yes.

Mr. MATHIAS. The video tape is a rough copy—it is not the certified and official document—just as we may have a rough copy of a speech or a book. The CONGRESSIONAL RECORD and the Senate Journal are the final products.

And it simply is an extension of what the visitors to the gallery see every day. They may hear what the Senator from West Virginia has said, and when they read his remarks, there may be a word or a phase slightly different.

Mr. RANDOLPH. Will my able colleague from Maryland yield?

Mr. MATHIAS. I am happy to yield.

Mr. RANDOLPH. Mr. President, as my two colleagues who are now on the floor (Mr. LONG and Mr. MATHIAS), along with the Presiding Officer (Mr. ABDNOR), we gather to discuss the televising of the Senate.

Mr. MATHIAS. As the Senator from West Virginia knows, we are told on good authority that when two or three are gathered together——

Mr. RANDOLPH. There will be the Democrats. That is a modification of the Bible. I hope I am not upsetting the Senator by using our party.

Mr. MATHIAS. That was not what I had in mind, but I will accept that. I thought that the Senator, with his interest in religious matters, would recognize that as a call from a higher authority, even than the Democratic Party.

Mr. RANDOLPH. Mr. President, I hope that I may be permitted to step back across the years and recall that in 1930 I was first a candidate for membership in the Congress for the seat in the House of Representatives from the Second District of West Virginia.

Incidentally, in 1930, I won the nomination but lost the election.

Mr. MATHIAS. And the country lost an opportunity.

Mr. RANDOLPH. I did run again in 1932, as you know, and was privileged to come to the House of Representatives in the year that matchless maker of leadership, Franklin Roosevelt entered the White House. He held within the destiny of our country those programs which proved themselves then and now. These programs proved to be the infrastructure of our Republic.

Now, to go back to 1930, I was speaking in the community of Paw Paw. Paw Paw is located in Morgan County in the eastern panhandle of our State. Berkeley Springs is its county seat.

Mr. MATHIAS. Paw Paw is also, if the Senator will not mind the interruption, one of the most beautiful spots in America. I would urge everyone who has not been there to go and see the Paw Paw tunnel and the gorge that leads to it.

Mr. RANDOLPH. Yes, Paw Paw is an interesting place with, of course, very industrious people.

But I was speaking that night in a county that was heavily Democratic, once in a while, but the once in a whiles were so seldom that you could not realize that we had many of our party there, certainly not on election day. But the registered majority was very heavily Republican. I was speaking and I thought I had hit a high note, or at least said something that might appeal to the people. Perhaps the 100 who were present. As I did that, the lights went out. I stood in complete darkness on the platform.

The Senator has mentioned religious matters. I did know many, many hymns then, as I do now. There is a hymn that says: "Let the lower lights be burning, send a gleam across the way, some poor fainting, struggling seaman I must rescue, I must save."

I paraphrased it by saying: "Let the lower lights be burning, send a gleam across the way, some poor fainting, struggling Republican, I must rescue, I must save."

The lights went up. They felt sorry for me, perhaps, those that had turned the lights out, and gave us light once again.

But, to come back to the point that Senator MATHIAS is making. I listened very intently to what my colleague from across the Potomac River has said on these matters. The Mathias family is very closely a part of the State of West Virginia and his interests are there as well as in Maryland itself.

But he indicated that those in the galleries see the Senate at work. I only want to comment that later I will be talking about an amendment that I shall offer. The amendment will require Members to vote from their desks and not vote from just any place in this Chamber, calling out their vote in the midst of an uproar. Our proposal will allow the clerks to hear that vote clearly. I speak fondly of all Members of the body. I respect their judgment and their conscience, but I do not always approve of their conduct in the body itself. And yet I hesitate when I rise and call attention to the Presiding Officer's need to restore order in the Senate. Because in the well of the Senate many times Members are congregated as if they were playing ice hockey or soccer or whatever you might want to call it. It is not the well of the House in the sense that we think of it as it is today, calm and empty. Today the three of us who are

here, are conducting business at our desks. The public does not see a jungle in the U.S. Senate as we oftentimes have as we cast our votes.

I wonder if it would not be much better than to think in terms of televising the Senate, that to first of all make certain other modifications in the Standing Rules of the Senate. I think definitely improvements, which would come if Senators would, of necessity, because of the rule change that I hope will be accepted, vote from their desks, rather than to vote as they roam around this Chamber.

I hesitate to say this, because my colleagues know that it is not personal in this reference, but oftentimes a Senator will move in from the cloakroom and barely have his head showing and he will say "yea" or "nay", as if he were voting in this Chamber. He is not at his desk. This Chamber should be a place where Members discipline themselves and give to those that are in the galleries, our guests, the courtesy of decorum in the Chamber. Hopefully there will be some modification of the resolution which finally is passed that will enable those watching on television or in the galleries the opportunity to see the Member voting from his desk and, very frankly, speaking from his desk. The latter is not a part of the amendment which will be under consideration at a later time, but it is a good idea.

I asked the able majority leader, Mr. BAKER, a few days ago if he did not feel that there are possibly changes in the rules that would improve this body. I vividly recall the period several years ago when we had a Senate committee to look into these matters. They met under the chairmanship of an excellent man from Iowa, Senator Harold Hughes. I testified there about possible rules changes as others testified. The years go by, and we still have not taken the action that I think is an affirmative action to improve the operation of the Senate.

Would the Senator from Maryland comment on this suggestion that I am making, which is, in a sense, the changing of the rules of the Senate as is proposed? Certainly the learned, knowledgeable Senator from Louisiana, Mr. LONG who is here constantly on this subject, well knows it is a fact that whatever we are doing here, in one way or another, is changing the rules of the Senate.

Mr. MATHIAS. I am happy to respond to the Senator from West Virginia and comment briefly, because I know this is a matter in which he has taken a serious and a long-term interest. I am aware that he has discussed it with the majority leader, and he proposes to offer an amendment to this resolution at some proper point in the proceedings.

I will listen very carefully to the debate on that amendment.

Certainly, with the confusion which takes place during a rollcall vote, and particularly on which is a cliffhanger, and the milling around that goes on in the well of the Senate, the termination of that scene is a consummation devoutly to be desired. If this resolution might be the vehicle by which that could be brought about, it would just be one additional benefit the Senate would receive from it.

I think we could talk a little bit about how that would be possible and whether, in the situation under which we are laboring, it could be done. Personally, I have great sympathy for the position of the Senator from West Virginia, and we will discuss this a little further as we get on with this discussion.

Mr. RANDOLPH. Would I interfere with the continuity of the Senator's remarks or appeal if I spoke a little more on a subject related to that? I could withhold any further comment if the Senator would prefer me to do so.

Mr. MATHIAS. If the Senator would withhold, I will advise him that the majority leader also wants to present his statement on this matter.

If I may conclude my remarks at this time, I could then yield briefly to the Senator from West Virginia.

Mr. RANDOLPH. I thank the Senator.

Mr. MATHIAS. The question arises as to the control of the operation of Senate television. That is a crucial question. The operation of Senate television, if it is approved, in my opinion should be kept in the hands of the Senate itself, just as in the other body the House conducts its own television operation. We have to keep in mind again that we are attempting merely to make available to an expanded gallery, a greatly expanded gallery, an opportunity to observe our legislative activities. This would not necessarily include dramatic reaction shots.

If the Senator from West Virginia makes a telling and eloquent statement, as he frequently does, the camera is reporting his statement and not necessarily the reaction of the Members or the gallery to what he is saying.

To guard against Senate activities becoming, on occasion, the type of show business that we have discussed here, control should be in our own hands.

Another question that arises is whether it should be gavel-to-gavel coverage or whether it should be something less. That is a question that has often been asked.

Historians choose gavel to gavel coverage, and so do the television network representatives when they are given a choice between gavel-to-gavel and mere segments.

Mr. LONG. Will the Senator yield at that point, Mr. President?

Mr. MATHIAS. Yes.

Mr. LONG. If this Senator were being shown on commercial television, can the Senator imagine how it would be covered? After all, those who are doing it must try to hold their audience if they can, during such a lull as a quorum call. The producer of the show and the people who are announcing and adding the so-called color would discuss what is going on among themselves, what is likely to happen in the future, even run some commercial television ads, and, in due course, come back to what was happening after the quorum call was behind us?

Can the Senator show me any good reason whatever for presenting by satellite or any other way a situation where we are merely calling the roll, merely passing some time waiting for a Senator to come to the floor? Would it not make better sense that even if the Senate were to be on television that during such time as that you would show something else, show what was going on, on the House floor, to do anything rather than just show somebody something as dull as dust, or duller than dust, such as a quorum call where all you are doing is waiting for somebody to appear on the scene and make his speech?

Can the Senator tell me the purpose of presenting a quorum call where there are very few Senators present, and someone drifts in and someone drifts out? Can the Senator tell me the purpose of putting that on live television?

Mr. MATHIAS. Let me ask the Senator from Louisiana a question in response. Does he think we ought to empty the gallery every time there is a call for a quorum, to chase people out of the gallery because they would not be interested in that? As a matter of fact, perhaps some people do leave the gallery, but they do it voluntarily. With television, they flick that switch. That is like getting up and leaving the gallery. If, in fact, they have some interest in it, they can watch it. It is the record, and if the record is to be complete, let them see the complete record.

The decision to discard gavel-to-gavel coverage and to concentrate just on major newsworthy events presents its own problems.

I do not make light of the concern of the Senator from Louisiana about the fact that that would not be interesting. But if we say, "We are only going to televise the interesting things," the question is, "Interesting to whom?"

What is interesting to the Senator from Maryland may not be interesting to the Senator from Texas. The Senator from Louisiana and the Senator from West Virginia may find some things more interesting than others. So it becomes a very subjective question, interesting to whom?

Mr. LONG. May I ask a further question?

Mr. MATHIAS. Yes.

Mr. LONG. If the taxpayers are going to pay for it and you have something that is interesting to, let us say, at least 200 people out of 1,000, and what you are showing here is interesting to less than 1 person in 1,000, would it not make more sense to put on something interesting to 200 people rather than something that is interesting to 1 person?

Mr. MATHIAS. Now the Senator is asking a question which, if he will bear with me, we will get to in later discussion.

I might say that in the language of lighting experts, expert opinions are available concerning the heat and glare which would be generated by the lighting necessary to permit television cameras to record the activities in the Chamber. Suffice it to say that we have been told that quality pictures can be produced without inflicting either high temperatures or disturbing, bright light on our Members.

Now, as I promised the Senator from Louisiana, we come to the cost, which is one of the most significant aspects we have to consider.

The Architect of the Capitol has estimated that the total cost for lights, eight cameras, cable, and control room equipment would be about $3.5 million. Installation would be performed by the Architect's staff and employees of the Senate Recording Studio, and would be charged to current salary accounts.

According to our estimates, equivalent costs for a five-camera installation would approximate $2.5 million.

We have had some further estimates which would revise those figures downward because of developments in the industry, but these were the estimates provided.

The Architect has also recommended the enhancement or replacement of the existing audio system at a cost of $116,000. Perhaps we would have a more convenient method than the microphones presently in use.

Annual operating costs would be about $300,000 a year. Video and archival service by the Library of Congress would be about $93,000 a year.

Spare parts and maintenance labor would be about $200,000 a year. That is one side of the scale.

On the other side of the scale, we have what can best be summed up by the words that I quoted from my friend, CLAUDE PEPPER, at the beginning of these remarks, we have the furtherance of the democratic process. This concept has been described in various ways.

Mr. President, let me comment that, in response to the interest of the Senator from Louisiana in the economics of this, when we talk about the cost of television with the costs that I have just been stating, we are talking about only one-fifth, about only 20 percent, of the current cost for Senators' newsletters, which is another way of expanding our communication. Newsletters cost five times what the television system we are considering would cost. Television costs are a lot less than the postal rate we are discussing now in the Rules Committee. And newsletters, meritorious as they may be, entertaining as they may be, informative as they may be, are not a record.

What we are trying to do has been expressed by the majority leader, who said that a democracy thrives on support and public support thrives on open government.

Carl Bernstein, testifying before the Rules Committee as a representative of ABC News' Washington Bureau, noted that the adoption of Senate Resolution 20 would assure greater understanding of the legislative process, illuminate the great issues, and clarify the deliberations which affect the lives of all Americans.

Mr. President, I think we have to ask ourselves, is this kind of furtherance of the democratic process worth the price? Even in these days of austere budgets and belt-tightening, I personally think that it is. In fact, the dictates of economy themselves demand that we make it possible for the citizens of the Nation to understand more fully and, through their communications, to participate more actively in the momentous decisions which will affect their lives and their pocketbooks. Not all of our citizens can afford to come to Washington to observe this body in action but, as the distinguished majority leader has said, through radio and television coverage, virtually everyone could make the electronic journey that would give them a window on the Senate floor.

When we are talking, as we do these days, in terms of budgets and deficits amounting to many billions of dollars, the expenditures that I have mentioned to let our citizens know how we are dealing with foreign affairs and domestic issues and defense and the economy would, I think, be money well spent.

Another positive consequence of broadcasting our Senate floor proceedings could be the wide availability throughout the country of the complete spoken activities of each daily session of the Senate. As all of us are keenly aware, printing and publishing costs have skyrocketed. Individuals now find prohibitive the cost of a subscription to the daily issues of the CONGRESSIONAL RECORD. We have cutback on free distribution of the RECORD to depository libraries and other public service institutions. A move that we can make to compensate for this decreased communication, this decreased reporting to the country, would be broadcasting our floor proceedings, which would enable many more Americans to become better informed about the crucial work of the U.S. Senate without incurring the cost of a subscription to the RECORD.

Mr. President, what I have said has been mainly about television, but many of my remarks pertain to both radio and television. However, it has been proposed, and my dear friend from Kentucky, in particular, has sponsored the concept, that we limit the broadcast coverage of proceedings to radio alone. So, I would like to comment on this particular aspect of the question.

During the debate on the ratification of the Panama Treaty, radio did prove itself, if that were necessary. We know what it can do, and with the passage of Senate Resolution 20, we shall welcome it as part of the team which is composed of both radio and television. However, to limit the coverage to radio alone would impose unnecessary restrictions on our attempt to further the democratic process. With its limited amount of available time each day and its already committed number of channels, radio could hardly be expected to provide gavel-to-gavel coverage. The result would be limited coverage which, by its very nature, would exclude important segments of the floor proceedings and present a spotty record of our decisionmaking process.

Furthermore, the prospect of limited coverage again brings up the question of who is to determine what is used and what is omitted. That, God forbid, could become a nasty, partisan issue, deciding whether the subjects that were embarrassing to one party would be broadcast at the behest of the other party and vice versa. That is not the kind of spirit in which we want to see the proceeding in the Senate conducted.

One point more, Mr. President. Although radio and television are both electronic media, I think every Member of the Senate is sophisticated enough in communications to know that they have very different audiences, and different audiences, in particular, at different times of the day. Since our purpose is to present a record of what we are doing to those who are entitled to know, it would seem that we should direct our efforts toward the larger rather than toward the smaller audiences. It is obvious that very few people will be watching television while they are commuting in their automobiles. Those people can be reached by radio. But there will also be people at home who will be watching by television. So we are using the miracles of modern communication to present the best record that we are capable of presenting, and the public can take it in the form in which it is prepared to receive it.

Before I conclude, Mr. President, I should note that, as stated in the report of the Rules Committee, televising the floor proceedings of the Senate will require no change in the Standing Rules of the Senate. Detailed procedures for camera operation and for direction will be needed. These, in accordance with the will of the Senate, can either be hammered out by the full Senate or they could be delegated to the joint leadership, or they could be delegated to the Committee on Rules and Administration.

I have no personal feeling on that score. I think a normal repository would be the Rules Committee. But it does not have to be, and I am certainly open to discussion on that issue.

The regulations should insure that the television record faithfully covers the debate as recognized by the Presiding Officer of the Senate and that it avoids all extraneous activity.

For years, Mr. President, we have watched a succession of Presidents use television as the "bully-est" pulpit in our history to convey their views, to advise of their programs, to enhance the perception of the executive branch of Government.

That is one of the reasons why the Office of the President has become such a predominant feature of the U.S. Government in modern times. That is one reason why the executive branch looms larger than the legislative and judicial branches in the perception of the public as it looks toward Washington and looks toward the Federal Government.

A degree of response is now provided by the televised sessions in the other body. The House of Representatives now has a presence, where before there was an absence. But the voice of the Senate, to a large extent, has been confined to these four walls, to the range of our voice.

So it is time that the bully pulpit in the White House be supplemented with an equally strong voice from Capitol Hill and that the democratic process of participatory government be extended by the Senate in the same way it already has been extended by the White House through the miracle of electronic communication, the same way it already has been extended by our colleagues in the other body through the miracle of electronic communication. We can accomplish this historic feat by adopting Senate Resolution 20.

Mr. LONG. Mr. President, will the Senator yield for a question at that point?

Mr. MATHIAS. I am happy to yield.

Mr. LONG. Does my very dear friend honestly think that if we were to extend the platform or the podium of the Senate to the public across the country the same way the President has it, or similar to that degree, Senators would not make more speeches in this body? Does he really think Senators would remain in their seats when they could make a speech on that subject and have general approval of that speech, even though it might not be necessary to change some votes because the matter might be agreed on? Does the Senator think Senators would remain silent to the extent they do now? Does the Senator regard it as a bully pulpit?

Mr. MATHIAS. That is what Theodore Roosevelt called it. He said the White House is a bully pulpit.

Mr. LONG. Does the Senator really think that if Senators had this kind of bully pulpit available to them, they would not make more speeches?

Mr. MATHIAS. Does the Senator think the country would be worse off or better off if Senators did make good speeches that explained issues, that educated the public, that helped the public to understand the terrible dilemma of our times?

Mr. LONG. Is the Senator inviting me to answer the question?

Mr. MATHIAS. Yes.

Mr. LONG. In my judgment, Senators make at least twice too many speeches the way it is now, and their speeches are too long.

Mr. MATHIAS. Maybe what the Senator is saying is that they are making too many speeches that are not of the quality that commands the interest of the country. This is exactly what the majority leader has said he thinks television will do. It will stimulate the interest of Senators in making better speeches and shorter speeches, better constructed speeches, more succinct speeches. That, in fact, is the record of experience of other legislative bodies.

Mr. LONG. Mr. President, may I address myself further to the Senator?

I simply say to the Senator that my love for the Senator from Maryland (Mr. MATHIAS) is so great that I would not want to prove him wrong on this on his time. Therefore, I will not attempt to prove him wrong on his time. But in due course, Mr. President, I will respond and attempt to show the other side of the argument.

Regardless of the outcome, Mr. President, my admiration and fond affection for the Senator from Maryland will not be diminished. All of us are entitled to be in error from time to time. Even the Senator from Louisiana is entitled to be in error from time to time. I do not claim to be right on all occasions. All of us in this body from time to time are in error.

One great thing about the Senate which I would like to preserve, and I hope the Senator will share this belief with me, is that the Senate must be preserved as a body where a minority, be it wrong or be it right, has the opportunity to make its case. Only the merciful Almighty is in a position to know at the beginning of a debate on a crucial issue who is right and who is wrong.

Mr. MATHIAS. I say to the Senator from Louisiana that I concur wholeheartedly that the Senate must be a place where a minority always has an opportunity to make its case. I suggest that Senate Resolution 20 would make it possible for a minority to make its case before a wider audience than has ever been possible in the past, and that that could enhance the right of a minority to reach the public, to remind the public of facts that may not otherwise come to the public's attention.

However, I take this opportunity to thank the Senator from Louisiana for his personal observations. They are generous to the point of being charitable. They are much appreciated.

Although the Senator from Louisiana has modestly said he is subject to error, as are the rest of us, I have found over the years that he has not used the privilege of being wrong too lavishly, and his advice and counsel very often are right. Although I may think he is wrong on this occasion, it is one of the rare times in the years we have served together that I have so felt. However this is resolved, I think we are both approaching this with the interest of the Senate as an institution in our hearts and in our minds, and that what we want to bring out of this debate, regardless of the fate of Senate Resolution 20, is a better sense of the way in which the U.S. Senate can employ its talents—I am not ashamed to say that there are talents here; I think that there are very great talents in the Senate—how the Senate can employ its talents to promote the great interests of the Republic that we all serve.

That is the end we seek. It is not any narrow advantage or any kind of personal victory that either of us wants. We want to see the Senate continue as a great institution, a unique institution, one that is not paralleled anywhere in the world either in the power of individual Members or in its power as a legislative body. Certainly, neither of us wants to see any action taken which will diminish in any sense the luster of the years, but what we are trying to do is make sure that that luster is transmitted to the future in a way which is consistent with the changes that have occurred in life, with the technological advances that have altered the lives of ordinary Americans, and to try to make the Senate consistent with that different kind of life that Americans lead, a life very different from the lives of Americans who originally erected the Senate and gave it its first mandate.

But the Senator from Louisiana and I share only that goal and how we reach it is, of course, the question that lies before us.

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I look forward to further discussion with him during the course of these proceedings.

Mr. QUAYLE. Mr. President, will the Senator yield?

Mr. MATHIAS. I yield.

Mr. QUAYLE. Mr. President, I thank the distinguished chairman for yielding at this point.

Mr. President, I first commend the Senator from Maryland for his leadership on this issue. He has been out front and he has been a very articulate spokesman in trying to open up the proceedings in the Senate.

I also pay my respect to and commend the majority leader, Senator BAKER, for his leadership in this effort.

If it had not been for Senator BAKER and Senator MATHIAS, we would not be here today. I think both of these distinguished gentlemen deserve the praise of those of us who are going to sponsor Senate Resolution 20.

Mr. President, I favor Senate Resolution 20, providing for television and radio coverage of the proceedings in the Senate. This resolution has my full support because I believe it is time to bring the U.S. Senate into the 20th century and into the electronic age.

A resolution to open the doors of the Senate to the public was first adopted nearly 190 years ago, on February 20, 1794, in the first session of the Third Congress of the United States. The debate then was much as it is now: Those opposed to admitting the public feared a loss of decorum and free-spirited debate; those seeking to open our doors demanded greater accountability of the Senators to the people who elected them.

Mr. President, I wish each of my colleagues would sit down to read the journal of that early Senate. The debate on admitting the public focused on whether the Senators were responsible to their constituents for their conduct. The complaint was made that accounts of the Senate provided in newspapers and journals of the day were not adequate for a fully informed democracy. Charges of excesses of power and poor conduct in office were as much a subject of debate then, in that 3d Congress, as now in the 97th Congress.

In 1794 the Senate did open up its doors to the public. The argument that greater confidence would be placed in our Government by our fellow citizens carried the day, as it should now.

Today, in 1982, these same concerns for good government, open and free-spirited debate, and confidence by the people in their Government compel me to support this resolution to allow television and radio coverage of the Senate.

Some argue that intrusion of the public into the Senate through the eyes of television will harm the unique character of this body. If the eyes of the public will upset a representative body of the people, then we are in serious trouble already.

Others say that introduction of television will lead to more, longer, and less relevant speeches. The evidence is to the contrary. The report of the Committee on Rules and Administration indicates that rather, after the initial awareness and attention subsides, it is back to business as usual. The institution of the Senate will be better for this change.

The report of the Committee on Rules and Administration goes on to find no legal difficulties encountered by other legislatures that are now televised. The technical issues—lighting, cameras, and length of coverage—can be resolved without disturbing our work here. The rules and procedures of the Senate need not be changed.

As to the cost, the benefits far outweigh the dollars. Who in this body can say that those same benefits found by the Senators who first opened our doors in 1794, will not also come now?

Mr. President, I come from the House of Representatives where I spent 4 years and that debate was much like the debate going on today.

Let the record show that, in fact, the proceedings of the House of Representatives have not been prolonged, and the proceedings there are now much more informative to the people of this country. We have sophisticated technology that can bring us into the homes of the American people. I say it is simply time that the Senate follows suit and that the Senate enters the modern age. This is an electronics age, and although I come from a print background and support some of the perceptions of those in the print media, I am a realist who knows what is, in fact, ahead of us.

I participated in these same debates as a Member of the House of Representatives in 1977. Fears over the legal difficulties, technical issues, changes in the rules, and the dollar cost were all expressed then. But I supported coverage of the House then, and I believe it has proved a success. Most importantly, the fear of incessant debate staged for the cameras has also been put to rest. I said then that the House of Representatives must enter the electronics age. Now the time has come for the Senate.

Mr. President, the benefits of a more fully informed public, and the greater confidence in our Government which will come with it, demand that this resolution be passed.

Mr. MATHIAS. Mr. President, I thank the Senator from Indiana for his support of the resolution as well as for his very kind personal references.

I think what he says has particular probative value because he has labored under television in the other body, and he knows exactly what the effect of having the eye of the camera on a legislative body is, and so when he comes to support this resolution, he does not come as an advocate of a theoretical matter but he comes because he has had the experience of knowing exactly what he is talking about, as, I might say, he usually does. So we thank the Senator.

What he said brings to mind a letter that I received after the hearings of the Rules Committee from a gentleman named Howard McLean of Roswell, Ga., and Mr. McLean, in commenting on the statement of a critic of television in the Senate, said:

> I do not believe he understands who may be interested, and he appears to be under the impression that the people who may be interested have such a low level of intelligence that we would not understand.
>
> If he would take the time to listen to the call-in segments on House programs, I believe he might be amazed at the wide interests and the degree of intelligence of the American public who are sincerely interested in what their elected officials are doing and how they are performing in the interest of the country as a whole.

I believe that that letter from Mr. McLean ties in very appropriately with the statement that has just been made by the Senator from Indiana.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I see that the distinguished and beloved chairman of the Rules Committee is in the Chamber as he always is diligent in a matter of this consequence before the Senate. I wonder if I could resume some of the colloquy we had last week on the question of the changes that inevitably will take place when we bring television to the Senate.

Perhaps it would be useful at this point for me to say that I fully expect that we will do so under circumstances through which I will be more than happy to support the measure. But it is not a simple decision. Many things will change, and many of the changes are those which we could not now anticipate, some which we may regret, and some with which we will be very happy.

Mr. MATHIAS. Mr. President, if the Senator will let me observe, many things in life have changed. The very existence of television has made enormous changes in American life, and I do not think we can ignore the fact they have already altered the procedures of the Senate, they have already

altered the public perception of the Senate.

What this resolution hopes to do is, in a more deliberate and conscious way, to harness the potential values of these changes for the benefit of the Senate and of the country.

(Mr. D'AMATO assumed the chair.)

Mr. MOYNIHAN. I could not conceive of the Senator from Maryland having any other intention. But I wonder if I am wrong in feeling that we have not heard as much as we would be wont to do about the terms, the arrangements, that would accompany the televising of the proceedings.

Let me just put to the chairman a few questions and a few issues to which, perhaps, he would like to respond. I know he has many more than just these few in his mind.

Is it his thought that we were going to be televised from gavel to gavel, as the phrase goes, from the beginning of our session to the end each day or is it the thought that the leaders might agree on debates of special interest that would occasion television?

Mr. MATHIAS. As a preamble to answering the Senator's question, let me say, as a general proposition, that the system would operate in accordance with the will of the Senate, and I think the Senate itself has got to make a basic determination of what it will do.

My own personal recommendation will be that it should be gavel-to-gavel coverage because I think if you do less than that, you raise the invidious question, which the Senator from Louisiana and I discussed briefly a few minutes ago, of who decides what is an interesting debate.

Mr. MOYNIHAN. Yes, I think that——

Mr. MATHIAS. That could have personal consequences, and it could have partisan consequences, both of which I would hope to avoid.

Mr. MOYNIHAN. It seems to me that is a prudent judgment. In particular, if the Senate is to decide, and inasmuch as the Senate does decide by majority, there is always the question of the right of the minority. No institution in Government that I know of is more solicitous of those minority rights and the deeply constitutional role of the Senate.

Even so in the end the majorities, if they are sufficient, do prevail, and if you can avoid, in a sense, the minority which has been unfairly treated by decisions to televise or not to televise, it seems to me that is prudent and wise.

Do I take it from the chairman's remarks that when he says the Senate would have to decide, that the issue has come up about whether the specific arrangements are going to be set initially in the Committee on Rules, or whether it would be his judgment that the whole body deliberate, perhaps, a set of proposals that could be drawn up, but the initial decision is to be made on the floor rather than in committee?

Mr. MATHIAS. The resolution provides this would be a matter delegated to the Rules Committee.

Mr. MOYNIHAN. Yes.

Mr. MATHIAS. I have no strong feeling about that personally. If the Senate would wish to take the time to draw up, as a part of the resolution, the detailed operational instructions, that would be one way of doing it. An alternative would be to confine this responsibility to the joint leadership. There are several alternative ways in which it could be done, or perhaps we could have some guidelines.

Since the members of the joint leadership are at the present time, and under most conditions, also members of the Rules Committee, some kind of arrangement of that sort——

Mr. MOYNIHAN. So I take it——

Mr. MATHIAS. That is not fixed in concrete.

Mr. MOYNIHAN. So I take it the distinguished chairman's response to me is that he is open to proposals in this matter, and that, as he says, the provisions in the resolution are not fixed in concrete. If a sufficient interest is shown on the floor to have these initial determinations made in some larger context, perhaps the leadership—but I think my choice would be for the Senate itself to debate and consider a proposal presented to it by the leadership, and that might be such an arrangement.

But may I alert him to the fact that there is some concern that this large a change not be agreed to save by the Senate as a whole. I do not expect that to be a judgment other than my own, but I have heard it from others, and I think the chairman has heard it and he is aware of it.

Mr. MATHIAS. Well, that reflects an old bit of folk wisdom of the American people not to buy a pig in a poke. You want to know what you are going to get, and I think that is an understandable caution, and I share it.

I would much rather devote an extra day or longer to this discussion than to have the Senate take action and then decide we had in some way been flawed in our consideration of it. In fact, as the Senator from New York, with his long experience in government at every level, knows, a lot of the ills of our times proceed from imperfect consideration of measures right here in the Congress.

Many of the sins that are attributed to the Supreme Court could have been avoided if Congress had been more careful in choosing the words of statutes which the Court finally had to interpret as it thought Congress intended.

Mr. MOYNIHAN. The Spanish have the saying "Prisa lente," which translates "hurry slowly," and I think the chairman shows just the attitude I would expect him to take from this.

May I ask him one final question on this occasion? As he knows, it is the feeling of many—I will not say all, but many—persons who are professional television producers, journalists who work in that profession, and in the commercial networks as well as—the privately owned as well as—the publicly owned, that they would hope to see the cameras controlled by the camera crews; in other words, that persons from—there is no secret about this—NBC, ABC, CBS, PBS, have cameras in the gallery that they would operate just as they do on Meet the Press or Face the Nation, as they do outside when we go out to visit them there.

What is the chairman's view on that, because there is certainly much to be said for it? It leaves the gentlemen and ladies of the press in the press gallery free to attend to whatever speakers they find interesting and to show a certain amount—and do other things when their attention is not immediately galvanized. How does the chairman feel at this point on this subject?

Mr. MATHIAS. At this point, I would feel that the Senate should operate the system and not the commercial network cameras.

I would, at the risk of repeating myself, say that the reason I think that this should be done is because what we are really attempting to do is produce a record. We are not an entertainment show. If you are looking for entertainment, it might well be that there would be a temptation to shift from the fascinating speech on taxation that the Senator from Louisiana was offering the Senate to another Member who may be making a wry face——

Mr. FORD. Or sleeping.

Mr. MATHIAS. Or having a pixie expression that the cameramen found intriguing, or there have even been suggestions, word bandying around the floor here, that Members who were in deep reflection appeared to be asleep. I am sure that is not the case. But those are the kinds of entertainment values that a commercial television station might seek.

We see it all the time. If you look at any one of the talk shows, very often the camera moves away from the speaker and moves to the audience reaction. Well, it is not audience reaction we are interested in. We are interested in a record of what is being said.

Mr. LONG. Will the Senator yield?

Mr. MOYNIHAN. May I just clarify this, I say to my friend from Louisiana, that in the Canadian House of Commons, the television there is described as an electronic Hansard, the purpose of which is strictly to record on television what otherwise would be recorded by the notetakers in the gallery who record the statements. In the

Hansard, all you know is who is speaking and the summary that is said. This would be something that you would have a comparable thought with respect to.

Mr. MATHIAS. Exactly. I think it is interesting that the Senator from New York should raise the question of Hansard, because there was a day when there was no Hansard.

Mr. MOYNIHAN. There was a day when it was a crime to report the proceedings of Parliament.

Mr. MATHIAS. So that that was significant technological change.

Mr. MOYNIHAN. It was a change in the perception of the liberties of the Englishmen who had a right to know what went on in Parliament and the Members of Parliament might fear what the king might learn.

Mr. MATHIAS. One of the reasons, as I recall it, for the development of Hansard was that there were informal and sometimes inaccurate private reports made of debates made in the Parliament. Hansard had at least the value of being accurate, although it might be viewed as an invasion of the privacy of the Parliament.

Mr. MOYNIHAN. For the longest while it would have been, then the Parliament changed its mind and I think it changed its mind for the better.

Mr. MATHIAS. So this electronic Hansard, as the Senator from New York has referred to it, is a further improvement in accurate reporting. That is exactly the way I would look at it.

Mr. MOYNIHAN. To think of it as an electronic CONGRESSIONAL RECORD would not be far from the judgment of the Senator.

Mr. MATHIAS. That is precisely the way I would view it. That is its purpose. It is not entertainment, it is not to see the pixie look on some Senator's face or the deep reflection that may have settled over other Senators' faces, but it is to report accurately what is said and done on the Senate floor.

Mr. MOYNIHAN. I thank the distinguished chairman. I apologize to my friend from Louisiana. I did not mean to go on like that. I do want to hear what he has to say.

Mr. LONG. Mr. President, I say to the Senator that I hope, in any event, we are not going to have the kind of coverage in the Senate that I have seen at the national conventions where cameras zero in on some people who are asleep in the audience or somebody whose child is sleeping or misbehaving next to her while someone is trying to make a speech to the convention. I hope we do not have the kind of thing where the person is making a crucial speech and all the networks just zero in or decide that would be the time for the anchormen to have a conversation among themselves.

Mr. MATHIAS. Not as long as I have any influence on the process whatever, even as a single Member out of a body of 100. It is, as the Senator from New York said, the electronic record. And that should concentrate on speakers, on the actor in the scene, and not on empty chairs or on other Members. It is not to pan around the room.

Mr. LONG. May I say to the Senator that I have experienced an occasion myself where one must be careful about this kind of thing? The witness can be testifying and two Senators can be whispering to one another, at which point one might break out in a big smile or perhaps a chuckle. It is very easy for that witness to gain the impression that they are laughing at him or making fun of him when, as a matter of fact, they might be whispering about something entirely different—that has nothing whatsoever to do with what the witness is testifying about.

Mr. MATHIAS. Let us be frank about it. Good members of legislative bodies have been severely damaged by the wrong kind of coverage. I recall that when I was a member of the General Assembly of Maryland, one of the most hard-working, respectable, and valuable members of the General Assembly, in an all-night session, stretched out on the sofa and caught 40 winks. Of course, that was the moment that a newspaper photographer chose to take his picture. So it looked as though here was a member who was sleeping during the session. Well, the circumstances were extraordinary, but all of those circumstances were not explained.

I am well aware of that. My personal experience encompasses those kinds of dangers. But I think we do not have to subject the Senate to those particular kinds of misinterpretation. Although the camera never lies, it can sometimes give a false impression that is an illusion, and that was one of those occasions.

Mr. LONG. Mr. President, the Senator says that, and I am sure he means it 100 percent, the camera could never lie. But I have seen things happen on television which could cause me to doubt that statement. This Senator has seen people on television hold a letter up and say that the letter says thus and so and the letter they are holding does not say any such thing.

Mr. MATHIAS. Well, the Senator from Louisiana may have seen on this very Senate floor people say, "Here it is; here it is." If you ask them for it, you might find that it does not say exactly what the speaker has represented to the Senate. That is not the camera's fault. That is the speaker's fault.

Mr. LONG. It was once the displeasure for the Senator from Louisiana to see someone on television giving him a bad time and see the reporter for the TV network hold up a letter. He said "Here is a letter signed by the Senator that says thus and so," and proceeded to zero in on the Senator's signature; but he did not bother to read what the letter said. It did not say that at all. It said something quite different.

That is one of the things that this Senator is concerned about.

There are all sorts of things that can be shown on television that could be misleading. I just hope that, regardless of the outcome of this matter, we will never have the day when, by some action of this Senate, particularly in connection with this resolution, the Senate will appear in a light that would make us misunderstood. If it is to be presented at all, every effort should be made to see that the Senate is understood by the public, not misunderstood.

Mr. MATHIAS. I concur in those sentiments entirely. I assure the Senator from Louisiana that I do not think that that would necessarily follow from the adoption of the resolution.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, 34 years ago in Chicago, Everett M. Dirksen, then a Congressman from Illinois, watched a baseball game on television. He returned to Washington and prophetically reported to his colleagues in Congress that—

> There is hardly a lounge or a hotel lobby that does not have a rather large television set. It is only a question of time, of course, until speeches by Members of the House and the Senate will be televised.

A question of time. Within a decade, television had become the dominant mass communications for this country, and altered, perhaps forever, the way Americans see themselves and perceive the world.

Yet the House of Representatives did not open itself to full television coverage until 1979 and—more to the point—the Senate has yet to do so. I propose we of the Senate answer the question of time with the word "now."

On July 17, 1981, the Senate took a big step toward that goal. While there are still reservations and disagreements and questions within the committee, the Committee on Rules and Administration unanimously passed a resolution which provides for television and radio coverage, including videotapes and radio broadcasting recordings, of proceedings in the Senate Chamber. The coverage would be con-

tinuous when the Senate is in session—except on those rare occasions when the Senate holds a private session for national security reasons.

That resolution, Senate Resolution 20, is now before us. It is no secret that this issue is of particular interest to me. I believe that radio and television will be a complement to the legislative process that is long overdue, that we must use the technological means at hand to further communication between Government and citizen, and that opening the Senate to radio and television can enhance and increase the public's involvement with the entire legislative process.

Throughout the first 7 years of its existence, the Senate operated behind closed doors—a historical fact I had not realized until research was begun on this subject—a policy that became the target of widespread scorn, as illustrated by a 1972 National Gazette article:

> Upright intentions, and upright conduct are not afraid or ashamed of publicity. The spirit of a Venetian Senate suits not, as yet, the meridian of the United States; neither does the conduct of a conclave comport with the feelings of Americans.

Introducing broadcasting to the Chamber merely extends the gallery; it would make it public, by 20th-century standards. Not every citizen in every part of the country can make the trip to Washington to sit in that gallery and view the Senate in person; but through radio and television coverage, virtually everyone could make the electronic journey that would give them a window on the Senate floor.

If we want the people to be with us, we must let the people in, and the technology is available to make this possible.

More Americans get their news from broadcast sources now than from any other form of communication. Television has become, in the words of media critic Michael Arlen, "America's Highway No. 1." It is time for the Senate to avail itself of this instrument and this resource.

This means that a long-standing, alleged barrier—the mystique of the Senate—would fall. But the mystique is not worth much if it fosters public distrust. You cannot earn the public trust unless you trust the public with the truth. Turning on the cameras to let the people see us as we really are can help bring about a new respect for public service and for public servants.

It is true that those with the interest and wherewithal to do so can read Senate deliberations in the CONGRESSIONAL RECORD, but this is really only half the story. However, in my view, there are two channels of communication, in my view—the verbal and the nonverbal. The verbal has to do with our abilities to read a morning newspaper or tune in to a favorite radio talk show. The nonverbal has to do with our sense of sight, which completes and enables us more fully to appreciate an experience; it is an added dimension. Subsequently, television cameras in the Senate could make every American an eyewitness, in the fullest sense of that term.

Fortunately for the sake of argument in its behalf, the idea of opening the Senate to TV cameras and microphones is hardly unprecedented.

In 1947—the year of Mr. Dirksen's trip to Chicago—the first congressional event was broadcast "pictorially," as President Truman watched proceedings from the House of Representatives as part of an early experimental broadcast. The Senate was not involved with the broadcast, and the New York Times reported the next day:

> Mr. Truman, seated comfortably at his White House desk, had to be content with relatively mild proceedings as a substitute for the Senate row over efforts to oust Senator Theodore G. Bilbo.

Newly elected House Minority Leader Sam Rayburn applauded those "who brought television in and those who are conducting the proceedings under it now." Others chimed in with great expectations for the future relationship among television, Congress, and the American people.

More than a decade later, television made another dramatic leap in bringing the political process home to Americans, a leap that would forever alter the course of political campaigning. The televised debate between then Senator John F. Kennedy and then Vice President Richard Nixon marked a pivotal moment in the history of Presidential campaigns. The recent impact of the Ford versus Carter and Carter versus Reagan debates exemplifies the continuing effect of such broadcasts.

In essence, television has become as much an integral part of our political system as the voting booth.

Today, we have the successful example of the House of Representatives to attest to the wisdom and fitness of the concept. Television pictures from the House were first made available to the broadcast media on March 19, 1979. Since that time, most of the misgivings some may have had about the idea have been laid to rest, and the benefits from it have exceeded expectations.

Viewership is high and enthusiastic; satisfaction with the system seems almost unanimous. Early fears that Members would be intimidated or bedazzled by the television cameras in their midst have by and large been proven groundless. Showmanship has not run amok in the House, nor have its Members run off in droves to sign up for acting or elocution lessons. I am convinced that the open eye of the camera will not wreak havoc on the deliberative process in the Senate or turn its Members into performers vying for a spotlight—not any more than they already are, that is. We are, in one sense or another, vying for public attention—with the obvious exception of the present occupant of the Chair, the Senator from Minnesota (Mr. BOSCHWITZ), who is shaking his head to the contrary.

Some of my colleagues have argued that the presence of television would compromise not only the Senate's dignity but also the quality of debate on the Senate floor. I believe exactly the opposite to be true, and we have the experience, once again, of the House to support this contention. House leaders have told me that the presence of television has improved, not hindered, debate in that Chamber.

I favor the implementation of scheduled debates on the great issues of the day, intentionally to lay out for ourselves and for the public the parameters of current or impending public policy issues. I am not talking about normal debate carried out in the course of a legislative day but, rather, additional serious debates on the major issues confronting the Nation. I should like to see these debates scheduled so that not only the Senate participated in those votes, but also, there was an opportunity for all the country to see and hear, as that debate unfolded, the deliberations of the people who were elected to make those public judgments and to elaborate those public policies.

We really are not a deliberative body in the fullest sense; the great debates of other ages are the exception rather than the rule. But we might regain that status. The Senate is better equipped than any group I know of to undertake a careful examination and a detailed study of the great, indeed the historic, issues which must face this Republic and which must be resolved as public policy.

The Senate is a great deliberative body. But we so often fritter away that talent and that opportunity by the routine and the ordinary, to an empty Senate Chamber attended by a few, that we squander one of the prime resources of this body.

Possible pitfalls and drawbacks are far outweighed by opportunities and advantages, and we should remember that it is not only citizens of the present who will benefit from this step forward, but also those in the future. Senate proceedings would not only be broadcast live for same-day use but be taped and stored for future reference. School children, historians, and other citizens will be able to go to the U.S. Archives or a special library, decades or even hundreds of years from now, to watch this Congress deliberations live on tape.

If the technology had been available 100 years ago, we would now be able to

watch the Lincoln-Douglas debates, or a speech by Daniel Webster. The point is that the technology is available now, and if we act, invaluable and living record of Congress and its proceedings, in addition to a unique perspective on history as it is made will be available to the future generations.

We owe it not only to ourselves but to those generations to come to make this possibility a reality.

No one could argue that television and the new era of communications that has come with it have had only positive effects on our society and our way of life. That is not the issue, for television is a reality. The issue before the Senate is whether we are going to utilize that which is best in television to improve our democratic process or continue to turn our backs on its intriguing and far-reaching possibilities.

Democracy thrives on public support, and public support thrives on open government. It is unrealistic to expect public support when we will not let the public see us doing what we do in the legislative process. It is time to draw back the curtain and open the Senate Chamber to the eyes and ears of the world.

Indeed, 100 years from now, when citizens of the 21st century look back on this momentous decision, they will wonder that we did not make it sooner.

Mr. THURMOND. Mr. President, I commend the able majority leader for the stand he has taken on television coverage of the Senate. Just as he has taken the lead in so many other worthwhile matters, he now takes the lead in this very important aspect of our Senate life.

I voice my support for Senate Resolution 20, the resolution which would authorize television and radio coverage of Senate proceedings. In my view, broadcast media coverage is warranted and wise, for several reasons. First, such coverage recognizes the basic right and need of U.S. citizens to know the business of their Government. Second, I believe it will lead to a more informed citizenry, and thereby hopefully improve the quality of our representative democracy. Third, television and radio coverage should enhance the image of Congress, the Senate, in particular, as an institution of Government. Fourth, it should, in the long run, improve the quality of Senate debate and decisionmaking.

Considered against the historical background, radio and television coverage of Senate proceedings is simply a logical extension of past and present methods of reporting Senate business to the people. Since the late 18th century, the Senate has had a public gallery open to all citizens and print media representatives. Television coverage was first permitted in the House in 1947 for the opening ceremonies of the 80th Congress, and in 1979, full television coverage of debate in that Chamber began. In the interim, the Senate has allowed television coverage of some committee hearings, permitted television broadcast of the swearing-in ceremony of Vice President Nelson Rockefeller in 1974, and authorized radio coverage of the 1977 debates on the Panama Canal treaties.

Thus, while full television and radio coverage of Senate debates would be a significant broadening of past precedents in this House of Congress, it would not be a totally new experience for most Senators, nor a radical departure from past practices. Rather, with the widespread, increasing dependence of the American people on television and radio for information about governmental actions, it is simply high time for the Senate to allow live broadcasts of its proceedings over the airwaves.

As I indicated at the outset of my statement, the authorization of radio and television coverage of Senate business is an appropriate means of reaffirming that our National Government is a representative democracy responsible to the people. The citizens of this great Nation have a right to know how the legislative business of their U.S. Senate is being transacted. Approval of this measure would protect and enhance that basic right, thereby bringing more openness to the legislative process.

The opening of Senate Chamber business to airwave broadcasts would be an important step in the process of bringing Government into the sunshine, as this objective is often captioned, but it is not an end in itself. Rather, by furthering the right and need of the public to have prompt, direct information pertaining to Senate business, we will enhance the knowledge of our citizenry and thereby improve the quality of our Government. Sometimes, perhaps, Senators have a tendency to think of themselves as self-employed, independent decisionmakers, when in fact we are all privileged holders of a precious public trust bestowed on us by our respective electorates.

Our bosses are all of the taxpayers and citizens of the State we represent and, because of our national responsibilities, of the entire Nation. We are accountable to them for how we vote, what we say, and even what we may not say or neglect to do in this Chamber when we may have a responsibility to act. By opening the legislative process in the Senate Chamber to the scrutiny of radio and television coverage, the fundamental objectives of first, raising the public's level of political and governmental knowledge, and second, making Senators more accountable to the people they represent, both will be better served. As a result, the integrity and quality of our representative democracy will be improved.

Mr. President, another reason why I believe radio and television coverage of Senate proceedings should be authorized is that over time it will improve, in my opinion, the public image of the Senate and engender greater confidence in and respect for Senators. All of us are familiar with the embarrassingly low regard of the public for the Senate, and Congress generally, as an institution. We, as a body, definitely have an image problem. A portion of this image problem no doubt stems from the too widespread belief that the Senate prefers to operate in a close, secretive fashion, where deals can be cut and principles compromised in the name of political expediency.

It is a harsh indictment, and whether it is accurate and deserved or not, it is a problem with which we must cope. Frankly, it is my hope and belief that opening the Senate Chamber to radio and television coverage will dispel some of the erroneously held notions about the Senate, as well as encourage Senators to act in a more statemanslike manner.

Finally, Mr. President, I believe this action will, in the long run, improve the quality of debate and decisionmaking in the Senate. On this point, as on some of the others I have made, I recognize that there are those who may disagree. Opponents of this resolution contend that television coverage will lead to more and longer debates, grandstanding before the cameras, and undue emphasis on the before-camera communicative abilities of Senators, in relation to other more important attributes of an effective legislator.

There is probably some truth in these contentions, but on the whole, I believe the impact of television and radio coverage will be positive. After an initial period of adjustment, Senators will not be unduly cognizant of the live reporting over television and radio of their statements and Senate actions. This seems to have been the experience in the House of Representatives. Yet, the increased scrutiny of the microphones and cameras should cause Senators to come to the floor more fully prepared for any remarks they may make and for votes to be cast. Senators should become more attentive to the business in the Senate Chamber, including actual presence during debates, in relation to committee and personal office business. In short, actions in the Senate Chamber itself should take on increased importance in the total Senate lawmaking scheme, reversing what many believe has been an unhealthy trend toward committee and behind-the-scenes domination of the legislative process.

It is my hope and belief, Mr. President, that out of it all will come better laws—laws that are more understand-

able, concise, and, most of all, more in keeping with the will of the people, as expressed through their elected senatorial representatives. Similarly, it is my hope and opinion that adoption of this measure will help make Senators more responsive and accountable to the public will. For these reasons, I am glad to lend my support to this resolution. I hope the Senate will see fit to adopt it.

Mr. BENTSEN addressed the Chair.

The PRESIDING OFFICER (Mr. BOSCHWITZ). The Senator from Texas.

Mr. BENTSEN. Mr. President, at a time when unemployment in this country is approaching 9 percent, when we have sky-high interest rates, when we are talking about a budget deficit that may go over $100 billion, there are some who would think that to have a lengthy debate about spending $5 million for the self-aggrandizement of Senators would be pretty trivial.

I am opposed to Senate Resolution 20. I am opposed to spending at least $5 million to televise debates on the floor to a rather limited audience.

I will, however, support Senator FORD's proposals to begin immediate radio coverage of these debates at a cost that would be about 3 percent of the cost of television.

As one of those Senators who is not quite ready to see my colleagues forever in "pancake" on the floor of the U.S. Senate, as a Senator who is not quite ready to see some kind of makeup chair in the cloakrooms, I just do not think this is the thing we ought to be doing. I think it is a bad idea.

I would like to take just a few minutes to explain why I think it it is a bad idea. First of all, it is an expensive proposition, at least $5 million, and that is just at the outset. Did you ever see any one of these Government programs or projects that Congress proposes that ever came in at less than the proposed cost? Obviously in the end, they will be talking about a figure that will be substantially more than the initial cost estimates. Second, I think televised proceedings could have a very profound and, potentially, adverse implication for the way we conduct our business in the U.S. Senate. Some may argue that $5 million is not a lot of money these days, particularly if it gives millions of Americans the opportunity to witness Senate debates.

I just do not buy that argument. Last summer we asked the American people to sacrifice; and we cut the budget by over $40 billion. By all accounts, the budget that is being submitted now to the Congress is going to call for even greater sacrifices in areas that are going to be hurt the most, areas like education, job training, health care, retirement benefits. To say this is a time of tough fiscal austerity is an understatement. We are all cutting back. The Senate committees have cut back by over $5 million.

I really do not see how at a time like this we can go to the American people and ask for $5 million of their hard-earned tax dollars so that a few of them can see the Senate in action and in living color. I would much rather see that money spent on keeping the Texas Employment Commission offices open in Texas. I would rather spend it trying to find people jobs at a time when the unemployment rate in the United States, including Texas, continues to increase.

I would much rather see that money spent on health care for the elderly; or to provide school lunches or immunizations for our children. Those funds could be used to buy approximately 4.2 million school lunches or 5 million immunization shots, which would protect our children from polio, mumps, measles, diphtheria, and tetanus. I would rather see the money spent for something like that—something really productive.

I support opening up our debates to public scrutiny. We have got a gallery filled with newspaper people—filled normally. If we had not been debating this resolution for so many days we would have a lot more up there today than we have now. But that shows, I think, how they too feel we are getting the appropriate coverage.

I think the best way to have gavel-to-gavel coverage is through radio. The Panama Canal debates proved that. It was an effective way to do it.

Only about one-quarter of American homes are hooked up to cable TV and most of those are the well-to-do. So the potential audience for Senate TV is limited, and it is skewed right from the outset.

But during the daytime, when most of our debates take place, millions of Americans from all walks of life have access to a radio. If we want to throw sunlight into the Senate, radio is the way to proceed. It is the best way to reach the most people at the least cost to the taxpayers. The installation estimate of those costs, would be less than $150,000.

I also agree with my distinguished colleague from Louisiana, who has been here a lot longer than most of us and is an acknowledged expert as to how this Senate works. He suggests that television could introduce subtle but significant changes in the debate in the U.S. Senate. I keep hearing people refer to the House and how it works in the House. This is not the House. This is not a place where you have to debate in 5 minutes. This is not a place where everybody goes down to the well and makes his speech. We have a different set of rules here. This is a place of free and extemporaneous debate, in general. Sometimes it is from a text which we have prepared to help us collect our thoughts and give them more precise meanings. But, I would hate to see unlimited debate in the Senate become a thing of the past.

As we have it now, the press has access to the gallery and to individual Senators. We have ample access to the television cameras. If they think we have said something that is noteworthy of going on TV they can call you up to repeat that and give it to the American people.

The American people have a right, Mr. President, I think to unlimited speech and debate, and I just think this resolution would be its death knell. That is what the framers of the Constitution anticipated and intended when they incorporated words like that into our Constitution. It is a right which has been preserved for the American people for over 200 years, and it ought to be continued for the American public, and I think it would be the end of unlimited speech and debate if you adopt this resolution.

So, Mr. President, my basic objection to Senate television is this: Why pay $5 million to reach those few people who are hooked up to cable and inclined to watch the Senate when we can transmit live, gavel-to-gavel by radio to a far larger potential audience for only 3 percent of the TV cost?

I urge my colleagues to give careful consideration to the wisdom of spending $5 million at this time and under these circumstances for Senate television. I think that is precisely the sort of waste and excess that we so rightly criticize in other Government programs. There is a better, cheaper, more effective choice available. It is called radio, and I urge my colleagues to defeat Senate Resolution 20 and move promptly to provide live radio coverage of Senate proceedings.

Mr. LONG. Mr. President, will the Senator yield?

Mr. BENTSEN. I am happy to yield.

Mr. LONG. Mr. President, has the Senator heard the figures that were used about the time that the House used on television compared to the time that was used in the House prior to television? Have you heard some discussion of that in this body?

Mr. BENTSEN. No, I have not.

Mr. LONG. There were some figures used, so let me just refer to that argument, because this is a matter that Senators should know and should carefully consider.

The argument has been made that the House was in session less hours its first session on television than it was the previous session under President Jimmy Carter.

Those figures overlook facts that ought to be made available.

For example, in the House, you do not have unlimited debate, as the Senator knows. The Rules Committee determines how long a measure may be

debated. It allows both sides a certain amount of time and then it provides how many amendments can be considered and how many motions can be made and, in effect, after a certain period of time, when the vote will occur. The Senator is familiar with that, of course. He served in the House.

Mr. BENTSEN. That is correct.

Mr. LONG. Members of the House point out to me that to simply compare the number of hours the House was in session 1 year with the number of hours the House was in session another year is meaningless. If you want a meaningful comparison, you must compare the number of substantive issues that were taken up and discussed and voted upon and then divide the number of issues decided by the number of hours in session and you can see whether you were more efficient or less efficient.

On that basis, the average issue took about 1 hour more to dispose of, the average substantive bill took about 1 hour more to dispose of under television than it did prior to television.

But may I say to the Senator that that does not appear to be the meaningful issue, because even so that is under the control of a rule set down by the Rules Committee and the Members only have a certain amount of time available to speak.

The meaningful comparison would be how does those things that Members are privileged to do compare, where they have the privilege, to how it was under the previous situation. The one thing that most people can do in the House is to obtain consent to make a 1-minute speech and make a RECORD insertion. For that purpose, it is my understanding, based on a study that has been made and passed on to me, comparing March 1976, 1977, and 1978, before television, with the number that was given after television coverage began, there was an increase of 120 percent, from an average of 126 to an average of 280. And at another period the comparison was made in September and the same type thing tended to be the case.

So there you have an increase, in the areas where the Speaker cannot very well decline the right to let someone make a 1-minute speech, of 120 percent. And that is only when a small percentage of the American homes receive the television live. How much more would it be when you have 10 times that many homes that receive television live across the country?

Furthermore, in the Senate, we have unlimited debate. Senators can speak as long as they want to.

Let me ask the Senator, is there any doubt in his mind—when we were speaking about the reduction of the minimum benefit for these dear old people under social security, only a few Senators spoke on the matter. I believe on this side only about one Senator carried the burden of debate, perhaps one or two other Senators helped him. Is there any doubt in the Senator's mind that those of us who were opposing that reduction in those minimum benefits, the overwhelming majority of Senators would want to say something about that if it was on live television?

Mr. BENTSEN. Of course they would, and they would do it. And yet, as we all know, virtually everyone had made up their minds and knew exactly what they wanted to do. We had already voted in the Finance Committee and we had taken our stands. But we again would have had to come over here and make our points on the chance that you are going to be on the 6 o'clock news or you are going to be seen back home defending that particular issue. And I would also guess that you would get an awful lot less work done back in the committees or back in your offices with your constituents under that kind of a situation.

Mr. MATHIAS. Will the Senator yield on that very point?

Mr. BENTSEN. I yield for a question.

Mr. MATHIAS. If the Senator would yield for a question, I would appreciate it. I regret that the Senator from Texas opposes this resolution because I think he, himself, could do so much for the Senate if the proceedings were televised. Look at him. He is tall and lean, as a Texan ought to be. His face is a youthful, yet mature face, as a Senator's face ought to be.

Mr. BENTSEN. Never mind the question, go ahead with the speech. [Laughter.]

Mr. MATHIAS. His face is expressive. When he talks, his eyebrows rise and fall. He shows intensity and conviction. All of this could come across on television; none could be enjoyed on radio. But my question is this:

Mr. BENTSEN. Let me say, first, to the Senator from Louisiana that I may have to rethink my position. [Laughter.]

Mr. MATHIAS. Now, the Senator from Louisiana has used some figures about the time spent on a measure. And he says it does not really matter that the last year the House was without television they were in session for 1,016 hours and that every year since then they have been in session less than that, because he said it is the amount per measure. Well, according to our figures, over in the House they have shown a very normal cyclical pattern where, between the first and second sessions, you get some difference.

The average number of hours per measure in the House, beginning with the first session of the 95th Congress, was 1.2 hours. I believe these are the figures of the Senator from Louisiana. The second session, 1.15 hours. In the 96th Congress, the first session, 1.46; and then the second session, 1.1 hours. In the 97th Congress, first session, 1.5 hours per measure.

But what the Senator did not do is to make the same kind of comparison with the Senate. And it is interesting that where television is not even involved in the Senate, you get the same kind of a pattern. Hours per measure in the Senate, first session of the 95th Congress, 1.6 hours; second session, 1.5 hours; 96th Congress, first session, 1.8 hours; second session, 1.4 hours. And in the 97th Congress, 2.2 hours in the first session.

So you get this kind of variation which would indicate that television really has not affected either the length of the session or the amount of time spent on an issue. And that, I think, is an extraordinary and objective test, which proves the case.

So, I am just wondering, in my question to the Senator, whether he sees any kind of pattern there that can be clearly traced to the impact of television?

Mr. LONG. Mr. President, in view of the fact the Senator did not bring the subject up, I would suggest that we compare the figures and I believe as this debate goes along I will have a chance to prove my point.

But let me ask the Senator further: Has he noticed, when a committee is being covered on live television and when the camera is beaming out to the public, what is being done and what is transpiring before a committee on live television? Every Senator there tends to ask a question when his turn comes. And usually if he is called on to interrogate the witness for 5 minutes, he takes his whole 5 minutes; if he has 10 minutes, he tends to take his whole 10 minutes.

Mr. BENTSEN. He takes it all himself. It is like the question that my friend from Maryland was posing—it will be a speech and it will use up the full 5 minutes. What I have also noted is that when you have control, when you are the majority, then you have a big advantage, because we line up on the left and on the right depending on the party. I notice where they put the cameras. When we are in charge, we put the cameras opposite us so they shine on us. And the Republicans are now in charge, so they move the cameras to the other side so they will shine on them. That is the sort of thing that worries me about what might happen in the U.S. Senate.

Mr. MATHIAS. If the Senator would yield, I think he could be reassured on that score. We have discussed here earlier today just exactly who would regulate the cameras. I have no fixed ideas. The resolution calls for the Rules Committee to provide for the regulation. But we could have the

joint leadership or we could have the full Senate make the recommendation. But the cameras, once in the Senate, are not going to be move around with any partisan changes here.

The cameras will be fixed. They will deal with Senators as individuals and not as members of a party. They will be operated by Senate staff. They will not be panning the room looking for somebody who is in deep reflection, eyes closed, or someone who is telling an anecdote to his neighbor in apparent disrespect to the speaker.

It is the record. It is, as the Senator from New York said, the electronic Hansard, the electronic record of what is happening here. It will certainly reflect in an electronic mode what is reflected with paper and ink in the printed RECORD.

I do not believe that those concerns the Senator has expressed are really contemplated or could happen under the resolution that is before the Senate.

Mr. BENTSEN. I would hope the Senator is right. All I can refer to is the actual experience in the House and Senate committees as to the placing of the cameras and how a majority, both Democrats and Republicans, when they are in the majority, have a tendency—not a tendency, but they do it—to put it on the side that is going to show them. I have a great deal of respect for that side of the aisle, but I do not have to sit over there to get myself on TV.

Mr. MATHIAS. If the Senator will yield, I recall when I was a member of the General Assembly in Maryland, I believe at that time—and I may be wrong about the exact figure—there were five Republicans in a house of 126. It was the lowest Republican representation in the General Assembly of Maryland since the Civil War.

Mr. BENTSEN. I would say to the Senator that he was among the finest representatives the Republicans have had in that legislative body.

Mr. MATHIAS. The Senator is charitable today.

The then mayor of Baltimore, a former Member of the Congress, Thomas D'Alessandro, Jr., came to me one day and said, "You know, if I were in your position"—and I am reminded of this by the Senator's concern about the rights of the minority—"I would get up every day and I would say, 'Mr. Speaker, I fight alone but I fight on.' It would not really matter what you said after that. Just say it every day." Then he said, "Sooner or later, people will listen to you."

Actually, this is going to enhance the position of the minority because there will be a camera which will be available to every speaker. It will give the minority proportionately a greater opportunity to be on camera than the majority because the competition will be less, just as I had the opportunity, as a member of the minority side in a house of 126. I had greater opportunities to be heard than if I had been 1 of an evenly split house of 63.

Mr. BENTSEN. I will say to my friend as long as we in the minority, are going to be operated on, I want to be sure that the knife is in the hands of a friendly surgeon.

Mr. MATHIAS. An impartial surgeon.

Mr. BENSTEN. But I have not seen impartiality on the part of either one of these parties.

I remember that story by my friend down in south Texas who was about to open up a catfish that he had just caught. He said, "Little catfish, don't you wiggle. All I am going to do is gut you."

I do not want to see that sort of thing happen to us here.

Mr. LONG. Will the Senator yield?

Mr. BENTSEN. I am happy to yield.

Mr. LONG. The Senator, having served in both bodies, the House and the Senate, and having the excellent education that he has, a thorough understanding of what this Government is all about, understands what the functions of the Senate were intended to be.

As the Senator knows, Senators serve 6-year terms, with only one-third of the Senators running every 2 years, compared to the House where all Members must run every 2 years.

Congress was established in that fashion for a reason. I am sure the Senator very well agrees that the reason was that the Senate is expected to do their difficult chore of making decisions which sometimes are not the popular decisions, but decisions that must be done in the public interest, sometimes to save this country. The Senate is entrusted with that painful duty of being expected to stop bad legislation from being enacted which may be popular at the moment, just as the Senate has the burden of ratifying treaties, where sometimes the treaty might not be a popular treaty or might be subject to a great deal of misunderstanding.

To put it in a word, is not the Senate expected to exercise statesmanship?

Mr. BENTSEN. Yes; I would say to the Senator, that is obviously true. It is obvious that that is the reason the 6-year term was given to Senators, that they would be away from the political heat for a period of time, longer than the House, trying to do some things that at times are not popular but which are important to the country. I think that makes this body significant when you are talking about legislative bodies around the world.

Mr. LONG. I would ask the Senator this: If one must do the painful chore of explaining the unpopular side of the issue and standing firm for the unpopular side of the issue, knowing that that is what is best for the country and hopefully time will prove one right in that regard, does the Senator see anything about TV coverage that would help or tend to encourage statesmanship, or does he think it would tend to tilt the Senate toward the side of expediency?

Mr. BENTSEN. I think those conditions would make it more burdensome on a Senator.

Mr. MATHIAS. Will the Senator yield for a question?

Mr. LONG. I do not have the floor.

Mr. MATHIAS. I will propound a question to either Senator. Is it being suggested that statesmen can only work in secret?

Mr. BENTSEN. I must say that we have an informed and sophisticated press up here which hardly could be classified as trying to suppress the news of the Senate. In turn, we are talking about putting it on radio from gavel to gavel and that will reach many millions of people in our land. So nobody is talking about doing anything in secret.

Mr. LONG. For example, is it not true that every word we utter in debate is taken down?

Mr. BENTSEN. It is.

Mr. LONG. And it is made available in the RECORD for everyone.

Can the Senator see where a person is seeking to make something secret when he stands here and makes a speech that is going to be published and sent throughout the entire United States in the CONGRESSIONAL RECORD and which is before the news media?

Mr. BENTSEN. I think it is very obvious that this is a very open body.

Let me say that I am enjoying this exchange but I have a number of constituents waiting for me in my office. If we had this on TV, I might not be so quick to go back and listen to some of the things they have to say. I would continue to try to make sure the camera was on me.

With that in mind, if Senators will go ahead and continue this debate and let me get back to my constituents, I think I shall.

Mr. MATHIAS. Mr. President, the Senator from Texas has just added another urgent reason why we should have this resolution adopted immediately, to prolong his presence on the floor.

Clearly, Mr. President, what the resolution will do is portray in a more vivid and more accurate fashion what occurs on the floor on the U.S. Senate. While that is true, certainly, it is merely doing a better job of reporting, as the Senator from Louisiana has said, than is already being done in the form of print. I hope the Senate will adopt the resolution.

Mr. President, a minute ago, I quoted certain figures relating to time in session of the Senate and the House of Representatives in the 95th, 96th,

and 97th Congresses as well as the average hours spent on each measure adopted. I ask unanimous consent that a table showing these figures in some detail be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TIME IN SESSION AND MEASURES PASSED

Congress and session	Senate				House			
	Days	Hours	Measures passed	(Hours per measure passed)	Days	Hours	Measures passed	(Hours per measure passed)
95th:								
1st	178	1,144	705	1.6	174	882	734	1.2
2d	159	1,365	891	1.5	149	1,016	881	1.15
96th:								
1st	167	1,159	652	1.8	[1]173	975	666	1.46
2d	166	1,165	831	1.4	153	901	812	1.1
97th: 1st	165	1,080	488	2.2	163	653	433	1.5

[1] Television began in March.

Mr. MATHIAS. Mr. President, since the question has been raised as to the impact of the use of television on the volume of work, the volume of hours, the volume of speeches that will be given, I also submit for the RECORD and ask unanimous consent that it be printed at this point a compilation of figures relating to the number of pages in the CONGRESSIONAL RECORD that were required to report the proceedings of the 95th, 96th, and 97th Congresses.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RECORD PAGES

Congress and session	Senate	House	Extensions [1]
95th:			
1st	19,974	13,082	7,547
2d	19,670	13,847	6,035
96th:			
1st	19,560	12,524	6,398
2d	16,785	12,555	5,583
97th: 1st	15,785	9,931	6,008

[1] It is estimated that the House accounts for at least 95 percent of the material in the "Extensions" section.

Mr. MATHIAS. Mr. President, I suggest the absence of a quorum. The Senator from Louisiana is almost a quorum in himself, but not quite.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. KASSEBAUM). Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Madam President, I ask unanimous consent that there now be an additional period for the transaction of routine morning business, to extend not past 4:30 p.m., in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Madam President, I understand that there are certain other items of business that might be transacted. I observe the Senator from New Mexico is on the floor, and I yield the floor so that he may seek recognition.

Mr. SCHMITT addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

IN COMMEMORATION OF THE LIFE AND ACCOMPLISHMENTS OF DR. ARTHUR M. BUECHE

Mr. SCHMITT. Madam President, science and technology is the future of the United States of America and literally, I believe, as many do, is the future of mankind. With the exception of our initial major national milestone, the formation of this great land as a free Republic, our national milestones have been milestones of achievement based on drawing from this reservoir of science and technology that a free people have created.

Science and technology does come from the people, and today I am pleased to submit, along with my distinguished colleagues, Senators BAKER, D'AMATO, JACKSON, MOYNIHAN, and RIEGLE, a resolution to honor Dr. Arthur M. Bueche, who died recently.

Art Bueche was an outstanding scientist, engineer, and executive. He has been a leader in converting laboratory achievements and scientific knowledge into products benefiting mankind. He rendered valuable services as an adviser to numerous Federal agencies including the National Aeronautics and Space Administration, the National Science Foundation, the U.S. Air Force, and the National Bureau of Standards. Recently, he served as Cochairman of the President-elect's Advisory Task Force on Science and Technology. At the time of his death on October 22, 1981, he was senior vice president—corporate technology, General Electric Co.

Madam President, I send to the desk at this time a resolution to commemorate the life and accomplishments of Dr. Arthur M. Bueche and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 314) to commemorate the life and accomplishments of Dr. Arthur M. Bueche.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. ROBERT C. BYRD. Madam President, these is no objection from this side, and the matter has been cleared previously.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHMITT. Madam President, this is a particularly timely honor for Art Bueche. I and many others in Congress as well as in the Nation's Capital and elsewhere in the country are examining very, very closely the base of science and technology and people associated with science and technology from which we must draw the solutions to many, if not most, of our national problems.

Art Bueche dedicated his life to science, engineering, and the progress of science and technology in general.

It is my hope that my colleagues will join me in passing this resolution today honoring a great man and an outstanding American.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 314) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, read as follows:

S. RES. 314

Whereas, Dr. Arthur M. Bueche, as one of the outstanding scientists and engineers in the United States, made substantial and enduring contributions over his lifetime to science, industry, Government service, and education;

Whereas, the United States continues to face an era of increasingly complex problems depending on scientific and technological progress for solutions;

Whereas, Dr. Bueche devoted his individual research efforts in the field of material sciences pioneering the development of synthetic rubber and silicons, obtaining many patents, publishing dozens of outstanding papers and reports, and was an active participant and officer in numerous scientific and technical societies.

Whereas, Dr. Bueche has been widely praised for his management skills in industrial research, resulting in breakthroughs in the fields of electronics, materials science and energy, and implementing innovative approaches for rapidly converting laboratory achievements into products benefitting mankind. Among these products are: an advanced computer-directed axial tomography X-ray (CAT) scanner, stronger and safer plastic materials, extraordinarily hard materials for metal cutting tools, more energy-efficient lamps, and fuel conserving electric generating equipment;

Whereas, Dr. Bueche has contributed to the field of education as a member of the Board of Trustees of the Rensselear Polytechnic Institute, Albany Medical College, and the Hudson-Mohawk Valley Association of Colleges and Universities, as a member of the Visiting Committees at Massachusetts Institute of Technology at Harvard University, and as an advisor to his alma mater, Cornell University;

Whereas, Dr. Bueche has rendered valuable Government service as a frequent witness before many Congressional committees, as an advisor to the National Science Foundation, National Aeronautics and Space Administration, United States Air Force, National Bureau of Standards, and most recently as Co-chairman of the President-Elect's Advisory Task Force on Science and Technology:

Whereas, Dr. Bueche has received the recognition of his peers by election to the National Academy of Sciences and the National Academy of Engineering, and selection for the Industrial Research Institute Medal, and the Fahrney Gold Medal of the Franklin Institute; and

Whereas, Dr. Bueche displayed exemplary personal qualities, leadership skills, devotion to public service, and a rare combination of knowledge and abilities demonstrated over the course of his lifetime: Now, therefore, be it

Resolved, That the United States Senate honors the memory and expresses its appreciation for the accomplishments and outstanding contributions to society of Dr. Arthur M. Bueche.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 86-42, appoints the Senator from Nebraska (Mr. ZORINSKY) to the Canada-United States Interparliamentary Group.

The Chair, on behalf of the Vice President, pursuant to Public Law 86-42, appoints the Senator from Alaska (Mr. STEVENS) as the chairman of the U.S. delegation to the Canada-United States Interparliamentary Union for 1982.

Mr. SCHMITT. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIRECTING SENATE LEGAL COUNSEL TO INTERVENE IN CONSUMER ENERGY COUNCIL OF AMERICA, INC., ET AL. AGAINST FEDERAL ENERGY REGULATORY COMMISSION, ET AL.

Mr. BAKER. Madam President, it has been brought to the attention of the leadership on both sides by counsel for the Senate that there is a certain case now on appeal from the U.S. Circuit Court of Appeals for the District of Columbia to the Supreme Court of the United States entitled "Consumer Energy Council of America, Inc., et al. against Federal Energy Regulatory Commission, et al.," and that certain fundamental interests of the Congress and of the Senate may be involved in the disposition of that case.

The statutes provide for a leadership group to advise Senate legal counsel on matters involving the Senate as a party or otherwise in litigation. That group has met and determined that it is their recommendation that the Senate should intervene as a party in that litigation.

In order to authorize that, Madam President, I send to the desk a resolution for myself and for Mr. ROBERT C. BYRD, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 315) to direct Senate legal counsel to intervene in Consumer Energy Council of America, Inc., et al. v. Federal Energy Regulatory Commission, et al., Nos. 80-2184, 80-2312 (D.C. Cir.).

The Senate proceeded to consider the resolution.

Mr. BAKER. On January 29, 1982, the U.S. Court of Appeals for the District of Columbia Circuit handed down a major ruling on the constitutionality of legislative vetoes, holding that a legislative review provision of the Natural Gas Policy Act of 1978 violates the principle of separation of powers and article I of the Constitution. This resolution will direct the Senate Legal Counsel to move to intervene in this lawsuit in the name of the Senate to seek review of this decision.

In 1978, after a 10-month conference, the House and Senate succeeded in resolving the extraordinarily difficult issue of natural gas deregulation. An important element in the compromise legislation finally adopted by Congress was incremental pricing of natural gas. Incremental pricing was so novel and controversial a concept that the key to its adoption was dividing its implementation into a limited first phase, and an expanded second phase. This expanded second phase would go into effect only if neither House of Congress disapproved a proposed rule which the Federal Energy Regulatory Commission would submit to Congress. In May 1980, after the Commission itself expressed strong reservations about its proposal for the second phase, the House adopted a resolution disapproving the Commission's proposal.

The controversy over incremental pricing concerns the extent to which the costs of new natural gas should be passed on to industrial users of gas. The Senate joined with the House in establishing the procedure by which that question should be determined, but it has not, and would not by this resolution, take a position on the merits of this dispute over natural gas pricing. Rather, the Senate's interest in this litigation is over the procedures which the Congress may establish to assure that critical decisions of national energy policy, and other significant matters, can be made in a timely and efficient manner without abdicating the responsibility that must be ultimately carried by elected representatives.

After the House disapproved the Commission's proposal, several groups of gas users challenged the constitutionality of the statutory provision for congressional review. They contended that the provision for legislative review should be invalidated and that the court should require the Federal Energy Regulatory Commission to implement the proposed rule. The Justice Department appeared to present the executive branch position that statutory provisions for legislative review are unconstitutional. The Senate appeared in the court of appeals as an amicus curiae pursuant to Senate Resolution 121, adopted May 6, 1981, and filed a joint brief with the Speaker of the House in defense of the statute.

In its January 29, 1982, decision, the court of appeals acknowledged that it was the intent of Congress that an expansion of incremental pricing go into effect only if neither House disapproved it. It concluded, however, that Congress would have enacted incremental pricing, including provisions for its expansion, even without the legislative review provision. On the constitutional issue, the court of appeals ruled that the provision for legislative review in the Natural Gas Policy Act was unconstitutional.

The court acknowledged that previous judicial decisions on challenges to legislative review had been framed in a limited fashion. There are currently in efffect over 50 statutes with provisions for legislative review by one or both Houses of Congress. These provisions have been used by Congress and Presidents to reach accommodations concerning national security and foreign affairs, the budget, international trade, and energy. Quite understandably, therefore, courts have been re-

luctant to rule broadly in favor of either the Congress or the executive branch in the few cases which have been decided previously. The court of appeals nevertheless rendered a sweeping ruling that brings into question many provisions for legislative review.

Further proceedings either in the court of appeals, such as a suggestion of rehearing en banc, or in the Supreme Court, may be necessary in this litigation. The sweeping nature of the constitutional approach of the court of appeals creates a potential for uncertainty as to the validity of numerous other statutes. Also, the court's decision that it may require the Commission to implement the gas pricing rule even though the Congress intended that no rule should go into effect, if disapproved, raises serious questions under the separation of powers. It is beyond the ability and the role of the judiciary to speculate what the Congress would have intended, apart from what it enacted into law. The choice of alternatives to legislative review would require policy judgments that only the Congress may make.

Since May 1981, the Senate has participated in this case as amicus curiae. To file motions and petitions for further proceedings the Senate must now appear as a party. The Senate's appearance in this case as a party would be consistent with the pattern in the case now in the Supreme Court concerning the legislative veto, Immigration and Naturalization Service against Chadha (Nos. 80-1832, 80-2170, and 80-2171). In that case, the Senate appeared first as amicus curiae in the court of appeals and then, after the ruling by the court of appeals, intervened as a party to petition for rehearing and for Supreme Court review.

Section 706(a) of the Ethics in Government Act of 1978 authorizes the Senate to direct the Senate legal counsel to intervene in actions in the name of the Senate when the powers and responsibilities of the Congress under the Constitution are placed in issue. The joint leadership group has agreed that this is such a case and supports this resolution.

Madam President, I think no further explanation is necessary. Senate legal counsel is available for the inquiry of any Senator, and if the minority leader has nothing he wishes to add, I am prepared for the Senate to dispose of this matter.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 315) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 315) together with its preamble is as follows:

S. RES. 315

Whereas, by S. Res. 121, 97th Congress, 1st Session (1981), the Senate directed the Senate Legal Counsel to appear as amicus curiae in the name of the Senate in Consumer Energy Council of America, Inc., et al. v. Federal Energy Regulatory Commission, et al., Nos. 80-2184, 80-2312 in the United States Court of Appeals for the District of Columbia Circuit;

Whereas, on January 29, 1982, the Court of Appeals ruled that the legislative review provision in section 202(c) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3342(c) (Supp. III 1979)), violated Article I of the Constitution and the principle of separation of powers;

Whereas, the Senate as amicus curiae may not have the procedural opportunities available to a party to seek review of this decision and intervention as a party would enable the Senate to do so;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978 (2 U.S.C. 288b(c), 288e(a), and 288*l*(a) (Supp. III 1979)), the Senate may direct its Counsel to intervene in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now therefore, be it

Resolved, That the Senate Legal Counsel is directed to intervene in the name of the Senate in Consumer Energy Council of America, Inc., et al. v. Federal Energy Regulatory Commission, et al., Nos. 80-2184, 80-2312.

Mr. BAKER. Madam President, I move to reconsider the vote by which the resolution was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR TUESDAY, FEBRUARY 9, 1982

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. BAKER. Madam President, I believe there are certain other matters that are cleared on this side for consideration at this time, but first, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 11 a.m. on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATORS BUMPERS AND BENTSEN

Mr. BAKER. Madam President, I ask unanimous consent that after the recognition of the two leaders under the standing order, the following Senators be recognized on special orders for not to exceed 15 minutes each in this order: First, the distinguished Senator from Arkansas (Mr. BUMPERS), and then the distinguished Senator from Texas (Mr. BENTSEN).

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FROM 12 NOON UNTIL 2 P.M. TOMORROW

Mr. BAKER. Madam President, it has been brought to my attention that there will be meetings in the nature of caucuses to be held on both sides of the aisle tomorrow, as is not infrequently the case on Tuesday, and that the time for those meetings will be between 12 and 2 o'clock.

Madam President, I ask unanimous consent that the Senate stand in recess from the hour of 12 noon tomorrow without further motion and on direction of the Chair to reconvene at 2 p.m. on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

INCREASING THE LIMITATION ON EXPENDITURES BY THE COMMITTEE ON LABOR AND HUMAN RESOURCES FOR THE PROCUREMENT OF CONSULTANTS

Mr. BAKER. Madam President, I believe this request has been cleared with the minority.

I move that the Rules Committee be discharged from further consideration of Senate Resolution 283, a resolution increasing the limitation on expenditures by the Committee on Labor and Human Resources, and I ask for its immediate consideration.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 283) increasing the limitation on expenditures by the Committee on Labor and Human Resources for the procurement of consultants.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 283) was agreed to as follows:

S. RES. 283

Resolved, That section 2 of S. Res. 62, Ninety-seventh Congress, agreed to March 3, 1981, is amended by striking out "$27,000" and inserting in lieu thereof "$45,000".

Mr. BAKER. Madam President, I move to reconsider the vote by which the resolution was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TO AUTHORIZE THE ZETA BETA TAU FRATERNITY TO CONDUCT A RECEPTION IN THE ROTUNDA OF THE CAPITOL ON MARCH 31, 1982

Mr. ROBERT C. BYRD. Madam President, I sent to the desk on behalf of Mr. PELL a Senate concurrent resolution, and I ask for its immediate consideration.

THE PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Con. Res. 64) to authorize the Zeta Beta Tau fraternity to conduct a reception in the rotunda of the Capitol on March 31, 1982, to commemorate Roger Williams for his contribution to religious toleration and freedom in the United States.

The Senate proceeded to consider the concurrent resolution.

THE PRESIDING OFFICER. The question is on agreeing to the resolution.

The concurrent resolution (S. Con. Res. 64) was agreed to as follows:

S. CON. RES. 64

Resolved by the Senate (the House of Representatives concurring), That the Zeta Beta Tau fraternity is authorized to conduct a reception in the rotunda of the Capitol on March 31, 1982, to commemorate Roger Williams for his contribution to religious toleration and freedom in the United States. The reception shall be conducted in accordance with such conditions as may be prescribed by the Architect of the Capitol.

Mr. ROBERT C. BYRD. Madam President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT—DEPARTMENT OF JUSTICE AUTHORIZATIONS (S. 951)

Mr. BAKER. Madam President, under an order previously entered, the majority leader, after consulting with the minority leader, is authorized to turn to the consideration of the Department of Justice authorizations bill under conditions prescribed in the unanimous-consent order.

After conferring with the minority leader and running the clearance process on this side, it appears to suit the convenience of those principally involved in this measure and of the greatest number of Senators to proceed to the consideration, to resume the consideration, of the Department of Justice authorizations bill tomorrow at 3 p.m.

In view of that, and assuming that it is still satisfactory to the minority, I put this unanimous-consent request: I ask unanimous consent that at 3 p.m. on Tuesday, February 9, the Senate return to the consideration of S. 951, the Department of Justice authorizations bill, with the time between the hour of 3 p.m. and 4 p.m. to be equally divided between the majority and minority leaders or their designees, to be followed by a rollcall vote at 4 p.m. on the motion to invoke cloture on S. 951, the Department of Justice authorizations bill.

Madam President, I ask unanimous consent that the mandatory quorum under rule XXII prior to the vote be waived.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

THE CALENDAR

Mr. BAKER. Madam President, there are certain other matters on the Calendar of General Orders, Calendar of Business, that are cleared on this side for action at this time. I ask the distinguished minority leader if he is prepared to consider the following five items: Calendar No. 428, Senate Resolution 289; Calendar Order No. 429, Senate Resolution 290; Calendar Order No. 433, Senate Joint Resolution 130; Calendar Order No. 434, Senate Joint Resolution 141; and Calendar Order No. 435, Senate Resolution 253.

Mr. ROBERT C. BYRD. Madam President, the calendar orders aforementioned by the majority leader have been cleared on this side.

Mr. BAKER. I thank the minority leader.

I ask the Chair to lay before the Senate the items identified in the order just stated.

AUTHORIZING EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION

The Senate proceeded to consider the resolution (S. Res. 289) authorizing expenditures by the Committee on Rules and Administration, which was considered and agreed to, as follows:

S. RES. 289

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $1,273,800, of which amount not to exceed $15,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

Mr. BAKER. Madam President, I move to reconsider the vote by which the resolution was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PRINTING OF SENATE ELECTION LAW GUIDEBOOK

The Senate proceeded to consider the resolution (S. Res. 290) authorizing the printing of a revise edition of the "Senate Election Law Guidebook" as a Senate document, which was considered and agreed to, as follows:

S. RES. 290

Resolved, That a revised edition of Senate Document Numbered 96-45, entitled "Senate Election Law Guidebook", be printed as a Senate document, and that there be printed eight hundred additional copies of such document for the use of the Committee on Rules and Administration.

Mr. BAKER. Madam President, I move to reconsider the vote by which the resolution was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DAY OF NATIONAL CELEBRATION

The PRESIDING OFFICER. The clerk will read the next resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 130) designating February 22, 1982, the two hundred and fiftieth anniversary of the birth of George Washington, a "Day of National Celebration."

The Senate proceeded to consider the joint resolution.

Mr. WARNER. Madam President, I rise today in support of Senate Joint Resolution 130, designating February 22, 1982, the 250th anniversary of the birth of George Washington, a day of national celebration.

I am joined in this legislation by 28 cosponsors, including Senators HARRY F. BYRD, JR., JENNINGS RANDOLPH, PAUL TSONGAS, BARRY GOLDWATER, GORDON HUMPHREY, ALAN CRANSTON, HOWARD CANNON, JOHN CHAFEE, SLADE GORTON, ROBERT KASTEN, PETE DOMENICI, MARK HATFIELD, RUDY BOSCHWITZ, WALTER HUDDLESTON, DANIEL INOUYE, RICHARD LUGAR, CHARLES PERCY, HARRISON WILLIAMS, CHARLES GRASSLEY, BENNETT JOHNSTON, JEREMIAH DENTON, SAM NUNN, THAD COCHRAN, MACK MATTINGLY, and PAUL SARBANES.

George Washington was one of our Nation's greatest leaders. He possessed

considerable wisdom, unflagging energy, profound faith in God, and a clear vision of our Nation's potential in the years and generations ahead.

Frequently Washington is referred to as the "Father of our country." This title, while perhaps a little exaggerated, is nonetheless appropriate when one considers Washington's leadership in America's quest for independence from the British and his inspiring leadership as both the President of the Constitutional Convention and the first President of the United States. He set the course for this Nation—a course charted in political stability unrivaled in the history of civilization.

George Washington was a great American and a great Virginian. He was a man who lived by his word, who professed virtue, conscience, good character, honesty, justice, and equality.

As important as his expression was in his day, the words of Washington hold meaning for all of us today. Who among us can quarrel with Washington that arbitrary power is most easily established on the ruins of liberty abused to licentiousness. Certainly his belief that to be prepared for war is the most effectual means of preserving peace has rung true through the ages and stands as a cornerstone of America's modern defense and foreign policy.

How fitting it is that just after America observed the battle at Yorktown last October—where representatives from the United States, France, and Great Britain gathered to pay tribute to Washington's last great battle of the Revolutionary War—America should now observe his 250th birthday with a day of national celebration.

The Senate joint resolution about which I speak today is but a small tribute to the enormous contribution George Washington made to our Nation. It is my hope, and I believe the hope of all Senators who join me in support of this resolution, that Washington's 250th birthday will be marked with ceremonies and activities appropriate for this national leader.

I wish to take note for the benefit of my colleagues of some of the organizations which are helping to coordinate these ceremonies. They include the George Washington Chapter of the Virginia Society; Sons of the American Revolution; the George Washington Birthday Celebration Commission; and the Mount Vernon Ladies' Association of the Union.

Madam President, I urge the passage of this Senate joint resolution.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the resolution.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 130

Whereas February 22, 1982 is the two hundred fiftieth anniversary of the birth of George Washington, one of the greatest of our leaders, whose considerable wisdom, unflagging energy, profound faith in God, and clear vision contributed so much to the success of the American Revolution, and whose capable and inspired leadership as President of the Constitutional Convention and advisor to the delegates, and first President of the United States, set the Nation on a course of political stability unrivaled in the history of civilization; and

Whereas it is fitting that this event be commemorated in such a manner as to extol his character and accomplishments: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That February 22, 1982, is proclaimed a day of national celebration of the two hundred and fiftieth anniversary of the birth of George Washington, and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

Mr. BAKER. Madam President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL CRIME PREVENTION WEEK

The joint resolution (S.J. Res. 141) designating February 7 through February 13, 1982, as "National Crime Prevention Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 141

Whereas the high incidence of crime in the United States is detrimental to the general welfare of our Nation and causes feelings of frustration and helplessness among its citizens; and

Whereas people in all parts of America have begun to fight back against crime by learning about crime prevention and by joining with law enforcement agencies to start neighborhood watch groups and other programs designed to promote safety in their communities; and

Whereas national attention and leadership is required to cause public recognition of the importance of crime prevention and the need for citizen action; and

Whereas there is a need to support a crime prevention program designed to encourage cooperation for crime prevention among citizens, law enforcement agencies, and the private sector; and

Whereas National Crime Prevention Week has been the focus of national public awareness about crime prevention for over thirty years: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to designate the week of February 7 through February 13, 1982, as "National Crime Prevention Week", and to encourage all citizens, law enforcement agencies, and private businesses to work together to prevent crime and to seek the return of an environment in which Americans may live and work free of crime and fear.

Mr. BAKER. Madam President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENSE OF THE SENATE ON NATIONAL CIRCLE K WEEK

The resolution (S. Res. 253) expressing the sense of the Senate on "National Circle K Week", was considered and agreed to.

The preamble was agreed to.

The resolution, and the preamble, are as follows:

S. RES. 253

Whereas Circle K International is an organization of college students sponsored by Kiwanis International that provides a means for responsible community action by students;

Whereas Circle K International emphasizes the advantages of the democratic way of life and provides the opportunity for leadership training in service;

Whereas Circle K International encourages the adoption and the application of high social, business, and professional standards;

Whereas the members of Circle K International promotes the creation and maintenance of righteousness, justice, patriotism, and good will; and

Whereas Circle K International is presently involved in service projects to help teenagers, the elderly, and handicapped in need of support under the theme, "Together for Tomorrow": Now, therefore, be it

Resolved, That it is the sense of the Senate that the week of February 7, 1982, through February 13, 1982, be proclaimed as "National Circle K Week".

Sec. 2. The Secretary of the Senate shall transmit a copy of this resolution to the president of Circle K International.

Mr. BAKER. Madam President, I move to reconsider the vote by which the resolution was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE EXECUTIVE CALENDAR

Mr. BAKER. Madam President, on today's Executive Calendar, I find that certain nominations are cleared on this side for consideration by unanimous consent. I inquire of the minority leader if he is prepared to clear some or all of the items on the calendar.

Mr. ROBERT C. BYRD. Madam President, the nominations have been

cleared on this side of the aisle and we are ready to proceed.

Mr. BAKER. I thank the distinguished minority leader.

EXECUTIVE SESSION

Mr. BAKER. Madam President, I ask unanimous consent that the Senate now go into executive session for the purpose of considering all the names under "Nominations," beginning on page 1, continuing on page 2 and page 3 and page 4 under the heading "Nominations Placed on the Secretary's Desk in the Department of State."

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Madam President, I further ask unanimous consent that the nominations be considered and confirmed en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Reserving the right to object, Madam President, if the Chair will temporarily indulge me.

Madam President, I remove my reservation of objection and have no objection.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Robert H. Bork, of the District of Columbia, to be United States Circuit Judge for the District of Columbia Circuit.

Michael S. Kanne, of Indiana, to be United States District Judge for the Northern District of Indiana.

James T. Moody, of Indiana, to be United States District Judge for the Northern District of Indiana.

DEPARTMENT OF JUSTICE

William F. Weld, of Massachusetts, to be United States Attorney for the District of Massachusetts.

Lamond Robert Mills, of Nevada, to be United States Attorney for the District of Nevada.

Stephen S. Trott, of California, to be United States Attorney for the Central District of California.

Thomas A. O'Hara, Jr., of Nebraska, to be United States Marshal for the District of Nebraska.

George L. McBane, of North Carolina, to be United States Marshal for the Middle District of North Carolina.

Stuart E. Earnest, of Oklahoma, to be United States Marshal for the Western District of Oklahoma.

William J. Jonas, Jr., of Texas, to be United States Marshal for the Western District of Texas.

Eugene H. Davis, of Utah, to be United States Marshal for the District of Utah.

COPYRIGHT ROYALTY TRIBUNAL

Edward W. Ray, of California, to be a Commissioner of the Copyright Royalty Tribunal.

DEPARTMENT OF JUSTICE

Alan C. Nelson, of California, to be Commissioner of Immigration and Naturalization.

DEPARTMENT OF STATE

Walter J. Stoessel, Jr., of the District of Columbia, a Career Member of the Senior Foreign Service with the personal rank of Career Ambassador, to be Deputy Secretary of State.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

John R. Bolton, of Virginia, to be an Assistant Administrator of the Agency for International Development.

[NEW REPORTS]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

William J. Bennett, of North Carolina, to be Chairman of the National Endowment for the Humanities.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE DEPARTMENT OF STATE

Department of State nominations beginning Donald S. Brown, to be Career Members of the Senior Foreign Service of the United States of America, Class of Career Minister, and ending Gerald Wein, to be Career Members of the Senior Foreign Service of the United States of America, Class of Counselor. Consular Officers and Secretaries, which nominations were received by the Senate and appeared in the Congressional Record of December 15, 1981.

Mr. BAKER. Madam President, I move to reconsider the vote by which the nominations were confirmed en bloc.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Madam President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Madam President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDRESS BY SENATOR PETE DOMENICI BEFORE THE NATIONAL PRAYER BREAKFAST

Mr. NUNN. Madam President, I was privileged to hear a friend and colleague, Senator PETE V. DOMENICI, speak before the National Prayer Breakfast last week.

With insight and eloquence, Senator DOMENICI offered his personal thoughts on the love that binds families, communities and society together. His address was not only a perceptive analysis, but it also contained practical advice for improving the quality of our own lives and the life of our society.

Senator DOMENICI's remarks were enriching and moving. From the many complimentary comments I heard from those in attendance, I know that the audience shared my impression of his outstanding presentation.

Madam President, I believe that we can all benefit from reading and reflecting on Senator DOMENICI's message, and I recommend his thoughtful presentation to every Senator. I ask unanimous consent that his address be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BEFORE ANNUAL PRAYER BREAKFAST BY SENATOR PETE V. DOMENICI, FEBRUARY 4, 1982

I must admit to a certain feeling of awe at my assignment today.

I am in awe not only of my assignment, but of you, distinguished visitors, and of the presence of the President and General Dozier.

Mr. President, you have heard me worry about the Federal budget so much that you may think that is what I talk about every time I open my mouth. Well, today I promise that I will not mention the budget. I want to talk about one of the few things that occupies me more than Federal Budgets—society and families and the love that binds society and families together.

As I began preparing this little talk, I wondered why anyone would have chosen me for such a task. Since I am neither a great leader, nor a great speaker, nor one learned in history or philosophy, nor a biblical scholar of any sort, I have to conclude that I was chosen because of my constant concern for my family and my broader concern for family and community life in the United States and the rest of the world.

What I say today may be said better by others, and probably has been. Indeed, the words of our Lord Jesus are more powerful than anything I might say here today. But I hope that no one among the mortal exceeds me in my sincerity.

Let me start with something of a confession.

I am not one who is always and invariably considerate. It is a struggle for me to be loving, to be forgiving, to do good to others. Preoccupied by my job and myself all too often, I find that I do not take the time, or make the effort, to love. I confess that even with my family I do not show the love I have.

At one time, I was bothered by this trait, and I guess I would not be mentioning it today if I were not still somewhat bothered about it. After all, I reasoned, how good could I be, how strong a witness could I be, if I had to struggle to show my love and be considerate of others?

As the Apostle Paul said in his first letter to the Corinthians, "Love is patient: Love is kind. Love is not jealous, it does not put on airs, it is not snobbish. Love is never rude, it is not self-seeking, it is not prone to anger: Neither does it brood over injuries. Love does not rejoice in what is wrong, but rejoices with the truth. There is no limit to love's forbearance, to its trust, its hope, its power to endure."

I was bothered by my own difficulty in feeling a love as unselfish as the love that Paul described, because my impression was that true religious feeling, or Christian love, would be spontaneous and constant. But, I have come to think, virtually all of us have to struggle to take the time to love and show love.

Indeed, the most important persons in the world may be those who, like all of us in this room, struggle to do good, against an

inherently self-occupied, inward-looking nature.

Thomas a Kempis said, "There is no living in love without suffering." He is talking about bearing a cross, about living in love the way Jesus lived in love—choosing to love even though this choice means making personal sacrifices. There is no living in love without suffering. There is a world of wisdom in that.

I believe that struggle is the key to good works, the key to successful loving. In everyday terms, most people who do not put some real effort into it will not have a successful marriage, will not raise their children lovingly, and will not know all the joys that family can bring. And, if we do not extend our notion of family into a notion of our entire society as a family that needs our daily love, we are not doing what we should.

We all struggle in our own private ways to be better, more loving persons. But sometimes we are privileged to get a glimpse of how others struggle.

Once, my wife Nancy and I went to Russia. Through unofficial channels, we let it be known that we would like to meet members of the Soviet Union's clergy. Then one evening, at an elaborate dinner in the Kremlin for 700 to 800 people, we were presented to a Russian Orthodox priest. At first, he was very reluctant to talk to us, but bit by bit he opened up. Finally, he took us aside and told us of the difficulties he faced. And then, tears streaming down his face, he opened his shirt and showed us the cross around his neck. And he gathered us around him so that no one would see, and he prayed over us.

How much easier we have it: Yet it is that same private, personal struggle to express our love that keeps families together and keeps communities together, in spite of the many forces in today's society that make this a formidable task.

Loving is an act of will, perhaps the supreme act of will. And if one's will to love is strong enough, no power on earth can defeat it.

That this struggle is everywhere is evident.

Who here cannot remember the extraordinary faith, strength, and love shown by the family of General Dozier, when the General was going through his terrible ordeal in the hands of his kidnapers? And who here was not moved when we saw the pictures of the family's joyful reunion after so many dark and fearful days?

Earlier I said that I was ashamed that I was not always spontaneous in my caring. One of my closest and dearest friends from Albuquerque, who refuses to let me use her name, has shown me that even someone loving and considerate must work to show love. Because she has children, and a crazy schedule between her husband's work and her own burdens, it is easy for her expressions of love or consideration to be forgotten in the hubbub. So she makes an effort so that love might not be lost. Each day she does something special that she has planned the night before to show one of her children that she cares about him or her.

My friend realizes that if she merely depends on an emotional or spontaneous demonstration of love, the pressures of the day might never allow such an expression. From the start, she pledged to herself that she would avoid that. And, because she worked at it, love was shown and love grew.

As the Russian priest struggled to show his faith against all odds, as General Dozier's family showed their love when they could not even be sure that the General was alive, as my personal friend struggles each day to show her love despite her almost overwhelming schedule, so all of us must struggle to show love and to demonstrate it. We should assume that such love will be nameless, but that it shall be more powerful than any fame. We under-estimate our capacity for good, yet, we also under-estimate how much hard work being good and being loving requires.

I know that to put this event together today much work was necessary. This expression of love was no spontaneous event, but it is no less important for that. Love that comes spontaneously may be beautiful. But more beautiful still is the love that comes of diligence, caring, and effort.

Let me conclude by reiterating my thoughts on God's greatest gift, love. First, love at its highest contains more than mere emotion. It embodies struggle. It demands expression and will. Second, that love and struggle occur in silence or in places far from notice detracts not at all from its grace or its necessity. And, finally, each of us, as people who struggle to love, are the most important people alive. Without our struggle, without our love, without our work to overcome our failings, our families and our very society will cease to exist and the world may never be the place of grace and peace we so devoutly wish.

I do not want to start an organization to preserve the family or to combat the forces that tear at our society. I would much prefer that each of us—privately and individually—work at caring and loving so that no such organization is necessary.

What, in the end, is the purpose of our struggle? Of our love? It is, I believe, that we can all make a difference, all of us, great and small, famous and nameless. Indeed, only we can make a difference.

Yet, have we made a difference?

Too many in this land and abroad are hungry, too many lonely.

Too many neighborhoods exist, where people neglect each other.

Too many young people need counseling, and love, and simple friendship.

Too many prisoners sit in despair without hope.

Too many elderly lie unvisited in too many hospitals or nursing homes.

How can this be when so many tens of millions of us profess Christ? If we really witnessed, we could by ourselves make everyone celebrate life.

I am not impressed by the fact that many persons have filled out questionnaires saying they have found Christ. I am not impressed even by the large numbers who attend church regularly, although I am glad they do so.

I will be impressed when our words and our deeds combine to make this a land of strong families and strong communities and strong love.

And for those of us who might think such work beneath us, recall Christ's words: "For I was hungry and you gave me food. I was thirsty and you gave me drink. I was a stranger and you made me welcome; naked and you clothed me, sick and you visited me, in prison and you came to see me. Then the virtuous will say to him in reply, 'Lord, when did we see you hungry and feed you; or thirsty and give you drink? When did we see you a stranger and make you welcome; naked and clothe you; sick or in prison and go to see you?' And the King will answer, 'I tell you solemnly, in so far as you did this to one of the least of these brothers of mine, you did it to me.'"

We are the salt, the Bible says, that seasons everything. We must now go forth and season the world around us. If today our words add encouragement to those who hear, let us work that tomorrow our deeds will bring the celebration of life to millions more.

My prayer is that all of you and those millions who profess but are not here would do this.

FRANKLIN D. ROOSEVELT'S CENTENNIAL ANNIVERSARY

Mr. NUNN. Madam President, on January 30, 1982, the United States celebrated the centennial anniversary of the birth of Franklin D. Roosevelt. In honor of this celebration, Kay Magenheimer of Carrollton, Ga., has composed an inspiring poem, "This Way!" which I would like to share with my colleagues.

During her career, Kay has composed several award winning poems. In 1964, the late Senator Kenneth B. Keating inserted her tribute to John F. Kennedy in the CONGRESSIONAL RECORD. It was later published in a book by the U.S. Government, "John Fitzgerald Kennedy, Late a President of the United States." She recently won second prize in a national poetry contest for her tribute to Anwar Sadat.

I am pleased to have this opportunity to bring to the attention of the Senate this new poem. I ask that the poem be printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

THIS WAY!

This way!—to no less than St. George himself!—
Shouted the boy in boisterous play
As he roared down a hill
To slay "dragons" off a half-mooned shore.

This way! my son, Sara adjured
The child to the manor born,
Is how a gentleman is discovered:
Be caring, always, of the poor.

Franklin! This way! cried Eleanor
To her stricken husband, one fateful day:
Up! Up on your feet, even in braces,
Or you surely die!

This way! a President told a nation
He found freezing, selling apples
In the streets, stamping numbed feet,
Warming cold hands over ashcan fires:
"The only thing we have to fear is fear itself!"

Suddenly, out of a surprised sky,
Infamous bombs rained from the blue,
Destroying his proud ships;
Entombing, forever, their agonized crews.

Dismayed by the perfidious trick,
This man of peace
Dared to command, as chief: This way!
Then his rockets glared red over the Pacific

And—four days later—
Across the Atlantic
Where Italy and the bully of Europe
Threatened to bludgeon a crippled United States.

This way! Roosevelt cried out to St. George,
Whose banners were already aflame.

Joining lances, and helped
By yeomen, subterranean and brave.
They slashed through the Mediterranean boot.
And from the sundered shores of France
Enroute to the dragon's lair,
Freed Europe from its gallows tree.
Now with victory scenting the very air,
But with its triumphant flags yet unfurled,
This way! said God to the President
And quietly, the man went Home.
A swell of grief engulfed his nation
And the world. And concentration camps,
Where—so close to freedom—all hurled themselves
Against their blackened walls, and wept
For this man forever blessed
For his words still lingering on his lips:
Freedom to speak and seek a God of one's own
Freedom from want, freedom from fear.
And for his alarm:
Abate hate! Cast off excessive arms!
Every nation has the right to peace,
To live without fear.
But today, not forty years
Since his great soul was heaven-borne,
A handful of men, crazed by power,
Decides who lives or dies. And no one cries * * *
Half the world dare not speak!
Half the world is denied its God.
Whole populations die of hunger
And everywhere, fear haunts every single soul.
This way! Roosevelt calls
Even now, from Eternity,
To a frightened, supine world:
Get up on your feet! Live!
Care for your innocents—
Your poor, your sick,
Your elderly and your young.
Your ignorant.
Protect all creatures and
Your planet! Remember,
It is your only home
Away from Home.
Be jealous of your liberty!
Be watchful of your government.
As I said before, it is better
That charity—not icy indifference—
Covers its occasional sin.
Destroy those arms
That tempt nations to aggression.
But keep your defenses up!
Above all,
Hold fast to your honor!
Then you will know,
My friends:
"The only thing you have to fear Is fear itself!"

YOU CAN'T GO BROKE MAKING A PROFIT

Mr. HELMS. Madam President, there is an old rural adage which says, "You can't go broke making a profit."

In 1982, farmers are finding that profits are all too few. Inflation, high interest rates, and the consequences of the grain embargo of January 4, 1980, are still being felt in the farm economy. In this economic environment, farmers deserve to have every possible marketing tool made available to them, so as to earn real profits in the marketplace.

One possible marketing tool which could be used by farmers is the trading of options on agricultural commodities. Options are contracts which provide the holder the right, but not the obligation, to buy or to sell a commodity at a specified price.

This means that a farmer, for example, could assure himself a minimum price for his grain at some future date certain. However, he would not lose the opportunity to sell this grain for more than the minimum price if cash prices rose above the minimum. The farmer would use this technique to try to lock in a price at which he could determine in advance would result in a profit. This could help the farmer immensely, since "you can't go broke making a profit."

It has been said that farming is a bigger gamble than Las Vegas, since the weather, the markets, and the Government are all unpredictable. Modern export-oriented agriculture, in other words, entails tremendous risks.

No one knows exactly how to calculate what level market prices may be in the future. But farmers and other entrepreneurs can determine their actual production costs. With this information, a producer can identify a price level which will pay his production costs and allow a reasonable return. He is protected then, even as he seeks higher actual market prices. In this way options could help to minimize risk, while still allowing an opportunity for reward.

Conversely, a miller or grain processor could use the option contract to lock in the price he pays for his raw materials. Such a system has potential benefits for farmers, processors, their lenders, and others in the industry.

The trading of options on farm commodities is currently prohibited by law because of abuses which occurred early in this century. This law, however, will come up for review in this session during the course of the reauthorization of the Commodity Futures Trading Commission.

Dr. Bruce Gardner, a noted agricultural economist at the University of Maryland, has written an article suggesting that the trading of agricultural options should be permitted. This article was published in the American Journal of Agricultural Economics in December 1977, and it should be reexamined today. The paper is scholarly in nature and the more technical provisions have been deleted in the excerpt provided here. It is an excellent article, in my view, and deserves careful consideration.

In addition, Dr. James Culver of the CFTC staff published an article in the January 1982 Commodities magazine which expresses his personal opinion on the trading of agriculture options.

I invite my colleagues and the public to thoughtfully review these articles and this subject. I am not necessarily convinced that the trading of agricultural options is desirable or that the ban on these options should be repealed at this time. Certainly, neither the Congress nor the CFTC should move prematurely on this matter.

I do believe, however, that farmers and the agricultural industry could use an additional opportunity for price protection and flexibility. I would hope that this could be achieved through the private sector. Options may offer that opportunity. I hope farmers will carefully evaluate this potential as a marketing tool that will help put producers in the driver's seat in obtaining fair prices—and profits—in the marketplace.

Madam President, I ask unanimous consent that the excerpts of the articles be printed in the RECORD at the conclusion of my remarks.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM COMMODITY OPTIONS FOR AGRICULTURE

(By Bruce L. Gardner)

INDIVIDUAL RISK MANAGEMENT USING OPTIONS [1]

To review the terminology used, a "commodity option" is a contract to buy or sell a given quantity at an exercise price stated in the contract at the option of the purchaser of the contract. A contract conveying the right to buy is a "call" option. A contract conveying the right to sell is a "put" option. While an option confers the right to buy or sell, there is no obligation to do so. The right is not a free lunch, however, because the option must be paid for, whether it is exercised or not.

The person who receives payment, the other party to the contract, is said to "write" the option. He has a responsibility but no rights, for which he is paid. For a call (put) option, if the commodity price rises above (falls below) the exercise price by more than the "premium" paid (number of bushels in the contract divided by amount paid for the contract), the buyer of the option comes out ahead. If market prices do not rise this high (fall this low), the option writer gains. The gains of one party equal the losses of the other. [2]

[1] Trading is commodity option for most domestic farm products (notable exceptions being sugar and tobacco) is currently prohibited by the Commodity Exchange Act. The occasion is appropriate to consider the economics of options because of the Commodity Futures Trading Commission's proposed pilot program in options trading for some nonprohibited commodities, which could open the door to a general relaxation of restrictions on options.

[2] Brokerage or other transactions costs are for the most part ignored in this paper, so that the premium paid by an option buyer equals the receipts of the option writer. The analysis also is oversimplified in not considering the distinctions between "American" and "European" options (defined below) or between options written on a commodity and options written on a futures contract. The basic economics of options is not affected by these complications, although they involve important practical issues.

There are four roles an individual may play in options contracting: one can buy a call option, write a call option, buy a put option, or write a put option. Any of these actions may either increase or decrease an individual's exposure to price risk depending on his position in the underlying commodity, in futures, or in other options.

SOME OBJECTIONS TO OPTIONS MARKETS

The objections to legalizing options trading seem to center on the difficulty of policing this activity and on alleged undesirable effects on competing financial markets, particularly futures markets.

The idea that any activity should be prohibited because of the difficulty of policing or regulating it seems to me a weak one. Options trading is a voluntary capitalist act between consenting adults, in Robert Nozick's phrase. People ought to have the right to do these things unless it can be shown that serious external harm results. The regulatory view is that people ought to be forbidden from doing these things unless it can be shown that external good results. The regulatory view gains acceptance in the case of options because of the aura of disrepute about options trading. While options have the reputation of being inherently more purely speculative than futures trading, this reputation is undeserved. Options can be used either to increase or decrease risk of loss, just as futures or other wagers can. Options, however, are more flexible than futures, as illustrated above. Even for pure speculators, options can offer better controlled gambles than futures. In buying a call option the purchaser's maximum loss is limited by what is paid for the option. In futures trading or holding the commodity, losses are not so easily limited.

It is sometimes suggested that because the supply of speculative services is limited, the proliferation of options markets would reduce the viability of futures markets. This is an empirical issue that the Commodity Futures Trading Commission's proposed experimental program in options trading may help answer. Even if futures and options markets turned out to be such close substitutes that they could not coexist, can we be certain that the contest should be decided in advance in favor of futures?

It must be admitted, however, that there are many difficulties in establishing and facilitating trading in an options market and in keeping the public's trust in the integrity of such markets.

SUMMARY AND CONCLUSION

The effects of options trading in farm commodities cannot be established other than hypothetically since there is so little empirical evidence. Nonetheless, there are good reasons to expect that commodity options for farm products would be useful financial instruments. They can be used by producers and users of commodities for risk management purposes more flexibly than futures or other forward sales. They also present advantages to speculators. Their use could improve efficiency in the market for the underlying commodities. An organized options market would yield information about the distribution of expected market price that cannot be obtained from futures prices. This information would be useful for decision making in the private sector and for such purposes as setting support prices in the public sector. Finally, over the long term options could permit a further movement toward less reliance on the general taxpayer for farm income and greater market determination of prices and resource allocation in agriculture, while still permitting farmers to obtain a degree of insurance against the income consequences of low prices (without locking themselves out of the benefits of high prices as a forward sale does).

However, the private benefits of centralized option trading could be insufficient to cover the costs of maintaining and transacting in such a market. If so, viable options markets will not develop. Nonetheless, there is no justification for stacking the deck against options by means of legislation. Indeed, the public good aspect of information generated by quoted option prices suggests that options trading on organized exchanges should be encouraged.

[From Commodities, January 1982]

IT'S TIME TO RECONSIDER OPTIONS ON FARM COMMODITIES

(By James A. Culver)

Options trading on agricultural commodities, currently banned by Congress, should be reconsidered now because:

All issues concerning options trading in the United States have been fully and exhaustively examined:

Because economic uncertainty today demands every price-risk management tool that ingenuity can devise; and

Because the nation's contract markets have the strongest, most reliable self-regulatory systems in their history. Also, government has 60 years of accumulated experience in regulating futures markets that can be applied to impede the unscrupulous sales practices that haunted unregulated options.

According to a new program outlined by the Commodity Futures Trading Commission, options would be traded on regulated exchanges. The plan would permit exchanges of offer options on commodity futures. This program would not allow options on agricultural commodities produced in the U.S.

MANAGE PRICE RISK

Commodity options have the potential to help businessmen and producers manage price risk, and in some instances, options can be a more appropriate vehicle than futures of this purpose.

Futures contracts expose their owners to two equal and opposite effects. While they offer their owner the opportunity to limit price risk if the market moves against him, they also limit profit opportunity for the commercial hedger. Any profit the hedger realizes in the futures market will be offset by losses in his opposite cash market position.

Options, however, provide an opportunity, not obligation, to buy or sell the underlying market. The holder of a sell (put) option limits his risk on the downside, but does not sacrifice his profit opportunities in the underlying market if prices rise.

Conversely, the purchaser of a call (buy) option limits his risk on the upside of the market, but may still take advantage of price declines in the underlying market. A premium is paid for this right.

If the option does not become profitable during its life, the holder need only let it expire and his cost is then limited to the premium already paid. With options traded on exchanges, it also would be possible to offset the option position in the market and recover a portion of the original premium depending on the time remaining in the option and the current value of the underlying asset.

Options sometimes can be a more attractive risk-management tool than futures contracts. The holder of an option has limited liability, that is, he can lose only the premium. Futures trading places the owner at risk for the full amount of any adverse price change that occurs while the futures contract is held.

For instance, in the early 1970s, soybean futures prices rose quickly from the $3 per bu. range to nearly $13. This was good news, indeed, for those with soybean inventories, unless they held a short futures position.

Because increases in prices cause losses in short futures, a soybean merchant who had acquired short futures position at $3 a bu. suffered successive losses as prices rose to around $13, wiping out the unexpected inventory profits.

FARE BETTER

But, if the same merchant had been able to acquire soybean option puts (the right to sell the underlying commodity) he might have fared much better. He would have paid a premium for them.

As prices climbed to roughly $13, the merchant simply would have abandoned the options, and except for the cost of the premium, could have enjoyed most of the unexpected inventory profit.

Options on agricultural commodities might better serve the legitimate business needs of agri-businessmen, including producers, who traditionally do not use futures. And, over time, options might also provide a private source of price protection that now is contained in certain farm programs.

In fact, agricultural commodity options offer several unique advantages for the producer and other agri-businessmen in managing price risk. One major advantage of options over futures is the limited risk involved in owning options.

To acquire an option, you pay a premium only once; that is the maximum possible loss on a purchased option. The premium gives the purchaser the right, not obligation, to buy or sell the underlying commodity at a fixed price (the strike price) on or before a future date (the expiration date).

However, if the purchase or sale of the commodity at the option's strike price would be unprofitable, the option may be abandoned. Therefore, options may be used as price insurance, that is, to assure a maximum or minimum price for an anticipated purchase or sale of the commodity in the future.

In order to use options as price insurance, a grain miller could purchase a call option (the right to buy the underlying commodity), thereby insuring a maximum price for the commodity. If the commodity's price were to rise above the option's strike price, the miller could exercise his option to buy and would receive a long position in the commodity.

However, if the commodity's price falls below the strike price, the miller can take advantage of the lower price in the spot market and abandon the option.

His only penalty is the primium. In either case the cost of this price insurance, the option premium, is determined when the option is purchased.

Options also may be used more economically than futures when the magnitude of risk is unclear. For example, a producer generally will be uncertain about his crop yield, but still may wish to protect himself against possible adverse price changes and a possible decline in crop value.

If he chooses futures to hedge his crop and establishes a larger futures position than needed, the producer actually becomes

a speculator in the excess contracts, and is at serious risk. But, using options instead or as a complement to a short futures position taken on the minimum yield expected, the only risk run is that additional premiums may be paid.

Another advantage of owning options as a risk-management tool is the absence of margin calls. The option premium is paid when the option is purchased; no other payments need by made during the life of the option.

In contrast, during their life, futures positions may generate margin calls of large and uncertain magnitude which could cause cash-flow difficulties, particularly for producer-hedgers.

Options also can be used to manage risk by generating additional income. The holder of a cash commodity position can write an option on that position and receive the option premium (income) in return for granting the option.

BORNE BY WRITER

However, any losses on the commodity position greater than the option premium are borne by the writer. Gains on the position above the strike price go to the option purchaser, rather than the owner of the underlying commodity.

For example, a producer holding an unhedged inventory of sugar for future sale could grant a call option against that inventory in return for the option premium. If the price of the sugar declines below the call option's strike price, the producer would have to absorb the losses on the inventory position. This loss would be offset only by the amount of the premium received for granting the unexercised call option.

On the other hand, if the price of the commodity rose above the call strike price, the option could be exercised. The grantor would have to deliver the commodity at the option's strike price. In such a situation, the option writer foregoes any possible gain from the commodity price rise above the strike price in exchange for the premium income.

JOSEPH DIGENOVA

Mr. MATHIAS. Madam President, Joseph diGenova, the staff director and chief counsel of the Rules Committee and my former administrative assistant leaves the Senate today to become principal assistant U.S. attorney for the District of Columbia. He will leave behind him a host of friends and he will take with him the best wishes of all who knew him here on Capitol Hill.

A very wise Frenchman once said that "gratitude is the memory of the heart." It is also the least articulate of all emotions. This being so, I will simply ask my colleagues to join me in thanking Joe for many jobs well done in the service of each of us and of this institution which he knows and loves so well.

MORTGAGE REVENUE BOND PROGRAM REVISIONS STILL NEEDED

Mr. SASSER. Madam President, after 2 years of legislative initiatives and regulatory changes, with countless hours of analysis and negotiation in between, we seem to be nearing the point when the mortgage revenue bond program may be allowed to operate efficiently and effectively. The Treasury Department, in its wisdom, has partially adopted a few of the changes recommended in S. 1348, a bill I introduced last year to remedy the major problems in the Mortgage Subsidy Bond Tax Act of 1980. Some problems remain, however, and the Congress should consider further constructive changes in the Mortgage Subsidy Bond Tax Act of 1980.

These changes are in two areas that have been central to my own legislative program, and which—in the aftermath of the state of the Union message—are of increasing urgency to this administration: regulatory simplification and the return of decisionmaking authority to States and localities.

For example, the Tennessee Housing Development Agency was finally able to issue bonds in December which will assist in the construction or resale of about 1,700 dwellings. The paperwork involved in structuring that sale under exisiting requirements was staggering. But the need was there and the commitment was there, and the THDA saw it through. There is no need, however, to continue to require the burdensome, costly, and counterproductive regulatory straitjacket that threatened this bond issue from the start.

My colleague, Senator DURENBERGER, addressed some of these problems in his amendment to H.R. 4717, considered in the closing days of the last session. He is to be commended for his efforts to clear up some of the key questions in this matter. It has been my experience, in talking with bond counsel and with representatives of housing finance agencies across the country, however, that this amendment, unfortunately, does not go far enough in meeting a number of critical problems that remain for certain States.

Madam President, as we begin the 2d session of the 97th Congress, I want to set out again for my colleagues a sensible approach to getting the mortgage bond program moving again. We are, indeed, close to getting it in top running order, but there are additional constructive adjustments that can still be made through further legislation. As part of the preparation for that effort, I am enclosing an analysis by the bond counsel to the Tennessee Housing Development Agency explaining the effect of the Durenberger amendment and of THDA's December IRS ruling on the legislation I proposed last year. The points raised in this analysis demonstrate the need for passage of S. 1348, my legislation to amend the Mortgage Subsidy Bond Act of 1980.

Madam President, I ask unanimous consent that the analysis by Hawkins, Delafield & Wood appear in the RECORD at this point.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

HAWKINS, DELAFIELD & WOOD,
New York, N.Y., January 14, 1982.

Re Tennessee Housing Development Agency mortgage finance program bonds.

GRADY R. HAYNES,
Partner, Haynes Bros. Supply Co., Murfreesboro, Tenn.

DEAR GRADY: You have asked for my thoughts concerning two developments as they relate to the pending Duncan/Sasser Bills. The first is the amendment to the Mortgage Subsidy Bond Tax Act offered by Senator Durenberger and others in the Senate on December 16, 1981 (UP Amendment No. 812). The second is the revenue ruling issued by the Internal Revenue Service on December 24, 1981 with respect to the Agency's Single Family Program Bonds, 1981 Series A. Both of these have an impact on the Duncan/Sasser Bills as described below.

Impact of Durenberger amendment. Of the four provisions contained in the Duncan/Sasser Bills which have received the most attention, the Durenberger Amendment addresses two of these—first, the inadequacy of issuer spread and, second the potential for forced losses on investments. In both instances, the language used is different from that in the Duncan/Sasser Bills. The language differences in the case of investment losses are minor, however, and the comments made by Senator Dole as Chairman of the Senate Finance Committee make it clear that the effect of the Durenberger provision as to investment losses was intended to be the same as that of the Duncan/Sasser Bill.

As to arbitrage, the differences between the two approaches is more significant, although both trend in the same direction. The Durenberger Amendment increases the allowable spread by one-sixteenth of 1 percent overall and for issues under $100,000,000 permits the spread to increase another one-sixteenth of 1 percent on a sliding scale. I don't know how this sliding scale was arrived at or what the theory behind it is supposed to be, although it seems to be based on the theory that smaller issues are more expensive than larger ones. On the basis of my own experience, it does seem true that smaller issues are more expensive to issue, but the magnitude of this penalty, to the extent it may exist at any particular point in time, is much less than the effect of other factors such as market conditions and credit ratings, etc.

As to the sufficiency of the spread, the Agency should be in a position to evaluate this rather well now that it has completed a bond issue under the new law. In that regard it is clear that the requirements of the new law added significantly to administrative expense and that the effect of market conditions would have required the Agency to contribute a significant amount to the issue, even if there had been no desire to reduce the interest rate below that allowed under Section 103A.

Impact of the ruling. In the ruling request submitted by the State of Tennessee on behalf of the Agency, a number of points of clarification were raised concerning items that were covered in the Duncan/Sasser Bills. In the final ruling which was granted on December 24, 1981, a number of these issues were resolved favorably to the

Agency. These included: (a) a determination that the Agency could exclude data relating to mobile homes located on leased land in computing purchase price requirements, (b) approval of a method whereby the Agency could make credits to mortgagors against the final payment of the loan which permits the Agency to offset the amount to be credited against declines in the market value of non-mortgage investments without being required to accumulate excess non-mortgage investment income, (c) approval of a simplified method of accounting for rebates and (d) approval of the Agency's method of computing yield on the Bonds assuming recycling of mortgage principal into new loans. In addition, in conjunction with the ruling request, the Agency received approval of its own designation of Targeted Areas.

In many respects the ruling reflected determinations which had been made by the IRS in regulations promulgated by the IRS, FHA and VA subsequent to the introduction of the Duncan/Sasser Bills. As a result of these Regulations, partial relief has been given on the good faith requirements although neither the ruling nor the Regulations put us in a position to give an opinion that the bonds will continue to be tax exempt if they are tax exempt when issued. The Regulations also created certain safe harbors which avoid some of the technical questions involved in the new law. To date the Agency has been protected from the need to go beyond these safe harbors, because the ruling permitted the Agency to exceed these safe harbors in the cases where it was necessary for your recent issues.

The Ruling and Regulations did not, however, address all of the concerns which are addressed by the Duncan/Sasser Bills. Those items which were addressed in the Duncan/Sasser Bills and which remain untouched by either the Durenberger Amendment, the Regulations or the Ruling are:

(1) a provision which allows persons living in substandard housing or who have been displaced by natural disaster or government action to be eligible for the program;

(2) provisions which allow an issuer to measure compliance on a programmatic basis in order to reduce administrative complexity and provide financial flexibility by allowing all bonds issued for the purpose to be treated as one issue;

(3) permission for an issuer to elect to treat statistical areas on a combined basis in its discretion;

(4) inclusion of energy impacted areas as Targeted Areas;

(5) repeal of registration requirements.

Therefore, the Duncan/Sasser Bills in addition to providing more complete relief on the good faith and arbitrage spread questions, than the Durenberger Amendment, the Regulations or the THDA ruling, would address a number of areas which have not been dealt with in any other fashion.

Please let me know if you have any further questions in this regard.

Yours truly,

PAUL A. DEBARY.

FRAUD HOTLINE 3 YEARS OLD

Mr. SASSER. Madam President, I wish to take this opportunity to report to my colleagues on the progress of the General Accounting Office's nationwide, toll-free fraud hotline which celebrated its third anniversary of operation on January 18, 1982.

Simply stated, the first 3 years of the hotline's operation have made the telephone the single most effective weapon against waste, fraud, abuse and inefficiency in the Federal Government.

My colleagues will recall that this hotline was established at my request, and with the strong support at the time of the then ranking minority member of the Legislative Appropriations Subcommittee, former Senator and now Secretary of Health and Human Services, Richard Schweiker.

I first made the suggestion for the hotline at a December 4, 1978, hearing which we conducted on fraud in Government.

Installed at the General Accounting Office with the cooperation of former Comptroller General Elmer Staats, the hotline has the firm support of the new Comptroller General, Charles Bowsher.

In a recent letter to me, Mr. Bowsher indicated that cases substantiated by the hotline "have saved the Federal Government, and thus the taxpayer, millions of dollars," and that, "in addition, there is definitely a deterrent effect" on wasteful, fraudulent abusive and inefficient practices in the Federal Government. The full text of Mr. Bowsher's letter is included at the conclusion of my remarks.

The hotline itself allows any concerned citizen with knowledge of fraud and abuse—in any Federal program—to report that knowledge to a General Accounting Office Special Task Force for the Prevention of Fraud.

Madam President, I ask unanimous consent that the fraud hotline number be printed in the RECORD.

FRAUD HOTLINE

The national toll-free fraud hotline is 800-424-5454. In the Washington, D.C., metropolitan area the number is 644-6987.

Madam President, I ask unanimous consent that a description of the GAO fraud hotline procedures be printed in the RECORD at this point.

GAO TASK FORCE HOTLINE PROCEDURES

Each caller on the GAO "Fraud Hotline" is interviewed following the general format of a data collection form, with a separate control number assigned to each call. This will be used to track those allegations which appear substantive through later verification of facts and investigations if warranted. The type of information GAO is attempting to record is:

Federal agency or source of Federal funds/material involved in the allegation;

Specific locations where the location is alleged to be taking place;

Recurring or one time;

Length of time activity has been going on;

Extent of activity (some idea of number of people involved); and

Estimate of dollar value involved.

The GAO task force will provide an initial screening of the calls to eliminate those which are obviously nonsubstantive. Those which appear to be substantive but relate to program effectiveness and efficiency rather than fraud will be referred to the operating divisions of GAO for consideration in their audit work. Those which appear to be allegations of fraud will be coordinated with the appropriate agency Inspector General for investigation. In the event the agency Inspector General is unable to respond in a timely manner because of manpower limitations or priority of ongoing work, GAO will perform a verification of facts relative to the allegation utilizing regional field offices. This data will be evaluated by GAO and a decision made relative to referral to the Department of Justice for possible prosecution.

Madam President, it is clear that by allowing anyone to telephone GAO directly from anywhere in the country with an allegation of suspected waste or fraud, and by guaranteeing the caller anonymity if he or she wishes, an effective weapon in the battle for efficient and honest government has been unleashed.

All the data indicate that the hotline has been an enormous success. It has also been a great help in pinpointing problem areas that the Congress can address through legislation.

For instance, the number of calls phoned into the hotline involving allegations concerning Federal employees or Federal employees in conjunction with others—over 31 percent of the total—pointed to the need for stricter controls and auditing procedures for Federal managers.

The proposed Financial Integrity Act (S. 864) is designed to do just this—set in place stricter controls and auditing procedures for Federal managers. The Senate Governmental Affairs Committee approved this legislation last December.

Of course, the ideal situation would be to have no need for a hotline, to have the Federal Government be free of instances of waste, fraud, abuse, and mismanagement. But the fact is that we need the hotline. And if the first 3 years are any measure, we are going to need it for some time to come.

Madam President, I ask unanimous consent that a letter from Comptroller General Charles A. Bowsher and a summary report of the GAO's fraud task force hotline activities for the first 35 months of its operation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington D.C., January 8, 1982.

Hon. JIM SASSER,
U.S. Senate.

DEAR SENATOR SASSER: Threee years ago, during testimony before your subcommittee on the General Accounting Office (GAO) report entitled "Federal Agencies Can, and Should Do More to Combat Fraud In Government Programs" (GGD-78-62, September 19, 1978), you suggested that the GAO should establish a toll-free, nationwide "hotline" to help in the fight against fraud, waste, and abuse in the Federal Government. In January 1979, with your continued support for the idea of a hotline, the GAO implemented this hotline concept. This concept permits any taxpayer to call the GAO directly from anywhere in the United States if he or she has information concerning fraud, waste, or abuse in any Federal department or agency, and has proven to be a significant step in the Federal Government's anti-fraud efforts.

GAO has received over 33,000 calls on this hotline, and over 7,000 of these allegations have been the subject of further investigation and/or audit. In several hundred cases these audits and investigations have resulted in substantiation of the hotline allegations. These substantiated cases have saved the Federal Government, and thus the taxpayer, millions of dollars. In addition, there is definitely a deterrent effect; however, its extent is difficult to measure.

We have enclosed some examples of substantiated cases, as well as a copy of the December 15, 1981, statistical summary.

Once again we thank you for your continued support of the GAO efforts to combat fraud, waste, and abuse in the Federal Government.

Sincerely yours.

CHARLES A. BOWSHER,
Comptroller General of the United States.

FRAUD TASK FORCE HOTLINE SUMMARY,
DECEMBER 15, 1981

VOLUME OF CALLS AND GEOGRAPHIC AREA—FIRST 35 MONTHS OF OPERATION

We announced the hotline telephone number on January 18, 1979, and after the first 35 months of operation, (Dec. 15, 1981), had written up over 10,500 allegations which require classification as to materiality, agency and program involved, and geographic location. In addition to the above, we have received numerous calls that were more appropriately the concern of other Federal agencies or State or local officials that were referred but not written up. We have received over 33,000 calls in total. Computer analysis of the first group of calls written up is complete and the follow-up process on these hotline leads has begun. Additional calls are being received daily, and will be handled by the same process.

Calls have been received from all 50 States, the District of Columbia and overseas locations.

A geographic breakdown based on the 6,548 allegations believed to be substantive in our screening of 10,629 cases is as follows:

LOCATION OF REPORTED ACTIVITIES

465 Washington, D.C.
116 Alabama.
26 Alaska.
66 Arizona.
73 Arkansas.
773 California.
113 Colorado.
40 Connecticut.
11 Delaware.
260 Florida.
291 Georgia.
17 Hawaii.
23 Idaho.
177 Illinois.
74 Indiana.
39 Iowa.
50 Kansas.
123 Kentucky.
82 Louisiana.
22 Maine.
182 Maryland.
87 Massachusetts.
250 Michigan.
45 Minnesota.
71 Mississippi.
179 Missouri.
39 Montana.
28 Nebraska.
28 Nevada.
20 New Hampshire.
116 New Jersey.
49 New Mexico.
305 New York.
111 North Carolina.
21 North Dakota.
310 Ohio.
80 Oklahoma.
51 Oregon.
255 Pennsylvania.
17 Rhode Island.
50 South Carolina.
26 South Dakota.
245 Tennessee.
401 Texas.
30 Utah.
6 Vermont.
307 Virginia.
173 Washington.
57 West Virginia.
49 Wisconsin.
6 Wyoming.
53 Overseas.
60 Missing Codes.

AFFECTED GOVERNMENT ENTITY EXECUTIVE BRANCH

327 Department of Agriculture.
86 Department of commerce.
110 Department of Defense (other than Air Force, Army, Navy).
230 Department of the Air Force.
407 Department of the Army.
357 Department of the Navy.
79 Department of Energy.
578 Department of Health, and Human Services (formerly HEW) (other than SSA, OE, NIH).
935 Social Security Administration (Welfare, SSI).
55 Office of Education.
39 Department of Education.
16 National Institutes of Health.
425 Department of Housing and Urban Development.
167 Department of the Interior.
149 Department of Justice (other than FBI).
8 Federal Bureau of Investigation.
472 Department of Labor.
11 Department of State.
158 Department of Transportation.
77 Department of the Treasury (other than IRS).
669 Internal Revenue Service.
73 Community Services Administration.
87 Environmental Protection Agency.
15 Equal Employment Opportunity Commission.
23 Federal Emergency Management Agency.
197 General Services Administration.
27 National Aeronautics and Space Administration.
7 National Science Foundation.
60 Small Business Administration.
28 Tennessee Valley Authority.
36 Office of Personnel Management.
185 United States Postal Service.
263 Veterans Administration.
8 Agency for International Development.

LEGISLATIVE BRANCH

12 Congress.
20 General Accounting Office.
7 Library of Congress.

OTHER

13 D.C. Government.
114 Other Federal Agencies.
17 Missing Agency Codes.

MIX OF CALLS—SUBSTANTIVE AGAINST NONSUBSTANTIVE

Approximately 33 percent of all calls received appear to have some substance and are written up for further evaluation. After additional screening approximately 61 percent of those written up appear to have some substance for investigation or audit. For example, of 10,629 allegations that have been screened, 6,548 appear to have some substance for investigation or audit. Of the 6,548, about 25 percent are in the "mismanagement" category, while the remaining 75 percent (4,624 allegations) appear to involve intentional wrongdoing.

TYPES OF ALLEGATIONS RECEIVED

Other than those of a non-substantive nature and those that did not appear to involve the expenditure of Federal funds, hotline allegations fell into one of two categories:

Instances of apparent mismanagement, and

Instances of intentional wrongdoing.

In summarizing the allegations of wrongdoing, we found it useful to categorize them according to the participants in the alleged improper activity. We established the following five activity participant categories:

1. Federal employees only.
2. Federal employees in conjunction with others.
3. Federal contractors or grantee organizations.
4. Individual and corporate recipients of Federal financial assistance.
5. Other individuals or corporate entities.

Of the 4,624 allegations of wrongdoing, the highest proportion, 32.1 percent, was in the participant category "Individual and corporate recipients of Federal financial assistance." The table below shows the number and proportion of total wrongdoing allegations falling in each of the five participant categories.

Participating category	Number of allegations	Percent of total
1. Federal employees only	1,186	25.6
2. Federal employees in conjunction with others	281	6.1
3. Federal contractors or grantee organizations	931	20.1
4. Individual and corporate recipients of Federal financial assistance	1,484	32.1
5. Other individuals or corporate entities	742	16.0
Total	4,624	100.0

Looking first at the "Federal employees only" category we found that there were 179 allegations of theft, 223 allegations of private use of Government property, 399 reports of employee working hour abuses, 228 reports of improper financial transactions, and 157 reports of other improper activities.

In the second category, that of "Federal employees in conjunction with others" there were 130 allegations of a bribe or kickback having been paid, 4 allegations of extortion and 147 miscellaneous other allegations.

In the "Federal contractor/grantee" category there were 401 allegations of improper expenditure of Government grant funds, 180 allegations of contract non-performance, 96 reports of the theft of Government funds or property and 254 other allegations of various natures.

The fourth category, "Individual and corporate recipients of Government financial assistance" included 467 allegations of welfare cheating, 256 of cheating on social security benefit eligibility, 320 on collecting inappropriate disability benefits, 76 of cheating on veterans benefits, 107 instances of food stamp cheating, 34 of medicare/medicaid cheating and 224 miscellaneous allegations.

The fifth and final category, "Other individuals or corporate entities" included 602 allegations of personal and corporate income tax cheating, and 140 other allegations of improper activity.

The allegations of wrongdoing that were received to date involve the funds of every one of the 18 cabinet departments of the Federal Government and involve activity in Washington, D.C., and all 50 States.

In 70 percent of the cases, the informant was anonymous. Thirty-one percent of the informants were Federal employees.

REFERRALS MADE AS OF DECEMBER 15, 1981

HHS	1,733
DOL	514
HUD	468
DOD	1,094
IRS	697
VA	294
GSA	270
USDA	343
Post Office	173
Interior	172
EPA	90
NRC	8
FEMA	30
D.C. Government	13
Office of Personnel Management	55
State Department	10
AID	9
DOT	163
DOE	78
Commerce	85
Justice	165
Treasury	111
SBA	67
NASA	30
LEAA	26
GAO	126
CSA	83
OMB	5
Merit System	3
TVA	29
Legal Services Corporation	13
Securities and Exchange Commission	1
Department of Education	48
Total referrals	[1]7,006

[1] Total cases referred is greater than the number of substantive cases received because some allegations were referred to more than one agency.

THE ASSASSINATION OF TURKISH CONSUL GENERAL KEMAL ARIKAN IN LOS ANGELES

Mr. THURMOND. Madam President, twice in the recent past (1980 and 1981) I had the sad occasion to denounce in strongest terms the senseless terrorist killings perpetuated by the two Armenian terrorist groups against diplomats and their families of our trusted NATO allies, the Republic of Turkey.

In those instances the assassinations occurred outside of the United States; not since 1973 had such incidents occurred on American soil. It is tragic that now terrorist killings by the Armenian groups have returned to the United States, despite our calls for increased vigilance against such occurrences by our law enforcement agencies.

While condemning the senseless gunning down of the Turkish Consul Gen. Kemal Arikan of Los Angeles, we must focus on the overall terrorist threat by the various groups of Armenian commandoes, the Marxist ASALA and the Justice Commandoes of Armenian Genocide, who had claimed responsibility for the assassination of the Turkish Consul General.

About the ASALA I stated previously on April 2, 1981:

Mr. President, the pro-Soviet attitude of members of this terrorist organization is a matter of great concern to me. It would appear that the Secret Liberation Army of Armenia may well belong to the list of terrorist organizations reportedly receiving Soviet backing as well as Soviet blessings. At an April 1979 press conference in Beirut, Lebanon, representatives of the Secret Liberation Army of Armenia used a completely Marxist vocabulary, and espoused virulent anti-American slogans.

I hope that the law enforcement agencies in California and the FBI increase their vigilance to extend protection to the Turkish diplomats in the United States, in order to avert further bloodshed of our trusted friends. The Los Angeles Police Department is to be commended for the apprehension of one of the gunmen and we hope that the second assailant will also be in police custody. I trust the full severity of the law will be applied against these dastardly assassins.

Madam President, I ask unanimous consent that the eulogy given by His Excellency Sukru Elekdag, Ambassador of the Turkish Republic, at the funeral of Consul General Kemal Arikan, on February 3, 1982, be inserted into the RECORD.

There being no objection, the eulogy was ordered to be printed in the RECORD, as follows:

Kemal Arikan, the Los Angeles Consul General of the Turkish Republic, on the 28th day of January, while discharging his duties, fell victim to a distardly crime in this city.

In addition to bringing profound sorrow to Mr. Arikan's family, his friends and his colleagues, his loss has brought grief to the Turkish Nation, whose valued son has fallen in its service.

Kemal Arikan, the Consul General of an allied and friendly country to the United States, his family, and the entire consular staff, had been carrying out their duties here in Los Angeles under constant threat and harassment. Kemal Arikan's residence was bombed, his office was bombed, and his life threatened repeatedly.

Kemal Arikan is the third Turkish Diplomat to have been murdered in Los Angeles. In 1983, Turkish Consul General Baydar and Deputy Consul General Demir were shot down by an Armenian. During the ensuing period, 17 Turkish diplomats or members of their immediate families were murdered in different parts of the world by Armenian terrorist organizations. In other words, the chain of killing and shedding of innocent life that was initated here in Los Angeles has, after claiming so many victims, come full circle.

Persons claiming to represent the Justice Commandos of the Armenian Genocide have taken responsibility for the assassination of Kemal Arikan. The same organization has also claimed responsibility for the murders of the Turkish Ambassador to the Vatican, Taha Carim, the wife of the Turkish Ambassador to Spain, Necla Kuneralp, retired Ambassador Beşir Balcioğlu, the Turkish Consul General in Sidney, Australia, Şarik Ariyak, and his aide Engin Sever.

The Armenian Justice Commandos have also declared that, together with ASALA, an Armenian Communist terrorist group, they have assassinated Ahmet Benler, son of the Turkish Ambassador to the Netherlands, and Yilmaz Colpan, Press Counselor in Paris.

Last week's murder of Kemal Arikan is clear evidence that Armenian terrorists have expanded their network in the United States to intensify their wanton, criminal acts here. It would be a big mistake to dissociate Kemal Arikan's murder either from all those which preceded it or from the acts of terrorism to which General Dozier and Charles Ray, the American military attaché in Paris, were subjected. These and other recent terrorist acts are related and part of a larger phenomenon, an integral plan to weaken and subvert the societies of the Free World.

ASALA, the Armenian Secret Army for the Liberation of Armenia, for example, is an avowedly Communist organization whose declared mission is to detach a strategically important part of Turkey and annex it to Soviet Armenia. It is in open secret that ASALA receives support from other, non-Armenian, terrorist organizations in Europe and the Middle East and from Marxist-Leninist entities. These groups share a common objective—the destruction of those societies in which Western ideals and liberties can flourish.

It should not be forgotten that these terrorist organizations, in many instances, attempt to appear to champion the illusory goals of various groups whenever they can use such goals and groups for their own dark purposes. The pretext for the murder of Kemal Arikan, as with the murders of his predecessors here in 1973, reportedly is to avenge a grievance which stems from misrepresented events of almost 70 years ago. The continued propagation of this distortion of history breeds vengefulness from generation to generation and plays into the hands of Armenian terrorists.

In Turkey, there are tens of thousands of people whose parents and other close relatives perished because of Armenian actions during the tragic incidents of 1915 in the midst of World War I. But, these Turks have chosen to forgo bitterness and to adopt a spirit of peaceful reconciliation. It is

senseless to open the wounds of 70 years ago when the world has been striving to heal the wounds of the far more recent Second World War.

One would hope that the Armenians of goodwill will condemn terrorists who shed innocent blood in 1982 and repudiate their actions. Likewise, we should all be alert to brand as counterfeit those condemnations of terrorism that in the same breath rationalize it. These are especially disturbing when they are uttered by public officials.

The reopening of ancient wounds is also senseless because the Turkish Republic, whose foundation was constructed over the ruins of the Ottoman Empire after World War I, today is a strong, robust state of 46,000,000, a valued member of the Western world, and a staunch ally of the United States. Turkey has the power, the capacity, and the will to preserve the integrity of its homeland and to protect it from the designs of its enemies.

Americans, no less than Turks, cannot tolerate terrorism. The security of the public domain is a primary requirement for a free society, whether in the cities of Europe or in cities such as Los Angeles.

Terrorism is a dreadful plague of our era and a scourge to be eradicated. If the Western world is unable to deal with it, our societies will be disabled. It behooves all civilized countries to work for an effective cooperation in the fight against international terrorism.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

BUDGET MESSAGE OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT—PM 109

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying documents; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on Appropriations and the Committee on the Budget:

To the Congress of the United States:

One year ago, in my first address to the country, I went before the American people to report on the condition of our economy. It was not a happy occasion.

Inflation, interest, and unemployment rates were at painfully high levels, while real growth, job creation, new investment, personal savings, and productivity gains had virtually ceased. Our economy was staggering under the burden of excessive tax rates, double-digit inflation, runaway Government spending, counter-productive regulations, and uneven money supply growth. The economy, I declared, was in the "worst mess" in half a century.

To our great good fortune, there were many in the Congress who understood the nature of our difficulties and who rose with us to meet the challenge. Fundamental and long-overdue remedies were proposed and put in place. Together, we enacted the biggest spending and tax reductions in history. Counter-productive regulations have been swept away, and the Federal Reserve has taken action to bring excessive monetary growth under control.

The first year of the 97th Congress will be remembered for its decisive action to hold down spending and cut tax rates. Today, the question before us is whether the second year of this Congress will bring forward equal determination, courage, and wisdom. Clearly, there is a great deal more to be done.

Some seek instant relief from the economic problems we face. There is no such panacea. Our program began October 1, and it cannot solve in 4 months problems that have been building for more than 4 decades. All the quick fixes tried in the past not only failed to solve but actually aggravated our economic difficulties. They simply ensured a new cycle of boom and bust, of exaggerated hopes and eventual disappointment.

We did not promise the American people a miracle. We did promise them progress, and progress they will get.

Our goal was and remains economic recovery—the return of noninflationary and sustained prosperity. We seek a larger economic pie to provide all Americans more jobs, more after-tax income, and a better life. Quick fixes won't get us there.

What will get us there is firm resolve and unwavering adherence to the four fundamentals of our economic recovery program that I outlined to the Congress 1 year ago:

—Reducing personal and business taxes to stimulate saving, investment, work effort, and productivity.

—Reducing the growth of overall Federal spending by eliminating Federal activities that overstep the proper sphere of Federal Government responsibilities.

—Reducing the Federal regulatory burden in areas where the Federal Government intrudes unnecessarily into our private lives or interferes unnecessarily with the efficient conduct of private business or of State or local government.

—Supporting a moderate and steady monetary policy, to bring inflation under control.

At the same time, I have proposed strengthening the Nation's defenses, to restore our margin of safety and counter the Soviet military buildup

Congressional response to these proposals has been positive and gratifying. While much remains to be done, we have made a good beginning.

The Nation's fiscal policy is now firmly embarked on a new, sound, and sustainable course. For the first time in 2 decades, the destructive pattern of runaway spending, rising tax rates, and expanding budgetary commitments has been slowed, and with the cooperation of the Congress this year, will finally be broken.

—Where the growth rate of spending had soared to 17.4% in 1980, it is now declining dramatically—to 10.4% this year, and under the budget I am submitting, to 4.5% next year.

—Where budget growth totaled $166 billion from 1979 to 1981, spending will rise by only 60% of that amount from 1981 to 1983, despite cost-of-living adjustments and the needed defense buildup.

—After having reached 23% of GNP in 1981, the Federal Government's claim on our economy will steadily recede—to 22% in 1983 and to below 20% by 1987.

—After a decade of tax-flation in which fiscal and monetary excess fueled the unrelenting rise of prices and the automatic increase of taxes, significant tax rate reductions have been enacted. A permanent safeguard against bracket creep and Government profiteering on inflation—income tax indexing—has also been created.

—Where Government had passively tolerated the swift, continuous growth of automatic entitlements and had actively short-changed the national security, a long-overdue reordering of priorities has begun, entitlement growth is being checked, and the restoration of our defenses is underway.

This dramatic progress in reordering fiscal policy has been paralleled by a similar redirection of monetary policy. The excessive, unsustainable, and eventually ruinous growth of money and credit of the past decade has been curbed. The inflation spiral has been broken. The growth of prices is slowing down. Peoples' savings are beginning to flow out of unproductive speculation, tangible assets, and other inflation hedges back into the Nation's financial arteries where they will be available to power economic recovery, more jobs, and growing incomes and opportunities.

THE BUDGET TOTALS

[In billions of dollars]

	1981 actual	1982 estimate	1983 estimate	1984 estimate	1985 estimate
Budget receipts	599.3	626.8	666.1	723.0	796.6
Budget outlays	657.2	725.3	757.6	805.9	868.5
Surplus or deficit(—)	—57.9	—98.6	—91.5	—82.9	—71.9
Budget authority	718.4	765.5	801.9	858.0	943.5

In short, we are putting the false prosperity of overspending, easy credit, depreciating money, and financial excess behind us. A solid foundation has been laid for a sound dollar, sustained real economic growth, lasting financial stability, and noninflationary prosperity for all Americans.

We are also moving to shackle the regulatory juggernaut that burdened production, consumed jobs, and diminished productivity growth. During the past year no significant new regulatory statutes were enacted and few major new regulations were imposed. Additions to the Federal Register declined by 23,000 pages. Benefit-cost analysis was made mandatory for regulations. Dozens of existing regulations were reviewed, modified, or eliminated. Without taking into account billions of dollars of savings from regulations never formally proposed because of the changed climate our program has created, quantifiable one-time cost savings of over $3 billion and recurring annual savings of nearly $2 billion have been realized. And the effort has just begun.

A YEAR OF HISTORIC ACHIEVEMENT

These remarkable achievements are the cornerstones of our national economic recovery program. They far exceed anything that the skeptics and critics ever dreamed possible just 1 year ago. They occurred because the executive and legislative branches of our Government joined together to respond to the mandate of the American people and overcome the impediments that had paralyzed Washington for a decade. Together, we have launched a process of reform and change that can transform the course of events.

The Economic Recovery Tax Act of 1981 is the largest, most comprehensive, and most constructive tax bill ever adopted. With the cooperation of the Congress and support of the public, it was enacted in just 5 months. It addressed and substantially remedied most of the tax system's shortcomings and disincentives that had accumulated over decades—distortions that were imposing an increasingly heavy toll on investment, economic growth, and job creation.

—The penalty tax rate on investment income has been eliminated. By dropping the top rate from 70 to 50%, the attractiveness of tax shelters will be reduced and the incentives for productive investment in stocks, bonds, new business ventures, and other financial assets will be increased. Our Nation's capital will again flow to the growth of business and jobs rather than to the vendors of protection from punitive taxation.

—Marginal tax rates have been significantly lowered for the first time in two decades. The 23% across-the-board rate reduction will mean $183 billion in lower taxes for individuals over the first 3 years. The financial reward for savings, work effort, and new production will stop diminishing and start rising once again.

—Powerful new incentives for savings have been established. Beginning this year, 50 million workers will be eligible for the first time to set aside tax-free up to $2,000 per year for Individual Retirement Accounts. The annual limit for existing Keogh and IRA investors will also be raised. By sharply altering the incentives for saving as opposed to consumption, a huge new flow of current income will be channeled toward restoring our productivity and lifting our national savings rate from last place in the industrial world.

—The taxation of phantom corporate profits has also been significantly curtailed. The new accelerated cost recovery system will shorten depreciation periods to 5 years for machinery and 15 years for structures. This will permit fuller recovery of asset costs, a more valid accounting of taxable profits, and a reasonable after-tax return on investments for the first time in years. By eliminating the drastic under-depreciation provided in previous tax law, after-tax business cash flow will be increased by $10½ billion this year and $211 billion over the next 6 years. This growing stream of funds for modernization, new machinery, new technology, new products, and new plants will revive our lagging productivity, restore our competitiveness in world markets, and spur the steady growth of jobs, production, and real incomes.

—The confiscatory taxing of estates and inheritances has been halted as well. By raising the exemption to $600,000, by lowering the rate to 50 percent, and by removing the limits on the marital deduction, 99.7 percent of all estates will eventually be exempt from estate taxation. Hard-working American farmers, small businessmen, investors, and workers can once again be confident that the sweat, sacrifices, and accumulations of a lifetime will belong to their heirs rather than their Government.

—Government profiteering on inflation has been abolished. Beginning in 1985, the individual income tax brackets, the zero-bracket amount, and the personal exemption will be corrected annually for inflation. Bracket creep will never again systematically plunder the rewards for production and effort. Government will never again use inflation to take a rising share of the peoples' income without a vote of their representatives.

The past year's achievements on spending control and the reestablishment of budgetary discipline are no less impressive than the sweeping tax changes. For the first time ever, the Congress activated its central budgetary machinery and overcame the spending impulses of its fragmented parts. The Omnibus Budget Reconciliation Act of 1981 was a watershed in fiscal history—a giant step toward the restoration of fiscal discipline. By the accounting of its own Congressional Budget Office, spending will be $35 billion lower this year and about $130 billion lower over the next 3 years due to just one bill passed in only 5 months after having been considered by 30 different committees, a bill that reduced, reformed or eliminated hundreds of programs. The growth of budgetary outlays is at last being brought in line with the growth of the tax base and the national income. Excess spending commitments, unnecessary programs and overlapping activities were meaningfully addressed in the Reconciliation Act for the first time in decades.

—As a result of congressional action in 1981, the growth of entitlements will be reduced by $41 billion during the next 3 years. For the first time, eligibility standards for food stamps and student loans have been tightened. Unemployment benefits have been targeted to States where they are needed. Subsidies for non-needy students have been reduced in the school lunch program. Abuses of the medicaid, nutrition, and AFDC programs have been curtailed, saving $14.4 billion over the next 3 years. Overly generous and unaffordable twice-a-year cost-of-living adjustments for Federal retirees have been eliminated. The "uncontrollables" are being brought under control, and benefits have been retargeted where they are most needed.

—Dozens of ineffective or counterproductive programs have been eliminated or reduced. The $4 billion make-work CETA public sector jobs program was abolished. Extravagant dairy subsidies have been cut substantially. The ineffective $700 million Economic Development Administration is being phased out. The Community Services Administration has been eliminated. An unnecessary $2 billion in

Government subsidies for new energy supplies and technologies has been cut. The excessively-funded impact aid program was substantially scaled back. In short, a long-overdue housecleaning of excess budgetary commitments was accomplished.

—Inappropriate Federal subsidies have been withdrawn. Legislation to return Conrail to the private sector has been enacted. The National Consumer Cooperative Bank has been privatized. Subsidies to the auto industry for new technology demonstrations have been eliminated. Operating subsidies to local mass transit systems are being phased out. Subsidies to exporters have been sharply curtailed. Subsidized disaster loans to financially viable businesses have been eliminated.

—A major stride toward rationalizing the structure, reducing the cost, and increasing State and local flexibility in the Nation's $91 billion grant-in-aid system has been enacted. Fifty-seven narrow, red-tape-ridden categorical grants programs have been replaced with 9 block grants. The pages of regulation imposed on State and local governments have been reduced from over 300 to 6, while the cost to the Federal budget has been reduced.

—Total funding for nondefense discretionary programs has been reduced. After continuous growth for two decades, the budget cost of these programs will actually decline from $137 billion in 1981 to $130 billion in 1982.

—An impressive start at reducing fraud, waste, abuse, and unnecessary Government overhead was made. The President's Council on Integrity and Efficiency, established to coordinate a Government-wide attack on fraud and waste, saved $2 billion in the last 6 months of 1981 alone. A comprehensive effort to collect $33 billion in delinquent debts has been launched and will recover $1.5 billion in 1982 and $4.0 billion in 1983. These estimates include recoveries of delinquent taxes due to the Internal Revenue Service. Federal nondefense employment has been reduced by 35,000 since January 1981. The cost of Government travel, publications, and consultants has been reduced substantially.

At the same time that the Congress joined in these long-overdue efforts to pare back the size of the Federal budget and slow its momentum of growth, it has fully supported our ambitious but essential plan to rebuild our national defense. A year ago every component of military strength was flashing warning lights of neglect, under-investment, and deteriorating capability. Today, health is being restored.

—Pervasive deficiencies in readiness—including too many units not ready for combat, too many weapons systems out of commission, too few people with critical combat skills, and too few planes and ships fully capable of their missions—are being corrected. Funds for operations and maintenance, including training and aircraft flying hours, have been boosted. Backlogs of combat equipment needing repair are being eliminated. Adequate supplies of spare parts necessary to support high operating rates for training, as well as to provide war reserves, are being purchased.

—The serious inadequacy in pay and benefits that threatened the all-volunteer force, caused an exodus of skilled personnel, and sapped morale throughout the armed services has been corrected. Last year's 14.3% pay increase has improved recruit quality, boosted reenlistment rates, stopped the drain of critical skills, and contributed to the dramatic revival of morale in our military services. End-strength goals are now being exceeded. In addition, the percentage of recruits with higher test scores has risen in the past year.

—Critical investments in conventional and strategic force modernization are now moving rapidly forward. A new bomber for early deployment and an advanced (Stealth) bomber for the 1990's have been approved to retain our capability to penetrate Soviet air defenses. Development of a new, larger, and more accurate MX missile to preserve our land-based deterrent is proceeding. A 5-year shipbuilding program including 133 new ships and a total investment of $96 billion—double the 5-year program of the previous administration—has been launched. Rapid production of new combat systems including the M-1 Abrams tank, the AV-8B Marine Corps attack aircraft and the F/A-18 Navy tactical fighter have been approved. Improvements in our airlift and sealift forces to transport equipment and soldiers rapidly to counter military aggression anywhere in the world, are moving forward.

NO TIME TO RETREAT

These achievements of the first year truly constitute a new beginning. In every major dimension of national strength and well-being we have launched the redirection of policy that was so desperately needed and so long overdue. We are ending the destructive inflation and the financial disorder built up over a decade. We have removed the yoke of over-taxation from our workers and our business enterprises. We have begun to dismantle the regulatory straitjacket that impeded our commerce and sapped our prosperity. And we have reversed the dangerous erosion of our military capabilities.

The task before us now is a different one, but no less crucial. Our task is to persevere; to stay the course; to shun retreat; to weather the temporary dislocations and pressures that must inevitably accompany the restoration of national economic, fiscal, and military health.

The correction of previous fiscal and monetary excesses has come too late to avert an unwelcome, painful, albeit temporary business slump. In the months ahead there will be temptation to resort to pump-priming and spending stimulus programs. Such efforts have failed in the past, are not needed now, and must be resisted at every turn. Our program for permanent economic recovery is already in place. Artificial stimulants will undermine that program, not reinforce it.

Likewise, previous excesses in money and credit growth have resulted in financial strain in many regions and sectors of our national economy. The adjustment to lower inflation and a more moderate money and credit policy did not come soon enough to avoid interest rates and unemployment far higher than we would like, and that we are working to reduce. But these effects are temporary. They cannot be remedied by a return to rapid, unsustainable expansion of Federal spending and money growth, which would drive inflation and interest rates to new highs. Our hard-won gains in reducing inflation must be preserved and extended—because permanent reduction of interest rates and unemployment is impossible if the fight against inflation is abandoned, just when it is being won.

Similarly, our budget deficits will be large because of the current recession, and because it is impossible in a short period of time to correct the mistakes of decades. But our incentive-minded tax policy and our security-based defense programs are right and necessary for long-run peace and prosperity, and must not be tampered with in a vain attempt to cure deficits in the short-run. The answer to deficits is economic growth and indefatigable efforts to control spending and borrowing. These principles we dare not abandon.

THE DEFICIT PROBLEM: ITS ORIGINS

Despite the new course we have charted and the gains we have achieved, the voices of doubt, retreat, and rejection are beginning to rise. They conveniently forget that the present business slump was not caused by our program but is the result of the accumulated burdens of past policy

errors, which we have taken action to redress. They fail to comprehend that our spending cuts and tax reductions were not designed to redistribute the output of a stagnant economy, but to revive the economy's growth and to increase its size—for the jobless as well as the affluent, for those who aspire to get ahead as well as those who have already arrived.

Increasingly, the larger budget deficits that we unavoidably face are offered as evidence that our entire course should be recharted. The matter of budget deficits, therefore, must be addressed squarely. We must fully comprehend why they have grown from our original projections, why they may remain with us for some time to come, what dangers they pose if not vigorously combated and what steps we can and must take to steadily reduce their size and drain on our available savings.

Our original plan called for a balanced budget in 1984. Balance is no longer achievable in 1984, but the factors that have postponed its realization are neither permanent nor cause for abandoning the goal of eventually living within our means.

In the near term, the most important setback to our budgetary timetable is the recession now underway. During 1982, receipts will decline by $31 billion and outlays rise by $8 billion due to the falloff of business activity and the increase of unemployment-related payments. This factor alone accounts for nearly all of the difference between the $45 billion 1982 deficit we projected last year and our current estimate of $98.6 billion.

While the recession will end before this fiscal year is over, its budgetary impact will spill over for many years into the future. It will take time for the unemployment rate to come down and safety net payments to diminish. The growth of receipts will recover, but not at the levels previously projected. This will add billions to deficits for 1983 and 1984.

The second major factor widening the deficit projection is interest payments on our trillion dollar debt. Here we are being penalized doubly for the misguided policies of the past.

The discredited philosophy of spend and spend, borrow and borrow, saddled us with a permanent debt burden of staggering dimensions. This year's interest payment of $83 billion exceeds the size of the entire Federal budget as recently as 1958.

In addition, past fiscal, monetary, and credit excesses have resulted in temporarily high interest rates—rates that will come down, but only as inflation abates, private and public financing practices adjust, and long-term confidence rebuilds. Since market confidence has been so badly shaken by runaway inflation and interest rates in the past 3 years, it is apparent that interest rates over the next several years will fall less rapidly than we had originally anticipated. Between the huge inherited base of national debt, the higher interest rates, and the large prospective additions to the national debt in the next several years, our total debt service costs will rise substantially.

Interest payments on the debt will exceed our original projections by $18 billion in 1982, $32 billion in 1983, and $182 billion over 1982–86 taken as a whole. The interest rate/debt service factor, then, constitutes a major source of the setback to our budget timetable. But let us be clear about its origins: it arises primarily from a legacy of past excesses, not from a shortfall in our current budget control efforts, nor from a flaw in our overall program.

The third and most important factor contributing to the growth in deficit projections is quite simply the ironic by-product of our rapid and decisive success in bringing down the rate of inflation. Our economic forecast last February projected a 9.5-percent inflation rate in calendar year 1981 and a further decline to 7.7 percent in 1982. This projection was scorned by many as too rosy just 1 year ago. Yet the actual inflation rate in 1981 turned out to be lower than our projection, and the inflation decline this year and next year almost certainly will exceed our earlier projections.

This is welcome news to every American and we have adjusted our inflation forecast accordingly. But lower rates of price increase also mean lower inflation components in wages and incomes and a reduced flow of inflation-swollen tax receipts to the Treasury.

This point is not merely academic. Over the next 5 years, our forecast projects a 9.9 percent average rate of growth in nominal GNP reflecting a steady fall of inflation to about 4½ percent by 1987. If nominal GNP growth were just 2 percent higher each year, reflecting a continuation of higher inflation, Federal receipts would be enlarged by the staggering sum of $353 billion over the 5 years. On paper, at least, the budget would be nearly balanced in 1987 rather than more than $50 billion in deficit.

But if the last decade offers any lesson, it is that we cannot inflate our way to budget balance. Indeed, every budget from 1975 forward projected a balanced budget 2 years into the future and growing surpluses in the out-years. Not one of these surpluses materialized for a very compelling reason: the monetary excesses needed to finance inflationary growth of wages and incomes are the enemy of savings, investment, real economic growth, and fundamental business confidence and financial stability. They lead to the kind of pervasive economic breakdown that we experienced during 1979–81—a breakdown that swells Government spending, interrupts the flow of receipts, and causes prospective budgetary surpluses to vanish in a flow of red ink.

Thus, we cannot and will not pursue the will-o'-the-wisp of reflation nor the phantom of future budget surpluses premised on a continuance of high inflation.

Instead, we must recognize that for a period of time, success in our unyielding battle against inflation will appear to work against our goal of a balanced budget. Thus, while our current revenues will reflect the decline of inflation today, part of our current outlays will reflect the higher rates of inflation in years past. This is especially true in the case of some $249 billion in indexed programs. Generally, the inflation rate used to adjust indexed benefits lags a year or more behind the current payment period. During 1983, for example, an inflation rate of 6.5 percent is projected, but cost-of-living adjustments to social security and other program benefits will be 8.1 percent based largely on the actual inflation experience of 1981. Much the same is true of the $96.4 billion in debt service for 1983. Some part of that will reflect the higher cost of debt securities issued in 1980–82 when inflation and interest rates will have been higher than is now projected for 1983.

Thus, the conquest of inflation will contribute to budgetary imbalance for some years to come. But these deficits will prove manageable if we understand why we have them and redouble our efforts to reduce them.

The final factor contributing to the worsening of the deficit outlook is that all of the budget savings we had planned for last year were not actually achieved. Most importantly, our plan to ensure the short- and long-run solvency of social security was discarded by the Congress. In an effort to eliminate partisanship and facilitate movement toward a constructive solution, our reform proposal has been withdrawn in favor of a bipartisan commission charged with developing a plan to rescue the social security system by next fall. I am confident that the commission will do just that, but in the meanwhile our outlay projections must be increased by $6 billion in 1983 and $18 billion for 1987.

Likewise, the Congress failed to adopt all of the reforms we proposed for medicaid, guaranteed student loans, food stamps and other entitlements. Without further action, about $4 billion would be added to the 1983 deficit in these areas alone. While major and unprecedented action was taken to curb the growth of entitlements last year, the shortfall is still substantial. Entitlement reforms not acted upon by the Congress last year will add nearly $20 billion to the defi-

cit over the next 3 years. When this is combined with substantial added outlays for farm subsidies and for discretionary programs that were not reformed, it is clear that the task of budget control is far from complete.

THE BUDGET DEFICIT IN PERSPECTIVE

Taken together, the effects of recession, higher interest rates, declining inflation, and incomplete congressional action will mean high, continuing, and troublesome Federal budget deficits. Constant vigilance and relentless efforts to pare back future spending and borrowing will be imperative to ensure that they are not permitted to worsen and add further pressure to financial markets and interest rates.

Nevertheless, three features of these high deficit numbers must not be lost sight of even as we seek eventually to eliminate them.

First, even the 1982 deficit of $98.6 billion is not unprecedented in the context of a recession and recovery cycle. Relative to the present size of the U.S. economy, the budget deficit would have been $94 billion for 1975, followed by deficits of $139 billion, $91 billion and $97 billion in the next 3 years, respectively.

Second, these deficits reflect the excess spending commitments of past rather than new spending programs with potential to grow in the future. That means that by remaining firm in our efforts to reduce waste and excess, reform entitlements, reduce low priority spending, and gradually return domestic programs back to State and local governments, the gap between spending subject to firm fiscal discipline and revenues being lifted by steady economic expansion will gradually diminish.

Finally, the share of GNP taken in taxes will be substantially lower and the incentives for savings markedly stronger. This expansion of the total savings supply will increase our capacity to absorb deficits and give us additional time to work toward their elimination.

$239 BILLION DEFICIT REDUCTION PLAN

The prospect of high deficits during the transition to strong economic growth and low inflation contains a profound warning: any relaxation of our budget control efforts, any backsliding to spending politics as usual, any retreat to time-worn excuses about "uncontrollables"—that results in spending growth significantly above our projections, will mean a serious threat to the progress of our entire economic recovery program. There is precious little margin for shirking or diluting the task the American people have charged us with. That task is nothing less than a constant, comprehensive, ceaseless search for ways to reduce the size of Government and the future growth of its spending.

The 1983 budget I am presenting to the Congress faithfully adheres to that mandate. If all proposed measures are adopted, the prospective deficit will be reduced by $56 billion next year, $84 billion in 1984, and $99 billion in 1985. In short, the budget this year represents much more than simply a tabulation of accounts or a compilation of spending decisions, large and small. Instead, it represents a far-reaching, resourceful, and integrated blueprint for reducing the prospective deficit by $239 billion over the next 3 years. It is a bold action plan that, if faithfully implemented, can cut the prospective deficits over that period by nearly 50 percent.

Our plan for deficit reduction consists of five parts. It addresses each area of the budget where actions to reduce the gap between spending and revenues are possible and desirable.

The first area concerns nonsocial security entitlements. Despite the heartening progress we made toward reform last year, the cost of these automatic spending programs will rise to $201 billion in 1983 without further action. This figure compares to only $119 billion in 1979.

Thus, our 1983 budget proposals continue the objective set out previously: to reduce the swift growth of automatic entitlements while preserving benefits for the truly needy. If acted upon fully by the Congress, these new reform measures will save $12 billion next year and $52 billion over the next 3 years. They include new steps to tighten eligibility, reduce errors and abuse and curtail unwarranted benefits in the welfare, medical, and nutrition programs. The explosive growth of medical programs—16.7% per year since 1978—will be contained with tighter reimbursement standards for providers, modest copayment requirements for medicaid beneficiaries, and, later in the year, a comprehensive plan to reform the health care reimbursement system and provide new cost control incentives for all participants. We have also proposed measures to target guaranteed student loans better to those with financial need and to limit the cost growth of Federal military and civilian retirement programs.

Nevertheless, let me be clear on this point. Our administration has not and will not turn its back on our elderly or needy citizens. Under our new budget, funding for social insurance programs will be more than double the amount spent only 6 years ago. For example, the Federal Government will subsidize 95 million meals every day. That is one of every seven of all meals served in America. Headstart, senior nutrition programs, and child welfare programs will not be cut from the levels we proposed last year.

The second component of our deficit reduction plan covers domestic discretionary and other programs for purposes ranging from agricultural research to housing subsidies and manpower training. Our proposed savings here total $14 billion next year and $76 billion over the next 3 years.

These savings measures involve two essential principles. First, where programs are unnecessary, can be better targeted or can be significantly streamlined, we have proposed substantial reductions. Our proposals to convert the fragmented and wasteful CETA training program to a block grant, to target low-income energy assistance to the colder States where it is needed, to combine the WIC program with the child and maternal health block grant, and to further reduce subsidies to business for energy technology development and commercialization are all examples of this principle.

The other principle governing discretionary programs is that we have generally not provided inflation allowances for them. This will provide a powerful incentive to reduce overhead, waste, and low-priority activities and ensure that the money we spend for many worthwhile purposes in the areas of education, transportation, community development, and research is utilized in the most efficient and productive manner possible. Our deficit problem is simply too severe to permit business as usual to continue any longer.

The third component of the deficit reduction program involves user fees, or more appropriately, the recovery of costs borne by the taxpayers generally, but that predominantly benefit a limited group of businesses, communities or individuals. Total savings would amount to $2.5 billion in 1983 and $10 billion over the next 3 years.

While the Congress made great strides on most of our proposed budget cuts last year, the user fees proposals were a noticeable and disappointing departure from this pattern. The case for action now is even stronger than it was last year. With sacrifices required of almost every beneficiary of Federal programs, it is simply inexcusable and intolerable that yacht owners escape without paying even a small part of the Coast Guard services; or that commercial and general aviation are not paying the cost of the air traffic control system that ensures their safety; or that ship and barge operators do not pay a fair share of the costs of waterways maintained by the Federal Government. Our user fee package corrects these and similar shortcomings in current budget policy and will contribute significantly toward reducing the deficit.

The fourth part of the plan is aimed at the executive branch and the most inexcusable of all forms of spending: lax management, the toleration of fraud and abuse, the failure to recover debts owed the Government or to dis-

pose of properties it does not need, and outdated, inefficient, procurement practices.

Our fiscal plan has always assumed that our new management would take hold, and that savings would be possible in areas we have simply never looked at before. After 1 year, our new management team has indeed taken hold, the results to date have been impressive, and our plans for future savings are bold and far-reaching. All told, these efforts will reduce the budget deficit by $20 billion next year and $68 billion over the next 3 years.

We will collect the debts we are owed and the taxes we are due. New legislation will be needed in some cases, but much of these savings will flow from tighter, more aggressive management throughout executive branch agencies.

Likewise, we will move systematically to reduce the vast Federal holdings of surplus land and real property. It is estimated that the Federal Government owns approximately 775 million acres, and 405,000 buildings, covering about 2.6 billion square feet. Some of this real property is not in use and would be of greater value to society if transferred to the private sector. During the next 3 years we will save $9 billion by shedding these unnecessary properties while fully protecting and preserving our national parks, forests, wildernesses and scenic areas.

Our management efforts will also be directed toward the more cost-effective procurement of the goods and services required by the Federal Government. The changes we seek will increase competition for the Government's business, reduce and simplify paperwork and regulations, and develop better standards for our procurement processes and personnel. Over time these efforts will yield large outyear savings not included in the budget totals.

Finally, our emphasis thus far has been on reducing excessive tax rates and shrinking the Government's take from the paychecks of workers and the profits of business. On that principle we will not waver. But that does not mean unintended loopholes should go uncorrected, that obsolete tax incentives should be continued, or that profitable business should not contribute at least some minimum fair share to the cost of financing Government. Thus, our deficit reduction plan includes $34 billion over the next 3 years in additional receipts from new initiatives in these areas.

About one-third of this total is attributable to our proposal to strengthen the minimum corporate tax, and a substantial share of the other tax revisions will also affect business. In every case, these measures involve the collection of a tax that is owed now or that was intended by the Congress, or elimination of incentives that are no longer needed due to the sweeping reform of business taxation contained in the Economic Recovery Tax Act of 1981.

These new proposals will have no adverse impact on our economic recovery program, are fair and equitable, and will contribute significantly to the reduction of future deficits.

CONTINUING THE RESTORATION OF NATIONAL DEFENSE

Our 1983 budget plan continues the effort begun last year to strengthen our military posture in four primary areas: strategic forces, combat readiness, force mobility, and general purpose forces.

A thorough 8-month review of U.S. strategic forces and objectives preceded my decision this past October to strengthen our strategic forces. The review found that the relative imbalance with the Soviet Union will be at its worst in the mid-1980's and hence needs to be addressed quickly. It also concluded that the multiple protective structure basing proposal for MX did not provide long-term survivability since the Soviets could counter it (at about the same cost) by simply deploying more warheads.

In addition, our review pointed to serious deficiencies in force survivability, endurance, and the capability to exercise command and control during nuclear war. Current communications and warning systems were found to be vulnerable to severe disruption from an attack of very modest scale.

The 1983 budget funds programs to correct these deficiencies. The 1983 strategic program of $23.1 billion, an increase of $6.9 billion over 1982, provides for both near-term improvements and longer-term programs. These initiatives include:

—Early deployment of cruise missiles on existing bombers and attack submarines.

—Acquisition of a new bomber (the B-1B) and development of advanced technology (Stealth) bomber for deployment in the 1990's to provide a continued capability to penetrate Soviet defenses.

—Development and procurement of a new, larger, and more accurate land-based missile, the MX.

—Continued deployment of Trident ballistic missile submarines to strengthen the sea-based leg of our strategic deterrent.

Longer term programs include: development of a survivable deployment plan for the MX missile, development of a new submarine-launched ballistic missile, continued improvements in the survivability of warning and communications systems, and improvements in strategic defenses against both bomber and missile attacks.

The 1983 budget provides $114.3 billion in operations and military personnel costs, an increase of over $13 billion from the 1982 level to improve the combat readiness of our forces.

Today a major conflict involving the United States could occur without adequate time to upgrade U.S. force readiness. Our concerns with military readiness reflect both the long lead time required to procure sophisticated equipment (both parts and finished equipment) and past failures to provide adequate peacetime support for combat units. We cannot wait for a period of rising tensions before bringing forces up to combat readiness.

My program will continue to bolster combat readiness by increasing training, operating rates, and equipment support. There will be increased aircraft flying hours and supply inventories. In addition, backlogs of combat equipment and real property awaiting maintenance will be reduced. Also, the 1983 budget will provide levels of military compensation that will improve the readiness and capability of the All Volunteer Force.

Current U.S. mobility forces cannot move the required combat or combat support units fast enough to counter effectively military aggression in Europe, Korea, or in the Southwest Asia/Persian Gulf region. For example, at present only a small light combat force could be moved rapidly to the Southwest Asia region. Major mobility shortages include wide-body military cargo aircraft; fast logistics ships; and prepositioned ships and associated support equipment. Elimination of these shortages is an essential first step toward improving U.S. military capability during the first 30 days after the beginning of a crisis.

The 1983 budget provides $4.4 billion for:

—Initial procurement of a fleet of improved C-5 cargo aircraft, and additional KC-10A tanker/cargo aircraft that will double our wide-bodied military airlift capability by the 1990's.

—Continued upgrading of existing C-5A aircraft to extend their effectiveness beyond the year 2000.

—Conversion of four additional fast logistic ships that will provide the capability to move heavy combat forces rapidly.

—Chartering a fleet of supply ships that can be stationed with equipment and supplies in Southwest Asia to reduce the time required for deployment of heavy forces.

In the last decade, the Soviet Union introduced large quantities of highly capable, new-generation tactical equipment including combat ships, tanks, and aircraft, which must be countered by modernized U.S. forces. Also, the traditional U.S. superiority in system quality has been considerably narrowed, making Soviet quantitative advantages more serious. The Soviet

military force buildup has increased the risk that they may rely on military power to support their foreign policy goals. For the United States to maintain, in concert with our allies, sufficient conventional forces to deter potential aggression, our forces must be provided with adequate numbers of new, modern tactical equipment.

My 1983 budget includes $106.2 billion for general purpose forces—including both operations and investment—an $18 billion increase over 1982. A key initiative is an expanded shipbuilding program. The United States, dependent on open seas for commerce and military resupply, must have the naval capability to maintain control of vital sealanes. While our naval forces have declined from the mid-1960's, the Soviets have in existence or under construction eight new classes of submarines and eight new classes of major surface warships, including nuclear-powered cruisers and new aircraft carriers.

The budget provides an $18.6 billion shipbuilding program including full funding for two nuclear-powered aircraft carriers, to be constructed during 1983-87. Other ships included in my 1983 program are three large cruisers equipped with an advanced air defense system; two nuclear-powered attack submarines; two frigates for convoy protection and four mine countermeasure ships to improve fleet capability to operate in mined waters. My longer term objective is to increase the deployable battle force from 513 ships in 1982 to over 600 by the end of the decade.

In addition, the budget provides for increased production of ground and tactical Air Force weapons. Production rates will be increased for a variety of new systems such as the M-1 Abrams tank, light armored vehicles, and the AV-8B Marine Corps attack aircraft.

All of this will be done with a major reform of the acquisition process and vastly improved management of defense operations, which will save $51 billion by 1987. In a continuing fight against fraud, waste, and inefficiency, the Secretary of Defense has appointed an Assistant for Review and Oversight and a Council on Integrity and Management Improvement.

REVITALIZATION OF AMERICAN FEDERALISM

The Constitution provides clear distinctions between the roles of the Federal Government and of the States and localities. In their wisdom, our Founding Fathers provided for considerable flexibility so that in following centuries these responsibilities could be adapted to new conditions. But in recent years we have not adapted well to new conditions. We have created confusion as to who is responsible for what. During the past 20 years, what had been a classic division of functions between the Federal Government and the States and localities has become a confused mess. Traditional understandings about the roles of each level of government have been violated.

Governments at all levels have had and will continue to face various problems. But, as Governor of California, I learned that a problem in one part of the country does not automatically mean that we need a new Federal program in all 50 States. Yet that is what has happened.

In 1964, total Federal grants to State and local governments were $10 billion. By 1980, total Federal grants to States and localities exceeded $90 billion, meaning that 18 percent of Federal tax receipts were being passed through to States and localities for one reason or another. However, these funds were not passed through entirely benignly. Attached to them were Federal rules, mandates, and requirements. This massive Federal grant-making system has distorted State and local decisions and usurped State and local functions.

I propose that over the coming years we clean up this mess. I am proposing a major effort to restore American federalism. This transition over nearly 10 years will give States and localities the time they need to plan for themselves when and how to meet State and local needs that are now being met with Federal Government funds. My proposal will also make available to the States and localities the tax resources that would otherwise fund these programs by the Federal Government.

In coming weeks, we will have intensive discussions with local and State officials, the Congress, and many others to hammer out a proposal I will soon sent to the Congress. Essentially, I believe the Federal Government should assume full responsibility for the medicaid program which assures adequate health care for the poor. In contrast, financial assistance to the poor is a legitimate responsibility of States and localities. I am proposing, therefore, that the aid to families with dependent children (AFDC) and food stamp programs be turned over to the States. This swap will clarify responsibilities substantially because these programs will become the clear responsibility of one level of government or another. That responsibility is now mixed.

In addition, I propose that more than 40 current grant-in-aid programs costing the Federal Government about $30 billion a year be turned back to the States and localities, along with the funds to pay for them. During the period 1984-87, these programs will be funded by a specially designated set of taxes to be used exclusively for financing this transition program. These taxes will be deposited in a fund that will belong to the States. Each State will be able to make its own decision on how rapidly to phase out the turnback programs. This is because each State will have two options: it may use its share of the federalism trust fund to reimburse Federal agencies for continuing to carry out turnback programs, or it may ask that the programs be terminated and then use the funds directly for whatever purposes it desires.

Beginning in 1987, the federalism trust fund will gradually be dissolved and the tax sources themselves will be made available to the States.

The key to this program is that the States and localities make the critical choices. They have the time to make them in an orderly way. A major sorting out of Federal, State and local responsibilities will occur, and the Federal presence and intervention in State and local affairs will gradually diminish.

CONCLUSION

While some administration proposals have been turned down, turned aside, or compromised by the Congress, the overall assessment of the past year's action on the budget is heartening. Cooperation, support, goodwill, and a genuine sense of national purpose have enabled us to make significant progress in setting the Federal Government's affairs in order and America on the road to economic recovery.

I urge the Congress to approach the new, or renewed, proposals in this budget in the same spirit and with the same goodwill as it did my proposals of a year ago. Much has been accomplished. This budget proposes that more be done.

The proposals set forth in this budget will not be accepted readily. They are a second challenging installment of a politically difficult, yet necessary, program. In their specifics, these proposals will undoubtedly be altered by the Congress. The general direction we must travel, however, is clear. I urge the Congress to weigh these budget proposals thoughtfully, and to join me, and my administration, in a constructive effort to curb the growth of Federal spending and to provide for the Nation's security. We must, in the end, roll up our sleeves, face our responsibilities squarely, and persevere at the unending task of setting, and keeping, the Nation's affairs in order.

RONALD REAGAN.

THE WHITE HOUSE, *February 18, 1982.*

REPORT ON CERTAIN BUDGET RESCISSIONS AND DEFERRALS—MESSAGE FROM THE PRESIDENT—PM 110

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred pursu-

ant to the order of January 30, 1975, to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Commerce, Science, and Transportation, the Committee on Labor and Human Resources, the Committee on Energy and Natural Resources, the Committee on Banking, Housing, and Urban Affairs, the Committee on Environment and Public Works, the Committee on Armed Services, the Committee on the Judiciary, and the Committee on Small Business:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report twenty-two rescission proposals of fiscal year 1982 funds totaling $10,655 million.

In addition, I am reporting revisions to seven deferrals previously reported, which increase the amount deferred by $768 million, as well as 14 new deferrals of funds totaling $2,334 million.

The rescission proposals affect International Development Assistance programs, and programs in the Departments of Agriculture, Commerce, Education, Energy, Housing and Urban Development, Labor, and Transportation as well as the Institute of Museum Services.

The deferrals affect International Security Assistance programs, and programs in the Departments of Agriculture, Commerce, Defense, Energy, Interior, Justice, Labor, State, and Transportation as well as the District of Columbia, the Pennsylvania Avenue Development Corporation, the Small Business Administration and the United States Railway Association.

The details of each rescission proposal and deferral are contained in the attached reports.

RONALD REAGAN.

THE WHITE HOUSE, *February 5, 1982.*

MESSAGES FROM THE HOUSE

At 11:28 a.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 260. Concurrent resolution expressing the sense of the Congress regarding the successful rescue of Brig. Gen. James L. Dozier.

HOUSE CONCURRENT RESOLUTION REFERRED

The following concurrent resolution was read; and referred as indicated:

H. Con. Res. 260. Concurrent resolution expressing the sense of the Congress regarding the successful rescue of Brig. Gen. James L. Dozier; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MATHIAS, from the Committee on Rules and Administration, without amendment:

S.J. Res. 95. Joint resolution to authorize and direct the Secretary of the Interior, subject to the supervision and approval of the Franklin Delano Roosevelt Memorial Commission, to proceed with the construction of the Franklin Delano Roosevelt Memorial, and for other purposes (Rept. No. 97-311).

EXECUTIVE REPORTS OF COMMITTEES

The following executive report of committees was submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources:

Reynaldo Philip Maduro, of Maryland, to be an Assistant Director of the ACTION agency.

(The above nomination from the Committee on Labor and Human Resources was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation:

Malcolm M. B. Sterrett, of Maryland, to be a Member of the Interstate Commerce Commission for the term of seven years from January 1, 1981.

(The above nomination was reported from the Committee on Commerce, Science, and Transportation, with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BURDICK:

S. 2072. A bill to amend the Agricultural Act of 1949, to increase loan rates and price support levels for the 1982 through 1985 crops of corn and wheat; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. STEVENS:

S. 2073. A bill to repeal outdated size and weight limitations now imposed on the U.S. Postal Service; to the Committee on Governmental Affairs.

By Mr. JOHNSTON (for himself and Mr. LONG):

S. 2074. A bill to provide for the elimination of certain artificial restrictions on the consumption of natural gas, to provide for the elimination of certain restrictions on the sale and transmission of gas, to provide for the phased elimination of Federal price controls on natural gas, to provide remedies for certain contract provisions, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROTH:

S. 2075; A bill to amend the Second Liberty Bond Act to increase the investment yield on U.S. savings bonds to a level competitive with 52-week Treasury bills; to the Committee on Finance.

By Mr. LAXALT:

S. 2076. A bill for the relief of Oikos, Inc., and the Nevada Opera Association, both of Reno, Nev.; to the Committee on Finance.

By Mr. QUAYLE:

S. 2077. A bill for the relief of Chu Wan Ying and Zhigi Yang, mother and daughter; to the Committee on the Judiciary.

By Mr. HART:

S. 2078. A bill to prohibit the use of funds for the production of lethal binary chemical munitions; to the Committee on Armed Services.

By Mr. MOYNIHAN:

S. 2079. A bill to require that Poland be declared to be in default unless certain liberties and rights are found to be restored in Poland before payments are made by the U.S. Government for loans owed by Poland or credits which have been extended to Poland which have been guaranteed or assured by agencies of the U.S. Government; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. THURMOND (for himself, Mr. BAUCUS, Mr. DOLE, Mr. GRASSLEY, Mr. HATCH, Mr. LEAHY, Mr. LUGAR, and Mr. MOYNIHAN):

S.J. Res. 143. Joint resolution to authorize and request the President to designate the week of May 2 through 8, 1982, as "National Physical Fitness and Sports for All Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHMITT (for himself, Mr. BAKER, Mr. D'AMATO, Mr. JACKSON, Mr. MOYNIHAN, and Mr. RIEGLE):

S. Res. 314. Resolution to commemorate the life and accomplishments of Dr. Authur M. Bueche; considered and agreed to.

By Mr. BAKER (for himself, and Mr. ROBERT C. BYRD):

S. Res. 315. Resolution to direct Senate legal counsel to intervene in *Consumer Energy Council of America, Inc., et al.* v. *Federal Energy Regulatory Commission, et al.* Nos. 80-2184, 80-2313 (D.C. Cir.); considered and agreed to.

By Mr. ROBERT C. BYRD (for Mr. PELL):

S. Con. Res. 64. Concurrent resolution to authorize the Zeta Beta Tau fraternity to conduct a reception in the Rotunda of the Capitol on March 31, 1982, to commemorate Roger Williams for his contribution to religious toleration and freedom in the United States; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURDICK:

S. 2072. A bill to amend the Agricultural Act of 1949, to increase loan rates and price-support levels for the 1982 through 1985 crops of corn and wheat; to the Committee on Agriculture, Nutrition, and Forestry.

INCREASE IN LOAN RATES AND PRICE SUPPORTS FOR CORN AND WHEAT

Mr. BURDICK. Mr. President, today, I am introducing a bill to amend the Agriculture Act of 1981 to provide more realistic price and income supports for America's wheat and feed grain producers with the same, and possibly less, budget exposure to the Federal Treasury.

Mr. President, my bill will change target prices for wheat to $4.50 for the 1982 crop; $4.75 for the 1983 crop; $4.90 for the 1984 crop; $5.10 for the 1985 crop. Price support loans for wheat will change to $4. Corn target prices will change to $3.15 for 1982 crop; $3.31 for 1983 crop; $3.48 for 1984 crop; $3.63 for 1985 crop. Price support loans for corn will change to $3. Other feed grains will continue to be set in relation to corn.

The Agriculture Act of 1981 recommitted the Federal Government to the dual market price and income support system used through much of the 1970's. Under that system, commodity loans are used to set a floor under the market price, and, as long as most of the farmers participate in the farm program, the commodity loan does set the floor in the market. The commodity loan program protects the Government. The target price supports producers' income. Producers are paid by the Federal Government for the difference between the higher of either the market price or the commodity loan price and the target price. As long as most farmers have an adequate incentive to participate in the farm program, the maximum budget exposure is the difference between the target price and the loan price. In the Agriculture Act of 1981 agreed to by the Congress and the administration, the budget exposure—the difference between the target price and the loan price—for wheat is $0.50 per bushel for 1982 wheat crop, expanded upward through 1985. The budget exposure for corn is $0.15 per bushel for 1982 crop, expanded upward through 1985. The difference between the price support loans for wheat and corn is $1 per bushel. The difference between the wheat and corn target prices for 1982 is $1.35 per bushel. Mr. President, those differentials are cast in law in the 1981 farm bill. Again, they have been agreed to by the President and the Congress. The bill I am introducing today would not change those differentials at all. The budget exposure under my bill would not be any higher than the exposure contained in the 1981 farm bill, and I will argue, could be substantially less.

Mr. President, the Secretary of Agriculture has used his authority to announce planting cutbacks of 15 percent for wheat and 10 percent for corn. The need is clear. We are facing record reserve levels of wheat and corn. Because of the farmer-owned reserve program, market prices are slightly above the loan rate today. It is obvious that if market prices are to improve, reduced plantings are necessary. I am predisposed to want acreage reductions to work, because I stood on this floor in December 1980 and was the only Senator that opposed ending enforcement of the normal crop acres provision of the 1977 farm bill for the 1981 crop. I predicted at that time a return to the fence-row-to-fence-row planting that led us to disaster in the farm economy earlier. But to accommodate the incoming administration, the normal crop acres provision was ended. Now we are back in trouble, and we have to reduce plantings.

To have a farm program work, sufficient incentives have to be available to producers to participate in the program. Obviously, if producers do not participate, the program fails. I am being told by farmers, and by commodity groups whose membership are farmers, that the farm program, as currently offered, will exclude many farmers from participation. In fact, I have seen estimates of below 50-percent participation down to as little as 20-percent participation. Farmers are telling me, and the USDA figures are backing them up, that the target price levels in the 1981 bill mean certain disaster if one participates in the acreage reduction program. To not participate means only likely disaster. Those farmers will have to plant all they can and risk their livelihood on a major drought in one of the other major grain-growing regions in the world.

If no adjustments are made in the farm program, and we have a 50-percent participation in that program, it means that the other 50 percent will be excluded from the commodity loan program. Again, the commodity loan program in this farm bill protects the Government. If half the producers do not participate in the loan program, the market price could be well below the loan level.

The Secretary has been instructed that the Congress expects him to continue to operate the commodity loans as nonrecourse both as to principal and interest. In other words, if the market price is below the loan price at the time the loan reaches maturity, the producer can elect to forfeit ownership of the commodity to the Federal Government. If only half of the eligible farmers participate in the 1982 acreage reduction program, we will probably not get the desired reduction in bushels of wheat and feed grains. So, it is possible that the market price could plunge below the loan rate. If that happens, first, farmers who have grain under a 1-year commodity loan may well elect to forfeit that grain to the Commodity Credit Corporation. Second, farmers who did not participate in the acreage reduction program would not be eligible for target price protection and would face economic disaster. Third, the government would become the owner of some grain valued at less than its acquisition cost, would lose more farmers and consequently, tax base, and would have to continue to make storage payments on grain in the reserve throughout the year with no prospect that the market price will reach the release level.

Obviously, the preferred course must be to provide an adequate incentive for farmers to participate in the 1982 acreage reduction program. Again, my bill will provide that incentive at no more budget exposure than we currently have and possibly less.

Mr. President, another reason for passing my bill is to address the income requirements of the modern farming operation. I don't think the irony was lost on anyone when the very next day after the Senate passed the administration's farm bill, it agreed to a resolution instructing the Secretary of Agriculture to forgo foreclosure proceedings on Farmers Home Administration farm borrowers. Those of us who argued throughout the course of last year for adequate farm income lost to those who argued that we have to cut the budget for all those things that affect rural States so we could give those moneys to the big industrial companies in the form of tax breaks to reindustrialize America.

I do not intend to review today our debate of last year on farm income, but farm income remains the key to the farm credit problem. Farm income remains the key to adequate conservation of our soil and water resource base. Farm income remains the key to some problems we are facing in rural banks. Farm income is the key to whether the administration's "New Federalism" is a bearable burden for most rural States.

Mr. President, the target price levels contained in this bill will allow some farmers to make a profit. But most will only break even and remain in the business for another 4 years.

Mr. President, the loan levels contained in this bill will protect the Government. The budget exposed remains the same. And by setting a higher floor under the market, we may actually realize a gain in our net balance of agriculture trade. Senator BENTSEN has undertaken an excellent discourse on the importance and nature of international trade in agricultural commodities. I intend to speak to that subject later. But for now, let me say that the United States tends to be the price leader in wheat and feed grains. The increasingly protectionist sympathies among our agricultural trading partners and competitors spring from their inability to compete with low wheat and feed grain prices.

To conclude, Mr. President, this bill clearly fits our national interest. In-

transigence does not. Let's make these prudent changes at the earliest possible date. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2072

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 105B (a) (1) of the Agricultural Act of 1949 (7 U.S.C. 1444d (a) (1)) is amended by striking out "$2.55" and inserting in lieu thereof "$3.00".

(b) The first sentence of section 105E (b) (1) (C) of such Act is amended to read as follows: "The established price for corn shall not be less than $3.15 per bushel for the 1982 crop, $3.31 per bushel for the 1983 crop, $3.48 per bushel for the 1984 crop, and $3.63 per bushel for the 1985 crop.".

Sec. 2. (a) Section 107B (a) of the Agricultural Act of 1949 (7 U.S.C. 1445b-1 (a)) is amended by striking out "$3.55" and inserting in lieu thereof "$4.00".

(b) The first sentence of section 107B (b) (1) (C) of such Act is amended to read as follows: "The established price for wheat shall be not less than $4.50 per bushel for the 1982 crop, $4.75 per bushel for the 1983 crop, $4.90 per bushel for the 1984 crop, and $5.10 per bushel for the 1985 crop.".

By Mr. STEVENS:

S. 2073. A bill to repeal outdated size and weight limitations now imposed on the U.S. Postal Service; to the Committee on Governmental Affairs.

REPEAL OF POSTAL SIZE AND WEIGHT LIMITATIONS

Mr. STEVENS. Mr. President, today I am introducing legislation that would repeal outdated size and weight limitations now imposed on the U.S. Postal Service.

Many people do not realize that rural and small post offices have greater flexibility as to the size and weight of parcels the public may ship via the mails than those in cities. For example, a post office in nearby Herndon, Va., can accept parcels up to 70 pounds and 100 inches in length and girth. However, that same parcel cannot be accepted in the Washington, D.C., main post office, just four blocks from the Capitol. They can only accept parcels up to 40 pounds and 84 inches in length and girth.

My amendment would eliminate that discrepancy and allow any individual to mail a package of the maximum size in any post office, regardless of its location and the populace it serves. This relic of a restriction goes back to the days when the Railway Express Agency was still in business as a competitor to the U.S. Postal Service. In 1951, Congress enacted special legislation restricting the size and weight of parcel post which allowed the Postal Service to accept large parcels only where they were mailed at or addressed to small communities which did not have access to rail lines served by REA. This legislation was designed to help protect REA and divert the large parcel business to them.

Since REA went out of business in 1975, there is no justification whatsoever for the continued existence of this restriction, which discriminates against residents of this Nation's larger communities. There is simply no reason why people in Anchorage, Alaska, or Wilmington, Del., cannot send parcels just as large and heavy as those living in those smaller communities.

Recently, the J. C. Penney Co., in working with the Postal Service to try to upgrade its mail service, clearly pointed out that these outdated limitations are a real handicap for businesses. It is time we got rid of these archaic provisions.

Over the past 5 or 6 years, proposals to drop these outmoded limitations have been successfully added to various postal bills in the Senate and the House, without drawing any opposition whatsoever. But, for one reason or another unrelated to the parcel provision, the legislation has not made it all the way to the President's desk. This amendment provides for parcel limits to be set in mail classification proceedings just like letter mail size limits are now set.

I ask unanimous consent for the entire text of my bill to be printed at the end of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2073

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 11. (a) Section 3682 of title 39, United States Code, is amended to read as follows:

"§ 3682. Size and weight limits.

"The Postal Service may establish size and weight limitations for mail matter in the same manner as prescribed for changes in mail classification under subchapter II of this chapter.".

(b) The size and weight limitations for other than letter mail established by subsections (a) and (b) of section 3682 of title 39, United States Code, as in effect on the day prior to the effective date of this section, shall remain in effect until changed pursuant to section 3682 of such title, as amended by subsection (a) of this section.

By Mr. JOHNSTON (for himself and Mr. LONG):

S. 2074. A bill to provide for the elimination of certain artificial restrictions on the consumption of natural gas, to provide for the elimination of certain restrictions on the sale and transmission of gas, to provide for the phased elimination of Federal price controls on natural gas, to provide remedies for certain contract provisions, and for other purposes; to the Committee on Energy and Natural Resources.

NATURAL GAS PRODUCTION AND MARKET ADJUSTMENT ACT OF 1982

● Mr. JOHNSTON. Mr. President, since the 1954 Supreme Court decision in Phillips Petroleum Co. against Wisconsin, this Nation has embraced the intricate and formidable task of regulating the production, consumption, transportation and pricing of natural gas. The merits and mechanics of this arduous undertaking have spawned hundreds of court cases, thousands of administrative proceedings, and have been the subject of protracted and often acrimonious debate here on the floor of the Senate.

The most recent foray of the Congress into the field of natural gas regulation was the Natural Gas Policy Act of 1978. The result of that 18-month battle was a compromise between those seeking total deregulation of natural gas and those who favored extending regulatory controls. As with all compromises, the ideological purity of both sides became somewhat diluted, and, as one might expect with a subject of such complexity, a certain degree of confusion and distortion resulted.

The NGPA created over 20 different categories of natural gas depending on when, where, and by whom produced. Some of those categories were immediately decontrolled, some will be decontrolled in the future, and some will never be decontrolled. The act limits the access of some purchasers to otherwise convenient sources of supply while dictating to some producers those to whom they can sell. It mandates that some purchasers pay a higher price than others simply because of the use to which they put the gas, while limiting some producers to less revenues than others simply because of the nature of their production.

One's view of this complex regulatory scheme depends uniquely upon one's position in the marketplace. Yet, as the Senate Energy Committee's oversight hearings demonstrated last November, virtually everyone affected by the act, which includes virtually everyone, finds serious fault with its provisions.

Producers assert that the Federal price controls suppress the incentive to drill for gas in many regions where it might be found. This is borne out by the fact that last year's decontrol of oil led to an increase in oil well drilling of over 40 percent while natural gas drilling increased only about 7 percent.

Purchasers of natural gas allege that the multiplicity of Federal pricing schemes distorts the market, subsidizing some purchasers while unduly punishing others. Such is the inevitable result of price controls which have some gas selling for more than $9 per

mcf while other gas sells for less than $1 per mcf.

Interstate pipeline companies have testified that contracts designed to cope with Federal price regulations contain escalator provisions which, under the current law, threaten to raise the acquisition cost of natural gas far above market clearing levels. Intrastate pipelines, on the other hand, complain that the inability to purchase certain categories of gas, such as that from the Outer Continental Shelf, unduly impairs their ability to meet supply obligations.

These problems, taken separately, indicate the perils of cumbersome Federal regulation. Taken together, they threaten an economic disaster the likes of which rival the 1973 Arab oil embargo.

Mr. President, in an effort to reconcile these problems and avoid such a crisis, we are today introducing the Natural Gas Production and Market Adjustment Act of 1982. This bill contains considerable input from all segments of the industry and is a genuine attempt to address their concerns. In addition, it incorporates certain fruits of the thoughtful negotiation process initiated by Congressman PHIL GRAMM.

This bill would provide for the phased elimination of price controls on all categories of natural gas. All gas produced from wells drilled after date of enactment would receive a price based on 70 percent of the average price, per million, Btu's, for crude oil acquired in that calendar quarter by domestic refiners. All other categories of natural gas subject to price controls would be phased up to that level over a 2-year period. On January 1, 1985, all categories of natural gas would be completely decontrolled, and the authority of the Federal Government to reimpose price controls would be terminated.

In addition, the artificial restraints on the consumption of natural gas contained in the Fuel Use Act and title II of the NGPA would be repealed. Intrastate pipelines would be placed on an equal footing with interstate pipelines by receiving the opportunity to purchase gas from the Outer Continental Shelf and from other inter- and intrastate pipelines. Both purchasers and sellers of gas who are parties to certain onerous contract provisions would be afforded the choice of operating under those provisions, renegotiating the contracts, or choosing a contract price based on the current market clearing level for gas produced from the same geographic region.

Mr. President, natural gas deregulation is a very complex and emotional subject. The combination of these two factors has resulted in a great misconception. That is, that the accelerated deregulation of natural gas will result in cost increases to consumers which would not otherwise occur. Nothing could be further from the truth. When the NGPA price controls expire on January 1, 1985, some 40 to 60 percent of our natural gas supply will more than double in price. Thus, the issue is not whether such price increases will occur, but whether they will occur suddenly and dramatically or on a gradual basis. By phasing in this price increase we can avoid an instantaneous and traumatic shock to our already fragile economy. By eliminating price controls on all categories of gas, we can insure that all consumers pay the same price rather than some consumers paying more in order to subsidize others who pay less.

Our experience with price controls on oil has shown that opponents of decontrol can paint pictures of consumer distress and economic woe which simply do not materialize. In this instance, however, those who oppose accelerated decontrol will be advocating a status quo which threatens economic disaster. We simply must take an objective and unemotional look at the facts.

Natural gas is a clearly superior fuel which represents our Nation's most valuable natural resource. Yet, it is the only natural resource which remains subject to Federal price controls. There are enormous quantities of natural gas which cannot and will not be produced until the proper incentives are provided. A phased deregulation of gas prices will result in added production and increased conservation—in short, a greater supply of natural gas. A free market, not Federal price controls, is the way to keep natural gas prices down.

Mr. President, the stakes involved in natural gas decontrol are enormous. This is not an academic exercise we can undertake at our leisure. The complexities of this issue are great, and the cost of delay will be greater. I urge my colleagues to join us and to help return natural gas to the free market which it has not enjoyed for 28 years.

I ask unanimous consent that the text of the bill and the accompanying section-by-section analysis be included in the RECORD at the conclusion of my remarks.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 2074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE: TABLE OF CONTENTS

SECTION 1. (a) This Act may be cited as the "Natural Gas Production and Market Adjustment Act of 1982."

(b) The table of contents for this Act is as follows:

TABLE OF CONTENTS

TITLE I—ELIMINATION OF CERTAIN ARTIFICIAL RESTRICTIONS ON NATURAL GAS CONSUMPTION

§ 101—Repeal of the Powerplant and Industrial Fuel Use Act of 1978
§ 102—Termination of Certain Incremental Pricing Requirements Under the Natural Gas Policy Act of 1978
§ 103—Termination of Certain Natural Gas Utility Retail Policies

TITLE II—ELIMINATION OF CERTAIN RESTRICTIONS ON NATURAL GAS SALES AND TRANSMISSION

§ 201—Commission Approval of Sales
§ 202—Deregulation of Committed or Dedicated Gas
§ 203—Authorization of Certain Purchase of Natural Gas Produced from the Outer Continental Shelf
§ 204—Authorization of Assignments
§ 205—Emergency Purchase and Allocation Authority

TITLE III—NATURAL GAS PRICING PROVISIONS

§ 301—Ceiling Price for Natural Gas Produced from Wells Drilled on Date of Enactment Based on Current Oil Prices
§ 302—Phased Elimination of Federal Price Controls
§ 303—1985 Deregulation of All First Sales of Natural Gas; Denial of Authority to Reimpose Price Controls After Janaury 1, 1985
§ 304—Cost Pass-through Allowed Except in Cases of Fraud
§ 305—Preemption of Certain Laws Restricting Cost Pass-through
§ 306—Pipeline Owned Production
§ 307—Certification for Special Pricing and Contract Provisions
§ 308—Treatment of State Severance Taxes

TITLE IV—CONTRACT PROVISIONS

§ 401—Effect of Maximum Lawful Prices on Certain Contract Provisions
§ 402—Elimination of Authority to Specify Minimum Contract Duration
§ 403—Elimination of Authority to Require Offers and Rights of First Refusal
§ 404—Contract Conversion Rights
§ 405—Effect of Certain Commodity Escalator Clauses on Most Favored Nations Clauses
§ 406—Establishment of Fair Market Value

TITLE I—ELIMINATION OF CERTAIN ARTIFICIAL RESTRICTIONS ON NATURAL GAS CONSUMPTION

REPEAL OF THE POWERPLANT AND INDUSTRIAL FUEL USE ACT OF 1978

SEC. 101. (a) The Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 and following) is repealed effective on the date of enactment of the Natural Gas Production and Market Adjustment Act of 1982.

(b) Such repeal shall not apply with respect to powerplants or installations for which proposed or final prohibition orders have been issued under title II or III of such Act before such effective date. The obligations, rights and authorities applicable with respect to such orders shall continue to apply (including the authority of the Secretary of Energy to make final any proposed prohibition order).

TERMINATION OF CERTAIN INCREMENTAL PRICING REQUIREMENTS UNDER THE NATURAL GAS POLICY ACT OF 1978

SEC. 102. (a) Title II of the Natural Gas Policy Act of 1978 (15 U.S.C. 3341-3348) is amended by adding at the end thereof the following new section:

"SEC. 209. TERMINATION OF REQUIREMENTS UNDER THIS TITLE.

"The requirements of this title shall not apply with respect to costs incurred by interstate pipelines after the date of enactment of the Natural Gas Production and Market Adjustment Act of 1982."

(b) Effective beginning on the date of the enactment of this section, each interstate pipeline and local distribution company which was formerly subject to the provisions of Title II of the Natural Gas Policy Act of 1978 shall comply with all orders which the Federal Energy Regulatory Commission may prescribe for the purpose of effecting the termination of the requirements of title II of such Act.

TERMINATION OF CERTAIN NATURAL GAS UTILITY RETAIL POLICIES

SEC. 103. Title III of the Public Utility Regulatory Policies Act of 1978 (15 U.S.C. 3201-3211) is repealed effective on the date of enactment of the Natural Gas Production and Market Adjustment Act of 1982.

TITLE III—ELIMINATION OF CERTAIN RESTRICTIONS ON NATURAL GAS SALES AND TRANSMISSION

COMMISSION APPROVAL OF SALES

SEC. 201 (a) Section 311(b)(1) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3371(f)(1)) is amended to read as follows:

"(1) IN GENERAL.—The Commission may, by rule or order, authorized any pipline to sell natural gas to—

"(A) any other pipeline; and

"(B) any local distribution company."

(b) The heading for paragraph (2) of section 311(b) of such Act is amended by inserting "for intrastate pipelines" after "charges".

(c) Subparagraph (B) of section 311(b)(2) is amended—

(A) by striking out "an amount" and inserting in lieu thereof "any amount"; and

(B) in clause (i), by striking out "intrastate" and by inserting "storage," after "transportation,".

(d) Section 311(b) of such Act is amended by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (4), (5), (6), (7), and (8), respectively, and by inserting after paragraph (2) the following new paragraph:

"(3) RATES AND CHARGES FOR INTERSTATE PIPELINES.—The rates and charges of any interstate pipeline with respect to any sale authorized under paragraph (1) shall be just and reasonable (within the meaning of the Natural Gas Act)."

(e) Paragraph (5) (as redesignated) of section 311(b) of such Act is amended—

(1) by striking out "intrastate" in the paragraph heading and inserting in lieu thereof "existing": and

(2) by striking out "intrastate pipeline" and inserting in lieu thereof "seller".

(f) Paragraph (6) (as redesignated) of section 311(b) of such Act is amended—

(1) by striking out "intrastate pipeline" in subparagraph (A) and inserting in lieu thereof "seller":

(2) by striking out "interstate pipeline or local distribution company" in clause (i) of subparagraph (A) and inserting in lieu thereof "purchaser";

(3) by striking out "intrastate pipeline" in clause (ii) of subparagraph (A) and inserting in lieu thereof "seller"; and

(4) by striking out "intrastate pipeline" in subparagraph (B) and inserting in lieu thereof "seller".

(g) Paragraph (7) (as redesignated) of section 311(b) of such Act is amended by striking out "intrastate pipeline" in subparagraphs (A)(i), (A)(ii), and (C) and inserting in lieu thereof "seller".

(h) Paragraph (8) (as redesignated) of section 311(b) of such Act is amended by striking out "intrastate pipeline" in subparagraphs (A) and (B) and inserting in lieu thereof "seller".

(i) Section 311(a) of the National Gas Policy Act of 1978 (15 U.S.C. 3371(a)) is amended by adding the following:

"(3) TRANSPORTATION INCENTIVE.—No amounts paid for transportation services hereunder shall be taken into account in setting the rates of the transporting pipeline."

(j) Section 1(c) of the Natural Gas Act (15 U.S.C. 717(c)) is amended by inserting after the first sentence the following: "If the provisions of this Act do not apply to any person by reason of this subsection, then such provisions shall equally not apply to any other person receiving natural gas from such person solely by reason of such receipt and subsequent sale or transportation."

(k) Section 601(a) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3431) is amended by adding paragraph (3) which reads as follows:

"(3) TRANSPORTATION AND SUBSEQUENT SALE.—

"(A) JURISDICTION OF THE COMMISSION.—For purposes of section 1(b) of the Natural Gas Act, the provisions of the Natural Gas Act and the jurisdiction of the Commission under such Act shall not apply to any transportation or sale (including any sale for resale) of natural gas by one or more intrastate pipelines or local distribution companies and such natural gas shall not be deemed to be in interstate commerce, if all transportation between States or between States and the Federal domain in the Outer Continental Shelf is performed by one or more interstate pipelines pursuant to authorization by the Commission under sections 302(c), 303 (b), (c), (d), or (h), or 311(a)(1) of this Act or under section 7 of the Natural Gas Act.

"(B) NATURAL GAS COMPANY.—For purposes of the Natural Gas Act, the term 'natural gas company' (as defined in section 2(6) of such Act) shall not include any person by reason of, or with respect to, transportation or sale of natural gas, if the provisions of the Natural Gas Act and the jurisdiction of the Commission under the Natural Gas Act do not apply to such transportation or sale by reason of subparagraph (a) of this paragraph."

DEREGULATION OF COMMITTED OR DEDICATED GAS

SEC. 202. (a) Section 601(a)(1)(B) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3431(a)(1)(B)) is amended to read as follows:

"(B) COMMITTED OR DEDICATED NATURAL GAS.—Effective January 1, 1985, for purposes of section 1(b) of the Natural Gas Act, the provisions of such Act and the jurisdiction of the Commission under such Act shall not apply by reason of any first sale of natural gas which was committed or dedicated to interstate commerce as of the day before the date of enactment of this Act. Before January 1, 1985, for purposes of section 1(b) of the Natural Gas Act, the provisions of the Natural Gas Act and the jurisdiction of the Commission under such Act shall not apply by reason of any first sale of natural gas which was committed or dedicated to interstate commerce as of the day before the date of enactment of this Act and which is—

"(i) high cost natural gas (as defined in section 107(c) (1), (2), (3), or (4) of this Act):

(ii) new natural gas (as defined in section 102(c) of this Act);

(iii) natural gas produced from any new onshore production well (as defined in section 103(c) of this Act); or

(iv) natural gas produced from wells drilled on or after date of enactment which qualifies for the maximum lawful price under section 111.

(b) Section 601 of such Act (15 U.S.C. 3431) is further amended—

(1) Effective January 1, 1985, in section 601(a)(1) by striking out subparagraph (E); and

(2) in Section 601(b)(1)(A)(ii) by striking out "solely".

AUTHORIZATION OF CERTAIN PURCHASES OF NATURAL GAS PRODUCED FROM THE OUTER CONTINENTAL SHELF

SEC. 203. (a) Section 601(a)(1)(B) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3431), as amended, is further amended—

(1) by striking out "or" at the end of clause (iii), by striking out the period at the end of clause (iv) and inserting "; or" in lieu thereof, and by adding at the end thereof the following new clause:

"(v) natural gas from the Outer Continental Shelf if such sale is to an intrastate pipeline, local distribution company or end user located within any State."

(2) Section 601(a)(2)(A) of such Act (15 U.S.C. 3431) is amended by striking out "or" at the end of clause (i), by striking out the period at the end of clause (ii) and inserting "; or" in lieu thereof, and by adding at the end thereof the following new clause:

"(iii) of natural gas from the Outer Continental Shelf that is transported on behalf of any intrastate pipeline, local distribution company or end user located within any State, except that (I) the rate any pipeline charges for any transportation over or across the Outer Continental Shelf shall be just and reasonable (within the meaning of the Natural Gas Act), as determined by the Commission, and (II) any facilities for such transportation over or across the Outer Continental Shelf shall be constructed or operated only pursuant to a certificate issued by the Commission under section 7 of the Natural Gas Act."

(b) Section 601(a) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3431), as amended, is further amended by adding at the end thereof the following new paragraph:

"(4) ACCESS TO OUTER CONTINENTAL SHELF NATURAL GAS.—The Commission may not impose any direct or indirect limitation on the right to contract for sale or use of natural gas from the Outer Continental Shelf, except that the Commission shall ensure that an interstate pipeline may not charge for any transportation of such natural gas a rate in excess of a just and reasonable rate (within the meaning of the Natural Gas Act)."

AUTHORIZATION OF ASSIGNMENTS

SEC. 204. (a) Section 312(a) of such Act (15 U.S.C. 3372(a)) is amended to read as follows:

"(a) AUTHORIZATION OF ASSIGNMENTS.—The Commission may, by rule or order, authorize a pipeline or local distribution company to assign, without compensation, to any other pipeline or local distribution company, all or any portion of the assignor's right to receive surplus natural gas at any first sale, upon such terms and conditions as the Commission determines appropriate, except that the Commission may not discriminate against the assignment of any sur-

plus gas based upon the Title I pricing category applicable to such gas."

(b) Section 312(c) of such Act (15 U.S.C. 3372(c)) is amended to read as follows:

"(c) SURPLUS NATURAL GAS.—For purposes of this section, the term 'surplus natural gas' means, with respect to any pipeline or local distribution company, any natural gas which exceeds the then current demands of such person for natural gas, as determined by the Commission, or the state agency, having regulatory jurisdiction over that person."

EMERGENCY PURCHASE AND ALLOCATION AUTHORITY

SEC. 205. (a) EMERGENCY PURCHASE AUTHORITY.—Section 302 of the Natural Gas Policy Act of 1978 (15 U.S.C. 3362) is amended—

(1) in subsection (a)—

(A) by striking out "interstate pipeline or local distribution company served by any interstate pipeline" and inserting in lieu thereof "interstate or intrastate pipeline or local distribution company";

(B) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) from any producer of natural gas; or"; and

(C) in paragraph (2), by striking out "intrastate" and "an interstate pipeline or";

(2) in subsection (d) by striking out "any interstate pipeline" and inserting in lieu thereof "any pipeline"; and

(3) in subsection (e) by striking out "any intrastate pipeline" and inserting in lieu thereof "any pipeline".

(b) EMERGENCY ALLOCATION AUTHORITY.—Section 303 of such Act (15 U.S.C. 3363) is amended—

(1) in subsection (a), by striking out "interstate" in paragraph (1) and by striking out subparagraph (A) in paragraph (2) and redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;

(2) in subparagraph (D) of subsection (b)(1), by striking out "any interstate pipeline" and inserting in lieu thereof "any pipeline";

(3) in subsection (c)—

(A) by striking out "interstate" each place it appears; and

(B) by striking out "certificated" in paragraphs (1) and (4); and

(4) in subparagraph (D) of subsection (d)(1), by striking out "interstate."

(c) Subparagraph (C) of section 601(a)(1) of such Act (15 U.S.C. 3431(a)(1)(C)) is amended—

(1) by striking out "or" at the end of clause (i);

(2) by striking out the period at the end of clause (ii) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following new clause:

"(iii) pursuant to any allocation assigned under section 303."

TITLE III—NATURAL GAS PRICING PROVISIONS

CEILING PRICE FOR NATURAL GAS PRODUCED FROM WELLS DRILLED ON DATE OF ENACTMENT BASED ON CURRENT OIL PRICES

SEC. 301. (a) Title I of the Natural Gas Policy Act of 1978 is amended by inserting after section 110 the following new section:

"SEC. 111. CEILING PRICE FOR WELLS DRILLED ON OR AFTER DATE OF ENACTMENT BASED ON CURRENT OIL PRICE

"(a) APPLICATION.—Subject to section 101(b)(5), the maximum lawful price under subsection (b) shall apply to any first sale of natural gas for any month beginning after December 1982 in the case of any natural gas produced from any well (excluding natural gas as defined in Section 107(c)(1)-(4)) if—

"(1) the surface drilling of the well commenced on or after date of enactment of this section; and

"(2) a permit, license, or comparable authorization was issued with respect to the drilling by the applicable Federal or State agency having regulatory jurisdiction with respect to the production of such natural gas.

"(b) MAXIMUM LAWFUL PRICE.—The maximum lawful price, per million Btu's, under this section for any month shall be equal to the crude oil reference price for the calendar quarter in which that month occurs.

"(c) CRUDE OIL REFERENCE PRICE DEFINED.—For purposes of this section, the term 'crude oil reference price', when used with respect to any calendar quarter, means a price estimated by the Secretary of Energy to be equal to 70 percent of the weighted average price, per million Btu's, for crude oil which will be acquired during that calendar quarter by refiners located in the United States."

(b) The table of contents for such Act is amended by adding after the item relating to section 110 the following new item:

"Sec. 111. Ceiling price for wells drilled on or after date of enactment based on current oil price.".

(c) The Federal Energy Regulatory Commission shall prescribe regulations designed to minimize the administrative burdens on individuals who could be covered by section 111 as added by subsection (a) of this section.

PHASED ELIMINATION OF FEDERAL PRICE CONTROLS

SEC. 302. (a) Title I of the Natural Gas Policy Act of 1978 is amended by inserting after section 111 the following new section:

"SEC. 112. POST-1982 PRICE CEILINGS

"(a) Subject to section 101(b)(5), the maximum lawful price, per million Btu's, applicable to any first sale of natural gas other than that defined in section 111 for any month beginning after December 1982, shall be determined in accordance with the following formula:

"P=base price + (transition factor × shortfall).

"(b) MEANING OF TERMS.—For purposes of the formula set forth in paragraph (a)—

"(1) the term 'P' equals the maximum lawful price under this subsection for any month;

"(2) the term 'base price' means the maximum lawful price otherwise applicable to the category of natural gas involved for the calendar month during which the effective date of this section occures;

"(3) the term 'transition factor' equals—

(A) the number of calendar months which have elapsed between January 1983 and the month for which the maximum lawful price is being calculated, divided by (B) 24; and

"(4) the term 'shortfall' equals—

(A) the Btu equivalent of the crude oil reference price determined under subsection (c), reduced by (B) the base price for the category of natural gas involved.

"(c) CRUDE OIL REFERENCE PRICE DEFINED.—For purposes of this section, the term 'crude oil reference price,' shall be equal to the price determined by the Secretary pursuant to the provisions in section 111(c).

"(d) HIGH COST NATURAL GAS.—For purposes of any maximum lawfdul price, established by the Commission for any category of natural gas pursuant to section 107(c)(5), which references other categories of natural gas for determining such price such applicable maximum lawful price shall be determined without regard to the provisions of section 112(a) unless otherwise determined by the Commission pursuant to rule or order.

(b) This section shall take effect beginning January 1, 1983.

(c) Section 101(b)(6) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3311(b)(6)) is amended by striking out subparagraphs (A) and (B) and inserting in lieu thereof the following:

"(A) not later than 5 days before the beginning of any month, determine and make available (i) the maximum lawful prices prescribed under this title for such month, (ii) the monthly equivalent of the annual inflation adjustment factor for such month, and (iii) the current crude oil reference price as determined and transmitted by the Secretary of Energy to the Commission for the purpose of the price calculations pursuant to sections 111 and 112 of this title, and

"(B) as soon as possible thereafter, publish in the Federal Register such maximum lawful prices and other determinations for such month."

(d) The table of contents for such Act is amended by inserting after the item relating to section 111 (as added by section 301) the following:

"Sec. 112 Post—1982 Ceiling Prices"

1985 DEREGULATION OF ALL FIRST SALES OF NATURAL GAS; DENIAL OF AUTHORITY TO REIMPOSE PRICE CONTROLS AFTER JANUARY 1, 1985

SEC. 303(a)(1) Section 121(a) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3331(a)) is amended to to read as follows:

"GENERAL RULE.—Effective January 1, 1985, the provisions of subtitle A respecting maximum lawful price shall cease to apply to the first sale of any natural gas."

(2) Section 121 of the Natural Gas Policy Act of 1978 (15 U.S.C. 3331) is amended by striking out subsections (c), (d) and (e).

(3) Section 103(b) of such Act (15 U.S.C. 3313(b)) is amended by striking out paragraph (2).

(4) Section 105(b) of such Act (15 U.S.C. 3315(b)) is amended by striking out paragraph (3).

(5) Section 313 of such Act (15 U.S.C. 3373) is amended by striking out "(as defined in section 105(b)(3)(B))" each place it appears and by adding at the end thereof the following new subsection:

"(c) DEFINITION OF INDEFINITE PRICE ESCALATOR CLAUSE.—For purposes fo this section, the term 'indefinite price escalator clause' includes any provision of any contract—

"(1) which provides for the establishment or adjustment of the price for natural gas delivered under such contract by reference to other prices for natural gas, for crude oil, for refined petroleum product, or any other energy source, or

"(2) which allows for the establishment or adjustment of the price of natural gas delivered under such contract by negotiation between the parties."

(b)(1) Subtitle B of title I of the Natural Gas Policy Act of 1978 is amended by striking out sections 122 and 123.

(2) The table of contents for such Act is amended by striking out the items relating to sections 122 and 123.

COST PASSTHROUGH ALLOWED EXCEPT IN CASES OF FRAUD

SEC. 304. Paragraph (2) of section 601(c) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3431(c)) is amended by striking out all that follows subparagraph (B) and inserting in lieu thereof the following: "except to the extent the Commission, or other such ratemaking agency, as the case may be, determines that the amount paid was excessive due to fraud."

PREEMPTION OF CERTAIN LAWS RESTRICTING COST PASSTHROUGH

SEC. 305. Section 601(c) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3431(c)) is amended by adding at the end thereof the following new paragraph:

"(3) PREEMPTION OF CERTAIN LAWS RESTRICTING COST PASSTHROUGH.—Any provision of any State of local law is pre-empted to the extent such provision of law would preclude, or grant the authority to preclude, the recovery by any interstate pipeline of any amount paid with respect to any purchase of natural gas.

PIPELINE OWNED PRODUCTION

SEC. 306. (a) Section 2 of the Natural Gas Policy Act of 1978 is amended—

(1) by amending paragraph (20) to read as follows:

"(20) SALE.—The term 'sale' means any sale, exchange, or other transfer for value and, with respect to natural gas owned and produced by any pipeline, includes the intracorporate transfer of such natural gas;" and

(2) by amending the portion of paragraph (21) which precedes subparagraph (A)(ii) to read as follows:

"(21) FIRST SALE.—

"(A) GENERAL RULE.—The term 'first sale' means any sale of any volume of natural gas—

"(i) to any interstate pipeline, intrastate pipeline, or to the transmission or distribution division of a pipeline, in the case of natural gas owned and produced by that pipeline;".

(b) Section 601 of such Act is amended—

(1) by amending the portion of subsection (b)(1)(A) which precedes clause (i) to read as follows:

"(A) FIRST SALES.—Subject to paragraph (4), for purposes of sections 4 and 5 of the Natural Gas Act, any amount paid (including, with respect to natural gas owned and produced by any pipeline, any wellhead value assigned by the pipeline to such natural gas) in any first sale of natural gas shall be deemed to be just and reasonable if—"; and

(2) by further amending subsection (c)(2) by inserting after "purchase of natural gas" the following: "(including with respect to natural gas owned and produced by any pipeline, any wellhead value assigned by the pipeline to such natural gas)".

CERTIFICATION FOR SPECIAL PRICING AND CONTRACT PROVISIONS

SEC. 307. Section 503 of the Natural Gas Policy Act is amended by adding at the end thereof the following new subsection:

"(f) SELLER CERTIFICATION APPLICABLE FOR CERTAIN PURPOSES.—For purposes of sections 111 and 112, and paragraphs (11) and (12) of section 101(b), any certification made by a seller in a sworn statement to the Commission and the Federal and State agency having authority to make determinations referred to in subsection (a)(1) shall satisfy any requirements for a determination under this section.".

TREATMENT OF STATE SEVERANCE TAXES

SEC. 308. Section 110 of such Act (15 U.S.C. 3320) is amended by adding at the end thereof the following new subsection:

"(d) APPLICABILITY TO SECTIONS 111 AND 112.—The provisions of subparagraph (s)(1) shall apply to the same extent and manner as such provisions apply to maximum lawful prices under sections 102 through 109."

TITLE IV—CONTRACT PROVISIONS

EFFECT OF MAXIMUM LAWFUL PRICES ON CERTAIN CONTRACT PROVISIONS

SEC. 401. Section 101(b) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3311(b)) is amended by adding at the end thereof the following new provision:

"(10) EFFECT OF MAXIMUM LAWFUL PRICES ON CERTAIN CONTRACT PROVISIONS.—For purposes of any contractual pricing provision, any maximum lawful price under this title shall be deemed to be a just and reasonable rate established by order of the Commission."

ELIMINATION OF AUTHORITY TO SPECIFY MINIMUM CONTRACT DURATION

SEC. 402. Section 315 of the Natural Gas Policy Act of 1978 (15 U.S.C. 3375) is amended by striking out subsection (a) and inserting in lieu thereof the following:

"(a) CONTRACT DURATION.—The Commission may not specify the minimum duration of any contract for the purchase of natural gas to which section 601(a)(1)(A) or (B) is applicable."

ELIMINATION OF AUTHORITY TO REQUIRE OFFERS AND RIGHTS OF FIRST REFUSAL

SEC. 403. Section 315 of the Natural Gas Policy Act of 1978 (15 U.S.C. 3375) is amended by striking out subsection (b) and inserting in lieu thereof the following:

"(b) OFFERS; RIGHT OF FIRST REFUSAL.—In the case of any person (or any successor in interest to such person) who but for the provisions of section 601(a)(1)(B) (relating to deregulation), would have been entitled to receive natural gas committed or dedicated to interstate commerce pursuant to such commitment or dedication if such gas were sold, the Commission may not require that such natural gas be offered to be sold to such person, either directly or through the granting of any right of first refusal of an offer made to any other person.".

CONTRACT CONVERSION RIGHTS

SEC. 404. (a) SELLER'S RIGHT TO CONVERT AREA RATE CLAUSES.—Section 101(b) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3311(b)) is further amended by adding at the end thereof the following new paragraph:

"(11) CONSTRUCTION OF AREA RATE CLAUSES.—(A) In the case of any contract—

"(i) which was in effect on the day before the date of the enactment of this section; and

"(ii) which contains an area rate clause, the Seller under such contract may elect, not later than June 30, 1985, to have the price for natural gas under such contract be adjusted as if the contract contained the contract provisions set forth in paragraph (13) (in lieu of such area rate clause), until such time as the contract terminates or is renegotiated.

"(B) For purposes of this paragraph, the term 'area rate clause' means any contractual provision which bases the contract price for the first sale of natural gas on any Federally sanctioned or established rate or price, without regard to whether the clause specifies the identity of the Federal authority establishing or sanctioning such rate or price."

(b) BUYER'S RIGHT TO CONVERT COMMODITY ESCALATOR CLAUSES.—Section 101(b) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3311(b)), as amended by subsection (a) of this section, is further amended by adding at the end thereof the following new paragraph:

"(12) CONSTRUCTION OF COMMODITY ESCALATOR CLAUSES AFTER DECONTROL.—

"(A) GENERAL RULE.—In the case of any contract—

"(i) which was in effect on the day before the date of the enactment of this section; and

"(ii) which contains a commodity escalator clause,

the Buyer under such contract may elect, not later than June 30, 1985, to have the price for natural gas under such contract be adjusted during the period this subparagraph applies to such contract as if the contract contained the contract provisions set forth in paragraph (13) (in lieu of such commodity escalator clause). In applying such contract provisions for purposes of this paragraph, the term 'Buyer' shall be substituted for 'Seller' and the term 'Seller' shall be substituted for 'Buyer', each place such terms appear. If the Buyer does not make a election under this subsection, the provisions of Section 313(b)(2), as amended by Section 405 of this Title, shall apply.

"(B) COMMODITY ESCALATOR CLAUSE.—For purposes of this paragraph, the term 'commodity escalator clause' means any provision of any contract which provides for the establishment or adjustment of the price for natural gas delivered under such contract by reference to prices paid for other fuels or commodities other than natural gas produced from within the United States, including refined petroleum products or crude oil."

(c) STATUTORY MOST FAVORED NATIONS CLAUSE.—Section 101(b) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3311(b)) is further amended by adding at the end thereof the following new paragraph:

"(13) MOST FAVORED NATION CLAUSE APPLICABLE FOR PARAGRAPHS (11) AND (12).—The following contract provisions shall be applicable under paragraphs (11) and (12):

"1. The Seller shall have the right to make a written request for a redetermination of the price at which gas is to be sold under this Agreement. Upon Seller's request, the parties shall endeavor to agree to a redetermined price within six (6) months after Buyer's receipt of Seller's request (the redetermination period), or if they are unable to agree, such price shall be redetermined by arbitration pursuant to paragraph 3 hereof in accordance with the provisions of this paragraph 1. Such redetermined price shall be effective on January 1, 1985, in the event Seller requests a price redetermination within thirty (30) days before January 1, 1985. In the event Seller does not make such a request within thirty (30) days before January 1, 1985, the redetermined price shall be effective on the first day of the month following the earlier of (A) the expiration of one hundred twenty (120) days from the date of the notice or (B) the date on which redetermined price is agreed to by Buyer and Seller. *Provided, however,* in no event is the redetermined price to become effective prior to January 1, 1985. After the initial price redetermination under this Agreement, Seller may request further price redetermination during the remaining term of this Agreement at the end of each year following the effective date of a previously

redetermined price. Each redetermined price, including the initial price redetermination, shall be based on an arithmetic average of the highest prices being paid for gas at the time of Seller's request for redetermination by each of three (3) different pipeline purchasers which may include Buyer if Buyer is one (1) of such three (3) with regard to a contract other than this one in the area involved pursuant to interstate contracts comparable to this Agreement in their terms and conditions, dedicated reserves, contract quantities, quality specifications, term of the contract, delivery conditions, delivery pressure, tax reimbursement, measurement, and point of delivery. In the event of redeterminations other than the original redetermination made pursuant to this paragraph 1, the redetermined price to be paid under this Agreement for the remaining term of this Agreement (subject to further price redetermination) shall be effective on sixty (60) days written notice by Seller of its intent to redetermine price under this Agreement, but in no event shall the subsequent redeterminations become effective prior to the anniversary of any previous redetermination period.

"2. In the event representatives of Buyer and Seller are unable to agree upon a redetermined base price or prices within a period of sixty (60) days of the written request for such redetermination, then either Buyer or Seller shall have the right to submit the matter to arbitration in the following manner: Upon written request for arbitration made by either party and served upon the other as provided by law, Buyer shall appoint one arbitrator and Seller shall appoint one arbitrator and the two arbitrators so appointed shall select a third arbitrator. If either Buyer or Seller shall fail to appoint an arbitrator within fifteen (15) days after such request for arbitration is made by the other party in writing, or if the two arbitrators so appointed shall fail within fifteen (15) days after the appointment of the second of them to agree on a third arbitrator, the arbitrator or arbitrators necessary to complete a board of three arbitrators shall be appointed upon application by either party therefor by the active senior (in service) U.S. Judge of the federal court having jurisdiction over the area in which the property covered by the Agreement is situated. After three arbitrators are appointed pursuant to the foregoing provisions of this paragraph, they shall meet, hear the parties with respect to the matter of said price, and arrive at a determination of the price or prices at which gas is to be sold hereunder during the particular period in question. Any determination agreed to in writing by at least two of such arbitrators shall be final and binding on the parties hereto. All arbitrators appointed pursuant to this paragraph shall be individuals qualified by education, knowledge, and experience to determine the price of gas in accordance with the criteria set forth above and shall not be in the regular salaried employ of either party. The compensation and expenses of the the arbitrator named for the Seller shall be paid by Seller; the compensation and expenses of the arbitrator named for Buyer shall be paid by Buyer; and the compensation and expenses of the third arbitrator shall be paid in equal portions by Buyer and Seller.

"3. The term 'area', as used in paragraphs 1 and 2, means the areas defined for area rate purposes by the Federal Power Commission and set forth in section 154 of title 18 of the Code of Federal Regulations (as in effect February 8, 1982) or as set forth in an otherwise applicable rule or order which is no longer subject to judicial review. In the case of any geographical region not included in any such area, as so defined, such term means the county from which the natural gas is produced together with all counties adjacent to such county. In the case of any State or Federal geographical region not included in any such area, as so defined, the Secretary shall, by regulation, modify the definition of such areas to include such regions or establish new areas. In prescribing such regulations, the Secretary shall give due regard to boundaries utilized under other Federal laws and regulations in connection with oil and gas extraction."

EFFECT OF CERTAIN COMMODITY ESCALATOR CLAUSES ON MOST FAVORED NATION CLAUSES

SEC. 405. (a) Section 313(b) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3373(b)) is amended by inserting "(1)" after "(b) OTHER TRANSACTIONS.—", by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B) respectively, and by adding at the end thereof the following new paragraph:

"(2) Effective January 1, 1985, and terminating January 1, 1990, no price paid in any first sale of natural gas established under any commodity escalator clause (as defined in subparagraph (B) of section 101(b)(12)) for which an election is not in effect under section 101(b)(12) may be taken into account in applying any existing most favored nation clause."

(b) Section 313 of such Act is further amended by adding at the end thereof the following new subsection:

"(d) DEFINITION OF EXISTING MOST FAVORED NATION CLAUSE.—For purposes of this section, the term 'existing most favored nation clause' means any indefinite price escalator clause which is in effect on the day prior to the date of enactment of this subsection and which provides for the establishment or adjustment of the price of natural gas delivered under the contract involved by reference to the price payable in other first sales of natural gas produced from fields or areas specified in such clause."

ESTABLISHMENT OF FAIR MARKET VALUE

SEC. 406. The price paid pursuant to any renegotiation of any gas purchase contract between non-affiliated parties existing as of January 1, 1983, where such renegotiations occurred not later than June 30, 1985, shall be deemed to be the fair market value of such gas for purposes of any law or lease provision. As to any renegotiation hereunder between affiliated parties, the price paid shall be deemed to be the fair market value if the price agreed to is not greater than the price agreed to by the same or similarly situated parties in comparable transactions between non-affiliated parties.

SECTION-BY-SECTION ANALYSIS OF THE NATURAL GAS PRODUCTION AND MARKET ADJUSTMENT ACT OF 1982

TITLE I—ELIMINATION OF CERTAIN ARTIFICIAL RESTRICTIONS ON NATURAL GAS CONSUMPTION

Sec. 101 repeals the Powerplant and Industrial Fuel Use Act effective upon date of enactment. However, such repeal shall not apply to powerplants or fuel burning installations which, prior to enactment, have received proposed or final prohibition orders under Titles II or III of the Fuel Use Act.

Sec. 102 terminates the incremental pricing requirements of Title II of the Natural Gas Policy Act of 1978 (NGPA), effective on date of enactment. All interstate pipelines and local distribution companies subject to the requirements of Title II shall comply with Federal Energy Regulatory Commission (FERC) orders for effectuation of such termination.

Sec. 103 repeals Title III of the Public Utility Regulatory Policies Act of 1978, relative to retail policies for natural gas utilities. Such repeal is effective on date of enactment.

TITLE II—ELIMINATION OF CERTAIN RESTRICTIONS ON NATURAL GAS SALES AND TRANSMISSION

Sec. 201(a)-(h) eliminate the limitations on natural gas sales and transmission under Section 311 of the NGPA. Section 311 currently allows sales only from intrastate pipelines to interstate pipelines and local distribution companies. As amended, it would allow sales from any pipeline to any other pipeline or local distribution company.

Sec. 201 (i) provides incentives for interstate pipelines to transport gas sold under Section 311 by mandating that the revenues from such transportation shall not be offset against that pipeline's cost of service to existing interstate customers.

Sec. 201 (j) deals with "Hinshawed" pipelines and is the only section which amends the Natural Gas Act. It provides that if the provisions of Section 1 (c) of the NGA do not apply to a pipeline by reason of subsection 1 (c) then neither shall those provisions apply to any other person purchasing gas from such pipeline solely by reason of such sale. Thus, a pipeline not otherwise subject to FERC Jurisdiction may purchase gas from a Hinshawed pipeline without, itself, becoming Hinshawed.

Sec. 202 amends Section 601 of the NGPA to provide that as of January 1, 1985, the requirements of abandonment and dedication of natural gas are no longer applicable. In addition, it provides that gas from wells drilled after enactment of the Natural Gas Production and Market Adjustment Act (NGPMAA) shall not be deemed dedicated to interstate commerce.

Sec. 203 (a) amends Section 601 of the NGPA to provide that gas which is produced from the Outer Continental Shelf and sold to an intrastate pipeline or local distribution company shall not be dedicated to interstate commerce.

Sec. 203 (b) further amends Section 601 of the NGPA to allow any intrastate pipeline or local distribution company to purchase gas produced from the Outer Continental Shelf.

Sec. 204 (a) authorizes a pipeline or local distribution company to assign, without compensation, all or a part of its rights to receive surplus gas to any other pipeline or local distribution company.

Sec. 204 (b) defines surplus gas as that portion of gas in excess of what is required to meet the current demands of any pipeline or local distribution company.

Sec. 205 (a) amends Section 302 of the NGPA to eliminate certain restrictions on the President's emergency purchase authority. As amended, section 302 would allow the President to authorize any pipeline or local distribution company to purchase emergency supplies of natural gas from any other pipeline, local distribution company or producer of natural gas.

Sec. 205 (b) amends Section 303 of the NGPA to eliminate certain restrictions on the President's emergency allocation authority. As amended, Section 303 would authorize the President to allocate supplies of

natural gas to and from any pipeline or local distribution company.

TITLE III—NATURAL GAS PRICING PROVISIONS

Sec. 301 adds a new Section 111 to the NGPA relative to gas produced from wells the surface drilling of which began after the date of enactment of the NGPMAA. For all such wells, the maximum lawful price, as of January 1, 1983, shall be equal to the crude oil reference price. The crude oil reference price is that estimated by the Secretary of Energy to be equal to 70 percent of the weighted average cost, per million Btu's, for crude oil acquired during that calendar quarter by domestic refiners. However, this maximum lawful price shall not apply with respect to gas which qualifies as high cost gas under Section 107(b)(1)-(4) of the NGPA.

Sec. 302 adds a new Section 112 to the NGPA to provide for the phased elimination of federal price controls on all categories of natural gas other than those in Sections 111 and 107(c)(1)-(4) of the NGPA. The price for each category covered by Section 112 will be phased up in monthly increments to the crude oil reference price. The phase-up period will begin in January 1983 and continue through December 1984.

Subsection (d) of this section provides that for categories of gas established under Section 107(c)(5), which reference other categories of natural gas for pricing purposes, the maximum lawful price shall be determined without regard to Section 112 unless otherwise determined by the Commission.

Sec. 303 provides that as of January 1, 1985, all first sales of natural gas shall be free from federal price controls. In addition, the NGPA authority regarding reimposition of price controls is repealed.

Sec. 304 provides that prices paid for natural gas by interstate pipelines may be passed through to the purchaser except where the price is deemed excessive due to fraud. Thus, the amorphous limitations on cost passthrough in instances of "abuse or similar grounds" are eliminated.

Sec. 305 preempts any state or local law which would preclude cost passthrough by an interstate pipeline.

Sec. 306 provides that gas owned and produced by a pipeline shall be covered by the definition of "first sale" as defined in Section 2(21) of the NGPA.

Sec. 307 provides that for purposes of sections 111 and 112, and paragraphs (11) and (12) of Section 101(b) of the NGPA, a sworn statement by a seller of natural gas shall satisfy the determination requirements of Section 503 of the NGPA.

Sec. 308 declares that State severance taxes shall not be considered in determining the maximum lawful price for gas under section 111 and 112 of the NGPA.

TITLE IV—CONTRACT PROVISIONS

Sec. 401 provides that for purposes of any contractual pricing provision, the maximum lawful price under this title shall be deemed to be a just and reasonable rate established by the Commission.

Sec. 402 eliminates the authority of the Commission under Section 315 of the NGPA to specify the minimum duration of any contract for the sale of natural gas.

Sec. 403 eliminates the authority of the Commission under Section 315 of the NGPA relative to offers and rights of first refusal.

Sec. 404(a) provides that in the absence of renegotiation of a natural gas contract containing an area rate clause, the seller may elect, not later than June 30, 1985, to have the price of the natural gas under such contract to be governed by the statutory most favored nations clause set forth in subsection (c)

Sec. 404(b) provides that in the absence of renegotiation of a natural gas contract containing a commodity escalator clause, the buyer may elect, not later than June 30, 1985, to have the price of the natural gas under such contract to be governed by the statutory most favored nations clause set forth in subsection (c).

Sec. 404(c) defines a statutory most favored nations clause as the average of the three highest prices being paid by each of three different pipeline purchasers for gas from the same area. The three contracts referenced must be comparable to the contract at issue in their terms and conditions, dedicated reserves, contract quantities, quality specifications, term of contract, delivery conditions, etc. The term "area" means the areas defined for area rate purposes by the Federal Power Commission and set forth in 18 C.F.R. 154. Any such election by either buyer or seller must occur prior to June 30, 1986, and in no event shall the price determined under the statutory most favored nations clause apply prior to January 1, 1985.

Sec. 405 amends section 313(b) of the NGPA to provide that no price paid for gas under a commodity escalator clause may be considered in determining the price to be paid under any existing most favored nations clause (as defined herein).

Sec. 406 provides protection for buyers and sellers of natural gas who renegotiate their contracts. It declares that the renegotiated price shall be deemed to be the fair market value of such natural gas for purposes of any law or lease provision.●

By Mr. ROTH:

S. 2075. A bill to amend the Second Liberty Bond Act to increase the investment yield on U.S. savings bonds to a level competitive with 52-week Treasury bills; to the Committee on Finance.

TAKE STOCK IN AMERICA ACT OF 1982

Mr. ROTH. Mr. President, I am introducing legislation today to amend the Second Liberty Bond Act in order to permit the Treasury Department to fix the interest paid to U.S. savings bond holders at a rate that is more competitive with other investment opportunities available to small investors.

This measure is similar to H.R. 4853, a bill introduced in the House by Congressman ROTH.

Under present law, the Treasury Department is prohibited from increasing the interest rate on savings bonds by more than 1 percent during any one 6-month period.

Until November of 1980 the interest rate on Series EE savings bonds was fixed at 7 percent. On November 1, 1980, the Treasury Department increased the rate to 8 percent and then to its current level of 9 percent on May 1, 1981.

The Treasury Department did not use its authority to increase the rate up to 10 percent on November 1, 1981. Instead, it announced that it planned to seek legislation to permit Treasury to vary the savings bond rate with market rates.

Mr. President, in 1979, savings bond redemptions exceeded sales by over $5 billion, over $11 billion in 1980 and by over $10 billion in 1981. The maximum rate increases of 1 percent per 6-month period permitted under existing law have not been sufficient to stem the savings bond cash drain from the Treasury because of higher interest rates available from other market instruments.

These cash drains from the savings bond program must be financed by other, more expensive Treasury borrowing; namely, the issuance of additional securities at interest rates much higher than the savings bond rate. Indeed, interest rates on Treasury marketable intermediate notes and bonds have been as high as 16 percent in recent months.

In order to stem this cash drain, the Treasury must assure savings bond investors that they will receive a fair rate of return throughout their holding period. Thus, the Treasury must be able to promise investors that the rate on savings bonds will vary with market rates of interest.

The alternative of raising the savings bond rate to, say, 10 percent now and possibly a higher rate later, under existing legislation, was rejected by the Treasury last November.

While such rate increases may reduce the savings bond cash drain in time, they would be relatively expensive to the Treasury over the long run if market rates of interest declined.

The answer is simple. We need a savings bond rate that automatically increases, and decreases, with market rates. And Treasury cannot offer such a bond under existing law.

Mr. President, over the years millions of Americans, including many of our servicemen and women, have invested in savings bonds. The payroll savings plan has been a vehicle for personal savings for the small saver for decades.

Unfortunately, savings bonds have become a losing bargain because Congress has failed to act to insure a fair rate of return on the bonds. Why should the average investor purchase a savings bond at 7-, 8-, or even a 9-percent rate of return when he or she can simply invest in money market funds or small CD's with a 13-, 14-, or 15-percent rate of return. Again, the answer is simple. Unless our average investor plans on losing money, he or she will definitely seek the highest return possible. And that eliminates U.S. savings bonds from consideration.

The legislation I am introducing today will in effect, peg the series EE savings bond rate to a rate equal to 85 percent of the yield on 52-week Treasury bills. The savings bond rate of return will vary according to changes in the T bill rate of return.

This measure will insure a fair return to Americans who have historically trusted the U.S. savings bond program as a secure investment.

Mr. President, I ask unanimous consent to have the bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2075

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (3) of section 22(b) of the Second Liberty Bond Act (31 U.S.C. 757(c)) is amended to read as follows:

"(3) Notwithstanding paragraph (1), the Secretary of the Treasury shall fix the investment yield on any United States savings bond at a yield which makes such bond competitive with comparable investments; provided, however, that in no event shall the investment yield on such bonds exceed 85 percent of the average investment yield for the most recent auction (before the week in which the certificate is issued) of United States Treasury bills with maturities of 52 weeks."

SEC. 2. The amendment made by section 1 hereof shall apply with respect to interest accrual periods beginning after the date of enactment of this Act.

By Mr. LAXALT:

S. 2076. A bill for the relief of Oikos, Incorporated, and the Nevada Opera Association, both of Reno, Nevada; to the Committee on Finance.

RELIEF OF CERTAIN ORGANIZATIONS IN RENO, NEV.

● Mr. LAXALT. Mr. President, on behalf of my distinguished colleague, Senator Cannon, and myself, I introduce a bill which will deem both the Oikos Inc., Reno, Nev., and the Nevada Opera Association, Reno, Nev., from having not filed a valid waiver under sections 3101 and 3111 of the Internal Revenue Code of 1954.

I introduce this measure as a means of relieving both organizations of a burden brought about by a set of paralleling, extenuating circumstances. Each organization, respectively, provides the Reno community with greatly needed cultural and rehabilitative services. In no way does this measure carry the intent to restructure the basic provisions of the code as they were adopted. Rather, it addresses the difficulty that such organizations encounter when dealing with complicated regulations with which they have had no prior experience.

Knowing that an enforcement of the penalties issued to both organizations would result in the termination of their existence, I urge that this measure be acted upon favorably by the Senate so that the Reno community may continue to receive their services which, to date, have been nothing less than successful.●

By Mr. HART:

S. 2078. A bill to prohibit the use of funds for the production of lethal binary chemical munitions; to the Committee on Armed Services.

PRODUCTION OF LETHAL BINARY WEAPONS

● Mr. HART. Mr. President, today I am offering a bill to prohibit the expenditure of any funds from the fiscal year 1983 defense budget for the production or deployment of a new generation of "binary" chemical weapons. I intend to offer this legislation as an amendment to the Defense appropriations bill at the appropriate time.

Today, the Senate has received notification from the President of the United States that he intends to authorize the production of a new generation of chemical weapons. By so doing, the President has signaled the intention of this administration to begin the actual construction of "binary" chemical munitions in the near future.

I oppose this decision. As I have said in the past, the more one is concerned about Soviet capabilities in chemical warfare, and the threat they pose, the more one should seek effective, practical military counters to this threat. The critical issue is how best to respond to the Soviets. The production of binary chemical weapons is not essential to the national security, nor is it necessary to deter Soviet first use. Our current stock piles are adequate for that purpose. Our principal emphasis should be the acquisition of additional protective and defensive equipment for U.S. combat forces to reduce the effects of a chemical weapons attack.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2078

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any other provision of law, no funds may be obligated or expended after the date of the enactment of this Act for the production of lethal binary chemical munitions.

(b) As used in this subsection (a), the term "lethal binary chemical munitions" shall have the same meaning given such term in section 818(b) of the Department of Defense Authorization Act, 1976 (Public Law 94-106; 50 U.S.C. 1519).●

By Mr. THURMOND (for himself, Mr. BAUCUS, Mr. DOLE, Mr. GRASSLEY, Mr. HATCH, Mr. LEAHY, Mr. LUGAR, and Mr. MOYNIHAN):

S.J. Res. 143. Joint resolution to authorize and request the President to designate the week of May 2 through 8, 1982, as "National Physical Fitness and Sports for All Week"; to the Committee on the Judiciary.

NATIONAL PHYSICAL FITNESS AND SPORTS FOR ALL WEEK

Mr. THURMOND. I am introducing today a joint resolution to authorize and request the President to designate the week of May 2 through May 8, 1982, as "National Physical Fitness and Sports for All Week." I am pleased to have Senators BAUCUS, DOLE, GRASSLEY, HATCH, LEAHY, LUGAR, and MOYNIHAN join with me as cosponsors of the resolution.

We have come a long way from the time when physical exercise was viewed mainly as an entertainment diversion. Today, a significant segment of the American population is involved in the growing fitness movement in this country. Physical activity has become an important part of daily life for people of both sexes and all ages.

One of every two adults in the United States engages regularly in exercise and sport. A third of us swim, a fourth ride bicycles, and a fifth play one of the racket sports. Running has more than 20 million adherents. It is interesting to note that the number of physically active men and women has doubled in 10 years, and continues to grow rapidly.

Typically today, interest in physical activity begins at an early age, and presently, nearly 30 million boys and girls take part in age-group team sports and other organized out-of-school activities. More than 6 million teenagers and over 600,000 college students compete in athletic programs.

Our physical fitness and sports programs are one of the primary means by which we strengthen and refresh ourselves. It is essential that we publicize such programs and make them increasingly available so that all of our citizens will be able to experience the benefits they offer. Accordingly, I am sponsoring this resolution, which requests President Reagan to declare May 2 through 8, 1982, as "National Physical Fitness and Sports for All Week."

Mr. President, I ask unanimous consent that a copy of the resolution be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S.J. RES. 143

Whereas one of every two adults in our country is a regular participant in exercise and sports;

Whereas the number of physically active men and women has doubled in ten years and continues to grow rapidly;

Whereas today we recognize that physical activity is an important part of daily life for people of both sexes and of all ages;

Whereas physical activity is vital to good health and is a rich source of pleasure and personal satisfaction;

Whereas our physical fitness and sports programs are one of the primary means by which we strengthen our bodies and refresh our spirits; and

Whereas it is essential that we make fitness and sports programs increasingly available so that all of our citizens will be able to

experience the joys and benefits they offer: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the week of May 2 through 8, 1982, as "National Physical Fitness and Sports for All Week", and to call upon Federal, State, and local government agencies, and the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

By Mr. MOYNIHAN:

S. 2079. A bill to require that Poland be declared to be in default unless certain liberties and rights are found to be restored in Poland before payments are made by the U.S. Government for loans owed by Poland or credits which have been extended to Poland which have been guaranteed or assured by agencies of the U.S. Government; to the Committee on Banking, Housing, and Urban Affairs.

POLAND'S DEBTS

● Mr. MOYNIHAN. Mr. President, I rise to introduce legislation that would place Poland in default of its international debt.

Specifically, my bill would require that Poland be declared in default before any payments could be made by any U.S. Government agencies, including the Commodity Credit Corporation and the Export-Import Bank, to individuals or corporations in satisfaction of any debts incurred by Poland and guaranteed by these Government agencies.

The need for this legislation is self-evident. On January 29 the administration put in place an extraordinary policy that would permit the Commodity Credit Corporation to pay banks the amounts Poland has failed to pay them for guaranteed loans—without declaring Poland to be in default of its debts. The administration thus chose not to use the leverage this debt had given the United States to encourage an acceptable political accommodation in Poland. In the words of the Wall Street Journal editorial of February 3:

It looks as if the battle for freedom in Poland is going to have to be taken to the floor of the U.S. Congress.

My bill will provide Congress that opportunity.

I look forward to an early debate in the Senate on this question, Mr. President.

For the information of Senators, I ask unanimous consent that my legislation be printed in the RECORD following the insertion of several analyses of the Polish debt.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 3, 1982]

CONGRESS'S CHANCE ON POLAND

It looks as if the battle for freedom in Poland is going to have to be taken to the floor of the U.S. Congress. With Ronald Reagan's administration slipping into tacit collaboration with martial law by making it easier for the Soviet bloc to finance repression, any serious action against the Polish regime will have to be taken by another branch of government.

It turns out that the administration, far from calling in the Polish debt to hamper the flow of credit to the Soviet Union and its satellites, is bending U.S. law to keep Poland out of bankruptcy. The Commodity Credit Corporation provides government guarantees to banks financing grain shipments abroad, offering to repay the banks if foreign governments cannot. For ordinary, non-Communist governments, no payment is made until the bank declares the loan in default. But in the case of Poland, this was deemed too embarrassing.

So the State Department lobbied to change the CCC rules, and the administration decided to pay off $71 million to the banks without their declaring a formal default. This is a down payment on about $400 million in guarantees on Polish loans due this year. No sooner is the decision taken than Secretary Haig rushes off to Chicago to spend Solidarity Day posturing before Polish voters as a tough guy on Poland.

One point that begs attention is how this decision was reached. At what level of the government was it decided? Did the President understand the full implications of the change in the rules? Did the National Security Adviser? Where was the Treasury? (The undersecretary for monetary affairs says he's under instructions not to discuss the issue.) Was the Defense Department even consulted? Was this the foreign policy equivalent of the decision to change the tax status of segregated private schools? Everything we learn leads us to suspect that the answers to these questions would be profoundly embarrassing, that this is another example of sloppy management at the White House.

A second point concerns the banks. They have refrained from declaring a default in Poland because the writedowns would hurt their earnings. It would also hurt their chances of doing new business with the Communist dictators of Poland and the rest of the Soviet bloc. But the real question is how did U.S. and other Western banks make all these bad loans, and how can we stop them from doing it again?

The banks have made the loans because Western governments encouraged them to do so, implicitly suggesting that loans to Communists had a favored position, deserved lower rates and would more or less be backed by Western governments. The CCC deal can only encourage this notion. The Soviets rushed to get the gas pipeline deal and other credits wrapped up before the Polish crackdown, and with the new incentives just demonstrated by the Reagan administration, the flow of credit will resume again as soon as the bad press dies down.

The U.S. government ought to at least stay neutral toward Communist loans. The Polish loans clearly are sick, and probably terminally so. The banks ought to be establishing large reserves against them—we have previously suggested 50%—as a matter of pure commercial prudence. The government ought to be encouraging them to do this, not helping them avoid it, to limit the commercial damage from any forceful foreign policy initiative. Instead, the Reagan administration sponsors a TV show.

Fortunately Congress will have an opportunity to show greater forcefulness, for it controls the power of the purse and bail-out money has to come from somewhere. Specifically, it would come from House Joint Resolution 389, a budget-busting supplemental appropriation of $5 billion for the CCC. This measure has been marked up—with unseemly haste—in the agriculture appropriations subcommittee by the Mississippi Democrat, Jamie Whitten. The main purpose is to provide pork for American farmers, who are calling on their CCC entitlements because of low farm prices. But a lot of the money—between $500 million and $1.5 billion, so far as we can learn—could be used to bail out repression in Poland.

It would not be the worst thing in the world if this whole supplemental were grounded, farm price supports being one of our least favorite subsidies to the landowning poor. But if Congress is going to bail out the American farmer, it can at least write in an amendment prohibiting the use of these tax funds to bail out Polish dictators, at least until a default is declared and the economic lessons of Poland digested.

[From the New York Times, Feb. 5, 1982]

DEFAULT IS REAGAN'S

(By William Safire)

WASHINGTON, Feb. 4—With all due solemnity, the White House press office has declared that the memo quoted in this space a few days ago—revealing national security adviser Clark's order to secretly circumvent regulations requiring that Poland be placed in default—was a leak of classified information, subject to the latest lie-detector rules.

This is an illustration of the arrogance of ignorance. Mr. Clark evidently thinks that his power to stamp "secret" on documents affecting national security extends to documents that are merely politically sensitive. By confusing what is genuinely secret with what is politically embarrassing, he abuses his power to classify.

For example, his order to protect Poland from normal default procedures was passed along to at least seven major American banks at noon Friday of last week. The Polish junta was promptly informed; the West German banks were notified; the Kremlin knew all about it. The only people not in on Mr. Clark's "secret" was the American people, whose tax money was being used to make good Poland's debt.

Moreover, Mr. Clark's improper use of his classification power could have made it possible for bank insiders to benefit from information denied to the investing public. The $71 million payment was good news for worried bankers; perhaps bank stock activity was wholly unrelated to this development, but the Clark abuse of secrecy made a mockery of S.E.C. "full disclosure" requirements.

The abuse of the classification power was compounded by the cover-up that followed. A party line was propounded at State that turned truth on its head: the cave-in to the junta's financial needs was described in testimony to Senate Percycats as a triumph of toughness. Default, went this Orwellian argument, would let the debtor "off the hook"; only by preventing default, insisted the Secretary of State, could we recover our money.

In the case of sovereign nations, that alibi is palpably false. Countries are not corporations with limited liability; when Poland defaults, it must make good on its debts before getting credit again. The same with Rumania, next on the Clark-Haig list for largesse. Default is sustained and serious pressure,

and is not relief from pressure. Nor are we trying to recover money; we are trying to end martial law. The Reagan Administration is deliberately misinforming American taxpayers on this at great risk to its own credibility.

William Clark, hailed as a problem-solver, is thus creating great problems with his secrecy-sycophancy and alibi-cooking. For another example, take the case of William Van Cleave, a long-time policy adviser to candidate Reagan.

The outspoken Mr. Van Cleave was denied a job at State by Haig détenteniks and shut out of Defense by Frank Carlucci, the lie-detector king. As a sop to hard-liners, the campaign deputy to Richard Allen was named to head the advisory board on arms control, even after he made clear in writing he would continue to dissent on the MX decision.

This week, Mr. Clark called Mr. Van Cleave into the White House and said that even the sop would be denied. "The vote was 3 to 1," sympathized the new national security adviser. It seems that Messrs. Baker, Deaver and Meese—there's a bunch of foreign policy experts—had opposed Mr. Clark on the nomination. Soft-liner Percy's opposition turned out to be more important than hard-liner Eugene Rostow's support. Strangely, Ronald Reagan was never asked to cast a vote.

To conservatives, Mr. Clark put forward the alibi that only Mr. Van Cleave's publicly expressed dissent to MX blocked him from the post he had afterward been promised. That is demonstrably false, but as in the case of the Orwellian explication, Mr. Clark sticks to his story and further erodes his credibility.

What is Bill Clark's game? By pandering to the President's irritation with dissenters and whistle-blowers, he undermines the tottering troika; by tolerating the humiliation of Mr. Van Cleave, he gains the chance to substitute Donald Rumsfeld in that slot and thus to send a chill through Al Haig.

But he is not knowledgeable enough to take charge himself; no interviewers are permitted to probe his thoughts, thereby to suggest that still waters may run shallow. Why, then, is President Reagan bringing Mr. Clark along so fast?

My guess is that the President wants an amiable no-liner to make peace between the high-riding détenteniks and the gloomy hard-liners at Defense, so that he can continue to concentrate on those domestic challenges that interest him most. Next year, he may figure, will be time enough to bring in a second wave of foreign policy makers.

What a mistake. Americans threw out Jimmy Carter because they believed him to be uncertain and impotent on the world stage. Next year will be too late for the creation of a coherent foreign policy. Default, dear Brutus, is not in our advisers; as abuses grow and alibis fly, the blame is placed in the Oval Office.

[From the Washington Post, Feb. 7, 1982]

No, It Would Only Hurt Some Foolish Banks

(By George F. Will)

Everyone needs a hobby, and Teddy Gleason's hobby is stiffening U.S. foreign policy. He is head of the International Longshoremen's Association, and if the Reagan administration will not seriously restrict trade with the Russian and Polish regimes that are brutalizing Poland's labor movement, Gleason's men may do it, as they have before.

Gleason's foreign policy would be a distinct improvement on the government's. The government has paid $71 million to U.S. banks in lieu of interest payments Poland owes on loans the U.S. government guarantees. The payment was contrary to the law, which requires prior notice of default. Indeed, the purpose of this surreptitious payment was to prevent Poland from being declared in default, which would disrupt East-West trade and efforts to resuscitate détente.

"The United States," says Secretary of State Alexander Haig, "has made it clear that we will not do business as usual with either Poland or the Soviet Union while repression in Poland continues." Indeed, it is highly unusual to ignore U.S. law in order to subsidize Poland's martial law. To do otherwise, Haig says, would "bring down the temple of Western unity." Temple? All that would be brought down would be the earnings of some foolish bankers.

Eastern Europe's economies, which help sustain Russia's war economy, have received Western loans four times the value of all American aid to Western Europe during the Marshall Plan. Russia is so pressed for hard currency it is asking Japanese and West German companies to stretch out payments for goods shipped to Russia. Yet, as The Wall Street Journal says, the administration is "slipping into tacit collaboration with martial law by making it easier for the Soviet bloc to finance repression."

Even before the $71 million payment, administration policy regarding Poland was dismally congruent with the general Western response, which The Economist magazine says will be remembered as the Great Handwringing of 1981–82. Democrats are noticing the opportunity to pluck from the administration's palsied grasp the falling flag of national honor, and to do so by opposing bankers on behalf of a large ethnic group.

Haig has had his way with the U.S. response to Poland's crisis and has become a hostage to fortune. He says the crisis has just begun and America must hold all serious measures in reserve for when the going gets rough. But what additional suffering by Poland could provoke action from people who worship at the "temple" of allied unity?

In Cuba, Russia long ago repealed the Monroe Doctrine and now, with the recent arrival of heavy bombers, advanced fighters and 63,000 tons of war material, it is shredding whatever is left of whatever agreement was reached at the end of the missile crisis 20 years ago. Haig is adamant, and correct, concerning the need for difficult decisions about El Salvador and the source of much other violence, Cuba. But he seems oblivious to certain problems inherent in the conduct of foreign policy in a democracy—oblivious to the practical consequences of symbolism, and to the demoralizing symbolism of America's policy regarding Poland.

Always, but especially when the president is preoccupied with domestic policy, the nation needs a secretary of state with some of Dean Acheson's attributes—someone articulate, intellectual, elegant, ironic, at ease with himself, and justifiably confident of his ability to argue America's case before skeptical elites at home and abroad. The Achesonian combination of attributes is rare, but Haig's lack of them is a problem compounded by a policy toward Poland that is certain to confuse and paralyze the nation's will. In the early 1970s, the rhetoric and other atmospherics of détente—the "end of the Cold War," "an era of negotiation, not confrontation," accords on "principles of conduct"—subverted public support for diplomatic and defense measures arduous enough to prevent détente from becoming what it became: a recipe for American retreat and an incitement to Russian expansionism. Haig then understood the problem and was a corrective force.

Today, administration policy regarding Poland is generating similar confusion and lassitude that will color defense and foreign policy debates generally. Haig argues that paying Poland's interest charges is really the "tough" policy because it keeps Poland under the burden of debt. That argument is entertainingly brassy, but it is too clever by half, which means it is not clever at all. Even if it were true, it would be politically unwise.

Someone who argues that subsidizing Poland's generals is toughness will find that when he turns to talking of other, more recognizable, forms of toughness in Central America, the public is not deferential, or comprehending, or even attentive.

S. 2079

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no funds may be paid out of the Treasury of the United States to any private individual or corporation in satisfaction of any assurance agreement or payment guarantee or other form of loan guarantee entered into by any agency of the United States Government with respect to loans made and credits extended to the Polish People's Republic, unless either—

(1) the Polish People's Republic has been declared to be in default of its debt to such individual or corporation, or

(2) the President certifies to the Congress that civil liberties and the rights of free trade unions have been restored in Poland to such a degree that it would be appropriate for the United States Government to promote commerce with Poland in order to protect and expand those liberties and rights.

Sec. 2. The President may delay implementation of this Act for up to 30 days after the date of enactment if he determines, and so notifies Congress, that to do so would be necessary and desirable in order to coordinate the response by monetary authorizes in the United States and in member countries of the Organization of Economic Cooperation and Development to a Polish default.●

ADDITIONAL COSPONSORS

S. 1215

At the request of Mr. Proxmire, the Senator from Michigan (Mr. Riegle) was added as a cosponsor of S. 1215, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 1634

At the request of Mr. Cochran, the Senator from Oregon (Mr. Hatfield), the Senator from Wisconsin (Mr. Proxmire), the Senator from Arkansas (Mr. Pryor), the Senator from Illinois (Mr. Percy), and the Senator from Alabama (Mr. Denton) were

added as cosponsors of S. 1634, a bill to incorporate the National Federation of Music Clubs.

S. 1693

At the request of Mr. KASTEN, the Senator from Arkansas (Mr. PRYOR), the Senator from Georgia (Mr. MATTINGLY), the Senator from North Carolina (Mr. EAST), the Senator from Iowa (Mr. GRASSLEY), and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 1693, a bill to provide for the issuance of a special stamp to commemorate the 200th anniversary of the presence of the bald eagle on the official seal of the United States of America.

S. 1958

At the request of Mr. DOLE, the Senator from New Jersey (Mr. WILLIAMS), the Senator from Indiana (Mr. LUGAR), and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of S. 1958, a bill to amend title XVIII of the Social Security Act to provide for coverage of hospice care under the medicare program.

S. 1992

At the request of Mr. MATHIAS, the Senator from Georgia (Mr. MATTINGLY) was added as a cosponsor of S. 1992, a bill to amend the Voting Rights Act of 1965 to extend the effect of certain provisions, and for other purposes.

S. 1996

At the request of Mr. DOLE, the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 1996, a bill to provide for more effective deterrents for violent crime offenders.

S. 1997

At the request of Mr. DOLE, the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 1997, a bill to provide assistance to State and local governments in combating crime.

S. 2009

At the request of Mr. KASTEN, the Senator from New Hampshire (Mr. RUDMAN) was added as a cosponsor of S. 2009, a bill to amend the Internal Revenue Code to eliminate special rules for leases.

S. 2012

At the request of Mr. PROXMIRE, the Senator from Hawaii (Mr. MATSUNAGA) was added as a cosponsor of S. 2012, a bill to amend the Internal Revenue Code of 1954 to limit the deduction of living expenses by Members of Congress and to eliminate the provision which allows such deduction without substantiation of such expense.

S. 2013

At the request of Mr. INOUYE, the Senator from Virginia (Mr. WARNER), and the Senator from Kansas (Mr. DOLE) were added as cosponsors of S. 2013, a bill to amend the Controlled Substances Act to establish a temporary program under which heroin would be made available through qualified hospital pharmacies for the relief of pain of cancer patients.

S. 2027

At the request of Mr. ROBERT C. BYRD, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 2027, a bill to provide for an accelerated study of the causes and effects of acid precipitation, to provide for an examination of certain acid precursor control technologies, and for other purposes.

SENATE JOINT RESOLUTION 140

At the request of Mr. MATHIAS, the Senator from Arizona (Mr. GOLDWATER), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Alabama (Mr. HEFLIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Michigan (Mr. LEVIN), the Senator from Indiana (Mr. LUGAR), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Tennessee (Mr. SASSER), the Senator from Vermont (Mr. STAFFORD), the Senator from Idaho (Mr. SYMMS), the Senator from Massachusetts (Mr. TSONGAS), the Senator from Virginia (Mr. WARNER), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Alabama (Mr. DENTON), the Senator from New Mexico (Mr. DOMENICI), the Senator from Missouri (Mr. DANFORTH), the Senator from Arizona (Mr. DECONCINI), the Senator from New York (Mr. D'AMATO), the Senator from California (Mr. CRANSTON), the Senator from Nevada (Mr. CANNON), and the Senator from Washington (Mr. GORTON) were added as cosponsors of Senate Joint Resolution 140, a joint resolution designating February 11, 1982, "National Inventors' Day."

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. HATCH, the Senator from Wisconsin (Mr. KASTEN), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Indiana (Mr. LUGAR), the Senator from Washington (Mr. GORTON), the Senator from Maine (Mr. COHEN), the Senator from Oregon (Mr. PACKWOOD), the Senator from Minnesota (Mr. BOSCHWITZ) were added as cosponsors of Senate Concurrent Resolution 62, a concurrent resolution to congratulate Hadassah, the Women's Zionist Organization of America on the celebration of its 70th anniversary.

SENATE RESOLUTION 261

At the request of Mr. CHAFEE, the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of Senate Resolution 261, a resolution expressing the sense of the Senate that the President should not impose import fees on crude oil and refined petroleum products.

SENATE CONCURRENT RESOLUTION 64—CONCURRENT RESOLUTION RELATING TO A RECEPTION IN THE CAPITOL ROTUNDA

Mr. ROBERT C. BYRD (for Mr. PELL) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 64

Resolved by the Senate (the House of Representatives concurring), That the Zeta Beta Tau fraternity is authorized to conduct a reception in the rotunda of the Capitol on March 31, 1982, to commemorate Roger Williams for his contribution to religious toleration and freedom in the United States. The reception shall be conducted in accordance with such conditions as may be prescribed by the Architect of the Capitol.

SENATE RESOLUTION 314—RESOLUTION RELATIVE TO THE LIFE OF DR. ARTHUR M. BUECHE

Mr. SCHMITT (for himself, Mr. BAKER, Mr. D'AMATO, Mr. JACKSON, Mr. MOYNIHAN, and Mr. RIEGLE) submitted the following resolution; which was considered and agreed to:

S. RES. 314

Whereas, Dr. Arthur M. Bueche, as one of the outstanding scientists and engineers in the United States, made substantial and enduring contributions over his lifetime to science, industry, Government service, and education;

Whereas, the United States continues to face an era of increasingly complex problems depending on scientific and technological progress for solutions;

Whereas, Dr. Bueche devoted his individual research efforts in the field of material sciences pioneering the development of synthetic rubber and silicons, obtaining many patents, publishing dozens of outstanding papers and reports, and was an active participant and officer in numerous scientifc and technical societies.

Whereas, Dr. Bueche has been widely praised for his management skills in industrial research, resulting in breakthroughs in the fields of electronics, materials science and energy, and implementing innovative approaches for rapidly converting laboratory achievements into products benefitting mankind. Among these products are: an advanced computer-directed axial tomography X-ray (CAT) scanner, stronger and safer plastic materials, extraordinarily hard materials for metal cutting tools, more energy-efficient lamps, and fuel conserving electric generating equipment;

Whereas, Dr. Bueche has contributed to the field of education as a member of the Board of Trustees of the Rensselaer Polytechnic Institute, Albany Medical College, and the Hudson-Mohawk Valley Association of Colleges and Universities, as a member of the Visiting Committees at Massachusetts Institute of Technology at Harvard University, and as an advisor to his alma mater, Cornell University;

Whereas, Dr. Bueche has rendered valuable Government service as a frequent witness before many Congressional committees, as an advisor to the National Science Foundation, National Aeronautics and Space Administration, United States Air

Force, National Bureau of Standards, and most recently as Co-chairman of the President-Elect's Advisory Task Force on Science and Technology;

Whereas, Dr. Bueche has received the recognition of his peers by election to the National Academy of Sciences and the National Academy of Engineering, and selection for the Industrial Research Institute Medal, and the Fahrney Gold Medal of the Franklin Institute; and

Whereas, Dr. Bueche displayed exemplary personal qualities, leadership skills, devotion to public service, and a rare combination of knowledge and abilities demonstrated over the course of his lifetime: Now, therefore, be it

Resolved, That the United States Senate honors the memory and expresses its appreciation for the accomplishments and outstanding contributions to society of Dr. Arthur M. Bueche.

SENATE RESOLUTION 315—RESOLUTION DIRECTING THE SENATE LEGAL COUNSEL TO INTERVENE IN A CERTAIN ACTION

Mr. BAKER (for himself and Mr. ROBERT C. BYRD) submitted the following resolution; which was considered and agreed to:

S. RES. 315

Whereas, by S. Res. 121, 97th Congress, 1st Session (1981), the Senate directed the Senate Legal Counsel to appear as amicus curiae in the name of the Senate in Consumer Energy Council of America, Inc., et al. v. Federal Energy Regulatory Commission, et al., Nos. 80-2184, 80-2312 in the United States Court of Appeals for the District of Columbia Circuit;

Whereas, on January 29, 1982, the Court of Appeals ruled that the legislative review provision in section 202(c) of the Natural Gas Policy Act of 1978 (15 U.S.C. § 3342(c) (Supp. III 1979)), violated Article I of the Constitution and the principle of separation of powers;

Whereas, the Senate as amicus curiae may not have the procedural opportunities available to a party to seek review of this decision and intervention as a party would enable the Senate to do so;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978 (2 U.S.C. §§ 288b(c), 288e(a), and 288l(a) (Supp. III 1979)), the Senate may direct its Counsel to intervene in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now therefore, be it

Resolved, That the Senate Legal Counsel is directed to intervene in the name of the Senate in Consumer Energy Council of America, Inc., et al. v. Federal Energy Regulatory Commission, et al., Nos. 80-2184, 80-2312.

AMENDMENTS SUBMITTED FOR PRINTING

DEPARTMENT OF JUSTICE AUTHORIZATION ACT, 1982

AMENDMENT NO. 1250

(Ordered to be printed and to lie on the table.)

Mr. SASSER submitted an amendment intended to be proposed by him to the bill (S. 951) to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1982, and for other purposes.

AMENDMENT NOS. 1251 AND 1252

(Ordered to be printed and to lie on the table.)

Mr. JOHNSTON submitted two amendments intended to be proposed by him to the bill S. 951, supra.

REGULATORY REFORM ACT

AMENDMENT NO. 1253

(Ordered to be printed and lie on the table.)

Mr. DANFORTH (for himself, Mr. CHILES, Mr. NUNN, Mr. ROTH, Mr. PERCY, Mr. STEVENS, Mr. RUDMAN, Mr. MATTINGLY, Mr. COHEN, Mr. SIMPSON, and Mr. EAST) submitted an amendment intended to be proposed by him to the bill (S. 1080) to amend the Administrative Procedure Act to require Federal agencies to analyze the effects of rules to improve their effectiveness and to decrease their compliance costs; to provide for a periodic review of regulations, and for other purposes.

FRANKLIN DELANO ROOSEVELT MEMORIAL

AMENDMENT NO. 1254

(Ordered to be printed and lie on the table.)

Mr. MATHIAS submitted an amendment intended to be proposed by him to the bill (S.J. Res. 95) to authorize and direct the Secretary of the Interior, subject to the supervision and approval of the Franklin Delano Roosevelt Memorial Commission, to proceed with the construction of the Franklin Delano Roosevelt Memorial, and for other purposes.

Mr. MATHIAS. Mr. President, I am today reporting Senate Joint Resolution 95 from the Rules Committee. Senate Joint Resolution 95 authorizes the construction of the Franklin Delano Roosevelt Memorial.

As reported, Senate Joint Resolution 95 would be subject to a point of order on the Senate floor under section 402(a) of the Budget Act. To avoid this problem and also to avoid the necessity of a budget waiver, I intend to offer an amendment to Senate Joint Resolution 95 when the resolution is taken up on the Senate floor to make it clear that any sums authorized would be "for fiscal years beginning after September 30, 1982." It never was the intention of the Rules Committee to have any sums expended on this memorial in fiscal year 1982.

I have today written to Senator DOMENICI, chairman of the Budget Committee, telling him of my intention to offer the clarifying amendment to Senate Joint Resolution 95.

Mr. President, I ask unanimous consent that the proposed amendment to Senate Joint Resolution 95 and my letter to Senator DOMENICI be printed in the RECORD along with these remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

On the first page, line 4, strike out "approved" and insert in lieu thereof "approval".

On page 2, line 4, strike out "March 2, 1978" and insert in lieu thereof "September 20, 1979".

On page 2, line 13, insert "for fiscal years beginning after September 30, 1982" immediately after "appropriated".

FEBRUARY 5, 1982.

Hon. PETE V. DOMENICI,
Chairman Committee on the Budget, Washington, D.C.

DEAR PETE: Enclosed you will find a copy of S.J. Res. 95 and a proposed amendment to S.J. Res. 95.

The Rules Committee, at its markup on January 25, 1982, ordered reported S.J. Res. 95. S.J. Res. 95 authorizies and directs the Secretary of Interior, subject to the supervision and approval of the Franklin Delano Roosevelt Memorial Commission, to proceed with the construction of the Franklin Delano Roosevelt Memorial, and for other purposes. Section 3 specifically states, "There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this joint resolution".

Since S.J. Res. 95 is being reported from the Rules Committee after May 15, 1981, and, as written, authorizes new budget authority for Fiscal Year 1982, it would be subject to a point of order on the Senate floor under Section 402(a) of the Budget Act.

In order to avoid this problem and also to avoid the necessity of a budget waiver, I intend to offer the enclosed amendment to S.J. Res. 95 when the resolution is taken up on the Senate floor. The amendment would make clear that any sums authorized to be appropriated would be "for fiscal years beginning after September 30, 1982".

I hope this letter is sufficient for the purposes of the Budget Committee, in order to avoid the necessity of a budget waiver resolution. It was never the intention nor the thought of the Rules Commmittee that any sums would be expended for this memorial in Fiscal Year 1982.

I appreciate your assistance in this matter.

Sincerely,

CHARLES MCC. MATHIAS, JR.,
Chairman.

NOTICES OF MOTION TO AMEND THE RULES

RADIO AND TELEVISION COVERAGE OF SENATE PROCEEDINGS

Mr. RANDOLPH. Mr. President, I submit the following notice in writing:

In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to amend rule XII of the Standing Rules of the Senate for the purpose of proposing to the resolution (S. Res. 20), providing for the

television and radio coverage of proceedings of the Senate, the following amendment; at the end of the resolution add the following:

AMENDMENT NO. 1244

SEC. 4. Rule XII of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

(5) When yeas and nays are ordered on the floor, each Senator shall vote from the assigned desk of the Senator.

Mr. President, I submit the following notice in writing:

In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to amend rule XII of the Standing Rules of the Senate for the purpose of proposing to the resolution (S. Res. 20), providing for the television and radio coverage of proceedings of the Senate, the following amendment; at the end of the resolution add the following:

AMENDMENT NO. 1246

SEC. 4. Rule XII of the Standing Rules of the Senate is amended by adding after the first sentence the following new sentence: "No Senator may change or withdraw his vote unless he so declares.".

NOTICES OF HEARINGS

COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, the Task Force on Federal Credit of the Senate Budget Committee will hold a hearing to examine the economic and budgetary effects of Federal credit activities on Thursday, February 11, at 2 p.m., in 6202 Dirksen Senate Office Building.

Witnesses scheduled to testify are representatives from United States Chamber of Commerce, National Association of Manufacturers, National Federation of Independent Businesses, Mortgage Bankers Association of America, Mortgage Insurance Companies of America, National Association of Realtors, Committee for Title II Vessel Financing, and National Foreign Trade Council.

For further information, contact Nancy Moore of the Senate Budget Committee staff at 224-4129.

SUBCOMMITTEE ON SECURITIES

Mr. D'AMATO. Mr. President, the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs will hold a hearing on February 12, 1982, beginning at 9:30 a.m. in room 5302 of the Dirksen Senate Office Building.

I have previously announced hearings which are now underway, on February 4, 9, and 10 to consider alternative approaches to amendment of the Glass-Steagall Act. The hearing on February 12 has been added to that schedule in order to provide an adequate opportunity to consider the views of interested witnesses.

For additional information, interested persons should contact Diane Sanger of my staff at 224-6542 or John Daniels of the Banking Committee staff at 224-1561.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON IMMIGRATION AND REFUGEE POLICY

Mr. McCLURE. Mr. President, I ask unanimous consent that the Subcommittee on Immigration and Refugee Policy of the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, February 9, 1982, at 2 p.m. to hold a hearing on proposed regulation changes for refugee assistance.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. McCLURE. Mr. President, I ask unanimous consent that the Armed Services Committee be authorized to meet during the session of the Senate at 10 a.m. on Monday, February 8, to receive testimony on the Department of Defense military authorization request for the fiscal year 1983.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, February 9, at 10 a.m., to hold a hearing to consider the President's proposed budget for the Department of the Interior for fiscal year 1982.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, February 10, to hold a hearing to consider the President's proposed budget for the Department of Agriculture and the U.S. Snythetic Fuels Corporation for fiscal year 1983.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION

Mr. BAKER. Mr. President, I ask unanimous consent that the Transportation Subcommittee of the Committee on Environment and Public Works be authorized to meet during the session of the Senate at 2 p.m. on Wednesday, February 10, to discuss the Federal aid to highways program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CBO REEVALUATES CONDITION OF SOCIAL SECURITY TRUST FUNDS

● Mr. DOLE. Mr. President, for most of last year we heard from some of our colleagues that proposals to restore the solvency of the social security trust funds were actually poorly disguised attempts to balance the Federal budget. They justified inaction on social security reform on the grounds that the trust funds would remain sound through the 1980's, needing only the modest adjustment of interfund borrowing. CBO projections were used to substantiate these claims.

Last week's news that CBO now projects the social security system will be insolvent in fiscal year 1984 leads me to wonder. Could those who opposed real reform have actually been that naive, failing to heed the many caveats contained in trust fund projections, or were they just playing politics? In either case, it seems worthwhile to point out some of the facts that anyone involved in social security financing, at least since 1977, already knows.

The accuracy of any projection is predicated on the economy performing in a very precise way. CBO's projections last year, for example, which showed solvency being barely maintained through the 1980's with interfund borrowing, required inflation in the 6- to 7-percent range, unemployment in the 7-percent range, and healthy expansion in the economy. It was clear that the slightest deviation from these projections in the economy would threaten the system with insolvency. As Dr. Alice Rivlin said in testimony before the Joint Economic Committee last fall:

> The margin for error is very small • • • if economic conditions are even slightly worse than now projected, legislative action beyond interfund borrowing would probably be necessary.

Today, just 4 months after Dr. Rivlin testified, CBO now reports that the social security trust funds are likely to be insolvent by the end of 1983 or early 1984. Rather than reviving in 1986 and 1987, as earlier estimates showed, the trust funds are now projected to continue deteriorating.

I do not mean to suggest that we now know, on the basis of CBO revised estimates, that bankruptcy will occur on a given date in 1983 or 1984. What I am suggesting is that insolvency during the 1980's is highly likely and that we have had plenty of warning that more substantial action than interfund borrowing is necessary. Every year since 1977, when we enacted legislation that was said to be restoring solvency well into the next century, trust fund projections have become progressively gloomy. In 1980, before social security became the political issue, even the House Democratic Study Group warned that the system was headed for difficulties that a reshuffling of assets could not solve.

Then, of course, we heard from the Social Security Board of Trustees who reported last fall that insolvency was likely in the mid-1980's. Under their

pessimistic or "worst case" projections—those that were so highly criticized by some in this body as administration scare tactics—insolvency was projected as early as late 1983.

It has been obvious to responsible observers for some time that trust fund reserves must be replenished and then maintained at levels capable of withstanding short-term fluctuations in the economy. This, after all, is the purpose of reserves—insuring the timely payment of benefits to the 36 million recipients despite unexpected changes in income or outgo.

Views differ on what is an adequate level of reserves. The National Commission on Social Security recommended a level of reserves equal to 100 percent of annual outgo, or 1 year's worth of benefits; the 1979 Advisory Council on Social Security recommended 75 percent. Our current level of reserves—just 20 percent of outgo, or barely 2 months' worth of benefits—is well below these targets and critically depleted by historical standards. It was not until 1970 that the reserve ratio first fell below 100 percent.

Now that CBO has put their stamp of approval on bankruptcy projections, perhaps we can refocus the social security debate—away from the question of when and if bankruptcy will occur and toward the only important question of how to restore the financial integrity of the system.●

EXPRESSION OF RESPECT FOR REPRESENTATIVE JOHN DINGELL

● Mr. BAUCUS. Mr. President, on January 28, 1982, I placed in the RECORD a statement concerning H.R. 5252. Appended to that statement was an editorial from the Los Angeles Times.

I regret that inclusion of the editorial may appear to endorse improper and offensive criticism of my distinguished colleague, Representative JOHN DINGELL.

While we may disagree on legislative issues from time to time, my respect for the chairman of the House Energy and Commerce Committee is unwavering. I want to make it clear that the editorial comment is not consistent with my sentiments.●

PHILIP ORTH CO. CENTENNIAL

● Mr. KASTEN. Mr. President, I am pleased to call to the attention of my colleagues the centennial anniversary of one of Wisconsin's finest firms, the Philip Orth Co.

This company, based in Oak Creek, Wis., has been under the dedicated and far-sighted leadership of three generations of the Orth family. The company has grown from a small milling and grain enterprise to become one of the leading suppliers of custom food processes, bakery mixes and bases to the commercial bakers of the Nation and the world.

The Philip Orth Co. now stands out as a national leader in the industry as a corporation possessing sound leadership, advanced research and product development, innovative sales and marketing strategies, streamlined manufacturing facilities, and a dedicated family of employees.

The company looks to the future with great promise. They have the people and products that will meet the challenges of future business and market conditions with the flexibility and determination that have been the hallmark of its first 100 years.

I am sure that my colleagues in the Senate join me in saluting one of the Milwaukee area's proudest establishments on this historic achievement. I wish them the best on their next century of service to Wisconsin and the Nation.●

SRI LANKA

● Mr. INOUYE. Mr. President, on February 4, 1982, the Democratic Socialist Republic of Sri Lanka celebrated its 34th year of independence. I wish to congratulate the people of Sri Lanka and their President, the Honorable J. R. Jayewardene, on this happy occasion.

Sri Lanka has distinguished itself as a country committed to the same democratic principles of government that the people of the United States hold so dear. The laws of Sri Lanka guarantee every adult the right to vote and include women at all levels of national politics. A unicameral Parliament legislates on behalf of the different ethnic and religious groups that comprise Sri Lankan society, and the President does not have the power to veto its decisions. Sri Lanka's constitution embodies all of the clauses of the Universal Declaration of Human Rights of the United Nations. It mandates a strict separation of the executive, legislative, and judicial branches of government and includes other time-tested principles of government found in the constitutions of the United States, Great Britain, and France.

The present government of Sri Lanka is dedicated to promoting economic self-sufficiency and self-help. As a nonalined nation, its relations with other countries are characterized by consideration, cooperation, and constructive dialog. I wish the people of Sri Lanka all the best as they enter their 35th year of independence and trust that the friendship between our two countries will continue to grow.●

OAG ARTICLE ON AIRLINE DEREGULATION IN MIDWEST

Mr. PRESSLER. Mr. President, today I would like to address an issue which affects every region of the country but which has had special ramifications for the Midwest—airline deregulation. The Airline Deregulation Act has been in effect for several years now. Commuter airlines across the country are currently struggling to fill the vacuum left in rural areas by departing commercial carriers, and legislation is being considered for early sunset of the Civil Aeronautics Board, the Federal agency primarily responsible for the efficient and orderly transition to deregulation. In light of these developments, I would request that an article published in the January 1982 edition of the Official Airline Guide/Frequent Flyer be inserted in the RECORD at the conclusion of my remarks. This article entitled "Air Traveler Woes in the Upper Midwest," outlines the problems of service cutbacks and excessively high fares which the upper Midwestern States, including my home State of South Dakota, now face.

Although many Government officials maintain that airline deregulation has consistently improved the service and fare structure offered to consumers, this article presents some convincing evidence to the contrary. Some predictions made during the debate on airline deregulation have now come true. The major commercial carriers have moved quickly to discontinue service in low-density areas. Certainly these changes were necessary to assist an industry which has suffered severely during these times of economic hardship and uncertainty. However, the areas which have lost service have also suffered because of the difficulty in finding adequate replacement service. As the OAG article explains, nationwide figures are deceptive. Many regions have actually seen an increase in air service, but it is important to note that these areas are primarily communities with high density traffic. The story is much different in the upper Midwest. Seven small Midwestern hubs, including Sioux Falls, S. Dak., have experienced a 12-percent decrease in departures while the national average for small hubs' departures has actually increased slightly. South Dakota also has five nonhubs with air service. In this category, the upper Midwest has experienced a 25-percent decrease in departures while the national average has only declined by 1.5 percent.

In anticipation of this loss of service, Congress included in the Airline Deregulation Act a provision for "essential air service" needs in these smaller towns. However, even with these statutory assurances, rural communities have experienced problems. For instance, a partial loss of commercial

service does not automatically qualify a town to receive "essential air service" designation. Commercial service is a major attraction to businesses and industries wishing to locate and develop in smaller communities. If even some of this air service is lost, the negative economic impact on the community can be devastating. Furthermore, even when the CAB makes the "essential air service" designation, commuter airlines just now entering the market must struggle to provide acceptable service. The economic situation in this country today, coupled with the dislocation and cutbacks of service due to the air traffic controllers strike, has created serious obstacles for small commuter airlines attempting to provide replacement service.

In addition to the loss of service, our small hubs and nonhubs in the upper Midwest are facing massive price hikes on airline tickets. It is generally understood that short-haul routes are in fact more expensive to operate. However, the disparity in ticket prices can be astounding. Flights between large and small hubs in the Midwest can be much more expensive than a flight of equal or greater distance between two large hubs. For example, a one-way coach class ticket from New York to Los Angeles can be purchased for $225. But a traveler going from Sioux Falls, S. Dak., to Los Angeles via Minneapolis must pay $311. This is a 38 percent price difference. And one must remember that the Sioux Falls traveler has fewer transportation options available to him.

Clearly, airline deregulation has not helped States like South Dakota. Higher fares and reduced service have been the result again and again. The industry maintains that low levels of passenger traffic necessitate cuts in service and increases in ticket prices. However, passenger levels could be higher in these rural areas if lower fares and dependable service were offered. It is a continuous and damaging economic cycle which the private and public sectors must address.

The article follows:

[From Official Airline Guide, Frequent Flyer Magazine, January 1982]

AIR TRAVELER WOES IN THE UPPER MIDWEST

Before its passage in 1978, opponents of the Airline Dergulation Act argued that smaller communities would face sharp cutbacks in scheduled air service if carriers were permitted easy exits from unprofitable markets. Perhaps nowhere was this fear more prevalent than in Wisconsin, Minnesota, North Dakota and South Dakota.

Now that deregulation is a fact of life, there is evidence to back up the claim that the upper Midwest has been more severely hit by cutbacks than other regions of the country. According to the CAB statistics, between April 1978 and April 1981, small hubs—airports emplaning .5 percent of national traffic—recorded a nationwide gain of .8 percent in the number of scheduled departures. Yet during the same period, the seven small hubs in the upper Midwest—Bismarck, Fargo, Green Bay, Madison, Rapid City, Rochester (MN) and Sioux Falls—experienced a 12 percent decline in the number of departures.

The rate of decline for nonhub airports was even more severe. Nationwide, the number of departures at nonhubs dropped 1.5 percent. Yet, in the upper Midwest, there were nearly 25 percent fewer departures at nonhubs in April 1981 than in April 1978. The CAB estimates that the number of available seats in these markets dipped approximately 20 percent. What's more, seven communities in the four-state region lost air service entirely, while only one—Dickinson, ND—gained service.

Because of sparse load factors, many routes in the region are subsidized by the CAB. The largest subsidy operator in the country, Republic Airlines, is also the principal regional carrier in the upper Midwest. Yet in the past several months, Republic has been dropping many of its subsidy routes. In 1981 alone, the carrier announced plans to suspend service to twelve smaller cities in the four-state region.

"To cut off a large number of these marginal cities is really not in conformity with our basic operating philosophy," explains Republic spokesman Walt Hellman. "Yet even with the subsidies, these are cities at which we cannot operate profitably. With load factors so low, it really doesn't make sense at all to continue service."

As an example, Hellman cites the case of Pierre, South Dakota, the state's capital (population: 9,699). According to Hellman, each of Republic's two daily flights to and from Pierre averaged less than three passengers. Even the South Dakota Department of Transportation concedes that such flights are money losers for major carriers. "I'm sure if Republic were making money at such cities, they'd want to stay," says Dan Parish, Jr., air service specialist for the department.

Of course, Republic isn't the only carrier to withdraw from markets in the upper Midwest. During the past year, Western, Frontier and Air Wisconsin have all notified the CAB of service suspensions.

Largely because Congress was so concerned about cutbacks to smaller communities, the region will continue to receive at least some air service. Under the essential air service provision of the Airline Deregulation Act, even after a carrier announces intent to withdraw from a market, it must continue to serve the route until the CAB can locate a replacement carrier. Usually, such a replacement is a commuter airline. Mesaba Aviation, for example, replaced Republic at Mankato, MN. And Republic's departure from four South Dakota communities—Pierre, Brookings, Huron and Mitchell—triggered the formation of an entirely new commuter, Northern Airlines, which now links these cities with Minneapolis.

Not all communities welcome the change. Says Hellman, "A lot of cities feel their status is greatly enhanced if they're served by a major carrier as opposed to a commuter airline." Yet because commuters can operate at far lower costs, they can often provide greater scheduling frequency. Says Dan Parish, "The pullouts by Republic have caused a rather severe turmoil in the short term, but in the long run we may end up with better and more frequent air service."

Although commuters may increase the levels of service in the region, they won't solve yet another dilemma triggered by deregulation: steep air fares. On October 1, a roundtrip coach ticket between New York and Los Angeles was priced at $600 (24¢ per mile). A Supper Saver on the same route sold for $450 (18¢ per mile). Yet during the same period, a roundtrip coach ticket between Minot, ND, and Los Angeles was priced at $622, or 46¢ per mile. No Supper Saver fare was available. Because such steep fares reflect the lower load factors and higher operating costs of providing air service to the upper Midwest, that price disparity is not likely to disappear in the near future.●

A TRIBUTE TO MARIAN HAYES MILLER, A DEDICATED PROFESSIONAL IN THE FIELD OF AGING

● Mr. CHILES. Mr. President, as ranking minority member of the Senate Special Committee on Aging, I would like to take this opportunity to commend a dedicated professional and a well-known advocate for the needs and concerns of older Americans, Marian Hayes Miller. It is indeed an honor to commend Mrs. Miller for her activities on behalf of our Nation's 36 million older persons.

Marian Hayes Miller, who served as regional program director, Administration on Aging, region V, Chicago, Ill., from July 1972 until February 1982, is deserving of special mention on the occasion of her new assignment outside the field of aging. Mrs. Miller has done work on behalf of older persons since 1968 when she first joined the Administration on Aging.

Her early responsibilities with the Administration on Aging resulted in the design and publication of a policy and procedures manual for State agencies on aging which were just then emerging as a force in the developmental phase of the aging network. Mrs. Miller had a major role in the development of viable professional career education and inservice training programs—training so necessary at that time—for the emerging field of gerontology. Her efforts helped to build programs for gerontological training and education in scores of universities and colleges, which in turn recruited and trained thousands of persons for careers in aging, while retraining still others already working with or on behalf of the elderly.

Mrs. Miller provided invaluable staff work in the preparation of, what is known throughout the national network on aging as, the Green Book which was used until recently as a guide for the development and management of the highly successful nutrition programs for the elderly. She assisted in the development of the multipurpose senior center program. Through her technical assistance efforts to State and area agencies on aging, she has been responsible for improving the quality and quantity of community-based social services to the elderly. Mrs. Miller has indeed done a remarkable job and performed as a

highly visible and effective advocate for the elderly during that period of development when the network on aging grew to 57 State and territorial offices on aging, 610 area agencies on aging and more than 25,000 local service providers. Her dedication as an able advocate for the elderly, and her support of and interest in programs such as legal services for the elderly, the advocacy assistance program, protective services, congregate housing, day care for the elderly and others, has significantly contributed toward the growth and development of community programs which now serve the elderly of our great country.●

RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

● Mr. HELMS. Mr. President, paragraph 2 of rule XXVI of the Standing Rules of the Senate requires that each committee of the Senate publish its rules not later than March 1 of each year.

Therefore, I submit for the RECORD the rules of the Committee on Agriculture, Nutrition, and Forestry:

RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

1. Regular meetings shall be held on the first and third Wednesday of each month when Congress is in session.

2. Voting by proxy authorized in writing for specific bills or subjects shall be allowed whenever a majority of the committee is actually present.

3. To assure the equitable assignment of members to subcommittees, no member of the committee will receive asssignment to a second subcommittee until, in order of seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignment to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

4. Six members shall constitute a quorum for the purpose of transacting committee business: *Provided*, That for the purpose of receiving sworn testimony, a quorum of the committee and each subcommittee thereof shall consist of one member.●

TRAGEDY CONTINUES IN EAST TIMOR

● Mr. TSONGAS. Mr. President, on December 16 of last year I spoke of the tragic situation in the former Portuguese colony of East Timor, which 6 years ago was invaded by Indonesia. I referred to accounts from Roman Catholic sources reporting a recent Indonesian military offensive in the territory which could lead to food shortages in the coming months. In addition, I stressed that these potential shortages would occur among a population still recovering from the Cambodia-like catastrophe that struck their island nation from 1978 through 1980. I also suggested that food stockpiles be established in East Timor to prevent further disaster.

Last month, additional information became available on the food situation from media coverage in Australia, a close neighbor of East Timor. These accounts were based on an urgent appeal from Monsignor Martinho do Costa Lopes, the Apostolic Administrator of East Timor, to the head of Australian Catholic Relief, calling for food assistance to avert a possible famine. The Australian Government responded immediately with a pledge of 1,000 tons of corn for the Catholic, Relief shipment.

However, Australian Catholic Relief has not been permitted to enter East Timor to supervise the distribution of the aid shipment, and at present, there are no international relief agencies in the territory on a full-time basis. The director of Australian Catholic Relief, Mr. Michael Whitely, appealed to the Indonesian Government in mid-January to "allow Australian aid agencies into East Timor to see the situation for themselves and to assess how they might cooperate in the establishment of normal conditions there." I would like to register my support for this appeal as well as for any others that may come from qualified, independent international relief groups that are prepared to work in East Timor.

Recently, the Timorese Bishop made it clear that Indonesian military action was responsible for the deterioration of the food situation. He pointed out that Timorese villagers were forced by the Indonesian army to participate in operations aimed at rooting out continuing guerrilla resistance to Indonesian rule, taking able-bodied men away from normal agricultural activity, with the result that there will at best be a poor harvest, at worst a famine. Australian Catholic Relief affirmed that the Bishop's information corroborated what the organization already knows from other sources. On January 14, 1982, the respected Australian daily, The Melbourne Age, offered another account supporting this version of events; which, I should add, reached me from other sources.

In my December 16 statement for the RECORD, I also drew attention to a November 1981 account by a distinguished Timorese Roman Catholic cleric, who charged Indonesian troops with committing gruesome atrocities. A January 1, 1982, article in the Far Eastern Economic Review underscores the seriousness of the situation. It tells of a report written by Indonesian-appointed members of the East Timor "Popular Assembly" set up by Jakarta after the 1975 invasion of the territory. The report, which was sent to Indonesian President Suharto last June, says, for example, that assembly members were "continually, with deep sorrow, receiving verbal as well as written reports or complaints from the people about torture, maltreatment, murders and other unimaginable cases." Curiously enough, the day after the report was first discussed publicly in the U.S. Congress, at a hearing in the House of Representatives, the authors of the report were arrested. Fortunately, the Timorese assemblymen were later released, largely through the efforts of Indonesian human rights attorney Muliya Lublis of the Jakarta-based Legal Aid Institute.

It is significant to note that, according to an account from Reuters news agency, the document prepared by the Timorese assemblymen is "similar to a secret report compiled recently by Catholic priests in Timor for the Vatican." I would like to remind my colleagues that the Timorese were installed in their positions by Indonesian authorities.

The existence of this and other information only confirms my belief that a neutral international presence is needed in East Timor, to help protect the civilian population from further violence as well as to distribute food and medicine. It also confirms my belief that in the long term, a just political settlement in accordance with international law is the only viable solution to the East Timor problem.

Mr. President, for the benefit of my colleagues I ask that the following articles from the Canberra Times, the Melbourne Age, and the Sydney Morning Herald be printed in the RECORD; together with the article from the Far Eastern Economic Review.

The articles follow:

[From the Canberra Times, Jan. 11, 1982]

"THREAT OF FAMINE" IN TIMOR

SYDNEY.—Substantial international assistance will be needed to prevent famine breaking out in Timor this year, according to the Australian Catholic Relief agency.

It has received urgent requests for aid from the island's capital, Dili, where hundreds of thousands of Timorese have gathered to avoid Indonesian military operations in country areas.

Monsignor Martinho Da Costa Lopes, the Roman Catholic Church's administrator in Dili, said in a letter to ACR that food shortages already were serious and that many farmers had been killed.

He said that the continued presence of Indonesian soldiers was to blame for the disruption to the island's subsistence economy, and confirmed that a major operation to flush Fretilin forces from mountain areas was a substantial cause of the current shortages.

The national director of ACR, Mr. Michael Whiteley, said yesterday that the monsignor's explanation corroborated "what we already had known and heard from other sources".

Monsignor Lopes said that the Indonesian soldiers forced all able-bodied men between the ages of 15 and 50 to form a "human fence" through the Fretilin-controlled territory to keep the resistance fighters and their families on the move.

Many Timorese were killed in the operation, which took place in July, August, and September last year.

They included women and children and 300 people were said to have been killed in a four-day siege at a local shrine, the Rock of St. Anthony.

The removal of the men from their villages prevented the planting of crops and those who returned were often too weak to work. Some crops were planted but this was too late.

"The result will be at least a poor harvest—at worst, a famine", Monsignor Lopes wrote. "This conclusion is inescapable as the people now can do nothing to increase food production for at least six months".

There are no international relief agencies in Timor. The Red Cross and the US Catholic relief services wound up their work in April last year and the distribution of aid has been left to the local Catholic Church.

Mr. Whiteley said that ACR had allocated about $90,000 for 1981 and this year to the East Timor emergency rehabilitation program, but church relief workers had requested $250,000 mainly for food, medicine and care for orphans.

There are an estimated 550,000 people on Timor, and the majority are in and around the relative safety of Dili. This is placing great pressure on the resources of the capital and disrupting agricultural work.

[From the Sydney Morning Herald, Jan. 12, 1982]

AUSTRALIA TO SEND CORN TO INDONESIA FOR TIMOR

(By Scott Milson and Malcolm Brown)

The Federal Government announced yesterday that it would give 1,000 tonnes of corn to Indonesia to help avert food shortages in Timor.

It was a day of angry accusations and pleading by Australian aid officials to have direct access to Timor, countered by replies from the Indonesian Embassy in Canberra that there was not a critical food shortage and aid was going through normal channels.

The Australian Minister for Foreign Affairs, Mr. Street, said yesterday that the corn, valued at $430,000, was being given in response to a request in November from the International Committee of the Red Cross.

The announcement was brought forward following the urgent appeal at the weekend from the Roman Catholic representative in Dili to the Australian Catholic Relief agency to avert possible famine in Timor.

In addition to the food, the Australian Government has decided to give $45,000 to the International Committee of the Red Cross to maintain its operations in the territory till mid-year.

Mr. Street said yesterday that Timor was an area where food supplies were traditionally precarious. He would not comment on reports that Indonesian military operations had adversely affected food supply in Timor.

In Sydney, the national director of Australian Catholic Relief, Mr. Michael Whiteley, said the facts as he knew them suggested that the Indonesian Government was deliberately trying to starve out Fretelin guerillas hiding in the countryside.

"I appeal to the Indonesian Government to allow Australian aid agencies into East Timor to see the situation for themselves and to assess how they might co-operate in the establishment of normal conditions there," he said.

Mr. Isslamet Poenomo, the Indonesian Embassy's press attache in Canberra, said yesterday that his Government's policy was straightforward on the distribution of relief.

"The procedure is to give relief or aid to Indonesia and especially Timor through the Indonesian Red Cross," he said. "To give directly to East Timor will not be allowed."

[From the Age, Jan. 14, 1982]

TIMORESE FACING STARVATION, SAYS SMUGGLED LETTER

(By Jim Brumby)

A letter smuggled out of East Timor, written by an opponent of Fretilin has confirmed reports of the Indonesian army using Timorese peasants to fight guerrillas, and warns of impending starvation.

The letter's author, who now works in the Indonesian bureaucracy, sent the letter to his cousin in Melbourne at the beginning of December. It was handed over to The Age yesterday by Mr. Cliff Morris, a translator of Timorese stories. The letter was written in Portuguese.

In chronicling the events since the Indonesian invasion in late 1975, the letter draws particular attention to the "corral campaign," dubbed the "fence of legs" by the Timorese.

It says: "Since July the most depressing and painful drama in the history of the Timorese people has taken place—the corral campaign. All males from age seven to 60 have been conscripted to take an active part (in flushing out the guerrillas).

"The campaign embraces the whole of the territory, from Lapsalos to the border. The Indonesian propaganda is impossible, it says 'East Timor is integrated with Indonesia'—but why then has this war been going on for six to seven years?

"It shows the people do not want foreign domination. Why is there a nation of 150 million inhabitants fighting with one of a ½ million—something one would think impossible to imagine or fantasize about, but it is happening.

"More and more people suffer, but it will not be in vain. At the middle of the suffering, the Indonesians are perceived as murderers, intruders, evil treaters, oppressors, robbers and more. This will continue."

The author says the corral campaign began in most sections of the country in the first week of July. It involves Timorese walking in front of the Indonesian army in the search for guerrillas—hence the title "fence of legs."

Mr. Morris said the mass conscription of Timorese men had led to a break in the subsistence food chain and would cause mass starvation. He said this was a deliberate strategy of the Indonesians.

The letter continues: "It has brought social and political discontent. Many have been treated badly. There is murmuring revolt in so many—but in vain. Many good men have been banished to the islands which act as prison camps—often because they have relatives who are still in the woods.

"Economically the campaign has brought total misery for the people. It has caused a failure in agriculture. How in general can a population continue to survive when produce like rice, maize, cassava, potatoes et cetera are deficient? As well, the produce which grows on the plains is not gathered because there is nobody there to gather it."

[From the Canberra Times, Jan. 14, 1982]

EAST TIMOR BRUTALITY CONTINUING

LONDON, Wednesday (AAP).—East Timorese refugees arriving in Lisbon say mass executions and indiscriminate brutality are continuing in their homeland, six years after Indonesia invaded the former Portuguese colony, it was reported in London yesterday.

Jill Jolliffe, writing for *The Guardian* said that, according to refugees who recently arrived in Portugal through a precarious escape route from Dili, fighting was still going on between Indonesian troops and Timorese nationalists led by Fretilin, the Revolutionary Front of Independent East Timor. Arrests and arbitary imprisonments were also continuing.

Amnesty International has been monitoring the situation since the invasion, and its list of East Timorese who have disappeared or allegedly been executed is growing.

Jill Jolliffe said the refugees were bitter that the world community was vocally indignant about Afghanistan but appeared to have forgotten them.

In recent months, the territory had been the scene of a new military offensive by the Indonesian Army. The result, according to a Roman Catholic Church source in Dili, had been the execution of about 500 civilians late last year.

According to Jill Jolliffe, the resistance has survived the most devastating Indonesian military onslaughts over six years, and the population at large appeared as opposed to the occupation as it was in 1975.

[From the Far Eastern Review, Jan. 1, 1982]

JAKARTA'S CAN OF WORMS

(By Michael Richardson)

The Jakarta-appointed provincial assembly in Indonesia's East Timor province has warned that corruption, brutality and other abuses of power by some in the army and administration are causing growing fear and anti-government feeling in the territory. The warning came in an assembly report addressed to President Suharto. And its leakage led to the arrest in November of the two assembly representatives who signed it—Leandro Isaac and Sousa Soares. They were later released.

Their lawyer, Muliya Lubis of the Jakarta-based Legal Aid Institute, told the Review he had heard that two other Timorese had also been arrested, one of them a member of the provincial assembly, Francisco Dios Himines. Lubis said he had not been able to confirm this, though other sources in indonesia also believe there have been four arrests.

They had heard that Oscar Lucio Goncalves, a close relative of East Timor's Governor Guilherme Goncalves, had been taken into custody. Goncalves was one of the leading supporters of the integration of East Timor into Indonesia when the territory was still under Portuguese colonial rule in the early 1970's. The provincial assembly has about 24 members, handpicked as supporters of integration in July 1976.

Publication of the provincial assembly report, which complains of economic hardship as well as malpractices, is an embarrassment for the Indonesian Government. It confirms that there is deep disenchantment in East Timor. An English-language translation of the report begins by claiming that the people of East Timor are "forever indebted and grateful" for the incorporation of the Portuguese colony into Indonesia. But it goes on to say that some people from elsewhere in Indonesia—most of them military personnel—who had come to the province, were guilty of "great brutality" and abuse of power. They were ignoring local customs and behaving as "conquerors."

The report says that the East Timor provincial assembly "is continually, with deep sorrow, receiving verbal as well as written reports of complaints from the people about

torture, maltreatment, murders and other unimaginable cases. The basic laws in this province are controlled by certain individuals or groups who place their personal interests above the interests of the people as a whole . . . feelings of fear are widespread . . . with the result that the living conditions of the people have worsened."

So far the Indonesian Government has made no comment about the reported arrests of the two signatories of the assembly report, though the news has been carried in both the Indonesian and foreign press. But on December 22, the speaker of the Indonesian parliament, Daryatmo, criticised their arrest. He said he had discussed the matter with the national security chief, Adm. Sudomo.

The Legal Aid Institute earlier challenged the arrests on the grounds that under the law members of both central and provincial assemblies are supposed to be immune from arrest. Daryatmo said detention of any assembly member should have the approval of Suharto after consultation with the speaker of the parliament in Jakarta. "The authorities should not act arbitrarily and they should abide by the procedures and law of the government," he added.

An Indonesian source familiar with the case told the Review that Isaac and Soares brought copies of the report, dated June 3, 1981, to Jakarta in late August or early September, staying about a week. They were unable to see the president to give him a copy, though it is believed he subsequently saw the report. They also gave a copy of it to the Indonesian parliament.

Lubis said the two Timorese assemblymen were arrested on November 18 in Dili by members of Kotis, a special operations group of the army in East Timor. They were later taken to Denpasar in Bali, where the commander for the military region that includes East Timor, Brig. Gen. Dading Kalbuadi, has his headquarters. Lubis said he had not been able to contact his clients or get official permission to visit them.

There has been no official word on who ordered the arrests or why, but the Jakarta daily newspaper, Merdeka, reported that the two men were detained for allegedly allowing copies of the assembly report to reach foreign organizations, diplomats and news media. An English translation first appeared in the September issue of a monthly bulletin issued by Tapol, a British-based group that campaigns for political detainees in Indonesia. The government claims the Tapol organization is communist-influenced. The bulletin included a photostat copy of the covering letter in Indonesian to Suharto from the assembly. It was signed on behalf of the chairman by Isaac as the youngest member and Soares as the oldest.

Observers believe the army in East Timor made the summary arrests in an attempt to prevent criticism of Indonesia from spreading. General elections are to be held in May 1982 and they will be the first in East Timor since its incorporation. In a speech on December 22, Suharto called on the people of Indonesia to ensure that the polls do not disrupt national unity.

The East Timor assembly report accuses several Indonesian army units stationed in the territory of killing Timorese, mainly for practising "black magic." This presumably refers to the traditional animist religion of the bulk of the Timorese population. Most members of Indonesia's army are Muslims or Christians.

It cites two cases involving two battalions in which several people allegedly were killed. The report charges that in Viqueque district "inhabitants were murdered after being tortured by having their sex organs slashed because they did not obey orders serving the interests of certain individuals or groups and also because of black magic practices." It claims that in Likisa district people "were murdered by the sub-district military command after being tortured with electricity and other forms of burning . . ."

The report continues: "These murders and acts of torture committed by these irresponsible persons or groups have resulted in a situation of instability throughout . . . East Timor where there have been many reactions, fears and a variety of other feelings. Furthermore, in a situation where there are no legal restraints and no discipline, problems relating to morality occur, such as in Dili where several women in a prison were tortured with electricity and burnt cigarettes by some elements of the armed forces, who also inflicted immoral sexual acts upon them." The report does not say when these alleged abused took place.

It goes on to say that though "quite a lot of financial assistance has been received from the central government in Jakarta for development of East Timor, the Timorese people have not yet felt any real benefits." It complains that an army-controlled enterprise, P. T. Denok, has a monopoly on trading in two of East Timor's main export commodities—coffee and sandalwood (Review, May 23, 1980)—and says the company pays very low prices for what it buys.

Three leading non-local government officials in East Timor are specifically accused of corruption, including squandering project funds and diverting medicines sent from abroad for private gain.

The report ends as it begins, on a conciliatory and loyal note. It says the damage to the "fine, high ideals" of the Indonesian armed forces in East Timor is being caused by "a mere handful of individuals." The purpose of the report is to "help create a good name and respect for the Indonesian armed forces in the eyes of the people of East Timor."

The assembly hoped that Suharto "will be gracious enough to rectify these distortions which can lead to unrest and anxieties among the people and native officials of East Timor . . ."

[From the Canberra Times, Jan. 12, 1982]

AUSTRALIA BOOSTS FOOD ASSISTANCE TO TIMOR

(By Teresa Mannix)

The Federal Government announced yesterday that $430,000 worth of food aid would be sent to Timor, despite assurances by the Indonesian Government that no famine existed.

The Minister for Foreign Affairs, Mr. Street, said 1,000 tons of corn would be shipped to Dili within the next few weeks.

Including freight, the aid was valued at about $430,000.

Mr. Street's announcement follows a report by a senior Roman Catholic representative in Dili, Monsignor Martinho da Costa Lopes, that a serious food shortage was looming in Timor because Indonesian troops had disrupted the economy.

A Foreign Affairs spokesman said yesterday that Timor had always been a "food problem" area and that the Government had been approached by the Red Cross last month to set up "buffer" supplies of food which could be drawn on during bad harvests. Because of the current publicity about a possible famine in Timor, yesterday seemed an appropriate time to announce new arrangements.

Mr. Street said the grain buffer stock had been established with the agreement of the Red Cross and the Indonesian Government. It was to supplement any shortfall in the province's current harvest. In addition, Australia had contributed $45,000 to support the involvement of International Catholic Relief in the province until at least mid-1982.

Australia would continue to give sympathetic consideration to any further requests for assistance.

A spokesman for the Indonesian Embassy in Canberra said yesterday that his Government was annoyed by the reports of a famine.

"We deny this allegation", he said.

He said Monsignor Lopes had met Indonesian President Suharto in August last year and had pledged his support to the Indonesian Government. He could not understand why Monsignor Lopes had written a letter saying there was a famine.

There were special boards in the major Timorese towns to monitor food supplies and to distribute food when necessary. A good rice harvest was expected this year and the Government had spent a great deal of money developing Timor.

Monsignor Lopes said Indonesia's campaign against Fretlin troops was taking farmers away from their fields, and the harvest was suffering.

The embassy spokesman said the military campaign was purely voluntary, and no villager was compelled to enlist. Although villagers aged between 18 and 40 were encouraged to be responsible for their own defence, there were many villages which did not take part in the program.

SYDNEY.—The national director of Australian Catholic Relief, Mr. Michael Whiteley, said yesterday, "Many Australian aid agencies have been critical of Indonesian actions in East Timor solely because they saw the unnecessary suffering they were causing to the Timorese people.

"We want to alleviate the suffering. It is our experience that the only sure way to do this is to embark on a long-term development program that will reestablish the agricultural sector and rebuild adequate medical facilities.

"I cannot understand why the Indonesian Government will not allow us to help. Our agencies are already involved in programs in Indonesia and there has been no government criticism of those programs".

Referring to an Indonesian statement that it was shipping rice to East Timor, Mr. Whiteley said this would not be necessary if a viable agriculture was developed. The cost of shipping this rice to Timor would mean that those most in need could not afford to buy it.

The chairman of the Australian Council for Overseas Aid, Mr. Richard Alston, wants the Indonesian Government to allow a delegation from Australian overseas-aid agencies to visit East Timor.

Mr. Alston, whose organisation is the coordinating body for 37 Australian voluntary agencies, said, "It seems that Indonesian authorities are determined to suppress the truth about the current situation in East Timor with the result that valuable humanitarian assistance will not be available to those reportedly in the greatest need".●

ELIMINATE EUROPEAN COMMUNITY POULTRY EXPORT SUBSIDIES

● Mr. ROTH. Mr. President, today, as three top European Community officials—Agricultural Commission Paul Dalsager, International Affairs Commission Etienne Davignon, and External Affairs Commissioner Wilhelm Haferkamp—begin their 2 days of meetings with administration and congressional leaders, it is appropriate to review one very important issue that will be part of these meetings, namely, the European Community's use of unfair agricultural export subsidies.

A number of petitions have been filed with the U.S. Trade Representative under the provisions of section 301 of the Trade Act of 1974 alleging unfair trade practices that injure U.S. producers. These petitions, involving poultry, wheat flour, citrus, pasta, and other products, charge that the European Community has used unfair export refunds to displace U.S. exports into third-country markets.

I am pleased the administration has accepted these cases for international investigation and has served notice that the United States will no longer tolerate unfair trading practices that adversely affect U.S. exports. It is long past time to serve such notice. The United States has been one of the most open markets in the world, and, as a consequence, we have seen our market shares at home and abroad eroded by foreign predatory practices.

In the poultry industry, for example, trade data support the argument that there has been a direct link between the European Community's poultry export subsidies and a reduction in the U.S. share of important foreign markets. Community export subsidies have disrupted U.S. poultry sales in non-EC Europe, the Middle East, the Far East, and the Caribbean. Until recently, the impact has been mainly on whole chickens, our principal poultry export. Now, however, there is concern about other segments of the poultry trade.

According to the data, subsidies enabled EC farmers to capture more than 93 percent of the combined U.S./EC share of the non-EC European market, leaving the United States in 1980 with only 6.5 percent of this market. The most drastic impact of Community export subsidies on the United States, however, has been in the Middle East, where, until 1966, we accounted for virtually all trade. After the introduction of the Community's subsidies, U.S. exports were severely curtailed. Furthermore, the Community's takeover of this market prevented the United States from benefiting in the threefold increase in the Middle East poultry market between 1975 and 1980. Of the combined U.S./EC exports to the Middle East in 1980, the U.S. share was only 18 percent, while that of the Community was 82 percent.

In the Far East—another growing market—the Community has been the main supplier only when the subsidy has been in effect. Community farmers' share of the combined U.S.-EC market in the Far East climbed from 36 percent in 1968 to 99 percent in 1974. When the subsidy was suspended in 1975, the EC share began to fall and, by 1979, had declined to less than 8 percent. In 1980, with the subsidy reactivated, EC exports increased 35 percent. This cannot just be coincidence.

While my own State of Delaware and the Delmarva poultry industry as a whole do not export, EC agricultural subsidies injure them by distorting markets and prices worldwide. We cannot stand idly by while our European Community trading partners use unfair practices to gain an inequitable share of the world market for poultry and other agricultural products. Should we be unable to redress the balance through present law, the United States may have to reconsider the means to achieve freer international trade and institute "reciprocity" as a guiding negotiating principle.

The Community is a powerful force in world food trade and a powerful friend and trading partner of the United States. It is in the EC's interest, as well as ours, that trade be conducted without government intervention or unfair benefits. I trust our visiting European leaders understand this.●

VOLUNTEERS

● Mr. ARMSTRONG. Mr. President, I have long believed that volunteers have an important and a potentially decisive role to play in improving the quality of life in communities all over the country. Volunteers bring to community problems insights and concern, sometimes also expertise, of extraordinary significance.

In Colorado Springs, volunteers contributed more than 12,000 hours to assist the Colorado Springs Police Department. The interesting story of how these volunteers have helped the Colorado Springs area cope with rising crime rates and declining Federal financial resources is outlined in the following article from the FBI Law Enforcement Bulletin. I recommend it to the attention of all my colleagues.

The article follows:

VOLUNTARISM

A POLICE DEPARTMENT'S RESPONSE TO CHANGING TIMES

(By Maria B. Taylor)

The decade of the 80's, the most scientific and educated in recorded history, also looms as the most violent. Crime threatens to become our greatest public concern.

This concern is also coupled with increasing public pressure for lower taxes and improved productivity. Recent Federal budget cuts eliminating needed programs and resources have complicated the situation even further by gradually reducing capital resources to law enforcement agencies. Clearly, it is time for those in law enforcement to examine alternative resources.

The Colorado Springs Police Department (CSPD) started developing an alternative to both its own and the surrounding community's frustration over climbing crime rates and decreasing dollars when 8 years ago, the department's first volunteer program was introduced.

The motivation for using volunteers was not based on economic factors but on very human ones. Through exposure to daily police activity, the volunteer develops a realistic perspective of the law enforcement system and a resulting positive regard for the police agency and its personnel. Rather than internalizing all law enforcement problems, police agencies can share these problems with the community. The public relations impact and advocacy role developed through such citizen involvement is invaluable. The traditional communication gap between the police and the community begins to close.

The CSPD's volunteer program challenges other traditions. In the past, police volunteers throughout the Nation were usually reserve officers and posse members, emphasizing direct law enforcement assistance and field activity. The current law enforcement volunteer in Colorado Springs is of a new breed. The emerging portrait of this volunteer is that of a serious citizen advocate who provides the agency with a host of support services that extend and enrich the delivery system. It has been repeatedly shown in Colorado Springs that the volunteer is motivated out of genuine concern for an commitment to the law enforcement agency's purpose and function. As one volunteer succinctly explained, "We are all angry about crime, and this is one way we can positively channel our anger." In this decade of alarming crime rates, the realization is growing that law enforcement is no longer just the responsibility of the police officer but is a partnership between the public and private sectors.

This two-pronged realization that involvement fosters ownership and that personal contact increases awareness and understanding has given birth to what has become an expansive program in the CSPD, using a broad cross section of citizens in voluntary capacities. The 100 volunteers include all age, socioeconomic, racial/ethnic, religious and educational strata. Ages of volunteers range from 18 to 80, with the average age being 45. Fifty-one percent are male, 61 percent are employed, 25 percent are 55 or over, and some are handicapped and disabled. In 1980 alone, volunteers donated over 12,000 hours—equal to about $100,000 in services and over five full-time positions. Volunteers can be found in all four major bureaus of the department.

Overseeing the voluntary staffing of these units is a full-time paid volunteer services coordinator who serves an an advocate for both the law enforcement agency and the volunteer. He need not be employed in law enforcement but must be knowledgeable in human relations skills and volunteerism.

In managing these volunteers the coordinator/director uses the same fundamental skills and principles as personnel managers. Although unpaid, the volunteer is "hired," trained, integrated, evaluated, recognized, and even "fired" in a parallel process to paid department personnel. The result is the cultivation of professional volunteers in an es-

tablished professional environment. Incorporation of an unpaid staff in this manner not only lends importance and significance to the volunteer's role but also from the staff perspective, lends credence to volunteer work and creates acceptance.

Since staff resistance to volunteers is the primary problem facing volunteer programs today, professionalism of a program is a valued goal. In the CSPD, the term "professional volunteer" is not contradictory. A close look at a few of the volunteers is perhaps the most illustrative method of documenting this point.

—The 80-year-old retired civil servant who assists running the extra-duty office by scheduling 80 officers per month and keeping a statistical log that documents and supports the need and increasing priority for extra-duty personnel to help alleviate an on-duty manpower shortage.

—The priest who loaned his expertise on "aging" to help develop, teach, and be a consultant to the Senior Victim Assistance Program, which was selected by the Law Enforcement Assistance Administration (LEAA) as an exemplary project

—The middle-aged housewife in transition from a confined domestic role provides needed clerical assistance to the department's business office, while developing valuable marketable skills.

—The nurse who deals with crime victims in distress and provides emotional and physical confort, followup, and referral.

—The 36-year-old criminal justice student who, while exploring a career shift, edits the weekly warrant information newsletter, which updates personnel in the patrol and investigative divisions on current fugitive information.

—The disabled volunteer who works in public relations by manning the substation police desk for case reporting and making public presentations on the subject of the policy department to community organizations.

—The volunteer who, in her third career, manages the office of the Organized Crime Strike Force, goes undercover to type confidential reports, and receives and records information from informants.

—The volunteer crime analyst who reviews approximately 250 criminal mischief cases per month and provides statistical data reflecting crime patterns, areas of concentrated activity, and M.O.'s. The information alerts the police officer to the possible relationship between criminal mischief crime patterns and other crime patterns in his sector.

This variety of examples indicates that volunteers, when well-matched with their personal goals, needs, and interests, can perform a voluntary job with professional quality. These examples also challenge the frequently encountered myth that "if the volunteer were competent, he/she would acquire a paying job." The success of the volunteer program in the Colorado Springs Police Department demonstrates that the primary motivator for work is the intrinsic value of work itself. Remuneration for the volunteer comes from the performance of challenging work, the satisfaction of achievement, increased responsibility, recognition for accomplishment, and personal growth and development through use of skills, talents, and creativity. For these reasons, volunteers are self-motivated and possess a personal commitment to the task at hand.

JOB DESIGN

The process of matching CSPD volunteers and duties begins with the development of a written job description that states the reason and specifications of recruitment. Frequently, organizations, in a frenzied attempt to supplement manpower shortages, will enlist volunteers with little or no knowledge of where or how they will be used. In "The Effective Management of Volunteer Programs," Marlene Wilson points out that recruiting before designing jobs is rather like trying to dance before music begins. The possibility of ending up out of step is very good.

A well-developed job description should include the title and objective of the position, major responsibilities, qualifications, time required, length of commitment, training provided, the supervisor or to whom the volunteer is accountable, and benefits (optional). The job description is drafted either by the requesting unit supervisor or jointly with the director of volunteers. The initial impression the potential volunteer develops about the agency is based primarily on the job description. When carefully and imaginatively written, a job description invites participation; when concretely and specifically developed, the description indicates the value of the position in context with the overall agency goals and objectives. It is the cornerstone of a well-managed volunteer program—the fundamental tool on which to recruit, motivate, and eventually evaluate.

RECRUITMENT

Recruitment naturally follows job design. It is a "selling" job and requires careful thought in targeting the audience and marketing the product—the job. This selective recruitment is preferable to general and widespread solicitation. A common mistake in recruiting is "looking in the wrong place for the right people."

The key to effective recruitment is marketing. It not only is necessary to sell the job to the volunteer but also provide and promote benefits—it is an exchange or barter system. Since the potential volunteer will not receive financial compensation, an effective marketing approach must be used to meet psychological needs and personal goals. Volunteers themselves can play a large part in the recruitment process. Satisfied volunteers sharing their experiences by word-of-mouth are a program's richest asset. Volunteers with specific professional skills can also provide technical savvy for recruitment activities. Presently, the CSPD draws from the expertise of a retired advertising executive, a commercial artist, and a graphics company. Clever and attractive publicity to establish the program's visibility and credibility in the community furnishes a sound base on which to begin recruiting.

An additional aspect that must not be overlooked is that recruitment is a highly individualized task, and therefore, needs to be tailored to the situation. There are many variables, such as the number of positions being filled, the type of job(s), the number of people needed for the job(s), and the types of skills required. An agency needs to be adequately equipped for a host of recruitment situations by maintaining a large "tool box" with a variety of "tools." According to the situation, a different tool may be selected and used, alone or in combination with other tools, to accomplish the task. Since recruitment strategies vary widely, pinpointing a successful formula is virtually impossible. The best recruitment tools, however, are a good sound volunteer program and meaningful jobs.

SCREENING, INTERVIEWING, AND PLACING

With the foundation laid in job design and recruitment, the screening, interviewing, and placement process becomes the next crucial step in volunteer program management. This selection process provides a built-in mechanism to determine appropriateness and suitability of the potential volunteer and to ensure quality control. For law enforcement agencies, most particularly, this is of paramount concern.

Ivan Scheier, Ph. D., noted consultant in the field of criminal justice volunteerism, states that we must "screen out those candidates clearly unsuited for certain jobs and redirect them to appropriate placements whenever possible." This is essential for several reasons:

(1) The agency must be protected. It must be helped, not hindered, by volunteer involvement;

(2) The agency's reputation is greatly affected by its volunteers;

(3) Morale of paid staff and other volunteers declines when inappropriate or poor volunteer placements occur; and

(4) The volunteer himself suffers when misplaced.

As important as screening out these "high risk" volunteers is the screening in of "high potential" candidates. Each potential volunteer has something to contribute—the volunteer director's task is to discover what that contribution is and put it to work effectively on behalf of the agency. This takes time and an ability to listen, probe, and "try on for size." If the interview process accomplishes its purpose, the candidate and agency will be able to make a fairly accurate assessment of mutual needs, expectations, and goals.

It follows, then, that the bottom line of the volunteer director's job is human resource development. One of the saddest mistakes made by volunteer administrators is not efficiently using a person's talents and abilities. Marlene Wilson points out that there are three concerns repeatedly expressed by volunteers:

(1) Their volunteer work will be a waste of time;

(2) Their skills and talents will not be used; and

(3) They may be placed in jobs for which they are not suited.

Effective interviewing and placing speaks to all these concerns, while ensuring that careful and deliberate steps have been taken to provide the most qualified person for the job.

The interview process should not end in the volunteer director's office but should proceed to the requesting unit supervisor and appropriate staff for final determination. To further ensure a successful placement, the selection process should include as many of the volunteer's potential coworkers as possible.

TRAINING

Training is a concept with which law enforcement personnel are very familiar. It has received increased emphasis and has enhanced the officers' and community's respect for law enforcement.

Training experiences for the volunteer also need to be provided. The volunteer appreciates and derives satisfaction from training programs that are relevant and provide skills and personal growth. Good training, therefore, is a primary motivator of volunteers, as well as a way to share information. It is a valuable tool to use in re-

taining volunteers and furnishing incentives.

Training is also believed to be a primary factor in limiting the number of on-the-job injuries. Since the inception of the CSPD volunteer program, there have been no job-related injuries; however, all persons involved in the program are covered by the city's medical insurance company.

Manpower and funding shortages have brought patrol functions to dangerously low levels, thus increasing the importance of the volunteer's role. Properly trained, a volunteer can release an officer to do what he/she is trained to do in handling high-priority calls for service and demanding, detailed investigative tasks.

Volunteer training, when effectively implemented, is conducted in three stages:

(1) Orientation—familiarizing the volunteer with the agency, its philosophy, functions, policies, organizational structure, and goals. This may include a tour, a briefing session (formal or informal), and arranged observation opportunities in areas of interest.

(2) Preservice training could include formal classroom instruction, required courses, suggested sessions of the police training academy, and/or informal on-the-job training by unit supervisor or appointee.

(3) Inservice training—volunteers need and want ongoing training and continuing educational opportunities. The more knowledgeable and informed they are, the more proficient they become in absorbing the routine work burdens generated by increasing population and criminal activity.

The value of training is best illustrated by the CSPD senior victim assistance team and the CSPD chaplaincy corps. The senior victim assistance team, a 15-member team that works with elderly victims of crime, undergoes a 3-month preservice training program in crisis intervention, communication skills, and familiarization with referral resources. Monthly meetings are held for case information exchange and discussion, in conjunction with specialized inservice training.

The chaplaincy corps, composed of 30 local clergy, accompany patrol officers on a rotating basis during peak evening hours 7 days a week. They are also on call 24 hours a day through a paging unit for counseling, consultation, and crisis work in the community and within the department itself. Their monthly training deals with topics ranging from police crisis intervention, department policies and procedures, legal matters, safety, psychological profiles on suicidals, battered women and substance abusers to pastoral skills development.

As well as receiving training, chaplains also train. In keeping with the chaplaincy program's purpose of professional sharing, chaplains provide training at the police academy to rookies on job-related and material problems and community referral resources.

A second dimension to training is staff training, a critical but often neglected element of a successful volunteer program. Considerable work needs to be done to develop a positive agency attitude that reflects the support of volunteers and enthusiasm for the program. Therefore, careful attention and continuous work is required to foster effective relationships between paid and volunteer staff.

Staff training also prevents potential problems by addressing topics such as resistance to volunteers; myths about volunteers; the philosophy of volunteer management, emphasizing a professional approach; supervision; evaluation and recognition of volunteers; and termination of volunteers. Failure to resolve barriers or to deal with issues, biases, and concerns can lead to poor and ineffective programs implementation, negative public relations as a result of a volunteer's unpleasant experiences, and eventual program rejection.

EVALUATION

Evaluation of both the volunteer's performance and the appropriateness of the placement assignment needs to be performed periodically. This review may be conducted formally at a prearranged time, working from the written job description, or informally and spontaneously according to the volunteer's needs and the cordinator's individual approach. Volunteers need to know on a regular basis how they are doing. Conversely, they need to communicate beliefs and suggestions that may contribute to the overall improvement of the program.

Likewise, the staff needs the feedback and support generated from the evaluation interview in order to respond appropriately. The volunteer services coordinator as a volunteer/agency liaison person should, with diplomacy and insight, furnish information and ideas that will enhance the volunteer's job satisfaction while increasing effectiveness and productivity for the agency.

The development of a volunteer program is too often viewed as a panacea to an agency's budgetary problems. Implementing a volunteer program, however, is not cost-free. While it is both cost-effective and cost-beneficial, there are built-in expenses, such as the coordinator/director's salary, office equipment and supplies, staff time spent in training and supervision, and volunteer recognition. These expenses are eventually counteracted by the program's final product. As with many human services, quantitative measurement and documented results of a volunteer program are difficult to pinpoint. Cost-saving elements in donated manhours, teamed with the number of officers freed for priority calls, provide some numerical clues. However, the breadth of the public relations dimension, the impact of citizen participation as a deterrent to crime, and the trust gained from a team relationship between police and citizens are benefits that cannot be purchased through any budgetary process. Clearly, the volunteer is a positive and revitalizing response to the increasing demands of law enforcement today. It is a resource that must be explored.●

RECORD TO REMAIN OPEN UNTIL 5 P.M. TODAY

Mr. BAKER. Madam President, I ask unanimous consent that the CONGRESSIONAL RECORD remain open until 5 p.m. today for the introduction of bills, resolutions, and statements.

The PRESIDING OFFICER (Mrs. KASSEBAUM). Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Madam President, on tomorrow, the Senate will convene at 11 o'clock. After the recognition of the two leaders under the standing order, two Senators will be recognized on special orders not to exceed 15 minutes each.

At the hour of 12 noon, the Chair, without further notice, will recess the Senate, in deference to other requirements involving the attention of Senators on both sides of the aisle, until 2 p.m.

Madam President, on tomorrow, after the recognition of the two leaders and special orders, there will be a period to be provided for in the morning time permitting the transaction of routine morning business.

It is expected that the Senate will be asked to resume consideration of Senate Resolution 20 during the day tomorrow prior to the taking up of the Department of Justice authorizations bill at 3 o'clock, as previously ordered. It is not expected that tomorrow will be a late day.

Of course, under the rules, if cloture is invoked, then the Senate must remain on the Department of Justice authorizations bill. If cloture is not invoked, the Senate will resume consideration of Senate Resolution 20.

Madam President, I know of no further business to come before the Senate today. If there is no matter that the minority leader wishes to address to the Senate at this time, I am prepared to recess.

Mr. ROBERT C. BYRD. Madam President. I thank the distinguished majority leader. I have no matter to bring to the attention of the Senate.

Mr. BAKER. I thank the minority leader.

RECESS UNTIL 11 A.M. TOMORROW

Mr. BAKER. Madam President, I move, in accordance with the order previously entered, that the Senate now stand in recess until the hour of 11 o'clock tomorrow.

The motion was agreed to; and, at 4:37 p.m., the Senate recessed until Tuesday, February 9, 1982, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate February 8, 1982:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Tony E. Gallegos, of California, to be a Member of the Equal Employment Opportunity Commission for the remainder of the term expiring July 1, 1984, vice Daniel Edward Leach, resigned.

FEDERAL TRADE COMMISSION

F. Keith Adkinson, of West Virginia, to be a Federal Trade Commissioner for the unexpired term of seven years from September 26, 1975, vice Robert Pitofsky, resigned.

PROMOTIONAL IN THE REGULAR ARMY OF THE UNITED STATES

The following named Regular Army officers for permanent promotion in the U.S. Army, in accordance with section 601, title VI, Transition Provisions, Defense Officer Personnel Management Act of 1980, with

dates of rank to be determined by the Secretary of the Army:

To be colonel

Abbott, Rudolph E., xxx-xx-xxxx
Abrahamson, James L., xxx-xx-xxxx
Acinapura, Joseph N., xxx-xx-xxxx
Ackermann, Henry F., xxx-xx-xxxx
Acomb, Kent M., xxx-xx-xxxx
Adair, Robert B., xxx-xx-xxxx
Adams, Allen D., Jr., xxx-xx-xxxx
Adams, Frank S., xxx-xx-xxxx
Adams, James W., Jr., xxx-xx-xxxx
Adams, Tom, Jr., xxx-xx-xxxx
Ady, Samuel J., xxx-xx-xxxx
Affourtit, Rene J., xxx-xx-xxxx
Allor, John E., Jr., xxx-xx-xxxx
Akin, Havis D., xxx-xx-xxxx
Akin, Jere H., xxx-xx-xxxx
Akridge, Jimmie H., xxx-xx-xxxx
Albert, Harold L., xxx-xx-xxxx
Albright, John D., xxx-xx-xxxx
Alcala, Raoul H., xxx-xx-xxxx
Alden, Errol R., xxx-xx-xxxx
Alderman, Nathaniel, Jr., xxx-xx-xxxx
Alex, Allen M., xxx-xx-xxxx
Alexander, Byron B., xxx-xx-xxxx
Alexander, Franklin D., xxx-xx-xxxx
Alexander, George W., II, xxx-xx-xxxx
Alexander, Joseph D., xxx-xx-xxxx
Alexander, Joseph E., Jr., xxx-xx-xxxx
Alhouse, Robert D., xxx-xx-xxxx
Allanson, Will B., xxx-xx-xxxx
Allen, Charles B., xxx-xx-xxxx
Allen, David J., xxx-xx-xxxx
Allen, Eugene E., xxx-xx-xxxx
Allen, Richard H., xxx-xx-xxxx
Allen, Teddy G., xxx-xx-xxxx
Allen, Wayne C., xxx-xx-xxxx
Allison, Howard H., xxx-xx-xxxx
Allison, Stanley C., xxx-xx-xxxx
Allison, William C., xxx-xx-xxxx
Allred, Raymond S., Jr., xxx-xx-xxxx
Alsop, Jackie R., xxx-xx-xxxx
Ament, Richard G., xxx-xx-xxxx
Amick, Robert L., Jr., xxx... xxx-xx-x...
Ammons, David C., xxx-xx-xxxx
Anderson, Charles E., xxx-xx-xxxx
Anderson, Paul D., xxx-xx-xxxx
Andres, Dudley M., xxx-xx-xxxx
Andreson, Ronald K., xxx-xx-xxxx
Andrews, Anthony J., xxx-xx-xxxx
Andrews, James H., xxx-xx-xxxx
Andrews, Joel E., xxx-xx-xxxx
Andrews, William R., Jr., xxx-xx-xxxx
Andy, Charles W., xxx-xx-xxxx
Antopol, Michael R., xxx-xx-xxxx
Antross, Richard C., xxx-xx-xxxx
Appleton, Forrest W., xxx-xx-xxxx
Appleton, Isaac E., xxx-xx-xxxx
Appling, David A., xxx-xx-xxxx
Apruzzese, Vincent A., xxx-xx-xxxx
Archer, John R., xxx-xx-xxxx
Archibald, Harold R., xxx-xx-xxxx
Armitage, David T., xxx-xx-xxxx
Armstrong, Charles H., xxx-xx-xxxx
Armstrong, David A., xxx-xx-xxxx
Armstrong, Donald R., xxx-xx-x...
Armstrong, James S., Jr., xxx-xx-xxxx
Arndt, Gary L., xxx-xx-xxxx
Arndt, Terrence L., xxx-xx-xxxx
Arnold, Steven L., xxx-xx-xxxx
Arnold, Wallace C., xxx-xx-xxxx
Arroyo, Francisco, xxx-xx-xxxx
Arthur, James D., xxx-xx-xxxx
Arthur, James F., Jr., xxx-xx-xxxx
Arwood, Thomas B., xxx-xx-xxxx
Aschliman, Edward L., xxx-xx-xxxx
Atkins, George C., xxx-xx-xxxx
Auzins, Janis, Jr., xxx-xx-xxxx
Averill, Ronald H., xxx-xx-xxxx
Ax, George R., xxx-xx-xxxx
Babcock, Charles S., xxx-xx-xxxx
Babcock, William S., xxx-xx-xxxx
Babigan, Alan E., xxx-xx-xxxx
Bacas, Harry J., xxx-xx-xxxx
Bachelor, Larry D., xxx-xx-xxxx
Bachmann, Robert R., xxx-xx-xxxx
Backus, Richard J., xxx-xx-xxxx
Badger William W., xxx-xx-xxxx
Baeb, David E., xxx-xx-xxxx
Bagdanov, James L., xxx-xx-xxxx
Bagnal, William K., Jr., xxx-xx-xxxx
Bagnerise, Joseph W., Sr., xxx-xx-xxxx
Bair, Authur H., Jr., xxx-xx-xxxx
Baker, Charles R., xxx-xx-xxxx
Baker, David G., xxx-xx-xxxx
Baker, Harlan H., Jr., xxx-xx-xxxx
Baker, Larry A., xxx-xx-xxxx
Baker, Wardell G., xxx-xx-xxxx
Baldwin, Edward R., Jr., xxx-xx-xxxx
Baldwin, Ronald C., xxx-xx-xxxx
Balish, Warren N., xxx-xx-xxxx
Ball, James W., xxx-xx-xxxx
Balserak, Robert J., xxx-xx-xxxx
Bambery, Thomas W., xxx-xx-xxxx
Bangasser, Fredric D., xxx-xx-xxxx
Bangerter, Jerald C., xxx-xx-xxxx
Banks, James H., xxx-xx-xxxx
Banks, John W., Jr., xxx-xx-xxxx
Banning, Robert D., xxx-xx-xxxx
Baratto, David J., xxx-xx-xxxx
Barber, Don W., xxx-xx-xxxx
Barber, Leroy M., Jr., xxx-xx-xxxx
Barborak, Franklin D., xxx-xx-xxxx
Barcia, Peter J., xxx-xx-xxxx
Barck, John C., xxx-xx-xxxx
Barkett, John S., xxx-xx-xxxx
Barkley, Craig C., xxx-xx-xxxx
Barkley, William A., xxx-xx-xxxx
Barlow, Matthew J., Jr., xxx-xx-xxxx
Barmore, Frederick E., Jr., xxx-xx-xxxx
Barnebey, Hoyt W., xxx-xx-xxxx
Barnes, William R., xxx-xx-xxxx
Barnes, Wilson E., xxx-xx-xxxx
Barnett, John R., xxx-xx-xxxx
Barnwell, Isaiah E., Jr., xxx-xx-xxxx
Barnwell, Marion L., xxx-xx-xxxx
Barr, Grady W., xxx-xx-xxxx
Barreca, Nicholas E., xxx-xx-xxxx
Barrere, Richard P., xxx-xx-xxxx
Barrett, Peter J., xxx-xx-xxxx
Barrett, Reid A., xxx-xx-xxxx
Barrett, Robert C., Jr., xxx-xx-xxxx
Barrett, William M., xxx-xx-xxxx
Barrow, John P., xxx-xx-xxxx
Barrowman, Thomas J., xxx-xx-xxxx
Barry, Michael J., xxx-xx-xxxx
Bartlett, William E., Jr., xxx-xx-xxxx
Bartos, Robert E., xxx-xx-xxxx
Battle, Lucius W., Jr., xxx-xx-xxxx
Bauchspies, Richard E., xxx-xx-xxxx
Bauer, Anthony G., xxx-xx-xxxx
Bauer, Daniel H., xxx-xx-xxxx
Baugh, Raymond C., xxx-xx-xxxx
Baxter, Thomas R., xxx-xx-xxxx
Bay, Charles H., xxx-xx-xxxx
Beakey, Danny J., xxx-xx-xxxx
Bean, Roger K., xxx-xx-xxxx
Beard, Graham E., xxx-xx-xxxx
Beard, Louin L., xxx-xx-xxxx
Beasley, Benjamin B., xxx-xx-xxxx
Beasley, Joe D., III, xxx-xx-xxxx
Beasley, John D., III, xxx-xx-xxxx
Beaver, Reinard W., xxx-xx-xxxx
Beavers, Leslie E., xxx-xx-xxxx
Beck, Buddy G., xxx-xx-xxxx
Becker, Ronald C., xxx-xx-xxxx
Beckley, Leander K., xxx-xx-xxxx
Beckman, Charles H., xxx-xx-xxxx
Beebe, Merrell S., xxx-xx-xxxx
Beech, Gary D., xxx-xx-xxxx
Begtrup, Robert O., xxx-xx-xxxx
Behrenhausen, Richard A., xxx-xx-xxxx
Beinhacker, Neal D., xxx-xx-xxxx
Belan, Charles G., xxx-xx-xxxx
Belasco, John R., xxx-xx-xxxx
Belcher, Lillard F., xxx-xx-xxxx
Belitz, Charles L., xxx-xx-xxxx
Bell, Arthur F., xxx-xx-xxxx
Bell, Berdon M., Jr., xxx-xx-xxxx
Bell, Charles H., xxx-xx-xxxx
Bell, Jerry L., xxx-xx-xxxx
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Bellamy, Albert D., xxx-xx-xxxx
Bellizzi, Ralph, xxx-xx-xxxx
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Benson, Richard D., xxx-xx-xxxx
Benson, Roger R., xxx-xx-xxxx
Benson, Warren D., xxx-xx-xxxx
Berdux, Sylvester C., Jr., xxx-xx-xxxx
Bergeron, Gary P., xxx-xx-xxxx
Berkley, Nathan R., xxx-xx-xxxx
Berliner, Daniel S., xxx-xx-xxxx
Berner, John J., xxx-xx-xxxx
Bernier, William E., Barr., xxx-xx-xxxx
Bernstein, Donald I., xxx-xx-xxxx
Berry, John A., III, xxx-xx-xxxx
Berry, Peter T., xxx-xx-xxxx
Berta, Thomas L., xxx-xx-xxxx
Bertelkamp, John N., xxx-xx-xxxx
Best, David M., xxx-xx-xxxx
Best, James W., xxx-xx-xxxx
Betters, Richard B., Jr., xxx-xx-xxxx
Beurket, Raymond T., Jr., xxx-xx-xxxx
Beyer, Alfred H., xxx-xx-xxxx
Bezanson, Ronald S., Jr., xxx-xx-xxxx
Brickford, James E., xxx-xx-xxxx
Bidgood, Ferdinand C., xxx-xx-xxxx
Biemeck, John F., xxx-xx-xxxx
Bierly, Robert N., Jr., xxx-xx-xxxx
Bihn, Marvin A., xxx-xx-xxxx
Bilberry, Ralph W., Emerso., xxx-xx-xxxx
Billings, Barry B., xxx-xx-xxxx
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Birrane, John H., xxx-xx-xxxx
Bishop, Edward L., xxx-xx-xxxx
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Boice, Craig H., xxx-xx-xxxx
Boice, William M., xxx-xx-xxxx
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Boles, Wayne T., xxx-xx-xxxx
Boling, Douglas L., xxx-xx-xxxx
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Bond, Nelson B., xxx-xx-xxxx
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Borg, Naldean J., xxx-xx-xxxx
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Bowden, John C., Jr., xxx-xx-xxxx
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Brewer, Jessie S., xxx-xx-xxxx
Bridenbaugh, Robert H., xxx-xx-xxxx
Bridgwater, Tom W., Jr., xxx-xx-xxxx
Briggs, David B., xxx-xx-xxxx
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Brownlee, Romie L., xxx-xx-xxxx
Brunelle, Pierre V., xxx-xx-xxxx
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Brunner, David G., xxx-xx-xxxx
Brusch, Walter A., xxx-xx-xxxx
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Bryant, Robert J., xxx-xx-xxxx
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Bubon, John J., xxx-xx-xxxx
Buchanan, William J., Jr., xxx-xx-xxxx
Buck, Alfred S., xxx-xx-xxxx
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Buckles, Harvey I., xxx-xx-xxxx
Buckley, Benjamin C., Jr., xxx-xx-xxxx
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Buckman, Leroy R., xxx-xx-xxxx
Buczek, Richard C., xxx-xx-xxxx
Budack, Marietta E., xxx-xx-xxxx
Budge, Larry D., xxx-xx-xxxx
Buff, Max L., xxx-xx-xxxx
Bugay, Glenn L., xxx-xx-xxxx
Bullard, Monte R., xxx-xx-xxxx
Bunker, Robert M., xxx-xx-xxxx
Bunting, Willis R., xxx-xx-xxxx
Buono, Daniel P., xxx-xx-xxxx
Burba, Edwin H., Jr., xxx-xx-xxxx
Burbank, Arlene G., xxx-xx-xxxx
Burchell, Larry E., xxx-xx-xxxx
Burg, Hans A., xxx-xx-xxxx
Burger, Leslie M., xxx-xx-xxxx
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Burgess, Douglas R., xxx-xx-xxxx
Burke, Allan R., xxx-xx-xxxx
Burlas, Joseph E., Jr., xxx-xx-xxxx
Burleson, Grady L., xxx-xx-xxxx
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Burnett, Lewis G., xxx-xx-xxxx
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Burns, Thornton A., Jr., xxx-xx-xxxx
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Butkiewicz, Edward J., xxx-xx-xxxx
Butler, Dennis F., xxx-xx-xxxx
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Butts, Orville N., xxx-xx-xxxx
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Callender, William E., xxx-xx-xxxx
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Camp, Junius W., Jr., xxx-xx-xxxx
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Carbone, Anthony J., xxx-xx-xxxx
Cardwell, Kenneth E., xxx-xx-xxxx
Carey, Arthur T., xxx-xx-xxxx
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Carlisle, Alan R., xxx-xx-xxxx
Carlson, Gunnar C., Jr., xxx-xx-xxxx
Carlson, Richard I., xxx-xx-xxxx
Carlton, Terry M., xxx-xx-xxxx
Carmean, Clayton H., Jr., xxx-xx-xxxx
Carmichael, Roderick L., Jr., xxx-xx-xxxx
Carmona, Louis S., xxx-xx-xxxx
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Carolan, James M., xxx-xx-xxxx
Carpenter, John L., xxx-xx-xxxx
Carpenter, Maxey B., Jr., xxx-xx-xxxx
Carpenter, William M., Jr., xxx-xx-xxxx
Carr, Milton B., xxx-xx-xxxx
Carraway, Claude W., Jr., xxx-xx-xxxx
Carroll, Robert C., xxx-xx-xxxx
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Carson, Amelia J., xxx-xx-xxxx
Carter, Bobby J., xxx-xx-xxxx
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Caruso, Michael L., xxx-xx-xxxx
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Chavis, Langley J., xxx-xx-xxxx
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Chinn, Clarence Y., Lee., xxx-xx-xxxx
Chittenden, Warde P., xxx-xx-xxxx
Christman, Peter D., xxx-xx-xxxx
Chunn, Don C., Jr., xxx-xx-xxxx
Cianciolo, August M., xxx-xx-xxxx
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Clark, Bernard J., xxx-xx-xxxx
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Clark, Claude L., xxx-xx-xxxx
Clark, Daniel D., xxx-xx-xxxx
Clark, Daniel R., xxx-xx-xxxx
Clark, Gary B., xxx-xx-xxxx
Clark, Howard W., xxx-xx-xxxx
Clark, Jack T., xxx-xx-xxxx
Clark, Niles C., Jr., xxx-xx-xxxx
Clarke, Gordon M., xxx-xx-xxxx
Clarke, John S., xxx-xx-xxxx
Clarke, Robert G., xxx-xx-xxxx
Clawson, Lucien B., Jr., xxx-xx-xxxx
Clay, Clifford D., xxx-xx-xxxx
Claypool, Robert G., xxx-xx-xxxx
Clement, L. W., Jr., xxx-xx-xxxx
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Clewell, Robert M., xxx-xx-xxxx
Click, David L., xxx-xx-xxxx
Clifford, Peter L., xxx-xx-xxxx
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Cline, Donald H., xxx-xx-xxxx
Cloud, Leon B., xxx-xx-xxxx
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Cockle, Dale S., xxx-xx-xxxx
Cody, Michael A., xxx-xx-xxxx
Cofoni, Peter J., xxx-xx-xxxx
Coggin, Julian T., xxx-xx-xxxx
Cohen, George R., xxx-xx-xxxx
Coker, James R., xxx-xx-xxxx
Coldewey, Johann F., xxx-xx-xxxx
Cole, David L., xxx-xx-xxxx
Cole, Edward F., xxx-xx-xxxx
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The following named Army of the United States Officers for permanent promotion in the U.S. Army, in accordance with section 602, title VI, Transition Provisions, Defense Officer Personnel Management Act of 1980, with dates of rank to be determined by the Secretary of the Army:

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CONFIRMATIONS

Executive nominations confirmed by the Senate February 8, 1982:

Department of State

Walter J. Stoessel, Jr., of the District of Columbia, a Career Member of the Senior Foreign Service with the personal rank of Career Ambassador, to be Deputy Secretary of State.

U.S. International Development Cooperation Agency

John R. Bolton, of Virginia, to be an Assistant Administrator of the Agency for International Development.

National Foundation on the Arts and the Humanities

William J. Bennett, of North Carolina, to be Chairman of the National Endowment for the Humanities for a term of four years.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

The Judiciary

Michael S. Kanne, of Indiana, to be United States District Judge for the Northern District of Indiana.

James T. Moody, of Indiana, to be United States District Judge for the Northern District of Indiana.

Robert H. Bork, of the District of Columbia, to be United States Circuit Judge for the District of Columbia Circuit.

Department of Justice

William F. Weld, of Massachusetts, to be United States Attorney for the District of Massachusetts for the term of four years.

Alan C. Nelson, of California, to be Commissioner of Immigration and Naturalization.

George L. McBane, of North Carolina, to be United States Marshal for the Middle District of North Carolina for the term of four years.

Stuart E. Earnest, of Oklahoma, to be United States Marshal for the Western District of Oklahoma for the term of four years.

William J. Jonas, Jr., of Texas, to be United States Marshal for the Western District of Texas for the term of four years.

Eugene H. Davis, of Utah, to be United States Marshal for the District of Utah for the term of four years.

Lamond Robert Mills, of Nevada, to be United States Attorney for the District of Nevada for the term of four years.

Thomas A. O'Hara, Jr., of Nebraska, to be United States Marshal for the District of Nebraska for the term of four years.

Stephen S. Trott, of California, to be United States Attorney for the Central District of California for the term of four years.

COPYRIGHT ROYALTY TRIBUNAL

Edward W. Ray, of California, to be a Commissioner of the Copyright Royalty Tribunal for the unexpired term of five years from September 27, 1977.

DEPARTMENT OF STATE

Department of State nominations beginning Donald S. Brown, to be Career Member of the Senior Foreign Service of the United States of America, Class of Career Minister, and ending Gerald Wein, to be Career Member of the Senior Foreign Service of the United States of America, Class of Counselor, Consular Officer and Secretary, which nominations were received by the Senate and appeared in the Congressional Record on December 15, 1981.

EXTENSIONS OF REMARKS

EXPLAINING THE REAGAN REVOLUTION

HON. NEWT GINGRICH
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1982

● Mr. GINGRICH. Mr. Speaker, Mr. Doug Bandow, special assistant to the President, gave an inspiring speech to a gathering of college Republicans at Colgate University last November 13. I would like to share Mr. Bandow's explanation of the first year of the Reagan administration with my colleagues.

The speech follows:

KEYNOTE ADDRESS BY DOUG BANDOW

As College Republican activists, you all have a unique opportunity to affect the course of this nation, and the destiny of a generation of Americans to follow.

This opportunity may be more thankless than you think: John Quincy Adams once observed that "Posterity—you will never know how much it cost my generation to preserve your freedom. I hope you will make good use of it." But it is an opportunity, which, if spurned, may never return.

You may think this rhetoric to be overstated. I think not. We have reached a potential watershed in the development of this country. A number of different forces and policies have converged to reduce the average worker's real take-home pay and devalue his savings, increase unemployment, and destroy the positive expectations about the future that Americans have traditionally held.

It is the convergence of these factors which toppled a President and a party's control of the U.S. Senate. And it is the convergence of these factors which mandates a radical redirection of American policy. Only a dramatic change in direction, replacing reliance on bureaucratic dictates with encouragement of individual creativity, will overcome a half century of flawed policies.

Of course, the liberals and bureaucrats who have been in power for 50 years say that after 50 days we have failed. They want the American people once again to trust the same ideas that have failed, and failed, and failed. They think the people never learn.

Your responsibility within the Republican Party is perhaps the most crucial one of all: bringing a new message to the young people of America. Foremost in this new message is the revolution of ideas. As Ronald Reagan said in perhaps his most famous speech some 17 years ago:

"We have come to a time for choosing and we should recognize that two contrary philosophies divide us. Either we believe in our traditional system of individual freedom with constitutional limits on the power of government, or we abandon the American Revolution and confess that an intellectual elite in some far distant capitol can plan for us better than we can plan for ourselves."

The 1980's is now the decade of this choice—a choice between competing ideas. Indeed, ideas are what coalitions and politics are all about. As Emerson said, "The party of virility rules the hour, the party of ideas and sentiments rules the ages."

The ideas which will turn the Republican Party into the new, governing coalition are simple, but fundamental.

First, the highest political goal is freedom. There may be higher moral goals. Or social goals. Or personal goals. But the most important goal of government is to guarantee individual liberty.

This is the idea behind the founding of our country. In Ronald Reagan's words, this founding idea was "Very simply—you and I have God-given rights, among them freedom and the ability to determine our destiny. Government's only excuse for being is to see that no individual or group in our midst and no outside aggressor can take this freedom from us. Government is a watchdog, not a cow to be milked."

And, in the end, only the people can protect this freedom. As the late Judge Learned Hand said, "Liberty lies in the hearts of men and women. When it dies there, no constitution, no law, no court can save it." Your help is necessary to help ensure that this spirit of liberty lives on in the hearts of your fellow countrymen.

The second idea behind the Republican renaissance is that all wisdom in our society does not reside in Washington. Indeed, at times, wisdom exists in exactly inverse proportion to the proximity of the decisionmaker from the problem.

We believe that the most fundamental building blocks of our society are the individual, the family, and the community. Then local and state government. These are the organs in society which are best able to recognize and solve problems.

Thus, we reject the notion that just because some federal officials believe something is important, that it must be done. We repudiate the notion that federal bureaucrats have the answers to our problems, if only they can bypass "reactionary" property-owners, community groups, and mayors. Some things are not federal responsibilities. Period.

Third, there is no such thing as "government" money. Taxes don't grow in the Treasury. It is the people's money. And taking that money is taking money earned by Americans.

Since the role of government is not to beneficiently decide how much money each person should retain, social welfare programs result from the generosity of the taxpayers, and not from the right of the recipient. Therefore, the taxpayers rightfully demand that their money be well-spent, helping the truly needy, not the truly influential.

Our faith idea, a corollary of the third, is that income redistribution for the sake of redistribution is not a worthy goal in a free society. A compassionate society caring for those who cannot care for themselves is one thing. A covetous society taking from those who have earned it and giving to those who have not—and who do not need it—is quite another.

This opposition to subsidizing the lifestyles of those with political power applies with particular force to profit-making businesses and upper income individuals. Synfuels subsidies for large oil companies. Arts and humanities subsidies for the elite. Free Coast Guard inspections for yacht owners. Export subsidies for Boeing. These programs respond to greed, not principle.

Fifth, we believe that just because someone comes up with a "good" idea doesn't mean that the government should tax someone, spend money, and create a program. The role of government is not to fund "good" ideas; it is to establish the framework necessary for our free society.

Thus, flood insurance for people in areas which flood is a "good" idea. But why should the government provide it? Hospital care for merchant seamen is certainly good for the merchant seamen. But why should the tapayers pay for it? as I quoted Ronald Reagan earlier, "Government is a watchdog, not a cow to be milked."

The sixth idea is that, in Congressman Kemp's words, the people "should not waste their political talents and energies arguing over how to divide up the economic pie, but rather they should concentrate those talents and energies on making the pie grow."

Too many government policies, far from increasing the total economic benefits available to all, have sharply reduced those benefits. They have—on a wide scale—penalized achievement.

People do respond to incentives. Thus, higher tax rates—the portion of workers paying 25 cents or more out of each additional dollar they earn has more than quintupled in the last 15 years—create a major disincentive to work, investment, savings, and production. Quite simply, when you tax something, you get less of it. And we've been taxing work and savings.

People also respond to barriers. The minimum wage, for instance, is probably the greatest barrier to racial progress in America today. Economic study after economic study have found that the minimum wage destroys jobs—in particular those of the poor, the young, the ill-educated, and minorities.

In fact, by penalizing achievement in attempting to help a few, we have too often impoverished everyone else. Those individuals and regions of the country at the bottom of the economic ladder would gain little from even confiscating the wealth of everyone else. But they will gain a whole new world if we create and sustain a new era of growth and opportunity.

The seventh idea is that we should not hesitate to defend this country if it becomes necessary. Defense is the ultimate social good—indeed, it is the most fundamental duty of the federal government. Our defense should be strong, lean, and based on the other values which underly our society—indeed, which make our society worth defending. This includes a firm commitment to man our military forces through volunteers, the only method consistent with our historical tradition of freedom.

Finally, we believe that we should not be ashamed of the other seven ideas. We should be willing to spread these ideas not only here at home, but also around the globe. Indeed, our ideas are our real weapons abroad. As James Reston has noted, "It

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

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is not the penetration of Western military power that Moscow has to fear, but the penetration of freedom and faith."

Thus, for the first time in four years we have men and women representing the U.S. who understand the power of ideas. Americans can now be confident that no longer will we abandon America's ideals, kowtowing to foreign hypocrisies, Soviet lies, and third-world demands for tribute. No longer will we remain on the defensive.

We will remind the world that societies without the right to own property cannot feed themselves. And that societies without the freedom of expression stagnate.

We will also remind the world that societies which build walls, mine borders, hire guards, and shoot children to keep their people in are societies that are fearful of ideas. Governments which incarcerate, brainwash, torture, and murder their people are terrified of ideas.

And we will point out that they are societies which will—sooner, like Poland, or later, like the Soviet Union—fall to ideas.

These are the ideas which you must use to help unify this country, to renew its spirit, and to recreate its sense of purpose. It is particularly up to you to spread these values to the many young Americans who are just emerging in our community of shared values.

Indeed, the most fundamental message which I hope you will take back with you to your colleges and communities is a positive one: that we as a nation are making a new beginning. It is a new beginning that we all must share in.

Our new beginning recognizes that we can solve our problems. This Administration may not be able to remedy 50 years of neglect and error in 50, or 500 days. But it, and its successors, will remedy those errors.

In contrast, the Democrats spent the last four years telling us how we no longer could solve our problems. The problems were too complex. They were caused by OPEC. They were caused by the greed of the American people. They were caused by Americans spending too much. They were caused by taxes being too low. Or we simply couldn't understand what they were caused by. But the most important thing is that they were caused by someone—anyone—else.

They then went on to tell us that maybe, just maybe, if we were very lucky, we could muddle through the next few years. Of course, everyone would have to pay more taxes. And wait in line for gas. And spend less. And accept a lower standard of living. And live through a future of sacrifice and despair.

We, as President Reagan said when he accepted the Republican nomination for President, "utterly reject this view. The American people, the most generous on earth, who created the highest standard of living, are not going to accept the notion that we can only make a better world for others by moving backwards ourselves. Those who believe we can have no business leading the nation."

I am happy to be able to bring you the good news that this Administration has made a dramatic—and successful—start on our new beginning, where, in President Reagan's words, trust is placed "not in one person or one party, but in those values that transcend persons and parties."

For example, we are starting to restore the American spirit of voluntary service and cooperation, of individual and community initiative. The President has set as a national priority the removal of government roadblocks to voluntary service, and has frequently reminded Americans of their traditional commitment to help their fellow citizens.

We have also started—and I emphasize the word "started"—to slow the growth of government. After 50 years of constant growth, the federal behemoth has momentum all of its own. And its going to take some time to stop it.

This Administration has begun the process of transferring back to the states and localities those programs which are their traditional responsibilities. The 1981 Budget reconciliation Act created nine block grants, consolidating a host of categorical programs, and eliminating hundreds of regulations.

The President decontroled oil prices on January 27, 1981. Doing so freed American producers and consumers from a confining web of regulations that actually subsidized foreign imports, inhibited marketing innovations, and discouraged domestic exploration and production.

The result is that the free market has worked almost precisely as expected. Prices now stand at roughly four cents more per gallon than they did before decontrol; the Administration had predicted three to five cents. In fact, in inflation-adjusted dollars, prices now are actually lower!

You might also be interested to know that by unleashing the forces of competition, deregulation has actually put downward pressure on oil profits. The profits of a number of companies have declined since decontrol. I want to add that this doesn't disturb us, since our commitment is to freedom and competition, not assured profits.

America now has a firm and consistent foreign and defense policy, reflecting our belief that the ultimate social good is the defense of this country and its values.

Finally, we have a President and Administration which is proud, rather than ashamed, of America's values. It promotes American capitalism as a model for economic development for the rest of the world. Whether it be at Cancun, in the Conference on the Law of the Sea, or in the various other United Nations organizations, the U.S. is firmly rejecting the so-called New International Economic Order, which is, in reality, just the same old call for income redistribution and handouts.

Instead, America is telling the lesser-developed countries of the world that the record shows which economic system works. It is telling them that they can no longer expect the U.S. to bail them out of the failures of their systems. And it is doing so in a manner that the whole world can hear.

Radio Free Europe and Radio Liberty are also being revamped to make them live up to their names. We, and they, know the accuracy of the Bible verity: "You shall know the Truth and the Truth shall make you free."

Indeed, if you don't believe that the President has been starting to carry out his promises, just read yesterday's editorial in the Washington Post:

"The administration, however, must take credit for the pervasive fear now disrupting the work of many agencies. Federal workers have grown used to the anti-bureaucracy speeches that have become a fixture of presidential campaigns over the past decade or so. This, however, is the first administration that has backed up its verbal assaults with real action."

I couldn't have put it better myself.

Now your task—I don't think I have to say should you decide to accept it, since you're already here—is to spread news of these accomplishments to your fellow Americans, and to help elect more Republicans who will help build upon these accomplishments at the national level, and spread them to the state and local levels.

In doing so, be willing to admit that we've only just begun, and that everything has not worked out as well as we'd like. Inflation, and interest rates, though falling, are still too high. Unemployment is far too high. But were it not for the tax and budget cuts which are now in place, the hopes for a quick recovery from the recession would be bleak. Instead, because of the groundwork we've laid, the future is bright.

I wish you a very successful weekend here, because I believe it will help prepare you for the leadership of a party, a philosophy, and a country in the years ahead. It will help you embody the real spirit of America.

Indeed, this is what it is all about: the American spirit. It involves a rededication to the spirit, which, in Ronald Reagan's words, "knows no ethnic, religious, social, political, regional or economic boundaries; the spirit that burned with zeal in the hearts of millions of immigrants from every corner of the earth who came here in search of freedom."

This Administration, and the Republicans in Congress, are taking the lead in forging a new coalition, and implementing new policies. Most important, we are working with the American people in developing new ideas.

You, through schools like this one, and your activism, are also leading. And the values, beliefs, and ideas which you embody and share will be the ones that will be guiding our nation in the coming generations.●

HOW MUCH FOR SCIENCE?

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1982

● Mr. WALGREN. Mr. Speaker, as we look forward to hearing further from the President and his administration on the details of the new budget, concern is being raised once again over a number of programs that are key to the long-term economic health of the Nation. In a recent editorial published in the February 2, 1982. Washington Post, particular focus on science and science education was made. The editorial makes a number of good points:

American scientific preeminence is threatened, threatening our security and economic health.

Secondary education requirements and achievements in science and mathematics have sharply declined, reducing the quality and quantity of future candidates for technical and scientific careers.

Graduate education in engineering and science is severely threatened, adversely affecting our production of new technical educators.

Basic research support faces severe cuts as nations like Japan and West Germany increase theirs to provide

continued growth in their productivity.

We should be looking to not only protecting, but in some fields increasing our basic research support.

Mr. Speaker, I believe the editorial is well worth considering at this point, and I recommend it to my colleagues.

HOW MUCH FOR SCIENCE?

As the annual struggle over the federal budget gets under way, it is worth pondering what will happen to money for science. American science and technology are still the best in the world. But there are enough signs of strain to suggest that our accustomed preeminence—on which a large part of U.S. security and economic power depends—is fragile, even endangered.

The trouble starts with education. For more than a decade, secondary school curriculum requirements and achievements have fallen sharply in science and mathematics, while an opposite trend has been present in most other developed countries. The result is already evident. A NASA official reported recently, for example, that the space agency's cost overruns come in part from delays that are, in turn, the result of a lack of technically skilled workers.

Federal support for graduate education is in doubt for the first time in 30 years. In many fields, engineers are in short supply, but engineering schools cannot take in more students because they cannot find trained faculty to teach them. Shortage of faculty means heavier teaching loads and therefore less research. Schools do not have enough money to pay more professors even if these could be found, nor can they replace badly obsolete laboratories. Troubles that now afflict engineering are beginning to be seen in the sciences as well.

Money for basic research in this country has been essentially constant for 10 years. To the extent that scientific advance is linked to money—there is a close, but not rigid relationship—that means a decade without real growth. Meanwhile increases in research funds in Japan, West Germany, France and elsewhere have paid off with growth in both scientific and industrial productivity. And now federal research budgets face severe cuts.

Basic research, a long-range investment for the benefit of all of society, is properly and necessarily the responsibility of the federal government. Industry can be asked to expand its support of applied research and of development projects, but it is not industry's role, nor is the industrial setting the best environment for basic research. Yet less than 15 percent of federal research and development funds currently goes to basic research. Too much federal money supports development projects that are the proper province of industry. Allen Bromley, president of the American Association for the Advancement of Science, recently made the valuable suggestion that the ubiquitous but misleading term "R&D" be dropped, in order to separate the financing of these two very different activities.

If serious damage is to be avoided as the federal budget is cut, Congress and the administration should not only protect, but in some fields increase, basic research funds. Ways should also be explored to assure more continuity in the amount of support such research is given. It takes nine years to produce a PhD scientist, and years to assemble a research team and carry a project to fruition. When the money disappears for a few years, the people disappear too, and can seldom be brought back. Abrupt changes like those that took place during last year's budget cycle can therefore wipe out years of past investment and future productivity.●

TRIBUTE TO RICHARD BOLLING

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. PHILLIP BURTON. Mr. Speaker, I join my colleagues in paying tribute to a major figure in the House, Representative RICHARD BOLLING. DICK is departing the House and will leave behind a legacy equaled by few in the history of this body.

When DICK and I have been on opposite sides of an issue he has been one of my most formidable opponents; when we have worked the same side of a fight, our side has usually prevailed. I will sorely miss him—and the Nation will miss him at a time when the forces of reactionary politics hold sway in Government. DICK has stood firm against Ronald Reagan and his allies in Congress.

Hundreds of men and women have come and gone as Members of the House of Representatives. Some have left little trace; others left to seek other elective office—at times, mistakenly referred to as "higher office". I save my deepest admiration for those, as DICK BOLLING, who develop an abiding love and respect for this institution. DICK's career will stand as a monument to all who serve here. If they learn from his dedication to the institution, this House will continue its long tradition as a great legislative body.●

CHERYL MILLER—SCHOOLGIRL REACHING NEW HEIGHTS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1982

● Mr. BROWN of California. Mr. Speaker, it is with great pride that I extend my congratulations to Cheryl Miller, a student at Poly High School, Riverside, Calif. Cheryl has become a superstar because of her fantastic skills on the basketball court.

Cheryl was voted the best girl basketball player in the country: Parade magazine All America team member for 3 years, California Interscholastic Federation Class 4A Player of the Year, and the 1981 Dial Female Athlete of the Year. Poly's girls' basketball team is the best in the State, and some say maybe the country.

College recruiters for schools around the country are pursuing Cheryl, a 32.8-point-average-per-game scorer, and she is considered the Kareem Abdul-Jabbar of women's basketball. Cheryl, who is 6 feet 2 inches tall, is still growing, according to her father. Last week she scored an alltime high of 105 points, a California school record for girls, in Riverside Poly's 70th consecutive victory, a streak that dates to December 1979 when she was a sophomore.

In an extensive interview with the New York Times' sports editor, Gordon S. White, Jr., he reports that Cheryl has not decided upon what college to attend. She is still looking around, and the 1984 Olympics are her biggest goal right now, unless another women's professional basketball league is formed before she graduates from college.

Cheryl aspires to go into communications—primary focus on telecasting. She is the third of five children of Saul, Sr. and Carrie Miller and one of three gifted athletes among them. Her brother Darrell, 22, is a catcher in the California Angels' farm system. Reggie, 15 is a 6 feet 5 inch junior guard on the Riverside Poly boys' team. Tamie, her 13-year-old sister, is showing signs of making volleyball her sport, and Saul, Jr., the oldest at 27, is in the Air Force.

SCHOOLGIRL IS REACHING HEIGHTS

(By Gordon S. White, Jr.)

"You know what Lew Alcindor did for men's basketball? Well, that's what Cheryl Miller is going to do for women's basketball."

That prophecy came from Judy Holland, the former women's basketball coach at U.C.L.A. and now the school's women's athletic director.

College recruiters for schools around the country are pursuing Miss Miller, an 18-year-old senior at Riverside (Calif.) Poly High School, as persistently as they did Alcindor, now known as Kareem Abdul-Jabbar, when he was a senior at Power Memorial High School in Manhattan in 1965.

Miss Miller, who is 6 feet 2 inches tall and still growing, according to her father, increased the recruiters' interest last week when she scored 105 points, a California school record for girls, in Riverside Poly's 70th consecutive victory, a streak that dates to December 1979, when she was a sophomore. It looked like the perfect game for the record, since the opponent, Norte Vista High, had not won a game in three years. Poly won by 179-15. A girls' high school game is 32 minutes long.

COACH TAKES RESPONSIBILITY

But Miss Miller's coach, Floyd Evans, said, "A lot of people forget about the 30-second clock in women's high school basketball. You have to shoot or give up the ball. Going in, we did feel she had a chance to break her own record of 77 set last year against the same team, and I was going to take her out if she got 78. But she did it so early in the final quarter I just let her stay in and go for 100. I am responsible.

"The other night she came down on the break on one side of the free-throw line. We had another girl going in low, and Cheryl wanted to pass off to her for the score. But

another girl came in between them as Cheryl was jumping up to pass down low. So she flipped the ball up to the backboard, instead, banking it off to the left, and just kept flying on to tip the rebound back into the basket."

That play included one of only four missed shots, and one of her 46 field goals, in her 105-point performance.

In the 90 games she has played for the school since her freshman year, she has scored 3,026 points, for a 32.8 average per game. She has made 1,105 of 1,621 field-goal attempts and 286 of 422 free throws. She also has 1,353 rebounds and 368 assists.

"Players like Anne Meyers and Lucy Harris were great players," Miss Holland said. "But they did not dominate the game. This kid is going to dominate the game. She plays above the rim. Our coach, Billie Moore, said that. She said everyone else plays below the rim while Cheryl plays above the rim."

Miss Miller said she had not decided upon a college. "I'm looking to everybody right now and looking at the academics I will take," she said. "The 1984 Olympics are my biggest goal right now, and unless another women's professional basketball league is formed before I graduate from college my basketball career may end when I graduate from college. I want to go into communications, telecasting, I guess."

She is the third of five children of Saul Sr. and Carrie Miller and one of three gifted athletes among them. Darrell, 22, is a catcher in the California Angels' farm system. Reggie, 15, is a 6-5 junior guard on the Riverside Poly boys' team. "He will be the most sought-after athlete in this area next year by college recruiters," Evans said.

Tamie, the 13-year-old sister, is showing signs of making volleyball her sport, and Saul Jr., the oldest at 27, is in the Air Force.

Her father has set ground rules for the recruiters.

"First, they go to the coach and he will give them the phone number," Mr. Miller said, "I write back to everybody who writes to us. Then we allow them to call her and speak directly to her as long as it is within reason.

"Up to now, everything has been within reason, but I look for things to heat up for the next three weeks."

FANS WORSHIP CHERYL MILLER

(By Donna Kennedy)

They were all there: rude fans, cutesy-pie pompon girls, gruff-talking coaches, college scouts, video cameras and kids clamoring for autographs.

And this was a Thursday night girls basketball game.

Empty bleachers of yesteryear have disappeared along with amateurish ball-handling, at least at Poly High School in Riverside.

Poly's girls' basketball team is the best in the state, some say the country, and North isn't far behind.

And of course, there's Cheryl Miller. Poly's Super Star, the best girl basketball player in the country. (Parade magazine All-America team member for three years. California Interscholastic Federation Class 4A Player of the Year and 1981 Dial Female Athlete of the Year.)

Good basketball, that's what the 800-some spectators came to see at Poly High School Thursday night.

With the youngsters, there was a bit a hero worship.

The girls' basketball team from Alcott Elementary School was enthralled. They planned their pre-game strategy. Eleven-year-old Kathy Franklin wanted the Alcott Alley Cats to yell in unison: "Che-ryll! Cheryll!" when Cheryl Miller was introduced. Her friend Alvina Darby, 10, was just as set on "Mil-ler! Mil-ler!"

When Miller ran out on the court, the girls forgot their plan and settled for all-out jumping and screaming.

This is their team and their star. After all, the Alcott Alley Cats might just grow up to be Poly Bears.

Meanwhile, the pompon girls and flag twirlers kept up a steady chant.

The Bears have set the pace
They'll crack your face
Gonna pick you up, turn you 'round
Gonna drive you right into the ground.

They even did some choreographed routines.

The Poly boys' basketball team was playing rival Huskies across town at North High School. "We have to divide ourselves up between the girls' and the boys' games," explained Kris Kjos. While the pompon girls and flag twirlers were cheering the girls at Poly, the varsity, junior varsity and freshman cheerleading squads were cheering the boys at North. Poly won there too, 68-64.

The goals this year was to support all sports, the girls explained. "Even without an audience," said Maria Brandon.

That's their usual mode of operation. "We have a schedule," explained Sheryl "Sheryl with an S" Miller. She's careful about the spelling. Sometimes the attendance office confuses the "almost 5-foot" tall pompon girl with 6-foot-2 basketball star, but only on paper. Of course, people can't resist asking Sheryl Miller whether she plays basketball. She doesn't.

As in all frenzied cheering sections, there was some inspired booing and jeering:

"Hey, ref, What's your problem?"

"C'mon ref, you're missing a good game."

"Hey, ref, get in the game, you idiot."

Besides defending her verbally from "bad calls," fans take an even more personal interest in Miller.

"Why doesn't she pull up her socks?" came a woman's voice high in the bleachers.

"Good try," came a young voice as Miller shot across the floor on her belly.

Fifteen-year-old Kristine Lawrence, a friend from Arlington First Baptist Church, even keeps a scrapbook of Miller's achievements.

Thursday's game was closer than most of the Poly landslides recorded in Lawrence's book. North scored first, and even Miller had to fight for her 26 points.

The game ended at 69-58, Poly's 67th consecutive win.

Miller was immediately engulfed by autograph seekers, most of them elementary- and middle-school-age girls.

Kathy Franklin was especially pleased.

Her hand, in blue ink, read: "Kathy, thanks—Cheryl Miller #31.●

IN REMEMBRANCE OF MR. W. A. (BILLY) CAROTHERS

HON. SAM B. HALL, JR.

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1982

● Mr. SAM B. HALL, JR. Mr. Speaker, a distinguished constituent of the First Congressional District of Texas, Mr. W. A. (Billy) Carothers, of Sulphur Springs, Tex., passed away recently. Because of his great community leadership and total devotion to the welfare of others, it is appropriate to commend him in the CONGRESSIONAL RECORD.

Bill Carothers truly fit the description in the old east Texas saying about "a man who never met a stranger." He made friends all over Texas and the Nation. His loss to his community will be felt by us all.

During his lifetime he gave selflessly in many civic endeavors. Serving as a deacon and elder of the First Presbyterian Church, as a member and president of the Sulphur Springs School Board, and being active throughout the area in the Rotary Club were just part of his efforts.

Billy leaves a wonderful wife of many years, the former Ina Maye Ashcroft, who has herself meant much to the people of her church and community over the years. She and his three children and grandchildren will miss him in a more intimate way, but all of us have lost a friend.

The following article, which appeared in the January 22, 1982, edition of the Sulphur Springs News-Telegram, is included as a part of my remarks:

DEATH CLAIMS CIVIC LEADER

W. A. (Billy) Carothers, 75, 415 Church St., died at 10:50 a.m. Thursday in Memorial Hospital after a brief illness.

He was one of Hopkins County's most widely known and respected civic and business leaders.

He was associated with members of his family in Carothers Bros. clothing store, established by his father and uncle in 1907, for many years until his retirement.

He had many civic interests. He served as a member and president of the Sulphur Springs School Board. He was a past president of the Sulphur Springs Junior Chamber of Commerce and of the Hopkins County Chamber of Commerce. He also had served as president of the Sulphur Springs Rotary Club and held the record for attendance.

He had served as the chairman of the United Fund. He had served as a deacon and as an elder in First Presbyterian Church.

He was a charter member of Sulphur Springs Country Club and an avid golfer for many years.

Mr. Carothers attended Texas A&M University and was an active alumni.

He was born William Andrew Carothers Sept. 14, 1906 in Blanket, Texas, the son of L. J. and Zuma DeBord Carothers.

He was married to the former Ina Maye Ashcroft on Jan. 21, 1933. She survives.

Other survivors include a son, William Andrew Carothers Jr. of Washington, D.C.; two daughters, Carol Flegal of Bernardsville, N.J. and Lucy McRae of Dallas; a sister, Mrs. S. Byrd Longino of Sulphur Springs; six grandchildren, four nephews and two nieces.

Funeral services will be conducted at 2 p.m. Saturday in First Presbyterian Church, with Dr. Clem Sorley, pastor, officiating.

Burial will follow in City Cemetery, with E. L. Ashcroft III, W. T. Allison II, Dr.

Joseph B. Longino, Bill Bruce, Gerald Prim, Tom Inglis, Homer Stewart, Weber Fouts, Mayo Vick, Jack Gibson, David Alexander, Leon Leggett and Leeman Teetes serving as pallbearers.

Honorary pallbearers will be the deacons and elders of the First Presbyterian Church.

Memorials may be made to the Building Fund of First Presbyterian Church.

Tapp Funeral Home is in charge of arrangements.●

TRIBUTE TO FRANKLIN DELANO ROOSEVELT

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. MURPHY. Mr. Speaker, as we commemorate the 100th anniversary of Franklin Delano Roosevelt's birth, I would also like to pay tribute to one of the great men in American history.

When F. D. R. became President, the Nation was confronted by the most severe economic crisis in our history. Banks were closed, nearly 13 million people were out of work, many industries had virtually ceased to operate and the agricultural economy had hit an alltime low.

While he called his program the New Deal, it was not so much a fully prepared, comprehensive strategy. Rather, as we now know, the New Deal consisted of a willingness to try innovations, a broad faith in the American spirit, the eagerness to act and his own boundless energy. With the force of his personality he inspired the American people and, above all, gave us hope when we needed it most, not only during the Depression but in the dark days of World War II. Those close to F. D. R. have described him as an inexhaustible source of energy.

He truly changed the face of Government. He built Government up in an effort to right the economy and put millions of persons back to work. F. D. R. felt that if the Government had a responsibility to protect its citizens it also had the responsibility to do all in its collective power to assist them. He made the Federal Government responsible for the unemployed, he kept homes and farms from being foreclosed, he regulated the stock markets and guaranteed bank deposits.

With the Depression and the Second World War, he faced the greatest threats to the United States since the Civil War. And like President Lincoln, he met the challenge before him.

F. D. R. was a friend of decency, justice, and freedom. He gave the average American citizen new hope, an achievement that seemed impossible at the time. His impression on our Nation continues to this day. His personal impression on the people also continues. A picture of F. D. R. still hangs on the wall in many union halls, ethnic clubs and private homes in my congressional district.

He restored the people's faith in themselves, and earned the respect, admiration and love of our great country.●

STATES PUSH FOR BALANCED BUDGET AMENDMENT

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1982

● Mr. DANNEMEYER. Mr. Speaker, it is appropriate that on the day the President's budget message is formally transmitted to Congress, the Washington Post carries a story on page 2, "Missouri Lawmakers Push Constitutional Convention."

The administration's budget recommendations contain deficit projections of $98.6 billion for the current fiscal year, $91.5 billion for fiscal year 1983, $82.9 billion for fiscal year 1984 and $71.9 billion for fiscal year 1985. While we can take minor comfort from the declining trend of the projections, the absolute level of projected deficits is simply unacceptable. We must balance the budget.

The several States of the Union are coming to the same conclusion about the consequences of deficit spending and the need for a constitutional amendment to mandate a balanced budget and limited taxes. This morning's Post story details the emerging efforts in Missouri to have the legislature adopt a resolution calling for a constitutional convention to consider a balanced budget amendment. If Missouri acts favorably, 32 States will have called for a convention for the purpose of fashioning a balanced budget amendment. Alaska became the 31st State on January 18, 1982.

Article V of the Constitution reads in part:

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all intents and Purposes, as Part of this Constitution.

Under article V, 34 States are required to call a convention. With Missouri on the verge of perhaps becoming the 32d State, it is the duty of Congress to heed the concerns of the States and take two steps in the course of this year. First, we must submit a constitutional amendment to the States for ratification as soon as possible. Second, we must adopt a budget resolution for 1983 and the out years that puts us on a credible course toward a balanced budget in 1983.

Mr. Speaker, at this point I would like to insert two items in the RECORD. The first item is this morning's Post story. The second is a list of the States that have called for a Constitutional Convention on a balanced budget together with the status of the issue in other States.

[From the Washington Post, Feb. 8, 1982]

MISSOURI LAWMAKERS PUSH CONSTITUTIONAL CONVENTION

(By Claudia Kuehl)

JEFFERSON CITY, MO.—In 1789, as the nation's best and brightest pondered the intricacies of a national Constitution, Thomas Jefferson proposed placing a limit on the federal government's ability to go into debt.

But the concept of spending no more than you have appeared so self-evident, so imminently rational, that the forefathers omitted it from the Constitution. Almost 200 years later, the U.S. government is more than $1 trillion in debt.

Lawmakers here are seeking to correct the forefathers' omission by making Missouri the 32nd state to call for a constitutional convention to approve an amendment mandating a balanced federal budget.

The approval of 34 states is needed, but Missouri supporters think 32 will be enough to convince Congress that a convention is inevitable. The supporters reason that to avert a constitutional convention—which, once in session, can tinker with just about anything in the Constitution—federal lawmakers will scamper to approve a balanced-budget amendment and submit it to the states for ratification.

Missouri, a state undergoing a cash-flow crisis so severe that state income tax refunds are being delayed, has been hurt by the inflationary effects of the deficit, particularly high interest rates.

Many legislators from both parties say they have lost faith in the ability or willingness of President Reagan and the Congress to take corrective measures. They note that the president, who vowed as a candidate to balance the budget, now says the debt will grow by another $100 billion this year.

"If we don't do something there's not going to be a [federal] government at all," said Sen. Phillip Snowden, a Kansas City Democrat who will introduce a balanced budget resolution this week in the Senate. "Now it [the deficit] is over $100 billion, next year a projected $160 billion. It's just crazy."

Several previous attempts to approve balanced budget resolutions sailed through the Senate but died in the House at the hands of those who say they support a balanced budget but hear a constitutional convention might bring a wholesale onslaught on basic freedoms, or at the very least fragment the country over sensitive issues such as abortion or equal rights.

To avoid that problem, the Missouri resolution contains a caveat: If the convention is not limited to the balanced budget issue only, Missouri withdraws its support.

But the caveat hasn't converted everyone. While conceding that opposing a balanced federal budget is "like being against motherhood," Rep. Elmer (Lucky) Cantrell, a Democrat from St. Louis County and a voice for labor in the House, said he can't support any measure that includes a call for a convention.

And Lt. Gov. Kenneth Rothman agrees: "This is no time to take the ship of state into uncharted waters."

BALANCED BUDGET ACTION BY THE STATES

Thirty-one of the necessary thirty-four States have adopted resolutions calling for a Constitutional convention:

Alabama	Nevada
Alaska	New Hampshire
Arizona	New Mexico
Arkansas	North Carolina
Colorado	North Dakota
Delaware	Oklahoma
Florida	Oregon
Georgia	Pennsylvania
Idaho	South Carolina
Indiana	South Dakota
Iowa	Tennessee
Kansas	Texas
Louisiana	Utah
Maryland	Virginia
Mississippi	Wyoming
Nebraska	

An additional nine States have had one house of their legislature adopt a resolution calling for a Constitutional convention:

California	Ohio
Hawaii	Rhode Island
Kentucky	Washington
Missouri	West Virginia
Montana	

Four States have called upon Congress to submit a Constitutional amendment on a balanced budget to the States for ratification:

California	Montana
Illinois	Kentucky●

DEPORTED TO SALVADOR

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1982

● Mr. OTTINGER. Mr. Speaker, I am including in today's RECORD an alarming article by Mr. Frank Kiehne which recently appeared in the New York Times concerning the deplorable U.S. policy of deporting Salvadoran refugees back to their war-torn nation. Mr. Kiehne is the interim director of Church World Service's immigration and refugee program in New York City.

I was outraged to learn from Mr. Kiehne's article that nearly 1,000 Salvadorans each month are being sent back to their homeland, where they will most certainly be subjugated to the brutal human rights abuses of the Salvadoran Government and its out-of-control military forces. This policy flatly contradicts both the United Nation's 1967 Protocol Related to the Status of Refugees, and our own Refugee Act of 1980 which seek to prevent refugees from being returned against their will to a territory where they face persecution.

Just as repugnant is the reported treatment which these refugees receive while being detained in the United States. According to Mr. Kiehne, lawyers and others engaged in refugee assistance projects in INS detention facilities report that Salvadorans are sometimes brutally treated: Families have been separated, young children are placed in solitary confinement, and Salvadorans are coerced to "voluntarily" return to their country.

What is our country coming to, when we so flagrantly contradict the humanitarian traditions and principles for which we stand? Perhaps the answer is in Mr. Kiehne's analysis of this situation:

Clearly there is a direct relationship between our Government's unwillingness to recognize these Salvadorans as refugees and its official policy of support for the military-dominated junta running El Salvador. Indeed, to recognize escaping Salvadorans as bona fide refugees would be to tacitly admit that the regime is not able to maintain order and guarantee the safety of its citizens.

I commend this important article to the attention of my colleagues:

DEPORTED TO SALVADOR

(By Frank C. Kiehne)

For many people in the United States, the violence in El Salvador is a nasty business that we would just as soon forget. Yet thousands of Salvadoran refugees who cannot forget are making their way across the border into the United States only to be told that they are not welcome here.

Their nightmare does not end when they arrive in this country—a land that has prided itself on being a haven for many oppressed peoples. Almost every day, planes carrying refugees destined for San Salvador depart from Los Angeles and from southern Texas.

Recent figures from the Immigration and Naturalization Service indicate that every month nearly 1,000 Salvadorans are being sent back to their war-torn homeland. Because of conditions in El Salvador, little concrete information is available about the fate of many of those returned. However, numerous well-documented reports tell of torture and executions of some returnees.

The Immigration and Naturalization Service, acting on a State Department recommendation, treats Salvadorans not as "refugees" but as "illegal aliens," and thus considers them deportable.

This return of Salvadoran refugees to their homeland by our Government despite their well-founded fear of persecution flatly contradicts both the United Nation's 1967 Protocol Related to the Status of Refugees, which the United States has signed, and our own Refugee Act of 1980. Both affirm that no nation shall expel or return a refugee, against his will, to a territory where he fears persecution.

Some of those being returned are legally deported, but a larger number, officials insist, return "voluntarily," having signed Immigration and Naturalization Service "voluntary return" agreements.

Lawyers and other people engaged in church-supported refugee-aid projects in Immigration and Naturalization Service detention facilities report that Salvadorans are sometimes brutally treated. We have been told that families have been separated and that young children have been placed in solitary confinement.

Salvadorans under detention reportedly were told that their only choice was to return "voluntarily" or be deported. Some who ask to apply for political asylum are told that they may remain in detention for many months while their application is processed and considered. There are also reports of Salvadorans being literally dragged to planes even after filing formal claims for political asylum through lawyers.

Clearly there is a direct relationship between our Government's unwillingness to recognize these Salvadorans as refugees and its official policy of support for the military-dominated junta running El Salvador. Indeed, to recognize escaping Salvadorans as bona fide refugees would be to tacitly admit that the regime is not able to maintain order and guarantee the safety of its citizens.

Why are these thousands being sent back, and why is the public not hearing much about it? We believe that it is mainly because our Government wants to continue to downplay its complicity with and contribution to the warfare being waged in Central America.

Salvadorans who have arrived recently in the United States have been telling stories of terror. So have the news media. Many people in this country are beginning to realize that beyond official United States Government "facts" and pronouncements about El Salvador, it is not merely statistics that are getting shot and bayoneted down there but actual human beings, who bleed when bullets puncture their skin.

The silence surrounding the return of these refugees is beginning to be broken, partly because of the work of churches and other organizations that are raising their voices in protest.

Local church projects such as El Rescate ("The Rescue") in Los Angeles, and organizations like the Border Association for Refugees from Central America, in the Rio Grande Valley in Texas, with minimal funds have been engaging in efforts to stop deportations of Salvadorans apprehended by Immigration and Naturalization Service.

Nationally, religious organizations such as Church World Service of the National Council of Churches and the U.S. Catholic Conference, and many other groups, are calling on our Government to stop returning Salvadorans, and to stop supporting the regime responsible for their becoming refugees.

The voices of others are needed to end the virtual silence on this crime against humanity and to allow the cry of pain to emerge, to be heard at last.●

STUDENTS LOSE SOCIAL SECURITY BENEFITS

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1982

● Mrs. CHISHOLM. Mr. Speaker, according to a January 22, New York Times article, budget cuts made last summer in the social security program are now placing 800,000 students in danger of losing educational payments. Presently social security child recipients collect benefits through age 18, and full-time college students receive benefits through age 22. May 1, 1982, students not currently enrolled in college will no longer receive extended benefits. Over a 4-year period this program will be phased out com-

pletely, reducing benefits 25 percent annually. Their options severely limited, many students are looking to high school counselors in hopes that they may enter college early, before the May deadline. University officials express concern, however, that students who exercise this option will be unable to adjust to college life. For students who are scholastically and academically well rounded, early entrance will not be a problem, but those who are either too young or unable to meet academic requirements must look elsewhere to fund their college education. I am enclosing this news article for review by my colleagues. It certainly demonstrates the unfair burden placed on some 800,000 students as a result of the budget-cutting mania in the last session.

[From the New York Times, Jan. 22, 1982]

AID LOSS SPURS EARLY RUSH TO COLLEGE

(By David Bird)

Next Monday Theresa White, a 16-year-old student at John Dewey High School in Brooklyn, will be starting as a freshman at Wagner College on Staten Island instead of finishing her junior year of high school.

Theresa is one of thousands of high school students who will suddenly become college students to keep from losing the Social Security benefits they have been counting on to help get them through higher education.

The rush to college is a result of last summer's budget trimming, which will eventually end completely the education payments that have been going to children of people insured under Social Security who have died or become disabled.

In most cases it is only high school seniors who are getting into college early, but there are also 16-year-old juniors like Theresa who are going directly to college campuses.

PAYMENTS TILL AGE 22

Before the budget cuts, a child entitled to Social Security payments would be able to collect monthly payments until age 22, four years past the normal cutoff age of 18, while pursuing a full-time college course.

Now there will be no more payments to students unless they are enrolled in college by this May 1. And the whole college program will be phased out over four years, with monthly payments to students being cut 25 percent each year until there are none.

About 800,000 students across the country receive the education payments from Social Security. According to figures gathered by the American Association of State Colleges and Universities, more than 74,000 of these students come from New York State, 27,000 from New Jersey and 10,000 from Connecticut.

The cutbacks came as a surprise to many who were counting on the benefits. The Social Security Administration so far has not notified beneficiaries that the payments will be halted.

WAITING FOR THE COMPUTER

A spokesman for Social Security said that pamphlets explaining the changes were available, but that it would take time to send out individual notices.

"Our computer in Baltimore is pulling out the names," said the spokesman, Rudge Calhoun, "and each one will get a letter sometime in the spring."

By that time it will be all but too late to do anything about it, because to be in college in May generally means being in a semester that starts no later than February.

Students have been receiving word of the changes in many cases from high school guidance counselors and the students have carried the word home to often surprised parents.

Theresa said she learned of the Social Security cutback from her high school counselor, Steve Okolika, who helped her to get into college early.

Miss White's mother, JoAnn, whose husband died a year and half ago, said she was not pleased that the Social Security Administration had not yet notified her of the cutback.

"Theresa came home one day and said: 'I'm going to quit school.'", Mrs. White said at her home in Brooklyn's Dyker Heights section. "I was shocked. I said: 'You're not going to quit school, if I have to scrub floors.'"

Theresa went on to explain, Mrs. White said that she had to leave school and get into college to keep receiving a $359 monthly Social Security check.

"MY HUSBAND'S DREAM"

"I get all sorts of notices from Social Security," Mrs. White said, "They told me this year I could earn $4,440 a year without losing my benefits, instead of $4,080. Big deal, but they said nothing about the thing that's really important to me, Theresa's education. My husband, he was a bookbinder, paid into Social Security all his life. He should have been able to put it into insurance."

There has been concern among educators and parents about the emotional adjustments of children suddenly being shifted from high school to college.

"It's Theresa's dream and it was my husband's dream that she go to college," Mrs. White said. "She's mature enough, I guess, but she's scared. She's only a little girl. It's hard enough for a child to lose a parent and then to have this thing in addition."

"It's scary," Theresa said the other day. "I'm not exactly sure what to expect." She said that her guidance counselor at first had sugested she go the State University branch at Stony Brook, L.I., but Theresa decided against that.

"I'd have to stay in a dorm," she said, "and at 16½ I'm not ready to stay in a dorm."

Theresa said she could live at home and go to Wagner. The trip, she has figured out, will take more than an hour each way and require her to ride three different buses.

At Wagner College Dr. James Keating, the director of admissions, said that he expected no problems in admitting Theresa. "Based on her record." he said, "she's an outstanding student."

But Dr. Keating said Theresa would begin on a reduced program of 12 credits, instead of the normal 15, "to make sure she fits into the college, to make sure she can blend in with the other students."

THREE AT WAGNER

Theresa is one of only three Social Security recipients being given early admission at Wagner. Dr. Keating said no effort had been made to seek out those students. "We would like to ease the financial hardship," Dr. Keating said, "but the same token we recognize our academic responsibility."

Although colleges facing reduced enrollments have been actively seeking students, there has been hesitancy to take on a large number of Social Security recipients for early admission. Some colleges say it would be unethical to take advantage of a loophole. Others say the early-admission students require too much specialized help.

At Hudson Valley Community College in Troy, N.Y., Mary Johnson, the director of admissions, said she had to stop taking applications from students receiving Social Security aid after just over 30 of then had been admitted.

"We're not going to be able to handle any more," Miss Johnson said, "because they have very special requirements." Miss Johnson explained that the early-admission students must have special courses like English and health and physical education to qualify for the high school diplomas, which they earn at the same time they receive college credit. Those classes just filled up, Miss Johnson said.

"We have indications," Mrs. Stratman said, "that a significant number will move on to other colleges in September."

A TEMPORARY SERVICE

But some colleges say they are accepting large numbers of Social Security students for early admission mainly as a temporary service, so the students can get in under the wire. At the Suffolk County Community College in Seldon, L.I., Doris Stratman, the executive assistant to the president, said about 400 of those students had been admitted.

At the City University of New York, Robin Elliott, a spokesman, said that more than 200 Social Security students had applied for early admission, but only 160 could be accepted. "The students have come to us," Mr. Elliott said. "We have not been recruiting them. That could raise ethical questions.

Although many public high schools made strong efforts to get the Social Security students into college before the deadline, some private schools were at first reluctant to do so because of the tuition loss the schools would suffer, according to Joseph Sciame. Mr. Sciame is the director of financial aid at St. Johns University in Queens and is also president of the New York State Financial Aid Administrators Association.

But Mr. Sciame said that most of those private schools went along when they realized that not getting into college could mean that a Social Security student faced the loss of $5,000 to $7,000 in benefits by missing the deadline.

Nevertheless, Mr. Sciame said he had some reservations about admitting students so early.

"A student at 16," he said, "is not ready to enter college in most cases, to break away from friends and family."●

A TRIBUTE TO JAMES C. HEALEY

HON. GREGORY W. CARMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1982

● Mr. CARMAN. Mr. Speaker, former Congressman James C. Healey passed away December 16, on Long Island. After being a track star and using his athletic abilities to secure a scholarship at the Wharton School of the University of Pennsylvania, Congress-

man Healey entered into a life of service to his community and country. He was a lieutenant in the Navy during World War II, and served as a Member of Congress from 1956–64. I extend my deepest sympathy to his wife and family.●

SUMMARY OF THE PRODUCTIVITY AND HUMAN INVESTMENT ACT

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1982

● Mr. JEFFORDS. Mr. Speaker, as I indicated earlier, when I introduced H.R. 5461, the following represents a summary of the Productivity and Human Investment Act.

PRODUCTIVITY AND HUMAN INVESTMENT ACT
SUMMARY OF MAJOR PROVISIONS

PURPOSE

To increase the productive capacity and utilization of the nation's labor force by:

Better preparing youth for entry into the adult labor market and facilitating the transition from school to work;

Enhancing the job skills of the unemployed and underemployed adults through training, education and other remedial services; and

Maintaining an effective labor exchange and providing placement, job search assistance, assessment and counseling.

GENERAL INFORMATION

The bill provides for permanent authorization. Authorized appropriation for fiscal year 1983 is $3.6 billion with appropriations for fiscal year 1984 at $4.0 billion, for fiscal year 1985 at $4.4 billion and such sums thereafter.

Title I of the bill describes the labor market area (LMA) responsibility and authority for the delivery of employment and training investment activities. Title II specifies the State role and Title III describes the Federal role.

The distribution of funds among titles is 50 percent for Title I; 15 percent for Title II and 35 percent for Title III.

Each state receives a consolidated grant from the Federal government allocated on a needs-based formula, based on factors that target to the population most in need. The funds are suballocated to LMAs on a similar basis to provide resources for investment activities.

The bill provides a structure within which the resources previously authorized under the Comprehensive Employment and Training Act of 1973, the Wagner-Peyser Act of 1933, the National Apprenticeship Act of 1937 and the Social Security Act, Part C, title IV, of 1968 (WIN) can be coordinated. The bill also provides a mechanism to integrate activities authorized under the Trade Adjustment Assistance Act of 1962, the Rehabilitation Act of 1973, and the Vocational Educational Act of 1963.

TITLE I

The Governor (and State investment board) are authorized to designate labor market areas within the State. Labor market areas are defined as all local governmental units with a population of 200,000 or more except that: adjoining jurisdictions can be added if they constitute part of the labor market area or an SMSA; if there is only one jurisdiction with a population of 200,000 or more than the entire State shall be designated as the labor market area; or if it is determined that an area of less than 200,000 population represents a labor market area. This designation is made in consultation with the chief elected officials of the jurisdictions and appeals of such designations can be made to the Secretary.

Each LMA will establish a labor market area investment board composed of 15 members, a majority of which will represent business and industry. These members will be selected by the chief elected official(s) of the jurisdiction(s) within the LMA. The LMA board, subject to the approval of the chief elected official(s) may constitute itself as a non-profit corporation, utilize employees of local government, or contract for management services as its administrative unit.

The LMA investment board serves as all the councils currently mandated under CETA, the labor market advisory councils under WIN and the local advisory council under the Wagner-Peyser Act. It also has the responsibility to coordinate apprenticeship activities and occupational information within LMAs. Where designated by the State it can serve as the advisory council within the area for vocational education and rehabilitation services activities with the LMA, and can also be designated to coordinate economic development planning with investment activities.

The LMA investment board has the responsibility for planning, contracting for and monitoring investment services. A two year plan is required that is subject to the approval of the chief elected official(s) before it is submitted to the State. Resolution of differences between the board and the elected official(s) rests at the State level.

Funds are allocated to the LMA for three types of activities: youth preparatory programs; remediation and training; and labor-exchange functions. The proposal suggests that of the funds received by the LMA, 30 percent of the funds be apportioned to each activity with allowable flexibility among programs. Ten percent of the total funds to the LMA are reserved for administration.

Wages and allowances are provided on a needs basis accounting for cash income and food stamps. The bill provides for subsistence stipends, participation cost stipends and incentive stipends. Youth participants in entry employment experience are considered as FLSA student learners for the purposes of determining wages.

Youth preparatory programs

The funds are allocated to this program on the basis of, one-third distributed according to the share of youth age 14–19, two-thirds distributed according to the share of non-employed population age 14–19.

There are four types of programs specified as youth preparatory programs: education for employment; pre-employment skills training; entry employment experience; and school-to-work transition assistance.

The pre-employment skills training program focuses on youth aged 14–16 who plan to enter the labor market upon graduation, do not meet established levels of academic achievement and have family incomes below 100 percent BLS. The activity calls for up to 200 hours of instruction/activities to include assessment, counseling, occupational exploration, job search assistance, and job holding/survival skills.

Entry employment experience is designed for youth between the ages of 16 and 19 who have completed the pre-employment skills training, have not experienced a regular full or part-time job, have searched for a job and are enrolled in school. Priority for these activities is established for those youth who are not going on to college and who come from families with incomes below 100 percent BLS. Two types of employment experience are described: in public, nonprofit agencies in jobs for community betterment and try-out employment in private, for-profit worksites.

Education for employment activities are targeted to youth below the age of 20 who do not have a high school diploma/high school dropouts, and then to those who are at risk of dropping out. The emphasis is on the use of learning centers in a variety of settings with curricula devised to prepare students to meet GED requirements.

School-to-work transition activities can be provided to high school seniors who do plan to enter the full time labor market upon graduation, with priority to those schools with a majority of students with family incomes below 100 percent BLS. Activities include job search assistance, job clubs, placement and job development and follow-up.

Remediation and training activities

The funds are allocated to this program on the basis of the proportion of labor-market related economic hardship factors.

Individuals are eligible for participation if they are beyond high school age, have been earning less than the minimum wage over a six month period, and reside in a family with combined earnings of family members that are less than 70 percent BLS equivalent over the six month period.

Each participant shall be assessed to assure that remediation and training are necessary and will have participated in job search assistance.

Three types of training activities are included: first-tier training; second-tier training; and job access assistance. First-tier training is training of up to 1,000 hours and includes occupational training, employability skills training, remedial education, OJT, and work and training combinations allowing not more than 500 hours of subsidized work experience. Each participant will receive an agreement that specified objectives, allowances, attendance and progress requirements.

Second-tier training consists of activities requiring over 1,000 hours of participation but totaling not more than two years. Allowable activities include occupational training and retraining, postsecondary education and Business/Labor Advanced Career Training Programs (contracts with private business for combinations of OJT and institutionalized training plus subsidized internship assignments; specifications are suggested for these contracts). Second-tier activities are targeted to successful completers of first-tier activities and youth preparatory activities.

Job Access Assistance consists of incentives to employers to facilitate placement of individuals. Allowable activities are try-out employment of up to 250 hours, employment bonuses, and TJTC and WIN tax credits.

Labor exchange activities

The funds for this program are allocated on the basis of shares of unemployment. The Secretary shall provide a comprehensive guide to assure consistency of data and MIS information.

Each local board is to maintain a network of local offices to provide comprehensive labor exchange services, labor market information gathering and dissemination, testing and assessment, intake, referral and placement. The local board can contract for these services with several delivery agents.

Placement services are available to any applicant along with counseling, assessment and testing. Job search assistance will be provided to individuals who lack job-seeking and applicant skills. Without job search assistance, no individual can be referred to remediation and training programs. The special needs of veterans, the handicapped and those with limited English speaking ability must be met.

TITLE II

Twenty-five percent of the funds available to the State shall be used for oversight and support of local board activities; fifty percent shall be used for State incentive grants; and twenty-five percent shall be used for State-operated investment activities.

The State shall establish a State investment board to assume all the responsibilities of the State Employment and Training Councils, State Occupational Information Coordinating Committees, State Coordinating Committee for the Work Incentive Program and, if specified by the Governor, the board can consolidate the functions of the State Advisory Councils on Apprenticeship, Vocational Education and Adult Education.

A majority of the State investment board will be representatives from business and industry appointed by the Governor to three-year terms. The board is precluded from providing direct services to eligible participants. The Governor approves the plans and decisions of the State board.

The State investment board prepares a two-year State plan that subsumes the separate approved plans of all local boards within the State and that describes the oversight and support activities, priorities for State incentive grants and performance goals for State operated programs.

The Secretary of Labor sets out minimum requirements for the two-year State plan; reviews the State plan and indicates areas of violation; and investigates where corrective actions or modifications are not clear.

Oversight and Support Activities at the State level include the designation of LMAs with consultation of chief elected officials; annual auditing and monitoring (fiscal control and fund accounting procedures must be established); establishment of a management information system which provides as a minimum information specified in Federal guidelines; establishment of uniform competency standards and standards and statewide certifications; and provisions of technical assistance.

The State investment board can use up to 20 percent of its allocation to establish State incentive grants to influence the service and participant mix, and delivery agents and service approaches of local boards. The State investment board with the approval of the Governor, can designate certain activities, target groups, delivery agents or management and delivery approaches as priorities for funding and establish condition for receipt of these funds. Matching may be required.

State operated investment activities comprise programs established to provide advanced career training activities for individuals drawn from local board programs throughout the State; to provide assistance for intrastate and interstate relocation to secure employment; and to provide services to special needs groups within the State.

Advanced career training opportunities and limited to participants who have completed first-tier activities. These positions cannot be refilled unless three out of four completers have been placed in employment.

Relocation assistance is available as a means of assisting participants to become permanently employed and self-supporting.

TITLE III

The funds available under this title are allocated as follows: 50% for Job Corps; 5 percent for economic distress programs; 5 percent each for Native American, Seasonal Farmworker Programs, and Business/Labor Advanced Career Training Programs; 20 percent for Performance Supplements; 7 percent for Program Improvement and Supportive Services; and 2 percent for the National Labor Force Investment Board.

Federal responsibility is directed toward national oversight and support for State and LMA activities and to address labor force problems that are of national scope and cannot be met through the services of a single LMA of State.

The Secretary shall seek to coordinate activities with other Federal policies and national needs with the Department of Defense, Agriculture and Transportation, the Office of Personnel Management and the Corps of Engineers and the Department of Education.

Economic distress programs provide training, retraining, job search assistance, placement, relocation assistance and other aid to individuals affected by mass layoff, natural disasters, and other factors for which State and Labor Market Area resources have not been planned. This assistance can be coordinated best at the Federal level and is to be provided through the services of national intermediaries.

Oversight responsibilities include the specification of minimum standards for fiscal accounting and fund control, establishment of a uniform management information system, and development of a performance rating system for distribution of performance supplements.

Program Improvement and Support activities include funds for improvement and development grants to States; Federal research and evaluation; and support of national intermediaries.

The Job Corps is retained as a national program for disadvantaged young men and women ages 14 through 25. Similarly, administration for programs for Indians and migrant and farmworkers is continued at the national level.

The National Labor Force Investment Board is constituted as an independent board to advise the President, Congress and the Secretary concerning national labor force investment policies, programs and practices.●

PASSING OF A BLUES GREAT

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1982

● Mr. LELAND. Mr. Speaker, Sam "Lightnin'" Hopkins spent the last years of his life performing the only original American music—the blues—in and around Houston, Tex. He was a friend and I can remember fondly his imaginative guitar picking and his dark and supple voice. Yet his was a sound that thrilled blues fans all over America—indeed all over the world. He was among the last of the oldtime country bluesmen.

It is only fitting, then, that we take a moment here in this Chamber to note his passing last week. After all, he has spoken for all of America since the 1930's with his story telling—his poetry—his blues.

Born 69 years ago in Centerville, Tex., Lightnin' Hopkins made his first guitar at the age of eight. He was a contemporary of such great blues artists as Muddy Waters, BB King, and John Lee Hooker, and his music influenced a whole generation of rock music in the 1960's and early 1970's. Most fans remember him for "Rocky Mountain," his first song; "Mrs. Charlie;" "Coffee Blues;" "Short Haired Woman" and "Annie Mae."

His death is a loss to his native Texas, the country, and the great American tradition that is the blues. Lightnin' Hopkins once said, "You can meet a friend where a dollar can't spend. Amen."—to which I reply "Amen." It is a simple statement but infinitely wise. So I ask now that you share in that pure wisdom, that you take a moment to read the following article about the passing of a legend:

[From the New York Times, Feb. 1, 1982]

SAM (LIGHTNIN') HOPKINS, 69; BLUES SINGER AND GUITARIST

(By Wolfgang Saxon)

Sam (Lightnin') Hopkins, one of the great country blues singers and perhaps the greatest single influence on rock guitar players, died Saturday in Houston, where he made his home. He would have been 70 years old next month.

A contemporary of Muddy Waters, B. B. King and John Lee Hooker, he was one of the last of the original blues artists.

Mr. Hopkins began to sing the blues as a child in his native Texas. He started to sing professionally in the 1930's, gaining recognition beyond his home state with an intense style that he used to phrase his songs of suffering and death. In his dark and supple voice, he would evoke his past as a field hand and rambler to the accompaniment of highly imaginative guitar work.

His instrument often became a second voice to discourse with, or to end his vocal phrases. It also enhanced his reputation for flair, wit and improvisational skill.

A SPONTANEOUS STYLE

On his guitar, Mr. Hopkins would alternate ominous single-note runs on the high strings with a hard-driving bass in irregular rhythms that matched his spontaneous, conversational lyrics.

His recording and fame had preceded the lean, lanky minstrel when he first ventured North in 1960 for a concert in Carnegie Hall and appearances at the Village Gate.

The Carnegie Hall concert was a benefit hootenanny that also featured the young Joan Baez. Mr. Hopkins performed his frequently bitter and sardonic, introspective

and autobiographical songs, and also swapped verses with Pete Seeger and Bill McAdoo, a young folk singer from Detroit.

But his art was best suited for the more intimate surroundings of a club like the Village Gate, where he sang of unfulfilled love and unappreciated devotion. "The blues form may seem simple and limiting," reported Robert Shelton in his review in The New York Times, "but at the hands of a master his sentiments burgeoned into a subtle exploration of moods."

Mr. Hopkins returned to the Village Gate in 1962 for a joint appearance with Sabicas, the Spanish flamenco guitarist. Playing out his moody, subjectively ruminating songs on a $65 guitar, he added an unusually lighthearted number, "Happy Blues for John Glenn," after having watched the television reports on the astronaut's orbital flight around the world.

BLUES ACCORDIN' TO LIGHTIN'

By that time, Mr. Hopkins, a regular on Houston's Dowling Street, had recorded more than 200 singles and 10 albums in 42 year of singing.

He appeared in 1970 in a short film, "Blues Accordin' to Lightin' Hopkins," a tribute to his musicianship, a study of his brand of music, as well as a celebration of his way of life.

Mr. Hopkins was at Carnegie Hall again, in 1979, for a four-hour Boogie 'n Blues concert and appeared for the last time in New York the following year for a three-night stand at Tramps on East 15th Street.

Sam Hopkins was born March 15, 1912, in Centerville, Tex., a small cotton town, north of Houston, surrounded by red-clay country. At 8, he made his first guitar and had his brother teach him basic guitar blues, enough to get him started as a musician.

He left school about that time to travel in Texas, sometimes as a hobo and occasionally working as a farmhand; he also did other odd jobs and played the guitar at county fairs and picnics. During those ramblings, he encountered Blind Lemon Alexander, the most popular Texas blues singer at the time, and his cousin, Texas Alexander, who sang but didn't play the guitar; he took young Sam on as accompanist.

It became a lasting association. Mr. Hopkins and Texas Alexander, a singer with a voice like barbed wire, worked theaters and both could still be heard together on Houston street corners and city buses in the early 1950's.

Mr. Hopkins had returned to Houston in 1945 after years of wandering around the South. Ten years later—he had become well known throughout Texas by then—the country blues were at a low as popular music and he fell into obscurity.

But a musicologist, Sam Charters, "rediscovered" him in the late 1950's and introduced him to a new generation of blues fans, this time across the country.

"The last of the blues is almost gone," Mr. Hopkins noted just a few years ago when he had his national fame well in place, "and the ones who doin' it now got to either get a record or sit 'round me and learn my stuff, 'cause that all that they can go by."●

SUNSET AND THE NEW FEDERALISM

HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1982

● Mr. LONG of Louisiana. Mr. Speaker, the Subcommittee on the Legislative Process has just published "A Compilation of State Sunset Statutes With Background Information on State Sunset Laws."

This volume was designed as a reference work for those interested in sunset, oversight, and program review. In addition to the statutes, it contains an annotated bibliography on sunset legislation as well as introductory material outlining what Congress has done in this area and what the States have accomplished.

Judging from the requests we are getting for this volume, and the telephone calls coming in from all over the country, interest in oversight has not diminished. The consequences of the New Federalism will be spreading rapidly. If the States feel they will have to assume the burdens that are now Federal, we are bound to see renewed interest in the techniques of monitoring program delivery at all levels of government.●

A TIME FOR RENEWAL: THE F. D. R. LEGACY IN A TIME OF DESPAIR

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. CONYERS. Mr. Speaker, because this is a special time that we have set aside to commemorate the 100th anniversary of the birth of Franklin Delano Roosevelt, I would like to bring to your attention the upcoming F. D. R. Labor teach-in that local No. 174 of the United Auto Workers Union will hold on Friday, February 6. I think it is most appropriate that we pause and pay tribute to F. D. R., and that labor organizations like the UAW set aside time to reflect upon his vision of how government ought to humanely and adequately serve its citizens.

When I think back to the legacy of F. D. R., when I remember the greatness of his achievements, I keep returning to the idea of renewal. History reminds us that the state of affairs F. D. R. inherited on his inaugural day was not enviable. Nearly one-third of the population was unemployed, and those lucky enough to secure jobs worked long hours, barely earning subsistence wages. Millions were forced to depend upon the charity of the soup kitchens and to seek shelter in shanties that euphemistically came to be called Hoovervilles. Very few citizens realize that soup kitchens are reappearing with alarming frequency in depressed communities in our country.

When F. D. R. took office, he rekindled the hope of a nation by putting American people back to work. Newly hired Federal employees reclaimed and planted thousands of acres of forest, built more than 11,000 schools and libraries and other public facilities. His deep commitment to economic and social equality, and his belief that these ideals should be practiced at every level of government, are embodied in the legislative reforms that were instituted during his administration. He pushed for reforms in the area of banking and finance, in creating some measure of security for the elderly, in eliminating sweatshops and enabling the working class to organize for collective bargaining. These reforms continue to shape the nature of our Government today.

F. D. R. understood that the Federal Government, acting in the context of a developed industrial society, had national responsibilities. He believed that if Government is to meet the most basic needs of its citizens, it must strive to provide adequate employment opportunities and access to decent, humane health care. Far from being outside the role of Government as our forefathers envisioned it, these national responsibilities logically stem from the development of our economic and social systems. We all know that national and international events can very well dictate if an automobile worker in Detroit has a job. I believe, as President Roosevelt did, that it is the duty of the National Government to mediate between these national and international developments and the employment situations of workers in our cities. Rather than decreasing the role of the Federal Government, we should be increasing it. We see that other nations of the world with which we compete are increasing the role of the government in the operation of their economies.

Yet, our President has expressed a desire for each of the States to devise their own solutions to the problems of unemployment, and other national concerns, while severely limiting the resources they have been allotted to cope with these problems. It is clear that the States, left alone and acting in their own best interest, are powerless to counteract international developments that are wreaking havoc on the local level.

For that reason, I feel it is a cruel irony that we come to celebrate the 100th anniversary of the birth of F. D. R. during this current Presidential administration. It is cruel because we are facing times that demand the

excellent leadership that President Roosevelt provided us; yet surely, that excellence of leadership is not forthcoming from the current administration.

We must have the resolve to build on the legacy of Roosevelt, the vision to recognize its errors, and the courage to build upon its strengths. None of this is possible unless the American people are educated about the ideas and programs that were put forth during the Roosevelt administration. The teach-in sponsored by local No. 174 of the United Auto Workers Union is an example of what needs to be done if we are to turn the tide of reactionary policy that is emanating from our National Government. I commend the local for its efforts, and recommend its activities to other locals across the Nation.●

THE FUTURE OF THE U.S. FIRE ADMINISTRATION

HON. DOUG WALGREN
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1982

● Mr. WALGREN. Mr. Speaker, since 1974 the U.S. Fire Administration (USFA) has been responsible for coordinating and mobilizing a national program to reduce this country's shocking loss of life and property in fires. The USFA serves as the lead Federal agency responsible for addressing the fire problem. However, the administration proposes to severely reduce funding and eliminate most elements of its organization.

Upcoming National Bureau of Standards authorization hearings to be held by the Subcommittee on Science, Research, and Technology of the Committee on Science and Technology will in part focus on the adminstration's proposals for funding the USFA. The hearings will also review the administration's specific budget proposals and will focus on important policy questions involving the activities of the National Bureau of Standards, the Office of Productivity, Technology, and Innovation, and the National Technical Information Service. The hearings are scheduled for February 9, 1:30 p.m. in room 2325 Rayburn and February 10, at 1:30 p.m. in room 2318 Rayburn.

I would like to share with my colleagues a recent article written by Hal Bruno and published in the February 1982 Firehouse magazine:

FIRE POLITICS—USFA: RALLYING FOR SURVIVAL

(By Hal Bruno)

WASHINGTON, D.C.—After a year of uncertainty and unheeded warnings, the worst fears of the fire service have been realized: the Reagan administration will abolish the U.S. Fire Administration (USFA) unless Congress or the White House overrules a budget-cutting decision made by the Office of Management and Budget (OMB).

Budget Director David Stockman's axe fell when OMB chopped $9 million from the $15 million the Federal Emergency Management Agency (FEMA) had requested for USFA's fiscal 1983 budget. If the cut is allowed to stand, the Fire Administration will cease to exist on October 1, with only the National Fire Academy surviving in FEMA's Emergency Management Institute.

As this column reported several times last year, USFA has been on shaky ground since the day President Reagan was inaugurated. It had not fared well under the previous administration and the beginning of the end may have occurred when President Carter's reorganization plan transferred it from the Department of Commerce to the newly created FEMA. There was concern at the time that a national effort to reduce this country's fire death toll was being given low priority by politicians and federal bureaucrats.

AN EXPENDABLE AGENCY?

From the start, the Fire Administration has been victimized in part by its own muddling and internal power struggles, conflicting ideas from the fire service, declining support in Congress and disinterest in the White House. What finally may do it in is a combination of these factors plus simple economics: the Reagan administration is determined to make even bigger cuts in the 1983 budget and the USFA is viewed as an expendable agency that can be lopped off without too much political trouble.

What began nine years ago with high hopes has ended up as a bitter disappointment for every firefighter—paid or volunteer. America Burning, the much-heralded report of the National Commission on Fire Prevention and Control, was published in 1973 and called for a "permanent federal agency specifically concerned with fire." This agency was to collect data, evaluate the nationwide fire problem, conduct research, provide special training at a national academy and administer federal bloc grants for the states to aid local fire departments where needed. The aim was to mobilize and coordinate a national program to reduce this country's appalling loss of life and property in fires.

CONSTANT TURMOIL

Established under the Ford administration, the USFA suffered from constant turmoil during the Carter years. Then came the conservative Reagan administration, committed to a balanced budget and a philosophy that the federal government should get out of state and local affairs. Fire was viewed as a local problem, though there was some acknowledgement that fire departments needed help in handling problems that were national in scope, such as arson and hazardous materials. But with its short, troubled history, bureaucratic weakness, lack of political clout and the Reagan philosophy of federal withdrawal, the USFA was a sitting duck for David Stockman's budget cutters. Many in the fire service were unduly optimistic when USFA escaped with only minor budget reductions in fiscal '82, but—as this column warned last year—the worst blow was yet to come (see "Fire Politics," Firehouse May 1981).

The blow came at a mid-December meeting with OMB, where FEMA Director Louis Guiffrida attempted to save the Fire Administration's 1983 funding, but could only salvage $6 million for the fire academy. (The National Fire Data Center also may survive as part of FEMA.) "There was no money for the Fire Administration," a FEMA official says, ". . . but we were assured that the academy would not be touched."

He points out that this OMB slash is "only the beginning of the budget process." Congress could override OMB's cut and restore the funds when the 1983 budget comes up for review in the House and Senate. That will depend on how much political pressure the fire service is able to muster. In the past, firefighters have had both success and failure in rounding up congressional support; the battle to save USFA will be a showdown test of how effective the fire lobby can be and if it has enough of a constituency for Congress to pay attention.

The same applies to the White House, which also has the power to reverse the OMB decision. The Fire Administration can be saved if President Reagan or the men around him want to save it. That too depends on generating a political reaction that makes itself felt in high places. Thus far, fire organizations have not had much impact on the Reagan crowd, partly because of their inability to present a united front.

RALLYING TROOPS

So it's up to the fire service to get its own act together and rally grass-roots political support. "That's where our focus is, contacting congressmen in their home districts," says Donald Flinn, general manager of the International Association of Fire Chiefs. "The battle is up on Capitol Hill and there are friends who want to keep the program viable . . . but it's up to the troops in the field to put the heat on their congressmen." The Joint Council of Fire Service Organizations is holding a series of meetings to plan a unified strategy, and a list of USFA's accomplishments has been compiled for presentation to OMB, Congress, the White House and anyone who will listen.

In fairness, it should be mentioned that fire is not being singled out for harsh treatment. What happened to USFA is part of a larger pattern in which OMB is using a clever, new tactic to force the 1983 budget cuts. Instead of merely chopping at items, Stockman's crew now proposes wiping out entire agencies and programs in one bloody stroke, then sitting back to see how much dust is kicked up. If not much happens, OMB has its way; but if a political storm breaks out, they "compromise" and settle for a massive budget cut instead of total demolition. The threatened agency and its supporters figure they've lucky to get out alive and accept the huge cut in exchange for survival. Congress or the White House takes credit for saving a beleaguered constituency from OMB and everybody goes home, shaken but grateful.

It's a rough, tricky political game, but it's the only game in town these days and the fire service had better play it well if they hope to save what's left of the U.S. Fire Administration.●

GAYLORD NELSON PROTESTS WATT AIDE'S MOVE AGAINST ENERGY LOBBYIST

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1982

● Mr. UDALL. Mr. Speaker, Gaylord Nelson, the distinguished former Senator from Wisconsin and founder of Earth Day, who is now chairman of the Wilderness Society, has written to me in anguish and anger over a recent incident in which Timothy Donohoe, a Washington lobbyist for an energy company, was fired after an Interior Department official wrote to his employer because Mr. Donohoe had questioned, in a personal letter, one of Secretary Watt's more extreme statements. I share entirely Senator Nelson's feelings in this matter and I wanted to share his letter with my colleagues today.

The letter lays out the facts of the case. To my knowledge, these facts have not been disputed by the Interior Department to date, nor has the Department directly addressed the profound issues this incident raises. Mr. Donohoe sent a letter to Secretary Watt asking for clarification of his remark that the political world is not divided between Republicans and Democrats but between "liberals and Americans." Mr. Watt's Assistant Secretary for Congressional and Legislative Affairs, Stanley Hulett, went through the effort to find out who employed Mr. Donohoe and wrote a letter to the company president expressing Secretary Watt's "surprise" at the employee's letter. Mr. Donohoe never got a response to his inquiry. Instead, he was fired for his "poor judgment."

It seems to me that Secretary Watt has enough problems with the American public that he does not need some overzealous staff person worrying about the ideological purity of a single energy company executive. That it is Mr. Donohoe who is accused of "poor judgment" is ironic. That he should suffer for exercising his right of free speech and at the hands of an administration that makes much of Americanism is outrageous.

That the Department would even care about Mr. Donohoe's private beliefs, and that the company in question would then submit to this kind of pressure, speaks volumes about what is going on in Washington these days.

I do not think that I have ever seen anything like this in my 20 years in Washington and it seems to me that if Secretary Watt does not condone this sort of behavior, that he should take steps to stop it.

The letter follows:

THE WILDERNESS SOCIETY,
Washington, D.C., January 29, 1982.

Hon. MORRIS K. UDALL,
Room 235, Cannon Office Building, Washington, D.C.

DEAR MO: The Washington Post and the New York Times this week carried reports about an energy company executive, Timothy L. Donohoe, who was fired for writing a personal letter to James Watt questioning the Secretary's statement to California farmers: "I don't use the words 'Democrats' and 'Republicans' . . . It's liberals and Americans."

Mr. Donohoe took exception to having his patriotism questioned, and it cost him his job.

I have been an outspoken critic of Secretary Watt because I believe his policies and actions represent a serious threat to the environment and the public lands. But no action since he became Secretary more than a year ago has caused me more concern than the undisguised and heavy-handed use of arbitrary power against an individual American who happened to have honest differences with Mr. Watt.

Mr. Donohoe worked for a Dallas energy company, Enserch, which holds 324 oil and gas leases on federal land and also has lease applications pending before the Department of Interior.

Therefore, it could only have had a chilling effect on the chairman of Enserch to receive a very pointed letter from Stanley Hulett, Interior's Secretary for Congressional and Legislative Affairs and a key aide to Mr. Watt, relating that "the Secretary is, frankly, surprised at Mr. Donohoe's representation in the attached letter."

One can only conclude that the Interior Department was sending a clear signal that, not only was the Secretary displeased, but that action by Enserch was expected.

The implications of this are enormous. 118 million acres of federal land have been leased to private oil and gas companies. Thousands of lease applications are pending. The Department of Interior decides what applicant shall be granted a lease and sets the guidelines that must be followed in exploring and extracting oil and gas.

Is not this whole episode a threatening signal to all who do business with the Interior Department? Rarely has Washington seen such a raw abuse of power.

This case is a reprehensible example of a consistent pattern of inflammatory and divisive statements that Mr. Watt set when he first took office and has followed ever since. The record shows beyond doubt that he has created a climate of abusive intimidation and retaliation in dealing with people or organizations who disagree with him or his policies.

Mr. Watt made this clear early in his administration. Last March in his first major policy speech, to national park concessioners, he said: "We mean business, and when you read the press you're going to find out that I can be cold and calculating, and indeed I can . . . If a personality is giving you a problem, we're going to get rid of the problem or the personality, whichever is faster."

During Mr. Watt's confirmation hearings a year ago, he pledged "to listen, to reach out" and to "open up" channels of communication. His words and actions have made a mockery of that pledge.

In December, Mr. Watt ordered Department of Interior officials not to meet with or talk to professional conservationists.

Addressing the Board of the U.S. Chamber of Commerce, many members of which are regularly involved in matters before the Interior Department, Mr. Watt chastised corporate leaders whose companies make contributions to conservation organizations, specifically naming The Wilderness Society, Sierra Club, National Wildlife Federation, and the National Audubon Society.

"The battle is not one of environmental rules. The battle is over a philosophy of government," he said. "Are we going to have a centralized, socialized planned economy as we had in the last administration, or are we going to a market-oriented system?"

The Legal Times of Washington reported recently that Mr. Watt has complained about energy companies' hiring of Carter administration officials as lawyers or consultants, and that the Interior Department has made it known that Democratic counsel will not be welcome at the agency.

Addressing park concessioners, he denounced decades of Congresses, administrations, and cabinet members by declaring that he was going "to change 40-50 years of bad government."

He has pitted western states against eastern states and turned America's land and natural resources into a sectional, political battleground.

The Reagan administration says it wants to get the government off the backs of individual Americans. Yet, one individual who had the temerity to question Mr. Watt's assertion that liberals are un-American suddenly found the full weight of the Interior Department on his back, and was fired.

Mr. Watt tries to pass off as a joke his distinction between "liberals and Americans." As the Donohoe firing demonstrates, that kind of mean remark coming from Secretary Watt is neither a joke nor empty rhetoric. As he said himself, "We mean business."

Mr. Watt has become a spokesman for discord and intimidation that have no place in our free society, and certainly not in the Cabinet of the United States.

Sincerely,

GAYLORD NELSON,
Chairman.●

PROGRESS OF LAND REFORM PROCESS IN EL SALVADOR

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1982

● Mr. LAGOMARSINO. Mr. Speaker, land reform in El Salvador has been the subject of much discussion in recent weeks, particularly because of reported dissatisfaction about the scope and progress of the Agrarian reform program. Prof. Roy Prosterman, professor of law at the University of Washington, lays out some of the facts of El Salvador's program which seem to be forgotten or overlooked in the ongoing discussion. I urge my colleagues to keep in mind Professor Prosterman's comments.

His comments follow:

PROGRESS OF LAND REFORM PROCESS IN EL SALVADOR

I have worked with El Salvador's major democratic campesino organization, the Union Comunal Salvadorena, since February 1980 on the Salvadoran land-reform

process. I have yet to see any discussion as careless of the facts as the article by E. Bradford Burns (Editorial Pages, Dec. 30). He misrepresents virtually every major aspect of a land reform that has taken 44 percent of Salvador's cultivated land and benefitted 70 percent of its landless families.

Burns states that coffeelands "were untouched." But the best available data indicates that around 79,000 acres of coffeeland, 22 percent of the country's total, were in the nationalized large estates. (A further 40 percent of coffeeland was already in small and medium holdings under 100 acres.) This isn't a quarrel over precise percentages, however: "untouched" plainly means zero, and Burns' statement is untrue.

He tells us the reform's first phase nationalized "some" large estates over 1,250 acres, contriving to suggest that most were unaffected. In fact, substantially all such estates were nationalized: 263 of them, containing about 23 percent of Salvador's cultivated land. A handful may have escaped the net, but no one has seriously contended that any significant number remain unexpropriated.

He states that "the government announced postponement" of the remaining two stages of the reform, including "the distribution to peasants of the small plots that they previously rented." Burns' statement as to rented land is flatly untrue. On April 28, 1980, the Salvadoran government decreed immediate expropriation, by operation of law, of all tenanted and sharecropped lands, for universal, inplace transfer, thus taking a further 21 percent of all cultivated land.

The rights conferred upon all 150,000 tenant and sharecropper families were immediate, though these were to be memorialized with formal titles. At year-end 1981 about 30,000 applications had been processed and more than 20,000 provisional titles issued—the titling should be speeded up, as I have said for a year. But when Burns refers to an "announced postponement" for rented lands, he is saying something very different, and wholly fictitious.

His suggestion that there was increased frustration giving rise to greater leftist violence by early 1981 is likewise erroneous, though harder to quantify. Most of the violence has come from the far-right. The left failed miserably in their January 1981 "final offensive" and, as reporter Alan Riding wrote in the New York Times (Feb. 8, 1981) "they apparently miscalculated the impact on peasants of land reforms decreed by the junta." Acting Archbishop Rivera y Damas concurred. The left today is chiefly blowing up powerlines and bridges—terrorist tactics that virtually concede bankruptcy on gaining popular support.●

SOUTH AFRICAN HOMELAND TENSE AFTER GUERRILLA ATTACK

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1982

● Mr. EDWARDS of California. Mr. Speaker, because of its direct relevance to interest in this country concerned with human rights and freedoms of persons in South Africa under apartheid, I call attention to the following detailed reporting on violations of such rights and freedoms in the area of Venda as reported in the Washington Post, dated February 3, of this year. As may be inferred from the report, South Africa remains in the eyes of the world internationally responsible for the promotion, respect and observance of human rights in Venda.

[From the Washington Post, Feb. 3, 1982]

SOUTH AFRICAN HOMELAND TENSE AFTER GUERRILLA ATTACK

(By Allister Sparks)

THOHOYANDOU, VENDA.—Nerves are taut in the tribal homeland of Venda after an attack by African nationalist guerrillas and a police sweep that followed in which 18 prominent people, including several churchmen, have been detained without charge.

The detentions, as well as other police actions, have engendered an atmosphere of fear and suspicion among authorities and residents alike in this beautiful, remote little territory that was given nominal independence by South Africa two years ago.

[Monday Bishop Desmond Tutu, general secretary of the South African Council of Churches, said he had been expelled from Venda after trying to visit the detained clergy.

[Speaking in Johannesburg, the black Anglican bishop, one of the most outspoken opponents of South Africa's system of apartheid, or racial separation, said he and the council president, the Rev. Peter Storey, were expelled over the weekend.]

The tribal administration of the homeland, which South Africa installed although 80 percent of the population had voted against it, reacted sharply after an attack by African National Congress guerrillas on a police station in the main town of Sibasa last Oct. 26.

It feels particularly nervous because Venda is vulnerably situated near the borders of Zimbabwe and Mozambique, both of whose governments sympathize with the guerrillas' attempts to overthrow white minority rule in South Africa, whose independent homeland policy is a fundamental component of apartheid.

Among those detained since the police station attack have been three Lutheran pastors and their dean.

One died within 24 hours of his detention, and people who saw the body said it bore injuries indicating that the man, Tshifhiwa Juofhe, a young lay member of the church, had been beaten to death.

The dean, Simon Farisani, was reported hospitalized by other patients who said they saw him limp through the corridors with a badly swollen face. Earlier this month, the chief of the national force, Brig. Gen. Tshikhakhisa Mulaudzi, denied that the dean had been in the hospital.

He also denied persistent rumors that other detainees have been badly beaten. The police, he said, "are just asking questions."

In addition to the detentions, other indications of official edginess include frequent roadblocks at which travelers are stopped and searched, and the deportation of two clergymen who helped Muofhe's widow. The Lutheran bishop for the northern region of South Africa, Solomon Serote, was turned back from a roadblock when he tried to enter Venda to conduct Muofhe's funeral.

As a result of such actions, people say they are afraid to speak out.

The dean's wife, Regina Farisani, said she did not want to discuss her husband because she might be detained and there would be no one to look after their two young daughters.

A friendly official warned that all rooms in the only hotel in the capital, Thohoyandou, are bugged.

Even Serote, 100 miles away in the northern Transvaal town of Seshego, unplugged his telephone, which he suspected might contain a bugging device, before an interview.

The United States National Committee of Lutheran World Ministers has issued a strongly worded protest through its general secretary, the Rev. Paul A. Wee, at the treatment of the churchmen, and Amnesty International has announced it will investigate the detentions and reports of torture.

The homeland of Venda is one of the territories demarcated for the country's 11 main tribal groups by South Africa's white minority government to secure the main part of the country for whites. The homelands are being developed and coaxed toward independence in the face of strong opposition from African nationalists.

As a homeland gets independence all blacks whose ethnic origins relate them to the tribe concerned automatically become its citizens, wherever they live, and lose their South African citizenship.

One of four homelands to be given independence so far, Venda is the most remote, tucked away in the northeast corner of the country. It is a scenically beautiful little territory of forested hills and lush grassland just north of the Tropic of Capricorn. It is 2,300 square miles, less than half the size of Connecticut, and has a population of 400,000.

Patrick Mphephu, the man South Africa chose to carry out the homeland policy here, is a semiliterate clan chieftain.

South Africa created for him the position of paramount chief, which had never existed among the Venda before.

Opposed to Mphephu was a university-trained sociologist, Baldwin Mudau, whose policy initially was to opt for independence and then seek union with Zimbabwe.

The first elections in 1973 were under a constitution that provided for 18 elected members and 42 nominated chiefs and traditional headmen. Mudau won 14 of the elected seats, but after the chiefs and headmen had been feted at a nearby resort, all supported Mphephu and he became chief minister.

For the pre-independence elections in 1978, Mudau again won handsomely, but Mphephu then detained several of Mudau's elected members under emergency powers given by Pretoria until after Parliament had voted him prime minister. A year later he was installed as president.

With power and an annual aid budget of more than $50 million from South Africa came status and affluence for the largely uneducated chiefs and headmen allied to Mphephu.

They acquired large limousines and huge houses in the midst of an overwhelmingly peasant community.

They also attracted the friendship of businessmen with a sharp eye for an opportunity, and Venda is rife with rumors of corruption.

The guerrilla attack hit this scene like a bombshell.

"They know they have no roots of popular support and they panicked," said one of the deported clergymen, Faure Louw, whose

Dutch Reform Church is one of the bastions of support for the South African government and the homelands policy.

"But I know most of these people [who were detained]. They were involved in church affairs and are strongly against violence," Louw said. "I am certain they had nothing to do with any subversion."

A statement issued by the vice president Khosi Madzivhandila, justified the detentions on the grounds that the attack on the police station was by "revolutionaries and terrorists" and that "it is the right of every government to protect itself and its people."

Brig. Gen. Mulaudzi, who expressed anger at the press for maligning Venda, refused to discuss the dead detainee, saying the matter was being investigated.

Mulaudzi, formerly with the South African security police, said he saw nothing wrong with detention without charges.

"We do not call it detention without trial," he said. "It is a form of investigation. I think it is the best way. When you have a person there, by himself without any influence from others, then you get the correct information."●

INSIDE INSIGHT AT THE ENERGY DEPARTMENT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1982

● Mr. MARKEY. Mr. Speaker, even those of us in Congress who sit on the committees which oversee the Department of Energy's work often have difficulty getting a true picture of the attitudes of employees and the leadership provided by the middle-level management. On Friday, February 5, however, the author of a letter to the editor of the Washington Post did give us a glimpse of what is happening within the agency. Perhaps Mr. Reagan's apparent plan to dismantle the Department of Energy has already been carried out in secret for the part 12 months.

For the benefit of those who may not have seen this revealing letter, I am reproducing it here. It should be noted that the author, Mr. Keith R. Hinman, was recently an employee at the Department of Energy.

NEWSPEAK AT DOE

I recently quit my job at the Department of Energy in dismay and disgust. I believe my criticisms of the department's policies and management are shared by many still at DOE.

The Reagan administration's energy policy is both incoherent and inconsistent. While loudly proclaiming a "market-oriented" policy, this administration has backed away from natural gas decontrol and from lifting the ban on oil exports from Alaska. It has continued massive subsidies to nuclear energy and synthetic fuels (apparently, "supply-side" subsidies are okay). Worst of all, the administration's faith in private economic forces has prevented it from preparing contingency plans for dealing with a future supply crisis.

DOE's incompetent managers neither desire nor appreciate good staff work, and staff demoralization is endemic. Thought and analysis have been replaced by the endless repetition of fatuous "free market" catechisms, creating an almost Orwellian atmosphere of Newspeak. Not surprisingly, those with options or pride are getting out. Meanwhile, nine years after the Arab oil embargo, the nation remains woefully unprepared for the next energy crisis.

KEITH R. HINMAN.●

THE STATE OF THE UNION IGNORES THE STATE OF THE ECONOMY

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1982

● Mr. MINETA. Mr. Speaker, President Reagan's state of the Union address was disappointing.

The President failed to recognize the most pressing issues facing our Nation—the deep recession, rising unemployment, large budget deficits, and high interest rates.

One year ago, President Reagan sketched out a far-reaching economic program designed to reduce inflation, increase employment, and foster economic growth. The President launched this Nation on a test of supply-side economics using the economic welfare of our country as the guinea pig. When the President proposed his plan to cut taxes, increase defense spending, reduce social spending, and balance the budget, many economists said that it would not work. Even Vice President BUSH called it voodoo economics. Economists predicted huge budget deficits and record high interest rates.

After long, difficult bargaining wars, Congress passed all of the essential elements of the President's economic program. The President received cuts in Federal spending for social programs, large increases for defense spending, and a massive cut in corporate and personal income taxes. It is important to note that not only was the funding reduced for most Federal programs, but in many cases programs were eliminated entirely. With just one vote, Congress conceded to the President's wishes by adopting a single piece of legislation which made changes in more than 250 existing programs and laws.

People are now beginning to realize the full impact of what has been taking place in these past 12 months. Instead of cutting only the fat—that is the "fraud, waste, and abuse"—from the Federal budget, the knife is cutting the arteries that support the economic survival of our Nation's poor and working citizens. The administration's economic program strikes at working Americans, at the poor and the elderly in a harsh and cruel way. At the same time, the administration's policies reward the powerful and the superrich.

A distinguished Republican Senator from Oregon, MARK HATFIELD, recently described this economic program very accurately by saying that the administration's new Federal policy is a "policy of taking and cutting from the truly needy and giving to the truly greedy."

Not only are working Americans suffering under this economic experiment, but the Nation's economy is also suffering. During 1981 we saw economic activity decline steadily, and the Nation is currently in a severe recession. Long-term interest rates that really count for housing and business investment are now higher than in any month during 1980. These high rates in the face of declining inflation indicate a belief that the President's program will lead to even higher rates for years to come. In addition, short-term rates have started to rise again.

An even more disturbing fact is that there are currently more than 9.5 million people officially included in the unemployment statistics in December. This figure under estimates our unemployment problem because more than 1 million people have been so discouraged by economic realities that they have given up actively seeking work and are therefore not counted in the unemployment figures. In addition, during the first week in January, 1 million people filed initial unemployment claims. Furthermore, all of these figures fail to include the families of the unemployed.

These are the realities we face today. They are neither the promise nor the goal of supply-side economics. The current economic situation is very critical, and unless corrective actions are taken, the Nation could be plunged into a depression. We cannot afford to allow this experiment to continue much longer. Even when measured against the goals the President set for himself, the experiment is off course.

Just last July, the President told Congress that if his program was adopted, real GNP would grow by 2.5 percent in 1981—measured fourth quarter 1980 to fourth quarter 1981. According to the latest figures from the Commerce Department, real GNP grew by only 0.7 percent in 1981. The administration estimated that inflation would fall to 8.6 percent in 1981 and the unemployment rate would peak at 7.7 percent. The inflation rate for 1981 was 9.6 percent. The unemployment rate reached 8.9 percent in December and most economists predict that it will reach 10 percent in the next few months.

The President has also failed to fulfill his promise to slow the growth of Federal Government spending. In his state of the Union address, the President said that the administration's

program "calls for a reduction in the rate of increase in Government spending, and already that rate has been cut nearly in half." The facts are that the program has merely shifted the growth of spending to military spending and interest payment on the national debt; the program has not cut spending.

Spending this year is growing at 12 percent, slightly higher than its average rate of growth from 1971 through 1981. Furthermore, spending will be 24 percent of GNP this year, an all-time record except for World War II, and up from 23 percent last year. In addition, this year's deficit is projected to be more than 3.5 percent of GNP up from 2 percent of GNP last year.

The President attempted to defend this ballooning deficit by stating that inflation was brought down faster than expected and as a result has "deprived Government of those hidden revenues that occur when inflation pushes people into higher income tax brackets." However, in July, the President estimated that the Consumer Price Index (CPI) would slow to 8.6 percent in 1981, instead in 1981 the CPI was at 9.6 percent—higher, not lower, than the President expected. Thus the slowdown in inflation cannot be blamed for the largest deficit in the history of our country.

In 1982, the Federal deficit will be closer to $109 billion instead of the President's promised $42 billion level. In 1983, the deficit could climb to $155 billion. And in 1984, the deficit could reach $190 billion, far from the goal of a balanced budget. Overall, it is expected that close to $455 billion will be added to the deficit in the next 3 years—more than two and a half times the increase during the 4 years of World War II.

The national debt will be increased by approximately $2,000 for every man, woman, and child in the Nation. Our country has never had to endure deficits of this size. It must not be allowed to do so now. Large deficits force the Government to borrow money in the credit markets, which results in increased interest rates and reduces the credit available to the private sector for investment. The administration must understand that you cannot decrease revenues with a massive tax cut, increase defense spending by $69 billion, and reach a balanced budget by 1984. The President fails to acknowledge the results of his economic proposals.

In the state of the Union we did not hear mention of a balanced budget. Instead the President managed to turn the focus away from the current economic crisis by proposing yet another experiment—"New Federalism." This time the President has proposed to experiment with the basic framework of Government. The "New Federalism" is a sweeping proposal to change the current program and funding relations between Federal Government and States and localities. "New Federalism" only changes the structure of government, it does not create one new job, it does not provide incentives for stimulating economic growth, and it does not reduce the ever-growing budget deficits.

The President said that his economic program will "stimulate the economy * * * provide capital for expansion, mortgages for homebuilding and jobs for the unemployed." Since the President came into office, his programs have:

Caused a serious recession—real economic growth fell 5.2 percent last quarter;

Reduced new investment—capital goods orders fell nearly 12 percent during 1981;

Pushed homebuilding to a 35 year low;

Increased unemployment by 2 million to 9.5 million;

Increased long-term interest rates by more than 2.5 percentage points; and

Increased business failures by more than 45 percent.

We have heard before that if we "do a little more" we can win the war. Now, we keep hearing how if we endure a little longer, and cut spending a little further, we will prove this economic theory a success.

Wall Street does not believe it. I do not believe it.

Someone may be seeing a light at the end of this economic tunnel, but I do not know who that person is. It has been clear to me for some time that the major thrust of this economic program is to reward the rich, while at the same time dismantling every Federal program designed to help people prosper and provide the needed infrastructure for economic growth.

This economic experiment must be stopped before more jobs are destroyed, before high interest rates choke off all investment. It is a President's responsibility to insure that his economic policies meet the needs of the Nation. President Reagan has neglected this responsibility. The President cannot ignore the state of the economy by unveiling a governmental reorganization scheme as a diversion.●

VOTING RIGHTS VIOLATION TEST: INTENT VERSUS EFFECTS

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1982

● Mr. FISH. Mr. Speaker, in extending the Voting Rights Act on October 5, 1981, by a vote of 389 to 24, the House made two basic changes in the present law. First, it was made easier for a covered jurisdiction to bail out of the preclearance provisions of section 5. Second, the test used to prove that a law violates the Voting Rights Act reverted back to what it was before the Mobile decision by the Supreme Court in 1980.

The question of the Mobile intent test versus effects of a change in election laws is critical. The alternative to the House-passed bill—a straight 10-year extension—would incorporate the intent test of the Mobile case.

Frank R. Parker, director of the voting rights project of the Lawyers Committee for Civil Rights under Law on the op-ed page of the New York Times on February 5, 1982, contributed a thoughtful piece on the difficulties with the intent test. I commend his statement to my colleagues in both the House and Senate.

SAVING VOTING RIGHTS

(By Frank R. Parker)

WASHINGTON.—The Administration opposes the pending amendment to the Voting Rights Act that would prohibit any law "which results in a denial or abridgement" of the right to vote on account of race or language. Senators who oppose the amendment argue that it is possible to prove intent to discriminate and also that the proposed amendment will result in proportional representation by race. The extreme difficulties of proving discriminatory intent and the plain words of the bill itself clearly refute both arguments.

The small group of senators who oppose the amendment base their arguments on the new "intent" requirement established by the United States Supreme Court in its City of Mobile v. Bolden decision in 1980—a ruling that drastically altered the standard under which black and Hispanic voters had been successful in overcoming racial gerrymandering of district lines, discriminatory at-large elections, and other electoral barriers. Now, minority voters have to prove that a voting law they are challenging was adopted or retained with conscious intent to discriminate.

Proving discriminatory intent ultimately requires a determination of what was in the minds of legislators who enacted or retained the voting law being challenged. And this difficult psychoanalytic task is fraught with sometimes unsuperable practical and legal barriers.

Not only were many discriminatory voting practices adopted years ago by legislators who are now dead, but the best sources of information about their discriminatory motives also are cut off by restrictive legal rules barring full investigation of lawmakers' purposes.

Testimony of legislators who authored or supported discriminatory legislation is generally prohibited by "legislative privilege," which prevents minority voters from cross-examining legislators. And recently, the Fifth Circuit Court of Appeals, which covers the Southern states, where most of these cases originate, ruled that the motivation for adopting allegedly discriminatory voting schemes by popular referendum is totally immune from judicial scrutiny.

In the absence of a "smoking gun," victims of discriminatory laws must resort to evidence producing what courts and legal scholars have called "inferences," "suspicions," and "likelihoods" of discriminatory

intent. Here, judges frequently disagree, sometimes strenuously, on what constitutes sufficient proof. The nine Justices of the Supreme Court in the mobile case itself were unable to agree on the proper legal standard for proving discriminatory intent. And if a majority of the Justices of the Supreme Court can't agree on how discriminatory intent can be proved, how does anyone know what is required? As Justice Byron R. White put it in his dissenting opinion, the Supreme Court's decision "leaves the courts below adrift on uncharted seas with respect to how to proceed."

According to the House Judiciary Committee report stating the purpose of the bill, the version of this amendment passed by the House last fall resolved the confusion growing out of the Mobile case and restored the approach followed in prior court cases that focused on the results of a challenged voting law instead of the motivation behind it.

According to those decisions, merely a lack of minority officeholders or the failure of minority candidates to win office would not be sufficient for the challenged law to be struck down. Instead, as the Supreme Court indicated in a 1973 Texas case—White v. Regester—minority voters would have to cite objective evidence such as a past history of discrimination, unfair election rules, or a pattern of racial block voting to prove that the challenged practice denied them an equal opportunity "to participate in the political processes." These prior decisions make it clear that "an aggregate" of discriminatory results must be shown for minority voters to prevail.

Any fear that the proposed amendment would require "proportional representation" or racial quotas is allayed by the plain words of the bill itself: "The fact that members of a minority group have not been elected in numbers equal to the group's proportion of the population shall not, in and of itself, constitute a violation of this section."

In November, when President Reagan supported an extension of the Voting Rights Act, he affirmed: "The right to vote is the crown jewel of American liberties, and we will not see its luster diminished." The special imposition on minorities of the burdensome and difficult "intent" requirement tarnishes this crown jewel, and should be eliminated.●

PARENTAL NOTIFICATION—SQUEALING ON TEENAGERS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1982

● Mr. OTTINGER. Mr. Speaker, I understand that the administration is planning to propose a regulation to require family planning agencies receiving Federal support to notify the parents of teenagers under 18 who receive prescription drugs or devices for birth control and venereal disease. I believe a regulation of this kind would not be in the best interests of teenagers, their families, or the country. It would not stop sexual activity among teenagers but it would significantly increase unwanted pregnancies, abortions and VD among teenagers. No government policies should promote these.

I recently wrote to HHS Secretary Schweiker to protest this kind of regulation. I would like to share this letter with my colleagues.

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 22, 1982.

Hon. RICHARD SCHWEIKER,
Secretary, Department of Health and Human Services, Washington, D.C.

DEAR MR. SECRETARY: I am extremely disturbed about the proposed regulations now under consideration by the Office of Management and Budget and the Department of Health and Human Services which would require family planning agencies receiving federal funds to notify the parents of minors under 18 who receive prescription drugs or devices relating to contraception or venereal disease.

These regulations requiring notification are not only inconsistent with the expressed intent of Congress but they would have an extremely negative impact on teenagers, their families and the country. In fact, they could have exactly the opposite effect of that desired by proponents of parental notification.

Policies which prevent confidentiality will not deter sexual activity among teenagers, but they could deter teenagers from seeking the information or services they need. If these regulations are adopted, teenagers will be hesitant to contact the appropriate agency even if they suspect they've been exposed to a venereal disease. If this happens, I fear we will see an increase of unprecedented proportion in untreated V.D. among teenagers across the country. In addition, requiring parental notification by family planning agencies will result in many teenagers resorting to less effective non-prescription contraceptives or unprotected intercourse, significantly increasing the number of high-risk teenage pregnancies or abortions. No government policy should promote either of these results!

While I believe young people should be encouraged to communicate with their families about any care they are receiving, I don't see how requiring notification will strengthen family communication. In many instances, it could drive a wedge between teenagers and their parents.

Finally, Mr. Secretary, these proposed regulations contradict established health policy. All states have adopted laws that permit minors to obtain V.D. treatment on their own consent. Thirty states authorize minors to give consent to family planning services. I don't believe it is appropriate for the federal government to establish a conflicting policy and impose that policy on the states.

I hope you will reconsider the many adverse effects of requiring parental notification and will continue to encourage, but not require, family involvement.

Sincerely,

RICHARD L. OTTINGER,
Member of Congress.

In addition, on Friday, February 5, the New York Times published an editorial on parental notification that I believe is right on target.

Thoughtful parents have to be saddened by the precocity of adolescent sexual behavior. But what is that sadness compared with the tragedy of a child propelled to childbirth or abortion by Government interference in the counseling program?

The text of the editorial follows:

SQUEALING ON TEENAGERS

Sex sells jeans, perfume and cars. Conversely, jeans, perfume and cars sell sex. The audience at a raunchy revue is not applauding the costumes, nor do wine and cheese attract the customers to the kind of party that sells "marital aids" instead of Tupperware. The pursuit of a "good sex life" is sanctioned not only by millions of Americans but by the I.R.S., which allows a tax deduction for sex counseling. This is life in the United States.

Now imagine a place in which no one under 18 has ever seen television, movies, newspapers or magazines . . . in which all parents are married, in perpetuity and in bliss . . . in which sexual feelings emerge simultaneously with the taking of wedding vows. This is not life in the United States. Yet much of the nation prefers to treat children as if it were.

The need for that pretense is understandable. Most parents hope their children will delay sexual activity until maturity; many are shattered when they discover otherwise. But 350,000 teen-agers will bear children out of wedlock in 1982. Several hundred thousand others will undergo abortions. Some of these are poor, others affluent; all have been raised in a time of sexual revolution.

Since there is no reason to think this revolution will ever be wholly reversed, there is a national responsibility to insure that it does not consume children and adolescents.

Ideally, teen-agers who want contraceptive advice will feel free to talk to their parents first. But often such discussion is painful, indeed impossible. Family planning services like Planned Parenthood provide a neutral ground in which to talk, and to listen. In 1979, the Alan Guttmacher Institute estimates, such services averted some 400,000 unintended teen-age pregnancies. They might have averted more if their clients had come sooner: most had been sexually active for a year.

Now the Reagan Administration is considering a law to force subsidized family planning agencies to notify the parents whenever teen-agers under 18 seek contraceptive drugs and devices. Parents, they say, should be informed about prescriptions that affect their children's health.

There is no contraceptive, however, that affects an adolescent's health as adversely as pregnancy. Teen-agers are five times as apt to die of pregnancy-related causes as from using the pill. (They are also at the least risk of any age group from the pill.) Nor is there anything more likely to drive teen-agers away from a family-planning agency than the knowledge that it is required to squeal on them.

Most agencies do in fact encourage youngsters to tell their families about the clinic visits, and a majority of the teen-agers do so. But a recent study by the Guttmacher Institute found that a fourth of them would stop applying for prescription contraceptives if their parents had to be notified. Only 2 percent said they would stop sexual activity.

Thoughtful parents have to be saddened by the precocity of adolescent sexual behavior. But what is that sadness compared with the tragedy of a child propelled to childbirth or abortion by Government interference in the counseling program? Weigh these alternatives and see why the best, most loving action a parent can take is to tell the Government to butt out.

I sincerely hope that the Department of Health and Human Services will rethink the drastic consequences of requiring parental notification and drop its plans to propose this regulation.●

ACTIONS PROTESTED

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1982

● Mr. HUBBARD. Mr. Speaker, Mr. George W. Tucker, of Mayfield, Ky., has written me a very thoughtful letter concerning actions proposed by the Reagan administration which will affect Mr. Tucker's upcoming retirement. I believe Mr. Tucker's letter is one which should be shared with my colleagues and I wish to do so at this time. The letter follows:

Rep. CARROLL HUBBARD, Jr.,
House of Representatives,
Washington, D.C.

DEAR SIR: I am a career Postal employee with 29 years of service, including 4 years military duty and I am a few months away from optional retirement. As such, I must protest some actions proposed by the Reagan Administration.

The first of these is the reduction of Health Plan benefits and the substantial increase in premiums. The Office of Personnel Management has directed all Federal Health Benefit Plans to include, in 1982, a new $200 "deductible", and 75 percent "coinsurance" as well as to make other reductions. This would work a severe hardship on retirees who need medical insurance most as well as regular employees who would see payroll deductions increase and benefits shrink.

The second item is the proposed indexing of retiree cost-of-living adjustments to federal wage increases, which have been capped at 4.8 percent. The retiree suffers an average loss of $595 in COLA per year, already, because of the reduction of the twice a year adjustment and this will further reduce benefits.

The above proposals would more than offset the small gains we received from the income tax cut. I am in favor of a balanced budget and I do not favor reduced military spending, but I do take a hard look at the 22 million people drawing food stamps plus the career drones who should be self-supporting instead of depending on welfare. I feel the task of Congress is to aid the self-reliant, not those who make a career of dependency.

Sincerely,

GEORGE W. TUCKER.●

ASSASSINATION OF THE TURKISH CONSUL GENERAL IN LOS ANGELES

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1982

● Mr. ADDABBO. Mr. Speaker, on July 10, 1981, I denounced the senseless killings of the diplomats of our trusted NATO ally, the Republic of Turkey, by Armenian terrorist groups in Europe and Australia.

Unfortunately, on January 28, 1982, Armenian terrorism claimed its first victim since 1973 in the United States, again in Los Angeles and again the Turkish Consul General, Mr. Kemal Arikan. This is a very disturbing development indeed because it brings international terrorism back to our shores and while we know that the overwhelming majority of the Armenian community in the United States join me in condemning their activities, the terrorists do find supporters in the United States to perform their dastardly deeds.

The activities of these two groups include over 50 bombings, 21 assassinations in Western countries, particularly those of Western Europe, and lately, also in Australia. The two groups are not synonymous in their ideology, the ASALA being completely Marxist, trained by the pro-Moscow faction of the PLO under George Habash and virulently anti-American, while the Justice Commandos are nationalist fanatics, but all of them share their participation in the international terrorist movements.

We all sympathize with the tragic plight of the ancestors of these terrorists during the intercommunal fighting of the Ottoman Empire during World War I, but this does not justify at all the killing of the diplomats of the Turkish Republic which did not even exist in 1915–16 when the killings occurred.●

EL SALVADOR IS VITAL TO SECURITY

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1982

● Mrs. HOLT. Mr. Speaker, let us be clear about what is happening in El Salvador. It is not a revolution for freedom, democracy, or economic development and opportunity.

The leading cadres of that revolution know exactly what they want, and it is not consistent with anything that decent people would desire for that poor country.

If the revolutionaries win, we will see the rapid development of El Salvador into a Cuban-style police state, an extension of Soviet power, a new staging area for further Soviet advances on the southern flank of the United States. If you have any doubts about what I say, then I invite your attention to what has happened in Nicaragua, which has become a Soviet-Cuban base and arms depot for Marxist guerrilla wars against other Central American governments.

The Marxist revolution in El Salvador is armed by the Soviet Union and Cuba through Nicaragua.

I am deeply concerned and distressed when I read accounts that military excesses have harmed noncombat- ants in the Salvadoran civil war, but I would remind you that the worst oppressors of human rights on this planet are the Marxist totalitarians.

President Napoleon Duarte has undertaken a land-reform program which by all accounts is achieving some success in a country torn by civil war.

He has scheduled March elections for a consistent assembly and invited the radical opposition to drop their arms and participate.

Does the Communist opposition want an election? The answer is "No." If they won control of El Salvador, would there ever be an election? Again the answer is "No." Would there be an infusion of Cuban advisers and technicians to establish the apparatus of the police state? Yes, indeed. Would a Communist regime bring freedom and economic opportunity to the people? Of course not.

Look at Nicaragua, or Cuba. Examine Vietnam, Laos, Cambodia. Think even about Eastern Europe or the Soviet Union itself. Is there a Communist regime anywhere that respects human rights, offers anything but common poverty to its regimented masses, or would risk a free election?

I am telling this Congress that we should not, must not, tolerate a totalitarian future for the suffering people of El Salvador or any other Latin American country. These people are our neighbors who are struggling to arise from centuries of oppression, and it would be a ghastly event if they fall to the modern oppression known as communism.

President Napoleon Duarte is not a rightwing dictator. He is a Christian Democrat determined to bring democracy and economic reform to his country. In the past, he suffered imprisonment and exile for his political views. His government and even his life are at risk as he tries to navigate his country between radicalism of left and right, while a brutal civil war rages in the countryside.

The worst thing we could do would be to withdraw our support from President Napoleon Duarte, stop sending arms and economic aid to his government, and leave him and his government to destruction by the Marxist guerrilla forces.

If Central America is to have any hope for democracy and economic opportunity that would lift the lives of the people, that hope lies in leaders with the character and principles of President Napoleon Duarte.

If we are to prevent Soviet-Cuban advances in Central America from ulti-

mately becoming a threat to our national security, then we must do what is necessary to help our allies stop the Marxist forces.

There is a Soviet-Cuban design for all of Central America. Will El Salvador be the next to fall, followed by Honduras, Costa Rica, and Guatemala, then on to the Panama Canal and the oil fields of southern Mexico?

Have you considered the prospect of armed terrorist forces moving across our own southern border in the years ahead?

That is a possible consequence of developments today in Central America. The civil war in El Salvador cannot be isolated from concern for our own national security.●

JONES' BRILLIANT SPEECH

HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1982

● Mr. LONG of Louisiana. Mr. Speaker, last Saturday, the distinguished chairman of the Budget Committee (Mr. JONES) spoke to the National Strategy Council of the Democratic Party.

Mr. JONES' speech was a brilliant analysis of our Nation's ecomomic and budget problems. He points, with particular concern, to the spiraling deficits that have resulted from the administration's supply side economic policies.

Our economy, according to Chairman JONES:

Will respond to a balanced fiscal policy that reduces spending wherever that can be done—including military budgets—and restores spending wherever that should be done—including job training, research, and education. It will respond to a tax policy that encourages savings and investment and enterprise but not to a tax policy which creates deficits of $100 billion to $150 billion.

Chairman JONES called on congressional Republicans to work with the Democrats "to develop an economic policy to meet the needs of our people," but warned that we Democrats, "will not settle, to use Franklin Roosevelt's words, for a Government frozen in the ice of its own indifference."

Mr. Speaker, I believe all of our colleagues would benefit from reading Chairman JONES' speech, and I ask unanimous consent that it be printed in the RECORD at this point.

ADDRESS OF JAMES R. JONES

Ladies and Gentlemen of the Democratic Strategy Council:

For days now I have been studying the State of the Union message drafted by the Reagan Administration and so beautifully performed by the President himself.

I sought to understand the riddle of a State of the Union message that didn't mention the state of the union.

This morning I discovered it. It was rereading the speech while shaving when I noticed that it could be read reversed in the mirror. Not only had I broken the White House code, but I had also learned the identity of the writer.

I will share the secrets with you here today.

This is what the speech really said:

'Twas brillig, and the unemployed
Did gyre and gimble in the wade;
All mimsy were the working poor,
And the elderly outgrabe,
Beware the Press Conference, my son!
The jaws that bite, the facts that hitch,
Beware the interest rates, and shun
The frumious deficits.

There was more, but now that it was clear that Lewis Carroll was writing for the White House, it was imperative that I talk to Dave Stockman.

I reached an OMB spokesman who said that David had disappeared down a rabbit hole some months ago and had seldom been seen since. I asked the spokesman about Lewis Carroll's status, and he said the White House had been deeply impressed with the writer's technique and had used him on a free-lance basis. He said they had wanted to hire Carroll full time but were shocked by the outcome of his lie detector test.

Lewis Carroll, the OMB spokesman said, wrote Alice in Wonderland and Through the Looking Glass—but Carroll did not believe them. He was, therefore, unsuitable to work in a supply side White House and could not have been confirmed by the Senate.

To be serious, there was one part of the State of the Union address that did make great sense. It was spoken by Abraham Lincoln one hundred and twenty years ago. Lincoln said, "We cannot escape history. We of this Congress and this Administration will be remembered in spite of ourselves."

There can be no better advice for the Democratic Party, the Republican Party or the President of the United States than those stark words. We cannot escape history.

And history tells us it is our duty to work for a healthy economy that will grow, provide jobs and progress for the American people . . . an economy motivated by research, education, training, transportation, creativity and inventiveness—not an economy skewered by record unemployment, $100 billion deficits, and stifling interest rates.

It is our duty to move our Nation away from class and racial division—not to separate the rich from the rest, and black from white; not to turn back years of progress toward a fair and equal society.

It is our duty to have a strong national defense, trained, equipped, ready and able—not a privileged military establishment with expensive new weapons systems that are outdated before they are delivered, not a military overarmed with complexity and undermanned by only the poorest elements of our society.

It is our duty to seek a mutual reduction of the nuclear weapons which threaten to destroy us all. When Admiral Rickover, the man who built our missile launching submarine force, warns that "probably we will destroy ourselves", it is time for all Americans to understand the dangers of this arms race.

It is our duty to help the helpless and make certain that our old and our young have a decent life and the opportunity for a better future—not a program in which the old and the weak lose medical assistance, the working poor are forced back to the dole, and the unemployed have no access to training.

Today, we are coming off a year in which Reaganomics triumphed completely. We are unable to match the vast sums of money the Republicans and their New Right attack groups can raise. We are just beginning to understand their sophisticated campaign techniques and I pray we never catch up in their use of distortion and vicious tactics. A few months ago we Democrats were a gloomy lot.

But not today. We won Virginia where we haven't won for years. And the trends in the polls are clear. If next fall's election were held today we would win a sweeping congressional victory.

The Republicans, who could have become the majority party by proposing a fair and balanced program, instead did what they have done throughout our Nation's history. As they have from the time of the Federalists in 1796 to the New Right of 1982, they choose to be the party of the rich, the party of isolation and narrowness, the party of economic class division, the party of suppression of individual freedom.

There was one great Republican exception—Abraham Lincoln. He spoke for the common man and for freedom, for national unity and national reconciliation. He spoke with honesty. And he spoke with genuine love and understanding of the working American.

Today we hear rhetoric which sounds glorious—and which the American people are desperate to believe. But I fear that the truth of today is unemployment, bankruptcy, high interest rates, staggering deficits, declining cities, regional, economic and racial division.

Somewhere in the 1970's we Democrats lost contact with the backbone of our party—the broad middle of America. We temporarily became the stomping ground of one issue factions unwilling to compromise or share goals. People came to believe that we were financially irresponsible and that we did not represent the hard-working American.

We should not forget that last year we Democrats began to forge a new future during the congressional budget debates. We did offer a reasoned, fair and fiscally responsible alternative . . . an alternative that said investment in human beings was just as important to improved productivity as investment in capital assets.

We offered an alternative that preserved our commitment to education, decent nutrition, training for jobs and technological research—while at the same time actually reducing the deficits to manageable levels, providing fairer tax relief, and lowering interest rates so that our economy could truly start moving again.

Our alternative recognized that we cannot solve the malignancy of social injustice and disadvantage unless we solve the mystery of the economy at large.

It is fair to say that had our alternative passed there would be a million more people working today rather than languishing in unemployment lines . . . there would be a fiscal and monetary climate in which capital investment would be increasing rather than staying stagnant, deficits would be below $50 billion rather than in excess of $100 billion, the 1,500 school lunch programs would not have closed, and a major Wall Street firm would not be giving a depression scenario—a 30 percent chance this year as was

reported this week. And when E. F. Hutton speaks, we should be listening.

But as we grappled with a reasoned response tailored to our nation's need, the New Right stormed into town and with dazzling sales techniques convinced the American people that our very real problems were the fault of poor people taking government aid and that if that were slashed and rich people were given massive tax cuts, all would be well.

It was what people wanted to hear and wanted to believe. It is what people still want to believe. Somehow Joe American had been convinced that if he would hand over his life savings to this new friend and wait on the street corner with a bag, the friend would duck into the bank and return with a lot of extra money to drop in the bag.

Joe American is standing out on the corner right now with the bag in his hand and if you tell him that the chances of his friend coming back with his savings—not to mention the extra money—are dropping every minute, he doesn't want to hear that. He still needs to believe that his new friend is going to come through for him.

Maybe that will happen and old Joe will have pulled a coup and gotten something that he didn't have to work for.

But if that charming new friend doesn't return, Joe American is going to need his old friends more than ever before. And his old friends are going to have to help him like never before.

We're going to have to help him get back on his feet and we're going to have to help him get over the shock and disappointment. It won't be easy for us or for him. We're going to have to tell him the truth and we're all going to have to work hard. We'll have to face problems, not blame them on someone else.

We are going to have to convince the American people that there is no free lunch for the poor or the middle class or even the rich in the long run. Our economy is not going to respond to the nostrums of supply-side cultists.

It will respond to a balanced fiscal policy that reduces spending wherever that can be done—including military budgets—and restores spending wherever that should be done—including job training and research and education. It will respond to a tax policy that encourages savings and investment and enterprise but not to a tax policy which creates deficits of $100 billion to $150 billion.

Now we have the President and his strongest supply-side ally, Rep. Jack Kemp, saying they do not believe their own deficit numbers. We have a Treasury Secretary who calls outyear deficits "literally meaningless".

A policy like the one in place under the Republicans can lead only to recession and unemployment, perhaps followed by slight recovery and high interest rates followed by more recession and unemployment.

Just as our economy is not going to respond to the siren song of supply-side sorcery, it will not respond to misguided monetarism. I doubt that you will find many Americans, outside the Administration and a certain group of economists, who believe that interest rates don't matter, just the money supply. Interest rates do matter. And it is essential to the well being of our people that we return to fiscal and monetary policies which mesh instead of clash.

It is that clash and confusion of policies that is causing the failure of the Republican economic program and is causing so much damage to the state of the union.

And what is the state of our union today?

Unemployment is now at its highest level since the Depression and even the Secretary of the Treasury admits that it will go above ten percent.

Net income from farming this year is expected to be at the lowest level since the 1930-1934 period. As some of you will recall, those were not great years. Our farmers are being crushed by high interest rates and low prices as Reaganomics ruins our export markets.

There are more jobless Americans today than at any time since 1939.

Real interest rates are now higher than they have been at any time since 1932.

Last year saw the lowest number of housing starts since 1940.

U.S. auto production is the lowest it has been in 35 years.

And business failures are the highest since 1961.

As for deficits, there is nothing in America's past to which we can compare the coming deficits. Under existing policies—and primarily because of the Kemp-Roth tax program—the deficit will be $109 billion in 1982; at least that much in 1983; $189 billion in 1984; $214 billion in 1985; and $240 billion in 1986. That would be a cumulative five-year total of nearly $900 billion.

Perhaps the theme of the November campaign will be, "Are you better off today than you were in the Depression?"

In the days ahead, we Democrats are going to develop an economic policy to meet the needs of our people. We will seek to work with the President and with Congressional Republicans as we develop that policy, but we will not settle, to use Franklin Delano Roosevelt's words, for "a government frozen in the ice of its own indifference".

The problems are severe and the solutions politically difficult—so difficult that they cannot be resolved on a partisan basis. We would welcome any sign that the White House is willing to work together toward solutions. But I must add that as yet we have seen no such sign. instead, we heard a State of the Union address described by one of my Republican colleagues as "nice but basically irrelevant."

If on Monday the Administration presents a budget based like last year's on smoke and mirrors, we will know that our economy likely will face record unemployment, record business failures and record interest rates.

There are signs that Congressmen in both parties are recognizing that the Nation is in serious trouble and that partisanship is not the answer. There is a chance that if the economy slips much further and the White House fails to respond, Congressional Republicans and Democrats will band together to develop solutions.

But there is also a chance that the Congress will deadlock, the Republicans sticking behind a set of failing policies, and the Democrats seeking a new path.

As Democrats we must be true to our past and true to the American people. We must seek the best answers that can be found. We must put our Nation first, for we are the party of all Americans caring for all Americans. We are a party that is against division by class, race or region.

We are not anti-government for we know good government is essential, that it provides for a strong defense and the framework for economic advance.

We know that it is not honest to tell the American people that "government is the problem."

Bad government, yes. Wasteful government, yes. But not government. Government is as good or bad, wasteful or efficient as Americans let it be.

The 1960's and 1970's are gone. So are the 1940's and 1950's and we pray the 1930's will not return. What of the 1980's?

It must not be a time for greed, but a time for sharing of burdens and rewards.

That's the American spirit—a mixture of ambition and risk and caring about the other fellow. The Democratic tomorrow is a time of maximum freedom and maximum opportunity for all Americans.

We must have balanced domestic, fiscal and monetary policies which create growth, explore new technology, foster new jobs for those who can work, and protect those who are helpless. We must have policies based on human dignity and equal rights for all.

We must have a government which is fair, rational and honest, which listens to the people it serves and tells the truth.

We must have a foreign policy both tough and good. We will protect ourselves and our interests but we must recognize that our interest is best served by a world of free and democratic nations.

Those are the challenges which face us today—the challenge of pulling our party back to its past and into its future.●

TAX LEASING LAW HURTS SMALL BUSINESS

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1982

● Mr. BEDELL. Mr. Speaker, on several occasions I have informed this body of my concerns regarding the so-called safe-harbor leasing provisions of the tax law we passed last year. Aside from noting the enormous revenue losses caused by this new law, I have attempted to call attention to the fact that the leasing provision confers disproportionate tax advantages upon the largest corporations in the Nation while being of little or no value to most small businesses.

An article in this morning's Wall Street Journal underscores this point. Journal reporter Sanford L. Jacobs, begins his "Small Business" column this week by saying:

Small businesses don't get anywhere near the tax benefits big companies receive from the safe-harbor leasing provisions of the Economic Recovery Tax Act of 1981.

Mr. Speaker, we are about to begin another long debate over the Federal budget and our national economic policies. With this in mind, I believe it would be useful for our colleagues to read what Mr. Jacobs has to say about leasing provisions in today's Wall Street Journal. At this point in the RECORD, I wish to insert the full text of the article.

LEASING BREAKS LIMITED FOR SMALL FIRMS

Small businesses don't get anywhere near the tax benefits big companies receive from the safe-harbor leasing provisions of the

Economic Recovery Tax Act of 1981. Most publicly held corporations are likely to become free of paying corporate income tax because of the new law, tax practitioners say.

"They left it wide open for the Occidental Petroleums and IBMs, but they effectively knocked the little guy out of it," says Steven Holub, director of tax services at the accounting firm of Laventhol & Horwath.

The new law recognizes as leases for tax purposes arrangements that wouldn't have qualified under prior law. What used to be considered "sham leases" by the Internal Revenue Service, and thus ineligible for leasing tax benefits, qualify under the new rules. However, other tax provisions that apply to closely held corporations—those in which five or fewer shareholders own 50 percent or more of the stock—individuals and partnerships, greatly limit the benefits for small companies.

For companies that qualify, the benefits are substantial. Seymour Israel, a New York lawyer specializing in tax leases, offers an example. A big company pays $150,000 in the first year to buy $1 million of equipment from a second company. The equipment is leased back to the second company which is still owed a balance of $850,000 on the purchase price.

Under terms of the lease, the user's rent matches the owner's debt payments, so no additional money changes hands beyond the original $150,000. But the owning corporation avoids $465,000 in income tax in the first five years, more than three times the $150,000 it paid to get into the deal.

Few small companies can work such an arrangement. But they can get some benefits from the new law, Mr. Israel says. Their leases will involve bigger cash outlays and financing from a bank or finance company.

Mr. Israel provides an example from an actual deal involving a $1 million computer. A small company laid out $260,000 in cash to buy the computer for leasing. It owes the balance to a finance company and at the end of the lease will be $127,000 ahead on the deal without counting the value of the computer at that time. That's much less than the big company gained in the previous example.

"This puts many small companies at a competitive disadvantage with publicly held companies," Mr. Israel says, "Over time that disadvantage can be backbreaking."—SANFORD L. JACOBS.●

LEGISLATION TO IMPROVE ROYALTY COLLECTION PROCESS

HON. JIM SANTINI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1982

● Mr. SANTINI. Mr. Speaker, I am introducing legislation to improve the royalty collection process through which the United States collects royalty payments for oil and gas production on Federal lands. In 1982, these payments are estimated to be $500 million. Over the past year I have been actively engaged in examining the collection process which is managed by the U.S. Geological Survey. The system is in unbelievable disarray. In joint public hearings with my colleague, Mr. MARKEY, it has been reported by authoritative witnesses that the USGS has, for at least two decades, failed to collect all the royalties to which the Federal Government, the States, and many Indian tribes are entitled. Further, there is very little in indication we can expect any immediate improvement. Many of the States and Indian tribes indicated they could do a better job collecting royalties themselves.

Next to the IRS, no other Federal agency collects the amount of money the USGS is responsible for collecting. By 1990, it is estimated conservatively that U.S. royalties will be over $14 billion annually. Losses are generally estimated at 10 percent. The General Accounting Office, the Inspector General's Office, and others have been issuing a stream of reports detailing the shortcomings of this collection process for over 20 years. Without rehashing all of these shortcomings and commenting on the many recommendations that have come before our subcommittees, it has become apparent that several problems are salient.

First the system clearly lacks the basic means to determine in all cases who owes money to the Government, how much they owe, or whether or not they have paid what they owe.

Second, poor management practices within the Geological Survey have made it difficult to develop and enforce rules necessary to insure the security and integrity of the oil production system itself, or to insure the gathering of the data necessary for accurate establishment of royalties owed.

Third, efforts to reform the royalty system do not appear to be giving adequate priority to some of the most critical elements necessary for an immediate improvement of collection and verification capabilities.

The legislation I am introducing with Mr. Markey today is a necessary step toward correcting these problems. It will require the same sound management practices within the Government that we demand of our business community.

First, this legislation will incorporate within USGS standard financial and accounting safeguards of personal liability, bonding and independent CPA audits. These requirements are met by many of the States which testified before our subcommittees, and it is time that the Federal Government starts to meet them as well.

Second, those States which have the capability will be given the authority, subject to Federal audit guidelines, to collect these royalties which are due, and then to remit to the U.S. Treasury the 50 percent—10 percent in the case of Alaska—due to the Federal Government. Several States have indicated that they could, and would like to, do a better job than USGS in collecting royalties. I strongly believe the States should be given the opportunity to manage these programs, since they have a major impact on State revenues.

Third, it will grant USGS the authority to designate a principal lessee for each lease, whose responsibility it will be to report and make royalty payments on its particular lease. This will eliminate the antitrust problems USGS stated prevented such useful simplification of its system.

Fourth, it will give Indians or their designated agents full access to USGS records relative to production or sales from their respective leases. Such access has been difficult for them to obtain in the past, even though they are the actual owners of the land being leased in these cases.

Fifth, it will grant the Department of the Interior explicit authority to track oil and gas produced from Federal properties to refineries in order to insure accurate reporting and payment of royalties by producers. Once again, we heard testimony that this was already required, and very effective, in some of the States with respect to their own oil and gas leases.

Finally, it will establish reasonable civil penalties for compliance violations without forcing USGS to shut in a lease to insure compliance by the lessee.

Mr. Speaker, we cannot tolerate poor management practices in the Federal Government. It fosters abuse and fraud. In today's environmemt we should not, and indeed we cannot afford to, eliminate basic social programs while we fail to collect moneys rightly owed the public whose interest we represent. I invite my colleagues to join with us in this war of fiscal mismanagement by cosponsoring this legislation.●

"THE AGONIES OF IRELAND"

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1982

● Mr. FOLEY. Mr. Speaker, I would like to take this opportunity to make available to our colleagues in the House a series of articles, "The Agonies of Ireland", that appeared at the end of last year in the Philadelphia Inquirer.

I believe your letter to Mr. Michael Pakenham, associate editor of the Philadelphia Inquirer, the text of which follows, clearly states why these articles are such essential reading for all Americans who seek to understand the problem in Northern Ireland and the urgency behind the search for its resolution. I also urge my colleagues to share them with their constituents

who are so deeply troubled by the ongoing tragedy in Northern Ireland.

All of us share the hope of so many Americans that we will soon see that advent of a true peace and a permanent ending to the violence that has taken so many innocent lives and brought about such great destruction.

HOUSE OF REPRESENTATIVES,
Washington, D.C., December 29, 1981.

Mr. MICHAEL PAKENHAM,
Associate Editor, The Philadelphia Inquirer, 400 N. Broad Street, Philadelphia, Pa.

DEAR MR. PAKENHAM: Thank you for sending me your "agonies" series on Ireland. I agree with your point that the only alternative is to identify with the humanity of Northern Ireland, and clearly that will only occur when Americans heed your admonition "to understand the problem and its importance."

As you know I and a number of my colleagues have been laboring against the "simplistic" view for years. We were making considerable progress until the Hunger Strike. American television gave the IRA a media coup of sorts during that terrible protest. But we have not given up.

I hope your paper reprints the series in pamphlet form because we could use it. I also intend to see that it gets into the Congressional Record. Such knowledgeable and sensible writing on the Northern Ireland problem is rare in the United States. You and The Philadelphia Inquirer have made a substantial contribution to American awareness of the true nature and character of the problem of Northern Ireland.

With warm regards,

Sincerely,

THOMAS P. O'NEILL, Jr.,
The Speaker.

[From the Philadelphia Inquirer]

THE AGONIES OF IRELAND: A TEST OF CIVILIZATION

What is the island of Ireland to America? A shining emerald of romanticized nostalgia? Or an unyielding, bottomless bog to be fled, which for centuries was fought with sweat, tears and hunger? A womb forever to be yearned for, or a cruel poverty forever to escape? A magic, carefree, evergreen island enchanted by elves and songs sung by voices as clear and lambent as Waterford crystal? A source of passionately loyal affection or an agonizing reminder of blinding, unresolved rage?

Is Ireland rightly a single, emerging country, still engaged in an unfulfilled revolution of national independence —or two separate countries, both post-revolutionary, uncomfortably pluralistic societies bypassed by the industrial revolution and now turbulently seeking senses of identity and purpose without the consoling benefit of instructive models?

It is all those things. It is—also—something more, and something else.

Somewhat more than 2,100 Irish and British men, women and children have died violently in the last 12 years of brutal, doleful "Troubles." It is not irresponsible—or irrational—to fear that if worse came to worst, 10 times that number, or 20 or more times, could die in a wildfire civil war.

Ireland's gifts beyond its shores are beyond counting. The impact and influence of Irish men and women endure in every corner of the Western world. Irish names and accomplishments are imprinted upon the politics, culture, commerce, literature, music, art and legends of much of Latin America, France, Canada, Australia, Spain, Portugal and—more than any of these—England.

All those countries combined, however, do not owe to Ireland as much of their vitality as does the United States. The Irish-American heritage is greater, if not in absolute numbers then almost certainly in loyal affection, than any other contributor to the Melting Pot.

Conservatively estimated, 20 million or almost one-tenth of all Americans trace their origins to Ireland. The preponderance of the earliest Americans to come from Ireland were Protestants from the six counties that now constitute Northern Ireland, many of Scottish or English origins generations before—but Irish no less. Many of those settlers assimilated and lost their sense of origins; thus the true number of Americans of Irish descent may well be twice 20 million, or more. Four of the 39 signers of the Constitution were of Irish birth, and nine others of Irish ancestry. At least 15 of America's 39 presidents have been of predominantly Irish derivation.

The official, if obviously not totally reliable, statistics of the Immigration and Naturalization Service begin with the year 1820. Since then, Ireland, north and south, has sent to America 4.7 million people—a greater number than any other country except Germany (7 million), Italy (5.3 million) and, by a thin margin, Britain, not including Northern Ireland, (4.9 million).

There is deep reason, then, that Irish woes are American woes as well. Those woes today are at a critical point. They are as intense, in their rage and violence, as at any point in the almost 60 years since 26 of the 32 counties of Ireland became effectively free of British rule and began to stabilize as an independent nation.

Economic stultification is a serious contributor to the agonies of Ireland, and America can help. But it is not the most difficult challenge today. What is? Most simply, the enduring nourishment of a peaceful, rational political and social order, convincingly responsive to explosively discordant constitutent elements.

What are the alternatives to that? Most obviously, continued misery and bloodshed, at present levels. That is a ghastly prospect. But it is based in genuine human fears and senses of defining identity—so defining, by many Catholics and Protestants alike, as to be worth dying, and killing, for. Thus there is today substantial danger that the present violence may develop into a full-scale civil war. The murderous status quo and that far bloodier extension are dismaying.

To progress from the present danger, and to avert a greater one, is the overriding test.

It is a tiny island, a place of grand, rich, turbulent, romantic history. Yet today it has fewer inhabitants—north and south, a total of 4.7 million—than 14 of America's 50 states, and with 32,595 square miles, is smaller than 39 of them. It is a place of tight, sharp focus of passion and conflict, of neglect and passivity, of rage and yearning. It is a source of sustenance of great human insights, of humane wisdom. Yet it is also a place of rigidity of mind, of pain and polarization and brutality.

Resolving all that is an Irish problem, above all else, and then a British problem, by action or default, a legacy of centuries of history. But finally it is a problem, a true test, of the capacity of Western civilization. For if humane reason cannot prevail on the island of Ireland, it will be forever doubtful that it can rise effectively to trying difficult challenges elsewhere.

In that test, Americans have an inescapable interest, as well as a humane imperative, whether they think of their origins and affections as Irish or British, or an amalgam, or separate from them all. How America and Americans can respond most constructively is a question—a series of intricately interrelated questions—which demands first understanding and then positive action. A series of editorials here and supportive columns on the Op-ed Page will seek to provide a basis for that understanding.

THE AGONIES OF IRELAND: A TYRANNY OF HISTORY

At every corner of the island of Ireland, history is both witness and judge, the accuser and the accused. It intrudes, first as an engaging, often lyric, counterpoint to all other subjects. Quickly then, it overpowers the initial theme—be that poetry or social welfare, horse-racing or industrial development, fables or farming, family or foreign relations, literature or liberty. On the island of Ireland, history is a tyrant.

The people of Ireland are both Catholic and Protestant, both erudite and simple, powerful and poor. All are legendarily warm, eloquent, hospitable and patient. They are talkers and listeners, people who glory in argument and in the accepting recognition of differences. That dignity of human recognition prevails—until the moment Tyrant History intrudes. At that point, old wounds are torn open, or new ones are inflicted. Passions rise, and spill over. Latent agonies are laid bare.

Left to good nature, those agonies would ease and perhaps even heal—though realistically that would take a generation or more. But, conscious of the power of invoked history, tiny handfuls of willful men and women—for reasons they passionately believe are justified—leap to exploit others susceptibilities. The result is strife and renourishment of agony.

What is that Tyrant History?

There cannot be more than a half-dozen nations or cultures on earth about the history of which so much has been written as Ireland. It is endlessly examined, and yet the tyrant still stalks the slums of Belfast and Derry, the lanes and villages of Kerry and Donegal, the prisons of Ulster and the parliaments of Dublin and London.

Ancient Hibernia, from 1500 B.C. and before, was raided, swept and settled by waves of outsiders, the most enduring colony being Celts, who invaded from the European mainland around 600 B.C. The succeeding millenium was a swirling fog of tribal conflict, which the Roman Empire found purposeless to invade.

Midway in the fifth century A.D., the enslaved captive from Roman Britain who was to become St. Patrick arrived. Gradually, conversion to Christianity began. From just before 800 A.D. until beyond 1000, waves of pagan Danes and Norsemen raided—pillaging, setting and intermarrying. Tribal and feudal conflict and conquest predominated until the late 1100s, when the exceptionally aggressive British King Henry II sponsored with papal support, English military domination.

From then through the 1500s, the English continued attempts to dominate the Gaels, or Celts, who increasingly intermarried with the invaders. English power waned and rose but was generally successful at least in major cities, and especially within the Pale, the often-shifting boundary, established by

Henry II, around the area centered on Dublin.

Henry VIII, having broken from the Roman Catholic Church in the mid-1500s, became the first Protestant monarch of Ireland, and an officially ordered settlement of Irish land by English and Scots began.

How many Americans today sing songs or recite poetry—or maim and kill their neighbors—with passion whose roots are deeper than 400 years? Tonight and every night in Northern Ireland, soaring lyrics and inhuman savagery will celebrate both sides of the events of the late 1500s and the 1600s.

Immigration of Scots and English to Ireland, predating all but the very earliest European settlements in America, continued under Elizabeth I, through successive uprisings and revolts. In the early 1600s, King James I increased the flow of settlers with the "plantation" of substantial numbers of Scots in the northern province of Ulster. They had been preceded, in small numbers, for centuries; Scotland is a mere 21 miles, and visible, from Ireland.

It was those Ulster "Scotch Irish" who were the chief target of attack in the Catholic "Great Rebellion" of 1641, which precipitated the English Civil War. That was finally put down by Oliver Cromwell, who assumed control of the English government. Cromwell then ravaged Irish Catholics' properties and churches with a Puritan army flaming with zealotry.

Protestants took control of most of the land. After restoration of the English monarchy, James II, a Catholic, sought briefly to redress the Cromwellian depredations. James was driven from England amid a power struggle with complex religious overtones. In 1690, James was pursued to Ireland by William of Orange, a Protestant who—confusingly today—had the support of the pope. James's Catholic forces were defeated at the Battle of the Boyne.

The early 1700s were deceptively peaceful under Protestant dominance. In the third quarter of that century, however, conflict began to grow again, encouraged by the American and French revolutions. So did the seeds of modern Irish republicanism, the national independence movement—dramatized by establishment in Belfast in 1791 of the Society of United Irishmen by Theobold Wolfe Tone and others who were predominantly Protestants. Wolfe Tone's aspiration: "To unite the whole people of Ireland . . . to substitute the common name of Irishman in place of the denominations of Protestant, Catholic and Dissenter." Disunity made that hope illusory. The "United Irish" rebellion was crushed by English and loyalist Irish forces in 1798, but only after the loss of 30,000 lives.

The first half of the 19th century was dominated by struggles between the concept of Ireland as an integral part of the United Kingdom and that of Ireland as an unruly colony. The potato famine of 1845-50 drove more than one million of Ireland's eight million inhabitants to emigrate, the largest number to America, leaving 800,000 dead behind them. The northeast part of the island, with a grain-based food economy and predominantly Protestant—more Scots-Presbyterian than Anglican—suffered far less misery than the potato-dependent, mainly Catholic areas of the island.

Irish nationalism, increasingly a Catholic cause, grew in popular strength outside Ulster, amid bitter struggle. Home rule for Ireland, under the British crown, gained great support, though not fulfillment. Substantial land reforms were accomplished by the turn of the 20th century, through British efforts to ease the passions of nationalism.

Thwarted in close debates and maneuverings in the British Parliament, the cause of Irish home rule and thus of nationalism grew more powerful. That nurtured growth of militant separatist and unionist organizations, with unionist support concentrated in the Protestant parts of the nine counties of the province of Ulster, where Protestants felt increasingly threatened by the prospect of expropriation of property and power, or even massacre, should Catholics capture control: Huge unofficial armies grew both Catholic and Protestant.

The British government, distracted by World War I, muddled along. On Easter Monday, 1916, a rebellion began in Dublin, with declaration of an Irish Republic. In what today is recognized as gross and brutal stupidity, British forces martyred the principal leaders of that rebellion before firing squads—after they had surrendered.

After the end of World War I, a provisional Irish government began to take hold, amid a bloody guerrilla war. The War of Independence, or Anglo-Irish War, caused about 2,000 deaths, brutalized tens of thousands, but led to a treaty in 1921 by which the British government conceded virtually independent dominion status to 26 of the 32 counties.

During those events, the British government was faced with the onset of World War I and the concurrent threat of a massive civil war by a Protestant Ulster Volunteer Force of nearly 100,000 men, armed with 40,000 military rifles, vast ammunition and an incalculable armory of other weapons. London backed off its resolve to leave the entire island politically intact in its new status and excluded six counties in Ulster which had a geographically unevenly distributed two-thirds Protestant majority.

The 26 counties, called the Irish Free State, struggled through hideously bloody internal dispute over the treaty and its exclusion of the north, but the 26 counties became increasingly stable and, in 1949, the Irish parliament declared an independent republic.

Northern Ireland remained a province of the United Kingdom, largely governed by its own parliament in Belfast. The yearning for a united Ireland remained powerful in the republic and—among Catholics—in Northern Ireland. Nearly all the one million Protestants of the north continued to be implacably devoted to maintaining union with—and protection by—Britain.

Those Protestants remained insensitive to the basic rights of the almost half-million Catholics in the six counties. Nationalist extremists, designated the Irish Republican Army, waged a series of terrorist campaigns against the government. In the late 1960s, a strong Catholic civil rights movement developed, a resounding echo of the worldwide civil rights tide and student unrest and protest.

Paramilitary terrorism re-emerged from both extremes and led, in 1972, to British suspension of the repressively Protestant-dominated Northern Ireland parliament and reimposition of direct rule from London, initially at least to protect the rights of beleaguered Catholics.

There Ireland stands today. Every phrase of that tiny diagram of its history oversimplifies events which themselves alone fill volumes of history. The perspective of every phrase could be debated, and is.

To many of the island's 3.5 million Catholics, it is a simple story—one of oppression by English and Scots, of centuries of denial of cultural, territorial, religious and governmental integrity, and thus of personal dignity. To many of Northern Ireland's more than one million Protestants it is also a simple story, one of centuries of fighting off the threat of domination and religious and economic subjugation—and to many minds massacre—by a Catholic majority.

The life of every Irish man, woman and child, south and north, Catholic and Protestant, is woven into the seamless tapestry of violence and fear, of heroism and meanness, of rebellion and frustration which is Ireland's history. All hope for an enduring end to those agonies lies in conquering that Tyrant History, for peace and prosperity can be nourished only in conciliation of the past.

THE AGONIES OF IRELAND: THE REALITY OF DIFFERENCES

For the woes of Ireland today, there is blame enough to go around. Those agonies are not going to be laid to rest by any sudden act of political or economic magic.

Then what can bring relief of the drain of human energy and material resources, the violent attrition of body and spirit?

There are as many answers as there are vantage points in Ireland and beyond its shores: dozens. All prescriptions with the slightest hope of fulfillment, however, contain one common premise: Any progress must begin with a broadly shared, dispassionate acceptance of the nature of the conflicts, real and mythic.

The reality is that there are two political entities on the island of Ireland. One is the Irish Republic, with 26 counties, an independent, democratic state. The other is the Province of Northern Ireland, comprising six of the nine counties of the ancient Irish province of Ulster, occupying the northeast corner of the island. It is constitutionally a part of the United Kingdom of Great Britain and Northern Ireland. Its voters are represented in the Parliament in London, the oldest democratic body on earth, precisely as are the voters of Liverpool or Edinburgh. Its laws and taxes and the levels and policies of government service are set by the British Parliament.

To American eyes, or pocket calculators or geography lessons, the numbers are tiny: The island is 32,595 square miles of land, almost exactly the size of Maine (33,215 square miles), 70 percent that of Pennsylvania (45,333), less than one-eight the area of California (158,693). It is 302 miles from its northmost point to its southern reach, 171 miles from east to west. The population is 4.7 million, exactly that of the Philadelphia metropolitan area, less than half that of Pennsylvania (11.8 million).

Those numbers are astonishingly small. Yet the numbers underlying the misery that plagues the island are even smaller. The Irish Republic occupies 27,136 square miles, and Northern Ireland 5,459—a mere 16¾ percent of the total, and roughly the size of the state of Connecticut (5,009 square miles), little more than half the size of New Jersey (7,836 square miles). The population is divided: Less than two thirds, about 3.1 million, live in the Irish Republic—roughly 100,000 of them Protestant. A bit more than 1.6 million people, almost as many as live in the City of Philadelphia (population: 1.7 million), live in Northern Ireland, and about 1.1 million are Protestant.

Is that division not absurd?

It is absurd, and intolerable—to many people inside both elements of the island and beyond it, not the least to many Americans.

To most of the residents of Northern Ireland it is the opposite of absurd. In their eyes and hearts today, maintaining partition from the Irish Republic is fundamental to their sense of religious belief and heritage, to their cultural identity and to their physical, economic, political and social well-being.

That division is the basis of the agonies of Ireland. Beyond Ireland's shores, it agonizes vast numbers of other people, both involved and uninvolved.

What is partition?

History offers indictments for partition's cause and consequences that cover a millenium and more and can fill a library. If the Tyrant History is for the moment set aside, however, partition owes its force to religious identity—Christian denomination. The implications are far more complex. They are more tragic by far than any disciple of the avowed common Savior of all of them could rationalize.

The population of the Irish Republic is between 95 and 98 percent Roman Catholic. The most persuasive assessments, from within and outside the church, suggest about 80 percent are devoutly practicing members of the church, by many appraisals the highest density of genuine Christian piety left in any country on earth.

The population of Northern Ireland, in contrast, is about 31 percent Catholic, approximately 478,000. There are somewhat more than one million non-Catholics, most of them professing Protestants: about 406,000 Presbyterians, 335,000 members of the Church of Ireland (an element of the Anglican communion that like the Episcopal Church in America derives from Church of England), 71,000 Methodists, 87,000 of other Protestant denominations including Congregationalist, Baptist, Unitarian, Christian Scientist and a large number of other smaller denominations many of them evangelical. An additional 143,000 give censustakers no denomination, but demographically are estimated to be Protestant at least in proportion to the rest of the population. (In the last census, 2,633 people in the Republic and 959 in Northern Ireland identified themselves as Jewish—.08 percent of the total population. And in Northern Ireland there's a legendary response when one is mentioned: "Oh yes, but is he [she] a Protestant Jew or a Roman Catholic Jew?")

The conflicts are not spiritual. They are broader and deeper and more bitter than theological differences—and dolorously un-Christian. They are atavistic, economic, tribal and paranoic—and after all that, political. In that, the conficts share common qualities of implacable passion and ineffable aspiration with the sentiments of Jews and Palestinians for the land that today is Israel.

As in the Middle East, there is a plethora of historic justifications for murderous violence. The Protestant majority enjoys and perpetuates advantages over Catholics in virtually every aspect of the economy. There are inequities and injustices, and there have been, and are, failures in dealing with them. As anywhere on earth where there is bitter conflict, however, if there is to be hope for peace, those arguments must be set aside.

Today the choice is clear. The only responsible choice must be based on a resolve to ease, then reconcile, the conflict, whether that should lead to a peaceful unification of Ireland or not. That choice cannot be between one sectarian community or the other. To make that choice and to press if forward with material aid or energy—which many Americans do, directly and indirectly—is to become part of the problem. It is to augment agony, to perpetuate conflict, or to contribute—however earnestly, romantically, stupidly—to raising today's violence toward a very present danger of civil war.

There is one humane, intelligent alternative. It is to identify with the humanity in Northern Ireland, in all its defiant complexity and conflict. It is to insist that acceptance, understanding and discipline be turned to easing fears, bridging chasms and nourishing common accord. The American people and government can contribute much, in ways which must be examined in detail.

That is a complex challenge which will demand patience, hard work and decisiveness. But only in such efforts is there promise of stemming the tide of misery.●

INTERNATIONAL SALES CORPORATIONS

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1982

● Mr. FRENZEL. Mr. Speaker, late last session I, and my distinguished colleague, Representative SAM GIBBONS, chairman of the Ways and Means Trade Subcommittee, introduced legislation designed to stimulate debate and discussion with respect to export incentives. Our bill, H.R. 5179, establishes International Sales Corporations (ISC's).

H.R. 5179 is designed to replace our current worldwide system of taxation of exports with a territorial tax system, a system similar to that used by most of our major trading partners. Under a territorial tax system, a company would pay taxes in the country in which it was located. The International Sales Corporation, being outside the taxing jurisdiction of the United States, would pay no U.S. income taxes on qualified exports.

As I stated upon introduction of H.R. 5179, the bill would use ISC's to replace Domestic International Sales Corporations (DISC's). DISC was first enacted to provide an incentive for companies to increase the volume of their exports. Unfortunately, the limited benefits DISC provides fall short of the export incentives our major trading partners provide their exporters. DISC has become more of a prize exporters receive at the end of the year for exporting than a real export incentive.

In addition, DISC has been under repeated attack as not conforming with the General Agreements on Tariffs and Trade (GATT). Although a cease-fire now exists in GATT with regard to the conflicts about DISC, the terms of the cease-fire permit any GATT member to reopen the controversy at any time.

H.R. 5179 was drafted to provide a real export incentive which, at the same time, would be GATT-conforming. Those objectives tend to conflict in our U.S. Tax Code, so that proper drafting has become a problem. We have therefore been considering several changes in some of the original bill's provisions.

The current bill requires an ISC to purchase export products from a manufacturer or other party who is related to one of the ISC shareholders. The ISC is also required to sell its products to an unrelated party. These rules, however, could result in the elimination of some of the incentives we wanted to provide. This is especially true with respect to the rules regarding related party sales. We therefore are considering modifying the related party sales provisions of H.R. 5179 to permit an ISC to continue the current DISC practice of selling to related companies abroad.

We are also considering modifying the bill to provide greater incentives for smaller business to export. There is a great reservoir of potential small business exports which, if tapped, could substantially reduce our current trade deficits. The provision we are considering adding would allow smaller exporters to maintain the ISC officer in the United States, although they would still be required to form, and maintain, some de minimus corporate presence in a foreign country.

A third modification we are considering would also be of the greatest benefit to smaller exporters. Under the current bill, an ISC is limited to four shareholders, each of which is required to own at least 25 percent of the ISC stock. In order to facilitate the formation of ISC's by smaller exporters, we are considering expanding the number of ISC shareholders permitted.

The preliminary redrafting of H.R. 5179 is far from finished. The modifications outlined above are merely the first of what will most likely be several changes in the original draft of the bill. We continue to urge all of our colleagues, and any other interested parties, to join us in developing a comprehensive export incentive program, and welcome any comments or suggestions for additional changes.●

FmHA RURAL WATER BILL

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1982

● Mr. HARKIN. Mr. Speaker, today I am introducing the Rural Domestic Water Supply and Waste Disposal Fa-

cilities Act of 1982 on the behalf of myself, Mr. DASCHLE, Mr. DORGAN, and Mr. PANETTA.

The need for this legislation has been promoted by the failure of the Farmers Home Administration to implement the provisions of the Omnibus Reconciliation Act of 1981 with respect to the operation of the FmHA water and waste disposal loan program.

Last year the administration proposed an increase in the interest rate from 5 percent to the bond market rate which was 12.25 percent at the end of the first quarter of fiscal year 1982. The administration argued that this increase would help target the funds to low-income communities. Many of us on both sides of the aisle questioned this logic, but wanted to meet the Secretary at least halfway. Therefore, we raised the interest rate ceiling to market rate but retained subsidized loans for those communities with median incomes below the poverty level and other communities that might be determined to be low income by the Secretary. The idea was to provide the Secretary with flexibility in administering the program. But congressional intent was clear—communities that need subsidies should get them and communities that do not need them should pay the bond market rate.

We also set aside 75 percent of the grants for low-income communities. Again with funds drastically reduced—fiscal year 1981, funding $1 billion; fiscal year 1982, funding $500 million—we wanted to be sure that the neediest were served first. I have been disappointed with what has transpired. Implementation of this program has not been in line with congressional intent. For example, the Secretary has not used his discretion in defining low-income communities. Rather, he has used the poverty guideline for individuals as the only standard for eligibility. As a result, few, if any communities in my State and most other States, are now eligible for 5-percent loans. Further, the 75-percent set-aside of grant funds was issued and withdrawn.

As a result of this disregard of congressional intent the program does not work. By narrow interpretation of the statute, resulting in the virtual elimination of the 5-percent loan, FmHA has rendered the program virtually useless for needy communities. According to my calculations, assuming a market rate loan and a typical capital cost per user of $8,000 and a 75-percent grant, the minimum community median income necessary to qualify for the program is almost $25,000.

First quarter fiscal year 1981 statistics appear to bear out my point. According to FmHA only 4 percent of the funds were spent in the first quarter. A total of 41 loans were made, 93 percent were at the market rate, only 3 loans were made at the 5-percent interest rate. No grants were made to these three communities receiving 5-percent loans. In short, no grants were made to low-income communities, in clear disregard of congressional intent. From what I can tell, virtually all of the grants were made to communities receiving market rate loans. These communities are not, by the agencies own definition, low income.

We have continued to speak out on this problem. The conferees on the farm bill added report language requiring the Secretary to set a higher standard for income eligibility for subsidized loans so that more communities would be eligible. The mandate for set aside of 75 percent of grants was also reiterated. Lastly, FmHA was instructed to set up a project selection procedure so that applications would be ranked on the basis of income, community size and existence of health and safety hazards. FmHA has issued no regulations on any of these congressional directives. Here we are today with a program that does not work except for the wealthiest communities. Bureaucratic rigamarole abounds and those communities that need clean drinking water wait, and wait, and wait.

Because of this record of disregard of congressional intent and bureaucratic bungling, I have introduced a bill to implement the changes in the FmHA water and waste disposal program requested under statute and report language. The key points of this legislation are—

One. A sliding interest rate ranging from 5 percent to the average bond market rate;

Two. A sliding scale on grant size based on community income and community size. The maximum grant is, as now in current law, 75 percent;

Three. A project selection system which provides for ranking of all applications based on three equally weighted factors: health and safety hazards, community income, and community size;

Four. Congressional review of all FmHA regulations to insure that in the future the wishes of the Congress are carried out; and

Five. A variety of cost savings measures including creation of a predevelopment fund and technical assistance program for small communities.

Recognizing spending limitations, we are requesting no new funds beyond current fiscal year 1983 budget estimates for authorizations.

I believe my colleagues will agree that we must do better than the program we have now. There is no excuse for the FmHA record of implementation on this program. We should move forward with the clear and precise direction as contained in this bill so that there can be no mistake about our intent.●

RETIREMENT OF LIEUTENANT POWELL

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1982

● Mr. LAGOMARSINO. Mr. Speaker, as a friend of law enforcement it gives me great pleasure to honor an outstanding police officer from Oxnard, Calif. Lt. Charles P. Powell.

On Friday evening, February 19, 1982, the Oxnard Police Officer's Club will honor the retirement of Lieutenant Powell. Lieutenant Powell had dedicated 29½ years of public service to his community. He joined the Oxnard Police Department of June 1, 1952, as a rookie patrolman. On May 1, 1956, he was promoted to sergeant, and received the rank of lieutenant on August 1, 1963. He and his wife Betty have two daughters and one son: Sandra, Tamara, Charles.

During the past 3 years, Lieutenant Powell has been in charge of internal affairs and prior to that he was the head of records and the bureau of identification.

Throughout his distinguished career, Lieutenant Powell has displayed great competence and dedication in service to his community. Thus, I join with his many friends in the Oxnard area who wish him well during his retirement and thank him for a job well done.●

UNDERSTANDING THE CLEAN AIR DEBATE

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1982

● Mr. BROYHILL. Mr. Speaker, The House of Representatives and the Senate will shortly begin active debate and markup of legislation to reauthorize and amend the Federal law that provides the framework for the Nation's air quality management program. These markups follow extensive Congressional hearings and the bipartisan, $10 million report by the National Commission on Air Quality. The Commission report and the testimony of hundreds of witnesses corroborate the need for change.

The reauthorization promises to be lively. The scope and specific amendment remain speculative and will be highly controversial. Industry, environmentalists, and other segments of the society have been organizing and

preparing for this debate since amendments were made to the law in 1977.

To help interested citizens better understand the debate I asked the professional staff of the Energy and Commerce Committee to define a few of the key terms. I apologize for the technical and legal jargon but assure you that they comprise only a small portion in this regulatory maze. The actual law is 173 pages and is implemented through more than 2,500 pages of complex regulation. Anne Gorsuch, Administrator of the Environmental Protection Agency, recently stated,

The Clean Air Act is the most comprehensive and complicated regulatory scheme that has ever been conceived by any group of people.

Others have described it as the Lawyers Full-Employment Act. This glossary should help one understand news accounts and sift through the charges and countercharges which are sure to arise as the debate continues.

GLOSSARY OF KEY TERMS

NATIONAL AMBIENT AIR QUALITY STANDARDS

The 1970 Clean Air Act required the Environmental Protection Agency to develop national ambient air quality standards to protect the public health of the most susceptible segments of the population with an additional margin of safety and to protect public welfare from any known or anticipated adverse effects. Congress expressly prohibited the Agency from considering the difficulty of compliance or the cost for control when setting the standards. Standards have been set for six non-hazardous pollutants. These include sulfur oxides, particulates, carbon monoxide, ozone, nitrogen and lead.

The standards for each pollutant are expressed as a maximum allowable value for a specified time period of measurement. For example, the maximum allowable value for carbon monoxide in a single 1 hour period is 35 parts per million (ppm). An area would be classified as not meeting the Federal standard if carbon monoxide levels exceeded 35 parts per million twice for any of the 8,760 hourly periods in one year. The short time periods for measurement, the vagaries of natural phenomenon and unreliable monitoring equipment all play havoc with compliance determinations.

STATE IMPLEMENTATION PLANS

These are voluminous documents prepared by each State describing the quality of the air, the sources of pollution and the strategy by which emissions will be controlled in order to attain and maintain NAAQS. State Implementation Plans contain a staggering amount of detailed information. They may include items as varied as the emission limits for every industrial plant, the design parameters for specific pollution control equipment, and the number of miles of bike paths to be built in the next 3 years. The State Implementation Plan and supporting documentation for Illinois fills a bookshelf, while the one for California fills a small truck.

The Environmental Protection Agency must evaluate each State Implementation Plan to determine that the State has designed and made provision to implement an aggressive program to achieve all national standards within a specified date. The Environmental Protection Agency must also approve any modification to the State plan. Implementation of programs specified in a State Implementation Plan is Federally enforceable.

ATTAINMENT DEADLINES

In the 1970 Act, Congress set 1975 as the date by which all States must be in compliance with the National Ambient Air Quality Standards. The 1975 attainment date was overly optimistic, and despite good faith efforts, many areas of the country could not meet this deadline. In 1977, Congress recognized that the original deadline was unrealistic. The Clean Air Act was amended and the deadline for meeting National Ambient Air Quality Standards was extended to 1982, with a provision for an additional extension to 1987 for ozone and carbon monoxide. A number of cities such as Los Angeles and Houston will probably not meet either the 1982 or 1987 deadline for every pollutant. The combination of geography, prevailing meteorology, and composition and size of the industrial base will prevent compliance—unless most vehicles are taken off the road and many facilities are closed.

NONATTAINMENT OR "DIRTY AIR" AREAS

Over 650 counties are presently not meeting one or more of the NAAQS. While a few counties have serious air pollution problems the majority are of limited duration.

An area is called non-attainment when a predictive computer model indicates or a monitor records two "violations" or exceedences of the specified standard in a one year period for any one of the six pollutants. No distinction is made between an area with two violations and an area with 100; both are called non-attainment. Nor is any distinction made whether the violation is 1 ppm or 100 ppm or between the area that exceeds the standard for one pollutant and the area that exceeds the standards for five different pollutants, even though areas are classified as non-attainment by pollutant. Both Hillsborough, New Hampshire and Los Angeles, California are classified non-attainment and subject to additional and costly programs.

By and large, the media describe any area that exceeds a standard as "dirty and unhealthy." While graphic, this description is not totally accurate. Recall that the standard is set to protect the most sensitive segments of the population and with a margin of safety. Many non-attainment areas have only minimal excursions above a standard and these often occur in localized hot spots such as congested downtown traffic intersections. Another common misconception is the assumption that the entire population living in a non-attainment area is adversely affected by an exceedence of the standard. For example, the most common exceedence of the carbon monoxide standard is the 8 hour average and this usually occurs in the winter. Thus, only those susceptible and outdoors in the specific area where the exceedence occurred are at any risk. The probability of all these events occurring simultaneously in most non-attainment areas is quite small. This is particularly relevant given the findings of recent studies that indicate that the average person spends 85% of his or her time indoors.

CONSTRUCTION BANS, FEDERAL SANCTIONS, AND ENFORCEMENT PENALTIES

The Act requires the Federal government to take civil and criminal actions and impose penalties for plants that fail to meet emission limitations. The Environmental Protection Agency must also abrogate State air quality programs when the plans are deemed inadequate. In addition, Federal grants for highways and sewers must be withheld and all permits for construction or modification of industrial plants denied if the State cannot develop a State Implementation Plan that shows attainment by the statutory deadlines.

As a result of the unrealistic attainment deadlines contained in the Act, a number of companies and States are currently being penalized by the construction ban and economic sanctions. Some are caught in a regulatory "Catch-22" despite their good faith efforts at controlling emissions. For example, because the State of California cannot develop a realistic plan to show attainment by 1987 for ozone, Chevron Oil Company, Inc. has been unable to proceed with a project in Richmond, California intended to allow Chevron to process domestic heavy crude oil. The project would have reduced pollution emissions because old, minimally-controlled units would have been replaced with new less polluting facilities. As a result of the construction ban, therefore, an environmentally and energy-beneficial capital investment program has been blocked.

Unless these provisions of the Act are modified, many States will be forced to submit bogus documents, affectionately known in the trade as "cheater SIPs" in order to continue economic growth and environmental progress. Enormous political and bureaucratic pressure will be applied to the Environmental Protection Agency to approve these bogus documents because, without approval, construction bans and sanctions must be applied. The Environmental Protection Agency, under the current law, must impose sanctions or "look the other way" and run the risk of citizen suits to enforce the law.

The Act's compliance mechanisms may be delaying clean-up. The combustion of fossil fuels in both vehicles and industrial plants is the primary source of air pollution. Modern, energy efficient plants and cars are inherently less polluting than old, energy guzzling dinosaurs. When equipped with best available pollution controls, these new plants and cars result in no net increase in pollution as they replace old, uncontrolled plants and cars, and may actually reduce emissions several fold. Thus, economic growth occurs in tandem with environmental progress.

ATTAINMENT OR "CLEAN AIR AREAS"

To insure that areas presently meeting national standards remain in attainment, Congress established a separate set of requirements to manage growth. All new industrial plants with the potential to emit pollution in amounts above a minimal level established by the Environmental Protection Agency must receive a construction permit and install the best available pollution control technology. In addition, Congress codified a Court ruling that required the Environmental Protection Agency to develop a program to prevent significant deterioration in areas presently meeting air quality standards. This program has numerous controversial requirements including a three tiered classification system and a complex increment system which restricts new emissions from plants that emit sulfur dioxide or particulate matter in excess of arbitrary determined fractions of the national air quality standards. The program when fully operational will also include regulations to protect visibility and other "air quality values". The program was the result of litigation and

has been subject to continual court challenges.

MANDATORY TECHNOLOGICAL CONTROLS

The Clean Air Act has a number of requirements that are independent of the pollution controls necessary to meet National Ambient Quality Standards. These requirements have no direct correlation with the achievements of the standards, but rather are designed to insure that all new stationary and mobile sources are controlled. The philosophy and regulations encourage add-on technology or hardware to clean-up pollution.

For automobiles, Congress specified in 1970 that emissions for carbon monoxide, hydrocarbons, and oxides of nitrogen would be reduced by 90 percent from the uncontrolled level. This was a uniform requirement regardless of the air quality in the area where the car was to be operated. By 1977, Congress recognized that achievement of a 90 percent reduction in oxides of nitrogen was infeasible, and established it as a research objective only. Because of a short Congressionally established deadline the only apparent means of compliance involved installation of a catalytic converter on each car and the use of unleaded gasoline. Congress also required that new industrial plants meet New Source Performance Standards which require, as a minimum, the best demonstrated pollution control system regardless of the quality of the air where the plant was to be built. In addition, industrial plants that use fossil fuels were required to apply the best technological system for continuous control and reduce sulfur dioxide by a specified percentage.

Our law and accompanying regulations encourage pollution control through add-on hardware in contrast to the German and Japanese approach that encourages emission reductions through engineering design, energy efficiency, and commercial utilization of by-products. Our law results in pollution control costs being treated as an externality rather than making environmental protection an integral part of the production process. The irrational approach has been fostered by the IRS definition of pollution control equipment that qualifies for tax exempt bonds as add-on hardware designed to reduce emissions. Since add-on hardware imposes variable costs and at times hinders efficient operation of the process, government inspection and enforcement is required to insure continued operation and maintenance of the pollution control equipment. The new inspection and maintenance program for automobiles in Virginia is a prime example of this process.

CONCLUSION

The Clean Air Act is an extremely complex piece of legislation with numerous ambiguities and questionable assumptions. Modification and simplification is essential if areas of the country are to continue experiencing economic growth while enjoying environmental protection. However, rational change will not occur during 1982 reauthorization if tempers flare and communication between divergent parties deteriorates to multi-syllabic diatribes. Nor will the legitimate goals of simplicity and increased effectiveness be reached if Members of Congress are bombarded by a flood of single interest, self-serving amendments that are drafted without concern for the dynamics or goals of the entire program. The Clean Air Act is vital legislation that needs to be reauthorized and modified to address the needs and concerns of a multi-faceted society.●

FUTURE HOMEMAKERS OF AMERICA—TOWARD NEW HORIZONS

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1982

● Mr. NATCHER. Mr. Speaker, I take great pleasure in announcing that February 7-13 has been designated as National Future Homemakers of America Week. All across the United States, and in its territories, over 395,000 FHA members invite us to join them and grow with them. These young people want to demonstrate the importance of vocational education, and specifically, how home economics education soundly prepares students for their future.

Future Homemakers of America is open to boys and girls through grade 12, and is now over 12,500 chapters strong. There are two kinds of chapters: Those which emphasize consumer homemaking, and those devoted to home economics related occupations. This organization is working hard to expand their traditional image. Today, anyone who contributes to the quality of life in the home is a homemaker. Even as the roles of men and women continue to change, the Future Homemakers concentrate on strengthening the basic unit of our society—the family.

FHA members realize that they have unlimited potential to make a difference in their community. Current projects include service to young children, the handicapped, and the elderly. Together with the March of Dimes, they have sponsored the peer education project "Health Babies: Chance of Choice" which has reached over 3 million teenagers. Local chapters may address such concerns as health and nutrition, youth unemployment, and energy conservation. Certainly each and every one of these students enriches the world around him.

My home State of Kentucky was the first State to charter the Future Homemakers of America in 1945. There, over 12,000 FHA members in 248 chapters share practical skills with other members of their community. I am especially proud of the chapters in the Second Congressional District of Kentucky, which I have the honor to represent, because these chapters remain extremely active year after year.

I know that 1982 will be a very special year for the Future Homemakers. This fall, the national office will move into its new headquarters and leadership center in Reston, Va., a suburb of our Nation's Capital. Student members, corporations, and foundations have all contributed generously in order to help this organization have a secure financial future.

One of the nicest things that has ever happened to me was being selected as an honorary member of the Future Homemakers of America. I would like to congratulate these enthusiastic girls and boys on their past accomplishments, and wish them every success in all their future endeavors.●

CUTS IN NEW DEFENSE BUDGET

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1982

● Mr. ASPIN. Mr. Speaker, the defense budget has yet to be sent to the Hill, but already cuts on the order of $8 billion to $10 billion are being talked about by both Democrats and Republicans. What has brought about this new mood and opened the door for defense cuts has been the concern over enormous deficits.

There is no question defense can be cut. The trick is to cut in such a way that it does not damage national security. Here there is a two-point dilemma to be faced. First, our defense posture is far from perfect. There are holes in it that will cost money to repair, particularly in readiness. Second, to reduce the deficit we must cut outlays and the best way to reduce outlays is to cut readiness. More about this later.

THE DEFENSE BUDGET AND THE ALTERNATIVES

According to press reports, President Reagan will propose a Department of Defense budget for fiscal year 1983 totaling about $258 billion in budget authority and $215 billion in outlays.

At these levels, the real growth rate is higher than the 7 percent the President urged for planning purposes. That is because the inflation rate has been falling since the $215 billion figure was settled on. The Carter administration found that inflation averaged 2 percentage points higher than official projections, but the Reagan administration, thanks to the recession, is finding that its inflation rates are under the forecast. All in all, it looks like the real growth rate in the fiscal 1983 defense budget for both outlays and defense budget authority will exceed 10 percent.

One alternative to the Reagan defense budget then is to hold real growth to the 7-percent rate he originally prescribed. Other alternatives would be to reduce further the real rate of growth.

TABLE 1

[In billion of current dollars]

	1983	1984	1985	3-year totals
Reagan defense outlays September projections	214.9	242.6	295.8	.....

TABLE 1—Continued

[In billion of current dollars]

	1983	1984	1985	3-year totals
Cuts to get to 7 percent real growth:				
High inflation [1]	4.7	.9	19.7	25.3
Low inflation [1]	7.1	6.5	29.8	43.4
Cuts to get to 5 percent real growth:				
High inflation [1]	8.4	9.2	34.0	51.6
Low inflation [1]	10.7	14.7	43.5	68.9
Cuts to get to 3 percent real growth:				
High inflation [1]	12.0	17.4	47.6	77.0
Low inflation [1]	14.4	22.8	56.9	94.1
[1] High inflation (percent)	8.6	8.0	7.2	
Low inflation (percent)	6.7	6.0	5.3	

Table 1 gives a menu of choices. For example, if we want to maintain a 7-percent rate of real growth, we can cut the Reagan defense budget by $4.7 billion to $7.1 billion, depending on inflation assumptions. Note that table 1 is given in outlays which means that each dollar of reduction is a direct reduction in the deficit.

CHOOSING AMONG THE ALTERNATIVES

What rate of real growth should we choose? There are very few benchmarks and none of them are particularly helpful.

President Carter proposed 3-percent yearly increases after inflation, but when inflation exceeded his expectations he did not compensate with more money for defense. As a result, defense spending hardly grew at all in real terms from 1977 to 1979.

The Soviets increase their defense spending at a fairly stable rate every year. The CIA estimates a 3-percent real growth rate measured in dollars and up to 5-percent real growth measured in rubles. These numbers are not exact and much of the Soviet increase goes to the Chinese border, but they do reflect a steady Soviet trend over the last two decades.

If we want the defense share of GNP to remain constant, we would probably hold real growth to the 3-percent rate experienced by the economy as a whole during the 1970's. If we think the defense share of GNP, currently about 5.5 percent, is too low, then we would want to increase defense spending by more than 3 percent.

None of these benchmarks is definitive. Selecting a growth rate is essentially a judgment call. The judgment centers on whether the most important priority is building up our defenses or averting further damage to the economy. We should provide more readiness in a great hurry if we believe that the prospects of going to war with Moscow in the next 18 months are very high. If we consider that a strong economy is important to national security and that the danger of war is not eminent, we can build up the forces at a more gradual pace.

Three principles can be used to guide the choice of a growth rate. First, the choice of a growth rate is somewhat arbitrary. Second, it probably matters more how we spend the increase than how large the increase is. Third, it is better to have a steady growth in defense, whatever the rate, than an erratic one. When budgets follow a roller coaster pattern, the services start and stop programs in a process that only results in waste. What is more, private enterprise suppliers are leery of crash buildups that do not promise long-term markets.

DOING THE LEAST DAMAGE TO DEFENSE

The cut of $5 to $10 billion being mentioned by some Republican leaders would take a big chunk out of the deficit. But these are outlay figures. In order to cut $1 in outlays it is necessary to cut several dollars in budget authority. That is the major dilemma facing any effort to cut the defense budget.

The problem is that different categories of defense spending have very different spend-out rates, as shown in table 2.

TABLE 2.—OUTLAY RATES BY WEAPONS AND APPROPRIATIONS CATEGORY

[Percent spent (i.e., outlays) each year of 1st yr budget authority]

	1st yr	2d yr	3d yr	4th yr	5th yr
Procurement	12.0	37.3	30.1	11.1	4.7
Ships	2.4	11.5	18.0	18.0	18.0
Aircraft	10.4	45.1	35.9	19.9	1.9
Missiles	14.0	49.8	31.4	4.6	
Tanks	6.3	39.8	38.3	11.0	5.6
Ammunitions	12.1	52.2	28.4	7.3	
Research, development, test and evaluation	56.4	35.8	5.6	2.2	
Operations and maintenance	83.1	14.0	1.8		
Military construction	7.7	36.4	30.4	12.7	6.5
Personnel	98.0	2.0			
DOD total	64.7	19.0	9.7	3.4	1.4

As the table demonstrates, if you wished to cut $10 billion in aircraft outlays this year you would have to cut aircraft budget authority by $100 billion (the whole budget authority for aircraft for 1983 is less than $35 billion). However, if you wanted to cut $10 billion in operations and maintenance outlays you would only have to cut O. & M. budget authority by $12 billion (out of a total operation and maintenance budget of $73 billion). Given this choice, it is a pretty good guess that the cuts are going to come exactly where they should not be, in the operations and maintenance account that funds readiness.

This is the way it has always been—and it is a major cause of the weakness in our defenses. For years we have been underfunding the operations and maintenance account precisely because the annual budget process focuses on shortrun savings, where we get the most outlay savings for any budget authority cut.

If we are honest with ourselves, we must recognize that is going to happen again this year.

Table III gives a fairly complete list of all of the cuts in defense that have been talked about by critics of defense spending along with the outlay figures that could be saved if the programs were cut. The table shows how difficult it is to get any outlay savings in the first year. Even if all of these cuts were accepted—and there's no way that is going to happen—you still get less than $6 billion in outlay savings.

TABLE 3.—OUTLAY SAVINGS ACHIEVED BY ASSORTED DEFENSE CUTS OFTEN PROPOSED BY CRITICS OF THE MILITARY

	1983	1984	1985	3-year total
Big ticket items	3.099	10.592	13.258	26.949
MX	2.408	6.533	6.912	15.853
B–1	.497	3.573	5.660	9.730
CVNs	.194	.486	.686	1.366
Systems not ready for procurement	.744	7.195	8.721	16.660
AH–64 helicopters	.077	.626	.806	1.509
M–1 tank	.140	1.725	2.254	4.119
IFV	.112	1.063	1.290	2.465
F–15	.088	.911	1.035	2.034
F–18	.225	2.014	2.286	4.525
LAMPS III	.102	.856	1.050	2.008
Pay raises (6.7 percent)	.559	.456	.428	1.443
Odds and ends	1.419	1.505	1.585	4.509
Recouping costs from foreign military sales	.095	.101	.106	.302
Competitive procurements	.070	.074	.078	.222
Management of fleet supplies and repair parts	.018	.019	.020	.057
Collecting on servicemen's bad debts	.035	.037	.039	.111
Improved retail inventory management in Army	.126	.134	.141	.401
Buying commercially available clothing	.100	.106	.112	.318
Reducing permanent change of station moves	.100	.106	.112	.318
Reduced consultantships and contract studies	.125	.133	.140	.398
Commissary and PX subsidy	.750	.795	.837	2.382
Total	5.821	19.748	23.992	49.561

CONCLUSIONS

There are three things we can do to get out of the rut we are in.

First, Congress needs to take off its blinders and approach defense budgets as a multiyear function and not just an exercise in holding down this year's outlays.

Second, in the national interest we should put an end to feast or famine defense budgeting. Liberals and conservatives, Republicans and Democrats should compromise on a growth rate that will not be subject to drastic shifts. What is going on now is that we are held hostage to page 1. If the newspapers are filled with stories about the Russians invading Afghanistan, nothing is too good for our Armed Forces. But if all the headlines shout about deficits and recession, the knives are out.

Third, when readiness items are going to be cut, we ought to rank military units by priority and channel readiness funds to them in the order in which they would be needed in an emergency. A spare parts shortage should not be spread out democratically across all 19 active Army and Marine divisions; some units should have unquestioned call on any and all spare parts needed. Funds for exercises should be assigned to those units before all others.

We should not find ourselves in the position discovered by Defense Secretary James R. Schlesinger in 1975

when he ordered every Navy ship near the Gulf of Thailand to sail to the scene of the seizure of the *Mayaguez*—only to find that not one of those Navy ships could sail at full speed because of longstanding maintenance problems.●

CLOSING STATEMENT OF CHAIRMAN DAN ROSTENKOWSKI

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1982

● Mr. RANGEL. Mr. Speaker, on Thursday, February 4, the full Committee on Ways and Means conducted an extensive oversight hearing on the administration's recent reversal of a long-standing national policy to deny tax-exempt status to racially discriminatory private schools. The purpose of this hearing was to explore the legal justification for and implications of the administration's change in policy. We took extensive testimony from legal scholars, former Treasury and Justice Department officials and representatives of the administration.

The results of our hearing and the conclusions we reached with respect to the proper course to be pursued were admirably summed up in a closing statement made by our distinguished chairman, Mr. ROSTENKOWSKI. Chairman ROSTENKOWSKI's statement is of such fundamental importance that I believe it warrants the close attention of all Members. I want to take this opportunity, therefore, to insert the chairman's statement into the RECORD.

CLOSING STATEMENT OF CHAIRMAN DAN ROSTENKOWSKI

Much of the testimony given today troubles me. I am struck by the carelessness—or naivete—with which the Administration reversed long-standing civil rights law. Clearly, they chose to ignore a substantial body of law that has guided Federal policy against discrimination—under both Democratic and Republican Administrations—over the last 12 years.

Testimony today raises fundamental doubts concerning this Administration's intent on executing laws developed by Congress and the courts.

The law of the land is not erased when Administrations change. The law—in this case the law against racial discrimination in private schools—transcends political changes in Washington. The Executive Branch can't ignore the body of law developed by the Congress and legal precedents established by the Judiciary. Only the Supreme Court can overturn the decisions of other courts, and only the Congress can change the statutes which reflect earlier policy decisions.

I think the majority of members on this committee find it hard to believe that a decision which confronts such a fundamental legal and moral standard in this country was reached over a period of only three weeks—and was based on an after-the-fact legal analysis of such dubious scholarship. We have no evidence that a legal case for the decision was made before January 5—the same day a memorandum reveals the public relations strategy for releasing the policy change so as to escape early criticism in the media.

Nor is there evidence that the Administration's case was in any way shaped by attorneys in the Tax Division of the Justice Department or the Treasury Department or even in the Civil Rights Division of the Justice Department—all traditional sources of legal judgment within every administration. Instead, the legal justification for ignoring years of anti-discrimination rulings all the way to the Supreme Court was prepared by "special assistants" to the Attorney General and Assistant Attorney General for Civil Rights. Indeed, they reflect a very selective memory regarding various legal precedents and legislative history over the last 12 years.

Existing law, as enacted by the Congress and as interpreted by the courts, is very clear. It denies tax exemption to private schools that practice racial discrimination. Many of us, then, are unconvinced as to why this Administration is asking for additional legislation and "clear" statutory authority.

The testimony presented to this Committee today by the panel of legal scholars compels us to find no justification for the position of the Administration that additional legislation is necessary.

I strongly urge the Administration to review the existing body of law—to withdraw its position on this issue—and to conclude that the law is clear and must be faithfully executed. Of equal importance, the Administration must take the action necessary to let the Supreme Court hear the cases of *Bob Jones University* and *Goldsboro* on the merits.●

NICARAGUA: THE CONSOLIDATION OF THE REVOLUTION

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1982

● Mr. LAGOMARSINO. Mr. Speaker, the Council for Inter-American Security Educational Institute recently prepared a study on Nicaragua. The analysis concludes the Sandinistas are well down their path toward consolidation of the revolution, which must be interpreted as the establishment of a military-oriented dictatorship following Marxist-Leninist ideology.

The first of two parts of this study follows. I urge my colleagues to give it their serious consideration.

NICARAGUA: THE CONSOLIDATION OF THE REVOLUTION

The original Sandinista facade of political pluralism and non-alignment has collapsed. Church and human rights leaders recently charged that the new Nicaragua has become a police state dominated by Cuba, and the Sandinistas now openly proclaim their "solidarity" with some of the most radical regimes and movements in the Third World.

Archbishop Miguel Obando y Bravo said last month that Nicaragua is governed not by the junta, but by Cubans. At a Latin American Episcopal Congress (CELAM) meeting in Bogota, Colombia, on November 16, Obando y Bravo charged that the key positions in Nicaragua are occupied by men close to Fidel Castro. The regime is totalitarian and Marxist-Leninist, the Archbishop said. His remarks, which were reported by Agence France Press, unfortunately were not publicized in this country.

Perhaps the most devastating indictment ever made of the Nicaraguan regime was communicated in an Open Letter dated October 17 to junta coordinator Daniel Ortega from Jose Esteban Gonzalez, the Coordinator of the Nicaraguan Human Rights Commission. Gonzalez noted that he was not allowed to travel to Geneva, Switzerland, last September 8 to attend a session of the Working Group on Enforced or Involuntary Disappearance under the United Nations Commission on Human Rights. He said that migration and customs officials, obeying orders of the Nicaraguan political police, confiscated valuable documents and photographs that belonged to the Nicaraguan Human Rights Commission.

Gonzalez charged that the Sandinistas' political project is "totalitarian" and "based on the objectives, programs and methods of the failed Cuban revolution."

Gonzalez criticized "the creation through the power of the state and the Sandinista mass organizations of shock groups of a clear fascist connotation, similar to those used by Hitler, Mussolini, and other dictators of different kinds, to attack the members and destroy the offices of the political, labor, religious, and humanitarian organizations and the news media of democratic orientation."

Gonzalez also cited "the promulgation of laws of retroactive and clearly repressive character, the mistreatment and killing of prisoners, including minors, old people and invalids, without a believable explanation of such crimes and abuses and without punishment of the guilty," and the Sandinistas' "apparent alignment * * * with Soviet-Cuban interventionist objectives."

Even former junta member Arturo Cruz, who resigned recently as Nicaragua's Ambassador to the U.S., now calls himself a "dissident." He said in an interview in the November 20 Boston Globe that the Sandinista government's anti-American rhetoric has not worked. "This ritual of speeches, mass rallies, and Cuba-style revolution has been a total failure," he said.

MARXISM-LENINISM

It is the Sandinistas themselves, however, who have done the most convincing job of clarifying the nature of the new Nicaragua. Defense Minister Humberto Ortega, for example, said in a speech published on August 25 that "We are anti-Yankee, we are against the bourgeoisie" and that "Marxism-Leninism is the scientific doctrine that guides our revolution."

Ortega, who is Commander in Chief of the Sandinista People's Army and National Chief of the Sandinista Militia, said that "without Sandinism we cannot be Marxist-Leninist, and Sandinism without Marxism-Leninism cannot be revolutionary. That is why they are indissolubly united, and that is why our moral force is Sandinism, our political force is Sandinism, and our doctrine is Marxism-Leninism."

Denouncing the United States' "perverse and slanderous anti-communist propaganda," Ortega explained that the world is divided in two camps; "on one side the camp of imperialism, the camp of capitalism headed by the United States and the rest of the capitalist countries of Europe and of the

world, and on the other side the socialist camp, composed of distinct countries of Europe, Asia, and Latin America, with the Soviet Union as their vanguard." Ortega left no doubt that Nicaragua is now in what he called the "socialist" camp.

The speech created a furor in Nicaragua. Later Ortega called upon Sandinista militia members to draw up lists of government enemies and said that anyone supporting "the plans of North American imperialism" would "be the first to appear hanging along the roads and highways of the country," according to the October 13 Miami Herald.

Ortega also made it clear that the Sandinistas intend to stay in power, no matter what. "We have not promised the elections that they (the bourgeoisie) think we are going to promote, and we are never going to discuss power, as we have already said on other occasions through the National Directorate, because this power was taken by the people with arms, and here the power of the people will never be questioned," Ortega said in the August 25 speech.

Junta member Rafael Cordova Rivas has gone so far as to say that in Nicaragua "we need a dictatorship," according to the November 16 Washington Post.

A NEW PHASE

These declarations, along with the recent arrests of Nicaragua's top businessmen and the sacking of the house belonging to opposition leader Alfonso Robelo, indicate that the Sandinista revolutionary process has moved into a new phase.

"After more then two years of revolutionary ambivalence, Nicaragua's Sandinista government recently has made a sharp turn to the left," said the November 16 Newsweek in an article entitled "Nine Little Castros." A Nicaraguan nurse told Newsweek: "We have traded the dictatorship of one Somoza for the dictatorship of nine little Castros," referring to the ruling 9-man Sandinista Directorate.

The Newsweek article featured a ghastly photograph of Robelo's defaced house after it had been stormed by a jeering mob of 200 pro-Sandinistas carrying cans of paint and plastic bags filled with rocks. "It's looking more like a police state every day," said a neighbor of Robelo's. "The repression is hardening, and basic freedoms are dissolving."

On the international front, the Sandinistas have gone far beyond their support for the Soviet invasion of Afghanistan. The extraordinary address by junta coordinator Daniel Ortega before the United Nations General Assembly on October 7 made it clear that the new Nicaragua is aligned with some of the world's most extremist regimes and national liberation movements. Ortega proclaimed Nicaragua's "solidarity" with Libya (which he called "a victim of the provocations of U.S. politics"), the PLO, North Korea, Cuba, SWAPO, Grenada, the Algeria-supported Polisario Front, and "heroic Vietnam." Conspicuously, Ortega did not single out a single democratic government for inclusion in his "solidarity" list.

Most of Ortega's address was devoted to a vicious attack on the United States that was uncommon even by UN General Assembly standards. The United States was condemned for its "expansionist mentality" and "the hegemonic policies of the current U.S. administration." Not surprisingly, the Soviet Union was not criticized at all.

Not only are the Sandinistas no longer concealing their ideological affinities, they have taken to wearing their radical politics like a chip on their collective shoulder. Responding to criticism by the Council for Inter-American Security's Colonel Sam Dickens, Commander of the Revolution Luis Carrion Cruz said on October 8 over Radio Sandino that "we are Sandinistas. However, if we are communists, so what?"

U.S. TO BLAME?

Most apologists for the Sandinistas now concede that the regime has become repressive and anti-American. Their new line is that the U.S. is to blame for pushing the Sandinistas into the arms of Castro. For example, Christopher Dickey wrote in a front-page article in the November 22 Washington Post: "Although the Sandinista revolutionary government here is avowedly Marxist oriented and describes itself as 'internationalist,' many observers see this trend in relations as more the product of desperation than a natural affinity with its new allies."

This notion is absurd. The Sandinistas' radical orientation is nothing new. Many of the top leaders in the new Nicaragua were trained in Cuba, and one of the first things the Sandinistas did after they took power was to rush to Moscow and sign a major cooperation agreement with the Communist Party of the Soviet Union. The official hymn of the Sandinista National Liberation Front has long included the passage: "'Let us struggle against the Yankee, enemy of humanity."

Furthermore, the U.S. has made several efforts to come to terms with the Sandinistas. Even the Washington Post in its lead editorial on November 25 noted that in August "the Reagan Administration made a still-veiled but reasonable offer of political coexistence to Nicaragua." The Post said that "so far this Administration has been much less the tiger than the tabby in dealing with Nicaragua."

Vice-President George Bush said in a speech in Miami on November 16 that it is still not too late, that if the Sandinistas "reject the totalitarian course" they are on, they will find the U.S. a better friend than Fidel Castro. This is hardly the stuff of intransigence.

CONSOLIDATION

The significance of the Sandinistas' recent declaration of fidelity to Marxist-Leninism, their embrace of radical regimes and movements, and the crackdown on opposition leaders lies in the fact that the Sandinista leaders apparently believe that their revolution is "consolidated" to the point that they can drop the masks they wore to rally the Nicaraguan people to them in the first place. It is no longer necessary to pose as reformist-minded idealists who will lead Nicaragua to a new democracy, political pluralism, freedom and justice.

Totalitarian movements typically reveal their true colors only after taking power. Otherwise, they would alienate important sectors of the society which they need as allies in order to overthrow the existing government. Once securely in power, the totalitarians move to purge the ideologically unfit elements and can eventually announce that they wanted total power all along.

The Eden Patora group is already being purged from the government. Can the dictatorship of proletariat be far behind?

Some observers compare Ortega's August vows of adherence to Marxism-Leninism with Fidel Castro's declaration, two years after he took power, that he had always been a communist.

Castro, in the December 22, 1961, newspaper Revolucion, said: "Of course, if we had stood on Turquino hill, when we were nobody, and said, 'We are Marxist,' we probably could not have come down from the mountains. So we called ourselves by other names. We simply did not talk about it."

Like Fidel, the Sandinistas held out for over two years, posing as revolutionaries but not communists. This tack allowed them to collect millions of dollars in foreign aid from Western countries.

Now it is impossible to continue the charade. The lead editorial in the October 19 Wall Street Journal asked: "Can anyone still doubt that Nicaragua has been a victim of a Communist takeover? The Cuban-style 'neighborhood committees' are in place, the secret police are being trained, La Prensa has been told it will be closed if it continues to speak up, Archbishop Obando y Bravo is being suppressed and a spectacular military build-up is under way."

THE NEW ARMED FORCES

Nicaragua's military build-up has caused some observers to fear that Nicaragua is contemplating carving out its own Vietnam-style empire in Central America.

"The Sandinistas are creating an army and militia of over 250,000, equivalent to a full one-tenth of the population," according to the lead editorial in the October 19 Wall Street Journal. "The combined forces of Nicaragua and Cuba soon will dwarf any army south of the Rio Grande and drive a Soviet strategic wedge between North and South America."

Cuba already has 3,000 soldiers in Nicaragua, according to Pentagon sources cited by ABC television last month. ABC also revealed Pentagon reports that Vietnam is sending Nicaragua 1,000 airplanes and helicopters, most of them made in the U.S. and most of them captured during and after the Vietnam War.

The Sandinistas have also built 27 new military bases in Nicaragua. In an interview that went unnoticed by the major media, Nicaraguan businessman Max Vargas told Miami's Diario Las Americas last month that the new bases correspond to the 27 military zones into which Nicaragua has been divided.

Vargas gave the exact location of each of the new bases, where he said tunnels for munitions deposits, anti-aircraft defenses and subterranean shelters have been built or are being built. "Fifteen of the bases have airports, and there are reports of more than 10 MIG 17 and MIG 21 planes at Puerto Cabezas and Montelimar," said Vargas, who was a member of Nicaragua's Superior Council of Private Enterprise (COSEP) and who now belongs to the Nicaraguan Democratic Union.

Why is Nicaragua building this war machine? Sandinistas cite those ubiquitous "Somozistas" who are supposed to be scattered about the countryside. But it should be noted that junta member Sergio Ramirez "speaks yearningly of Central American union," according to an editorial in the October 18 New York Times.

If the Sandinista vision of a united Central America under Nicaraguan domination is anything like the "united Indo-China" the Vietnamese are seeking to achieve, Nicaragua's neighbors should brace themselves.

The Sandinistas appear to be continuing their efforts to help deliver El Salvador into the hands of the Castro-allied guerrillas. El Salvador's defense minister Colonel Jose Guillermo Garcia told a press conference in Washington, D.C., on November 9 that Cuba continues to send military and eco-

nomic aid and personnel to the Salvadoran revolutionaries through Nicaragua.

CONCLUSION

The wait-and-see period for Nicaragua is over. The Sandinistas are already well down their path toward "the consolidation of the revolution," which must be understood as a euphemism for the establishment of a military-oriented dictatorship obeying the expansionist dictates of Marxist-Leninist ideology. The new Nicaraguan rulers are providing well for the defense of their regime and have taken to the offense, aiding fraternal revolutionaries in their bid to take power in El Salvador.

Is it already too late to reverse this process? Are the Sandinistas already too powerful to challenge? Has "the consolidation of the revolution" become inevitable? There are still some democratic forces inside Nicaragua, but their resistance is rapidly crumbling in the face of new decrees that restrict more and more the activities of the press, the church, businessmen and the political opposition.

If the Sandinistas are to be stopped, this must be done now, before they succeed in eliminating all dissent and before Nicaragua takes its place beneath the nuclear umbrella of the Soviet Union.●

ABOUT ECONOMIC RECOVERY

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1982

● Mr. SAWYER. Mr. Speaker, economic recovery is more than just numbers, charts and graphs—it is people.

After nearly three decades of policy which has robbed people of their ability to find a good job, save some money, and actually achieve their dreams, we have turned the corner with an economic program that will work.

All of the ingredients are there.

As people are once again able to save money, savings will grow and interest rates will decline. Reduced interest rates will allow people to borrow again for homes, cars, and expanded businesses which will create jobs.

Clearly our No. 1 priority must be to expand job opportunities.

Given time and dedication our program to revive America will work. But we must not lose sight of those who desperately need our help—now.

In my home State of Michigan unemployment has grown to 14.4 percent. These are not just statistics on a page but people—some of the most highly skilled and trained workers in the country.

They need our help now. In the next few weeks this Congress will be called upon to consider a supplemental appropriations bill. The President has requested that we restore $2.3 billion in funds to provide for unemployment compensation and equally as important the jobs service program. The jobs service program has placed 13,849 unemployed people in new jobs, just in our Fifth District during the last fiscal year. Without these important funds the jobs service offices are closing. We cannot allow this valuable service to people in need of work to disappear.

I want to commend the members of the Michigan delegation who have worked hard to assure that these funds are restored and to urge all of my colleagues to speed this measure along as quickly as possible.

I would remind my colleagues that there can be no more disheartening experience than to be eager to work, but to find no job available and no one to help. I hope you will join me in supporting this much needed service.●

MICHAEL A. POLLACK, OUTSTANDING YOUNG MAN OF AMERICA

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1982

● Mr. EDWARDS of California. Mr. Speaker, I want to bring to my colleagues' attention the naming of my constituent, Michael A. Pollack, as one of this year's "Outstanding Young Men of America." Although only 28 years of age, Mike has made a significant contribution to our communities in Santa Clara County. He has been responsible for the construction of over 2,000 units of housing through his construction company. This done during a time of difficulty in the industry that we are all aware of. His record shows that he is very deserving of this prestigious national award. I am sure he will be a pillar of our community for many years to come.●

RESOLUTION TO SUSPEND MILITARY AID TO EL SALVADOR

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1982

● Mr. STUDDS. Mr. Speaker, last week President Reagan certified to the Congress that the five congressionally imposed conditions on U.S. military assistance to El Salvador are being met. I disagree. I invite Members who agree with my assessment of this evidence to join me in cosponsoring House Joint Resolution 399, a resolution to declare the President's certification null and void, and to terminate military assistance to El Salvador until the Congress can, in good faith, certify that the conditions are truly being met.

Mr. Speaker, President Reagan has certified that the Government of El Salvador is in compliance with the conditions placed by U.S. law on military aid to that country. Many, myself included, disagree, and believe the evidence is overwhelming that the President has certified more to what he wishes were the case in El Salvador, than to what is actually taking place. Thus, the President's certification does not settle the debate surrounding U.S. military aid to El Salvador; it marks simply the beginning of a new phase.

I have today introduced a joint resolution which, if enacted, would declare President Reagan's certification "null and void." This legislation would suspend U.S. military assistance until the House and Senate have jointly concluded that the conditions established by law have truly been achieved.

More individuals died from violence in El Salvador last year than the year before. Systematic acts of kidnapping, torture, and murder continue to be characteristic of Salvadoran security forces. The agrarian reform program is in danger of collapse. The armed forces have continually obstructed efforts to discuss a political solution to the violence, and little real progress in bringing to justice those responsible for the savage murder of U.S. citizens has been achieved.

The Reagan administration wants to believe that its policy in El Salvador has been successful, and it wants Congress and the American people to join in this belief. But conviction in such matters should stem from facts, not from faith, and the tragic facts of El Salvador have not changed.

The conditions placed last year by the Congress on military aid to El Salvador have clearly not been met.

Mr. Speaker, Congress has the responsibility, to itself but more importantly to the public, to guarantee the meaningful implementation of what was a carefully drafted and thoroughly debated provision of law. Failure to satisfy, in fact rather than simply in wish, any of the five conditions spelled out in the law, ought to be sufficient grounds to compel any Member of Congress to support the legislation which has been introduced today. It is my intention to push this resolution to a vote in the Committee on Foreign Affairs and the full House of Representatives as soon as possible. The majority of the American people, according to every available public opinion poll, opposes U.S. military aid to El Salvador. The people have the right, in this election year, to discover, on the record, whether their Representative in Congress shares this view.

Condition 1: The Government of El Salvador must be making a concerted effort to comply with internationally recognized human rights.

Condition 2: The Government of El Salvador must be achieving substantial control over all elements of its own armed forces, so as to bring to an

end the indiscriminate torture and murder of Salvadoran citizens by these forces.

The ability of the Government of El Salvador to comply with condition No. 1 depends, in large measure, on its willingness and its ability to meet the standard set by condition No. 2. Hence, for purposes of discussion, these two conditions may be combined.

According to President Reagan's certification, the Government of El Salvador:

Through the removal of officers, institution of a code of conduct, and command emphasis on civilian-military relations and halting abuses . . . has taken concrete steps to bring all elements of its armed forces under control. These efforts are beginning to have a positive effect. The level of violence—and particularly the number of deaths—is difficult to quantify, but statistics compiled by our Embassy in San Salvador indicate a declining level of violence over the past year and a decrease in alleged abuses by security forces. There has been a definite trend in this regard.

This sanguine assessment accords with the view of few other observers either inside or outside El Savador. One reason may be that the source of the President's information is the U.S. Embassy in San Salvador. On January 27, the Washington Post reported that Embassy officials admit that their information "is based entirely on information published in the San Salvador press." That same article states that even Embassy statistics dispute the "trend" claimed in the Reagan certification:

The Report found an encouraging . . . decrease in violence for the September 1980 to September 1981 period that is the main body of the survey, but the official said that the level of violence jumped sharply upward again in November and December and has continued upward in January.

Perhaps the most objective view of the events of 1981 was provided on January 3 by the Apostolic Administrator of San Salvador, Msgr. Arturo Rivera y Damas. Referring to statistics compiled by his office, the monsignor said that in 1981, 11,723 persons had been murdered, most of them peasants between the ages of 16 and 30, many of them noncombatants. He said that an additional 1,808 persons were arrested or were missing, and that most of these were workers, students, or professionals. Rivera y Damas said that the International Red Cross had visited with 775 persons arrested for political reasons.

A number of human rights organizations have either conducted specific studies, or been continuously monitoring the human rights situation in El Salvador during the past year.

According to the legal aid office of the Archdiocese of El Salvador, 10,714 people were killed in "acts of repression" from January 1981 to late September. Of these, 6,703 were estimated to have been killed by the army or by security forces. Many of the others were suspected to have been killed by "death squads" operating with the protection and tolerance of the military.

Mr. Speaker, it should be noted that some, including Msgr. Rivera y Damas and the Episcopal Conference of El Salvador, have criticized what they describe as the failure of the Legal Aid Office to investigate violent actions taken by leftist forces with the same vigor used to pursue reports of killings committed by the armed forces. This criticism has not extended, however, to a disavowal to repression by the security forces. It should be remembered, also, that U.S. law speaks only to the ability of the government of El Salvador to control its own armed forces and to reduce violations of human rights. In this context the elaborately documented statistics provided by the Legal Aid Office are clearly relevant.

The reports of other organizations provide additional evidence that the government of El Salvador has failed to meet the standard set by the conditions of U.S. Law.

In its 1980–81 annual report, the Inter-American Commission on Human Rights found that—

The most serious violation of human rights concerning the right to life, took the form of summary execution. Such executions occur primarily, although not exclusively, in El Salvador and Guatemala.

In the context of the climate of generalized violence prevalent in these two countries, there occurs, in alarming numbers, what the Commission calls illegal or extrajudicial executions.

In most cases, such executions were directly committed by the security forces which act with impunity outside the law, as well as by paramilitary groups which operate with the acquiescence or tacit consent of the governments.

As a general rule, such consent has indicated that governmental authorities do not carry out adequate and effective investigations to determine those responsible for these crimes.

On October 28, the special representative of the United Nations Commission on Human Rights issued a report which included the following findings:

As for civil and political rights, the information collected by the Special Representative has convinced him that, under the regime of the Government Revolutionary Junta which assumed power on 15 October 1979, there has been in El Salvador a consistent pattern of gross violations of these rights which, in many cases has culminated tragically in attempts on human life. Members of the State apparatus, and violent groups of the extreme right apparently acting in collusion with them and armed groups of the extreme left are both responsible for these violations. At present the Special Representative is not in a position to establish, even approximately, how much responsibility lies with one or the other sector, although he has to admit to having received more abundant, precise and detailed information concerning violations of human rights imputable to members of the State apparatus and violent groups of the extreme right.

The Special Representative is also convinced that the executive and judicial organs of the Republic of El Salvador have adopted a very widespread attitude of passivity and inactivity with regard to these violations of human rights.

The Nobel-prizewinning human rights organization Amnesty International released an assessment of the human rights situation in El Salvador on January 25. This statement concluded:

A systematic and brutal policy of government-sponsored intimidation and repression has characterized the past year in El Salvador. People from all sectors of Salvadoran society have been detained without warrant, "disappeared" and been tortured or murdered. Among the reported atrocities have been dismemberments, including children being slashed to death with machetes and decapitated, strangulations, massive bombings and summary executions of internal refugees and displaced persons. Methods of torture while in detention have included the use of electric shock, beatings, the use of sulphuric acid resulting in scorched flesh on portions of the body and the use of hallucinogenic drugs.

It is Amnesty International's considered opinion, after reviewing hundreds of detailed accounts reaching our organization, that in the majority of the reported cases, official security forces have been implicated and that these human rights violations have occurred on such a massive scale that they constitute a gross and consistent pattern of human rights abuses. Testimony received by Amnesty International implicates all branches of the Salvadoran security forces whether nominally military, military police or paramilitary in human rights abuses aimed at civilian members of the population who had no part in guerrilla activity. Sources of information supporting this conclusion have included missions of investigation and observation to the region, including those carried out by Amnesty International as well as other organizations, data provided by Salvadoran human rights and church organizations, foreign and Salvadoran journalists and personal testimonies and reports issued by a wide variety of organizations which have recently visited the country.

Also in January of 1982, the American Civil Liberties Union and the American Watch Committee issued a massively detailed report which found that—

1. The Revolutionary Governing Junta of El Salvador, both by commission and omission, is responsible for a widespread and systematic pattern of gross violations of human rights.

2. Despite its avowedly reformist character, the human rights situation in El Salvador has steadily worsened since the Revolutionary Governing Junta came to power on October 15, 1979. In fact, not since la Matanza, the 1932 massacre of as many as 30,000 peasants, has the human rights situation in El Salvador been as bad as it is now.

3. The violations of human rights taking place in El Salvador are not aberrations. Rather, they are selectively directed against those perceived as opposing the country's economic and political system.

Mr. Speaker, the general findings of these organizations are based on an enormous volume of reported violations of human rights. These include the kidnaping at night of individuals or families, the daily discovery of bodies dumped alongside city streets, and the more dramatic tales of massacres or systematic terrorism perpetrated by the uniformed armed forces of El Salvador.

In November, both the Washington Post and the New York Times reported a "body dump" in El Playon, approximately 15 miles outside San Salvador. According to the Post:

Like many such dumps, El Playon was converted into a clandestine dumping ground for bodies several weeks ago—no one is certain just when. However, the size of the site makes it unique. There are so many bodies—several dozen—perhaps as many as a hundred—that no one is bothering to pick the up any more.

Both newspapers also ran stories, in late January, about what was apparently a major massacre perpetrated by Salvadoran armed forces in or near the village of Mozote in December. If these stories are even generally true, the Reagan administration's boasts with respect to the human rights situation in El Salvador will have to be considered false. This is true not simply because a massacre took place, but because the military unit which led the campaign through the Mozote region area in mid-December was the U.S.-trained Atlacatl Battalion, the unit which has been the focus of U.S. military training and advice throughout the past year.

The response of the U.S. Embassy to stories of the massacres provides an indication, perhaps, of the quality of the information upon which President Reagan relied in making his certification with respect to human rights in El Salvador. According to a Washington Post interview with U.S. Ambassador Deane Hinton, published on January 31:

In December, the Army launched a major offensive in the province of Morazan where large groups of insurgents virtually control the countryside. "That was a big operation," Hinton said. "Over 20 companies. It's the biggest one they ever mounted, and with some of the fewest results, too."

Guerillas and peasants near the town of Mozote in Morazan told visiting reporters that one thing the Army did do on the sweep was massacre hundreds of civilians.

"From the details I read in the story, there definitely must have been something," Hinton said. "But I don't think it's anywhere near what they say in the propaganda."

Hinton said the embassy had been trying, without success, to confirm the events surrounding the alleged massacre. The embassy has considered sending someone to the scene, but, as Hinton put it, "We're not going to go over to Nicaragua and walk in with the guerillas. And I don't know whether Mozote is guerilla territory or not. It sounds like it might be. That's sort of a little problem if it is."

President Reagan's certification alleges that the armed forces are being brought under control and that a serious effort to control human rights abuses has begun to take hold. However, on January 5, the Defense Ministry announced that Eugenio Vides Casanova, the director of the National Guard, was being promoted from colonel to general, and that Francisco Moran, director of the notorious Hacienda Police, was being promoted to full colonel. In addition, an arrest warrant issued for Maj. Robert D'Abuisson, a man whom former U.S. Ambassador to El Salvador Robert White characterized as a "pathological killer" with links to the March 1980 murder of Archbishop Oscar Romero, has been withdrawn.

If words can still validly be used to describe what has been and still is occurring inside El Salvador, the Government of that country—and let us remember that the armed forces are very much a part of the Government of El Salvador—is engaged in a consistent pattern of gross violations of internationally recognized human rights. The rhetoric of Napoleon Duarte and the wishful thinking of Ronald Reagan aside, the facts about what is occurring in El Salvador are plainly there for all, who are not willfully blind to them, to see.

Condition 3: The Government of El Salvador must be demonstrating continued progress in implementing essential economic and political reforms, including land reform and support for the private sector.

What President Reagan describes as the "cornerstone" of the Salvadoran government's reform efforts is the land reform program initiated in early 1980 with the strong backing of the Carter administration and many Salvadoran agriculture experts, such as former Under Secretary of Agriculture Jorge Villacorta Munoz, who have since gone into exile.

Mr. Speaker, there is no question that elements of the Government of El Salvador are strongly committed to the agrarian reform program. Many rank and file government officials have risked their lives to implement the program, and some changes have inded occurred. The judgment that must be made, however, is whether the Government has been able to demonstrate "continued progress" in this effort.

A major Salvadoran peasant organization, Union Comunal Salvadorena (UCS), which has been intimately involved from the beginning in the agrarian reform program, delivered a report to Junta President Duarte on December 10 of last year. According to this report:

The Land to the Tiller component of the program "today finds itself in danger of total collapse";

Only 2 of 300 cooperatives on large estates have been granted titles;

25,000 families have been illegally evicted from their lands;

Many campesinos and 20 of their representatives have been murdered while seeking to exercise their legal rights;

Fewer than 15,000 out of 150,000 families of former tenants and sharecroppers have received their provisional titles; only a few hundred of these titles contain a sufficiently adequate description of the land involved to be useful;

Survey data indicate that approximately 75,000 campesinos have been robbed or forced to make illegal rent payments to the former landlords;

The evictions that have occurred have been accomplished "in the majority of cases with the assistance of members of the military forces"; and

At least 90 officials and promoters of the democratic campesino organizations have died during 1981 "at the hands of ex-landlords and their allies who are often members of the local security forces."

The report concludes:

What had begun in March and April of 1980 with bright promise, and continued to show bright promise even through the end of 1980, now threatens to become a nightmare of bureaucratic red tape, evictions and killings, in which it will soon be beyond the capacity of the government or the campesino leadership to prevent a complete loss of faith by our country's campesinos in the agrarian reform program. If and when this happens, the extreme left will have free rein throughout the countryside and all prospects for ending the violence or instituting democracy will be at an end.

The UCS study included a series of urgent suggestions which, if implemented, might produce the continued progress which U.S. law requires in order to prevent the suspension of military aid.

On January 30, the New York Times reported that two UCS leaders had written a letter to a labor official in Washington in which they stated that "many of the suggestions" made in their report "have been taken into account by the Government, and, if the problems pointed out are overcome, the process will be intensified." The letter, again according to the Times, further noted "certain positive attitudes on the part of the government which, were they to be translated into deeds, might consolidate the process and contribute to a democratic way out of the Salvadoran crisis."

Mr. Speaker, this letter, combined with the December report, makes it clear that after 2 years of good intentions and positive attitudes on the part of certain elements of the Government, the land reform program remains stalled. An ugly tendency exists among some elements of the Salvadoran opposition and its supporters in other countries to respond with glee to the failures of the agrarian reform program. This is extremely unfortunate, because the agrarian reform effort is precisely the type of project which ought to be supported by the United States, and which will, if effective, do the most to bring some meas-

ure of political and economic justice to countries such as El Salvador.

Unfortunately, the Salvadoran program is not achieving its purpose. Even Ambassador Hinton admitted in a recent interview with the Washington Post that the major legal reforms proposed by the UCS are not likely to take place in the immediate future.

President Reagan's desire to continue providing military aid despite the role of some elements of the armed forces in obstructing the land reform process is not in accord with the conditions established by the Congress. It was the view of those who proposed the conditions now in law that our military aid ought to be contingent on the progress of the land reform program, thus creating an incentive for the Salvadoran military to support the reforms. Under President Reagan's policies, however, the military will receive its aid whether or not the progress occurs, and whether or not the armed forces are guilty of assisting in illegal evictions and the assassination of government officials and campesino leaders. Such a policy brought the land reform program to the brink of collapse in 1981; it should not—and will not if U.S. law is fairly implemented—be continued.

Condition 4: The Government of El Salvador must be committed to the holding of free elections at an early date and to that end must have demonstrated its good faith efforts to begin discussions with all major political factions in El Salvador which have declared their willingness to find and implement an equitable political solution to the conflict, with such solution to involve a commitment to—

First, a renouncement of further military or paramilitary activity; and

Second, the electoral process with internationally recognized observers.

This condition of law is based on the premise that discussions between the major political factions in El Salvador are vital to the holding of meaningful free elections. Such discussions are necessary to create a political climate inside El Salvador within which such elections may be possible.

As the special representative of the United Nations Commission on Human Rights asserted in his October 28 report:

> The Government plan for holding elections is perfectly legitimate and acceptable if and when the electoral process takes place in a prevailing climate of peace in which the rights of free expression, association and assembly are fully respected, both de jure and de facto, a complete and genuine roll of voters is available and, lastly, the authenticity of the ballot and effective respect of the people's will are guaranteed.
>
> Consequently, as a sine qua non for holding elections, the Government of El Salvador and the other parties concerned should take all necessary steps to end the serious violations of human rights occurring in the country, including steps to ensure compliance with the 1949 Geneva Conventions and the 1977 Protocols. The Special Representative is not in a position to specify, in this interim report, what these measures should be, although he thinks that some of them are obvious, such as the exercise of real control by the Government over all members and units of the armed and security forces and over all types of armed organizations and individuals committing these violations, and penalties for possible violations. But the Government of El Salvador should also show itself to be open and flexible as regards any other type of measures which might lead to pacification of the country, and dialogue with the opposition forces should not be exluded from the latter measures.

Mr. Speaker, the Government of El Salvador, with the backing of the Reagan administration has consistently opposed negotiations, a dialog, or serious discussions with the Political Diplomatic Commission of the FDR/FMLN, a principal opposition group in the country. Refusal to engage in such talks has been expressed directly in statements to the public and press, through the rejection of offers by a host of international governmental, political and clerical groups willing to play a mediating role, and through the publication by the Army, last spring, of a list of 138 psychopaths, traitors and terrorists which the military declared its intention to relentlessly pursue. This list included virtually every significant member of the FDR's leadership, as well as many others, and was understandably perceived by those leaders as a sign that the Government was not interested in discussions.

No question exists that the Government of El Salvador has failed to demonstrate good faith efforts to begin serious discussions with the FDR/FMLN. The key question in terms of the law, then, is whether this group is a "major political faction" which has declared its willingness to find and implement an equitable political solution of the nature envisioned in the legislation. There is persuasive evidence that this is the case.

The Political Diplomatic Committee made numerous statements throughout 1981 which demonstrated a willingness to negotiate or engage in a dialog with the Government. The precise wording of these declarations varied during the year but the central theme remained constant.

In May, Dr. Fabio Castillo, a member of the Political-Diplomatic Committee, told a press conference that—

> The Political-Diplomatic Committee has not set any conditions. Preconditions for a dialogue and an eventual mediation would be part of the negotiations. The only condition that has been established is that the international mediation group should consist of representatives from four sectors: European democrats, the European Christian Democrats and two important independent persons—one from Latin America and the other from North America. This is the committee's proposal, of course. However, this is open to negotiation because it can be accepted or rejected. If necessary, counterproposals will be heard.

On October 1, the Political-Diplomatic Commission announced that it had developed "a very specific and concrete plan for negotiations," and urged the Salvadoran junta to enter into a dialog without prior conditions in order to discuss the possibility of such negotiations. The plan for negotiations included five points:

First. Negotiations shall take place between the conflicting sides without excluding any of our forces.

Second. The negotiations shall be facilitated by the presence of international mediators.

Third. Discussion should be of a global character concerning all aspects of the Salvadoran situation based on an agenda agreed upon by both sides.

Fourth. The Salvadoran people must be informed of the progress of the negotiations; a means must also be developed whereby the Salvadoran people have the final decision about the results of the negotiations.

Fifth. There shall be no preconditions of any kind by either side.

The October announcement included a declaration that "our two organizations, the FDR and the FMLN, have repeatedly stated that we do not reject elections. We consider elections an important instrument of popular participation." The statement also expressed a "commitment to seek a political solution to the present state of armed conflict."

On January 27, 1982, a letter from five commanders of El Salvador's armed opposition groups was delivered to the White House. This letter, according to the New York Times, suggested the initiation of talks between the junta and the opposition groups "without preconditions by any of the parties to the conflict."

President Reagan's certification incredibly fails entirely to discuss the government's unwillingness to enter into discussions with the FDR-FMLN for the purpose of creating conditions within El Salvador under which free elections may be held. On these grounds alone, Congress has a responsibility to declare the certification null and void. The evidence is clear that the junta, and particularly its military component, is not willing to seek a political solution to the conflict if this entails discussions with any group which has not previously agreed to a military surrender. The government may have what it perceives to be valid strategic reasons for adopting this posture, but the conditions contained in U.S. law require, nevertheless, a more forthcoming attitude.

The position of the FDR-FMLN toward discussions of the type envisioned by the law appears to be sufficiently explicit and cooperative for this group to qualify as one of the

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"major political factions" included in the fourth condition. An even more explicit declaration, tailored with precision to the language contained in the law, would be helpful if the FDR-FMLN were truly desirous of eliminating doubts on this score. A meaningful test of the sincerity of such a statement, and of the other statements concerning negotiations which have been issued by the FDR-FMLN might then be possible, but only if the Government of El Salvador agrees, as it ought in order to remain legally eligible for U.S. military aid, to do its own part toward finding a political solution to the violence.

Condition 5: The Government of El Salvador must have made good faith efforts both to investigate the murders of six U.S. citizens in El Salvador in December 1980 and January 1981 and to bring to justice those responsible for those murders.

According to President Reagan, the Government of El Salvador has put sufficient energy into these investigations to satisfy him that "good faith" efforts have been made. Others, however, are not so easily satisfied.

Mr. William P. Ford, brother of one of four churchwomen slain in El Salvador on December 2, 1980, wrote a letter to President Reagan on January 25, 1982, in which he states:

To date, the families have not seen any evidence of a good faith effort by El Salvador to investigate the murders and bring to justice those responsible. Every indication seen by the families points to a cover-up by the Salvadoran government. At a minimum, basic decency suggests that the State Department tell the families about any progress before releasing statements to the press. I ask you not to certify to the Congress that progress has been made into the investigation, until the State Department tells the families and the American people just what progress has been made.

Mr. Speaker, making a firm judgment with respect to this condition of the law will not be easy for Congress due to the unwillingness of the administration to make detailed information concerning the investigation available. In addition, there is some question, given the breakdown of the judicial process within El Salvador, whether truly good-faith efforts on the part of Salvadoran law enforcement officials would have produced more conclusive results in the two investigations than those which have actually been forthcoming. Nevertheless, even a superficial review of the information which has been made public indicates that the pace of the investigation has responded more directly to political pressure from the United States, than from internal concern for law and justice on the part of the Salvadoran Government.

The investigation into the murders of the churchwomen, particularly, has been marked by long periods of inactivity, including 2 weeks for "Christmas vacation" less than a month after the killings occurred. The extraordinarily slow pace, and incomplete nature of ballistics, fingerprinting, and polygraph tests cannot be excused. The sum total of activity in the 14 months since the murders could have been achieved, if good-faith were truly evident and El Salvador and FBI resources fully utilized, in a matter of weeks. Instead, the case had been allowed to drag on and on, the investigation periodically pronounced dead by those responsible for carrying it forward, and then revived in response to new bursts of interest on the part of people in the United States. The latest activity, generously publicized by the State Department in recent weeks, seems to be occurring in direct response to the understanding that a certification of good-faith efforts would be required. If the requirements of law do indeed push the investigation forward, this will be all to the good. But, Congress will need to utilize a more reasonable definition of "good-faith" than the President if there is to be any real meaning in this condition of the law.

Congress must also renew its efforts to obtain detailed information concerning the investigations in order to make a truly firm judgment about the extent to which El Salvador had demonstrated "good-faith."●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, February 9, 1982, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 10

9:00 a.m.
*Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed supplemental appropriations for fiscal year 1982 for construction grants of the Environmental Protection Agency.
1224 Dirksen Building

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To continue hearings on S. 1720, authorizing bank holding companies to establish securities affiliates which could underwrite municipal revenue bonds and operate, advise, and sell shares in mutual funds.
5302 Dirksen Building

Judiciary
To resume hearings on S. 995, providing for contribution of damages in antitrust price-fixing suits.
2228 Dirksen Building

Rules and Administration
To continue hearings on committee resolutions requesting funds for operating expenses for 1982.
301 Russell Building

10:00 a.m.
Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 1983 for the Department of Defense, focusing on Army programs.
212 Russell Building

Energy and Natural Resources
To hold hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, focusing on the Department of Agriculture and the U.S. Synthetic Fuels Corporation.
3110 Dirksen Building

Environment and Public Works
Water Resources Subcommittee
To hold hearings to evaluate the waterway user charge study, authorized by section 205 of the Inland Waterways Revenue Act of 1978 (Public Law) 95-502).
4200 Dirksen Building

Foreign Relations
Arms Control, Oceans and International Operations, and Environment Subcommittee
To hold hearings on acid rain.
4221 Dirksen Building

Select on Intelligence
Closed business meeting, on pending committee business.
S-407, Capitol

Joint Economic
To hold hearings on the inequality of income distribution in the United States.
6226 Dirksen Building

2:00 p.m.
Budget
Committee's Task Force on Federal Credit, to hold hearings to examine the economic and budgetary effects of Federal credit activities.
6202 Dirksen Building

Environment and Public Works
Transportation Subcommittee
To hold oversight hearings on the implementation of the highway bridge replacement and rehabilitation program.
4200 Dirksen Building

Joint Economic
To hold hearings to discuss U.S. international trade policy.
6226 Dirksen Building

2:30 p.m.
Armed Services
Manpower and Personnel Subcommittee
To hold hearings on S. 1814, providing for the rights of former spouses to military retirement pay and health care protection.
224 Russell Building

3:30 p.m.
Joint Economic
To hold hearings on the U.S. economic outlook in 1982.
6226 Dirksen Building

FEBRUARY 11

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
235 Russell Building

Finance
International Trade Subcommittee
To hold hearings on S. 1511, clarifying the determination of the definition of a country under the General Agreement on Tariffs and Trade, and to review the effectiveness of section 301 of the Trade Act of 1974 in enforcing the trade agreement rights of the United States and responding to foreign practices that are inconsistent with trade agreement provisions or burden or restrict U.S. Commerce.
2221 Dirksen Building

Judiciary
Constitution Subcommittee
To resume hearings on S. 53, S. 1761, S. 1975, and S. 1992, bills extending the effects of certain provisions of the Voting Rights Act of 1965.
2228 Dirksen Building

Rules and Administration
To continue hearings on committee resolutions requesting funds for operating expenses for 1982.
301 Russell Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Railroad Retirement Board, domestic programs of the ACTION Agency, and the Soldiers' and Airmen's Home.
1114 Dirksen Building

Armed Services
To continue hearings on proposed legislation authorizing funds for fiscal year 1983 for the Department of Defense, focusing on Air Force programs.
212 Russell Building

Banking, Housing, and Urban Affairs
To hold hearings on the conduct of monetary policy.
5302 Dirksen Building

Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on proposed legislation relating to land conveyances, exchanges and private relief (S. 835, S. 1501, S. 1519, H.R. 1528, H.R. 1543, S. 1242 (H.R. 2820), S. 982, S. 1767, S. 706, H.R. 2863, and H.R. 2475.
3110 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
1202 Dirksen Building

Foreign Relations
To hold hearings on the nominations of Keith L. Brown, of Colorado, to be the Ambassador to the Kingdom of Lesotho, and William R. Casey, Jr., of Colorado, to be Ambassador to the Republic of Niger.
4221 Dirksen Building

Judiciary
Juvenile Justice Subcommittee
To hold hearings on proposed legislation providing Federal assistance to State and local law enforcement agencies.
5110 Dirksen Building

Select on Indian Affairs
Business meeting, to consider proposed legislation providing for the transfer of land to certain Indian tribes, and other Federal assistance (S. 159, S. 1340, S. 792, S. 503, S. 1468, S. 1779, S. 563, and S. 1986).
4232 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Corporation for Public Broadcasting, National Commission on Libraries and Information Science, President's Commission on Ethical Problems in Medicine, and the Student Financial Aid Commission.
1114 Dirksen Building

Budget
Committee's Task Force on Federal Credit, to continue hearings to examine economic and budgetary effects of Federal credit activities.
6202 Dirksen Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed authorizations for fiscal years 1983 and 1984 for the National Bureau of Standards, Department of Commerce.
235 Russell Building

Judiciary
Security and Terrorism Subcommittee
To resume oversight hearings in closed session, on activities of the Federal Bureau of Investigation.
357 Russell Building

Veterans' Affairs
To hold hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, receiving testimony from officials of the Veterans' Administration.
412 Russell Building

FEBRUARY 12

9:00 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 698, assisting the Yuma County Water Users' Association, Arizona, to relocate the headquarters of such association; S. 933, authorizing the rehabilitation of the Belle Fourche irrigation project in South Dakota; S. 1409, authorizing the enlargement of the Buffalo Bill Dam and Reservoir in Wyoming; and S. 1628, providing that the Emergency Fund Act of 1948 be available for all projects governed by Federal reclamation acts.
3110 Dirksen Building

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To resume hearings on S. 1720, authorizing bank holding companies to establish securities affiliates which could underwrite municipal and revenue bonds, and operate, advise, and sell shares in mutual funds.
5302 Dirksen Building

Judiciary
Constitution Subcommittee
To continue hearings on S. 53, S. 1761, S. 1975, and S. 1992, bills extending the effects of certain provisions of the Voting Rights Act of 1965.
2228 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Federal Mediation and Conciliation Service, National Labor Relations Board, National Mediation Board, OSHA Review Commission, and the Mine Safety and Health Review Commission.
1114 Dirksen Building

Environment and Public Works
To hold hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, receiving testimony from officials of the Nuclear Regulatory Commission.
4200 Dirksen Building

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building

FEBRUARY 22

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings on proposed authorizations for the National Telecommunications and Information Administration, Department of Commerce.
235 Russell Building

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To hold joint hearings with House Subcommittee on Employment Opportunities of the Committee on Education and Labor on proposed legislation establishing employment training policies.
2175 Rayburn Building

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Water Research and Technology of the Department of the Inte-

rior, Commission on Fine Arts, and the National Gallery of Art.
1224 Dirksen Building

Environment and Public Works
To hold hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
4200 Dirksen Building

Judiciary
Security and Terrorism Subcommittee
To hold hearings to examine the presence of Cuban intelligence operations within the United States.
2228 Dirksen Building

1:30 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Institutes of Health, Department of Health and Human Services.
1114 Dirksen Building

2:00 p.m.
Judiciary
To hold hearings on S. 1937, extending until June 30, 1985, the expiration date of section 252, which provides a limited antitrust defense for U.S. oil companies participating in the international energy program, of the Energy Policy and Conservation Act.
2228 Dirksen Building

FEBRUARY 23

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the National Institutes of Health, Department of Health and Human Services.
1318 Dirksen Building

Energy and Natural Resources
To hold hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, focusing on the Department of Energy.
3110 Dirksen Building

Labor and Human Resources
To hold oversight hearings on the southern Nevada culinary workers' pension fund.
4232 Dirksen Building

Labor and Human Resources
Employment and Productivity Subcommittee
To continue joint hearings with House Subcommittee on Employment Opportunities of the Committee on Education and Labor on proposed legislation establishing employment training policies.
5302 Dirksen Building

Small Business
To hold hearings on encouraging small business investment in free enterprise in nationally distressed areas.
424 Russell Building

10:00 a.m.
Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to investigate certain fraudulent commodity investments.
3302 Dirksen Building

11:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
2228 Dirksen Building

Veterans' Affairs
To hold hearings to receive the Disabled American Veterans' legislative recommendations for fiscal year 1983.
6226 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the National Institutes of Health, and to review activities of the Office of the Director, Department of Health and Human Services.
1318 Dirksen Building

Judiciary
To hold closed oversight hearings on the Public Integrity Section of the Criminal Division, Department of Justice.
2228 Dirksen Building

FEBRUARY 24

9:30 a.m.
Appropriations
To hold hearings to review current economic conditions.
1114 Dirksen Building

Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings to examine certain financial institution practices restricting individuals from withdrawing funds represented by checks deposited to their accounts.
5302 Dirksen Building

Commerce, Science, and Transportation
Business, Trade, and Tourism Subcommittee
To hold hearings on the economic impact of tourism.
235 Russell Building

Judiciary
Constitution Subcommittee
To resume hearings on S. 53, S. 1761, S. 1975, and S. 1992, bills extending the effects of certain provisions of the Voting Rights Act of 1965.
2228 Dirksen Building

Labor and Human Resources
To continue oversight hearings on the southern Nevada culinary workers' pension fund.
4232 Dirksen Building

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Environment and Public Works
To resume hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
4200 Dirksen Building

Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to investigate certain fraudulent commodity investments.
3302 Dirksen Building

Judiciary
Security and Terrorism Subcommittee
To resume hearings to examine the presence of Cuban intelligence operations within the United States.
357 Russell Building

*Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold oversight hearings on activities of the National Institute on Alcohol Abuse and Alcoholism and the National Institute on Drug Abuse, Department of Health and Human Services.
6226 Dirksen Building

2:00 p.m.
Energy and Natural Resources
Energy Regulation Subcommittee
Joint oversight hearings with the Subcommittee on Water and Power on hydroelectric development and licensing procedures.
3110 Dirksen Building

Energy and Natural Resources
Water and Power Subcommittee
Joint oversight hearings with the Subcommittee on Energy Regulation on hydroelectric development and licensing procedures.
3110 Dirksen Building

Judiciary
To continue closed oversight hearings on the Public Integrity Section of the Criminal Division, Department of Justice.
2228 Dirksen Building

FEBRUARY 25

8:30 a.m.
Appropriations
Interior Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain Indian programs.
1318 Dirksen Building

9:30 a.m.
Appropriations
To continue hearings to review current economic conditions.
1114 Dirksen Building

Banking, Housing, and Urban Affairs
To resume hearings on the conduct of monetary policy.
5302 Dirksen Building

Commerce, Science, and Transportation
Business, Trade, and Tourism Subcommittee
To continue hearings on the economic impact of tourism.
235 Russell Building

Judiciary
Constitution Subcommittee
To resume hearings on S. 53, S. 1761, S. 1975, and S. 1992, bills extending the effects of certain provisions of the Voting Rights Act of 1965.
2228 Dirksen Building

Labor and Human Resources
Employment and Productivity Subcommittee
To resume joint hearings with House Subcommittee on Employment Opportunities of the Committee on Education and Labor on proposed legislation establishing employment training policies.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
318 Russell Building
Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to investigate certain fraudulent commodity investments.
3302 Dirksen Building
Judiciary
Juvenile Justice Subcommittee
To hold hearings on legal matters involving abused children.
5110 Dirksen Building
2:00 p.m.
Judiciary
Courts Subcommittee
To hold hearings on S. 1847, establishing a congressional process for authorizing funds to Federal courts, and limiting certain pay increases for Federal judges.
2228 Dirksen Building

FEBRUARY 26

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on proposed legislation authorizing funds for the Commodity Futures Trading Commission.
324 Russell Building
Labor and Human Resources
Employment and Productivity Subcommittee
To continue joint hearings with House Subcommittee on Employment Opportunities of the Committee on Education and Labor on proposed legislation establishing employment training policies.
2175 Rayburn Building
10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Assistant Secretary for Health, scientific activities overseas, and retirement pay for commissioned officers, Department of Health and Human Services.
1114 Dirksen Building
Environment and Public Works
To resume hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
4200 Dirksen Building
Judiciary
Security and Terrorism Subcommittee
To resume hearings to examine the presence of Cuban intelligence operations within the United States.
2228 Dirksen Building
11:00 a.m.
Rules and Administration
Business meeting, to consider committee resolutions requesting funds for operating expenses for 1982, and to promulgate regulations to implement the postal patron provisions of Public Law 97-69, strengthening and clarifying the congressional franking law.
301 Russell Building
2:00 p.m.
Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building

MARCH 1

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To resume hearings on proposed legislation authorizing funds for the Commodity Futures Trading Commission.
324 Russell Building
Finance
International Trade Subcommittee
To hold hearings to review administration plans and the approach of the United States to the meeting in November 1982 of trade ministers of countries that adhere to the General Agreement on Tariffs and Trade.
2221 Dirksen Building
10:00 a.m.
Environment and Public Works
To resume hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
4200 Dirksen Building

MARCH 2

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of the Secretary of Energy, Office of the Secretary of the Interior, and Office of the Solicitor.
1224 Dirksen Building
9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To continue hearings on proposed legislation authorizing funds for the Commodity Futures Trading Commission.
324 Russell Building
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for Centers for Disease Control, Department of Health and Human Services.
1114 Dirksen Building
*Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold oversight hearings to review the capacity, distribution, and status of the strategic petroleum reserve.
3110 Dirksen Building
10:00 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings to examine the impact of stress on the family caused by the workplace.
4232 Dirksen Building
10:30 a.m.
Veterans Affairs
To hold hearings to receive the Blinded Veterans Association, Paralyzed Veterans of America, and World War I veterans' legislative recommendations for fiscal year 1983.
318 Russell Building
2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Health Services Administration, Department of Health and Human Services.
1114 Dirksen Building
Environment and Public Works
To continue hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
4200 Dirksen Building

MARCH 3

9:00 a.m.
Appropriations
Interior Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for non-Indian programs.
1318 Dirksen Building
9:30 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings on the role of the Federal Government in the operation of American payment systems.
5302 Dirksen Building
Labor and Human Resources
Business meeting, to consider those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4232 Dirksen Building
10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Alcohol, Drug Abuse, and Mental Health Administration, Department of Health and Human Services.
1114 Dirksen Building
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building
Veterans Affairs
Business meeting, to consider those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
412 Russell Buliding
2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Health Resources Administration, Department of Health and Human Services.
1114 Dirksen Building

MARCH 4

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To resume oversight hearings to review the capacity, distribution and status of the strategic petroleum reserve.
3110 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the American Battle Monuments Commission, Army cemeterial expenses, the Office of Consumer Affairs, and Consumer Information Center.
1224 Dirksen Building

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Health Care Financing Administration, Department of Health and Human Services.
1114 Dirksen Building

Environment and Public Works
To resume hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
4200 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Social Security Administration and refugee programs, Department of Health and Human Services.
1114 Dirksen Building.

MARCH 5

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for human development services of the Department of Health and Human Services.
1114 Dirksen Building

MARCH 8

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on H.R. 3663, proposed Bus Regulatory Reform Act of 1981, and on the deregulation of the intercity bus industry.
235 Russell Building

MARCH 9

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Economic Regulatory Administration and the Energy Information Administration, Department of Energy.
1114 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to consider those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4200 Dirksen Building

MARCH 10

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To resume hearings on proposed legislation authorizing funds for the Commodity Futures Trading Commission.
324 Russell Building

Labor and Human Resources
Business meeting, to resume consideration of those matters and programs in the President's budget for fiscal year 1983 which fall within the Committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to continue consideration of those matters and programs in the President's budget for fiscal year 1983 which fall within the Committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4200 Dirksen Building

MARCH 11

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Park Service, Department of the Interior.
1114 Dirksen Building

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To continue hearings on proposed legislation authorizing funds for the Commodity Futures Trading Commission.
324 Russell Building

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 1748, exempting certain employers from withdrawal and plan termination insurance provisions of title IV of the Employee Retirement Income Security Act (ERISA).
4232 Dirksen Building

10:30 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

MARCH 12

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on expanding employment opportunities for older workers.
4232 Dirksen Building

MARCH 15

9:00 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed authorizations for the Railroad Financial Assistance Program, Department of Transportation.
235 Russell Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for elementary and secondary education and education block grant programs, Department of Education.
1114 Dirksen Building

MARCH 16

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on the extended family.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Consumer Product Safety Commission and the Office of Revenue Sharing (New York City loan program).
1318 Dirksen Building

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for impact aid, vocational and adult education, libraries and learning resources programs, Department of Education.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for education for the handicapped, rehabilitation services and handicapped research programs, Department of Education.
1114 Dirksen Building

MARCH 17

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Bureau of Indian Affairs, Department of the Interior.
1224 Dirksen Building

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume hearings on S. 1748, exempting certain employers from withdrawal and plan termination insurance provisions of title IV of the Employee Retirement Income Security Act (ERISA).
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for student financial assistance, student loan insurance, higher and continuing education, higher education facilities loan and insurance, college housing loans, educational research and training activities overseas, Department of Education.
1114 Dirksen Building

1:30 p.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the Bureau of Indian Affairs, Department of the Interior.
1224 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Institute of Education, Fund for the Improvement of Post-secondary Education (FIPSE), and education statistics, Department of Education.
1114 Dirksen Building

MARCH 18

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for conservation programs of the Department of Energy.
1224 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for special institutions, Howard University, departmental management (salaries and expenses), and the Office for Civil Rights, Department of Education.
1114 Dirksen Building

MARCH 19

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on productivity in the American economy.
4232 Dirksen Building

MARCH 23

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Holocaust Memorial Council, and the Bureau of Land Management of the Department of the Interior.
1114 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Veterans' Administration.
1224 Dirksen Building

MARCH 25

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Indian Education, Navajo and Hopi Indian Relocation Commission, and the Pennsylvania Avenue Development Corporation.
1114 Dirksen Building

MARCH 26

9:00 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed authorizations for the railroad safety program, Department of Transportation.
235 Russell Building

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on productivity in the American economy.
4232 Dirksen Building

MARCH 30

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold oversight hearings on the implementation of sex education programs.
4232 Dirksen Building

10:30 a.m.
Veterans' Affairs
To hold hearings to receive Veterans of Foreign Wars legislative recommendations for fiscal year 1983.
318 Russell Building

MARCH 31

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for strategic petroleum reserve and Naval petroleum reserves of the Department of Energy.
1114 Dirksen Building

APRIL 1

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on promoting volunteerism in America.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Federal Emergency Management Agency and the Selective Service System.
1224 Dirksen Building

APRIL 2

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on productivity in the American economy.
4232 Dirksen Building

APRIL 14

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Health and Human Services.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Health and Human Services.
1114 Dirksen Building

APRIL 15

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Land and Water Conservation Fund, and to receive testimony from congressional witnesses.
1318 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Science and Technology Policy and the Council on Environmental Quality.
1224 Dirksen Building

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Education.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Education.
1114 Dirksen Building

APRIL 16

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on productivity in the American economy.
4232 Dirksen Building

APRIL 20

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for certain functions of the Indian Health Service, Department of Health and Human Services, and the Geological Survey, Department of the Interior.
1318 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Environmental Protection Agency.
1224 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Labor.
1114 Dirksen Building

APRIL 21

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Employment and Training Administration, Department of Labor.
1114 Dirksen Building

APRIL 22

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for certain functions of the Forest Service, Department of Agriculture.
1318 Dirksen Building

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold oversight hearings on the implementation of title X of the Public Health Service Act relating to the health aspects of teenage sexual activity.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Labor-Management Services Administration, Pension Benefit Guaranty Corporation, and the Employment Standards Administration, Department of Labor.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Occupational Safety and Health Administration (OSHA), and the Mine Safety and Health Administration, Department of Labor.
1114 Dirksen Building

APRIL 23

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for Bureau of Labor Statistics, departmental management services, and the President's Committee on Employment of the Handicapped, Department of Labor.
1114 Dirksen Building

APRIL 27

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of the Federal Inspector, Alaska Natural Gas Transportation System, Bureau of Mines of the Department of the Interior, and the National Endowment for the Arts.
1318 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Science Foundation.
1224 Dirksen Building
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

APRIL 28

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

APRIL 29

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for fossil research and development and fossil construction programs of the Department of Energy.
1318 Dirksen Building

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on community social support systems.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

10:30 a.m.
Veterans' Affairs
To hold hearings to receive AMVETS legislative recommendations for fiscal year 1983.
Room to be announced

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

MAY 3

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 4

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Smithsonian Institution, Woodrow Wilson International Center for Scholars, and the Advisory Council on Historic Preservation.
1318 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Aeronautics and Space Administration.
1224 Dirksen Building
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 5

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 6

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the U.S. Fish and Wildlife Service, Department of the Interior, and the National Capital Planning Commission.
1318 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from congressional witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 11

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Endowment for the Humanities, Institute of Museum Services, and the Office of Surface Mining, Department of the Interior.
1114 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Institute of Building Sciences, Federal Home Loan Bank Board, and National Credit Union Administration.
1224 Dirksen Building

MAY 13

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for territorial affairs of the Department of the Interior.
1114 Dirksen Building

1:30 p.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for territorial affairs of the Department of the Interior.
1114 Dirksen Building

MAY 18

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development.
1224 Dirksen Building

MAY 19

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development, and the Neighborhood Reinvestment Corporation.
1224 Dirksen Building

MAY 24

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1224 Dirksen Building

MAY 25

10:00
Appropriations
HUD-Independent Agencies Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1224 Dirksen Building

SEPTEMBER 21

10:00 a.m.
Veterans' Affairs
To hold hearings to receive American Legion legislative recommendations for fiscal year 1963.
318 Russell Building

SENATE—*Tuesday, February 9, 1982*

(Legislative day of Monday, January 25, 1982)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the Honorable MACK MATTINGLY, a Senator from the State of Georgia.

PRAYER

The Reverend Arthur H. DeKruyter, D.D., founding pastor, Christ Church of Oak Brook, Oak Brook, Ill., offered the following prayer:

Dear God and Father of us all,

We are grateful today that—

Beyond our knowledge is Your unlimited wisdom;

Beyond our weakness, Your incomparable strength;

Beyond our selfishness is Your supreme love;

Beyond our restlessness, Your unfathomable peace;

Beyond our uncertainty is Your Divine plan;

Beyond our indecisiveness are Your eternal verities.

Thank You for making Your resources available to us.

Open our eyes, our hearts, and our minds to receive the help You offer so freely.

Grant us insight and compassion in assessing the needs of our Nation, and broaden our vision to see the true needs of all mankind. Then give us a firm resolve and undaunted courage to use our abilities and talents to fulfill Your purposes first of all.

Purge us of self-serving devices. Make us instruments of Your peace, healing, and justice.

Accept our gratitude for Your faithfulness,

Your guidance, and the innumerable blessings You have given to us in the past.

We pray through the name of Christ Jesus, our Lord and Master. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 9, 1982.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MACK MATTINGLY, a Senator from the State of Georgia, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. MATTINGLY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Chair.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, after the recognition of the two leaders under the standing order, two Senators will be recognized on special orders provided for yesterday evening. That is to say, the Senator from Arkansas (Mr. BUMPERS) and the Senator from Texas (Mr. BENTSEN), in that order, for 15 minutes.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that after the execution of the special orders just identified, there be a period for the transaction of routine morning business to extend not past the hour of 12 noon in which Senators may speak for not more than 5 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, under the previous order, the Senate will stand in recess today from the hour of 12 noon until 2 o'clock in order to accommodate responsibilities of Senators to be conducted off the floor by both sides of the aisle. At 2 p.m., the Senate will resume consideration of Senate Resolution 20. At 3 o'clock, the Senate, under the order previously entered, will resume consideration of S. 951, the Department of Justice authorizations bill, on which a cloture vote will occur at 4 p.m. pursuant to the petition filed under the provisions of rule XXII of the Standing Rules of the Senate.

Mr. President, it is my intention later in the day, or later this morning, I hope, to ask the Senate to give unanimous consent that if cloture is invoked on the Department of Justice authorizations bill, and notwithstanding the provisions of rule XXII, that the majority leader, after consulting with the minority leader, might lay that measure aside temporarily for the purpose of considering the resolution in connection with the proceedings against Senator HARRISON WILLIAMS. That would be necessary. Otherwise, the previous announcement made by the joint leadership that debate on that measure will begin on February 23 could not be executed unless final disposition of the DOJ authorizations bill had occurred.

Mr. President, I will not put that request at this time, but I would hope that the minority leader and I might discuss that shortly and find an opportunity to put in the request this morning.

LEGISLATIVE AGENDA

Mr. BAKER. Mr. President, obviously, the schedule for the Senate for the balance of this week depends on the outcome of the cloture vote which will occur at 4 o'clock this afternoon. If cloture is not invoked, it would be my intention to resume consideration of Senate Resolution 20, the resolution authorizing radio and television coverage of the Senate. If cloture is invoked, it would be necessary under the provisions of rule XXII to continue with the consideration of that measure until it was disposed of or until it was temporarily laid aside, pursuant to an order which I hope will be entered today.

In any event, Mr. President, it is not possible for me to state the schedule of the Senate with more particularity at this point. I might say, however, for the information of Senators, that it is my hope that before we recess for the Lincoln Day break, we may make provision for the consideration of several measures that I have mentioned earlier. For instance, in addition to the Department of Justice authorizations bill and Senate Resolution 20, the radio and TV resolution, I think it is important that before or shortly after the recess we proceed to the consideration of the regulatory reform measure; the criminal code recodification; the agent identities bill; perhaps supplemental appropriation bills that have arrived at the desk or may shortly be received; the Voting Rights Act extension, and

other matters that may come to my attention.

I am told now that the other body is expected to consider three of the four urgent supplemental appropriation bills, that is to say, the Commodity Credit Corporation, House Joint Resolution 389; the unemployment compensation, House Joint Resolution 391; and low-income energy assistance, House Joint Resolution 392. It would be my hope that the Senate will be in a position to deal with these urgent supplementals as soon as they are received from the House and in the context of the requirements for the consideration of other measures which I have just now described.

LINCOLN'S BIRTHDAY RECESS

Mr. BAKER. Mr. President, I should like to make one other statement before I yield to the distinguished minority leader.

The Senate is scheduled to go into recess at the close of business on Friday for the Lincoln Day period. It would be my hope that we could arrange the business of the Senate so that we could recess, instead, at the close of business on Thursday. That would depend on how we proceed with dispatch of the business we must do. It would be my hope that we could conclude the business of the Senate at the close of business on Thursday rather than on Friday.

Mr. President, I have no further need for my time under the standing order. I am prepared to yield to any other Senator who desires the time. I see none seeking time.

Mr. President, I am prepared to yield to the distinguished minority leader such time as I have remaining.

Mr. ROBERT C. BYRD. Mr. President, I have no need for the time.

Mr. BAKER. Mr. President, I yield back any remaining time.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the minority leader is recognized.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may yield my time to the distinguished Senator from Texas (Mr. BENTSEN).

Mr. BENTSEN. I thank the distinguished minority leader.

Mr. President, I see that my colleague from Arkansas has the first order. I ask unanimous consent to proceed since he is not here.

The ACTING PRESIDENT pro tempore. The Senator may proceed.

WORLD AGRICULTURAL TRADE

IV. POLICY ALTERNATIVES FOR U.S. AGRICULTURAL EXPORT TRADE

Mr. BENTSEN. Mr. President, I am deeply disturbed about the financial crisis facing our Nation's farmers today. I do not believe that nearly enough people understand the stark reality of these problems, nor do they understand how closely connected they are to our lack of progress in our efforts to win a more truly free market in international trade.

In my last three speeches on this topic, I have described for my colleagues the perilous position of America's highly specialized, highly efficient family farmers and their dependence on export markets. I have discussed a leading example of the trade problems we face in the international market—the price-depressing export subsidies of the European Community. I have described how these export subsides in my view not only violate the GATT and the MTN subsidies code, but are also extremely detrimental to our national interest and result in lower prices for American farmers.

I could go on at length with many other examples of trade problems facing U.S. agricultural products as we attempt to export. We face beef import quotas in Japan, where the last increase we won amounted to only one thin hamburger patty per Japanese per year. We face beef import quotas in Europe, and the EC has made almost no increase in meat imports—a violation of their agreement to import 10,000 metric tons of U.S. beef per year. There are a host of other tariff and nontariff trade barriers and export subsidies around the world.

Those are the problems. I want to identify those problems. I want to target those problems. But what I really want us to do is to get to the bottom line—what can we do to correct this situation? What can we do to help the American farmer get a fair price for his product in the international marketplace?

Last October 1, I placed in the RECORD a letter I sent to our distinguished U.S. Trade Representative, Bill Brock, in which I encouraged him to consider initiating cases on his own motion against the EC's common agricultural policy (CAP). A few days later, Ambassador Brock responded to my letter in detail. He said among other things that the administration was taking cases on sugar and wheat flour to international disputes resolution under section 301 of the Trade Act of 1974 and the GATT subsidies code, and that he would shortly determine whether to take other cases to the GATT as well. Subsequently, the administration has notified the EC of other agricultural cases it is taking to the GATT. I applaud this use of section 301 and the GATT for meritorious cases, and I will watch the development of these cases with keen interest.

Similarly, in recent months the administation has taken the initiative and pointed out to European officials the harmful effects of the CAP at various informal, high-level discussions, which resume in Washington this month.

Despite these welcome developments, I believe we should consider more aggressive use of the international disputes resolution procedures. All the cases referred to in Ambassador Brock's letter to me existed because private industry filed a petition asking for Government assistance. Some cases do not deal with U.S. exports at all, even though they call into question the CAP. That the administration would proceed with such cases is all to the good; where industry is willing to complain, section 301 provides a vehicle for registering that complaint. But that cannot be the end of it.

Industry frequently has a complaint, but does not petition. Why? One reason is that they fear retaliation which could wipe out what little trade they already have. For example, right now, many U.S. manufacturers are adversely affected by the Canadian policies on inward investment, yet they do not complain because Canada has a system of reviewing those investments that can arbitrarily wipe out a U.S. company's Canadian market overnight.

Another reason U.S. exporters do not complain is that it may take forever to get a decision. Section 301 has, until very recently, been a graveyard for complaints. The Wheat Flour case we are pressing now is 7 years old. The Citrus case is even older. Congress amended section 301 in 1979 to provide time limits for executive action. But, frankly, we left the President plenty of loopholes that enable him to avoid acting.

Finally, and perhaps most important, sophisticated U.S. exporters are wary of the GATT as an institution for resolving disputes. They have seen agreements that were not worth the paper they were printed on. In 1980, for example, a section 301 complaint by the wheat industry was terminated after the EC gave assurances it would carefully monitor its exports and use restraint in exporting to markets sensitive to the United States. Despite these assurances, the EC continues to expand its wheat markets. Total EC wheat exports increased from 5 million metric tons in 1977-78 to 10.4 million metric tons in 1979-80. Our own Secretary of Agriculture estimates that these subsidized exports cost U.S. wheat farmers 50 cents per bushel last year in lower market prices. Today, no one is sure whether the GATT can resolve the pressing trade problems that

arise in the disputes settlement process.

At present, bringing a complaint under the dispute settlement provisons of the GATT or the GATT-implementing codes is regarded as the start of a trade "war" by our trading partners. They would rather deal with these problems the way they always have—quietly and discreetly—and, frankly, let our cases die in the process.

Too often, our own Government is all too willing to go along. The State Department often seems to forget that the American farmer pays income taxes, when he has any income. Those taxes pay the salaries of State Department bureaucrats who have been all too willing to try to buy friendship at the expense of the American farmer. They have forced our farmers to pay for America's foreign policy with agricultural embargoes and threats of embargoes. That purchased friendship is the most fleeting kind, and those embargoes have only led to increased agricultural exports by other countries and lower prices for American farmers.

That attitude must end. The United States should aggressively support our farmers. We should have an announced policy of identifying trade problems and bringing them up in the GATT.

When we identify a generic problem like the CAP, we must analyze where it violates international agreements, in what products or services it hurts us, and what international support exists for our position. We should consult private sector advisory committees set up under the Trade Act of 1974. Then, on the basis of such pragmatic considerations, the Special Trade Representative should start formal GATT or MTN cases on his own motion to resolve the problem.

Such a change in attitude could result in hundreds of millions of dollars in increased U.S. exports. This change in policy can be declared immediately, without any changes in law.

In suggesting such a change in policy, I should want it to apply to all our trade—not just agriculture. I should also make clear that it is not intended to destroy the CAP—only to stop its unlawful and harmful international effects from hurting U.S. farmers. This policy must also apply to all countries—not just Europe. Japan is an equally good example of severe trade restrictions against U.S. products. As a result of those restrictions, the United States had a $16 billion trade deficit with Japan last year, and it is expected to grow much larger this year.

I know that many will say that GATT cases are a waste of time, and I, too, am frustrated by all the wasted words of the GATT. But the international trade situation is desperate now; our trading partners have to understand that. I fear deeply for the world trading system if we have to subsidize our exports just to compete. I believe many parties in Europe do not want to spend $44 billion a year subsidizing agriculture when the United States spends $3 billion; I believe there are many in Europe who do not want to be viewed as unfair traders by the majority of GATT members; and I am hopeful these forces of reason can prevail in Europe if we just press our case.

Incidentally, Mr. President, one aspect of this change of policy that may require legislative action is to augment the U.S. Trade Representative's information gathering powers under sections 301-306 of the Trade Act of 1974, which are virtually nonexistent in this law. In order to have a program such as I have described, USTR will obviously need not only access to sensitive business information on prices and markets but the legal authority to protect this information. However, it may already be possible under present law for USTR to "piggyback" on other agencies' information powers or to use existing USTR authorities to accomplish this result. I await the administration's advice on whether such housekeeping powers are necessary.

Many questions remain to be asked about the problems and potential of U.S. agricultural trade, and I intend to raise them in our hearings later this week.

First. Can section 301 of the Trade Act be made a more effective remedy? Will we ever aggressively enforce our rights under trade agreements?

Second. Can we mobilize other agricultural trading nations adversely affected by EC subsidies to compel an international discussion of the problem?

Third. What remedies are available to the United States in the event the EC refuses to implement actions that will eliminate the harmful effects of their export subsidies? Do our only remedies consist of increasing prices to our consumers by raising import barriers? Must we increase our taxes so as to fund agricultural export subsidy banks? If these remedies are unavailable to us, particularly given the current economic difficulties, what can we do?

I am hopeful this hearing will help us find answers to many of these questions because, Mr. President, they are of real importance to the future of the American family farmer.

The American farmer has been told to produce for a competitive free market. He has been told the world is hungry and he must export food to feed the hungry. In response, he has become the most efficient producer of food in the history of the world. The average farmer feeds himself plus 52 other Americans and still exports enough food to feed 26 people in other countries.

Yet he exports that food at prices that are below the cost of production. These last 2 years, he has taken over a 30-percent cut in real take-home pay compared to the average of the last decade.

This is the real problem we will address on February 11. Will our farmers finally be given a comprehensive, consistent overall agricultural policy, both foreign and domestic? Will they be given access to the free markets that they are asked to produce for? Or will they continue to pay the bills for American foreign policy? Will they continue to strangle slowly under a free-market domestic policy coupled with a foreign trade policy that does not deliver that free market?

Texas has more farmers than any other State in the Nation. I hear from them, and I listen to them. And the bottom line for the American farmer is price. He does not want to use more credit—he is already in debt up to his ears. He wants a good price for his product. He wants to make a profit for a change, and I want to help him do that.

As I said at the start of these statements, Mr. President, it is time for this country to take hard look at the real world. It is time to tell the American farmer what his place in the world will be and what this Government can and will do to help him gain equal access and earn a fair price for his product in the international marketplace.

DUMPING OF BELOW-COST SUGAR INTO U.S. MARKET BY FOREIGN COUNTRIES MUST BE STOPPED

Mr. MATSUNAGA. Mr. President, I rise to congratulate the Senator from Texas, Mr. BENTSEN for drawing the Senate's attention to the problems caused by subsidized products from the European Community in his statements on trade policy and American agriculture. I would like to describe the specific hardship the Hawaiian sugar industry faces, because of the European Community policy.

Hawaii produces the highest acreage sugar yield in the world with the lowest number of man-hour per production unit. Nearly a quarter of a million acres in Hawaii are planted in sugarcane. The Hawaiian sugar industry employs 9,100 people directly and indirectly supports the jobs of another 20,800 workers. It is the third largest revenue producer for the State of Hawaii.

The Hawaiian sugar industry today faces severe problems. The current market price for sugar is 13.4 cents a pound; during the past year that price has been even lower. Despite the efficiency of the Hawaiian industry, its cost of production in 1981 averaged 25.5 cents a pound. With its cost of production exceeding the market

price, the Hawaiian sugar industry incurred $100 million in losses in 1981.

The economic straits have led one company to close its sugar factory temporarily. Another company has announced the permanent closing of a plantation which would idle 500 workers and take 16,172 acres out of production. To help the industry to survive, 7,500 organized sugar workers have agreed to postpone scheduled wage increases, because of the current situation.

The predicament is directly attributable to the subsidies every exporting country provides to its own sugar growers. This predicament is especially attributable to the 27 cents a pound European Economic Community price guarantee to its sugar producers and subsequent export subsidies paid to its sugar exporters.

The United States imports 45 percent of its sugar needs—about 4½ million tons a year. Up until 1975 the European Economic Community also imported sugar for its domestic consumption. Now, however, due to its heavy subsidy, the European Economic Community exports sugar and in fact dumps sugar onto the world market at prices below the cost of production and below European Economic Community guaranteed price levels.

The Hawaiian Sugar Planters Association has supported a complaint under section 301 of the 1974 Trade Act. But the existing procedure to negotiate an end to the European practice has proven too cumbersome and time consuming. The relief finally obtained for our domestic industry, if any, may well come too late to save many American farmers.

Throughout the period from 1978 to 1981, countries which abided by the International Sugar Agreement (ISA) held back their sugar exports to stabilize prices. But the European Economic Community, which is not a party to the ISA, expanded its heavily subsidized exports to capture 20 percent of the world market in 1981.

For the current season, it is estimated that world sugar production will increase by 10 percent. A fifth of that increase will be due to heavily subsidized European Economic Community sugar. The European Economic Community will likely raise production by 1.9 million tons, a 15-percent increase from last season.

European Economic Community production, clearly in excess of European Community domestic needs will be dumped in third country markets. The effect will be to lower world price generally, divert the production of other countries to the United States, and further injure American sugar producers.

All major sugar exporting countries—Cuba, Brazil, Australia, South Africa, the Philippines, Argentina, India, Mexico, as well as the European Community—have a guaranteed set price for their sugar production. The guaranteed price of the European Community and other exporting countries is far different from the U.S. loan price program. Our program sets a distress price, intended to save the American farmer from greater loss. By contrast, the European Economic Community sets a price which assures its growers a handsome profit. Furthermore, the United States is the only major sugar producing nation that provides a semblance of a free market for this subsidized foreign sugar.

The hardship faced by the Hawaiian sugar industry, along with American agriculture generally, is the cost the United States pays in support of a free trade policy. The increased hardship we are being forced to bear under a seemingly one-way free trade policy leads me to question severely the fairness of our present trade policy to our ownselves.

The problems faced by Hawaiian sugar growers is just one more example of the many cases which support the point raised by the Senator from Texas. I, for one, hold him in high regard and that regard is strengthened by his knowledgeable and forceful exposition on the European Community common agriculture program. Unless the situation can be corrected by mutual agreement between the European Economic Community and the United States, within a reasonable time, we of the Congress should take steps to stop the dumping of Government-subsidized farm products, including sugar, into our domestic market.

U.S. FARMERS HURT BY EUROPEAN COMMUNITY POLICY

(By request of Mr. BENTSEN, the following statement was ordered to be printed in the RECORD:)

● Mr. BAUCUS. Mr. President, I thank the distinguished Senator from Texas (Mr. BENTSEN) for allowing me to join him and others in pointing out the gross inequities that exist today in the international agricultural marketplace.

As a member of the Senate Finance Committee's Subcommittee on International Trade, I share the sentiments of my colleague from Texas that the United States needs to toughen its stance on agricultural trade issues. Mr. BENTSEN, as a cochairman of the Senate Export Caucus, is a qualified spokesman for the American farmers who face trade barriers in their export markets.

I have just returned from Japan where I discussed trade issues with the Japanese Secretary of Agriculture and other high-ranking Japanese officials.

I believe that the hearings—scheduled for February 11—for the Subcommittee on International Trade are essential in bringing out the inequities that I discussed with the Japanese leadership.

I realize that the trade barriers presented by the farm subsidies within the European Community are an equally alarming hindrance to free trade. I would like to thank the distinguished chairman of our subcommittee, Mr. DANFORTH, for holding these hearings to develop a U.S. response to the EC situation.

FARM BILL BASED ON MYTH

Mr. President, the 1981 farm bill, supported by the Reagan administration, favored a free market approach to improving farm prices over providing reasonable domestic supports. In a truly free market, I think U.S. farmers would agree with this approach. American farmers prove, year after year, that they can produce high quality products with greater efficiency than any other country in the world.

Why is it, then, that the U.S. farm economy is as poor as it has ever been?

I personnally believe that we have put the cart before the horse. We keep domestic farm supports at low levels and throw U.S. farmers to the international marketplace. But the corrections that need to be made in the world market have not taken place. U.S. farmers suffer the burden of low prices until positive action is taken to eliminate trade barriers and move us to a truly free international market.

I voted against the 1981 farm bill because I believe we should have worked on these trade inequities before exposing U.S. farmers to the marketplace. I believe that we now face a much more critical situation—that must receive our prompt attention and action.

EC—COMMON AGRICULTURAL POLICY (CAP)

Mr. President, Europe's CAP was instituted in 1962 to promote the Community's self-sufficiency and provide European agricultural workers with incomes equal to that of other workers. This was to be done by offering high internal price guarantees by using variable levies to keep import prices higher than domestic prices.

As a result, the EEC is about to join the ranks of major agricultural exporting nations.

The CAP has proven to be a very expensive program. A World Bank study indicates agricultural price distortions in France, Germany, and the United Kingdom may have cost the consumer around $6.5 billion in 1976. This cost has undoubtedly grown substantially since then.

The hearings this Thursday will specifically address the EC's CAP. I see three reasons why the United States should be upset.

First, the European Community appears ready to expand its export policy using many objectionable features embodied in the CAP, such as long-term agreements and increased export credits.

Second, we are having trouble getting the Europeans to reform their export safety valve, which they use to take care of excess production. They are also reluctant to bring their internal prices more in line with world prices.

Finally, our traditional access to the European market is in danger of being limited by their protectionist measures.

Mr. President, the subsidies under the CAP are totally out of line with U.S. farm prices. For example, the 1981 loan rate for wheat is $3.55 per bushel in the United States. At the same time, the EC's intervention price for wheat is $4.90 per bushel. This $1.35 per bushel spread is alarming enough—but the intervention price means that all the wheat produced in the EC will be purchased by the European Community at $4.90 per bushel. That is a far greater direct government subsidy to farmers than we even considered during the 1981 farm bill debate.

REFORM THE CAP; LOOK TO JAPAN

Mr. President, in fairness to U.S. producers, the CAP of the EC must be reformed. I am pleased to join Senator DANFORTH, Senator BENTSEN, Senator LONG, and a number of other Senators in calling for a review and reform of the CAP. The United States must vigorously defend our GATT rights by utilizing section 301 and every other available means to correct the inequity that continues to hurt U.S. farmers.

I ask that a recent letter I received from the Secretary of Commerce, Malcolm Baldrige, appear in the RECORD at this point. The letter outlines the U.S. efforts to date.

The letter follows:

THE SECRETARY OF COMMERCE,
Washington, D.C., January 8, 1982.

Hon. MAX BAUCUS
U.S. Senate,
Washington, D.C.

DEAR SENATOR BAUCUS: Thank you for your letter concerning the EC Common Agricultural Policy (CAP) and its effect on international trade.

During high level consultations in Brussels December 11 and 12, Secretaries Block and Haig and Ambassador Brock expressed U.S. concerns about the effects of the CAP to their EC counterparts. The U.S. side made it clear that we will defend our legitimate trade interests and that we will not tolerate the EC using export markets as a means to dispose of the chronic overproduction resulting from the CAP's operation.

The United States has already taken a number of steps to translate our position into concrete action. During 1981, the United States initiated consultations pursuant to the dispute settlement procedures under the Subsidies Code against the EC with respect to its exports of wheat flour, poultry, sugar and pasta. We have also initiated consultations pursuant to the dispute settlement procedures under the GATT against CAP practices with respect to canned peaches, canned pears and raisins. In each of these cases, the United States is alleging that the EC is violating its international obligations under the Subsidies Code and the GATT as a result of various CAP export and domestic subsidies. We will continue to explore all legitimate multilateral and bilateral forums to press our position in this area.

Import restrictions on grain substitutes proposed by the EC in July were also discussed in Brussels. U.S. access to the EC market for these products is assured by international agreements. Any attempt to impair this access would strike at the very foundation of our trading relations with the EC. The United States is not alone in opposing any kind of import limitations on these products, but receives strong support from numerous other countries.

The Brussels consultations helped to clarify EC understanding of U.S. concerns about the effects of the CAP. While I was not able to attend the Brussels meeting, I wholeheartedly support the efforts of my colleagues. A follow-up meeting will be held in Washington in February to continue the discussion of this and other policies affecting our relations with the EC. We will continue to impress on the EC the need to adjust the CAP so as to reduce, and not exacerbate, tensions in U.S.-EC trade relations. Thank you for your support in this endeavor.

Sincerely,

MAC BALDRIGE,
Secretary of Commerce.

Mr. President, I also want to express my desire that the United States simultaneously address the inequities of Japan's trade policy. Despite Japan's recent agreement to ease trade restrictions on 67 of 99 items in question, there has been no change in their agricultural import policy.

I stressed the need for change in my recent visit with Japanese leaders and I reaffirmed my commitment to this change through letters to the U.S. trade negotiator, William Brock, and the Japanese Ambassador to the United States. In these letters, I stressed that we should not be satisfied with the Japanese announcement until serious attention is given to the lowering of agricultural export barriers.

I hope that the Subcommittee on International Trade will continue to address the barriers we face in international trade with a close look at the Japanese situation. I plan to continue my effort to see that U.S. farmers can compete fairly in a free international market that allows them the opportunity to receive a price that meets their cost of production.●

ORDER OF BUSINESS

Mr. BAKER. Mr. President, will the Senator from Arkansas permit me to intervene for the purpose of putting a unanimous-consent request, without it being charged against the time allocated to the Senator from Arkansas under the special order?

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—S. 951

Mr. BAKER. Mr. President, as I indicated earlier in the day, I wish now to put a unanimous-consent request dealing with the Department of Justice authorizations bill and the consequences of cloture, if cloture is invoked, as it may relate to another matter. I believe this has now been cleared on both sides.

I ask unanimous consent that, notwithstanding the provisions of rule XXII, if cloture is invoked on S. 951, the Department of Justice authorizations bill, such measure may be temporarily laid aside at any time after February 22 by the majority leader, after consultation with the minority leader, to proceed to consideration of Senate Resolution 204, a resolution to expel Senator HARRISON A. WILLIAMS, JR., from the Senate.

I further ask unanimous consent that no call for the regular order serve to take Senate Resolution 204 off the floor.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, there is no objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. I thank the Chair, and I thank the Senator from Arkansas for permitting me to do this.

RECOGNITION OF SENATOR BUMPERS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Arkansas (Mr. BUMPERS) is recognized for not to exceed 15 minutes.

COMPETITIVE LEASING

Mr. BUMPERS. Mr. President, there is more discussion than usual these days about balancing the Federal budget or at least reducing the enormous Federal deficits we seem to be facing. There is much talk about eliminating inefficiencies and waste and fraud in Federal programs.

In my opinion, one of the most colossal cases of waste and, at times, fraud is the outdated system the United States continues to use in leasing its Federal oil and gas lands.

If we really want to balance the budget, or at lease increase revenues in a very fair way, this system would be an absolutely excellent place to begin.

A recent oil and gas lease sale in my State of Arkansas, which requires competitive bidding, shows by comparison just how outdated the Federal lottery system of leasing its lands is.

This past December, Arkansas leased 80 acres of mineral interests which it

owned in the Ouachita National Forest. The Federal Government owned the surface but Arkansas owned the minerals.

The important feature of this lease, Mr. President, is that we had enough sense in Arkansas to demand a competitive bid for the resources that belong to the people of Arkansas. As a result of leasing that 80 acres on a competitive basis, we received a bonus of $103 per acre.

If that same acreage had been leased by the Federal Government, it would have been let on a first-come, first-served, noncompetitive basis and would have yielded the United States only $1 per acre, or $80, in annual rent. So, the State of Arkansas, for its 80 acres, received $8,240, and the Federal Government, had it held the mineral rights as it does on more than 700 million acres of land, would have received the magnificent sum of $80.

Under the existing Federal leasing system for on-shore oil and gas, only 3 percent—I repeat, 3 percent—of the leases are sold competitively. Regardless of the fair market value of the tracts, the remainder of the tracts are leased noncompetitively for an annual rental of $1 per acre.

The lease is issued for 10 years without even an obligation to drill. Perhaps the best way to appreciate the potential revenue loss to the Treasury under the system can be found in some figures that have been given me by the U.S. Bureau of Land Management.

In 1980, the average revenue per acre generated by competitive leases—competitive leases—was $86.23 per acre, and the average revenue generated by noncompetitive leasing was only $6.01 per acre.

I think we should note that of the more than 20 States in this Union that have oil and gas within their borders only 1, 1 out of 20, Wyoming, still issues oil and gas leases on a noncompetitive basis, and even Wyoming has begun to require competitive bonus bidding on some of their tracks.

The reason that people in the State agencies which administer these leasing programs have given my staff and me is very simple: It is fair and the States know they are getting the fair market value for their mineral interests. The recent lease sale in Arkansas which so dramatically illustrates the weaknesses of the Federal program, and the revenue which is being lost, was brought to my attention by a forest service manager. This civil servant certainly did not fit the common stereotype of the wasteful bureaucrat. In describing the lease sale to my staff, he emphasized how frustrating it is for him personally and his associates to know that the Federal Government could be getting much more revenue from the oil and gas resources of the Federal lands if the antiquated noncompetitive leasing system were abolished.

Mr. President, the Arkansas lease sale is not just an isolated example of the disparity which exists between the value of our oil and gas resources and the price that the Federal taxpayer is now receiving for them.

Nearly everyone in the Senate has heard me describe a lease sale at Fort Chaffee, Ark., which first piqued my curiosity and got me interested in this subject.

In 1979, 33,000 acres at Fort Chaffee, which was surrounded by a producing gas field, was leased by the Department of the Interior for $1 an acre. Later, because I raised so much cain about that sale, land in that same area was leased competitively. Twenty-four thousand acres in the same area as the land that had been leased for $1 an acre were put up for lease on a competitive basis. And what do you think it brought? Eighteen hundred dollars per acre. Some of it brought $4,007 per acre. And If I had not been squealing like a pig under the gate every bit of that land would have gone for a dollar an acre.

The argument is always made that eliminating the existing noncompetitive leasing system will some how prevent small and independent companies from being able to obtain leases. This charge simply is not supported by the records of either State lease sales or the small percentage of Federal competitive lease sales. The Bureau of Land Management reports that more than 80 percent of the leases issued by competitive bidding are typically won by small and independent companies. This is particularly significant since these competitively issued leases are for tracts that have the highest potential, and so should be of greatest interest to the major companies. Furthermore, State lease sales show that independents compete very well with the major companies in obtaining competitive leases. More than 90 percent of competitive leases recently issued in Montana went to independents; in Texas, nearly 80 percent of competitive leases recently issued in 1981 went to independents; in New Mexico, more than 80 percent of leases issued in 1980 were obtained by independents.

Mr. President, I have focused on the financial weaknesses of the existing noncompetitive leasing system. Let me add that my criticism of the system is not limited to its revenue inadequacies. I simply do not feel that the Federal Government should be in the business of conducting lotteries to determine who gets the right to drill for valuable oil and gas deposits.

Mr. President, I promise you if you took a poll of the people of the United States 90 percent of them would agree with that proposition.

The oil and gas lottery was suspended for several months in 1980 because of the discovery of widespread fraud and manipulation of the system.

I do not believe in lotteries. When I was Governor of my State I told the gamblers, "Do not come to me with any proposal for lotteries or any other gambling devices. We are not going to have it in our State." And I still feel the same way, especially after coming to Washington and finding that the only thing we really own of value, our resources, is being peddled by simple lottery.

And the tragedy is that even in the lottery system the vast majority of the people who win leases are not oil and gas people. They are people who are retired, living in Fort Lauderdale, Fla. They are people who live all over the country. And they are enticed to invest in this lottery system by over 250 corporations that have sprung up around the country and do nothing except tell people how they can get rich if they will just submit a bid in the lottery system.

Almost without exception the winners of the lottery turn right around and sell their winnings to an oil company. The winners most always sell the lease to a company for a handsome profit. So what we actually have is a competitive system—but the competition only begins after the United States has given a lease to a lottery winner, and the real proceeds go to that winner—not the U.S. Government.

Mr. President, legislation that would have cured and corrected this situation and established an all-competitive leasing system was reported out by the Senate Energy and Natural Resources Committee in 1980. Unfortunately, the Senate did not have time to act on that bill before adjournment.

Last year I introduced similar legislation S. 60. In December I brought it up in the Energy Committee as an amendment to the oil shale leasing bill and I lacked 3 votes getting it out of the Energy Committee.

But I wish to serve notice on everyone in and out of the Department of the Interior, in and out of the Bureau of Land Management, and in and out of the Senate that I am going to offer this legislation at every opportunity I get because I know what we are doing is wrong. Our present system is subject to fraud, it is an invitation to speculation, and it is financially disastrous for the American taxpayer who is being asked to cinch it up and who is now being told that the deficit just for this year alone will be over $90 billion.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. GORTON). Under the previous order, there will now be a period for the transaction of routine morning busi-

ness not to extend beyond 12 o'clock in which Senators may speak.

PERSECUTION OF CHRISTIAN PENTACOSTALISTS REINFORCES NEED TO RATIFY GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, many times I have decried the anti-Semitism extant in the Soviet Union. Today, however, I wish to discuss another case of religious persecution there.

Christian Pentacostalists in the Soviet Union also have been harassed for many years. According to Parade magazine, since the Stalin era Soviet authorities have engaged in an unsuccessful campaign to stamp out the Pentacostalists once and for all.

Although Soviet law requires that their congregations be registered, it is believed that over 200,000 Pentacostalist are defying this order. The tension has grown to such proportions that as many as 20,000 of them, according to Western estimates, have applied for emigration visas.

The so-called Siberian Seven stands as the most publicized case of Soviet animosity toward Pentacostalists. The two families called the Siberian Seven, the Vashchenkos and the Chmykhalovs, fled Soviet authorities by forcing their way past Russian guards to enter the U.S. Embassy in Moscow in June 1978. They have now lived in one 15- by 20-foot room in the basement of that building for 3½ years. They are, in essence, trapped there with little hope and much fear.

Soviet KGB affiliates are employed in the compound to perform most of the manual labor. According to Parade—

> Some of the workers delight in taunting and harassing the Seven, who often are afraid to leave the relative safety of their room without an American escort.

On one occasion, a guard constructed a flammable cotton ball, lit it, and tossed it into their room.

To call attention to their case, one of the Seven began a hunger strike at the end of last year. After more than a month of fasting the American officials at the Embassy were left with a decision between two horrible alternatives. They had to choose between letting her die and turning her over to the repressive Soviet authorities. On January 30, fearing for her life, they sent her to a hospital. Now in Soviet hands, she most likely faces arrest, force feeding, and transfer to a psychiatric hospital. For all intents and purposes, she has been lost. The ordeal of the remaining six drags on.

The plight of the Siberian Seven merely spotlights the terrorization of Christian Pentacostalists by the Soviet Government.

The Soviet persecution of Christian Pentacostalists is but one example of a religious group being tormented in the world today. Although it is not a clear case of genocide itself, this example does remind us of the possibility of such action.

The humanitarian voice inside us all cries out to help the oppressed. What better place to begin than at the top of the list, with the cruelest and gravest violation of human rights—genocide.

We have had before us for more than three decades now the International Convention on the Prevention and Punishment of the Crime of Genocide. It is imperative to support this worldwide treaty declaring genocide an international crime. Let us delay no longer in ratifying the Genocide Convention.

ADMINISTRATION PROPOSALS ON NURSING HOME SAFETY: A STEP BACKWARD

Mr. PRYOR. Mr. President, today I rise to express my grave concern over a plan of this administration's which would, if implemented, have a dramatic, negative effect upon our Nation's institutionalized elderly. I am specifically referring to efforts to deregulate the nursing home industry, while simultaneously federalizing the medicaid program and making additional precipitous benefit reductions in both the medicare and medicaid programs.

While I am certain that most nursing homes attempt to provide their residents with the best possible care, the history of nursing homes in the United States is clouded by the incidence of scandal and abuse. Frightening stories of patient mistreatment including physical and mental abuse have been well documented through newspaper accounts and congressional exposés. During my days in the House of Representatives I personally witnessed a serious lack of care and unbelievable living conditions in many homes.

Through the efforts of a small group of concerned and committed individuals, and through many years of struggle against almost insurmountable odds, we have been marginally successful in establishing some minimal standards for long-term care facilities. In the late 1970's we were further encouraged by what appeared to be a movement toward even greater safeguards for nursing home patients. In 1980 the Carter administration proposed an overhauling of nursing home regulations which would have provided greater patient protection, while eliminating some unnecessary and burdensome reporting requirements. These proposed rules were subsequently withdrawn by the present administration.

And today, we are now faced with the unfortunate prospect of a complete about-face on Federal policy toward protection of the more than 1¼ million nursing home residents in this country. As a part of its overall deregulatory efforts, the Department of Health and Human Services is currently circulating in-house a draft set of conditions for participation in the medicare and medicaid programs for skilled nursing facilities which could greatly reduce basic health and safety safeguards for residents.

Among the current standards and conditions which are in jeopardy are the following:

First. The requirement that each facility maintain a medical director to be responsible for the care of patients. This minimal requirement was established after a long history of epidemics and malnutrition pointed to the need for centralized responsibility for overall patient care, in addition to requirements for individual physicians.

Second. The condition requiring the provision of medical social services, and the condition requiring a program of activities to improve the physical, social, and mental well-being of the patients. The combined elimination of these two requirements could have a catastrophic effect upon patient health and act as a strong disincentive to deinstitutionalization.

Third. Requirements for the development of personnel policies and procedures and staff training. The need for training and education of personnel, particularly unskilled and nonprofessional staff, in dealing with the very special needs of nursing home residents has long been established, particularly in the areas of prevention and control of infections, fire prevention and safety, accident prevention, confidentiality of patient information, and preservation of patient dignity, including protection of his privacy and personal and property rights. All of these training requirements are currently scheduled for repeal. It is absolutely ludicrous, it is unbelievable, and it is inhumane. Rather than the elimination or downgrading of such requirements, I strongly advocate even more stringent requirements in this area of patient protection.

Fourth. Standards requiring hygiene of staff and sanitary conditions, under the present proposal, would be seriously jeopardized.

Mr. President, these are just a few of the draft proposals which have caused me considerable alarm. But taken in conjunction with President Reagan's most recent proposal to federalize medicaid and further reduce medicare and medicaid benefits, these changes should cause concern and outrage in every U.S. citizen.

The Federal Government initially became involved in the regulation of the nursing home industry because of the rampant abuses to which our senior citizens were subjected. Now

the President has asked that the Federal Government take over the full expense of the medicaid program, 40 percent of which goes toward nursing home expenditures, while giving control of the industry back to the States. Question: Who will guarantee the rights of this most vulnerable population?

In addition, under the new proposals for medicaid, the administration intends to allow States added flexibility in the recovery of long-term care costs. Specifically, States will be able to charge adult children for partial reimbursement of medicaid costs for their institutionalized parents, as well as permitting the States to place liens against the house or other real property of medicaid recipients in long-term care facilities.

Mr. President, in addition to causing potential family resentment toward the institutionalized, these provisions all but guarantee that, even should a nursing home patient have some hope of being deinstitutionalized, the draining off of this individual's lifetime resources will dash all hopes of once again becoming an active member of his community. But beyond these points, the threat of such action will most surely cause the cruelest type of mental anguish to our Nation's elderly—the threat of loss of all independent means through no fault but that of aging and becoming unable to fully care for oneself.

Mr. President, I will conclude my remarks by urging my distinguished colleagues to closely monitor, with me, the actions of this administration with regard to our institutionalized elderly. These are the individuals who have worked to help make our country great, and we must not abandon them in their hour of need.

CALIFORNIANS AND THE BILATERAL NUCLEAR FREEZE BALLOT INITIATIVE

Mr. CRANSTON. Mr. President, there can be no more important issue in the world today than the effort to curb the mindless growth of the nuclear overkill capabilities possessed by the United States and the Soviet Union. But the vital question remains: "How do we accomplish this essential goal?"

The Reagan administration has chosen to link renewed progress on strategic arms control with improved Soviet respect for other Western interests. The Reagan administration continues to adhere to the erroneous assumption that strategic arms control is a favor we confer on the Soviet Union, rather than an overarching security imperative which we must pursue because of our mutual interest in survival.

In light of this administration's view, concerned grassroots community groups are becoming active throughout this country to try to spur more realistic arms control policies which recognize our security interest in controlling and reducing the superpower's nuclear arsenals. Nowhere is this movement better organized, more effective, and in more responsible hands than in my home State of California.

Californians concerned about the nuclear arms race have coalesced around a proposal to place on the November 1982 State ballot a referendum calling for the President to propose to Soviet leaders negotiation of a bilateral, verifiable freeze on nuclear weapons production, deployment and testing. Adoption of this proposal would signal the strong concerns of a majority of citizens of the largest State in the Nation—and the President's home State—and hopefully help spur the administration to act.

Last month, I was privileged to join my colleagues LARRY PRESSLER and CLAIBORNE PELL to hold unusual field hearings of the Senate Foreign Relations Committee in California. We heard testimony from a cross section of concerned Californians, including Mr. Harold Willens, campaign coordinator for the freeze intiative, whose testimony I am submitting for the RECORD today.

As I told the witnesses in these California hearings, it is my personal belief that it is a civic obligation of all thoughtful citizens to familiarize themselves with the details of the nuclear arms race.

We need to know how and why we got where we are today if we are to escape our current dilemma and halt what many fear is a drift toward nuclear confrontation.

The Soviet Union has 7,000 strategic nuclear weapons which it could launch within hours, most of them within minutes, and utterly destroy every American city and town with over 5,000 people.

The Soviets have 240 cities with populations greater than 100,000. Two American submarines could utterly destroy each and every one of these Soviet cities—and thus destroy the Soviet Union as a functioning society, within minutes. We have 15 such subs on patrol at any given time. We also have 1,053 intercontinental nuclear missiles based in the United States which can reach Soviet targets. And hundreds of bomber aircraft. Plus thousands of nuclear weapons in Europe.

Of course, the Soviets have their overkill, too. And they are aggressively adding to their arsenal as are we.

The question is how do we stop this spiraling overkill arms race while protecting our national security and the security of our fragile planet.

The initiative taken by thousands of Californians to place a nuclear freeze referendum on the 1982 State ballot represents to me a desire to express the public will that the arms control process be hastened and intensified—that a freeze be put in place from which to achieve reductions.

I do not usually become involved in State referendums.

But I feel compelled by the importance of this issue to say, "Yes, I too believe we need to negotiate a balanced, verifiable freeze—and indeed reductions on United States and Soviet nuclear arsenals."

I understand that one can reasonably argue over the details. Will the United States be able to remedy percieved imbalances in the European theater? Will replacement of aging and dangerous nuclear systems with more modern, secure systems be permitted? These and other questions spring to mind.

But these are issues for United States and Soviet negotiators to resolve.

On the fundamental principle of a negotiating a balanced, verifiable nuclear freeze my own view is clear: we need it and we need it soon. So I personally will vote for freezed referendum.

Mr. President, during the recent Foreign Relations Committee hearings in California, we received a remarkably clear and effective call to conscience from a remarkable American, Mr. Harold Willens. A prominent industrialist and a concerned, active citizen, Harold Willens did much to move forward the citizen effort to bring our troops home from South Vietnam. Now he is focusing his efforts on an even more important goal—to do all he can to help halt the superpower arms race.

I commend him for these noble efforts on behalf of peace, sanity, and the freeze initiative and ask unanimous consent that his testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

A STATEMENT TO THE U.S. SENATE FOREIGN RELATIONS COMMITTEE

(Presented by Harold Willens, campaign coordinator)

Senator CRANSTON, Senator PRESSLER, ladies and gentlemen: The Senate, faced with decisions on national survival, has to wonder why people in California—top state in the weapons industry—are calling for a Freeze on nuclear weapons. Who are we, you may ask. What's happening here? You are giving me a chance to explain and I thank you.

What is happening, here and all over the country, is that the American people are starting to see things in a new way. There are signs of a new thought pattern—a chance as basic as the switch from seeing the earth-as-flat to seeing the earth-as-a-globe. Scientists would call it a paradigm shift. It is what Albert Einstein asked for and feared might never come. "The unleashed power of the atom", he said, "has

changed everything except our way of thinking—and thus we drift toward unparalleled catastrophe". A growing percentage of Americans now feel the increasing speed of that drift.

What is this new paradigm? Its foundation is security, as in the wording of our Freeze initiative: "The safety and security of the United States must be paramount in the concerns of the American people". Nothing new there.

But the switch—the new paradigm—is the realization that in contrast to all prenuclear weapons, the more devices of thermonuclear destruction we have, the less secure we are. And the danger grows every time another country follows the United States and the Soviet Union into an ever-widening circle of nuclear-armed nations.

The new paradigm sees the same facts as the old, among them the fact that the Soviets are catching up and may even now equal the United States in destructive capability. But it sees this new constellation of facts as demanding the shift to a realization that neither nation can gain safety and security by threatening the safety and security of the other. Like global siamese twins, we either live together or die together. And now, when both nations are at the same level of destructive capability, we and the Soviets have an opportunity—an opportunity we may never have again—to back away from our collision course by means of a bilateral nuclear arms Freeze.

A glimpse of this paradigm shift can be perceived in the nation-wide Gallup poll of last June. It showed 72 percent of Americans as saying, "We want an agreement between the United States and the USSR not to build any more nuclear weapons". That is hardly a mandate, only a new consciousness, like a child struggling to be born. We of the Freeze are like midwives trying to help it, feed it and toughen it for the world of politics. We are doing that through a campaign designed to produce ballot box proof of a citizen mandate; which is something Congress has always responded to.

That kind of citizen—mandate is urgently needed now. In the last few years the Congress has failed to challenge—or even seriously debate—the so-called "countervailing nuclear strategy" concept which has crept into the picture and which represents a fundamental and fearful change in policy.

It is a change from MAD to WORSE. MAD (mutually assured destruction) can be achieved with several hundred U.S. and USSR thermonuclear devices. As small a number as that can effectively destroy both nations. Since there are now about 50,000 in our combined arsenals, those who want still more are forced to invent fantasy scenarios and smokescreen slogans to conceal what common sense would otherwise reveal; the counterproductive consequences to our national security and our economic security, that flow from putting our money where our myths are. As I said, the Congress has failed the American people by failing to debate this distortion of the term "deterrance". That is why the California campaign we are launching assumes particular significance.

Who are we? We are industrialists, scientists, doctors, ministers, even defense workers—citizens from all walks of life. I am a business executive who, as a U.S. Marine intelligence officer happened to see both Hiroshima and Nagasaki not many weeks after those two cities were leveled at the dawn of the atomic age. What I did not see, until much later, was that those two American atomic devices changed forever the nature of war. Other business executives are Victor Palmieri, Leopold Wyler and many more. We have dozens of top scientists, including Herbert York (former head of Livermore Nuclear Weapons Laboratory) and five Nobel Laureates. Dr. Jonas Salk is one among our group of distinguished medical people. Religious leaders who have endorsed the Freeze include Cardinal Timothy Manning, Archbishop John R. Quinn, Fuller Seminary President David Allan Hubbard, Rabbi Joseph Asher and the Rev. Thomas Kilgore.

But mainly, and by the thousands, we are ordinary citizens listening to people like Marvin Goldberger, who I see is here to testify before you. A powerful argument for the new paradigm lies in the fact that Jerome Wiesner, for many years President of M.I.T. and Dr. Goldberger, President of Caltech—that these two leaders of our Nation's two greatest centers of scientific and technological learning, both favor the Freeze idea.

For years we have been told that we the people are unable to pass judgment on this issue because we cannot understand the technical factors involved. But here we have the heads of the two top technical institutions saying that more nuclear weapons bring us less national security. It is hard to imagine a clearer warning that it is time for a review, a re-assessment of policies based on the vain effort to gain nuclear superiority. These two scientific leaders—along with many others—are telling us to reject the tunnel vision of the old paradigm.

They—and we—are urging President Reagan to propose a bilateral nuclear weapons freeze. By that we mean a US/Soviet agreement "to immediately halt the testing, production and further development of all nuclear weapons, missiles and delivery systems in a way that can be verified on both sides".

What chance is there he will do this? Fortunately the President has already signaled a possible shift. On November 18 he announced a new alternative: START—Strategic Arms Reduction Talks.

He said his aim for START is "definite verifiable reduction of strategic nuclear weapons". We think that idea could save the nation. No future event should be allowed to downgrade or postpone it; no "linkage" should be allowed to block it. START is non-partisan, basic; it could become the prime goal of a once-more-united American people. And if we can get the President to initiate START with the Freeze, we think it is an achievable goal. But without the Freeze—and the history of past negotiations shows this—without the reduction of tensions that the Freeze could bring, the President's "definite verifiable reduction" will prove impossible.

START and the Freeze, hand in hand, could rewrite arms control history. They could halt the nuclear arms race and win for Ronald Reagan a permanent place of honor in our Presidential hall of history. For no longer would there be the extreme tension, the strategic stalling, the cut throat bargaining-for-advantage. No longer would negotiators have to fear the momentum of their opponent's science and technology. The Freeze would have taken care of it. No longer would there be a relentless race in the background to wipe out all gains. The tone, the attitude, the very goals of START negotiators would be different under the Freeze. Tension reduction would make possible arms reduction—and survival.

There are questions, to be sure. Question number one is: What would your Freeze do to our intermediate-range-missile negotiations in Europe? Don't we need to threaten the Soviets with deploying our Pershing IIs and cruise missiles there? How else will we get them to remove their SS-20's? Aren't you in favor of the President's goal of saving Europe from nuclear war?

The answer is Yes, we are. We support him heartily in that. And we support his further goal: saving the United States from Nuclear War. But the best means for reaching these goals, we feel—In Europe as well as here—is the President's START program, plus the Freeze. The problem is global and requires a global solution. First we must reduce tensions with the Freeze and actually start cutting back on strategic weapons. Then the problem of negotiating the safety and security of Europe will have been made much simpler.

The second question is what about the Soviets. Would they go for a Freeze? And could we trust them not to cheat? Take the cheating first. The word is verification, not trust. Verification of SALT compliance by means of photo-reconnaissance satellities, seismographs and radar was the subject of the Senate Armed Services Committee hearings in July 1979. General David Jones, Chairman of the Joint Chiefs of Staff, was asked, "Do you believe we can adequately verify the SALT agreements?" Yes, I do," he said.

That yes applies even more to the verification of the total halt of nuclear weapons activity in a Freeze. Totality wipes out ambiguity and makes verification easier.

Regarding Soviet acceptance of a Freeze: They fear annihilation as much as we do. Every year since 1976 they have made Freeze-like proposals at the U.N. Perhaps this was only propaganda, but why not find out for sure by proposing a Freeze of our own?

And now to the economic impact of a Freeze. Let me start with a quiz:

Question: How many video-tape machines were bought in the last three years?

Answer: About 2 million.

Question: How many of those 2 million were made in the U.S.?

Answer: None.

Question: How many were made in Japan?

Answer: All 2 million.

Question: Does this result from Japan's being free from the technical brain drain and dollar drain of the nuclear weapons race?

I can't prove that, but Japan's competitive edge in video-tape, TV's and cars makes me wonder. Certainly a Freeze on our nuclear weapons production might help. The enormous sums of money saved would cut the budget, cut interest rates, cut inflation and cut the national debt—all at the same time.

That, and putting the thousands of nuclear weapons scientists and engineers back into private industry, would surely help us become competitive in the world markets once again.

The American people—ourselves included—want adequate and sufficient national security. We are entitled to that. But where is the sense in spending money that does nothing at all to improve our safety? Civil defense, for example, is a wishful fantasy. The most highly qualified scientific and medical experts—those whose fees and salaries are not involved—prove beyond doubt that the destructive power of today's nuclear annihilation devices will transform any so-called shelter into a crematorium whose

occupants would quickly perish. The countless billions diverted for such "shelters" would damage our economy and add nothing to our security.

This is the kind of information our campaign intends to communicate to the people of California and the people or our country, thereby shaping the realization that in addition to threatening the ultimate holocaust, a nuclear arms race also does severe damage to our economic viability.

The paradigm shift to which I have referred is nothing more than the application of common sense to the one potentially terminal problem of our time. Two hundred years ago Thomas Paine published a pamphlet called "Common Sense". Because, in the words of George Washington, it "worked a powerful change in the minds of many men". "Common Sense" became a crucial catalyst in the movement that led to the birth of our nation. The death of our nation can be prevented now if that same kind of citizen common sense can be brought to bear upon our political process.

The common sense that citizen Tom Paine promulgated in 1776 is the same common sense (the paradigm shift) that we hope to promulgate in 1982 through a national citizen movement that starts with the California Bilateral Nuclear Weapons Freeze Initiative.

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has now expired.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the hour of 12 o'clock noon having arrived, the Senate will now stand in recess until the hour of 2 p.m.

Thereupon, the Senate, at 12 o'clock noon, recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. LUGAR).

TELEVISION AND RADIO COVERAGE OF SENATE PROCEEDINGS

Mr. BAKER. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The Senate will resume consideration of the pending business, which the clerk will state by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 20) providing for television and radio coverage of proceedings of the Senate.

The Senate continued with the consideration of the Senate resolution.

Mr. BAKER. Mr. President, it is anticipated that we will proceed on this resolution for no more than 1 hour. Senators have not yet reached the floor to attend and participate in that debate. In the meantime, and for the moment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I have not yet spoken on the issue which is pending before the Senate in regard to whether or not proceedings of the Senate should be covered by radio and television.

It is my feeling that history demonstrates there is a direct correlation between political accountability and confidence in government by our people. In my opinion, it is time now for us to follow the precedent that has been established by the other body with regard to making the proceedings of the Senate available to the broadcast media for coverage and for reporting to our constituents.

Mr. President, I am mindful of the long and tedious debates on the floor of the Senate that pertained to the Alaska lands bill. When that bill was before the House, it was covered by the air media, and the people in my State of Alaska were very familiar with what occurred in the House.

As a result of the bill coming to the Senate and the proceedings in the Senate, and the misunderstandings that came from the way the proceedings were reported here, I think there is still a resentment in my State in the way the Senate handled the Alaska lands bill. That resentment would not be there, in my opinion, had we had the type of coverage that the other body had of their proceedings.

We are not perfect. I am mindful of what the distinguished Senator from Arizona said yesterday. There is a lot of merit in what he said.

On the other hand, in terms of the coverage of the activities of local governments in Alaska, which by the way are called boroughs, not counties, the local governments are covered adequately by radio and television. Our State legislature now has at least portions of its proceedings covered by television, using satellite coverage to report to the people of Alaska.

I think it would be a good thing if the proceedings here in the Senate could be reported home as timely as those that have been reported home from the House of Representatives. I say that being cognizant of some of the difficulties that may ensue once we proceed to modernize.

It appears to me that it is time that we thought about the mechanisms of this coverage and how we can handle it to insure that there is some recognition of the workload of the Senate floor in terms of substance as opposed to the procedural activities. The House has the Rules Committee and, accordingly, the Rules Committee determines the procedures used on the floor of the House in deliberations. We do not use that procedure. I would estimate that about one-third of the time I have been on the Senate floor, we have been concerned with the procedural activities of developing the schedule of how we are going to handle substantive matters. I think the procedural activities probably ought not to be involved in the coverage because there are negotiations on and off the floor, which involves reaching unanimous-consent agreements and discussing the handling of particular matters. I think what the public wants to see is how we handle the substantive decisions, not how we make the arrangements to handle them.

Mr. GOLDWATER. Will the Senator yield?

Mr. STEVENS. I am happy to yield to my good friend.

Mr. GOLDWATER. I would like to ask a question based on what would be my principal objection to televising the Senate.

We have experienced television in committee after committee and we have seen what happens when that little red light goes on. We start to ask questions ad infinitum and we make speeches.

I remember during the Panama Canal debate a Member of this body spoke for over 6 hours because it was covered by radio. This Member had never in my memory spoken more than a half hour or 45 minutes.

If you put that television camera someplace around here it will take him 6 hours to introduce a bill.

That is my objection to it, I say to my good friend from Alaska. We do not get enough work done in this body now. To expose ourselves to the vagaries of television I just cannot believe would help the operation of the Senate.

I thank the Senator for yielding.

Mr. STEVENS. I say to my good friend from Arizona that I am hopeful as this resolution proceeds there will be consideration given as to how to answer some of the questions the Senator from Arizona has raised and others have raised to me personally about their feelings on this issue.

It is not that there is an opposition to the coverage; it is the question of whether the coverage, per se, is going to lengthen the proceedings in the Senate and whether the impact of the coverage will lead to a misunderstanding of really what the Senate's work is all about.

As I said in referring to the House Rules Committee, we certainly do not want to be forced to change the procedures in the Senate and establish the Senate Rules Committee to operate in a similar way to the Rules Committee in the House. That is contrary to the traditions of the Senate. On the other hand, I contemplate a control mechanism to be established to determine the allocation of time on a daily basis, to deal with the time when the coverage will be commenced and when it will terminate in terms of the coverage of the substantive issues before the Senate, not of the procedural discussions that lead to time agreements and the long discussions we have in relation to procedures.

What I have in mind is sometime offering an amendment which would set up a protection against a filibuster being waged against the allocation of time, the so-called fast track consideration, so that a majority of the Senate can at any time determine what is going to happen.

As a practical matter, these problems will resolve themselves, once the procedure is established, to management by the leadership, having checked with both sides of the aisle in terms of setting a daily calendar to determine who is going to participate and really control the time. Normal traditions of the Senate would be followed with regard to yielding, as I see my good friend from Arizona wishes me to do again. I am happy to yield.

Mr. GOLDWATER. The Senator has made a point there. I would like to remind my friend that down through the years we have been attempting to make it possible for this body to accomplish more work in a shorter time. I only think of the work we have done under rule XXII. Now I only have to look at the daily CONGRESSIONAL RECORD to see the insertions we have made instead of reading them or making a speech. They have a little black dot by it. I call it a blob.

Mr. STEVENS. It is a bullet.

Mr. GOLDWATER. The public does not know what that is there for. And we still do not get our work done.

Now if the Senator from Alaska is suggesting that we may have to develop new rules to further limit a Senator's opportunity to speak, I think we are watching the slow destruction of the great strength of this body, the fact that anybody who has the courage and the stamina can stand up here and defend his State or defend his principles. If we are going to start saying, "Now you are interfering with the television procedures and the public is not going to like listening to you all day," we are going to watch this Senate slowly rule ourselves out of the constitutional strength that we have.

Mr. STEVENS. I think the Senator from Arizona misunderstood my comment, which was I believe that on a daily basis we could determine how the time is going to be controlled. We do that for 90 percent of the time on the floor of the Senate anyway, through time agreements, through the understandings we have with managers of the respective bills. We know who is going to speak, and we usually know the order in which they are going to speak. We seek to determine that as we manage bills.

I would not impose any restrictions on the Senator's time for speaking nor on the Senator's right to participate in extended debate. Rather, that would be part of the calendar. We would know it in advance. I think the press knows it in advance already, anyway.

I perceive that there is opposition to this resolution based on the fact that we do not have a generally known management plan that is sort of spread out in advance. I think we could do that. We could have a little more orderly presentation of what we already know.

Perhaps the Senator did not know it, but the leadership knew I was going to come here and make a statement at 2 o'clock. I believe that, usually, a Senator who is going to seek the floor to make a statement notifies someone that he would like to be heard.

Once in a while, there is a spontaneous presentation of views by someone who has something in mind, to make a statement. Usually, the manager of the bill knows who is going to speak and almost in what order.

All we need is to get an understanding of how that is going to be managed, and we should not have the question of a filibuster once the lights have been turned on.

I agree with the Senator. I have been at committee hearings, and when the lights are turned on, things are different. When they are turned off, the proceedings continue. We can expect a sort of aberration—the moths are attracted to the flame. But that becomes old, too, after a while, I say to the Senator from Arizona. I think the other body had that experience in the beginning. It seems to me that now, at least from what I watch on my set that monitors the House, the other body is a little more restrained in its activity.

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. STEVENS. I yield. I see that the other Senator has left the Chamber. I yield to the Senator from Louisiana.

Mr. LONG. I ask the distinguished Senator if this is not correct: Under the existing rules of the Senate, as a practical matter, any Senator has the opportunity to speak as long as he wishes to speak, if he protects his rights. While a Senator may seek a unanimous-consent agreement to limit debate and to get on with the business, any Senator can say, "I object"; or he can say, "If you are going to get the unanimous-consent agreement, you will have to let me have 2 hours to speak." However, more often he will say, "If you are going to have unanimous consent, I insist on having 2 hours to explain my views on the subject."

Is it not likely that once we have a substantial TV audience, that might be the situation? If a Senator knows that a lot of people in his State are viewing the debate, does it not stand to reason that he will stand up and make a speech to advise the folks back home about the matter, in a way that would tend to appeal to the people back home in the hustings?

Mr. STEVENS. I do not doubt for a moment that that is going on in the other body and that it will happen here, too. On the other hand, I know people who make statements on the floor for that purpose today. They make a statement so that it will get attention throughout the country.

The question is, Should we be limited to the printed media? Should we be in the situation where only those invited up to the television and radio gallery really get the exposure in the other media?

I believe there is a basic fairness here, in terms of opening up the Senate proceedings to the air media.

On the other hand, there is a potential for harm to new Senators and those who do not know our procedures. At the time I came to the Senate, I was the majority leader of our State legislature, and I thought I knew parliamentary procedure pretty well, but I had to learn it all over again.

I will never forget when we were in a discussion concerning an amendment I had. The manager of the bill said, "I have another amendment. Let me go first, and then we will see what the Senate does with yours."

He did not exactly mislead me; but his amendment was in the second degree, and once it was adopted, mine was shut off.

That sort of thing on television will not help a young Senator, and we will have to have a few protective devices to prevent some of the games that might be played once we are on television. I hope the Senate will determine those and that there will be a new type of courtesy developed in terms of managing bills and assuring fairness with respect to the offering of amendments and the consideration of them.

Again, the fairness of this resolution is that it allows millions of Americans to see what now is only available for people in the gallery to see.

I can recall days when bills that affected my State were concerned, and down came busloads of people from Pennsylvania and Delaware and even as far as Illinois, but not many Alaskans got here. They did not know what was going on with respect to bills that affected them, and only them, on the floor of the Senate.

I think the Senator knows that my State is probably afflicted by that more than any other State—having a lot of people trying to run Alaska from the U.S. Congress. I believe that people sometimes misunderstand the comments and the reports that come to them.

I should like them to watch what goes on here, as they can watch what goes on in the House. It may be that it will be good or bad for this Senator. I do not know.

The Senator from Arizona remarked about that. I note that my hair is becoming a little thinner and I am becoming a little more paunchy. Perhaps it will not be as good for me as when I came to the Senate, at age 46. That is part of the system, too. If we have to shine our shoes, as my friend has said, and get our hair cut and put on a blue coat—I did that today—and a blue shirt, that is not all bad; because the people in the other levels of government have been doing it for a long time. I do not know why we should be an immune area.

Why should there be a mystery about Senate proceedings? I debated with myself whether this was a good idea or not. The more I thought about the Alaska lands bills, the more I was convinced that there is still a mystery at home about what went on here.

They read about the proceedings on and off the floor, for example. We got into arguments and had points of order, and people went off the floor to try to settle it, and we came back in the Chamber. I believe that a great deal of the mystery would have been dissipated if they had been able to watch it.

There are issues here that are of concern to particular areas of the country, and not everyone can listen to what is going on, unless they are on the eastern seaboard and can come to the gallery and listen. That is a nice thing. I do not at all begrudge the opportunity of our citizens to sit in the gallery. But I wish Alaskans could learn a little more about it.

Perhaps it is being a little selfish, but it might make my job easier to get the word to them a little earlier, if possible.

I came down on the point that with all its drawbacks—I believe the Senator from Arizona has good points, as does the Senator from Louisiana—if you add them up, there has to be a plus if the Senate modernizes and recognizes that the air media is there, too.

Mr. LONG. The Senator is part of the leadership, and many times he stands here as the acting majority leader and seeks to steer a program through the Senate and manage the Senate as it conducts its business. Can the Senator from Alaska foresee the prospect of another Senator coming to him when a bill of significance to that Senator's constituents is in the process of being scheduled and saying to him, "I want the opportunity to speak on this matter before the U.S. Senate, on live TV, between the hours of 7 and 8 o'clock at night, because that is prime listening time back in my home State; and unless you can arrange for that, I am going to keep this debate going until I have that opportunity?"

Mr. STEVENS. That is why I should be put in charge of the scheduling.

In Alaska, we have five time zones. Our first starts with the west coast and goes on to Adak—five different time zones. If we wanted the people of Adak to know what was going on here, we would have to arrange to be in session at 2 o'clock in the morning, so that we could have it at prime time, at 6 o'clock at night there.

No one is going to talk to me about prime time, because there is no chance for prime time in Alaska.

On the other hand, the replay can take place in Alaska, just as anywhere else. I will never listen to anyone who tells me he wants recognition at a particular hour because that is when it is going to hit the news broadcast at home.

Frankly, except on the few days I can recall when we were in session beyond midnight, it could never hit my prime time.

Mr. LONG. Was the Senator here when Senator Wayne Morse was with the Independent Party and would object to any unanimous-consent agreements unless he had his way? Sometimes the Senator would take the floor and speak for 5 hours to the people of Oregon. He was not on television at that time. What kind of stiuation would we have if he were on television? He would feel that here was the opportunity to report to the people on television.

With respect to the Alaska lands bill, especially if it were not going too well, a Senator could be on the floor day in and day out.

I am glad the Senator mentioned the 5 hours. I can see the prospect of a Senator from Alaska—not the present Senator from Alaska, the assistant majority leader—but I can foresee some Senator from Alaska, present, past, or future, standing on this floor and using up the entire 5 hours of prime time in Alaska, and in all that time, the Senate could not be voting.

I can just picture the prospect of a strong Senator from Alaska who is publicity conscious and one who knows that this is seen back home. Can the Senator not see how a Senator can reelect himself here, with the Alaskan lands bill getting the worst of it. All he has to do is say: "Let me tell you folks out in Alaska, call all your friends and neighbors and tell them your Senator is holding this floor fighting their battle for them. Nothing important will be said during the next half hour while you call all your friends and neighbors and get down to cases."

Can the Senator not see the telephone calls going across Alaska? And they will tune in:

"Here I am, your Senator. I am going to hold this floor as long as necessary."

He can just be talking here.

"My good people of Alaska in Adak. Let me tell them. By now it is now 2 o'clock in the morning. Here in Washington I am fighting your battle here for you."

Of course, there may not be many people in Adak. You can be sure if the Senator is effective, and I do not mean effective here, I mean an effective spokesman, as most politicians tend to be, those people in Adak will appreciate that. Here their man was at 2 o'clock in the morning Washington time holding this Senate in session to make his case about the Alaska lands bill.

The Senator recognizes that is a distinct possibility, does he not?

Mr. STEVENS. This Senator recognizes that as a distinct possibility.

I also recognize the possibility that Alaskans as well as other Americans can soon tell the difference between a show horse and a workhorse. As a practical matter it is what you accomplish in the long run, not what you say. And in my opinion, it is possible that there will be a Senator from Alaska—as a matter of fact, it is possible there may have already been one—and Senators from other States who would have done that. But I do not think they would be here very long

As a practical matter, I know the Senator does not want me to be facetious about it, but as a practical matter, it really in the long run does not matter whether this opportunity is available here because I can remember Senators, when the opportunity was not available on the floor, who took their business off the floor in order to get television coverage, and so has the Senator from Louisiana.

Mr. GOLDWATER. Mr. President, will the Senator yield for a question?

Mr. STEVENS. I promised to yield to the Senator from Maryland here a minute.

Mr. GOLDWATER. This question can be answered quickly. It has not been touched on, to my memory.

How much will this cost?

Mr. STEVENS. It is my understanding it is going to cost between $3 and $4 million.

Mr. GOLDWATER. It is closer to $8 million, is it not?

Mr. MATHIAS. No.

Mr. STEVENS. How much does it cost the House of Representatives?

Mr. GOLDWATER. I do not have any idea. But it costs too much.

Mr. STEVENS. How much is our latest building costing us for a place to meet with our constituents?

Mr. GOLDWATER. Way too much. I voted against it.

Mr. STEVENS. Yes. I voted for it.

But as a practical matter, I say to the Senator, the problem is there is not anything we can do to modernize that does not cost money, and $4 million or $8 million is a lot of money, but in terms of the benefit to society of removing some of the mystery of what makes the Senate work and what the Senate is all about, it is worth it. I had occasion the other night again to look at the movie "Mr. Smith Goes to Washington." Does the Senator remember that one?

Mr. GOLDWATER. Oh, very well.

Mr. STEVENS. It is a great movie, but there are a lot of inaccuracies and a lot of misleading things as to what really goes on in the Senate and how a newcomer can have an impact on the Senate.

Mr. GOLDWATER. That was a long time ago.

Mr. STEVENS. It is still being shown on the midnight movies. One has to have a new baby to understand that.

Mr. GOLDWATER. I understand.

Mr. MATHIAS. Mr. President, if the Senator will yield to me, let me answer the question of the Senator from Arizona.

Mr. STEVENS. Mr. President, let me yield to the Senator from Maryland for the purpose of responding to the Senator from Arizona. I wish to wind up my comments in a moment.

Mr. MATHIAS. The cost as estimated by the Architect of the Capitol is $3,934,000. The Sergeant at Arms estimate is $3,062,000, which does not include labor for installation on the cost of a new audio system.

Since that time, as the Senator from Arizona knows, because of his interest in the technology of communications, there has been an actual reduction in the cost of some of the modern equipment, and we believe now that the cost would be below $3.5 million for installation. The labor to operate annually, which is a consideration, we estimate to be about $200,000.

Let me just add one or two further thoughts very quickly because they are short answers to questions raised by the Senator from Arizona.

No. 1, there is nothing in this resolution that affects the rules of the Senate. There is no impact on the rules of the Senate or alteration of the rules of the Senate under this resolution.

Mr. GOLDWATER. Mr. President, if the Senator will yield, I am not worried. First of all, I am not saying I do not believe the Senator. I do believe the Senator. But I do not think that $3 million is going to cover the installation of television equipment here, but we can debate that further. I am not worried about the fact that there is no language in here that changes the rules. There has been no language in any legislation since I have been here that suggested a changing in rules, but by golly, that is about all we do is change the rules.

Mr. MATHIAS. Let me make available to the Senator the detailed estimates, and if he can show where they are wrong in any respect, it will be a great service to us.

Mr. GOLDWATER. I will be very happy to.

Mr. MATHIAS. The final thing I wish to say: The Senator is concerned that this will extend the hours in which the Senate is in session. I believe I heard him say that to the Senator from Alaska.

The short answer to that is that in the House of Representatives, in the three sessions in which they have had television, they have been in session for fewer hours than in the preceding years.

Mr. GOLDWATER. The Senator overlooks the fact that in the House of Representatives they already have limited debate and they also have to get over the Rules Committee. Now we do not have that.

Mr. MATHIAS. They had that before they had television. Since they have had television, they have been in session less hours than before.

Mr. GOLDWATER. I realize that, but we are talking about an entirely different body. I maintain that the strength of this body and the strength of each one of us is our ability to stand up and argue at any length we care to about what the subject is or is not. I defy anyone in this body to argue differently, if they have ever sat in a committee and watched that little red light come on and lo and behold we have a whole room full of Daniel Websters just going full blast. I can see 100 Members of this Senate just watching that old black box and all of a sudden the red light is on and off they go into the wild blue yonder.

Mr. STEVENS. Mr. President, as I said, I listened with interest to the comments of the Senator from Arizona and I have great respect for the Senator from Louisiana, and I believe they are trying to protect the traditions of the Senate, and I think those of us who support this resolution are also.

The difference is that we have a television-radio facility downstairs. After we finish making our comments here, we can go downstairs and cut a tape and send it home.

I do that quite often, cut radio tapes, television tapes, and we send the messages home.

I have a little trepidation over the concept of television and radio because as the Senate knows, I am inclined to raise my voice a little bit and I also abhor prepared statements and believe that we should do a lot more in terms of thinking on our feet. And, that is going to be dangerous once this is changed. There is no question about that because there is no chance, as someone pointed out on a news broadcast on Sunday, to correct the record once you have said it. It is going to have some impact, and we have all, I think, exercised that prerogative of a Senator rather liberally at times.

I can remember sometimes when it was for the good of the country that we did and other times when it was it may have been more questionable. I have seen words deleted from the record that were uttered in the heat of passion of debate, and I have seen others changed to reflect what a Senator intended to say compared to what he actually did say.

But there is nothing magic about this change. What is really going to happen, however, it may clean up our act a little bit. I do not find that too bad.

Mr. President, I think when you look at it on balance, as I said, weighing the good and the bad, not only on a personal perspective, but on a national perspective, the age of radio and television has been absorbed into the very remote areas of my State. There is not a village or an area of Alaska now that does not have one or the other, and we are trying to get television throughout the whole State.

And if the time has come when television has reached Alaska then I think it is time that the Senate of the United States realize that that media is here to stay.

Mr. MATHIAS. Mr. President, the Senator from Arizona raised the question of the Panama Canal debate. I think that it is an interesting subject for speculation. The Senator from Arizona is not the only one who thought about television in connection with the Panama Canal debate. In fact, I am sure the Senator from Louisiana will recall, as I do with great affection, the late Senator from Alabama, Mr. Allen, a distinguished Member of this body.

Back in October 1977, when the Rules Committee was considering radio and television broadcasting of the Panama Canal debate, Senator Allen—and I pause to see if the Senator from Louisiana will not agree with me that he was, of all things, a traditionalist in the Senate; he believed in

the traditions and precedents of the Senate—recommended televising the proceedings, and it is really worth quoting exactly what he said:

I do feel, though, that this issue, the Panama Canal Treaties, is of such overriding importance and the people are so concerned about the action that the Senate will take on these treaties, that we might well make an exception in this case.

And to quote Senator Allen more fully, he was profoundly concerned that television of the Senate be on a gavel-to-gavel basis. He went on to say:

I might state that I have not been a supporter of the idea of televising Senate proceedings. I have felt that anything less than gavel-to-gavel coverage would not be fair. At the same time, I recognize that gavel-to-gavel coverage might not improve the Senate's image a great deal, as Senator Hatfield suggested. But still, if it does not improve the Senate's image, that would be the Senate's fault rather than the fault of televising the proceedings.

Finally, from that same period of history, I recall a colloquy between Senator Allen and the present Majority Leader, Senator BAKER.

Senator BAKER said:

Mr. Chairman, if the Senator would yield to me, your suggestions about not reading, about not having staff at our elbow, and the other suggestions that have been made this morning—I think that if they are a sample of what would occur in the Senate as a result of this [television] resolution, adopting it, that this one thing would do more toward returning the Senate to its role and character as a public forum than anything I know of.

Senator Allen replied:

I certainly agree.

So I am glad that the Senator from Arizona has today raised the question of the Panama Canal Treaty because it did trigger this recollection of Senator Allen's views on the subject, and his views as one of the great traditionalists of the Senate.

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. MATHIAS. Certainly.

Mr. LONG. Is it not true that Senator Allen was certainly at that point speaking for the popular side of the issue? Was it not true that those who were voting for the Panama Canal Treaty had the tough burden of statesmanship? They had the difficult burden of defending the position and casting a vote for a treaty that was not popular. A vote that would cost them among their supporters back home. But, on the other hand, a vote that they thought would have to be made if this Nation was going to live in peace with its neighbors.

Might I say to the Senator that it is nice to stand out here with one thing when he has got the popular side of the argument and talk about why all this ought to be on television. Imagine a Senator taking a position that tends to be rather unpopular, the tough side of the issue, and stands here and says: "Look, we must do this because to fail to do this means that we would fight wars that should be avoided." His example of statesmanship would not be helped by television. Frankly, the public does not—generally speaking it does not—want somebody to compromise. They want to see their side win. But, of course, that type of feeling is also the kind of thing that gets us into wars that might be avoided.

May I say to the Senator that when you look at the question of statesmanship versus expediency, I would be curious to know where does the television in the Senate tend to promote statesmanship?

Mr. MATHIAS. Well, I find myself in complete disagreement with the Senator from Louisiana on that score, and there are some great lessons in history to be said on this very point.

I believe that Winston Churchill became the towering figure that he was, not just in Great Britain but throughout the world, because he did not shrink from coping with, from grasping, the unpopular issue and discussing it in public. He did not shrink from telling the British people that they had had a military defeat on this or that or the other battlefield. He did not shrink from giving them the bad news, if bad news there was. I believe that was one of the elements of Winston Churchill's greatness. It is the hard arguments and unpopular arguments, the difficult arguments, that need to be explained to the people.

That is the very issue on which television can be helpful because if you have to deliver bad news, if you have to make a tough argument, it is better to make it face to face; it is better to look the American people right in the eye and explain exactly what you mean.

People get confused and lost when the arguments are vague, when they are fuzzed over. It is the tough arguments that ought to be made on television. Anybody can give good news; anybody can be the bearer of glad tidings. That is not a tough job at all. It is the messenger who has to bring the bad news, and who does it well, who is the important servant of the State.

Mr. LONG. Mr. President, will the Senator yield further?

Mr. MATHIAS. I yield.

Mr. LONG. The standard distinction between statesmanship and expediency is that expediency thinks of the next election; statesmanship thinks of the next generation.

Now, where one has the burden of carrying a debate and trying to persuade Senators to a position that is not going to be popular, is not going to be a popular position, he can speak all he wants to, he is not going to persuade the majority to his viewpoint. But if he thinks that is best for the generation and the country, that is the position to take at any time, I would be curious to know, how does television promote that?

Mr. MATHIAS. I think that television will give an opportunity to a thoughtful Senator, such as the Senator from Louisiana, to take a hard issue, one that is important to the Nation, perhaps especially important to his region, and to explain it in a way that the country will understand, not filtered through the mind and the pen of some reporter who may choose one or another of the Senator's more colorful phrases to emphasize. Instead, the Senator can speak directly to the country, putting his own emphasis on the points he feels are the important points.

I believe that television will make it an easier job for Members of the Senate to take on the tough issues, to explain them candidly and clearly, and I think it may be its greatest utility in that respect.

Oh, all of us like to give out good news. We do not find that tough at all. We can do that through the printed page, we can do it on the telephone or do it in a letter. But to explain the complex and tough things is admittedly not easy and, therefore, to have this additional means of discussing the complex and the tough issues will, I think, be an advantage to the body politic and the general welfare.

The Senator from Arizona asked a question about the cost of a television system. That is discussed in the committee report, but to make those figures more conveniently available to Members of the Senate, I ask unanimous consent that a summary of the cost estimates be included in the RECORD.

There being no objection, the cost summary was ordered to be printed in the RECORD, as follows:

S. Res. 20—Cost summary—$3.5 million to $4 million

Architect of the Capitol estimate:	
TV equipment	[1] $3,468,000
Labor to install	350,000
Total TV	3,818,000
New audio system	116,000
AOC total	3,934,000
Sergeant at Arms estimate:	
TV equipment only (does not include labor to install or new audio system	[1] 3,062,000
Labor to operate—annual	200,000

[1] These are list prices as of mid-1981.

Mr. MATHIAS. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. I did not know that there was a quorum call in process. I walked in and nothing was happening. I looked up and I did not see two lights, and I was just going to ask my friend from Maryland how that would look on television.

Mr. MATHIAS. When the Senator from Arizona appears on the floor it always looks good on television or otherwise.

Mr. GOLDWATER. I know. [Laughter.]

Mr. MATHIAS. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I have just learned that under a previous agreement this matter will not be on the floor beyond 3 o'clock today; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. STENNIS. I thank the Chair.

Mr. President, let me emphasize again that I have no grievance about this matter, none whatsoever, even though I do not think there is a more important matter than this that will come up any time soon. I reiterate the emphasis I put on things here last week when I spoke on the resolution and emphasized greatly not only my respect for the Senator from Tennessee but my admiration for him, my respect for him as a floor leader, and just say regardless of party or anything like that we just have not had a better one. His knowledge of the Government is very fine indeed.

When it comes to the matter of opening up a new mechanical arrangement in the Senate Chamber and have television at the command and disposal, almost endless disposal, of a Member or more than one Member or all of us together, just turn it over to them, under our rules of liberal time and related matters, that is a horse of another color. I made the point last week that if we are really going to do that, we better reform some here first and restore this Chamber to a real parliamentary proceeding and real parliamentary debate pattern of operation, where laws are passed and policies are debated and adopted or rejected and the affairs of our great country, now over 220 million people, are regulated.

I meant there that a person does not like to be known as a complainer—I did not mention the word "complain"—but I have been here and have seen this body as a parliamentary debating forum deteriorate greatly. I make no apologies for using that word.

I related the other day that I thought we should abolish the practice of having the Presiding Officer presiding over the Senate and talking on the telephone at the same time. I think we would have to abolish the pattern here, while the Senator is trying to address his fellow Senators, that we keep the well cleared down here in front. I am having to look over the heads of the two highly respected people that I do not know to get to see the Presiding Officer. And those are not things that ordinarily happened a few years ago with this body. I have no complaint particularly, I am just observing these things. You have to have an atmosphere of debate and consideration, respect, and curiosity in wanting to learn more about a matter to get the membership in here.

I remember once—I do not want to be going back to something all the time—as a new man here and trying to learn, a Senator was making what I thought was a mighty good speech. I heard one of the so-called senior Senators say to another one—may I have the attention of the Chair now? Clear out the well down there, if you will, please.

The PRESIDING OFFICER. The well will be cleared.

Mr. STENNIS. The senior Senator said to the other senior Senator, "Does he know what he is talking about?" referring to this newer man. And the response was, "He usually does." And the first one said, "Well, I will stay and see what he says." So I said to myself that that is one of the unwritten rules; you are supposed to know what you are talking about if you make a speech here and want to be heard.

Now that is a mighty good rule. And I found out that most of the speeches then, if they were written out at all, were composed by the author. And a great many of them were not written out, though, anyway, just spoken from their mind and their heart, their self-discipline and self-control. And we would have 20, 30, 50, 60, or 70 Members here for a major part of the session.

Now, Senators are not altogether to blame for not being here. Times have changed—the volume of work mainly. The volume of work has gone up tremendously. As I said, there were 73 rollcall votes, recorded rollcall votes, the first calendar year I was here, and in a recent year, 2 years ago, 2 years ago, we had 703 rollcall votes recorded.

Mr. LONG. Will the Senator yield for a question?

Mr. STENNIS. Yes, but let me outline this for the Senator.

The year that just closed—I looked it up—it is right close to 600—594 I believe it was—showing the volume of work.

We had an appropriation bill here. The Senator from Louisiana and I used to work on it together some. It was for the Department of Defense, the largest department, just a couple of years ago. I was handling the bill and got interested in it and asked them to count up the number of what we call line items, separate items. There were 3,300 line items in that one bill; 1,630 differences in the language of the House bill and the Senate bill that went to conference and had to be adjusted and arranged and brought back here in uniform with the same words with the House.

I just mention those things. That is where the Senators are mostly here. But the point is, if we are going to modify and have a new system here of having debate, put it on television, we better first build up an audience here that will give it a background of respectability and sentiment of debate and order and procedure.

Talking about what the people like, I do not think the people of my State would like the idea of thinking that the laws that they have to live under were passed here while a discussion was being made just to a group of empty chairs; or the Presiding Officer, as I say, talking on the telephone. I made the point here one day. I told the Chair, "The Chair is out of order talking on the telephone here." I do not think people from Alaska or any other State—our good friend was referring to Alaska—would be very happy over that.

Mr. LONG. Will the Senator yield?

Mr. STENNIS. I yield to the Senator from Louisiana.

Mr. LONG. Mr. President, I would ask the Senator a question. Considering the way it has been going for the last 2 or 3 weeks around here, if the Senate were on television and the public was watching this, would not the public have a very poor impression? I honestly think it would be an unfair impression of the Senate. The public would gain the impression that nobody cares, nobody is interested, when in fact, as the Senator knows, his speech is being piped into the offices. These are people in the various Senate offices hearing what is going on. In addition to that, his remarks are being taken down by the reporter. They will be printed in the CONGRESSIONAL RECORD. A great number of people read that CONGRESSIONAL RECORD and consider what the Senator has said, certainly a considerable number who are not present to hear the Senator speak.

So, if the Senate is on television and you are going to show it as it really is, it is going to project the true image of the Senate unless someone is there to explain how we do business. A large

part of the work of the Senate does not take place on this floor. Substantial work is done in drafting sessions, hearings, committee markup sessions, and meetings.

Mr. STENNIS. Well, I thank the Senator.

Mr. LONG. Please understand, I am talking about the day-to-day situation, where only a few Senators are here. Where other Senators have something else to do with their time which claims even a higher priority than hearing a speech that day.

Mr. STENNIS. I thank the Senator very much. We have only 2 minutes here until the Chair will call for the regular order of another bill.

But let me raise this point now in that time: Where is the need for this change? Who wants it? Who has petitioned for it? Who has discussed it? Where is the need?

I do not feel it or hear it or see it. I have not heard anybody give an explanation that there is a real need in helping carry on the business to have these television cameras in here. Now what is the demand about this problem that it be solved in this way, if there is a problem?

As the Senator just said, everything is open; everything can be heard. I know we have gotten into debates here by surprise at 1 o'clock in the morning—not a filibuster—and the Senate would fill up right away. The galleries would be overcrowded and the press would all get here in a few minutes. So there is no new need or new sources of need to cover what is going on.

I want to say something later about the provision in this resolution as now written that gives the Rules Committee—however wonderful they may be—control over all the proceedings by television once this is in.

Mr. President, if this was not a matter of vital concern affecting the whole country and the needs of this body, the quality of the arguments here, the quality of the whole debate, I would not be so concerned about it. Let us go back to the idea of reforming and getting our house in order, trying hard to do that, and then consider this matter as to whether or not we are going to have television.

Mr. President, I yield the floor.

DEPARTMENT OF JUSTICE AUTHORIZATIONS, 1982

The PRESIDING OFFICER. Under the previous order, the hour of 3 p.m. having arrived, the Senate will now resume consideration of S. 951, the hour between 3 p.m. and 4 p.m. under the rule being equally divided and controlled by the majority leader and the minority leader or their designees.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I suggest the absence of a quorum, with the time to be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The legislative clerk proceeded to call the role.

Mr. BAKER. Mr. President, I ask unanimous conset that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. SCHMITT). Without objection, it is so ordered.

Mr. BAKER. Mr. President, it is my intention to designate the Senator from Connecticut (Mr. WEICKER) to control the time on this side when he arrives on the floor. He is not yet in the Chamber. The Senator from Arizona wishes to be recognized to speak. I now yield 2 minutes to the Senator from Arizona.

The PRESIDING OFFICER. the distinguished Senator from the great State of Arizona, my neighboring State, is recognized.

Mr. GOLDWATER. I thank the Chair.

CONTROL OF FEDERAL COURTS RAISES BASIC QUESTIONS

Mr. President, the pending legislation, and related measures which include provisions to curb all or a portion of judicial jurisdiction over social issues, such as busing, abortion, and prayer, raise serious questions of a constitutional and historic nature.

Whatever our viewpoints may be on the various social issues as a matter of policy, there are fundamental principles involving the separation of powers doctrine and independence of the courts that must be balanced against our feelings about busing or whatever the immediate subject is.

There is no question but that the framers once rejected granting Congress the power to limit Federal trial court jurisdiction of cases arising under the Constitution, which includes most cases addressing social matters. On August 27, 1787, in the final weeks of the Constitutional Convention, by a vote of two States for and six States against, the delegates disagreed to language reading:

> In all the other cases before mentioned the judicial power shall be exercised in such manner as the legislature shall direct.

The appellate jurisdiction of the Supreme Court is another matter. Article III, section 2, provides that the Court shall have appellate jurisdiction "with such exceptions, and under such regulations as the Congress shall make."

Even here, it is arguable whether Congress can allow general review power by the Supreme Court in specific classes of cases and then chip out narrow areas of these subjects solely for reasons of social policy.

A related question is whether Congress can accomplish, by means of its power over appellate review, actions affecting constitutional rights which it could not achieve directly.

Mr. President, the legal questions about the power of Congress to control the jurisdiction of U.S. courts could be debated endlessly. Putting aside these legal and technical questions, we must go on to another question, which is whether or not it is wise and enduring policy to say that the Federal courts are forbidden to use certain kinds of remedies in cases properly brought before them or are denied jurisdiction to consider this or that social issue.

The separation of powers concept runs through each and every provision of the Constitution. Alexander Hamilton writes in the Federalist Paper, No. 78, that:

> There is no liberty if the power of judging be not separate from the legislative and executive powers.

Hamilton continued by writing that:

> The complete independence of the courts of justice is peculiarly essential in a limited Constitution, which he defined as a Constitution which contains certain specified exceptions to the legislative authority.

The Bill of Rights, for example, provides exactly such limits on the Congress.

So, Mr. President, what we are talking about today is not just a subject relating to a controversial issue that confronts schoolchildren and their parents at this moment of our history. The real question runs far deeper and affects the essence of our basic constitutional doctrines. This is why I will have more to say on this subject at a later date.

I thank the Chair.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAKER. Mr. President, I observe the Senator from Connecticut is on the floor. I designate him to control my half of the hour permitted for debate on this measure.

Mr. ROBERT C. BYRD. Will the majority leader yield?

Mr. BAKER. I yield.

Mr. ROBERT C. BYRD. Mr. President, I designate Mr. JOHNSTON to control the half hour that is under my control.

The PRESIDING OFFICER. Who yields time?

Mr. BAKER. Mr. President, I ask unanimous consent that it may be in order to suggest the absence of a quorum with the time to be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have two unanimous-consent requests. I ask unanimous consent that I may proceed with these requests, with the time to be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO HOLD HOUSE JOINT RESOLUTION 389 AND HOUSE JOINT RESOLUTION 391 AT THE DESK

Mr. BAKER. Mr. President, I ask unanimous consent that House Joint Resolution 389, an urgent supplemental for the Commodity Credit Corporation, and House Joint Resolution 391, an urgent supplemental dealing with unemployment compensation, be held at the desk pending further disposition when received from the House of Representatives.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO PROCEED TO THE CONSIDERATION OF HOUSE JOINT RESOLUTION 389 AND HOUSE JOINT RESOLUTION 391

Mr. BAKER. Mr. President, I ask unanimous consent that, notwithstanding the provisions of rule XXII, if cloture is invoked on S. 951, such measure may also be temporarily laid aside by the majority leader, after consultation with the minority leader, to proceed to the consideration of each of two supplemental appropriations bills, one being House Joint Resolution 389, dealing with commodity credit, and the other being House Joint Resolution 391, dealing with unemployment conpensation.

I further ask unanimous consent that no call for the regular order serve to take any of these supplemental appropriation bills off the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF JUSTICE AUTHORIZATIONS, 1982

Mr. JOHNSTON. Mr. President, I send to the desk a cloture motion.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 951, the Department of Justice Authorization Bill.

J. Bennett Johnston, Edward Zorinsky, Russell B. Long, John C. Stennis, James Abdnor, Don Nickles, Mack Mattingly, Walter D. Huddleston, Jennings Randolph, William Proxmire, Dennis DeConcini, Steven D. Symms, Lloyd Bentsen, David L. Boren, Jesse Helms, and Jeremiah Denton.

Mr. JOHNSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the time for the quorum call be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. WEICKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WEICKER. Mr. President, I have four parliamentary inquiries which I now direct toward the Chair.

The first is that after cloture has been invoked on a matter what standards does the Chair apply in determining whether amendments are germane or dilatory and whether motions are dilatory?

The PRESIDING OFFICER. The book of Senate procedure states as follows:

In 1977 during the consideration of measures under cloture, the Vice President ruled that the Chair was required to take the initiative, under rule XXII, to rule out of order amendments which are dilatory. Previously, during the consideration of the same legislation, the Chair has ruled an amendment out of order on his own initiative as being dilatory; the Senate later sustained the ruling by a vote of 77 yeas to 3 nays.

With regard to germaneness, the standards for germaneness are whether the amendment restricts the effect of the bill, in which case it is germane; whether the amendment is a sense-of-the-Senate resolution, in which case it is germane. If the amendment expands the effect of the bill or introduces new subject matter it is not germane.

Mr. WEICKER. Excuse me. Will the Chair repeat the last?

The PRESIDING OFFICER. If the amendment expands the effect of the bill or introduces new subject matter it is not germane.

Mr. WEICKER. The second parliamentary inquiry.

Mr. JOHNSTON. Mr. President, will the Senator yield on the first inquiry?

Mr. WEICKER. I yield.

Mr. JOHNSTON. Mr. President, my inquiry is this: Is it not a fact that under the rules and the precedents no amendment is permitted if it is dilatory and the precedents hold that motions and amendments which otherwise may be legal under the rules if done with a dilatory intent or effect would, therefore, be out of order as being dilatory? And I invite the attention of the Chair in that respect to the precedents which have held, for example, that motions to appeal from the ruling of the Chair, to call for a quorum, to make a point of order, to move to reconsider, to postpone indefinitely, and to table an amendment, as well as others referred to in the Senate text, matters all of which would be in order if not done with the dilatory intent, add up to the conclusion that if an amendment does have a dilatory intent or effect that even though otherwise restricting the effect of the bill it may be under proper circumstances declared to be dilatory by the Chair or by the Senate.

The PRESIDING OFFICER. The rule states as follows, in answer to the Senator from Louisiana, in response to his inquiry:

No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

Mr. JOHNSTON. My inquiry is that the question of whether or not an amendment is dilatory can be in proper circumstances—can address matters other than whether or not it is germane or whether or not it restricts the effect of the bill. It may extend in a proper circumstance to the intent or effect of the amendment if that intent or effect is dilatory.

The PRESIDING OFFICER. The Senator realizes that the standards are different as applied to whether or not an amendment is dilatory or an amendment is germane. In the latter case, of course, the standard would be applied to the amendment itself and not to the question of intent.

Mr. JOHNSTON. Well, I ask the Chair is it not a fact that there are many precedents that say that the taking of an action or the making of a motion otherwise allowable under the rules, specifically allowable—and I cited some of those examples like an appeal from the ruling of the Chair, calling for a quorum, and so forth—that those matters can in a proper circumstance be determined to be dilatory if the intent or the effect of those motions is dilatory?

The PRESIDING OFFICER. The Senator's analysis is generally correct. However, the Chair must add that the right of a Senator to appeal the ruling of the Chair is a basic right of each Senator. Only in the most extraordinary circumstances will it be held to be dilatory.

Mr. JOHNSTON. I understand that. Postcloture, of course, in a situation of being dilatory is an extraordinary circumstance or can be and, indeed, I think that is what precedents, referred to on page 247 of Senate procedure which declared that an appeal from the ruling of the Chair was dilatory, were directed at that kind of extraordinary circumstances; is that not correct?

The PRESIDING OFFICER. The Chair does not intend to reinterpret that decision. The Senator is correct though in his recall of the circumstances of the decision that was made by the Chair at that time.

Mr. JOHNSTON. My final question—and I thank my colleague for yielding—my final question is: In similar extraordinary circumstances is it not consistent with the rules and precedents that an amendment otherwise in order could be ruled to be dilatory in the extraordinary circumstance of intent and effect? I can give many examples of that kind of an amendment.

The PRESIDING OFFICER. I am sorry to inform the Senator that the Chair cannot operate on hypotheticals at this point. The Chair would have to be faced with the real circumstances to give an interpretation beyond what has already been established in the rules and in the precedents of the Senate.

Mr. JOHNSTON. Very well.

The Chair did not mean to say there were no circumstances other than those described by the Chair where an amendment could be determined to be dilatory?

The PRESIDING OFFICER. The Chair is describing only circumstances that are clearly defined in the rules and precedents of the Senate, and did not intend to provide any information or any views on how the Chair might act under some hypothetical situation described by the Senator from Louisiana.

Mr. JOHNSTON. The Chair did not intend to give the exclusive circumstances under which an amendment could be declared dilatory; is that correct?

The PRESIDING OFFICER. It would be very difficult for the Chair to give exclusive circumstances under which the rules so quoted by the Chair, previously quoted by the Chair, would apply.

Mr. JOHNSTON. I thank the Chair.

Mr. WEICKER. Mr. President, again addressing the parliamentary inquiry, the Chair has cited a 1977 precedent on the question of dilatory actions which predate the adoption of the rule XXII changes of 1979. Does not the principle of a 100-hour cap change the necessity for rulings as to the dilatory nature of motions or amendments?

The PRESIDING OFFICER. When the rule was changed to provide a 100-hour cap the prohibition on dilatory amendments, amendments not germane, and dilatory motions was left intact in the rule and is, therefore, still enforceable under the present circumstances.

Mr. WEICKER. My last question, emanating from the first line of inquiry, is who or what determines dilatory intent?

The PRESIDING OFFICER. Under the precedents of the Senate quoted previously, it is the Chair who takes the initiative to determine dilatory intent and nongermane amendments, and both such determinations by the Chair are subject to appeal.

Mr. WEICKER. My second parliamentary inquiry is after cloture is invoked what is the Chair's interpretation of conditions on a Senator's right to suggest the absence of a quorum?

The PRESIDING OFFICER. Once again referring the Senator to the book of Senate Procedure, and I quote:

The Vice President, when operating under post cloture in 1977, held that the Chair "possesses the authority to determine the existence of a quorum under cloture." The Chair having ruled that the suggestion of the absence of a quorum was dilatory stated in response to a question at that time that "under the rules of the Senate, under rule XXII, any motion, amendment, or other matter that is put that is dilatory can be ruled out of order. The Chair makes that judgment."

Mr. WEICKER. My third parliamentary inquiry: Has a Senator, after cloture has been invoked, the right to call up an amendment or make a motion without debate when his hour under cloture has expired?

The PRESIDING OFFICER. There are no precedents directly on point after cloture has been invoked.

However, the precedents of the Senate when dealing with the expiration of time under unanimous-consent agreement allow amendments to be called up, although without debate.

Mr. WEICKER. I thank the Chair for the response to my parliamentary inquiries.

Mr. President, I ask unanimous consent at this time to have printed in the RECORD a letter dated February 4, 1982, from the American Bar Association to the Honorable STROM THURMOND.

I ask unanimous consent that three editorials, one of February 8, 1982, entitled "The Court Strippers," in the New York Times; another of February 8, 1982, entitled "Running the Bus Backward," from the Washington Post; and a third dated February 8, 1982, entitled "Another Senate Half-Step," from the Hartford Courant, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN BAR ASSOCIATION,
Washington, D.C. February 4, 1982.

Hon. STROM THURMOND,
U.S. Senate,
Washington, D.C.

DEAR SENATOR THURMOND: The American Bar Association is deeply opposed to the proposals currently pending in the Senate Judiciary Committee that would restrict or abolish Federal court jurisdiction or deny remedies in certain constitutional cases.

At its 1981 Annual Meeting, the Association, by an overwhelming vote, adopted a resolution opposing "the legislative curtailment of the jurisdiction of the Supreme Court of the United States or the inferior Federal courts for the purpose of effecting changes in constitutional law." I enclose a copy of the resolution and the accompanying report.

In adopting this resolution, the ABA took no position on the sensitive moral and social issues which are the focus of these particular legislative proposals. The subject matters of the bills are questions on which we are entitled to our own strong individual opinions. The issue is not busing or school desegregation, abortion, or prayer in the public schools; the real issue is the integrity of our system of government.

If S. 1647 or S. 1760, or any of the other pending proposals to limit the jurisdiction of the Federal courts or deny remedies should be adopted, a dangerous precedent would be established. However individuals may feel about limiting the jurisdiction of the Federal courts on these particular issues, there would be no stopping the process of substituting action by Congress for the process of Constitutional amendment once it is begun. A future Congress could similarly take away Federal jurisdiction or remedies on rights that the proponents of the present proposals hold most dear. In fact, if these bills succeed, jurisdiction over all constitutional rights could be taken out of the Federal courts, one at a time, or all together.

Therefore we believe strongly that, as a matter of policy, this nation should not start down a road where, each time a decision of the Supreme Court or lower Federal court offends that particular Congress, the jurisdiction of the Federal courts to hear that issue or fashion remedies would be stripped away. At a time when the Administration is calling for judicial restraint in the name of preserving the separation of powers, we urge that Congress should likewise exercise legislative restraint in invading the province of the judicial. Congress has observed that restraint in the past, and it is particularly important that it do so now.

The proposals under consideration do threaten our Constitution, the independence and supremacy in constitutional questions of the Federal trial and appellate courts, and of the Supreme Court itself. The admitted purpose of these bills is to change the constitutional law as interpreted by the branch of the Federal government to which the power of interpretation was entrusted by the Constitution. If state courts adhere to Federal precedent, the bills accomplish nothing, except further to overcrowd the state court systems. If they interpret the Constitution in new ways, they present the possibility of 50 unrelated states applying

different constitutional law. The Conference of Chief Justices of our states at its meeting just concluded strongly expressed the concern of state courts over these bills. A copy of the resolution of the Conference is enclosed.

If the people strongly disagree with Federal court interpretations of the Constitution, means of change that are consistent with the separation of powers do exist. The proper method of altering the Constitution, without doing violence to the proper functioning of each branch of government, is through the amendment process provided in Article V. The ABA has long opposed efforts to alter constitutional interpretations through means other than constitutional amendment. To be sure, the amendment process is cumbersome, but deliberately so. More than the usual care should be taken before we alter our basic organic document or fractionate out strength standing together as a nation. The amendment process provides the best protection of the fundamental rights of all our citizens against the changing policy views of shifting local majorities or successive Congresses or Administrations.

Over the years, the Congress has wisely rejected calls from either the right or the left to substitute legislative solutions for basic constitutional protections. We urge the Committee to continue to resist the pressure to substitute Congress' role for that of the Federal courts and to defeat the pending proposals. To do less would be to precipitate a constitutional crisis that would divide our nation as it has not been divided in more than a century.

Sincerely,

DAVID R. BRINK.

[From the New York Times, Feb. 8, 1982]

THE COURT STRIPPERS

Some senators want to rewrite the old maxim that for every wrong there's a remedy. The current right-wing version is that for every right that the Federal courts recognize, there should be a law that strips the courts of the power to enforce it.

In one bill after another, Congressmen want to tell Federal courts to stay out of important, controversial cases. It's an easy way to tame an over-active judiciary, say voices on the right. But if they were true conservatives, they would recognize these court-stripping bills for what they really are: cheap attacks on the Constitution.

On the Senate floor now, the attack is on busing, via an appropriations rider that forbids busing even when it is the only remedy for purposeful school segregation. Later there will be a bill directing Federal courts to reopen old school cases and abandon milder desegregation remedies unless minorities can prove their cases all over again.

Then there's a bill to define abortion as murder and deny Federal courts and the Supreme Court the power to say the contrary. Another bill would forbid Federal court interference with "voluntary" public school prayer as defined by those who want to skirt Supreme Court rulings.

All these are offered as perfectly proper court-regulating measures. All are of dubious constitutionality. All are dangerous.

Is that merely partisan opinion? It's shared by distinguished lawyers of all political coloration.

The American Bar Association president, David Brink, fears the court-stripping bills will create "the most serious constitutional crisis since our great Civil War." The chief justices of all 50 states call the idea "a hazardous experiment with the nation's judicial system." Retired Justice Potter Stewart said last year that he was glad he wouldn't have to review such laws "and I hope this Court will never have to wrestle with such questions because I hope that no such legislation will be enacted."

Robert Bork, a critic of many Supreme Court decisions, has made clear his belief that court-stripping is no way to deal with unpopular rulings; his conservative credentials are such that President Reagan has named him to the United States Court of Appeals in Washington.

One of the few notable lawyers missing from this company is Attorney General William French Smith. The danger of these court-stripping bills is appreciated at every level of the Justice Department but the top one. He seems to fear the wrath of the new right more than the destruction of old rights.

The court-baiting senators are right when they say the Constitution allows Congress to change Federal court jurisdiction and regulate the Supreme Court's review powers. But that is a lot different from insisting that Congress can selectively wipe out constitutional rights by cutting citizens off from Federal courts.

It's sad that other senators, like Lowell Weicker of Connecticut, should have to filibuster to make the point: bills like the anti-busing measures are umpire-killing tricks, their anti-constitutional purpose only thinly disguised. But it's not too late for Congress to wake up and recognize what it is being asked to do. It should defend the courts, not assault them.

[From the Washington Post, Feb. 8, 1982]

RUNNING THE BUS BACKWARD

In an effort to put the brakes on court-ordered school busing, the Senate voted last week to adopt a controversial and possibly unconstitutional amendment to the Justice Department authorization bill. The amendment, offered by Sens. J. Bennett Johnston of Louisiana and Jesse Helms of North Carolina, first forbids the Justice Department to bring any court action that would result in the transportation of schoolchildren beyond the neighborhood school in order to overcome segregation. It goes on to limit severely the power of federal courts to deal with school segregation. In addition to removing the right of the courts to issue most busing orders in the future, the amendment would authorize the Justice Department to go to court and reopen any busing case upon receipt of a complaint from an affected student or his parent.

You don't have to like busing to understand why this is bad legislation. Sen. Carl Levin of Michigan put it succinctly: "Despite my feelings about busing and its limitations and its failure in many instances, I am, nonetheless troubled by an amendment which would remove from the federal courts the power to enforce the Constitution. It is a pernicious approach to a difficult problem and I hope that the U.S. Senate will avoid it."

Certainly, busing is a last-resort remedy to the problem of segregated schools, and has been so used by the courts since the '60s. No federal judge wants to get into the business of redrawing school boundaries and devising route maps. But where intractable situations, fears and injustices cannot be overcome except by putting children of different races into the same school, the courts must continue to have the latitude to work out remedies that fit individual situations. The Johnson-Helms amendment severely restricts their freedom to do so.

The most disruptive element of the amendment, however, is the so-called "reopener" provision. School officials in Virginia communities that have had some experience with busing expressed dismay when they learned that long-settled cases could be re-litigated if the Senate action stands. In Richmond, which has been busing since 1971, James Tyler, deputy superintendent of schools commented, "I don't know how you undo an egg that's been scrambled." In Norfolk, school Superintendent Albert Ayars said, "We feel great benefits have come from our plan . . . we really looked upon all this as being settled." He predicted that the adoption of the Johnston-Helms amendment "would resegregate many schools in Norfolk."

The best authority on the folly of reopening old school desegration cases remains Assistant Attorney General William Bradford Reynolds. He was quoted on this subject in this space on Dec. 8, and he's still right about it. "The law generally recognizes a special interest in the finality of judgments," he said, "and that interest is particularly strong in the area of school desegregation. Nothing we have learned in the 10 years since Swann leads to the conclusion that the public would be well served by reopening wounds that have long since healed."

[From the Hartford Courant, Feb. 8, 1982]

ANOTHER SENATE HALF-STEP

Theoretically, if every step taken toward a goal is half the length of the step before, then the goal will never be reached.

So, if Connecticut Sen. Lowell P. Weicker manages to restrict the Senate to making half-steps toward the passage of social legislation that would gut the U.S. Constitution, then that august body may never arrive.

One can only hope.

Sen. Weicker, who has been leading a little band of willful liberals in a sporadic fight against anti-busing since June, joined the fray again last week while the Senate was considering a proposal that would severely limit the power of the federal courts to impose busing as a remedy to school segregation.

The measure, an amendment to the Justice Department authorization bill, succeeded by a vote of 58 to 38, but the bill as a whole has yet to pass. Mr. Weicker plans to continue his filibuster this week and to delay the bill, if necessary, with some 300 amendments he has ready to propose.

The senator has been criticized by some of his colleagues as a "headline hunter" and worse. He certainly revels in his dramatic role as the heroic obstructionist.

But whether his motive is more truly to protect the integrity of the Constitution or to seek his own aggrandizement in an election year, the fight is worthwhile.

The measure would prevent the courts from ordering busing plans that involve transporting schoolchildren more than five miles from home or more than 15 minutes. It would also allow the Justice Department to overturn any existing plans that exceed those limits.

The question is not whether busing is popular as a tool for desegration, it isn't. Nor is it whether busing is effective, the record is mixed.

The question is whether Congress should be able to impede the federal courts in the exercise of their constitutional power, which includes the authority to alleviate

racial discrimination by any means they deem appropriate. It should not.

If the Senate gets away with this, then an entree would be provided for a score of other bills in the wings that would also slap restrictions on the federal courts when they deal with a whole range of issues.

Sen. Weicker has chosen a good place to make his stand.

Mr. WEICKER. Mr. President, I would like to at this time read from an antique edition of Washington's Farewell Addresss of September 19, 1796, a copy of the address having been given to me by Dick Weed of Brantford, Conn.

I think one section is particularly apropos to the debate that has been on this floor since June of last year. I now quote:

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for through this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

I yield the floor.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, there has been a great deal of discussion, both on this floor and in some newspapers, on the question of the constitutionality of this measure.

Mr. President, most of that discussion—in fact, precious little of it—deals with the actual constitutional provision involved, that is principally section 5 of the 14th amendment. No one bothers to talk about the history of that amendment; indeed, no one bothers to even quote the provisions of it; and certainly no one bothers to quote the most recent Supreme Court cases which interpret section 5 of the 14th amendment which provides a role for Congress. Indeed, the American Bar Association did not do so, the New York Times did not do so, and the Washington Post did not do so.

I think in order to have a really elevating and illuminating discussion on this measure we ought to zero in on what is involved. What is involved here is the 14th amendment and section 5 thereof and, to a lesser extent, article III of the Constitution. What is involved is also the question of busing and whether it works. And we have had no discussion on those two measures. I wish we did. If we did, we would really join the issue.

But let me say one thing about this question of separation of powers and whether we are arrogating the proper function of the court. Mr. President, if this measure passes, and passes both Houses of the Congress, it will undoubtedly be brought before the courts for a test. Now it is important for everyone to realize what is perfectly obvious, and that is that the question of whether this measure is constitutional or not will be decided by that same Supreme Court. And if, as I do not expect, if, as some would argue, it is unconstitutional, then we have not taken away the power of the Court so to declare it.

That matter was decided earlier in the history of this country in a case called Marbury against Madison. That is to say that the Supreme Court, while they may be not omniscient, they may certainly be omnipotent when it comes to interpreting the Constitution. We do not propose or purport to be taking away that power.

So, Mr. President, what we are doing as a Congress—and I hope that the whole Congress will join—is to exercise the powers given by the 14th amendment to this Congress. The very Supreme Court that is going to make this interpretation has on two occasions said it is for the Congress to determine, first of all, whether there is a need for a remedy and, second, the scope of that remedy. That inquiry is the same kind of inquiry that is made in determining whether the necessary and proper clause is satisfied. And the necessary and proper clause inquiry, in turn, is satisfied, so says the Supreme Court, when they can determine that there was a rational basis for congressional action.

Now, if the Supreme Court is true to their decisions and if the 14th amendment, or section 5 thereof and article III of the Constitution mean what they seem to mean and mean what the precedents appear to mean, then this bill is clearly constitutional. More than that, Mr. President, it is clearly needed.

As David J. Armor says—and I have quoted him before but it is important to repeat:

There is overwhelming social science evidence that mandatory busing has failed as a feasible remedy for school segregation.

So, Mr. President, if there is overwhelming evidence that it has failed—and that evidence comes in from my State on a daily basis, as well as other places around the country—it is time the Congress exercised the power that it has under the Constitution.

One final word, Mr. President. I was quoted here on the floor of the Senate and elsewhere that in saying in Baton Rouge, La., 6-year-old children were bused 1½ hours in one direction for a total of 3 hours. The Federal judge in Baton Rouge wrote a letter to the school board and said, in effect, that "If this is so, it is not consistent with the intent of my order."

This morning, I called Dr. Ray Arverson, who is the superintendent of schools in East Baton Rouge Parish, who was the source of my original information. Dr. Arverson confirmed the correctness of that information. He further said that they were getting together the particular facts. And he further said that the distances would be even longer but for the fact that so many children have withdrawn from schools that the busing lengths are less. He talked about one bus, for example, that was assigned 60 children and only 30 showed up. The other 30 simply were not going to take the 1½ hour bus ride. He further told me that over 4,000 children had dropped out at the elementary level alone. That is East Baton Rouge Parish.

About 3 weeks ago in Caddo Parish, my home parish—that is a county in ever other State—that is I guess the second or third largest city, Baton Rouge is the second largest, Shreveport is the third largest—they just had the tax election for the schools. Shreveport has a long history of strong support for public education. This one they beat. A new set of orders coming out on busing and they beat the tax election. That is a trend that has gone across this country, as children withdraw from public schools, as taxpayers vote down bond issues, withdraw their support and set up separate schools.

Indeed, there is another article in the Baton Rouge paper where some of those who disagreed with my position also were jumping on the Catholic Church there, saying that they were opening up a new school for segregation intent. Well, I think if there is one group of people, one religion that has shown its absolute support for human rights, for equal protection, for due process of law, it is the Catholic Church. But the point is, Mr. President, the children need an education and they are withdrawing from public schools.

Now, Mr. President, it is time that we in the Congress went back to the basics and supported public education by voting for this cloture motion.

The PRESIDING OFFICER. The time of the Senator from Louisiana has expired. The remaining time is under the control of the distinguished Senator from Connecticut.

Mr. WEICKER. Mr. President, I yield 2 minutes to the distinguished Senator from Montana.

Mr. BAUCUS. Mr. President, I thank the Senator from Connecticut for yielding.

The hour is near when we have to vote, Mr. President. Let me just sum-

marize the statement I intended to make by saying that I think no one in this Chamber, and I am one, likes busing. Nobody likes busing. None of us like to send our children to school by bus. It causes problems.

On the other hand, all of us recognize that we have a constitutional form of government. The reason for the Constitution is to protect individual liberties, individual citizens' individual rights. Also under our form of government, the Supreme Court, with the independence of the Federal judiciary, is the institution which basically decides what the Constitution says.

Frankly, I think the reason we are here is because we in the Congress have not taken up our responsibility by fashioning remedies that Federal courts can use or not use in trying to settle discrimination cases. We have left it to the courts. We, therefore, blame the courts when they do something which we do not like.

Fundamentally, I think it comes down to a conflict between individual rights and civil rights, on the one hand, and congressional failure on the other. I think it strongly behooves us to follow the Constitution; that the Constitution says that individual liberties and civil liberties should be protected, and then for us in the Congress to fashion a hierachy of remedies or to do what we can to help address this problem.

In the final analysis, it is a constitutional right if it can be vindicated and it can only be vindicated if there is an effective remedy. And then if we in the Congress cannot remedy it and if the Court does fashion the remedy, then that remedy is a proper vindication of the constitutional right as it is stated in the constitution and so found in the Constitution by the Supreme Court of the United States.

This is a very, very dangerous action we are taking here today. It is a very close first cousin to efforts to limit Supreme Court jurisdiction of Federal constitutional issues.

Once we start sliding down that slippery slope, limiting Supreme Court jurisdiction to constitutional questions, I tell you that we will be undermining, fundamentally, our form of government and will be making a gross mistake.

I thank the Senator for yielding.

CLOTURE MOTION

The PRESIDING OFFICER. The hour of 4 p.m. having arrived, under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the standing rules of the Senate, hereby move to bring to a close debate on S. 951, the Department of Justice authorization bill.

J. Bennett Johnston, David L. Boren, Russell Long, Jennings Randolph, J. James Exon, Steven Symms, Don Nickles, Edward Zorinsky, Walter D. Huddleston, James Abdnor, John C. Stennis, Lloyd Bentsen, Chuck Grassley, William Proxmire, Mack Mattingly, and Roger W. Jepsen.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the bill (S. 951), Department of Justice authorizations, 1982, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. I announce that the Senator from Florida (Mr. HAWKINS), and the Senator from Iowa (Mr. GRASSLEY) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Ohio (Mr. GLENN) is absent an official business.

I also announce that the Senator from New Jersey (Mr. WILLIAMS) is absent because of illness.

The yeas and nays resulted—yeas 63, nays 33, as follows:

[Rollcall Vote No. 4 Leg.]

YEAS—63

Abdnor	Exon	Murkowski
Andrews	Ford	Nickles
Armstrong	Garn	Nunn
Baker	Gorton	Pell
Bentsen	Hatch	Proxmire
Biden	Hayakawa	Pryor
Boren	Heflin	Quayle
Burdick	Helms	Randolph
Byrd, Harry F., Jr.	Hollings	Roth
	Huddleston	Sasser
Byrd, Robert C.	Humphrey	Schmitt
Cannon	Jackson	Simpson
Chiles	Jepsen	Stennis
Cochran	Johnston	Stevens
D'Amato	Kassebaum	Symms
Danforth	Kasten	Thurmond
DeConcini	Laxalt	Tower
Denton	Long	Wallop
Dixon	Lugar	Warner
Dole	Mattingly	Zorinsky
Domenici	McClure	
East	Melcher	

NAYS—33

Baucus	Hart	Moynihan
Boschwitz	Hatfield	Packwood
Bradley	Heinz	Percy
Bumpers	Inouye	Pressler
Chafee	Kennedy	Riegle
Cohen	Leahy	Rudman
Cranston	Levin	Sarbanes
Dodd	Mathias	Specter
Durenberger	Matsunaga	Stafford
Eagleton	Metzenbaum	Tsongas
Goldwater	Mitchell	Weicker

NOT VOTING—4

Glenn	Hawkins	Williams
Grassley		

(The following proceedings occurred during the call of the roll:)

Mr. RANDOLPH. Mr. President, the Senate is not in order.

The PRESIDING OFFICER (Mr. WARNER). The Chair has received a request that order be restored in the Chamber, and until such time as that occurs, the clerk will suspend the call of the roll.

The Chair respectfully requests Senators to return to their seats and clear the well, so that the clerk may continue the tally.

The assistant legislative clerk continued the call of the roll.

Mr. METZENBAUM. Regular order. Regular order.

The PRESIDING OFFICER. Are there other Senators in the Chamber who desire to vote?

Mr. D'AMATO. Aye.

Mr. CANNON. Aye.

Mr. METZENBAUM. Regular order, Mr. President.

Mr. KASTEN. Aye.

The PRESIDING OFFICER. The clerk will prepare the tally.

Mr. JOHNSTON. Mr. President, am I recorded?

The PRESIDING OFFICER. The Senator from Louisiana is recorded in the affirmative.

Mr. EXON. Mr. President, how is the junior Senator from Nebraska recorded?

The PRESIDING OFFICER. The Senator is recorded in the affirmative.

Mr. METZENBAUM. Regular order, Mr. President.

Mr. PELL. On this vote I have a live pair with the senior Senator from Massachusetts (Mr. KENNEDY). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "aye." I therefore withhold my vote.

(This announcement was subsequently negated by both Senator KENNEDY and Senator PELL voting.)

Mr. METZENBAUM. Regular order.

The PRESIDING OFFICER. The clerk will now tally the vote.

Mr. METZENBAUM. Regular order, Mr. President.

Mr. JOHNSTON. Mr. President——

The PRESIDING OFFICER. The clerk is in the process of tallying the vote.

Mr. METZENBAUM. Regular order, Mr. President. The Presiding Officer has the vote. Announce the vote.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana has sought recognition.

Mr. METZENBAUM. Under the rules, the Chair must announce the vote.

The PRESIDING OFFICER. The Chair is still receiving responses to its request.

Are there any other Senators in the Chamber who desire to vote?

Mr. DOLE. Aye.

Mr. STEVENS. Aye.

The PRESIDING OFFICER. The clerk will present the tally.

Mr. WEICKER. Aye.

Mr. KENNEDY. No.

Mr. PELL. Aye.

The PRESIDING OFFICER. The clerk will present the tally.

Mr. WEICKER. No.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

There being no other Senators who desire to vote on this vote, the yeas are 62, the nays are 33. Three-fifths of the Senators——

Mr. SIMPSON. Aye.

The PRESIDING OFFICER. The Chair repeats: On this vote the yeas are 63, the nays are 33. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

(Conclusion of proceedings during call of the roll.)

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, as I indicated earlier if cloture is invoked, under the provisions of rule XXII, of course, it will be necessary for the Senate to continue consideration of this measure until it is completed.

There are four exceptions to that which have been agreed to by unanimous consent. First, that any time on or after the 22d of February on motion of the majority leader after consulting with the minority leader, it would be possible, notwithstanding the provisions of rule XXII, to proceed to the consideration of the resolution dealing with the recommendations of the Select Committee on Ethics in respect to Senator HARRISON WILLIAMS.

The others are three urgent supplemental appropriations bills, one of which is at the desk at this time I am told; the other two should be received from the other body before very long.

Mr. President, the rule also provides that control of time now will be designated by the majority and minority leaders, and while the minority leader is not on the floor at this moment he and I have discussed this matter. While it is the reversal of roles to do so, I believe in this case it would be more appropriate for the minority leader to designate the Senator in control of the time for the proponents and I will designate the Senator from Connecticut to be in control of the time of the opponents.

The PRESIDING OFFICER (Mr. HAYAKAWA). The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, I wish to address myself to the majority leader while he is on the floor.

Mr. President, I have great respect for this body and for the rules that we operate under, and I also have tremendous respect for the majority leader and the Presiding Officer whomsoever that may be at any particular point. But I must confess, Mr. President, and Mr. Majority Leader, that I think the procedure that was just followed when the Presiding Officer had in his hand the vote and refused to announce it and delayed it deliberately in order that others might vote is contrary to the procedures we followed in this body in the past. I am well aware of the fact that when the Senators are on their feet demanding recognition the normal procedure is to give them an opportunity to speak in order to change their vote or to ask for their vote to be clarified, but that was not the situation in this instance and the Presiding Officer actually held onto the vote and refused to announce it.

I might also point out that subsequent in time to that the Presiding Officer then announced the vote and with no further ado a Member of the Senate was permitted to vote after that time.

My understanding is that in the past that has only been permitted with unanimous consent and this Senator would not have objected to granting that unanimous consent, but once the vote is announced we have not permitted anyone to add his vote without unanimous consent in the past.

Mr. BAKER. Mr. President, I have only the highest regard for the Senator from Ohio, but I must say in all fairness that I think he is wrong on both points that he has just made.

To begin with, it is the unbroken precedent of the Senate, I believe, that when Senators have not yet voted and are in the Chamber and wish to vote the regular order is for those Senators to be given that opportunity.

There were two Senators here who had not voted. It was clear that they were still engaged in the question of deciding which way to vote. The Chair twice put the question, Are there other Senators wishing to vote?—and on the second occasion, would they please signify their intention to vote.

Keep in mind that it requires the unanimous consent of the Senate to excuse a Senator from voting. So there was a heavy responsibility on these two Senators to vote when they were present.

Therefore, I think in that case, without any doubt in my mind at least, the precedent of the Senate dictated and the Chair conducted that situation properly in inquiring of the Senators who had not voted but were in the Chamber if they wished to vote and retaining the tally uncomplete until they responded, which they did by casting their votes.

I might say parenthetically that another Senator was on his way and had sent word that he would shortly arrive in the Chamber. That would not be, in my judgment, sufficient basis for extending the time for a rollcall vote, a simple message that a Senator was on the way.

But in this case, in addressing the second point made by the distinguished Senator from Ohio, the Chair had not pronounced the full effect of rule XXII, that is to say three-fifths of the Senate having voted in the affirmative under the provisions of rule XXII debate shall be brought to a close in keeping with the language of that rule, the Standing Rules of the Senate.

Before that full pronouncement was made, which is the judgment of the Chair, before that was done another Senator arrived in the Chamber and sought recognition. It is my opinion that the Chair properly recognized him so that he could be included on this rollcall and that that procedure fuly conformed with the precedent of the Senate as it has been universally applied in the past.

Mr. STEVENS. It did not change the outcome either.

Mr. METZENBAUM. I might say to the majority leader I am not going to belabor the point, but I do think that it is important that this body follow the rules and that we adjudicate the issues on the basis of those rules regardless of what our personal views may be. I am not going to belabor the point, but I did feel that they were somewhat abused in the last instance.

Mr. BAKER. Mr. President, I do appreciate that and I do not think the Senator from Ohio is doing it, but I really do not accept at face value the idea that I was abusing the rules.

Mr. METZENBAUM. I did not say that the majority leader was abusing the rules.

Mr. BAKER. I put this parliamentary inquiry to the Chair.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. Mr. President, is it not the precedent of the Senate that when Senators are present in the Chamber and have not yet voted the regular order is to permit them to vote?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Is there any exception to that precedent of which the Chair is aware?

The PRESIDING OFFICER. The Chair is not aware of any such exception.

Mr. BAKER. The second parliamentary inquiry: Is it not the precedent of the Senate that before the Chair pronounces its final judgment in this case on the application of rule XXII it is the regular order for a Senator seeking recognition to be given recognition in order to vote?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. I thank the Chair.

Mr. METZENBAUM. Will the Chair respond to another parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state it.

Mr. METZENBAUM. Is it not the fact that the rules of the Senate pro-

vide that there are 15 minutes permitted for a rollcall vote and that immediately thereafter it is the responsibility of the tally clerk to advise the President of the Senate what the vote is and that he has an obligation then to promptly indicate to the Members of the body what the vote is regardless of whether or not there were Members in the Senate who have not voted?

The PRESIDING OFFICER. The rules do not provide such time on a vote.

Mr. METZENBAUM. I am sorry.

The PRESIDING OFFICER. The Senate has limited rollcall votes to 15 minutes by unanimous consent.

Mr. METZENBAUM. Do I understand the Presiding Officer to say that a rollcall vote is not to be concluded within 15 minutes?

The PRESIDING OFFICER. It is customary to go beyond 15 minutes if a Senator is seeking to vote.

Mr. METZENBAUM. I understand that, but that is not my question. My question is, Is the customary period provided by the rules 15 minutes and then the voting is concluded unless someone is in the Chamber seeking recognition that he may vote?

The PRESIDING OFFICER. There is nothing in the rules limiting one to 15 minutes if there are Senators still wishing to vote.

Mr. BAKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. Is it not true that under the precedents of the Senate rollcall votes have been set by unanimous consent——

Mr. MOYNIHAN. Mr. President, could we have order? The majority leader is making an important parliamentary point.

Mr. BAKER. And that indeed the 15-minute span for rollcall vote is set not by the rules but set by unanimous consent; is that not correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Is it not also correct that the precedent of the Senate is that notwithstanding that 15-minute period may have expired if Senators who have not voted are in the Chamber and wish to vote the regular order is to permit them to vote even though the time required to do so will extend beyond 15 minutes?

The PRESIDING OFFICER. The Senator is correct.

On page 1157:

If a Senator is present who did not vote, he may do so prior to the announcement of the decision; in fact, if a Senator were seeking recognition to vote prior to the announcement by the Chair, he is entitled to cast his vote.

Mr. BAKER. Mr. President, I think we have pretty well established the parameters of that procedure. I think it is a fundamental procedure that has not been varied from in my experience in the Senate, and I have nothing further to add to that.

I believe under the circumstances the matter is disposed of at this point.

Mr. President, may I inquire against whose time have these inquiries been charged?

The PRESIDING OFFICER. Against the time for the Senators involved.

Mr. BAKER. Very well. Then the time for the 1 hour provided under rule XXII postcloture for the Senator from Ohio and the Senator from Tennessee will be charged against our respective time according to the length of our presentation?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. I thank the Chair.

Mr. JEPSEN. Mr. President, I wish to announce that I yield my hour of time to Senator WEICKER even though I am not supporting his position.

Mr. D'AMATO. Mr. President, I would like to yield my time of 1 hour to Senator WEICKER from Connecticut even though I share an opposite view.

The PRESIDING OFFICER. The question is on agreeing to the first committee amendment.

The first committee amendment is as follows:

On page 2, line 14, strike "Administration: $37,653,000." and insert the following: "Administration;

"(C) financial assistance to joint State and joint State and local law enforcement agencies engaged in cooperative enforcement efforts with respect to drug related offenses, organized criminal activity and all related support activities, not to exceed $12,576,000, and to remain available until expended: $50,229,000."

Mr. METZENBAUM. What is the question?

The PRESIDING OFFICER. The question is on agreeing to the first committee amendment.

Several Senators addressed the Chair.

Mr. WEICKER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Connecticut has asked for the yeas and nays. Is there a sufficient second?

Mr. HELMS. Mr. President, I move to table, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. BAKER. Mr. President, could I have recognition?

The PRESIDING OFFICER. There is not a sufficient second.

Mr. BAKER. Mr. President, I am unsure as to what we are trying to address at the moment. As I understand it, the Senator from Connecticut asked for the yeas and nays on the first committee amendment, is that correct?

Mr. WEICKER. That is correct.

Mr. BAKER. Was that granted?

The PRESIDING OFFICER. There was not a sufficient second.

Mr. BAKER. Does the Senator from Connecticut wish to ask for that again?

Mr. WEICKER. I ask for the yeas and nays on the committee amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is.

Mr. BAKER. Now, do I understand that the Senator from North Carolina had sought to table the committee amendment?

The PRESIDING OFFICER. That is correct.

Mr. HELMS. I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion of the Senator from North Carolina to lay on the table the first committee amendment.

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RANDOLPH. Mr. President, point of order.

The PRESIDING OFFICER. Can we have order in the Chamber?

Mr. RANDOLPH. Mr. President, I, for once, insist on my point of order.

The PRESIDING OFFICER. The Senator from West Virginia has been heard. Will Senators please clear the well and carry their conversations elsewhere.

The clerk will proceed with the rollcall.

Mr. RANDOLPH. Mr. President, point of order. The Senate is not in order, and on this matter I said earlier I will insist.

The PRESIDING OFFICER. The Senator from West Virginia has been heard.

The Senator from West Virginia is quite right in insisting that there be order in the Chamber. Senators will please empty the well and carry their conversations elsewhere, outside the room, in the cloakrooms, carry their discussions elsewhere. May we have a silence worthy of this dignified body?

Is the Senator from West Virginia satisfied with the degree of order we now have?

Mr. RANDOLPH. Mr. President, there is only a degree of order. I shall not however, continue my efforts at this time.

The PRESIDING OFFICER. I thank the Senator from West Virginia.

The clerk will please proceed with the rollcall.

The assistant legislative clerk resumed and completed the call of the roll.

Mr. STEVENS. I announce that the Senator from Iowa (Mr. GRASSLEY)

and the Senator from Florida (Mrs. HAWKINS) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Ohio (Mr. GLENN) is absent on official business.

I also announce that the Senator from New Jersey (Mr. WILLIAMS) is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators wishing to vote?

The result was announced—yeas 60, nays 36, as follows:

[Rollcall Vote No. 5 Leg.]

YEAS—60

Abdnor	Ford	Nunn
Andrews	Garn	Pressler
Armstrong	Goldwater	Proxmire
Baker	Gorton	Pryor
Bentsen	Hatch	Quayle
Biden	Hayakawa	Randolph
Boren	Helms	Roth
Byrd, Harry F., Jr.	Hollings	Sasser
	Huddleston	Schmitt
Byrd, Robert C.	Jepsen	Simpson
Cannon	Johnston	Stennis
Chiles	Kassebaum	Stevens
Cochran	Kasten	Symms
D'Amato	Laxalt	Thurmond
Danforth	Long	Tower
DeConcini	Lugar	Wallop
Denton	Mattingly	Warner
Dole	McClure	Weicker
Domenici	Melcher	Zorinsky
East	Murkowski	
Exon	Nickles	

NAYS—36

Baucus	Hart	Metzenbaum
Boschwitz	Hatfield	Mitchell
Bradley	Heflin	Moynihan
Bumpers	Heinz	Packwood
Burdick	Humphrey	Pell
Chafee	Inouye	Percy
Cohen	Jackson	Riegle
Cranston	Kennedy	Rudman
Dixon	Leahy	Sarbanes
Dodd	Levin	Specter
Durenberger	Mathias	Stafford
Eagleton	Matsunaga	Tsongas

NOT VOTING—4

Glenn	Hawkins	Williams
Grassley		

So the motion to lay on the table the first committee amendment was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time be charged to neither side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EAST). Without objection, it is so ordered.

URGENT COMMODITY CREDIT CORPORATION SUPPLEMENTAL APPROPRIATION

Mr. BAKER. Mr. President, in accordance with the unanimous-consent order entered earlier today, I am authorized, after consulting with the minority leader, to ask the Senate to lay aside temporarily the pending measure and proceed to one of the so-called urgent supplemental bills.

I have now consulted with the minority leader and pursuant to that authority I ask that the Senate now proceed to the consideration, under the terms and conditions described, of House Joint Resolution 389, the Commodity Credit Corporation supplemental appropriations, which is at the desk.

The PRESIDING OFFICER. The clerk will state the resolution. The legislative clerk read as follows:

A House joint resolution (H.J. Res. 389) making an urgent supplemental appropriation for the fiscal year ending September 30, 1982, for the Department of Agriculture.

The PRESIDING OFFICER. Without objection, the joint resolution will be considered as having been read the second time by title.

Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, before we have the ball thrown up in the air, may I say, for the benefit of all Senators that we shall not return to consideration of the Department of Justice authorizations bill this evening. We shall return to it at some time after this session day when the circumstances seem propitious.

Mr. MOYNIHAN addressed the Chair.

Mr. HATFIELD. Mr. President, will the Senator be so generous as to yield for a 3-minute opening statement by me as the manager of the bill?

Mr. MOYNIHAN. Of course. I ask the distinguished chairman to forgive me.

Mr. HATFIELD. Mr. President, I thank the Senator from New York. I know he is about to offer an amendment, but if I could just have the attention of the Senate and have order in the Senate, I wish to make a few comments about this bill.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Oregon has the floor.

Mr. HATFIELD. Mr. President, the Secretary of Agriculture, for a number of months, has been telling the members of the Committee on Appropriations that he is going to run into difficulty very soon on maintaining the viability of many of our farm commodities and that he has to have this legislation. I am indicating that the urgency of this resolution cannot be exaggerated. I think anyone who has made any study of the proposition faced by the Secretary of Agriculture and this country's Government realizes the truth of his statement. I quote from a letter of February 5 this year:

> We appreciate the expeditious action of the Congress and especially of the House Appropriations Committee in dealing with this matter. It is truly an urgent situation. Unanticipated high levels of losses have endangered the continued operation of our farm programs at a time when farmers are particularly vulnerable and especially in need of these programs. We need final approval of this proposal by Tuesday, February 9, 1982.

That is this date, Mr. President. Therefore, I am asking that the Senate adopt this proposal, this supplemental, without amendment because amending it would create the necessity of carrying over for a conference committee meeting with the House. The delays of that would then, of course, cause difficulty in meeting the February 9 deadline.

Let there be no mistake, Mr. President. Our farmers are facing financial ruin in a disruption in the ability of the Department of Agriculture to provide modest price support assistance. This may be the last straw that casts many of our farmers into bankruptcy.

I cannot emphasize the seriousness of this situation too strongly, so we have asked that this measure be held at the desk, as it has been. Senator COCHRAN of Mississippi is the chairman of the Appropriations Committee which handles this and will be managing the bill. I, as chairman of the full committee, and my ranking minority leader, Senator PROXMIRE of Wisconsin, felt the urgency of this is sufficient that I should make an opening statement as the chairman of the full committee before I turn the floor over for the management of the measure to the subcommittee chairman.

Mr. President, I should like to yield briefly, if the Senator from New York will be so gracious, to let the comanager of the bill, the Senator from Wisconsin (Mr. PROXMIRE), make a few remarks in opening.

Mr. PROXMIRE. Mr. President, I shall be very brief. I realize the Senator from New York has the floor and yielded very briefly.

First, I support everything the distinguished manager of the bill has said. We have only $787 million left as of January 22 of this year, just a couple of weeks ago, in the Commodity Credit Corporation. That is now down to about $372 million as of yesterday.

There have been huge drawdowns, primarily attributable to depressed market conditions resulting from record 1981 crops, with over half the loans placed in wheat and feed grain reserve. The usual 9-month loans have been augmented with grain reserve loans having maturities of up to 5 years and storage facility loans of up to 10 years. What that means is that that money does not come back into the CCC's revolving fund as quickly.

Interest rates paid by the CCC into the Treasury have increased from 4.125 percent in fiscal year 1978 to 15 percent in fiscal year 1981. Of course, that has contributed to the sharp increase in CCC costs.

Any Senator with any agriculture in their State knows what desperate condition our farmers are in, particularly our grain farmers, who will be heavily hit by the inability of the CCC to provide the funds that are due to them.

For all of these reasons, Mr. President, the CCC is expected to run out of funds within the next few days—I mean sometime in the middle of next week—unless we pass this resolution.

That is why the distinguished chairman of the Appropriations Committee is 100 percent right in asking us to act promptly and not encumber the resolution with amendments, because that would undoubtedly delay it, necessitate a conference, and make it impossible for us to act in time. I understand the House is to go out tomorrow night. A conference, therefore, would doom the resolution and mean it would have to go over until February 22. By that time, farmers would be in really desperate shape. I think nobody wants to force that kind of unfortunate situation on our farmers.

Mr. EXON. Mr. President, will the Senator yield for a minute to me?

Mr. PROXMIRE. Will the Senator from New York permit me to yield briefly to the Senator from Nebraska?

Mr. MOYNIHAN. Of course.

Mr. EXON. Mr. President, I thank my friend from Wisconsin.

I just wish to state briefly how critically important it is that we move rapidly on the measure that has been introduced, that basically adds $5 billion to the loan authority for the Commodity Credit Corporation.

The Commodity Credit Corporation is, right now, or is about to run out of money essentially because of the heavy demand by the farmers of our great country, the food producers, who are in the most dire straits that they have been in since the Great Depression of 1933.

In essence, Mr. President, this is an entitlement, because everything that is being borrowed is a result of the 1981 Agricultural Act.

As the Chair knows, this Senator felt that this particular act did not supply funds either in loan or target prices that were nearly sufficient and because of the dire straits that the farmers are in today, with the commodity markets continuing to plunge, as they did once again today, I simply state that the farm economy cannot stand any more shocks. It is, therefore, necessary that we expedite the passage of this resolution.

I say, Mr. President, that I had offered a separate measure to provide for this $5 billion increase, but it is deemed that the most expeditious way to handle this is with the resolution that rapidly passed the House of Representatives. I urge the Senate to follow suit rapidly.

I yield the floor.

Mr. HELMS. Mr. President, the U.S. Department of Agriculture's Commodity Credit Corporation is designed to serve farmers and the public every working day in every region of the country. In order for its functions to continue as provided by law, it is imperative that Congress approve this supplemental appropriation for the CCC.

The Congress has mandated the CCC to maintain a variety of programs, including farm price support programs, farm storage facility loans, export financing, and several other functions. As a financing arm of the U.S. Department of Agriculture, the CCC has been granted borrowing authority to implement these programs, some of which operate as entitlements.

As American agriculture has grown and advanced over the years, so has the CCC expanded and changed. The CCC was originally incorporated in 1933. Congress has increased the CCC borrowing authority 11 times since 1938.

In 1978, the Congress adopted the current level of $25 billion, effective to the extent provided in appropriations acts. The fiscal year 1979 Agriculture Appropriation Act limited the CCC to $20 billion.

At the end of any given year, CCC loans outstanding and other payments by CCC may exceed repayments of CCC loans. The net difference is identified as the "net realized loss," which is appropriated by Congress to replenish the CCC's capital. Historically this action has been taken every year as part of the annual Agricultural Appropriation Act.

The pending legislation will make the reimbursement to CCC for net realized losses now, rather than wait for the Appropriations Act. This action is necessary this time, because of the high demand for CCC loans.

Farm commodity loans, for example, are made by CCC with the farm products as collateral, thereby providing farmers both a needed cash flow and a helpful marketing alternative for crops that are raised. Farmers can thus decide to market at times other than immediately following harvest. When greater quantities of crops are produced, more demand is placed on CCC to make crop loans.

In 1981, farmers produced record-setting wheat and corn crops. Consequently, CCC loan activity has been very high. Also, funds have been or will be used for deficiency payments to producers of 1981 crops of wheat, barley, cotton, and rice.

Congress has directed that these activities occur on an entitlement basis. CCC net losses must be reimbursed to cover this demand if these programs are to continue.

Mr. COCHRAN. Mr. President, will the distinguished Senator from New York yield to me?

Mr. MOYNIHAN. I am happy to do that.

Mr. COCHRAN. Mr. President, the joint resolution before us is an urgent supplemental appropriation for fiscal year 1981 for the Department of Agriculture to reimburse the Commodity Credit Corporation for net realized losses sustained in the past, but not previously reimbursed.

This emergency supplemental passed the House earlier today, 320 to 86. They have sent us a clean bill with no amendments, in an effort to allow us to expedite this urgent matter. On this side, the Appropriations Committee asked that the resolution be held at the desk, as we fully realize and support the urgent nature of this appropriation.

The President has requested an increase of $5 billion in the borrowing authority of the Commodity Credit Corporation (CCC).

I am advised by the Department of Agriculture that the Corporation's capital funds are dangerously low and will soon be exhausted if the Congress does not act expeditiously. At the close of business yesterday, $372 million remained available. At the current rate of operations, CCC has 5 to 6 days left before closing.

The tremendous drawdown in the Corporation's borrowing authority is primarily due to the depressed market conditions we are now experiencing as a result of record crop production in 1981, as well as the general state of our economy.

The need for this supplemental is, indeed, urgent. The programs operated through CCC are vital both to agriculture and to the American public. The commodity price support programs, as well as direct and guaranteed export financing of agricultural commodities, are funded through the CCC borrowing authority.

Under current law, the Corporation may have outstanding loans of $25 billion to finance operations, but only to the extent funds have been appropriated. The appropriation limitation is currently set at $20 billion. The emergency appropriation before us today would reimburse the Corporation for expenditures made during fiscal years 1980, 1981, and the first quarter of 1982, thus restoring $5 billion of borrowing authority within the limits already prescribed by law.

With the $5 billion in this urgent request, CCC could meet its obligations to make cotton and rice deficiency and other commodity payments due this month, and already-postponed interest payments to the Treasury due in Sep-

tember. For example, thousands of cotton and rice farmers are expecting payments this month totaling over a billion dollars.

Without these emergency funds, CCC will be forced to cease operations, which would certainly upset the orderly marketing of U.S. commodities. This disastrous impact of a CCC shutdown would be to create panic in the farm sector and a loss of faith and confidence in the price support system.

Mr. President, the urgency for the supplemental is very real. I strongly urge my colleagues to adopt this measure without amendment.

UP AMENDMENT NO. 819

(Subsequently numbered amendment No. 1268.)

(Purpose: To declare Poland to be in default of its debts.)

Mr. MOYNIHAN. Mr. President, I send to the desk an unprinted amendment on behalf of myself and Mr. KASTEN and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New York (Mr. MOYNIHAN), for himself and Mr. KASTEN, proposes an unprinted amendment numbered 819.

Mr. MOYNIHAN. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, after the numeral "5,000,000,000", insert the following: ": *Provided that* none of the funds appropriated by this resolution may be available during any Fiscal Year in which (a) the Commodity Credit Corporation makes payments under loan guarantee or credit assurance agreements with respect to loans made or credits extended to Poland in the absence of a declaration of default, and (b) the President has not provided a monthly written report to the Speaker of the House of Representatives and the President of the Senate explaining the manner in which the national security interest of the United States has been served by any payments during the previous month under loan guarantee or credit assurance agreements with respect to loans made or credits extended to Poland in the absence of a declaration of default.

Mr. MOYNIHAN. Mr. President, yesterday I introduced S. 2079, legislation that would require Poland to be declared in default of its debt to American lenders before the United States honors its loan guarantees to the lenders. I now offer an amendment to the bill before the Senate, the suppplemental appropriation bill for the Commodity Credit Corporation, that would have the same effect.

The legislation I introduced yesterday would require that Poland be declared in default before any payments could be made by U.S. Government agencies—such as the Commodity Credit Corporation or the Export-Import Bank—to American individuals or corporations in satisfaction of debts incurred by Poland and guaranteed by these Government agencies.

The banks would receive the money due them according to their contractual agreements with the CCC or the Export-Import Bank. But the lenders would first have to declare that Poland is in default.

This requirement that default be declared before loan guarantees could be exercised is not a new notion; the CCC's own regulations and its loan guarantee agreements with banks required such a declaration until January 29, when the administration quietly changed the rules—as the Wall Street Journal notes this morning, in possible violation of the law.

The need for default is compelling; the argument, I believe, is self-evident.

Two months have passed since the imposition of martial law in Poland and the brutal suppression of Solidarity. Yet the United States and its allies have not found a way to apply meaningful pressure on either the military junta in Warsaw or its masters in Moscow to mitigate or end this repression.

Arrests and imprisonment of Solidarity members continue. Lech Walesa remains in confinement and, according to the most senior official of the Catholic Church in Poland, Archbishop Jozef Glemp, the people of Poland are "overcome by anger * * * enraged" at the suppression of their liberties.

What have we in the West done about the violent disruption of a peaceful, popularly supported process of democratization in Poland?

The United States has suspended landing rights in this country for the Polish national airline and produced a television spectacular that received mixed reviews. Our response has been near to shameful.

The President and the Secretary of State, and other leaders of the Western alliance, have said they will impose harsher sanctions if the situation in Poland does not improve.

Two months have gone by; the situation has not improved. It is time to take the next step. I believe default should be the next step.

A declaration of default would add to the financial and economic pressure on the Polish junta and on the Soviets who helped to install it. It would render impossible any commerce by Poland with the West, and make more difficult any trade by the Soviet Union. This pressure would be of the most effective kind, for any effort to resuscitate the moribund Polish economy must require loans and credits from the West.

Poland needs manufactured goods that simply cannot be produced in sufficient quantity in Eastern Europe. Poland cannot now afford to purchase these goods without assistance from the West.

While the United States should provide that assistance for as long as the Government in Poland is responding to the humanitarian and political needs of its people, I do not believe the United States should provide such assistance in the present circumstances.

The United States will only be seen by the Polish people themselves as abetting their military overlords.

Moverover, according to the policy put into place by the administration on January 29, which would permit the CCC to pay banks for guaranteed loans which Poland has failed to repay without first declaring Poland in default, the United States will spend as much as $380 million in American taxpayers' money this year in doing so.

Spending money to put pressure on the Soviet tyranny in Poland would be preferable to spending hundreds of millions of dollars to cushion Poland and the Soviet Union from the natural consequences of disastrous economic policies rooted in the suppression of the Polish people.

One important point has been obscured, no doubt unintentionally, by comments of various administration spokesmen who have indicated that a declaration of default would somehow absolve Poland of all future responsibility for its debt to the West.

That is not true. Default is not the international equivalent of bankruptcy for an individual or corporation, wherein an overextended borrower can be relieved of the obligation to pay some or all of its debts through the filing of bankruptcy papers.

Default is simply a declaration by a lender that a borrower had not fulfilled one or more of the conditions agreed to when money was borrowed. The most obvious breach of this sort would be a failure to make the loan repayments on time. This is what has happened to Poland.

A declaration of default would entitle creditors to "accelerate" the loan and demand that the entire loan be paid immediately because of cross-default provisions in most loan contracts, virtually all Poland's debts would come due immediately and creditors would be entitled to seize what real assets might be available in partial satisfaction.

Poland would still be responsible for the remainder of its debt, and would have to pay it before it would ever again be able to borrow or obtain trade credits from the United States. It would also mean that the U.S. Government, through various of its agencies, would buy the Polish debt, thus concentrating it in the hands of the Government.

This is where it belongs. Trade with Eastern Europe is strategically significant, certainly at least as much as it is commercially important.

The centerpiece of détente during the 1970's, after all, was the expansion of this trade with the Communist countries of Eastern Europe and it was encouraged by the United States with a purpose in mind. It was thought that this trade would raise the costs to the Soviet bloc of politically destabilizing actions.

We would make them dependent on trade with the West. They would be reluctant to disrupt it, and so would behave in ways more acceptable to the democracies. They would not invade other countries; they would not be so bold in the brutalizing of their own people.

What has happened? Afghanistan teaches us one lesson. The suppression of Solidarity 7 weeks ago teaches us another.

The theory of détente presupposed a Western willingness to use the economic strength that this trade provided us. If we are ever to exercise our leverage with respect to the Soviets, our strongest form of leverage, which is the economic, then the moment is at hand.

Mr. President, I am aware of the urgency of the resolution before us, as is my learned friend, the distinguished Senator from Wisconsin (Mr. KASTEN), who held hearings on this matter just this morning in the Foreign Operations Subcommittee of the Committee on Appropriations, of which he is chairman.

I will be brief in my exposition, but I will bring to the particular subject of my amendment an equivalent sense of urgency.

I say to the distinguished Presiding Officer that if the interests of the American farmers are at stake in this matter of financing the Commodity Credit Corporation, so is the honor of the United States involved in the terms on which we do this. Nothing less is at stake in the aftermath of the decision made in the White House which determined that American loans to the Government of Poland which had been guaranteed by the U.S. Government and on which repayment was not being paid could in fact be paid by the Commodity Credit Corporation without the theretofore routine and established requirement that the lender declare the loan to be in default.

This decision was made in the darkness of the night, without prior discussion with Congress and without public notice at the time. It was done in the darkness of night. This is not an image I would ordinarily ever want to see used about my Government, nor is it one which the distinguished columnist of the New York Times, Mr. William Safire, would lightly use. Nevertheless, Mr. Safire on February 5 wrote of the national security adviser's order "to secretly circumvent regulations requiring that Poland be placed in default."

Only through the happy circumstance that these papers came to the attention of Mr. Safire did the Nation learn this.

Mr. President, there is a very simple matter to be dealt with here. The statement of default is not a large nor a complicated proposition. It is simply a declaration by a lender that a borrower has not fulfilled one or more of the conditions agreed to when money was borrowed. This is obviously the fact when a lender comes to the CCC and asks the Government to pay him money from the public treasury because there has been a failure to repay by another party, which failure had been guaranteed against. In this case, the party which has failed to repay its loans is the Government of Poland.

I should like to draw to the attention of the Senate that loans by a government appertain to the state involved and are permanent obligations. They do not endure only for so long as a particular military dictator survives in whatever nation we might be dealing with. Nor, for that matter, do debts disappear with the normal change of governments in democratic societies.

Mr. President, why is this matter of Poland's unpaid debts important? It is important because the President of the United States quite properly expressed the great outrage of the American people and of democratic peoples everywhere at the imposition of martial law in Poland, an enterprise planned, prepared, and ordered by the Soviet Union in the most brutal disregard and abrogation of the Helsinki accords.

The President said we will not let this go by without any response. He called for a number of measures. They were limited. Polish planes could not land in the United States. A Polish commercial office in New York was made to close. The President said this would not be the last of the measures.

I should like to note that, several days ago, the U.S.S.R., in a commentary on Soviet radio, described the sanctions so far imposed by the administration as "the fleabite that the administration is trying to present as punishing the Soviet Union for developments in Poland."

What the United States is dealing with, indeed inviting, is the contempt of an armed totalitarian power. That is the most dangerous thing that could happen in our time, for to invite the contempt of the Soviet Union is to invite calamity.

We have all said we would do something about the destruction of Solidarity, or rather the suppression, as I should like it to be thought. We put on a television show, perhaps a good one, certainly a well-intended one, which nevertheless received mixed reviews. But while the Secretary of State was in Chicago, over the last weekend in January, speaking of our resolve not to let this matter pass, the opposite decision was being made back in Washington in the White House.

Mr. President, I wish to draw to the attention of the Senate the essence of our problem here. Our problem is the question of whether our actions confirm Soviet-Marxist-Leninist beliefs about how we will behave.

Nothing could be more important than for us to keep in mind that the Soviets hold together their tenuous sense that the future may yet be theirs by just a few prophecies about our behavior. Prophecies that we continue to confirm.

Without meaning anything more than to describe events, not in any way to impugn motives, I relate the following: At the economic summit in Ottawa in July, the U.S. Government sought to have its allies in Western Europe not enter into an agreement for the Yamal natural gas pipeline. Yet 12 days later the same administration issued export licenses for pipelaying equipment to a firm in Peoria that is in economic trouble, as which firm is not.

Mr. President, Lenin proposed this behavior as a fundamental characteristic of the last stage of capitalism, which he described in his book as imperialism.

I do not want to weary this Chamber with a tedious account of Marxist doctrine. I will make but a single point. Marx's book was not entitled "Socialism" or "Happiness" or "Welfare" or "Peace." The book was called "Das Kapital," "Capital." In it he described as an economic necessity the declining rate of return to capital as industrialization develops and the necessary exploitation of workers in order to keep the rate of return up, the inevitable failure of that effort, and the inevitable crash in consequence.

A half century passed from the time "Das Kapital" was published, in 1859, and the system had not crashed.

Then Lenin came forward with a fundamental revision of Marxist analysis. He said imperialism had made it possible for the capitalist nations to export surpluses and maintain the rate of return for yet another period. Another period of history would pass before the still-inevitable decline would take place. There is a statement made by Lenin, about 1923, on this subject. I will read it to Senators because it is important and ought to be understood.

He wrote:

> The capitalists of the whole world and their governments in their rush to conquer the Soviet market will close their eyes to the activity of various diplomatic subterfuges which we will involve ourselves with in the subversion of Western nations, and will thereby be turned into blind deaf mutes.

It was his view that the capitalist West would see the Soviets as its last outlet of empire, its last market.

I quote again. Mr. President, I ask Senators to pay heed. This is Lenin speaking.

They will furnish credits which will serve us for the support of the Communist Party in their countries and by supplying us materials and technical equipment which we lack will restore our military industry necessary for our future attacks against our suppliers. To put it in other words they will work on the preparation of their own suicide.

Mr. President, this is prophecy. "They will supply us credits." This is sacred text. And we confirm it. We make the most extraordinary terrifying sounds in opposition to Soviet policy, but in the dark of night we pass the credits, ship the grain, sell the pipelaying equipment. We provide this and we provide that.

If we were to do this openly and without hypocrisy, at least we would not earn their contempt. They would say of us, "They are acting as they say they will. They are doing what they must do."

But to do it secretly, to do it surreptitiously, to break our own rules, to treat the military government of Poland in a manner less harsh than that in which we would treat a grain miller in Milwaukee is to invite contempt. Again I say that it is only at great risk do we invite the contempt of an armed totalitarian superpower. That is what happened in Europe in the 1930's.

Mr. President, I do not wish to extend my remarks. I know the Senator from Wisconsin wishes to speak.

I ask unanimous consent to have printed in the RECORD Mr. William Safire's essay, two editorials from the Wall Street Journal, an important speech by Mr. Lane Kirkland of the AFL-CIO, a transcript of the Soviet broadcast describing our sanctions to date as "a fleabite"; and a column by Mr. George F. Will of the Washington Post.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 5, 1982]

DEFAULT IS REAGAN'S

(By William Safire)

WASHINGTON, Feb. 4.—With all due solemnity, the White House press office has declared that the memo quoted in this space a few days ago—revealing national security adviser Clark's order to secretly circumvent regulations requiring that Poland be placed in default—was a leak of classified information, subject to the latest lie-detector rules.

This is an illustration of the arrogance of ignorance, Mr. Clark evidently thinks that his power to stamp "secret" on documents affecting national security extends to documents that are merely politically sensitive. By confusing what is genuinely secret with what is politically embarrassing, be abuses his power to classify.

For example, his order to protect Poland from normal default procedures was passed along to at least seven major American banks at noon Friday of last week. The Polish junta was promptly informed; the West German banks were notified; the Kremlin knew all about it. The only people not in on Mr. Clark's "secret" was the American people, whose tax money was being used to make good Poland's debt.

Moreover, Mr. Clark's improper use of his classification power could have made it possible for bank insiders to benefit from information denied to the investing public. The $71 million payment was good news for worried bankers; perhaps bank stock activity was wholly unrelated to this development, but the Clark abuse of secrecy made a mockery of S.E.C. "full disclosure" requirements.

The abuse of the classification power was compounded by the coverup that followed. A party line was propounded at State that turned truth on its head: the cave-in to the junta's financial needs was described in testimony to Senate Percycats as a triumph of toughness. Default, went this Orwellian agrument, would let the debtor "off the hook"; only by preventing default, insisted the Secretary of State, could we recover our money.

In the case of sovereign nations, that alibi is palpably false. Countries are not corporations with limited liability; when Poland defaults, it must make good on its debts before getting credit again. The same with Rumania, next on the Clark-Haig list for largesse. Default is sustained and serious pressure, and is not relief from pressure. Nor are we trying to recover money; we are trying to end martial law. The Reagan Administration is deliberately misinforming American taxpayers on this at great risk to its own credibility.

William Clark, hailed as a problem-solver, is thus creating great problems with his secrecy-sycophancy and alibi-cooking. For another example, take the case of William Van Cleave, a longtime policy adivser to candidate Reagan.

The outspoken Mr. Van Cleave was denied a job at State by Haig détenteniks and shut out of Defense by Frank Carlucci, the lie-detector King. As a sop to hard-liners, the campaign deputy to Richard Allen was named to head the advisory board on arms control, even after he made clear in writing he would continue to dissent on the MX decision.

This week, Mr. Clark called Mr. Van Cleave into the White House and said that even the sop would be denied. "The vote was 3 to 1," sympathized the new national security adviser. It seems that Messrs. Baker, Deaver and Meese—there's a bunch of foreign policy experts—had opposed Mr. Clark on the nomination. Soft-liner Percy's opposition turned out to be more important than hard-liner Eugene Rostow's support. Strangely, Ronald Reagan was never asked to cast a vote.

To conservatives, Mr. Clark put forward the alibi that only Mr. Van Cleave's publicly expressed dissent to MX blocked him from the post he had afterward been promised. That is demonstrably false, but as in the case of the Orwellian explication, Mr. Clark sticks to his story and further erodes his credibility.

What is Bill Clark's game? By pandering to the President's irritation with dissenters and whistle-blowers, he undermines the tottering troika; by tolerating the humiliation of Mr. Van Cleave, he gains the chance to substitute Donald Rumsfeld in that slot and thus to send a chill through Al Haig.

But he is not knowledgeable enough to take charge himself; no interviewers are permitted to probe his thoughts, thereby to suggest that still waters may run shallow. Why, then, is President Reagan bringing Mr. Clark along so fast?

My guess is that the President wants an amiable no-liner to make peace between the high-riding détenteniks and the gloomy hard-liners at Defense, so that he can continue to concentrate on those domestic challenges that interest him most. Next year, he may figure, will be time enough to bring in a second wave of foreign policy makers.

What a mistake. Americans threw out Jimmy Carter because they believed him to be uncertain and impotent on the world stage. Next year will be too late for the creation of a coherent foreign policy. Default, dear Brutus, is not in our advisers; as abuses grow and alibis fly, the blame is placed in the Oval Office.

[From the Wall Street Journal, Feb. 9, 1982]

DE-FAULTY LOGIC ON POLAND

The Reagan administration is resorting to twisted logic to defend its financial ballout of Poland's military dictators. Assistant Treasury Secretary Marc Leland said last Friday that declaring Poland in default of its loans would give its leaders an excuse to ignore its financial obligations. "The President has decided that maximum pressure can be put on Poland by insisting on repayment rather than declaring a default now," Mr. Leland said.

"Maximum pressure," we take it, consists for example of having U.S. taxpayers foot the bill for Poland's loans under the Agriculture Department's Commodity Credit Corp. The administration plans to pay $71 million to U.S. banks for Polish CCC loans that are already overdue. The U.S. government last year paid U.S. banks $158 million in guarantees on rescheduled Polish debt. Poland still has over $1.6 billion in outstanding CCC loans, some $300 million of which is due this year.

It now turns out that the administration's CCC decision is also of doubtful legality. The Capital Legal Foundation has developed a brief that the decision to repay the loans without a formal declaration of default violates the CCC's own rules and regulations. The rule required banks to first give notice of nonpayment, which might trigger the cross-default provisions in other loan agreements, and then for the government to confirm the finding before any government payment.

These rules were not followed in the case of Poland. Nor did the administration follow the established procedures for changing the rules, which provide that it must either publish the changes in the Federal Register and allow time for public comment, or specifically declare an emergency and explain why. The CCC of course defends its interpretation of the law, but the banks themselves are pondering the legality of the unorthodox arrangement, as well as certain CCC's changes in interest provisions, before deciding whether to accept the money. They have until Feb. 13 to decide.

Contrary to putting "maximum pressure" on the dictators in Warsaw and Moscow, the administration's actions permit the Communist bloc to escape—for at least a time—the harsh financial consequences to Poland's de facto default. A declaration of default would put intense financial and political pressure on the Communist bloc. Polish trade would

probably come to a standstill, at least until a strict repayment plan was agreed on. Bankers would be forced to look more skeptically at all East bloc loans, depriving the Soviet economy, and indirectly its military machine, of the kind of infusion of credit it has enjoyed the last decade.

While the Reagan administration is reluctant to take such a strong step, several members of Congress are not. Senator Patrick Moynihan yesterday introduced a bill to declare Poland in default of all of its loan obligations to the U.S. Today Sen. Moynihan and Rep. Jerry Lewis plan to introduce floor amendments to a $5 billion supplemental appropriation for the CCC requiring the agency to abide by its own rules and to receive default notices before any payments are made on Poland's debt.

Thus Congress will have its chance to be heard. Perhaps it will have the courage of Mr. Reagan's convictions.

[From the Wall Street Journal, Feb. 3, 1982]

CONGRESS' CHANCE ON POLAND

It looks as if the battle for freedom in Poland is going to have to be taken to the floor of the U.S. Congress. With Ronald Reagan's administration slipping into tacit collaboration with martial law by making it easier for the Soviet bloc to finance repression, any serious action against the Polish regime will have to be taken by another branch of government.

It turns out that the administration, far from calling in the Polish debt to hamper the flow of credit to the Soviet Union and its satellites, is bending U.S. law to keep Poland out of bankruptcy. The Commodity Credit Corporation provides government guarantees to banks financing grain shipments abroad, offering to repay the banks if foreign governments cannot. For ordinary, non-Communist governments, no payment is made until the bank declares the loan in default. But in the case of Poland, this was deemed too embarrassing.

So the State Department lobbied to change the CCC rules, and the administration decided to pay off $71 million to the banks without their declaring a formal default. This is a down payment on about $400 million in guarantees on Polish loans due this year. No sooner is the decision taken than Secretary Haig rushes off to Chicago to spend Solidarity Day posturing before Polish voters as a tough guy on Poland.

One point that begs attention is how this decision was reached. At what level of the government was it decided? Did the President understand the full implications of the change in the rules? Did the National Security Adviser? Where was the Treasury? (The undersecretary for monetary affairs says he's under instructions not to discuss the issue.) Was the Defense Department even consulted? Was this the foreign policy equivalent of the decision to change the tax status of segregated private schools? Everything we learn leads us to suspect that the answers to these questions would be profoundly embarrassing, that this is another example of sloppy management at the White House.

A second point concerns the banks. They have refrained from declaring a default in Poland because the writedowns would hurt their earnings. It would also hurt their chances of dong new business with the Communist dictators of Poland and the rest of the Soviet bloc. But the real question is how did U.S. and other Western banks make all these bad loans, and how can we stop them from doing it again?

The banks have made the loans because Western governments encouraged them to do so, implicitly suggesting that loans to Communists had a favored position, deserved lower rates and would more or less be backed by Western governments. The CCC deal can only encourage this notion. The Soviets rushed to get the gas pipeline deal and other credits wrapped up before the Polish crackdown, and with the new incentives just demonstrated by the Reagan administration, the flow of credit will resume again as soon as the bad press dies down.

The U.S. government ought to at least stay neutral toward Communist loans. The Polish loans clearly are sick, and probably terminally so. The banks ought to be establishing large reserves against them—we have previously suggested 50%—as a matter of pure commercial prudence. The government ought to be encouraging them to do this, not helping them avoid it, to limit the commercial damage from any forceful foreign policy initiative. Instead, the Reagan administration sponsors a TV show.

Fortunately Congress will have an opportunity to show greater forcefulness, for it controls the power of the purse and bail-out money has to come from somewhere. Specifically, it would come from House Joint Resolution 389, a budget-busting supplemental appropriation of $5 billion for the CCC. This measure has been marked up—with unseemly haste—in the agriculture appropriations subcommittee by the Mississippi Democrat, Jamie Whitten. The main purpose is to provide pork for American farmers, who are calling on their CCC entitlements because of low farm prices. But a lot of the money—between $500 million and $1.5 billion, so far as we can learn—could be used to bail out repression in Poland.

It would not be the worst thing in the world if this whole supplemental were grounded, farm price supports being one of our least favorite subsidies to the landowning poor. But if Congress is going to bail out the American farmer, it can at least write in an amendment prohibiting the use of these tax funds to bail out Polish dictators, at least until a default is declared and the economic lessons of Poland digested.

TEXT OF AN ADDRESS BY AFL-CIO PRESIDENT LANE KIRKLAND TO THE INDUSTRIAL RELATIONS RESEARCH ASSOCIATION, DEC. 28, 1981, IN WASHINGTON, D.C.

I appreciate this opportunity to share some thoughts with you about some of the challenges the labor movement will face in the 1980s.

I share with the late Sam Goldwyn the conviction that one should never prophesy, especially about the future. I see tomorrow only through a glass darkly, and my vision clouds rapidly with further projections of time.

Neverthless, like everyone else here, I am often fascinated by the glib speculations on labor's future that enliven some journals. Unfortunately, I rarely find them useful in my line of work.

The stock lamentations about the dearth of "new ideas" are rarely, if ever, joined with any sign that the authors themselves have any more stirring or creative ideas than some variation on Taylorism or profit-sharing, notions that were already a bit moldy back when I quit going to sea for a living. To those critics, I can only respond with a plea, in the manner of one of Dickens' characters: "If you have any intelligence to convey, pray put me into the possession of it!"

One challenge I do not expect American labor to face in the 1980s is that now confronting the workers of Poland.

In that inspiring but hapless land, a military junta, fronting for the Soviet Union, has taken the reins of power from a disintegrating and discredited Communist Party, with the aim of crushing the first authentic and independent trade union movement to emerge in a Communist country.

Martial law has been declared.

General Jaruzelski holds Lech Walesa incommunicado. Polish workers have been murdered. Tens of thousands are reported detained in camps under harsh conditions. Communication lines have been cut, a news blackout imposed, and censorship restored.

How has the West responded?

The President—inpeccably armed with evangelical anti-Communist credentials—slapped the Polish government on the wrist and wrote to Mr. Brezhnev asking him to "permit" a restoration of human rights in Poland. For the first time in my memory, an American President has implicity recognized the Soviet Union's right to "permit" or withhold from Poland the basic human rights affirmed in the Helsinki Accord.

From the business community came the voice of Thomas Theobald, senior vice president in charge of Citibank's international division, who asked: "Who knows which political system works? The only test we care about is: Can they pay their bills?"

Once again, the American corporate and financial community exposes itself as the soft underbelly of freedom.

Our European allies are not inclined to undertake economic sanctions against the Soviet Union, and most are only reluctantly suspending credit to the Polish junta—raising doubts whether we have, in fact, an alliance that can survive the test of events in Poland.

The reluctance to use the potent economic, political and diplomatic weapons at our disposal is beguiled by wishful thinking and rationalized by the fallacy of false alternatives. The moderate, conciliatory speeches of General Jaruzelski are taken at face value in some quarters. Some are even tempted to seek redeeming value in his illegitimate, tyrannical regime—to see it as a preferred alternative to a Soviet invasion, as a stabilizing third force set between Moscow and an unruly Solidarity.

The AFL-CIO has informed the President that we do not accept this view. We have urged a series of strong measures—which I will not take the time to enumerate here—aimed at both the Polish government and the true authors of the crackdown, the Soviet Union. We hope the Administration will carefully weigh out proposals in the hours and days ahead. Time is running out.

We, for our part, will not rest until Lech Walesa and all other detainees are released, martial law is lifted, and negotiations are resumed between the Polish government and Solidarity.

Meanwhile, the Polish events put our labor problems in perspective: The President has used the full weight of his office to crush the air traffic controllers union, and no doubt there are others in our society who would like to see similar treatment meted out to the rest of the trade union movement.

But the AFL-CIO headquarters is not ringed by tanks, our Executive Council members are not in detention camps, we are free to assemble in our union halls, and we

still have access to all communications channels.

No one was arrested for marching on Solidarity Day.

We are reminded by Poland of the unbreakable connection between trade union rights and human rights generally. Proven again is the raw truth that the destruction of freedom of association ends the capacity to defend and assert all other rights and freedoms.

If these observations strike you as somewhat afield of our topic, they are not. I am suggesting that among the challenges facing labor in the 80s is a shrinking and increasingly interdependent world in which, to quote Solzhenitsyn, there are no longer any internal affairs, and which will require more active and skillful trade union involvement in international affairs.

The AFL-CIO's re-entry into the International Confederation of Free Trade Unions—with which we have cooperated closely in assisting Solidarity—is recognition of this fact of present and future life. So is our renewed participation in the ILO, and the Trade Union Advisory Committee to the OECD, not to mention our affiliates' activities in the International Trade Secretariats, the pursuit of bilateral relations with other national labor centers around the world, and the maintenance of an active trade union foreign service, through our three institutes for Asia, Africa and Latin America.

On the domestic scene, our fundamental challenge comes from the profound economic and technological changes that are reshaping our society. These changes generate pressures not only on the labor movement but on all of our major institutions—the family, the university, religion, the press, the community and government at every level.

Let those who suggest that labor's success in responding has been less than brilliant show us any other American institution that has tried one-half as hard or done half as well.

In the last twenty years, all of these institutions have been judged to be in crisis. Institutional adjustments always lag behind the conditions that demand them. I would suggest that the more democratic the institution, the less dramatic its adjustments are perceived to be.

Take the universities—which, with all due respect, are inherently less democratic than trade unions. Hit in the 1960s by the postwar "baby boom," with all of its economic and cultural consequences, higher education expanded rapidly under stress, radical curricular experiments were initiated, and a political movement arose which proclaimed the university as the central agent of social change in American life.

The changes were dramatic and highly visible. As the baby boom receded, the turnabout was even more rapid. The expansion was reversed, federal aid curtailed, orthodoxy returned to the curricula, the campus upheaval simmered down and the breeding ground for revolution became, once again, the training ground for future employment.

No such changes were perceived to be taking place in the labor movement in these years. To many commentators, this was proof that the labor movement had become stodgy, old fashioned and unresponsive to changing times. Inasmuch as the university had responded to the changing times by becoming "radicalized," labor's academic critics tended to see labor's problems as an insufficiency of militancy and social vision, an ultimately self-defeating preoccupation with narrow bread-and-butter issues, a selfish pragmatism, an indifference to the historical mission others had assigned to it.

One is reminded of Lenin's words in his tract entitled "What Is To Be Done." There, he wrote:

"We said that there could not yet be Socialist consciousness among the workers. This consciousness can only be brought to them from without . . . The working class, relying solely on its own efforts, can only develop trade-union consciousness, i.e., it may by itself realize the need for combining in unions, to fight against the employers, and to try to force the government to pass needed labor legislation, et cetera . . .

"The theory of Socialism however grew out of the . . . theories that were developed by the educated representatives of the propertied classes, the intellectuals . . . The spontaneous labor movement is pure and simple trade unionism. Hence our task . . . is to combat spontaneity, to divert the labor movement, with its spontaneous trade-unionist tendencies . . . and bring it under the wing of revolutionary Socialism."

I believe these judgments were, and remain, irrelevant. They are irrelevant because they do not flow from an understanding of what the labor movement is; rather they misapply categories of thought developed in a different context.

An institution like the labor movement, representing a diverse cross-section of the American people, negotiating 180,000 collective bargaining agreements, and recruiting from work places and not from points on the ideological spectrum, is not likely to swing wildly from left to right and back again. An institution that fights for job security and for the economic means by which its members can participate fully in community life is not likely to advocate social upheaval and confrontationism for its own sake as the appropriate response to social change.

Late in the Carter years, after the Administration had wasted much precious time with academic nostrums such as tax-incentive pay-restraint schemes, jawboning and guidelines divined and enunciated by various emigres from Brookings, the AFL-CIO negotiated with the President and his agents an understanding that was entitled a "National Accord."

That Accord set forth the premises on the basis of which labor committed itself to participate fully in the common national effort to combat inflation, to distribute austerity and sacrifice equitably, and to resume the path of economic growth and revival, looking towards full employment. It proved that the American trade union movement, when reasonably approached and afforded the means and opportunity for full and effective participation, is prepared to share fully, in step with the rest of the national community, all the burdens of our times.

The Reagan Administration has taken all of the premises of that Accord, turned them upside down and stood them on their heads. Nevertheless, they remain sound and valid and represent the only approach to our national economic and social problems that holds any real promise of long-term success. Labor remains ready, willing and able to work with any Administration that will accept those principles and that approach. We shall, however, submit willingly to nothing that contravenes them.

If the radical misapprehensions of labor have receded with the times, they have left a residue which still influences less ideological commentaries.

There is still a tendency to see in labor's defeats evidence of labor's weaknesses rather than alarming signs of the growth of corporate power and increased employer resistance to unionism, signs which should trouble a democratic, pluralistic society.

Implicit in this tendency is the suggestion that if only labor had more will power, more dedication, or a bolder strategy, or a deeper vision, or whatever, we would win more and lose less.

It has become fashionable to speak of labor's "declining clout" in politics, or of labor's inability to "deliver" the workers' vote. Here again, we are haunted by the 30s notion that there is a monolithic working class vote which can be delivered by a vanguard labor movement. Presumably, if we are doing our job right, Jimmy Carter would be in the White House today and the Congress would be in Democratic hands.

The fact is that even our very good political machinery could not compensate for the deep divisions in the Democratic liberal camp or for the political climate that brought Ronald Reagan to Power.

This threat of reasoning—which exaggerates our power in order to deflate our egos—distorts the basic challenges confronting labor in this decade. It trivializes our problems—which are real and difficult—by reducing them to subjective or ideological issues, and downplays society's stake in them.

If the decline in manufacturing jobs has contributed to the decline of union membership as a percentage of the work force, it is not only the labor movement that has a problem. All of society needs to be alerted to the dangers inherent in the erosion of the nation's industrial base.

If the population shift to the Southeast and Southwest poses problems for us, it also poses problems for the Northeast and the Great Lakes region, where central cities are rotting, unemployment mounting, communities decaying and social problems proliferating.

The challenges we face are also opportunities.

The increased participation of women and minorities in the work force is an opportunity for the labor movement to reach out to these workers and to address their special concerns. We are doing that.

The shift in population offers an opportunity for us to join in coalitions with groups in the Northeast which are adversely affected, and at the same time to accelerate our organizing efforts in the Southeast and Southwest. We are doing just that in Houston where some 40 international unions are now cooperating in a coordinated organizing drive.

In the two decades leading up to 1978, union membership in the public sector tripled, and I expect to see this trend continue in the 80s.

Since 1978 there has been a sharp increase in the number of mergers among our affiliates, improving their efficiency and organizing capability. I expect that this trend, too, will continue, with the encouragement of the AFL-CIO.

The 1980s will see a major modernization of the labor movement's technical capacities for internal and external communication, enabling us to mobilize our forces more effectively around legislative issues and in political campaigns.

This year we will set up a labor institute for public affairs to provide our affiliates with expertise in telecommunication and other media skills, enabling us to mobilize

our forces more effectively around public issues and in legislative, political and organizing campaigns.

We cannot control or direct all of the social and economic trends, at home and abroad, that bear on labor's prospects in the 80s.

We cannot, by ourselves, call forth new inventions or suppress labor-saving technologies.

We cannot command the snow to fall in the Sun Belt or the tropical breezes to warm New Hampshire in January.

We cannot by ourselves stop the concentration of corporate power, alter the balance of international trade, or summon social responsibility from an Administration wedded to a different philosophy.

But *we* never said we could—alone.

What we can do is what each generation of trade unionists has always had to do—to face up to the problems of inevitable change, to be vigilant for the new opportunities they present, to be diligent in representing the interests of the members, and to reach out to all who share our commitment to democratic values and to social and economic justice.

That's what we'll do in the 1980s, and I am confident we'll do it well.

Thanks for the use of the hall.

[From "Daily Report: Soviet Union," Jan. 8, 1982]

U.S.S.R. CALLS SANCTION "FLEA BITE"

(By Foreign Broadcast Information Service)

[Text] The discriminatory measures announced in Washington against the U.S.S.R. and Poland signify a desire to play a political game around the Polish events, an attempt to use those events to make international tension even greater. Commentary is by news analyst Vladimir Kazanskiy:

"It is a revealing fact that inside America today there is much criticism of the President's announcement of measures against the U.S.S.R. and Poland. The Wall Street Journal, for instance, notes that implementing the President's sanctions will cause the U.S. corporations considerable losses, whereas the Soviet Union can acquire in other countries all the products banned. Other U.S. periodicals quite justly consider that the administration has announced its measures without taking into account experience, in a rush, proceeding from the principle of reacting, no matter how.

"And, really, 2 years ago there was an experience. That happened when the then President Carter announced his measures aimed at punishing the Soviet Union, in his words for giving assistance to Afghanistan. Incidentally, that assistance was in response to numerous requests from Afghanistan's legitimate government and in accordance with the treaty of friendship between the U.S.S.R. and Afghanistan and the UN Charter. It is now apparent to all that Carter's attempts to put pressure on the U.S.S.R. failed totally; his actions hurt only the United States. And besides, as many historians note, Jimmy Carter's hasty decision was to a certain extent the cause of his losing the elections.

"And now the Californian Republican who succeeded the Georgian Democrat as the U.S. chief executive has come out with a statement on events in Poland, a statement that completely ignores what the United States had experienced earlier. The men in Washington don't want to put up with the fact that the Government of the Polish People's Republic has got down to the job of restoring law and order in the country, preventing Poland from sweeping into civil war and leading her away from the brink. All these measures, which come under the competence of the Polish state, were not to the liking of the U.S. administration, and so it decided to punish Poland and her ally, the Soviet Union.

"The top men of the administration, in their reasoning in connection with this, have shown no logic whatever. Instead there is an abundance of vicious anti-Sovietism and the feeling of helplessness in view of the fiasco of the attempt to push Poland off the socialist road, a feeling of bitterness at the failure of all those efforts to tear the Poles out of the socialist community.

"The flea bite that the administration is trying to present as punishing the Soviet Union for developments in Poland, will, just as 2 years ago, bring the United States nothing but damage to its own firms. After all, America's farmers most likely still remember the partial embargo on grain deliveries to the U.S.S.R., a measure that hit their interests and profits.

"By accusing the Soviet Union of mythical interference in Poland's internal affairs, President Reagan must have forgotten his country's unsavory record in terms of meddling in the home affairs of other countries. For as the New York Times has pointed out, Mr. Reagan's statement is more applicable to the atrocities committed by authorities in Guatemala, Chile, El Salvador, but the United States has not expressed to them indignation. For a political figure and the leader of a big country, a short memory is an unpardonable thing. It will not bring anything but humiliation to the United States and danger for Americans.

"In ancient times there used to be a saying to the effect that when the god of commerce, Mercury, exits, the god of war, Mars, rushes to step in. It is appropriate to recall this now when America, as an unreliable partner, so easily and thoughtlessly is destroying existing economic and trade links and is trying to hot up international tension."

[From the Washington Post, Feb. 7, 1982]

NO, IT WOULD ONLY HURT SOME FOOLISH BANKS

(By George F. Will)

Everyone needs a hobby, and Teddy Gleason's hobby is stiffening U.S. foreign policy. He is head of the International Longshoremen's Association, and if the Reagan administration will not seriously restrict trade with the Russian and Polish regimes that are brutalizing Poland's labor movement, Gleason's men may do it, as they have before.

Gleason's foreign policy would be a distinct improvement on the government's. The government has paid $71 million to U.S. banks in lieu of interest payments Poland owes on loans the U.S. government guarantees. The payment was contrary to the law, which requires prior notice of default. Indeed, the purpose of this surreptitious payment was to prevent Poland from being declared in default, which would disrupt East-West trade and efforts to resuscitate détente.

"The United States," says Secretary of State Alexander Haig, "has made it clear that we will not do business as usual with either Poland or the Soviet Union while repression in Poland continues." Indeed, it is highly unusual to ignore U.S. law in order to subsidize Poland's martial law. To do otherwise, Haig says, would "bring down the temple of Western unity." Temple? All that would be brought down would be the earnings of some foolish bankers.

Eastern Europe's economies, which help sustain Russia's war economy, have received Western loans four times the value of all American aid to Western Europe during the Marshall Plan. Russia is so pressed for hard currency it is asking Japanese and West German companies to stretch out payments for goods shipped to Russia. Yet, as The Wall Street Journal says, the administration is "slipping into tacit collaboration with martial law by making it easier for the Soviet bloc to finance repression."

Even before the $71 million payment, administration policy regarding Poland was dismally congruent with the general Western response, which The Economist magazine says will be remembered as the Great Handwringing of 1981-82. Democrats are noticing the opportunity to pluck from the administration's palsied grasp the falling flag of national honor, and to do so by opposing bankers on behalf of a large ethnic group.

Haig has had his way with the U.S. response to Poland's crisis and has become a hostage to fortune. He says the crisis has just begun and America must hold all serious measures in reserve for when the going gets rough. But what additional suffering by Poland could provoke action from people who worship at the "temple" of allied unity?

In Cuba, Russia long ago repealed the Monroe Doctrine and now, with the recent arrival of heavy bombers, advanced fighters and 63,000 tons of war material, it is shredding whatever is left of whatever agreement was reached at the end of the missile crisis 20 years ago. Haig is adamant, and correct, concerning the need for difficult decisions about El Salvador and the source of much other violence, Cuba. But he seems oblivious to certain problems inherent in the conduct of foreign policy in a democracy—oblivious to the practical consequences of symbolism, and to the demoralizing symbolism of America's policy regarding Poland.

Always, but expecially when the president is preoccupied with domestic policy, the nation needs a secretary of state with some of Dean Acheson's attributes—someone articulate, intellectual, elegant, ironic, at ease with himself, and justifiably confident of his ability to argue America's case before skeptical elites at home and abroad. The Achesonian combination of attributes is rare, but Haig's lack of them is a problem compounded by a policy toward Poland that is certain to confuse and paralyze the nation's will. In the early 1970's the rhetoric and other atmospherics of détente—the "end of the Cold War," "an era of negotiation, not confrontation," accords on "principles of conduct"—subverted public support for diplomatic and defense measures arduous enough to prevent détente from becoming what it became: a recipe for American retreat and an incitement to Russian expansionism. Haig then understood the problem and was a corrective force.

Today, administration policy regarding Poland is generating similar confusion and lassitude that will color defense and foreign policy debates generally. Haig argues that paying Poland's interest charges is really the "tough" policy because it keeps Poland under the burden of debt. That argument is entertainingly brassy, but it is too clever by half, which means it is not clever at all. Even if it were true, it would be politically unwise.

Someone who argues that subsidizing Poland's generals is toughness will find that

when he turns to talking of other, more recognizable, forms of toughness in Central America, the public is not deferential, or comprehending, or even attentive.

Mr. MOYNIHAN. Mr. President, I asked earlier to have several editorials from the Wall Street Journal printed in the RECORD. I remind the Senate that the Wall Street Journal understands this matter.

Mr. PROXMIRE. Mr. President, will the Senator from New York yield briefly for a question?

Mr. MOYNIHAN. I am happy to yield for a question.

Mr. PROXMIRE. I realize my colleague from Wisconsin is going to speak, but before he does I would like to ask the Senator about the amendment. It says in line 3:

Provided that none of the funds appropriated by this resolution may be available during any Fiscal Year in which (a) the Commodity Credit Corporation makes payments under loan guarantee or credit assurance agreements with respect to loans made or credits extended to Poland in the absence of a declaration of default,

Does that mean if the administration fails to declare Poland in default none of this money could be paid to American farmers during the year ending October 1, 1982?

Mr. MOYNIHAN. That is the essence of the meaning. But it is my understanding that the declaration of default comes from the lender not from the Government. Is that not correct? The lender whose loan is in default comes to the Commodity Credit Corporation and says, in effect, "Having breached one or more of the conditions of the loan, which you guaranteed he would pay, this particular borrower has defaulted on his loan and therefore may I collect?"

Mr. PROXMIRE. I understand that. I think the Senator is correct. I misunderstood. The question then is if the administration goes ahead and makes any payments with respect to loans guaranteed to Poland, then——

Mr. MOYNIHAN. In the absence of a declaration of default?

Mr. PROXMIRE. In the absence of a declaration of default. Then, none of the funds appropriated by this resolution may be available?

Mr. MOYNIHAN. Perhaps, though not necessarily. There is a second clause which I deliberately inserted in order to satisfy certain obvious concerns of the President. The amendment does stipulate that the $5 billion appropriated in this resolution would not be available if guaranteed Polish loans were repaid without a declaration of default, unless the President provided Congress with a statement that the national security interest of the United States has been served by such payments in such circumstances. The President may say to us "I am doing this in the interest of national security," and explain to us how his decision enhances the national security and he will retain the option to act as he desires.

Mr. PROXMIRE. So if the President does not comply with this, the farmers are the ones who are victimized, the farmers are hurt. It could be a cooperative in New York; it could be a wheat farm in Wisconsin or Nebraska or wherever.

Mr. MOYNIHAN. I expect the administration would not allow that to happen if the way to prevent it were to explain, coherently and persuasively, if possible, its policies. The object of the amendment is to make them do what they should have done in the first place, which was to ask the lenders to assert what they would ask any lender anywhere in this country to assert had he lent money to an American firm when he comes in to collect his insurance.

Mr. PROXMIRE. I agree wholeheartedly with what the Senator is trying to do. I think the Senator is right. I followed Safire's column and the editorials in the Wall Street Journal. I think they are right. Nevertheless, the consequences are that if the administration disagrees with the Senator from New York, and the Senator from Wisconsin, and they do seem to disagree, then the American farmers are the ones who are going to be hurt and hurt directly.

Mr. MOYNIHAN. The Senator from Wisconsin knows full well a responsible administration would not do this. They will do what they should have done if the first instance, which is just to abide by the rules of the Commodity Credit Corporation and say, "We will pay you the moneys you have lost through this loan which we insured because you say the loan is in default." All they have to do is to say what is the fact, the loan is in default.

Mr. PROXMIRE. Why does the Senator not structure this so that the banks are the ones who would be victimized rather than the farmers? The banks are the ones who made the loan.

Mr. MOYNIHAN. There is no need for anyone to be victimized. The loans are guaranteed.

Mr. PROXMIRE. No need for it. But that is the consequence if the administration stands by a position which it takes with complete sincerity.

Mr. MOYNIHAN. I wonder whether the administration will in fact long stand by this abominable policy. I tell the Senator I think the honor of the United States is involved here. I feel this as deeply as I have felt anything I have said on the floor of the Senate.

Mr. PROXMIRE. It seems to me better to jeopardize the interests of the banks rather than the farmers who are the innocent victims.

Mr. MOYNIHAN. The farmers will not be the victims. The farmers will get the $5 billion, and the Senator from Wisconsin knows it well.

Mr. PROXMIRE. Only if the administration knuckles under, in the manner the Senator from New York and this Senator from Wisconsin think they should do, but they will not do it.

Mr. MOYNIHAN. Well, there are a lot of things that one knows can happen, even if one also knows full well they will not happen. What I am concerned about today is not the U.S. Government's policy toward farmers, who will receive the $5 billion we appropriate today, but the U.S. Government's shameful failure to respond adequately to the provocations of the Soviet Union, most especially in Poland.

I direct myself to the administration, and I ask the Senate to understand—and this will be my last word on the subject—that we invite the contempt of the totalitarians in behaving as we do, and that is a dangerous thing in a dangerous world.

I see my distinguished and learned friend from Wisconsin, the junior Senator, is on the floor. He joins me in offering this amendment and I am happy to yield to him if it is his wish at this point to address the Senate.

Mr. KASTEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. Mr. President, I will yield very briefly to the Senator from Utah for just a moment. He said he had a brief statement he wanted to make on this question.

Mr. GARN. I appreciate my distinguished colleague from Wisconsin doing that because I do have people waiting for me.

I would like to just make one point very strongly, if I may. I do not rise necessarily to disagree with my two colleagues from New York or Wisconsin on this amendment. They may turn out to be absolutely correct that default is the proper thing to do. But, as chairman of the Banking Committee, and having been studying this issue and having had staff work on it for several weeks, it is a very complex issue.

All of the answers are not necessarily obvious. We are having a battle between some Members of the House, the Senate, the Defense Department, the State Department, and the administration on what should be done. Unfortunately, no one quite knows that it means to call for default in an international context. It has never been done.

Instead, the practice has been to reschedule and roll over outstanding debt in arrears. Our biggest problem is, with the Siberian pipeline is, our allies have indicated that they will not join with us, so we may cut off credit and they may not. Unfortunately, there is nothing of value for us to seize, as I see it, and this is another example of the failure and of the disarray of the alliance.

So as a result of this study, I did not publicly announce and I did not intend to until the witnesses were lined up, but I intended to have a very extensive hearing in the Banking Committee because of the obvious jurisdiction over loans and financial credit, and all of those things of the committee, and to ask those questions as what should default really mean? How much leverage do we have over the Soviet and Polish regimes through credit? How much leverage do we have over our allies? What would be the consequences of a hard or soft line by the United States? Can the German banking system absorb a $5 billion default? Can the world's banking system sustain a $27 billion default? How would a default affect East-West trade? Do we want to see a quick economic recovery led by the new military regime?

What degree of conditionality should be imposed?

These are just thoughts that I was able to bring up quickly when I heard this come up. But I know a lot more, and I will not impose more on the time of my friend from Wisconsin. But my first reaction was just as we heard today, default, try to punish them.

The more I looked into it and started talking with various people in the financial community, the answers were not quite so obvious. So my only opposition to doing it today is it is premature.

Mr. MOYNIHAN. May we have order? The chairman of the Banking Committee is speaking on an important matter.

Mr. GARN. It may be the right thing to do. All I am saying is until I have the answers to these questions I would like to call these witnesses, and I simply think it is premature. We may cause some unwise side effects that we do not want to.

So I want to make it clear that my two colleagues may be absolutely right. I hate to do it on the floor of the Senate in a nongermane amendment on a bill coming through late in the afternoon without these answers first, and without some extensive hearings.

I thank my colleague from Wisconsin.

Mr. KASTEN. Mr. President, I ask unanimous consent that the Senator from Indiana (Mr. QUAYLE) and the Senator from Georgia (Mr. MATTINGLY) be added as cosponsors of our amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KASTEN. Mr. President, today the Senate has a chance to put teeth into the official U.S. reaction to martial law in Poland; 5,000 Poles have been detained without charge and without accounting. Martial law has been imposed, movement toward democracy has been crushed, and Stalinistic repression of the Polish people continues. The West has responded with a great deal of hand-wringing and a few ineffective trade sanctions. The Polish military regime cracks down, and we respond by sponsoring a TV show.

I understand the emergency nature of this CCC supplemental, and it is my strong desire that this bill be sent to the President before Congress adjourns. In that regard I appreciate, and I respect the comments of my senior Senator from Wisconsin. If we act on the amendment tonight, and if it were to be adopted, we could still complete action on it and it could then be acted on by the House of Representatives tomorrow. The $5 billion would not be held up; so I hope we can get this amendment voted on up or down so that we can go into a conference with the House.

Mr. MOYNIHAN. Mr. President, will the Senator yield?

Mr. KASTEN. I would be pleased to yield.

Mr. MOYNIHAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KASTEN. There are some important foreign policy implications here. This morning we held hearings in the Foreign Operations Subcommittee on this subject. The very concerns that the Senator from Utah mentioned were addressed: How this is going to be handled, and how it can be worked out, were discussed today by representatives from Treasury, State, Agriculture, and Defense. I understand that none of the money in this bill will be used to pay guarantees to U.S. banks for their bad loans to Poland. But that simply means some other CCC funds are being used to bail out the banks, instead of being used to help American farmers. I for one do not believe our farmers want their program used to bail out banks, the repressive Polish military regime, or indirectly, the Soviet Union.

There are also some serious legal questions to be answered. The CCC's own rules and regulations require the banks to give notice of default, and for the Government to confirm that finding, before any CCC payment is made. These rules and regulations are not being followed in the case of Poland. Mr. President, an independent law foundation has developed a brief which concludes that the decision to repay the loans without a formal default violates CCC regulations. I ask unanimous consent that a copy of this brief be printed in the RECORD at this point.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM

FEBRUARY 5, 1982.

To: File.
From: Capital Legal Foundation.
Re: Commodity Credit Corporation offer to Repurchase Polish Debt.

FACTS

On Friday, January 29, 1982, the Department of Agriculture's Commodity Credit Corporation ("CCC") telexed an offer to ten banks and two exporters to "repurchase its outstanding obligations under the assurance agreements and payment guarantees (collectively 'guarantees') issued pursuant to its GSM-101 Noncommercial Risk Assurance Program and GSM-102 Export Credit Guarantee Program regulations (collectively 'regulations'), respectively, covering commercial credits extended to obligors of the Polish People's Republic (Poland)." (Attachment 1). The press reported on Sunday, January 31, 1982, that the Department of Agriculture ("USDA") had passed, in secret, an emergency regulation that would allow the U.S. government to pay over $71 million of principal and interest owed to U.S. banks by Poland. New York Times, Jan. 31, 1982, at 1. In fact, as we were informed by a USDA official on Wednesday, February 3, no such "emergency regulation" was passed. The CCC, the governmental agency actually insuring the loans, offered on its own initiative to make this payment without requiring or receiving a declaration of Poland's default by the insureds.

CCC made this offer, unofficially, to eliminate the possibility that one of the insured's might declare Poland in default. Instead, CCC offered to pay part of the insured's loans so that they would be in the same position as if they had declared the loans in default and then applied to the CCC for coverage under their political risk policies. Thus this CCC offer constituted a maneuver to repay the export creditors with U.S. funds rather than funds from Poland, or the Soviet Union, without risking the consequences that might attend a formal declaration of default. Among these possible harms are a chain reaction of default declarations, a temporary interruption of East-West trade, and the difficulty anticipated in ultimately recovering the remaining uncollateralized amounts due following a formal declaration of default.

The contract that will be created if the insureds' accept CCC's offer will obligate the U.S. government to pay all outstanding obligations, that is amounts due from Poland and guaranteed under either the GSM-101 noncommercial risk assurance program or the GSM-102 export credit guarantee program. The guaranteed amount presently overdue form Poland is estimated at $71.3 million. Furthermore, until the CCC terminates the contract, the U.S. government would be obligated to pay all additional amounts that become due to the insureds and are unpaid by Poland. An additional $135 million is due from Poland through April of 1982. Of the $3.2 billion in outstanding Polish loans owed to U.S. interests, $1.7 billion are in loans and guarantees from the CCC.

The CCC's offer does not affect the total amount of Polish debt guaranteed by the U.S. government. The offer does, however, seek to modify the conditions that would trigger the CCC's obligation to pay its insureds. Under the terms of its offer, CCC proposes to repurchase outstanding obligations owed by Poland upon acceptance of the offer and the terms therein, without re-

quiring notice of default as provided in the rules governing the loan guarantee programs. This "offer" expires on February 13, 1982. As of February 4, the insureds involved had not responded to the offer.

ISSUES

1. Does the CCC have the authority, under existing law, to offer to repurchase outstanding CCC obligations under the GSM-101 and GSM-102 programs, when the terms of the offer relieve the creditors of the obligation to declare the loans in default?

2. If CCC has such authority, were proper procedures followed in exercising the authority in this instance?

CONCLUSION

CCC's offer to repurchase the outstanding Polish obligations contravenes the express procedures and requirements of the regulations governing the GSM-101 and GSM-102 programs, and as such is invalid. The CCC has not followed the procedures required to change the regulations.

ANALYSIS

The CCC, a government-chartered corporation, has broad statutory power to act in ways that, inter alia, increase and encourage U.S. export sales of agricultural products. 15 U.S.C. § 714c(f). Additionally, its general powers under the statute that created the corporation give it the power to "adopt, amend, and repeal bylaws, rules and regulations" controlling how its business is to be conducted and its powers exercised. 15 U.S.C. § 714b(d). CCC also has the power to "enter into . . . such contracts or agreements as are necessary in the conduct of its business." 15 U.S.C. § 714b(g).

Regulations governing the GSM-101 Noncommercial Risk Assurance Program and the GSM-102 Export Credit Guarantee Program were issued in 1978 and 1980, respectively. 43 Fed. Reg. 4033; 45 Fed. Reg. 64898. These two programs contain detailed and specific regulations governing the procedure for payment by the CCC in the event that an obligor fails to pay. 7 C.F.R. § 1487.1, et seq. (GSM-101); 1493.1, et seq. (GSM-102). The agreement signed by the insured and the CCC is made expressly subject to the regulations governing these two programs. (Attachment 2).

In its offer, CCC proposes to repurchase assurance agreements and payment guarantees. An assurance agreement is defined in § 1487.2(c) as "the written agreement under which CCC undertakes . . . to protect the exporter or assignee from defaults by a foreign bank caused by noncommercial risks under the foreign bank's letter of credit supporting the exporter's export credit sales contract or under the foreign bank's related obligation under its letter of credit to the exporter." Under § 1487.8, entitled "Notice of Default," the regulations state that if the foreign bank fails to make a remittance as called for by the CCC/backed agreement, "the exporter or assignee shall promptly furnish a written notice of default" to the CCC. Within 30 days, the obligee must file a claim for loss containing certain information, including "(a) certification that the scheduled payment has not been received," 7 C.F.R. § 1487.8(b)(2). The regulations further state that: "Upon receipt of the information required under § 1487.8 . . . CCC shall promptly determine whether or not a loss has occurred for which CCC is liable." 7 C.F.R. § 1487.9(a).

The regulations governing GSM-102 parallel the provisions described above and are characterized by CCC as a "Guarantee Against Default." These regulations contain the requirements, noted above, that upon failure of a creditor to make a payment when due, the creditor "shall notify CCC" and that notice is to include the "reason for the default if known." 7 C.F.R. § 1493.8(a). Under GSM-102 the creditor also must file a claim for loss which includes a certification that "payment has not been received." 7 C.F.R. § 1493.8(b)(2). Subsequently, but only upon "receipt of the information" specified above, CCC is to determine its liability, if any, for the losses claimed. 7 C.F.R. § 1493.9(a).

Thus the regulations, and by express incorporation the risk assurance agreements and the credit guarantee agreements, provide that a notice of default, a claim for loss, and certain required documents must be filed with the CCC before the government is obliged to pay its insurance commitments.

CCC's offer to the insureds, by contrast, requires insureds to submit only part of the information called for by the regulations, and significantly omits the requirement that the banks certify that payment has not been received. Acceptance of the offer actually bars creditors from filing notices or claims as prescribed by the regulations. As a result, if the banks accept this offer, no notice of default will be forthcoming, nor will CCC receive the information required by the regulations before it determines its liability and agrees to make payment. The CCC's offer is, therefore, not in conformance with its own regulations, and it is thus ultra vires and invalid.

Moreover, the CCC has made no attempt to amend its regulations nor does its offer purport to modify the regulations. The Administrative Procedure Act requires each agency to publish in the Federal Register "statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available," "substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency" and "each amendment, revision, or repeal of the foregoing." 5 U.S.C. § 552 (a)(1)(B), (D), (E). Furthermore, the APA provides for notice and public participation prior to the enactment of agency rules of changes to such rules. 5 U.S.C. § 553.

ATTACHMENT 1

U.S. DEPARTMENT OF AGRICULTURE,
FOREIGN AGRICULTURAL SERVICE
Washington, D.C.

SUBJECT: CCC's Offer to All Holders of GSM-101 Assurance Agreements and GSM-102 Payment Guarantees Covering Credits to Poland.

The Commodity Credit Corporation ("CCC") hereby offers to repurchase its outstanding obligations under the assurance agreements and payment guarantees (collectively "guarantees") issued pursuant to its GSM-101 Noncommercial Risk Assurance Program and GSM-102 Export Credit Guarantee Program regulations (collectively "regulations"), respectively, covering commercial credits extended to obligors of the Polish People's Republic (Poland).

The following definitions apply for purposes of this offer. "Obligation" is defined as a member of the series of obligations of CCC under its guarantees to pay a specified portion of a payment due to the exporter or the exporter's assignee (hereinafter the "holder" as appropriate) in the event of a default of such payment by the Polish obligor, with each obligation corresponding to a separate payment. Such obligation is outstanding if the corresponding payment has not yet been paid in full. Principal and interest due on the same date constitute one payment. All periods of time are in calendar days unless otherwise specified. "Credit" includes agreements related to the commercial letter of credit issued by the Polish obligor. The due date of an obligation's corresponding payment is that date submitted to CCC as part of the final payment schedule for the credit to Poland, including any amendments to that schedule. All interest amounts paid by CCC will be calculated on the basis of a 365-day year.

This offer is subject to the following terms and conditions:

(1) This offer must be accepted within 15 days of the date of this offer. Acceptance will be effective for all outstanding obligations for all guarantees held by the holder covering credits to Poland until terminated as provided in paragraph (9) below.

(2) If this offer is accepted, for each obligation outstanding at the time of election under paragraph (3) below, CCC offers holders the choice of two options:

(a) CCC will repurchase the obligation at a price equal to the full amount of CCC's obligation. Repurchase of this obligation will extinguish all liability of CCC for the corresponding payment.

The holder must assign to CCC all right, title, and interest in the credit (including the right to charge interest at the rate provided in the credit for delinquent amounts) to the Polish obligor for the full amount of the corresponding payment, including any amounts not covered by CCC's guarantee. CCC will pro-rate any collections made from the Polish obligor between the holder and CCC based on the ratio of guaranteed and unguaranteed amounts of the payment. CCC may determine the terms and conditions of the obligor's repayment and may charge interest at a rate lower than the rate provided in the credit for delinquent amounts, OR

(b) CCC will repurchase the obligation at a price equal to the full amount of the principal component of the corresponding payment only. Repurchase of this obligation will extinguish all liability of CCC for the corresponding payment, including the interest component, if any.

The holder must assign to CCC all right, title, and interest in the credit (including the right to charge interest at the rate provided in the credit for delinquent amounts) to the Polish obligor for the full amount of the principal component of the corresponding payment only. The holder will retain all right, title, and interest to the amount of the credit not assigned to CCC under this option.

(3) For each outstanding obligation, the holder must notify the Treasurer, CCC, as to which option it has elected no later than 28 days after the due date of the corresponding payment or 28 days after acceptance of this offer, whichever is later, or such other date as is approved by the Treasurer of CCC. If the notice of election is not received prior to the appropriate date, CCC's obligation for the corresponding payment will lapse and all of CCC's liability under that obligation will be extinguished. The holder's notice of election may not be submitted to CCC more than 35 days prior to the due date of the corresponding payment.

(4) The holder's notice of election must be in writing and must be accompanied by the documents specified in 7 CFR 1487.8(b)(3)(i), (iii), and (iv) if the obligation was issued under GSM-101, or 7 CFR 1493.8(b)(3) if issued under GSM-102, unless otherwise agreed to by the Treasurer, CCC.

(5) CCC agrees to pay the holder of each obligation repurchased in accordance with this offer interest on the purchase price determined under paragaph (2) above. For obligations issued under GSM-101, interest will accrue beginning 31 days after receipt of the documents and notice of election that comply with the terms and conditions of this offer, or 32 days after the due date of the corresponding payment, whichever is later, and will continue to accrue until payment by CCC. Interest shall accrue at the New York Federal Reserve Discount Rate in effect on the due date of the corresponding payment.

For obligations issued under GSM-102, interest will accrue beginning one day after receipt of the documents and notice of election that comply with the terms and conditions of this offer, or two days after the due date of the corresponding payment, whichever is later, and will continue to accrue until payment is made by CCC. Interest shall accrue at the latest rate of the bond equivalent of the 52 week U.S. Treasury bill auction average as published by the Department of the Treasury on or prior to the due date of the corresponding payment.

(6) The holder agrees, by acceptance of this offer, that the holder will not submit notices or claims pursuant to 7 CFR 1487.8 of GSM-101 or 7 CFR 1493.8 of GSM-102 for obligations whose corresponding payments are due from Polish obligors prior to the effective date of termination of the contract formed by acceptance of this offer.

(7) CCC reserves its rights to proceed against the holder and/or the exporter for breach or violation of the holder's and/or exporter's obligations or warranties undertaken pursuant to the regulations.

(8) The holder agrees to retain, for CCC audit and inspection, for three years after the expiration of the guarantee, the records and documents which had to be retained under the applicable regulation.

(9) CCC may terminate the contract formed by acceptance of this offer at any time by notifying the holder by telex or other written form. The termination will be effective for those obligations with corresponding payments due on or after the date of such notification of termination, or such later date as may be specified in such notification.

(10) Acceptance must be by telex or other written form to the Treasurer, CCC, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013. This offer must be accepted before submitting any notice of election under paragraph (3) above.

ALAN T. TRACY,
General Sales Manager and Associate Administrator, Foreign Agricultural Service; and Vice President, Commodity Credit Corporation.

Bank of America, Attn: Ms. Faith Larsen, 233 South Wacker Drive, Chicago, Ill. 60606.

Bank of Boston International, Attn: Miacheal Wingate, 767 5th Avenue, New York, New York 10021.

Chemical Bank, Attn: Paul McCarthy, 20 Pine Street, New York, New York 10005.

Continental Grain Company, Attn: Al Slabotzky, 277 Park Avenue, New York, N.Y. 10172.

European American Bank & Trust Co., Attn: Robert Farstner, 10 Hanover Square, New York, N.Y. 10015.

First Chicago Int'l./Chicago, Attn: Abe Cardumi, One First Nat'l Plaza, Chicago, Ill. 60670.

Girard Bank, Attn: John Duffin, Girard Plaza, Philadelphia, Pa. 19101.

Irving Trust Company International, Attn: Dan Conlon, One Wall Street, New York, N.Y. 10005.

Marine Midland Bank, N.A., Attn: Gisela Fehr, 140 Broadway, New York, N.Y. 10015.

Morgan Guaranty Trust Co., Attn: Walter Baranetsky, 23 Wall Street, New York, N.Y. 10015.

The Riggs National Bank of Washington, D.C., Attn: John K. Culman, V.P., 800 17th Street, N.W., 10th Floor, Washington, D.C. 20006.

Nissho-Iwai American Corp., Attn: Mr. Hosada, 1211 Avenue of the Americas, New York, N.Y. 10036.

ATTACHMENT 2

SECTION III—APPROVAL

In consideration of the payment of the assurance fee and in reliance upon the statements and declarations of the assured, and subject to the provisions of the CCC Non-Commercial Risk Assurance Program (GSM-101) regulations (7 CFR 1487 et seq.) and such supplemental announcements and amendments thereto as are now in effect, CCC hereby accepts the assured's application for Non-Commercial Risk Assurance covering the export credit sale described above and agrees to pay, in U.S. dollars, to the assured or his assignee an amount not to exceed the assured value if there is a default in payment due to the occurrence of a "Non-Commercial Risk" under the foreign bank letter of credit securing the export sale or related obligation under the foreign bank letter of credit.

* * * * *

SECTION III—APPROVAL

In consideration of the payment of the guarantee fee and in reliance upon the statements and declarations of the exporter, and subject to the provisions of the CCC Export Credit Guarantee Program (GSM-102) regulations (7 CFR 1493 et seq.) and such supplemental announcements and amendments thereto as are now in effect, CCC hereby accepts the application for GSM-102 Payment Guarantee covering the export sales described above and agrees to pay, in U.S. dollars, to the exporter or its assignee an amount not to exceed the guaranteed value plus eligible interest if there is a default in payment under the foreign bank letter of credit securing the export sale or the related obligation calling for deferred payment in U.S. dollars from the banking institution issuing the letter of credit to a financial institution in the United States.

Mr. MOYNIHAN. Mr. President, will the Senator yield for a question?

Mr. KASTEN. I would be happy to yield.

Mr. MOYNIHAN. Does this brief suggest that the payment would be illegal?

Mr. KASTEN. Yes, that is correct.

Mr. MOYNIHAN. I think the Government would be doing something illegally.

Mr. KASTEN. The U.S. Government, because we did not give notice of default, is in fact misusing that money and has violated Federal regulations.

Mr. MOYNIHAN. What the Senator from Wisconsin is asking is not something necessarily extraordinary. He is asking the U.S. Government to obey the law.

Mr. KASTEN. Obey the law and regulations as written, and before we obligate any funds, declare the loans in default.

But Mr. President, we must not allow ourselves to get bogged down in the details of default. Let us stop for a moment and consider the real, underlying issue. For years, our trade and economic relationships with the Soviet block countries have hardly been in our own best interest. The benefits of expanded trade with the West were supposed to be dependent upon Soviet "good behavior." And the Soviet Union has certainly benefited by using its East European allies as a conduit for Western goods and technology—essentially forcing those countries to absorb the hard currency debts that the Soviets would otherwise be forced to pick up. When Poland's debt payments were stretched out in April of last year, Western creditors included a so-called "tank" clause, calling for default in the event of "exceptional circumstances" like internal repression. Now that these "exceptional circumstances" have occurred—and there is no question but that they have—and in testimony this morning from Defense, State, Agriculture, and Treasury, all admitted "exceptional circumstances" had occurred. Tanks have not come across the border, but we do have 5,000 people detained without accounting. "Exceptional circumstances" are occurring right at this moment. And now that these "exceptional circumstances" have occurred, the trade that was intended to bind East and West "with hoops of gold" is binding our own hands instead.

Some administration officials actually argue that by declaring Poland in default, we would cause financial havoc in the rest of Eastern Europe, which in turn would rain havoc upon Western financial institutions and governments. The inference is—and I find this incredible—that we must continue to prop up the military government of Poland and the rest of Eastern Europe in order not to cause damage to our own financial institutions.

Our seeming paralysis on the question of default just underscores our credibility crisis abroad. U.S. threats to use the economic measures available to us—to deny the East the benefits of trade—no longer carry any weight. They are not credible to our adversaries or to our allies. I maintain that a declaration of Polish default would help restore that missing credibility. It would simply do what we said we would do—what all the Western

creditors said they would do—under the "exceptional circumstances" or "tank" clause of the debt rescheduling agreement. It is clear what we should do.

Besides the credibility aspect, default would aggravate the financial strains already apparent in the Soviet economy and make it more difficult for them to continue their unprecedented military buildup.

This is the key point that has been argued by many in this administration as they have sought default.

Many Senators have expressed their deep concern about the Soviet natural gas pipeline. The pipeline will provide an unprecedented flow of Western money into the Soviet Union, helping to alleviate their own hard currency problems. It will help them develop resources they could not develop as quickly without Western technology and know-how. At the same time, it will increase West European dependence, especially psychological dependence, on the Soviet Union. A declaration of default would affect both the willingness and the ability of our allies to go ahead, and I believe this may be the least controversial way of stopping this natural gas pipeline.

Mr. President, this amendment would simply require the CCC to declare Poland in default before any of the funding in this supplemental is expended. It would not threaten the CCC supplemental or require a House-Senate conference—there is a great deal of support for this kind of amendment in the House. I believe if there had been an up-or-down vote in the House rather than a motion to recommit, which was prevented by the rules, it would have been accepted. We simply need to pass this amendment in the Senate and send it to the House and then to the President before we adjourn tomorrow evening.

Nearly 2 months have passed since martial law was imposed in Poland. The "exceptional circumstances" clause of the Polish debt rescheduling agreement has been met. The Polish Government is technically in default on loans to almost all of its creditors. What does America gain by this delay? Mr. President, I say the time to declare Poland in default is now.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I congratulate my colleague from New York, joined in cosponsorship by the Senator from Wisconsin, the Senator from Georgia and the Senator from Indiana, for bringing this serious matter to the attention of the U.S. Senate. I share their concern for the fact that the administration has not taken the proper course, in my opinion, and evidently in theirs, with regard to the default in the loans to Poland.

I will simply say that I rise in opposition, in strong opposition, to the amendment for what it would do to the American farmer. As I understand this, Mr. President, this amendment, or something very much like it, was offered and defeated today on the floor of the House of Representatives. If this amendment should pass here and the appropriation would go forward, it would require a conference with the House of Representatives and delay as a result thereof.

Mr. President, earlier, when the measure was first introduced, I cited the fact that timing was of critical importance to the American farmer, because right now or tomorrow we are going to run out of money in the Commodity Credit Corporation fund. Therefore, while the points have been made, and have been made well by the Senator from New York and the cosponsors of this amendment, it has been further complicated by the statement that has been made by the chairman of the Banking Committee. And I say to my colleagues that this is not a time when we should attack even a legitimate problem with the administration's handling of our loan commitments to Poland or the failure of Poland to pay interest on that legitimate debt.

I am just saying, let us not confuse the situation that confronts us now, which is simply to provide this additional $5 billion for the Commodity Credit Corporation, and allow us to deal at a later time with any shortsightedness on the part of the administration with regard to handling this particular portion of our foreign policy in particular and foreign policy in general, nor should we get this matter involved with the difficulties in the banking system nor with regard to the pipeline that we are all very much concerned about that is supposed to come from the Soviet Union into Europe.

Let us keep foreign policy and banking matters out of this matter that is critically necessary to make loans available under the 1981 Farm Act that we passed here to the American farmer.

Mr. President, in closing, I would simply say that if, indeed, we accept this amendment and then the $5 billion additional appropriation that came over to us from the House of Representatives goes into conference, and even should the conference agree and the measure, as amended, would go to the President of the United States, I think there may be some signals being sent in some other things that I have heard that this would be unnecessarily bloodying the nose of the President of the United States on the Polish matter when he is presently considering it.

Under those circumstances, it would not surprise me if the President of the United States would veto this bill. If that would happen, it would cause great concern in the farm belt.

Therefore, let us keep the measure clean. Those of us who are concerned first about the American farmer, I think we should not allow this measure to be amended regardless of how we feel about the handling of the Polish loan situation and the general crisis there. I urge my colleagues to vote against the amendment offered by the Senator from New York.

Mr. President, I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I know that these are legitimate issues for the Senate to discuss—the matter of loans to Poland; whether or not default should be declared; how collections of interest and principal should be pursued; and, whether by private banks or the U.S. Government. These are all legitimate issues that should receive the attention of the Senate. For instance, the Senator from Wisconsin had hearings this morning on this subject.

But I think it would be very unwise, Mr. President, for the Senate to act precipitously, because this is a complex issue. It is extremely important to the foreign policy of the U.S. Government and to the people of Poland. If we act quickly, without being fully advised of all the consequences that could flow from the adoption of the Moynihan amendment, it could be an action that could be long regretted by this body.

The purpose of the resolution before the Senate, Mr. President, is simply to reimburse the Commodity Credit Corporation for net realized losses, losses that have occurred to date. There are no contemplated future losses that are reimbursable under the language of this resolution. So what we really become involved in now is a debate of two separate issues. They are not related.

The action the other body took earlier today was to adopt a resolution to reimburse the CCC to the extent of $5 billion so that farm programs could be operated under the terms of the law; that those who were entitled to benefit from the grain reserve program, from the dairy program, and from the cotton and rice deficiency payment obligations, could count on receiving those benefits. These are assurances that have been given to those who are involved in those programs by this Government.

To default on those obligations, not to meet the obligations by failing to pass this legislation or by complicating it by involving another issue—the question of Polish indebtedness and loans to Poland—would certainly be unfortunate.

This is an urgent matter. The House is scheduled to go out of session tomorrow at some point. They will be in tomorrow, but after they conclude their business tomorrow, as I understand it, they will be going out of session for the Lincoln holiday. This means, with their having already acted on a similar amendment today and not adopting it, we have no assurance that they would go along with an amendment such as this that would be adopted by the Senate. That means the probability of a conference would be great, and the outcome of that conference would certainly be anyone's guess.

The point is that if this matter were delayed beyond tomorrow, then the Commodity Credit Corporation is going to just shut down. It will not have the authority to continue to operate and meet its obligations to those whom I have mentioned are entitled to payments—to reimbursements that are provided and directed by law to be made.

Mr. President, I urge, in the strongest possible way, that while it is certainly appropriate to discuss this issue in the Senate—and I have no quarrel with any Senator who wants to bring this matter up for a full discussion—this does not seem to be the appropriate vehicle for the adoption by the Senate of language that would set policy in this area.

I know the chairman of the Foreign Relations Committee has strong feelings about it, and there may be others who are certainly more fully advised about the possible consequences of such action than this Senator.

I would hope that we could reject this amendment, Mr. President, and move to the adoption of the joint resolution as it came to us from the other body.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, as for the pending amendment, this Senator from North Carolina feels that a bit of chronology may be helpful if for no other reason than to have it as a matter of record.

Mr. President, the New York Times on February 1, reported that the U.S. Government will repay $71 million due on debts owed by the Government of Poland. The Times stated that "the U.S. Government, which had guaranteed the loans, did not require the banks to declare Poland in default.

The Times article further states that the decision to pay the debts of the Government of Poland with U.S. tax dollars "puts in place a policy that would permit the administration to repay, also without any formal declaration of default by the banks involved, $396.5 million of guaranteed debts that Poland is obligated to repay by the end of this year."

A policy which takes the hard-earned tax dollars of American citizens and pays off the debts of the Communist dictatorship in power in Poland is not my idea of a policy that the American people would have expected the administration to permit when they elected Ronald Reagan to the Presidency in November 1980. In my judgment, it is a policy the American people would not have tolerated then and will not tolerate now. It is a policy that the Senate must exert every effort to reverse, if indeed it is the policy of our President.

Mr. President, it is very difficult to get the facts in this situation. The facts have been carefully guarded. But the newspapers have been filled with many reports of the details, and this city, and the city of New York, are ripe with rumors. So in attempting to describe the situation, it is necessary to make certain suppositions until the facts are established.

Let us suppose, as was reported in the Wall Street Journal of Friday, January 8, 1982, that Poland owes between $31 and $35 billion to Western banks.

Let us suppose that the Soviet bloc, as reported in the same article, in total owes between $123 and $140 billion to Western banks.

If our supposition is correct, then the West has in large measure provided the hard currency reserves used by the Soviet bloc in financing the largest armed force ever known in the history of man. If our supposition is correct, then Western banks are underpinning the repressive dictatorship of Gen. Wojciech Jaruzelski.

Many Americans, if the Wall Street Journal article is correct, undoubtedly would wonder what share of the funds provided to these Communist governments has been provided by banks in the United States.

In the case of Poland, let us suppose that the amount owed American banks is about $1.8 billion and the additional amount owed to, or guaranteed to, the Government of the United States itself is $1.6 billion. Those figures, while relatively small, would, I believe astonish the American people who would not understand why their banks have propped up the Polish regime or the regimes of other Communist dictatorships.

The American people would wish to know the names of the banks in the United States who have seen fit to lend money to the dictatorship in Poland.

Let us suppose as reported that those banks are Chase Manhattan, the Marine Midland Bank, Bankers Trust, Manufacturers Hanover Trust, First Fidelity Bank, City Corp., the Crocker Bank of San Francisco, and the Continental Bank of Illinois. Let us suppose further that there is even a small bank in Tulsa, Okla., which has lent 17 percent of its net worth to the Government of Poland and that the largest amount given Poland was provided, ironically, by the Bank of America.

Let us suppose further that neither the Department of the Treasury, the Federal Reserve Board, nor the Controller of the Currency have taken any action to require American banks to accelerate their reserves against a potentially bad Polish debt not have they forbidden further lending to Poland.

Let us further suppose that the small amount of Soviet provided debt service, reported in the press as $350 million, to be paid by Poland to Western banks has been paid, in fact, first to banks in Austria and Switzerland while American banks wait at the end of the line.

If these suppositions are correct, then the American people would no doubt be outraged.

But there is more that is subject to speculation. Let us suppose that in March 1981, the Government of the United States in conjunction with American banks and members of the so-called Paris Club of Western lending nations agreed with Poland to reschedule the Polish debt so that only 10 percent of that debt would be due during 1981.

Let us suppose, however, that our Government incorporated in that agreement a clause which gave our Government absolute discretion to accelerate the Polish debt and demand full payment with interest, upon the happenings of exceptional circumstances such as the imposition of martial law.

Let us suppose further that on January 15, the members of the Paris Club formally found that exceptional circumstances did exist, but that the exceptional circumstances clause would not be invoked.

Let us suppose, finally, that the National Security Council recently sent notification to the Commodity Credit Corporation instructing the Commodity Credit Corporation to make sure that American banks seeking payment for defaulted loans to Poland did not declare a formal default even while noting default in order to secure payment with American tax dollars.

If those suppositions are correct, as indicated in the New York Times, then the American people, I am confident, would want to know why their Government is protecting the credit rating of the Polish dictatorship even while paying off its defaulted debts with American tax dollars.

European banks, at the direction of their governments, may well have already begun the process of preparing for a Polish default by accelerating reserves under the guidance of their central banks. The assertion that the Western banking system would col-

lapse after a declaration of Polish default is not supported by the facts. While it is true that some banks, for example the Dresdner Bank of West Germany, which have made imprudent loans to Poland would undoubtedly suffer, those banks have benefitted from high interest paid by Poland and should bear the risk associated with their profits rather than transfer those risks to taxpayers and ordinary citizens in the United States or in other Western nations.

Mr. President, I have a memorandum prepared for me in my capacity as chairman of the Agriculture Committee with respect to two areas of funding responsibility for CCC in terms of Poland.

The first area is the direct export credits and the second is loan guarantees.

Mr. President, I ask unanimous consent that that memorandum be printed in the RECORD at this point.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM: POLISH DEBTS

There are two areas of funding responsibility for CCC in terms of Poland:

1. Direct export credits.
2. Loan guarantees.

Direct export credits are credits from CCC to the Polish government. $285.1 million will be due in fiscal year 1982, $75.7 million in fiscal year 1983. Payments due in fiscal year 1981 of $217.3 million have been "rescheduled".

Loan guarantees are guarantees, by CCC, of loans made by commercial banks, to Poland. If defaults occur on those loans it is the American banking community who is harmed. In payments on loan guarantees, funds go to U.S. banks, not to Poland. The key term here is "loan exposure", that is payments due from Poland to U.S. Banks.

There is loan exposure of $308.7 million in fiscal year 1982, $378.1 million in fiscal year 1983 and $235.4 million in fiscal year 1984. CCC has already paid $61 million in fiscal year 1981 and $97.8 million in fiscal year 1982.

	Millions
Loan guarantees	$1,081.0
Direct credit	578.1
Total CCC commitment	1,659.1

Mr. HELMS. Mr. President, I ask unanimous consent that the following items be printed in the RECORD: an article from the New York Times dated February 1, 1982, entitled, "U.S. Will Repay $71 Million Due On Poland Debt"; an editorial from the Washington Post by Dan Morgan entitled, "U.S. Tells Its Banks Some Polish Debts Will Be Paid"; an excellent editorial from the Wall Street Journal of February 5, 1982, entitled, "The Burns Cable," and, finally, an article from the Wall Street Journal of Friday, January 8, 1982, entitled, "The Issue In Poland."

In that connection, Mr. President, I urge Senators who have not read the editorial from the Wall Street Journal dated February 5 to read it carefully.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 1, 1982]

U.S. WILL REPAY $71 MILLION DUE ON POLAND DEBT

(By Edward Cowan)

WASHINGTON, Jan. 31.—The Administration has decided to repay $71 million that Poland owes to American banks. But the Government, which had guaranteed the loans, did not require the banks to declare Poland in default.

Unless rescinded, the decision puts in place a policy that would permit the Administration to repay, also without any formal declaration of default by the banks involved, $396.5 million of guaranteed debt that Poland is obligated to repay by the end of this year.

The money is part of $1.6 billion in loans to Poland that the Agriculture Department made or guaranteed to finance grain exports from this country.

The decision, which was reached last week, is an apparent concession to the worldwide financial disruption that would be triggered by a formal default of Polish debt to the West. The decision could rekindle a debate that flared in Washington, after the military takeover in Poland, about the best way for the United States to put pressure on Warsaw and Moscow.

In January alone, according to Government officials who asked not to be identified, Poland was scheduled—and failed—to pay $71.3 million of principal and interest under guaranteed loans. The schedule for the next few months, according to an Agriculture Department official, is for $52.9 million of such debt to fall due in February, $51.3 million in March and $31.7 million in April.

That Washington must satisfy the banks' claims under terms of the loan guarantees has never been in dispute, officials pointed out. The only question, they said, was whether an extraordinary procedure could be devised that would allow for repayment without having the banks formally declare the loans to be in default.

This was done when the Agriculture Department adopted an emergency regulation last week to permit such repayment. It did so without public notice, an official said, because notice was not required.

The banks with the loans were identified by a banker as Citibank, Chase Manhattan Bank, Morgan Guaranty Bank, Chemical Bank and Marine Midland Bank, all of New York City; Bank of America in San Francisco, the First National Bank of Chicago, the First Wisconsin National Bank and the Girard Bank of Philadelphia.

TIMING OF ACTION UNCLEAR

The banks were notified of the repayment decision Friday, according to people familiar with the developments, although no funds have yet been transferred to their accounts. It was not immediately clear when the transfer would actually take place.

The decision to avoid a formal declaration of default was reached in interagency meetings for sub-Cabinet officials in the last two weeks under the leadership of the National Security Council. Initially the debate was intense, officials said, with the State Department and Treasury Department against default and Fred C. Ikle, the Under Secretary of Defense for policy, in favor of it.

A question debated in the interagency group was whether default would increase pressure on the Soviet Union to bail out Poland and possibly other Eastern European countries to avoid a breakdown of their trade with the West.

But by the week's end, one official said, "virtually everyone in the executive branch now agrees that this"—avoiding default—"is the better way." Mr. Ikle, regarded as one of the "hard-line" members of the Administration, refused to comment.

KEEPING AN EYE ON TRADE

Members of the State-Treasury group argued that a declaration of default would achieve no practical result and might create a situation in which Poland made payments to European banks but not to American creditors. Some officials also said default risked disrupting East-West trade. This is "something our European allies want to avoid," one official said.

Washington officials and New York bankers said the main reasons for the decision were the following:

A declaration of default would foreclose any further efforts to persuade Poland to pay interest or principal. "Once you declare a default as such, there's no reason for them to pay any money," a Treasury official said.

One or more of the nine American banks holding the guaranteed loans wanted to avoid formal default, while exercising their guarantees, because they would then be free to try to collect the unguaranteed portion of interest owed to them.

Formal default could trigger "cross-default" clauses in West Germany bank loans to Poland, an event that might force the Bonn Government to make good on some $2 billion of outstanding guarantees. However, a New York banker said he thought such wholesale triggering was unlikely.

Default would suspend Poland's application to join the International Monetary Fund. Some officials feel that bringing Poland into the I.M.F. is desirable because it would draw the country closer to the West and also require Poland to disclose more about its economy and finances.

HOW PROCEDURE WORKS

Under the usual procedure for collecting on overdue guaranteed loans, a New York banker explained, the bank formally notifies the Commodity Credit Corporation that it wants the corporation to buy the loan. "That official notification is called notice of default," said the banker.

The emergency regulation lets the corporation offer to buy up the guarantee, officials said, at the same cost but without a notice of default.

Richard N. Perle, the Defense Department's assistant secretary for international security policy, said the United States itself, as lender and guarantor, retained the option of declaring Poland in default. "I don't think anyone can predict accurately the consequences." he said.

"It's just not in anyone's interest for a default to be declared," argued a New York banker. "It has no practical effect whatsoever. It will temporarily suspend Polish commerce worldwide for a certain period of time because ships and aircraft will be tied up and bank balances will be put on hold."

He was referring to the seizure of assets that creditors can make under default procedures in an attempt to recoup. Litigation usually results.

WASHINGTON VIEWPOINTS

The banker continued, "If you were dealing with an entity that had large amounts

of assets you could get your hands on it might make sense to declare default." But Poland's identifiable assets are worth far less than its indebtedness, he said.

The so-called hard-line view in Washington is that default, by disrupting Polish trade and possibly the trade of Rumania and Hungary as well, would force the Soviet Union to pay Polish obligations in order to restore Warsaw's access to foreign suppliers.

The view of the State and Treasury Departments was that, without default, the banks and the United States Government could continue to put pressure on Warsaw to meet its obligations but that a declaration of default would amount to Washington's throwing up its hands and admitting it had no hope of being paid. Therefore, said one official, "keeping the pressure on this way is the real hard line."

[From the Washington Post, Feb. 5, 1982]

U.S. TELLS ITS BANKS SOME POLISH DEBTS WILL BE PAID

(By Dan Morgan)

Under a procedure aimed at preventing a chain reaction of international financial defaults, the Reagan administration has informed U.S. banks that it will pay back some of their loans to Poland until the hard-pressed East European country can resume redeeming its debts.

A policy adopted last week—after heated debate in an interagency working group—authorizes the Agriculture Department's Commodity Credit Corporation to pay the banks the delinquent loan principal and some of the interest as it comes due over the next few months.

The loans were guaranteed by the CCC during the last three years so that Poland could purchase wheat, feed grains, soybeans and other farm commodities here with the aid of private credit.

There was never any doubt that the U.S. government had a legal obligation to cover these loans if Poland failed to pay. However, administration officials favoring a tougher stance in the Polish crisis have argued that the banks should formally announce that Poland was in default and attempt to seize assets, such as ships, before the government honored its guarantee.

Considerable sums of money are at stake in the guaranteed loan program. In January, Poland failed to pay the U.S. banks $71 million in principal and interest. For fiscal 1982, the total exposure on guaranteed loans comes to $308 million, and in the next two fiscal years, the total owed to the banks and guaranteed by the CCC comes to $613 million.

Government sources said yesterday bankers were concerned that their claims to the CCC against Poland's unpaid loans could be taken by other banks as a formal announcement that Poland was in default on its international obligations. This, in turn, could trigger a chain reaction by some 500 banks to which Poland owes money here and abroad.

To reduce the default risks, the sources said, the government gave the banks two options, both involving the CCC's picking up the Polish obligations as they came through. One option is for the CCC to cover the loan principal and 6 percent of the interest. The other option calls for the CCC to pay only the principal owed and to receive interest out of a common "pot" of Polish payments that would go to repay the banks and the U.S. government.

The New York Times, in a news report and in a column by William Safire, reported that the procedure for handling the unpaid loans involved drafting an "emergency regulation."

Safire blamed a "craven State Department" for accepting a recommendation by Deputy Secretary of Agriculture Richard E. Lyng that the bank guarantees be honored without forcing Poland into default. The Safire column, under the headline "Payoff for Repression," referred to "hardliners" who feel the administration has failed to back up its tough public statements against military rule in Poland with deeds.

Those in the administration who oppose throwing Poland into default argue that such a move would be counterproductive. They say it would provide the Soviet Union and Poland with an excuse to ignore its financial obligations to the West, and would sacrifice a major piece of leverage.

One New York City banker yesterday objected to suggestions that the government was rescuing the banks from the consequences of a default.

"The governments [in the West] have a heavy responsibility for this whole mess," he said. He said that U.S. government loans and loan guarantees to Poland have risen much faster in the last 18 months than private banking loans. "If the government is not willing to declare a default on its loans and to go out after the Poles, why should they send the banks out to do it?"

U.S. officials acknowledged that Poland's failure to pay its debts had created an unprecedented problem at the CCC. Several years ago Sudan defaulted on a loan repayment to CCC, but the amount was only $9 million, sources said.

THE BURNS CABLE

One of the key issues in the debate over whether the Reagan administration ought to declare Poland formally in default on its debts to the U.S. government is whether such an action would cause a crisis in the Western banking system. Nearly everyone agrees that U.S. banks could easily ride out such a shock, as about 60 American banks hold a scant $1.2 billion, or so, in Polish paper. But the State Department has been arguing the U.S. should continue to subsidize credit to Poland because to get tough and declare a default would cause a crisis in West Germany, whose banks hold the biggest exposure.

Now, however, the State Department has received a confidential cable from the U.S. envoy in Bonn, Arthur Burns, that makes us wonder. Mr. Burns, lately of the Fed and now on the spot where any financial crisis would start, sent his cable Jan. 29. In essence he makes three points: First, most of the effects of a Polish default will happen with or without a default. Second, the financial ramifications of default would be easier for the Western banking system to swallow if it were spread over several years, avoiding official default now but presumably requiring banks to establish reserves to cover their Polish losses. And third, that if default did happen now and make the banks swallow their losses in a gulp, the problems would still be manageable.

The Burns cable doesn't suggest there won't be serious consequences. But he says the more serious secondary effects of the Polish financial crisis are probably going to be felt even if a formal default isn't declared. He reports the Polish experience will make international banks a lot more cautious in lending to the Soviet bloc, which in turn will cause the Soviet bloc to cut back on imports from the West. Without a lot of new Western credit flowing in, other Soviet bloc countries could run into financial trouble. This would mean the German government could be forced to help its banks save some subsidiaries from going bust.

Too, with or without a declaration of default, the Polish experience will make international banks increasingly reluctant to make new loans to Third World countries with weak balance of payments positions, Mr. Burns says. And this, too, could have repercusions on Western banks of the sort that Poland might have more directly. So Mr. Burns says he's been telling German businessmen and newspapermen that Western bankers have awakened to the fact that their lending to socialist countries wasn't too bright and that they have to proceed more cautiously, while German businessmen will have to turn to Western markets.

What strikes us about the Burns cable—in the context of all the shrill doomsaying we've been hearing from the State Department—is the absence of any suggestion that getting tough would bring down the Western financial system. From the narrow financial standpoint, Mr. Burns would of course prefer to avoid sudden default and spread the losses over time. But there is far from anything that sounds like a prediction of catastrophe if this is not done.

Even from the financial perspective, Mr. Burns' judgment call depends crucially on his estimate that the Western banks have already learned their lesson. We wish we were sure. For one thing, banking regulators have not yet instructed the banks to start reserving against Polish loans. New credits are rolling forward in the pipeline deal. The Communists may well be right in their calculation that six months from now everyone will be back at the same bazaar stalls.

More fundamentally, though, the reasons for default transcend mere commercial considerations. The Soviet system does not disturb us because it cannot pay its bills. The Soviet system disturbs us because it has devoted its economy primarily to a military buildup that threatens our national security. Because of inherent inefficiency and the demands of its military sector, that economy is now staggering. Its dependence on the West is epitomized in the Polish debt, and the effects of default in inhibiting further credits and trade would be a punishing blow at its most vulnerable point.

More broadly, default would make clear the message that we will no longer finance a military machine that threatens our own well-being. It would prove that we are not without means to exert in this struggle, nor without the will to do so. If we let the opportunity slip by, we will only confirm the commissars' estimate that they have little to fear from the West, that there is no reason to slow their military buildup or moderate their aggressive foreign policy. And the confirmation would come with double force from a President elected with a mandate to restore some spine to our position in the world.

[From the Wall Street Journal, Jan. 8, 1982]

THE ISSUE IN POLAND

Yesterday our Seth Lipsky disclosed documents showing that in the wake of the Polish crackdown, the State Department's first instinct was to urge the banks to go easy in their negotiations on debt rescheduling. While State's economic wizards later thought better of such lunacy, it remains clear that no one in charge has picked up a clue that in Poland the debts are the issue.

We do not mean to denigrate the human rights implications of the Polish tragedy, nor the political lesson of yet another demonstration of the inability of communism to either tolerate or totally suppress freedom and diversity. But from the standpoint of U.S. national interests, the Polish economic crisis and its impact on Western debts has an even more portentous aspect. It is the first eruption of an issue transcending Poland and going to the heart of Soviet-American relations. To put the issue in its most dramatic form, it is this: Are we going to continue to allow and even encourage Western banks to finance the Soviet military machine?

How does this come about? For starters, it is useful to think of Poland the way Leonid Brezhnev thinks of Poland—and indeed all other members of Comecon—as a Soviet vassal state. As Mr. Nagorski reveals elsewhere on this page today, the Soviet Union in 1976 created a "transferrable ruble" to, in effect, obtain a highly favorable exchange rate from its Comecon partners and thus buy manufactured goods cheaply. To provide these goods, the satellites were encouraged to borrow heavily in the West to buy machinery, raw materials and semifinished manufactures. Western bankers and businessmen were thrilled with the new "vitality" in the East, an illusion that caused them to allow the hard currency debts of the East Europeans to rise out of all proportion to their ability to repay (see tables).

SOVIET BLOC DEBT

[Net hard-currency debt to the West in billion current U.S. dollars]

	1970	1980	[1] 1985
Bulgaria	0.7	2.7	4–5
Czechoslovakia	0.6	3.4	5–6
East Germany	1.4	11.8	18–20
Hungary	0.6	7.0	10–11
Poland	1.1	21.9	31–35
Romania	1.6	9.0	19–21
USSR	1.0	9.6	30–35
Comecon Banks	0.3	4.1	6–7
Soviet Bloc Total	7.3	69.5	123–140

[1] Wharton Forecast.

Source: Wharton Econometric Forecasting Associates.

Indeed, with the breakdown of the Comecon credit pipeline and another big failure down on the collective farms, the Soviet Union has had to go directly to the West for money. The Bank for International Settlements estimates that the Soviets borrowed over $15 billion in hard currency last year. Reports from Europe yesterday suggest this borrowing is continuing (see page 2 of the Journal). And Soviet gold sales in the West more than tripled to 250 metric tons in 1981, according to London market estimates.

Despite all these circumstances, Western politicians are in their usual dither, insisting that there is nothing much they can do about the Russians' ham-fisted crackdown on the Polish workers. Quite clearly there is a great deal to do, and it is in the interest of the West to do it.

Ironically, the simplest thing the U.S. government could do would be to ask the banks to face the real risks of these loans. A significant, modest and entirely justified step would be for the Comptroller of the Currency to suggest banks take a 50% write-down on loans to Poland, and perhaps Hungary and East Germany. Bank regulatory officials in other Western countries could be encouraged to take parallel action. This would immediately raise the cost of credit to the whole Soviet bloc.

In simplest terms, the Soviet Union exploited its Comecon partners as a conduit to obtain Western goods on the cuff. As the Wharton tables show, Soviet hard currency debt has itself expanded sharply and is expected to rise further in the years ahead, but it is not yet nearly as far out of line with any prudent measure of repayment ability as the debts of Poland, Hungary and East Germany. The Russians got the TV sets and Wartburgs and the Poles, East Germans and Hungarians received the bills.

DEBT SERVICE RATIOS

[0.2 or higher regarded as a danger signal in international lending]

	1970	1975	1981 [1]
Bulgaria	0.30	0.44	0.29
Czechoslovakia	0.09	0.11	0.25
East Germany	0.14	0.26	0.43
Hungary	0.16	0.24	0.57
Poland	0.19	0.32	0.87
Romania	0.36	0.21	0.32
USSR	0.07	0.13	0.07

[1] Wharton Forecast.

Source: Wharton Econometric Forecasting Associates.

Debt Service ratio is the ratio of debt service (interest plus repayments) to sum of hard currency export balance and net balance in invisibles.

The Soviets got by with this by literally holding guns to the heads of satellite party leaders; Soviet troops and tanks ring Prague and Budapest, heavily occupy East Germany and surround Poland. What the Russians didn't foresee was that East European workers, first of all the Poles, would grow tired of having the fruits of their labors purloined. Without doubt, the absence of goods to buy with zlotys contributed to the Polish uprising.

The Soviet exploitation of Western credit markets and East European workers has had the primary purpose of enabling the Soviets to build and maintain a vast military establishment. The primary role of that establishment is to intimidate the Western European suppliers of goods and credit and absolutely control the Eastern European suppliers of labor. To this end the Soviets spend some 15 percent of their total GNP for military purposes, more than twice the percentage for the U.S. They have some 3.7 million troops in uniform, 3,300 combat aircraft, 55,000 tanks and a grand array of other lethal equipment. The officers of this force are part of the Soviet elite, highly pampered in a society where ordinary people suffer severe deprivation.

In short, the economies of Eastern Europe are organized to support the economy of the Soviet Union, and the economy of the Soviet Union is organized to support its military machine. Into this process the Western banks have pumped some $60 billion in the last decade. If the forecasts by Wharton Econometrics prove true, they will pump almost this amount again into the same process over the years of the Reagan administration.

The credit-worthiness of the Soviet Union itself is endangered by the Comecon debts, for its own economy is dependent on theirs in many ways. If it undertakes to provide the umbrella the banks have hoped for, its own resources will be stretched. Wharton Econometrics has not calculated a debt service ratio for the bloc as a whole; an analyst there captures the attitude of the banks by saying they would find each a figure "meaningless." But the OECD, which uses a more stringent debt-ratio calculation, puts the bloc at 0.4, including the Soviet Union. Some umbrella.

Beyond that, there is the definite risk that over the next few years the Soviet workforce itself will go Polish. The Soviet Union's resources are becoming ever more strained. Its inefficient use of manpower, a product of central planning and regimentation, coupled with a low birth rate, has severely stretched the manpower supply. Productivity and morale are low, owing in part to the fact that Soviet workers fare no better than the Poles at the hands of the Communist elite. Alcoholism is epidemic. The Red Army's inability to subdue Afghanistan is requiring larger infusions of troops.

In this lies the West's great foreign policy opportunity. The future of the Soviet economic system depends on access to the Western banking system. Instead of encouraging the banks to roll over debt in the wake of Poland, the government ought to be making clear that this access depends on a modicum of Soviet good behavior. By any realistic risk assessment, indeed, it is military spending and repression of Eastern Europe that call its credit standing into doubt. To price the Soviets out of the credit markets, what the government chiefly has to do is bring the lenders face to face with economic reality.

The PRESIDING OFFICER (Mr. HAYAKAWA). The Senator from Maryland.

Mr. MATHIAS. Mr. President, the Senator from New York and the Senator from Wisconsin both have reputations of upholding freedom and resisting tyranny. I am sure it is in that spirit that they have offered this amendment, an amendment for the spirit.

I am, however, constrained to oppose the amendment.

I know that they feel, or at least I assume they feel, that this will in some way increase the pressure on the military government in Poland and, in consequence, on the Government of the Soviet Union. But I think we ought to explore that assumption for just a minute.

As a matter of fact, the United States holds a relatively small share of the Polish debt. Our allies in Europe hold a much larger share. If we are talking about being tough, it is really going to be tough on our allies if there is, in fact, a default in the Polish debts.

Those Members who had the opportunity to meet with the Chancellor of the Federal Republic of Germany, Helmut Schmidt, may recall his discussion of the Polish debt question. You may remember that he described the debt as being held by private banks, at least the German part held by private banks in Germany, but guaranteed by the Federal Republic. So if there is a general default, it will be the Government of the Federal Republic of Germany which will bear the cost.

So if we are being tough, we are being tough on our friends.

I am afraid that if that were to be the case the German Government and the German people would find that, to say the least, not a friendly act, increasing their burdens at a time when they, like the rest of the world, are suffering economic problems.

I think it would do nothing to increase the solidarity of the Western alliance. It would, in fact, I think, be taken as a step that would strike a blow at the unity of the Western alliance at the very time when we need to be more unified than we have ever been at any time in the last generation.

That would not result in being tough on the Soviet Union. That would have the ironic effect, I am afraid, of being a boon to the Soviet Union by striking a blow at the NATO alliance more devastating than any blow that the Soviet Union itself could strike. It would be an irony, indeed, if Poland were the cause of more trouble for the West than the Soviet Union.

One of the things that concerns me about this proposal is that it is a unilateral action. It is a unilateral action but it is an action which affects many countries. Of course, one of the principal things that we have been urging upon our allies is to act cooperatively, that we should act with coordination, that we should act in conjunction with each other after consultation. For us to adopt this amendment this afternoon would violate everyone of these precepts.

Mr. PERCY. Will the Senator yield for a brief comment?

Mr. MATHIAS. I am happy to yield to the distinguished chairman of the Foreign Relations Committee.

Mr. PERCY. I wish to commend my distinguished colleague because he is the chairman of the subcommittee dealing with international economic issues. What he has said has been absolutely confirmed by three commissioners of the EEC who just happened to be here meeting with the Foreign Relations Committee this morning. They would look upon this as an utter disaster. As the distinguished Senator has so aptly said, in a sense we have the smallest end of this. The largest end of it, by all odds, is with the European banks and the European governments. As George Ball, the former Under Secretary of State and now a consultant adviser to Lehman Bros., and Kuhn, Loeb, investment bankers in New York, stated, we are the junior partner in this.

As he said in an article he wrote for the Washington Post dated Sunday, February 7, "Default would wreck the Western Alliance:"

> No useful purpose could be served by measures which would further grind down the Poles.

We would be blamed for everything. As we well know, right now there is a possibility in Poland that the military junta, or the Government there under martial law, may well take the steps that would force farmers to give up their grain. They are talking now about rationing bread in Poland. Things are getting much worse.

Instead of the Soviet Union being the cause of this kind of lack of productivity, lack of incentive, a system that is not working, suddenly, if we pulled the plug, declared them in default, we would be blamed as far as starvation and hunger possibly coming to Poland this winter. We would be bailing out the Soviet Union. We would be looking as though we had no understanding of the consequences of what we are doing.

This amendment is vigorously opposed by the Secretary of State and by the entire Reagan administration. The entire National Security Council, with great deliberation, as I understand it, unanimously came to a decision that we would not force Poland into default. That can always be done at some subsequent time if it is deemed necessary and desirable at that time.

This is a momentous decision for the U.S. Government to make and for us to be making a decision in haste at this time, without forethought, without recognizing the consequences, I think would be a disaster.

Mr. President, I ask unanimous consent that the full content of George W. Ball's article, "Default Would Wreck the Western Alliance," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 7, 1982]

DEFAULT WOULD WRECK THE WESTERN ALLIANCE

(By George W. Ball)

How should the Reagan administration react to growing internal pressures for the United States to declare Poland's debts in default?

Our country has so long regarded itself as the leader of the Western Alliance that many of us take for granted the commanding authority of our official pronouncements and reactions; yet, on any principle of equity, the parties with the most to lose should have the largest vote in shaping a concerted Western response. In respect to the Polish debt issue, America is a junior partner, since the main burden of a declared default would fall on our European allies. Poland owes four nations of Western Europe—West Germany, France, the United Kingdom and Austria—official and private debts amounting to $10.6 billion; the comparable figure for the United States is $3 billion. Even more pertinent, commercial banks of those four countries hold Polish debt unguaranteed by governments amounting to $5.5 billion as compared with $1.3 billion held by American banks.

Thus U.S. banks could easily absorb a Polish default but European banks, already suffering from severe depression, could incur heavy losses. The non-guaranteed Polish debt exposure of the big German trade union Bank fur Gemeinwirtschaft amounts to 40 percent of its total net worth, while Germany's Commerzbank (one of the "big three") is exposed to the extent of 24 percent of its net worth. Austria would be even more critically shaken by a declared default since its banks and government hold 6 percent of Poland's total debt to the West.

But in the view of some Americans, Poland's current credit plight is merely the result of the inordinate greed of our Western allies and their dangerously soft line toward the Soviet bloc. "Why," they ask in the songwriter's plaintive words, "can't the others be like us?" Such parochial self-righteousness, however, ignores distinctions of both geography and history. It overlooks the fact that Poland is still in spirit and tradition a Western country; to French and Germans and even British, it is still part of Europe. The Poles and their Comecon neighbors remain Europeans even though encaged by an Iron Curtain. Over the centuries the flow of goods and capital between Eastern and Western Europe has been a good part of the continent's economic life, and, especially during the period of detente, habit, tradition and compassion triumphed over artificial, brutally enforced, political barriers.

Thus Western Europeans would bitterly resent any attempt by the United States to destroy their trade with the East, which has been integrally built into their economic life, while the West Germans would be deeply grieved by any threat to the arrangements they have painfully developed for ameliorating the hardship of divided families in a divided country. Not only would they refuse to join in any American-sponsored economic quarantine, but they could never forgive us should we—in pursuit of an ideological objective they regard as self-defeating—precipitate a banking crisis in the soggy economic climate they already blame on America's monetary policies. They would see such a destructive enterprise as final confirmation of their already dark suspicions that we ethnocentric Americans have become ever eager to strike a righteous pose at Europe's expense.

The Reagan administration narrowly avoided falling into the trap of its own sanctimony when it recently decided that American banks should not be required to declare a default on the Polish debt in order to receive reimbursement from the Commodity Credit Corporation on its guarantee. But that decision was, as the Duke of Wellington said of Waterloo, "a close-run thing" and, in this case, far from definitive. Secretary of Defense Caspar Weinberger and his cohorts are now threatening to force a reconsideration. They seem oblivious to the fact that an American unilateral action to declare a default would go far to wreck the alliance; nor do they seem to care that it would constitute a cruel slap at the already beleaguered Polish people for whom the resultant drying up of credits (including normal trade credits) would mean near-starvation during the bleakly cold Polish winter.

Even if the desperate Polish situation can be resolved without invoking the machinery of default, that does not mean that the Soviets and their satellites will be exempt from financial strain. The Comecon nations are all beginning to suffer from the slowdown in Polish productivity and the production shortfalls of Polish industry and agriculture, while Poland's economic troubles are curtailing Western credits to the whole Comecon bloc.

The total Soviet financial system is thus already under pressure. The U.S.S.R. suffered a $6 billion current account deficit last year, and its satellites will probably incur an additional $6 billion or $7 billion deficit with Western Europe this year; they are hoping to restore their hard currency reserves largely by the shipment of gas through the projected pipeline that the

Reagan administration is now frantically trying to block. The Soviets have been drawing down deposits in Western banks and selling gold. They are likely to react to any further financial pressure primarily by impoverishing the Polish people.

The only issues so far seriously discussed are how to handle the carrying charges on Poland's debt for 1981 and 1982. But, as the experts well know, a more difficult problem is our attitude toward new credits (amounting to $4 billion to $6 billion during 1982) required to support economic life at anything like tolerable levels and permit the rebuilding of the Polish economy.

Its decision on that issue will critically test the administration's fundamental strategy for dealing with the Soviet Union, and it is well that the issue be sharply drawn. On one side will be those who would continue the general line of policy we have pursued ever since the early thawing of the Cold War a decade ago. In general, we have favored measures that would weaken the Kremlin's hold over Eastern Europe and draw its imprisoned peoples more tightly into the West. But now we are hearing the angry voices of the hard-line conservatives (the neo-isolationists) arguing instead for a reversion to the most primitive strategy of the Cold War—that we insulate the Soviet power system, strengthen its prison walls and seal off both oppressor and victims hermetically.

The central thesis of this group is that we should use the Polish debts to punish the wicked Soviets. Felix Rohatyn has lent his support by advocating that we declare "Poland bankrupt" and thus "put the burden of the Polish economy squarely on the Soviet Union," and, for reasons that pass all understanding, even Weinberger seems to have joined the clamorous mob.

One of the principal hard-line arguments is that a Soviet government short of capital might have to curtail its military expenditures, but that is pure speculation. The more likely Soviet reaction would be to starve its own people while strengthening the political clout of a military sector already gaining alarming influence.

But that logic escapes the most fanatical and vociferous hard-liners who are eager for confrontation—tending to confuse vindictiveness with policy and to derive their most exquisite pleasure from putting an indiscriminate thumb in the Soviet eye. To them the East-West struggle is a religious war. Some are even bemused by the fantasy that harassing the Kremlin will contribute to the dissolution of a Soviet Empire that, they wishfully argue, is already in an advanced state of decay. When our friends across the Atlantic disdain such a crusade, the hard-line conservatives respond: "So much the better; America can act more freely if we need no longer have to compromise with effete allies." That is a central tenet of the isolationist credo.

Luckily for our republic and the peace of the world, the great bulk of Americans are not ideologues; they are practical men and women who see little virtue in hectoring the Soviets just for sport. They do not wish to increase Polish suffering (one should not kick one's friends when they are down even for ideological reasons) nor do they want our country to be isolated or our European friends left alone to make their own separate accommodations with Moscow. Finally, they have no desire to increase the polarization of a world already at odds with itself.

So one can still hope that, once they are informed of the facts and their implications, they will recognize that we can gain nothing by helping to precipitate a world financial stringency that would blight both West and East, and that no useful purpose could be served by measures that would only further grind down the Poles. Not only would such measures be out of character for America and imprison Poland more hopelessly in the suffocating Soviet system; they would also provide the Soviets with a powerful propaganda weapon. "The greedy Western capitalists," so the Kremlin would tell the Poles, "are doing what they always do; using usury to starve you. Under their corrupt system, they care only for money." To a people suffering bitter hardship during an icy Polish winter, what could be more persuasive?

But if we are to avoid using Comecon's capital plight in a way that would imcrease the forced unity of the Soviet bloc, could we not still use it to gain help for the Poles? Assuming that we and our Western allies could agree on a negotiating strategy, should we not delicately undertake some quiet exchanges both with the Jaruzelski regime and with Moscow, presumably through an Eastern European intermediary? The Western nations could indicate their willingness to provide continuing limited help to assist Poland's extrication from its financial predicament in return for a visible Soviet contribution to the Polish people as well as visible measures to ameliorate repression and permit the Poles greater individual freedom. Quite diplomacy is a hard discipline for a public such as ours, but it is far better than bluster and meaningless public threats.

Mr. PERCY. I shall certainly support any action proposed tonight by my distinguished colleague. I thank him for yielding.

Mr. MATHIAS. Mr. President, I thank my colleague. I agree the dangers he has pointed out do exist.

Further referring to the conversation with Helmut Schmidt, I recall that he said, in connection with this Polish debt question, that we could manage ourselves into a world financial crisis, into a worldwide depression, because of the rupple effect of this kind of problem. I simply want to say that I do not think there is any guarantee that a declaration of default as far as the Polish debt would not set off the same kind of crisis atmosphere that happens in my small town when somebody goes broke. One small creditor can rock the boat and then they all rush in, each one hoping to get his while there is still something left. We could have the same kind of mad rush of creditors here, with, really, incalculable results.

So, Mr. President, notwithstanding, I think, the laudable purpose with which I am sure the amendment has been offered by both of its sponsors, I am constrained to oppose it and I hope the Senate will defeat it.

Mr. MOYNIHAN. Mr. President, I know the hour is late, but I do wish to respond to my dear friend, the senior Senator from Maryland.

In the view of the Senator from Wisconsin (Mr. KASTEN) and in my own view, what we are about here is obeying our own laws. We believe that the Administrative Procedure Act requires that any change in our agencies' regulations is done only after public notice and is published in the Federal Register. The new procedures regarding the Governments' payment of Polish debts were not.

The amendment I am about to send forward nevertheless gives the President of the United States the opportunity to make policy decisions and implement them, if he will simply explain to Congress that they are necessary decisions and will serve the interests of national security. This amendment does not bind a President unduly. Moreover, it instructs him on our view of the law and of the decision he has taken with respect to Poland's debt. The latter is, as I have said today, a question of the honor of the United States.

Mr. President, the senior Senator from Wisconsin has suggested changes in the amendment that the junior Senator from Wisconsin and I have at the desk. The modifications he has suggested would confine this matter solely to loans or credits extended to Poland so that there would be no jeopardy to American farmers who are involved in the credit system.

I ask unanimous consent that I be permitted to modify my amendment in this matter.

Mr. MATHIAS. Reserving the right to object, Mr. President, let me inquire of the Senator from New York, is there a cross-default provision in the Polish debt situation? In other words, does a default of any part of the debt bring about a default in the entire debt, wherever owed?

Mr. President, I think that has a bearing on this amendment and on the effectiveness of the amendment, and I think that is a serious question.

Mr. MOYNIHAN. I should have to say in all candor that I am not aware of a formal such arrangement. I am aware that many loan agreements include default on another loan as a condition of default, and that this practice is sometimes referred to as "cross-default." The Senator from Wisconsin (Mr. KASTEN) referred to tank provisions in some of these debts. But these are domestic, U.S. affairs. These are U.S. bankers, 10 banks and 2 export corporations.

Mr. MATHIAS. But if, as I believe may be the case, there is a cross-default provision—perhaps the senior Senator from Wisconsin could enlighten us on that, since he is the author of this amendment—then it is not an internal U.S. affair.

Mr. KASTEN. Mr. President, I would like to respond to the Senator's question. There is a cross-default provision. It is not mandatory; it is discretionary. In other words, it may be exercised if, in the mind of the entity making the decision, it is necessary.

I should like to have the floor for one more moment. I should like to respond to statements by the Senator from Maryland and the Senator from Illinois that somehow this action is coming all at once, and is a surprise.

It ought not to be. All we are doing here is essentially what we and our allies agreed we would do last April when we rescheduled the debt. We said, and all of our allies agreed, that if so-called exceptional circumstances occurred, these debts would be declared in default. So we have two legal questions. One is whether CCC money can be used without default being officially declared. The other question is what about the so-called tank clause agreed to in April? We agreed with our allies, so they ought not to be surprised. They agreed that if exceptional circumstances occurred, default would be declared.

We really have two wrongs here. First, we are not doing what we said in April we would do. Second, we are bailing out the banks in a way that could constitute a questionable use of CCC funds. It should not be a surprise. Our allies agreed with us in April that this should be done.

Mr. MATHIAS. Mr. President, further reserving the right to object, the chairman of the Committee on Foreign Relations seems to be temporarily absent from the floor. I think this amendment goes to such a critical question, because it goes to the very nature of the action we are about to take, whether it is in fact an internal domestic question or whether it is an international question which will have a severe impact on the Atlantic alliance. Therefore, with no prejudice to further offering the amendment, I would be constrained to object to it at this moment, just until we have long enough to discuss it with the chairman of the Committee on Foreign Relations.

Mr. DOMENICI. Will the Senator yield?

Mr. MATHIAS. Yes; I yield.

Mr. DOMENICI. Mr. President, I do not want to keep the Senate. I know everyone wants to vote. I am not here to raise a budgetary issue. I really am having a little difficulty understanding what this is all about. I direct my question to Senator MATHIAS, but if any of the others who are here would like to answer it, I would be most appreciative.

Mr. MATHIAS. I am not sure the Senator should direct it to me. I just wandered on the floor a few minutes ago. The authors of the amendment, I am sure, know much more about it than I do.

Mr. DOMENICI. I am not going to ask only about the amendment, I would like to understand what is going on. We have a CCC program. Today, we are going to increase budget authority so we can lend some more money, because that program is going to run out of money.

Mr. MOYNIHAN. $5 billion, sir, not just some more money.

Mr. DOMENICI. Yes; $5 billion.

What we ought to understand is how does the issue of Poland and paying banks for Poland's loans arise?

Mr. MOYNIHAN. Mr. President, I——

Mr. DOMENICI. Let me just ask this: How can we use CCC money to pay banks that are owed money when we are merely a guarantor and there is no default?

I am not saying we cannot pay the banks without declaring default, if we want to do it. I wonder if that is what the CCC says now. It would surprise me if it did. If we are guarantors, a guarantor does not pay off unless there is a default.

I am not sure we do not have a bigger issue, and we ought not to just close our eyes, which we may do tonight.

But I think we should all understand why that is happening. Can somebody answer? How do we pay off guarantees before there is a default? If we do it here, can we do it with the whole CCC fund all over the world with all these loans being made?

Mr. MOYNIHAN. The Senator from Wisconsin is knowledgeable in the extreme in this matter and earlier in the debate introduced into the RECORD a legal brief which stated that in fact the recent action of the CCC may well be illegal but perhaps the Senator might wish to speak to this himself.

Mr. KASTEN. The question of the Senator from New Mexico is absolutely to the point. We are, without declaring a default, buying up essentially the loans from the bank, so that rather than being loans from the bank, they become loans from the U.S. Government. That is essentially what we are doing. If we begin with this first $71 million—I have the schedule month by month by month—in the next 4 years it adds up to $876 million that they are planning month by month to pick up without ever declaring a loan in default.

We can argue the question on $71 million or we can argue the question on $171 million or we can get to $271 million, but they have a schedule right now showing that month by month they are going to pick up, without declaring these loans in default, $876 million.

Mr. MOYNIHAN. I say to the Senator from New Mexico, my friend the chairman, it is the routine procedure of the CCC, that when the holder of a guaranteed loan comes in to say, "The loan is not being repaid. Therefore, I would like to have my insured loan paid to me." Routinely, the loan is declared to be in default. A probably illegal exception was made on January 29, by the administration.

Mr. DOMENICI. Let me ask these questions. That case is a pretty easy one. If one is going to vote tonight on that issue alone, it appears to me quite obvious how we should vote. We should change the law to give people authority to do this.

On the other hand, it is a serious international policy decision that we are being asked to make here, and I am not sure we should make it on an appropriations bill.

On the other hand, it seems to me that we ought to have a little more to say about whether we are going to continue this kind of thing. This is a very serious issue. There are two schools of thought about the entire Western World and its loans to the satellite nations. I understand that. Senator MOYNIHAN's friend from New York, Felix Rohatyn, who solved New York's problem, wrote an article, and he is going to help us solve this. He said he would solve it this way, as I understand it. Let them go bankrupt. Let the Soviets pick up the tab, says he. But it appears to me that we could solve it in a little different way here tonight. Why do we not put some kind of limit on this action by the CCC and say this is all you can do until we come back here, instead of forcing an international crisis over a very small amount of money?

Mr. KASTEN. Mr. President, will the Senator yield?

Mr. DOMENICI. I yield.

Mr. KASTEN. First of all, to answer the Senator's second question, one of the basic objections to this amendment is that it might have the effect of forcing another vote in the House of Representatives tomorrow. So, no matter what we did in terms of limitations or whatever kind of language or mechanisms or whatever, it would be objected to by some. But the Senator questioned, further, why we do not change the law to allow this kind of thing.

Mr. DOMENICI. Or not allow.

Mr. KASTEN. I would say that an up-or-down vote on this floor that would say we will allow the CCC to bail out banks in default around the world would have an unlikely chance of passing, in the sense that we would not want to change the law. The law is written the way it is because we want to at least be bailing out loans that are in default, not loans that are not.

Who is making the judgment as to whether they are in default or not, whether these loans need to be bailed out? This is a terrible procedure. The reason it ought to be dealt with now is that we are in the process of making the first of a series of bailouts. This $5 billion is coming out of the CCC fund. These are fungible funds. We have to act now.

Mr. DOMENICI. All I am suggesting is that the Senator is going to lose,

and he has a good point. Perhaps the Senator is not even going to precipitate the type of issue that we have here. He might precipitate it if he will say, "OK, we are going to let you pay off these loans without declaring default this time but no more until the issue is settled by Congress."

The Senator is not going to win because we are afraid of an international crisis over a little money. But what the Senator is doing is opening the door, if we do not support him, for the CCC to go on forever paying under similar circumstances. We will be back here in a few months adding another $5 billion to CCC. That is the only reason I raised the question.

Mr. JEPSEN. Mr. President, this amendment is deserving. We should have some consistency in our policy. I agree with that. For some reason, what we are doing on one hand is stopping farm exports by stopping negotiations with Poland for grain.

On the other hand, we are asking the American taxpayer to bail out the New York bankers and bankrupt Communist dictators on a carte blanche basis.

To bust the back of the farmer by jeopardizing this bill to conduct foreign policy is not the way to thrash this issue out and get it resolved. Regardless of the merits of the amendment, the bottom line is that the CCC needs the $5 billion borrowing authority to cope with the unprecedented commodity loan demand and the deficiency estimates. The CCC should not be permitted to cease operations. The facts of life are—right or wrong; tell it as it is—the House is going home tomorrow. If we start cluttering this up with foreign policy now, we are going to jeopardize the CCC operation. So let us get on with voting on this bill, voting down these amendments, and then get this nonsense cleared up some other way.

Mr. BRADLEY. Mr. President, will the Senator from Wisconsin clarify a point for me in this debate? Is the Senator a proponent or an opponent of this amendment?

Mr. KASTEN. I am a cosponsor of this amendment.

Mr. BRADLEY. Will the Senator clarify this for me: If the Commodity Credit Corporation had not bought the loans, would there have been cross defaults in other banks around the world?

Mr. KASTEN. It is at their discretion.

Mr. BRADLEY. It is at whose discretion?

Mr. KASTEN. The language in these loans includes cross-default clauses, but they are not mandatory. In other words, the individual lenders would make those decisions.

The cross-default clause will not automatically trigger. It is at the discretion of the various financial institutions and the lenders.

Mr. BRADLEY. But it is a possibility?

Mr. KASTEN. It is a possibility. I think, to answer the Senator in more complete terms, it is a distinct possibility.

One of the questions that I addressed this morning to Secretary Hormats of the State Department and Secretary Leland of the Treasury is what would be the effect if we assumed the most crossover, in other words. Would we unravel the entire financial system of the Eastern bloc countries, and could that unraveling even extend possibly to Mexico or to Brazil or to other countries? They said no, that probably would not happen.

Their position is close to the position that was expressed by our Ambassador to West Germany, Arthur Burns, and was picked up in the Wall Street Journal editorial the other day—that, yes, it would be a serious problem but that the banks could deal with it; it is manageable and it would not have this unraveling effect.

Mr. BRADLEY. Fine. Does the Senator think it is the responsibility of a public official to make sure that that does not happen, the unraveling of the international banking structure?

Mr. KASTEN. I do not believe that any of us intend this. I simply believe the experts that I talked to today. They said it would not happen. The purpose of this amendment is not to unravel the international financial institutions.

Mr. BRADLEY. I understand that.

Mr. KASTEN. The purpose of this amendment is to start to place the blame where it belongs for the financing problems that we have in Poland.

Mr. BRADLEY. My point is that if you have the possibility of the unraveling of the international financial community and you default on the $71 million loan, then what you had better have in place is a contingency plan to prevent the bankruptcy of the international financial system.

The Under Secretary of State was before the Senator's committee and so was the Secretary of State before the Finance Committee 6 months ago at which time I propounded this exact question: What is the contingency plan if there is a default in Poland?

Does the Senator know what the response was?

"We do not have a contingency plan."

I think the most important thing that can come out of this amendment is for the Senate to begin to focus on the possibility that cross-default clauses might, indeed, endanger the economic health of this country and we better have a contingency plan.

Mr. MOYNIHAN. Mr. President, if the Senator from New Jersey will allow me to make a comment, I would point out that there is a clause in this modified amendment, a clause which appeared in my original proposal, which allows the President to proceed as he is doing if he will only explain to us, on a monthly basis, the manner in which the national security interest of the United States has been served by these payments during the previous month. It does serve to focus the administration's attention, which I believe is the concern of the Senator.

Mr. BRADLEY. But my suspicion is, and I say to my colleague from New York that is the reason the administration brought these loans, because they know they do not have a contingency plan and were not willing to take the chance.

My point is that thing is going to happen again and again and again.

Mr. MOYNIHAN. Unless we focus their attention.

Dr. Johnson is well known for his remark that there is nothing that concentrates the mind so well as the prospect of hanging. It seems to me this might concentrate some minds.

The distinguished majority leader is on his feet.

I ask unanimous consent to modify the resolution in such a way that Mr. PROXMIRE will cosponsor it. If I cannot get unanimous consent, I prefer just to simply send the amendment to the desk as a new amendment.

Mr. MATHIAS. I do feel constrained to continue my objection at least for the time being.

Mr. BAKER. Mr. President, I had hoped that we could finish this measure tonight. It appears we cannot.

I have no desire to preemptorily try to bring it to a conclusion with a tabling motion. Obviously there is grave concern on both sides of the issue.

Mr. President, I ask unanimous consent that there now be a brief period for the transaction of routine morning business to extend not past 10 minutes in length so Senators may speak for not more than 2 minutes each.

Mr. KASTEN. Mr. President, I reserve the right to object, and I shall not object to the majority leader's suggestion, but I wish to point out to the majority leader and the Senate that if this amendment were to be adopted we would not want to delay the CCC bill. By not discussing this fully and voting on it tonight we are precluded from presenting it with the possibility that we may end up by adopting it tomorrow and the House of Representatives will be out of session.

I am concerned about that, and I wish to make sure the majority leader is aware of that, that if we vote on it tonight and the House votes on it tomorrow——

Mr. BAKER. I indicated earlier that I thought the House of Representatives would be in session only pro forma. I find that I am mistaken.

The majority leader in the House of Representatives indicated they will be in session tomorrow for the transaction of business. So we can still deal with this matter.

It will be my intention to have the Senate meet at 10 a.m. to transact routine matters such as special orders and then proceed to this matter.

Mr. KASTEN. All right.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I renew my request for a period for routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I thank the Chair. There will be no further rollcall votes this evening.

PRIVATE SCHOOLS

Mr. MOYNIHAN. Mr. President, as counsellor to the President, I was involved in the deliberations that led to the decision in July 1970, to deny tax exempt status to racially discriminatory private schools. We were successful then because such a result not only represented settled public policy, but was required as well under the law. I feel certain that we will be successful again in our current efforts to reverse the unfortunate decision made by the administration on January 8. Toward that goal, I ask unanimous consent that a 1978 statement by Mr. Thomas Troyer, past chairman of the Exempt Organizations Committee of the American Bar Association Tax Section, and a letter to Attorney General Smith from Archibald Cox, chairman, of Common Cause be printed in the RECORD following my remarks. I urge my colleagues to review this material for I feel it explains clearly why I and many others feel that the authority of the Internal Revenue Service in this area is clear and has been clear for over a decade.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF THOMAS A. TROYER

Mr. Chairman and Members of the panel: My name is Thomas Troyer. I am a partner in the Washington law firm of Caplin & Drysdale. I am the immediate past chairman of the Exempt Organizations Committee of the American Bar Association Tax Section. In my private law practice, I represent a good many charitable organizations, including some educational institutions.

Today, however, I underscore that I am testifying only on my individual views of the law which is the subject of this hearing. I am not testifying on behalf of any client. I am not, of course, representing my law firm. I am not speaking on behalf of the American Bar Association or the Tax Section of the American Bar Association.

OVERVIEW

As I have reviewed the controlling law on the subject of this hearing and the Internal Revenue Service's proposed Revenue Procedure, I have been led to three conclusions.

1. First, the Internal Revenue Service has a clear and compelling legal responsibility to adopt an effective administrative system to foreclose the allowance of charitable tax benefits to racially discriminatory private schools.

2. Second, given that legal responsibility, the general approach—and I emphasize the word "approach"—of the proposed Revenue Procedure is a good one.

3. Third, the Internal Revenue Service should work promptly with representatives of schools which have legitimate problems under the proposal to refine the rules and resolve the problems—as far as the governing law permits those problems to be resolved—and then the Service should proceed to adopt the Revenue Procedure in final form. It should not defer its own administration of existing law pending Congressional review of the area and possible Congressional action to change the law.

Let me take a moment or two to explain the considerations which lead to each of these three conclusions.

IRS LEGAL RESPONSIBILITY

First, it seems to me that the Internal Revenue Service has a clear and compelling legal responsibility to adopt an effective administrative mechanism to prevent the allowance of charitable tax advantages to racially discriminatory private schools.

Since the Supreme Court affirmed the *Green* v. *Connally* case in 1971, it has been a clear and firmly established principle of federal tax law that the advantages which the Internal Revenue Code establishes for charitable organizations—generally, qualification to receive deductible charitable contributions and tax exemption—do not extend to racially discriminatory private schools. That principle has been repeatedly recognized by the lower federal courts since 1971. The Supreme Court has done nothing since that time to cast any doubt on the principle. Consequently, by now there simply is no room for reasonable dispute about it. Further, while there is no comparably definitive determination on the point, what judicial authority there is uniformly supports the proposition that this principle of law does not stop at the door of the church school.

Nonetheless, despite the clarity of the tax law affirmed in the *Green* case, we have widespread indications that, in important areas of the law's application, it simply is not controlling people's actions—that private schools which do, in fact, have racially discriminatory policies are, year after year after year, receiving the very real and important financial tax advantages which the Supreme Court held that they are not entitled to. From 20 to 30 individual schools have specifically been held by courts to have racially discriminatory policies—but are still, to this day, receiving all of the tax advantages provided by the Internal Revenue Code for charitable organizations. The Commission on Civil Rights has several times drawn attention to particular schools, and groups of schools, that practice racial discrimination—but continue to be treated as tax qualified charitable organizations. The Lawyers Committee for Civil Rights Under Law, a highly respected and highly professional organization, has compiled information, alleging with considerable particularity, racially discriminatory policies by a broad range of schools around the country—all of which continue to derive the tax benefits of qualified charitable organizations. Beyond this rather considerable body of information on the racial policies of specific schools, the various courts which, over the years, have had the job of reviewing the racial policies of schools in non-tax settings have held that private schools formed or substantially expanded close to the time of the desegregation of the public schools in their community bear what the courts have come to term a "badge of doubt": that is to say, the courts have held that the racial policies of this entire class of schools are at least subject to special, searching scrutiny.

The situation, then, is one in which the major principle of law is quite clear, but in which there is evidence from a diversity of sources that the law is not being complied with. That situation has arisen because the IRS administrative system so far has granted charitable classification to schools which *say* that they are nondiscriminatory—without any real regard to what the schools *do*. In that situation, it seems to me that the Service ought to take a bit of advice from a former federal official who was around Washington in the early 1970's: it is time for the Service to watch what these people do, not what they say.

APPROACH OF REVENUE PROCEDURE

If the Service is to carry out the legal responsibility, it seems to me that the approach taken by the proposed Revenue Procedure is a good one. In so far as possible, it sets out objective standards to be used in determining whether the racial policies of particular schools are discriminatory or not—limiting the range of discretion open to individual Revenue Agents and other administrative IRS personnel. In stating these standards, the proposal draws heavily upon the experience which the courts have developed over the years, in non-tax situations, to detect the presence of discrimination in school policies. The proposal's application of special tests to what it calls "reviewable" schools is in accord with the findings of the courts that schools in this class carry a badge of doubt. Finally, the proposal grants what seems to me a rather generous safe harbor rule for schools which actually have significant minority enrollment.

Consequently, it seems to me that, with the proposed Revenue Procedure, the IRS is on the right track to fulfilling its legal responsibility on this subject.

REVISION AND ADOPTION OF REVENUE PROCEDURE

That does not mean that the IRS has proceeded all of the way down the track and into the station yet. As comments of other speakers today have indicated, some significant room remains for redrafting, refinement, and revision of the Revenue Procedure. To the extent that these steps can be taken to accommodate the real and legitimate problems of private schools actually operating in a good faith nondiscriminatory fashion, the Service should take them.

Once that is done, however, the IRS should adopt the Revenue Procedure formally and proceed to apply it vigorously in the Service's administration of existing law. A number of the Congressional critics of the IRS proposal this morning and others have asked the Service to wait—wait until Congress has an opportunity to review the entire area and adopt new legislation to deal with it. There are some people involved here who have already been waiting—and waiting—and waiting. They are the minority children who have Constitutional and statutory rights to nondiscriminatory educational opportunities. The Supreme Court told us in 1971 that the tax advantages established

by the Internal Revenue Code for charitable organizations are not to be allowed to undermine the realization of those children's rights.

Since that time, children who were barely beginning elementary school have proceeded through grade after grade and have graduated. Teenagers who were in high school have passed entirely out of the educational system, have families of their own, and are beginning to wonder what kind of educational opportunities will be available for their children.

It seems to me that we have waited long enough. We have known what the controlling law here is for a very long time. Congress has already had almost a decade to do something about that law if it does not like it—and it will have further opportunity to review it within a month. At least by now the Internal Revenue Service has sufficient experience with its present administrative system to know that, as a means of enforcing the law, it simply does not work. In light of that, the IRS has an unavoidable legal responsibility to adopt a system that does work.

COMMON CAUSE,
Washington, D.C., January 26, 1982.

Hon. WILLIAM FRENCH SMITH,
Attorney General, Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: I write on behalf of Common Cause to protest the Administration's recent actions undermining the Internal Revenue Service policy of denying tax exempt status to private schools which discriminate on the basis of race. The Administration's approach to this issue has been legally wrong, and procedurally indefensible. No legislation is needed to validate the long-standing IRS policy, which has a solid basis in law and has been tacitly approved by Congress. Singling out this IRS policy from all other analogous interpretative rulings, and claiming that it, alone, needs specific Congressional action before it can be enforced is itself discriminatory.

Further, there appears to be no justification for the Administration's decision to grant favored tax exempt status to Bob Jones University and Goldsboro Christian School. Nothing relevant to the tax laws distinguishes these two schools from many others similarly situated—except the judicial ruling that they are not tax exempt. If the other segregated institutions are to be denied a tax exemption, the same policy should apply to Bob Jones University and the Goldsboro Christian School. The Administration's determination to grant them favored status seems to be only a device for circumventing the Judiciary by mooting a successful legal case, vacating an important lower court decision, and avoiding a Supreme Court ruling.

The Treasury Department's view that it need not deny tax exemptions to segregated schools is plainly contrary to judicial precedents. In 1971, a three-judge district court permanently enjoined the Department from granting tax exempt status to private schools in Mississippi which engage in racial discrimination. *Green* v. *Connally,* 330 F. Supp. 1150 (D.D.C. 1971) (three-judge court), *aff'd. mem. sub nom. Coit* v. *Green,* 404 U.S. 997 (1971). Although the wording of that injunction is technically limited to schools located in Mississippi, the court left no doubt that its reasoning and its declaration of law applies nationwide. Judge Leventhal, writing for the court, stated:

To obviate any possible confusion, the court is not to be misunderstood as laying down a special rule for schools located in Mississippi. The underlying principle is broader, and is applicable to schools outside Mississippi with the same or similar badge of doubt.—330 F. Supp. at 1174.

The three-judge court anticipated the danger of weakening actions by the Treasury Department. In ruling that declarative and injunctive relief were necessary despite the Department's voluntary agreement to change its policy, the court noted:

If defendants' construction were discretionary, it could be changed in the future. We think plaintiffs are entitled to a declaration of relief on an enduring, permanent basis, not on a basis that could be withdrawn with a shift in the tides of administration, or changing perceptions of sound discretion.—330 F. Supp. at 1170-71.

The Treasury Department explains its recent "change of perceptions" by referring to your advice as Attorney General that there is insufficient statutory basis in the tax code for the Treasury to continue to deny the exemptions. This advice flies in the face of precedent.

In *Green v. Connally, supra,* the three-judge court concluded, after extensive analysis, that denial of tax exemptions to discriminatory institutions was not only authorized, but required, by the current tax provisions. 330 F. Supp. at 1164. To do otherwise, the court said, would "frustrate" long-standing federal public policy against support for racial segregation of schools. *Id.* at 1164. Further, the court held that any contrary construction of the tax code—such as that now adopted by the Treasury Department—would "raise serious constitutional questions." *Id.* The court held that "it would be difficult indeed to establish that such support can be provided consistently with the Constitution." *Id.* at 1165; *see* also *Green v. Kennedy,* 309 F. Supp. 1127 (D.D.C. 1970). The Supreme Court affirmed this decision. *Coit v. Green,* 404 U.S. 997 (1971).

The Fourth Circuit reached precisely the same result in *Bob Jones University v. United States,* 639 F.2d 147 (4th Cir. 1980), *cert. granted* 50 U.S.L.W. 3278 (U.S. Oct. 13, 1981). The court relied heavily upon the reasoning of the *Green* case to conclude that the IRS acted within its statutory authority in denying tax exempt status to a racially discriminatory school. The court held that the government's interpretation of the tax code to deny such an exemption was supported by the statute's "purpose and history," and was consistent with "government policy against subsidizing racial discrimination in education, public or private." *Id.* at 151. It is this decision which the government now seeks to have the Supreme Court vacate as moot.

One more point is exceedingly important. Surely you will agree that under our system of government it is ultimately for the Judiciary to rule upon whether the Treasury has authority to withhold tax exempt status from a school that engages in racial discrimination. Two courts have held that it does have that authority. As a former Solicitor General of the United States I realize that there are occasions on which a responsible law officer feels that he cannot in good conscience defend a lower court decision favorable to the Government. I assume that that was your position on the merits in this case, even though it seems to me to fly in the face of reason and justice. But surely, on that assumption, the only proper course was to ask the Solicitor General to file a confession of error, stating that you believe the judgment below to be erroneous, explaining your reasoning, and submitting the issue to the Supreme Court for its decision. If no one else was willing, you could have filed such a confession of error as Attorney General. Seeking to moot the case by giving these two taxpayers preferential treatment, however well intended, is bound to appear as a deliberate effort to avoid a judicial ruling.

I submit that the suggestion of mootness should be withdrawn, and that any question concerning the correctness of that judgment should be submitted to the decision of the U.S. Supreme Court.

The Treasury Department's assertion that there is a need for congressional guidance at this time is also without foundation. The non-exemption policy implemented by the Treasury Department in 1971 was followed for eleven years by both Republican and Democratic administrations, and with the full knowledge of Congress. Particularly in light of the judicial decisions which had construed the current code to support and authorize that practice, Congress' failure to amend the statute over the past decade must be considered as expressing agreement with the Treasury Department's policy. *See, e.g., Helvering v. Winmill,* 305 U.S. 79, 83 (1938). Congressional action would be necessary only to *change* the Department's long-standing practice, not, as you suggest, to continue it. Indeed, Congress has approvingly noted the judicial decisions requiring the denial of tax exemptions to segregated schools. Both the House and Senate reports on a 1976 tax bill cite the Supreme Court affirmance of *Green* v. *Connally, supra,* and state that racial discrimination is "inconsistent" with an educational institution's tax exempt status. S. Rep. No. 94-1318, 94th Cong., 2d Sess. 8 n.5 (1976); H.R. Rep. No. 94-1353, 94th Cong., 2d Sess. 8 n.5 (1976).

The Internal Revenue Service, in its day-to-day administration of the tax code, makes countless determinations on the scope and application of the law, including questions of whether exempt status is justified in light of clear national policies. *See, e.g.,* Revenue Ruling 80-278, 1980-2 C.B. 175; Revenue Ruling 80-279, 1980-2 C.B. 176; Revenue Ruling 76-204, 1976-1 C.B. 152; Revenue Ruling 75-384, 1975-2 C.B. 204. In Revenue Ruling 76-204, for example, exemption was granted on the ground that "the organization is enhancing the accomplishment of the *express national policy* of conserving the nation's unique natural resources." (Emphasis supplied.) In Revenue Ruling 75-384, on the other hand, exemption was denied to an organization formed to promote world peace and disarmament by nonviolent direct action including acts of civil disobedience on the ground that the organization's activities "demonstrate *an illegal purpose which is inconsistent with charitable ends.*" (Emphasis supplied.) In addition to these recent "published" rulings, many "private letter rulings" have proceeded on a similar analysis. All of these authorities take various national policies into account in passing upon the issue of exemption.

Such decisions applying fundamental national policies are routinely made without recourse to Congress. The Treasury Department has now singled out one policy relating to the tax treatment of segregated schools and imposed upon it the unique obstacle of requiring express congressional approval. In singling out this one policy as requiring specific congressional approval, the Administration is imposing an unwarranted

and perhaps unconstitutional burden on the federal government's anti-discrimination policies. In an analogous situation, the Supreme Court has held that the imposition of special burdens on those seeking governmental relief against racial discrimination is itself a violation of the Equal Protection Clause. *Hunter* v. *Erikson*, 393 U.S. 385, 391 (1969).

Thus, the Administration's actions in these cases, unless corrected, will have two distressing consequences. Despite belated protestations, it will encourage discriminatory racial policies repugnant to most Americans. It will also foster the widespread cynicism that results when the chief law officer of the United States puts himself in a position of seeming to grant special favors to two taxpayers in an effort to circumvent the rule of law.

Sincerely,

ARCHIBALD COX,
Chairman.

FEDERAL AID TO COLLEGES

Mr. MOYNIHAN. Mr. President, I draw the attention of the Senate to an article by Dr. Michael I. Sovern, president of Columbia University, that appeared in the February 7, New York Times magazine. In this essay, President Sovern compellingly argues the case for keeping Federal aid to colleges. President Sovern believes that it is not yet too late to reverse "the damaging cuts in student aid as well as cuts in the funding of new scientific equipment and in university research budgets." Increased support for education and research must, he writes, be given a high priority. I agree.

I found his article so insightful and so thought-provoking that I felt I simply must share it with my colleagues.

Mr. President, I now insert President Sovern's article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times magazine, Feb. 7, 1982]

THE CASE FOR KEEPING U.S. AID TO COLLEGES

(By Michael I. Sovern)

"If you think education is expensive," goes an old college fund-raising maxim, "try ignorance." The warning is timely.

At a time when Government should be making major new investments in campus research, vital to raising national productivity, the Reagan Administration has embarked on a program of "economies" that will drastically curtail research efforts in the nation's universities, turn many of the best minds of a generation away from careers in education and research, and close the door to first-rate young people who cannot pay today's tuitions.

Obviously, those assigning us the loser's role in the international technology competition have not intended these consequences. Commenting on the entire Federal budget, David Stockman himself conceded that "we didn't think it all the way through."

It is, however, not too late to think it all the way through and reverse the damaging cuts in student aid as well as cuts in the funding of new scientific equipment and in university research budgets—measures that would actually result in "savings" of only a fraction of 1 percent of the Federal budget.

The issue is not whether the Federal Government as a whole is spending too much or too little, nor whether the supply-siders, Keynesians or monetarists, have the best of the argument. Whatever the economic faith of our elected officials, increased support for education and research must be given a high priority.

The predominance of American professors among Nobel Prize winners dramatically demonstrates the importance of our campuses in producing men and women who gave this nation the lead it once enjoyed in science and technology. But Nobel Prizes celebrate the accomplishments of yesterday, not tomorrow.

Today, at independent universities that trained most of the country's scientists and produced the lion's share of major research advances, world-renowned pioneers are working in physical facilities that are woefully out of date. Although China's scientific development fell far behind us during the Cultural Revolution, a recent group of Chinese visitors were astonished at the antiquated scientific equipment they saw on a tour of a leading Middle Western university.

Had they traveled more widely, they would have realized that this was the norm and not the exception. Not only has laboratory equipment been refined at a dizzying pace, but costs have sky-rocketed as well. A recent study by the Association of American Universities found that a $750 million investment in scientific equipment and facilities is needed over the next three years simply to sustain current activities at only 15 of the nation's research universities.

It would be hyperbolic to say that we are embarking on our own Cultural Revolution. But one can imagine, without exaggeration, a news story of Jan. 20, 1989, datelined Washington, that reads: "In her inaugural address, the President called for a multibillion-dollar crash program of Federal and private investment in America's university research base. She asserted that radical action is critical to meet the problems posed by the greatest shortage of scientists and scholars in our history. Without it, she said, we have no hope of regaining our position as tenth most productive nation in the world."

Such a news story would not be farfetched because the per capita gross national product of the United States has slipped to tenth place in the world. Our foreign trade pattern resembles that of an underdeveloped country: We export raw materials in abundance and import more manufactured goods than we sell abroad. All this cannot be isolated from the fact that over the past 15 years, Japan and West Germany have doubled their output of scientists and engineers.

Tolerance of this erosion of our ability to compete in the world runs counter both to the Reagan agenda and to a long and wise tradition. Since World War II, the Government has pursued a bipartisan policy rooted in the recognition that the nation's well-being depends on a national commitment to the quality of its universities. Federal support produced the rapid growth of graduate schools and the consequent surge to international pre-eminence of American university research. The Federal Government has recognized that scientific and technological competitions with other nations are won or lost on American campuses.

Major research universities cannot but applaud the Reagan Administration's goals of controlling inflation and promoting a sound and stable economy, but these goals are not served by cutbacks in Federal assistance to higher education. When a high-technology company is in danger of losing out to the competition, it invests more in research and development, not less. In the world economy, the United States competes for scientific leadership not only with Japan but with much of Western Europe. If this country is to meet that competition, have a sound economy and bring inflation under control, it must invest more in research and development. Past investment in American universities has been repaid many times over by massive contributions to the national strength. If there is a time to increase that investment, this is it.

When Ronald Reagan took office, there was no Federal program to deal with the decaying physical plant of the nation's universities. There was the beginning of a response to the problem of outdated equipment, but this was killed by the Office of Management and Budget. What all universities had was a respectable program for making the most of their "human capital." "Human capital," the economist Eli Ginzberg pointed out, "defined as the 'skill, dexterity and knowledge' of the population, has become the critical input that determines the rate of growth of the economy. . . ." This perspective underlies the Federal Government's provision since 1965 of nearly $20 billion in loan guarantees and interest subsidies for college and university students plus billions more in direct financial aid to students most in need. Session after session of Congress concluded that these funds would be a fruitful investment in the nation's future.

The Reagan Administration, however, is pressing a massive assault on virtually every aspect of the Federal student aid program. It did put an end to such questionable programs as subsidized loans to families that did not need them. But by proposing huge additional cuts in student aid, the Administration has shown little understanding of the critical importance of such aid to the national interest. Without a strong Federal role in assisting promising students to further their studies, the supply of students will diminish in quantity and quality. In fact, many graduate schools are facing a diminishing pool of qualified applicants.

Ironically, success in the drive against student aid would mean not only a dismantling of much of the nation's research base, but a large increase in costs to the taxpayer as well.

To understand that paradox, one must understand the financing of a college education. It actually costs about $8,000 per student for a college to run a high-quality undergraduate program. That does not include books, room, board and other living costs.

Suppose a promising Cincinnati high-school senior—call him Alex Hamilton—wants to attend an Ivy League university. The Hamilton family's income is about the national median of $21,000. Alex's younger sister is also a good student.

Many students like Alex are enrolled in independent colleges and universities today. How? First, they are often not charged what it actually costs to educate them. Endowment income and contributions meet some expenses that would otherwise be passed along as part of the tuition fee. Second, needy students can receive an additional subsidy in the form of a scholarship, for which Alex Hamilton would qualify at many schools. Third, Alex may borrow $2,500

from a bank at 9 percent interest under the Guaranteed Student Loan Program. Fourth, he would be eligible for a Federal Pell Grant of about $800. He and his parents would make up the rest—from any savings they might have and from his summer and after-school jobs.

Thus, we have a package of support provided by the college, Alex, his parents, and the Federal Government. Like millions of Americans before him—including Ronald Reagan and me—Alex is working his way through college. But times have changed: No student can earn what it costs to attend an independent college today. To ask that every student contribute something before receiving help is fair. To withhold help from those who have done all that can be expected of them is cruel and ultimately wasteful.

How much is the Federal Government actually contributing to the cost of Alex's higher education? Since he pays no interest on his loan until after graduation, the Federal share includes the interest on that $2,500 loan—say $375 per year (at 15 percent interest). That plus his Pell Grant of $800 totals $1,175 for his freshman year. The taxpayer's dollar is matched about 6 to 1 by private resources, and Alex is free to choose a college based on his ability. (As he moves to his senior year and borrows more, the Federal interest cost will rise accordingly, but it will never be more than a small fraction of his total costs.)

What the Reagan Administration proposed? First shrink the Pell Grant program. This would eliminate Alex Hamilton's eligibility. Subtract $800. Second, abolish the in-school interest subsidy. Subtract the remaining $375. There would be an apparent saving to the taxpayer of $1,175.

But there is no such saving. It still costs $8,000 to educate Alex Hamilton. Without the option of going to a private college or university—where the cost of that education is largely absorbed by private resources—students like Alex will most likely go to a public institution close to home. The tuition at a publicly supported institution is about $1,500; the remaining $6,500 comes from public funds. Thus, by increasing the number of students at public universities, the Reagan Administration will actually be saddling state taxpayers with an increased cost of $6,500 in order to save $1,175.

Furthermore, the Reagan Administration's policy toward higher education will affect a staggeringly large number of students: Most of this country's 12 million college and university students come from families with incomes of less than $30,000; the families of many earn less than $20,000.

A fundamental strength of the American system of higher education is diversity. It would be folly to upset the balance of public and private education, to limit individual choice, to segregate rich students in private universities and the poor and middle class in public ones. Yet these are the effects of the Reagan Administration's financial aid policy.

What of the effect of the Administration's proposals on graduate schools—the source of tomorrow's researchers, scholars and teachers?

If Alex Hamilton were to spend four years at an independent college, by the time he graduated he would owe $10,000—plus, under the Administration's plan, annual interest costs. Lending institutions have indicated they will not take on the burden of collecting interest from students on a periodic basis. In response, the Administration has recommended compounding the interest so Alex will owe not $10,000 on graduation, but $12,000 or more.

At that point he must decide whether to go on for a Ph.D. or try a professional school. As a graduate student he is now entitled to borrow $5,000 a year. If Alex chooses the Ph.D. route, the Administration's proposal would bring his cumulative debt after his first year to approximately $19,000. After his second year, that debt will be approaching $26,000. And he still has at least three more years before he can reasonably hope to get an assistant professorship—at a salary of less than $20,000 a year. The prospect is forbidding even with the in-school interest subsidy.

The nation's universities are producing lawyers and business-school graduates at an unprecedented rate and scientists and scholars in diminishing numbers. Traditionally, a large proportion of graduate students in the humanities have set their sights on college teaching. But with little hope of immediate employment during the current tenure bulge, many of the best scholars are switching to professional schools. In an exhaustive and disturbing study of the perils facing American graduate schools, William G. Bowen, president of Princeton University, found that in 1980 only 34 percent of all *summa* graduates at Harvard-Radcliffe planned immediate graduate study in the arts and sciences—compared with more than 75 percent in the mid-1960's. And who will be there to teach the next generation of scientists? Between 1970 and 1980, the number of Ph.D.'s in physics graduating from American universities dropped by almost half—from 1,740 to 985.

If the budget cutters have their way, tomorrow's little band of Ph.D's will consist of the scions of the wealthy, another handful that the best-endowed universities can afford to support, and a larger number supported by taxpayers at public colleges and universities. Though our graduate schools have had a glorious past—leading the nation in a century of unparalleled advances in research—whether they have a future depends upon the continued resistance of Congress to an unbelievably shortsighted proposal.

I believe deeply in the unquantifiable values of a university. Great universities aspire to transmit to their students the heritage of civilization; to unlock the treasures of the past; to bring fresh vision and new discipline to the growing fund of human knowledge; to enliven curiosity; to cherish the freedom to explore and express; to encourage joy in the presence of beauty and appreciation in the presence of wisdom; to discover, in the words of William Saroyan, "that which shines and is beyond corruption." It is not simply for technology that we need to know more, Lewis Thomas observes, "but for the hope of wisdom which our kind of culture must acquire for its survival."

A society that undervalues such aspirations does so at its peril. But even if one believes that a democratic society has no stake transcending economics and defense in the education of its citizens, one has to conclude that the Administration's policy toward higher education runs counter to the goals it has set for itself.

Anyone who balances the cost of fundamental laboratory research—which provides the base for such practical discoveries as antibiotics—against the soaring cost of medical care will find that, dollar for dollar, biomedical research is far and away the best buy in town. The sad irony is that today, with the explosive productivity of the "new biology," the opportunities for helping patients in the nation's hospitals are greater than ever before. Yet in 1981 the Reagan Administration insisted on cutting funding of basic biomedical research in our universities.

As to the Administration's commitment to enhance our national security, I would have thought it obvious that today's defense rests fundamentally on yesterday's basic science. The laser, for example, though happily of great use to medicine, communications, chemistry and physics, among others, is also at the heart of a number of weapons systems. Every Administration for the past 40 years has recognized the fundmental importance of basic science to the defense effort.

And what of the humanists and social scientists studying the cultures, politics and economics of our allies and adversaries? How can this country conduct an informed foreign policy without a flow of experts on the various areas of the world? We have only a dribble and it is in danger of evaporating further still.

The Department of Defense (D.O.D.) is trying to help. In a memo to Pentagon officials, Secretary of Defense Caspar W. Weinberger has warned: "The national base of basic research is inadequate to meet future D.O.D. needs and substantial sustained real growth in defense research is needed to restore this base." Although the Pentagon estimates that it will increase spending for basic research at universities by some $60 millions during the current fiscal year, this comes nowhere near compensating for the hundreds of millions of basic research dollars cut from other programs. And, unlike the beleaguered National Science Foundation and National Institutes of Health, which have funded broad areas of fundamental research, the Pentagon's concept of "basic" research, in line with legal, fiscal and political constraints, must be directed toward projects of identifiable value to the military.

If the American university research base is not to be saved by the Pentagon, what about corporate philanthropy? "The level of industrial support for university research may triple in the 1980's," said Dr. Edward E. David Jr., president of the Exxon Research and Engineering Company, "but that would not equal the proposed cuts in the Federal budget in only one year." Last fall, the Exxon Education Foundation, aware that in recent years doctoral candidacies in engineering have declined by one-third, announced a program sensitive to the impending shortage of faculty members (between 10 and 15 percent of engineering faculty positions across the nation are currently unfilled). The foundation divided $15 million for graduate fellowships and junior faculty salary support among 66 engineering schools, a boost for which all 66 of us are grateful. Neither Exxon nor its beneficiaries claim these new, thinly spread grants are more than a small step in the long journey toward an answer to the question: Who will be left to teach the next generation of engineers?

Increases in corporate contributions to higher education in recent years are heartening. "Total corporate aid to higher education has risen to the billion-dollar-per-year range," observed Edward G. Jefferson, chairman of Du Pont and one of the leaders in corporate support for higher education. Yet, he added, "it is unlikely that corporate aid can be expected to offset reductions in Government funding."

The proposition that Federal cuts create incentives for private gifts is dangerously deceptive. In fact, Federal dollars on campus are frequently necessary to generate private dollars—both from increased numbers of students and from private philanthropy. When Federal aid was climbing, so was the quality of graduate students attracted to well-financed research projects and prominent professors whose distinction in teaching was matched by excellence in grant-supported research. As Federal assistance declines, the quality of research deteriorates, new funds dry up, old sources of support wither.

President Reagan's science adviser, George Keyworth, agrees that "the heaviest responsibility for basic research naturally falls on the Government. This is especially true where long-term, high-risk research is involved. . . ." Those are reassuring words, but the numbers are less cheering. The President's latest budget requests call for substantial cuts in the research and development funds of most Federal agencies and departments.

Overall, according to Frank Press, president of the National Academy of Sciences, the latest cuts proposed by the President would take away another $600 million from the $5.5 billion Federal Budget for basic research. The resistance of Congress has so far spared the National Science Foundation's budget for the physical sciences, mathematics and engineering—at least for the moment they are scheduled to receive nominal increases—but funding for science education was cut by more than two-thirds.

Programs for basic research have always been easy to cut. They do not pack the political punch of urgency and quick results. From 1968 to 1980, according to Richard Atkinson, Chancellor of the University of California at San Diego and former director of the National Science Foundation, basic research as a fraction of the Federal budget declined by 27 percent and as a fraction of the gross national product by 16 percent.

The abruptness of many Federal cuts aggravates the problem. Following a meeting in October with Administration officials in Washington, nearly 100 distinguished scientists issued this statement: "Instability and abrupt changes in funding have severe effects: Research teams are broken up; investments in experiments involving large facilities . . . are poorly used. The continued flow of new researchers into our industrial and university laboratories is best maintained by their stable and continued participation in university-based graduate research."

"Basic science is a long-term investment, and depends on government support," stated the scientists. "Support of scientific research is a public expenditure from which all sectors of society benefit. There are no significant sources of support for such a collective benefit which can replace the Federal Government."

Without a major increase in Federal support for research projects and assistance to students, there will almost certainly be a further weakening of this nation, as countries with the sense to anticipate the future assume the lead. "The strength of the nation's research and development comes back to the strength of our top universities," acknowledged Dr. Keyworth. "We must restore strength to them."

As the President's science adviser, Dr. Keyworth reflects the Administration's views on the importance of the nation's leading universities. At the same time, the President has a profound commitment to preserving the vitality of the private sector. In his commencement address at Notre Dame last year, he said: "If ever the great independent colleges and universities are replaced by tax-supported institutions, the struggle to preserve academic freedom will have been lost."

But if these convictions are not impressed on the budget makers who have been hacking away at higher education, this Administration is in danger of going down in history as the great ravager of our independent colleges and universities.

The President can still lead us away from that destructive fate. Congress, in resisting major student aid and research cuts, has shown that it will follow if the Administration will lead in building on what we have.

Not only should the Administration renew the research capability of the nation's universities by restoring the cuts in basic reseach support, it should upgrade scientific equipment in our deteriorating university laboratories and establish a national construction fund to help rebuild university research facilities.

In addition to preserving the in-school interest subsidy, the Reagan Administration should:

Continue to make loans available to every student who shows genuine need. After all, these loans are made by private institutions, not the Government, and repayment is the obligation of the student. Besides, declining interest rates will cut much much more of this program's costs than any of the pending proposals for change.

Restore the cuts in the Pell Grant and related Supplemental Educational Opportunity Grant programs. During the past academic year, Pell Grants closed the gap for 2.7 million students. This year the gap is wider, with $300 million already slashed from the program.

Increase support for Work-Study, the program that makes it possible for students to find jobs in a tight economy so that they can work their way through college.

Carry out the program of merit graduate fellowships that became law as the Education Amendments of 1980 but that has yet to receive an appropriation.

These measures can be funded through savings from cuts that should not be reversed—$2 billion through the elimination of Social Security's financial aid feature and billions more from changes in the Guaranteed Student Loan Program already enacted.

Should more than those savings be invested in higher education and research? All I ask is that our elected representatives look at the way our money has been used, and with what results from the G.I. Bill of Rights to the National Science Foundation and National Institutes of Health to the Pell Grant. Is there a more productive and broadly beneficial investment in human resources and the nation's future than a strong Federal commitment to the American university?

THE PASSING OF JOHN HAY WHITNEY

Mr. MOYNIHAN. Mr. President, many of us in this Chamber—indeed much of the world—learned this morning with great sadness of the death of John Hay Whitney, one of our Nation's most respected and dedicated leaders in the communications industry and our former Ambassador to the Court of St. James.

I learned the news late yesterday, when my good friend and revered former colleague, Senator Jacob Javits, called to inform me of Ambassador Whitney's death. Senator Javits was a friend of Jock Whitney for 35 years and he asked if I would not be willing to relate some of his thoughts about Mr. Whitney to Members of this body, a task which I am, of course, honored and happy to perform.

As Senator Javits notes, one of the most splendid things about Jock Whitney was the manner in which he employed his considerable wealth to advance his belief that those in the minority of society could be assisted so that they would arrive at an equal starting point with society's majority. In this respect, he was a leader both in the method of this assistance—which Whitney believed could be accomplished through the process of education—and in the effect of this assistance—which Whitney believed could be chronicled, supported, and promoted by those in communications.

As a result of his work, Jock Whitney became a wonderful example of how wealth can ennoble rather than corrupt the human spirit, a trait which Senator Javits lists among Mr. Whitney's finest.

Mr. Whitney's devotion to principle and to causes so deeply important to the fabric of our society, was reflected in his service to our country throughout his many years. He was a soldier during the Second World War, was captured by the Germans, and managed to escape. He was U.S. Ambassador to Great Britain. In the 1950's, he became publisher of the New York Herald Tribune and kept the newspaper going for years by large expenditures of his own fortune. He achieved, as Senator Javits remarked, a kind of journalism that was at once both eloquent and of lasting importance for the city of New York.

He continued his tradition of journalistic excellence by publishing the International Edition of the Herald Tribune in Paris, and he had the wisdom to associate that endeavor with two of America's finest journalistic institutions, the New York Times and the Washington Post. In that cooperative arrangement, the Herald Tribune remained a model of international journalism, a vigorous champion of freedom of speech and freedom of the press, and at the same time, served to remind the preeminent press of America of the standards which they worked to exhibit throughout the world.

Senator Javits concluded, and rightly so, that Mr. Whitney was a noble person, well worth our note as a distinguished citizen of America, and a

source of great pride for the State of New York.

Mr. President, those are indeed sentiments that I share. I would only add to Senator Javits' heartfelt memory of John Hay Whitney my own profound sorrow at his loss and I would wish to express, on behalf of this body, our condolences to his widow and their two daughters.

Mr. President, I ask unanimous consent that two articles concerning Mr. Whitney, from this morning's Washington Post and New York Times, be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 9, 1982]

JOHN HAY WHITNEY DIES AT 77; PUBLISHER LED IN MANY FIELDS

John Hay Whitney, master of one of the great American fortunes and a pace-setting leader in a kaleidoscope of fields, died yesterday in North Shore Hospital, Manhasset, L.I., of congestive heart failure. He was 77 years old.

A friend once said that for Mr. Whitney "money had three purposes: to be invested wisely, to do good with and to live well off."

Sportsman, investor, publisher, philanthropist, political mover and ambassador, he hated to lose at anything, from polo to racing to golf to bridge to investing.

VARIED BUSINESS INTERESTS

Mr. Whitney's business interests were diverse. Through his Whitney Communications Corporation, he had significant interests, at one time or another, in Parade, a Sunday newspaper supplement; Interior Design, a trade magazine; Art in America magazine; the International Herald Tribune Company; 25 small newspapers, five television stations and six radio stations.

He had one great disappointment—his inability to save The New York Herald Tribune, which he took over as editor in chief and publisher in 1961. E. J. Kahn Jr., his biographer, said the paper had "meant the most to him of any of his enterprises," and Whitney Communications poured nearly $40 million into the effort.

Jock Whitney—the nickname dates from childhood—delighted in savoring the deluxe things in life, and he enjoyed great wealth; estimates early in 1982 put his fortune through inheritance and his own efforts at more than $200 million.

In his first full-time job, Mr. Whitney received $65 a month in 1929 as a clerk and worked his way up to $50 a week for the banking house of Lee, Higginson & Company, as Mr. Kahn described it in "Jock: The Life and Times of John Hay Whitney." But the young clerk was also an early investor in Aviation Corporation of America, which evolved into Pan American World Airways.

He founded J. H. Whitney & Company in 1946 as a venture capital company, and its first major investment of $1.25 million in the Spencer Chemical Company doubled in a year.

Also in 1946, Mr. Whitney started the John Hay Whitney Foundation, and he long contributed about $1 million a year to it.

The foundation emphasizes help for "those groups that experience racial, gender or economic discrimination" to seek educational, social and economic changes in their communities. Mr. Whitney held out a vision of friends and neighbors working on immediate problems rather than grandiose social change.

Mr. Whitney was a solidly built man who stood 6 feet 1 inch. His ruddy face was generally set in seriousness, an appearance accentuated by his eye-glasses. He was an amiable companion nonetheless, but with a limited fund of small talk. His friendships included horse trainers and jockeys, professional men and men of public affairs, artists and fellow millionaires.

In conversation Mr. Whitney was direct and to the point, a trait that startled some diplomats when he was Ambassador to Britain from 1957 to 1961. He had taken the post with some misgivings, yielding in the end to a request from President Dwight D. Eisenhower.

FRIEND OF EISENHOWER

Mr. Whitney was a frequent bridge and golfing partner of General Eisenhower, and a substantial contributor to the general's Presidential campaigns. He spent about $100,000 a year of his own money to maintain the social side of his diplomatic life.

Mr. Whitney made his Manhattan home in a duplex on Beekman Place in recent years, closing a town house on East 63d Street while subway construction was going on underneath.

He also maintained a 500-acre estate and mansion, Greentree, in Manhasset; a spacious summer house on Fishers Island, off New London, Conn.; a 12-room place at Saratoga Springs, N.Y., for occupancy during the August race meeting there; a 15-room hideaway in the heart of 19,000 acres of bird country and cornfields at Greenwood, Ga.; a modest golf cottage at Augusta, Ga., and a flat in London.

OWNED STABLES WITH SISTER

He could also bunk at Greentree Stables, near Lexington, Ky., a 1,000-acre horse farm whose ownership he shared with his sister, the late Joan Whitney Payson, who was once the principal owner of the New York Mets baseball team.

What really dazzled visitors to the 63d Street town house was Mr. Whitney's art display. More than 55 items from his collection, among the finest in private hands, dotted the walls. These included two Rembrandts, two Michelangelos, three Picassos and a number of works by Vuillard, Monet, Cézanne, Degas, Manet, Toulouse-Lautrec, Renoir, Pissarro and Braque.

In addition, there was a sizable collection of Matisses, Mr. Whitney's favorite modern artist, whose pictures traveled with him from house to house.

Mr. Whitney was regarded by his associates as a thoughtful person, not given to vulgar display or to flaunting his position.

"I've never known Jock to throw his weight around," a close associate once remarked. "He's a team player. He's usually a quiet member of a board. When he has suggestions, they're usually good ones; I've never known him to put the Whitney interests above the company's."

John Hay Whitney was born in Ellsworth, Me., on Aug. 17, 1904, the second child of Payne and Helen Hay Whitney. His sister, Joan, had preceded him by 14 months. She was to become Mrs. Charles Shipman Payson.

Their maternal grandfather, John Hay, was secretary to President Lincoln, Ambassador to Britain and Secretary of State under Presidents William McKinley and Theodore Roosevelt. Their paternal grandfather was William C. Whitney, Secretary of the Navy under President Grover Cleveland. The family fortune was accumulated largely in oil, tobacco, street railways and real estate.

Jock Whitney graduated from Groton before going on to Yale, where he played polo and stroked for the crew. Rheumatic fever kept him out of school for two months and off the crew in 1924. It left him with a slight disability in his elbows.

MASTERED SPEECH DIFFICULTY

Mr. Whitney stuttered and lisped as a small boy, but he conquered both afflictions in later years. Poor eyesight hampered him most of his life, and he had to wear thick-lensed spectacles.

After his graduation from Yale in 1926, Mr. Whitney spent a year at Oxford, intending at the time to pursue a career in literature or publishing. The death of his father in 1927 cut short his academic life, and he returned home to help manage the family fortune. In the 1930's, Mr. Whitney was a six-goal polo player, captain of the Greentree team that won national championships.

In 1933, he organized Pioneer Pictures, which produced the first technicolor movie film short.

From 1936 to 1940, Mr. Whitney was chairman of the board of Selznick International Pictures, which he formed with David O. Selznick. Mr. Whitney bought the movie rights to Margaret Mitchell's "Gone With the Wind" for $50,000, and it was produced by Selznick International at a cost of $4.25 million. In 10 years, it grossed $33 million. By 1976 the film had taken in more than $74 million.

On Broadway, Mr. Whitney backed "Life With Father" and two plays that lost money, "Here Goes the Bride" and "Jumbo."

CAPTURED BY GERMANS

Soon after the United States entered World War II, Mr. Whitney gave up his Washington job, went to officers' candidate school and became a captain in the Army Air Force. He served in Britain for a time in public relations and intelligence, then was sent to North Africa on the staff of Gen. Ira C. Eaker as a liaison officer. On a mission to southern France soon after the American landing there in 1944, Mr. Whitney, then a colonel, was captured by the Germans and held prisoner for 18 days.

With several others, he escaped from a train that was taking the group through France to a prison camp in Germany. He was found by French Resistance fighters and was eventually returned to his own lines.

For his war service, Mr. Whitney received the Legion of Merit, with a citation for "exceptionally meritorious conduct in the performance of outstanding services," and the Bronze Star. He was also named a Commander of the Order of the British Empire.

ACTIVE IN 1952 CAMPAIGN

After the war, Mr. Whitney turned his attention again to business—and to philanthropy. Through the John Hay Whitney Foundation, a program of John Hay Whitney Opportunity Fellowships was established. These were annual awards to "American citizens of exceptional promise who, because of arbitrary barriers such as race, cultural background or region of residence, have not had the fullest opportunity to develop their abilities."

An active Republican in the 1950's, Mr. Whitney served as finance chairman of Citizens for Eisenhower-Nixon in 1952. In 1954, he was chairman of the United Republican

Finance Committee for the State of New York.

In 1958, he acquired control of The Herald Tribune, an independent Republican morning newspaper, while he was still Ambassador to Britain. Previously, he lent the paper $2 million and took an option to buy it. He took active charge of the paper when he returned from London in 1961, listing himself as editor in chief and publisher, in that order.

A DAY OF MOURNING

Neither Mr. Whitney's exertions nor those of his advisers were able to halt the paper's steady decline. In 1966 there was a plan to merge The Herald Tribune with two afternoon newspapers, The World-Telegram and The Journal-American. A long strike blocked the start of the plan, and in August 1966 Mr. Whitney ended the still idled Herald Tribune. In announcing the paper's demise, Mr. Whitney said, "I feel that today is a day of mourning, rather than recriminations."

Mr. Whitney retained an interest in the merged enterprise, which began publication of an afternoon paper called The World Journal Tribune, but the new paper lasted just eight months.

Shortly before he closed The Herald Tribune, Mr. Whitney sold a share in its Paris edition to The Washington Post. In May 1967, The New York Times gave up its own international edition, joining the other enterprises to publish under the nameplate of The International Herald Tribune, with Mr. Whitney as chairman.

STATEMENT FROM WALTER THAYER

The Whitney Communications Corporation holds 36⅔ percent of the ownership; The Times 33⅓ percent and The Washington Post 30 percent. Walter N. Thayer, president of the International Herald Tribune Corporation, said yesterday that Whitney Communications "will certainly continue its interest."

In 1971, the Whitney subsidiary that controlled the broadcast interests, the Corinthian Broadcasting Corporation, was merged into Dun & Bradstreet.

Mr. Whitney, who consequently became the largest individual stockholder in Dun & Bradstreet, with direct and indirect holdings exceeding 7 percent of that company's outstanding shares, became a member of its board of directors.

Through J. H. Whitney & Company, Mr. Whitney profited from a number of investments, including those in Minute Maid and the Spencer Chemical Company.

Mr. Whitney led an active sports life. He played vigorous polo for many years and was a golfer and a court-tennis player. He shot pool and swam. And he was an enthusiastic bird shooter.

The turf, however, was Mr. Whitney's most abiding sporting interest. Like his grandfather and his parents, Mr. Whitney delighted in breeding horses and watching them run. He served as chairman of the board of the American Thoroughbred Breeders Association and director of the Saratoga Association for the Improvement of the Breed of Horses.

He also served as steward of the Jockey Club, a member of the New York State Racing Commission, president of the Thoroughbred Racing Association and a member of the board of governors of the Turf and Field Club.

Mr. Whitney started racing in Britain where he studied at Oxford in 1927, and continued to race horses there as well as in the United States until World War II, when he put his horses in his mother's Greentree Stables.

STABLE A PROFITABLE VENTURE

After the elder Mrs. Whitney's death in 1944, Mr. Whitney and his sister ran the stable. One of the most renowned of its horses was Tom Fool, undefeated "horse of the year" in 1953.

In 16 starts in 1949 the three-year-old won six times, was second twice and showed six times. His earnings were $238,335. From 1946 through 1966, Greentree horses earned about $6 million.

Mr. Whitney's public-service activities were numerous in New York, where he served as chairman of the board of the Museum of Modern Art and as president of New York Hospital.

He was also a trustee of the Carnegie Endowment for International Peace, vice president of the National Gallery of Art in Washington, a fellow of the Yale Corporation and a board member of the Corporation for Public Broadcasting.

$15 MILLION GIFT TO YALE

His singular devotion to his alma mater, Yale, was demonstrated spectacularly in 1970, when he gave the university $15 million for the construction of student housing to alleviate the overcrowding that developed when Yale became coeducational the year before. A Yale professorship in the humanities was named for him in 1977 and endowed largely by contributions from his friends.

He married twice. His first wife was the former Mary Elizabeth Altemus, and their marriage in 1930 was the high point of the Philadelphia social season. They were divorced in 1940, and Mrs. Whitney received a $3 million settlement.

In March 1942, he married Betsy Cushing Roosevelt, the former wife of James Roosevelt, the eldest son of President Franklin D. Roosevelt. Mr. Whitney, who was childless, adopted her two daughters, Sara Wilford and Kate Whitney. His wife and daughters survive along with eight grandchildren.

A funeral service is to be held Friday at 11 A.M. at Christ Episcopal Church, 1355 Northern Boulevard, Manhasset, of which he was a member.

[From the Washington Post, Feb. 9, 1982]

PUBLISHER, FORMER AMBASSADOR JOHN HAY WHITNEY DIES

(By J. Y. Smith)

John Hay (Jock) Whitney, 77, who was born into one of America's wealthiest families and went on to notable careers in diplomacy, publishing, film productions and the worlds of art and thoroughbred horse racing, died yesterday at North Shore Hospital in Manhasset, N.Y. He had a heart ailment.

Mr. Whitney was the U.S. ambassador to Great Britain from 1956 to 1961. He assumed the post in the aftermath of the ill-starred British-French-Israeli invasion of Egypt following the nationalization of the Suez Canal. This incident strained relations between Britain and the United States and Mr. Whitney was counted an asset in restoring normal good will.

While he was in Europe, Mr. Whitney began investing in the venerable, ailing and widely admired New York Herald-Tribune. But not even the Whitney millions and lavish infusions of new talent could turn it around. In 1966, in a final effort to save it, it merged with two other newspapers, The New York World-Telegram & Sun, and The New York Journal-American. On Aug. 16, 1966, the World-Journal-Tribune ceased publication, a victim of the dynamics of the New York newspaper market rather than a lack of entrepreneurial skill.

It was, perhaps the only major setback for Mr. Whitney in a business career that began in the traditional and conservative purlieus of Wall street; went on to the high-rolling, high-flying, and, as it turned out, highly profitable backing of Broadway productions and films; and continued with the provision of venture capital for new enterprises through J. H. Whitney & Co., which the future ambassador founded in 1946.

Mr. Whitney never disclosed what his losses at the newspaper were. But it did not discourage him from publishing. He held on to The Herald-Tribune's European subsidiary, the Paris Herald-Tribune; bought "Parade," a national newspaper supplement; invested in five magazines, including Newsweek, Scientific American and Polo (in his younger days, he was a world-class polo player), and became chairman of Whitney Communications Corp., which through a subsidiary, has interests in 29 small newspapers in Maryland, Delaware and Florida.

At his death, Mr. Whitney remained chairman of the International Herald Tribune, which is published jointly by Whitney Communications, The Washington Post Co. and The New York Times Co.

In a statement issued at his death, Katharine Graham, the chairman of The Washington Post Co., said: "Jock Whitney was a wonderful friend. . . . Newspeople everywhere will remember the superb job he did in building the great staff at the Tribune, many of whom are the leaders of today's newsrooms all over the country."

Mr. Whitney's communications enterprises came to him after he had added several other fortunes to the $20 million he is said to have inherited from his father, Payne Whitney, and another $20 million he inherited from his mother, Helen Hay Whitney.

Like many of his class, he began with an ordinary job in a Wall Street brokerage firm. Much time went to polo and similar pastimes. In the 1930s, however, he began to make large investments of his own—and he chose as his field the fickle milieu of Broadway. Fortune showered its favors upon him, for among the shows he backed were the longrunning classics "Life With Father" and "Streetcar Named Desire."

Then he branched into films, serving as chairman of Selznick International Pictures from 1936 to 1940. The company's productions included "Rebecca" and "Gone With the Wind," both of which were Academy Award winners. "Gone With the Wind" also was one of the great money-makers of all time. It is said that Mr. Whitney paid $50,000 for the movie rights to the novel, which was written by Margaret Mitchell, and turned an after-tax profit of $1.5 million on the film.

With the onset of U.S. involvement in World War II, Mr. Whitney went into public service. His first job in Washington was as director of the motion picture division in the Office of the Coordinator of Inter-American Affairs, which was headed by Nelson A. Rockefeller.

He later was commissioned a captain in the Army Air Force. He was sent to England and then to the Mediterranean, where he became a colonel on the staff of Gen. Ira C. Eaker, the commander of Allied air forces in that theater. In the summer of 1944, he and four companions were captured by German

troops in southern France. They escaped from a train and 18 days later made their way to friendly lines. Mr. Whitney received the Legion of Merit, the Bronze Star, membership in the Order of the British Empire and the rank of chevalier in the French Legion of Honor.

After the war, he divided his capital into four parts. He kept two parts for his personal investments and expenses. A third part went to J. H. Whitney & Co. to generate capital for risky investments. The fourth went to the John Hay Whitney Foundation, the main vehicle for his philanthropies.

The foundation provided scholarships and fellowships to exceptional students handicapped by arbitrary barriers such as race, cultural background or region of residence. It also enabled scholars to go to small, independent schools to teach as visiting professors.

In the public policy sector, the foundation undertook a major study of labor-management relations called "The Causes of Industrial Peace Under Collective Bargaining." Through a series of case studies, it examined ways that labor and management reach agreement. Thus, it emphasized accommodation rather than confrontation. It is regarded as a classic in its field.

As a sportsman, Mr. Whitney enjoyed international ranking in the 1920s and 1930s as a polo player. In 1935 and 1936, he captained the team that won successive U.S. Opens. He later became a major figure in thoroughbred racing. His mother operated the famed Greentree Racing Stable near Lexington, Ky., and she was known as "The First Lady of the American Turf." She won most of the major races of her day and twice saddled winners of the Kentucky Derby. After her death, Mr. Whitney and his sister, Joan Whitney Payson, continued to breed horses at Greentree. They had the horse of the year in 1949 and again in 1953.

Mr. Whitney was a steward of the Jockey Club, a member of the New York State Racing Commission, a president of the Thoroughbred Racing Association and a governor of the Turf and Field Club.

In the world of art, Mr. Whitney had an important collection of modern French and American paintings. He was a trustee of the Museum of Modern Art and a former trustee and vice president of the National Gallery of Art. He was a member of the building committee for the National Gallery's spectacular new East Building.

Although many of his activities, such as polo and racing, were rich men's games, there was one convention that Mr. Whitney shunned. He refused to have his name listed in the "Social Register." He called the publication a "travesty of democracy" with "absurd notions of who is and who isn't socially acceptable."

John Hay Whitney was born on Aug. 17, 1904, in Ellsworth, Me., where his parents were vacationing. His family is said to have established itself in the New World in 1635. He was a maternal grandson of former secretary of state John Hay and a paternal grandson of former secretary of the Navy William C. Whitney. As a boy, he is said to have been pudgy and awkward and to have spoken with a stutter. These handicaps disappeared with time.

He was educated at Groton, Yale and Oxford. He then went to work on Wall Street. A lifelong Republican, he held a number of fundraising posts in the party and advisory posts in the government under President Eisenhower, who also was a personal friend. Eisenhower sent him to London as ambassador.

Mr. Whitney's possessions befitted his birth and station. In recent years, he ran his businesses from a 500-acre estate on Long Island that he inherited. He also had an apartment in New York City, a residence, track and stabling for 60 horses at Saratoga, N.Y., breeding farms in Aiken, S.C., and Lexington, Ky., and a 15,000-acre shooting preserve at Thomasville, Ga.

In 1930, he married Mary Elizabeth Altemus. They were divorced in 1940. In 1942, he married Betsy Cushing Roosevelt, former wife of James Roosevelt, the eldest son of President Roosevelt. She survives, as do her two daughters whom Mr. Whitney adopted, Mrs. Ronald Wilford and Kate Whitney, both of New York City.

EXCISE TAXES

Mr. DECONCINI. Mr. President, I recently had the honor to address the Distilled Spirits Council of the United States in Phoenix. In order to respond to the stated concerns of that industry, I was forced to think through in my own mind what my position would be were the Congress asked to deal with the current deficits by enacting new excise taxes. Like many of my colleagues, my initial response was positive. But after considering the matter more fully, I realized that this would not be a viable solution, but more importantly, it would be terribly unfair to the American public, especially lower income Americans.

I ask unanimous consent, Mr. President, that those remarks be printed in the RECORD at this point. I hope that the logical process that I went through will be of use to my colleagues as they address this important issue.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR DECONCINI

I greatly appreciate the opportunity to speak with you today.

Frankly, I am worried, and I want to share some of my concerns with you.

Each day, the economic statistics worsen, and the human tragedies mount. My office is flooded with pleadings from individuals thrown out of work, of homebuilders forced into bankruptcy, of young Americans who desperately want to own a home, like their parents and grandparents, but who cannot pay 17 or 18 percent for a mortgage.

Some mornings, I feel like we are in a war with the newspapers reporting new casualty figures or new battles lost. This is an economic battlefield and the enemy, unfortunately, is ourselves—more accurately, our policies.

The only two areas where we have made headway are inflation, which has abated to 8.9 percent, and interest rates, which have dropped slightly. However, the warning signs of a new round of inflation and higher interest rates are staring us in the face in the shape of astronomical Federal deficits.

After basing his campaign—and his years of criticism and commentary before the campaign—on fiscal irresponsibility as evidenced by an unbalanced Federal budget, the President is now faced with the prospect of a $100 billion deficit in fiscal year 1982, and $150 billion deficits in fiscal year 1983 and fiscal year 1984.

This must be highly distressing to the President and his advisers. It is certainly highly distressing to me. I have labored for the last 5 years to persuade Congress to adopt a constitutional amendment requiring a balanced budget except during times of emergency. I strongly believe that this Nation's economy will not get back on track until we have controlled the Federal colossus.

After 5 years in the Senate, I am absolutely convinced that Congress is incapable of exercising the restraint necessary to restrict Government growth in the face of so many pressures in the opposite direction. The statesmen among us are few and far between.

As long as we tolerate large deficits, we will also have to tolerate inflation and high interest rates. As long as we tolerate large deficits, we will be bemoaning the lack of investment in the private sector.

As inevitably as night follows day, deficits in the $100- to $150-billion range will push prices and interest rates up while simultaneously crowding private borrowers out of the market. The result—Stagflation! That insidious combination of recession, inflation, and high interest rates that has become the chronic illness of the late 20th century.

But the interesting question is how a President so sincerely committed to balancing the Federal budget may be forced to preside over the largest deficits in our 200-year history?

The answer, I think, is relatively simple. First, the President is right in stating that he inherited a basic deficit as a holdover from the Nixon-Ford-Carter years. Second, the recession wreaks havoc with the Federal budget by lowering tax revenues and increasing Federal payments so that the net effect is approximately $25 billion for each percentage point of additional unemployment.

Third, the President deserves high marks for the effective and generally equitable manner in which he reduced Government outlays by approximately $37 billion—the largest single year cut. Those of us who supported the President in this, share his pride.

But the fourth point is the nitty-gritty of the tale, and it reflects a problem of our own making—not something inherited or something over which we exercise little control.

The Kemp-Roth tax cut has reduced Government revenues over a 5-year period by $750 billion! In a year of firsts, it is the single largest tax cut in our history! Before I criticize this package, let me state that I voted for it. I did so reluctantly and only after some crucial amendments I supported were passed, but I did vote for the tax cut. Thus, my comments should be viewed from the perspective of a friend, not an enemy of the cut.

But the simple fact is—the tax cut was too much, too soon. I now believe that tax cuts must follow budget cuts. Tax cuts must be roughly equivalent to budget cuts, not totally disproportionate to them. It is the tax cut which must bear primary responsibility for the huge deficit; and it is that same tax cut that must be manipulated if the deficit is to be brought within reasonable bonds. Other alternatives now appear either unworkable or unacceptable.

No one in the White House or in Congress believes for one moment that the budget can be cut enough to significantly reduce the deficit. Republican and Democrat, conservative and liberal, all agree on that point. That is not to say we cannot and should not

continue to prune the tree of government—we should. It has grown too large and unwieldy. But our mandate is not to chop it down, nor is our mandate to remove such vital branches as social security, medicare, or defense.

The other proposal in great favor these days is a dramatic increase in Federal excise taxes. But there are some inherent difficulties with this approach.

The tax cut was designed to stimulate investment and productivity by placing more funds in the hands of groups likely to save and invest. In real terms, its benefits will be felt more by upper-income Americans than lower-income Americans. A dollar tax on a purchase means little if your salary is $50,000; it means quite a bit more if your salary is only $10,000.

It has been argued that tobacco and alcohol, especially, are luxuries, and probably not healthful at that. To some, at least, to increase taxes on such items serves a broader public good. I must confess that such reasoning troubles me. By taxing these items to discourage usage, we are using the tax code for a moral purpose which has not been fully explored. But beyond that, by using excise taxes, we only discourage and penalize the poor from using them, not the rich. If they are bad, they should be bad for rich and poor alike and they should be eliminated from the marketplace.

The other element of these taxes which troubles me is the impact on the States. Arizona, like practically every other State, is struggling with the cuts in Federal assistance just enacted. Alcohol and tobacco taxes have traditionally been a major source of revenue for the States which the Federal Government would now, effectively, preempt. How are the States to survive? Such questions must be addressed.

The final problem with exercise taxes is they will raise very little new revenue in comparison to the deficit they are expected to cure. Doubling the Federal tax on alcohol would raise little more than $2 billion. The truth is that new excise taxes would have little impact unless they were extended to gasoline. And if they are extended to gasoline, we then find ourselves quite outside the category of optional or luxury purchases. We find ourselves severely punishing precisely those groups that have been hardest hit by the bad economic times—the poor and the retired. Westerners will also be harder hit than Easterners because we rely more on the automobile.

Excise taxes on alcohol and tobacco are being proposed to pave the way for gasoline taxes. I simply cannot see how Congress can enact such regressive taxes in the wake of the Kemp-Roth tax cut. The American policy is built on fairness, and this is simply unfair.

Let me turn now to a subject of the gravest importance—important to you as an industry and to each of us as citizens.

THE VIEW FROM $204 A WEEK

Mr. DECONCINI. Mr. President, the human tragedy associated with the worsening economic recession is sometimes forgotten as we plow through the mountains of detached economic statistics. It is well to remind ourselves that we are ultimately speaking of people, and that it is to people that we, as legislators, are responsible.

I ask unanimous consent, Mr. President, that a very moving and powerfully written article by a victim of the recession, Vicki Williams, be printed in the RECORD at this point. I further ask that all of my colleagues read Ms. Williams' piece before the new round of budget cuts begins.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE VIEW FROM $204 A WEEK

(By Vicki Williams)

I consider myself the classic "poor overburdened taxpayer" that you hear so much about these days. I work for an electronics company and make $6.58 an hour which translates into $204 per week after deductions, $30.21 of which are Federal withholding taxes. I have a husband, laid off, whose unemployment compensation has run out, and a 13-year-old son who thinks he should have a leather coat, a P. K. Ripper motocross bike, a Pioneer stereo and an Asteroids game. It bothers me a lot that I can't afford to buy him any of these things. It also bothers me that I'm not sure how we're going to fill up the fuel tank often enough to stay warm this winter.

There is something else that bothers me, though not to the same extent as my son's unfulfilled desires or the ever-hungry fuel tank, and that is that every single politician and editorialist is positive he knows exactly what I think. Everyone seems to be wildly anxious to be my spokesman. Yet these people don't know a damn thing about how the "poor overburdened taxpayer" thinks or lives. I imagine it's been quite some time since most politicians or well-known journalists lived on $204 per week, though I've read plenty of complaints from congressmen about their meager salaries. One even said he had to sleep in his office because he couldn't afford to buy a house. Do you know how much pity I can spare for a senator who can't live on $60,000 a year?

Tired: I know I'm not as articulate as the people who write the editorials for newspapers and the speeches for politicians, but just once I'd like to have on the record the thoughts of an average taxpayer. I'm tired of these people putting their words in my mouth and their thoughts in my head.

One of the statements I read and hear most often is how fed up I'm supposed to be with the amount of my taxes that goes toward welfare, food stamps, programs for the elderly, subsidized school lunches and other supportive social services. Wrong! What the people "up there" don't understand is that I identify with the beneficiaries of these programs much more than I do with the politicians and the media people. "There, but for the grace of God, go I." So far, I have never had to rely on welfare, free lunches or Medicaid, but I very well might someday. When I was divorced, I could have qualified for welfare. Fortunately, I had parents who were in a position to help, but if I hadn't, you can believe I would have swallowed my pride rather than watch my son go hungry. People like me, who live only a hairbreadth from economic disaster, are glad those programs are out there, though we pray we'll never have to use them. We feel sympathy for the ones who do.

In 1977 my sister-in-law was abandoned by her husband. Her health did not permit her to work full time, so she drew $194 per month from the welfare department to support herself and her child. I doubt that anyone can think she lived extravagantly on $194 per month.

I think it's possible that at least one of the very same politicians who are now complaining about welfare recipients might have taken a political junket during one of the months that my sister-in-law and her son lived on $194. Believe me, I resent that junket at my expense much, much more than I resent helping an ADC mother, or buying eyeglasses for an elderly person or free lunches for a ghetto child.

To me, Reagonomics is cruel and self-serving. Reagan seems to be telling us that the United States is a sinking ship and that if we harden our hearts and throw a few people overboard, we can lighten the load. Then, possibly, the Ship of State can sail back to shore. I don't see my country quite that way. The philosophy behind the original structure of the United States is that we are a people who sink or swim together. We don't make human sacrifices.

If there is even one child in this country who is hungry or one old person who needs medical care, then I want my $1,570.92 in taxes to go toward helping that child or that old person. I think this country is based on the philosophy that when that $1,570.92 is gone, we will find more to take its place, as long as the need is there.

I know about the cheaters. There are always cheaters. They are a part of life as surely as death and taxes. Certainly, if they are caught, they should be punished and denied aid, but I know we'll always support some cheaters along with the "truly needy." If we have to give a free lunch to one child whose parents could afford to pay in order to give free lunches to nine children who genuinely deserve them, so be it.

Benefits: The much-touted tax cut doesn't make sense to me. Perhaps there's a complicated economic formula that explains the logic of a tax cut at the same time we're slashing Federal programs because of lack of funds, but if so, I missed it. I pay $30.21 per week to the Federal government. As I understand it, when all the tax cuts are in effect, I will only pay $22.66, giving me $7.55 extra to save or spend. Well, I could do a few things with $7.55 a week but, had I been consulted, I would have just as soon paid it and kept the food-stamp program or veteran's benefits intact. I suspect that the government will give it to me with one hand and take it away with the other.

You see, I really believe that most politicians and media people think that those of us out here in America who work in the factories and offices are ignorant. I believe that they think we will never catch on to their sleights of hand. I believe that they think they can tell us the grass is black one day and white the next and we'll never trust ourselves enough to look down and say, "Why, that grass isn't black or white—it's green!" Well, we know the grass is green. We just don't know what to do about it.

We don't really believe that 56 oil companies recorded 98 percent of the increase in all corporate profits from 1978 through 1980 for *our* benefit. We don't believe the tobacco subsidy is for *our* benefit. We don't believe that congressmen who were violently anti-AWACS magically changed their minds for *our* benefit. We know it's always us who pay the bills that result from the politicians' machinations.

I wish a politician would come along who'd tell me that the grass is green.

GLOBAL INTERDEPENDENCE IN THE 1980'S

Mr. PERCY. Mr. President, on January 13, the President of the World Bank, A. W. Clausen, delivered an address in Tokyo which I believe deserves wide attention. He presents a skillful analysis of the complex international economic scene, in which he points out that a simple distinction between North and South—industrial and developing countries—has lost considerable validity. He rather notes the role several groups of countries are playing in a world which has become much more economically interdependent over the past two decades.

Within this framework Mr. Clausen describes the role the World Bank can play. He rightly points out that the Bank is not "the United Way of the development community," redistributing wealth from one set of countries to another. Rather it is a hard-headed, unsentimental institution which is attempting to assist countries to accelarate economic growth and enhance the economic opportunities of its people. By doing so all countries in the world economic system benefit. I strongly commend this address to my colleagues.

Mr. President, I ask unanimous consent that excerpts from the remarks made by Mr. Clausen before the Yomiuri International Economic Society International Forum in Tokyo, Japan, "Global Interdependence in the 1980's," be inserted in the RECORD at this point.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

GLOBAL INTERDEPENDENCE IN THE 1980'S

I think that much of the trouble that the international community has today in trying to get agreement on what ought to be done about the global economy is due to this: that virtually all of the parties to the dispute tend to get bogged down in vast oversimplifications.

The result is that oversimplifications about global economic models don't help very much. And I really don't think they help very much in international politics either. But I am not here to talk about politics. As President of the World Bank, my job is to be concerned with the health of the global economy, and all its various components.

Our 141 member countries, as well as those few societies that are not members of the World Bank, represent a huge amount of economic complexity. And that is why I believe that the old "North-South" economic model of the international economy of the 1960s and the '70s is no longer very useful.

So, without being dogmatic—and recognizing that the contours of the economic geography are in constant and dynamic movement—let me sketch out at least eight discernable poles of high economic significance in our current international environment.

Four of them are the centers of high industrialization: Western Europe, North America, Japan, and Eastern Europe. Another key group is that of the capital-surplus oil-exporting countries in the Middle East. There are the newly industrializing nations—some 20 of them. Add to this, the great populous countries of Asia: China, India, Indonesia, Bangladesh, Pakistan, and others. And finally, there are the severely poverty-stricken countries of Sub-Saharan Africa.

There is simply no doubt that we live today in a multipolar world. Each of these clusters of economic activity is involved in trade and investment with others. And as I say, though I have picked out eight such centers, it is quite possible to disaggregate them even further, and formulate much more complicated models.

It has become so static and so vastly oversimplified—and often so contentious and confrontational in its rhetoric—that it tends to obscure reality rather than illuminate it.

Labels and slogans, and buzz words and battle cries are very human phenomena—and have their place—but they normally aren't very useful for disentangling complexity. And that is what we have in the world economy today: a whole complicated ganglia of interdependent relationships, and a very dynamic environment in which they are all interacting.

What we need to do is to try to sharpen our vision of all this complication—not blur it.

Now, how will this environment be likely to evolve in the course of the 1980s?

The progress of the newly industrialized countries, and the development of the capital-surplus countries, will almost certainly result in their achieving a still bigger proportion of total world production. As a consequence, even with a respectable recovery from the present recession in Western Europe and North America, it is possible that these older industrial countries will by 1990 account for less than half of total world output, compared to over two-thirds in 1960.

At the same time, the newly industrialized countries—if we include Japan—may well account for over one-quarter of world production by the end of this decade, as compared to just one-twelfth in 1960.

We have to remind ourselves that there is simply no precedent in history for the dynamic rate of change in the geographic spread of global output in our era, and in the structure and character of world trade.

By 1990 that trade may well expand at a pace almost twice as fast as the growth in world output. In 1980, 23 percent of that output was traded; by 1990 it could well reach 30 percent.

Possibly four-fifths of such an increase in world trade will come from manufactured goods; and of that increase, the newly industrializing countries may well contribute a fourth. In other words, a much larger proportion of world demand for manufactured goods is likely to be supplied by these developing countries that are undergoing what can be termed history's "third industrial Revolution."

Conversely, it is likely that the developing countries' exports of commodities will grow at a considerably lower rate, which means that those economies that depend primarily on commodities for their export earnings will have to turn to other strategies to boost income for their development needs.

The probability, too, is that the newly industrializing countries will supply a much larger share of the traditional manufactured goods to the older industrial nations of Western Europe and North America. To compensate for the loss of this portion of their domestic markets, these nations are likely to give greater emphasis to products of high technology.

Indeed, technological advance is likely to be a principal source of these societies' future manufacturing growth, with the new silicon-chip technologies, and the overall explosion in the information and data-processing industries, perhaps leading the way.

Another characteristic of the decade ahead will, I believe, be the expanding role of the private sector in meeting the world's capital requirements.

We all know the story of the past ten years. It was the private sector that met the enormous needs for capital by both the developed and developing countries, once the surge in the price of petroleum had dramatically altered the terms of trade between different parts of the globe.

In 1970, the debt owed to private lenders by developing countries amounted to only 45 percent of the total. By 1980, this proportion had burgeoned to 65 percent: $284 billion out of $439 billion.

During these years it was the particularly remarkable growth of the Eurocurrency markets that made it possible to recycle the surpluses of the oil-exporting countries to many nations faced with mounting deficits.

The decade of the Eighties is likely to witness the advance of a number of other capital markets: those working out of such locales as Panama, Singapore, Hong Kong, Kuwait, and Bahrain. The growth of capital markets dispersed widely about the globe is, of course, a reflection of the broader geographical contributions to total world output. Dynamism in the capital markets is tied to dynamism in the global economy, and simply no longer fits into a narrow "North-South" configuration.

Still another characteristic of the decade ahead will, I believe, be an acceleration in the movement of workers across internatinal frontiers. Estimates are difficult to make since not all workers migrate legally, but there are today perhaps some 15 million foreign workers in North America, Western Europe, and the Middle East.

In the Middle East alone, the 4 million foreign workers already constitute 50 percent of the work force in some countries. And the movement of labor toward the newly industrializing countries has already begun: there are foreign workers in both Singapore and Hong Kong.

This whole vast movement of people across boundaries from labor-surplus countries to labor-deficit societies has introduced another dynamic in the global economic system that is not fully grasped today.

It is not inconceivable that another 10 million people may migrate as workers over the next decade. If they do, and if they remit funds to their families at roughly the same rate that their predecessors have, this capital flow alone (in 1980 prices) could amount to $40 billion a year by 1990.

The world trade in manufactured goods, the flow of private-sector financial resources, the movement of workers across international frontiers—all of this at historically unprecedented levels—means that by 1990 the world may well be qualitatively very different from what it is today.

It is from this perspective that my colleagues and I are thinking about the future of the World Bank.

The World Bank is, of course—and will remain—a bank. And a very sound and prudent bank. But it is more than just a bank. It is an international development institu-

tion, with most of the world's governments as its shareholders. And its membership is likely to increase.

It's essential role is to be catalytic. It facilitates sensible things happening in both its developing and developed member countries.

It brings finance, honest and disinterested advice, and invaluable technical assistance to bear on the highest priority objectives of its developing member countries—and it stays the course with them.

It is not in the business of redistributing wealth from one set of countries to another set of countries. It is not the Robin Hood of the international financial set, nor the United Way of the development community.

The World Bank is a hard-headed, unsentimental institution that takes a very pragmatic and non-political view of what it is trying to do.

And what it is trying to do is clear. As I have pointed out before, the World Bank's basic objective in any developing country is precisely the same: to assist the country both to accelerate its economic growth and enhance the economic opportunities of its people, and thus make possible a better standard of living for all.

The World Bank's mandate is to contribute to the economic success of its developing member countries, but it can only make that contribution if it retains the support of the governments and private markets of capital-exporting countries.

THE NEWS FROM EL SALVADOR: SLANTED

Mr. SYMMS. Mr. President, there are two parts to the tragedy that is El Salvador today. The first is a slide into civil war and anarchy that involves violent death to many innocent individuals every day. The second is a profound misunderstanding about the nature of the conflict in this torn Central American country. I very much fear that the American people are not getting good information about El Salvador.

For example, it is quite evident that most Americans do not know that the present Government of El Salvador is a revolutionary government. It is not a government of the entrenched oligarchy. There was such a government in power, but in 1979 there was a revolution, and that government was thrown out. It may be that since the revolution was relatively bloodless, as such things go, it was dismissed as just a palace coup by many people. But it was a revolution, a real one, with a real change in the ruling structure of the country.

Since 1979, what has been going on is counterrevolution. In fact, it has been a double counterrevolution: The revolutionary government, in power and struggling to deliver on the promise of its revolutionary ideal, has been attacked by the right, the oligarchists who were deposed; and at the same time by the left, the Communists and fellow travelers allied with the enemies of freedom all over the world.

This view of the problem in El Salvador is no secret. It has been mentioned in the more thoughtful journals, and in official State Department documents, but it remains unappreciated by the average American.

One reason, I would like to suggest, is that the popular news media, the major papers and television, cannot handle a reality even this complex. They find it much easier to simplify the equation, and cast the Salvadoran struggle as just good guys against bad guys. In this simplification, the government is identified with the right, and the guerrillas are the left, drawing strength from the peasants and the objects of official government terror.

The trouble with this simplification is that it is, quite simple, false. It is a distortion so severe as to hamper understanding and action. And yet it is the distortion produced by our news media.

In saying that, Mr. President, I do not rely just on my own observations. The slanting of news from El Salvador has been noticed by such impartial observers as Freedom House, which has recently released a report on El Salvador and on the nature of news coverage of the conflict. According to the author of the report, Mr. Bruce McColm, American reporters accept too readily the propaganda of the guerrilla groups, are ignorant of the history of El Salvador, do not speak the language, and report on deaths without telling who did the killing, or the activities of the killed. All of this produces an atmosphere in which the people are unjustifiably critical of U.S. policy of support for the revolutionary government of El Salvador.

Mr. President, I ask unanimous consent that a news story about the Freedom House report be printed at this point in the RECORD. The story appeared in the Fairfax Journal on February 4.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IS EL SALVADOR NEWS SLANTED?

(By James Nelson Goodsell)

News coverage of the conflict in El Salvador has tended to be more critical of the Salvadoran government than of the leftist guerrillas—a tendency now under sharp attack.

The New York-based Freedom House, in an analysis of the coverage, says that reporting of the subject has been marred by "political bias, ideology, poor sources, and deliberate misinformation."

Moreover, the nonprofit and nonpartisan organization says that while stories on El Salvador datelined Washington are fairly straightforward, those written from the scene are often "simplistic," tend "towards propaganda," and often ignore complex issues such as land reform.

The Freedom House report calls for greater efforts by U.S. journalists to understand and report on the complexities of the El Salvador issue. Land reform, in the view of the report, has not received much coverage "partly because of the undramatic nature of the programs and partly because they do not coincide with the portrayal of the government as right wing and repressive."

Further, the Freedom House report charges that the U.S. press:

Has overplayed the role of the Frente Democratico Revolucionario (FDR), the political arm of the leftist guerrillas, inflating "the image of Guillermo Ungo into a leader with a popular following within his country." In point of fact, the FDR is the conduit for press comments from the guerrillas, whose leaders have chosen not to make themselves available to the U.S. press.

Portrays the dead "not as war casualties but as victims of human-rights violations" and further does not indicate that often those killed were "people . . . actively involved with the guerrillas." Although Amnesty International and other human-rights organizations make these distinctions, the press more often than not fails to do so.

Reports massacres, killings, and disappearances without giving "any indication of who might be responsible or, worse, blaming right-wing forces in such a way that, though they might have no connection to the government, the government is nonetheless seen as the culprit." In addition, these presentations are not balanced "with coverage of leftist terrorism."

The Freedom House report is certain to please the government of Salvadoran President Jose Napoleon Duarte and the Reagan administration. Both are under sharp editorial attack in the U.S. press—the Duarte government for its alleged human-rights violations and the Reagan administration for its support of the Duarte government.

But the report is not a whitewash of the Duarte government. It recognizes that, while there are reformist-minded military men in El Salvador, there are other elements within the military, or close to it, that are bent on resisting change.

What the report asks for essentially is a more even-handed treatment of the story than it has received so far.

In this connection, the report, which was written by Bruce McColm, who heads Freedom House's Caribbean Basin Program, says the Latin American press "has covered the situation on the ground more thoroughly than its North American counterpart (and) is more balanced and more realistic about communist influence."

Washington and U.S. policy have come in for a share of criticism in this Latin coverage—this criticism resting "not on any sensational findings in the country, but rather on the military rhetoric employed by State Department spokesmen explaining American policy."

The Freedom House report argues also that little of El Salvador's history is known or understood by the reporters.

And the report states that too few of the newsmen, especially from the television press, "were people who spoke Spanish."

Mr. SYMMS. Mr. President, part of the confusion about the reality in El Salvador can be attributed to a massive disinformation effort being carried on by leftist guerrillas and their abettors in this country. These abettors, needless to say, include radical and Communist-oriented groups. In last summer's issue of New Guard, Mr. Peter T. Flaherty outlined the nature of the El Salvador protest movement, going so far as to reproduce the broadsides and pamphlets being distributed in this country by these groups. I

found the Flaherty article fascinating, and I ask unanimous consent that it be printed at this point in the RECORD, so that my colleagues can get some flavor of what is going on in this respect.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE EL SALVADOR PROTEST MOVEMENT

(By Peter T. Flaherty)

In recent months, Americans have witnessed a flurry of activity by groups opposed to U.S. aid to El Salvador. College campuses have been the scene of rallies and film showings. A number of demonstrations have taken place in major cities, highlighted by a May 3rd "March on the Pentagon." A variety of church and church auxiliary groups have become heavily involved with the issue.

To date, opponents of U.S. aid have managed to generate publicity in greater proportion than their numbers would warrant because of the highly visible activities they have sponsored. Most of their "cadre" has been recruited from left-wing groups, activist circles in the Church, and from what remains of the left on campus.

There is little evidence that the left has had the success with the El Salvador issue that it had with the Vietnam War in the 1960s. However, since it is unlikely that the Salvadoran conflict will be resolved in the near future, it is certain that opposition to U.S. aid will escalate. A major thrust can be expected on campuses around the country this fall. Therefore, it is essential that the background and goals of the groups that will be encountered are understood.

Thus far, the media have failed to identify the groups' connection to foreign governments in their accounts of demonstrations and other activities. The task is further complicated by the aura of legitimacy lent the movement by the heavy participation of religious leaders.

However, no mistake can be made. A close examination reveals a nationwide network of groups that has direct and indirect links to international terrorists and the Soviet disinformation system. The groups actively aid Soviet- and Cuban-backed guerillas in El Salvador who seek to establish a totalitarian state on the Marxist-Leninist model.

CISPES

The Committee In Solidarity with the People of El Salvador (CISPES), with local "solidarity" committees in hundreds of locales around the country, has become the primary organization at the grassroots in opposition to U.S. policy. There is hardly a campus in the United States where CISPES has not sponsored a teach-in, rally, or protest. The group played a major role in the highly-publicized "March on the Pentagon" on May 3rd.

CISPES not only campaigns openly for a FMLN/FDR guerrilla victory in El Salvador, but was actually organized as a result of a 1980 visit to major American cities by Farid Handal, a Salvadoran guerrilla leader.

The national solidarity movement that Handal founded was kicked off at conferences in Washington and Los Angeles in October 1980. The role that Handal, a frequent visitor to Havana and Moscow, played in organizing opposition to U.S. policy within the U.S. is detailed in a report he made to the Salvadoran Communist Party. It was captured in El Salvador and has been made available to American news media. According to the report, Handal's activities in the U.S. were aided by the Communist Party, U.S.A. and the Cuban Mission to the U.N. It strongly suggests that opposition to U.S. policy is the result of a "well-orchestrated effort" by international Communism, as charged by the Administration. President Reagan has noted that the campaign "has confused a great many people and many well-meaning people."

According to CISPES' own literature, the group not only calls for an end to U.S. aid (including humanitarian and economic) to El Salvador, but also supports the Democratic Revolutionary Front (Spanish acronym: FDR) as the "legitimate representative of the El Salvadoran people." CISPES has made the false representation that the FDR includes democratic non-Communist segments of Salvadoran society.

The FDR was formed in April 1980 by the Unified Revolutionary Directorate (Spanish acronym: DRU), the umbrella group of Salvadoran guerrilla leaders. The DRU was formed at a January 1980 meeting in Havana at which eight separate Marxist-Leninist groups put aside their ideological and tactical differences so they could qualify for larger-scale Cuban aid. The Farabundo Marti National Liberation Front (Spanish acronym: FMLN) is the arm of the DRU responsible for executing the military insurgency. FMLN literature is prominent among the material distributed by CISPES in the United States.

The FDR functions primarily to distribute propaganda abroad for the real power behind the opposition in El Salvador—the DRU. The DRU is headed by Salvador Cayetano Carpio, the man likely to become dictator if El Salvador falls. The left wing American newspaper *The Guardian* glowingly refers to Carpio as the "Ho Chi Minh of the Salvador Revolution."

The FDR seeks to give the false impression that it enjoys the support of the non-Communist opposition in El Salvador. But both the major urban workers organization and the principal farm workers organization do not support it. General strikes and mass demonstrations called by the left have failed dismally, and the "final offensive" of last fall commanded no spontaneous support. The FDR is represented publicly by spokesmen like social democrat Guillermo Ungo, who enjoys the support of only a few hundred other social democrats within the country. Most important, however, is that non-Communist elements of the FDR are not represented on the DRU, which controls all the arms.

It is testimony to the FDR's disinformation efforts that it has, indeed, enlisted the support of segments of the democratic left around the world. But a better guide to its strategy and goals than its public pronouncements is provided in a recently captured FDR internal document. The communication, dated February 3, 1981, is directed to the DRU command from FDR leader Guillermo Ungo at the FMLN/FDR Political Diplomatic Commission.

It lays out a proposal for the FDR to call for a political solution and enter into negotiations with the United States. But, as the proposal admits, this would be a tactical maneuver designed only to buy time while the guerrillas regroup for another military offensive. The stated objective of the plan is "to gain time to improve our military situation in relation to the strength of the enemy" before terminating discussions.

The plan's most interesting feature is the suggestion to enlist the participation of the Socialist International and European Social Democratic politicians as mediators for such talks. Also, U.S. Congressmen would be encouraged to call for a "dialogue," and acting Salvadoran Archbishop Rivera y Damas would be contacted to support such discussions.

The plan is already being pursued. On February 25, the West German government offered to act as mediator and invited both sides in the "internal" dispute to come to Germany for talks. Another effort at mediation by the Socialist International fell through when its officials learned of the "negotiations maneuver" document. But CISPES and other opponents of U.S. aid still are vigorously promoting a "political solution." It comes as no surprise that an increasing number of American politicians and churchmen are falling into the "political solution" trap.

THE "MARCH ON THE PENTAGON"

The May 3rd "March on the Pentagon" was billed as an "anti-war" rally to protest U.S. aid to El Salvador. The *New York Times* described it as "organized by a coalition of religious, student, black and labor activists." However, to anyone in attendance, it was clear that it was a FMLN/FDR show from the outset.

One of the featured speakers was Arnaldo Ramos of the FDR. A "Message from the FMLN/FDR to the participants of the March of May 3, 1981" was distributed to those gathered to "extend our warmest greetings on behalf of the people in this event." The program was emceed by Heidi Tarver of CISPES and Larry Holmes of the People's Anti-War Mobilization (PAM), described as a cosponsor of the March.

Holmes is an official of the Marxist-Leninist Workers World Party (WWP). PAM press spokesman William Massey and two other key organizers of the March—Sara Flounders and Laurie Fiernstein—also are WWP activists. Elizabeth Ross, spokesman for the WWP, told *Human Events* that "We were initiators [of the March]. We've been working on it since January. We got all the other groups together and we did most of the work on it." Apparently, PAM is little more than a WWP front.

For the organizer of a rally purporting to support "human rights," the WWP takes some strange positions. Party spokesman Ross, for instance, stated that the WWP supported the Soviet Union's invasion of Afghanistan in 1979, Czechoslovakia in 1968 and Hungary in 1956.

Another speaker at the March was Rafael Cancel Miranda, one of the five Puerto Rico terrorists who fired upon and wounded five Congressmen on the floor of the House of Representatives in 1954. Pardoned by President Carter in 1979, Cancel Miranda said, "There is only one nation that looks similar to what I want for Puerto Rico and that is Cuba."

A "Message of Solidarity" was read from Philip Agee. He is a former CIA agent who wrote the book On Company Business and helped founded the anti-CIA magazine CounterSpy, which is best known for revealing the identity of American intelligence officer Richard Welch shortly before he was assassinated in Greece. Recently, CounterSpy charged that two American AFL-CIO officials working in El Salvador on the land reform program were linked to the CIA. Soon afterward, they were gunned down along with a Salvadoran peasant leader in a San Salvador restaurant.

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The March's organizers had predicted a turnout of 100,000. But the highest estimate by the policy or any news organization was 25,000. CISPES' penchant for the truth is perhaps found in their "El Salvador Alert" newsletter of June 1 which insists 100,000 did indeed take part.

A quick survey of literature being distributed and banners the marchers carried showed a hodge-podge of Marxist groups. Included were the Communist Party U.S.A., Socialist Workers Party, Progressive Labor Party, Young Socialist Alliance, Youth Against War and Fascism, U.S. Peace Council, and the Young Spartacist League which passed out flyers saying "Military Victory to the Leftist Insurgents" and "Defense of the USSR and Cuba Begins in El Salvador." Also participating were the pro-PLO Palestine Solidarity Committee and the Iranian Student Association.

The first national protest march by opponents of U.S. aid to El Salvador failed to attract significant student support. This was evident by the "cadre" appearance of leftist groups who filed out of chartered buses into a carefully organized procession—in contrast to the highly spontaneous, anarchic nature of student marches in the Vietnam era.

Although the point for the most part was missed by the media, the May 3rd March was important in showing the nature of the organized opposition to U.S. aid. It demonstrated that the FMLN/FDR is actively involved in protest with the help of supporters in this country.

HUMANITARIAN AID AND THE FMLN-FDR

While CISPES and other groups have made no secret of their enthusiasm for a FMLN military victory, it does appear that they have been involved in a secretive ploy by which thousands of dollars collected for refugees have instead been used to purchase arms.

Incredible as it may seem, American church and anti-hunger groups, as well as thousands of individual citizens, have contributed to a front group under complete control of the DRU. Although its name, the Salvadoran Ecumenical Committee on Humanitarian Aid (Spanish acronym: CESAH), implies that it is administered by church leaders and benefits needy victims of the war, its resources are disbursed by guerilla leaders to aid those engaged in active fighting.

According to documents captured from the Communist Party of El Salvador, the guerillas received aid from the following sources: the World Council of Churches, $170,575; Catholic Relief Service, $154,254; United Churches, $16,351; Oxfam, $62,230; and from the United Methodist Committee on Relief and other church and human rights groups in the U.S. and Canada.

Certain Catholic groups have realized that they had been deceived by the Marxists and have withdrawn from CESAH to distribute their own humanitarian aid. However, the scam continues elsewhere, and local solidarity committees are busily engaged with the "CISPES Relief Campaign."

The organization of CESAH is detailed in the captured proposal Guillermo Ungo had sent to the DRU. CESAH would operate "to capture the maximum help for humanitarian purposes in benefit of the revolutionary process" and to "appear to be directed by persons not publicly identified with any revolutionary organization." But the proposal made it clear that DRU guerilla leaders would exercise complete control. According to the paper, CESAH "would not only put itself at the service of the revolutionary process, but would also depend on the DRU." This would be accomplished by placing key guerilla supporters at its apex, including an executive director who would implement the DRU's orders. "To give the organization respectability, we must offer honorary positions to the key religious persons such as the Archbishop and his aides, Protestant leaders, and sisters, and nuns." The ultimate purpose of CESAH is to assure that material aid goes to "revolutionary organizations, thus avoiding that CESAH will help the people who are running around." But the document adds that "we cannot ignore them completely, because they are part of any cover." "Them," of course, means the thousands of refugees caught in the middle of the fighting for whom the money is ostensibly collected. Instead, the funds are sent to two bank accounts—a secret one in Panama and one in Mexico controlled by Archbishop Mendes Arceo of Cuernava, who is well known for his pro-Castro sympathies.

But the charade goes on. CISPES' March 1st "El Salvador Alert" newsletter appeals for "material aid for the people of El Salvador. This campaign will help purchase food, clothing, and medicine. . . . CISPES sends the money donated to a special account managed by Msgr. Mendes Arceo, Archbishop of Cuernava in Mexico, who sees that the funds will reach the needy in El Salvador."

At least two U.S. based organizations also exploit the suffering of the Salvadoran people to raise money to promote the FDR line. The first is the Institute for Food and Development Policy (IFDP), headquartered in San Francisco. Its "Food First Action Alert" entitled "El Salvador—The Hungriest People in Latin America" shows a starving girl clutching her baby brother, who is also suffering from malnutrition.

The recipients of the flyer are urged to join CISPES in combatting U.S. intervention, the presumed cause of hunger in El Salvador. Also, a tax deductible contribution is solicited to support the Institute's acitivities—which do not include distributing food to the starving. Instead, it is used to distribute Marxist literature and films in the United States.

The IFDP staff consists of founder Joseph Collins, formerly of the Institute for Policy Studies/Transnational Institute, and David Kinley, formerly of the North American Congress on Latin America.

The second group is Oxfam-America, well known to many college students who it annually solicits on campus. At some schools, Oxfam asks students to fast for a day and have the campus food service turn over to it the costs of the saved meals.

Oxfam distributes a number of materials opposed both to the old system of private land ownership in El Salvador and the government's newer land reform system. Oxfam materials are distributed both by CISPES and IFDP.

Ironically, El Salvador was one of the few Third World nations that was a net exporter of food before the IFDP- and Oxfam-supported terrorist campaign.

CISPES AND THE CHURCH

Perhaps the most ironic aspect of the FMLN/FDR activity in this country is the deep involvement of churches and members of the clergy. This ostensibly reflects a drive by church leaders to stop the bloodshed that marks the tragedy of El Salvador. Instead, a number of church activists and denominations are integral participants in the guerilla support network.

Four of the five organizations that comprise the steering committee of CISPES are religious groups. Prominent members of the Catholic hierarchy have spoken out against U.S. aid and the Maryknoll and Jesuit orders are particularly visible in protest activities. The National Council of Churches, a consortium of 32 Protestant and Orthodox churches, has praised the FDR as the "legitimate representative" of the people of El Salvador.

Even more offensive to many church members than their leaders' individual proguerilla political activism is the use of religious observances and services for the purpose of political protest. Some Catholic churches have even offered the Mass for the "liberation of the people of El Salvador." The National Council of Churches encouraged congregations to engage in "massive activities during the Holy [Easter] Week" on behalf of leftist Salvadoran forces and held a press conference on Good Friday to "Dramatize the suffering of the people of El Salvador at the hands of the armed forces."

CISPES and the church groups have consistently misrepresented the position of the Catholic Church and of a vast majority of the overwhelmingly Catholic people of El Salvador. In a New York Times ad in February 1981, CISPES stated that "the Catholic Church (without reservation or qualification) has allied itself with the revolutionary left." But no significant segment of the Church in El Salvador supports the FDR. An FDR statement distributed in the United States and Europe claiming the Church's support was vigorously denied by the El Salvadoran bishops, who responded, "The fact that a small number of priests, nuns, and laymen in the so-called 'people's church' have followed a specific political option and have made a public commitment to the FDR is no reason to assume that this phenomenon is representative of the Salvadoran Catholic Church."

FDR literature often quotes Archbishop Rivera y Damas, whose views have been badly misrepresented in the United States by church spokesmen. Damas is the successor to Archbishop Oscar Romero, who was assassinated in 1980 and with whom Damas shared leadership of the most liberal faction of the Salvadoran Church.

Bishop Damas has been unequivocal in his denunciation of the Marxist guerillas. He has said that he "does not morally support the popular insurrection being carried out by leftist organizations" and that "the Salvadoran left has not been honest with the people" in that it is "inclined toward Communism."

American Church groups have far less contact with non-Communist, anti-government church leaders in El Salvador than they do with the FMLN/FDR. Figures like Bishop Damas are highlighted primarily for consumption in this country and Europe.

Clues to the actual participation of American missionaries in the insurgency have been provided by Julian Ignacio Otero Espinosa, a former member of the Finance Committee of the Popular Liberation Forces (Spanish acronym: FDL) who was recently captured by Salvadoran security forces. He has described the actions of Jesuit priests in purchasing arms for the FDL, the largest terrorist organization represented on the DRU. Jesuits also held a number of positions within the FDL and have been engaged in recruitment and the laundering of church funds through Guatemala for the guerrillas.

Priests and nuns of the Catholic Maryknoll order take active part in leading the opposition in El Salvador. The Maryknolls have long supported violent revolution in Central America. Maryknoll, the order's monthly magazine which has the second largest circulation of any Catholic publication in the country, has been openly supportive of the Nicaraguan and Salvadoran revolutions. From 1969-1979, its editor was Father Miguel D'Escoto, who left to participate in the Sandinista "final offensive" and subsequently became Nicaragua's Foreign Minister. The August 1980 issue of Maryknoll carried the theme "Religion in Cuba" which detailed the "progress" made under Fidel Castro. It neglected to point out that Christians who attempt to practice their faith on the island are put in jail.

As noted earlier, four of the five organizations that compromise the steering committee of CISPES are church-related or funded. They are:

Religious Task Force on El Salvador. An ad hoc committee of primarily Catholic leaders, including representatives of the Maryknolls, Jesuits, and the U.S. Catholic Conference. The Task Force joined CISPES in sponsoring a January 11, 1981 demonstration in Washington, D.C. An announcement in the Catholic Standard said the rally was endorsed by the Maryknolls, Catholic Peace Fellowship and the Justice Ministry of Sisters of St. Joseph of Peace.

Inter-Religious Task Force on El Salvador (not to be confused with the foregoing group), on record against U.S. aid since May 1980. Inter-Religious Task Force is a project of the National Council of Churchill (NCC) and occupies offices at NCC headquarters in New York.

NCC leaders such as President M. William Howard have been outspoken in their support of FMLN/FDR. A NCC news release of March 19, 1981 proclaimed "the majority of people in El Salvador have chosen to unite under the leadership of the FDR, recognizing it as the legitimate representative." The release announced a "massive letter campaign to local congregations to communicate opposition to U.S. aid."

The Ecumenical Program for Inter-American Communication and Action (EPICA) is a member of the CISPES steering committee. It describes itself as "an advisory group to the Commission on the Caribbean and Latin America of the National Council of Churches."

Its Director is Reverend Philip Wheaton, who accompanied guerilla leader Farid Handal during a portion of the 1980 tour which resulted in the founding of CISPES. Wheaton also is a contributing editor of CounterSpy.

During a Washington, D.C. news conference last April, Wheaton was asked to comment on remarks made a few days earlier by Salvadoran Archbishop Rivera y Damas condemning Cuba, Nicaragua, and the Soviet bloc for supplying arms to the guerillas. Wheaton responded by claiming these governments were not involved in supplying arms to the Salvadoran insurrection.

The North American Congress on Latin America (NACLA) is the last of the four church-supported groups among the five comprising the CISPES Steering Committee.

NACLA was founded in 1966 following U.S. military action in the Dominican Republic. It collects information on U.S. intelligence activities and private corporations in Latin America and the Caribbean. Its October 1967 newsletter is dedicated to Che Guevera. Carl Davidson, a former leader of Students for a Democratic Society (SDS), credited NACLA with being "the intelligence gathering arm of the New Left." Philip Agee also cites the help of NACLA's research in his expose of the CIA.

The May/June issue of NACLA's Report on the Americas endorses the Sandinista toleration of free association by government opponents as a "transitional" state to end with the realization of a "full bloom socialist project" upon which these freedoms would cease to exist. Other leftist groups who receive either complete or partial church funding for their activities are as follows:

Washington Office on Latin America (WOLA). WOLA is a tax exempt organization "supported primarily by contributors from religious organizations, private foundations, and individuals." Its literature lists thirty-one religious groups who give financial assistance, including the Maryknolls, National Council of Churches, United States Catholic Conference, and United Methodist Church. Describing itself as a "non-governmental human rights organization," WOLA's Advisory Council includes Isabel Letelier, a Fellow of the left wing Institute for Policy Studies (IPS). She was the wife of the late Chilean diplomat Orlando Letelier, who was killed by a bomb blast in Washington in 1977. Documents taken from his briefcase later revealed him as a Cuban agent.

Clergy and Laity Concerned (CLC). An activist group founded to oppose the war in Vietnam. Don Luce, a prominent CLC leader and its National Director until 1978, was one of the leftists (like Jane Fonda) who refused to join Joan Baez in her condemnation of the Vietnamese government's treatment of the boat people in 1979.

CLC sponsored an open letter to President-elect Reagan in December 1980, signed by 71 religious leaders, charging that persons connected with the Reagan campaign had encouraged "many rightist figures" to believe that the Reagan Administration would "condone terror, torture and murder as the price of a favorable climate for U.S. investment."

CLC participated in an April 1981 conference on the Reagan Administration's Central American policy at Trinity College in Washington, D.C. Speakers included Representatives of the National Lawyers Guild (a Communist Party front group), the Nicaraguan embassy, and the FDR, who made a special "musical and personal" presentation. Other church groups participating were WOLA, the National Council of Churches, the National Office of Jesuit Social Ministries, and the American Friends Service Committee.

The Council on Hemispheric Affairs (COHA) is supported by church groups and a number of progressive labor unions.

COHA has conducted a drive in support of a "political solution" through negotiations between the FDR and the United States. It works closely with the Inter-Church Committee on Human Rights in Latin America, which is particularly active in Canada.

COHA's Board of Trustees includes Thomas Quigley, a staff member of the U.S. Catholic Conference and leader of the Religious Task Force on El Salvador, and Richard Barnet of the Institute for Policy Studies.

The Church, with its respectable tradition of missionary work and concern for the poor, has been shrewdly exploited by the FMLN/FDR to provide a cover for much of the pro-revolutionary activity in this country. But what we see is not misguided clergymen occupying the fringes of a protest movement dominated by the hard left, but the conscious involvement of church leaders in every level of a terrorist support apparatus.

This, unfortunately, has gone largely unnoticed by the American media, which have focused instead on the increasing political activism of the Christian right.

It would seem incumbent upon them to apply the same criteria of church-state separation to the religious left that they have so vigorously applied to their counter-parts on the right. This takes on greater significance when one considers that Christian conservatives have worked through democratic institutions while Christian leftists have supported armed insurrection and terror.

Though it remains to be seen if the media will assume their responsibility, there is hope within church circles that the activism of the left will be challenged through other channels. On April 28, 1981, a national campaign was launched by a new Washington-based organization to resist the efforts of those who are using religious organizations to build support for the revolutionaries in El Salvador. The Institute on Religion and Democracy announced its formation "to strengthen the link between Christian faith and democratic values," and is already distributing packets to U.S. Churches to counter the FDR propaganda spread by the National Council of Churches.

CISPES AND MOSCOW

The fifth group comprising the CISPES steering committee is the U.S. Peace Council. The U.S. Peace Council is affiliated with the World Peace Council whose budget is provided by the Soviet Union.

American liberals have long recognized the U.S. Peace Council as an instrument of Soviet foreign policy. As recently as 1980, it was denied membership to the leftist Coalition for a New Foreign and Military Policy because it was "consistently pro-Soviet."

At the 1979 founding conference of the U.S. Peace Council, Romesh Chandra, the President of the parent World Peace Council, defended armed revolution by stating, "People ask me, you are a peace movement. Why do you support armed struggles in Nicaragua, Palestine, Vietnam. And I reply [that] the armed struggle in these countries *is* the peace movement."

THE IPS CONNECTION

No discussion of American groups' support of revolution in El Salvador would be complete without acknowledging the role of the Institute for Policy Studies (IPS).

The importance of the IPS to Soviet disinformation and the assistance of worldwide revolutionary activity was recently popularized in the bestselling novel The Spike by Arnaud de Borchgrave and Robert Moss. IPS is headquartered in Washington, D.C. and maintains offices in Amsterdam and London for its Transnational Institute (TI). TI serves as a liaison to Marxist-Leninist countries and organizations around the world, including the Soviet Union, Cuba, and the Palestine Liberation Organization (PLO). TI is headed by Tariq Ali, head of the International Marxist Group, the British unit of the Trotskyite Fourth International. His predecessor in the post was Orlando Letelier.

The IPS seeks to cloak its activities with respectability by involving liberal Congressmen, scholars, and other eminent policy-

makers in its programs. However, an examination of its regular publications and of the research produced by its fellows reveals it to be a hard left, pro-Soviet, totalitarian apologist.

Gareth Porter, an Indochina specialist long associated with IPS, wrote that Cambodia's genocidal maniac Pol Pot was "the latest victim of the enforcement of an ideology that social revolutions be portrayed as negatively as possible." Porter concluded that the Pol Pot regime, which murdered several million people, had created "a collective framework designed to release the creative energies of the people."

When Joan Baez, Daniel Ellsberg, and Philip and Daniel Berrigan spoke out against human rights violations by the Communists in Indochina, IPS founder Richard Barnet and 18 associates placed an advertisement in the January 30, 1977 New York Times reading, "The present government of Vietnam should be hailed for its moderation and efforts at reconciliation among all its people."

IPS was founded in 1963 by Barnet and Marcus Raskin who serve today as codirectors. The Institute is chaired by Peter Weiss, who also is President of the Samuel Rubin Foundation, IPS's largest financial supporter. During the Vietnam War these three made several trips to Hanoi where they praised North Vietnamese war efforts.

Weiss is the American who joined radical lawyer William Kunstler to petition a West German court for permission to represent the homicidal Baader-Meinhof terrorist gang. He is a prominent member of the Communist front National Lawyers Guild. Barnet and Raskin are involved with a number of leftist organizations concerned with El Salvador. Barnet is a board member of the Council on Hemispheric Affairs and Raskin is a former advisor to CounterSpy.

IPS's most successful activity through the years has been to spread disinformation in the United States and Europe. Its latest effort along these lines is its attempt to discredit the State Department White Paper on Soviet and Cuban support for Salvadoran revolutionaries.

The IPS newspaper In These Times has run recent articles calling the State Department documents fabrications. On March 17, the Los Angeles Times reprinted an article by John Dinges of the Pacific News Service which claimed the documents offer no proof of Soviet or Cuban aid to the guerillas. Dinges is an associate IPS fellow and the Pacific News Service has long been known as an IPS front group.

Other articles questioning the authenticity of the government documents—but quoting only an unnamed source—have found their way into major newspapers like the Wall Street Journal and Washington Post. However, Philip Agee has taken credit for creating the original controversy. In a Los Angeles Herald Examiner interview he said, "You may have seen news dispatches during February and as recently as a couple of weeks ago in the Wall Street Journal and Washington Post. All of this reporting was based on my analysis."

The reports proved a success. They were followed by a rash of newspaper commentaries making comparisons to LBJ's Gulf of Tonkin Resolution and citing questions raised by Agee's critique as if they were fact. Practically no media reported that the State Department had denied the charges and that the unnamed source later was discovered to be an FDR revolutionary and CounterSpy activist.

None of these efforts have been able to discredit the authenticity of the captured guerilla documents, on which the White Paper based its central thesis that the Salvadoran rebels are receiving Soviet-bloc arms. The questions have been technical in nature, concerning details like the exact type and number of weapons delivered to the guerillas. They do not add up to a credible challenge to the validity of the White Paper.

A number of other documents which have been captured from the guerillas are not part of the White Paper and have been released by the State Department only to news organizations. No spokesmen, including those of the far left, have challenged their authenticity.

In any event, Fidel Castro accidentally confirmed the contents of the White Paper in an interview with Hans-Jurgen Wischnewski of the West German Social Democratic Party in April. Wischnewski reported, "Castro did not deny that shipments of weapons took place and in that sense confirmed the White Paper."

CONCLUSION

The El Salvador protest movement must be represented as what it plainly is—an effort to stop U.S. aid to the present regime and promote a Communist takeover. It is ironic that FMLN/FDR is able to freely organize and seek material aid in the United States. Presumably, these same freedoms of association will not be extended to the people of El Salvador should the FDR take power.

Senator Jeremiah Denton (R.-Alabama), Chairman of the Senate Subcommittee on Security and Terrorism, recently wrote his colleagues warning of the influence of groups like IPS on the Congress. Although his subcommittee has no present plans to probe the IPS, there is speculation that an investigation may be imminent. It would also seem that an examination of CISPES and the rest of the terrorist support network would be appropriate.

In any event, what students and young people should ask when faced with anti-U.S. aid activity by groups like CISPES is—whose interests do they represent?

Mr. SYMMS. If the situation is desperate in El Salvador, Mr. President, it is not totally hopeless, providing we keep our nerve, and make the effort to understand what is going on there. Luckily, we do have at our service some clear-sighted officials of our foreign policy establishment. One of those is U.N. Ambassador Jeane Kirkpatrick. In that same summer issue of New Guard, Ambassador Kirkpatrick's views were laid out in the text of a speech she had earlier delivered. I found Mrs. Kirkpatrick's analysis of El Salvador in particular and Latin America in general stimulating and accurate. I ask unanimous consent that her remarks be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AIDING EL SALVADOR A "MORAL IMPERATIVE"

In thinking about policymaking for Central America and Latin America today there is a most urgent need to know what we are doing. There is very little margin for error. The margin of error that was available was used up by the last Administration and they used it to the hilt as we all know.

I would like to direct my remarks to what I take to be the principal prerequisite for a policy toward Latin America in general and specifically Central America, and even more specifically, toward El Salvador.

For the record, I have no particular responsibility for policymaking with regard to Central America or Latin America. I am not speaking of anything I've learned since I've been in this Administration, although I have learned a great deal. I am speaking off a background of interest and research accumulated several years in advance of entering the Administration.

There are four basic requisites to a reasonable and successful policy toward Latin America: we need to know what kind of policies we are dealing with; we need to know what kind of problems we are dealing with; we need to know what we are doing involving ourselves in those problems, or why we should care; and we need to understand why it is morally legitimate for us to be concerned with those problems and acting in relationship to them.

LATIN POLITIES

First, what kind of polities are we dealing with in Central America in general and El Salvador in particular? We are dealing with polities very different than our own. Those polities have some identifiable characteristics. What we see operating in El Salvador are weaknesses common to Latin politics. The most important of these weaknesses are chronic difficulties with legitimacy, authority and order. El Salvador, for its part, is a prototype, almost a caricature of a Central American republic. It is dominated by a relatively small, homogeneous social and economic aristocracy which has controlled a very large share of all the arable land, of the country's commerce, and a significant portion of its wealth.

That small oligarchy, as it is called, has had a very large portion of what was worth having in El Salvador for a very long time. That is one fact that we need to be clear about.

A second fact is that El Salvador's politics have been characterized by factionalism, schism, and low consensus. It has been said that political factions multiply like cells, by division. This is true for El Salvador and for Central American politics in general. It is also true for Latin American politics in general. The tendency of institutions to fall apart through schisms based on elite disagreements is very strong, and it has powerful implications for the polities.

The result of that tendecy of schism and factionalism is regime instability. Political science teachers talk about regime instability as not simply changes in the character of a particular administration, but changes in the character of the regime that holds the constitution. El Salvador has had 15 constitutions since it gained independence. That is perhaps the best indicator of its regime instability.

El Salvador's political tradition has been characterized by periodic coups. The last of these coups occurred in October of 1979. Those periodic coups are not only an indicator of the important role of the military in the government, and are not only an indicator of the low level of political stability. They are perhaps most important of all an indicator of the weaknesses of the successive governments which have governed El Salvador. And again, they are also charac-

teristic of the weaknesses of the governments of the area.

Where governments are strong, there are not any military coups. Where there is a strong government, military coup attempts simply fail. The fact of military coups is the most dramatic possible proof of the inability of the government to control the military establishment. (By the way, there has never been a Communist government overthrown by a military coup.) Where government is strong military coups just don't occur.

The presence of military coups and the regular change of military governments by coups also symbolize the weakness of legitimacy in that system. It also symbolizes the ubiquity of violence because military competitors differ from all others by their monopoly on the use of the instruments of violence or threat of violence.

There are various ways in which governments come to power. We know the very best way is through peaceful competition and elections.

But there are other ways governments come to power. Monarchies bring governments to power by heredity and certain kinds of dictatorships bring governments to power by bureaucratic manipulation.

Where military coups are the regular mode of changing governments, however, we know that it is violence or the threat of violence that brings about the change of government. In Central America and in most of Latin America it is usually the threat of violence more than the actual violence that is used.

The fact that regimes change so rapidly means, among other things, that there is no opportunity for generalized loyalty toward the government to develop. Loyalty is an interesting and complicated psychological and social phenomenon. It is rooted in the fundamental values and patterns of child-rearing, early experiences and habits of people. It does not come into being normally by an act of will. Loyalty comes into being through a long process in which people come to internalize an identification with a particular set of processes, a particular set of institutions. Loyalty is not really fundamentally altered by people simply changing their minds after listening to a persuasive agrument. The development of loyalty takes time. Where regimes change rapidly there is little opportunity for the development of loyalty to a particular government. Under circumstances where regimes change rapidly, there is also no constitutional means for resolving the differences among the various claimants to power.

There are other characteristics of the polity which are important to mention in thinking about the area. In El Salvador, as in Central American polities generally as well as in Latin America more generally, the broad political culture tends to emphasize strength. Everybody knows about machismo and Latin culture. What machismo means for political systems is that the traits that are valued in the polity are not those which particularly simplify the process of establishing peaceful competition and institutionalizing any particular government.

The traits that are valued in the society tend to be traits like courage, honor, shrewdness, assertiveness, a certain capacity for risk, perhaps even a bit of recklessness and a certain manly disregard for safety.

All of these traits that one finds in the political culture tend also to reinforce the problem of order. It is a fact that polities like those we are dealing with in Central America are polities in which order is the central value. Order is the central value in any polity where order is in jeopardy.

This is not an idiosyncratic idea of mine. It is a notion that has been common in political philosophy throughout the whole history of political philosophy. Plato, for example, emphasized the centrality of order in his discussions of regimes in the Republic. Thomas Hobbes is the man who is famous for making the establishment of order, the maintenance of order, the central problem of politics. There is no characteristic more common in our culture that the underestimating of the importance of order, and the maintenance of order to a polity. The reason that we maintain it is that we are blessed by it—we are rarely confronted with major breaches of order.

Where there are weak governments, however, and low levels of legitimacy combined with high levels of regime instability and lack of institutionalized processes by which government can be changed, order becomes the central value of a polity.

This is very important to understand because it is relevant to the utility of terrorism, disruptions of order in the polities and problems of the area.

WHAT KIND OF PROBLEMS

This brings me to the second point I would like to make. What kind of problem are we dealing with in El Salvador and Central America generally. Many people would like us to believe the problem we are dealing with, in the short run, is a problem of social justice. Certainly it is the case that the people of El Salvador, and the area generally, have been and are ill-fed, ill-housed, ill-clothed and ill-nourished. They tend to be illiterate—literacy levels are very low. It is a bad scene. The distribution of wealth is such that there is a very small, wealthy class, which I mentioned earlier. There is a huge portion of the population that enjoys very few of the good things in life.

There are two things I would like to mention about this. One is that this has been the case in El Salvador and Central America throughout their history. As a social scientist I would like to point out that you cannot explain a short-range problem by reference to a permanent condition which has existed for centuries. If the existence of poverty, misery and illiteracy were the cause of the short-range problem which we confront and which El Salvador confronts today, then that problem would have been confronted with exactly the same level of intensity for the last 100 years. We know, of course, that is not the case.

The second point is that it is easy to establish that things have been getting better for the people of El Salvador and Central America in recent years. Infant mortality rates have dropped. Years in school have increased. Per capita income has increased. There is a growing, though relatively small, middle class. The commercial sector has been growing. The GNP is growing. Things have been getting better for the people of Central America and El Salvador. Now, if we saw here the pattern of revolutionary activity that Marx predicted and Lenin described, what we would see is the progressive pauperization of the people to the point where they would finally be ground down to such a miserable state of bare subsistence that they would have nothing to lose but their chains, which they would rise up against and throw off. And as we all know, revolutions do not happen that way in our time.

As Crane Breton demonstrated in his careful study of modern revolution, revolutions, in fact, take place not when things become worse and worse until they reach a point where people can no longer stand them. Revolutions take place at a time when things are getting better. They take place when regimes are less repressive, when people are less miserable and when there are rising expectations and changing views about government, society and economic distribution.

Revolutions, we know, are not caused by social injustice, although social injustice is not a good thing and I would like to be clear about that. Revolutions are caused by revolutionaries. Revolutionaries are people. They are not social forces. They are people with guns. Revolutions are caused by violence and terrorism. They are brought about by popular fronts. In Central America and El Salvador revolutionaries utilize the instruments of terror to destroy the already weak societies and institutions of government and undermine the already weak bases of order in that society.

Governments like that of El Salvador are especially vulnerable to terrorist subversion for three reasons. First, because they were not chosen by the people, none of them have any persuasive claim to having a popular mandate for their program.

Second, in a society where order is the central value, the inability of the government to maintain order becomes, in itself, a reason for abandoning the government. If a government cannot govern and there is no alternative claim to legitimacy then any claim to legitimacy is lost.

So, the weaker the government institution becomes and the more central the value of order becomes, the more vulnerable the entire government becomes if it is not able to maintain order.

That is exactly what terrorism does—it destroys the ordinary course of life in the society.

VULNERABILITY TO TERRORISM

There is a third reason such societies are particularly vulnerable to terrorism and why terrorism is a particularly useful instrument for revolution. Once order is under attack, force is required to restore it. But force, that is the force used by a government, itself further disrupts the order of society and feeds the impression that there is no significant difference between the government, which is using force to meet the challenges to order, and the terrorists who are using force to disrupt the order of society.

The special vulnerability of societies like those in El Salvador and Central America to terrorism has been discovered by Marxist-Leninist experts in revolution. It has been explained and discussed by them in a very straightforward way.

One of the definitive explications of the use of terror in such societies was made by Carlos Marighella (who was quoted recently in the new book by Claire Sterling, The Terror Network, which I recommended highly). Marighella, a theoretician of terrorism as an instrument of revolution, said, "the government has no alternative except to intensify repression. Police roundups, house searches, arrest of innocent people, makes life in the city unbearable once the urban guerrilla has launched his campaign. The general sentiment is that the government is unjust, incapable of solving problems and resorts purely and simply to the physician liquidation of its opponents. The political situation is transformed into a military situation, in which the government ap-

pears more and more responsible for errors and violence.

"Rejecting the so-called political solution, the urban guerrillas must become more aggressive and violent, resorting without letup to sabotage, terrorism, expropriations, assault, kidnapings and extortion; tightening thereby the disastrous situation by which the government must act." That is almost a literal description of the tactics being used in El Salvador by those "idealistic" revolutionaries and proponents of social justice who are challenging the government in that tormented country.

WHY AID EL SALVADOR

The third point regarding the prerequisite to a decent policy: we should know what we are doing there. If we are to take an active role in El Salvador and Central America, we should know what we are doing there. We should know why we should care about the region's problems.

The fact that there is human misery in El Salvador cannot be the definitive reason for caring. That may sound harsh. The fact is that human misery exists all over the world. If the desire to do good and help people to live better were our central reason for caring, there would be no more reason to be in El Salvador than, for example, to be in the Central African Republic or any of a large number of countries in the world.

There is another reason that it is inadequate. For our times, in our current weakened military condition, it is not enough to say we combat Communism anytime, anyplace in the world. The reason we should be in El Salvador and why we should be particularly concerned about Central American politics today is fundamentally a geopolitical concern. Our participation in El Salvador is a direct response to, and is justified by and made necessary by, the large military intervention by the Soviet-Cuban bloc. The revolutionaries we see acting in the area are revolutionaries who have been trained, armed, supported, advised in every sense and tied to the Soviet-Cuban bloc. That is what changes the character of these revolutions and revolutionaries from past ones. The only aim of this Administration is to help the government of El Salvador to deal with the Soviet-Cuban-sponsored military problem.

The real point about history and human beings is that you never get a fresh start from where you are. Where we are in El Salvador is where the Carter Administration left us—with Cuban and Soviet-backed insurgents. Military violence must be answered, in fact, with violence. First you put down the military rebellion. We don't put it down, but we provide the government of El Salvador with the minimum levels of ammunition and helicopters needed to offset the much greater concentration of instruments of violence that the guerrillas now possess.

By providing the government of El Salvador with enough help so they can put down the military challenge to the government—let's be clear, it is a military challenge, not a political challenge—then the country will be pacified. Then the Salvadorans themselves can decide what they want to do about their land reform, banks, and what they want to do about government themselves.

To add an autobiographical note here, two years ago during a month-long vacation outside of this country, I had some time to think. It was around the time the government of Nicaragua was in its last throes. I was thinking about that and looking at maps and it occurred to me that for the United States, for us, Central American and the Caribbean was, quite simply, the most important place in the world.

Why is Central America and the Caribbean the most important place in the world for us? The reason is geopolitical. It is a fact that in concerning ourselves with the spread of Marxism-Leninism in Central America and the Caribbean, we are quite literally concerning ourselves with the protection of our own security in a very direct immediate kind of way.

We are also concerning ourselves with our capacity to act in the rest of the world. We are defending ourselves and the rest of the world against the spread of hostile regimes.

Our capacity to play a major role in the politics and security of countries in remote places—and even Western Europe is remote compared to El Salvador—depends on our not having to devote the lion's share of our attention and resources to defending ourselves in our own Hemisphere.

The geopolitical stakes involved in the Caribbean and Central America can be compared to that point in a chess game where one move successfully completed changes the whole character of the game.

SOVIET SUBS OFFSHORE

It has not been commented upon very much and nobody likes to talk about the fact that with the nuclear submarine base in Cienfuegos, for example, we now have the reality, not just the possibility, of Soviet nuclear submarines not too far off our shores. With the development of bases and military installations in Cuba, we now have a variety of potential threats with assorted MiG fighters roaming the skies not too far off our shores, and who, from time to time, infringe upon the airspace over our nation.

Nobody likes to talk about the consolidation of power by a Marxist-Leninist regime in Nicaragua and the enormous, almost incredible military buildup that is underway there. This, quite apart from the weapons they are sending to El Salvador. The number of weapons being stockpiled and the military installations being developed are very substantial. Nobody likes to talk about it, but it's true.

Fidel Castro, last summer when he was in Managua for the first anniversary of the Sandinista victory, said, "Now there are three of us," meaning Cuba, Nicaragua and Grenada. He went on to suggest there would be 4, 5, 6, 7, 8, 9, 10 more. Not 4, 5, 6, 7, 8, 9, 10 "Vietnams," but 4, 5, 6, 7, 8, 9, 10 advanced Soviet bases in our Hemisphere, off our shores, threatening our national security in a very definitive way. That is why we must care. We must care for the most direct kind of security reasons.

A MORAL CONCERN

Finally, we must know why our concern for El Salvador, Central America and the Caribbean is a morally acceptable, legitimate undertaking. The answer to this is crucial yet very easy. History, we know, demonstrates with a clarity that is irresistible, that no matter how ill-fed, ill-clothed, no matter how illiterate or how miserable people have been under their traditional governments, they will be more miserable under Communist governments.

This does not mean that I support "moderately repressive regimes" in Central America or anyplace.

It does mean that morally responsible people recognize that there are degrees of evil. Nobody doubts that the government of Kaiser Wilhelm, although an autocracy, was less hard on the German people than the government of Adolph Hitler. No one in their right mind doubts that the government of Lon Nol was less murderous to the Cambodian people than the government of Pol Pot, or for that matter the government of Heng Samrin.

The fact is that Communism, Marxist-Leninist governments make things worse, not better. That fact we need to be very clear about. Communism, as we know, when it arrives at political power, does not produce an economic order that can support a population. It does not produce a social system that provides equal opportunity, or a good life for anyone. It simply does not work as a human system. Everybody understands that the number of refugees which pour out of Communist countries decade after decade after decade proves the inhumanity of the system and its incompatibility with human survival and human realizations.

There is one final point that needs to be made. The last reason we should understand why it is morally acceptable for us to participate in the problems of this area and their solutions is that the strength of the United States is inextricably and inevitably involved with the defense of freedom in our time. When we protect our own national security, we are, in fact, engaging in a morally acceptable enterprise.

There is one more thing that I truly believe is the most important point of all, a point that everyone needs to understand again because we have lost the sense of it: The defense of a civilized conception of the American national interest is not only morally acceptable, it is, in our time, a moral imperative.

The challenge is whether we will be true to our heritage, our identity, ourselves. It is whether we, in our policies toward Central America, will be the party of freedom. And I think the answer to that question must be "yes."

Mr. SYMMS. Finally, Mr. President, I ran across a short article in the December issue of Commentary magazine which so well explained the political situation in El Salvador that I would like to make it more easily available to my colleagues. This article, by Max Singer of the Hudson Institute, goes into some detail about the two-counterrevolutionary situation I discussed earlier. I sincerely commend it to my colleagues, and to their constituents, as the beginning of wisdom if we are ever to make sense of El Salvador.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Commentary, December 1981]

CAN EL SALVADOR BE SAVED?

(By Max Singer)

In countries where the mass of people have been exploited and oppressed for generations, and have no possibility of peacefully securing their freedom or decent treatment, violent revolution often seems to be the only way to produce the necessary change. Many Americans believe that under such circumstances revolution is required, or justifiable, or at the least understandable—and in any case may be inevitable.

Yet anyone with a decent respect for the lessons of human experience must also recognize that revolutions can be violent and painful. Where the regime collapses easily, as in Cuba in 1959, the scars of battle may

be only slight. But it is just as likely that the human costs will be immense, and their limits are impossible to predict. In Lebanon 80,000 people (out of a population of three million) died in a year and a half of civil war. In El Salvador, with a population of less than five million, already over 20,000 have died since January 1980. And the number of dead is only one measure of the human tragedy, which often echoes for generations.

The conclusion many people will draw from these considerations is that violent revolution can be justified only with the greatest reluctance, in dire circumstances, after peaceful efforts have been exhausted and no reasonable alternative is available. The argument then centers on how these criteria are to be applied in particular cases.

In September 1979, the case for violent revolution in El Salvador seemed strong. A small number of families had ruled the country for generations, amassed great wealth, and kept most of the people in abject poverty. The army suppressed dissent with bloody force. Less than fifty years ago, 10,000 peasants were slaughtered in a few days for trying to bring about change. Elections did not work; the winner of the 1972 election, Napoleón Duarte, had not been allowed to take power but had been tortured and forced into exile.

Then, suddenly, on October 15, 1979, the revolution came. It came from a surprising source, the middle levels of the officer corps of the army, led by Colonels Garcia, Gutierrez, Majano, and a few others. They deposed the ruling class. They threw out many officers, who had run the army to serve the former ruling class. And they formed a civilian government with a wide spectrum of political respresentatives including Guillermo Ungo, head of the 600-man Social Democratic party, and several Communists. Their platform was land reform, nationalization of the banks (so that the new small landowners could get the necessary credit), and political democracy. They committed themselves to a new constitution, to be written by a freely elected convention.

Although it had the form of a coup, this was a real revolution: it represented the coming to power of a new class with sharply different policies. But it was a moderate and almost bloodless revolution. The revolutionaries did not begin to set up a totalitarian apparatus or to organize and indoctrinate youth. They did not proclaim themselves part of a world revolutionary movement to fight oppressors or imperialists everywhere. They did not try to destroy or capture the social structure of the society, the church, the workers and peasants, or the unions. They did not conduct a bloody program of retribution for past crimes. But they did commit themselves to a distinct new policy of reform and they did completely exclude from power the great bulk of the former ruling class—the so-called "14 families."

What happened in the six months following this quick and successful moderate revolution, as the new government—the civilian part of which was led after January 1980 by Napoleón Duarte, head of the Christian Democratic party—enacted and began to implement the land reform and bank nationalization program?

The old ruling class lacked the ability to fight back on a large scale. Instead it went into exile, mostly in Miami, and from there organized death squads and assassination teams to kill Christian Democrats, union leaders, businessmen, and others supporting the government and implementing land reform. It also tried unsuccessfully to organize military coups against the revolutionary government; three such attempts failed.

At the same time, representatives of a number of groups met in Havana, and with Castro's help agreed on a unified military organization to fight the revolutionary government—from the Left. To implement their program they arranged for a flow of weapons and supplies into El Salvador from or through or with the help of Cuba, Nicaragua, the PLO, Algeria, Vietnam, Ethiopia, Libya, North Korea, and Mexico. They also arranged for thousands of young Salvadorans to be smuggled out of the country for military training and indoctrination in Nicaragua, Cuba, and other countries; when these young people returned home, they engaged in sabotage and murder. Finally, they started broad political and propaganda activities to gain international support. Cuba was able to secure Mexico's help in many ways. For example, Mexico promised Cuba that it would carry out large-scale military maneuvers near Guatemala in January 1981, so that the Guatemalan army would be unable to intervene to help save the new El Salvador government from the guerrillas' "final offensive" (which, however, failed for several reasons, including lack of popular support).

Thus for the last two years El Salvador has been torn apart by two counterrevolutions, or phony revolutions, trying to gain power and reverse the actions of the revolutionary group that has ruled since October 1979: one counterrevolution from the extreme Right, made up of the former ruling class, and one from the extreme Left, controlled and led by violent fanatics with the support of most of the enemies of the U.S. from all over the world. Both counterrevolutions receive some support from less extreme and even centrist individuals and groups.

The extreme Left has organized a political front, the FDR, which includes such democratic forces as the Social Democratic party led by Guillermo Ungo (who broke with the Duarte government), a small splinter group of the Christian Democrats, and a number of others; the FDR reports to a single military command known as the FMLN/DRU. The Left has also been able to get political and financial help from some democratic and church groups around the world (including help in smuggling guns).

As for the extreme Right, it has sympathizers within the revolutionary government's armed forces, especially the Treasury Police and the National Guard. It also has foreign support, in Guatemala and even in the U.S., and perhaps elsewhere, from individuals and groups opposed to land reform and other aspects of the economic program. Because the extreme Right believes it necessary to use more bloody repression against those suspected of helping or sympathizing with the Left insurrection, it gains most whenever it seems that the revolutionary government and its external allies are not succeeding in defeating that insurrection.

The extreme Right bases its case against the government on two arguments. One concerns economic policy—land reform, nationalization, and other economic reforms, which the Right considers to be destroying the country's economy. Many Americans might well share some of this disagreement with the government's economics. But are these disagreements great enough to justify murderous attacks on the government, without first trying peaceful means to change the policies? Obviously not.

The second argument of the extreme Right is that only it, with the bloody measures it advocates, can successfully defeat the effort of the extreme Left to impose totalitarian oppression on the people of El Salvador. Here again one can agree that a victory of the extreme Left would indeed bring horrible results but still have ample grounds to believe that the present revolutionary government, which is preferred over the insurrectionary groups by the Church, the peasants' and workers' unions, the business community, and other centrists, is better able to defeat the FMLN/DRU than the extreme Right would be.

What is the justification of the extreme Left for a violent counterrevolution? It argues that throwing out right-wing officers and the old ruling class has not brought about a real change in El Salvador because the army is still in power. It claims that the civilian government is a sham because it cannot control elements of the security forces committing atrocities against the people. It says that the economic reforms do not go far enough; most of the peasants ostensibly given ownership of the land have not yet received their formal title documents, and are subject to pressure by the former landowners who may be helped by local police or militia. It charges that the elections scheduled for next year will not be fair, or that the army will not allow the winners to take power in any case. It asserts that it represents the real will of the people; the fact that the people have failed to respond to repeated calls for general strikes and for other shows of support for the Left only means they have been coerced and are afraid to express their opinions.

It is difficult for an outsider to judge these claims completely. Some of them, if true, would possibly be substantial enough to justify violent action. But they fail absolutely and utterly because the violent counterrevolution of the Left began before the revolution was three months old. No one can justify starting a brutal and destructive war, resulting in thousands and thousands of deaths, and increasing the possibility of an eventual victory by the extreme Right, on the suspicion of what the revolutionary junta might do despite its promises. A minimum respect for human life would have given the new revolutionary government at least six months to see whether it could deliver on its promises of reform and democracy.

The extreme Left is correct that supporters of the government have committed atrocities, although probably fewer than the government's two enemies on the extreme Left and the extreme Right. But the government's supporters would not be committing atrocities if there were no violent insurrection against the government. If the extreme Left counterrevolution cannot be justified by substantial grievances, or by a failure to gain redress through peaceful means and/or popular support, then it too bears responsibility for the reaction to its violent attack on the government—even that part of the reaction that is illegal and unjustified. (This principle is illustrated in the common-law rule that even an unarmed burglar is guilty of murder if the owner of the house he is stealing from accidentally and illegally kills an innocent bystander in responding to the burglary.) The Left's moral responsibility for the government's atrocities is made even stronger by the fact that a major part of the counterrevolutionary strategy is to tempt to force the government to commit atrocities.

The counterrevolution from the extreme Left also bears a good deal of the responsibility for the atrocities committed by its counterparts on the far Right. If there were no violent insurrection by the FMLN/DRU, the revolutionary government would have less trouble suppressing the violent Right. The main reason the government is not able to deal more effectively with the latter is that it is also under attack by the FMLN/DRU; this reduces its resources and renders it less free to take action against people and groups whose help it may need in the fight against the FMLN/DRU.

Determining what "the people" think or want in a foreign country torn by violence is very difficult, conceptually as well as factually. Undoubtedly most of the people want, most of all, peace. Undoubtedly, too, many are deeply skeptical of promises of reform, free elections, a new and different army. But it does seem clear that a major shift of opinion in favor of the revolutionary government took place when it gave 160,000 peasant families ownership of the land they had been tilling, and took all the 250 large estates away from their former owners. It is likely that the families and friends of victims of atrocities by government supporters have in many cases been turned against the government. Still, many in El Salvador understand that the real responsibility lies with the group that—without reasonable cause—has plunged the country into counterrevolutionary war, and that the best hope for peace is to turn a united face against it.

On September 15, 1981, Archbishop Rivera y Damas said explicitly that only a small percent of the people of El Salvador support the FMLN/DRU. Virtually all of the local Church hierarchy and parish priests reject the counterrevolution. (The enthusiasm of some parish priests and even of some bishops for "liberation theology" would not seem to extend to the "liberators" of the FMLN/DRU.) Even most of the radical priests want to give the current revolutionary government a chance to complete its programs and deliver on its promises. The other mass organization, the peasants' union, rejects the insurrection of the extreme Left, as do most of the free labor unions and almost all of the political, social, and business organizations of the country.

Three times the FMLN/DRU called for a general strike without a substantial response, although there is reason to believe that the people of El Salvador can make their opinions known when they truly oppose a government. Before the colonel's revolution, for instance, crowds of over 100,000 Salvadorans marched to protest against their government. But after the land reform of March-April all attempts by the extreme Left to organize a demonstration failed. This fall 100,000 Salvadorans filled the stadium to support the government.

Thus we can say with some firmness—although perhaps preserving a bit of uncertainty about the real division of opinion within the mass of the people[1]—that in El Salvador a relatively popular, moderate revolution is under violent attack by two small groups, one on the Left and one on the Right, neither of which has any substantial claim to sympathy or support. Both, in effect, are ideological gangster groups, destroying the peace of the country by virtue of their ability to kill people and wreck property, without just cause or popular support. El Salvador is not deeply divided; it is under assault by small, violent, and vicious extremist fringes.

II

Why is there so much international support for the FMLN/DRU if it is really just a group of ideological gangsters? First, there are those nations—Cuba, Nicaragua, North Korea, Vietnam, Libya, and Ethiopia—that will support any enemy of the U.S. Every one of these countries is "Not Free," according to the long-term system of ratings contained in Freedom House's Survey of Freedom. Every one of them endorsed the Soviet invasion of Afghanistan. On the other hand, every free country in Latin America (Costa Rica, Jamaica, Colombia, Venezuela, Peru, and Ecuador) supports the revolutionary government to some degree.

The more difficult case is Mexico (rated as "Partly Free" in the Freedom House Survey). Mexico has recently strengthened its relationship with Cuba. It supported the non-democratic part of the coalition that defeated Somoza in Nicaragua, as well as the FMLN/DRU in El Salvador. It seems, in effect, to be following a policy of joining with its potential enemies in order to head off the possibility of being a target itself. The situation in Mexico, both politically and ideologically, is of course much more complicated than this, but there are reasons to doubt the objectivity and independence of Mexico's position.[2]

Then there is France, now headed by a Socialist president whose official adviser on Latin America is Régis Debray, the former associate of Ché Guevara. Officially France sees the Duarte government not as a revolutionary but as a fascist regime. Why? In deciding how much weight to give to the French interpretation, the first thing to bear in mind is that the French have always been profoundly uninterested in, not to say contemptuous of, the tiny "banana republics" of Central America. No serious French politician has taken the time to investigate the facts or to address the merits of any issue concerning these small and uninfluential countries. Questions about them have always been dealt with politically, that is, with the French position being determined by considerations having everything to do with French interests and internal debates and little if anything to do with the local facts. In French discussion, especially among the Socialists, Central American issues have also offered a safe arena for attacking the U.S. and demonstrating one's radical credentials. Many French Socialists have a well developed—but not recently examined—perspective on Central America according to which it is an economically stagnant region, with authoritarian governments installed and controlled by the U.S., all of whose problems are caused by Yankee exploitation and domination.

Support for the FMLN/DRU also comes from the Socialist International and its major European members. Until about ten years ago the members of the Socialist International refused to support non-democratic Socialist parties or regimes. But that principle is no longer accepted. They now work with Castro; they met recently in Grenada after that tiny country endorsed the Soviet invasion of Afghanistan, and admitted to membership Grenada's ruling party—despite its repressive behavior.

Many European Socialist leaders share the French attitude to Central America. Within their staffs and party organizations there commonly runs a division between an older moderate leadership and a growing group of younger radicals committed to some form of Marxist-Leninist or "Third World" ideology. The leaders deal with their internal problems by giving the radicals the "less important" jobs, including preparing all papers and policy guidance on Central America. The European radicals have been helped in selling their view by the position of Mexico, which, as the largest "socialist" force in the region, is paid deference on Central American issues (even though the Mexican PRI is not a member of the Socialist International).

Finally, there is the effective support for the FMLN/DRU and its false version of the facts that comes from the Western media and from some intellectuals. Not much need be said about this, by now predictable response. In part, it rests on a simple failure to recognize what is happening in El Salvador. Delusions of this kind by now have a long history. After all, Mao was once widely reported to be an "agrarian reformer" and not a "real Communist"; Castro's totalitarian intentions were rarely acknowledged while he was coming to power and consolidating his regime; and the fact that North Vietnam controlled the forces attacking the government of South Vietnam was not generally accepted until after 600 North Vietnamese tanks and 15 divisions marched into South Vietnam in 1975 and replaced the government there. As these examples suggest—and to them may be added the failure of many in the 1930's to acknowledge the real nature of Hitler's designs in Austria and Czechoslovakia—there seems to be a special blindness in democracies to the way in which totalitarian aggressors work through front organizations within victim countries. The fact that local people do not always fully understand their situation also makes it easier for foreign observers to miss this point.

III

The fact that the two counterrevolutionary groups attacking the government have no moral standing does not answer the question of how the United States should respond to them.

Before turning to questions of basic stragety there are two practical issues we need to face. One has been at the center of discussion, the other has been largely ignored. They are: how to prevent atrocities against the Salvadoran people, and how to improve the effectiveness of the Salvadoran military and police. There is a relation between the two questions.

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[1] In assessing the state of political opinion within El Salvador, two special circumstances should be kept in mind. First, it is still relatively dangerous to speak out because both the extreme Left and the extreme Right routinely inflict violent retribution on people who speak in ways they do not like. Second, because of the long history of political violence and brutality on both sides, the idea that there may be a real political Center in the country is very hard for many people to accept. For a campesino, say, and a colonel to realize that they are on the same side requires overcoming a mountain of habit and suspicion. Still, it is possible to summarize the state of political opinion in El Salvador thus: although many feel that, until the planned free elections are carried out, the government is not a legitimate one, and many see President Duarte as a partisan leader rather than as a true national figure representing the whole Center, the great majority nevertheless support the junta against its enemies. Only a small portion of the population supports or desires the victory of either of the violent extremes.

[2] See Carlos Rangel's "Mexico and Other Dominoes" in the June 1981 COMMENTARY.

Americans tend to ignore the "technical" issues of police or military tactics and other "non-humanistic" aspects of the manipulation of violence and crude power. Unfortunately such "technical details" sometimes mean the difference between victory and defeat, between totalitarian control and relative freedom.

The job of defeating guerrilla forces of the kind attacking El Salvador requires a combination of police and military measures. The police measures are primary. The job of the police is to find out who are the criminals by penetrating conspiracies and learning about clandestine channels of supply and intelligence. The military's first job is to protect the police against armed attack. It must also fight against the insurrectionary force when the latter has been located by police/intelligence efforts.

Most of the police task is accomplished by patient routine measures, such as having good file systems, being known and respected and available so citizens can report what they see, being able to protect those who help, and being organized so that the information supplied is effectively integrated with other information. Systematic use of undercover agents, informers, and defectors is also a key police function that can increase the effectiveness of anti-guerrilla efforts. On the basis of police/intelligence programs and good strategy the military can then use ambush tactics with great effectiveness, incurring few if any civilian or military casualties.

None of this is terribly difficult or esoteric, but it must be learned. If the Salvadoran security forces do not know the easy and effective way to fight, they will fight in other ways. The difference is like night and day. And there is no reason to assume that routine military training can provide the methods and ideas that are needed. In fact, it is unusual for military forces to give sufficient weight and respect to police measures, which often seem like a strange and foreign sideline.

As for the military itself, training efforts to increase its effectiveness are grossly inadequate. Salvadoran soldiers receive less training than do many of the young boys trained abroad to fight for the FMLN/DRU. The army has fewer noncommissioned officers than does the enemy. Here relatively minor efforts can make an immense difference. But such efforts need to be undertaken before the FMLN/DRU can build up its forces further and before Nicaragua completes the expansion of its army, which will make that country the overwhelmingly dominant military force in Central America.

There is one other necessary arena for action. The relatively free flow of men and material into El Salvador to support the counterrevolutions must be reduced. The movement of new supplies, fresh personnel, and outside leaders must be made much more problematic, unreliable, and costly. Doing this involves political, military, police, and intelligence measures. Right now the government forces are failing.

When it comes to the general strategy the United States should be following in El Salvador, one popular idea has been to focus on negotiations between the revolutionary government and the FMLN/DRU. Some say negotiations are the only possible solution. Fine: whenever there is fighting, negotiations should be considered. But this means more than saying negotiations are a good idea; it means finding a framework for negotiations that is based on realities.

In thinking about negotiating with the FMLN/DRU and its political front, however, a conflict immediately arises. Some members of the front do not want anything substantially different from what the government is already doing, but they are not convinced that the government means what it says. Negotiations to resolve these doubts can continue to be a goal of the government—indeed, President Duarte has continually asserted his government's willingness to negotiate with Ungo and the other democratic elements that are now serving the FMLN/DRU.

But a basic problem in negotiating with Ungo and the others is that they are not really in control of their own actions. They have agreed to serve as "another soldier in the revolution." All their military force, including the arrangements for their personal safety, is in the hands of the FMLN/DRU.

Another problem is that success in these negotiations would not end the war. If Ungo, all of the non-Communist, and even some of the Communist elements of the counterrevolution came to an agreement with the government, the fighting would not so much as slow down. After all, when these elements were in the government in 1979, the violence increased. Nor would such a negotiating success necessarily add substantially to the government's popular support in the country, because none of the political groups helping the FMLN/DRU has mass allegiance. The gain would be primarily in terms of external image-potentially valuable, but not enough to justify big risks.

One requirement for any kind of success in El Salvador, often overlooked in American discussions, is the continuing confidence of the officer corps that it will not be sold out by the politicians. The fact that the corps has thrown out much of its right wing and stated it will abide by the results of elections does not mean that it is not concerned to protect itself and its view of the country's needs. Its unity and confidence must be the bedrock on which all political and military measures are built. If negotiations to reassure Ungo or to improve El Salvador's image abroad are allowed to threaten the confidence of the army, the results may be disastrous.

In Washington one sometimes hears that Duarte wants to stop the violence but that he needs help to overcome resistance in the army. Partly on the basis of this argument, some have urged that the U.S. make its aid to El Salvador conditional on steps being taken toward preventing and punishing atrocities. This is a double error. First, there is no reason to believe that the army leaders are any less eager than President Duarte to deal with atrocities. Second, as a means of influencing government behavior, threats to cut off aid could well backfire. Our political process is not sufficiently fine-tuned to deliver subtle messages of this kind, nor can we control what others will see as a necessary response to a deadly challenge.

There is some speculation in the U.S. that the FMLN/DRU might be interested in arrangements to insure that free elections would be held and allowed to take effect, and that their safety and right to campaign peacefully would be guaranteed. But the FMLN/DRU has never said anything like that. Real negotiations for those purposes would be highly desirable, so long as they did not suggest to the army that it would be sold out without elections. Unfortunately there is no basis for believing that the FMLN/DRU has any interest in such negotiations. Why, indeed, would it want to accept the result of free elections? It represents a small percentage of the population. Its ideology does not require—or even advocate—free elections. The FMLN/DRU has fought for years, and believes in what it is fighting for. It also believes that sooner or later it will win. It is not interested in settling for a nice reformist, democratic, free El Salvador, with land-owning farmers and peace and prosperity. It wants a Cuba (or a Kampuchea), an "anti-imperialist" country allied with Castro and Nicaragua against the United States.

Are there any non-military measures that might work? There are some. First, there is reason to believe that if the European democracies and the Socialist parties joined the Latin democracies and the Christian Democratic parties and the free trade unions and the Catholic Church in their support of the revolutionary government, and condemned the violent counterrevolutions, the Ungo and most of the other democratic elements might be convinced to stop supporting the FMLN/DRU. This would deprive the FMLN/DRU of its hope of dislodging the U.S. It would reassure that the army and thus weaken right-wing elements in the security forces, enabling the government in turn to bring security under better control and perhaps completely put down the counterrevolution of the extreme Right.

The same goal could be approached simultaneously from the opposite direction as well. The U.S. could crack down on the use of U.S. territory by the extreme Right counterrevolutionaries, and perhaps help the Salvadoran government to take similar measures to this end. Clearer action in this direction might help to convince Ungo and others in El Salvador, and domestic foreign supporters of the insurrection, to swing toward the revolutionary government.

Success in these matters would not necessarily end the fighting. The FMLN/DRU, with support from Cuba, North Korea, the Soviet Union, can keep on without any help from the Socialist International or France or even Mexico. One way or another, it is likely to be able to recruit thousands of teen age Salvadorans a year to be trained and indoctrinated in Cuba or elsewhere. If necessary it will be able to use Nicaraguans or Cubans. Whether it will choose to do so depends on international politics. Therefore, uniting the democracies in support of the Salvadoran revolutionary government would be very useful even if it did not end the fighting right away.

IV

When societies are faced with severe challenges—external or internal—their survival often depends on whether they continue to quarrel about lesser issues or recognize the crisis, face up to the pain of having to choose one of only two or three alternatives, and commit their resources to supporting that choice.

Always in these situations everything appears confused and complex. Each alternative is fuzzy, uncertain, perhaps capable of being changed for better or worse. Sophisticated analysts can prove that the alternatives are not so stark, and that in-between results are possible. But those groups in society who use their energies to modify details, or who keep out of a conflict because no side is good enough to justify real support, lose their vote. They have no effect. The choice is then made by those who concentrate on victory. If most of the society throws away its vote, a very small but determined segment can decide the result.

El Salvador is today faced with a conflict among three forces, one of which will win

and destroy the others and control the country, perhaps for many years. Two of the three alternatives would bring terrible results for the people of El Salvador right away—many thousands of deaths, a police state, scores of thousands of refugees. The third alternative, a victory for the revolutionary junta and whoever wins the electoral process initiated by the junta, would put El Salvador on the road toward democracy and economic development. That road would have many twists and turns. Periods of less democratic government and periods of costly economic policies would not be unlikely. Whether El Salvador did well would depend on many factors. But the alternatives are very much worse.

No one should underestimate the difficulty of this choice for the Salvadorans themselves, who experience daily the fear, defenselessness, and anger that are the undercurrents of life in their country. For many, saying what one believes in may mean having to form an alliance with the murderers and torturers of one's own family and friends. In this respect as in so many others, the fanatics who brought war on El Salvador have much to answer for. Yet pretending that one does not have to make the grim choice means helping one's enemies.

The ability of the moderate revolution in El Salvador to survive the deadly attacks on it from the extreme Left and the extreme Right depends on whether the Salvadoran people and leaders, and American and other democratic forces outside El Salvador, spend their energies trying to move the government a little bit Right or a little Left, or concentrate instead on helping the democratic alternative defeat its undemocratic enemies. If they fail, a brave move toward democracy will go down to bloody defeat by a band of gangsters whose drive for power will not be diverted or diffused.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Saunders, one of his secretaries.

SUMMARY REPORT OF THE DEPARTMFNT OF ENERGY SUNSET REVIEW—MESSAGE FROM THE PRESIDENT—PM 111

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with the accompanying report, which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

Transmitted herewith is the Summary Report of the Department of Energy Sunset Review. A Program-by-Program Analysis which provides detailed background information is being transmitted at the same time by the Secretary of Energy. These two volumes together satisfy the requirements of Title X of the Department of Energy Organization Act (P.L. 95-91).

I have asked Secretary Edwards and his staff to be available to respond to any questions or comments you may have regarding the Department of Energy Sunset Report.

RONALD REAGAN.

THE WHITE HOUSE, *February 9, 1982.*

MESSAGES FROM THE HOUSE

At 2:30 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 268. Concurrent resolution providing for an adjournment of the House from February 10 to February 17, 1982, and an adjournment of the Senate from February 11 or February 12 to February 22, 1981.

At 4:08 p.m., a message from the House of Representatives delivered by Mr. Berry, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 389. Joint resolution making an urgent supplemental appropriation for the fiscal year ending September 30, 1982, for the Department of Agriculture.

At 5:53 p.m., a message from the House of Representatives delivered by Mr. Gregory, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H.J. Res. 392. Joint resolution making an urgent supplemental appropriation for the Department of Health and Human Services for the fiscal year ending September 30, 1982.

At 6:41 p.m., a message from the House of Representatives, delivered by Mr. Gregory, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 391. Joint resolution making an urgent supplemental appropriation for the Department of Labor for the fiscal year ending September 30, 1982.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 392) making an urgent supplemental appropriation for the Department of Health and Human Services for the fiscal year ending September 30, 1982, was read twice by title and referred to the Committee on Appropriations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2625. A communication from the Acting Assistant Secretary of Defense (Comptroller) transmitting, pursuant to law, certain contract award dates for February 15 to March 15, 1982; to the Committee on Armed Services.

EC-2626. A communication from the Acting Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military sale to Greece; to the Committee on Armed Services.

EC-2627. A communication from the Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics transmitting, pursuant to law, a report on the extent of commercial and industrial functions performed by private contractors; to the Committee on Armed Services.

EC-2628. A communication from the Chairman of the Board of Governors of the U.S. Postal Service transmitting, pursuant to law, the Annual Report of the Postmaster General for fiscal year 1981; to the Committee on Governmental Affairs.

EC-2629. A communication from the Acting Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, copies of orders suspending deportation of certain aliens; to the Committee on the Judiciary.

EC-2630. A communication from the Chief Commissioner, U.S. Court of Claims, transmitting, pursuant to law, reports of the Trial Commissioner and the Review Panel in the matter of Innocent Victims of the Occupation of Wounded Knee, South Dakota v. United States, Cong. Ref. No. 4-76; to the Committee on the Judiciary.

EC-2631. A communication from the Secretary of Defense transmitting, pursuant to law, the eighth annual report on force improvements and defense cooperation within NATO; to the Committee on Armed Services.

EC-2632. A communication from the Secretary of Defense transmitting, pursuant to law, the annual report of the Department of Defense for fiscal year 1983; to the Committee on Armed Services.

EC-2633. A communication from the General Counsel of the Department of Defense transmitting, pursuant to law, copies of certain amendments to the Manual for Courts-Martial; to the Committee on Armed Services.

EC-2634. A communication from the Assistant Secretary of the Air Force for Research, Development, and Logistics transmitting, pursuant to law, a report on the conversion of various functions at different installations from in-house operation to commercial contract; to the Committee on Armed Services.

EC-2635. A communication from the Acting Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a proposed foreign military sale to Saudi Arabia; to the Committee on Armed Services.

EC-2636. A communication from the President of the United States transmitting, pursuant to law, certification that the production of lethal binary chemical munitions is essential to the national interest; to the Committee on Armed Services.

EC-2637. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "The Army's Multiple Launch Rocket System is Progressing Well and Merits Continued Support"; to the Committee on Armed Services.

EC-2638. A communication from the Deputy Assistant Secretary of Defense transmitting, pursuant to law, a report for fiscal year 1982 on the North Atlantic Treaty Organization Acquisition and Cross-

Servicing Agreement; to the Committee on Armed Services.

EC-2639. A communication from the Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics transmitting, pursuant to law, reuse studies for Craig Air Force Base, Selma, Alabama, declared excess to defense needs in 1977; to the Committee on Armed Services.

EC-2640. A communication from the Secretary of Housing and Urban Development transmitting, pursuant to law, a study of the relative risks of loss under certain insurance programs of the National Housing Act; to the Committee on Banking, Housing, and Urban Affairs.

EC-2641. A communication from the Acting Assistant Administrator of the National Oceanic and Atmospheric Administration, transmitting pursuant to law, notice of the withdrawal of certain rules promulgated by the Administration on July 8, 1981; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations:

Frederic N. Andre, of Indiana, to be a member of the Interstate Commerce Commission for the term of 7 years from January 1, 1981;

James Daniel Theberge, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Chile (together with additional views) (Ex. Rept. No. 97-46).

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: James Daniel Theberge.
Post: Ambassador to Chile.
Contributions, amount, date, donee.
1. Self, $500, 1977, Hon. David Bowen.
2. Spouse, $500, 1980, George Bush.
3. Children and spouses, none.
4. Parents, none.
5. Grandparents, none.
6. Brothers and spouses:
$50, 1979, Constance Morella.
$50, 1980, Constance Morella.
$50, 1981, Constance Morella.
$50, 1980, Repub. Party of Md.
$100, 1980, Senator J. Garn.
$100, 1981, Ben Blackburn.
7. Sister and spouses, none.

(The above nominations from the Committee on Foreign Relations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. TOWER, from the Committee on Armed Services:

Mr. TOWER. Mr. President, from the Committee on Armed Services, I report favorably the following nominations: In the Air Force Reserve there are 26 appointments to the grade of major general and below (list begins with Richard D. Anderegg), in the Air Force there are 56 appointments to the grade of brigadier general (list begins with Joseph A. Ahearn), Lt. Gen. Richard E. Cavazos, U.S. Army, to be general, in the Army Reserve and National Guard there are 29 appointments to the grade of major general and below (list begins with Anthony H. Conrad, Jr.), in the Navy there are 7 permanent promotions to the grade of commodore (list begins with Joseph S. Cassells), in the Navy there are 38 permanent promotions to the grade of commodore (list begins with Robert E. Klee), and Capt. William M. Narva, U.S. Navy, for permanent promotion to the grade of rear admiral. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, in addition, in the Air Force there are 591 permanent promotions to the grade of colonel and below (list begins with Jack C. Aarestad), in the Air National Guard of the Air Force Reserve there are 967 promotions to the grade of lieutenant colonel (list begins with James H. Andrews), in the Air Force and Air Force Reserve there are 46 appointments/promotions to the grade of colonel and below (list begins with Curtis C. Andrews), in the Army there are 2,562 permanent promotions to the grade of major (list begins with Alvin D. Aaron), in the Navy and Naval Reserve there are 6,905 permanent promotions to the grade of lieutenant commander (list begins with Roy V. Aasen), in the Naval Reserve there are 386 permanent promotions to the grade of captain and below (list begins with Robert M. Alston), in the Naval Reserve there are 29 permanent promotions to the grade of captain and below (list begins with Raymond E. Chop), in the Naval Reserve there are 7 permanent appointments to the grade of captain and below (list begins with Bruce L. Bosworth), in the Navy and Naval Reserve there are 9 permanent promotions/appointments to the grade of commander and below (list begins with James R. Nichols), and in the Navy and Naval Reserve there are 144 permanent promotions/appointments to the grade of commander and below (list begins with James B. Cumbie). Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of January 28, 1982, at the end of the Senate proceedings.)

By Mr. PERCY, from the Committee on Foreign Relations:

Lawrence S. Eagleburger, of Florida, a career member of the Senior Foreign Service, class of career minister, to be Under Secretary of State for Political Affairs;

Michael Hayden Armacost, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Philippines:

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Michael H. Armacost.
Post: The Philippines.
Contributions, amount, date, donee.
1. Self, none.
2. Spouse, none.
3. Children and spouses, none.
4. Parents, Dr. and Mrs. George H. Armacost:
$20, 1978, GOP National Committee.
$25, 1979, GOP National Committee.
$40, 1980, GOP National Committee.
$20, 1980, GOP California Committee.
$100, 1981, GOP National Committee.
5. Grandparents, not available.
6. Brothers and Spouses:
Peter H. Armacost, None.
Samuel H. Armacost:
$25, 1978, Overseas Republican Party.
$25, 1979, Overseas Republican Party.
$85, 1980, GOP National Committee.
7. Sisters and Spouses: Mary A. Hulst, None.

Fred M. Zeder II, of Hawaii, for the rank of Ambassador during the tenure of his service as Personnel Representative of the President to conduct negotiations on the future political status of the Trust Territory of the Pacific Islands:

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding year of the nomination and ending on the date of the nomination.

Nominee: Fred Monroe Zeder II.
Post: Ambassador.
Contributions, amount, date, donee.
1. Self. See appended sheet.
2. Spouse. See appended sheet.
3. Children and Spouses: Wendy Elizabeth Zeder, $250, January 12, 1979, George Bush.
4. Parents deceased.
5. Grandparents deceased.
6. Brothers and spouses: None.
7. Sisters and spouses:
Mrs. E. Lee Fox, $200, 1977-81, Republican Committee.
Mrs. P. Posselius, $800, 1977-81, Republican Committee.

ADDENDUM

Date, donee, amount.
1977
April 2, John Tower Dinner, $1,000.
April 30, Welcome Home—George Bush, $250.
October 28, Friends of Jim Collins, $500.
November 15, Baldwin Campaign Fund (Dallas), $100.
November 17, Steve Baldridge (Dallas), $100.
1978
January 10, George Bush for Congress, $100.
June 28, George Bush for Congress, $500.
July 10, Committee for Limited Government, $2,500.
September 20, Friends of Lacys (Rep. State Legislature), $25.
1979
January 12, George Bush for President, $1,000.
April 6, Republican Party of Hawaii, $122.
September 28, Boat Day for DKI, $200.

1980

May 5, Republican Party of Hawaii, $66.

September 30, Prelude to Victory Reagan-Bush, $500.

October 3, Peter Coleman for Governor, $200.

December 15, President Inaugural Committee, $400.

December 10, Republican Party of Hawaii (Boat Day), $2,500.

February 5, Donna Ikeda (State Land), $20.

May 4, Barbara Marimoto (State Land), $25.

May 25, John Carroll for Senate (State), $100.

January 26, Reagan for President, $1,000.

March 11, House Senate Dinner, $100.

May 6, John Connolly, $100.

June 17, Gerald R. Ford Library, $7,500.

CONTRIBUTIONS

Martha B. Zeder (Spouse):

1977, Apr. 10, Prestoncrest Republican Club, $24.

1978, Mar. 15, Prestoncrest Republican Club, $30.

1979, Jan. 12, George Bush for President, $1,000.

Mar. 16, Prestoncrest Republican Club, $10.

1981, Mar. 15, Oahu League of Republican Women, $23.50.

Apr. 23, Rohlfing for Hawaii, $100.

Aug. 12, Honolulu County Committee, $10.

Time for Barbara Marimoto, $50.

Children and spouses:

Wendy Elizabeth Zeder (Daughter).

1979, Jan. 12, George Bush for President, $250.

Parents and grandparents: None.

Brothers and spouses: None.

Sisters and spouses:

Mrs. E. Lee Fox (Sister).

1977-81, Republican Committee, $200.

Mrs. Priscilla Posselius (Sister).

1977-81, Republican Party, $800.

Fred J. Eckert, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Fiji, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of Kiribati, Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Tonga, and Ambassador Extraordinary and Plenipotentiary of the United States of America to Tuvalu.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Fred J. Eckert.

Post: Fiji, Tonga, Tuvalu, Kiribati.

Contributions, amount, date, donee.

1. Self expenses for primary election campaigns. Volunteered time and paid personal travel 1980, Ronald Reagan.*

(The above nominations from the Committee on Foreign Relations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

*Expenses in conjunction with New Hampshire Primary (1980): Travel and hotel—$250.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KASTEN:

S. 2080. A bill to amend the Federal Election Campaign Act to provide that all persons must comply with the act; to the Committee on Rules and Administration.

By Mr. STENNIS:

S. 2081. A bill for relief of Seyed Mohammad Hossein Paya; to the Committee on the Judiciary.

S. 2082. A bill for the relief of Maria Refugio Ruiz; to the Committee on the Judiciary.

By Mr. SASSER (for himself, Mr. CANNON, Mr. PELL, Mr. RIEGLE, Mr. EAGLETON, Mr. MOYNIHAN, Mr. LEVIN, Mr. PRYOR, and Mr. DECONCINI):

S. 2083. A bill to discourage the violation of mineral leasing laws and to improve the collection of Federal royalties and lease payments derived from certain natural resources under the jurisdiction of the Secretary of the Interior; to the Committee on the Judiciary.

By Mr. D'AMATO (for himself and Mr. THURMOND):

S. 2084. A bill to establish a fair and consistent national policy for the resolution of claims based on a purported lack of congressional approval of ancient Indian land transfers and to clear the titles of lands subject to such claims; to the Select Committee on Indian Affairs.

By Mr. JEPSEN:

S. 2085. A bill for the relief of Alexander Ginsburg, Irina Ginsburg, Alexander Ginsburg, and Alexei Ginsburg; to the Committee on the Judiciary.

By Mr. METZENBAUM (for himself, Mr. MOYNIHAN, Mr. EAGLETON, Mr. INOUYE, and Mr. BRADLEY):

S. 2086. A bill to amend title II of the Social Security Act to provide for certain procedures to accompany reviews of continuing eligibility for disability insurance benefits; to the Committee on Finance.

By Mr. DECONCINI:

S. 2087. A bill to authorize the issuance of U.S. obligations secured by and redeemable in gold; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. McCLURE (by request):

S. 2088. A bill to require treatment of citizens of the Northern Mariana Islands as citizens of the United States of America for purposes of particular Federal statutes; to the Committee on Energy and Natural Resources.

S. 2089. A bill to clarify the applicability of the Federal Tort Claims Act to claims arising in the Northern Mariana Islands; to the Committee on Energy and Natural Resources.

S. 2090. A bill to amend the application of the Clean Air Act to the Northern Mariana Islands; to the Committee on Energy and Natural Resources.

By Mr. EXON (for himself and Mr. ZORINSKY):

S. 2091. A bill to authorize the Secretary of the Interior to engage in feasibility studies of water resource development and for other purposes in the Central Platte Valley, Nebr.; to the Committee on Energy and Natural Resources.

By Mr. CHAFEE:

S. 2092. A bill to amend section 280A of the Internal Revenue Code of 1954 to permit Members of Congress to deduct expenses incurred while away from home in pursuit of trade or business on the same basis as other purposes; to the Committee on Finance.

By Mr. ROBERT C. BYRD (by request):

S. 2093. A bill to require the Administrator of General Services to take suitable action to provide public buildings underground when proven to improve security, energy efficiency, and cost effectiveness; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred, or acted upon, as indicated:

By Mr. PRESSLER:

S. Con. Res. 65. A concurrent resolution to protect the Nation's elderly from proposed fiscal year 1983 budget cuts; to the Committee on the Budget.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KASTEN:

S. 2080. A bill to amend the Federal Election Campaign Act to provide that all persons must comply with the act; to the Committee on Rules and Administration.

FEDERAL ELECTION CAMPAIGN EQUAL AND TOTAL DISCLOSURE ACT

Mr. KASTEN. Mr. President, today I am introducing the "Federal Election Campaign Equal and Total Disclosure Act." This bill would reaffirm the Federal Election Campaign Act requirement that all political parties, including the Communist Party, disclose contributors and financial records. My bill has two sections. The first requires every party to fully disclose the information required under the Election Act. The second provides a criminal penalty if this disclosed information is used to harass or threaten contributors.

My bill is the result of a ruling by Federal Judge Lee Gagliardi in an FEC suit brought to force the Communist Party to meet the requirements of the Federal Election Campaign Act. During the 1976 Presidential election campaign, the Communist Party established an election committee to support its Presidential and Vice-Presidential candidates. The committee, like committees for all political parties, came under the Federal Election Campaign Act disclosure requirements. The act required political party election committees to disclose the name and address of each person contributing in excess of $50 to a campaign, and the name, address, occupation, and principal place of business of each person contributing more than $100. The Communist Party, however, refused to disclose the names and financial information as required, and

the Federal Election Commission sued to force the party to disclose the required information.

Judge Gagliardi held that the Communist Party did not have to disclose its financial records or name its contributors. He found that to force the Communist Party to disclose the information would "subject them to threats, harassment, or reprisals from either governmental officials or private parties," and would be likely to abridge the party's associational rights under the first amendment. He also noted the small size of the Communist Party and the reduced likelihood of candidate success in exempting the party from the filing requirements.

Mr. President, I am introducing this bill today because I believe all political parties should be held to high standards, and should be required to disclose their contributors' names and financial records as required under the Federal Election Campaign Act. This legislation should address the problems raised by the Gagliardi decision. I do believe all persons should feel free to contribute to the party of their choice without fear of intimidation or harassment. My bill requires all political parties to disclose the required information, without regard to party size or the likelihood of winning elections. In order to insure that contributors will not be harassed, the bill provides a criminal penalty in the form of a fine up to $25,000, and up to 1 year in prison, for any person using the disclosed information to harass or intimidate contributors. This penalty will eliminate the reason for nondisclosure stated in the court decision. The bill applies to all political parties equally, and insures that everyone is treated fairly under the law.

Mr. President, I ask unanimous consent that my bill be printed in the RECORD followed by a recent column by Victor Riesel on this subject published in the Milwaukee Sentinel.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2080

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Election Campaign Equal and Total Disclosure Act".

SEC. 2. The Federal Election Campaign Act of 1971 is amended by adding after section 310 the following:

"§ 310A. Equal disclosure requirements and protections

"(a) Every provision of this Act, including all recordkeeping and reporting requirements mandated by this Act, shall be applied equally to all persons, committees, and organizations without regard to party size, amount of contributions, likelihood of a candidate's election to office, or other reason.

"(b) Any person who knowingly and willfully uses information disclosed under this Act for the purpose of subjecting another person to threats, harassment, or reprisals, shall be fined not more than $25,000, or be imprisoned not more than one year, or both.".

[From the Milwaukee Sentinel, Friday, Jan. 15, 1982]

COMMUNISTS EXEMPT FROM DISCLOSURE LAW

(By Victor Riesel)

NEW YORK, N.Y.—There is one political party which is permitted to keep its big donors anonymous, which isn't required to maintain financial records of such contributors, which can defy the Federal Election Commission's request for this financial information and thus is exempt from the Federal Election Campaign Act governing all other parties and political action committees (PACs).

Ironically, it is the Communist Party of the United States of America, the "CPUSA," constantly chorusing the Soviet line on oppression in our land.

This exemption was granted recently by Federal Judge Lee Gagliardi of the Southern District here. The judge thought the party might be harassed if its supporters obeyed the same law abided by all other campaign organizations.

This Communist Party, headed by Gus Hall, who has been greeted by standing ovations at Soviet Communist Party Congresses in Moscow, does some harassment on its own. It has attacked Pope John Paul II, it has vilified American leaders and it has denounced Poland's independent union, Solidarity, now gasping for freedom.

Thus with full freedom, the Communist Party is permitted to operate here as the ally of the Communist Party USSR, which runs the Soviet government, the KGB and the military blamed by the free world for imprisoning Polish freedom.

Hall has run for president of the US and has had his party on the ballot in 25 states.

It is a minor party, but hardly minor in its operations. Some of its fellow travelers hold office in unions. It has some allies in the United Steelworkers of America, whose officialdom the party is always attempting to topple.

The CPUSA does well in New York. It has raised thousands of dollars for national campaigns. There is a daily paper friendly to it. The movement has a building in Manhattan assessed at half a million dollars. This is about half of what it could bring on the open market.

The movement also has printing presses and other mechanical equipment available. Magazines, pamphlets and other booklets are whipped out by a commercial press. Soon the comrades will have a People's School for Marxist Studies. There are libraries, research equipment—and, of course, the First Amendment.

The CPUSA doesn't seem to lack money for politics, for a hall in which to denounce the pope or for organizing. Late in December, Hall spoke at something called the Unity Center. He drew over 1,000 persons and greeted them in behalf of the CPUSA Central Committee. To them he was a hero.

Hall is welcomed when he wishes, or is "invited," to go to Moscow as the representative of the American working class.

Whatever he does in Moscow doesn't appear to matter to the District Court here which rejected an FEC suit to force the CPUSA to obey the same federal statutes observed by the Republicans, the Democrats and independent candidates. The law mandates that all contributors of $100 or more to federal political campaigns must be publicly identified. The FEC moved several years ago when the CPUSA listed 424 such contributors as "anonymous."

Recently Judge Gagliardi finally ruled that the CPUSA was exempt. He stated that the Communist Party shouldn't be compelled to maintain records identifying its contributors or to disclose the information to the FEC because he thought that the CPUSA had established "a reasonable probability" that revealing its contributors would result in their harassment and reprisals.

If this were the criterion, what would happen to our election law on public records? What would happen to freedom of information? Does the judge believe that Republicans, Democrats, John Anderson, et al., haven't been harassed over the years?

So we find in our democratic land that the distinction of exemption from the law goes to the Communist Party dedicated to the overthrow of our laws.

By Mr. SASSER (for himself, Mr. CANNON, Mr. PELL, Mr. RIEGLE, Mr. EAGLETON, Mr. MOYNIHAN, Mr. LEVIN, Mr. PRYOR, and Mr. DECONCINI):

S. 2083. A bill to discourage the violation of mineral leasing laws, and to improve the collection of Federal royalties and lease payments derived from certain natural resources under the jurisdiction of the Secretary of the Interior; to the Committee on the Judiciary.

MINERAL LEASING LAW VIOLATIONS

● Mr. SASSER. Mr. President, today I am introducing for myself, and my distinguished colleagues, Senators CANNON, PELL, RIEGLE, EAGLETON, MOYNIHAN, LEVIN, PRYOR, and DECONCINI, a bill to attack the underpayment of royalties owed the United States for oil and gas produced on Federal lands. Congressional hearings, and studies by both the administration and the General Accounting Office show that underpayments may amount to as much as $650 million a year, or $1 in $10 owed. This situation cannot continue in times of budget deficits and tax breaks for the energy industry. It is a loss to the American taxpayer, and it is not an instance of the fair and diligent collection of taxes.

Royalty underpayments have been attributed to producer underpayment, fraud, theft, lease mismanagement, error, and other irregularities which the lessee can prevent. Indeed, up to 6 percent of all crude oil produced in the United States may be stolen from oilfields and gasfields and tank farms on public lands. It is my intention to give weight to the recent court decision that concluded that "error or dishonesty are not beyond the control of the lessee." What is necessary, therefore, is to establish the standards of tenant accountability that have been missing to date.

At present, there are not the adequate sanctions necessary to discourage the irregularities which have been rampant to date. Moreover, there is

not adequate Federal authority to organize the leasing process so as to enforce obligations in a Federal minerals lease. The administration has proceeded admirably in focusing on this problem through the work of the Commission on Fiscal Accountability of the Nation's Energy Resources, and in undertaking the recommendations of that Commission for administrative overhaul of the royalty collection and accounting system. But more needs to be done to give this worthy effort greater force.

Several points will illustrate the need for legislation. First, the system clearly lacks the basic means to establish in all cases who owes money to the Government, how much they owe, and who is responsible for its payment. The bill I am introducing today would grant the Department of the Interior the authority to designate for each lease a principal lessee, whose responsibility it would be to report and make all royalty payments from the many interests in a single lease's production, and will eliminate the antitrust problems which prevent such simplification of the system now.

Second, the existing disincentives for underreporting of production from Federal lands, and hence the underpayment of oil and gas royalties, cannot effectively discourage the irregularities which presently plague the system. Incidents of theft from oilfields and tank farms, of royalty oil being transported without a run ticket, of tampered with or mismanaged rig production monitoring equipment, and of reporting "errors," every one of which underreports, rather than overreports, production are reported throughout congressional and executive investigations.

The bill I am introducing today would set reasonable civil penalties for compliance violations by the lessee or its agents. This provision will shore up site security irregularities, by placing a cost on such actions.

In addition, this bill will add a 5-percent additional interest fine to the rate at which the Federal Government borrows money for late payments caused by error, delay, or worse irregularities. Finally, violations of the terms of the lease, when due process considerations have been served, shall result in the forfeiture of the lease involved.

This action would serve notice to the 25 oil companies who are responsible for 85 percent of all royalties collected that a more responsible execution of the terms of the leases of public lands is necessary.

I do not believe that the industry has had a respectful approach to this problem. A recent editorial by the editor of the Oil Daily, DeVan Shumway, describes interest in eliminating irregularities in royalty payments in the following terms. He says:

It would be a shame if the solution to the cheating problem . . . becomes the establishment of another Government bureaucracy. Otherwise, the petroleum industry is slated for more intrusion of Government—right down to the wellhead.

This is not a question of regulation, this is a question of the collection of money owed the public treasury for production done on public lands.

The continued loss of revenues owed the Federal and State Governments cannot continue. At the very least, it fosters fraud and abuse. Administration action to date requires legislation to make its internal actions fully effective. I also believe that administration's legislative proposals will not be stiff enough in the matter of disincentives to abuse of the system. I invite my colleagues to join me in this effort.

I would also like to compliment Senators McCLURE, WALLOP, MELCHER, and COHEN for their interest and action in this matter. I look forward to working together with them and the legislative task force now emerging from the Department of the Interior in developing strong answers to this problem. The Senate Energy Committee has been very responsive to the report of the Commission on Fiscal Accountability of our Nation's Energy Resources, and I wish to commend the members of that committee for their work in this matter.

I ask unanimous consent that a statement by Senator CANNON, who is a cosponsor of the bill I am introducing today, be inserted immediately following my remarks, and that after this statement that the text of S. 2083 be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2083

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Royalty Collection Incentive Act of 1982".

SEC. 2. (a) The Congress finds that—

(1) as much as $650,000,000 in oil and gas royalties go unpaid each year;

(2) royalty payments on oil and gas may amount to $23,000,000,000 by the end of the decade;

(3) production data used for royalty calculations are also used in calculation of the windfall profit tax;

(4) unpaid royalties can be attributed to producer under reporting, theft, lease mismanagement, and other irregularities which the lessee can prevent; and

(5) the United States Geological Survey does not necessarily have the authority to insure due payment of royalties.

(b) The purpose of this Act is to create a principal lessee for each mineral lease whose responsibility it will be to report production and make royalty payments on such lessees' lease and to provide new penalties for the violation of mineral leasing laws.

SEC. 3. Section 17 of the Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. 226) is amended by inserting at the end thereof the following:

"(l) (1) The Secretary of the Interior is authorized to designate a principal lessee (or his designee), with respect to any lease of land containing oil or gas issued under this Act, who shall be responsible to make all royalty and lease payments to the Secretary under such lease.

"(2) Compliance with subsection (1) shall not be a violation of any provision of the Federal antitrust laws.".

SEC. 4. Section 17 of the Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. 226) is amended by adding at the end thereof the following:

"(m) (1) At the request of the Secretary of the Interior, the Attorney General or a United States attorney shall institute a civil action in the district court of the United States for the district in which the affected operation is located for a temporary restraining order, injunction, or other appropriate remedy to enforce any provision of this Act respecting any oil or gas lease, any regulation or order issued under this Act respecting any oil or gas lease, or any term of a lease issued pursuant to this Act respecting oil or gas.

"(2) If any person fails to comply with any provision of this Act respecting any oil or gas lease, or any term of a lease issued pursuant to this Act respecting oil or gas, or any regulation or order issued under this Act respecting any oil or gas lease, after notice of such failure and expiration of any reasonable period allowed for corrective action, such person shall be liable for a civil penalty of not more than $10,000 for each day of the continuance of such failure. The Secretary may assess, collect, and compromise any such penalty. Any overdue royalty payments due on an oil or gas lease under this paragraph shall be subject to a fine of an additional 5 percent interest payment above the current rate of interest. No penalty shall be assessed until the person charged with a violation has been given an opportunity for a hearing.

"(3) Any person who knowingly and willfully (A) violates any provision of this Act respecting any oil or gas lease, any term of a lease issued pursuant to this Act respecting oil or gas, or any regulation or order issued under the authority of this Act respecting any oil or gas lease, (B) makes any false statement, representation, or certification in any application, record, report, or other document filed or required to be maintained under this Act respecting any oil or gas lease, (C) falsifies, tampers with, or renders inaccurate any monitoring device or method of record required to be maintained under this Act respecting any oil or gas lease, or (D) reveals any data or information required to be kept confidential by this Act respecting any oil or gas lease shall, upon conviction, be punished by a fine of not more than $100,000, or by imprisonment for not more than ten years, or both. A violation of this paragraph shall automatically result in the forfeiture of any oil or gas lease held by the person convicted. Each day that a violation under clause (A) continues, or each day that any monitoring device or data recorder remains inoperative or inaccurate because of any activity described in clause (C), shall constitute a separate violation.

"(4) Whenever a corporation or other entity is subject to prosecution under paragraph (3), any officer or agent of such corporation or entity who knowingly and willfully authorized, ordered, or carried out the proscribed activity shall be subject to the same fines or imprisonment, or both, as provided for under paragraph (3).

"(5) The remedies and penalties prescribed in this subsection shall be concurrent and cumulative and the exercise of one shall not preclude the exercise of the others. The remedies and penalties prescribed in this subsection shall be in addition to any other remedies and penalties afforded by any other law or regulation.".●

● Mr. CANNON. Mr. President, I am pleased to be a cosponsor of this bill, which is intended to discourage the violation of our mineral leasing laws. This bill is also intended to improve the collection of Government royalties and lease payments received from oil and gas produced on Federal lands.

Various studies and congressional hearings clearly indicate that our Government is shortchanged as much as $1 for each $10 owed in royalties. These underpayments, which could amount to as much as $650 million a year, can be frequently attributed to producer underreporting, fraud, theft, lease mismanagement, error, and other irregularities.

Currently there is no adequate authority to organize the leasing process or to enforce the terms of the leases. Neither are there any adequate sanctions to discourage present irregularities.

This continued loss of revenue cannot continue. Production data used for royalty calculations are also used in calculation of the windfall profit tax, thereby compounding the revenue loss to the Federal Government. Further distressing is the fact that these underpayments and accompanying revenue losses come at a time of large budget deficits and simultaneous tax breaks for the energy industry.

This bill is needed to strengthen the system by which we establish who owes money to the Federal Government. We need to clearly define how much is owed and who is responsible for its payment. This bill is also needed to reduce the existing disincentives for underreporting of production on Federal lands. There is a need for fines, civil penalties, and even lease forfeitures in order to combat lease violations and misuse.

With this bill, the Interior Department would have the authority to designate a principal lessee for each lease and to assure that the lessee's responsibility for reporting and payment of royalties would be clearly defined.

I urge my colleagues to support passage of this important and necessary legislation.●

By Mr. D'AMATO (for himself and Mr. THURMOND):

S. 2084. A bill to establish a fair and consistent national policy for the resolution of claims based on a purported lack of congressional approval of ancient Indian land transfers and to clear the titles of lands subject to such claims; to the Select Committee on Indian Affairs.

ANCIENT INDIAN LAND CLAIMS SETTLEMENT

Mr. D'AMATO. Mr. President, today I am introducing, with Senator THURMOND, comprehensive legislation which will resolve the remaining disputed Indian land claims in New York and South Carolina. The purpose of this act is to remove the clouds on the titles to land owned by homeowners and municipalities, property owners, and shopkeepers. While preserving for present occupants what is theirs, this legislation also provides for those Indians who have alleged or would allege land claims, due process of law, and monetary compensation. Surely, after nearly 200 years of dispute, the time has come for Congress to settle the issue of the land claims once and for all.

In New York, two Indian claims which cloud the title to almost 6 million acres of land in the central part of the State, and a third which threatens another 3 million acres, have been filed in the last 4 years. The size of the claims are vast, as great as the size of the States of Rhode Island, Delaware, and Connecticut combined. Should the claimants be restored to the possession of the lands that they claim, there would be enormous disruption to innumerable homes, businesses, municipal facilities, public services, and State and local taxation programs, with adverse consequences that would extend beyond the claims area. The financial consequences would be disastrous for thousands of innocent persons, as security for personal, business, and governmental obligations would be fatally impaired or wiped out.

What was vacant and unimproved lands when owned by the Indians 200 years ago is now enormously valuable property improved by the investments of equity and invaluable work of thousands of individuals, businesses, and governmental units that did not even exist when the wrongs alleged by the Indians were committed.

In addition to claiming millions of acres of land, the Indian tribes in New York and South Carolina are seeking recovery of hundreds of millions of dollars in trespass damages on the ground that the original transfers of the land by Indian tribes in the 18th and 19th centuries were invalid because the Federal Government never explicitly ratified or approved those transfers. While the basic issue raised by the Indian groups is that these land transfers were invalid because the United States failed to approve these transfers in accordance with the Non-Intercourse Act provision of the Indian Trade and Intercourse Act of 1790, the transfers have also been challenged under various other legal theories, including theories involving provisions of the Constitution and the Articles of Confederation.

CAYUGA CLAIM

The most recent suit filed in New York involves the Cayuga Nation. The Cayuga Tribe claims that the treaty it entered into deeding the State of New York 64,000 acres on July 24, 1795, is void because of an alleged failure to comply with the provisions of the Federal Non-Intercourse Act. In their lawsuit, the Cayugas request declaratory relief that they have legal and equitable title and the right of possession on the subject lands; ejectment and repossession of these lands; $350 million in trespass damages; an escrow fund of local property taxes and proceeds from land sales; an accounting of all mineral and timber removed from the land in question; and plaintiffs' attorneys' fees.

The Cayugas' case is based on an agency theory, claiming that the treaty in question was witnessed by a Federal agent, Israel Chapin, Jr., who lacked the required authority to provide the Federal presence necessary under the Non-Intercourse Act. The Cayugas base their objection on the fact that Chapin received a letter from President Washington's Secretary of War ordering him not to witness such a treaty signing. It is disputed as to whether or not this letter referred to the Cayugas. However, Chapin did not receive the correspondence until after he attended the treaty signing. As a result of this letter, the Cayugas are seeking to wipe out nearly 200 years of the history of the use of this land. It is simply not right or equitable to turn back the clock to 1795 to correct alleged errors and miscommunication at the expense of present title holders by forcing them to vacate the land they own. And so long as the suit is pending, there is a cloud on the titles of current landowners, and it is difficult for the land to be transferred or mortgaged.

RESPONSIBILITY OF THE UNITED STATES

During the past 200 years, the Federal Government has maintained a policy with regard to claimed land which has provided de facto approval of the validity of the land transfers. This course of conduct by the United States has resulted in the justifiable reliance by generations of landowners, and by the affected communities and States, in the integrity of present day land titles, founded on the belief that the United States had fulfilled whatever fiduciary responsibility it may have had to these tribes with regard to their land transfers.

The actions of the Federal Government constitute more than mere acquiescence in the validity of the transfers. Over the years, the United States has acquired land in the claims areas for many Federal purposes, such as the construction of post offices, courthouses, and military facilities, and has treated the landowners as the rightful

owners of the property. It has granted Federal funds to State and local agencies for various projects that involve the utilization of this land. It has provided millions of dollars in financial assistance, under the auspices of the Department of Housing and Urban Development, the Farmers Home Administration, and the Small Business Administration, to individuals and corporations to use, develop, and improve the lands claimed. Despite the Federal Government's extensive involvement in the land in the claim areas, it has never suggested that the non-Indian landowners did not have rightful title to the land because of the purported rights of the Indian tribes that are currently laying claim to the land.

SUMMARY OF THE ACT

The purpose of this legislation is to remove the clouds on titles to land located in New York and South Carolina as a result of the claims. In order to do this, the act approves, validates, and ratifies land transfers with the same effect as if such approval, validation, and ratification had been given at the time of the transfers. The act provides Indian tribes whose transfers have been approved by the act with due process with a means of obtaining fair compensation for their claims, including a cause of action for monetary compensation against the United States in the Court of Claims.

There are two processes by which the Indian tribes can have their claims adjudicated. First, as soon as possible after the enactment of the bill into law, the Secretary of the Interior is to publish in the Federal Register a notice of the information that should be supplied by an Indian tribe to allow the Secretary to determine whether in the absence of the act the Indian tribe had a credible claim and to determine a fair monetary award that should be paid by the United States in settlement of the claim. If the Indian tribe agrees to the settlement, there should be a final agreement constituting a permanent settlement. This section of the bill also authorizes the Secretary of the Interior to assist the Indian tribe in purchasing land from willing sellers.

The second process of adjudication provides that the Indian tribe may bring an action in the U.S. Court of Claims against the United States within 3 years of the date of the enactment of the act. The burden of proof is on the Indian tribe to establish that it or its predecessor did not receive fair or conscionable consideration for the land transfer.

Monetary damages awarded by the Court of Claims shall be equivalent to the difference between the fair market value that the claimant should have received for the transfer of its interest in the land and the compensation, if any, actually received by the claimant or its predecessor. The amount of the award shall be increased by simple interest from and after the date of the transfer until the date final judgment is entered in the Court of Claims.

This measure provides a fair and equitable solution to the Indian land claims controversy, addressing the serious problems facing present landowners and the claims made by Indian tribes. In a recent New York State Bar Journal article on the New York Indian land claims, Allan Van Gestel succinctly stated the issue before us:

There is a basic inequity in forcing present-day landowners to defend themselves against ancient claims that are in so sense based upon any wrongdoing on their part while the United States sits on the sidelines or assists in the prosecution. It is time for congress to live up to its representative responsibility and enact legislation which will clear away once and for all the clouds on title by these kinds of Indian land claims.

The time to act is now.

Mr. THURMOND. Mr. President, I wish to express my support for the legislation just introduced by the distinguished Senator and my good friend from New York (Mr. D'AMATO) and I am pleased to be a cosponsor.

This legislation addresses itself to a matter that is long overdue for congressional consideration. The issue of Indian land claims in the eastern and gulf regions of the United States is unquestionably a matter of national interest and concern.

Until recently, Congress believed that this was an issue which had been addressed and settled back in 1946. In that year, Congress enacted the Indian Claims Commission Act. Under that act, a commission was set up to adjudicate all Indian land claims against the United States which were based on allegedly unfair takings and/or inadequate compensation for takings of Indian lands by the U.S. Government. This act provided that all such claims had to be filed by 1951 or they would be forever barred. However, the Congress failed in that act to address the issue of Indian claims arising, not against the United States, but against States, municipalities, and private landowners. This is the type of action which the legislation introduced today is designed to address.

I believe the time has come for the Congress to resolve this issue once and for all. Without congressional action, private landowners who bear no responsibility for the current situation will continue to be forced into court to litigate the question of title to land they purchased in good faith, but which, because of actions taken by Indian tribes and local governments some 200 years ago, has now become the subject of litigation. For the Congress to stand by and allow this deplorable situation to continue would be both unfair and unacceptable.

This legislation would remove all such Indian claims to the U.S. Court of Claims for resolution, and would direct that in those cases deemed meritorious by the court, only a monetary remedy could be awarded. This would eliminate the cloud on title currently hanging over the heads of landowners in the affected States. In addition, a fair compensation formula for this monetary remedy has been included in the text of the bill.

I urge my colleagues to carefully consider the merits of this proposal. I feel that it provides an acceptable vehicle for a final resolution of this issue, one that is fair to all sides and all parties. I would also hope that the Senator from Maine (Mr. COHEN) and the other members of the Indian Affairs Committee will agree to early hearings on this bill.

By Mr. METZENBAUM, (for himself, Mr. MOYNIHAN, Mr. EAGLETON, Mr. INOUYE, and Mr. BRADLEY):

S. 2086. A bill to amend title II of the Social Security Act to provide for certain procedures to accompany reviews of continuing eligibility for disability insurance benefits; to the Committee on Finance.

CONTINUING DISABILITY INVESTIGATIONS IMPROVEMENT

● Mr. METZENBAUM. Mr. President, information has come to my attention that the Social Security Administration (SSA) is using seriously flawed procedures in its investigation of the continuing eligibility of current recipients of social security disability benefits. As a result, needed benefits are being denied to many truly disabled persons who have no alternative source of income.

Today, Senators MOYNIHAN, EAGLETON, INOUYE, BRADLEY and myself are introducing a bill to correct the procedural inequities that we have found in the present system. While I agree that our social security system can ill afford to carry persons on its rolls who are no longer disabled, we cannot allow our cost-saving initiatives to become so overzealous that we harm those very persons who are most in need of Government assistance and protection.

Starting in March 1981, SSA, at the request of the administration, has engaged in a massive, accelerated review of title II disability recipients. Nationwide, State agencies are receiving over 35,000 cases for review each month and that number is expected to double later this year. The offices are severely understaffed, the backlog of cases is enormous, and there is tremendous pressure to move these cases quickly. SSA has informed the State examiners that they will closely scrutinize cases in which a decision is made to continue benefits, but there is no review of decisions to terminate benefits. As a result of this not too subtle message to

decrease the disability rolls, some egregious errors are being made.

Agency personnel have informed my staff that very often the agency does not even request a medical report from the recipient's treating physician, particularly if that person is receiving care in a clinic setting. Even where medical evidence is requested, the agency is allegedly making its decisions to cease benefits prior to waiting a reasonable length of time for receipt of such a report or without reviewing those reports received.

In addition, serious allegations have been made concerning the quality and adequacy of the medical examinations conducted by the independent medical examiners under contract with the State agency. There are too many disturbingly similar stories of hasty 5-minute interviews with indifferent doctors to believe that these are just isolated incidents. As a result of these ill-advised procedures, the State agency in Ohio is currently ceasing benefits in 47 percent of the cases it reviews while the termination rate nationwide is 45.1 percent. However, in Cleveland, the administrative law judges are reversing at least 50 percent of these initial State agency decisions when the cases finally reach them on appeal. In other States I understand that the error rate is even higher. This incredible reversal rate means that about 25 percent of the disability recipients being removed from the rolls by the State agencies are actually entitled to continued benefits.

The consequences of an erroneous decision by the State agency are severe. Despite a request for a hearing on this initial determination that a person's disability has ceased, benefits are terminated pending the hearing decision. The waiting period for such a decision can be as long as 1 year. When benefits are restored, as they are in at least 50 percent of the cases, it may be too late for those persons with no other sources of income.

My staff have been contacted by desperately ill persons who are being forced to sell their homes and resort to other serious irreversible measures while awaiting this restoration of benefits. Lives are being destroyed, literally, as a result of this process. Several recent suicides and suicide attempts have been attributed to the loss of social security disability benefits.

In one case brought to the attention of my office, Calvin J. Crick, a 55-year-old man who had been on total disability since 1975 when he suffered a massive heart attack, received a notice that his benefits were being terminated because he was no longer disabled. Despite the report of his own physician of 12 years that a series of four heart attacks had left Mr. Crick permanently disabled and unable to resume working and despite previous test results to this effect, the State agency insisted that they would need current laboratory findings. Mr. Crick agreed to undergo a heart catheterization to prove his disability despite the warning of his physician that the operation could be life threatening. Mr. Crick felt he had no choice but to take the risk because he had to support a wife and two children. When one of my staff insisted that a medical consultant at SSA in Baltimore review this case, it was found that Mr. Crick's case file already contained more than sufficient evidence to prove his disability. While Mr. Crick was saved from a life-threatening operation by the last-minute intervention of this office, how many other lives are seriously damaged because no one has intervened on their behalf?

In another Ohio case, a 59-year-old woman had been receiving disability benefits because of a heart condition and progressively deteriorating arthritis. She had worked for 27 years as a dental technician before suffering a heart attack. After several unsuccessful attempts to continue working, she finally was forced to go on disability. Last October, the State agency, ignoring the report of her treating physician, terminated her benefits based on the report of a State-paid doctor who had spoken to her for only a few minutes and who had not even conducted a physical examination of her condition. This woman's husband is 76 years old and he receives a small pension, but their income was cut in half with the loss of her disability benefits.

These and countless other similar examples have led us to the conclusion that a legislative change is necessary. My bill simply requires SSA and the State agencies to adopt fairer procedures in their review. It requires SSA to give adequate notice to recipients whose cases have been chosen for investigation in order to give them sufficient time to make doctor appointments, undergo necessary tests and examinations, and obtain medical reports. The notice will inform recipients that they should obtain a report of a recent medical examination of their disability by a provider of medical services of their choice and that such report will be used in determining their continued eligibility for benefits. It requires the State agency to request such a report and to wait 30 days after their request for receipt of the report prior to making any determination as to whether the recipient's disability has ceased.

In addition, my bill would provide for a continuation of benefits in those cases where there is a substantial difference of medical opinion as to the recipient's disabling condition between the recipient's own treating physician and the consultative physician who was chosen by SSA or the State agency. Benefits would continue pending a hearing decision by the administrative law judge. Benefits would also continue during the appeals process for those recipients who could prove substantial dependence upon such benefits. This would only partially parallel the right to continued benefits which SSI disability recipients have under current law. Finally, in cases where benefits were continued pursuant to the above requirement, no overpayment could be recovered from recipients whose income did not exceed 150 percent of the poverty line if the final appeals decision was to cease benefits.

Time is of the essence in bringing about these needed procedural changes. Congress must take action to prevent further tragedies from occurring. We must not let our search for fraud and abuse result in harm to truly disabled persons who have worked and earned these benefits which they currently receive.●

● Mr. MOYNIHAN. Mr. President, in 1980, after the General Accounting Office investigated problems in the social security disability insurance (DI) program, Congress amended the Social Security Act to insure that only genuinely disabled persons receive social security disability insurance. The Disability Insurance Amendments of 1980 require the Social Security Administration to reexamine everyone now receiving DI benefits. Those found no longer disabled are to be removed from the benefit rolls.

Let me say first of all that I altogether support the goals of the 1980 amendments. Simply put, persons who once were but no longer are disabled should not continue to receive DI benefits. It is incumbent upon us to prevent such abuse.

It is, however, equally our responsibility to insure that the truly disabled receive the DI benefits to which they are entitled. It was not Congress intent to eliminate both the healthy and the disabled from the disability insurance program.

These mandatory reexaminations began in March 1981. Evidence provided by the Social Security Administration itself indicates that a very great number of disabled persons are being removed from the DI rolls. In 1981, the State agencies which carry out the DI reviews looked at 351,000 cases. According to the Social Security Administration, benefits were terminated in 45 percent of those cases. Persons denied benefits may appeal their case to an administrative law judge (ALJ). Benefits were reinstated in 47 percent of the cases heard on appeal.

I imply no meanness of spirit to the Social Security Administration and the State agencies that administer the medical reviews. In the past, State agencies would review 150,000 DI cases yearly. Caseload doubled in 1981, and will rise more than fourfold, to

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521,000, this year. The State agencies are illequipped to handle these cases. Social Security Administration officials speak of a large backload of cases in each State agency, and little incentive to review each case thoroughly. SSA admits that medical examiners often do not request a report from the beneficiary's treating physician, and also admits that many of the State-sponsored reexaminations are cursory.

As a result, many disabled persons are wrongly being denied DI benefits. I am pleased to be an original cosponsor of this bill, which would require SSA and the State agencies that carry out case reviews to adopt some procedural safeguards to protect those entitled to DI benefits.

This bill makes two important changes in current law. First, it requires the State medical reviewers to request, and to consider, recent reports of disability provided by a beneficiary's own doctor or clinic. Second, if DI benefits are discontinued despite evidence of genuine disability provided by a DI recipient's treating physician, and the recipient asks for an ALJ hearing, benefits would continue pending the ALJ decision. If the ALJ upholds terminating benefits, SSA would be empowered to recoup benefits paid after State agency determination that payment should cease. Payments would not continue if no difference of medical opinion exists. Only when there is genuine disagreement about a DI recipient's health would SSA continue to provide benefits. If an administrative law judge finds no reason to continue benefits, SSA would collect the amount of benefits paid after the State agency originally terminated the case.

In short, this bill offers the disabled some assurance that they will not be left destitute if their benefits are mistakenly terminated. I urge its speedy enactment.●

By Mr. DECONCINI:

S. 2087. A bill to authorize the issuance of U.S. obligations secured by and redeemable in gold; to the Committee on Banking, Housing, and Urban Affairs.

GOLD SECURITY

Mr. DECONCINI. Mr. President, the bill I am introducing today authorizes the issuance of U.S. obligations secured by and redeemable in gold. This new species of Federal debenture would, in other words, have a par value denominated in both gold and currency when issued. At maturity, the bearer would have the option of redeeming the security for either the stipulated quantity of gold or its cash equivalent.

The introduction of a gold-secured instrument of this sort on a trial basis should furnish a useful test, under limited conditions, of the possible effects of gold convertibility on the Federal budget, the financial markets, and the economy as a whole.

From the standpoint of Federal financial and fiscal policy, gold bonds or certificates offer certain immediately obvious advantages. First, gold backed securities should, all things being equal, command a more favorable; that is, lower coupon or discount rate, thereby reducing interest costs to the Government. This is no small matter, given a trillion dollar debt. Interest payments on the Federal debt last fiscal year, in fact, come to just under $100 billion. Even under the most optimistic assumptions, the cost of financing Federal red ink in the current fiscal year will undoubtedly exceed that figure, quite probably by a substantial margin.

Obligations redeemable in either specie or equal amounts of cash would have another, albeit somewhat less direct, fiscal benefit. They give the Government a very strong incentive to institute the measures necessary to assure monetary stability. It is not difficult to see why. Inflation and the price of gold in the relevant currency are, as a general rule, inversely related. Obligations entitling the bearer to payment in either gold or the cash equivalent would impose a severe penalty—in the shape, in effect, of appreciating principal—on any failure to arrest increases in the general price level.

Finally, Mr. President, the Presidential Gold Commission established under Public Law 96-389 is currently reviewing the various roles gold plays or might play in domestic and international monetary and financial systems. The concept embodied in this legislation is one which I believe deserves serious study; I commend it to the Commission's attention and ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S 2087

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, without regard to the provisions of the Gold Reserve Act of 1934, the Secretary of the Treasury is authorized to issue to the public, on a demonstration basis and at a rate of return not to exceed 75 percentum of the rate of return on comparable medium term government securities, obligations of the United States which are secured by, and may be redeemed by the holders thereof at maturity for, specified quantities of gold or amounts of currency of the United States measured thereby.

By Mr. McCLURE (by request):

S. 2088. A bill to require treatment of citizens of the Northern Mariana Islands as citizens of the United States of America for purposes of particular Federal statutes; to the Committee on Energy and Natural Resources.

S. 2089. A bill to clarify the applicability of the Federal Tort Claims Act to claims arising in the Northern Mariana Islands; to the Committee on Energy and Natural Resources.

S. 2090. A bill to amend the application of the Clean Air Act to the Northern Mariana Islands; to the Committee on Energy and Natural Resources.

NORTHERN MARIANA ISLANDS LEGISLATION

● Mr. McCLURE. Mr. President, at the request of the administration, I send to the desk for appropriate reference three bills:

First, to require the treatment of citizens of the Northern Mariana Islands as citizens of the United States of America for purposes of particular Federal statutes;

Second, to clarify the applicability of the Federal Tort Claims Act to claims arising in the Northern Mariana Islands; and

Third, to amend the application of the Clean Air Act to the Northern Mariana Islands.

Mr. President, this draft legislation was submitted by James A. Joseph, Chairman of the Northern Mariana Islands Commission on Federal Laws, which was appointed by the President pursuant to Public Law 94-241. I ask unanimous consent that the bills, and the executive communication which accompanied the proposals from the Chairman of the Commission be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2088

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States of America by the United States of America shall not bar the United States of America from paying compensation to or employing citizens of the Northern Mariana Islands.

STATUTES RELATING TO THE UNIFORMED SERVICES.

SEC. 2. In accordance with the Covenant To Establish a Commonwealth of the Northern Mariana Inlands in Political Union with the United States of America (approved on March 24, 1976, by Public Law 94-241), a citizen of the Northern Mariana Islands who declared in writing an intent to become a citizen, and not a national, of the United States of America upon full implementation of such Convenant shall be deemed a citizen of the United States of America for purposes of:

(a) Sections 311, 510, 532, 591, 2004, 2031, 2104, 2107, 2122, 4348, 6019, 6911, 6958, 6959, 8257, and 9348 of title 10, United States Code;

(b) Section 195, 371, 706, and 823 of title 14, United States Code; and

(c) Section 313 of title 32, United States Code.

STATUTES RELATING TO THE FEDERAL EMPLOYMENT

SEC. 3. Citizens of the Northern Mariana Islands shall be deemed citizens of the United States of America for purposes of

(a) Sections 5342, 5343, 5561, 5595, 5912, 5922, 6301, 7103, 7532, 8171, 8501, 8701, and 8901 of title 5, United States Code;

(b) Section 22 of title 13, United States Code;

(c) Section 2 of Public Law 86-91, 73 Stat. 213 (20 U.S.C. section 901);

(d) Sections 301-03 of the Act of January 27, 1943, c.36, 62 Stat. 6, as amended (22 U.S.C. sections 1451-53);

(e) Section 636 of Public Law 87-195, 75 Stat. 424, as amended (22 U.S.C. section 2396);

(f) Sections 5 and 6 of Public Law 87-293, 75 Stat. 612, as amended (22 U.S.C. sections 2504-05);

(g) Sections 103, 301, 312, 403, 409, 504, 608, 901, 903, 904, and 1101 of Public Law 96-465, 94 Stat. 2071 (22 U.S.C. sections 3903, 3941, 3952, 3963, 3969, 3984, 4008, 4081, 4083, 4084, and 4131);

(h) Section 15 of Public Law 90-202, 81 Stat. 602, as added by section 28(b)(2) of Public Law 93-259, 88 Stat. 55, and as amended (29 U.S.C. section 633a);

(i) Sections 235 and 4105 of title 38, United States Code;

(j) Section 203 of the Act of July 1, 1944, c.373, 53 Stat. 682, as amended (42 U.S.C. section 204);

(k) Section 104 of Public Law 93-113, 87 Stat. 394 (42 U.S.C. section 4954); and

(l) Civil Service Rules VII and VIII (5 C.F.R. parts 7 and 8).

STATUTES RELATING TO PROTECTION AND SERVICES IN FOREIGN COUNTRIES

SEC. 4. Citizens of the Northern Mariana Islands shall be deemed citizens of the United States of America for purposes of:

(a) Sections 351 and 1486 of title 10, United States Code;

(b) Section 498 of the Act of June 17, 1930, c.497, 46 Stat. 590, as amended (19 U.S.C. section 1498);

(c) Subsection (b) of section 502 of Public Law 93-618, 88 Stat. 1978 (19 U.S.C. section 2462(b));

(d) Section 2001 of the Revised Statutes of 1878 (22 U.S.C. section 1732);

(e) Section 108 of Public Law 95-105, 91 Stat. 845 (22 U.S.C. section 2151n-1);

(f) Sections 601 and 620 of Public Law 87-195, 75 Stat. 424, as amended (22 U.S.C. sections 2351 and 2370);

(g) Section 3 of the Act of August 1, 1956, c.841, 70 Stat. 890 (22 U.S.C. section 2670);

(h) Section 7 of Public Law 96-8, 93 Stat. 14 (22 U.S.C. section 3306);

(i) Sections 1707, 1709, 1711, 1734, and 1737 of the Revised Statutes of 1878, as amended (22 U.S.C. sections 4193, 4195, 4197, 4217, and 4218);

(j) Section 1 of the Act of December 23, 1944, c.716, 58 Stat. 921, as amended (31 U.S.C. section 492a);

(k) Sections 3048 and 3689 of the Revised Statutes of 1878, as amended (31 U.S.C. section 711);

(l) Sections 4294 and 4295 of the Revised Statutes of 2878 (33 U.S.C. sections 382 and 383);

(m) Section 1113 of the Act of August 14, 1935, c.531, 49 Stat. 620, as added by section 302 of Public Law 87-64, 75 Stat. 131, and as amended (42 U.S.C. section 1313);

(n) Section 521 of Public Law 94-163, 89 Stat. 871 (42 U.S.C. section 6391); and

(o) Sections 2, 8, 10, and 12 of the Act of October 6, 1917, c.106, 40 Stat. 411, as amended (50 U.S.C. App. section 2, 8, 10, and 12).

STATUTES RELATING TO COMMERCE

SEC. 5. Citizens of the Northern Mariana Islands shall be deemed citizens of the United States of America for purposes of:

(a) Sections 302, 310D, 311, and 321 of Public Law 87-128, 75 Stat. 294, as amended (7 U.S.C. sections 1922, 1934, 1941, and 1961);

(b) Section 5146 of the Revised Statutes of 1878, as amended (12 U.S.C. section 72);

(c) Subsection (a) of section 25 of the Act of December 23, 1913, c.6, 38 Stat. 251, as added by the Act of December 24, 1919, c.18, 41 Stat. 378, and as amended (12 U.S.C. section 619);

(d) Subsection (a) of section 7 of the Act of July 22, 1932, c.522, 47 Stat. 725, as amended (12 U.S.C. section 1427(a));

(e) Subsection (b) of section 5.1 of Public Law 92-181, 85 Stat. 583 (12 U.S.C. section 2222);

(f) Subsection (i) of section 44 of the Act of July 5, 1946, c.540, 60 Stat. 427, as amended (15 U.S.C. section !126(i));

(g) Subsection (b)(7) of section 4 of the Act of August 8, 1956, c.1036, 70 Stat. 1119, as amended (16 U.S.C. section 742c(b)(7));

(h) Subsection (e) of section 4 of the Act of June 10, 1920, c.285, 41 Stat. 1063, as amended (16 U.S.C. section 797(e));

(i) Subsection (b) of section 101 of Public Law 94-553, 90 Stat. 2541 (17 U.S.C. section 104(b));

(j) Subsection (a) of section 526 of the Act of June 17, 1930, c.497, 46 Stat. 590, as amended (19 U.S.C. section 1526(a));

(k) Subsection (a)(5) of section 2 of the Act of June 20, 1936, c.638, 49 Stat. 1559, as amended (20 U.S.C. section 107a(a)(5));

(l) Section 238 of Public Law 87-195, 75 Stat. 424, as added by section 105 of Public Law 91-175, 83 Stat. 805, and as amended (22 U.S.C. section 2198);

(m) Section 897 of the Internal Revenue Code of 1954, as added by subsection (a) of section 1122 of Public Law 96-499, 94 Stat. 2599 (26 U.S.C. section 897);

(n) Subsection (b)(7) of section 622 of Public Law 96-294, 94 Stat. 611 (30 U.S.C. section 1522(b)(7));

(o) Subsection (5) of section 3 of Public Law 93-627, 88 Stat. 2126 (33 U.S.C. section 1502(5));

(p) Subsection (f)(3) of section 514 of the Act of July 15, 1949, c.338, 63 Stat. 413, as added by subsection (a) of section 804 of Public Law 87-70, 75 Stat. 149, and as amended (42 U.S.C. section 1484(f)(3));

(q) Subsection (d) of section 103 and subsection (d) of section 104 of the Act of August 1, 1946, c.724, 60 Stat. 754, as added by section 1 of the Act of August 30, 1954, c.1073, 68 Stat. 921, and as amended (42 U.S.C. sections 2133(d) and 2134(d));

(r) Subsection (b)(2)(A) of section 7 of Public Law 93-577, 88 Stat. 1878 (42 U.S.C. section 5906(b)(2)(A));

(s) Subsection (p)(1) of section 19 of Public Law 93-577, 88 Stat. 1878, as added by subsection (b) of section 207 of Public Law 95-238, 92 Stat. 53 (42 U.S.C. section 5919(p)(1));

(t) Subsection (b) of section 179 of Public Law 96-294, 94 Stat. 611 (42 U.S.C. section 8779(b)(4));

(u) Subsection (a)(3) of section 2, subsection (a) of section 101, and subsection (e)(2)(C) of section 108 of Public Law 96-320, 94 Stat. 974 (42 U.S.C. sections 9101(a)(3); 9111(a); and 9118(e)(2)(C));

(v) Section 4219 of the Revised Statutes of 1878, as amended (46 U.S.C. section 121);

(w) Section 4131 of the Revised Statutes of 1878, as amended (46 U.S.C. section 221);

(x) Section 1 of the Act of August 1, 1939, c. 409, 53 Stat. 1145, as amended (46 U.S.C. section 242);

(y) Section 4377 of the Revised Statutes of 1878, as amended (46 U.S.C. section 325);

(z) Section 5 of the Act of June 25, 1936, c. 816, 49 Stat. 1930 (46 U.S.C. section 672a);

(aa) Section 36 of the Act of September 7, 1916, c. 451, 39 Stat. 728 (46 U.S.C. section 834);

(bb) Sections 302, 501, 509, 601, 809(a), 1103, and 1104 of the Act of June 29, 1936, c. 858, 49 Stat. 1985, as amended (46 U.S.C. sections 1132, 1151, 1159, 1171, 1213, 1273, and 1274);

(cc) Subsection (a) of section 203 of Public Law 96-320, 94 Stat. 974 (46 U.S.C. section 1279c(a));

(dd) Sections 1201 and 1203 of the Act of June 29, 1936, c. 858, 49 Stat. 1985, as added by the Act of September 7, 1950, c. 906, 64 Stat. 773, and as amended (46 U.S.C. sections 1281 and 1283);

(ee) Sections 1301, 1303, 1304, and 1306 of Public Law 96-453, 94 Stat. 1997 (46 U.S.C. sections 1295, 1295b, 1295c, and 1295e);

(ff) Subsection (1)(l) of section 303 and subsection (b) of section 310 of the Act of June 19, 1934, c. 652, 48 Stat. 1064, as amended (47 U.S.C. sections 303(1)(l) and 310(b));

(gg) Subsection (16) of section 101, section 104, and subsection (d)(4) of section 401 of Public Law 85-726, 72 Stat. 731, as amended (49 U.S.C. sections 1301(16), 1304, and 1371(d)(4));

(hh) Section 418 of Public Law 85-726, 72 Stat. 731, as added by subsection (a) of section 17 of Public Law 95-163, 91 Stat. 1278, and as amended (49 U.S.C. section 1388); and

(ii) Sections 501, 602, and 1303 of Public Law 85-726, 72 Stat. 731, as amended (49 U.S.C. sections 1401, 1422, and 1533).

STATUTES RELATING TO POLITICAL AND CIVIL RIGHTS

SEC. 6. Citizens of the Northern Mariana Islands shall be deemed citizens of the United States of America for purposes of:

(a) Section 319 of Public Law 92-225, 86 Stat. 3, as added by subsection (2) of section 112 of Public Law 94-283, 90 Stat. 475, and as redesignated by subsection (5) of section 105 of Public Law 96-187, 93 Stat. 1339 (2 U.S.C. section 441e);

(b) Subsection (a)(2) of section 3 of Public Law 93-579, 88 Stat. 1896, as amended (5 U.S.C. section 552a(a)(2));

(c) Sections 241 and 243, subsection (b)(5) of section 245, subsection (a) of section 4000, and subsection (b) of section 4100 of title 18, United States Code;

(d) Sections 4081 and 4082 of the Revised Statutes of 1878, as amended (22 U.S.C. sections 257 and 258);

(e) Subsection (b)(2) of section 1 of Act of June 8, 1938, c.327, 52 Stat. 631, as amended (22 U.S.C. section 611);

(f) Sections 1343, 1344, 1391, 1443, 1861, 1862, 1863, and 1865 of title 28, United States Code;

(g) Section 505 of the Act of June 30, 1948, c.758, 62 Stat. 1115, as added by section 2 of Public Law 92-500, 86 Stat. 816 (33 U.S.C. section 1365);

(h) Subsection (a)(1) of section 2004 of the revised Statutes of 1878, as amended (42 U.S.C. section 1971(a)(1));

(i) Section 2, subsection (b) of section 3, section 4, and subsection (a) of section 10 of Public Law 89-110, 79 Stat. 437 (42 U.S.C.

sections 1973, 1973a(b), 1973b, and 1973h(a));

(j) Subsection (a) of section 201 of Public Law 89-110, 79 Stat. 437, as added by section 6 of Public Law 91-285, 84 Stat. 314, and as amended (42 U.S.C. section 1973aa(a));

(k) Section 203 of Public Law 89-110, 79 Stat. 437, as added by section 301 of Public Law 94-73, 89 Stat. 400 (42 U.S.C. section 1973aa-1a);

(l) Section 104 of Public Law 85-315, 71 Stat. 634, as amended (42 U.S.C. section 1975c);

(m) Section 1979 of the Revised Statutes of 1878, as amended (42 U.S.C. section 1983);

(n) Section 1980 of the Revised Statutes of 1878 (42 U.S.C. section 1985);

(o) Section 702 of Public Law 88-352, 78 Stat. 241, as amended (42 U.S.C. section 2000e-1);

(p) Section 717 of Public Law 88-352, 78 Stat. 241, as added by section 11 of Public Law 92-261, 86 Stat. 103 (42 U.S.C. section 2000e-16);

(q) Section 2 of the Act of March 2, 1917, c.145, 39 Stat. 951, as amended (48 U.S.C. section 737);

(r) Subsection (i) of section 101 of Public Law 95-511, 92 Stat. 1783 (50 U.S.C. section 1801);

(s) Subsection (b)(3) of section 10 of the Act of June 24, 1948, c.625, 62 Stat. 604, as amended (50 U.S.C. App. section 460(b)(3));

(t) Section 105 of the Act of October 17, 1940, c.888, 54 Stat. 1178, as added by section 4 of the Act of October 6, 1942, c.581, 56 Stat. 769 (50 U.S.C. App. section 514); and

(u) Section 512 of the Act of October 17, 1940, c.888, 54 Stat. 1178, as amended (50 U.S.C. App. section 572).

STATUTES RELATING TO FEDERAL PROGRAMS AND BENEFITS

SEC. 7. Citizens of the Northern Mariana Islands shall be deemed citizens of the United States of America for purposes of:

(a) Subsection (f) of section 6 of Public Law 88-525, 78 Stat. 703, as amended (7 U.S.C. section 2015(f));

(b) Subsection (a) of section 2545 of title 10, United States Code;

(c) Subsection (m)(2) of section 2[3] of the Act of September 21, 1950, c.967, 64 Stat. 873, as added by section 6(c)(4) of Public Law 95-369, 92 Stat. 607 (12 U.S.C. section 1813(m)(2));

(d) Subsection (b) of section 500 of title 14, United States Code;

(e) Paragraphs (4) and (5) of subsection (a) of section 4 of Public Law 88-578, 78 Stat. 897, as added by section 2 of Public Law 92-347, 86 Stat. 459, as amended, and by subsection (2) of section 9 of Public Law 96-344, 94 Stat. 1133 (16 U.S.C. section 4601-6a (a)(4) and (5));

(f) Section 29 of the Act of August 1, 1956, c. 841, 70 Stat. 890, as added by section 2201 of Public Law 96-465, 94 Stat. 2071 (22 U.S.C. section 2701);

(g) Section 2 of Public Law 95-524, 92 Stat. 1909 (29 U.S.C. sections 834(3) and 993(b)(1)(C));

(h) Subsection (g) of section 9 of the Act of March 4, 1927, c.509, 44 Stat. 1424, as amended (33 U.S.C. section 909(g));

(i) Subsection (b) of section 624 of title 38, United States Code;

(j) Subsection (d)(12) of section 789, formerly section 776, of the Act of July 1, 1944, c. 373, 58 Stat. 682, as added by subsection (a) of section 3 of Public Law 93-154, 87 Stat. 594, as amended (42 U.S.C. section 295g-8(d)(12));

(k) Subsection (b) (3) of section 2 and section 4 of the Act of August 14, 1935, c.531, 49 Stat. 620, as amended (42 U.S.C. sections 302(b)(3) and 304);

(l) Subsection (t) of section 202 of the Act of August 14, 1935, c.531, 49 Stat. 620, as added by subsection (a) of section 118 of the Act of August 1, 1956, c.836, 70 Stat. 807, and as amended (42 U.S.C. section 402(t));

(m) Subsection (a)(4) of section 103 of Public Law 89-97, 79 Stat. 285, as amended (42 U.S.C. section 426a(a)(4));

(n) Subsection (a)(3) of section 228 of the Act of August 14, 1935, c.531, 49 Stat. 620, as added by subsection (a) of section 302 of Public Law 89-368, 80 Stat. 38, as amended (42 U.S.C. section 428(a)(3));

(o) Subsection (b)(2) of section 1002 and section 1004 of the Act of August 14, 1935, c.531, 49 Stat. 620, as amended (42 U.S.C. sections 1202(b)(2) and 1204);

(p) Subsection (b)(2) of section 1402 and section 1404 of the act of August 14, 1935, c.531, 49 Stat. 620, as added by section 351 of the Act of August 29, 1950, c.809, 64 Stat. 477 (42 U.S.C. sections 1352(b)(2) and 1354);

(q) Subsection (a)(1)(B) of section 1614 and subsection (a)(3) of section 1818 of the Act of August 14, 1935, c.531, 49 Stat. 620, as added by sections 301 and 202, respectively, of Public Law 92-603, 86 Stat. 1329, and as amended (42 U.S.C. sections 1382c(a)(1)(B) and 1395i-2(a)(3));

(r) Subsection (2) of section 1836 and subsection (b)(4) of section 1902 of the Act of August 14, 1935, c.531, 49 Stat. 620, as added by subsection (a) of section 102 and subsection (b) of section 121, respectively, of Public Law 89-97, 79 Stat. 285 (42 U.S.C. sections 1395o(2) and 1396a(b)(4));

(s) Subsection (b) of section 2 of the Act of August 16, 1941, c.357, 55 Stat. 622 (42 U.S.C. section 1652(b)).

(t) Subsection (c) of section 101 of the Act of December 2, 1942, c.668, 56 Stat. 1028, as amended (42 U.S.C. section 1701(c));

(u) Section 10 of the Act of May 10, 1950, c.171, 64 Stat. 149, as amended (42 U.S.C. section 1869);

(v) Subsection (c) of section 2 of Public Law 86-209, 73 Stat. 431 (42 U.S.C. section 1881(c)); and

(w) Section 2 of the Act of August 3, 1950, c.520, 64 Stat. 397 (42 U.S.C. section 1922).

GEOGRAPHIC APPLICABILITY OF LAWS UNAFFECTED

SEC. 8. Nothing in this Act shall extend to the Northern Mariana Islands any law not otherwise geographically applicable to or within the Northern Mariana Islands.

STATUTORY CONSTRUCTION

SEC. 9. Citizens of the Northern Mariana Islands shall be deemed citizens of the United States for purposes of any provision requiring United States citizenship as a prerequisite to receipt of any benefit, right, privilege, or immunity in any statute made applicable to the Northern Mariana Islands by the terms of that statute or by operation of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (approved on March 24, 1976, by Public Law 94-241).

DEFINITION

SEC. 10. For purposes of this Act, "citizens of the Northern Mariana Islands" are those persons defined as United States citizens or United States nationals in section 8 of the Schedule on Transitional Matters of the Constitution of the Northern Mariana Islands, as approved by Presidential Proclamation 4534 of October 24, 1977.

EXPIRATION

SEC. 11. This Act and the rights and privileges extended hereunder shall expire upon establishment of the Commonwealth of the Northern Mariana Islands.

S. 2089

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Northern Mariana Islands shall not be considered "a foreign country" for purposes of subsection (k) of section 2680 of title 28, United States Code.

SEC. 2. This Act shall expire upon the establishment of the Commonwealth of the Northern Mariana Islands.

S. 2090

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 301 of the Clean Air Act (42 U.S.C. section 7601) is amended by adding a new subsection to read as follows:

"(d) The Administrator shall exempt the Northern Mariana Islands from any requirement imposed by this Act (or by regulations issued hereunder) on a finding by the Governor of the Northern Mariana Islands that the benefits of compliance with that requirement are to be significantly outweighed by the costs of compliance."

SEC. 2. Subsection (d) of section 302 of the Clean Air Act (42 U.S.C. section 7602(d)) is amended by adding, "except for purposes of part A of title II of this Act," before "the Commonwealth of the Northern Mariana Islands.".

NORTHERN MARIANA ISLANDS,
COMMISSION ON FEDERAL LAWS,
Washington, D.C., January 25, 1982.

Hon. GEORGE BUSH,
President of the Senate,
The Capitol, Washington, D.C.

DEAR MR. PRESIDENT: I have the honor of submitting to you an interim report of the Northern Mariana Islands Commission on Federal Laws. The Commission, appointed by the President pursuant to section 504 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (approved by Public Law 94-241, 90 Stat. 263, March 24, 1976), is instructed "to survey the laws of the United States and to make recommendations to the United States Congress as to which laws of the United States not applicable to the Northern Mariana Islands should be made applicable and to what extent and in what manner, and which applicable laws should be made inapplicable and to what extent and in what manner."

The Commission is authorized, before submitting its final report, to "make such interim reports and recommendations to the Congress as it considers appropriate to facilitate the transition of the Northern Mariana Islands to its new political status." The enclosed report is such an interim report.

Legislation to implement the Commission's recommendations is incorporated within the report. The Commission urges the Congress to enact this legislation at its earliest opportunity.

Sincerely,

JAMES A. JOSEPH.

Enclosure.●

By Mr. CHAFEE:

S. 2092. A bill to amend section 280A of the Internal Revenue Code of 1954 to permit Members of Congress to deduct expenses incurred while away from home in pursuit of trade or business on the same basis as other taxpayers; to the Committee on Finance.

REPEALING CERTAIN TAX DEDUCTIONS FOR MEMBERS OF CONGRESS

● Mr. CHAFEE. Mr. President, today I am introducing legislation to repeal the authority of the Internal Revenue Service to grant Members of Congress a per diem tax deduction for unsubstantiated business expenses. My bill will require Members of Congress to deduct expenses on exactly the same basis as other taxpayers.

Over the past 4 months, the Senate has changed the rules for deducting congressional business expenses on two occasions, once during debate on the first continuing resolution in September and again just before we adjourned sine die in December. Let me briefly review the legislative history.

In 1954, Congress passed a law allowing each Member of Congress to deduct $3,000 from his/her salary to offset the cost of maintaining a second residence in the Washington area. This exemption was allowed regardless of actual expenses and was not subject to audit by the IRS. In September 1981, Congress voted to remove the $3,000 deduction, thereby requiring the Members to itemize their legitimate business expenses, just as any other taxpayer would do.

I supported this action because I do not believe Members of Congress should be treated differently from other taxpayers. Enacting special tax laws just for Senators and Congressmen is wrong on principle and creates public distrust of elected representatives. They should itemize business expenses under the rules applicable to every other citizen and be subject to the same IRS scrutiny faced by every other taxpayer.

In December, however, Congress legislated once again on this subject. An amendment passed, which I and 43 Senators voted against, requiring the IRS to draft special regulations establishing an amount that Members of Congress can deduct for expenses without proving the expenses were actually made. IRS has set that amount at $75 for every day, and many weekends in between the days, that Congress is in session. No other American is blessed with such privilege.

This new provision is a direct contradiction to the principle we sought to establish in September by removing the $3,000 limit. In these times of fiscal austerity, when Congress has voted to cut sharply in many important domestic spending areas, we are creating a double standard: Benefits for Congressmen and benefit cuts for everyone else. These legislative actions have not escaped public notice. Let me quote from letters which my constituents have sent me on this matter. They speak more eloquently than I can:

As hard working, productive citizens, we feel that we must go on record as notifying you that we find this (tax break) to be an unconscionable and reckless proposal in the face of all the cuts being put into effect by our President which are particularly destructive to the poor and elderly who are suffering from the rigors of a harsh winter.

I am writing to express my surprise and disappointment with the manner in which Congress underhandedly voted itself a raise by providing for tax breaks and allowances to which no other citizen is entitled . . . how do you think this makes the average American, who has no control of the constant tug on his or her tax dollar, feel; and

Who are you to present yourselves as an insulated class of the effects of inflation and taxation that your peers must face?

Mr. President, the law on the subject of business tax deductions should be neutral. Members of Congress should enjoy no special tax privileges nor bear any added burden. Having consistently voted with these objectives in mind, I urge my colleagues to cosponsor and support my bill.●

ADDITIONAL COSPONSORS

S. 256

At the request of Mr. PERCY, the Senator from Wisconsin (Mr. KASTEN) and the Senator from Pennsylvania (Mr. HEINZ) were added as cosponsors of S. 256, a bill to amend the Internal Revenue Code of 1954 to eliminate the requirement that a member of the Armed Forces maintain a household in the United States to be eligible for an earned income credit.

S. 439

At the request of Mr. MATTINGLY, the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 439, a bill to restrict bail pending appeal where the conviction involves a drug-related offense.

S. 1323

At the request of Mr. TSONGAS, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 1323, a bill to amend the Internal Revenue Code of 1954 with respect to the residential energy and investment tax energy credits, and for other purposes.

S. 1590

At the request of Mr. THURMOND, the Senator from Washington (Mr. JACKSON) was added as a cosponsor of S. 1590, a bill to amend title 10, United States Code, to provide for legal assistance to members of the Armed Forces and their dependents, and for other purposes.

S. 1645

At the request of Mr. MOYNIHAN, the Senator from Arizona (Mr. DECONCINI), and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 1645, a bill to let funds in individual retirement accounts be used to purchase collectibles.

S. 1678

At the request of Mr. HATCH, the Senator from Utah (Mr. GARN), the Senator from Alabama (Mr. HEFLIN), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of S. 1678, a bill to amend the Employee Retirement Income Security Act of 1974 with regard to mortgage investments.

S. 1698

At the request of Mr. DENTON, the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1698, a bill to amend the Immigration and Nationality Act to provide preferential treatment in the admission of certain children of U.S. Armed Forces personnel.

S. 1748

At the request of Mr. HATCH, the Senator from Mississippi (Mr. COCHRAN), the Senator from Minnesota (Mr. DURENBERGER), the Senator from California (Mr. HAYAKAWA), the Senator from North Carolina (Mr. HELMS), the Senator from Iowa (Mr. JEPSEN), the Senator from Nebraska (Mr. ZORINSKY), the Senator from Idaho (Mr. SYMMS), and the Senator from Minnesota (Mr. BOSCHWITZ) were added as cosponsors of S. 1748, a bill to exempt certain fixed contribution multiemployer pension plans from title IV of the Employee Retirement Income Security Act of 1974.

S. 1812

At the request of Mr. PERCY, the Senator from California (Mr. CRANSTON), the Senator from Nebraska (Mr. ZORINSKY), the Senator from Arkansas (Mr. BUMPERS), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of S. 1812, a bill to insure congressional approval for the use of commercial irradiated fuel and to support the Nonproliferation Treaty.

S. 1817

At the request of Mr. MOYNIHAN, the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1817, a bill to further the national security of the United States and the Nation's economy by providing grants for foreign language programs to improve foreign language study for elementary and secondary school students and to provide for per capita grants to reimburse institutions of higher education for part of the costs of providing foreign language instruction.

S. 1844

At the request of Mr. JOHNSTON, the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 1844, a bill to facilitate the national distribution and utilization of coal.

S. 1896

At the request of Mr. PELL, the Senator from Delaware (Mr. BIDEN) and the Senator from Oklahoma (Mr. BOREN) were added as cosponsors of S. 1896, a bill to amend the Internal Revenue Code of 1954 to repeal the special leasing provisions enacted by the Economic Recovery Tax Act of 1981.

S. 1907

At the request of Mr. ROTH, the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 1907, a bill to amend the Currency and Foreign Transactions Reporting Act and section 1961(1) of title 18, United States Code, to improve enforcement, and for other purposes.

S. 1943

At the request of Mr. SCHMITT, the Senator from Georgia (Mr. MATTINGLY), the Senator from North Carolina (Mr. EAST), the Senator from Iowa (Mr. GRASSLEY), the Senator from Florida (Mrs. HAWKINS), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1943, to increase the penalties for smuggling quantities of marihuana exceeding 1,000 pounds.

S. 2010

At the request of Mr. BOREN, the Senator from Montana (Mr. BAUCUS), the Senator from Wyoming (Mr. SIMPSON), the Senator from Rhode Island (Mr. PELL), the Senator from Georgia (Mr. NUNN), the Senator from Mississippi (Mr. STENNIS), the Senator from New Hampshire (Mr. RUDMAN), the Senator from Wisconsin (Mr. PROXMIRE), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 2010, a bill to amend the Internal Revenue Code of 1954 to eliminate the special leasing provisions of the accelerated cost recovery system.

S. 2027

At the request of Mr. ROBERT C. BYRD, the Senator from Montana (Mr. MELCHER), the Senator from Arizona (Mr. GOLDWATER), the Senator from Indiana (Mr. LUGAR), and the Senator from Kentucky (Mr. FORD) were added as cosponsors of S. 2027, a bill to provide for an accelerated study of the causes and effects of acid precipitation, to provide for an examination of certain acid precursor control technologies, and for other purposes.

S. 2048

At the request of Mr. CRANSTON, the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of S. 2048, a bill to amend title 38, United States Code, to restore eligibility for burial benefits in the case of certain veterans of war whose bodies are not claimed, and for other purposes.

S. 2057

At the request of Mr. KASTEN, the Senator from New York (Mr. D'AMATO) and the Senator from South Dakota (Mr. PRESSLER) were added as cosponsors of S. 2057, a bill to amend title 49, United States Code.

SENATE JOINT RESOLUTION 131

At the request of Mr. EXON, the Senator from Indiana (Mr. LUGAR), the Senator from New York (Mr. D'AMATO), and the Senator from California (Mr. CRANSTON) were added as cosponsors of Senate Joint Resolution 131, a joint resolution designating "National Theatre Week".

SENATE JOINT RESOLUTION 138

At the request of Mr. ROBERT C. BYRD, the Senator from Indiana (Mr. LUGAR), the Senator from California (Mr. CRANSTON), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of Senate Joint Resolution 138, a joint resolution to authorize and request the President to designate the week of April 18, 1982, through April 24, 1982, as "National Coin Week."

AMENDMENT NO. 1244

At the request of Mr. RANDOLPH, the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of amendment No. 1244 intended to be proposed to Senate Resolution 20, a resolution providing for television and radio coverage of proceedings of the Senate.

SENATE CONCURRENT RESOLUTION 65—TO PROTECT THE NATION'S ELDERLY FROM PROPOSED FISCAL YEAR 1983 BUDGET CUTS

Mr. PRESSLER submitted the following concurrent resolution, which was referred to the Committee on the Budget:

S. CON. RES. 65

Whereas the elderly of this nation have spent a lifetime paying taxes; and

Whereas inflation and rising energy costs impact especially hard on retired persons: Now therefore be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that no reductions will be approved by Congress in the 1983 budget for Federal programs affecting the elderly, including medicare, without corresponding reductions in defense funding.

● Mr. PRESSLER. Mr. President, as a supporter of President Reagan's economic program, I am concerned that the 1983 budget submission indicates a reduction in programs for the elderly, including a 5-percent cut in medicare.

While I am also an advocate of a strong national defense, I do not believe that we should slight our senior citizens in attempts to reduce the budget.

Many of our Nation's elderly are worried about how they are going to survive the winter with high home heating costs. Rightly or wrongly, they are deeply troubled about the continued solvency of social security. The present budget proposal only adds to their sense of uncertainty. Regardless of what state the economy is in later this year, the concerns of the elderly will be a key issue in this fall's elections.

Mr. President, I believe that the Senate should go on record early in support of elderly programs. We should not put our senior citizens through months of uncertainty regarding the funding of Federal programs while we debate the budget. I am, therefore, today submitting a sense of the Congress resolution stating that no reductions will be approved by Congress in the 1983 budget for Federal programs affecting the elderly, including medicare, without corresponding reductions in defense funding.●

REFERRAL OF SENATE RESOLUTION 313

Senate Resolution 313 expressing the sense of the Senate that the Congress should expeditiously consider making an urgent supplemental appropriation for the Department of Labor for the fiscal year ending September 30, 1982, which was ordered held at the desk February 4, 1982, until the close of business February 9, 1982, was referred to the Committee on Appropriations.

AMENDMENTS SUBMITTED FOR PRINTING

DEPARTMENT OF JUSTICE AUTHORIZATION ACT, 1982

AMENDMENT NO. 1255

(Ordered to be printed and lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to the bill (S. 951) to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1982, and for other purposes.

AGENT IDENTITIES ACT

AMENDMENT NO. 1256

(Ordered to be printed and lie on the table.)

Mr. CHAFEE (for himself, Mr. JACKSON, Mr. ABDNOR, Mr. COCHRAN, Mr. D'AMATO, Mr. DENTON, Mr. DOMENICI, Mr. EAST, Mr. GARN, Mr. GRASSLEY, Mr. GOLDWATER, Mr. HATCH, Mrs. HAWKINS, Mr. HELMS, Mr. LAXALT, Mr. LUGAR, Mr. MATTINGLY, Mr. NICKLES, Mr. SCHMITT, Mr. SIMPSON, Mr. SYMMS, Mr. THURMOND, Mr. TOWER, Mr. WALLOP, and Mr. WARNER) submitted an amendment intended to be proposed by them to the bill (S. 391) to amend the National Security Act of 1947 to prohibit the unauthorized disclosure of information identifying cer-

tain U.S. intelligence officers, agents, informants, and sources.

BROADCAST DEREGULATION ACT OF 1981

AMENDMENT NO. 1257

(Ordered to be printed and lie on the table.)

Mr. PRESSLER submitted an amendment intended to be proposed by him to the bill (S. 1629) to amend the Communications Act of 1934 to encourage and develop marketplace competition in the provision of certain broadcast services and to provide certain deregulation of such broadcast services, and for other purposes.

● Mr. PRESSLER. Mr. President, today I am submitting an amendment to S. 1629, legislation which deregulates certain aspects of the broadcasting industry. My amendment directs the Senate to include certain provisions of S. 898, the Domestic Telecommunications Act, in any conference report on telecommunications deregulation agreed to with the House.

I am submitting this amendment because I feel strongly that we must guarantee the continuation of our national policy to provide universal telephone service at reasonable rates, particularly in rural areas. Because of long distances and seasonal bad weather, Americans in rural areas are particularly dependent on telephone service. Senior citizens in our rural States rely on their telephones to maintain their independent lifestyles in their own homes.

There has been much speculation about the possibility of local telephone rate increases in light of the recent proposed settlement between A.T. & T. and the Justice Department. Throughout the Senate's debate on S. 898 last fall, this question was a major issue and my colleagues are already familiar with the arguments. There are several provisions in S. 898 which were offered as solutions to this potential problem. Section 202(e) authorizes the Federal Communications Commission to adopt a procedure such as a surcharge system on access charges in an effort to avoid astronomical rate increases for basic telephone service. Section 222(i) directs the FCC to insure that rural telephone interexchange and exchange rates will not exceed 110 percent of the national average for similar services.

My amendment directs the Senate, in any future conference with the House on telephone deregulation legislation, to maintain the Senate's position regarding these two sections of S. 898. I believe this amendment is necessary to demonstrate the Senate's commitment to affordable rural telephone service and I urge my colleagues to support this language.●

DEPARTMENT OF JUSTICE AUTHORIZATION ACT, 1982

AMENDMENT NO. 1258

(Ordered to be printed and lie on the table.)

Mr. GORTON submitted an amendment intended to be proposed by him to the bill (S. 951) to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1982, and for other purposes.

AMENDMENTS NO. 1259 AND 1260

(Ordered to be printed and lie on the table.)

Mr. JOHNSTON submitted two amendments intended to be proposed by him to the bill (S. 951) supra.

CRIMINAL CODE REFORM ACT OF 1981

AMENDMENTS NO. 1261 THROUGH NO. 1266

(Ordered to be printed and lie on the table.)

Mr. SYMMS submitted six amendments intended to be proposed by him to the bill (S. 1630) to codify, revise, and reform title 18 of the United States Code, and for other purposes.

REGULATORY REFORM ACT

AMENDMENT NO. 1267

(Ordered to be printed and lie on the table).

Mr. DECONCINI (for himself, Mr. SIMPSON, Mr. HATCH, and Mr. ZORINSKY) submitted an amendment intended to be proposed by them to the bill (S. 1080) to amend the Administrative Procedures Act to require Federal agencies to analyze the effects of rules to improve their effectiveness and to decrease their compliance costs; to provide for a periodic review of regulations, and for other purposes.

Mr. DECONCINI. Mr. President, I am today submitting as a printed amendment to S. 1080 language to amend various venue statutes of the United States Code. Through these amendments I hope to put in place the principle that cases involving the Federal Government or agency rulings should be heard in a locale where there is a significant impact and not in a forum far removed from where the impact of a decision will be felt.

I, together with several of my distinguished colleagues on the Committee on the Judiciary such as Senators LAXALT, SIMPSON, and HATCH, have had a great interest in this subject matter for the past several years since some egregious examples of forum shopping came to our attention. During the past Congress, hearings were held on bills introduced by Senator LAXALT and myself before the Courts Subcommittee. The result was S. 3023 of the 96th Congress which was approved by the Judiciary Committee but never brought before the full Senate. The language of this amendment includes major portions of that bill and extends its application to other than simply environmental matters. For instance, much of the seminal work on the 28 U.S.C. 1391(e) district court amendments, was done by Senator SIMPSON and with his approval and cosponsorship has been added to the venue revision encompassed by the amendment.

Within the past decade we have witnessed a growing disillusionment with the concentration of power in our Federal Government in Washington. A part of this feeling has been the consequence of actions taken by judges in the Federal courts of the District of Columbia in cases which had little or no impact on the residents of Washington, but which deeply affected the lives of citizens living thousands of miles away from the Capital. In many of our States, these judges are viewed as just another extension of the Federal Government, and their rulings are viewed suspiciously as just another attempt by the Federal Government to intrude upon the lives of the people. I know that the people of Arizona or Nevada would feel much better and have a much greater sense of participating in our Government's workings if it were judges in those States, or the ninth circuit, that were making the decisions that affected their lives, particularly in those situations where they are the only people affected.

I hope to receive the support of all of my colleagues who believe that their district of circuit court judges are equally as competent to hear cases and render justice as are judges of the District of Columbia; I hope to receive support from all those who believe that democracy is best served by facilitating the participation of the people affected by actions of their Government; I hope to receive the support of all those who do not want to place their constituents in the difficult position of possibly being forced into a distant forum, such as the District of Columbia, to adjudicate their grievances against the Government. This amendment will complete the effort begun two decades ago in the Mandamus and Venue Act of 1962 to return justice to the people and not force them to come to Washington, D.C. This amendment will return the wheels of justice to the four corners of the country and dissolve Washington, D.C., courts as the hub of litigation affecting people and interests far removed from the Nation's Capital when there is no significant impact on the people of the District.

Special interest groups that have made Washington, D.C., the center for their operations will not be pleased at the thought of having to go to those parts of the country where the results of their litigation will have a great impact, but I believe it will be educa-

tional for them to realize the great plurality of feelings that exist west of the Potomac. Whereas, it may be slightly more inconvenient for lawyers of these special interest groups to litigate a case in Cheyenne, Wyo., that must be balanced against the greater convenience that will obtain for the attorneys of Wyoming and the greater opportunity to observe the workings of justice that will be available to the people of that State.

I have shared the language of this amendment with many interested parties and many valid suggestions for change have resulted. I hope by having the amendment printed and a detailed explanation of my fears and reasoning placed in the CONGRESSIONAL RECORD that further perfecting suggestions will come to my attention so that when S. 1080 is raised this amendment will have reached a point of technical and policy perfection to allow its ready adoption by this body.

I ask unanimous consent that my amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 1267

On page 39, strike lines 9 through 13, and insert in lieu thereof the following:

"(3) Any court in which a proceeding with respect to any agency action is pending, including any court selected pursuant to a system of random selection pursuant to paragraph (1), may, in the interests of justice, transfer such proceeding to any other court of appeals and shall, upon motion by any party thereto, transfer such proceeding to the court of appeals for a circuit in which the action under review would have a substantially greater impact, unless the interests of justice require the court to—

"(A) retain such proceedings, or

"(B) transfer the proceedings to a circuit other than one in which the impact would be substantially greater.

"(4) Notwithstanding any other provision of law, a petition for review of any agency rule reviewable directly in a circuit court of appeals may be filed in the judicial circuit in which the person seeking review resides or has its principal place of business.".

On page 39, after line 25, insert the following:

(c) (1) Section 1391 of title 28, United States Code, is amended—

(A) by amending subsection (e) to read as follows:

"(e) A civil action in which a defendant is an officer or employee of the United States or any agency thereof acting in his official capacity or under color of legal authority, or an agency of the United States, or the United States, may, except as otherwise provided by law, be brought only in a judicial district in which—

"(1) a defendant in the action resides;

"(2) the cause of action arose;

"(3) any real property involved in the action is situated; or

"(4) the plaintiff resides if no real property is involved in the action,

except that no such action may be brought in a judicial district pursuant to paragraph (1) or (4) hereof unless the agency action or failure to act that is the subject of the lawsuit would substantially affect the residents of that judicial district. A cause of action pursuant to paragraph (2) hereof shall be deemed to arise in the judicial district or districts in which the residents would be substantially affected by the agency action or failure to act that is the subject of the lawsuit."; and

(B) by adding at the end thereof the following:

"(g)(1) In any action brought in the United States District Court for the District of Columbia under subsection (e) that may be an action of a local environmental nature as defined in paragraph (3) of this subsection, the plaintiff shall, at the time the action is filed—

"(A) forward a copy of the complaint to the attorney general of each State in which a judicial district described in paragraph (3) of this subsection is located, subject to the limitation provided in paragraph (2); and

"(B) file a statement with the clerk of the court indicating compliance with the requirements of subparagraph (A).

"(2) The provisions of paragraph (1)(A) do not require the plaintiff to forward a copy of the complaint to more than five State attorneys general.

"(3) An action is an action of a local environmental nature if—

"(A) the action primarily affects local or regional interests in one or more contiguous judicial districts other than the district in which the action was originally filed; and

"(B) the action arises under any Act of Congress pertaining to wildlife, public lands, water rights, or any other Act of Congress relating to environmental quality.

"(4) Compliance with this subsection does not constitute an admission by the plaintiff that the action is an action of a local environmental nature as defined in paragraph (3) of this subsection. Failure to comply with this subsection may be cause, in the discretion of the court, for appropriate sanctions, including dismissal of the action without prejudice.".

(2) Nothing in the amendments made by paragraph (1) of this subsection shall be construed to affect venue in an action relating to civil rights.

(d) Section 1404 of title 28, United States Code, is amended—

(1) in subsection (a) by inserting before the period the following: ", except that the court shall transfer actions described in subsection (e) of this section in accordance with that subsection"; and

(2) by inserting at the end thereof the following:

"(e) In any civil action in which a defendant is an officer or employee of the United States or any agency thereof acting in his official capacity or under color of legal authority, or the defendant is an agency of the United States, or the United States, a district court shall, upon motion of any party thereto, transfer the action to a district or division, where the action might have been brought, and in which the action would have a substantially greater impact, unless the interests of justice require the court to—

"(1) retain the action, or

"(2) transfer the action to a district or division other than one in which the impact would be substantially greater.".

DEPARTMENT OF AGRICULTURE URGENT SUPPLEMENTAL APPROPRIATIONS

AMENDMENT NO. 1268

(Ordered to be printed.)

Mr. MOYNIHAN (for himself, Mr. KASTEN, Mr. QUAYLE, and Mr. MATTINGLY) proposed an amendment to the joint resolution (H.J. Res. 389) making an urgent supplemental appropriation for the fiscal year ending September 30, 1982, for the Department of Agriculture.

NOTICES OF HEARINGS

SUBCOMMITTEE ON WATER AND POWER

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that S. 1553 has been added to the agenda of the hearing schedules before the Subcommittee on Water and Power for Friday, February 12. S. 1553 authorizes the Secretary of the Interior to proceed with development of the web pipeline, to provide for the study of South Dakota water projects to be developed in lieu of the Oahe and Pollock-Herreid irrigation projects, and to make available Missouri Basin pumping power to projects authorized by the Flood Control Act of 1944 to receive such power.

For further information regarding this hearing you may wish to contact Mr. Russell Brown of the subcommittee staff at 224-2366.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. COHEN. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Senate Select Committee on Indian Affairs.

The hearing is an oversight hearing and will be held in Phoenix, Ariz., on February 15, 1982, in the Maricopa County Board of Supervisors Auditorium at Third Avenue and Jefferson Street. The hearing will begin at 8 a.m. and testimony is invited regarding the impact of fiscal year 1982 budget reductions in Indian Health Service funded and operated programs on Phoenix, Navajo, and Tucson IHS area Indian tribes.

For further information regarding the hearing, you may wish to contact John Mulkey at 224-4521. Those who wish to submit a written statement for the hearing record should write to the Senate Select Committee on Indian Affairs, U.S. Senate, Washington, D.C. 20510.

Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of a public field hearing before the Select Committee on Indian Affairs, chaired by Senator JOHN MELCHER.

The hearing is scheduled for February 12, 1982, beginning at 9 a.m. in the Yellowstone County Court House, 27th and 3d Avenue, North, Billings, Mont. 59101. Testimony is invited regarding S. 1894, a bill to permit Indian tribes to enter into certain agreements

for the disposition of tribal mineral resources, and for other purposes.

For further information regarding the hearing you may wish to contact Virginia Boylan or Max Richtman of the committee staff on 224-2251. Those wishing to testify or who wish to submit a written statement for the hearing record should write to the Select Committee on Indian Affairs, U.S. Senate, Washington, D.C. 20510.

Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of an open business meeting before the Senate Select Committee on Indian Affairs.

An open business meeting is scheduled for February 11, 1982, beginning at 10 a.m., in room 4232 of the Dirksen Senate Office Building. The following is to be considered for markup: S. 159, a bill to authorize the exchange of certain land held by the Navajo Tribe and the Bureau of Land Management; S. 503, a bill to authorize the purchase, sale, and exchange of lands by the Devils Lake Sioux Tribe of the Dveils Lake Sioux Reservation, N. Dak.; S. 563, a bill to authorize the States and Indian tribes to enter into mutual agreements and compacts respecting jurisdiction and governmental operations in Indian country; S. 792, a bill to promote the development of Native American culture and art; S. 1340, a bill to provide for the use and distribution of Clallam judgment funds in Docket No. 134 before the Indian Claims Commission; S. 1468, a bill to provide for the designation of the Burns Paiute Indian Tribe as the beneficiary of a public domain allotment, and to provide that all future similarly situated lands in Harney County, Oreg., will be held in trust by the United States for the benefit of the Burns Paiute Indian Colony; S. 1779, a bill to authorize the exchange of certain land held in trust by the United States for the Navajo Tribe; and, S. 1986, a bill to provide for the use and distribution of funds awarded the Blackfeet and Gros Ventre Tribes of Indians and the Assiniboine Tribe of the Fort Belknap Indian Community, and others, in Dockets Nos. 250-A and 279-C by the U.S. Court of Claims.

For further information regarding the business meeting, you may wish to contact Timothy C. Woodcock of the committee staff on 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON IMMIGRATION AND REFUGEE POLICY

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Immigration and Refugee Policy, of the Judiciary Committee, be authorized to meet during the session of the Senate at 2 p.m. on Tuesday, February 9, to discuss proposed changes in the refugee assistance regulations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAKER. Mr. President, I ask unanimous consent that the Intelligence Committee be authorized to meet during the session of the Senate at 10 a.m. on Wednesday, February 10, to receive an intelligence briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RECOGNIZING THE FUTURE FARMERS OF AMERICA DURING FFA WEEK

● Mr. TOWER. Mr. President, in 1972, I was honored to be the first member of the U.S. Senate to become a life member of the National Future Farmers of America Alumni Association. The organization is one of the supportive organizations of the Future Farmers of America, or the FFA as it is commonly known.

The Smith-Hughes Act of 1917 laid the groundwork and foundation for the teaching of vocational agriculture in high schools across this Nation, a vital part of our educational programs in the United States. The FFA, a vocational student organization, is an integral part of the instructional program in vocational agriculture/agribusiness.

Since its humble beginnings 55 years ago, the FFA has endeavored to aid in the preparation of young men and women for careers in the industry of agriculture. The organization, now boasting nearly 500,000 students in over 8,000 schools throughout the United States, has successfully prepared these young people for roles of leadership in the agricultural industry. It has given us producers and suppliers of agricultural products. It has given us community and business leaders, Senators, Representatives, Governors, commissioners of agriculture, and a President of the United States.

Having had several opportunities to address the Future Farmers, I have seen dedication and skills instilled in our young people as they attempt to provide even greater vitality to this Nation's most vital and basic industry, the industry of agriculture.

During the week of February 20-27, the nearly one-half million Future Farmers in all 50 States and Puerto Rico will celebrate National FFA Week. This week commemorates the birthday of a great leader and a fine agriculturalist, George Washington. By following the example of George Washington, Future Farmers have made outstanding contributions to our agricultural industry by providing food, fiber, services, and leadership, I think it is only fitting to recognize the accomplishments of these young men and women across our Nation during National FFA Week.

I am confident that Future Farmers of America will continue to "Grow for America," and encourage my colleagues to support this fine organization in attaining its worthy goals.

Recognizing that an organization is only as strong as its leadership, I ask to have the following list of FFA leaders printed in the RECORD:

BOARD OF STUDENT OFFICERS—TEXAS

President, Rafe Foreman, Idalou.

Vice presidents: Steven Ray, Robert Lee, Kelly White, Sam Houston, Houston; Mark Bland, Merkel; Kreg Roberts, Honey Grove; Mike Smith, Van; Coby Loessberg, Boerne; Todd Staples, Palestine; Kevin Maxwell, Grapeland; and, Wil Galloway, Beeville.

Board of directors: G. G. Scroggins, State Advisor, Austin; Durwin Hill, Executive Secretary, Austin; Jeff Davis, Crockett; Billy Steelhammer, Corpus Christi; Jay Eudy, Plainview; Hulan Harris, Big Spring; Joe Correa, Mission; O. L. Christi, Idalou; Rodney Flanagan, Ballinger; and Charles Yarbrough, Honey Grove.

NATIONAL OFFICERS

National President, Scott Neasham, Newton, Iowa; National Secretary, John Pope, Maiden, North Carolina; National Vice Presidents, Scott Watson, Gallatin, Missouri; Melanie Burgess, Harrisonburg, Virginia; Randy Hedge, Grannis, Arkansas; Jack Stewart, Douglas, Wyoming.

Board of directors: Chairman, Byron F. Rawls; Members of the Board, John W. Bunten, Curtis Corbin, Jr., Ralph Dreessen, Larry Nelson, Duane Nielsen, James A. Shaeffer, Les Thompson, J. W. Warren.

National staff: National Advisor, Chief Executive Officer, Byron Rawls; Executive Secretary, Coleman Harris; National Treasurer, J. M. Campbell; Administrative Director, Edward J. Hawkins; Manager of International Programs, Lennie Gamage; FFA Program Specialist (Awards), Robert Seefeldt; FFA Program Specialist (Contests), Ted Amick; FFA Program Specialist (Leadership), Tony Hoyt; Director of Information, Cameron Dubes; Director of FFA Supply Service, Harry J. Andrews; Manager, Computer Services, George Verzagt; Executive Director FFA Alumni Association, Robert W. Cox.●

SENATOR DAN QUAYLE—OUTSTANDING YOUNG MAN

● Mr. COHEN. Mr. President, for nearly four decades, the U.S. Jaycees have annually extended special recognition to 10 outstanding young men as examples of the important contributions that young persons can make in today's world.

The criteria the judges have used over the years to select candidates for this honor include extraordinary performance over an extended period of time, selfless devotion to a cause, principle or duty, or a single act of courage or bold leadership.

The Jaycees honored me by placing me on their list in 1974. Because I know how special the award really is, it gives me great pleasure to inform

my colleagues that among the recipients this year was Senator DAN QUAYLE of Indiana.

I ask that the synopsis of Senator QUAYLE's outstanding career which the Jaycees included with their announcement of his selection be printed in the RECORD following my remarks.

I am certain that all Senators agree with me that the Jaycees made an excellent selection by including Senator QUAYLE on their list.

The synopsis follows:

SENATOR DAN QUAYLE

Dan Quayle got into government at the state level after a stint in the newspaper business as associate publisher of the Huntington Herald Press in his Indiana home town. He went to work in the state attorney general's office, spent two years as administrative assistant to Indiana Governor Edgar Whitcomb and later worked in the state revenue department. During his four years of state service, he obtained his attorney's degree by attending night classes.

In addition to his Juris Doctorate from the Indiana University School of Law, Quayle holds a bachelor's degree in political science from Depauw University of Greencastle, Ind.

In 1976, the Indiana Republican was elected to the U.S. House, upsetting a 16-year incumbent. He won his Senate seat in 1980—again in a campaign that was all uphill—unseating Sen. Birch Bayh, who had served for 18 years.

Not one to shy away from getting his feet wet too quickly, Quayle plunged into the senatorial waters immediately after taking office—becoming the first freshman Senator to have a bill signed into law by President Reagan. That bill continued the Comprehensive Employment and Training Act (CETA) program for another year, with new safeguards to reduce wastefulness and fraud.

Quayle, who chairs the Senate Subcommittee on Employment and Productivity, believes the federal government should retain a limited involvement in youth job programs for the "hard-core unemployed," and promote further youth employment opportunities through private initiatives and state and local governments.

Ironically, while he is an attorney, Quayle sometimes wishes the Senate were made up of fewer barristers and more businessmen, especially where balancing the budget is concerned.

The Indianapolis native is concerned that cynicism has eroded many government programs due to "the idea that the federal government is somewhat arrogant and aloof, and only wants to regulate." Feeling those complaints are somewhat justified, Quayle wants to help make government more flexible and decentralized, "oriented toward states' rights and local community concerns."

Quayle's wife, Marilyn, is also an attorney. They have three children—Tucker, Benjamin and Corrine.●

TRIBUTE TO JOSEPH D. DUFFEY, FORMER CHAIRMAN, NATIONAL ENDOWMENT FOR THE HUMANITIES

● Mr. PELL. Mr. President, at a time when the contributions of the Federal Government to the vitality and wellbeing of our people and institutions are being questioned, when not actually denied, I beg leave to draw attention to the distinguished services rendered to the commonwealth by Joseph D. Duffey during his recently completed term as chairman of the National Endowment for the Humanities.

When in September 1977 Joseph Duffey appeared before our Committee on Human Resources in order that we might examine his qualifications for that post, one of his sponsors informed the committee that he had known and worked with Mr. Duffey for many years. "Mr. Duffey," he said, "has demonstrated an extraordinary ability to organize, to lead, and to inspire others in pursuit of worthwhile goals. * * * Of all the years I have known Joe Duffey, everything he does, he does well. Everything he does is done with a commitment and with the highest degree of integrity." In the 4 years and a few months of his term of office, Mr. Duffey has abundantly proved the accuracy of that description, and added to it achievements in the management of the National Endowment for the Humanities of notable benefit to scholars and the public alike.

At that 1977 hearing before the Committee on Human Resources Mr. Duffey stated his view of the two chief interests and objectives of the Federal Government in the area of the humanities. "The first," he said, "is to promote excellence and to encourage achievement. The second is to make opportunities for learning and insight, and the activity in the humanities available to an ever-widening circle of the public." To this definition, he added the wise caution, "In pursuit of these objectives, Federal activity must be conducted with a deft hand and a sensitivity to particular problems."

As Chairman of the Endowment, Mr. Duffey promoted excellence and encouraged achievement. He made opportunities for learning and insight, and the activity in the humanities, available to an ever-widening circle of the public. In short, he pursued the interests and objectives of the Federal Government, as defined, to the benefit of all. In so doing, he was profoundly sensitive to particular problems and he conducted the activity of the Endowment with precisely the deft hand he had advised was essential.

The National Endowment for the Humanities is a small Federal agency, but as we all know, the shortcomings of bureaucracy are not confined to large agencies—nor to the public sector. Joseph Duffey rationalized and greatly improved the administration of the Endowment during his term, to the benefit of, among others, the public purse. And he did so, to put it in the words of the late E. F. Schumacher, counseling economists to practice their discipline, "as if people mattered." For Mr. Duffey made it clear in his administration that above all it is people who matter.

In all of these achievements, Mr. Duffey advanced the cause—sometimes overlooked these days—of civility in both public and private discourse. The questioning of others' motives, the sensational accusation, rhetorical violence, the bending of accuracy to partisan advantage, were not for him. He instinctively acknowledged in others the integrity which is part and parcel of his own character and his performance.

I would therefore like to record gratitude for Mr. Duffey's contributions. They have dignified the public service, they have honored the Federal role in our national life, and, above all, they have served the people. We await, and shall welcome, his return to public life.●

RULES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

● Mr. McCLURE. Mr. President, in accordance with the requirement of Senate rule XXVI to publish the rules of each Senate committee in the RECORD not later than March 1 of each year, I submit the procedural rules of the Committee on Energy and Natural Resources.

The procedural rules are as follows:

RULES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

GENERAL RULES

Rule 1. The Standing Rules of the Senate as supplemented by these rules, are adopted as the rules of the Committee and its Subcommittees.

MEETINGS OF THE COMMITTEE

Rule 2. (a) The Committee shall meet on the third Wednesday of each month while the Congress is in session for the purpose of conducting business, unless, for the convenience of Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

(b) Business meetings of any Subcommittee may be called by the Chairman of such Subcommittee, Provided, That no Subcommittee meeting or hearing other than a field hearing, shall be scheduled or held concurrently with a full Committee meeting or hearing, unless a majority of the Committee concurs in such concurrent meeting or hearing.

OPEN HEARINGS AND MEETINGS

Rule 3. (a) Hearings and business meetings of the Committee or any Subcommittee shall be open to the public except when the Committee or such Subcommittee by majority vote orders a closed hearing or meeting.

(b) A transcript shall be kept of each hearing of the Committee or any Subcommittee.

(c) A transcript shall be kept of each business meeting of the Committee or any Subcommittee unless a majority of the Committee or the Subcommittee involved agrees that some other form of permanent record is preferable.

HEARING PROCEDURE

Rule 4. (a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the Committee or any Subcommittee at least one week in advance of such hearing unless the Chairman of the full Committee or the Subcommittee involved determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the Committee or Subcommittee involved concurs. In no case shall a hearing be conducted with less than twenty-four hours notice.

(b) Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee or Subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

(c) Each Member shall be limited to five minutes in the questioning of any witness until such time as all Members who so desire have had an opportunity to question the witness.

(d) The Chairman and ranking Minority Member or the ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such other time as the Chairman and the ranking Majority and Minority Members present may agree.

BUSINESS MEETING AGENDA

Rule 5. (a) A legislative measure or subject shall be included on the agenda of the next following business meeting of the full Committee or any Subcommittee if a written request for such inclusion has been filed with the Chairman of the Committee or Subcommittee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee or Subcommittee to include legislative measures or subjects on the Committee or Subcommittee agenda in the absence of such request.

(b) The agenda for any business meeting of the Committee or any Subcommittee shall be provided to each Member and made available to the public at least three days prior to such meeting, and no new items may be added after the agenda is so published except by the approval of a majority of the Members of the Committee or Subcommittee. The Staff Director shall promptly notify absent Members of any action taken by the Committee or any Subcommittee on matters not included on the published agenda.

QUORUMS

Rule 6. (a) Except as provided in subsections (b), (c), and (d), seven Members shall constitute a quorum for the conduct of business of the Committee.

(b) No measure or matter shall be ordered reported from the Committee unless eleven Members of the Committee are actually present at the time such action is taken.

(c) Except as provided in subsection (d), one-third of the Subcommittee Members shall constitute a quorum for the conduct of business of any Subcommittee.

(d) One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure or matter before the Committee or any Subcommittee.

VOTING

Rule 7. (a) A roll call of the Members shall be taken upon the request of any Member. Any Member who does not vote on any roll call at the time the roll is called, may vote (in person or by proxy) on that roll call at any later time during the same business meeting.

(b) Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only upon the date for which it is given and upon the items published in the agenda for that date.

(c) Each Committee report shall set forth the vote on the motion to report the measure or matter involved. Unless the Committee directs otherwise, the report will not set out any votes on amendments offered during Committee consideration. Any Member who did not vote on any roll call shall have the opportunity to have his position recorded in the appropriate Committee record or Committee report.

(d) The Committee vote to report a measure to the Senate shall also authorize the staff of the Committee to make necessary technical and clerical corrections in the measure.

SUBCOMMITTEES

Rule 8. (a) The number of Members assigned to each Subcommittee and the division between majority and minority Members shall be fixed by the Chairman in consultation with the ranking minority Member.

(b) Assignment of Members to subcommittees shall, insofar as possible, reflect the preferences of the Members. No Member will receive assignment to a second Subcommittee until, in order of seniority, all Members of the Committee have chosen assignments to one Subcommittee, and no Member shall receive assignment to a third Subcommittee until, in order of seniority, all Members have chosen assignments to two Subcommittees.

(c) Any Member of the Committee may sit with any Subcommittee during its hearings and business meetings but shall not have the authority to vote on any matters before the Subcommittee unless he is a Member of such Subcommittee.

SWORN TESTIMONY AND FINANCIAL STATEMENTS

Rule 9. Witnesses in Committee or Subcommittee hearings may be required to give testimony under oath whenever the Chairman or ranking Minority Member of the Committee or Subcommittee deems such to be necessary. At any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any Member, any other witness shall be under oath. Every nominee shall submit a statement of his financial interests, including those of his spouse, his minor children, and other members of his immediate household, on a form approved by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. A statement of every nominee's financial interest shall be made public on a form approved by the Committee, unless the Committee in executive session determines that special circumstances require a full or partial exception to this rule. Members of the Committee are urged to make public a statement of their financial interests in the form required in the case of Presidential nominees under this rule.

CONFIDENTIAL TESTIMONY

Rule 10. No confidential testimony taken by or confidential material presented to the Committee or any Subcommittee, or any report of the proceedings of a closed Committee or Subcommittee hearing or business meeting, shall be made public, in whole or in part or by way of summary, unless authorized by a majority of the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 11. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee or Subcommittee hearing tends to defame him or otherwise adversely affect his reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony or evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 12. Any meeting or hearing by the Committee or any Subcommittee which is open to the public may be covered in whole or in part by television broadcast, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the seating, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AMENDING THE RULES

Rule 13. These rules may be anended only by vote of a majority of all the Members of the Committee in a business meeting of the Committee: Provided, That no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least three days in advance of such meeting.●

MARSHALL DODGE—MAINE FOLK-HERO

● Mr. COHEN. Mr. President, Maine suffered a large loss last week when Marshall Dodge was killed in a tragic accident. This New York-born humorist who gained fame as a Maine storyteller had a talent for making people laugh that won him friends around the world. His Bert and I records and stories portrayed the down-to-earth qualities for which Mainers are well known.

I was proud to count Marshall Dodge as a friend and supporter. His death saddens me greatly, as it does all Maine people.

I submit the following editorial from the Portland (Maine) Press Herald concerning Marshall Dodge for the RECORD.

[From the Portland Press Herald, Jan. 30, 1982]

DODGE/HE CAUGHT OUR CHARACTER

The sudden death of storyteller Marshall Dodge stills a voice which epitomized the character of Down East Maine.

Maine humor has a special quality not found in the regional stories of other parts of the country. Dodge was able to isolate and capture that quality early in life, and

he never lost it throughout his tragically foreshortened performing career.

A native of New York City, the very antithesis of the Down East setting, Dodge so well assimilated himself here that he was mistaken by many as a native son.

He took modest pride from that status, never abusing it or exploiting the people he mimed so effectively in the famous Bert and I stories. He was, in a very real sense, one of us.

Dodge once defined Maine humor this way: "It punctures pomposity—it deflates things that are overblown."

He was faithful to that theory both on stage and in life. He never indulged pomposity in himself; his performances were always exquisitely understated.

And he was always willing to share his knowledge of the Down East character with fellow performers, a generosity rare in a trade as highly competitive as his.

There was a shy grace about him which friends and strangers alike found instantly appealing. The violence of his death was all the more shocking because of it.

Maine humor is a mixture of qualities; it is quiet, methodical, wise, naive, down-to-earth and self-effacing. That's a pretty good description of Dodge himself.

He was the real article.●

JOHN R. CORREIRO: OUTSTANDING PORTUGUESE AMERICAN

● Mr. TSONGAS. Mr. President, I should like to make my colleagues aware of an outstanding Portuguese American, John R. Correiro. Mr. Correiro, the superintendent of schools in Fall River, Mass., is the 1981 recipient of the Portuguese American Award. He was chosen for his honor by the readers and staff of "O Jornal", the Portuguese-language weekly published in Fall River.

John Correiro has been an outstanding contributor in the field of education for many years. He has devoted himself to the goal of equal educational opportunity for non-English-speaking children.

Mr. Correiro was a major force in establishing the "English as a Second Language Program" in the Fall River School System in the 1960's. He was later a strong advocate of its evolution into the current bilingual program. In the late 1970's, he served as director of the New England Bilingual Dissemination Center at Lesley College. Then in 1980 he assumed his present position in Fall River.

In addition to leadership in education, John Correiro has also served his community unselfishly in many capacities. He helped found the Portuguese Youth Cultural Organization and the Portuguese Spring Festival. He is a member of many service and cultural organizations, including the Board of the Portuguese Cultural Foundation of Rhode Island and the United Way of Fall River.

Mr. President, John Correiro has been a tireless worker for greater opportunity in his community. Now he joins other outstanding Portuguese Americans who have received this honor: Fall River Mayor Carlton M. Viveiros, Cardinal Humberto Medeiros and State Senator Mary L. Fonseca. I want to express my sincere appreciation for his years of community service.●

BANGOR'S WALTER CRONKITE

● Mr. COHEN. Mr. President, every American is well aware of the power and influence of television. Because of this influence, it is critically important that those in television journalism use their access to the medium professionally and responsibly.

Gordon Manuel, news director at WABI television in my hometown of Bangor, Maine, has always based his successful career in broadcast journalism on two things: hard work and dedication to getting the facts straight. I have known Gordon since before I began serving in Congress. He is a persistent interviewer whose questions are always tough—but always fair.

I am submitting for the benefit of my colleagues a profile on Gordon from a recent issue of the Bangor Daily News. It provides an informative, behind-the-scenes look at the career of this very successful broadcast journalist.

The article follows:

[From the Bangor Daily News, Jan. 30-31, 1982]

GORDON MANUEL: A NEWSMAN FIRST, LAST, AND ALWAYS

(By Chris Palmer)

In a world where "Take This Job and Shove It" has become the personal theme song of many a disgruntled employee, WABI-TV is fortunate to have Gordon Manuel as its new director. The man doesn't just like his job, he loves it.

"It's a job I—honest to God—feel very lucky to have," says Manuel, who began working for "Telejournal News" as a reporter nearly 14 years ago.

Though Russ Van Arsdale, news director at WLBZ-TV, Channel 2, and a former reported under Manuel, says his previous boss does know how to leave the office behind (at least when he heads for the golf course), the 36-year-old Guilford native gives a different impression when you talk to him face to face about the joys of television journalism. He goes for shop talk like a dog after a fresh bone.

"I love this business. I love news," he says. "And, yes, we all complain about the pressures of deadlines and the stress, but it's funny, when it's slow we all sit around and grumble because there's not much happening."

He adds, "If I have more than two weeks off I can't wait to get back. If I'm lying on the beach and hear a siren, my tendency is to want to get up and find out what it is."

That kind of all-consuming interest in the news leads Manuel's colleagues to describe him as "no nonsense," "demanding," "diligent," "a hard worker" and "dedicated." Jeanne Meserve, a reporter with WTVR in Richmond, Va., who once worked for Manuel, says he has "a good mix of qualities."

"Gordon has a good sense of humor," she commented, "but when you needed a disciplinary hand, he was good at that, too."

The man "whose whole life is the news" (according to WABI-TV operations manager Towle Tompkins) claims he grew up with only one goal in mind—to work in television news at Channel 5.

"Some people criticize me for not having more goals," Manuel says. Yet the lanky "Telejournal" chief, by being a staple of his station's newscasts for so many years, has given those broadcasts a depth and consistency that is rare in markets the size of Bangor.

"Someone like Gordon * * * who has built up so many contacts and been on the air so many years," says Tompkins, "can do nothing else but help you. When he's not there, you wonder what's wrong. He will do anything to motivate the people under him to get the news."

Manuel is too modest, though, to brag about being the closest thing Maine has to a young Walter Cronkite. He'd rather talk about his philosophies of news gathering, and how it is to be in charge of a crew where the average length of stay for any staff member is only 18 months to two years.

On the former, Manuel—whose career in news began at radio stations WNAC, Boston, and WOTW, Nashua, N.H.,—has some very firm ideas. "Reporting is basically getting your facts and being damn sure of your facts, and reporting them accurately and clearly," he says.

"I believe reporting on a community is maybe reporting something that a local school is doing," he continues. "That is important to that neighborhood. It may not be important to the people in Augusta or across the nation, but it's important to that area."

Believing that the visual impact of television is its forte, Manuel knows it is also the medium's Achilles heel. "The force of it," he says, "is very strong. But a big criticism in TV is that we are poor in our writing and I think that's true. We rely too much on pictures, but that is where our power lies."

That power, he feels, is awesome. "I think we're a very, very powerful medium, of which no one perhaps really understands the true power," Manuel says. "It scares me sometimes when you really think about the fact that you're going into so many homes and people are watching you and trusting you. I take that very seriously.

The inability of television news to offer the depth of coverage available in newspapers also bothers Manuel.

"Television news was very suspect nationwide and statewide when it first started out," he said. "There is still a strong suspicion. We know the majority of Americans go to television news, but we're still a headline service."

Part of the problem, he claims, is the brevity of most TV newscasts. "You take a 22-minute newscast and you have four minutes for sports and three for the weather and that gives us only 15 minutes for news. I'll be the first to tell people to read the newspaper to get the in-depth perspective on stories, to get the background."

Manuel says one of his goals is to lobby for more on-air time for his newscasts, as well as for financial backing to support half-hour local documentaries.

On the subject of his being the mentor to a number of TV journalists who have gone on to bigger markets (e.g., Meserve, Michele Marsh, Jonathan Levine, Kent Jarrell and Patsy Wiggins) Manuel admits the turnover problem at a station the size of WABI can be bothersome.

"It's frustrating, but it's the reality of the business," he said, adding that he becomes irritated with the amount of time it takes to keep filling reporting positions. He said he has received as many as 150 applications for a job opening with a starting salary of $200 a week—peanuts compared to the salaries available in larger markets that many young TV journalists are really after.

"We hire them raw," Manuel said of his cub reporters. "They might have a college education. They might have a year of radio background. But you have to teach them the subtleties that perhaps you don't learn in the classroom—how to approach people for an interview when they're nervous about talking to you—the small things that are so important."

He said he also has to train newcomers to the business to curb their egos. "You have to tone down some new people, to let them know they're not going to be the top Watergate reporter that perhaps they were lead to believe in journalism school. There just aren't those big exploding stories or scandals bursting out on the hour every hour."

Another thing Manuel won't allow on his news set or from his staff is "happy talk"—irrelevant chitchat to hype the broadcast's entertainment value. "I'm adamantly opposed to happy talk," the newsman said. "I believe that when you deliver the news you should try to be relaxed—you should try to let people know that tomorrow will be here no matter how bad today might sound. But when happy talk came along in the mid-'70s, some stations in other markets really went overboard. I felt it was hurting the credibility of television news."

Manuel demands the same dedication to credibility from his reporters as he does from himself. He said there is a tendency among people coming into TV news right out of school to be thinking "only about the cosmetics" and forgetting "that there's got to be some meat behind it."

"A lot of people coming into television are thinking of big bucks and big markets and sitting and looking pretty on the set," he said. "And I understand that's the way it's going and we have to be concerned about the cosmetics. We're seeing all the network newscasts getting flashier, with more technical production and the public likes it because it's easier to understand and it looks attractive and I thoroughly endorse it, but God help us if the reporters who are out there smiling with their capped teeth don't know what the hell they're doing."

Cooling down a bit, Manual pointed to the rewards of being a working "teacher." "I get satisfaction out of seeing new people come in who don't know how to approach an interview or put together a story and a year later they're bringing a lot of credit to the station and to me."

The news director who hates Mondays ("because they're slow news days") and who honed his reporting skills by covering the State House for six years, credits WABI general manager George Gonyar with teaching him many of the techniques of the business.

"He taught me an awful lot," he says of his boss. "I'm not saying this to fluff anyone, but when I came up here I was awfully green and I leaned on him for a lot of insight, because he knows this business better than I'll ever know it.

"He taught me a lot about how to go after news and how to develop stories with an imposing camera," he continued. "It was kind of tough in those days to go into someone's office and ask them to relax when you had three lights shinning on them and you had a big camera that squeaked every time you turned it on."

Despite the technical drawbacks, Manuel remembers those old days somewhat nostalgically. "I recall going out on nighttime story assignments with a Polaroid camera," he chuckled. "You'd take a picture which would hopefully come out and then we had a special lens we put on the black and white TV camera that blew up that Polaroid picture to full screen. Then you'd show your picture and ready your story underneath it."

The Polaroid process ended, he added, shortly after he had joined the Channel 5 news staff. He left the camera on top of the car one night before taking off on a story assignment, and that was the end of that.

The Polaroid was eventually replaced by film, which had the disadvantage of added processing time. "It was kind of funny to get back to the station at 9:30 at night, run into the darkroom and change the chemicals on the processor, turn off the lights, put your film on the processor, run it through, edit it, put that film on your total newsreel (the films you had at 6 o'clock) and then fly onto the 11 o'clock set to do the news. But it was a great experience. It taught you how much you can do when you know there's no one else to do it but you."

Manuel doesn't miss the Polaroid days nor the film days—which have now become the videotape days. Not surprisingly, what he really misses is being close to the news.

"There are days I wish I were out on the road doing a story instead of assigning it to still a reporter," he says with a smile.

On his off hours, Manuel, who lives in Hampden with his wife and two children, leads a quiet life sparked only by card games with friends, visits to various family members, an occasional movie and, when the weather is right, rides on Sebec Lake in his motor boat.

"I'm just the average person at home," Manuel says, "I mow the lawn. I shovel the snow . . . I do repairs around the house. I cut firewood." His high-pressure work week of "55-60 hours" means he spends most of his time off trying to recharge his batteries. "I'm not that exciting an individual," he says when pushed.

With no ambition to leave the company that hired him for $90 a week back in 1968, Manuel is content to stick around and give his all toward improving TV journalism at the grassroots level. "I love Maine," he says. "I love the people. To me, all the pressures and all the challenges that you can find in the big market are here."●

SELF-REGULATORY PROCESS FOR ADVERTISING

● Mr. KASTEN. Mr. President, 10 years ago, the American Association of Advertising Agencies, American Advertising Federation, the Association of National Advertisers, and the Council of Better Business Bureaus established a self-regulatory process for advertising. While I am sure that the vast majority of advertising agencies and the vast majority of advertisers consider truthful advertising to be in their own best interest, the advertising industry has chosen not to trust matters of truth and accuracy to the individual conscience.

Instead, the three major advertising associations and the Council of Better Business Bureaus have worked together and developed a series of codes and the mechanisms to enforce them. The two principal administrative bodies in this self-regulatory process, the National Advertising Division of the Council of Better Business Bureaus and the National Advertising Review Board, have just completed their first decade of service with a notable record of success.

According to a recent presentation given by these groups to the Commerce Committee and staff, since 1971, NAD has processed some 6,000 matters, of which 1,860 were full-fledged investigations or cases. In 98 percent of the cases the issue was resolved either by voluntary compliance on the part of the advertisers or dismissal of the complaint. In only 2 percent of all cases has it been necessary to appeal to higher authority, the NARB. In no case has an advertiser refused to abide by the final decision of these bodies.

The NAD initiates about 45 percent of its cases from its own monitoring, with another 37 percent being competitor challenges. The remainder are consumer complaints—either directly to the NAD or to the 151 local Better Business Bureaus. (Children's advertising is treated as a special category requiring specialized expertise in the area of children's developing perceptions. A special section within the NAD, the Children's Advertising Review Unit monitors children's advertising, both broadcast and print, with particular care.)

When the NAD concludes that a claim or an advertising approach is questionable, they work with the advertiser at the top management level to find an acceptable solution. The NAD relies on the advertiser to cooperate voluntarily by setting straight anything judged to be misleading. In the vast majority of cases, the matter is resolved here.

A very few cases, however, are appealed to the NARB Chairman, who appoints a 5-member panel from the 50-member board of industry, consumer, and academic leaders and holds hearings on the matter. An advertiser's refusal to comply with an adverse decision of the NARB would result in the matter being forwarded to the appropriate Government enforcement agency for further action.

Advertiser acceptance of NARB decisions to date has made this final step unnecessary in any instance. Over 10 years, the NAD-NARB system has become an accepted force for the betterment of advertising, benefiting both the consumer and the industry.

Mr. President, I am pleased to see workable programs for industry self-regulation, because they often obviate

the need for Government intrusion into the marketplace. In the case of the Consumer Product Safety Commission, Congress went so far as to require the agency to defer to voluntary consumer product safety standards rather than issuing mandatory standards when voluntary standards were effective. I commend the advertising industry for its efforts, and I look forward to working with them and other self-regulatory groups in the future.●

THE COURT STRIPPERS

● Mr. LEAHY. Mr. President, a majority of this body voted last Friday to deny our Federal courts the power to issue orders directing schoolbusing to end segregation except under narrowly defined limits. I am not rising at this moment to defend busing or to raise any of the other issues that have prompted court limitation bills during this session. Many of my constituents and many lawyers, judges, scholars, and public officials throughout the country are alarmed by what we did on Friday and what will happen to the independence of our judicial system if our action signals the beginning of a trend.

Yesterday's New York Times devoted its lead editorial to this danger, headlining it as "The Court Strippers." I ask that the editorial be reproduced in the RECORD, and I commend it to all of my colleagues. It ends with a good formula for Congress in dealing with the judiciary: "It should defend the courts, not assault them."

The editorial follows:

THE COURT STRIPPERS

Some senators want to rewrite the old maxim that for every wrong there's a remedy. The current right-wing version is that for every right that the Federal courts recognize, there should be a law that strips the courts of the power to enforce it.

In one bill after another, Congressmen want to tell Federal courts to stay out of important, controversial cases. It's an easy way to tame an over-active judiciary, say voices on the right. But if they were true conservatives, they would recognize these court-stripping bills for what they really are: cheap attacks on the Constitution.

On the Senate floor now, the attack is on busing, via an appropriations rider that forbids busing even when it is the only remedy for purposeful school segregation. Later there will be a bill directing Federal courts to reopen old school cases and abandon milder desegregation remedies unless minorities can prove their cases all over again.

Then there's a bill to define abortion as murder and deny Federal courts and the Supreme Court the power to say the contrary. Another bill would forbid Federal court interference with "voluntary" public school prayer as defined by those who want to skirt Supreme Court rulings.

All these are offered as perfectly proper court-regulating measures. All are of dubious constitutionality. All are dangerous.

Is that merely partisan opinion? It's shared by distinguished lawyers of all political coloration.

The American Bar Association president, David Brink, fears the court-stripping bills will create "the most serious constitutional crisis since our great Civil War." The chief justices of all 50 states call the idea "a hazardous experiment with the nation's judicial system." Retired Justice Potter Stewart said last year that he was glad he wouldn't have to review such laws "and I hope this Court will never have to wrestle with such questions because I hope that no such legislation will be enacted."

Robert Bork, a critic of many Supreme Court decisions, has made clear his belief that court-stripping is no way to deal with unpopular rulings; his conservative credentials are such that President Reagan has named him to the United States Court of Appeals in Washington.

One of the few notable lawyers missing from this company is Attorney General William French Smith. The danger of these court-stripping bills is appreciated at every level of the Justice Department but the top one. He seems to fear the wrath of the new right more than the destruction of old rights.

The court-baiting senators are right when they say the Constitution allows Congress to change Federal court jurisdiction and regulate the Supreme Court's review powers. But that is a lot different from insisting that Congress can selectively wipe out constitutional rights by cutting citizens off from Federal courts.

It's sad that other senators, like Lowell Weicker of Connecticut, should have to filibuster to make the point: bills like the anti-busing measures are umpire-killing tricks, their anti-constitutional purpose only thinly disguised. But it's not too late for Congress to wake up and recognize what it is being asked to do. It should defend the courts, not assault them.●

PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under the act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of a proposed sale shall be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is available to the full Senate, I ask unanimous consent to have printed in the RECORD at this point the notifications which have been received.

One of the attached notifications is for the proposed sale of F-16's to Venezuela. This notification was initially received on December 4, 1981. On December 16, 1981, the notification was withdrawn by the administration with our agreement so that the Congress would have 30 days in session to consider the proposed sale.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., January 18, 1982.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 82-12 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Air Force's proposed Letter of Offer to Venezuela for defense articles and services estimated to cost $615 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

JAMES AHMANN,
Acting Director.

TRANSMITTAL NO. 82-12

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective Purchaser: Venezuela.

(ii) Total estimated value:

	Millions
Major defense equipment*	$319
Other	$296
Total	$615

*As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of articles or services offered: Eighteen F-16A and 6 F-16B tactical fighter aircraft with related spare parts, training, technical assistance, and support items.

(iv) Military Department: Air Force (SGA).

(v) Sales commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See Annex under separate cover.

(vii) Section 28 Report: Included in report for quarter ending 30 September 1981.

(viii) Date report delivered to Congress: January 13, 1982.

POLICY JUSTIFICATION

VENEZUELA—F-16 AIRCRAFT

The Government of Venezuela has requested the purchase of 18 F-16A and 6 F-16B tactical fighter aircraft with related spare parts, training, technical assistance, and support items at an estimated cost of $615 million.

This sale will contribute to the foreign policy objectives of the United States by improving the defense capabilities of a friendly democratic country which is a continuing force for stability in Latin America.

Venezuela requires replacements for its aging CF-5A and MIRAGE aircraft. This sale should significantly enhance the Venezuelan Air Force's (VAF) capabilities and should aid in modernizing existing VAF facilities and the logistical infrastructure.

The sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be the General Dynamics Corporation of Fort Worth, Texas.

Implementation of this sale may require the assignment of additional U.S. Government or contractor personnel to Venezuela

for short term training purposes. Also, contractor assistance may be required for maintenance support during the first 1½ years of operation.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., January 26, 1982.

Hon. Charles H. Percy
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 82-28, concerning the Department of the Army's proposed Letter of Offer to Pakistan for defense articles and services estimated to cost $30 million. Shortly after this letter is delivered to your office, we plan to modify the news media.

Sincerely,

JAMES AHMANN,
Acting Director.

TRANSMITTAL NO. 82-28

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Propsective Purchaser: Pakistan.
(ii) Total Estimated Value:

	Million
Major Defense Equipment *	$27
Other	$3
Total	$30

*As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of Articles or Services Offered: Thirty-six M109A2 155mm self-propelled howitzers, spare parts, training, and technical assistance.

(iv) Military Department: Army (VBN).

(v) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: None.

(vii) Section 28 Report: Included in report for quarter ending 30 September 1981.

(viii) Date Report Delivered to Congress: January 26, 1982.

POLICY JUSTIFICATION

PAKISTAN—M109A2 HOWITZERS

The Government of Pakistan has requested the purchase of an additional 36 M109A2 155mm self-propelled howitzers, spare parts, training, and technical assistance at an estimated cost of $30 million.

This sale will contribute to the foreign policy objectives of the United States by enabling Pakistan to increase its capability to provide for its own security and defense, particularly in view of the increased threat resulting from the Soviet invasion of Afghanistan.

The Government of Pakistan requires these howitzers to continue the upgrading and standardizing of their existing artillery as a part of Pakistan's overall force modernization plan.

The sale of this equipment and support will not substantially after the overall military balance in the region.

The prime contractor for the M109A2 155mm self-propelled howitzers will be the Bowen-McLaughlin-York Company of York, Pennsylvania.

Implementation of this sale will require the assignment of five U.S. Government personnel to provide a Quality Assurance Team during item deliveries.

There will be minimal impact on U.S. defense readiness as a result of this sale.●

THE RECIPROCITY ISSUE

● Mr. DOLE. Mr. President, the 1981 merchandise trade data released recently by the Commerce Department are of special concern to me and, I believe, the many other Members who have spoken out on the need to seek meaningful guarantees of market access abroad for U.S. exports. While the United States bill for oil imports continued to decline in 1981, U.S. exports dropped 2 percent and other imports increased. This resulted in a 13-percent greater deficit than in 1980.

The Finance Committee is examining the reasons for this declining performance and remedies the Congress should pursue. For example, the Subcommittee on International Trade, chaired by Senator DANFORTH, will hold a hearing Thursday, February 11, on the adverse effects of European agricultural policies on U.S. agricultural exports. We expect the administration to discuss the adequacy—or inadequacy—of our international agreements and domestic law to provide relief to our farmers for unfair practices that are seriously retarding their export growth. The 1981 trade figures bear this harm out.

Perhaps foremost on the minds of our Members, however, is the continued failure of our exporters to pierce the multitude of import barriers that many of our trading partners throw up. Legislation introduced recently by Senators HEINZ; ROTH, CHAFEE, and INOUYE, SYMMS, and KASTEN, and to be introduced in the near future, I understand by Senator DANFORTH, attest to the widespread feeling that where firms are willing and able to compete abroad, they must be given the chance to do so, just as this country offers that opportunity to others. These bills are serious efforts to redress manifest unfairness in the international trading system, and I commend them to the Members' earnest consideration.

The Washington Post of February 9 carried an excellent article by Robert J. Samuelson, the noted economist, that cogently capsulizes the role of Japan in the world's drift toward protectionism—a path I hope we can avoid. As Professor Samuelson puts it:

The continuation of Japan's huge trade surpluses attests to the basic Japanese attitude toward open trade: It is a one-sided affair, an avenue by which Japan can export manufactured goods and import needed raw materials.

He further points out the fallacy in this self-destructive attitude:

The overwhelming reality about Japan's exports—more important than their quality or price competitiveness—is that no one needs them.

I agree with the author when he notes that the Government of Japan in the past has sought to isolate our periodic trade disputes, ultimately agreeing to the least common denominator of "concessions" that they believe will appease the frictions of the moment. I believe that there is implicit in this approach an underlying cynicism, even contemptuousness, about the U.S. export interest and potential. I know that U.S. firms can compete—and I am committed to seeking a trading relationship that will allow them to do so. Professor Samuelson concludes his article by commenting that "the biggest barrier to imports (in Japan) today is a state of mind." That state of mind must change.

I ask that Professor Samuelson's article be included in the RECORD for the benefit of the Members.

The article follows:

[From the Washington Post, Feb. 9, 1982]

JAPAN'S VULNERABILITY: UNNEEDED EXPORTS

(By Robert J. Samuelson)

TOKYO.—It is difficult to leave this country with a good feeling about the prospects for a sensible resolution of the trade conflicts between Japan and the West. The root causes are Japan's phenomenal economic success—and the envy it stirs in the West—and the shortsightedness and insensitivity of the Japanese. Neither seems likely to disappear soon.

West—particularly the United States—and Japan seem to follow a set script, and the current combat is no exception. First there are vague rumblings in Congress that "something" must be done. The administration then disavows protectionism, but subtly encourages congressional discontent. Finally, it uses that discontent to wheedle concessions from Japanese, who resist all the way.

What makes the most recent episode extraordinary is the nature of the redress being demanded. The objective seems nothing less than a dramatic reduction in the size of Japan's trade surplus with the United States ($13.4 billion 1981 by Japanese statistics) and the European Community ($10.3 billion). This is almost certainly beyond doing, except with severe restrictions on Japan's exports. Significantly, U.S. and European officials simply haven't identified types of Western exports now being excluded in large quantities from Japan.

At one level, it is hard not to take the outbreak of anti-Japanese sentiment as scapegoating. The United States and Europe are deep in slumps and, by comparison, Japan's economy is relatively healthy. Japan's unemployment rate is 2.2 percent, and economic growth—though relatively low by Japanese standards—is expected to be about 3½ to 5 percent in the next year.

But, especially after two weeks of interviewing here, it is equally difficult to ignore Japan's culpability in the drift toward protectionism. Free trade, like any other international regime, can exist only so long as participating states feel it serves their mutual self-interest. As a state with one of the largest stakes in open trade, Japan ought to have been energetic in its defense. But it hasn't been. Consider:

U.S. cigarette makers cannot sell freely in Japan. The govenment's salt and tobacco monopoly allows foreign cigarette sales at only 20,000 of 280,000 outlets, and prices of American cigarettes are kept about one-third higher than Japanese.

Severe import quotas remain on beef and oranges—an outrage not only to the United States but also to Australia, a major beef exporter.

Despite a recent reduction, Japan still imposes a high duty (a minimum of 36 percent) on Scotch whisky—an affront to the British, who have pressed for steep cuts for years.

Lifting these restrictions would alter Japan's huge trade surplus only slightly, but their continuation attests to the basic Japanese attitude toward open trade: It is a one-sided affair, an avenue by which Japan can export manufactured goods and import needed raw materials.

In the 1950s and 1960s, when Japan was short of foreign exchange, protectionism was official policy embodied in tariffs, import licenses and other restrictions. But even though most restrictions have disappeared, the state of mind continues.

Japanese politicians and officials leave the distinct impression that everybody but Japan ought to pay the political price of open trade. Although farm families now constitute less than one-seventh of Japan's population—and most of those are part-time farmers—the government regularly has resisted lifting the beef and citrus quotas. Likewise, the Ministry of Finance jealously protects the tobacco monopoly, which provides government revenues.

Even the way the Japanese talk about their trade disputes is revealing of their narrow world view. They forever refer to the easing of "trade frictions," as if once the squeaky wheel is found, a bit of "oil" will make the "friction" vanish.

The result has been, over the years, a series of exasperating trade disputes. In each, the Japanese ultimately manage to find concessions to satisfy U.S. political interests. Yet the fact that new concessions always emerge only deepens American (and European) suspicions of still additional layers of protection.

All this had left Japan with virtually no political good will with which to defend itself against unreasonable demands. And it is enormously vulnerable, for the overriding reality about Japan's exports—more important than their quality or price competitiveness—is that no one needs them.

Japan needs the wood, coal, oil and grain it imports, but the United States does not need the autos and steel that constitute about half of Japan's exports to the United States. American industries would gladly fill the demand. With some exceptions (stereos, video tape recorders, motorcycles), the same is true of most Japanese products.

In the end, the drift toward protectionism—now garbed in the new phraseology of "reciprocity"—is likely to help neither the West's sick economies nor Japan's healthy one. The Japanese are correct when they say that bilateral trade balances have no proper place in a world of open trade. Countries' trade patterns reflect their economic strength and needs, and any attempt to focus on trade balances between nations upsets this. The United States, for instance has a large surplus with Europe.

Much of the Western failure to sell in Japan reflects inadequate effort, but it is also a failure to which the Japanese contributed. Their success in the United States reflects their ability to surmount obstacles of language, marketing and product quality. But they also had ample American help. In consumer electronics, large U.S. buyers (Sears, Roebuck and Co., Radio Shack Corp.) gave the Japanese their initial foothold by placing huge orders. Even in cars, the Japanese could rely on enthusiastic U.S. dealers.

This is what an open market is all about, but it is not what Japan is about. The biggest barrier to imports today is a state of mind. If changing that is asking too much—as many Japanese think it is—this is precisely what has helped bring Japan and the West to the edge of a mutually destructive trade war.●

PRELIMINARY NOTIFICATION PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress received advance notification of proposed arms sales under that act in excess of $25 million, or in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that 14 such notifications have been received.

Interested Senators may inquire as to the details of these preliminary notifications at the office of the Committee on Foreign Relations, room 4229, Dirksen Building.

The notifications follow:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., 17 Dec. 1981.

In reply refer to: I-12283/81ct

Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a NATO country tentatively estimated to cost in excess of $25 million.

Sincerely,

ERICH F. VON MARBOD,
Director.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., 29 Dec. 1981.

In reply refer to: I-12605/81ct

Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to an East Asian country tentatively estimated to cost in excess of $25 million.

Sincerely,

ERICH F. VON MARBOD,
Director.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., 29 Dec. 1981.

In reply refer to: I-12208/81ct

Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a NATO country tentatively estimated to cost in excess of $25 million.

Sincerely,

ERICH F. VON MARBOD,
Director.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., 29 Dec. 1981.

In reply refer to: I-12192/81ct

Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a North African country for major defense equipment tentatively estimated to cost in excess of $7 million.

Sincerely,

ERICH F. VON MARBOD,
Director.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., 29 Dec. 1981.

In reply refer to: I-12182/81ct

Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle Eastern country tentatively estimated to cost in excess of $25 million.

Sincerely,

ERICH F. VON MARBOD,
Director.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., 29 Dec. 1981.
In reply refer to: I-12803/81ct
Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Southeast Asian country for major defense equipment tentatively estimated to cost in excess of $7 million.

Sincerely,

ERICH F. VON MARBOD,
Director.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., 29 Dec. 1981.
In reply refer to: I-12949/81ct
Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Southeast Asian country for major defense equipment tentatively estimated to cost in excess of $7 million.

Sincerely,

ERICH F. VON MARBOD,
Director.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., 18 Jan. 1982.
In reply refer to: I-13043/81ct
Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Southwest Asian country for major defense equipment tentatively estimated to cost in excess of $14 million.

Sincerely,

JAMES AHMANN,
Acting Director.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., 21 Jan. 1982.
In reply refer to: I-13087/81ct
Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Southwest Asian country tentatively estimated to cost in excess of $50 million.

Sincerely,

JAMES AHMANN,
Acting Director.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., 21 Jan. 1982.
In reply refer to: I-13092/81ct
Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Southwest Asian country tentatively estimated to cost in excess of $50 million.

Sincerely,

JAMES AHMANN,
Acting Director.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., 22 Jan. 1982.
In reply refer to: I-13086/81ct
Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Northeast Asian country tentatively estimated to cost in excess of $50 million.

Sincerely,

JAMES AHMANN,
Acting Director.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., 25 Jan. 1982.
In reply refer to: I-13131/81ct
Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to an East Asian country estimated to cost in excess of $50 million.

Sincerely,

JAMES AHMANN,
Acting Director.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., 26 Jan. 1982.
In reply refer to: I-03716/81ct
Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle Eastern country tentatively estimated to cost in excess of $50 million.

Sincerely,

JAMES AHMANN,
Acting Director.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., 26 Jan. 1982.
In reply refer to: I-13044/81ct
Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a European country tentatively estimated to cost in excess of $50 million.

Sincerely,

JAMES AHMANN,
Acting Director.●

SHORTCHANGING AMERICA'S FUTURE

● Mr. DODD. Mr. President, the budget for fiscal year 1983 proposed by the Reagan administration advocates severe reductions in spending for higher education. Particularly hard hit are programs for student assistance, including Pell grants, student loans, work-study, and upward bound.

Of all of the funding cuts in this budget, these may well be the most ill-founded, short-sighted, and, ultimately, the most harmful to the national interest.

This administration never misses an opportunity to proclaim its reverence for protecting the national security and enhancing investment. In light of that rhetoric, the disdain for higher education is terribly ironic.

Certainly there can be no more essential component of national security in this modern, complex world than a citizenry which reaches the full potential of its talents and intelligence.

Similarly, no investment is more critical to our future as a society than educating our young people for the challenges of the decades ahead.

Mr. President, the case for a continuing, substantial commitment of Federal resources to higher education is eloquently made by Michael Sovern, president of Columbia University, in an article in Sunday's New York Times magazine. Yesterday's Times reported that many colleges are already being forced to revise their admissions procedures in order to compensate for the harsh budget proposals. It is a sad commentary that financial ability—not intellectual promise—may determine whether some students have the opportunity for a higher education in the future.

I ask that these two articles be printed in the RECORD.

The articles follow:

[From the New York Times, Feb. 7, 1982]

THE CASE FOR KEEPING U.S. AID TO COLLEGES

(By Michael I. Sovern)

"If you think education is expensive," goes an old college fund-raising maxim, "try ignorance." The warning is timely.

At a time when Government should be making major new investments in campus research, vital to raising national productivity, the Reagan Administration has embarked on a program of "economies" that will drastically curtail research efforts in the nation's universities, turn many of the best minds of a generation away from careers in education and research, and close the door to first-rate young people who cannot pay today's tuitions.

Obviously, those assigning us the loser's role in the international technology competition have not intended these consequences. Commenting on the entire Federal budget, David Stockman himself conceded that "we didn't think it all the way through."

It is, however, not too late to think it all the way through and reverse the damaging cuts in student aid as well as cuts in the funding of new scientific equipment and in university research budgets—measures that would actually result in "savings" of only a fraction of 1 percent of the Federal budget.

The issue is not whether the Federal Government as a whole is spending too much or too little, nor whether the supply-siders, Keynesians or monetarists, have the best of the argument. Whatever the economic faith of our elected officials, increased support for education and research must be given a high priority.

The predominance of American professors among Nobel Prize winners dramatically demonstrates the importance of our campuses in producing men and women who gave this nation the lead it once enjoyed in science and technology. But Nobel Prizes celebrate the accomplishments of yesterday, not tomorrow.

Today, at independent universities that trained most of the country's scientists and produced the lion's share of major research advances, world-renowned pioneers are working in physical facilities that are woefully out of date. Although China's scientific development fell far behind us during the Cultural Revolution, a recent group of Chinese visitors were astonished at the antiquated scientific equipment they saw on a tour of a leading Middle Western university.

Had they traveled more widely, they would have realized that this was the norm and not the exception. Not only has laboratory equipment been refined at a dizzying pace, but costs have skyrocketed as well. A recent study by the Association of American Universities found that a $750 million investment in scientific equipment and facilities is needed over the next three years simply to sustain current activities at only 15 of the nation's research universities.

It would be hyperbolic to say that we are embarking on our own Cultural Revolution. But one can imagine, without exaggeration, a news story of Jan. 20, 1989, datelined Washington, that reads: "In her inaugural address, the President called for a multibillion-dollar crash program of Federal and private investment in America's university research base. She asserted that radical action is critical to meet the problems posed by the greatest shortage of scientists and scholars in our history. Without it, she said, we have no hope of regaining our position as tenth most productive nation in the world."

Such a news story would not be farfetched because the per capita gross national product of the United States has slipped to tenth place in the world. Our foreign trade pattern resembles that of an underdeveloped country: We export raw materials in abundance and import more manufactured goods than we sell abroad. All this cannot be isolated from the fact that over the past 15 years, Japan and West Germany have doubled their output of scientists and engineers.

Tolerance of this erosion of our ability to compete in the world runs counter both to the Reagan agenda and to a long and wise tradition. Since World War II, the Government has pursued a bipartisan policy rooted in the recognition that the nation's well-being depends on a national commitment to the quality of its universities. Federal support produced the rapid growth of graduate schools and the consequent surge to international pre-eminence of American university research. The Federal Government has recognized that scientific and technological competitions with other nations are won or lost on American campuses.

Major research universities cannot but applaud the Reagan Administration's goals of controlling inflation and promoting a sound and stable economy, but these goals are not served by cutbacks in Federal assistance to higher education. When a high-technology company is in danger of losing out to the competition, it invests more in research and development, not less. In the world economy, the United States competes for scientific leadership not only with Japan but with much of Western Europe. If this country is to meet that competition, have a sound economy and bring inflation under control, it must invest more in research and development. Past investment in American universities has been repaid many times over by massive contributions to the national strength. If there is a time to increase that investment, this is it.

When Ronald Reagan took office, there was no Federal program to deal with the decaying physical plant of the nation's universities. There was the beginning of a response to the problem of outdated equipment, but this was killed by the Office of Management and Budget. What all universities had was a respectable program for making the most of their "human capital." "Human capital," the economist Eli Ginzberg pointed out, "defined as the 'skill, dexterity and knowledge' of the population, has become the critical input that determines the rate of growth of the economy. . . ." This perspective underlies the Federal Government's provision since 1965 of nearly $20 billion in loan guarantees and interest subsidies for college and university students plus billions more in direct financial aid to students most in need. Session after session of Congress concluded that these funds would be a fruitful investment in the nation's future.

The Reagan Administration, however, is pressing a massive assault on virtually every aspect of the Federal student aid program. It did put an end to such questionable programs as subsidized loans to families that did not need them. But by proposing huge additional cuts in student aid, the Administration has shown little understanding of the critical importance of such aid to the national interest. Without a strong Federal role in assisting promising students to further their studies, the supply of students will diminish in quantity and quality. In fact, many graduate schools are facing a diminishing pool of qualified applicants.

Ironically, success in the drive against student aid would mean not only a dismantling of much of the nation's research base, but a large increase in costs to the taxpayer as well.

To understand that paradox, one must understand the financing of a college education. It actually costs about $8,000 per student for a college to run a high-quality undergraduate program. That does not include books, room, board and other living costs.

Suppose a promising Cincinnati high-school senior—call him Alex Hamilton—wants to attend an Ivy League university. The Hamilton family's income is about the national median of $21,000. Alex's younger sister is also a good student.

Many students like Alex are enrolled in independent colleges and universities today. How? First, they are often not charged what it actually costs to educate them. Endowment income and contributions meet some expenses that would otherwise be passed along as part of the tuition fee. Second, needy students can receive an additional subsidy in the form of a scholarship, for which Alex Hamilton would qualify at many schools. Third, Alex may borrow $2,500 from a bank at 9 percent interest under the Guaranteed Student Loan Program. Fourth, he would be eligible for a Federal Pell Grant of about $800. He and his parents would make up the rest—from any savings they might have and from his summer and afterschool jobs.

Thus, we have a package of support provided by the college, Alex, his parents, and the Federal Government. Like millions of Americans before him—including Ronald Reagan and me—Alex is working his way through college. But times have changed: No student can earn what it costs to attend an independent college today. To ask that every student contribute something before receiving help is fair. To withhold help from those who have done all that can be expected of them is cruel and ultimately wasteful.

How much is the Federal Government actually contributing to the cost of Alex's higher education? Since he pays no interest on his loan until after graduation, the Federal share includes the interest on that $2,500 loan—say $375 per year (at 15 percent interest). That plus the Pell Grant of $800 totals $1,175 for his freshman year. The taxpayer's dollar is matched about 6 to 1 by private resources, and Alex is free to choose a college based on his ability. (As he moves to his senior year and borrows more, the Federal interest cost will rise according-

ly, but it will never be more than a small fraction of his total costs.)

What has the Reagan Administration proposed? First, shrink the Pell Grant program. This would eliminate Alex Hamilton's eligibility. Subtract $800. Second, abolish the in-school interest subsidy. Subtract the remaining $375. There would be an apparent saving to the taxpayer of $1,175.

But there is no such saving. It still costs $8,000 to educate Alex Hamilton. Without the option of going to a private college or university—where the cost of that education is largely absorbed by private resources—students like Alex will most likely go to a public institution close to home. The tuition at a publicly supported institution is about $1,500; the remaining $6,500 comes from public funds. Thus, by increasing the number of students at public universities, the Reagan Administration will actually be saddling state taxpayers with an increased cost of $6,500 in order to save $1,175.

Furthermore, the Reagan Administration's policy toward higher education will affect a staggeringly large number of students: Most of this country's 12 million college and university students come from families with incomes of less than $30,000; the families of many earn less than $20,000.

A fundamental strength of the American system of higher education is diversity. It would be folly to upset the balance of public and private education, to limit individual choice, to segregate rich students in private universities and the poor and middle class in public ones. Yet these are the effects of the Reagan Administration's financial aid policy.

What of the effect of the Administration's proposals on graduate schools—the source of tomorrow's researchers, scholars and teachers?

If Alex Hamilton were to spend four years at an independent college, by the time he graduated he would owe $10,000—plus, under the Administration's plan, annual interest costs. Lending institutions have indicated they will not take on the burden of collecting interest from students on a periodic basis. In response, the Administration has recommended compounding the interest so Alex will owe not $10,000 on graduation, but $12,000 or more.

At that point he must decide whether to go on for a Ph.D. or try a professional school. As a graduate student he is now entitled to borrow $5,000 a year. If Alex chooses the Ph.D. route, the Administration's proposal would bring his cumulative debt after his first year to approximately $19,000. After his second year, that debt will be approaching $26,000. And he still has at least three more years before he can reasonably hope to get an assistant professorship—at a salary of less than $20,000 a year. The prospect is forbidding even with the in-school interest subsidy.

The nation's universities are producing lawyers and business-school graduates at an unprecedented rate and scientists and scholars in diminishing numbers. Traditionally, a large proportion of graduate students in the humanities have set their sights on college teaching. But with little hope of immediate employment during the current tenure bulge, many of the best scholars are switching to professional schools. In an exhaustive and disturbing study of the perils facing American graduate schools, William G. Bowen, president of Princeton University, found that in 1980 only 34 percent of all summa graduates at Harvard-Radcliffe planned immediate graduate study in the arts and sciences—compared with more than 75 percent in the mid-1960's. And who will be there to teach the next generation of scientists? Between 1970 and 1980, the number of Ph.D.'s in physics graduating from American universities dropped by almost half—from 1,740 to 985.

If the budget cutters have their way, tomorrow's little band of Ph.D.'s will consist of the scions of the wealthy, another handful that the best-endowed universities can afford to support, and a larger number supported by taxpayers at public colleges and universities. Though our graduate schools have had a glorious past—leading the nation in a century of unparalleled advances in research—whether they have a future depends upon the continued resistance of Congress to an unbelievably shortsighted proposal.

I believe deeply in the unquantifiable values of a university. Great universities aspire to transmit to their students the heritage of civilization; to unlock the treasures of the past; to bring fresh vision and new discipline to the growing fund of human knowledge; to enliven curiosity; to cherish the freedom to explore and express; to encourage joy in the presence of beauty and appreciation in the presence of wisdom; to discover, in the words of William Saroyan, "that which shines and is beyond corruption." It is not simply for technology that we need to know more, Lewis Thomas observes, "but for the hope of wisdom which our kind of culture must acquire for its survival."

A society that undervalues such aspirations does so at its peril. But even if one believes that a democratic society has no stake transcending economics and defense in the education of its citizens, one has to conclude that the Administration's policy toward higher education runs counter to the goals it has set for itself.

Anyone who balances the cost of fundamental laboratory research—which provides the base for such practical discoveries as antibiotics—against the soaring cost of medical care will find that, dollar for dollar, biomedical research is far and away the best buy in town. The sad irony is that today, with the explosive productivity of the "new biology," the opportunities for helping patients in the nation's hospitals are greater than ever before. Yet in 1981 the Reagan Administration insisted on cutting funding of basic biomedical research in our universities.

As to the Administration's commitment to enhance our national security, I would have thought it obvious that today's defense rests fundamentally on yesterday's basic science. The laser, for example, though happily of great use to medicine, communications, chemistry and physics, among others, is also at the heart of a number of weapons systems. Every Administration for the past 40 years has recognized the fundamental importance of basic science to the defense effort.

And what of the humanists and social scientists studying the cultures, politics and economics of our allies and adversaries? How can this country conduct an informed foreign policy without a flow of experts on the various areas of the world? We have only a dribble and it is in danger of evaporating further still.

The Department of Defense (D.O.D.) is trying to help. In a memo to Pentagon officials, Secretary of Defense Caspar W. Weinberger has warned: "The national base of basic research is inadequate to meet future D.O.D. needs and substantial sustained real growth in defense research is needed to restore this base." Although the Pentagon estimates that it will increase spending for basic research at universities by some $60 million during the current fiscal year, this comes nowhere near compensating for the hundreds of millions of basic research dollars cut from other programs. And, unlike the beleaguered National Science Foundation and National Institutes of Health, which have funded broad areas of fundamental research, the Pentagon's concept of "basic" research, in line with legal, fiscal and political constraints, must be directed toward projects of identifiable value to the military.

If the American university research base is not to be saved by the Pentagon, what about corporate philanthropy? "The level of industrial support for university research may triple in the 1980's," said Dr. Edward E. David Jr., president of the Exxon Research and Engineering Company, "but that would not equal the proposed cuts in the Federal budget in only one year." Last fall, the Exxon Education Foundation, aware that in recent years doctoral candidacies in engineering have declined by one-third, announced a program sensitive to the impending shortage of faculty members (between 10 and 15 percent of engineering faculty positions across the nation are currently unfilled). The foundation divided $15 million for graduate fellowships and junior faculty salary support among 66 engineering schools, a boost for which all 66 of us are grateful. Neither Exxon nor its beneficiaries claim these new, thinly spread grants are more than a small step in the long journey toward an answer to the question: Who will be left to teach the next generation of engineers?

Increases in corporate contributions to higher education in recent years are heartening. "Total corporate aid to higher education has risen to the billion-dollar-per-year range," observed Edward G. Jefferson, chairman of Du Pont and one of the leaders in corporate support for higher education. Yet, he added, "it is unlikely that corporate aid can be expected to offset reductions in Government funding."

The proposition that Federal cuts create incentives for private gifts is dangerously deceptive. In fact, Federal dollars on campus are frequently necessary to generate private dollars—both from increased numbers of students and from private philanthropy. When Federal aid was climbing, so was the quality of graduate students attracted to well-financed research projects and prominent professors whose distinction in teaching was matched by excellence in grant-supported research. As Federal assistance declines, the quality of research deteriorates, new funds dry up, old sources of support wither.

President Reagan's science adviser, George Keyworth, agrees that "the heaviest responsibility for basic research naturally falls on the Government. This is especially true where long-term, high-risk research is involved. . . ." Those are reassuring words, but the numbers are less cheering. The President's latest budget requests call for substantial cuts in the research and development funds of most Federal agencies and departments.

Overall, according to Frank Press, president of the National Academy of Sciences, the latest cuts proposed by the President would take away another $600 million from the $5.5 billion Federal budget for basic re-

search. The resistance of Congress has so far spared the National Science Foundation's budget for the physical sciences, mathematics and engineering—at least for the moment they are scheduled to receive nominal increases—but funding for science education was cut by more than two-thirds.

Programs for basic research have always been easy to cut. They do not pack the political punch of urgency and quick results. From 1968 to 1980, according to Richard Atkinson, Chancellor of the University of California at San Diego and former director of the National Science Foundation, basic research as a fraction of the Federal budget declined by 27 percent and as a fraction of the gross national product by 16 percent.

The abruptness of many Federal cuts aggravates the problem. Following a meeting in October with Administration officials in Washington, nearly 100 distinguished scientists issued this statement: "Instability and abrupt changes in funding have severe effects: Research teams are broken up; investments in experiments involving large facilities . . . are poorly used. The continued flow of new researchers into our industrial and university laboratories is best maintained by their stable and continued participation in university-based graduate research."

"Basic science is a long-term investment, and depends on government support," stated the scientists. "Support of scientific research is a public expenditure from which all sectors of society benefit. There are no significant sources of support for such a collective benefit which can replace the Federal Government.

Without a major increase in Federal support for research projects and assistance to students, there will almost certainly be a further weakening of this nation, as countries with the sense to anticipate the future assume the lead. "The strength of the nation's research and development comes back to the strength of our top universities," acknowledged Dr. Keyworth. "We must restore strength to them."

As the President's science adviser, Dr. Keyworth reflects the Administration's views on the importance of the nation's leading universities. At the same time, the President has a profound commitment to preserving the vitality of the private sector. In his commencement address at Notre Dame last year, he said: "If ever the great independent colleges and universities are replaced by tax-supported institutions, the struggle to preserve academic freedom will have been lost."

But if these convictions are not impressed on the budget makers who have been hacking away at higher education, this Administration is in danger of going down in history as the great ravager of our independent colleges and universities.

The President can still lead us away from that destructive fate. Congress, in resisting major student aid and research cuts, has shown that it will follow if the Administration will lead in building on what we have.

Not only should the Administration renew the research capability of the nation's universities by restoring the cuts in basic research support, it should upgrade scientific equipment in our deteriorating university laboratories and establish a national construction fund to help rebuild university research facilities.

In addition to preserving the in-school interest subsidy, the Reagan Administration should:

Continue to make loans available to every student who shows genuine need. After all, these loans are made by private institutions, not the Government, and repayment is the obligation of the student. Besides, declining interest rates will cut much more of this program's costs than any of the pending proposals for change.

Restore the cuts in the Pell Grant and related Supplemental Educational Opportunity Grant programs. During the past academic year, Pell Grants closed the gap for 2.7 million students. This year the gap is wider, with $300 million already slashed from the program.

Increase support for Work-Study, the program that makes it possible for students to find jobs in a tight economy so that they can work their way through college.

Carry out the program of merit graduate fellowships that became law as the Education Amendments of 1980 but that has yet to receive an appropriation.

These measures can be funded through savings from cuts that should not be reversed—$2 billion through the elimination of Social Security's financial aid feature and billions more from changes in the Guaranteed Student Loan Program already enacted.

Should more than those savings be invested in higher education and research? All I ask is that our elected representatives look at the way our money has been used, and with what results, from the G.I. Bill of Rights to the National Science Foundation and National Institutes of Health to the Pell Grant. Is there a more productive and broadly beneficial investment in human resources and the nation's future than a strong Federal commitment to the American university?

[From the New York Times, Feb. 8, 1982]

CUT IN U.S. HELP FOR STUDENTS AFFECTING COLLEGE ENTRY RULES

(By Susan Chira)

Wesleyan University, in response to proposed cuts in Federal student aid, is ending an admissions policy that did not consider student ability to pay. The school will now reject some students who cannot afford the full tuition.

The decision reverses a policy that Wesleyan, like many other private colleges and universities, has maintained since the early 1970's.

This policy, known among educators as "aid-blind" admissions, has been under pressure at other private universities, but few admissions for financial aid officials have said publicly that their schools will have to choose students on the basis of their ability to pay.

The unanimous vote this weekend by Wesleyan's board of trustees made the Middletown, Conn., college the first major school to end its aid-blind policy publicly, educators said.

Wesleyan's president, Colin G. Campbell, called the decision "a workable accommodation to an unfortunate situation."

POLICIES EXAMINED ELSEWHERE

Officials at some other universities said yesterday that Federal cuts were forcing them, too, to re-examine their aid-blind admissions policy.

"I would hate to be in this profession if we couldn't admit students regardless of need," said Mary Ellen Ames, director of admissions at Wellesley College in Massachusetts. "But whether you have money or not sometimes changes ideals."

School financial aid officials said the events raised the question of whether only wealthier people would be able to afford to attend the most selective—and expensive—private colleges.

As Wesleyan's new system will work, beginning with the 1982-83 school year, the school will first select a class of entering students purely on merit, said Karl Furstenberg, dean of admissions. Then, if the amount of financial aid these students need totals more than 10 percent of the university's educational and general expenditures budget, students on the waiting list who did not need financial aid will be picked instead of needy students at the bottom of the first-choice list.

"No one likes the idea of taking out people without money and putting in people with money," Mr. Furstenberg said. "It wouldn't be that sort of crass exchange."

But he said cuts in Federal funds for financial aid had made it impossible for Wesleyan to provide aid for all the students it would like to admit.

In 1981-82, Wesleyan spent $2.3 million of its own unrestricted funds on scholarship grants—approximately 8 percent of its budget. Wesleyan's student-faculty budget advisory committee predicted that the university would have had to spend 15 percent of its budget on scholarship by 1986 if the aid-blind policy had remained in effect.

Mr. Furstenberg said that Wesleyan would probably spend about $3 million to finance scholarship grants next year, more than double what it spent two years ago.

Tuition, room and board at Wesleyan this year total $10,900, Mr. Furstenberg said. The college receives 30 percent of its $4 million costs for scholarship from the Government, he added. In addition Federal loan programs provide $6 million more to needy students.

REVIEWS BY OTHER COLLEGES

Among the other colleges whose financial aid officials said yesterday that they were reviewing their aid-blind admissions policies were Columbia, Barnard, Harvard, Boston College, Cornell University, Princeton University and Wellesley College. All the officials said they planned to continue their aid-blind admissions policies next year.

"Rejecting an aid-blind policy is a mistake—I oppose it 100 percent," said John Maguire, dean of admissions, records and financial aid at Boston College. "We should not play God and make decisions for people."

He and other officials said they would prefer that applicants know they were qualified for admission and then allow them to decide whether they could afford to attend.

Lawrence J. Momo, associate director of admissions at Columbia, said: "If the extent of cutbacks continues as projected, there will be very few schools who will be able to meet the full financial needs of the students."

ALTERNATIVES ARE CONSIDERED

Admissions and financial aid directors outlined alternative policies to account for Federal cuts in education aid. The one most officials favored would offer the most financial aid to the most highly qualified candidates for admission. Other suggested plans included giving only part of the aid requested by a student, dividing available funds equally among students or increasing student jobs and loans.

Increasing students' job loads may detract from their academic work, however, said Barbara Schmitterer, vice president for student affairs at Barnard. "We are trying to

rethink financial aid to find innovative ways to meet student needs."

L. Fred Jewett, dean of admissions and financial aid at Harvard University said that Harvard's endowment and a current fundraising campaign would allow the university to admit those who could not afford the tuition, room and board costs, which will total more than $12,000 next year.

Federal money accounts for 24 percent of Harvard's scholarship budget, Mr. Jewett said. If the Government continues to cut grants and loans, he said, Harvard will have to use $30 million to $40 million of its endowment funds to make up the difference. "The cuts would be a severe strain on our resources," he added.

James Scannell, dean of admissions at Cornell University, said that Cornell could lose up to half its $8.5 million in Federal scholarship aid under the proposed budget cuts. Cornell's yearly costs total about $11,000.

Most private universities provide a financial aid package for needy students composed of the these Federally financed grants or loans:

Pell grants (so named because Senator Claiborne Pell, Democrat of Rhode Island sponsored the legislation) and Supplemental Educational Opportunity Grants, awarded to student on the basis of need.

Low-interest National Direct Student Loans and Federally guaranteed loans.

Work/study programs, in which the Government and the university both contribute to salaries for educationally-related student jobs.

The proposed Federal budget for 1983 would cut Pell grants by one-third and trim all Federal aid for student scholarship by $636 million, or about 60 percent. In addition the Administration would impose much tighter restrictions on the guaranteed loans.●

LITHUANIAN INDEPENDENCE DAY

● Mr. ZORINSKY. Mr. President, next Tuesday, February 16, will mark the 64th anniversary of Lithuanian Independence Day and the 731st anniversary of the founding of the Lithuanian State. As has been my custom in past years, I would like to take this opportunity to say a few words about the ongoing struggle for independence of the Lithuanian people.

The 1918 declaration of Lithuanian independence ended centuries of tyranny and persecution at the hands of czarist Russia. Equally important, it opened two decades of unparalleled economic and political progress, as trade was expanded, Lithuania's standard of living improved and its political system was liberated.

Unfortunately, in June of 1940, the Soviet Union used the occasion of the spreading war in Europe to once again put Lithuania and Lithuanians under the heavy yoke of Soviet oppression. Soviet troops marched in, forced the resignation of the existing coalition government and installed a new Soviet puppet regime that continues in power today.

To its credit, the United States has never recognized the Soviet annexation of Lithuania. And the Lithuanian people themselves have resisted, with all their strength, Soviet efforts to dominate them.

This resistance is now more than four decades old. It has produced its own long list of heroes—freedom fighters seeking to achieve a new Lithuanian independence as the Soviets continue to stifle nationalism and oppress those who seek only the basic human rights to which all people should be entitled.

The efforts and suffering of these brave dissidents led to the appearance more than a year ago of a new Lithuanian journal, "Tautos Kelias" (The Path of the Nation), which has aptly described the feelings of all freedom-loving Lithuanians and those who stand with them. "The occupation government is not forever," it proclaimed, "the hour of independence shall come and Lithuania will be free and independent again."

Let us not forget, as this 64th anniversary of Lithuanian independence approaches, our commitment to these brave people and their ultimate freedom from Soviet domination.●

UNIVERSITY OF HARTFORD—SILVER ANNIVERSARY

● Mr. DODD. Mr. President, education has often seemed an area of life that is—or should be—insulated from the pressures that impinge on other institutions. Even those who have shown a certain contempt for the "ivory tower" of the college or university have tended to agree that schools, because they exist to educate our young, should not be placed under the same kinds of stress as businesses and government agencies.

And yet, the history of recent decades tempts us to conclude that our educational system has faced turmoils and upheavals that exceed those confronted by the other portions of our society. In the forties, our colleges and universities were flooded with unprecedented numbers of students as returning GI's sought to make a future for themselves through the benefits provided by a grateful nation. In the fifties, the challenge of Soviet technology gave colleges a desperate relevance and placed them in a kind of goldfish bowl at the very center of American life. The radicalism of the sixties brought down on them a degree of criticism—even hostility—that they had done little to deserve, while the fiscal austerities of the seventies and eighties have posed and will continue to pose an actual threat to the existence of many of them.

Given this tumultuous history and these dangerous challenges, there is something very opportune about the fact that a unique institution located in the State of Connecticut is not only facing its future with an infectious joie de vivre but is celebrating, in the present academic year, its 25th anniversary charter year.

That institution is the University of Hartford and it offers an example for the proper conduct of educational affairs in today's United States.

Though the schools that make it up can be traced back to the period just after the Civil War, the university was actually chartered in 1957. It has faced up to the task of knitting its constituent schools into a single institution that draws on their strengths without eliminating their creative diversity. In a period of only a few years, it has overhauled its administration in order to prepare for the unprecedented challenges of the eighties—including budgetary cutbacks that directly threaten many of its students.

What makes Connecticut so proud of the University of Hartford, however, is not only this high level of accomplishment, but the vigor and sheer sense of joy with which it has been achieved. The president of the university, Mr. Stephen Joel Trachtenberg, is one of the few educators of nationwide reputation who could also earn his living as a professional humorist.

And Mr. Trachtenberg is representative of the institution he heads. Those who have visited its campus in West Hartford will agree with me when I say that there can be few schools anywhere in the world today that are quite as vibrant, as exciting, as electric.

The University of Hartford is not a school blessed with a huge endowment, with real estate holdings that date back to the Founding Fathers, or with a convenient oil well or two tucked away on its campus. It is a school that must rely on its own wits in order to confront the pressures of the present decade—including the highly menacing ones that lurk inside the present proposals for yet another round of education "cutbacks." Indeed, it is a school making a nationwide reputation for itself as a paradigm for businesslike thinking that does not negate or contradict the traditional and historical functions of higher education.

Mr. President, the present moment gives us reason for doubt as well as reasons to be hopeful. As we slide deeper into recession—and analysts wrestle with the possibility this time around recession may deepen into actual depression—it may be more essential then ever for us to seek out those areas and institutions in American life that have somehow generated a more positive outlook. The University of Hartford, I believe, is a place of this kind. We should be grateful for its existence. I hope you will join me in wishing it the very best of luck as it celebrates its 25th Anniversary Charter Year and prepares to embark on its

second quarter century as a fully fledged university.●

PROCEDURES FOR CONSIDERATION OF FTC RULES UNDER LEGISLATIVE VETO PROVISION

Mr. PACKWOOD. Mr. President, last October, Senator KASTEN, the chairman of the Consumer Subcommittee, prepared a general policy statement summarizing the procedures for Senate consideration of Federal Trade Commission rules under the legislative veto provision of the Federal Trade Commission Improvements Act of 1980. In summarizing the veto procedures contained in the Improvements Act and the Senate rules, the preparation of this statement was designed to educate the Congress and the public about the veto process and improve the mechanical efficiency of our consideration of Federal Trade Commission rules. Senator KASTEN circulated the statement to other Commerce Committee members for their comments and had the statement printed in the RECORD on October 29.

I would like to commend Senator KASTEN once again for perceiving the need for this kind of clarification and for taking the initiative to put this paper together. Whether or not one favors legislative veto as a concept and regardless of the merit or lack of merit in specific agency rules, we all benefit from this kind of effort to streamline the mechanics and leave more time for consideration of important policy issues.

Mr. President, Senator KASTEN'S policy statement calls upon me, as chairman of the Commerce Committee, to have the statement reprinted in the RECORD at the beginning of each session of Congress. With the consent of the Senate, I am pleased to do so at this time.

The statement follows:

POLICY STATEMENT—SENATE CONSIDERATION OF FEDERAL TRADE COMMISSION TRADE REGULATION RULES UNDER THE FTC IMPROVEMENTS ACT OF 1980

Under the FTC Improvements Act of 1980,[1] the Federal Trade Commission is required to submit all newly promulgated trade regulation rules to Congress for review. The Act permits Congress, if both Houses concur, to disapprove or "veto" a proposed rule. This Policy Statement summarizes the procedures for Senate consideration of such rules under this authority.

I. REQUIREMENTS OF THE IMPROVEMENTS ACT

Under the Act, the Federal Trade Commission is required to deliver the proposed rule to each House of the Congress on the same day, and to each House while it is in session. The rule will become effective in accordance with its terms unless, within a period of 90 calendar days of continuous session, both Houses adopt a concurrent resolution disapproving the rule.

The Act provides that a continuous session, for this purpose, is broken only by an adjournment sine die at the end of a legislative session. In addition, days on which either House is not in session because of an adjournment of more than 5 days, such as during a recess period, are not included in computing the 90 calendar day review period. Finally, if an adjournment sine die occurs before the end of the 90 days, and Congress has not acted to disapprove the rule, the Commission is then required to resubmit the rule at the beginning of the next regular session of Congress, when the 90 day review period would begin anew.[2]

The Improvements Act provides the specific form for a resolution of disapproval; therefore, only one such resolution need be introduced in each House. The Act also states that if a House adopts a resolution to disapprove a particular rule, no other disapproval resolution may be considered by that House.

Congress, under the Improvements Act, is not authorized to disapprove only a part of a rule, nor is it authorized to re-write the text of the rule. However, if both Houses adopt a concurrent resolution and a rule is disapproved, the law states that the Federal Trade Commission may alter and resubmit the rule for new consideration. The Commission may take this action based on the existing rulemaking record or by obtaining additional evidence through a further notice-and-comment proceeding.

Rules submitted to Congress by the FTC and any disapproval resolution introduced or received from the other House must be referred to the Commerce Committee in the House or Senate, as the case may be.

II. SENATE COMMERCE COMMITTEE PROCEDURES

The Improvements Act does not set particular procedures for Commerce Committee consideration of disapproval resolutions. Existing House or Senate Rules and Committee rules would apply.[3] This Policy Statement will summarize the procedures that the Senate Commerce Committee will use in considering disapproval resolutions referred to the Committee.

In accordance with Senate Commerce Committee procedures, the Chairman of the Committee would decide whether to refer the disapproval resolution to a Subcommittee and, if so, assign the appropriate Subcommittee. If the resolution is not referred to a Subcommittee, the Committee Chairman would decide whether or not to hold a hearing.[4] If the resolution is referred, however, the decision on a hearing would be made by the Subcommittee Chairman.

If a hearing is to be held, the Chairman would announce its schedule at least one week in advance, unless the Committee determines there is good cause to begin the hearing at an earlier date. The announcement would include this information:

1. Date, time and place of the hearing;
2. The Majority and Minority staff assigned;
3. An invitation for interested parties to submit concise written comments explaining why the Congress should or should not disapprove the Commission's rule; and
4. A request that parties with similar interests submit joint written comments.

Concise written comments or other statements and letters received by the Committee in response to the press announcement would be made a part of the hearing record. The customary Committee hearing procedures would otherwise govern the conduct of the hearing.

The Chairman or Subcommittee Chairman may choose to solicit written comments in advance of a hearing, or instead of having a hearing. If written comments are solicited and no hearing is held, concise written comments, statements and letters received would be published as a Committee Print.

The Committee would consider the disapproval resolution in executive session, and report the resolution by majority vote of the Members present of voting by proxy. The Committee's usual rules and procedures governing proxies, quorums, Committee reports and related matters would apply.

The Committee Chairman would have this Policy Statement printed in the CONGRESSIONAL RECORD at the beginning of each regular session of Congress, so long as the veto provisions of the improvements Act remain in effect.[5]

III. DISCHARGE OF THE COMMERCE COMMITTEE AND FLOOR DEBATE

If the Commerce Committee fails to report a disapproval resolution within 75 calendar days of continuous session after referral of the resolution, the Improvements Act provides that it shall be in order to move to discharge the Committee from further consideration of the resolution.

The Act provides specific rules governing floor action in the Senate on motions to discharge. These rules are summarized here:

A motion to discharge the resolution in the Senate may be made only by a Member favoring the concurrent resoluton, and such a motion shall be privileged.

Debate on the discharge motion is limited to no more than an hour, to be divided equally between those favoring and those opposing the motion.

An amendment to the discharge motion shall not be in order, and it shall not be in order to reconsider the vote by which the motion was agreed to or disagreed to.

Following action on a motion to discharge, the motion may not be renewed, nor may another motion to discharge be made.

When the Commerce Committee has reported, or has been discharged from further consideration of a concurrent resolution, it shall be in order at any time thereafter to move to proceed to the consideration of the resolution, even if a previous motion to the same effect has been disagreed to. The Act also provides that:

[1] Pub. L. No. 96-252, section 21, 94 Stat. 374 (codified at 15 U.S.C. 57a-1).

[2] If a rule is resubmitted to Congress because an adjournment sine die has interrupted an initial 90 day review period, disapproval resolutions would have to be introduced and acted upon in both Houses during the second review period in order for a rule to be disapproved. Any action by one House to disapprove a rule in the initial period would thus be disregarded.

[3] The Improvements Act notes that the Congressional review provisions are enacted as an exercise of the rulemaking power of the House and Senate and that they are deemed a part of the Rules of each House. The provisions supercede other House or Senate Rules only to the extent they are inconsistent. In the Senate, Committee procedure is governed by Rule XXVI of the Standing Rules of the Senate.

[4] The Chairman may choose to hold a hearing even if a disapproval resolution is not introduced, but this presumably would not ordinarily occur.

[5] The veto provisions of the Act expire on September 30, 1982 unless they are renewed by further legislation.

This motion shall be privileged and shall not be debatable.

An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

The Improvements Act provides specific rules governing floor debate of the resolution of disapproval:

Debate on the concurrent resolution shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution.

A motion to limit debate further shall not be debatable.

An amendment to, or motion to recommit, the resolution shall not be in order, and it shall not be in order to reconsider the vote by which the resolution was agreed or disagreed to.

Appeals from the decisions of the Chair relating to the application of the Rules of the Senate to the procedures governing a concurrent resolution shall be decided without debate.

POLISH CHRISTMAS TRADITIONS

● Mr. KASTEN. Mr. President, Wisconsin's heritage is rich with the traditions of the various ethnic peoples who settled and developed it. I want to share with you and my colleagues a description of the special nature of Christmas for Polish families early in this century. I call your attention to an article which appeared in the Stevens Point Journal entitled "Christmas Traditions" on December 18, 1981. It was written by Esther Corrigan of Amherst, Wis. Mrs. Corrigan, who is 71, grew up as Esther Torzewski near Ringle, Wis. She is 1 of 11 children, whose parents were immigrants who fled an earlier era of repression in Poland.

The article follows:

[From the Stevens Point Journal, Dec. 18, 1981]

CHRISTMAS TRADITIONS

(By Esther Corrigan)

The days were always short and night came early in winter in Wisconsin. But the days seemed endless before Christmas. It seemed just ages before the great day arrived. As a child the anticipation was almost more than I could bear.

We lived on a small farm and times were hard, still we always seemed to have enough money for a few extras at Christmas.

We were of Polish descent and in our home the religious aspect of the holy day was always stressed.

The day before Christmas, Dec. 24, was a day of strict fast and abstinence for adults.

The day was spent cooking and baking, decorating the house with garlands and trimming the tree with popcorn and frosted cookies. It always ended with a feast, not eaten before the first star was out. It usually was clear and cold and we eagerly looked out of frost-covered windows to get a glimpse of the first star so the festivities could begin.

The chores were done early that evening so we would all be ready to enjoy our evening meal. The table was decorated with candles and balsam boughs. Mother used her good glass bowls and the house smelled of spices and good food. We all gathered around the table and said the blessing. Dad said a special prayer of thanksgiving and then broke the Opwatek, the altar bread, baked especially for families to share at the evening meal. He then handed it to mother. She in turn broke it and handed it to the oldest child. Each child broke off a piece until we all had a portion. We solemnly ate it. After that the feast began.

Although meat was never served, Mother always made at least 12 kinds of food, one to represent each month of the year. We started out with a sweet-sour plum soup which we children loved. Then there was herring in cream and baked potatoes, beans, peas, vegetables, fruits and cheese, a variety of coffee cakes, pie and decorated animal cookies. A dish was placed under the table for food scraps and a bundle of hay was placed under the table. This was to remind us of Christ's birth on the hay. The food and hay were given to the farm animals on Christmas morning.

After we ate our meal, we gathered around our Christmas tree to sing carols. The Polish people believed the holy day began with the first star. Later we distributed the gifts that were under the tree. We never got many "store toys," but we got blocks and things made from wood by Dad. Mother always knitted each of us a new pair of mittens and we always got some long sticks of candy and perhaps an orange. We always had peanuts and nuts, and for us that was more than enough. As the evening wore on, us little ones were sent to bed and Dad and the older children prepared to walk to midnight Mass. I always remember feeling I would never get big enough to join them for that midnight walk to welcome the Christ child at the end of a perfect day. I always remember this when I attend Midnight Mass now.●

THE UNIVERSITY OF HARTFORD'S 25TH ANNIVERSARY CHARTER YEAR

● Mr. WEICKER. Mr. President, At the present moment in American history, we are hearing a great deal of rhetoric about the need to return to the values of an earlier America—to end our long addiction to the idea of receiving aid from Washington, and to decentralize ourselves back into self-reliance.

So many people have jumped on this particular bandwagon, for all kinds of reasons having to do with self-interest, that it has come to seem questionable whether any of this talk can be taken seriously. It goves me special pleasure, therefore, to take note of the 25th Anniversary Charter Year of an American university that has come to embody the values that too often receive mere lipservice from other institutions.

I refer to the University of Hartford, located in my own State of Connecticut. Though its roots stretch back into the previous century, the university was officially chartered only 25 years ago. Since that time, it has begun to make an impact on this country that is out of proportion to its actual size.

I do not wish to claim that the University of Hartford does not receive a significant portion of its funding from the Federal Government. It does, expecially in the area of student financial aid. And it is struggling, like so many other private and public institutions, with cutbacks in funding that threaten many of its present and potential students.

But the University of Hartford nevertheless embodies a set of values and attitudes that deserves close attention from legislators, from other educators, and from the American public. Unlike many colleges and universities that owe their origins to the Federal largess of the postwar period, the University of Hartford was founded from the grassroots—out of a sense of local pride and local need. When it was chartered in 1957, it drew into its embrace such established local schools as the Hartford Art School, Hillyer College, and the Hartt College of Music. Today, it forms a vibrant mosaic that includes the Barney School of Business and Public Administration, the College of Engineering, and the Ward Technical College.

What distinguishes the University of Hartford, however, is its outlook—and that outlook can best be described as a very high form of adaptiveness. As a newly chartered institution, the university had no sooner caught its breath, so to speak, than it was confronted by the severe budgetary challenges of the seventies; and it had no sooner learned to take those in its stride than it had to face, as it is now facing, the unprecedented pressures of the eighties.

Other colleges and universities, confronting the same threats to their existence, have tended to become either rigid or panic stricken. The University of Hartford offers a refreshing contrast. It has responded by choosing a new administration, and by filling its executive ranks with individuals who would not be out of place in the upper echelons of private industry. It has worked hard to see to it that students admitted in a less straitened period are not forced out of the university by cuts in their scholarships and loans. It has set an internal pace that can be described as serious and concerned, but at the same time confident and optimistic. It continues to establish itself on the national educational scene as a school with traditional strengths and innovative ambitions: One of the very first American universities to understand that the pressures that have always characterized American business must now be faced, too, by those whose mission it is to educate America's youth.

The University of Hartford's 25th Anniversary Charter Year gives me the opportunity to praise it, but my praise, obviously, looks forward to the decades still to come and to the 21st century as well. We are embarked on a national experiment whose conse-

quences must be described, at the present time, as extremely uncertain. Even those who wish the experiment nothing but success must admit that the outcome is in doubt. At the present moment, therefore, we are particularly in need of national "role models" in every area of American life—groups, agencies, and institutions that teach us how to confront an ambiguous future without terror or despair, and without premature congratulations.

The University of Hartford is an institution of this kind. It is my very real pleasure to inform you of its excellence and to commend it to you as an example for your own colleges and universities. Long may it flourish.●

CHIEF WILLIAM L. HART, DETROIT POLICE DEPARTMENT

● Mr. LEVIN. Mr. President, tomorrow Chief William L. Hart of the Detroit Police Department will receive the "National Award in Crime Prevention" from the National Crime Prevention Coalition. He has earned the recognition and appreciation this award symbolizes.

Bill Hart started off as a patrolman in Detroit over 30 years ago. He never forgot the lesson he learned on the beat: That personal contact, mutual respect, and the involvement of citizens as well as the police are the essential ingredients in any effective crime prevention program. Bill Hart also learned that its better to avert a crime than chase a crook; better to involve people in a program of prevention than to involve them in building a penitentiary.

And Bill Hart applied those lessons that he learned. As he advanced through the ranks he instituted a variety of programs designed to deter crime. Today, Detroit has 150 officers assigned to crime prevention programs operating under a $4 million budget. And during his 5½-year tenure as chief, Detroit—in one 3-year period—experienced a 28-percent decrease in the crime rate, the most significant decrease ever recorded in any major American city.

Just as Bill Hart learned from his experiences how to deter crime, others are now seeking to learn from him. In 1981 he was appointed to the President's Violent Crime Task Force. And since his initiatives have taken root, other cities have adopted a whole host of programs which he began in Detroit, including neighborhood watch, business watch, citizen's mobile patrol, police ministations, and a specific crime prevention program focused on the elderly. Indeed, his efforts have also served as a model for the U.S. Army and Air Force which have applied many of his concepts at bases around the world.

I was president of the Detroit City Council when Bill Hart became chief of police. I have known him for many years and admired him for many years. The honor he receives today is one he truly deserves. I am pleased for him, proud of his efforts and the efforts of his officers, and delighted that the city of Detroit and the State of Michigan have had the benefits of his services for so long.●

ORDER FOR RECESS UNTIL 10 A.M. ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10 a.m. on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF CERTAIN SENATORS ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that after the recognition of the two leaders under the standing order the following Senators be recognized for not more than 15 minutes each on special orders and in this order: the Senator from Missouri (Mr. DANFORTH) and the Senator from Minnesota (Mr. DURENBERGER).

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, it is my intention on tomorrow to ask the Senate to provide a brief period for the transaction of routine morning business after the execution of the two special orders. It is my hope, however, that we can return to the consideration of this measure as soon as possible in view of the fact that certain statutory authorizations expire at midnight tonight and the House of Representatives will be in session for an uncertain number of hours on tomorrow.

So it is anticipated that after the recognition of the two leaders under the standing order and the execution of the special orders and after a very brief period for the transaction of routine morning business we will resume consideration of the urgent supplement on CCC.

We will continue on that as is necessary to complete action on that measure and then, of course, resume consideration of the Department of Justice authorizations bill under the provisions of rule XXII or one of the other urgent supplemental appropriation bills now held at the desk by unanimous consent and which are the subject of the order empowering the majority leader after consulting with the minority leader to proceed to their consideration.

Mr. President, I hope that on tomorrow we can finish all three supplementals, the two that are here and perhaps one other as it is received from the House of Representatives and resume consideration of DOJ before the conclusion of the Senate's business which I estimate to be approximately 6 p.m. on tomorrow evening.

Mr. President, there are certain other matters that may be quickly disposed of, I believe. First, a unanimous-consent request or so that I hope and believe has been cleared on the other side.

ORDER DISCHARGING COMMITTEE ON FOREIGN RELATIONS FROM FURTHER CONSIDERATION OF NOMINATION

Mr. BAKER. Mr. President, I ask unanimous consent, as in executive session, that the Committee on Foreign Relations be discharged from further consideration of the nomination of Reynoldo Philip Maduro, of Maryland, to be an Assistant Director of the ACTION agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, there is one nomination under New Reports on today's Executive Calendar. May I inquire of the minority leader if he is prepared to consider that item at this time?

Mr. ROBERT C. BYRD. We are ready on this side of the aisle to proceed.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask unanimous consent that the Senate now go into executive session for the purpose of considering the nomination of Malcolm M. B. Sterrett, of Maryland, to be a member of the Interstate Commerce Commission.

THE PRESIDING OFFICER. Without objection, it is so ordered.

INTERSTATE COMMERCE COMMISSION

The assistant legislative clerk read the nomination of Malcolm M. B. Sterrett, of Maryland, to be a member of the Interstate Commerce Commission.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominee was confirmed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified that the

Senate has given its consent to this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE TOMORROW

Mr. BAKER. Mr. President, I have outlined the schedule for tomorrow in a previous statement. May I say, however, that in view of the agenda just described and the rather lengthy debate on the amendment to the appropriation bill this evening, there is a real possibility—and Senators should be on notice, there is a real possibility—of an early rollcall vote, within an hour, perhaps, after we convene on tomorrow or even less.

So I would warn all Senators that they should be on the lookout for a vote perhaps as early as 11 o'clock on tomorrow.

APPOINTMENT OF SENATOR INOUYE TO READ PRESIDENT WASHINGTON'S FAREWELL ADDRESS

Mr. BAKER. Mr. President, if the Chair will indulge me for a moment there may be one other matter to dispose of.

Mr. President, may I inquire of the Chair if he is in position to designate a Member to perform the duties of the delivery of President Washington's Farewell Address?

THE PRESIDING OFFICER (Mr. HAYAKAWA). The Chair, pursuant to the order of January 24, 1901, appoints the Senator from Hawaii (Mr. INOUYE) to read Washington's Farewell Address on Monday, February 22, 1982.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the order just entered, that the Senate now stand in recess until the hour of 10 a.m. tomorrow.

The motion was agreed to; and the Senate, at 6:42 p.m., recessed until Wednesday, February 10, 1982, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate February 9, 1982:

INTERSTATE COMMERCE COMMISSION

Malcolm M. B. Sterrett, of Maryland, to be a Member of the Interstate Commerce Commission for the term of 7 years from January 1, 1981.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

HOUSE OF REPRESENTATIVES—*Tuesday, February 9, 1982*

The House met at 12 o'clock noon.

The Reverend Dr. C. Curtis Hess, pastor, Central Christian Church, St. Petersburg, Fla., offered the following prayer:

Our Father, which art in Heaven, we come before Your eternal throne today, fully aware that it is in You we live, move, and have our being.

We recognize Your infinite knowledge and power over all creation. Therefore we are painfully aware that You know each one of us "inside and out." You know what we appear to be. And You also know the innermost secrets of our hearts.

But we thank You Lord that when we bring to You all our weaknesses, all our unworthiness, all our sins, humbly confessing them, then we receive healing grace and pardon.

Grant unto these Members of this great House of Representatives divinely sought wisdom. Help them to know who they are and whose they are. Remove from their hearts all prejudice and pettiness that would hinder them from making decisions that will glorify Thy name. Be with our President, our Congress, our elected leaders all over this great Nation.

God bless America. In the precious name of Christ we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries, who also informed the House that on January 30, 1982, the President approved and signed a joint resolution of the House of the following title:

H.J. Res. 382. Joint resolution to permit the broadcasting in the United States of the International Communication Agency film "Let Poland Be Poland: A Day of Solidarity With the People of Poland."

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed joint resolutions of the following titles, in which the concurrence of the House is requested:

S.J. Res. 141. Joint resolution designating February 7 through February 13, 1982, as "National Crime Prevention Week"; and

S.J. Res. 130. Joint resolution designating February 22, 1982, the two hundred and fiftieth anniversary of the birth of George Washington, a "Day of National Celebration."

The message also announced that the Vice President, pursuant to Public Law 86-42, appointed Mr. ZORINSKY to the Canada-United States interparliamentary group.

The message also announced that the Vice President, pursuant to Public Law 86-42, appointed Mr. STEVENS as the chairman of the U.S. delegation to the Canada-United States Interparliamentary Union for 1982.

THE REVEREND DR. CURTIS HESS

(Mr. YOUNG of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOUNG of Florida. Mr. Speaker, our guest chaplain today is my friend, Dr. C. Curtis Hess, who for 26 years has been pastor of the Central Christian Church of St. Petersburg, Fla. Under his leadership, the congregation has become one of the largest Christian churches in the great State of Florida. Dr. Hess has served in many capacities as a leader in his denominational work, on both National and State levels.

From the beginning of his ministry in St. Petersburg 26 years ago, and continuing even to this day, he has been active in the community life of Pinellas County. He has a deep desire to be an "agent of change for the better," and he has a deep commitment to love and to serve our people.

Dr. and Mrs. Hess—Jo—have been married for over 35 years. They have three children and three grandchildren.

Mr. Speaker, just about a year ago Dr. Hess baptized my youngest daughter, Kimber. We are very happy to welcome Dr. Hess to the Chamber today.

WHY NOT CHARGE INTEREST ON AGRICULTURAL LOANS AS WELL AS STUDENT LOANS?

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, the American public must be wondering when it is important for the Federal Government to collect interest on loans and when it is not important. Evidently, when it deals with the students of our country, it is absolutely essential that they pay interest on their loans. I happen to agree with that, but what I find very difficult to understand is how, under the Commodity Credit Corporation, when they loan billions and billions of dollars every year to the agricultural community, when those loans are forfeited no interest is charged whatsoever, even though the original agreement calls for the curent rate of interest.

I think it is time we changed that, Mr. Speaker, and give the agricultural community an opportunity to at least pay the same interest rate of 9 percent as students have to pay on its forfeited loans. We will have that chance this afternoon to defeat this bill.

PRESIDENT'S BUDGET: FICTION OR NONFICTION?

(Ms. FERRARO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FERRARO. Mr. Speaker, President Reagan's new budget was released over the weekend, and the level of interest in it was so high that it reportedly is climbing the best-seller lists at local bookstores.

The problem is, nobody's sure whether it belongs on the fiction list or the nonfiction list.

Thanks to the President's Director of Management and Budget, we have learned that last year's budget was the result of a process of trial and error. If the numbers they tried showed a deficit too high, they decided there must be an error, and they would change the numbers. This year is no different apparently, as the administration blatantly ignores economic reality and forecasts historically unheard of growth rates. As a matter of fact, the reason we are voting this afternoon on an emergency supplemental appropriation for unemployment compensation is that the President gave us bogus numbers last year.

But there is reality in President's budget. The reality is the denial of food, housing, medical care, and education to America's poor and middle-class citizens. Unfortunately, that is not a fictionalized account.

MORE MODERATE ECONOMIC POLICIES NEEDED

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, I have looked at the President's budget; I note that his promise now is not a promise of prosperity, but of high deficits. Just to put it in perspective, the highest deficit in the history of this country was $65.5 billion during the last year of President Ford. Now, we are talking about deficits of $100 billion or more.

Why? Because the program does not add up. We cannot have the deepest tax cut in the history of America and at the same time have the largest military buildup in the history of this country, and have a balanced budget. It does not work.

Add to that high interest rates, and you find yourself in a patch of economic quicksand. The more the administration wiggles, the deeper they are going to get.

What we need to look for is dry ground; we need to close corporate tax loopholes and raise some revenue that way; we need to moderate the increase in the military spending, and we need to start betting on the little guy, the small- to medium-sized business and the workingman. They are the ones that can make the difference in our economy.

We do not need more budget deficits in this country. We need economic growth. That is why we need more moderate economic policies than the ones the President is offering.

PASSAGE OF HOUSE JOINT RESOLUTION 391 URGED

(Mr. KILDEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KILDEE. Mr. Speaker, House Joint Resolution 391, which will shortly be considered by the House, contains a much needed supplementary appropriation for the Federal funding of unemployment compensation and employment services programs operated by the States. As my colleagues are aware, funding levels in the continuing resolution have been inadequate to deal with the volume of unemployed workers who must rely upon these programs during the current recession. The actual unemployment rate in my home State of Michigan, for example, was 16 percent during the month of January, for the highest unemployment rate in 24 years. Although January unemployment figures for Flint, the largest city in my Seventh Congressional District, are not yet available, Flint's unemployment has consistently been higher than the State's average and will certainly exceed 16 percent in January.

Because of funding cuts contained in the continuing resolution, the Michigan Employment Security Commission announced on January 16 that it would be forced to close 42 offices and lay off an additional 750 Michigan Employment Security Commission employees across the State. These cutbacks will effectively eliminate job placement services for more than half of the nearly 677,000 unemployed workers now seeking employment through the Michigan Employment Security Commission.

It is a tragic irony that the Federal Government has cut funding and crippled these services in the States at a time when they are most desperately needed by our Nation's unemployed.

The passage of House Joint Resolution 391, which I cosponsored in its original version as introduced by Mr. YATES, would at least allow Michigan Employment Security Commission offices to remain open and its employees to continue to provide important employment services to our jobless workers. For this reason, I strongly support passage of House Joint Resolution 391.

SOME BUDGET ASSUMPTIONS CANNOT BE BELIEVED

(Mr. JOHN L. BURTON asked for and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHN L. BURTON. Mr. Speaker, the President's budget projects huge increases in the receipts from sales of surplus federally owned land. I just do not believe there is that much unwanted land to sell or that big a market to buy. The big parcels of attractive surplus land usually come out of the Defense Department, which thinks they should be given away. The reasons the administration's proposed land rush will not produce the billions of dollars forecast are as follows:

Auction sales open to speculators will violate local control of these land parcels. Hospitals, schools, and State and local governments that are supposed to buy under the administration's budget assumptions do not have the money to do so. They will probably be forced to try and thwart the sales by downzoning the parcels.

The dollar estimates in the budget just are not supported by the history of what the Government got in past cash sales.

The budget proposal includes receipts from land sales between one Federal agency and another. Despite this exercise in paperwork, the budget claims the result will be more efficient property management.

Executive orders have supposedly required this kind of process for years. A proposed new Interagency Review Board will still have to get Cabinet agencies to relinquish their land, foretelling a modern version of the old range wars.

The President's budget forecasts $1 billion of income in 1983 and $4 billion every year after from all these purported land sales. The chances of finding and selling that much unwanted Federal land are about nil. If the rest of the administration's budget is based on assumptions like this one, the deficit is going to be like the proverbial elephant masquerading as a mouse with a glandular condition.

Some people may believe the President's assumptions, but the same people believe that chickens have lips.

A CHALLENGE TO THE SUPPLY SIDERS

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, we all know from the passing of time and the reading of the Atlantic Monthly article that the figures for the gross national product and interest rates, inflation, and so forth, as contained in last year's budget, were not correct and were there by hook or crook; mostly crook.

Now, we look at this year's budget and basically find the same thing. That is not just Democrats talking. That is from Herbert Stein, Chairman of the Council of Economic Advisers to President Nixon; William Fellner, who was a member of the Council of Economic Advisers to President Ford; and Rudy Penner, Chief Budget Economist for President Ford. They all agree that the budget deficits as proposed in President Reagan's budget for 1983 are much lower than they will be.

They also all agree that the gross national product percentage figures contained in the budget for 1983 and 1984 are a lot higher than they should be or could be. Therefore, that also shows that the unemployment rate shown in that budget is much lower than it will be, and budget deficits will be far higher. Herbert Stein also issued a challenge to Donald Regan, Secretary of the Treasury. I would like to issue that challenge to the gentleman from New York who is the supply-side expert of this House, my colleague from New York. I will be sending him a letter.

Stein rejected Donald Regan's and that Congressman's theory, borrowing to cover deficits placed less of a burden on the private economy than taxes do and he says, "if that's the case it would be interesting to have somebody on the supply side explain why we have taxes at all."

PROVIDING FOR ADJOURNMENT OF THE HOUSE FROM FEBRUARY 10 TO FEBRUARY 17, 1982, AND FOR ADJOURNMENT OF THE SENATE FROM FEBRUARY 11 OR FEBRUARY 12 TO FEBRUARY 22, 1982

Mr. WRIGHT. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 268) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 268

Resolved by the House of Representatives (the Senate concurring), that when the House adjourns on Wednesday, February 10, 1982, it stand adjourned until 12 o'clock meridian on Wednesday, February 17, 1982, and that when the Senate adjourns on Thursday, February 11, 1982, or on Friday, February 12, 1982, pursuant to a motion made by the majority leader in accordance with this resolution, it stand adjourned until 12 o'clock meridian on Monday, February 22, 1982.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

A FARMER'S PRIORITY

(Mr. McCURDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCURDY. Mr. Speaker, to the farmer who lives in my home district back in Oklahoma, the country's top priority remains balancing the Federal budget so interest rates will come down.

If he has not already lost his farm, he is hopelessly in debt with little chance for extended credit. He will set aside 15 percent of his crop this year because lower production is supposed to drive prices up. He knows only too well that the current farm depression has his average income much lower than that of nonfarm residents. Prices received by farmers collapsed to 56 percent of parity in December. As a small, independent farmer with a family, he is a dying breed in America. He prays every day that he will not become another USDA statistic—another liquidated farm for big business to gobble up.

My farmer back in Oklahoma is working the farm his daddy owned and his daddy before him. Such heritage is not easily given up. He is looking now to Washington and his country's leaders for encouragement—some reason for optimism. What he hears is more talk about higher deficits and something called New Federalism.

STATEMENT OF THE HONORABLE PARREN J. MITCHELL ON BUSING

(Mr. MITCHELL of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. MITCHELL of Maryland. Mr. Speaker, on February 4, 1982, the other body passed antibusing amendments which are so stringent, that they threaten to end busing as a last resort strategy to achieve school desegregation.

If they should become law, the amendments will be challenged in court and found to be unconstitutional. It is merely a matter of time before their effect would be expunged. However, we must try to understand what was behind this unconstitutional action.

There may be one or two Members who believe that the amendments were constitutional or, put another way, that busing to achieve school desegregation is unconstitutional. Such persons merely require further education.

Others would argue in unctuous tones that even "the minorities don't like schoolbusing." To them I would say, first, that any parents who truly care about the education of their children should seek the best possible education for them, even though some sacrifices will be demanded of the parents. Second, these experts in minority attitudes should recall that, during the 1950's and 1960's, some Negroes staunchly defended racial segregation in schools; places of public accommodation and, indeed, even in the churches of the Nation.

I am convinced that the result of enactment of these amendments would be to wreck the historic separation of powers that exists between the legislative, judicial, and executive branches of Government.

Contempt and hatred for those of us who are black is a part of the cloth from which the cloak of tyranny is woven.

CONGRESS MUST REDRESS INJUSTICES OF REAGANOMICS

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, President Reagan's political visit to St. Paul-Minneapolis was greeted by more protesters than fans yesterday, and well it should have been, considering his submission of the 1983 budget proposal. The Reagan administration's continued economic misdirection and lack of commonsense priorities is most distressing to people across this Nation, and specifically in Minnesota.

The President's indifference to the plight of the unemployed and the distress of industry after industry is appalling to all those who have witnessed the effects of Reaganomics. If the President is not part of the solution, then he is directly a big factor in the problem.

Clearly this Congress must redress the indifferences and lack of understanding reflected in the outrageous proposed cuts in domestic programs and the unparalleled increases in DOD spending. If Reagan did not have foresight, then that may be understandable; if President Reagan does not have hindsight, that is regrettable.

My hope is that this Congress will base its actions on commonsense solutions and not the emotion and faith that President Reagan has attempted to invoke as a poor defense of the worst economic management of any administration in recent history.

Mr. Speaker, if only Reagan and the Republicans were the only victims of their success, we could accept that, but unfortunately many Americans who trusted the President and the Congress to make the best decisions now are faced with the compounding of that injustice that Reaganomics attempt to perpetuate.

DEBT ESCALATES, RECESSION DEEPENS UNDER REAGAN BUDGET PROPOSALS

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEASE. Mr. Speaker, as President Reagan reveals his budget proposals for the coming year, I urge my colleagues to carefully consider the impact of a budget that requires over $112 billion just to finance the Federal debt. That breaks down to over $300 million per day.

By the time this fiscal year is through, the national debt will reach about $1.1 trillion. Spread over a period of 20 years, the debt averages out to about $50 billion per year. The Congressional Budget Office currently projects a deficit of $109 billion for fiscal year 1982—the first step of what President Reagan terms "economic recovery." That makes his deficit more than double the average. And Mr. Reagan's deficit alone will cost $13 billion to finance for 1 year.

Mr. Reagan says you cannot correct 20 years of deficit spending in 1 year. And he has proved that. He is digging us into the gallows of recession faster and more zealously than any President in history.

UNEMPLOYMENT CRISIS OVERSHADOWS INFLATION PROBLEMS

(Mr. KOGOVSEK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOGOVSEK. Mr. Speaker, at the President's last press conference, he described his discovery of 26 pages of help wanted ads in the Washington

Post. According to him, this means jobs are abundant, that the unemployment problem is one, in his own words, of people lacking job qualification. And yet, in his 1983 budget, the President is proposing to cut nearly all of the educational sources available to those who want to become job qualified. He proposes a merger of vocational and adult education programs, resulting in a $134 million reduction. He will consolidate employment and training programs to replace CETA, resulting in cuts of nearly $7 billion since 1980. Although unemployment among youth between the ages of 16 and 21 is 21.7 percent, the President proposes to cut Job Corps slots by 10,000. In addition, the President has asked for a 50-percent reduction in the student loan program for low- and middle-income students. The administration has abandoned responsibility for the unemployment crisis in favor of taking credit for a drop in the rate of inflation. But rates of inflation are insignificant to the jobless, who will not buy the argument that their predicament is a necessary factor in what the administration insists on labeling America's "economic recovery."

INTRODUCTION OF LEGISLATION TO INSURE A MEANINGFUL SAVINGS BOND PROGRAM

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, yesterday I introduced legislation to insure a meaningful savings bond program.

This bill and its companion legislation introduced in the Senate by Senator ROTH will peg the interest on U.S. Series EE savings bonds at a rate equal to 85 percent of the yield on 52-week Treasury bills. This formula is consistent with the administration's guidelines.

The legislation will benefit our small savers across the Nation. At present there is no incentive for the small saver to buy savings bonds when he or she can purchase money market funds or certificates of deposit at much higher yields.

Savings bond redemptions exceeded sales by over $10 billion last year. This unfortunate trend will continue unless we pass this legislation, and, therefore, I urge all the Members and invite them to join me in this legislation.

A TRIBUTE TO THE LATE JOHN HAY WHITNEY

(Mr. PETRI asked and was given permission to address the House for 1 minute.)

Mr. PETRI. Mr. Speaker, I rise to mark the passing of one of our Republic's most distinguished and productive citizens.

A decorated citizen-soldier, diplomat, athlete, and patron of talent in a variety of fields, John Hay Whitney was a firm believer in the genius of American democracy.

He never sought title or honor for himself but devoted himself in his modest unassuming yet perceptive way to the noble work of helping others realize their maximum potential.

John Hay Whitney set a standard of personal rectitude and public citizenship for each of us, his fellow citizens, to emulate.

A TRIBUTE TO STEVE AND PHIL MAHRE, AMERICA'S PREMIER SKIERS

(Mr. MORRISON asked and was given permission to address the House for 1 minute.)

Mr. MORRISON. Mr. Speaker, two of the fastest men in the world live in my district. Steve and Phil Mahre are premier members of the U.S. ski team. A year ago, they broke European dominance of international ski competitions and brought home to the United States, for the first time ever, the World Cup Championship.

Last week, Steve became the first American to take a gold medal in the World Alpine Championships. Brother Phil was out of the race, and Steve performed heroically as our only hope in the giant slalom, edging out Ingemar Stenmark.

Prior to that race, the Mahres drove 10 hours out of their way, so Phil could carry the American flag in the opening ceremonies of the World Cup Championships.

Both Mahre brothers are legends in their home area of Yakima and the State of Washington. I think the Mahres deserve national recognition and a good old American thank you for their continuing outstanding achievements.

A PROPOSED CURE FOR "STAFFLATION"

(Mr. COLLINS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS of Texas. Mr. Speaker, President Reagan has submitted a new budget which calls for additional cuts. He is making a great effort to rid all Americans of too much government and waste. It is time for Congress to evaluate its own spending policies which come in the form of committee funding resolutions.

These resolutions are being drafted by the committees and being considered right now by the Subcommittee on Accounts. They fund those temporary, investigative staff which are constantly generating new ideas, new proposals, new bills and amendments to justify their jobs and salaries. They are in addition to the 30 permanent statutory staff to which most committees are entitled. The tremendous growth in some of the committees over the past decade is astounding. The cost alone has zoomed from $6.8 million in 1971 to an amazing $43.6 million in 1980.

To illustrate this unchecked stafflation, let me cite some specific examples. The District of Columbia Committee had 41 people in 1980. This is unbelievable when you consider that in 1980, the District of Columbia was handled by a subcommittee in the Senate with only seven people. Back in the 95th Congress, the Senate District of Columbia Committee became a subcommittee because of home rule. I do not see any reason with this in mind, that the House needs a full committee with 41 people to do what seven people do in a subcommittee of the Senate. Even if the House cut its staff in half, it would still have three times as many people as the Senate. And consider the cost of these staff. The 1980 authorization was $289,670, and with the 10-percent reduction in 1981, they were given $275,187. This year, they are making up for last year plus some by requesting $318,289. This is a 16-percent increase.

Another example of unchecked growth is the Rules Committee. James Kilpatrick illustrated it so well in an article last year. He told of how 30 years ago when he came to the Hill, the Rules Committee benefited from the heavy hand of Howard Worth Smith of the Eighth District of Virginia. He was not an empire builder, for he ran his House Rules Committee with a staff of three. By 1972, this number had grown to six. But by 1980, this staff had swollen to an enormous number of 45. Forty-five people. And just imagine the cost of this stafflation to the taxpayers. In the 92d Congress, the committee only needed $5,000, but the 96th, their cost exploded to a hefty $1,134,000.

Another prime example of this exorbitant growth is the Merchant Marine and Fisheries Committee. Now, our coastline has not changed one bit in the past decade. But the growth of this committee would make you think we had tripled in size. In 1973, this committee had a staff of 22. By 1980, this number had tripled to 88. And the cost more than tripled. In the 93d Congress, it cost $494,500. By the 96th, this cost had skyrocketed to $3,176,245.

It appears that last year a trend was started when authorizations were cut 10 percent across-the-board and House Administration voluntarily cut its budget 20 percent from 1980 expenditures. So far, with most of the budgets that have been submitted, it seems to be "business as usual." They have increases not only over the 10-percent

cuts from last year, but more than that.

This escalating growth must be stopped, and I challenge this Congress to take a stand for fiscal responsibility. For how can we control the country, if we cannot even control our own House.

□ 1230

SAME OLD SONG

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I noted by your comments outside the White House yesterday that you have already started singing the same old song about "Republicans being the party of the rich."

I have been in this House for 26 years now and I have heard that same refrain from you every election year.

For all of those 26 years, Mr. Speaker, you and your party have been in power, spending, spending, spending. And yet the number of poor has never decreased. The poor in our society have not disappeared. Instead you have made them hopelessly addicted to your idea of democratic benevolence.

But enough about your rhetoric, Mr. Speaker. Where are your solutions?

I believe, you said last year you would produce your own budget alternatives. Where are they? I want to see how you will keep inflation down, lower interest rates, eliminate unemployment, rebuild our defenses, increase productivity, keep taxes down and still continue your role as our society's toothfairy. Where is your budget, Mr. Speaker? I would like to see it. The American people want to see it.

WALESA ALIVE OR UNITED STATES-SOVIET TRADE DEAD

(Mr. BLILEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. BLILEY. Mr. Speaker, where is Lech Walesa? What is his condition? How is he being treated?

These questions demand immeditate answers from the military junta now ruling Poland and from the Soviet leaders who are behind that Junta.

We have lost sight of the fact that Walesa is the key to the future of Poland. We are concentrating so much on economics and geopolitical realities that we tend to forget that the most famous union leader in the world is being held in captivity.

Newsweek magazine reports that Walesa has managed to smuggle out a message condemning the current military regime.

But we really do not know if Walesa is alive or dead. All we have is the word of Communists.

Mr. Speaker, it is my hope that the President sends an eight-word telegram to Mr. Brezhnev: "Walesa Alive or United States-Soviet Trade Dead."

That should get their attention.

THE MYTH OF THE PRESIDENT'S BUDGET

(Mr. MINETA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINETA. Mr. Speaker, there is nothing in the President's new budget that creates one new job. Nothing in the President's budget that stops the rise of interest rates. Nothing that restores business confidence.

How long must we continue with the President's experiment in theoretical economics while the lives of more and more Americans suffer hardships caused by the President's policies?

It took us 200 years to accumulate a national debt of $1 trillion—the combined work of every President from George Washington to Jimmy Carter. Mr. Reagan's experiment alone will add $500 billion to the deficit, increasing the national debt by one-half in just 3 years.

Is there anyone left who truly believes in this economic experiment? How many reasonable people still believe in the fairy tale that major tax cuts and enormous increases in defense spending will have any results other then the ones we have seen and will continue to see: Enormous deficits, high interest rates and high unemployment.

The time has come to abandon this experiment. The President's budget is based on a myth. It is time to admit that the emperor has no clothes.

STOCKMANESE

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, over the weekend we have seen a new language finally formized in this country. It is called "Stockmanese." Stockmanese is guided by an equation. That equation says that $91 billion in Stockmanese equals $140 billion in English.

Why do I say this? Because the President's new budget presents the following conundrum. The budget predicts there will be a growth rate of 5.2 percent in the GNP next year. It also predicts that the Federal Government will be selling Treasury bills at 10 to 11 percent, even though we presently sell them at 14.5 percent.

Any economist worth his salt can tell you that if the economy is suddenly going to turn around and boom next year then Treasury bill rates are going to go up, not down.

In Stockmanese there can coexist up, not down a $91 billion deficit, a 5.2-percent real gain in the GNP and a 10 to 11 percent T-bill rate; in the real world such coexistence is impossible.

So $91 billion in Stockmanese equals $140 million in English; on this side of the aisle we await more procurements in Stockmanese.

TECHNICAL AND SUBSTANTIVE CHANGES IN BANKRUPTCY LAW WITH RESPECT TO SECURITIES AND COMMODITIES

Mr. EDWARDS of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4935) to amend title 11, United States Code, to correct technical errors, and to clarify and make substantive changes, with respect to securities and commodities.

The Clerk read as follows:

H.R. 4935

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 101 of title 11, United States Code, is amended—

(1) by redesignating paragraphs (35), (36), (37), (38), (39), and (40) as paragraphs (36), (37), (38), (39), (40), and (41), respectively, and

(2) by inserting after paragraph (34) the following new paragraph:

"(35) 'securities clearing agency' means person that is registered as a clearing agency under section 17A of the Securities Exchange Act of 1934 (15 U.S.C. 78q-1) or whose business is confined to the performance of functions of a clearing agency with respect to exempted securities, as defined in section 3(a)(12) of such Act (15 U.S.C. 78c(12)) for the purposes of such section 17A;".

(b) Section 101(36)(A)(xii) of title 11, United States Code, as so redesignated, is amended by striking out "is the subject of a registration statement" and inserting in lieu thereof "is required to be the subject of a registration statement".

(c) Section 101(36)(B)(iii) of title 11, United States Code, as so redesignated, is amended by striking out "commodity" the second place it appears.

(d) Section 101(40) of title 11, United States Code, as so redesignated, is amended to read as follows:

"(40) 'stockbroker' means person—

"(A) with respect to which there is a customer, as defined in section 741(2) of this title; and

"(B) that is engaged in the business of effecting transactions in securities—

"(i) for the account of others; or

"(ii) with members of the general public, from or for such person's own account;".

SEC. 2. Section 103(d) of title 11, United States Code, is amended by striking out "except with respect to section 746(c) which applies to margin payments made by any debtor to a commodity broker or forward contract merchant".

SEC. 3. (a) Section 362(a) of title 11, United States Code, is amended by inserting ", or an application filed under section 5(a)(3) of the Securities Investor Protection

Act of 1970 (15 U.S.C. 78eee(a)(3))," after "title" the first place it appears.

(b) Section 362(b) of title 11, United States Code, is amended by adding ", or of an application under section 5(a)(3) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78eee(a)(3))," after "title" the first place it appears.

(c) Section 362(b)(6) of title 11, United States Code, is amended to read as follows:

"(6) under subsection (a) of this section, of the setoff by a commodity broker, forward contract merchant, stockbroker, or securities clearing agency of any mutual debt and claim under or in connection with commodity contracts, as defined in section 761(4) of this title, forward contracts, or securities contracts, as defined in section 741(7) of this title, that constitutes the setoff of a claim against the debtor for a margin payment, as defined in section 741(5) or 761(15) of this title, or settlement payment, as defined in section 741(8) of this title, arising out of commodity contracts, forward contracts, or securities contracts against cash, securities, or other property held by such commodity broker, forward contract merchant, stockbroker, or securities clearing agency to margin, guarantee, or secure commodity contracts, forward contracts, or securities contracts;".

SEC. 4. Section 546 of title 11, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding sections 544, 545, 547, 548(a)(2), and 548(b) of this title, the trustee may not avoid a transfer that is a margin payment, as defined in section 741(5) or 761(15) of this title, or settlement payment, as defined in section 741(8) of this title, made by or to a commodity broker, forward contract merchant, stockbroker, or securities clearing agency, that is made before the commencement of the case, except under section 548(a)(1) of this title.".

SEC. 5. Section 548(d)(2)(B) of title 11, United States Code, is amended—

(1) by striking out "or forward contract merchant" and inserting in lieu thereof ", forward contract merchant, stockbroker, or securities clearing agency",

(2) by inserting "741(5) or" after "section",

(3) by inserting ", or settlement payment, as defined in section 741(8) of this title" after "of this title", and

(4) by striking out "value." and inserting in lieu thereof "value to the extent of such payment.".

SEC. 6. (a) Chapter 5 of title 11, United States Code, is amended by adding at the end thereof the following new sections:

"§ 555. Contractual right to liquidate a securities contract

"The exercise of a contractual right of a stockbroker or securities clearing agency to cause the liquidation of a securities contract, as defined in section 741(7), because of a condition of the kind specified in section 365(e)(1) of this title shall not be stayed, avoided, or otherwise limited by operation of any provision of this title or by order of a court or administrative agency in any proceeding under this title unless such order is authorized under the provisions of the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.) or any statute administered by the Securities and Exchange Commission. As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a national securities exchange, a national securities association, or a securities clearing agency.

"§ 556. Contractual right to liquidate a commodities contract or forward contract

"The contractual right of a commodity broker or forward contract merchant to cause the liquidation of a commodity contract, as defined in section 761(4), or forward contract because of a condition of the kind specified in section 365(e)(1) of this title, and the right to a variation or maintenance margin payment received from a trustee with respect to open commodity contracts or forward contracts, shall not be stayed, avoided, or otherwise limited by operation of any provision of this title or by the order of a court in any proceeding under this title. As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a clearing organization or contract market or in a resolution of the governing board thereof.".

(b) The analysis of sections for chapter 5 of title 11, United States Code, is amended by adding at the end thereof the following new items:

"555. Contractual right to liquidate a securities contract.

"556. Contractual right to liquidate a commodity contract or forward contract."

SEC. 7. Section 702(a)(1) of title 11, United States Code, is amended by striking out "or 726(a)(4)" and inserting in lieu thereof "726(a)(4), 752(a), 766(h), or 766(i)".

SEC. 8. Section 741 of title 11, United States Code, is amended—

(1) in paragraph (4)—

(A) by striking out "at any time", and

(B) in subparagraph (A)(ii) by inserting "of a customer" after "claim",

(2) by redesignating paragraphs (5) and (6) as paragraphs (6) and (9), respectively,

(3) by inserting after paragraph (4) the following new paragraph:

"(5) 'margin payment' means payment or deposit of cash, a security, or other property, that is commonly known to the securities trade as original margin, initial margin, maintenance margin, or variation margin, or as a mark-to-market payment, or that secures an obligation of a participant in a securities clearing agency;",

(4) in paragraph (6), as so redesignated—

(A) by striking out "the aggregate of all of a customer's accounts that such customer holds" and inserting in lieu thereof "all accounts of a customer that such customer has",

(B) in subparagraph (A)(ii) by inserting "in such capacity" after "customer", and

(C) in subparagraph (B) by inserting "in such capacity" before the semicolon,

(5) by inserting after paragraph (6), as so redesignated, the following new paragraphs:

"(7) 'securities contract' means contract for the purchase, sale, or loan of a security, including an option for the purchase or sale of a security, or the guarantee of any settlement of cash or securities by or to a securities clearing agency;

"(8) 'settlement payment' means a preliminary settlement payment, a partial settlement payment, an interim settlement payment, a settlement payment on account, or any other similar payment commonly used in the securities trade; and", and

(6) in paragraph (9), as so redesignated, by striking out "Security" and inserting "Securities" in lieu thereof.

SEC. 9. Section 742 of title 11, United States Code, is amended by striking out "chapter" and inserting in lieu thereof "title".

SEC. 10. Section 744 of title 11, United States Code, is amended by inserting "but" after "relief,".

SEC. 11. Section 745(c) of title 11, United States Code, is amended by striking out "A" and inserting in lieu thereof "Each".

SEC. 12. (a) Section 746(a) of title 11, United States Code, is amended—

(1) by striking out "effects, with respect to cash or a security," and inserting in lieu thereof "enters into",

(2) by striking out "with respect to such cash or security" each place it appears,

(3) by striking out "such date" and inserting in lieu thereof "the date of the filing of the petition", and

(4) by striking out "effected" and inserting in lieu thereof "entered into".

(b) Section 746(b) of title 11, United States Code, is amended—

(1) by striking out "has a claim for" and inserting in lieu thereof "transferred to the debtor", and

(2) in paragraph (2) by striking out "is".

(c) The heading for section 746 of title 11, United States Code, is amended by striking out "claim" and inserting in lieu thereof "claims".

SEC. 13. Section 747 of title 11, United States Code, is amended by striking out "such claim arose" and inserting in lieu thereof "the transaction giving rise to such claim occurred".

SEC. 14. Section 749 of title 11, United States Code, is amended—

(1) by striking out "Any" and inserting in lieu thereof "(a) Except as otherwise provided in this section, any",

(2) by striking out "except" and inserting in lieu thereof "but",

(3) by inserting "such property" after "trustee, and",

(4) by striking out "549, or 724(a)" and inserting in lieu thereof "or 549", and

(5) by adding at the end thereof the following new subsection:

"(b) Notwithstanding sections 544, 545, 547, 548, and 549 of this title, the trustee may not avoid a transfer made before five days after the order for relief if such transfer is approved by the Commission by rule or order, either before or after such transfer, and if such transfer is—

"(1) a transfer of a securities contract entered into or carried by or through the debtor on behalf of a customer, and of any cash, security, or other property margining or securing such securities contract; or

"(2) the liquidation of a securities contract entered into or carried by or through the debtor on behalf of a customer.".

SEC. 15. Section 752(c) of title 11, United States Code, is amended to read as follows:

"(c) Any cash or security remaining after the liquidation of a security interest created under a security agreement made by the debtor, excluding property excluded under section 741(4)(B) of this title, shall be apportioned between the general estate and customer property in the same proportion as the general estate of the debtor and customer property were subject to such security interest.".

SEC. 16. Section 761 of title 11, United States Code, is amended—

(1) in paragraph (2) by inserting "made" after "commodity contracts",

(2) in paragraph (4)—

(A) by striking out "if the debtor is" each place it appears and inserting in lieu thereof "with respect to", and

(B) in subparagraph (D) by striking out "cleared by the debtor" and inserting in lieu thereof "cleared by such clearing organization, or commodity option traded on, or subject to the rules of, a contract market or

board of trade that is cleared by such clearing organization",

(3) in paragraph (9)—

(A) by striking out "if the debtor is" each place it appears and inserting in lieu thereof "with respect to",

(B) in subparagraph (A)—

(i) by striking out "the debtor" each place it appears and inserting in lieu thereof "such futures commission merchant", and

(ii) by striking out "the debtor's" and inserting in lieu thereof "such futures commission merchant's",

(C) in subparagraph (B)—

(i) by striking out "the debtor" each place it appears and inserting in lieu thereof "such foreign futures commission merchant", and

(ii) by striking out "the debtor's" and inserting in lieu thereof "such foreign futures commission merchant's",

(D) in subparagraph (C)—

(i) by striking out "the debtor" each place it appears and inserting in lieu thereof "such leverage transaction merchant",

(ii) by striking out "the debtor's" and inserting in lieu thereof "such leverage transaction merchant's",

(iii) in clause (i) by inserting "or" after the semicolon, and

(iv) in clause (ii) by striking out "hold" and inserting in lieu thereof "holds",

(E) in subparagraph (D) by striking out "the debtor" each place it appears and inserting in lieu thereof "such clearing organization", and

(F) in subparagraph (E)—

(i) by striking out "the debtor" each place it appears and inserting in lieu thereof "such commodity options dealer", and

(ii) by striking out "the debtor's" and inserting in lieu thereof "such commodity options dealer's",

(4) in paragraph (10) by striking out "at any time",

(5) in paragraph (12)—

(A) by inserting a comma after "property", and

(B) by striking out the comma after "credit",

(6) in paragraph (13) by striking out "217 of the Commodity Futures Trading Commission Act of 1974 (7 U.S.C. 15a)" and inserting in lieu thereof "19 of the Commodity Exchange Act (7 U.S.C. 23)",

(7) in paragraph (14) by striking out "that is engaged",

(8) in paragraph (15) by striking out "a daily variation settlement payment" and inserting in lieu thereof "mark-to-market payments, settlement payments, variation payments, daily settlement payments, and final settlement payments made as adjustments to settlement prices",

(9) in paragraph (16) by striking out "at any time", and

(10) in paragraph (17)—

(A) by striking out "holds" and inserting in lieu thereof "has", and

(B) in subparagraph (A)—

(i) by inserting "the" after "(A)", and

(ii) in clause (ii) by inserting "in such capacity" after "customer".

SEC. 17. (a) Section 764(a) of title 11, United States Code, is amended—

(1) by striking out "except" and inserting in lieu thereof "but",

(2) by inserting "such property" after "trustee, and", and

(3) by striking out "is" each place it appears and inserting in lieu thereof "shall be".

(b) Section 764(b) of title 11, United States Code, is amended by striking out "date of the filing of the petition" and inserting in lieu thereof "order for relief".

(c) Section 764(c) of title 11, United States Code, is repealed.

SEC. 18. Section 765(b) of title 11, United States Code, is amended by striking out "commitment" and inserting in lieu thereof "commodity contract".

SEC. 19. (a) Section 766(a) of title 11, United States Code, is amended by inserting "to such customer" after "distribution".

(b) Section 766(b) of title 11, United States Code, is amended—

(1) by striking out "that is being actively traded as of the date of the filing of the petition", and

(2) by inserting "the" after "rules of".

(c) Section 766(d) of title 11, United States Code, is amended—

(1) by striking out "such amount, then the" and inserting in lieu thereof "the amount to which the customer of the debtor is entitled under subsection (h) or (i) of this section, then such", and

(2) by inserting "then" after "trustee" the second place it appears.

(d) Section 766(h) of title 11, United States Code, is amended by adding at the end thereof the following: "Notwithstanding any other provision of this subsection, a customer net equity claim based on a proprietary account, as defined by Commission rule, regulation, or order, may not be paid either in whole or in part, directly or indirectly, out of customer property unless all other customer net equity claims have been paid in full.".

SEC. 20. (a) Section 19 of the Commodity Exchange Act (7 U.S.C. 24), as added by section 302 of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2673), is redesignated as section 20.

(b) Section 20(a)(3), as so redesignated, of the Commodity Exchange Act (7 U.S.C. 24) is amended by inserting before the semicolon the following: ", including the payment and allocation of margin with respect to commodity contracts not specifically identifiable to a particular customer pending their orderly liquidation".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California (Mr. EDWARDS) will be recognized for 20 minutes, and the gentleman from Illinois (Mr. MCCLORY) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. EDWARDS).

Mr. EDWARDS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4935 makes technical and substantive changes in the provisions of the Bankruptcy Code affecting commodity and securities brokers. Several of the principal amendments contained in H.R. 4935 are intended to minimize the displacement caused in the commodities and securities markets in the event of a major bankruptcy affecting those industries.

The commodities and securities markets operate through a complex system of accounts and guarantees. Because of the structure of the clearing systems in these industries and the potential volatile nature of the markets, certain protections are necessary to prevent the insolvency of one commodity or security firm from leading to the insolvency of other firms and possibly threatening the collapse of the affected market.

The Bankruptcy Code, as enacted in 1978, already provides certain protections to the commodities market to prevent such a potential "ripple effect." H.R. 4935 would clarify and extend the commodities market protections and expressly set forth similar protections for the securities market.

The amendments made by H.R. 4935 are intended to ensure that: First, margin or settlement payments made by or to a broker cannot be set aside or recovered as a preference by a trustee in bankruptcy, except in cases of fraud; and that second, except as otherwise provided, the automatic stay or other provisions of the Bankruptcy Code will not be construed to stay or prevent brokers from closing out the open accounts of insolvent customers or brokers. the prompt closing out or liquidation of such open accounts is desirable to freeze the status quo and minimize the potentially massive losses and chain reactions that could occur if the market were to move sharply in the wrong direction.

H.R. 4935 also would clarify present law that insider claims are subordinate to public customer claims in commodity firm bankruptcies. Additionally, customer creditors of a bankrupt commodities broker are expressly given the right to participate in the election of a trustee in bankruptcy.

The Subcommittee on Monopolies and Commercial Law of the House Judiciary Committee held two days of hearings on these provisions in the first session of the 97th Congress. The bill is strongly supported by the Commodities Futures Trading Commission, the Securities and Exchange Commission, the Securities Investor Protection Corporation, and securities and commodities firms and clearing organizations. No opposition to this legislation has been received by the committee.

The Congressional Budget Office advises that no cost to the Government will be incurred as a result of enactment of this bill.

Mr. MCCLORY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is not controversial. H.R. 4935 is legislation designed to minimize the possibility that a bankruptcy in the securities or commodities industries will result in a chain reaction which could spread rapidly, injure many innocent parties, and ultimately even threaten disruption of the entire market structure. The securities and commodities industries depend upon a complex series of accounts and guarantees which make imperative the swift liquidation of a bankrupt's open accounts. This bill

does no more than facilitate that swift liquidation process.

H.R. 4935 amends the 1978 Bankruptcy Code to provide that the avoiding power of a trustee in bankruptcy in either a securities broker or commodities broker case cannot be construed to permit margin or settlement payments to be set aside or recovered as preferences, except when the transfer was made with intent to defraud other creditors. Another key provision grants an exemption from the automatic stay that normally applies whenever a bankruptcy petition is filed. This would allow a broker or a clearing organization to immediately setoff margin and settlement payments due the firm against any money or property owed to the debtor and to closeout the accounts of insolvent brokers or customers. The bill also provides that a firm's contractual rights to liquidate a commodities contract may not be stayed, avoided, or otherwise limited in a proceeding under the code. The same provision is made with reference to the securities industry unless an order is authorized under the Securities Investors Protection Act or under any statute administered by the SEC.

This legislation has the endorsement of industry representatives and of the Federal regulatory bodies concerned, the Securities and Exchange Commission and the Commodities Futures Trading Commission. No opposition developed during 2 days of hearings by the Monopolies and Commercial Law Subcommittee.

Mr. Speaker, I support the prompt enactment of this bill.

● Mr. BUTLER. Mr. Speaker, I wish to associate myself with the remarks of Mr. McCLORY and would recommend adoption of this legislation amending certain provisions of the 1978 Bankruptcy Code relating to securities and commodity broker bankruptcies.

This bill has broad support. The witnesses before our subcommittee differed only on a few minor details, and these differences have been accommodated. The problems addressed by this bill are very real ones, and we have made the appropriate legislative response.

I hope the committee and the House will move with equal dispatch on other necessary bankruptcy legislation.

Thank you.●

Mr. McCLORY. Mr. Speaker, I have no further requests for time and yield back the balance of my time.

Mr. EDWARDS of California. Mr. Speaker, I have no further requests for time and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. EDWARDS) that the House suspend the rules and pass the bill, H.R. 4935.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1362

Mr. CLAY. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1362,

The SPEAKER pro tempore. (Mr. ROSENTHAL). Is there objection to the request of the gentleman from Missouri?

There was no objection.

□ 1245

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 389, URGENT SUPPLEMENTAL APPROPRIATION FOR DEPARTMENT OF AGRICULTURE, 1982, AND HOUSE JOINT RESOLUTION 391, URGENT SUPPLEMENTAL APPROPRIATION FOR DEPARTMENT OF LABOR, 1982

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 355 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 355

Resolved, That upon the adoption of this resolution it shall be in order to consider, section 311(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, the following joint resolutions: H.J. Res. 389, making an urgent supplemental appropriation for the fiscal year ending September 30, 1982, for the Department of Agriculture, and H.J. Res. 391, making an urgent supplemental appropriation for the Department of Labor for the fiscal year ending September 30, 1982. It shall be in order to consider, section 311(a) of the Congressional Budget Act of 1974 to the contrary notwithstanding, a conference report on either of said joint resolutions if the report does not provide budget authority in excess of that provided by the joint resolution as reported to the House by the Committee on Appropriations and if the report would not cause budget outlays to exceed the budget outlays which would be caused by the joint resolution as reported to the House by the Committee on Appropriations.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I ask unanimous consent to read a statement.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. BOLLING. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Ohio (Mr. LATTA) for purposes of debate only, and pending that, I yield myself such time as I may consume.

Mr. Speaker, I am going to read a statement because this procedure is technical, important, and it may be repeated. I do not want to make any mistakes when I describe the parliamentary processes. I would like to add a little bit to that statement by saying that, quite clearly, for a variety of reasons—and I am not going to try to fix any blame at this point—the processes of the House are in considerable disarray. The whole legislative process is going to be enormously difficult in this coming year. There are many causes. Some of them are problems of timing between the legislative committees and the Appropriations Committee. Some of them are problems of the Budget Act caused by, I guess, every political entity in this town, from the House of Representatives and the Senate to and including the Executive. But we are going to have a very difficult task in the House of Representatives this year bringing order out of legislative chaos. The Rules Committee is going to try to do what it can to be helpful. I am sure that all of the other committees will do the same. But it is going to get technical and difficult and complicated and sudden, because we will be dealing with nothing but emergencies. And since this illustrates a part of that problem, I intend to read the remainder of my statement.

Mr. Speaker, House Resolution 355 is a somewhat unusual rule. Essentially, it provides waivers of section 311(a) of the Budget Act so that the House might consider House Joint Resolution 389, an urgent supplemental appropriation for the Commodity Credit Corporation, and House Joint Resolution 391, an urgent supplemental appropriation for unemployment compensation.

Section 311(a) of the Budget Act prohibits the consideration of any bill, resolution, amendment or conference report providing additional new budget or spending authority that would result in the breach of the ceiling of total new budget authority or total budget outlays set forth in the most recently agreed to concurrent resolution on the budget for the current fiscal year.

Yesterday, the Committee on the Budget, as required by section 311(b) of the Budget Act, certified to the Speaker the current level of spending. These current level estimates indicate that there is some $4.4 billion in budget authority under the ceiling set forth in Senate Concurrent Resolution 50, the second budget resolution agreed to by the House on Decem- ber 10, 1981. Outlays are some $42.8 billion in excess of the ceiling already. Consequently, the urgent supplemental appropriation bills for the Commodity

Credit Corporation and the employment services portion of the unemployment compensation bill would breech the ceilings set forth in the second budget resolution. Without the waivers, the appropriation bills would be subject to a point of order and the House could be prevented from considering these critical matters.

The rule waives section 311(a) of the Budget Act against the initial consideration of the two joint resolutions by the House. It would further provide for a waiver of the same section of the Budget Act against consideration of any conference report on either of the resolutions provided that the conference report figures do not exceed the budget authority of or outlays resulting from the joint resolutions as they were reported from the House Committee on Appropriations. In other words, to expedite consideration of these matters, the Rules Committee proposes to grant waivers to the conference reports in advance, but only so long as the figures in the bills are not increased beyond the levels as reported from committee. If those levels are exceeded the waivers are inapplicable thus requiring the Rules Committee to again review the matter. The Committee on Rules views waivers of section 311(a) of the Budget Act as a very serious distortion of the budget process and does not intend to grant any type of blanket waiver. Each request for a waiver of section 311 of the Budget Act will be reviewed very carefully and in only the most critical of circumstances will such waivers be recommended.

As I stated earlier, the rule provides only for waivers of the Budget Act. If my colleagues will permit me, however, I will quickly review the parliamentary situation for consideration of these two urgent supplemental appropriations. Supplemental appropriations for a single item or department are not privileged matters under the rules of the House. On February 4 Chairman WHITTEN asked for and received the unanimous consent of the House that four urgent supplemental appropriations bills be considered on February 5 or any day thereafter. Mr. WHITTEN'S request specified that House Joint Resolution 389 and House Joint Resolution 391 be considered in the House thereby precluding any amendment to the bills except a motion to recommit with instructions which, of course, must be germane. The bills would be considered in the House under the hour rule with the floor manager controlling the time and yielding only for purposes of debate. To put it simply, there will be an hour's debate on each of the joint resolutions at the end of which a motion to recommit either with or without instructions would be in order and then an up or down vote on the proposition. The rule does not specify the procedure but simply provides the waivers so that the process may take place.

When the unanimous-consent request was made to consider the bills, it was not clear that the budget waivers were necessary. After definite confirmation of the necessity of the budget waivers, the Rules Committee met in emergency session yesterday to consider rules on the four supplemental appropriation bills. The committee's judgment was that three of the matters were sufficiently urgent to warrant waivers. The two most pressing matters concerning unemployment compensation and the Commodity Credit Corporation were granted waivers by one rule. A separate rule on fuel assistance was recommended and will be brought up later today. No motion to grant a rule on the fourth supplemental was made.

Mr. Speaker, House Joint Resolution 389 provides $5 billion in new budget authority for the Commodity Credit Corporation to restore borrowing authority which will be exhausted in early February. House Joint Resolution 391 provides $2.3 billion in supplemental funds for the Labor Department's unemployment programs.

Mr. Speaker, I do not intend to go into further detail on the two joint resolutions as I am sure the Appropriations Committee will amply explain them. I urge my colleagues to adopt House Resolution 355 so that we might proceed to their consideration.

Mr. PEYSER. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman for New York.

Mr. PEYSER. I thank the chairman for yielding.

Mr. Speaker, I think one of the things that is evidenced by the statement the gentleman just made and complexity of the situation, frankly, is the gratitude I feel, as I am sure all Members of the House do, for the job the gentleman has done as chairman of the Rules Committee, and, again, with great regret that he is going to be on his decision leaving us at the end of this term.

But a question I would like to put to the gentleman deals with the rule which I understand allows no amendment on the Commodity Credit question. And the question I have is: At what point, or how would the gentleman see the availability of at some time getting at the Commodity Credit Corporation so that it could be amended?

Actually, it is not that we would be legislating.

The amendment that I was interested in was trying to create a 9-percent-interest minimum that would have to be paid by people who make loans on Commodity Credit, which the Rules Committee indicated no amendments would be allowed. Commodity Credit indicates to me that they are not even going to get through this year with the $5 billion that we are now appropriating, which means they are going to be back again this year for more money, which I fear I would find myself in the same position as again not being able to amend, raise the question as to whether the House thinks a minimum interest should be paid on these loans.

Does the gentleman see a way, if this is going to happen again this year, as to how we can get at even having the House express an opinion on whether loans that presumably are supposed to bear interest, then the interest is waived and no interest is collected, to the tune this last year of $1.5 billion in interest, how are we going to get at that?

Mr. BOLLING. I would hope that the various committees that deal with the authorization and the appropriations for the Commodity Credit Corporation would recognize that this is a legitimate issue that should be considered in the House.

I would hope that it would come up in so orderly a fashion that it would be able to be debated properly and at length, rather than coming up suddenly under an urgent matter.

I cannot assure the gentleman that that will happen, but I would hope personally that it would. And I do not have a bad memory when it comes to matters of this sort; I might be able to be helpful to the gentleman somewhere down the line in his desire to have the matter at least considered in the House.

□ 1300

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Mississippi.

Mr. WHITTEN. The Commodity Credit Corporation, as the gentleman knows, operates under a charter.

Also in the Corporation Control Act, which passed many years ago, it was provided that in the supervision of the Commodity Credit Corporation that no action should be taken that would prevent the Corporation from discharging its function.

So that being true, even the Corporation Control Act says you cannot prohibit the Corporation from discharging its function, which is to support prices, make loans, make payments, et cetera.

But if I may offer a suggestion, what is involved here has to do with the farm bill, a legislative act, which in turn says what the Corporation shall do in connection with farm price supports. I think that the gentleman is on the authorizing committee and it is a legislative matter and cannot be reached, as I understand it, through appropriations where the Corporation

Control Act gives us only the control and it does not prevent the Corporation from discharging its function.

I think the gentleman has his own assignment on the way to reach the Corporation, and that is to change the farm bill. That bill tells the Corporation how and where and when to payout money.

Mr. PEYSER. I thank the gentleman.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Do I understand correctly that under the process as spelled out in the rule, with regard to conference reports, that the limits to this are based upon the House appropriations figure? In other words, the conference could not come back with anything which exceeds the House Appropriations Committee limits without coming in for an additional waiver from the Rules Committee; is that correct?

Mr. BOLLING. That is correct.

Mr. WALKER. Now, that also says to me, however, that what we have done in this particular instance is in essence replaced the budget process with the appropriations process as it relates to these particular matters.

Is that a fair characterization?

Mr. BOLLING. I think it is more complicated than that, but that is a beginning of the explanation that I would make.

Mr. WALKER. So that if we run into problems this year with the budget, as I think that there is some chance that we might, we may be faced in the course of the year with a large number of supplemental appropriations or emergency kinds of situations that will in fact replace the long-standing budget process with this appropriations process and then also come in as a mandate to conference committees as well.

Is that not a possibility?

Mr. BOLLING. Well, I think that is a possibility. The more likely probability is that the Rules Committee will find itself constantly, as it has in the past, having to devise processes that implement the spirit of the legislative process when there is a flaw in that process that brings into question the propriety of following a normal legislative process without a Budget Act or following it with the Budget Act.

What the Rules Committee finds it has to do is to come up with all kinds of, let me say ingenious, although I know that may sound self-serving, ingenious procedures to keep the whole process going in a fashion that allows the Members of the House the right to deal with the major elements of the conflicts before them.

Mr. WALKER. If the gentleman will yield further, I thank the gentleman for his explanation.

I guess my problem is that I also see the potential, though, for having rather irresponsible budgets adopted with all kinds of questionable figures in them only to be supplanted later on by this kind of process where we waive the budget bills and go wholly with the appropriations process and that we are putting into place a new mechanism that basically would permit that somewhere down the road.

Does the gentleman see any reason that my fears on that might not be realized?

Mr. WHITTEN. Mr. Speaker, will the gentleman yield to me?

Mr. BOLLING. May I answer first.

That potential has always been present in the existence of the Rules Committee. But I may suggest that irresponsibility in dealing with the Budget Act can come from a variety of sources and that this would not be a unique situation.

I do not intend to include in this discussion any partisan approach to this set of problems, but if I sought to find irresponsibility in the use of the Budget Act, I think I would be dealing with a very large number of acts over a very long period of time.

Mr. WALKER. If the gentleman will yield further, I appreciate the gentleman's explanation, and I, too, am not trying to affix any kind of partisan responsibility for it. I am simply through commenting on the fact that it seems to me that we are putting a process into being here; we intend to be formalizing a process more and more that allows us to get around decisions that we make in the course of the budget process, and that is really my concern.

Mr. BOLLING. The only thing that I would say in response to that is a very partial response.

We have been doing that from the very beginning of the Budget Act. It was found necessary to make accommodations and we will probably continue to do it as long as we have a Budget Act that functions at least somewhat. I do not know any way to alter the fact that we use ingenious methods to make it possible for the legislative process to continue when at the very least one would have to say it has become confused with regard to the implementation of the Budget Act.

Mr. WALKER. If the gentleman will continue to yield, and I appreciate the gentleman indulging me.

There is one other aspect of this rule that also bothers me and I am wondering whether or not there is some sort of precedent involved in that, and that is inclusion of two different resolutions in the same bill.

I am not familiar that this has been done in the time that I have been in the House and I am wondering whether or not this is a process that we can expect to see again. It does somewhat confuse the issue with regard to a Member rendering individual judgments on the rules as they relate to individual bills. I am somewhat bothered by that particular procedure, which seems to me to be a new procedure.

Could the chairman enlighten me on that?

Mr. BOLLING. I am not even sure that it is new or that it is not new.

We have had to apply all kinds of new procedures just to get by, and I will have to admit that the decisions that the Rules Committee makes are often made under great pressure of time and complexity and I have no brief for this process.

I do not think it sets a precedent, although I would not hesitate to recommend it again if it seemed a viable and sensible process that preserved the major right of the Members of the House to deal with matters of controversy as they come before them.

Mr. WALKER. I am wondering what is the rationale for including two bills? We have two different resolutions, each including two bills in them. What was the rationale behind that?

Mr. BOLLING. There is a rationale based on the difference between these two bills and the other two bills that were before the committee at the same time.

There is a rationale of pure expedience, the fact that we are under pressure of time. But I think we do preserve the individual right of Members to express themselves on each one of the resolutions.

Mr. WALKER. I thank the chairman.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I can yield only briefly to the gentleman from Mississippi.

Mr. WHITTEN. I do not want anyone to think that the Appropriations Committee is trying to get around this, that and the other rule or procedure.

May I say one of the problems here is in reference to the budget resolution, which circumvented the requirements of the Budget Act. We would have no problem if we had had the Budget Act provisions and the intent of the Budget Act had been carried out in the budget resolution.

So when I asked unanimous consent to bring the bill up, and it was agreed to, we were technically within the budget resolution so far as the then current assumptions were concerned.

We were advised yesterday that the Budget Committee brought in a report which reestimated spending levels. The second budget resolution, I think, is completely unrealistic. But yesterday's action in turn raised the question and we had to take steps to make sure we could bring up these urgent resolutions.

The acute situation that faces us in the CCC resolution is that 233,000 farmers are standing in line for what the law entitled them to—that is deficiency payments. With respect to the other resolution, many of the unemployment offices are being closed. So the fact is that they both are in response to acute situations. That those come up at the same time, certainly justifies this action.

I want to point out that our committee is not trying to get around anything except that which got us in this problem by circumventing the requirements of the Budget Act.

Mr. BOLLING. I would like to say in conclusion that the gentleman from Mississippi is entirely correct. The responsibility for the rule is on the Rules Committee and the emergency was not created by the Appropriations Committee or any other committee that I can think of. It just is a fact of economic life as it operates within the budget process.

Mr. Speaker, I reserve the balance of my time.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the outset let me say I agree with the statements made that this procedure is brought about by two emergency situations, one with unemployment compensation and one with the Commodity Credit Corporation.

In answer to my friend from Pennsylvania as to why we have two bills in one rule, we certainly could have come out with separate rules. There would not have been any reason why we could not have done so. But the majority on the Rules Committee decided otherwise and I do not see anything wrong with expediting the procedure, frankly.

A second unusual feature of this rule is that it only waives points of order, it does not deal with how long the joint resolutions will be debated or whether they will be amendable. That was established by a unanimous consent agreement on the floor of the House last week. Under those previous agreements, both joint resolutions are to be considered in the House, which means they will not be open to amendment under the 5-minute rule.

A third unusual feature of this rule is that it waives section 311(a) of the Budget Act, which prohibits spending in excess of the ceilings in the second budget resolution. In the history of the congressional budget process waivers of the budget ceilings have been granted only five times. Because of the emergency nature of these items the Budget Committee agreed not to object to these waivers, and the Rules Committee reported this rule.

A fourth unusual feature of this rule is that it protects the joint resolutions not only during their initial consideration in the House, but it also partially protects the conference reports when they come back to the House. The conference reports are protected from section 311(a) Budget Act waivers as long as they do not exceed the budget authority and outlay levels reported by the House Committee on Appropriations.

But the matter of unemployment compensation, I think, deserves more comment.

We passed a continuing resolution last December for additional funds and we provided for money for the unemployment services and the employment services, and in that resolution we inserted this statement,

Provided further, That no funds provided by this joint resolution shall be used for administrative or other expenses in connection with the closure of any State unemployment office, except in such cases as may be determined by the respective State agency to render its services more efficient.

Certainly you cannot render any office more efficient by closing it.

We have had several States, including Ohio, announcing that they were going to close unemployment offices at the very time they had many in long lines waiting to file claims. As a matter of fact, in the State of Ohio they announced they were going to close 37 offices, and we immediately started reminding them of this proviso inserted in the statute last December.

They said, "Well, we have our employment offices in with our unemployment offices. We cannot keep our employment offices open, so we have to close our unemployment offices."

Then, they backed off a bit and said, "We are not going to close any now until April," knowing full well that this Congress will act by that time.

I do not like those scare tactics, whether they are in the State of Ohio, or Texas where they attempt to use them, or in Illinois, where they were attempting to use the same type of tactics. I do not like them to put out information like that when they know what the statute says, and the Labor Department knew what the language was and they passed the word on to the regional offices and back to the States.

I hope that the Appropriations Committee will reinsert that type of language whenever it is needed and see that it is enforced, and you can certainly enforce it by notifying them from downtown that they are violating the law and hold up their payments until such time as they do comply with the law. Because we did not put that language in there idly, and certainly in times like these it is unreasonable for any State to say we are going to close your unemployment offices because we cannot get all the money from the Congress we thought we were entitled to.

I see my good friend from Mississippi wants me to yield.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Mississippi.

Mr. WHITTEN. May I say I agree with the gentleman and certainly the Congress is in full control of what moneys are appropriated for and what they shall not be used for.

I agree with the gentleman's reasoning and hope that we can cooperate in seeing that money is spent under section 628 of title XXXI, United States Code, which says money shall be only used for the purpose for which it was appropriated. That is a restriction that is ignored many times, but also I think we have a right to provide what it shall not be used for, and I hope our committee can cooperate and help the gentleman control this type of situation.

Mr. LATTA. I thank the gentleman for his comments.

Let me say that House Joint Resolution 391 provides the requested fiscal year 1982 supplemental appropriations to the Department of Labor of $343.5 million for State grants for unemployment insurance and employment services and $1.9 billion in general revenue advances to the unemployment trust fund, and these funds are in addition to what we did in December.

Let me also say that the other bill that this rule will make in order deals with the Commodity Credit Corporation, and our people who are familiar with the workings of the Commodity Credit Corporation realize that we have had some unusual drawdowns on these funds.

As a matter of fact, the CCC records on unreimbursed losses of $252.6 million from fiscal year 1980, $3.5 billion from fiscal year 1981, and $1.5 billion from the first quarter of fiscal year 1982 total $5.3 billion. In addition, unexpectedly high commodity loan demand and deficiency payments for wheat and barley reduced available borrowing authority to $603 million as of January 26, 1982.

The CCC anticipates the remaining funds will be depleted in early February by cotton and rice deficiency payments requiring suspension of all further loan and payment operations.

The CCC fund depletion is due primarily to current depressed market conditions, record 1981 crops, and increases in commodity program loan and purchase rates.

The CCC also provided funds to other agencies for Medfly operations and crop insurance payments.

□ 1315

Another factor is the higher interest rates charged the CCC on its borrowings. In fiscal year 1981, rates averaged 15 percent, and in 1981 interest payments totaled $1.2 billion; so we have seen some unusual situations that have occurred because of the depressed situation not only in the econ-

omy generally, but because of the market situations throughout the country and record crops. There is an urgent need to pass this legislation if we do not want to close down the operation of the CCC by mid February and to deny unemployment compensation to unemployed workers. Certainly on these two matters we have an emergency.

Mr. PEYSER. Mr. Speaker, will the gentleman yield at that point?

Mr. LATTA. I would be happy to yield to my friend.

Mr. PEYSER. I thank the gentleman for yielding.

His figures are absolutely accurate on the cost of the CCC.

I guess the question I have for the gentleman is that, as we know, the interest rates paid by the Commodity Credit Corporation averaged nearly 15 percent this last year, nearly 14 percent the year before.

Does it not seem reasonable to the gentleman that when we look at this and can act on this that there ought to be some minimum interest payment of that money repaid by those who borrow the money?

Mr. LATTA. The gentleman raises a very good question. He raised this same question before the Rules Committee on yesterday.

This is a matter that would require a change in the basic law and since the way this legislation is coming before the House there is no provision to amend it, it will have to wait for another day as both of these bills are going to be considered in the House.

Mr. PEYSER. I thank the gentleman.

Mr. BOLLING. Mr. Speaker, I yield 7 minutes to the distinguished gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR of Michigan. Mr. Speaker, I thank the gentleman for allowing me to address this rule and more specifically the resolution, (H.J. Res. 391), the labor supplemental appropriation.

I want to commend the chairman of the committee for guiding us through a very complicated situation yesterday in bringing before the House the bills that we will consider.

Mr. Speaker, I rise and take this opportunity to address the substance of House Joint Resolution 391 out of frustration and out of a concern for the situation that exists in the State of Michigan.

Mr. Speaker, representing the northeast suburbs of Detroit, I appreciate the intent of this appropriation as deeply as any Member of this Congress. Michigan currently suffers from a 16-percent unemployment rate. That translates into a record 600,000 unemployed. We have already closed 18 unemployment offices because of previous Federal funding cuts and without this supplemental we would probably have to close 19 more causing some of our citizens to travel as much as 94 miles to reach one of these offices.

One need not peruse very far back in the CONGRESSSIONAL RECORD to find the administration's supporters on the budget and tax debates of last year condemning the projections of the Congressional Budget Office. "Poor economics," they said. "The CBO is incompetent," they said. "CBO is using the wrong assumptions," they said. "Dr. Rivlin is too liberal and ought to be replaced," they said. One year later, we know that the CBO was right. Because their projections were based on some familiarity with economics and they refused to adopt the fantasies of the alchemists at the Office of Management and Budget, they implicitly predicted this day would be faced by this Congress.

Wishing something to be, Mr. President, does not make it so. Maybe on film, but not in the reality of the American economy. Economic policy must bear some relation to economic theory, otherwise lives, careers, and hopes of this and future generations are diminished.

This day was predictable. It was predictable last summer when this body gave away the store to corporate interests and gave a green light to military excesses, so much so that even they cannot find ways to use such unprecedented largesse. Meanwhile, we told the poor, the elderly, and the marginally employed that they were sapping the economy of its strength and it was up to them to restore it.

It was predictable when we cut job training assistance and based our ceilings for unemployment assistance on hallucinatory projections of the administration.

It was predictable, Mr. Speaker, and you know, as grateful as I am to the chairman of the Appropriations Committee for his expeditious response to this emergency, it is not going to be enough.

It is not going to be enough for workers who have lost their homes to foreclosure and with it, that most American of aspirations, inherited from previous generations. It is not going to be enough for the children of workers who will see their dreams of a college education evaporate with their parents' jobs, unemployment benefits exhausted, Federal education assistance nonexistent.

Where is the trickle-down, Mr. President? Despite mammoth concessions to corporations, our unemployed number 10 million, the business rate of investment is a meager 0.3 percent. Where is the trickle-down? These are real people, Mr. President—the unemployed are. They laugh and cry, they hope, and right now they hurt.

The President, confronted with massive unemployment in many regions of this land, contemptuously tells people to vote with their feet—to move to another part of the country.

We see stories in the newspapers regularly of thousands of applicants lining up in response to announcements of a handful of jobs. The Detroit Free Press in my own area, in a wonderful spirit of community, offered to publish at its own expense "situations wanted" ads for Detroit's unemployed. The response was six pages of free ads while the "help wanted" ads were listed on a single page. Our President tells us there are plenty of jobs offered in the newspapers for those who want to work.

It is time that this administration spent less time with the blue blooded and more time with the blue collar. Less time with black tie and more with black unemployment. Less time talking with people in reception lines and more time talking with people in unemployment lines.

There is a certain vindication for those of us who stood on this floor last year and denounced the "midnight budget" with its Disney-like assumptions, who predicted severe dislocations and resulting unemployment, which would in turn create unprecedented need for assistance, which would in turn drive deficits upward, which would in turn keep interest rates high, which would in turn prevent economic recovery.

But that vindication is hollow because it is predicated on the fulfillment of predictions which many of us expected yet hoped against. It is vindication obtained at the suffering of people I know, respect, and serve, and it is most unwelcome and bitter.

So I am happy for this bit of relief while I denounce the actions that have made it necessary. If any of my colleagues feel that this economic experiment is still attractive theory, I invite them to visit the silent lumber mills of Oregon, the steel mills of Pennsylvania and Ohio, and the auto factories of Michigan and Indiana.

Mr. Speaker, I urge my colleagues to support this rule, this supplemental appropriation, and more honest budget projections than we are learning to expect from this administration.

Mr. LATTA. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I really did not think we were going to hear just about the problems in Michigan. Since we listened to the problems in Michigan, let me say that everybody who does not have his head in the sand realizes they have an unprecedented problem in Michigan, brought on by the particular problems in the automobile industry. We have automobile plants in Ohio and we can pick them out, those areas where we have high unemployment.

I wish the gentleman would have made that speech to Mr. Frazer before

he walked away from the negotiating table. They know they have problems in Michigan, but now they are going to put them off until July. I think it is high time that the people in the State of Michigan and the people in the State of Ohio or any other area of the United States adversely affected by the shutdown in the auto industry, and I have three of the automobile companies represented in or near our district, urge a resumption of the stalled talks with GM.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. LATTA. Mr. Speaker, I yield myself 2 additional minutes.

We are all affected because they are not sitting down and renegotiating. The American people know what the problem is. People walk into the showrooms and they look at the sticker price of an automobile and if they do not faint, they walk away.

Well, it is high time for them to realize in the automobile industry they have a product that is too high to sell. I do not care whether it is management, labor, or who is to blame. The fact is they are not selling the product, and as soon as they realize what the problem is, they are going to start selling again and put people back to work.

When they talk about cutting back $2,000 on an automobile that sells for $26,000 or $27,000, and I have reference to a product made by General Motors, the Seville, well, they are not attracting too many buyers. When they cut back $500 on an automobile that is selling for $9,000 or $10,000, they are not attracting too many buyers.

So I think it is high time that the people in Michigan and Ohio and throughout this country who are being adversely affected because labor and management are not right now—going back to that renegotiation table trying to resolve this problem should call for action. It is not going to be solved down here in the well of the House blaming this administration, which inherited 8 million unemployed and they seem to forget this when they come down here and make those political speeches; but the people back in my district know something about unemployment when they are laid off and they know something about what is causing it. They are not blaming this administration. They are blaming the high price of a product that they cannot sell.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I will be happy to yield.

Mr. WALKER. I thank the gentleman for yielding, because I think he makes an excellent point. It was reemphasized by a study done by E. F. Hutton just recently, and supposedly everyone listens to E. F. Hutton. E. F. Hutton pointed out that the present recession did not start even last July or particulary last October. This recession started in 1978.

The SPEAKER pro tempore. The time of the gentleman from Ohio has again expired.

Mr. LATTA. Mr. Speaker, I yield myself 5 additional minutes.

I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

This recession started back in 1978 and we have been on a steady downward path ever since that with only a couple times when the economy has moved up just a little bit; so what this administration is trying to do is correct some major economic problems that it inherited and the kinds of political speeches that indicate that somehow our economic problems are a result of policies that really went into effect only a matter of a few weeks ago is just sheer political posturing. It has no basis in fact.

I thank the gentleman for yielding.

Mr. BONIOR of Michigan. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I would be happy to yield to the gentleman.

Mr. BONIOR of Michigan. Well, if the gentleman believes this recession was started in 1978, I have a used car I would like to sell now.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I would be happy to yield to the gentleman.

Mr. YATES. If, indeed, the recession started in 1978, when Mr. Weidenbaum in the hearing this morning, said it started in 1979 in an attempt to justify the same kind of rationale as the gentleman from Pennsylvania, if, indeed, it did start then, why did not the administration note it in the course of the year and take appropriate measures?

I will say to the gentleman that in hearings this morning with Mr. Stockman, I showed Mr. Stockman the error in the projections of the current project at $91.5 billion. That is wrong, and he conceded that was wrong later in his testimony.

□ 1330

Mr. LATTA. Let me say, before yielding to my friend, the gentleman from Pennsylvania, if all of our big-spending friends around here would cut back on some of the high appropriation bills and stop some of that spending, we would not have all that deficit.

Mr. YATES. Mr. Speaker, will the gentleman yield?

If we were to cut back everything the administration wants to cut back, you would still have the deficits that are causing the high interest rates, and that contributes to the depression. It is not the cuts in the spending. We have to keep America strong, and the Government programs do that.

Mr. LATTA. What is the gentleman's answer—to spend more, borrow more?

Mr. YATES. The gentleman's answer is that the gentleman's Gramm-Latta bill did a great deal to hurt the economy of America last year.

Mr. LATTA. Come on, now. I would be happy to yield if you can explain that. What is your answer—to spend more, tax more; do the same thing that got us into this mess?

Mr. YATES. I would say to the gentleman that I, for one, would vote to defer the third year's tax bill for some months in order to provide the funds that are necessary to pay a part of the deficits that are now taking place. I thought the tax bill was improvident. I thought it went much too far.

Yes; I will vote to defer the effective date of that tax cut.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I appreciate the gentleman yielding.

Mr. Speaker, I think the point needs to be made that this administration did recognize we were headed for economic hard times. That is the reason why they said we ought to have a 10-percent tax cut beginning not this past January, but last January, January of 1981. They proposed a 10-percent tax cut then in order to try to get this economy growing again last year. It was the Democrats who came to this House and told us that that should not be done and are, as a result, at least partially responsible for the situation we not find ourselves in.

Economic growth is what is going to get us out of this present problem. The administration recognized that early on.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I think that is a pretty good point at which to stop right there.

Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. LOTT).

Mr. LOTT. I thank the distinguished gentleman for yielding.

Mr. Speaker, I hesitate to turn to such mundane things as the discussion of the rule and the budget provision being waived here, but I would like to do that just momentarily.

Mr. Speaker, I think we need to look just a minute at what really is taking place here today with regard to these rules. The Budget Committee yesterday took action and transmitted to the House the current level of spending and revenues for fiscal year 1982. These levels of spending exceed the levels of ceilings provided in the

second concurrent resolution on the budget for fiscal year 1982.

Section 311(A) of the Budget Act prohibits the consideration of any bill or resolution which exceeds the ceilings set in the most recently passed concurrent resolution on the budget. The rule which we are now considering waives this section.

The Members need to be aware this waiver has only been granted five times in the past. While the Rules Committee has waived other sections of the Budget Act out of hand many times, this is rare thing that we are doing here today.

Without this restraint, and without Presidential impoundment authority, Federal spending will continue to run uncontrolled and unrestrained. Members should be aware that this waiver applies not only to this bill, but to any subsequent conference report as long as that conference does not exceed the level of budget authority or outlays contained in these resolutions. This, too, although not unprecedented, has budgetary consequences.

So I would just like to tell the Members simply that this action could be one of the few final steps left in obliterating any kind of budgetary restraint that we had on the Budget and Impoundment Act. I recognize that out of expediency we need to do it to get these urgent bills up. But I am concerned about what we are doing with this waiver of one final budgetary restraint.

Mr. LEVITAS. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Georgia.

Mr. LEVITAS. I thank my colleague from Mississippi for yielding. I appreciate the gentleman addressing the substance of the rule.

Mr. Speaker, I have been listening to the excellent explanation by the chairman of the Rules Committee as to the expediency of the rule, but I am, too, concerned about this process. I, for one, will look very closely at any rule which takes this position, because otherwise we just open the floodgates.

I am also somewhat facetiously concerned about the process of debating these measures in the House rather than in the Committee of the Whole House, so they are not open for amendment, because just listening to the few minutes of interchange between the gentleman from Michigan, the gentleman from Ohio, the gentleman from Illinois, and the gentleman from Pennsylvania, we could have, if not an illuminating, a very entertaining afternoon for the next few days as these positions are being taken.

Mr. LOTT. Mr. Speaker, I would like to reclaim my time just to say I hope this does not become a routine waiver, and I, for one, will not support a continuation of waiver after waiver of 311(a) of the Budget Act.

Mr. WHITTEN. Mr. Speaker, will my colleague yield to me?

The SPEAKER pro tempore (Mr. DANIELSON). The time of the gentleman has expired.

Mr. LATTA. I yield myself 15 seconds.

Mr. Speaker, let me just say hopefully we will have the third budget resolution up before we have another bill such as this. We will not have to waive it.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. MOTTL).

Mr. MOTTL. I certainly appreciate the gentleman from Ohio yielding 2 minutes.

Mr. Speaker, I rise in support of this rule and needed legislation, House Joint Resolution 391, which takes a big step toward putting America back to work.

A salient provision of House Joint Resolution 391, is the inclusion of $210.5 million for operations of State employment agencies. This would restore employment at the State levels to 24,800 workers, as opposed to the 17,500 workers on the payroll today. I will address my comments to that provision.

I come armed for battle, if need be. I have received these petitions signed by 3,962 Greater Clevelanders urging the restoration of funds for operations of the Ohio Bureau of Employment Services. Petitions bearing another 5,000 names were placed in the mail to me on February 5.

Ohio's unemployment rate was 12.5 percent in December and it has yet to peak. The fine services provided by the Ohio Bureau of Employment Services should, if anything, be stepped up, not slowed down during such drastic times. Ditto for the unemployment bureaus in the other 49 States.

State employment services and their legion of professional interviewers should be put back to work to help others get back to work during this session.

Mr. Speaker, I want to thank especially the gentleman from Kentucky (Mr. NATCHER), the gentleman from Mississippi (Mr. WHITTEN), and also the minority members on the Appropriations Committee for restoring the much needed funds.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 329, nays 72, not voting 33, as follows:

[Roll No. 2]

YEAS—329

Addabbo	Ertel	Leath
Akaka	Evans (DE)	LeBoutillier
Albosta	Evans (IA)	Lee
Alexander	Evans (IN)	Lehman
Anderson	Fary	Leland
Andrews	Fascell	Lent
Annunzio	Fazio	Livingston
Anthony	Fenwick	Loeffler
Applegate	Ferraro	Long (LA)
Aspin	Findley	Long (MD)
Atkinson	Fish	Lowry (WA)
AuCoin	Fithian	Luken
Bafalis	Flippo	Lundine
Bailey (PA)	Florio	Madigan
Barnard	Foglietta	Markey
Barnes	Foley	Marks
Beard	Ford (MI)	Marlenee
Bedell	Ford (TN)	Marriott
Beilenson	Forsythe	Martin (IL)
Benedict	Fountain	Martin (NC)
Benjamin	Fowler	Martin (NY)
Bennett	Frank	Matsui
Bereuter	Frenzel	Mattox
Bethune	Frost	Mavroules
Bevill	Fuqua	Mazzoli
Bingham	Garcia	McClory
Blanchard	Gaydos	McCurdy
Bolling	Gejdenson	McDade
Boner	Gephardt	McEwen
Bonior	Gilman	McGrath
Bonker	Gingrich	McHugh
Bouquard	Ginn	Mica
Bowen	Glickman	Michel
Brinkley	Gonzalez	Mikulski
Brodhead	Goodling	Miller (CA)
Brooks	Gore	Miller (OH)
Broomfield	Gradison	Mineta
Brown (CA)	Gray	Minish
Broyhill	Green	Mitchell (MD)
Burton, John	Guarini	Moakley
Burton, Phillip	Gunderson	Moffett
Byron	Hagedorn	Mollohan
Chappell	Hall (OH)	Montgomery
Chappie	Hall, Ralph	Morrison
Chisholm	Hall, Sam	Mottl
Clausen	Hamilton	Murphy
Clinger	Hammerschmidt	Murtha
Coelho	Hance	Myers
Coleman	Harkin	Napier
Collins (IL)	Hartnett	Natcher
Conable	Hatcher	Neal
Conte	Hawkins	Nelligan
Conyers	Heckler	Nelson
Corcoran	Hefner	Nichols
Coughlin	Hendon	Nowak
Courter	Hertel	O'Brien
Coyne, James	Hightower	Oakar
Coyne, William	Hillis	Oberstar
Craig	Holland	Obey
Crockett	Hollenbeck	Ottinger
D'Amours	Hopkins	Oxley
Danielson	Howard	Panetta
Daschle	Hoyer	Pashayan
Daub	Huckaby	Patman
de la Garza	Hughes	Patterson
Deckard	Hunter	Pease
Derrick	Hutto	Pepper
Dicks	Hyde	Perkins
Dingell	Ireland	Peyser
Dixon	Jacobs	Pickle
Donnelly	Jeffords	Porter
Dorgan	Jenkins	Price
Dougherty	Jones (NC)	Quillen
Dowdy	Jones (OK)	Rahall
Downey	Jones (TN)	Railsback
Duncan	Kastenmeier	Rangel
Dunn	Kazen	Ratchford
Dwyer	Kemp	Regula
Dyson	Kennelly	Reuss
Eckart	Kildee	Rhodes
Edgar	Kogovsek	Richmond
Edwards (AL)	LaFalce	Rinaldo
Edwards (CA)	Lagomarsino	Roberts (KS)
Emery	Lantos	Rodino
English	Latta	Roe
Erdahl	Leach	Roemer

Rogers	Smith (IA)	Watkins
Rose	Smith (NE)	Waxman
Rosenthal	Smith (NJ)	Weber (OH)
Rostenkowski	Smith (PA)	White
Roth	Snowe	Whitehurst
Roukema	Solarz	Whitley
Roybal	St Germain	Whittaker
Russo	Stanton	Whitten
Sabo	Stark	Williams (MT)
Savage	Staton	Williams (OH)
Sawyer	Stenholm	Wilson
Scheuer	Stokes	Wirth
Schneider	Stratton	Wolf
Schroeder	Studds	Wolpe
Schulze	Synar	Wortley
Schumer	Tauke	Wright
Seiberling	Tauzin	Wyden
Shamansky	Traxler	Yates
Shannon	Trible	Yatron
Sharp	Udall	Young (FL)
Shaw	Vander Jagt	Young (MO)
Shelby	Volkmer	Zablocki
Simon	Walgren	Zeferetti
Skelton	Washington	

NAYS—72

Archer	Gregg	Pritchard
Badham	Grisham	Ritter
Bailey (MO)	Hansen (ID)	Roberts (SD)
Bliley	Hansen (UT)	Robinson
Brown (CO)	Holt	Rousselot
Burgener	Hubbard	Rudd
Butler	Johnston	Sensenbrenner
Carman	Kindness	Shumway
Carney	Kramer	Shuster
Clay	Levitas	Skeen
Collins (TX)	Lewis	Smith (AL)
Crane, Daniel	Lott	Smith (OR)
Crane, Philip	Lowery (CA)	Snyder
Daniel, Dan	Lujan	Solomon
Daniel, R. W.	Lungren	Stangeland
Dannemeyer	McCollum	Stump
Derwinski	McDonald	Taylor
Dreier	Mitchell (NY)	Thomas
Edwards (OK)	Molinari	Walker
Emerson	Moore	Weber (MN)
Evans (GA)	Moorhead	Weiss
Fiedler	Parris	Winn
Fields	Paul	Wylie
Gramm	Petri	Young (AK)

NOT VOTING—33

Ashbrook	DeNardis	Jeffries
Biaggi	Dickinson	McCloskey
Boggs	Dornan	McKinney
Boland	Dymally	Pursell
Breaux	Early	Santini
Brown (OH)	Erlenborn	Siljander
Campbell	Gibbons	Spence
Cheney	Goldwater	Swift
Coats	Heftel	Vento
Davis	Hiler	Wampler
Dellums	Horton	Weaver

□ 1345

The Clerk announced the following pairs:

Mr. Biaggi with Mr. Ashbrook.
Mr. Boland with Mr. Pursell.
Mr. Dellums with Mr. Jeffries.
Mr. Weaver with Mr. McKinney.
Mr. Santini with Mr. Davis.
Mr. Vento with Mr. Dickinson.
Mr. Heftel with Mr. Coats.
Mrs. Boggs with Mr. Wampler.
Mr. Breaux with Mr. Goldwater.
Mr. Dymally with Mr. Horton.
Mr. Early with Mr. Campbell.
Mr. Swift with Mr. Brown of Ohio.
Mr. DeNardis with Mr. Cheney.
Mr. Siljander with Mr. Dornan of California.
Mr. McCloskey with Mr. Spence.
Mr. Erlenborn with Mr. Hiler.

Mr. STANGELAND and Mr. MOLINARI changed their votes from "yea" to "nay."

Mr. GILMAN changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5118, SOUTHERN ARIZONA WATER RIGHTS SETTLEMENT ACT OF 1981

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 97-430) on the resolution (H. Res. 357) providing for the consideration of the bill (H.R. 5118) to provide water to the Papago Tribe of Arizona and its members, to settle Papago Indian water rights claims in portions of the Papago Reservations, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR THE CONSIDERATION OF H.R. 861, NATIONAL TRAILS SYSTEM ACT AMENDMENTS

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 97-431) on the resolution (H. Res. 358) providing for the consideration of the bill (H.R. 861) to amend the National Trails System Act by designating additional national scenic and historic trails, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 392, URGENT SUPPLEMENTAL APPROPRIATIONS FOR DEPARTMENT OF HEALTH AND HUMAN SERVICES, 1982

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 356 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 356

Resolved, That upon the adoption of this resolution it shall be in order to consider, section 311(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, the joint resolution (H.J. Res. 392) making an urgent supplemental appropriation for the Department of Health and Human Services for the fiscal year ending September 30, 1982. It shall be in order to consider, section 311(a) of the Congressional Budget Act of 1974 to the contrary notwithstanding, a conference report on said joint resolution if the report does not provide budget authority in excess of that provided by the joint resolution as reported to the House by the Committee on Appropriations, and if the report would not cause budget outlays to exceed the budget outlays which would be caused by the joint resolution as reported to the House by the Committee on Appropriations.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

□ 1400

Mr. BOLLING. Mr. Speaker, I ask unanimous consent to read a statement.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. BOLLING. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Ohio (Mr. LATTA) for purposes of debate only, and pending that I yield myself such time as I may consume.

Mr. Speaker, I am actually not going to take too much time because this is not as complicated a parliamentary situation as we had on the previous rule. It is a little complicated because the gentleman from Mississippi (Mr. WHITTEN), the chairman of the Appropriations Committee, when he asked for consideration of this matter on February 5 or any day thereafter, provided that it be heard in the House as in the Committee of the Whole House. That provides for the matter to be read under the 5-minute rule for amendment, but it does provide that the manager of the bill has control of the floor by being able to move the previous question—not order the previous question; the House has to do that—on any amendment offered.

So in effect this is an open rule, unlike the other one, and it makes in order the consideration of a matter of considerable urgency, fuel assistance.

I know of no great controversy over the matter, although I know some Members are opposed to its being considered at this time. But it seems to me the rule is a reasonable one. It is largely tantamount to an open rule.

Mr. Speaker, the statement for which I requested permission follows.

Mr. Speaker, House Resolution 356 provides waivers of section 311(a) of the Budget Act to permit consideration of House Joint Resolution 392, making urgent supplemental appropriations for the Department of Health and Human Services.

Section 311(a) of the Budget Act prohibits the consideration of any bill, resolution, amendment or conference report providing additional new budget or spending authority that would result in the breach of the ceiling of total new budget authority or total budget outlays set forth in the most recently agreed to concurrent resolution on the budget for the current fiscal year.

The rule also waives section 311(a) so that the conference report on the joint resolution with the proviso that the conference report figures do not exceed the budget authority of or outlays resulting from the joint resolu-

tion as it was reported from the House Committee on Appropriations. The need for these waivers and the proviso was fully explained in my previous statement on the parliamentary situation regarding House Joint Resolutions 389 and 391 and does not need to be repeated at this time.

Mr. Speaker, as provided in the agreed upon unanimous-consent request of the chairman of the Committee on Appropriations, the joint resolution will be considered in the House as in the Committee of the Whole. This is not an extraordinary procedure for the consideration of supplemental or continuing appropriations bills.

When the joint resolution is called up it will be considered as pending and open for debate or amendment under the 5-minute rule. Any Member may be recognized for 5 minutes for purposes of debate or amendment. Under this procedure the floor manager has the option of moving the previous question at any time once consideration has commenced, and thus cutting off debate and the amendment process. The minority maintains the right to offer a germane motion to recommit.

Mr. Speaker, this procedure provides the necessary flexibility for the House to expeditiously work its will while insuring an opportunity for discussion and possible amendment of the controversial provisions of this legislation.

House Joint Resolution 392 appropriates $123 million for the low income energy assistance program and would bring the total fiscal year 1982 appropriations level to the $1.8 billion as authorized by the Omnibus Reconciliation Act. This winter has been the coldest on record in this century and it is expected that the States will exhaust the energy assistance funds before the close of the winter heating season.

Due to the urgency of the situation, I urge my colleagues to adopt House Resolution 356 so that we may consider this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this rule waives points of order. Before getting into the problems with the legislation, however, there are one or two things about this rule Members should be aware of.

First, the rule waives points of order because the joint resolution before us violates the spending ceilings in the second budget resolution passed at the end of the last session. While the rule protects the joint resolution during the initial consideration, and also partially protects the conference report, it does not protect any amendments which may be offered during consideration in the House as in the Committee of the Whole. This means that any amendments which attempt to increase budget authority or outlays will be subject to a point of order for violating spending ceilings in the most recent budget resolution. Amendments to reduce budget authority or outlays will not be subject to a point of order.

The rule will also protect the conference report on this joint resolution, if the conference report does not contain budget authority or outlays in excess of the amounts reported to the House by the Committee on Appropriations.

Mr. Speaker, this urgent supplemental appropriation is not really so urgent as its supporters would like to have you believe. The supplemental funds are not needed at this time. States have been able to operate effective programs of energy assistance under the continuing resolution's annual rate of $1.752 billion in fiscal year 1982. To date only 25 percent of the amounts made available have been drawn by the States and tribes even though 90 percent have been made available.

Mr. Speaker, there have been many different methods used by the States in distributing this money and as a consequence, there have been many abuses of this program.

In 1980 recipients of SSI benefits received low-income energy assistance funds, even though in some cases three or four of them lived in the same house, and did not have individual heating costs.

In certain States, people who received food stamps or some other form of public assistance were automatically given low-income fuel assistance. Some of these people as it turns out live in public housing, and do not even pay their own fuel bills. Under the 1981 program many States had unused funds during the winter of 1980–81 and decided to make flat grants of nearly $100 million to prior beneficiaries of that year's program without any determination of need for such assistance.

Even after the grants, certain States had $39 million in excess low-income home energy assistance funds in 1981 which were reallocated to other States in the summer of 1981. As a matter of fact in 1981, $32.5 million of the amount in this program was spent for summertime air-conditioning.

If there are States that still cannot manage, there are other available resources. For example, States may transfer funds from the social services block grant and the community services block grant to their energy assistance block grant.

Finally, States may use emergency assistance authority under title IV–A of the Social Security Act to aid needy households in cases where they are experiencing severe crisis.

With all these various resources available to States, we should not now be forcing the expenditure of extra funds. This extra spending is opposed by the administration. And in light of the abuses which have gone on in this program in the past, we should at least spend more than 25 percent of the money in the existing program, before throwing additional dollars at the problem.

Mr. Speaker, I yield back the balance of my time.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

URGENT SUPPLEMENTAL APPROPRIATION FOR THE DEPARTMENT OF AGRIULTURE, 1982

Mr. WHITTEN. Mr Speaker, pursuant to the order of the House on Thursday last, I call up the joint resolution (H.J. Res. 389) making an urgent supplemental appropriation for the fiscal year ending September 30, 1982, for the Department of Agriculture, and ask for its consideration in the House.

The Clerk read the joint resolution, as follows:

H.J. RES. 389

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1982; namely:

DEPARTMENT OF AGRICULTURE

COMMODITY CREDIT CORPORATION

REIMBURSEMENT FOR NET REALIZED LOSSES

To reimburse the Commodity Credit Corporation for net realized losses sustained heretofore, but not previously reimbursed, pursuant to the Act of August 17, 1961 (15 U.S.C. 713a-11, 713a-12), $5,000,000,000.

The SPEAKER pro tempore. The gentleman from Mississippi (Mr. WHITTEN) is recognized for 1 hour.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the consideration of House Joint Resolution 389, and that I may include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTEN. Mr. Speaker, I yield 30 minutes of my time to my colleague, the gentleman from Massachusetts (Mr. CONTE), for the purpose of debate only, and pending that, I yield myself such time as I may require.

Mr. Speaker, we have here a real acute emergency. We have a law which requires the Commodity Credit Corporation to make certain payments

in connection with agricultural commodities. The price for agricultural commodities in the marketplace is so low that practically all of the agricultural producers have turned to CCC loans because they are higher than the price they might receive in the marketplace.

As of today we have 233,000 agricultural producers who are entitled to payments at a time when they should start farming. These payments cannot be made until this bill passes.

If CCC makes these payments that is in violation of the law. If they fail to make the payments, that is also in violation of the law. So they are in trouble either way we wish to take it.

The Bureau of the Budget and the President sent down a request for $5 billion in supplemental appropriations.

Mr. Speaker, I hope I may have the attention of the Members and I hope I may have their support because this is an acute situation. The request to our committee was for an appropriation to increase borrowing authority by $5 billion. If we had gone along with that approach, this bill would have been open to any number of amendments. On the other side of the Capitol the number of amendments would have been unlimited because the temptation is there to have it end up as a Christmas tree. That could well delay greatly the payment of these moneys that are now due to these 233,000 agricultural producers.

So what we did, Mr. Speaker, in an effort to prevent the accumulation of a whole lot of amendments, which in turn might have prevented the payments that are due, we elected to restore $5 billion of capital impairment. The bill before us only restores capital impairment. That in turn leaves it where, in my opinion, it is not subject to amendment unless the amendment is germane to the restoration of capital impairment.

We propose to restore $252.6 million in unreimbursed fiscal year 1980 losses; $3,530.6 million in unreimbursed fiscal year 1981 losses; and losses for the first quarter and fiscal year 1982, $1,216.8 million; for a total of $5 billion.

So may I repeat again that we have the Commodity Credit Corporation charged on the one hand with making payments, and if they do not, they are in violation of the law, but if they make payments without the money, they are also in violation of the law. Therefore, their supplemental is absolutely urgent.

Now, there is a second benefit. This approach keeps us from having to face the increasing of the capital structure of the Corporation. But that is a secondary reason.

So I would say to the Members that I hope they will all go along with this because it does nothing except provide $5 billion for restoration of capital impairment. It does not increase the authority of the Corporation in any way. It does not in any way affect, or is it affected by, the Poland situation, which is the subject of some media controversy. That problem is not even touched but this bill, neither top nor bottom.

Mr. Speaker, I hope the Members will go along with us on getting this through in its present form. I know that all the Members were not on the floor when the rule was read, but if the Members heard the rule, they know the rule provides that in the event any amendment on the other side changes the amount in the bill, we would have to come back and get a new rule.

So I hope the Members will go along with the way we have written it and under the rule we have, because otherwise if it went to the Senate with any amendment, even though it be meaningless, that would mean this is a vehicle to which the other side could tie amendments. If we go to conference, we would have to go and get a rule all over again.

So, Mr. Speaker, I say that in many cases where farming is ready to get going, where the need is acute, and where the law says they are entitled to it and the Corporation wants to pay it, we owe it to ourselves to restore the capital impairment now and not let this go any longer.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to my colleague, the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, did I understand the gentleman to say there is absolutely no money in here that would affect the Polish situation?

Mr. WHITTEN. None whatsoever. An amendment could be worked up perhaps that would nonetheless say you could not do it, but you could not anyway under the terms of this bill. But if we took an amendment, then it would go to the other side where, under their rules, most anything could be tied to it. Should that happen we would be tied to that in conference and we would have to go to the Rules Committee and get a rule all over again, as I understand it.

Mr. WALKER. Mr. Speaker, will the gentleman yield further?

Mr. WHITTEN. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

I had understood that this is precisely the fund out of which we are now taking the money to help pay off the Polish debt. Is that not the case?

Mr. WHITTEN. We have a letter from the Secretary of Agriculture saying that is completely erroneous, and we have one from the State Department as well. That is a complete misunderstanding of this bill. I assure the gentleman that we have the letters saying that they cannot use the money in this bill for that purpose under any circumstances.

While an amendment might be written that would say you could not, it is unnecessary because under this bill you cannot. The danger in that is that it would go to the other side, and under their rules most any kind of amendment could be attached to it, and that would put us through this thing again and the delay could cause CCC to shut down the farm programs.

Mr. WALKER. Mr. Speaker, I thank the gentleman for his explanation.

Are there copies of the letter available by any chance?

Mr. WHITTEN. We do not have copies, but we can give you the originals.

Mr. WALKER. That would be helpful, I think, for some of us on this side to address those kinds of concerns.

Mr. WHITTEN. We will get those originals to you.

Mr. WALKER. Mr. Speaker, I thank the gentleman very much.

Mr. CONTE. Mr. Speaker, I yield 3 minutes to the lovely gentlewoman from Nebraska (Mrs. SMITH), the ranking Republican on the Subcommittee on Agriculture of the Appropriations Committee.

Mrs. SMITH of Nebraska. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, as my distinguished colleagues have already so eloquently explained, financing for our vitally needed farm-marketing programs through the Commodity Credit Corporation is, in fact, basically exhausted.

Government accountants at the U.S. Department of Agriculture today have let their superiors know that except for repayments flowing into local and regional offices, CCC is bankrupt to make any further price-support loans. Indeed, I have a letter, received today, from Secretary John Block stating that we need final approval of House Joint Resolution 389 by today, Tuesday, February 9. Although he stops short of saying so, CCC operations will enter preliminary stages of shutdown after today, and, indeed, may already be underway.

Nobody can predict grain prices, but it is clear that if CCC must stop receiving grain into its regular reserve and price-support loan programs, producers have almost no recourse but to dump grain on the markets if they are in dire need of cash. In my opinion, this could precipitate the kind of grain-market debacle that these Government programs were designed to prevent.

So we must have action to pass this supplemental request in the quickest possible time. I have taken part in the hearings on this matter, hearings held expeditiously as soon as could be ar-

ranged after the resumption of the 97th Congress. The testimony was clear and unequivocal—CCC would quickly run out of money.

I have told President Reagan, Secretary Block, and now I am telling my colleagues that there is a false, widespread notion that most Americans do not have to worry about having any farmers and about their disastrous economic plight as long as we have plenty of supermarkets.

I am telling the House that an economic depression so severe and so dangerous that I cannot remember anything comparable is gripping our food-producing sector. And while it sounds good right now in terms of helping hold down food prices, continued low prices to farmers for their products cannot long continue to subsidize the American consumer without grave consequences.

This bill providing $5 billion of additional financing for all farm programs must go through immediately or else the farm sector's already crashing economy will quite simply collapse. Discussions as we have here today by themselves tend to depress grain prices in a market that is drowning in corn and wheat.

I am offering in the RECORD a copy of Secretary of Agriculture Block's letter and a copy of Deputy Secretary Richard Lyng's testimony today before the Senate Appropriations Subcommittee on Foreign Operations.

I say that this is not the proper forum in which to contemplate serious limitations on the use of CCC funds, risking delay in approval of this desperately needed money. This is not the forum to make a decision on tying the President's hands on foreign policy. Therefore, I have recommended to my committee, and I suggest now, that one appropriate forum would be special hearings by the Appropriations Committee. I have requested that the chairman, the gentleman from Mississippi, and my ranking minority leader, the gentleman from Massachusetts, consider holding such hearings as soon as possible.

The material referred to follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C. February 5, 1982.

Hon. JAMIE L. WHITTEN,
Chairman, Committee on Appropriations, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Yesterday, the House Appropriations Committee approved House Joint Resolution 389, making urgent appropriations to restore the net realized losses of the Commodity Credit Corporation (CCC). This action by the Committee was in response to the President's recent request. Approval of this resolution will help to assure that the Commodity Credit Corporation will have sufficient resources to carry out programs mandated by current law including the Agriculture and Food Act of 1981.

We appreciate the expeditious action of the Congress and especially of the House Appropriations Committee in dealing with this matter. It is truly an urgent situation. Unanticipated high levels of losses have endangered the continued operation of our farm programs at a time when farmers are particularly vulnerable and especially in need of these programs. We need final approval of this proposal by Tuesday, February 9, 1982.

As this resolution moves the rest of the way through the Congress, it is important that everyone have the clearest possible understanding of what it does. This resolution would restore the previously unreimbursed realized losses of the Corporation resulting primarily from programs which were operated during crop years 1980 and 1981. These losses total approximately $5 billion. They result primarily from costs associated with CCC price support inventories (such as the dairy program), disaster and deficiency payments to producers, emergency feed payment programs, and the expenses incurred in maintaining storage for the grain reserve. Under law, the Commodity Credit Corporation finances these operations initially by borrowing funds from the Treasury. These Treasury loans are repaid with interest when the necessary funds are appropriated by the Congress. House Joint Resolution 389 restores these losses, enables CCC to repay this debt to the Treasury, and thus helps to restore CCC's line of credit with the Treasury within the $20 billion overall limit prescribed by law.

Recent publicity has associated the question of CCC losses with issues related to Polish export credit. It should be clearly understood that no realized losses have been incurred by the Commodity Credit Corporation with respect to the making or guaranteeing of export credit to Poland. Therefore, none of the $5 billion provided in House Joint Resolution 389 is needed for such a purpose. At present, Poland owes $540 million to the United States Government in repayment of direct export credits which were extended during 1978-1980 and $1 billion to U.S. exporters and assignees for credit guaranteed during the period 1979-1981. Last summer decisions were made to permit rescheduling of $217 million in direct credit and $143 million in guaranteed credit for which payments were due in 1981. These actions were, of course, taken prior to the current crisis. With respect to the guaranteed credit, CCC made payment to the banks and assumed the account receivable for those rescheduled 1981 repayments. Recently further decisions were made with respect to payments by CCC on an additional $71 million of guaranteed credit for which repayment was due in January 1982. These decisions were, of course, made in accordance with existing law and on the basis of Administration policy with respect to Poland.

At present, all of the Polish debt for credit extended by the Commodity Credit Corporation or acquired by the Corporation under its guarantee programs are being maintained as accounts receivable. There are no current losses resulting from this debt.

We hope this information will be helpful to you. Again, we appreciate your quick action in dealing with this matter and we remain available to provide any information or assistance you may need.

Sincerely,

JOHN R. BLOCK,
Secretary.

STATEMENT OF RICHARD E. LYNG, DEPUTY SECRETARY OF AGRICULTURE

Mr. Chairman, I appreciate the opportunity to appear before you to discuss the need to restore the Commodity Credit Corporation's (CCC) realized losses and the relationship of this action to the Polish debt situation.

Let me say at the outset that there is no connection between these two events.

The need for restoring the realized losses of the CCC is directly associated with the operation of commodity programs during crop years 1980 and 1981. These losses total approximately $5 billion. They result primarily from costs associated with CCC price support purchases (such as the dairy program), disaster and deficiency payments to producers, emergency feed payment programs, and the expenses incurred in operating the farmer-owned grain reserve program. Under law, the Commodity Credit Corporation finances these operations initially by borrowing funds from the Treasury. These Treasury loans are repaid with interest when the necessary funds are appropriated by the Congress. Restoring these losses would enable CCC to repay this debt to the Treasury, and thus help to restore CCC's line of credit with the Treasury within the $20 billion overall limit prescribed by law.

Recent publicity has associated the question of CCC losses with issues related to Polish export credit. It should be clearly understood that no realized losses have been incurred by the Commodity Credit Corporation with respect to the making or guaranteeing of export credit to Poland. Therefore, none of the $5 billion we are requesting is needed for such a purpose. All of the Polish debt for credit extended by the Commodity Credit Corporation or acquired by the Corporation under its guarantee programs is being maintained as accounts receivable. There are no current losses resulting from this debt.

The need to reimburse CCC for its losses is urgent. The record level of production for the 1981 crops and unprecedented demand for commodity loans together with income support (deficiency) payments, has contributed to the near depletion of the $20 billion in borrowing authority.

The reimbursement for losses that we are requesting will allow the Corporation to continue to operate the price and income support programs farmers depend upon. If the CCC losses are not reimbursed immediately it will be necessary to suspend all loan and payment operations until cash receipts are of sufficient volume to make the resumption of operations feasible. The Commodity Credit Corporation deals with millions of farmers and utilizes the services of thousands of banks, processors, carriers, exporters, handlers, warehousemen and others. Without funds to carry out CCC operations, the day-to-day business dealings of many segments of the economy would be adversely affected.

□ 1415

Mr. CONTE. I thank the gentlewoman from Nebraska (Mrs. SMITH.).

Mr. Speaker, I yield 4 minutes to the gentleman from Kansas (Mr. ROBERTS).

Mr. ROBERTS of Kansas. Mr. Speaker, I rise today to express my concern over exactly what we are trying to accomplish. We are being

asked to provide $5 billion in supplemental appropriations for the Commodity Credit Corporation. There is no doubt about the need for this supplemental appropriation.

The recent farm bill this body passed and signed by the President has two essential features: A "safety net" of price support loans and the expansion of worldwide export markets for the farmer's commodities.

Both of these features involve the use of commodity credit funds. For this reason, the additional appropriations for the CCC are of vital importance to the American farmer and the wheat producers that I represent in the big First District of Kansas.

Yet, today as we consider this needed supplemental appropriation, we also learn that the United States is considering using CCC funds to "bail out" banks holding loans to Poland. This raises serious and far-reaching questions—questions that need answers and investigation by this Congress.

Quite frankly, I am tired of seeing the American farmer used as a pawn, sacrificed once again in an international game of politics for foreign policy symbolism.

I am deeply concerned about the ominous and far-reaching implications of using agricultural products as a foreign policy weapon. We are now faced with a situation where we are using a policy of economic sanctions that for the most part singles out agriculture as a means of symbolism to register our protest for Soviet action in Poland.

On one hand, the farmer is told that his and our country's key to economic salvation is exports. To that end, we currently export nearly two-thirds of all the wheat grown in this Nation; 80 percent of what we ship to the Soviet Union is agricultural products. However, since martial law was declared in Poland, we have reacted by threatening to embargo future sales of grain to the Soviet Union. This de facto embargo already has knocked 40 cents off the price of 1 bushel of wheat in my hometown, Dodge City, Kans.

We have told the farmer he must do his share to balance the Federal budget and we have cut farm programs to the bone. We have assured the farmer we would work to expand foreign markets.

Yet, in the name of foreign policy, we erode those markets. Whether you spell it "sanctions" or "embargo," the farmer comes up losing.

And, now again in the name of foreign policy, we siphon away commodity credit funds to bail out big banks and meet obligations of the Polish military dictatorship. It is estimated that between $500 million and $1.5 billion in CCC money could be used for this purpose.

The U.S. and Western European banks have loaned Communist countries $70 billion in the last 10 years. In effect, the Soviet Union has been using our money to build up the Soviet military machine. And, the Soviets are being paid to do it with farm commodity credit money.

Congress must provide strong oversight in this whole area. Before passing this resolution, we should underscore the need for hearings regarding this entire area.

I would like to ask my colleague from Mississippi, chairman of the committee, I was under the impression that part of this money, $71 million, according to press reports and other reports, would be going to pay for incurred debts to banks through the CCC on debts that were owed them by Poland. Is this not correct?

Mr. WHITTEN. Will the gentleman yield?

Mr. ROBERTS of Kansas. I yield to the gentleman from Mississippi.

Mr. WHITTEN. May I say that the CCC is, as the gentleman knows, a corporation. It has lending authority and the payments it is authorized to make have resulted in certain losses which have depleted its capital. What we appropriate here is to replace capital that has already been spent. This restoration of capital to the Corporation will address the need right now is as I have described it.

So this money will restore that much capital impairment. It will restore the overall authority of the Corporation by reason of restoring this much of the expenditures or capital impairment that they have heretofore made. But it can be used only for that purpose.

The Corporation has no authority to make this payment with these funds. It can not be used for that purpose. We have a letter so stating from the Department of State and the Secretary of Agriculture.

Mr. ROBERTS of Kansas. I appreciate the chairman informing me of this policy. But what is going down out in my district and in my country, my 57 counties, is that we are using a portion of the CCC loan money to bail out banks when, it fact, the farmer has seen his price go off 40 cents by a de facto embargo. The farmer is asking me why are we using CCC loan funds to bail out banks at his expenses.

Mr. WHITTEN. Presumably because the legislation that passed directed them to. The money in this bill does not go to that purpose. This only restores the money that they have used in the past to carry out the farm program.

The Corporation has a charter which limits its authority and it acts under the action of the Congress through the farm bill. So if those uses are in that bill, or allowed under CCC charter, some of the money that the Corporation has, may have gone for that purpose. I have no way of knowing that. But this bill just restores the capital impairment that occurred heretofore and none of that was caused by the loans to Poland.

The reason for this is to meet the obligations to 233,000 farmers who are standing in line waiting for money from CCC that is overdue.

Mr. ROBERTS of Kansas. I full well understand my colleague's concern on that point and I share his concern. We desperately need these funds. I am rising in support of this resolution but, on the other hand, what is playing out in farm country is the continued use of agriculture as a foreign policy whipping boy.

Mr. WHITTEN. May I say that the gentleman may want to go before the Agriculture Committee or before the other committees and get the law changed. All we are doing here is restoring the impairment of a corporation's capital which is depleted in carrying out the purposes of the act. The act is not before us.

Mr. ROBERTS of Kansas. I appreciate the gentleman's comments.

Mr. CONTE. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. BEARD).

Mr. BEARD. Mr. Speaker, I rise in strong support of my colleague from California's motion to recommit.

I was outraged, as I am sure most of my colleagues in this body were, when it was revealed last week that the State Department had worked behind the scenes to prevent declaring Poland's Communist dictatorship in default on its loans that are guaranteed by the Commodity Credit Corporation, even though that regime had failed to meet its obligations to its creditors.

The rules of the Commodity Credit Corporation, as I understand them, require that when a borrower of loans backed by the CCC fails to meet its obligations, the lendor must give a written notice of default for the record before the CCC will pay the missed obligation. But apparently our own State Department has decided to pressure the CCC into not enforcing the rules when it is the Polish Communist government that is in default.

Nothing has so infuriated my constituents than this news that our Government has bailed out the Communist regime in Poland with taxpayer money to the tune of tens of millions of dollars—and apparently intends to continue to do so.

Bailing out the Polish Government is a bailout of the Soviet Union, because the Polish economy, like the entire Eastern European Soviet bloc economy, is a captive of the Soviet Union. By propping up the Polish Communist regime, we are indirectly propping up the failing Soviet economy. And we are doing it at a time

when the Soviet Union is engaged in genocide by the use of chemical and biological weapons against innocent people in Laos, Cambodia, and Afghanistan, and is sending increased military forces to Cuba, including the Mig-23, and is supporting directly Communist revolutionary forces in Central America. Yet in the face of worldwide Soviet criminal behavior, this administration asks us to agree to a bailout of a Soviet puppet government with American tax dollars.

I will not agree, Mr. Speaker, and I hope my colleagues in this body will signal their disagreement also by supporting this motion to recommit. Thank you.

Mr. WHITTEN. Mr. Speaker, I yield myself 3 minutes.

May I say to my colleague from Tennessee (Mr. BEARD) and others, I agree with the gentleman's feelings. But I do not want to keep American farmers, 233,000 of them, standing in line for money owed them by CCC and deprive them of money they are entitled to, which the motion to recommit could do.

Let me explain. If the motion to recommit should carry it would go to the other body. Under the rules in the other body they could tie most anything to this and we would further delay the payment to these 233,000 farmers which they are due.

May I say to the gentleman, this is to restore capital impairment and has no connection whatsoever with the loans to Poland. But the motion to recommit could be a vehicle that could pick up a whole lot of barnacles on the other side and these farmers could be out of those payments for weeks.

Mr. BEARD. Will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Tennessee.

Mr. BEARD. I understand what the gentleman says. But apparently he sees no fault then in the recommittal resolution?

Mr. WHITTEN. I see much fault. It could become a vehicle for barnacles to be picked up on the other side of the capital which could cause further delay. Under the rule, if any addition is made over there, we have to go back to the Rules Committee and that could cause a further delay.

Mr. BEARD. I am still not understanding exactly the gentleman's thrust.

Mr. WHITTEN. I am making it as plain as I know how. The gentleman's amendment, though perhaps harmless here, is awfully dangerous in the long run.

Mr. BEARD. In the USDA's justification for this supplemental it is stated that it should be also noted that loan guarantees and direct export credits issued Poland in the last 3 years will also tie up the Corporation's borrowing authority to the extent of any rescheduling of those obligations. Then it goes on in testimony of Secretary Block where the Secretary was asked a question regarding to what extent are Poland's debts involved in this request.

Mr. Block's testimony and statement was:

> Under the guarantee program CCC has made payments of $61 million in fiscal year 1981 and $97 million in fiscal year 1982 through December 31, totaling $158 million.

Yet we are to say to people that we are not using dollars out of this to bail out Poland? I cannot accept that.

Mr. WHITTEN. The gentleman will see that if he accepts this motion to recommit that we would have further delay. May I say we have a letter from the Secretary of Agriculture that this money will not be used in any way in connection with the loans to Poland.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. ALEXANDER), a member of the committee.

Mr. ALEXANDER. Mr. Speaker, I rise in support of this legislation by my committee today to add a supplemental appropriation with which the Commodity Credit Corporation can continue its operation.

The rice farmers of America are facing the same depressed prices as all farmers. However, many are suffering even more because they are unable to participate in the Commodity Credit loan program or benefit from its traditional price support rule because of an unintended loophole in the current law by which only about 30 percent of the rice farmers in Arkansas can participate.

I have introduced a bill which will change this condition and allow all farmers to participate equally. It is H.R. 5399. And I have arranged for a meeting with the Secretary of Agriculture, Mr. Block, tomorrow in order to try to pursuade the administration to support this bill.

In essense what is happening is that because of low prices farmers have no market for their rice crop. In my State many of the rice farmers are forced to sell that crop in order to be provided enough capital with which to farm for the 1982 crop year.

For those farmers who are excluded from participation in the Commodity Credit Corporation loan program, they are forced to sell their crop far below the low market prices which are available through the program. In effect, they are forced into bankruptcy.

I would urge the committee, the Congress, and the Members who are concerned about fairness and equity in agriculture to support this bill which will eliminate this loophole in the law.

Mr. CONTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I rise in strong support of this urgent supplemental appropriation to enable the Commodity Credit Corporation to continue its vital lending activities.

Mr. Speaker, the economy of rural America is in a shambles. Commodity prices remain at depressed levels due to the lingering effects of the Soviet grain embargo and last year's bumper crops. As the farmer makes his plans to begin operations for this crop year, credit is scarce, and that which is available is extremely expensive. In increasing numbers, our producers have turned to the commodity loan and reserve programs of the CCC, rather than sell their crops at prices which are substantially below their cost of production. This action is required to obtain necessary operating funds for the coming year. The result has been an unprecedented demand upon the limited resources of the CCC. It is estimated that the borrowing authority of the CCC will be exhausted within the next few days, and thus it is vitally important to reimburse the Corporation for its past losses so that its activities can continue uninterrupted in this time of great need.

The resolution which is pending before the House does not raise the ceiling above $20 billion; rather, it reimburses the CCC for losses in 1980, 1981, and the first quarter of 1982. The question of an increase in the borrowing ceiling will be addressed in the context of the consideration of the 1983 agriculture appropriation measure later this year.

I cannot overemphasize the importance of these programs to the survival of the family farm in Nebraska and throughout the United States. The commodity loan program and the reserve program offer the producer an additional element of flexibility in making his marketing decisions. Although the loan levels which were provided in the farm bill which recently passed the House are inadequate to fully protect our producers, the heavy participation in even these modest programs attests to their importance in enabling farmers to weather the current down trend in commodity prices. Passage today of this resolution will permit the CCC to carry out its authorized function in assisting this most productive segment of our economy, and I strongly urge its adoption.

Mr. CONTE. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Speaker, I rise in opposition to House Joint Resolution 389 and in support of the recommital motion.

I see these kinds of programs as more the problem than the solution. I know many very good and well-intentioned individuals here would like to solve the problems the farmers face

and attempt to do this by having programs like this. But programs like the Commodity Credit Corporation are really the problem because they cause the misdirection and the malinvestment of capital.

We now have $600 billion worth of guaranteed loans, the principal source of our inflation. The only thing they guarantee is that there will be a misdirection of capital, a malinvestment, and more inflation, overproduction of farm products, and depressed prices.

I am particularly interested, though, in the fact that it is through the Commodity Credit Corporation that the loans to Communist nations will be bailed out, as well as the liabilities of banks in, principally, New York. We know already that last week $71 million through this Corporation was granted to pay some of the interest due.

□ 1430

There is a figure that not too many people have referred to, but last year $158 million from the Commodity Credit Corporation were used to support these loans.

After the war, it was thought to be in our best interest to invest a lot of money in the countries that we wanted to rebuild; the democracies of Europe, and we put into those countries $15 billion. We have already put more than $80 billion into the Communist bloc from the Western nations. So here we are doing the Marshall plan in reverse. We are not helping our friends. We are literally subsidizing our enemies.

I get strong opposition in my district for programs like this. Most of the people feel it is a moral outrage to think that they are required to help banks who have made unwise loans and to also subsidize communism, and they feel that this type of lending is unconscionable.

I also have a personal belief and conviction that it is a mockery of our Constitution. Where is it written in the Constitution that gives us this authority to take from our people and give to our foreign enemies? There is no granting of this authority, and the whole program, in particular the subsidizing of those in Communist nations, is completely wrong and unjustified.

Also, I believe that this is an economic absurdity beyond all reality. Here we are in this country, with an inability for our people to buy houses and to buy cars, and we are, to the tune of billions of dollars, guaranteeing more inflation and bad investments and money going to our enemies. And every time we guarantee a loan like this, we guarantee that there will be more inflation because we are broke, in the literal sense. We have to add any expenditure to our deficit and it ends up being monetized.

Some would say, "Well, what would you do?"

Well, I would default on it. I would not go through with this so-called promise because I think it is an illegal, unconstitutional promise. The choice is not whether you default. The default will occur. You only have one of two choices, and that is: Are you going to default on the American people and give them more inflation and let them pay the penalty? Or are you going to default on the Communist enemies and let them pay the penalty.

I think the only choice that we can accept is that we guarantee that we will not break the backs of the American people with more taxes and more inflation by bailing out the banks who have made these loans unwisely in further subsidizing the Communist nations.

Some would say, "Well, the law of the land says we must guarantee this."

Well, the law of the land is sometimes in error and contradicts the Constitution. Under those conditions we have an obligation, a constitutional and legal and moral obligation to our people. And if we fail on that obligation our people are going to suffer the consequences. To me, the only question is, Who is to accept the penalty of the default, the American taxpayer or the bankers and their Communist cheats?

LET'S LET COMMUNISM GO BANKRUPT

The history of U.S. Government subsidies to our sworn and aggressive enemies in the Kremlin is a long and sad one.

The Soviets could not make MIRV'd missiles until an American company sold them machines to make precision ball bearings. The American taxpayer helped pay for these machines.

U.S. tax dollars also helped the Soviets buy the intricate computer network that controls Moscow's air defenses.

The largest truck plant in the world is on the Kama River in the U.S.S.R. This gigantic facility manufactured many of the trucks and armored vehicles used to invade Afghanistan. The Kama River truck plant was built by an American car company, and U.S. tax dollars paid part of the bill.

In fact, the broad highway used by the Soviet motorized divisions as they roared into Afghanistan was built in the 1960's by the U.S. Corps of Engineers. It cost over $100 million (in current dollars) and the hard-earned tax dollars of American citizens helped pay for it.

Finally, the U.S. grain shipments which help the unproductive Soviet system survive from year to year have been subsidized until recently by American tax dollars, which have been used to pay half the shipping costs.

The magnitude of the Western commitment to bolstering the Communist world cannot easily be exaggerated. At the peak of the Marshall plan the United States had extended about $15 billion in cheap loans to the democracies of Western Europe. But even that massive sum is dwarfed by comparison with the line of credit which the West has extended to Communist regimes: An incredible $80 billion at present. Let us make no mistake, this enormous line of credit constitutes Western aid to the most oppressive, inhumane, and unproductive political system ever known to mankind. Without this line of credit, communism would collapse from within of its own weight.

The Polish regime alone presently has $27 billion in loans from the West, and last year it defaulted on a total of $1.8 billion in repayments. Poland is, in fact, already in default, already bankrupt, though there has been no official declaration of the fact. But Poland is not unique among Communist states: Romania, another big borrower, is on the brink of bankruptcy; Bulgaria and East Germany are not far behind. It is always assumed that the Soviet Union itself would pay off the debts of its satellites rather than let them default, but Russia itself is a big borrower: It already owes Western banks over $19 billion. All of this credit, and any additional loans, not only perpetuate a system that oppresses millions, and not only subsidize the Soviet war machine which threatens our own security, but they also are simply bad risks. Western banks should not be absolved of the consequences of foolhardy lending policies.

At present, our Government is pursuing the worst possible strategy. We are paying off the Polish loans without declaring default, and thereby, we leave open the door for more loan guarantees and credits, which will ultimately be paid for by American taxpayers. Without a declaration of default, Poland remains a candidate for membership in the International Monetary Fund, a whole new source of U.S. tax dollars.

Some have argued that a subtle form of pressure can be brought to bear on the Communist regime in Poland by not declaring default. By simply encouraging Poland to eventually repay, by holding out the prospect of more loans, and even by encouraging their membership in the IMF, it is argued that the discipline of Western banking will help moderate the behavior of the Communist regimes in Warsaw and Moscow. But surely, events in Poland have shown otherwise. Only the governments of the West, in their excessive concern with foolish bankers, have modified their behavior. It is we in the West who find that our governments are held hostage by the threat of default. The bankers hold sway only over our governments,

they have not made General Jaruzelski any less a tyrant.

It is quite true that the Soviet Union might pay off the debts of its Eastern European satellites rather that see the credit rating of the whole Communist world threatened. I say emphatically: now is the time to find out. Let us extend no more guarantees and credits to enable Poland to pay off its old debts. Let us send no more good money after the bad. But present U.S. Government policies will prevent the issue from ever coming to a head. The Communists are being quietly relieved of their burden, the Commodity Credit Corporation and the U.S Treasury are quietly shifting this debt onto the shoulders of the American taxpayers, and the big banks are silently nodding in approval.

The recent $71 million U.S. Government payment on the overdue Polish debt caught the headlines, but in 1981 the Commodity Credit Corporation quietly paid $158 million to American banks for delinquent Polish loans. There was no declaration of default, there was no announcement that the Government of Poland was bankrupt. The U.S. Government quietly picked up the tab left behind by the Polish regime, and the bureaucrats and the bankers who make a living off these deals just hoped that business would go on as usual.

Of course, the bankers do not care—so long as business goes on and commissions can be made from handling the loans, they can always count on Uncle Sam to pick up the bill. And of course, the bureaucrats do not care—its not their money which is used to pay for the bad loans. No, the bureaucrats and the bankers prosper, it is the American taxpayer who is left to pick up the tab.

Has this not gone on long enough? Is it not it time we in the Congress remembered that our responsibility is to the people who pay the bills, not the bankers and bureaucrats, little less the regime in Poland? Is it not it time we paused to consider just how much Communist debt we will foist onto the shoulders of our overburdened taxpayers before we declare once and for all, enough is enough?

All told, the amount of loan guarantees and credits which our Government has granted for the benefit of foreign countries comes to a staggering $58 billion. In my opinion, it is absolutely immoral, unconstitutional, and uneconomical for the Federal Government to extend credits or loan guarantees for the benefit of foreign countries.

Certainly, I have as much sympathy as anyone for the plight of the Polish people, it is horrible to see them suffer, critically short of all life's necessities, and deprived of their liberty and dignity. But we must recognize that until they cast off this system which has enslaved them, freedom, dignity, and prosperity will elude them. For our Government to continue extending loan guarantees and credits to Communist tyrants is nothing short of direct complicity in their evil deeds. It is time to stop propping up communism and the Soviet war machine which threatens our own security.

Let us stand firm at this crucial juncture and declare that no new credits or loan guarantees from the U.S. Government will aid the completion of the Yamal natural gas pipeline in the U.S.S.R. Let us insure that the advanced American technology needed to complete this project is never made available. Let us also immediately declare Poland in default, and see to it that our Government never again provides a subsidy, or a loan guarantee, or a credit, for tyranny.

Finally, at a time when small businesses in America cannot secure loans at reasonable rates, and when most Americans cannot afford the cost of borrowing to buy a car or a home, how can we, in good conscience, redirect investment funds abroad, to any country? We cannot justify, either morally, economically, or constitutionally, providing loan guarantees or credits for the benefit of any foreign country, company, or individual.

Therefore, I urge the support of this House for a resolution I will soon introduce to end immediately the practice of granting loan guarantees or direct credits by the U.S. Government for the benefit of foreign countries. Those who choose to invest in Communist countries should do so solely at their own initiative, and at their own risk.

I also believe that the Congress should have to specifically authorize, by recorded vote, every expenditure of tax dollars required by the terms of past loan guarantees and credits to foreign countries. It is time we assumed our full responsibilities as guardians of the public treasury, the American people have a right to expect nothing less.

Mr. CONTE. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. LEWIS).

Mr. LEWIS. I thank my colleague for yielding.

Mr. Speaker, first, it is my intention to speak for the 3 minutes to address myself to some of the farm questions that have been raised. At the time of placing a motion to recommit, I would hope to address the issue that is involved here today.

First, let me apologize to my distinguished chairman and my ranking minority Member for taking the time of the House at a moment like this. I first would like the Members to know that I am on the Subcommittee on Agriculture almost entirely because agriculture is California's No. 1 industry. I am on the Farm Subcommittee because agriculture is the No. 1 industry in my own district. It is critical to my people that programs like this go forward, go forward with credibility, and are handled by the Department in a fashion that assures their future success.

Now, having said that, I think it is important to point to the fact that the chairman has done a magnificent job with this measure. I frankly doubt that there is a Member in the House who would question our chairman's ability to move this bill expeditiously to the Senate, take care of whatever problems might arise, and make sure it gets to the President's desk before we recess. I have been totally astonished at his capability in handling very important measures much more complicated than this one.

Having said that, my amendment has been described as symbolic. And indeed it is symbolic in this sense: It is the only amendment that could have been germane to this very tightly constructed bill, which provides the flow of $5 billion of new credit availability to the CCC. But all of us know that money is fungible. We recognize that, while this is restricted in its use, other moneys within the flow of the CCC obviously will have pressure relieved, and it is that money which will go to the benefit of Poland. It is very, very important that by our actions today we do not send a signal out there that would suggest that we approve of this misuse by the Department of the Commodity Credit Corporation. Indeed, if we do not raise our voices, then somewhere down the line we may have participated in undermining that very viable program.

Mr. WHITTEN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. I thank the chairman for yielding.

Mr. Speaker, I am speaking on one phase of the Commodity Credit Corporation bill. I support the concept and the idea of the Commodity Credit Corporation, and I support the needs that they have today for the $5 billion. The question I am raising—and I would have raised on an amendment if it had been possible—is the fact that most Members in this House, as I did, assumed that when loans were made for commodities to the agricultural community that interest would be paid on these loans because the Commodity Credit Corporation states that interest must be paid at the current rate. In fact, what happens is that if a crop or a commodity, be it dairy or any other product that comes under this, is forfeited, then the practice now is that no interest would be paid. The Commodity Credit Corporation clearly shows in its statement to the Appropriations Committee that they lost in

1981 $1,578,000,000 in unpaid interest because the Commodity Credit Corporation must pay interest to this money to the Treasury Department from which they borrowed. So they end up in a situation that no user of the money is paying interest in this particular factor.

Now, you have to realize that we are talking about appropriating more money today than the Department of Energy gets, the entire Department of Energy, the Justice Department, more money for the B-1 bomber, the MX missile, military construction, any of these items I am mentioning, all of them get less money than we are appropriating today for the Commodity Credit Corporation. This gets into community development block grants, urban development, rural development programs, Economic Development Administration, and an endless list.

It seems to me that, when an agriculture commodity is placed in loan, if that loan is forfeited, at least 9-percent interest should be paid at the end of the period. And I use 9 percent because that is the amount of money that is paid by a guaranteed student loan. A student in college must pay that 9 percent.

Now, I would still leave the Secretary of Agriculture the right of discretion of charging the additional what today would be 5 percent, bringing it up to the 14-percent level.

Now, that is the situation that we have in front of us. We have the Commodity Credit lending money out, as against when they take crops in, and at the end of a period, if there is a forfeiture, we keep the crops, which is a loss to us at that point, and no interest is paid on the loan whatsoever.

Mr. WHITTEN. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. REUSS).

Mr. REUSS. Mr. Speaker, I thank the gentleman from Mississippi for yielding, and I rise in strong support of his resolution and in strong opposition to the proposed Republican motion to recommit.

That motion in effect says that we here on the House floor this afternoon should declare the Polish loan in default. If we do that, I can tell you what will happen tomorrow. American bankers will be forced, in order to protect themselves, to replevin, to get their hands on every Polish asset they can find.

Now, it is said in favor of the motion to recommit that it shows that the recommitters are tough on communism. Well, I suggest that it shows just the opposite. The people it will be tough on will be the children of Poland and the mothers and fathers this winter who are not going to get enough food if this recommittal motion is passed, or enough medicine or enough else of the needs of life, and the disgusting Communist government of Poland, should the Lewis motion prevail, would then have a marvelous out. They could say that the miseries of Poland are the work of the American Congress and not of the Soviet and the Polish Governments.

Second, we have an alliance in Europe, a mighty alliance, that we have preserved for 30 years. I can think of nothing better calculated to fracture that alliance than to sneak around now and seem to give American banks a chance to get ahead of their German and their Italian and their French and their Dutch and their British colleague banks in these large and disastrous loans to Poland.

If we try to jump the gun, to get in ahead of other creditors, what would such an action do to the willingness of the German public to support the strengthening of NATO that we rightly ask for? Who can say what traps we may be setting ourselves a few years hence when the Germans may find themselves in a similar position, say, with respect to American bank loans, to, let us say, Brazil. The shoe may then well be on the other foot.

Third, while I do not know much about the Commodity Credit Corporation, I know a little about history. I can remember that 52 years ago the world was plunged into a depression, and the Hitler movement got a great start, and World War II had its genesis, in the failure of the Credit Anstalt, the biggest bank in Vienna. The failure spread, and helped lead to the world depression.

There are at least two German banks, who, if default is declared, will be in mortal trouble. Anybody who thinks we should play fast and loose with the future of the world by declaring a default this afternoon just has not read history.

So I suggest that if you want to give communism a few secret cards, and if you want to show your meanness of spirit to the Polish people, if you want to tell the Atlantic Alliance that we are attempting a cheap-shot special advantage over our tried and true allies, and, finally, if you want to take the risk of precipitating a world crisis, just vote "aye" on the motion to recommit. I hope it will be overwhelmingly defeated.

Mr. CONTE. Mr. Speaker, I yield 3 minutes to my good friend, the gentleman from Minnesota (Mr. HAGEDORN).

Mr. HAGEDORN. I thank the gentleman for yielding.

Mr. Speaker, I am torn between two concerns. I think, first of all, that there is a very definite and immediate need that Commodity Credit Corporation receive the additional $5 billion in order that it can meet the urgent demand that farmers are facing on that important source of financing; and, on the other hand, I am concerned about denying our President flexibility in the conduct of foreign policy, which I think we are doing, but at the same time it appears to be a contradiction because, at best, we are circumventing what the law clearly says, or else we are outright breaking the law. I think that that is a law that we have passed in this institution in which CCC is supposed to function under, and it seems to me that it leaves those of us who have examined that very closely little opportunity other than to vote for the recommittal motion and, hopefully, that we can bring this situation to a resolution.

I do not think that there is any doubt that Poland is bankrupt, however much longer we string it along with additional loans and in the conduct of foreign policy. It appears that ultimately the American taxpayers will be the real losers, and that to aid and abet the deteriorating situation any longer that exists there is not in our national interest.

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume.

□ 1445

Mr. Speaker, this is a very difficult issue for me. I am not amoured by the CCC. I am in accord with what the gentleman from New York (Mr. PEYSER) said. However, it is needed and I know what my chairman has been telling me about the predicament of the farmers in this country and now added to this whole thing I have this problem of my good friend from California (Mr. LEWIS), whom I have the highest regard for.

I had offered him the motion to recommit, if the chairman will recall, when he was going to object to the unanimous consent to take this bill up, so we made this accommodation.

So that is the predicament that I find myself in here.

Let me ask the chairman, has the gentleman read the letter from the State Department as yet?

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Could I say to my colleague that we all get in predicaments from time to time. I appreciate his. I have read the letter and I do have an assurance from the other side that if we send them a clean bill they will act on it this afternoon. The Secretary says he needs this money today.

Mr. CONTE. I will submit those two letters.

Mr. WHITTEN. If the gentleman will continue to yield, I would like to say to my friend from California that he does not owe me any apology. It is a pleasure to work with him. Nobody could work harder for his district. When a man differs with me, I presume he does what he thinks is right. It suits me whatever he may do. I feel that way toward him.

I do feel when he makes a speech that he is opposed to, his folks will believe him. I do not think he wants to run the risk of having things tied up.

Mr. CONTE. I thank the gentleman for that short statement.

Finishing out what I said, I always tell a new Member who comes in here that one of the things that I feel is most important in life here in the Congress, this body that I love so much, is one's word, and once one gives one's word, you stick by your word, and sometimes you can get caught in a very embarrassing position. I am in that position today. The gentleman from California (Mr. LEWIS) will have the motion to recommit but I will oppose it. I must inform my colleagues, we have a letter from the Secretary of State.

Mr. Speaker, I ask unanimous consent that the letter be placed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Allow me to mention also that even though I oppose the motion to recommit this bill, I want the people of Poland to know that our hearts go out to them in their current crises. We have as a nation of caring, supporting Americans, always provided a helping hand to needy nations like Poland and will continue to care for oppressed peoples everywhere. Our prayers and hopes for a peaceful and freedom-based resolution of Poland's crises go out to the Polish people.

Mr. CONTE. Mr. Speaker, this is what the letter says:

DEPARTMENT OF STATE,
Washington, D.C., February 8, 1982.

HON. JAMIE WHITTEN,
Chairman, Committee on Appropriations, House of Representatives.

DEAR MR. CHAIRMAN: I am writing to convey the concerns of the State Department regarding possible legislation, specifically with reference to Poland's debts, that could adversely affect our policy of putting maximum Western pressure on the Polish and Soviet governments to end repression in Poland. The Department understands that language may be offered to the supplemental appropriations bill (H.J. Res. 389) for the Commodity Credit Corporation (CCC), which could have the effect of requiring American banks to declare formal defaults against the government of Poland.

As you know, we and our allies have implemented common measures against Poland, and are considering others. The U.S. has taken additional unilateral measures against Poland and the Soviet Union; our allies have taken or will take measures which parallel and support ours.

In this context, our assessment is that, for the present, the best way of keeping maximum pressure on the Polish government—and indirectly on the Soviets—is to insist it service its debt to the West. Our allies are firmly in accord with this assessment; among the measures taken jointly is to suspend consideration of negotiations on a 1982 debt rescheduling. This allows Western creditors to pursue the collection of these debts. Clearly, declaring an official default remains an option that can be used if circumstances warrant. However, our assessment is that declaration of default might be used by the Polish government to relieve itself of its obligation to make repayments. In addition, it would be a sanction difficult to reverse if the Polish situation improved. Our allies have expressed strong concern about the impact of a formal default; thus a unilateral and/or uncoordinated default would also undermine our efforts to work with our allies in maintaining pressure against the Polish and Soviet governments. Actions which risk an unplanned and unmanaged default run counter to this strategy.

The Administration decision that CCC should honor its obligations toward U.S. banks which have payments coming due under CCC guaranteed credits to Poland in a fashion similar to 1981 is fully consistent with this policy. As in 1981 CCC has offered to purchase the rights to payments owed the banks, as the payments come due. This preserves default as an option, rather than threatening to foreclose it. It does not bail out the banks, but rather allows the CCC to honor legal U.S. Government obligations to the banks in a way supportive of present policy. It in no way frees the Poles from their responsibilities; their obligations are owed to the U.S. Government instead of the banks, and we will do everything possible to collect. The CCC action does not prevent the banks from declaring a default; they are owed on unguaranteed credits to Poland and could declare default at any time they wish; it does avoid forcing them to declare default. It does not represent a de facto rescheduling as maturities and terms remain the same.

The President has indicated on recent occasions that if the situation in Poland continues to deteriorate then other measures will be considered. Default remains an option open to us in this context.

Because there has been a great deal of exaggerated reporting on this issue, the Department of State would prefer active consultations or hearings with concerned Members of Congress before any legislative action is undertaken which could produce results harmful to our overall interests.

With cordial regards,

Sincerely,

POWELL A. MOORE,
Assistant Secretary for Congressional Relations.

Mr. Speaker, this is from the State Department and I concur, it is a very difficult decision, but I think that it is the better part of wisdom that the House of Representatives today defeat the motion to recommit.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

The one problem I am having here is that I now have copies of both of these letters. I have looked at them and I thank the gentleman for reading the one from the State Department. It does help clarify their position. It says up top, the gentleman read this—

The Department understands that language may be offered to the supplemental appropriations bill for the Commodity Credit Corporation which could have the effect of requiring American banks to declare formal defaults against the Government of Poland.

That does not seem to jell with the letter that we have from the Department of Agriculture which indicates that there is no money from the Commodity Credit Corporation going into the Polish debt situation.

I think we have got two different opinions from the administration here that seem in direct conflict with each other.

Which Department are we to believe?

Mr. CONTE. I do not have the Department of Agriculture letter. If I may, I will be glad to look at it and I will ask unanimous consent that that letter be made part of the RECORD along with the letter from the State Department.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CONTE. The letter says here:

Recent publicity has associated the question of CCC losses with issues related to Polish export credit.

Mr. WALKER. If the gentleman will yield further, the operative paragraph is on the next page.

Mr. CONTE [reading]:

It should be clearly understood that no realized losses have been incurred by the Commodity Credit Corporation with respect to the making or guaranteeing of export credit to Poland. Therefore, none of the $5 billion provided in House Joint Resolution 389 is needed for such a purpose.

Does that clarify it?

Mr. WALKER. The operative paragraph though is on the next page. It says:

At present, all of the Polish debt for credit extended by the Commodity Credit Corporation or acquired by the Corporation under its guarantee programs are being maintained as accounts receivable. There are no current losses resulting from this debt.

That would seem to be in conflict with what the State Department is telling us, that by adopting the amendment proposed by the gentleman from California that we will somehow be declaring formal default.

What I am saying is the interpretation of the chairman of the Appropriations Committee earlier was that the Department of Agriculture has said that there is no liability on the part of the CCC and now the State Department tells us if we pass this amendment we are going to declare formal default.

Mr. CONTE. I think where the confusion comes in is that what the State Department is saying is that they are not paying the debt of Poland, they are paying to the banks the loans that they made to the American farmer, and I see my good friend who is an

expert on this, the gentleman from Wisconsin (Mr. REUSS) agrees with me.

Mr. REUSS. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Wisconsin.

Mr. REUSS. I thank the gentleman for yielding.

I am not an expert on this cycle pathology of the Reagan administration and I do not know which Department is not telling the truth; but I think the gentleman from Massachusetts stated it exactly.

This motion to recommit would be a mistake. Maybe the Secretary of Agriculture is in error. If so, that makes doubly important what the State Department has to say.

Mr. MYERS. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Indiana.

Mr. MYERS. I thank the gentleman for yielding.

I urge the Members not to support this motion to recommit. I do not think anybody here is in sympathy with what is going on in Poland. We certainly are not in sympathy with what is going on there. We do not want to aid and abet Russia or anyone who is doing this. If we do this we are really muddying the water. We are involving ourselves in a diplomacy which we know very little about. We ought to leave that to the professionals, if there are any, and second, we would be hurting the American farmers because they are the ones with their backs to the wall, and what the chairman has said and everyone else, this would not only slow down this very badly needed money, but it would also send a bad signal to the rest of the world, again the U.S. word is not good. Farmers have enough problems.

Someone mentioned a moment ago not to involve agriculture with foreign diplomacy. That is exactly what we would be doing by voting for the motion to recommit. For our farmers' sake and for what is happening over there, do not vote for the motion to recommit. It is well intended, I know, but it is misguided.

Mr. CONTE. I want to clarify this letter. I think this letter from Agriculture is absolutely consistent with the letter from the Department of State. On page 2, it says:

> With respect to the guaranteed credits, CCC made payments to the banks and assumed the accounts receivable for those rescheduled 1981 repayments.

That is exactly what the State Department said.

The letter follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., February 5, 1982.

Hon. JAMIE L. WHITTEN,
Chairman, Committee on Appropriations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Yesterday, the House Appropriations Committee approved House Joint Resolution 389, making urgent appropriations to restore the net realized losses of the Commodity Credit Corporation (CCC). This action by the Committee was in response to the President's recent request. Approval of this resolution will help to assure that the Commodity Credit Corporation will have sufficient resources to carry out programs mandated by current law including the Agriculture and Food Act of 1981.

We appreciate the expeditious action of the Congress and especially of the House Appropriations Committee in dealing with this matter. It is truly an urgent situation. Unanticipated high levels of losses have endangered the continued operation of our farm programs at a time when farmers are particularly vulnerable and especially in need of these programs. We need final approval of this proposal by Tuesday, February 9, 1982.

As this resolution moves the rest of the way through the Congress, it is important that everyone have the clearest possible understanding of what it does. This resolution would restore the previously unreimbursed realized losses of the Corporation resulting primarily from programs which were operated during crop years 1980 and 1981. These losses total approximately $5 billion. They result primarily from costs associated with CCC price support inventories (such as the dairy program), disaster and deficiency payments to producers, emergency feed payment programs, and the expenses incurred in maintaining storage for the grain reserve. Under law, the Commodity Credit Corporation finances these operations initially by borrowing funds from the Treasury. These Treasury loans are repaid with interest when the necessary funds are appropriated by the Congress. House Joint Resolution 389 restores these losses, enables CCC to repay this debt to the Treasury, and thus helps to restore CCC's line of credit with the Treasury within the $20 billion overall limit prescribed by law.

Recent publicity has associated the question of CCC losses with issues related to Polish export credit. It should be clearly understood that no realized losses have been incurred by the Commodity Credit Corporation with respect to the making or guaranteeing of export credit to Poland. Therefore, none of the $5 billion provided in House Joint Resolution 389 is needed for such a purpose. At present, Poland owes $540 million to the United States Government in repayment of direct export credits which were extended during 1978-1980 and $1 billion to U.S. exporters and assignees for credit guaranteed during the period 1979-1981. Last summer decisions were made to permit rescheduling of $217 million in direct credit and $143 million in guaranteed credit for which payments were due in 1981. These actions were, of course, taken prior to the current crisis. With respect to the guaranteed credit, CCC made payment to the banks and assumed the account receivable for those rescheduled 1981 repayments. Recently further decisions were made with respect to payments by CCC on an additional $71 million of guaranteed credit for which repayment was due in January 1982. These decisions were, of course, made in accordance with existing law and on the basis of Administration policy with respect to Poland.

At present, all of the Polish debt for credit extended by the Commodity Credit Corporation or acquired by the Corporation under its guarantee programs are being maintained as accounts receivable. There are no current losses resulting from this debt.

We hope this information will be helpful to you. Again, we appreciate your quick action in dealing with this matter and we remain available to provide any information or assistance you may need.

Sincerely,

JOHN R. BLOCK,
Secretary.

Mr. BEARD. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Tennessee.

Mr. BEARD. I thank the gentleman for yielding.

I would like to say, in response to my colleague from Indiana (Mr. MYERS), we are not experts.

Mr. WHITTEN. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. GLICKMAN).

Mr. GLICKMAN. Mr. Speaker, I would like to first of all indicate my support for this bill.

Mr. Speaker, I commend the Appropriations Committee for acting expeditiously to insure continued, adequate funding for the Commodity Credit Corporation. The CCC is the very foundation of the Nation's farm support system. It also facilitates financing for our vital agricultural exports. With less than 4 percent of its $20 billion of authority remaining, the seriousness of rapid action on this bill can not be underestimated.

There is another issue relating to CCC that I hope the committee will take up when its consideration of the routine fiscal year 1982 supplemental appropriation and the fiscal year 1983 appropriation come up; that is, making an appropriation for the agricultural export credit revolving fund. The fund would make available short-term credit to finance sales of U.S. agricultural commodities to develop export markets or to expand existing ones. It would insure that the levels of our farm exports do not diminish and will, hopefully, expand them. Over the years, sales of agricultural products have consistently helped offset our huge imbalance of trade caused by oil imports. Other agricultural exporting nations are becoming increasingly competitive through offering generous credit terms to their buyers. This practice threatens our trade position.

The fund would provide commercial rate loans financed through the CCC. Principal and interest payments from loans made would be returned to the fund for future loans. The authorizing legislation includes responsible oversight of the fund in that the Appropriations Committee must determine annually the amount of loans to be made.

Once again, I urge rapid passage of the CCC emergency appropriation and hope that the Appropriations Committee sees fit to make funding available

for the revolving fund during its regular appropriations process.

I realize that funding that revolving credit fund will be required, and I realize this is not the appropriate vehicle for doing that. But this revolving credit fund may be one of the few creative ways that we can compete with the European Economic Community, the Argentines, the Canadians, and others who sell grain all over the world, and I would like to ask the chairman of the committee whether his committee is going to explore, when either another supplemental come up, or when the full appropriations come up, some sort of funding for a revolving export credit fund.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Mississippi.

Mr. WHITTEN. May I say to the gentleman we have just gotten started on our hearings on the fiscal year 1983 bill and any item that he calls to our attention or anything that the budget does will certainly have our attention. I have not studied the farm bill to the same degree that the gentleman has, but it becomes our duty to do so this year and we will do it.

We have a lot of fine people on our committee and sometimes they are independent.

Mr. GLICKMAN. I thank the chairman. I would hope that both the chairman and the ranking member would realize that funding the revolving export credit fund may be one of the few creative thngs we can do to actually enhance our farm exports.

Mr. WHITTEN. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. ALBOSTA).

Mr. ALBOSTA. Mr. Speaker, I think I understand as well as anybody here what is going on. I would hope that the gentleman from California would choose not to offer his motion to recommit.

Let me state that I would think that most of my friends over on the other side that have farmers in their districts would not want to see those farmers blaming them for those lineups when there is not any money and they are all going over to the ASC office trying to overcome what has happened by this administration involving foreign policy and agricultural commodity sales.

We would not need this supplemental appropriation today if this administration had not sent out all these signals that they are about to put some kind of embargo on agricultural commodities forcing these prices down.

□ 1500

Farmers would be selling through the normal channels, and all this money is going to do is try to create some orderly marketing out there in the farming communities so that we can get by for this short period of time until the administration sees the light and quits sending out the wrong signals and agricultural commodities will come back up. They can then pay off their loans and pay the interest on it also.

I know that my good friend, the gentleman from New York, made the statement that there was a billion some dollars involved in losses of money to the U.S. taxpayers through the Commodity Credit Corporation. That may very well be so; but I believe that money is not lost through those loans to farmers for commodities that we are exporting to other nations. It is probably lost through those deals that are made directly with surplus commodities that the Commodity Corporation has on its hands and other areas.

So I say to you on the other side, particularly, I would hope that you would not support this motion to recommit and that you would support House Joint Resolution 38, because if you do not do that, you are going to get the blame and I am sure you know the politics of it, those farmers are certainly going to find themselves without money. I know that they are going to be looking back at this Congress to find out who it was that stopped this particular piece of legislation.

I want to also say those farmers in my area that are borrowing any money from the Commodity Credit Corporation now are paying 14-percent interest. I do not think they see that as any giveaway. It is probably a percentage point better than they could do at one of the loaning agencies, such as PCA or the local bank. More than 50 percent of the business that is being done at the Federal Land Bank today is refinancing farms so that they can pay their bank loans off.

I think all of us have to recognize here today that there is a problem out there and we cannot solve it until we take some action here.

Mr. WHITTEN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. PATTERSON).

Mr. PATTERSON. Mr. Speaker, I thank the gentleman for yielding to me.

I am in support of the bill and am opposed to the motion to recommit.

Mr. Speaker, I rise in support of the resolution and against recommital. I strongly support the Commodity Credit Corporation and the vital role it plays in agriculture, serving the farmer and the consumer.

First, Mr. Speaker, this resolution is good farm policy, and good farm policy, is good consumer policy. The CCC is out of money—unless we enact this legislation, the Government cannot carry out its legal responsibilities to farmers and, ultimately, to consumers. Unprecedented loan demand along with deficiency payments have reduced borrowing authority available to CCC and the Corporation's borrowing authority will soon be exhausted. Farm programs will come to an abrupt halt if this resolution is not adopted immediately.

We should not attach controversial provisions to a supplemental appropriations bill vital to American agriculture, because we should not risk slowing the bill's progress or allowing it to become a repository for amendments in the other body. This is emergency legislation as the chairman has well documented. So, regardless of the foreign policy statements with which some Members would seek to encumber this bill, let us remember that it is farm legislation and it is American farmers who will suffer if we fail to pass it.

Second, Mr. Speaker, I believe that this bill is good foreign policy. I can think of no more welcome present that we could give the military rulers of Poland than to declare them free of all legal obligations to repay their agricultural borrowing. I don't want to see Poland declared to be in default. I want to see Poland pay off its debts. It surely hurts the Polish military government more to continue to press for payment.

Further, under the cross-default clauses of many Polish loans, declaring Poland in default of its loans will produce disastrous results for Western banks, particularly in West Germany. The CCC is chartered to prevent U.S. bank losses in situations such at this. Let us remember, too, that any losses could lead to even higher domestic interest rates. Banks were encouraged by the administration to loan to Poland to support the liberalizations and beginning of a free-market economy and it is certainly not appropriate now to determine that the CCC should not act to protect them.

I urge my colleagues to oppose recommittal and to vote for this urgent and needed legislation.

Mr. WHITTEN. Mr. Speaker, again I repeat, I hope our friends can realize that this is not the best time or place to declare their independence or to fool around with this.

We do have an agreement on the other side that we send them a clean bill. I think the record will clearly show the feelings of all the Members who have spoken.

I respectfully urge our friends to think twice before they insist on adding this risk to what appears to be a certain action if we go ahead.

● Mr. WAMPLER. Mr. Speaker, I rise in support of House Joint Resolution 389, urgent Commodity Credit Corporation supplemental appropriation. This resolution provides for a supplemental appropriation in fiscal year

1982 of $5 billion for reimbursement of net realized CCC losses.

Due to record 1981 crops and low market prices, there has been unexpectedly high demand for price support loans—both conventional and farmer-held reserve loans. Additionally, low commodity prices have already triggered deficiency payments for wheat and barley, with rice and cotton, deficiency payments to be made in early February. Without this supplemental appropriation, Commodity Credit Corporation funds will be depleted and loan and payment operations will have to be suspended. This suspension would be a catastrophe in a period when farmers are suffering from a severe cash-flow problem.

One issue which I feel should be raised at this time, however, relates to recent reports of the Commodity Credit Corporation's role in indirectly providing financial assistance to Poland. Indications are that based on a recommendation from the State Department, the Commodity Credit Corporation has been making payments to banks as guarantor on certain loans that certain banks have been unable to collect on loans to Poland. The Commodity Credit Corporation Charter Act requires that only after written notice of default from creditors should the CCC make payments on guaranteed loans. I question the legality of such payments to banks, based on such reports as the editorial appearing in the Wall Street Journal today. I also have grave concerns about the State Department making policy decisions that impact on USDA operations and policies.

This Polish issue demands congressional attention, but I do not believe that the supplemental appropriation should be held up to the detriment of the American farmer. I urge my colleagues to support this resolution. The editorial follows:

DE-FAULTY LOGIC ON POLAND

The Reagan administration is resorting to twisted logic to defend its financial bailout of Poland's military dictators. Assistant Treasury Secretary Marc Leland said last Friday that declaring Poland in default of its loans would give its leaders an excuse to ignore its financial obligations. "The President has decided that maximum pressure can be put on Poland by insisting on repayment rather than declaring a default now," Mr. Leland said.

"Maximum pressure," we take it, consists for example of having U.S. taxpayers foot the bill for Poland's loans under the Agriculture Department's Commodity Credit Corp. The administration plans to pay $71 million to U.S. banks for Polish CCC loans that are already overdue. The U.S. government last year paid U.S. banks $158 million in guarantees on rescheduled Polish debt. Poland still has over $1.6 billion in outstanding CCC loans, some $300 million of which is due this year.

It now turns out that the administration's CCC decision is also of doubtful legality. The Capital Legal Foundation has developed a brief that the decision to repay the loans without a formal declaration of default violates the CCC's own rules and regulations. The rule required banks to first give notice of nonpayment, which might trigger the cross-default provisions in other loan agreements, and then for the government to confirm the finding before any government payment.

These rules were not followed in the case of Poland. Nor did the administration follow the established procedures for changing the rules, which provide that it must either publish the changes in the Federal Register and allow time for public comment, or specifically declare an emergency and explain why. The CCC of course defends its interpretation of the law, but the banks themselves are pondering the legality of the unorthodox arrangement, as well as certain CCC changes in interest provisions, before deciding whether to accept the money. They have until Feb. 13 to decide.

Contrary to putting "maximum pressure" on the dictators in Warsaw and Moscow, the administration's actions permit the Communist bloc to escape—for at least a time—the harsh financial consequences of Poland's de facto default. A declaration of default would put intense financial and political pressure on the Communist bloc. Polish trade would probably come to a standstill, at least until a strict repayment plan was agreed on. Bankers would be forced to look more skeptically at all East bloc loans, depriving the Soviet economy, and indirectly its military machine, of the kind of infusion of credit it has enjoyed the last decade.

While the Reagan administration is reluctant to take such a strong step, several members of Congress are not. Senator Patrick Moynihan yesterday introduced a bill to declare Poland in default of all of its loan obligations to the U.S. Today Sen. Moynihan and Rep. Jerry Lewis plan to introduce floor amendments to a $5 billion supplemental appropriation for the CCC requiring the agency to abide by its own rules and to receive default notices before any payments are made on Poland's debt.

Thus Congress will have its chance to be heard. Perhaps it will have the courage of Mr. Reagan's convictions.●

● Mr. DERWINSKI. Mr. Speaker, in its present form I must oppose House Joint Resolution 389, the Commodity Credit Corporation supplemental appropriation, primarily because of the recent Agriculture Department decision to cover the debt installment owed by Poland to U.S. banks. Therefore, I will vote for the motion to recommit, and if that fails, I will vote against the resolution.

There is no good reason why the U.S. Government should take the pressure off the martial law regime in Poland by altering the normal loan guarantee requirements of the Commodity Credit Corporation. When Poland's debt installment of $70 million to U.S. banks came due recently and Poland could not pay, the banks to whom the debt was owed should have, as the CCC requires, aggressively sought payment from Poland. Instead, the Agriculture Department paid the bill.

The administration has expressed its shock and dismay at the December military coup in Poland. It has, rightly condemned the Polish Government's "war against its own people." After the imposition of martial law in Poland, the U.S. Government invoked sanctions against the military junta and against the Soviet overlords of Poland.

We are working assiduously to obtain the support of our friends and allies. To give the military regime in Poland special lenient treatment flies in the face of the program of sanctions.

I cannot support this contradictory policy. It gives conflicting signals to the countries of the West, to the generals in Warsaw, and to the Communist tyrants in Moscow.

This administration overall has done a good job of leading the free world, but it has been plagued by contradictory decisions especially relating to the Soviet Union and now to Poland with the shortsightedness of the Agriculture Department.●

● Mrs. SCHNEIDER. Mr. Speaker, it is my intention to vote against passage of House Joint Resolution 389, titled "Urgent Commodity Credit Corporation Supplemental Appropriation." It is my understanding that among its losses for the past 2 years, the CCC has reported more than $2.5 billion in unpaid interest on loans. This is largely due to the fact that many of those who default on loans are not required to pay interest.

It is my belief that the CCC ought to more actively seek payment of interest on such loans. In opposing this bill, it is my hope that it will be reported back with language to this effect.●

● Mr. EVANS of Iowa. Mr. Speaker, agricultural producers in this country are currently facing a cost-price squeeze on farm commodities that is having a serious adverse effect on farm income. It commands our attention as we seek out ways to alleviate the plight of these individuals and the farm sector as a whole. It is vital that the sagging farm economy be bolstered in every way possible consistent with sound agricultural and economic policy. Expanded exports of agricultural commodities offer the greatest promise of providing upward pressure on farm prices. With this goal I am introducing legislation aimed at encouraging the expanded use of international barter by both the Commodities Credit Corporation (CCC) and the private sector in cooperation with the CCC.

One goal of this legislation is to expand exports of agricultural products while receiving in return strategic materials and petroleum products that are needed by this country for our national stockpiles. While the CCC used similar authority extensively in the 1960's in acquiring strategic materials under the Agricultural Trade Development and Assistance Act of 1954, the

use of barter came to an end during the 1970's as Government inventories of grains dwindled. With surpluses now back in abundance, this legislation is designed to encourage exploration of new foreign markets for agricultural products in areas where strategic materials or petroleum products exist—traditionally in major parts of Africa and Asia. While there are obvious needs for additional foodstuffs in a large number of these countries, a lack of currency or credit to purchase agricultural commodities has often been detrimental to trade.

This legislation will allow a U.S. exporter of agricultural commodities to obtain a letter of commitment from the CCC to accept an agreed-upon quantity of a needed material of specified quality and of a specified price when delivered to port in the United States. This firm commitment by the CCC gives the exporter flexibility to search out markets which otherwise might not be served. The CCC, upon receipt of the foreign materials, is then authorized to sell the acquired materials to our national stockpiles.

Another goal of this legislation is to encourage and expedite use of barter by commercial interests here and abroad when such barter will expand our grain export markets. Barter agreements have always been much more difficult to arrange than ordinary export contracts because they involve price uncertainties in two commodities rather than one. This legislation permits the CCC to expedite and simplify the process of arriving at barter agreements by serving as a clearinghouse for commercial offers to buy a variety of materials produced overseas and needed in this country, and by insuring that these offers are made known on a continuing basis to commercial grain export companies. The ready availability and exchange of such information should substantially increase interest in pursuing barter contracts.

This bill encourages an alternative selling arrangement for U.S. agricultural products, while at the same time increasing supplies of materials in short supply in this country.

At a time when we need all possible tools to expand our agricultural exports, this bill would provide one such tool, and I offer it for consideration by my colleagues.●

Mr. WHITTEN. Mr. Speaker, I yield back the balance of my time and I move the previous question on the joint resolution to final passage.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. LEWIS

Mr. LEWIS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the joint resolution?

Mr. LEWIS. I am opposed to the joint resolution, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. LEWIS moves to recommit the resolution (H.J. Res. 389) to the Committee on Appropriations with instructions to report the same back forthwith with the following: Page 2, after line 7, add the following new language: "None of the funds provided in this Act shall be paid by the Commodity Credit Corporation for payment on guaranteed loans to Poland.".

The SPEAKER pro tempore. The gentleman from California (Mr. LEWIS) is recognized for 5 minutes in support of his motion to recommit.

Mr. LEWIS. Mr. Speaker, I address myself first to my chairman.

To say the least, I am a bit uncomfortable being in this position. Serving on both the Subcommittee on Foreign Operations, as well as Agriculture, joins the issues here in a very interesting way.

Let me say to my colleagues that during the years that it was my privilege to serve with then Governor Reagan in California, I learned that from time to time that great Governor, while busy with other matters, had his position or direction somewhat distorted by some of the help who had not really thought through a specific issue. I learned that from time to time it was not a bad thing for those of us who were friends of the administration to be willing to raise a question when we had a doubt or a question of principle was involved or perhaps even when questions of logic were involved. Because of that experience, I have been moved to come to this position today. At the very time that our President was urging our NATO allies to use credits to put pressure upon that military regime that is suppressing the people of Poland some were suggesting that we back off.

I was astonished, my colleagues, I was astonished to find that the third level of our State Department, the soft underbelly that has always been there—Democrat President or Republican President—was talking with the Department of Agriculture, asking them to move their rules around urging USDA to take actions that fly in the face of a basic policy controlling the use of Commodity Credit Corporation funds; indeed, taking actions that could very well undermine the credibility of the Commodity Credit Corporation, undermine the very program that my friends from Agriculture are expressing great concern about today.

Now, let me share with you what I have learned. I must say that it is difficult to get a handle on the actual statistics involved, because nobody seems to really know what has been happening at USDA, in spite of a clear policy on the part of Congress.

First, I have learned that while the data is not totally clear, USDA put the total figure at approximately $1.62 billion of money commitments from CCC guaranteeing loans to Poland, broken down as follows:

There is $47.3 million owed under Public Law 480.

There is $540.3 million owed under the GSM-5, export sales program.

There is $876.1 million guaranteed under the GSM-101 and 102 export guarantee programs. This includes a principal of $805 million and interest of $71.1 million; $158 million has been paid to banks as a result of Poland's rescheduling last year of guaranteed loans.

Now, what that means is that throughout 1981 USDA has been pushing around the regulations a bit and paid out $158 million of money owed to banks and now that money through rescheduling is essentially owed by the Government.

As of January, going into the 1982 year, the first step has been $71 million. Almost $53 million is due in February; $53 million in March and so forth.

The point is this. Literally something in excess of three-quarters of a billion dollars could very well be transferred from the banks to our debit line, thereby perhaps undermining CCC and the Congress would not even have known about it if some way, somehow, as the President was urging our NATO allies to put pressure on, we learned that people in the State Department were asking the USDA to help them take the pressure off.

The purpose of this amendment is to do two things. The first is to bring to the light of day the fact that the rules have been fudged and that fudging could dramatically affect CCC.

The second is the reality that Western credits are being used to hold up the economies of the Eastern bloc and some people on extremes would suggest that those very economies might fall otherwise and, indeed, they suggest it holds back the need for Russia to do more and some even suggest that that reduced pressure on Russia allows them to continue to build their military machine. All of those items are involved.

One of the things that this amendment does not do, it does not put in jeopardy CCC. Indeed in terms of actual meaning this amendment only places a symbol out front on behalf of those who would have our country use every faction of its will in support of the people of Poland. Western credit markets should be used to put pressure on the oppressors of Poland.

They should be used to extend opportunity and hope. They should not be used in support of Eastern bloc economics but rather on behalf of freedom.

I thank my colleagues for their patience and their support.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LEWIS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present. Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of the passage of the joint resolution.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 152, nays 256, not voting 26, as follows:

[Roll No. 3]

YEAS—152

Anderson	Flippo	Murtha
Archer	Fountain	Napier
Ashbrook	Fowler	Neal
AuCoin	Frost	Nelligan
Badham	Fuqua	Nelson
Bafalis	Gephardt	Nichols
Bailey (MO)	Gilman	Ottinger
Beard	Gingrich	Parris
Benedict	Gramm	Pashayan
Benjamin	Grisham	Patman
Bennett	Hagedorn	Paul
Bethune	Hall (OH)	Pease
Bevill	Hall, Ralph	Petri
Bliley	Hall, Sam	Ritter
Bouquard	Hance	Roemer
Brinkley	Hansen (ID)	Roth
Brodhead	Hartnett	Rousselot
Brown (CO)	Hefner	Rudd
Broyhill	Hendon	Russo
Burton, John	Hertel	Scheuer
Carman	Hightower	Schroeder
Carney	Hopkins	Schulze
Chappie	Hubbard	Sensenbrenner
Clausen	Hunter	Sharp
Coleman	Hyde	Shelby
Collins (TX)	Jenkins	Shumway
Corcoran	Johnston	Shuster
Courter	Jones (OK)	Skelton
Coyne, James	Kemp	Smith (AL)
Craig	Kramer	Smith (NJ)
Crane, Daniel	Leath	Smith (OR)
Crane, Philip	LeBoutillier	Snowe
D'Amours	Lee	Snyder
Dannemeyer	Lent	Solomon
Davis	Levitas	Stangeland
Deckard	Lewis	Stenholm
Derrick	Livingston	Stump
Derwinski	Long (MD)	Tauke
Dorgan	Lujan	Taylor
Dreier	Lungren	Thomas
Duncan	Martin (NC)	Volkmer
Eckart	Mazzoli	Walgren
Edwards (OK)	McCollum	Walker
Emerson	McCurdy	Watkins
Emery	McDonald	Weber (MN)
English	McEwen	Whitley
Erdahl	McGrath	Wilson
Fenwick	Miller (OH)	Wolf
Fiedler	Molinari	Yatron
Fields	Moorhead	Young (AK)
Fithian	Mottl	

NAYS—256

Addabbo	Goodling	Panetta
Akaka	Gore	Patterson
Albosta	Gradison	Pepper
Alexander	Gray	Perkins
Andrews	Green	Peyser
Annunzio	Gregg	Pickle
Anthony	Guarini	Porter
Aspin	Gunderson	Price
Atkinson	Hamilton	Pritchard
Bailey (PA)	Hammerschmidt	Quillen
Barnard	Hansen (UT)	Rahall
Barnes	Harkin	Railsback
Bedell	Hatcher	Rangel
Beilenson	Hawkins	Ratchford
Bereuter	Heckler	Regula
Bingham	Heftel	Reuss
Blanchard	Hillis	Rhodes
Boggs	Holland	Richmond
Boland	Hollenbeck	Rinaldo
Bolling	Holt	Roberts (KS)
Boner	Howard	Roberts (SD)
Bonior	Hoyer	Robinson
Bonker	Huckaby	Rodino
Bowen	Hughes	Roe
Brooks	Hutto	Rogers
Broomfield	Ireland	Rose
Burgener	Jacobs	Rosenthal
Burton, Phillip	Jeffords	Rostenkowski
Butler	Jones (NC)	Roukema
Byron	Jones (TN)	Roybal
Chisholm	Kastenmeier	Sabo
Clay	Kazen	Savage
Clinger	Kennelly	Sawyer
Coelho	Kildee	Schneider
Collins (IL)	Kindness	Schumer
Conable	Kogovsek	Seiberling
Conte	LaFalce	Shamansky
Conyers	Lagomarsino	Shannon
Coughlin	Lantos	Shaw
Coyne, William	Latta	Siljander
Crockett	Leach	Simon
Daniel, Dan	Lehman	Skeen
Daniel, R. W.	Leland	Smith (IA)
Danielson	Loeffler	Smith (NE)
Daschle	Long (LA)	Smith (PA)
Daub	Lott	Solarz
de la Garza	Lowery (CA)	Spence
Dellums	Lowry (WA)	St Germain
Dicks	Luken	Stanton
Dingell	Lundine	Stark
Dixon	Madigan	Staton
Donnelly	Markey	Stokes
Dougherty	Marks	Stratton
Dowdy	Marlenee	Studds
Downey	Marriott	Swift
Dunn	Martin (IL)	Synar
Dwyer	Martin (NY)	Tauzin
Dyson	Matsui	Traxler
Edgar	Mattox	Trible
Edwards (AL)	Mavroules	Udall
Edwards (CA)	McClory	Vander Jagt
Ertel	McDade	Vento
Evans (DE)	McHugh	Washington
Evans (GA)	Mica	Waxman
Evans (IA)	Michel	Weber (OH)
Evans (IN)	Mikulski	Weiss
Fary	Miller (CA)	White
Fascell	Mineta	Whitehurst
Fazio	Minish	Whittaker
Ferraro	Mitchell (MD)	Whitten
Findley	Mitchell (NY)	Williams (MT)
Fish	Moakley	Williams (OH)
Florio	Moffett	Winn
Foglietta	Mollohan	Wirth
Foley	Montgomery	Wolpe
Ford (MI)	Moore	Wortley
Ford (TN)	Morrison	Wright
Forsythe	Murphy	Wyden
Frank	Myers	Wylie
Frenzel	Natcher	Yates
Garcia	Nowak	Young (FL)
Gaydos	O'Brien	Young (MO)
Gejdenson	Oakar	Zablocki
Ginn	Oberstar	Zeferetti
Glickman	Obey	
Gonzalez	Oxley	

NOT VOTING—26

Applegate	DeNardis	Horton
Biaggi	Dickinson	Jeffries
Breaux	Dornan	McCloskey
Brown (CA)	Dymally	McKinney
Brown (OH)	Early	Pursell
Campbell	Erlenborn	Santini
Chappell	Gibbons	Wampler
Cheney	Goldwater	Weaver
Coats	Hiler	

□ 1530

The Clerk announced the following pairs:

Mr. Biaggi with Mr. Wampler.
Mr. Chappell with Mr. McKinney.
Mr. Weaver with Mr. Goldwater.
Mr. Breaux with Mr. Campbell.
Mr. Applegate with Mr. Dickinson.
Mr. Early with Mr. Brown of Ohio.
Mr. Santini with Mr. Pursell.
Mr. Dymally with Mr. Erlenborn.
Mr. Brown of California with Mr. McCloskey.
Mr. DeNardis with Mr. Cheney.
Mr. Hiler with Mr. Coats.
Mr. Jeffries with Mr. Horton.

Messrs. WILLIAMS of Montana, ROSTENKOWSKI, ANNUNZIO, and Mrs. SCHROEDER changed their votes from "yea" to "nay."

Mrs. FENWICK, Messrs. WILSON, PASHAYAN, ASHBROOK, SKELTON, CRAIG, SMITH of New Jersey, and MURTHA, Ms. MIKULSKI, Messrs. FROST, YATRON, NICHOLS, HEFNER, FUQUA, HANCE, HUBBARD, and EDWARDS of Oklahoma, Mrs. SCHROEDER, and Messrs. STENHOLM, HIGHTOWER, HERTEL, and BAFALIS, changed their votes from "nay" to "yea."

Ms. MIKULSKI changed her vote from "yea" to "nay."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the joint resolution.

The question was taken: and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PAUL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to the previous announcement of the Chair, this recorded vote will be limited to 5 minutes.

The vote was taken by electronic device, and there were—ayes 320, noes 86, not voting 28, as follows.

[Roll No. 4]

AYES—320

Addabbo	Bingham	Conte
Akaka	Blanchard	Corcoran
Albosta	Boggs	Coughlin
Alexander	Boland	Courter
Andrews	Bolling	Coyne, William
Annunzio	Boner	D'Amours
Anthony	Bonior	Daniel, R. W.
Applegate	Bonker	Danielson
Aspin	Bouquard	Daschle
Atkinson	Bowen	Daub
AuCoin	Brinkley	Davis
Badham	Brooks	de la Garza
Bafalis	Broomfield	Deckard
Bailey (MO)	Burgener	Derrick
Bailey (PA)	Burton, John	Dicks
Barnard	Burton, Phillip	Dingell
Barnes	Butler	Dixon
Beard	Byron	Donnelly
Bedell	Chappie	Dorgan
Beilenson	Chisholm	Dougherty
Benedict	Clausen	Dowdy
Benjamin	Clinger	Downey
Bereuter	Coelho	Duncan
Bethune	Coleman	Dunn
Bevill	Conable	Dwyer

Dyson	Kazen	Richmond
Eckart	Kennelly	Roberts (KS)
Edgar	Kildee	Roberts (SD)
Edwards (AL)	Kindness	Robinson
Edwards (CA)	Kogovsek	Rodino
Edwards (OK)	LaFalce	Roe
Emerson	Lagomarsino	Rogers
Emery	Lantos	Rose
English	Latta	Rostenkowski
Erdahl	Leach	Roukema
Ertel	Leath	Roybal
Evans (DE)	Lehman	Rudd
Evans (GA)	Leland	Sabo
Evans (IA)	Lewis	Sawyer
Evans (IN)	Livingston	Scheuer
Fary	Loeffler	Schroeder
Fascell	Long (LA)	Schumer
Fazio	Lott	Seiberling
Ferraro	Lowery (CA)	Shamansky
Fields	Lowry (WA)	Shannon
Findley	Luken	Sharp
Fish	Lundine	Shaw
Fithian	Madigan	Shuster
Flippo	Markey	Siljander
Florio	Marks	Simon
Foglietta	Marlenee	Skeen
Foley	Marriott	Skelton
Ford (MI)	Martin (IL)	Smith (IA)
Forsythe	Martin (NC)	Smith (NE)
Fountain	Martin (NY)	Smith (NJ)
Frenzel	Matsui	Smith (PA)
Frost	Mattox	Snowe
Fuqua	Mavroules	Solarz
Garcia	Mazzoli	Spence
Gaydos	McClory	St Germain
Gejdenson	McCurdy	Stangeland
Gephardt	McDade	Stanton
Gingrich	McEwen	Stark
Ginn	McHugh	Staton
Glickman	Mica	Stenholm
Gonzalez	Michel	Stratton
Gore	Mikulski	Studds
Gray	Miller (CA)	Stump
Green	Mineta	Swift
Gregg	Minish	Synar
Guarini	Mitchell (NY)	Tauke
Gunderson	Moakley	Tauzin
Hagedorn	Moffett	Taylor
Hall (OH)	Molinari	Thomas
Hall, Ralph	Mollohan	Traxler
Hall, Sam	Montgomery	Trible
Hamilton	Moore	Udall
Hammerschmidt	Morrison	Vander Jagt
Hance	Murtha	Vento
Hansen (UT)	Myers	Volkmer
Harkin	Napier	Watkins
Hartnett	Natcher	Waxman
Hatcher	Neal	Weber (MN)
Hawkins	Nelligan	Weber (OH)
Hefner	Nelson	White
Heftel	Nichols	Whitehurst
Hightower	Nowak	Whitley
Hillis	Oakar	Whittaker
Holland	Oberstar	Whitten
Hollenbeck	Obey	Williams (MT)
Holt	Ottinger	Williams (OH)
Hopkins	Oxley	Wilson
Howard	Panetta	Winn
Hoyer	Pashayan	Wirth
Hubbard	Patterson	Wolf
Huckaby	Pease	Wolpe
Hunter	Pepper	Wortley
Hutto	Petri	Wright
Hyde	Pickle	Wyden
Ireland	Price	Yates
Jacobs	Pritchard	Yatron
Jeffords	Quillen	Young (AK)
Jenkins	Rahall	Young (FL)
Jones (NC)	Ratchford	Young (MO)
Jones (OK)	Regula	Zablocki
Jones (TN)	Reuss	Zeferetti
Kastenmeier	Rhodes	

NOES—86

Anderson	Collins (IL)	Dreier
Archer	Collins (TX)	Fenwick
Ashbrook	Conyers	Fiedler
Bennett	Coyne, James	Ford (TN)
Bliley	Craig	Fowler
Brodhead	Crane, Daniel	Frank
Brown (CO)	Crane, Philip	Gilman
Broyhill	Crockett	Goodling
Carman	Dannemeyer	Gradison
Carney	Dellums	Gramm
Clay	Derwinski	Grisham
Hansen (ID)	Miller (OH)	Russo
Heckler	Mitchell (MD)	Savage
Hendon	Moorhead	Schneider
Hertel	Mottl	Schulze
Hughes	Murphy	Sensenbrenner
Johnston	O'Brien	Shelby
Kemp	Parris	Shumway
Kramer	Patman	Smith (AL)
LeBoutillier	Paul	Smith (OR)
Lee	Peyser	Snyder
Lent	Porter	Solomon
Levitas	Rangel	Stokes
Long (MD)	Rinaldo	Walgren
Lujan	Ritter	Walker
Lungren	Roemer	Washington
McCollum	Rosenthal	Weiss
McDonald	Roth	Wylie
McGrath	Rousselot	

NOT VOTING—28

Biaggi	Dickinson	McCloskey
Breaux	Dornan	McKinney
Brown (CA)	Dymally	Perkins
Brown (OH)	Early	Pursell
Campbell	Erlenborn	Railsback
Chappell	Gibbons	Santini
Cheney	Goldwater	Wampler
Coats	Hiler	Weaver
Daniel, Dan	Horton	
DeNardis	Jeffries	

The Clerk announced the following pairs:

Mr. Biaggi with Mr. Wampler.
Mr. Chappell with Mr. McKinney.
Mr. Weaver with Mr. Goldwater.
Mr. Breaux with Mr. Campbell.
Mr. Early with Mr. Brown of Ohio.
Mr. Santini with Mr. Pursell.
Mr. Dymally with Mr. Erlenborn.
Mr. Brown of California with Mr. McCloskey.
Mr. Dan Daniel with Mr. Railsback.
Mr. DeNardis with Mr. Cheney.
Mr. Hiler with Mr. Coats.
Mr. Jeffries with Mr. Horton.
Mr. Perkins with Mr. Dickinson.

Messrs. CONYERS, KRAMER, HERTEL, and MILLER of California, Mrs. COLLINS of Illinois, and Mr. GILMAN, changed their votes from "aye" to "no."

Messrs. SILJANDER and MILLER of California changed their votes from "no" to "aye."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1545

URGENT SUPPLEMENTAL APPROPRIATION FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, 1982

Mr. WHITTEN. Mr. Speaker, pursuant to the order of the House of Thursday last, I call up the joint resolution (H.J. Res. 392) making an urgent supplemental appropriation for the Department of Health and Human Services for the fiscal year ending September 30, 1982, and ask for its consideration in the House as in the Committee of the Whole.

The Clerk read the joint resolution, as follows:

H.J. RES. 392

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1982, namely:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

SOCIAL SECURITY ADMINISTRATION

LOW INCOME ENERGY ASSISTANCE

For an additional amount for "Low Income Energy Assistance", $123,000,000.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTEN. Mr. Speaker, I move to strike the last word.

Mr. Speaker, as chairman of the Committee on Appropriations, at the request of numerous members, I introduced this joint resolution, due to the acute situation existing in many of the major cities and elsewhere throughout the country because of the extremely cold weather. In this situation of extremely cold weather, there is a shortage of funds for assistance to the low-income groups in connection with energy. I strongly support this legislation, and at this time I would be glad to hear from the gentleman from Kentucky (Mr. NATCHER), chairman of the subcommittee which handles this bill.

Mr. NATCHER. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the resolution just called up by my chairman, House Joint Resolution 392, provides for an additional sum of $123 million for the low-income energy assistance program.

For fiscal year 1981 we had the sum of $1,850 million for this program. The authorization for fiscal year 1982 is $1,875 million. This authorization, as the Members of the House know, is contained in the Omnibus Reconciliation Act that was enacted last year.

In the regular bill from the Appropriations Committee for the Department of Labor, for the Department of Health and Human Services, and for the Department of Education for fiscal year 1982 we had the sum of $1,850 million. The continuing resolution contains the sum of $1,752 million. When we take the $123 million in this urgent House joint resolution and add it to the amount contained in the continuing resolution, we have the sum of $1,875 million, the total amount authorized for the low-income energy assistance program.

Mr. Speaker, in January of 1982 we had the coldest month in the 20th century, throughout most of the 50 States. Temperatures ranged from 6° below normal to almost 20° below normal. There were a great many people in this country who suffered by

virtue of the cold weather during the month of January. As the Members of the House know, we expect to have more cold weather during the month of February and probably on into the month of March.

Fuel and utility prices have increased 14.8 percent over the last year. Unemployment at the present time is 8.8 percent. So what do we have, Mr. Speaker? Energy use is higher, prices are higher, the number of people who must rely upon the assistance in this program is higher. But, there is less money this year for this program.

Our Subcommittee on Labor, Health and Human Services and Education tried to determine how many States were out of energy assistance money. the people from the Department of Health and Human Services, when they appeared to testify on this joint resolution, informed us that they did not know—that OMB would not give them permission to make this type of a study or a survey. But we did, Mr. Speaker, obtain certain information from one of the outside groups which did a telephone poll on January 28 and 29, 1982, of each State energy assistance office.

As a result, Mr. Speaker, we discovered as an example that the State of Oregon needs more money at the present time; it will be out of funds by mid-February. In the State of Massachusetts, the State has exhausted most of its funds and the funds will be exhausted by mid-March. For the State of Maine, the State of Maine is currently out of money. In New Hampshire they are out of funds as of the first day of the present month. New York State has obligated all of its funds. South Carolina has also obligated all of its funds, and no additional applications are being accepted. Nevada has a high backlog of applications; the State will not accept applications after the first day of this month.

The State of Iowa is out of funds, and they have received a record number of applications. Colorado has all of its funds obligated. In the State of Kentucky, the State is expected to run out of funds by the middle of this month.

Mr. Speaker, those are a few of the States and the conditions that exist now throughout the United States.

From time to time we hear inquiries that are made as to why it is, Mr. Speaker, that some of the currently available funds have not been drawn down. Based on the facts I have just described, Mr. Speaker, I am certain that every dollar that will be in this entire program during 1982, the amount of $1,875 million, will be necessary. Every dollar of it will be used.

The SPEAKER pro tempore. The time of the gentleman from Kentucky (Mr. NATCHER) has expired.

(By unanimous consent, Mr. NATCHER was allowed to proceed for 1 additional minute.)

Mr. NATCHER. Mr. Speaker, during the winter of last year, which was not a cold winter, only $29 million was turned back. In the present winter, one of the bitterest winters in the history of this country, not a dollar of this money will be turned back.

Mr. Speaker, I hope that every Member of this House votes for this joint resolution.

Mr. CONTE. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I am pleased that the Appropriations Committee comes before the House today to support this critical supplemental for the low-income energy assistance program.

It is a credit to our good chairman, Mr. WHITTEN and to our subcommittee chairman, the gentleman from Kentucky, BILL NATCHER, that they have moved rapidly to make these additional funds available.

The $123 million sought here would bring the funds available for this program up to the authorization level set in reconciliation last spring of $1.875 billion. Essentially that means the program will be level funded with fiscal 1981.

Under the third continuing resolution passed on December 10, 1981, the Congress appropriated $1.752 billion for the low income energy assistance program.

Believe it or not, there were some good quick responses to the Congress stated intention of moving these funds quickly through the bureaucracy and to the States. By December 30, 1981, 80 percent of the funds had been apportioned among the States. By January 14, 90 percent of the funds were apportioned and are now available for drawdown.

I am informed that by the first of March it is the hope of the Department of Health and Human Services, with assistance from OMB, that the remaining 10 percent will be out in the pipeline. Frankly, I am hopeful that they will be able to move the funds much quicker than that and get them out in the next 2 weeks.

In any event, the $1.752 billion that we already appropriated will not be sufficient to meet the needs of needy people in this country.

First of all let us look at the basic facts:

This is the coldest winter of this century; 46 States have experienced a harsher winter than any time in the last 80 years including temperatures ranging from 6 to 20 degrees below normal.

During the most recent reporting period—January 10-24, 1982—demand for heating energy as estimated by the Department of Commerce was 11 percent above normal.

Energy prices in general increased 12.7 percent between October 1980 and October 1981.

And, the Bureau of Labor Statistics study shows that the average price of heating oil increased 15.7 percent during the same period. Natural gas by nearly 20 percent.

Unemployment is at 8.9 percent and more than 9 million Americans are out of work. That means that there are at least 9 million Americans that have an extra burden to face this winter in addition to their heating bills.

Some people argue that there is not a need for the additional funds. That just is not true. Let us look at some other facts:

The Department of Health and Human Services estimates that there are 21 million eligible households in this country that should receive assistance under this program.

It is estimated, also by the Department of Health and Human Services, that fewer than 8.5 million households will actually be served due to insufficient funds.

That means that individual States, depending on their State plan, are serving between 25 and 40 percent of the needy eligible households.

Let us just take Pennsylvania as an example. In Pennsylvania there are 1.4 million eligible households. There are also 690,000 families below 125 percent of the poverty level. And yet, the Pennsylvania share of available funds calls for serving 375,000 families, or only 27 percent of those eligible.

Mr. McDADE. Mr. Speaker, will my friend, the gentleman from Massachusetts, yield?

Mr. CONTE. I am glad to yield to my good friend, the gentleman from Pennslyvania.

Mr. McDADE. Mr. Speaker, I want to underline what my colleague, the gentleman from Massachusetts (Mr. CONTE), has said and congratulate him on his efforts in this direction.

I have checked with my own State people. I know from my own experience that in my own district there are people out there who are having to make decisions sometimes on whether to heat their homes or whether to eat, it is that bad.

I want my friend to know that I am fully in support of him and congratulate him on his efforts. I hope the House will overwhelmingly adopt this initiative, and I commend the gentleman and the other members of the committee for the work they are doing in this direction.

□ 1600

Mr. CONTE. I want to thank the gentleman from Pennsylvania, Mr. McDADE. JOE McDADE has been a great supporter of this program and I know, serving with him for 20 years in this House, that he certainly has the com-

passion and the milk of human kindness in his veins.

Mr. Speaker, a number of people argue that the States have not been using the energy assistance money that we have already appropriated. That is not accurate either and to understand the situation we must have some knowledge about the operation of the program.

First of all, there are 50 State plans all approved by the Department of Health and Human Services, but each one has its own unique features in order to allow an individual State to meet the priority needs of its population. Therefore it is understandable that circumstances in the States vary from State to State.

For those that claim that the States have drawn down only 25 to 30 percent of the funds already appropriated it should be noted that even HHS has often commented that the drawn down amount is not a decent indicator of need for the program.

States, through establishing vendor lines of credit and delayed billing procedures and voucher systems, have successfully tried to get the program moving quickly this year without necessarily having to have a lot of cash on hand.

The net result is that through these vendor lines of credit, through delayed billings, and through voucher systems the State programs managed to advance their assistance without having to put up a lot of cash early on.

Now, that cash is needed and is in the process of being drawn down. Many, many States have obligated or committed all of their shares of these funds as of this date.

Speaking of States having committed their funds, let us look at a few examples:

Alabama: 80 percent of funds already obligated; benefits have been reduced by two-thirds since last year in order to try and help more households.

Arkansas: 100 percent of funds obligated; reduced eligibility pool in order to maintain average benefit level of $75 per household.

A lot of people think it is warm out there in Arkansas, but they have some cold spells. I know.

California: reduced average benefit from $137 per eligible family to $86 per family when costs have gone up 15.7 percent.

Delaware: will be out of funds by February 28. Benefits have been reduced by 20 percent since last year.

Georgia: 50 percent of counties were out by January 10; 90,000 households served and no funds now available.

Idaho: had obligated 75 percent as of January 22; benefits reduced from $245 per eligible family last year to $140 per eligible family this year. That is a 42-percent reduction.

Some persons charge that the States can transfer funds from the social services block grant and the community services block grant into the low income assistance program.

Yes, they can do that, but let's face the realities there also. Those block grants have already been reduced by 25 percent. That is 25 percent being taken away from vital human services like child care. States cannot cut those services anymore.

We should not be forcing the States or our people to make choices between proper nutrition or child care and heating their homes this winter.

Another fact that should be mentioned is that due to the tightness of funds this year in the program, many States put early deadlines on applications for the fuel assistance programs. Americans are a proud people and many try to make their own ends meet for as long as possible before seeking necessary assistance. In some States the December 31 deadline and in other the January 31 deadline means that persons who in February and March will be unable to pay their bills will have no recourse for assistance.

Mr. Speaker, I ask unanimous consent to submit a U.S. News & World Report February 1, 1982, article into the RECORD entitled "Winter's Heavy Toll," and commend all of my colleagues to read this. They will realize the need for this.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The article follows:

WINTER'S HEAVY TOLL

The frigid season is only weeks old, but already snow and subzero temperatures are disrupting lives, threatening to deepen the recession.

The coldest winter of the century is blowing an ill wind over the already chilled economy.

Arctic temperatures struck states from the Atlantic to the Rockies, and even reached into parts of California. If winter's wrath continues, experts predict that it will deepen the recession, increase unemployment and impede progress against inflation.

Soaring fuel bills hit family and business checkbooks. Cities spent millions on snow removal, pinching their already tight budgets. Stores emptied. Crops were nipped. Plants and offices went on short hours.

So sharp was the impact that Bob Schultz of the Illinois Insurance Information Service calculated that the insured winter damage in 26 states already had reached 123 million dollars, with the season only a month old.

"If the cold spell is prolonged," asserts Tom Robinson of Merrill Lynch Economics in New York, "we could have a much weaker economy in the first quarter" than had been expected.

Robinson estimates that continued bad weather could worsen the nation's falling output of goods and services by as much as one half of 1 percentage point annually in this quarter.

Lawrence Chimerine, chief economist of Chase Econometrics in Bala-Cynwyd, Pa., agrees: "The weak economy will be weakened further if the cold winter lasts beyond one month."

Adds Allen Sinai of Data Resources, Inc., in Lexington, Mass.: A continued cold wave also "could raise inflation a little higher" by injuring fruit and vegetable crops and, thereby, hiking prices.

Even if the nation's total production escapes severe damage, notes Robert Ortner, chief economist for the Commerce Department, "individual sectors—department stores, autos, construction—could be hard hit."

The outlook is darkened by the fact that more stormy weather—which already has claimed at least 300 lives and hundreds of millions of dollars' worth of property damage—is predicted.

The National Weather Service forecasts below-normal temperatures for the eastern two thirds of the nation over the next 30 days. "The Siberian Express is just temporarily derailed," warns Harold Gibson, the service's chief meteorologist in Manhattan, where a recording of zero degrees Fahrenheit on January 18 was the lowest for that date in 107 years.

Not only did the storms bring the coldest temperatures of the century, but they were unique in another respect: They struck virtually every state east of the Rockies, including those in the normally sunny South.

Temperatures plunged to record lows in cities as far apart as Chicago, minus-26 degrees, and Tallahassee, Fla., plus-16 degrees. The Baltimore-Washington area shivered under its coldest weather since 1934. Birmingham Ala., suffered subzero temperatures for only the fifth time since 1885. Jackson, Miss., piled up the most snow in its history.

PEACH LOSS, TOO

The upper Midwest was blanketed under 18 inches of snow, and storms tormented the Plains states. Illinois alone suffered 11.7 million dollars of damage, losing its peach crop worth some 4 million dollars.

But the heavy snows were just one outburst in this winter's freakish behavior. Earthquakes shook buildings and rattled windows in seven northeastern states and eastern Canada. Hurricane-force winds whipped parts of Colorado. Record rainfalls caused mud slides and 200 million dollars of damage in the San Francisco area.

Winter's binge convinced shoppers to stay at home, slicing into retail sales in many parts of the country. A spokesman for the Sibley, Lindsay & Curr department-store chain noted that sales are "off substantially" in its stores in 14 Upstate New York cities.

R. Bruce Campbell, of Higbee's Department Stores in northeastern Ohio, says: "The weather really killed our business for two-to-three day periods around the last two weekends."

People also stopped going out for entertainment. "When it got down to a minus-60 wind chill for two weekends, the tendency was for everyone to get as close to the fireplace as possible," notes Larry Shuman, general manager of an Indianapolis shopping complex. "It hurt both the retail and restaurant business." In Chicago, the Hawthorne Race Track canceled its harness-racing program for Sunday, January 17.

Ailing auto dealers felt the cold's numbing effect, too. "Have we ever!" exclaims Bob Nelson, sales manager for Kennedy Chrysler Plymouth in Milwaukee. "The first 17 days of January were snowing or way below freezing. It brought business to a screeching halt, except for service."

The staggering construction industry took still another blow. "Not much construction work has gone on in the last couple of weeks," reports Al Hinton, spokesman for the Association of General Contractors of St. Louis.

A major problem: Worker absenteeism. Jim Reeves, of the J. S. Alberici Constuction Company, Inc., says the absentee rate reached 30 percent January 18 on the plant his firm is building for General Motors in Wentzville, Mo.

In the South, Florida's citrus growers reeled under a loss that may rival 1977's calamity, which cost them some 500 million dollars. Experts estimate that as much as one quarter of this season's orange and grapefruit crops may succumb to the cold. This could raise retail juice prices by 3 to 5 cents for a small can of concentrate.

The Southern winter-vegetable crop also is suffering. Half of Florida's sweetcorn crop is lost. Five or more Louisiana parishes may be declared disaster areas. "It's already clear that losses will run well into the millions of dollars," reports Bob Odom, the Louisiana agriculture commissioner. The toll will mount considerably, he adds, if sugarcane roots have been injured.

The growers' plight is pushing up grocery-store prices. Manny Costa owner of Costa Fruit & Produce Company in Charlestown, Mass., says the prices he pays for lettuce from California and tomatoes from Florida have about doubled, increases he'll have to pass along to consumers. "It's the worst market ever," he declares.

Rising prices and falling temperatures are inflating the bills of homeowners who heat with natural gas. In Chicago, the cost of heating a six-room house with gas is 40 percent above a year ago.

THE BRIGHT SIDE

Not all the news is bad, though. A glut in the supply of fuel oil is keeping retail prices stable despite the sharp increase in consumption.

Some businesses are benefiting, too. Utilities reported record demand for gas. Repair companies, such as the Lincoln Furnace Service of Chicago, were swamped with calls from harried homeowners. "Busted boilers, busted baseboards and busted pipes," explains a company spokesman.

Farmers in drought-plagued sections of the South and Midwest welcomed the moisture the snows bring, raising prospects for better crops this summer.

The public won on another score, too. Police across the country reported a drop in crime. As Police Lt. Gary Wheary of Asbury Pary, N.J., put it: "There are fewer people out on the street, both good guys and bad guys."

INTERVIEW WITH DOUGLAS PAINE, ASSOCIATE PROFESSOR OF ATMOSPHERIC SCIENCE, CORNELL UNIVERSITY

WEATHER OUTLOOK: WORSE TO COME

An expert sees abnormally cold conditions—not only this year but in 1983 and 1984 as well.

Q. Professor Paine, what will the weather be like for the rest of the winter?

A. Arctic cold is thoroughly entrenched across the full length of Canada. This suggests that more intrusions of cold air are likely over the next month or so. It remains to be seen where the north-to-south trajectory of air will set up. Right now, there's some indication that it may be more in the West and central Plains area.

This suggests that the Southeast, which has been hit hard this winter, may experience near-normal or even above-normal temperatures for the balance of the winter.

Q. Are there any indications of what spring and summer will be like?

A. On balance, seasonal average temperatures being recorded in the East in the last decade have been running cooler than at any previous time in this century. That is not necessarily a forecast for this spring and summer, but—especially in the northeastern United States—the trend has been for all seasons of the year to be somewhat below normal.

Q. What's causing the severe winter?

A. The often heard explanation is the jet-stream location. It has tended this winter to bring cold air from Siberia, across the North Pole and through Canada into the U.S. This makes sense in the short term.

What we're trying to do here at Cornell is explore the possibility that the reason the jet stream set up in that pattern may be related to solar variability, or sunspots. We are testing the possibility that solar variability helps dictate where the jet stream and the coldest pools of air are located in the winter season.

Q. You're saying sunspots may be playing a role in our severe winters?

A. Yes. We've found that if you take the last 20 winter seasons combined, it appears the cooling rate is modulated by the sunspot cycle. We've come off a strong sunspot maximum in 1980, and we're heading toward a minimum around 1986 or 1987. This is the kind of period in these 20-year averages of winter temperatures that the cooling rate tends to accelerate.

Q. Are more tough winters in store?

A. Yes. The Cornell technique suggests that for the next two winters we're going to have more very severe cold in parts of the United States, especially in the East and Southeast.

Departures as large as 10 degrees below the 30-year mean may occur over parts of the East during the next winter. These are right up with the all-time largest departures observed in the last century.

Q. Are there other views on the possible cause of the severe winter?

A. Yes. The National Weather Service predicts winter temperatures by taking the fall air-circulation pattern over a 90-day period and finding a comparison in previous weather records. The pattern it found this past fall looked most like the fall of '69. Therefore, the Weather Service suggested that this winter would look most like the winter of '69-70. That was a very stormy December and led to a biterly cold January. So far that idea certainly has some merit.

A competing idea comes from Scripps Institute and Rutgers University and is based on sea-surface-temperature changes in the North Atlantic and North Pacific. They also called for frigid weather this particular winter, and again, of course, the idea has merit.

Q. Your sunspot theory anticipates a warm-up late in this decade?

A. Yes. Around 1986 and through the rest of the decade, close-to-normal and even a couple of above-normal winters are forecast for major parts of the United States.

Q. Is there a link between variability of the sun's radiation and the hot, dry summers we've had in recent years?

A. I am concerned with the possibility that in the '80s in the East we may incur sizable deficits of precipitation. Unusually cold winters in the East, like those in the 1960's, tend to have a northwesterly flow of air from Canada that is drier than normal. Taking the 20-year average again, data suggest that the '80s will come out 10 to 20 percent drier than normal.

Q. Will science ever be able to forecast weather with a high percentage of accuracy six months or even 12 months ahead?

A. I think it may always be elusive to predict now, for instance, what the weather will be on a Tuesday in late August. But in terms of overall patterns of temperature or precipitation, I'm much more optimistic than many of my colleagues. I think that when man recognizes the need for something, he sometimes surprises himself and finds that he can master that need relatively quickly.

Q. Are accurate long-range weather forecasts going to require some major breakthrough or just a refinement of current knowledge?

A. I think I would classify it, quite frankly, as a major breakthrough.

Q. Do the activities of man—for instance, pumping carbon dioxide into the atmosphere—affect the weather?

A. The carbon-dioxide increase has been well documented. We're burning fossil fuels at an ever increasing rate. My own view is that this will be more of an important factor in world climate in the next century. The general concern is that, with a buildup of carbon dioxide in the atmosphere, there could be a general warming which could cause polar ice to melt.

Q. Are we heading for another ice age?

A. The cooling trend I've been talking about in no way presents the threat of any immediate onset of an ice age. It has been some 18,000 years since the last start of a major ice age, and such conditions seem to recur about every 19,000 years. According to that time frame, we don't have to worry for a few centuries yet.

BONE-CHILL INDEX

	Coldest day this winter	Avg. low that day
Amarillo, Tex.	2	22
Atlanta	−5	33
Boston	−2	22
Buffalo	−16	17
Burlington, Vt	−17	8
Charleston, S.C.	9	42
Chicago	−26	17
Cincinnati	−14	24
Des Moines	−22	11
Fairbanks, Alaska	−43	−23
Great Falls, Mont.	−29	12
Jackson, Miss.	3	35
Kansas City	−17	19
Los Angeles	37	47
Minneapolis	−26	3
New York City	0	26
Oklahoma City	0	25
Orlando	24	49
Rapid City, S. Dak.	−26	9
Sault Ste. Marie, Mich.	−36	7
Washington, D.C.	−5	23

Note: Figures are Fahrenheit as of Jan. 22.

Mr. COLEMAN. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Missouri (Mr. COLEMAN).

Mr. COLEMAN. Mr. Speaker, I think the gentleman has made a very good argument for this bill and I support the bill.

Mr. Speaker, the harsh, bitter weather of this winter has brought us together today to seek assistance for those hardest hit by falling temperatures and rising fuel costs.

First of all, let me say that I strongly support House Joint Resolution 392, which provides help for low-income people to pay their heating bills.

But, even more, I rise today to voice my strong objections to the rumored acceleration of natural gas deregulation as has been suggested by the Federal Energy Regulatory Commission. My constituents in north Missouri have been shocked by the rapid escalation of their home heating bills this winter. Certainly, part of the increase is due to the 34-percent colder weather we had last month than in January of 1981.

People throughout the country do not want a speedup of the deregulation process. They have their hands full meeting current gas bills. The fixed-income elderly are particularly vulnerable because they must generally keep their homes warmer than younger, working people. No matter how conservation conscious people may be, this extreme cold forces them to use more energy.

I want to put FERC on notice right now that I will vigorously fight any effort to accelerate the deregulation process. The American people have borne too many burdens in recent months—and nobly, I might add—to be forced into accepting astronomical heating bills in these hard economic times.

Mr. Speaker, this is the time for us to help those who have been hardest hit by this disastrous winter. That is why I support the additional $123 million energy assistance program called for in H.R. 392. But, let us not stop there. By our actions today, let us make it clear that we will not tolerate any actions by FERC to accelerate natural gas price decontrols.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts (Mr. CONTE) has again expired.

(On request of Mr. COLEMAN and by unanimous consent, Mr. CONTE was allowed to proceed for 3 additional minutes.)

Mr. CONTE. I want to thank the gentleman for his very valuable contribution.

Mrs. SNOWE. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I am glad to yield to my good friend from Maine, Mrs. SNOWE.

Mrs. SNOWE. Mr. Speaker, I rise in strong support of this supplemental appropriation for the low-income energy assistance program. Coming from one of the coldest States in the country, I can personally attest to the need for additional energy assistance funds.

The low-income energy assistance program in Maine, as in other States, especially serves the low-income elderly and handicapped population. Many of these elderly or handicapped individuals live on fixed incomes, and are unable to contend with the ever-increasing cost of home energy. It is for these individuals that this supplemental appropriation is necessary.

In Maine the low-income energy assistance program served about 52,000 households in 1981. An additional 13,000 households could not be served because of insufficient funding. During the last fiscal year Maine was able to pay eligible households a maximum payment of $600. This year, because of program changes, the overall reduction in funding, and the delay in OMB apportionment of funds, the maximum benefit check in Maine has been reduced to about $350. This represents just a small portion of the estimated $1,400 in home heating costs for a Maine family, second highest in the country.

Mr. Speaker, I am proud of the progress that Maine residents have made in the conservation of energy. Maine has reduced its overall energy consumption by about 8 percent in each of the last 2 years and has lowered the use of imported oil from 90 percent to about 67 percent. This conservation, however, does not reduce the minimum level of energy that must be used by low-income families. It is because their needs continue, no matter how great the overall level of conservation, that these additional funds for energy assistance payments are necessary.

I also must point out the valuable contribution the low income energy assistance program has made in home weatherization. In the current fiscal year 15 percent of the total funds allocated to a State for low-income energy assistance are available for weatherization. Maine takes full advantage of this provision, and with the addition of State funds will be able to weatherize about 5,700 homes this year. This is an extremely valuable achievement, as it prevents the future wasteful use of energy assistance funds being used to heat poorly insulated homes.

I am very dismayed, Mr. Speaker, that the President has elected to recommend an appropriation of only $1.3 billion for low-income energy assistance for the next fiscal year. This is not the time to debate that funding cutback, but I would urge the House to approve this supplemental appropriation so that the needy, the elderly, and the handicapped are provided with a minimal level of home energy assistance during the rest of this winter.

Mr. CONTE. I want to thank the gentlewoman from Maine. As usual, she is right on target.

I told them the other day in full committee that it has been so cold up in Maine and western Massachusetts that the dogs will not even go out.

Mr. McDADE. Mr. Speaker, the supplemental funding bills before us today which pertain to sewer construction grants, to unemployment insurance and employment services, and to home heating assistance for low-income families are all needed and all have my support.

The circumstances are somewhat different for each of these programs, however.

We have always recognized that supplemental funding for sewer grants would be necessary this year to continue assistance to communities throughout the country that are committed to projects to correct existing water quality problems. We have projects that will soon be ready to begin construction and others already under construction, with final costs likely to exceed initial engineering estimates. Congress and the President previously agreed that the supplemental funding provided by House Joint Resolution 390 in the amount of $2.4 billion would be necessary.

With regard to Federal funding for employment services, the increase in unemployment nationwide to 8.9 percent in December put strains on State employment service agencies and State unemployment funds that were not anticipated. The fiscal year 1982 budget level was based on an estimated 7.5-percent unemployment rate.

State employment agencies have had to cut back on staff, in many cases closing offices in key locations entirely or for certain days of the week. In northeastern Pennsylvania this has been a problem, as our unemployment level is excessive. I have worked closely with the State agency to get them to stretch their available personnel to keep offices in higher unemployment areas open.

Additional funds provided by House Joint Resolution 391 will cover 7,300 more staff positions in State employment agencies throughout the country. It will also provide $1.9 billion to be allocated to the States as repayable loans to replenish their unemployment funds and enable them to pay all mandatory benefits.

The need for the $123 million in supplemental funding for low-income energy assistance provided in House Joint Resolution 392 arises from the fact that we are in the midst of an unusually harsh winter. Furthermore, fuel prices have gone up faster than expected. If this supplemental appropriation is not approved, many States, including my own State of Pennsylvania, are in danger of exhausting their energy assistance funds before winter is finally over.

In my district alone we are receiving from 15 to 20 emergency inquiries a day from people who do not have money to pay for heat and cannot get credit. In past years most applicants for help have been elderly, female heads of households, and disabled persons unable to work. This year there

are more middle-income wage earners who have lost their jobs.

Several typical examples include a construction worker, out of work, and unable to draw unemployment because he is self-employed, with a wife who makes only $50 a week. Their monthly fuel bill averages over $250—leaving a mere $50 for food, and other essential expenses.

Another example is a 60-year-old woman who receives welfare payments of $150 a month. Her monthly fuel bills exceed her total monthly income. If this elderly lady were to have enough money to pay for food, she would be forced to live in an apartment without heat.

A final example is of a man and woman in their eighties, both disabled, whose total income is $300 a month. With fuel bills of over $250 a month, there is a mere $50 left to provide these two people the necessities required to survive.

In most cases, home heating assistance goes to workers who lose their jobs or suffer extended layoffs. Savings, unemployment benefits, and creidt can be stretched for a while, but excessively cold weather and inflated fuel prices bring them to the point where some help is needed to get through the winter.

Home heating assistance is essential because, in this period of economic distress, it provides the extra bit of help that can prevent illness and even death.

Mr. LIVINGSTON. Mr. Speaker, I move to strike the last word. I rise in opposition to this joint resolution.

I realize that this is an emotional issue. I reluctantly rise in opposition to this proposal because based on the testimony by the representatives of the Department of HHS, the people who have appeared before our committee, the facts, as they represented them, tended to contradict what we have learned so far in this Chamber.

So on the basis of the testimony, let me simply present the opposing viewpoints and some of the facts on the contrary side of this issue.

I have no illusions as to the outcome of this bill. I know that this bill will be passed. But I am concerned that we are taking $123 million of taxpayer money—it is not Government money—taxpayers' dollars and simply sending them to areas that do not necessarily need them.

In the first place, Mr. Speaker, the Omnibus Reconciliation Budget Act provides that States are allowed to transfer a certain percentage of funds between various block grants. For instance, this means if they so desire, States are allowed to transfer up to 10 percent of their special services block grants and up to 5 percent of their community service block grants to their energy block or other blocks under their jurisdiction.

□ 1610

This means, simply, that if they run out of funds, they can transfer a great deal of money, up to $200 million, out of these other blocks into this particular block, if they so need.

Conversely, States can also transfer up to 10 percent of their energy block moneys to other block grants. And, Mr. Speaker, I take specific note of that provision because if we supply this extra $123 million, the facts will reveal that when we look back on what has happened over these few months, maybe a year or so from now, the facts are going to reveal that this $123 million, by and large, got diverted to other programs that perhaps States had a higher priority for. That is my prediction. It will not necessarily come true, but I believe that it will come true.

The point is that $200 million out of other block grants are available in the event that the States need them for this program. And no State has told HHS that it needs additional funds.

Now, let us go a little bit further. Preliminary plans submitted to the Department of HHS indicate that 16 States now actually intend to transfer funds out of their energy block grant program to other block grants. I list among them the State of Arkansas, which was earlier spoken of. The Department of HHS tells us that the State of Arkansas is planning on transferring funds out of its energy block grants into other block grants. The State of Idaho, the State of Kansas, the States of Kentucky, Missouri, New York, North Dakota, South Dakota, Washington, Wisconsin, Wyoming, New Jersey, mostly Northern States, mostly very cold States, and yet the records available to the Department of HHS indicate that they not only do not need this extra $123 million, Mr. Speaker, they are taking money out of the current program and planning to divert it to other programs.

I might add, on that point, that while 16 States, perhaps 17 States, are planning on diverting money from the energy block grant to other programs, no State, as of the last 5 days, the time the representatives of the Department of HHS testified before our committee, no single State had contacted the Department of HHS to tell them that they needed more money. Not a single State had contacted the representatives of the Department of HHS to tell them they had insufficient funds.

Mr. BROYHILL. Mr. Speaker, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from North Carolina.

Mr. BROYHILL. Is it a fact that a number of States have surpluses in their programs as of last year?

Mr. LIVINGSTON. Well, I was going to point that out. As a matter of fact, despite the fact that many, many thousands, in fact hundreds of thousands, or millions of people were helped last year, and despite the fact that some $1.8 billion was expended last year for this meaningful program, $29 million came back to the Federal Government because they had a surplus and they did not need and could not use all the funds available to them last year.

Mr. BROYHILL. I would like to check one other figure out with the gentleman, because he does seem to be very well informed on this subject. I am told there may be as much as $175 million that remains unobligated and unexpended by the States, as of January 31 of this year.

The SPEAKER pro tempore. The time of the gentleman from Louisiana (Mr. LIVINGSTON) has expired.

(By unanimous consent, Mr. LIVINGSTON was allowed to proceed for 5 additional minutes.)

Mr. LIVINGSTON. Let me amplify the gentleman's statement. Figures are not available for what the States actually have committed as of this date under the energy block grants, but as of the end of January, HHS reported that only 26 percent of the funds made available by OMB have actually been drawn down by all the States for their energy income assistance programs; and, as of this last week, OMB has released 90 percent of the $1.75 billion that has already been made available by previous appropriations by this body.

Now last year, by the end of January 1981, even though 7.2 million households had received an average of $225 per household, States had drawn down already 45 percent of their total funds for low-income energy assistance, and they finished fiscal year 1981 with a $29 million surplus which was unused by the States that year. This was despite the reallotment of funds between States with lesser need to those of greater need; in other words, some States that did not need as much transferred these funds to those States who needed it more. This was also despite the fact that 25 States had operated their programs in such a way that in 1981 they were able to make supplemental heating payments after the heating season. In fact, 13 States actually made assistance payments in 1981 after June 1 last year. Now, this program is for helping people to heat their homes, yet after June 1 funds were still expended. Somewhere along the line the good intentions of this House have gotten diverted. Why were payments, I might ask anyone in this body, why in the world were payments made after June 1? Something has to be done about this program.

Do the Members realize that in 1978, the year this program was devised and appropriated, the sum of $300 million

was expended? Today, of course, it is over $1.75 billion.

Now, we talk about runaway Government. I think this is a perfect example.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding, and I would like to go back and reemphasize a point that the gentleman made earlier. I am not certain that everyone completely understood. The gentleman, I think, stated earlier that some States are already planning to take money that is presently allocated in the low-income energy assistance program and transfer it for other purposes; is that not correct?

Mr. LIVINGSTON. The gentleman is absolutely right. Sixteen States, many of which are in the coldest parts of the United States, including South Dakota and North Dakota and New York State.

Mr. WALKER. And New York State. And Wisconsin, I see on here. And States like Kansas, States that had some experience with really cold winters are planning on taking money that is presently supposed to go for low-income heating assistance and go to some other program; is that correct?

Mr. LIVINGSTON. That is absolutely right.

Mr. WALKER. I think I am also correct on this, that if they did have a problem—and I think that is the way the gentleman stated it—if they did have a problem with this, there is also money they could transfer into this program; in other words, the $123 million that we are talking about, actually you could transfer almost twice that amount of money or more than twice that amount of money out of other accounts presently available to the States if they in fact do have an emergency, that there is really not a need for this money on an emergency basis; is that not correct?

Mr. LIVINGSTON. That is right. Up to $200 million. They can take $200 million out of other block grants and transfer it into this program if they have insufficient funds.

I would like to add that we have heard a lot of talk about how cold this winter has been. There is no doubt that it has been a cold winter. But when you add up the number of cold days and aggregate the heating degree days, we really only had a winter that is 0.4 percent colder than last year, as of January 24 of this year. We have had cold days. They have been real cold days. But when you put your heat on, you only have heat for 1 day. So those cold days that the gentleman was talking about definitely stayed inside their houses over the last month, but the point is you can only use so much fuel. And I am just concerned that we are going to take a program that is well-intentioned, that is necessary to help people of low-income pay for a little bit extra toward their heating bills, and we are throwing money at them whether they can absorb it or not.

The SPEAKER pro tempore. The time of the gentleman from Louisiana (Mr. LIVINGSTON) has expired.

(By unanimous consent, Mr. LIVINGSTON was allowed to proceed for 2 additional minutes.)

□ 1620

Mr. LIVINGSTON. We are taking this extra $123 million and throwing money at States that have already indicated they probably do not need the money anyway.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from Massachusetts.

Mr. CONTE. I thank the gentleman for yielding.

First of all, the gentleman will agree with me that we appropriated $1.8 billion last year.

Mr. LIVINGSTON. That is correct.

Mr. CONTE. And by the gentleman's own statement in the well of the House, $29 million was returned by some Southern States last year?

Mr. LIVINGSTON. The $29 million was returned to the Federal Government.

Mr. CONTE. The Federal Government—which has reallocated to some of the other States. So under the gentleman's own last admission this is a colder winter than last winter. Fuel has gone up by 12.7 percent. Natural gas has gone up by 20 percent over last year. The price of oil has increased by 15.7 percent over the last year.

Now, will the gentleman tell me what magician can come out with a figure less than $1.8 billion? That is all we are saying. Actually it should be $2 billion. That is what it should be.

Mr. LIVINGSTON. The gentleman makes a very good point, he has defended this program and I think justifiably so. I am simply standing here attempting to keep us from wasting any money in this program and I think there is waste. I think when we consider the fact that North Dakota, South Dakota, Kentucky, Missouri, and New York have indicated to the Department of Health and Human Services that they intend to return money or divert some money to other programs, I think this is the key. I think we have $123 million that is not going to get to people who have a hard time heating their home. I think this $123 million is going to go to other programs that were cut back in last year's budget cuts.

Mr. CONTE. As I understand it, the Broyhill amendment will prevent these transfers to the southern programs and we will get to that later.

Mr. LIVINGSTON. I have studied the gentleman's amendment and I certainly do favor it. I think some safeguards on this well-intentioned program need to be applied.

The SPEAKER pro tempore. The time of the gentleman from Louisiana (Mr. LIVINGSTON) has expired.

(At the request of Mr. WALKER and by unanimous consent Mr. LIVINGSTON was allowed to proceed for 2 additional minutes.)

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Was it this program or another program, when we start talking about these figures, that paid all of the money last year to persons who had no heating expenses but were in nursing homes and had money given to them even though they did not have any heating bills to pay?

Mr. LIVINGSTON. I think it was, and I might add at the same time this program was going on we spent $1.2 billion for human development services, $7.2 billion for aid to dependent children, and $17.6 billion for medicaid. We are not a heartless Nation.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from Massachusetts.

Mr. CONTE. Of course, what the gentleman is saying is absolutely true. That was 2 years ago. We built in safeguards and we worked hard on this program. We worked on safeguards to prevent this from happening.

When the gentleman mentioned that this program started——

Mr. LIVINGSTON. In 1978, at $300 million.

Mr. CONTE. The price of oil at that time was only $42 a barrel.

Mr. LIVINGSTON. As the gentleman well knows, the President deregulated oil and the price of oil has gone down and that proves the President was right.

Mr. CONTE. I might point out that I was reading here where the southern winter vegetable crop is also suffering. Half of Florida's sweet corn crop is lost. Five or more Louisiana parishes may be declared disaster areas.

Nobody in my area can afford a head of lettuce from Louisiana. So give us a break and help us out with our heat.

Mr. JEFFORDS. Mr. Speaker, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from Vermont.

Mr. JEFFORDS. I thank the gentleman for yielding.

All this talk is nice but my State is out of money right now for their people in this program and we need it.

Mr. Speaker, today we are voting on an emergency appropriation that would restore funding for the low-income energy assistance program (LIEAP). If House Joint Resolution 392 passes, the total outlay for LIEAP will reach the 1981 level of $1.875 billion. This money is crucial to those Northern States that are enduring a particularly cold winter, a winter that has increased the demand for energy assistance funds.

In Vermont, this problem of a shortage of funds is of utmost importance. At the end of February, it is estimated that all the LIEAP funds for the States will be depleted if House Joint Resolution 392 does not pass. Not only is Vermont experiencing a bitterly cold winter, but there has been an increase in the number of eligible recipients due to worsening economic conditions.

At this time, I would also like to express my deep concern for the President's budget request for the low-income energy program in 1983. The figure that he requested is a mere $1.3 billion. In lieu of the rapidly rising energy costs and the increase in the number of people who qualify for assistance, it seems irresponsible and unrealistic to propose such a low-funding level for this important program in 1983.

In closing, I would urge my colleagues to vote in favor of House Joint Resolution 392, and to work to restore funding for this program for 1983.

Mr. LIVINGSTON. I might point out to the gentleman that under the current law the State of Vermont can transfer approximately $200 million from other block grants available to it.

Mr. OBEY. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, the gentleman from Louisiana makes an excellent advocate for a bad case.

I think we have to understand what the numbers are. The windfall profit tax legislation made a commitment that we would make available for emergency fuel assistance $2.4 billion to provide some money for poor people who were hit the hardest by decontrol of oil prices.

As the gentleman from Massachusetts has indicated, in fiscal year 1981 we made available around $1.85 billion. In fiscal year 1982, in the continuing resolution, we have about $1.75 billion.

This bill is simply asking the House to go up to the Gramm-Latta figures to $1.875 billion. This does not bust Gramm-Latta, it takes us up to Gramm-Latta and no further.

Why is the bill here? The bill is here for a number of reasons.

First of all, it has been, as the gentleman from Kentucky indicated, the coldest year on record.

Second, it has been a bad year for unemployment. We also have larger numbers of elderly people eligible for the program this year.

When we have more old people, and when we have more poor people, we wind up with more cold people. That is why the bill is here—to take care of those cold people.

The problem, No. 1, is that in contrast to what the gentleman from Louisiana indicated, the head of NOAA testified that in degree day terms, this winter is 6-percent colder than it was last year.

No. 2, as I said, there are more eligible people for the program this year. We have approximately 10 percent more people in the country who are eligible by income for this program.

Problem No. 3 is, as the gentleman from Massachusetts has indicated, fuel prices are up. If you go from October to October comparisons, up 22 percent for natural gas, up 21 percent for fuel oil, up 16 percent for electric heat.

The gentleman from Louisiana has said that States can take money out of their block grants, out of their social service and community block grants, to pay for additional fuel assistance if they want.

Let me remind my colleagues the reason they are not going to do that and the reason that they have in fact been shifting some money the other way is because the programs now grouped under those block grants were cut from $2.9 billion last year to $2.4 billion this year.

Let me tell my colleagues what some of those programs are that the gentleman from Louisiana is suggesting we cut in order to pay for additional fuel assistance.

Food assistance for kids. Food assistance and nutrition assistance for senior citizens. Foster care programs. Child abuse program. Home health assistance programs to pay for home health care to prevent people from having to move into nursing homes. It costs us far more if they move into the nursing homes rather than take care of themselves in their own homes.

Does anybody on this floor really believe that we ought to cut further into programs like that? Do they really believe that?

I would suggest that is not a compassionate or sensible way to go about facing up to the duties of the National Government.

I would like to read some numbers because I think they are very revealing. If one takes the average household cost for fuel consumption per month, for January and February, and compares it to the maximum SSI payment for elderly people living alone, we have some very interesting numbers.

In the State of Minnesota, for instance, the average household expense for fuel is $288 a month for January and February. The maximum SSI payment for a single person is $272. That leaves nothing for January and February for people in those positions to pay for anything but fuel.

If we take Indiana, $240 per month for heating expenditure, $238 maximum SSI. That leaves them with nothing.

If we take New York, $300 for their coldest month expenditure for fuel, $301 maximum SSI payment, that leaves you $1 to live on.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 3 additional minutes.)

Mr. OBEY. If we take Oregon, there is a little different picture, $181 is the average payment for fuel per month, $250 maximum SSI payment. That gives us a nice fat $17 a week to live on for the rest of the household expenses if you are unfortunate enough to fall into the income category that makes you eligible for this program.

I would suggest that we really can afford to do a little better than that. We have 10 percent more eligibles this year than last. Fuel prices are up 20 percent on average this year over last. We have 6-percent higher heating consumption this year over last. If you take those three numbers and divide them by the number of eligible people, we ought to have in this proposal $2.6 billion, not the $1.875 bill we have today. I would suggest those from States who do not have it quite so cold have some problems too and they are going to want the Congress to take a national view on those problems.

I would urge my colleagues to take a national view on ours as well.

Mr. Speaker, I wish to insert a chart into the record at this point comparing energy costs with maximum SSI payments and indicating the amount left over for living expenses.

ESTIMATED AVERAGE COLDEST-MONTH EXPENDITURE FOR ENERGY USED IN THE HOME BY HOUSEHOLDS UNDER 125 PERCENT OF POVERTY COMPARED TO MONTHLY MAXIMUM SSI PAYMENT FOR SINGLE ELDERLY

State	Coldest-month expenditure	Maximum monthly SSI payment (single elderly living independently)	Amount remaining for other necessities (per week)
Alabama	$90	$238	<$38
Arizona	86	238	<38
Arkansas	88	238	<38
California	70	402	<83
Colorado	86	293	<52
Connecticut	300	340	<10
Delaware	240	238	Nothing
Florida	110	238	<32
Georgia	90	238	<38
Idaho	240	312	<18
Illinois	283	Varies	Varies
Indiana	240	238	Nothing
Iowa	113	238	<31
Kansas	105	238	<33
Kentucky	120	238	<30
Louisiana	89	238	<38
Maine	285	248	Nothing
Maryland	240	238	Nothing

ESTIMATED AVERAGE COLDEST-MONTH EXPENDITURE FOR ENERGY USED IN THE HOME BY HOUSEHOLDS UNDER 125 PERCENT OF POVERTY COMPARED TO MONTHLY MAXIMUM SSI PAYMENT FOR SINGLE ELDERLY—Continued

State	Coldest-month expenditure	Maximum monthly SSI payment (single elderly living independently)	Amount remaining for other necessities (per week)
Massachusetts	300	375	<19
Michigan	263	262	Nothing
Minnesota	288	272	Nothing
Mississippi	90	238	38
Missouri	103	238	<34
Montana	86	238	<38
Nebraska	109	313	<51
Nevada	102	285	<46
New Hampshire	285	284	Nothing
New Jersey	265	261	Nothing
New Mexico	99	238	<35
New York	300	301	<1
North Carolina	91	238	<37
North Dakota	262	238	Nothing
Ohio	105	238	<33
Oklahoma	88	317	<57
Oregon	181	250	<17
Pennsylvania	232	270	<10
Rhode Island	300	280	Nothing
South Carolina	90	238	<38
South Dakota	272	253	Nothing
Tennessee	93	238	<36
Texas	90	238	<37
Utah	88	248	<40
Vermont	290	279	Nothing
Virginia	93	238	<36
Washington	181	281	<25
West Virginia	121	238	<30
Wisconsin	280	338	<15
Wyoming	85	258	<43
District of Columbia	159	253	<24

Mrs. BYRON. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentlewoman from Maryland.

Mrs. BYRON. I thank the gentleman for yielding.

I would like to agree with the gentleman, and I do come from a State that has been extremely cold this year.

I would like to commend the Appropriations Committee for acting expeditiously in reporting this resolution to the floor and also the one that is going to be accompanying it on the unemployment insurance this year, which I think is equally important.

I think both of these measures address the urgent nature of the problems that we are facing and they should both be enacted as soon as possible.

Mr. Speaker, I strongly support the low-income home energy assistance program. The value of this program has been demonstrated again this winter, when many sections of the country have suffered from the effects of severe weather and an unfavorable economic climate. The combined effects of inflation and unemployment have eliminated the ability of many family budgets to absorb higher home heating costs. Compounding this problem is the fact that January 1982 will probably be recorded as the coldest January of the century, once all of the statistics have been compiled. Demand for heating energy is expected to be approximately 10 percent above normal for the winter, with heating oil up 15.7 percent.

It is expected that the State of Maryland will receive $1.9 million of the $123 million appropriated by this bill. I have recently completed a district tour of central and western Maryland and many constituents spoke of the importance of the fuel assistance program in meeting critical heating needs. This bill should be passed in order to appropriate the full amount authorized for this program.

Mr. Speaker, I am deeply concerned about the effects of unemployment. I have recently traveled to all portions of Maryland's Sixth Congressional District, which is currently suffering from an unacceptable high jobless rate. Major industrial employers have had prolonged periods of reduced operations and the layoffs their employees have suffered have adversely affected the economy of the entire region.

I was extremely distressed recently when I met with employees of the Maryland Unemployment Office who were about to be laid off themselves. It is clearly unwise to cut back on the ability of the unemployment offices to process claims for benefits swiftly and efficiently at a time when unprecedented demands for services will be presented to the unemployment offices.

I am therefore strongly in favor of the enactment of House Joint Resolution 391, which will allocate additional funds to the States to continue the operations of the unemployment insurance service offices. This bill will also give the States the ability to use these funds to improve the operations of employment services. This flexibility will help the States provide the correct balance of unemployment compensation for those in need of income maintenance and employment services to help people return to the labor force and minimize the number of people who need unemployment compensation. I look forward to the early enactment of this legislation.

□ 1630

Mr. OBEY. I thank the gentlewoman.

I also want to emphasize what the gentleman from Massachusetts indicated. This law no longer allows the diversion of these funds for persons who are in nursing homes and therefore would not be legitimately expending those funds. The law has taken care of that. We are straight on it. We are trying to deal with the problems of people who are at the lowest end of the totem pole and I urge you to respond.

Mr. OBEY. Mr. Speaker, I ask unanimous consent to include at this point in the RECORD a number of charts to which I referred in my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. MILLER of Ohio. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I know that there are good objectives by the people who are sponsoring the bill today. My friend, the gentleman from Kentucky (Mr. NATCHER) and my friend, the gentleman from Massachusetts (Mr. CONTE), their motives are good; but by the same token, I think that we should look at some of the problems within this bill.

Now, a few minutes ago the gentleman from Louisiana asked why heating bills would be paid in June. Well, over at HHS this is known as the heating and the cooling bill.

I think since we are paying for air-conditioning, but hear about people freezing, and under this bill the energy used for air-conditioning can be paid for as well as for heating, perhaps we should take a lesson from the squirrels and save some of the nuts for the cold weather.

We are right now attempting to pass emergency legislation of $123 million that can carry over to help people in the summer pay for the energy to air-condition their residences.

Now, as I understand it, Mr. Speaker, at least $2½ million was paid out to the tropical islands last year in the summertime under this bill; apparently it would have been for air-conditioning. I would not know why heating money would go to the tropical islands. We are talking about Guam. We are talking about the Virgin Islands. And others.

We are also talking about States such as Hawaii. I am not sure why they would need money in order to pay their heating bill in Hawaii. They seem to be quite comfortable and we have the same thing as far as Puerto Rico is concerned. They are receiving funds under this bill.

I believe that there is a problem here, and we need to realize it. There may be a lesson here about how we have come to have over a trillion dollar national debt. There is merit to the program, but we go overboard so quickly. Within 2 or 3 years, we are clear out of proportion to where we should be.

Now, I have a question, and perhaps our ranking minority member or the chairman could answer this. Is it possible to transfer 10 percent of the amount that a State receives out of this energy assistance bill for other purposes?

Would the chairman be able to answer that question as to whether it is possible to transfer 10 percent of the funds that a State would receive out of this particular energy assistance program into other programs?

Mr. NATCHER. Mr. Speaker, will the gentleman yield to me?

Mr. MILLER of Ohio. I yield to the gentleman.

Mr. NATCHER. Under the existing law, that could take place.

Mr. MILLER of Ohio. Does the gentleman have an idea as to how many dollars were transferred in this past year?

Mr. NATCHER. I would like to say to the distinguished gentleman from Ohio, that was not permitted last year. When the changes were made in this legislation, it was permitted. Last year it was not permitted.

Mr. MILLER of Ohio. Last year it was not permitted?

Mr. NATCHER. Not permitted.

Mr. MILLER of Ohio. So this year we will have another problem on our hands, where that 10 percent can be transferred as of this year.

Mr. NATCHER. Under the existing law, it can be transferred.

Mr. MILLER of Ohio. Does that mean that perhaps the figure in the bill, instead of being $123 million, should be $99 million?

Mr. NATCHER. Well, let me say to the gentleman, I believe the $123 million in its entirety is needed and will be consumed. The winter weather that we have had up to this time and the weather that is predicted from now to the 15th day of March, in my opinion, will consume all this money.

Knowing the gentleman as I do, and I am one of the admirers of the gentleman, he is an outstanding member of the Committee on Appropriations, I know the section of Ohio that the gentleman is from. I went to law school at Ohio State, Mr. Speaker, and the gentleman comes from a right cold section.

Mr. MILLER of Ohio. That is correct, Mr. Speaker. It is cold. It is cold, indeed; but by the same token, the people are not concerned about air-conditioning. They are concerned about that cold weather, and they want to be protected.

Mr. BOLAND. Mr. Speaker, I move to strike the requisite number of words.

First of all, Mr. Speaker, I want to congratulate the distinguished chairman of the subcommittee and the ranking minority member for the speed with which they brought this particular bill to the floor. This matter is important to a great number of people throughout the United States.

Second, Mr. Speaker, I want to congratulate the distinguished gentleman from Wisconsin (Mr. OBEY) for stating precisely what would happen if transfers from block grants were made into this program. As has been said here, it is possible to transfer some $200 million from the block grant programs into fuel assistance programs. But, as the gentleman from Wisconsin (Mr. OBEY) has detailed, these particular transfers would come out of social services and community services. I am sure, Mr. Speaker, that few Members of this House would want that kind of a transfer in view of the cuts that have already been made in those particular services.

As we are all aware, Mr. Speaker, the winter weather which the United States experienced in January was the most severe in this century. This, of course, has produced a substantial strain on the resources of the energy assistance program which is designed to provide cash and in-kind assistance to the poor and the elderly. As detailed by the gentleman from Wisconsin (Mr. OBEY), without the fuel assistance program some of the poor and elderly would have to use a sizable part of their SSS payment for energy costs. These people could end up with fewer dollars to sustain themselves for a particular month.

These are the people, Mr. Speaker, who I think are struggling to meet the higher costs associated with keeping warm weather as have been detailed by my colleague, the gentleman from Massachusetts (Mr. CONTE).

In December, the Congress acceded to the administration's desire for budget reductions by providing in the continuing resolution $1.75 billion for the energy assistance program. This amount represented a reduction of $98 million from the amount provided in fiscal year 1981 and a reduction of $123 million from the amount authorized for fiscal year 1982. It has become clear that those reductions have to be reversed if we are to insure the States will have enough money to sustain the program for the remainder of the winter. The record cold, coupled with increased energy costs, has made it especially difficult for thousands of poor Americans to meet their heating bills. For many of these people, Mr. Speaker, the energy assistance program offers the only realistic alternative to needless suffering. It is, therefore, imperative that the program be given the funds necessary to operate until the weather moderates.

I do not think anyone in this House, anyone in this committee, or anyone in the Congress of the United States, would say that there are no problems with the energy assistance program. I might very well support the amendment that will be offered by the gentleman from North Carolina (Mr. BROYHILL). I think perhaps it offers to the membership of the House an opportunity to correct some of the problems with which this program has faced in the past years. Some of those problems might very well be taken care of by the amendment to be offered by the gentleman from North Carolina (Mr. BROYHILL).

There is no question about the fact, Mr. Speaker, that the arguments advanced by the distinguished chairman of the subcommittee clearly indicate the necessity for the $123 million, and I hope that this House goes along with that recommendation.

□ 1640

AMENDMENT OFFERED BY MR. BROYHILL

Mr. BROYHILL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROYHILL: Page 2, after line 6, add the following new section:

SEC. 2. (a) Funds appropriated under this joint resolution shall remain available only until May 1, 1982.

(b) None of the funds appropriated under this joint resolution shall be used, obligated, or expended for the purposes of sections 2604(f), 2605(k), 2607(b)(1), or 2607(b)(2) of the Omnibus Budget Reconciliation Act of 1981; or for the purpose of making supplemental payments after May 1, 1982 to households or home heating suppliers for reimbursement of heating costs.

Mr. BROYHILL. Mr. Speaker, I rise to offer an unprinted amendment to House Joint Resolution 392. My waste, fraud, and abuse amendment would minimize the impact of this bill on the $98 billion fiscal year 1982 budget deficit.

My amendment would insure these $123 million in extra heating assistance funds are not transferred by HHS or the States to ineligible persons or nonenergy programs and are not distributed as summertime surplus payments beyond May 1, 1982.

Several States may be in a bind and need extra fuel assistance funds before the severe winter weather ends, as my distinguished colleagues on the Appropriations Committee have ably determined. My amendment would in no way affect those States. In addition, my amendment would not affect allotments for cooling assistance programs in Sunbelt States.

However, my amendment would insure this $123 million is targeted to all those States with genuine shortages. For example, as of January 31, 1982, a surplus of $175 million in Federal fuel assistance funds remained unobligated and unexpended by the States. And under the Reconciliation Act, States already may add $257 million from other block grants to fund their fuel assistance shortages.

Finally, the fiscal year 1981 fuel assistance program had a $139 million surplus, and 26 States made more than $100 million in summertime surplus heating payments unrelated to crisis need. Maryland, Pennsylvania, and New Jersey alone handed out $48 million in summertime surplus boondoggles.

In order to minimize the budget impact and insure these funds go only to the needy, my amendment would prohibit summertime surplus heating assistance payments and distribution of these funds for purposes unrelated to heating needs.

This $123 million supplemental busts President Reagan's fiscal year 1982 budget and is opposed by the administration.

My waste, fraud, and abuse amendment would minimize the budget impact and insure these funds are made available quickly to those in need—and not to those who request summertime surpluses or funds for nonheating purposes.

I urge my colleagues to vote for my waste, fraud, and abuse amendment.

Mr. Speaker, what my amendment is intended to do is to address some of these concerns that have been expressed during the debate here. No. 1, whether or not the funds would be available after the heating season; that is, funds being expended in the summertime for so-called energy assistance or heating assistance. What this amendment would do would be to close that loophole.

Also, there has been a concern expressed here that States might transfer these funds—funds which are intended to be for energy assistance—transfer these to other purposes. So my amendment would also close that loophole, and require that the States expend these funds for their advertised purpose—for energy assistance.

My amendment is prompted by several concerns that have been brought to my attention as well as to the attention of other Members. For example, last year the Washington Post and other media reported that as many as 26 States had surpluses in their fiscal year 1981 heating assistance programs, and some States distributed as much as $48 million in surplus heating payments in the middle of the summer. In my own State of North Carolina, a constituent reported to me that the State was making college students who were living in their dormitories eligible for the program.

I might point out that after an investigation was started the State did rescind and changed its rule in that respect.

Mr. NATCHER. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL. I would be glad to yield to the chairman.

Mr. NATCHER. Mr. Speaker, as I understand the gentleman's amendment, it is his intention that no part of the $123 million that is before the House today can be used for air-conditioning after May 1. Is that correct?

Mr. BROYHILL. That is correct.

Mr. NATCHER. Also that no part of this $123 million can be transferred to any of the other block grant programs.

Mr. BROYHILL. That would be correct also. That would not prohibit any transfer of the moneys already appropriated. But since this program is a supplemental intended to be for energy assistance, it would seem to me it would be our intent that it would be used for that purpose and not for these other purposes.

Mr. NATCHER. Further, Mr. Speaker, as I understand the gentleman's amendment, no part of the $123 million would carry over into the next fiscal year. Is that correct?

Mr. BROYHILL. That is correct.

Mr. NATCHER. Mr. Speaker, would the gentleman ask unanimous consent to change the date from May 1 to May 31? If he does, I would recommend to my distinguished friend, the gentleman from Massachusetts (Mr. CONTE), the ranking minority member, that the amendment be adopted.

Mr. BROYHILL. If we get a statement from over here, maybe we have a deal.

Mr. CONTE. I thought we did have a deal. I was going to move to make the date May 31.

I agree with the gentleman. I think there should be hearings by the authorization committees, and I think that we should have some oversight hearings.

Therefore, Mr. Speaker, I ask unanimous consent that the date be changed from May 1 to May 31.

Mr. BROYHILL. I would have no objection.

The SPEAKER pro tempore. The Clerk will report the modification to the amendment offered by the gentleman from North Carolina (Mr. BROYHILL).

The Clerk read as follows:

Amendment offered by Mr. BROYHILL: Strike "May 1, 1982," and insert "May 31, 1982," in both instances where it appears.

The SPEAKER pro tempore. The Chair will inquire, were there two dates involved?

Mr. CONTE. Both dates; that is right.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts (Mr. CONTE) that the amendment offered by the gentleman from North Carolina (Mr. BROYHILL) be modified, as reported?

There was no objection.

Mr. MOFFETT. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from Connecticut.

Mr. MOFFETT. I thank the gentleman for yielding.

Mr. Speaker, I appreciate the gentleman's effort to try to attack some of the problems that could prevent this bill from passing, but I wonder, and perhaps my friend from Massachusetts can help on this, would this in any way put up an obstacle to the current situation and the situation we have seen in the Northern States where fuel oil dealers with huge accounts receivable are paid throughout the summer, just as the paperwork catches up, and as people snowed under with bills get out from under those?

We have had people who have received assistance in June and July to pay past bills. In other words that whole negotiating process does go on throughout the summer. The language would seem to me to conceivably prevent that from happening.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. The time of the gentleman from North Carolina (Mr. BROYHILL) has expired.

(On request of Mr. MOFFETT and by unanimous consent, Mr. BROYHILL was allowed to proceed for 3 additional minutes.)

Mr. BROYHILL. I will be glad to yield to the gentleman. The intent of this amendment is to do precisely what we did, I believe it was, 2 fiscal years ago, and the intent at that time was to encourage the States to design their program so that the assistance was given during the heating season, and that the programs were brought to a close in a timely way and not extended throughout the year. That is the intent here, and I would hope that the States would be on notice and would not have a program such as to have money being expended throughout the summer season.

Mr. MOFFETT. If the gentleman would yield further, I have no desire to belabor this point, except I think it might be important, because I do not think the gentleman wants to encourage a rash of spending on the last 2 or 3 days before the date that the gentleman has in mind.

Mr. BROYHILL. I might point out that whatever date you pick, you have that particular problem, May 1, which I had in the original amendment, or April 1, or whatnot.

I think what really all of this points out is the need for the authorizing committee to do some work on this program. We cannot answer all these questions in an amendment on appropriations.

Mr. MOFFETT. Mr. Speaker, will the gentleman yield just 1 second further?

Mr. BROYHILL. I yield to the gentleman from Connecticut.

Mr. MOFFETT. I think that is a very important point, but I am still concerned. I hope that the gentleman from Massachusetts (Mr. CONTE) will get involved in this discussion. Our districts are adjoining; similar situations.

My impression is that our people go through that whole process and that business throughout the summer. I would not want to see us pass this and cut off that process.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL. I will be glad to yield to the gentleman from Massachusetts.

Mr. CONTE. Two things: This amendment only applies to the $123

million. It does not apply to the $1,752 million that has already passed the House. In discussing this with the gentleman from North Carolina, I raised that point; that I was very, very concerned about bills from energy vendors coming in the very last couple of months, and people may get them in June. That is why we wanted that to go to May 31.

So on the great bulk of it we are going to be all right anyway.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, I want to point out that following the adoption of an amendment like this 2 years ago there was a heat wave in Dallas, and more people died in 2 weeks in Dallas than ever froze to death in the history of the United States. That is one reason that language has not been in there since.

I think the authorizing committee has looked at this. We should also be concerned about heat problems. Heat stroke and dehydration is a very serious thing people cannot get away from as easy as putting on coats, and this $123 million we are providing is because the amount of money provided in the substitute that was adopted in December was not sufficient and the people are going to have heat problems next summer. They have increases in their bills, too.

The SPEAKER pro tempore. The time of the gentleman from North Carolina (Mr. BROYHILL) has expired.

Mr. SMITH of Iowa. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, people with cooling bills have problems because they were cut back in the same substitute that cut back the people that are having heating bill problems. So what this amendment would do is take this $123 million, use it only for people who have heating problems, and then when summer comes we will not have any of that money available to those who were cut back by the substitute with their cooling bills. So why should this be limited to those who have heating bills instead of spreading it across the board, unless we are going to come back with another supplemental in the summer to take care of the cooling problem. The same energy costs that went up for those with heat problems, it has also gone up—electric bills have gone up 16 percent—they are going to have trouble.

□ 1650

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield.

Mr. OBEY. Mr. Speaker, I think the gentleman is correct in the history that he recites. I think as a practical matter, on the floor today, that the gentleman's amendment does no great harm because it does assure Members that there will be none of these funds which will move into the other programs, and so we will not have, in essence, a back door replenishment of some of the programs even though some of us might think that would be useful.

So, the gentleman is correct on his point. I think the other sections of the amendment make it advisable to adopt it.

Mr. SMITH of Iowa. In essence, it changes the distribution between heating and cooling. That is in the authorizing legislation. Members ought to be aware of what they are doing.

Mr. NATCHER. Mr Speaker, I move to strike the appropriate number of words, and I yield to the gentleman from Louisiana (Mr. LIVINGSTON).

Mr. LIVINGSTON. Mr. Speaker, I thank my distinguished chairman for yielding to me.

If I could, I would like to engage the gentleman from North Carolina in just a tiny bit of colloquy, and ask him about his amendment.

With respect to the approximate 17 States which the Department of HHS has indicated to us have already registered their intent to transfer funds out of this program which has already been appropriated, is there anything in the gentleman's amendment which would prohibit them from transferring up to $200 million out of the energy block grant and allot them to other programs, and then draw on the $123 million that is being appropriated here?

Mr. NATCHER. I yield to the gentleman from North Carolina.

Mr. BROYHILL. Did I understand the gentleman to say that the possibility would still exist that the States could transfer out of this moneys that have been heretofore appropriated and then use this money?

Well, that is still a possibility, but there is no way that I can get at that kind of loophole in this particular bill.

Mr. LIVINGSTON. I agree with the gentleman. I thank him for his answer.

Mr. NATCHER. Mr. Speaker, I yield to the gentlewoman from Massachusetts (Mrs. HECKLER).

Mrs. HECKLER. Mr. Speaker, I thank the gentleman for yielding.

I also wish to commend the committee, the gentleman from Kentucky, and my colleague from Massachusetts (Mr. CONTE) for their leadership on this issue. But, I wish also to point out to the House that there is an available supply of collected funds which could be diverted to finance low-income energy assistance.

The GAO in its report commented on the Department of Energy and the need to resolve the billions of dollars in alleged oil pricing violations. At the present time, there is $500 million in an escrow account which cannot be paid to aggrieved customers because they cannot be identified. These funds are in escrow and could be diverted to low-income energy assistance, as I have proposed in H.R. 5290, which I introduced last November.

I support the legislation today, but I think that if we are going to collect these funds, they should be available to the United States, that we should not only look to overpayments in social security or food stamps or misdirections and transfers in low-income energy, but recapature the funds of the major oil producers who have not repaid the Government for their overcharges and violations.

I would hope that the authorizing committee would schedule hearings on that issue so that funds that could be made available this minute, sitting in the Treasury, without mandate of the Congress, could be diverted to the problems we are confronting on this floor.

I urge my colleagues to support the passage of House Joint Resolution 392, the urgent supplemental appropriation for the Department of Health and Human Services, and I ask them to support my legislation, H.R. 5290, the Low-Income Energy Trust Fund Act, which would finance, at no cost to the Government or the taxpayer, low-income energy assistance and weatherization for years to come.

Following this vote, we will be asked to approve House Joint Resolution 391, a second urgent supplement appropriation for the Labor Department to support State unemployment offices and services. In my home State of Massachusetts, the State division of employment security has announced plans to lay off 515 employees and close, or consolidate, offices in 11 communities—including Fall River—because of a shortage of funds. Ironically, the need to keep these offices open, and to retain the services of the job placement and training personnel who work in them, has rarely been more urgent.

The unemployed cannot pay their bills and during this unusually severe winter heating bills must be paid or people will freeze. But the unemployed will have increasing difficulties finding new jobs if we, in the Congress, allow State employment agencies across this country to lay off job counselors or to close their doors because of lack of funds.

These emergency appropriations are needed now so that the unemployed have trained, professional help for finding jobs and receiving benefits while they search for new employment.

We have not the time and we cannot afford to become bogged down in budgetary disputes when thousands of

truly needy families face the prospect of no heat the rest of this winter.

I intend to vote for both of these emergency funding resolutions and I urge my colleagues to join me in supporting both of these measures.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. NATCHER. I yield.

Mr. CONTE. Mr. Speaker, I think one thing ought to be clear. The gentleman from Louisiana stated that there are 17 States that have filed plans to transfer some of this money. I want to point out for the record that those 17 States filed those plans immediately after reconciliation, long before the winter or anything else. They did it because they wanted to protect themselves. If it was a very mild winter, they could use the money. They did use the money for home heating. Of course, we all know what happened this winter.

Mr. NATCHER. Mr. Speaker, I ask for a vote on the amendment.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from North Carolina (Mr. BROYHILL), as modified.

The amendment, as modified, was agreed to.

Mr. LIVINGSTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

Mr. MOFFETT. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The Chair will inform the gentleman that the objection is not timely,

Mr. MOFFETT. Mr. Speaker, I move to strike the last word, and I rise in support of the bill.

Mr. Speaker, I would like to begin by addressing my remarks to the gentleman from Louisiana, and if he is here, the gentleman from Ohio (Mr. MILLER). I really think that in a way we must be dealing with two different worlds here, because I know my friends who spoke against this bill are sincere in their efforts to try and cut out wasteful spending.

But where we come from, at least, there is enormous hardship. I certainly cannot defend every single aspect of this program, but I can tell the Members that when people in need turn for help, be it from this or the health bills, or whatever, they find very little of it, and I certainly do not find a great deal of cheating and fraud and abuse in this particular type of program.

I think if we are going to focus on and attack this kind of program, we ought to realize that we are talking about chickenfeed compared to the enormity of the tax cut and the enormity of the defense increase. You know, it is nice to separate those things out and pretend they are extremely separate and they are not part of the same budget, but the $800 billion or so of tax cuts over 5 years is a form of spending, as we all know; as is the $1.5 trillion on defense.

It is unfortunate, when we turn our sights on cutting spending, we focus, it seems to me, so frequently on a program like this. Should we improve it? Of course, but as Mr. CONTE has said so eloquently, and as our great chairman, Mr. NATCHER, pointed out, there is a documented need in at least most of the country for this money.

Now, again I think it is important to note that we are only bringing these funds up to last year's figures and the level provided for in last year's reconciliation bill. We are not doing anything extraordinary. This does not represent any great new spending, and in many cases, we are really talking about the difference between life and death.

It might seem melodramatic, but we are in fact talking about the difference between life and death. Our country has not done a great deal in the way of studying hypothermia, but the British have, and we are beginning to learn how to measure and analyze hypothermia, and we are finding out that it can occur below 70° F. At least, preliminary analyses show that it has been occurring this winter to a great extent and it represents a very serious problem for the elderly.

The subcommittee that I am privileged to chair just held a hearing in Philadelphia and found that there were at least 6,600 families that are without heat, totally unable to pay their fuel bills. Who testified to that? The president of the local gas utility. The president of the Philadelphia Gas Works in most eloquent testimony said that their unpaid bills in that company rose from $5 million last year to $15 million this year, and they know that there are thousands of families who are unable to pay their bills.

As we look to the future, we begin to realize that this is a drop in the bucket compared to the problem that confronts us. The President's program, just released, would cut fuel assistance by 30 percent, and I ask my colleagues on this side of the aisle who have spoken in support of this bill to use their influence, fleeting though it may be, to attempt to change the President's program.

In addition to that, the Northeast-Midwest Institute's analysis shows that food stamp recipients would lose $5.25 for every $10 received in energy assistance, over $200 million a year if the President's program goes through.

□ 1700

So I think it is time to put this whole fuel assistance thing into perspective.

I recall, I say to my friend from Louisiana (Mr. LIVINGSTON), that no great analysis went into the $12 billion in oil tax breaks that were voted, that will benefit certainly the State of Louisiana and others much more than they will States like mine. I do not recall the kind of scrutiny going into those oil tax breaks of $12 billion when we voted them not too long ago. I wish we had that kind of scrutiny.

Mr. DOWNEY. Mr. Speaker, will the gentleman yield?

Mr. MOFFETT. I yield to my friend from New York.

Mr. DOWNEY. The gentleman, of course, is making an important statement. I just want to read for the gentleman that public assistance, social services, AFDC, SSI, title 20, the earned income tax credit, low-income energy assistance in child welfare programs in 1981 accounted for 3.3 percent of the budget. Of that amount, low-income energy assistance was a fraction.

The SPEAKER pro tempore. The time of the gentleman from Connecticut has again expired.

(At the request of Mr. DOWNEY and by unanimous consent, Mr. MOFFETT was allowed to proceed for 2 additional minutes.)

Mr. DOWNEY. If the gentleman will continue to yield, we spend an enormous amount of time listening to the welfare mother on the line who may or may not have abused food stamps, of the few college students who may or may not have gotten these benefits when they deserved them, and we spend absolutely no time, as the gentleman pointed out, dealing with the fact that there are people who are cold in this country and have no place else to go but the Federal Government for relief. That is the issue here, and the preposterousness with which we address this issue, and the amount of scrutiny is totally out of proportion to the size and the costs of this program vis-a-vis other programs. I want to thank the gentleman.

Mr. MOFFETT. I thank the gentleman. You would think that some of our friends, for public relations reasons, would do that, given the fact that the polls show overwhelming majorities of Americans think the President's program favors only the rich and does nothing for the rest of the people, and that they would seize upon this.

Mrs. KENNELLY. Mr. Speaker, will the gentleman yield?

Mr. MOFFETT. I yield to my colleague from Connecticut.

Mrs. KENNELLY. I thank the gentleman. I would just like to take a moment to say that I am very much in support of the supplemental low-income fuel program. I would say also to my colleague, coming from Connecticut this morning, realizing and campaigning in that State, it is necessary and it is needed to alleviate undue

hardship for older people, of which we have many more each year.

Mr. Speaker, last year Congress appropriated $123 million less than was authorized in the Budget Reconciliation Act for the low-income energy assistance program. However, the unexpectedly cold winter led many States to use up their funds at a faster rate than anticipated. This action of the House is designed to meet the potential problem of States running out of money before the end of the winter heating season.

The Commerce Department reports that this winter has been the coldest in this century. As a result, the demand for energy to heat homes has been running about 7 percent above an average winter.

Connecticut will receive $36.2 million from the Federal Government to assist low-income individuals with their heating bills. The action taken today will free another $2.5 million for use by Connecticut citizens.

To date 30,000 households in Connecticut have been served by the program; $10 million has been spent to serve these households. The State expects 75,000 of an eligible population of 130,000 to apply for aid.

Given the severity of the weather, I am pleased to see the House move so early in the session to meet the heating problems our citizens will face this year.

This action is necessary. This action is needed. It will eliminate unnecessary suffering by our growing number of older citizens.

Mr. SHANNON. Mr. Speaker, will the gentleman yield?

Mr. MOFFETT. I yield to the gentleman from Massachusetts.

Mr. SHANNON. I want to thank the gentleman for yielding and thank him for his remarks.

I would like to remind our colleagues that in the past this program has been dealt with on a bipartisan basis in this body. Once again, I am very proud of the leadership of my colleague from Massachusetts (Mr. CONTE) and my other colleague from Massachusetts (Mr. BOLAND) and, of course, Chairman NATCHER. We have to remember this a program that was an integral part of the national energy policy. The point was that as oil prices went up, and as windfall profit taxes went up, this program would be there because the problems that were going to result from those energy price increases were really a national responsibility.

I think this problem of poverty is a national responsibility. I really do respect the position of the gentleman from Louisiana and the gentleman from Pennsylvania.

The SPEAKER pro tempore. The time of the gentleman from Connecticut has again expired.

(At the request of Mr. SHANNON and by unanimous consent, Mr. MOFFETT was allowed to proceed for 2 additional minutes.)

Mr. SHANNON. If the gentleman will continue to yield, my colleagues from Pennsylvania and Louisiana have been perfectly consistent in their views on this. I respect those views and we all want these programs to work efficiently and work well, and we will work with you to see to it that they do work efficiently.

But we are the body that is supposed to be closest to the people. The message we are getting from the people that we represent, whether we be Democrats or Republicans, is that this is an important program to help our constituents make these transitions, and they are still undergoing transitions to higher energy costs.

The needs are very great. While we are going to be focusing much in this session of the Congress on budget figures and deficits, and big, large numbers, I think that it is appropriate for us to sit back and say: Is this program appropriate? Is it working? If we ask ourselves those questions, at least from our perspective, I think it is working and it is one that is worthy of our support, all of our support.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield?

Mr. MOFFETT. I would be happy to yield to the gentleman from Louisiana.

Mr. LIVINGSTON. I appreciate the gentleman yielding. I want to say that all of the gentlemen who have spoken, all of the past speakers have made some excellent points, and particularly the gentleman from Massachusetts. In fact, he has I think enlightened us all on the purpose of this program. I do not disagree with anything he said.

I would simply add that it is also the purpose of all of us here in this body not to unnecessarily waste taxpayer dollars. I think the gentleman would concede that point. My purpose is not to take heat away from the people who are truly in need, but simply to make sure that a program is functioning and functioning efficiently.

Mr. MOFFETT. I thank the gentleman for his comments, and I know that he is convinced that his position would not result in money being taken away from people who need heat. But I think it would, and I am sure he does not intend that.

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. MOFFETT. I yield to my friend from Massachusetts.

Mr. MARKEY. I would like to say to the gentleman from Louisiana that I think he raises a very legitimate concern, and that is why I think it appropriate for us to adopt the suggestions of the gentleman from North Carolina, because none of us want to see an indiscriminate expenditure of public moneys for any purposes if they are not justified. I think the amendment of the gentleman from North Carolina improves the bills.

The SPEAKER pro tempore. The time of the gentleman from Connecticut has again expired.

(At the request of Mr. NATCHER and by unanimous consent, Mr. MOFFETT was allowed to proceed for 1 additional minute.)

Mr. NATCHER. Mr. Speaker, will the gentleman yield to me?

Mr. MOFFETT. I yield to the gentleman from Kentucky.

Mr. NATCHER. Mr. Speaker, I would like to say to the Members of the House, as I understand now we have probably two speakers left, before moving the previous question, certainly we want to hear from these Members. Then, Mr. Speaker, we will go to the next bill, the emergency bill on employment services, and finish it by 6 o'clock. We should finish the next bill by 6 o'clock. I have no unanimous consent request. I just wanted to call that to the attention of the Members.

Mr. WALKER. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I have no particular illusions about the passage of this measure. But I do want to say it is not going to pass with my vote.

I do want to focus some attention on why I take that position, because it is not because I do not understand the problem, and I do not think other people who have opposed it oppose it because they do not understand the problem. In fact, just a few weeks ago I got together with a number of social service agencies in my district that are responsible for administering this program in my area, and they were concerned about the fact that there might not be enough funds to get by in the winter. We sat down and came up with a combination of funds through this program and a combination of local funds, and we now believe, in my area anyhow, that we are going to have sufficient money to get through the winter. In other words, we put together a program to meet the particular problem, and I think that is needed around the country.

I think I can have concern for the problem and yet question this program. Why do I question the program? Because in reality the real arguments here are in large part economic. This is the case of Congress spending money that this administration says it does not need.

Is the administration being hardhearted or coldhearted by making that statement? Absolutely not. The administration has not had one State that has told them that their share of the $1.752 billion is not going to be sufficient to meet the needs under this program. Nobody has said that it is not going to be enough money at this point. Therefore, they have to assume

that there will be enough money with just what has already been appropriated.

Also, I think we have to take a look at this whole subject from the standpoint of all the things we have been hearing in the last few days about massive deficits in Government. We have all heard the cry of the blues from both sides of the aisle about the fact that we have these massive deficits coming up and we do not understand how it ever came about. It must be the administration's fault because we have huge deficits facing us.

Here is a case where the administration is telling us that the money is not needed, they do not need to spend this money, and yet we are going to shove $123 million down their throats. It just seems to me that it is time to start taking a look at the issue and be counted right here on this issue about those big deficits. Here is a program that in the 4 years it has been in existence, 4 fiscal years that it has been in existence, the cost of the programs have gone up by 484 percent. That is a 120-percent increase a year.

We have heard a lot of percentages used here today. We have heard how much the price of oil has gone up, what percentage has gone up on the number of recipients and so on, but nobody has contended that anything in the inflationary factors or in the cost factors have gone up by 484 percent in the course of 4 years.

□ 1710

And yet that is what the increases in this program have been. That is Federal spending out of control. That is what produces massive deficits. I think it is high time that we recognize it when it faces us. When you have got a situation where the administration is telling us that they do not need the money, that no one has requested this money, then I think it becomes very, very problematical for this Congress to step in and say, "Well, take it anyway; we are going to spend it anyway regardless of whether or not you need it."

We cannot afford to go on with massive increases in Federal spending and not recognize that those are going to produce huge deficits. That is precisely what has happened. That is precisely what is going to continue to happen so long as we come to this floor and foist upon administrations money that they say they do not really need.

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Massachusetts.

Mr. MARKEY. I hope that the gentleman is able to harness some of that indignation and anger that he has for the increase in this program for the defense budget when that program comes to the floor, because I think that the argument that the gentleman has just made could be applied to a program which will increase by just about the same magnitude in just about the same timeframe, over the next 4 or 5 years, and we will be looking to him to give to us the same kinds of arguments that perhaps we can use in a close scrutiny of that program because its impact is about 100 times the one that this one is upon the overall economy of our country.

Mr. WALKER. I thank the gentleman for his statement, and certainly I intend to scrutinize the defense budget. I do think that some of the defense spending that is being proposed is a little too high, given the fact that we have these kinds of deficits. I will be very glad to scrutinize it.

But I will say to the gentleman that at the time when many of these programs we are talking about, this program being a part of it, that 484 percent, at a time when those programs were increasing over a 25-year period by 1,500 percent, the defense budget during that same period of time rose by about 200 percent. So there is a considerable difference in the amount of increases that have gone over a 25-year period in particular areas of spending. So it seems to me that we do need to focus on some of these programs that have been rising the fastest.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania (Mr. WALKER) has expired.

(On request of Mr. MARKEY and by unanimous consent, Mr. WALKER was allowed to proceed for 1 additional minute.)

Mr. MARKEY. If the gentleman will yield further, there are some intervening historical factors, though, that have had a considerable effect upon the price of oil and gas, and that includes the situation in Iran, the oil decontrol bill, the natural gas deregulation bill, all these bills that came through Congress since the inception of this program. And to discount those measures and to almost allocate them to conditions that are beyond the control of this Congress is really unrealistic.

I mean the people out there who are in these low-income categories, are completely subject to economic realities that are beyond their control in the world economy and to decisions that are made by the U.S. Congress, and a very large proportion of these increases which are now being tried to be accounted for, the increase in the budget allocation in this area, are just natural consequences of those decisions that we made here in Congress, decisions that were made in Abu Dhabi. I do not think it is a fair criticism to be made of the program that there have been indiscriminate increases.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania (Mr. WALKER) has again expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 1 additional minute.)

Mr. WALKER. I will take my 1 additional minute to reply to the gentleman. I would say to the gentleman that I will reverse his argument on him. I would say that some of those same factors exist in the defense budget, that there are massive increases in Soviet spending for defense armaments, and so on, and some of the reasons why we have to increase the defense budget are also related to factors that are outside of this body to make a determination.

So insofar as the gentleman makes that argument for the program he is talking about, I would ask him to look at the defense budget in light of some of the realities around the world.

I would also make the point that regardless of some of these outside factors, we are still talking about a massive increase when you talk about Federal spending going up by 484 percent in one program alone, and I still would contend that that contributes to the massive budget deficits that we are now faced with. It is high time that we get this economy in order.

Mr. VENTO. Mr. Speaker, I move to strike the last word, and I rise in support of the supplemental appropriation.

Mr. Speaker, I rise in strong support of the supplemental appropriations for low-income energy assistance.

Mr. Speaker, it is clear that the severe cold weather and the dramatic increase in gas and fuel oil costs have made this particular legislation necessary.

In fact, last year with the same appropriation that will be attained with this supplemental, nearly all the funds, save $29 million, were used for fuel assistance and that was one of the warmest in the last 100 years.

This year, our actions have set an authorization that is nearly $372 million below the previous $2.247 billion commitment level under the windfall profit tax program.

This year the degree days of heating are 20 percent above the average.

And gas and oil cost increases are 20 to 30 percent higher than last year.

When we passed the windfall profits tax we made a commitment to people that some of the funds, in fact a substantially greater amount, should have been made available to ease the impact. Now last summer's reconciliation process leveled that program at 1.875—I feel inappropriately and unfairly. Congress compounded that when the December continuing resolution was underfunded by $123 million. Today some advocates would have us deny the level of support they sup-

ported last summer in light of the coldest winter in 100 years.

Commonsense would seem to dictate adequate support for this vital program.

Mr. Speaker, opponents of this measure have suggested that States take money from other block grants to support fuel assistance—that type of logic is ironic because many of these same programs that were block granted were cut by over 20 percent when they were passed to the States.

Is this the New Federalism that we have been hearing about, that less dollars and Federal support is really more? This type of logic strips away the type of fraud that can be perpetrated on the States with block grants and New Federalism.

Mr. Speaker, I am aware of the fact that Minnesota has new income limits and more careful management of this program have resulted in a misleading payout in some areas.

The fact of the matter is that in Minnesota as a whole we have money remaining, but in St. Paul, an urban area of nearly a half million people, the CAP agency will run out of funds in March and will not be able to meet the applications.

In addition, let me remind my colleagues that the weather has been so severe to preclude people from travel and no doubt has given the misleading impression of less need. When the large bills come due in the near future, I can assure you that even this increase will be woefully inadequate to meet real need.

When the windfall profit tax was cut under the outrageous special interest 1981 tax measure some thought should have been given to the commitments made to the low-income people in our Nation.

I think a far better remedy would be to correct the hemorrhage of dollars in that tax measure rather than placing the burden of these special interest tax cuts on the low income and poor of this Nation whom I feel strongly deserve our support.

Mr. FRENZEL. Mr. Speaker, I move to strike the last word.

Mr. Speaker, House Joint Resolution 392, the supplemental appropriation for more funding for energy assistance, is another of our well-intentioned Federal programs. I have no quarrel with the original purpose.

But, when it started it was to be a temporary program to give needy Americans some assistance to pay fuel bills after the large price increases of the oil shocks.

The temporary program has claimed immortality. As usual, needs have arisen to claim available benefits. A perpetual constituency has been created. As soon as we put up the money, we had to pay for cooling and for fringe areas which are not cold. Whenever we set up a new program, everybody gets on board. The prophecy has been self-fulfilled.

And so an energy welfare plan has joined the lineup of specific welfare plans each with separate rules and separate administration. Marching along in that lineup with energy welfare is housing welfare, food stamps, AFDC, SSI, disaster relief and a host of local welfare programs.

It is laudable for Congress to solve some people's problems with some other people's money. If it must, it should fashion a single welfare program, with a single set of rules, a single economical administration.

The unending array of specific welfare programs represents bad policy with good intentions. This bill, House Joint Resolution 392, ought to be defeated.

Mr. MOAKLEY. Mr. Speaker, I rise in strong support of the supplemental appropriation to increase funding for the fuel assistance program.

As we all know, this has been an extremely harsh and severe winter for the northeastern States. Record subzero degree temperatures have dominated the national weather scene during these past few months.

In my own district, there are many individuals who cannot afford to keep warm this winter due to high and constantly rising fuel prices. The fact that the administration has lacked the ability or interest in bringing some much needed relief to thousands of unemployed Americans, the situation has only worsened.

It is no secret that in this Nation many older people are dying each day from accidental hypothermia, a rapid drop in body temperature. In other words, they are freezing to death. Many people have literally been forced to make a choice between freezing to death or starving. In fact right here in Washington, D.C. our Nation's Capital, less than six blocks from where we are all gathered today—a poor man, Jesse Moore froze to death because he could not afford the cost of fuel. It has been reported by Dr. Richard Besdine of the Harvard Medical School that over 25,000 Americans die of hypothermal-related causes each year.

Despite the ill effects the cold winter has had on this Nation's elderly and poor, despite the devastation that last year's budget cuts brought to the fuel assistance program, the Reagan administration is proposing that the fuel assistance program be cut still further. Mr. Speaker, I would like to say that the Reagan adminstration's callousness toward the poor and elderly of our Nation is unequaled to any administration in my lifetime.

I would suggest that the Reagan administration heed the words of President John F. Kennedy who said,

If a free society will not help the many who are poor, it cannot save the few who are rich.

● Mr. FORD of Michigan. Mr. Speaker, I rise in support of House Joint Resolution 392. Although $77 million in home heating assistance is available to low-income Michigan residents this year, officials across the State of Michigan fear it will not be enough to meet increased needs. The funds, from Federal sources, are $26 million less than Michigan asked for under initial estimates of weather conditions. Needless to say, the cuts are due to reductions in the Federal budget that was passed, without my support last year.

Now additional funding is needed so that energy assistance payments can be made to help low-income citizens. In many instances these payments are literally lifesaving. There have been scores of new accounts of tragedies in American cities this winter. Low-income citizens, especially children and the elderly, are suffering and some are even dying from insufficient heat. The intense cold weather this winter, coupled with the truly needy's inability to pay for heating fuels or energy efficiency improvements and repairs, makes it imperative that our citizenry be provided with adequate heat. It is mandatory that we pass this measure today.●

● Mr. DINGELL. Mr. Speaker, the low income energy assistance program is a key element of the "safety net" which Government has helped establish for the poor, handicapped, and elderly in this Nation. Its objective is a simple one—to help keep American citizens from freezing to death in their homes because they are unable to pay their heating bills.

The elderly are the most susceptible to this problem. They survive, day to day, on fixed incomes in an economy of rising prices. Today, many Americans are paying $300 to $400 for their monthly heating bills, but the stark fact is that some people have had bills as high as $2,000 in the northern parts of the country in this most severe of winters. In an average year, according to a Harvard physician, as many as 25,000 older Americans are likely to die from "accidental hypothermia." In the face of that, this administration wants to reduce funding drastically; only by the action of the House today are we insuring that this won't happen.

We all share the hope of reducing the Federal budget and achieving an economic recovery. But I do not believe that we should do it by leaving the poor, elderly, and handicapped of this society alone to freeze to death in their homes.

I trust that my colleagues will overwhelmingly support the supplemental appropriation for low-income energy assistance before us today. It is essential that we in the Congress provide what the administration appears unwilling to do, and that is to make it

possible for the American people to survive this winter.●

● Mr. BONKER. Mr. Speaker, I urge support for House Joint Resolution 392, a $123 million supplemental appropriation for the low-income energy assistance program.

Without this supplemental appropriation, many of our Nation's elderly and poor will be forced to make choices among food, medicine, and heat. No American should have to make such a choice.

The average, retired social security recipient receives $373 a month; an aged widow receives $348; a disabled person receives $396. The list goes on. Unfortuntately, the dollars do not go very far.

This money will bring the total fiscal year 1982 appropriations level for this program to $1.8 billion—the level authorized by the Omnibus Reconciliation Act.

Some have talked about how the supplemental appropriation will increase the 1982 budget deficit.

But our choice today must be made with full awareness of other cuts in services to the elderly and poor which already have occurred, and those yet to come.

As Energy and Commerce Chairman JOHN DINGELL and his subcommittee chairmen noted last week in looking at proposed cuts for 1983, as many as 25,000 older Americans may freeze to death each year from accidental hypothermia while the administration plans to terminate weatherization of homes of the elderly, poor and disabled.

In my State of Washington and throughout the Pacific Northwest, electric rates soon will soar as much as 300 percent. Some public utility customers will be lucky—their heating bills will double.

Let us focus on areas of Federal spending that truly can be cut. No person need be cold or hungry in the process.●

● Mrs. SCHNEIDER. Mr. Speaker, I rise in strong support of the supplemental appropriation for low-income fuel assistance. Since its inception, this valuable program has enjoyed the consistent and unwavering support of Congress. Its importance to the elderly and low-income households it serves has become even clearer during these harsh winter months.

Last year, the Congress appropriated $1.8 billion for the fuel assistance program, and the administration has acted quickly and responsibly to speed the distribution of the funds during the winter months, when they are most needed.

Unfortunately, consumers in Frost Belt States like Rhode Island, faced with one of the coldest winters on record, are using 25 percent more energy to heat their homes, while the price of fuel oil has risen by another 15 percent. The combined effects of the severe weather and the price increase has outstripped the funding made available by our $1.8 billion appropriation last year, which did not allow for inflation in fuel prices.

Failure to provide the supplemental appropriation before us today—which would provide an additional $123 million for fuel assistance—would seriously strain already hard-pressed State budgets and curtail assistance to our low-income and elderly citizens struggling to make it through a very cold winter.

Mr. Chairman, Federal fuel assistance should be considered a basic promise that Congress made to the American public in exchange for the decontrol of oil prices. In light of the fact that the price of home heating oil has risen by a factor of five since 1973, we can hardly turn our backs on our responsibility to the people who have been hardest hit by the price increases. Many of those who receive Federal fuel assistance are elderly citizens on fixed incomes who are spending as much as 40 percent of that income on energy bills.

The chairman of the Appropriations Committee, the gentleman from Mississippi, and the ranking minority member, the gentleman from Massachusetts, deserve special thanks for moving so quickly to bring this responsible resolution before the House—we should act just as responsibly and approve the resolution today. I would like to say a particular word of thanks to the gentleman from Massachusetts, who has fought so hard and so well to see that the Congress honors it commitment to fuel assistance for needy citizens.

The $123 million in supplemental assistance provided by this resolution will hardly break the budget, but it could well be the key to survival for many of our senior citizens during these cold winter months.●

● Mr. STOKES. Mr. Speaker, I rise in strong support of House Joint Resolution 392 making an urgent supplemental appropriation of $123 million for the low-income home energy assistance program.

Mr. Speaker, most of us, if not all of us, have felt the bite of the rising costs of heating a home. According to the Department of Energy, home energy fuel costs rose 16 percent between October 1980 and October 1981. For 1982, energy prices are expected to increase 2 percent for fuel oil, 22 percent for natural gas, and 9 percent for electricity.

Added to the problem of escalating energy prices is that fact that we are experiencing one of the coldest winters in the 20th century. During January 1982, temperatures ranged from 6 to nearly 20 degrees below normal in most of the country.

Mr. Speaker, at a time when many middle and upper income Americans are complaining about the high cost of fuel, rising energy prices, and harsh weather conditions make an already difficult situation for low-income Americans even worse. Poor Americans spend proportionately more of their income on fuel costs than other families. When hit with additional heating expenditures, these families have little flexibility in their budgets to accommodate the extra burden. This sacrifices spending on food, medical care, clothing, or other basic essentials.

Last year, when the House Appropriations Subcommittee on Labor-HHS-Education considered this program, the members felt strongly that $1.85 billion should be provided for low-income energy assistance, the same amount available in fiscal year 1981.

Because of budget constraints, the subcommittee reluctantly recommended $1.8 billion. This amount was further reduced in congressional action on the fiscal year 1982 continuing resolution to $1.752 billion at the urging of the Reagan administration. Now, because of that reduction, fewer funds are available to meet greater needs. As a result, many States have actually reduced benefits to eligible persons while heating costs have increased. In Ohio, 280,000 persons received assistance to meet 40-60 percent of their home heating costs. This year, only 250,000 persons are being served with only 13-40 percent of their energy assistance needs being met.

Mr. Speaker, poor Americans are reeling from Reagan budget cuts in food stamps, welfare payments, medical assistance, and other programs which help to improve their quality of life. The funds contained in House Joint Resolution 392 do not begin to address the real human needs of poor Americans. The funds contained in this measure will not fully meet even the energy assistance needs of the poor—far more would be required to do that. They will, however, go a small way toward a more realistic and responsible program to help poor people cope with the higher cost of energy.

The need for this type of assistance is overwhelming. Winter is here. It is my hope that House Joint Resolution 392 will be approved by the Congress and signed by the President without delay.●

Mr. NATCHER. Mr. Speaker, I move the previous question on the joint resolution and the amendment thereto to final passage.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 342, nays 62, not voting 30, as follows:

[Roll No. 5]

YEAS—342

Addabbo	Deckard	Hatcher
Akaka	Dellums	Hawkins
Albosta	Derwinski	Heckler
Alexander	Dicks	Hefner
Anderson	Dingell	Heftel
Andrews	Dixon	Hendon
Annunzio	Donnelly	Hertel
Anthony	Dorgan	Hightower
Applegate	Dougherty	Hiler
Ashbrook	Dowdy	Hillis
Aspin	Downey	Holland
Atkinson	Duncan	Hollenbeck
AuCoin	Dunn	Holt
Bailey (PA)	Dwyer	Hopkins
Barnard	Dyson	Howard
Barnes	Eckart	Hoyer
Beard	Edgar	Hubbard
Bedell	Edwards (AL)	Hughes
Beilenson	Edwards (CA)	Hunter
Benedict	Emerson	Hyde
Benjamin	Emery	Jacobs
Bennett	Erdahl	Jeffords
Bereuter	Ertel	Jenkins
Bethune	Evans (DE)	Jones (NC)
Bevill	Evans (GA)	Jones (OK)
Bingham	Evans (IA)	Jones (TN)
Blanchard	Evans (IN)	Kastenmeier
Bliley	Fary	Kazen
Boggs	Fascell	Kemp
Boland	Fazio	Kennelly
Bolling	Fenwick	Kildee
Boner	Fiedler	Kindness
Bonior	Findley	Kogovsek
Bonker	Fish	Kramer
Bouquard	Fithian	LaFalce
Bowen	Flippo	Lantos
Brinkley	Florio	Latta
Brodhead	Foglietta	Leach
Brooks	Foley	Leath
Broyhill	Ford (MI)	LeBoutillier
Burton, John	Ford (TN)	Lee
Burton, Phillip	Forsythe	Lehman
Butler	Fountain	Leland
Byron	Fowler	Lent
Carman	Frank	Levitas
Carney	Frost	Long (LA)
Chappie	Garcia	Long (MD)
Chisholm	Gaydos	Lowry (WA)
Clausen	Gejdenson	Lujan
Clay	Gephardt	Luken
Clinger	Gilman	Lundine
Coats	Gingrich	Madigan
Coelho	Ginn	Markey
Coleman	Glickman	Marlenee
Collins (IL)	Gonzalez	Marriott
Conable	Goodling	Martin (IL)
Conte	Gore	Martin (NC)
Conyers	Gradison	Martin (NY)
Coughlin	Gray	Matsui
Courter	Green	Mattox
Coyne, James	Gregg	Mavroules
Coyne, William	Guarini	McClory
Crockett	Gunderson	McCurdy
D'Amours	Hagedorn	McDade
Danielson	Hall (OH)	McEwen
Daschle	Hall, Sam	McGrath
Daub	Hamilton	McHugh
Davis	Hammerschmidt	Mica
de la Garza	Harkin	Michel
Mikulski	Ratchford	Stark
Miller (CA)	Regula	Staton
Mineta	Reuss	Stenholm
Minish	Richmond	Stokes
Mitchell (MD)	Rinaldo	Stratton
Mitchell (NY)	Ritter	Studds
Moakley	Roberts (KS)	Swift
Moffett	Roberts (SD)	Synar
Molinari	Rodino	Tauke
Mollohan	Roe	Taylor
Montgomery	Rogers	Traxler
Morrison	Rosenthal	Trible
Mottl	Rostenkowski	Udall
Murphy	Roukema	Vander Jagt
Murtha	Roybal	Vento
Myers	Rudd	Volkmer
Napier	Russo	Walgren
Natcher	Sabo	Washington
Neal	Savage	Watkins
Nelligan	Sawyer	Waxman
Nichols	Scheuer	Weber (MN)
Nowak	Schneider	Weber (OH)
O'Brien	Schroeder	Weiss
Oakar	Schulze	White
Oberstar	Schumer	Whitehurst
Obey	Seiberling	Whitley
Ottinger	Sensenbrenner	Whittaker
Oxley	Shamansky	Whitten
Panetta	Shannon	Williams (OH)
Pashayan	Sharp	Wilson
Patman	Siljander	Winn
Patterson	Simon	Wirth
Pease	Skeen	Wolf
Pepper	Skelton	Wolpe
Perkins	Smith (IA)	Wortley
Petri	Smith (NE)	Wright
Peyser	Smith (NJ)	Wyden
Pickle	Smith (PA)	Wylie
Porter	Snowe	Yates
Price	Snyder	Yatron
Pritchard	Solarz	Young (AK)
Quillen	Solomon	Young (FL)
Rahall	St Germain	Young (MO)
Railsback	Stangeland	Zablocki
Rangel	Stanton	Zeferetti

NAYS—62

Archer	Grisham	Moorhead
Badham	Hall, Ralph	Nelson
Bafalis	Hance	Parris
Bailey (MO)	Hansen (ID)	Paul
Brown (CO)	Hansen (UT)	Rhodes
Burgener	Hartnett	Robinson
Campbell	Huckaby	Roemer
Collins (TX)	Hutto	Roth
Corcoran	Ireland	Rousselot
Craig	Johnston	Shaw
Crane, Philip	Lagomarsino	Shelby
Daniel, Dan	Lewis	Shumway
Daniel, R. W.	Livingston	Shuster
Dannemeyer	Loeffler	Smith (AL)
Dreier	Lott	Smith (OR)
Edwards (OK)	Lowery (CA)	Spence
English	Lungren	Stump
Fields	McCollum	Tauzin
Frenzel	McDonald	Thomas
Fuqua	Miller (OH)	Walker
Gramm	Moore	

NOT VOTING—30

Biaggi	Dickinson	Marks
Breaux	Dornan	Mazzoli
Broomfield	Dymally	McCloskey
Brown (CA)	Early	McKinney
Brown (OH)	Erlenborn	Pursell
Chappell	Ferraro	Rose
Cheney	Gibbons	Santini
Crane, Daniel	Goldwater	Wampler
DeNardis	Horton	Weaver
Derrick	Jeffries	Williams (MT)

□ 1730

The Clerk announced the following pairs.

Mr. Biaggi with Mr. Daniel B. Crane.
Mr. Derrick with Mr. Brown of Ohio.
Mr. Chappell with Mr. Wampler.
Mr. Weaver with Mr. McKinney.
Mr. Rose with Mr. Pursell.
Ms. Ferraro with Mr. DeNardis.
Mr. Early with Mr. Broomfield.
Mr. Dymally with Mr. Erlenborn.
Mr. Brown of California with Mr. McCloskey.
Mr. Breaux with Mr. Dickinson.
Mr. Santini with Mr. Horton.
Mr. Williams of Montana with Mr. Jeffries.
Mr. Mazzoli with Mr. Goldwater.
Mr. Cheney with Mr. Dornan of California.

Mr. SHAW and Mr. RALPH M. HALL changed their votes from "yea" to "nay."

Mr. STENHOLM changed his vote from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

URGENT SUPPLEMENTAL APPROPRIATION FOR THE DEPARTMENT OF LABOR, 1982

Mr. WHITTEN. Mr. Speaker, pursuant to the order of the House on Thursday last, I call up the joint resolution (H.J. Res. 391) making an urgent supplemental appropriation for the Department of Labor for the fiscal year ending September 30, 1982, and ask for its consideration in the House.

The Clerk read the joint resolution, as follows:

H.J. RES. 391

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1982, namely:

DEPARTMENT OF LABOR

Employment and Training Administration

Grants to States for Unemployment Insurance and Employment Services

For an additional amount for "Grants to States for unemployment insurance and employment services", from the Employment Security Administration Account in the Unemployment Trust Fund, $343,490,000, of which $146,700,000 shall be available only to the extent necessary to meet increased costs of administration resulting from changes in a State law or increases in the number of unemployment insurance claims filed and claims paid or increased salary costs resulting from changes in State salary compensation plans embracing employees of the State generally over those upon which the State's basic grant was based, which cannot be provided for by normal budgetary adjustments: *Provided,* That any portion of the funds granted to a State in the current fiscal year and not obligated by the State in that year shall be returned to the Treasury and credited to the account from which derived.

Advances to the Unemployment Trust Fund and Other Funds

For an additional amount for "Advances to the Unemployment Trust Fund and Other Funds", $1,950,000,000, to remain available until September 30, 1983.

The SPEAKER pro tempore. The gentleman from Mississippi (Mr. WHITTEN) is recognized for 1 hour.

Mr. WHITTEN. Mr. Speaker, first I yield 30 minutes to the gentleman from Massachusetts (Mr. CONTE) for debate purposes only, pending which I yield myself 5 minutes.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the consideration of House Joint Resolution 391, and that they may include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTEN. Mr. Speaker, on today, as required by law, our Committee on Appropriations had before us the Secretary of the Treasury, the Chairman of the Council of Economic Advisors and the Budget Director. Perhaps many of you do not know that the law requires that our Committee on Appropriations have this annual overview hearing. In the hearing this morning with these gentleman, I thought we may have developed several things that would be of interest. May I say, in the presentation of these gentlemen, that what they had hoped for 1 year ago when they were before us has not come to pass. Conditions are much worse than was expected and they still believe that they will improve in the future. One of the evidences that conditions are not as good as they might be is the fact that the Office of Management and Budget has requested this $1,950 million for increased unemployment compensation.

I might add that approximately half of the local employment offices were scheduled for closing and I understand perhaps some have been closed; so we present you today a resolution which is urgent, as was the earlier one about the CCC which I presented to you.

□ 1740

May I say that I appreciate the fact that the OMB has asked for these funds. We all recognize that they are absolutely necessary. We got unanimous consent that it be considered in the House. Later, when it developed that the Budget Committee had filed a statement showing the budget situation to be somewhat different, we got a rule, so we are all working together in bringing this resolution here. It is very necessary.

My colleague from Massachusetts (Mr. CONTE) joins in this action, and I hope, since the Senate is ready to act this afternoon on this measure if we get it to them, I would express the hope that under this permission to revise and extend remarks that each Member who wishes to do so would take advantage of that unanimous-consent request so that we might get through as quickly as possible.

Again, may I say the fact that this becomes necessary is indicative of the fact that some of the things proposed by the administration have not turned out as well as all of us hoped. But that fact being true, there is no excuse not to meet this problem which exists, and I hope my colleagues will join with us in getting it through as fast as we can. We have been assured the Senate will take it up this afternoon if we can get it over to them as it is.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, I want to commend the gentleman from Mississippi (Mr. WHITTEN) and the gentleman from Kentucky (Mr. NATCHER) for the prompt manner in which they set my bill down for hearing and approved the expenditure of $210,450,000 to provide the funds for the employment service offices that will keep them open for the balance of the year.

It was incredible to me, just incredible, that there were no funds that were available at a time when the number of unemployed men and women of this country are exceeding 9 million people. This bill will correct that. I hope the House will pass it very quickly.

Mr. WHITTEN. I thank my friend from Illinois. He is always on his toes. It is a pleasure to work with him.

Mr. BLILEY. Mr. Speaker, will the gentleman yield for a question?

Mr. WHITTEN. I yield to the gentleman from Virginia.

Mr. BLILEY. Mr. Speaker, will these supplemental funds be distributed to the States under the same formula as other employment turnbacks under the Federal Unemployment Tax Act? If so, then the Commonwealth of Virginia and other States with good employment records have much to lose.

Mr. WHITTEN. There is no change whatever, as I understand it. It would be additional funds through the regular operation. Of course, the Appropriations Committee does not determine the allocation formula. That is done by the Labor Department pursuant to the existing authorizing statute.

Mr. BLILEY. Mr. Speaker, by law, employers in all States must pay the Federal Government approximately seven-tenths of 1 percent on the first $6,000 earned by each of its employees. This money is collected by the Federal Government. At least 35 percent, or five-fourteenths, is taken off the top and the remainder is returned to the States for their unemployment programs. The Office of Management and Budget indicates that, approximately, a 60-percent return of these funds can be considered normal.

My State, however, last year received only $18 million of the approximately $51 million she should have under the formula, and that only amounts to about 35 percent of our total contributions or 25 percent less than the average State receives.

Virginia can be proud for her employment efforts, but should she be penalized for her successes?

Granted, this is a Federal program. The Federal Government collects these funds for the good of the Nation. If every State could handle its own problems, there would be no reason for Federal unemployment programs.

Yet why should we in the Commonwealth have to close 26 of our local Virginia Employment Commission offices and lay-off some 800 employment personnel because we do not get adequate return on our contributions?

Virginia received approximately 43 cents on each dollar of FUTA tax paid. Yet Alaska received over $3 for every dollar paid in. It is difficult to tell my constituents that, "No, we cannot find you a job because our unemployment funds are going to other States." It is difficult to tell a man or woman who is unemployed and still providing for a family that someone else needs the money more.

Mr. Speaker, for the Federal unemployment program to work, two things must make it work. Provisions must be made to allow specialized, extremely depressed areas the opportunity to meet their special needs. But more importantly, each State must believe it is at least being treated fairly by Washington. This, Virginia does not.

Because of a depleted Federal unemployment trust fund, Virginia closed many offices statewide. With funds restored, will we be able to reopen the same offices and rehire the same personnel we were forced to let go? If this supplemental is distributed under present formula, we may not.

And let us look at the allocation formula. How many Members of Congress know that the formula involves some 90 different variables? How many can name half of those variables? How many realize that one of those variables in "the good judgment of the director of employment services?" Historic unemployment, another variable, might distort benefits to States who have never taken adequate steps to address their employment problems. Virginia has addressed these problems and has a good plan for employing her citizens, yet it is subsidizing other States who may or may not have ever come to grips with the same problems.

My friends in Oregon, though suffering enormous unemployment, are also given substantially reduced return on FUTA paid. Why?

Perhaps another of those 90 variables is that no State starting with "O" and ending with "n" can receive adequate benefits.

When my office called to get a list of these variables, my staff was told,

"Well, I know there must be a copy of the list some where. I am sure we use it all the time."

I think it is about time that the Congress and the Administration began looking into this matter a little more closely. The Virginia congressional delegation has already expressed its concern over the formula in a letter to the Secretary of Labor.

It is indeed a worthy effort to provide for jobless Americans throughout the country. But I for one, and neither can any of my colleagues in the Virginia delegation, explain to a jobless Virginian that his State is at the bottom of the Federal unemployment assistance barrel so that people in other States, paying no more, can receive his benefits.

Mr. WHITTEN. Mr. Speaker, I ask my colleagues to cooperate with us and let us get this to the Senate so they can act today.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I wholeheartedly support House Joint Resolution 391 and the timely fashion in which our chairman and the gentleman from Kentucky, and the full committee have moved on this important matter.

I am likewise pleased that the administration also recognized the timely and critical needs of the employment services and unemployment insurance programs.

The supplementals that are before us today represent a genuine commitment to meet the needs of the unemployed, and I am further pleased that Republicans and Democrats alike in the Congress stand ready to take expedient action to move these supplemental measures.

When the Congress passed the continuing resolution back in December, it was clearly the intention of that resolution to produce savings where legitimate savings were possible, but it was not the intention of that resolution, or my colleagues on both sides of the aisle, to seriously handicap or render ineffective the unemployment insurance service or the employment services program.

In fact, we went to some length to try to safeguard against the possibility of there being insufficient funds to properly administer the unemployment programs.

You may recall that on December 10 we included a "History of Legislative Intent" in the proceedings to clarify the intentions of the continuing resolution since no actual report was possible.

That legislative intent included the following language under the title, "Grants to States for Unemployment Insurance and Employment Services."

It is the intent of this resolution to assure that State unemployment offices will not be closed and employees will not be laid off as a result of limitations on trust funds provided by this resolution. The Secretary of Labor has indicated that if under the January 1982 economic assumptions the 1982 workload for processing unemployment compensation claims is higher than assumed in the September budget request, the administration will submit a supplemental request. . . .

Several factors, not all of which were foreseen, coupled with 8.9 percent unemployment to drain funding from the Employment Services Offices among the States. While some reductions in staffing of those offices were clearly the intent of the September budget request, it was not the intention of the continuing resolution to further reduce those offices at all.

Specifically, what do these supplementals do?

First, they provide $210 million to the Employment Service. As you know the Employment Service provides State assistance to job seekers, including job finding and placement, counseling, and testing and other services to workers. The committee has included sufficient funds to restore the Employment Service staffing to a national total of 24,800. This compares with a current level of 17,500.

Second, the supplemental provides $133 million to cover the additional costs of processing unemployment insurance claims for the balance of this fiscal year. These funds are needed now to enable the States to process the added workload in a timely manner.

The third, and largest segment of the supplemental is for "advances to the unemployment trust fund and other funds" in the amount of $1.950 billion. This supplemental is necessary to provide additional resources to the Federal unemployment account—$1,450,000,000—and to the extended unemployment compensation account—$500,000,000.

I also wish to point out again the timely nature of this recommendation. During our committee's hearings with Assistant Secretary Angrisani of the Department of Labor, we urged Mr. Angrisani to work with every State to keep their employment services offices open during this brief period while the Congress worked to provide the necessary funds. He said he would notify the States of the likelihood of these funds coming into the pipeline very soon and would urge them to keep their UI and ES offices operating and employees on board.

I am pleased that we are here now with the committee's resolution and with an administration request to take care of this real need.

I urge all of my colleagues to support the joint resolution.

Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. LIVINGSTON).

Mr. LIVINGSTON. I appreciate the gentleman's yielding.

Mr. Speaker, I rise in support of this urgent supplemental appropriations request. I want to thank the distinguished chairman, the gentleman from Mississippi (Mr. WHITTEN) as well as the chairman of our Subcommittee on Labor, Health, and Education, the gentleman from Kentucky (Mr. NATCHER), for the expeditious manner in which they handled this bill.

I want to especially thank the gentleman from Massachusetts (Mr. CONTE) and his able counsel, Jim Fabiani, for the excellent work they performed, with the administration, in getting the supplemental appropriations approval for Employment Services.

As the gentleman from Massachusetts stated earlier, it was our intent in the December 14 continuing resolution to realize effective cost savings, and—if economic conditions warranted it—the administration had given us assurances that they would send up a supplemental request.

The administration did just that and wisely included additional funding for the Employment Service.

The administration supports the present bill before us.

Mr. Speaker, the bill before us today will prevent the eventual closure of 23 of our 40 unemployment offices in the State of Louisiana. In addition it will preserve hundreds of jobs and allow for the continued timely payment of UI benefits and employment services.

While Louisiana's situation, in comparisons to other States, had been temporarily mitigated by approval of emergency appropriations by our ex-colleague, Gov. David Treen, House Joint Resolution 390 will provide a long-term solution to this entire situation

Mr. Speaker, I ask the Members of the House to support this bill and urge quick approval by our colleagues in the Senate.

Mr. CONTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. O'BRIEN).

Mr. O'BRIEN. I thank the gentleman for yielding to me this time.

Mr. Speaker, I rise in support of House Joint Resolution 391 to provide supplemental appropriations for unemployment compensation payments, and for State employment services.

Last December when we passed the third continuing resolution the gentleman from Massachusetts (Mr. CONTE) assured us that the administration would submit a supplemental budget request should the cost of providing grants to States for unemployment insurance and employment services rise higher than estimated at that time.

Today we are responding as we planned to do in December. Because of

the recession these costs have risen and the administration kept its promise in submitting a request for supplemental funds.

In this bill we are providing an additional $1.9 billion to pay unemployment compensation benefits through the end of fiscal 1982 next September 30 and $130 million to process those claims.

In addition, the bill contains $210.5 million for grants to State employment services. This will prevent the closure of 22 job service offices in Illinois and many other similar offices in other States throughout the country.

Much as I regret having to call upon my colleagues to approve additional expenditures in these difficult times, the supplemental appropriations in this bill meet real emergency needs and I urge my colleagues to support it.

Mr. CONTE. Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from Indiana (Mr. HILLIS).

Mr. HILLIS. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of the measure, House Joint Resolution 391—the supplemental appropriations to provide additional funding for the Department of Labor. I appreciate the efforts of Congressman NATCHER and Chairman WHITTEN in bringing this measure before the House in an expedited manner. This bill is necessary because of the unforeseen effects of budget cuts forcing the closing of State employment offices.

The Preamble to the Constitution states that one of the major functions of the Federal Government is to promote the general welfare of the people of the United States. That obligation requires a commitment on our part to help the unemployed find new employment; return to being contributing members of our society; and get off the welfare roles as soon as possible.

In Indiana the employment security division has done an excellent job in finding new employment for those who have lost their jobs. Indiana's work incentive program achieved a total welfare savings of almost $35 million in fiscal year 1981. The work incentive program, or WIN as it is known, is administered by the State welfare department and the Indiana Employment Security Division. It seeks to break the welfare dependency cycle by developing job opportunities, providing employment training and furnishing needed support services. State and county welfare WIN offices work with local employment security division offices in helping recipients find jobs. More than 6,750 persons left AFDC rolls in 1981 as a result of WIN.

Unfortunately, unless we pass this measure, the WIN program will be substantially curtailed because of the lack of employment placement services operated by that State. The WIN program represents only a portion of the fine work the employment placement services provide. In fiscal year 1980 a total of 96,476 persons in Indiana were placed through employment services offices at an average hourly wage of $3.71. If you annualize that figure, and assume a 30-hour work week, $558,364,498 was earned in wages by those who might otherwise been without work. In other words, Indiana collected $7,817,103 and the Federal Government collected $50,252,805—not counting the $74,820,843 is social security taxes—from people working due to placements through the employment security division.

The December employment rate in Indiana was 12.4 percent. That figure however, does not take into account the thousands of individuals who have lost their jobs and moved to other States. Since Indiana's unemployment has been high for so long, the official unemployment rate does not reflect the true seriousness of the situation.

I can assure my colleagues that people in Indiana are worried. In talking to my constituents, I sense a feeling of concern for the future. For those who are unemployed, there is a sense of helplessness, and in some cases hopelessness of finding a decent job in the near future.

There is already a feeling that Washington does not understand, nor care, about the unemployed in these areas of high unemployment. The closing of the Employment Service offices, and the curtailment of employment placement services, can only add to the feeling of despair. As I mentioned earlier, I believe we have an obligation to prevent that from occurring.

In Indiana we stand to lose 10 full service offices and the placement services in 12 more due to the budget reductions contained in the last continuing resolution. One of the offices due to be closed is in Peru located in Miami County, Ind. The unemployment rate in Miami County is 16.4 percent. Imagine the feeling people get who are unemployed in an area with 16 percent unemployment, when the unemployment offices close and placement services cease.

I am sure no Member intended for these closings to occur when we passed the budget cuts. Let us correct this situation and pass this bill.

Mr. CONTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. PARRIS).

Mr. PARRIS. Mr. Speaker, I am pleased to join today with my colleagues from the Commonwealth of Virginia in a colloquy on the unfairly low rate of return which Virginia receives on the taxes it pays into the Federal Unemployment Tax Act trust fund.

While I can certainly understand that those States with a greater need would receive more Federal funding, I find it blatantly unfair to penalize States with a good record of providing employment services.

Last year Virginia paid $51.5 million into the trust fund yet only received $18.5 million from the Department of Labor to administer the Virginia Employment Commission's unemployment compensation and employment service functions.

This low level of funding has led to the closing of 26 local offices around the State and both the Alexandria and Manassas offices in the Eighth Congressional District.

I would hope that the formula which is used to determine the level of payments for each State is revised to insure a more equitable distribution of the funds since the current formula has not allowed the VEC to provide the services which the employers of the Commonwealth want and for which they pay.

It is indeed difficult to tell an unemployed worker that he will receive no assistance in locating employment because Virginia has had a recent history of low unemployment.

I will support the passage of House Joint Resolution 391 with the hope that this inequitable formula can be corrected in the very near future.

Mr. CONTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. ROBERT W. DANIEL, JR.)

Mr. ROBERT W. DANIEL, JR. Mr. Speaker, the supplemental funds provided in this resolution are badly needed to continue services to unemployed Americans. As unemployment rises, we must give people the means to find productive and rewarding jobs. It is certainly a better investment to provide job services than simply pay unemployment or welfare benefits.

While this supplemental appropriation will help to alleviate the problems which State employment agencies have experienced, we in Virginia are suffering from another more fundamental problem. The formula used to distribute the Federal unemployment tax to the States is an insult to the people of Virginia. While Virginia is 14th in the dollars contributed to the unemployment tax, it ranks 51st in the number of dollars returned to the States.

Although some redistribution of the unemployment tax funds might be desirable, no reasonable person can argue that the current formula is fair.

It is the existing formula, more than any recent reduction in funding, which has forced the Virginia Employment Commission to close 41 of its offices statewide. I hope that this supplemental appropriation will allow some of those offices to reopen. Yet, I

know that Virginia will not be able to fully meet the needs of its citizens until more of the tax Virginians contribute is returned to their State.

Mr. CONTE. Mr. Speaker, I yield such time as he may consume to another good friend, the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I rise in support of the ideas expressed by my distinguished colleague, Mr. BLILEY, in this matter. It is my feeling that consideration and attention must be directed toward rectifying this inequity in the Federal Unemployment Tax Act in its distribution of funds to Virginia. This is important to the people of our State.

While considering this supplemental appropriations bill for the Department of Labor, it is necessary to voice these concerns in hopes of attaining changes in the distribution formula which resulted in the closing of 41 of Virginia's 67 employment service locations.

The national average per State in this employment security system is a return of 90 cents on each dollar contributed to this fund by employers. Virginia, however, is well below the national average, percentagewise, ranking last among the 50 States with a return of only 43 cents on each dollar. This inequity must be corrected.

I urge that further consideration be given to altering the current formulas used to distribute FUTA tax dollars. A much more balanced and efficient method should be studied and implemented.

Mr. CONTE. Last but not least, Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. TRIBLE).

Mr. TRIBLE. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of this joint resolution and urge my colleagues to restore funding for important employment services around this country.

At this time of very high unemployment we must help those people that are out of work and looking for jobs to find meaningful employment.

Budget reductions have forced the Virginia Employment Commission to announce the closing of 41 VEC offices and the abolition of 788 VEC jobs.

These closings mean the loss of nearly a thousand jobs for the employees who work in VEC offices. It also means that, at this time of high and growing unemployment, jobless men and women will receive less and less assistance in finding jobs and in qualifying for unemployment benefits.

It is also time for the Labor Department to review and revise the formula which reallocates FUTA tax dollars to the States for use by State employment commissions.

Under the present inequitable formula, the Commonwealth of Virginia gets back only 42 cents of every FUTA tax dollar collected in Virginia and sent to Washington. This is the lowest percentage return for any State, and is unfair.

This arbitrary allocation formula, combined with the reduced funding produced by the recent continuing resolution, has produced a severe funding crisis for Virginia's Employment Commission.

This House must take action to insure that important services, such as job counseling, testing, and job placement, as well as assistance in qualifying for unemployment benefits, will be available.

Mr. CONTE. Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from Michigan (Mr. DAVIS).

Mr. DAVIS. Mr. Speaker, I rise in support of the resolution.

Mr. NATCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to call to the attention of the Members of the House that unanimous consent was obtained for all Members of the House to have 5 legislative days in which to revise and extend their remarks.

The President of the United States sent this to the Congress as an emergency supplemental request. It is for $343,490,000 that goes into the grants to States for unemployment insurance and employment services account, and $1,950 million, Mr. Speaker, that goes into the advances to the unemployment trust fund and other funds account.

Now, Mr. Speaker, this seems to be unanimous. I know a number of Members would like to have their remarks in the RECORD. Unanimous consent has been obtained.

Mr. Speaker, this bill was introduced on January 29 by the chairman of our fall Committee on Appropriations, Mr. WHITTEN. We also sought and obtained the rule from the Rules Committee that made consideration of this bill possible. Mr. Speaker, this bill would not be before the House today without the efforts of the gentleman from Mississippi. It has been a distinct honor and privilege for me to serve with him for the last 27 years on the Committee on Appropriations. Mr. Speaker, the gentleman from Mississippi is one of the ablest Members of this House, and we are grateful to him for his efforts on behalf of this bill to restore funds to the State employment service and for unemployment compensation benefits.

Mr. Speaker, in order for us to finish by 6 o'clock, I yield such time as she may consume to the distinguished gentlewoman from Ohio (Ms. OAKAR).

Ms. OAKAR. I thank the chairman.

Mr. Speaker, I rise in strong support of House Joint Resolution 391 and urge my colleagues to act favorably on this legislation that provides $343.4 million in grants to the States for unemployment insurance and employment services. This bill also advances $1.95 billion to the unemployment trust fund to assist the States in payment of unemployment insurance benefits.

In my own State of Ohio, the unemployment rate is now at 12 percent, the second highest in the country. There are now 600,000 unemployed workers in Ohio and during the week of January 18, 1982, there were 270,000 claims filed for unemployment insurance benefits. Because of the massive draw-down on the State's trust fund reserves, my State has been forced to request a loan of almost $400 million from the Government to pay unemployment insurance benefits.

With unemployment as serious as it is in my State, it would be unthinkable to curtail any service intended to help unemployed workers find new jobs. Yet 38 employment service offices are threatened with closing by the end of March, and some 1,000 employees may lose their jobs unless additional moneys are provided quickly to maintain the necessary funding and staffing levels.

I applaud Chairman WHITTEN's action in this matter and appreciate his concern for the serious situation many States find themselves in because of irresponsible cuts made in funding to the States for the administration of the unemployment insurance and employment service programs.

The unfortunate outcome of these cuts has been the threatened closing of hundreds of employment service offices around the country and the potential loss of thousands of employment service jobs, such as placement counselors and job interviewers.

I am relieved that the administration saw fit to request Congress to enact this supplemental appropriations bill, but I am, frankly, appalled that the administration would have permitted this situation to exist in the first place. At a time when we have record high unemployment and sharply increased claims for unemployment insurance, we certainly should not be laying off the very persons who are trained to handle these claims and to assist in job searches in an efficient and effective way.

As a former member of the National Commission on Unemployment Compensation, I was able to study firsthand the unemployment insurance program and to acquaint myself with many of the problems associated with the program's financing, administration, and benefit coverage. One of the most important recommendations the Commission made was to increase grants to States for administrative fi-

nancing for unemployment compensation and the employment service and to increase the staffing levels of the employment service in order to provide effective job search assistance to unemployment insurance claimants and other unemployed workers.

Mr. Speaker, I urge that this House act speedily and favorably on this legislation to insure that sufficient funds are available to the States to continue their unemployment insurance and employment service responsibilities without the need for the closing of any offices or the laying off of any employees.

Thank you very much.

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Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GARCIA).

Mr. GARCIA. Mr. Speaker, I rise in support of this emergency supplemental appropriation to cover the costs of claims by unemployed persons who have lost their jobs as a result of the recession and the administration's policies.

In doing so, I also wish to call to my colleagues' attention the administration's mishandling of the budget of the Bureau of Labor Statistics which is charged with the responsibility for compiling and publishing the monthly labor force statistics.

Mr. Speaker, last fall when all Federal agencies were forced to reduce expenditures by an additional 12 percent, the BLS budget was reduced by almost 20 percent, or nearly $5 million. It seems now that OMB has made a mistake and unless Congress corrects its carelessness, BLS will be forced to take extreme measures which translates to disrupting the monthly flow of unemployment data as well as inflation figures for several of the remaining months in fiscal year 1982.

What this all means, Mr. Speaker, is that Congress, and specifically the Senate, will be asked to add $5 million of this bill for BLS. In effect, we will be asked to cover OMB's errors. I personally believe we should restore the money. It is simply the right thing to do.

But we should also remember this little episode as we begin our deliberations on the fiscal year 1983 budget.

Mr. Speaker, at this point I would like to insert a list of the programs reduced or eliminated as a result of the President's 12-percent reduction in the budget of the Bureau of Labor Statistics.

The material follows:

U.S. BUREAU OF LABOR STATISTICS

PROGRAMS REDUCED OR ELIMINATED IN THE 12-PERCENT REDUCTION

1. Labor Turnover survey program eliminated.

2. Current Population Survey—May supplement on multiple jobholding eliminated.

3. Current Population Survey—Redesign to take account of 1980 Census changes delayed.

4. Current Population Survey—Number of households added to improve Local Area Unemployment Statistics reduced.

5. Research to improve State and local area unemployment statistics eliminated.

6. BLS Family Budget program eliminated.

7. Consumer Price Index for Fairbanks, Alaska, eliminated.

8. Pricing samples for Consumer Price Index for Wage Earners and Clerical Workers (CPI-W) reduced. Same prices will be used for the All Urban Index (CPI-U) and the CPI-W.

9. Planned revision of Producer Price Index delayed.

10. Planned completion of Export and Import Price Indexes delayed.

11. Work stoppage statistics sharply reduced. Coverage will be limited only to strike covering 1,000 or more workers.

12. Five Industry Wage Surveys eliminated.

13. Analysis of Collective Bargaining Agreement provisions eliminated.

14. Survey of Labor and Materials Requirements in the Construction Industry eliminated.

15. BLS economic growth and occupational outlook program reduced.

16. Reduction in number of occupations in the Occupational Outlook Handbook.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. SAVAGE).

Mr. SAVAGE. Mr. Speaker, I rise in support of passage of House Joint Resolution 391, legislation that makes critically needed supplemental appropriations for unemployment compensation. As a cosponsor of this important legislation, I strongly urge my colleagues to pass this measure and to push for its speedy enactment into law. This bill would restore the administration inspired cuts in the jobs service and will make it possible to pay for the ever increasing number of unemployment claims nationwide.

If it were not for the cold and callousness of Reagan and his surrogates over in the office of mis-management and cut-it, this legislation would not even be needed. But because of the actions he and his henchmen took last year and especially last fall, over 500 people in my State of Illinois, alone, whose job is to help find employment for others were, themselves, near victims of Reagan's indiscriminate budget ax.

I find it unconsionable that in this time of Reagan-induced recession and outrageously high unemployment, that in these trying times when millions of blacks, browns, and whites are out of work and wondering where their next meal is coming from, people over in the White House seem to show more concern about the condition of china place settings than the condition of the poor and working poor.

Again, I urge my colleagues to pass this measure today, and in the subsequent days of this session to reverse this antipeople, more-money-for-guns budget of this administration, whose legacy to the American people undoubtedly will be that of catering to the rich, while ignoring the starving and poor.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. DAN DANIEL).

Mr. DAN DANIEL. Mr. Speaker, I rise in support of the joint resolution.

I desire to associate myself with the question raised by the gentleman from Virginia (Mr. BLILEY).

For a number of years, members of our State delegation have been trying to get some relief for the Virginia Employment Commission on our allocation. It defies logic that we have met with such resistance to what appears to be a justified complaint.

If one is to follow the reasoning of the Department of Labor to its logical conclusion, Virginia is being penalized for doing an efficient job. The fact that we have had less unemployed and have been more successful in placing those who have been temporarily out of work has been a disadvantage in the allocation of these funds.

VEC offices which have been serving a useful purpose have been forced to close and the load of work will therefore fall heavier upon those offices which are kept open. Those who are out of work in the areas where offices are closing will be further away from sources of assistance. Perhaps this ultimately will improve our relative standing among the States but this is scarcely an objective toward which we want to strive.

We hear a great deal today about the need for more effective and responsive government—and I certainly concur with this objective. Reducing the cost of government also is a goal to which I lend support. However, it makes little sense and discourages initiative when the formula under which these people operate penalizes them for doing a good job. I urge again that this system be reevaluated.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, my district and the State of Washington, suffers from extremely high unemployment. As of December of 1981, the unemployment rate was 11.3 percent and over 193,000 Washingtonians were out of work, principally due to massive layoffs in the forest products and related industries.

Currently, unemployment in the Tacoma, Wash., area is 11.5 percent and could go higher.

Traditionally, the Washington State Department of Employment Security has provided unemployment benefits

to unemployed workers and their families and has attempted through its job service offices to help these workers find other employment.

In 1981, 39 State job service offices provided unemployment benefits to tens of thousands of Washingtonians who were out of work and approximately 3,800 employment security employees helped these individuals receive benefits and find new jobs. These 3,800 employees served approximately 150,000 unemployed workers.

Unfortunately, due to the cuts in unemployment benefits and funding for personnel to assist the unemployed, 753 Washington State employment security workers were RIF'd—at a time when Washington State unemployment was rising from about 8 percent in January 1981 to about 11.5 percent in January 1982.

Currently, 2,600 State employment workers must serve over 214,000 unemployed workers in Washington State. These employees not only must help the unemployed obtain their benefits, but they also must help them find employment.

The administration's budget cuts have also reduced the number of State offices providing employment location services from 39—about 1 per county—to 16 statewide.

This situation causes longer delays in processing unemployment benefits because there are fewer employees to serve greater and greater numbers of unemployed. Additionally, the unemployed often must travel further and wait longer for the scarce State employment security specialists who have traditionally assisted them find new jobs.

For the unemployed, the situation of being without work—which is wrenching enough—is further aggravated and made more difficult through no fault of their own.

Mr. Speaker, I believe the Congress and this administration must provide the resources to reduce and to eliminate the suffering of our unemployed. We have an obligation to the millions of Americans who are without jobs and need unemployment benefits and assistance in finding work. This emergency supplemental request will help in this regard.

I also believe that this subcommittee and the full Appropriations Committee must assist those individuals who have exhausted their 39 weeks maximum of unemployment compensation. In Washington State an estimated 65,000 individuals will exhaust their unemployment benefits during 1982. This number is almost double the number of individuals who exhausted their benefits in 1981—in a State which qualifies for the full 39 weeks of regular and extended unemployment benefits due to its extremely high rate of unemployment.

Mr. Speaker, in many cases the Appropriations Committee on which we serve is the last hope for the survival of workers who have borne the brunt of this recession.

We have a responsibility to act for them and for their families.

As I have in the past, I pledge to work with you to help these citizens so that they will not fall through the hole of any so-called safety net.

Thank you.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. FOUNTAIN).

Mr. FOUNTAIN. Mr. Speaker, I rise in support of the legislation.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. LOWRY).

Mr. LOWRY of Washington. Mr. Speaker. I rise in strong support of this legislation. The House Appropriations Committee and the leadership are to be commended for their quick response to what is without question the most personally traumatic of all the symptoms of our ailing economy—escalating unemployment.

In my home State of Washington, the magnitude of the unemployment problem cannot be overstated. The State employment security office recently reported that the State's unemployment had reached 11.1 percent in December, 2.2 percentage points above the national average and the highest in the State since they began keeping unemployment statistics in 1947. This figure does not take into account those who have exhausted their unemployment benefits or have given up their search for employment out of frustration. In the week ending January 9, 22,379 Washington residents filed for unemployment insurance, an increase of over 10,000 from the previous week. For the same week nationally, initial claims totaled 1,073,030, an increase of 379,000 from the preceding week. During the Boeing slump in the early 1970's when billboards advised the last person leaving Seattle to turn out the lights, statewide unemployment peaked at 10.4 percent. This month, it is estimated that unemployment will exceed 12 percent.

The Seattle-Everett area alone presently has over 75,000 individuals collecting unemployment pay. My district, in the Seattle area, is representative of many urban areas. Boeing is laying off aerospace workers, small businesses are closing their doors and homebuilders and realtors are idled by high-interest rates. But relative to the rest of the State, we are fortunate. In those counties highly dependent on the forest products industry, unemployment is well above 15 percent with no end in sight.

It is difficult to imagine a government service which could be more useful and productive than the job-finding services or employment security offices as they are known in Washington State. Our employment security offices place an average of 90,000 persons in jobs every year. They also monitor claimants for unemployment compensation, attempting to place individuals as soon as they begin to receive unemployment compensation. Because of the cuts in funds for these job placement centers, Washington State has been forced to lay off one-half of its 500 employment security officials and close 14 of the 31 State offices. It simply does not make sense to close the doors at these offices at the very time unemployment is reaching record levels.

The action we take today will at least make the shock of unemployment somewhat easier for the thousands searching for work. However, we all recognize the overwhelming issue we must face—there are fewer and fewer jobs to be found every day.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I rise in strong support of House Joint Resolution 391. I commend the Appropriations members' action which would provide the urgently needed funding for the unemployment trust fund and the Labor Department Employment Service. This bill indeed is urgently needed.

While the recent unemployment statistics have shown a curious drop in unemployment rates, those rates are still too high. It is ridiculous to be implementing policies which place employment placement personnel into the ranks of the unemployed at the same time as millions of Americans are looking for work.

The Minnesota Employment Division has done an outstanding job in providing assistance for the jobless. But the Federal budget cuts in conjunction with the State economic crisis have placed the viability of the State placement service in doubt.

Mr. Speaker, we all want to see full employment. How we achieve this goal may be subject to dispute, but the success of State employment services is documented. In dire times, we cannot close the door of hope to the unemployed. The Federal Government has a responsibility to aid the States. The short-term costs are far outweighed by the long-term benefits. Mr. Speaker, the December continuing resolution is revisited again—hopefully the administration and House/Senate counterparts will be more reasonable in appraisal of the needs of the unemployed in light of the deteriorated economic situation as a result of unsound national economic policies enacted in 1981. I urge my collegues to vote in

strong support of House Joint Resolution 391.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Speaker, I rise in strong support for this measure, House Joint Resolution 391, and would like to commend the leadership and the chairman of the Appropriations Committee, Mr. WHITTEN, and the subcommittee chairman, Mr. NATCHER, for bringing this legislation to the floor in expedited fashion. This resolution answers a growing need throughout the Nation and attempts to alleviate somewhat the sharp pains of an economy in trouble.

As we all know, when the continuing resolution was passed late last year, an annual unemployment rate of 7.5 percent was projected. Little did we know that such figure would be overly optimistic, and now the administration is projecting a 1982 rate of 8.9 percent. I fear, as I am sure many of you do, that this figure may also be optimistic in the end.

In the wake of the budget ax, almost 15,000 unemployment job service offices have closed all over the Nation. In my home State of West Virginia, 25 of the State's 44 job service offices have shut down, and 95 unemployment workers have been put out on the street themselves. In short, we have been witnessing a sad irony, where individuals who assist the unemployed have become the unemployed.

Over the past few years, job service offices have annually helped connect some 3 to 4 million willing workers with gainful employment—a practice I believe that is far better and far cheaper than leaving these individuals to languish in an unemployment line.

When the administration pushed for this reduction last year, evidently they gave little consideration to the fact that for each 1 percentage point rise in unemployment $25 billion is added to the ever-growing Federal deficit—a fact the President himself admits.

While this supplemental appropriation will be of great benefit to countless American families, we must realize that it may not meet all the needs that currently exist.

For example, in West Virginia, our employment security commissioner, Jack Canfield, states that the job service program will take a while to be put back on par. Already my State owes the Federal Government $99.8 million for unemployment benefits—and faced with a 7.8 unemployment figure—another $20 million may be needed to meet the claims.

I support House Joint Resolution 391 because it answers the call of the American people. I fear that further calls will be heard in the coming months, as further adverse impacts of the so-called economic recovery package are made known.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. HEFNER).

Mr. HEFNER. Mr. Speaker, I rise today in support of the efforts of this body to avoid repenting in leisure the mistakes we have made in haste. I speak specifically of our efforts to pass an urgent supplemental appropriation to meet our legal obligation to the hundreds of thousands forced onto unemployment roles and our moral obligation to put those Americans back to work.

In the waning days of the first session of this Congress, we were forced to pass a continuing resolution written by an administration which said it had all the answers. One such answer was to cut unemployment insurance and employment service funds another 12 percent past cuts made in earlier budget rounds. The result—the closing of between 1,000 and 2,500 local job service offices nationwide and the laying off of approximately two-thirds of employment service personnel. All done at a time when unemployment threatens to go into double-digit figures.

Such an action is not fiscal responsibility; it is fiscal folly. In my State of North Carolina, we may be forced to close 48 of the 85 local and branch employment service offices at a time when we have received more applications for unemployment insurance than at any time since the recession of 1975—the worst year for employment since the Great Depression. Over 230 employment service personnel face losing their jobs immediately. Another 400 will lose their jobs in North Carolina if we do not pass this supplemental. Not only will these people face unemployment and cost the Government more money to pay their unemployment benefits, they will not be available to assist others in finding useful jobs. This is a senseless and unnecessary situation.

The House has before it today a measure to alleviate this situation. I support this wise investment of our dollars, and I urge my colleagues to do likewise.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. FORD).

Mr. FORD of Michigan. Mr. Speaker, I rise in support of House Joint Resolution 391. Approval by the House is desperately needed as a stopgap measure to keep open employment security offices throughout the Nation. Under the administration's misguided direction during the consideration of the continuing resolution, severe cuts were made in funding for unemployment benefits and staffing for services to assist unemployed workers. Even in my home State, the Republican-appointed director of the Michigan Employment Security Commission, S. Martin Taylor, readily admitted the lack of foresight by President Reagan and his budget advisers. Before a special meeting of the Michigan Employment Security Commissioners in our State capitol, he said that the continuing resolution enacted at the request of the Reagan administation imposes retroactive budget cuts that "are far more devastating than anyone may have realized."

We cannot afford to make mistakes of this kind at the expense of working people who have a genuine desire to seek new employment or retraining through the employment security offices. I applaud my colleagues at their wisdom in agreeing to this supplemental. When so many of our constituents are suffering so much, it is the least we can do in lending a helping hand.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. WOLPE).

Mr. WOLPE. Mr. Speaker, I rise in support of House Joint Resolution 391, and commend the committee for acting so expeditiously on this legislation.

The current economic recession has had a devastating effect on the State of Michigan. The people of Michigan are struggling with the highest unemployment rate in the Nation at the same time that budget reductions at both the State and national level have dramatically reduced important employment assistance programs. Today, nearly 16 percent of Michigan's labor force is without a job, and approximately 60 percent of those without employment have exhausted their unemployment benefits.

The economic decline that is plaguing Michigan and her neighboring States has spread to the rest of the country. With the deepening recession, the national unemployment rate has surged from 7.4 percent in December 1980 to 8.5 percent in January 1982. As the trend of growing unemployment continues, the prospects for a more vital economy dim.

The President himself recently acknowledged every percentage point increase in the national unemployment rate automatically triggers a $25 billion increase in the Federal deficit. Unless we address the problem of unemployment, the deficit will grow exponentially, the money markets will respond by maintaining high interest rates, the recession will drag on, and the ranks of the unemployed will grow still larger.

Mr. Speaker, we all await an economic recovery—and nowhere is that recovery more anxiously awaited—or more desperately needed—than in Michigan. But that recovery will never materialize unless we address the

problem of unemployment by taking steps to contain its growth.

I think we begin by passing this resolution.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. AuCoin).

Mr. AuCOIN. Mr. Speaker, I thank the gentleman for yielding.

I want to make the point that in Oregon we have an unemployment rate of nearly 12 percent, about the second highest in the Nation. In some areas in Oregon we have communities where 60 percent of the able-bodied people are out of work. In the city of Tillamook one out of four workers is out of work. In the city of Willamina, one out of every three workers is out of work today.

I am amazed, as I think most Americans are, and certainly people in my district, that the President of the United States would imply that unemployment is not his problem when he addressed the country in his recent press conference. I am further amazed that the President would give the impression that joblessness is a small problem by pointing to 22 pages of help wanted ads in the Washington Post. I think the President should understand that that is not very much comfort for millworkers and construction workers in my district who are out of work because of high interest rates, high deficits that his policies have caused. I strongly support this legislation. I commend the gentleman from Illinois for introducing it. The chairman of the subcommittee has done excellent work, and I am pleased to have been a party to it.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. Fithian).

Mr. FITHIAN. Mr. Speaker, I thank the chairman for yielding. I want to commend the gentleman from Illinois (Mr. Yates), and I commend the chairman of the committee for his work in introducing this legislation and for the speed with which he brings it to the floor.

Mr. Speaker, I rise in strong support of House Joint Resolution 391 providing an urgent $210,490,000 appropriation to keep State employment offices open. If Congress does not pass this urgently needed legislation within the next few days, our national effort to get Americans back to work, particularly in high unemployment States like Indiana, will have been dealt a severe blow.

As a result of the Conte amendment to last December's continuing appropriations bill, somewhere between 800 and 1,000 local employment offices nationwide have been closed and probably 13,000 to 15,000 job placement specialists have been laid off, themselves, to join the ranks of the unemployed.

In Indiana—which is now suffering a 12.4-percent unemployment rate—the impact of these cuts would have been serious under any conditions. The Indiana Employment Security Division has announced that unemployment offices in the following towns will be closed later this month if money cut out of the budget by the Conte amendment is not restored.

Local unemployment rate—December 1981

Town:	*Percent*
Crawfordsville	8.8
Southtown (Indianapolis)	10.1
La Porte	13.0
Linton	13.9
Martinsville	10.2
Peru	13.7
Plymouth	13.9
Shelbyville	13.9
Tell City	15.0
Warsaw	9.8
Winchester	14.7

In addition, if additional funds are not appropriated, job placement services will be terminated at the following offices:

Local unemployment rate—December 1981

Town:	*Percent*
Auburn	18.5
Augusta (Indianapolis)	10.1
Bedford	22.1
Connersville	12.4
Franklin	9.7
Jasper	10.0
Lawrenceburg	13.0
Lynhurst (Indianapolis)	10.1
Meadows (Indianapolis)	10.1
New Castle	17.1
Portage	11.0
Seymour	17.4

In some States, vigorous State sponsored job-creation programs are making it easier for jobless workers to find productive work without the help of State employment offices. This is not the case in Indiana. The State's efforts, until now, have been ineffective.

Fortunately State employment services have been moderately successful in placing jobless workers in past recessions and in reducing the dollar drain on the State's unemployment insurance fund. The IESD in fiscal year 1980 and fiscal year 1981 made 96,476 and 91,675 placements, respectively. By taking the average hourly wage and average workweek for each placement, figures show that for each fiscal year the IESD job placement activity generated wages in the amount of $558 million and $569 million respectively into the Indiana economy. In short, the IESD's employment services are cost effective—a concept which is totally in line with President Reagan's goals. In addition, the importance of the job service/unemployment insurance relationship cannot be overstated. A Stanford research center survey indicated that the "coordination of UI claims with job service placement efforts shortened unemployment 5 to 7 days, which produces a significant savings in UI (unemployment insurance) benefits."

Over the past few days I have been assessing the potential impact of IESD's threatened office closings. If supplemental appropriations are not provided, the State is planning to shut down employment services in counties where unemployment runs as high as 22.1 percent. Offices which the State has threatened to close located 10,000 jobs last year. They are currently carrying tens of thousands of other unemployed workers on their books, workers who still need help in finding a job. If these 23 offices are shut down, local workers will have to turn to offices in other counties which already have their hands full taking care of their own unemployed. These remaining offices simply will not be able to locate jobs as effectively as we need them to.

If supplemental appropriations are not provided by the Congress and the IESD goes through with its plan to shut down its offices, here is what it will mean to communities throughout my State:

Crawfordsville's unemployment security office would be completely shut down, forcing 1,500 jobless workers to look elsewhere for help in finding work. The city has been hard hit by layoffs from the Lone Star plant and other major employers.

In Indianapolis at least 22,000 jobless workers would be shuffled from one employment office to another. The city has been hit by major layoffs by several large employers, among them RCA, Western Electric, Ford, Chrysler, Chevrolet, and International Harvester.

In La Porte, Ind., layoffs by local companies have led to a 13-percent unemployment rate. The local employment service office located 957 jobs last year, but 8,000 unemployed workers are still depending on the office to help them find a job. If this office shuts down, these workers will have to turn to an office which already has its hands full taking care of its own unemployed. These offices simply will not be able to locate jobs as effectively as we need them to.

Linton's unemployment office, which was assisting 2,152 area residents to find work after layoffs by RCA, General Electric, and other major area employers, would be completely shut down.

In Martinsville where local employment office workers were trying to place 1,500 jobless workers in productive jobs, IESD personnel would themselves join the ranks of the unemployed.

In Peru, a city struggling to cope with layoffs from General Tire, Peru Foundry, Owen Corp., and United Technology, some 1,937 jobless workers would be forced to look somewhere else for help in finding a job.

In Plymouth some 1,300 unemployed workers would be asked to drive 50 miles to make use of IESD job placement services.

In Shelbyville some 2,000 jobless area workers, many of them idled by layoffs from Ford, Chrysler, International Harvester, and Western Electric, would not be able to turn to their unemployment office for help in finding a job—it will be closed.

In Tell City, a community struggling with its worst unemployment problem in a generation, some 2,500 unemployed would be told that their unemployment office will be closing its doors; 2,000 unemployed Warsaw area residents would be asked to make a 65-mile round trip to Elkhart to make use of the State's job placement services.

In Winchester, a city experiencing its worst unemployment since the Great Depression, some 2,000 workers idled by layoffs from American Hose Corp., Sheller-Globe, Overmyer Mold Co., and United Body would face a 40-to-50-mile drive to the nearest IESD office.

In Auburn, Bedford, Connersville, Franklin, Jasper, Lawrenceburg, New Castle, Portage, and Seymour the loss of job placement services at local unemployment offices would mean that individual workers will be idled for longer periods, that local unemployment rates will stay high longer, and that local employers with jobs to fill will have a tougher time getting qualified people to fill them.

I cannot overemphasize how strongly Indiana's jobless workers want these offices to be kept open. Basically they want jobs, not a handout. Their employment offices are among their most important resources in finding a job.

People in Indiana need jobs badly. The employment service offices which Indiana's State government plans to shut down if supplemental funds are not made available located 10,000 productive, private-sector jobs last year. This emergency legislation will help keep these offices open. I strongly urge passage of this crucial legislation.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the most important thing these employment offices all over the country do today is help people find jobs. That is the positive part of our program. As a former State commissioner of the Texas Employment Commission, I know that agency does great service in helping people find jobs.

I am glad the administration has recommended this appropriation, and I compliment the committee for taking this action because it states our need to get people jobs. That is what we are trying to do at this particular time.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consumer to the gentleman from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. Mr. Speaker, in the interest of time I will not take some separate time. I just asked the gentleman to yield to thank him for the work he has done as the chairman of the subcommittee, and to also point this out: This not only involves unemployment, but also involves the job service, and in some States like Iowa, that is equally as important as the unemployment comp part of it. In this legislation we are giving them flexibility so that they can use some of the money in those States that need to do so to enhance their job service capability as well as to do the other things that need to be done.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from the State of Illinois. It is a pleasure to yield to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Speaker, I thank the gentleman for yielding, and thank him for his kind remarks.

I think we ought to know, Mr. Speaker, that this bill does not contain all the funds that it should. It does not contain funds for the so-called work incentive program. It is $77 million short in that respect. It is a program that I consider to be essential, because it offers the opportunity for people who are on welfare to obtain the assistance that they need to get jobs.

It is a good program, and it is a program that is productive. I have talked to the gentleman from Kentucky (Mr. NATCHER) about it, and he has told me that he is going to look favorably upon it.

I thank the gentleman.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Speaker, I appreciate the gentleman yielding.

I want to commend the gentleman from Kentucky for his leadership, and also my colleague from Massachusetts (Mr. CONTE) for joining in bringing this to the floor in a very expeditious manner. I also compliment my colleague from Illinois (Mr. YATES) for sponsoring legislation with reference to the job service offices.

Mr. Speaker, I strongly support House Joint Resolution 391. I was pleased to have been an original cosponsor of House Joint Resolution 387, a bill introduced by Mr. YATES, which would have provided $210 million for administrative expenses for job services offices, and which has been incorporated into House Joint Resolution 391.

As my colleagues are aware, unemployment is currently at record levels. The national unemployment rate far exceeds the economic forecasts of the Reagan administration and has resulted in a request for an additional $1.9 billion for unemployment insurance payments to the States. The need for more money to pay jobless benefits has underscored a problem that the administration created for itself, with the budget cuts it pushed for in the continuing resolution adopted in December. The administration's bill reduced the grants to States for unemployment insurance and employment services account by more than $200 million, a reduction that is being absorbed by closing State-operated employment offices all across the country.

These offices, quite simply, help the unemployed find jobs. During the past few years, personnel in these offices have directed between 3 million and 4.5 million workers annually toward available employment. It makes no sense, in ny judgment, to curtail these activities, sending thousands of job placement specialists to join the ranks of the unemployed, at a time when their services are so desperately needed.

Mr. Speaker, I urge my colleagues to provide the funds necessary to maintain unemployment insurance benefits and insure the continued operation of job placement offices by adopting House Joint Resolution 391. We have a duty to assist those without work in both sustaining themselves and their families, and in securing new employment. Spending ever increasing sums of money on unemployment benefits while at the same time reducing efforts to place people in available jobs is not a sound policy. I am pleased that we now have an opportunity to correct this situation and get on with the task of putting people back to work.

Mr. Speaker, for all of the reasons that have been enunciated here and more, I would ask this House to support this resolution unanimously.

Mr. YATES. Mr. Speaker, will the gentleman yield for one more moment?

Mr. NATCHER. I yield.

Mr. YATES. Mr. Speaker, I inadvertently omitted from the encomiums I placed upon the gentleman and the gentleman from Mississippi the name of my good friend from Massachusetts (Mr. CONTE). His cooperation was total in this respect, and I want to commend him as well as the others for the fine work that they did.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, no single appropriation may be more important to the American people than the one which I hope this House will

approve today to provide $210 million for State employment service agencies.

The continuing resolution, which Congress passed in December 1981, to provide appropriations for the current fiscal year, effected grotesque savings in its reduction of funds for job services. At a time when the administration is slashing programs which alleviate the burden of joblessness, a time when fiscal and monetary policy are impeding economic recovery and creating unemployment, the continuing resolution cut Federal support for this program whose purpose is to help unemployed people find new jobs.

The appropriation before the House today will allow us to reverse some of the harm from those terrible budget reductions. As a sponsor of House Joint Resolution 387, I am delighted that the House Appropriations Committee has moved so quickly to bring to the floor House Joint Resolution 391, which makes supplemental appropriations urgently needed for job services and advances to the States for their unemployment compensation programs.

The appropriations bill before us today will enable us to fulfill a fundamental responsibility to the unemployed people of this country and their families. I know from the experience in my district and throughout my home State of Minnesota of the devastating impact of the continuing resolution upon job services and the unemployed. The resolution forced the Minnesota job services program to cut its statewide staff by over 30 percent.

House Joint Resolution 391 will provide sufficient funds to restore employment service staffing nationwide to approximately 24,800. The Department of Labor estimates that, in the absence of this urgent supplemental appropriation, employment services would be reduced from the level of 31,500 in 1981 to 17,500 in 1982. The Appropriations Committee indicated that the reduction might be even greater.

An article in the January 1982 Duluth News Tribune graphically describes the problems these cutbacks have created at the community level; I commend the article to the attention of my colleagues.

I urge my colleagues to support the restoration of these funds to the job placement program; no other action of this body could be a clearer or more immediate signal to the Nation's unemployed that Congress cares about them.

The article follows:

JOB SERVICE LAYS OFF 11

(By Bill O'Keefe)

You know things are really bad when the people who work to help you find a job are laid off.

Hit by further federal budget cuts, the Duluth Job Service office said Wednesday it will trim its staff by 11 in early February.

Actually, things have been tight for a while. This is the third time since June that the Duluth office has been forced to cut positions, said Dick Foss, Duluth Job Service office manager.

"We laid off seven in September and 13 in June when the CETA (Comprehensive Employment Training Act) program went down," Foss said.

Seven job placement and four Work Incentive Program (WIN) staff positions will be cut. "That's about 50 percent of our WIN staff," he said.

Ronald Pearson, who runs the WIN program, said it is designed to help people receiving Aid to Families with Dependent Children.

"It (the program) has been cut quite drastically but we'll still be able to offer people counseling and job placement services," he said.

Said Foss: "We'll lose some experienced people. Some of the folks we'll lose because of the seniority schedule—they've not been on board as long as some others—are just excellent people. We don't like to lose them but that's the way it is."

He said employees with up to five years' service will probably be out of work. Those with more seniority will have the chance to "bump" to other positions in the Duluth office or transfer to another Job Service office, he said.

By "bumping," an employee displaces another worker with less seniority.

"Some of the folks here have a fair amount of service and will be offered reassignments to vacancies or be able to bump at the Duluth office or around the state."

Foss said the cuts lower his staff to 58.

"I think our function will be to restructure the program like we did in September. It worked out well then. We're still providing services with the same degree of quality . . . and we're meeting the program mandates."

"But we've never operated at this level of staff resources before," he added.

Foss said Reagan Administration budget cutbacks have caused Job Service in Minnesota to cut its statewide staff by 31.3 percent.

"There are 125 positions out-state and 101 in the central office" being cut, he said.

Since Job Service's entire budget is paid by the U.S. Department of Labor, offices in all 50 states will probably be affected by the lastest budget cuts, he said.

The Duluth office will drop the 366 Work Incentives Program enrollees in Carlton County from the program but will continue to serve 1,100 people in the program in the southern third of St. Louis County, Foss said.

Pearson said Carlton County residents in the Basic Education Opportunity Grant progam will finish their job training. After that, he said, "we won't be able to help them."

Foss said he hopes to keep open the Cloquet, Miller Hill Mall and Michigan Street Job Service branches.

Ray Skramstad, manager of the Hibbing Job Service office and Jacqueline Coleman, of the Superior office, were reported out of their offices Wednesday and unavailable for comment.

Mr. NATCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. FORD).

Mr. FORD of Tennessee. Mr. Speaker, I rise in strong support of House Joint Resolution 391 which will provide supplemental administrative funds for State employment security agencies.

I applaud the Appropriations Committee for its action in promptly bringing this legislation to the floor. With cooperation from the other body, we can avoid serious disruptions in the Employment Service.

Although the President has reversed himself by submitting this supplemental appropriation request, the implications of the administration's original actions should not be overlooked.

Remember, it was this administration that requested and successfully lobbied for the cuts in the employment service we are now restoring. It is clear that these cuts were inappropriate and unwise. It is hard to believe that, with over 9 million Americans out of work and unemployment increasing, the administration would have proposed such drastic reductions in the Employment Service.

As chairman of the subcommittee with jurisdiction over the Federal-State unemployment insurance system, Mr. Speaker, I feel compelled to make one additional observation. House Joint Resolution 391 contains supplemental appropriations necessary to finance the Federal share of extended unemployment benefits and to fund a loan account in the Federal Unemployment Trust Fund from which States that cannot meet their unemployment benefit obligations may borrow. It does not provide funds for new or additional unemployment benefits; nor does it in any way restore unemployment insurance cuts enacted in the 1981 Budget Reconciliation Act.

I remind the House, that major revisions in the extended unemployment benefits program were enacted last year in the budget reconciliation bill, at the administration's urging. Under the extended benefits program, up to a maximum of 13 additional weeks of unemployment compensation are payable to individuals who exhaust their State benefits. The program cuts enacted last year, effective in fiscal 1982, have already played havoc in a number of States with high unemployment, and other States will be similarly affected when additional reconciliation changes become effective this coming September. For example, as a result of the changes, extended benefits have triggered off in Michigan—incredible as that seems—which has a 16-percent rate of unemployment.

I do not intend to debate the merits of the unemployment compensation changes mandated in the reconciliation bill. Although, a number of my colleagues have introduced legislation to repeal them. I simply want the record to be clear. This supplemental request will only finance Federal obligations under current law and in no way responds to the damaging impact

of last year's unemployment compensation cutbacks.

□ 1800

Mr. CONTE. Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from Arkansas (Mr. BETHUNE).

Mr. BETHUNE. Mr. Speaker, I rise in support of a bipartisan supplemental appropriation, House Joint Resolution 391, which, among other provisions, will appropriate $210 million for State employment services so that the job service offices can continue their work of placement, counseling, and testing assistance to job seekers. For Arkansas, House Joint Resolution 391 means that approximately 13 ESD offices will remain open that would have otherwise been shut down, 262 positions will not be terminated, and approximately 70,500 Arkansans can be helped to find jobs.

The employment security division's national average for job placement is only 5 to 8 percent which contributes to the view that the program should be cut. However, in Arkansas for fiscal year 1981, ESD placed 65,120 different Arkansans in jobs, a record that places Arkansas 17th in the Nation in the ratio of individuals placed per staff year worked. Arkansas success of placing almost 25 percent of its unemployed gives rise to the need to review our criteria for deciding to make budget cuts. I do not know why there is a placement variation among the States, but I do not believe that States with efficient placement records should be penalized.

In our haste to cut unnecessary Federal spending, we were bound to make mistakes. As soon as I talked to the job service people back home, I knew the extent of the mistake made in the December continuing resolution. I was greatly relieved when I came back to Washington and talked with my colleagues on the House Appropriations Committee and Employment Service officials in the Department of Labor who agreed with me that corrections needed to be made.

The bill we consider today appropriates money to bring the national staffing level back up to 24,800, as did the administration's request, and a resolution that I cosponsored. I commend the members of the Appropriation Subcommittee on Labor, Health, Education, and Welfare, and the full committee for their fine work and expediency. Now we have a bill before us that deserves, and will receive our wholehearted support. We have the opportunity to work together to correct a mistake, and I feel good about this. In the future, we must be more diligent to see that good programs are not penalized for overall poor performance.

But, before we pat ourselves on the back, let us rethink why we joined efforts and worked so hard to keep job services from being eliminated. I have read many constituent letters supporting ESD, and I have met with many fine ESD people who serve my district. However, I would rather let one of my constituents give my fellow Members the value of his insight. He is an employer relations representative in an ESD office in my home district, and is often referred to as "Mr. ESD." He speaks well for the Employment Services people and the unemployed seeking jobs across the country.

Mr. Speaker, I include my constituent's letter for printing at this point in the CONGRESSIONAL RECORD.

ARKANSAS EMPLOYMENT SECURITY DIVISION,
Conway, Ark., February 2, 1982.

Hon. ED BETHUNE,
U.S. Representative, 1527 Federal Building, 700 West Capitol, Little Rock, Ark.

DEAR SIR: I would like to take a few minutes of your time to tell you about the operations of the Conway ESD office. I hope that by explaining what we do for our local employers, you will have a better understanding of how essential our services are and how destructive it will be to displace our current staff members.

We serve approximately 150 major and minor market employers in the Conway area. Twenty of these are major market employers in the manufacturing industry with whom we have exclusive hiring agreements. This means that all company applications are completed in the ESD office and all interviews are scheduled by the ESD staff. We also maintain applicant flow charts for thirteen of these employers, mailing their copies to them on designated reporting periods.

Our job placement interviewers speak directly with applicants to match them with existing job openings. We also have two staff members who operate a job order control room. All job orders are taken and written here. File search and call-ins of qualified applicants are conducted first, and then interviews are allowed to refer qualified applicants. All referrals are monitored by the job order control room staff. It is here that company applications are issued, applicant flow chart entries are made, and interview appointments are arranged.

This process insures employers that their needs will be serviced according to their instructions, allowing them more freedom and time to conduct their daily work requirements. We have shown our employers that we are competent in performing these duties and services for them in a timely and professional manner. Our excellent staff and job placement services have enabled us to keep the business of these employers, serve our applicants well, and make the Conway ESD office the best in the state.

As the Employer Relations Representative, I have worked directly with the Conway employers over a period of years to set up exclusive hiring agreements. Each employer's agreement is individually structured to meet the company's particular needs. The rest of the ESD staff has supported me well by efficiently carrying out the detail of these agreements over the same period of years. I also serve as a troubleshooter to eliminate any problems that arise with our hiring agreements in the ESD office or on the part of the employers. We have proven to our employers that we can and will accommodate their needs on an ongoing basis. This has given the Conway ESD office a superior record which speaks for itself. However, this record would not exist without the dedication and hard work of our conscientious staff.

I hope this information will give some assistance in fighting for the restoration of funds that will eliminate the planned lay offs and transfers of ESD employees. It is imperative for the agency, employers, and applicants that ESD continues to provide these essential services at a time when the unemployment rate is high and economic hardships prevail.

Sincerely,

HAROLD STURGIS,
Employer Relations Representative.

Mr. CONTE. Mr. Speaker, I yield such time as he may consume to my good friend from New York (Mr. KEMP).

Mr. KEMP. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, I rise in strong support for providing additional unemployment insurance funds. Unemployment benefits are a fundamental public trust between Congress and American workers. We cannot let them down, especially in this time of recession.

Let me also make two additional points. First of all, while this bill is absolutely necessary, it still does not solve a very important problem facing my constituents in western New York. Unemployment in Buffalo is 10.5 percent. Yet because unemployment in New York State as a whole is lower, my constituents are not eligible for extended unemployment benefits. This is completely unfair. I agree that we should not provide extended benefits in areas that truly have high levels of jobs and employment, but western New York is not one of them.

This is why I have cosponsored a bill introduced by my colleague from western New York (Mr. NOWAK). This bill would provide special extended unemployment benefits in areas, like western New York, that have unemployment rates much higher than those of the rest of the State. I would like to strongly urge my colleagues to hold hearings and vote on this bill as soon as possible.

My second point is, that as we begin the debate on next year's budget we must understand that unemployment, not unemployment benefits, is our budget problem. More than four-fifths of the projected increase in the deficit for this year is a direct result of unemployment and our deteriorating economy. Between benefits to unemployed workers and their families, and the taxes they can not pay when they are not working, unemployment could cost the Government almost $200 billion in the next 3 years. We will not cut that deficit by reducing benefits, or taxing working men and women. We will cut that deficit only by putting the American people back to work. And the best way to do that, I believe, is to move up

the tax cut, and to end a Federal Reserve monetary policy aimed at curing inflation with unemployment and high interest rates. Only full employment and honest money can reduce both inflation and high interest rate deficits.

Mr. CONTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. HAMMERSCHMIDT).

Mr. HAMMERSCHMIDT. Mr. Speaker, as the sponsor of emergency legislation (H.R. 5390) to appropriate funds for grants to States for unemployment insurance and employment services, I would like to take a few moments to commend the distinguished chairman of the Appropriations Committee, the gentleman from Mississippi (Mr. WHITTEN), and the gentleman from Kentucky (Mr. NATCHER) for their expeditious handling of House Joint Resolution 391, making urgent appropriations for the Department of Labor. In addition, I would like to point out that President Reagan recognized the severity of the crisis and delivered a supplemental budget request along these lines last week.

In the hectic final days of the first session during consideration of the continuing resolution, Congress agreed to increase the limitation on administrative expenses by $261 million in the account entitled "Grants to States for Unemployment Insurance and Employment Services." That $261 million is a reduction from a March budget base of $2.2 billion.

At the time of the reduction, we were assured that this action was carefully construed to assure that no State unemployment office would be closed as a result of this limitation, and that no employees of this office would be laid off. In addition, Secretary Donovan stated that "if under the January economic assumptions the 1982 workload is higher than assumed in the September budget request—which is what this limitation reflects—the administration would submit a supplemental budget request to assure the processing of the higher workload. What was understated at that point was the fact that the Department of Labor would then have to take 80 percent of these reductions from employment services. The irony is plain. Benefit checks would continue to be fully funded, but the activities to move those recipients out of the unemployment lines and into productive, private-sector jobs would be severely curtailed.

Today, we all know that a supplemental budget request is necessary to assure the processing of the higher workload. I am sure all my colleagues have received the message from their home districts as to the extent of dislocations in employment services nationwide. With our present rate of unemployment this is obviously a vital expenditure in our Federal budget. It would simply be penny wise and pound foolish to continue these reductions.

The House of Representatives was so concerned about staff reductions on the unemployment side, long waiting lines for the unemployed, and an overwhelmed staff faced with increased fraud in the unemployment insurance system. I believe we minimized the seriousness of the reductions in employment services.

The increased workload is developing at a fast pace, and unless we take quick action at this point to rectify this error it will be too late to do any good. States are now being forced to reduce critical employment services during the peak of our unemployment period.

The cuts as proposed in my home State of Arkansas will put these reductions in perspective. It is reported that placements in Arkansas are about 20 out of every 100 applicants screened. In one county in my district for fiscal year 1981, 12,093 applicants were screened and 3,405 individuals were placed for a 28-percent success ratio. Funding in Arkansas for the job services, where the cuts have been the heaviest, has been reduced by approximately $4 million from the fiscal year 1981 level, a cut of 40 percent. Job service staff funded for 473 positions in fiscal year 1981 will be reduced to 153 positions on March 1, 1982. In fiscal year 1981, this staff was responsible for placing 65,120 different individuals in jobs. Assuming these people made only the minimum wage their incomes would exceed $327 million. The benefit to the economy far exceeds the funds expended to provide these services.

The impact of these reductions in Arkansas is as follows: Ten local offices will have less than three job service positions.

Staff will be unable to administer unemployment insurance work test, thus increasing the duration of unemployment and total benefits paid to claimant.

Many applicants who rely on the job service will be unable to find work.

Employers will continue to pay FUTA taxes but will not receive services to which they are entitled.

Job placement, recruitment, testing for referral selection and other services to employers will be reduced or eliminated.

Employers will have to use private employment agencies to obtain services that they have already paid for through FUTA taxes or do their own recruitment.

AFDC recipients will continue on the welfare rolls with no organized effort to make them job ready as is now seen in WIN.

Again, I ask my colleagues to join with me in recognizing the grave effects of these employment service reductions on our unemployed, and rectify this inadvertent and adverse impact on our most needy citizens by supporting House Joint Resolution 391.

Mr. NATCHER. Mr. Speaker, I yield 3 minutes to the gentleman from the State of Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I can understand why a lot of people want to vote without debate, because they would like to cover up the way they voted last year.

Let me suggest why we are here today. We are here today because we have an administration economic policy which is callous, and which is misguided, and which has brought us to the highest unemployment since the Great Depression.

We are also here on the unemployment, on the job service issue, for an entirely different reason. My colleagues will remember in the continuing resolution last year the administration came and asked us to cut $120 million from the unemployment insurance administration fund. We discovered that they had an internal memo in the Labor Department which estimated that that $120 million reduction in staff would result in a $1 billion overpayment for waste, fraud, and abuse, because they would not be able accurately access unemployment, the eligibility, and there would be a great deal of overpayment.

We raised that on the continuing resolution. When we raised it, the administration decided to cover their tracks on that issue by transferring the cuts to the job service program. As a result, we saw in Wisconsin 35 job service offices closed. We have that operation in total chaos around the country.

The administration was willing, the administration was willing to destroy the morale and destroy the ability of that agency to operate and fund jobs for unemployed people because they were trying to cover their tracks. Now they are in here saying, oh, I am sorry, we just underestimated unemployment, and we are sorry, and would you please put the money back in.

Mr. Weidenbaum has testified that unemployment would be 9 percent at the time the administration's request came to our committee. Now the Republicans want to vote because they do not have any answers for the argument.

What I would suggest is that my colleagues look at the numbers in this resolution, because while the administration is asking us to temporarily restore the funds for unemployment service, in their new budget for 1983 they are asking us to again reduce the numbers in unemployment services by reducing $60 million below the amount which they are asking us to increase today. That means they have taken

the job service from 30,000 staff year equivalent in 1981 to 17,000 in the continuing resolution. They say they are bringing it back up to 24,000 now, and they are asking us in their new budget to again take it down to 13,500.

If my colleagues can make any sense out of that, they are a lot smarter than I am.

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. RATCHFORD).

Mr. RATCHFORD. Mr. Speaker, for more than 1.2 million Americans the loss of employment is devastating enough. The deepening recession has taken a tragic human toll that unemployment figures cannot possibly account for. Even in Connecticut, where we have experienced tremendous industrial and corporate growth in recent years, we are now experiencing the symptoms of the economy's ill health. The latest round of layoffs announced in the State will force some 1,300 workers at Pratt & Whitney and Electric Boat out of a job.

These and many other laid-off workers like them are anxious to return to work, and the skills they have acquired over the years should enhance their prospects of securing a new position. But the biting irony of this administration's program is that while we hear the President talk of thousands of unfilled jobs listed in the classified sections of newspapers each day, it is his very budget program that has virtually crippled critical State job service programs.

Last spring, the job service program of the Connecticut Department of Labor sustained a 17-percent cut in staffing and other available resources in expectation of Federal Budget cuts. An additional 30-percent cut was imposed as a result of the continuing resolution adopted several months ago. This has come at a time when the services of this program are most in need. Last year, the Connecticut job service program served over 200,000 workers seeking employment and secured placement for more than 45,000 of them. Yet unless the Congress quickly adopts the unemployment insurance supplemental appropriation bill before the House today, State job service offices throughout the Nation will be forced to close and a great many of the presently unemployed will be stripped of the most valuable tool available to them in finding new work.

Mr. Speaker, I urge my colleagues to adopt this supplemental request which includes $210.5 million for the Labor Department's Employment Service. If we fail to act affirmatively within the next 2 weeks the result will be devastating. In Connecticut alone, over 160 staff persons would have to be terminated, 16 of 20 offices throughout the State now offering assistance to the job seeker would have to abandon those activities, and critical computer operations which match workers with available positions would have to be significantly reduced.

Regrettably there has never been a greater need for these services, yet nearly 1,000 employment offices around the country have been forced to close their doors since December and countless others will be forced to do likewise if we fail to act today. Now is not the time, Mr. Speaker, to lock the door and throw away the key on those Americans searching desperately for a means to support their families.

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Speaker, as Members of the House, the obvious reason we are here at this late hour is because this is a testimony to the bankruptcy of the Reagan administration policy on our economic system. In this country, 1 in 10 American workers is currently looking for a job. In the last continuing resolution, in the name of expediency, we cut the very services which were there to help these workers find jobs.

When the Secretary of Labor came before my subcommittee, he promised us a program of job training, of helping unemployed workers move to other areas of the country to find jobs, of trying to help people match with jobs. None of those promises have come true. In fact, all of those services have been cut by this administration.

What we find out is, in fact, there is no policy within the Reagan administration. For the first time in the history of this country, when we have the major industry of automobiles, the major industry of homebuilding, the major industry of steel, of aerospace laying people off, for the first time in the history of this country the Government is not willing to raise a finger to help these individuals find new jobs, to become retrained, to move to other parts of the country. In fact, they are sitting back and deciding that there is no role for the Government to play for these people to try to help them out as they try to feed their families.

I think we ought to remember tonight what we are doing. This is nothing more than a patch on a very bad economic policy that has taken its toll, which has been endorsed by many Members of this Congress. I hope that as we go into the next budget year they will start to understand that you cannot just keep cutting money without having an impact on individual workers and their families.

When unemployment strikes an economy it is the duty of a responsible government and a civilized society to perform four basic tasks:

First: Assist the unemployed in their job search through effective employment service programs;

Second: Improve the skills of the unemployed through realistic job training programs;

Third: Maintain a decent quality of life for the jobless through unemployment insurance; and

Fourth: Develop a strategy for relieving the burdens on the unemployed by creating jobs through a realistic look at the economy not as it was or how we hope it might be but as it is.

We are in the midst of unprecedented levels of unemployment in this country.

Over 9 million people who want to work cannot find jobs;

Another 1.2 million people who want to work have become too discouraged to continue looking for jobs that are just not there;

Nearly 600,000 people began receiving unemployment insurance in a single week last month;

And while members of this administration point in indignation at the long lines of Polish workers waiting for what little there is to buy in their country, the administration ignores our neighbors waiting in lines for hours for a few pounds of excess cheese and for unemployment checks.

And so, a year down the supply side road, the Congress and millions of workers must ask—What is the employment policy of this administration?

The President of the United States suggests that the unemployed read the want ads in the Washington Post. The Assistant Secretary of Labor complains that the youthful unemployed do not seem to want to apply for thousands of jobs his office lists as unfilled—jobs for mechanical engineers and systems analysts in Enid, Okla., or Lincoln, Nebr.

The administration has failed to perform the four basic tasks. The fact that we are here today, responding to an emergency request for supplemental unemployment benefits, is testament to the failure of this administration's policies.

Nearly a year ago, in response to my subcommittee, Secretary of Labor Donovan demonstrated the lack of understanding about our economy and the specific responsibilities of his own Department. We asked him to respond to the fear among many workers that options were closing all around them and what was opening was a door to unemployment and welfare. In response the Secretary of Labor—the one individual designated to look out for the interests of the working people—stated "That's a natural reaction from a man losing his job, but it isn't as bad as that statement indicates."

Well, Secretary Donovan, if it was not that bad last year, it certainly is this year.

This administration has totally failed to comprehend the depth of the current economic crisis. They respond to historic unemployment rates with unrealistic economic forecasts, rosy predictions, and by cutting programs to put Americans back to work.

In sectors of the economy long thought to be immune from the present levels of unemployment and recession we find long lines of unemployed men and women who will probably never again find the same kinds of jobs or earn as much as they did in their last job. And so now the administration wants us to pass an emergency appropriation to patch over their lack of a sound economic plan.

Last year the administration promised us a program to match unemployed workers with unfilled jobs. Instead they delivered budget cuts which have forced one of the largest job matching programs—the California job banks to shut down.

Last year they promised a job training program to revitalize a sagging economy. Instead they delivered massive cuts in training jobs and a year's wait for a much balihooed, but never realized, business-labor training program.

Last year they promised a decrease in unemployment. They delivered an inflationary increase in military spending which leads to fewer jobs.

They promised funds to relocate people to meaningful jobs. Now they talk about a plan to give the unemployed worker a lump sum benefit so he can buy a bus ticket to a part of the country already flooded with wishful jobseekers.

They promised trade readjustment allowances to aid 250,000 autoworkers who have lost their jobs. Instead, we get reduced TRA benefits and a complete failure of any effort at job retraining.

They promised a program to solve the problem of displaced workers. A year later they have announced only a high-level team designed to evaluate options.

The administration claims to have a program. But what the administration wants in this legislation is a substitute for a comprehensive program to arrest growing unemployment and the enormous misery it has spawned.

Let us not trick ourselves into believing that all will be well with the employment services if we pass this bill today. The proposal before us today will only restore a portion of the funding to a beleaguered program. In California, the employment development department has absorbed $121 million in budget cuts in the last year. This proposal will only replace about $34 million of that loss, hardly enough to restore the employment service program in the State.

The $121 million in cuts forced the State to close its job bank program, and this has cost the State and local governments an additional $39 million in lost welfare grant reductions.

In the Pleasant Hill employment office in my own district the effects of the statewide 64-percent reduction in field staffing has had a particularly harsh effect. In December, the already reduced program was able to place 2,605 individuals in paying jobs. In January they were able to place only 400—while during the same period, unemployment in my county increased by 7.2 percent.

We have no choice but to vote for this special supplemental appropriation to provide temporary relief to the millions of unemployed of our Nation. But we do have a choice whether to sit by and allow this administration to continue to move us on the road toward economic ruin or to take action to address the problem of unemployment head on.

We cannot think for a minute that this appropriation will solve the problem. The administration has abrogated its responsibilities toward the workers and the unemployed workers of America; and that responsibility now falls to the Congress.

We must do what the administration cannot, or will not, do, we must develop a sound policy to stem unemployment, to create jobs, to train workers for those jobs and to place them in those jobs.

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the last speaker, the gentleman from Michigan (Mr. ALBOSTA).

Mr. ALBOSTA. Mr. Speaker, I rise today in support of House Joint Resolution 391, the measure to provide $2.3 billion in supplemental funds for the Labor Department's unemployment program.

Although I wholeheartedly agree, in principle, Mr. Speaker, with the effort to trim the Federal budget, I am also keenly aware that the unemployment situation in Michigan, my home State, is serious enough in and of itself—but now, without adoption of this measure, it will be compounded by the reduction of unemployment services.

When I supported the President's overall plan to cut Federal spending I emphasized that careful consideration must be given to where the cuts were made. We now see, with the advantage of hindsight, that not all of those—specifically reductions in funds for employment services—will meet the intended purpose. With these and other such cuts, we should not hesitate to pause and review their application. The object, after all, is to get as many Americans as possible off the unemployment rolls and onto productive private payrolls.

As you are undoubtedly aware Mr. Speaker, the current economic recession has had a devastating effect on the State of Michigan—an effect more devastating than that suffered by any other State. The people of Michigan are struggling with the highest unemployment rate in the country and—I wish to remind this body—it is the unemployed who are the chief victims of the recession.

The Michigan Employment Security Commission (MESC) is in the process of reducing its services and closing 42 statewide offices due to the budget cuts of last year. MESC no longer has the funding to assist anyone other than those job seekers receiving unemployment benefits, with this supplemental appropriation, Michigan's job bank and work incentive (WIN) programs will be completely eliminated at a time when they are needed the most.

In fiscal year 1981 almost 20,000 Michigan residents found jobs through the help of the WIN program. Last year the program operated on a $15.3 million budget, yet it saved $68 million in welfare costs because of its job placement successes.

We are thus faced with the closing of offices which, in many cases, serve the desperately needed; those who just cannot find work. Because the unemployment problem has lasted so long and is so widespread in Michigan, many of these people have exhausted their unemployment benefits. What is more, though, the reality of these particular closings is that while hindering the unemployed in our large cities, they will be devastating to our rural poor.

The American people are calling on their government leaders to cut the fat and to cut the waste, fraud and abuse from the Federal budget. This I endorse fully. But I do not believe the administration has the mandate of the people to cut programs, like MESC, that are both essential and working.

I urge adoption of House Resolution 391.

□ 1810

Mr. CONTE. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. DOUGHERTY).

Mr. DOUGHERTY. Mr. Speaker, I would just like to take a moment to state to my colleagues on the other side that I am one of the Republicans who did not vote for the Reagan budget last year. I think I have something to say that the Members may be interested in.

Let us not lie to the American people. The economic mess that this country is in did not start January 1981. When you talk about the problems in steel, the problems in housing, the problems in the auto industry, we are not talking about something that just came to this country with Ronald Reagan. What I would like to see this Congress do, if we had the courage to do it—it is very difficult in an election year—let us put politics aside, ladies and gentlemen, and let us deal with

the issue. If the Democrats have a good plan to deal with the problems of unemployment in this country or high inflation or high interest rates, bring it to the floor. This is one Republican who is prepared to vote for something that will settle unemployment. I sat here for 3 hours this afternoon, and I am sick and tired of hearing everybody play the unemployment problem for politics instead of playing it for resolution.

Mr. BEREUTER. Mr. Speaker, in early January, my office began receiving questions and complaints regarding the proposed job service closings in nonmetropolitan Nebraska and across the country. Today I rise in support of a bill introduced by the gentleman from Illinois (Mr. YATES) which would authorize an emergency supplemental appropriation of $2.3 billion to reopen beleagured job service offices nationwide.

It is important to know how job service offices function in order to understand why this supplemental appropriation must receive such a high priority. Job service offices fall under the U.S. Employment Service, which also oversees an unemployment insurance branch. Money for the U.S. Employment Service comes primarily from what is known as the FUTA tax—the Federal unemployment tax. Employees pay a certain amount into the FUTA fund per individual placed in a job, based on that individual's salary or wages. More importantly, what employers pay into the FUTA tax amounts to 97 percent of the fund's operation revenues. These revenues are used to pay unemployment benefits during times of high unemployment, as well as to operate job service offices. Because unemployment is so high now in many areas of the country, the revenues in the fund that are being used to pay unemployment benefits are being depleted faster than they can be replaced. The decision to eliminate many job service offices was made because unemployment benefits had to be paid. In order to do this, funds from the FUTA tax that normally go to job service administrative operations were shifted to pay unemployment benefits. The result was that job service offices that did not deal with unemployment claims received word that they would be closed for lack of operating funds. In Nebraska, this meant that 75 percent of job service offices would be closed.

As soon as I heard from people in Nebraska about the impending crisis in my State, I wrote a letter to Secretary Donovan, expressing my grave concerns about the wisdom of such actions during a time when unemployment is so very high and people are searching for work. While unemployment benefits must be paid, it is counterproductive to close those offices that offer an avenue out of unemployment. Job service offices provide a direct link between those employers who need job slots filled to run their businesses, and unemployed individuals who are looking for work. The two branches of the Employment Service have a very favorable symbiotic relationship. They simply cannot be separated; one cannot take priority over the other.

In Nebraska we are fortunate that the unemployment rate is just 4.4 percent—only Oklahoma has a lower unemployment rate. In my opinion, part of the reason that my State has this low unemployment rate is precisely because our job service offices do their jobs well—they put those people who need to work in touch with employers who have jobs to offer. On the other hand, as my colleagues from States where unemployment is higher, such as Michigan and Pennsylvania, know, job service offices there play a critical role as well. In those States, they provide not only that link between employers and those looking for work, but they represent a certain amount of hope and a bridge from despair to optimism. What all of this says to me, then, is that job service is crucial, and in fact, intrinsic to the very structure of the economy that we are trying to improve. To eliminate or significantly reduce employment services, in total, is shortsighted, foolish, and insensitive.

In addition, the need for job service offices is especially great in rural areas in my State, and similar areas, for example, in Louisiana and Arkansas. In these areas, jobs are scarce and private agencies may in fact be nonexistent. Cities would not be as directly affected by the proposed closings, since most have at least one private employment agency. Many employers from Lincoln and other medium-size towns in Nebraska have mentioned to me, however, that they regularly use job service in addition to private employment agencies.

The tremendous support for job service that has come pouring into my office has come not just from employers who use it, but from individuals who located jobs through it, as well as teachers, lawyers, and concerned citizens in general. Nebraska Governor Charles Thone, in a courageous move, authorized an emergency appropriation of $200,000 from a State contingency fund, to keep job service offices open across our State and give Congress time to act. Nebraska's gamble paid off, for in the meantime, the pressures on other congressional delegations increased, culminating in last week's Appropriations Subcommittee hearing. The result of that hearing was Mr. YATES' bill, which has my full support. Out of this $2.3 billion appropriation, $210 million will go to job service to keep their offices open, $1.9 billion will go for unemployment insurance payments, and $133 million will go for staffing needs for unemployment services.

Mr. Speaker, and distinguished colleagues, please join with me in supporting this very important bill. Reaffirm with me this Nation's commitment to economic recovery and full employment that reflects the workplace strength of a self-sufficient citizenry.

● Mr. BROOKS. Mr. Speaker, the need for this appropriation is abundantly clear in the unemployment statistics that have been piling up in the last 6 months. Nearly 2 million people have been added to the unemployment rolls since July.

I am particularly pleased that additional money is being made available to State employment agencies. With nearly 20 million people looking for work, it is obviously not a time for shutting down offices that help people find jobs. But that is what is happening as a result of the drastic cuts imposed on State employment services in the last continuing resolution. In my own congressional district, one office of the Texas Employment Commission has already closed. I hope that quick action on this supplemental may enable that office to be reopened or at least avoid further closings.

The need for this rescue operation for our State employment agencies dramatizes the danger of adopting wholesale, across-the-board budget cuts without understanding just what their impact will be. I am afraid we will be facing another problem soon in the Bureau of Labor Statistics. The reductions in personnel forced on BLS by budget cuts could well result in the Bureau being unable to compile and analyze the data needed to determine just what is happening in the labor market. It may also limit their ability to gather the data to determine the Consumer Price Index on which many Federal programs, labor contracts, and pension plans rely to adjust benefits and wages. That must not be allowed to happen.●

● Mr. HORTON. Mr. Speaker, I strongly support the resolution before the House today providing badly needed funds for State employment offices around the country. At a time when unemployment shows no signs of abating, and when jobless men and women will receive less and less assistance in finding jobs, we must act to prevent a serious situation from growing even more severe.

As a cosponsor of House Joint Resolution 387, introduced by my good friend and colleague Congressman YATES, I was grateful for the swift action the Subcommittee on Labor-Health, Education and Welfare took on the appropriations resolutions on the floor today. Once again BILL NATCHER has demonstrated his able

and forceful leadership on an issue of vital national importance.

Through the efforts of Congressmen NATCHER, YATES, and others, we will be able to avert a very dangerous development. When the Congress enacted House Concurrent Resolution 370, it approved a 4-percent across-the-board reduction in funding. The Department of Labor translated that reduction into an allocation reduction for the State of New York of more than 25 percent. Since the reduction is retroactive to October 1, 1981, the Labor Department's action will require the closing of 30 to 40 full-time job service offices and 50 satellite facilities. In short, New York State's ability to assist those seeking employment will be severely curtailed if corrective action is not taken. With Senate concurrence in House Joint Resolution 391, those unemployed men and women in New York and elsewhere will have a place to turn for assistance in finding employment. I am hopeful the Senate will follow our lead so that the resolution can be sent to the White House as soon as possible.●

● Mr. MOFFETT. Mr. Speaker, I endorse strongly this emergency supplemental appropriation for employment service funding and unemployment compensation. It is an urgently needed remedy for the thoughtless budget cutting requested and won by the Reagan administration over the past year. We should keep in mind that it was the administration which created the crisis in funding for State employment services and unemployment benefits, through a combination of its overall economic policy, and through specific budget cuts for these vital programs.

This bill will provide a total of $2.293 billion for Government programs to aid the unemployed. Of this total, $1.950 billion will go to the unemployment trust fund. From this sum, $1.450 billion will go into the unemployment funds for States that are unable to provide sufficient unemployment compensation to their jobless, as required by law. This reflects the 8.6-percent national unemployment rate, which means that nearly 10 million Americans are jobless. Even the administration forecasts that the unemployment rate will remain at this level or higher for the rest of 1982.

Another $500 million will go to finance part of the Federal share of the 39-week extended benefit program, which has been drastically slashed by the administration. A year ago, nearly 700,000 citizens were receiving 39-week extended assistance. Yet cuts by the administration in this benefit have reduced the number by 90 percent, to barely 68,000. Why, in the middle of a recession, does this administration cut benefits for the jobless?

Another $210 million of this aid package will go to keep State employment services operating. In my State, as well as others, these offices have been threatened by imminent closing, as a result of the Reagan budget bill cuts of last summer and the additional 4-percent cut imposed in December. Across the Nation, hundreds of State employment service offices have already closed as a consequence of these cuts. Without these new funds, even more would close. For example, in Connecticut, the State Department of Labor has just announced that it will fire 140 employees and start shutting down employment service offices if new money is not forthcoming.

In some States, unemployed workers have had to travel as much as 100 miles in order to reach the nearest open unemployment office. This is an intolerable burden to impose on the jobless. Even where such offices are closer to the worker's home, cuts in funding for processing of claims have resulted in endless lines. Citizens have had to wait in bitter cold, hour upon hour, in order to be processed. Isn't it bad enough that they are unemployed, without inflicting a form a physical punishment on them? The bill we are now considering will provide an additional $133 million for the costs of processing—it is almost surely an inadequate amount.

So, here we have a bill to rescue the administration from the indifference and cruelty of its own policies. Yet it will be this administration which, in a few months, will be charging the Congress with budget busting because we voted for funds like these. While we vote in favor of this appropriation, we should keep in mind just whose policies produced the funding emergency. This should also be a lesson that meaningless budget-cutting results in equally meaningless policies—such as slashing unemployment benefits and programs during a recession.●

● Mr. ROSTENKOWSKI. Mr. Speaker, I rise in support of House Joint Resolution 391, a bill to provide $2.4 billion for unemployment insurance and State employment services.

It is unfortunate that such a bill is necessary because it means that unemployment levels have increased dramatically.

Members know the details of unemployment legislation: $1.9 billion for unemployment benefits, and $133 million for more employees to process unemployment insurance claims and collect unemployment compensation taxes.

One provision of the unemployment compensation bill was authored by my good friend, SID YATES, the $210 billion to continue State employment services.

This provision will continue some 880 Illinois State Job Service employees according to the Illinois State office. This provision means that these services will continue for Illinois residents.

I want to complement the distinguished chairman of the subcommittee, BILL NATCHER, for his expeditious and efficient handling of this important matter.●

● Mr. DERRICK. Mr. Speaker, I rise in support of House Joint Resolution 391 and it is my firm hope this resolution will pass without opposition by this House.

This bill provides $2.3 billion in supplemental funds for the Labor Department's unemployment programs. This total includes an additional $210.5 million for the Labor Department's Employment Service, which provides money to the States for assistance to job seekers.

It is my opinion that the Employment Security Commission has borne its fair share of the burden of the Federal budget cuts. During the current economic recession and high unemployment rates the services of the employment security offices are more important than ever. The incredibly high unemployment rates of this country are causing great pain to many of our citizens. We especially need the assistance of the job service offices to help our unemployed find jobs. Instead, hundreds of these offices are being closed and thousands of job service employees are themselves joining the ranks of the unemployed. This is the worse case of false economy we have seen yet.

In my own State of South Carolina the unemployment rate last month was 9.9 percent. One of our counties has an unemployment rate of 23.5 percent. Several of the counties which I represent are well above the 10-percent mark. I suggest this is a situation which will soon prove to be intolerable. One out of every ten South Carolinian workers is unemployed; this is the highest figure since the 1974-75 recession. This means 131,400 South Carolinians who are willing and want to work cannot find employment—40,000 more than at exactly this time last year.

Mr. Speaker, I reiterate my support of this legislation and I urge this House to pass this measure without hesitation in order to provide some immediate assistance to the unemployed of our country.●

● Mr. DERWINSKI. Mr. Speaker, I am pleased to support House Joint Resolution 391, the urgent supplemental appropriation for the Department of Labor.

This legislation will provide the funds so important to keeping the various State job services offices which were facing severe budget cuts, open.

In speaking with an office manager of a job service office in my congressional district, I was advised that his office staff of 16 persons served an

area with a population of approximately 450,000. In calendar 1981, 2,000 people found employment through the efforts of that office.

In addition, over a period of some 45 years these job service offices have consistently provided quality service to our veterans.

It is important to protect an agency that is dedicated to finding jobs, not only for our veterans, but for all unemployed citizens. The earned income from the jobs found is returned to the community in increased purchasing power and in tax revenues.

Last week, prior to this legislation reaching the floor, I was pleased to have been part of a special group who met with Governor Thompson, our Illinois Senators and concerned members of the Illinois congressional delegation to take direct action in resolving this problem. I am pleased that this concerted effort has resulted in positive results.●

● Mr. NELSON. Mr. Speaker, I rise today in support of this emergency supplemental appropriation bill.

In the area of central Florida that I represent, there are 7 of the 12 employment service offices that are scheduled to be closed by April 15 because of the drastic cutback in funding.

It is foolish and it is counterproductive to be eliminating employment offices in a severe recession. We should be providing all the help we can to locate jobs for those who are willing and anxious to work.

I commend the chairman and his committee for their compassion and for their prompt reaction to this crisis that has resulted from the deteriorating economy. I urge swift passage of this urgent legislation.●

● Mr. CORRADA. Mr. Speaker, I rise in support of House Joint Resolution 391, an urgent supplemental appropriation for employment compensation and the State employment service. This resolution will serve to replace badly needed funds which the administration removed from the continuing resolution under the assumption that unemployment would not rise above 7.7 percent in 1981.

Unemployment compensation is a vital portion of any economic package—these payments to the jobless constitute the sole source of income to many of the 9.3 million Americans currently out of work. The fact that our economy is suffering from a recession rather than a depression can be attributed to the purchasing power which these payments channel into depressed communities. At a time when unemployment exceeds 20 percent in some States, the Federal Government must continue to honor its commitment to protect those who for reasons beyond their control are without jobs. We must act immediately to cover the costs of the unemployment compensation program.

Although it has not yet become necessary to reduce payments either under the basic or extended benefits program, if Federal appropriations are not increased many States will face difficulties providing benefits. Right now for example, Puerto Rico pays out roughly $100 million in basic unemployment compensation, as well as $15 million in State share of the extended benefit program.

Because our economy suffers from 21.6 percent unemployment the strain on our $57 million trust fund has proven more than we can bear, and Puerto Rico has already had to borrow $80 million from the Federal Unemployment Trust Fund to meet demand from eligible participants. If we do not continue to finance this Federal loan service, Puerto Rico along with many other States will find it impossible to provide full benefits under the basic program.

In addition, the request for a $210.5 million supplemental for the employment service is needed to halt the closure of these offices on the State level. The Federal contribution in support of the service has been insufficient for many years but further reductions precipitated by an amendment to the continuing resolution have led many States to opt out of the program completely, thereby terminating job placement activity at a time when unemployment rates are rising. Perhaps the most basic function of the Department of Labor is to see that available jobs are matched with available workers, but without this supplemental appropriation their charge will not be met.

Mr. Chairman, I urge my colleagues to join my distinguished colleague from Mississippi (Mr. WHITTEN) in supporting the passage of this resolution, and by doing so to act responsibly in fulfilling the Federal Government's promise to the unemployed worker.●

● Mrs. COLLINS of Illinois. Mr. Speaker, today the House will consider legislation which provides $2.3 billion in supplemental funds for the Department of Labor's unemployment programs. I am sure that many of my colleagues will vote for passage of House Joint Resolution 391 because of the rising number of unemployed workers across the Nation.

Last year, the administration, looking through rose colored glasses again, projected an average unemployment rate of 7.5 percent for 1982. The harsh reality of the situation is that last month—January—the national unemployment rate was 8.5 percent. The administration must learn to pick better numbers out of the air. According to the Bureau of Labor Statistics, the last time this Nation had an average unemployment rate of 7.5 percent was in May of 1981. A far cry from the first month in 1982.

The latest unemployment figures for the city of Chicago reveal a 9.6-percent rate as of November 1981. The January 1982 unemployment rate for the State of Illinois is 9 percent with unemployment claims up 40 percent during the second and third weeks in January. At such a swelling tide, a supplemental appropriations of $2.3 billion is sorely needed by the States in order to insure extension of unemployment benefits for those still out of work and for those who need assistance in finding employment.

However, given additional RIF's to be announced by the administration, as well as more plant closings and layoffs nationwide, we can expect the unemployment average to surpass 8.9 percent this year.

Accordingly, I urge the passage of this unemployment insurance supplemental appropriation.●

● Mr. ROYBAL. Mr. Speaker, the national unemployment level is rapidly approaching the 10 percent mark and this administration appears determined to pursue policies which will insure that we have the highest level of unemployment since the Great Depression. House Joint Resolution 391, making supplemental appropriations for unemployment compensation, is our committee's recommendation to deal with the emergencies caused by these disastrous policies.

The resolution includes $133,000,000 for employment services which provides State assistance to job seekers, including job finding and placement, counseling and testing. State employment service agencies also assist employers through labor market information manpower planning as well as information on job modification and personnel practices.

In my State alone, there are 1 million people out of jobs. At the same time, because of the President's budget, job service field office staff must be cut by 64 percent, less than 300 people will be left to help find jobs for the unemployed. Already, 42 field offices and services centers have been closed and substantially more service centers will be closed or consolidated in urban areas. Outreach programs to employers and screening for job applicants to meet employer needs will be minimal. Employment and vocational counseling will be reduced by 60 percent in some areas.

Mr. Speaker, this tragic list is endless. I am not suggesting that the money contained in this resolution will cure the ills which beset the unemployed. However, there is a great need for this money which will alleviate some of the burdens I have listed. I urge my colleagues to support the Appropriations Committee recommen-

dation and vote in favor of this resolution.

Thank you.●

● Mr. BUTLER. Mr. Speaker, I am pleased that we are being given the opportunity to provide additional funds to the States to restore financing for State employment services. This will provide the staff needed to help the unemployed find jobs and allocate unemployment benefits to those who qualify. I am most concerned, however, that these funds be distributed equitably to those offices which have already been forced to close. In my own State of Virginia, 26 employment commission offices have closed this year, causing a reduction of 788 staff positions, which is 39 percent of the Virginia Employment Commission labor force.

The Virginia congressional delegation has recently written to Secretary of Labor Donovan concerning the low rate of return of employer tax dollars received by Virginia under the Federal Unemployment Tax Act (FUTA). Our figures, based upon Department of Labor statistics, indicate that Virginia has consistently received the lowest return rate on FUTA taxes while maintaining one of the most efficient and productive employment services programs in the country. This bare minimum efficiency especially is being penalized by a 12-percent across-the-board funding cut which ignores a State's prior efforts to reduce administrative costs, thus further aggravating the inequities of the present formula. The Virginia congressional delegation and Governor Robb plan to meet with Department of Labor officials later this month to address this inequity. However, in the interim, my Virginia colleagues and I would like to make certain that the supplemental appropriations for employment services legislation under consideration today is allocated equally to our citizens.●

● Mrs. SCHROEDER. Mr. Speaker, the President is now discovering what can happen when budgets are blindly slashed. In the case of State employment offices and job centers around the country, the people who process unemployment claims and who find work for the thousands of jobless now find themselves without a job, thanks to Reaganomics. Even the city of Denver, relatively insulated from the current unemployment wave, is seeing this cruel twist of fate.

Because of the administration-endorsed continuing resolution passed in December, the Department of Labor was forced to cut the Employment Service program, which finds jobs for the unemployed. Because of previous budget reductions, the Colorado office had to close 10 centers statewide and release over 300 employees. But as a result of the resolution, which mandated reductions retroactive to October 1981, Colorado will lose 22 more offices and will be left with only 47 staff people to handle the casework at a time when even Colorado will see hundreds of unemployed. I shudder to think what other States face.

Reagan's economics gave birth to the unemployed. His idea for a New Federalism will not rescue them. His wish for more private charity will not rescue them. His hope for increased social responsiveness by business will not rescue them, either. Reagan's budget cuts will not rescue them. The budget cuts offer the unemployed a lead life preserver.●

● Mr. FRENZEL. Mr. Speaker, House Joint Resolution 391 is a bill on which we have no choice. Unless we wish to repudiate our entire unemployment compensation program, we simply have to pass it.

Of the nearly $2.3 billion, all of it but the $210 million for the U.S. Employment Service is essential to our program. I have never been impressed by the USES but, even so, I must support the comprehensive proposals in House Joint Resolution 391.

This resolution, however, does not solve the long-term financing problems of unemployment compensation. This is only a quick money fix, not a system revision.

The Federal Unemployment Tax Act (FUTA) will bring $2.1 billion this year. The benefits and administrative costs to be paid out of FUTA will amount to $2.3 billion.

Obviously, if we wish to maintain the same program, some change will have to be made in the FUTA tax system. If we raise either the base, $6,000, or the rate, one-half of 1 percent, we add a payroll tax that may stifle new job creation.

That is one more hard choice Congress is not enthusiastic to take on. But we cannot solve the problem with supplemental appropriations forever.

Another unpleasant choice we have refused to face is the fact that States cannot, and in some cases do not intend to, pay back their loans from the unemployment account.

We need a thorough overhaul. As necessary as this resolution is, it would not do it.●

● Mr. FROST. Mr. Speaker, I rise in support of this urgent supplemental appropriation that was made necessary by the administration's overly optimistic projections of the unemployment situation. Without this funding, many States will be unable to provide unemployment benefits to people who have lost their jobs because of the recession.

However, this bill also acknowledges a serious situation that was created by the Reagan administration and that has been ignored by this administration. Employment Services funding—that money used by the States for job placement—was cut under the continuing resolution by an across-the-board total of 12 percent. And it was cut at the request of the President and his advisers—those people who believe the principal focus of the Government should be to get people to rely on themselves and not the Federal Government for their livelihoods.

The Department of Labor ordered the States to distribute 80 percent of the continuing resolution job services reductions to Employment Service. In other words, DOL is content to dole out unemployment benefits for as long as the economic situation requires it without providing the impetus or the funds to place unemployed workers in other jobs. The emphasis on job placement was ignored. The need for this emphasis should be understood during these times when the work ethic is so prominently displayed as a foundation of the President's philosophies.

Mr. Speaker, the Texas Employment Commission has been ranked No. 1 in the Nation in total individuals placed in jobs—and No. 2 in the Nation in the total number of jobs filled. The Department of Labor would do well to examine the specifics of TEC's record in placing the chronically unemployed, the underskilled, the handicapped, and—which should be important to the President—those people drawing unemployment insurance, and other benefits at the Government's expense.

In fiscal year 1981, Texas placed over 26,000 handicapped individuals, over 141,000 youths, over 102,000 veterans—6,610 of which were disabled, over 74,000 older workers, 12,000 people receiving food stamps, and well over 91,000 people who have been classified as disadvantaged according to CETA and food stamp guidelines. Nearly every one of these individuals would be costing the Federal Government money had they not been placed in jobs with the private sector. And nearly every one of these categories are targets of the President's budget cuts. He believes private enterprise will assume the safety net functions that his budget has by-passed. With its classic, penny-wise, pound-foolish mentality, the administration has overlooked the agencies with proven capabilities of putting people back to work.

If the Employment Service funds contained in this bill had not been insisted upon by my colleagues, in Texas alone, over half of the people involved in direct placement services would themselves be out of work. I have been assured by officials in Austin that those reductions, if not reversed, will translate into a guaranteed 40-percent reduction in productivity.

Finally, Mr. Speaker, there is one other irregularity here that cannot be addressed in the appropriation but which deserves mention and possible future action. Job services funds are

presently allocated to the States on a formula basis. The formula is extremely complicated, but factors like population shifts and agency productivity are not taken into account. As I mentioned, Texas has been ranked as the No. 1 State in the country in individual job placements, and No. 2 in the number of jobs filled. It is clearly one of the most efficiently administered Employment Service programs in the Nation.

But Texas ranks 49th—behind every State but Virginia—in its return on its FUTA contribution to the Federal Government. From 1972 to 1979, Texas paid a total of $894,900,000 to the Government and received a total of $458,000,000 back—only 51 percent of its contribution. In 1980, Texas got a 38-percent return on its investment; and in 1981, a 37.3-percent return.

Texas is rewarded for its productivity with diminishing shares of Employment Service funds. And this is happening as population shifts to the Sun Belt are rising.

Congress should reconsider this allocation formula which penalizes those States which save the Federal Government the most money. There is resentment among officials in Texas who see this as an inequitable distribution of funds that are better spent in our State than in nearly every other State in the Nation. I urge my colleagues to examine this inequity and correct it before their resentment prompts a full fledged regional battle over scarce funds.●

● Mr. WYDEN. Mr. Speaker, I am pleased to join my colleagues today in supporting this urgent supplemental appropriation for the Labor Department to provide funds for employment service offices nationwide.

I am pleased to support it, but I am also disturbed, and, frankly, a little mad that we must go through this process of trying to beat the clock to save this essential service for States.

The question must be asked, "What brought us to this point?" And I think the answer, in a large part, is that Members of Congress were not given sufficient information about the ramifications of the 12-percent cut in the Employment Security Administration account contained in the continuing resolution passed by this body last December.

I cannot believe that a majority of my colleagues would have supported that 12-percent cut had they known that Employment Service offices throughout the country would be forced to shut their doors, particularly at a time when their services are desperately needed.

In my home State of Oregon, official unemployment has reached 12 percent. However, this figure is deceptive. Many of the unemployed, mostly construction and timber industry workers who are victims of an administration that has no housing policy, have exhausted their benefits and are no longer on the official unemployment rolls of the State.

At the same time, over 250 employees of the Oregon State Employment Service have been served notice that their jobs will be eliminated this month. Never mind that these employees helped fill more than 80,000 jobs in the State in the last fiscal year.

The fact is this mere 12-percent cut in administrative funding resulted in a far greater impact to State employment service offices than most of us realized.

As unemployment continued to rise, it became obvious that few cuts could be made in the unemployment service positions. These employees are desperately needed to process the increasing number of claims. This left most State administrators with the task of cutting this 12 percent from nonpersonnel expenses and the employment services.

But the problem in cutting nonpersonnel expenses is that the savings are not immediately realized. It takes time to break a lease and gather an actual savings from reduced utility use.

Compound this problem with the fact that this cut was retroactive to October 1, 1981; yet most States were spending at higher target levels until January, when they received their new target levels. In Oregon we ended up with the unavoidable decision to completely shut down all job search services.

Even though I voted against this continuing resolution, I was shocked and embarrassed to see the States put in such a position of having no choice but to eliminate this service.

As I said earlier, I just cannot believe that my colleagues would have supported this cut had they known all the ramifications. And had we all known these ramifications, I do not think we would be here today, performing this rescue operation on one of our most valuable Government services.

As a final note, I just want to say that this whole episode has, at least for me, brought the credibility of the Department of Labor into severe question. I think the writing was on the wall back in May of last year, when Secretary Donovan, testifying before the House Labor, HHS, and Education Subcommittee of the Appropriations Committee made this statement regarding cuts in State employment service staffing:

> It is one of those areas that we preferred not to cut because it didn't sound logical. But now that we face that reality, it is not going to be as bad as it seems on the surface.

Well, I think today's exercise has proven that the exact opposite of Mr. Donovan's statement is true: The real circumstances are far worse than they seem on the surface, and far worse than Members of this body were led to believe.●

● Mr. WHITEHURST. Mr. Speaker, for the past several years, I, as well as my colleagues in the Virginia congressional delegation, have been concerned about the low rate of return of employer tax dollars received by Virginia under the Federal Unemployment Tax Act.

In recent years, the Virginia Employment Commission, which finds work for unemployed Virginians and distributes unemployment compensation to jobless workers, has been trapped in a catch-22. The more it accomplishes, the less the Federal Government, its sole funding source, contributes for its survival.

Mr. Speaker, it is time for a serious reconsideration of the formula used in distributing Federal unemployment tax dollars. Recent figures, based upon Department of Labor statistics, indicate that Virginia has consistently received the lowest return rate on these tax dollars while maintaining one of the most efficient and productive employment services programs in the Country. This bare minimum efficiency is being especially penalized by a 12-percent across-the-board funding cut, which ignores our State's prior efforts to reduce administrative costs, thus aggravating the inequities of the present distribution formula.

Specifically, for every dollar Virginia employers pay to operate their State employment service, only 43 cents make their way back to the Commonwealth of Virginia. In effect, Virginia businesses are contributing financial support, through the U.S. Department of Labor administration, to the District of Columbia and the other 49 States. In fact, some States, including Alaska, receive as much as 300 percent return on their tax dollars through Federal allocation of the unemployment tax dollars.

Despite the shoestring budget that it has had to work with, the Virginia Employment Commission ranks first in productivity within the mid-Atlantic region. Apparently, though, productivity is not always enough. Budget cuts in the last year have cut the Virginia Employment Commission's work force in half and closed 41 of its 67 offices. Centers in Suffolk, Virginia Beach, Chesapeake, Williamsburg, and Hampton are being closed, leaving only full-service offices in Norfolk and Newport News.

The situation in Virginia should be of concern to all of us. Virginia has been caught in its own web of operating a financially responsible State government. There was little fat to be trimmed away to begin with. These proposed cuts can only cut into the meat of the VEC, providing valuable employment services to our economy at a time when it is urgently needed.

Mr. Speaker, I urge my colleagues to support House Joint Resolution 391, which would provide a much-needed supplemental appropriation to the Department of Labor for unemployment insurance and employment services.●

● Mr. OXLEY. Mr. Speaker, it is vital to the Nation during this time of unusually high unemployment that the House adopt this supplemental appropriation for the Labor Department.

My concern stems from the exceedingly high rates of unemployment, not only across the country, but in my Fourth District of Ohio, which averages about 16 percent. The unemployed people of my district are all good citizens who have contributed a great deal to their State and country. They are all willing to work, but are unable to find openings in the job market. They are people who have suffered through tough economic times, both financially and personally; they should not be further burdened with unusual demands in order to obtain their lawful benefits.

In my State of Ohio, the Ohio Bureau of Employment Services has announced the closing of 37 State offices—4 of those in my district—due to fiscal constraints. When Congress passed the continuing resolution last December, $264 million was cut from the Nation's budget for moneys used by State employment offices. It was the intent of Congress when that resolution passed to mandate cutbacks in only job counseling services—used by a very small percentage of the unemployed—while leaving the unemployment insurance moneys virtually untouched.

As a result of the congressional action, the Department of Labor, in its January 1982 memorandum to all employment offices, reiterated Congress intent when it stated, "Unemployment insurance offices will be kept open, except when it is determined by the State employment services agency that services will improve by closing an office."

Despite these directives from the Federal level, some States have found it fiscally impossible to keep their offices open. In my district, many unemployed people who usually drove 2 to 3 miles to pick up their unemployment checks, will be forced to drive up to 70 miles weekly simply to receive their lawful benefits.

Mr. Speaker, the President's economic recovery program has just begun to take effect. Leading economists are predicting an upswing in employment during the next three quarters. However, in the short term, Ohio and the country are faced with high and unacceptable rates of unemployment. It is not the time to turn our backs on these individuals who want to work but cannot find employment.

I urge my colleagues to join with me in strong support of House Joint Resolution 391.●

● Mr. DOWNEY. Mr. Speaker, I rise now in support of the Appropriations Committee's bill to provide $2.3 billion in supplemental funds for State unemployment services and insurance for the rest of fiscal year 1982.

It is obvious now that the administration seriously underestimated the number of people who would become unemployed over the past few months and I am happy that yesterday, Congress rectified this lapse in judgment by a wide bipartisan margin.

When the continuing resolution was passed, the administration projected an average unemployment rate of 7.5 percent for 1982. Then, they revised it upward to 8.5 percent in January. Now, that same optimistic administration projects just under 9 percent; 14 States are currently paying extended benefits for an additional 13 weeks, and 34 are expected to start paying extended benefits during the balance of the year.

The 1982 need is so great apparently that the administration itself came in with a supplemental request for an additional $2.3 billion in additional appropriations for these people.

One wonders now, when people are hurting, why the inefficiency of cutting unemployment services and benefits at a time of rising unemployment was not more readily apparent when the continuing resolution was voted on in December.

No matter, at least my colleagues who voted the other way then have heard their people and now know their needs.●

● Mr. STOKES. Mr. Speaker, I fully support an urgent fiscal year 1982 supplemental appropriation of $2.3 billion to help States pay for soaring unemployment compensation costs and to avert staffing reductions and closure of State employment security agencies.

This increased level of funding is crucial for the State of Ohio since it is one of the 18 States plagued by escalating unemployment rates and consequently must borrow from the Federal unemployment account. The most recently published figures for comparing National, State, and city unemployment rates reveal that in November, Ohio's rate of unemployment was 10.9 percent—three full percentage points above the national average of 7.9 percent. The unemployment rate for Cleveland, during that same period was a staggering 12.7 percent.

This supplemental appropriation is of special importance to Ohio in light of recent announcements that over 1,000 persons staffing the job services centers in Ohio would be laid off as a result of the Reagan administration budget cuts. Additionally, 37 of the centers were marked for closure. These centers provide valuable assistance in matching jobless workers to available jobs.

During a time when more than 9 million Americans are out of work, it would be irresponsible for the Members of Congress to stand idly by and not protect funding and staffing for the job service agencies that are so vital in serving the needs of the record number of unemployed workers of our Nation. It is incumbent upon the Congress to remedy the mistakes of the Reagan administration which proposed that staffing for these employment service offices be reduced. I urge swift approval of House Joint Resolution 391.●

● Mrs. SCHNEIDER. Mr. Speaker, I rise today in support of House Joint Resolution 391, to provide $2.3 billion in supplemental funds for the Labor Department's unemployment programs. These figures are equal to the administration's February 1 request and I believe will provide much-needed relief to States and workers.

When the continuing resolution was passed, we were projecting an average unemployment rate of 7.5 percent for 1982. The unemployment rate in January was 8.5 percent and is expected to climb even higher. For example, the unemployment rate in my own State of Rhode Island has climbed a percentage point since we recessed last year.

We must provide our States with the necessary relief. Six States borrowed from the trust fund in January, and it is anticipated that an additional 12 States will need Federal funds in the future.

I call on my colleagues to help our States and the American worker by reducing some of those burdens imposed by the unemployment situation.●

Mr. NATCHER. Mr. Speaker, I move the previous question on the joint resolution to final passage.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appear to have it.

Mr. CONTE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 398, nays 3, not voting 33, as follows:

[Roll No. 6]

YEAS—398

Addabbo	Donnelly	Hopkins
Akaka	Dorgan	Howard
Albosta	Dougherty	Hoyer
Alexander	Dowdy	Hubbard
Anderson	Downey	Huckaby
Andrews	Dreier	Hughes
Annunzio	Duncan	Hunter
Anthony	Dunn	Hutto
Applegate	Dwyer	Hyde
Archer	Dyson	Ireland
Ashbrook	Eckart	Jacobs
Aspin	Edgar	Jeffords
Atkinson	Edwards (AL)	Jenkins
AuCoin	Edwards (CA)	Johnston
Badham	Edwards (OK)	Jones (NC)
Bafalis	Emerson	Jones (OK)
Bailey (MO)	Emery	Jones (TN)
Bailey (PA)	English	Kastenmeier
Barnard	Erdahl	Kazen
Barnes	Ertel	Kemp
Beard	Evans (DE)	Kennelly
Bedell	Evans (GA)	Kildee
Beilenson	Evans (IA)	Kindness
Benedict	Evans (IN)	Kogovsek
Benjamin	Fary	Kramer
Bennett	Fascell	LaFalce
Bereuter	Fazio	Lagomarsino
Bethune	Fenwick	Lantos
Bevill	Fiedler	Latta
Bingham	Fields	Leach
Blanchard	Fish	Leath
Bliley	Fithian	LeBoutillier
Boggs	Flippo	Lee
Bolling	Florio	Lehman
Boner	Foglietta	Leland
Bonior	Foley	Lent
Bonker	Ford (MI)	Levitas
Bouquard	Ford (TN)	Lewis
Bowen	Forsythe	Livingston
Breaux	Fountain	Loeffler
Brinkley	Fowler	Long (LA)
Brodhead	Frank	Long (MD)
Brooks	Frenzel	Lott
Brown (CO)	Frost	Lowery (CA)
Broyhill	Fuqua	Lowry (WA)
Burgener	Garcia	Lujan
Burton, John	Gaydos	Luken
Burton, Phillip	Gejdenson	Lundine
Butler	Gephardt	Lungren
Byron	Gilman	Madigan
Campbell	Gingrich	Markey
Carman	Ginn	Marlenee
Carney	Glickman	Marriott
Chappie	Gonzalez	Martin (IL)
Chisholm	Goodling	Martin (NC)
Clausen	Gore	Martin (NY)
Clay	Gradison	Matsui
Clinger	Gramm	Mattox
Coats	Gray	Mavroules
Coelho	Green	McClory
Coleman	Gregg	McCollum
Collins (IL)	Grisham	McCurdy
Collins (TX)	Guarini	McDade
Conable	Gunderson	McEwen
Conte	Hagedorn	McGrath
Conyers	Hall (OH)	McHugh
Corcoran	Hall, Ralph	Mica
Coughlin	Hall, Sam	Michel
Courter	Hamilton	Mikulski
Coyne, James	Hammerschmidt	Miller (CA)
Coyne, William	Hance	Miller (OH)
Craig	Hansen (ID)	Mineta
Crockett	Hansen (UT)	Minish
D'Amours	Harkin	Mitchell (MD)
Daniel, Dan	Hartnett	Mitchell (NY)
Daniel, R. W.	Hatcher	Moakley
Danielson	Hawkins	Moffett
Dannemeyer	Heckler	Molinari
Daschle	Hefner	Mollohan
Daub	Heftel	Montgomery
Davis	Hendon	Moore
de la Garza	Hertel	Moorhead
Deckard	Hightower	Morrison
Dellums	Hiler	Mottl
Derwinski	Hillis	Murphy
Dicks	Holland	Murtha
Dingell	Hollenbeck	Myers
Dixon	Holt	Napier
Natcher	Roth	Stratton
Neal	Roukema	Studds
Nelligan	Rousselot	Stump
Nelson	Roybal	Swift
Nichols	Rudd	Synar
Nowak	Russo	Tauke
O'Brien	Sabo	Tauzin
Oakar	Savage	Taylor
Oberstar	Sawyer	Thomas
Obey	Scheuer	Traxler
Ottinger	Schneider	Trible
Oxley	Schroeder	Udall
Panetta	Schulze	Vander Jagt
Parris	Schumer	Vento
Pashayan	Seiberling	Volkmer
Patman	Sensenbrenner	Walgren
Patterson	Shamansky	Walker
Pease	Shannon	Washington
Pepper	Sharp	Watkins
Perkins	Shaw	Waxman
Petri	Shelby	Weber (MN)
Pickle	Shumway	Weber (OH)
Porter	Shuster	Weiss
Price	Siljander	White
Pritchard	Simon	Whitehurst
Quillen	Skeen	Whitley
Rahall	Skelton	Whittaker
Railsback	Smith (AL)	Whitten
Rangel	Smith (IA)	Williams (OH)
Ratchford	Smith (NE)	Winn
Regula	Smith (NJ)	Wirth
Reuss	Smith (OR)	Wolf
Rhodes	Smith (PA)	Wolpe
Richmond	Snowe	Wortley
Rinaldo	Snyder	Wright
Ritter	Solarz	Wyden
Roberts (KS)	Solomon	Wylie
Roberts (SD)	Spence	Yates
Robinson	St Germain	Yatron
Rodino	Stangeland	Young (AK)
Roe	Stanton	Young (FL)
Roemer	Stark	Young (MO)
Rogers	Staton	Zablocki
Rosenthal	Stenholm	Zeferetti
Rostenkowski	Stokes	

NAYS—3

Crane, Philip	McDonald	Paul

NOT VOTING—33

Biaggi	Dornan	Mazzoli
Boland	Dymally	McCloskey
Broomfield	Early	McKinney
Brown (CA)	Erlenborn	Peyser
Brown (OH)	Ferraro	Pursell
Chappell	Findley	Rose
Cheney	Gibbons	Santini
Crane, Daniel	Goldwater	Wampler
DeNardis	Horton	Weaver
Derrick	Jeffries	Williams (MT)
Dickinson	Marks	Wilson

□ 1820

The Clerk announced the following pairs:

Mr. Biaggi with Mr. Broomfield.
Mr. Derrick with Mr. McCloskey.
Mr. Chappell with Mr. Wampler.
Mr. Boland with Mr. Pursell.
Mr. Early with Mr. McKinney.
Mr. Peyser with Mr. Rose.
Mr. Santini with Mr. Erlenborn.
Mr. Wilson with Ms. Ferraro.
Mr. Mazzoli with Mr. Horton.
Mr. Brown of California with Mr. Jefferies.
Mr. Weaver with Mr. Findley.
Mr. Williams of Montana with Mr. Brown of Ohio.
Mr. Dymally with Mr. Goldwater.
Mr. Dickinson with Mr. Cheney.
Mr. DeNardis with Mr. Daniel B. Crane.

Mr. MOORHEAD changed his vote from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON TOMORROW

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

Mr. LOTT. Mr. Speaker, reserving the right to object, if I could address a question to the distinguished majority whip.

What do we anticipate the schedule will be when we come in at the assigned hour of 11 o'clock?

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Washington.

Mr. FOLEY. I thank the distinguished Republican whip for yielding to me.

As the gentleman knows, we had originally scheduled for today consideration of the Justice Assistance Act of 1981. Because Members had been given assurance that the House would rise shortly after 6 o'clock that item has been rescheduled until tomorrow, and the reason that we are asking for the 11 o'clock hour is to take up that matter.

We have no other legislative plans for tomorrow other than to complete the schedule that was originally intended for completion today.

Mr. LOTT. So no other business is on the agenda, so we can anticipate an early afternoon adjournment tomorrow; is that correct?

Mr. FOLEY. I would expect an early afternoon adjournment tomorrow as far as we are concerned, unless some matter comes over from the Senate.

Mr. LOTT. Further reserving the right to object, I would like to also inquire as to whether or not the Senate has acted on the adjournment resolution? I believe we did act on that adjournment resolution earlier. Does the majority whip have that information?

Mr. FOLEY. I am advised that the Senate has not acted on it. My advice is coming very quickly, but from a very authoritative source, I will tell the gentleman, and one I harken.

Mr. LOTT. The gentleman is getting this from a reliable source?

Mr. FOLEY. Yes, the most reliable that can be found in the House of Representatives.

Mr. LOTT. I thank the gentleman. I wanted to find out where we were on that adjournment resolution, what we might anticipate from the other body.

Mr. FOLEY. We are hoping to get out at a very reasonable hour tomorrow.

□ 1830

Mr. LOTT. Will we get the program for the rest of the week tomorrow afternoon before we adjourn?

Mr. FOLEY. Yes.

Mr. LOTT. And for the next week?

Mr. FOLEY. Yes.

Mr. LOTT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington (Mr. FOLEY)?

There was no objection.

SUMMARY REPORT OF DEPARTMENT OF ENERGY SUNSET REVIEW—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 97-142)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read, and together with the accompanying papers, without objection, referred to the Committee on Government Operations and the Committee on Energy and Commerce, and ordered to be printed:

To the Congress of the United States:

Transmitted herewith is the Summary Report of the Department of Energy Sunset Review. A Program-by-Program Analysis which provides detailed background information is being transmitted at the same time by the Secretary of Energy. These two volumes together satisfy the requirements of Title X of the Department of Energy Organization Act (P.L. 95-91).

I have asked Secretary Edwards and his staff to be available to respond to any questions or comments you may have regarding the Department of Energy Sunset Report.

RONALD REAGAN.

THE WHITE HOUSE, *February 9, 1982.*

□ 1215

THE NEED FOR A NEW POLICY IN EL SALVADOR

(Mr. McHUGH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McHUGH. Mr. Speaker, as recent events make clear, President Reagan has decided to escalate U.S. military assistance to the Government of El Salvador rather than work toward a political solution which could end the violence in that tragic country. This is a policy without support at home and one which is bound to fail abroad.

The instability and unrest in El Salvador are not primarily the result of aggression by Cuba, Nicaragua, or the Soviet Union. While leftists surely seek to capitalize on events for their own purposes, the fundamental problem in El Salvador has always been the inability or unwillingness of the Salvadoran Government to address the compelling needs of its own people.

For generations the vast majority of Salvadorans have been exploited economically, denied politically, and, worst of all, have been the victims of indiscriminate violence. This repression has been carried out not by outside aggressors, but by the Salvadoran Government itself, oftentimes working in concert with the privileged oligarchs. Inevitably, the Government was unable to generate popular support. Inevitably, leftists sought to take advantage of popular disaffection by championing the cause of the oppressed. Inevitably, resistance grew, even among so essentially conservative and Catholic a people as the Salvadorans.

Some attempts were made at reform, particularly land reform, and for a time there was hope that more progressive elements could turn the Government away from its traditional policies of repression. Indeed, for a time there seemed to be some modest progress in efforts to bring the security forces under control and to begin addressing the pressing economic needs of the people.

Unfortunately, Mr. Speaker, these efforts are at the brink of a failure. As our Government has increasingly defined El Salvador as a contest between East and West, and as the flow of arms has increased, the hand of the old Salvadoran militarists has been strengthened, the need for them to implement fundamental reforms has diminished, and the indiscriminate violence has continued.

As a result, the Salvadoran Government grows weaker. As the killing goes on—with American arms—popular support further erodes and the opposition grows stronger. Predictably, the Reagan administration responds by escalating the flow of weapons, raising military aid from its 1980 level of $6 million to $80 million today. Next year, we are told, it will be more.

Mr. Speaker, I do not believe a victory by the extreme left will serve the interests of the United States or the Salvadoran people. But our current policy will not succeed in avoiding that outcome. Military arms alone will not sustain the Salvadoran Government. It will be sustained only if it respects the lives and property of its own citizens and is more effective in meeting their legitimate economic and political aspirations. U.S. military aid can be justified only if it pursues such a policy.

Congress recognized this by making it a condition of continued military assistance that the President certify to Congress that, among other things, the Salvadoran Government "is achieving substantial control over all elements of its own armed forces so as to bring to an end the indiscriminate torture and murder of Salvadoran citizens by these forces." The Salvadoran Government has clearly failed to meet that condition. Nonetheless, the President has recently delivered his certification, apparently in total disregard of the evidence indicating that indiscriminate killing by government forces goes on.

The President was also required to certify that the Salvadoran Government was "making continued progress in implementing essential economic and political reforms, including the land reform program." He has also certified that this condition has been met. Yet, as a recent report demonstrates, the land reform program is stalled and on the verge of collapse.

This is the view advanced by the Union Comunal Salvadorena (UCS), the main campesino organization supporting the land reform program in El Salvador. In a report published in December, the UCS concluded that:

Over 25,000 campesino families intended as beneficiaries under the land-to-the-tiller program had been evicted from their land before the 1981 spring planting, and that thousands more had been evicted since then;

Thousands of campesino families were being forced to pay rents to former landlords in spite of the fact that they had no legal obligation to do so;

Many campesinos and at least 20 of their representatives had been murdered in their efforts to enjoy their rights under the land reform law;

Less than 10 percent of former tenant farmers and sharecroppers had received provisional titles under the law, and that a far smaller number had received titles that contained an adequate description of the land supposedly being turned over to the campesino; and

Only 2 of more than 300 cooperatives on the larger estates taken under phase 1 of the program had received provisional titles.

Compensation of former landowners was proceeding slowly.

On the basis of this evidence the UCS concluded as follows:

> What had begun in March and April 1980 with bright promise, and had continued to show bright promise even through the end of 1980, now threatens to become a nightmare of bureaucratic redtape, evictions and killings, in which it will soon be beyond the capacity of the government or the campesino leadership to prevent a complete loss of faith by our country's campesinos in the agrarian reform program.

In the face of this evidence, the President seems intent on escalating military aid in the hope of achieving a military victory. Secretary Haig has even failed to rule out the use of American troops if that should be necessary. We must ask, to what end? To sustain a government that does not enjoy the support of its own people, a government that continues to violate their fundamental rights, a government that despite large infusions of

American weapons, cannot control large areas of the country because of growing sympathy for the opposition?

Although President Duarte may still want to end the violence and repression, he lacks the political power to do so. He is dominated by the military. I also believe that there are elements of the opposition that would like to negotiate a peaceful settlement. Many of them are not of the extreme left, and indeed some have served in prior juntas where they sought unsuccessfully to bring about equitable and democratic reforms. In the face of resistance from the entrenched military, they gave up and joined the opposition.

Because there is at least some hope for a negotiated solution, it has been urged upon both sides by the Catholic Church and by other nations in the region such as Venezuela and Mexico. These efforts have come to naught, at least in part because the United States is intent on a military solution. In pursuing such a policy, we have weakened the moderates and strengthened the extremists on both sides.

Perhaps it is too late. Perhaps an attempt at negotiations would fail. We cannot be sure. What we can be sure about, however, is that our current policy is not working. The more we pursue a military solution, the greater grip the military has on the Salvadoran Government. The greater their grip, the less concern there is in controlling the indiscriminate violence by government forces and in achieving meaningful reform. The less that concern, the more popular disaffection and loss of government control. It is a no win policy.

As I have said, Mr. Speaker, Congress has tried to convey these concerns to the administration by requiring the President to certify that the Salvadoran Government is making substantial progress toward reform. The President has essentially disregarded these concerns. In these circumstances, the Salvadoran Government is sure to do so also. I believe the only avenue open to Congress now is a complete termination of military aid until such time as Congress itself determines that the conditions we have imposed by law have been met. The purpose would not be to promote a military victory by the opposition, but rather to demonstrate to the President and the Salvadoran Government that Congress is serious when it says it wants a substantial reduction in the indiscriminate killing and meaningful efforts toward equitable reform. If we fail to demonstrate our resolve, there will be no change in policy, no possibility for a peaceful solution, and no chance that American aid and influence will avoid a leftist victory.

For these reasons, I urge my colleagues in the House to support our efforts to terminate military assistance to El Salvador at this time.

HOME VIDEO RECORDING ACT OF 1982

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of California. Mr. Speaker, the Congress is now faced with a serious issue involving the relationship of our copyright law to a new and appealing communications technology. I am speaking of the home video recorder which is fast becoming the most popular home entertainment product since the introduction of television. Today there are nearly 3 million video cassette recorders—VCR's—in the United States. It is estimated that by the end of this decade, 35 to 40 million VCR's will have been imported from Japan enabling millions of American families to tape programs received on their home television sets through direct broadcast, cable, or satellite transmission. The entertainment and educational values of this new technology are immense.

Late last year, the U.S. Court of Appeals for the Ninth Circuit reversed a district court ruling and held that off-the-air recording of audiovisual materials by VCR owners for private use constituted copyright infringement. The court of appeals based its decision on the absence of an explicit exemption for home video recording in the Copyright Act of 1976. The court also held that home video recording does not fall within the "fair use" doctrine which provides a limited exemption from infringement for limited uses of copyrighted works.

In the wake of the decision by the court of appeals, several of my colleagues in both bodies introduced legislation which would create an exemption from copyright liability for private use of home video recorders.

I support the basic goal of legislation which would exempt home video recorder use from liability for copyright infringement. However, I believe that Congress, in legitimizing off-the-air home video recording, also has a responsibility to protect the rights of those who create and own intellectual property. In so doing, the Congress would not be breaking new legislative ground. Rather, it would be acting in a manner fully consistent with the copyright clause of our Constitution, the protection of private property which is one of the basic precepts of our economy, and the principles and practice of modern copyright law in the United States and in other industrial democracies. The ninth circuit's interpretation of the law was correct. Now is the time to change the law so it can take into account the introduction of a new and important technology.

Today I am introducing a bill which will exempt owners of home video recorders from copyright liability, but at the same time establish a mechanism for the compensation of the creaters and owners of all types of entertainment programs for the use of their property. The bill is similar to an amendment introduced in the other body by Senator MATHIAS of Maryland and cosponsored by the majority leader, Mr. BAKER of Tennessee, the minority leader, Mr. BYRD of West Virginia, and the minority whip, Mr. CRANSTON of California. I am pleased to be joined in introducing this proposal by my colleagues, Mr. MOORHEAD, Mr. PASHAYAN and Mr. WAXMAN of California, and Mrs. SCHROEDER of Colorado.

Although the legislation I am introducing today deals only with the problem of home video recording, the U.S. music industry is facing a similar problem with home audio taping—the copying of sound recordings and musical works not only from radio and other transmissions, but also from prerecorded discs and tapes. As Congress reviews the home taping problem for the video industry, I am sure the impact of home taping on the music industry will also be explored. I would certainly lend my support to separate legislation which addresses this very real problem.

Mr. Speaker, the element of compensation is critical because compensation for the use of intellectual property is, and always has been, a necessary incentive for its creation. Society benefits when copyright owners are justly compensated for the use of their property, because compensation provides the impetus for the creation of intellectual work.

The compensation provision of this legislation provides a sensible and equitable means of achieving a valid and desirable goal. It would work as follows:

The importers and manufacturers of VCR's and blank video casettes would be required to provide the Register of Copyrights with information relating to the number of VCR's and video cassettes they import, manufacture, and distribute.

The Copyright Royalty Tribunal—CRT—an administrative body created by the Congress in the 1976 Copyright Act, would determine appropriate and reasonable royalty fees to be paid by the manufacturers and importers of VCR's and blank video cassettes. This royalty will provide fair compensation to the owners of audiovisual programs for the home recording of their works. The Tribunal would distribute the royalty fees to copyright owners on a yearly basis, as it now does for royalty fees owed for the use of copyrighted work by cable TV and jukeboxes.

The CRT is the appropriate body to determine the level of compensation and it will do so in a full, evidentiary hearing after it has received testimony from a variety of interested parties.

Mr. Speaker, I wish to point out that the copyright royalty fees envisioned by this legislation are not likely to be passed on to the consumer. The sale of VCR's is a highly competitive business with the major retail sales of these products occurring on a discount basis. The prices for the same piece of equipment vary widely, as anybody who investigates the purchase of VCR quickly learns. Highly competitive prices for VCR's and blank tapes, which now range from approximately $450 to $1,100 per machine and $14 to $18 per blank cassette, combined with declining import duties on these items and advances in technology, make it highly unlikely that the American consumer will be faced with an increased retail cost as a result of this copyright royalty fee.

In the past, the electronics industry has shown itself to be remarkably adaptable to similar costs which were needed to take new technologies into account. In 1962, when the Congress was considering the All-Channel Receivers Act which required that manufacturers of televisions place UHF tuners on all sets, the electronics industry claimed that it would increase the cost of the TV to consumers by as much as $30. Three years later, the FCC reported to the Congress that there was actually a price reduction of televisions with all channel receivers compared to VHF only models.

Unauthorized, uncompensated use of copyrighted material, which is an infringement of copyright, significantly diminishes that property's economic worth. Thus, just compensation for the creators and owners of copyrighted intellectual property is a right which the Congress must protect. Congressional action which would deny copyright owners such protection would deprive them of control over the use of their property, and thus would deprive them of the true value.

The need for economic protection of copyrighted works stems from the additional fact that increasing use of home video recorders has a direct and lasting impact on two important segments of the American entertainment industry: those corporations that produce audiovisual programs and the hundreds of thousands of labor and guild members whose livelihood depends upon the vitality of this industry. Plainly put, the widespread use of VCR for off-the-air taping undermines the revenue potential to be derived from the creation and ownership of motion pictures and other programs for television.

The need for adequate compensation for those who create intellectual property for this purpose is clear, as the costs of creating and marketing audiovisual programs today are enormous. Those who invest in these entertainment programs must depend on licensing their products in important secondary markets, such as pay cable and pay TV, network television, prerecorded video cassettes, discs, and syndicated television to recoup their investment. When millions of copies of their programs are made by home viewers who use a VCR, the value of the copyrighted property in these ancillary markets is substantially reduced. Deprived of these markets, copyright owners will have only two choices: (1) produce less intellectual property; or (2) limit the distribution of works produced so that these programs cannot be recorded by the consumer without compensating the copyright owner. In either event, the public is the big loser. I believe that a reasonable copyright royalty fee on video recorders and blank tapes paid by the manufacturers, distributors, and importers who profit from home taping is an equitable solution to this complex problem.

I am sure my colleagues will soon be told that the bill I am introducing today is somehow "anticonsumer." I do not believe that for a moment, based on the economics of the VCR and video cassette industries and the historical precedent I just discussed. Moreover, because this legislation treats both the VCR owner and the creator of intellectual property fairly, it assures Americans they will continue to have access to television and motion pictures of high quality. Legislation that omits any form of copyright protection for creators and owners of intellectual property is not only constitutionally unsound, but is also destined to seriously erode the economic health of the U.S. entertainment industry. Thus, I hope that my colleagues in the House will support this alternative which I believe protects the public's right to view, the manufacturers' and importers' right to sell, and the artist's right to create.

NATIONAL HEALTH PROTECTION FOR SENIOR CITIZENS

(Mr. BONKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONKER. Mr. Speaker, if I were a senior citizen today, dependent on the promises of the Federal Government to uphold its commitment to social security, medicare, medicaid, and other programs, I would find myself very confused and demoralized. This administration, in the name of "economic recovery," is forcing deep cuts in social and entitlement programs that older Americans have rightfully come to depend on.

President Reagan's budget proposals for fiscal year 1983 for medicare in particular discredit the Federal Government's earlier commitment to provide citizens 65 years and over with a degree of health care protection. Even today, medicare is not fulfilling its earlier pledge to the elderly of adequate reimbursement for health care services. And now Congress is being asked to increase the out-of-pocket expenses of medicare recipients by another round of budgetary proposals to reduce benefits. This represents a benefit loss of $5 billion next year and $16 billion by fiscal year 1987.

Let us not forget that the medicare program is sustained by a trust fund, paid into by workers and employers, and is apart from the general fund. The hospital insurance trust fund is the only one in the entire budgetary system that is solvent. To make deep cuts here will only drain the trust fund's surplus while denying eligible recipients of their benefits. It is false economy and an affront to senior citizens.

Since coming to Congress I have long been committed to and have worked for improved health care services for the elderly. As a member of the Select Committee on Aging, I have seen startling evidence of the shortcomings of medicare to meet the staggering health needs of senior citizens. When medicare was enacted by Congress in 1964, it was estimated that the program would cover 75 percent of the medical needs of older Americans; today the program covers only about 38 percent. While private health insurance programs and medicaid have adequately protected most Americans, it has become painfully clear that senior citizens are today's true victims of the health care crisis.

That is why I have decided to introduce new legislation entitled, "Comprehensive Medicare Reform Act of 1982," or national health protection for senior citizens. This bill would amend title XVIII of the Social Security Act to provide for comprehensive services under the medicare program.

Why introduce such a bill which will add several billions in new outlays to the Federal budget in these times of budget-slashing by the Reagan administration? The answer is a simple one. we should not be deterred from working toward our goal nor default on our commitments to provide senior citizens with decent health care. As Congress sorts through and rearranges its priorities, the inescapable conclusion will be that this is the greatest and most urgent need in the country.

The need for a comprehensive health plan is particularly accute for senior citizens, whose dependence on health care services increases with age. With the majority of American workers presently covered through existing health insurance where they work and medicaid taking care of the indigent, the group that is left without protection are senior citizens.

The views of this group were clearly voiced at the recent White House Conference on Aging. The need for comprehensive health care protection was

of principle concern to the conference's delegates. Among the final resolutions to emerge from the conference was a long list of expanded health care services under medicare, very similar to the legislation I am introducing today.

The history of the medicare program is one of good intentions, but badly compromised results. In 1964, when Congress passed the medicare program, it was revealed that older people are sick three times as often and three times as long, and generally pay three times as much for their health care than the young.

For example, the average health care bill for an elderly person in 1978 was $2,026. This is seven times the $286 per capita spending for the under 19 age group and two and one-half times the $764 per capita expenditures for persons aged 19 to 64. Due to this disproportionate share of health care costs, the elderly are bearing the burden, causing many on fixed incomes to be reduced to poverty before qualifying for full health assistance.

From the beginning, medicare was punctured with compromises to make it more palatable for congressional action. It was to be financed by taxes paid by both employers and employees with minimal supplements from the Federal Government and the elderly themselves. What was originally a promise of full health care protection turned out to be limited care.

In 1966, the first year medicare was implemented, the average health care bill for individuals over 65 was $445, of which medicare paid only $204, or 46 percent of the bill. By 1978, the average health care bill for those over 65 was $2,026, yet medicare paid only $891, or 44 percent of the expenses.

Time and time again, oversight hearings on the medicare program find that recipients are not being adequately reimbursed for medical expenses. The elderly are understandably confused and frustrated as to why this program that originally guaranteed 80-percent reimbursement actually pays only 44 percent or approximately half of what it promises, at the same time that the cost of supplemental health insurance is going up.

The gaps in health care coverage for senior citizens are severe. Here are the expenses an older person now pays to have coverage under medicare, part B.

First. Monthly premium, $11.

Second. Medigap supplemental insurance, $17; total, $28.

Third. Other possible charges: 20 percent of physician's bill. If physician charges above what medicare considers "reasonable charge," the patient pays the excess.

Twenty-eight dollars per month for additional insurance is a real sacrifice for senior citizens living on a fixed income, especially when even this expense does not guarantee that their health care expenses will be covered.

My national health protection for senior citizens bill will accomplish two major changes in the current medicare program. First, the bill includes a long overdue updating of the physician's charge scale under part B, in an effort to encourage more physicians to accept medicare patients. Over the past several years, the number of physicians willing to accept medicare patients on the assignment basis—physician reimbursement at 80 percent of established "reasonable charge"—has been declining rapidly. Today, less than 50 percent of our Nation's physicians are accepting medicare assignment.

The most important part of my bill, however, is the expansion of basic services and the much-needed reduction of costly deductibles and coinsurance payments. These expenses have become intolerable burdens for many elderly citizens, the majority of whom spend 70 percent more for medical care than younger Americans.

National health protection for senior citizens provides total coverage of hospital and hospital-related costs under part A and reduces the cost of part B for recipients to the current monthly premium, a $75 deductible, and only a 10-percent coinsurance level instead of the current 20 percent.

Services covered under part B will be expanded to include prescription drugs, routine dental and eye care, preventive services and increased mental health care coverage. Passage of this bill will mean guaranteed health care coverage for senior citizens.

The price tag for any form of national health insurance will be high. However, if we ever are going to meet the needs of a fast-growing elderly population such expenditures must be made. I believe that by utilizing the legislative and administrative framework already in place we can meet the urgent health care needs of today's elderly more effectively and economically, while buying time to more carefully prepare our health care system for the increase in health care needs brought about by the future senior boom.

The elderly people of this country can no longer afford to wait for the Congress to decide which direction they will take in the health care field; whether it be national health insurance or a procompetition approach.

This Congress must recognize the greatest need of the older American. Guaranteeing them basic protection against the fear and costly burden of health care is the least we can do for those who sacrficed to make this country what it is today.

GENERAL MIHAILOVICH AND THE 500 RESCUED AMERICAN AIRMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois, (Mr. DERWINSKI) is recognized for 5 minutes.

● Mr. DERWINSKI. Mr. Speaker, as my colleagues know, I have taken a strong interest for many years now in the case of Gen. Draja Mihailovich, leader of the democratic anti-Nazi resistance forces in Yugoslavia during World War II. In 1967, I finally got the State Department, after a good deal of evasion of their part, to declassify the fact that President Truman, acting on the recommendation of General Eisenhower, had posthumously conferred on General Mihailovich an American decoration, the Legion of Merit in the Degree of Supreme Commander. It was, of course, ridiculous that the fact of the award had been classified in the first place. I doubt very much that there is another case on record where one of the highest awards for service to the United States and the cause of freedom has been classified.

During World War II, after Mihailovich had been abandoned by Britain and the United States and at a time when our planes were regularly dropping supplies to the Communist forces then attacking him, Mihailovich was responsible for saving the lives of some 500 American airmen who parachuted into Yugoslavia from disabled aircraft. For this, he received no recognition at the time and no expression of gratitude. The airmen were evacuated from Yugoslavia by a special task force of the 15th Air Force, named "The Halyard Mission," the bulk of them being airlifted from an improvised and heavily protected airstrip only 80 miles from Belgrade.

When Mihailovich was captured by the Tito forces in March of 1946 and the announcement was made that he would be placed on trial as a collaborator, the American airmen who had been rescued by Mihailovich organized themselves into a "National Committee of American Airmen to Aid General Mihailovich and the Serbian People." They sent a wire to the Belgrade government asking to be permitted to testify on Mihailovich's behalf. Needless to say, the Tito government refused, just as they refused to accept the testimony of the several American officers who had been attached to the Mihailovich forces during the period when we supported him.

In 1974, the American airmen again came together and launched a new movement, the "National Committee of American Airmen Rescued by General Mihailovich." They petitioned Congress to enact legislation which would enable them to erect a memorial as an expression of gratitude to the man who had saved their lives. I introduced such legislation in the 95th Congress, and parallel legislation was introduced on the Senate side. The measure was favorably reported by the Senate Rules Committee and approved by the full Senate without dissenting vote in June of 1977. It was again approved by the Senate in the 96th Congress. On the House side, however, al-

though hearings have been held, it has never been reported by committee because of the strong opposition by the Department of State that the government of Marshal Tito would be affronted by such an award.

On May 12 of last year, I introduced this bill again, with the support of cosponsors. In my conversations with State, I have repeatedly made the point that Tito has now been dead for several years, while Mihailovich has been dead for 36 years, and the only thing that should really count now is that there are some 500 American airmen who feel that they have a debt of honor to discharge to the man who saved their lives and who wish to do it without getting involved in partisanship or dipomatic controversies. I not only sympathize with the position the airmen have taken, but I feel that the United States, too, has a debt of honor—perhaps a larger one—in the case of General Mihailovich.

In this connection, I think it would be proper to reply to the State Department's position that the Yugoslav Government regards General Mihailovich as a collaborator and it would therefore be an affront to them to permit the airmen to proceed with their project.

Recently, I received a letter from Mr. David Martin, author of "Patriot or Traitor, The Case of General Mihailovich," which throws a new and rather sensational light on the Anglo-American abandonment of General Mihailovich. In his book, Martin charged that there were elements in SOE Cairo—the SOE was the British equivalent of the United States OSS—who had sabotaged United States and British supply of Mihailovich even when it was official policy to support him, and had slanted and suppressed intelligence for the purpose of inducing the Western Allies to switch their support from Mihailovich to Tito. He provided substantial documentation for his charges and he named a certain Maj. James Klugman, who had been publicly identified with the Communist movement both before and after World War II, as the man primarily responsible. Martin stopped short, however, of naming Klugman as a Soviet agent.

Klugman, it should be pointed out, belonged to the same remarkable group of left-wing intellectuals at Cambridge University which produced such notorious Soviet agents as Kim Philby, Anthony Blunt, Guy Burgess, and Donald Maclean. By common consent, Klugman was the most brilliant of the group. The proof that he had been a hireling of Soviet intelligence was still lacking when Andrew Boyle first brought out his book, "The Climate of Treason," in 1979. Since then, however, John Cairncross, a confessed Soviet agent who held a number of important positions in the British intelligence and diplomatic services during and after the war, has identified Klugman as the man who recruited him for Soviet intelligence. The Cairncross confession has been reported in some detail by the well-known British journalist, Chapman Pincher, in his recent book, "Their Trade Is Treachery."

So now there is no doubt at all about the identity of James Klugman.

The recent letter I received from David Martin informed me of the Cairncross development and reexamined some of the key documents he had unearthed in the light of this new information. In asking unanimous consent to have the text of Martin's letter inserted into the CONGRESSIONAL RECORD, I would like particularly to call attention to two of his statements.

On his opening page, Martin says:

> The story of James Klugman is of major interest to our current personnel security problems in government because it illustrates how a quite junior military officer or government servant, in an obscure position, can play a major role in confusing and misdirecting the foreign policy of countries like the United States and Great Britain.

Martin quotes Sir Douglas Howard, who was in charge of Yugoslav affairs for the Foreign Office during World War II, as writing to him:

> I have read and reread your letter . . . with great interest, and with a certain measure of astonishment . . . If, of course, as now seems more than possible, our information re Mihailovich's activities where incomplete, to say the least, then the whole affair changes color . . . *If the information contained in your work had been available to us at the time, our whole policy might and probably would, have been very different.* (Emphasis added.)

The second point Martin makes is that bad intelligence or deliberately falsified intelligence inevitably leads to wrong decisions. "That is precisely what happened," he said, "when the British and American Governments, on the basis of the slanted and falsified intelligence sent to London by SOE Cairo and by the Yugoslav section of the Secret Intelligence Service (MI6), decided to abandon the prodemocratic and pro-Western forces of Gen. Draja Mihailovich in favor of the Communist-controlled movement led by his rival, Marshal Tito."

Perhaps it was bad intelligence that was responsible for the shameful act of moral derelictation. But that does not altogether absolve the British and Amerian Governments of responsibility for the consequences of their actions. I want to suggest to my colleagues of the House subcommittee which has the responsibility for reporting this legislation that the honor of America is engaged in this project and to remind them that it enjoys the endorsement of organizations as diverse as the American Legion and the AFL-CIO. I earnestly hope that they will not delay reporting the measure until it is too late for the present Congress to work its will by a straight up and down vote.●

DAIRY PROGRAM REVIEW

The SPEAKER pro tempore. Under a previous order of the House, the gentlemen from Vermont (Mr. JEFFORDS) is recognized for 5 minutes.

● Mr. JEFFORDS. Mr. Speaker, during the consideration of the 1981 farm bill, I offered language that requires the Secretary of Agriculture to conduct a study of both the strengths and weaknesses of existing Federal programs and the consequences of possible new programs for controlling or minimizing surpluses of fluid milk and milk products. This study is due the Agriculture Committees of the House and Senate no later than December 31, 1982.

Concurrent with the study mandate, the President's Task Force on Regulatory Relief targeted marketing orders for review. The first such review was recently completed and Secretary of Agriculture John R. Block endorsed, on January 25, the continued use of Federal marketing order programs for fruits, vegetables and specialty crops, and announced new guidelines to influence future Government decisions and industry actions under the orders. Secretary Block, in releasing the study, said that marketing orders make a significant contribution to market stability, and that he favors these programs.

I am hopeful that the administration will evaluate the milk marketing order program, which provides for the efficient marketing of milk and dairy products, as a part of the study mandated by section 107 of the Agriculture and Food Act of 1981.

I urge my colleagues to support one study, as required by law, that is directed toward improving the efficiency and operation of existing dairy programs, to include milk marketing orders.●

COMMITTEE FUNDING REQUESTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRENZEL) is recognized for 20 minutes.

● Mr. FRENZEL. Mr. Speaker, last week the Subcommittee on Accounts of the Committee on House Administration began hearing the committee budget requests for 1982.

The 1970's witnessed an unparalleled growth in the cost of committee operations. Numerous new subcommittees were established. Generous complements of staff were added to both the full and subcommittee levels—all which contributed to the demands for ever higher committee funding levels. Yet, during that period, the Committee on House Administration gave little more than a perfunctory review to these funding requests.

Last year, however, marked a significant departure from the extravagance of the past. The Subcommittee on Ac-

counts—under the leadership of its new chairman, Representative FRANK ANNUNZIO, and its ranking minority member, Representative BOB BADHAM—succeeded in imposing fiscal restraint on committees, significantly reducing a number of committee budgets.

Although many Members believe that even deeper cuts should have been made, the fact is that the spendthrift pattern of the past was broken and for that the subcommittee deserves great praise. This year, in the evaluation of the 1982 requests, it is my hope that we can hold the line against any unnecessary increases.

These resolutions, which authorize funds from January 3 of one year to January 3 of the next, represent however only part of the total operational cost of our committee system. They authorize the hiring of investigative staff, and such expenses as domestic travel, consultants, witness fees, publications, and equipment.

But these resolutions do not reflect the salaries of statutory staff—those provided pursuant to the rule XI, clause 6, of the rules of the House—or committee printing costs, or certain stationery and communications expenses. And two panels, Appropriations and Budget, and also joint committees, are totally exempt from the scrutiny of the committee authorization process. At a later time, I hope to document for this body such hidden costs of committee operation.

For now, it should be sufficient to note that the appropriation for statutory staff amounted to over $29 million for 1981. That figure nearly equals the authorization for investigatory staff of all standing committees.

Mr. Speaker, at this point, I would like to insert in the RECORD a table which presents the funding resolutions, approved by the House, during the period of 1971 to 1981. I hope the table will give all Members a set of common figures to use in debate on committee funding resolutions.

FUNDING AUTHORIZATIONS 1971–81

	1971	1972 [1]	1973	1974 [1]	1975	1976	1977	1978	1979	1980	1981
Standing committees:											
Agriculture	250,000		150,000	150,000	788,000	[2] 797,561	1,070,200	910,000	1,025,000	1,247,200	1,184,840
Armed Services	300,000	150,000	225,000	150,000	836,275	718,000	590,500	645,000	677,000	827,000	952,223
Banking, Finance and Urban Affairs	975,000	684,800	1,226,300	912,000	1,797,000	2,079,113	2,613,590	2,613,590	2,444,600	2,560,287	2,414,919
District of Columbia	220,000	30,000	275,000	275,000	[2] 375,411	407,800	275,000	275,000	315,000	289,670	275,187
Education and Labor [3]	1,350,000	1,128,000	1,440,000	1,180,000	1,600,000	2,320,000	1,900,000	2,160,000	2,250,000	2,522,200	2,565,448
Pension Task Force			[4] 220,000		[4] 298,000		[4] 226,000		167,500	207,200	
Foreign Affairs	425,580	511,082	607,500	561,235	965,000	[2] 1,051,169	[2] 1,609,983	[2] 1,745,780	[2] 1,745,780	1,875,124	1,800,119
Subcommittee on International Organizations (Korean investigation)							310,000	375,000			
Government Operations	1,032,600	800,000	1,219,700	891,300	1,540,000	1,589,000	1,645,598	1,952,500	2,093,500	2,274,900	2,229,402
House Administration	400,000	215,000	450,000	320,000	600,000	660,000	[5] 932,500	860,000	[6] 1,185,000	1,744,500	1,219,000
Interior and Insular Affairs	478,000	226,000	694,000	802,000	913,985	946,297	875,000	1,100,000	1,200,000	1,316,679	1,219,615
Internal Security	570,000	525,000	475,000	475,000							
Energy and Commerce	989,000	485,000	1,180,000	639,000	[7] 2,859,000	[8] 3,247,000	[9] 3,152,000	[10] 3,350,000	3,708,000	3,750,000	3,750,000
Judiciary	350,000	450,000	[2] 1,606,218	1,274,000	[2] 1,831,090	[2] 1,276,767	[2] 1,296,115	1,482,805	1,432,000	[2] 1,406,678	1,350,410
Merchant Marine and Fisheries	291,500	227,500	291,500	203,000	477,500	353,000	900,000	1,400,000	[11] 1,494,074	1,682,171	1,581,241
Post Office and Civil Service	533,000	523,000	638,000	535,500	741,000	698,000	800,000	[12] 750,000	850,000	950,000	902,500
Public Works and Transportation	1,072,670	798,890	1,519,700	1,394,480	2,209,424	2,209,424	[13] 2,050,000	2,000,000	1,870,000	1,870,000	1,806,373
Rules	5,000		5,000	2,000	30,000	37,750	42,000	49,500	519,000	615,000	530,738
Science and Technology	380,000	410,000	380,000	400,000	554,000	742,738	1,398,400	1,500,000	1,600,000	1,896,800	1,820,928
Small Business	([14])	([14])	([14])	([14])	541,500	515,425	[15] 635,000	752,650	752,650	776,000	776,000
Standards of Official Conduct	25,000		25,000		35,000	[16] 235,000	530,000	500,000	500,000	500,000	450,000
Veterans' Affairs	150,000	110,000	150,000	120,000	460,000	[2] 354,763	500,000	400,000	400,000	352,490	352,490
Ways and Means	75,000		125,000	395,000	1,500,000	2,115,000	2,115,000	2,115,000	2,000,000	2,252,000	2,252,000
Total, standing committees	9,872,350	[1] 7,274,272	[2] 12,902,918	[1] 10,679,515	[2] 20,952,185	[2] 22,353,807	[2] 22,566,887	[2] 26,936,825	[2] 28,229,104	[2] 30,915,698	29,433,433
Select committees:											
Aging [17]					600,000	580,000	787,625	985,891	1,050,000	1,233,000	1,183,680
Intelligence [17]							302,499	[2] 966,906	[2] 927,402	972,420	938,700
Crime	675,000	470,000	[2] 331,160								
House Restaurant	43,000	29,500	33,500	34,500							
Small Business	530,000	398,000	563,000	431,000							
Missing Persons in Southeast Asia					[4] 350,000						
Special Commission to Investigate Campaign Expenditures, 1972		185,000	45,000								
Professional Sports						30,000	3,000				
Intelligence					750,000						
Assassinations						150,000	2,514,400	3,290,000			
Narcotics Abuse and Control						111,667	722,204	722,204	700,000	600,000	540,000
Outer Continental Shelf					150,000	239,000	315,000	300,000	290,000	116,000	
Congressional Operations							440,000	900,000			
Ad hoc Energy							212,833	140,000			
Ethics							283,000	114,000			
Population							63,733	750,000			
Committees									525,000	287,852	
Total, select committees	1,248,000	1,082,500	972,660	465,500	1,850,000	1,110,667	5,644,294	8,169,001	3,492,402	3,209,272	2,662,380
Total, all committees	11,120,350	8,356,772	[18] 13,875,578	11,145,015	[2] 22,802,185	[2] 23,464,474	[2] 31,211,181	35,105,826	31,721,506	34,124,970	32,095,813
House Information Systems	[4] 1,500,000		2,400,000	2,400,000	3,780,000	6,728,500	7,980,000	10,995,000	[19] 9,889,000	9,881,000	7,509,560
Grand Total	12,620,350	8,356,772	[18] 16,275,578	13,545,015	[2] 26,582,185	[2] 30,192,974	[2] 39,191,181	46,100,826	41,610,506	44,005,970	39,605,373

[1] Prior to 1975 committees could utilize funds authorized in the first session during the second session.
[2] Rounded off to the nearest dollar.
[3] The Pension Task Force operated as an instrument of the Committee on Education and Labor's Subcommittee on Labor-Management Relations; funding was provided in a separate authorization in 1973, 1975, 1977, 1979 and 1980. In 1981, House Administration included the funding for the Task Force in the authorization for the Committee on Education and Labor.
[4] Two-year authorization.
[5] Funding authorization of $860,000 (H. Res. 261); authorization of $72,500 (H. Res. 361) for 7 contested election contests.
[6] Includes supplemental of $340,000 (H. Res. 268) as a result of the assumption, by the Committee, of the responsibilities of the Select Committee on Congressional Operations.
[7] Funding authorization of $2,809,000 (H. Res. 282). Additionally, $50,000 was authorized in H. Res. 899 for the employment by the Chairman of the Interstate and Foreign Commerce Committee of a special counsel in the case "Ashland Oil, Inc. against Federal Trade Commission, et al."
[8] Funding authorization of $3,197,000 (H. Res. 1049). Additionally $50,000 was authorized in H. Res. 1420 for the employment by the Chairman of the Interstate and Foreign Commerce Committee of a special counsel in the case "United States against American Telephone and Telegraph Co., et al."
[9] Funding authorization of $3,197,000 (H. Res. 283). Additionally, $55,000 was authorized in H. Res. 334 for the employment by the Chairman of the Interstate and Foreign Commerce Committee of a special counsel in the case "United States against American Telephone and Telegraph Co., et al."
[10] Includes supplemental of $150,000 (H. Res. 1364).
[11] Includes supplemental of $94,074 (H. Res. 430).
[12] Includes supplemental of $50,000 (H. Res. 1363).
[13] Includes $50,000 included in H. Res. 322 for the Committee to assist the Architect of the Capitol in conducting a solar energy feasibility study of the House Office Building complex.
[14] Prior to 1975 Small Business was a select committee.
[15] Includes supplemental of $120,000 (H. Res. 921).
[16] Includes 2 supplementals.
[17] Provided for in the Rules of the House.
[18] Total does not include authorization of $1,500,000 for the Bolling-Martin Select Committee on Committees.
[19] Beginning of reimbursement policy whereby House Committees and administrative offices were required to pay for computer services provided by HIS. Reimbursement policy as to the House Committees was terminated in 1981.●

TRIBUTE TO CLINTON M. FAIR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. FORD) is recognized for 5 minutes.

● Mr. FORD of Michigan. Mr. Speaker, I rise to honor the memory of Clinton M. Fair, who died in St. Ignace, Mich., December 6 while this body was in recess. He was 72.

Mr. Fair was well known to many of our colleagues as a dedicated fighter for legislation to improve the lot of working men and women.

For 23 years, until his retirement 2 years ago, Mr. Fair was associated with the AFL-CIO, which he joined in 1957 as an assistant director of the department of social security. Three years later he became a member of the department of legislation staff, specializing in the areas of workers' compensation, social security, education, and health.

Mr. Fair grew up in Michigan's Upper Peninsula where harsh winters in near-wilderness surroundings added to the sting of the Great Depression. It was there that he developed a lifelong dedication to bringing equity, justice, and security to working people.

He began his working career as a high school history teacher in St. Ignace and he was a lifelong member of the American Federation of Teachers. From 1949-51 he was legislative secretary to former Michigan Gov. G. Mennen Williams.

Clinton Fair was a skillful legislative persuader for causes espoused by organized labor. In his dealings in pursuit of labor's goals he was a gentleman with a tough interior, tempered, no doubt, by the severity of the northern Michigan climate. He was a patient and understanding man who knew that gains won for working people had to be protected vigilantly against the onslaughts of new attackers.

A tribute to his dedication and professionalism was the fact that he earned both the admiration and friendship of two of Michigan's greatest senators, the late Philip A. Hart and the late Patrick V. McNamara.

Clinton Fair was a good and honorable man to whom working people owe a debt of gratitude.●

MAYOR COLEMAN A. YOUNG INAUGURAL ADDRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CROCKETT) is recognized for 5 minutes.

● Mr. CROCKETT. Mr. Speaker, my city of Detroit, Mich., is generally regarded as one of the most distressed urban areas in this country. Our unemployment rate is much higher than the Nation's average, and the twin economic problems of recession and inflation have taken their toll.

The brightest spot in our city these days, Mr. Speaker, is the fact that we have a dynamic, forceful, and caring mayor, Coleman A. Young. Mayor Young, who just began his third term as our chief executive, has been the driving force behind the new spirit taking hold in Detroit and the beginnings of our economic renaissance.●

I would like to share with my colleagues the words of Mayor Young as he spoke to our city on January 5, 1982, the date he was sworn in to begin his third term. I think Members will find it a strong, positive statement on the future of our city—and, ultimately, of our Nation.

MAYOR COLEMAN A. YOUNG, INAUGURAL ADDRESS, JANUARY 5, 1982

This is as good a time as any to indicate that this bouquet of white roses for The Honorable Erma Henderson is my peace offering. And I want you to also know that I gave a corsage to both of the Council ladies, and yellow roses for all of the rest of the Councilmen and the City Clerk, Jim Bradley. I think the message behind that is quite clear. We can make it, Detroit, We will make it. But we're going to make it together.

This is no time for petty and, yes, I say "petty" differences to allow us to deviate from a clear responsibility. There's no question in my mind about the potential or the greatness of this city—which is already great—and I firmly believe that Detroit's greatest days are ahead of us—not behind us.

We have proved that we are willing to step up and pay the price of freedom and progress when that price is demanded. We proved that to a whole lot of doubting Thomases last year.

They all laughed when we went to vote on June 23. They said it was laughable for a city with unemployment approaching depression levels, for a city in the midst of a tax revolt all around us, closing down schools, slamming school doors for lack of millage to think that these Detroiters will vote themselves a tax increase in order to save their city. Some of them even said, "You know those Detroiters. They've always got their hands out." You heard that, didn't you?

But when the votes came in on June 23, there we were standing tall and proud, carrying our own weight, willing to do what was necessary to move this city forward. I knew and you knew then that the election was over. That was it. Detroiters were asked to vote on whether or not they believed they had a future and the answer came back a resounding "Yes!"

But just because we met one challenge, just because we won one battle, let no one be deceived that this fight is over. Those who would achieve freedom can only do it through struggle. To achieve freedom, those who would hold it must be prepared to fight to hold it because nobody is giving you anything.

By the same token, however, we're not called upon to wage a continuing war with our neighbors.

First of all, we will start off within this city. There's too much polarization along racial lines. I don't know what better day than this first day, when we've all just been sworn in, to lay it on the line, Detroit.

There's too much damn racial prejudice in this town.

There's too much hate and too much bitterness. And let me tell you that there's no way in hell for white Detroit to move forward if black Detroit goes down. And conversely, there's no way that blacks can move forward while whites stumble. So we're in it together. You can call it a shot-gun marriage if you want to, but we're in it together.

We're in it together with the suburbs, too. We've had a lot of fights with some of Detroit's customers. We give them water and sewerage and you know it's ironic about the Pontiac Silverdome. They couldn't operate without our water and our sewerage. Detroit has never hesitated to do its share in contributing to the growth of this whole southeastern Michigan area.

As a matter of fact, for many, many years the whole state rode on Detroit's back. That's when we were strong and there's nothing wrong with that. If we need each other for common survival, well then let the strong help the weak.

And he who is strong today might be weak tomorrow. You know history and life have a way of reversing themselves and Detroit is no longer strong. Those that we have helped must now help us not because they love us necessarily—although it would be good if they did it for that reason—but because they love themselves.

And so let us out again to attempt to build unity and mutual respect between the city and the suburbs, between the cities and the rest of the State. There's no question that this State cannot go forward unless all of its elements are together.

There's also no question that this nation cannot go forward unless all its elements are together. We don't have a national policy towards cities in the nation today.

Unfortunately, just two weeks ago, they discovered in the White House that we're in a recession. We could have told them that in 1975. They have not yet discovered that this nation cannot remain fiscally sound and economically healthy if its cities are sink holes of poverty, unemployment and starvation. That word hasn't quite reached Washington.

Washington doesn't quite know yet that the old people, senior citizens who helped to build this city and this nation, are going hungry again, because food stamps have been cut back, Medicaid has been cut back, Medicare has been cut back, everything has been cut back.

Washington has not quite yet discovered that whatever is wrong with our economy, the answer to high inflation, the answer to high interest rates, cannot be found at the expense of those at the bottom of the ladder, of the poor.

We need unity to take this message to where it counts. There's one thing that I must say about the President. At one time I called him Prune Face, but I'm sorry about that and now I call him President Prune Face.

There's one thing about "P.P." He didn't lie to you. You might not have believed him, in 1980 he said, "I'm going to reverse the trend in this nation. I'm going to repeal the New Deal." He said FDR was a fascist.

That's what the man said. Nowadays I can hardly find anybody who voted for Ronald Reagan. But some of you all must have voted for him.

Nonetheless, it is our responsibility—this is our country, too—it's our country and it's our responsibility to communicate to this President. First of all, let's get our thing together here in Michigan, here in Detroit, and then let's move onto Washington.

In the meanwhile, let's prepare to circle the wagons here in Detroit. Let's prepare to do what we have to do to keep this city moving forward.

Let us do what we have to do to provide the basic minimum services for our cities, to maintain a decent system of education for our children to meet the challenge that exists in America today.

There is no such thing as a free lunch and we know that. We're prepared to pay the price for freedom and let them tell you, brothers and sisters, citizens of Detroit and vicinity: you're being challenged now.

You are being asked to pay the price.

GEN. THADDEUS KOSCIUSZKO—A GREAT SOLDIER AND PATRIOT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, February 12 is the 236th anniversary of the birth of Gen. Thaddeus Kosciuszko, whose mighty contributions to the winning of our War of Independence symbolize so well the contributions made by millions of Polish Americans to their adopted country through their skill, hard work, and patriotism.

Americans cannot recall without deep emotion that he was the brave and courageous Polish soldier and statesman who voluntarily entered the American Continental Army and distinguished himself in the battles of New York and Yorktown.

No rollcall of the great heroes of the American Revolution who joined together in the fight against tyrannical rule would be complete without the name of Thaddeus Kosciuszko, for most historians recognize the significant contributions he made in the War of Independence.

As one of the proud cosponsors of the bill—now Public Law 92-524—to officially designate the Kosciuszko home in Philadelphia as a national memorial, I consider this an occasion to honor this great Polish patriot and also salute our fellow citizens of Polish descent who, following in the footsteps of Kosciuszko, have dedicated their lives, often at great risk, to continue the cause of freedom.

It is important for Americans to remain aware of the fact that American greatness is the result of vital contributions made by all of our ethic groups, and certainly the outstanding contributions of Polish Americans to the growth and advancement of our country merit the recognition that was officially extended through designation of the Kosciuszko home as a national memorial.

Even before our Declaration of Independence was signed, this young Polish officer sailed across the Atlantic and appeared before Gen. George Washington to volunteer his military skill and training to help create an effective military force from the fledgling Continental Army.

Kosciuszko was commissioned a colonel of engineers in the Continental Army with the task of strengthening the breastworks at Saratoga as well as the fortifications along the Delaware River and at West Point. The ardor and the zeal of this young officer were equaled only by his courage. It is a small wonder that Thomas Jefferson hailed him by saying: "He was as pure a son of liberty as I have ever known and of that liberty which is to go to all and not the few or to the rich alone."

Throughout the long and bleak years of the American Revolution, Kosciuszko devoted himself to helping General Washington win the war. In addition to his engineering prowess which meant so much to the Continental Army, this talented officer fought valiantly on the battlefields in the North as well as the South. Leading cavalry troops through the bitter campaign of the Carolinas, he played a major rule in driving the British out of Charleston.

Kosciuszko might have chosen to dwell in America and enjoy the love and acclaim of the American people while making continued contributions to our Armed Forces of which he was now a full-fledged general officer. The grateful Congress, in addition to land and money, had bestowed upon him all the rights and privileges of American citizenship.

Kosciuszko chose instead to return to Europe and to his native Poland where he issued a call to arms. Polish patriots rushed to his side to begin a battle for Polish independence. Unfortunately, the military might of Russia and Prussia was so enormous that the efforts of Kosciuszko and his followers were in vain. The gallant leader was captured and imprisoned in a dungeon. Upon the death of Catherine, the Empress of Russia, he was freed—sorely ill and suffering physically, but still with a burning passion for the independence of his homeland. He valiantly continued to work for the liberation of Poland until his death in 1817.

Mr. Speaker, I am honored to join Polish Americans in the 11th District, which I am proud to represent, in Chicago, and all over this Nation as they pause this week to commemorate the birth of Thaddeus Kosciuszko and the enormous contributions he made to freedom of all Americans.●

LEGISLATION TO IMPROVE FOOD SAFETY LAWS OF THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. GORE) is recognized for 15 minutes.

● Mr. GORE. Mr. Speaker, today I rise to introduce a bill to improve the food safety laws of the United States. While the current laws have served the Nation well for over 75 years, recent events have demonstrated the need to provide the Food and Drug Administration and the Secretary of HHS with the ability to respond with flexibility, and to use the latest and best scientific knowledge available. Interest in substantial improvement of these laws is now nearly 5 years old. Since the beginning of major controversy over FDA's decision to propose a ban on saccharin in March 1977 and continuing with the debate over the safety of nitrite, numerous proposals have been developed to try to protect the public interest while permitting the appropriate level of scientific flexibility and administrative discretion. Some of the proposals have been too simplistic in their attempts to single-mindedly apply emerging and imperfect concepts like cost-benefit analysis. More recently, others have been developed, like S. 1442, introduced by Senator HATCH, that contain a number of new approaches but are both too complex administratively as well as too ambitious in the nature of some of the proposed changes. The bill I introduce today has the advantage of examining these earlier proposals. Instead of reacting in either an emotional way during crisis situations, or trying to change the world in one fell swoop, it focuses on only the major problems in what is basically a good law. It is intended to be concise in its approach to issues, and will serve to focus the debate during the coming months.

The bill proposes six kinds of changes to the current Food Drug and Cosmetic Act:

First, it recognizes, as have the courts, that there is a level of risk,

particularly in the area of indirect food additives, that can be described as de minimis.

Second, it maintains a high standard of public safety while permitting the Secretary to use the best scientific judgment available in determining safety, by defining "safe" as a "reasonable certainty that the risks of a substance under the intended conditions of use are insignificant." Because of existing interpretations, this standard gives adequate legislative guidance to the FDA without improving either quantitative risk assessment, or an overly rigid congressional determination of "safety."

Third, it permits the secretary to phase substances out of the food supply for periods of up to 5 years, depending on the availability of substitutes and the nature of the health risk involved; it also permits, under narrow circumstances where no alternatives are available for critical substances, the weighing of health benefits against health risks. The bill does not permit the weighing of economic benefits to one part of the population against health risks to another.

Fourth, it authorizes the development of external peer review mechanisms for food safety decisions in either the National Academy of Sciences, the Federation of American Societies of American Biology or other institutions of the Secretary's choice. It does this in such a way that the decisionmaking authority still rests with the Government on decisions, and it permits all sides of questions, including members of public interest groups, to petition for review of decisions.

Fifth, the bill clarifies that the class of basic and traditional foods, like potatoes, peanuts, nutmeg, et cetera, be held to a safety standard that requires the Secretary to show that the use of these foods would be ordinarily injurious to health before he takes regulatory action. As science proceeds, the development of this category is necessary to insure that the FDA does not have to take actions that are demonstrably foolish from the public's perspective. For example, if a cancer-causing substance should be found in ordinary potatoes, and it cannot be removed, the Secretary should not be in the position of either violating the law or banning potatoes.

Sixth, finally, the bill simplifies the regulatory process for the issuance of tolerances for substances that should not be in foods, like PCB's, but which are often unavoidable. Current law discourages the setting of tolerances because the process is extremely burdensome. By simplifying the process, the FDA will be able to let the public know what substances are in their food, and permit the public to make informed decisions on the permissible levels. In the absence of change, decisions will continue to be made exclusively by bureaucratic fiat. It is important to note that this change does not in any way change the Government's responsibility to protect the public against these substances.

In the past, much of the attention paid to the food safety laws has focused on the so-called Delaney anticancer clause. This is natural, inasmuch as that clause represents the symbolic commitment of our society to protect us against any level of risk from cancer in our food supply. It is a noble concept, and one should not approach the changing of it lightly. In examining the possibility of change, I have increasingly come to the opinion, however, that we must have regulatory statutes that are both tough and realistic, if the laws are to maintain the respect of the people. With respect to the current Delaney clause, I now believe that:

First, its importance in the actual administration of the statutes has been vastly overstated; the general safety clause of the law is by far a more important tool in the regulatory arsenal;

Second, its absolutist approach ignores our ability to measure substances in increasingly small amounts; and

Third, its maintenance in an unchanged way is likely ultimately to bring the public agency that must enforce it into disrepute by forcing actions that may be demonstrably foolish.

Because I strongly believe in the importance of a powerful but credible Food and Drug Administration, I think it is important to bring the Delaney clause and the general safety clause into accord, and to permit the Secretary to judge, with appropriate procedural safeguards, when the risk of an added substance is insignificant. If we do not do this explicitly by legislation, we will be guilty of passing the buck back to the bureaucrats, while permitting ourselves the luxury of strong criticism every time the Agency does something we think is foolish. This is bad public policy, because it is ultimately destructive of respect for public institutions and the goals of the regulatory establishment that we have constructed.

As many of you know, I have been strongly critical of many of this administration's actions in the health and safety regulatory arena. I believe that many of the budget actions taken in the Environmental Protection Agency, for example, are backdoor ways of dismantling public protection in the guise of regulatory relief. In contrast, I believe that this bill approaches regulatory reform in the serious and constructive fashion that the issue demands. We do need to wrestle with the regulatory establishment we have created, but we need to recognize the massive benefits in public protection that we have gained over the last decades. I believe that this bill represents the kind of mid-course correction that will be good for both producers and consumers.

In the past months, I have been critical of other attempts to change the law. In my view, that is part of the natural process of give and take on important public policy issues. It is important to recognize, however, that Senator HATCH and many of my colleagues in the House, have made important contributions in raising the right questions about the laws. I look forward to working with all concerned parties to insure that the American people are adquately protected. A section-by-section analysis follows:

SECTION BY SECTION ANALYSIS OF GORE BILL, H.R. 5491, TO REFORM THE FOOD SAFETY PROVISIONS OF THE FEDERAL FOOD DRUG AND COSMETIC ACT

INTRODUCTION

Widespread interest in substantial reform of the food safety laws is now nearly five years old. Since the major controversy over FDA's decision to propose a ban on saccharin in March 1977 and continuing with the debate over the safety of nitrite, numerous proposals have been developed which try to balance the need to protect the public health while also providing the appropriate level of scientific flexibility and administrative discretion. Some of the proposals have been too simplistic in their attempts to single-mindedly apply emerging concepts like cost benefit analysis. More recently, other comprehensive bills have been developed, like S. 1442, introduced by Senator Hatch and others, that contain a number of new approaches that also are too complex administratively and in some cases too ambitious in the nature of the reforms involved. This bill attempts to focus on the major problems embedded in the current Federal Food, Drug and Cosmetic Act. It is intended to be concise in its approach to issues, and, therefore, to focus the debate. The bill deals with six basic issues:

The effects of the Monsanto decision on the issue of de minimis risk;

The definition and treatment under the law of basic and traditional foods;

The general definition of "safe" as well as the safety standard to be applied under the so-called Delaney Clause;

Conditions under which a food constituent may be phased out of the food supply and factors that should determine the conditions and length of that phaseout;

The development of adequate external peer review mechanisms to ensure the credibility of government scientific findings; and

The simplification of the regulatory process for the development of tolerances for unavoidable contaminants in foods.

I believe the bill takes a properly balanced approach on these issues, and that it represents a significant step forward in true regulatory reform.

A brief analysis of each section follows:

Section 1: Provides that the bill's revisions are to the Federal Food, Drug, and Cosmetic Act ("FDC Act" or the "Act"). In particular, the bill amends the food safety provisions of the FDA Act. Conforming amendments may be desirable to other sections of the Act, e.g., the color additive and new animal drug provisions of sections 706 and 512, and to

the Poultry, Meat and Egg Products Inspection Acts administered by the Department of Agriculture. On issues like the definition of safe, the laws should obviously be in concert. These issues were reserved, however, to focus attention on the major issues at this time.

Section 2(a) reflects the findings of the U.S. Court of Appeals in the so-called Monsanto decision, regarding acrylonitrile packaging materials and other indirect additives that may, under certain conditions, migrate into food products. In these cases, the court held that the FDA has the authority to permit the use of substances that have risks that are so small or so improbable that they can reliably be said to be de minimis. This is important, because it avoids FDA actions against risks of no consequence, which may undermine confidence in the food laws and misapply scarce resources. Although FDA could accomplish the objective here administratively, it seems wise to have an explicit Congressional directive in the matter:

Section 2(b): clarifies that "basic and traditional foods" are not included in the category of food additives. Under section 4, these foods are defined to include "any raw agricultural commodity, including natural spices and flavors, with a history of significant food use in the United States and (2) any such raw agricultural commodity, spice or flavor which has been processed by any method that is generally recognized, among experts qualified by scientific training and experience, as not significantly changing the properties of such raw agricultural commodity, spice or flavor." Under current law, substances like nitrate in spinach, a potential carcinogen, could be construed to force FDA to take action to ban the entire commodity, or to inappropriately subject it to the cumbersome food additive approval process. This is not good public policy, is contrary to the intent of Congress, and, again, may undermine public confidence in the law. These sections, along with Section 6, assure the continued availability of such traditional foods as spinach, potatoes, yogurt, nutmeg, black pepper, etc., unless they are shown to be "ordinarily injurious to health" under the adulteration provisions of the Act.

Section 3: adds a straightforward definition of safe to the FDC Act. The term would mean "a reasonable certainty that the risks of a substance under the intended conditions of use are insignificant." This is a very rigorous standard, but it permits the Secretary to determine that some risks are so trivial as to not warrant regulation. The provision recognizes that the food supply today does not and cannot be free of all risks, and, most importantly, that it is possible with confidence to make the qualitative judgment that some risks fall below a threshold of significance. In making these determinations, the Secretary may, but is not required, to use quantitative risk assessment techniques. The bill requires the Secretary to conclude that the risks, if any, presented by a substance are insignificant, and thereby ensures that the public health is fully protected. Furthermore, this determination must be made to a "reasonable certainty," a strict standard. Finally, under the bill, the burden of proving the safety of a substance would remain with the proponent of its use.

Section 4: defines "basic and traditional foods" and is discussed above, at Section 2(b).

Section 5: gives the Secretary the authority by regulation to phaseout substances from the food supply for periods of up to five years, "upon a determination that no harm to the public health will result from such continued use." The Secretary may exercise this authority in a variety of ways—including a simple deadline for phasing out use of the substance, and, in appropriate cases, limiting the categories of foods in which a substance may be used or the quantities of the substance that may be used in the food or imposing labeling or packaging requirements as a condition of the phaseout. This section also specifies what criteria should be considered in determining the length and conditions of the phaseout. These include the nature and extent of the health risks from use or a ban on use, as the case may be, effects of use of the substance on the nutritional value, cost, and availability of food, use for dietary or other health-related purposes, and the availability of substitutes. It is important to emphasize that the Secretary may set a very short time, or no time at all, under this section, and that economic considerations such as effects on the cost and availability of food only relate to the length and conditions of the phaseout, but not to the actual decision about whether to eliminate the substance. If a substitute is developed during the course of the phaseout, the Secretary may revise the phaseout to provide for use of the substitute. On the other hand, if no substitute becomes available, the Secretary may decide to extend the phaseout period. During the phaseout, the use of the substance in question—in accord with the regulations—will not render a product adulterated.

Section 6: was briefly described above under Section 2(b).

Section 7: amends the Delaney Clause to bring it into accord with the new definition of "safe" described above. It continues to provide a focus in the law for carcinogens, and a presumption against their use, but would not act as a bar against use of a substance where the Secretary determines that the evidence demonstrates that the risks from the substance are insignificant. As is the case in the bill generally, the burden to demonstrate that the risks are insignificant, as well as the overall burden to demonstrate safety, will remain on the proponent of use. The provision does not mandate exclusive reliance on quantitative risk assessment, but requires the FDA to make a rational assessment of all the data, and if the risks are shown to be insignificant, to permit continued use of the substance.

Section 8: clarifies the intent of Congress that all food safety decisions are to be based on a thorough evaluation of the nature and extent of the potential risks of a substance, based on all available evidence.

Section 9: permits, in cases where the Secretary is unable to conclude that the risks of a substance are insignificant, continued use of a substance only in the extraordinary case where there is no practical substitute for it, it has a substantial history of use, and, the health benefits outweigh the health risks. It would not be appropriate, for example, to ban a substance that provided substantial protection against botulism if no other reasonable alternative were available. The limited risk/benefit decisionmaking provided here avoids the distributional questions that arise if costs to one set of people are compared with benefits to others. In this case, the same sets of people are involved. This section would not guarantee that a substance like saccharin could stay on the market. Only if evidence, which would have to be more than merely anecdotal, were presented that the health benefits outweighed the health risks, would saccharin be covered. Health benefits to be considered would include its effects on the nutritional value and availability of food, and use of the substance for dietary management and other health-related purposes.

Section 10: establishes a Food Science Committee, under the auspices of the Federation of American Societies for Experimental Biology, the National Academy of Sciences, or any other independent body that the Secretary may choose and enables the Secretary routinely to obtain expert scientific advice from outside the government on difficult decisions and on general matters relating to the safety of food constituents. The Section maintains the regulatory power of the Secretary; it does not delegate it in any way to an external committee. It demands that the people on the Committee be "qualified by training and experience," that they not be full time employees of the Federal Government, and that they have "adequately diversified experience." The language therefore does not demand that any particular mix of people be appointed, but ensures that the committee members not be drawn from the same academic, industrial or other backgrounds. The Section permits "any interested" person to petition for an external review, including industry and public interest groups, but keeps the authority for decision in the hands of the Government.

Moreover, the Section ensures that resort to the Committee is not obtained on frivolous matters. Before referring a matter to the Committee when petitioned to do so, the Secretary would first have to determine that the scientific questions involved are "genuine and substantial." The Secretary would also have to conclude that resolution of them would be "materially facilitated" by referral to the Committee. Although the Section demands the matters referred to the Committee be handled expeditiously, it places no statutory time limit, but does encourage a report in 90 days. It also permits the Secretary to stay regulatory proceedings until the report of the Committee is received. This Section should go far toward ensuring the credibility of FDA decisionmaking without creating artificial separations of authority in either the scientific review or policy development process.

Section 11: expedites the tolerance-setting process under the statute for unintentionally added substances (food contaminants) that cannot be easily removed or avoided, like PCB's and aflatoxin. Current law makes this such a cumbersome process that it is used infrequently. In its place, a shadow process not explicitly intended under the law is often used, the setting of so-called "action levels." The FDA should be able to inform the public of problems with substances like PCB's in a way that permits the rapid description and handling of the problems in a non-bureaucratic fashion. This Section would permit informal notice and comment rulemaking to replace a formal hearing process and thereby provide an incentive for FDA to adhere to the law as the Congress intended.●

A PLEA FOR IMPOVERISHED CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. HUTTO) is recognized for 5 minutes.

● Mr. HUTTO. Mr. Speaker, in this month's issue of Nation's Business, there is an article entitled, "A Plea for Impoverished Children," written by noted Washington columnist, James J. Kilpatrick. I would like to share with my colleagues this excellent article pertaining to the demise of education in our Nation's public school systems, and include it in the CONGRESSIONAL RECORD.

A PLEA FOR IMPOVERISHED CHILDREN

(By James J. Kilpatrick)

This is not, as the title might lead you to believe, a plea for food to be sent to the starving children of Bangladesh, though God knows they need our help. This piece has to do with our own children. They are starving in a different way, but they need help as sorely. My thesis—it is actually Richard Mitchell's thesis—is that 42 million pupils in our public schools are suffering from an educational malnutrition that threatens the very survival of the Republic.

These are serious charges, and Mitchell makes them with deadly seriousness. He is a professor of English at Glassboro State College in New Jersey. He is also the editor, publisher, typesetter and printer of the Underground Grammarian, a monthly publication in which he inveighs against the abuse of language by persons—especially professors—who should know better. More to the point, he is the author of the recently published The Graves of Academe (Little, Brown), which ought to be a best-seller but probably won't be. Mitchell has stepped on too many toes.

His view of the educational landscape is depressingly familiar. Once upon a time—and that time wasn't so very long ago—our public schools taught mostly solid stuff. Children learned to read, chiefly by the phonics method, and they cut their teeth on books with some meat in them. Children learned arithmetic in the old-fashioned way. Early on, they learned something of history and geography. In high school they wrote themes; they memorized great chunks of poetry and drama; they had a go at foreign languages. Even in the great cities, disciplinary problems were few. The teachers were there to teach, and the pupils were there to be taught, and that was the size of it. The system worked. Whether the students went on to college or went to work in shops and offices and factories, they had a foundation to build on.

The past 50 years have wrought terrifying change. There are exceptions, of course, but Mitchell's purpose is to paint the broad picture. These days the curriculum is rotten at the core. Hurricanes of permissiveness and egalitarianism have swept away most of the old academic disciplines. The themes, the diagramed sentences, the memory work, the tedious exercises in geometry, the courses in Latin, the elements of geography, the basic structure of names, dates, facts, events, the chronologies of kings—little of this remains. The hours that once were devoted to such instruction have been nibbled away. We have field trips now, and driver education, sex education, drug education, nutrition education. We have everything across a smorgasbord but an education.

Mitchell does not blame the classroom teachers for this wretched course of events. Many of them are as victimized as the children in their charge. He blames the top-heavy educational establishment—the teachers' colleges, the producers of bland but profitable textbooks, the armies of coordinators, facilitators, consultants, counselors and assistant supernumeraries who feed upon the swollen budgets for public education. He blames the school boards that are suckers for gaudy innovations. He blames the state legislatures that yield to clamorous pressure groups.

Here we have the trickle-down theory in its worst application. The teachers' colleges (again, with exceptions) are manned by second-raters whose livelihood depends upon the teaching of superfluous courses. Ex-basketball coaches get doctoral degrees, based upon dissertations on Comparative Storage Systems for Athletic Equipment, and go on to become superintendents of schools.

The products of this system impose their incompetence on the prospective teachers in their charge and the teachers, like Typhoid Marys, infect the little children. We get high school graduates who lick their pencils, gaze at the ceiling for inspiration and spell Congress with a K.

Mitchell is an angry man. He writes with clarity, wit and grace, and he provides hilarious examples of educationists at work, but there is no mistaking his theme. He fears for the future of our nation. There always will be a small cadre of brilliant students—young men and women who make it despite the public schools—but what of the rest? There may be something to be said, though probably not much, for high school courses in " intercultural appreciation, " but such courses are pitifully poor substitutes for basic instruction in foreign languages. We are never going to maintain world leadership if we produce a generation of thumb-suckers and tube-watchers, unable to read a daily newspaper or to recognize the inherited values of Western civilization.

The Graves of Academe is not comfortable reading. It is damned uncomfortable reading. But if I were to nominate one book of the hundred-odd new titles I read in 1981 as Book of the Year, this would be my choice. Read it and weep—and then get as angry as Richard Mitchell.●

ACCURATE BUDGET PROJECTIONS

THE SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 5 minutes.

● Mr. ALEXANDER. Mr. Speaker, I want to commend for my colleagues' edification the study of President Reagan's budget which has been released today by the House Budget Committee. The analysis of the President's budget by Chairman JIM JONES and his committee is excellent.

Of particular interest to me are the deficit projections of the Congressional Budget Office which are printed on page 10 of the House Budget Committee report.

This year has demonstrated that CBO's economic projections are more accurate than the administration's. It is, therefore, very important when we are considering President Reagan's budget that we realize that the deficit for fiscal year 1982 could well be $10.4 billion more than that projected by the administration. In fiscal year 1983, the deficit could well be $65.5 billion higher than the administration projects. Overall, for the period of fiscal 1982 through fiscal 1985, CBO projects $317 billion more in deficits than does the administration.

In order to be fiscally prudent, we should rely on the budget deficits projected by CBO when we determine our budget and tax policy.

I therefore am inserting those deficit statistics printed on page 10 of the House Budget Committee's report entitled "President Reagan's Fiscal Year 1983 Budget (A Summary and Analysis prepared by the staff of House Budget Committee) February 1982."

CONGRESSIONAL BUDGET OFFICE PROJECTIONS

The following table compares the administration's deficits with those projected by CBO in its Baseline Budget Projections. The two differ partly because the administration has more optimistic economic assumptions (especially in fiscal year 1984 and fiscal year 1985). The primary difference is that the CBO baseline does not assume changes in currently legislated spending or tax policy, while the administration is proposing net spending cuts and tax increases.

DEFICITS

[In billions of dollars]

Fiscal year	Administration	CBO baseline	Difference
1981 actual	57.9	57.9	
1982	98.6	109.0	10.4
1983	91.5	157.0	65.5
1984	82.9	188.0	105.1
1985	71.9	208.0	136.1

DEFICITS: HISTORICAL PERSPECTIVE

The deficits proposed by the administration are the largest ever; the following table lists the 10 largest deficits.

Rank	Fiscal year	Deficit	Administration
1	1982	98.6	Reagan.
2	1983	91.5	Reagan.
3	1984	82.9	Reagan.
4	1985	71.9	Reagan.
5	1976	66.4	Ford.
6	1980	59.6	Carter.
7	1981	57.9	Reagan.
8	1943	54.9	Roosevelt.
9	1978	48.8	Carter.
10	1945	47.5	Roosevelt.

The size of the economy has changed significantly over the last half century; therefore the administration's analysis measures the deficit as a percentage of Gross National Product (GNP). By this standard, the World War II era far surpasses any other; the fiscal year 1943 deficit reached 31% of GNP. Since that period, however, the 10 largest deficits as a percent of GNP have been:

DEFICITS AS A PERCENTAGE OF GNP SINCE 1948

Rank	Fiscal year	Percent	Administration
1	1976	4.0	Ford.
2	[1] 1982	3.2	Reagan.
3	1975	3.1	Ford.
4	1968	3.0	Johnson.
5	[1] 1983 & 1959	2.7	Reagan and Eisenhower.
6	1977	2.4	Carter.
7	1978 & 1980	2.3	Carter.
8	[1] 1984 & 1971	2.2	Reagan and Nixon.

DEFICITS AS A PERCENTAGE OF GNP SINCE 1948—Continued

Rank	Fiscal year	Percent	Administration
9	1972	2.1	Nixon.
10	1981	2.0	Reagan.

[1] Proposed.●

YURI ORLOV, 5 YEARS A PRISONER OF CONSCIENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FASCELL) is recognized for 5 minutes.

● Mr. FASCELL. Mr. Speaker, this week much of the world's attention is focused upon the reopening of the Madrid Review Conference of the Helsinki Accords on Security and Cooperation in Europe. Coincidentally, this week also marks the fifth anniversary of the arrest of Dr. Yuri Orlov, founder of the Moscow Helsinki Monitoring Group, an organization dedicated to observing and reporting on the status of human rights in the Soviet Union as they pertain to the Helsinki Final Act, to which, of course, the Soviet Union is one of the 35 signatories.

The response to Dr. Orlov's sincere efforts to monitor Soviet compliance with the Helsinki accords might be equated to the conditioned responses that the great Russian psychologist Pavlov elicited from his canine laboratory subjects—the stimulus is a genuine discussion of human rights in the Soviet state, the response is the knock on the door by KGB agents, the house search, arrest, and trial on the usual trumped-up charges: In Yuri Orlov's case, article 90 of the Soviet Criminal Code, "Anti-Soviet Agitation and Propaganda." In May 1977, he was sentenced to 7 years confinement at a "strict regime" labor camp, to be followed by 5 years internal exile somewhere in the vast reaches of the Soviet Union.

At the moment, Yuri Orlov is located at the Perm Labor Camp No. 37, in a separate internal prison where he has been periodically incarcerated for resisting some of the more arbitrary acts of the prison authorities.

I am sure that I need not detail the conditions in a Soviet labor camp. For a man in the fragile health of Yuri Orlov, a 7-year sentence in a labor camp comes perilously close to a death sentence. He suffers from kidney and prostate inflammation, low blood pressure, rheumatism, dizzy spells and headaches—exacerbated, undoubtedly, by the fact that his overseers have not yet seen fit to furnish him with the eyeglasses necessary for the closeup work that he is required to perform as part of the camp regime—sewing potato sacks. He is kept in a cold prison cell with inadequate clothing and bedding, on a diet that would take its toll on a robust man of half Dr. Orlov's 57 years.

According to Yuro Orlov's wife, Irina Orlova, her husband has been told that he will never leave the labor camp. If the KGB is unsuccessful in its attempt to rid itself of an inconvenient prisoner of conscience, it would not be for lack of trying.

But physical deprivation is not the only war of attrition conducted against this world-renowned physicist. There is the mental attrition that has been expressed to Dr. Orlov by his captors' comment: "You can forget about being a scientist." Even during those brief moments of respite from camp activity, he is harassed in his attempts to carry out his scientific research, his books and notes confiscated, mail intercepted, permission refused to contribute to scientific journals.

All this for simply establishing a nongovernmental body committed to monitoring the Soviet Government's compliance with the human rights principles of the Helsinki final act.

It probably goes without saying that other Soviet and eastern bloc Helsinki group monitors have shared, if only to a somewhat lesser degree in some cases, the fate of Yuri Orlov. Dozens of members of Helsinki groups that were formed in the euphoria of Détenté and the Helsinki conference, are now behind bars, in labor camps, or in exile. Of the 16 original Moscow Helsinki group members, only 3—Elena Bonner, Naum Neiman, and Sofya Kalistratova—enjoy the relative liberty extended to any Soviet citizen. And who can say where or when the ax will fall next? I have been reliably informed that criminal proceedings have been initiated against Sofya Kalistratova, and that two human rights advocates, Fedor Kizelov and Oleg Popov, have already been called in by the KGB for "discussions" with regard to the Kalistratova case.

Mr. Speaker, it behooves us, the Members of this body, to reflect upon the commitment that the United States and 34 other nations made to human rights through the principles of the Helsinki final act. We must insist on conscientious observance of the agreements set forth in that document by all the signatories. This is not an interference in the internal affairs of a sovereign nation, merely an insistence that commitments made should be commitments fulfilled. We must not forget the fate of the imprisoned and persecuted Helsinki monitors, and we must demand, through the principles of Helsinki, on justice for Yuri Orlov.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DOUGHERTY) to revise and extend their remarks.)

Mr. COLLINS of Texas, for 30 minutes, today.

Mr. DERWINSKI, for 5 minutes, today.

Mr. LEE, for 30 minutes, today.

Mr. JEFFORDS, for 5 minutes, today.

Mr. FRENZEL, for 20 minutes, today.

(The following Members (at the request of Mr. DYSON) to revise and extend their remarks and include extraneous material:)

Mr. FORD of Michigan, for 5 minutes, today.

Mr. CROCKETT, for 5 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COELHO, for 5 minutes, today.

Mr. BINGHAM, for 10 minutes, today.

Mr. GORE, for 15 minutes, today.

Mr. HUTTO, for 5 minutes, today.

Mr. ALEXANDER, for 5 minutes, today.

Mr. FASCELL, for 5 minutes, today.

Mr. ADDABBO, for 5 minutes, on February 10.

Mr. ANNUNZIO, for 60 minutes, on February 17.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BEREUTER, to revise and extend his remarks in support of House Joint Resolution 391 in the RECORD immediately preceding the vote on House Joint Resolution 391.

(The following Members (at the request of Mr. DOUGHERTY) and to include extraneous matter.)

Mrs. SNOWE.

Mr. MCDADE.

Mr. LEBOUTILLIER in two instances.

Mr. SCHULZE.

Mr. WINN.

Mr. EVANS of Delaware.

Mr. DUNN.

Mr. MICHEL in two instances.

Mr. PASHAYAN.

Mr. NAPIER in three instances.

Mr. COLLINS of Texas in three instances.

Mr. GOODLING.

Mr. GRISHAM.

Mr. WOLF.

Mr. MOORHEAD.

Mr. PARRIS.

Mr. CARNEY.

Mr. WAMPLER.

Mr. KEMP.

Mr. SAWYER.

Mr. LAGOMARSINO in two instances.

Mr. OXLEY.

Mr. EVANS of Iowa.

Mr. GREEN.

Mr. FINDLEY.

Mr. DANIEL B. CRANE.

Mr. GILMAN.

Mr. DORNAN of California.

(The following Members (at the request of Mr. DYSON) and to include extraneous matter:)

Mr. MAZZOLI in two instances.
Mr. CROCKETT in two instances.
Mr. ECKART.
Mr. BEILENSON.
Mr. MOFFETT.
Mr. STOKES.
Mr. WILSON in two instances.
Mr. BEDELL.
Mr. SANTINI.
Mr. ASPIN.
Mr. DE LUGO in two instances.
Mr. GORE in two instances.
Mr. FOLEY.
Mr. OAKAR.
Mr. EDGAR in two instances.
Mr. AUCOIN.
Mr. CORRADA.
Mr. SMITH of Pennsylvania in two instances.
Ms. FERRARO.
Mr. WEISS.
Mrs. COLLINS of Illinois.
Mr. SOLARZ.
Mr. GAYDOS in two instances.
Mr. SHELBY.
Mr. RICHMOND.
Mrs. SCHROEDER in two instances.
Mr. YATRON in two instances.
Mr. DWYER.
Mr. MOAKLEY.
Mr. LELAND.
Mr. OBERSTAR.
Ms. MIKULSKI.
Mr. PEYSER.
Mr. ROYBAL in two instances.
Mr. SYNAR.
Mr. HUBBARD.
Mrs. CHISHOLM.
Mr. DELLUMS in two instances.
Mr. GRAY.

SENATE JOINT RESOLUTIONS REFERRED

Joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 130. Joint resolution designating February 22, 1982, the 250th anniversary of the birth of George Washington, a "Day of National Celebration"; to the Committee on Post Office and Civil Service; and

S.J. Res. 141. Joint resolution designating February 7 through February 19, 1982, as "National Crime Prevention Week"; to the Committee on Post Office and Civil Service.

ADJOURNMENT

Mr. DYSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 36 minutes p.m.), under its previous order, the House adjourned until Wednesday, February 10, 1982, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3028. A letter from the Secretary of Defense, transmitting the Department of Defense annual report for fiscal year 1983, pursuant to 10 U.S.C. 133(c); to the Committee on Armed Services.

3029. A letter from the Secretary of the Army, transmitting a report that certain weapon systems have exceeded a baseline unit cost by more than 25 percent, pursuant to section 917(c) of Public Law 97-86; to the Committee on Armed Services.

3030. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-147, "Taxicab Act of 1981," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

3031. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-148, "District of Columbia Automobile Financing and Repossession Act of 1981," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

3032. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-149, "Elevator Code Amendment Act of 1981," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

3033. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of a proposed manufacturing license agreement for the coproduction of certain defense equipment in Sweden (Transmittal No. MC-5-82), pursuant to section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3034. A letter from the Acting Assistant Secretary of State for International Organization Affairs, transmitting reports received from the United Nations Joint Inspection Unit during the last quarter of 1981, pursuant to section 301(e)(3) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

3035. A letter from the Attorney-Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3036. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations to the Patent and Trademark Office in the Department of Commerce, and for other purposes; to the Committee on the Judiciary.

3037. A letter from the Chairman, U.S. Commission on Civil Rights, transmitting a report on the decline of black farming in America, pursuant to section 104(c) of Public Law 85-315, as amended; to the Committee on the Judiciary.

3038. A letter from the Inspector General of the Department of Health and Human Services, transmitting a report on the investigation of allegations of violations of law in the Office of Refugee Resettlement, San Francisco, pursuant to 5 U.S.C. 1206(b)(5)(A); to the Committee on Post Office and Civil Service.

3039. A letter from the Director, Office of Personnel Management, transmitting an interim report on the operation of the Senior Executive Service, pursuant to 5 U.S.C. 3135 and 4314(d); to the Committee on Post Office and Civil Service.

3040. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal years 1983 and 1984, and for other purposes; to the Committee on Science and Technology.

3041. A letter from the Chairman, U.S. Consumer Product Safety Commission, transmitting a report on the evaluation of the Commission's management controls and reporting of consulting services contractual arrangements for fiscal year 1981, pursuant to section 307(b) of Public Law 96-304; jointly, to the Committees on Appropriations and Energy and Commerce.

3042. A letter from the Chairman, U.S. Consumer Product Safety Commission, transmitting the Commission's fiscal year 1983 budget request, pursuant to section 27(k)(1) of Public Law 92-573; jointly, to the Committees on Energy and Commerce and Appropriations.

3043. A letter from the Secretary of Energy, transmitting a comprehensive program-by-program analysis of the Department of Energy, pursuant to section 1001 of Public Law 95-91; jointly, to the Committees on Government Operations and Energy and Commerce.

3044. A letter from the Comptroller General of the United States, transmitting a report on the promotion of energy-efficient land use management (EMD-82-1, December 21, 1981); jointly, to the Committees on Government Operations, Banking, Finance and Urban Affairs, Energy and Commerce, and Ways and Means.

3045. A letter from the Comptroller General of the United States, transmitting a report on electric power regulation and management (EMD-82-8, December 21, 1981); jointly to the Committees on Government Operations, Agriculture, Energy and Commerce, and Interior and Insular Affairs.

3046. A letter from the Comptroller General of the United States, transmitting a report on impediments to U.S. involvement in deep ocean mining (EMD-82-31, February 3, 1982); jointly to the Committees on Government Operations, Foreign Affairs, Interior and Insular Affairs, Merchant Marine and Fisheries, and Ways and Means.

3047. A letter from the Secretary of Energy, transmitting the annual report for fiscal year 1981 on the West Valley demonstration project, pursuant to section 4 of Public Law 96-368; jointly, to the Committees on Science and Technology, Energy and Commerce, and Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FROST: Committee on Rules. House Resolution 357, resolution providing for the consideration of H.R. 5118, a bill to provide water to the Papago Tribe of Arizona and its members, to settle Papago Indian water rights claims in portions of the Papago reservations, and for other purposes (Rept. No. 97-430). Referred to the House Calendar.

Mr. FROST: Committee on Rules. House Resolution 358, resolution providing for the consideration of H.R. 861, a bill to amend the National Trails System Act by designating additional national scenic and historic trails, and for other purposes (Rept. No. 97-431). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY of Pennsylvania (for himself and Mr. GUARINI):

H.R. 5483. A bill to amend the Communications Act of 1934 to provide that the American Telephone & Telegraph Co. shall not be divested of its ownership of any local telephone company, or of its holdings in any telecommunications manufacturing or research operations, for a period of 2 years; to the Committee on Energy and Commerce.

By Mr. BONKER:

H.R. 5484. A bill to amend title XVIII of the Social Security Act to provide for comprehensive services under the medicare program, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. DOWNEY:

H.R. 5485. A bill to extend by 5 months (through September 1982) the period within which a child over age 18 must have been already enrolled at the college level in order to qualify (after July 1982) for child's insurance benefits under title II of the Social Security Act as a postsecondary student; to the Committee on Ways and Means.

H.R. 5486. A bill to repeal certain provisions of the Economic Recovery Tax Act of 1981 which reduce the crude oil windfall profit tax; to the Committee on Ways and Means.

H.R. 5487. A bill to repeal the special leasing rules of the Economic Recovery Tax Act of 1981 which permit transfers of tax benefits; to the Committee on Ways and Means.

By Mr. EDWARDS of California (for himself, Mr. MOORHEAD, Mr. MINETA, Mr. PASHAYAN, Mrs. SCHROEDER, and Mr. WAXMAN):

H.R. 5488. A bill to amend title 17 of the United States Code with respect to home video recording and video recording devices and media and for other purposes; to the Committee on the Judiciary.

By Mr. EVANS of Iowa (for himself, Mr. ROBERTS of Kansas, and Mr. MORRISON):

H.R. 5489. A bill to amend the Commodity Credit Corporation Act to promote the exchange of materials produced abroad and needed in the United States for agricultural commodities produced in and exported from the United States through normal commercial trade channels; jointly, to the Committees on Agriculture, Armed Services, Energy and Commerce, and Foreign Affairs.

By Mr. FRANK:

H.R. 5490. A bill relating to the duty on certain knives (commonly known as "snap blade tools") having movable blades; to the Committee on Ways and Means.

By Mr. GORE:

H.R. 5491. A bill to amend the Federal Food, Drug, and Cosmetic Act to revise the provisions for regulation of food additives and other food constituents, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GREEN:

H.R. 5492. A bill to amend the Internal Revenue Code of 1954 to provide that certain sales of condominiums or stock in cooperative housing corporations will qualify for the one-time exclusion of gain from sale of principal residence; to the Committee on Ways and Means.

By Mr. JEFFORDS:

H.R. 5493. A bill to amend the Internal Revenue Code of 1954 to limit the amount of living expenses while away from home which Members of Congress may deduct; to the Committee on Ways and Means.

By Mr. LEE (for himself, Mr. HOLLAND, and Mr. WORTLEY):

H.R. 5494. A bill to establish a fair and consistent national policy for the resolution of claims based on a purported lack of congressional approval of ancient Indian land transfers and to clear the titles of lands subject to such claims; to the Committee on Interior and Insular Affairs.

Mr. LOWRY of Washington:

H.R. 5495. A bill to amend the Immigration and Nationality Act to require that Federal refugee assistance be provided for not less than 100 percent of cash and medical assistance costs required during the first 36 months that refugees are in the United States; to the Committee on the Judiciary.

By Mr. McDONALD:

H.R. 5496. A bill limiting the source of supplemental funds for unemployment assistance; jointly, to the Committees on Appropriations and Ways and Means.

By Mr. MOORHEAD (for himself, Mr. GRAMM, Mr. LOEFFLER, Mr. TAUZIN, Mr. BROYHILL, Mr. COLLINS of Texas, Mr. DANNEMEYER, Mr. CORCORAN, and Mr. BROWN of Ohio):

H.R. 5497. A bill to reform the Federal regulation of energy use and allocation, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

By Mr. SCHULZE:

H.R. 5498. A bill to apply duty-free treatment to p-hydroxybenzoic acid; to the Committee on Ways and Means.

By Mr. SHANNON:

H.R. 5499. A bill to continue until the close of June 30, 1986, the existing suspension of duties on Bis (4-aminobenzoate)-1,3 propanediol (trimethylene glycol di-p-aminobenzoate); to the Committee on Ways and Means.

By Mr. SMITH of Alabama:

H.R. 5500. A bill to rescind tax benefits provided to Members of Congress for living expenses during 1981; to the Committee on Ways and Means.

By Mr. TRAXLER:

H.R. 5501. A bill to amend the Consolidated Farm and Rural Development Act to change the conditions of eligibility for, and the amount of, financial assistance made with respect to agricultural production losses caused by disaster; to the Committee on Agriculture.

By Mr. WEBER of Minnesota:

H.R. 5502. A bill to rescind the tax benefits provided during 1981 to Members of Congress for living expenses; to the Committee on Ways and Means.

Mr. WOLF (for himself, Mr. PARRIS, and Mr. TRIBLE):

H.R. 5503. A bill to amend title 23 of the District of Columbia Code to make liability in civil actions arising from fresh pursuit into the District of Columbia by members of a peace unit of a State determined by the laws of such State; to the Committee on the District of Columbia.

By Mr. DE LA GARZA (for himself, Mr. WAMPLER, Mr. AKAKA, Mr. ALBOSTA, Mr. ANDREWS, Mr. ANTHONY Mr. ARCHER, Mr. AUCOIN, Mr. BEARD, Mr. BEDELL, Mr. BENEDICT, Mr. BEREUTER, Mr. BEVILL, Mr. BONIOR of Michigan, Mr. BOWEN, Mr. BROWN of California, Mr. BROWN of Colorado, Mr. BROYHILL, Mr. CAMPBELL, Mr. CARNEY, Mr. CHAPPELL, Mr. CHAPPIE, Mr. CLAUSEN, Mr. COELHO, Mr. COLEMAN, Mr. COLLINS of Texas, Mr. CONTE, Mr. CORCORAN, Mr. CORRADA, Mr. COURTER, Mr. DASCHLE, Mr. DAUB, Mr. DUNCAN, Mr. DUNN, Mr. EMERSON, Mr. ENGLISH, Mr. EVANS of Georgia, Mr. EVANS of Iowa, Mr. FAUNTROY, Mr. FAZIO, Mr. FINDLEY, Mr. FISH, Mr. FITHIAN, Mr. FLORIO, Mr. FOGLIETTA, Mr. FOLEY, Mr. FORSYTHE, Mr. FRENZEL, Mr. FROST, Mr. FUQUA, Mr. GEJDENSON, Mr. GILMAN, Mr. GINGRICH, Mr. GOLDWATER, Mr. GUNDERSON, Mr. SAM B. HALL, Jr., Mr. HANSEN of Idaho, Mr. HARKIN, Mr. HATCHER, Mr. HIGHTOWER, Mr. HILER, Mrs. HOLT, Mr. HOPKINS, Mr. HORTON, Mr. HUCKABY, Mr. JEFFORDS, Mr. JEFFRIES, Mr. JONES of Tennessee, Mr. JONES of North Carolina, Mr. KINDNESS, Mr. LAGOMARSINO, Mr. LEE, Mr. LEWIS, Mr. LOEFFLER, Mr. LONG of Louisiana, Mr. MADIGAN, Mrs. MARTIN of Illinois, Mr. MATTOX, Mr. McEWEN, Mr. McHUGH, Ms. MIKULSKI, Mr. MITCHELL of New York, Mr. MONTGOMERY, Mr. MOORE, Mr. NAPIER, Mr. NATCHER, Mr. NEAL, Mr. NICHOLS, Mr. O'BRIEN, Mr. OBERSTAR, Mr. OXLEY, Mr. PANETTA, Mr. PASHAYAN, Mr. PEPPER, Mr. RAHALL, Mr. RAILSBACK, Mr. RANGEL, Mr. RICHMOND, Mr. ROBERTS of South Dakota, Mr. ROBERTS of Kansas, Mr. ROSE, Mr. ROTH, Mr. SAWYER, Mr. SHUMWAY, Mr. SKEEN, Mr. SKELTON, Mr. SMITH of Oregon, Mr. SMITH of Iowa, Mrs. SMITH of Nebraska, Mrs. SNOWE, Mr. STANGELAND, Mr. STENHOLM, Mr. STUMP, Mr. SUNIA, Mr. THOMAS, Mr. TRAXLER, Mr. VOLKMER, Mr. WATKINS, Mr. WEAVER, Mr. WEBER of Minnesota, Mr. WHITEHURST, Mr. WHITLEY, Mr. WHITTAKER, Mr. WHITTEN, Mr. WILSON, Mr. WINN, Mr. WOLF, Mr. YATRON, and Mr. YOUNG OF ALASKA:

H.J. Res. 404. Joint resolution to proclaim March 18, 1982, as "National Agriculture Day"; to the Committee on Post Office and Civil Service.

By Mr. WRIGHT:

H. Con. Res. 268. Concurrent resolution providing for an adjournment of the House from February 10 to February 17, 1982, and an adjournment of the Senate from February 11 or February 12 to February 22, 1982; considered and agreed to.

By Mr. HOWARD:

H. Con. Res. 269. Concurrent resolution to express the sense of Congress that nuclear war represents the world's greatest potential health hazard, that the arms race between the United States and the Soviet Union be halted through a mutual, verifiable agreement, and that all nuclear weapons in the world should be eliminated; to the Committee on Foreign Affairs.

By Mr. BOLLING (for himself and Mr. QUILLEN):

H. Res. 359. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by Committee on Rules in the 2d session of the 97th Congress; to the Committee on House Administration.

By Mr. DINGELL:

H. Res. 360. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Energy and Commerce in

the 2d session of the 97th Congress; to the Committee on House Administration.

By Mr. PEPPER (for himself and Mr. RINALDO):

H. Res. 361. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by Select Committee on Aging in the 2d session of the 97th Congress; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

258. By the SPEAKER: Memorial of the Legislature of the State of Mississippi, relative to the Tennessee-Tombigbee Waterway project; to the Committee on Appropriations.

259. Also, memorial of the Legislature of the State of California, relative to American prisoners of war in Southeast Asia; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GINN:

H.R. 5504. A bill for the relief of Captain Raul B. Perez, U.S. Navy (retired); to the Committee on the Judiciary.

By Mr. PARRIS:

H.R. 5505. A bill for the relief of Walter Reed Martindale, III; to the Committee on the Judiciary.

By Mr. SMITH of Oregon:

H.R. 5506. A bill for the relief of Victoriano Perches-Nevarez; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. GINGRICH and Mr. LONG of Louisiana.

H.R. 116: Mr. FAZIO, Mr. RAHALL, Mr. DUNCAN, Mr. WHITLEY, Mrs. BYRON, and Mr. LOWRY of Washington.

H.R. 231: Mr. MATSUI.

H.R. 401: Mr. JONES of Oklahoma.

H.R. 459: Mr. NEAL, Mr. BENJAMIN, and Mr. AKAKA.

H.R. 768: Mr. MATTOX.

H.R. 852: Mr. FAZIO, Mr. CLAY, Mr. BAILEY of Pennsylvania, and Mr. HOWARD.

H.R. 1531: Mr. ROE.

H.R. 1648: Mrs. SCHROEDER, Mr. JOHNSTON, and Mrs. COLLINS of Illinois.

H.R. 1659: Mr. WHITTAKER, Mr. HUNTER, Mr. DAUB, Mr. DERWINSKI, Mr. ROBERT W. DANIEL, Jr., Mr. BARNARD, Mr. EVANS of Georgia, Mr. PHILIP M. CRANE, and Mr. SKEEN.

H.R. 1660: Mr. MCDONALD.

H.R. 1918: Mr. OXLEY.

H.R. 1919: Mr. FORSYTHE, Mr. MOFFETT, Mr. YOUNG of Alaska, Mr. FOGLIETTA, Mr. ERTEL, Mr. THOMAS, Mr. JACOBS, Mr. WEBER of Minnesota, Mr. FAZIO, and Mr. HOWARD.

H.R. 2414: Mr. FOGLIETTA.

H.R. 3083: Mr. BOWEN and Mr. ALEXANDER.

H.R. 3252: Mr. CONTE, Mr. WON PAT, Mr. COURTER, Mr. PICKLE, Mr. BOLAND, Mr. DOWNEY, Mr. HAGEDORN, Mr. STATON of West Virginia, Mr. THOMAS, Mr. MAVROULES, Mr. MADIGAN, Mr. MINISH, Mr. BEDELL, Mr. FARY, Mr. SENSENBRENNER, Mr. DOUGHERTY, and Mr. BONKER.

H.R. 3269: Mr. DWYER, Mr. OTTINGER, Mr. DUNN, Mr. FORD of Michigan, Mr. FORSYTHE, and Mr. SAWYER.

H.R. 3298: Mr. HILLIS, Mr. JACOBS, Mr. HAMILTON, Mr. LOWERY of California, and Mr. LOEFFLER.

H.R. 3416: Mr. SAWYER and Mr. EVANS of Georgia.

H.R. 3485: Mr. MCCOLLUM and Mr. DREIER.

H.R. 3824: Mr. OXLEY and Mr. SCHULZE.

H.R. 4015: Mrs. HECKLER, Mr. MITCHELL of New York, Mrs. SCHNEIDER, Mr. STANTON of Ohio, Mr. MARRIOTT, Mr. ROEMER, Mr. FORD of Tennessee, Mr. D'AMOURS, Mr. NOWAK, Mr. MINETA, and Mr. EARLY.

H.R. 4066: Mr. AKAKA.

H.R. 4070: Mr. BRODHEAD, Mr. HEFTEL, and Mr. ERTEL.

H.R. 4154: Mr. KOGOVSEK, Mr. ADDABBO, Mrs. BOUQUARD, Mr. BOWEN, Mr. FISH, Mr. EDGAR, Mr. HORTON, Mr. SMITH of New Jersey, Mr. MATSUI, Mr. BONIOR of Michigan, Mr. FAZIO, Mr. SMITH of Pennsylvania, Mr. FASCELL, Mr. FUQUA, Mr. CORRADA, Mr. LUNGREN, Mr. GOODLING, Mr. HANSEN of Utah, Mr. DAN DANIEL, Mr. LONG of Maryland, Mr. SHAMANSKY, Mr. EVANS of Georgia, Mr. DYMALLY, Mr. OTTINGER, Mr. SUNIA, Mr. FROST, Mr. MARKEY, Mr. RANGEL, Mr. FAUNTROY, Mr. WILSON, Mr. MINISH, Mr. LAFALCE, Mr. VENTO, Ms. MIKULSKI, Mrs. FENWICK, Mr. ROE, Mr. O'BRIEN, Mr. FARY, Mr. HEFTEL, Mr. DWYER, Mr. WHITEHURST, Mr. FLORIO, Mr. LOWRY of Washington, Mr. WORTLEY, Mr. PEPPER, Mr. FOGLIETTA, Mr. BINGHAM, Mr. LEACH of Iowa, and Mr. TAUKE.

H.R. 4158: Mr. EDGAR.

H.R. 4449: Mr. SHUMWAY, Mr. ROUSSELOT, Mr. MCDONALD, Mr. YATRON, and Mr. FAZIO.

H.R. 4461: Mr. MOLLOHAN, Mr. SYNAR, and Mr. ERTEL.

H.R. 4554: Mr. MCCLOSKEY, Mr. DANNEMEYER, Mr. MCCLORY, Mr. ROGERS, Mr. STENHOLM, Mr. WILSON, and Mr. FINDLEY.

H.R. 4680: Mr. NEAL, Mr. EDWARDS of Alabama, Mr. PATTERSON, Mr. MILLER of California, Mr. ANDERSON, and Mr. EVANS of Iowa.

H.R. 4728: Mr. ROE, Mr. SOLOMON, Mr. BADHAM, Mr. EVANS of Georgia, Mr. SAWYER, and Mr. DAUB.

H.R. 4784: Ms. MIKULSKI, Mr. CONYERS, and Mr. GARCIA.

H.R. 4786: Mr. CORCORAN, Mr. YATRON, Mr. PATTERSON, Mr. D'AMOURS, Mr. BARNES, Mr. WHITEHURST, Ms. OAKAR, Mr. FUQUA, Mr. FINDLEY, Mr. BROOMFIELD, Mr. FORD of Michigan, Mr. MURTHA, and Mr. RHODES.

H.R. 4858: Mr. BENJAMIN.

H.R. 4898: Mr. ROTH and Mr. BOWEN.

H.R. 4931: Mr. ROBERT W. DANIEL, JR., Mr. STOKES, Mr. SUNIA, Mr. BREAUX, Mr. BEVILL, Mr. MARLENEE, Mr. MCCOLLUM, Mr. STATON of West Virginia, Mr. SNYDER, Mr. WILLIAMS of Ohio, Mr. SOLOMON, Mr. RUDD, Mr. PHILIP M. CRANE, Mr. ROBERTS of South Dakota Mr. DAUB, Mr. WALKER, Mr. EMERSON, Mr. CRAIG, and Mr. BEARD.

H.R. 4977: Mr. BIAGGI, Mr. SOLOMON, Mr. UDALL, and Mr. LOWRY of Washington.

H.R. 4999: Mr. JAMES K. COYNE, Mr. FIELDS, and Mr. DUNCAN.

H.R. 5030: Mr. HUGHES.

H.R. 5055: Mr. SIMON, Mr. RAILSBACK, Mrs. HOLT, and Mr. DYMALLY.

H.R. 5114: Mr. KASTENMEIER and Mr. MILLER of California.

H.R. 5115: Mr. KASTENMEIER and Mr. MILLER of California.

H.R. 5128: Mr. FORSYTHE, Mr. KINDNESS, Mr. BARNARD, Mr. FRENZEL, Mr. MCCLORY, and Mr. BLILEY.

H.R. 5131: Mr. ROEMER and Mr. WASHINGTON.

H.R. 5142: Mr. FAZIO.

H.R. 5168: Mr. SENSENBRENNER, Mr. LENT, Mr. FIELDS, Mr. ROBERTS of South Dakota, Mr. BEVILL, Mr. PORTER, Mr. GOODLING, Mr. NICHOLS, Mr. PARRIS, Mr. HANSEN of Idaho, Mr. GOLDWATER, Mr. HILER, Mr. OXLEY, Mr. NAPIER, Mr. WEAVER, Mr. LEWIS, Mr. COATS, Mr. MCCLORY, Mr. WOLF, Mr. LEBOUTILLIER, Mr. GREGG, Mr. GINGRICH, Mr. STANGELAND, Mr. YATRON, Mr. GUNDERSON, Mr. CRAIG, Mr. JAMES K. COYNE, Mr. ROBERTS of Kansas, Mr. DAN DANIEL, Mr. DANNEMEYER, Mr. FORSYTHE, Mr. WALKER, Mr. MOLLOHAN, Mr. EVANS of Georgia, Mr. BURGENER, Mr. SOLOMON, Mr. SMITH of Oregon, Mr. STATON of West Virginia, Mr. SILJANDER, and Mr. LAGOMARSINO.

H.R. 5192: Mr. BAILEY of Missouri, Mr. BEDELL, Mr. BEREUTER, Mr. CARMAN, Mr. CARNEY, Mr. DE LUGO, Mr. DERWINSKI, Mr. DUNN, Mr. EMERSON, Mr. ENGLISH, Mr. FISH, Mr. FLORIO, Mr. FOLEY, Mr. FORSYTHE, Mr. GILMAN, Mr. HARTNETT, Mr. HYDE, Mr. JACOBS, Mr. KINDNESS, Mr. KRAMER, Mr. LAGOMARSINO, Mr. LEBOUTILLIER, Mr. LENT, Mr. LOWERY of California, Mr. MARTIN of New York, Mr. MCKINNEY, Mr. MILLER of Ohio, Mr. MORRISON, Mr. NAPIER, Mr. OTTINGER, Mr. OXLEY, Mr. PEYSER, Mr. PORTER, Mr. QUILLEN, Mr. ROTH, Mr. SMITH of New Jersey, Mr. SOLOMON, Mr. TAUZIN, Mr. WATKINS, Mr. WEAVER, Mr. WILLIAMS of Ohio, Mr. WORTLEY, Mr. ZEFERETTI, Mr. CONABLE, Mr. CRAIG, Mr. DANNEMEYER, Mr. EDWARDS of Oklahoma, Mr. EVANS of Iowa, Mr. FORD of Michigan, Mr. GOLDWATER, Mr. GRADISON, Mrs. HOLT, Mr. HOWARD, Mr. LEHMAN, Mr. LONG of Maryland, Mr. LUNGREN, Mr. NELLIGAN, Mr. PATTERSON, Mr. SMITH of Oregon, Mrs. SNOWE, Mr. THOMAS, Mr. WEBER of Minnesota, Mrs. COLLINS of Illinois, Mr. HILER, and Mr. JOHN L. BURTON.

H.R. 5193: Mr. FAUNTROY, Mr. NAPIER, Mr. FOGLIETTA, Mr. CROCKETT, Mr. DUNCAN, Mrs. COLLINS of Illinois, Mr. BROOKS, Mr. PEPPER, and Mr. SCHUMER.

H.R. 5197: Mr. HIGHTOWER.

H.R. 5251: Mr. MOLLOHAN.

H.R. 5290: Mr. WEBER of Minnesota, Mr. HORTON, Mr. MINISH, Mr. COURTER, Mr. FOGLIETTA, Mr. ROE, Mr. WINN, Mr. MAVROULES, Mr. SCHUMER, Mr. VENTO, Mr. WORTLEY, and Mr. EDGAR.

H.R. 5305: Mrs. BOUQUARD, Mr. ECKART, Mr. EDGAR, Mr. FORSYTHE, Mr. MINISH, Mr. MOFFETT, Mr. OBERSTAR, and Mr. WILSON.

H.R. 5312: Mr. KRAMER, Mr. EVANS of Georgia, Mr. DAN DANIEL, Mr. ROEMER, Mr. LONG of Louisiana, Mrs. COLLINS of Illinois, Mr. WHITLEY, Mr. FIELDS, Mr. LIVINGSTON, and Mrs. BOUQUARD.

H.R. 5330: Mr. LAGOMARSINO.

H.R. 5338: Mr. HARKIN, Mr. GORE, Mr. D'AMOURS, Mr. WOLPE, Mr. SKELTON, and Mr. JONES of Tennessee.

H.R. 5340: Mr. DINGELL, Mr. GINGRICH, Mr. ROTH, Mr. EDGAR, Mr. BEDELL, Mr. SWIFT, Mr. EMERY, Mr. VENTO, Mr. OBERSTAR, Mr. RATCHFORD, Mr. SCHUMER, Mrs. COLLINS of Illinois, Mr. HARKIN, Mr. LEHMAN, Mr. GUARINI, Mrs. SCHNEIDER, Mr. FAZIO, Mr. NEAL, and Mr. PEPPER.

H.R. 5348: Mr. HORTON, Mr. DOWNEY, Mr. DE LA GARZA, Mr. ADDABBO, Mr. STANTON of Ohio, Mr. FAZIO, Mr. YOUNG of Missouri, Mr. BEILENSON, Mr. SAM B. HALL, Jr., Mr. OTTINGER, Mr. LIVINGSTON, Mr. FAUNTROY, Mr. BRODHEAD, Mr. ANNUNZIO, Mr. FROST, Mr. BEDELL, Mr. MILLER of California, Mr. WILSON, Mr. CLAY, Mr. RATCHFORD, Mr. CHAPPELL, Mr. VENTO, Mr. BEVILL, Mr. MARKS, Mr. BINGHAM, Mr. HEFTEL, Mr.

DWYER, Mr. ROE, Mr. SCHUMER, Mr. CORCORAN, Mr. KOGOVSEK, Mr. MITCHELL of Maryland, and Mr. GILMAN.

H.R. 5368: Mrs. CHISHOLM, Mr. EMERY, Mr. LAFALCE, Mr. LOWRY of Washington, Mr. GUARINI, Mr. PEPPER, Mr. MITCHELL of Maryland, Mr. DOUGHERTY, Mr. VENTO, Mr. COURTER, and Mr. MARTIN of New York.

H.R. 5369: Mr. DIXON, Mr. YOUNG of Alaska, Mr. DINGELL, Mr. SCHEUER, Mr. WASHINGTON, Mr. ADDABBO, Mr. MURTHA, Mr. RICHMOND, Mr. SMITH of Pennsylvania, Mr. MATSUI, Mr. KILDEE, Mr. FRANK, Mr. MILLER of California, Mr. JONES of North Carolina, Mr. HORTON, Mr. FISH, Mr. GARCIA, Mr. OTTINGER, Mr. DYMALLY, Mr. DANIELSON, Mr. BROWN of California, Mr. FORD of Michigan, Mr. MINETA, Mr. STARK, Mr. DWYER, Mr. MINISH, Mr. FAZIO, Mr. PERKINS, Mr. RAHALL, Mr. COELHO, Mr. DOUGHERTY, Mr. HERTEL, Ms. FIEDLER, Mrs. CHISHOLM, Mr. CLAY, Mr. WEAVER, Mr. D'AMOURS, Mrs. COLLINS of Illinois, Mr. MITCHELL of Maryland, and Mr. FORD of Tennessee.

H.R. 5396: Mr. CORCORAN, Mr. DOUGHERTY, Mr. ERTEL, Mr. DYMALLY, Mr. FISH, Mr. FORSYTHE, Mr. GUARINI, and Mr. YATRON.

H.R. 5404: Mr. DAUB, Mr. BURGENER, Mr. WEBER of Minnesota, Mr. GREGG, Mr. SCHUMER, Mrs. SCHROEDER, and Mr. JACOBS.

H.J. Res. 151: Mr. BRINKLEY, Mr. HILER, Mr. HOLLAND, Mr. CORRADA, Mr. SHAW, Mr. GREGG, Mr. TAYLOR, Mr. ANDERSON, Mr. DE LA GARZA, and Mr. HOPKINS.

H.J. Res. 197: Mrs. COLLINS of Illinois.

H.J. Res. 297: Mr. JAMES K. COYNE, Mr. ROSENTHAL, and Mr. YOUNG of Florida.

H.J. Res. 304: Mr. GAYDOS, Mr. SAWYER, Mr. SMITH of Alabama, Mr. HAMILTON, Mr. WATKINS, Mr. ERTEL, and Mr. RANGEL.

H.J. Res. 345: Mr. ALBOSTA, Mr. BADHAM, Mr. BENJAMIN, Mr. BENNETT, Mr. BEREUTER, Mr. BRINKLEY, Mr. BROOKS, Mr. BROOMFIELD, Mr. BROWN of Ohio, Mr. BROYHILL, Mr. CAMPBELL, Mr. CHAPPELL, Mr. CLINGER, Mr. COATS, Mrs. COLLINS of Illinois, Mr. CONTE, Mr. CORCORAN, Mr. CORRADA, Mr. ROBERT W. DANIEL, Mr. DASCHLE, Mr. DAUB, Mr. DREIER, Mr. DWYER, Mr. DYMALLY, Mr. EDGAR, Mr. EDWARDS of California, Mr. EDWARDS of Oklahoma, Mr. EMERY, Mr. ERTEL, Mr. EVANS of Georgia, Mr. FARY, Mrs. FENWICK, Mr. FISH, Mr. FLIPPO, Mr. FRENZEL, Mr. GEPHARDT, Mr. GILMAN, Mr. GINN, Mr. GRAMM, Mr. GRAY, Mr. GUARINI, Mr. HAMMERSCHMIDT, Mr. HANCE, Mr. HARTNETT, Mr. HIGHTOWER, Mr. HILER, Mr. HOLLENBECK, Mr. HOPKINS, Mr. HOWARD, Mr. HUNTER, Mr. JEFFORDS, Mr. JENKINS, Mr. LAGOMARSINO, Mr. LEE, Mr. LENT, Mr. LEVITAS, Mr. LIVINGSTON, Mr. LOEFFLER, Mr. LOTT, Mr. MARTIN of New York, Mr. MARTIN of North Carolina, Mr. MATTOX, Mr. MAVROULES, Mr. MCCOLLUM, Mr. MCDADE, Mr. MCDONALD, Mr. MCEWEN, Mr. MILLER of California, Mr. MINETA, Mr. MINISH, Mr. MITCHELL of New York, Mr. MONTGOMERY, Mr. MORRISON, Mr. O'BRIEN, Mr. OBERSTAR, Mr. PARRIS, Mr. PASHAYAN, Mr. PAUL, Mr. PEYSER, Mr. ROUSSELOT, Mr. SANTINI, Mr. SCHUMER, Mr. SHUSTER, Mr. SIMON, Mrs. SNOWE, Mr. SNYDER, Mr. SOLOMON, Mr. ST GERMAIN, Mr. STANGELAND, Mr. STOKES, Mr. STUMP, Mr. THOMAS, Mr. UDALL, Mr. WEBER of Minnesota, Mr. WHITE, and Mr. YATRON.

H.J. Res. 359: Mr. SOLARZ, Mr. DOUGHERTY, Mr. LEE, Mr. OXLEY, Mr. WON PAT, Mr. BOLAND, Mr. ALBOSTA, Mr. O'BRIEN, Mr. GILMAN, Mr. SAWYER, Mr. GRISHAM, Mr. KEMP, Mr. RICHMOND, Mr. JOHN L. BURTON, Mr. OBERSTAR, Mr. SHAW, Mr. MONTGOMERY, Mr. WEAVER, Mr. OTTINGER, Mr. PEPPER, Mr. HOWARD, Mr. MINETA, Mr. BENNETT, Mr. WORTLEY, Mr. LEBOUTILLIER, Mr. DOWDY, Mr. FRENZEL, Mr. BEVILL, Mr. DUNN, Mr. SHELBY, Mr. GINGRICH, Mr. HAGEDORN, Mr. COELHO, Mr. BROYHILL, Mr. WHITEHURST, Mr. ANDREWS, Mr. MITCHELL of New York, Mrs. HOLT, Mr. HOLLAND, Mr. SUNIA, Mr. ENGLISH, Mr. HILLIS, Mr. SAM B. HALL, JR., Mrs. BOUQUARD, Mrs. COLLINS of Illinois, Mr. BLANCHARD, Mr. CLINGER, Mr. MOLLOHAN, Mr. HERTEL, Mr. LUNGREN, Mr. PORTER, Mr. MICA, Mr. DAVIS, Mr. HATCHER, Mr. HOLLENBECK, Mr. VENTO, Mr. YOUNG of Florida, Mr. ROBINSON, Mr. ROEMER, Mr. FROST, Mr. NAPIER, Mr. UDALL, Mr. SOLOMON, Mr. CLAUSEN, Mr. MILLER of Ohio, Mr. BAFALIS, Mrs. SNOWE, Mr. ROBERT W. DANIEL, JR., Mr. JACOBS, Mr. FOGLIETTA, Mr. GUARINI, Mr. SMITH of Oregon, Mr. DICKS, and Mr. STUMP.

H.J. Res. 364: Mr. LOWERY of California, Mr. MARTIN of Illinois, Mr. WILSON, Mr. WEBER of Ohio, Mr. CORCORAN, Mr. DASCHLE, Mr. DONNELLY, Mr. PATTERSON, Mr. ERDAHL, Mr. EVANS of Delaware, Mr. HUCKABY, Mr. RAILSBACK, Mr. BROYHILL, Mr. MCDONALD, Mr. FIELDS, Mr. SNYDER, Mr. MARTIN of North Carolina, Mr. OXLEY, Mr. ERLENBORN, Mr. CAMPBELL, Mr. SKELTON, Mr. DENARDIS, Mr. SMITH of Oregon, Mr. MCEWEN, Mr. STUMP, Mr. YATRON, Mr. BEVILL, and Mr. ATKINSON.

H.J. Res. 375: Mr. FROST, Mr. BONER of Tennessee, Mr. HUGHES, Mr. JEFFORDS, Mr. FARY, Mr. ANDERSON, Mr. WON PAT, Mr. ROBERTS of South Dakota, Mr. DASCHLE, Mr. MCCLORY, Mr. GINN, Mr. CONTE, Mr. NELLIGAN, Mr. DONNELLY, Mr. APPLEGATE, Mr. BINGHAM, Mr. COLEMAN, and Mr. ECKART.

H.J. Res. 381: Mr. MATSUI, Mr. AKAKA, Mr. WHITEHURST, Mr. HUTTO, Mr. KEMP, Mr. OBERSTAR, Mr. ROE, Mr. ANDERSON, Mr. MINETA, Mr. OTTINGER, Mrs. HOLT, Mr. FAUNTROY, Mr. FAZIO, Mr. DYMALLY, Mr. LUNGREN, Mr. EVANS of Georgia, Mr. FORD of Michigan, Mr. SUNIA, Mr. HARKIN, and Mr. LAGOMARSINO.

H.J. Res. 387: Mr. YATRON.

H.J. Res. 388: Mr. CORCORAN, Mr. DOUGHERTY, Mr. ERTEL, Mr. DYMALLY, Mr. FISH, Mr. FORSYTHE, Mr. GUARINI, and Mr. YATRON.

H.J. Res. 398: Mr. BEREUTER, Mr. LAFALCE, Mr. CARNEY, Mr. SOLOMON, Mr. DREIER, Mr. GUARINI, Mr. NELLIGAN, and Mr. MCDONALD.

H. Con. Res. 1: Mr. ROSE.

H. Con. Res. 100: Mr. SHUSTER, Mr. SILJANDER, Mr. STENHOLM, Mr. DAUB, and Mr. MARKEY.

H. Con. Res. 195: Mr. ENGLISH.

H. Con. Res. 219: Mrs. HOLT, Mr. MCDONALD, Mr. MOFFETT, Mr. MOAKLEY, Mr. WON PAT, Mr. ANDREWS, Mr. HILER, Mr. STATON of West Virginia, Mr. HUBBARD, Ms. FERRARO, Mrs. SCHNEIDER, Mr. DYMALLY, Mr. ASHBROOK, and Mr. BENJAMIN.

H. Con. Res. 232: Mrs. COLLINS of Illinois, Mr. D'AMOURS, Mr. WEISS, Mr. BARNES, Mr. DWYER, Mr. DIXON, and Mr. HOYER.

H. Con. Res. 243: Mr. MCHUGH, Mr. WIRTH, Mr. OBERSTAR, Mr. BEDELL, Mr. CORRADA, Mr. EDWARDS of California, Mr. ROE, Mr. DERWINSKI, Mr. WOLPE, Mr. FASCELL, Mrs. FENWICK, and Mr. PEPPER.

H. Con. Res. 251: Mr. KEMP, Mr. LEBOUTILLIER, Mrs. BOUQUARD, Mr. HYDE, Mr. PRITCHARD, Mr. DYMALLY, Mr. WOLPE, Mr. WEBER of Minnesota, Mr. COURTER, Mr. FORSYTHE, Mr. WEBER of Ohio, Mr. WYDEN, Mr. BROWN of California, Mr. SILJANDER, Mr. MOAKLEY, Mr. HARKIN, Mrs. FENWICK, Mr. EVANS of Georgia, Mr. SMITH of Alabama, Mr. WORTLEY, Mr. WON PAT, Mr. MILLER of Ohio, Mr. ASHBROOK, Mr. CRAIG, Mr. SENSENBRENNER, Mr. CORRADA, Mr. BENJAMIN, Mr. FAUNTROY, Mr. WAXMAN, Mr. ROE, Mr. FLIPPO, Mr. LANTOS, Mr. DICKINSON, Mr. FITHIAN, Mr. FROST, and Mr. LEACH of Iowa.

H. Con. Res. 255: Mrs. COLLINS of Illinois, Mr. BAILEY of Pennsylvania, Mr. FLORIO, Mr. LANTOS, Mrs. BOGGS, and Mr. MITCHELL of Maryland.

H. Res. 252: Mr. SHAMANSKY, Mr. SMITH of Pennsylvania, Mr. BOLAND, Mr. DASCHLE, Mr. HEFTEL, Mr. FARY, Mr. STOKES, Mr. DYMALLY, Mr. FAUNTROY, and Mr. ECKART.

H. Res. 269: Mr. MOAKLEY, Mr. WON PAT, Mr. MCDONALD, Mr. HILER, Mr. HUBBARD, Mr. PEPPER, Mr. WOLPE, Mr. STATON of West Virginia, Ms. FERRARO, Mr. HYDE, Mr. BIAGGI, Mr. DYMALLY, Mr. ASHBROOK, Mr. WEBER of Minnesota, Mrs. FENWICK, and Mr. COURTER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under cause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1362: Mr. CLAY.

PETITIONS, ETC.

Under clause 1 of rule XXII,

343. The SPEAKER presented a petition of Gary R. Carr, Panacea, Fla., and others, relative to Secretary of the Interior James G. Watt; which was referred to the Committee on Interior and Insular Affairs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4481

By Mr. SENSENBRENNER:

—Page 7, line 2, insert "and programs for the construction of prisons, jails, and other detention facilities" before the semicolon.

Page 13, line 7, strike out "and".

Page 13, after line 7, insert the following new subparagraph:

(B) in paragraph (3) by inserting ", other than construction projects involving prisons, jails, and other detention facilities" before the semicolon, and

Page 13, line 8, strike out "(B)" and insert in lieu thereof "(C)".

EXTENSIONS OF REMARKS

HUMAN RIGHTS IN LATIN AMERICA

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. MOFFETT. Mr. Speaker, almost everywhere we look in the world today, we see the devastating effects of the Reagan administration's deemphasis of human rights. In South Africa, the Philippines, El Salvador, Chile, Guatemala, and even Poland and the Soviet Union, the administration's approach of placing human rights near the bottom of the list of foreign policy priorities has helped to worsen the plight of people in those nations.

While I was pleased by the recent release of a comprehensive human rights report by the State Department, I was disturbed by some of its findings. For example, while the State Department report recognizes the incidence of torture and murder of innocent civilians in El Salvador, it seems to downplay the extent to which government forces are responsible for these atrocities.

In its 1981 "Report on Human Rights in Latin America," the Council on Hemispheric Affairs, a prestigious nonprofit organization which monitors human rights in the Western Hemisphere, named El Salvador and Guatemala as the worst human rights violators in the hemisphere. With U.S. military aid to El Salvador increasing, and the possiblity of U.S. armed intervention looming ominously on the horizon, I feel it is important for us to put into perspective exactly what type of regime we are supporting.

I am inserting for the RECORD the Council's summary of the human rights situation in Latin America for 1981, along with the specific country reports for El Salvador and Guatemala. I urge my colleagues to examine these reports, in hopes that the good work of the Council in revealing human rights violations in Latin America, and in El Salvador and Guatemala in particular, may have a positive impact on U.S. policy in the Western Hemisphere.

HUMAN RIGHTS IN LATIN AMERICA—1981 ANNUAL REPORT

(Prepared by the Council on Hemispheric Affairs)

The observance of human rights is particularly central to the political life of Latin America. The region has historically suffered a high incidence of authoritarian government, weak political traditions and strong military establishments which characteristically restrict the personal and political freedom of the citizenry and violate human rights that are universally recognized as inalienable. Even given the region's dreary history in this respect, the calendar year 1981 was marked by an alarming deterioration of human rights in the Western Hemisphere, as both the number and the seriousness of the abuses committed by such regimes rose dramatically.

This report presents a brief overview of the status of human rights in most Latin American nations during the past year, commenting on important social, political and military factors germane to the respect or disrespect of basic constitutional guarantees of life, liberty and political freedom. The report was compiled in the last six months by this organization's research staff, and draws on a wide variety of domestic and international sources for its information. Because of restrictions imposed by limited space and a lack of extensive on-site investigations, it does not attempt to provide an exhaustive statistical analysis of human rights violations in any given nation. Rather, it seeks to give the reader a balanced and informative summary of the status of human rights in Latin America, and to describe important developments in the past year.

(The Council on Hemispheric Affairs also drafts more extensive and detailed country-by-country studies of human rights which will be issued over the first half of 1982.)

INTRODUCTION

Basic civil liberties, including the right to life, liberty, and the freedom of personal and political expression, suffered a drastic setback in 1981. In more than a dozen regional nations, even the most fundamental rights—life and the inviolability of the person—were violated by the government-condoned practice of harassing, torturing and murdering political opponents of those in power. In six other nations, personal and political freedoms were restricted to varying extents by government actions.

These reverses were directly linked to policies adopted by President Reagan, particularly the "quiet diplomacy" approach to human rights issues. Seemingly obsessed with the East-West dimension of hemispheric relations, the Reagan administration substituted militaristic, security-related considerations for a genuine concern for human life, with a catastrophic effect on the lives of Latin Americans. Candidate Reagan berated the Carter human rights policy for its inconsistency and alleged bias against pro-U.S. authoritarian regimes, but his own policy suffers from the same double standard in reverse. He properly attacks human rights violations in Poland as well as lesser misdeeds in some Latin American leftist states while remaining silent in the face of crimes by right-wing regimes that cry out for condemnation.

In its first six months in office, the new administration completely reversed the Carter administration's human rights policy that had, in a surprisingly short time, reversed this nation's reputation as the world's bully. The Carter human rights policy won recognition around the world for representing the best rather than the worst of U.S. ideals. More than that, it worked in Latin America as nation after nation responded to the moral and material pressure by lessening, or at least pretending to lessen, pulling out the fingernails of its own citizens.

Citing the need to protect Latin America from presumed communist insurgency, Reagan has allied the U.S. with almost all of the most violent regimes in the hemisphere. In doing so, he has sanctioned atrocities and human rights abuses by providing these governments with essentially unconditional support. In spite of its spirited opposition to big government, the Reagan presidency quickly arrayed itself with governments which are almost totalitarian in their control over every aspect of society.

The Council on Hemispheric Affairs (COHA) found that serious human rights violations increased to the point of being a grave cause for alarm in at least twelve nations during 1981. In a number of other countries, previously acceptable human rights records were marred by abuses which slipped them into the "mixed" category. Only a handful of nations, according to COHA's findings, maintained good records or significantly improved their practices during the past twelve months.

Central America, a focus of international concern over human rights in 1980, continued to be the site of the most serious and widespread violations, as the civil violence wracking El Salvador and Guatemala escalated to unprecedented levels. Named by COHA last year as the hemisphere's worst violators of human rights, the governments of these two nations intensified their violent policies and in 1981 together accounted for 25,000 to 30,000 civilian deaths—nearly double the 1980 total, and far outnumbering the number of victims of political violence in the whole of Latin America.

A comparable death toll in the United States would have claimed well over 500,000 lives.

As a consequence, Guatemala and El Salvador have been selected in 1981 as the hemisphere's worst human rights violators for the second consecutive year.

Colombia, at present led by a nominally democratic government, suffered one of the most precipitious declines in the respect for human rights in 1981. The increasing influence of the Colombian military in government affairs, and the inherent mediocrity and opportunism of the two main political parties, gave cause for concern that the situation may deteriorate further in 1982. COHA has called for increased international attention to be focused on Colombia's human rights practices during the coming year.

The Southern Cone nations of Argentina, Chile and Uruguay, where international pressure and the Carter human rights policy were most successful in winning a reduction of abuses during the late 1970's once again reverted to their previous patterns of repression, and renewed efforts to polish their tarnished international image by words rather than deeds.

The nations under leftist or revolutionary socialist rule in Latin America, placed in a

separate and more sinister category by the Reagan administration's ideological fervor, actually compiled a mixed human rights record. Cuba, and Grenada, to a varying extend, placed restrictions on the political and personal expression of their citizens but managed to avoid the brutal torture and murder of political opponents which has made right-wing Latin American regimes infamous. Their status has remained the same—negative on human rights, but no significant deterioration. Micaragua, which in terms of human rights witnessed a steady decline in its commitment to pluralism through much of the year, now seems to have pulled itself back and there are hopeful signs that government authorities are again aiming for a relatively open society.

What follows is a country-by-country review of the 1981 human rights situation in Latin America:

CENTRAL AMERICA

El Salvador

The massive level of human rights abuses in El Salvador during 1980 excalated to still more tragic levels in 1981, as the social fabric of the nation disintegrated under the pressure of civil conflict and as the government's repressive tactics became institutionalized. More than 12,000 civilians were killed in 1981, according to the Legal Aid Office of the San Salvadoran Archdiocese, which compiled testimonies from relatives and friends of victims. Because many murders go unreported (due to survivor's fears of retribution), the actual number of victims is believed to be higher. Some estimates have placed the overall death toll for this year as high as 17,000. Almost all sources agree that the vast majority of these killings are attributable to the combined armed forces (Army, Treasury Police, National Guard, and National Police) and to right-wing paramilitary organizations acting with the armed forces' complicity.

While managing to survive in office, President Jose Napoleon Duarte has had virtually no success in limiting the abuses committed by a substantial sector of the armed forces or in placing legal limitations on the activities of several right-wing paramilitary organizations. His inability to prosecute the detained National Guard members implicated in the murder of four U.S. religious women a year ago, and to provide for even minimal security for visiting foreigners, let alone moderate local political leaders, is convincing evidence that while he may reign, he certainly doesn't rule. In effect, Duarte is little more than a figure head president who agilely serves two often disparate masters: Washington and his own security forces.

The daily violence in the countryside has reached such proportions that most international observers, as well as some Salvadorans and U.S. officials, now agree that the plans to hold elections in March 1982 are no longer feasible because of the danger to candidates who dare to campaign and the restrictions imposed on the electoral process by the Duarte government.

One human rights problem that is growing more serious every day, is the plight of the hundreds of thousands of refugees who have been forced to leave their homes due to the violence. the U.N. High Commission for Refugees (UNHCR) estimated in August that as many as 300,000 Salvadorans have been displaced as a result of the country's conflict, and that 100,000 more have fled to neighboring Honduras and Guatemala for safety.

Living conditions for these refugees are often subhuman. Their presence has already overtaxed the limited resources of local centers to support them. Beyond the threat of starvation, however, the refugees face a continued danger from the Salvadoran armed forces and paramilitary, which carry on a campaign of harassment and terror against refugee encampments.

There have been numerous documented cases of collaboration between Honduran and Salvadoran military units in which hundreds of refugees—mostly women, small children, and the elderly—have been gunned down while attempting to flee the advance of Salvadoran troops. Reports from the Honduran border area by an independent U.S. fact-finding mission in November indicated that Salvadoran paramilitary squads cross freely into Honduran territory to randomly harass, kidnap and murder nationals living in camps along the border.

The Duarte government has failed not only in its feeble attempts to bring to justice the military officials responsible for the murder of four U.S. Catholic missionaries, but has also failed to prosecute the two men believed guilty of the murders of two U.S. agrarian reform advisers the following month, as well as establish the fate of a free-lance U.S. journalist who disappeared from his hotel around the same time. Despite the evidence of Salvadoran military complicity in these and other acts of terrorism against U.S. citizens, the Reagan administration has pushed for increased levels of U.S. assistance to the Salvadoran armed forces during 1982, virtually guaranteeing that the levels of violence and abuse by the Salvadoran authorities will climb still higher.

Guatemala

Guatemala is the site of the most serious decline in the human rights situation in all of Latin America. Since the CIA orchestrated a military coup which deposed Guatemala's last reform-minded government in 1954, this Central American nation has been ruled by a series of military or military-controlled regimes with a reputation for unusual brutality. The year 1981 marked a new high in the level of government-sponsored murder, torture and repression that is shocking even for this violence-prone nation.

The latest available, if difficult to establish, estimates indicate that at least 9,000—and possibly as many as 12,000—civilians have been killed since January, with the average daily death toll having risen well above fifty in the last few months. Even supporters of the Guatemalan regime do not deny that the overwhelming majority of civilian deaths are attributable either to the armed forces or to secret "death squads," financed by wealthy industrialists and owners of agricultural estates, which are coordinated by top military officials from a room in an annex to the Presidential Palace.

Journalists, Indian peasants, labor leaders, students, teachers, centrist politicians, and professionals are the primary targets of what can only be described as a government extermination campaign against the nation's moderate alternative. Only a tiny percentage of those killed were in any way associated with Guatemala's four main guerrilla organizations; most sources indicate that there are about 3,000 guerrillas active in the country—or less than one-third of the minimum number of civilians killed in 1981 alone.

Increasing levels of government repression in the countryside, however, have only made it easier for guerrilla organizations to attract recruits from among Guatemala's large and traditionally politically inert, Indian population. COHA has received a constant flow of information throughout the year from a variety of official sources, and from cable traffic originating in several Western embassies in Guatemala City, of government counterinsurgency—or "search and destroy" missions—in rural areas which resulted in massacres of entire villages.

In February, for example, 169 peasant deaths at the hands of security forces were confirmed in the department of Chimaltenango; it is believed that many more were actually killed. From June 16 to 19, fifty villagers from El Arbolito in the northern department of El Peten were killed, and hundreds more fled across the border into Mexico. On July 19, government troops killed between 150 and 300 villagers at Coya in Huehuetenango. In a number of these incidents, U.S.-supplied helicopters were used to bomb and strafe communities whose misfortune was to be situated in areas where guerrillas were active.

Reagan administration actions have provided the Guatemalan government and right-wing death squads with a virtual endorsement of their tactics. The suspension of U.S. military assistance imposed during the Carter years is being eroded—a clear violation of congressional intent—and administration officials have repeatedly spoken of the need to help Guatemala combat "an international communist conspiracy."

A possible explanation for the Reagan administration's blind eye towards the most blatant case of human rights violations in the hemisphere is that a number of top administration officials, including Deputy White House Chief of Staff Michael Deaver, Ambassador-at-Large Vernon Walters, and State Department Special Consultant Lt. Gen. Gordon Sumner (Ret.), have had close personal and business ties with many of the Guatemalan officers responsible for the abuses. It is also widely alleged that the Reagan presidential campaign was the beneficiary of illicit contributions from Guatemalan businessmen and politicians anxious to have a friend in the White House.●

TRIBUTE TO JULIETTE E. ABRAHAM

HON. JIM DUNN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. DUNN. Mr. Speaker, the State of Michigan, the Republican Party, and our entire Nation has loss an outstanding individual. Julie Abraham of East Lansing, Mich. died January 25, 1982, at the age of 63. Her willingness to volunteer and her service not only to her political party, but to all human beings, can serve as an example to Americans everywhere. I wish the House of Representatives to take special note on this occasion.

At the time of her death, Julie Abraham was serving as Michigan's Sixth Congressional District Republican chairman, a title she retained since 1975. She also was membership chair-

man of the Ingham County Republican Party, a position she held since 1975 and prior to that from 1969 to 1973. She also served as a delegate to the Republican National Convention in 1972 and 1976. A dedicated volunteer, her loyalty was displayed time and again by the long hours of work she put forth to accomplish any task, no matter how difficult or tiring. Her knowledge and capabilities gave her the power to be a true leader.

But to suggest that her passing on will be a loss for only her party would be a mistake. Foremost an American, she was a great believer in democratic ideals and our political process. She was particularly active with younger Americans, and encouraged all youths to take an active role in the Nation's decisionmaking process. All who knew her selfless charity and kindness will also recognize the void her death has left us. To describe an individual as a "special person" in these times has become an overworked cliché. But there is no other way to refer to Julie Abraham.

Her loyalty, devotion, and willingness to help others, demonstrated each day, command our respect. She was truly a credit to her community and the Nation. To her husband, Eddie, and her entire family, I wish to extend my deepest sympathy.●

MUSHROOM LABELING

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. SCHULZE. Mr. Speaker, on January 26, 1982, I introduced two companion bills, H.R. 5353 and H.R. 5354, that will provide information to consumers about the origin of processed mushrooms they buy.

H.R. 5354 amends the Tariff Act of 1930 to require that containers of imported preserved mushrooms disclose on their labels, in English, the country in which the mushrooms were grown. Current law requires only that the label identify the country which last processed the mushrooms. This situation can be most misleading to the consumer, who may not know that the processed mushrooms offered for sale were actually grown in a country other than the one that provided the final processing before importation to the United States.

H.R. 5353 amends the Federal Food, Drug, and Cosmetic Act to require that containers of mushrooms not grown within the United States disclose on their labels the country in which the mushrooms were grown. H.R. 5353 is intended to address the labeling of mushrooms moving in interstate commerce and would require American producers to comply with its terms.

H.R. 5354 addresses the marking of containers of mushrooms entering the United States from foreign sources.

In my view, the American consumer has a right to know what he or she is buying. We have a right to know whether the products offered to us are grown by American farmers who are subject to inspections and sanitation requirements of the highest stringency. It is well known that the procedures in effect in many parts of the world would not pass muster in this country. It is a plain fact that overseas farming operations can operate at lower cost than their American counterparts, if the foreign operators pay little or nothing to their workers, or use methods or chemicals that would be outlawed here.

Other economic problems confront the American mushroom grower. The principal threat looming on the horizon is the ability and willingness of the People's Republic of China to surge and dump their canned mushrooms in our processed mushroom market, thereby destroying the domestic producer. The Chinese motivation is plain: that country desperately needs hard currency to pay its debts and buy foreign-made products. To get this currency, the Chinese are willing to sell below their costs in order to force out their competition, first the other foreign producers, and then the American producers.

The International Trade Commission has conducted more than one investigation into the plight of the American mushroom industry. In August 1980, the ITC ruled that imported mushrooms were entering the United States at such a rate as to be a "substantial cause of serious injury" to the American mushroom industry. Subsequently, a series of tariffs were imposed in order to stem this unprecedented assault on our domestic growers.

Today, Mr. Speaker, that assault continues, and it comes primarily from the People's Republic of China.

During the third quarter of 1981, China increased its share of the total imports to the United States by nearly 300 percent over the same quarter of the previous year. In 1978, China exported only a negligible number of mushrooms to the United States. During the 1980 marketing year, it exported over 20 million pounds, and in so doing, it became the largest single supplier of imported mushrooms to our country.

Should this trend continue, the American mushroom industry will undoubtedly become irreparably damaged while foreign competition is also reduced. The possibility of a single supply source is not farfetched. An entire American industry is threatened by attack from a nonmarket economy industry that has our farmers in its sights.

Mr. Speaker, I believe that when the American consumer learns the truth, he will support his local mushroom farmer. What I ask Congress to enact is merely a requirement for truth in labeling. If the consumer has the facts, he can make his own choice. I urge the support of my colleagues for these bills.●

DEBORAH BAKER NAMED SOUTH CAROLINA JUNIOR MISS

HON. JOHN L. NAPIER

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. NAPIER. Mr. Speaker, what we are doing here in the Halls of Congress, in essence, is preparing the way for future generations of Americans. Youth is the promise of tomorrow. Youth is, and always will be, the greatest resource our Nation possesses. It is with pride that the Sixth Congressional District of South Carolina will be represented throughout South Carolina and many parts of the Nation by a young and vivacious high school senior from my hometown of Bennettsville. Miss Deborah Till Baker was recently selected as South Carolina's Junior Miss. In honor of that occasion, I would like to present the following news account for consideration and ask that it be printed in the CONGRESSIONAL RECORD. Mr. Speaker, I wish Miss Baker much success as she competes in America's Junior Miss competition in Mobile, Ala., this summer.

[From the Marlboro Herald-Advocate, Dec. 7, 1981]

DEBORAH BAKER NAMED SC JUNIOR MISS

Miss Deborah Till Baker, 17-year-old daughter of Mr. and Mrs. Eugene H. Baker Jr. of Bennettsville and the late Joanne Kinney Baker, was selected South Carolina Junior Miss in Sumter Saturday night. She is the granddaughter of Mrs. John F. Kinney of Bennettsville and the late Judge Kinney.

The Bennettsville High School senior represented Marlboro County in the program. Deborah is senior class vice president, a member of the Beta Club, and was elected BHS Homecoming Queen last month. She is also a former Miss Marlboro Academy.

Deborah vied for the title with 57 other high school senior Junior Misses from across the state. During the week-long competition her host family was Mr. and Mrs. Buddy Sharpe of Sumter.

The Junior Miss Scholarship Program is sponsored by local sponsors and by national sponsors. Chart House Inc., Coca-Cola USA, Clairol, Kraft Foods and Simplicity Patterns.

On Wednesday Deborah was interviewed by the judges. On Thursday and Friday nights, she competed in poise and appearance, creative and performing arts, and physical fitness preliminaries.

Deborah won the physical fitness preliminary Friday night and was the $300-scholarship winner for overall poise and appearance.

Each contestant's transcript of grades, scores and honors was evaluated by a qualified panel of educators.

The emphasis of the Junior Miss Program at all levels is on excellence in scholarship, poise and personality, character, physical well-being, creativity, and in dealings with fellow humans.

Deborah was awarded a $1,250 scholarship to the college of her choice for becoming S. C. Junior Miss. She plans to enroll next fall as a freshman at Winthrop College at Rock Hill, which also awards her further scholarship funds.

Deborah will represent S. C. in the 25th annual America's Junior Miss competition in Mobile, Ala., this summer. The program is not a beauty pageant, but seeks to recognize, reward and encourage excellence in young people by presenting college scholarships and other awards to outstanding high school senior girls. Each year more than $2 million in college scholarships and other awards are offered to Junior Miss participants at the local, state and national levels.

In keeping with the claim that this contest is a scholarship program rather than a beauty pageant, Billy M. Harris of Sumter, chairman of the S.C. Junior Miss Program and manager for Deborah as the new state Junior Miss, says the young woman chosen state winner is never crowned queen. Instead, Deborah and her predecessors were given a pewter medallion, trophy, bouquet of roses, a lettered sash for her gown and a two-week all expense paid trip to Mobile for the National Program, the final night of which will be broadcast on network television.

In addition to Mr. and Mrs. Baker, those attending the event in Sumter were Deborah's brothers, Hartwell Baker III and Rob Hinson, of Bennettsville; her paternal grandfather, Hartwell Baker, and Mrs. Joan Ervin of Cheraw; Mr. and Mrs. John E. McIntyre, George McIntyre, Miss Phyllis Roberts, and George Chandler (preliminaries) of Clio; and Mr. and Mrs. Arch Fowler of Columbia.

Deborah's BHS faculty advisor and sponsor, Miss Alisa Goodman of Bennettsville, and her parents, Mr. and Mrs. Bill Goodman of Rockingham, N.C. were also among those there for the final event.

Upon Deborah's arrival in Bennettsville Sunday afternoon she was met by an official motorcade and was transferred to a convertible with city police escort. At McDonald's she was greeted by City Administrator Milby Gibson who presented her with a bouquet of red roses. Hubert Meggs, Jr., president of the Marlboro County Chamber of Commerce, and Mrs. Linda Leviner, secretary to the Chamber, presented a bouquet of red poinsettias.

She was joyfully greeted and congratulated by numerous of her high school friends, family and family friends.

IN AMERICA, THE PEOPLE RULE AND NOW THEY DEMAND ACTION AGAINST CRIME

HON. JOHN LeBOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. LeBOUTILLIER. Mr. Speaker, this past week I read a very disturbing editorial in the Irish Echo. It seems the people (whom we allege to represent), no longer have confidence in the ability of their elected officials to deal with the Nation's crime problem. Quite frankly, I concur with the author of this editorial. Despite the outrage of millions of American citizens, Congress and other legislative, judicial, and executive authorities have consistently ignored their responsibility to represent the will of the people.

It has been said that there is no greater force than an idea whose time has come. The following piece suggests that the idea this time around is that the people must act to get things done and not rely on lawmakers. That is a very sobering thought, and I urge my colleagues to consider it carefully. The editorial follows:

[From the Irish Echo, Jan. 16, 1982]

CRIME—OUR NO. 1 PROBLEM

As 1982 gets underway crime remains the major concern of the man and woman on the street. It is a world wide problem facing virtually every nation, but here we will concern ourselves with its implications to life in our own nation.

Throughout the United States the effect of the escalating crime rate has virtually changed the way we live our lives. Patterns of travel, of commerce, of entertainment have been drastically changed in the past several years.

As a matter of simple fact all of us have had to change the way we do things because society—and that too is all of us—has been unable to control the rapacious criminal population among us. It is up to the public to solve this problem because the politicians never will. Most politicians talk a good game but when it comes to action they are almost useless. Most of them react to organized pressure groups which represent few people and ignore the vast majority of people.

In the coming weeks we will make a number of proposals aimed at bringing the violent crime epidemic under control. In these proposals we will advocate the restoration of the death penalty for murder, rape and arson; a national hand gun control law; and the hiring of many more policemen.

All of these proposals have been ridiculed in the past by the small pressure groups that get politicians to do what they want while ordinary citizens suffer the consequences of rampant crime.

We believe it is time to overcome these small pressure groups which allow crime to continue in America and we intend to press for action to bring about the will of the people.

It is time Americans were once again able to walk in the streets of their nation without fear.●

SOCIAL SECURITY BENEFIT CUTS—6 MONTHS LATER

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. SHANNON. Mr. Speaker, this summer President Reagan rammed over $35 billion in budget cuts through the Congress. One of these cuts eliminated social security survivor benefits for all future college students except for a few beneficiaries currently in their senior year in high school who are able to enroll in college before May of this year.

I deeply regret that a majority of my colleagues voted to eliminate these payments to students whose parents have die, become disabled, or retired. This is the cruelest sort of benefit cut, one which goes into effect almost immediately without giving those students who were counting on receiving this income the chance to make other preparations.

The suffering and confusion has only been exacerbated by the Social Security Administration, which has been unwilling to notify current high school seniors of a way in which, under current law, they can prevent the termination of their benefit payments.

I wish to submit an article by Mike Barnicle that was recently printed in the Boston Globe. Mr. Barnicle describes some of the day-to-day human tragedies that are the result of the ill-conceived and unfair budget cuts contained in the Omnibus Reconciliation Act of 1981. Six months after the act was signed into law, its harmful impact on social security beneficiaries and their families is becoming increasingly clear.

THE INNOCENT SURVIVORS

(By Mike Barnicle)

His father died on Jan. 8, so by Jan. 22, Jim Burns, the vice president of the senior class at Peabody High School, had dropped out of school and was over at North Shore Community College, where he enrolled as a freshman. He had to do this, the 17-year-old did, because last fall a majority of the men and women in the Congress of the United States voted to cut back on the benefits paid to survivors under the Social Security Act.

"He had to leave high school in order to get the benefits," Jack Wilson, the boy's home room teacher and senior class adviser was saying. "We've had about a dozen kids this year here at Peabody High who have had to leave high school for the same reason."

The Social Security Act, nearly 50 years old, became law during hard times. It has been a witness through the years to the fact that government is best when it tries to care for those unable to care for themselves.

Last fall, President Ronald Reagan, a man in his 70s who has spent decades living in the middle of luxury, comfort and wealth, kept urging the Congress to cut nearly

everything in the budget except money for Pentagon toys. Among high-priority items to be slashed was the Survivor's Benefits program.

It used to be that if your father died, you would get a Social Security benefit check until you reached 18. The checks averaged about $225 a month. You could continue getting a benefit check until age 21 if you were enrolled in college.

Under Reagan's government, all of this has changed. Now, you have to be enrolled in college by May 1982, in order to obtain the benefits. Thus, the case of Jim Burns.

"But I just found out today that Jim isn't eligible to go to North Shore Community College," Judy Burns, the boy's mother was saying Friday. "The new law reads that you had to be getting the benefits in September of 1981 to qualify. Jim's father just died three weeks ago, so on Monday he'll have to go back to Peabody High.

"I had called the Social Security office about it at first and they gave me the wrong information. That's why Jim dropped out and enrolled in college in the first place. It makes me sick but I guess there's not a damn thing I can do about it. It really did bother him to have to leave his school but he's a sensible kid and he knew he had to do it."

"Who'd you vote for?" she was asked.

"Reagan," Judy Burns answered.

"What do you think now?"

"I don't know," she said. "I can't believe this is how he wanted it to work. I can't believe that he's really aware of how much he's hurting people, middle-class people. I guess you'd have to say I'm disillusioned.

"I voted for him because I thought that we had to end all this reckless government spending. But you don't realize the impact of things like this until it hits home. The thing that bothers me almost more than anything is that the people at Social Security didn't even inform me correctly."

"It has two effects," the teacher Wilson, said. "It has an effect on the kids who had to leave. On Friday, Jim was a high school senior and on Monday he's a college freshman. Most kids have a whole summer to prepare for that. He had a weekend.

"A parent has died and that's why they have to leave school. That's disturbing enough. You miss a lot if you miss your last year. There's a great deal of social activity in their senior year.

"It also affects the seniors who are still in school," Wilson said. "There are a lot of close, emotional relationships in this senior class. The other kids are disturbed too."

Much of the direction of government in the last 12 months has been aimed at dismantling programs that have helped the multitudes. Tell the political mind that cutting a budget is popular and all you will get is a reaction: no thought, no wondering about who gets hurt and how much they get hurt. Just the reaction and the lunge to cut spending, any spending at all, so long as it appears to be popular with the handful of millionaires who run the country from Wall Street and the White House.

Major items of interest here are things like food stamps, welfare, college loans and survivor's benefits. The military get everything they want because they use the magic word, "Russia" and the congressmen get an automatic $75-a-day expense allowance to write off on their taxes and Jim Burns gets to go back and forth from college to high school in the space of three weeks and a benefit check that runs out in June.

Reagan, who appears as amiable as a game-show host when seen on the television, does nothing to displease the wealthy. He is the President of people who don't have to worry about things like illness or college tuition.●

A SKEPTIC CONVINCED MINIMUM TILLAGE FARMING SAVES TOPSOIL

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. BEDELL. Mr. Speaker, we have taken great strides toward solving the serious problem of topsoil loss on America's farmlands. However, unless we act responsibly, we still face a future whose landscape may include drastically reduced farm production because of soil erosion.

I speak with a sense of urgency when I ask Congress and farmers across the Nation to recognize the need for agricultural practices that utilize conservation techniques. According to the Council for Agricultural Science and Technology (CAST), we are losing approximately 4 billion tons of topsoil per year. This may eventually raise costs and reduce yields for our farmers, thus decreasing the quantity of vital food supplies available to the Nation and for export.

We possess today the know-how to decrease topsoil loss by up to 75 percent, according to CAST, without losing land productivity or profit. I am speaking of minimum-tillage farming and no-till ridge planting, as explained in the book by Ernest E. Behn, "More Profit With Less Tillage." One of my constituents from Iowa, Glenn Tjossem, wrote me exclaimed his success with this exciting new technique.

Glenn writes:

Concerning till planting on the ridge, like the doubter in a recent article, I also thought, "It might work on your farm, but our low gumbo fields would be different," but now find I was wrong. After a few years of using "till plant on the ridge," our sons who are now taking over the farming ask, "Why didn't you do this 10 years ago!" My only reply is, "I didn't think it would work in our gumbo type soil. We're never too old to learn!"

He explains:

In our operation we save at least 8,000 gallons of diesel fuel, and about 72 man days on a 12 gallon per hour tractor per year. We have traded off our large 4 wheel drive tractors, as the power requirement of this method is less than ½ of conventional method. These are a few of the benefits of "till planting on the ridge" but the main reason is that there is no visible loss of soil or water in our rotation of corn and soybeans, the soybean being the big problem with erosion, especially on the loess soil type we have here.

Glenn continues:

About half of the land we farm is contoured, and the slopes there are terraced. We think we now have terraces we do not need. In Behn's book he mentions, "If the slope isn't over 3 or 4 percent no terraces are needed," as this system puts a small terrace over 30 inches. With more rolling land, this system would work well in conjunction with terraces.

I was excited by the comments in Glenn's letter, especially since they come from a self-processed doubter. His examples of fuel and time savings, the need for less powerful machinery, few terraces—on top of conserving soil and water, should certainly persuade the rest of us.

Congress plays a central role in influencing the Nation's farm production. Present policies often encourage excessive erosion for short-term, maximum production, and this results in soil deterioration. I urge Congress to redirect its emphasis on agricultural policy toward soil conservation. Farmers should be encouraged to adopt this method of farming to assure a future of productive land use in America.●

SYNFUEL FOLLY

HON. HANK BROWN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. BROWN of Colorado. Mr. Speaker, last week, 13 colleagues and I introduced H.R. 5404, legislation to abolish the Synthetic Fuels Corporation. We concluded that during a time when we face massive budget deficits, the sort of corporate welfare for major energy companies represented by the Synthetic Fuels Corporation could not be justified.

Stephen Chapman, writing in the February 4, 1982, edition of the Chicago Tribune, came to exactly the same conclusion. I commend his comments to my colleagues with the hope you will join me in the effort to abolish the Synthetic Fuels Corporation, which Mr. Chapman so accurately describes as a "monument to bureaucratic folly."

Ronald Reagan was the candidate who promised a free market in energy, unencumbered by the help or hindrance of a meddlesome bureaucracy. So why does the Synthetic Fuels Corporation still exist? And why does the President tolerate it?

On the campaign trail, Reagan was unequivocal in blaming the government for the nation's energy problems. "Free enterprise can do a better job of producing the things that people need than government can," he declared. "The Department of Energy . . . hasn't produced a quart of oil or a lump of coal."

This is not the type of thinking which created the Synthetic Fuels Corporation (SFC). A reaction to the 1979 gasoline shortage, it was supposed to spawn a full-scale industry capable of producing up to 2 million barrels of oil per day. It also promised to be one of the century's most extravagant boondoggles, with a projected price tag of $88 billion.

Such figures inspired horror in the faint-hearted. But to the bold visionaries responsible for the program, it was proof of America's resolve to be free of OPEC. "The scope of this project," boasted President Carter, "is greater than the sum total of the interstate highway system, the Marshall Plan and the space program combined." In the most optimistic dreams of its founders, this mammoth enterprise would have taken more than a decade to achieve the unimpressive goal of reducing the nation's demand for conventional oil by 11 percent.

Those dreams are not likely to be fulfilled, though the SFC has fared better under Reagan than anyone had a right to expect. Last year he decided not to dismantle the SFC or slash its budget, ignoring the pleas of budget director David Stockman. It can spend up to $14.8 billion over the next three years—though by making only loan and price guarantees, it could postpone the cost for several years.

The White House, however, has not yet declared the agency "operational," which would give it control of the synfuels projects currently supervised by the Energy Department. Nearly three years after the first gasoline lines appeared in California, the SFC has yet to award a single contract for the production of synthetic fuel.

The energy picture, of course, has changed dramatically since the panic of '79. Then everyone assumed that OPEC's stranglehold on the world oil market would guarantee steadily rising prices through the 1980s. The only way to guard against that threat, Congress and the Carter administration agreed, was to wean ourselves off of imported oil. One means was synthetic fuel—oil and gas made from shale, coal and tar sands.

In practice, things haven't worked out as expected. Instead of continuing their upward spiral, oil prices have remained more or less fixed for two years. Prices in the U.S. were supposed to skyrocket following Reagan's decontrol of oil and gasoline prices shortly after he took office, but they didn't. Since the end of 1979, in fact, the real price of oil (adjusted for inflation) has actually fallen.

The road ahead also looks reasonably smooth. Last summer Business Week reported that "oil company planners, energy economists in the U.S. and elsewhere, and even some OPEC officials are predicting steady—or possible—declining—world oil prices for the rest of this year and only a minimal increase at best in 1982 and the years beyond." Sheikh Yamani himself admits, "Within the next few years, there are no factors of any kind allowing an increase in the oil price. Such an action would be suicidal."

So why do we need the Synthetic Fuels Corporation? Its original purpose was to free us from our dependence on imported oil. But OPEC's own price increases have done much to accomplish the same thing. Since 1977, our oil imports have fallen by 34 percent.

Moreover, the prime reason for reducing that dependence—namely the prospect of soaring prices—has likewise vanished. If we can have conventional oil at stable prices, we don't need for more expensive substitutes. And the threat of blackmail from any major oil producing nation, never terribly credible, has diminished along with our demand for their product. There is always the chance that one of the Arab nations will be forced, by war or revolution, to halt production. But that is why we have a Strategic Petroleum Reserve which the administration intends to fill.

The SFC should be especially offensive to an administration that believes in the free market. Its only function is to encourage, through price and loan guarantees, and possibly through direct subsidies, the production of fuels too expensive to compete with existing energy sources. If they could be produced at competitive prices, synfuels would need no federal assistance.

During the 1980 campaign, Reagan earned much derision from Jimmy Carter with his insistence that the free market could solve most of our energy problems, if the government would only let it. Since then, in fact, if has done just that. Reagan has been vindicated, Carter discredited. Maybe the President wants to keep the SFC as a monument to bureaucratic folly. If so, he has discovered the only useful purpose it will ever serve.●

TERRORISTS ATTACK

HON. CHARLES PASHAYAN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. PASHAYAN. Mr. Speaker, Saturday, January 29, the Turkish General Counsel in Los Angeles, Kemal Arikan, was shot to death in a senseless act of terrorism. A group calling itself the Justice Commandos of Armenian Genocide claims responsibility for the action, and Los Angeles police have arrested suspected assailants.

As an American of Armenian descent, I totally abhor the incident that took place in my home State, and I am not alone in my denouncement.

The United Armenian Commemorative Committee's central California region has issued a statement regarding this incident that I should like to share with my colleagues. That statement reads:

We are all deeply disturbed and shocked by the murder of a Turkish diplomat in Los Angeles. We condemn it as a vile act of cowardice.

All such violence, no matter what the provocation, is abhorrent to all civilized people everywhere, and cannot be "explained" away.

Such dastardly acts of violence are especially repulsive to Armenian-Americans in Fresno, and all terrorists, no matter what groups, nationality, ethnic identity or political persuasion they profess, are, as President Reagan said, cowards.

It is wrong for the Turkish government to deny the first Genocide of the 20th Century—and it is equally wrong for anyone to resort to murder to undo a previous murder.

Our sympathy and prayers go out to the slain diplomat's family and we pray, along with all people seeking justice and peace, for an end to such senseless violence!●

TIME FOR THE UNITED STATES TO TAKE A BREATHER ON EL SALVADOR

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. MAZZOLI. Mr. Speaker, like most Americans, I am concerned about the tragic situation in strife-torn El Salvador. It appears that both sides in this conflict are guilty of some of the most inhumane treatment of innocent people that the world has ever seen.

Recent days have yielded news accounts detailing a level of violence, bloodshed, and carnage almost beyond comprehension. I am convinced that it is time for the United States to terminate military assistance to the Government of El Salvador since it is clear that some of this material is being used to further the bloodshed and destruction.

Recently, a network analyzed the administration's alternatives in dealing with El Salvador as unacceptable on the one hand—referring to the possibility of a Marxist takeover—and undesirable on the other hand—referring to the support of a government that appears to be unable—or, as some aver, unwilling—to halt the slaughter of its innocent citizens.

Certainly the choices and options of El Salvador are not easy. But, the presence of military equipment makes it unlikely that nonmilitary or diplomatic options to end the war will be explored fully and completely.

Mr. Speaker, what is now needed is a step back, a deep breath, an end to the killing so that the parties can get on with the talk of peace.

That is why I have added my name to House Joint Resolution 399, legislation introduced by my colleague from Massachusetts Representative GERRY STUDDS, which seeks to suspend military assistance to the Government of El Salvador.

House Joint Resolution 399 could provide the halt—the change in mood and tempo—needed to achieve a lasting peace in El Salvador.●

TRIBUTE TO MR. TSUROMOTO

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. EDWARDS of California. Mr. Speaker, I take this opportunity to commend and congratulate Mr. Matsutaro Tsuromoto on the occasion of his 90th birthday. Mr. Tsuromoto will mark his 90 years on March 2, 1982,

and I would like to bring attention to his accomplishments.

Mr. Tsuromoto, a native of Japan, emigrated to the United States in 1909 at the age of 16, and soon thereafter settled in the Mount Eden area of Alameda County. It was here he began his legacy of establishing an extensive sharecropping network of strawberry farmers. His farming influence was further manifested through his participation in the San Francisco-Central California Berry Growers Association, as a board member, and as president of the East Bay Farming Corp. His agricultural interests were not confined to growing strawberries, as he farmed the T. & M. Vineyard in Cortez, Calif., and maintained 100 acres of property there at the young age of 27.

As a U.S. citizen, Mr. Tsuromoto has contributed extensively to his community. In 1930, he established and was superintendent of the Alvarado Japanese Language School, always concerned that English be mastered in order to succeed in this country. He served on the Alameda Budhist Church District Council, and on the Alvarado Japanese Association Board.

Mr. Tsuromoto has had a full and rewarding 90 years. He is now the father of 4, grandfather of 11, and great-grandfather of 4. For all of his efforts, Mr. Tsuromoto recently received the Japanese governmental decoration, the Order of the Sacred Treasure, Sixth Class.

I would like to add my commendation and congratulations for all of Mr. Tsuromoto's achievements that have comprised his 90 years and to extend to him a hearty and sincere wish for a very happy birthday.●

ASSASSINATION OF THE TURKISH CONSUL GENERAL IN LOS ANGELES

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. WILSON. Mr. Speaker, It is with outrage and consternation that I have read the news of the assassination of the Turkish Consul General in Los Angeles on January 28, 1982, by Armenian terrorists.

This is not the first assassination to occur with respect to Turkish officials in our country. In 1973, the Turkish Consul General and the Turkish Consul were killed in Los Angeles by an Armenian American. Since 1973, 21 Turkish diplomats and/or members of their families have been killed in Western Europe and Australia. However, this marks the first incident of its kind since 1973 on American soil.

The organization claiming responsibility for the killing, as well as for the bombing of General Consul Kemal Arikan's home last fall, is the Justice Commandos of Armenian Genocide. If you recall the intercommunal warfare between the Turks and Armenians during World War I, you will remember that they resulted in the deaths of majority of the Armenians in the Ottoman Empire and resulted in 500,000 Armenians fleeing to Russia and Lebanon. They also resulted in the deaths of several hundred thousand Turks. These terrorists claim "revenge" by killing Turkish diplomats.

If we could accept their arguments, we would return to the law of the jungle and Hobbesian conditions, and our streets would become the battleground for foreign vendettas. Furthermore, these Armenian terrorists attack the diplomats of our trusted NATO ally: Turkey. Their sister group, ASALA (Armenian Secret Army for the Liberation of Armenia) is strictly Marxist and wants to attach Eastern Anatolia to Soviet Armenia.

May I again comdemn in no uncertain terms the dastardly killing of the respected Turkish diplomat and may I at this juncture insert into the RECORD the speech of His Excellency Sukru Elekdag, Ambassador of Turkey to the United States at Mr. Kemal Arikan's funeral.

REMARKS OF DR. SUKRU ELEKDAG AT THE FUNERAL OF KEMAL ARIKAN

Kemal Arikan, the Los Angeles Consul General of the Turkish Republic, on the 28th day of January, while discharging his duties, fell victim to a dastardly crime in this city.

In addition to bringing profound sorrow to Mr. Arika's family, his friends and his colleagues, his loss has brought grief to the Turkish Nation, whose valued son has fallen in its service.

Kemal Arikan, the Consul General of an allied and friendly country to the United States, his family, and his entire consular staff, had been carrying out their duties here in Los Angeles under constant threat and harassment. Kemal Arikan's residence was bombed, his office was bombed, and his life threatened repeatedly.

Kemal Arikan is the third Turkish Diplomat to have been murdered in Los Angeles. In 1973, Turkish Consul General Baydar and Deputy Consul General Demir were shot down by an Armenian. During the ensuing period, 17 Turkish diplomats or members of their immediate families were murdered in different parts of the world by Armenian terrorist organizations. In other words, the chain of killing and shedding of innocent life that was initiated here in Los Angeles, has, after claiming so many victims, come full circle.

Persons claiming to represent the Justice Commandos of the Armenian Genocide have taken responsibility for the assassination of Kemal Arikan. The same organization has also claimed responsibility for the murders of the Turkish Ambassador to the Vatican, Taha Carim, the wife of the Turkish Ambassador to Spain, Necla Kuneralp, retired Ambassador Besir Balcioglu, the Turkish Consul General in Sidney, Australia, Sarik Ariyak, and his aide Engin Sever.

The Armenian Justice Commandos have also declared that, together with ASALA, an Armenian Communist terrorist group, they have assassinated Ahmet Benler, son of the Turkish Ambassador to the Netherlands, and Yilnar Dalcan, Press Counselor in Paris.

Last week's murder of Kemal Arikan is clear evidence that Armenian terrorists have expanded their network in the United States to intensify their wanton, criminal acts here. It would be a big mistake to dissociate Kemal Arikan's murder either from all those which preceded it or from the acts of terrorism to which General Dozier and Charles Ray, the American military attaché in Paris, were subjected. These and other recent terrorist acts are related and part of a larger phenomenon, an integral plan to weaken and subvert the societies of the Free World.

ASALA, the Armenian Secret Army for the liberation of Armenia, for example, is an avowed Communist organization whose declared mission is to detach a strategically important part of Turkey and annex it to Soviet Armenia. It is clear that ASALA receives support from other, non-Armenian, terrorist organizations in Europe and the Middle East and from Marxist-Leninist entities. These groups share a common objective—the destruction of these societies in which Western ideals and liberties can flourish.

It should not be forgotten that these terrorist organizations, in many instances, attempt to appear to champion the illusory goals of various groups whenever they can use such goals and groups for their own dark purposes. The pretext for the murder of Kemal Arikan, as with the murders of his predecessors here in 1973, reportedly is to avenge a grievance which stems from misrepresented events of almost 70 years ago. The continued propagation of this distortion of history breeds vengefulness from generation to generation and plays into the hands of Armenian terrorists.

In Turkey, there are tens of thousands of people whose parents and other close relatives perished because of Armenian actions during the tragic incidents of 1913 in the midst of World War I. But, these Turks have chosen to lasso bitterness and to adopt a spirit of peaceful reconciliation. It is senseless to open the wounds of 70 years ago when the world has been striving to heal the wounds of the far more recent Second World War.

One would hope that the Armenians of goodwill will condemn terrorists who shed innocent blood in 1982 and repudiate their actions. Likewise, we should be alert to brand as counterfeit those condemnations of terrorists that in the same breath rationalize it. These are especially disturbing when they are uttered by public officials.

The reopening of ancient wounds is also senseless because the Turkish Republic, whose foundation was constructed over the ruins of the Ottoman Empire after World War I, today is a strong, robust state of 46,000,000, a valued member of the Western world, and a staunch ally of the United States. Turkey has the power, the capacity, and the will to preserve the integrity of its homeland and to protect it from the designs of its enemies.

Americans, no less than Turks, cannot tolerate terrorism. The security of the public domain is a primary requirement for a free society, whether in the cities of Europe or in cities such as Los Angeles.

Terrorism is a dreadful plague of our era and a scourge to be eradicated. If the Western world is unable to deal with it, our societies will be disabled. It behooves all civil-

ized countries to work for an effective cooperation in the fight against international terrorism.●

JOHN D. CAEMMERER, 1928-82

HON. JOHN LeBOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. LEBOUTILLIER. Mr. Speaker, it is with deep sadness that I note the passing of one of the most influential leaders of my home State of New York, State Senator John D. Caemmerer.

Senator Caemmerer died on February 7, and his death is deeply mourned by his constituents, friends, legislative colleagues, and officials throughout America who have profited from his leadership in the field of transportation.

Senator Caemmerer was elected to the New York State Senate in 1966, and emerged from relatively obscure freshman status to become one of the most influential and highly-regarded leaders in the State. Senator Caemmerer was the most active and influential chairman of the Senate's Transportation Committee that the Senate has ever seen, and his imprint on New York's mass transit legislation is deep and everlasting.

"When I started to call for operating subsidies in 1968," The New York times recalled Caemmerer as saying, "I was looked on almost as a socialist in my own party."

Senator Caemmerer's prescient views on the cold, hard facts of subway operations saved the decrepit New York mass transit network from total collapse. His stands on this issue in particular, and on many others in general, reflected a strong intellectual and moral independence. Senator Caemmerer was not merely a legislator; he was a statesman. New York came first. Public welfare came before politics. Quality came before anything else. John Caemmerer was a firm believer in the age-old truism, "Good government is good politics."

New Yorkers will miss John Caemmerer's unflagging and committed fight for better transportation and better State government. His constituents will miss his heartfelt attention to their needs. American transportation policymakers will miss his invaluable input. His friends and family will miss his good cheer, compassion, and bravery.

John Caemmerer is survived by his wife, Joan, who played an active part in the Senator's public career. To her and his five children, I express my deepest sympathies.

We mourn the loss of John Caemmerer; we will never forget the lesson that he taught all of us about good government.●

HORRY HONORS VETS

HON. JOHN L. NAPIER

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. NAPIER. Mr. Speaker, America owes a great debt of gratitude to its 30 million veterans. It is also comforting to note that, in many instances, our veterans continue their leadership roles when they return to civilian life. One such individual who has shown a commitment to the betterment of his fellow human beings, and veterans especially, is Bill Davis of Galivants Ferry, S.C. Mr. Davis was recently recognized for his contributions to the improvement of his community, especially in education and agriculture.

As chairman of the Horry County Board of Education, Bill Davis has provided unequaled leadership in the quest for quality education there for more than a quarter of a century. His activism has been contagious also in agriculture, an industry in which he is highly esteemed for his successful management of one of the largest farm operations in the Sixth Congressional District. He is a national leader in the tobacco industry.

I offer the following news article for the RECORD, and Mr. Speaker, I wish to commend Bill Davis as an exemplary citizen and public servant, active in the affairs of his fellow man and a positive force for good in the Sixth Congressional District, in South Carolina, and in the Nation.

[From the Horry Independent, Nov. 17, 1981]

HORRY HONORS VETS

American Legion posts in Conway and Aynor gathered on Veterans Day Nov. 11 to pay tribute to those who have defended the nation.

In Aynor, several hundred people braved nippy winter weather to observe the Aynor American Legion Post 81's Veteran's Day Parade and celebration.

In Conway, American Legion Post 111 marked the annual observance by presenting its distinguished service award to Bill Davis of Galivants Ferry.

Despite a nippy wind and occasional showers, citizens of Aynor gathered to pay homage to American veterans. A parade of dignitaries, beauty pageant contestants and veterans wound through the streets of the town.

Later, Edward T. Pendarvis, past department commander of the American Legion, gave the keynote address.

"This country owes a debt of gratitude to its fighting men and women that can never be repaid," said Pendarvis, a Charleston real estate developer. "America's the greatest nation in the history of the world not because of our great resources, but because of the men and women who live here and who have made their indelible stamp."

Among the special guests at the Aynor celebration were Gold Star mother Stella Tyler and World War I veterans Bruce Altman and Mack Johnson.

Bill Davis, chairman of the Horry County Board of Education, received Post III's highest public service award at a banquet Wednesday night attended by several hundred legionnaires and their wives.

Capt. George Stein, UNS (Ret.), head of the Naval Junior ROTC unit at Conway High School, was the guest speaker.

Davis was cited for his long history of service to the community by Dave Altman who presented the award.

Special guests included Mr. and Mrs. Bill Leftridge, American Legion Zone 4 Commander of Florence.

General manager of Holiday enterprises, Davis has served on the local, state and national levels. A native of Aynor, he has been chairman of the board of education for 26 years. he also serves as president of the Horry County Farm Bureau.●

BUSING: A CHESS GAME WITH NO WINNERS

HON. WAYNE GRISHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. GRISHAM. Mr. Speaker, last week the Senate passed the strictest antibusing language ever approved by either House of Congress. While I applaud this action by our colleagues, I am concerned that these provisions do not go far enough.

The Federal Government does not have the right to dictate where our children should and should not go to school. We must pass a constitutional amendment to guarantee the right of our children to attend their neighborhood school.

The American people are not the kind of people who will tolerate a government that fails to heed their warnings.

They are not the kind of people to sit in Washington and deny them the opportunity to decide for themselves whether or not busing their children is the answer.

They are not the kind of people who will let us sit in silence while miles away a handful of "experts" move their children around as if they were merely pawns in a master chess game—where no one ever wins.

But they are the kind of people who will refuse to elect representatives who will continue to misrepresent them.

And they are the kind of people who will refuse to relinquish that for which they have fought the hardest—to decide what is best for their children.

They are that kind of people for one reason, Mr. Speaker. It is because all their lives they have been promised that all they need do is raise up their voices so that we can hear them. They

are raising their voices today, and it is time that we listened. I ask my colleagues to hear those voices and sign the discharge petition which will bring this resolution to the floor of the House.●

NEOPACIFISM, ANTIAMERICAN STYLE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. MICHEL. Mr. Speaker, one of the more disturbing and dangerous trends in international affairs in recent years has been a revival of a kind of pacifism in Europe and, to a lesser degree, in the United States. I say a kind of pacifism because it is apparent that what we might call the neo-pacifists direct their criticism at the United States much more than they do at the Soviet Union. There are, of course, elements of hate-America in this movement, mingled with a genuine fear of a nuclear war, and—to what degree no one is certain—Communist manipulation of naive and uninformed people.

Recently the Wall Street Journal published an article by John Boland which showed how one leftist think tank is trying to exploit pacifist feelings in the United States. The Institute for Policy Studies, a group that directs considerable energy and intellectual talent to criticism of the foreign policies and defense policies of the United States, while ignoring the Soviet Union, recently held a conference at which the question of anti-American pacifism was enthusiastically endorsed. John Boland gives a chilling and accurate picture of the leftist mentality at work.

We cannot afford to ignore the move toward pacifism in our country. Already the cause of an anti-American pacifism has received support from otherwise respectable sources, such as church leaders. The aim of this movement, whether it is directly stated or hidden, is the unilateral disarmanent of the United States.

This would be a disastrous calamity for the human race. We cannot simply dismiss this move to disarm our Nation and weaken the will of the West. The arguments of the anti-American pacifists have to be countered openly and effectively. I hope we are doing this in our tax-supported worldwide information programs.

At this point I wish to insert in the RECORD "Peace, War and the Institute for Policy Studies," from the Wall Street Journal, February 5, 1982:

[From the Wall Street Journal, Feb. 5, 1982]

PEACE, WAR AND THE INSTITUTE FOR POLICY STUDIES

(By John Boland)

WASHINGTON.—Among Washington think tanks, the Institute for Policy Studies sets a mean pace. It criticizes the United States as engaging in militarism, imperialism and domestic repression, assails multinational corporate power, and provides a forum and political lobbying arm for Third World liberation movements. A recent colloquium at the Institute's headquarters here brought together about a hundred persons, including fellows from IPS and its Transnational Institute affiliate, at least three congressional staff members, a U.S. coordinator for Palestinian organizations and a number of university students. The theme was "Prospects for Peace and War," and the purpose was to try out ideas for building a major U.S. disarmament movement. That cause already has enlisted dozens of other groups, from pacifist Catholic bishops to the Soviet-influenced World Peace Council.

While the campaign resembles the Vietnam-era resistance movement, its ambitions are far grander: nothing less than the Atlantic Alliance's demise, a neutral Europe and U.S. disarmament.

Soviet militarism aroused little alarm. Amid chatter about the "reaction" and "viciousness" of the Reagan administration, about capitalism's "hegemonic presumptions," Fred Halliday, a Transnational fellow, tried to explain Soviet missile deployment against Western Europe. "All the Russians have done with the SS-20 is try to catch up," said Mr. Halliday. Agitation in Europe by an "unflinching neutralist and pacifist movement," opposing the basing of NATO nuclear weapons, Mr. Halliday observed, could mark a breakthrough against East-West "bloc logic," and hasten the alliance's dissolution, "which in my view is what should happen."

"The idea that we're going to win the arms race is absurd," declared Richard Barnet, a former official in the Kennedy administration, and a founder of IPS in 1963. "The hopeful element in all that is that by turning on the rhetoric, Reagan has scared the American people and the allies more than the Russians. That's done more for the European peace movemet than anything else." Citing a poll finding that 47 percent of the American people expect a nuclear war within five years, Mr. Barnet added: "That the security policy developed by the administration is disbelieved by so much of the population suggests great possibilities for an American peace movement. The possibilities will increase as we see the economic damage of the arms race."

Marcus Raskin, co-founder of the Institute, urged a moral campaign to put nuclear weapons "outside the frame of reference of any strategic defense of the United States." Building them and aiming them at cities, he insisted, could be treated as a "war crime." American scientists could be pressed to take a "Hippocratic oath" refusing to build nuclear weapons.

One early test for that kind of thinking is the United Nations Second Special Session on Disarmament, scheduled for June 9 to July 7 in New York. A favorable public and media response to demonstration and pulpit-pounding surrounding that session will encourage IPS and other groups that the U.S. may be receptive to a peace mobilization. In coming months, the Institute plans to train speakers for campus road shows in hopes of having a disarmament bandwagan rolling by fall.

Is all this wishful thinking? Especially given Afghanistan, Poland and the public's seeming rightward drift? Skeptics within the IPS orbit argue that two major elements needed for a neutralist movement are lacking in the United States; exploitable fear of a limited nuclear conflict in one's backyard, a theme the left has been drumming home in Europe; and the nationalistic exhilaration of kicking Americans and their weapons out.

With the audience generally sympathetic, some speakers felt free to let their hair down more than they do when writing for the Nation and the New York Times oped page. There was general agreement, for example, that the disarmament message couldn't be sold on its merits all the time, but such issues as economic burdens and unemployment would help recruit support. Chester Hartman, a visiting fellow at IPS, referred to "savage" domestic budget cuts in food stamps, Medicaid, public housing and other welfare programs. By identifying the cost of C-5 transport planes and other military hardware in terms of numbers of people cut from social benefits, he suggested, the left could excite resistance. "Don't forget that this becomes a two-way argument," he counseled. "The more money we succeed in pulling to domestic uses, the less will be available for getting those C-5s built and our rapid deployment force around the world."

Issues of Soviet expansion and repression were deflected with denunciations of U.S. support of the "murderous oligarchs of El Salvador" and of plots for intervention against the struggling democrats in Nicaragua. Declared Fred Halliday: "The hypocrisy of the Reagan government on Poland is just beyond belief," because while assailing repression there the U.S. has been aiding El Salvador, Pakistan, the Sudan and other repressive right-wing regimes. "The actual level of repression is less" in Poland, according to Mr. Halliday, than in "20 or 30" of the U.S. and Britain's allies. A bit later, IPS fellow Michael Moffitt referred in passing to Third World countries that are "more democratic in the burgeois sense"—as opposed to those that have been liberated.

One schism disrupted things. Fred Halliday announced that if Western Europe had rejected U.S. Pershing II missiles in return for the Polish government's granting Solidarity a role, Poland wouldn't be under martial law. The suggestion of NATO complicity in Poland evoked an outburst from one of left journalism's elders, I. F. Stone. Condemning the Soviet Union's sentencing of members of the Helsinki watchdog committee, Stone cried: "Why did they have to send these few brave people to Siberia? What were they so afraid of? . . . The rigidity of this regime is a disgrace. They've destroyed socialism morally." On Poland, he snapped: "You can't blame it on Reagan. It's a big event. . . . These cliches are not good enough for reaching our fellow citizens and urging caution."

Fred Halliday was wounded. "It's not cliche," he said. "It's a central theme of the European peace movement—shared responsbility."

Mr. Stone wasn't present for later sessions, so he missed a ringing apology for Soviet expansion by Saul Landau, a TNI fellow recently returned from conferring with Sandinista officials in Nicaragua. Said Mr. Landau: "Anti-Sovietism is the key to the [Cold War] ideology. It's one of the

great divisors within the progessive movement, and we have to deal with it. . . . The Soviet Union has been the one insurance policy of successful [Third World] revloutions."

Mr. Landau, who a few years ago told a Cuban friend that he planned to dedicate himself to "making propaganda for American socialism," saw hope for advance of the liberation cause. The language of Catholic priests in denouncing economic injustice and the language of Marxist-Leninist guerrillas are identical, Mr. Landau observed.●

CARDINAL DEDICATES NEW ST. JOACHIM'S CHURCH

HON. JOSEPH F. SMITH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. SMITH of Pennsylvania. Mr. Speaker, I would like to pay tribute to the parishioners of St. Joachim's Church, which is located in my district. The history of this church, which stretches over 100 years, is one of service to the community and concern for the needy people of the area.

Tragedy struck this church in 1979 when fire destroyed the church building. On December 13, a Mass of Dedication was celebrated for their new edifice. For this occasion, the Catholic Standard and Times published the following article, which pays tribute to the clergy who have served there and the people who have worshipped there:

[From the Catholic Standard and Times, Dec. 10, 1981]

CARDINAL DEDICATES NEW ST. JOACHIM'S CHURCH

Cardinal Krol will be the principal celebrant of a Mass of Dedication this Sunday, Dec. 13, at 3 p.m. when the new St. Joachim's Church in the Frankford section of Philadelphia is formally opened. The Cardinal will be assisted by 14 concelebrants, and he will also take part in a formal procession into the new church.

(St. Joachim's was destroyed by fire on June 8, 1979.)

The dedication of the new building is the latest chapter in the long history of St. Joachim's; the parish celebrated its 100th anniversary in June of 1974. Here are excerpts from the parish history booklet published when the parish celebrated its 100th birthday.

June 28, 1874, was another torrid day in Frankford. The thermometer was inching upward (it would eventually reach 89 degrees) and beads of moisture formed on the brows of the large crowd of people gathered on Pine St. On the outer edges of the crowd, the horses stood passively, their work half over. They had carried some important guests to the ceremony.

For the members of St. Joachim's Church, the day marked both an end and a beginning. The cleared ground on which they were standing once supported their old church, the first St. Joachim's built in 1845. It had been only nine years ago that the tall steeple had finally been fixed onto that first building at a cost of $8,000. But the parish soon outgrew those first modest beginnings.

Now, Archbishop James Frederic Wood was here on Pine St. (later to become Church St.) laying the cornerstone for the new edifice, a $90,000 gothic structure which would be regarded in an 1886 newspaper article as "one of the finest in the state and a lasting monument to the liberality of pious Catholics."

An intensive 1974 search for the cornerstone laid that day more than 100 years ago has failed to turn up the precious stone, which was freshly cut and polished that day by Bishop William O'Hara of Scranton, who preached to the large crowd at the ceremony.

Father Nicholas J. Walsh, pastor of St. Joachim's a century ago, wasn't thinking about 1974 when he watched the cement being troweled on the cornerstone that warm summer day. He had been pastor for two years and early in his tenure had gathered together his congregation to plan a new building. The old church had been condemned as unsafe and unfit for worship.

The Catholics in the Northeast, for whom St. Joachim's served as the only accessible church, needed a new building. Needs had changed. In 1845, the first church had a population of about 100 people, coming from Fox Chase, Jenkintown, Bustleton, Holmesburg and Tacony. Now there were thousands of worshipping Catholics.

Father Walsh, who came to St. Joachim's from Pottsville in 1872, began by building a temporary chapel on the site later occupied by St. Joachim's School. The temporary church built, the last Mass was said Sept. 15, 1873, in the old church, at one of the side altars because the main altar had already been removed. Down came the old church.

Before the new St. Joachim's was completed, Father Walsh was gone, transferred to St. Charles Borromeo, Philadelphia, in 1877. His work was carried on by the new pastor, Father John P. Byrne, who mixed patience and enthusiasm as the work and the financing of the new structure dragged on.

But finally, the last stone was fitted into place and the final polished walnut pew installed. The new St. Joachim's was dedicated on Oct. 17, 1880, with a sermon by Father B. A. Maguire, S.J., one of the most celebrated orators of his time. Pope Leo XIII sent his blessing and congratulations and Archbishop Wood officiated.

The school was completed in 1885 and cost at least $25,000. It has a capacity of 1,200 students.

As the population of Philadelphia's Catholics grew, fed by the large influx of immigrants, many of them Irish and German, the newly-erected Catholic Church in Frankford found its parish list swelling. By 1886, St. Joachim's had nearly 4,000 worshippers and the outlying districts it once served were gradually obtaining their own churches.

St. Joachim's was a jewel in the quaint, row-home community of Frankford. On one side of the new church building stood the rectory, a patchwork of buildings from the 1850s and 1870s. On the other side, the convent for the Sisters, Servants of the Immaculate Heart of Mary, who were in care of the school. The older convent had been opened in 1866, at an expense of over $12,000.

To the rear of the new church was the old cemetery, which preceded the Catholic possession of the land and provided a note of eternity for the parishioners who filed into the Lord's House. The graveyard had been purchased by the church in 1861 and it was in this cemetery that Father John P. Byrne, who had watched a parish mature in its new facilities, was laid to rest after a lengthy illness. He died Aug. 29, 1891.

One month later, on Sept. 24, 1891, there came to St Joachim's a tall, portly priest with an arisocratic air, a man who was to dominate the scene at St. Joachim's Church for the next 34 years—Father Francis P. Fitzmaurice.

Under Father Fitzmaurice, St. Joachim's thrived. By 1897, the church boundaries had shrunk from the original far-reaching limits to those mentioned in a church calendar of that year: "South to Venango St. north to Dark Run Lane and east to Frankford Creek."

Father Fitzmaurice added more and more refinements, including an imposing bell tower, constructed by a local contractor, James J. Murphy.

In 1925, at the age of 77, Father Fitzmaurice died. In obedience to the pastor's last request, his body was buried in the cemetery behind the church, without ceremony.

Soon afterward, the parishioners contributed toward a $2,145 memorial to the dead pastor. A moving plaque, entitled "An Appreciation," noted:

"He was with us so long that, like growing children in thinking of their parents, we never entertained the thought of his ceasing to be."

And finally, the memorial said: "Our love for him was reverence and our reverance for him was love. He is gone. His memory shall ever be with us. In the Firmament of our lives as a star of the first magnitude, his worth shall always shine."

St. Joachim's was driven through the next quarter of a century, through the Great Depression and World War II, by a dynamic priest with the build of a jockey and the tenacity of a Crusader—Father John B. Dever, a short, wiry man who managed tall feats in this third and final pastorate.

Father Dever had been born in Stoughton, Mass., received his priestly training in St. Charles Borromeo Seminary at Overbrook.

Succeeding Father Dever was Father Thomas A. McNally, a Kensington native who had attended St. Charles Seminary and was ordained in 1915.

His service to St. Joachim's was short, but full. It was Father McNally who began the rebuilding of the rectory at Church and Griscom Sts. He died on Dec. 2, 1952, before the work on the priests' house was finished.

Within a short time, Father James A. Donnelly, a West Philadelphia native and also a graduate of St. Charles Seminary, was named pastor of St. Joachim's.

Father Donnelly's return as pastor to St. Joachim's was a happy note, but it lasted only a short time. He died July 17, 1954, after a three-week illness. He was 59 years old.

In its next pastor, St. Joachim's was blessed with a priest whose piety and concern for the total church community earned him an undying respect and devotion. Father Francis A. Fagan, a man from Bethlehem, Pa., had been ordained a priest in 1924 by Dennis Cardinal Dougherty.

In June of 1971, St. Joachim's welcomed its new pastor, Father William L. Cotterall, a West Philadelphia native who attended St. Charles Seminary and was ordained June 7, 1941.

Father Fagan remained as pastor emeritus, providing a gentle counsel and comfort to the parish until he died on Oct. 13, 1972.

On June 29, 1978, the Oblates of St. Francis de Sales were given the responsibility of administering to the needs of the parishioners of St. Joachim's. Father Anthony F. Silvestri, O.S.F.S., was appointed pastor. His assistants were Father John J. Bradunas, O.S.F.S., and Father Francis J. McGuire, O.S.F.S.●

HUGHES' CRIME BILL CAN MAKE A DIFFERENCE

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. DE LUGO. Mr. Speaker, this week, our colleagues will have the opportunity to support a bill that can significantly reduce the rate of crime in each of our communities. H.R. 4481, the Justice Assistance Act of 1981, offers this Congress its best chance to make a difference in reversing the steadily increasing rate of crime that many of us so often lament, yet seldom do anything about.

This legislation, which we have our colleague, BILL HUGHES, to thank for, would provide our State and local governments with $170 million in fiscal years 1982 and 1983 to combat crime. These funds will not be used to supply local police departments with exotic, expensive, and often unneeded equipment. It will not fund esoteric psychological studies of lefthanded pickpockets. It will give your community funds for proven programs that show results in reducing crime.

The bill will limit the use of these grants to the following categories:

Community anticrime programs;

Disruption of commerce in stolen goods and property;

Arson;

White collar crime, organized crime, and public corruption;

Career criminal and witness/victim programs; and

Several other areas that directly impact on reducing crime.

I know, from speaking with law enforcement officials in my own area—the U.S. Virgin Islands—that this bill would be a tremendous help in reducing crime. I believe that if my colleagues will check with their local police officials and sheriffs that they would find as widespread support for this bill as I did.●

VOLUNTARY HELP FOR 10-YEAR-OLD EXCEEDS EXPECTATIONS

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. McDADE. Mr. Speaker, the capacity of the American people to volunteer to help individuals in need is again demonstrated by an event in Scranton, Pa., involving Bobby, a bright and enthusiastic 10-year-old who is a victim of cerebral palsy.

The story of Bobby and his new foster parents, Mr. and Mrs. Joseph Walsh, has been told in a series of articles by Joseph X. Flannery, special writer for the Scranton Times, who has commented:

My instinct when I approach almost any story is to be a skeptic. Accept little on faith is my usual journalistic creed. However, I have to admit that all my cynicism dissolved recently when I met Joseph and Catherine Walsh and heard their appeal for help.

The people, organizations, and businesses of Scranton have set an example in responding voluntarily to help a member of the community, and their actions warrant wide attention. Accordingly, I ask that the following accounts from the January 10, 17, and 21 editions of the Scranton Times be printed in the RECORD at this point.

[From the Scranton Times, Jan. 10, 1982]

COUPLE WITH GROWN FAMILY TO ADOPT HANDICAPPED BOY

(By Joseph X. Flannery)

Joseph M. and Catherine Walsh have raised their family of four children, and like most grandparents their age could begin looking forward to taking things a little easier for the rest of their lives.

Instead, they are taking on the permanent job of raising a 10-year-old child who cannot talk, walk or use his hands.

Love is the key element of this story now unfolding at the modest Walsh home at rear 1320 Wyoming Ave. Unless one understands that love, one cannot comprehend why the Walshes, both of whom are 51, would want to adopt Bobby, a quadriplegic totally dependent upon others for his every need.

Love is also the reason why Mrs. Walsh has begun a campaign to raise the $5,000 needed to buy Bobby a sophisticated electronic device that would enable him to dramatically expand his already surprising ability to communicate with others.

The Walshes figure the key to a productive life for Bobby is an education. But without communication skills, his education would be limited.

Bobby, despite his physical handicaps, is not mentally retarded in any way. A happy and amazingly well-adjusted child, he used a very fundamental system of communicating to learn to read and do arithmetic at about a third-grade level.

He also has developed some physical skills that have amazed persons who had said the youth would be immobile the rest of his life. From a prone position, he can rise to a kneeling position—a feat that he loves to demonstrate for visitors. Similarly, he has developed some hand and arm control, too, although not enough to change his legal classification as a quadriplegic.

The Walshes currently are Bobby's foster parents and they hope to formalize his adoption by March.

The couple points out the youngster has reached the limits of his education under his present system of communicating. With the new device, however, they say he might some day go on to college.

"This new machine could give Bobby a chance to develop the normal mental abilities God gave him," said Mrs. Walsh. "The alternative is to frustrate him forever," she added.

The machine the Walshes are planning to buy is one of 10 devices now being manufactured by Prentke Romich Co., a firm in Shreve, Ohio, that has a division specializing in equipment for handicapped persons. Called "Express 3," it is an updated version of a communications machine for the handicapped that the company has been producing for years.

Bobby, a victim of cerebral palsy from birth, was an infant in a foundling home when the Walsh family first saw him. One of the Walsh children, Kathy, was a volunteer worker at the home and she fell in love with the tiny tot. In time, she started taking him home for weekends—a step that caused her love affair with Bobby to spread to her parents and three brothers. From that point on, Bobby has been part of their family life.

The child spent a number of years in institutions, with the Walshes being his informal "foster family" that took him into their home for weekends, holidays and other occasions. Finally, 16 months ago, the Walsh couple became the legal foster parents.

"Soon he will be ours," Mrs. Walsh said as Bobby—totally aware of all conversation around him—jumped up and down from his kneeling position to express his joy over the prospect.

Among the institutions Bobby has stayed at is the Home of the Merciful Saviour for Crippled Children in Philadelphia. It was there that he was taught how to communicate through a system of numbers, letters and words that appear on a large wooden tray attached to his wheelchair.

However, the Walshes and those working on his education at the Northeast Educational Intermediate Unit orthopedic classroom at the Easter Seal Building on Scranton-Carbondale Highway, Blakely, feel that he has reached the limits of learning under his present communication system and that the new machine, "Express 3," holds the key to his future progress.

Thus, Mrs. Walsh is busy these days writing letters to persons and organizations that she thinks might be willing to contribute money to a "Bobby Fund" to buy the machine that would enable the child—with the movement of his head—to cause letters, numbers, words and even sentences to be printed and vocalized through a built-in tape recorder.

With this machine, a handicapped person can learn to communicate sufficiently to absorb as much knowledge as his intelligence will permit.

"We don't know how far Bobby could progress, but we want him to have the chance," said Mrs. Walsh. For that reason, she said, she is forgetting her pride and begging people to help.

The Walshes cannot do it themselves. They are a family of modest means and barely get by on Mr. Walsh's job at McKinney Manufacturing Co.

"But I'm going to get this money for Bobby if I have to go to the president of the United States," Mrs. Walsh said.

[From the Scranton Times, Jan. 17, 1982]

CARING STUDENT COLLECTS $617 FOR BOBBY FUND

(By Joseph X. Flannery)

Dave Hollander, the 19-year-old college student who launched a one-person campaign last week to raise money for the

Bobby Fund, concluded his efforts with a total of $617 collected.

Hollander solicited the money to help Joseph M. and Catherine Walsh, rear 1320 Wyoming Ave., buy a special electronic machine that they need to enable their foster child, Bobby, 10, to communciate.

Bobby, a victim of cerebral palsy, cannot speak, walk or talk, but the Walshes are adopting him and want to buy the $5,000 machine that will enable him to "talk" through movements of his head that result in words and sentences to be printed and verbalized.

Hollander, a freshman at Keystone Junior College, read about Bobby in The Sunday Times and decided to start the collection. Without being asked, he started his one-person campaign and collected the $617, mainly from businesses in the downtown area.

On his final day of collecting, Hollander also toured City Hall with a letter of introduction from Mayor James Barrett McNulty. On that foray, he picked up $48.

In addition to the cash that Hollander collected, he said that about 25 persons also pledged that they would send donations either to the Walshes or to the Scranton Kiwanis Club, the organization which has undertaken to sponsor the formal fund drive.

Donations to that organization can be sent in care of the Scranton Chamber of Commerce Building, where the Kiwanis office is located.

[From the Scranton Times, Jan. 21, 1982]

FUND CONTINUES TO GROW TO MEET BOBBY'S FUTURE NEEDS

(By Joseph X. Flannery)

During the past two weeks, Catherine Walsh has cried a lot.

The 51-year-old grandmother has shed happy tears, however, because it seems every day brings her more good news.

Mrs. Walsh and her husband, Joseph M., of rear 1320 Wyoming Ave., are the foster parents of 10-year-old Bobby, a cerebral palsy victim who cannot talk, walk or use his hands.

Two weeks ago today, Mrs. Walsh said she was "scared to death" because she and her husband had made a down-payment on a $5,000 machine that Bobby needed to increase his communicating skills. An anonymous donor had given them $500 to order the machine, but they didn't have the slightest idea where they would get the rest to pay for it when it arrives in March.

It was then that The Sunday Times told of the couple's plans to legally adopt Bobby, making him their lifetime responsibility, and of their problem of getting money to buy the expensive electronic device that the child needs for his future education and social development.

The rest is a matter of history. In two weeks, over $10,000 was raised by many persons for the Bobby Fund and donations still are coming into the Walsh home at the rate of about $200 a day.

This is not "extra" money, however. William Nellis, who is Scranton Kiwanis Club charity chairman and head of its Bobby Fund, has agreed that the first $5,000 in donations will be used to buy Bobby's communications machine. Then the balance will be put in trust to be used in later years for Bobby's needs.

Over the past two weeks, the Walshes have received hundreds of notes and letters with donations. However, one that was received at their home on Friday with a $50 donation really touched the emotions of Mrs. Walsh and caused her to shed a few more tears of happiness.

It was from a woman that Mrs. Walsh assumes would not want her name published. But she said that the thoughts in it were "so beautiful" that she wanted to share them with the public.

The writer described herself as a sister of a "special person" who also is named Bobby and who has suffered from a neurological disease that has baffled medical science for most of his 23 years. Now, the letter adds, he is starting to show some improvement.

The letter continued: "God is answering our many prayers. Now this contribution is my simple way of saying thanks. I give it in Jesus' name.

"I believe that while these 'special children' appear very unfortunate to us who are healthy, they do have a special mission to carry out. They are like angels on earth, touching the lives of many persons.

"I will pray for your Bobby and for his loved ones. God bless you."

Mrs. Walsh said that only persons who are close to handicapped persons and love them dearly can relate to each other the way the letter writer expressed her thoughts.

"That's exactly how we feel about our Bobby," she said, adding: "He brings joy into every life he touches."

Donations for the Bobby Fund are being received at the Walsh home in care of the Scranton Kiwanis Club at the Scranton Chamber of Commerce Building.

The largest donations to the fund to date were $2,400 from the workers and management of McKinney Manfacturing Co. where Mr. Walsh is employed; $1,500 from Scranton Kiwanis Club and $500 each from local businessman Ralph Lomma and from an annonymous donor. In addition, Keystone Junior College student Dave Hollander took up a collection among businessmen that netted over $600; Bell Telephone Co. employees raised $500 with luncheon and bake sale and county government workers took up a collection that totaled $500.

Mrs. Walsh also reported that the Dunmore Women's Club held an auction at a meeting last week and raised $65, with the money being sent by Mary Hiller, and the Greater Green Ridge Neighbors, represented by Brian Quinn, sent $50. She also reported that La Festa Italiana, the organization which holds a festival every year at the Couthouse Square, has included the Bobby Fund in a group of 11 charities which have been earmarked for donations from the proceeds of last fall's festival.

Mrs. Walsh said that all money that she is receiving is being turned over immediately to Nellis, the Scranton postmaster who deposits it in the special bank account that has already been set up in Bobby's name. "Donors should know that every cent that is given for our Bobby will be used to meet his special needs," she added.●

A SALUTE TO MY FRIEND, DICK BOLLING

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. McCLORY. Mr. Speaker, the late President John F. Kennedy, writing of Senate Republican Leader Robert A. Taft, said, "Bob Taft never became President of the United States. Therein lies his personal tragedy, and therein lies his national greatness." As a Republican Member commenting on the career of my Democratic friend, the gentleman from Missouri, I will take the liberty to say, "RICHARD BOLLING never became Speaker of the House. It might be for him a personal disappointment, but it cannot diminish the impact he has had on his party and on this House."

Only two Members of the 97th Congress (the gentleman from Mississippi, Mr. WHITTEN, and my good friend from Illinois, Mr. PRICE), have served here longer than RICHARD BOLLING's 17 terms. Early in this career, he was a protege of Sam Rayburn, learning from that master of the House the nuances of leadership and legislative procedure. Named to the Rules Committee in 1955, Bolling became an advocate of reform and was one of the leaders in the 1961 effort to enlarge the membership of the Rules Committee to make it a more hospitable forum for civil rights and social legislation.

As a student of the House and author of two acclaimed studies of the Congress, RICHARD BOLLING helped to set the agenda for the era of legislative reform which so dominated our attention during the 1970's. As chairman of the Select Committee on Committees in the 93rd Congress, he has successful in bringing about substantial modernization of our committee system. He played a key role from his post of the House Rules Committee in achieving the agreement necessary to gain passage of the Congressional Budget Act.

An advocate of strong party leadership in Congress, BOLLING, as chairman of the Rules Committee, has sought to make that panel responsive to the needs of his party. Although we have often disagreed over partisan and policy issues, one can only have respect and admiration for DICK BOLLING's zeal and dedication.

Twice in his career RICHARD BOLLING has sought unsuccessfully to enter the ranks of the Democratic floor leadership. Five years ago, he was a candidate for the post of Democractic majority leader. He was defeated, but only after the closest congressional leadership election for either party in this century. That was surely a great disappointment to RICHARD BOLLING; but, as he completes his distinguished congressonal career, RICHARD BOLLING should take pride in the fact that the House of Representatives has been changed decidedly because of his work and that it will continue to bear his mark far into the future. It has been a pleasure and an honor to serve with him in the House these 20 years.●

ADDITIONAL FUNDS NEEDED TO CONTINUE AID TO UNEMPLOYED

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. DE LUGO. Mr. Speaker, in the very near future this House will consider House Joint Resolution 391, emergency legislation to provide $2.3 billion in supplemental appropriations to aid the States and territories in continuing unemployment compensation benefits. With over 9 percent of our Nation's workforce unemployed, it should come as no surprise to my colleagues that the funds we provided last summer for this purpose under Gramm-Latta II, have run out.

This legislation would provide:

$1.9 billion to permit the Treasury to make advances to the unemployment trust fund to provide states with resources to pay extended benefits to unemployed workers;

$133 million for grants to states to cover higher costs of processing and paying an increased number of unemployment insurance claims; and

$210 million to restore financing for employment security agencies to provide the staff needed to help the unemployed find jobs and administer the requirement that unemployment compensation recipients accept suitable jobs when they are offered.

In my own district, the U.S. Virgin Islands, we have had an unusually high level of unemployment, approaching seven percent of the workforce. Fortunately, our local Department of Labor has sufficient funds at this time to continue its services. However, should our economy continue its present decline we may not always be in such an enviable position.

I urge my colleagues to support this vital and urgently needed legislation.●

REAGAN'S PROPOSED FAMILY PLANNING REGULATIONS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. WEISS. Mr. Speaker, the administration's proposal to require parental notification when teenagers are provided with prescription birth control devices would thrust government into an area of personal privacy where it does not belong. The regulations would also place in needless jeopardy the physical and mental health of our Nation's young people and impose undue stress on their relationships with their families.

I believe that this is another example of the administration's eagerness to legislate morality, to interfere with personal decisions of individuals, and to inject government into the sensitive and private arena of family life. Instead of removing government from the lives of our citizens and protecting individual rights, the administration seems determined to tell Americans just how they must live their lives. This proposed regulation would use, and abuse, government authority to require codes of personal conduct on all young people and their families, without respect for their individual circumstances and beliefs.

Proposals for mandatory parental notification when teenagers use contraceptives have been rejected by the Congress for good reason. Teenage sexual activity and family planning are sensitive issues that are better handled on an individual basis, without rigid rules. Meaningful family communication and strong family relationships can only be harmed by the administration's prescriptions, however well intended. Because of the delicate nature of this issue, Congress carefully amended title X of the Public Health Service Act last year to "encourage family participation" to the "greatest extent possible". The drafters of this proposed regulation appear to have ignored congressional intent.

The proposed rule will not discourage sexual activity, it will only discourage responsible planning of that activity. It will result in more unintended teenage pregnancies and more abortions. Tragedy is the certain conclusion.

Teenage pregnancy is already an epidemic in this country. A staggering 1.2 million teenagers become pregnant each year, three quarters of them unintentionally. For most, pregnancy at an early age brings nothing but hardship and heartache. The harsh reality of teenage pregnancy often includes limited employment and educational opportunities, hasty and short-lived marriages, welfare dependence, and great health risks. There is no justification for condemning more young people to face this unpromising future.

Family planning activities funded under title X have been tremendously successful in helping to reduce pregnancy rates among sexually active teenagers. In 1979 alone, more than 400,000 unintended pregnancies were averted through the national family planning program. Participation in the program as currently structured is high. However, a recent survey revealed that 25 percent of teenagers currently attending family planning clinics would stop coming if their parents were to be notified. But only 2 percent of these young adults say they will forgo sexual activity.

In our country, the availability of family planning services has improved the quality of human life, strengthened family relationships, and promoted personal responsibility and choice. Let us not deny these services and their valuable benefits to our youth by implementing this ill-conceived regulation.

Last Friday's New York Times printed an editorial on the proposed regulation. I would commend it to the attention of my colleagues.

SQUEALING ON TEENAGERS

Sex sells jeans, perfume and cars. Conversely, jeans, perfume and cars sell sex. The audience at a raunchy revue is not applauding the costumes, nor do wine and cheese attract the customers to the kind of party that sells "marital aids" instead of Tupperware. The pursuit of a "good sex life" is sanctioned not only by millions of Americans but by the I.R.S., which allows a tax deduction for sex counseling. This is life in the United States.

Now imagine a place in which no one under 18 has ever seen television, movies, newspapers or magazines . . . in which all parents are married, in perpetuity and in bliss . . in which sexual feelings emerge simultaneously with the taking of wedding vows. This is not life in the United States. Yet much of the nation prefers to treat children as if it were.

The need for that pretense is understandable. Most parents hope their children will delay sexual activity until maturity; many are shattered when they discover otherwise. But 350,000 teen-agers will bear children out of wedlock in 1982. Several hundred thousand others will undergo abortions. Some of these are poor, others affluent; all have been raised in a time of sexual revolution.

Since there is no reason to think this revolution will ever be wholly reversed, there is a national responsibility to insure that it does not consume children and adolescents.

Ideally, teen-agers who want contraceptive advice will feel free to talk to their parents first. But often such discussion is painful, indeed impossible. Family planning services like Planned Parenthood provide a neutral ground in which to talk, and to listen. In 1979, the Alan Guttmacher Institute estimates, such services averted some 400,000 unintended teen-age pregnancies. They might have averted more if their clients had come sooner; most had been sexually active for a year.

Now the Reagan Administration is considering a law to force subsidized family planning agencies to notify the parents whenever teen-agers under 18 seek contraceptive drugs and devices. Parents, they say, should be informed about prescriptions that affect their children's health.

There is no contraceptive, however, that affects an adolescent's health as adversely as pregnancy. Teen-agers are five times as apt to die of pregnancy-related causes as from using the pill. (They are also at the least risk of any age group from the pill.) Nor is there anything more likely to drive teen-agers away from a family-planning agency than the knowledge that it is required to squeal on them.

Most agencies do in fact encourage youngsters to tell their families about the clinic visits, and a majority of the teen-agers do so. But a recent study by the Guttmacher Institute found that a fourth of them would stop applying for prescription contraceptives if their parents had to be notified. Only 2 percent said they would stop sexual activity.

Thoughtful parents have to be saddened by the precocity of adolescent sexual behavior. But what is that sadness compared with the tragedy of a child propelled to childbirth or abortion by Government interference in the counseling program? Weigh these alternatives and see why the best, most loving action a parent can take is to tell the Government to butt out.●

HOLD THE LINE ON COAL R. & D. CUTS

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. RAHALL. Mr. Speaker, in President Reagan's proposed fiscal year 1983 budget for the fossil energy research and development program, only $106.9 million is being allocated with $91 million of this sum for coal technology development. Last year, the Congress appropriated $416.9 million for fossil energy research and development programs, which was already a drastic reduction from fiscal year 1981's level of $1.134 billion.

The reason given for these reductions is that the administration intends to support only long-term, high-risk technology activities. Fitting this description appears to be nuclear technologies. The President's proposed budget for nuclear fission and nuclear fusion accounts for 87 percent of the total energy technology budget with $1.4 billion slated for fiscal year 1983.

Last year, when this administration's favoritism toward nuclear energy became apparent, I stated that synthetic fuels development fit into the President's definition of the Federal Government's role in energy research and development. Judging from the state of the synthetic fuels industry today, the private sector certainly does not seem capable of developing these technologies without Federal support. With the decline of this industry, America is losing another opportunity to reduce its dependency on foreign oil.

But surely, it would seem the administration would recognize the importance of basic coal research and development. In consideration of the abundant reserves of coal with which this country is blessed, it would seem prudent to make every effort to facilitate technologies to burn it in the cleanest way possible. While many in the private sector engage in such research, they can never bring new technologies to the commercial stage because the Federal Government is constantly changing the rules of the game.

It takes about a 10-year payback period before an investment in energy research and development will be profitable. Yet, the Clean Air Act can change every 4 years or so and under these circumstances, the private sector is never certain which technology will be required. For example, when the 1977 Clean Air Act amendments were enacted, they favored rigid discharge electrodes and fabric filters, eliminating the previous use of weighted wire precipitators. Then, in 1979, another technology was eliminated when EPA determined that spray dryers should be used to control sulfur dioxide emissions, making this technology more competitive than wet scrubbers. Thus, the Federal Government actually discourages private investment in coal research and development and therefore, must take up the slack.

One impact of reduced coal technology funding I would like to bring to my colleagues' attention concerns university programs. In a recent letter sent to me by Dr. Dayne Aldridge, director of West Virginia University's Energy Research Center, he stated that—

If all DOE funding were eliminated from our fiscal year 1981 effort, support would be almost halved. Most affected would be projects in fluidized bed combustion, oil and gas and coal characterization. I estimate that 140 less graduate students would have been supported. This translates to 50 to 75 less masters and doctoral graduates per year in areas critical to coal.

Following is a table sent to me by Dr. Aldridge showing the effect of DOE funding on West Virginia University's energy research programs:

EFFECT OF DOE FUNDING ON WVU ENERGY RESEARCH PROGRAM—BASED ON ACTIVITY DURING FISCAL YEAR 1981

Area	Funding source					
	State	State other [1]	Federal	DOE [2]	Industry	Total
Coal conversion and utilization	$208,289	$86,437	$2,795,335	$2,616,995	$580,089	$3,670,150
Coal mining and processing	293,919	6,607	2,489,333	.....	148,544	2,938,403
Petroleum and natural gas	1,630	204,195	1,603,638	1,603,638	10,110	1,819,573
Basic research	210,712	.....	1,392,105	896,324	44,000	1,646,817
Alternative energy sources, conservation and education	23,690	771,338	504,477	465,345	153,696	1,453,201
Other	34,259	.....	979,100	.....	5,000	1,018,359
Energy-related health research	3,565	.....	904,991	470,807	.....	908,556
Reclamation and pollution	73,830	19,552	501,043	267,042	145,088	739,513
Policy, economic and social issues	54,196	33,487	111,999	23,924	85,000	284,682
Energy research and development	106,939	.....	.....	.....	.....	106,939
Administration	69,325	.....	.....	.....	.....	69,325
Energy transportation and transmission	34,427	.....	.....	.....	24,145	58,572
Total	1,114,781	[1] 1,121,616	11,282,021	6,344,075	1,195,672	14,714,090

[1] Most of these funds come from DOE but "pass through" a State agency such as the fuel and energy office.
[2] Figures are a portion of "Federal"—not part of total.

MAJ. GEN. ROLAND DEL MAR

HON. BALTASAR CORRADA

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. CORRADA. Mr. Speaker, it is with a sense of deep loss that I announce to my esteemed colleagues the death, in Washington, D.C. at the age of 73 of Maj. Gen. Roland Haddaway del Mar, U.S. Army, retired, a native of Attica, Ind., brought-up in Winnetka, Ill., who was much loved, admired, and respected by the Puerto Rican community.

He served in the Pacific during World War II and later in the occupation of Japan.

He also served in Korea, Germany, Italy, and Puerto Rico. He retired in 1966 and received the Distinguished Service Medal, the Legion of Merit, and the Bronze Star during his military career.

I had the privilege of meeting this soldier and statesman briefly here in Washington some time ago. He was undoubtedly a man of many virtues—not the least of which was his innate ability to make friends.

He came to Puerto Rico in May 1961 as Commander of the Antilles Command, U.S. Army, Caribbean, and stayed until April 1963. During that short time he established excellent relations with the local community.

One of his first actions was to learn Spanish, which he spoke fluently. He frequently visited remote parts of the island, not only for official inspection missions, but also for personal enjoyment and for speaking engagements

before different military and civilian groups.

During his tour of duty in the Antilles he was named "Commonwealth Boss of the Year" by the Puerto Rican Secretaries Association; and "Man of the Year" by the Public Relations Society of Puerto Rico, for his outstanding achievements in that field. He was also awarded the Puerto Rico National Guard Distinguished Service Medal in recognition of his constant support of the PRARNG. Finally, it was also while commanding the Headquarters Antilles Command—with the rank of brigadier general—that he received his promotion to major general in August 1962.

As a result of this promotion he was reassigned to Fort McNair, in Washington, D.C., as the Director of the Inter American Defense College.

In the Nation's Capital, General del Mar kept in close contact with the Puerto Rican social, cultural, and civic groups, never missing the occasion to attend their many activities. Both the General and Mrs. (Elizabeth) del Mar became immensely popular and well loved in those circles. As a philanthropist, he never forgot Puerto Rico. Through the Del Mar Foundation, left by his father the late Charles del Mar, every year at Christmas time the General sent donations to different charitable and humanitarian groups on the Island.

This man, who learned to enjoy the best of two cultures, was buried at Arlington National Cemetery. He is survived by his wife Elizabeth, his daughter Maureen Braddock, of Alexandria, and a grandson.●

TRIBUTE TO LOIS GRAFF

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Ms. OAKAR. Mr. Speaker, in order to be selected to the all-Ohio School Board, an individual must have proved outstanding service and dedication to the schools and youth of our State. Lois M. Graff, a mother of three as well as a professor at Baldwin-Wallace College, is such a person. Recently it was announced that she will represent the northeast Ohio region.

Twice President of the Parma School Board in the last 11 years, Mrs. Graff's accomplishments also include being a certified public accountant and providing invaluable expertise in developing the first 5-year financial and educational plans of the board.

I salute the Ohio School Board for picking a woman as deserving as Mrs. Graff for this honor.●

RIGHT TO CHOOSE AN ABORTION

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mrs. SCHROEDER. Mr. Speaker, Mrs. William Hart from Elk Mountain, Wyo., sent me a speech her youngest daughter, Heidi, age 17, gave in a competition in Wyoming.

It is a speech advocating women's right to choose an abortion.

I urge my colleagues to read it. It is young women like Heidi Hart that will have to bear the consequences on any restrictions of the availability of abortions. If legislation is passed that makes abortions illegal, then Heidi and her generation will have to live out the nightmare of back alley abortions that today they only read about in stories of "way back when."

PRO-ABORTION

"I cannot understand the new view that life begins at conception. If this is true, * * * why is it not customary to hold religious rites for a dead fetus after a miscarriage? Why only after birth? It is obviously a concept trumped up to add righteous clout to the arguments of anti-abortionists."

This is the view held by Katherine Hepburn and me. I feel abortion should remain legal in all aspects, and especially those cases involving rape, possible death of the woman, teen-age pregnancies and incest.

Imagine this: A woman walking home is attacked and raped. Because of this violation of her body, she is impregnated. She has probably also been mentally harmed by this experience. Why should she be harmed more, possibly irrevocably, by having to carry this child given to her by a criminal who took her by force? Wouldn't it be better to save this woman's sanity than to save the child that is not wanted? If she did have this child, it could end up a criminal just like its father. Or worse, it could end up mentally sick because of the stress the mother had to go through during the pregnancy. This child could also end up going from foster home to foster home all through its adolescent life. Wouldn't it be better to save this child from this hell?

Most people condone abortion in cases involving possible death of the woman but why can't they condone it in other cases? I'll tell you why!! Anti-abortionists say that abortion violates some age-old and God-given law. They say this to scare women and harass legislators. But with one look at the history books shows you that they are either lying or are terribly misled with their views.

Until 100 years ago no one punished abortion in the early stages of the pregnancy—not even the Catholics punished it!! Lawrence Lader made the statement in "Abortion" that "the Greek city states and ancient Rome, the foundations of western civilization, made abortion the basis of a well-ordered population policy."

The Christian church gave the fetus a soul, and after 18 centuries of debate the church took the conveniently loose view that the fetus became animated by the rational soul, and abortion became a crime after only 40 days for a boy, and 80 days for a girl. One problem with this is that no method of sex determination was given.

English common law was fairly tolerant of abortion up until the mother feels the fetus move which usually happens between the fourth and fifth months. In the U.S. for a long time, the common law inherited from England protected the right of abortion in the early stages of pregnancy.

Then, in 1869 Pope Pius IX eliminated the distinction between an animated and nonanimated fetus. Since then, the Catholic church has called all abortion murder and punished it severely. Anti-abortion laws were passed in 1803 in England. Then, in 1821, Connecticut punished abortion of a fetus by poison after the fetus had quickened. A succession of laws soon followed which peaked around 1860 in outlawing all abortions except one needed to save the mother.

There were three main reasons abortion suddenly became a crime. The first was logical: abortion was a dangerous operation because of poor conditions and crude methods. The second wasn't quite as good: as biologists began to better understand conception, women began to use better contraceptives. Many countries looked down on this as they needed a higher population to keep up the number of workers in factories and on farms. The third reason is the most dangerous: it is the idea that sex for pleasure is bad, and that pregnancy is the punishment for pleasure.

This last reason is rather chauvinistic and discriminating. Why should the woman be punished alone? What about the man who had the pleasure with the woman? Why isn't he mentioned? People talk as if it was all the woman's fault, but as the saying goes, "it takes two to tango."

Finally in 1973, the Supreme Court took a step toward legalizing abortion. The Court now affirms that the "right of privacy founded in the 14th Amendment's concept of personal liberty . . . is broad enough to encompass a woman's decision whether or not to terminate her pregnancy." The Court held that up to the first trimester of pregnancy, the decision to have an abortion may be made solely by the woman and her doctor. After the end of the first trimester, the states power to regulate abortion is limited to the establishment of rules governing where and by whom an abortion may be performed. "It is only after the fetus has reached a point of viability that the state may go so far as proscribing abortion except when necessary to save the mother's life or health."

Now legislators are trying to overrule this court decision. Anti-abortionists say that "abortion violates the sacredness of human life." The legislators are being pushed to gain what they, the anti-abortionists, want. Do you realize how many anti-abortionists are men? What do men know about unwanted pregnancy? Have you known of any pregnant men? I haven't. So how do they know what it's like to have an unwanted child?

One aspect of illegal abortions I don't think many people are looking at is the increase of criminals. Those women who get abortions and those doctors who perform the abortions are murderers thus making for more criminals in our court and prison systems if these people are charged and convicted of their crimes.

Another aspect is the increased number of "back-alley" abortions. These can be done by various people and I will tell you of three.

The first person is the "quack" doctor who can't do an operation right. He might do the abortion right, or he could tear up the woman's insides, perhaps ruining her chances of having a wanted child later on. Or he might end up mutilating both mother and child.

The second person is the mother herself doing the abortion. This has been done by many teen-age girls in high school. There was even one case of a high school's sewer being plugged up. When they pumped out the item that was plugging up the lines, they found a few dead, aborted babies. Sickening, isn't it!?! Yet this could begin again if abortion is made illegal. Some adult women have given themselves abortions. One such woman died because she bled to death after she cut open her stomach to take out the baby. Is this what you want? Women killing themselves because of an unwanted child? It's not right!!! Abortion should be kept legal to save the women instead of them killing themselves!!!

The third person could be the woman's boyfriend. He might do the abortion right, but how many women have skilled surgeons for boyfriends? He could also end up killing both the woman and the child making for two possible counts of murder.

Maybe we should all sit back and rationally look at all aspects of abortion. There could be some compromise that both sides could reach. I, however, would still be for abortion in all aspects no matter what! Abortion should be kept legal and a woman's right to control her body. Just think of all the women dying because of self-inflicted abortions or abortions done by unskilled people. Do you want this? Is this what the world would be like? I think abortion would stay legal and that people should leave the government alone so they can work on more important things.●

THE AGONIES OF IRELAND: WHO MAKE UP THE IRA

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. FOLEY. Mr. Speaker, I would like to draw the attention of my colleagues in the House to the continuing series of articles published late last year by the Philadelphia Inquirer on "The Agonies of Ireland."

Again, I share your view that this series prepared by that very distinguished newspaper does give the American reader a balanced and accurate understanding of the problem in Northern Ireland.

[From the Philadelphia Inquirer, Dec. 11, 1981]

AGONIES OF IRELAND: WHO MAKE UP THE IRA?

(By Michael Pakenham)

"I was born in the Bogside. . . . Always, we've got the tail end of everything. . . . I am at least 2,400 years old. The British must leave. There'll be no consummation of the marriage of Catholics and Protestants as long as the British are here."

That is the voice of a youth worker, father of a large family. Among his older children are a lawyer and other professionals. The Bogside, where his home is, is a sprawling area of mostly public housing, comfortable and solid by the standards of American areas of comparable poverty.

It is the largest and most turbulent Catholic residential area of the ancient city which Catholics call Derry and Protestants, the government of Northern Ireland and road maps call Londonderry—and have for more than 300 years. In Derry, unemployment is 33 percent among males, 17 percent among females.

He is a practical man, a prudent and loving one. He is careful to tell a visitor that he is opposed to violence, to killing, and thus to the actions of the Provisional Irish Republican Army. (Though technically sometimes referred to as the PIRA, since there is really no "Official" IRA anymore, it is commonly referred to as the IRA and is called "Provos" and "Provisionals" by both friends and foes.) He is a man of dignity, with a job and his freedom in jeopardy should he declare himself to be with the IRA, which he does not.

If an outsider is prudent and curious and will deal with the carefully coded legalisms which stand between explanation and confession, active members and leaders of the IRA are accessible in Northern Ireland, and eager to talk. Altogether there are, by government estimates, 600 of them; by more generous assessments, perhaps 2,000. But what is more revealing than their carefully considered statements is where they come from and why they come. It is that wellspring of rage which the youth worker speaks of:

"The problem of the Catholic population of Northern Ireland is that of knowing the British must go but still saying: 'Oh, what will happen if they go?' I believe that the acceptance of responsibility is the only avenue to growth, personal or communal. * * * We've got to go through an agony of rebirth."

Since the Catholic civil rights movement began in 1968, he tells his visitor, he has been arrested 30 times by the police, the Royal Ulster Constabulary (RUC), or by the British army. He has been knocked unconscious and hospitalized twice. In Derry today, the RUC has substantially replaced the British army as the main policing force, and the RUC's three top officials there are Catholic. That, he says, has not changed anything very much.

In the 1950s, when he was young, he relates, he helped form the first credit union in Northern Ireland.

"We had no hope, no vision. The Catholic politicians had accepted their subservient roles. We all felt powerless. Individually, people had no say. With the credit union, we felt we should build our own houses and create our own jobs, and not be subservient."

As he talked, he brought in tea and little sweet biscuits and worked with his hands at the muscles of his lower back, now always painful, he says, since a day troops attacked a demonstration he was marching in.

"Before free [secondary] education in 1947, very few Catholics became educated," he said, making a case that the Provo movement is a new and modern thing. "Then a cultural matrix began to be formed. It failed as a civil rights movement. Idealism is a very narrow plateau. Attempts to implement reforms which could have happened in hours took months. Denial of civil rights was a smokescreen over the real objectives of the Protestants with wealth and power—to hold on to power."

Today, he works in a youth program, paid, he knows, by tax monies of which more come from England than from Northern Ireland.

"The British must pay, so long as they're here. The kids are the only hope." He speaks, with what he believes is dispassionate conviction, of the inevitability of the movement among those youths, and of its perils: "The kids are politically sophisticated. They learn quickly how to manipulate the British soldier on the street. But that's a dead end. And the tragedy of that is that an important, visionary political consciousness can die with that and nothing more."

It is clear that to him that would be a grave loss. It also is clear, he says, that there is much to keep the vision alive: "Here, there's a great deal of meaninglessness in unemployment. But every kid around here is going to be part of the revolution, if for nothing else than not to have to say in the future 'I wasn't part of it.' This is the last battle of Irish independence. No family here could put its hands on its heart and say my kid is not a part of the IRA."

There are other voices. There are 478,000 Catholics in Northern Ireland, most of them polarized against their more than one million Protestant neighbors. No one can say how many share the vision of that Derry youth worker. For many, it is dangerous to speak. For others, it is too painful. For many more, not on a breaking edge of the conflict like Derry's Bogside, life simply goes on, and living can be pleasant and prosperous.

It is clear not every Catholic agrees. The voices of Belfast, which with a population of 417,000 (Derry's is 85,000), is the largest city in Northern Ireland, are different. There, among bomb-scarred, stone-shattered, graffiti-smeared, brick rowhouse Catholic neighborhoods—many mere yards from Protestant areas distinguished only by the words of the slogans on the walls—there are different kinds and intensities of bitterness, of fear and yearning. There are poor Protestants, more in Belfast than anywhere else in Northern Ireland. But there also is far more evidence there of the Protestant economic advantage under which Catholics historically have been denied equal access to prosperity—and still are.

In Belfast also, claiming to speak for the great majority of Catholics, there are men like Gerry Fitt. He is a native of Belfast, in his own words, a "working class socialist" for his entire adult life, and one of the two Catholic members of the London Parliament from Northern Ireland (the other 10 are Protestants).

Gerry Fitt has won elections for a quarter of a century, and lives in the neighborhood where he was born, on the Antrim road. His house is scarred by a dozen years of attacks. Its tiny, concrete back yard is protected from bombs by a sloping screen of steel mesh. Standing beneath it, he says:

"This house had been under attack from Loyalists (Protestant militants) in 1968 and '69. But then when the Provos began their shooting war, I was equally opposed to them. . . . I believe they cannot unite Ireland by this campaign. I believe that they have shamed Ireland in the eyes of the world because of the atrocious, vicious murders they've carried out in the name of Ireland. They've brought devastating tragedy into the lives of many, many people.

"I myself have carried nearly a hundred coffins to various graveyards throughout Northern Ireland, victims of the IRA and the Protestant paramilitaries. I make no dis-

tinction. . . . I can speak of the IRA because I am a Catholic myself, and I want to see a united Ireland, and it is they I am bitterly opposed to because they have put off the day when a united Ireland could have been foreseen. . . .

"The first British soldier ever to be shot dead [on Feb. 6, 1971] was shot just up the road there. Gunner Robert Curtis. I heard the shot that killed him. I came out and denounced that killing . . . all the murders, whether it be the Provos or the Loyalists or anyone else. I sent four wreaths out to people last week. I've got a running account with a florist to send wreaths to people who have been murdered. . . . It's a hell of a sad commentry, you know, to have a running account."

But, surely, Gerry Fitt was asked, the IRA are socialists, as is he?

"They're not socialists at all, though sometimes they would claim to be. They're fascists."

And, he was asked, what if the Provisionals' dream of a swift British withdrawal of forces were achieved?

"The Catholics in Belfast would be murdered. . . . If you live in Derry or Strabane, it's very easy to get up and say, 'Brits out! Brits out!' If there's any kind of trouble you can run over the border. But if you live where I'm living, you're caught. The Catholics would get slaughtered in Belfast. It would be a whole holocaust." (Belfast is more than an hour's hard drive from the border.)

So Gerry Fitt, M.P., believes in carrying coffins, sending wreaths and pleading. He believes fervently in gradualism, in bringing the two communities of Northern Ireland together, and together with the Irish Republic, by painstaking economic and legal and institutional means. In that, he believes, the bitterest enemy of Irish unification, Irish dignity and human survival is the IRA. And in that, the supporters of the IRA believe him to be more the enemy perhaps than the British—if there is a difference.

In Derry, a mother with two sons in prison for membership in the IRA and alleged acts of terrorism speaks of Gerry Fitt with scorn that strains her loving nature. "So long as the Protestants have the British Army at their backs," she says, speaking specifically of Mr. Fitt's position, "they'll never change. The British established a dependency among many Catholics, as well as Protestants. It's a total dependency, a subservience. That's Gerry's problem. To break away from it would be fairly tough. But then we're talking about the birth of a new country. Things would be at the melting point."

One of her sons, younger than the two in prison, joins in the conversation. He too is warm, and astonishingly mature and informed for a teenager. He doesn't agree with everything his mother says, and shows no hesitation in declaring the differences. On one thing they agree, and need spend no words to prove; their total affection for each other and the rest of their close, articulate family.

His mother said she would not lead her sons into the ranks of the IRA. But she accepts the fact that none of them would tell her of their involvement since "both their lives and their hearts would be in peril." They talk of the young man's older brothers, and visits to them during the IRA hunger strike and before.

"The more you suffer," the young man says, his voice even and expressive, almost musical, a peaceful voice, "the more compassionate you become. The prisoners don't hate the jailers. The relatives hate the jailers more than the prisoners do. The only fear, the great fear, among the prisoners is that something will happen to their relatives and weaken their resolve and their support."

His mother waits until he is done, and speaks of her older sons and their companions in prison and in arms. "The hunger strike was effective," she says, "after 12 years on the way forward. The politicians had never taken us seriously." Her voice grows vibrant, rising quickly with a smile. "We are living in a very exciting period. In the future, historians will look back and say this was the turning point in Irish history."

If such a turning point is imminent, everyone in Ireland except the IRA's supporters today agree what the likely result will be: the slaughter of thousands—or tens of thousands—of Irish, Catholics and Protestants alike. They will be victims of a mutually genocidal civil war precipitated as spiraling terrorism paralyzes all hope of reconciliation.

[From the Philadelphia Inquirer, Dec. 13, 1981]

THE AGONIES OF IRELAND: THE IRA—WHAT IS IT?

In its own terms, today's IRA is the "military" arm of the Provisional Sinn Fein (literally in Irish, or Gaelic: "Ourselves Alone") party. The Provisionals broke away from the less violent "official" Sinn Fein in 1969 and 1970. Thus today, the only significant organization is the Provisional party and its Provisional Irish Republican Army. Though sometimes designated PIRA, it is commonly called the IRA or the "Provos." Its members live and function in both the Irish Republic and Northern Ireland and, significantly, elsewhere.

The original Sinn Fein traced its roots to the ultranationalist movement that was active, and ultimately dominant, in the rebellion that led to the beginning of Irish independence in the 1916-22 period. The IRA had conducted periodic campaigns of violence from the 1920s through the early 1960s.

The Provisionals' roots are deeply set in their passionately declared sense of that history and are profusely nourished by the blood of it. Their fundamental, avowed purpose is to drive all residue of British presence off the island of Ireland and to achieve political and cultural unity and independence.

Both in the IRA's sense of history and its most purposeful strategies, it is fundamentally important to its leaders and members to behave and appear to be recognized as an army. The essence of its self-perception is that Provisional Sinn Fein is the destined government of the legitimate Irish nation. It claims to be devoted to the yet-unfulfilled revolutionary commitment, and thus its military wing is said to be fighting a war, rather than conducting terrorism.

From that derives the insistence that members imprisoned by police authorities in both Northern Ireland and the Irish Republic be accorded "political status"—the internationally established rights of prisoners of war, in strong contrast to the rights of criminals as established by domestic law.

That is what its leaders and members, in public and private statements, say of themselves and their purpose. In pursuit of it, the IRA and a splinter group that calls itself the Irish National Liberation Army have claimed responsibility, since 1970, for shootings and bombings—in Northern Ireland, the Irish Republic and Britain—that accounts for hundreds of deaths and the maiming of thousands of persons.

What is the IRA's purpose? Since it is an outlawed, and thus secret, organization in both the Irish Republic and Northern Ireland, that is sometimes elusive, and passionately controversial. But to take public statements by two senior leaders of the IRA's political front:

Ruairi O. Bradaigh, president of Provisional Sinn Fein, asked whether he was talking about the kind of parliamentary democracy that exists now in Dublin, said: "No. We're talking about a much more democratic system. We would like to see the key industries coming under public control—those that are essential to the life of the community, like banking and finance and so forth. Beneath that, we would like to see a wide range of worker-owned cooperatives in agriculture, industry and distributive trade. And we also see room for private enterprise, but not as great as a role as at present.

Danny Morrison, Provisional Sinn Fein's director of publicity, speaking at an annual party conference in Dublin on Oct. 31, asked delegates rhetorically: "Who here really believes we can win the war through the ballot box?" Then, after a dramatic pause, he raised his arms high and answered himself: "But will anyone here object if, with a ballot paper in this hand and an Armalite [rifle] in this hand, we take power in Ireland?

The British government, including police and military forces in Northern Ireland, are implacably opposed to the IRA, of course. But what of others? Is the Provos' cause not that of the government and people of the Irish Republic, serving the aspirations for a united Ireland?

In the words of the present and previous two prime ministers of the republic, coming from both the major political parties:

Dr. Garret FitzGerald, present prime minister and leader of the Fine Gael (literally, "Race of Gaels") party: "The Provisional Sinn Fein does not recognize our government or our courts. They seek to establish a military dictatorship in this country." And, speaking to the Irish Parliament on Nov. 17, after the IRA's assassination of the Rev. Robert Bradford, a Protestant member of the British Parliament for Northern Ireland, Dr. FitzGerald said: "The IRA has once again shown its utter contempt for human life and for the Democratic process. . . . Its true attitude to democracy and freedom was summed up by a recent statement of an IRA spokesman who, when asked by an interviewer for a foreign newspaper about the wishes of the people in this part of the country concerning an aspect of reunification, replied: 'We call the shots. We don't really give a damn what they want.'"

Charles J. Haughey, Dr. FitzGerald's predecessor as prime minister and now leader of the opposition Fianna Fail (literally "Soldiers of Destiny") party: "All but a tiny minority understand that violence can never bring a solution and that it serves only to perpetuate division and hatred."

Jack M. Lynch, Mr. Haughey's predecessor, speaking as prime minister in 1978: "The terrorist activities of the Provisional IRA are making it impossible to bring [solutions] about. Their activities are, on the contrary, driving people more and more apart. We condemn their cowardly attacks on human lives and property which cause terror and disgust to the overwhelming ma-

jority of all Irish men and Irish women. . . . We as a government will employ the full resources of security and of the law available to us in pursuing and bringing to justice those who engage in violence and who embark on a course of savagery like blowing innocent children to bits on their way to school.

Those represent the main political voices in the Irish Republic. But what about the Catholic Church, the moral leadership of the overwhelming predominance of Irish men and women in the republic and of almost one-third of the population of Northern Ireland?

More than a decade ago, on Sept. 12, 1971, the five Roman Catholic bishops of Northern Ireland, including Cardinal William Conway, primate of all Ireland, issued a joint statement, saying in part: "In Northern Ireland at the present time there is a small group of people who are trying to secure a united Ireland by the use of force. One has only to state this fact in all its stark simplicity to see the absurdity of the idea. Who in his sane senses wants to bomb a million Protestants into a united Ireland? . . . This is the way to postpone a really united Ireland until long after all Irish men and women now living are dead."

Then, on Nov. 20, this year, Cardinal Tomas O. Fiaich, archbishop of Armagh and the current primate of all Ireland, put out a statement saying, "Most of the murders have been claimed by the IRA. . . . Participation in the evil deeds of this or any other paramilitary organization which indulges in murder, wounding, intimidation, kidnapping, destruction of property or other forms of violence is a mortal sin which will one day have to be accounted for before God in judgment."

Bishop Edward Daly of Derry wrote in a pastoral letter on Nov. 22 that "no member of our church can remain a member and at the same time remain a member of any organization that decides of its own accord to perpetuate cold-blooded murder as a central part of its strategy, whatever the motives, whatever the ideal."

From afar in America, or among the young in Ireland, north and south, who are unemployed and have little hope for a sense of purpose otherwise, the IRA can—and does—sometimes seem an enticingly romantic band of brothers, dedicated to a noble cause. Even discounting everyone connected with the British government, and every Protestant, it is hard to find support for that romantic, benevolent view among Irish people today.

There *is* support for the IRA, of course. Irish people who are hard-headed realists—whether they support the IRA or not—recognize that its support is based on a yearning for a civil war that first would "defeat" the Protestants and then turn south to "defeat" the present political forces there in favor of a revolutionary regime.

Beyond ideological judgments, that is a very improbable eventuality. By and large the Irish people are deeply committed to democracy and are far from radical, although economic discrimination by Protestants has radicalized significant numbers of Catholics in the North.

Meanwhile, it is the Irish, Catholic as intensely as Protestant, who suffer from the effects of the IRA's terrorism, and the equally murderous terrorism of the Protestant paramilitaries. If there is to be peace and unity on the island of Ireland, it will only be delayed, or denied, by butchery, polarization or genocidal civil war.●

A TRIBUTE TO W. FRANK MISHOE

HON. JOHN L. NAPIER

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. NAPIER. Mr. Speaker, the true measure of a human being in today's world is not the accumulated worldly assets that person has gathered during a lifetime, but the lives he has touched, the assistance he has lent, the dedication with which he has been motivated.

It is with deep sorrow that South Carolina and the Sixth Congressional District has lost a true friend, a dedicated humanitarian, a man who offered himself in service to the people he loved.

Recently, my friend and adviser, former Senator W. Frank Mishoe of Greeleyville, S.C., passed away at age 62. In those six decades, this man created a vast wake of service to his fellow human beings. He served as a member of the South Carolina Assembly for 6 years and was former mayor of Greeleyville.

A native of Williamsburg County, which will long bear his mark in its social, civil, and economic environments, Mr. Mishoe additionally offered his massive knowledge and expertise to the South Carolina Wildlife Department, where he served as a State commissioner from 1966 to 1968.

This great Nation of ours was founded and will be perpetuated by leaders who willingly and aggressively seek out the opportunities for service to their community, State, and Nation. Among that list of leaders will be the name of W. Frank Mishoe.●

DEFENSE POSTURE STATEMENT

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. ASPIN. Mr. Speaker, Defense Secretary Caspar Weinberger has now produced his first posture statement on U.S. defenses.

It is very disappointing.

This Secretary's annual posture statement—which is supposed to be the definitive statement of a coherent defense policy—looks like it was drafted by a dozen people working in separate cubicles, and then just stapled together.

It just does not hang together.

In the first section, the Secretary debunks a number of lingering myths, such as those about fighting 1½ wars and 2½ wars. But having swept the myths into the dustbin of history, he fails to provide any philosophical underpinning for the Weinberger approach to defense.

I fear there is no philosophy.

One purpose of the annual posture statement is to take policymaking through a formalized analysis of what the threat is to the United States, then to frame the philosophical response to that threat and then to translate the theory into a defined force structure and the defined force structure into a specific budget.

This posture statement, however, simply lists alleged Soviet threats in one section and then lists proposed American forces in another. There is no indication of how the Pentagon got from one to the other. This gives every indication that the two were treated in isolation, which is the worst possible way to structure our defenses. It leaves defense planning largely to the tender mercies of whatever bureaucracy within the Pentagon is the best infighter.

What do the planned additional air wings provide in terms of military effectiveness? How do those air wings address the threats posed by our opponents. Or how do the air wings address the threats talked about in the posture statement itself?

You will not find the answers to any of these fundamental questions in this year's posture statement.

The audience for the posture statement is, officially, the Congress, the press, and the public. In truth, the audience for the posture statement is the military itself. Drafting the posture statement forces internal disputes to the top where they can be tackled by the civilian and military leadership of the Defense Establishment. It is an intellectual exercise, a very important intellectual exercise. From the congressional standpoint the key issue is not so much, "What is the policy?" but, "Do they have a policy? Do they know what they are talking about? Does it all hang together?"

The answer this year, for the first time, is "No."

The administration is asking for the biggest and fastest peacetime defense buildup since 1940. More than ever it is important that the various pieces of the defense buildup fit together.

But Secretary Weinberger and those in charge at the Pentagon apparantly have not taken this whole exercise very seriously. Judging by the uneasiness in Congress over the size of the deficit and defense spending, they may come to regret that decision.●

MEDFORD CORP. COPING WITH CALAMITY IN OUR NATION'S TIMBER INDUSTRY

HON. LES AuCOIN
OF OREGON
IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. AuCOIN. Mr. Speaker, I commend to my colleagues the following article appearing in Portland's Willamette Week newspaper. This story describes how a creative and farsighted firm, the Medford Corp., is coping with the calamity in our Nation's timber industry.

Oregon today faces economic disaster. Unemployment in the State is near 12 percent—only Michigan and Ohio have higher unemployment rates. The unemployment rate where the Medford Corp. is located—Medford, Oreg.—is well over 14 percent.

Like every other timber operator in the State, the Medford Corp. must overcome two highly counterproductive Federal policies. The blame for the first, the lack of a consistent timber sales program, can be placed at the door of the Office of Management and Budget (OMB). For years, regardless of what party was in power, OMB has failed to recognize the most basic fact about the timber industry—that you do not harvest timber the same year it is put up for sale. A typical timber sale in the Northwest takes at least 2 years to complete. When the housing market has been down, OMB decides that there is no need to put additional supply on the market. When housing shoots up, OMB decides to increase the timber sales program to meet the new demand. Unfortunately, this pattern insures that supply will never meet demand. This budgetary roller coaster causes tremendous dislocation in the industry, as experienced in the mid-1970's and as will be the case over the next 5 years.

The second obstacle to economic recovery is our current Jeckle-and-Hyde housing policy. Housing starts have been cut in half from just 1 year ago and those associated with the housing industry, not just those in Oregon, are losing their jobs.

While Federal rules have been modified to allow construction industry pension funds to be invested in mortgages the administration has proposed to phase out FHA and GNMA (Government National Mortgage Association) mortgage insurance. This would devastate what remains of the housing industry because it would destroy an effective program of Government-backed mortgages which are priced lower than mortgage rates.

Industry and working people look to the Congress today to salvage a desperate situation.

What the Medford Corp. is doing is ingenious in the face of current housing policies.

This firm has made a commitment to do whatever is necessary to stay in business so that, when housing does make a comeback, there will be a place where Oregonians can find jobs again.

The firm should be commended for its ingenuity. Of course, not every timber firm can do this. Workers in most of the rest of the industry look to the administration to make a course correction in economic policy—or to the Congress, if the administration fails to do so:

[From the Willamette Week, Dec. 22-28, 1981]

MEDFORD CORP.'S KITCHEN COUNTER

(By Janet Dole)

It's no secret that times are tough for the forest-products industry. In these days of high interest rates and record-low housing starts, mere survival is of paramount importance for an industry that has historically been closely and vitally linked with the ups and downs of the housing industry. But Medford Corp.—a medium-sized forest-products company based in Medford—hopes to do more than survive. Leave the hand wringing and anxious waiting to other companies, because Medford Corporation is planning the biggest expansion in its 49-year history, building a $50 million plant in the Republic of Ireland to manufacture medium-density fiberboard.

The fiberboard is used in furniture and cabinet making and, unlike the lumber and plywood products, in which Medford Corporation has specialized, it is much less affected by the cyclical nature of the American housing market. By using its own resources more efficiently (fiberboard is made from formerly wasted wood chips), tapping into new ones (the Irish plant will use Irish trees), and expanding capacity to sell a product that isn't dependent on building new houses. Medford Corporation is balancing the boom-and-bust nature of the wood-products business. It is a strategy economists call "counter-cycling."

Medford Corporation isn't the only forest-products company working on countercycling. Louisiana-Pacific and Potlatch have recently started making waferboard, a building product made from flaked poplar and cottonwood that resembles plywood but is much cheaper to make. Bohemia Lumber specializes in laminated I-beams. A number of firms are paying more attention to paper products; Crown-Zellerbach is building a plant in Portland that will produce "nonwoven fabrics" (the material from which disposable hospital gowns are made) and Potlatch is making "bleached paperboard" for frozen-food containers and milk cartons.

But Medford Corporation's diversification may be the most timely and successful of the lot. And it's nothing really new to a company distinguished for its willingness to expand creatively for the last 20 years. Since the early 1960s, Medford Corporation's undertakings have shifted from a preponderance of lumber products to include wood products such as plywood and veneer. More recently it has added kitchen cabinets (its Diamond Industries is one of the top kitchen-cabinet makers in the country) and medium-density fiberboard. A $13.5 million fiberboard plant built in 1975 has become one of Medford Corporation's most profitable operations, producing 90 million square feet of three-quarter-inch fiberboard each year (making it one of the top three producers in the world) and accounting for over a quarter of 1980's pretax profits.

Medium-density fiberboard is a reconstituted wood product akin to particle board but with many of the qualities of solid wood. Its ability to be machined and to hold screws make it especially suitable for furniture making. When Medford Corporation announced its plans to build a fiberboard plant six years ago, the venture was viewed as daring because the product was relatively new and hardly recognized by the furniture and cabinet making industries. Since then, the fiberboard has come to enjoy wide acceptance, selling well in America and in European countries such as Germany, France and the United Kingdom, where furniture making is an important industry.

This comprehensive approach to the uses of wood has given Medford Corporation a flexibility that is becoming increasingly important as profits from its "solid-wood side"—basic products such as lumber and plywood—decline. Net income is down by over $4 million for the first three quarters of 1981 compared with the first three quarters of 1980, from $5,358,348 to $1,306,438—a decline of 75 per cent. Earnings went from $2.17 per share to 53 cents. The company's response has been to lay off about 17 percent of its work force—260 employees out of 1,500—and to close its sawmill until conditions improve. Even the Forest Service's decision to extend contracts to harvest Forest Service timber for another two years didn't help matters, since Medford Corporation had already fulfilled 98 percent of its contractual agreements when the extensions were announced in mid-October. If it had known in advance, the company could have harvested more heavily from its own 88,251-acre tree farm instead of using the comparatively expensive Forest Service trees.

Although it has been exporting roughly 25 percent of its fiberboard to Europe, Medford Corporation had not considered manufacturing it there, and certainly not in Ireland, until it was contacted by the government of the Republic of Ireland. If forests in Ireland strike you as a little unlikely, your sentiments are probably similar to those at Medford Corporation when the company was first approached. Apparently, thanks to the efforts of farsighted foresters 30 years ago, Ireland has over a million acres of Sitka spruce, Ponderosa pine and Douglas fir that are ready to be thinned. The Irish government, seeking to use its maturing resource as well as boost its flagging economy, considered a variety of choices, including pulp and paper mills and round-log exports, before concluding that fiberboard manufacturing would meet the twin goals with the least disruption to the environment.

Medford Corporation executives are still not sure what attracted Ireland to their corporation out of the 20 or so medium-density fiberboard producers that exist in the world, but contend that the quick and smooth start of their Medford plant in 1975 may have helped. They also speculate that the company's relatively small size made them a less unwieldy partner than a Weyerhaeuser or a Louisiana-Pacific (corporaions the Irish government probably also considered). Medford Corporation's President Robert Medford thinks it likely that the Irish saw an example of its fiberboard and were impressed. "After all, we're No. 1 in the world in quality," he says.

It took Medford Corporation a year of careful study before the decision to go ahead was announced in January, but it was a decision made in the light of some pretty powerful incentives from the Irish government. The final cost of the plant is estimated to be close to $50 million, but that will be offset by sizable capital grants and irresistibly low interest rates. Medford Corporation will be dealing with the Bank of Ireland, which is able to offer interest rates ranging from close to zero to up to 4 percent because it, in turn, is dealing with a government that is bending over backward to encourage this sort of expansion. For instance, there's Section 84, "comparable to our bond system," according to Medford Corporation's Vice-President of Finance Richard N. Ransdell, under which the bank will receive money directly from the government. There's also a policy of allowing the bank to claim 100 percent depreciation in the first year on equipment it subsequently leases to Medford Corporation; both schemes will enable the bank to offer attractive interest rates.

In addition, the Irish government will make direct capital grants to Medford Corporation, based on a scale that's geared to the number of Irish citizens the new plant will employ. It will also pick up the tab for the transportation to and from Medford, and the training, of the Irish workers who will receive their instruction at the Oregon plant. An exemption from all income tax through the year 2000 and a long-term timber agreement ensuring the Corporation will have a steady supply of raw material also helped sweeten the deal.

Ireland's geographical position and its membership in the European Common Market were compelling considerations. A base in Ireland will greatly enhance Medford Corporation's ability to penetrate the European market. The biggest markets are now in the United Kingdom, Germany, the Benelux countries (Belgium, the Netherlands and Luxembourg), and France. At present Medford Corporation must pay duty charges that run from 11 to 15 per cent on its European deliveries. Since Ireland belongs to the European Common Market, the company's Irish subsidiary will be able to ship throughout Europe and enjoy duty-free access. Although the European market is growing, Ted Bauer, marketing manager of the fiberboard group, says, "We're not enjoying all the sales we would like," because of the strengthening dollar, which has increased by about 35 per cent in value relative to French francs and Dutch guilders, and thus has driven up the price of fiberboard. Once the company begins exporting from Ireland it will be selling in European currencies, which should make fiberboard more affordable

Higgins views the move to Ireland as fitting in with an "international mode with respect to company growth." Already an active exporter to Australia, Europe and Pacific Rim countries, Medford Corporation plans to increase its exports when the Irish plant starts producing in the late summer of 1983. The European market will be served by the Irish plant (which will have about the same capacity as the Medford plant), thus freeing more of the Medford-produced fiberboard for shipment to the Pacific Rim.

Medford Corporation officials predict that the housing slump will turn around in 1983, and hope their strategy of diversifying into such products as medium-density fiberboard and kitchen cabinets will see them through. If it works, it's a lead other forest-products firms are likely to sit up and notice.●

COMMENTS ON EL SALVADOR

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. EDGAR. Mr. Speaker, when I traveled to Central America a little over a year ago to investigate conditions surrounding the conflict in El Salvador, I believe that many of my constituents back home would have little interest in this mission or might even resent my spending time in an area far from home. Since I have become involved in speaking out against the Reagan administration's policies in Central America, I have been pleasantly surprised by the interest and concern showed by many of my constituents in Delaware County. I have come to believe that many Americans have a strong interest in human rights, justice, and progressive American policy in El Salvador.

An example of this is the thoughtful letter I recently received from James J. Laverty, of Upper Darby, Pa. I would like to thank Mr. Laverty and the many other citizens who have lent encouraging support to my efforts to draw attention to the problems of El Salvador and American policy there. Mr. Laverty's letter follows:

183 MARLBOROUGH ROAD,
Upper Darby, Pa., February 5, 1982.

Hon. ROBERT EDGAR,
U.S. Congressman,
Washington, D.C.

DEAR CONGRESSMAN EDGAR: I would like to congratulate you and lend my support for your efforts on Tuesday (2/2/82) regarding the President's certification that the Salvadoran Government has made progress in reforms of human rights in El Salvador. Your questioning of our government's capability of monitoring such progress is quite to the point, as was Chairman Barnes' comments in which he stated that he knew of no evidence that reforms were being carried out. In fact, any evidence that is presented to the public by the press and other groups is quite to the contrary.

In early 1981 I had the opportunity to listen to a number of people representing such groups as the Maryknoll Fathers, and the American Friends who had recently returned to the United States from El Salvador. The evidence they presented indicated that the military government was quite repressive: people were taken from their homes for questioning who just never seemed to return; others just disappeared; the archbishop of San Salvador was killed while making his sermon at Sunday mass; and one of the presenters, a Maryknoll priest, had routinely been arrested and beaten.

More recently, I have been following accounts of Salvadoran life documented by journalists of the New York Times. Without recounting these articles in depth, which range from the plight of refugees and village life, to motives and activities of the "rebels" in certain areas of the country. I feel compelled to tell you that I, for one, am convinced that the interpretation of the facts in El Salvador by the Reagan administration, and in particular by Secretary Haig, present a distorted picture of the facts.

As you know, appearing before the House Foreign Affairs subcommittee on Latin American Affairs on Tuesday, Thomas O. Enders, Assistant Secretary of State for Inter-American Affairs referred to the rebels in El Salvador as a "violent minority" who may capture El Salvador. If this happened, according to Mr. Enders, soon major strategic interests such as the Panama Canal, sea lanes and oil supplies would be threatened.

I take issue with these statements. From all accounts which I have read and heard, and from a good number of years of study of the third world, the "violent minority" in El Salvador has been at the top of the pyramid. The Salvadoran people are a majority, and they have been repressed politically and economically by a very small percentage of the population—those who own the land and control the wealth in that country. As far as threatening American strategic interests, I'm sure that the concerns of the Salvadorn people are more likely to be occupied by such things as their fear of being taken from their homes, and the ever-present problem of feeding their families.

Mr. Enders went on to point out that if the United States "acted decisively now" we could prevent the development of a future threat from the neighboring countries in Latin America. If we didn't act, he implied, the future could well bring "more Cubas: totalitarian regimes so linked to the Soviet Union that they become factors in the military balance, and so incompetent economically that their citizens' only hope becomes that of one day migrating to the United States.

Congressman Edgar, the fact is that for many Salvadorans migration to the U.S. is their only hope TODAY! It is ironic that the Immigration and Naturalization Service, acting on a State Department recommendation, treats Salvadorans not as refugees but as illegal aliens "and therefore they are deported." Recent figures from Immigration and Naturalization indicate that every month close to 1,000 Salvadorans are being sent back to El Salvador. This policy contradicts both the United Nations' 1967 Protocol Related to the Status of Refugees, which the United States has signed, and the United States Refugee Act of 1980. On this score, Congressman Edgar, the American people and the members of the House subcommittee have been fed some things by Mr. Enders that don't easily wash down.

But Mr. Enders' comments carry with them a theme which has been characteristic of the Reagan administration, and in particular of Secretary Haig, which is to view the entire world in East-West terms overlooking a rather large percentage of the world's population living on rather a large percentage of the earth's land—the third world. I contend that these people have their own interests, and among them, is to be treated with dignity by the super powers on the basis of those interests.

El Salvador, as I'm sure you're aware, is not the first country with whom the United States has erred. I do not believe that President Reagan nor Secretary of State Haig are acutally trying to dupe the American people. On the contrary, I feel their actions, in particular with El Salvador, have been based not on deception but on ignorance. This ignorance is based on ideological dogma which overlooks the reality of things.

Despite Secretary of State Haig's allegation that the Soviet Union and Cuba are responsible for the guerrilla movement there, Russians and Cubans are not dying in El Salvador, but instead those who make up the majority of the population, and their deaths are at the hands of the "violent minority" in control!

That people are revolting against this repression should not be surprising to anyone, let alone our policy makers. I would ask Mr. Haig that if it was his home which was violated, his brother who disappeared, or his children who have gone hungry—what would he do? These are the realities of which I speak. One of the first rules in understanding foreign policy is to be able to view the world from another country's point of view. Yet our leaders show a conspicuous degree of skill in failing to do just that.

I would offer this question to our policy makers: is it in the interest of the United States for the people of El Salvador to hate us for providing the guns that have killed and maimed their families, friends, and neighbors? I think that upon reflection even Mr. Haig would have to come to grips with that. However, this is where our current policy is taking us.

Recently in an open letter to President Reagan from five of El Salvador's guerrilla commanders an appeal was made to the United States to change its policy and accept a negotiated solution to the civil war. This letter was received cooly by the administration. This is again typical of the type of mistakes our policy makers have made again and again throughout the years.

My final point, and perhaps the most crucial mistake that our leaders make is to expect that democracy, as we know it, will develop in third world countries because we wish it to happen. In El Salvador the first step in the plan is scheduled to take place in March with free elections. I would offer to you and your colleages in the House of Representatives why this thinking is impractical:

In order to have democracy there must be a consensus basic, social, economic, and political goals. El Salvador does not have this.

There must be an advanced form of nationalism to bring about national integration. This is presently developing in El Salvador, but its strength is with those who oppose the military dictatorship.

There must be secularization of politics. Clearly impossible in military dictatorship.

There must be reasonably high literacy rates—a democracy depends on the will of the majority. If the majority cannot read the masses can't be involved. El Salvador is largely illiterate.

There must be a sizable group with higher education and the right kind in order to get the economy developed. This is missing in El Salvador.

There must be enough people interested in participating in a democracy. Most Salvadorans don't know what democracy is, or Marxism for that matter.

There must be a trained and loyal civil service. Not there, in fact years away in El Salvador.

There must be a competitive political system. Missing.

There must be political as well as economic and social mobility. Nonexistent in El Salvador.

There must be a limited constitutional government. Not there.

There must be political as well as economic mobility. Not there. Economic development is necessary for political development.

People must gain experience on the local level first. Democracy must come from the grass roots up. Not there.

There must be developed a tradition of democracy, which in turn would develop a consensus. This has not yet begun in El Salvador.

There must be civilian control of the military. Conspicuously not there.

People must be allowed to progress in order for democracy to begin to develop. However, our current policy is to keep the status quo by trying to keep the military dictatorship in power by equipping it with arms, deterring development. Our policy in El Salvador is once again a contradiction of reality.

Sincerely yours,

JAMES J. LAVERTY,
Upper Darby, Pa.

UKRAINIAN INDEPENDENCE REMEMBERED

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. ECKART. Mr. Speaker, we must never forget countries which have held, if only for a short time, freedom in the palm of their hand. It is for this reason that I wish to recognize the Ukrainian National Republic's day of independence.

Three years after its birth on January 22, 1918, the Ukrainian National Republic was brought under Soviet rule by the Bolsheviks. The area, which has a population of 50 million, is now known as the Ukrainian Soviet Socialist Republic and is, in name only, an independent republic within the Soviet Union. In reality, it is a part of the U.S.S.R.—subject to the same restrictions and abuses that plague the rest of the citizens of the Soviet Union.

It is particularly important now that we recognize this day to assure our brothers in Poland that their efforts, whether ultimately successful or unsuccessful, triumphant or trampled, will never be forgotten. Their struggle gives strength and courage to all present and future generations who seek freedom. What better way than to pay tribute to past generations who have done just that.●

A DAY OF REMEMBRANCE FOR DR. KING

HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. RATCHFORD. Mr. Speaker, the civil rights struggle that continues to this day should serve as a reminder to this body of the great symbolic importance that would be attached to the passage of H.R. 800, legislation that would designate January 15 of every year as a national holiday commemorating the birth of the late Rev. Dr. Martin Luther King, Jr.

It is disturbing to note that the long and hard battles Dr. King fought—against discrimination in our schools, in our workplaces, in the voting booths across our land—are being challenged and gradually eroded by the Reagan administration. It is equally disturbing that the House of Representatives has yet taken no action on H.R. 800. I sincerely believe that if we are to keep alive the principles Dr. King lived and died for we must move immediately to adopt his bill.

Martin Luther King embodied, as has no other American, the quest for the equality of all women and men promised, in the Declaration of Independence more than two centuries ago. A national holiday honoring his dedication and his powerful contribution to the cause of civil rights will serve as a stirring remembrance of the man who brought the plight of the American black to the attention of our Nation, and who brought the plight of all oppressed minorities to the attention of the world.

Dr. King was still a young man when he was murdered in 1968, but he had already devoted more than 2 decades to his nonviolent crusade for color-blind justice and equality in America. The civil rights movement that culminated in the great legislative advances of the 1960's was ignited in 1955, in the nonviolent boycott led by Dr. King against the segregated bus system of Montgomery, Ala. It was a decision by the U.S. Supreme Court that declared segregation in the buses of Montgomery unconstitutional—and that won Dr. King his place as a national leader for civil rights.

In the years that followed, Martin Luther King was ever in the forefront for the struggle. In the early 1960's, with millions of Americans only vaguely aware that their black countrymen were routinely being denied their constitutional right to vote, to go into public establishments, to attend public schools, or to purchase a home in the neighborhood of their choice, Dr. King and the freedom riders withstood ignorance in inhumility and deprivation to deliver their message to America.

It was on August 28, 1963, that Dr. King, leading 250,000 women, men, and children in the largest civil rights demonstration ever, proclaimed in our Nation's Capital: "I have a dream"—a dream that children of all races would someday walk hand in hand in a society free of discrimination, free of bitterness and hatred, and misunderstanding. The dream that Dr. King cherished is as powerful today as it was 2 decades ago. But it is imperiled by a strong tide to reaction against the

gains we have made in civil rights in our country.

This House must act if we are to forge that dream into a reality. H.R. 800 is a good and logical place to start.●

LIST OF VOTES

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. UDALL. Mr. Speaker, it has become my practice from time to time to list my votes in the House of Representatives here in the CONGRESSIONAL RECORD. I strongly believe that the people of southern Arizona have the right to know where I stand on the issues decided by the House, and I have found that printing my record here is the best way to provide that information.

This is not an all-inclusive list. I have omitted noncontroversial votes such as quorum calls, motions to resolve into the Committee of the Whole House, and motions to approve the Journal of the previous day.

The descriptions are necessarily somewhat short, and I am sure that some of my constituents will have additional questions about the issues described here. So I invite them to write me for specifics, or to visit my district office at 300 North Main, Tucson.

The list is arranged as follows:

KEY

1. Official rollcall number;
2. Number of the bill or resolution;
3. Title of the bill or resolution;
4. A description of issue being voted on;
5. The date of the action;
6. My vote, in the form Y=yes, N=no, and NV=not voting.
7. The vote of the entire Arizona delegation, in the form (Yes—No—Not voting);
8. An indication whether the motion or amendment was passed or rejected; and
9. The total vote.

101. H.R. 3520. Steel Industry Compliance Extension. Adoption of the conference report on the bill to give steel companies, on a case-by-case basis, until Dec. 31, 1985 to meet the 1982 air pollution cleanup deadline. Money saved by deferring pollution control expenditures must be used to modernize older steel plants. June 26. Y(3-1-0). Adopted 412-4.

102. H.R. 3982. Budget Reconciliation. Amendments, considered en bloc, to strike parts of six titles of the bill recommended by the following committees: Agriculture; Banking, Finance and Urban Affairs; Education and Labor; Post Office and Civil Service; Science and Technology; Ways and Means and to substitute provisions endorsed by President Reagan. June 26. N(3-1-0). Adopted 217-211.

103. H.R. 3982. Budget Reconciliation. Motion to order the previous question (thus ending further debate) on the Schneider, R-R.I., motion to recommit the bill to the Budget Committee with instructions to provide a twice-a-year cost-of-living adjustment for federal employees. June 26. N(3-1-0). Agreed to 215-212.

104. H.R. 3982. Budget Reconciliation. Passage of the bill to revise existing laws to achieve budget savings in fiscal year 1982-84 as ordered by the first budget resolution for fiscal 1982. June 26. N(3-1-0). Passed 232-193.

105. H.R. 3982. Budget Reconciliation. Motion to table (kill) the Lott, R-Miss., motion to reconsider the vote by which the bill was passed. June 26. N(3-1-0). Agreed to 187-150.

106. H.R. 3519. Defense Department Authorization. Motion that the House resolve itself into the Committee of the Whole for consideration of the bill to authorize funds for the Defense Department in fiscal 1982. July 8. Y(4-0-0). Agreed to 345-2.

107. H.R. 3519. Defense Department Authorization. Motion that the House resolve itself into the Committee of the Whole for consideration of the bill to authorize funds for the Defense Department in fiscal 1982. July 9. Y(4-0-0). Agreed to 385-4.

108. H.R. 3519 Defense Department Authorization. Amendment to the Hansen R-Utah, amendment to prohibit the expenditure of funds in the bill for the MX missile system until both houses of Congress have adopted resolutions approving the MX missile system selected by the President. July 9. Y(1-3-0). Rejected 201-207.

109. H.R. 3519. Defense Department Authorization. Motion to end debate on the Dellums, D-Calif., amendment to delete $2.4 billion for development of the MX missile system. July 9. N(3-1-0). Rejected 193-213.

110. H.R. 3519. Defense Department Authorization. Amendment to delete $2.4 billion for development of the MX missile system. July 9, N(0-4-0). Rejected 96-316.

111. H.R. 3519. Defense Department Authorization. Amendment to make funds specified in the bill for the B-1 bomber available also for research and development of an advanced technology bomber. July 9. Y(1-3-0). Rejected 153-254.

112. H.R. 3519. Defense Department Authorization. Amendment to reinstate a requirement that the Defense Department reduce the number of civilian employees in grades GS-13 to GS-18. July 9. Y(1-2-1). Rejected 142-249.

114. H.R. 3519. Defense Department Authorization. Motion that the House resolve itself into the Committee of the Whole for further consideration of the bill to authorize Defense Department funding for fiscal 1982. July 10. Y(3-0-1). Agreed to 370-2.

115. H.R. 3519. Defense Department Authorization. Government Operations Committee amendment to delete a provision authorizing the Defense Department to use grants for research and procurement. July 10. Y(1-2-1). Rejected 190-194.

116. H.R. 4034. HUD-Independent Agencies Appropriation, fiscal 1982. Motion to order the previous question (thus ending further debate) on the rule (H. Res. 171) providing for House floor consideration of the Department of Housing and Urban Development appropriations bill. July 10. Y(3-0-1). Agreed to 336-13.

117. H.R. 4034. HUD-Independent Agencies Appropriations, fiscal 1982, Motion that the House resolve itself into the Committee of the Whole for consideration of a bill making appropriations for the Department of Housing and Urban Development and Independent Agencies. July 10. Y(3-0-1). Agreed to 326-7.

118. H.R. 3975. Production of Oil from Tar Sands. Motion to suspend the rules and pass the bill to facilitate the production of oil from tar sands deposits on federal lands. July 14. Y(4-0-0). Agreed to 416-0.

119. H.R. 3519. Defense Department Authorization. Government Operations Committee amendment to delete from the bill increases in three thresholds on Defense Department purchases: an increase from $10,000 to $25,000 of the ceiling on the use of simplified small purchase procedures; an increase from $100,000 to $500,000 of the minimum amount of cost and pricing data that must be certified by contractors on the Truth in Negotiations Act; and an increase from $100,000 to $5 million of the maximum contract that can be negotiated by a service secretary for experimental, development or research work. July 14. N(0-4-0). Rejected 109-311.

120. H.R. 3519. Defense Department Authorization. Amendment to the Judiciary Committee amendment to permit U.S. armed forces personnel to participate, under certain circumstances, in illegal drug seizures or arrests outside the land area of the United States. July 15. N(3-1-0). Adopted 248-168.

121. H.R. 3519. Defense Department Authorization. Judiciary Committee amendment, as amended to authorize the armed services to cooperate with civilian law enforcement officials in operations against drug smuggling. July 15. Y(3-1-0). Adopted 362-49.

122. H.R. 3519. Defense Department Authorization. Government Operations Committee amendment to place Defense Department procurement under a government wide procurement system and to authorize multiyear contracting only for purchases meeting certain conditions and specifically approved by Congress. July 15. Y(1-3-0). Rejected 133-283.

123. H.R. 3519. Defense Department Authorization. Amendment to require that all purchases of computers and computer services for the Defense Department be made through the General Services Administration July 15. Y(1-3-0). Rejected 118-299.

124. H.R. 3519. Defense Department Authorization. Substitute amendment to the Hillis, R-Ind., amendment to prohibit the armed services from buying automobiles manufactured outside the U.S. or Canada unless the Secretary of Defense certified to Congress that suitable automobiles manufactured in the U.S. or Canada were not available. July 15, N(0-3-1). Rejected 38-371.

125. H.R. 3519. Defense Department Authorization. Amendment to delete provisions from the bill requiring Selective Service registrants to provide their Social Security numbers and providing for the Department of Defense and Treasury and Health and Human Services to share names and addresses of registrants. July 16, N(0-3-1) Rejected 125-290.

126. H.R. 3519. Defense Department Authorization. Amendment to the Courter, R-N.J., substitute amendment to the Schroeder, D-Co., amendment to direct the President to propose by Jan. 15, 1982 at least $8 billion in rescissions in Defense Department budget authority that was unnecessary or attributable to waste, fraud, abuse or mismanagement. July 16. Y(1-2-1). Rejected 142-276.

127. H.R. 3519. Defense Department Authorization. Substitute amendment to the Schroeder, D-Co., amendment to direct the President to submit to Congress by Jan. 15, 1982 his recommendations for improving the efficiency and management in the De-

fense Department and for eliminating waste, fraud, abuse and mismanagement in the Department. The President also would be directed to report on actions taken concerning General Accounting Office reports on waste, fraud, abuse and mismanagement in the Defense Department. July 16. Y(3-0-1). Adopted 416-0.

128. H.R. 3519. Defense Department Authorization. Amendment to prohibit use of funds in the bill for research, development, testing, evaluation or procurement of the F/A-18 fighter/attack aircraft. The amendment directed that the $3.1 billion specified in the bill for the F/A-18 be made available instead for other Navy and Marine Corps aircraft programs. July 16. N(0-3-1) Rejected 101-316.

129. H.R. 3519. Defense Department Authorization. Amendment to bar procurement of A-7K attack planes and use funds earmarked for that plane to buy instead 13 F-16 fighters. July 16. N(0-3-1). Rejected 148-268.

130. H.R. 3519. Defense Department Authorization. Amendment to bar the Secretary of any armed service from signing a contract worth more than $50,000 to purchase civilian cars or light trucks not made in the U.S. or Canada, without legislative authorization. July 16. N(0-3-1). Adopted 231-187.

131. H.R. 3519. Defense Department Authorization. Passage of the bill to authorize $136,111,000 for Defense Department weapons procurement, military research operations and maintenance and civil defense in fiscal 1982. July 16. Y(3-0-1). Passed 354-63.

132. H.R. 3519. Defense Department Authorization. Motion to allow the House-Senate conference committee on the fiscal 1982 defense authorization bill (S. 815) to be closed to the public when classified information was under consideration. July 16. Y(3-0-1) Agreed to 381-2.

133. H. Res. 177. Nuclear Non-Proliferation Policy. Adoption of the resolution calling on the President to develop and implement a nuclear non-proliferation policy that would strengthen the barriers to the spread of nuclear weapons and prescribe concrete methods for restraint by all nuclear supplier nations; encourage nations to ratify the Non-Proliferation Treaty; work to develop sanctions against nations that divert nuclear supplies from peaceful purposes into nuclear weapons; and fully implement the Nuclear Non-Proliferation Act of 1978. July 17. Y(3-0-1). Adopted 365-0.

134. H.R. 4034. HUD-Independent Agencies Appropriations fiscal 1982. Amendment to reduce the appropriation for the Office of Policy Development and Research in the Department of Housing and Urban Development from $30 million to $20 million. July 17. N(2-1-1). Adopted 202-162.

135. H.R. 4034. HUD-Independent Agencies Appropriations fiscal 1982. Amendments (considered en bloc) to prohibit the Environmental Protection Agency from spending funds to require states to implement or enforce programs for vehicle emission control inspection and maintenance. July 17. N(2-1-1). Rejected 177-184.

136. H. Res. 181. Social Security. Motion to suspend the rules and adopt the resolution stating that the House "strongly urges that the necessary steps be taken to insure that Social Security benefits are not reduced for those currently receiving them." July 21. Y(3-1-0). Agreed to 405-13.

137. H.R. 4034. HUD-Independent Agencies Appropriations fiscal 1982. Amendments to cut the appropriation for the National Science Foundation from $1.06 billion to $995 million. July 21. N(3-1-0). Rejected 152-264.

138. H.R. 4034. HUD-Independent Agencies Appropriations fiscal 1982. Passage of the bill to appropriate $62,599,958,500 in fiscal 1982 for the Department of Housing and Urban Development and 20 independent agencies. July 21. Y(3-1-0). Passed 362-54.

139. H.R. 4035. Interior Appropriations fiscal 1982. Motion that the House resolve itself into the Committee of the Whole for consideration of the bill. July 21. Y(4-0-0). Agreed to 378-3.

140. H.R. 4035. Interior Appropriations fiscal 1982. Amendment to provide $100 million for the administrative expenses of the Payments in Lieu of Taxes program. July 21. Y(3-0-1). Rejected 96-320.

141. H.R. 4035. Interior Appropriations fiscal 1982. Motion that the House resolve itself into the Committee of the Whole for further consideration of the bill. July 22. Y(4-0-0). Agreed to 383-3.

142. H.R. 4035. Interior Appropriations fiscal 1982. Amendment to delete $135 million earmarked for the solvent refined coal demonstration plant at Newman, Ky. July 22. Y(2-2-0). Rejected 177-236.

143. H.R. 4035. Interior Appropriations fiscal 1982. Amendment to delete $30,000 earmarked for the Franklin Delano Roosevelt Memorial Commission. July 22. N(2-2-0). Rejected 201-216.

144. H.R. 4035. Interior Appropriations fiscal 1982. Passage of the bill to appropriate $11,139,727,000 in fiscal 1982 for the Interior Department and related agencies. July 22. Y(3-1-0). Passed 358-46.

145. H.R. 4144. Energy and Water Development Appropriations fiscal 1982. Adoption of the rule (H. Res. 185) providing for House floor consideration of the fiscal 1982 apropriations bill for energy and water development programs. July 23. Y(3-1-0). Adopted 233-178.

146. H.R. 4119. Agriculture Appropriations fiscal 1982. Adoption of the rule (H. Res. 178) providing for House floor consideration of the bill to provide fiscal 1982 funds for the Agriculture Department and related agencies. July 23. NV(3-0-1). Adopted 274-131.

147. H.R. 4144. Energy and Water Development Appropriations fiscal 1982. Amendment to the Myers, R-Ind., amendment to delete $189 million for the Tennessee-Tombigbee Waterway. July 23. N(0-4-0). Rejected 198-208.

148. H.R. 4144. Energy and Water Development Appropriations fiscal 1982. Amendment to the Myers, R-Ind., amendment to delete $17.8 million for the Stonewall Jackson, W.Va. dam and prohibit further federal spending on the project. July 23. N(0-4-0). Rejected 137-267.

149. H.R. 4144. Energy and Water Development Appropriations fiscal 1982. Amendment to delete $4 million for the Garrison Diversion water project in North Dakota. July 23. N(0-4-0). Rejected 188-206.

150. H.R. 4144. Energy and Water Development Appropriations fiscal 1982. Amendment to delete $228 million for the Clinch River (Tenn.) nuclear breeder reactor. July 24. Y(1-3-0). Rejected 186-206.

151. H.R. 4144. Energy and Water Development Appropriations fiscal 1982. Amendment to transfer $10 million for research at the privately operated Barnwell, S.C. nuclear fuel reprocessing facility to government nuclear waste research. July 24. Y(1-3-0). Rejected 157-213.

152. H.R. 4144. Energy and Water Development Appropriations fiscal 1982. Passage of the bill to appropriate $13,189,674,000 in fiscal 1982 for energy and water development programs. July 24. Y(4-0-0). Passed 244-104.

153. H.R. 2819. District of Columbia Federal Payment. Passage of the bill to increase from $300 million to $336.6 million the authorization for fiscal 1982 and each fiscal year thereafter for the annual federal payment to the District of Columbia. July 27. Y(1-2-1). Passed 209-179.

154. H.R. 2818. District of Columbia Borrowing Authority. Passage of the bill to extend for two years the authority of the Mayor of the District of Columbia to accept certain interim loans from the U.S. government and to extend the authority of the Treasury Secretary to make such loans. July 27. Y(1-2-1). Passed 239-149.

155. H.R. 4119. Agriculture Appropriations fiscal 1982. Passage of the bill to appropriate $22,730,534,000 for fiscal 1982 for the Agriculture Department and related agencies. July 27. Y(1-2-1). Passed 343-33.●

JOHN GRAHAM McCROREY: A MAN OF VISION

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. GOODLING. Mr. Speaker, some weeks ago I had the pleasure of being in York, Pa., at the headquarters of McCrory Stores. The occasion was the dedication of the Lorence A. Silverberg Memorial Museum and the kick-off of the yearlong observance of the 100th anniversary of the founding of McCrory Stores. I was able to learn firsthand some of the history of variety stores starting back in the five-and-dime days. I would like to recount for you now some of this history as it is preserved in the McCrory Museum.

McCrory's history goes back to 1882 when John G. McCrorey, a 22-year-old dry goods clerk, opened his first 5-and-10-cent store in Scottdale, Pa., with $350 in savings and $200 in borrowed money. The store recorded sales of $25,000 that first year. If living today, he would be proud to know that his initial investment was the beginning of an organization having annual sales of approximately $750 million a hundred years later.

By 1901 John G. McCrorey had 20 stores producing an annual sales volume of $498,000. Always a frugal man, he had dropped the "e" from his name, allegedly to reduce the cost of the gilt-lettered signs over his stores. Having outgrown its Johnstown, Pa., headquarters, the company established its main office in New York City in 1901. It was incorporated under the laws of the State of Delaware in 1915.

Food service was first introduced in a McCrory store during World War I. John McCrorey could foresee that having a lunch counter in a store

would not only be a convenience for his regular customers but also might bring in more customers. He set aside areas for this purpose in several of the stores and started operating them as concessions, serving light food and refreshments. After a few years the company took over the operation of the food counters. The food counters grew to luncheonettes and, much later, the luncheonettes to restaurants and cafeterias. Today, food service is an integral and profitable part of the firm's operations and is available in 475 of its stores as well as in a number of freestanding restaurants.

John G. McCrorey retired from active participation in the company in 1933 in order to devote his energies to philanthropic interests, which he did until his death in 1943 at age 83.

The decade following World War II was critical for the variety store industry. Population shifts away from urban centers to suburbia changed the face of retailing. Those failing to recognize this trend found themselves in serious financial difficulty.

McCrorys survived these changes and, in 1963, opened a 750,000-square-foot distribution center in York, Pa. In 1966 its headquarters offices were moved from New York City to York, although small buying offices for fashion apparel are maintained in New York and Los Angeles.

Other small variety chains had sprung up over the years and their numbers of stores continued to grow by way of either opening new units or gaining control of smaller independents. Notable among those companies that were eventually merged into the McCrory family of stores, after having realized their own measures of success, were McLellan Stores in 1959; H. L. Green Co., Inc., in 1961; and J. J. Newberry Co., in 1972. McCrorys also took over 15 former W. T. Grant stores in 1976, 8 former Neisner stores in 1980, and in 1981 acquired S. H. Kress and V. J. Elmore stores from Genesco.

In 1975 management established a goal of substantially increasing the sales per square foot and decreasing expenses in order to capture the greatest profit from increased sales. By closing unprofitable stores, rehabilitating certain stores, reducing operating costs, and instituting an aggressive sales program, McCrorys was able to steadily increase sales and profits. The decision was made to stay solely in the variety store business.

McCrory stores has come a long way from its founding, and today is headed by Ben Litwak, chairman, and J. Philip Lux, president. Both Litwak and Lux came up through the ranks to attain their present positions, Litwak having started as a manager traineee in 1936 and Lux as a part-time stockboy in the McCrory store managed by his father in the midforties. Lux recalls that—

We sold silk stockings back then instead of nylon and the best pair in stock sold for only 59-cents. Variety stores were the discounters and convenience stores of the 1940's because drug and grocery stores did not carry the variety of items they do now.

Inflation and high interest rates have had a limiting effect on merchandise assortments, energy costs, and borrowing. Yet, according to Lux, the variety store market tends to broaden during difficult times. He notes:

Persons in high income groups are finding their discretionary incomes reduced, and we are seeing people buying socks and many other items at our stores who previously would not have considered shopping for them in a variety store.

While in 1982 McCrorys will take a quick look back at all that has taken place in the last 100 years—the peaks and valleys; prosperous and depression times; the closing of some stores and the opening of new ones; with mergers and new faces in top management; an increasing variety of goods; the arrival of the jet age; instant communications and the need for better responsiveness; improved means of inventory control and distribution—it is too busy planning ahead to look for long. Its management has initiated as strategic planning process to enable its executives to quickly perceive trends, assess their importance, and position the company to meet the changing environment.

Employing John G. McCrorey's philosophy of looking ahead, the slogan adopted for the 100th anniversary year of McCrory stores is "We've only just begun."

Mr. Speaker, I am proud that our country produced a John Graham McCrorey who was such a believer in the free enterprise system. Historically the variety store industry has been a forerunner in providing employment opportunities for our youth and has instilled in them the work ethic that has been so important to the success of our great country.

The successful chains of variety stores that have survivied their first century are few, and it is significant that this successful firm has adhered to the fundamental standards of its founder.●

ERA: EMANCIPATION PROCLAMATION

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mrs. SCHROEDER. Mr. Speaker, Friday, February 12, is Abraham Lincoln's birthday. One of Lincoln's greatest acts as President was his signing of the Emancipation Proclamation. It was a great step toward furthering the idea of equality in the United States. It led to the 14th amendment to the Constitution of the United States, which prohibited the country from denying any person within its jurisdiction equal protection of the laws.

State legislatures in 15 States have a chance to follow in the footsteps of Abraham Lincoln and to enrich the Constitution by ratifying the equal rights amendment: "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex."

The following Christian Science Monitor article by Dr. William Van Alstyne, a professor of constitutional law at Duke University, explains why the Constitution would be poorer without the ERA:

THE CONSTITUTION WOULD BE POORER WITHOUT ERA

This June will mark either the passing of an era or the passage of an ERA. Without approval of three additional state legislatures, 50 years of efforts that moved two-thirds of both houses in Congress, and a decade of effort that won approval by 35 states, will end in failure. The world's oldest written extant Constitution, our own, would still provide no fundamental commitment that "equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex."

Prudent people already think they know the outcome—that among 15 states there will be no favorable majorities in the general assemblies of even three states. Already the 27th Amendment is treated as a game, the outcome of which we know. "They" (the women) have lost.

From within the Constitution where I live professionally, the view is quite different. It is a view of pending loss, of historic and constitutional opportunity about to be forfeited. It is also a professional sense of sheer amazement. I would have thought that the chance to count oneself significantly, in adding a memorable and permament improvement to the Constitution of the United States, would not lightly be rejected by men and women whose other votes in state assemblies cannot possibly be comparable in significance. It is incredible to me that state assembly members, living from year to year through forgettable bills of appropriation, endless caucuses, and recurring campaigns do not see how one vote, on this issue, provides a greater claim to history than anything else they may do.

The indifference of state assembly members to make ratification their most important business cannot be on grounds that the 27th Amendment is trivial, because it is not. It carries into words eminently suitable for a Constitution a proposition neither condescending nor at all objectionable. Rather, like the 13th Amendment (which forever interred chattel slavery) it speaks against the recurring and incorrigible tendencies of government to be condescending, ignorantly denying equality of rights by gender.

The objection that the wording of the Equal Rights Amendment would be an iron bed of Procrustes, relentlessly indifferent to any gender-related distinctions at all (the example is often given of mandatory unisex dressing rooms or bathrooms in all governmentally-operated facilities) is quite mistaken. Where considerations of hygiene, safety, and privacy are involved "equality of rights under the law" (which is exactly and only

what the amendment provides) is plainly not offended by separate facilities equal in usefulness and the separateness of which stigmatizes no one.

On the other hand, I have heard it said that the 27th Amendment is not needed because the Constitution already adequately speaks to this subject. But this, too, is seriously in error. The equal protection clause (of the 14th Amendment) has embarrassed the Supreme Court by its very poor adaptability to gender-based discrimination by government.

Partly this is so because such forms of unequal treatment by government played virtually no role whatever in its Reconstruction passage, in 1868. Partly it is because the sole reference to sex in the 14th Amendment itself explicitly allowed women altogether to be denied any right to vote (an "accommodation" provided by the 14th Amendment that it required the separate 19th Amendment, ratified in 1920, to overcome). And partly it is because the court fully understands that gender-based laws cannot be analyzed in perfect analogy to race-based laws (which are the focus of the 14th Amendment), and that the comparison is often very faulty.

This difference is recognized in the different language of the Equal Rights Amendment itself. Thus, it provides for "equality of rights under the law," and admits to common sense distinctions relevant to gender that would not be relevant to race.

The fact is that the Constitution is a poorer document without this amendment, just as it was once even weaker in having no 14th Amendment and, in the beginning, no Bill or Rights at all.

The amendment should be read again, read privately, thought about quietly. It should be compared with the balance of our Constitution, its conformity in style and spirit examined fairly and with detachment. If that is done, then by June it is still possible for us to mark the passage of the 27th Amendment, and not simply the passing of an era.●

NATIONAL AGRICULTURE DAY—MARCH 18, 1982

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. DE LA GARZA. Mr. Speaker, today, for myself and on behalf of Mr. WAMPLER of Virginia, ranking minority member of the Committee on Agriculture and 127 other Members of the House, I have introduced a resolution to proclaim March 18, 1982, as "National Agriculture Day."

The resolution would authorize and request the President to issue a proclamation calling on the people of the United States to oberve the day with appropriate ceremonies and activities.

The purpose behind this resolution, which is identical to a resolution which became law for 1981, is simple but significant.

American agriculture, including farmers, workers, and all the other participants in the food and fiber chain, is the Nation's largest and most productive industry. A healthy farm economy, working with efficient agribusiness industries, is the foundation of a healthy national economy. Every American wants this country to pull out of the current recession, recovery in other industries will be hampered unless the farm sector also is healthy.

Because of this basic fact, I believe that every American should have a full understanding of what agriculture means to his or her life. Only a relative handful of our people live on farms, but the rest of us are deeply affected by what happens in agriculture, and our citizens will make better and sounder national policy decisions if they have all the facts about this cornerstone industry.

This is the purpose of our resolution—to help spread understanding. One of the most effective methods of promoting that understanding in recent years has been the annual observance of Agriculture Day, which is coordinated by the Agriculture Council of America, a nonprofit, bipartisan organization devoted to communicating the facts about modern agriculture.

Our resolution would cost taxpayers nothing. But it would add the emphasis of formal Government recognition to the efforts which are already underway to make 1982 National Agriculture Day an effective observance.

Agriculture Day is celebrated in local communities all around the Nation—in schools, in exhibits, in tours, and in ceremonies of many kinds. There will be proclamations and recognition of the day by many mayors, Governors, and other officials. Millions of Americans will be given a refresher course in how American agriculture works, and how the superior productivity of our agriculture compares with the food systems in other countries.

The 1982 observance which our resolution supports will bring together farmers and ranchers, farm and commodity groups, and many other organizations for a united effort to speak to the American people. We hope many more of our House colleagues will join us quickly in sponsoring the resolution.●

H.R. 5424—MONO LAKE NATIONAL MONUMENT BILL

HON. JIM SANTINI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. SANTINI. Mr. Speaker, I would like to say a few words today in support of a bill introduced by Congressman SHUMWAY to make Mono Lake a national monument. I was pleased and proud to join in an effort to protect and preserve this California lake. H.R. 5424 is an attempt to provide national park management and protection to one of America's most unique acquatic treasures. Mono Lake lies between the Sierra Nevada Mountains and the Great Basin at an elevation of 6,372 feet. It is over 1 million years old and is a scientific and geologic showcase with its volcanic formations, unique bird habitat and pristine environment.

Unfortunately, because of water diversions, Mono Lake is in very real danger of drying up and losing its ecological life support system. As a staunch believer in State water rights, I continue to believe that the basic and fundamental water issues must be ironed out by the State of California. Nevertheless, we cannot stand idly by and see an American resource dwindle and die. Giving Mono Lake national monument status will require that it be managed like a national park with emphasis on preservation of geologic and scenic values and recreational opportunities. In addition, we will require that a comprehensive study be conducted on alternative water management practices and that an inventory be taken of all terrestrial and aquatic species and factors contributing to their decline.

Why is a Nevada Congressman interested in the fate of Mono Lake? The answer is pretty simple. Mono Lake lies just over the Nevada-California boundary and provides recreation and scenic enjoyment for many, many Nevadans as well as Californians. Mono Lake is a memorable site for countless Nevadans, driving south on Highway 395 to Yosemite from Reno. In fact during the ice ages when Mono Lake was many times its present size, it actually reached eastward into Nevada. The region is tied together historically and environmentally and I am committed to lend my support to the efforts of our neighbors to the west to keep Mono Lake from going the way of so many of our western water bodies.

We all have a lot at stake in the Mono basin—the wildlife, the environment, recreational pursuits, and shrimp harvesting, just to name a few resources. I urge my House colleagues to lend a helping hand to save Mono Lake from becoming another dry desert lake of the past. Thank you.●

REPORT OF EL SALVADOR TRIP

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. EDGAR. Mr. Speaker, Bishop Joseph H. Yeakel, of the United Methodist Church reminded me recently of a strong statement put out by the governing board of the National Council

of the Churches of Christ in the U.S.A., meeting in Cleveland, Ohio, November 5, 1981, on the issue of U.S. Government involvement in El Salvador. In light of the recent debate on future involvement, I urge my colleagues to read the following report and note the important recommendations as stated:

REPORT OF EL SALVADOR TRIP

A delegation sponsored by the National Council of the Churches of Christ in the U.S.A visited El Salvador, from October 24 to 28, 1981. The members of the delegation were:

The Rev. Dr. James Andrews, Stated Clerk, Presbyterian Church in the United States;

Kara Cole, Administrative Secretary, Friends United Meeting;

The Rt. Rev. David Reed, Episcopal Church, Bishop of Kentucky;

Rev. Hugh Smith, Secretary, Public Relations, American Baptist International Ministries;

Dr. William P. Thompson, Stated Clerk, United Presbyterian Church in the U.S.A.; and

Bishop Joseph Yeakel, United Methodist Church, Bishop of New York West Area.

Staff: The Rt. Rev. J. Antonio Ramos, Associate Director of Caribbean and Latin America Office, DOM, NCCCUSA; Mr. Mark Schomer, Church World Service Central America Representative; and the Rev. Dr. Eugene L. Stockwell, Associate General Secretary for Overseas Ministries. NCCCUSA.

The visit was a pastoral visit to the churches of El Salvador, intended to convey our identification with them in the current tragic suffering they and their nation are facing. The visit was intended also to assist us toward a deeper insight into the current reality of El Salvador in order that we as U.S. churches and people might respond more adequately to their needs.

In addition to many individual conversations, the delegation schedule included:

Sunday worship in the Roman Catholic Cathedral, First Baptist Church, Emmanuel Baptist Church, Episcopal Church and Lutheran Church of the Resurrection;

Visit with leadership of CREDHO, Episcopal Social Action agency;

Visit to San Jose de la Montana, Refuge for Displaced persons;

Dinner with Student Christian Movement leaders;

Meeting with leadership of Emmanuel Baptist Church;

Meeting with Socorro Juridico, A Roman Catholic Legal Aid organization;

Conversation with Dr. Ricardo Stein, Professor at Central American University;

Meeting with ASESAH, an ecumenical humanitarian relief agency;

Meeting with the Human Rights Commission;

Meeting with the Committee of Mothers and Relatives of Disappeared persons;

Meeting with Lutheran Church of the Resurrection leadership;

Dinner with Ambassador Deane Hinton, U.S. Ambassador to El Salvador along with four senior Embassy staff members;

Meeting with Baptist Association leadership;

Conversation with Society of Jesus Leadership;

Meeting with Roman Catholic Apostolic Administrator Msgr. Arturo Rivera y Damas, together with Msgr. Ricardo Urioste, Vicar General of the Archdiocese, and Father Fabian Amaya;

Meeting with pastors of several Pentecostal and evangelical denominations related to CESAD, a humanitarian relief agency, including the representative in El Salvador of the United Bible Societies.

Of necessity the delegation's visit was brief. We do not claim to have achieved a complete understanding of the complex facets of the El Salvador situation, or of the Christain community in that land. Inevitably every view of El Salvador is partial. We are conscious of the fact that we talked to only a limited number of persons, and we were not able to travel outside the capital city. We feel impelled to report some things we heard and make some recommendations to the NCCCUSA Governing Board.

Certain themes were repeatedly expressed to us:

A. REGARDING THE CURRENT SITUATION IN EL SALVADOR

1. El Salvador is a nation in which death is a pervasive and immediate reality. Assassinations, bombings, executions, disappearances, hunger, the destruction of communities, the dismemberment of economic and social life at their very roots—all these and more are part of daily life. The people live in agony. Unspeakable suffering is everywhere.

2. The situation in El Salvador is deteriorating. Since October 15, 1979, when a military Junta overthrew the presidency of General Carlos Humberto Romero, the increased dominance of the military and increased guerrilla activity have been accompanied by widespread terror throughout the country. We heard repeatedly of governmental decrees issued during the last two years which, as one observer stated, progressively reduced the "political space" in the nation to a point where rational political processes are impossible and legal redress for criminal and civil wrongs is virtually unavailable.

3. The violation of human rights is commonplace and constant. The legal system is practically inoperative. Investigation of murder, torture and major violations of persons and property, is not forthcoming. The grossest excesses go uninvestigated and unpunished. The fate of most persons is left to the whim of the military, paramilitary and security forces. We heard widespread agreement that by far most of the violence directed against persons, as contrasted with sabotage and property damage, is perpetrated by government forces, or by forces in whose activities the government acquiesces.

4. The role of the United States in El Salvador is discussed everywhere. We heard repeated calls for the U.S. to withdraw its military and economic aid, which many believe prolongs repression and suffering. One observer said, "By prolonging the conflict the U.S. is causing the development of the very kind of government in El Salvador that it fears the most." We heard calls for the cessation of all outside support of the warring parties, whether from the U.S. or from socialist nations. Nevertheless, the massiveness of U.S. support is singled out over and over again for particular objection, though the U.S. Ambassador urges even greater U.S. assistance. The people of El Salvador want to be free to solve their own problems without outside pressures.

5. We heard great concern for people displaced within El Salvador by military operations of all parties, as for refugees outside the country. Once outside the country it is felt refugees have at least a chance of aid from international governmental and private agencies; however, within El Salvador the plight of displaced peoples, of whatever political complexion, is inadequately perceived and addressed by public or private agencies. Resources are needed inside El Salvador to assist these suffering persons and communities, and such resources will have to come from outside El Salvador.

B. REGARDING THE CHRISTIAN CHURCHES IN EL SALVADOR

1. The Christian churches in El Salvador playing a constructive role in the present situation—in analysis of the current reality and its root causes, in the provision of spiritual and legal assistance, in furnishing humanitarian aid to the suffering and in the search for a just and peaceful political and social order.

2. The Roman Catholic Church is under increasing attacks, misrepresenting its work and threatening physical harm and even death to clergy and lay leadership alike. The campaign has been stepped up during the past month.

3. All Christian churches in El Salvador, despite immense difficulties which include the assassination, disappearance, and imprisonment of leaders and members of many congregations, are witnessing magnificently to the Lordship of Jesus Christ. Adversity has driven them to the roots of the Gospel. The churches' ministry—prophetic and pastoral, challenging and compassionate, reflective and reconciling—takes on a compelling immediacy. We were impressed by the youth of many of the church leaders, and by the prominence of lay persons in the churches' witness. The unbiblical dichotomy between evangelization and social witness is resolved as the needs of the nation elicit a powerful ministry for justice and reconciliation. We thank God for the Christian community of El Salvador, and we believe it calls us to a more relevant witness in the United States, a witness of Biblical and theological depth in which we too often fail to engage. In El Salvador it is evident that the Gospel of Jesus Christ is indeed redemptive and liberating.

4. The Christian churches of El Salvador do not just talk about cooperation; they live it. Evangelical groups are working with CARITAS, a Roman Catholic agency. Baptists cooperate closely with Roman Catholics in ASESAH, the relief agency which the World Council of Churches and Church World Service support. The Student Christian Movement membership cuts across denominations.

5. Amazingly, many churches seem to be revitalized by current suffering and persecution. In some churches membership is growing. The congregations we visited were well attended. In the Roman Catholic church persons seeking Christian Vocations are growing in number.

6. The martyrdom and memory of the late Archbishop Oscar Arnulfo Romero is a powerful force of inspiration and example for the Christians of El Salvador, Protestant and Roman Catholic alike, referred to constantly. We give thanks for his remarkable ministry to the church and the nation, focused primarily on the poor and the oppressed.

C. REGARDING THE FUTURE OF EL SALVADOR

1. There is widespread belief that the El Salvador situation will continue to worsen in the immediate future. The governing Junta, with U.S. support, aims for a military solution, which still is thought by them to

be obtainable despite the current military situation.

2. The election of delegates to a Constitutional Assembly, proposed for March, 1982 by the present Junta, is widely rejected as a formula for improvement of the political situation. Conditions for a representative election are not currently present. Even the U.S. Ambassador, in a press interview on October 27, stated that at present the conditions for such elections do not exist, though he hoped that possibly they might exist five months from now. We heard little or no hope for a political resolution along these lines; on the contrary, there was much rejection of this proposed political process.

3. We heard a strong call for dialogue or negotiation between the contending forces in El Salvador. Currently the Junta, with U.S. support, rejects dialogue or negotiation with representatives of the forces opposed to the government. The attitude of the U.S government is key to the development of a dialogue or negotiation process. We are aware of some recent initiatives in the U.S. Senate which might encourage the negotiation or dialogue, and these hold out some promise of movement in a positive direction. Repeatedly we heard of the sheer tiredness of the people of El Salvador, their sense of helplessness, their revulsion at the continuing death and suffering, and their hope that military confrontation and repression will end. Face to face dialogue and negotiation to which representatives opposed to the government say they are open, is thought by many to offer some hope in what now is seemingly intractable military confrontation.

In the light of our experience in El Salvador, we make the following recommendations to the NCCCUSA Governing Board at its meeting in Cleveland, Ohio, on November 4-5, 1981:

RECOMMENDATIONS TO THE CHURCHES

1. We urge the Governing Board, its member denominations, and related ecumenical bodies and their congregations and members, to pray for the suffering people of El Salvador, and for a prompt, peaceful and just resolution of the conflict in El Salvador.

2. We urge the Governing Board, its member denominations and related ecumenical bodies, to continue and increase the provisions of humanitarian assistance to the people of El Salvador and to refugees from that nation. In particular we urge greater support be channeled to meet the needs of persons displaced by military operations of the contending parties who are victims of the war and repression, inside El Salvador itself. We believe Church World Service offers an excellent channel for such ecumenical support.

3. We urge the Governing Board, its member denominations and related ecumenical bodies, to provide increased information to church members and the public at large regarding the present situation in El Salvador—its history, the issues at stake, the suffering of the people, the role of the churches, and the possibilities for a just resolution of the conflict in the near future. The plight of undocumented refugees from El Salvador who have come to the United States should receive special understanding and attention. We urge that insofar as possible the views of Christian church constituencies in El Salvador be communicated widely.

4. We urge the Governing Board, its member denominations and related ecumenical bodies, to support the efforts of international organizations, both ecclesiastical and secular (such as the World Council of Churches and Amnesty International, and the NCCCUSA Human Rights office) which endeavor to publicize the status of human rights violations in El Salvador on the basis of reliable evidence, thus to keep the light of international concern focused on El Salvador.

5. We urge the Governing Board, its member denominations and related ecumenical bodies to press upon the government of the United States the recommendations listed below.

RECOMMENDATIONS TO THE GOVERNMENT OF THE UNITED STATES

1. We urge the government of the United States to seek a negotiated solution, rather than a military solution, to the conflict between the contending parties in El Salvador which might in time provide the just conditions necessary for fair and representative elections in that country.

2. We urge the government of the United States to afford political asylum or some special temporary status for refugees who flee El Salvador to the United States.

3. We urge the government of the United States to provide increased assistance to international organizations that help to meet the needs of Salvadoran refugees in other countries of this hemisphere.

4. We urge the government of the United States to take diplomatic initiatives to effect the termination of military assistance to all groups in El Salvador. In particular, we urge our government to terminate its present policy of providing military and economic assistance to the governing Junta of El Salvador.

(The Governing Board of the National Council of the Churches of Christ in the U.S.A., meeting in Cleveland, Ohio, November 5, 1981, approved as its own the above recommendations to the churches and to the United States government on pages 5 and 6.)●

ACT OF HEROISM IN PORT WASHINGTON

HON. JOHN LeBOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. LeBOUTILLIER. Mr. Speaker, the President pointed out in the state of the Union message that there are real heroes in this country, one only needs to look for them. I believe that there is a young man in my district that truly deserves to be called a hero.

In the early morning hours of January 17, 1982, Police Officer Stephen Cardello of the Port Washington Police Department was on patrol on Roslyn W. Shore Road in Port Washington. He observed an auto accident at the stated location and called for assistance as one of the autos had burst into flames.

As the Daily News reported, Police Officer Cardello quickly went to the aid of the passengers in the burning auto. Both doors were jammed as a result of the accident. Officer Cardello broke the passenger door window with a fire extinguisher, wrenched the door open, and pulled out one of the passengers. He then returned to the burning auto where he managed to free the operator of the auto who was dazed and bleeding.

At this time passing motorists stopped to assist. Officer Cardello instructed them to move the accident victims away from the burning auto which he feared would explode at any moment.

For a third time Officer Cardello returned to the burning auto, and although he was suffering from smoke inhalation himself managed to free a third victim. A fourth victim who was pinned in the auto, which was a two-door sedan, died despite Officer Cardello's attempts of rescue.

The Port Washington Mail & Reporter observed that Port Washington Police Chief Edmund Swiecki verbally applauded Officer Cardello's heroism, stating "That the officer had to break open the windows, because the doors were sealed, to drag the injured people out." The chief added "That Cardello did a fabulous job without thinking of his own safety but aware of the possibility of an explosion ordered the young people helping him to stand away while he brought the injured out to safety."

This courageous act by Officer Cardello deserves the highest praise. He unwittingly risked his life to save others and therefore has earned the title of hero. I am proud that such an individual resides in my district. His action should serve as an inspiration and model for others:

[From the Port Washington (N.Y.) Mail & Reporter, Jan. 21, 1982]

HERO POLICEMAN PULLS THREE FROM BLAZING CAR CRASH

(By Jackie Farrell)

A 31-year-old Bayside man, trapped in his father's car after it had been hit from behind, was killed when the car exploded at about 12:45 a.m., Sunday, January 17 on Roslyn West Shore Road.

Port Washington Police Officer Stephen Cardello, who was driving south on the road, stopped at the scene and tried to free the other passengers in both cars. Assisted by four teenagers who stopped their cars after witnessing the accident, Officer Cardello is credited with saving the lives of at least three of the six injured in the rear-end collision.

According to the police, Jeffrey Zagelbaum, 31, was pinned inside the car that had been driven by his father, Benjamin Zagelbaum, 68, and was northbound on West Shore Road when it was hit from behind by a car operated by Arthur Garry, 18, of 24 Prospect Avenue, Port Washington. Cause of the crash is being investigated, police said.

Pulled from the debris prior to the Zagelbaum car explosion, were Mildred Zagelbaum, 60, and Deanna Stilow, 35, of Richmond Hill, who was said to be the young Zagelbaum's girlfriend. The elder Zagelbaum and Miss Stilow were admitted to St. Francis Hospital with head lacerations and multiple injuries. Both were listed in stable con-

dition. Zagelbaum's wife also was treated at St. Francis Hospital for cuts and bruises and released, police said.

Two passenger's in Garry's car, Christoperh Allan, 17, of 16 Monfort Road and Edwin Mora, 17, of 704 Port Washington Boulevard, who were pulled out from Garry's car, were treated for cuts and bruises at St. Francis Hospital and released.

The Port Washington teenagers who assisted Officer Cardello are Joseph Timpare, Robert Nash, Joseph Frappaolo and Stephen Zaccherio.

Officer Cardello joined "Port's Finest" in September, 1981. An Air Force veteran, he lives in Ronkonkoma, with his wife, Nancy, and their two children, Stephen, five, and Nicole, three years old. The young couple, married ten years, were childhood sweethearts and graduated from West Islip High School. Officer Cardello is also an alumnus of Suffolk Community College.

Port Washington Police Chief Edmund Swiecki verbally applauded Officer Cardello's heroism, stating that the officer had to break open the windows because the doors were sealed, in order to drag out the injured people. The chief added that Cardello did a fabulous job without thinking of his own safety but aware of the possibility of an explosion ordered the young people helping him to stand away while he brought out the injured to safety.

[From the Port Washington (N.Y.) News, Jan. 21, 1982]

PORT COP, PORT YOUTHS SAVE 3 FROM FLAMING CAR

"Right from the beginning this kid impressed everybody around here. It's no surprise to me that he would do something like this," said Port Washington Police Chief Edmond Swiecki of a new police officer who risked his life this week to save three people from a burning car.

Police Officer Steven Cardello, 29, who was sworn into the Port Washington Police Dapartment in April, will probably be cited for heroism by his department.

Cardello was on a routine patrol on Sunday at 12:45 a.m. when he saw an accident on Roslyn West Shore Road. He requested an ambulance, fire trucks, rescue tools, and assistance.

A car driven by Benjamin Zagelbaum, 68, of Flushing was going north on Roslyn West Shore Road that dark, cold icy night when his car was hit in the rear by a car driven by Joseph Garry, 18, of 24 Prospect Ave. Zagelbaum's car caught fire and Cardello immediately tried to get out the four people in it.

Both doors were jammed, so he broke the window of the passenger door with a fire extinguisher, opened this door, and pulled out Mildred Zagelbaum, 60, also of Flushing. By this time, Cardello was joined by Joseph Frappaolo of 22 Vanderventer Ave. and Stephen Zaccherio, another Port youth, who took Mrs. Zagelbaum from Officer Cardillo and moved her away from the burning car.

Police said flames were coming out of the back of the car and the dashboard. Cardello told the two teenagers to get away from the car because he was afraid it would explode. But that did not deter Cardello from pulling Zagelbaum, who was dazed and bleeding from the head, out from behind the steering wheel.

Meanwhile, two other Port teenagers, Joseph Timpone and Robert Nash, came along and helped the three people in the other car. Then Nash helped Cardello get Deana Stilow, 35, of Richmond Hills, from the back seat. The Zagelbaums' son, Jeffrey, 31, was pinned in the back seat crying for help. Before Cardello could free him, he became silent, apparently dead.

Later, his body was removed by Port Washington Fire Department volunteers, who had to use hydraulic tools to do so.

Zagelbaum was taken to St. Francis Hospital in serious condition with multiple injuries. His wife was also taken there, treated for leg injuries, and released. Stilow was taken to St. Francis, where she is listed in fair condition with two broken legs and multiple pelvic fractures.

Also taken to St. Francis were the three persons in the second car, who were treated for bruises and released. In addition to the driver, the car was occupied by Christopher Allen of 16 Monfort Rd. and Edwin Mora of 704 Port Washington Boulevard.

Police Officer Cardello was treated at North Shore University Hospital for smoke inhalation and was then released. He lives in Ronkonkoma.●

TRIBUTE TO THE MEMORY OF WINFRED JACKSON

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. SHELBY. Mr. Speaker, the city of Midfield in Alabama's Seventh Congressional District, suffered a great loss with the death of its mayor, Winfred Jackson. It is my privilege today to offer a tribute to the memory of this wonderful man.

Not many people achieve the measure of admiration and respect that Mayor Winfred Jackson enjoyed. He earned that admiration and respect because he genuinely cared about people and about the welfare of his community.

He was a rarity—a man who had the vitality and know-how to be extremely effective in getting things done, yet warmth and sensitivity that made him a beloved leader.

Winfred Jackson was serving his second term as mayor of the suburb just west of Birmingham. He was first elected mayor in 1976 after serving on the city council. He was reelected in 1980 and had served 1 year of his second term before his death.

Mayor Jackson will be remembered for his outstanding achievements and accomplishments during his years of public service. Since he became mayor, the city has divided the police and fire departments, previously overseen by one man, and hired its first paid fire chief. A fire station was added in the Highlands area of the city and sewer work was begun in areas that did not have this service. In recent months, he had focused on keeping the city's finances in working fiscal shape.

Jackson, a band booster, was "the kind of man who was up before dawn to see the Midfield High School Band off on a trip or who was going with them even when his children weren't in the band," said Superintendent of Education Robert Bumpus.

He was recently promoted to transportation supervisor at United States Steel. He had worked there since serving in the Air Force during the Korean conflict.

Surviving are his wife, Martha; two daughters, Wendy and Judy; and two sons, Kelly and Robbey.

Mayor Winfred Jackson's life should serve as a memorial to him for all time in Midfield, for he truly devoted it to serving the people that he loved and cared for. He left many fond memories and I am sure that this fine, outstanding gentleman will never be forgotten.

Mr. Speaker, it is indeed an honor for me to share this tribute with my colleagues in the House of Representatives. He will be deeply missed by me and all others who were touched by his wonderful life.●

TRIBUTE TO RICHARD BOLLING

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. WINN. Mr. Speaker, the U.S. House of Representatives is losing a great man with the retirement of DICK BOLLING. Congressman BOLLING has represented the Fifth District in Missouri with distinction for 34 years and we in the Kansas City metropolitan area will miss him. DICK BOLLING interjects a degree of honesty and integrity into the Congress not often seen in one Representative. You always know where Congressman BOLLING stands on the important issues of the day and how those issues affect his constituents in the Kansas City area.

I feel very privileged to know DICK BOLLING and to have worked as closely as I have with him over the years. I have learned a great deal from his vast knowledge of the issues, as well as his well-renowned expertise in parliamentary procedures. In fact, I believe Representative BOLLING will go down in legislative history as one of the finest parliamentarians ever. Despite his nationwide reputation as a lawmaker, he never forgot the little guy in his home district.

DICK BOLLING's career in the House has been a distinguished one. He saw eight Presidents in the White House during his tenure and eventually became one of the most effective Members of the House. He became an effective Congressman because of his knowledge of the issues. DICK BOLLING is also a hard worker and anyone who has served in this great body of decisionmaking knows the value of good, old-fashioned homework. We, in the Kansas City area, are especially appre-

ciative of DICK's efforts. He is a man who commands an enormous amount of attention for the metropolitan area and used his well-earned clout in the Congress to help his home district. When he speaks, we all listen.

DICK BOLLING wrote two books on the House of Representatives. "House Out of Order" and "Power in the House" were insightful looks at one of the largest and most complex representative bodies in the free world. These books are, I believe, must reading for serious students of our governmental process.

DICK BOLLING's ability to compromise with his colleagues is well known and appreciated by Members of both parties. Indeed, we on the other side of the aisle appreciate his fairness and correctness in dealing with debate on the floor and testimony before the House Rules Committee, which he chaired.

I remember DICK BOLLING's instrumental efforts in the passage of the Congressional Budget Act of 1974 and his work in the making of the 1964 Civil Rights Act was admirable.

DICK BOLLING came to the Kansas City area following World War II. He initially was at Fort Leavenworth in the Command General Staff School. Later, he attended what was then known as the University of Kansas City. Congressman BOLLING was first elected to the House in 1948 and during his 34 years of service, he managed to steer clear of machine politics in Kansas City, Mo. He also served on the Kansas City, Missouri School Board.

Many people in Kansas City remember DICK's work in flood control following the devastating flood of 1951 in the metropolitan area. Much of what DICK accomplished in Congress back then is still important in the fight against severe flooding.

I will miss DICK BOLLING; both as a legislator and a friend. I wish him well in his pursuits outside Congress and I hope that he continues to be a commentator on our representative form of government.●

HUNGARIANS' SOLIDARITY WITH POLAND

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. DWYER. Mr. Speaker, I commend to my colleagues a most succinct and telling statement of "solidarity" in the truest sense of the word.

Several representatives of the Hungarian-American community have joined together to express their support for the people of Poland and vehement opposition to Soviet repression there. Their resolution, "Hungarians' Solidarity With Poland," follows:

HUNGARIANS' SOLIDARITY WITH POLAND

We, the undersigned Hungarians in the United States, raise our voices in solidarity with the people of Poland. We know from the experience of Hungarian history that:

Enforcing order by outlawing freedom is nothing but legalized mass violence;

The occupation of a country by foreign troops against the will of the indigenous population is nothing but terrorism on an international scale;

Holding individuals captive for their beliefs is nothing but the perpetuation of Hitler's fascism and Lenin's, Stalin's communism;

Condoning such acts as the above is nothing but aiding and abetting crimes against humanity, as established by international law, including the Helsinki Accords.

We, therefore, accuse the Soviet Union and the present rulers of Poland of grave violation of human rights, and demand that they immediately enable the development of legal order and democracy in Poland by:

Withdrawing all occupying Soviet troops;

Releasing all detained political prisoners;

Holding free elections to establish a truly representative, democratic government of, for and by the people of Poland.

In the spirit of our peoples' historic friendship, we express our solidarity with the Polish nation's struggle for freedom and our hope that there will come a time when all the peoples of East Central Europe can live their lives free from foreign occupation and dictatorial governments, free to build the social order of their own choice, by means that assure human rights.●

THIRTEENTH DISTRICT REPUBLICAN MESSAGE TO PRESIDENT BREZHNEV

HON. GEO. W. CROCKETT, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday February 9, 1982

● Mr. CROCKETT. Mr. Speaker, I have recently been contacted by the chairperson of the Republican Committee in the 13th District of Michigan, asking that I share with my colleagues in the RECORD that organization's "open letter" to President Brezhnev of the Soviet Union regarding its foreign policies.

Although fewer than 8 percent of my district voters are Republicans, I believe that the views expressed by Mrs. Letty Gupta, the chairperson of the 13th District Republican Committee, deserve to be heard. I would like to include them at this point in the RECORD for the benefit of my colleagues:

RUSSIA PURSUES PRIMITIVE FOREIGN POLICY

AN OPEN LETTER TO LEONID ILYICH BREZHNEV

(By Letty Gupta)

DEAR PRESIDENT BREZHNEV: The Soviet-instigated Polish crisis is acquiring an ominous form and appears to be growing into a cause for collision between the two superpowers, all because the Kremlin refuses to abandon her feral pursuit of world domination.

The Kremlin continues to boldly deny responsibility for the subjugation of Poland, and to conceal her covert invasion under a barrage of accusations aimed at Washington. You are edgy and anxious to convince yourself that people around the globe can forever be fooled into remaining passive while the Kremlin takes over country after country and turns it into a cage for humans.

Were the Kremlin an innocent observer, as you want the world to believe, you would have had no hesitation in heeding President Reagan's call to join us in a humane partnership for peace to help restore to the oppressed Polish people the limited freedoms they enjoyed prior to the December 1981 military crackdown by Gen. Wojciech Jarvzelski.

Not so. The Kremlin responded to our peace overtures by resurrecting cold war tactics and by tossing out concocted accusations like, "The United States has a history of open and secret interference in the internal affairs of Poland."

The truth is that Polish history and folklore are crowded with accounts of Russian atrocities and invasions. For centuries, Russia has interfered in Poland's internal affairs, confiscated her civil liberties, annexed her territory, wrecked her economy, and generally played havoc with the lives of her people.

There are nations anchored in oceans, fastened to mountains and bounded by rivers that despite an occasional intrusion by outside forces go on providing a measure of safety, security, and stability for their inhabitants. But Poland, lacking in natural barriers, has been an easy target for foreign invaders, particularly Prussia to the West and Russia to the East.

For instance, in 1733 Russia invaded Poland and set off the War of the Polish Succession, which led to the confirmation of the incompetent August III as king of Poland. August III, a Russian puppet, brought anarchy to Poland.

In 1763, Russia again intervened militarily to ensure the election of Stanislaw August Poniatowski as king of Poland. This Soviet action led to rebellion and to the formation of an anti-Poniatowski, anti-Russian confederation within Poland. Four years of civil war brought nationwide devastation.

In 1772, Russia, claiming that the Poles could not govern themselves, dismembered Poland. Together with Prussia and Austria, Russia annexed nearly 30 percent of Poland's territory—known as the First Partition. With what was left of their nation, the resolute Poles regrouped and the pro-Polish party won a clear majority in the Sejm. Once in power, the Polish people demanded the immediate withdrawal of Russian troops. In the Sejm, the Poles passed the Constitution of the Third of May (1791), thus becoming the second nation in the world, after the United States, to have a written Constitution.

Intolerant and fearful of the freedoms the Polish people had legislated for themselves, Russia again invaded Poland in 1792, and with ally Prussia affected the Second Partition, thereby annexing another large portion of Poland. Renewed unrest and an armed insurrection rapidly grew into a national movement under the leadership of Tadeusz Kosciuszko. Heavily armed Russian troops leaped at Poland and squashed yet another attempt by the Polish people to free themselves from Russian tyranny.

In 1795, Russia, Prussia, and Austria participated in the Third Partition and divided among themselves the remainder of Poland.

Poland was wiped off the world map. The Russians rejoiced in the belief that for future generations Poland would exist only as a paragraph in high school history books.

The Russians were wrong. The Polish people's relentless struggle for a free homeland resulted in the rebirth of Poland in 1918. But, the peace Poland craved was still not at hand. World War I and II took a heavy toll on Poland's frontiers and left her in ruins. Adolf Hitler too had hated Poland and had vowed, "I shall make her [Poland] a long forgotten name on ancient maps."

After World War II, as a result of the Yalta and Potsdam Conferences, Poland, after centuries of bloodshed, returned to the smaller geographical borders she had occupied eight hundred years earlier. In the 16th century, the golden age for Poland, she had actually captured Moscow and by the Truce of Deulino in 1619 she was given substantial portions of Russian territory including the great frontier fortress of Smolensk. At the peak of her power, Poland had stretched out over territories three times her present size. Except for that brief glimpse of glory, every Polish attempt to gain freedom met with merciless Russian persecution.

To cite an example, of the Insurrection of 1863, Polish historian Josef Szujski writes: "Russian atrocities have no limits; in Warsaw the Cossacks butcher children, sack the houses, loot from top to bottom, destroy collections of art, libraries, put the torch to manuscripts—this in the marvelous palace of Zamoyski—throw through the window a cradle and a child, and Chopin's piano, which, cast on the sidewalk, utters one last cry of despair . . . A terrible silence falls over Poland. Europe, as always, does not budge, faithful to its policy of neutrality, adopted since the Partitions, since the Insurrection of 1830 . . ."

Now the year is 1982. Europe still remains neutral. Russia still persecutes Poland and arranges her internal affairs through surrogates. Once again, Russia is sowing the seeds of anarchy and civil war in Poland and elsewhere. Easily, the Soviet Union is the world's number one mischief-maker. All over the globe, Soviet scheming and megolamania are responsible for human despair. In Asia the Kremlin overtly occupies Afghanistan; in Europe the Kremlin covertly occupies Poland; in the Middle East the Kremlin is creating internal and external tensions, with war as the ultimate aim, through her surrogates Hafez Assad of Syria, Muammar Qadhafi of Libya, Yassar Arafat of the PLO; in Central America the Kremlin is inciting internal unrest through Cuban-trained Sandinista leftists in Nicaragua, the Mayan Indians in Guatemala, the Marxist guerrillas in El Salvador, Honduras, Costa Rica, Panama, and Mexico.

Humankind is hemorrhaging from the wounds of war. In other lands, tyrannical leaders are born once in a long time but Russia seems to produce them with astonishing regularity. Sooner or later there will have to be a mighty international movement to either isolate and impeach the Soviet Union or to civilize and humanize her leaders. There is no room in our world for a nation that pursues a primitive foreign policy and wants to return 20th century civilization to the dark ages of oppression.●

DICK BOLLING

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. GORE. Mr. Speaker, there are many within this body that have had the pleasure of working with DICK BOLLING for more years and on more legislative initiatives than I have. But there are none that can claim a greater respect for his abilities and his judgment.

He is someone to whom I have turned often for advice, and he has always been willing to take the time to listen and to counsel.

That he is a man of immense intellect and talent is already legend in Congress. He is also a man of great personal courage. Combining these qualities with a clear vision of the Nation's future has made him a powerful force in Congress. DICK BOLLING has been way ahead of his time in espousing ideas and legislative proposals that would slowly, but inevitably, take root years later.

When DICK BOLLING retires, I will lose the association of a friend and an adviser. And this body will be losing one of its finest and most dedicated public servants. I join my colleagues in wishing him good health and much happiness in his new life.●

DICK BOLLING

HON. FREDERICK W. RICHMOND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. RICHMOND. Mr. Speaker, our brilliant colleague and the very best friend a man could have, DICK BOLLING, has announced that he will retire from Congress after 34 years of distinguished service.

As deeply as we revere DICK BOLLING as a friend, we also respect him as a leader in this House. DICK has always given unselfishly of his time, counsel and vast experience to his colleagues. He is a consummate strategist who possesses a complete mastery of parliamentary procedures.

With his remarkable intellect and encyclopedic knowledge of congressional operations DICK has led the way to countless reforms. I am sure that most of our colleagues have devoured DICK's excellent books on how Congress works and how it should work. These books epitomize DICK BOLLING's knack for incisive analysis and thoughtful recommendations.

DICK BOLLING cares about Congress and the millions of people we represent. Throughout his exceptional career in public service, his intellectual gifts and parliamentary skills have been focused on making the Government more responsive and effective. Among his many outstanding achievements is designing the Federal budget process and devising a plan for reorganization of the Federal Government.

We will sorely miss DICK when he retires at the end of the year, but his influence on this House and our Nation will long be felt.

We will miss his wit, his understanding and his wise counsel.

Mr. Speaker, I consider myself fortunate to serve with DICK BOLLING and to know he is my friend.●

THE 100 DAYS OF ANDREAS PAPANDREOU

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. ROSENTHAL. Mr. Speaker, I would like to take this opportunity to bring attention to an article entitled "The 100 Days of Andreas Papandreou" which recently appeared in Newsday. This article, written by Adamantia Pollis, chairwoman of the graduate faculty department of political science at the New School for Social Research, is an excellent and thoughtful review of the present situation in Greece.

Having recently returned from meeting with Andreas Papandreou in Greece, I can personally attest to Ms. Pollis' accurate account of the state of Greek relations with the West, and in particular with the United States. The author also captures the essential dilemma which faces Mr. Papandreou and the new Greek Government both domestically and in regard to future relations with Washington. The points brought out in Ms. Pollis' piece become increasingly significant in light of recent reports that the administration is proposing a major increase in foreign aid to Turkey. I hope each of my colleagues will carefully review the article, which follows:

[From Newsday]

THE 100 DAYS OF ANDREAS PAPANDREOU

(By Adamantia Pollis)

A little more than 100 days ago, the Greeks overwhelmingly rejected a largely pro-American government and voted into power Andreas Papandreou, who ran on the decidedly anti-American platform of his Panhellenic Socialist Movement (PASOK).

Startling as this transformation may appear, it has long been in the making. For decades, deep currents have been running counter to the superficial pledges of Greece's loyalty to the United States and the facade of economic prosperity.

The imposition of military rule on Greece in 1967 by three colonels, George Papadopoulos pre-eminent among them, intensified these underlying trends.

Anti-Americanism became more widespread and the need for drastic socio-economic reforms became more apparent. Support of the junta by the United States and American acquiescence (some say support) in the Greek-sponsored coup against President Archbishop Makarios of Cyprus in 1974, which precipitated an invasion of Cyprus by Turkey only to be followed by Secretary of State Henry Kissinger's "tilt" towards Ankara, stimulated the rising tide of anti-Americanism in Athens. Only foreign investors and the Greek industrial class, for whom the junta's policies created vast opportunities for excessive and quick profits, supported the Greek colonels and their United States protectors.

The Cyprus fiasco triggered the collapse of the military dictatorship in 1974. Konstantinos Karamanlis, who had been premier of Greece in the 1950s and early '60s, flew back from his exile in Paris to take control of the government with his rightist New Democracy Party amidst a euphoria that had not been witnessed since the end of World War II. Though the junta's collapse returned to power the ruling class of the 1950s and early '60s, the damage to the old order was irreparable.

The veneer of economic prosperity had crumbled. The Cyprus problem remained unresolved and the stalemate—40 per cent of the island occupied by Turkish troops—served as a clear reminder of the perfidy of the junta and its American allies.

Despite Karamanlis' rhetoric, he began almost immediately to transform Greek foreign policy. In fact the foreign policy of the present Socialist government is only a more dramatic and forceful articulation of 1974 rightist initiatives. For though he had been a loyal friend of the United States when he was first premier, Karamanlis felt personally betrayed by the United States' support of the junta. Buttressed by public opinion, Karamanlis gave vent to his feelings by withdrawing Greece from the military wing of NATO.

His successor George Rallis, of the same party, also asserted independence from Washington. In negotiating with the United States over the American bases in Greece, he insisted upon increased Greek control and more restrictions on their use by the United States. At the same time he refused to make concessions to United States-supported Turkish demands on territorial waters and air space control over the Aegean. Moreover, he agreed to repair Soviet merchantmen and naval supply ships in Greek yards, though he later canceled this agreement under U.S. pressure. Thus Greece began to loosen its ties to the United States.

The development of a new, independent foreign policy, however, did not save Rallis from repudiation by the Greek electorate on Oct. 18. Greek voters were primarily motivated by the government's failure to solve pressing domestic social and economic problems. Although in the past few decades consumer goods have been plentiful, the overall quality of life had badly deteriorated. Urban migration into Athens nearly doubled its population in little less than 20 years. Without any urban planning, buildings went up randomly; some areas have no sewage system. Massive air pollution hangs in a cloud over the city for weeks at a time. The Parthenon, crumbling in the noxious air, has become a symbol of the decay.

The oil crisis of 1973 wrecked the Greek economy. Inflation began to run wild, income inequalities worsened, unemployment began to be a problem as the demand for Greek workers in western European factories ended, while underemployment, a chronic ailment of the Greek economy, increased. The crying need for structural reforms, for rational economic planning and for policies that would provide Greece a measure of protection from the vagaries of international trade and multinationals became apparent to more and more Greeks.

The ruling New Democracy Party proved incapable of adopting the fundamental changes essential for the revitalization of Greek society and its stagnant economy. Its commitment to the status quo and its authoritarian tradition made it unwilling to share or redistribute power. The party was unresponsive to many legitimate groups within Greek society and to the demands of their representatives; trade unions were not voluntary and free but state organs. Inequitable taxation policies persisted. Monetary and credit policies beneficial to the economic oligarchy and extensive privileges to multinationals remained sacrosanct. No substantive social initiatives were undertaken.

Change was the cry of the Socialist movement, PASOK, in Greece during the election campaign, and the restructuring of Greek institutions by adopting radically reformist policies has already begun. A foreign policy that steers clear, to the degree possible, of both the western and eastern blocs is beginning to be evident. Though the specifics of Papandreou's foreign policy have not been made completely clear during its 106 days in power, it is obvious that in formulating policies to further Greek national interests, he is not constrained by Karamanlis' world view.

For Papandreou and the Socialists, Greece belongs to the Greeks. Although strategy is still being formulated, his determination to loosen ties with the Atlantic alliance and to keep his distance from Washington, to a far greater degree than Karamanlis did, seems a given. Papandreou, after all, is not beholden to the United States, which reviled him in the early 1960s. Among the primary objectives of the socialist government is the creation of a Greek nuclear-free zone and the gradual phasing out of American bases. He has, moreover, reinstated the Rallis agreement to repair Soviet vessels in Greek yards. The differences between the previous situation and this one is that much more publicity has been given to the Socialist move and that Papandreou will not cancel the agreement under American pressure.

Greece's main concern in foreign policy is Turkey and on this issue neither the United States nor NATO are seen as allies. Although much of Papandreou's preelection nationalist rhetoric and his militant anti-Turkish statements were designed to placate the Greek military, legitimate national interests are at stake. Turkey's demands for joint control with Greece over the NATO air flight command in the Aegean, her demands for extension of her territorial waters in an Aegean studded with Greek islands and her continued military occupation of part of Cyprus are all of primary concern to Athens.

Washington, wrestling with the loss of Iran, views Turkey as its staunchest ally and security partner in the Near East. The Reagan administration has reinforced this concern among the Greeks by providing the same support to the current Turkish military dictatorship that the Nixon administration had provided the Papadopoulos junta.

Greece's membership in the European Economic Community, or Common Market, is seen as imposing severe constraints on Greece's embarking on the extensive domestic reforms the electorate mandated the Socialists to undertake. In contrast to the dominant members of the EEC, Greece is not an advanced industrial state; therefore, the Socialists argue, an economically integrated EEC, while advantageous to the industrialized societies, will permanently relegate Greece to a peripheral, relatively underdeveloped position. Papandreou has moderated his stance on withdrawal from the EEC and now speaks of renegotiation of the entry agreement.

Unless a major external catastrophe befalls Greece, the Socialist government's success or failure will depend not on its foreign policy but on its domestic reforms; on its ability to revitalize Greek society, install a system of justice and greater equality, eliminate corruption and enable the people and workers to participate in decision making.

Decentralization of the highly concentrated bureaucratic structure is under way, as is the regionalization of economic planning and development. The ministries are being reorganized and the civil service revamped. Critical industries and credit facilities are being "socialized" (meaning that they will be government-owned with much worker participation in decision making). The tax system is being revised and the privileges of the elites are being eliminated. The power of the reactionary Greek Orthodox Church is being curtailed while the premier's American-born wife, Margaret, is in the forefront of moves to attain equality for women.

It is much too soon to pass judgment on the PASOK government. There has not been enough time for policies to be adopted and implemented. But it clearly reflects the aspirations of the Greek people.●

MORE ON COAL SLURRY PIPELINE LEGISLATION

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. UDALL. Mr. Speaker, at the November hearing on H.R. 4230, the eminent domain legislation for coal slurry pipelines which I sponsored, the Reagan administration reversed the position of every prior administration since 1960, by establishing itself as an opponent of the bill. The administration's attitude that the bill posed a threat to States rights was correctly characterized in a recent Wall Street Journal editorial as "fallacious." Both the Wall Street Journal and the editors of Business Week have come out in favor of our bill as a necessary impetus for competition in the coal transport market. I would like to offer both the Journal editorial, which appeared in the January 27, 1982, edition, and the Business Week article which appeared in the November 30, 1981, edition, in support of our legislation:

[From the Wall Street Journal, Jan. 27, 1982]

DAMPENING THE COALS

Coal mining concerns and the railroads are locked in a classic feud pitting the principles of the competitive free market against the protection afforded by government regulation. The issue is whether pipelines should be allowed to compete with the railways for the expanding coal transport market. The Reagan administration, it's sad to say, is moving along the wrong track in this dispute.

The vast bulk of U.S. coal is moved by rail, at no little expense. For instance, railway charges to ship a load of coal from a Wyoming mine to a Texas utility are now about four times the price of the coal itself. Coal producers complain that they are "captive customers" to the railroads and would like to see competition in coal transport to help alleviate these costs.

One idea, which dates back more than 90 years, is to move coal by pipeline. Coal can be ground and mixed with a liquid—water, oil, methanol or even liquefied carbon dioxide from the coal itself—and the resulting slurry can be pumped through underground pipelines to utilities, industrial users and ships for export. Besides helping to develop our coal reserves, slurry pipelines could also provide direct and indirect savings in transportation costs, according to a 1980 study commissioned by the Energy Department. "To the extent that the threat of slurry pipeline competition acts to keep rail rates low, then savings can result even if coal is hauled by rail," it concludes.

The only coal pipeline now in operation runs from Arizona to Nevada and carries 4.8 million tons a year at a cost estimated at less than half the comparable rail shipment. There are tentative plans for another eight slurry lines, with a total capacity of over 150 million tons annually. However, work on these pipelines is being impeded by two major obstacles: inability to gain rights-of-way across the country's vast web of railway lines and the question of water availability in the West.

The federal government granted eminent domain authority to the railroads in the 1860s and 1870s to allow them to traverse land and thus to facilitate the growth of the West. The railways are blocking the entrance of slurry pipelines into the coal transport market by refusing them rights-of-way across railway property. Similar railway recalcitrance led to federal rights-of-way for petroleum pipelines during World War II and eminent domain authority has also been given to interstate gas pipelines and electric power lines.

The Reagan administration was asked to support legislation in Congress last year to permit coal slurries to cross railway lines. But Interior Secretary James Watt said the administration would not support granting eminent domain authority to the coal pipelines because it would violate states' rights. Mr. Watt's explanation was, in a word, fallacious.

All but one of the planned slurry pipelines would cut across state lines and therefore come under direct federal jurisdiction as interstate commerce. Besides, the only reason the coal producers are in this fix is the federal privileges granted to the railroads in the first place. The responsibility for granting rights-of-way to these slurry lines rests solely and squarely with the federal government, not in the state capitals.

A states' rights issue does arise, however, over the question of water availability. Here the legislation would limit the federal government's authority and would in effect give the governors veto power over coal lines based on water scarcity. This doesn't seem to bother the coal producers much. They figure they can probably find other liquids such as oil to convey the coal through the pipelines.

What really seems to be on the administration's mind is the worry that support of eminent domain for coal pipelines would be perceived in the West as federal infringement in the sensitive area of water rights, even though this is not truly the case. So the administration drew back from the issue by making this false plea for states' rights. In the meantime coal producers must cope with transportation bottlenecks, and the railways are asking the Interstate Commerce Commission to lift price regulations on coal exports. This too has the coal mine companies up in arms.

Congress will soon have a chance to redress the balance. The House Public Works Committee soon will take up the pipeline issue. (The House Interior Committee has already approved the eminent domain legislation.) We hope that Congress shows more concern than the administration for introducing competition in the coal transport market and thus, it's hoped, encourages further development of our vast coal reserves.

[From Business Week, Nov. 30, 1981]

AN UNREAL THREAT

In its concern for protecting states' rights, the Reagan Administration has backed away from supporting legislation to facilitate building coal-slurry pipelines. Although the pipelines offer the potential of considerable future cost savings, the Western railroads have successfully blocked their construction out of fear of the competition pipelines would bring to railroads in hauling coal. If the Administration is going to fulfill its commitment to develop energy and the use of coal instead of imported oil, it ought to reverse itself and help get the coal pipelines built.

At present eight privately funded slurry pipelines are stalled, and future ones will face similar obstacles. Representative Morris K. Udall (D-Ariz.) has drawn up legislation that would enable private pipeline developers to use federal "eminent domain" powers to supersede state laws and gain rights-of-way. The Administration fears that this feature violates its pledge to respect states' rights. It insists that it still favors the pipelines and that it intends to work at state levels to get them built.

What the Administration fails to see is that use of federal eminent domain does not challenge states' rights any more than the frequent state use of the same power challenges individual rights. The principle that public needs can take precedence over private interests, so long as those private interests are compensated for and protected by the right of appeal in court, is firmly established. The Administration should be thinking about the welfare of the country, not an unreal threat to states' rights.●

ONE APPROACH TO ARMS CONTROL NEGOTIATIONS

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. BEILENSON. Mr. Speaker, the San Francisco Chronicle recently ran an article calling for continuous, unlimited inspections of all American and Russian nuclear weapons installations by an "army of legal spies" from the other side.

The proposal is unusual and intriguing and one which its authors, Laurence Beilenson and S. T. Cohen, believe would be an important step toward preventing nuclear war. I recommend the article to my colleagues for their consideration.

HOW TO TELL IF MOSCOW REALLY WANTS ARMS CONTROL

(By Laurence W. Beilenson and S. T. Cohen)

A public offer from President Reagan to the Soviet Union proposing unlimited inspections of all nuclear weapons installations, known or suspected, of each side by the other would be the first sensible approach to arms control negotiations in the nuclear age.

The offer and its reception would allow each side to see the true face of the other. If accepted, the proposal would be the most important non-military step toward preventing a nuclear war since negotiations on the strategic arms limitations treaties (SALT) started. If rejected by the Soviet Union, this refusal might forge a national consensus for the United States to go on a SALT-free diet.

From the so-called Baruch plan advanced by the United States after World War II to the present, suspicion by each side about the good faith of the other has prevented effective nuclear arms control. The distrust has been fully warranted and still is.

Look at the prospect of war as a Russian commissar would. V. I. Lenin, the mentor of the Communist world, predicted that the struggle between the Communist and capitalist camps would be protracted, and the course of the long contest, the bourgeois nations would strive to prevent a Communist triumph by war against the U.S.S.R. Frightful armed clashes were inevitable, he declared.

England and France attacked the fledgling Soviet Union in 1918–20. Hitler's 1941 attack was the next such war. A good Leninist believes that a coalition of capitalist nations, let by the United States, will wage another war against the Russians whenever it sees the opportunity to success.

Glance at the history of bourgeois diplomacy and treaties as a Russsian commissar would. No student of the history of diplomacy can truthfully deny that its hallmarks have been chicanery and deceit. When, in 1913, Joseph Stalin likened honesty in bourgeois diplomacy to "dry water" or "wooden iron," he was not exaggerating; the record bore him out.

The history of treaties, the fruit of diplomacy, has been just as wretched. All nations, including the United States, have habitually broken their political treaties. The United States began early. John Jay, in the

course of double-crossing France and breaking our Revolutionary-War treaty with it, said he would not "give a farthing for any parchment security whatever. They had never signified anything since the world began, when any prince of state, or either side, found it convenient to break through them."

And in the 20th century the bourgeois nations including the United States, have emulated Jay. In short, by the test of history a Russian commissar who trusted the pious protestations of the West would be an utter fool.

Now survey the situation as a realistic Western statesman. Karl Marx and Freidrich Engels in their 1848 "Communist Manifesto" "disdained" to conceal their aims, as has every Communist leader since, from Lenin through Leonid Brezhnev. They have declared their intention to place Communist parties in control of all governments.

Their primary tool has been, and is, internal subversion aided by external subversion from Communist bases already captured, but in the end, following Lenin, they believe the contest will be determined by war between the two ideological sides. They exalt violence as the only way to win, aided by deceit, which if to advance communism, is a positive virtue. The end justifies the means, whatever aids communism is right.

And what about Soviet diplomacy and treaties? In its short history the Soviet Union has followed or exceeded its bourgeois precursors in deceit and topped them as a treaty-breaker. From the record, any Western stateman who would trust the Russians deserves to be returned to private life by his countrymen.

With such a legacy of justified mistrust, how did arms control ever get off the ground? Up to Richard Nixon, every proposal for extensive arms control foundered on the demand by the United States for on-site inspections to verify compliance. Nixon offered the Congress and the American people the lure of a scientific marvel: national technical means of verification (scientific surveillance), which would make on-site inspections unnecessary.

Aided by the aura of detente and skillful advocacy by Henry Kissinger, SALT I was executed and ratified. With Kissinger still at the helm as secretary of state, Gerald Ford carried on at Vladivostok. Then Jimmy Carter, a man devoted to peace and to treaties as its instrument, signed SALT II and submitted it to the Senate.

There SALT II faced certain defeat. Although the opponents pointed out the deficiencies of national technical means of verification, probably they made more converts by their argument that the specific terms of the treaty were unfair to the United States. Outraged by the Soviet Union's invasion of Afghanistan, Jimmy Carter suspended consideration of SALT II. The treaties, however, are still before the Senate.

During the presidential campaign Ronald Reagan attacked SALT II, whereupon Carter depicted him as a warmonger. Realizing that many Americans associated treaties with peace and their absence with war—even though mistakenly—Reagan felt obliged to promise the resumption of arms negotiations. He will keep his promise and proceed in good faith. The question is: To what end?

According to the proponents of arms control, there are three purposes of SALT: peace, stopping the arms race, and saving money. From our own experience, none of these objectives has been accomplished. True, there has been no nuclear war between the Soviet Union and the United States, but neither was there a nuclear war before SALT.

Detente and SALT, according to Kissinger, were to induce Soviet restraint; this, he now concedes, has not happened. Neither talks nor treaties have stopped the Soviet nuclear buildup, which has proceeded steadily during all the SALT years. True, we didn't race; we ran in place. Although we spent less money when we were running in place than we would have if we had raced, the expense of pursuit will be higher than would have been the expense of keeping up.

Why then continue? Let no doughty cold warrior underestimate the sentiment in favor of peace in the United States and among our allies. And why not? Who wants to be killed? This has led to our SALT diet: Strong support for arms control by treaty.

From the beginning the advocates of arms control have occupied the high ground of peace. From this pinnacle, the most influential newspapers and network commentators have favored arms control. None of them probably believes that there will be total nuclear disarmament or that nuclear weapons will disappear from the Earth; but, they maintain, that is no reason not to attempt the control of nuclear arms.

Granted that there is a vast gulf between the Soviet Union and the United States and that their political competition will continue, nonetheless, they say, if the nuclear arms race continues to spiral, each side will achieve the power to destroy the other, which creates a mutual interest in preventing such a catastrophe. Let's try by more SALT.

Few of the proponents of SALT would place any faith in Soviet promises. They must therefore rely on the United States' ability to detect any Soviet violation, or at least any violation that would be harmful to the United States.

Has SALT I been broken? There is not the slightest doubt that Soviet camouflage has been a breach of the provision prohibiting interference with the other side's verification by national technical means of verification. Whether there have been other breaches is a matter of argument because nobody knows.

The difficulty goes deeper. We have drafted the treaties according to ur ability to count rather than our need to know. We can count launchers which we can see with our eyes in the skies, so the treaties are based on launchers rather than missiles. But in order not to fall behind, what each side needs to know is the total nuclear strength of the other. This is impossible to discover through national technical means of verification.

Certainly as a minimum the United States needs to know how many missiles the Soviet Union has. But no arms-control advocate can truthfully say that we can count missiles. Former Secretary of Defense Harold Brown, an advocate of SALT, admits that the Soviets have a refire capability and may have missiles to refire, but he argued, the refire process is so slow that the launchers would be destroyed before they could be refired.

Brown's contention misses the point. First, there is no law of nature which says that the Soviets are compelled to fire their missiles from silos. They can be fired from the canisters in which they are kept. Second, Soviet ICBMs, by the thousands, can be concealed in warehouses and underground, and we have no way of knowing. They, too could be moved into the open and launched.

If we cannot count missiles, we cannot count warheads, and they also can be attached to the missiles underground. For cruise missiles, national technical means of verification, cannot ascertain their number, their range, or whether they are nuclear or conventional. We can't check quality.

Without inspection, SALT hinders peace. The best deterrent for each side is a large number of mobile ICBMs, widely dispersed. Everybody agrees that mobile missiles cannot be adequately detected by national technical means of verification. The answer of the arms controllers is not to have mobile missiles because they interfere with SALT, the same argument made against cruise missiles. All of which leads to this pertinent question: Do we want deterrence and peace or do we want SALT? Arms control treaties have no virtue except as a means to an end.

Of course, even on-site inspections can be fooled; for how can an inspector know whether he is on the right site? Cruise missiles and mobile missiles could easily escape detection.

If the Soviet Union and the United States truly want nuclear peace, each will be willing to have the other side know what the other has. The proposal that the president would make would be for unlimited continuous inspection of all nuclear installations, known or suspected, of the other without notice, day or night, by an army of legal Russian spies for our installations and an army of legal American spies for theirs.

The Inspections would not be limited to declared nuclear installations because nuclear weapons may be concealed elsewhere. The offer would make acceptance by the Soviet Union a precondition of arms control negotiations. Each side would have to give a complete report to the other of all nuclear weapons. Then the legal spies would arrive and have the access required. They would stay in the other country with replacements from time to time. Meanwhile, negotiations could proceed and be continuous, with treaties resulting from time to time, subject to cancellation on short notice.

The unlimited inspections would not cease with the treaty. They would go on subject to cancellation with an agreed period for notice. The inspections would be a greater service to peace than any treaty. A treaty can be broken in an instant. The inspections would provide confidence in the other side's intentions. Even such an arrangement possibly can be foiled if loopholes are allowed, and it is of the essence that the proposal not be hedged in any way; no limit on inspections and no notice required.

Objectors will say: "This is just a ploy to kill arms control negotiations." The reason we settled for scientific surveillance was that the Russians wouldn't permit on-site inspections. They are hardly likely to permit an army of bourgeois spies.

The way to find out is to offer. If the offer is accepted, the chance of nuclear peace is enhanced. If the offer is rejected, we'll know that for the Soviet Union arms control is a game to gain an advantage and act accordingly.

The offer would unite the country. The American people have far more sense than their guardians give them credit for. If the president makes the offer and the Soviet Union rejects it, the president can forge a national consensus for peace through armed strength rather than through paper chains.

Nor is the offer certain to be rejected. It has far more chance than the linkage so

often suggested. The rationale for the Soviet dictatorship rests on its necessity for promoting world revolution and world communism. That is its Leninist mission. To expect the Soviet Union to relinquish this role as the price of a SALT treaty is to expect shrimps to whistle.

Leninism, however, does not adopt war as the main tool. Lenin expected a major war with the capitalist camp, but during his reign he avoided war, and he counseled his successors to avoid wars that risked the Soviet base for subversion. Nuclear war would be such a war. Constantly, the Russians reiterate for the benefit of the West that they do not want nuclear war. Just talk, say some Americans; sensibly true, say others. Why not find out?

It will not be easy for President Reagan to persuade the military or some of his own followers. They will claim the Soviet Union will use the knowledge they obtain under the agreement against us after canceling the arrangement. But because of our open society, the Russians now know much more about our nuclear strength than we know about theirs.

But with nuclear war a very real possibility, most Americans would follow the president's lead. We have heard much about risks for peace that urge us to buy a pig in a poke. Why not an offer for peace which gives us what we truly require: full disclosure and inspection?

We certainly need not worry about how such a proposal would appeal to our allies, who are urging negotiations at any cost. And, the proposal would be a proper answer to the foreign and American demonstrators for peace. The proposal need not put conditions on the outcome of the talks; let them await the bargaining table. Meanwhile, let's take the Russians at their word, assume they want to avoid nuclear war, and make the offer in good faith, hoping for acceptance.●

QUESTIONS ON U.S. PRODUCTION OF BINARY NERVE GAS MUST BE ANSWERED

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. MAZZOLI. Mr. Speaker, I commend to the attention of my colleagues the following commentary by New York Times columnist Tom Wicker which appeared in the February 1, 1982, Louisville, Courier-Journal.

The myriad of questions surrounding U.S. production of binary nerve gas—its effect on the U.S. current propaganda advantage over the Soviet Union; its moral and economic implications; its implications to U.S. ties with our European allies; and the dimension it adds to the escalating arms race—must be thoroughly debated and answered before Congress obligates the billions projected for binary nerve gas production in 1983 and 1984.

I, for one, feel that money can be better spent.

[From the Courier-Journal, Feb. 1, 1982]

NERVE GAS: WASTING THE "YELLOW RAIN" PROPAGANDA ADVANTAGE

(By Tom Wicker)

NEW YORK.—President Reagan apparently is ready to notify Congress that he has ordered a multibillion-dollar program to produce binary nerve gas for chemical warfare—the worst possible answer to the Soviet Union's unconscionable "yellow rain."

Ours, after all, is an open society and the Soviet Union's is not. So we will openly proclaim—in the budget and elsewhere—that we are rebuilding a chemical-warfare capacity that we will use if necessary. But the Russians, despite solid evidence that they have developed and used toxic substances for lethal purposes ("yellow rain") in Asia, do not and probably never will admit having done so.

Many will believe them, out of hope and naiveté, and the propaganda advantage will be with the Russians from the beginning. In this case, that's no small matter. Binary nerve gas, like yellow rain, is a horror weapon, effective primarily against civilians. It's lethal within minutes to anyone who breathes it, and capable of poisoning the atmosphere of huge areas for days at a time.

Americans, in fact, will be double propaganda losers in that we will have forfeited the advantage we now should have in the evidence that the Russians are using yellow rain. That evidence should be emphasized by the United States in every way and in every forum possible; so should Moscow's willingness to violate the 1925 Geneva Protocol by which it renounced the use of chemical weapons. Instead, if it develops binary nerve gas itself, the United States will dissipate a sound moral and political position.

In 1969, President Nixon renounced first use of chemical agents and ordered an end to their production. President Ford formally signed the Geneva Protocol—prohibiting use, but not possession of, chemical weapons—and proposed a world treaty to outlaw chemical warfare.

If Nixon's order is now reversed, the United States will not literally have violated either the protocol or his pledge against first use. But with Moscow steadfastly denying any involvement in chemical warfare, many will be only too eager to ask why a nation that dropped the first atomic bomb and spread lethal herbicides in Vietnam and Laos is developing binary nerve gas if it doesn't intend to use it.

The answer, Pentagon officials say, is that if the Russians have chemical weapons we must have them too, to deter them from their use, But the United States already has ample stocks of older chemical weapons; and this answer raises the military questions whether effective deterrence requires that we match the Russians weapon-for-weapon in every category, or whether the overall deterrent effect of all our military forces is sufficient.

Put it another way: Can the Russians' use of chemical warfare be deterred only by the threat of chemical warfare turned back against them? Need we sacrifice moral and propaganda advantage, add a new dimension to the superpower arms race and expand the world's inventory of genocidal weapons, all in order to deter use of yellow rain? Particularly when we already have stockpiles of gas artillery shells?

Richard Halloran of *The New York Times* reports that the Pentagon regards Europe as the likeliest chemical-war battlefield and plans to stockpile its new gas shells there, perhaps in Britain. But shouldn't we have learned something from the anti-nuclear demonstrations in European cities and from the anti-nuclear attitudes of governments such as those of Belgium and Holland, and of the British Labour Party?

At the root of this rising tide of opinion is the fear—however ill-founded—that Europe will be devastated in a superpower nuclear war that would leave the United States and the Soviet Union untouched. Are we now to add to this nightmare the idea that a superpower chemical war might also be fought in Europe?

If so, European paranoia about American as well as Soviet intentions will be surely heightened, and the stresses that are already wracking the NATO alliance will be increased—also in the name of deterrence.

More than $2 billion is being projected for producing binary nerve gas in 1983 and 1984 and more will be required later. That money would be far better spent—and achieve more real Western security—if it were devoted instead to research and development of defensive equipment and techniques against yellow rain and other chemical weapons, and if the fruits of that effort were made available to any and all nations feeling themselves threatened by chemical warfare.

That would make it clear who really poses the threat, and who wants to help the world avoid it. So would a determined attempt to negotiate with the Russians and all nations a total renunciation of the use or possession of chemical weapons. But producing those weapons ourselves will divert the world's opprobrium from its proper target in Moscow, while adding one more horror to those that already haunt the future.●

BRIDESBURG: A POLISH NEIGHBORHOOD IN PHILADELPHIA

HON. JOSEPH F. SMITH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. SMITH. of Pennsylvania. Mr. Speaker, as anyone who has visited our city knows, Philadelphia is a city of neighborhoods. The cultural and ethnic diversity which this provides, gives us a deep appreciation of the contributions which people of many national, racial, and religious backgrounds have made to the development of our Nation. The following is an article which appeared in the Bridesburg Bulletin in December 1981. It points to the rich heritage and many accomplishments of one of our neighborhoods steeped in Polish culture.

The article follows:

BRIDESBURG: A POLISH NEIGHBORHOOD IN PHILADELPHIA

(By Mike Elko)

During the early part of WW II a young state senator from the Bridesburg section of Philadelphia named Jack Malina was seated in an open limousine with President Franklin Delano Roosevelt riding east on Girard Ave. They were going to the dedication of Cramp's Shipyard.

I recall how moved I was at seeing the President with our young local senator.

Later, when I received a Polish American calendar from a school teacher who lives in Detroit, Michigan, and discovered a reference in it to "Polonia activity in a Polish neighborhood along Orthodox St. in Philadelphia," it impressed me highly. The fact that a single Polish community was recognized by someone in the midwest, makes one aware of the Polish growth in this area. Also, the realization of the Poles' many contributions to society and of their civic pride in their community.

I took several rides and walks through the Polish neigborhood mentioned on the calendar; the same being Bridesburg. One is immediately impressed by the clean homes, stores, pavements and even the streets. A writer for the Philadelphia magazine once described the "porches and pavements so clean in the Bridesburg community, that one can eat from them."

You see many various owned Polish establishments along Orthodox St. Businesses that date back to the early 1900s and remained in this predominately Polish area through the change and growth of the community. One sees Pulaski Savings Assn., Bridesburg Federal Credit Union, Podgorski Music store, whose owner and founder was elected to the Polka Music Hall of Fame. The Slabinski Funeral Home, Miller Realtor, owned by the Przyblowski family and Ideal Florist owned by Anthony Jesiolowski, Mary Zawistowski manages the Third Federal Savings and Loan Assn., and the Polish Beneficial Assn. is across the street. All of these establishments and people are of a Polish background, living, and or working in the Bridesburg community. Other Polish owned businesses are scattered throughout the neighborhood.

Not far away, is the Polish Club of Bridesburg in the 45th Ward and on Almond St. the St. John Cantius Church which brings back memories for me as I studied Polish at St. John's, under the tutorship of Mary Senk who was a very dedicated teacher in the public school system, her assistant was Genia Gunther.

St. Valentine's Polish National Catholic Church is also in the area. The church celebrated its 70th anniversary in April 1980. When the Polish immigrants arrived in the city, they wanted a Polish National Catholic Church where they could pray and be in contact with the people in Poland. It happened at that time, the Irish Bishops could not see it that way, as they wanted an American Catholic Church. As time went on, the Catholic hierarchy learned that the Polish people were right. Since then, there are over half a dozen Polish Catholic churches in the city.

Bridesburg area can boast of a young family of musicians who call themselves "The Dydak Diamonds." It is a polka band whose members are the children of Caroline and Ted Dydak, both of whom are accordian players. Their father Ted, is in the real estate business.

Bridesburg also has a large and active Bridesburg Business Assn. concentrating on concerns of the community, as well as the local Bridesburg Civic Assn.

This area was blessed with the visit of Pope John Paul II, when he was Cardinal of Poland, and many residents have fond memories of meeting with him.

Another distinguished visitor to the Polish American community was President Ronald Reagan, who then as a candidate stopped off at St. Adelbart's auditorium in Port Richmond. His visit was well received by the Polish people and received nationwide publicity from his presence. When Reagan spoke at St. Adelbart's he reminded those present of the many Polish celebrities from Philadelphia and among those he mentioned were Greg Luzinski of the Phillies, Ron Jaworski of the Philadelphia Eagles and Tom Gola, City Controller. And on that city famous list, John Cardinal Krol.

President Jimmy Carter, when as a candidate for reelection spoke at the Pulaski Club. This is the only community in the United States where two presidential candidites visited personally.

Philadelphia is fortunate to have Joseph P. Zawarotny and T. Dydak who serve on the Human Relations Commission, appointed by then Mayor Frank L. Rizzo. Mr. Francis Gregory, of Third Federal Savings and Loan Assn. served on the Copernicus Monument Committee. The area of Bridesburg and Port Richmond also produced people of high caliber in public service such as Walter F. Pytko, Dr. Leon Kolankiewicz and Joseph Zazyczny who served in the State Legislature and City Council.

Philadelphia's Polonia produced about ten fine judges.

More prominent people of Polish descent from Philadelphia were Frank N. Piasecki, the inventor of the tandem-rotor helicopter, who has received the Phillip H. Ward Jr. Medal from the Franklin Institute. We also have Edward Plocha, Commissioner of Records for Philadelphia. A Polish dedicated Kosciuszko Foundation, in New York City, was founded at Broad and Spring Garden streets in the office of its president, Samuel Vauclain. Pulaski Avenue in Philadelphia is Polish influenced, Eugene Pasymowski is the District Director of ACTION, Tom Gola is the Regional Director of HUD. World famous, Leopold Stokowski led the Philadelphia Orchestra for two decades. We have the Pulaski, Copernicus, and Kosciuszko monuments as well as Pulaski Park at the foot of the Delaware River. We have the Kosciuszko Home. We even have a Warsaw Cafe. The Benjamin Franklin Bridge was designed and built by Ralph Modjewski, a world famous bridge builder. The Polish National Alliance started in Philadelphia in 1880. There is also a Monkiewicz Playground. Philadelphia has a sister city in Poland, Turin, the birthplace of Copernicus.

A very important and active organization in our city is the Polish American Congress, which is the umbrella organization for all Polish American organizations in our area as well as a national organization with over 4 million members. The Polish American Congress is responsible for the sponsorship of over 15 events city-wide during the year. This group works with all other groups to see that Polish heritage is kept alive. Sponsoring the Pulaski Day parade, the largest ethnic parade in the city, they offer social services to the many Polish-Slavic people in Philadelphia.

The Nazareth Academy and Holy Family College, located in the Northeast are all operated by the Nazareth Sisters, a Polish order.

The list goes on and on, and I'm sure, in my research, I've overlooked people, places, things and happenings.

However, the Polish people have come a long way since they've settled here as Polish immigrants in the 1800s. Most of them came for a better life or for political reason. It is obvious that through the long hard years they have made an impact, and have contributed much to their own community and to society.

The Poles are a proud people; they are persevering, industrious and ambitious and that all helps to make Philadelphia the great city it is.●

A SUGGESTION FOR PEACE

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. EDGAR. Mr. Speaker, Rev. Paul D. Gehris, director of the Pennsylvania Council of Churches, has shared with me a strong statement on a bilateral nuclear weapons freeze. In the interest of "Peace on Earth," I ask all Members of Congress to give this resolution their most careful consideration. The resolution follows:

RESOLUTION OF THE PENNSYLVANIA COUNCIL OF CHURCHES A BILATERAL UNITED STATES-SOVIET UNION NUCLEAR WEAPONS FREEZE

Whereas the US and the USSR today possess 50,000 nuclear weapons[1] of which only 1/100th of that would be sufficient to destroy both nations.[2] At present levels, all cities in the northern hemisphere could be wiped out in half an hour. Yet over the next decade, the US and the USSR plan to build over 20,000 more nuclear warheads[3] along with a new "generation" of missiles to deliver them. Even while recognizing that there is no defense against a nuclear attack, the concept of "limited" nuclear war fighting is being put forth as a thinkable and possible option.

Whereas the military budget required to continue this arms race is taking the lion's share of taxpayer's dollars.[4] Current excessive and wasteful levels of military spending undermine human prosperity at home and abroad, while providing less and less security for all. The spending on arms weakens the economy because it increases taxation, contributes to technological retardation in civil sectors, adds heavily to inflation and unemployment, and diverts vital productive resources from meeting human needs.[5]

[1] "Nuclear Weapons and Security: "How Much is Enough?" Admiral Gene LaRocque, "The Defense Monitor," Center for Defense Information, Vol. VIII, #2, Feb. 1979, p. 4.

[2] "Nuclear Disarmament," United Nations Fact Sheet #5, Dept. of Public Information, United Nations, NY, Oct. 1979. It has been estimated that in a nuclear war, each of about 400 cities in the Northern Hemisphere might be blasted by the equivalent of 13 megatons—about 1,000 Hiroshima bombs each. Most of the inhabitants would be killed instantly and civilization would come to an end in the countries involved in the conflict, while elsewhere, millions more would die from intense and widespread radioactive fallout.

[3] "US and Allied Military Strengths," Center for Defense Information Fact Sheet, Feb., 1980, p. 1.

[4] "1980 Economic Report of the President," US Dept. of Commerce, Bureau of Economic Analysis, p. 203. Military spending currently represents over 65% of all federal funds allocated by Congress.

[5] Seymour Melman, "The Permanent War Economy," Simon and Schuster, NY 1974.

Whereas: Dollars spent on weapons systems create far fewer jobs than those spent on civilian programs. On average, 20,000 more jobs could be available per $1 billion spent on the military if spent in the commercial sector of our economy.[6] The Reagan Administration plans to spend over $1.5 trillion on the military over the next five years ($6,250 per capita)—$180 billion of which will be for the procurement of new nuclear weapon systems. With an inflation rate of 17 percent and unemployment running at 8 percent, such increases will only destroy jobs and businesses by robbing the civilian economy of capital and resources.

Whereas all this is contrary to the Christian call to peacemaking. The nuclear arms race presents us with a crisis of faith and a historical crossroads for humanity. As the foundation of national security, nuclear weapons are idolatrous. As a method of defense, they are suicidal. To believe that nuclear weapons can solve international problems is the greatest illusion and the height of naivete: Now, therefore be it

Resolved That the Pennsylvania Council of Churches call upon the United States and the Soviet Union to jointly and immediately stop the nuclear arms race. Specifically, we call upon each country to adopt an immediate and mutual freeze on all further testing, production and deployment of new nuclear weapons and of missiles and aircraft designed primarily to deliver them. This is an essential and verifiable first step towards lessening the risks of nuclear holocaust and reducing the nuclear arsenals.

We ask the U.S. Congress to introduce a Resolution calling for a US-USSR Freeze, and that the Administration be asked to negotiate with the USSR a permanent moratorium on nuclear weapons. We further ask that our own nation take initiatives, such as a halt to underground tests for a short period of time, or a small, symbolic cut in the military budget, that could bring about a response from the USSR, remembering that such a process was successfully followed in the '60's, leading to the Partial Test Ban Treaty.

We also ask that economic conversion planning be instituted now to prepare for the cessation of nuclear weapons manufacturing. And we go on record in support of transferring the money spent on nuclear weapons to the funding of civilian purposes; and be it further

Resolved That the Pennsylvania Council of Churches will encourage its member denominations to become active in the Campaign for Nuclear Weapons Freeze and use its influence to support legislative and lobbying effort to make this proposition the policy of the United States of America.●

SOVIET ADVENTURISM IN THE HORN OF AFRICA REGION

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. WILSON. Mr. Speaker, in the recent past, one of the major areas of Soviet adventurism has been in the Horn of Africa region.

This strategic region forming the soft underbelly of the Persian Gulf region, controls access to the Red Sea and the Mediterranean from the Indian Ocean and constitutes the gateway to East Africa.

Soviet interest in this area dates back to 1971 in South Yemen which now has become the most secure satellite of the U.S.S.R. in the Third World and the only one in a Marxist Arab states. Thereby, Moscow has acquired a naval and airbase at Aden which is located a few miles off the Beb el-Mandeb Straits.

While the Soviet Somali adventure did not end well (the Soviets had to leave Somalia in 1978), in 1977, the Soviet Union acquired substantial influence over the most powerful country in the region: The Ethiopian Empire.

Today the Soviets control all of the Horn except Somalia and Djibouti. They are building an air and naval base at the Dahlok archipelago off the coast of Eritrea and are exploiting Ethiopia as a rearward base to undermine General Nimiery's regime in the Sudan which is also menaced by Libya.

In August 1981, the tripartite pact between Libya, South Yemen and Ethiopia brought Libyan development funds and terrorist know-how to Ethiopia against Somalia and Djibouti.

The relative Soviet success was achieved in part by Cuban troops, by East German advisers to the secret police and by Soviet advisers attached to the civilian and military authorities in Ethiopia. The Soviet presence must be effectively counterbalanced and contained. The invasion of Afghanistan by the Soviet Union caused the Carter administration to initiate the first measures of containment by signing the August 1980 agreement with Somalia, Kenya, and the Sultanate of Oman for air and naval facilities for our nascent RDF.

Our policy took a low-key approach in the case of Somalia; $40 million in FMS was promised for 2 years as well as some economic support funds which is too little to make an appreciable difference and too much as not to arouse Ethiopian fears. The latter was caused by the ongoing guerrilla struggle in the Ogaden province; an area administered by Ethiopia since 1948 after a short British administration.

The province was reconquered by Cuban troops in 1978, in a war lasting over 1 year, from the local Somalis and Somali army which came to their support. Our aid to Somalia was only increased marginally in fiscal year 1982.

At the present, the Reagan administration continues to increase aid slightly, but it has not yet defined an effective containment policy in the Horn region. It is for this reason that I, with 63 of my colleagues, wrote to Secretary of State Alexander M. Haig, Jr., on October 20, 1981, asking for higher levels of aid and closer strategic relations with Somalia. We have received a generally positive response from Richard Fairbanks, Assistant Secretary of State for Congressional Relations on December 15, 1981.

I ask for unanimous consent to insert into the RECORD the two letters and an appropriate op-ed page article by Z. Michael Szaz, Ph. D., which appeared in the September 28, 1981, issue of the New York Times and the international Herald Tribune. Dr. Szaz is studies program director of the American Foreign Policy Institute and former associate professor of international law and relations at Seton Hall and Troy State Universities.

Also, I would like to reiterate my major concerns which are shared by many of my colleagues and to propose appropriate measures to effect a containment and progressive challenge to the Soviet, Cuban, and East German presence in this region.

We must provide the necessary military and economic assistance to our friends in the region; that is, to the Sudan and Somalia. The administration performed effectively in the case of the Sudan and we have reason to believe that the crisis in the Sudan is over. The same consideration in terms of extending accelerated and substantial arms deliveries and providing economic support funds has yet to be applied to Somalia.

The Somali army, which lost half of its mechanized equipment in the Ogaden war and remains exposed to repeated air attacks by Ethiopia in the bordering areas that include most of the refugee camps, needs large-scale assistance in order to provide a credible defense against Cuban and Ethiopian forces poised at the border. Our defense experts estimate that it would take about $500 million during a 5-year period to retrain and reequip the Somali forces.

While budgetary reasons may prevent us from supplying the entire amount, we must provide at least the technology-intensive items and must work closely with the Somali military command. We believe that Saudi Arabia might provide financing for the remainder of the equipment and that Egypt would help with Somali procurement.

Nevertheless even this limited contribution would cost more than what the present FMS levels have appropriated or planned for Somalia.

We must also increase our ESF and development assistance. Without finding some employment for the refugees, we will perpetuate an unproductive camp life for them and create another Palestinian problem. While the administration and Congress were more generous with refugee aid and development assistance—$30 million

[6] "The Structure of the US Economy, 1980-85, "US Dept. of Labor Bureau of Labor Statistics, US Government Printing Office, 1975.

ESF was appropriated in fiscal year 1982—the effort must be expanded in fiscal year 1983 and fiscal year 1984 if we want the survival of a stable, pro-Western Somalia.

In the past, there were two guiding examples for large-scale refugee problems. One example was the German case where approximately 12 million refugees and expellees were dumped into West Germany between 1945–47. By 1952, they were absorbed into the national economy and provided with the manpower and many of the skills comparable to the German "economic wonder." This would have been, of course, impossible, without the Marshall plan which provided the impetus to accelerated economic development and political stabilization.

The other example is that of the Palestinian refugees on the West Bank, the Gaza strip, and southern Lebanon. Generations were brought up in the camps since 1948, with little productive experience and low self-esteem, providing the manpower for the terrorist activities of the PLO in order to arouse international public opinion about their plight and lack of self-determination.

It is up to us which direction the Somali refugees will have to take. For the sake of justice and peace as well as our national interest, I hope that the administration will choose adequate assistance so that the Somali economy may develop substantially and that political stability may be preserved in Somalia.

Only by strengthening the Sudan and Somalia will the Soviets and their allies be contained in the Horn region and then, we can acquire secure access to their facilities.

I trust the administration will move in this direction and hope both the administration and the House will divorce themselves of the commendable, but illusoric notion that by not supporting Somalia we may regain Ethiopia as a Western ally.

The material follows:

COMMITTEE ON APPROPRIATIONS,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 20, 1981.

Hon. ALEXANDER HAIG, Jr.,
Secretary of State, Department of State, Washington, D.C.

DEAR SECRETARY HAIG: We, the undersigned members of the U.S. House of Representatives, would like to call your attention to our continuing important interests in Somalia and to recent developments which threaten the peace and stability of the Horn region in Africa.

Particularly, we refer to the August 1981 pact between Libya, Ethiopia and South Yemen, "the latter two Soviet surrogates whose military, economic and state security systems are controlled by Soviet and East German "advisors". In the case of Ethiopia, 17,000 Cuban mercenaries are also present. Especially, the Ethiopians remain on inimical terms with Somalia because of the past support Somalia extended to the indigenous national liberation movement of the Somalis in the Ogaden which is administered by Ethiopia. Ethiopian planes bombed repeatedly this year Somali villages and refugee camps.

In addition, both Ethiopia and South Yemen support the "National Salvation Front", a group of pro-Communist Somali exiles in Ethiopia which is trying to subvert the legitimate government of President Siad Barre of Somalia.

At the present, Ethiopia and the Cuban mercenaries have complete military superiority as the Ethiopian army has received $1.5 billion worth of military equipment from the U.S.S.R. in 1978 and continues to receive military aid from Moscow. Somalia lacks both fighter planes and anti-aircraft batteries.

Somalia is also threatened by the coming influx of Libyan money and terrorist know-how which will be directed against its government by the leaders of Libya and the Soviet surrogates in the Horn area.

We believe that the increased threats to Somalia must be answered by a clear American commitment to our Somali allies in the political, military and economic fields.

May we suggest that the Department of State take any measures necessary to communicate this commitment both to the Somali government and to our regional adversaries and the Soviet Union and that we accelerate our various economic and military programs to Somalia, including the early delivery of the anti-aircraft batteries contracted for by Somalia.

We also call upon the Administration to reevaluate our present aid programs, military and economic, to Somalia in the light of the recent developments in the region, especially the tragic assassination of President Anwar Sadat of Egypt, and submit concrete proposals for enhancing the security and stability of Somalia which is providing us with air and naval facilities badly needed by our RDF.

With every good wish, we are
Very sincerely yours,

Arlen Erdahl, G. William Whitehurst, Robin Beard, Don Ritter, Delbert Latta, Millicent Fenwick, Robert J. Lagomarsino, Bob Stump, Charles Wilson, William L. Dickinson, Samuel Stratton, Arlan Stangeland, Robert K. Dornan, Gus Yatron, James Nelligan, Robert Badham, Richard Schulze, Thomas Bliley, Jack F. Kemp, Douglas Bereuter, Bob Livingston, Henry Hyde, Eldon Rudd, Guy Vander Jagt, Bill Boner, Sam B. Hall, Jr., Roy Dyson, Lawrence Coughlin, Jack Fields, Olympia J. Snowe, Daniel Mica, Christopher H. Smith, Larry Winn, Thomas B. Evans, Jr.

Bill Chappell, Jr., Thomas Petri, G. V. Montgomery, Charles Stenholm, Robert A. Young, (Missouri), Benjamin A. Gilman, Marjorie S. Holt, L. A. Bafalis, John LeBoutillier, Harold Sawyer, John H. Rousselot, Daniel Crane, Frank R. Wolf, Mark Siljander, George Hansen, Billy Tauzin, Claudine Schneider, Stan Parris, Floyd Spence, Vin Weber, Melvin Price, Paul Trible, Robert McClory, Eugene Atkinson, Thomas F. Hartnett, John M. Ashbrook, Edward J. Derwinski, Philip M. Crane, John Edward Porter, and Cooper Evans.

DEPARTMENT OF STATE,
Washington, D.C., December 10, 1981.

Hon. CHARLES WILSON,
House of Representatives.

DEAR MR. WILSON: The Secretary has asked me to respond to the letter dated October 20, 1981, from you and several of your Congressional colleagues expressing your views regarding U.S. Government assistance programs for Somalia. As you suggest, the current political climate, especially the August Ethiopia-Libya-South Yemen Tripartite Agreement, warrants our increased attention to developments in the region. The Administration is keenly aware of these and other potential threats to Somalia, a country whose friendship we value both for political and strategic reasons.

You may recall that acknowledgment of Somalia's important geographical location in the Horn of Africa and the Somali Government's willingness to promote a cooperative relationship with us led to the negotiation of an agreement with the Somalis last year which allows us access to Somali air and naval facilities, thereby increasing our ability to respond to Soviet challenges in the Southwest Asian area. Although we have not linked specific amounts of military or economic assistance to that agreement, we have expressed a clear interest in Somalia's territorial integrity, security and economic development. In this connection we initiated a Foreign Military Sales relationship with Somalia and the Congress approved a request to provide a total of $40 million in FMS credits to Somalia for fiscal years 1980 and 1981. This Administration's fiscal year 1982 budget proposal includes another $20 million in FMS credits for Somalia.

In recognition of Somalia's critical air defense needs, we concurred in Somalia's request to use the FMS credits for early warning radars and air defense guns. The Somalis have recently revised their request in favor of more urgently needed transportation, communications and engineering equipment. We are reevaluating Somali needed in an effort to be responsive as quickly as possible.

Moreover, we have recently scheduled more frequent U.S. Navy calls at Somalia ports, established an Office of Military Cooperation in Mogadishu and included Somalia in the RDF exercise "Bright Star." These steps convey clear signals that we are committed to friendship with Somalia.

The military relationship is only one aspect of our growing assistance ties with Somalia. We believe that the U.S. also has a humanitarian and development role to play in providing assistance to lessen Somalia's refugee burden and assisting the country in realizing its economic potential, particularly in agriculture, which is vital to the country's future stability. Towards these ends, the U.S. Government has been the most substantial contributor in response to a UNHCR appeal for Somali refugee relief, providing about $45.5 million in food and non-food assistance in 1981. In addition, the Administration's FY 1982 budget proposal includes $36.2 million designated for development assistance in Somalia.

The Department greatly appreciates your interest and support for our efforts to assist Somalia.

Yours sincerely,

RICHARD FAIRBANKS,
Assistant Secretary for Congressional Relations.

[From the New York Times, Sept. 28, 1981]

SOMALIA'S DIFFICULTIES

(By Z. Michael Szaz)

WASHINGTON.—By signing a treaty of cooperation and friendship, which includes secret clauses, with Ethiopia and Southern Yemen, both Soviet surrogates in the Horn of Africa region, the Libyan leader Col. Muammar el-Qaddafi acquired a new enemy—Somalia.

A communiqué by the Somali Government on Aug. 24 accused Libya of numerous subversive acts and called the agreement an aggressive military pact directed against the Somali and other moderate governments in the region. Somalia considers the pact a springboard for the Soviet Union to dominate the Horn and the Middle East.

Geopolitical implications of the pact should give pause to members and staff of the House Subcommittee on Africa who focus on the merits of the national self-determination claims of Somalis in the Ogaden region, which is under Ethiopian administration, rather than on Soviet-Cuban encroachment in the Horn.

The Somali Government finds itself in a difficult situation. Some 1.3 million refugees, Somalis and Oromos from the Ogaden, live in 35 special camps and 800,000 refugees live outside the camps with relatives. They escaped the fighting in their province, where they suffered atrocities and oppression. In addition, 3,000 new refugees arrive daily from the Ogaden, where guerrilla fighting against the Ethiopians continues.

The Western Somali Liberation Front still carries out attacks, and the Ethiopian Army retaliates by burning villages and sometimes poisoning wells. Somali peace offers, based on negotiations about national self-determination and human rights of the Somalis of the Ogaden, has found no positive response in Addis Ababa.

The refugees are a staggering burden for the Somali economy, which also has been damaged by floods in recent months. Before international aid arrived in 1979, the Government used up its own supplies to avoid mass starvation among the refugees. To carry the burden, the Government needs substantial international assistance. With the aid of the United Nations High Commission for Refugees, which is helped by large contributions from the United States and other Western countries, the situation has been somewhat stabilized, but food-distribution and warehousing problems persist and transit camps lack necessary facilities. Medical assistance, sanitary facilities, and the drilling of wells remain the highest priorities. Food distribution is no longer a direct Somali responsibility. The Government signed an agreement with Africare, a voluntary agency, and the Central Mennonite Committee, in addition to the High Commissioner, and retains only coordinating functions.

Besides the refugee problem, security remains a principal concern to Somalia. With the Soviet-supported Ethiopian Army still fighting the Western Somali Liberation Front in the Ogaden, and Cubans ready to quash any coup attempts in Addis Ababa, a ground invasion is unlikely, although Ethiopians raided Somali territory several times in the last 18 months. In addition, Ethiopian planes attacked Somali villages and refugee camps repeatedly this year, causing numerous deaths and substantial damage.

Politically, the Somali Government is in firm control, although there are opposition elements abroad supported by Ethiopia and Libya that are tying to weaken Somali unity. The continuing military buildup in Ethiopia and Southern Yemen, however, challenges long-term Somali stability. In 1978 and 1979, Ethiopia received $1.5 billion worth of military equipment from the Soviet Union, and further deliveries are being made. There are still 17,000 Cubans, 4,000 Russians, and 2,000 East Germans "protecting" the regime in Addis Ababa and "advising" the military, state security, and economic ministries.

To this threat, Libya has been added. In the last two years, it has served as the spearhead for Soviet infiltration of Africa. Somalia aroused Colonel Qaddafi's ire by signing an agreement with the United States in August 1980 granting use of Somali military facilities. There will be Libyan financing available both to Ethiopian and Somali exiles who want to weaken Somali.

Despite these dangers, the Somali Government responded to the Libyan-Ethiopian-Southern Yemen pact by breaking off diplomatic relations with Libya and charging Libya with subversion and with signing an aggressive military pact directed against Somalia, and aimed at destabilizing the Red Sea and Indian Ocean region. Thus, the Government took a courageous stand by joining two moderate Arab regimes, Egypt's and the Sudan's, in denouncing both the Soviet surrogates and the mercurial Colonel Qaddafi.

Washington should recognize Somalia's contributions to Western security and extend to it increased political support and provide more military equipment.●

POLICE PURSUITS INTO THE DISTRICT OF COLUMBIA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. WOLF. Mr. Speaker, I am today introducing legislation which will correct an inequity brought to my attention by Arlington County officials and police regarding the law governing police pursuits into the District of Columbia.

The legislation will amend the "District of Columbia Code" to make liability in civil actions arising from "hot pursuit" into the District of Columbia by members of a peace unit of a State determined by the laws of such State.

This bill was drafted at the request of Arlington Commonwealth attorney Henry Hudson and acting Arlington County attorney Charles Flinn. I appreciate their assistance with this legislation, which has also drawn the support of the Alexandria city commonwealth attorney and police department, and the Arlington County police department as well as the Virginia Department of State Police.

Arlington County officials and police have been involved in a lawsuit stemming from a chase by an Arlington County officer who pursued suspected bank robbers into the District of Columbia across the Roosevelt Bridge. The suspects fired shots at the officer and their speeding car ran a red light at 19th and E streets, collided with another vehicle, and hit a pedestrian standing near the intersection. The pedestrian then filed a suit in the U.S. District Court for the District of Columbia naming, among others, the officer and Arlington County as defendants.

Judge Harold Greene ruled in that case that the law of the District of Columbia should apply to the liability issues and not Virginia law. While the District of Columbia, a municipal corporation, does not recognize sovereign immunity, the State of Virginia does. My bill would afford officers who pursue suspected felons into the District with the protection of sovereign immunity.

The most important distinction between Virginia law and the law of the District of Columbia is the liability of local government units. Police officers in the 10th district are placed in considerable danger when they pursue a felon into the District of Columbia and I believe it is imperative that they receive legal protection from civil liability suits arising from such chases. It is my belief that this legislation would offer that protection to the police officers who are called upon in their duties to pursue a suspect across the Virginia border into the District of Columbia.

If the situation were reversed and a pursuit by police began in the District of Columbia into Virginia and resulted in civil action for personal injury damages, a Virginia court would give immunity to the foreign jurisdiction. But that would not preclude suit from being brought in District of Columbia courts by the injured party.

I ask that Mr. Flinn's explanatory memorandum outlining the need for this legislation be inserted at this point in the RECORD.

FACTS OF THE SPECIFIC INCIDENT

The incident which resulted in the requested statute involves the vehicular pursuit of suspected bank robbers by an Arlington Police Officer. The officer heard a broadcast containing the description of the robbers and their car. The officer saw a car matching the description and followed the car from Ft. Meyer Drive at Route 50 East to the east end of the Roosevelt Bridge in the District of Columbia. The suspects stopped their car at the end of the bridge. When the officer approached the car, the car drove away. The officer gave pursuit with emergency equipment on (siren and lights) travelling east on E Street. The robbers fired shots at the officer and the officer increased the distance between the robbers' car and his car. The robbers were going at a speed in excess of the posted limit, ran a red light at 19th and E Streets. The robbers' car collided with a car travelling south on 19th Street. This collision caused the robbers' car to hit a pedestrian who was standing on the southeast corner of 19th and E Streets.

THE RESULTING LAWSUIT

The pedestrian filed an action in the United States District Court for the District of Columbia naming, among others, the officer and Arlington County as defendants. It is claimed that the officer negligently allowed the robbers to escape and that he conducted a "negligent high speed pursuit." This negligence is said to have directly resulted in the injuries to the pedestrian. It is claimed that Arlington County directly caused the injuries because it negligently trained and supervised the officer. Additionally, it is claimed that the County is liable for the injuries indirectly because it is the employer of the officer. This later theory of liability is known as master-servant or respondeat superior liability. It is a legal principle which says that the employer must pay for the negligence of an employee if the employee causes injuries to other while the employee is acting within the scope of the employment relationship.

THE RULING OF JUDGE GREENE

Judge Harold Greene ruled that the law of the District of Columbia and not Virginia law should apply to the liability issues in this case. This was because he believed that the District of Columbia had the most significant interest to the case.

Judge Green further held that the law of the District of Columbia would result in the following: (1) Because the District of Columbia (a municipal corporation) is not recognized as having sovereign immunity from lawsuits, Arlington County (not a municipal corporation but a political subdivision of Virginia) would not be recognized as having sovereign immunity; and (2) that because the District of Columbia is liable under respondeat superior for the negligent acts of its police officers, the County would also be liable under respondeat superior.

COMPARISON OF THE LAW OF VIRGINIA AND THE LAW OF THE DISTRICT OF COLUMBIA

The ruling of Judge Greene rejects any application of the law of the State of Virginia. The law of Virginia is, in many important areas, different than that of the District of Columbia.

A. The doctrine of sovereign immunity

Virginia has long recognized the legal principle that the state cannot be sued unless it consents to be sued. This is sovereign immunity. Virginia Counties are political subdivision of the state and share this immunity because they are not separate from the state as are Virginia cities (cities are liable for negligent acts when performing proprietary functions). Although this principle has been criticized as archaic, Mr. Justice Oliver Wendell Homes, Jr., said:

"A sovereign is exempt from suit, not because of any formal conception or obsolete theory, but on the logical and practical ground that there can be no right as against the authority that makes the law on which the right depends."*Kawanakoa* v. *Polybank*, 205 U.S. 349, 353 (1907).

The County would, under Virginia law, have complete immunity from a suit seeking damages for personal injuries. It is neither liable for injuries that might result from improper County training nor under respondeat superior. Moreover, police officers are considered to be state officials and not servants of the local jurisdiction because the authority derives directly from the state. (Police officers in Virginia would be personally liable for ordinary negligence in Virginia, just as in the District of Columbia.)

As noted above, the District of Columbia does not have this immunity. The district is liable in tort anytime one of its employees is liable (that is, it is liable under respondeat superior). As a result, the District is frequently the target of plaintiff's attorneys because it is easier for a jury to award large sums of money against the District than against an individual.

The law of the District of Columbia recognizes a limited form of immunity. If the employee is negligent in the exercise of a "discretionary" as opposed to "ministerial" activity, immunity will be recognized. "Discretionary" has been judicially defined as being a broad policy level decision as, for example, a council member's decision in passing a law. In particular, the arrest of criminal is considered a ministerial function, and thus negligence in making an arrest can result in liability. It is not clear whether the supervision and training is a discretionary or ministerial function under the law of the District of Columbia.

Virginia law affords individual County officials immunity also based upon the discretionary/ministerial distinction. (But regardless of whether the individual might be liable, the County is never liable for his actions.) It can be said with some confidence that a decision as to supervision and training would likely be held to be discretionary. Less certain is whether Virginia law would extend immunity to the decision and manner of making an arrest.

Virginia would apply Virginia law principles to an accident occurring in Virginia resulting from a chase that began in the District of Columbia. As to municipal corporations (that is, cities, as opposed to counties), Virginia law allows suit if the activity is proprietary (as in maintaining sidewalks). The provision of police activities is a governmental function and no suit against municipal corporation would be recognized. The liability of any individual D.C. police officers who were involved would be determined by using the discretionary/ministerial test outlined above. A note of caution is in order. No case has reached the Virginia Supreme Court which involved a suit for damages against a foreign governmental jurisdiction or against an official of a foreign jurisdiction, and because of this there is a lack of certainty about the ultimate outcome of such a lawsuit.

The most important distinction between Virginia law and the law of the District is the liability of local government units.

As applied to an incident like the one here, counties are wholly immune in Virginia but are not in the District of Columbia. If the facts are changed and the chase begins in the District with the accident taking place in Virginia; a Virginia court would give immunity to the foreign jurisdiction. Two further principles of Virginia law that a Virginia court in the later instance might apply to a foreign jurisdiction is that the foreign jurisdiction's liability (or nonliability) should be determined by the law where the jurisdiction exists. If it is liable under its own state's law it might be held liable if sued in Virginia. Another principle that might well be applied is a similar one; it would require that the plaintiff sue the foreign jurisdiction in the courts where that jurisdiction exists. This latter principle is simply that any action against a local government must be brought where that government exists and nowhere else.●

RUDOLPH KAMMERER, DEVOTED PUBLIC SERVANT

HON. WILLIAM CARNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. CARNEY. Mr. Speaker, I rise today to observe the career of a devoted public servant in New York's First Congressional District. Rudolph M. Kammerer, commissioner of the Suffolk County Department of Public Works, has compiled an impressive list of achievements and a distinguished record of service on behalf of the people of Suffolk County since 1949.

Born in Westhampton Beach, Long Island, Rudy Kammerer has been a lifelong resident of Suffolk County. He earned his bachelor's degree in engineering in 1937. He worked as an engineer in several notable projects in New York State, including the 1938–39 World's Fair, the Brooklyn Navy Yard, and the city of Syracuse.

In 1949, Rudy became a village trustee in Westhampton Beach. He has served as a justice of the peace for Southampton Town and been both a member and director of the Suffolk County Planning Board. From 1961 to 1965, he was superintendent of highways, and commissioner of public works in the town of Southampton. In 1965, he was appointed to the post of commissioner of public works and highway superintendent for Suffolk County. He has served in his capacity as public works commissioner for more than 16 years.

Under Rudy's leadership, the public works department has served Suffolk County well, undertaking many of the responsibilities for the construction and maintenance of facilities to meet the needs of the people. The projects carried out by the public works department are permanent improvements to the quality of life in our community. In his term as commissioner, Rudy Kammerer has always performed his duties on behalf of the people of the county with the highest degree of competence and commitment; his work will stand as a permanent reminder of his dedication. As he retires, I know that all who have had an opportunity to work with him will want to thank him for his work in the community.

Mr. Speaker, Rudy Kammerer is an asset to the people of Suffolk County. He is a devoted family man. He is a professional engineer who has performed excellently. And he has been a public servant who has worked selflessly throughout his distinguished career. I congratulate Rudy Kammerer for his fine work, and I wish him and his family many years of con-

tinued health, happiness, and success.●

TRIBUTE TO BERNIE KROM

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. ROYBAL. Mr. Speaker, recently an independent businessman in the 25th Congressional District of California closed the doors to his establishment after 51 years of continuous operation. It is with great pleasure that I invite my colleagues to join me in recognizing Mr. Bernard Krom as an example of the fine tradition of American entrepreneurship and civic responsibility.

Bernie Krom came to the Eagle Rock community of Los Angeles from Chicago, Ill., at the age of 13. Following graduation from high school, Bernie worked as a tailor and assisted with his brother-in-law's clothing store, Robert's Men's Wear. Following the unexpected death of his sister's husband, Bernie devoted himself to operating the business and caring for his sister and her two young sons.

In addition to the business and family responsibilities, Bernie devoted considerable time to community work, including 35 years of active participation in the Eagle Rock Chamber of Commerce and over 20 years' service in the Kiwanis Club. While his contributions in these capacities were numerous, it has been his individual acts of compassion and civic duty which earned Bernie Krom the admiration of his community.

Feeling a special responsibility toward those less fortunate than himself, it has not been unusual for this fine citizen to feed, clothe, and find shelter for entire families in times of need. During the holiday season especially, Bernie Krom's kindness and generosity have brought joy to many who might otherwise have been left untouched by the acts of good will that most of us take for granted.

It is most fitting that we in the Congress of the United States salute Mr. Bernard Krom as an example of the fortitude and samaritan spirit which have forged the greatness that is America. At the young age of 64, Bernie and his wife Anne will enjoy the fruits of retirement with a great deal of satisfaction and sense of accomplishment because of the fine legacy which we in Congress are today honoring. Please join me in wishing them both continued happiness, prosperity, and success in the years to follow.●

MRS. BUSH VISITS LOCAL VOLUNTEERS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. MICHEL. Mr. Speaker, there is a lot of talk these days about the ways in which voluntarism can help Americans in need. Mrs. George Bush, wife of the Vice President, recently demonstrated that she not only believes in the voluntry spirit but is willing to act on it. In a recent visit to Montgomery County, Md., Mrs. Bush found that spirit "alive and well."

At this time I insert in the RECORD, "Mrs. Bush Visits Local Volunteers," by Sandra Arnoult, from the Montgomery Journal, January 28, 1982.

MRS. BUSH VISITS LOCAL VOLUNTEERS

Neither ice nor snow could keep away a few hundred volunteers, students and school officials who came to Bethesda Chevy Chase High School yesterday to meet a premier volunteer—Mrs. George Bush, wife of the vice president of the United States.

Over the years, Barbara Bush has been a steady volunteer in churches, hospitals, nursing homes and schools in 17 cities—and even the People's Republic of China, where she lived when her husband was the U.S. Liaison there.

Sandra Gray, Chairman of the National School Volunteer Program, cited Barbara Bush as the "zenith in volunteerism" and for her concern for the quality of life for others and the work she has done to improve it.

"The president said in his State of the Union speech that volunteerism is alive and well," said Gray, "and truly it is in Montgomery County."

In addition to honoring Mrs. Bush, three outstanding volunteers from the county were presented with awards.

County Schools Superintendent Edward Andrews said that presenting the awards to the three men was one of his "most pleasurable tasks."

"Our school system wouldn't be what it is without the tremendous help of the thousands of volunteers in the school system," said Andrews.

Richard Marriott, of the Marriott Corp., was cited for his work as chairman of a committee that is working to solve the problems of alcohol and drug abuse by county young people.

Larry Shulman, an attorney, has donated his expertise to the highly acclaimed construction trades foundation where students build a house—from the ground up—and sell it at the end of the school year. Dr. Andrews said that Shulman was the "guiding light" behind the program.

And the volunteer who received an overwhelming, standing ovation was 94-year old Jorgen Kvastav, who is better known as "Mr. K" by the children at Bel Pre elementary school where is he is a volunteer.

Kvastav, who was born in Norway, and speaks eight languages, works with the RSVP (Retired Senior Volunteer Program) and is one of the four residents from the Bel Pre Nursing Home who are regular volunteers at the school.

Although confined to a wheelchair, he said that when he comes to school the children rush to greet him. "I love it," he said.

Gray rattled off statistics to prove that volunteerism is alive, saying 8650 volunteers served in the schools with an additional 1000 students serving as peer counselors or tutors for fellow students. The majority of county schools have active volunteer programs, with the average volunteer working 2½ hours each week.

And Gray said, if the schools had to pay for the services these volunteers provide, it would cost more than $4 million each year.

"Thank heavens I didn't write a speech," said Barbara Bush when it was her turn to speak. "It would have been said already."

When her husband became vice-president, she considered other projects to replace her perennial volunteer efforts, but she decided that volunteering was the single most important contribution she could make.

Her most recent volunteer interest has been in teaching adults to read. She firmily believes that combatting illiteracy would help solve many of society's ills.

"President Reagan said that there are pages of want ads for jobs that can't be filled," she said. "He's right, but you can't fill jobs with people who can't read. Illiteracy breeds crime."

She believes that volunteering is "the most patriotic thing ever."

When she lived in China with her husband in the 1970s, she noted that the Chinese place a high priority on providing housing, food—and teaching people to read. They saw it as a way to increase productivity and improve the overall quality of life.

"We could learn a lesson from the Chinese," said Mrs. Bush.●

BILL GREEN INTRODUCES SENIOR CITIZEN CO-OP-CONDO EQUITY ACT

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. GREEN. Mr. Speaker, today I am introducing a bill which will assist those senior citizens who live in a rental unit which is converted to a condominium or a cooperative. Under the Internal Revenue Code, a person who is over 55 years of age is entitled to a one-time exclusion of up to $125,000 on the payment of taxes on the gain from the sale of his or her principal residence. The major requirement is that the residence must have been the taxpayer's principal residence for 3 of the past 5 years. Under this law, a person whose apartment is converted must live in that unit for another 3 years before being able to qualify for what could be a substantial tax benefit, even though that unit has been this person's "principal residence" for any number of years. The Senior Citizen Co-op-Condo Equity Act would allow persons who purchased their apartments to count those years that they occupied that apartment as a renter toward the time

requirement for eligibility for the special tax exclusion.

In recent years, we have witnessed the conversion of many buildings and the emergence of this trend as a public policy issue. In 1970, there were only 85,000 condo units in the entire United States, while in 1980 alone estimates are that 160,000 conversions took place. HUD projects that by 1985 there will be an additional 1.1 million conversions. This sudden upsurge has been nationwide, with particular concentrations in New York City, Boston, Chicago, Philadelphia, Denver, Houston, San Francisco, Los Angeles, Miami, and Washington, D.C. In New York State alone in 1980, there were 17,315 units converted to co-ops and, of these, 8,108 were located in Manhattan.

We have not adjusted our tax policy for those senior citizens who may purchase what, in effect, have been their homes. These people were discriminated against as renters by not receiving the tax benefits that homeowners get with interest and property tax deductions, and now they must live another 3 years in their principal residence if they are to qualify for the tax exclusion.

This bill would allow those senior citizens who simply decide they want to sell their condo or co-op to do so and qualify for the exclusion, even if they have not occupied it as an owner in 3 of the last 5 years. There is no reason why they should not be able to do so as long as they have lived in that unit for 3 of the last 5 years, whether it be as a renter or owner. The major consideration is that it has been their principal residence.

For many, condo or co-op ownership is an excellent investment. Many buildings that are converted provide a discount from the market price for those residents who buy their units. For others, a conversion can become a real burden and, under current law, a person can be deprived of the opportunity to reap the benefit of this investment opportunity. Some find themselves unable to cope with the monthly payments which are often a great deal higher than rent payments had been. That fact may simply force them out of the building when conversion takes place or place them in a situation of discovering that they are unable to afford the payments once the unit has been purchased. The latter situation may be due less to poor planning than the desire to remain in the neighborhood or to remain in the building that is a person's principal residence. In either of these situations, a person may have to give up that unit with little or no compensation. This bill would allow those residents over 55 years of age who will not be able to afford the payments on the unit but can come up with the downpayment, an opportunity, if residing in that unit for 3 of the last 5 years, to receive the exclusion if they sell at a profit. Those elderly Americans who have in effect established a principal residence in an apartment unit would receive some benefit from being displaced.

I urge my colleagues in the House to support this measure. It recognizes a change in our housing patterns and provides a measure of equity in our tax laws for senior citizens who find themselves caught up in this change.●

STOP ASININE GIVEAWAYS

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. HUBBARD. Mr. Speaker, as we begin to take a closer look at the fiscal year 1983 budget, a letter written to me recently by Mrs. Robert Hendricks of Dawson Springs, Ky., seems very appropriate. Mrs. Hendricks wonders about some of the expenditures being made by the Federal Government in the current economic recession. I believe Mrs. Hendricks' letter is one which should be shared with my colleagues and I wish to do so at this time. The letter follows:

DEAR MR. HUBBARD: My query is, why—if our government is in such dire financial straits, and I have no doubt it is, given the amount of waste even I can see—why cannot idiotic expenditures be stopped? It makes more sense to me to stop asinine giveaways instead of penalizing the hard-working citizens who have a right to expect at least the stability of the Social Security check they've paid into all these years.

I know those little checks can't compare to the ones drawn by retired senators and congressmen, but small as they are, they're sometimes the difference between being poverty stricken and just poor.

Maybe that's the trouble. They are so small compared to what the people who make the decisions draw, that they just can't comprehend such small amounts making any difference.

Also, I've always heard charity begins at home and it burns me up to hear in the news almost daily the millions of dollars going abroad as foreign aid, knowing nine times out of ten the recipient is just going to bite the hand that feeds it. While here at home the average citizen has to pay back plus interest government assistance in time of disasters. It seems odd we would give strangers, some of whom don't even like us, our hard-earned tax dollars and still have the gall to tell the American people there's no way to cut taxes or reduce spending.

I think more are not speaking up because we feel it would do no good. We feel no one in Washington is listening. Here's hoping someone starts listening before Uncle Sam has to file bankruptcy.

Sincerely,

MRS. ROBERT HENDRICKS.●

NATIONAL AGRICULTURE DAY, A WORTHY TRIBUTE

HON. WILLIAM C. WAMPLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. WAMPLER. Mr. Speaker, today, Mr. DE LA GARZA of Texas, chairman of the House Committee on Agriculture, and I have introduced a resolution requesting the President to proclaim March 18 as "National Agriculture Day." We are joined in cosponsorship by many other Members of the House and we hope that our other colleagues in this body will join in support.

At a time when fewer than 4 percent of our Nation's population are farmers and ranchers, it is appropriate that we call attention to that vital segment of America producing the food and fiber on which we all depend.

Farming today is more than a way of life, it is a basic business in the Nation's economy.

Perhaps I should put that in a slightly different way: Agriculture is basic to our economy. All other endeavors, including life itself, depend upon our food-producing capability.

Back at the turn of the 20th century, the power that produced the Nation's food and fiber was furnished by muscle power—horse, mule, and human muscle. In those days of the early 1900's one farmer produced enough food and fiber for himself and six other persons.

Today's farmer produces enough for himself and 67 other persons. Families in the world's far-flung places—from West Berlin to Karachi, to Tokyo, to Buenos Aires—share in the bounty from our rich soil and forests.

In the early 1830's, Cyrus McCormick invented the first mechanical grain reaper, but it was not until 1910 to 1920 that mechanization on the farm began to take important shape.

The farmer with the scythe and flail then became the farmer with the horse-drawn reaper and threshing machine. Another cycle in the agricultural revolution and he became the farmer with the tractor and combine harvester. Today, 1 hour of farm labor produces 14 times as much as it did in the period around 1920.

As more tractors, trucks, and automobiles were purchased by farmers, more acres which had been needed to produce feed for working farm livestock were released for food production.

As the farmer's mechanical power developed, so did other agricultural research, technology, and the farmer's know-how.

Better seeds, better feeds, better breeds became his to help increase the Nation's bounty.

And as the farmer's production increased, less manpower was needed. More people found it possible and profitable to leave the farm and take up other pursuits to help provide the goods and services for a growing population.

Technology in agriculture and the savvy of the farm families who put it to work has brought about an unparalleled productive capacity that truly is the envy of the world.

I trace this brief historical background to underline the fact that agriculture today is part of a long continuum of progress that has helped make America great. We must never allow those without agricultural interests to lose sight of that fact. That is the purpose of the National Agriculture Day resolution that we have introduced today.●

ELIMINATION OF CAPITAL GAINS HOLDING PERIOD

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. DANIEL B. CRANE. Mr. Speaker, the past year has witnessed many great changes in our Federal tax laws that should bring beneficial results to our economy and to our people for years to come. This does not mean, however, that all of the needed changes have been made. One of the most important changes that still needs to be made concerns the capital gains holding period.

American tax laws presently discourage investment and capital formation, when in fact these goals should be pushed as strenuously as possible. One solution to this problem is the elimination of the holding period for capital gains. Such a change would not only accelerate capital formation for use by business, but would also increase the revenues of the Federal Government.

A bill to accomplish this change has been authored by my brother and colleague from Illinois, PHILIP M. CRANE. This bill, H.R. 5248, would eliminate the holding period for capital gains. Many private citizens recognize the need for this change, and for this purpose I would like to include the comments of Mr. Edward F. Moore of New York City:

The Economic Recovery Tax Act of 1981, signed by the President in August, has many merits but one vital flaw.

Every American citizen would benefit directly or indirectly from the elimination of a capital gains holding period. Belgium, Canada, France, Italy, Japan, the Netherlands and the United Kingdom are among countries that do not require a holding period for capital gains. An amendment to the Economic Recovery Tax Act of 1981 should be promptly considered by the House Ways and Means Committee, the Senate Finance Committee, and the White House.

It should eliminate the holding period for capital gains on any kind of property owned by an American citizen. It should become effective for sales made on and after January 1, 1982. This simple change would increase the revenues of the federal government. It would also help to speed up the growth of capital for investment in new and expanding businesses.

Such a change is non-controversial and would be a net revenue producer. Among the industrialized nations, no country imposes a more severe tax on investment nor offers less encouragement to capital formation than the United States. It is not surprising that we rank last by personal savings rate, last by productivity increases, and last by intensity of corporate investment in the developed world. The removal of the holding period is not just a good idea; it is a necessary one and it should be enacted as a brief amendment to The Economic Recovery Tax Act of 1981 and signed into law at the earliest possible date.●

THE IMPACT OF BUDGET CUTS ON CHILDREN

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. GORE. Mr. Speaker, countless times we have heard the expression, "our children are our future." This is a true statement. And without a doubt, this discussion about the impact of Federal budget cuts on our Nation's children is one of the most crucial examinations of the effects of budget reductions that we could ever undertake—because in our assessments of the consequences of cutbacks on our children, we can also gage, to a certain extent, the true cost of budget cutbacks. The budget decisions that are being made in the White House and in the Halls of Congress that affect our Nation's children will have a lasting impact—on them, and on the future of our country.

It is my belief, and I know it is shared by many of you, that the future of many of our children is being compromised. Drastic reductions in nutrition, health, education, and other social services programs will exact a severe toll from our children, our most vulnerable and least powerful group.

I have heard firsthand from many of my constituents, as I know you have, about how budget cuts are hurting them and their families. The outcome of cutbacks in one program in particular—the school lunch program—has been brought to my attention numerous times by parents, teachers, and students in my home State of Tennessee. The budget reductions have resulted in some schools terminating participation in the program, increased meal prices, and fewer students eating meals. In Tennessee alone, the average daily participation rate in the school lunch program has fallen by over 67,000 students, approximately an 8 percent drop in participation when compared with November 1980 statistics.

I have a letter from a student in my district that I would like to share with you that I think points out the effects of the school lunch cutbacks on many students across the Nation. The letter was written by Cindy Williams, a junior at Beech Senior High in Hendersonville, Tenn. In her letter, she wrote:

One issue that bothers the students and myself is the school lunches. We would like to know why one hamburger, maybe twenty french fries and two packs of ketchup costs us one-dollar? Our desserts are thirty-cents extra and one pint of milk is twenty-cents. Why are school lunch prices going up while the quantity is going down? Everyone insists that growing children need good food for good learning. At school lunch prices this is not possible for more than half of (the) families.

As Cindy said, children do need "good food for good learning." We all know that poor nutrition affects both the physical and mental development of children and has an influence on the remaining years of their lives. It has also been proven that malnutrition among children leads to low school achievement. These facts are known. Yet, unfortunately, severe reductions were made in the school lunch program and more cuts are likely to be proposed in the next few weeks.

Although the national school lunch program was established in 1946, it is still needed in the 1980's to help safeguard the health and well-being of our Nation's young people. Adequate funding must be provided for the school lunch program to help insure that students receive the nutrition they need to grow up physically and mentally strong.

There are other cuts that impact just as heavily on children. I will touch on just a few of the major ones, which include reductions in aid to families with dependent children, health and education programs.

In September of 1981, the Tennessee Human Services Department had a cash assistance caseload of 66,067 families. In October of 1981 that caseload was reduced to 55,021 families. A total of 11,046 families were simply budgeted out of the program through new program requirements designed to accomplish that end. Naturally, those most affected by the cuts in this program are children. In Tennessee, the average family participating in the AFCD program consists of a parent and one or two children. In the majority of these cases, no father figure is

present. Regrettably, for most of the families removed from the program, the result is likely a deeper step into poverty.

Another area of assistance crucially important to children is health care. It is generally recognized that proper medical care is vital. And fortunately, overall, the health of children in the United States is good. One reason for this is that the Federal Government provides funding for a wide variety of programs that seek to improve children's health and provide care when it cannot be afforded. But we are also seeing cutbacks in the health programs. Many of them have been placed in block grants and then overall funding slashed. Medicaid is under attack and the program may be drastically changed in the very near future. Any changes in programs that provide medical care would undoubtedly hurt children, because the outcome would be that children whose families cannot afford private physicians may not be able to receive adequate health care. This would be devastating setback after many years of progress in the area of providing expanded health care to young people.

Finally, but by no means less painful, are the cutbacks in education programs. Since most of these programs are forward funded, the true effects of the first round of reductions will not be apparent until the beginning of the next school year. At that time, however, less moneys will be available for the education of handicapped students. Fewer funds will be allocated to meet the special needs of economically disadvantaged children. And many other young people may not find programs such as alcohol and drug abuse education, career education, and health education programs available. These programs were placed in a block grant along with many other programs and then funding slashed. State and local educational agencies will be placed in an either/or predicament in deciding which activities to fund with block grant moneys.

To make matters worse, indications are that the administration's fiscal year 1983 budget will call for cutting education aid by about one-third. Furthermore, the education program for handicapped children, which is successfully working to provide an appropriate education to millions of handicapped youth, is slated for inclusion in a block grant. Clearly, such drastic budget action will have a profound effect on millions of our Nation's young people. At a time in our history when education is a necessity, it is vital that every child has the opportunity to realize his or her fullest potential.

The time to provide for the needs of our Nation's children is now. Their future should not be compromised by heartless cutbacks in vital nutrition, health, education, and welfare programs.●

LANGSTON HUGHES

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mrs. CHISHOLM. Mr. Speaker, last week a gala tribute was held in Washington celebrating the life and works of the late Langston Hughes. To honor what would have been Langston's 80th birthday, symposiums, exhibitions, and concerts were conducted throughout the district. Next week similar functions will take place in New York City.

James Langston Hughes was born on February 1, 1902, in Joplin, Mo. He attended Columbia University for 1 year, only to find it large and impersonal. Later he completed his education at Lincoln University in Pennsylvania. At the age of 20 Langston left home and moved to Harlem where he eventually was acclaimed as a major contributor to Harlem's renaissance era. As one of America's truly great black artists, the literary works of Langston Hughes have been an inspiration to thousands. Some of Hughes' most famous works include, "The Weary Blues," "The Negro Speaks of Rivers," and "Fine Clothes to the Jew." I have included a copy of one of his most famous works, "The Negro Speaks of Rivers," for my colleagues' review.

THE NEGRO SPEAKS OF RIVERS

I've known rivers:
I've known rivers ancient as the world and older than the flow of human blood in human veins.

My soul has grown deep like the rivers.

I bathed in the Euphrates when dawns were young.
I built my hut near the Congo and it lulled me to sleep.
I looked upon the Nile and raised the pyramids above it.
I heard the singing of the Mississippi when Abe Lincoln went down to New Orleans, and I've seen its muddy bosom turn all golden in the sunset.

I've known rivers:
Ancient, dusky rivers.

My soul has grown deep like the rivers.

—*Langston Hughes.*●

TRIBUTE TO DR. BENJAMIN M. BENDAT

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. ROYBAL. Mr. Speaker, it is an honor and a privilege for me to rise and pay tribute to Dr. Benjamin M. Bendat. He is an outstanding example of an individual who has given his all to his community.

On Sunday, February 21, at a special dinner in his honor, Dr. Bendat will receive the Jewish National Fund's Theodor Herzl Award for his outstanding dedication and service to his community. Those of us who are fortunate enough to know Dr. Bendat are well aware of how richly he deserves this honor.

Benjamin Bendat has been a Los Angeles resident since 1929. During those years, he has contributed an extraordinary amount of time and effort to his community. He is an accomplished public servant, and one much sought after for his valuable advice and expertise. He has served as chairman of the Los Angeles Mayor's Advisory Committee, the Los Angeles County General Relief Review Committee, and the Los Angeles County Social Service Commission. He is a member of many other boards and commissions on the city, county, and State levels, as well as serving Los Angeles County in the capacity of public social service commissioner.

Besides his service to the public sector, Dr. Bendat is also well known as a distinguished contributor of time, talent, and substance to civic and charitable causes. He has served as president of many service organizations. He is a past president of Beverly Hills B'nai B'rith Lodge, a vice president of the Jewish National Fund, and a life member of the B'nai B'rith International Israel Commission.

This is by no means the first time Dr. Benjamin Bendat's contributions have been recognized and honored. He has been cited many times for his public service activities, by organizations ranging from the city council to the State of California. He is listed in various publications such as the California Register and Who's Who in the West.

I am sure that you will all join me in paying tribute to this extraordinary individual.●

ARTHUR W. HATT HONORED AT RETIREMENT

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. YATRON. Mr. Speaker, I wish to bring to the attention of the Members of the House an occasion of importance which will occur in my district in Reading, Pa., on Friday, February 19, 1982. I refer to a testimonial dinner to be held by the members of the Rajah Temple on behalf of Mr. Arthur W. Hatt who is retiring as recorder of the temple.

Mr. Hatt has served as recorder of the Rajah Temple for the past 13 years. During that period, his service and devotion have been exemplary. I know that I join with the members of the Rajah Temple in commending Mr. Hatt on a job exceedingly well done and in wishing him well for the future.

The testimonial dinner in Mr. Hatt's honor is a fitting and justifiable tribute to Arthur W. Hatt who has nobly and unselfishly served that fine organization. I know that the Members of the House will wish to join in recognizing Mr. Hatt and in wishing him Godspeed.●

STATE DEPARTMENT HUMAN RIGHTS REPORT ON HUNGARY AND ROMANIA CRITICIZED

HON. JOHN LeBOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. LeBOUTILLIER. Mr. Speaker, since the fifties a talented and influential group of former Hungarian jurists, attorneys, prosecutors, and judges have been active in the World Federation of Free Hungarian Jurists. The aim of this organization is to monitor the human rights policies of the Communist regime in Hungary and to report human rights violations in Hungary to the proper American and international authorities and agencies.

Recently, the president of the World Federation of Free Hungarian Jurists, Dr. Laszlo Varga, Esq., wrote a letter to Secretary of State Alexander Haig criticizing the findings of the State Department's "1981 Country Reports on Human Rights Practices." He charged that this report—written before the Reagan administration could do the actual drafting—contained significant mistakes and omissions.

Mr. Speaker, Dr. Varga is an outstanding lawyer who has practiced both in Hungary and the United States. He was the Christian Democratic Deputy to the Hungarian Parliament from 1947 until 1948 when he was forced to flee the country in order to avoid arrest by the Rakosi regime. Since then he has dedicated his public life in the United States to exposing human rights violations by the Soviet Union and its puppet regimes in East Central Europe and has been a longstanding member of the International PEN Club.

I commend this critique to my colleagues as follows:

WORLD FEDERATION OF FREE HUNGARIAN JURISTS,
July 7, 1981.

Hon. ALEXANDER M. HAIG, Jr.,
Secretary of State, Department of State, Washington, D.C.

DEAR SIR: The Country Reports on Human Rights Practices, published on February 2, 1981 and submitted to the Committees on Foreign Relations and Foreign Affairs of the Senate and the House of Representatives respectively by the Department of State, dealing with 154 countries, is a great effort to promote the practice of the Human Rights. It is a unique task from a government, task that so far not any other country has tried to undertake.

I have read with special interest the Report on Hungary and the minorities in Romania.

Unfortunately the said reports have significant mistakes and omissions and especially concentrates on the misleading laws, rules or Constitutions of the respective communist regimes rather than on the realities.

HUNGARY

The Report says: "Practice of religion is tolerated to a considerable extent." The truth is just the opposite: the regime prevents, to a considerable extent, the practice of religion, to wit: the Catholic Church (70 percent of the population is catholic) and the Protestant Church (27 percent) have no chance at all of using the modern educational means—television. They can only use the radio yearly 13 hours (sic) and only on Sunday mornings at 7 a.m., which is a good time to sleep but not to listen to religious sermons. Religious teaching is shrewdly prevented by the regime and the number of students who enroll for religious teaching is drastically shrinking every year.

The regime publishes yearly 8,000 books, the Churches about 30 with strictly limited contents. To challenge the marxist-atheist ideology is absolutely impossible. It is true that the doors of the churches are open, but on the other hand, every door is closed to promote cultural activities and to educate children for religious life. In sum: the church in Hungary is a bird without wings.

The Report says that "the communist party has sought public support—through mass organization such as the Patriotic People's Front." It is a misleading statement because the PPF is a communist controlled organization, serving only the interest of the party. Therefore, the correct saying is: that the communist party seeks support from its affiliates PPF without the mass, if the mass means voluntary participation.

The Report also states that "As Hungary is a communist country . . ." It is particular that Czechoslovakian and Romanian Reports do not say that Czechoslovakia or Romania are communist countries, but Hungary. Of course, the truth is just the opposite, Hungary is not a communist country but a country under the Soviet occupation and governed by the Soviet supported communist party. If the Reports want to be more precise they should mention that Hungary is the only country behind the Iron Curtain where the communist party, its system and its ideology were overwhelmingly rejected in the 1945 and 1947 elections and by the historical revolution in 1956. The report says that "there are approximately 60,000 Soviet soldiers currently in Hungary." This statement needs more elaboration because there are American soldiers in West Germany but the Government of the United States doesn't influence or dominate German life, but the Soviet Union absolutely controls the Hungarian people, this being the only cause why the Hungarians cannot exercise their fundamental rights. Therefore, it is important to emphasize the Soviet occupation, especially by the Government of the United States who initiated and voted for the resolutions of the United Nations, to withdraw the Soviet troops from Hungary (1004-ESII, 1005-ESII, 1127XI, 1129XI, 1131XI, 1857XVII). Consequently, I think it is not proper to divorce oneself from these resolutions, which have not been executed as yet, and it is in the interest of the world to eliminate the neo-colonialism of the Soviet Union which is a danger to peace as well. Therefore, it is more proper to name the Soviet colonialism than to remain silent, which is a tacit acceptance of it.

The Government of the United States was a leading voice in the United Nations for the independence of Hungary as it was expressed by the late Mr. Charles W. Yost in the United Nations: "The United States intended to persist in efforts to restore the rights of self determination and independence to the people of Hungary" (GA-2787).

Besides the above, the Government of the United States promoted the Human Rights in Hungary because this obligation was assumed by the Government of Hungary by the Peace Treaty of Hungary and the Government of the United States was one of the signatories of that Peace Treaty.

Part (3) of the Report says that, "if a Hungarian citizen accepts the communist form of government and doesn't publicly oppose Hungary's alliance with the Soviet Union, he or she is free to pursue a range of thought and activity." The Report neglects to mention what range of thought and activity and where he or she can pursue it. Probably only at home.

The regime systematically destroys the national spirit and the religion, two of the pillars upon which the 1100 year-old Hungary is based. No article appears and no education can be heard of about the real history and national aspirations of the people. Nobody can form any association or assembly for any purpose. Any kind of opposition paper or article has long ago been buried. The situation is so tragic that even a comunist newspaper mentioned it (Mozgo Vilag, February 1981, Budapest). Therefore, the Report should mention that not any range of thought and activity is tolerated, which serves the national spirit and national consciousness of the Hungarian people.

The Report quotes the Hungarian Constitution and many times correctly mentions that the law doesn't conform with the practice. But the Report is silent about the basic Human Rights: freedom of expression, freedom of press, right to freedom of assembly and association, although guaranteed by the Hungarian Constitution, they do not exist.

In this regard, the Human Rights commission of the United Nations is more practical. In its Report (40-A-35-40. United Nations) the Commission says that the representative of Hungary was asked how many times the basic Human Rights had been invoked by the citizens before the courts. The answer was: "it is difficult to state how many times the Human Rights have been invoked before the courts."

Knowing the communist-language it means—Never.

I certainly feel that the Report has to realistically mention that the Hungarian Constitution, regarding the above basic Human Rights, it is a generous check . . . without funds.

The basic weakness of the Report is its superficiality, it doesn't even try to see beneath it: the silent writers, poets, the misled youngsters and a country with leading statistics of suicides and declining population rate. Yes, the shop-windows in Budapest are very attractive, many automobiles are running, a factor that seems to dominate the minds of the foreigners and journalists. But the dominating force presently in Hungary is that the regime masterminded very skillful policies aimed at giving the citizens more food and less and less national and spiritual values, which endangers the future of the Hungarian nation.

ROMANIA

I don't want to deal with the Report of the Human Rights of Romania, but I have to say that, according to my judgment, it is generally more realistic than the Hungarian one, and rightly starts: "Romania is a centralized unitary state" and never mentions that it is a communist country as it is mentioned in the Hungarian report.

Regarding the Hungarian minorities, the Report omits basic data and also divorces itself sometimes from the facts.

It is important to mention the number of the minorities because their right to have a mother tongue school, university and to participate in the federal and local legislatures depend on the number.

The Report on Czechoslovakia correctly mentions the minorities saying that about 600,000 Hungarians live in Czechoslovakia (page 766).

The reason why the Romania Report doesn't mention the number of the minorities is unclear but it sure is a voluntary omission, probably to try to minimize the fate of the Hungarians in Romania.

According to reliable information at least 2.5 million Hungarians live in their historical place in Romania, which is about 11 percent of the population. This is a significant number especially if we consider that 47 member countries of the United Nations have less population than the Hungarians in Romania. The statement in the Report that: "The Government of Romania doesn't discriminate against its minorities as a matter of policy" doesn't conform with the truth, it is just the other way around: the Government of Romania does discriminate against the minorities, especially against the Hungarians, as a matter of policy.

The 2.5 million Hungarians no longer have a University in Romania and to study in their mother tongue is more and more difficult. If they want to maintain their national, cultural tradition and their religion, they cannot proceed in the Romanian life, and to practice the same is equivalent to being enemies of the State. Their publications, threater performances, etc. cannot express their history and national aspirations.

The Hungarians in Romania-Szekely had not only a great history but a significant cultural life, which was an organic part of Europe. Presently it is a part of the Romanian-chauvinist dictatorship—without any organic part links with the West.

Unfortunately the Report doesn't say anything about the participation of the 2.5 million Hungarians in the Romanian Federal and local legislative bodies. Probably it is not significant any more and the Romanians try to merge with every minority, especially the Hungarians, to serve the ill-oriented Ceausescu-cult.

The tragic situation of the Hungarians in Romania was reported by many reliable sources, especially by Amnesty International, but the author of the Country Reports on Human Rights is very reluctant to accept them, he is rather inclined to accept the misleading explanations of the Romanian Government, which attitude hardly conforms to the promotion of Human Rights.

I think nobody can question that during the last 10 years the Government of Romania has systematically destroyed the national and cultural life of the Hungarians and tried, and still try by force, to incorporate them into the Romanian life.

I feel that it should be the obligation of the author of the Report to demand, or at least to mention, the restoration of the confiscated rights, because without them it is an admission of the inhuman actions.

No nations, or minorities can survive the occupation or the dictatorship only if they don't give up their aspirations for freedom and independence. Unfortunately, the analyzed Report, although seemingly trying to promote Human Rights, in reality, mostly surrenders to the status-quo.

Sincerely yours,

LASZLO VARGA, J.D.,
President, Attorney at Law.●

TERRORIST CAMPAIGN AGAINST TURKISH DIPLOMATS MUST BE STOPPED

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. SOLARZ. Mr. Speaker, only a few days ago, the ugly specter of terrorism manifested itself again in our country when Kemal Arikan, the Turkish counsul general in Los Angeles, was assassinated. An organization called the Justice Commandos of the Armenian Genocide claimed responsibility for the murder.

Mr. Arikan's brutal murder was not, regrettably, an isolated act. A murderous global assassination campaign has been waged by Armenian terrorist groups against Turkish diplomats for almost a decade, and has already claimed the lives of 20 diplomats and their dependents. No matter what the historical grievances—real or imagined—of the Armenian community against Turkey, this is simply not a justification for the slaughter of innocent Turkish citizens around the world.

The Turkish consul general's tragic death demonstrates once again that the fate and future of the United States and Turkey are closely intertwined. Clearly, the fight against terrorism is one of the many common interests shared by both countries. I need not remind my colleagues that the slaying of Mr. Arikan occurred during the same week as the rescue of General Dozier, and only a few weeks after the murder of a U.S. military attaché in Paris.

I am particularly disturbed by the fact that three of the successful assassination attempts, as well as several other unsuccessful attempts, have been in the United States. This situation cannot be allowed to continue. As a first step, I call upon the Reagan administration to immediately implement whatever security measures are necessary to protect the lives of Turkish diplomats and their families stationed in the United States. It is inconceivable that any more Turkish diplomats must sacrifice their lives before the United States provides them with the protection to which they are entitled.

Second, and equally important, the administration must strengthen its counterintelligence operations in order to ruthlessly root out all terrorist groups operating on American soil. Hopefully, the arrest of suspects in Mr. Arikan's case will help uncover additional information about other terrorists and lead to further arrests.

Finally, the United States must take the lead in mobilizing our allies around the world to redouble their efforts to combat the scourge of international terrorism and end this global blight once and for all.●

BUY AMERICAN—IF YOU CAN!

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. GAYDOS. Mr. Speaker, after more than a decade of mounting trade deficits, during which they witnessed the demise of many American manufacturers whose products once were household words, the American consumer has become convinced this Nation needs a "Buy American" policy for the good of the American people.

The consumers want to do their part in establishing such a policy. But, they have encountered two obstacles in their search for American-made goods.

First, many products they seek are no longer available under American names. They have been forced off the shelves by foreign brands. Second, the cost of the American item frequently is higher than its foreign counterpart. Many of us here are all too familiar with the pricecutting practices employed by foreign firms to undercut and eliminate American competition. Government subsidization of foreign industries to lower production costs and the illegal dumping of those goods on the American market has proved a bitter revelation for those of us who truly believe in the concept of free enterprise and fair trade.

Art Buchwald, the noted American satirist, touched on the dilemma faced by domestic consumers in an article which appeared in the February 9 issue of the Pittsburgh Post Gazette. The item is a stinging truism and I applaud the writer's observation.

I have never met Mr. Buchwald, although I frequently read his column, but I am inserting his piece into the RECORD for the attention of my colleagues. I do so with the fervent hope the article is a product of his own ability—and not that of a foreign ghost writer.

[From the Pittsburgh Post Gazette, Feb. 9, 1982]

BUY AMERICAN—UNLESS IT COSTS TOO MUCH

(By Art Buchwald)

"There is only one way the country is going to get on its feet," said Baleful.

"How's that?" I asked as we drank coffee in his office at the Baleful Refrigerator Company.

"The consumer has to start buying American," he said, slamming his fist down on the desk. "Every time an American buys a foreign refrigerator it costs one of my people his job. And every time one of my people is out of work it means he or she can't buy refrigerators."

"It is a vicious circle," I said.

Baleful's secretary came in. "Mr. Thompson, the steel broker, is on the phone."

My friend grabbed the receiver, "Thompson, where the hell is that steel shipment from Japan that was supposed to be in last weekend? . . . I don't care about bad weather. We're almost out of steel and I'll have to close down the refrigerator assembly line next week. If you can't deliver when you promise, I'll find myself another broker."

"You get your steel from Japan?" I asked Baleful.

"Even with shipping costs, their price is still lower than steel made in Europe. We used to get all our sheets from Belgium, but the Japanese are now giving them a run for their money."

The buzzer on the phone alerted Baleful. He listened for a few moments and then said, "Excuse me, I have a call from Taiwan . . . Buster, how are you coming with those door handles for the Mark Four? Look, R&D has designed a new push-button door handle and we're going to send the specs to you. Tell Mr. Chow if his people send us a sample of one, and he can make it for us at the same price as the old handle, we'll give his company the order."

A man came in with a plastic container and said, "Mr. Baleful, you said you wanted to see one of these before we ordered them. They are the containers for the ice maker in the refrigerator."

Baleful inspected it carefully and banged it on the floor a couple of times. "What's the price on it?"

"Hong Kong can deliver at $2 a tray and Dong-Fu Plastics in South Korea said they can make it for $1.70."

"It's just a plastic tray. Take the South Korean bid. We'll let Hong Kong supply us with the shelves for the freezer. Any word on the motors?"

"There's a German company in Brazil that just came out with a new motor and it's passed all our tests, so Johnson has ordered 50,000."

"Call Cleveland Motors and tell them we're sorry but the price they quoted us was just too high."

"Yes, sir," the man said and departed.

The secretary came in again and said, "Harry telephoned and wanted to let you know the defrosters just arrived from Finland. They're unloading the box cars now."

"Good. Any word on the wooden crates from Singapore?"

"They're at the dock in Hoboken."

"Thank heaven. Cancel our order from Boise Cascade."

"What excuse should I give them?"

"Tell them we made a mistake in our inventory or we're switching to fiberglass. I don't care what you tell them."

Baleful turned to me. "Where were we?"

"You were saying that if the consumer doesn't start buying American this country is going to be in a lot of trouble."

"Right. It's not only his patriotic duty, but his livelihood that's at stake. I'm going to Washington next week to tell the Senate Commerce Committee if they don't get off the stick there isn't going to be a domestic refrigerator left in this country. We're not going to stay in business for our health."

"Pour it on them," I urged him.

Baleful said, "Come out with me into the showroom."

I followed him. He went to his latest model, and opened the door. "This is an American refrigerator made by the American worker, for the American consumer. What do you have to say to that?"

"It's beautiful," I said. "It puts the foreign imports to shame."●

A TRIBUTE TO MR. ROBERT BURNS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. LAGOMARSINO. Mr. Speaker, I rise in honor and appreciation of a truly remarkable man. Robert McCrea Burns, farm adviser at the University of California Cooperative Extension, in Ventura County, who retired December 31, 1981, after 29 years of dedicated service.

During his career of nearly 30 years he contributed substantially to the economic and educational success of the agriculture industry. He has authored a multitude of vital publications on citrus and avocado production, through which he has tirelessly served his constituents in a skillful and professional manner. His expertise has been exhibited continuously throughout his illustrious career; he established himself as an authority in his field in Ventura County, Calif., Florida, and internationally as well.

His contributions and accomplishments instill a great sense of pride in all who know him and have been affected by his significant career. I highly commend this outstanding citizen.●

THE TRAGEDY OF HAITIAN REFUGEES

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. GILMAN. Mr. Speaker, I rise to bring to the attention of my colleagues in the House a moving homily delivered during a recent memorial service for Haitian refugees who have died in tragic circumstances.

Mr. Speaker, the 26th Congressional District of New York, which I am privileged to represent, includes a substantial Haitian-American population. I have met with the leaders of that community on numerous occasions, and have, to the best of my ability, represented their views to the executive branch and to my colleagues in the Congress.

It is clear that the plight of Haitian refugees is a tragic one. The deaths of 33 Haitian refugees so close to our shores last October represents, regrettably, only the tip of the iceberg as far as deaths of Haitian refugees is concerned. I will continue to make every effort to assure that the plight of Haitian refugees is addressed in a humanitarian spirit.

I insert the homily, delivered by Father Smith Jeannot on October 31, 1981, at St. Joseph's Roman Catholic Church, Spring Valley, N.Y., at this point in the RECORD:

SPRING VALLEY, N.Y.,
October 31, 1981.

DEAR AMERICAN FRIENDS: You are here today to comfort us in our sorrow and to pray with us for the 33 Haitian refugees who drowned off the coast of Florida last Monday. We appreciate your gesture and we thank you for coming; we are very grateful to you. Your presence here is a token of friendship from the American community of Rockland County to the Haitian people.

Let me remind you that Haiti and U.S.A. have many things in common. We share the same spirit of independence, freedom, liberty, and justice for all. That is why, while we were engaged in our own war of Independence against the greatest army of Europe—The French Army—we sent about eight hundred (800) of our best soldiers to take part in your struggle against the British Army. Among them was our great hero Henry Christophe, who later became King Henry, the ruler of the northern part of Haiti until 1820.

As you may have known, Haitian soldiers played a decisive role in the Battle of Savannah in Georgia. It was on January 1, 1804, that Haiti became the second free nation in the Western Hemisphere. Despite many problems facing our young nation, we exported our revolution by helping Francisco Miranda and Simon Bolivar and others to free Venezuela and other countries in South America.

As you see, our greatest dreams are independence, freedom, liberty, equality, fraternity, and justice for all.

Unfortunately, today we do not enjoy freedom at home, and our beloved Haiti is a joke. We are experiencing one of the worst dictatorship in the history of mankind. Thousands of innocent people are killed or jailed indefinitely for nothing. Under this terrible dictatorship, Haiti has become one of the poorest nations in the world. People who do not support the regime have to make a terrible choice: either leave the country, keep quiet or die. That is why we are forced to leave our beautiful country; a land of dream, a country of eternal spring. Now, about one million Haitians live abroad.

Today, we badly need your support, your friendship and your understanding. We need the support of all civilized nations in the world. We hope that democratic nations will welcome the Haitian refugees and stop helping the Haitian dictator to remain in Power. Above all, we hope that you will export in a just, democratic and peaceful way, your great revolution.

May God Bless You!!

Rev. Father Smith Jeannot.

H.R. 3269

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. SAWYER. Mr. Speaker, after careful study of H.R. 3269, the Malt Beverage Interbrand Competition Act, I have decided to cosponsor this bill. It is designed to enhance competition by allowing manufacturers and distributors to enter territorial agreements where there is a substantial amount of competition with other brands in the area. At first this appeared to me to be a contradiction in terms under our current antitrust policy. However, after taking a look at the marketplace, I have revised my thoughts.

Michigan law requires brewers to provide territorial agreements to licensed wholesalers. As a result, many wholesalers exist to provide the State with a quality product and secure jobs. By comparison, in States without territorial agreements, the use of predatory sales practices at the distribution level have resulted in the closing of numerous small retailers and wholesalers. This indicates to me that where there is stiff competition between brands, the existence of territorial agreements will increase competition in the long run because more distributors will exist to compete with the distributors of other brands. Without territories, a few powerful distributors can drive their competition out of business. In Michigan, where jobs and a quality product are essential, the Interbrand Competition Act is necessary. For these reasons, Mr. Speaker, I am cosponsoring H.R. 3269.●

LEECH LAKE INDIAN RESERVATION'S NEW BUSINESS COMPLEX

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. OBERSTAR. Mr. Speaker, on January 30, 1982, the Leech Lake Indian Reservation, Cass Lake, Minn., celebrated the grand opening of its newly remodeled Che-Wa-Ka-E-Gon (Big House) Business Complex. The complex contains a restaurant, a service station, and a supermarket and provides some 40 jobs for the reservation.

It was a pleasure to be one of the guest speakers at the grand opening of Che-Wa-Ka-E-Gon, along with Minnesota State Senators Jerry Willet and Skip Humphrey. I would like to share with my colleagues the remarks of Hartley White, chairman, Leech Lake Reservation Business Committee, at the opening of the business complex. Mr. White's remarks follow:

On behalf of the Leech Lake Reservation Business Committee, I welcome you all here today to celebrate the grand opening of this new business complex, Che-Wa-Ka-E-Gon.

Since the Indian Education and Self-Determination Act became law, new life on our reservation has been started and our children are afforded sound education experiences. But now we are faced with a crisis. The country is in a recession, many of our people are on unemployment, and the administration of Ronald Reagan threatens the political status of tribal government throughout the United States.

This new building, the 82 H.U.D. homes, and the new Bug (Chief Bug-O-Nay-Ge-Shig) School are all Economic Development projects borne out of the past administration—I want to make that very clear. I don't want Mr. Reagan to get any credit for this project.

It is our sincere hope that in the near future programs and policies that meet the needs of all poor people will once again flourish. This complex is a good example of what people and government can accomplish by working together. H.U.D., E.D.A., B.I.A., the Upper Great Lakes Regional Commission and the Leech Lake Tribal Council all joined together to finance this project. I myself feel very confident that with good people like my friends State Senator Jerry Willet, State Senator Skip Humphrey and Congressman Jim Oberstar, this country will once again get back on the course that had been established by Franklin D. Roosevelt and professed by the late Hubert Humphrey.

Without the help of our friend, Jim Oberstar, this building may never have been built. He has fought long and hard for the rights of Indians on the E.D.A. Subcommittee and he is a strong believer in Indian fishing rights and Indian education.●

ENERGY CONSUMER REGULATORY REFORM ACT

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. MOORHEAD. Mr. Speaker, I am pleased to introduce today the Energy Consumer Regulatory Reform Act of 1982. This important regulatory reform initiative is cosponsored by my colleagues, Messrs. GRAMM, LOEFFLER, TAUZIN, BROYHILL, COLLINS, DANNEMEYER, CORCORAN, and BROWN.

This bill would reform seven separate energy regulatory statutes which have burdened small businesses, cost energy consumers millions of dollars, and distorted the marketplace for alternative energy and energy conservation products and services over the last 6 years. The following is a synopsis of the bill's provisions:

OUTLINE OF "ENERGY CONSUMER REGULATORY REFORM ACT OF 1982"

SECTION 1—SHORT TITLE

SECTION 2—FINDINGS AND PURPOSE

SECTION 3—REPEAL OF BUILDING ENERGY PERFORMANCE STANDARDS (TITLE III OF ECPA)

The Building Energy Performance Standards regulatory authority would be repealed. Authority for DOE to provide technical assistance to the building industry would continue under the "Buildings and Community Systems" portion of the DOE Authorization bill.

SECTIONS 4 AND 5—REPEAL OF RESIDENTIAL AND APARTMENT CONSERVATION SERVICE (TITLE II OF NECPA, TITLE V OF THE ENERGY SECURITY ACT)

Federal statutes which mandate that electric and gas utilities offer energy audits to residents and commercial building operators under burdensome regulatory standards would be eliminated. Existing utility energy audit programs could continue under State and local law.

SECTION 6—REPEAL OF CONSUMER APPLIANCE EFFICIENCY STANDARDS (TITLE III OF ECPA)

DOE authority to regulate the energy efficiency of consumer appliances would be repealed. The requirement that consumer appliances display energy efficiency labels would be continued.

SECTION 7—REPEAL OF DOE INTERVENTION AUTHORITY AND NATIONAL RETAIL ELECTRIC RATE STANDARDS (PURPA)

Sections of the Public Utility Regulatory Policies Act of 1978 which authorize DOE to intervene in State utility proceedings and which mandate consideration of national retail electric rate standards would be repealed. DOE intervention in State utility proceedings intrudes on matters exclusively the concern of State and local governments, and most State utility commissions have completed their consideration of national retail electric rate standards. Section 210 of PURPA regarding small power producers and cogeneration would be retained.

SECTION 8—REPEAL OF INDUSTRIAL ENERGY CONSERVATION REPORTING REGULATIONS (TITLE III OF ECPA)

The industrial energy conservation reporting requirements, which burden businesses with needless and duplicative paperwork, would be repealed. The industrial sector has been the top achiever in energy conservation compared to all other sectors since the 1973 Arab oil embargo. The Federal government has no business imposing additional regulatory burdens on industry unrelated to public health or safety. Voluntary industry reporting of energy conservation gains would continue.

SECTION 9—REPEAL OF EMERGENCY ENERGY CONSERVATION ACT

DOE stand-by authority to preempt State and local energy emergency consumption targets would be repealed. Presidential authority to allocate energy supplies in an emergency would not be affected by repeal of this regulatory authority.

This regulatory reform legislation would also reaffirm that State and local governments—not the Federal

bureaucrats—have the primary responsibility to regulate public utility rates. Too often in the last several years, Federal officials have intervened in electric and gas utility rate proceedings, and the ratepayers and consumers have ended up paying for their intermeddling.

My bill is truly a regulatory reform package for the people—the small businesses, the retailers, the hard-pressed homebuilders and realtors, the electric consumers, the insulation and plumbing and heating contractors, and the energy conservation and renewable energy entrepreneurs. They are all subject to the needless, burdensome regulatory statutes reformed by my bill—Federal statutes which would mandate building standards, drive inexpensive home appliances off the market, require small energy consumers to subsidize duplicative energy conservation programs, or place energy conservation entrepreneurs and State and local energy officials in a straitjacket of Federal regulation and paperwork.

In my home State of California, a leader in experimental approaches to energy conservation, many have questioned the need for many of these regulations. For example, insulation contractors have filed suit against the Residential Conservation Service because of its anticompetitive impacts.

My bill would also save tax dollars and assure that the scarce Federal dollars available for energy are more prudently spent on long-term R. & D. and low-income assistance, not on Federal regulations which duplicate the free market. My bill would save $190 million in Federal expenditures for these programs between fiscal 1982 and 1984, compared to fiscal 1981 projections.

Regulatory reform is a cornerstone of President Reagan's economic recovery program, and many of the statutes in my bill have been targeted for review or reform by Vice President BUSH's Regulatory Relief Task Force.

I believe the Energy Consumer Regulatory Reform Act of 1982 will be a significant part of the regulatory reform agenda of the 97th Congress.

H.R. —

A bill to reform the Federal regulation of energy use and allocation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Energy Consumer Regulatory Reform Act of 1982".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) the Government, through restrictions on the use and allocation of energy resources, has increased energy costs to consumers;

(2) the costs to energy consumers of Government restrictions on the use and allocation of energy resources exceed the consumer benefits in terms of energy saved and National security;

(3) Federal energy restrictions impose massive paperwork and compliance burdens on energy distributors, public utilities, and energy producers, the costs of which are ultimately borne by energy consumers;

(4) Government restrictions on energy use and allocation have created artificial energy shortages, reduced competition among businesses, increased inflation in energy prices, and contributed to the financial instability of public utilities;

(5) State and local governments should be primarily responsible for the regulation of energy conservation activities by public utilities, the building industry, energy producers and developers, small businesses, and energy consumers; and

(6) reform of Government restrictions on energy use and allocation is in the interest of public health, safety and welfare, would reduce consumer energy costs, and would provide for a more equitable and efficient allocation of energy resources among citizens in the National economy.

(b) The purpose of this Act is—

(1) to reduce energy costs to consumers;

(2) to reform the regulation by the Federal Government of energy use and allocation;

(3) to foster competition;

(4) to eliminate Government waste, paperwork, and unnecessary spending;

(5) to provide more equitable and efficient allocation of energy resources among citizens; and

(6) to restore balance between the Federal Government and the State and local governments in the regulation of energy use and allocation.

LEAST-COST BUILDING ENERGY EFFICIENCY IMPROVEMENTS

SEC. 3. (a) The Energy Conservation and Production Act is amended by striking out title III, relating to building energy performance standards.

(b) The National Energy Conservation Policy Act is amended—

(1) in part 2 of title II, by striking out section 231, and in section 233, by striking out "part A of the Energy Conservation in Existing Buildings Act of 1976,"; and

(2) in the table of contents, by striking out the item relating to section 231 of part 2 of title II.

(c) Paragraphs (3) and (4) of section 504(c) of the Housing Act of 1949 is amended by inserting "(as in effect immediately before the date of the enactment of the Energy Consumer Regulatory Reform Act of 1982)" after "Existing Buildings Act of 1976" each place it appears.

(d)(1) Section 103 of the Energy Reorganization Act of 1974 (42 U.S.C. 5801) is amended by striking out paragraph (7), and by redesignating paragraphs (8) through (12) as paragraphs (7) through (11), respectively.

(2) Section 108 of the Energy Reorganization Act of 1974 (42 U.S.C. 5818) is amended—

(A) in subsection (b), by inserting "and" at the end of paragraph (2), by striking out "; and" at the end of paragraph (3) and inserting a period in lieu thereof, and by striking out paragraph (4); and

(B) by striking out subsection (e).

FULL COMPETITION IN RESIDENTIAL ENERGY CONSERVATION

SEC. 4. (a) The National Energy Conservation Policy Act is amended—

(1) in title II, by striking out part 1, relating to residential energy conservation; and

(2) in the table of contents, by striking out the items relating to part 1 of title II.

(b) The Energy Security Act is amended—

(1) in title V, by striking out subtitle B, relating to the residential conservation service; and

(2) by striking out the items in the table of contents relating to subtitle B of title V.

FULL COMPETITION IN COMMERCIAL ENERGY MANAGEMENT SERVICES

SEC. 5. (a) The National Energy Conservation Policy Act is amended—

(1) by striking out title VII, relating to the commercial and apartment conservation service; and

(2) in the table of contents, by striking out the items relating to title VII.

(b) The Energy Security Act is amended—

(1) in title V, by striking out subtitle D, relating to the commercial and apartment conservation service; and

(2) by striking out the items in the table of contents relating to subtitle D of title V.

LEAST-COST CONSUMER APPLIANCE EFFICIENCY STANDARDS

SEC. 6. The Energy Policy and Conservation Act is amended—

(1) by striking out sections 321(a)(6); 325; 326(b)(3)(A); 329; 332(a)(5); 333; 335; 336(a)(2); 337; and 339; and subsections (a)(2), (b), and (c) of section 327, relating to energy conservation program for consumer products other than automobiles; and

(2) in section 326(b)(5), strike reference to section 325; in section 324, strike reference to section 325; in section 336(a), strike reference to sections 325(a) and 327(b); in section 336(b)(1) and (2), strike reference to section 325.

ASSURING THE INDEPENDENCE OF STATE AND LOCAL PUBLIC UTILITY COMMISSIONS

SEC. 7. (a) The Public Utility Regulatory Policies Act of 1978 is amended—

(1) by striking out titles I and III, relating to retail regulatory policies for electric utilities and gas utilities;

(2) by striking out section 603, relating to the utility regulatory institute; and

(3) by striking out the items in the table of contents relating to—

(A) titles I and III; and

(B) section 603.

(b) The Energy Conservation and Production Act is amended by striking out title II, relating to electric utilities rate design initiatives.

VOLUNTARY INDUSTRIAL ENERGY CONSERVATION REPORTING PROGRAM

SEC. 8. The Energy Policy and Conservation Act is amended—

(1) by striking out parts C and E of title III, relating to industrial energy conservation; and

(2) in the table of contents, by striking out the items relating to parts C and E of title III.

INDEPENDENT STATE AND LOCAL AUTHORITY TO MEET ENERGY EMERGENCIES

SEC. 9. (a) The Emergency Energy Conservation Act of 1979 is hereby repealed.

(b) The Energy Policy and Conservation Act is amended—

(1) by striking out part A of title II, relating to general emergency authorities; and

(2) by striking out the items in the table of contents relating to part A of title II.●

BLACK HISTORY MONTH

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. DIXON. Mr. Speaker, throughout the month of February, millions of black Americans across the United States are gathering in commemoration of Black History Month. Back in my own district, several events are planned in honor of those black Americans who, through their courage and selfless dedication, have made significant contributions in helping to erase the bonds of poverty and economic deprivation visited upon minorities and other under-represented Americans.

On February 26, 1982, I have the privilege of serving as honorary chairperson of one such event. The Greater Watts Willowbrook Chamber of Commerce is holding a banquet on that evening and will honor a gentleman who best epitomizes those qualities we all strive for in service to humanity. Concerned, benevolent, dedicated, and committed are just a few of the adjectives that come to mind when one hears the name of the Reverend Frederick Douglass Ferrell. Founder and pastor of Tabernacle Faith Baptist Church in Los Angeles and Watts' first black legislator, Reverend Ferrell will be honored by the citizens of Los Angeles on the evening of the 26th. It is especially fitting that he is being honored during this month and, in recognition of Reverend Ferrell's outstanding achievements, I would like to use this occasion to share with my colleagues just a few of his distinguished accomplishments.

The youngest of five children, F. Douglass Ferrell was born on February 21, 1915, to Robert and Willie Lee Ferrell in Gonzales County, Tex. At the age of 5, young Ferrell's family moved to San Antonio, Tex., where Douglass attended elementary and secondary schools.

At the age of 7, Ferrell realized his destiny to serve mankind through the ministry. Delivering his first sermon at the age of 18, Ferrell went on to Bishop College in Marshall, Tex., followed by studies at the Los Angeles Theological Seminary. And in 1936, at the tender age of 21, F. Douglass Ferrell was ordained a Baptist minister.

The members of the congregation of the Progressive Baptist Church in Berkeley, Calif., were the first recipients of Reverend Ferrell's ministry. Following 2 years at Progressive, Ferrell moved to Los Angeles where for the next 3 years he would serve as pastor of Macedonia Baptist Church.

Encouraged by the prayers and loyalty of 38 devout Christians, in 1944 Reverend Ferrell founded the Tabernacle Faith Baptist Church. Although initial services were conducted in a lodge and later in a tent, services today are held in an imposing edifice designed and constructed primarily by Rev. F. Douglass Ferrell.

For the past 37 years, Reverend Ferrell's most ardent supporter has been his lovely wife, Mrs. Esther Mae Ferrell. Married on June 10, 1945, the Ferrells are the proud parents of two sons, Frederick, Jr., and Sheridan Robert, and a daughter, Stephanie Camille. The family is further enriched by the presence of grandchildren.

With an insatiable concern for his fellow man and the belief that the underprivileged must pool their resources and knowledge if they are to prosper economically, in 1953 Reverend Ferrell founded the Tabernacle Faith Federal Credit Union. Today, this organization provides a full range of services to families of Tabernacle Faith Baptist Church.

Reverend Ferrell's providence and insight has been felt by the youth of his community as well. Beginning with five young people from various high schools in Los Angeles in 1960, he founded Teen Age World. A cooperative venture, Teen Age World was established on Reverend Ferrell's "5-C" principle: Christ, character, capability, capital, and cooperation. Teen Age World saw as its chief mission to prevent rather than cure juvenile delinquency by providing youths with an opportunity for creative and constructive entrance into the adult world. The organization's first business venture was a clothing store, which provided its youthful members with both experience in the consumer market and an income as well.

In 1956, Reverend Ferrell explained his ministry to the Western Hemisphere with the establishment of a church mission in Jamaica, West Indies. For over 25 years, Ferrell's selfless mission program has extended a helping hand to hundreds of Jamiaca's downtrodden by providing clothing to the naked and food to the poor.

There is more.

A man of great vision and wisdom, a man consumed with a desire to help his fellow man unshackle the bondages of poverty, prejudice, fear, and hopelessness, in 1962 Reverend Ferrell opted for an alternative approach to curing society's ills when he entered the political arena and unseated a 25-year incumbent in the California Legislature. This achievement earned Reverend Ferrell the distinction of becoming the first black man elected to the California State Legislature from the 55th Assembly District.

With great aplomb and honor, Assemblyman Ferrell served the citizens of the 55th Assembly District for two terms before voluntarily retiring in December 1966.

On February 26, 1982, fellow clergymen, citizens of Los Angeles, and friends will gather to pay homage to this gentleman of firsts. His life has serves as an inspiration to all having enjoyed the privilege of his association. The recipient of numerous awards from government, fraternal orders, clubs, churches, and even a few honorary doctorate degrees, the most cherished award possessed by this great humanitarian is the legacy he has created for mankind. I am pleased to have the opportunity to be associated with him on the occasion of this, his finest hour.●

COMMODITY CREDIT CORPORATION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. OXLEY. Mr. Speaker, it is essential that we adopt the supplemental appropriation for the Commodity Credit Corporation.

The appropriation is to be used to reimburse the CCC for net realized losses, which now total $5.3 billion. Primarily due to today's poor market conditions, the record 1981 crop yields, and increases in commodity program loan and purchase rates, the CCC's funds have been severely depleted. Its borrowing authority is down to about $600 million.

Without this appropriation the CCC may be forced in the very near future to suspend its loan and deficiency payment operations. This would be a disaster for the farmers of America, who have already suffered from the extremely low prices received this year. I am particularly concerned with the plight of the small farmers, many of whom may well be driven out of business if they are unable to obtain needed financing from the CCC.

It is no exaggeration to say that farmers are the backbone of America, and to not enact this appropriation would do a great disservice not only to farmers but to the entire Nation.●

EL SALVADOR

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. MOAKLEY. Mr. Speaker, on January 28, 1982, President Reagan told Congress that the Salvadoran Government's human rights record entitled it to receive U.S. military aid. This certification to Congress will allow the administration to send $26 million in military aid to El Salvador

during fiscal 1982. The President, in his letter to Congress, stated that despite some problems which still exist as a result of the civil war, the Duarte government is making a sincere effort to comply with internationally recognized human rights and is achieving substantial control over the armed forces through imposing a code of conduct on the military and outlawing extremist paramilitary groups.

I would like to suggest that these supposed positive actions on the part of the Salvadoran Government are merely for cosmetic purposes. That, in fact, President Reagan—in keeping with the certification provision of the foreign assistance legislation passed last year, should not have certified that the conditions in El Salvador are worthy of additional U.S. military aid. Almost every report coming out of El Salvador seems to indicate that conditions are worsening.

In the January 27 edition of the Washington Post, many of my colleagues will recall the gruesome account of the Salvadoran woman, Amaya, who was the sole survivor of a massacre by Salvadoran soldiers which took place last month. She told of how the soldiers herded people into the village square and separated the men from the women. She saw the men blindfolded and then taken away and shot.

The woman said:

Around noon they began with the women. First they picked out the young girls and took them away to the hills. Then they picked out the old women and took them to Israel Marquez's house on the square. We heard the shots there. Then they started with us in groups. When my turn came and I was being led away to Israel Marquez's house I slipped behind a tree and climbed up. I saw the lieutenant then. He was personally machinegunning people, I heard the soldiers talking * * * An order arrived from a Lt. Caceres to Lt. Ortega to go ahead and kill the children too. A soldier said "Lieutenant somebody here says he won't kill children." "Who's the sonofabitch who said that?" the lieutenant answered. "I am going to kill him." I could hear them shouting from where I was crouching in the tree. I could hear the children crying. I heard my own children. When it was all over late at night the lieutenant ordered the soldiers to put a torch to the corpses. There was a great fire in the night.

Other stories have surfaced that are equally as terrifying. In Amnesty International's 1981 human rights report we are told of an incident in which Salvadoran soldiers gathered children and babies together, threw them into the air and slashed them to death with machetes. The children were then decapitated and their bodies slit into pieces and thrown to the dogs.

A human rights report compiled by the American Civil Liberties Union and Americas Watch Committee informs us that torture—of the most brutal kind—is commonplace in El Salvador. The report goes on to state that statistics are difficult to compile because there are so few victims who survive to give testimony. However, the bodies that are recovered show signs of uncivilized torture.

Mr. Speaker, it seems clear that the conditions in El Salvador do not justify the President's certification. In fact, in light of the recent reports and testimonies of various people who have fled from El Salvador we might ask—how can the President, in good conscience, allow military aid to continue? I would like to suggest that President Reagan heed the words of the great British conservative Edmund Burke who once said, "A conscientious man would be cautious how he dealt in blood." By militarily propping up a regime that oppresses its people—we, too, are contributing to that oppression.

There are those in the administration who attempt to justify American involvement in El Salvador as a crusade to prevent that country from falling into the hands of the Communists. I would like to point out that the Reagan administration is advancing the cause of communism while seeking to contain it in El Salvador. I would urge the administration to be more mindful of history. Over 25 years ago, in an attempt to save the Iranian people from the harsh effects of communism, the CIA put the Shah on the throne in Iran. Since that time, the United States propped him up with billions in arms. However, the Shah fell to the challenge of a religious extremist because he had lost the support of his people. People who were tired of going without food, living in poverty and being physically abused and even tortured for the smallest bit of dissent. I need not describe the well-known activities of the SAVAK secret police and the terror they spread amongst the Iranian people. It is important to note that the same people who turned on the Shah seized the U.S. Embassy in Tehran.

In retrospect—one cannot help but feel that it would have made more sense and been more beneficial to the people of Iran and the United States (and to global security) if instead of arms we had sent people who knew how to farm, build homes, build roads, and heal the sick. If we had, perhaps the fate of Iran might have been different.

Unfortunately, it seems we are falling victim to the same type of mentality in our dealings with El Salvador. Rather than trying to win the hearts of the Salvadoran people through food, medical supplies, and development aid—we are, instead, sending sophisticated arms to the present government which has no respect for the most basic civil and human rights of its people. The people of El Salvador are turning on their present government—not out of a lust for Marxist ideology—but, rather, in hopes of putting food in their children's mouths and shelter over their children's heads. Communism can seem very attractive to an oppressed people—especially if it is the only alternative to sustained oppression.

Mr. Speaker, our policy toward El Salvador has become so distorted and so twisted that I fear, unless immediate action is taken to end military assistance to that country, we will soon find ourselves in an unnecessary war in Central America. There appears to be no end to our involvement. Just yesterday, the administration announced its desire to send an additional $55 million in military aid to that distraught country. And, in conscience, some final words must be said about our moral obligation to the people of El Salvador. I am appalled by the apparent insensitivity of the present administration toward the atrocities that are now occurring in El Salvador. The fact that the United States is militarily maintaining a regime that is oppressing its people is a betrayal of the very ideals of our Founding Fathers. The basis for the creation of the United States was freedom and self-determination. We are not living up to those high ideals when we, indirectly, contribute to the obstruction of those freedoms for the people of El Salvador.

At this time, I would like to add my name as a cosponsor and ardent supporter of Representative GERRY STUDD's resolution, calling for a suspension of U.S. military aid to El Salvador until the Senate and House have both concluded that the conditions established by law have truly been achieved.

In addition, I would like to submit for the RECORD a very perceptive article published in the Washington Post on February 2, 1982, by the very gifted columnist, Mary McGrory.

The article follows:

KILLINGS, ATROCITIES, AND NOW REAGAN SUGGESTS A GOLD STAR?

To the surprise of no one, Ronald Reagan has certified human rights progress on the part of the government of El Salvador. Given his mind-set about leftist insurgencies, he would nominate it for the Nobel Peace Prize.

His policy toward the murderous junta is as rigid as it is uncoordinated.

Immediately following the award of Reagan's gold star, government troops stormed into a San Salvador slum and murdered 19 people. It was a continuation of their program of winning hearts and minds through massacre.

Millions of Americans watched on their weekend television news shows as bullet-ridden bodies were hauled onto trucks and victims' wives and children, eyes wide with horror, stared into the cameras. We had just been told that the president proposes to subsidize this policy of extermination with an immediate additional $55 million in aid.

The administration view of the atrocity, which came so embarrassingly on the heels

of official U.S. approval, was carried to the Senate Foreign Relations Committee by Thomas O. Enders, assistant secretary for inter-American affairs, a suave survivor of another adventure in supporting unpopular government—the Vietnam war. El Salvador in no way resembles that, he said emphatically.

Enders looks the ultimate diplomat, a man of enormous height and distinction. There apparently is nothing he will not say in support of Foggy Bottom fantasy.

Quizzed about other alleged government atrocities, he glided into the absurd. The blame for the mass killings in Morazan must be borne by the leftists. It was not possible to prove or disprove that the government troops had killed hundreds of peasants, he said, but, "the guerrilla forces did nothing to remove them from the path of battle." It says a great deal about our side in El Salvador that we expect its enemies to rescue people from it.

Reagan, in his certification, said the trend in official murder is "downwards." The figures do not support him. According to Reuben Zamora, an exiled leftist leader, quoting the legal aid office of the Catholic diocese of El Salvador, the total of noncombatant deaths went from 8,062 in 1980 to 12,501 in 1981. A drop in the last three months is explained by the fact that thuggery has moved out of the cities and into the countryside, where reporting is more difficult.

The United States wants to give the Salvadorans $55 million to replace helicopters lost in a rebel raid and $30 million for unspecified purposes, while we press for the political solution through elections in March. Guerrilla leaders reject elections, perhaps because all are on a government proscribed list and would be shot on sight as they approached their local polling place. They favor negotiations, which the United States says are out of the question.

One person in the State Department apparatus apparently did not get the word about the "political" solution. He was none other than our ambassador in El Salvador, Deane Hinton, who gave an interview in which he let the cat out of the bag.

There may be no choice he said, in an unguarded moment, but to go for a military victory.

The idea that we can buy one merely by pouring in more weapons is not compelling. The one way it could be done would be through an increase in U.S. advisers. Getting Congress to vote for more direct military intervention in an election year is not a realistic possibility.

Hinton, when asked if he saw a way out of the war, said, "I don't know."

Enders shook his gray-blond head when confronted with this outbreak of honesty in the ranks.

"It is not my view," he said succinctly. "We are proposing institution-building."

Enders did his most notable "institution-building" as ambassador to Cambodia where, from the embassy, he directed U.S. bombing runs.

Amid the contradictions and confusions, Enders had one card to play—an endorsement of El Salvador. The lone member who does not support the government, Archbishop Rivera y Damas, was among the signatories. That was a coup for the State Department, which has encountered fierce resistance to its course from U.S. bishops. It has had much better luck with the Vatican, which takes a more sympathetic view of the civil war as an East-West showdown in the hemisphere.

Enders did not mention the crude bargain being offered to sweeten the preposterous certification—a promise that the six soldiers accused of the 1980 murder of four U.S. churchwomen would, finally, be brought to trial.

The families of the women, who have been given the runaround at the State Department, are not mollified. They want to send observers. They don't want to now just who pulled the trigger, they want to know who gave the orders.

And Rep. Gerry E. Studds (D-Mass.) and Rep. Michael Barnes (D-Md.) are introducing a resolution to declare the Reagan certification null and void. It would have no binding effect, but many members of Congress blanch at going on the record in favor of financing official terror in a year during which they have to go before the voters.●

HOW CAN ANYBODY SPEND A TRILLION DOLLARS?

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues an article, entitled "How Can Anybody Spend a Trillion Dollars?" The article was sent to me by my constituent Frederick Rice and it proved thought provoking:

HOW CAN ANYBODY SPEND A TRILLION DOLLARS?

How much is one trillion dollars? That is the new limit our government wishes to put on the national debt. But, have you ever tried to place one trillion in perspective and compare it with something a little more down-to-earth? It's mind-boggling.

Consider just how far a trillion dollars would go these days. Not necessarily in buying power, because the present rate of inflation makes any calculations nearly worthless as soon as they are written down. So, how far will a trillion dollars go—laid end to end?

A single dollar bill is six inches long. Starting on a smaller scale, one million dollar bills would reach about 95 miles if laid end to end. That's about the distance from Santa Ana to San Diego. You won't want the job of laying them end to end, so use a 600-miles-per-hour jet airplane to reel out the string of a million one dollar bills. It'll take you about nine and one-half minutes.

Now let's try a billion dollar bills. The end-to-end length would be about 95,000 miles—about four times around the world at the equator! The jet plane ride would take six days and 14 hours.

Ready to place one trillion one dollar bills end to end? That's one thousand billion, or one million million, dollar bills. Now you've really got your work cut out for you. You're going to travel 95 million miles! Remember that it's only 93 million miles from the Earth to the nearest star—our Sun. And, assuming the jet airplane can carry one trillion dollars, the trip will take 18 years nonstop.

As you can see, one trillion dollars is difficult to comprehend. The point of all this: How can anybody possibly spend that much money?●

THE CARE FOR KEEPING U.S. AID TO COLLEGES

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. PEYSER. Mr. Speaker, as a people and a nation, we have always cherished the availability of an education as central to our hopes for prosperity. Now, for the first time in our country's history, we have an administration which is seeking to reverse our long held commitment to obtaining an education. Through massive budget cuts in our financial aid programs, President Reagan is taking an action that will not only cost this country billions of dollars through the loss of future technological skills, but is saying that in our democracy, education is not for everyone who is qualified, but only for those who can afford it.

With the debate now beginning in Congress on the proposed next round of cuts in education, I would like to take this opportunity to share with my colleagues the perspective of one of our Nation's premier educators, Michael I. Sovern, the president of Columbia University, published in the February 7 New York Times Magazine. I urge all my colleagues to give this article serious consideration.

THE CASE FOR KEEPING U.S. AID TO COLLEGES

(By Michael I. Sovern)

"If you think education is expensive," goes an old college fund-raising maxim, "try ignorance." The warning is timely.

At a time when Government should be making major new investments in campus research, vital to raising national productivity, the Reagan Administration has embarked on a program of "economies" that will drastically curtail research efforts in the nation's universities, turn many of the best minds of a generation away from careers in education and research, and close the door to first-rate young people who cannot pay today's tuitions.

Obviously, those assigning us the loser's role in the international technology competition have not intended these consequences. Commenting on the entire Federal budget, David Stockman himself conceded that "we didn't think it all the way through."

It is, however, not too late to think it all the way through and reverse the damaging cuts in student aid as well as cuts in funding of new scientific equipment and in university research budgets—measures that would actually result in "savings" of only a fraction of 1 percent of the Federal budget.

The issue is not whether the Federal Government as a whole is spending too much or too little, nor whether the supply-siders, Keynesians or monetarists, have the best of the argument. Whatever the economic faith of our elected officials, increased support for education and research must be given a high priority.

The predominance of American professors among Nobel Prize winners dramatically

demonstrates the importance of our campuses in producing men and women who gave this nation the lead it once enjoyed in science and technology. But Nobel Prizes celebrate the accomplishments of yesterday, not tomorrow.

Today, at independent universities that trained most of the country's scientists and produced the lion's share of major research advances, world-renowned pioneers are working in physical facilities that are woefully out of date. Although China's scientific development fell far behind us during the Cultural Revolution, a recent group of Chinese visitors were astonished at the antiquated scientific equipment they saw on a tour of a leading Middle Western university.

Had they traveled more widely, they would have realized that this was the norm and not the exception. Not only has laboratory equipment been refined at a dizzying pace, but costs have skyrocketed as well. A recent study by the Association of American Universities found that a $750 million investment in scientific equipment and facilities is needed over the next three years simply to sustain current activities at only 15 of the nation's research universities.

It would be hyperbolic to say that we are embarking on our own Cultural Revolution. But one can imagine, without exaggeration, a news story of Jan. 20, 1989, datelined Washington, that reads: "In her inaugural address, the President called for a multibillion-dollar crash program of Federal and private investment in America's university research base. She asserted that radical action is critical to meet the problems posed by the greatest shortage of scientists and scholars in our history. Without it, she said, we have no hope of regaining our position as tenth most productive nation in the world."

Such a news story would not be farfetched because the per capita gross national product of the United States has slipped to tenth place in the world. Our foreign trade pattern resembles that of an underdeveloped country: We export raw materials in abundance and import more manufactured goods than we sell abroad. All this cannot be isolated from the fact that over the past 15 years, Japan and West Germany have doubled their output of scientists and engineers.

Tolerance of this erosion of our ability to compete in the world runs counter both to the Reagan agenda and to a long and wise tradition. Since World War II, the Government has pursued a bipartisan policy rooted in the recognition that the nation's well-being depends on a national commitment to the quality of its universities. Federal support produced the rapid growth of graduate schools and the consequent surge to international pre-eminence of American university research. The Federal Government has recognized that scientific and technological competitions with other nations are won or lost on American campuses.

Major research universities cannot but applaud the Reagan Administration's goals of controlling inflation and promoting a sound and stable economy, but these goals are not served by cutbacks in Federal assistance to higher education. When a high-technology company is in danger of losing out to the competition, it invests more in research and development, not less. In the world economy, the United States competes for scientific leadership not only with Japan but with much of Western Europe. If this country is to meet that competition, have a sound economy and bring inflation under control, it must invest more in research and development. Past investment in American universities has been repaid many times over by massive contributions to the national strength. If there is a time to increase that investment, this is it.

When Ronald Reagan took office, there was no Federal program to deal with the decaying physical plant of the nation's universities. There was the beginning of a response to the problem of outdated equipment, but this was killed by the Office of Management and Budget. What all universities had was a respectable program for making the most of their "human capital." "Human capital," the economist Eli Ginzberg pointed out, "defined as the 'skill, dexterity and knowledge' of the population, has become the critical input that determines the rate of growth of the economy. . . ." This perspective underlies the Federal Government's provision since 1965 of nearly $20 billion in loan guarantees and interest subsidies for college and university students plus billions more in direct financial aid to students most in need. Session after session of Congress concluded that these funds would be a fruitful investment in the nation's future.

The Reagan Administration, however, is pressing a massive assault on virtually every aspect of the Federal student aid program. It did put an end to such questionable programs as subsidized loans to families that did not need them. But by proposing huge additional cuts in student aid, the Administration has shown little understanding of the critical importance of such aid to the national interest. Without a strong Federal role in assisting promising students to further their studies, the supply of students will diminish in quantity and quality. In fact, many graduate schools are facing a diminishing pool of qualified applicants.

Ironically, success in the drive against student aid would mean not only a dismantling of much of the nation's research base, but a large increase in costs to the taxpayer as well.

To understand that paradox, one must understand the financing of a college education. It actually costs about $8,000 per student for a college to run a high-quality undergraduate program. That does not include books, room, board and other living costs.

Suppose a promising Cincinnati high school senior—call him Alex Hamilton—wants to attend an Ivy League university. The Hamilton family's income is about the national median of $21,000. Alex's younger sister is also a good student.

Many students like Alex are enrolled in independent colleges and universities today. How? First, they are often not charged what it actually costs to educate them. Endowment income and contributions meet some expenses that would otherwise be passed along as part of the tuition fee. Second, needy students can receive an additional subsidy in the form of a scholarship, for which Alex Hamilton would qualify at many schools. Third, Alex may borrow $2,500 from a bank at 9 percent interest under the Guaranteed Student Loan Program. Fourth, he would be eligible for a Federal Pell Grant of about $800. He and his parents would make up the rest—from any savings they might have and from his summer and after-school jobs.

Thus, we have a package of support provided by the college, Alex, his parents, and the Federal Government. Like millions of Americans before him—including Ronald Reagan and me—Alex is working his way through college. But times have changed: No student can earn what it costs to attend an independent college today. To ask that every student contribute something before receiving help is fair. To withhold help from those who have done all that can be expected of them is cruel and ultimately wasteful.

How much is the Federal Government actually contributing to the cost of Alex's higher education? Since he pays no interest on his loan until after graduation, the Federal share includes the interest on that $2,500 loan—say $375 per year (at 15 percent interest). That plus his Pell Grant of $800 totals $1,175 for his freshman year. The taxpayer's dollar is matched about 6 to 1 by private resources, and Alex is free to choose a college based on his ability. (As he moves to his senior year and borrows more, the Federal interest cost will rise accordingly, but it will never be more than a small fraction of his total costs.)

What has the Reagan Administration proposed? First, shrink the Pell Grant program. This would eliminate Alex Hamilton's eligibility. Subtract $800. Second, abolish the in-school interest subsidy. Subtract the remaining $375. There would be an apparent saving to the taxpayer of $1,175.

But there is no such saving. It still costs $8,000 to educate Alex Hamilton. Without the option of going to a private college or university—where the cost of that education is largely absorbed by private resources—students like Alex will most likely go to a public institution close to home. The tuition at a publicly supported institution is about $1,500; the remaining $6,500 comes from public funds. Thus, by increasing the number of students at public universities, the Reagan Administration will actually be saddling state taxpayers with an increased cost of $6,500 in order to save $1,175.

Furthermore, the Reagan Administration's policy toward higher education will affect a staggeringly large number of students: Most of this country's 12 million college and university students come from families with incomes of less than $30,000; the families of many earn less than $20,000.

A fundamental strength of the American system of higher education is diversity. It would be folly to upset the balance of public and private education, to limit individual choice, to segregate rich students in private universities and the poor and middle class in public ones. Yet these are the effects of the Reagan Administration's financial aid policy.

What of the effect of the Administration's proposals on graduate schools—the source of tomorrow's researchers, scholars and teachers?

If Alex Hamilton were to spend four years at an independent college, by the time he graduated he would owe $10,000—plus, under the Administration's plan, annual interest costs. Lending institutions have indicated they will not take on the burden of collecting interest from students on a periodic basis. In response, the Administration has recommended compounding the interest so Alex will owe not $10,000 on graduation, but $12,000 or more.

At that point he must decide whether to go on for a Ph.D. or try a professional school. As a graduate student he is now entitled to borrow $5,000 a year. If Alex chooses the Ph.D. route, the Administration's proposal would bring his cumulative debt after his first year to approximately $19,000. After his second year, that debt will be approaching $26,000. And he still has at least three more years before he can reasonably

hope to get an assistant professorship—at a salary of less than $20,000 a year. The prospect is forbidding even with the in-school interest subsidy.

The nation's universities are producing lawyers and business-school graduates at an unprecedented rate and scientists and scholars in diminishing numbers. Traditionally, a large proportion of graduate students in the humanities have set their sights on college teaching. But with little hope of immediate employment during the current tenure bulge, many of the best scholars are switching to professional schools. In an exhaustive and disturbing study of the perils facing American graduate schools, William G. Bowen, president of Princeton University, found that in 1980 only 34 percent of all *summa* graduates at Harvard-Radcliffe planned immediate graduate study in the arts and sciences—compared with more than 75 percent in the mid-1960's. And who will be there to teach the next generation of scientists? Between 1970 and 1980, the number of Ph.D.'s in physics graduating from American universities dropped by almost half—from 1,740 to 985.

If the budget cutters have their way, tomorrow's little band of Ph.D.'s will consist of the scions of the wealthy, another handful that the best-endowed universities can afford to support, and a larger number supported by taxpayers at public colleges and universities. Though our graduate schools have had a glorious past—leading the nation in a century of unparalleled advances in research—whether they have a future depends upon the continued resistance of Congress to an unbelievably shortsighted proposal.

I believe deeply in the unquantifiable values of a university. Great universities aspire to transmit to their students the heritage of civilization; to unlock the treasures of the past; to bring fresh vision and new discipline to the growing fund of human knowledge; to enliven curiosity; to cherish the freedom to explore and express; to encourage joy in the presence of beauty and appreciation in the presence of wisdom; to discover, in the words of William Saroyan, "that which shines and is beyond corruption." It is not simply for technology that we need to know more, Lewis Thomas observes, "but for the hope of wisdom which our kind of culture must acquire for its survival."

A society that undervalues such aspirations does so at its peril. But even if one believes that a democratic society has no stake transcending economics and defense in the education of its citizens, one has to conclude that the Administration's policy toward higher education runs counter to the goals it has set for itself.

Anyone who balances the cost of fundamental laboratory research—which provides the base for such practical discoveries as antibiotics—against the soaring cost of medical care will find that, dollar for dollar, biomedical research is far and away the best buy in town. The sad irony is that today, with the explosive productivity of the "new biology," the opportunities for helping patients in the nation's hospitals are greater than ever before. Yet in 1981 the Reagan Administration insisted on cutting funding of basic biomedical research in our universities.

As to the Administration's commitment to enhance our national security, I would have thought it obvious that today's defense rests fundamentally on yesterday's basic science. The laser, for example, though happily of great use to medicine, communications, chemistry and physics, among others, is also at the heart of a number of weapons systems. Every Administration for the past 40 years has recognized the fundamental importance of basic science to the defense effort.

And what of the humanists and social scientists studying the cultures, politics and economics of our allies and adversaries? How can this country conduct an informed foreign policy without a flow of experts on the various areas of the world? We have only a dribble and it is in danger of evaporating further still.

The Department of Defense (D.O.D.) is trying to help. In a memo to Pentagon officials, Secretary of Defense Caspar W. Weinberger has warned: "The national base of basic research is inadequate to meet future D.O.D. needs and substantial sustained real growth in defense research is needed to restore this base." Although the Pentagon estimates that it will increase spending for basic research at universities by some $60 million during the current fiscal year, this comes nowhere near compensating for the hundreds of millions of basic research dollars cut from other programs. And, unlike the beleaguered National Science Foundation and National Institutes of Health, which have funded broad areas of fundamental research, the Pentagon's concept of "basic" research, in line with legal, fiscal and political constraints, must be directed toward projects of identifiable value to the military.

If the American university research base is not to be saved by the Pentagon, what about corporate philanthropy? "The level of industrial support for university research may triple in the 1980's," said Dr. Edward E. David Jr., president of the Exxon Research and Engineering Company, "but that would not equal the proposed cuts in the Federal budget in only one year." Last fall, the Exxon Education Foundation, aware that in recent years doctoral candidacies in engineering have declined by one-third, announced a program sensitive to the impending shortage of faculty members (between 10 and 15 percent of engineering faculty positions across the nation are currently unfilled). The foundation divided $15 million for graduate fellowships and junior faculty salary support among 66 engineering schools, a boost for which all 66 of us are grateful. Neither Exxon nor its beneficiaries claim these new, thinly spread grants are more than a small step in the long journey toward an answer to the question: Who will be left to teach the next generation of engineers?

Increases in corporate contributions to higher education in recent years are heartening. "Total corporate aid to higher education has risen to the billion-dollar-per-year range," observed Edward G. Jefferson, chairman of Du Pont and one of the leaders in corporate support for higher education. Yet, he added, "it is unlikely that corporate aid can be expected to offset reductions in Government funding."

The proposition that Federal cuts create incentives for private gifts is dangerously deceptive. In fact, Federal dollars on campus are frequently necessary to generate private dollars—both from increased numbers of students and from private philanthropy. When Federal aid was climbing, so was the quality of graduate students attracted to well-financed research projects and prominent professors whose distinction in teaching was matched by excellence in grant-supported research. As Federal assistance declines, the quality of research deteriorates, new funds dry up, old sources of support wither.

President Reagan's science adviser, George Keyworth, agrees that "the heaviest responsibility for basic research naturally falls on the Government. This is especially true where long-term, high-risk research is involved. . . ." Those are reassuring words, but the numbers are less cheering. The President's latest budget requests call for substantial cuts in the research and development funds of most Federal agencies and departments.

Overall, according to Frank Press, president of the National Academy of Sciences, the latest cuts proposed by the President would take away another $600 million from the $5.5 billion Federal budget for basic research. The resistance of Congress has so far spared the National Science Foundation's budget for the physical sciences, mathematics and engineering—at least for the moment they are scheduled to receive nominal increases—but funding for science education was cut by more than two-thirds.

Programs for basic research have always been easy to cut. They do not pack the political punch of urgency and quick results. From 1968 to 1980, according to Richard Atkinson, Chancellor of the University of California at San Diego and former director of the National Science Foundation, basic research as a fraction of the Federal budget declined by 27 percent and as a fraction of the gross national product by 16 percent.

The abruptness of many Federal cuts aggravates the problem. Following a meeting in October with Administration officials in Washington, nearly 100 distinguished scientists issued this statement: "Instability and abrupt changes in funding have severe effects: Research teams are broken up; investments in experiments involving large facilities . . . are poorly used. The continued flow of new researchers into our industrial and university laboratories is best maintained by their stable and continued participation in university-based graduate research.

"Basic science is a long-term investment, and depends on government support," stated the scientists. "Support of scientific research is a public expenditure from which all sectors of society benefit. There are no significant sources of support for such a collective benefit which can replace the Federal Government."

Without a major increase in Federal support for research projects and assistance to students, there will almost certainly be a further weakening of this nation, as countries with the sense to anticipate the future assume the lead. "The strength of the nation's research and development comes back to the strength of our top universities," acknowledged Dr. Keyworth. "We must restore strength to them."

As the President's science adviser, Dr. Keyworth reflects the Administration's views on the importance of the nation's leading universities. At the same time, the President has a profound commitment to preserving the vitality of the private sector. In his commencement address at Notre Dame last year, he said: "If ever the great independent colleges and universities are replaced by tax-supported institutions, the struggle to preserve academic freedom will have been lost."

But if these convictions are not impressed on the budget makers who have been hacking away at higher education, this Administration is in danger of going down in history

as the great ravager of our independent colleges and universities.

The President can still lead us away from that destructive fate. Congress, in resisting major student aid and research cuts, has shown that it will follow if the Administration will lead in building on what we have.

Not only should the Administration renew the research capability of the nation's universities by restoring the cuts in basic research support, it should upgrade scientific equipment in our deteriorating university laboratories and establish a national construction fund to help rebuild university research facilities.

In addition to preserving the in-school interest subsidy, the Reagan Administration should:

Continue to make loans available to every student who shows genuine need. After all, these loans are made by private institutions, not the Government, and repayment is the obligation of the student. Besides, declining interest rates will cut much more of this program's costs than any of the pending proposals for change.

Restore the cuts in the Pell Grant and related Supplemental Educational Opportunity Grants programs. During the past academic year, Pell Grants closed the gap for 2.7 million students. This year the gap is wider, with $300 million already slashed from the program.

Increase support for Work-Study, the program that makes it possible for students to find jobs in a tight economy so that they can work their way through college.

Carry out the program of merit graduate fellowships that became law as the Education Amendments of 1980 but that has yet to receive an appropriation.

These measures can be funded through savings from cuts that should not be reversed—$2 billion through the elimination of Social Security's financial aid feature and billions more from changes in the Guaranteed Student Loan Program already enacted.

Should more than those savings be invested in higher education and research? All I ask is that our elected representatives look at the way our money has been used, and with what results, from the G.I. Bill of Rights to the National Science Foundation and National Institutes of Health to the Pell Grant. Is there a more productive and broadly beneficial investment in human resources and the nation's future than a strong Federal commitment to the American university?●

THE VOLUNTEER DEVELOPMENT CORPS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. FINDLEY. Mr. Speaker, I would like to call the attention of my colleagues to the fine work being accomplished by the Volunteer Development Corps. This organization was created in 1970 to provide short-term, volunteer, technical help to cooperatives in developing countries. It has been doing an excellent job ever since.

In 1980 alone, 33 VDC volunteers completed 31 projects in 20 developing countries—7 in Africa, 5 in Asia and the Pacific, 15 in Latin America, and 4 in Jamaica. Twenty-two of these projects involved cooperatives marketing farmers' products, distributing farm supplies, and providing farm credit. Three involved cooperatives providing thrift and credit services, and others helped cooperatives providing insurance services and handling consumer goods.

Glenn Heitz is an outstanding example of the volunteers which VDC attracts. Mr. Heitz has been President of the Federal Land Bank of St. Louis, Mo. since 1970 and, to put it briefly, knows everything there is to know about cooperative farm credit systems in the United States. Drawing upon his expertise and experience, Glenn went to Brazil this past fall as a VDC volunteer to meet with top Brazilian agricultural and financial leaders on setting up a farm credit cooperative system in that country. The lack of a cooperative credit system for Brazilian farmers has seriously inhibited their ability to increase production. Without recommending that Brazil adopt the U.S. system, which has worked well for our farmers but which may not be transferrable to an advanced developing country, we was able to convey to the Brazilian leaders the basic principles of farm credit systems in the United States and relate problems and possibilities which Brazilian authorities might want to consider in setting up their own systems.

There was agreement at the end of the meetings that, because of the volunteer services of Glenn Heitz, Brazil was able to avoid errors in establishing cooperative credit for the farmers. A followup visit of the Brazilians involved to St. Louis later this year is planned to permit ideas to be exchanged once again and the process furthered.

I would like to congratulate the Volunteer Development Corps, whose current budget of over $600,000 a year is funded mostly by the Agency for International Development, for their work and for sending Glenn Heitz to Brazil. And I would like to express my appreciation to Glenn for his outstanding contribution to agricultural development within the United States and now abroad. It is the efforts of individuals such as this man which help advance international peace and stability.●

CLEVELAND BELLOW

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. DELLUMS. Mr. Speaker, Webster defines art as "the conscious use of skill and creative imagination especially in the production of aesthetic objects."

Too often, the contribution of art and the work of our Nation's artists go without recognition. We must be thoughtful and maintain an historic record of artistic contributions. I rise in recognition of a nationally acclaimed artist, graphic designer, and educator, Mr. Cleveland Bellow.

Mr. Bellow is the recipient of a B.F.A. in graphic design and an M.A. in art from the College of Arts & Crafts in Oakland, Calif. He has been a Rockefeller fellow in museum education, interning at the Fine Arts Museum in San Francisco and a National Endowment of the Arts fellow, 1979–80.

Mr. Bellow's exhibits speak for themselves. They include: The Los Angeles Municipal Art Gallery; Studio Museum, New York; Museum of the National Center for Afro-American Artists, Boston, Mass.; 2d World Festival of Black and African Arts and Culture, Lagos, Nigeria; San Francisco Art Festival; Society's Child Gallery, Seattle, Wash.; Whitney Museum of Art, New York; Jackson, Mississippi Municipal Art Gallery; California State Fair and the Oakland, California Museum.

Mr. Bellow has numerous publications and has been active in civic affairs. He is the newly-elected chairman of the Alameda County Arts Commission in California and has earned my respect as a conscientious and creative professional worthy of this recognition.●

NATIONAL LEAGUE OF FAMILIES OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. DORNAN of California. Mr. Speaker, I would like to bring to my colleagues' attention the role of the National League of Families of American Prisoners and Missing in Southeast Asia. The league, under the direction of Col. Earl P. Hopper and Ms. Ann Mills Griffiths has been instrumental in providing public awareness and support that is imperative in working to obtain an honorable resolution for our heroic men still left in Indochina 9 years after the signing of the Paris peace accords.

Last week, on January 26, 1982, the league sponsored a day-long seminar including participants from veterans groups, Veterans' Administration coordinators, and officials of the intelligence community. This meeting was conducive to all representatives in attendance by providing updated infor-

mation of current U.S. Government policy in this area.

The league has shown considerable interest in the efforts of the House Task Force on American Prisoners and Missing in Southeast Asia, of which I am chairman. I recently received a letter indicating their anticipation that the task force will pursue every avenue in Congress to advance progress in acquiring a final and acceptable resolution to this nightmare that has plagued not only the POW's and MIA's but also the American people for over 18 years.

The letter from Colonel Hopper follows:

NATIONAL LEAGUE OF FAMILIES OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA,
Washington, D.C.

Hon. ROBERT K. DORNAN,
Chairman, Task Force on American Prisoners and Missing in Southeast Asia, Cannon House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: The Task Force on American POW/MIAs in Southeast Asia has primary Congressional responsibility for ensuring that various U.S. government agencies are exerting maximum effort to resolve the question of whether Americans are still held prisoner in Indochina and developing policies to utilize such data.

Over two years has passed since then Director of DIA, LTG Eugene Tighe, USAF, testified before Congress that high priority would be assigned to POW/MIA intelligence collection. Since that time, and as evidenced by more recent testimony, the situation has evolved to the point where General Tighe last testified that in his professional judgement, Americans are currently held captive in Indochina.

The League's concern is to determine a means for getting past "increasingly convincing evidence" that POWs are still held to "conclusive proof" of the fact. We have repeatedly been assured that high priority is currently being assigned, that all U.S. intelligence collection disciplines are being utilized and that the U.S. government has the necessary commitment to ensure resolution of the issue. Nevertheless, there seems to be a roadblock.

Two years is more than adequate time to confirm or deny reports and other intelligence regarding the existence of live POWs—in fact it is too long. The most respected and highest officials within U.S. intelligence have previously stated that American POWs were left behind in 1973. In view of the stature of the witnesses appearing at this hearing, I believe it appropriate to obtain their responses to these requirements.

We look to the Congress, specifically the Task Force, to delve into this problem, seeking a means to overcome whatever obstacles exist. Adequate resources are said to be available to determine the validity of over 370 first-hand live sighting reports. The question is not one of available resources but rather of willingness on the part of the current Administration. Strategic factors are now playing a greater role and what should be considered a humanitarian issue is now extremely political, not by the League's choice nor by the government's, but by political realities in Indochina.

We strongly encourage you and the members of the Task Force to critically investigate what is currently being done and what additionally needs to be undertaken to ensure that specific actions are now taken to end years of uncertainty surrounding the POW/MIA issue.

If enough time passes, and it has already been nine years since the termination of official U.S. involvement, there will no longer be a problem of Americans still held captive—all will have died, thinking that their own government did not care to exert sufficient effort to gain their freedom.

We in the League urge you to fulfill your expressed commitment to the POW/MIAs and their families.

Sincerely,

EARL P. HOPPER, Sr.,
Chairman of the Board.●

APPOINTMENT OF MS. JO-ANN GASPER

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Ms. MIKULSKI. Mr. Speaker, I, and several of my fellow members in the Congresswoman's Caucus have written a letter to Secretary Schweiker to express our displeasure at the appointment of Ms. Jo-Ann Gasper to the position of Deputy Assistant Secretary for Social Services Policy at the Department of Health and Human Services.

As my colleagues can see from the letter, which I submit for the RECORD, Ms. Gaspar has demonstrated an incredible ignorance of, and lack of sensitivity to the serious problem of family violence.

Secretary Schweiker has made one more appointment from a pool of extremists who are bent on reversing the progress we have made in this country toward dealing with the concerns of the American family. Ms Gaspar has managed to minimize and trivialize family violence at a time when it is increasing. The FBI estimates that an American woman is abused every 18 seconds. This adds up to nearly 5,000 women abused each day. One-eighth of all murders in the United States are the result of spouses killing their spouses.

I have introduced legislation (H.R. 1651) which would begin a coordinated Federal response to this insidious problem, and provide the groundwork for State, local, and private resources to develop the capacity to deal, in a positive and safe manner with victims of domestic violence.

I urge my colleagues to express to Mr. Schweiker their displeasure with this shortsighted appointment, and to give this administration a message that we will not tolerate a return to the days when violence was a "private affair."●

PARRIS LAUDS POLL ON DULLES

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. PARRIS. Mr. Speaker, I would like to bring to your attention an article recently published in the Journal newspapers of northern Virginia concerning the issue of whether to use Dulles International Airport or National Airport.

As reported by the Journal, "A whopping 69 percent of northern Virginia residents would prefer to use Dulles International Airport rather than close-in National Airport, if the same flights were available at each facility."

Since most airlines claim that by changing flights from National Airport to Dulles would displease customers, I find the Journal report extraordinarily enlightening and I would like to share it with my colleagues:

[From the Fairfax Journal, Feb. 8, 1982]

NORTHERN VIRGINIANS FAVOR DULLES, 2 TO 1

(By Tom Wuriu)

A whopping 69 percent of Northern Virginia residents would prefer to use Dulles International Airport rather than close-in National Airport, if the same flights were available at each facility.

That's the startling result of a poll by telephone completed late last week.

The Journal phoned 350 residents of Fairfax and Arlington counties, Alexandria, Falls Church, Fairfax City, Vienna, Burke, Herndon, Reston, Clifton and Fort Belvoir.

Major airlines have long maintained they would gladly shift flights from seriously over-crowded National if the public would use Dulles. In the past, they maintain, few travelers wanted to make the trip to the Fairfax County terminal.

The results of *The Journal* poll appear to cast doubt on that conclusion—at least insofar as it concerns the million people living in Northern Virginia.

Those called were asked:

If it were possible to take the same flights from both Dulles and National airports, which terminal would you use?

POLL RESULTS

Airport	Total	percent
Dulles	241	69
National	109	31

The most surprising result of *The Journal* poll was the fact that citizens from nearly all parts of the Northern Virginia area said they would be willing to use Dulles if more flights were available there.

It was expected that respondents in western and northern Fairfax County would vote for Dulles, but so did people living in Falls Church and Arlington.

In only two areas, Alexandria and Mount Vernon-Lee, did the poll show a definite preference for National.

The polling was completed in one evening, with respondents asked which airport they

would use if flight availability were the same.

They also were asked where they lived.

The random sampling was sufficient to insure accuracy within a five percent plus or minus range.

Carrington Williams, chairman of the Dulles Policy Task Force, termed the poll results "of great interest."

The information will be passed on to airlines on Feb. 16, Williams said, when representatives of the commercial carriers meet to consider possible shifts of business from National to Dulles.

That meeting, sponsored by the Department of Transportation, will include officials from various area groups fighting to boost flights at Dulles.

Even if the airlines are able to work out a plan to shift some traffic to Dulles,they still must obtain the approval of the Civil Aeronautics Board. The CAB has approved the Feb. 16 session.●

EMELYN K. JEWETT: "HUMANITARIAN OF THE YEAR"

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. DELLUMS. Mr. Speaker, on February 24, 1982, Emelyn Jewett will be honored as the "Humanitarian of the Year" by the Easter Seal Society for Crippled Children and Adults of Alameda County.

Mrs. Jewett has had and certainly continues to have a full and rewarding life of community and civil activities. She is presently treasurer of the Oakland Economic Development Council; director of the Oakland Chamber of Commerce—the first woman elected to that position; a member of the board of trustees of the Peralta Hospital; community adviser of the Junior League of Oakland/Easy Bay; president and director of the Oakland City Center Hotel Co., Inc.; director of the Marcus Foster Education Institute; director of the Oakland Convention and Visitors Bureau; and trustee of the East Oakland Youth Development Center Foundation. Previously she has served as trustee of the University of California Alumnae Foundation, trustee of the John F. Kennedy University, and trustee of the Oakland Zoological Society.

This, however, does not include her strictly volunteer experiences. She has been a member of the Junior League of Oakland/Easy Bay since 1950 while she served as president and treasurer and also chairman of the Junior League Shop. She has also served as director of the Oakland Museum Association and chairman of their White Elephant Sale; on the board of directors of the Easter Seal Society from 1960 to 1962; and on the board of regents of Holy Names College.

Emelyn Jewett is the daughter of the late William F. Knowland, editor and publisher of the Oakland Tribune, and Helen Herrick Knowland. She attended the University of California, at Berkeley, majoring in economics and political science. As well as being a wife and mother for over 30 years, she became a member of the board of the Tribune Publishing Co. in 1950 before becoming president and chairman of the board from March 1974 to 1977 when the company was sold. Since 1977 she has been senior vice president of the Oakland Tribune, Inc., with primary responsibility in community relations emphasizing Oakland's economic development. During this time she has also been a director of the Clorex Co., the Kaiser Cement Co., and EUBCO, Inc.

I congratulate Emelyn Jewett as she receives this award.●

FINANCIAL REPORT OF THE CONGRESSIONAL TEXTILE CAUCUS QUARTERLY STATEMENT OF EXPENSES AND FUND BALANCE

HON. KEN HOLLAND

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. HOLLAND. Mr. Speaker, the chairman, vice chairman and secretary/treasurer of the Congressional Textile Caucus have approved the quarterly financial statement for the quarter ending December 31, 1981. I am herewith submitting the statement for insertion into the CONGRESSIONAL RECORD so that all Members of Congress may review it.

The statement follows:

CONGRESSIONAL TEXTILE CAUCUS

Financial report of the congressional textile caucus quarterly report of expenses and fund balance

(For the period ending Dec. 31, 1981)

Expenditures:	
Telephone	$287.29
Office supplies	54.93
Typewriter	368.00
Copy machine	87.00
Postage	43.60
Subscriptions	172.70
Office equipment	243.75
Miscellaneous	520.00
Total expenditures	1,777.27
Fund balance:	
Fund balance on Sept. 30, 1981	12,962.39
Deposited this quarter	500.00
Interest on account	841.92
Total	14,115.68
Less expenditures	1,777.27
Balance—Dec. 31, 1981	12,527.04●

DR. JOHN B. COLEMAN—FRIEND TO EDUCATION

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. LELAND. Mr. Speaker, education has done a lot for a lot of Americans. For my friend and constituent, Dr. John B. Coleman, the power of knowledge and education has propelled him through a medical degree and successful ventures in the business world. It helped him to overcome the prejudice that surrounded him as a black man in the white-dominated community where he was raised and the prejudice that permeated the walls of the medical schools to which he first applied.

Dr. Coleman never forgot the leg up that his education gave him. It would be an easy thing to do—a responsibility that so many others shirk. But Dr. Coleman is not like so many others. In addition to making his education work for himself he has put it to work for others. He is a regent on the board of Texas A&M University systems and a former regent of Texas Southern University. He is also chairman of the United Negro College Fund (UNCF) in Houston, a member of the President's Council of the UNCF and a member of the board of Governor's Office of Education Resources. These kinds of donations of time and effort prompted the Fisk University Alumni to host a banquet last May in honor of Dr. Coleman. Characteristically, the proceeds from the event went to UNCF.

Yet I know Dr. Coleman as more than an education activist. He is a friend and a trusted adviser. I think of his stability, perseverance and quiet dignity—qualities he subtly uses to exercise his influence toward the betterment of his community.

It is for all those reasons that I recommend to you the following article on Dr. Coleman from the Houston Chronicle's Texas Magazine:

DR. JOHN B. COLEMAN—HE PRESCRIBES EDUCATION AS A CURE FOR MANY OF SOCIETY'S ILLS

(By Stan Redding)

Looking north from his offices on Alemeda, the view is dominated by Houston's downtown skyline, constantly changing as new skyscrapers seek the clouds and obscure the city's older buildings.

There is a symbolism in the shifting skyline for John B. Coleman, doctor of medicine. Some of the hands which drew the plans for the lofty edifices were black, like his. Some of the engineers who are taking the great towers skyward are black, like him.

"You know, Prairie View A&M graduates more black engineers than any other school in this country," mused Dr. Coleman. "Yet, when I came out of high school, I didn't

know there were different kinds of engineers. I thought an engineer ran the train."

Coleman, if he is a black militant, is a quiet one, given to positive action rather than impassioned rhetoric. Black, unless put into focus with a particular project, is no longer a color that dominates his life. When he thinks black, Coleman thinks of it in terms of education.

And when one of the thousands across the nation who know him think of Coleman, it is usually in terms of education. If John Coleman, physician, could write a prescription for many of the world's ills, a pharmacist would fill it with education.

For in many ways, Coleman is as much an educator as he is a doctor of medicine. He is a regent on the board of Texas A&M University Systems—which includes Prairie View, Tarleton State College, the Moody College of Marine Sciences and Texas A&M at Texarkana—and Huston-Tillotson College in Austin. He is a former regent of Texas Southern University here, chairman of the United Negro College Fund here, a member of the President's Council of the UNCF, a member of the board of the Governor's Office of Education Resources and is deeply involved in the affairs of the Houston Independent School District and a dozen other colleges and secondary schools.

"I don't think education is the answer to all problems, of course, but it certainly helps," said Coleman. "There are, for instance, fewer criminals among educated groups than there are among uneducated groups."

He suggests that petty crime is rooted mainly in the uneducated segments of society. "It has gotten to be a way of life with some people, who are underpaid and don't have adequate resources to take care of their families, to engage in petty criminal activities," said Coleman. "It may be just taking a ham from the kitchen where they work, or cheating on their income tax or whatever, but they feel they need extra money, and such crimes are going to increase unless stopgap measures are found."

Coleman is handsome and articulate, and today he's a man on top of the mountain. His spacious offices reflect his success as an obstetrician and gynecologist, and the graceful building containing the offices reflects his business acumen. He is the majority owner of the building. He is also the owner of Radio Station KCOH, Cullen Women's Center and various other non-medical enterprises. He is a member of 24 city, county, state and national boards, most of them dealing with education or medicine, and the professional and civic honors and awards bestowed on him by community, state and nation are too numerous to cite.

Coleman's Algerish success story epitomizes the theme song of the Southern Christian Leadership Conference, We Shall Overcome. For if his branches now spread wide in the sun, his roots are in the dark soil of the ghetto. Beneath the polished mien, John Coleman is a scarred veteran of racial wars, a victim of prejudices that laws and changing mores have yet to erase entirely and probably won't.

He talks easily, and without rancor or bitterness, of his childhood in a society where blacks were segregated and of his struggles to succeed in a field which blacks were discouraged from entering. There is no malice in the man. In panning the streams of the past, Coleman always manages to find a nugget of good.

He took his bachelor of science from Fisk University in Nashville and his M.D. degree from the Howard University School of Medicine in Washington, D.C.

He chose medicine as a career while still a child, after meeting one of Houston's few black physicians. In the 1940's there were only 10 black doctors in the city, all serving the black community. "Doctors were our greatest role models in those days," Coleman recalled. "Of course, we didn't have too many professional opportunities other than being a teacher, preacher or a doctor. There were a few black lawyers, but I don't know how successful they were. However, I never considered anything but medicine. When I was a little kid, my mother would buy me toy medical kits, and they were my favorite toys."

He is the middle child of the eight children of W. S. and Clara Coleman. Coleman was a delivery-truck driver and part-time real estate salesman. Mrs. Coleman was a hairdresser. Although neither had graduated from high school, they were determined that all eight of their children would have college educations, and they did.

"My father died when I was 16," Coleman said. "But my mother carried on. She still lives in the same house on McGowan where I was born and reared."

As a boy, Coleman worked as a porter and Chronicle carrier. He remembers the fears a black child had growing up a white-dominated, prejudiced community. "As a black child growing up in Houston, you were afraid of anyone who had authority, even to the extent that when a policeman came into your neighborhood, you'd run. We would run even if we were just playing an innocent game of baseball, because in those days the police would whip you and harass you even when you weren't doing anything wrong. Of course, we were taught to respect the police, never to talk back to them and never to be uppity. That's the way we survived. I grew up under that kind of prejudice and fear, and I guess it held me in pretty good stead, for a number of people I knew then didn't live at all. They were killed. Others were put in jail for things they didn't do."

A sign of change: in 1978 Coleman won the Texas Peace Officers Association Award for his support of police community programs.

He graduated from Jack Yates High School as an honor student, but when he started looking for a medical college, he again encountered the barriers of prejudice. "I had the aspirations of going to Baylor or the University of Texas," Coleman said. "But those schools weren't admitting black medical students. I would have much preferred to have gone to UT or Baylor, because I would have spent much less time away from home and my family, it would have cost me less, and it would have been easier for me to acquaint myself with the environment in which I was going to practice.

"But I couldn't get a medical education in Texas, simply because there were no provisions for blacks. I had to travel all the way to Washington, D.C., to go to school. However, the State of Texas was kind enough to pay my tuition above the cost had I had stayed here."

During the summers and school breaks, he would return to Houston to work in Riverside General Hospital which, along with St. Elizabeth's Hospital, were the only black hospitals here.

He remembers the trips because the civil rights movement was not even a groundswell at the time, and his journey crossed the deep South. "I drove to and from Houston," said Coleman. "But I couldn't just drive until I got tired and check into a motel to sleep. I had to drive all night long, to Meridian, Miss., where they had a black motel, or to St. Louis, where there was a black hotel. As a result, I often slept on the side of the road."

Prejudice against blacks was as deeply ingrained in the medical profession as in other social strata, Coleman learned while a medical student. He was the first black to train in obstetrics and gynecology. Even fellow students from the South criticized his decision to return to Houston to practice. "They contended I wouldn't get adequate hospital privileges, and when you specialize as I did, you have to have a hospital," said Coleman.

"None of the men I knew were attracted to Texas because there were no hospital facilities for black doctors. So many of the guys who left here to become doctors chose to practice in New York, California or Detroit."

Coleman interned and took his residency training at the District of Columbia Hospital before returning here in 1962. He found himself barred from all Houston hospitals except Riverside General, St. Elizabeth's and Ben Taub—"Black doctors couldn't join the Harris County Medical Society, which was a prerequisite for gaining hospital privileges." He worked mainly in Riverside General, rising to become chief of staff of the hospital, and is still associated with it.

Today he is a member of not only the HCMS but the Houston Medical Forum and the Texas, National and American Medical Associations and practices in St. Joseph's Hospital. While he came back to Houston to minister largely to the black community, Coleman has a number of whites as well as other ethnic minority members among his patients.

Despite his affluence and influence, Coleman does not see himself as a self-made success. Many people, his parents foremost, helped shape his life, he said. He credits a core of determined, dedicated ministers, educators and other leaders of Houston's black community as his guides and mentors during his formative years. "Otherwise, I might just have easily ended up in prison," he said.

"The educators were great. They inspired young blacks to keep trying, to prepare ourselves so we would have a better way of life. We called our principals 'Professor,' and our teachers became our role models. Of course, we didn't always understand what they were doing for us. I had one physics teacher who constantly chastised me, even if I was just standing talking to another student, for wasting my time. I felt he was picking on me.

"Only after I went to Fisk, became the highest ranking student in my class and won a scholarship, did I realize he'd been preparing me for the days ahead. Because I went there frightened. I'd been told that blacks in Houston didn't have the college preparatory education afforded blacks in Chicago, Detroit, New York and other places, and Fisk had students from all over the world. I was afraid I wouldn't be admitted.

"Actually, as I learned, Houston blacks received better educations in high school than blacks in other large cities. But the rumor at the time held that Southern blacks were inferior to Northern blacks, even Western blacks, and if you were from the South, you were the low man on the totem pole, even among the black community.

"But I was successful at Fisk because my high school teachers cared and because they wanted to make sure I realized my potential."

He was one of the quiet black leaders, after he returned here, who did the most to change the status of Houston blacks, opening up hotels, restaurants and theaters to blacks and otherwise tearing down racial barriers. He turned his energies and efforts to educational projects about the same time.

"I was involved in a number of things shortly after I returned, activist and social organizations," said Coleman. "But I wasn't sure, after evaluating the time, energy and money spent, of the value of the things we were doing. I came to the conclusion we weren't doing what we were capable of doing. I decided to devote my time to something where I would know my efforts were worthwhile and my money was well spent, and I became involved in education."

He is satisfied with the progress blacks have made here in the past 15 years but feels there is much still to be accomplished. "The basic improvement I have seen is the number of blacks and other underprivileged people, for that matter, who are now availing themselves of an education," he said, "and I've seen an improvement in the number of people, black and white, who are willing to give these youngsters a chance. However, far too few fall in the latter category.

"But the number of black youngsters graduating from high school and who have the opportunity to prepare themselves to enter the mainstream of life has definitely increased.

"Similarly, I see black people making a meaningful impact in all phases of the political spectrum, and I feel because of this, people in all segments of the community—black, brown or white—are getting a bigger slice of the pie."

While civil rights laws and a shifting of public attitudes toward tolerance are major factors in achieving more equal status for blacks, interaction of the races has had a positive effect, said Coleman. "I think that people getting to know one another is what it's all about. That's the first step in solving their problems, better understanding both their differences and their similarities. Whites forget they're whites, and blacks forget they're blacks, and instead they concentrate on the goals they both want to achieve. You see it regularly in the job market now. Blacks and whites get to know each other on a one-to-one basis, and they become friends forever."

Thursday in the Shamrock Hilton Hotel a $100-a-plate dinner, staged by the Fisk University Alumni Club here, will honor Dr. Coleman, proceeds going to the United Negro College Fund.

In an age of equal opportunity, Negro colleges would seem to be an anomaly. There will come a time in the distant future, Coleman feels, when black colleges will cease to be as such and simply exist as universities.

"It has been said for years that we want integration (of schools), and this is true, but we also want options, and we don't want total obliteration," said Coleman. "I feel my children were better off going to a black college initially, because they received the psychological nurturing that they would not have gotten in a larger school where they were just a number, a textbook and an assignment.

"Right now, over 75 percent of our M.D.s, over 50 percent of our Ph.D.s and over 50 percent of our elected black officials came from these small colleges. They went to a major college afterward but went first to a black college. Many of us needed the transitional period, the psychological nuturing, that a black college afforded before we entered the mainstream.

"There will always be a need for colleges where people find themselves more comfortable with their surroundings than they would in others. No matter how we'd like it to be, that's the way it is, I hope the day will come when we have just one school, but it's not here yet."

He still has fears. "I fear that the strides we have made may be eroded with the economy as it stands today," he said. "I fear that those people (politicians) who were the losers, as it were, will turn to attempting to persecute, harass and intimidate the weakest among us, which are usually the minorities. You can see a trend toward conservatism, which isn't all bad, but along with that goes a right-wing element who are haters as opposed to the good, decent people we have become accustomed to in the past 10 years. I really fear the recurrence of haters in our community.

"I feel if the decent people who have helped to make the strides we have made remain silent, this trend will continue. I think it can be headed off, but only if the people who believe in what is right and decent will step forward and let the haters know that the decent segment of society doesn't like it and won't let it happen."

There are many thousands of John Coleman's friends who say they won't let that happen here. The people behind the dinner honoring him say that he has built too much that's good for it to be torn down.

Willie Alexander, a Houston insurance-man and former star football player with the professional Houston Oilers, summed up John Coleman:

"He's an inspiration to all mankind."●

TRIBUTE TO DUNCAN J. SINCLAIR, JR.

HON. W. G. (BILL) HEFNER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. HEFNER. Mr. Speaker, I wish to call to the attention of my colleagues an article which appeared in the January 1, 1982, copy of the Laurinburg Exchange in Laurinburg, N.C.

Duncan Sinclair has not only been a good friend to me but also to the many people he has served so unselfishly in Scotland County. Through his charitable work in the county, he has given hope and meaning to the life of many people. His dedicated efforts through his service on the Scotland Memorial Hospital Board of Trustees has brought Scotland County the best in medical facilities and personnel.

He has devoted a great deal of his time to the youth in his area which is exemplified through his work with Boy Scouts.

Dunc is a man of great compassion and integrity. It is quite refreshing to me to know a man who is willing to sacrifice his time for others and expect absolutely nothing in return.

The article follows:

TO SINCLAIR, GIVING IS BETTER THAN RECEIVING

When the Scotland Memorial Hospital Board of Trustees honored their chairman, Duncan J. Sinclair, Jr., by naming the dining room of the new hospital the Sinclair Dining Room last March, Sinclair responded with complete surprise.

Sinclair's reaction indicated the lack of importance that he attaches to personal recognition for himself. For Sinclair, giving has always been more important than getting.

"I'm probably not deserving, but I appreciate the honor," Sinclair said as plans were announced that a permanent plaque bearing his name would be erected in the dining room of the new hospital now under construction.

"Others have done more than I have," he added.

Sinclair's years of service in various areas of community life have been influenced by the "others" he spoke of that evening.

"This county has always been very giving and considerate of the needs of the community. It's people like Edwin Morgan and his son Jimmy, O. L. Moore and Halbert Jones that have influenced me," Sinclair reflected during a recent interview at Sinclair Lumber Co.

"I grew up here and followed in the footsteps of these men," Sinclair said, typically giving credit for his generosity and loyalty to the example of other community leaders.

"This community has been generous to me in a lot of ways, and through the eyes of those older than myself and those I have had a lot of respect for, I saw the benefits of their wisdom and tried to help in a lesser way than they did. I got the feeling that there were needs to be met and that I should help."

COMMUNITY SERVICE

Sinclair has served for 21 years on the hospital's board of trustees. He has served as chairman of the board for the past three years, during a most demanding period of planning for the new facility.

He has provided "outstanding leadership marked by an extraordinary commitment of time and energy, and an unusual degree of wisdom and foresight", according to a resolution established by the hospital board.

Robert R. Martin, in his 15th year as hospital administrator, said Sinclair has shown "a strong and unique leadership style with demands for high performance and positive results. He is a tough taskmaster, yet is fair and supportive in his actions."

Martin added, "His dedication and commitment to the community and hospital are clearly demonstrated by the many long hours he has devoted to assessing needs, evaluating efficiency and effectiveness of hospital operations and planning for new and improved hospital facilities and services."

Scotland Memorial Hospital is one of many phases of community life to which Duncan Sinclair has contributed through his leadership, time and financial support.

Boy Scouting is another major interest of Sinclair, a resident of Azure Court. He became involved in the Boy Scout program about 12 years ago by assisting the scoutmaster with his son's troop.

He is serving his second year as vice president of administration for the Cape Fear Council of Boy Scouts of America, and has served on the board for eight years. In 1979, Sinclair was given the Silver Beaver award

for outstanding volunteer service. The Silver Beaver award is the highest honor given to a volunteer by the council.

Sinclair sees the Boy Scout program as "a movement worthwhile for the youth . . . an improvement for the nation of tomorrow. It's one of the better things a person can be involved in."

Sinclair's major interest being politics, he served as a Laurinburg city councilman for almost 20 years and played a significant role in the establishment of a strong city manager-council type government.

In 1974, he was appointed to the local Department of Social Services board of directors and served diligently until 1980. Upon his retirement, he was honored by the DSS board for his leadership contributions.

He has also been involved in the Chamber of Commerce activities through the years, has served on the Laurinburg-Maxton Airport Commission, and is a deacon in the First Baptist Church.

His friends and associates describe Sinclair as one who wants to receive very little credit for his deeds of goodwill in the community. In fact, it has been downright embarrassing to him to receive such recognition for his contributions, some say.

Jim Milligan, publisher of The Laurinburg Exchange, has served with Sinclair in phases of Chamber work, on the airport commission and on the hospital board.

"He is one of the most unassuming individuals who works for his community that you will ever find. What it does for him always comes last," Milligan said, "He is more concerned for the good of the community than for what it will do for him."

CIVIC MINDED FAMILY

Sinclair's spirit of giving was instilled in him during childhood. He was one of two children born to Mr. and Mrs. Duncan J. Sinclair in the year 1926. His father, in partnership with R. L. McLeod of Maxton in the lumber business, was active in community life and served as mayor of Laurinburg for 12 years, until his death in 1947.

Sinclair described his father as "generous, community minded and a good church member." He credited his mother with "a good business head."

One of his first tasks after his father's death and as a young businessman was raising the money to fulfill a financial commitment his father had made to the hospital just prior to his death.

AN AVERAGE STUDENT

Sinclair's childhood home was on Caledonia Road in the edge of the lumber yard where he build tree houses and "slept out a lot at night". He played neighborhood sports in the middle of the road, with no worry about traffic because of so few automobiles, he remembered.

"We built tunnels and underground hideaways like they don't have today. And our biggest excitement was going to a western movie for 10 cents and drinking a milkshake afterward."

At Laurinburg schools, he was "an average student," the quiet type.

"I had a little devil in me. I guess. I was no saint. I didn't carve desks, but we threw a few spitballs and put sandspurs in the teachers' desks," he recalled. "At Halloween, we took chairs off people's front porches and put them on top of their house."

Sinclair played tackle on his high school football team. During his junior year, the team won the state championship over Mt. Airy. His favorite subject was math, and "one of my better teachers was Mrs. Aileen McGill," who taught him algebra in summer school.

In 1944, Sinclair entered Fishburne Military Academy in Waynesboro, Va., and later attended Virginia Military Academy in Lexington, Va. He went into the Army in 1945, serving a year in Italy.

He returned to VMI after his tour of duty, but came home to be with his mother following his father's death. He attended Presbyterian Junior College for a year, then entered Wake Forest University where he earned a degree in business and minored in history.

He became president of Sinclair Lumber Company, which his mother organized in 1948.

In June, 1954, he met Marie Blake, a Lumberton miss who was teaching fourth grade at Covington Street School. They were married a year later.

They are parents of four sons—Jim Sinclair, III, who lives in Raleigh but will join the Sinclair company later this month; William, who works with his father at Sinclair Lumber; David, who is attending Pembroke State University; and John, a student a Woodberry Forest Private School near Orange, Va.

Sinclair's sense of community responsibility has been triggered by his good fortune, a company which has expanded from one to seven locations—Sinclair Lumber, Covington Supply and Economy Building Supply, all in Laurinburg; Economy Building Supply in Fayetteville; Sinclair Lumber Company in Dillon; Carolina Standard in Rockingham; and Scarborough Building Supply in Lumberton. He also owns farm land in Scotland and Robeson counties.

When asked about his secret of success, Sinclair responded, "I have no magic formula I've just been lucky being in the right place at the right time.

"I've been fortunate in having good help and good support from my business people."

BASICALLY A FAMILY MAN

"My wife has been considerate and very patient, but she would probably say I should have been home more," he said. "You can always look around and see things you would have done differently. I have spent a lot of time on community activities that I thought would benefit the family in the long run.

"Basically, I'm the family type." At home, he reads, watches the news on television, sports events, and enjoys exercise.

"There's nothing I like better than sitting down to a coffee table. I enjoy people. I like to be with interesting people and involved in discussion of issues.

"I have gotten a lot of credit for more than I've done. I've just listened to people who spoke of things that needed to be done.

"In the first place, I'm no saint. But my philosophy is that you share with those of lesser means through charitable organizations. There are a lot of good things, but you can't contribute to all of them."●

PHILADELPHIA CITY COUNCIL URGES PRESIDENT TO MAINTAIN CURRENT HOUSING PROGRAM FUNDING

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. GRAY. Mr. Speaker, I wish to include in today's RECORD, a copy of Resolution No. 666, adopted by the Philadelphia City Council on January 7, requesting that the President and the U.S. Congress maintain our Federal-assisted housing programs in urban areas at current levels. I think the council's resolution is particularly fitting given the drastic budget reductions proposed for our housing programs by the President yesterday, in his fiscal year 1983 budget.

Mr. Speaker, the housing situation in Philadelphia, and in particular the Second Congressional District which I represent, has reached crisis proportions. Literally thousands of poor and low-income Philadelphia residents are on the waiting lists for public housing. And countless numbers of families are forced to reside in substandard homes, for lack of suitable alternatives. And given this administration's proposed reduction in every facet of our assisted and low-income housing programs, it is imperative that we as Members of Congress meet this problem head on, insuring that adequate housing funds and opportunities exist for our less fortunate citizens. I commend the efforts of the Philadelphia City Council on this issue and urge each of you to consider the resolution carefully.

RESOLUTION No. 666

Whereas, The policy of a decent home in a suitable environment is still federal law; and,

Whereas, Thousands of poor and elderly Philadelphians continue to live in substandard, crowded housing and/or pay an unreasonably high proportion of their incomes for housing; and,

Whereas, Philadelphia and most other areas of our country do not have the resources to deal effectively with problems of poor housing and deteriorating neighborhoods; and,

Whereas, The Office of Management and Budget proposes to end all assisted housing programs (Section 8, public housing and 202 elderly housing) for fiscal 1983 and massively reduce programs such as F.H.A., G.N.M.A. and counseling; and,

Whereas, Such a policy, if adopted, would cause massive suffering to all the people of Philadelphia, but especially the elderly, minorities and low-income people; Now therefore:

Resolved, by the City Council of the City of Philadelphia, That the City Council of the City of Philadelphia strongly urges President Ronald Reagan and the United States Congress not to reduce these desperately needed programs in urban areas.

Further Resolved, by the City Council of the City of Philadelphia, That a copy of this

Resolution be forwarded to the President of the United States, the Philadelphia delegation to the United States House of Representatives, and the United States Senators representing Pennsylvania.●

OKLAHOMA'S EMPLOYMENT SERVICE

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mr. SYNAR. Mr. Speaker, the House of Representatives has had to vote today on legislation to provide urgent supplemental appropriations for the federally funded State employment services. I think we all can see the fallacy in cutting the lone Federal program that finds jobs when our economy is sinking deeper into a recession and unemployment is rising. But I want to emphasize Oklahoma's particular experience in relation to this cut to drive home the importance of our action.

Oklahoma presently enjoys one of the lowest unemployment rates in the country. Its economy is relatively healthy. However, beneath the surface is an active State employment service that helped place 172,000 Oklahomans, 12.2 percent of the working population, in new jobs last year. It has placed over 10 percent each of the past 20 years.

When the effect of the continuing appropriation cut reached Oklahoma, the Oklahoma Employment Security Commission found it necessary to plan to close 14 of the State's 44 field offices and to terminate 322 of the agency's 600 field employees. A rural State like mine depends on extensive field networks to bring services to the people, and the closing of field offices, in some instances, stranded significant numbers of citizens 50 or more miles from the nearest office.

Moreover, small businesses in some smaller Oklahoma communities rely heavily on the employment service to assist them, and losing a field office could severely undercut the small businesses as well as the overall community. Oklahoma's low unemployment rate obscures the fact that some pockets of relatively high unemployment exist—many in my district—and these areas need these services.

As a result, it has been necessary for us to enact an urgent supplemental appropriation to forestall these consequences in Oklahoma and similar and worse consequences in other States.

A lesson is learned, Mr. Speaker. The reckless and irresponsible budget cutting that I expressed concern over last year has come home to haunt us. I reiterate the comments I made then: We have to carefully weigh the pros and cons of each budget cut and analyze its impact before we enact it, or else we are falling short of our responsibilities to the American people.●

HOME EQUITY CONVERSION FOR THE ELDERLY

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1982

● Mrs. SNOWE. Mr. Speaker, there are probably few statements that I could make with which every Member of this Congress would agree. I am certain, however, that I can confidently say that each and every one of us shares a deep concern with the problems faced by our Nation's elderly. In my own State of Maine, 28 percent of the elderly fall below the poverty level. Many more with fixed incomes are experiencing increasing difficulty in meeting their subsistence needs including health care, home maintenance and taxes in today's world of inflation and increased longevity.

Seventy percent of Maine's elderly own their homes. Ironically while inflation makes older people less able to meet their expenses and retain upkeep of their homes, it is at the same time making them richer by boosting the value of the very home they are having trouble supporting. In short, the old are becoming "asset rich" and "income poor."

In the State of Maine, plans are underway for an innovative program to offer alternatives to these elderly, including the option to "cash-in" the values of their homes while retaining residency and receiving income to meet expenses. Another alternative would allow large, old energy inefficient single-family homes to be renovated or converted into group or shared homes in which several elderly would come together and share skills and resources. This home equity conversion program, cosponsored by the Bureau of Maine's Elderly, the Maine State Housing Authority, the Maine Savings Bank and the University of Maine School of Law, plans to offer home equity options to Maine's elderly through public education, counseling, training, and estate planning services. Importantly, this project recognizes the diversity of the elderly and will make available a range of conversion options for low income to upper income, urban and rural elderly through a partnership between the public and private sectors.

I am very excited about this project. Further, I believe that what is being attempted in Maine will be of interest to people across the country. For this reason, I have included portions of the pregrant application drafted by Maine's Bureau of the Elderly into the Extensions of Remarks. The problems faced by our Nation's elderly are complex and varied; innovative approaches on the State and local level, such as Maine's home equity conversion project, deserve our support.

A MODEL FOR INNOVATIVE HOME EQUITY CONVERSION THROUGH LINKAGES BETWEEN THE PRIVATE AND PUBLIC SECTORS

The Bureau of Maine's Elderly, the Maine State Housing Authority, the Maine Savings Bank and the University of Maine School of Law are cosponsoring an application for discretionary funds to address the needs of elderly homeowners through an innovative home equity conversion program.

Home equity conversion can reduce the need for social services and help maintain dignity and independence. However, home equity conversion is a complex concept and tends to benefit only a limited group of elderly. This project aims to develop creative home equity conversion plans which will, for the first time, assist not only middle income people and prevent their pauperization and loss of independence but also help elderly in greatest social or economic need who are the priority of the Older American Act. As the administration and Congress consider different approaches to Federal subsidization of housing, States need to develop methods to create housing alternatives which are cost effective and do not rely solely on Federal programs. We propose a feasibility study to determine ways to maximize privately financed home equity conversion programs and to develop two demonstration projects which reduce reliance on Federal dollars by packaging group and shared homes which require, at best, a minimal investment of tax dollars.

Priority Area 6.2 of the DHHS Discretionary Funds Grant Program stresses the need for improved liaisons between the public and private sectors in the delivery of human services and in the transition from reliance on Federal funding to alternative sources. Home equity conversion increases elderly homeowners' incomes through liquidation of the home asset rather and through reliance on public subsidies. This project will also provide financial and estate planning services through the private sector. Training about home equity conversion will be offered to service providers, volunteer counselors, estate planners and potential suppliers and will emphasize the voluntary contribution of counseling time to the elderly.

C. APPROACH

Home equity conversion is not a new concept. The Home Equity Conversion Project sponsored by the Wisconsin Bureau of Aging serves as a clearinghouse for new ideas and developments in the field. The project's goal is to promote a variety of home equity conversion plans through research and policy recommendations. Through its efforts a property tax deferral bill has been passed, but to date there is no specific product. However, several plans are currently being developed nationwide. Private non-profit agencies in Wisconsin are making deferred payment loans. A private realty company in California is developing sale leaseback plans. The Buffalo HELP program encourages non-profit agencies to purchase remainder interests in old persons' homes in exchange for the payment of property taxes, major repairs and a lifetime annuity. A neighborhood association in Milwaukee is attempting to conserve local housing stock through a reverse mortgage/purchase option instrument. The San Francisco

Development Fund provides referrals for existing home equity conversion plans—particularly reverse annuity mortgages—and also conducts outreach. While plans spring up across the country one point has become clear—home equity conversion plans are as various as individual needs require and should be individually structured.

In Maine, Deering Savings and Loan of Portland offered the first reverse mortgage in the United States but has now suspended this lending activity due to high interest rates and the large amount of counseling time involved. The 1980 Blaine House Conference on Aging directed the Bureau of Maine's Elderly and the Maine State Housing Authority to conduct a study concerning the options regarding home equity conversion. The 1981 Blaine House Conference on Aging resolved that the Maine legislature create a property tax postponement program by 1983.

In October, 1981, the Bureau of Maine's Elderly and the Maine State Housing Authority sent an informational paper and questionnaire about home equity conversion to potential suppliers of such plans. Respondents included insurance associations, area agencies on aging, housing development corporations, community action programs, realtors, housing authorities, bankers, credit unions, investment advisory services and mortgage companies. The overall response rate to the written questionnaire was 32 percent. 91 percent of the respondents felt there may be a need for home equity conversion devices in Maine. 55 percent would definitely consider participating in home equity conversion plans. While 24 percent were uncertain about and 21 percent would not consider participating in such plans, 62 percent of the respondents thought a survey of elderly homeowner interest might increase the likelihood of their participation. 64 percent said the State should develop information and technical assistance to distribute to suppliers to inform them about home equity conversion. 85 percent of the respondents were interested in learning more about at least one of the home equity conversion plans described in the paper.

Based on this survey, there is a strong community based interest in and support for the development of home equity conversion plans. Members of most groups surveyed offered assistance in the development of a statewide home equity conversion program. In order to mobilize this support, a home equity conversion task force composed of representatives from the groups surveyed will be organized to develop a variety of home equity conversion plans which link the public and private sectors and to guide this project. The Director of the Bureau of Maine's Elderly will chair this task force. Such plans will originate primarily in the private sector and will be geared toward moderate and low income elderly homeowners.

In conjunction with task force efforts, the Maine State Housing Authority will conduct a feasibility study funded by grant money. The study will focus on alternative financing, development, and sponsorship methods (tax exempt, Section 202, Community Development Block Grant, FmHA 515: sale/leaseback conversion to rental or group housing, etc.) and will analyze which options produce the greatest rates of return for the elderly homeowner. The study will research what development and financing alternatives are necessary to produce shared or group housing affordable by very low income elderly and competitive in the local private marketplace. Legal, market, architectural design, operating and cost issues will be addressed coterminously with the planning of group and shared home demonstration projects. The feasibility study will also include a statewide survey to determine the value of elderly homeowners' property and their interest in home equity conversion. This market survey will include questions about interest in shared and group home programs in addition to home equity conversion. Thus data vital to three different programs will be derived from the survey, which will be conducted by a qualified survey research organization.

Two demonstration plans for low income elderly homeowners who live in large, deteriorating, inefficient, single-family homes will be developed through this project. The first plan will incorporate a shared housing program into a home equity conversion loan plan. Through shared housing, elderly persons combine their efforts and resources to operate a single family household. Shared housing is geared toward higher functioning elderly people who are both able and willing to engage in communal living arrangements. The second plan will combine a group home program with a home equity conversion sale form. Group homes are community residences for a small number of elderly clients who require a supportive living environment. While group homes for well elderly may be rooted in the philosophy of family-like living, small congregate living arrangements for the frail elderly could also be considered group homes. These demonstration plans, started up by project funds will become self-supporting through repayment of loans and acquisition of housing stock.

The first plan will be implemented by Central Senior Citizens Association, an area agency on aging which covers the rural six county area from the coast to the western mountains of Knox, Lincoln, Waldo, Sagadahoc, Kennebec and Somerset. The agency will offer loans secured by home equity to owners of shared homes for rehabilitation, payment of taxes, major repairs or simply cash flow. Since household expenses will be shared, interest and principal payments should be easily met. These payments will create a fund through which loan money will continuously revolve to assist additional homeowners. While interest rates for this plan will depend on need and income levels, banks could also offer loans modeled after this demonstration plan at competitive interest rates. Central Senior Citizens Association will match shared housing mates for compatibility, oversee the initial living arrangements and provide continuing social services as needed.

The second plan will be conducted through Southern Maine Senior Citizens, Inc., the area agency on aging which serves Cumberland and York Counties. Under this plan, a homeowner will sell his home to the area agency and retain a life interest in an individual living unit. The agency may use moderate rehabilitation money to convert the home into a group home. The area agency will develop a services program for the group home, which will be akin to a small congregate living facility. The elderly "seller" will be able to live in his unit at no cost and with all taxes, major repairs, and insurance paid for by the area agency. The seller will receive an initial lump sum based on the value of the house and his life expectancy and could also receive a lifetime stipend. Through this sale procedure, housing stock will be purchased at very little initial cost. Cooperative forms of homeownership for group home residents could be used to render the program self-supporting from the start.

Grant money will also be used to fund a system designed to help elderly homeowners choose ways to use home equity to its maximum benefit. The first component of such a system will be educating elderly homeowners about home equity conversion through financial planning seminars sponsored by the Maine Savings Bank and conducted by professional estate planners. Informing older people about resources and how to apply for home equity conversion plans will also be achieved through a "Consumer's Self-Help Guide to Home Equity Conversion", jointly written by the Bureau of Maine's Elderly and the Maine Savings Bank. The system's second component will be an education and training program for service providers and potential suppliers of home equity conversion plans, which will be structured by the Maine Savings Bank and sponsored by the Home Equity Conversion Task Force. These workshops will train people such as loan officers to help elderly people interested in home equity conversion to identify issues prior to referring them to various home equity conversion programs or to estate planners for further advice. Members of volunteer organizations such as the Senior Citizens Organization of Retired Executives (SCORE) will be invited to learn about home equity conversion for counseling and referral purposes.

The final component of this system will be an estate planning program sponsored by the University of Maine School of Law. A part-time estate planner will work with two part-time research assistants to develop an estate planning referral system to the private bar and a clinical law program through which referrals could be handled by law students with attorney supervision. The Law School will recruit two law students to serve as research assistants to the estate planner, who will probably be a law professor. The estate planning staff, while advising elderly homeowners who are considering selling their homes, will develop a purchase and sale contract form for sales of homes to family members in return for lifetime care and maintenance. They will research how older people can best enjoy an improved standard of living now while still providing for relatives after death. Standard legal forms and technical assistance will be made available to lawyers participating in the referral system so that legal time is reduced and estate planning can be made more accessible to elderly people. Through the investment made by this project in a clinical law course, we hope to demonstrate the value of this program for full time inclusion in the Law School curriculum.

A state coordinator located at the Bureau of Maine's Elderly will be hired to facilitate implementation of the home equity conversion project described in this proposal. Particular emphasis will be placed on coordinating efforts between the private and public sectors in the development and dissemination of home equity conversion plans and providing necessary staffing to the home equity conversion task force.●